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Sno-King Environmental Protection Coalition

BSRE Submits New Plans

In our [last newsletter](#) way back in July we reported that Judge McHale ruled that BSRE had a six month window in which to re-submit their Urban Center application to try to resolve the substantial conflicts found by Snohomish County in BSRE's original application. The six month window was scheduled to run out on December 18, 2019. We haven't sent out any newsletters since July because up to now we were waiting to see what BSRE would do. To the disappoint of many, BSRE just beat the deadline by submitting revised plans for their development a week before Christmas.

While the plans include some changes, including reducing the number of units from 3081 to 2846 and having fewer towers in the Upper Village (the area east of the train tracks), the plans look largely the same as their previous submission. On one hand this is somewhat surprising since the County rejected the original similar plans, but on the other hand it's not surprising since BSRE seems determined to push for approval of their proposed tall towers no matter what the County Code allows.

The two biggest conflicts in the original plans were multiple towers well over 90 feet and the location of buildings in the Upper Village inside a landslide hazard area.

Tall Buildings

The original application was denied in part because BSRE did not meet the specific conditions that would allow buildings higher than 90 feet. Those conditions included showing the extra height is "necessary or desirable" and being located "near a high capacity transit route or station". BSRE claimed merely having the Sound Transit rails go through the site was enough to meet the second condition, but the County said that wasn't good enough because there had to be actual high capacity transit service at the site. BSRE admitted they hadn't fulfilled the first condition but complained that no one at the County had told them they had to (ignoring that the condition is clearly stated in the County Code).

In their new application, BSRE again ignores the requirements for taller buildings and instead asks the County to grant a variance from the Code requirements. BSRE now claims they can't build enough square feet of residential floor space without the taller towers. This is certainly not true, as BSRE proved when they submitted an alternate plan several years ago that had towers limited to 90 feet. They seemed to have forgotten about that plan (or can't figure out how to do it again?).

Hazard Zone

The original application was also denied in part because the Upper Village (the area east of the railroad tracks) is partially in a landslide hazard area. The County Code permits construction in hazard areas only under specific conditions including demonstrating "there is no alternate location for the structure on the subject property" and that the landslide danger can be mitigated so that the risk of landslide damage is minimized. BSRE claimed they examined other possible locations for the Upper Village but none were as good as the proposed location. The County said it wasn't sufficient to say that this was the preferred location, it had to be the only possible location. BSRE did provide some design information about risk mitigation, but the County felt the information was not complete enough for them to assess the remaining risk factors.

In their new application, BSRE purports to demonstrate that the Upper Village buildings must be located as specified on their application, but their new argument is not any more convincing. It still comes down to BSRE saying "we think these building work best here, so please let us build them here". They do not provide any valid reason why the buildings could not be placed somewhere on the site outside the hazard area.

What's Next?

The County has been consistent in telling BSRE that if they want the application approved, they must meet the requirements listed in the County Code. We don't believe the new application comes much closer to meeting the requirements than the original application, but it's not our decision, it's the County's decision. We will continue to follow the application review process and continue to encourage the County to follow its own rules, and we'll let you know once the County decides what to do with the application and how BSRE responds.

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