

PLANNING COMMISSION RESOLUTION NO. 2004-115

**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 RESIDENTIAL ) RECOMMENDATIONS**  
**DEVELOPMENT KNOWN AS THE COTTAGES AT )**  
**MILL CREEK, CASE FILE NUMBER PP 03-60. )**

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WHEREAS, the City prepared the SR 527 Corridor Subarea Plan consistent with the provisions of RCW Chapters 43.21C and 36.70A that effectively integrate the requirements of SEPA and GMA to ensure that environmental analysis under SEPA can occur concurrently with and as an integral part of the planning and decision-making process under GMA; and

WHEREAS, the SR 527 Corridor Subarea Plan includes a Supplemental Environmental Impact Statement for the SR 527 Subarea Plan, which includes an analysis of the impacts of uses allowed in the SR 527 Subarea and the capital facilities needed for the area to accommodate the types and intensity of development anticipated and planned for in the SR 527 Subarea, and proposed development regulations for the SR 527 Subarea; and

WHEREAS, after holding duly noticed public hearings on January 29, 1998 and May 21, 1998, the Planning Commission adopted Planning Commission Resolution No. 98-70 recommending to the City Council approval of the SR 527 Subarea Plan, including its attendant Comprehensive Plan, zoning map and development regulation amendment; and

WHEREAS, on July 28, 1998, after considering the Planning Commission Recommendation, the City Council adopted Ordinance 98-445 approving the SR 527 Subarea Plan, including its attendant Comprehensive Plan, zoning map and development regulations; and

WHEREAS, in accordance with 1995 Engrossed Substitute House Bill 1724, codified in pertinent part at RCW Chapter 36.70A, the SR 527 Subarea Plan establishes a planning mechanism called a planned action, which authorizes the expedient review and processing of proposed development projects where environmental analysis has been prospectively completed for expected actions occurring in specific geographic areas, provided certain other criteria are met; and

WHEREAS, Wedgewood at Mill Creek, LLC has submitted the appropriate information to the City of Mill Creek for consideration of a Preliminary Plat/Planned Residential Development (PRD) to subdivide 13.23 acres into 89 lots for attached and detached single-family homes located within the SR 527 Subarea, on the west side of SR 527 at the 14900 block directly across from Merrill Gardens and north of the Mill Creek Town Center; and

WHEREAS, in accordance with the provisions of MCMC Chapter 14.17, the proposed development has been reviewed and processed as a Planned Action; and

WHEREAS, based upon the information provided within the application materials and the project components required through the conditions of project approval, the Director of Community Development determined that the project qualifies as a Planned Action; and

WHEREAS, on March 18, 2004, the Director of Community Development issued a Planned Action Consistency Determination, pursuant to RCW Chapters 43.21C.031, 36.70A, and Chapters 14.17 and 17.48 MCMC; and

WHEREAS, on March 28, 2004, a representative of Wedgewood at Mill Creek, LLC signed the Planned Action Consistency Determination assuring the City that Wedgewood at Mill Creek, LLC will incorporate into the project the required project components identified in the Planned Action Consistency Determination and included as Conditions of Approval for the Preliminary Plat/PRD; and

WHEREAS, on April 3, 2004, a legal notice stating the time, place and purpose of the public hearing was published in the Everett Herald, and on April 2, 2004, was posted on the property pursuant to MCMC 14.07.030(A)(3) and, on April 2, 2004, was sent to surrounding property owners within 500 feet of the site in accordance with MCMC 14.07.030(A)(2);

WHEREAS, the Planning Commission duly convened a public hearing on April 15, 2004, 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/PRD map, attached as Exhibit B, all incorporated herein, and the exhibits, testimony and other facts elicited at the public hearing and finds that the proposed Preliminary Plat/PRD, as conditioned, is consistent with the Mill Creek Comprehensive Plan, the SR 527 Subarea 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 Preliminary Plat/PRD PP 03-60 for Wedgewood at Mill Creek, LLC as fully described and conditioned in Exhibit A, Exhibit B, and Exhibit C.

Passed in open meeting this 15th day of April 2004 by a vote of 5 for, 0 against and 0 abstaining.

CITY OF MILL CREEK PLANNING COMMISSION

  
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ROBERT COLLARD, CHAIR

  
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SECRETARY OF THE PLANNING COMMISSION

ATTACHMENT:     Exhibit A - Staff Report with Addendum and Attachments  
                      Exhibit B - Binding Site Plan  
                      Exhibit C - Planning Commission Motion with Conditions

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

**PART I - SUMMARY INFORMATION**

**HEARING DATE:** April 15, 2004

**NAME OF PROJECT:** Cottages at Mill Creek (PP 03-60)

**DEVELOPER/  
APPLICANT:** Wedgewood at Mill Creek, LLC  
1203 - 114<sup>th</sup> Avenue Southeast  
Bellevue, Washington 98004

**LOCATION:** The site is located on the west side of SR 527, at the 14900 block, across the street from the Merrill Gardens senior housing community and directly north of the Mill Creek Town Center. (See vicinity map – **Attachment 1**).

**REQUESTED ACTION:** Consideration of Preliminary Plat/Planned Residential Development (PP 03-60) for an 89-lot subdivision for detached and attached single-family homes

**COMPREHENSIVE PLAN DESIGNATION:** Mixed-Use/High Density Residential (SR 527 Corridor Subarea Plan)

**ZONING DISTRICT:** Mixed Use-High Density Residential (MU/HDR)

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

**PART II - STATUTORY REQUIREMENTS**

**SEPA COMPLIANCE/PLANNED ACTION ORDINANCE:**

The proposed project is subject to the provisions of the State Environmental Policy Act (SEPA) and Chapters 14.17 and 17.48 Mill Creek Municipal Code (MCMC).

The subject site is located within the SR 527 Subarea and is governed by the SR 527 Subarea Plan. The adopted SR 527 Subarea Plan/Supplemental Environmental Impact Statement (EIS) includes a provision allowing development projects to qualify as a "Planned Action" when they: 1) are consistent with land uses anticipated within the Subarea Plan; and 2) result in environmental impacts that are equal to or less than those anticipated in the SEIS. A Planned Action is defined

as a project that has already had the significant environmental impacts adequately identified and addressed in an EIS prepared in conjunction with a subarea plan adopted under RCW Chapter 36.70A. Projects that qualify as a Planned Action do not require a separate procedural SEPA threshold determination or the preparation of an EIS.

To process a project as a Planned Action, the Director of Community Development must review the proposed project and issue a formal determination that the project meets established criteria set forth in Ordinance 98-446. On March 18, 2004, the Director of Community Development issued a determination that, subject to the incorporation of the required mitigation measures and public improvements established in the SR 527 Corridor Subarea Plan and SEIS, the project qualifies as a Planned Action. Thus, no SEPA threshold determination or EIS is required.

### **INTERJURISDICTIONAL AGREEMENTS:**

The City has adopted separate interlocal agreements with Snohomish County, the Everett School District, and Snohomish County Fire Protection District No. 7 regarding the joint review, comment, and imposition of appropriate mitigation and conditions that affect the proposed development. This application has been reviewed by the subject agencies and their comments/requirements are discussed later in this report and are reflected in the recommended Conditions of Approval.

### **PUBLIC NOTICE:**

Pursuant to Section 14.07.030 MCMC, notice of public hearing was posted on the subject property and mailed directly to property owners of record within 500 feet of the proposed project on April 2, 2004. Notice of public hearing was published in the Everett Herald on April 3, 2004. All legal requirements for public notice have been satisfied.

## **PART III - BACKGROUND INFORMATION**

### **HISTORY:**

The subject site is located within the SR 527 Subarea. The SR 527 Subarea Plan/SEIS including the implementing development regulations was adopted on August 28, 1998. In 1999, the applicant submitted an application for approval of a Binding Site Plan for the development of a 118-unit condominium project called Wedgewood at Mill Creek on the subject site. In May 2000, the City Council approved the 118-unit condominium project; however, the applicant has stated that they did not follow through with the development of the condominium project because of concerns regarding difficulty obtaining liability insurance for condominium developments. Thus, the property has remained undeveloped.

To address the condominium insurance issue, the applicant determined that a single-family product would be more feasible and would compliment the adjacent Town Center. Thus, on December 5, 2003, the applicant submitted this Preliminary Plat/Planned Residential Development for City consideration.

## **EXISTING SITE CHARACTERISTICS:**

The site consists of 13.23 acres located along the western side of the Bothell-Everett Highway (SR 527). North Creek flows from north to south off-site to the west. Of the 13.23 acres, 3.36 acres (Tracts A and B) is forested and consists of the wetland associated with North Creek and its adjacent buffer. The east edge of the site (adjacent to SR 527) consists primarily of 15 to 20 foot high coniferous trees and some undergrowth. The central portion of the site that will be utilized for site development was cleared and rough graded and a temporary stormwater detention pond was constructed in anticipation of construction of the previously approved condominium project. The site topography is gentle in nature, sloping southwest, stepping down from SR 527 to the North Creek wetlands at the west edge of the proposed development.

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

The zoning and existing land uses for the surrounding properties are as follows:

- The property to the east is zoned Medium Density Residential (MDR) and consists of the Merrill Gardens senior housing community;
- The property to the south is zoned Planned Community Business (PCB) and consists of Lots 4 and 5 of Phase I of the Mill Creek Town Center;
- The properties to the west are zoned LDR and consist of single-family homes in the River Crossing plats; and
- The property to the north is zoned MU/HDR and consists of the Hawthorn Apartments.

## **UTILITIES:**

The subject site is located within the service area of the Silver Lake Water District. According to the district, water and sewer service capacity are available. The sewer trunk line has been extended through the site. Water lines will be extended throughout the site. Snohomish County PUD will provide electric service; and, Puget Sound Energy will provide natural gas service.

## **FIRE PROTECTION:**

Fire protection, suppression and emergency medical service will be provided 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 Title 14 (Development Code Administration), Title 16 (Subdivisions and Plats), Title 17 (Zoning), and Title 18 (Environment) of the Mill Creek Municipal Code (MCMC). In addition, the provisions of the City Comprehensive Plan and the SR 527 Subarea Plan apply to the project.

Chapter 17.15, Mixed Use/High Density Residential (MU/HDR) requires development projects in the MU/HDR zone to be processed as a Planned Area Development (PAD) process (Title 16.12 MCMC) in conjunction with a preliminary plat. The purpose of the PAD process is: 1) to allow more flexibility in project design to allow for more creative development; 2) to provide the density formula to use in evaluating development proposals; and 3) to ensure that a minimum of 20 percent of the net developable area is preserved as open space. Under this process, development code requirements can be modified to meet the intent of the PAD process. Consistent with the PAD process, three modifications to the development code standards have been requested by the applicant. The modification requests are: 1) increased lot coverage (an average lot coverage of 43 percent in lieu of 40 percent); 2) reduced side yard setbacks (0 and 4 feet in lieu of 5 feet); and 3) a reduced width for the public residential streets (24 feet in lieu of 26 feet). The modifications are discussed later in this report beginning on page 9.

#### **Site Development Design**

##### **General Description**

The Cottages at Mill Creek is a Preliminary Plat/Planned Residential Development consisting of 89 single-family lots on 13.23 acres, of which the net development area is 7.67 acres (critical areas, buffers, and public roads are omitted from gross acreage). The project site is situated directly north of and adjacent to Phase I of the Mill Creek Town Center and south of the Hawthorne Apartments development.

The homes proposed within the project are 2-story, single-family homes. Twenty homes that abut Main Street are proposed to be attached single-family units and will be attached to another home by a single wall (two units maximum per building). These attached homes will provide consistency with the attached townhome units fronting on Main Street within the Hawthorne Apartments and the Jefferson at Mill Creek Apartments. The remaining 69 homes are proposed to be detached. All houses will have attached garages; 18 units are proposed to have two-car tuck under garages and the remaining 71 units are proposed to have a single car garage plus a minimum of one driveway parking space.

The development proposal includes construction of Main Street between the Town Center and the Hawthorne Apartments. Main Street will have parallel parking on both sides of the street similar to the Hawthorne Apartments. Two public residential loop streets with parking restricted to one side (one on each side of Main Street) are proposed to provide access to the homes. Private alleys are also utilized to provide access to many of the garages and driveway parking spaces. Consistent with the Streetscape Element of the Comprehensive Plan, a thirty-five-foot roadway buffer/ cutting preserve with sidewalks is provided within the roadway buffer/cutting preserve adjacent to SR 527. Consistent with the SR 527 Corridor Subarea Plan, the development includes the construction of the North Creek Trail on the subject property along the outside edge of the North Creek wetland buffer (Tract B). Construction of this trail section will connect to the existing trail on the Town Center and Hawthorne Apartment properties.

### Project Characteristics

*Buyer Characteristics:* According to information provided by the applicant, the target market of the project is people who want an urban community and lifestyle where many services are within walking distance of their home. The anticipated buyers will be people who prefer to live in smaller owner-occupied, single-family housing rather than a rental unit. In the buyer profile developed by the applicant's consultant, Real Vision Research, Inc., the Cottages at Mill Creek project will appeal to the following buyers:

1. 40% Single females, some with children, between the ages of 35 and 75.
2. 20% Single males between the ages of 35 and 50.
3. 20% Empty nest couples between the ages of 55 and 65.
4. 20% Young couples without children or with one young child.

*Site/Unit Design Characteristics:* The development is divided into two development segments, east and west, bisected by Main Street. Access to the project as a whole will be via Main Street. No direct vehicular access will be permitted from SR 527 into the development. Vehicular access to the individual homes will be via the public residential loop streets or the private alleys.

Two types of units are planned. The first type is a two story townhouse style unit of 1,450 to 1,650 square feet over two car tuck-under garages that are accessed from an alley. These units are shown on the plans both paired as duplexes and built as individual free standing units. The units typically contain the entry and living areas on the main floor and two or three bedrooms on the second floor. The second type of units is a two-story cottage home that ranges in size from 1,300 to 1,600 square feet and has an attached one car garage. Depending on their location in the project, they are either front loaded (entry and setback garage face the interior street) or have an alley loaded garage with the entry porch fronting onto one of several "community greens." Residential lot sizes range between 1,300 and 2,519 square feet for attached units and 1,410 and 3,449 square feet for the detached units. The applicant has requested a modification to permit a four-foot side yard setback (8 feet total) in lieu of a 5-foot minimum side yard setback through the PAD process. The modification request is discussed later in this report under Modification Requests, beginning on page 9.

The community greens are shown on the site plan as Tracts D, F, H, I, K, and M. Individual yards are minimized in favor of these larger open spaces which will be landscaped and maintained



by the homeowners association. The community greens will provide a private park separating the front doors of the homes from the streets. This open space/home configuration also enables interaction among neighbors while still providing privacy. Given the expected demographics of the residents, the applicant expects that the added security of this type of neighborhood will be highly valuable to the future residents. All cottages will include a private outdoor patio or deck. In addition, the recommended Conditions of Approval require the developer to provide at least one children's play area within Tract I, the largest community green.

The SR 527 Subarea Plan includes design guidelines to ensure that the design of the site and buildings reinforce the principles of pedestrian orientation in the neighborhood and add a level of human scale and character to the neighborhood. The principles include 1) placing parking spaces/garages behind the buildings and organizing buildings around an outdoor space; 2) providing articulation and modulation of the roof lines and building facades; 3) orienting the buildings toward the street with clearly identified entries/porches; and 4) utilizing appropriate building materials.

Based on the SR 527 Subarea Plan's design guidelines, staff has communicated to the applicant the importance of utilizing building modulation and/or contrasting construction materials/colors on the exterior siding of the homes throughout the plat, especially for the attached single-family homes that front on Main Street. The recommended conditions include a requirement to offset the building units and/or vary the building materials/colors and architectural details throughout the development. The building materials and colors of the attached single-family homes are also subject to review and approval of the Design Review Board. In addition, the recommended Conditions of Approval require the Director of Community Development to approve the location of electrical and gas utilities (pipes, vaults, conduit, and meters) and require that they be located and screened from view as much as is possible and practical.

The proposed Preliminary Plat has been reviewed for consistency with the Site Design Objectives of the SR 527 Subarea Plan and MCMC Chapter 17.34. As illustrated in the matrix later in the staff report, staff has determined that the development meets these objectives.

#### Project Density

The property is zoned and designated on the Comprehensive Plan Land Use Map as MU/HDR (7 to 24 units per net acre). The proposed project has a density of 11.6 units per net acre, which is within the permitted range. Thus, the project density is consistent with the density requirements of the zoning district and Comprehensive Plan.

#### Interior Pedestrian Circulation

Land Use Policy 1.02 of the SR 527 Subarea Plan requires developments to be designed to include pedestrian connectivity with adjacent land uses. Thus, adequate pedestrian access must be provided throughout the development to connect the homes to the Town Center, the North Creek Trail, and the proposed sidewalk adjacent to SR 527.

The proposed development has been designed to encourage and support pedestrian activities. All units are connected to a walkway or sidewalk that connects them to the primary walkway on Main Street, the 6-foot walkway adjacent to SR 527, and the North Creek Trail. Sidewalks are

located on both sides of the public streets, which are the east loop and west loop streets, as well as Main Street. The central east-west pedestrian corridor as well as the four neighborhood greens will be owned and maintained by a homeowner's association.

### Traffic and Street Improvements

**Traffic Impacts and Mitigation** - The traffic study for the site indicates that the development is expected to generate an estimated 842 new daily trips and approximately 89 weekday PM peak hour trips. When the roadway system in the SR 527 Subarea is complete, approximately 60 percent of the trips from this development are expected go south on Main Street toward Town Center, and 40 percent will go north toward Dumas Road. There will be no direct access to SR 527 from this development.

For traffic going south, the intersection of SR 527 and 153rd Street SE is now signalized. The Level of Service at this intersection is expected to be a "C" when the widening project is complete and the area west of SR 527 is built out. The traffic going through the Town Center will be able to access Mill Creek Boulevard with the completion of the City's planned Main Street Connection Project. This project is currently in the design phase and is scheduled for construction in summer 2004. Additional improvements, including a new traffic signal, are planned at the intersection of Main Street and Mill Creek Boulevard when warranted. The northbound traffic will have to access SR 527 at 145th Street SE or Trillium Boulevard.

To address the cumulative impacts of the added trips to City street segments, the applicant will provide a \$47,712 contribution toward the future improvements identified in the City's Traffic Mitigation Program that was adopted in 1997. The City Council adopted a new traffic mitigation program in February 2004, but this development is vested under the previous program and is not being required to comply with the new mitigation program. The applicant is also required to pay traffic mitigation fees to Snohomish County in the amount of \$137,010.

**Roadway Improvements** - The applicant is required to construct the full-width of Main Street on the subject property between the northern and southern property boundaries. This will connect to the existing roadways that were constructed as part of the Town Center and Hawthorne Apartment developments. The roadway work will consist of all items within the ultimate Main Street right-of-way, including asphalt pavement in the travel lanes, storm drainage facilities, vertical curb and gutter, sidewalks and planter strips on both sides of the street, on-street parallel parking stalls paved with concrete, street lights and landscaping. The width of Main Street and the on-street parking shall be consistent with the SR 527 Subarea Design Guidelines.

The applicant will also be constructing the full-width of the two new public residential loop streets to access the lots on the east and west sides of the plat. The streets will have 5-foot sidewalks on both sides and a planter strip on the outside of the loop only. On-street parking will be allowed on the interior side of the loop street as long as the parked vehicles will not interfere with sight distance or emergency vehicle access.

As stated previously, the applicant is requesting a modification to allow a 24-foot wide roadway for the east and west residential loop streets, which is less than the recently adopted standard of

26 feet. The modification request is discussed on page 9. The narrower roadway will reduce the amount of impervious surface and decrease the size of the stormwater facilities. The narrower street will also act as a traffic calming device and should help decrease vehicle speeds.

The rear of the lots on the interior of the plat will be accessed via four private alleys. Consistent with the recently adopted standard, these alleys will have a 15-foot wide pavement section, and 20 feet of unrestricted width for emergency vehicle access. There will be no parking allowed in the alleys, and appropriate signage will be installed to designate alleys as fire lanes. Fire District No. 7 has reviewed and found acceptable both the 24-foot wide residential loop streets and 15-foot wide alleys.

### Vehicle Parking

Based upon the number and type of units proposed, 178 off-street parking spaces are required by the City's development regulations (two spaces per unit). A total of 180 on-site parking stalls are proposed (107 in garages and 73 full size garage apron stalls). All drive aprons leading into the parking garages either meet the dimension standards of a standard parking space or, in the case of the drive ways into the 2-car garages, are only 5 feet in length and can not be used for parking. In addition, 16 parallel on-street parking spaces are provided within the Main Street right-of-way and approximately 45 on-street parking spaces are provided on the public residential loop streets. Including both off-street and on-street parking stalls, 241 parking spaces are proposed. Thus, the parking provided exceeds City requirements. Considering the small size of the homes and the target buyers, households within the development will likely be limited to owning one or two cars. Thus, the opinion of staff is that the adequate parking is available to serve the development.

### North Creek Trail

The SR 527 Corridor Subarea Plan/SEIS calls for a public bicycle/pedestrian trail consistent with the North Creek Trail standards to be constructed within the North Creek corridor adjacent to and/or along the outside edge of the wetland buffer. The development proposal includes the construction of this trail along the entire length of the subject property. The trail will need to align with the trail sections already constructed by the adjacent property owners. A public pedestrian access easement will be recorded to allow the public use of the trail.

### Open Space

MCMC Section 16.12.060 requires that 20 percent of the usable site area be set aside for open space and community recreation facilities. Based upon a usable (net) site area of 7.67 acres, 1.53 acres of open space and/or recreation facilities are required. Including the wetland buffer area (where the North Creek Trail will be constructed), the 35-foot SR 527 roadway buffer/cutting preserve, and the community green open space tracts, 2.18 acres of open space are provided (28.4 percent of the net site area). Within the usable open space, a small active use lot is proposed (Tract M). In addition to the usable area set aside for open space, 3.36 acres of wetlands and buffer (Tract A) will remain undisturbed on the site.

### Peripheral Buffers

The Comprehensive Plan requires residential developments to provide "appropriately-sized" buffers at development borders to minimize impacts to adjacent properties. On the eastern property line, the project proposes a 35-foot landscaped roadway buffer/cutting preserve adjacent

to SR 527. Wetland and buffer Tracts A and B are proposed at the western property boundary. A 10-foot landscape buffer easement with a 6-foot fence on the property line will be provided adjacent to the north and south property lines on the individual lots. The adjacent Hawthorne Apartments also has a 10-foot landscaped buffer; thus a 20-foot wide total buffer will be provided. Future development of Town Center Lots 4 and 5 will also be required to provide ten-foot minimum peripheral buffers, which will also result in a minimum twenty-foot buffer between developments. The proposed 10-foot peripheral buffers are consistent with the other developments approved within the SR 527 Subarea. Landscaping within the north and south peripheral buffers and the SR 527 roadway buffer will be installed by the developer and are subject to the review and approval of the Design Review Board.

### Modification Requests

Pursuant to MCMC Section 16.12.040, the applicant is requesting three modifications to the development regulations/standards: 1) a reduced width for the public residential streets; 2) a reduction in the minimum side yard building setback; and 3) an increase in the allowable site coverage for the single-family lots. Modifications to zoning code requirements are permissible through the PAD process if it can be demonstrated that the modification meets certain criteria, including, but not limited to:

- To allow creative development equal to or superior to traditional lot by lot development;
- To provide for a variety of housing types in one development with architectural design compatibility;
- To preserve open space and natural vegetation;
- To provide for the integration of new development into the existing community while protecting the values and integrity of the surrounding neighborhood;
- To create a more efficient street and utility systems by clustering buildings; and
- To provide for an integrated landscape development.

*Reduced Street Width* – The applicant has requested a street width of 24 feet in lieu of the 26-foot standard recently adopted by the City. As proposed, the street section includes a 5-foot sidewalk on both sides of the 24-foot wide street (measured from the face of the curb) and a 5-foot planter strip on one side of the street.

As you may recall, the applicant, Mr. Paul Ebensteiner, addressed the City Council at the time the new street width standard was adopted. Mr. Ebensteiner stated that he had been working with City staff and Fire District No. 7 for several months on the design of the plat and had been utilizing the 24-foot width standard in the design (this is the standard that was approved by the City in developments such as The Vineyards at Mill Creek and River Crossing). He also informed the Council that he would be requesting a modification to allow a 24-foot street width for the Cottages at Mill Creek application.

The residential loop streets provide only local access and are designed to be pedestrian oriented in an urban setting, and carry a relatively light amount of traffic from the homes to Main Street. The narrower street will promote slower traffic speeds and reduce the amount of stormwater runoff generated from the street system. The narrower streets will also be more in scale from an

aesthetic perspective with the smaller scale structures and narrower lot widths proposed for the cottages. The Police and Fire Department have reviewed the plans and have determined that the proposed street width meets emergency vehicle access requirements.

It is the recommendation of staff that the narrower street width is appropriate for this type of development as it allows for the unique single-family, cottage housing within the high density zoning district, reduces stormwater volume, promotes a safer pedestrian environment by slowing traffic, and is aesthetically more in scale with the smaller units and lots proposed.

*Reduced Setbacks* – The Mixed-Use/High Density Residential zone requires a side yard setback of 10 feet total, with no side yard less than 5 feet. The applicant is requesting a modification to reduce the side yard to four feet for each side yard, except for the attached single-family units where a zero-foot setback would be allowed on one side. The applicant is also proposing a maximum eave overhang of 1 foot instead of the 18 inches permitted by the Building Code to ensure that no part of the detached buildings will be closer than six feet from each other.

The setback modifications allow the proposed homes to fit on the relatively small lots. The applicant is proposing to develop high quality, single-family homes at a relatively high density and provide a generous amount of common usable open space. The reduced setbacks are required to accommodate the type of homes the developer is proposing. The Building Department and the Fire District have reviewed the modification request and has determined that the proposal meets the Fire Code.

It is the recommendation of staff that the reduced side yard setback is appropriate in the context of providing the single-family cottage development in the high density zone district.

*Increased Lot Coverage* – The Low Density Residential zone district has a maximum lot coverage of 40 percent. The applicant has requested to allow an average site coverage of 43 percent with a range between 27 and 65 percent. The need for the reduction results primarily from zero side yard and the smaller lot size for the attached units fronting Main Street.

The applicant's basis for the request is that much of the site is preserved in open space as a result of the 100-foot average wetland buffer required adjacent to the North Creek wetland and the community greens that are proposed throughout the site, which act as front yards to the adjacent units. Also, because of the applicant's desire to provide "for sale" attached and detached, single-family homes at a higher density, while also meeting the open space requirements, building lots that are smaller than typical single-family lots are necessary.

The primary reason for site coverage limitations within a development is to regulate the amount of impervious surface and to allow sufficient space between structures. A typical single-family 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 and the requested increased lot coverage for the residences, would be 38 percent impervious surface. Utilizing the net developable area (excluding Tract A and the public streets), the lot coverage is approximately 30 percent. Since the overall impervious surface for the project is within limits of other typical residential developments because the community greens provide common yard areas to the individual units, staff supports the applicant's request.

### City Park Mitigation Requirements

Parks and Recreation: To mitigate the project's impact on the City's parks and recreation system, mitigation fees are required. The formulas for calculating the fees are contained in Resolution 2002-313. The neighborhood park assessment is \$1,740.65 per unit. The community park assessment is \$1,490.50 per unit. Assuming 89 single-family homes, the amount required to mitigate neighborhood park system impacts is \$154,917.85, and the amount required to mitigate community park system impacts is \$132,654.50.

The SR 527 Subarea Plan does include a provision (Policy 4.02) that allows partial credit toward park mitigation fees if the project includes development of the North Creek Trail and the granting of a public pedestrian access easement. Since the project includes the construction of a portion of the North Creek Trail, the developer is eligible to receive a maximum 33.3 percent credit toward neighborhood park mitigation fee, and a maximum 25 percent credit toward the community park mitigation fee. The credit is based upon the amount of passive use area provided in typical neighborhood and community parks, and the determination that the trail improvements represent 100 percent credit toward the passive elements of those park facilities. The credit, however, cannot exceed the actual cost of the trail improvements to be constructed. Invoices for the North Creek Trail construction will need to be submitted to the City of Mill Creek following its completion to determine the actual credit that will be refunded.

### Wetlands

Pursuant to MCMC Chapter 18.06, the applicant submitted a wetland delineation and classification report. According to the wetland report, there are 1.55 acres of wetlands associated with North Creek on the 13.23-acre site.

City staff and the City's consultant, Parametrix, have reviewed the wetland delineation reports and have determined that no wetlands are being directly impacted by the proposed development. Pursuant to MCMC Section 18.06.090, a 100-foot buffer is required between the Type II wetland and the high-impact uses (residential structures); and a 50-foot buffer is required between the Type II wetland and the low impact uses (drainage facilities). The existing buffer is forested with mature second growth timber and undergrowth. Buffer dimension averaging is permitted subject to the provisions of MCMC Section 18.06.090.C.

A preliminary buffer enhancement plan has been submitted addressing the buffer restoration necessary for those areas of the buffer subject to grading and other site development activities. The recommended Conditions of Approval require that a detailed final buffer enhancement plan be submitted to and approved by the City prior to issuance of a grading and clearing permit and/or building permit. Said buffer enhancement plan shall be submitted to and approved by the City prior to issuance of a grading and clearing permit and/or building permit. In addition, the recommended Conditions of Approval require the applicant to record a conservation/public pedestrian access easement to ensure that Wetland A and its buffer (Tracts A and B) will be preserved in perpetuity and that the public can utilize the North Creek Trail. Said easement shall be approved by the City of Mill Creek and must be recorded prior to Final Plat approval.

### Utilities

*Water and Sewer:* The development site is within the Silver Lake Water District. Sewer service is available through the North Creek Trunkline, which runs north/south within the Main Street right-of-way. Water is also available from within the SR 527 right-of-way and the adjacent properties to the north and south. Silver Lake Water District has indicated that water and sewer capacity is available to serve the proposed development.

*Stormwater Facilities:* The development site was cleared and partially graded in 2001 as part of the approved Wedgewood at Mill Creek Binding Site Plan. As part of that initial work, a temporary stormwater pond was constructed in the southwest corner of the site, and still functions today. The existing stormwater runoff on the site flows to either the existing pond or directly to the North Creek wetland on the west side of the property.

The drainage and conveyance system for the proposed development must be designed to meet the requirements of the 2001 Department of Ecology Stormwater Management Manual for Western Washington and City of Mill Creek standards. The proposed stormwater drainage system consists of a closed pipe network that routes most of the runoff into a large open pond with 3:1 slopes for detention and water quality treatment. The new pond will be located in the southwest corner of the site (where the existing temporary pond is located), and will be larger than the existing pond. The pond is proposed to be fenced by a four-foot high, black vinyl coated chain link fence. The pond outfall will flow into the wetland buffer via a level spreader. The runoff from the rooftops of lots 55 through 61 will be routed directly to level spreaders at the edge of the wetland buffer to help maintain the existing drainage patterns into the buffer and wetland.

The maintenance of the drainage system will be the responsibility of the Homeowners Association. The applicant will have to submit detailed procedures and schedules to the City for review prior to civil plan approval. The applicant will be required to submit a final drainage report during the civil plan review phase and the final system design and drainage details will also be addressed at that time.

### Fire District Mitigation

Pursuant to MCMC Chapter 17.48, Ordinance 97-418, and an interlocal agreement with Snohomish County Fire District No. 7, mitigation fees are required to mitigate identified impacts to the Fire District. Pursuant to the formula established in Ordinance 97-418, \$365.00 per dwelling unit. Assuming 89 single-family homes, the amount required to mitigate impacts to the fire district is \$32,485. Payment of impact mitigation fees is required prior to approval of the Final Plat.

### Everett School District Mitigation

Pursuant to MCMC 17.48 and an interlocal agreement with the Everett School District, mitigation fees are required to mitigate impacts to the School District. Pursuant to the agreement between the Everett School District and Wedgewood at Mill Creek, LLC on file with the City, \$886.20 is required for each unit. Assuming 89 single-family homes, the amount required to mitigate impacts to the school district is \$78,871.80. Payment of school district impact mitigation fees is required 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. Since the proposed development is within the SR 527 Corridor Subarea, the development must also be evaluated with the applicable policies of the Subarea Plan.

The following matrix evaluates the consistency of the project with the applicable Comprehensive Plan and SR 527 Corridor Subarea Plan policies.

**CITY OF MILL CREEK COMPREHENSIVE PLAN**

POLICY	FOCUS	COMMENT
<b>LAND USE ELEMENT</b>		
1.01	City's residential character should be composed of a wide range of densities.	The project density is 11.6 units per net acre and represents the middle range of the potential density range permitted within the City's Comprehensive Plan. The property is zoned MU/HDR zone district (7 to 24 units/acre).
1.04 and 1.18	New development should be compatible with surrounding land uses in height and design.	The proposed project is both attached and detached two-story single-family homes on small lots. The units facing on Main Street will be attached, which will be consistent with the other residential developments constructed on Main Street. No garages will take access onto Main Street, and instead, will be rear-loaded from private alleys. Peripheral property buffers will be provided on the subject and adjacent properties.
1.16	Peripheral boundaries of each residential development should contain appropriately sized buffer areas.	Appropriate buffers are provided on all peripheral boundaries.
1.17	Residential development shall be designed to accomplish an identifiable neighborhood	The project design creates an identifiable neighborhood. The cottage homes will be



POLICY	FOCUS	COMMENT
	<p>concept of development. Entrances should be clearly identifiable; building mass should be in scale with lot sizes. Pedestrian and vehicular circulation should be safe and efficient. Arterial streets should include landscaped greenways.</p>	<p>distinguishable and unique from both the future Town Center and the existing Hawthorne Apartments developments. The large amount of usable common open space and the narrower residential streets in relationship to the two-story homes on small lots provide an appropriate scale between lot area and the building mass; vehicle and pedestrian circulation is safe and efficient. A roadway buffer/cutting preserve is provided adjacent to SR 527.</p>
<b>CAPITAL FACILITIES ELEMENT</b>		
2.03	<p>Stormwater management facilities should include quality and quantity controls per Level of Service guidelines.</p>	<p>As conditioned, the project will incorporate stormwater management facilities that comply with City established Level of Service guidelines.</p>
<b>UTILITIES ELEMENT</b>		
1.01	<p>Urban development shall occur only where adequate utilities are available.</p>	<p>Adequate utility services are available.</p>
1.10	<p>Requires undergrounding of utilities where possible.</p>	<p>Utilities are required to be located underground.</p>
<b>TRANSPORTATION ELEMENT</b>		
2.03	<p>Project shall not reduce Levels of Service below established standards.</p>	<p>The City Engineer has determined that the project, as conditioned, does not reduce Levels of Service below established standards.</p>
3.04	<p>Access points from the public right-of-way to private developments shall be located at appropriate locations.</p>	<p>The City Engineer has determined access locations are appropriate.</p>

POLICY	FOCUS	COMMENT
4.01	Public sidewalks required throughout residential neighborhoods. Sidewalks should 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 project as conditioned meets all of these requirements.
<b>STREETSCAPE ELEMENT</b>		
1.02	Proposals shall incorporate all requirements of streetscape plans	Sidewalks are proposed to be located within 35-foot cutting preserve adjacent to SR 527.
3.01	35-foot roadway buffer/cutting preserve required.	A landscaped 35-foot cutting preserve is provided adjacent to SR 527.
<b>ENVIRONMENTAL FEATURES ELEMENT</b>		
2.01, 2.02	Wetlands should be left in a natural state; however, when altered, mitigation is provided to compensate for any loss.	No wetlands will be directly impacted by this development. A 100-foot and 50-foot average wetland buffer consistent with City code will be provided.
4.01	Wooded areas to be preserved where possible.	Recommended Conditions of Approval for the project require preservation of significant trees where practical. The wetland buffer and the SR 527 roadway buffer/cutting preserve are forested and will be preserved.
4.03	Requires that vegetated buffer zones be established between developments and water courses.	Vegetated buffers are provided between the project and the adjacent wetlands/North Creek.
<b>PARKS AND RECREATION ELEMENT</b>		
5.02	Park impact mitigation is required for residential developments.	The SEIS issued for the SR 527 Subarea Plan and the Conditions of Approval require payment of park impact mitigation fees.

POLICY	FOCUS	COMMENT
<b>HOUSING</b>		
2.01	City shall encourage a variety of housing choices	The proposed cottage style homes is unique for the City and will be provide a alternative to the multi-family developments already approve/constructed within the SR 527 Subarea.

**CONSISTENCY WITH SR 527 SUBAREA PLAN:**

POLICY	FOCUS	COMMENT
<b>LAND USE ELEMENT</b>		
Land Use Map (SR 527 Subarea Plan)	The site is designated for Residential Mixed Use/High Density (7-24 units/acre).	Density of the project is 11.6 units per net acre, within the permitted density range allowed. The proposed development is consistent with the Mixed Use-High Density Residential land use designation.
1.01	High-Density Residential land uses of up to 24 dwelling units per acre are appropriate in the SR 527 Subarea Plan from the Town Center to Dumas Road. Housing types should include condominiums, apartments and townhouses.	The project is situated in the SR 527 Subarea. The proposed use is High-Density Residential condominiums. Attached and detached single-family homes are proposed.
1.02	Proposed multi-family developments shall utilize the design principles set forth in the Urban Design Guidelines. Project design should focus on transit accessibility, relationship to the public realm, and include pedestrian and vehicle connectivity with adjacent and surrounding land uses.	The project incorporates design principles set forth in the urban design principles. Attached single-family homes are oriented toward Main Street. A roadway buffer is provided adjacent to SR 527, public sidewalks are incorporated into the public streets and private walks with public pedestrian access easements are incorporated throughout the development. The project provides pedestrian connectivity with adjacent and surrounding properties via North Creek Trail and the interior public street and SR 527 sidewalk system.

<b>TRANSPORTATION ELEMENT</b>		
2.01	Main Street is to be designed and sized to meet objectives of slow-moving traffic through the new neighborhoods to the Town Center and Dumas Road. Main Street is also to provide private property access, pedestrian connections and activities, and bicycles.	The proposed project includes a portion of Main Street. The streets are designed with fifteen-foot travel lanes for vehicles and bicycles, sidewalk facilities, bicycle lanes, and parallel vehicular parking intended to result in slow-moving traffic through the neighborhoods and the Town Center.
<b>CAPITAL FACILITIES ELEMENT</b>		
3.01	Development will mitigate identified impacts to the Everett School District pursuant to the provisions within the MCMC and the interlocal agreement between the City and the District.	The Everett School District has determined the appropriate mitigation amount. The recommended conditions of approval require payment of the mitigation prior to approval of the Final Plat.
3.02	Development will mitigate identified impacts to the Snohomish Fire District #7 pursuant to the provisions within the MCMC and the interlocal agreement between the City and the Fire District.	The Fire District has determined the appropriate mitigation amount. The recommended conditions of approval require payment of the mitigation prior to approval of the Final Plat.
3.03	To minimize impacts to North Creek and the associated wetlands, utilities are to be located underground within the right-of-way, where possible. Utility facilities shall not be located within wetland buffers.	Utilities are required to be located underground. No utilities are proposed within the wetland buffers.
<b>PARKS AND OPEN SPACE</b>		
4.01	Development will mitigate identified impacts to the City's park system pursuant to the provisions within the MCMC and Resolution 97-236.	The recommended conditions of approval require the payment of park impact mitigation fees prior to approval of the Final Plat.

4.02	Development adjacent to North Creek shall provide public access and improvements to property suitable for the North Creek Trail and open space corridor. Trail improvements are eligible for partial credit toward park mitigation requirements.	As discussed above, the project includes development of the North Creek Trail adjacent to the site. A maximum 33.3 percent credit will be allowed toward the required neighborhood park mitigation fees; a maximum 25 percent credit will be allowed toward the required community park mitigation fees. Mitigation credits will not exceed actual costs for the trail construction.
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In summary, staff has reviewed the applicable policies of the Comprehensive Plan. Based on this review, we find that the proposed project with the 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 and Zoning sections of the MCMC (Titles 14, 15, 16 and 17). The following matrix evaluates the proposed project with the applicable development regulations:

SECTION	REQUIREMENT	COMMENT
<b>DEVELOPMENT REGULATIONS</b>		
14.09.030(c)1	The subdivision meets the requirement and intent of the MCMC and adopted City plans.	<p>The density for the subject site, as designated on the Land Use Map of the Comprehensive Plan, is 7-24 units per acre. The density of the proposed project is 11.6 units per net acre.</p> <p>The proposed use of the site for attached and detached single-family development includes 89 for sale homes, each on its own lot. This land uses is consistent with the MU/HDR zone district.</p>
14.09.030(c)2	The proposed development makes adequate provisions for open space, drainage ways, parks, streets, and utilities.	<p>The streets and sidewalks will comply with the standards required by the Comprehensive Plan Streetscape Element and the City Engineer. A modification has been requested to allow the public residential loop streets to be 24 feet curb to curb. Recreational impacts will be mitigated through the payment of park impact fees to be used for the acquisition and development of a neighborhood/community park in the SR 527 Corridor as identified in the SR 527 Subarea Plan.</p> <p>The portion of the North Creek Trail planned within the</p>

SECTION	REQUIREMENT	COMMENT
		<p>subject development site is being constructed as a condition of the development.</p> <p>Utilities will be available with sufficient capacity to serve the site. The final drainage plans will be reviewed for adequacy in managing project offsite flows. Monetary contributions will be required to mitigate proportionate share impacts on City streets.</p> <p>In addition to mitigating impacts on public facilities within the City, the applicant will also contribute proportionate share impact mitigation to Snohomish County for transportation impacts, the Everett School District for impacts to school facilities, and to Snohomish County Fire District No. 7 for impacts on fire district facilities.</p>
14.09.030(c)4	The subdivision is beneficial to the public health, safety, and welfare and is in the public interest	The execution of mitigation agreements with the proponent will include funds for the development of neighborhood parks, fire district facilities, school facilities, and contributions for improvements to the City road system. In addition, a portion of Main Street is being constructed and dedicated to the public as a condition of the development.
16.12.060	Requires 20 percent of net developable area of the development to be established as common open space.	28.4 percent of the site is reserved as usable open space.



SECTION	REQUIREMENT	COMMENT
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 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.	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 roadway projects, school district facilities, and fire protection facilities. Utilities will be available with sufficient capacity to serve the proposed development. Stormwater drainage facilities will meet LOS standards as established within the Comprehensive Plan.
17.15.020	Attached and detached single-family dwellings are permitted as a Principal Use in the MU/HDR zone district.	Project consists of attached and detached single-family dwellings.
17.15.060	Density permitted in the HDR zone is 7-24 dwelling units per acre.	Density proposed is 11.6 dwelling units per net acre.
17.15.070	Maximum lot coverage for structures is 40 percent.	The applicant has requested a modification to allow an average 43 percent lot coverage. The total area covered by structures is approximately two acres (30 percent total).
17.15.080	Maximum Building height is 50 feet.	Proposed two-story structures will not exceed 50 feet.
17.15.090	Setback Requirements:  Front yard – 5-15 feet from sidewalk; or 10-20 feet from curb.  Side yard – 5 feet minimum  Rear yard – None	All structures meet front and rear setback requirements. The applicant has requested a modification to permit a 4-foot side yard setback.

SECTION	REQUIREMENT	COMMENT
17.15.100	Development to incorporate SR 527 Subarea Plan Design Guidelines.	The development is required to incorporate the SR 527 Subarea design principles into the project design. The homes fronting on Main Street are oriented toward the street, many units are alley-loaded and are organized around community greens, building elevations and roof lines will be modulated through the use of colors, construction materials and building articulation. The building materials, colors, and elevations of the attached single-family homes are subject to Design Review Board review and approval.
17.22	Comprehensive Plan – concurrency and consistency required.	The project is consistent with the applicable policies of the Comprehensive Plan and provides adequate mitigation for development impacts. The development does not reduce Level of Service (LOS) below established standards.
17.22.150	Requires 2 parking spaces for each single-family unit (178 spaces total required).	180 total on-site spaces provided, plus approximately 45 spaces are provided within the Main Street and the residential loop street right-of-ways.
18.06.020	Impact to wetlands must be mitigated.	No wetlands are directly impacted by the proposed development. A 100-foot and 50-foot average wetland buffer is required.

In summary, staff has reviewed the project in regard to the applicable provisions of the Development Code and finds that the proposed project with Conditions of Approval is in compliance with the Development Code.

**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/Planned Residential Development (PRD) for 89 attached and detached single-family homes.
2. Vehicular access to and from the proposed project will be from Main Street.
3. The proposed Preliminary Plat/PRD has been reviewed under the provisions of the State Environmental Policy Act (SEPA), Chapter 14.17 MCMC (Planned Actions) and Chapter 17.48 MCMC, (Development Impact Mitigation). On March 18, 2004, the City issued a determination that, subject to incorporating into the project the required mitigation measures and public improvements established in the SR 527 Subarea Plan and SEIS, the project qualifies as a Planned Action. Thus, no SEPA threshold determination or EIS is required.
4. In accordance with the planned action determination and the adopted SR 527 Subarea Plan and SEIS, impact mitigation agreements will be required to mitigate the identified impacts.
5. The City of Mill Creek and Snohomish County Fire District No. 7 signed an Interlocal Agreement for the joint review of development proposals and providing the legal basis for appropriate conditions to mitigate development impacts on the district. In accordance with the Interlocal Agreement and the SR 527 Subarea Plan/SEIS, the Fire District has requested that the applicant contribute fees to mitigate the development impacts on district facilities.
6. The City of Mill Creek and Snohomish County have an interlocal agreement for the joint review of development proposals and providing a legal basis for appropriate conditions to mitigate the impacts on the County's transportation system. In accordance with the interlocal agreement and the SR 527 Subarea Plan/SEIS, the County has requested that the applicant contribute fees to mitigate development impacts on County transportation facilities.
7. The City of Mill Creek and the Everett School District have an interlocal agreement for the joint review of development proposals. This interlocal agreement provides a legal basis for appropriate conditions to mitigate the impacts on school district facilities. In accordance with the interlocal agreement and the SR 527 Subarea Plan/SEIS, the Everett School District has requested that the applicant contribute fees to mitigate development impacts on school district facilities.

8. The proposed Preliminary Plat/PRD is located within the MU/HDR zone district. Attached and detached single-family development is listed as a Principal Use permitted in the MU/HDR zone district.
9. In accordance with the Planned Area Development provisions of the Mill Creek Municipal Code (MCMC), the applicant has requested modifications to allow a reduced street width, increased lot coverage, and reduced side yard setbacks. The requested modifications further the purpose of the Planned Area Development chapter and meet the modification criteria contained within MCMC 16.12.04.
10. The proposed Preliminary Plat/PRD, subject to approval of the requested modifications, is consistent with the applicable development regulations with regard to residential use, density, lot size, lot design, and provision of public facilities.
11. The proposed Preliminary Plat/PRD has been reviewed and found consistent with the applicable policies and Land Use Map of the City of Mill Creek Comprehensive Plan, including the SR 527 Subarea Plan.
12. As conditioned, the proposed Preliminary Plat/PRD can be served by public sewer and water, and makes appropriate provisions for streets, drainage facilities, open space, parks and playgrounds, sidewalks and public ways.
13. If approved, subject to the conditions recommended below, the proposed Preliminary Plat/PRD will be consistent with the requirements of Section 14.09.030 MCMC, Planning Commission Review and Recommendation; Title 16 MCMC, Plats and Subdivisions; Title 17 MCMC, Zoning; and Chapter 18.06, Environmentally Critical Areas.
14. The statutory requirements for environmental review and public notification have been duly satisfied.

**STAFF RECOMMENDATION:**

Based on the foregoing information, findings, and conclusions, staff recommends to the Planning Commission approval of the proposed 89-lot Preliminary Plat/PRD subject to the following conditions:

**Conditions Recommended by the Department of Community Development:**

1. Development shall occur as portrayed on the Binding Site Plan map attached to the resolution as Exhibit B, except as may be modified by conditions imposed by the Planning Commission.
2. The maximum number of single family dwellings shall be 89.
3. Water and sewer facilities shall be designed and installed in accordance with the requirements of the Silver Lake Water District.

4. Fire hydrant design, location and spacing shall be reviewed and approved by Fire District No. 7 and the Silver Lake Water District.
5. All on-site sidewalks/pedestrian paths, except the North Creek Trail, shall be constructed of concrete. The primary east/west sidewalk that connects North Creek Trail, Main Street, and SR 527 shall have a minimum width of five feet. A public pedestrian access easement allowing public access shall be granted over all sidewalks/pedestrian paths and shall be shown on the face of the Final Plat.
6. The design, material composition, and colors of the attached and detached single-family dwellings shall be modulated and designed consistent with the SR 527 Subarea Design Guidelines. The attached single-family homes fronting Main Street shall be reviewed and approved by the Design Review Board.
7. The applicant shall submit for Design Review Board approval a landscaping/tree planting plan for the site including common open space tracts, north and south perimeter buffers, the SR 527 roadway buffer, the stormwater pond, and the planting strips/streetscape within and/or adjacent to the public right-of-ways. The landscaping to be provided along the south property line shall be designed to help screen the residences from the future commercial uses within the Town Center. The landscape/tree plan shall be prepared by a licensed landscape architect and shall be reviewed and approved by the City's Design Review Board prior to approval of the Final Plat. The plan shall be implemented commensurate with project construction.
8. The applicant shall provide a children's play area in on Tract I of the common open space tracts. The design of the recreation facility is subject to the review and approval of the Director of Community Development.
9. All above ground utilities (pipes, vaults, conduit, meters) shall be screened from view as much as is possible and practical. The location of and method of screening of said utilities are subject to the review and approval of the Director of Community Development.
12. All utility, stormwater, drainage, maintenance easements, property buffers and pedestrian easements, together with attendant restrictions and conditions, shall be portrayed on the face of the Final Plat.
13. Fireplaces shall be either natural gas appliances or certified pellet/wood stoves or inserts.
14. Existing significant trees shall be preserved within roadway buffers/cutting preserves, wetland buffers, and property buffers where practical. In addition, existing significant trees shall be preserved on the development site where possible and practical.

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 or groups of 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.

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 a detailed final wetland buffer enhancement plan addressing those areas within the buffer that are subject to grading and other disturbance. Said plan shall be developed in accordance with Section 18.06 MCMC. The developer and the City shall enter into 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 into 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. Further, the applicant shall prepare and record a conservation easement to ensure that the wetland and buffer located on the site will be preserved and that public pedestrian access on the North Creek Trail is granted. Such a commitment shall be developed by the applicant and the City and approved by the City Attorney prior to approval of the Final Plat.
16. The applicant shall contribute \$1,740.65 per single-family unit (\$154,917.85) to mitigate impacts on the City neighborhood park system and \$1490.50 per single-family unit (\$132,654.50) to mitigate impacts on the City community park system. Pursuant to the SR 527 Subarea Plan Policy 4.02, a maximum 33.3 percent credit toward the neighborhood park mitigation fee, and a maximum 25 percent credit toward the community park mitigation fee will be allowed to offset the cost of constructing the North Creek Trail through the site. The credit, however, can not exceed the actual cost of the trail improvements to be constructed. Invoices for the North Creek Trail construction will need to be submitted to the City of Mill Creek following its completion to determine the actual credit that will be refunded.
17. The applicant shall contribute to the Snohomish County Fire Protection District No. 7, \$365.00 per residential unit (\$32,485.00) to mitigate impacts on fire district facilities/services. Verification of payment shall be provided to the City before approval of the Final Plat.
18. In accordance with the mitigation agreement executed between the applicant and the Everett School District, the applicant shall contribute \$78,871.80 to the Everett School District to mitigate impacts on school district facilities. Verification of payment shall be provided to the City before approval of the Final Plat.

#### **Conditions of Approval Recommended by the Department of Public Works**

19. The applicant shall provide grading, stormwater, and erosion and sediment control plans to the satisfaction of the Director of Public Works prior to commencing any clearing or grading for the site. All public improvement work shall be adequately secured through a secured agreement acceptable to the Director of Public Works prior to starting work.

20. All utilities within the project and along all roadway frontage areas shall be placed underground in accordance with City Code. No new utility poles shall be installed in the project site. Appropriate easements or right-of-way for all utilities shall be provided by the applicant as shown on the face of the Final Plat.
21. Adequate street lighting shall be installed along Main Street and the public residential streets consistent with the approved light standards for Main Street. In areas where street lighting is not sufficient, additional pedestrian lighting shall be installed. The illumination levels and type of street and pedestrian lights (pole and luminaire head) shall be approved by the Directors of Public Works and Community Development. Lighting calculations and plans shall be submitted for review by City staff prior to construction. The applicant shall be responsible for the first year of operational costs for the street lights, and shall pay these costs to the City prior to energizing the street lights.
22. The applicant shall construct the full-width of Main Street on the subject property between the northern and southern property boundaries. This work shall consist of all items within the ultimate Main Street right-of-way, including, but not limited to the following elements and conditions:
  - A. Asphalt pavement in the travel lanes, channelization, signage, storm drainage facilities, vertical curb and gutter, on-street parallel parking stalls paved with concrete, street lights and landscaping.
  - B. The applicant shall construct five-foot sidewalks and planter strips on both sides of Main Street north of the northern intersection with the residential streets, and six-foot sidewalks and planter strips on both sides of Main Street south of that intersection. Irrigation shall be installed in the planter strips.
  - C. The width of Main Street and the on-street parking shall be consistent with the roadway dimensions shown in the Town Center Design Guidelines.
  - D. The new roadway and sidewalks shall be connected to the existing facilities that were constructed as part of the Town Center and Hawthorne Apartments Binding Site Plans.
23. The applicant shall construct the full-width of two new public residential streets, also known as the east and west residential "loop" streets, to access the lots on the east and west sides of the plat:
  - A. Asphalt pavement, storm drainage facilities, channelization, signage, vertical curb and gutter, five-foot sidewalks on both sides of the street, a five-foot planter strip on the outside of the "loop" only, street lights and landscaping. Irrigation shall be installed in the planter strips.
  - B. The width of the road shall be 24 feet from curb to curb with a maximum grade of 8.0%. The roadway shall be designed to meet all emergency vehicle access

requirements.

- C. On-street parking shall be allowed along the interior of the loop streets where approved by the Director of Public Works and the Fire District. Parking shall not be allowed where vehicles could interfere with sight distance around a corner or turning movement of emergency vehicles.
  - D. The mailbox locations shall be approved by the Directors of Public Works and Community Development prior to submission to the Postmaster. Mailboxes shall not be located where the structure or stopping vehicles could interfere with traffic flow or sight distance.
24. No site access shall be allowed from SR 527 at any time, including during construction. The applicant shall construct a 6-foot wide meandering concrete sidewalk in the SR 527 roadway buffer between the northern and southern property boundaries, and shall connect to the existing sidewalk on each end. The sidewalk shall be field located with City staff prior to construction to minimize impacts to the roadway buffer area.
25. The private alleys to access the rear of the interior lots shall be designed and constructed to meet all emergency vehicle access requirements and City of Mill Creek standards. Parking shall not be allowed within the private alleys, except within designated full-size parking spaces on the driveway aprons as shown on the site plan. Appropriate signage shall be installed to designate the alleys as a fire lane and a no parking zone. This signage and proposed locations shall be submitted to the City for review and approval prior to installation.
26. The applicant shall construct the portion of the North Creek trail between the northern and southern property boundaries, and shall connect to the existing trail on each end. The trail shall be field located with City staff prior to construction to minimize impacts to the wetland buffer area. The trail shall meet the design and construction requirements as stated in the City of Mill Creek North Creek Trail Design Standards. The trail shall be constructed as part of the first phase, if any phasing is proposed, to enable the trail to be available for public use upon approval of the Final Plat.
27. The applicant shall contribute to the City's transportation mitigation program based on the projected traffic distribution as outlined below:

Segment	# of Trips
Seattle Hill Road	25
164 <sup>th</sup> Street Southeast	168
Dumas Road	211
Trillium Boulevard	8
Mill Creek Boulevard east of SR 527	25
Mill Creek Boulevard west of SR 527	126
Village Green Drive	17
148 <sup>th</sup> Street Southeast	8
153 <sup>rd</sup> Street SE @ SR 527	84
<b>TOTAL</b>	<b>672</b>



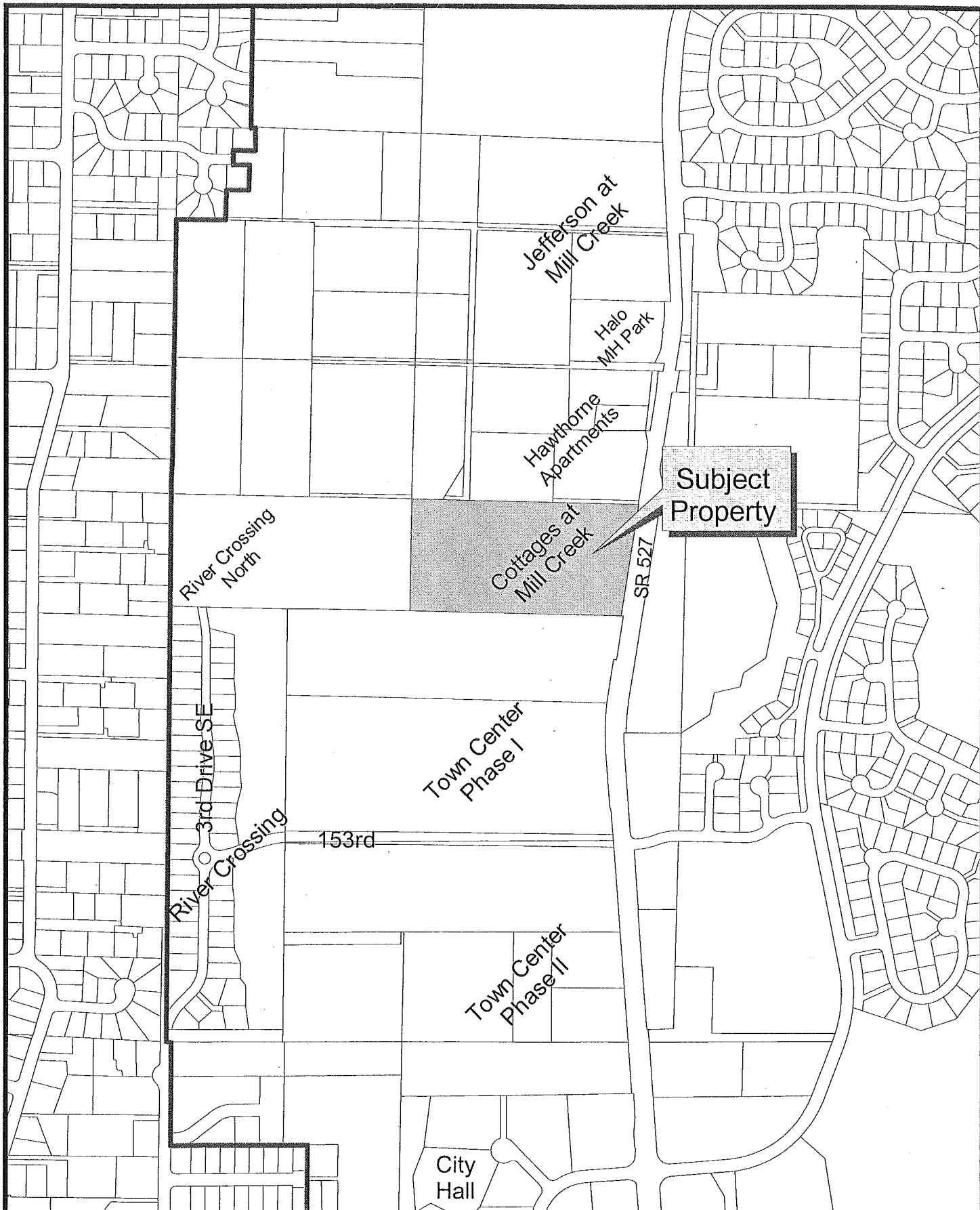
At \$71 per trip, this would result in a traffic mitigation offer in the amount of \$47,712.00. Payment of City traffic mitigation fees are required prior to recording of the Final Plat.

28. Snohomish County has reviewed the traffic study prepared by William Popp and Associates and concurs with the analysis contained within the study, as well as the mitigation amount of \$137,010. Payment of traffic mitigation fees to the County is required prior to recording of the Final Plat.
29. All landscaped areas shall be amended with a minimum of four inches of compost with a minimum depth of six inches of native soil to improve the on-site retention of stormwater.
30. Dust and erosion shall be controlled by promptly covering exposed stockpiles, watering areas of soil disturbance during dry periods, and using a street sweeper on the roadways.
31. The applicant shall include all required public and private drainage improvements in the engineering design plans and stormwater report for the Director of Public Works approval. The approved stormwater system shall include the following elements and conditions:
  - A. Detention and water quality treatment facilities with a conveyance system that meet the requirements of the City of Mill Creek and the 2001 Department of Ecology Stormwater Management Manual for Western Washington.
  - B. Where possible, the roof runoff from the lots on the west side of the plat adjacent to the wetland buffer shall be routed directly to the wetland buffer to maintain the hydrologic period. The impervious roof area that is routed directly to the wetland buffer can be removed from the detention pond calculations.
  - C. Requirements that the property owners are obligated to own, maintain and operate the stormwater system outside the public right-of-way to the satisfaction of the Director of Public Works. Specific maintenance measures shall be indicated on the approved engineering plans and in the final drainage report.
  - D. Provisions on the Final Plat for maintenance of the stormwater system, including, but not limited to adequate access to maintenance locations, provisions and 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.
  - E. All roads that provide access to stormwater facilities shall be paved and designed for maintenance vehicle loading.
  - F. A final stormwater drainage report signed and stamped by a licensed professional engineer shall be submitted to the Director of Public Works for review and approval.

32. The Developer shall not assign its rights and obligations under this development proposal without the prior written consent of the City of Mill Creek. In the event the Developer seeks the consent of the City of Mill Creek, the Developer shall provide documentation evidencing the intent to transfer all obligations, including any and all bond guaranteeing performance and maintenance. The City of Mill Creek reserves the right to deny the Assignment for any reason, including, but not limited to, lack of security to perform or maintain the work or lack of confidence in the Assignee. In the event the City of Mill Creek approves an Assignment, the terms and conditions of the Plat and all conditions of development approval shall be binding upon both parties, their partners, successors, and assigns.

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

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# Cottages at Mill Creek Vicinity Map



## ATTACHMENT 2 LEGAL DESCRIPTION

THE NORTH 544.87, AS MEASURED ALONG THE WEST LINE OF THAT PORTION OF THE EAST HALF, NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 27 NORTH, RANGE 5 EAST, W.M., LYING WESTERLY OF STATE HIGHWAY NO. 527;

EXCEPT PORTION CONVEYED TO THE STATE OF WASHINGTON, RECORDING NO. 199911200102.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

EXHIBIT C

PLANNING COMMISSION MOTION WITH REVISED CONDITIONS

**Motion:** COMMISSIONER McELHOSE MOVED, SECONDED BY COMMISSIONER JONES, TO ADOPT RESOLUTION 2004-115, APPROVING THE PRELIMINARY PLAT/PLANNED AREA DEVELOPMENT, CITY FILE 03-60 (KNOWN AS "COTTAGES AT MILL CREEK") WITH FINDINGS AND CONDITIONS OF APPROVAL AS CONTAINED WITHIN THE STAFF REPORT, WITH THE FOLLOWING REVISIONS:

- Condition 1: Amend to read:  
Development shall occur as portrayed on the ~~Binding Site Plan~~ Preliminary Plat map attached to the resolution as Exhibit B, except as may be modified by conditions imposed by the Planning Commission.
- Condition 7: Add the following sentence at the end:  
**The Homeowners Association shall be responsible for maintaining all of the common areas and landscape areas.**
- Condition 16: Add the following sentence at the end:  
**Payment of City park impact mitigation and traffic mitigation fees are required prior to recording of the Final Plat.**
- Condition 22 A: Amend to read:  
Asphalt pavement in the travel lanes, channelization, signage, storm drainage facilities, vertical curb and gutter, on-street parallel parking stalls paved with concrete asphalt, street lights and landscaping.
- Condition 22 B: Amend to read:  
The applicant shall construct five-foot sidewalks and five-foot planter strips on both sides of Main Street north of the northern intersection with the residential streets, and six-foot sidewalks and five-foot planter strips on both sides of Main Street south of that intersection. Irrigation shall be installed in the planter strips.
- Condition 32: Replace in its entirety with:  
**The Developer may assign its rights and obligations under this development approval upon prior written notice to the City identifying the new entity and evidencing the transfer of obligations to the new entity.**

**MOTION CARRIED UNANIMOUSLY.**