

Countryman, Ryan

From: Tom McCormick <tommccormick@mac.com>
Sent: Thursday, February 25, 2016 10:15 AM
To: Countryman, Ryan
Cc: Gretchen Brunner; Richard Schipanski; Mike Swenson, PE, PTOE; Kurt Gahnberg; Tom Mailhot; Debbie Tarry
Subject: Impact of 2045 buildout date on Traffic Assumptions and Ordinary High Water Mark at Point Wells

Ryan,

In emails that I sent yesterday, I explained why it was reasonable to assume that full buildout would not be completed until 2045 (vs. 2035, the current assumed buildout date), and I requested that the DEIS use 2045 as the assumed buildout date.

I. Impact of 2045 buildout date on traffic assumptions

An assumed 2045 buildout date (instead of 2035) will affect the traffic assumptions significantly. By 2045, there will be considerably more traffic in Shoreline and Woodway, even without Point Wells. In Shoreline, for example, in addition to 10 additional years of normal background traffic growth, there will be extra traffic growth due to abnormal spikes in traffic resulting from buildout of the 185th street stations and the 145th street stations and other projects, leaving even less room for additional Point Wells traffic. We request that the DEIS address these consequences and impacts.

II. Impact of 2045 buildout date on the Ordinary High Water Mark

By 2045, it's likely that the Ordinary High Water Mark at Point Wells will rise significantly. Science experts agree that oceans could rise as much as 3 to 4 feet by 2100, and far more after that; see, e.g., "Seas Are Rising at Fastest Rate in Last 28 Centuries," NYT (Feb. 22, 2016). If, for example, the Ordinary High Water Mark at Point Wells rises 18 inches by 2045, this increase will have a significant impact on the 75-foot, 150-foot and 200-foot setbacks required by the Snohomish County Shoreline Management Program. Additionally, if the Ordinary High Water Mark rises, it would result in less open space, possibly violating the open space requirements in SCC 30.34A.070 (2011 version).

The SNOHOMISH COUNTY SHORELINE MANAGEMENT MASTER PROGRAM in effect at the time that BSRE submitted its Point Wells application (amended June 1993, via Ordinance No. 93-036) contains the following definition of "Ordinary High Water Mark":

"Ordinary High Water Mark" - The mark on all lakes, streams and tidal waters, which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation, as that condition exists on the effective date of this chapter, **or as it may naturally change thereafter**. However, in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining saltwater shall be the line of mean higher high tide and the ordinary high-water mark adjoining freshwater shall be the line of mean high water." (emphasis added.)

The above definition of "Ordinary High Water Mark" contemplates a changing environment ("as it may naturally change thereafter"). As such, we request that the DEIS address how the setbacks, open space, and other development requirements and restrictions will be affected under several scenarios that contemplate a changing environment—for example, a 6-inch increase of the Ordinary High Water Mark by 2045, a 12-inch increase, an 18-inch increase, a 24-

inch increase, etc. Additionally, we request that the DEIS address the impact of additional increases of the Ordinary High Water Mark expected to occur from 2045 through 2100 and beyond.

We expect that the hearing examiner will consider the Ordinary High Water Mark not as it exists as of the date of the hearing, but rather as it is expected to "naturally change thereafter" at full buildout (2045) and continuing through through 2100 and beyond. The hearing examiner will undoubtedly look to the DEIS to inform him/her about the Ordinary High Water Mark as it is expected to change over time. As noted above, a change in the Ordinary High Water Mark will have a significant impact on the setbacks, open space, and other development requirements and restrictions.

We request that the DEIS include a thorough analysis of the Ordinary High Water Mark as it is expected to change over time (with worst case scenarios), and an analysis of impacts of the changing Ordinary High Water Mark on the setbacks, open space, and other development requirements and restrictions.

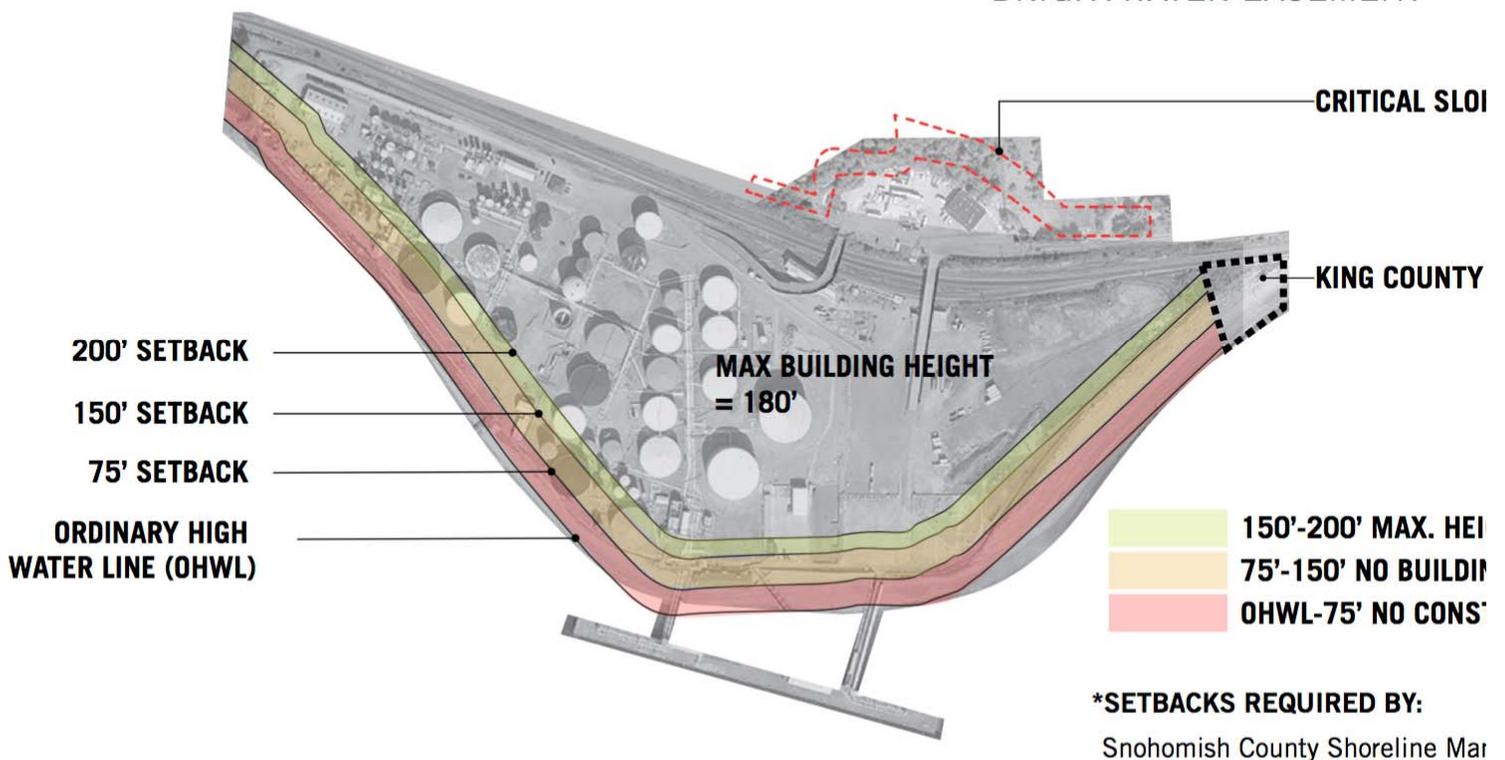
Thank you for considering the above requests.

Tom McCormick

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SITE ANALYSIS: SETBACKS

- UPPER PLAZA AFFECTED BY C SLOPE, WETLAND, AND STREA
- SOUTHERN END OF SITE AFPE BRIGHTWATER EASEMENT



SITE ANALYSIS

