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May 12, 2005

Mr. John Galt **[Note: Hand-delivered to the hearing this date.]**
Sultan Hearing Examiner
c/o The City of Sultan
P. O. Box 1199
Sultan, WA 98294

Dear Examiner Galt:

My responses focus on traffic and transportation, the prime criteria of which are: (1) concerns for public safety and welfare; (2) fiscal accountability for required/recommended future infrastructure.

GENERAL COMMENTS ON GIBSON TRAFFIC CONSULTANTS' OCTOBER, 29, 2004 Study (pg. 3)

- **Capacity Versus Safety:** We disagree with the consultant's statement that the *"entering sight distance is a capacity issue rather than a safety issue...."* The dangers of the Sultan Basin Road are both well-known and well-documented. I personally drive that road every day. It was hazardous in 1999 when the *Sultan Basin Road Concept Plan* was issued, and extremely hazardous currently, even without the addition of the dense growth being planned on the Sultan Basin (3,000-3,500 new residents in the next 2-4 years¹) by the City of Sultan. Additionally, the not-infrequent inclement weather conditions to which this roadway is subjected (dense fog, ice and snow) because of its proximity to the Cascades and Wagley Creek, greatly magnifies the dangers.
- **Alternatives #2 through 5**, attempting to mitigate the development's northernmost roadway entrance were, I feel, arrogantly assessed by the consultant as *"very expensive option[s] for a minor capacity issue."* Discounting public safety to save a developer (or the city) expense or to increase their profit margin is an unwise choice, and leaves both the developer and the taxpayers open to costly liabilities. This is particularly dicey when safety concerns have been previously known and well documented.

Well-documented Dangers: Substantial documentation exists, delineating the unsafe conditions of the Sultan Basin Road. Over the last several years, city, county, state and federal public officials have gone on record detailing the dangers of the southern portion of the Sultan Basin Road, both in countless public meetings, and in letters supporting the numerous grant applications in attempts to fund the necessary safety improvements for the Basin Road. Even

¹ Presentation at Council Retreat 4/30/05 by City Administrator Rick Cisar, and comments made by Mr. Cisar, Public Works Director Connie Dunn and other city department heads, in discussions with Mayor Tolson and city council members.

with enhanced safety improvements in place, the very nature of the Basin Road – its critical slopes, excessive speeding by logging and gravel trucks (in particular) and non-local recreational enthusiasts generally, its susceptibility (and, therefore, its non-usability) from increment weather – will continue to increase the danger as growth progresses, *especially* if/when additional intersections are constructed. (See also, *COMMENTS ON SULTAN BASIN ROAD CONCEPT PLAN, June, 1999, Earth Tech, near the end of this document.*)

FUTURE EVOLUTION OF SULTAN BASIN ROAD

As one of only two accesses to/from U. S. Highway 2 for logging trucks, gravel trucks, residents and weekend recreationalists, this minor arterial roadway (as defined in Sultan's 2004 Comprehensive Plan) is a major factor in Sultan's future growth, second only to the criticality of U. S. 2.

Sultan's topography prohibits future egress from the Basin with the exception of a planned roadway that may (or may not) follow the PSE natural gas pipeline route in the vicinity of 124th Street many years hence, if ever. Thus, any impediments to SBR's existing condition (insofar as new intersection incursions) will further degrade the roadway's functional capability in accommodating safe and free-flowing future traffic. It is for this reason that the proposed Timber Ridge intersections – most especially the exclusively-private northernmost roadway – are so potentially damaging to Sultan's future: This will immeasurably maim the southern portion of the Basin Road, sacrificing it for the "good" of only 85 homes/230 people, or 1.8% of Sultan's population build-out under currently-recommended (proposed) UGA boundaries.²

Its importance as a minor arterial³ and its relationship to private or quasi-public roadways within individual community developments is clear when compared to the definition of the "local access road" (Page 198 of Sultan's 2004 Comp Plan Update), which applies to those located within the Timber Ridge community:

*Provide(s) direct access to individual residential or commercial properties. Local access streets are linked with the local urban area and other outside destinations by way of collector and arterial roadways. Local roads are superseded by the higher order of roads, however, and may be designed and located to **avoid connections where local street traffic could congest or otherwise impede operation of the higher-order roadways.***

Sultan Basin Road is a "higher-order roadway," by way of its unique exclusivity, future importance and because of the manner in which it is defined in Sultan's Comp Plan.

TRANSIT BUS SERVICE (Current & Future)

Despite Kensok's statement that transit service is available, the closest service to Timber Ridge is located ¾-mile distant, south of U. S. 2, at the Sultan Park-and-ride lot, requiring residents to cross over U. S. 2, a growing safety menace within Sultan. Per

² Sultan's Final Supplemental (FSEIS) Environmental Impact Statement comprehensive Plan Update, Watershed Addition (sic), 28 June 2004, approved by Sultan Council March, 2005, page 1.

³ Sultan's Recommended Comprehensive Plan Update, 11/26/04, Pages 193 thru 198.

Sultan's recommended 2004 Comprehensive Plan⁴, the transit service configuration will remain thus for many years.

RESPONSES TO KENSOK CONSULTANT'S APRIL 18, 2005 LETTER
(referencing their item and page numbers)

8. FFC (Sultan Basin Road Intersections) Items 34 to 35:

(See also, COMMENTS ON SULTAN BASIN ROAD CONCEPT PLAN, June, 1999, Earth Tech, near the end of this document.)

First, the proponent's explanation of the sight distance discrepancy incorrectly references the southern roadway entrance's 390-foot sight distance, rather than the northern roadway's entrance sight limitation of 330 feet, for which a deviation was requested. Although both of the roadways being proposed for this development are a danger to Sultan residents, it is the northernmost incursion that is the subject of most concern, especially when one considers the lack of substantiation for the following statement by the proponent:

The discrepancy with respect to the sight distance of 390 ft. versus 700 ft. calculated by the City's Engineer (Hamlin) and applicant's engineer (Gibson Traffic) has been resolved. The discrepancy was due to a misinterpretation of the SBR intersection location and associated design speed. The required sight distance in the Gibson report is correct.

In the absence of hard factual data, either from WSDOT, AASHTO or other detailed analysis concerning this complicated but essential issue, this "explanation" is the verbal equivalent of the wave of a hand; thus, I am inclined to dismiss this rather weak attempt by the proponent to quell our fears.

Attachment A is Chapter 650 (3 pages) from WSDOT's current *Design Manual* which offers formulas by which various roadway distances can be estimated. Although this chapter does not address "entering sight distance," it gives two tables of interest:

Table 650-4, which gives stopping sight distances for grades from 3% to 9% and above directly impacts the northernmost roadway. The grade on Timber Ridge drawing C-5 (sheet 5 of 12) indicates the northernmost road to be an 11% grade (substantiated by the *Sultan Basin Road Concept Plan*), which flattens to 4% near the crest of the hill. The design speed for Sultan Basin Road is 45 mph, thus, the stopping distance on the downgrade/west side of Sultan Basin Road would be between 295 and 375 feet.

However, because of the steep grades involved and the historical speeds in excess of 40-45 mph at or near the crest, the "Decision Sight Distance" (represented in Table 650-5) is also a key factor; i.e., the limited sight distance of southbound SBR drivers once they crest and begin their descent of the hill creates a "*likelihood for error in information reception, decision-making*

⁴ Sultan C.P., *ibid.*, pages 20 and 202-204.

or control actions,” (right column of page 650-4) which recommends a “distance for Maneuvers” of between 617 (extrapolated from table) and 725 feet.

I believe this calculation is the one provided in David Hamlin’s 2001 traffic study for the Industrial Park Master Plan, which initially raised the subject of sight distance during the Feb. 28, 2005 Timber Ridge hearing.

Attachment B is Chapter 920 (8 pages) from WSDOT’s current *Design Manual*. Special attention should be given to Pages 920-3, 920-5, and 920-8, where I have indicated with arrows or other hand-written notations, information applicable to this project.

Finally, while analyses are necessary and helpful, there is simply no way to “mitigate” human nature and vagaries of habit and form typical to each vehicle driver, or the inherent dangers contained in this stretch of roadway. Permitting this upper driveway to exist at all – whether re-graded 7-12 inches downward (or even further) or not, is irresponsible.

5. FFC (Future Connector Road Alignment (Items 25 to 29))

Bullet #1:

The statement that the west-to-east North Wagley Collector road alignment was originally based on industrially-zoned land is partially correct. The *August 27, 2001 Draft Industrial Park Master Plan* did show a small strip of residential land at the Park’s northwestern border (**see Attachment #C, 8 pages, pg. 3.6 through 3.12, plus cover sheet**). But the city, responsive to testimony by property owners requesting a residential zoning designation, revised the land use map accordingly (**Attachment #D, page 2.3, Figure 2.1**) and it was subsequently approved by Council via Ordinance 781-02.

But the proponent’s assumption regarding a change in position of the connector road’s alignment because of a change from industrial to residential, is incorrect. This is evidenced by the various road options (**Attachment #C, 8 pages, see pages 3.11 and 3.12**) presented for the connector road, all four of which clearly indicate identical west-end alignments where at its Sultan Basin Road terminus, with all four alternatives showing an alignment roughly approximating the southern border of the properties which now comprise the proposed Timber Ridge development.

This final alignment of this roadway is shown in **Attachment #E, page 2.11, Figure 2.2, along with text describing the criteria for its eventual terminus at Sultan Basin Road**. The statement, *“The final location of this intersection will be dependent upon the plans of the property owners there”* offers us evidence that both the proponent and the City plan on burdening the taxpayers with the fiscal responsibility for this road, rather than it being development-driven, as stipulated in the Plan. (See *“Closing comment on Collector Street,” below.*)⁵

⁵ Interesting, however (and contradictory to the requirements being applied to the Timber Ridge proponents), is a fact learned through public comments recently by a disgruntled Industrial Park Master Plan property owner desirous of replacing an existing storage building. This gentleman stated that the City is requiring him to agree to a “no-protest” LID to fund this connector road. This begs the question, “Why is participation in the Connector Road’s LID required for replacement of an existing building, while an 85-unit residential community is not required to do so?”

(We also present a photo taken on 4/30/05 during the council retreat, depicting the land uses and parcel boundaries for Sultan's IMPM (**Attachment #F, 2 pages**), and a brief verbal confirmation by City Administrator Rick Cisar, confirms the proposed alignment is still current.)

Clearly, the owners of the Timber Ridge properties preferred not to wait until the North Wagley Connector Road was available as an egress for their properties, opting instead to make deeply serious surgical cuts into Sultan Basin Road's functional integrity which will negatively affect several thousand current and future residents, loggers, gravel truckers, recreationalists and tourists. In short, the proponents chose the "I'll Get Mine First" alternative.

Of particular interest is the wording relative to the North Wagley Connector Road's final location on Pages 2.10 and 2.11 of Attachment #E, specifically, "Internal Circulation and Access." The wording within these two pages clearly indicates that the existence of only one major east-west roadway with a connection to Sultan Basin Road would be allowed, not only by its wording, but because of the various alternatives' consistency throughout the IPMP process and the final two "alternatives" in the photo (Attachment #F). To draw any other conclusion or to follow any other plan of action will cause long-term, irretrievably detrimental effects to this area and make a mockery of the Plan.

Bullet Point #2:

Proponents state, "*The critical hillsides make the area inappropriate for an industrial collector facility.*" The IPMP has been a fact for almost three years. The time to object to the location of the Connector/Collector road (the westernmost terminus, as proven, was always planned to be the Sultan Basin Road) was during the initial Planning Commission hearings process, when the property owners requested that their lands be zoned residential rather than commercial, industrial or retail. And if the "critical hillsides" are inappropriate for a roadway, how much more inappropriate is the construction of 85 single family homes?

Bullet Point #3:

Future Alignment of the North Wagley Collector Road: The suggestion that the collector road should be placed south of the proponents' properties is nothing but a NIMBY argument that someone else's property should be gored.

Closing comment on Collector Street: The city's requirements for future development within the IPMP included Development Agreements (page. 3.7 approved IPMP). The purpose and criteria of these agreements were described as follows:

These are contracts between the City and project proponents that define the responsibilities for public agencies and developers pertaining to:

- *Phasing of infrastructure improvements;*
- **Financing agreements** such as impact fees, "no-protest" agreements, "late-comers" agreements, bonding, etc.;
- *Design provisions and conditions for site development and buildings; and*
- *Monitoring programs related to environmental mitigations.*

Approved binding site plans including all conditions of approval will be recorded by the County Auditor. Approvals should be by administrative determination subject to appeal by the Hearings Examiner.

RESPONSES TO CITY OF SULTAN STAFF REPORT (May 5, 2005)

II. Revision of Findings

c. Connector Road Alignment: See comments in "Bullet Point #3" above.

f. SBR Intersections: We agree with the City's statement that "unsafe intersections" should not be approved by the council.

However, the City's next statement, "*The applicant now proposes to modify the SBR grade pursuant to the City's traffic engineer consultant*" is confusing and seemingly contradictory. Does the city recommend the 7-10 inch downward re-grading of SBR, or not? And, if they approve of this alternative, then who will pay for it? (See also our comments below on Staff Recommendations, "*Transportation, Item #18.*")

III. Conclusion(s)

d. location of the preliminary plat is located so that...

- "Transit is available in sufficient proximity to the site to facilitate transit access to the PUD" – **see our comments above**, *Transit Bus Service (current & future)*."

- "...the development will not result in higher public costs." (See our comments below on Staff Recommendations, "*Transportation, Item #18.*")

IV. Staff Recommendations:

Transportation, Item 18: The City's statement does not specify the fiscally-responsible party for the proposed re-grading of the Sultan Basin Road. Development-specific improvements which benefit only the developer and future residents of a community, but do not benefit (in fact, as in this instance, may harm) the general populace, have historically been absorbed at a later date by a combination of the taxpayers of Sultan, and the general taxpaying-citizens in the form of county, state and federal grant funding.

It is vital that any project-specific improvements for Timber Ridge be paid for by the developer, property owners and/or future residents of that community, **not** borne by the Sultan taxpayers.

COMMENTS ON SULTAN BASIN ROAD CONCEPT PLAN (June, 1999, Earth Tech)

During the March 3rd continuation hearing on Timber Ridge, you asked me whether this study was ever approved by the Sultan City Council as an "official" legislative document. I responded that I did not have any evidence to that effect, but perceived that it had not been.

However, its use as a *policy-guide* and *fact-finding* document⁶ (at least) is well-known and well-used⁷. This document provides striking evidence to support my assertions of the roadway's dangerous condition.

I previously submitted the *Sultan Basin Road Concept Plan* during the 2/28/05 hearing. But I am requesting now that special attention be paid to a description of the then-existing condition of the Basin Road in 1999, which, despite substantial new development and pipeline approvals, has not changed in six years (bold emphasis supplied by Storm):

Pages 1 & 2: "Existing Sultan Basin Road is substandard, with poor pavement condition in the City of Sultan. The roadway structure shows signs of failure, and the existing road has inadequate lane and shoulder widths. Continued heavy use by trucking activity and increased residential traffic will result in rapid deterioration of the road beyond its current poor condition.

Sultan Basin Road functions as a collector and provides access to a major portion of the urban growth area. The current pavement width is less than 20 feet (18 feet, except at the church⁸ section) and even the widest sections do not have adequate shoulder width (church property has curb and gutter on [the] west side). Turn lanes should be provided at the major intersections with other county roads, particularly at 132nd Street S.E....

*Stopping sight distance is also limited at various locations on top of the bluff. These places are marked as no-passing zones, either by signage or by striping on the roadway. **At the transitions into and out of the steep slope of Sultan Basin Road between the bluff and SR 2, there are inadequate vertical curves for the prevailing speed of traffic.***

The grade on Sultan Basin Road as it transitions from SR 2 to the top of the bluff is nearly 11 percent. *While acceptable, it is approaching the high limits for an arterial street because of the length of the steep grade.*

Unfortunately, due to the then-\$4.6 million predicted cost for improvements, none of the recommendations contained within this document have not been implemented, with any possible implementation many years distant.

CONCLUSION

I believe that because of your long association with the City of Sultan and familiarity with Willow Run, as well as a lifetime of experience as a hearing examiner, you, better than I, understand

⁶ Page 17, "Technical Memorandum [traffic study], Sultan Industrial Park Master Plan, Phase 1," prepared for Berryman & Henigar by David I. Hamlin & Associates.

⁷ Statements referencing this document heard by L. Storm over the five-year period from 2000 to 2005, in numerous city venues, including council meetings and hearings, planning commission meetings and hearings, and workshops.

⁸ "Church" refers to the crest of the Sultan Basin Road where the Hillcrest Baptist church is located.

the long-term damaging effects of a poorly-planned and/or poorly-constructed/implemented community.

My experience in seeing the results of poor implementation and oversight of land use actions in Sultan leads me to the belief that without significant revision to the proposed traffic/safety concerns, and reducing the number of homes being planned for this extremely environmentally-sensitive and critical area, that the Timber Ridge community will eventually make the problems experienced with Willow Run look like a walk in the park. I fear approval of this community in its current configuration will result in significant potential liabilities to the city and its taxpayers.

I urge you to either deny this application in its entirety, or recommend significant revisions, especially as they relate to public safety and fiscal accountability.

Thank you for the opportunity to respond.

Loretta Storm

Copies made and distributed to:

- City of Sultan
- Kensok Consulting (on behalf of proponents RTG Limited Partnership)