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August 3, 2005

Mr. Bob Pemberton, Senior Planner
Planning & Development Services, Land Use
3000 Rockefeller Avenue, 5th Floor
Everett, WA 98201

**SUBJECT: HORSEMAN'S TRAIL MASTER PERMIT APPLICATION,
CONCURRENT DIVISION OF DEVELOPMENT, PRD REZONE,
PRELIMINARY PLAT AND PLAT ALTERATION REQUESTS**

Dear Bob:

As discussed in our recent meeting with you and Hi Bronson, we are submitting the attached Master Permit Application Form for Division of Development (Lots 1 and 74 of the Plat of Regatta Estates), PRD rezone and site plan (34,500 sq. ft. remnant school property east of 60th Ave. W. and 15+/- A. west of 60th Ave. W.), preliminary plat and PRD site plan (entire property) and a Plat Alteration (Lot 1, Plat of Regatta Estates). The purpose of these applications is to present a coordinated and detailed planned residential development design for the remaining vacant, developable lands in this area north of 140th Street SW and west of Picnic Point Road, within and adjoining Harbour Pointe Sector 22.

Division of Development: the application proposes a PRD design for Lots 1 and 74 of Regatta Estates, as required by the Harbour Pointe Master Plan and Rezone Contract, to subdivide and develop approximately 6.4 acres into 33 single family detached lots, roadways, open space, trail network and storm water management facilities. This Division of Development is to be reviewed and acted upon prior to consideration of the preliminary plat. The Division of Development covers only lands within Sector 22 of the Harbour Pointe Master Plan.

PRD Rezone: the application proposes the rezone of approximately 34,500 square feet of the northerly remnant of the Picnic Point Elementary School site located on the east side of 60th Ave. W. (abutting Lot 1 of Regatta Estates, Sector 22) and approximately 15 acres of land on the west side of 60th Ave. W. (abutting Lot 1 of Regatta Estates, Sector 22) from R-9600 to PRD-9600, with required PRD site plan. The PRD site plan for the rezone area proposes to subdivide and develop these two areas into 83 single family detached lots, roadways, open space, trail system, rain garden/par course recreation facilities and storm water management facilities.

Preliminary Plat: the application proposes to subdivide the entire area into 116 single family detached lots, roadways, open space tracts and storm water management tracts. The preliminary

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plat propose the realignment of the unopened public road rights-of-way of 60th Avenue W. and 58th Place W., requiring vacation of portions of those existing rights-of-way in exchange for newly dedicated rights-of-way for the preliminary plat and PRD design. The preliminary plat also proposes the vacation of the unopened public street right-of-way of 136th Street SW west of 60th Ave. W., with the southerly portion of the vacated right-of-way to be deeded to the abutting single family lots and the northerly portion of the vacated right-of-way becoming part of the open space and trail system of Horseman's Trail PRD. Preapplication meetings have been conducted with DPW regarding the required street rights-of-way vacations.

Plat Alteration: the application proposes to alter the final plat of Regatta Estates to remove Restriction No. 9, which required Lot 1 to be treated "essentially" as a NGPA. This condition on the 1996 final plat reflected the fact that the applicant had no design for this 6.4 acres at the time, so the acreage was depicted as a single lot on the earlier plat, with future development anticipated. Now that the applicant has a detailed design, coordinated with providing common development and street access network for adjacent developable properties, the NGPA restriction is no longer appropriate. All purchasers of lots within the 1996 Regatta Estates final plat agreed, through the CC&Rs, not to oppose the now proposed "future development" of Lot 1.

The processing of this application will require early action on the Division of Development by the PDS Director, per the provisions of the Harbour Pointe Master Plan and Rezone Contract. The Hearing Examiner would consider PRD rezone and site plans, preliminary plat and plat alteration concurrently in a subsequent public hearing. We look forward to working with you and the county staff in the processing of these applications and appreciate the coordination meetings we have had with you to date. Management of these concurrent applications for the applicant is being handled by a team lead by Horseman's Trail LLC owner representative, supported by Land Technologies, the designer/engineer and Jim Miller Planning Services, planning consultant. Each member of the management team would appreciate receiving application contact materials, except for such items as posting notices, which should be directed to Land Technologies.

Sincerely,

Jim Miller
Planning Consultant

Enclosures

Horseman's Trail, LLC
Land Technologies

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August 4, 2005

Mr. Bob Pemberton, Senior Planner
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3000 Rockefeller Avenue, 5th Floor
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SUBJECT: REQUEST FOR PLAT ALTERATION, REGATTA ESTATES FINAL PLAT

Dear Bob:

As discussed in our recent meeting with Hi Bronson and Merle Ash, we are submitting concurrently the preliminary plat and Division of Development for Horseman's Trail and a plat alteration to the final plat of Regatta Estates. At the time the preliminary plat of Regatta Estates was approved, there was not a development design for the 6.4-acre Lot 1. Development of Lot 1 required negotiations with adjacent property owners for a functional alignment of the extension of 60th Avenue West and an alignment to extend 58th Place West to the west to serve the 15-acre parcel west of 60th Avenue West. Lot 1 also contained sloping area that required geotechnical evaluation and hillside design and construction.

Until a separate division of development with appropriate provisions for neighborhood access, Lot 1 was treated in the final plat of Regatta Estates as a single home site and covered with Native Growth Protection Area restriction. Conclusion No. 31 of the October 10, 1991 decision of the Hearing Examiner approving the preliminary plat of Regatta Estates had the following discussion of Lot 1:

"Adequate provisions for public roads would not be present if public road access through proposed Lot 1 to the undeveloped parcel west of parcel A is not guaranteed: the only realistically developable access to the useable portion of that parcel is through Lot 1. A public road right-of-way is needed, but the instant applicant need not construct a road therein beyond the point necessary to access each lot within Regatta Estates. The right-of-way alignment must be chosen to provide a buildable county road in the future to access the developable portions of the adjacent parcel."

The Hearing Examiner imposed Conditions Nos. G vi and G x regarding Lot 1, the proposed plat of Horseman's Trail within Sector 22:

“A 60 foot wide public road right-of-way shall be shown for dedication through proposed Lot 1 to the west edge of said lot. The alignment of said right-of-way shall be selected so as to provide the potential for future construction of a public road meeting county design standards. The location of said right-of-way alignment shall be subject to prior Department of Public Works approval.”

“Proposed Lot 1 shall be treated essentially as a Native Growth Protection Area provided that a single home site with access thereto may be developed on said lot. Site development plans for the access driveway and home site, including clearing and revegetation plans and detailed geotechnical analysis will be required to have received approval from the Planning Division prior to the issuance of any site development permits or any disturbance of said lot.”

The developer of Regatta Estates chose to plan the required public road alignment through Lot 1 as part of a detailed design effort to design a planned residential plat for both Lot 1 and the 15 acres to the west, to which the Hearing Examiner was concerned about providing feasible access. Since development of the existing residences in Regatta Estates, the applicant has acquired both the 15-acre parcel to the west and the vacant land north of the elementary school. This assemblage allows Horseman's Trail to extend 60th Avenue West north to connect with the road network through Lot 1 to the westerly 15 acres. The proposed plat of Horseman's Trail includes the entire road network earlier envisioned by the Hearing Examiner through Regatta Estates and completes the residential development of this plateau area along the west side of the Picnic Point ravine.

Now that the appropriate design work has been completed, the property owner now hereby respectfully requests approval of a plat alteration to remove Restriction No. 9 on the face of the final plat of Regatta Estates. Restriction No. 9 contains the same wording as Condition G. x. of the aforementioned Hearing Examiner decision approving the preliminary plat of Regatta Estates. As part of the CC&Rs recorded for Regatta Estates, all owners within the Plat of Regatta Estates consented to the future subdivision and development of Lot 1, including the required plat alteration. The relevant section of the CC&Rs is:

“Section 7.1 – FUTURE DEVELOPMENT/SUBDIVISION OF LOT 1. With the exception of Lot 1, all lots within the Plat of Regatta Estates are in the final developed size and configuration. Lot 1, however, is an over-sized lot which the Declarant intends, at some time in the future, to subdivide. The owners of Lots in the Plat of Regatta Estates shall take ownership subject to the right of the Declarant and/or its successors to further subdivide Lot 1 pursuant to applicable rules, ordinances, and/or regulations of the governmental entity regulating development of the same. Accordingly, no lot owner shall have the right to protest and/or object to the Declarant or its successors efforts to subdivide said real property so long as such subdivision is being requested and/or completed consistent with the rules and regulations of the municipality regulating development at the time of such subdivision.”

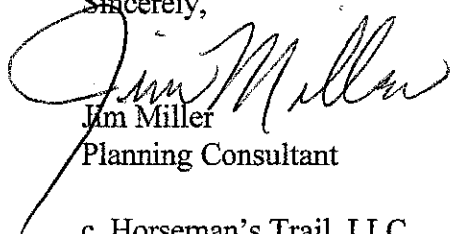
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The CC&Rs were recorded on May 29, 1996. As noted, purchasers of lots/residences in the Plat of Regatta Estates have agreed not to protest or object to the future development and/or subdivision of Lot 1. Therefore, the Plat Alteration application only requires the signature of the owner of Lot 1, with the other 77 lot owners having formally agreed in writing to the now-proposed subdivision and development of an additional 33 lots from Regatta Estates Lot 1 by their signature on the individual deeds in reference to the aforementioned Section 7.1 of the CC&Rs. A copy of that portion of the CC&Rs is enclosed for your review and reference.

Please contact me with any additional questions or comments. Thank you in advance for your time consideration and assistance.

Sincerely,

A handwritten signature in cursive script that reads "Jim Miller". The signature is written in dark ink and is positioned above the printed name and title.

Jim Miller
Planning Consultant

c. Horseman's Trail, LLC
Land Technologies