Mike Smith

From: Steve Willard <willardis@gmail.com>
Sent: Sunday, August 04, 2013 10:04 AM
To: Mike Smith
Subject: re our meeting

mike
thanks for the time this past week. it was a good meeting.

i wanted to give you a heads up on an item....development agreements.

what you have written in this section is mostly fine and i suppose it attends to what you are doing in the other matter and would work to reprocess sanders mill 7/8/9. i think you should amend it in the first paragraph to match the rcw 36.70b.170. the version you have is more narrow than the rcw as the rcw deals with both annexation and service agreements within the city or a uga. i think your draft 15.380 development agreements/ 15.380.010 authority

second sentence to match the rcw would read

The city may also enter into a development agreement for real property outside its boundaries as a part of proposed annexation.....add to match the rcw (add or a service agreement). edit then as follows ....As a condition of entering into a development agreement dealing with annexation, the annexation proceeding must be completed and the property annexed prior to to approval of the development agreement.....(i'm not sure why you added this since it is not in the rcw but i guess you had a reason). i would further add to the authority paragraph.....The general provisions of a development agreement dealing with annexation are set forth in section 15.380.020 herein but the general provsions relating to development agreements relating to service agreements may be different and added by subsequent amendment of this ordinance .

the important point here is that this rcw statute was written this way for a reason. in the uga you must be adjacent to annex. it may be important to the city to extend utilities in the uga to either serve property or to maintain the integrity of any utility system. adding service agreements completely now would even be better but this is a complicated issue and i think it would be better to amend later when you can see an example and can craft the general provisions looking at a real live case. call if yo want to discuss 206 660 2738. i am giving this to you early so you can get counsel.

on a point we discussed ....road section and row. back to my serving on nancy's committee.....the sections show a 15 foot front yard. the row is increased 10 feet to 60ft to accomodate a 30 foot section and as i have testified power, cable, gas telephone must be behind the sidewalk .....vaults and pedestals everywhere...so picture 15 feet front yard setback .....house, five foot deep landscape in front of house then the entire rest of the front yard has an easment for the city that contains above ground utilities. in reality we have gone from a fifty foot row to 60 plus ten on each side or 80ft public.

what nancy and her group would not listen to is that in old ellensburg it is all alley. all these utilites are in the alley and the power is overhead. i talked til i was blue in the face but they just will not listen . this section is fatally flawed unless you take out the portion illustrated behind the curb and allow the development standards to adopt both sections in the development standards ...separated and contigous sidewalk .

steve