

PLANNING COMMISSION RESOLUTION NO. 98-66

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 FOR A FIFTY-ONE (51) LOT) RECOMMENDATIONS
RESIDENTIAL SUBDIVISION TO BE KNOWN AS)
"WEST VILLAGE" CASE FILE NUMBER PP 97-50.

WHEREAS, William Buchan, Inc. has submitted the appropriate information to the City of Mill Creek for consideration of a Preliminary Plat for a 51-lot residential subdivision located north of 164th Street Southwest, west of North Creek, and east of Cascadian Way, within the City of Mill Creek; and

WHEREAS, the City of Mill Creek's SEPA Official issued a Mitigated Determination of Non-Significance (MDNS) and Revised MDNS and Addendum, pursuant to RCW 43.21C, and Chapter 18.04 MCMC, and a Notice of Property Development Impact Mitigation pursuant to Chapter 17.48 MCMC; and

WHEREAS, on January 12, 1998, a legal notice stating the time, place and purpose of the public hearing was published in the Everett Herald, and on January 12, 1998, was posted on the property pursuant to MCMC 14.07.030, and on January 9, 1998, was sent to surrounding property owners within 500 feet of the site in accordance with MCMC 14.07.030; and

WHEREAS, the Planning Commission duly convened a public hearing on January 22, 1998, 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 and Zoning 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 discussion and recommendation contained in Exhibit C, attached and incorporated herein.

Section 3: The Planning Commission, therefore, recommends to the City Council approval of a 51-lot Preliminary Plat, known as West Village, for William Buchan, Inc. as fully described and conditioned in Exhibit A, Exhibit B, and Exhibit C.

Done and passed by majority vote, this 22nd day of January 1998.

CITY OF MILL CREEK PLANNING COMMISSION



CHAIRMAN



SECRETARY OF THE PLANNING COMMISSION

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

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EXHIBIT A

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

PART I - SUMMARY INFORMATION

HEARING DATE: January 22, 1998

OWNER: Hammitt Estate
c/o Margaret Faulkner
4629 Baker Drive
Everett, WA 98201

APPLICANT: William E. Buchan, Inc.
11555 Northup Way
Bellevue, Washington 98004

REQUESTED ACTION: Preliminary Plat approval for a 51-lot subdivision to be developed with single-family detached residences.

LOCATION: The subject site is located west of North Creek, north of the current terminus of 3rd Avenue West, north of 164th Street SE, within Section 6, Township 27 North, Range 5 East, W.M. Snohomish County.

LEGAL DESCRIPTION: Attachment 1

SIZE: 26.4 acres

COMPREHENSIVE PLAN DESIGNATION: Residential Low Density, Four (4) Dwelling Units per Acre

ZONING DISTRICT: LDR - Low Density Residential

PART II - STATUTORY REQUIREMENTS

SEPA COMPLIANCE/ DEVELOPMENT IMPACT MITIGATION ORDINANCE:

The City's SEPA Official has determined that this proposal does not have a probable significant adverse impact on the environment; therefore, an Environmental Impact Statement was not required under the provisions of RCW 43.21C.030(2)(C). The project is also subject to the provisions of Chapter 17.48 Mill Creek Municipal Code (MCMC), Development Impact Mitigation.

City staff has identified certain elements of the environment that require mitigation pursuant to SEPA, as well as impacts on public facilities that require mitigation pursuant to Chapter 17.48 MCMC. On November 13, 1997, a Mitigated Determination of Non-Significance (MDNS)/Notice of Property Development was issued for the proposed project and a Revised MDNS was issued on December 10, 1997. Specific measures are required to mitigate development impacts and have been incorporated into the appropriate recommended conditions of approval. Certain elements of the proposal were also reviewed in the Draft and Final Environmental Impact Statement for the Town Center and mitigation measures from those documents were also included by reference as appropriate. An addendum to the revised MDNS was issued on January 13, 1998, clarifying certain mitigation measures.

INTERLOCAL AGREEMENTS WITH SNOHOMISH COUNTY AND FIRE DISTRICT 7:

The City has entered into interlocal agreements with Snohomish County and Snohomish County Fire District 7 regarding the review of development impacts on the County's transportation system and the fire district's facilities. The agreements include provisions for the imposition of appropriate mitigation and conditions. The application has been reviewed by the County and the Fire District and their comments are reflected in the SEPA determination and recommended conditions of approval.

APPEAL OF MDNS: The applicant has filed a timely appeal of certain provisions of the revised MDNS. However, the applicant has withdrawn their appeal upon reviewing the addendum that serves to clarify and interpret the conditions of the revised MDNS.

NOTICE: In accordance with Section 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 9, 1998, published in the Everett Herald on January 12, 1998, and the property was posted in two places on January 12, 1998.

PART III - BACKGROUND INFORMATION

HISTORY:

The subject site is located in a largely undeveloped part of the City on the west side of North Creek, west of the area designated as the future Town Center. The area was annexed to the City in 1989 as part of the Bhend Annexation. At the time of annexation the property was designated RC 2.5 on the City Zoning Map. With the adoption of the City's Comprehensive Plan in 1992, the property was designated for Low Density Residential (maximum four dwelling units per acre) on the Land Use Map, and subsequent to the adoption of the Comprehensive Plan, received the R-9600 zoning designation. The zoning designation was changed to LDR after revisions to the Comprehensive Plan in 1994.

EXISTING SITE

CHARACTERISTICS: The site of the proposed project is 26.4 acres in size and is located west of the Town Center site on the west side of North Creek (please refer to vicinity map - Attachment 2).

TOPOGRAPHY AND SOILS:

The site is best described as having rolling topography, sloping from west to east toward North Creek. The topography changes approximately 50 feet across the site with the higher elevations on the western edge and the lower elevation adjacent to North Creek.

The Soil Conservation Service for Snohomish County indicates that the three soil types on the site: Alderwood Gravely Sandy Loam 15-25 percent slope, Indianola Loamy Sand 15-25 percent slope and Norma Loam. The Alderwood and Indianola soil groups are found in the upland portions of the site. The primary limitations of the Alderwood series are due to slopes, poor drainage, and seasonal wetness. These limitations primarily affect building foundations and septic tank drain fields and require runoff protection during construction. Since the proposed plat will be served by public sewers, the limitation for septic tank drain fields is not applicable. The requirement for foundation drains will be evaluated by the City Building Official at the time of construction of future residences, and the City will require "Best Management Practices" as outline in State of Washington Department of Ecology Stormwater Runoff Manual to control erosion during and after plat construction.

Since the proposed plat will require significant grading, many of the slope limitations will be overcome. Similar to the Alderwood series,

the primary limitation for the Indianola soils is a seasonally perched water table, which affects septic drain fields and limitations due to the slope gradient.

As discussed below, there is a 5.6 acre wetland located on the subject site. In order to meet the definition for wetlands, hydric soils must be present. The soils in the wetland area are the Norma Loam, a hydric soil that is poorly suited for urban development. Other than the proposed road crossing of North Creek, no development will occur on these soils.

VEGETATION:

With the exception of an old logging road in the western portion, the site is forested with a second growth mixture of evergreen and broad-leaf deciduous species. The eastern third of the site is a wetland plant community, with a deciduous forest canopy, with Spruce and Cedar located on the northern portions of the wetland.

Based on a review of the tree survey submitted with the application, the predominant tree species in the upland portion of the site include Fir and Alder; however, Cedar and Cottonwood are also present. Dominant understory vegetation includes Salmonberry, Red Elderberry, Red Huckleberry, Salal and Swordfern. Wetland species include Pacific Willow, Red Osier Dogwood, skunk cabbage, rushes, sedges and Buttercup.

WETLANDS:

There are three wetlands affected by the proposal. A 5.6 acre wetland located on the eastern edge of the site, which is part of a much larger wetland community associated with North Creek and denoted in the Town Center EIS as wetland AB. Two other wetlands noted as "C" and "D" are located between SR 527 and the stormwater detention pond site.

The wetland is subject to the regulations contained in the City's Environmentally Critical Areas ordinance, Chapter 18.06 MCMC and has been classified as a Category II wetland. Access to the project site will be from SR 527, through adjacent property and will require crossing this wetland and filling two, small isolated wetlands. These wetlands are 4,550 and 3,550 square feet in area and have also been evaluated in accordance with Chapter 18.06 MCMC. Both are classified as Palustrine forested wetlands and categorized for regulatory purposes as Category III wetlands.

The applicant will be required to prepare and implement a wetland mitigation plan for disturbing and filling the wetlands in the ratios prescribed by Chapter 18.06. It is recommended that the applicant submit a mitigation plan to the Department of Community Development for approval prior to approval of a Final Plat application.

LAND USE:

The subject site is undeveloped. Surrounding land uses are as follows:

To the north is a large parcel under single ownership, which is undeveloped and forested.

To the east is a portion of the undeveloped property, which is designated as a portion of the Town Center site.

To the west, are numerous residential properties located in unincorporated Snohomish County including a subdivision located adjacent to lots 37 and 38 of the proposed plat.

To the south is undeveloped property located in the City.

UTILITIES:

The subject site is located within the service area of the Silver Lake Water District. Water and sewer service to the site will require the extension of utilities from the plat eastward beneath 152nd Street and the proposed crossing of North Creek, then south across two intervening properties where connections will be made north of City Hall.

The sewer connection is located between North Creek and the Huntron Building and water service is located on the property line between the Huntron building and Mill Creek Business Center.

These utilities are required to be constructed throughout the site. Electrical service will be provided by Snohomish County PUD and natural gas service by Puget Sound Energy.

FIRE PROTECTION: Fire protection, suppression, and emergency medical service will be provided by Fire District No. 7.

SUBDIVISION PROCESS AND DESIGN:

General Description

The proposal is for a 51-lot Preliminary Plat. The lots will be developed with single-family detached homes. The subject site is approximately 26.4 acres in size and is part of a larger parcel (83.9 acres). The City is currently processing a Lot Line Adjustment that will segregate the subject site from the larger parcel. The gross (overall) project density is 1.9 dwelling units per acre. The proposed project will contain two distinct elements; the upland development area and the large wetland and associated buffers located on the eastern portion of the site. Actual development (i.e., the area devoted to roads, driveways, and residences) will occupy approximately 15.7 acres or about 59 percent of the project site, leaving 5.6 acres comprising the portion of the North Creek wetland located on the site and 5.1 acres in the required wetland buffers.

Lot Layout

The proposed project is located at the western boundary of the City north of 164th Street Southwest. It contains 51 lots ranging in size from 8,861 square feet to 19,357 square feet. The lots are arranged in a north/south orientation along a single residential access street. The lot layout is designed in a manner that utilizes standard, front-loaded, single-lot, driveway residences with the front yards oriented to the access street.

The rear yards of the lots (lots 15-38) on the west side of the proposed project abut residential properties in unincorporated Snohomish County. The lots located on the east side of the project (lots 1-41) abut the required wetland buffer from the North Creek wetland.

Access and Circulation

Access to the division will be from SR 527 by a single access road (West Village Road on the plat map), which bisects the Town Center site, crosses North Creek, and then forms a "T" intersection to serve the proposed lots.

The access road from SR 527 will be constructed within a dedicated public right-of-way that will provide access to the site and will also form a portion of the future street system of the Town Center. The City Attorney and staff have reviewed and approved a dedication document. While the right-of-way has not been dedicated by the date of the public hearing, dedication will be effected upon approval of the Preliminary Plat. The applicant will also be responsible for constructing the intersection improvements at SR 527 as required by the City Engineer and the Washington State Department of Transportation.

As mentioned above, the access road serving the development will cross North Creek. The location of the crossing is located in the area of an old logging road and creek crossing to minimize wetland disruption. The federal and state permits necessary for the crossing have been submitted and are currently being reviewed by the state and federal agencies. Preliminary discussions with these agencies indicate that the crossing will be approved in the immediate future.

The internal road system in the plat (North Creek Road on the plat map) is designed to provide future road access to property to the north with a temporary emergency vehicle turnaround, and is also planned for ultimate connection with 3rd Avenue on the south. The subdivider is required to install an all-weather emergency access to 3rd Avenue SE. The access will be at least 15 feet wide and will be available for emergency vehicles. Opening the connection to through traffic will not occur until 3rd Avenue is upgraded and improved to an adequate standard to accommodate additional traffic.

North Creek Road will be constructed to full City standard (curbs, gutter, sidewalks and drainage) as will the majority of West Village Road (152nd Street) crossing the creek and extending east approximately to the eastern edge of the stormwater detention pond tract. The remaining road section to SR 527 (approximately 1200 feet) will be constructed within the dedicated public right-of way. However, it will not be constructed to the full public standard until such time as the Town Center project is developed.

Drainage

The proposed drainage plans for the project include a wet pond/detention basin combination system for the majority of the site to meet Department of Ecology "Stormwater Management Manual for the Puget Sound Basin" standards and City standards. The system is proposed to be located within an area located off-site, east of North Creek, including piping the development's storm drainage across North Creek along "West Village Road" to the detention basin where the runoff will be treated through settlement. The runoff will be detained and released to North Creek via a dispersion device. A small detention/treatment pipe is proposed for the northern most portion of the site.

The proposed wet pond/basin system is currently designed to include detention for street and site runoff and roof runoff from the proposed buildings. Footing drains, rockery drains and drainage entering the site from the west is designed to pass through the lots via a subsurface system along side lot lines and re-enter the wetland on the west side of North Creek. The applicant's engineer is analyzing the possibility of directing the roof runoff directly to the wetland on the west side of North Creek. This may allow a reduction in the size of the detention facility proposed on the east side of North Creek. In addition to accommodating stormwater from the West Village site, the stormwater detention system is also designed to detain water from a portion of the Town Center site.

Discharge from the detention facilities enters North Creek. The detention system will be designed to match existing peak runoff rates of stormwater from the site into North Creek according to the design methods established in the Department of Ecology Stormwater Manual.

Open Space

Usable open space will be provided in the private yards on developed lots in the proposed plat. The North Creek wetland and required wetland buffers, which will remain undeveloped, account for approximately 41 percent of the subject site.

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

The proposed plat has been reviewed for consistency with the Mill Creek Comprehensive Plan. Since the plan is by its nature "comprehensive" or a broad policy document, staff has focused on the applicable policies that either have direct influence on the design of this project or are geographically specific to the request.

To be approved, the proposed plat must be consistent with the Land Use Map and applicable policies of the Comprehensive Plan. This application has been reviewed with the applicable policies of the Comprehensive Plan and found to be consistent with both the plan maps and policies of the plan. The applicable policies of the plan are:

POLICY	FOCUS	COMMENT
LAND USE ELEMENT		
Land Use Map	Site designated for Residential Low Density (four units/acre maximum).	Density of the project is 1.91 units per acre, which is below the maximum allowed.
1.01 and 1.03	City's residential character should be composed of a wide range of densities and maintain and enhance the City as a predominantly single-family residential community.	The project is consistent with the recommended density in the Comprehensive Plan. The lot sizes of the proposed lots are somewhat smaller than surrounding properties since the subject site will be served by public sewers. However, the residential character of the proposed development is single-family detached, which is consistent with surrounding developments.

1.04	Compatibility with surrounding land uses.	<p>The proposed plat is similar to surrounding development with respect to use (single-family detached residential). The density may be slightly higher than adjacent properties, which have individual septic systems rather than public sewers.</p> <p>The County zoning of the adjacent properties is R 9600, which requires a minimum lot size of 9600 square feet. The City's zone designation of the subject site is LDR, which requires a minimum lot size of 8400 square feet; however, all of the lots in the proposed plat exceed 8,400 square feet, with an average lot size of 11,128.</p>
1.08	Predominant density in single-family neighborhoods not to exceed four dwelling units per acre.	The gross density of the proposed project is 1.9 dwelling units per acre.
1.16	Peripheral boundaries of each residential development should contain appropriately-sized buffer areas, provide neighborhood identity, and provide a wildlife habitat.	<p>The topography of the site is such that some buffer areas may be retained on the lots on the west side of the plat. The recommended conditions of approval require an arborist analysis of the rear portions of Lots 15 - 38, with recommendations on tree retention and revegetation.</p> <p>On the east side of the project, a wetland buffer having an average width of 100 feet will be required.</p>

1.17	Elements of neighborhood development and building mass should be in scale with lot sizes; pedestrian and vehicular circulation should be safe and efficient; vegetation and environmentally sensitive areas should be preserved.	The proposed lot sizes will provide an appropriate scale between lot area and the building mass of the detached single-family homes; vehicle and pedestrian circulation is safe due to the low traffic volumes. The required wetland buffers are intended to protect environmentally sensitive areas (North Creek and associated wetlands) and the creek crossing is located on existing fill in a previously disturbed area and will have minimal encroachment into the wetland.
1.18	Residential developments shall be designed to be compatible with adjacent developments.	Project density may be higher than adjacent developments; however, this is a function of the availability of sewer. The land use is similar, single-family detached residential, and the lots are close to the size of some the adjacent properties.
CAPITAL FACILITIES ELEMENT		
2.03	Stormwater management facilities to include quality and quantity controls per Level of Service guidelines.	Project shall incorporate stormwater management facilities that comply with City guidelines.
5.01	Public safety services should expand to serve increased population.	The recommendation includes conditions of approval requiring payment of mitigation for impacts on Fire District facilities.
UTILITIES ELEMENT		
1.01	Urban development shall occur only where adequate utilities are available.	Adequate utility services can be made available with the extension of services and acquisition of necessary easements.
1.10	Requires undergrounding of utilities where possible.	Utilities are proposed to be located underground.
TRANSPORTATION ELEMENT		
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 and 3.06	<p>Access points from the public right-of-way to private developments shall be located at appropriate locations.</p> <p>Reduce potential traffic conflicts on arterial streets by utilizing shared access and internal circulation.</p>	<p>Access to the site will be through property that is designated as the Town Center. The proposed route is consistent with the Town Center Master Plan and the Transportation Element of the Comprehensive Plan.</p> <p>The proposed plat will take access from SR 527. The applicant will be responsible for constructing the access.</p>
4.01	<p>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.</p>	<p>Sidewalks will be constructed on both sides of the street in the project and on one side of the bridge crossing North Creek. Public pedestrian access will also be provided to 3rd Avenue West and temporary pathways will be constructed along West Village Road to SR 527.</p>
ENVIRONMENTAL FEATURES ELEMENT		
2.01, 2.02	<p>Wetlands should be left in a natural state and, when altered, mitigation is provided to compensate loss.</p>	<p>With the exception of the bridge crossing, the majority of wetlands located on the subject site will not be altered. Two isolated wetland located offsite will be filled for the construction of West Village Road. Mitigation consistent with City code will be required.</p>
3.01	<p>Adequate erosion control measures required.</p>	<p>Recommended conditions of approval require erosion control measures.</p>
4.01	<p>Wooded areas to be preserved where possible.</p>	<p>Conditions of approval and the MDNS issued for the project require preservation of trees where possible. The majority of the trees to be preserved are located in the wetland and required buffer. These areas represent approximately 41 percent of the site.</p>

4.03	Directs that vegetated buffer zones should be established between developments.	The slopes and grading plan of the proposed plat may preclude buffers of existing vegetation in some areas. The recommended conditions require an arborist evaluation for the rear portion of Lots 15 - 38. This evaluation will provide guidance on which trees can be preserved and where a replanting plan is necessary.
PARKS AND RECREATION ELEMENT		
5.02	Park impact mitigation required for residential development.	MDNS issued for the project and conditions of approval require payment of park impact mitigation fees for both neighborhood and community parks.

In summary, staff has reviewed the applicable policies of the Comprehensive Plan, and finds that the proposed project complies with the applicable policies or that the policies provide further direction in the development of the conditions of approval.

CONSISTENCY WITH DEVELOPMENT REGULATIONS:

As stated previously, this application is being processed under the provisions of the Development Code Administration (Planning Commission review and approval process), Subdivision, Zoning, and Environmental Titles of the MCMC (14, 16, 17, and 18). The following matrix evaluates the proposed project with the applicable development regulations:

DEVELOPMENT REGULATIONS		
SECTION	REQUIREMENT	COMMENT
14.09.030(c)1	The subdivision meets the requirement and intent of the MCMC and adopted City plans.	<p>The gross density for the subject site, as designated on the Land Use Map of the Comprehensive Plan, is four units per acre. The gross density of the proposed plat, is 1.9 units per acre.</p> <p>The proposed use of the lots, single-family residential, lot size and width are consistent with the LDR zone district.</p>

DEVELOPMENT REGULATIONS

SECTION	REQUIREMENT	COMMENT
14.09.030(c)2	The proposed plat 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 City Engineer. Recreational impacts will be mitigated through the payment of park impact fees to be used for the acquisition and development of a neighborhood park in the SR 527 Corridor as identified in the Parks and Open Space Element of the Comprehensive Plan.</p> <p>Utilities are available with sufficient capacity to serve the site; however, it will be necessary for the applicant to secure easements across intervening properties in order to serve the subject site. The final drainage plans will be reviewed for adequacy in managing projected off-site flows. 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 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 and contributions for improvements to the City road system, extensions of public utilities, and the dedication of right-of-way in the Town Center site.

DEVELOPMENT REGULATIONS		
SECTION	REQUIREMENT	COMMENT
17.06.010	Principal Uses in the LDR zone district.	Project consists of subdividing property to allow construction of detached single-family residences, which is a Principal Use.
17.06.070	Minimum lot size is 8,400 square feet.	All of the proposed lots exceed the minimum. The average lot size is 11,128 square feet.
17.22.180 14.09.030(c)5	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.
Chapter 18.06	Requires wetland delineation, categorization, mitigation of disturbed wetlands, and wetland buffering.	Mitigation is required for the proportional impacts of the proposal on the City transportation system, parks facilities, fire district facilities, and the County transportation system.
14.09.030(c)3	Requires mitigation of impacts identified under SEPA.	The proposed project complies with the buffer requirements and mitigation plans are required for wetland alteration.
14.09.030(c)6	Location of land proposed for dedication.	The recommended conditions of approval require the dedication of right-of-way and securing easements, which are necessary to provide public access and utilities to the subject site as required by City regulation and the state subdivision statute.

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 51 lots to be developed with single-family detached residences.
2. The subject site is a portion of a larger parcel. A Lot Line Adjustment is being processed in accordance with the provisions of

Chapter 16.10 MCMC to segregate the subject site from the larger parcel.

3. Access to the proposed plat would be SR 527 via an extension of 152nd Street SE (designated as West Village Road on the Preliminary Plat map).

4. The subject site is designated Low Density Residential [maximum four (4) dwelling units per acre] in the City's Comprehensive Plan. The gross density of the proposed project is 1.9 dwelling units per acre.

5. The proposed plat is located within an LDR zone district, the proposed development complies with the development standards of the district.

6. 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. A Mitigated Determination of Non-Significance (MDNS) was issued for the proposed project on November 13, 1997, a revised MDNS was issued on December 10, 1997, and an Addendum clarifying the mitigation measures was issued on January 13, 1998.

Among the identified impacts, the review has revealed that there will be an impact on City streets and parks facilities, which will require mitigation. The applicant has withdrawn a prior appeal of the revised MDNS.

7. The City of Mill Creek and Snohomish County Fire District # 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, the Fire District, as co-lead agency, has requested that the applicant contribute fees to mitigate the development impacts on district facilities.

8. 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. The County has requested that the applicant contribute fees to mitigate development impacts on County transportation facilities.

9. 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.

10. Development of the site is contingent upon the issuance of the required state and federal permits for the road and bridge across North Creek and the larger wetland (AB). Upon issuance of said permits and subsequent construction, the proposal will make adequate provisions for street access.

11. As conditioned the proposed plat 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.

12. If approved, subject to the conditions recommended below, the proposed plat 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.

13. The statutory requirements for environmental review and public notification have been duly satisfied.

RECOMMENDATIONS: Based on the foregoing information, findings, and conclusions, staff recommends to the Planning Commission approval of the proposed Preliminary Plat subject to the following conditions:

Planning Department Recommended Conditions:

1. Development shall occur as portrayed on the Preliminary Plat map attached as Exhibit B, except as may be modified by conditions imposed by the Planning Commission.

2. A Lot Line Adjustment segregating the subject site from the larger parcel shall be approved by the Director of Community Development and the Director of Public Works prior to Final Plat application.

3. The maximum number of building lots shall be 51. Construction shall be limited to single-family detached residences.

4. Water and sewer facilities shall be designed and installed in accordance with the requirements of the Silver Lake Water District. The applicant shall provide the City with evidence of recorded easements sufficient to install utilities across properties located between the subject site and the point of existing utility service. Copies of the recorded easements shall be submitted to the City prior to approval of engineering plans.

5. A public right-of-way shall be dedicated from SR 527 to the eastern project boundary sufficient to ensure access to the site. The dedication shall be approved by the Planning and Public Works Departments and shall be recorded after approval of the Preliminary Plat and prior to the approval of engineering plans.
6. All appropriate federal and state permit approvals for the road and bridge crossing over North Creek and its wetlands shall be secured prior to the approval of the engineering plans.
7. Submittal and approval of a street tree planting plan. The street tree plan shall be prepared by a licensed landscape architect and reviewed and approved by the Design Review Board prior to Final Plat approval. The plan shall be implemented commensurate with house construction.
8. Site clearing and grading shall be restricted to areas specified by City staff. No other clearing is allowed without the approval of City staff.
9. Trees to be preserved shall be determined after a review of the tree survey on file with the City and onsite identification by City staff and the applicant. 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.
10. Trees designated for preservation that are damaged or removed shall be replaced at a ratio of 3:1. The replacement trees shall be coniferous species and have a minimum height at planting of twelve 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 of the subject lots until the penalty is paid.
11. Fire hydrant design, location and spacing shall be reviewed and approved by Fire District No. 7 and the Silver Lake Water District.
12. Mail boxes shall be grouped or clustered in locations identified by the United States Postal Service.
13. All utility, stormwater, drainage, maintenance and visibility easements, property buffers and public pedestrian easements together

with attendant restrictions and conditions shall be portrayed on the face of the Final Plat.

14. There shall be a Homeowners' Association that will be responsible for the maintenance of all common tracts, privately owned facilities, and the landscape island.

15. The wetland mitigation plan shall be prepared in accordance with Chapter 18.06 MCMC to compensate for the wetlands that are filled for the construction of the West Village Road and North Creek crossing. In addition, a restoration plan shall be prepared for the wetland buffer area located between the stormwater detention pond and the North Creek wetland. The preliminary mitigation plan shall be approved prior to or concurrent with the project engineering plans. The final wetland mitigation plan shall be approved prior to Final Plat approval.

16. There shall be a note on the face of the Final Plat that North Creek Road is intended to be connected with 3rd Avenue. A sign designating it as a future through road shall be erected at the south terminus of North Creek Road.

SEPA Conditions:

16. Payment of \$ 365.00 per dwelling unit is required to mitigate impacts on Fire District No. 7 facilities. Payment of the mitigation is required prior to building permit issuance.

17. Payment of mitigation for development of neighborhood park facilities, located within the service area of the proposed plat, and community park facilities. The specific mitigation required in accordance with Chapter 17.48 MCMC, and Mill Creek City Council Resolution 95-191 is:

- \$ 52,931.00 for acquisition and development of neighborhood park facilities in the SR 527 Corridor.
- \$ 44,183.00 for acquisition and development of a community park.

18. All fireplaces may be masonry with natural gas fixtures, pellet stoves, or certified wood stoves and fireplaces.

19. The project proponent shall submit a temporary stormwater and erosion control plan for approval by the City Engineer. Said plan shall incorporate best management practices as contained in the State of Washington Department of Ecology Stormwater Control Manual, shall be approved prior to the issuance of any construction permits or

commencement of site work including clearing and grading, shall include specific measures to protect North Creek, and without limiting the foregoing, shall at a minimum include the following:

- A. Sediment ponds and traps.
 - B. Silt fences and other approved filtration to prevent runoff sediments from reaching North Creek and associated wetlands.
 - C. Grading and excavation for roads and utilities and grading and filling of the lots adjacent to the wetland on the east side of the site is restricted to the period of April 1 - September 30, unless otherwise approved by the City.
 - D. Promptly covering exposed soil surfaces that remain unworked for more than seven days during the period April 1- September 30 or for more than two days during the period October 1 - March 30 with mulch or plastic sheeting unless other measures are reviewed and approved by the City.
 - E. Submission, for City approval, of a slope stability report, including the risk of liquefaction, by a licensed geotechnical engineer prior to approval of engineering plans.
20. Dust shall be controlled by watering areas of soil disturbance during any construction period encompassing the drier months.
21. Stormwater treatment methods and release rates are required and shall be based on the Washington State Department of Ecology Stormwater Management Manual, Publication 92-32 Volume I and Publication 92-33 Volume II. The stormwater system shall incorporate lateral spreaders to provide continued hydrological input to the wetland. The following minimum measures are required to mitigate the impacts of the proposal on the North Creek wetland:
- A. A buffer area having an average width of 100 feet shall be required between all lots abutting the wetland. In no case shall the actual buffer be less than 75 feet wide.
 - B. Construction activity shall be restricted so as not to cause disturbance of or intrusion into the buffer except in limited instances for the installation of stormwater discharge facilities such as lateral spreaders providing wetland recharge or other work as approved by the City.
 - C. Measures to discourage animal and human intrusion into the wetlands and wetland buffers shall be provided on the rear

portions of the lots that are adjacent to the buffers, including but not limited to fencing and planting with impenetrable vegetation.

- D. The temporary erosion and sedimentation control plan, as well as permanent site engineering, shall be designed to prevent erosion, sedimentation, and chemical pollutants from entering into all areas of undisturbed vegetation, including the buffer and Wetland AB.

Use of best management practices to avoid erosion and sedimentation during construction through the buffer and into Wetland AB with particular attention around the proposed road crossing through Wetland AB. Implement at least weekly, during plat construction which includes site clearing, grading, road construction and installation of utilities, monitoring of erosion control devices to determine the effectiveness of erosion control efforts. Follow WDOE guidelines provided in the NPDES Permit Information for controlling stormwater discharge quality on construction sites.

To avoid post-construction adverse water quality impacts to Wetland AB, control the quality of waters entering Wetland AB from the development so that runoff does not exceed state water quality standards for North Creek. This will mean including in the stormwater management engineering design separate settling (detention) and bioswale facilities to treat and receive waters from the development prior to release of waters into Wetland AB.

- E. All trees to be cut shall be removed in a manner that the fall direction is away from the wetland and wetland buffer. No trees shall be removed from the wetland buffer without City approval and unless they are determined, by a qualified plant ecologist, to be hazardous or at risk of blowing down and causing unacceptable damage relative to the buffer.
- F. Site engineering shall be designed to minimize impacts on the hydro-period in the central wetland and forest. This can only be accomplished by using pre- and post-construction monitoring. The monitoring standards are contained in the mitigation measures contained in Section 3.4.3 of the DEIS on Page III-53. A contingency plan shall also be developed for implementation in the event that post-construction monitoring reveals that deleterious hydro-period impacts have occurred or will continue. Preconstruction monitoring shall commence February 15, 1998.

- G. Construction stockpiles and debris shall be placed outside the wetland buffer at locations approved by the City. Any wetland buffer vegetation destroyed or disturbed during construction shall be replaced and restored as each phase of construction is completed.
- H. Implement contingency plans to respond to the event of failure of each element of the erosion and sedimentation control plan.
- I. Except for approved action, avoid soil alteration of any type within Wetland AB or its buffer.

22. The applicant shall submit an arborist report for review and approval identifying areas of tree preservation and a replanting plan for rear portions of proposed Lots 15 - 38 on the western side of the project. In addition, lot landscaping, on the rear portion of lots abutting the wetland, shall incorporate non-invasive species of trees and shrubs.

23. Traffic mitigation is required for the traffic generated by this development. The amount of the mitigation based on adopted City formulas is:

- Seattle Hill Road - \$ 660.00
- 9th Avenue SE & 164th Street SE - \$ 3,835.00
- 23rd/25th Avenues & Seattle Hill Road Signal - \$ 798.00
- Dumas Road/SR 527 Signal - \$ 6,972.00

24. Fully construct the west entrance of 152nd Street (extended) at the future intersection with SR 527.

25. Provide the project's proportionate share for signalization of the future intersection of 152nd Street Southeast (extended and SR 527) in an amount not to exceed \$15,625.00.

26. The project proponents shall comply with the following measures identified by Snohomish County to mitigate the project's impacts on County roads:

- \$ 50,848.02 for impacts to County Road system capacity.
- \$ 3,510.00 for Transportation Demand Management obligation.

Department of Public Works Conditions:

27. The subdivider shall dedicate adequate public right-of-way for "North Creek Road" and "West Village Road" within the boundaries

of the Preliminary Plat as indicated thereon and as may be modified by the conditions of approval. In addition to the dedications indicated on the Preliminary Plat, the subdivider shall dedicate visibility easements to the City on lots 1 and 51 at the intersection of "North Creek Road" and "West Village Road" to provide for maintenance of adequate sight distance at the intersection. Locations of the easements shall be determined by the subdivider's engineer subject to approval by the City Engineer.

28. The subdivider shall submit a final traffic study for acceptance by the City Engineer. The final study shall identify the traffic-related improvement requirements for the development including the recommended improvements to the intersection of SR 527 and "West Village Road."

29. The subdivider shall design and construct improvements to "North Creek Road" and "West Village Road" within the proposed plat and from the eastern Preliminary Plat boundary to the eastern edge of the stormwater facility proposed on the east side of North Creek, as designated on the Preliminary Plat (approximately station 6+95 of "West Village Road"). The improvements shall be designed by the applicant's registered civil engineer to the satisfaction of the City Engineer and shall include, but not be limited to the improvements shown on the preliminary road profiles sheet, latest accepted revision, by Triad Associates, as modified herein.

The surface improvements are described as follows:

A. Concrete curb and gutter, and five-foot wide sidewalk on both sides of "North Creek Road" and a six-foot wide concrete sidewalk on one side of "West Village Road."

B. Asphalt concrete paving and compacted base. The actual pavement thickness will be based on an analysis submitted to the satisfaction of the City Engineer prior to paving. The analysis shall include soil strength information and traffic loading and shall contain a recommended design section.

C. Street lighting, designed to the satisfaction of the City Engineer and Director of Community Development. Lighting shall be installed, maintained, and operated at the expense of the applicant until such time as the plat is at least 50 percent occupied.

D. The street width, from back-of-curb to back-of-curb, shall be a minimum of 22 feet for "North Creek Road" north of "West Village

Road” and for “West Village Road.” The street width for “North Creek Road” south of “West Village Road” shall be a minimum of 26 feet from back-of-curb to back-of-curb.

E. A landscaped traffic circle shall be installed at the intersection of “West Village Road” and “North Creek Road.” The island shall be designed to the satisfaction of the City Engineer and Director of Community Development and shall be maintained by the homeowner’s association. Landscape design for the island shall be subject to review and approval by the City’s Design Review Board.

30. The subdivider shall design and construct improvements to “West Village Road” from the eastern edge of the stormwater facility on the east side of North Creek to SR 527 (approximately station 6+95 of “West Village Road”). The improvements shall be designed by the applicant’s registered civil engineer to the satisfaction of the City Engineer and shall include, but not be limited to the improvements shown on the preliminary road profiles sheet, last revised January 15, 1998, by Triad Associates, as modified herein.

The improvements are described as follows:

A. A temporary, asphalt, six-foot wide sidewalk on one side of “West Village Road.”

B. Asphalt concrete paving and compacted base. The actual pavement thickness will be based on an analysis submitted to the satisfaction of the City Engineer. The analysis shall include soil strength information and traffic loading and shall contain a recommended design section.

C. Temporary street lighting, designed to the satisfaction of the City Engineer and Director of Community Development. Lighting shall be installed, maintained, and operated at the expense of the applicant or homeowner’s association until permanent street lighting is installed.

D. Ultimate improvements of the intersection of SR 527 and “West Village Road,” including, but not limited to, grading, curb, gutter, paving and drainage facilities.

E. Installation of widening and improvements to SR 527 to accommodate a left-turn pocket and other related improvements as required by the approved traffic study for the development.

Improvements shall be designed to the satisfaction of the City Engineer and the Washington State Department of Transportation and shall include dedication of right-of-way as required by the state. Temporary lighting of the intersection shall be installed to the satisfaction of the City Engineer at the expense of the subdivider until such time as a traffic signal or permanent lighting is installed.

F. The paved street width shall be a minimum of 22 feet.

31. The subdivider shall construct a temporary, asphalt connection to 3rd Avenue SE, designed to the satisfaction of the City Engineer and the Fire Department to provide emergency and temporary access for the residents in the event that "West Village Road" is inaccessible. Access control, which may include removable bollards or other devices acceptable to the Fire Department and City Engineer, shall be designed and installed at the expense of the subdivider.

32. The subdivider shall submit engineering plans, plan check fees, and inspection fees and deposits for all improvements shown on the approved Preliminary Plat and/or required as conditions of approval.

33. The subdivider shall design and install a storm drainage system in accordance with City requirements and the Department of Ecology Stormwater manual. A final, signed drainage study for the site shall be submitted for approval with the engineering plans. The final study shall include a determination of the adequacy of the downstream facilities to accommodate the proposed site flows. The approved stormwater system shall include the following:

A. Detention and stormwater treatment that, as a minimum, meets City of Mill Creek and Department of Ecology Stormwater Manual requirements.

B. A conveyance system design that meets City standards.

C. Any off-site improvements identified as needed in the final stormwater report. Access to off-site facilities shall be secured through easements from adjacent property owners. These easements shall be subject to review and approval by the City.

D. Provisions for maintenance of the stormwater system, including, but not limited to, adequate access to maintenance locations and provisions, including easements to the City, that allow

the City to maintain and operate the detention and treatment system at its discretion.

E. Requirements that the homeowner's association is obligated to maintain and operate the stormwater system to City satisfaction. This obligation shall be secured by a performance agreement and security in accordance with DOE guidelines.

F. Adequate provisions for individual lot drainage to the satisfaction of the City Engineer.

34. The subdivider shall provide grading, stormwater, and erosion and sediment control plans to the satisfaction of the City Engineer prior to commencing any clearing for the site. Sediment and erosion control work shall be designed to the satisfaction of the City Engineer and shall, as a minimum, meet the recommendations in the Department of Ecology Stormwater Manual. All related work shall be adequately secured through a secured agreement acceptable to the City Engineer.

**PLANNING
COMMISSION
ACTION:**

On January 22, 1998, the City of Mill Creek Planning Commission held a public hearing on the proposed project. After reviewing the staff report and recommendation and taking public testimony, the Commission voted to recommend to the City Council, approval of the Preliminary Plat application subject to the following changes to the recommended conditions of approval:

Amend Condition No. 3 to read as follows:

3. The maximum number of building lots shall be 51. Construction shall be limited to single-family detached residences. Mitigation in Conditions 17, 23, 25, and 26 shall be prorated based on the final number of lots.

Amend Condition No. 9 to read as follows:

9. Trees to be preserved shall be determined after a review of the tree survey on file with the City and onsite identification by City staff and the applicant. (See Beck report dated January 12, 1998.) 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.

Amend Condition No. 11 to read as follows:

11. Fire hydrant design, location and spacing shall be reviewed and approved by Fire District No. 7 and the Alderwood Silver Lake Water District.

Amend Condition No. 16 to read as follows:

16. There shall be a note on the face of the Final Plat that North Creek Road is intended to be connected with 3rd Avenue. A sign Signs designating it North Creek Road as a future through road shall be erected at the north and south terminus termini of North Creek Road.

Renumber SEPA Condition No. 16 as 16a:

16a. Payment of \$ 365.00 per dwelling unit is required to mitigate impacts on Fire District No. 7 facilities. Payment of the mitigation is required prior to building permit issuance.

Amend Condition No. 21C to read as follows:

21.C. Measures to discourage animal and human intrusion into the wetlands and wetland buffers shall be provided on the rear portions of the lots that are adjacent to the buffers, including but not limited to fencing and/or planting with impenetrable vegetation.

Amend the third paragraph of Condition No. 21D to read as follows:

To avoid post-construction adverse water quality impacts to Wetland AB, control the quality of waters entering Wetland AB from the development so that runoff does not exceed state water quality standards for North Creek. This will mean including in the stormwater management engineering design separate settling (detention) and or bioswale facilities, or a combination of those methods, to treat and receive waters from the development prior to release of waters into Wetland AB.

Amend Condition No. 21F to read as follows:

F. Site engineering shall be designed to minimize impacts on the hydro-period in the central wetland and forest. This can only be accomplished by using pre- and post-construction monitoring. The monitoring for the West Village site will consist only of monitoring vegetation plots and the placement of water level measuring devices and shall be for a five-year period. The monitoring standards are contained in the mitigation measures contained in Section 3.4.3 of the

DEIS on Page III-53. A contingency plan shall also be developed for implementation in the event that post-construction monitoring reveals that deleterious hydro-period impacts due to this project have occurred or will continue. Preconstruction monitoring shall commence February 15, 1998.

Add a new Condition No. 26a to read as follows:

26.a. The addendum issued by the City's Responsible Official on January 13, 1998, shall modify and control over any inconsistent provisions of SEPA Conditions 16a. through 26.

Delete Condition No. 28

28. The subdivider shall submit a final traffic study for acceptance by the City Engineer. The final study shall identify the traffic-related improvement requirements for the development including the recommended improvements to the intersection of SR 527 and "West Village Road." Condition Deleted

Amend Condition No. 29D to read as follows:

29.D. The street width, from back-of-curb to back-of-curb, shall be a minimum of 22 feet for "North Creek Road" north of "West Village Road" and for "West Village Road." The street width for "North Creek Road" south of "West Village Road" shall be a minimum of 26 feet from back-of-curb to back-of-curb. The design of the plat shall make adequate and safe provision for school bus access based on consultation with the Everett School District.

Amend Condition No. 30C to read as follows:

30.C. Temporary street lighting, designed to the satisfaction of the City Engineer and Director of Community Development. Lighting shall be installed, maintained, and operated at the expense of the applicant or homeowner's association until permanent street lighting is installed.