

PLANNING COMMISSION RESOLUTION NO. 2002- 97

A RESOLUTION OF THE CITY OF MILL CREEK )  
PLANNING COMMISSION, RECOMMENDING )  
APPROVAL TO THE CITY COUNCIL OF THE CITY ) FINDINGS,  
OF MILL CREEK, WASHINGTON OF A ) REASONS AND  
PRELIMINARY PLAT/PLANNED AREA ) RECOMMENDATIONS  
DEVELOPMENT FOR A 46-LOT SINGLE-FAMILY )  
SUBDIVISION, KNOWN AS THE VINEYARDS AT )  
MILL CREEK, CASE FILE NUMBER PP 00-55. )

---

WHEREAS, Stafford Homes has submitted the appropriate information to the City of Mill Creek for consideration of a Preliminary Plat/Planned Area Development for a 46-lot single-family subdivision; and

WHEREAS, on August 3, 2001, the City's Responsible Official signed and issued a Mitigated Determination of Non-Significance (MDNS)/Notice of Property Development Impact Mitigation for the proposed project; and

WHEREAS, on January 6, 2002, a legal notice stating the time, place and purpose of the public hearing was published in the Everett Herald, and on January 4, 2002, was posted on the property pursuant to MCMC 14.07.030(A)(3), and on January 7, 2002, was sent to surrounding property owners within 500 feet of the site in accordance with MCMC 14.07.030(A)(2); and

WHEREAS, the Planning Commission duly convened a public hearing on January 17, 2002, to consider the matter, take testimony and inquire into the facts of the proposal.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF MILL CREEK:

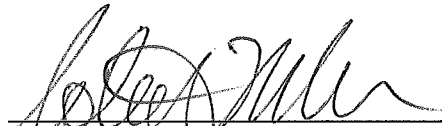
Section 1: The Planning Commission has considered the staff report, attached as Exhibit A, and the proposed Preliminary Plat, attached as Exhibit B, all incorporated herein, and the testimony and other facts elicited at the public hearing and finds that the proposed Preliminary Plat, as conditioned, is consistent with the Mill Creek Comprehensive Plan, the Mill Creek Subdivision, Zoning, and Environmental ordinances and makes appropriate provisions for the public health, safety and general welfare.

Section 2: The Planning Commission adopts the findings and recommendations as contained in Exhibit A, as they may be modified by the Planning Commission motion contained in Exhibit C, attached and incorporated herein.

Section 3: The Planning Commission, therefore, recommends to the City Council approval of the Preliminary Plat 00-55 for Stafford Homes as fully described and conditioned in Exhibit A, Exhibit B, and Exhibit C.

Done and Passed by majority vote, this seventeenth day of January, 2002.

CITY OF MILL CREEK PLANNING COMMISSION

  
\_\_\_\_\_  
BOB MCELHOSE, CHAIRMAN

  
\_\_\_\_\_  
SECRETARY OF THE PLANNING COMMISSION

ATTACHMENT:      Exhibit A - Staff Report  
                         Exhibit B - Preliminary Plat  
                         Exhibit C - Planning Commission Motion with Conditions

F:\DATA\PLANNING\WP\RESOLUTIONS\2001\VINEYARDS.DOC

**EXHIBIT A  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
STAFF REPORT  
TO THE CITY OF MILL CREEK PLANNING COMMISSION**

**PART I - SUMMARY INFORMATION**

**HEARING DATE:** January 17, 2002

**CITY FILE NO:** Preliminary Plat 00- 55 (Vineyards at Mill Creek)

**REQUESTED ACTION:** Consideration of a Preliminary Plat/Planned Area Development to develop 9.54 acres of a 16.05-acre site. The remaining 6.51 acres will remain undeveloped and contains Mill Creek and associated wetlands. The developed area includes lots for 46 single-family residences and a public neighborhood park.

**APPLICANT/  
PROPERTY OWNER:** Stafford Homes  
12931 NE 126<sup>th</sup> Place  
Kirkland, Washington 98034

**LOCATION:** The proposed project is located at approximately the 14600 block of the Bothell-Everett Highway (see vicinity map **Attachment 1**)

**PROPERTY SIZE:** 16.05 acres

**LEGAL  
DESCRIPTION:** See **Attachment 2**

**COMPREHENSIVE  
PLAN DESIGNATION:** Residential - Low Density (maximum 4 dwelling units per acre) and Residential – Medium Density (5 to 12 dwelling units per acre). A future public neighborhood park is also identified on the subject property in the Land Use and Parks and Open Space Element.

**ZONING DISTRICT:** Low Density Residential (LDR) and Medium Density Residential (MDR)

## **PART II - STATUTORY REQUIREMENTS**

### **SEPA COMPLIANCE/DEVELOPMENT IMPACT MITIGATION ORDINANCE:**

The proposed Preliminary Plat is subject to the provisions of the State Environmental Policy Act (SEPA) and the provisions of Chapter 17.48 Mill Creek Municipal Code (MCMC), Development Impact Mitigation.

City staff identified certain elements of the environment that require mitigation pursuant to SEPA and Chapter 17.48 MCMC. On August 3, 2001, the City's Responsible Official issued a Mitigated Determination of Non-Significance (MDNS)/Notice of Property Development Impact Mitigation for the proposed project. Specific elements identified as requiring measures to mitigate the impacts of the proposed development include Earth, Air, Water, Plants and Animals, Transportation, Recreation, and Public Facilities (fire and school facilities). The mitigation measures required to address the identified environmental impacts are incorporated into the conditions of approval.

### **PUBLIC NOTICE:**

In accordance with Chapter 14.07.030 MCMC, notice of the public hearing was mailed to property owners of record within 500 feet of the proposed project on January 7, 2002. Notice of the hearing was also posted on the site on January 4, 2002 and published in the Everett Herald on January 6, 2002. All statutory public notice requirements have been met.

## **PART III - BACKGROUND INFORMATION**

### **EXISTING SITE CHARACTERISTICS:**

The project site encompasses 16.05 acres. The site is currently undeveloped. The developer recently removed two single-family homes and associated outbuildings from the site. The easterly portion of the site proposed for development consists primarily of pasture and yard areas. Mill Creek and its associated wetlands occupy the western portion of the site. A small wetland is located in the northeast corner of the site. The property is terraced with the east portion of the property higher in elevation than the west portion.

### **SURROUNDING PROPERTY ZONING/LAND USES:**

The surrounding properties' zoning designations and existing land uses are as follows:

- the property to the north is zoned PRD 7200 and is occupied by a private stormwater detention pond that also serves as the headwaters of Mill Creek;
- the properties to the east are zoned PRD 7200 and consist of single-family homes (Holly subdivision);

- The properties to the south are zoned PRD 7200 and Medium Density Residential and consist of the Merrill Gardens senior housing community and the single-family plat of Mill Creek 23 (Magnolia); and
- The properties to the west (across SR 527) are within the SR 527 Corridor Subarea Plan and are zoned Mixed Use/High Density Residential and Neighborhood Business. The current use of these properties are the Halo Mobile Home Park and the multi-family development known as The Gables at Mill Creek (under construction).

#### **UTILITIES:**

The subject site is located within the service area of the Silver Lake Water District. Water and sewer services are available. Electrical service is available from Snohomish County PUD. Natural gas service is available from Puget Sound Energy.

#### **FIRE PROTECTION:**

Fire protection, suppression, and emergency medical service will be provided through a contract with the City by Snohomish County Fire Protection District No. 7.

---

### **PART IV - PROJECT ANALYSIS**

#### **DEVELOPMENT REVIEW PROCESS AND DESIGN:**

##### **Development Review Process**

The proposal is being processed in conformance with the provisions contained in Chapter 14 (Development Code Administration), Chapter 16 (Subdivisions and Plats), Chapter 17 (Zoning), and Chapter 18 (Environment) of the Mill Creek Municipal Code (MCMC).

In accordance with MCMC 16.12, the development is being processed as a Planned Area Development (PAD). The PAD review process is intended to allow more flexibility in project design to allow for more creative development, preserve open space and natural vegetation, and to provide for integration of new development into the existing community while protecting the values and integrity of the surrounding neighborhood. Under this process, development code requirements can be modified to meet the intent of the PAD process.

Pursuant to the PAD review process, the applicant is requesting modifications to the minimum lot size requirements, maximum site coverage, and minimum building setback requirements. A detailed description of the modification requests and a staff analysis and recommendation follow later in this report.

## Site Development Design

### General Description

The proposed preliminary plat will develop 9.54 acres of the 16.05-acre site. The remaining 6.51 acres will remain undeveloped and contains a creek and wetlands. The developed area includes lots to accommodate 46 single-family residences, stormwater detention facilities, and a 1.32-acre public neighborhood park (see **Exhibit B** [Plat Map] of the Planning Commission Resolution). Because of the existing topography, which terraces down from east to west, a retaining wall is proposed at the edge of the wetland buffer between Lots 22 and 32. This will allow the lots at the west edge of the development to be graded to provide suitable building sites and yard areas. Regarding the aesthetics of the wall, the retaining wall will be constructed of rock or concrete blocks with a decorative finish. In addition, the wetland buffer between the retaining wall and the wetlands located west of the development will be enhanced with coniferous and deciduous trees, which will help screen the retaining wall from SR 527. The conditions of approval require the Directors of Community Development and Public Works to review and approve of the retaining wall construction materials.

The development is proposed to take access from Mill Creek Boulevard. Consistent with the Streetscape Element of the Comprehensive Plan, a 35-foot roadway buffer/cutting preserve is provided adjacent to SR 527. No street dedications are necessary to accommodate the widening of SR 527 adjacent to the development site.

### Project Density

The development must be consistent with the density restrictions of both the Comprehensive Plan and the Zoning Code. The subject property is split by 2 land use designations in the Comprehensive Plan; Residential-Low Density (maximum 4 units per acre) and Residential-Medium Density (maximum of 12 units per acre). Utilizing the *gross* acreage of the two land use designations, no more than 132 dwelling units are permitted. The proposed plat has a density of 2.88 units per *gross* acre, well below the maximum permitted within the Comprehensive Plan). Utilizing the Planned Area Development maximum density formula established in the Zoning Code at MCMC 16.12 (which utilizes *net* developable area), the development must have at least 18 and no more than 73 dwelling units. 46 dwelling units are proposed resulting in an overall density of 4.9 dwelling units per net acre. Thus, the proposed development is consistent with the Comprehensive Plan and Zoning Code density requirements.

### Plat Design

The proposed plat consists of 46 single-family lots, with an average lot size of 6,039 square feet. The largest lot is 9,575 square feet (Lot 32); and the smallest lot is 5,000 square feet (Lot 39). The developer has indicated that two-story homes with two-car garages will be constructed on the lots. The plat is connected to Mill Creek Boulevard via a new public street that loops through the development. Five-foot wide concrete sidewalks are proposed on both sides of the street. Existing vehicular access to the property from SR 527 will be terminated, except for pedestrian and utility maintenance access.

### Perimeter Buffers

Policy 1.16 of the Land Use Element of the Comprehensive Plan requires landscaped buffer areas along the peripheral boundaries of each residential development. The purpose of the required buffer includes providing neighborhood and development separation and identity and wildlife habitat corridors. In addition, Policies 4.02 and 4.03 of the Environmental Features Element require that significant vegetation be preserved wherever possible and requires vegetated buffer zones between developments.

The proposed plat is bordered on the west by Tract A, which is between 200 and 300 feet in width and includes Mill Creek and its associated wetlands and buffers. A 35-foot roadway buffer/cutting preserve is included within Tract A, adjacent to SR 527. A 20-foot building setback area provides area for landscaping on the east property edge of the development adjacent to the Holly subdivision. A park master plan has not been developed for Tract C; however, to provide adequate security for the lots situated directly east of the future park, the recommended conditions of approval require the applicant to construct a fence on the east property line of Tract C following the completion of grading activities.

Tract D is a landscaping/subdivision monument sign tract and will provide a buffer between the entrance road and the south edge of the Holly subdivision. Tract E provides a 20-foot wide buffer between the entrance road and the north edge of the Magnolia plat currently under construction. The conditions of approval require Design Review Board approval of the monument sign and the proposed landscaping in Tracts D and E. To the south, landscaping will be provided within the 5-foot building setback on Lot 32 to provide a buffer to the Magnolia plat.

The perimeter buffer on the north edge of the development will consist of landscaping within a building setback of 15 feet for lots 11 through 18, and a 5-foot building setback for lots 10 and 19. The recommended conditions of approval require perimeter landscaping buffers to provide an effective buffer between the plat and adjacent properties. Said landscaping is subject to the review and approval of the Design Review Board.

### Pedestrian Facilities

Proposed public pedestrian facilities within the plat include a 5-foot wide sidewalk on both sides of the new public street. The sidewalks within the entrance of the plat (approximately the first 400 feet) are separated from the curb with a 5-foot wide planter strip that will include street trees. The interior of the plat includes sidewalks that are adjacent to the curb. Street trees will be required behind the sidewalk where the sidewalk is adjacent to the curb.

Consistent with the Streetscape Element of the Comprehensive Plan, a 6-foot sidewalk is provided within the SR 527 roadway buffer/cutting preserve on the west edge of the site. This sidewalk will connect to the existing sidewalk in front of the Merrill Gardens development. The portions of the roadway buffer sidewalk that are required to be adjacent to the highway improvements because of the wetlands adjacent to the highway are being constructed by WSDOT. The developer will be required to build sidewalk sections to connect those sections of sidewalk being built by WSDOT.

The internal sidewalk system is connected to the SR 527 sidewalk via a gravel walkway within Tracts A and B utilizing the maintenance drive for the stormwater detention pond and the proposed

sewer easement. The sewer easement will be located within the existing driveway that served the two houses that have been removed. The internal sidewalk also connects to the existing sidewalk system adjacent to Mill Creek Boulevard and to the sidewalk system within the Mill Creek 23 plat (Magnolia).

#### Open Space

One requirement of a Planned Area Development is that 20 percent of the net developable site must be preserved for open space/recreation purposes (2.02 acres). The open space provided for the development includes the wetlands and buffers within Tract A. In addition, Tract C (neighborhood park), and landscape Tracts D, and E provide permanent, usable open space. In total, 7.69 acres of open space, an amount equal to 70 percent of the total net site area, is placed in open space tracts. This amounts to 48 percent of the gross site area.

The Medium Density Residential zone district requires that 50 percent of the 20 percent open space (1.01 acres) be "usable." Tract C (neighborhood park) is 1.3 acres in area. In addition, landscape Tracts D and E are considered usable. Tract A is also usable because the tract is bisected by a pedestrian path and is accessible to the public. Thus, the development meets the open space requirements.

---

#### Vehicular Access and Circulation/On-Street Parking

Vehicular access to the plat is provided by a new public street connected to Mill Creek Boulevard. The City Engineer has determined that site distance easements will be required on the corners of the entrance road at the intersection with Mill Creek Boulevard to ensure an adequate line of sight for drivers entering and exiting the development. Sight obstructing landscaping and structures will be prohibited within the easement. The dimensions of the easements will be determined by the applicant's engineer to the satisfaction of the City Engineer. This requirement is included in the recommended conditions of approval.

The new public street is proposed to have a width of 22 feet as measured face of curb to face of curb. The 22-foot road width will promote slower vehicular speeds, reduce impervious surfaces, and provide a safe pedestrian/residential atmosphere to the streetscape. On-street parking will be permitted on only one side of the street. In addition, cutouts for at least 10 full-size parallel parking spaces are incorporated into the neighborhood park frontage. These spaces would be similar to the parking spaces in front of Heron Park and Pine Meadow Park. In total, approximately 30 on-street parking spaces are provided within the plat.

In addition to on-street parking, a minimum of 4 off-street parking spaces (2 in garage plus 2 on a driveway) are proposed for each lot. Thus, a minimum of 184 off-street parking spaces will be available. The conditions of approval also require that the CC&Rs include a provision prohibiting the use of garage parking spaces for storing recreational vehicles and other personal items so that the garage parking spaces are maintained.



## On-Site Wetlands

Two wetlands have been identified on-site, Wetland A and Wetland B.

*Wetland A* is located in the northeast corner of the development site. Pursuant to the criteria established in MCMC 18.06.080.D, Wetland A is a 1,660 square foot, Category III wetland. The US Army Corps of Engineers has verified the size and classification of Wetland A.

The development project will result in filling Wetland A, which requires mitigation as defined in MCMC 18.06.120. The applicant has submitted a conceptual wetland mitigation plan that enhances 4,800 square feet of Wetland B (mitigation ratio of 2.9:1). The City's wetland consultant, Parametrix, has determined that mitigation is consistent with City requirements. Pursuant to MCMC 18.06.120.B.1(b), a final wetland buffer enhancement plan shall be submitted to the City and approved prior to issuance of a clearing and grading permit for the site.

*Wetland B* is situated on the west side of the site, adjacent to SR 527, and is bisected by Mill Creek. In addition, a gravel driveway connecting the former single-family residences to SR 527 crosses the wetland. This wetland has been categorized as a Type II wetland pursuant to the criteria established within MCMC 18.06.080.B. No filling of Wetland B is proposed. The sewer line is proposed to cross the wetland within a new utility easement located at the same location as the existing gravel driveway. Thus, no wetland disturbance of fill will be required. In addition, the gravel pathway will be maintained/improved to provide access to the manhole proposed west of Lot 23. This gravel drive will also serve as a pedestrian path connecting the interior plat sidewalk system to the sidewalk being constructed by the developer and WSDOT adjacent to SR 527.

Pursuant to MCMC 18.06.090, Category II wetlands generally require a 100-foot wetland buffer adjacent to high impact uses and a 50-foot buffer adjacent to low impact uses. A twenty-five percent reduction in the buffers is permissible if the buffer is degraded and the City determines that the value and function of the wetland would benefit with an enhanced buffer. The existing buffer is dominated by grasses characteristic of former pasture areas and has been determined by the City to be a good candidate for enhancement. Thus, the applicant is proposing a 75-foot enhanced buffer between the wetland and residential lots (high impact use) and a 37.5-foot buffer foot between the wetland and the storm water detention pond (low impact use). These buffers are consistent with the City's buffer requirements.

The applicant has submitted a conceptual wetland buffer enhancement plan to the City for review. Said plan meets City requirements. A final wetland buffer enhancement and wetland mitigation plan shall be submitted to the City and approved prior to the commencement of any clearing and/or grading of the site.

Storm water collected within the development is proposed to be collected and conveyed to a detention pond and then released through a level spreader at the east edge of Wetland B. The applicant has submitted to the City a study assessing the impacts of releasing the storm water into the wetlands. The study concludes that the wetland will receive runoff at the predevelopment rate and that the wetland will not be negatively impacted.

Requested Modifications

Pursuant to MCMC 16.12.040, the applicant is requesting three modifications to the Zoning Code: 1) a reduction in the minimum lot size; 2) a reduction in the minimum building setback requirements; and 3) an increase in the allowable site coverage. Modifications to zoning code requirements are permissible through the PAD process if it can be demonstrated that the modification meets certain criteria including:

- the preservation of open space and natural vegetation;
- providing for the integration of new development into the existing community while protecting the values and integrity of the surrounding neighborhood;
- the provision of a more efficient street and utility systems by clustering buildings; and
- providing for an integrated landscape development.

*Reduced Lot Size* – All lots within the development, except Lots 19-25, are within the Low Density Residential zone district. The Low Density Residential zone includes a requirement for a minimum lot size of 8,400 square feet. This is the lot size that is typical in conventional subdivisions where tracts of common open space are not required. In lieu of 8,400 square feet minimum, the applicant is requesting a minimum lot size of 5,000 square feet, with an average lot size of 6,039 square feet. The basis of the applicant’s request is that the City is requiring land to be dedicated for the purpose of a public neighborhood park and the developer’s desire to develop a detached, single-family community within the multi-family zone district. Reduced lot sizes are necessary to enable the developer to provide the necessary parkland and provide a single-family housing product that meets density targets. Again, the zoning designations on the property would permit both multi-family and single-family housing products. Staff has worked with the applicant to meet density objectives while maintaining a single-family product.

For the purpose of comparison, listed below are the lot sizes for several Mill Creek single-family residential neighborhoods that have been processed as Planned Area Developments.

<b>Neighborhood</b>	<b>Lot Sizes</b>
The Parks, Division 7	4,616 sq. ft. minimum 6,196 sq. ft. average 7,303 sq. ft. maximum
Magnolia at Mill Creek (Mill Creek 23)	5,112 sq. ft. minimum 5,818 sq. ft. average 7,729 sq. ft. maximum
Winslow	5,390 sq. ft. minimum 6,291 sq. ft. average 13,839 sq. ft. maximum
Chatam Park (D2)	5,390 sq. ft. minimum 6,004 sq. ft. average 6,770 sq. ft. maximum

As can be seen, the proposed lot sizes are comparable to previously approved single-family

developments. Smaller lot sizes have been permitted within the City of Mill Creek to encourage the provision of additional common and/or public open space. Staff supports the applicant's request.

*Reduced Setbacks –*

The Low Density Residential zone requires the following setbacks:

- Side yard setback of 20 feet total, with no side yard less than 5 feet;
- Front yard setback of 20 feet. Corner lots (i.e., lots that abut a street or access tract on two contiguous sides) are considered to have two front yards; and
- Rear yard setback of 20 feet.

The Medium Density Residential zone district requires the following setbacks:

- Side yard setback of 15 feet;
- Front yard setback of 10 feet total, all can be allocated to one side; and
- Rear yard setback 15 feet.

---

The applicant is requesting the following setback modifications. These modified setbacks are illustrated on the binding site plan and are described as follows:

- Front yard setback:
  - Minimum of 15 feet. Corner lots would have a 10-foot minimum setback on the second front yard. Residences with front-entry garages would need to provide a minimum 20-foot driveway apron between the sidewalk and the garage door;
- Rear yard setbacks:
  - Lots 1 through 10, 20 feet minimum (no modification requested);
  - Lots 11 through 18 and 33 through 36, 15 feet minimum; and
  - Lots 19 through 32, 10 feet minimum.
- Side yard setbacks:
  - 10 feet total, may allocate entire 10 feet to one side. Exception, side yards that are adjacent to other developments must provide a 5-foot minimum setback (effects Lots 10, 19, and 32).

The proposed setback modifications allow more flexibility in the design of the homes to be constructed in the plat. The applicant is trying to develop high-end, single-family homes on relatively small lots. The reduced setbacks are required to accommodate the type of homes the developer is proposing. As a comparison, the proposed setbacks meet or exceed the setback requirements required in the PRD 7200 zone district, which is the primary zone district for the original Mill Creek PRD. If the site were within the PRD 7200 zone district, the proposed setback modifications would not be necessary.

Please note that no setback modification has been requested between the proposed homes and the Holly subdivision. The full twenty feet has been proposed to be compatible with the larger lots. All of the other setback modifications are adjacent to the lots within the subject plat, large wetland buffer tracts, and a small lot single-family subdivision (Magnolia). Staff supports the modification request.

*Increased Lot Coverage* – The Low Density Residential zone district has a maximum lot coverage of 35 percent.

The applicant has requested to allow up to 40 percent site coverage in lieu of the 35 percent maximum established in the Low Density Residential zone district. The applicant's basis for the request is that much of the site is preserved in open space as a result of the 75-foot wetland buffer required adjacent to the Mill Creek wetland and that public open space has also been provided in the form of a public neighborhood park. Because of the extensive wetland buffer and the public park, much of the site is not available for development. The result is building lots that are smaller than is typical for single-family residential development.

One of the primary reasons for site coverage limitations within a development is to regulate the amount of impervious surface and to allow sufficient space between structures. A typical development with 35 percent site coverage and 20 percent of the plat devoted to road surfaces and driveways would be 48 percent impervious surface. The proposed project, including the road surface, driveways, and 40 percent lot coverage for the residences, would be 24 percent. Building setbacks will be similar to those used throughout many of the single-family developments within the City. Since the overall impervious surface for the project is within limits of other typical residential developments and setbacks for the structures will be similar to other single-family developments throughout the City, staff supports the applicant's request.

#### Utilities-Water and Sewer

Sanitary sewer is available at the south edge of the property. The sanitary sewers will be connected to the existing manhole on the Merrill Gardens property. Water service is available within Mill Creek Boulevard and SR 527 (at the south property line). Silver Lake Water District has commented that the water and sewer capacity is available to serve the proposed development.

#### Utilities-Stormwater

The existing site has two main drainage basins. The smaller basin on the northeast corner drains offsite to the northeast into a ditch, which flows through a wetland and into Mill Creek. The rest of the site drains to the southwest through Tract A (Wetland B) and into Mill Creek. A small area on the Mill Creek Boulevard frontage drains directly into the street.

In the post development condition, there will be a small amount of runoff from the backyards on the northeast corner that will flow undetained into the existing small wetland located off-site to the north. This will continue the existing condition and will satisfy the DOE manual requirement of maintaining existing flows into existing wetlands. All other stormwater runoff will be

captured, detained, and treated for water quality in a closed pipe system. No open channels or bioswales are proposed.

The preliminary drainage system proposes the use of a two cell detention pond between lots 25 and 26. The outlet of the pond will be routed to the adjacent wetland to the west in Tract A, and will ultimately flow into Mill Creek. There will be no additional discharge to any existing drainage system maintained by the MCCA.

The drainage and conveyance system will be designed to meet the requirements of the 1992 Department of Ecology Stormwater Manual and City of Mill Creek standards. The applicant will be required to submit a final drainage report during the civil plan review phase. The final design of the pond and drainage details will be addressed during the civil plan phase. In addition, the project will likely require a Hydraulics Permit Approval (HPA) from the Department of Fish and Wildlife. Additional drainage conditions may be required in conjunction with the HPA.

Traffic and Street Improvements:

*Plat Interior* - The applicant is required to construct the new public street within their property including curb, gutter, planter strips, street trees, storm drainage, sidewalks, and lighting. The existing gravel driveway will be maintained to provide access to the sewer manhole proposed to the west of Lot 23 and for a public pedestrian trail. The applicant will also be required to construct a new left hand turn lane on Mill Creek Boulevard to allow vehicles to pull out of the travel lane prior to entering the new street. All public and private access roads will be designed and constructed to City standards.

*SR 527 Frontage* - The site has approximately 650 feet of frontage on SR 527, where improvements will also be required. A meandering sidewalk (where possible) will be constructed by the applicant to connect to the sidewalk sections being constructed by WSDOT as a part of the widening project. In addition, adequate street and pedestrian lighting is required. The applicant is required to coordinate with the State regarding construction of the SR 527 frontage improvements.

City of Mill Creek Traffic Impacts:

The traffic study for the site indicates that the development is expected to generate an estimated 422 new daily trips and approximately 44 weekday PM peak hour trips (after lot adjustment). These new trips are expected to slightly increase the delay in the northbound direction at intersection of SR 527 and 153<sup>rd</sup> Street SE. This will decrease the Level of Service (LOS) from D to E, but will not exceed the City's adopted minimum LOS of F. This delay may be decreased after the installation of a new traffic signal during the SR 527 widening project.

City of Mill Creek Traffic Mitigation:

To address the cumulative impacts of the added trips to City street segments, the applicant will provide a \$62,835 contribution toward the future improvement of the street segments identified in the City's Traffic Mitigation Program. The conditions of approval include the requirement for the applicant to pay transportation mitigation fees to the City of Mill Creek prior to approval of the final plat.

### Snohomish County Transportation Impacts

In accordance with the interlocal agreement with Snohomish County for reciprocal assessment of traffic impact mitigation fees, the applicant is required to pay mitigation fees to offset the project's impacts to the County's Road System Capacity and for Transportation Demand Management.

Through the SEPA review process, Snohomish County has determined, based on adopted formulas, that \$54,953.00 is required to mitigate transportation impacts to the County road system. In addition, Snohomish County has determined that a transportation demand management payment of \$2,475.00 is required. The conditions of approval include the requirement for the applicant to pay transportation mitigation fees to Snohomish County prior to approval of the final plat.

### School District Impacts:

The City of Mill Creek and the Everett School District have executed an Interlocal Agreement for mitigation of development impacts on district facilities. Approval of the project will have an impact on the Everett School District facilities. The Everett School District has determined that a contribution of \$81,136.00 is required to mitigate the impacts of the development in lieu of dedication of land for school facilities.

The conditions of approval include the requirement for the applicant to enter into a voluntary mitigation agreement. A copy of the executed agreement and proof of payment of the mitigation fees are required prior to the approval of the final plat.

### Fire District Impacts

The City of Mill Creek and Snohomish County Fire District No. 7 have executed an Interlocal Agreement for mitigation of development impacts on fire facilities/services. Mitigation fees are determined by the anticipated impact a development will have on District facilities. Based on the provisions of the agreement, the mitigation required to mitigate impacts to District facilities is \$16,060.00. The conditions of approval include the requirement for the applicant to pay fire district mitigation fees to Snohomish County Fire Protection District No. 7 prior to approval of the final plat.

### City Park System Impacts

Approval of the Preliminary Plat will allow the construction of 46 single-family homes, which will increase the demands on the City's Neighborhood and Community Park recreation facilities. To mitigate the project's impacts on these facilities, mitigation fees are typically required for the acquisition and development of neighborhood parks and for the acquisition and development of community parks. The mitigation fee is payment in lieu of actually acquiring or developing parkland, which the City collects for the purpose of purchasing and developing parkland.

*Neighborhood Parks* - As stated previously, the Comprehensive Plan designates a public neighborhood park on the subject site. As such, mitigation fees are not appropriate. To mitigate the impacts of the development, the applicant has proposed to dedicate approximately 1.32 acres of land for the purpose of a public neighborhood park (Tract C). This dedication satisfies the applicant's requirement to mitigate impacts on the City's neighborhood park system.

*Community Parks* - Based upon the formula for calculating impact fees in Resolution 99-276, the proposed project is required to pay \$62,346.24 to offset impacts to community park facilities:

The conditions of approval include the requirement for the applicant to pay the park mitigation fee prior to approval of the final plat.

**CONSISTENCY WITH THE MILL CREEK COMPREHENSIVE PLAN:**

For a development to be approved, the Planning Commission must make a finding that the proposed development is consistent with the Land Use Map and applicable policies of the Comprehensive Plan. The proposed residential development has been reviewed by staff for consistency with the Mill Creek Comprehensive Plan. Since the plan is by its nature "comprehensive," the staff report provides the following matrix which focuses on the applicable policies that have direct influence on the design of this project.

POLICY	FOCUS	COMMENT
<b>LAND USE ELEMENT</b>		
Land Use Map	Site designated for Residential-Low Density (4 units/gross acre maximum) and Residential-Medium Density (12 units/gross acre maximum) use.	Utilizing the Comprehensive Plan land use designations, up to 132 units could be permitted. 46 units are proposed. The project does not exceed the maximum density.
1.01	City's residential character should be composed of wide range of densities and maintain and enhance the City as a predominantly single-family residential community.	The project represents the low to middle range of the potential density ranges designated for the site. The residential character of the proposed development is single-family detached.
1.16	Peripheral boundaries of each residential development should contain appropriately-sized buffer areas.	The front, side, and rear yard setbacks create a 5 to 20-foot wide landscaped buffer to the north, east, and south. Tract A which includes a 35-foot roadway buffer/cutting preserve adjacent to SR 527 and Mill Creek and its associated wetlands and buffer create a significant buffer to the west.

POLICY	FOCUS	COMMENT
<b>LAND USE ELEMENT</b>		
1.17	Entrances should be clearly identifiable; building mass should be in scale with lot sizes, pedestrian and vehicular circulation should be safe and efficient.	Project entrance as proposed will be clearly identifiable; the 15-foot front yard building setback for the homes, and the 20-foot front yard setback for the garages will provide an appropriate scale between lot area and the building mass of the detached single-family homes; vehicle and pedestrian circulation is safe and efficient.
1.18	Residential developments shall be designed to be compatible with adjacent developments.	The single-family use is compatible with the adjacent single-family developments. The proposed project includes a peripheral property buffers as required. The proposed subdivision as conditioned is compatible with adjacent developments.
<b>CAPITAL FACILITIES ELEMENT</b>		
2.03	Stormwater management facilities to include quality and quantity controls pursuant to Level of Service guidelines.	Project is conditioned to incorporate stormwater management facilities that comply with City established Level of Service guidelines.
<b>UTILITIES ELEMENT</b>		
1.01	Urban development shall occur only where adequate utilities are available.	Adequate utility services are available.



POLICY	FOCUS	COMMENT
<b>LAND USE ELEMENT</b>		
1.10	Requires under grounding of utilities where possible.	Utilities are conditioned to be located underground.
<b>TRANSPORTATION ELEMENT</b>		
2.03	Project shall not reduce Levels of Service below established standards.	City Engineer has determined that the project does not reduce Levels of Service below established standards.
3.04	Access points from the public right-of-way to private developments shall be located at appropriate locations.	City Engineer has determined that the access location is appropriate.
4.01	Public sidewalks required throughout residential neighborhoods. Sidewalk should be located on both sides of the street and be connected with other public/private trail systems. Sidewalks adjacent to arterial streets should be consistent with the Streetscape Element of the Comprehensive Plan.	The proposed plat as conditioned includes sidewalks on both sides of the street throughout the plat. A meandering sidewalk is provided within the SR 527 Roadway buffer consistent with the Streetscape Element of the Comprehensive Plan. Sidewalk connections are provided to the Magnolia subdivision and to the sidewalk adjacent to SR 527.
<b>STREETSCAPE ELEMENT</b>		
1.02	Proposals shall incorporate all requirements of streetscape plans.	Sidewalks are to be located within the 35-foot roadway buffer.
2.01	35-foot roadway buffer required.	A 35-foot roadway buffer is provided.
<b>ENVIRONMENTAL FEATURES ELEMENT</b>		
3.01	Adequate erosion control measures required.	Suggested conditions of approval require erosion control measures.

POLICY	FOCUS	COMMENT
<b>LAND USE ELEMENT</b>		
4.01	Wooded areas to be preserved where possible.	Conditions of approval and the MDNS issued for the project require preservation of trees where possible. Significant trees are present within Tract A and along the east property line and will be preserved if possible.
4.03	Requires that vegetated buffer zones be established between developments.	The project proposes a 5- to 20-foot property buffer from adjacent properties in the form of building setbacks. To the west is Tract A which includes wetlands and an enhanced buffer.
<b>PARKS AND RECREATION ELEMENT</b>		
5.02	Park impact mitigation required for residential development.	MDNS issued for the project and conditions of approval require dedication of land for a public neighborhood park and the payment of fees to mitigate impacts to community parks.

In summary, staff has reviewed the applicable policies of the Comprehensive Plan. Based on this review, we find that the proposed project with conditions of approval complies with the applicable policies.

**CONSISTENCY WITH DEVELOPMENT REGULATIONS:**

As stated previously, this application is being processed under the provisions of the Subdivision, Zoning, and Environment sections of the MCMC (Chapters 16 and 17). The following matrix evaluates the proposed project with the applicable development regulations:

<b>DEVELOPMENT REGULATIONS</b>		
<b>SECTION</b>	<b>REQUIREMENT</b>	<b>COMMENT</b>
16.12.060	Requires 20 percent of net developable area of the PRD to be established as open space.	The plat establishes 70% percent of the net developable area as permanent open space. This is 48% of the total site area. The open space tracts include Tract A, which includes the SR 527 roadway buffer, Tract C (public neighborhood park), and Tracts D and E (see discussion above under Open Space, page 6).
16.12.070	When property has multiple residential zones, the maximum number of units permitted shall be the total allowed in each zone combined.	The total allowed units is 73 dwelling units. 46 units are provided. The proposed development does not exceed the maximum density.
16.14.010	Requires a finding that the proposed subdivision is beneficial to the public health, safety, and welfare and is in the public interest. Includes the adequate provision for: public health, safety and general welfare, open spaces, drainage ways, streets and other public ways, transit stops, water	Streets and sidewalks comply with standards recommended by the City Engineer. Mitigation is required to offset impacts of the development on parks and recreation facilities, identified City and County roadway projects, critical areas, school facilities, and fire protection facilities. Utilities are available with sufficient capacity to serve

<b>DEVELOPMENT REGULATIONS</b>		
<b>SECTION</b>	<b>REQUIREMENT</b>	<b>COMMENT</b>
16.14.010 (continued)	supplies, sanitary wastes, parks and recreation facilities, playgrounds, sites for schools and school grounds, mitigation of adverse environmental impacts, and protection of environmentally significant features.	the proposed development. Stormwater drainage facilities will meet LOS standards as established within the Comprehensive Plan.
17.06.010 (Applies to Lots 1 through 18 and Lots 26 through 46)	Single-family residential structures are permitted as a Principal Use in the Low Density Residential zone district.	Project consists of subdividing property to allow detached single-family residences.
17.06.050 (Applies to Lots 1 through 18 and Lots 26 through 46)	Building setbacks Front – 20 feet Side – 20 feet Rear – 20 feet	A modification to the minimum setbacks has been requested as follows: Front – 15 feet, 10 feet on second front yard of corner lots Side – 10 feet, may be all on one side Rear – (Lots 11 through 18 and Lots 26 through 46) 15 feet.  Staff supports the request. See discussion under Requested Modifications, page 8.
17.06.055 (Applies to Lots 1 through 18 and Lots 26 through 46)	Maximum density is 4 units per acre.	As discussed under Project Density, the site has two zone districts. Total number of units permitted on the site is the total of the two zone districts combined. Maximum number of units is 73. 46 units are proposed. The development meets density requirements. See discussion under Project Density, page 4.

<b>DEVELOPMENT REGULATIONS</b>		
<b>SECTION</b>	<b>REQUIREMENT</b>	<b>COMMENT</b>
17.06.040 (Applies to Lots 1 through 18 and Lots 26 through 46)	Minimum lot size is 8,400 square feet.	A modification to minimum lot size has been requested. The smallest proposed lot size is 5,000 square feet. Average lot size is 6,039 square feet. Staff supports the request. See discussion under Requested Modifications, page 8.
17.06.070 (Applies to Lots 1 through 18 and Lots 26 through 46)	Maximum lot coverage is 35%	A modification to maximum lot coverage has been requested. 40% lot coverage is proposed. Staff supports the request. See discussion under Requested Modifications, page 9.
17.12.020 (Applies to Lots 19 through 25)	Single-family residential structures are permitted as a Principal Use in the Medium Density Residential zone district.	Project consists of subdividing property to allow detached single-family residences.
17.12.070 (Applies to Lots 19 through 25)	Density must be between 5 and 12 units per acre.	As discussed under Project Density, the site has two zone districts. Total number of units permitted on the site is the total of the two zone districts combined. Maximum number of units is 73. 46 units are proposed. The development meets density requirements. See discussion under Project Density, page 4.
17.12.080 (Applies to Lots 19 through 25)	Building setbacks Front – 15 feet Side – 10 feet, entire setback may be all on one side. Rear – 15 feet	Project meets front and side yard setbacks. A modification has been requested to reduce the rear setbacks to 10 feet. Rear lots are adjacent to Tract A (wetlands and buffer). Staff supports the request. See discussion under Requested Modifications, page 8.
17.12.090 (Applies to Lots 19 through 25)	Maximum lot coverage is 40%	40% lot coverage proposed.

<b>DEVELOPMENT REGULATIONS</b>		
<b>SECTION</b>	<b>REQUIREMENT</b>	<b>COMMENT</b>
17.12.110 (Applies to Lots 19 through 25)	Of the 20 percent open space requirement, 50% must be usable.	2.02 acres of open space is required. Tract C, which is designated as a public neighborhood park, equals 1.32 acres. Tract C is considered usable and exceeds 50% of the open space requirement. Tracts D, E, and Tract A, since it is bisected by a pedestrian trail are also considered usable. The project meets this requirement.
17.22.180	Comprehensive Plan – concurrency and consistency required.	As discussed above, the project is consistent with the applicable policies of the Comprehensive Plan and does not reduce Levels of Service below established standards.
18.06.090	75-foot enhanced wetland buffer required.	75-foot enhanced wetland buffer is proposed. The project, as conditioned, complies with this request.
18.06.120	Mitigation for wetland impacts required.	A wetland mitigation and buffer enhancement plan has been submitted and has been found consistent with the City’s regulations.

In summary, staff has reviewed the applicable development regulations and, based on this review, finds that the proposed project, subject to proposed conditions, complies with the applicable development regulations.

**PART V - FINDINGS AND CONCLUSIONS, STAFF RECOMMENDATION, AND  
CONDITIONS OF APPROVAL**

**FINDINGS AND CONCLUSIONS:**

Having viewed the property and reviewed the application and supporting materials, staff makes the following findings and conclusions:

1. The request is for the approval of a Preliminary Plat for 46 lots to be developed with single-family detached residences.
2. Access to the proposed plat would be from a new public street connected to Mill Creek Boulevard. Access to the individual lots is proposed from the new public street to be constructed by the applicant.
3. The proposed project has been reviewed under the provisions of the State Environmental Policy Act (SEPA) and Chapter 17.48 MCMC, the Development Impact Mitigation Ordinance. This review has revealed that there will be an impact on the City and County street systems, The City Parks and Recreation system, the Everett School District, and on Snohomish County Fire Protection District No. 7 facilities/services.
4. In accordance with the Mitigated Determination of Non-Significance and Notice of Property Development Impact Mitigation issued by the responsible official on August 3, 2001, impact mitigation agreements will be required to mitigate the identified impacts.
5. The proposed plat is located within two zone districts, Low Density Residential and Medium Density Residential. Single-family residential development is a principal use in both zone districts.
6. The proposed plat is consistent with the applicable development regulations with regard to residential use, density, lot design, open space, and provision of public facilities.
7. Pursuant to the PAD process within MCMC 16.12, the applicant has requested modifications to allow a reduced lot size, reduced yard setbacks, and increased lot coverage. Based upon the analysis within the staff report, the requested modifications are appropriate.
8. The proposed plat has been reviewed and found consistent with the applicable policies and Land Use Map of the City of Mill Creek Comprehensive Plan.
9. The proposed plat proposes adequate common open space as required by the provisions of the PAD review process.
10. The proposed plat includes property to be dedicated as a public neighborhood park consistent with the City of Mill Creek Comprehensive Plan Land Use and Parks and Open Space Elements.

11. The proposed residential development has been reviewed in regard to the requirements of 16.14.010. The development, subject to the conditions below, is found to be beneficial to the public health, safety, and welfare and is in the public interest.
12. If approved subject to the conditions recommended below, the proposed plat will be consistent with the requirements of Titles 16, 17 and 18 MCMC.
13. The statutory requirements for environmental review and public notification have been duly satisfied.

**STAFF RECOMMENDATION:**

Based upon the findings and conclusions stated above, staff recommends approval of the Preliminary Plat subject to the following conditions of approval:

**DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDED CONDITIONS OF APPROVAL:**

1. Development shall occur as portrayed on the Preliminary Plat Map attached as Exhibit B to the Planning Commission Resolution, except as may be modified by conditions imposed by the Planning Commission.
2. The maximum number of building lots shall be 46. Construction shall be limited to one single-family detached residence per lot.
3. The subdivision shall be incorporated into a homeowners association which will be responsible for the maintenance of all privately owned common facilities, including Tracts A, B, D, and E. In addition, the CC&Rs for the association shall include a provision prohibiting the use of garage parking spaces for storing recreational vehicles and other personal items so that garage parking spaces are maintained as such.
4. Water and sewer facilities shall be designed and installed in accordance with the requirements of the Silver Lake Water District.
5. Fire hydrant design, location, and spacing shall be reviewed and approved by Fire District No. 7 and the Silver Lake Water District.
6. Public access easements shall be provided for all pedestrian pathways located within the plat and outside of a public right-of-way.
7. The applicant shall submit to the City a planting plan for the public street within the plat, Tracts D and E, and the perimeter buffer areas. The landscaping plan shall incorporate adequate vegetation and/or fencing as appropriate to screen the adjacent residential properties from the development. The planting plan shall be prepared by a licensed landscape architect and shall be reviewed and approved by the City's Design Review Board prior to final plat approval. The landscaping plan shall be implemented commensurate with house



construction. No Certificate of Occupancy shall be issued until required landscaping is satisfactorily installed on the subject property.

8. A six-foot minimum solid wood screening/security fence shall be constructed on the eastern property line of Tract C (future neighborhood park) as soon as possible following grading activities.
9. The applicant shall submit for City approval plans for the subdivision identification sign within Tract D. The plans shall be reviewed and approved by the City's Design Review Board prior to installation.
10. The retaining wall shall be constructed of rock or another decorative material subject to the approval of the Directors of Community Development and Public Works. Said retaining wall requires the issuance of a building permit.
11. All utility, stormwater, drainage, maintenance easements, property buffers, street and park land dedications, and pedestrian easements, together with attendant restrictions and conditions, shall be portrayed on the face of the final plat.
12. Mail boxes shall be grouped or clustered in lockable hutches in locations identified by the United States Postal Service and the Mill Creek Police Department. Structures shall be enclosed in a decorative wood enclosure to the satisfaction of the City Engineer.
13. Existing significant trees shall be preserved within roadway buffers/cutting preserves and property buffers. In addition, existing significant trees shall be preserved on individual residential lots where possible and practical. Of specific concern is the mature vegetation on the south edge of the site. The trees to be preserved shall be determined after a review of the tree survey on file with the City and on-site identification by City staff. Preservation areas and individual trees identified to be saved shall be protected from encroachment by vehicles, earth moving and excavating machinery and material storage by the erection of barrier fencing approved by City staff. Failure to maintain, or removal of the fencing without approval of the City, shall result in the issuance of a stop work order.
14. Trees designated for preservation that are damaged or removed shall be replaced at a ratio of 3:1. The replacement trees shall be a coniferous species and have a minimum height at planting of 12 feet. In addition, a penalty of \$1,000.00 per tree may be assessed for any trees that are removed or destroyed by the applicant or his agent without the express approval of the City. The City may, at its discretion, issue a stop work order for the construction on the subject lots until the penalty is paid.
15. The applicant shall submit to the City for review and approval a detailed final wetland mitigation and buffer enhancement plan. Said plan shall be developed in accordance with Section 18.06 MCMC. The developer and the City shall enter an agreement for implementation of the plan secured by a performance bond equal to 125 percent of the cost of labor and materials. In addition, the developer and the City shall enter an agreement that will ensure the applicant's compliance with the monitoring schedule contained within the

final buffer enhancement plan. Said agreement shall be reviewed and approved by the City Attorney.

16. Dust shall be controlled by watering areas of soil disturbance during construction. All fireplaces shall be either natural gas appliances or certified pellet/wood stoves or inserts.
17. The applicant shall dedicate to the City of Mill Creek land shown on the Preliminary Plat as Tract C for public neighborhood park purposes. Said dedication shall satisfy in full the applicant's obligation to mitigate impacts of the proposed development to the City's neighborhood park system.
18. The applicant shall contribute \$62,346.24 to mitigate impacts on City Community Park facilities. Verification of payment shall be provided to the City before final plat approval.
19. The applicant shall enter into a voluntary mitigation agreement to contribute \$81,136.00 to the Everett School District to mitigate impacts on school district facilities. A copy of the executed agreement and proof of payment of the mitigation fees are required prior to the approval of the final plat.
20. The applicant shall contribute \$54,953.00 to Snohomish County to mitigate transportation impacts to the County road system and contribute a \$2,475.00 transportation demand management payment to Snohomish County. Proof of payment of the mitigation fees is required prior to approval of the final plat.
21. The applicant shall contribute \$16,060.00 to mitigate impacts to Snohomish County Fire Protection District No. 7. Verification of payment shall be provided to the City before final plat approval.

#### **DEPARTMENT OF PUBLIC WORKS RECOMMENDED CONDITIONS OF APPROVAL**

##### Lot Clearing:

22. The applicant shall provide grading, stormwater, erosion and sediment control plans to the satisfaction of the City Engineer prior to commencing any clearing for the site. All related work shall be adequately secured through a secured agreement acceptable to the City Engineer.

##### Frontage and Site Improvements:

23. All new utilities within the project and project's frontage shall be placed underground in accordance with City Code. No new poles shall be installed in the project's frontage. Appropriate easements or right-of-way for all utilities shall be provided by the applicant as shown on the face of the Final Plat.
24. Adequate street lighting will be required on all project frontage. Minimum pedestrian lighting is 0.5 foot candles, and in areas where street lighting is not sufficient, pedestrian lighting will be required. Lighting calculations and plans shall be submitted for review by City staff.

25. Full width street improvements for the new public street are required, including frontage improvements to Mill Creek Boulevard as necessary at the street connection. Improvements include paving, street lights, sidewalks, curbs and gutters, street trees, and appropriate storm drainage. A 5-foot planter strip is required between the curb and the sidewalk adjacent to Tract C and Lots 28 through 32. All roadways shall be designed and constructed to meet all emergency vehicle access requirements. All roads/access easements that provide access to stormwater shall be designed for maintenance vehicle loading. All frontage improvements shall be designed and constructed to the satisfaction of the Directors of Community Development and Public Works.
26. The applicant shall install traffic channelization on Mill Creek Boulevard to create a left-hand turn lane into the project entrance. The applicant's engineer shall design the channelization to the satisfaction of the Director of Public Works.
27. The applicant shall provide a sidewalk connection within Tract E that meets all ADA requirements and City of Mill Creek standards between the project entrance the sidewalk connection provided within Mill Creek 23.
28. Frontage improvements are also required along SR 527, including the installation of a meandering concrete sidewalk where possible and street and pedestrian lighting consistent with the pedestrian lighting installed in the Merrill Gardens SR 527 frontage. The new sidewalk shall connect with any existing trail on the adjacent properties and any sidewalk segments being built by WSDOT as a part of the highway widening project. The applicant shall coordinate SR 527 frontage improvements with WSDOT as appropriate.
29. The existing gravel driveway off SR 527 shall be retained and improved as necessary to provide adequate pedestrian access and utility truck access to the sanitary sewer manhole to be located west of Lot 23. A barrier approved by the Director of Public Works shall be installed across the west end of the gravel path to prevent unauthorized access.
30. Site visibility easements shall be dedicated to the City at the intersection of the Plat's entrance road and Mill Creek Boulevard. Dimensions for the easement shall be determined by the applicant's engineer to the satisfaction of the Director of Public Works

Transportation Mitigation

31. The applicant shall contribute to the City's transportation mitigation program based on the projected traffic distribution as outlined in the final, accepted traffic report. Pursuant to the analysis within the report, \$62,835 is required to mitigate impacts of the development on the City's transportation system.

Stormwater:

32. The applicant shall have drainage improvements designed and installed for the site and adjacent roadways in accordance with City of Mill Creek, the 1992 Department of Ecology Stormwater Management Manual for the Puget Sound Basin and any HPA permit requirements established by the State Department of Fish and Wildlife.

33. A final, signed storm drainage design report shall be submitted to the Director of Public Works for review and approval. The final report shall use the City's accepted rainfall rates and release criteria, and also identify and include a downstream analysis and mitigation for any downstream impacts created by development of the site. All required drainage improvements shall be included in the applicant's engineering design plans for the Director of Public Works approval. The approved stormwater system shall include the following:
- A. Detention and stormwater treatment facilities with a conveyance system that meets the City of Mill Creek, Department of Fish and Wildlife and 1992 Department of Ecology (DOE) Stormwater Manual requirements.
  - B. Provisions for maintenance of the stormwater system, including, but not limited to: adequate access to maintenance locations; provisions, including easements, that allow the City to inspect, maintain, and/or operate the detention and treatment system at its discretion; and adequate easement provisions to ensure uninterrupted function of the facilities of the proposed development.
  - C. Any off site improvements identified as needed in the final stormwater report.
  - D. Requirements that the owners are obligated to own, maintain and operate the stormwater system to the City's satisfaction. This obligation shall be secured by a performance agreement and security in accordance with DOE guidelines. Specific maintenance measures, including, but not limited to, frequency of inspections, cleanings, and disposal, shall be indicated on the approved engineering plans for the site development.

Attachments: Attachment 1 – Vicinity Map  
Attachment 2 – Legal Description

F:\DATA\PLANNING\WP\toni\Vineyards\Planning staff report.doc



VICINITY MAP  
PRELIMINARY PLAT 00-55



## Attachment 2

### LEGAL DESCRIPTIONS

#### PARCEL A:

THE SOUTH 100' OF THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 28 NORTH, RANGE 5 EAST, W.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE QUARTER CORNER AT THE SOUTH LINE OF SAID SECTION; THENCE NORTH 544 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 242 FEET; THENCE WEST 37 FEET, MORE OR LESS, TO THE EASTERLY MARGIN OF THE PACIFIC HIGHWAY; THENCE SOUTHERLY ALONG THE EASTERLY MARGIN OF THE PACIFIC HIGHWAY TO A POINT DUE WEST OF THE POINT OF BEGINNING, THENCE EAST 73.34 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

#### PARCEL B:

THAT PORTION OF THE WEST 25 ACRES OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 28 NORTH, RANGE 5 EAST, W.M., DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 31, THENCE NORTH 534 FEET ON THE NORTH AND SOUTH CENTER LINE OF SAID SECTION TO THE TRUE POINT OF BEGINNING; THENCE EAST 825 FEET, MORE OR LESS, TO THE EAST LINE OF SAID 25 ACRE TRACT; THENCE NORTH 252 FEET; THENCE WEST 825 FEET, MORE OR LESS, TO THE NORTH AND SOUTH CENTER LINE OF SAID SECTION; THENCE SOUTH 252 FEET ALONG SAID CENTER LINE TO THE POINT OF BEGINNING;

EXCEPT THE WEST 30 FEET THEREOF DEEDED TO SNOHOMISH COUNTY FOR ROAD BY DEED RECORDED UNDER RECORDING No. 181314;

AND EXCEPT THE WEST 50 FEET OF THE NORTH 142 FEET OF THE REMAINDER.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

#### PARCEL C:

IN SECTION 31, TOWNSHIP 28 NORTH RANGE 5 E. W.M.; BEGINNING AT THE QUARTER CORNER ON THE SOUTH LINE OF SECTION; THENCE NORTH 544 FEET; THENCE WEST 103.34 FEET MORE OR LESS TO CENTER LINE OF PACIFIC HIGHWAY; THENCE (ALSO KNOWN AS SR 527) THENCE SOUTHERLY ALONG SAID HIGHWAY 316.7 FEET MORE OR LESS TO AN INTERSECTION WITH THE CENTER LINE OF THE OLD BOTHELL ROAD; THENCE ANGLE LEFT ALONG SAID ROAD 240 FEET MORE OR LESS TO THE SOUTH LINE OF SECTION; THENCE EAST ALONG THE SOUTH LINE OF SECTION 98.90 FEET MORE OR LESS TO THE PLACE OF BEGINNING;

EXCEPT ANY PORTION THEREOF LYING WITHIN KNOWN AS SR 527 AND OLD BOTHELL ROAD, ALSO, THE FOLLOWING DESCRIBED TRACT: BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 31; THENCE NORTH 534 FEET ON THE NORTH SOUTH CENTERLINE OF SAID SECTION; THENCE EAST 825 FEET, MORE OR LESS TO THE EAST LINE OF THE WEST 25 ACRES OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE SOUTH 534 FEET TO THE SOUTH LINE OF SAID SECTION 31;

THENCE WEST ALONG THE SOUTH LINE TO THE POINT OF BEGINNING;

EXCEPT THE SOUTH 30 FEET AND THE WEST 30 FEET THEREOF CONVEYED TO SNOHOMISH COUNTY FOR ROAD UNDER AUDITOR'S FILE No. 181314.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

**EXHIBIT C**  
**PLANNING COMMISSION MOTION WITH CONDITIONS**

**Motion: COMMISSIONER BEALES MOVED TO APPROVE RESOLUTION 2002-97 RECOMMENDING APPROVAL TO THE CITY COUNCIL OF THE "VINEYARDS AT MILL CREEK" PRELIMINARY PLAT/PLANNED AREA DEVELOPMENT (PP 00-55) WITH AN AMENDMENT TO CONDITIONS #2 AND #3 AND AN ADDITIONAL CONDITION (#34) ALL AS SHOWN BELOW. MOTION WAS SECONDED BY COMMISSIONER WRIGHT. THE MOTION PASSED 6-0.**

Revised Condition 2. The maximum number of building lots shall be 46 or 47, depending upon the City Council's decision on purchasing the additional lot. If the City Council declines to purchase the additional lot, mitigation amounts contained in the following conditions shall be adjusted to reflect the additional lot. Construction shall be limited to one single-family detached residence per lot.

Revised Condition 3. The subdivision shall be incorporated into a homeowners association which will be responsible for the maintenance of all privately owned common facilities, including Tracts A, B, D, and E. In addition, the CC&Rs for the association shall include a provision prohibiting the use of garage parking spaces for storing recreational vehicles and other personal items so that garage parking spaces (18 feet by 19 feet) are maintained as such.

New Condition 34. The following groups of lots shall be subject to a joint access and road maintenance agreement acceptable to the City Engineer. Such agreements shall be recorded in the Snohomish County Auditor's Office on or before the date the Final Plat is recorded.

Group 1 – Lots 9 and 10

Group 2 – Lots 19, 20, and 21

Group 3 – Lots 34, 45, and 46