



Snohomish County Planning and Development Services

**Aaron Reardon** County Executive M/S #604

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Everett, WA 98201-  
1010

September 21, 2004

Jim McDaniel

Harmsen & Associates, Inc.  
PO Box 516  
Monroe, WA 98272

SUBJECT: Project Status and Evaluation  
- Project File No. 04-112029  
SD Panther Lake Ridge .

Dear Mr. McDaniel:

We have reviewed your resubmittal, received by us on August 24, 2004, and have determined that we now have sufficient information for our review, effective as of September 21, 2004. The review period has recommenced at day 25 and a decision will be issued on or before December 25, 2004. A SEPA threshold determination has been issued and a public hearing for the project will be on November 9, 2004.

However, the following items will need to be, addressed, prior to the public hearing, in order to receive a favorable recommendation:

Final recommendation from the Department of Public Works is required. Lot 32 will need to meet the requirements of SCC 30.24.052 Minimum Access Requirements - General. This section states:

(1) Except as set forth in subsection 2 below, in order to qualify as a buildable lot, all new lots and lots created on or after August 9, 1969, shall abut by not less than 20 feet upon and have direct access to:

(a) An opened, constructed, and maintained public road;

(b) A private road in a subdivision, short subdivision, large tract segregation, or binding site plan with record of survey approved by Snohomish County; or

(c) An exclusive, unshared, unobstructed, permanent access easement at least 20 feet wide where a subdivision or short subdivision is not required.

As designed Lot 32 does not have direct access to an opened, constructed, and county maintained road or to a private road, therefore, the project will

need to be redesigned so that this lot has 20-feet of direct access as defined above. PDS and DPW have determined that the access to the south of Lot 32 does not meet the direct access requirement since this lot does not have legal access to 151st Avenue NE (Private Road).

- Many of the inconsistencies have now been addressed but others persist. Please see Sheet P2.1 - Site Plan Layout in the biologist folder for details of areas that remain unclear. Compare Sheet P2.1 with the submitted CAS map as prepared by Wetland Resources, Inc. dated August 23, 2004. Areas circled in purple pen on this sheet identify the inexact location of the NGPA or NGPA/E boundaries at several locations on the submitted site plan. Boundaries highlighted with yellow marker indicate boundaries that are consistent.
- The exact location of the NGPA and NGPA/E boundaries need to be addressed as discussed in #1 above. However, staff notes that a portion of the newly proposed driveway between Lot 32 and the 31 lot to the east lies within NGPA/E - Tract 996. Impacts to the NGPA/E for construction of the driveway through this area do not appear to be included within the CAS/mitigation plan. The CAS/mitigation plan map shows NGPA signage along both sides of the newly proposed driveway but does not discuss impacts and mitigation for the construction of the driveway.
  - Staff notes that a CASP will be required for the off-site critical areas associated with the grading violation, access road, impact areas and corresponding mitigation areas. Staff notes that impacts to the buffer of Wetland H have not been shown on the submitted CAS/mitigation plan. It appears that these impacts have not been addressed.

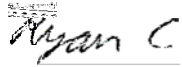
You may wish to provide additional information or a revised application in response to comments provided by us or others at some time in the future. Also, we may later request additional information to complete the evaluation of your proposal. We will have up to 14 days to review the additional information. **The 120 day clock will be stopped during this period** which will extend the estimated hearing and decision dates. If you are not notified, you can assume the information is adequate and the 120 day review period will recommence upon completion of our 14 day review.

An **appointment** with our Land Use Coordinator is **REQUIRED** to submit additional information. The Land Use Coordinator will review the resubmittal package at your appointment to assure all comments and information requests have been addressed. ALL REQUESTED INFORMATION must be included for the resubmittal to be accepted by the Land Use Coordinator.

Please call Bev Pierce at (425)-388-3311, Extension 2790, to schedule an appointment.

If you have any questions, you can call me at (425) 388-3311 ext.2943.

Sincerely,



Ryan C. Larsen

Senior Planner/Project Manager

Attachments: Memorandum from Andy Smith dated September 2, 2004  
Memorandum from Patrick McGraner dated September 7,  
2004 Memorandum from Ken Crossman dated September  
13, 2004

cc: Cimarron West, LLC Andy Smith, DPW Bev Pierce, Land Use Coordinator  
File

**SNOHOMISH COUNTY  
Commercial/Land Use  
Engineering Section M/S #710  
388-3311-Ext. 2227**

**MEMORANDUM**

TO: Ryan Larsen, Senior Planner Land Use Division

FROM: Ken W. Crossman P.E., Senior Drainage Plans Examiner  
Engineering

DATE: July 27, 2004 Revised September 13, 2004

SUBJECT: PFN-04-112029 Panther Lake Ridge Plat

The plat application for Cimarron West has been reviewed by the Engineering Section within PDS for compliance with the UDC Chapter 30.63A and 30.63.B drainage and grading respectfully. We have found the application to be complete.

This review was based on the following information provided to us and dated April 2, 2004, July 7, 2004 and August 24, 2004:

- Targeted Drainage Plan
- Targeted Drainage Report
- Geotechnical Engineering Services Report
- Critical Areas Study

**General Information:**

Based on the preliminary findings made by the staff of PDS's Engineering Section

**Additional Comments:**


Prior to initiation of any further site work and/or prior to issuance of any development/construction permits by the county:

1. A grading permit, to include a Temporary Erosion Sedimentation Control Plan (TESCP), issued pursuant to the UDC Chapter 30.63.B shall have been obtained for any on-site grading. Plat construction shall comply to geotechnical recommendations contained in Geoengineers reports dated August 20, 2004 and July 6, 2004.
2. A full drainage plan shall have been submitted and approved pursuant to the UDC Chapter 30.63.A.

SNOHOMISH COUNTY PLANNING AND  
DEVELOPMENT SERVICES LAND USE  
DIVISION M/S 604

MEMORANDUM

TO: Ryan Larsen, Senior Planner  
Land Use/Commercial Division

FROM: Patrick McGraner, Senior  
Biologist Land Use/Commercial  
Division 

SUBJECT: Panther Lake Ridge RCS - PFN 04-112029 SD

DATE: September 7, 2004

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This is a review for CAR compliance completed by the assigned staff biologist for the above referenced application revision, stamped received by Planning and Development Services on August 8, 2004.

**SECTION I - EXISTING CONDITIONS**

Please see my memo dated May 24, 2004.

**SECTION II - REGULATORY COMPLETENESS**

An evaluation of the information submitted in the application coupled with an onsite visit has resulted in a determination that the application is **not in conformance** with Chapter 30.62 UDC. The following non-conformance items are as discussed below.

**SECTION III - COMMENTS**

**Note: below are my comments from the previous memo dated July 22, 2004 with current comments written in bold.**

The project review has been complicated due to the multiple inconsistencies between the various submittals (critical area study and map, preliminary plan maps and the open space management plan). Tracts are depicted with different numbering, tract boundaries do not match, tract boundaries are difficult to distinguish, and lot numbering does not match. For example, the NGPA tract associated with Wetland F is referred to as 996 on the plat map but is shown as 994 in the CAS map and the OSMP. The tract boundary on both the east and west of Wetland F is not clearly or consistently depicted on the site plan and the CAS maps regardless of labeling. Similar inconsistencies exist between all three of these documents. **Many of the inconsistencies have now been addressed but others persist. Please**

see Sheet P2.1 - Site Plan Layout in the biologist folder for details of areas that remain unclear. Compare Sheet P2.1 with the submitted CAS map as prepared by Wetland Resources, Inc. dated August 23, 2004. Areas circled in purple pen on this sheet identify the inexact location of the NGPA or NGPA/E boundaries at several locations on the submitted site plan. Boundaries highlighted with yellow marker indicate boundaries that are consistent.

2. The CAS describes the electro fishing of the on-site portion of Stream C that occurred on June 10, 2004. No fish were found during the sampling of this reach. Anecdotal information continues to be received by PDS from adjacent property owners and other interested parties that state that fish have been seen in the stream as recently as May 2004. Staff has consulted with the lead biologist at PDS and learned of additional in-house data depicting the most updated maps of known anadromous fish use. These maps (WRIA 7 prepared by the Technical Assistance Group - TAG Team - FINAL REPORT WASHINGTON STATE CONSERVATION COMMISSION -- Donald Haring - December 2002) were subsequently checked and information regarding their origin and date was provided to Wetland Resources, Inc. The map does not show Stream C as an anadromous fish stream; however, the map does show Stream B as an anadromous fish stream. Stream B is therefore a presumed bull trout stream. A habitat management plan (HMP) is required per SCC 30.62.100&.110. Staff has discussed citizen concerns with the applicant's consultants with regard to the fish status in Stream C and has encouraged direct communication between the applicant and the concerned citizens in an attempt to resolve differences. **This issue has been resolved. While no direct evidence of fish use in streams B & C has been observed, the applicant has decided to treat both of these streams as presumed bull trout habitat consistent with the Snohomish County Salmonid Habitat Management Plan Administrative Rule of May 22, 1999. This is consistent with mapped data as described above and is consistent with anecdotal evidence provided in the file from parties of interest.**
3. Very generally, staff concurs with the substance of the CAS and mitigation plan but notes that there are numerous discrepancies with the preliminary site plan and the OSMP as mentioned above in #1. Other minor discrepancies that need to be corrected include the dozen Type 2 NGPA signs that are shown from the north boundary between Wetland A on the east and Wetland F on the west. These NGPA signs appear to be in the middle of a proposed NGPA tract or along a shared boundary between to adjoining NGPA tracts. Clarification is required as discussed in #1 above. Lots need to be renumbered consistent with the preliminary site plan. Native growth protection areas on the proposed lots (15 -25 on the CAS and 18 -25 on the preliminary site plan) need to be designated as easements on the lots and depicted as NGPA/Es. **Very generally, staff still concurs with the substance of the CAS and mitigation plan. The exact location of the NGPA and NGPA/E boundaries need to be addressed as discussed in #1**

above. However, staff notes that a portion of the newly proposed driveway between Lot 32 and the 31 lost to the east lies within NGPA/E - Tract 996. Impacts to the NGPA/E for construction of the driveway through this area do not appear to be included within the CAS/mitigation plan. The CAS/mitigation plan map shows NGPA signage along both sides of the newly proposed driveway but does not discuss impacts and mitigation for the construction of the driveway.

4. A meeting with the applicant and the applicant's consultants may be advisable to discuss the multiple inconsistencies on this project prior to another submittal.  
**A meeting was held with the applicant.**

5. **Staff notes that a CASP will be required for the off-site critical areas associated with the grading violation, access road, impact areas and corresponding mitigation areas. Staff notes that impacts to the buffer of Wetland H have not been shown on the submitted CAS/mitigation plan. It appears that these impacts have not been addressed.**

**Additional comments will be provided upon receipt and review of a revision containing the aforementioned items.**

**DISCLAIMER:**

The requirements and comments contained herein are specific to compliance with adopted County plans, policies, motions, objectives, and land use regulations as they relate to aquatic resource treatment only; and do not exempt the applicant from compliance with any other applicable local, state, or federal policies and regulations.

# MEMORANDUM

September 2, 2004

TO: Ryan Larsen, Senior Planner  
Planning and Development Services

FROM: Andrew Smith, Engineer II Department  
of Public Works, Land Use

SUBJECT: File No. 04-112029 - Panther Lake Ridge  
Third Revision Comments

The Department of Public Works (PW) has reviewed the subject development proposal for compliance with Chapter 30.66B SCC, Title 13 SCC, Snohomish County Engineering Design and Development Standards (EDDS), and the appropriate policies and procedures. Based on this review, PW has the following comments.

## BACKGROUND

- The developer proposes to subdivide 107.5 acres into a 32-lot rural cluster subdivision. There is currently one single-family residence (SFR) located on the site which will remain. Duplexes are not proposed.
- The subject property is located on the west side of 163<sup>rd</sup> Avenue SE approximately one mile north of Three Lakes Road in Transportation Service Area (TSA) B, outside the urban growth area. The project is analyzed for traffic impacts to TSA C due to the predominance of the traffic that will impact TSA C.
- The plan used for this review was received by Planning and Development Services (PDS) on August 24, 2004.
- The development is subject to the requirements of the amended version of SCC 30.66B that became effective November 17, 2003.
- Based on this review, the department finds that the information enclosed is not adequate to make a favorable recommendation for this proposal.

## NOTICE REQUIREMENTS FOR CONCURRENCY DETERMINATION AND IMPACT FEE DETERMINATION

**Notice of Concurrency Determination. The following language should be included in the notice of public hearing for this development.**

*"The Department of Public Works has evaluated the traffic impacts of this development under the provisions of Chapter 30.66E SCC, and the development has been deemed concurrent. Any person aggrieved by the concurrency determination for this development may submit written documentation at, or prior to, the public hearing advertised above, explaining why the concurrency determination fails to satisfy the requirements of Chapter 30.66E SCC. "*



**Notice of Impact Fee Determination. The following language should be included in the notice of public hearing for this development.**

*"Traffic impact fees have been determined, and the fee amounts are available in the project file. Any aggrieved person may appeal the decision applying an impact fee under Chapter 30.66B SCC to the Snohomish County Hearing Examiner by submitting a written appeal to Planning and Development Services, in the manner and form prescribed by Chapter 2.02, within 14 days of the date of this notice. "*

**CHAPTER 30.66B SCC REQUIRES DEVELOPER MITIGATION FOR IMPACTS ON:**

**Road System Capacity [SCC 30.66B.310]**

The impact fee for this proposal is based on the new average daily trips (ADT) generated by 31 new SFRs, which is 9.57 ADT/SFR. This rate comes from the 7<sup>th</sup> Edition of the ITE Trip Generation Report (Land Use Code 210). The development will generate 296.67 new ADT and has a road system capacity impact fee of \$65,564.07, based on \$221.00/ADT. The impact fee for each lot is \$2,114.97. This impact fee must be paid prior to issuance of the building permit.

The ADT has been calculated as follows: 31 SFRs x 9.57 ADT/SFR = 296.67 ADT

The PM PHT has been calculated as follows: 31 SFRs x 1.01 PM PHT/SFR = 31.31 PM PHT

**2. Concurrency [SCC 30.66B.120]**

The subject development has been evaluated for concurrency under the provisions of SCC 30.66B.120 and the Department of Public Works has made a preliminary determination that:

The development is concurrent as of May 14, 2004.

A record of developer obligations documenting the concurrency determination will be prepared by DPW in accordance with the provisions of SCC 30.66B.070. The expiration date of the concurrency determination will be six years from May 14, 2004.

This preliminary concurrency determination is contingent upon the application being deemed complete by PDS.

- If the application is deemed NOT complete, then a new concurrency determination will be made if and when the application is deemed complete.
- If the application is deemed complete, then the determination shall stand and all the following shall apply:

The development has been deemed concurrent on the following basis:

Medium-Sized Development in TSA with one or more arterial unit in arrears, SCC 30.66B.160. The subject development is located in TSA C which, as of the date of submittal, had the following arterial units in arrears; Unit #353(Airport Way from 99<sup>th</sup> Avenue SE to SR 9). Based on peak-hour trip distributions, the subject development did NOT add three (3) or more peak-hour trips to any of the arterial units in arrears. Pursuant to SCC 30.66B.160 (2)(a) the development is determined concurrent. The development generates 23.25 a.m. peak-hour trips and 31.31 p.m. peak-hour trips which is not more than the threshold of 50 peak-hour trips in which case the development would also have to be evaluated under SCC 30.66B.035.

3. Inadequate Road Condition (IRC) [SCC 30.66B.2101]

The subject proposal will not impact any IRC locations identified at this time within TSA C with three or more of its p.m. peak hour trips, nor will it create any. Therefore, it is anticipated that mitigation will not be required with respect to inadequate road conditions and no restrictions to building permit issuance or certificate of occupancy/final inspection will be imposed under this section of Chapter 30.66B.

4. Frontage Improvements [SCC 30.66B.410]

The subject property frontage is located along 163<sup>rd</sup> Avenue SE. Rural standard frontage improvements are required consisting of 18 feet of pavement. Construction of frontage improvements is required prior to recording of the plat unless bonding of improvements is allowed by PDS, in which case construction is required prior to any occupancy of the development.

5. Access and Circulation [SCC 30.66B.420]

Access is proposed from 163<sup>rd</sup> Avenue SE. The applicant will dedicate the 60-foot access as a public road with the recording of the final plat. There is more than 25 lots on a dead end, which is not permitted per EDDS 3-01 (B)(4). A deviation to allow more than 25 lots on a dead road was approved by the County Engineer on July 14, 2004. The temporary stub provided to the southern boundary will need to be constructed to the boundary of the buffer for the development. Lot 32 does not currently have legal access per 30.24.52 SCC.

6. Dedication of Right-of-Way [SCC 30.66B.510, SCC 30.66B.520]

163<sup>rd</sup> Avenue SE is designated as a non-arterial on the County's Arterial Circulation Map. This requires a right-of-way width of 30 feet on each side of the right-of-way centerline. No right-of-way presently exists on the development's side of the right-of-way. Therefore, 30 feet of additional right-of-way is required.

**7. State Highway Impacts [SCC 30.66B.7101]**

**This development is subject to the Washington State Department of Transportation (WSDOT)/County Inter-local Agreement (ILA) which became effective on applications determined complete on or after December 21, 1997.**

**The impact mitigation measures under the ILA, Section IV(4.1)(b), may be accomplished through a) voluntary negotiated construction of improvements, b) voluntary negotiated payment in lieu of construction, c) transfer of land from the developer to the State, or d) a voluntary payment in the amount of \$36.00 per ADT. Should the applicant choose the voluntary payment option to mitigate their impact to the state highway system, the payment is calculated at**

$$296.67 \text{ ADT} \times \$36.00/\text{ADT} = \$10,680.12$$

**A voluntary offer, acceptable to the State, signed the applicant indicating their chosen method of fulfilling their mitigation requirement under the ILA, is required prior to providing a final recommendation. A WSDOT offer from the applicant was received by PDS on April 20, 2004. Comments from WSDOT accepting the applicant's offer were received by PDS via e-mail on June 1, 2004.**

**8. Other Streets and Roads [SCC 30.66B.7201]**

**Based on the data submitted by the applicant it is unlikely that other city streets or roads, within TSA C that have an inter-local agreement with Snohomish County, will be affected by this development. To mitigate impacts on roads under the jurisdiction of another agency, the document stating the mitigation requirements imposed shall be a voluntary agreement between the other jurisdiction and the developer.**

**9. Transportation Demand Management (TDM) [SCC 30.66B.6301]**

**TDM is not required because the development is not located within an urban growth area.**

**PEDESTRIAN FACILITIES [RCW 58.17.1101]**

**The county is required to make findings regarding safe walking conditions for school children who may reside in the subject development. Public Works requests notification of any and all comments received from the local school district regarding the location of school bus stops nearest the subject property and/or if any school children will be required to walk to school. Comments from the school district were received by PDS on May 19, 2004. The school district indicated that the school children will be picked up by school bus at the intersection of the new access road and 163<sup>rd</sup> Avenue SE.**

Ryan Larsen, PDS

File No. 04-112029, Panther Lake Ridge

September 2, 2004

Page 5

ITEMS TO BE ADDRESSED PRIOR TO FINAL RECOMMENDATION FROM  
PUBLIC WORKS:

1. Redesign project to provide access to Lot 32.

cc: Deb Werdal, Land Development Analyst Assoc.

SNOHOMISH COUNTY PLANNING AND  
DEVELOPMENT SERVICES LAND USE  
DIVISION M/S 604

MEMORANDUM

TO: Ryan Larsen, Senior Planner  
Land Use/Commercial Division

FROM: Patrick McGraner, Senior Biologist  
Land Use/Commercial Division

SUBJECT: Panther Lake Ridge RCS - PFN 04-112029 SD

DATE: September 7, 2004



This is a review for CAR compliance completed by the assigned staff biologist for the above referenced application revision, stamped received by Planning and Development Services on August 8, 2004.

SECTION I - EXISTING CONDITIONS

Please see my memo dated May 24, 2004.

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