

From: Heidi K. S. Napolitino
To: [Davis, Kris](#)
Subject: Comments from the Town of Woodway for Point Wells hearing
Date: Monday, May 14, 2018 2:32:35 PM
Attachments: [Letter to Hearing Examiner - 2018-05-14.pdf](#)

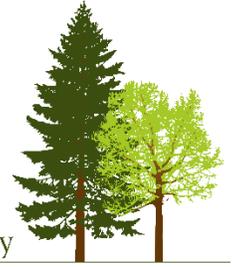
Greetings,

Woodway's comment letter is attached. Please let me know if you have any trouble opening the document.

Sincerely,
Heidi

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Heidi K. S. Napolitino, CMC, CPT  
Clerk-Treasurer  
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**\*Attention: Town Hall and the Permit Counter have new hours. Visit our website for details\***



May 14, 2018

Peter Camp  
Snohomish County Hearing Examiner  
3000 Rockefeller Ave.  
Everett, WA 98020

Re: Town of Woodway Testimony Regarding Point Wells Development

Dear Mr. Camp,

Point Wells is situated within the Town of Woodway's designated Municipal Urban Growth Area, as illustrated in the Snohomish Countywide Planning Policies at Exhibit A. In conformance with those Policies, the Town prepared and adopted the *Woodway Municipal Urban Growth Area Subarea Plan*. The Subarea Plan's goals, vision and policy statements provide for a mixed-use Urban Village (not an Urban Center) at Point Wells, with the full range of urban services to be provided by the Town upon annexation. The Plan policies provide for site plan and access coordination with surrounding neighborhoods and jurisdictions. The Plan focuses on environmental preservation, view protection and pedestrian-orientation, while providing for a range of building densities, uses and heights.

The Town of Woodway has followed BSRE's plan to transform Point Wells to an Urban Center since its inception. Both the scale and design of BSRE's plan are inconsistent with the Town's Plan. As a result, we have been engaged with the County prior to and during the adoption of the Urban Center code, including a successful challenge to the legality of the code before the Growth Management Hearings Board. However, immediately before the Board's ruling, BSRE submitted its development application. Unfortunately, we were unsuccessful before the Washington State Supreme Court in our challenge to the vesting of BSRE's application to the invalid code.

We provide you with this history because it is apparent now, as it was then, that BSRE's application was rushed. More importantly, despite repeated requests from the County, it has not improved substantially since 2011. We concur with the County staff's conclusion that BSRE has been given more than enough time to correct deficiencies in its application. This conclusion is even more defensible when viewed within the context by which this application appears before you now.

#### **Additional Concerns**

We have many concerns with BSRE's application, including building height, building design, project phasing, variance request for private roads, shoreline management, lighting, traffic, projected internal

capture rates, parking, public safety facilities, environmental design, etc. Many of these concerns are outlined in the County's staff report. However, in addition to these clearly detailed deficiencies, we want to highlight two issues directly related to Woodway that have gone unaddressed.

The first issue is with regard to building height. Building height for this project is regulated under SCC 30.34A.040. Almost half of BSRE's proposed buildings exceed the 90' height limit on the basis of an assertion that the project will include a high capacity transit station, constructed by BSRE and operated by Sound Transit. Ignoring for the moment that Sound Transit's plans for ST-2 and ST-3 do not include a high capacity transit station within proximity of the subject site, and an EIS has not been issued as required by SCC 30.61, sheet A-100 of the March 3, 2011 submittal shows a "Future Sound Transit Platform" on BNSF property. A portion of this "future" station is proposed within the boundaries of the Town. The Town has not been contacted by BSRE, BNSF or Sound Transit to consider a station or platform at this location. Because the construction and operation of this station is essential to the design of the project, these approvals should be obtained prior to further processing of the application.

The second issue concerns the secondary access route. Construction of this proposed route would need to occur mostly within the jurisdiction of the Town, and require the Town's approval for any connection to 116th Avenue W. The Town has not been presented with any detailed plans or designs, and the Town has not provided such approval. Because this road is essential to construction of the project, this approval should be obtained prior to further processing of the application.

### **Conclusion**

The Town has a substantial, long-term interest in ensuring the successful redevelopment of Point Wells, in whatever form it takes. Redevelopment must be well thought out, recognizing the limitations of the site and the interests and concerns of neighboring property owners and jurisdictions. We believe that BSRE has not shown the level of commitment to this project to justify further consideration of this application. We join County staff (and many others) in requesting that the application be denied.

If the application is not denied and BSRE is granted yet another extension, we request that BSRE be required to obtain agreements with Sound Transit, the Town of Woodway and any necessary private property owners within a defined time period and prior to further processing of the application.

Sincerely,

  
Carla A. Nichols, Mayor

CC: Eric Faison, Town Administrator

Town Council