



ENGINEERS SURVEYORS

PLANNERS

LANDSCAPE ARCHITECTS

August 23, 2004

Ryan Larsen

PFN: 04 112029 000 00 SD Panther Lake Ridge

Received-08/24/2004

Senior Planner/Project Manager  
 Snohomish County  
 3000 Rockefeller  
 Everett, WA 98201

**BARCODE HERE**

Project File Number: 04-112029

Project Name: Panther Lake Ridge

Project Description: 32 Lot Rural Cluster Subdivision Tax Account Number: 280606-001-004-00

Mr. Larsen:

This submittal is to provide information and clarification of items addressed in the County response letter dated July 28, 2004. Please review the following comments and attached documents for approval of this subdivision.

*Planner Comments: Project Manager: Ryan Larsen 425.388.3311 Ext. 2943*

*a) The project does not meet the requirement of 30.41 C210(2)(c), which states at least 25% of the restricted open space tract shall be accessible by all residents of the rural cluster. At least 8 of the 32 lots will need to have access to restricted open space. Revise plan so that project meets this requirement.*

I believe that the code is being interpreted incorrectly. 30.41C.210 states that 25% of restricted open space shall be accessible by all residents. It does not state that 25% of the lots need to abut restricted open space. The planner may be confusing this with 30.41 C.200(12) which states that at least 75% of the lots within a rural cluster shall abut a buffer or restricted open space. However, pursuant to our meeting August 4, I have revised R.O.S. and [N.G.P.A. designations](#) remove confusion on this matter.

*b) The detention pond will need to be identified on all applicable sheets.*

Done.

*c) PDS will discuss other changes needed to the plan set at a meeting that is scheduled Aug. 4*

Changes include following:

-300' protection added for Stream C on east side of proposed project. -

Easement for driveway to Lot 32 added to map.

-Added area of disturbance in proposed pond area to maps.

-Added separate map showing just the proposed lots, tracts, and easements.

*d) Snohomish County considers a cluster to be two or more lots. Lot 32 is a cluster of one which would not meet this clustering requirement of two or more lots. At the time of next submittal either demonstrate how this lot is considered to be clustered by its self or provide another lot adjacent to Lot 32.*

Apparently at least two other planners and the Snohomish County Hearing Examiner do not consider a cluster to be two or more lots. Please review the Hearing Examiner's Decision for Emerald Springs Estates, PFN 99 113776, dated January 18, 2002. As I stated in my previous response, Chapter 30.41C does not specifically exclude a one lot cluster.

In this particular case, it would be difficult to add more lots to the area of proposed Lot 32. The access for the existing house is at the southwest corner from 151<sup>st</sup> Ave. SE. which is not a public road. There are at least 16 legal lots that take access from this private road, including the existing house on proposed Lot 32. The existing house also has legal access from the north through a 60 foot wide easement from the Dubuque Cutoff through Brookside Acres. There is an existing gravel road approximately 10 feet wide extending through the easement, onto the property, across and through environmentally sensitive areas, as shown. This easement is usable for access, but would be difficult to upgrade to serve more than one residence without greatly impacting the existing wetland. In other words, development of this portion of the site beyond one lot is prohibitive because of access and environmental concerns. Ann Goetz did note on the Presubmittal Conference Review Form that Lot 32 proposes to keep the existing access via 151<sup>st</sup> Ave SE and that requirements would be determined by review."

At our meeting on August 4, 2004, the Planner suggested that I attach Lot 32 to the main cluster with a panhandle. This would be the only way that PDS would recommend approval of this project. While I appreciate constructive comments and criticism, this suggestion is flawed. This proposed panhandle extends along an existing driveway to a point on the east side of Wetland F. The panhandle, with about 800 feet of proposed new driveway, then proceeds easterly through a heavily wooded area to intersect an existing driveway in the BPA easement. The panhandle then follows this existing driveway to intersect the west line of the main body of lots. This new driveway would access an existing house that already has two constructed, legal, usable access points. This suggestion is not supported by either code or common sense. However, to get a recommendation of approval from PDS, I am showing this panhandle on the map. I will argue before the Hearing Examiner that it be removed.

*Drainage Comments: Reviewer: Ken Crossman 425.388.3311 Ext. 2227*

*a) The geotechnical report by Geo Engineers did not adequately address the issues of groundwater impacts to the functioning of the detention facility and the impacts to the wetlands from interception of groundwater.*

A revised Geotechnical Report is provided with this submittal addressing these concerns.

*Biologist Comments: Reviewer: Patrick McGraner 425.388.3311 Ext. 2 745*

*a) The project review has been complicated due to 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.....*

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Maps and plans have been checked and fixed so that they match. As the biologist requested at the August 4 meeting, I added a new sheet to the preliminary plat map that depicts only the boundary, lots, tracts, easements, and wetlands.

*b) 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..... The map (prepared by Technical Assistance Group) 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 is required. ....*

Wetland Resources has changed the designation of Stream C to type 3 with the applicable buffer and protection requirements. See my address to *Planner Comments c)*. This is directly related to citizen comments. The habitat management plan for Streams B and C are attached as part of the revised Critical Area Study.

*c) 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 OMSP as mentioned above in #1. Other minor discrepancies that need to be corrected include . . . NGPA sign (placement). . . . Native growth protection areas on the proposed lots ... need to be designated as easements on the lots and depicted as NGPA/E's.*

Maps and plans have been checked and fixed so that they match. I added a new sheet to the preliminary plat map that depicts only the boundary, lots, tracts, easements, and wetlands.

**Public Works Comments: Reviewer: Andy Smith 425.388.6440**

*Access is proposed from 163<sup>rd</sup> Avenue SE via an access road located outside the proposed development. The applicant is proposing to dedicate the access road with the recording of the final plat. In order- for the access road to be dedicated as part of the recording of the plat, the proposed road must be brought to the boundary of the proposed development. Signed letters of intent from the owners of the underlying properties that the access road will use is required prior to recommending approval. . . .*

Letters from underlying owners are attached.

**Citizen comments:**

I did note the many citizen comments and would like to take this opportunity to briefly address the major ones.

Traffic: There will definitely be more traffic. Prior to the preliminary submittal, the Department of Public Works (DPW) had the applicant commission a traffic study by Gibson Traffic Engineering. This study, which is part of the public record, found the average and daily peak trips to be within standards set by DPW. Also, according to the SCC30.66B Presubmittal Conference Review Form, this project will pay \$109,174.56 to mitigate impacts to the local road system and \$10,680.12 to mitigate impacts to the State highway system.

Stub road to south: The DPW requires that provisions be made for future development. Some of these provisions consist of stub roads to the exterior plat boundaries to connect to future development. This is very common. In the case of this plat, there are environmentally sensitive areas to the east, north, and west of the proposed development area that preclude a connection to future development. The only logical place to put a connection is along the south boundary of the plat. The southern adjoiners may have no plans to develop at this time.

However, the operative word here is future. At some point, the adjoining's heirs or successors in title may wish to develop. Some entity may acquire several parcels and propose another cluster subdivision, similar to this application. In twenty or thirty years, the zoning could very well be different. This stub allows a viable access option for potential development to the south, fulfilling DPW requirements.

Density: The total site area is 107.471 acres. Sheet P1 contains the calculations used to derive the lot yield of 32. The formulas are contained in the Unified Development Code (UDC) Chapter 30.41 C.

Domestic Water: According to the Three Lakes Water Association, there is sufficient water to service the proposed plat.

Bonneville Power Administration: Building is not allowed within the BPA right of way, however fifteen of the proposed lots will be backing up to the easement. Eleven of these proposed lots contain native growth protection areas between them and the lines. The applicant is well aware of the power line location and intends to use existing trees to screen the proposed homesites from the lines.

Fish: Based upon citizen comments, the easterly stream (Stream C) has been upgraded to a type 3 and will be treated as fish-bearing. The applicant will provide the protection that a fish bearing stream requires. This change was based directly upon input by concerned citizens.

Wildlife: Approximately 19 acres (including area of existing house and garage) of the 107 acre site will be developed. This leaves about 88 acres of the site in an undeveloped capacity, meaning no roads, no homes. If this site were to be developed in a traditional plat, there would be fewer lots, but these lots and their roads, utilities, and septic systems would be spread throughout the site, including within the 88 acres remaining undeveloped. The Rural Cluster Ordinance allows greater densities to impact less area than a traditional subdivision. Instead of homes and roads, those 88 acres will support wildlife and provide a buffer for the streams and wetlands in the area.

Light and glare: Light and glare come with any development. I suggest that existing natural vegetation be retained to reduce glare from the proposed development onto the adjoining's. There have also been technological advances in lower-glare, energy-efficient indoor and outdoor lighting, which should be utilized, in all existing and proposed developments.

Taxes: The lots within the proposed development will own the open space tracts. Prior to recording, the final plat will denote the ownership of these tracts. For example, Lot 1 may own a 1/31 interest in Tract 999. The assessor will then add that prorated value of Tract 999 to the value of Lot 1. Then the owners of Lot 1 will be paying the tax on their respective lot and their proportionate share of Tract 999. The site's tax burden will not be shifted off the property.

Water and drainfield run-off: During and after plat construction, road run-off will be directed to the proposed pond. The final plat will contain legally binding provisions for maintaining this pond and the drainage system. If the pond is not maintained, both the County and concerned citizens can remedy the situation through the legal process. Each proposed home would have to address on-site drainage issues prior to building. The County may require some form of drainage system on each lot to handle run-off from driveways and roofs. Septic system drainfields will need to be designed, built, and inspected per procedures set by the State and enforced by the Snohomish Health District.

I have had only one concerned citizen contact me regarding this project, even though the Planning Department suggested that concerned citizens contact me. I am more than happy to answer questions or direct the concerned citizen to someone who can answer their concerns.

I have also added photos of the existing driveway from the north line of the proposed plat, through Wetland F, to the existing house. The Planner requested that I provide these to show that that access is viable and drivable. It is. Please contact me if you have further questions or comments.

Sincerely,



 Michael, PLS  
Project Manager

Enclosure(s)

-1 copy of PDS comment letter dated 7/28/2004

8 sets of full size maps of preliminary plat maps and plans -

5 copies of Open Space Management Plan

-5 copies of Geotechnical report

-5 copies of Critical Area Study and Habitat Management Plan

-5 copies of letter from underlying owners of proposed  
dedication -5 copies of photos of access to Lot 32 through  
Wetland F.

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