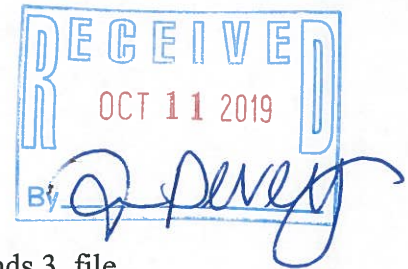


John Galt
Hearing Examiner



I am requesting reconsideration of your decision regarding Wyndham Highlands 3, file number PP19-002.

I respectfully believe that you have made an error in law regarding the transportation concurrence of the Wyndham Highlands 3 development. Your examination states in "Conclusion of Law" point 4, that "the City's adopted standard essentially ignores weekend traffic". This is incorrect as there is no mention of a Monday- Thursday or even a weekday only standard in the Sultan Municipal Code (SMC) or the 2011 Comprehensive Plan.

The method of analysis from Gibson Traffic Consultants cited in the application for development is inconsistent with both SMC and the Comprehensive Plan in that it fails to analyze US2 as an arterial using capacity to volume (c/v) ratio and average daily volumes, and it adopts a standard of analysis of impacted intersections only on Monday -Thursday that is not actually written in law. The study only analyzes traffic volume deltas from current rates, and mentions it does not affect capacity. The delta is immaterial if current traffic is failing the c/v ratio.

Requested Relief:

I request relief in the form of a delay on the approval of the development in questions until one of the following:

-Traffic studies have been done in a manner consistent with the currently applicable Comprehensive Long Range Plan and SMC. These studies should include analysis of all affected arterials using the "Capacity to Volume" ratio set forth in the Long Range Plan and required by the Municipal Code. Alternately, a citation of where the Monday-Thursday peak traffic evaluated at intersections only is adopted as standard for Sultan, including where it is recorded for posterity.

Or

-City of Sultan updates the Comprehensive Long Range Plan and/or Sultan Municipal Code to specify how LOS is to be determined, and studies have been done to that standard.

Or

-If per SMC 16.70.100,D,6,B, a new methodology of evaluating LOS was approved, evidence is produced that traffic studies were done in a manner consistent with the currently applicable standard. Evidence that upon evaluation of those studies LOS had failed. Evidence that the developer specifically requested the new methodology, including

the Monday-Thursday time frame, and evidence that someone at the city approved this new plan.

Reasoning

Sultan Municipal Code requires capacity to volume analysis on arterials including US2. Sultan has adopted US2 as a Rural Principal Arterial in the 2011 Comprehensive Plan, Section 8.6.2, Figure 8b and is therefore subject to the municipal code. Sultan Municipal Code requires in 16.70.100 section 6 a LOS analysis on any road that can reasonably be expected to bear traffic generated by the development, and in part B of that same section, specifies a capacity-to-volume ratio be used. The 2011 Comprehensive plan specifically re-iterates the "Capacity to Volume Ratio" in Section 8.6.3 (paragraph 3) and offers a 2011 failing analysis using that metric in Table 8-1. This is not in the analysis by Gibson Traffic Consultants.

Evaluating LOS using intersection on arterials is not mentioned in the Municipal Code. The LOS at intersection is not defined as a requirement in the Comprehensive Long Range Plan in LOS section (8.6.3). The only mention of LOS and intersections is in 8.6.5 regarding 2025 traffic volumes, where projections show failing intersections in a "No Action Scenario", which as of 2019 is what has happened.

The Monday through Thursday peak traffic bounds are also not stated anywhere in the SMC or in the 2011 Comprehensive Plan. In fact, the requirement in the SMC is "average daily traffic", and not average daily Monday through Thursday traffic as posited by the developer.

There does appear to be legal authority to change the evaluation of LOS by employees of the city as outlined in SMC 16.70.100,D,6,B. However there is no evidence that the proper procedure has been done to approve an alternate plan. First a study of LOS failure using specified means, then a proposal by the developer for alternate means, then an approval of that alternate. I have asked that question of the city directly and have not gotten a response.

In conversations with the city employees have not been able to correctly cite where the Monday-Thursday standard is codified. I have been told that it was in the Comprehensive Plan and it is not. In fact, there is an effort now in the work to update the Comprehensive Plan with more specific LOS guidelines that will include peak hours of Friday PM and Sunday PM, indicating that the city does indeed want to incorporate that in the future plans, and believes it cannot legally take those peak hours into account now. If that is the city's long-term desire, then why would they approve a development based on only Monday-Thursday data, unless they falsely believed they had no option as this was specified in law. And if they believe they cannot take Friday/Sunday peak hours into account, then the outlined procedure for overriding the c/v method of LOS determination was not properly followed.

Conclusion

It's is unfortunate that the 2011 Comprehensive Long Range Plan does not better define when or how LOS on arterials is to be decided. The Long Range Plan and the SMC state that a capacity to volume ratio analysis of arterials should be used. Intersection analysis Monday - Thursday is not mentioned as an alternate method of determining LOS in the laws. There is no evidence the proper procedure as outlined in the SMC was followed to adopt an alternate method of analysis. There is circumstantial evidence that the city itself does not know its own laws well enough to know that if it wanted to take actual peak traffic of Friday/Sunday PM, it has the power to do so.

I implore you to look at the sections of the 2011 Comprehensive Plan and SMC that I have outlined. Please, delay this project until these serious questions are answered.

Sincerely,



Nathan Zuber
10/10/19
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