

From: [Debbie Tarry](#)
To: [Carolyn Wurdeman](#)
Subject: FW: Comment on resolution 377 before the Council on 9/21/2015
Date: Monday, September 21, 2015 12:30:48 PM

For tonight's green folder – under Resolution No. 377.

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From: tmailhot@frontier.com [mailto:tmailhot@frontier.com]
Sent: Monday, September 21, 2015 12:13 PM
To: City Council
Cc: Debbie Tarry; Margaret King
Subject: Comment on resolution 377 before the Council on 9/21/2015

Mr. Tom McCormick is out of the country today so he cannot make public comments on resolution 377 being considered by the Council on 9/21/2015. He asked me to submit these written comments to the Council.

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Tonight, by adopting Resolution 377, Council turns a new leaf on the Point Wells conundrum.

Resolution 377 sends a clear message that it is you, as elected Council Members, who will decide whether and to what extent the City will tolerate unwanted traffic pouring onto our streets from Point Wells. It is you that decides—not City Staff, not BSRE, and not Snohomish County.

Looking ahead, you'll have the opportunity to reset the City's dealings with BRSE—a private developer of property located beyond Shoreline's borders; a developer who, to make a profit, desperately needs the City's cooperation. Without the City's help, BSRE won't be able to build much of a development. It needs the City Council's permission to dump more than 10,000 average daily trips onto Richmond Beach Drive and other City streets. 10,000 average daily trips represents a more than 3,000% increase in traffic that travels through a quiet residential neighborhood. An unconscionable, unheard-of 3,000% increase. The good news is that the City doesn't have to let this happen. The City Council has control.

There's an unquestionable truth about Point Wells that the City should no longer ignore. BSRE needs the City and its streets far more than the City needs BSRE and its Point Wells development. BSRE desperately needs the City to increase its traffic capacity and limits. But the City doesn't have to do so. The law doesn't require it. A court wouldn't require it.

The City currently has a 4,000 average daily trip limit on Richmond Beach Drive. The developer has challenged the 4,000 limit. With a 4,000 limit, BSRE won't be able to build a big enough development to make it worthwhile. Based on our legal research, there is a strong

likelihood that the 4,000 limit applies and that Snohomish County must honor it. This conclusion is based in part on recent changes in the law regarding vesting; Snohomish County concurs with us on the vesting date.

The City has three additional traffic constraints. First, if Richmond Beach Road is converted to a 3-lane road as planned by the City, then, according to City staff, traffic to and from Point Wells would need to be limited to about 5,600 average daily trips, in order to satisfy the City's 0.90 V/C ratio for arterials. Second, there is an estimated limit of 6,500 average daily trips beyond which some of our City streets would fail the City's Level of Service "D" standard. And third, there was a limit of 8,250 average daily trips for Richmond Beach Drive under the original Point Wells subarea plan, which could come into play in certain circumstances.

There's a strong likelihood that the 4,000 average daily trip limit applies. And there are three backup limits that apply: a 5,600 limit, a 6,500 limit, and a 8,250 limit.

Given what I've just said, why on earth would the City ever allow BSRE to bully the City into opening its streets to 10,000 or more average daily trips? At most, perhaps the City could consider a compromise that would permit no more than 5,000 average daily trips onto Richmond Beach Drive. That's for Council to decide.

I challenge the City Attorney or anyone to provide any direct legal authority that would require the City to disregard its traffic limits and/or improve its roads to accommodate a developer of property outside of our borders. None exists. Neither the developer nor Snohomish County can force us to do anything.

The City Council is well-positioned, after adoption of Resolution 377, to reset the City's dealings with BRSE. Remembering that BSRE needs the City and its streets far more than the City needs BSRE and its Point Wells development, let's reset the path of negotiations and refuse to help BSRE flood our streets with unwanted, excessive traffic. Why help BSRE harm our City?

Thank you.

Tom McCormick
Resident of Shoreline