



September 16, 2019

City of Sultan
Attn: John E. Gault
Hearing Examiner

Re: Request for Reconsideration of the Daisy Meadows Decision of the Hearing Examiner (PP19-001)

Mr. Hearing Examiner:

Acme Homes, applicant for the Daisy Meadows Preliminary Plat (PP19-001) would like to request reconsideration of Condition 11 and 13 and the removal of the extension of Yew Way of the Daisy Meadows Decision dated September 6, 2019, in accordance with SMC 2.26.125.

Per Hearing Examiner Decision, page 24, Condition 13:

"The City shall have signed and configured the Main Street/SR-2 intersection for right turn out only from Main Street or taken such other measure(s) as are necessary to bring this projected Level of Service ("LOS") of that intersection into compliance with the City's adopted LOS standard."

Acme Homes strongly requests that Condition #13 be removed as the City of Sultan does not have jurisdiction over State Highways (SR-2). Further, this was not a condition of the City of Sultan prior to or during the hearing.

Per WSDOT the Association of Washington Cities on the interpretation of selected topics of RCW 47.24 and Figures of WAC 468-18-050 for the construction, operations, and maintenance responsibilities of WSDOT and Cities for such streets (SR-2); Cities under a population of 25,000 any channelization, signs, traffic control, route markers, etc for directing traffic are the responsibility of the state and do not lie with the City of Sultan. (Attachment 1).

Further, the intersection of US-2/Main street has been identified in the US-2 route development plan (Attachment 2) to be restricted by the city/WSDOT at some future date when deemed appropriate. The implementation of a right turn restriction at an arterial intersection needs coordination with the various jurisdictions (city controls frontage right of way/access locations and WSDOT controlled center line channelization) and for emergency services routing. The traffic study clearly identified the right turn restriction as being subject to the city and WSDOT desires for the appropriate time. Neither the city nor WSDOT has indicated their desire for or acceptance of this right turn restriction at this time as an isolated measure ahead of their implementation of the route development plan. The Hearing Examiner condition should therefore be consistent with the traffic study recommendation that indicated a right turn restriction condition should be conditional on WSDOT and the City agreeing to its need at this time. Additionally as the WSDOT threshold of trips for implementing off-site mitigation is 25 PM peak trips this change in channelization may not even be required by WSDOT, even if it agrees to it, until approximately the 30th unit is occupied (80% of the project traffic is destined to that US-/Main intersection therefore 30 units would need to be occupied before 25 pm peak trips added to the intersection as each unit generates approximately 1 pm peak trip). Thus, any condition for the implementation of such a restriction even if acceptable by WSDOT should not need to be required until the 30th home is occupied.

The US-2/Main street intersection is a level of service delay situation only for the minor movement. The city's concurrency evaluation is based on arterial link V/C which has been shown to be acceptable so it's not a concurrency decision for the hearing examiner but an operation decision for the city and WSDOT as it's also not been deemed to be a high accident location by WSDOT.

In summary any Hearing Examiner condition for the development to restrict this intersection to right turn only needs to be subject to city and WSDOT approval/desire and only and implementation of such a restriction even if acceptable by WSDOT should not need to be required until the 30th home is occupied. The route development plan indicates there is already a strategy in place for this corridor/location and it has not been identified as a concurrency or a significant safety problem (health and welfare) violation of State or City codes.

And, Per Hearing Examiner Decision, page 24, Condition 11:

"Prior to occupancy of any homes in the development, the developer shall have made off-site improvements to the City's sewer system to offset the direct impacts of the additional sewage flows that will be generated by the residences to be constructed within the development. The City shall provide additional analysis of the sewer system to identify needed improvements attributable to new development in the area. The developer shall be responsible for installing any required improvements to provide additional capacity to off-set the

project's impact. The developer may fund its proportionate share of a cooperative improvement plan with other developers if doing so would facilitate achieving the required rational nexus and rough proportionality for each developer. If the developer's proportional share of required improvements would not correct identified deficiencies and if a cooperative improvement plan is not developed, then no building permits for homes may be issued until the sewer system deficiencies have been corrected."

Acme Homes requests that condition 11 be removed. Acme homes prior this condition has never been notified or made aware of any off-site sewer system improvements that would be required as part of this plat.

Per the City of Sultan consultants who reviewed this plat stated during our review that:

*"Murraysmith found that the addition of the Daisy Meadows development **does not** increase deficiencies beyond those existing and, as a result, **does not trigger** the need for immediate water or sewer improvements. However, these results reinforce the presence of deficient areas that should be addressed for both the water and sewer systems. The proposed Daisy Meadows development contributes to, but is not solely the reason for, future water and sewer capacity issues, as growth and development within the City is anticipated."*

It was assumed by Murraysmith that:

*Murraysmith **assumed** in the sewer modeling effort that the Main Street Pump Station had been upgraded, along with the discharge forcemain and piping to the outfall at the wastewater treatment plant. Murraysmith also assumed for both models that the following developments were existing and, therefore, included in the demands and loading of the water and sewer models, respectively, including: Skyridge Estates, Green's Estates, Daisy's Landing, Timber Ridge, Cascade Breeze, O'Reilly Auto Parts, Housing Hope, and Drury Lane in addition to the Daisy Meadows development."*

Acme Homes should not be responsible for assumptions and future deficiencies that have not been identified. Murraysmith assumes that a number of developments were existing, however, O'Reilly Auto Part and Drury Lane are not existing and there is no guarantee these projects will be constructed. One could make further assumptions that since these projects are not existing that Daisy Meadows as stated by Murraysmith does not increase deficiencies beyond those existing.

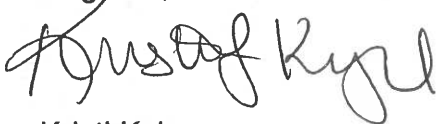
Per the City of Sultan, Acme Homes has been given two options (Attachment 4) Option 1, that Acme Homes can request that the hearing examiner hold off on his decision for 30 to 45 days while the city has the sewer analyzed by a consultant to confirm the amount of sewer main in main street that will be required by Daisy Meadow to be replaced. or Option 2, allow the City to create a condition not based on a study.

Acme Homes was not made aware of any off-site sewer improvements that should be triggered by the new homes in Daisy Meadows nor was there a study completed at the date of this application or the public hearing date and nothing in the City that warrants off site sewer improvements.

Acme Homes is also requesting, per agreements with the City of Sultan and the surrounding neighbors at an open public meeting held on September 4, 2019, that the extension of Yew Way not be continued west onto Daisy Meadows. Acme homes has provided to the City an alternative plan showing a loop system that the City has reviewed an accepted and attempted to submit to you during the open record portion of the hearing (Attachment 3).

In response to the City of Sultan letter dated September 16, 2019 prepared by Andy Galuska requesting that the Hearing Examiner remand the decision for forty-five days to allow the City time to perform additional analysis of the issues surrounding Condition 11 and 13, Acme Homes respectfully asks that the Hearing Examiner deny this request and review the above submitted request for reconsideration. As you are aware the city has already exceeded their 120-day review period prior to the public hearing and any further delays is not only costly but offensive to Acme Homes.

Regards,



Kristi Kyle
VP Land Development
Acme Homes LLC
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Snohomish, WA 98296

Daisy meadows Hearing Examiner Decision

Nate Morgan <nate.morgan@ci.sultan.wa.us>
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Cc: Ry McDuffy <ry@orcalsi.com>

Kristi,

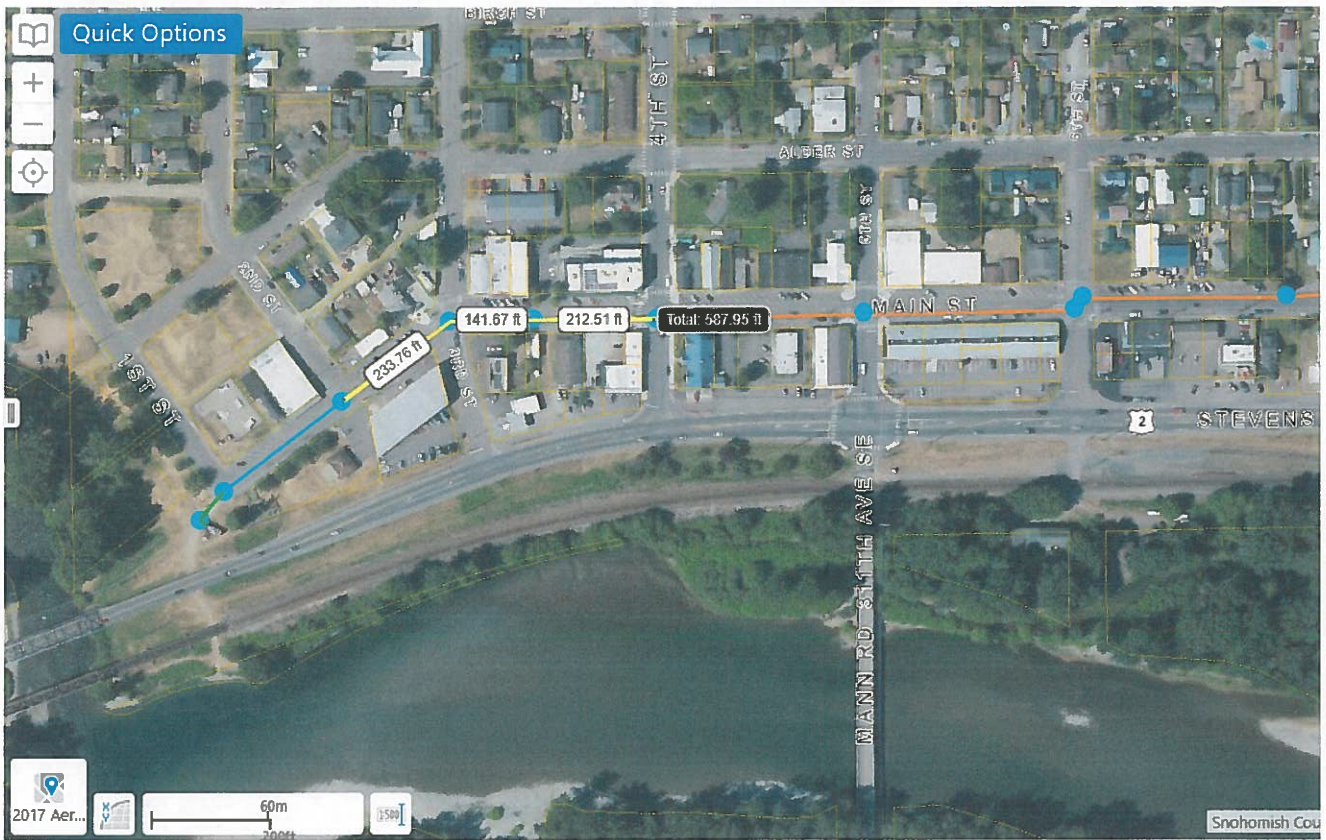
As for condition 11 there are two options:

Option one- the city and the developer can request that the hearing examiner hold off on his decision for 30 to 45 days while the city has an the sewer analyzed by a consultant to confirm to be replaced. Or

Option two – the developer can accept that they will be responsible to replace the 15 inch sewer main with a 30" sewer main from the intersection of 4th and main street to the intersection requirement for the sky ridge development in the same area. Sky ridge is required to replace 1,650 feet of sewer main on main street from 8th street to 4th street(Orange Lines on the map by the 249 lots that equals 6.6 feet of sewer main to be replaced per lot. Daisy Meadow is adding 70 lots which equals 462 feet of sewer main that would be replaced with 30 existing section of sewer main the city will require that the developer replace to the next manhole at the intersection of 2nd and main street totaling approximately 588 feet of 15 inch sewer below).

Please tell me witch option you would like me to proceed with and I will pass this along to the hearings examiner.





Nate Morgan

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From: acmekristi@gmail.com <acmekristi@gmail.com>
Sent: Wednesday, September 11, 2019 11:41 AM
To: Nate Morgan <nate.morgan@ci.sultan.wa.us>; Andy Galuska <andy.galuska@ci.sultan.wa.us>

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Memorandum

TO: John Galt, Hearing Examiner
FROM: Andy Galuska, Planning Director
DATE: September 15, 2019
RE: Request for Reconsideration for Daisy Meadows

The Hearing Examiner has included the following condition related to traffic concurrency:

1. The City shall have signed and configured the Main Street/SR-2 intersection for right-turn-out-only from Main Street or taken such other measure(s) as are necessary to bring the projected Level of Service ("LOS") of that intersection into compliance with the City's adopted LOS standard.

Staff is concerned with the City's jurisdictional authority to make those changes as well as the impact of this change on the surrounding intersections. SR-2 is a state highway which is controlled by the Washington State Department of Transportation (WSDOT). Staff would like additional time to discuss the change with WSDOT to ensure the City could be permitted to revise this intersection. Additionally, removing the ability for drivers to take a left turn from this intersection may have impacts on the surrounding intersections. In particular, the City is concerned that the change would force drivers to use the light at 5th/Mann Rd and SR-2 to turn left. The City would like to ensure that this change would not create any additional traffic or safety concerns, including reducing the level of service for any of the other intersections to failing.

City's Request

The City is requesting that the Hearing Examiner remand the decision for forty-five days to allow the City to perform additional analysis of the issues surrounding the condition above and to submit a staff memorandum with our findings. The Examiner can then choose to revise the condition or other elements of the decision based on our findings.

If the decision is remanded, the City would also ask the Hearing Examiner to allow staff to correct a second issue. In the Hearing Examiner's decision, it is noted that Condition 11, which relates to offsite sewer improvements, is imprecise. The City would ask for the ability to perform additional analysis and prepare a memorandum back to the Hearing Examiner which would provide a more detailed condition for offsite sewer requirements.