



Eastin, Darryl

From: Zachary Hiatt <hiattzr@gmail.com>
Sent: Monday, April 28, 2014 10:11 AM
To: Contact Council; Wright, Stephanie; Somers, Dave; Klein, Ken; Sullivan, Brian; Ryan, Terry
Cc: Eastin, Darryl; info@saverichmondbeach.org; ClaytonGraham@dwt.com; traci@shallbetterlaw.com; Bill Willard
Subject: Emergency Ordinance 14-029 (Landslide Hazards)
Attachments: SRB RBA April 2 letter.pdf

Dear Council Members,

Please accept these comments from the non-profit community organization Save Richmond Beach concerning Emergency Ordinance 14-029. The comments are submitted on behalf of Save Richmond Beach's many members who reside in south Snohomish County and north King County, in the immediate vicinity of Point Wells. Following up on our letter dated April 2, 2014, Save Richmond Beach commends the Council for considering an emergency moratorium to limit further residential development in landslide hazard areas. However, we are very concerned about the proposed language in Ordinance 14-029 exempting projects with vested development applications, including the proposed Point Wells Urban Center.

As explained in our April 2 letter (copy attached), Point Wells is located in a designated landslide hazard area, immediately beneath the unstable slopes of the Woodway Bluffs. This area has experienced major landslide events as recently as the mid-1990s. Given the risks associated with putting over 3,000 new residences at this location, Point Wells should absolutely be included in the emergency moratorium, and Snohomish County has the legal authority to do so-- vested development application or not.

Furthermore, SRB is not sure why the Ordinance would apply only to residential development. Commercial development should be included; or at a minimum, the Ordinance should be clarified to state that "mixed use" projects like Point Wells are considered "residential" for purposes of the moratorium.

SRB requests that everything in Section 3(A) of the Ordinance following the text "alterations of existing dwellings . . ." on Line 44 be removed. Given the grave risks involved - especially at Point Wells - there is no legitimate reason for a carveout for vested projects, as the Council has the legal authority to apply to the moratorium to *all* projects and should certainly do so if there are real concerns are about safety. SRB does not see how the Council could conclude that vested projects are somehow safer than non-vested projects???

SRB can't help but wonder whether this "vesting" carveout was provided at the request of the Point Wells developer or others, and SRB fears that Council staff has been misinformed about how the vesting issue comes into play. The County is under no legal obligation to exempt vested projects from a development moratorium. Of course, applications that have already been submitted may vest against whatever new regulations the County adopts after the moratorium/study period, but that is another issue. (And in any event, it's possible that projects will not vest against later regulations adopted specifically in the interest of public safety, anyway.)

We urge the Council not to conflate the vesting issue in this emergency moratorium, which is adopted in the clear interest of public safety. Until this issue can be better researched and addressed, the moratorium should apply at all sites with a public safety risk based on landslide hazards, including Point Wells.

Regards,
Zachary Hiatt
Board Member, Save Richmond Beach