

**From:** Tom McCormick  
**To:** [Davis, Kris](#)  
**Subject:** Another exhibit -- McCormick, Tom BSRE 10-9-2012 Council letter  
**Date:** Thursday, May 17, 2018 4:39:36 PM  
**Attachments:** [McCormick, Tom BSRE 10-9-2012 Council letter .pdf](#)

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Kris, could you please enter the attached document as an exhibit. I will look for the exhibit number on the County's exhibits web page.

Exhibit name ... McCormick, Tom BSRE 10-9-2012 Council letter

Thank you.

Tom McCormick

*"A small development at Point Wells  
with a second public access road,  
or no development at all."*

**I-426 McCormick, Tom BSRE 10-9-2012 Council letter  
PFN: 11 101457 LU**

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October 9, 2012

Snohomish County Council  
3000 Rockefeller Avenue  
Everett, WA 98201-4046

RE: Ordinances 12-068 and 069/Point Wells EIS Addendum

Dear County Council:

As stated in our comment letter submitted at the September 19 hearing, BSRE Point Wells, LP, fully supports the County's efforts to comply with the requirements of the Growth Management Hearings Board ("GMHB"). This letter is intended to again underscore the context in which the County's compliance actions are undertaken and available means to enhance the viability of the urban village development alternative.

**I. The Context for Today's Compliance Actions.**

In our September 19 correspondence, we described in detail the context in which the current Addendum to the 2009 programmatic environmental impact statement covering the adoption of the urban centers policy and code amendments was prepared. Again, to address the Board's concerns and in order to provide a direct apples-to-apples comparison to the analyses included in the 2009 document, the Addendum is written as though it had been included in the 2009 EIS. The development described in the Addendum does represent BSRE's development intentions nor does it satisfy the need for a future, detailed analysis of the environmental impacts associated with our client's specific proposal.

All major interested parties, including Shoreline, Woodway and BSRE, acknowledge that the project-specific EIS must include a much more detailed and updated traffic analysis which reflects our on-going discussions, particularly with Shoreline. Significant joint effort has already helped formulate an approach to identifying and implementing the optimal means of measuring, limiting and mitigating the traffic impacts of our proposed development.

## **II. Ensuring the Viability of the Urban Village Development Alternative.**

BSRE's attention has been focused on ensuring the viability of the urban village development alternative. This compliance effort will have been wasted if the urban village amendments so restrict development options that a village cannot be constructed in an economically viable manner.

In attempting to enhance the viability of urban village development, we are not unmindful of the obvious concerns of our neighbors and surrounding municipalities. Their emphasis on limiting the number of dwelling units per acre is certainly understandable. We believe, however, that the focus on density diverts attention from the most effective means of ensuring compatibility between a Point Wells urban village and the surrounding communities.

The key to such compatibility is the effective limitation and mitigation of traffic impacts. Thus, the enclosed alternative, which is based on our on-going discussions with Shoreline officials, imposes Shoreline's level of service standards for project-associated traffic impacts in that jurisdiction. So long as Shoreline's level of service standards are met on its streets, then the code-imposed density maximum becomes much less significant. We therefore suggest that a marginal increase in the stated maximum from 44 to 48 units per acre, when linked to the simultaneous adoption of Shoreline's level of service standards, enhances the viability of urban village development while ensuring that traffic impacts will be appropriately addressed.

This approach has the added benefit of satisfying Shoreline's stated desires while avoiding arguments over the veto power sought by the jurisdictions in their proposed joint amendment.

We also urge the Council to allow for the consideration of geography in determining whether marginally taller buildings are appropriate at specific building sites within the urban village. Point Wells sits immediately in front of a 200 foot bluff. In terms of view impacts on nearby properties, the difference between a 125 and 140 foot building is negligible at most.

Geography can and should play a role in determining appropriate height limits at individual building sites. The ability of the Director to recommend, and of the Examiner to approve, marginally higher buildings at appropriate locations only enhances the viability of the urban village option.

Our proposed language expressly conditions any such increase on the avoidance of negative view impacts. It also clearly states that any such increase does not authorize any additional density. The goal is to maximize open space while enhancing visual interest by allowing for a range of building heights. A related goal is the avoidance of an unappealing mass of uniform buildings with uniform heights. So long as the views from adjacent properties

will not be adversely affected, we see little basis for limiting architectural flexibility by imposing a rigid height maximum.

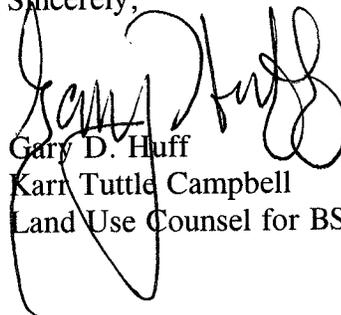
Point Wells will be planned, developed and built as a signature community. We recognize that reasonable limits are necessary to distinguish urban villages from urban centers. However, if Point Wells is to be developed as signature urban village, then maximum flexibility within those necessary constraints must be allowed.

We urge the Council to adopt and impose Shoreline's levels of service to effectively limit and mitigate traffic impacts within its jurisdiction. In return, we ask for marginal flexibility in maximum density.

We urge you to then allow for marginal increases in building heights at appropriate locations so as to maximize both design flexibility and the amount of open space. We suggest that this flexibility be conditioned such that it is available only where there will be no adverse impacts on the views from surrounding properties.

WE believe these actions will greatly enhance the viability of a prospective urban village at Point Wells.

Sincerely,



Gary D. Huff  
Karr Tuttle Campbell  
Land Use Counsel for BSRE Point Wells, LP

cc: Steven D. Farkas, Vice President and General Counsel, Paramount Petroleum  
D. Mark Wells, Northwest Environmental Manager, Paramount Petroleum  
Steve Ohlenkamp, The Communication Group  
Douglas A. Luetjen, Counsel for BSRE Point Wells, LP