

CITY OF ELLENSBURG
Date of Meeting
Time of Meeting
Place of Meeting

Minutes of Council Meeting, Special Session
August 12, 2013
6:00 p.m.
Council Chambers, 501 North Anderson Street

Roll Call.

Present: Aronica, Lillquist, Miller, Morgan, Scheffer, and Mayor Tabb.

Others present were City Manager Barkley, City Attorney Weiner, Community Development Director Smith, Public Works Director Akers, City Engineer Lyyski, Energy Services Director Dunbar, Gas Operations Supervisor Larsen, Electrical Engineer Weidert, Light Operations Supervisor French, and Deputy Clerk Keno.

Also present: Bob Bengford, consultant with Makers and approximately 13 members of the audience.

Final Draft Land Development Code Review – Article 3: Zoning Districts & Land Use (Continued) – 15.380 Development Agreements

The purpose of the special meeting is continued review of the Final Draft Land Development Code. Tonight's review continues forward with Article 3, Section 15.380 Development Agreements.

15.380 Development Agreements

Council took public comment from the audience.

15.380.010 Authority.

Steve Lathrop suggested the statutory language in RCW 36.70.B170 as it pertains to property outside the city that is proposed for annexation be used instead of the proposed language. In particular, the language that the annexation proceeding must be completed prior to approval of the development agreement. The development agreement is not effective until the annexation is finalized. This apparent two-step process where the annexation is completed prior to approval of the development agreement appears to be problematic. He suggests the development agreement is not effective until the annexation is finalized. The statutory provision is clear in that regard.

In response to Council inquiry, staff indicated the City's land development code attorneys, both past and present, recommend making the development agreement effective upon annexation completion. The concern expressed by the land use attorneys is that if you make the development agreement effective upon annexation completion that annexation could take a year or two years down the road. You could probably deal with that in the development agreement with specific time frames when it would die but that was counsel's concern.

Steve Willard, 1312 Sanders Road, stated the text of the proposed section is 90% verbatim from the RCW. He believes words "or service agreement" in line four of handout were added to be comparable with the RCW. The language starting with "however" is inconsistent with the RCW. He believes the language "or service agreement" contemplated use in situations that might not involve annexation at the time of the development agreement.

Council requested language be drafted that would separate out the service agreement from the development agreement—taking into consideration the comments made by Mr. Lathrop and Mr. Willard.

Steve Lathrop stated the reference to legislative and quasi-judicial proceedings should not be run together. The statutory language should be used. Mr. Lathrop questioned the intent of subsection .020. This language requires clarification.

Council acknowledged receipt of an August 15, 2013 memorandum from Jon Morrow, Stormwater Program Manager, regarding Impervious Area Standards. While Council

may wish to incorporate language to require impervious surface limits for other reasons, regulation is not necessary for stormwater, nor is aquifer recharge an issue in Ellensburg.

Article 4: Community Design

15.410 Streetscape Design

In answer to Council inquiry, Electrical Engineer Weidert advised utilities go in the strip behind the sidewalk—not in the planting strip because of tree roots.

Steve Willard spoke about the NMTC's discussion on street design.

Steve Lathrop stated it is common for a ten foot utility easement to be required. The developer is required to provide irrigation to all plats; the City does not allow the irrigation line to be laid within that ten foot easement.

Jack Piper, 2900 Umptanum Road, stated the new street standards will not work at all. The standards take one unit per acre away. The City should not confuse the builder with the developer.

Karen Raymond, 2500 Manastash Road, Land Development Code Committee and NMTC member, stated Committee consensus was for a planting strip and curb. A planting strip with curb and tree may minimize vehicle parking on lawns.

Katy Forsyth, 701 E. 1st, NMTC member, stated the purpose of the Committee was thinking toward the future and having a pleasant place for people to walk and use non-motorized transportation.

15.420 Subdivision Design & Block Structure

Consultant Bengford indicated community input was a preference for smaller block sizes with more opportunities to make connections, both vehicular and pedestrian, every 660 feet. The whole idea is that one will not have to go around several streets just to get to a point that is on a block behind you. Vehicular, bike and pedestrian connections would be shorter to encourage more walking and biking and promotes better vehicular circulation.

Steve Willard stated the John Wayne trail is limited access and you cannot have the kinds of connections that are shown. All of the canals have limited access. In regard to trails, if there is going to be a trail there needs to be a destination. He is opposed to the 660 foot standard for vehicular traffic but is okay with the standard for pedestrian traffic.

15.420.060 Access, services and utilities.

The proposed language appears to imply that conventional lots with private drives are considered public access.

15.420.020 Block design & connectivity standards.

Council discussed revised "Departures" language distributed for "B. Residential zones – 2.b." This is new language that was not included in the final draft but will be added to the next version. This language was approved by the Non-motorized Transportation Committee.

Steve Lathrop stated there should be allocation for all types of development and residential opportunities in the community and this is absent. There is no flexibility for larger lots or privacy. Why is the City prohibiting types of options that are allowed in other communities?

Council took a ten minute break at 8:10 p.m. and reconvened at 8:23 p.m.

Steve Willard discussed street sections and the lack of a requirement for street trees. Council requested street tree language be added. With respect to arterials and minor arterials, language that would mandate placement of trees in accordance with the Public Works Development Standards needs to be added. The language on planting strips with trees need to be clarified as well.

In answer to Council inquiry, City Engineer Lyyski suggested spacing for trees in Public Works development standards—planting strips with trees. Tree discussion. Council discussion—landscaped or not.

Mr. Willard stated rolled curbs versus regular curbs allows discretion for residential streets. He requested the consultant assign costs with the strategies. A lot of the strategies have costs that have not been considered.

Steve Lathrop raised the expense of new housing—especially in the \$175,000--\$200,000 range—10% of that cost are fees and taxes to the city which prices out a lot of people. This cost does not include building infrastructure to city standards and then giving the infrastructure to the city. A lot of what the city currently has in place is not broken; however, the city is master planning to the nth degree and micro-managing things it does not need to be involved in. If the city does not take cost into consideration development will go elsewhere.

Karen Raymond stated the improvements would make for a more livable community. Cost works both ways.

15.420.050 Lot design.

E. Protective covenants. Staff will consult with the city's land use attorney regarding this language.

15.420.060 Access, services and utilities.

Steve Willard suggested the roads meet International Fire Code for access.

Council requested a description of flag lots.

Set special meeting for continued discussion on Final Draft of the Land Development Code Update (Article 5: Project Design and Article 6: Critical Area Regulations) for August 26, 2013 at 6:00 p.m. Elliott Approved

ADJOURN Motion to adjourn at 9:27 p.m. Elliott Approved



Mayor

ATTEST:



City Clerk