

RE: Sammamish Trail Revisions

Lindsey Ozbolt

Tue 1/17/2017 10:23 AM

To: TC <timcss74@gmail.com>;

Dear Tim and Katie Comer,

Thank you for contacting the City of Sammamish regarding the current Shoreline Substantial Development Permit Application for East Lake Sammamish Trail Segment 2B (SSDP2016-00415).

Your comments have been received and will be included in the project record. At the close of the comment period, all comments will be compiled and provided to King County for review and response. You will be included in future notices the City issues for this proposal.

Regards,

Lindsey Ozbolt

Associate Planner | City of Sammamish | Department of Community Development
425.295.0527

-----Original Message-----

From: TC [<mailto:timcss74@gmail.com>]

Sent: Sunday, January 15, 2017 3:43 PM

To: Lindsey Ozbolt <LOzbolt@sammamish.us>

Subject: Sammamish Trail Revisions

I see there are plans to add culverts, walls and fences at +389-390 and on driveway 10

driveway 10 is privately owned by us homeowners and any revisions will need to be reviewed with and approved by us.

the bag wall and fencing is a issue as is any damage to the large trees

tim and katie comer
829 e lk sammamish sh ln se
sammamish wa 98075

Sent from my iPhone

RE: ELST Section 2B

Lindsey Ozbolt

Thu 1/19/2017 8:04 AM

To: Tracy Neighbors <neighborst@hotmail.com>;

Dear Tracy,

Thank you for contacting the City of Sammamish regarding the current Shoreline Substantial Development Permit Application for East Lake Sammamish Trail Segment 2B (SSDP2016-00415).

Your comments have been received and will be included in the project record. At the close of the comment period, all comments will be compiled and provided to King County for review and response. You will be included in future notices the City issues for this proposal.

Regards,

Lindsey Ozbolt

Associate Planner | City of Sammamish | Department of Community Development

425.295.0527

From: Tracy Neighbors [mailto:neighborst@hotmail.com]

Sent: Sunday, January 15, 2017 7:24 PM

To: Lindsey Ozbolt <LOzbolt@sammamish.us>

Cc: Don Gerend <dgerend@sammamish.us>; Bob Keller <BKeller@sammamish.us>; Tom Hornish <THornish@sammamish.us>; Kathleen Huckabay <KHuckabay@sammamish.us>; Christie Malchow <CMalchow@sammamish.us>; Tom Odell <todell@sammamish.us>; Ramiro Valderrama-Aramayo <RValderrama-Aramayo@sammamish.us>; kathy.lambert@kingcounty.gov; Tracy Neighbors <neighborst@hotmail.com>

Subject: ELST Section 2B

Attached please find our comments regarding Section 2B of the ELST. Please do not hesitate to contact me if you have any questions.

Regards

Tracy Neighbors

January 14, 2017

Ms. Lindsey Ozbolt
Assoc. Planner
Sammamish City Hall
801 228th Ave SE
Sammamish, WA 98075

Re: Comments re East Lake Sammamish Trail

Dear Ms. Ozbolt,

My wife Barbara and I reside at 3015 E. Lake Sammamish Parkway SE. The ELST cuts across our property separating our parcel into the residence on the east side of the trail and a lakefront property with cabana and a shed on the west side of the trail. There are water, sewer and electrical connections that run underneath the existing trail from the main residence to the cabana. All connections were properly permitted when the home was built approximately 10 years ago.

The BNSF railroad had a "prescriptive easement" to run the railroad track across our property. The BNSF did not have an ownership interest or a defined width of the easement used on the property. Our deed and title report indicate that BNSF has an easement for railroad purposes but no width of the easement is noted on the deed. The BNSF, and King County as the successor, merely has the right to use the footprint the railroad utilized - a width that approximates the 12-foot width of the current gravel trail.

I would like to point out that we are proponents of the trail in its present format and believe it to be a community asset. We are however seriously concerned about the impact on ourselves and the other Sammamish residents of the proposed expansion and paving of the trail.

I will also point out that we are parties to both the Hornish, et al v. King County federal lawsuit (currently on appeal to the United States Court of Appeals for the 9th Circuit) as well as the Neighbors, et al v. King County case currently before the Washington State Superior Court. The Neighbors case is first set for trial in May 2017.

Our specific comments are as follows:

1. The City should not issue a building permit for Section 2B until both the outstanding court cases referenced above have been conclusively determined. Doing so prior to resolution of the cases will irreparably and permanently harm the both the plaintiffs in each case and potentially other Sammamish trailside residents. Issuing a permit in advance of resolution may also expose the City of Sammamish to legal damages if construction is allowed to advance prior to a final decision being rendered in these cases. You should note that that Federal District Court decision now under appeal to the 9th Circuit is only final as regards the named plaintiffs. Given that there are a number of additional homeowners who also own property subject to a prescriptive easement that could bring similar suits, it would be prudent of the City to wait until there is a final determination of the cases in both the Federal and State courts.

2. The City (or the County for that matter) should not issue a building permit to any resident without a valid title report confirming ownership of the subject land. King County should be held to the same reasonable standard and be required to prove its ownership interest in the ELST right of way prior to the issuance of any permit. For reference see the Hornish case which seeks to clarify which party owns what as relates to the ELST.
3. The County bases its use of the AASHTO standards and the 18-foot width of the ELST on an estimate of 3,000 users per day. Applying some simple math to that estimate, assuming a 12-hour daylight availability, leads to the conclusion that there will be 250 users per hour or roughly 4 users per minute. Today, Saturday January 14 I spent roughly 4 hours on or near the trail. My informal count of users over that timeframe is approximately 50 users. Has the City questioned the assumptions the County has made for reasonableness? Even on a summer day there would be unlikely to be 3,000 users. Why is the ELST being designed for a maximum number that is unlikely to be met rather than a reasonable usage number which may allow for a reduced footprint? We urge the City to seek more clarity regarding the assumptions that the County has utilized in creating their estimate of users to ensure that the design is based on a realistic number.
4. The proposed ELST trail footprint effectively puts a “street” across our property. In combination with the 3,000 estimated daily users crossing our property daily this has a significant negative impact on the value of our property. That impact will be mirrored by a number of other homeowners in similar circumstances. Consequently, the assessed value of a number of lakefront properties could be reduced resulting in a significant reduction of the real estate taxes available to the City.
5. Safety is our number one ELST concern. We encounter daily on the trail a wide range of people both young and old, dog walkers, runners, and bikers. We are constantly reminded of the safety issues associated with the biking public who consistently fail to provide adequate warning of their presence. I have personally been hit on the ELST from behind by a biker who failed to provide any warning of his presence. Given the traffic noise of the East Lake Sammamish parkway, the traffic noise of I-90 in the distance, and boat traffic on the lake it is nearly impossible to hear a biker speeding from behind as is. It will only become worse on a paved trail when the early warning of the gravel crunching disappears as a bike on the paved trail will make no noise. We were formerly users of the Sammamish River trail in Redmond - we stopped when it became clear that taking our young family on the trail was no longer safe or sane due to the actions of uncaring cyclists. We fear the same thing will happen on the ELST. We are unconvinced that the proposed speed limit or promises to enforce same by the City will have any impact. As a result, paving the ELST will only empower the non-resident biking public to create yet another high-speed bike trail to the detriment of Sammamish residents. Considering the above we would encourage the City of Sammamish to require the County to install speed bumps or other traffic calming devices on the ELST to enhance the safety of all users. We have personally seen the positive impact of speed bumps on other bike trails to ensure usability by all parties and encourage the City to review potential alternatives that might be available.
6. We are also concerned about the environmental impact to the expansion of the trail. We understand that more than 1,000 trees were taken down by the County in the development of the north segment of the trail. The number and variety of vegetation and trees in Section 2B that is at risk is immense. Similarly, there a number of wetlands that would be negatively impacted by expansion of the ELST. A striking example is the section of the ELST approximately 100 yards both north and south of

the Mint Grove access drive. Both areas are marked with County “Wetlands - Sensitive Area” signs. Unfortunately, that didn’t stop the County this past summer from taking a backhoe to the wetlands to dig them out! I encountered the County’s outside expert wetland biologist on Friday January 13 on that section of the trail. The expert was visibly shocked when I pointed out the backhoe work. I point this out as yet another example of the County’s failure to apply its own environmental rules to itself. Imagine the consequences to us if we had chosen to dig out a designated wetland on our property! Consequently, we urge the City to be especially vigilant with regards to the wetlands impact.

7. The County’s 60% plan is virtually indecipherable to a non-engineer. For example, there is no mention of the water, sewer and electrical connections on our property that run under the existing trail. These are key attributes to the value of our property and must be maintained. We have previously pointed out the existence of these utilities in several forums with the County. The County has consistently proven that it is untrustworthy as has been evidenced by the experience of Sammamish residents in Sections 1 and 2A. We fear that we will be faced with a situation where the County’s 90% plan will also fail to safeguard the existence of our utility connections and no changes will be allowed to the 90% plan. The City should protect the rights of its residents and demand that the County withdraw its 60% plan until at a minimum all utility connections are identified and a plan to maintain them is presented. Only when the 60% plan is updated, and reasonable efforts are made by King County to explain it to residents, should the City accept it.
8. The east side of our property is high bank bluff with a severe slope to the ELST trail. A concrete path and three heritage trees are on the slope. In a prior meeting with King County Parks representatives we were told that the trees would be removed and the path replaced by steps with a massive retaining wall required as well. No mention of any such changes are shown on the 60% plan. Again, are we going to be surprised by further changes in the 90% plan? Existing City of Sammamish environmental regulations would place significant restrictions on us as homeowners should we seek to remove those heritage trees. The County should be held to the application of the same regulations.
9. Surface water is also a concern. As noted our property is on a steep slope so water will follow its natural course downhill. Currently the permeable nature of the trail and surroundings reasonably accommodates the rainwater. We are concerned about the impact of replacing a permeable surface with impermeable asphalt paving. We are aware of impacts to Sammamish residents in ELST Section 1 from surface water issues that have arisen post paving of the ELST that the County refuses to address. What is the City’s plan to ensure that similar issues don’t arise in Section 2B? Does the City have a mitigation plan for addressing unforeseen water issues that only become visible on pavement of the trail?
10. We are also concerned with our ability to access our lakefront property during the year plus period that construction will likely take. What steps will the City take to ensure that our access remains unhindered?
11. Section 2B was left to last by the County as it is the most problematic part of the ELST to impose an 18-foot width. Many homeowners, including ourselves, are faced with the taking of portions of our property for the ELST. As an example, our neighbors to the immediate north, the Huartes and the Morels, are significantly impacted. Under the 60% plan the Morels would lose all vehicle access to their home with their current driveway being replaced by the trail. Existing hedges will be replaced by bollards across the front of their home. Even worse is the fact that the County’s plan creates a

new driveway and parking area for the Morels on the Huarte's property! See pages 12, 37 and 112 of the County's 60% plan. Similarly, the property owners to our immediate south will lose all access to the lake front portion of their lot under the current design. There is no conceivable situation where this design is fair or reasonable. It borders on the illegal. The County should not be issued a permit until these and other similar extreme examples are rectified. Unfortunately, our review of the 60% plan indicates that this is not the only egregious situation to be encountered by Sammamish residents.

We encourage you and the City Council members to walk Section 2B to see for yourselves the impact of the County's proposed plan in person. This project will have a huge impact on a significant number of homeowners and we respectfully request that the City do its part to protect the interest of its citizens.

Thank you for consideration of our comments. If you have any questions on the above, please call me on 425-443-2048 to discuss.

Regards

Tracy Neighbors
3015 E Lake Sammamish Pkwy SE
Sammamish, WA
98075

CC:
Sammamish City Council
Lyman Howard, Sammamish City Manager