

Mike Smith

From: Mitch Williams <mitch@mfwilliams.net>
Sent: Friday, June 07, 2013 4:15 PM
To: Mike Smith
Subject: FW: Message from "MFWILLIAMS"
Attachments: 20130607160543991.pdf

Mike, Please include my letter in the record for the code amendments updates and circulate to the council. I was somewhat overwhelmed in terms of writing comments without feeling like my letter would turn into a short story. I truly hope there is room in this process to include a study session on the various issues that I have digested within this code. We need to find solutions that make the process easier and more cost effective. We need to have greater flexibility not less. I truly appreciate the volume of work these projects entail. I hope you have "wind in your sail" to include a round with the builder/developers to help improve the outcomes.
Thank you for your consideration, Mitch



June 7, 2013

Attention Ellensburg City Council and Staff,

RE: Land Use Code Update

Dear Council and Staff,

Please accept my comments for your consideration and to add to the record of testimony pertaining to this significant undertaking in Ellensburg's land use code update. I have read the proposed code document as best I initially can. As a developer and builder for the past 35 years I have had the opportunity to utilize a broad range of development standards from many city and county jurisdictions throughout King, Snohomish, and Kittitas Counties. First by way of complementing those whose efforts have gone into this document let me say thank you. I have served many times for a number of different jurisdictions to aid in the development of new codes and I recognize the efforts put forth in this proposed document. It is time consuming, complicated, and challenging to leave a development road map in the wake of these pages of codes that meet both the goals of the city's comprehensive plan and inspire and promote the housing goals of our community.

Every time I read code, EVERY TIME, I always place historic perspective on the hundreds of lots that we have developed along with the many homes and their final Owner's needs both financially and personally. In other words, I look back in time over my previous building and development inventory to see what impacts this new set of code documents would have imposed and ask myself a series of question. Can I develop and build to these standards and make a profit in this existing market? Will the products that result from these land use codes make my Customer's more likely or less likely to afford to live here and consume the services of developers and builders alike? Are the goals of the planners and staff consistent with the realities of the marketplace? Who has vetted this code for the financial impacts that code always has on housing stock prices? Will this code place insurmountable demands on the existing land inventory of the 'patch work' parcels that currently exist within the recent history of city limit expansion and the UGA areas that now surround the boundaries of Ellensburg?

There are many troubling answers that arise and more questions that occur upon reading and digesting the proposed land use code. There are many "well intentioned" elements that sound good but in practicality serve only to enhance the 'appearance' of admirable goals but will not actually be used by builders and developers for a number of reasons. These do not necessary comport to achieve the goals of the comprehensive plan. To give you an example:

15.33.020 Density Bonus (Green Building Standards) I have been a very early Green Builder going back to the high energy efficient standards of the late 80's, along with



product we have built in the PSE Energy Test Design Standards, BIAW Built Green programs, Seattle Master Builders Built Green programs and we have designed and built the first private structure in Kittitas County to receive a LEED Gold rating. We have NEVER done any of these programs as an incentive under any development regulation. This is ALWAYS about providing what a customer wants in the open market place. Now take the code's suggested bonus density provisions. I cannot imagine a scenario where this density would be used by a developer in an RS or RL zone. In fact what is ironic here is that under the code provision as follows;

15.32.030 The Table: minimum density in RS and RL are required. Ironic to the code provision that a builder/developer would consider a Built Green bonus density, I cannot see how you can get 6DU/acre with the existing road frontage demands let alone somehow get a density greater than this? There should be no minimum density in the RS and RL zones. By way of example to this point; I had a complete application with a preliminary approval for the Bender Road subdivision of 9 lots (RS) on an in-fill parcel. Upon pricing out the improvement demands of all the then existing regulations the development cost (WITHOUT THE LAND) exceeded \$31,000 a lot. This also did not include frontage improvements along Bender Road that were initially required as they were waived under a variance request. This cost would have added another \$6,600 per lot. Additionally no costs in the above per lot expense include financing, holding cost expense, and then the subsequent impact fees enacted in the last 6-8 years associated with the permit applications. In short all the costs exceeded the market value of the lots. I tossed the entire file into the garbage and re-filed the Bender Road short plat for 4 lots. After 3 years I paved this parcel last month completing the balance of the improvements. The reduced improvement requirements under the short plat provisions made the project at least possible but at best provide an exit strategy for the vacant parcel that hopefully will returns 90% of the invested cost. This is reality.

Now take this minimum lot standard under 15.32.030 and this project would never get built. It would have one home on 1.2 acres. These smaller infill properties like this Bender Road development (1-5 acres) dot the entire north end of Ellensburg and are the natural in-fill parcels that should find greater densities over time to reduce urban sprawl. I can tell you that this code will not provide a path way for that outcome. Now ask yourself how a Built Green bonus density would apply? This sounds nice but has no practical application. This should remain a private market place option. Once these programs become codified in code it is a small step to mandate them. This is not an appropriate market place demand for Ellensburg. Nearly all new homes with minimal effort can reach Level 3 standards. The cost go up substantially to reach Level 4 and above. Options for housing stock by the private sector to meet all market demands provide the best solutions.

15.32.070 The impervious surface tables are problematic on a number of levels. First is this a solution looking for a problem? Storm water in Ellensburg is required to mitigate



MF WILLIAMS
CONSTRUCTION CO, INC.

within the boundaries of the development. Storm water problems such as they are do not result (in new development) from the roofs, patios, and drive of single family homes. Our flooding issues nearly always related to rapid freeze thaw cycles and are exasperated along the riparian corridors of Ellensburg. This section should it remain should be expanded to increase the percentage of coverage. I have used many of the impervious products in the King county market place where storm water is an entirely different set of circumstances. These products are expensive relative to the standard concrete patios and driveways and will not be used in large part. Following the proposed development standards one possible result as seen in other counties is the homeowners expanding their "impervious" spaces to provide usable outdoor living areas that the initial builder was unable to accommodate and keep the product affordable.

The PUD ordinance needs to be changed to provide private roads. This is a basic tenant of the PUD standards found through various jurisdictions. These allow for flexible road widths, standards, configurations, set back standards that a customized, housing stock placement, single parcel configurations for multiple dwellings etc. The PUD will not be used when the public roads are imposed.

The Building Articulation on Multifamily and the Single Family Design components are very poorly crafted. These are both artificially restrictive and conflict with state energy codes, privacy considerations of our customers and represent the worst kind of micromanagement by code. I have to ask myself how many developers/builders vetted these provisions and to what experience to the authors have with the private sector business that these code undertake to govern?

There is numerous code provisions that I feel compelled to comment on. The process of defining and writing multiple pages of text to process these for your consideration is not a productive means of communicating complicate code text into productive revisions. Nor is testimony in a council session with the obvious restrictions of speaking time a venue for review. I was asked some weeks back by staff to review and provide my comments on this revision. While I have now read the document, digesting it and the numerous inter-related consequences is not a one letter proposition. While I value all the time that has gone into this document and it is now before the development/building community for comment, my strong recommendation is to provide for a study session to vet these issues in dialog. This does not have to be protracted; there are many good elements within the code. However it is vital to a successful code that the reality of investments returns, market place considerations, and the economic customer base of Ellensburg should take a priority in the deliberations of the impacts of code revisions. I will look to volunteer my time should this opportunity arrive.

Sincerely,

Mitch Williams

