PLANNING COMMISSION RESOLUTION NO. 2002-102

A RESOLUTION OF THE CITY OF MILL CREEK)PLANNING COMMISSION, RECOMMENDING)APPROVAL TO THE CITY COUNCIL OF THE CITY)OF MILL CREEK, WASHINGTON OF A)PRELIMINARY PLAT FOR AN 11-LOT SINGLE-)FAMILY SUBDIVISION, KNOWN AS RIVER)CROSSING NORTH, CASE FILE NUMBER PP 02-57.)

)) FINDINGS,) REASONS AND) RECOMMENDATIONS)

WHEREAS, B and J Development has submitted the appropriate information to the City of Mill Creek for consideration of a Preliminary Plat for an 11-lot single-family subdivision; and

WHEREAS, on August 15, 2002, the City's Responsible Official signed and issued a Mitigated Determination of Non-Significance (MDNS)/Notice of Property Development Impact Mitigation for the proposed project; and

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

WHEREAS, the Planning Commission duly convened a public hearing on September 19, 2002, to consider the matter, take testimony and inquire into the facts of the proposal.

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

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

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

Section 3: The Planning Commission, therefore, recommends to the City Council approval of the Preliminary Plat 02-57 for B and J Development as fully described and conditioned in Exhibit A, Exhibit B, and Exhibit C.

Done and Passed by majority vote, this nineteenth day of September 2002.

CITY OF MILL CREEK PLANNING COMMISSION

MCELHOSE, CHAIRMAN SECRETARY OF THE PLANNING COMMISSION

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

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ATTACHMENT:

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

PART I - SUMMARY INFORMATION

HEARING DATE:	September 19, 2002
CITY FILE NO:	Preliminary Plat 02-57 River Crossing North
REQUESTED ACTION:	Consideration of a Preliminary Plat on a 14.51 acre site. Eleven single-family lots ranging from 8,404 to 10,041 square feet will be created, and the remaining area (11.49 acres) will be protected as an environmentally sensitive area.
APPLICANT/ PROPERTY OWNER:	B and J Development 2630 - 116th Avenue, Suite 100 Bellevue, Washington 98004
LOCATION:	The site is located north of the River Crossing development, west of North Creek, and east of Cascadian Way.
PROPERTY SIZE:	14.51 acres
LEGAL DESCRIPTION:	See Attachment 1
COMPREHENSIVE PLAN DESIGNATION:	Residential - Low Density (maximum 4 dwelling units per acre)
ZONING DISTRICT:	Low Density Residential (LDR)

PART II - STATUTORY REQUIREMENTS

SEPA COMPLIANCE/DEVELOPMENT IMPACT MITIGATION ORDINANCE:

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

City staff identified certain elements of the environment that require mitigation pursuant to SEPA and Chapter 17.48 MCMC. On August 15, 2002, the City's Responsible Official issued a Mitigated Determination of Non-Significance (MDNS)/Notice of Property Development Impact Mitigation for the proposed project. Specific elements identified as requiring measures to mitigate the impacts of the proposed development include: Earth, Air, Water, Plants and Animals, Transportation, Recreation, and Public Facilities (fire and school facilities). The mitigation measures required to address the identified environmental impacts are incorporated into the Conditions of Approval.

The City received one comment letter from an adjoining property owner in response to the MDNS. The primary concerns identified in the letter include the lack of a buffer zone between the proposed development and existing residences, greater retention of existing vegetation, and other impacts such as construction noise, hours of construction, lighting, and illegal removal of trees. The City has provided a written response, indicating the following:

- That a 20-foot landscaped buffer zone will be provided on the back portion of Lots 5-11.
- That the majority of the site will be undisturbed because it contains the North Creek wetland and its associated buffer. Of the 14.51 acre site, 3 acres will be disturbed.
- That the City's construction hours are from 7 a.m. to 9 p.m. during the week, and that construction is allowed during the weekends.
- That tree removal sometimes occurs illegally, but that the City will assess a fine and require tree replacement.

PUBLIC NOTICE:

In accordance with Chapter 14.07.030 MCMC, notice of the public hearing was mailed to property owners of record within 500 feet of the proposed project on September 4, 2002, and posted on the site on September 6, 2002. Notice was published in the Everett Herald on September 8, 2002. All statutory public notice requirements have been met.

PART III - BACKGROUND INFORMATION

EXISTING SITE CHARACTERISTICS:

The project site encompasses 14.51 acres. The site is currently undeveloped and consists of mature forested vegetation including douglas fir, cedar, alder, and maple, and native understory vegetation. North Creek is located a minimum of 750 feet to the east. A total of 11.49 acres of site is located within the North Creek wetland and its associated buffer. The site slopes from west to east toward North Creek, with an approximate change in elevation of 24 feet from the western property boundary to the eastern limits of the developed portion of the site (behind Lots 1-4).

SURROUNDING PROPERTY ZONING/LAND USES:

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

- The properties to the north, south, and east are zoned Low Density Residential. The property to the south is occupied by single-family residential development (River Crossing) and property to the north and east is undeveloped.
- The property to the west is situated in unincorporated Snohomish County and is zoned R-9600 and has been developed with single-family residences.

UTILITIES:

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

FIRE PROTECTION:

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

PART IV - PROJECT ANALYSIS

DEVELOPMENT REVIEW PROCESS AND DESIGN:

Development Review Process

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

General Description

The proposed preliminary plat will result in the creation of 11 single-family lots on a 14.51-acre parcel (see Exhibit B). As noted above, the majority of the site is comprised of the North Creek wetland and its associated buffer, leaving approximately 3 acres available for development. The development is proposed to take access off 3^{rd} Drive SE, which will be extended to the north from the River Crossing development. The extension of 3^{rd} Drive SE is contingent upon the approval of a code amendment to Section 16.02.160, MCMC, which would permit the construction of cul-desacs longer than currently allowed by City code.

Project Density

The development must be consistent with the density requirements of the Comprehensive Plan and the Zoning Code. The property is designated *Low Density Residential* on the Comprehensive Plan Land Use Plan and Zoning Map, which establishes a maximum density of 4 dwelling units per gross

acre. The proposed plat has a density of .76 dwelling units per acre, well below the maximum permitted within the *Low Density Residential* (LDR) zone district. In that the LDR zone district does not establish a minimum density, the proposed preliminary plat is consistent with the City's density requirements. The net density is 2.9 dwelling units per acre.

Plat Design

The plat design is influenced by the limited area of developable land. Although the total site area is 14.51 acres, the majority of the parcel is encumbered by the North Creek wetland and its associated buffer. The remaining 3 acres is narrow at the south end of the site, but becoming wider toward the north, allowing for lots on both sides of the road. Lot sizes range from 8,404 to 10,041 square feet, all accessing off 3rd Drive SE.

Wetland and Buffer Requirements

A large portion of the subject property (11.49 acres) is situated within North Creek wetland and its associated buffer. Pursuant to Chapter 18.06, MCMC, Wetland A has been categorized as a Type II wetland with a 100 foot buffer. The applicant is proposing to use buffer width averaging where site development necessitates filling within the outer portions of the buffer on the east side of the roadway and on the back side of Lots 1-3. In accordance with Section 18.06.090, buffers may be averaged as long as they do not adversely impact wetland functions and values, and as long as there is no net loss of buffer area. With respect to wetland buffer impacts, the extent of the disturbance will be limited to a total area of 2,641 square feet along the perimeter of the buffer. A replacement area of 5,141 square feet will be provided and will be revegetated with native materials. The City's wetland consultant has reviewed the wetland buffer calculations and has concluded that the proposed buffer averaging meets the City's critical area regulations.

Road Design/Pedestrian Facilities

In accordance with the proposed amendments to Section 16.02.160, MCMC, a widened road section has been provided as an emergency vehicle turnaround. Similar to the design of the road in River Crossing, 3rd Drive SE is proposed to be 24 feet wide, curb to curb, with sidewalks on both sides of the road. This width will promote slower vehicular speeds and provide a residential atmosphere to the streetscape. Parking will be allowed on only one side of the street.

A five-foot landscape strip will be provided between the curb and sidewalk throughout the development with the exception of the turnaround, where the sidewalk will be located immediately adjacent to the road. A landscaped planter will be constructed in the middle of this turnaround. Similar to the planter at the intersection of 153rd Street SE and 3rd Drive SE. As a condition of preliminary plat approval, the planter shall be designed to accommodate a school bus stop.

Parking

In accordance with Section 17.22.150, MCMC, a minimum of two off-street parking spaces are required per single-family dwelling. The project will provide a minimum of four parking spaces per lot (two in the garage and two in the driveway). On-street parking (one side only) will provide an additional 14 parking spaces, resulting in an overall parking ratio of 5.25 spaces per unit. Thus, the City's parking requirements will be met.

Perimeter Buffers

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

The proposed plat is bordered on the west by existing residential development in unincorporated Snohomish County. Within the LDR zone district, a minimum building setback of 20 feet is required, which will provide a perimeter buffer to properties to the west. However, site grading and the construction of rockeries along the back portion of Lots 5-11 will result in the removal of vegetation within the perimeter buffer, including approximately 40 evergreen trees. The rockeries are proposed to be placed 20 feet from the western property boundary, creating an area where revegetation will occur. The preliminary landscape plan indicates that each lot will be planted with 12-13 evergreen trees. As these trees mature, they will provide screening between new and existing development.

Storm Drainage

The applicant has submitted a Preliminary Storm Drainage Plan with the Preliminary Plat application. The original River Crossing development took the proposed 11-lot plat into account when designing the overall stormwater system. The new drainage facilities are designed to connect to the storm line at the end of 3^{rd} Drive SE, which ultimately drains to the large detention pond located on the south side of 153^{rd} Street (behind the Town Center site).

The drainage and conveyance system will be designed to meet the 2001 Department of Ecology Stormwater Management Manual for Western Washington and City of Mill Creek standards. The applicant will be required to submit a final drainage report during the civil plan review phase. The final system design and drainage details will be addressed during the City's review of the civil plans.

Frontage Improvements:

The applicant is required to construct the full width of 3rd Drive SE on the subject property. This work will consist of paving, construction of a rockery on the east side of the street, guardrail, rolled curb and gutter, five foot sidewalks on both sides of the street, a five foot wide planter strip in front of all lots with the exception of those lots adjacent to the traffic circle and adjacent to the guard rail, storm drainage, facilities, street lighting, and landscaping. The width of the new street will match the existing street width in the original River Crossing Development adjacent to the proposed plat. As a condition of project approval, the guardrail shall be painted to match the guardrail on 153rd Street SE to maintain a consistent appearance along 3rd Drive SE.

A landscaped traffic circle will be constructed no more than 1,600 feet from 153rd Street SE, consistent with the proposed zone text amendment for Section 16.12.160, MCMC, which if approved, will allow streets ending in cul-de-sacs to be longer than 1,000 feet. The roadway around the traffic circle will have a minimum outside turning radius of 40 feet and a maximum inside turning radius to meet Fire District requirements.

Traffic Impacts and Mitigation:

City of Mill Creek

The traffic study for the site indicates that the development is expected to generate an estimated 105 new daily trips and approximately 11 weekday PM peak hour trips. This will have no effect on the exiting Level of Service (LOS) at the intersection of 153rd Street SE and SR 527. This intersection currently has an LOS of "F" during the PM peak, but is anticipated to improve with the widening of SR 527 and the construction of a new traffic signal.

To address the cumulative impacts of the added trips to City street segments, the applicant will contribute \$11,644.00 toward the future improvements of the street segments identified in the City's Traffic Mitigation Program. The suggested Conditions of Approval include the requirement for the applicant to pay transportation mitigation fees to the City of Mill Creek prior to approval of the Final Plat.

Snohomish County Transportation Impacts

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

Through the SEPA review process, Snohomish County has determined, based on adopted formulas, that \$14,238.00 is required to mitigate transportation impacts to the County road system. In addition, Snohomish County has determined that a transportation demand management payment of \$495.00 is required. The suggested Conditions of Approval include the requirement for the applicant to pay transportation mitigation fees to Snohomish County prior to approval of the Final Plat.

School District Impacts:

The City of Mill Creek and the Everett School District have executed an Interlocal Agreement for mitigation of development impacts on district facilities. Approval of the project will have an impact on the Everett School District facilities. The Everett School District has determined that a contribution of \$17,929.56 is required to mitigate the impacts of the development in lieu of dedication of land for school facilities.

The suggested Conditions of Approval include the requirement for the applicant to enter into a voluntary mitigation agreement. A copy of the executed agreement and proof of payment of the mitigation fees are required prior to the approval of the Final Plat.

Fire District Impacts

The City of Mill Creek and Snohomish County Fire District No. 7 have executed an Interlocal Agreement for mitigation of development impacts on fire facilities/services. Mitigation fees are determined by the anticipated impact a development will have on District facilities. Based on the provisions of the agreement, the mitigation required is \$365.00 per residential lot. Assuming 11 new single-family units, \$4,015.00 is required to mitigate impacts to District facilities. The suggested Conditions of Approval include the requirement for the applicant to pay fire district mitigation fees to Snohomish County Fire Protection District No. 7 prior to approval of the Final Plat.

City Park System Impacts

Approval of the Preliminary Plat will allow the construction of an additional 11 single-family homes, which will increase the demands on the City's Neighborhood and Community park and recreation facilities. To mitigate the project's impacts on these facilities, mitigation fees are required for the development of neighborhood parks and for the acquisition and development of community parks. Based upon the formula for calculating impact fees in Resolution 99-276, the proposed project is required to pay the following fees to offset impacts to parks and recreation facilities:

Neighborhood Parks (development only):

\$932.57/single-family dwelling x 11 dwellings = \$10,258.27

Community Parks:

\$1,490.50/single-family dwelling x 11 dwelling = \$16, 396.50

The suggested Conditions of Approval include the requirement for the applicant to pay the park mitigation fees prior to approval of the Final Plat.

CONSISTENCY WITH THE MILL CREEK COMPREHENSIVE PLAN:

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

POLICY	FOCUS	COMMENT	
	LAND USE ELEMENT		
Land Use Map	Site designated for Residential- Low Density (4 units/acre maximum).	Density of the project is .76 dwelling units per acre.	
1.01	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.	Project represents the low end of the potential density ranges. The residential character of the proposed development is single- family detached.	

1.16	Peripheral boundaries of each residential development should contain appropriately-sized buffer areas.	A 20-foot rear yard setback will be provided on Lots 5-11. This area will be revegetated to provide a perimeter buffer between the proposed development and existing residential development to the west.	
1.17	Elements of neighborhood development should include preservation of environmentally sensitive areas, preserve existing vegetation, establish building mass to scale with lot sizes, and provide safe and efficient pedestrian and vehicular circulation.	Existing vegetation within the North Creek wetland and buffer will be preserved; building mass will be contained within the required setbacks in the LDR zone district; safe and efficient pedestrian and vehicular circulation will be provided.	
1.18	Residential developments shall be designed to be compatible with adjacent developments.	The single-family use is compatible with the adjacent single-family developments. The proposed project includes a 20-foot landscaped property buffer along the western boundary of the proposed plat. As conditioned, the proposed plat will be compatible with adjacent developments.	
	CAPITAL FACILITIES ELEMENT		
2.03	Projects shall provide stormwater facilities that incorporate treatment methods for water quality as recommended in the Puget Sound Water Quality Plan.	Consistent with this policy, the project will incorporate stormwater management facilities that comply with the 2001 DOE Stormwater Management Manual and City standards.	
	UTILITIES ELEMENT		
1.01	Urban development shall occur only where adequate utilities are available.	Adequate utility services are available.	

1.10	Requires under grounding of utilities where possible.	Utilities are conditioned to be located underground.	
TRANSPORTATION ELEMENT			
2.02	Pursuant to the Growth Management Act, projects shall not be approved that reduce the Level of Service below established standards.	The City Engineer has determined that the project does not reduce Levels of Service below established standards.	
3.04	Access points from the public right-of-way to private developments shall be located at appropriate locations.	The City Engineer has determined that access to the proposed development is appropriate.	
4.01	Public sidewalks required throughout residential neighborhoods. Sidewalk should be located on both sides of the street and be connected with other public/private trail systems.	The proposed plat will include public sidewalks on both sides of 3 rd Drive SE, and will connect with existing sidewalks in the River Crossing development.	
E	NVIRONMENTAL FEATURES	ELEMENT	
1.02	Detention ponds and basins should be incorporated into new development to ensure that post- development runoff is equal to the pre-development rate.	The proposed development will utilize an existing detention pond, which contains sufficient volume to accommodate stormwater generated by the development.	
2.01	Wetlands should be left in their natural state to preserve wildlife habitat and protect water quality and quantity values.	The North Creek wetland will be preserved in its natural state.	
3.01	Clearing and grading shall minimize erosion/sedimentation into stream, wetlands and other water courses. Temporary and permanent erosion control measures are required.	As a Condition of Approval, erosion control measures will be required.	

3.02	Development on 15-40 percent slopes may be permitted if site engineering can demonstrate that development is safe and will not adversely affect drainage courses, vegetation, or slope stability.	Development is proposed on slopes ranging from 15-40 percent. Conditions of Approval and the MDNS require that a final geotechnical report be submitted assessing the stability of the steep slope and whether a setback from the top of the slope is required.	
4.01	Wooded areas should be preserved, wherever possible, to ensure adequate habitat for wildlife.	Nearly 80 percent of the total site area, which is forested, will be preserved.	
4.03	Requires that vegetated buffer zones be established between developments.	The project proposes a 20-foot property buffer from adjacent properties in the form of building setbacks. This buffer will be landscaped with evergreen trees	
PARKS AND RECREATION ELEMENT			
5.02	Park impact mitigation required for residential development.	Park mitigation fees will be paid as conditioned in the MDNS issued for the project.	

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

CONSISTENCY WITH DEVELOPMENT REGULATIONS:

As stated previously, this application is being processed under the provisions of the Subdivision, Zoning, and Environmental sections of the MCMC (Chapters 16, 17 and 18). The following matrix evaluates the proposed project with the applicable development regulations:

DEVELOPMENT REGULATIONS			
SECTION	REQUIREMENT	COMMENT	
16.02.100	Critical areas and valuable natural features shall be preserved to the greatest extent possible.	The North Creek wetland and its associated buffer will be preserved.	

16.14.010	Requires a finding that the proposed subdivision is beneficial to the public health, safety, and welfare and is in the public interest. Includes the adequate provision for: public health, safety and general welfare, open spaces, drainage ways, streets and other public ways, transit stops, water supplies, sanitary wastes, parks and recreation facilities, playgrounds, sites for schools and school grounds, mitigation of adverse environmental impacts, and protection of environmentally significant features.	Streets and sidewalks will comply with standards recommended by the City Engineer. Mitigation is required to offset impacts of the development on parks and recreation facilities, identified City and County roadway projects, and fire protection facilities. Utilities are available with sufficient capacity to serve The proposed development. Stormwater drainage facilities will meet LOS standards as established within the Comprehensive Plan.
17.06.010	Single-family residential development is permitted as a Principal Use in the Low Density Residential zone district.	The project will result in the subdivision of property for a detached single-family development.
17.06.055	The maximum density four dwelling units per gross acre.	The proposed density is .76 dwelling units per gross acre, and 2.9 units per net acre.
17.06.040	Minimum lot size is 8,400 square feet.	Proposed lots are larger than 8,400 square feet.
17.06.050	Minimum building setbacks: Front: 20 feet Side: 20 feet, with no side less than 5 Rear: 20 feet	Minimum building setbacks will be met.
17.22.150.D	Minimum parking required: two spaces per unit for single- family dwellings.	A minimum of four spaces per unit will be provided (two in the garages, and two in the driveways).

17.22.170	Undergrounding of new utilities required.	As a condition of project approval, new utilities will be required to be placed underground.
17.22.180	Comprehensive Plan – concurrency and consistency required.	As discussed above, the project is consistent with the applicable policies of the Comprehensive Plan and does not reduce Levels of Service below established standards.
18.06.090	Wetland buffers required.	Required buffers are provided, and buffer averaging requirements are met.

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

<u>PART V – FINDINGS AND CONCLUSIONS, STAFF RECOMMENDATION, AND</u> <u>CONDITIONS OF APPROVAL</u>

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 11 lots to be developed with single-family detached residences.
- 2. The proposed plat is located within a Low Density Residential zone district. Single-family residential development is a principal use in the Low Density Residential zone district.
- 3. Access to the proposed plat would be from the extension of 3rd Drive SE, which will be constructed by the applicant.
- 4. The proposed project has been reviewed under the provisions of the State Environmental Policy Act (SEPA) and Chapter 17.48 MCMC, the Development Impact Mitigation Ordinance. This review has revealed that there will be an impact on the City and County street systems, the City parks and recreation system, the Everett School District, and on Snohomish County Fire Protection District No. 7 facilities/services.

- 5. In accordance with the Mitigated Determination of Non-Significance and Notice of Property Development Impact Mitigation issued by the responsible official on August 15, 2002, impact mitigation agreements will be required to mitigate the identified impacts.
- 6. The proposed project is subject to an Interlocal Transportation Agreement between the City of Mill Creek and Snohomish County for the review and mitigation of development impacts on the County road system. The County has determined that mitigation of impacts occurring from this development is required.
- 7. The proposed project is subject to an interlocal agreement between the City of Mill Creek and Snohomish County Fire District No. 7 for the review and mitigation of development impacts on fire services. The district has determined that mitigation of impacts occurring from this development is required.
- 8. The proposed project is subject to an interlocal agreement between the City of Mill Creek and the Everett School District for the review and mitigation of development impacts on District facilities. The District has determined that mitigation of impacts occurring from this development is required.
- 9. The proposed plat has been reviewed and found to be consistent with the applicable policies and Land Use Map of the City of Mill Creek Comprehensive Plan.
- 10. The proposed plat has been reviewed and found to be consistent with the applicable development regulations contained in Section 17.06, MCMC.
- 11. The proposed residential development has been reviewed in regard to the requirements of 16.14.010. The development, subject to the conditions below, is found to be beneficial to the public health, safety, and welfare and is in the public interest.
- 12. If approved subject to the conditions recommended below, the proposed plat will be consistent with the requirements of Titles 16, 17, and 18 MCMC.
- 13. The proposed project, as conditioned, will not reduce the Level of Service on the City's transportation system below the established minimum standards.
- 14. The statutory requirements for environmental review and public notification have been duly satisfied.
- 15. The Planning Commission has reviewed a zone text amendment to increase the length of streets ending in cul-de-sacs, and has forwarded it to the City Council with a recommendation for approval.

STAFF RECOMMENDATION:

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

Preliminary Plat:

- 1. Development shall occur as portrayed on the Preliminary Plat map attached as Exhibit B to the Planning Commission Resolution, except as may be modified by conditions imposed by the Planning Commission.
- 2. The maximum number of building lots shall be 11. Construction shall be limited to one single-family detached residence per lot.
- 3. The subdivision shall be incorporated into a Homeowners Association, which will be responsible for the maintenance of all privately owned common facilities.
- 4. The zoning text amendment allowing streets ending in cul-de-sacs that exceed 1,000 feet in length must be approved by the City Council prior to approval of the Preliminary Plat.

Tree Retention/Revegetation

5. Significant trees shall be preserved within wetlands, and wetland buffers, with the exception of those to be removed within approved wetland buffer reduction areas.

Trees to be preserved shall be determined after a review of the civil plans and on-site identification by City staff and the applicant. Preservation areas and individual trees identified to be saved shall be designated on a tree retention plan and protected from encroachment by vehicles, earth moving and excavating machinery, and material storage by the erection of barrier fencing approved by City staff. Failure to maintain, or removal of the fencing without approval of the City, shall result in the issuance of a stop work order.

Trees designated for preservation that are damaged or removed shall be replaced at a ratio of 3:1. The replacement trees shall be a coniferous species and have a minimum height at planting of 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 until the penalty is paid.

6. The 20-foot property buffer on the west side of the subject property shall be revegetated to provide adequate screening between the proposed plat and existing residential development. A final landscape plan, prepared by a licensed landscape architect, shall be submitted to the City for review and approval prior to Final Plat approval. Revegetation of the property buffer shall be implemented prior to the issuance of the Certificate of Occupancy for each residential unit.

Street Trees/Landscaping:

7. The applicant shall submit for City approval a planting plan for the public street and traffic circle within the plat. The planting plan shall be prepared by a licensed landscape architect and shall be reviewed and approved by the City's Design Review Board prior to Final Plat approval. The traffic circle shall be designed to accommodate a school bus stop. The plan shall be implemented commensurate with house construction.

Critical Areas:

- 8. The applicant shall submit to the City for review and approval a final buffer enhancement plan. Said plan shall be developed in accordance with Chapter 18.06 MCMC. The developer and the City shall enter into an agreement for implementation of the plan secured by a performance bond equal to 125 percent of the cost of labor and materials. In addition, the developer and the City shall enter into a secured agreement that will ensure the applicant's compliance with the monitoring schedule contained within the final buffer enhancement plan. Said agreement shall be reviewed and approved by the City Attorney and recorded prior to the commencement of site work. The wetland buffer shall be planted prior to Final Plat approval.
- 9. Project lighting shall be designed and shielded to avoid light spillover into the North Creek wetland buffer.

Project Signage:

10. The applicant shall submit, for City approval, plans for the subdivision identification sign. The plans shall be reviewed and approved by the City's Design Review Board prior to installation.

Parks and Recreation:

11. The applicant shall contribute \$26,654.77 to mitigate impacts on City park and recreation facilities. Of this amount, \$10,258.27 shall be used for the development of neighborhood parks as identified within the Comprehensive Plan. The remaining \$16,396.50 shall be used for the acquisition and development of community parks. Payment shall be made prior to Final Plat approval.

Frontage and Access Improvements:

- 12. The applicant shall construct the full-width of 3rd Drive SE on the subject property between the north and south property boundaries of the site. This work shall consist of all items within the ultimate 3rd Drive SE right-of-way, including, but not limited to the following elements and conditions:
 - A. Paving, roadway retaining walls, guardrail, storm drainage facilities, rolled curb and gutter, five foot sidewalks on both sides of the street, a five foot planter strip in front of all building lots, street lights and landscaping.

- B. The new street width shall match the existing street width in the original River Crossing development.
- C. A rockery and sloped embankment or other approved retaining wall shall be constructed along the east side of the road, south of Lot 1. A planter strip is not required along this section of roadway.
- D. A landscaped traffic circle shall be installed no more than 1,600 feet from 153rd Street SE, and the roadway around the traffic circle shall have a minimum outside turning radius of 40 feet and maximum inside turning radius of 20 feet. The roadway shall be a maximum of 20 feet wide around the traffic circle.
- E. The street section and traffic island shall be designed and constructed to the satisfaction of the Directors of Community Development and Public Works.
- 13. All interior roadways shall be designed and constructed to meet all emergency vehicle access requirements and City of Mill Creek standards. All roads that provide access to stormwater facilities shall be designed for maintenance vehicle loading.
- 14. Site visibility easements shall be dedicated to the City at the development access points. Dimensions for the easement shall be determined by the applicant's engineer to the satisfaction of the Director of Public Works.
- 15. Traffic guardrail with pedestrian handrail shall be installed at the back of the east sidewalk on top of the embankment. The guardrail shall begin offsite at the existing end lot of the original River Crossing and extend to the new proposed lot 1. The guardrail shall meet current traffic safety standards, including a 10 kip impact load applied at 32 inches above the surface, with transition railing and guardrail terminals that meet WSDOT specifications. If the guardrail system does not conform to the current WSDOT standard plans, the railing, posts and possible connection to the sidewalk or wall shall be designed by a licensed structural engineer. The guardrail shall be painted to match the guardrail on 153rd Street SE to maintain a consistent appearance along 3rd Drive SE.
- 16. Adequate street lighting shall be installed on 3rd Drive SE. WSDOT lighting criteria for residential streets shall be used on 3rd Drive SE. Pedestrian lighting design criteria is an average of 0.5 foot candles, and in areas where street lighting is not sufficient, additional pedestrian lighting shall be installed. The street and pedestrian lights (pole and luminaire head) shall be consistent with the type used within the original River Crossing development and along 153rd Street SE. Lighting calculations and plans shall be submitted for review by City staff. The applicant shall be responsible for the first year of operational costs for the street lights.
- 17. On-street parking shall be limited to only one side of the street.

Traffic Mitigation

18. The applicant shall contribute to the City's mitigation program based on the projected traffic distribution as outlined below:

Segment	# of Trips
Seattle Hill Road	5
164 th Street Southeast	26
Dumas Road	5
Trillium Boulevard	2
Mill Creek Boulevard east of SR 527	5
Mill Creek Boulevard west of SR 527	11
Village Green Drive	5
148 th Street Southeast	0
153 rd Street SE @ SR 527	105
TOTAL	164

At \$71 per trip, this would result in a traffic mitigation offer in the amount of \$11,644.00, which shall be paid prior to Final Plat approval.

19. Pursuant to the interlocal agreement between the City of Mill Creek and Snohomish County, the applicant shall contribute traffic mitigation fees in the amount \$14,238.00. The applicant shall also pay a transportation demand management fee of \$495.00. Payment of these fees shall be made prior to Final Plat approval.

Storm Drainage Facilities:

- 20. The applicant shall have drainage improvements designed and installed for the project site in accordance with the City of Mill Creek standards, the 2001 Department of Ecology (DOE) Stormwater Management Manual for Western Washington and any HPA permit requirements established by the State Department of Fish and Wildlife.
- 21. The applicant shall include all required drainage improvements in the engineering design plans and stormwater report for the Director of Public Works approval. The approved stormwater system shall include the following elements and conditions:
 - A. Water quality treatment facilities with a conveyance system that meets the requirements of the City of Mill Creek, the Department of Fish and Wildlife and the 2001 Department of Ecology Stormwater Management Manual for Western Washington.
 - B. Provisions for maintenance of the stormwater system, including, but not limited to adequate access to maintenance locations, provisions and easements that allow the City to inspect, maintain, and/or operate the detention and treatment system at its

discretion, and adequate easement provisions to ensure uninterrupted function of the facilities of the proposed development.

- C. Requirements that the property owners are obligated to own, maintain and operate the stormwater system outside the public right-of-way to the City's satisfaction. Specific maintenance measures shall be indicated on the approved engineering plans and in the final drainage report.
- D. A final stormwater drainage report signed and stamped by a licensed professional engineer shall be submitted to the Director of Public Works for review and approval.
- 22. The final drainage report shall evaluate whether a second outfall for sheet-flow runoff is necessary to avoid impacts to the wetland buffer, and whether a dispersion trench or level spreader is necessary to reduce the impacts of concentrated runoff.

Utilities:

- 23. All utilities within the project and along all frontage areas shall be placed underground in accordance with City Code. No new utility poles shall be installed in the project's frontage. Appropriate easements or right-of-way for all utilities shall be provided by the applicant as shown on the face of the Final Plat.
- 24. Water and sewer facilities shall be installed in accordance with plans reviewed and approved by the Silver Lake Water District.

Site Clearing and Grading:

- 25. The applicant shall provide grading, stormwater, and erosion and sediment control plans to the satisfaction of the Director of Public Works prior to commencing any clearing for the site. All related work shall be adequately secured through a secured agreement acceptable to the Director of Public Works prior to starting work.
- 26. A geotechnical study and recommendations regarding the construction of the fill slopes under the roadway and building pads shall be prepared by a licensed geotechnical engineer and submitted to the City staff for review. All retaining walls and building foundations shall be founded on competent soil. The design of all retaining walls over four feet in height and all building foundations shall be approved by the City Building Official prior to construction.
- 27. Site clearing and grading shall be restricted to only those areas depicted on the clearing and grading plans and approved by the Directors of Public Works and Community Development. No other clearing is allowed without the written approval of the City.
- 28. Site clearing and grading shall be restricted to areas necessary for the installation of utilities, and construction of roads and sidewalks. No other clearing is allowed without the approval of

City staff. No lot clearing shall be allowed nor building permits issued prior to the submittal and approval of individual tree preservation plans for each lot following approval by the City Council of the Final Plat.

- 29. Dust and erosion shall be controlled by promptly covering exposed stockpiles, watering areas of soil disturbance, and using a street sweeper on adjacent roads.
- 30. Building plans will not be accepted until the Directors of Public Works and Community Development have approved the civil plans.

Snohomish County Fire District No. 7:

- 31. The applicant shall contribute \$365.00 for each residential unit to mitigate impacts of the project on fire district facilities/services. Based upon 11 units, \$4,015.00 is required to offset impacts to Fire District facilities. Payment of fire mitigation fees shall be made prior to Final Plat approval.
- 32. Fire hydrant design, location, and spacing shall be reviewed and approved by Snohomish County Fire District No. 7 and the Silver Lake Water District.

Schools:

33. In accordance with the interlocal agreement between the City of Mill Creek and the Everett School District, school mitigation fees are required to offset impacts upon district facilities. Based upon 11 single-family units, the applicant shall pay \$17,929.56.00 in mitigation fees to offset impacts to district facilities. Payment of school district mitigation fees shall be made prior to Final Plat approval. The applicant shall enter into a voluntary agreement with the Everett School District.

Miscellaneous:

34. Mail boxes shall be grouped or clustered in lockable hutches in locations identified by the United States Postal Service and the Mill Creek Police Department. Structures shall be enclosed in a decorative wood enclosure to the satisfaction of the City Engineer.

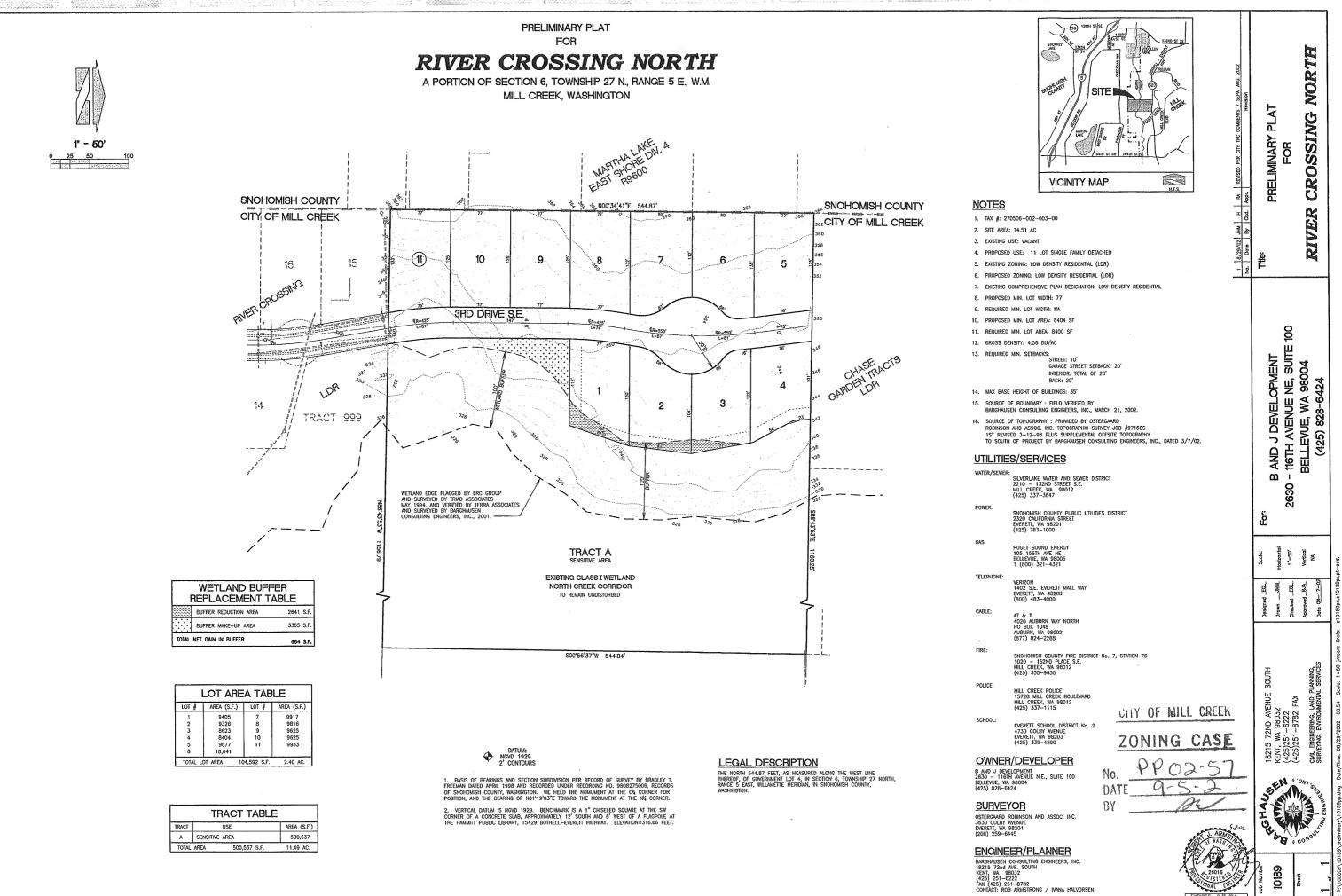
Attachments: Attachment 1 – Legal Description

F:\DATA\PLANNING\WP\Cari\River Crossing North\PCstaffreport.doc

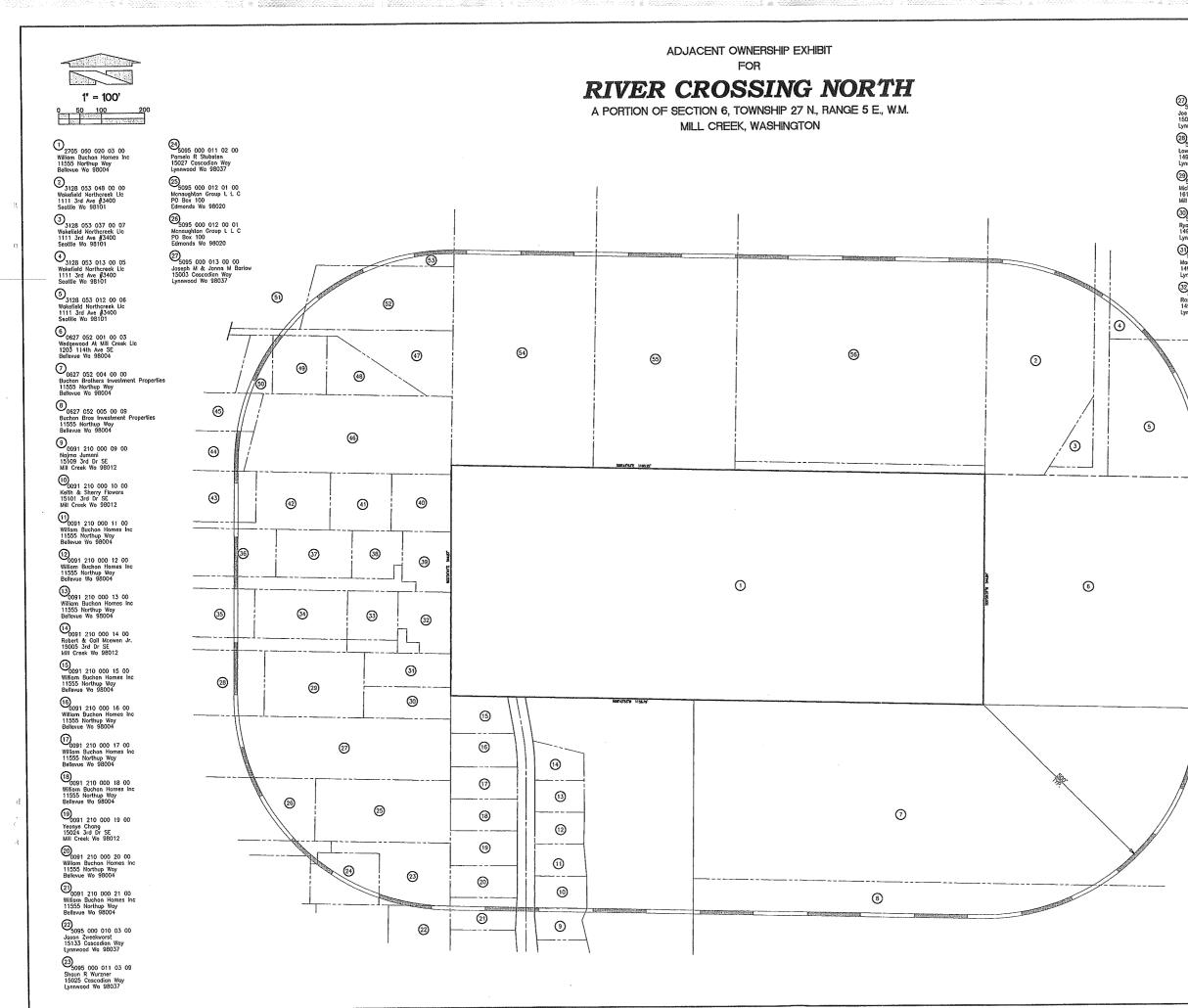
LEGAL DESCRIPTION

The North 544.87 feet, as measured along the West line thereof, of the West half of the Northwest quarter of Section 6, Township 27 North, Range 5 East, Willamette Meridian, in Snohomish County, Washington.

CITY OF MILL CREEK ZONING CASE PPO2-C No. DATE BY



EXPIRES 2/5/04



NORTH EXHIBIT 33 5095 000 015 03 05 Martin Siemion 14901 Cascadion Way Lynnwood Wo 98037 27 5095 000 013 01 09 Joe & Jonna Borlow 15003 Cascadion Way Lynnwood Wo 98037 ADJACENT OWNERSHIP CROSSING (34) 5095 000 015 04 04 Andrew P & Margaret E Smith 14833 Cascadian Way Lynnwood Wa 98037 (28) 5095 000 014 00 09 Lowrence G Roy 14923 Cascadian Way Lynnwood Wa 98037 ЧÖЧ (35) 5095 000 015 02 06 Donald J Fisher 14831 Cascadian Way Lynnwood Wa 98037 29 000 014 02 07 Michael J Morganti 16101 Bothell Everett Hwy ∯1~3 Mill Creek Wa 98012 30 5095 000 014 03 06 Ryon M & Tonyo M Burton 14917 Coscodion Way Lynnwood Wa 98037 (36) 5095 000 016 00 07 Wolfe Nelson 14823 Cascadian Way Lynnwood Wa 98037 Ckd. Appr. RIVER (37) 5095 000 016 01 06 Mannon Lee & Tammy R 14825 Cascadian Way Lynnwood Wa 98037 3) 5095 000 014 01 08 Martin D Watson 14919 Cascadian Way Lynnwood Wa 98037 32) 5095 000 015 01 07 Randy Lee Hall 14905 Cascadian Way Lynnwood Wa 98037 38 5095 000 016 02 05 Janet K Gilchriest 14827 Cascadian Way Lynnwood Wa 98037 Щë: 39 5095 000 016 03 04 Michael A Stotes 6225 Loke Washington Bivd NE ∦30 Kirkland Wo 98033 40) 5095 000 017 04 02 Michoel J & Moureen F Westmiller 14819 Cascadian Way Lynnwood Wa 98037 B and J Development - 116th Avenue ne, suite 100 Bellevue, WA 98004 (425) 828-6424 (4) 5095 000 017 03 03 Jeffrey Lord 14813 Cascadian Way Lynnwood Wa 98037 (42) 5095 000 017 02 04 R L Davenhauer 14807 Cascadian Way Lynnwood Wa 98037 43 Martens Construction PO Box 319 Mukilteo Wa 98275 (4) 3748 000 037 02 06 Rondy M & Mary A Mellott 14729 Cascadion Way Lynnwood Wa 98037 m i 2630 (45) 3748 000 037 03 05 Merlin Paulson 14723 Cascadian Way Lynnwood Wa 98037 ö (46) 3748 000 037 01 07 Merlin Paulson 14723 Cascadian Way Lynnwood Wa 98037 Scale: Harizontal 1*==100' Vertical N/A (47) 3748 000 036 05 04 S D Stuart 14703 Cascadian Way Lynnwood Wa 98037 (48) 3748 000 036 04 05 John M & Deborah F Waddell 14701 Cascadian Way Lynnwood Wa 98037 (1) 3748 000 036 01 08 W Verne Lahr 14711 Coscodian Way Lynnwood Wa 98037 50 3748 000 036 02 07 CIVIL ENGINEERING, LAND PLANNING, SURVEYING, ENVIRONMENTAL SERVICES Edward A Abeo 14717 Cascadian Way Lynnwood Wa 98037 SOUTH 5) 3748 000 035 00 00 Mork L & Potricia Harris 2920 226Th St SW Brier Wa 98036 18215 72ND AVENUE S KENT, WA 98032 (425)251-6222 (425)251-8782 FAX 52 3748 000 035 01 09 Chilelli Quirino L Manager 1926 49th PI Sw Everett WA 98203 53 3748 000 034 00 01 Chilelli Quirino L Manage 1926 49th Pl Sw Everett WA 98203 HORE CONSUL (5) 3128 053 041 00 01 Chilelli Quirino L Monager 1926 49th PI Sw Everett WA 98203 53 3128 053 008 00 02 Chilelli Quirino L Monager 1926 49th Pl Sw Everett WA 98203 50 3128 053 011 00 07 Wokefield Northcreek Lic 1111 3rd Ave #3400 Seattle Wa 98101 10189