



June 6, 2017

Wick Dufford, Hearing Examiner Pro Tempore
280 Madison Avenue North
Bainbridge Island, WA 98110

**RE: City's Response to Request for Reconsideration of the Hearing Examiner's Order
Regarding the Madrona School PLN18970B SPR/CUP**

Dear Mr. Examiner Dufford,

On May 23, 2017, the Hearing Examiner issued its Findings of Fact, Conclusions of Law, and Order and Partial Remand for PLN18970B SPR/CUP in the Matter of an Application for a Conditional Use Permit, Site Plan and Design Review for Madrona School ("Order"). On June 2, 2017, the Hearing Examiner received a Request for Reconsideration related to the Decision from attorney Bryan Telegin, who indicated that he was submitting the request on behalf of Don and Deena Hanke, Merry McAllister, Bill Eckel, and Dana Halvorsen. More specifically, the Request for Reconsideration relates to Condition 36 and a right-turn-only requirement at the proposed school's exit on North Madison Avenue NE.

The City is providing this letter to the Hearing Examiner in response to the Request for Reconsideration.

The City's Department of Public Works, Development Engineering division, and the consultant under contract with the City who prepared the traffic study for the school project did not recommend a right-turn-only requirement at the proposed school's exit on North Madison Avenue NE. The Department of Planning and Community Development did not recommend in its staff report that Condition 36 be approved. Rather, the condition was a Planning Commission recommendation in response to public testimony on this matter.

Although City staff respect and appreciate the Planning Commission's recommendation regarding Condition 36 as an attempt to mitigate proposed school traffic impacts based on public testimony, staff did not recommend approval of that right turn-only condition because the traffic study did not support the need for such a condition. Also, contrary to the Request for Reconsideration, which indicates that the traffic impacts at the intersection of Madison and SR-305 from the proposed school are expected to cause the intersection to fail by 2018, the consultant who conducted the traffic study for the City determined that failure (LOS E or F) of that intersection would occur in 2040, not 2018. The standard analysis methodology to evaluate signalized intersections is to evaluate the intersections as a whole. Individual approaches to signalized intersections frequently experience greater delays than higher volume approaches from different directions. Furthermore, in response to the Hearing Examiners Order and Remand

of Phase III of the proposed project, the City will be investigating further and addressing separately the traffic impacts of the operation of the school auditorium.

Additionally, City staff agrees with some of the concerns raised in the Request for Reconsideration related to the enforceability of Condition 36. The condition vaguely provides that "[t]he applicant shall review experience at the exit from the site," without providing guidance regarding how this review will be done and under what timeframe. Moreover, the condition provides that "if this experience [of reviewing exit from the site] so indicates, [the applicant] shall limit exiting to right-turn only during pick-up and/or drop-off times." The condition is vague on this point as well, so it is unclear what timeframe will govern such a right turn-only exit limitation, and how that limitation will be enforced. The City is concerned that such a lack of clarity will be very difficult for the City to monitor and enforce and will result in unintended consequences.

Therefore, in the context of the above stated concerns and the concerns raised in the Request for Reconsideration, and after consultation between the City's Department of Planning and Community Development and its Department of Public Works, Development Engineering division, the City recommends removal of Condition 36.

Additionally, the City objects to the form of the right turn-only condition as recommended in the Request for Reconsideration, which includes four bullet points of additional conditions. The additional conditions described in those four bullet points are not supported by the City's traffic study, the conditions would be problematic from an enforceability standpoint, and they would create an ongoing process requiring Hearing Examiner review and decision making related to the applicant's compliance.

Respectfully submitted,



Gary R. Christensen, AICP
Director of Planning and Community Development

CC: Byran Telegin, Bricklin & Newman, LLP
Madrona School