

From: Michele Earl-Hubbard
To: [Davis, Kris](#)
Subject: Comment re Point Wells
Date: Tuesday, May 8, 2018 11:21:58 AM
Attachments: [Point Wells letter May 2018.pdf](#)
Importance: High

Please find attached my written comments about the Point Wells Project to be considered in connection with the hearings this month regarding the project. Please let me know if you have any questions. I am not likely able to be there to testify in person as I live in Shoreline and work in Seattle, so I am submitting these written comments by email as I was told we could do.

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Via Email: hearing.examiner@snoco.org

Hearing Examiner
Snohomish County

Re: Comments regarding Point Wells

Dear Hearing Examiner:

I am an attorney whose practice focuses on keeping government accountable to the people, but I write this letter today as well as a resident and parent in a community that will be greatly affected by the decisions made regarding the Point Wells development. I am a resident of the Richmond Beach neighborhood of Shoreline, WA. I have lived in Richmond Beach, on NW 193rd St. NW just east of 20th Ave. NW, since February 1998. My husband and I picked this community as the place we wanted to start and raise our family. It is the first and only home we have ever owned. It is where we hope to live and retire and where our children, three daughters, will complete their pre-college education and spend their childhood. We researched communities for more than two years before selecting Richmond Beach as our home in 1998. We picked it because of its small-town feel, good local schools, access to the beach, and safe walking paths to the Saltwater Park a few blocks from our home and the Richmond Beach Library and park, also a few blocks from our home. My husband and I have lived in some of the most populated cities in the country, having lived between us in New York, Chicago, and San Francisco, as well as Seattle. We picked a community that was different than those cities because we wanted a small and safe and pedestrian-friendly community in which to raise our children. And we and our neighbors have all paid over the years greater purchase prices for our properties because of the advantages of Richmond Beach.

For the past several years now the residents of Richmond Beach, including my family, have been burdened by a potential development of Point Wells at the north-western corner of Richmond Beach. We have been unable to sell our homes, or sell them for what they are worth. We have wondered if we should invest money into improving our properties. We have wondered if it is not time to sell at a loss and abandon this community and try and find another that will not soon be destroyed due to the actions of a neighboring county. I write, of course, about Point Wells and the proposed development to which this comment is addressed.

Point Wells is an approximately 61-acre parcel in an unincorporated area of the southwestern most corner of Snohomish County. For 100 years it was the site of petroleum-based industrial use. "An oil refinery, tank farm, and asphalt plant have left a legacy of heavy contamination."

Original Growth Management Hearing Board decision at p. 9 of 81, lines 4-5. “Natural streams have been buried or diverted, marshes drained or filled, and the land paved over.” **Id.** at lines 8-9. For many decades Point Wells was zoned as “Urban Industrial” by Snohomish County. It is bordered entirely on its west side by the Puget Sound. It is bordered on its north and eastern sides by the small suburban town of Woodway. And it is bordered on its eastern and southern sides by the neighborhood of Richmond Beach in the City of Shoreline located in King County – my home.

The only real access to the property is a narrow two lane residential road largely without sidewalks located in the neighborhood of Richmond Beach. There is little to no public transportation remotely near the site, limited to public bus service with limited bus stops several blocks away. The nearest freeway is I-5 several miles to the east, and the nearest major arterial is Aurora Avenue/Highway 99 also several miles to the east. To exit from the Point Wells property, one must travel through Richmond Beach along narrow one and two lane residential roads, most without sidewalks, and briefly on a narrow thoroughfare that reaches three narrow lanes at some points before reaching Aurora Avenue/Highway 99. To reach Point Wells one must travel these same narrow residential streets back to the narrow two-lane entrance point of Richmond Beach Drive. The developer acknowledges that the Point Wells development will result in approximately 11,500 car trips a day into and out of the Point Wells development through the single two-lane access point and through the neighborhood of Richmond Beach.

Richmond Beach is a community of predominantly single-family homes and is home to families with young children and a growing population of the elderly and disabled. It has a population of approximately 5,400 residents. It houses along the access route to Point Wells a few small preschools and day care centers, a rehabilitation center, a scattering of small private senior care homes, and a small public elementary and middle school. It has few traffic lights or stop signs and little buffer between the single-family residences and the street. Its speed limits range from 20 to 25 miles per hour for most of its streets to up to 30 to 35 miles per hour on its one narrow arterial street of Richmond Beach Road which at its widest is but three lanes.

Point Wells, as a part of unincorporated Snohomish County, is under the control of the Snohomish County Council which resides in Everett, Washington, 21 miles away from the property. In 2009, the developer in this case, BSRE, lobbied the Snohomish County Council to re-zone the Point Wells property from the urban industrial designation it had held for decades to that of an Urban Center. Snohomish County at that time had only six other properties zoned as an Urban Center, all of them near major freeways and significant sources of public transportation. An Urban Center is the highest density zoning for Snohomish County with no maximum residential units only minimums. It allows for buildings up to 180 feet in height. It allows for significant commercial and retail space intermixed with high-density hi-rise style apartments and condominiums. Urban Centers are to be located in major population centers near adequate public transportation hubs and with easy access to freeways and highways. They are not suited, nor appropriate, in small quiet single-family home communities with narrow roads, limited public transportation, and a bottle-necked entrance and exit points to the Center.

Nonetheless, with little notice to affected residents and out-of-county governments, Snohomish County originally gave in to the developer’s lobbying and agreed to re-zone the Point Wells

development from Urban Industrial to an Urban Center. In 2010, the County adopted ordinances urged by the developer amending the County's development regulations for Urban Centers to accommodate the Point Wells designation. The County did not comply with SEPA in approving the re-zone or ordinances. It relied on old and outdated draft environmental impact statements, failed to consider any other alternatives other than a "do nothing" approach or the Urban Center as an appropriate use for the property. It failed to consider whether or not an Urban Center was more appropriate in some other part of Snohomish County. And it relied on false and inaccurate information that a public transportation facility would be located by mass transit at or near the site, when there was no reason to believe this was true, and in fact evidence this would not occur. Since Point Wells was located in Snohomish County, but its only access point at the time was in the Richmond Beach neighborhood of King County, there was also a lack of consideration of how emergency services, presumably required to be provided by Snohomish County, could be provided to the location since fire trucks, ambulances, and law enforcement would all have to travel through Woodway or Richmond Beach greatly increasing safety concerns and response times, or the towns of Woodway and Shoreline would be obliged to provide services from its own limited services without any compensation from Snohomish County for the burden.

The Town of Woodway, City of Shoreline, and an organization of Richmond Beach residents called Save Richmond Beach ("SRB") among others promptly filed challenges to the Growth Management Hearing Board to fight the re-zone and ordinance changes. The challenges were consolidated in 2010, and a hearing was finally held on March 2, 2011. The challenges and hearing focused on the County's violations of SEPA in approving the re-zone and ordinances as well as the fact that the re-zone and ordinances prevented Shoreline from itself complying with the Growth Management Act and its policies. In short, the communities bordering the site and their residents were able to show Snohomish County approved the re-zone and ordinances based on faulty and inadequate information and without compliance with state SEPA laws. The developer participated in the hearing and was on notice of all of the flaws with the re-zone and the County's actions. In April 2011, the Growth Management Hearing Board issued its decision declaring the re-zone and ordinances invalid and remanding for a proper SEPA evaluation.

The developer acknowledged that it planned to build 3000 condominiums, up to 180 feet in height, and more than 100,000 square feet of retail space at Point Wells. The developer acknowledged that the sole real entrance and exit point to Point Wells is on a narrow winding two lane residential road of single family homes in the Richmond Beach neighborhood of Shoreline, Washington in King County. The developer acknowledged that the development as proposed would add more than 11,500 cars a day to this two-lane road and for several miles on the surrounding narrow, residential streets through Richmond Beach to reach either Aurora Avenue/Highway 99 or I-5.

It cannot realistically be disputed that there is not and will not be a public transportation hub anyway near the development, and that all traffic in and out will pass through this narrow two-lane road.

The more than 11,500 cars that will enter and exit the two-lane road in Richmond Beach will convert the narrow residential streets into a virtual freeway, although without any of the safety protections normally afforded for such high traffic passages. Drivers looking for alternate routes

will cut through the town of Woodway heading north. The property values of the homeowners in Richmond Beach and Woodway will decrease significantly as thousands of cars cut through their neighborhood to reach the Point Wells “Urban Center”. Fire, police, and other services will have to pass through Richmond Beach and Woodway to serve the residents and customers of Snohomish County Point Wells. The children who come to live in the many units at Point Wells will require a school district with the capacity and means to accept and accommodate them, and the Shoreline School District, and those of the Edmonds and Woodway, are already overburdened and ill-equipped to serve the potentially thousands of new students the development could bring. For example, our local elementary school, Syre Elementary, where the Point Wells children would likely seek attendance, had a waiting list of more than 90 neighborhood children for the incoming Kindergarten class this year, forcing more than 90 five-year-olds, living just blocks from the school, to be bused across town to a distance school with capacity.

It also should not be disputed or ignored – especially in light of the tragedy that has befallen our neighbors in Oso -- that Point Wells sits on top of a massive landfill and at the bottom of a slippery slope and that with the volume of rain in our area, and muddy hillsides and sandy and shifting beaches below, the development is vulnerable to slides and shifting soils given its location and size of its development and impact on the existing environment. The area above the proposed Point Wells development is clearly identified as a significant slide risk on maps documenting slide risks, much as Oso was before its slide. We have all seen the cost to Snohomish County, and its residents, of its choice to ignore the risks of slides in Oso. Snohomish County is on notice that the area immediately above the proposed Point Wells development is flagged as a significant slide risk zone. Should Snohomish County approve the Point Wells development, and, as anticipated, the hill above it eventually give way, the loss of life and destruction of property will be laid at the feet of those who approved this development ignoring its significant slide risk. The size, and location, of this development are not appropriate for this location, and never was.

The Growth Management Act and SEPA exist to help communities manage their growth and protect the environment and to ensure the quality of life of one community is not impermissibly sacrificed for the benefit of another. My family purchased our home in Richmond Beach in King County, and Snohomish County should not be able to destroy our neighborhood and our way of life and rob of us of our property values through the improper and ill-conceived re-zoning of this site as an Urban Center and the approval of this current development. This site cannot meet the criteria for such a Center. It is neither “urban” nor the “center” of anything. It sits at the furthestmost southern edge of one county in an unincorporated area bordering the water on a long-time industrial and polluted site. It has no real access to public transportation, nor is that going to change. It has no realistic access to emergency services from its own county, and the country it borders cannot be expected to provide services to it, nor to allow services to cross through its neighborhoods for the many weekly calls a development of this size will bring. The site has no realistic plan for the education of the children who will reside in the development. It could produce thousands of pre-college age students, and the neighboring school districts lack the capacity or resources to absorb and serve them. Finally, the development as planned will have a devastating impact on the environment--land, sea and air. Due to the lack of adequate access to the site cars will idle in miles-long lines trying to get in and out of the development

creating traffic congestion and air pollution. Development on this scale of this water front polluted landfill will likely pollute the Puget Sound killing native fish and aquatic animals and plants off our shores. Development on this scale of the polluted landfill will likely contaminate neighboring lands as well as the water at its borders.

The additional traffic generate by the project will overwhelm the capacity of Shoreline's road system but Shoreline and the developer have not agreed on any mitigation. (A recent re-stripping of Richmond Beach Road was done by Shoreline, at demands of residents to deal with an already-unsafe and over-capacity road, entirely at Shoreline's expense, and not in conjunction with the developer although the developer seems to be trying to claim credit for it as mitigation.) The proposed tall towers – up to 180 feet – are out of scale for our one and two story residential neighborhood. There is no high capacity transit at the site to help reduce the dependence on vehicles. Also, the lack of public parking for visitors to the beach and promenade will cause overflow parking on Shoreline streets that are not wide enough to handle parked cars.

I am not against development or clean up of toxic former industrial sites. I am a supporter of development, and developers, who improve property and the way of life of communities. And I think there is likely a proper use for the Point Wells property, but not the one currently on the table. I am sure the Point Wells property could be developed into some environmentally-appropriate project such as a park or recreation area provided adequate access points were re-opened to the area on the Snohomish County side or by sea. I can see a far far smaller scale development potentially working here, with access provided along the Edmonds waterfront sufficient to carry ALL the traffic, and supports from Snohomish County cities to provide ALL the services such a population will require. But it cannot realistically be seen as appropriate to allow the massive commercial and residential development proposed by the developer in this location given all of what has been discussed above. An "Urban Center" -- should another one really be needed in Snohomish County at this time -- could no doubt be approved somewhere more central to Snohomish County in a truly urban center like the Urban Centers the County had zoned prior to Point Wells—sites with actual public transportation hubs nearby (not just fictional wished-for ones as we have here), with actual available emergency services to be provided by the County in which the site sits (Snohomish County), and with a school system ready and equipped to provide public education to the pre-college age inhabitants of the Center, and perhaps most importantly access points, from Snohomish County, sufficient to carry the increased traffic to and from the site for all of the above. The Point Wells proposed development is not such a location, and the County should not allow the zoning and development proposed.

I know Snohomish County stands to profit financially from building and permit fees should a development of this size go through. And I can imagine leadership of some municipalities, including perhaps my own, might be enticed by the thought of property taxes or sales tax revenue to try and find a way to allow this development in hopes of adding to their respective coffers. But the lives of those who would live in this development, and to those who currently live above it, should not be risked in the quest for additional tax revenues and fees. And the harm to our environment, and property values, and the way of life of those whose neighborhoods will become the only access point to and from this development, should not be bargained away by Snohomish County or any city's leadership. Snohomish County has given this developer numerous extensions and tries to comply with the law, and the current proposal still fails, years

later, after more extensions and tries than this developer deserved. It is time for this ill-considered venture to end, and to allow those of us whose lives and property have been in limbo for now nearly a decade to finally be afforded certainty and peace. It is time for Snohomish County to do the right thing and deny this project. We are counting on you to protect us.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michele Earl-Hubbard". The signature is fluid and cursive, with a large initial "M" and a stylized "H".

MICHELE EARL-HUBBARD*

Allied Law Group, LLC

*Current and long-time resident of Richmond Beach neighborhood of Shoreline and mother of 6th, 9th and 11th grade daughters in Shoreline schools.