

**ADAMS, JOHNSON & DUNCAN, INC., P.S.**

A Professional Service Corporation  
**LAWYERS**

BANK OF AMERICA BUILDING, SUITE 616  
1604 HEWITT AVENUE  
EVERETT, WASHINGTON 98201

TELEPHONE: (425) 339-8556  
FACSIMILE: (425) 339-2353

THOMAS D. ADAMS  
*ida@adamslaw.cc*

September 11, 2006

*Transmitted by Fax (206) 264-9300*

Ms. Jennifer A. Dold  
Attorney at Law  
Bricklin Newman Dold, LLP  
1001 Fourth Avenue, Suite 3303  
Seattle, WA 98154

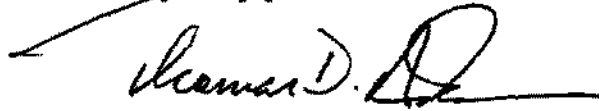
**Re: *Panther Lake***

Dear Jennifer:

I received Mr. Latta's report by e-mail this morning and am faxing a copy of it to you. I expect to receive a signed copy later today. I understand that you intend to object to the report and, for that reason, I did not plan on providing a copy of it to you. However, it was my original intent to share with you all of the information we have gathered. I think that remains the appropriate course of action.

Even if the Examiner excludes the written report, Mr. Latta will be entitled to testify to everything that is in the report and he will be able to refer to the exhibits which were previously provided to you.

Very truly yours,



Thomas D. Adams

TDA/dd

Attachment: Neil Latta Report

cc: Clients

# **REPORT**

## **ALTERNATIVE BUILDING SITES INVESTIGATION**

### **PANTHER LAKE RIDGE RURAL CLUSTER SUBDIVISION (PFN: 04-112029)**

**PORTION OF SEC. 3, TWN. 28N, RG. 6E, W.M.,  
SNOHOMISH COUNTY, WA**

**AUGUST 20, 2006**

*Prepared for:*

**Cimarron West LLC  
13823 80th Street SE  
Snohomish, WA 98290**

*Prepared by:*

**WEB Engineering Ltd  
149 West Kellogg Road,  
Bellingham, WA 98226**





August 20, 2006

Cimarron West LLC  
13823 80<sup>th</sup> Street SE  
Snohomish, WA 98290

Attn: Mr. Wayne Fjelstad

**Re: Report - Alternative Building Sites Investigation  
Panther Lake Ridge Rural Cluster Subdivision, Snohomish, Washington  
Project File No. 04-112029**

Dear Mr. Fjelstad,

WEB Engineering Ltd (WEB) is pleased to present this report regarding our alternative building sites investigation for the above referenced project.

#### **PURPOSE AND SCOPE OF SERVICES**

The purpose of our investigation was to review and evaluate information regarding the proposed Rural Cluster Subdivision (RCS) as necessary in order to conduct a full and detailed analysis of available sites for proposed building lots on the subject property pursuant to Snohomish County Council Motion No. 06-282 dated June 28, 2006.

The scope of our services generally included the following items:

1. Reviewed Snohomish County Council Motion No. 06-282 (motion remanding the Panther Lake Ridge subdivision application to the Hearing Examiner for Additional Proceedings).
2. Performed site visits to the subject property and the surrounding adjacent properties on August 9 and August 24, 2006.
3. Walked the extent of the subject property to review existing conditions and to photograph the site from various locations.
4. Reviewed the exhibit prepared by Harmsen and Associates Inc titled "*Site Layout Plan*" dated August 8, 2006 which illustrates the subject property and surrounding area topography, property boundaries, and the RCS proposal.
5. Reviewed the letter prepared by Jim McDaniel, PLS of Harmsen and Associates Inc titled "*West Ridge and East Ridge Elevation Summary*" dated August 17, 2006.
6. Reviewed the report prepared by Wetland Resources Inc titled "*Critical Area Study, Wetland Mitigation Plan, and Habitat Management Plan for Panther Lake Ridge*" (Revision 6 dated July 15, 2005).
7. Reviewed the report prepared by GeoEngineers Inc titled "*Geotechnical Engineering Services Report - Panther Lake Ridge*" dated July 6, 2004.

August 20, 2006

Report – Alternative Building Sites Investigation (Panther Lake Ridge RCS, Snohomish, WA)

8. Reviewed the letter prepared Bruce A. Straughn, R.S., Senior Sanitarian of the Snohomish Health District titled "*Preliminary Plat of Panther Lake Ridge, File # 03-101951, Property Tax Account Number: 280603 001 003/00400*" dated May 17, 2004.
9. Reviewed the soil log report (Snohomish Health District Request for Plat Review) prepared by David Mitchell of Mitchell Septic Inc dated June 16, 2005.
10. Reviewed the letter prepared by David Mitchell of Mitchell Septic Inc titled "*Site and soils review conducted July 8, 2005 with the Snohomish Health District on a portion of parcel number 28060300100400 west of transmission line easement; Panther Lake Ridge Plat: PFN: 04-112029; Mitchell Septic Inc job No 203117*" dated July 11, 2005.
11. Reviewed the letter prepared Bruce A. Straughn, R.S., Senior Sanitarian of the Snohomish Health District titled "*Proposed Plat Panther Lake Ridge, Snohomish County PDS File # 04-112029*" dated July 12, 2005.
12. Reviewed the subject property and surrounding area topography as mapped and published by the U.S. Geological Survey (Snohomish, Wash NE ¼ Everett 15 degree Quadrangle, USGS).
13. Reviewed aerial photographs and site data derived from Snohomish County GIS.
14. Prepared a base map of the subject property existing condition based on topographic and boundary survey information provided by Harmsen and Associates Inc.
15. Prepared successive mapping overlays of the subject property depicting and defining areas that are not available for developing building lots on the subject property.
16. Prepared an overview base map of the subject property in context of the surrounding area based on USGS topographic mapping to illustrate ridgelines and other prominent topographic features visible to adjacent and vicinity projects.
17. Performed engineering analyses, as necessary, in support of our conclusions.
18. Prepared a summary brief of our findings and conclusions as they specifically pertain to remand Motion 06-282 as to whether any building sites are available other than sites located on ridgelines or other prominent topographic features visible to adjacent and vicinity properties.

## EXISTING SITE CONDITIONS

### Topography

- The approximate 107 Ac subject property is located to the west of 163<sup>rd</sup> Avenue SE and north of Three Lakes Road within Section 3 Township 28 North, Range 6 East, W.M., in Snohomish County, Washington.
- The site topography is generally characterized by two distinct and prominent parallel ridges oriented in a southeast to northwest direction. These ridges are separated by a central valley low land area which contains several regulated wetland and stream critical areas.
- The central low land area of the site is situated at an elevation of approximately 460 ft which completely traverses the subject property from its north to south boundaries.
- The Western Ridge rises above the central low land area to an elevation of approximately 520 ft, and then descends to the west off site. The base of Western Ridge slope (i.e. toe of ridge slope adjacent to the central portion of the subject property) terminates directly adjacent to a stream channel and large wetland area that drains offsite to the north.
- The Eastern Ridge rises above the central low land area to an elevation ranging from approximately 530 ft to 560 ft, and then descends to the east toe of slope which terminates adjacent to another large wetland area that extends off site. A 300 ft wide power line easement traverses the western slope of the East Ridge.
- **Figure 1: Vicinity Map** illustrates the location of the subject property and clearly defines the site topography in relationship to the surrounding area topography.

August 20, 2006

Report – Alternative Building Sites Investigation (Panther Lake Ridge RCS, Snohomish, WA)

- **Figure 6: Ridge Areas (Prominent Topographic Features)** illustrates the location of the western and eastern ridges traversing the subject property. This figure also defines the top and toe of slope locations that define each ridge.

#### Critical Area Wetlands and Streams

- Wetland Resources Inc conducted a wetland delineation and site survey identifying jurisdictional wetlands between June 2003 and June 2005 (refer to revised report titled “*Critical Area Study, Wetland Mitigation Plan, and Habitat Management Plan for Panther Lake Ridge*” dated July 15, 2005).
- Seventeen separate wetlands (labeled Wetlands A - Q) and three streams (labeled Steam A – C) were identified on the site. Each wetland and stream was classified in accordance with Snohomish County Critical Area Regulations (CAR), Chapter 30.62, with assigned protective buffer areas measured from their delineated edges.
- Regulated wetlands and their buffers are designated collectively as Native Growth Protection Areas (NGPAs). These areas are required to be left permanently undisturbed in a substantially natural state and in which no clearing, grading, filling, building construction or placement, or road construction is allowed.
- The central low land area of the subject property situated between the West and East Ridges includes a large Category 1 wetland (Wetland F) as well as a Type 3 Stream (Stream B). These features represent very significant (highest quality) critical areas based on CAR rating systems that must be left permanently undisturbed. The wetland, stream, and buffer setback areas in this central portion of the subject property are not available for developing building sites.
- The western slope of the East Ridge includes several wetland areas (Category 1 and 3 wetlands) dispersed throughout. The wetland and buffer setback areas in this portion of the subject property are not available for developing building sites.
- B.P.A transmission power lines route across the entire extent of the site in a southeast to northwest direction with an associated 300 ft wide easement. The 300 ft wide easement area within the subject property area is not available for developing building sites.
- **Figure 2: Existing Conditions Base Map** illustrates the subject property boundaries, site features (BPA power lines, home site area), topographic contours, and all wetland and stream critical areas with their designated protective buffer areas. This figure serves as a base for overlay maps of the remaining areas not available for developing building sites as described below.

#### RURAL CLUSTER SUBDIVISION (RCS) DESIGN CONSIDERATIONS & REQUIRMENTS

##### RCS Perimeter and Cluster Buffers

- SCC 30.41C.200 (11) states “*Each rural cluster subdivision or short subdivision shall be divided into physically separated clusters with a maximum of 30 residential lots per cluster. The minimum physical separation shall consist of a buffer of wind resistant native vegetation with an average width of 75 feet and a minimum width of 50 feet*”.
- Perimeter and cluster buffer areas are designated as restricted open space and therefore are not available for developing building sites.
- The RCS design proposal by Harmen and Associates Inc includes perimeter and cluster buffers as restricted open space in accordance with SCC 30.41C.200 (11).

August 20, 2006

Report – Alternative Building Sites Investigation (Panther Lake Ridge RCS, Snohomish, WA)

- In the event that a lot cluster was to be proposed located to the west of the B.P.A. power line easement, an internal cluster buffer would be required adjacent to this easement for the following reasons:
  - SCC 30.41C.200 (11) requires that “... *The minimum physical separation shall consist of a buffer of wind resistant native vegetation...*”
  - The BPA easement alone does not satisfy the buffer code requirement as this area is routinely cleared of vegetation as part of the general maintenance program for the power facility.
  - A buffer of wind resistant native vegetation would be required in a restricted open space buffer area outside of and adjacent to the BPA easement.
- **Figure 3: RCS Perimeter and Cluster Buffers Map – Utilizing the Existing Conditions Base Map**, this figure introduced an overlay of the a minimum 50 ft buffer area around the perimeter of the property, and a contingent 75 ft average cluster buffer adjacent to the power line easement (west side) in the event that a lot cluster were to be proposed to the west of the B.P.A. power line easement.

#### On Site Septic Soils Investigation (Mitchell Septic Inc)

- SCC 30.41C.200 (14) states “*Rural cluster subdivision or short subdivision shall not be severed by public sanitary sewers unless the Snohomish Health District requires the development to connect to a public sewer system to protect public health*”.
- This project will not be served by public sewer therefore Snohomish Health District (SHD) review and preliminary plat approval is required.
- Bruce A. Straughn, R.S., Senior Sanitarian of the SHD provided written comments dated May 17, 2004 that a preliminary site/soil review was conducted by SHD staff and they recommended preliminary plat approval.
- An additional on-site soils investigation was completed by Mr. David Mitchell of Mitchell Septic Inc in the “Area under Review” (i.e. portion of parcel number 28060300100400 west of transmission line easement area). A Site Overview Map with soil logs documenting this investigation dated June 16, 2005 was submitted to the Snohomish Health District for review. The investigation concluded that “area under review” was not suitable for on-site sewage disposal due to shallow soils and proximity to surface water and therefore septic system design applications would not be approved by the SHD.
- **Figure 4: Areas Unsuitable for Septic (Per On-Site Soils Investigation)** – In addition to the areas defined in Figure 3, this map overlays additional areas delineated as not available for developing building sites due to soils of insufficient depth or in close proximity to surface water for on-site sewage disposal.

#### On Site Septic Soils Review (Snohomish Health District)

- Snohomish Health District staff conducted a site and soils review of the “Area under Review” (i.e. portion of parcel number 28060300100400 west of transmission line easement area) with Mr. David Mitchell on July 8, 2005.
- Bruce A. Straughn, R.S., Senior Sanitarian of the SHD provided written comments dated July 12 2005 that stating that he concurs with the statements and conclusions of Mr. Mitchell concerning the inadequacy of the area for on-site sewage disposal.
- **Figure 5: Areas Unsuitable for Septic (Per SHD Site Review)** – In addition to the areas defined in Figure 4, this map overlays the minor remaining areas mapped by Mitchell Septic Inc within the

August 20, 2006

Report – Alternative Building Sites Investigation (Panther Lake Ridge RCS, Snohomish, WA)

“Area under Review” delineated as not available for developing building sites due to soils of insufficient depth or in close proximity to surface water for on-site sewage.

#### Ridge Areas (Prominent Topographic Features)

- The final sentence of SCC 30.41C.200 (15) states “... *Individual clusters shall not be located on ridgelines and other prominent topographic features visible to adjacent and vicinity properties when other locations are available*”.
- Prominent topographic features on site that are visible to adjacent and vicinity properties were delineated based on the following information:
  - Review of the project topographic survey data provided by Harmsen and Associates Inc,
  - Review of the subject property and surrounding area topography as mapped and published by the U.S. Geological Survey (Snohomish, Wash NE ¼ Everett 15 degree Quadrangle, USGS),
  - Review of the subject property and surrounding area via aerial photographs, contour mapping, and site data derived from Snohomish County GIS,
  - Driving to accessible areas surrounding the subject property to view the site from adjacent and vicinity properties,
  - Walking the subject property to physically verify and conclude the existence of prominent topographic features as mapped by others.
- **Figure 6: Ridge Areas (Prominent Topographic Features)** illustrates the location of the western and eastern ridges traversing the subject property, and identifies the top and toe of slope locations that define each ridge. In addition to physical elevation topography, critical area wetland and streams areas are shown as they also can be defined as prominent features.

#### SUMMARY OF FINDINGS AND CONCLUSIONS

Based on our analysis of all appropriate sites for building lots on the subject property to determine whether it is feasible for lots to be placed at sites other than on a ridgeline or other prominent topographic features visible to adjacent and vicinity properties, we summarize the following findings:

1. The site topography is defined by two distinct and prominent parallel ridges oriented in a southeast to northwest direction (West and East Ridges). These ridges, separated by a central valley low land area, are clearly prominent topographic features, visible to adjacent and vicinity properties.
2. The central low land area situated between the West and East Ridges includes significant high quality critical areas that must be left permanently undisturbed. The wetland, stream, and buffer setback areas in this central portion of the subject property are not available for developing building sites.
3. The western slope of the East Ridge includes numerous wetland critical areas dispersed throughout. The wetland and buffer setback areas in this portion of the subject property are not available for developing building sites.
4. The 300 ft wide B.P.A transmission power line easement that routes across the entire extent of the site in a southeast to northwest direction is not available for developing building sites.
5. Perimeter and cluster buffer areas are designated as restricted open space and therefore are not available for developing building sites.
6. On-site soil investigations completed by Mitchell Septic Inc in the “Area under Review” (i.e. portion of parcel number 28060300100400 west of transmission line easement area) concluded that this area is not suitable for on-site sewage disposal due to shallow soils and proximity to

August 20, 2006

Report – Alternative Building Sites Investigation (Panther Lake Ridge RCS, Snohomish, WA)

surface water and therefore septic system design applications would not be approved by the SHD.

7. Bruce A. Straughn, R.S., Senior Sanitarian of the SHD provided written comments stating that he concurs with the statements and conclusions of Mr. Mitchell concerning the inadequacy of the "Area under Review" for on-site sewage disposal.

Please refer to **Figure 7** titled **Composite Overlay Summary** which provides an overview of the entire subject property area.

In conclusion, Snohomish County Council Motion No. 06-282 determined that *"the sole issue on remand is whether any building sites are available other than sites located on ridgelines or other prominent topographic features visible to adjacent and vicinity properties"*. Based on our analysis and summary of findings noted above, it is clearly demonstrated that there are no other building sites available within the subject property other than on a ridgeline or other prominent topographic features visible to adjacent and vicinity properties.

---

We trust that this report with supporting information and exhibits adequately addresses the issues pertaining to available building sites on the subject property within the context of Snohomish County Council Motion No. 06-282. If you have any questions, or require additional clarification, please do not hesitate to contact me at (360) 671-7002.

Sincerely,

**WEB Engineering Ltd**

Neil A. Latta, P.E.  
Principal Engineer



August 20, 2006

Report – Alternative Building Sites Investigation (Panther Lake Ridge RCS, Snohomish, WA)

**TABLE OF CONTENTS**

**PURPOSE AND SCOPE OF SERVICES .....1**

**EXISTING SITE CONDITIONS .....2**

    TOPOGRAPHY .....2

    CRITICAL AREA WETLANDS AND STREAMS .....3

**RURAL CLUSTER SUBDIVISION (RCS) DESIGN CONSIDERATIONS & REQUIRMENTS.....3**

    RCS PERIMETER AND CLUSTER BUFFERS .....3

    ON SITE SEPTIC SOILS INVESTIGATION (MITCHELL SEPTIC INC).....4

    ON SITE SEPTIC SOILS REVIEW (SNOHOMISH HEALTH DISTRICT).....4

    RIDGE AREAS (PROMINENT TOPOGRAPHIC FEATURES).....5

**SUMMARY OF FINDINGS AND CONCLUSIONS .....5**

**APPENDIX I: SUPPORTING INFORMATION**

- Letter prepared by Jim McDaniel, PLS of Harmsen and Associates Inc titled “West Ridge and East Ridge Elevation Summary” dated August 17, 2006;
- Letter prepared by David Mitchell of Mitchell Septic Inc titled “Site and soils review conducted July 8, 2005 with the Snohomish Health District on a portion of parcel number 28060300100400 west of transmission line easement; Panther Lake Ridge Plat: PFN: 04-112029; Mitchell Septic Inc job No 203117” dated July 11, 2005;
- Letter prepared Bruce A. Straughn, R.S., Senior Sanitarian of the Snohomish Health District titled “Proposed Plat Panther Lake Ridge, Snohomish County PDS File # 04-112029” dated July 12, 2005;
- Resume of Neil Latta, PE (Principal Engineer, WEB Engineering Ltd)

**APPENDIX II: FIGURES**

- Figure 1: Vicinity Map
- Figure 2: Existing Conditions Base Map
- Figure 3: Overlay Map A – Rural Cluster Subdivision Perimeter & Cluster Buffers
- Figure 4: Overlay Map B – Areas Unsuitable for Septic (Per On-Site Soils Investigation)
- Figure 5: Overlay Map C – Areas Unsuitable for Septic (Per Snohomish County Health District Site Review)
- Figure 6: Overlay Map D – Ridge Areas (Prominent Topographic Features)
- Figure 7: Overlay Map E – Composite Overlay Summary

# **Appendix I:**

## **SUPPORTING INFORMATION**

## **Appendix II:**

# **FIGURES**

*Figure 1: Vicinity Map*

*Figure 2: Existing Conditions Base Map*

*Figure 3: Overlay Map A – Rural Cluster Subdivision Perimeter & Cluster Buffers*

*Figure 4: Overlay Map B – Areas Unsuitable for Septic (Per On-Site Soils Investigation)*

*Figure 5: Overlay Map C – Areas Unsuitable for Septic (Per Snohomish County Health District Site Review)*

*Figure 6: Overlay Map D – Ridge Areas (Prominent Topographic Features)*

*Figure 7: Overlay Map E – Composite Overlay Summary*