November 18, 2017

Bill Greve 2417 E Lake Sammamish PL SE Sammamish WA 98075

Dear Mr. Hearing Examiner -

Please consider the following points as you deliberate and determine the outcome of this hearing.

As a citizen of Sammamish, trying my best to follow and participate in the process related to this project based on the guidance provided by both King County and the City of Sammamish, I am left uncertain as to the sincerity and honesty displayed by King County.

In the beginning, it was our intention to work hand in and with the county in order to arrive at a more reasonable and safe solution for the trail project adjacent to our property. We did so by working hard to read and understand all of the volumes of information available on the project sites, dating back to the original FEIS created in 2010. In January of this year, we took the process seriously and submitted our original public comments (submitted as exhibit 29, SB-828, beginning on bates #5135, also attached for easy reference) with the reasonable expectation that the county would review our proposal with as much sincere interest and intent as we had put into it. Working with us to ensure complete a understanding and the rationale behind each point in the proposal.

Instead, we received what certainly appears to be a cooking cutter response, indicating no sincere or thorough work had been done to understand the logic and rationale behind our suggestions. In fact, as has been mentioned many times as part of both the process and this hearing, the county responded with what on many points appears to be conflicting and contradictory information.

Having experienced the county responses to public comment, we changed our tact, stepping away what we still believe is the most favorable, safe, fair, and reasonable solution. Instead, we decided to side with the city and suggest approval of the permit but with conditions as stated in the city's recommendation. It became clear to us that we and everyone else was being stonewalled by the county, and the only hope for a reasonable solution was to do just that.

Now, having now sat through a listened to the testimony within the hearing, it's become abundantly clear that the permit application is simply wrought with conflicting and incomplete information and should simply be denied. With all of the contradictory evidence and issues that still remain, it's not unreasonable for the county to be forced to create a more creative alternative solution for this specific segment of the trail.

Below is but one example of a concern that needs to be addressed as it leaves one to wonder just how factual the information is that is being presented as part of the county permit application. A reasonable person could easily conclude that the evidence presented by the county is questionable at best and in many cases simply false or untrue.

Referencing Exhibit 55 - Mitigation Sequencing Compliance Narrative - July 2017, Bates #005547.

King County states:

"King County avoided permanent impacts to 24 of 27 wetlands, ultimately impacting only .22 acres of an estimated 5 acres of wetlands that occur within the trail corridor. Sixteen wetlands were avoided by shifting the trail alignment away from resource, where possible (Wetlands 15BC, 15D, 21B, 21D, 22AB, 22CD, 23A, 24A, 24C, 25B, 25C, 25F, 28B, 28E, 30B)"

I call specific attention to the statement referring to wetland 15D

Referencing Exhibit 55 - Mitigation Sequencing Compliance Narrative - July 2017, Bates #005549

King County states:

"Wetland 15E – This long narrow wetland could not be avoided because wetlands occur on both sides of the existing railroad prism/interim trail. Permanent impacts to the wetland on the opposing side (Wetland 15D) were avoided."

Again, I call specific attention to the statement referring to wetland 15D.

In both of the above references within exhibit 55, King County claims that Wetland 15D is being avoided.

Now I would like to draw your attention to Exhibit 7, the current 60% Plan, Plan and Profile AL10, Bates #000096.

Notice the area indicated to be Wetland 15D. Further notice the line shown as ->----UD->------UD located in the heart of Wetland 15D.

A line of this nature implies an Under-Ground Drain. The plan as its presented indicates the intent to replace the existing Wetland 15D with an underground drain.

Common sense tells me that installing an underground drain is not the same as avoiding the wetland. Claiming the wetland 15D is being avoided is an outright falsification and but one indication of how the evidence provided by King County should be discounted.

It's my belief that the credibility of the information provided by King County as part of their application needs to be called into question. They appear to be presenting information as fact in order to build their case in terms of minimizing impact to the environment. The above example is a clear case of misrepresentation, if not outright falsification of information.

Considering the above, please consider either denying the application or approving it with even more stringent conditions that those submitted in the city's response.

Alternatively, considering all of the evidence presented in both this Hearing and the process overall, and knowing that the 60% plan does not meet city requirements or even what was outlined as intended or implied by the original FEIS, you may want to consider forcing the county to re-direct this particular segment of the trail to one of the other alternatives or a hybrid of the alternatives presented in the FEIS.

Sincerely,

Bill Greve



SAMUEL A. RODABOUGH ATTORNEY AT LAW 11820 NORTHUP WAY, STE. E200 BELLEVUE, WA 98004 (425) 440-2593 (425) 284-3051 (FAX)

January 27, 2017

Via Email & U.S. Mail

City of Sammamish
Department of Community Development
Attn: Lindsey Ozbolt, Associate Planner
801 228th Ave. SE
Sammamish WA, 98075
lozbolt@sammamish.us

King County
Department of Natural Resources and Parks
Attn: Gina Auld, Capital Project Manager IV
201 S. Jackson St., Ste. 700
Seattle, WA 98104-3855
gina.auld@kingcounty.gov

Re: Shoreline Substantial Development Permit 2016-00415 East Lake Sammamish Trail, South Sammamish B Segment

Dear Ms. Ozbolt and Ms. Auld:

This Firm represents William & Debra Gottschalk (collectively "Gottschalk") and William & Kathryn Greve (collectively "Greve"), the owners of residential properties located within the City of Sammamish ("City"). My clients' properties will be adversely affected by the proposed modifications to the East Lake Sammamish Trail, South Sammamish B Segment ("Trail") that have been proposed by King County ("County") in the above shoreline substantial development permit ("SSDP"). My clients are in receipt of the City's Notice of Application for the above SSDP and they have reviewed the 60% design plans for the Trail, dated on or about September 2016 ("Preliminary Plans"). Please accept the following as (1) a response on behalf of my clients to the SSDP application, including the Preliminary Plans, and (2) a request for my clients to be included as parties of record for this SSDP and to receive future notifications and status updates regarding the SSDP application.

A. The Properties

Gottschalk owns and resides in the residence located at 2419 E. Lk. Sammamish Pl. SE, Sammamish, WA 98075, also known as King County Tax Parcel No. 0724069055 ("Gottschalk Property"). Greve owns and resides in the adjoining residence located at 2417 E. Lk. Sammamish Pl. SE, Sammamish, WA 98075, also known as King County Tax Parcel No. 0724069059 ("Greve Property"). The Greve Property is located immediately north of the Gottschalk Property. As with many waterfront properties in this area, the Gottschalk Property and the Greve Property are physically constrained by Lake Sammamish to the west and the Trail to the east. Although these properties enjoy significant waterfront amenities, they are also characterized by significant access constraints and privacy concerns stemming from their proximity to the Trail.

By way of background, and for purposes of this letter, with the limited time available for public comment, my clients have been unable to undertake a comprehensive review of the titles to their respective properties to determine the origin of the County's right-of-way for the Trail. However, per maps available through the County's Department of Natural Resources and Parks, it appears that the origin of the right-of-way in this section of the Trail is the "Tibbetts Deed." The map does not explain if the County believes it owns a fee simple interest in this section of the Trail, or a mere easement. In this limited time available for public comment, however, my clients have been unable to verify if the property interest conveyed by the Tibbetts Deed has previously been adjudicated by any state or federal court. Nonetheless, until demonstrated otherwise, similar to other sections of the Trail, my clients' necessarily take the position that the County's interest constitutes an easement and that my clients own the underlying fee simple interest.

B. Deficiencies in Preliminary Plans

As indicated, my clients have reviewed the Preliminary Plans for the Trail. In this regard, it is worth noting that Mr. Gottschalk has over 35 years of complex construction experience. He is currently the President of Lydig Construction, Inc., a regional commercial construction company whose project portfolios include federal, state, and local government buildings (*e.g.*, secondary and higher education buildings, courthouses, administration buildings, correction centers, civic halls, etc.) and private commercial buildings (*e.g.*, offices, hospitals, hotels, casinos, etc.). In short, Mr. Gottschalk is well-versed and highly qualified in reviewing construction drawings. Accordingly, my clients offer the following comments regarding the Preliminary Plans:

1. Unnecessary Waterward Realignment of Trail Centerline

Per the Preliminary Plans, it appears that the County is unnecessarily realigning the centerline of the Trail waterward (*i.e.*, closer to my clients' residences).² Notably, the County has previously published the criteria that it employs to determine if the existing centerline of the Trail should be realigned, which include the following: (1) "[m]inimizing costs where possible without impacting trail standards," and (2) "[m]inimizing impacts to adjacent homeowners." As explained in greater detail below, it does not appear that the County's proposed realignment complies with either of these criteria.

¹ See East Lake Sammamish Trail Railroad Right of Way Historical Acquisitions, King County Department of Natural Resources and Parks, Parks Division (July 29, 2014), at pg. 15.

² *Compare* Preliminary Plans, Existing Conditions Plan, at pg. EX6 (attached hereto as Exhibit 2) *with* Plan and Profile, at pg. AL10 (attached hereto as Exhibit 1).

³ East Lake Sammamish Trail Project, King County Parks (Spring 2014), at pg. 5.

Specifically, the proposed realignment occurs between stations 327+31.99 and 326+71.62.⁴ The realignment results in the following significant, adverse impacts, among others:

- Reduced Utility of Shared and Separate Driveways The realignment shortens the approach to the shared portion of my clients' driveway and severely limits vehicle maneuverability and ingress and egress from the easternmost portions of their separate driveways. In particular, the turning radius of their driveways are significantly compromised and may require the owners to trespass onto each other's property for future, rudimentary driveway navigation.
- Reduced Safety/Visibility The proposed Trail realignment creates an increased safety hazard for both vehicles and Trail users at this crossing. Specifically, the rather abrupt realignment near the north property line of the Greve Property appears to reduce sight distance for vehicles exiting the shared portion of my clients' driveway, which decreases safety for both my clients and Trail users.
- Proximity, Loss of Privacy and Safety The proposed Trail realignment will undoubtedly negatively affect the values of my clients' residences, both of which are multi-million dollar residences. The proposed Trail realignment and accompanying widening will require the loss of most, if not all, of the existing privacy screening for these residences, including mature arborvitae hedges. In short, Trail users will not only be much closer to these residences, but will be staring through windows into their homes. Additionally, the increased proximity of the Trail to my clients' residences may encourage Trail users to engage in unauthorized use of the highly visible boat launch located on the Greve Property.

2. Inadequate Drainage Infrastructure

The existing elevated Trail corridor currently acts as a berm that collects surface water behind it during extreme weather conditions. This problem is exacerbated by excess hydraulic water pressure from Jurisdictional Ditch #11B and runoff from nearby impervious surfaces, including the existing semi-permeable gravel Trail.⁵ Although the Preliminary Plans depict the existence of four, 6-inch culverts located near the north end of Jurisdictional Ditch #11B,⁶ these culverts do not currently provide an outlet for the ponding water. Instead, because the ponding water currently has no outlet, it builds hydraulic pressure that adversely affects the foundations and sewer systems of both the Gottschalk and Greve residences. This hydraulic pressure has led to water infiltration through the foundations and into their respective residences.

⁴ See Preliminary Plans, Plan and Profile, at pg. AL10 (attached hereto as Exhibit 1).

⁵ *See* Preliminary Plans, Existing Conditions Plan, at pg. EX6 (attached hereto as Exhibit 2) with Plan and Profile, pg. AL10 (attached hereto as Exhibit 3).

⁶ See Preliminary Plans, Existing Conditions Plan, at pg. EX6 (attached hereto as Exhibit 2).

The following photos depicts the water that ponds behind the Trail corridor in front of my clients' residences and the damage to these residences as a result of this ponding and associated hydraulic pressure:



*Note – The above photo was taken at approximately 3:00 p.m. on January 18, 2017. The ditch collects and retains water during extreme weather conditions. The ditch was water free 18 hours prior to the time that this photo was taken. As explained in greater detail herein, adopting my clients' recommended drainage improvements, will resolve the existing drainage issues and better protect any Trail improvements from unnecessary erosion and damage.



*Note – The above photo depicts the source of water forced up through the foundation of the residence as a result of hydraulic pressure.



*Note – The above photo depicts the pathway by which water, forced up through the foundation from hydraulic pressure, runs along the interior walls of the residence.

The proposed drainage improvements in the Preliminary Plans do not appear to adequately address these drainage concerns. In particular, changing the Trail from a semi-permeable gravel surface to an impervious paved surface, while simultaneously widening the Trail, will increase surface water runoff. Moreover, the Preliminary Plans do not depict any underdrain in the vicinity of my clients' properties that will allow for surface water collecting on the east side of the Trail to drain to the west side and ultimately be discharged into the Lake. In other words, it is likely that the existing ponding conditions will continue unless and until the Preliminary Plans are revised with respect to drainage.

3. Design

My clients, including Mr. Gottschalk with his extensive design and construction experience, believe that the Proposed Plans depict a Trail with poor design and a general lack of consideration to architectural exterior design. Specifically, the Preliminary Plans include a masonry retaining wall with a coated chain link for only a portion of affected property, and leaving the remainder with no protection at all. This total lack of architectural perspective by the County fails to follow any reasonable architectural standards for the proposed improvements. The County should have designed something more consistent with the existing improvements that takes into consideration that the two residents share one common entrance and the architectural barrier should be consistent along the affected property.

B. Proposed Resolutions for Deficiencies in Preliminary Plans

My clients believe that there are simple and cost-effective design solutions that would largely alleviate the above concerns that are both (1) consistent with the County's design objectives for the Trail, and (2) avoid negative impacts to adjacent property owners. These solutions are as follows:

1. Shift Proposed Realignment of Trail Centerline to the South

My clients propose that the abrupt transition for the Trail centerline realignment currently depicted as occurring between stations 327+31.99 and 326+71.62 be shifted to the south between stations 324+50 and 324+00.⁷ It does not appear that shifting the transition to that location would impact any adjacent properties, as that location does not involve constraints that are similar to those in the immediate vicinity of my clients' property. For example, unlike the County's proposed location, my clients' proposed location is not in the vicinity of a Trail crossing, such as a driveway. Moreover, my client's proposed location for the transition would alleviate concerns regarding impaired sight lines at my clients' Trail crossing, as the Trail alignment could be straightened in the absence of the proposed transition. My clients' proposal would also accommodate the following:

- Retaining Wall #10 My clients' preferred alignment would allow for Retaining Wall #10 to be moved east, closer to the alignment of the Trail, which could then be reengineered to be either a smaller retaining wall, or be eliminated altogether as a result of existing elevations. This common sense change would result in considerable savings to taxpayers.⁸
- Clearing and Grubbing Limits My clients also propose that the clearing and grubbing lines be modified to correspond to my clients' preferred Trail realignment. My clients' proposed modifications are depicted on the attached Exhibit 3. Further, the clearing limits should be adjusted to follow the course of the Trail in order to prevent and/or limit, any adverse impacts to my clients' existing stamped concrete driveway, irrigation, drainage, and landscape lighting.
- **Drainage Revisions** My clients also request that certain changes be made to the Preliminary Design with respect to drainage, as depicted in the attached Exhibit 4. These proposed changes are summarized as follows:

⁷ See Preliminary Plans, Existing Conditions Plan, pg. EX6 (attached hereto as Exhibit 2).

⁸ See Preliminary Plans, Existing Conditions Plan, Plan and Profile, pg. AL10 (attached hereto as Exhibit 3).

- (1) Continue the underdrain depicted for installation south of station 326+00 on the east side of the Trail through to station 327+31.99. Tie the underdrain to Catch Basin #9 located at station 327+34.
- (2) To address the additional ponding that will be expected from increasing the impervious surface from the Trail due to widening, my clients request the installation of a CMP slotted trench drain in the existing driveway, such as the product available from Contech Engineering Solutions depicted in Exhibit 6.
- Fencing My clients also request that they be allowed to maintain the existing level of safety and security that exists for their properties, which will be significantly compromised by the removal of their vegetative privacy screening, existing fence, and electric gate. Maintaining the same level of security will also eliminate the potential for unauthorized use of the highly visible boat launch located on the Greve Property. My clients recommend realigning the chain link fence depicted in the Proposed Plans consistent with their preferred Trail realignment and extending said fence across both properties as depicted in Exhibit 5. Further, they request permission to install an electric rolling security gate similar to existing one serving the properties. Doing so will also maintain a reasonable resemblance of the exterior architecture of these multi-million dollar homes.

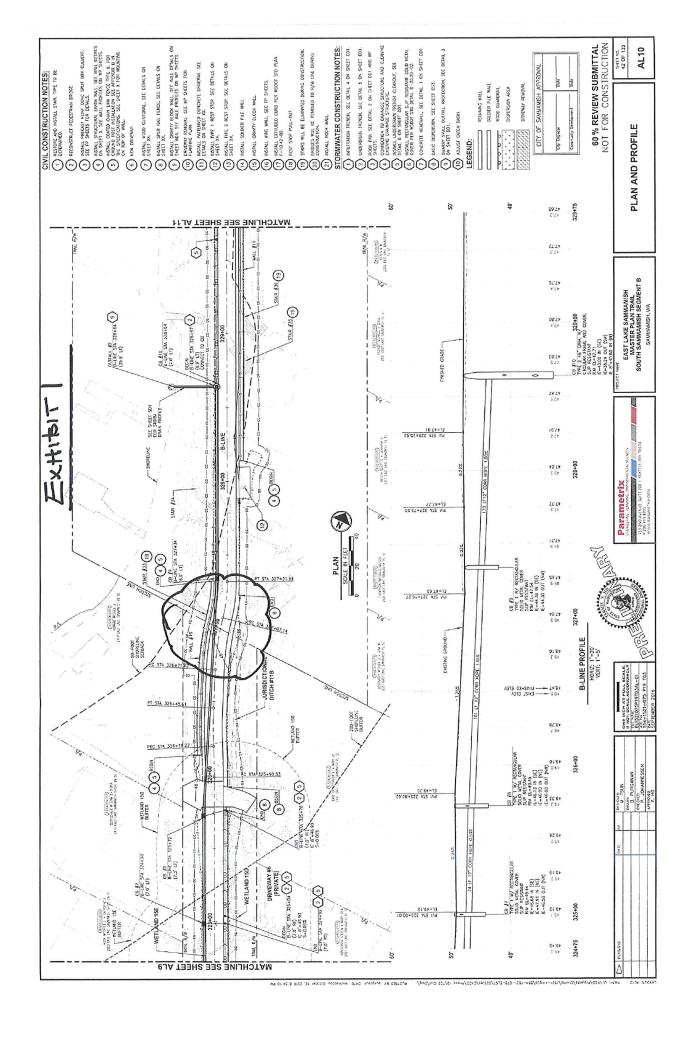
CONCLUSION

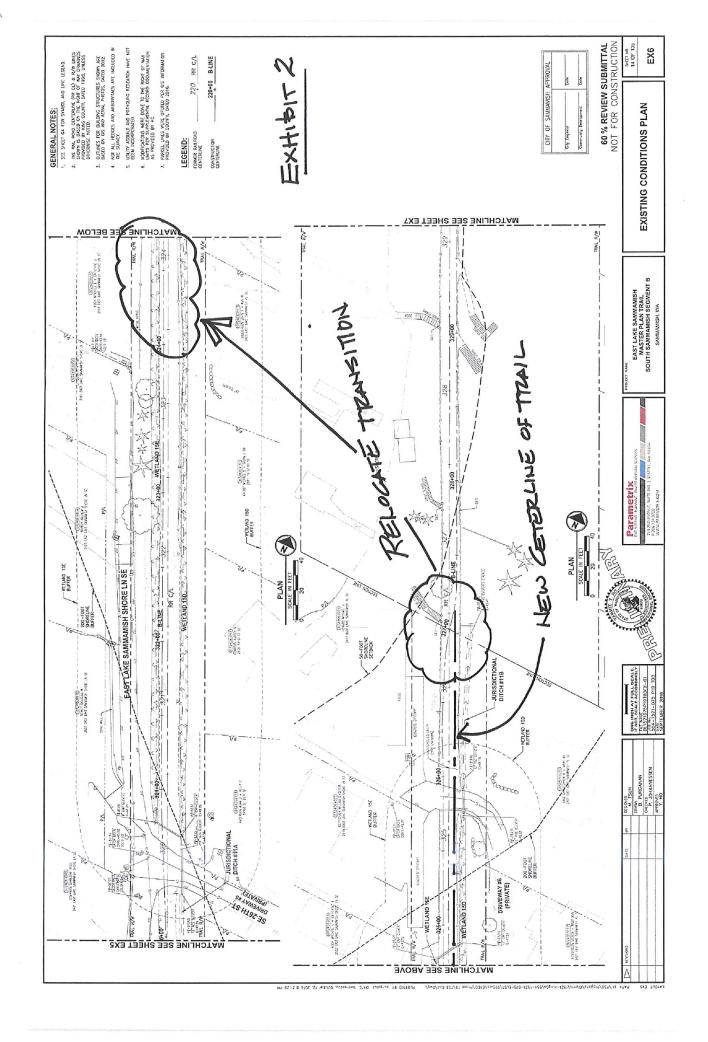
The Trail constitutes a regional asset that is beneficial to the greater public. As such, my clients do not oppose improvements to the Trail and sincerely desire that the project will be successful and completed in a timely manner. However, my clients justifiably believe that the proposed Trail improvements should consider the adverse impacts to adjoining properties (as expressly set forth in the County's own criteria), including the Gottschalk Property and Greve Property. My clients respectively request that the County give their proposed improvements serious and thoughtful consideration, as the adoption of those proposals would remedy their concerns.

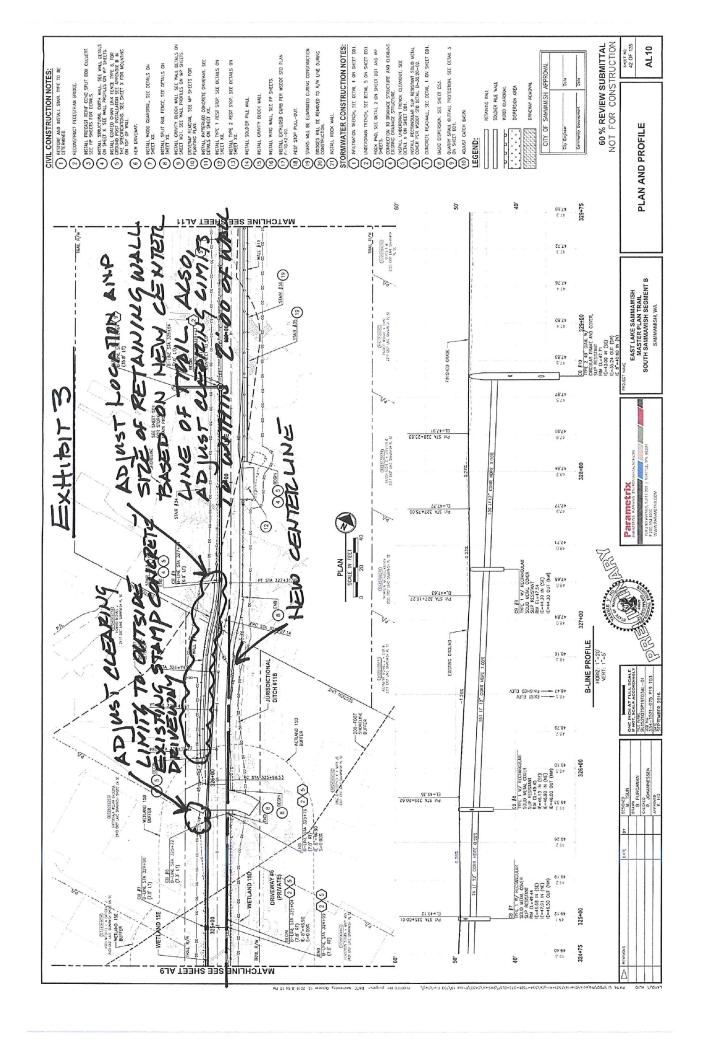
Sincerely,

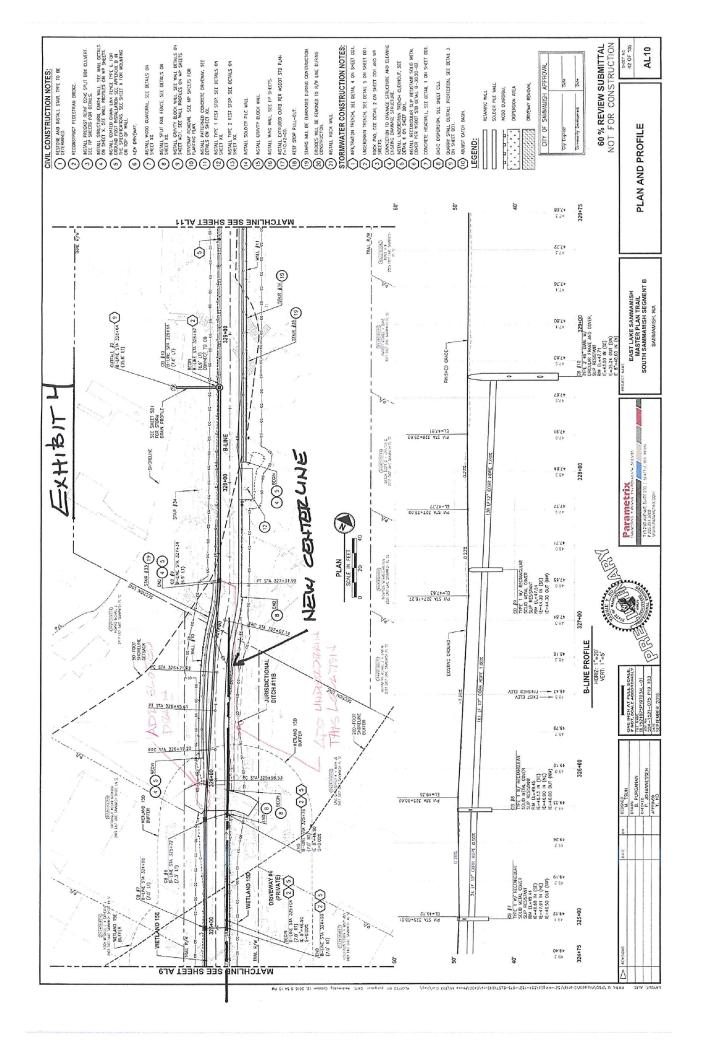
LAW OFFICE OF SAMUEL A. RODABOUGH PLLC

Samuel A. Rodabough sam@rodaboughlaw.com









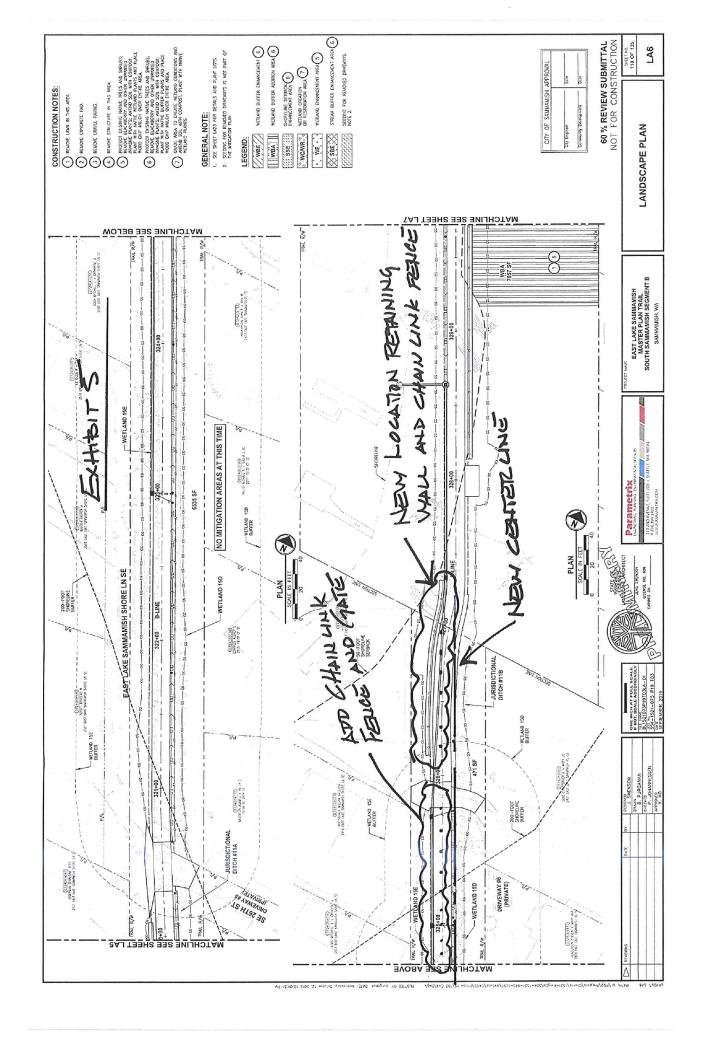
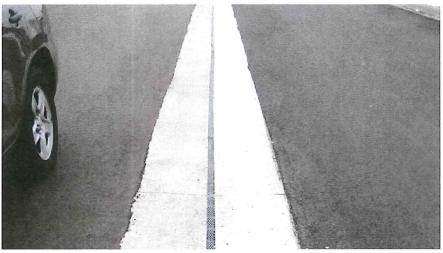


Exhibit 6







Slotted Drain[™]

Slotted Drain pipe removes sheet flow from streets, highways, and parking lots without multiple grades or water channeling devices. The result is an aesthetically pleasing inlet that is safer and easier to install and maintain.