

EXHIBIT 1
DEPARTMENT OF PUBLIC WORKS AND DEVELOPMENT SERVICES
STAFF REPORT
TO THE CITY OF MILL CREEK HEARING EXAMINER

PART I - SUMMARY INFORMATION

HEARING DATE: November 18, 2019

NAME OF PROJECT: Preliminary Plat of Crestview Village Phase II
File No. PL2019-0011

**DEVELOPER/
APPLICANT:** Phillip Kitzes
Taylor Development
15 Lake Bellevue Drive #102
Bellevue, Washington 98005

LOCATION: The site is located at 2316 and 2318 132nd Street SE, Mill Creek, Washington 98012. See **Attachment A – Vicinity Map.**

REQUESTED ACTION: Consideration of a Preliminary Plat application known as Crestview Village Phase II to subdivide 3.2 acres into 25 lots for single-family residential development. The property is zoned Medium Density Residential, which allows up to 12 lots per acre. The proposal includes a public internal access road, stormwater infrastructure, open space, and frontage improvements along 132nd Street SE. Access to the site would be provided via 23rd Lane SE, which provides access to the existing adjacent Crestview Village Phase I residential development. See **Attachment B – Preliminary Plat.**

COMPREHENSIVE PLAN DESIGNATION: Medium Density Residential

ZONING DISTRICTS: Medium Density Residential (MDR)

LEGAL DESCRIPTION: See **Attachment C – Legal Description.**

PART II - STATUTORY REQUIREMENTS

SEPA COMPLIANCE:

The proposed project is subject to the provisions of the State Environmental Policy Act (SEPA) and Chapter 17.48 of the Mill Creek Municipal Code (MCMC). The City's SEPA Official has determined that the proposal does not have a probable significant adverse impact on the environment. Therefore, an Environmental Impact Statement (EIS) was not required.

On October 21, 2019, a Mitigated Determination of Non-Significance (MDNS) and Notice of Property Development Impact Mitigation was issued for the proposal, which is contained in the project file. See the **MDNS and Notice of Property Development Impact Mitigation**, which is contained in the project file. The MDNS identifies code requirements and contains conditions that mitigate impacts on specific elements of the environment that may be affected by the proposal, including transportation, schools, recreation and public services (fire protection). The comment and appeal period expired on November 5, 2019. These conditions have also been incorporated in the recommended Conditions of Approval, contained in Part V of this report.

PUBLIC NOTICE:

Pursuant to MCMC Section 14.07.030, notice of public hearing was mailed on November 6, 2019, directly to property owners of record within 500 feet of the proposed project and posted on the site on November 6, 2019. Notice of public hearing was published in the Everett Herald on November 8, 2019. All legal requirements for public notice have been satisfied.

PART III - BACKGROUND INFORMATION

EXISTING SITE CHARACTERISTICS:

The subject site is three parcels totaling 3.2 acres in size and includes two existing single-family residences and several garages and outbuildings, which will be demolished as part of the project. The remainder of the site is lawn with several trees in the southeast corner of the site. All significant trees will be removed with the exception of the trees in Tract 999 (critical areas). The topography of the site generally falls to the north-northeast. Runoff collects in a small existing wetland. The wetland appears to be drained by a small ditch, which is tributary to the public drainage system in 132nd Street SE. The project intends to connect the proposed storm drainage system to the public drainage system in 132nd Street SE in order to maintain the current downstream flow path. See the **Existing Conditions Map (C3.0)**, which is contained in the project file.

SURROUNDING ZONING AND LAND USES:

Description of surrounding zoning and existing land uses are as follows:

- The properties to the north, across 132nd Street SE, are in unincorporated Snohomish County and are zoned *Multiple Residential (MR) and R-7,200*. The MR property is developed with an apartment complex and the R-7,200 is developed with single-family residences.
- The properties to the west are zoned *Medium Density Residential (MDR)*. The properties are developed with Phase I of the Crestview Village development and contain 24 single-family residences.
- The properties to the south are zoned *Low Density Residential (LDR)*. The properties are developed with single-family residences in the plat of Wexford Court.

- The properties to the east are zoned Low Density Residential (LDR). The properties are developed with single-family residences (also in the plat of Wexford Court) and a Frontier Communications building.

OTHER AGENCIES WITH JURISDICTION:

The proposed development is within the Silver Lake Water and Sewer District, the Everett School District, and the Snohomish County Public Utility District No. 1 (PUD). The City contracts for fire protection and emergency medical services from Snohomish County Fire Protection District No. 7. The City has adopted an interlocal agreement with the Everett School District and Snohomish County regarding the joint review, comment, and imposition of appropriate mitigation and conditions on development proposed within the City.

Once an application is deemed complete, the City holds a Technical Review Committee meeting to solicit comments from agencies with jurisdiction and other interested parties. Through this process, the application was distributed to numerous entities including Snohomish County (Public Works), Fire District No. 7, the Everett School District, Silver Lake Water and Sewer District, and the Public Utility District No. 1 (PUD). Comments are also solicited as part of the SEPA review process. The comments/requirements submitted by these agencies are in the project file and are summarized later in this report and are included, as applicable, in the recommended Conditions of Approval.

PART IV – PROJECT ANALYSIS

DEVELOPMENT REVIEW PROCESS AND SITE 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). The applicant is proposing a Preliminary Plat which is subject specifically to the provisions contained in Chapter 16.12, and Chapter 17.12. A matrix demonstrating how the project complies with the applicable development regulations is included within this report.

Site Design

General Description:

The 3.2 acre subject property is currently developed with two single-family residences and associated outbuildings and infrastructure. The subject property is bound by 132nd Street Southeast to the north; single-family residences to the west and south and a commercial facility and single-family residences to the east. The property is zoned Medium Density Residential. Topography on the subject property is relatively flat between approximate elevations of 480 to 485 feet. The proposal is a Preliminary Plat to subdivide the subject site into 25 lots for single-family residential development. The proposed detached single-family residences are a principal use in the Medium Density Residential zone district.

The proposal must be consistent with the maximum density of the Comprehensive Plan and the minimum and maximum densities of the Development Regulations.

- Comprehensive Plan Density Calculation: Using the gross site area of 3.2 acres (139,392 square feet) multiplied by 12 dwelling unit per acre, 38 dwelling units are allowed.
- Development Regulations Density Calculation: Using the net site area of 2.5 acres (gross site area less unbuildable area and 20% maximum for roads = 108,374 square feet) multiplied by the required minimum density of 5 units per acre, at least 13 units are required. Using the net site area of 2.5 acres multiplied by the allowed maximum residential density of 12 units per acre, up to 30 dwelling units are allowed.

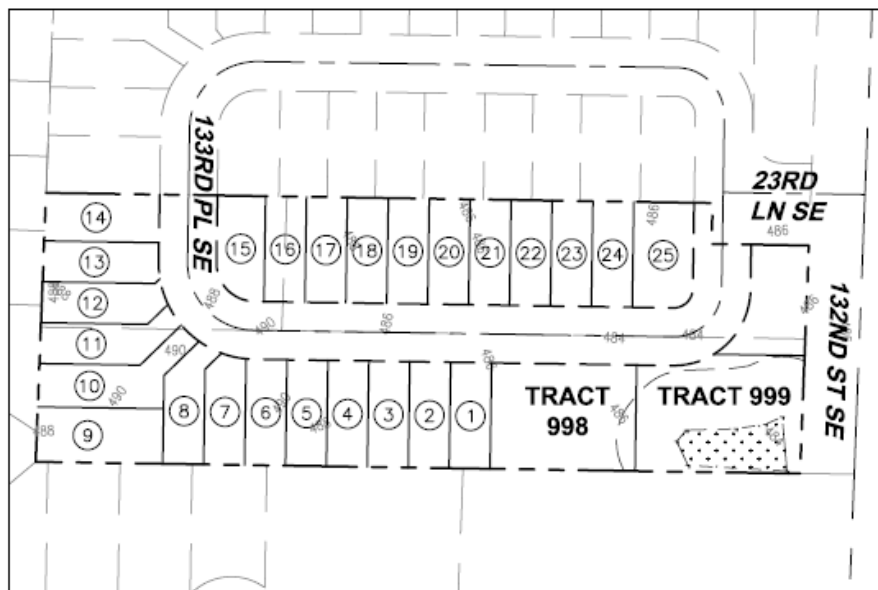
With 25 dwelling units proposed, a density of 10 dwelling units per acre, the development is consistent with both the Comprehensive Plan and the Development Regulations density requirements/restrictions.

The proposed lot sizes range between 2,980 to 4,803 square feet. There is no minimum lot size requirement in the MDR zone district.

The proposed site design has been reviewed for consistency with the Site Design Objectives of MCMC Chapter 17.34. As illustrated in the matrix later in the staff report, staff has determined that the development satisfies these objectives.

Access and Circulation

The project site has frontage on 132nd Street SE, which is classified as a state highway (SR 96). Full frontage improvements currently exist along the entire frontage, and access to the site will be via a road connection that currently serves the Crestview Village Phase I development (23rd Lane SE). The project will complete the easterly portion of 23rd Lane SE, which has direct access to 132nd Street SE. 23rd Lane SE is a standard residential road (48 foot right-of-way) that will loop around to serve the new residences. The existing temporary turnaround in the Crestview Village Phase I development will be removed for an additional single-family residence.



Setback Requirements

Required setbacks in the MDR zone district are:

- Front yard: Average range 15 to 20 feet; however, garages shall be constructed a minimum of 20 feet from the sidewalk in such a manner that keeps sidewalks and pedestrian ways clear of vehicles.
- Side yard: Total of 10 feet, except that the entire setback may be allocated to one side.
- Rear yard: Minimum 25 feet from the perimeter of project and 15 feet for structures on platted lots that are not located on the project perimeter.

The applicant is proposing to meet the setback requirements and has not requested any reductions.

Parking Requirements

In accordance with MCMC Section 17.27.020.C, Off Street Parking, single-family homes require a parking ratio of two spaces per home. Each new lot will be served by a 20-foot wide driveway. Parking for the project will consist of two parking stalls in each garage, two parking stalls in each driveway. The four parking spaces per home proposed well exceeds the two parking spaces required per the Code. As a result of International Fire Code (IFC) regulations prohibiting parking on a Fire Apparatus Access Road with a single entrance, no on-street parking will be allowed. The applicant will be required to install no parking signs in both the new development (Phase II) and the existing development (Phase I).

Common Area Landscaping and Neighborhood Identification Signs:

A 50-foot roadway buffer tract is required adjacent to 132nd Street (Tract 997). As required by City Code and included as a Condition of Approval, the proposed landscaping of common areas (Tracts 997 and 998 and the streetscape) and the freestanding neighborhood identification sign, if any, are required to be submitted to the City's Design Review Board for review and approval for consistency with the Design Standards in MCMC Chapter 17.34.

Utilities:

Utilities and services to serve the future uses on the site are available. The site is within the Silver Lake Water and Sewer District. A Developer Extension Agreement with the District will be necessary to extend a new public water main from the existing stub in the Wexford Court development to serve each lot with an individual water service. A new sewer main should connect to the existing manhole in the entrance drive.

Electrical service will be provided by Snohomish County PUD No. 1. The PUD has indicated that they have enough electric system capacity to serve the proposed development. However, the existing District facilities in the local area may require upgrading. The developer is required to supply the District with suitable locations/easements on all parcels where electrical facilities must be installed to serve the proposed development. Any relocation, alteration or removal of District facilities to accommodate this project shall be at the expense of the project developer and must be coordinated with PUD in advance of final design.

Communication services will be provided by either Frontier or Comcast communication companies.

Natural gas will be provided by Puget Sound Energy.

Stormwater Facilities:

The NRCS web soil survey identifies the underlying soil unit as “till” variety of soil. This type of soil is often referred to as “hardpan,” and typically does not support infiltration of surface runoff as a stormwater management technique. As a result, the project is proposing a conventional stormwater detention system. The project site is located within a single drainage basin, which generally falls toward the northeast corner of the site. Runoff from the site is currently collected and routed to the public storm drainage system within the 132nd Street SE right-of-way. The project intends to maintain this flow path, providing a storm drainage connection directly to the existing 132nd Street SE storm drainage system. The project is proposing a stormwater conveyance network beneath the interior roadway to collect and convey the roadway runoff. Roof/footing drains will be provided for each individual lot, which will also tie-in to the roadway drainage network. Project drainage will be routed to an underground stormwater vault, located in Tract 998, prior to release from the site. The new drainage system for the proposed development is required to be designed in accordance with the requirements of the 2014 Department of Ecology (DOE) Stormwater Management Manual for Western Washington. See the **Drainage Report**, which is contained in the project file for a detailed analysis.

As a Condition of Approval, the applicant will be required to submit a final Stormwater Management Plan (MCMC Chapter 15.14) during the civil plan review phase. Final system design and drainage details will be addressed at that time. The maintenance of the drainage system will be the responsibility of the property owner. The City’s engineering consultant Perteet has reviewed the project for compliance with the City’s drainage regulations and found the project compliant as proposed and conditioned.

Wetland and Buffer Averaging

Using current wetland delineation methodology, the site investigation identified one wetland (Wetland A) on the subject property. Wetland A is classified as a Category IV depressional wetland with a low habitat score, which requires a standard 50-foot buffer per MCMC Section 18.06.930. The proposed project has been designed to avoid impacts to Wetland A and its associate buffer to the greatest extent feasible; however, in order to provide the required stormwater infrastructure on the narrow site and match the existing access road, a small portion (641 square feet) of the buffer must be reduced and added to the wetland buffer on the west side of the wetland. See the **Wetland Report and Buffer Averaging Plan**, dated October 2019, which is contained in the project file.

The onsite wetland buffer is currently degraded by non-native, invasive plants, including Himalayan blackberry and reed canary grass. Approximately 9,800 square feet of wetland buffer enhancement will be provided to improve habitat and wetland protection functions onsite. The proposed enhancement actions will remove the non-native, invasive species and plant native species to restore the habitat functions and critical area protection and improve hydrology and quality of water leaving the project site. Overall, the proposed enhancement plan will provide a net gain in function and improved protection to the wetland from the proposed development.

Staff is recommending a black, vinyl coated, chain link fence between Tract 998 and 23rd Lane SE and the averaged wetland buffer to minimize potential future disturbances such as unintended intrusion into the modified buffer area.

Transportation:

City Transportation - Traffic Impacts and Mitigation:

Traffic mitigation is required by the City for new PM peak hour trips generated by this development in accordance with City Ordinance No. 2018 – 838. Mitigation money is collected and used to build future capital projects to improve roadway capacity in accordance with the adopted City Comprehensive Plan, Capital Improvement Plan and biennial budget.

The applicant has submitted a **Traffic Impact Analysis** dated October 1, 2019 prepared by TENW – Transportation Engineering NorthWest, which is contained in the project file.

According to the Traffic Impact Analysis, it is anticipated that the development will generate 271 new average daily trips with 22 new AM peak-hour trips and 25 new PM peak-hour trips. Since the City's mitigation formula is based upon PM peak-hour trips, the 25 PM peak-hour trips are used to calculate required mitigation of traffic impacts.

Intersection collision data at the study intersections (132nd Street & 21st Drive SE, 23rd Lane SE, and 25th Avenue SE) was reviewed. Intersection collision rates over 1.0 collision per MEV generally warrant further review to determine if any patterns exist. Based on the collision data, none of the study intersections have a rate that exceeds 1.0 collisions per MEV.

The Traffic Study analyzed the study intersections and found that the peak hour Level of Service (LOS) remains unchanged for all intersections with one minor exception. The 132nd Street SE & 23rd Lane SE intersection, westbound left turn (entering) will be reduced from an LOS A to an LOS B.

The MDNS issued for the project requires the developer to pay mitigation to the City of Mill Creek for impacts to the City roadway system. The mitigation required is \$3,900/new trip during the PM peak hour. The traffic analysis has estimated that there will be 25 new PM peak trips generated by the proposed development. Thus, $\$3,900 \times 25 = \$97,500$ total traffic mitigation required. Payment of traffic mitigation fees to the City is required prior to Final Plat approval or issuance of the first building permit, whichever comes first.

Snohomish County Transportation - Traffic Impacts and Mitigation:

The City of Mill Creek and Snohomish County entered into an Interlocal Agreement, on February 20, 2019, for the reciprocal review and mitigation of interjurisdictional transportation system impacts. Mitigation fees to Snohomish County are based on the use of a standard distribution percentage of project trips impacting county roads or on a comprehensive traffic study. As shown in the traffic report, the proposed project will not impact any Snohomish County planned improvement projects identified in the County's Transportation Needs Report with three directional PM peak hour trips. As a result, the project applicant is not required to pay proportionate share impact fees to Snohomish County. The Snohomish County Traffic Mitigation Offer Form is included in the traffic report as Attachment F. Snohomish County Public Works reviewed the traffic report and concurred with this assessment as a part of the SEPA review process.

Recreation:

The applicant is proposing twenty-five new single-family units. There are currently two existing residential dwelling units; thus, the demand upon the City's park and recreation facilities will be based on the twenty-three additional single-family residential dwelling units. To mitigate the project's impacts on park and recreation facilities, mitigation fees are required for the development

of neighborhood parks and community parks. Mitigation fees to offset impacts to parks and recreation facilities are calculated in accordance with Resolution 2013-503.

The MDNS issued for the project requires the developer to pay mitigation to the City of Mill Creek for impacts to both Neighborhood and Community Parks in the amounts as calculated.

- A. Neighborhood Parks. Pursuant to Chapter 17.48 MCMC and in accordance with Resolution 2013-503, the developer shall pay \$2,863.76 per single-family dwelling x 23 dwellings = \$65,866.48 to mitigate for impacts to neighborhood parks prior to approval of the Final Plat or issuance of the first building permit, whichever comes first.
- B. Community Parks: Pursuant to Chapter 17.48 MCMC and in accordance with Resolution 2013-503, the developer shall pay \$1,738.67 per single-family dwelling x 23 dwellings = \$39,989.41 to mitigate for impacts to community parks prior to approval of the Final Plat or issuance of the first building permit, whichever comes first.

In addition, the open space requirements in MCMC 17.22.060.B require developments more than a ¼ mile from a public park to provide a mini park. The developer is proposing an open space recreation area on top of the stormwater vault in Tract 998. As a Condition of Approval staff is requiring the developer to install some type of play equipment and benches to create a mini-park in Tract 998. This would be a private park maintained by the future Homeowners' Association and is not intended to function as a public park.

SUMMARY OF RESPONSES FROM OTHER AGENCIES WITH JURISDICTION:

School District Mitigation and Improvements:

The City of Mill Creek and the Everett School District have executed an Interlocal Agreement for mitigation of development impacts on district facilities. Mitigation fees are calculated per the Interlocal Agreement between the City and Everett School District using the SEPA review process. The MDNS issued for the project required mitigation of \$4,504.00 for each of the 23 single-family dwelling units.

The developer is required to enter into a voluntary mitigation agreement with Everett School District and proof of payment of mitigation fees totaling \$103,592.00 as stated in the voluntary mitigation agreement with the Everett School District shall be submitted to the City prior to approval of the Final Plat or issuance of the first building permit, whichever comes first.

Fire District Mitigation and Improvements:

Snohomish County Fire District No. 7 reviewed the proposed preliminary plat and had the following comments:

The internal roadway (the 23rd Lane/133rd Place/23rd Avenue loop) will function as a Fire Apparatus Access road with a single point of entry, and since the road is 26 feet wide (curb to curb), the International Fire Code (IFC) does not allow any on street parking.

- Fire Lane Marking: Fire lane signs as specified in the IFC D103.6.1 shall be posted on both sides of the internal roadway in both Crestview Village Phase I and Phase II.
- Fire Sprinklers Required: All new construction on the internal roadway shall be required to have an approved automatic fire sprinkler system. This would include the new residence being constructed in Phase I once the temporary turnaround is removed.

CONSISTENCY WITH DEVELOPMENT REGULATIONS:

The following matrix evaluates the proposed project with the applicable development regulations.

DEVELOPMENT REGULATIONS	
CODE SECTION	STAFF ANALYSIS
16.16.005 Public Improvements. No plat, Binding Site Plan, short plat, or other development approval shall be granted without, as a Condition of Approval, making appropriate provisions for public improvements as elsewhere permitted or required by this code or state law.	As a Condition of Approval the project is required to install public improvements associated with this project.
17.12.020 Principal uses: A. Single-family detached dwellings;	The single-family dwellings proposed by the applicant are identified as a principal use in the MDR zone district.
17.12.050 Review requirements. All development in the MDR zone district shall be processed as either a preliminary plat or binding site plan in accordance with MCMC Title 16, Subdivisions and Plats.	The proposal is being processed as a Preliminary Plat in accordance with MCMC Title 16.
17.12.060 Lot size. No minimum lot size is required.	
17.12.070 Density. The maximum density is 12 dwelling units per gross acre and the minimum density is 5 dwelling units per acre.	The applicant is proposing 25 units for the 3.2 acre parcel. As described in detail in the Site Design section, the proposal meets the density requirements of the Development Regulations.
17.12.080 Setbacks. A. Detached dwelling units: 1. Front yard: Average range of 15 to 20 feet, with garages a minimum of 20 feet from the sidewalk. 2. Side yard: total of 10 feet, entire setback may be allocated to one side. 3. Rear yard: 25 feet on lots that are on the perimeter of the project.	The proposal is compliant with the setback requirements.
17.12.085 Streetscape and roadway buffer/cutting preserves. A 50-foot roadway buffer is required adjacent to arterial and collector streets in accordance with the City's Comprehensive Plan Streetscape Element.	Tract 997, an open space/roadway buffer tract, is proposed adjacent to 132 nd Street SE as required by the Code.

DEVELOPMENT REGULATIONS	
CODE SECTION	STAFF ANALYSIS
17.12.090 Lot Coverage. A maximum lot coverage shall be 40 percent for single detached dwelling units.	The applicant will be required to meet this requirement at the time of building permit submittal.
17.12.100 Maximum height. Maximum allowed height is 35 feet.	The applicant will be required to meet this requirement at the time of building permit submittal.
17.22.020 Landscaping. All lots and developments shall be generously landscaped, consistent with the natural environment of Mill Creek and appropriate to the planned use. Retention and enhancement of natural landscaping is encouraged. Landscaping design objectives and standards are contained in Chapter 17.34.	The applicant will be required to landscape the 50-foot roadway buffer (Tracts 997) and the storm drainage/open space tract (Trace 998). Street trees are also proposed in a 5-foot landscape strip between the sidewalk and the road. A suggested Condition of Approval requires that the developer submit the landscape plan to the City's Design Review Board for review for consistency with MCMC 17.34 and approval prior to Final Plat approval.
17.22.110 Undergrounding of utilities. A. For any private development that includes new construction typically associated with a Binding Site Plan, plat, short plat, or a conditional use permit subject to the provisions of the development code, the developer shall place underground all new and existing wiring and related facilities for all utilities, including but not limited to electrical, cable television and communication, unless otherwise provided in this section.	As a Condition of Approval all utilities will be constructed underground consistent with this requirement.
17.22.120 Comprehensive plan – Concurrency and consistency required. All new developments within the City shall be consistent with the provisions of the comprehensive plan, including but not limited to the following: A. All developments within the City shall be consistent with the land use plan map as adopted in the land use element of the comprehensive plan. B. All developments within the City shall be consistent with the applicable goals and policies of the comprehensive plan. C. Developments shall not cause a reduction in the level of service for transportation and/or neighborhood park facilities below the minimum standards established within the comprehensive plan and capital facilities	The Preliminary Plat and associated documents are consistent with these requirements as follows: A. The proposal is consistent with the Medium Density Residential land use designation. Single-family dwellings are listed as principal uses in the MDR zone district. B. The proposal is consistent with the applicable development regulations which implement the goals and policies of the comprehensive plan. C. The proposal does not cause a reduction in transportation levels of service below minimum standards. Mitigation for transportation facilities is being provided. D. Mitigation is required for the impact on both neighborhood park and community park facilities as stated in the MDNS. E. The applicant is providing the required 50 foot Roadway Buffer tract along 132 nd Street SE.

DEVELOPMENT REGULATIONS

CODE SECTION	STAFF ANALYSIS
<p>plan, unless improvements or strategies to accommodate the impacts of the development are made concurrent with the development.</p> <p>D. Site design and frontage improvements shall be consistent with the streetscape plans as established in the streetscape element of the comprehensive plan. A roadway buffer/cutting preserve is required adjacent to all arterial and collector roads as identified in the transportation element of the comprehensive plan. The minimum width of a roadway buffer/cutting preserve adjacent to residential uses is 50 feet.</p>	
<p>17.34.040 A 1-8. Site Design. The following applicable design elements shall be applied to all projects:</p> <p><u>Site Design Layout.</u></p> <ul style="list-style-type: none"> • Sites shall be developed in a coordinated manner to complement the natural topography and drainage, and adjacent structures through building placement, architecture and size/mass. • Where appropriate, sites shall incorporate transit-compatible designs. “Transit compatibility” means designs that are pedestrian oriented, provide safe and convenient access to transit facilities, and foster efficient transit service. • Where appropriate, sites shall be designed to provide vehicular and pedestrian connections to adjacent sites. • Private open space shall be incorporated into attached single-family and multifamily residential projects in accordance with MCMC 17.22.060. 	<p>The proposed Preliminary Plat has been designed to be consistent with these requirements as described below:</p> <ul style="list-style-type: none"> • The proposed residential dwellings are compatible with the surrounding residential uses. • There are two Community Transit routes running along 132nd Street SE (#412 and #109). The stops are less than a ¼ mile from the development at 21st Avenue SE and 25th Avenue SE. Sidewalks are proposed on both sides of the internal drive, connecting to the sidewalk on 132nd Street to provide access to the CT bus stop. • Vehicular and pedestrian connections to adjacent sites is not appropriate in this case. • Private open space is being provided in the 50-foot Roadway Buffer Tract. The recreational requirements are being met by the mini-park on the stormwater/open space tract.

DEVELOPMENT REGULATIONS	
CODE SECTION	STAFF ANALYSIS
<ul style="list-style-type: none"> The use of LID best management practices is encouraged whenever site and soil conditions make it feasible. LID best management practices include, but are not limited to, minimizing impervious surfaces, designing on-site LID stormwater management facilities, and retaining native vegetation. 	<ul style="list-style-type: none"> The site was evaluated for LID potential and for the most part it was determined to be not feasible, with the exception of stockpiling the duff layer and re-using it on the completed site and perforated stub-out connections will be specified on the final design plans for the project.

PART V—STAFF RECOMMENDATION

STAFF RECOMMENDATION:

Staff recommends approval of the Preliminary Plat subject to the following suggested Conditions of Approval:

Plat (Planned Residential Development):

1. Development shall occur as portrayed on the Preliminary Plat Map, except as may be modified by the Hearing Examiner following the open record hearing, per MCMC Chapter 4.34.
2. Building setbacks on the lots shall be as required by code.
3. All utility, stormwater, drainage, maintenance, and landscaping buffers/easements, together with attendant restrictions and conditions, shall be portrayed on the Final Plat. Building setback lines shall be shown on the face of the Final Plat.
4. The Final Plat shall be recorded with the Snohomish County Auditor and a copy provided to the City prior to the issuance of the first building permit, except model home permits.
5. 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.
6. In accordance with MCMC Section 16.04.100, the Preliminary Plat approval shall expire and become void if the Final Plat is not submitted for approval in accordance with the time frames set forth in RCW 58.17.140.
7. The subdivision shall be incorporated into a homeowners association, which will be responsible for the maintenance of all privately owned common areas and facilities. Homeowners' association documents in accordance with MCMC Section 16.12.100 shall

be submitted to the City for review and approval with the Final Plat application and recorded at the time of Final Plat recording.

Landscaping:

8. Landscape plans for the streetscape (street trees), the roadway buffer (Tract 997), the storm drainage/open space (Tract 998) shall be designed in accordance with MCMC Chapter 17.34 and reviewed and approved by the City's Design Review Board in accordance with MCMC Chapters 4.18 and 17.34 prior to Final Plat approval.
9. Street trees are required in the planter strip between the sidewalk and the street and shall be maintained to ANSI standards. The tree species shall compliment the street trees planted in Phase I of the Crestview Village subdivision. If a tree should fail, replacement will be the responsibility of the HOA.
10. The developer shall provide a secured performance bond equal to 125 percent of the cost of the landscaping plan installation including labor and materials, in accordance with MCMC Section 16.16.040, which shall be posted prior to approval of the Final Plat or issuance of the first building permit, whichever comes first.
11. Once the developer has fulfilled the obligations of the landscape performance bond, the applicant shall enter into a two-year maintenance bond for the approved and installed landscaping in accordance with MCMC Section 16.16.090.

Low Impact Development Standards:

12. All landscaped areas shall be amended with a minimum of four inches of compost to a minimum depth of six inches to improve the on-site retention of stormwater.
13. During clearing and grading the duff layer and native topsoil shall be retained in an undisturbed state to the maximum extent practicable. In any areas requiring grading, remove and stockpile the duff layer and native topsoil on site in a designated, controlled area, not adjacent to critical areas, to be reapplied to other portions of the site where feasible.
14. Stockpiled topsoil must also be amended if needed to meet the organic matter or depth requirements (to achieve 12 inches of uncompacted depth (top 8 inches shall be amended soil and 4 inches of loose or fractured subsoil).

Protection of Critical Areas:

15. The wetland and its associated buffer shall be placed in a separate tract and shall be designated as a Native Growth Protection Area (NGPA) on the face of the Final Plat, and shall be recorded on all documents of title for all affected lots or land areas, pursuant to MCMC Section 18.06.830. Tract restrictions shall include:
 - A. An assurance that native vegetation will be preserved for the purpose of preventing harm to property and the environment, including, but not limited to, controlling surface water runoff and erosion, maintaining slope stability, buffering, and protecting plants, fish, and animal habitat; and

B. The right of the City to enforce the terms of the restrictions.

16. Prior to commencing construction activity, the edge of the wetland buffer shall be clearly staked, flagged and protected with fencing. Site clearing shall not commence until the applicant has submitted written notice to the Public Works and Development Services Department that the buffer requirements of MCMC Sections 18.06.810 and 18.06.930 (E) have been met.
17. Prior to issuance of a Certificate of Occupancy, the edge of the NGPA tract shall be identified with permanent signs or markers every 100 feet to clearly indicate the location of the NGPA buffers, pursuant to MCMC Section 18.06.810.
18. All of the existing significant trees in the NGPA shall be preserved. A restriction shall be shown on the face of the Final Plat preserving all trees in the critical areas Tract 999.
19. In accordance with MCMC Section 15.10.075.B, where trees designated to be retained are damaged, destroyed or removed during the construction of the proposed improvements, a penalty in the amount of \$1,000 may be assessed for each tree, and each tree shall be replaced at a 3:1 ratio.
20. The developer shall provide a secured wetland mitigation bond with the City equal to 125 percent of the cost of installation (labor and materials) for implementation of the Final Wetland Buffer Mitigation Plan. Said bond shall be posted prior to issuance of the first building permit or Final Plat approval, whichever occurs first.

Engineering and Site Work:

21. A Clearing and Grading permit for all clearing, grading, roadway, stormwater, and erosion control work shall be approved by the Director of Public Works and Development Services prior to any clearing or grading work on the site.
22. The developer shall submit stormwater plans and documentation to address all required drainage improvements. The approved stormwater system shall include the following elements and conditions per MCMC Chapter 15.14 and the 2012 Department of Ecology Stormwater Management Manual for Western Washington as amended in 2014.
 - A. Final drainage plans shall be submitted to the Director of Public Works and Development Services for review and approval.
 - B. A Stormwater Pollution Prevention Plan (SWPPP) shall be prepared to address the required elements and all Best Management Practices that are expected to be used on site for erosion and sediment control.
 - C. The developer shall apply for an individual Construction Stormwater General Permit from the State Department of Ecology, and provide proof of the issued permit to the City prior to beginning construction. Said plan elements shall be installed and inspected/approved by the City prior to other site work.

- D. A final stormwater report signed and stamped by a licensed professional engineer shall be submitted to the City for review and approval.
 - E. The property owners (HOA) shall be obligated to own, maintain and operate the stormwater system outside the public right-of-way to the satisfaction of the City.
 - F. Provisions shall be included on the face of the Final Plat for maintenance of the stormwater system outside the public right-of-way, including, but not limited to, adequate access to maintenance locations, provisions and easements that allow the City to inspect and maintain the system at its discretion, and adequate provisions to ensure uninterrupted function of the facilities for the proposed development.
23. All new and existing utilities within the project shall be placed underground in accordance with MCMC Section 17.22.110. The applicant shall be responsible for all costs associated with undergrounding the utilities. Appropriate easements or right-of-way for all utilities shall be provided by the applicant and shown on the face of the Final Plat.
24. The developer shall install a mailbox structure and covered stand for the proposed development in accordance with City standards. The location of the mailboxes shall be approved in writing by both the City and Post Office prior to installation.

SEPA Mitigation Fees:

25. The developer shall pay mitigation to the City of Mill Creek in the amount of \$97,500.00 for impacts to the City roadway system. Payment of traffic mitigation fees to the City of Mill Creek is required prior to approval of the Final Plat or issuance of the first building permit, whichever comes first.
26. The development shall enter into a voluntary mitigation agreement with Everett School District and shall pay mitigation in the amount of \$103,592.00 (\$4,504.00/unit) as stated in the voluntary mitigation agreement with the Everett School District. Proof of payment shall be submitted to the City prior to approval of the Final Plat or issuance of the first building permit, whichever comes first.
27. The developer shall pay mitigation to the City of Mill Creek for impacts to the parks and recreation system in the following amounts:
- A) Neighborhood Parks. In accordance with Resolution 2013-503, the developer shall pay \$2,863.76 per single-family dwelling x 23 dwellings = \$65,866.48. Pursuant to Chapter 17.48 MCMC, the developer shall pay neighborhood park mitigation fees in the amount of \$65,866.48 prior to approval of the Final Plat or issuance of the first building permit, whichever comes first.
 - B) Community Parks: In accordance with Resolution 2013-503, the developer shall pay \$1,738.67 per single-family dwelling x 23 dwellings = \$39,989.41. Pursuant to Chapter 17.48 MCMC, the developer shall pay community park mitigation fees in the amount of \$39,989.41 prior to approval of the Final Plat or issuance of the first building permit, whichever comes first.

28. To meet the open space requirements contained in the MCMC, the developer to install children's play equipment and benches to create a mini-park on top of the stormwater vault. This would be a private park maintained by the future Homeowners' Association. In addition, the mini-park shall be separated from the wetland and buffer on the north by black, vinyl, chain-link fencing.

Fire District Requirements:

29. The developer shall ensure adequate fire flow/hydrants and 4" STORTZ adaptors on all hydrants. Placement of the hydrant and fire flow capacity are subject to review and approval by Fire District No. 7.
30. The applicant should submit a Fire Flow verification from the Silver Lake Water and Sewer District to quantify the fire flow rate that is available.
31. Fire Lane Marking: Fire lane signs as specified in the IFC D103.6.1 shall be posted on both sides of the internal roadway in both Crestview Village Phase I and Phase II.
32. Fire Sprinklers Required: All new construction on the internal roadway shall be required to have an approved automatic fire sprinkler system. This would include the new residence being constructed in Phase I once the temporary turnaround is removed.
33. Combustible building materials shall not be brought onto the site until approved firefighting water is available and an all-weather roadway surface capable of supporting fire apparatus is provided.

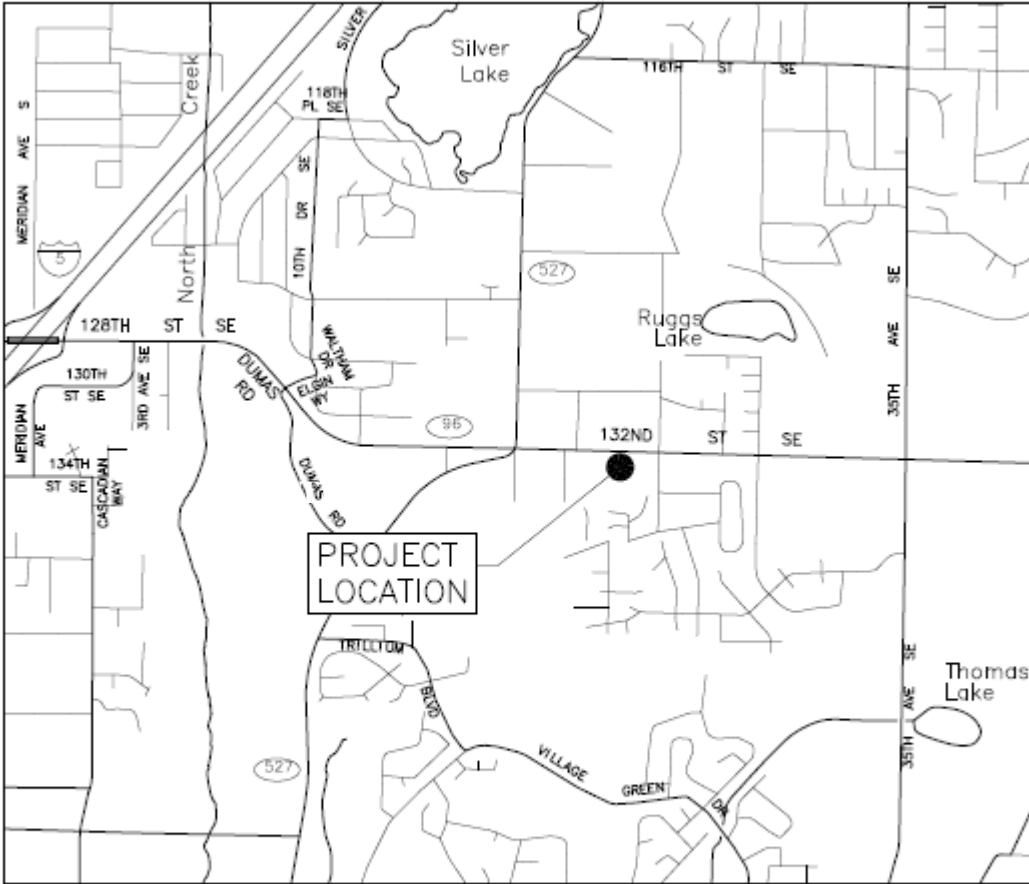
Silver Lake Water District Requirements:

34. A Developer Extension Agreement with the Silver Lake Water and Sewer District (SLWSD) is required to extend a new public water main from the existing stub in the Wexford Court development to serve each lot with an individual water service.
35. Existing water and sewer mains on site to be removed and easements relinquished.
36. As required by the SLWSD, the new sewer main shall connect to the existing manhole in the entrance drive instead of a new saddle manhole.

Attachments: Attachment A – Vicinity Map
Attachment B – Preliminary Plat
Attachment C – Legal Description
Attachment D – List of Project File Contents

ATTACHMENT A

Vicinity Map



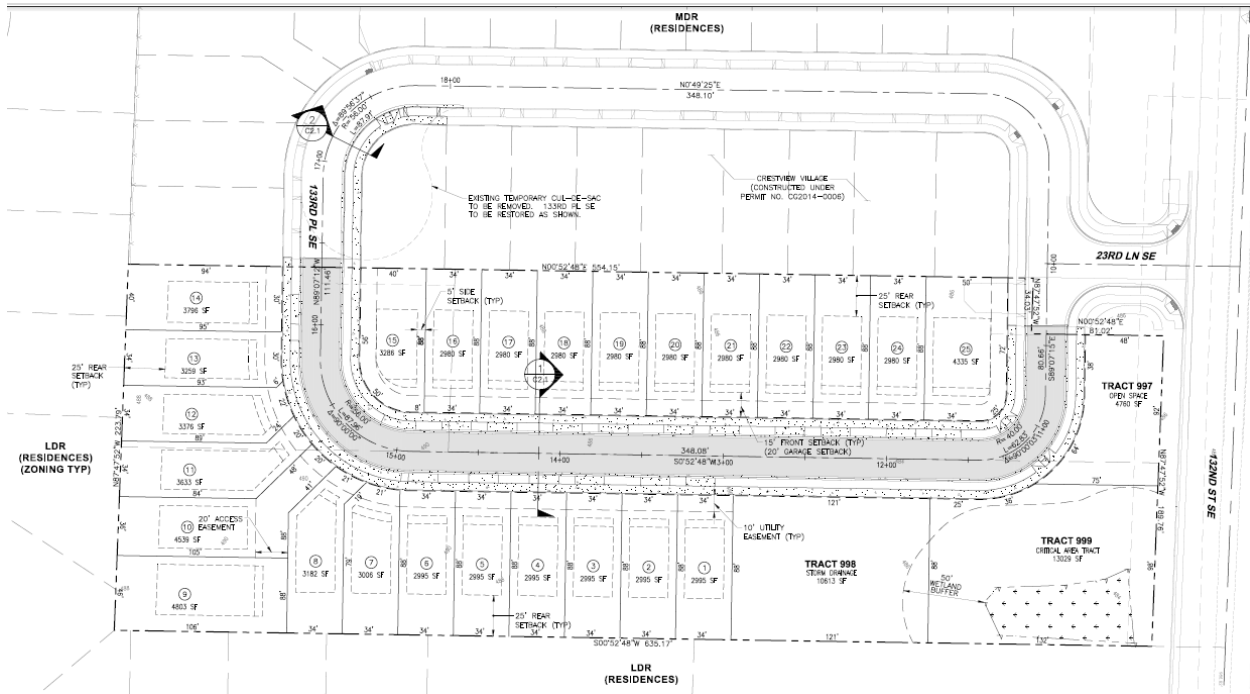
VICINITY MAP

SCALE 1"=2000'



ATTACHMENT B

Preliminary Plat



ATTACHMENT C

Legal Description

APN 280532-002-008-00:

A PORTION OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 28 NORTH, RANGE 5 EAST, W.M., LYING NORTHERLY OF BLOCK 2, THE PLAT OF HEATHERWOOD GARDEN TRACT #3 AS PER PLAT RECORDED IN VOLUME 10 OF PLATS, PAGE 23A, RECORDS OF SNOHOMISH COUNTY, WASHINGTON AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SECTION 32, 30.00 FEET SOUTH OF THE NORTHWEST CORNER THEREOF;
THENCE SOUTH 89 30'30" EAST ALONG THE SOUTH MARGIN OF THE COUNTY ROAD FOR 1527.14 FEET TO THE TRUE POINT OF BEGINNING;
THENCE CONTINUE SOUTH 89 30'30" EAST 111.67 FEET;
THENCE SOUTH 00 49'50" EAST 650 FEET TO THE NORTHERLY LINE OF SAID BLOCK 2, HEATHERWOOD GARDEN TRACTS #3;
THENCE NORTH 89 30'30" WEST ALONG SAID NORTH LINE OF SAID BLOCK 2 FOR 111.67 FEET;
THENCE NORTH 00 49'50" WEST FOR 650 FEET TO THE TRUE POINT OF BEGINNING;

EXCEPT THE NORTH 15.00 FEET THEREOF CONVEYED TO SNOHOMISH COUNTY FOR ROAD PURPOSES BY DEED RECORDED UNDER AUDITOR'S FILE NO. 8401110248 RECORDS OF SNOHOMISH COUNTY.

SITUATED IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

APN 280532-002-010-00:

BEGINNING AT THE NORTHWEST CORNER OF SECTION 32, TOWNSHIP 28 NORTH, RANGE 5 EAST, W.M., IN SNOHOMISH COUNTY, WASHINGTON;
THENCE SOUTH 30.00 FEET;
THENCE SOUTHERLY 89 30'30" EAST 1415.18 FEET TO THE TRUE POINT OF BEGINNING;
THENCE CONTINUE SOUTH 89 30'30" EAST 111.86 FEET;
THENCE SOUTH 00 49'50" EAST 450 FEET;
THENCE NORTH 89 30'30" WEST 111.86 FEET;
THENCE NORTH 00 49'50" WEST 450 FEET TO THE TRUE POINT OF BEGINNING;

EXCEPT THE NORTH 15.00 FEET THEREOF CONVEYED TO SNOHOMISH COUNTY FOR ROAD PURPOSES BY DEED RECORDED UNDER AUDITOR'S FILE NO. 8407050189; AND

ALSO EXCEPT THE NORTH 96 FEET OF THE WEST 34 FEET THEREOF AS DEDICATED FOR RIGHT OF WAY FACILITIES BY INSTRUMENT RECORDED UNDER AUDITORS FILE NO, 201602240432, RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

SITUATED IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

APN 280532-002-023-00:

THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 28 NORTH, RANGE 5 EAST OF THE WILLAMETTE MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 32;

THENCE SOUTH 30 FEET;

THENCE SOUTHERLY 89 30'30" EAST 1415.48 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUE SOUTH 89 30'30" EAST 111.66 FEET;

THENCE SOUTH 00 49'50" EAST 650 FEET;

THENCE NORTH 89 30'30" WEST 111.66 FEET;

THENCE NORTH 00 49'50" WEST 650 FEET TO THE TRUE POINT OF BEGINNING;

LESS THE NORTH 450 THEREOF;

TOGETHER WITH A NON-EXCLUSIVE EASEMENT OVER THE WEST 20 FEET OF THE NORTH 450 FEET ABOVE THE ABOVE DESCRIBED DESCRIPTION.

SITUATED IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

ATTACHMENT D
Contents of Project File

THE PRELIMINARY PLAT OF CRESTVIEW VILLAGE PHASE II
(PL2019-0011)

The following documents will be officially entered into the record at the Hearing Examiner Public Hearing on November 18, 2019. The staff report was posted on the City of Mill Creek website on November 7, 2019, along with the attachments and documents contained in the project file. Documents are also available for review in the project file at City Hall North, 15720 Main Street, Mill Creek.

Exhibit	
1	Staff Report to the Hearing Examiner, dated November 18, 2019 a) Vicinity Map b) Preliminary Plat c) Legal Description d) Contents of Project File
2	Land Use Application, submitted August 5, 2019
3	Owner's Letter of Authorization, dated July 31, 2019
4	Project Narrative, submitted July 29, 2019
5	Title Report, dated July 10, 2019
6	Existing Conditions Survey (Sheet C3.0)
7	Critical Areas Report and Buffer Averaging Plan, dated September 25, 2019
8	Preliminary Plat Map dated September 25, 2019
9	Preliminary Grading and Utility Plan, TESC Plan, Road Profile and Section
10	Stormwater Pollution Prevention Plan (SWPPP), dated September 17, 2019
11	SEPA Checklist dated October 4, 2019; MDNS issued October 21, 2019
12	Traffic Impact Analysis, by TENW Transportation Engineering NorthWest, dated October 1, 2019
13	Water and Sewer Availability Letter from Silver Lake Water and Sewer District dated September 11, 2019
14	Letter from Snohomish County PUD District No 1 dated October 7, 2019

15	Preliminary Drainage Report, dated September 25, 2019
16	Geotechnical Report, dated September 24, 2019
17	Completeness Letter dated August 19, 2019
18	Technical Review Committee Comments Letter, dated September 16, 2019, with Fire District 7 letter dated September 12, 2019, Silver Lake Water and Sewer District comments dated September 11, 2019
19	Mitigated Determination of Non-Significance (MDNS), issued October 21, 2019
20	Review Memorandum from Perteet Engineering, dated August 22, 2019 and response from PK Enterprises dated October 4, 2019. Final approval from Perteet dated October 9, 2019
21	Traffic Review Memorandum from Perteet Engineering, dated September 4, 2019. Final approval from Perteet dated October 11, 2019
22	ESA, the City's environmental consultant, review of Critical Areas Report and Buffer Averaging Plan dated September 4, 2019. Final approval from ESA dated October 16, 2019.
23	Public Hearing Notice with Affidavit of Publishing and Posting dated November 6, 2019
24	
25	Staff's PowerPoint Presentation dated November 18, 2019

Yellow Highlight Indicates Exhibits Submitted during the Public Hearing