

## Countryman, Ryan

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**From:** Tom McCormick <tommccormick@mac.com>  
**Sent:** Tuesday, December 12, 2017 4:39 PM  
**To:** MacCready, Paul  
**Cc:** Countryman, Ryan; Mock, Barb; McCrary, Mike; Rowe, Tom; Jack Molver, P.E.; Bloodgood, Jim  
**Subject:** Second access road vested to 2017 rules  
**Attachments:** unnamed document.pdf

Paul,

As you know, BSRE's 2011 application to develop Point Wells as an Urban Center did not include a second access road.

One of BSRE's consultants considered such a road to be unwarranted. A draft Secondary Access Report from consultant DEA to Mr. Huff dated August 26, 2015, concludes that:

"Based on a review of the site conditions and constraints mentioned above (and that none of the secondary access options are deemed to be viable), it appears that the provision of a secondary access to the site to provide for public safety and welfare, whether for public vehicular access or restricted to emergency and possibly pedestrian use, is not warranted."

On September 17, 2015, the County sent DEA a letter saying that Snohomish County does not concur with DEA's conclusion that the provision of a secondary access road "is not warranted," noting that while the "challenges identified in the August 26 report are real [(e.g., significant engineering constraints, geotechnical considerations, land ownership by a third party, etc.)], ... these challenges alone are not sufficient to reach the conclusion that secondary access is unwarranted."

More than six years after it submitted its 2011 application, BSRE changed course and proposed a second access road. See Exhibit A to BSRE's April 17, 2017, revised submittal (copy attached).

BSRE's proposed second access road travels through sensitive landslide hazard areas.

The County's landslide hazard rules and other rules in effect when BSRE proposed its second access road apply to the proposed second road, at least as to the portion of the proposed road that is within unincorporated Snohomish County. That is, the County's landslide hazard rules and other rules in effect on April 17, 2017, apply to the proposed second road.

*No vesting to 2011 development code:* Even if the County determines that BSRE is vested to the County's 2011 development code for certain aspects of the Point Wells project, BSRE is *not* vested to the 2011 code with respect to the proposed second access road. The second road was not part of BSRE's original application. The second road was not proposed until April 17, 2017. Accordingly, the County's landslide hazard rules and other rules in effect on April 17, 2017, apply to BSRE's proposed second road, not the rules in effect in 2011.

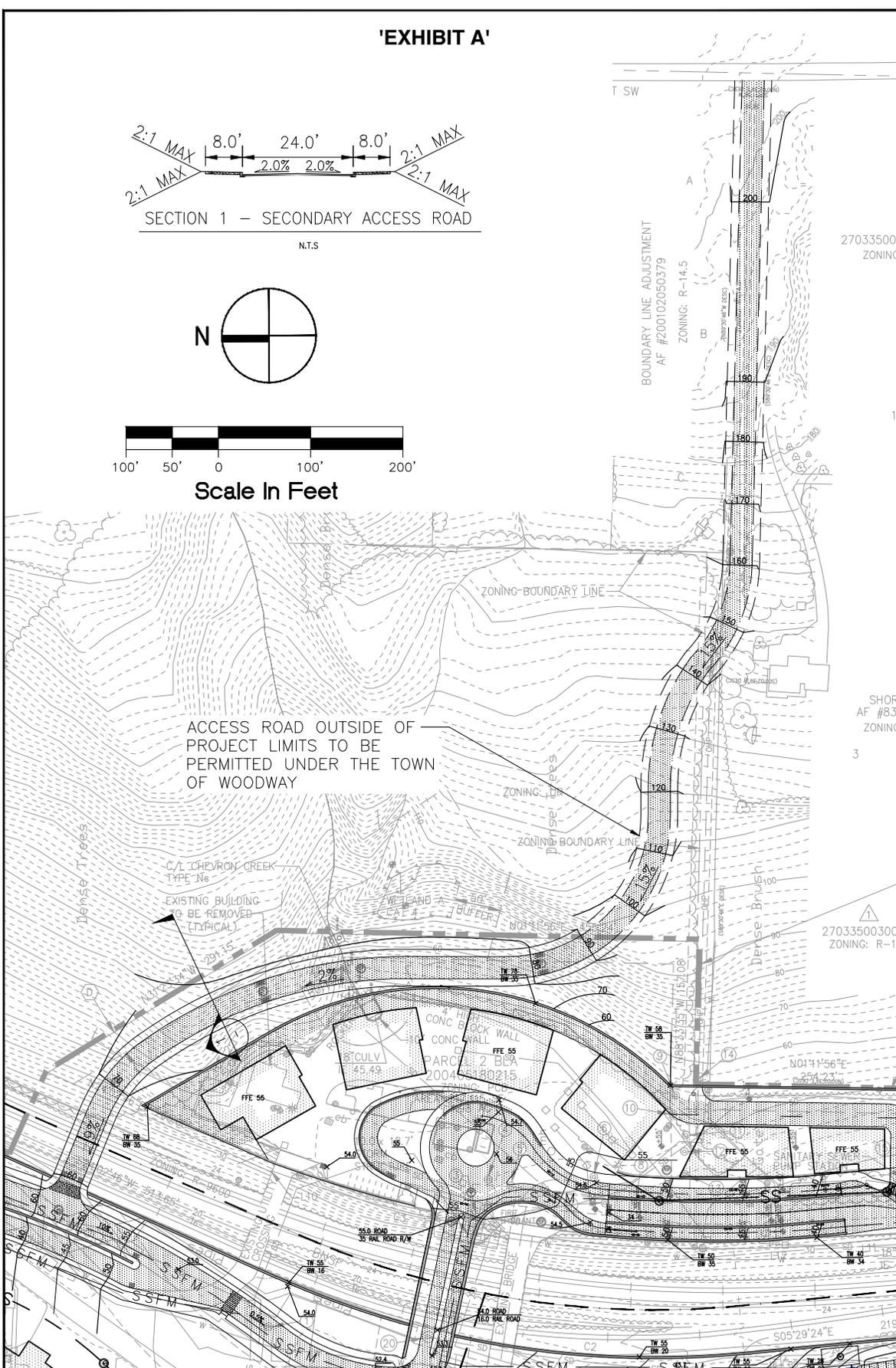
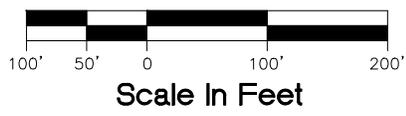
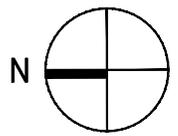
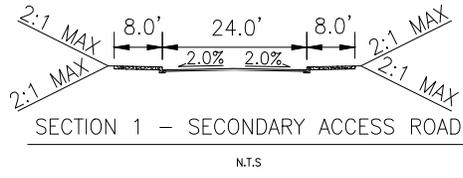
Paul, I would expect that the County will require that any geotechnical reports that BSRE has submitted or will submit for the proposed second road will show that the proposed second road complies with the landslide hazard rules and other rules in effect on April 17, 2017.

Thank you.

Tom McCormick



'EXHIBIT A'



ACCESS ROAD OUTSIDE OF PROJECT LIMITS TO BE PERMITTED UNDER THE TOWN OF WOODWAY

Plotted: Apr 13, 2017 - 4:37:25pm By: robertm  
 File: G:\09\09038c-PWP\Current UC\2nd Access Figures.dwg Layout1

**POINT WELLS**  
 SECOND ACCESS EXHIBIT

Date: 04/12/17

REFERENCE PFN-11-101457 LU



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