

Joint Written Testimony - Gottschalk and Greve
East Lake Sammamish Trail – Segment 2B

Reference Information:

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Parcel # 0724069055
Approx. Stations 324.75 to 325.80

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We (Greve's and Gottschalk's), as citizens of both King County and City of Sammamish would like to submit the following as our written testimony in relation to today's hearing.

First, we jointly and fully support the City of Sammamish and their recommendation of **Approval with Conditions** presented to King County through its Staff Report (exhibit 1) issued 10/4/2017 in relation to SSDP2016-00415 (East Lake Sammamish Trail – Segment 2B).

We contend that each of the conditions listed as well as the regulations, policies, and standards provided in the Staff Report are important to enforce and provide the governance necessary to ensure the natural resources within Sammamish are not compromised. It is our testimony that these governing documents are the foundation of which all property owners, including King County, should be forced to adhere in order to preserve the integrity of our city. If compromised, the city would suffer an immeasurable blow and call into question any and all future decisions made by our local government.

That said, we as citizens of both King County and City of Sammamish have significant concerns about the proposed 60% design plan and seek modifications that will provide a more beneficial alternative for the public based on both fact and common sense. To be clear, it is our testimony that (1) the 60% plan as proposed by King County violates City, State, and County municipal codes, regulations, and policies, (2) the County's trail proposal considering the size, scale, and breath is dramatically overstated and construction of a project of this girth, and for this purpose would be a blatant mis-use of public funds subjecting the County to substantial public scrutiny and potential law suits, and (3) that we as citizens have been and continue to be mis-led by King County over the course of this process beginning in 2010 with the Final Environmental Impact Statement (FEIS) issued in 2010.

As points of reference, we would like to call attention to the following:

- 1. East Lake Sammamish Trail FEIS Volume III, Appendix A – Environmental Commitments. Section 4.1 Wetland and Vegetation Mitigation Commitments.**

In this section, King County specifically states it will “Continue to avoid and minimize wetland and vegetation impacts by reducing trail widths and turning radii for transitions, and shifting alignments to avoid wetlands and buffers”.

Also, throughout the FEIS, reference is made to a clear and specific hierarchy (1) avoid, (2) minimize, and (3) mitigate that is to be used in that order if construction is to occur that will impact wetlands, wetland buffers or any such sensitive area. This hierarchy is also referred to in a number of city and county codes in relation to the same topic.

It is our argument that the hierarchy and commitment made to it in appendix A, section 4.1 of the FEIS (quote above) fall silent in subsequent project documents and that King County fails to fulfill its commitment to first avoid, then to minimize impact to wetlands and wetland buffers BEFORE it seeks to mitigate. We believe that King County has purposely and intentionally misled the public in order to gain support and approvals on all phases of the project thus far.

It is our recommendation that King County be made to comply with city codes referenced in Exhibit 1 – Staff Report and specific to Section IV, #9 outlining the approach to use when critical areas are encountered as is the case in the project area adjacent to our properties.

Based on the above argument, our recommendation is for the trail to remain in its current alignment and at a width that is consistent with the current interim trail; therefore, avoiding any impact to the critical areas adjacent to our properties whatsoever, as is stated as their promise and objective in the 2010 FEIS.

2. Exhibit 66 – Fehr Peers Review Letters – April 7, 2017 and September 25, 2017

In these letters it is clear that the demand analysis conducted and submitted to support King County’s desire to construct a trail with a total width of eighteen feet is dramatically overstated. Also of concern is the clear and consistent misrepresentation of facts and misuse of key words (i.e. standard vs guideline) in the material used to support King County’s argument for trail width. These dramatizations in effect are misleading the public as they are being represented as fact vs. the fiction they are. Clear in the definition of the two terms is that standard implies rigidity, and guideline implies flexibility; something that King County has promised in countless project documents yet fails to demonstrate by insisting on an 18 foot trail without exception throughout the Section 2B corridor.

We believe that King County suppresses key information contained in the guidelines used to assess demand and determine trail width. As called out within the Fehr Peer letters, its abundantly clear that the guidelines call for flexibility, and even go so far as to state that widths of 10 feet and even 8 feet when constraints such as wetlands or wetland buffers are encountered are acceptable. Nowhere in the American Association of State Highway and Transportation Officials (AASHTO) Guide used as the County’s supporting reference does it make reference to a “standard”. But instead it supports the use of common sense and engineering best practices to arrive at trail widths. Also true is that there are alternative means to manage events that on the very rare occasion would increase trail use beyond the norm.

It is our argument that King County is singly focused on building an 18-foot trail having no regard for impact to the environment, cost, let alone neighboring properties. In doing so King County is

purposely mis-leading you, us, and the public in order to get their way. Not only is King County being disingenuous, we believe that they are in breach of the public's trust and in violation of law. We believe that proposing to build a trail and other infrastructure that is far larger than necessary at a cost that is NOT necessary is a blatant mis-use of public funds. We would like to see the trail improved to the degree that basic and core engineering principles involving trail width and usage are adhered to, the environment is not impacted beyond what has already been done, and at a cost justified by factual, non-manufactured information.

3. **Calling to your attention:** Just a few examples of instances in which a reasonable person would conclude that King County has been disingenuous with regard to its practices and the process of dealing with the public involving the trail project. These are but a few of the many examples where King County has dubiously and selectively chosen to paint a picture to their own advantage, but instead contradicts itself or even lies to the public at large:

EXAMPLE 1: East Lake Sammamish Trail Segment 2B - King County Response to Public Comments, page 154 Comment #SB-828b.

County Summary of Comment	County Response
Unnecessary waterward re-alignment of trail centerline, reducing utility of shared and separate driveways, reducing safety/visibility, causing loss of privacy/safetyKing County is required by local, state, and federal regulations to AVOID impacts to environmentally sensitive areas such as wetlands. In addition, preservation of wetlands, streams, and ditches is important because of the role they play.....

The area being referred to is adjacent to our two properties. We find King County's response both hypocritical and contradictory for the below reasons.

- Fact: The specific area in question contains a jurisdictional ditch (11b), wetlands (15d and 15e), and a wetland buffer (15d).
- Fact: In this area, we as part of our initial public comment proposed a more advantageous option that in effect increases safety (sight lines), is less costly, addresses long standing drainage issues **created and caused by construction of the interim trail**, and is far less impactful to the adjacent properties. Please see Exhibit 29 - Public Comments – Part 20 SB 828 (005135 – 005147) for our full public comment and detailed proposal.
- Fact: Just 25 stations north of us (between stations 352 and 353), can be found the **exact same** environmental scenario in terms of jurisdictional ditch (#12), wetland (20a), and wetland buffer (20a).
- Fact: In and around stations 352 and 353, King County is planning (as designed within the 60% plan) to construct **precisely the same infrastructure** (replace the jurisdictional ditch with an underground drain) as proposed by us at our adjacent properties, but rejected for the reasons stated in their response shown above. Their plan is completely contradictory to the rationale provided in their response to us. This is but one example of disingenuous, deceitful, and selective the County is being in terms of their responses.

In fact, King county by their own admission based on their response to our comment would be breaking the law should they be allowed to proceed at the station north of us.

EXAMPLE 2: Exhibit 55 – Mitigation Sequencing Compliance Narrative – July 2017. Page 5, Table 1 Wetland 15E (adjacent to our properties):

King County states the following:

“This long narrow wetland could not be avoided because wetlands occur on both sides of the existing railroad prism/interim use trail. Permanent impacts to the wetland on the opposing side (Wetland 15D) were avoided. Impacts to Wetland 15E couldn’t be minimized through the use of a retaining wall because it is too close and too narrow”.

Fact: The underlined statement above is shown to be untrue based on the details presented in the 60% plan and other supporting documents. In fact, Wetland 15D is targeted to be **permanently and dramatically** impacted to the degree that an underground drain will be installed, and the wetland filled in completely. In effect, both Wetlands 15D and 15E will be destroyed and as stated within the plans, the county is intending to provide NO mitigation.

In conclusion, we believe that the East Lake Sammamish Trail constitutes a regional asset that is beneficial to the greater public. As such, we do not oppose improvements to the Trail and sincerely desire that the project will be successful and completed in a timely manner. However, justifiably we believe that the King County’s proposed trail improvements should be made to respect any adverse impacts to both the environment and adjoining properties (as expressly set forth in the County’s own criteria for trail development), which include not only areas adjacent to our properties, but the entire length of section 2B.

As a first alternative, we respectfully request that at conclusion of this hearing that King County be made to comply with the regulations, policies, and municipal codes that govern our city and that the trail remain in its current alignment and at a width that is consistent with the current interim trail; therefore, avoiding any impact to the critical areas adjacent to our properties or at any point along the trail.

Secondly, and in the unlikely event that the above alternative is proven to be unwarranted, we sincerely request that our initial proposal submitted as our joint public comment (SB-828) be given serious and thoughtful consideration. The adoption of our proposals would not only remedy our secondary concerns, but be far more beneficial for all parties involved. We firmly believe that the proposal set forth in the 60% plan is based on contrived information, creates an inordinate amount of risk to trail users, is far more expensive, is unimaginably more impactful, and is substantially non-compliant with even the most rudimentary of engineering principles.

We look forward to continuing dialog as the project unfolds as we move to the more detailed analysis involved with the process of detailed design, permitting and ultimately construction.

With Respect,

Gus Gottschalk, Bill Greve