

**PLANNING COMMISSION RESOLUTION NO. 2003-107**

A RESOLUTION OF THE CITY OF MILL CREEK	)
PLANNING COMMISSION, RECOMMENDING	)
APPROVAL TO THE CITY COUNCIL OF THE CITY	) FINDINGS,
OF MILL CREEK, WASHINGTON OF A	) REASONS AND
PRELIMINARY PLAT/PLANNED AREA	) RECOMMENDATIONS
DEVELOPMENT FOR A 10-LOT SINGLE-FAMILY	)
SUBDIVISION, KNOWN AS THE FALLS AT MILL	)
CREEK, CASE FILE NUMBER PP 02-58.	

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WHEREAS, the applicants, Jack Kaleas and Bruce Horst, have submitted the appropriate information to the City of Mill Creek for consideration of a Preliminary Plat/Planned Area Development to subdivide an approximately five-acre site into six attached single-family lots and four detached single-family lots; and

WHEREAS, the City issued a Letter of Completeness on September 25, 2002, indicating the subdivision submittal requirements have been met and enabled the City to process the plat application pursuant to City Code; and

WHEREAS, on March 19, 2003, 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 May 3, 2003, a legal notice stating the time, place and purpose of the public hearing was published in the Everett Herald, and on April 24, 2003, was posted on the property



pursuant to MCMC 14.07.030(A)(3), and on April 28, 2003, was sent to surrounding property owners within 500 feet of the site in accordance with MCMC 14.07.030(A)(2); and

WHEREAS, the Planning Commission duly convened a public hearing on May 15, 2003, to consider the matter, take testimony and inquire into the facts of the proposal.

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

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

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

Section 3: The Planning Commission, therefore, recommends to the City Council approval of the Preliminary Plat 02-58 for The Falls at Mill Creek as fully described and conditioned in Exhibit A, Exhibit B, and Exhibit C.

Done and Passed by majority vote, this fifteenth day of May 2003.

CITY OF MILL CREEK PLANNING COMMISSION

  
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BOB MCELHOSE, CHAIRMAN

  
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SECRETARY OF THE PLANNING COMMISSION

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





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

**PART I - SUMMARY INFORMATION**

**HEARING DATE:** May 15, 2003

**REVISED ON:** May 29, 2003 (corrections denoted in underlined text)

**NAME OF PROJECT:** The Falls at Mill Creek Preliminary Plat (PP 02-58)

**APPLICANT/  
PROPERTY OWNER:** Jack Kaleas/Bruce Horst  
1914 North 34th Street, Suite 201  
Seattle, Washington 98103

**LOCATION:** 15615 - 3<sup>rd</sup> Avenue SE (south of the River Crossing development,  
west of North Creek, and on the east side of 3rd Avenue SE).

**REQUESTED ACTION:** Consideration of a Planned Residential Development/Preliminary  
Plat on an approximately 5-acre site. Six attached single-family  
lots ranging from 3,288 to 4,766 square feet, four detached single-  
family lots ranging from 4,035 to 4,830 square feet will be created.  
An approximately 1-acre passive recreation area will be provided,  
and the remaining area (approximately 3 acres) will be protected as  
an environmentally sensitive area.

**COMPREHENSIVE  
PLAN DESIGNATION:** Residential - Low Density (maximum 4 dwelling units per acre)

**ZONING DISTRICT:** Low Density Residential (LDR)

**LEGAL  
DESCRIPTION:** See Attachment 1

**PART II - STATUTORY REQUIREMENTS**

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

The proposed Planned Residential Development/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 March 19, 2003, 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). No appeal was filed. The mitigation measures required to address the identified environmental impacts are incorporated into the Conditions of Approval.

#### **PUBLIC NOTICE:**

In accordance with Section 14.07.030 MCMC, notice of the public hearing was mailed to property owners of record within 500 feet of the proposed project on April 28, 2003, and posted on the site on April 24, 2003. Notice was published in the Everett Herald on May 3, 2003. All statutory public notice requirements have been met.

### **PART III - BACKGROUND INFORMATION**

#### **EXISTING SITE CHARACTERISTICS:**

The project site encompasses approximately five acres. The portion of the site proposed to be developed has an abandoned single-family residence, which will be removed, and vegetative groundcover consisting of grass, blackberry bushes, fruit trees and several evergreen trees including Douglas Fir, Holly, Cedar, and Spruce. Wetland vegetation exists on the eastern portion of the site. The topography slopes from the west downward to the east toward North Creek. The site slopes from 8 to 15 percent with an approximate change in elevation of 48 feet. The eastern portion of the site, approximately three acres, is located within the North Creek corridor and includes a wetland, stream and associated buffer and will be retained as an environmentally sensitive area.

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

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

- The properties to the north and south are zoned Low Density Residential. The property to the north is developed with the plat of River Crossing and property to the south is occupied by a single-family residence.
- The properties to the east are zoned for Planned Community Business and include the North Creek greenway and are planned for Phase II of the City's Town Center.
- The property to the west is situated in unincorporated Snohomish County, is zoned R-9600, and is developed with single-family residences. The proposed eight-lot Kaleas Short Plat,

Snohomish County File Number: 02-107423 PA, is also located to the west across 3rd Avenue SE.

#### **UTILITIES:**

The subject site is located within the service area of the Alderwood Water District. According to the 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 by Snohomish County Fire Protection District No. 7.

#### **POLICE PROTECTION:**

Police protection and services will be provided by the City of Mill Creek Police Department.

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

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

The City of Mill Municipal Code allows an alternate form of land development through the Planned Residential Development (PRD) process, Chapter 16.12, which allows a more flexible site design. The purpose of this process to achieve a creative or superior design than what would be otherwise allowed pursuant to the code. This is accomplished by allowing modifications to certain areas of the code in exchange for benefits such as additional open areas, efficient use of land and architectural design compatibility. This proposal has been designed as a PRD/Preliminary Plat. Modifications to building setbacks, lot coverage and lot sizes are proposed. The modifications are discussed in detail later in this report.

#### **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). Following approval of the Preliminary Plat by the City Council, the Design Review Board shall review the landscaping, street trees, and project identification signage, as well as building elevations and materials for the attached single-family residences.

#### **General Description**

The proposed Planned Residential Development/Preliminary Plat will subdivide approximately five acres into ten single-family units (**see Preliminary Site Development Plan**). Four lots, ranging in size from 4,035 to 4,830 square feet, are proposed to be developed with single-family detached units and six lots, ranging in size from 3,288 to 4,766 square feet, are proposed to be developed with single-family attached units (zero lot line). Approximately one acre is proposed

for a passive recreation area, and the remaining three acres is proposed to be in a separate tract and protected as an environmentally sensitive area.

### **Project Density**

#### **Comprehensive Plan**

The property is designated Low Density Residential on the Comprehensive Plan Land Use Plan, which establishes a maximum density of four dwelling units per gross acre. The proposed site has a density of two dwelling unit per gross acre, well below the maximum permitted within the Low Density Residential (LDR) zone district.

#### **Zoning**

The property is zoned LDR on the Zoning Map. Section 16.12.050, MCMC establishes formulas to calculate the maximum density allowable in zone districts. Utilizing this formula, a maximum density of 13 lots is permissible. Ten lots are proposed; thus, the proposed plat does not exceed the maximum density of the LDR zone district.

#### **Plat Design**

The plat's design is influenced primarily by the configuration of the developable land in relation to the North Creek wetland. Although the total site area is approximately five acres, the North Creek wetland and its associated buffer; i.e., North Creek Greenway, encumber the easterly half of the parcel (approximately three acres). Thus, the development is situated on the upland western half of the site adjacent to 3rd Avenue SE. The development will take access off a private street, which connects to 3rd Avenue SE.

The plat is designed to have the appearance from 3rd Avenue SE of a traditional single-family plat. This was accomplished by locating the four single-family detached lots along 3rd Avenue SE. The units have rear-loaded garages that will not be visible from 3<sup>rd</sup> Avenue SE. Landscaping along 3rd Avenue will be within the unimproved portion of the 3<sup>rd</sup> Avenue SE right-of-way and will be planted with trees, shrubs and grass with individual walkways to each lot. The single-family attached (zero lot line) units are located on the eastern portion of the site and are less visible from 3rd Avenue SE.

#### **Open Space and Recreation Facilities**

A requirement of a Planned Area Development is that a minimum of 20 percent of the net developable area must be preserved for open space/recreation purposes. Based on the formulas provided in MCMC Chapter 16.12, the required open space area is 21,889 square feet. To meet this requirement, the development includes approximately one acre (36,474 square feet) of open space located in the center of the site between the residences and the wetland buffer. Within the open space tract a walking trail, benches and picnic tables will be located around the bioswale and infiltration bed, which are integrated with the open space tract. The nature of the stormwater facilities is that most of the time the facilities will look like and function as a lawn. The stormwater system and recreation facilities have been designed to compliment the topography of the site and to retain the existing trees. In addition, the remaining three acres of the site to the east (wetland and buffer) will remain undisturbed and protected as a sensitive area tract. This proposal exceeds the City's requirements for open space and recreation facilities.

### **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 vegetation that contributes to the aesthetic values of the City be preserved wherever possible and requires vegetated buffer zones between developments. The proposed plat is bordered on the west by the unimproved portion of 3<sup>rd</sup> Avenue SE and the front yard setback (approximately 35 feet), which will be landscaped. A proposed ten-foot building setback area will be re-vegetated and provide a perimeter buffer on the north and south property edges of the development. The Conditions of Approval require that these areas be landscaped. Three acres of wetlands and wetland buffer separate the development from the Town Center property located to the east of the site. The development provides adequate perimeter buffers as required by the Comprehensive Plan.

### **Proposed Modifications**

Pursuant to MCMC Section 16.12.040, the applicant is requesting three modifications to the Zoning Code: 1) a reduction in the building setback requirements, 2) a reduced minimum lot size, and 3) an increase in the permitted lot coverage. Modifications to zoning code requirements are permissible through the PAD process if it can be demonstrated that the modification furthers the purpose of the PRD process established in MCMC Section 16.12.020. These purposes include:

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

#### *Reduced Building Setbacks.*

The Low Density Residential zone requires side yard setbacks of 20 feet total, with no side yard less than 5 feet, a rear setback of 20 feet, and a front yard setback of 20 feet. The applicant is requesting the following setback modifications:

#### *Side Yard Setbacks*

Lots 1 and 10, a minimum side yard setback of 11 feet total, with no side yard less than 5 feet (5 and 6 feet shown);

Lots 2 and 9, a minimum side yard setback of 15 feet total (a minimum 5-foot side yard setback from the other lots within the plat and a minimum 10-foot side yard setback from the adjacent properties; i.e.; north and south property lines);

Lots 3, 7, and 8, a minimum side yard of 10 feet on one side, with no setback on the other side yard (zero lot line);

Lots 4 and 5, a minimum side yard of 10 feet on one side, with no setback on the other side yard (zero lot line);

Lot 6, a minimum side yard of 15 feet on one side, with no setback on the other side yard (zero lot line).

The proposed setback lines are shown on the proposed plat map.

The reduced setbacks allow more flexibility in the design of the homes to be constructed in the plat and are necessary to permit attached single-family housing, which is a principal use in the Low Density Residential zone district. Please note that the plat's perimeter setbacks (10 feet), which are adjacent to existing single-family homes, exceed the zoning code minimum standards because of the required perimeter buffers discussed previously. Also, no zero lot line units are proposed adjacent to 3rd Avenue SE, so as to maintain the detached single family appearance established in the River Crossing Plat to the north. The 5-foot side yard setbacks are consistent with many of the single-family plats developed within the City.

#### *Front and Rear Yard Setbacks*

The applicant is requesting a 19-foot front yard setback in lieu of 20 feet for Lots 3, 4, 7, and 8, and a 19-foot rear yard setback in lieu of 20 feet for Lots 2 and 9. This setback reduction in all cases is from the interior private road and is not visible from the public right of way. 19 feet is the minimum acceptable building setback adjacent to garages as the City's minimum depth for a standard parking stall is 19 feet. As proposed, a minimum of two full-size parking stalls can be accommodated in front of each garage. It is important to note that the full 20-foot setback could be achieved on the buildings; however, by allowing the modification, addition building facade modulation can be achieved both adjacent to 3rd Avenue and within the interior of the plat without sacrificing adequate area for parking.

*Lot Size.* A reduction in lot sizes is requested for all lots. The Low Density Residential zone includes a requirement for a minimum lot size of 8,400 square feet. This is the lot size that is typical in conventional subdivisions where large tracts of common open space are not required. In lieu of 8,400 square feet minimum, the applicant is requesting a minimum lot size of 4,035 square feet for the smallest single-family detached lot (Lot 1). In addition, for the single-family attached units, the smallest lot is 3,288 square feet (Lot 4).

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

Neighborhood	Lot Sizes
The Parks, Division 7	4,616 square feet minimum 6,196 square feet average 7,303 square feet maximum
Magnolia at Mill Creek (Mill Creek 23)	5,112 square feet minimum 5,818 square feet average 7,729 square feet maximum
Winslow	5,390 square feet minimum 6,291 square feet average 13,839 square feet maximum
Madison at Mill Creek	5,726 square feet minimum 7,308 square feet average 8,601 sq. ft maximum
Mill Creek East	1,500 square feet minimum 3,400 square feet typical 7,350 square feet maximum
Chatam Park (D2)	5,390 square feet minimum 6,004 square feet average 6,770 square feet maximum

Smaller lot sizes have been permitted within the City of Mill Creek to encourage the provision of additional common and/or public open space. By reducing the lot size for the homes, the applicant has been able to provide approximately .8 acres of usable open space including landscaped picnic areas and a walking path with mature trees. The infiltration stormwater management facility is also provided within this open space tract. In addition, a 75-foot average wetland buffer, 25 feet wider than the minimum requirement, is provided adjacent to the open space tract. The reduced lot size provides more usable open space and protected wetland buffer than would be provided in a conventional single-family development and allows for the efficient placement of stormwater utilities.

#### *Increased Lot Coverage.*

The applicant has requested to allow up to 48 percent lot coverage in lieu of the 35 percent maximum established in the LDR zone district. The applicant's basis for the request is that the lot sizes have been reduced so as to preserving the majority of the site in open space tracts.

One of the primary reasons for site coverage limitations within a development is to regulate the amount of impervious surface and to allow sufficient space between structures. A typical development with 35 percent site coverage and 20 percent of the plat devoted to road surfaces and driveways results in approximately 48 percent of the total area being impervious. The proposed project, including the road surface, driveways, and a maximum of 48 percent lot coverage for the residences, would result in only 17 percent of the gross site area being impervious. Building setbacks will be similar to those used throughout many of the single-family developments within the City.

The applicant has indicated that the target market for the proposed homes is older, empty nesters that do not wish to maintain large yards. The proposed development allows for larger single family structures, smaller private yards, plus ample usable open space area that will be maintained by the homeowners association.

#### **Consistency of Modifications to PRD Purpose**

Staff supports the requested modifications to the side and front yard setbacks, reduced lot sizes and increased lot coverage since the modifications are consistent with the purpose of the Planned Residential Development as outlined in MCMC Section 16.12.020. Specifically, the modifications requested allow for the development to meet density targets of the zone district while preserving .8 acres as usable open space and three acres of wetlands and buffer. The reduced front yard setback allows for more building modulation adjacent to 3rd Avenue SE and the private drive. The smaller lot sizes and increased lot coverage allows for the integration of the infiltration stormwater facilities to be incorporated into the open space tract resulting in a more efficient use of land while still meeting the intent and purpose of Comprehensive Plan and Development Code. Moreover, staff has worked with the applicant to maintaining a single-family product compatible with adjacent properties.

### **Wetland and Stream Requirements**

The eastern half of the subject property is situated within North Creek wetland. A 75-foot average buffer is proposed to protect the wetland. Pursuant to Chapter 18.06, MCMC, Wetland A has been categorized as a Category II wetland and is required to have a 50-foot minimum buffer adjacent to low impacts uses and a 100-foot minimum buffer if adjacent uses are high impact. The City's wetland consultant, Parametrix, has determined that the detention facility adjacent to the wetland and buffer is a low impact use. Thus, the proposed 75-foot buffer average (with a minimum of a 57-foot dimension) exceeds the City's minimum requirement of a 50-foot buffer.

Within the Category II wetland, a small unnamed stream runs west to east through the wetland and off-site into North Creek. This area is proposed to remain undisturbed.

Parametrix, the City's wetland consultant has reviewed the Critical Areas Report, conducted a site visit, and has concluded that the on-site critical area protection exceeds the City's code requirements. In addition, a post and rail fence backed with black vinyl chain link fence material is proposed on the western boundary to prevent human and domestic pet intrusion.

### **Street Design/Traffic Study/Pedestrian Facilities**

Because the 3rd Avenue SE right-of-way is located within the jurisdiction of Snohomish County, Snohomish County has the final authority to review and approval the street design. To accommodate the proposed plat design, the frontage roadway needs to be completely reconstructed to smooth out the existing vertical curve and provide a better site access point.

The proposed street design includes a 24-foot wide paved section, curb-to-curb, with a five-foot planter strip between the five-foot sidewalk on the east side of the road. Streetlights are also proposed. A landscaped traffic circle is proposed to be located just south of the intersection of 3rd Avenue SE and the private drive leading into the proposed plat. The design of the traffic circle will meet City of Mill Creek standards and accommodate emergency vehicles and the existing private driveways.

The entry road to the plat interior has a relatively steep grade of 12 percent due to the existing topography and the desire to minimize imported fill on the site. This roadway grade is greater than the allowable City standard of 6 to 8 percent for public roads; however, it is acceptable for private access to internal developments. The private interior roadway will have the minimum 20-foot width, and be designed and constructed to meet emergency vehicle and stormwater maintenance vehicle access requirements. Vertical curb and gutter and a five-foot wide sidewalk will be constructed on both sides of the interior roadway.

The applicant will need final approval of the street design from the Snohomish County. These requirements are part of the Conditions of Approval.

### **3<sup>rd</sup> Avenue SE/3<sup>rd</sup> Drive SE Connection:**

As part of the required frontage improvements, the applicant will remove the barricades separating 3rd Avenue SE from 3rd Drive SE and open the roadway to through traffic. The frontage improvements at the new connection point will be designed and constructed to match



the existing roadway, curb and gutter, and sidewalk in the River Crossing plat. The existing "Future Road" sign on 3rd Drive SE will be removed after the road connection is completed.

This roadway connection is necessary to provide a second access point (in addition to 153<sup>rd</sup> Street SE) for the 92 lots planned along 3rd Drive SE for local residents and emergency access. The road connection was a Condition of Approval for the Original River Crossing Plat in 1998, and was also planned as a part of the Town Center development to accommodate traffic from the local residents along 3rd Avenue SE, see Ordinance No. 2000-488. The minutes from the Public Hearing and Conditions of Approval for the River Crossing Plat are attached for informational purposes, see **Attachments 2 and 3**.

Currently, the only access route to the developments on 3rd Drive SE is via 153rd Street SE through the Mill Creek Town Center. An access point on the north end of 3rd Drive has been examined repeatedly, but is not possible due to the very steep existing topography. A roadway connection from 3rd Drive SE up to Cascadian Way would have a grade in excess of 15 percent, which is greater than any allowable standard in the City, County or Fire District.

The opening of 3rd Avenue SE to through traffic is supported by City staff, Snohomish County, Fire District No. 7 and the Mill Creek Police Department, see Attachments 4 and 5. 153rd Street SE has a narrow corridor through the wooded wetlands, and could easily be temporarily blocked by a falling tree. An accident along 153rd Street or at the Town Center intersections of Main Street or SR 527 could also shut off the only access point for 3rd Drive SE residents. To maintain emergency services at all times to 3rd Drive SE residents, it is necessary to have the planned second access point.

Residents have expressed concerns about potential cut-through traffic and associated increases in speeding, vehicular noise, safety and a potential decrease in property values as a result in the connection of 3<sup>rd</sup> Avenue SE to 3<sup>rd</sup> Drive SE, see attached public comments. Staff and emergency services have met with the residents in the area about the road connection.

To address resident concerns about vehicular cut-through traffic and vehicle speeds, the applicant has been required to realign part of 3rd Avenue SE and construct a traffic circle south of the connection point to act as a traffic-calming device. In addition to decreasing vehicle speeds, the landscaped traffic circle will visually screen the new connection to 3rd Drive SE and act as a deterrent to potential cut-through traffic. The applicant will also be installing "Local Access Only" signs along 153rd Street SE and 3rd Avenue SE. The 24-foot street width and traffic circle are proposed to slow vehicular speeds and provide a residential atmosphere to the streetscape. The proposed road design and pedestrian improvements are consistent with the City standards and have been conceptually approved by the County.

After the road connection is complete, additional traffic calming measures could be implemented if warranted. For example, the City could install additional traffic islands, chicanes or channelization on 3rd Drive or 153rd Street, and Snohomish County could do the same on 3rd Avenue. Snohomish County has a specific Public Works program to work on neighborhood traffic issues, and the City is committed to working with the residents along both 3rd Drive SE and 3rd Avenue SE to find acceptable solutions to any future problems, if they materialize.

### Road Connection Traffic Study

Also, in response to resident's concerns about future traffic impacts, an independent analysis was done by an outside traffic consultant, Parsons Brinkerhoff, to assess the impacts of opening 3rd Avenue SE to through traffic. The full text of the study is attached to this staff report, see **Attachment 6**. The study examined the travel times of vehicles traveling between key intersections related to the development, as well as the possible local increase in traffic volumes due to the road opening. The travel time and volume analysis examined the traffic studies from the existing and proposed developments in the area, and also assumed the completion of the roadway system improvement projects currently underway.

Currently, for residents along 3rd Avenue SE who want to travel to the Mill Creek Town Center or to northbound SR 527, the only choice is to travel via 3rd Avenue, 164th Street and SR 527 (or Mill Creek Boulevard). For River Crossing residents who need to go west on 164th Street, the only route is via 153rd Street and SR 527. By completing the planned road connection at the end of 3rd Drive SE, the travel time for each of these scenarios will be reduced by up to ~~55~~ 60 percent.

The increase of vehicle traffic on the affected streets due to the road opening was calculated based on the redistribution of trips from the River Crossing and River Crossing North Plats, as well as the planned Chilelli Plat. On 3rd Avenue SE between the new connection and 164th Street SE, there could be an additional 195 average daily trips generated by the road opening. On 3rd Drive SE, there could be 98 new ADT between 153rd Street SE and the connection, with an additional 100 trips coming from 3<sup>rd</sup> Avenue Southeast. For comparison purposes, the number of PM peak hour trips is typically about 10 percent of the average daily traffic, which results in a cumulative maximum of about one car every six two minutes during the PM peak hour.

Many residents have expressed concern about potential cut-through traffic on the new road connection (see **Attachment 7**). Due to the existing high volume of traffic and long delays on the main commuting corridors, some motorists could cut-through the new connection while trying to avoid the intersection of 164th Street SE and SR 527. Therefore, the consultant study examined the travel time for vehicles traveling via 164th Street and Mill Creek Boulevard (or SR 527), and compared it to a cut-through trip on 3rd Avenue SE and 153rd Street. It turns out that the travel times will be about the same if not greater on the 3rd Avenue SE route, so there will be no incentive or reward to cut-through the residential neighborhood.

There are existing and planned features that should discourage cut-through traffic and reduce traffic speeds. A landscaped traffic circle will be constructed to act as a traffic-calming device and to visually screen the new roadway connection. The existing streets in the River Crossing Plat are narrow (24 feet wide) with parking on one side, which were specifically designed for residential traffic and to decrease vehicle speeds. In addition, the roadway connection will not be visible from any major street, so most people who commute through the corridor will not even know that the road is open. There will also be signage installed on 3<sup>rd</sup> Avenue and 153<sup>rd</sup> Street denoting the road as "local access only."

### **Parking**

In accordance with Section 17.22.150, MCMC, a minimum of two off-street parking spaces is 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). Thus the proposed project will have a minimum parking ratio of four parking spaces per lot. Thus, the proposal will exceed the City's parking requirements by two stalls per unit.

### **Storm Drainage**

The existing stormwater runoff on the undeveloped site flows to the wetland on the east-end of the property. The wetland is connected to North Creek, which flows south through the City. Due to the favorable soil conditions on site, the applicant is proposing to use an infiltration system for stormwater control with a bioswale for water quality treatment. The drainage system will be designed to accommodate the proposed Mill Creek development and a Short Plat being proposed in Snohomish County (File No. 02-107423) directly across 3rd Avenue SE.

The new stormwater drainage system will consist of a closed pipe network that routes all runoff into a 200-foot long open bioswale for water quality treatment. The treated water will then flow into an infiltration bed adjacent to the wetland buffer. On site testing will be required to confirm the design infiltration rate before plat construction.

Maintenance of the infiltration system is a concern to the City, and the applicant will have to submit detailed procedures and schedules for review and approval. The drainage system maintenance and monitoring will be the responsibility of the two homeowners associations that will share the stormwater facilities. The applicant will also have to submit a five-year monitoring plan to document the effectiveness of the infiltration system.

The new drainage and conveyance system will be designed to meet the requirements of the 2001 Department of Ecology Stormwater Management Manual for Western Washington (2001 DOE Manual) and City of Mill Creek standards. The applicant will be required to submit a final drainage report during the civil plan review phase. The final system design and drainage details will also be addressed at that time.

### **Traffic Impacts and Mitigation**

#### **City of Mill Creek**

The traffic study for the proposed development indicates that this project is expected to generate an estimated 96 new daily trips and approximately 10 new weekday PM peak hour trips. To address the cumulative impacts of the added trips to City street segments, the applicant will provide a \$2,414 contribution toward the future improvement of the street segments identified in the City's Traffic Mitigation Program.

Segment	# of Trips
Seattle Hill Road	0
164 <sup>th</sup> Street Southeast	13
Dumas Road	0
Trillium Boulevard	2
Mill Creek Boulevard east of SR 527	2
Mill Creek Boulevard west of SR 527	7
Village Green Drive	0
148 <sup>th</sup> Street Southeast	0
153 <sup>rd</sup> Street SE @ SR 527	10
<b>TOTAL</b>	<b>34</b>

The traffic mitigation fee for this plat is relatively small due to its location in regard to the City mitigation segments. Since the plat is located on the west edge of Mill Creek, most of the new trips do not travel on City streets or the designated mitigation segments. In fact, 90 percent of the traffic is expected to travel south down 3rd Avenue SE to 164th Street SE. The trip distribution was done assuming that the existing barricades would be removed and 3rd Avenue would be opened to through traffic. If that does not turn out to be the case, the trip distribution and traffic mitigation fee will have to be revised.

#### Area-Wide Transportation Improvements

The City of Mill Creek, Snohomish County and the Washington State Department of Transportation (WSDOT) all currently have projects in the area that will improve traffic flow and reduce the root cause of potential cut-through trips. There is also a City project to connect Main Street from Town Center to 158th Place SE, near the existing City Hall cul-de-sac. Although currently unfunded, the City expects to construct the Main Street connection project concurrently with the Town Center – Phase 2 development.

The City and the County have recently made some changes to all the traffic signals in the 164th Street corridor, which have significantly improved the existing traffic conditions. The signals on 164th Street between SR 527 and I-5 have been physically interconnected and the timing coordinated to improve the traffic flow. The left-hand turn movements have also been changed to allow more vehicles to turn during a signal cycle. Due to the latter improvement, there has already been a noticeable decrease in the number of vehicles waiting to turn left (north) onto Mill Creek Boulevard from eastbound 164th Street SE.

WSDOT has just begun construction of the SR 527 project, which will widen the Bothell - Everett highway to five lanes and add a new traffic signal at 153rd Street. That project will also interconnect and coordinate the signals on SR 527 through Mill Creek. The City / County signal projects will be completed in the next two months, and the SR 527 widening project is expected to be fully complete by the end of 2004.

#### 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, preliminary estimates indicate the applicant will be required to pay mitigation fees in the amount of  $(95.7 \text{ ADT})(\$226.00/\text{ADT})(0.07) = \$15,139.74$ .

However, the offer is subject to approval by Snohomish County. 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:**

#### **Edmonds School District**

The southern portion of this site (six dwelling units) is located within the Edmonds School District. At this time the Edmonds School District has adequate facilities to serve the projected number of students; therefore, the District is not collecting mitigation fees for new development.

#### **Everett School District**

The northern 60 feet of the plat (four dwelling units) located within the Everett School District boundary. The City of Mill Creek and the Everett School District have executed an Interlocal Agreement for mitigation of development impacts on district facilities. The Everett School District has determined that a contribution of \$1,679.00 per single-family dwelling is required to offset impacts of development on school facilities.

Staff recommended that the applicant pursue a revision of the school districts' boundaries, so residents would have a greater sense of community with the children of the plat attending the same schools. The applicant has contacted the school districts to request an adjustment in the boundaries so that the entire plat would be included within the Everett School District boundary.

The suggested Conditions of Approval include the requirement for the applicant to enter into a voluntary mitigation agreement with the Everett School District. 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 ten new single-family units, \$3,650.00 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 ten 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 2002-313, 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 10 dwellings = \$9,325.70

Community Parks:  
\$1,490.50/single-family dwelling x 10 dwelling = \$14,905.00

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 subject Planned Residential Development/Preliminary Plat has been reviewed by staff for consistency with the City of Mill Creek Comprehensive Plan. Since the plan is by its nature "comprehensive," the staff report provides the following analysis, which focuses on the applicable policies that have direct influence on the design of this project.

#### **LAND USE ELEMENT**

Land Use Map - Site designated for Residential-Low Density (four dwelling units/acre maximum).

*Staff Response - Density of the site is one dwelling unit per acre.*

Policy 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.

*Staff Response - This project provides the low end of the potential density range. The residential character of the proposed development is single-family detached and attached.*

Policy 1.16 - Peripheral boundaries of each residential development should contain appropriately sized buffer areas.

*Staff Response - The minimum side yard setback of ten-feet is maintained around the periphery of the plat and will be planted with evergreen trees and shrubs to provide a perimeter buffer between the proposed development and existing residential developments to the north and south. A large portion of the 3<sup>rd</sup> Avenue SE right-of-way will be landscaped to provide a buffer between the street and the residents. In addition, the eastern three acres of the site is to be undisturbed and preserved in a sensitive areas tract and will provide a buffer to the east.*

Policy 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.

*Staff Response - 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*

*on the western half of the site; safe and efficient pedestrian and vehicular circulation will be provided.*

Policy 1.18 - Residential developments shall be designed to be compatible with adjacent developments.

*Staff Response - As designed and conditioned, the proposed plat will be compatible with adjacent single-family developments.*

## CAPITAL FACILITIES ELEMENT

Policy 2.03 - Projects shall provide stormwater facilities that incorporate treatment methods for water quality as recommended in the Puget Sound Water Quality Plan.

*Staff Response - Consistent with this policy, the project will incorporate a bioswale and infiltration bed that comply with the 2001 DOE Stormwater Management Manual and City standards in the open space tract. In addition, this site will provide treatment for the Kaleas Short Plat (in unincorporated Snohomish County) located to the west of 3rd Avenue SE (as described on page 6).*

## UTILITIES ELEMENT

Policy 1.01 - Urban development shall occur only where adequate utilities are available.

*Staff Response - Adequate utility services are available.*

Policy 1.10 - Requires under grounding of utilities where possible.

*Staff Response - Utilities are conditioned to be located underground.*

## TRANSPORTATION ELEMENT

Policy 2.02 - Pursuant to the Growth Management Act, projects shall not be approved that reduce the Level of Service below established standards.

*Staff Response - The City Engineer has determined that the project does not reduce Levels of Service below established standards.*

Policy 3.04 - Access points from the public right-of-way to private developments shall be located at appropriate locations.

*Staff Response - The City Engineer has determined that access to the proposed development is appropriate.*

Policy 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.

*Staff Response - The proposed plat will include a public sidewalk on the east side of 3rd Avenue SE, which will connect with the existing sidewalk in the River Crossing development. A private roadway is proposed inside the plat with sidewalks on both sides. In addition a private asphalt-walking trail will be provided in the open space tract for the residents.*

## ENVIRONMENTAL FEATURES ELEMENT

Policy 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.

*Staff Response - The proposed development will utilize an infiltration bed, which contains sufficient capacity to accommodate stormwater generated by both The Falls and the Kaleas Short Plat located west of 3rd Avenue in unincorporated Snohomish County.*

Policy 2.01 - Wetlands should be left in their natural state to preserve wildlife habitat and protect water quality and quantity values.

*Staff Response - The North Creek wetland, stream and associated buffers will be preserved in its natural state in a sensitive area tract. The wetland and stream shall be protected with a post and rail fence backed with black vinyl chain link fencing material with critical area identification signage at approximately every 100 feet.*

Policy 3.01 - Clearing and grading shall minimize erosion/sedimentation into streams, wetlands and other watercourses. Temporary and permanent erosion control measures are required.

*Staff Response - As a Condition of Approval, erosion control measures will be required.*

Policy 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.

*Staff Response - Development is proposed on slopes ranging from 8 to 15 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.*

Policy 4.01 - Wooded areas should be preserved, wherever possible, to ensure adequate habitat for wildlife.

*Staff Response - Approximately three acres of the site will be preserved in its natural state and another third will be retained as open space and will contain an infiltration bed, and a walking trail located around the existing trees.*

Policy 4.03 - Requires that vegetated buffer zones be established between developments.

*Staff Response - The project proposes a ten-foot property buffer from adjacent properties in the form of building setbacks to the north and south. This buffer will be landscaped with evergreen trees and shrubs. On the eastern portion of the site the 3 acres of sensitive areas will provide a buffer to future land uses.*

## PARKS AND RECREATION ELEMENT

Policy 5.02 - Park impact mitigation required for residential development.

*Staff Response - Park mitigation fees for neighborhood and community parks will be paid as conditioned in the MDNS issued for the project.*



## CONCLUSION

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 analysis evaluates the proposed project with the applicable development regulations:

### DEVELOPMENT REGULATIONS

MCMC Section 16.02.100: Critical areas and valuable natural features shall be preserved to the greatest extent possible.

*Staff Response - The North Creek wetland, stream and their associated buffers will be undisturbed and preserved in a sensitive areas tract with a post and rail fence with black vinyl chain link fencing material along the western edge with critical area identification signage.*

MCMC Section 16.12.050: Pursuant to this section, the allowed density for this site is 13 units.

*Staff Response - The proposal is below the maximum allowable units, by proposed 10 dwelling units.*

MCMC Section 16.12.060: Requires 20 percent of net developable area of the PRD to be established as common open space.

*Staff Response - The plat proposes approximately one acre or 36,474 square feet of usable open space with benches, tables and a trail designed around the stormwater facilities with another three acres to be preserved in a sensitive areas tract. This exceeds the 21,889 square feet of open space required.*

MCMC Section 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. Requires 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.

*Staff Response - Public streets and sidewalks will comply with standards recommended by the City Engineer and approved by Snohomish County. Mitigation is required to offset impacts of the development on parks and recreation facilities, identified City and County roadway projects, Everett School District facilities, and fire protection facilities. Utilities are available with sufficient capacity to serve the proposed development. Stormwater drainage facilities (bioswale and infiltration system) will meet LOS standards as established within the Comprehensive Plan and the 2001 DOE Stormwater Manual.*

MCMC Section 17.06.010: Single-family attached and detached residential development is permitted as a Principal Use in the Low Density Residential zone district.

*Staff Response - The project will utilize the PRD process and result in the subdivision/platting of property for four detached single-family lots and six attached single-family (zero lot line) units.*

MCMC Section 17.06.040: Minimum lot size is 8,400 square feet within the LDR zone district.

*Staff Response - A lot size modification is proposed through the PRD process in MCMC Section 16.12.040. In lieu of the 8,400 square foot lot size the applicant is requesting smaller lots. The smallest single-family detached lot is 4,035 square feet and the smallest single-family attached lot is 3,288 (see page 4 for a detailed discussion of requested modifications).*

MCMC Section 17.06.050: Minimum building setbacks are:

Front: 20 feet

Side: 20 feet, with no side less than 5

Rear: 20 feet

*Staff Response - Modifications to the internal front and side yard setbacks are proposed through the PRD process. The proposal meets the purpose of Section 16.12.040 by providing efficient use of developable land area and preservation of approximately three acres of sensitive areas. In addition, a large area within the unimproved right-of-way along 3<sup>rd</sup> Avenue SE will be landscaped to provide a buffer between the street and the development. These areas and amenities were allowable by the proposed modifications and the resulting increase of developable lot area. Staff is recommending approval, see pages 5-6 for a detailed discussion..*

MCMC Section 17.06.060: Maximum building height is 35 feet.

*Staff Response - The proposed buildings do not exceed 35 feet.*

MCMC Section 17.22.150.D: Minimum parking required:

two spaces per unit for single-family dwellings.

*Staff Response - A minimum of four spaces per unit will be provided (two in the garages and two in the driveways). Parking proposed exceeds the minimum requirements by two stalls per lot.*

MCMC Section 17.22.170: Under grounding of new utilities required.

*Staff Response - As a condition of project approval, utilities will be required to be placed underground.*

MCMC Section 17.22.180: Comprehensive Plan – concurrency and consistency required.

*Staff Response - 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.*

MCMC Section 18.06.090: A 50-foot minimum wetland buffer for low impact uses is required.

*Staff Response - A 75-foot buffer average is proposed with a 57-foot minimum buffer provided. This exceeds the critical area requirements of the City. This area will be undisturbed and retained in a sensitive areas tract with a post and rail fence with vinyl chain link backing to prevent degradation by human and domestic animal intrusion.*

## CONCLUSION

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

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

### **FINDINGS AND CONCLUSIONS:**

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

1. The request is for the approval of a Planned Residential Development/Preliminary Plat for ten lots to be developed with four single-family detached residences and six single-family attached residences with zero lot lines.
2. The proposed plat is located within a Low Density Residential zone district. A plat with single-family detached and attached dwellings is allowed through the PRD process and both are principal uses in the Low Density Residential zone district.
3. Access to the proposed plat would be from 3rd Avenue SE. Access to the individual lots is proposed from a new private roadway to be constructed by the applicant.
4. The subject site will make the required frontage improvement to 3rd Avenue SE consistent with Snohomish County requirements.
5. Frontage improvements include the connection of 3<sup>rd</sup> Avenue and 3<sup>rd</sup> Drive. This connection is consistent with the Conditions of Approval for the River Crossing plat, has been recommended by both the Police and Fire departments, and has been determined to be necessary for the public's health, safety and welfare.
6. Frontage improvements proposed for 3rd Avenue SE meet the Conditions of Approval for the River Crossing plat to connect 3rd Drive SE to 3rd Avenue SE.
7. 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.
8. In accordance with the Mitigated Determination of Non-Significance and Notice of Property Development Impact Mitigation issued by the responsible official on March 19, 2003, impact mitigation agreements will be required to mitigate the identified impacts.

9. 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.
10. 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.
11. 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.
12. 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.
13. The proposed plat is consistent with the applicable development regulations with regard to residential use, density, lot design, open space, and provision of public facilities contained in MCMC Chapters 16.12 and 17.06.
14. Pursuant to the PRD process within MCMC Section 16.12, the applicant has requested modifications to allow reduced lot sizes and reduced front and side yard setbacks. Based upon the analysis within the staff report, the requested modifications are appropriate and meet the approval criteria of MCMC Section 16.12.040.
15. The proposed residential development has been reviewed in regard to the requirements of Section 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.
16. If approved subject to the conditions recommended below, the proposed plat will be consistent with the requirements of Titles 16, 17, and 18 MCMC.
17. The proposed project, as conditioned, will not reduce the Level of Service on the City's transportation system below the established minimum standards.
18. The statutory requirements for environmental review and public notification have been duly satisfied.

## **STAFF RECOMMENDATION:**

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

Based upon the findings and conclusions stated above, staff recommends approval of the Planned Residential Development/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 ten. Construction shall be limited to four single-family detached dwellings and six single-family attached dwellings with zero lot lines.
3. The subdivision shall be incorporated into a Homeowners Association, which will be responsible for the maintenance of all privately owned common facilities, landscaping in common areas and the traffic circle on 3rd Avenue SE.
4. The ten-foot property buffer on the north and south side of the subject property shall be revegetated to provide adequate screening between the proposed plat and existing residential development. Revegetation of the property buffer shall be implemented prior to the issuance of the Certificate of Occupancy for Lots 1, 2, 3, 8, 9, 10.
5. Pursuant to MCMC Section 17.34, prior to Final Plat approval the Design Review Board shall review the on-site landscaping, street trees, and project identification signage, as well as the building elevations and materials. The final landscape plan shall be prepared by a licensed landscape architect.

#### **Tree Retention**

6. Significant trees shall be preserved within the open space tract and the wetland/stream buffer areas with the exception of those to be removed to construct the stormwater management facilities.
7. 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.
8. Trees designated for preservation that are damaged or removed shall be replaced at a ratio of 3:1. The replacement trees shall be a coniferous species and have a minimum height at

planting of 12 feet. In addition, a penalty of \$1,000.00 per tree may be assessed for any trees that are removed or destroyed by the applicant or his agent without the express approval of the City. The City may, at its discretion, issue a stop work order for the construction until the penalty is paid.

**Critical Areas:**

9. The applicant shall submit to the City for review and approval a final Critical Areas Study. Said plan shall be developed in accordance with Chapter 18.06 MCMC. The wetland and stream buffer associated with North Creek shall be retained in a protective tract prior to Final Plat approval. Prior to building permit issuance a post and rail fence backed with black vinyl chain link fence material shall be installed along the western edge of the wetland buffer and posted with critical area signs affixed to the posts of the fence at a distance of no more than 100 feet between signs.
10. Project lighting shall be designed and shielded to avoid light spillover into the North Creek wetland and stream buffer.

**Project Signage:**

11. The applicant shall submit plans for the subdivision identification sign for approval by the City's Design Review Board prior to installation.

**Parks and Recreation:**

12. The applicant shall contribute \$24,230.70 to mitigate impacts on City park and recreation facilities. Of this amount, \$9,325.70 shall be used for the development of neighborhood parks as identified within the Comprehensive Plan. The remaining \$14,905.00 shall be used for the acquisition and development of community parks. Payment shall be made prior to Final Plat approval.
13. The applicant shall provide a five-foot asphalt walking trail throughout the open space, Tract 99 with benches and tables. Said trail shall be field located with City staff prior to installation.

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

**Site Clearing, Grading and Air Quality:**

14. The applicant shall provide grading, stormwater, and erosion and sediment control plans to the satisfaction of the Mill Creek Director of Public Works prior to commencing any clearing for the site. All public improvement work shall be adequately secured through a secured agreement acceptable to the Mill Creek Director of Public Works prior to starting work.
15. Dust shall be controlled by watering areas of soil disturbance during construction.

16. All fireplaces shall be either natural gas appliances or certified pellet/wood stoves or inserts.

**Utilities:**

17. All new and existing 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 and shown on the face of the Final Plat.

**Frontage and Access Improvements:**

18. The applicant shall construct full width frontage improvements on 3rd Avenue SE. This work shall consist of all items within the ultimate 3rd Avenue SE right-of-way, including, but not limited to the following elements and conditions:

- A. 24-foot wide, curb-to-curb, asphalt concrete pavement roadway, storm drainage facilities as required, vertical curb and gutter on both sides of the street, a five-foot wide sidewalk with a five-foot wide planter strip on the east side of the street, and landscaping as approved by the City and Snohomish County.
- B. The applicant shall realign part of 3rd Avenue SE and construct a landscaped traffic circle as a traffic-calming device within the existing Snohomish County right-of-way near the southern property boundary. The design of the traffic circle shall meet City of Mill Creek and Snohomish County standards and accommodate emergency vehicles and the existing private driveways.
- C. The applicant shall obtain approval from Snohomish County for the required frontage improvements.

19. ~~The applicant shall remove the barricades separating 3rd Avenue SE from 3rd Drive SE to open the existing roadway to through traffic. The frontage improvements at the new connection point shall be designed and constructed to match the existing roadway, curb and gutter, and sidewalk in the River Crossing plat. The existing "Future Road" sign shall be removed after the road connection is completed.~~

20. The applicant shall install a "Local Access Only" sign on both 3rd Avenue SE and 153rd Street SE. The final design, size and location of these two signs shall be approved by the Mill Creek Director of Public Works and the Snohomish County Public Works Department.

21. Adequate street lighting shall be installed along the project frontage on 3rd Avenue SE. The street light type (pole and luminaire head) and light levels shall be consistent with adjacent River Crossing plat unless otherwise approved by the Director of Public Works. Lighting calculations and plans shall be submitted for review by City staff prior to installation. The applicant shall pay the City for the first year of street light operational costs prior to

activation. The City of Mill Creek shall ultimately be responsible for all operational and maintenance costs of the plat street lighting within the Snohomish County right-of-way.

22. All private interior roadways shall be designed and constructed to meet emergency vehicle access requirements. A five-foot wide sidewalk shall be constructed on both sides of the interior roadway. All roads that provide access to stormwater facilities shall be designed for appropriate maintenance vehicles.
23. Site visibility easements shall be dedicated to the City on the face of the Final Plat 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.

**Traffic Mitigation:**

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

Segment	# of Trips
Seattle Hill Road	0
164 <sup>th</sup> Street Southeast	13
Dumas Road	0
Trillium Boulevard	2
Mill Creek Boulevard east of SR 527	2
Mill Creek Boulevard west of SR 527	7
Village Green Drive	0
148 <sup>th</sup> Street Southeast	0
153 <sup>rd</sup> Street SE @ SR 527	10
<b>TOTAL</b>	<b>34</b>

At \$71 per trip, this results in a traffic mitigation fee in the amount of \$2,414. If the trip distribution changes because 3rd Avenue SE is not opened to through traffic from 3rd Drive SE, the mitigation fee shall be adjusted accordingly.

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.

**Stormwater Facilities:**

24. The applicant shall include all required public and private drainage improvements in the engineering design plans and stormwater report for the Director of Public Works approval. The approved stormwater system shall include the following elements and conditions:
  - A. Infiltration, conveyance and water quality treatment facilities that meet the requirements of the City of Mill Creek and the 2001 Department of Ecology Stormwater Management Manual for Western Washington (DOE Manual). The



stormwater system shall be designed to accommodate flow from the proposed Snohomish County Short Plat on the west side of 3rd Avenue SE.

- B. Improvements or changes to the existing roadway drainage system on 3rd Avenue SE shall be approved by the Snohomish County Public Works Department.
- C. On site testing is required to verify the infiltration rate and the soil cation exchange capacity rate prior to beginning plat construction. The infiltration rate testing method shall be a Pilot Infiltration Test in accordance with the DOE Manual Appendix V-B or equivalent method as approved by the City Engineer. The test shall be conducted in the location of the proposed infiltration facilities and in the presence of City staff.
- D. If the field test results do not match the design infiltration rates, the stormwater system must be modified or redesigned to meet all requirements of the City of Mill Creek and the 2001 DOE Manual prior to construction.
- E. Requirements that the property owners are obligated to own, maintain and operate the stormwater system to the City's satisfaction. Specific maintenance measures shall be indicated on the approved engineering plans and in the final drainage report that include, but are not limited to, frequency of inspections, cleaning and replacement of infiltration media, sediment and trash removal, and equipment requirements.
- F. Provisions on the face of the Final Plat for maintenance of the stormwater system, including, but not limited to adequate access to maintenance locations, provisions and easements that allow the City to inspect, maintain, and/or operate the detention and treatment system at its discretion, and adequate easement provisions to ensure uninterrupted access to and function of the facilities of the proposed development.
- G. 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 prior to civil plan approval.
- H. A minimum five-year monitoring plan shall be prepared to gauge the performance of the infiltration system. A baseline evaluation of the system with semi-annual assessments is required at a minimum, and all procedures, required testing and water quality standards shall be outlined in the plan. All costs associated with the monitoring plan shall be the responsibility of the Homeowners Association.

#### **Miscellaneous:**

- 25. Mailboxes 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.

26. Each residential unit shall be provided with a sprinkler system if required by the Code.

27. The applicant shall remove the existing barricades on 3rd Avenue SE and 3rd Drive SE, and construct a landscaped road section north of the proposed traffic circle. The road section shall allow emergency vehicle access only and shall be landscaped to discourage vehicular traffic. The applicant shall install "Emergency Vehicle Access Only" signs (or equivalent) on the north and south sides of the road section. The design, location and construction of the road section shall be approved by the applicable reviewing agencies, which may include the City Engineer, Snohomish County Public Works and emergency service districts.

Attachments:	Attachment 1 –	Legal Description
	Attachment 2 –	Planning Commission Minutes from the River Crossing Public Hearing
	Attachment 3 –	Conditions of Approval for River Crossing
	Attachment 4 –	Letter from Mill Creek Police Department
	Attachment 5 –	Letter from Fire District No. 7
	Attachment 6 –	Traffic Analysis from Parsons Brinkerhoff
	Attachment 7 –	Public Comments

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## **Attachment 1**

### **Legal Description**

The South 60 feet of the West 565.10 feet of Government Lot 5 in Section 6, Township 27 North, Range 5 East, W.M. in Snohomish County, Washington.

#### **Abbreviated legal**

A portion of the NW quarter of 6-27-5.

#### **PARCEL A:**

West  $\frac{1}{2}$  of the North  $\frac{1}{2}$  of the North  $\frac{1}{2}$  of the North  $\frac{1}{2}$  of Government Lot 6, Section 6, Township 27 North, Range 5 East, W.M. in Snohomish County, Washington; EXCEPT the West 30 feet thereof.

#### **PARCEL B:**

East  $\frac{1}{2}$  of the North  $\frac{1}{2}$  of the North  $\frac{1}{2}$  of the North  $\frac{1}{2}$  of Government Lot 6, Section 6, Township 27 North, Range 5 East, W.M. in Snohomish County, Washington; EXCEPT the West 30 feet for road.

#### **Abbreviated legal**

A portion of the SW quarter of 6-27-5.



CITY OF MILL CREEK  
PLANNING COMMISSION MEETING  
JANUARY 22, 1998

I. CALL TO ORDER:

Chair McElhose called the meeting to order at 7:05 p.m.

II. ROLL CALL:

Chair Bob McElhose  
Vice Chair Marie Beyerlein  
Commissioner Robert Collard  
Commissioner Gillian Mittlestaedt  
Commissioner Michael Weight  
Commissioner Robert Williamson

Staff:  
Bill Trimm, Director of Community Development  
Pete Friedman, Senior Planner  
Craig Stampher, Director of Public Works  
Scott Missall, City Attorney

III. APPROVAL OF MINUTES:

A. Minutes of December 18, 1997

**MOTION:** Vice Chair Beyerlein moved to approve the December 18, 1997 minutes as presented. Commissioner Mittelstaedt seconded the motion and the motion passed with two abstentions.

IV. PUBLIC HEARING:

A. Preliminary Plat of West Village (PP 97-50)

Staff Presentation

now known as River Crossing

Senior Planner Friedman stated that the item before the Commission was the review of a Preliminary Plat application by William Buchan for West Village, a 51-lot subdivision. Mr. Friedman entered the staff report into the record as well as the Revised MDNS, dated December 10, 1997, and the Addendum to the MDNS, dated January 13, 1998. Mr. Friedman also entered into the record a letter from Debbie Humble and Joseph Bradlo.

Senior Planner Friedman explained that the public hearing was advertised as a public hearing on the plat application and a concurrent hearing on an appeal to the SEPA determination (MDNS).

City Attorney Missall stated that the applicant and staff have had discussions regarding the conditions of approval issued under the MDNS. As a consequence of those discussions, the City issued a Revised MDNS and an Addendum to the Revised MDNS. Based on the issuance of the Addendum, there has been a verbal commitment by the applicant to withdraw an appeal they filed regarding the SEPA conditions. He stated that although the City has not received anything in writing, staff has been operating in good faith on the representation that the appeal would be withdrawn.

City Attorney Missall explained that there are some last minute issues that have arisen concerning the SEPA conditions, which are set forth in the staff report, and stated that the City would try to resolve those issues during the public hearing.

Mr. Missall suggested a clarification to the staff report to correct a typographical error. There are two conditions numbered as 16. He suggested that the second condition number 16 be labeled as 16a.

City Attorney Missall explained that the applicant has a concern because the Addendum to the Revised MDNS is not reflected in the SEPA conditions in the staff report. To address those concerns, City Attorney Missall proposed that an additional condition be added as follows:

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

Senior Planner Friedman gave the Commission a brief background on the proposal, the physical characteristics of the site, and the compliance with City Comprehensive Plan policies and development regulations. The application is a proposal for a 51-lot subdivision of 26 acres. The subject site is located on the western boundary of the City, due west of the area that has been designated Town Center on the City's Comprehensive Plan Land Use Map. It is part of a larger property owned by the Hammit estate and the City is processing an Administrative Lot Line Adjustment that would separate the subject parcel from the larger underlying ownership.

Senior Planner Friedman explained that the property is located on the west side of North Creek. There is a large wetland associated with North Creek that is located partially on the subject property. He stated that there are three basic components to this project: the developed area, which comprises about 15 acres; the required wetland buffer, which is approximately 5 acres; and the wetland area itself, which is located on the eastern portion of the project.

Senior Planner Friedman stated that the lots range in size from 8,800 to 19,000 square feet and are arranged in a north/south orientation along a single internal street. The developed area is approximately 59 percent of the site, and approximately 41 percent will remain undeveloped.

Primary access to the site will be from SR 527 and will cross the Hammit property and North Creek. The applicant is being required to secure right-of-way dedication to provide access to the property. This access will also form a portion of the Town Center access. The north/south road will have a temporary turnaround on the north and an emergency access connection to 3rd Avenue on the south.

Senior Planner Friedman discussed the wetlands on the site. There is one 5.5 acre Category II wetland on the site, which will primarily be left intact. The road crossing the wetland has been designed to utilize the old logging road, and the actual crossing of North Creek will occur at the point where there was a previous bridge and where concrete abutments still remain. The creek crossing does require a number of federal and state

permits, which are currently in process. Category II wetlands require 100-foot buffers between the back of the developed lots and the edge of the wetland. Wetland buffers widths have been proposed in this plat averaging 100 feet. In some areas they have been reduced below 100 feet, which is allowed by the municipal code provided it is made up in other areas where the buffers exceed 100 feet, but they cannot be reduced to any lower than 75 feet. The applicants will be required to mitigate for any wetland disturbance that will occur due to the road crossing the wetland and will be required to submit a mitigation plan that complies with Chapter 18.06 of the MCMC.

In addition, there are two isolated Category III wetlands that are located off-site, between SR 527 and the proposed stormwater detention pond. One is approximately 4,000 square feet in size and the other is slightly smaller. The road crossing will require filling of those wetlands, so in accordance with Chapter 18.06, a mitigation plan will be required to compensate for the impact of filling of those two wetlands.

Senior Planner Friedman corrected an error in the staff report in Condition No. 11, which references the Alderwood Water District. It should be the Silver Lake Water District.

Senior Planner Friedman concluded by stating that staff finds that the proposal is consistent with the City's Comprehensive Plan, development regulations, and surrounding properties, and staff is recommending that the Planning Commission recommend approval of this Preliminary Plat as conditioned to the City Council.

City Engineer Stampher explained that he has reviewed the project for the engineering aspects, primarily traffic and roads; storm drainage; and grading.

City Engineer Stampher stated that the traffic study submitted for the site, as well as the addendum adequately covers the development as it is proposed. There are no modifications that are needed to that study at this point. The one improvement that is needed is a left-turn lane for the northbound traffic on SR 527. There is also a condition that the intersection of SR 527 and West Village Road be improved with ultimate curb returns, grading and pavement tapers. Also, temporary street lighting must be provided for that intersection, and ultimately, with the Town Center development, a traffic signal will be necessary.

City Engineer Stampher addressed the access to 3rd Avenue. At this time the City is requiring at least 15 feet of asphalt paving and the installation of removable bollards to provide emergency access only.

The design of the site includes the possibility of extending the road to the north. There is some developable property to the north and the intention is that the road will go to the north to serve adjacent properties but not connect with any other roadways.

City Engineer Stampher explained that interior roads have been designed to be narrow, which is part of the methodology used to slow traffic down. It will also keep traffic volumes down when the connection to 3rd Avenue is made. He stated that when the Town Center develops, it is planned that this road will connect to 3rd Avenue and provide the residents north of 164th Street access to the Town Center, as well as the residents in the West Village site access to 164th Street without going through the Town Center. This could potentially

create cut-through traffic; however, the narrow roadway and the traffic circle should be an impediment.

City Engineer Stampher stated that the developer is being required to construct ultimate road improvements to approximately the eastern edge of the stormwater detention pond tract and those ultimate improvements are for a 22-foot roadway with a pedestrian facility on one side and street lighting. Since 152nd Street, from the stormwater detention pond tract eastward to SR 527, will be constructed as a part of the Town Center project, the City is only requiring temporary road improvements that would include 22-foot wide pavement, drainage facilities, a temporary pedestrian pathway, and lighting.

In response to a Commission question, Senior Planner Friedman explained that a planting strip between the sidewalk and curb on North Creek Boulevard was not being required for this plat in order to reduce site grading. The Commission briefly discussed the advantages and disadvantages of rolled curbs versus vertical curbs. Several Commissioners raised a concern regarding whether there were adequate provisions for school bus access and turnaround.

The Commission discussed the planned future connection to 3rd Avenue. There was a concern about the cut-through traffic that will result when the road is opened. City Engineer Stampher stated that there are steps being taken to minimize the impact of increased traffic when the connection to 3rd Avenue is opened, such as the narrower roadway and the traffic circle. He stated that the road will not have the appearance of a through roadway. In addition, it will provide a valuable connection for the people in the area to access the Town Center.

The potential future road connection to the north was discussed. Staff explained that if the property to the north were developed, it would probably obtain access through this development; however, because of the topography and the wetland, the size of the development will be somewhat limited.

City Engineer Stampher reviewed the storm drainage plans for the site. He stated that roof and road drainage would be conveyed to a stormwater facility (detention/treatment pond). Foundation drains and the drainage that is coming off of the site to the west will be conveyed through the graded area of the site and released into the wetland buffer area along the site. He stated that there has been some discussion regarding directing the roof drainage, which is essentially clean drainage, into the wetland buffer area. At this point, however, both roof and road drainage will go to a settlement pond and the settlement pond does meet DOE standards. City Engineer Stampher stated that another reason for detention is to protect against stream bank erosion. The applicant hasn't yet addressed the downstream analysis, but in the final report the applicant will be required to address the downstream impacts at least to the minimum DOE standards.

Vice Chair Beyerlein questioned the advisability of allowing the roof runoff to drain into a Category II wetland without prior treatment. She feels that chemicals used in moss treatments and roof dyes would preclude it from being considered clean runoff. Vice Chair Beyerlein suggested that a condition be added to the staff report that would require the roof runoff to receive some treatment before release into the wetland buffer. City Engineer



Stampher stated that the way the project is currently designed, the roof runoff would be directed to the detention pond.

Commissioner Mittelstaedt raised a concern regrading the impact fertilizers used in rear yards and the resulting runoff would have on the wetland. Senior Planner Friedman discussed addressing the issue by distributing educational materials (regarding how to minimize impacts to the wetland) to the new homeowners.

City Engineer Stampher pointed out some of the highlights regarding grading issues. The City did require a geotechnical report up front, since there are some moderately high slopes and rockeries. Along the west side of these lots, set back from the property line, will be some slopes and rockeries with a potential combined height of up to 26 feet.

City Engineer Stampher stated that temporary stormwater erosion control is a requirement of the DOE and a definite focus when the City reviews the plans. The type of best management practices for siltation control on the site include the use of temporary settlement ponds, silt fences, temporary landscaping, and a temporary rock path. The applicant must submit a plan, and the City will have an inspector visiting the site on a daily basis to make sure the erosion control is functioning, and if it isn't the City has the right to require additional measures.

#### Presentation by Applicant

Joel Haggard, attorney for the applicant, suggested that due to the lateness of the hour, the Commission take public comment before the applicant makes their presentation. He stated that the plat has been very well described by staff.

Chair McElhose opened the public comment portion of the public hearing at 8:35 p.m.

#### Public Testimony

##### Janice White

Ms. White lives on 160th Street just off of 3rd Avenue. She stated that she has no interest in her neighborhood being connected to the Town Center and she is opposed to the connection to 3rd Avenue. Ms. White suggested that Cascadian would be more appropriate as a connecting road with the Town Center.

##### George Grainy, 16025 4th Avenue

Mr. Grainy asked where construction vehicles would obtain access to the site. City Engineer Stampher explained that access could come from 152nd Street or from 3rd Avenue. At this point, the City has not had any discussions with the applicant regarding construction access.

##### Ed Nielsen, 215 - 161 Place Southeast

Mr. Nielsen stated that he has no interest in being road-connected to the proposed Town Center. He feels there is already a speeding problem on 3rd Avenue, which will only be compounded when 3rd Avenue is opened to this development and traffic increases. Mr. Nielsen requested that the Commission not allow 3rd Avenue to be opened except for emergency purposes.

Nancy Devries, 425 158th Street Southeast

Ms. Devries expressed a concern about the wetlands and the impact of the development on the environment and the wildlife habitat. She also asked for an explanation of the different categories of wetlands. Senior Planner Friedman briefly described wetland Categories I through IV. Ms. Devries also asked if surrounding property owners would have the opportunity to hook up to the sewer system. Senior Planner Friedman suggested that she talk to the engineer for the applicant and to Silver Lake Water District.

Dee Scroggum, 16133 4th Avenue Southeast

Ms. Scroggum has a concern regarding the 3rd Avenue connection. She feels that the increased traffic, which would be generated if this became a connector road to the Town Center, should be mitigated.

Don Church

Mr. Church lives where the new Town Center will be, and is one of about ten residents that will be displaced by the Town Center. He feels that change is inevitable.

Martin Watson

Mr. Watson wants to see what the developer is going to build. He is concerned about buffers and runoff. Mr. Watson also requested a 60-foot buffer on the west property boundary.

Janice White

Ms. White would like to see Mill Creek stay the way it is. She stated that she did not see any parks being proposed or open space being preserved.

Maureen Alpurs, 15025 Cascadian Way

Ms. Alpurs is concerned with the proposed turnaround; the Commission should make sure it is adequate to accommodate school buses as well as construction vehicles. She also expressed a concern regarding the use of the traffic circle rather than stop signs. Ms. Alpurs stated that she would like a future road connection to Cascadian Way and in the mean time she would like a pedestrian/bicycle connection from Cascadian Way.

Charles Mark, 213 155th Place SE

Mr. Mark asked about the possibility for surrounding residents currently on septic systems having the opportunity to connect to the sewer system. He said that the water district told him the only way he will be able to connect to the sewer would be through this development via a trunk line of some sort. He asked if there would be stubs or some sort of future connection. Community Development Director Trimm explained that the water district requires the developer to stub sewer lines to the perimeter of the property.

Janice White

Ms. White stated that she has been on a septic system for 34 years and asked if this would affect those who are on sewer. Will they be forced to connect to sewer lines?

Maggie Faulkner, 4629 Baker Drive, Everett, WA

Ms. Faulkner stated that she is Mr. Hammit's granddaughter. She said that they have been working on developing their property for several years, and she feels Buchan will be a good neighbor and the surrounding property owners will be happy with the development.

Martin Watson

Mr. Watson asked what the width of the road surface was on the north and south ends. City Engineer Stampher stated that the road surface is a maximum of 26 feet. The applicant's proposal is 26 feet on one side and 24 feet on the other and the total driving surface would be between 22 and 24 feet. Mr. Watson asked if parking would be allowed? He suggested that if the roadway were narrower, there could be a greater buffer on the west property line.

Gary Cartisano, Windermere, 19031 33rd Avenue, Lynnwood, Washington 98036

Mr. Cartisano stated that he is representing the property owner to the north. While there is no exact number of lots proposed at this time, it is looking like approximately a maximum of eight lots will be developed on the property to the north.

Jim Hatfield, 317 161st Place Southeast, Mill Creek, Washington 98012

Mr. Hatfield expressed a concern with the traffic through 3rd Avenue. He stated that he was disappointed that the Town Center project was not brought to his attention sooner.

Hearing no other requests for public comment, Chair McElhose closed the public comment portion of the hearing at 9:08 p.m.

Joel Haggard distributed copies of a report prepared by Molly Beck from Northwest Arborvitae, and asked that the report be entered into the hearing record. He also asked that the Conceptual Tree Exhibit being displayed on the board also be entered into the record.

Molly Beck briefly reviewed her background, experience, and qualifications. She stated that her primary role was to evaluate the proposed greenbelt buffers along the western perimeter and determine: 1) if there is a hazardous tree situation, 2) what would be the effect of removing trees to the east, 3) if there is any problem with root rot on the site, and 4) in general how they could establish a healthy buffer zone. She stated that conditions on the site are not uniform, so flexibility in designing the buffer is important. Ms. Beck also stated that she has found that there is quite a bit of root rot toward the central portion of the site. She stated that Buchan was interested in knowing where the root rot epicenters occur in relation to the proposed buffer. She has identified two positive infection centers that do occur along the proposed buffer, and in some cases there are groups of trees that are questionable. The applicant would like to eliminate any trees that could fall as a result of disease. They will also be conducting a secondary investigation to evaluate all the trees proposed for retention in the buffer for stem defect and other hazardous tree indicators other than root rot.

Chair McElhose recessed the meeting for a short break at 9:25 p.m. The meeting reconvened at 9:39 p.m.

Joel Haggard introduced Greg Nelson, Land Development Manager for William Buchan Homes. Mr. Nelson briefly discussed prior William Buchan Homes' projects in Mill Creek. In 1994 Buchan Homes became part of the Town Center project, and participated with the City in the production of an EIS. After the EIS and Master Plan for the Town Center were adopted, they submitted the plat in January of 1997. The main change from the original proposal is in the density, which was initially up to 255 residences. In this case Buchan is proposing 51 single-family homes. Mr. Nelson stated that this first phase will provide much of the infrastructure that will be needed for further development of the Town Center site, and it is an important element in helping the Town Center get off the ground.

Joel Haggard requested that several changes be made to the staff report. Following are the changes agreed upon by staff, the applicant, and the Commission:

☐ Amend Condition No. 9 on page 17 of the staff report by adding the following statement after sentence number 1: (See Beck report dated January 12, 1998.)

☐ Amend Condition 21C on page 20 of the staff report as follows:

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

☐ Amend Condition No. 21F to read as follows:

F. Site engineering shall be designed to minimize impacts on the hydro-period in the central wetland and forest. This can only be accomplished by using pre- and post-construction monitoring. The monitoring for the West Village site will consist only of monitoring vegetation plots and the placement of water level measuring devices and shall be for a five-year period. The monitoring standards are contained in the mitigation measures contained in Section 3.4.3 of the DEIS on Page III-53. A contingency plan shall also be developed for implementation in the event that post-construction monitoring reveals that deleterious hydro-period impacts due to this project have occurred or will continue. Preconstruction monitoring shall commence February 15, 1998.

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

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

☐ Delete Condition No. 28

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

☐ Amend Condition No. 30C to read as follows:

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

Joel Haggard asked for clarification on Condition No. 5. He asked if another development was utilizing the right-of-way that the applicant will be dedicating, would the City supply

the appropriate Latecomers Agreement? Senior Planner Friedman explained that the purpose of the condition was to make necessary provisions for access from the state highway to the property to be subdivided. This is just a dedication of the right-of-way to make adequate provisions for access; there aren't really any latecomers issues involved. City Attorney Missall stated that there was the possibility that the developer could choose to install full street improvements along 152nd Street from the plat out to SR 527. The City has provisions in the Code for Latecomers Agreements when developers construct public improvements that will benefit other properties. He stated that the City would not have any objection to the applicant applying for a Latecomers Agreement, if the situation warrants.

☐ Amend Condition No. 3 to read as follows:

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

Joel Haggard asked for a clarification on Condition No. 33C. He stated that it is the applicant's understanding that "off-site facilities" means the "detention and water quality facilities." Staff concurred with Mr. Haggard's interpretation.

Mr. Haggard stated that based on the foregoing modifications to the staff report, the applicant believes that the City has taken positions or otherwise modified the MDNS so as to render their appeal moot and that it would no longer be an issue. He further stated that the applicant would urge the Commission to recommend approval of this plat subject to the changes discussed. City Attorney Missall asked for clarification from the applicant regarding the use of the word moot with respect to the appeal. Mr. Haggard stated that actions have been taken such that there is no longer a viable appeal; it has been mooted by a decision.

Chair McElhose closed the public portion of the hearing at 10:20 p.m. and opened the floor for deliberations by the Commission.

Commissioner Mittelstaedt asked about the feasibility of a bicycle path along 152nd Street. City Engineer Stampher stated that due to the necessity of minimizing the road widths due to the wetland crossing, it would not be advisable to have a designated bicycle path along 152nd Street.

Commissioner Collard expressed a concern about school bus access to this development. He believes requiring the bus to back up to turn around presents an unsafe situation. City Engineer Stampher said that the plans currently show a 40-foot radius, which is a little wider than the standard cul-de-sac radius, and that is generally adequate for fire vehicles.

The Commission discussed the access on 3rd Avenue. Several Commission members expressed the opinion that 3rd Avenue should not be opened. Commissioner Weight recommended that access from 3rd Avenue to the Town Center be discouraged. Chair McElhose suggested that any future opening of the road be subject to a public hearing before the Planning Commission.

Commissioner Williamson stated that he is glad to see that the plan envisions the eventual opening of 3rd Avenue. Enhanced access, in all directions, will be essential to the vitality

of the Town Center. If and when 3rd Avenue is widened, that would be the time when the road opening makes sense. Commissioner Williamson is concerned that the street design does not anticipate the potential increased traffic and that the City will have created a bottle neck, which will restrict the flow of traffic, thereby creating a safety problem. City Engineer Stampher explained that the intent is to provide access for the local neighborhoods into the Town Center, not to be a bypass. He stated that wider streets would just create more volume and higher speeds.

Vice Chair Beyerlein pointed out that the access issue was discussed extensively during Town Center planning, and the intent of opening 3rd Avenue was to provide access for people on the west side to get to the Town Center. She stated that she would support the narrower streets so that when 3rd Avenue is opened, increased traffic will either be discouraged or slowed down.

**MOTION:** Commissioner Williamson moved that the Commission amend the recommended conditions contained in the staff report by incorporating the additions, deletions, and clarifications, in the fashion that was resolved by conversations between the applicant, staff, and the Commission, during the presentation by the applicant. Vice Chair Beyerlein seconded the motion.

City Attorney Missall asked if there was a consensus on the school bus issue, and after a brief discussion, the Commission decided to amend Condition No. 29D as follows:

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

To clarify Commissioner Williamson's motion, City Attorney Missall read to the Commission all of the changes that were discussed by the Commission and that would be included in the motion. The amendments are to Conditions 3, 9, 11, 16a, 21C, 21D, 21F, 26a, 28, 29D, 30C. Mr. Missall stated that there were also two statements of intent regarding latecomers agreements and limiting the application of 33C to detention and water quality facilities.

The motion passed unanimously.

**MOTION:** Vice Chair Beyerlein moved that a new Condition No. 33G be added as follows:

"33.G. No stormwater will be discharged directly into wetlands adjacent to the site without appropriate treatment."

Commissioner Collard seconded the motion. The motion passed unanimously.

**MOTION:** Vice Chair Beyerlein moved that Condition No. 29A be amended to add the word "vertical" before the words "concrete curb." Commissioner Collard seconded the motion.

Discussion followed regarding the safety of rolled curbs versus vertical curbs. Vice Chair Beyerlein explained that the intent of her motion was to discourage cars from parking on sidewalks.

The motion failed with Vice Chair Beyerlein in favor and five opposed.

**MOTION:** Commissioner Weight moved that the Planning Commission direct staff to examine the appropriateness of opening the connection between North Creek Road and 3rd Avenue during consideration and review of the first Binding Site Plan associated with the Town Center development plan. Commissioner Williamson seconded the motion.

There was some discussion regarding what would happen if the Town Center was not developed and there was some move to open 3rd Avenue for other traffic related reasons. Chair McElhose asked if there was an ordinance that would require a public hearing to open the road. City Attorney Missall explained that the question of whether to open roads comes under the legislative discretion of the City Council and would have to be done at a public meeting, but not necessarily a public hearing.

It was the consensus of the Commission to amend the motion to include the following statement: "If a decision is being considered to open the road outside of the Town Center, a public hearing would be held prior to that decision." The motion passed unanimously.

Community Development Director Trimm stated that Commissioner Weight's motion would be brought to the City Council's attention during the discussion of the West Village Plat; however, should not be considered as a condition of approval of the plat.

**MOTION:** Vice Chair Beyerlein moved to amend Condition No. 16 as follows:

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

Commissioner Mittelstaedt seconded the motion. The motion passed unanimously.

Commissioner Mittelstaedt asked if it would be possible to require the developer to distribute to the future homeowners educational materials about wetland stewardship. There was some discussion as to whether it would be more appropriate for the homeowners' association to be responsible for distributing the material.

**MOTION:** Commissioner Mittelstaedt moved to add a condition as follows:

**“Upon occupation of the homes initially, the developer shall provide educational materials regarding wetland stewardship, and thereafter as the home ownership changes, it would be the responsibility of the homeowners’ association to provide similar materials.”**

**Commissioner Weight seconded the motion.**

Commissioner Williamson expressed his opinion that it would not be appropriate to require the homeowners’ association to distribute material. Joel Haggard stated that the developer would be glad to comply with the first part of the motion, but he did not think it would be legally enforceable to require the homeowners’ association to distribute material.

**Commissioner Mittelstaedt suggested that her motion be changed to “should” in the second part of the motion, making it an encouragement rather than a requirement for the homeowners’ association.**

**The motion passed unanimously.**

**MOTION: Vice Chair Beyerlein moved to approve Resolution 98-66 as amended by the Planning Commission. Commissioner Williamson seconded the motion and it passed unanimously.**

**V. ADJOURNMENT:**

Chair McElhose adjourned the meeting at 11:20 p.m.

Submitted by:

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Sherrie Ringstad, Administrative Secretary



ATTACHMENT 2  
PRELIMINARY PLAT CONDITIONS OF APPROVAL

1. Development shall occur as portrayed on the Preliminary Plat map attached as Exhibit B, except as may be modified by conditions imposed by the Planning Commission.
2. A Lot Line Adjustment segregating the subject site from the larger parcel shall be approved by the Director of Community Development and the Director of Public Works prior to Final Plat application.
3. The maximum number of building lots shall be 51. Construction shall be limited to single-family detached residences. Mitigation in Conditions 17, 23, 25, and 26 shall be prorated based on the final number of lots.
4. Water and sewer facilities shall be designed and installed in accordance with the requirements of the Silver Lake Water District. The applicant shall provide the City with evidence of recorded easements sufficient to install utilities across properties located between the subject site and the point of existing utility service. Copies of the recorded easements shall be submitted to the City prior to approval of engineering plans.
5. A public right-of-way shall be dedicated from SR 527 to the eastern project boundary sufficient to ensure access to the site. The dedication shall be approved by the Planning and Public Works Departments and shall be recorded after approval of the Preliminary Plat and prior to the approval of engineering plans.
6. All appropriate federal and state permit approvals for the road and bridge crossing over North Creek and its wetlands shall be secured prior to the approval of the engineering plans.
7. Submittal and approval of a street tree planting plan. The street tree plan shall be prepared by a licensed landscape architect and reviewed and approved by the Design Review Board prior to Final Plat approval. The plan shall be implemented commensurate with house construction.
8. Site clearing and grading shall be restricted to areas specified by City staff. No other clearing is allowed without the approval of City staff.
9. Trees to be preserved shall be determined after a review of the tree survey on file with the City and onsite identification by City staff and the applicant. (See Beck report dated January 12, 1998.) Preservation areas and individual trees identified to be saved shall be protected from encroachment by vehicles, earth moving and excavating machinery, and material storage by the erection of barrier fencing approved by City staff. Failure to maintain, or removal of the fencing without approval of the City, shall result in the issuance of a stop work order.
10. Trees designated for preservation that are damaged or removed shall be replaced at a ratio of 3:1. The replacement trees shall be coniferous species and have a minimum height at planting of twelve feet. In addition, a penalty of \$ 1,000.00 per tree may be assessed for any trees that

are removed or destroyed by the applicant or his agent without the express approval of the City. The City may, at its discretion, issue a stop work order for the construction of the subject lots until the penalty is paid.

11. Fire hydrant design, location and spacing shall be reviewed and approved by Fire District No. 7 and the Silver Lake Water District.
12. Mailboxes shall be grouped or clustered in locations identified by the United States Postal Service.
13. All utility, stormwater, drainage, maintenance and visibility easements, property buffers and public pedestrian easements together with attendant restrictions and conditions shall be portrayed on the face of the Final Plat.
14. There shall be a Homeowners' Association that will be responsible for the maintenance of all common tracts, privately owned facilities, and the landscape island.
15. The wetland mitigation plan shall be prepared in accordance with Chapter 18.06 MCMC to compensate for the wetlands that are filled for the construction of the West Village Road and North Creek crossing. In addition, a restoration plan shall be prepared for the wetland buffer area located between the stormwater detention pond and the North Creek wetland. The preliminary mitigation plan shall be approved prior to or concurrent with the project engineering plans. The final wetland mitigation plan shall be approved prior to Final Plat approval.
16. There shall be a note on the face of the Final Plat that North Creek Road is intended to be connected with 3rd Avenue. Signs designating North Creek Road as a future through road shall be erected at the north and south termini of North Creek Road.

#### SEPA Conditions:

- 16a. Payment of \$ 365.00 per dwelling unit is required to mitigate impacts on Fire District No. 7 facilities. Payment of the mitigation is required prior to building permit issuance.
17. Payment of mitigation for development of neighborhood park facilities, located within the service area of the proposed plat, and community park facilities. The specific mitigation required in accordance with Chapter 17.48 MCMC, and Mill Creek City Council Resolution 95-191 is:
  - \$ 52,931.00 for acquisition and development of neighborhood park facilities in the SR 527 Corridor.
  - \$ 44,183.00 for acquisition and development of a community park.
18. All fireplaces may be masonry with natural gas fixtures, pellet stoves, or certified wood stoves and fireplaces.

19. The project proponent shall submit a temporary stormwater and erosion control plan for approval by the City Engineer. Said plan shall incorporate best management practices as contained in the State of Washington Department of Ecology Stormwater Control Manual, shall be approved prior to the issuance of any construction permits or commencement of site work including clearing and grading, shall include specific measures to protect North Creek, and without limiting the foregoing, shall at a minimum include the following:
  - A. Sediment ponds and traps.
  - B. Silt fences and other approved filtration to prevent runoff sediments from reaching North Creek and associated wetlands.
  - C. Grading and excavation for roads and utilities and grading and filling of the lots adjacent to the wetland on the east side of the site is restricted to the period of April 1 - September 30, unless otherwise approved by the City.
  - D. Promptly covering exposed soil surfaces that remain unworked for more than seven days during the period April 1- September 30 or for more than two days during the period October 1 - March 30 with mulch or plastic sheeting unless other measures are reviewed and approved by the City.
  - E. Submission, for City approval, of a slope stability report, including the risk of liquefaction, by a licensed geotechnical engineer prior to approval of engineering plans.
20. Dust shall be controlled by watering areas of soil disturbance during any construction period encompassing the drier months.
21. Stormwater treatment methods and release rates are required and shall be based on the Washington State Department of Ecology Stormwater Management Manual, Publication 92-32 Volume I and Publication 92-33 Volume II. The stormwater system shall incorporate lateral spreaders to provide continued hydrological input to the wetland. The following minimum measures are required to mitigate the impacts of the proposal on the North Creek wetland:
  - A. A buffer area having an average width of 100 feet shall be required between all lots abutting the wetland. In no case shall the actual buffer be less than 75 feet wide.
  - B. Construction activity shall be restricted so as not to cause disturbance of or intrusion into the buffer except in limited instances for the installation of stormwater discharge facilities such as lateral spreaders providing wetland recharge or other work as approved by the City.
  - C. Measures to discourage animal and human intrusion into the wetlands and wetland buffers shall be provided on the rear portions of the lots that are adjacent to the buffers, including but not limited to fencing and/or planting with impenetrable vegetation.
  - D. The temporary erosion and sedimentation control plan, as well as permanent site engineering, shall be designed to prevent erosion, sedimentation, and chemical pollutants

from entering into all areas of undisturbed vegetation, including the buffer and Wetland AB.

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

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

- E. All trees to be cut shall be removed in a manner that the fall direction is away from the wetland and wetland buffer. No trees shall be removed from the wetland buffer without City approval and unless they are determined, by a qualified plant ecologist, to be hazardous or at risk of blowing down and causing unacceptable damage relative to the buffer.
  - F. Site engineering shall be designed to minimize impacts on the hydro-period in the central wetland and forest. This can only be accomplished by using pre- and post-construction monitoring. The monitoring for the West Village site will consist only of monitoring vegetation plots and the placement of water level measuring devices and shall be for a five-year period. The monitoring standards are contained in the mitigation measures contained in Section 3.4.3 of the DEIS on Page III-53. A contingency plan shall also be developed for implementation in the event that post-construction monitoring reveals that deleterious hydro-period impacts have occurred or will continue. Preconstruction monitoring shall commence February 15, 1998.
  - G. Construction stockpiles and debris shall be placed outside the wetland buffer at locations approved by the City. Any wetland buffer vegetation destroyed or disturbed during construction shall be replaced and restored as each phase of construction is completed.
  - H. Implement contingency plans to respond to the event of failure of each element of the erosion and sedimentation control plan.
  - I. Except for approved action, avoid soil alteration of any type within Wetland AB or its buffer.
22. The applicant shall submit an arborist report for review and approval identifying areas of tree preservation and a replanting plan for rear portions of proposed Lots 15 - 38 on the western side

of the project. In addition, lot landscaping, on the rear portion of lots abutting the wetland, shall incorporate non-invasive species of trees and shrubs.

23. Traffic mitigation is required for the traffic generated by this development. The amount of the mitigation based on adopted City formulas is:
  - Seattle Hill Road - \$ 660.00
  - 9th Avenue SE & 164th Street SE - \$ 3,835.00
  - 23rd/25th Avenues & Seattle Hill Road Signal - \$ 798.00
  - Dumas Road/SR 527 Signal - \$ 6,972.00
24. Fully construct the west entrance of 152nd Street (extended) at the future intersection with SR 527.
25. Provide the project's proportionate share for signalization of the future intersection of 152nd Street Southeast (extended and SR 527) in an amount not to exceed \$15,625.00.
26. The project proponents shall comply with the following measures identified by Snohomish County to mitigate the project's impacts on County roads:
  - \$ 50,848.02 for impacts to County Road system capacity.
  - \$ 3,510.00 for Transportation Demand Management obligation.
- 26a. The addendum issued by the City's Responsible Official on January 13, 1998, shall modify and control over any inconsistent provisions of SEPA Conditions 16a. through 26.

**Department of Public Works Conditions:**

27. The subdivider shall dedicate adequate public right-of-way for "North Creek Road" and "West Village Road" within the boundaries of the Preliminary Plat as indicated thereon and as may be modified by the Conditions of Approval. In addition to the dedications indicated on the Preliminary Plat, the subdivider shall dedicate visibility easements to the City on lots 1 and 51 at the intersection of "North Creek Road" and "West Village Road" to provide for maintenance of adequate sight distance at the intersection. Locations of the easements shall be determined by the subdivider's engineer subject to approval by the City Engineer.
28. The subdivider shall design and construct improvements to "North Creek Road" and "West Village Road" within the proposed plat and from the eastern Preliminary Plat boundary to the eastern edge of the stormwater facility proposed on the east side of North Creek, as designated on the Preliminary Plat (approximately station 6+95 of "West Village Road"). The improvements shall be designed by the applicant's registered civil engineer to the satisfaction of the City Engineer and shall include, but not be limited to the improvements shown on the preliminary road profiles sheet, latest accepted revision, by Triad Associates, as modified herein.

The surface improvements are described as follows:

- A. Concrete curb and gutter, and five-foot wide sidewalk on both sides of "North Creek Road" and a six-foot wide concrete sidewalk on one side of "West Village Road."
  - B. Asphalt concrete paving and compacted base. The actual pavement thickness will be based on an analysis submitted to the satisfaction of the City Engineer prior to paving. The analysis shall include soil strength information and traffic loading and shall contain a recommended design section.
  - C. Street lighting designed to the satisfaction of the City Engineer and Director of Community Development. Lighting shall be installed, maintained, and operated at the expense of the applicant until such time as the plat is at least 50 percent occupied.
  - D. The street width, from back-of-curb to back-of-curb, shall be a minimum of 22 feet for "North Creek Road" north of "West Village Road" and for "West Village Road." The street width for "North Creek Road" south of "West Village Road" shall be a minimum of 26 feet from back-of-curb to back-of-curb. The design of the plat shall make adequate provisions for school bus access based on consultation with the Everett School District.
  - E. A landscaped traffic circle shall be installed at the intersection of "West Village Road" and "North Creek Road." The island shall be designed to the satisfaction of the City Engineer and Director of Community Development and shall be maintained by the homeowner's association. Landscape design for the island shall be subject to review and approval by the City's Design Review Board.
30. The subdivider shall design and construct improvements to "West Village Road" from the eastern edge of the stormwater facility on the east side of North Creek to SR 527 (approximately station 6+95 of "West Village Road"). The improvements shall be designed by the applicant's registered civil engineer to the satisfaction of the City Engineer and shall include, but not be limited to the improvements shown on the preliminary road profiles sheet, last revised January 15, 1998, by Triad Associates, as modified herein.

The improvements are described as follows:

- A. A temporary, asphalt, six-foot wide sidewalk on one side of "West Village Road."
- B. Asphalt concrete paving and compacted base. The actual pavement thickness will be based on an analysis submitted to the satisfaction of the City Engineer. The analysis shall include soil strength information and traffic loading and shall contain a recommended design section.
- C. Temporary street lighting designed to the satisfaction of the City Engineer and Director of Community Development.

- D. Ultimate improvements of the intersection of SR 527 and "West Village Road," including, but not limited to, grading, curb, gutter, paving and drainage facilities.
  - E. Installation of widening and improvements to SR 527 to accommodate a left-turn pocket and other related improvements as required by the approved traffic study for the development. Improvements shall be designed to the satisfaction of the City Engineer and the Washington State Department of Transportation and shall include dedication of right-of-way as required by the state. Temporary lighting of the intersection shall be installed to the satisfaction of the City Engineer at the expense of the subdivider until such time as a traffic signal or permanent lighting is installed.
  - F. The paved street width shall be a minimum of 22 feet.
- 30. The subdivider shall construct a temporary, asphalt connection to 3rd Avenue SE, designed to the satisfaction of the City Engineer and the Fire Department to provide emergency and temporary access for the residents in the event that "West Village Road" is inaccessible. Access control, which may include removable bollards or other devices acceptable to the Fire Department and City Engineer, shall be designed and installed at the expense of the subdivider.
  - 31. The subdivider shall submit engineering plans, plan check fees, and inspection fees and deposits for all improvements shown on the approved Preliminary Plat and/or required as Conditions of Approval.
  - 32. The subdivider shall design and install a storm drainage system in accordance with City requirements and the Department of Ecology Stormwater manual. A final, signed drainage study for the site shall be submitted for approval with the engineering plans. The final study shall include a determination of the adequacy of the downstream facilities to accommodate the proposed site flows. The approved stormwater system shall include the following:
    - A. Detention and stormwater treatment that, as a minimum, meets City of Mill Creek and Department of Ecology Stormwater Manual requirements.
    - B. A conveyance system design that meets City standards.
    - C. Any off-site improvements identified as needed in the final stormwater report. Access to off-site facilities shall be secured through easements from adjacent property owners. These easements shall be subject to review and approval by the City.
    - D. Provisions for maintenance of the stormwater system, including, but not limited to, adequate access to maintenance locations and provisions, including easements to the City, that allow the City to maintain and operate the detention and treatment system at its discretion.
    - E. Requirements that the homeowner's association is obligated to maintain and operate the stormwater system to City satisfaction. This obligation shall be secured by a performance agreement and security in accordance with DOE guidelines.


- F. Adequate provisions for individual lot drainage to the satisfaction of the City Engineer.
  - G. No stormwater will be discharged directly into wetlands adjacent to the site without appropriate treatment.
- 33. The subdivider shall provide grading, stormwater, and erosion and sediment control plans to the satisfaction of the City Engineer prior to commencing any clearing for the site. Sediment and erosion control work shall be designed to the satisfaction of the City Engineer and shall, as a minimum, meet the recommendations in the Department of Ecology Stormwater Manual. All related work shall be adequately secured through a secured agreement acceptable to the City Engineer.
  - 34. Upon occupation of the homes initially, the developer shall provide educational materials regarding wetland stewardship, and thereafter as the home ownership changes, it would be the responsibility of the homeowners' association to provide similar materials.

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## Attachment 4

### MILL CREEK POLICE DEPARTMENT M E M O R A N D U M

TO: Scott Smith, Assistant City Engineer  
FROM: Bob Crannell, Chief of Police   
DATE: April 23, 2003  
SUBJECT: 3<sup>rd</sup> Avenue

This memorandum is in regard to the planned continuation of 3<sup>rd</sup> Avenue SE into and out of the River Crossing development south through the Falls development.

After review and consideration of proposals directed at either restricting access into the River Crossing development, or eliminating access into this development the following comments are made.

Public safety agencies, like police and fire, consider multiple and unrestricted locations of access to be beneficial when responding to an emergency situation. Emergency responses, either of natural occurrence or those facilitated by others, are often dictated by approaching from a position of safety. When public safety agencies are restricted by one avenue of ingress and egress that margin of safety is compromised and could place police and fire personnel in jeopardy, not to mention a potential delay in response time which could endanger the public.

It is the position of the police department that the access point off 3<sup>rd</sup> Avenue SE be opened and not be restricted.



## Attachment 5

**Snohomish County Fire District 7**

8010 180<sup>th</sup> St. S.E., Snohomish, WA 98296  
(360) 668-5357 / (425) 486-1217  
Fax (360) 668-6234  
[www.firedistrict7.com](http://www.firedistrict7.com)

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April 22, 2003

Scott Smith  
City of Mill Creek  
15728 Mill Creek Blvd  
Mill Creek, WA 98012

Scott,

I am writing this letter to you in regards to the continuation of 3rd Ave. S.E. into and out of the River Crossing development south through The Falls.

At the preliminary review of River Crossing several years ago, the Fire District recognized that an access problem existed into this development and commented in writing to the City. As a result it was understood that the south terminus of River Crossing would be posted as a future access and temporary bollards would be installed and when development occurred on the north end of 3rd Ave. S.E. this access would be completed.

This development currently has only one way in and one way out. This access road is 4/10th of a mile (in excess of 2,000 feet) long passing through the new Town Center and a wetland area. Should this road become inaccessible for any reason, emergency services would not have access to the homes in this development.

The City has an ordinance that does not allow for dead end roads to be built in excess of 1,000 feet unless very specific conditions are met, including residential fire suppression sprinkler systems. The homes exiting in the original River Crossing do not have these systems installed because it was understood that 3rd Ave. would be opened. The homes in River Crossing North and the Chilleli Property were required to install these systems. The Fire District had requested consideration of access from the Chilleli Development to North Road, but due to unacceptable grades this was not feasible.

In addition to the City Ordinance, the Uniform Fire Code section 902 requires that additional access roads be provided when it is determined that a single access might be impaired limiting access.

There has been some discussion regarding the installation of a gate at this access point. The Fire District is opposed to the installation on public roadways. Gates have access limitations when multiple agencies need this access (Fire District 7, Fire District 1, Mill Creek Police, Snohomish County Sheriff, public works etc.). Because these agencies work together on emergency responses, this could create a delay in response times and is a safety issue for our personnel. Gates are also subject to vandalism and failure, which will hinder emergency vehicle access.

In conclusion, the Fire District encourages the opening of the road.

Oct. 30 2002 04:36PM P2

[illegible]

## Attachment 6

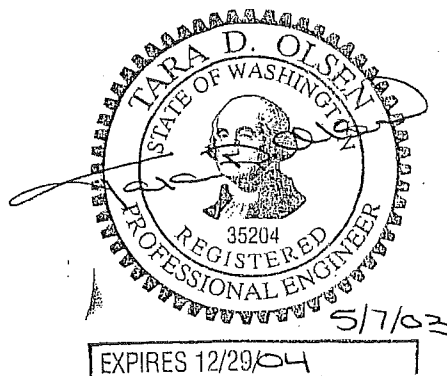
# Projected Traffic Impacts for The Falls at Mill Creek Development

May 7, 2003

Prepared for:  
the City of Mill Creek



Prepared by:  
Parsons Brinckerhoff





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## EXECUTIVE SUMMARY

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This study evaluates the traffic impacts of the proposed connection between 3<sup>rd</sup> Avenue SE and 3<sup>rd</sup> Drive SE as part of the "Falls at Mill Creek" development. This connection will convert two existing dead-end roads into a through roadway. Travel time calculations were used to determine travel time savings for local residents and to evaluate the potential for cut-through traffic.

Based on the travel time calculations comparing various routes for local residents, there could be significant travel time savings with the new road connection. The travel times could be reduced by up to 55% for 3<sup>rd</sup> Avenue SE residents traveling to the Mill Creek Town Center, as well as River Crossing and River Crossing North residents traveling to 164<sup>th</sup> Street SE.

The potential for cut-through traffic traveling from 164<sup>th</sup> to SR 527 is difficult to predict. The estimated travel time for vehicles going from 164<sup>th</sup> Street SE at 3<sup>rd</sup> Avenue to 153<sup>rd</sup> Street SE at SR 527 is about the same, no matter which route is taken. While most travelers will not be aware of the new road connection, there may be some cut-through traffic.

Traffic calming devices and techniques can be used to help slow motorists and deter cut-through traffic. It should be noted that 3<sup>rd</sup> Avenue SE, which is the most appropriate place for traffic calming devices, is a Snohomish County roadway. Any frontage improvements along that stretch of roadway would be the responsibility of either new developments or the Snohomish County Public Works.

The following are different devices and techniques that may be used:

- Signs can be used to identify the streets for local access only.
- Roadway narrowing can be utilized along 3<sup>rd</sup> Avenue SE, the longest and highest speed roadway segment on the route. Appropriate roadway narrowing techniques are:
  - Delineating lane lines with paint or pavement markers.
  - Delineating bicycle lanes or on-street parking outside of the lane lines.
  - Adding sidewalks to both sides of the road.
- Speed humps, chicanes, traffic circles or similar devices could be installed along 3<sup>rd</sup> Avenue SE to reduce traffic speeds. However, these could also reduce emergency vehicle response time.

## **PURPOSE**

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The purpose of this study is to evaluate the potential use of a new roadway segment that will connect the existing 3<sup>rd</sup> Avenue SE, north of 164<sup>th</sup> Street SE, with the existing 3<sup>rd</sup> Drive SE within the River Crossing development near 153<sup>rd</sup> Street SE.

This study will evaluate existing and future travel patterns along with future travel times to estimate the future usage of this new connection. The following sections identify existing and future roadway systems and features, describe the methodology used to determine future travel times, and identify the anticipated future usage of the new roadway connection.

## EXISTING CONDITIONS

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Figure 1 shows the existing area of interest. The new roadway segment that will connect the existing 3<sup>rd</sup> Avenue SE with the existing 3<sup>rd</sup> Drive SE is denoted on the map by the circled area. Currently 3<sup>rd</sup> Avenue SE extends from 164<sup>th</sup> Street SE to the north approximately 2700 feet(ft), where it currently terminates.

3<sup>rd</sup> Drive SE extends south from 153<sup>rd</sup> Street SE approximately 900' where it currently terminates. There is approximately 100 ft between the end of 3<sup>rd</sup> Avenue SE and 3<sup>rd</sup> Drive SE. This area is currently paved with bollards on each end to prevent vehicular travel.

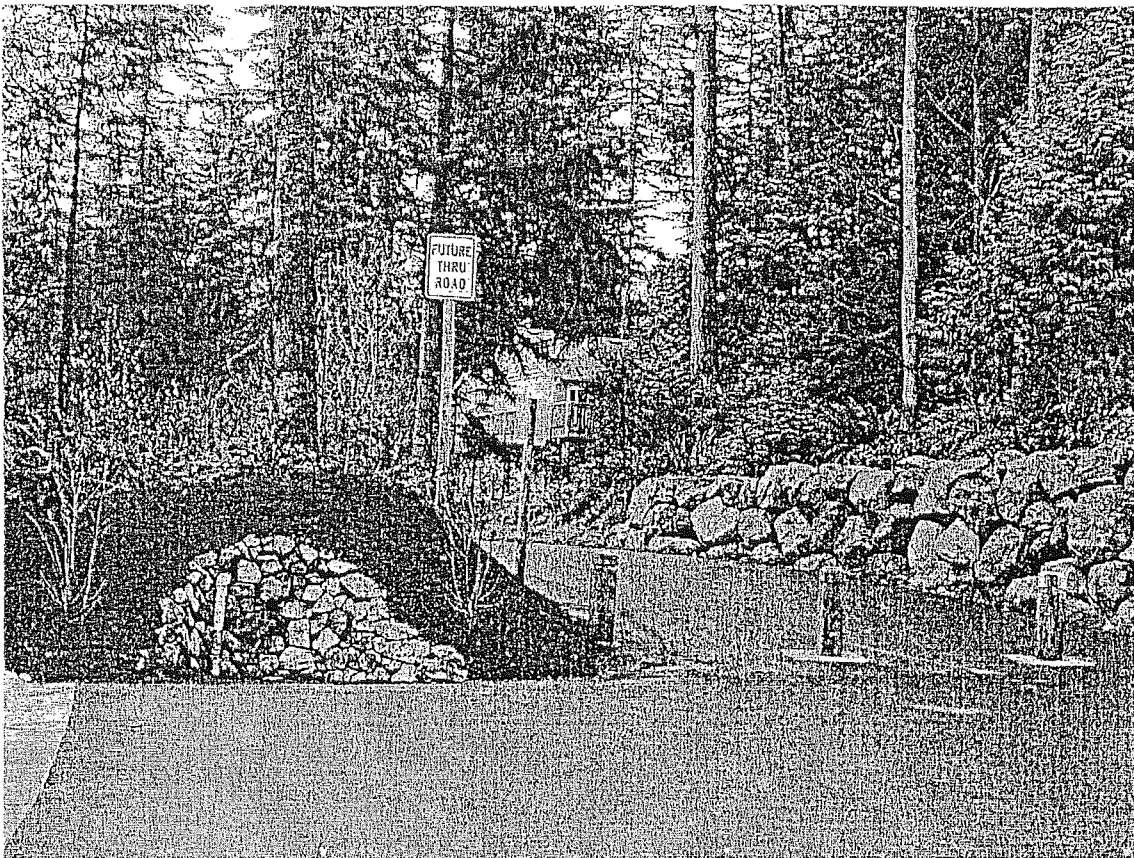
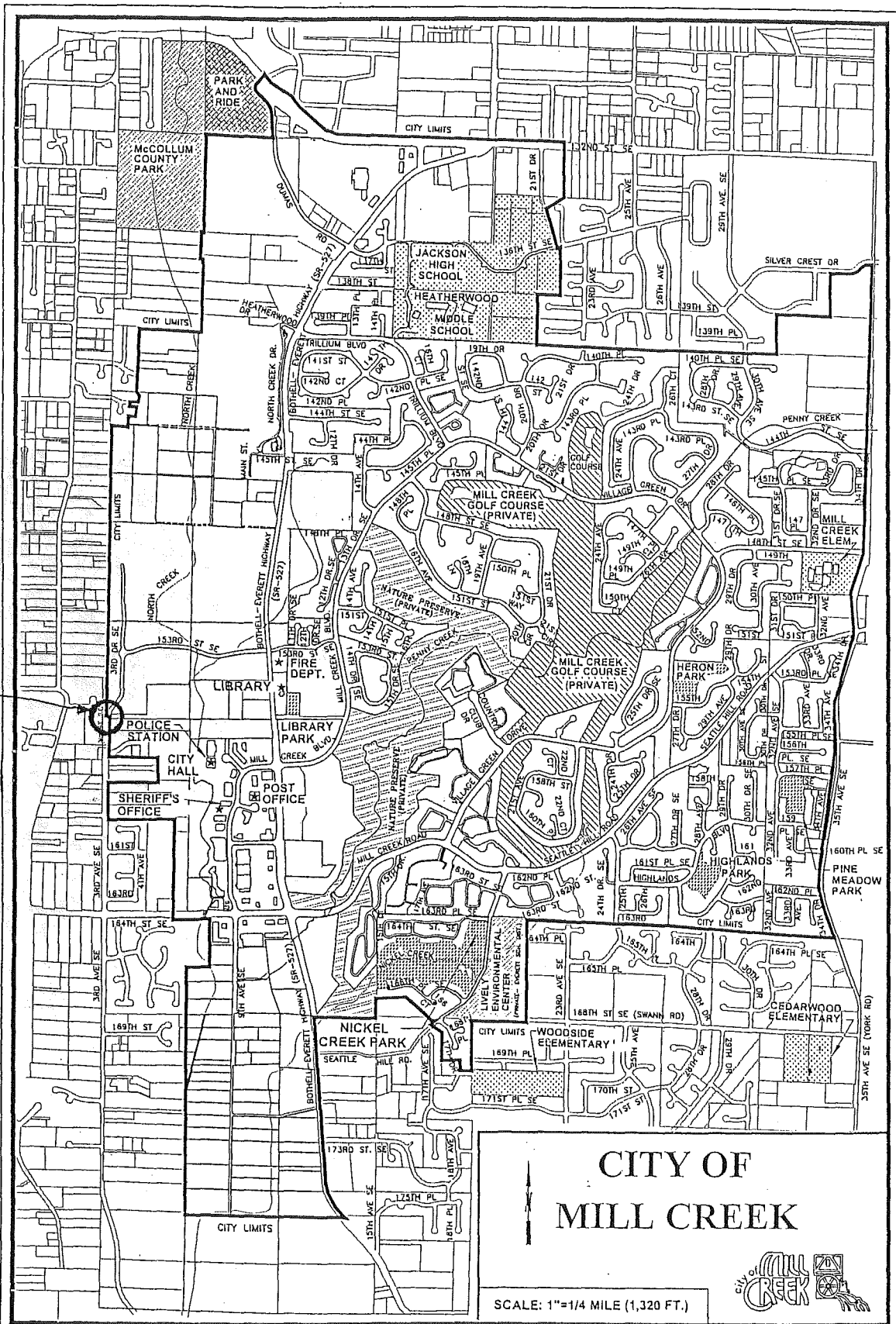


Photo 1 – South End of 3<sup>rd</sup> Drive SE looking South Toward Future Road Connection

Planned  
Roadway  
Connection



# **INCORPORATED: 1983**

City Hall  
15728 Mill Creek Blvd.  
Mill Creek, Washington 98012-1227  
425-745-1891 General Offices (Hours: 9 am - 5 pm)  
425-745-6175 Police Department (Hours: 7 am - 6 pm)

CITY BOUNDARY: 3.55 SQUARE MILES  
POPULATION: 11,525 (JUNE 2001)

[CITYOFMILLCREEK.COM](http://CITYOFMILLCREEK.COM)

## EXISTING LAND USE

Land use along 3<sup>rd</sup> Avenue SE is residential with a mix of single-family homes and condominiums.

Land use along 3<sup>rd</sup> Drive SE is residential consisting of the existing 51 lot River Crossing Development and the 11 lot River Crossing North Plat, which is currently being constructed. There is also an additional 30 lot plat, the Chilelli development, proposed to the north of River Crossing North.

Land use along 153<sup>rd</sup> Street SE east of the North Creek wetlands will be commercial with the construction of the Town Center. Phase I is currently being constructed on both sides of 153<sup>rd</sup> Street SE and along the new Main Street. There is a four way stop intersection at Main Street and 153rd Street SE, just west of SR 527.

## EXISTING ROADWAY SYSTEM

3<sup>rd</sup> Avenue SE is a Snohomish County roadway with access to 164<sup>th</sup> Street SE controlled by a traffic signal. The roadway section begins at 164<sup>th</sup> Street SE with one lane in each direction, plus a left turn lane for the signalized intersection and sidewalks on both sides. Within approximately 500 ft this section changes to a wide paved section with no sidewalks and no pavement markings. This later section continues throughout the remainder of 3<sup>rd</sup> Avenue SE with varying widths of pavement. The only additional sidewalk section is located in front of a small City development, formerly known as the Hodges Short Plat. Due to the existing barricades, 3<sup>rd</sup> Avenue SE is only used by local residents.

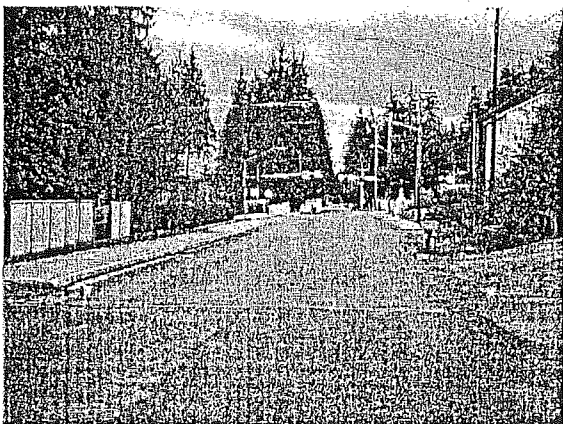


Photo 2 – 3<sup>rd</sup> Ave SE Looking South Near 164<sup>th</sup>



Photo 3 – 3<sup>rd</sup> Ave SE Looking South at 15800

3<sup>rd</sup> Drive SE is a 24 foot wide City of Mill Creek roadway located within the River Crossing Development. Access to 3<sup>rd</sup> Drive SE is via 153<sup>rd</sup> Avenue SE from SR 527. The intersection of 153<sup>rd</sup> Avenue SE and 3<sup>rd</sup> Drive SE is controlled by a traffic circle. 3<sup>rd</sup> Drive SE has a fully developed roadway section with sidewalks on both sides, and on-street parking allowed on one side. Due to the existing barricades, 3<sup>rd</sup> Drive SE is currently only used by local residents.

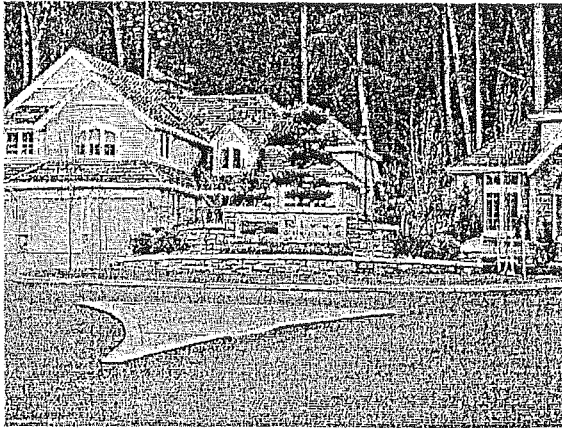


Photo 4 – Traffic Circle at 153<sup>rd</sup>/3<sup>rd</sup> Drive SE

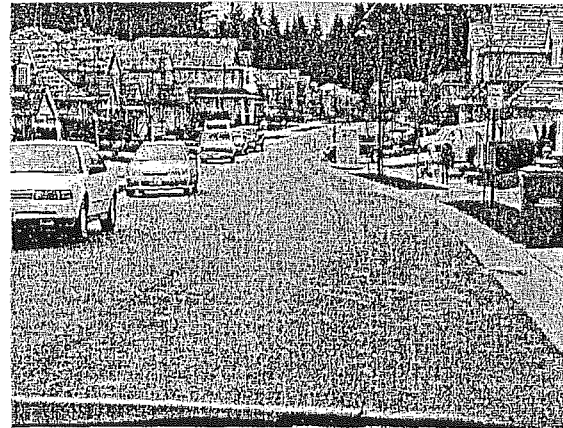


Photo 5 – 3<sup>rd</sup> Drive SE looking South

153<sup>rd</sup> Street SE is a 25 to 40 foot wide City of Mill Creek roadway with access to SR 527 currently controlled by a stop sign, and access to 3<sup>rd</sup> Drive SE is controlled by a traffic circle. The roadway section includes one lane in each direction with sidewalk on both sides. There is on-street parking near Town Center around the four-way stop located at Main Street, approximately 300' west of SR 527. This four-way stop will be the access point to the new Town Center for traffic traveling on 153<sup>rd</sup> Street. There is also a mid-block crosswalk located approximately 400' west of the four-way stop.

The roadway section between SR 527 and the mid-block crosswalk is relatively flat and straight, while the roadway section continuing up to 3<sup>rd</sup> Drive SE is steeper and winding. 153<sup>rd</sup> Street SE west of the four-way stop is currently only used by local residents due to the current dead-end feature of 3<sup>rd</sup> Drive SE.

164<sup>th</sup> Street SE is a Snohomish County roadway outside of the city limits, and a City of Mill Creek roadway within the city limits. 164<sup>th</sup> Street SE is a heavily traveled five lane roadway, two lanes in each direction with a left turn lane at signalized intersection and a combination of one-way and two-way left turn lanes between intersections. Within the area of interest, there are three signalized intersection along 164<sup>th</sup> Street SE:

- 164<sup>th</sup> Street SE / 3<sup>rd</sup> Avenue SE
- 164<sup>th</sup> Street SE / Mill Creek Blvd (9<sup>th</sup> Avenue SE)
- 164<sup>th</sup> Street SE / SR 527

Until recently these three signalized intersections have operated independently without a significant effort to coordinate the timings to improve the through movement progression. Recently the City of Mill Creek, in coordination with Snohomish County and the Washington State Department of Transportation (WSDOT), has installed equipment at the first two intersections to improve coordination between the three signals and facilitate the eastbound and westbound through movements. Efforts are still in progress to optimize the signal timings and coordination between the intersections, but will be completed within one to two months.

SR 527 is a Washington State Department of Transportation (WSDOT) roadway. There are currently two signalized intersections on SR 527 within the area of interest:

- SR 527 / 164<sup>th</sup> Street SE (mentioned above under 164<sup>th</sup> Street SE)
- SR 527 / Mill Creek Blvd.

These signalized intersections currently operate independently. The roadway section between 164<sup>th</sup> Street SE and 161<sup>st</sup> Street SE has two lanes in each direction with left turn lanes at intersections. The roadway section then changes and becomes one lane in each direction north of 161<sup>st</sup> Street SE, with left turn lanes at various intersections. The intersection of SR 527 and 153<sup>rd</sup> Street SE is controlled by stop signs for traffic on 153<sup>rd</sup> Street SE only.

## **FUTURE CONDITIONS**

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### **FUTURE LAND USE**

There are several new developments planned in the next few years (2003-2005) within the area of interest. Future development for the area is described below and shown in Figure 2.

River Crossing North (*currently being constructed*) – These 11 new single-family homes will be located along 3<sup>rd</sup> Drive SE just north of the existing River Crossing development.

Chilelli Plat (scheduled for 2004) – These single family homes will be located along 3<sup>rd</sup> Drive SE just north of the River Crossing North Plat.

Town Center Phase I – (*currently being constructed*) – This new commercial and business area will be located along both sides of 153<sup>rd</sup> Street SE with access to 153<sup>rd</sup> Street SE via a four-way stop approximately 300 ft west of SR 527, and direct access to SR 527 at the north end of the plat.

Town Center Phase II – (scheduled for 2003-2005) – This new commercial and business area will be located just south of Town Center Phase I with access to 153<sup>rd</sup> Street SE via a four-way stop and access to Mill Creek Boulevard via a new Main Street connection.

The Falls at Mill Creek – (scheduled for 2003) – This combination of single family homes and duplex housing will be located off of 3<sup>rd</sup> Avenue SE via a private access road (156<sup>th</sup> Place SE). This project will also construct the new 3<sup>rd</sup> Avenue SE and 3<sup>rd</sup> Drive SE connection.

### **FUTURE ROADWAY SYSTEM**

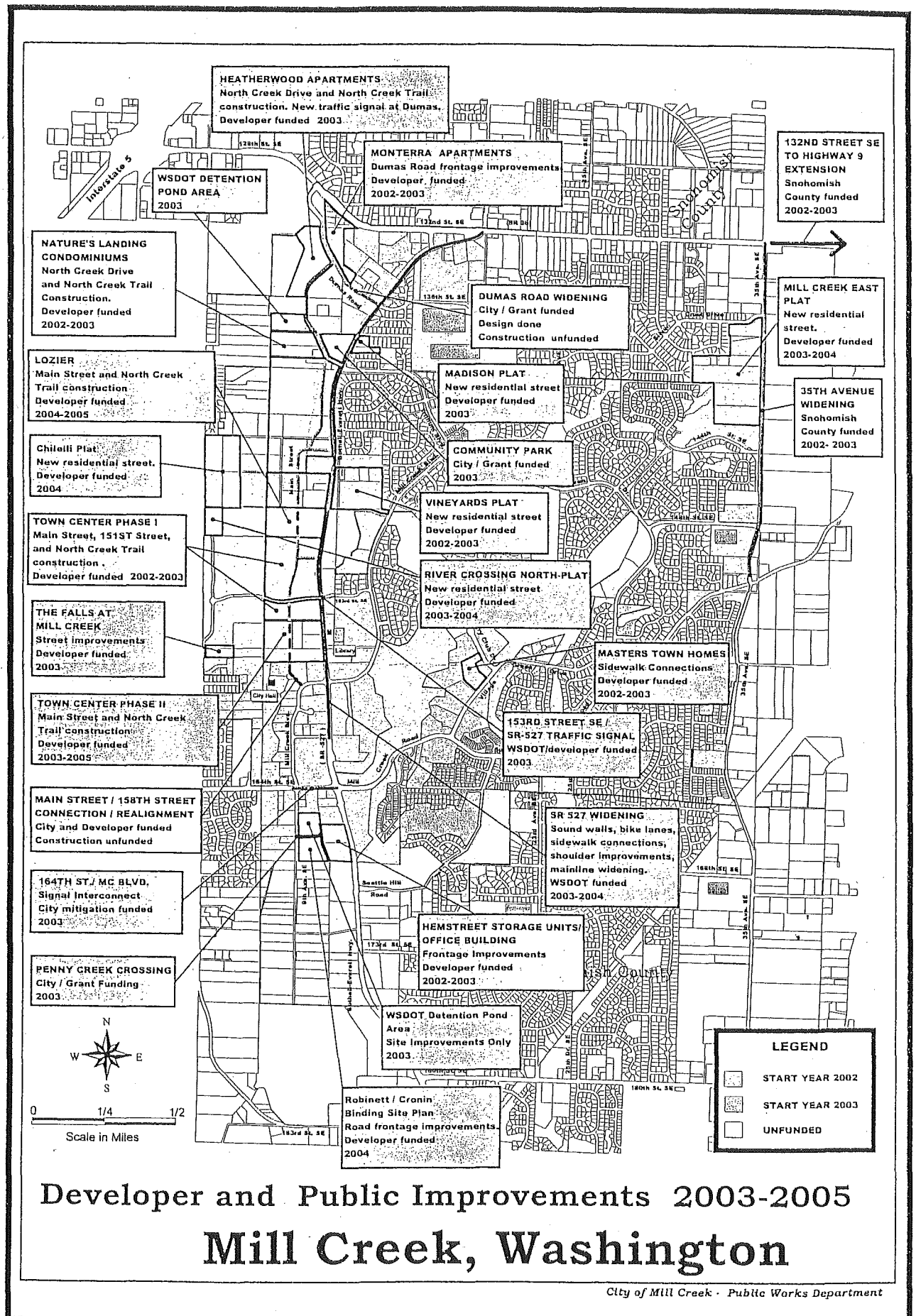
SR 527 will be widened to five lanes (two lanes in each direction and a two-way left turn lane between signalized intersections) from 164<sup>th</sup> Street SE to 132<sup>nd</sup> Street SE. The new roadway section will also include bike lanes and sidewalks on both sides. The intersection of SR 527 and 153<sup>rd</sup> Street SE will be signalized, and the signals along SR 527 will be interconnected and coordinated to progress the north/south movements through the corridor.

Main Street will be constructed connecting Mill Creek Blvd at 158<sup>th</sup> Place SE (near City Hall) to 153<sup>rd</sup> Street SE through the Town Center Phase I and Phase II developments (see Figure 2).

3<sup>rd</sup> Avenue SE will be slightly realigned north of 158<sup>th</sup> Street SE with a traffic circle located at the intersection of 3<sup>rd</sup> Avenue SE and a private drive. The traffic circle is being constructed as part of The Falls at Mill Creek development. 3<sup>rd</sup> Avenue SE will also be connected to the current end of 3<sup>rd</sup> Drive SE, converting these two currently dead-end streets into a through street (see Figure 2).

This connection will create additional travel routes for the residential areas on 3<sup>rd</sup> Avenue SE and 3<sup>rd</sup> Drive SE, which were previously not available.





## TRAVEL TIME STUDY

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To determine the usage of the new roadway connection between 3rd Avenue SE and 3rd Drive SE, it was necessary to estimate travel times based on several origination and destination points. The following travel patterns were evaluated to determine potential usage for the new roadway segment.

- 3<sup>rd</sup> Avenue SE to Town Center
- 3<sup>rd</sup> Avenue SE to SR 527
- River Crossing to 164<sup>th</sup> Street SE (i.e. travel to I-5)
- 164<sup>th</sup> Street SE at 3<sup>rd</sup> Avenue SE to SR 527

The last route listed above is being analyzed to evaluate the potential for cut-through traffic trying to avoid the signal and traffic along 164<sup>th</sup> and SR 527 through the commercial areas.

## METHODOLOGY

Since the new roadway connection is not constructed and several other improvements in the area of interest are also not constructed, the traditional methods of conducting travel time studies (i.e. timing how long it takes to physically travel a particular route) are not feasible. Instead, this study evaluated travel times by calculating the duration of time that would be needed to travel particular segments of roadways. Travel times along uncontrolled segments of roadways and traffic circles were calculated by dividing the roadway length by the travel speed. Travel times for signalized intersections or along signalized corridors were developed using Synchro Version 5 (Build 323) traffic analysis software. Travel times through the four-way stop were developed using the Highway Capacity Software 2000 (HCS2000). All analysis was done assuming the completion of the future roadway system improvements as discussed in the previous section.

### Speeds

In order to calculate travel times, it was necessary to determine travel *speeds*. Speeds along signalized corridors, 164<sup>th</sup> Street SE, SR 527 and Mill Creek Boulevard, were assumed to be at the posted speed limit: 35 MPH on 164<sup>th</sup> Street SE, 45 MPH on SR 527, and 30 MPH on Mill Creek Boulevard. Since speeds along unsignalized or non-stop controlled roadways have the opportunity to be higher than the posted speed limits, these speeds were determined using a combination of a small speed study and perceived driver comfort.

Two different types of speed studies were conducted to determine appropriate travel speeds on unsignalized roadways. On 3<sup>rd</sup> Avenue SE, twenty minute radar speed studies were conducted south of 161<sup>st</sup> Place SE in both the AM and PM. On both 153<sup>rd</sup> Street SE, west of the four-way stop, and on 3<sup>rd</sup> Drive SE, in River Crossing, tube counters that were in place for a one-week duration were used to determine speeds. Results of both speed studies can be found in Appendix A. A variety of speeds were calculated from each study. The 85<sup>th</sup> percentile speeds, the speed which 85 percent of the vehicles are at or below, was used for the estimated travel speeds. The 85<sup>th</sup>

percentile speed is used to help determine appropriate speed limits, as identified in the Manual on Uniform Traffic Control Devices (MUTCD).

Prior to the speed study, an Engineer from Parsons Brinckerhoff traveled both 3<sup>rd</sup> Avenue SE and 153<sup>rd</sup> Street SE to determine the maximum travel speed at which a driver's comfort level can be maintained. Since motorists driving these roadway sections will most likely be daily users, the maximum comfortable speeds were recorded. Appendix A also shows these recorded speeds. Using the speed study information and verifying with the recorded comfortable speeds, the following speeds were determined for use in the travel time analysis:

- 3<sup>rd</sup> Avenue SE = 35 MPH
- 3<sup>rd</sup> Drive SE = 25 MPH
- 153<sup>rd</sup> Street SE = 30 MPH

The speed between the intersection of SR 527/153<sup>rd</sup> Street SE and the four-way stop along 153<sup>rd</sup> Street SE was determined to be 20 MPH due to the close proximity of the signalized intersection and the stop controlled intersection.

15 MPH was used for the speed at traffic circles, as it is the left turn speed used by Synchro and other traffic analysis software. 15 MPH was also used for 100 ft on either side of the traffic circle to account for slowing down as a vehicle approaches and departs the traffic circle.

### Volumes

The volumes used in the Synchro and HCS analysis and the 3<sup>rd</sup> Avenue roadway connection usage estimations were a combination of existing volumes and projected volumes for the future developments. The existing volumes were obtained from the City of Mill Creek, WSDOT and Snohomish County based on traffic counts conducted in 2001 and 2002. Projected volumes were obtained from the following documents:

- River Crossing North, Trip Generation and Distribution: prepared by Transportation Planning & Engineering Inc, dated July 1, 2002
- Chilelli Property, Trip Generation and Distribution: prepared by Transportation Planning & Engineering Inc, dated October 7, 2002
- Revised Mill Creek Town Center Traffic Impact Analysis: prepared by Transportation Planning & Engineering Inc, dated January 20, 2000
- The Falls at Mill Creek, Traffic Study – Addendum: prepared by Peak Engineering, dated February 21, 2003.

Main Street construction was not accounted for in the volumes distribution as the Mill Creek Town Center Traffic Impacts Analysis does not identify what, if any, the impacts would be at the four-way stop on 153<sup>rd</sup> Street SE.

### Road System

Since the construction along SR 527 is currently in progress and expected to be completed in 2004, the widening and signal coordination were included in the traffic analysis for calculating travel times. In addition, the improvements along 3<sup>rd</sup> Avenue SE, including the traffic circle, were also included in the travel time calculations.

## TRAVEL TIME RESULTS

Travel time calculations were developed using the above methodology and conditions for both local traffic and cut-through traffic.

### Development Traffic

The new roadway connection between 3<sup>rd</sup> Avenue SE and 3<sup>rd</sup> Drive SE will create new access points to the local neighborhoods and potentially new travel patterns. Travel times were calculated for both residents along 3<sup>rd</sup> Avenue SE and residents within River Crossing along 3<sup>rd</sup> Drive SE for the new routes being created.

#### 3<sup>rd</sup> Avenue SE Routes

Residents along 3<sup>rd</sup> Avenue SE currently have only one route to access SR 527 north: 164<sup>th</sup> Street SE east to SR 527 north. Table 1 illustrates the travel time to SR 527 by traveling along the existing available route on 164<sup>th</sup> Street SE and SR 527, and then the travel time along the new route along 3<sup>rd</sup> Avenue SE north to 153<sup>rd</sup> Street SE via the new roadway connection. Calculations for both routes begin just north of the intersection of 3<sup>rd</sup> Avenue SE / 164<sup>th</sup> Street SE and end on SR 527 just north of 153<sup>rd</sup> Street SE. The roadway segments and turning movement delays for each route are described below:

- Existing Route:
  - Left onto 164<sup>th</sup> Street SE from 3<sup>rd</sup> Avenue SE (existing signal delay)
  - 164<sup>th</sup> Street SE from 3<sup>rd</sup> Avenue SE to SR 527, including existing signal delay at Mill Creek Boulevard
  - Left turn onto SR 527 (delay from existing signal)
  - SR 527 from 164<sup>th</sup> Street SE to 153<sup>rd</sup> Street SE, including existing signal delay at Mill Creek Boulevard and signal delay at new 153<sup>rd</sup> Street SE signal.
- New Route:
  - 3<sup>rd</sup> Avenue SE from 164<sup>th</sup> Street SE to 153<sup>rd</sup> Street SE, including slowing for the new traffic circle and the River Crossing traffic circle
  - 153<sup>rd</sup> Street SE from 3<sup>rd</sup> Drive SE to SR 527, including delay at the four-way stop
  - Left turn onto SR 527 (delay from new signal).

Table 1: Travel Time for 3<sup>rd</sup> Avenue to SR 527 North

Route:	Travel Time (minutes)	
	AM	PM
Existing Route: Via 164 <sup>th</sup> & SR 527	4.11	4.38
New Route: Via 3 <sup>rd</sup> & 153 <sup>rd</sup>	3.63	3.60

Travel times were calculated separately for AM and PM to account for the different delay experienced at traffic signals and stop signs during each peak period. As seen in Table

1, the new route will provide a travel time savings of between 29 and 47 seconds for 3<sup>rd</sup> Avenue SE residents.

The existing alternative route using Mill Creek Boulevard to bypass the intersection at 164<sup>th</sup> and SR 527, which is further discussed in the "Cut-Through" section, is within 13 seconds of the travel time along the existing route of 164<sup>th</sup> Street SE and SR 527 for both the AM and PM peak periods. This is true for all the different routes and scenarios discussed under this section.

The same travel time process was used to evaluate 3<sup>rd</sup> Avenue SE traffic to the Town Center. Again, the calculation begins just north of the intersection of 164<sup>th</sup> Street SE/3<sup>rd</sup> Avenue SE, but ends just east of the four-way stop at 153<sup>rd</sup> Street SE and Main Street. The roadway segments and turning movement delays for each route are described below:

- Existing Route:
  - Left onto 164<sup>th</sup> Street SE from 3<sup>rd</sup> Avenue SE (existing signal delay)
  - 164<sup>th</sup> Street SE from 3<sup>rd</sup> Avenue SE to SR 527, including existing signal delay at Mill Creek Boulevard
  - Left turn onto SR 527 (delay from existing signal)
  - SR 527 from 164<sup>th</sup> Street SE to 153<sup>rd</sup> Street SE, including existing signal delay at Mill Creek Boulevard.
  - Left turn onto 153<sup>rd</sup> Street SE (delay from new signal)
  - 153<sup>rd</sup> Street SE from SR 527 to the four-way stop, not including delay at four-way stop
- New Route:
  - 3<sup>rd</sup> Avenue SE from 164<sup>th</sup> Street SE to 153<sup>rd</sup> Street SE, including slowing for the new traffic circle and the River Crossing traffic circle
  - 153<sup>rd</sup> Street SE from 3<sup>rd</sup> Drive SE to the four-way stop at Main Street, not including the delay at the four-way stop.

Table 2: Travel Time for 3<sup>rd</sup> Avenue SE to Town Center

Route:	Travel Time (minutes)	
	AM	PM
Existing Route: Via 164 <sup>th</sup> & SR527	5.01	5.22
New Route: Via 3 <sup>rd</sup> & 153 <sup>rd</sup>	2.21	2.21

Table 2 shows that travel time savings along the new route are between 2.5 and 3 minutes for 3<sup>rd</sup> Avenue SE residents.

### 3<sup>rd</sup> Drive SE Routes

Residents along 3<sup>rd</sup> Drive SE in the River Crossing development, as well as the future River Crossing North and Chilelli plats, currently have only one route to access 164<sup>th</sup> Street SE going west: 153<sup>rd</sup> Street SE east to SR 527 south to 164<sup>th</sup> Street west. Table 3 illustrates the travel time to 164<sup>th</sup> Street SE by traveling along this existing available route, and compares it with the travel time along the new route along 3<sup>rd</sup> Avenue SE, via

the new roadway segment, to 164<sup>th</sup> Street SE. Calculations for this route begin at the traffic circle at 3<sup>rd</sup> Drive SE/153<sup>rd</sup> Street SE and end just west of the intersection of 164<sup>th</sup> Street SE/3<sup>rd</sup> Avenue SE. The roadway segments and turning movement delays for each route are described below:

- o Existing Route:
  - 153<sup>rd</sup> Street SE from just east of the traffic circle at 3<sup>rd</sup> Drive SE to SR 527, including delay at four-way stop
  - Right onto SR 527 (delay from new signal)
  - SR 527 from 153<sup>rd</sup> Street SE to 164<sup>th</sup> Street SE, including existing signal delay at Mill Creek Boulevard.
  - Right turn onto 164<sup>th</sup> Street SE (delay from existing signal)
  - 164<sup>th</sup> Street SE from SR 527 to 3<sup>rd</sup> Avenue SE, including existing signal delay at Mill Creek Boulevard and 3<sup>rd</sup> Avenue SE.
- o New Route:
  - 3<sup>rd</sup> Avenue SE from just south of the traffic circle at 153<sup>rd</sup> Street SE to 164<sup>th</sup> Street SE, including slowing for the new traffic circle
  - Right turn on 164<sup>th</sup> Street SE (existing signal delay).

Table 3: Travel Time for 3<sup>rd</sup> Drive SE to 164<sup>th</sup> Street SE

Route:	Travel Time (minutes)	
	AM	PM
Existing Route: Via 153 <sup>rd</sup> /SR527/164 <sup>th</sup>	3.69	3.80
New Route: Via 3 <sup>rd</sup>	1.40	1.40

Table 3 shows that travel savings along the new route are between 2 and 2.5 minutes for 3<sup>rd</sup> Drive SE residents.

## Cut-Through Traffic

In addition to creating new routes for local traffic, the new roadway connection between 3<sup>rd</sup> Avenue SE and 3<sup>rd</sup> Drive SE may also create the potential for "cut-through" traffic traveling between 164<sup>th</sup> Street SE and SR 527. Travel times were calculated for both the eastbound 164<sup>th</sup> Street to northbound SR 527 route and the southbound SR 527 to westbound 164<sup>th</sup> Street route for both AM and PM peak periods.

In addition to comparing this existing route to the new route created along 3<sup>rd</sup> Avenue SE and 153<sup>rd</sup> Street SE, it was also compared to the existing route that uses Mill Creek Boulevard as a by-pass around the traffic signal at SR 527/164<sup>th</sup> Street SE. It should be noted that the travel time calculations include the new signal coordination along 164<sup>th</sup> Street SE and assume the future signal coordination along SR 527.

Calculations for the routes begin just west of the intersection of 3<sup>rd</sup> Avenue SE/ 164<sup>th</sup> Street SE and end on SR 527 just north of 153<sup>rd</sup> Street SE. The roadway segments and turning movement delays for each route are described below:

- Existing Route (164<sup>th</sup> Street SE and SR 527):
  - 164<sup>th</sup> Street SE from 3<sup>rd</sup> Avenue SE to SR 527, including existing signal delay at 3<sup>rd</sup> Avenue SE and at Mill Creek Boulevard
  - Left turn onto SR 527 (delay from existing signal)
  - SR 527 from 164<sup>th</sup> Street SE to 153<sup>rd</sup> Street SE, including signal delay at the existing Mill Creek Boulevard signal and at the new 153<sup>rd</sup> Street SE signal.
- Existing Route (using Mill Creek Boulevard as a by-pass):
  - 164<sup>th</sup> Street SE from 3<sup>rd</sup> Avenue SE to Mill Creek Boulevard, including existing signal delay at 3<sup>rd</sup> Avenue SE.
  - Left turn onto Mill Creek Boulevard (existing signal delay)
  - Mill Creek Boulevard from 164<sup>th</sup> Street SE to SR 527
  - Left turn onto SR 527 (delay from existing signal)
  - SR 527 from Mill Creek Boulevard to 153<sup>rd</sup> Street SE, including signal delay at new 153<sup>rd</sup> Street SE signal.
- New Route:
  - Left turn from 164<sup>th</sup> Street SE onto 3<sup>rd</sup> Avenue SE (existing signal delay)
  - 3<sup>rd</sup> Avenue SE from 164<sup>th</sup> Street SE to 153<sup>rd</sup> Street SE, including slowing for the new traffic circle and the River Crossing traffic circle
  - 153<sup>rd</sup> Street SE from 3<sup>rd</sup> Drive SE to SR 527 including the delay at the four-way stop
  - Left turn onto SR 527 (delay at new signal)

Table 4: Travel Time for Routes between 164<sup>th</sup> Street SE and SR 527

	Travel Time (minutes)			
	Eastbound/Northbound		Southbound/Westbound	
	AM	PM	AM	PM
Existing Route: 164 <sup>th</sup> /SR527	3.70	<u>3.41</u>	2.68	3.06
Existing Route: 164 <sup>th</sup> /SR527 via Mill Crk Blvd	<u>3.64</u>	3.62	2.88	3.06
New Route: Via 3 <sup>rd</sup> & 153rd	3.84	3.62	<u>2.62</u>	<u>2.71</u>

Table 4 shows that, the travel times are very close between the existing routes along 164<sup>th</sup> Street SE and SR 527 and the new route along 3<sup>rd</sup> Avenue SE and 153<sup>rd</sup> Street SE, with the travel time difference between 4 and 21 seconds depending on the route and time of day. Underlines have been used to denote the faster route for each direction and time period.

The existing routes along 164<sup>th</sup> Street SE and SR 527 are the faster routes for eastbound 164<sup>th</sup> to northbound SR 527 in both time periods. The new route is faster for the southbound SR 527 to westbound 164<sup>th</sup> in the both time periods.

## USAGE OF 3<sup>RD</sup> AVENUE ROADWAY CONNECTION

### Increase Usage by Local Residents

Based on the travel time calculations for local residents, it appears that the newly created connection between 3<sup>rd</sup> Avenue SE and 3<sup>rd</sup> Drive SE will redistribute trips along 3<sup>rd</sup> Avenue SE, 3<sup>rd</sup> Drive SE and 153<sup>rd</sup> Street SE. Table 5 summarizes the redistribution in daily trips per roadway and identifies the origin of those trips.

The average daily traffic (ADT) numbers were obtained from the traffic studies indicated in the volumes discussion under the previous methodology section.

Table 5 – Redistribution of Daily Trips

ORIGINATION POINT	ESTIMATED INCREASE IN DAILY TRAFFIC PER CORRIDOR		
	3 <sup>rd</sup> Avenue SE (164 <sup>th</sup> to Bollards)	3 <sup>rd</sup> Drive SE (Bollards to 153 <sup>rd</sup> )	153 <sup>rd</sup> Street SE
River Crossing	+97	0	-97
River Crossing North	+26	+26	-26
Chilelli Plat	+72	+72	-72
The Falls at Mill Creek	0*	0*	0*
3 <sup>rd</sup> Avenue Residents	0	Unknown Increase**	Unknown Increase**
TOTAL	+195	+98	-195

\* The Falls at Mill Creek traffic study includes the new roadway connection, therefore the volumes presented in that study would not be redistributed.

\*\* The redistribution of the local traffic originating from 3<sup>rd</sup> Avenue SE is unknown as the existing travel patterns are unknown.

Each of the trips identified in Table 5 will exist regardless of the new roadway connection, however the existing travel patterns would be modified.

### Increased Usage by Cut-Through Traffic

Since the travel time comparison between the existing route from 164<sup>th</sup> Street SE to SR 527 and the new route identified in the previous section for cut-through traffic showed no significant travel time savings for either route, it is difficult to predict the potential for cut-through traffic.

There will most likely be some cut-through traffic eventually, as there will always be drivers who prefer to take any route to avoid waiting at traffic signals. However, since there will be traffic signals controlling both ends of this route, the frequency of cut-through traffic may be dependent on when, during the signal phase, the motorist arrives at those signals.



Many motorists will be unaware of this new roadway connection, since bypassing traffic on 164<sup>th</sup> is unable to see this part of 3<sup>rd</sup> Avenue SE due to the distance and slight horizontal curvature. Only the local residents and other travelers with business on either 3<sup>rd</sup> Avenue SE or 3<sup>rd</sup> Drive SE, previously dead-end roadways, will be aware of the new connection.

Vehicles traveling to the Town Center from 164<sup>th</sup> Street SE were not assumed to use this cut-through route as the construction of the new Main Street off of Mill Creek Boulevard will most likely provide the quickest route directly into the Town Center.

The use of additional traffic calming devices may help discourage this cut-through traffic.

## TRAFFIC CALMING DEVICES

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The purpose of traffic calming devices is to slow motorists down and/or discourage use of a particular street or network of streets. There are several different types of traffic calming devices that could be appropriate for this area:

- Traditional Signage
- Vertical Deflections
- Horizontal Deflections
- Roadway Narrowings

### Traditional Signage

Traditional signing could include a "Local Access Only" regulatory sign, which would take the place of the existing dead-end signs. These signs should be installed far enough back from the main intersection to avoid drawing attention to a new potential through route, yet installed prior to the last sidestreet available for turn around.

### Vertical Deflection

Examples of vertical deflection devices appropriate for this area are speed humps and speed tables. Speed tables are similar to speed humps, but they have a flat section between the ramps, typically long enough for the entire wheel base of a car to rest on top. Speed tables can also be used for raised crosswalks. The primary disadvantage to these devices is that they delay the response time for emergency vehicles.

### Horizontal Deflection

Examples of horizontal deflection devices appropriate for this area are traffic circles and chicanes. Traffic circles are raised islands in an intersection around which traffic circulates. There is currently a traffic circle at the intersection of 3rd Drive SE and 153rd Street SE at the entrance to the River Crossing Development. In addition, a traffic circle will be installed on 3rd Avenue SE north of 158th Place SE as part of the Falls at Mill Creek development. A chicane is a series of narrowings or curb extensions that alternate from one side of the street to the other forming S-shaped curves. Chicanes must be carefully designed to avoid allowing drivers to cut through the chicane by traveling along the centerline.

### Roadway Narrowings

Roadway narrowings can include such items as curb bulbs, which are typically used at intersections and reduce the length of pedestrian crossings. Devices such as curb bulbs can also delineate on-street parking areas. Other roadway narrowing features can be as simple as using pavement marking to identify or narrow the lanes.

Along the 3<sup>rd</sup> Avenue SE and 153<sup>rd</sup> Street SE corridors, the most significant travel time factor is 3<sup>rd</sup> Avenue SE since it is the longest roadway segment. 3<sup>rd</sup> Avenue SE is a relatively wide road with no pavement markings. The south end of this corridor at 164<sup>th</sup> Street SE is a narrower roadway section with the lanes delineated and sidewalk on both sides, which encourages slower speeds. However, this roadway section is only about

500 ft long before it opens up to a wider pavement width with no sidewalks or pavement markings.

To reduce speeds, and therefore increase travel times along 3<sup>rd</sup> Avenue SE, there are several options for narrowing the roadway, which are listed below. However, it should be noted that 3<sup>rd</sup> Avenue SE, which is the most appropriate place for traffic calming devices, is a Snohomish County roadway. Any improvements along that stretch of road would be the responsibility of either new developments or Snohomish County Public Works.

- Using pavement markers or paint striping to delineate the lane lines. Lanes around 11 feet wide would be appropriate for this area.
- Delineating the area outside the edge line as a bike lane or for on-street parking.
- Adding sidewalks to both sides of the road to match the roadway section near the signal at 164<sup>th</sup> Street SE.



## **Attachment 7 – Public Comments**



RECEIVED

MAY 05 2003

CITY OF MILL CREEK

*Frederic H. and Margaret P. Row*

15505 3<sup>rd</sup> Drive SE

Mill Creek, Washington 98012

425-787-0858

[fhmpr@earthlink.net](mailto:fhmpr@earthlink.net)

fax 425-787-0888

May 2, 2003

Mr. Bill Trimm, Director  
Community Development  
City of Mill Creek  
15728 Mill Creek Boulevard  
Mill Creek, Washington 98012

Dear Mr. Trimm,

As residents of Mill Creek residing on 3<sup>rd</sup> Drive SE we are writing to express our concern with the City Planner's pending recommendation to connect 3<sup>rd</sup> Drive SE and 3<sup>rd</sup> Avenue SE.

In a number of discussions with your staff we have been repeatedly told that one of the rationales for connecting 3<sup>rd</sup> Drive and 3<sup>rd</sup> Avenue SE is to provide an additional entrance and exit from Mill Creek Town Center. It was further explained that this was necessary in-order to reduce the volume of traffic exiting onto the Bothell-Everett Highway. This should not be a concern once the widening of SR 527 is completed, thus eliminating the stated need for connecting our street with 3<sup>rd</sup> Avenue SE.

During a meeting with you and your staff on March 25, it was repeatedly stated that the streets in our development were purposely made narrow to discourage through traffic with the connection of 3<sup>rd</sup> Drive and 3<sup>rd</sup> Avenue SE. It was also indicated that the traffic calming circles being required would discourage the general public from using our residential community as a by-pass between 164<sup>th</sup> Street and the Bothell-Everett Highway (SR 527).

We find the above explanations to be contradictory. On one hand we are told that it is not the intent of the City to have high traffic volumes through our community and that our streets were purposefully made narrow to discourage such. On the other hand we are then told that there needs to be additional entrances and exits from the Mill Creek Town Center, which in-fact would create high volumes of traffic through River Crossing.

A March 12, 2003, report reviewing "The Falls" development application, prepared by the Snohomish County Planning and Development Services Department states:

"With additional homes to be constructed on that street in Mill Creek jurisdiction, 3<sup>rd</sup> Avenue will probable increase in traffic until it becomes at least a Collector."

This statement indicates that opening of 3<sup>rd</sup> Drive and 3<sup>rd</sup> Avenue SE, which were both are currently non-arterial residential streets, will at a minimum cause each street to become a

collector and most likely a main-arterial between 164<sup>th</sup> Street and Bothell-Everett Highway (SR 527).

The City of Mill Creek Environmental Checklist completed in review of The Falls at Mill Creek development application, estimates that there will be an increase of 96 vehicular trips per day once the development is completed. This does not include additional non-residential through traffic that would occur upon the connecting of the two streets.

We are requesting that the streets not be connected because of the above concerns and the following reasons:

1. Safety issues are paramount to keeping both streets closed to through traffic. As a residential community, our street has a large number of children that play in front yards and on sidewalks. As such, there is high probability that there will be instances where children may suddenly dart into the street after a ball, etc. Bicycles are also ridden along our street by a number of children.
2. 3<sup>rd</sup> Avenue SE is a narrow residential street that can not facilitate high volumes of traffic. It is our belief that high volumes of traffic would result by connecting the streets thus creating a bypass of downtown Mill Creek from 164<sup>th</sup> to the Bothell-Everett Highway (SR 527).
3. Connecting the two streets will create a heavily traveled by-pass between 164<sup>th</sup> Street and the Bothell-Everett Highway (SR 527), as commuters will be able to avoid 3 lights in downtown Mill Creek. (4 lights once the light is installed at 153<sup>rd</sup>.)
4. Neither street was constructed to become a collector street.
5. Both streets are and have always been dead-ends. The majority of residents along both streets are unanimous in their opposition to opening the streets to through traffic.
6. Creating an arterial through street potentially could effect current property values. The proposed connection of the two streets hindered the ability of the Buchan's to sell the house located on lot 39 at the south end of 3<sup>rd</sup> Drive SE.
7. The narrowness of 3<sup>rd</sup> Drive SE does not allow traffic to safely travel at the posted 25 miles per hour speed limit.

We are in full support of the proposal being submitted by our community, River Crossing. That proposal provides for permanent gating between 3<sup>rd</sup> Drive and 3<sup>rd</sup> Avenue SE, in order to maintain the continued safety of children, property, residence and the quality of life that currently is enjoyed in our neighborhood. We recognize the need for a second access for emergency responses. Therefore, rather than maintaining a non-accessible barricade, our community will cover all costs for the installation and on-going maintenance connected with an electric gate that will provide a second entrance to our community for emergency vehicle access.

The gate that River Crossing proposes to install is the Digitech VLF Gate. It is designed and engineered for up to 1,000 opening per-day provides for rapid operation (8-12 seconds) and requires limited maintenance. It is backed-up by a battery-powered, 12-volt system, that can be either trickle charged or solar charged. This means if the power goes out, the gate will continue to operate. It can be operated by a variety of devices for fire and safety access.

We are aware that there are concerns expressed by the police and fire departments because of potential access from multiple agencies. As stated, the proposed gate can be operated by a



number of different devices. It is River Crossing's intention to provide operating systems required by all emergency services. We are currently aware of the use of OPTI-COM units and Knox Boxes. If there are additional devices identified by the police or fire department we are prepared to have those systems also installed. We believe that the concerns identified by Deputy Fire Chief Gary A. Meek and Chief of Police, Bob Crannell, in April communications to Scott Smith, Assistant City Engineer, can be resolved and still allow for the installation of a gate between 3<sup>rd</sup> Drive and 3<sup>rd</sup> Avenue SE.

While our primary concern is to stop the potential connection of 3<sup>rd</sup> Drive and 3<sup>rd</sup> Avenue we do have an additional concern regarding the potential increased traffic from Mill Creek Town Center into our community even if the City posts No Outlet signs. Because of this additional concern, we would like to request that the Planning Department consider the River Crossing's proposal to include installation of a similar gate at the entrance of the development. There are several gated communities within City boundaries, so the precedent has been set that allows for communities to become gated and assume the responsibility for private road maintenance.

In closing, to document the narrowness of our street and it's inability to handle through traffic, we have attached a five picture sequence of a car and truck trying to pass in front of our home. Please note that in order for them to pass the car tires go up onto the lip of the sidewalk. Both had to slow to only a few miles per hour to safely pass. Our street simply can not safely accommodate even a small volume of public through traffic beyond the residence of our community.

We request that the Planning Department reconsider their recommendation to connect 3<sup>rd</sup> Drive and 3<sup>rd</sup> Avenue SE and support the River Crossing proposal to provide a secondary emergency vehicle access through the installation of an electronic gate. Amending your Department's recommendation would be consistent with the City of Mill Creek's Comprehensive Plan, dated May 1999, page 84, Transportation Policies 1.02 and 3.01, to eliminate high-density traffic through a residential community. In approving a gate between the two streets and/or allowing for a fully gated community, we recognize concerns around Emergency Services' ability to respond rapidly and effectively. We believe that installation of the proposed gates address any and all concerns that might arise regarding response Emergency Vehicles from numerous directions.

Sincerely yours,



Frederic H. Row



Margaret P. Row

Attachment: 5-picture sequence

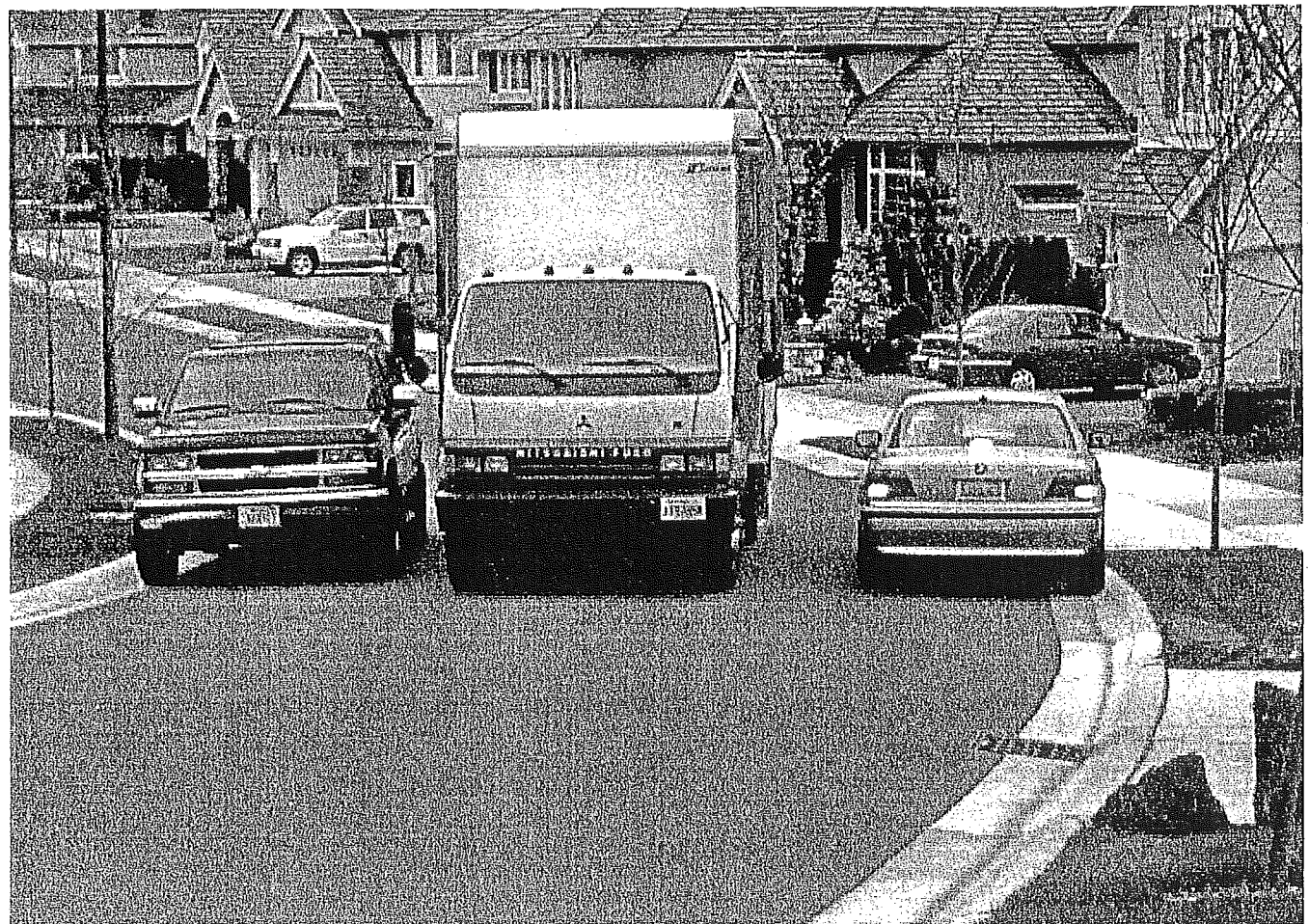
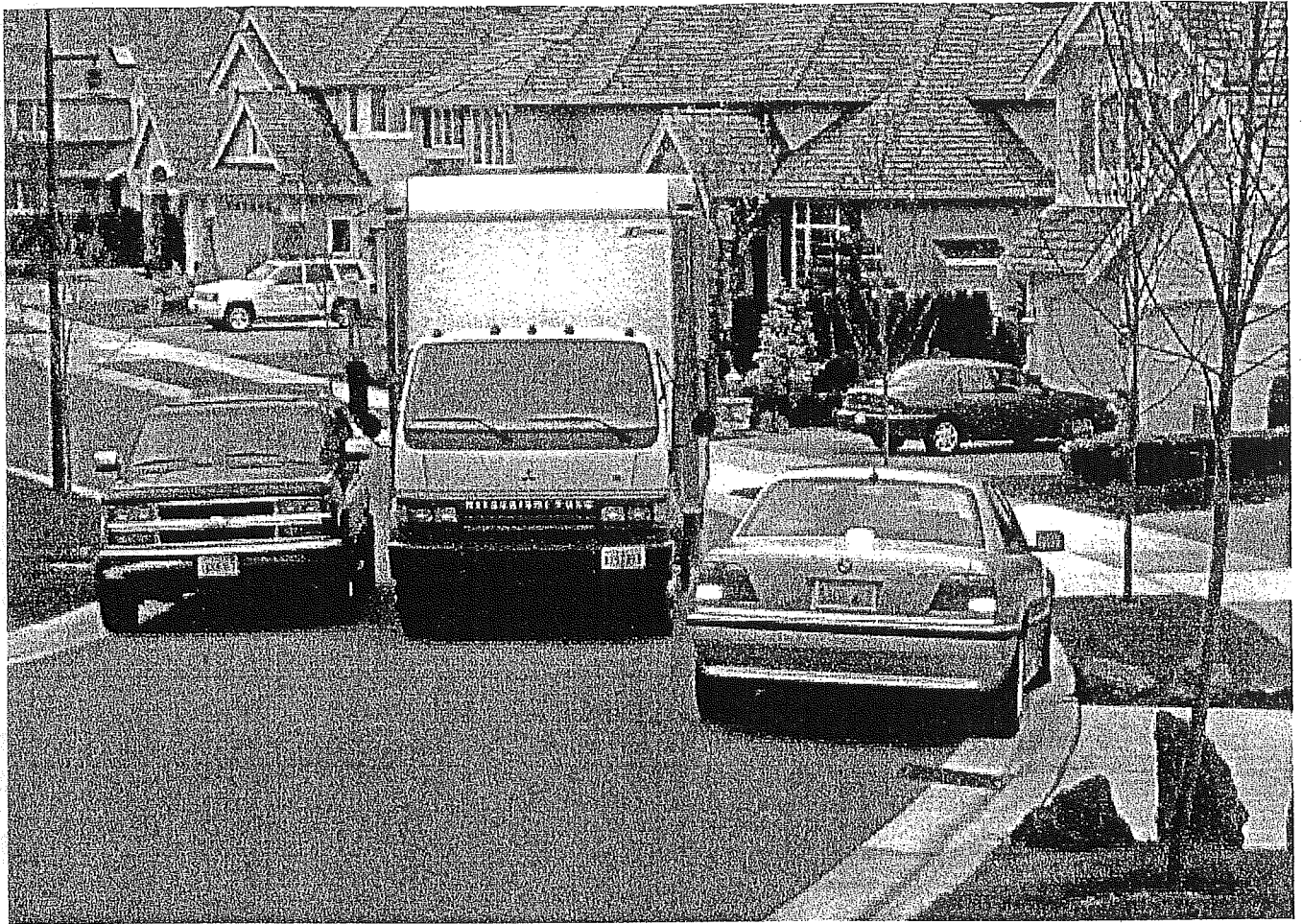
Cc:

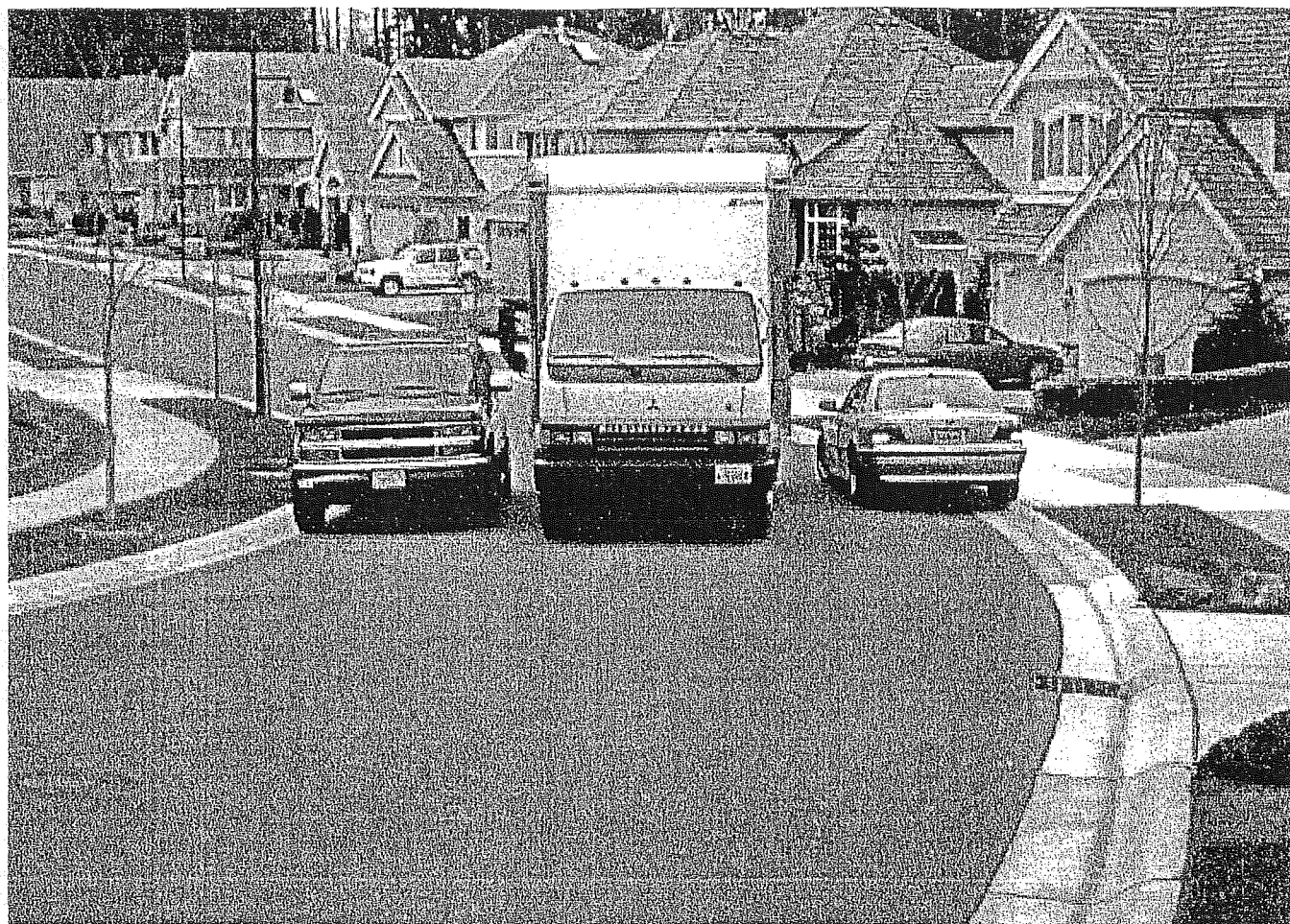
Mayor Terry Ryan  
Donna Michelson, Mayor Pro Tem  
John Hudgins, Councilmember  
Mary Kay Voss, Councilmember  
Dale Hensley, Councilmember

John Start, Councilmember  
Dan Hodge, Councilmember  
Bob Stowe, City Manager  
Christi Amrine, Associate Planner









Handed out  
at 10/22/02  
mtg by  
Jeffrey  
Luckey

# A Petition

CC: John  
Hudgens

CC: city clerk

from the residents of

## River

## Crossing

We the undersigned,  
endorse the following  
petition to the Planning  
Commission of the City of  
Mill Creek, Washington:

Stop the proposed  
connection of 3<sup>rd</sup> Ave and  
3<sup>rd</sup> Drive SE.

We believe that for the following reasons the City of Mill Creek should abandon any future plans to connect these 2 streets:

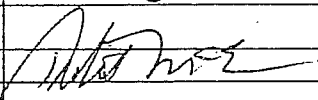
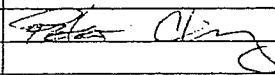

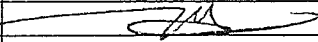
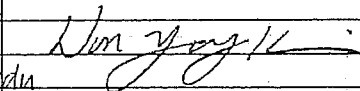
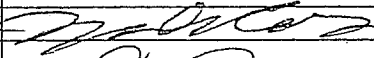
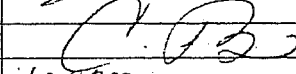
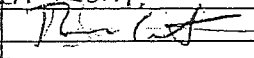
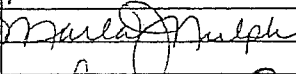
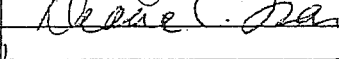
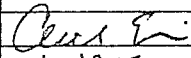
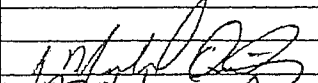
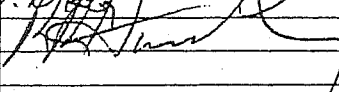
- ❖ Safety – opening these streets will facilitate high volumes of traffic in an area with narrow roads, where the safety of children and residents are then placed at risk
- ❖ It will create an “escape corridor” for high volumes of traffic coming from 164<sup>th</sup> street and/or Bothel-Everett Highway
- ❖ It will create a short cut for quick passage to the new Town Center and will create a disadvantage for the business owners in the existing downtown shopping district because it creates an immediate bypass around this area
- ❖ It will destroy homeowner equity in one of the towns newest and more promising *single family* home neighborhoods

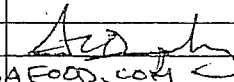
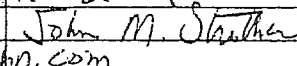
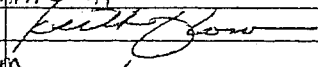
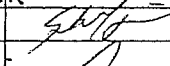
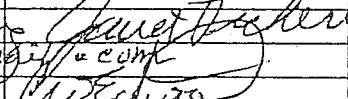
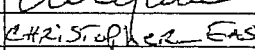

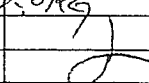
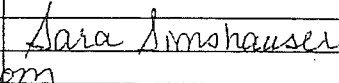
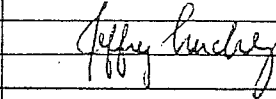

We recognize and agree with the need for secondary emergency access and would like the City of Mill Creek to consider:

- ❖ A gated solution with key access for emergency vehicles
- ❖ A negotiation with the developer of the 5 proposed duplexes that would eliminate the need to remove the large trees at the entry area, thus preserving the natural beauty of the area
- ❖ A friendly, amicable solution to a potential divisive issue



## Residential Endorsements:

Address	Print Name	Signature
15005	Bob McEwen	
15016	VACANT	
15024	CHARL PCYC473@cs.com	
15030	VACANT	
15106	David Olagunju daolag@yahoo.com	
15204	KEN HAVERKOST KHCHBHG@aol	
15210	Wen Y Kim tracyce@u.washington.edu	
15218	VACANT	
15226	MYE JZONG PARK	
15300	Connie Barnes conniebarnes@hotmail.com	
15308	BRIAN CONANT BRIAN@AAAHAWK.COM	
15316	MARLA J NULPH nulph@earthlink.net	
15327	Diane Tsai ditsai@yahoo.com	
15401		
15409	Cecile ERVIN CECILE.ERVIN@VERIZON.NET	
15417		
15425	J MICHAEL RUIGLEY MRUIGLEY@BECU.BY	
15431	R.R. HANDING	
15508		

Address	Print Name	Signature
15011		
15019	Scott Dunphy Scott.Dunphy@FSAFOOD.COM	
15027	John Strother john@mimiandjohn.com	
15101	KEITH FLOWERS keith@labotting.com	
15109	SHAHZAD JUMANI SHAHZADJUMANI@HOTMAIL	
15117	Kon & Jan Pickering kspickering@SPRINT.net	
15123	CHRIS EASTWOOD	
15131	VACANT	
15205	K.C. Vee KCV@EAMer.net	
15215	K.C. Vee	
15221	VACANT	
15229	Sara Simshauser GSK Sims@aol.com	
15303	VACANT	
15319		
15324	J. LUCKEY	
15330		
15404	V. Jensen svdbkjensen@msn.com	
15412	VACANT	
15420	VACANT	

CHRISTOPHER EASTWOOD @ QSP.Co



Home  
425 742-1144

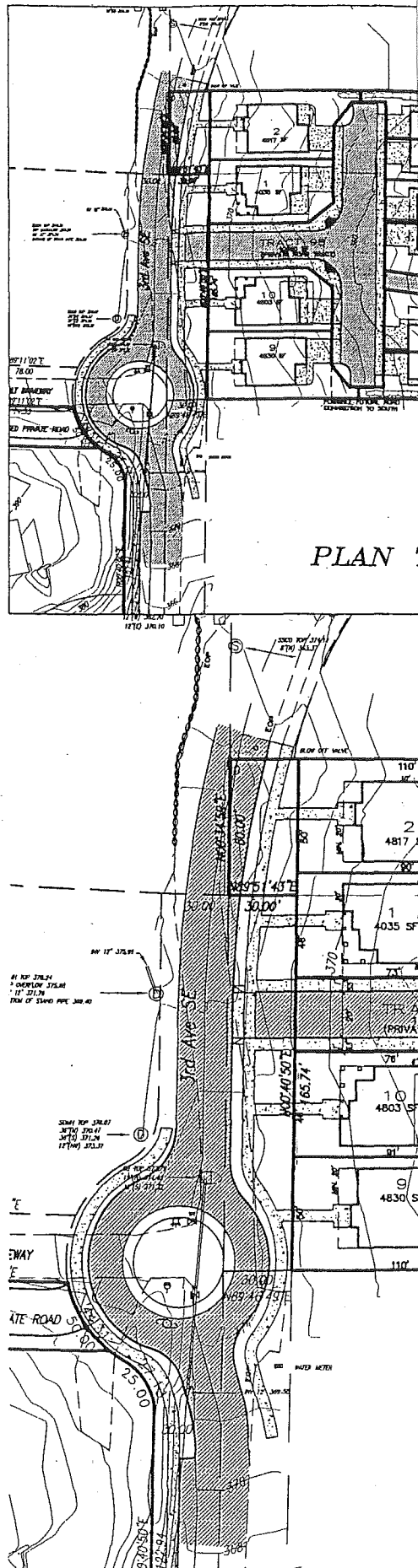
EMAIL - NIKALUCKEY@AOL.COM

**Jeffrey G. Luckey**  
Director - Enterprise Supplier Mgmt.  
Sonic Cruiser Program  
Commercial Airplanes

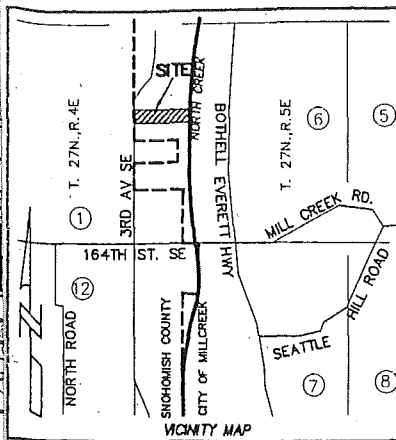
The Boeing Company  
P.O. Box 3707 MC 0R-AR  
Seattle, WA 98124-2207

Telephone 425-294-5444  
Fax 425-294-6050  
Cellular 425-971-5166  
jeffrey.g.luckey@boeing.com





PLAN



**DATUM.**

SHOCKWORTH COUNTY CORNER, POINT NO. 143 CONCRETE MONUMENT BORN 1 1/2" DIAMETER DISK IN ONE IN 3RD AVENUE SE 6.34' NORTH OF 164TH STREET 34' FROM INTERSECTION, 22.5' FROM PROPERTY TO HOUSE (FIRST ELEVATION 324.00' (ROUND 84))

**BASIS OF BEARING.**

PLAN OF MILLWOOD AVE (N 112° 12' 00" E)

**LEGAL DESCRIPTION.**

**PARCEL A**

WEST 1/2 OF THE NORTH 1/2 OF THE NORTH 1/2 OF THE NORTH 1/2 OF LOT 4, SECTION 8, TOWNSHIP 27 NORTH, RANGE 5, DIST. 10 IN SHOCKWORTH COUNTY, WASHINGTON EXCEPT THE WEST 30 FEET THEREOF.

**PARCEL B**

EAST 1/2 OF THE NORTH 1/2 OF THE NORTH 1/2 OF THE NORTH 1/2 OF LOT 4, SECTION 8, TOWNSHIP 27 NORTH, RANGE 5, DIST. 10 IN SHOCKWORTH COUNTY, WASHINGTON EXCEPT THE WEST 30 FEET THEREOF.

**PARCEL C**

THE SOUTH 60 FEET OF THE WEST 30 FEET OF GOVERNMENT LOT 4, IN SECTION 8, TOWNSHIP 27 NORTH, RANGE 5, DIST. 10 IN THE COUNTY OF SHOCKWORTH, STATE OF WASHINGTON.

**TAX ASSESSOR NO.**

270506-002-011-00  
270506-003-007-00  
270506-003-006-00

**EXISTING ZONING:**

LDR

**PROPOSED ZONING:**

SAME

TOTAL SITE AREA: 217,432 SF (GROSS)

TOTAL AREA IN LOTS: 42,161 SF

SEWER/WATER DIST.: ALDERWOOD WATER DIST.

PERMITTED RESIDENTIAL DENSITY, PER 16.12.050

NET DEVELOPMENT AREA CALCULATION:

GROSS SITE AREA: 217,432 SF

LESS PUBLIC ROAD: 1,800 SF

LESS WETLAND: 106,186 SF

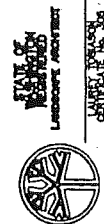
NET DEVELOPMENT AREA: 109,446 SF

109,446 SF DIV BY 8400=13 DU ALLOWED  
10 DU PROPOSED

REQUIRED OPEN SPACE, PER 16.12.060

109,446 X .20 = 21,889 SF REQUIRED  
36,474 SF PROVIDED

**The Falls at Mill Creek**  
a planned residential development  
**PRELIMINARY PLAT**  
**SITE DEVELOPMENT PLAN**



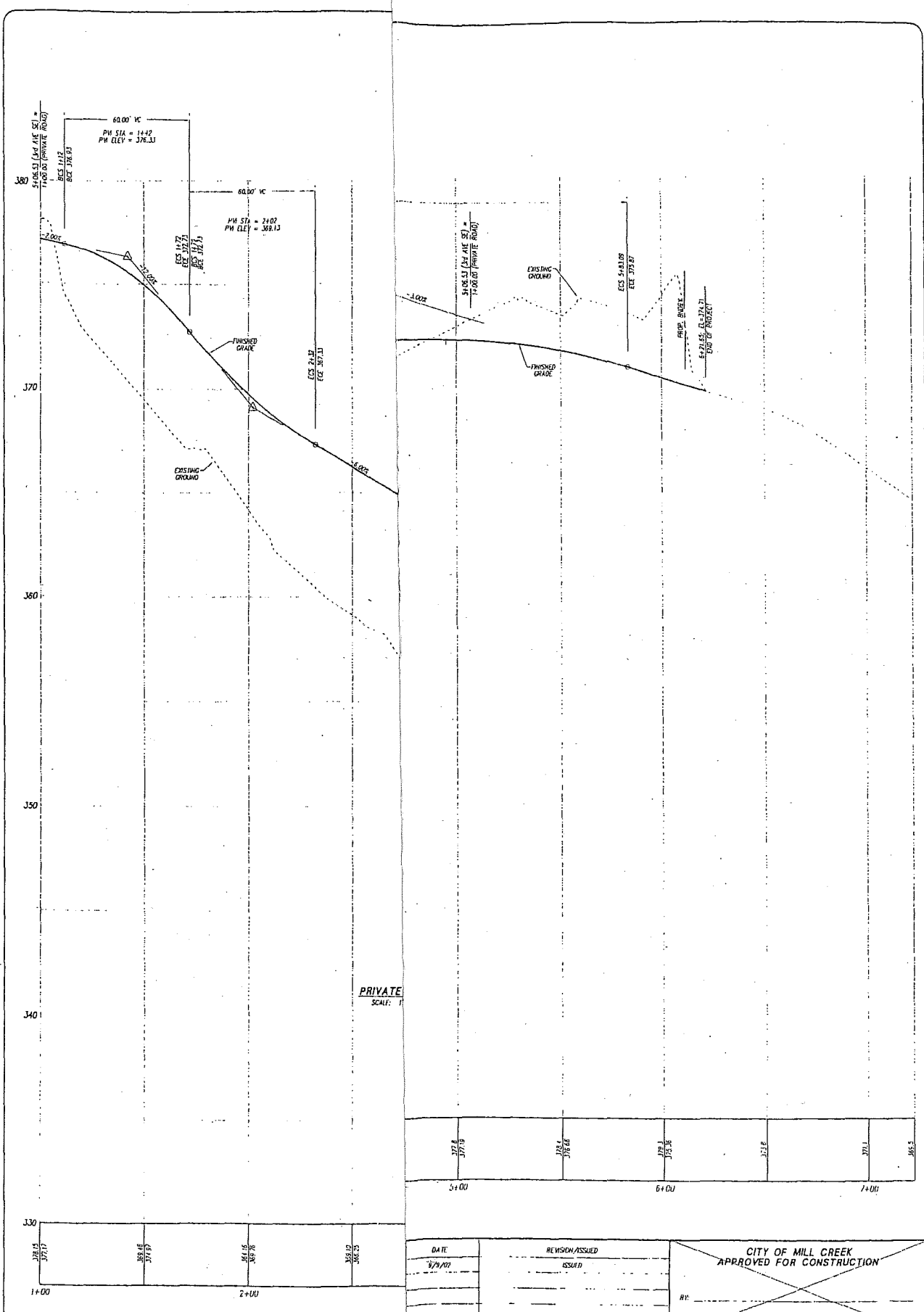
**TOBIASON & COMPANY, Inc.**  
Land Use Consulting Landscape Architecture

110 Third Ave SE & 1st  
Edmonds, WA 98020  
(425) 778-5944  
(425) 771-5788 Fax  
Laurey@tobiasonandco.com

Sheet

**P-1**





**PEAK ENGINEER**  
INC.

1720 GROVE STREET, MARYSVILLE, WASHINGTON 98270  
(360) 658-6986 / FAX: (360) 658-782

DATE 8/9/07	REVISION/ISSUED ISSUED	CITY OF MILL CREEK APPROVED FOR CONSTRUCTION
<div style="display: flex; justify-content: space-between;"> <div>             SCALE: 1" = 40'           </div> <div>             PROJECT NO. <b>02411B</b> </div> </div>		<div style="font-size: 2em; font-weight: bold;">2</div>
<div style="display: flex; justify-content: space-between;"> <div>             DWG <b>2</b> OF 2           </div> <div>             PROJECT NO. <b>02411B</b> </div> </div>		

THE FALLS AT MILL CREEK

PRELIMINARY  
PROFILE PLAN



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

**MOTION:** Commissioner Collard moved, seconded by Chair McElhose, to approve Resolution 2003-107 recommending approval of The Falls at Mill Creek Preliminary Plat as conditioned in the staff report.

**MOTION:** Commissioner Collard moved, seconded by Commissioner Barton, to amend Condition No. 24.C to add to the end of the second sentence "or equivalent approved by the City Engineer." The amendment passed with five in favor and Commissioner Robertson abstaining.

As revised, Condition No. 24.C reads as follows:

*24.C On site testing is required to verify the infiltration rate and the soil cation exchange capacity rate prior to beginning plat construction. The infiltration rate testing method shall be a Pilot Infiltration Test in accordance with the DOE Manual Appendix V-B or equivalent method as approved by the City Engineer. The test shall be conducted in the location of the proposed infiltration facilities and in the presence of City staff.*

**MOTION:** Commissioner Collard moved, seconded by Chair McElhose, that a new condition (Condition No. 26) be added requiring that each unit be provided with a sprinkler system as required by the Code. The motion passed unanimously.

New Condition No. 26 reads as follows:

*26. Each residential unit shall be provided with a sprinkler system if required by the Code.*

**MOTION:** Commissioner Collard moved, seconded by Commissioner deRoulet, to delete Condition No. 19 in its entirety. The motion passed unanimously.

**MOTION:** Chair McElhose moved, seconded by Commissioner Collard, to add a new condition (Condition No. 27) stating that 3<sup>rd</sup> Drive/3<sup>rd</sup> Avenue will not be opened for public access but have emergency access only. The specific language for the new condition will be drafted by staff in consultation with the emergency service providers and be circulated for approval by the Commission before forwarding the recommendation to the City Council. The motion passed unanimously.

New Condition No. 27 as prepared by staff and reviewed and approved by the Planning Commission reads as follows:

27. *The applicant shall remove the existing barricades on 3rd Avenue SE and 3rd Drive SE, and construct a landscaped road section north of the proposed traffic circle. The road section shall allow emergency vehicle access only and shall be landscaped to discourage vehicular traffic. The applicant shall install "Emergency Vehicle Access Only" signs (or equivalent) on the north and south sides of the road section. The design, location and construction of the road section shall be approved by the applicable reviewing agencies, which may include the City Engineer, Snohomish County Public Works and emergency service districts.*

**The vote on the Main Motion was then called, and passed with four in favor and Commissioners Barton and Robertson opposed.**

**Commissioner Barton stated that he voted against the plat because he feels the density is incompatible with the surrounding neighborhood.**

**Commissioner Robertson concurred.**

**City Attorney Missall clarified for all those attending that because of the way the last amendment was made, there will be a new condition that is added to the staff report that the audience does not have at this time. Anyone who is interested in knowing the specific language drafted for the final condition can contact staff. Once the Planning Commission has approved the language for that condition, a revised staff report will be issued and interested parties would be entitled to a copy.**

## **Hearing Exhibits**

### **Exhibits included in the Planning Commission packet:**

- Planning Commission Resolution 2003-107 including:  
Staff Report with Attachments, and  
Preliminary Plat Documents

### **Entered into the record during the public hearing:**

- Staff's PowerPoint presentation
- Amended petition from the River Crossing residents
- Letter from the Everett School District
- Letter from Jason and Christine Mitchell
- E-mail from Jim Fowler at Snohomish County
- Police Chief Crannell's written comments
- Letter from Mr. Gene Simshauser
- Letter from Frederic H. and Margaret P. Row
- Letter from Carolyn Lake





## Planning Commission Public Hearing

May 15, 2003

The Falls at Mill Creek  
Preliminary Plat, PP 02-58

## Public Hearing Format

- Staff Presentation
- Planning Commission Discussion
- Public Testimony & Questions
- Planning Commission Deliberation
- Planning Commission Motion

## Public Hearing Record

- Planning Commission Resolution
  - Preliminary Plat Documents
  - Staff Report
- Staff Presentation
- Public Testimony
- Written Comments Received

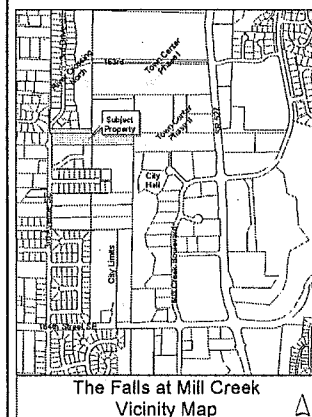
## Staff Presentation

- Description of Site
- Project Analysis
- Neighborhood Concerns
- Public Works
- Emergency Services
- Staff Recommendation

## Proposal Under Consideration

### 10 unit Preliminary Plat/PAD with Modifications for:

- Building Yard Setbacks
- Lot Coverage
- Lot Size



- North of 164th
- South of 153rd
- East of SR 527
- West of 3rd Avenue

## Statutory Requirements

### State Environmental Policy Act Compliance

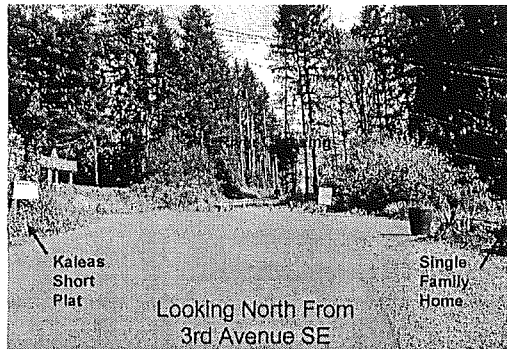
- Addressed impacts and mitigation
  - Environment, Schools, Parks, Utilities, Transportation
- MDNS issued March 19, 2003
- No Appeal

## Statutory Requirements

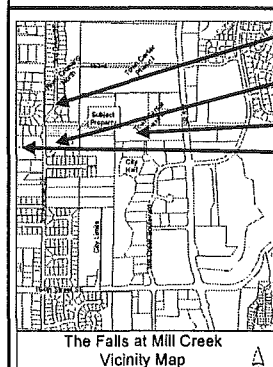
### Public Hearing Notice

- Posted April 24, 2003
- Mailing April 28, 2003
- Published May 3, 2003

## Site Characteristics



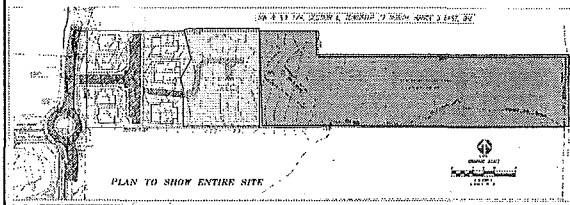
## Surrounding Zoning & Land Uses



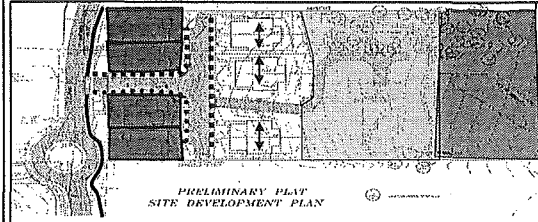
- North-LDR-Plat of River Crossing
- South-LDR-Single Family Dwelling
- East-PCB-Undeveloped
- West-R-9,600-Single Family Residences

## Plat Design

- Preservation area 2.9 acres
- Open space 0.8 acres
- Development area 1 acre

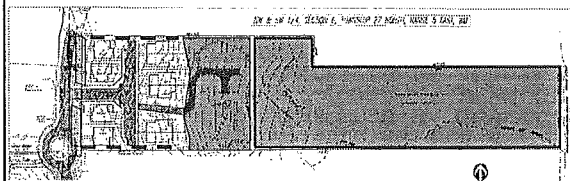


- 10 Units
  - 4 Detached (4,035-4,830 s.f.)
  - 6 Attached (3,288-4,766 s.f.)
- 20'-25' Private Access Drive
- 5' Sidewalks
- Open Space/Infiltration Bed (0.8 acres)
- Critical Areas Protected
- Tree Retention



## Perimeter Buffers

- 10' landscaping on North and South boundaries
- 5-25' additional landscaping on 3rd Avenue
- 2.9 acres of preservation and open space area



## Purpose of Planned Area Development Process

Allows a more flexible method of site design

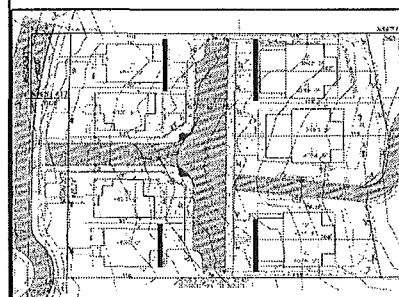
- Preservation of open space & vegetation
- To achieve a creative or superior design to protect values and integrity of surrounding neighborhoods
- Provide efficient use land by clustering buildings

## Planned Area Development Modifications

1. Front, rear, and side yard setbacks
2. Lot size
3. Lot coverage

## Modifications

### 1. Front and Rear Yard Setbacks



#### Required 20'

• Request for 19' Front Yard on Lots 3, 4, 7, & 8

• Request for 19' Rear Yard on Lots 2 & 9

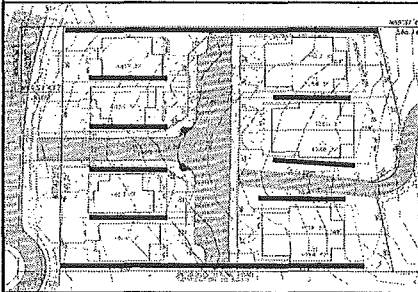
• Purpose  
★ Allows for additional modulation

• Meets minimum 19' parking stall depth

## Modifications

### 1. Side Yard Setbacks

#### Required 20'



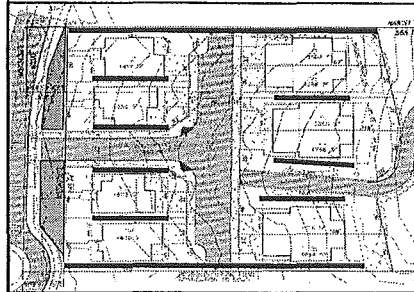
• Request no less than 5' on Lots 1 & 10

• Request for zero lot line attached units

— 5'  
— 6'  
— 10'  
— 15'

## Modifications

### 1. Side Yard Setbacks

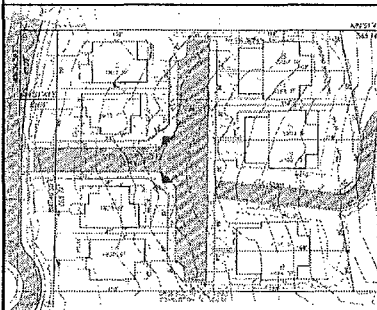


#### Purpose

- ☆ Minimizes grading
- ☆ Meets density targets while providing additional open space
- ☆ Variety of housing types
  - 10' setback along perimeter
- Consistent with most SFD in City

## Modifications

### 2. Lot Size Reduction for all Lots



#### Required 8,400 sf

• Lots range from 3,288 to 4,830 sf

• Average lot size is 4,216 sf

#### Purpose

- ☆ On-site constraints
- ☆ 2.9 acres of preservation
- ☆ 0.8 acres of open space

## Modifications

### 3. Lot Coverage

#### Maximum 35%

Request for 48%

#### Purpose

- ☆ Minimizes grading
- ☆ Additional open space
- ☆ Product of smaller lot sizes

## Development Impact Mitigation

- Fire
  - \$3,650.00
- Parks
  - Neighborhood Parks - \$9,325.70
  - Community Parks - \$14,905.00
- City
  - \$2,414.00
- Snohomish County
  - \$15,139.74

## Neighborhood Concerns

#### Petition Submitted

- Potential for cut-through traffic
- Safety
- Speeding
- Potential for decrease in property values
- Increase in noise
- Requesting gated community

### **Stormwater Drainage**

- Under requirements of 2001 DOE Manual
- Existing site drains to wetland on east side of property, connected to North Creek
- Proposed drainage facilities will treat runoff from the Falls and County short plat
- Infiltration system will be used due to favorable soil conditions on site
- Underground infiltration bed will be compatible with planned open space

### **Stormwater Drainage**

- 200-foot long open bioswale for WQ treatment prior to infiltration
- Maintenance will be the responsibility of both the Falls and County short plat HOA's
- Must submit maintenance plan and schedule to City for review and approval
- Five year monitoring plan to gauge the performance of infiltration system

### **Development Traffic Impacts**

- 96 new daily trips, 10 PM peak hour trips
- 90% of traffic is expected to travel south on 3rd Avenue to 164th Street
- City mitigation fee of \$2,414, preliminary County mitigation fee of \$15,140
- Trip distribution was done assuming connection between 3rd Drive / 3rd Ave

### **Interior Roadway**

- Interior roadway will be a private street
- Entrance road has grade of 12% to minimize quantity of imported fill
- Road will have minimum 20 foot width, curb and gutter, five foot sidewalk
- Must be designed to accommodate emergency and maintenance vehicles

### **Frontage Improvements**

- 3rd Avenue SE is Snohomish County ROW, not within Mill Creek City limits
- Applicant will construct full width frontage improvements, consisting of:
  - 24-foot (curb to curb) wide roadway
  - Vertical curb and gutter on both sides
  - Planter strip and sidewalk on east side only
  - Street lights and landscaping on east side

### **Frontage Improvements**

- Existing vertical curve alignment will be smoothed out for new site access point
- Landscaped traffic island in existing ROW on SE corner for traffic calming
- Remove existing barricade to connect 3rd Avenue SE with 3rd Drive SE
- Connection will match existing road cross section in River Crossing

### 3rd Drive SE Connection

- Connection is necessary to provide second access point for 92 lots
- Supported by Police, Fire District and Snohomish County Public Works
- Connection was a Condition of Approval of original River Crossing Plat (West Village)
- "Future Road" sign was installed and maintained at south end of 3rd Drive

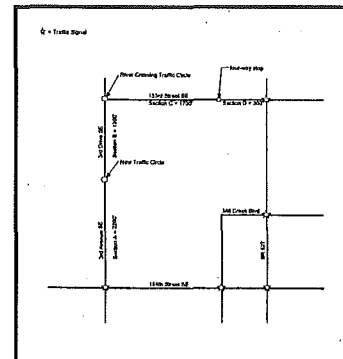
### 3rd Drive SE Connection

- Only existing access point for residents on 3rd Drive is 153rd Street to SR 527
  - Route could be easily closed by falling trees, accidents or blocking vehicles
- Northern extension of 3rd Drive up to Cascadian Way not feasible, too steep
- Local residents will have increased public safety access, convenience benefits

### Proposed Connection - Traffic Study

- Due to citizen concerns, a supplemental study was done by an independent consultant to assess traffic impacts of planned connection
- Study assumptions:
  - Completion of roadway improvement projects funded and underway
  - Full build out along 3rd Drive SE (River Crossing, RC North, Chilelli plats)

### Traffic Study - Analysis Area



### Traffic Study - Travel Time Analysis

- Study examined travel times between two points using existing and new routes
- **For 3rd Ave residents going to Town Center:**
  - Existing route is 164th Street to SR 527, left hand turn onto 153rd Street
  - New route would be north on 3rd Drive and east on 153rd Street
  - Travel time reduced by 58% on new route

### Traffic Study - Travel Time Analysis

- **For 3rd Drive residents going to 164th Street:**
  - Existing route is 153rd Street to SR 527, south to 164th Street
  - New route is directly south on 3rd Avenue
  - Travel time reduced by 63% on new route
- Local residents will benefit from connection, travel times can be cut in half

### **Traffic Study - Travel Time Analysis**

- Study looked at the potential for cut through traffic:
  - Commuters cutting through from signal at 3rd Ave @ 164th St to SR 527 @ 153rd St
  - Existing route is 164th St to SR 527 (or MC Blvd)
  - New route is 3rd Avenue to 3rd Drive, then east on 153rd Street
  - Travel times are the same on either route
  - No time saving benefit or incentive to cut through new road connection
  - Connection will not be visible from 164th Street

### **Traffic Study - Volume Analysis**

- Study also looked at potential changes in traffic volumes with new connection
- Due to local travel time benefits, there will likely be some redistribution of traffic flows
- Increase on 3rd Avenue:
  - 195 new daily trips from River Crossing, RC North, Chilelli plats
  - 195 fewer daily trips on 153rd Street

### **Traffic Study - Volume Analysis**

- Increase on 3rd Drive, south of 153rd St:
  - 98 new trips from RC North and Chilelli
  - Possibly 100 new daily trips from 3rd Avenue (Estimated from number of lots on 3rd Ave and trip distribution from Falls at MC)
- Cumulative traffic increase:
  - Total of 281 new daily trips (28 PM peak) possible on 3rd Avenue
  - Up to new 208 new daily trips (21 PM peak) on 3rd Drive between 153rd Street and connection

### **Traffic Study - Volume Analysis**

- The largest impact (3rd Avenue) equates to an average of one new trip every two minutes during the PM peak hour
- Conclusion is that there will be some traffic volume changes with new connection, but impacts will be minimal

### **Local Roadway Improvements**

- City / County / WSDOT projects under construction to improve local traffic flow:
  - SR 527 widening to five lanes, new signal at 153rd Street and corridor signal coordination
  - 164th Street corridor signal coordination
  - Left hand turn movement changes
- Net effect should be to improve existing LOS on main commuting corridors

### **Proposed Connection**

- To address citizen concerns regarding speeding traffic and increased volumes:
  - Landscaped traffic island in existing ROW on SE corner for traffic calming
  - Traffic island will visually screen the new connection from 3rd Avenue traffic
  - Applicant will install "Local Access Only" signs on 153rd Street and 3rd Avenue
  - Existing narrow roadways and on street parking shown to reduce traffic speeds
  - If future problems arise, City / County staff can install additional traffic calming devices

### **Citizen Proposed Gate**

- Staff opposes gating public roadways for several reasons:
  - Public roads should have unrestricted access for all citizens
  - Developments on 3rd Drive were not intended to be gated communities
  - No common emergency vehicle detection device that will work for all agencies
  - Maintenance concerns
  - Liability of City
  - Sno.Co. will not allow gate on County ROW

### **Emergency Services**

- Fire District No. 7
- Mill Creek Police Department

### **Facts and Findings**

- Comprehensive Plan
- Mill Creek Municipal Code
- SEPA Requirements
  - Mitigates impacts (schools, fire, parks, utilities & transportation)
- Public Notice Requirements
- Interest of the public's health, safety & welfare

### **Conditions of Approval**

- Staff Report pages 21-25

### **Staff Recommendation**

- Planning Commission Approval of a Resolution recommending approval of the preliminary plat/PAD as proposed to the City Council

### **Questions from Planning Commission?**



### **Public Hearing Format**

- Staff Presentation
- Planning Commission Discussion
- Public Testimony & Questions
- Planning Commission Deliberation
- Planning Commission Motion

### **Development Review Process**

- City Council Study Session
- City Council Action



## RIVER CROSSING HOME OWNERS

**TO:** *The City of Mill Creek City Council and Planning Commission*

**FROM:** River Crossing Home Owners

Contact Representatives:

Roy Cats	15508 3 <sup>rd</sup> Drive SE	206-396-5059 <a href="mailto:Fireprotection@mindspring.com">Fireprotection@mindspring.com</a>
Jeff Luckey	15324 3 <sup>rd</sup> Drive SE	425-742-1144 <a href="mailto:nikaluckey@aol.com">nikaluckey@aol.com</a>
Fred Row	15505 3 <sup>rd</sup> Drive SE	425-787-0858 <a href="mailto:Rowenterprises@earthlink.net">Rowenterprises@earthlink.net</a>
Gene Simshauser	15229 3 <sup>rd</sup> Drive SE	425-743-3596 <a href="mailto:Gksims@aol.com">Gksims@aol.com</a>

**DATE:** May 12, 2003

**RE:** Additional Home Owner Signatures in support of the "Petition from the residents of River Crossing" submitted on 10/22/02 by Jeff Luckey.

On October 22, 2002 a Petition to Stop the proposed connection of 3<sup>rd</sup> Avenue and 3<sup>rd</sup> Drive SE was submitted to the City. The petition was signed by current home owners occupying new residences in River Crossing. Attached you will find signatures from five additional Home Owners who were not residents at the time of the original petition. On the new signature page you will see dots in front of a few lot numbers. The dot indicates that these are duplicate signatures that also appear on the original petition signature page submitted in October.

Also you will find a Proposal from River Crossing Home Owners to install an electric gate between 3<sup>rd</sup> Drive SE and 3<sup>rd</sup> Avenue SE. rather than connect the two street for open traffic. Installation of a gate between the two streets is being recommended in order to allow for emergency access should the need arise. The proposal also requests permission to become a Fully Gated Community by installing a similar gate at the entrance of the development on 153<sup>rd</sup> Street SE.

We request that the Planning Commission and City Council approve the proposal request and would be happy to answer any questions that you might have regarding it.

Submitted on behalf of the Residence of River Crossing by their designated representatives:

Roy Cats

Jeff Luckey


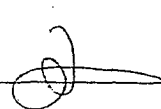
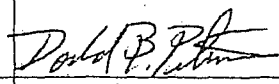
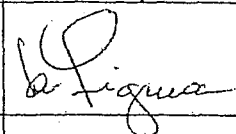
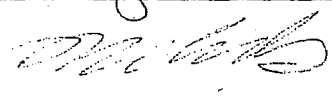
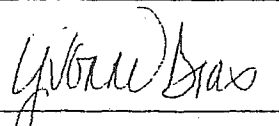
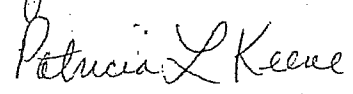
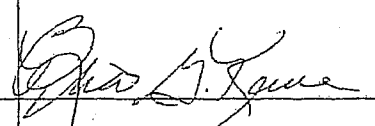
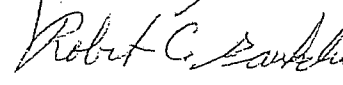
Fred Row

Gene Simshauser

5-12-03  
Date

# PETITION TO STOP THE CONNECTION OF 3<sup>rd</sup> AVENUE SE AND 3<sup>rd</sup> DRIVE SE

We the following Residents of River Crossing endorse the Petitions Submitted to the City of Mill Creek to Stop the Connection of 3<sup>rd</sup> Drive SE and 3<sup>rd</sup> Avenue SE.

Lot No.	PRINT NAME	SIGNATURE	DATE	ADDRESS	E-mail
4	H. C. Yee		5/5/03	15215 3 <sup>rd</sup> DR SE MILL CREEK WA 98012	
5	H. P. Yee		5/5/03	15205 3 <sup>rd</sup> DR SE MILL CREEK WA 98012	
6	Donald Peterson		5/6/03	15131 3 <sup>rd</sup> DR SE MILL CREEK, WA 98012	donald.b.peterson @boeing.com
27	DAY FIGUEROA		5/6/03	15218 3 <sup>rd</sup> DR SE MILL CREEK, WA 98012	
28	Jong IL Park		5/6/03	15226 3 <sup>rd</sup> DR SE MILL CREEK WA 98012	
24	William Kim	PREVIOUSLY SIGNED 1		15210 3 <sup>rd</sup> DR SE MILL CREEK WA 98012	TRAYSEE @ U.WA.EDU
30	YVONNE DIAS		5-7-03	15030 3 <sup>rd</sup> DR SE MILL CREEK, WA 98012	yvonne.paul @ VERIZON.NET
18	Patricia L. Keene		5/7/03	15016 3 <sup>rd</sup> DR SE MILL CREEK, WA 98012	
18	BRANDY KEENE		5/7/03	15016 3 <sup>rd</sup> DR SE MILL CREEK, WA 98012	brandykeene@juwo.com
16	Robert Gankshen		5/8/03	15012 3 <sup>rd</sup> DR SE MILL CREEK WA 98012	

## RIVER CROSSING HOME OWNERS

**TO:** The City of Mill Creek City Council and Planning Commission

**FROM:** River Crossing Home Owners  
Contact Representatives:

Roy Cats	15508 3 <sup>rd</sup> Drive SE	206-396-5059 Fireprotection@mindspring.com
Jeff Luckey	15324 3 <sup>rd</sup> Drive SE	425-742-1144 nikaluckey@aol.com
Fred Row	15505 3 <sup>rd</sup> Drive SE	425-787-0858 Rowenterprises@earthlink.net
Gene Simshauser	15229 3 <sup>rd</sup> Drive SE	425-743-3596 Gksims@aol.com

**DATE:** May 12, 2003

**RE:** Proposed Connection of 3<sup>rd</sup> Drive SE and 3<sup>rd</sup> Avenue and Resulting  
**River Crossing Community Gate(s) Proposal**

We are aware the City of Mill Creek has intentions of opening up 3<sup>rd</sup> Drive and 3<sup>rd</sup> Avenue SE, at the 15500 block, to South and Northbound traffic, resulting in the connection of 3<sup>rd</sup> Drive SE to 164th Street. The City's position has been that this route is necessary for traffic flow from the Mill Creek Town Center.

In a recent ballot, River Crossing residents overwhelmingly opposed the connection of 3<sup>rd</sup> Avenue and 3<sup>rd</sup> Drive SE. In addition, a petition was signed and submitted to the City by River Crossing Residents, early in the fall, indicating for reasons of safety and security that we do not need, nor want our street opened to through traffic. We further contacted representatives of William and John Buchan Homes and the developer of The Falls. None of the three developers expressed a need to connect the two streets. They all support the installation of an electric gate that will provide key access for emergency vehicles to both 3<sup>rd</sup> Avenue and 3<sup>rd</sup> Drive SE, as well as the potential for a second entrance and exit for River Crossing and The Falls residents. We also contacted the Department of Community Development for Snohomish County Government, who also expressed no need to connect 3<sup>rd</sup> Avenue SE and 3<sup>rd</sup> Drive SE. This leaves the residents and voting citizens of our community in a quandary as to why the City wishes to pursue connecting 3<sup>rd</sup> Drive and 3<sup>rd</sup> Avenues SE to through traffic against overwhelming opposition.

~~In discussions with Carl Buchan it was indicated that as the developer of the Mill Creek Town Center his office saw no need for the opening of 3<sup>rd</sup> Drive and indicated that the two streets remaining closed would not have a negative impact on the Town Center Development.~~ We are not aware of any agreement between the City and the State to divert and/or limit traffic flow onto the State maintained and owned highway, commonly known as the Bothell-Everett Highway that would mandate the streets be connected. Thus there is a lack of support for connecting these streets from residents on both streets and the developer of the Town Center.

We believe many Businesses located within the current City shopping centers, who pay high rental fee's to have Main Street Frontage, would also oppose the connection of the two streets, as doing so would divert a large number of potential customers away from their Store frontage.

The City Planning Departments representatives have repeatedly been requested, by residents to not open 3<sup>rd</sup> Drive SE and 3<sup>rd</sup> Avenue SE to through traffic citing extreme safety and security concerns due to the narrowness of 3<sup>rd</sup> Drive. Their response has consistently been that the streets need to be connected in ~~order to provide another entrance and exit from the Mill Creek Town Center.~~ Petitions by both residents

of River Crossing and residents along 3<sup>rd</sup> Avenue have been submitted to the City and County respectively. The City received a copy of the petition submitted to the County by residents along 3<sup>rd</sup> Avenue SE to document their strong opposition to opening their road to through traffic.

The City Of Mill Creek does have an obligation to follow the wishes and concerns of affected residents, currently residing in River Crossing, as well as to protect the interests of future residents of River Crossing and The Falls. It should also be pointed out that River Crossing currently represents approximately 100 voting Mill Creek residents. This will be more than doubled when the next two phases are completed.

The residents of River Crossing respectfully ask the City to leave 3<sup>rd</sup> Drive SE closed to through traffic, as it always has been and currently remains. We further ask authorization to provide for permanent GATING of this street. We have provided supporting documentation as to what our proposal would include.

The installation of a permanent access gate to the south end of the 15500 block of 3rd Drive is requested by the residents of the community commonly known as River Crossing and developer of The Falls. The concerns are purely for the continued safety and security of our families, property and quality of life that we have enjoyed since the conception of this neighborhood.

The residents of River Crossing have agreed to not only bear the cost and responsibilities associated with the installation of an electrified Emergency/Resident Access Gate, but also for the on-going costs and operation of the service for years to come, through the Homeowners Association mandated annual dues. The current residents of River Crossing are 100% behind this proposal.

As we have outlined in previous documentation, there is No Reason to remove the current temporary poles that block and restrict access to 3rd Drive SE from 3rd Avenue SE. However, in the interest of continued Safety and Security of our neighborhood, we propose the installation of this gate. Installation of a gate would not only provide for emergency vehicle access between 3<sup>rd</sup> Drive SE and 3<sup>rd</sup> Avenue SE, but also would provide the potential for a second entrance and exit for residents of River Crossing and The Falls, while prohibiting the flow of non-resident traffic.

The gate to be installed between 3<sup>rd</sup> Drive and 3<sup>rd</sup> Avenue SE will have the ability to be opened electronically with the installation of OPTI-COM receivers, Knox Box, key or other operating systems required by emergency services in the approval process. OPTI-COM units are currently operational on all County Fire Emergency Service vehicles and a number of the City of Mill Creek Police vehicles. If required by the City's Police Department, the proposal ~~would include providing up to five additional OPTI-COM units. The receiving OPTI-COMS shall be installed and paid for through a local grant from FIRE PROTECTION, INC, a privately held Emergency Service Company owned and operated by a resident of River Crossing.~~ In addition to the OPTI-COM, the gate will also have the ability to be manually opened with KNOX BOX gate keys, as requested by the Local Fire District.

River crossing shall provide all required documentation as requested through the City Planning Commission for approval of this installation. There shall be no cost incurred to the city from start to finish on this project. River Crossing shall adhere to all Local Uniform Building and Electrical Codes as required.

Both the current residents of River Crossing, as well as the developer of The Fall's, which would be included within the gated community, have unanimously approved this request. We have enclosed further documentation to assist you in coming to the correct conclusion and solution of this unique situation.

While our primary concern is to stop the potential connection of 3<sup>rd</sup> Drive and 3<sup>rd</sup> Avenue we do have additional concerns due to potential increased traffic from Mill Creek Town Center into our residential

community, even if the City posts "No Outlet" signs. Because of our safety and security concerns, we would like to request that the City consider allowing our proposal to include installation of a similar gate at the entrance of the development. The request to become fully gated is made with the understanding that, if approved, there would be no financial impact and/or delay in the permitting approval process for the final phase of River Crossing to Buchan Homes, known as the Chilelli Plat. .

Our request to become a fully gated community is made because of safety and security concerns. ~~Third Drive SE is simply not wide enough to accommodate projected increases in traffic from the Town Center that would occur even with "No Outlet" signs posted.~~ If full gating is approved by the City, the entrance gate would be installed on the East-end of the bridge on 153<sup>rd</sup> Street. A turn around in front of the gate would be provided. ~~In becoming a gated community, the residents of River Crossing understand and agree to maintain road surfaces within the gated community as well as operational costs of the two installed gates. This second gate would be operational as already described.~~

In the City, as well as in Snohomish County, *gated communities have previously been approved.* Several gated communities within Mill Creek City limits include the ~~Fairway Fountains, Mill Creek Fairway Village and Stratford Greens.~~ Hyde Park is also gated and is identified in the comprehensive plan as an area of future annexation. The precedent has been set that allows for communities to become gated and assume the responsibility for private road maintenance. In approving a gated community, we recognize that concerns stem around Emergency Services' ability to access the effected areas rapidly and effectively. We believe that installation of the proposed gates address any and all concern that might arise regarding response Emergency Vehicles from numerous directions.

In Summary, the reasons that the City of Mill Creek should abandon any future plans to connect these two (2) streets and provide a gated solution are:

- **Safety** - opening these streets will result in ~~a very high volumes of traffic along a narrow road that was not designed to handle the greater capacity and certainly does not have the margin of safety that wider roads permit. Therefore, safety of children and residents are placed at a higher risk.~~
- **Security** – higher volumes of vehicular and foot traffic increase the potential for crime, particularly when there are two means to "escape" the neighborhood.
- Both 3<sup>rd</sup> Drive and 3<sup>rd</sup> Avenue have been a dead-end street since they were developed and connecting them will create an "escape corridor" for high volumes of traffic between 164th street and/or Bothell-Everett Highway (SR 527).
- It is important to recognize that both streets service quiet residential communities, and when developed were not constructed to be capable of becoming a "main through fare".

Rationale for approving the River Crossing proposal includes:

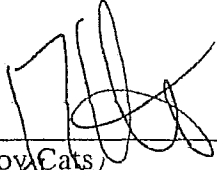
- The proposal to replace the existing barrier posts with an electronic gate would provide more rapid key access for emergency vehicles to both 3<sup>rd</sup> Avenue SE and 3<sup>rd</sup> Drive SE.
- Approval of the gated proposal would eliminate the City's liability connected with potential incidences arising around traffic Safety issues identified
- A gated solution would reduce the number of vehicles potentially diverted away from existing Mill Creek Shopping Centers by connection of the two streets, thus reducing potential alienation of long time City businesses.
- Elimination of high-density traffic through a residential community is consistent with the City of Mill Creek's Comprehensive Plan, dated May 1999, page 84 in the Transportation Policies 1.02 and 3.01.

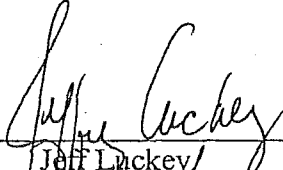
- If approved to become a fully gated community, the residents of River Crossing and The Falls would assume the maintenance and up-keep of road surfaces within their community, thus providing long-term cost saving to the City.
- Approval to become a fully gated community would be the optimum solution that would also provide cost saving to the City of Mill Creek, thus benefiting both parties.
- If approval to become a fully gated community were not possible at this time, our primary objective would be the approval of the request to provide a gated solution between 3<sup>rd</sup> Drive and 3<sup>rd</sup> Avenue.


If fully gating of our community is not approved, then we request that the City work cooperatively with us to continue study of the ramifications of becoming a fully gated community. Approval of gating between 3<sup>rd</sup> Drive and 3<sup>rd</sup> Avenue SE would then be an acceptable compromise and would provide a friendly, amicable solution to a potential divisive and dangerous issue.

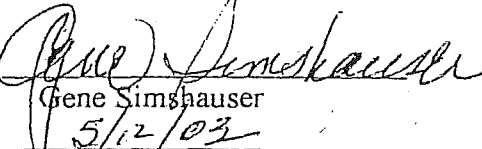
We appreciate your thoughtful attention to this very important matter and look forward to the approval of our proposal.

Submitted on behalf of the Residence of River Crossing by their designated representatives:

  
 Roy Cats  
 5/12/03  
 Date

  
 Jeff Lackey  
 12/11/03  
 Date

  
 Fred Row  
 5-12-03  
 Date

  
 Gene Simshauser  
 5/12/03  
 Date

Attachments: River Crossing Grid Map with Proposed Gate Location(s)  
 Gate Specifications  
 Pictures of Traffic trying to pass on 3<sup>rd</sup> Drive SE with legally parked cars on street.



# Applied Engineering Results in the Revolutionary New Digitech VLF Gate

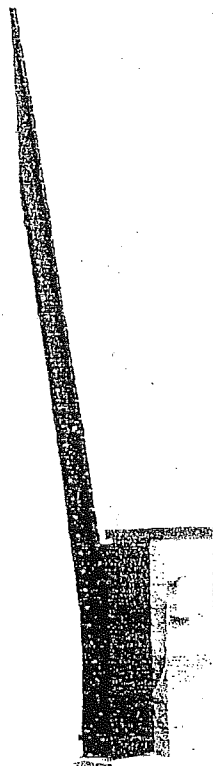


VERTICAL LIFT AND FOLD GATE

- **Quick Installation** - This lightweight gate, with its integrated gate operator and components, reduces both the installation time and complexity.

- **Dependable Operation** - Designed and Engineered for up to 1,000 openings per day

- **Expandable** - Utilize an optional Emergency gate to expand coverage up to 36 Feet.



## Use the Digitech Vertical Lift & Fold Gate Operator for Superior Operation and Dependability

Self-storage locations need more dependability than many gate systems can offer. The Digitech VLF Gate System stands up to the challenges of

frequent and rapid operation, ease of installation, and limited maintenance. The Digitech VLF Gate System will handle your traffic flow at an affordable cost.

The Digitech VLF is a complete gate system that ships ready to install and includes the integrated operator, barrier, catch post and controls. With an operator footprint of 12" x 20", it requires minimal space in the critical entry area.

This easy-to-install gate features a variety of styles to match architectural fencing designs. All components are carefully chosen and treated for a long corrosion-free life.

Unlike many vertical pivot gates, the Digitech VLF Gate takes advantage of superior engineering in its patented Lift & Fold mechanism. The lighter weight and mechanical design offer a much less intimidating and imposing gate, even though it gives equal protection and access control.

Look at these features:

- **Power/Back-up** - A battery-powered, 12-volt system, that can be either trickle charged (AC) or solar charged. If the power goes out, the gate continues to operate. Fire and safety systems (Knox Box, etc.) also continue to operate.
- **Durable Operation** - Designed for 1,000 + openings per day.
- **Manual Release** - A lockable manual release is incorporated into the upper rail and can be reached from either side.
- **Component Protection** - Comes standard with a two coat zinc/powder coated sheet metal enclosure surrounding the operator frame protecting all control components.
- **Advanced Electronics** - Includes one infrared sensor and reflector, solid state self diagnostic electronics enclosed in a weather tight box, a radio receiver with antenna, and two transmitters.
- **Long Lasting Finish** - Powder coating and marinizing applied appropriately to the materials used in the gate keep it rust free longer than competitive gates.
- **Safe to Operate** - Safety features include loop detectors, infrared sensing, current sensing and manual releases.
- **Easy to Operate** - Operational speed of 8 - 12 seconds, adjustable, from start to full open or full closed.
- **Easy to Maintain** - All control functions are easily viewable by LEDs on the main circuit board.
- **Construction Choices** - For the gate and any required matching fence panels, choose aluminum or steel.

### Quick, Quiet, Dependable Operation

### Dual and Master/Slave Systems

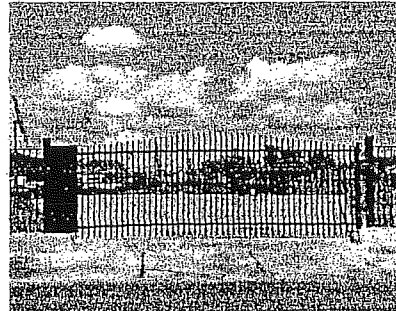
By combining two gates, you can span up to 36' of driveway width. These can operate independently (entry/exit) or simultaneously (master/slave). They may have a 2-sided center catch post (independent operation) or have no center post (independent or master slave). An electric magnetic lock can be mounted in the center pickets for additional security. A shock absorber extends from the bottom of the center pickets in the no-catch post systems and centers in a stainless steel guide pocket mounted in the center of the roadway.

### Retractor System

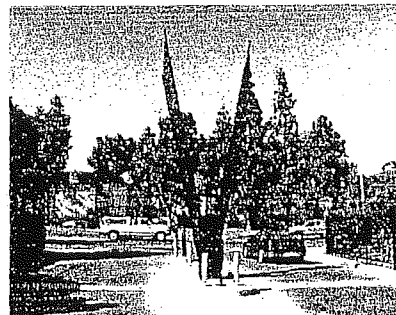
Digitech International, Inc. provides accessories that allow a pilaster to be built around the operator for custom architectural requirements. This system consists of a base track on which the operator is mounted, a fiberglass box that surrounds the operator around which the masonry or other materials are constructed, and a linear actuator that can be powered by your cordless drill for extending and retracting the operator for service. This box performs as a "garage" for the operator and keeps it from contamination while allowing free movement of the operator and associated wiring for servicing.

### Emergency Vehicle Access (EVA)

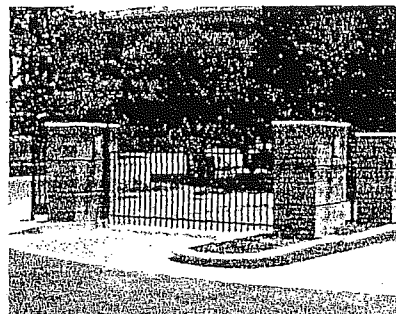
An optional emergency access barrier up to 18' can be annexed to the VLF gate to provide a combined access of up to 36'. This optional barrier section includes a catch post which sets in a fold down driveway mounted receiver. Upon release by emergency personnel, the barrier and catch post lifts and folds mechanically to allow full-width access. The main barrier is triggered to open at the same time and will remain open until the EVA section is reset.



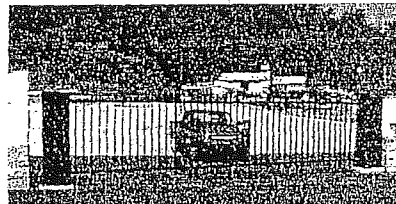
Single 18' Span Gate



Dual Span 18' Gate with both gates open



Single 18' Span with Retractor System



Dual Span 18' Main and 6' Expansion

in its normal operating position.

## **Digitech VLF Gate Operator - Integrated System Specifications**

### **Barrier:**

Standard - maximum length to 18' - maximum height to 6'  
Custom heights available

### **Barrier Styles:**

Peak, Hill, and Prairie  
Custom - Design to conform to engineering requirements and driveway topography

### **Picket Styles:**

Standard - Plain capped  
Custom - Pressed spear point, cast points, and filigree available

### **Materials:**

Pickets - 1" x 1" .065 aluminum square tubing  
              3/4" x 3/4", 16Ga. pre-galvanized steel or .062 aluminum square tubing  
              5/8" x 5/8", 16Ga. pre-galvanized steel square tubing  
Rails - 2" x 2", 16Ga. pre-galvanized steel or .125 aluminum square tubing  
Enclosure - Galvanized sheet metal  
Paint - Double powder coat finish - 6 standard colors - custom colors available

### **Power System:**

Heavy duty, 12-volt marine battery - minimum 60 month; customer-provided

### **Gate Operator:**

12" wide x 20" deep to 6' high  
10 Ga. steel front and rear members - 1/4" steel base and top members  
Mount - 4 anchor bolts - 5/8" x 12" minimum  
Heavy-duty bearings - 1" stainless steel axles  
Lift systems - Ball screw linear actuator  
Counterbalance - Commercial grade springs engineered for 500,000 to 1,000,000 cycles

Ball bearing spring hangers  
Operational speed of 8 - 12 seconds, adjustable, from start to full open or full closed

**Controls:**

Mounted remotely in gasketed, weather-tight box  
Solid state - no relays - PWM speed control, self diagnostic  
Radio remote - 2 transmitters included  
Interfaces with all standard, phone entry, touch pad, card reader, and loop detector entry and exit systems (Dry contact)

**Safety:**

Loop detector for in-ground sensing loops  
Infrared detector  
Current-sensing backup  
Manual release lever is built into upper rail - lockable - one hand operation

**Warranty - 1 year**

The company can be contacted through this web site and email at [www.digitech-intl.com](http://www.digitech-intl.com) or by telephone at **800.523.9504**.



print page

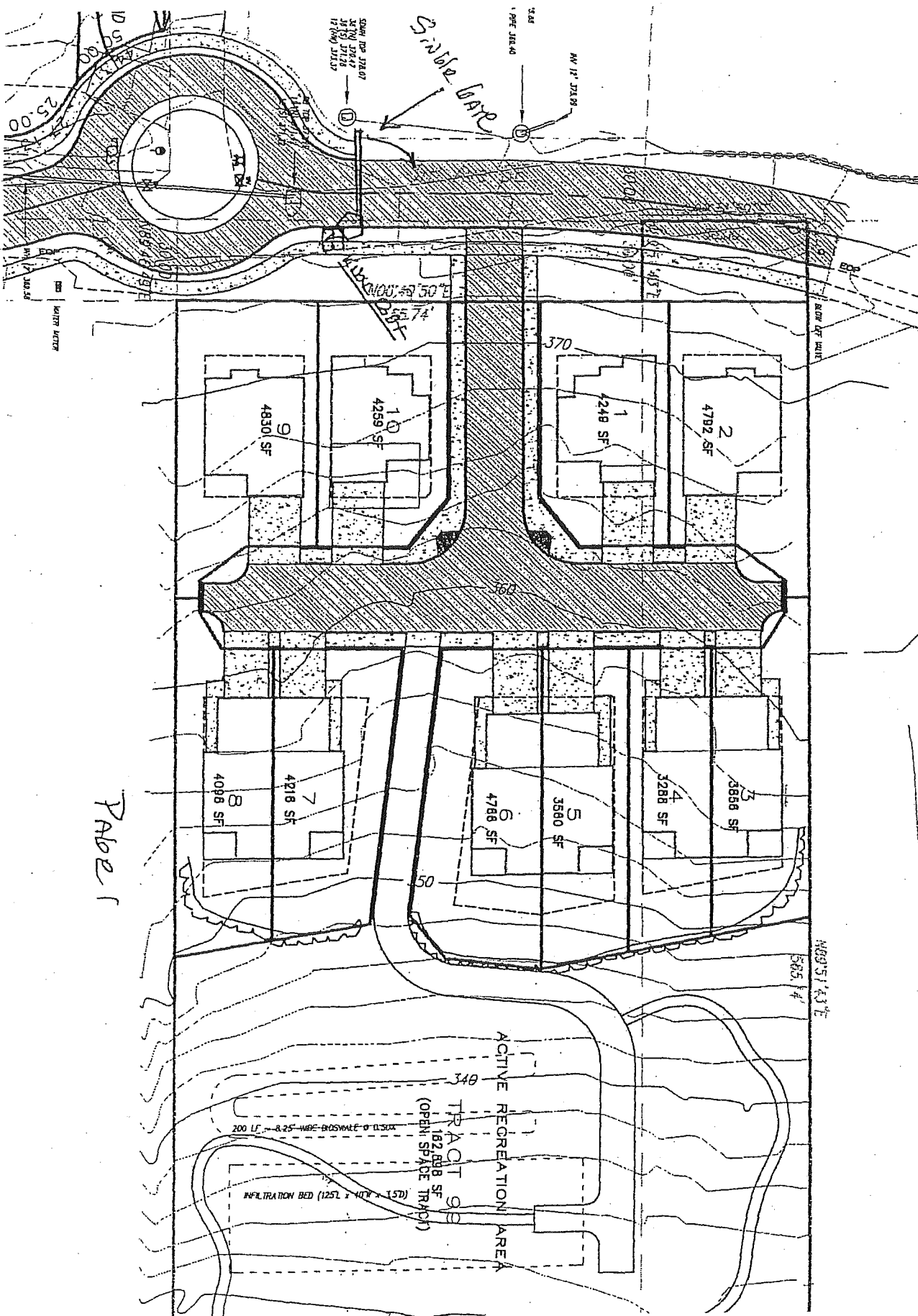
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*For More Information Contact:*

Digitech International, Inc.  
409 New Leicester Highway  
Asheville, NC 28806  
Tel: 828.250.9767  
Toll Free: 800.523.9504  
FAX: 828.250.0799  
E-mail: [sales@digitech-intl.com](mailto:sales@digitech-intl.com)

Send mail to [webmaster@digitech-intl.com](mailto:webmaster@digitech-intl.com) with questions or comments about this web site.

Last modified: October 30, 2001



Page 1

North

STREET IMPROVEMENTS TO BE  
COMPLETED WITH MILL CREEK PROJECT

SNOHOMISH COUNTY

03

02

RESIDENTIAL

7A9210166SP

01 *see Detail 1*

10' UTILITY EASEMENT S88°11'02"E 66.13'

60' ACCESS, DRAINAGE AND EX ASPHALT DRIVEWAY S88°11'02"E 68.44'

EX ASPHALT DRIVEWAY S88°11'02"E 78.00'

EX ASPHALT DRIVEWAY S88°11'02"E 78.00'

EX ASPHALT DRIVEWAY S88°11'02"E 78.00'

EX ASPHALT DRIVEWAY S88°11'02"E 78.00'

EX ASPHALT DRIVEWAY S88°11'02"E 78.00'

EX ASPHALT DRIVEWAY S88°11'02"E 78.00'

DRAINFIELD EASEMENT  
A89°40'20"R3  
DRAINFIELD TBR  
(DRAINAGE NOT INDICATED)

DUPLEX

DUPLEX

DUPLEX

DUPLEX

DUPLEX

DUPLEX

DUPLEX

DUPLEX

DUPLEX

DUPLEX

DUPLEX

DUPLEX

DUPLEX

DUPLEX

DUPLEX

DUPLEX

DUPLEX

DUPLEX

DUPLEX

DUPLEX

DUPLEX

S88°15'40"W 182.35'

12,250 SF

12,600 SF

10,800 SF

11,425 SF

12,250 SF

12,600 SF

10,800 SF

11,425 SF

12,250 SF

12,600 SF

10,800 SF

11,425 SF

12,250 SF

12,600 SF

10,800 SF

11,425 SF

12,250 SF

12,600 SF

10,800 SF

11,425 SF

12,250 SF

12,600 SF

10,800 SF

CITY OF MILLCREEK

Page 2

CITY LIMITS

PROJECT CURRENTLY  
UNDER REVIEW IN  
CITY OF MILLCREEK

3-018

WATER METER

PRIVATE DRIVEWAY

75' AVENUE

75' AVENUE

75' AVENUE

75' AVENUE

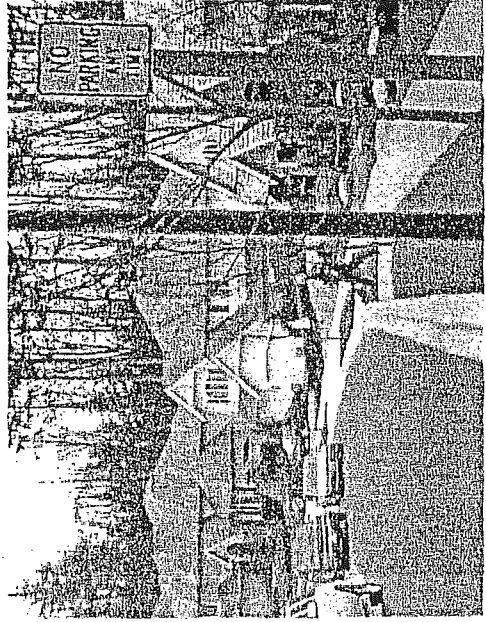
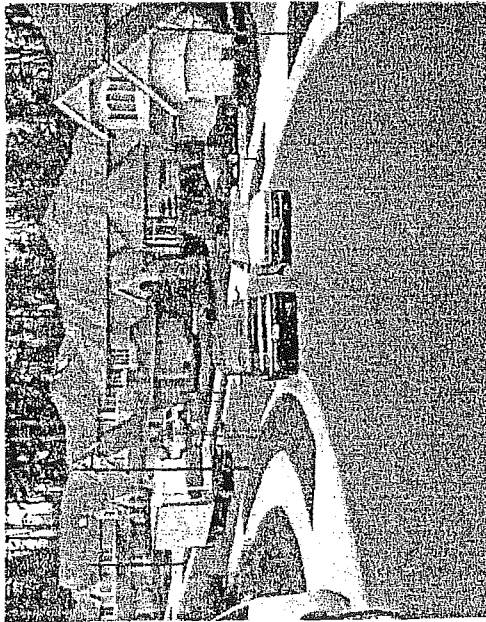
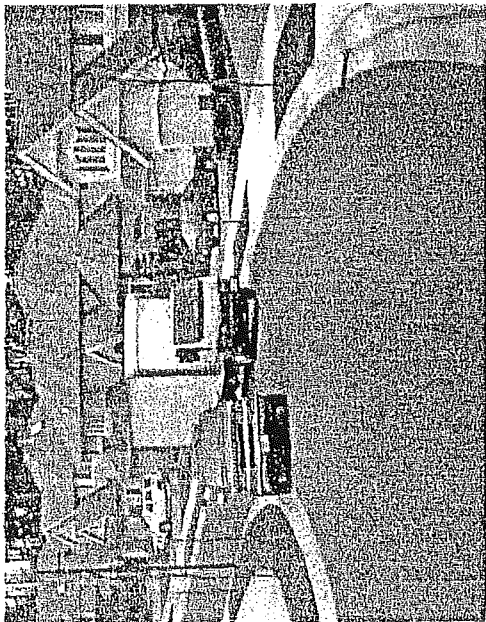
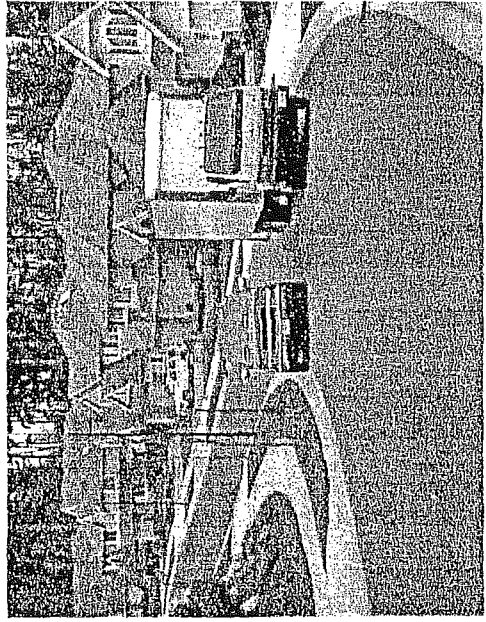
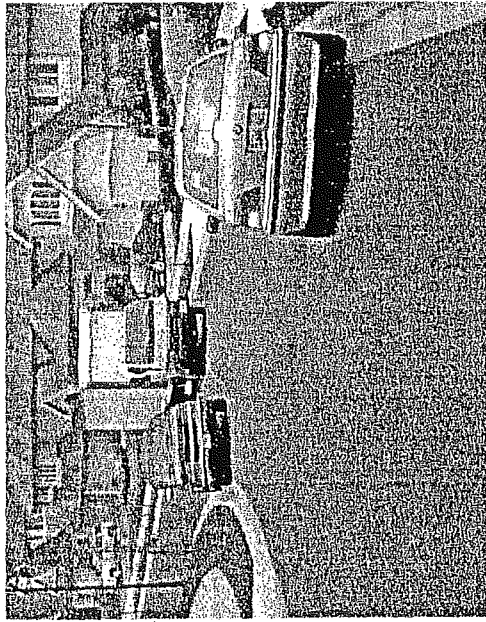
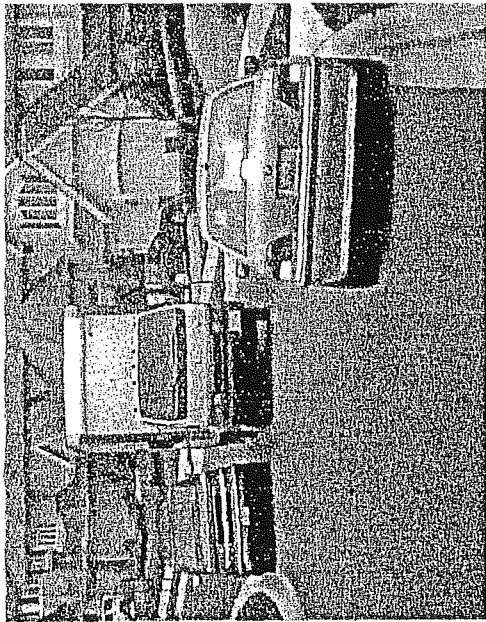
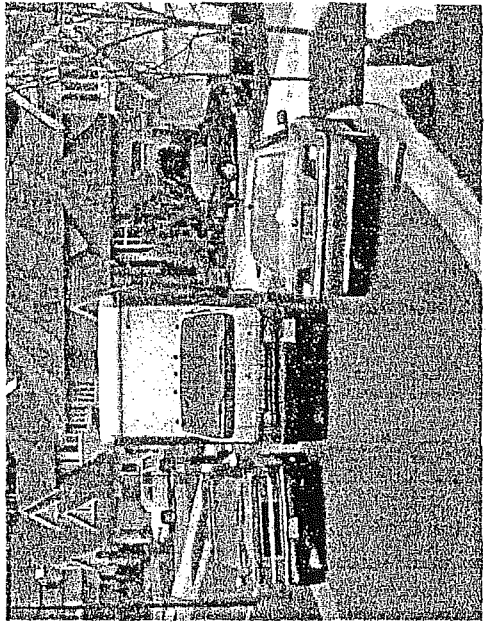
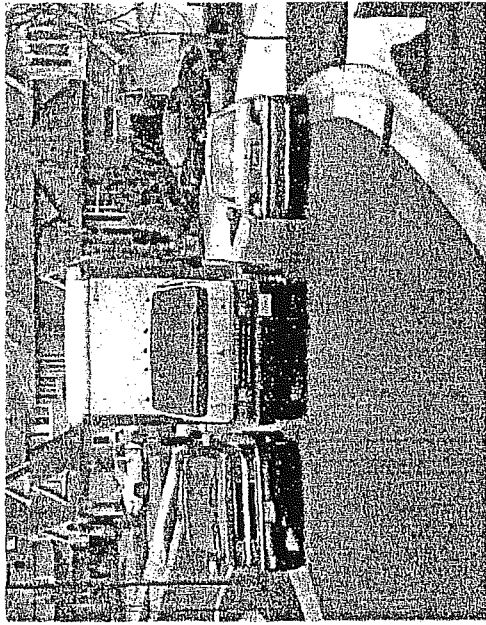
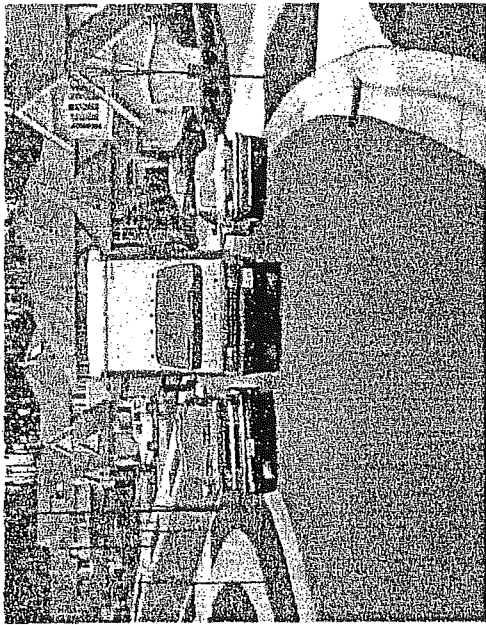
75' AVENUE

75' AVENUE

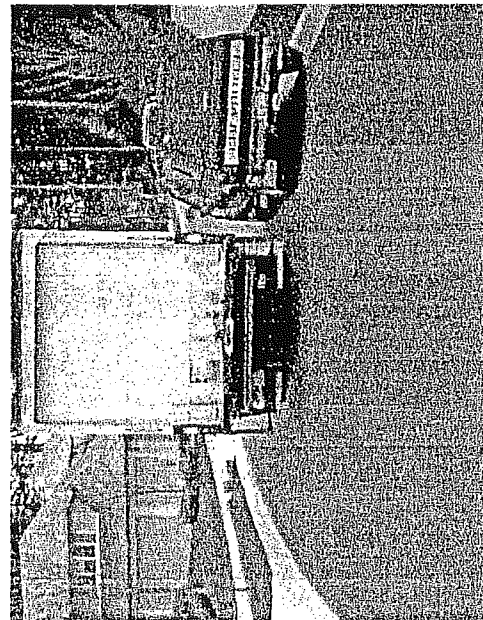
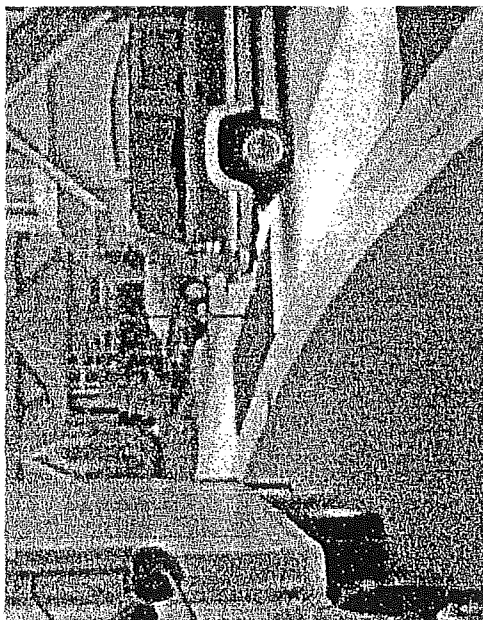
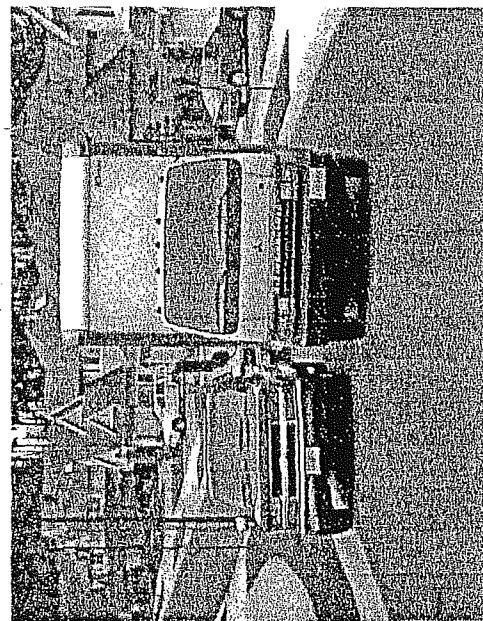
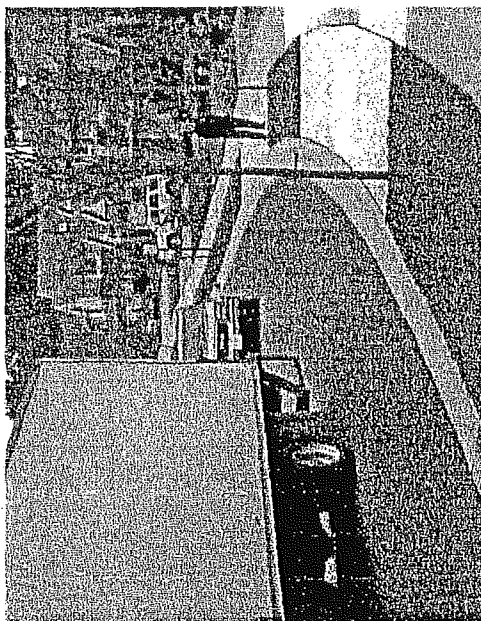
75' AVENUE

75' AVENUE











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**Everett Public Schools**

May 15, 2003

Christi Amrine, Associate Planner  
City of Mill Creek  
15728 Mill Creek Blvd.  
Mill Creek, WA 98012

Dear Ms. Amrine:

The Everett School District (the "District") has reviewed information obtained from the City of Mill Creek regarding a request by a group of residents in and near the plat of River Crossing to install gates on two public streets. This proposal would create a gated community, or in the event only one gate is installed it would prevent pass-through traffic in this neighborhood.

The District has not taken a position in the past regarding gated communities, and will not do so in this instance. However, the District does have a concern with how school busses will be able to pick up and drop off students living in this area, and the distances that students living in this area would have to walk in order to get to an appropriate school bus stop.

It appears that if both gates were installed as proposed, students living at the northern end of 3<sup>rd</sup> Drive in the proposed plat of River Crossing North (PP 02-57) would have to walk over 2,700 feet in order to arrive at the closest available bus turnaround on the south side of the proposed gate on 3<sup>rd</sup> Avenue. It also appears that students living at the north end of the proposed plat of Chilelli (PP 02-59), immediately north of River Crossing North, would have to walk an additional 1,200 feet beyond the 2,700 feet. It is unclear exactly where an appropriate school bus turnaround would be provided on 153<sup>rd</sup> Street SE, but it appears the walking distance to any location east of the bridge would be further from the plat of River Crossing than the turnaround at the south side of the proposed gate on 3<sup>rd</sup> Avenue.

In order to provide an appropriate turnaround for school busses, the turnarounds should be constructed with a minimum inside turning radius of 47.5 feet.

We appreciate the opportunity to provide comments to you on this proposal. Please contact me if you need additional information.

Sincerely,

Michael T. Gunn  
Director of Facilities and Planning

*Facilities and Planning Department*  
3715 Oakes Avenue, Everett, WA 98201  
Telephone: (425) 388-4730 • Fax: (425) 388-4740



March 15, 2003

To Whom It May Concern:

Regarding the Notice of Application posted on 3<sup>rd</sup> Avenue SE, we would like to submit a written objection to File number PP02-58 submitted by Jack Kaleas. The application is a request to construct 10 lots for single family houses and duplexes, and remove the road block between 3<sup>rd</sup> Ave SE and 3<sup>rd</sup> Drive SE. We object on two areas: the additional traffic it would place on 3<sup>rd</sup> Avenue SE, and the alteration of the character of the neighborhood.

This project would put 10 dwellings at the end of 3<sup>rd</sup> Ave. and likely more than 20 new vehicles (10 total dwellings, 2 per household) on an already under-developed road. As it is now, pedestrians have a very hard time walking up and down this road without having to dodge every oncoming car and truck, and the addition of 20+ new vehicles would further inhibit pedestrian traffic and further increase the likelihood of injury accidents.

The connection of 3<sup>rd</sup> Ave. SE and 3<sup>rd</sup> Drive SE would create an extremely undesirable and unsafe situation as it would enable the 40-50+ residences of the River Crossing development (100+ cars) to bypass the normal traffic route on 164<sup>th</sup> SE and skirt down 3<sup>rd</sup> Ave as part of their daily commute. This long stretch of road provides a dangerous place to reach high speeds, and with so many kids using this road as a bus pick-up area and everyone else using it as a simple pedestrian area, sidewalks would need to be constructed and proper lane markings created before it should even be considered. Moreover, with 164<sup>th</sup> St. as congested as it usually is, more and more people will discover this shortcut and use it as a bypass to highway 527, creating additional traffic, noise, and endangering all pedestrians along both 3<sup>rd</sup> Ave. SE and 3<sup>rd</sup> Drive SE. These roads are not built for the high volume of traffic that this proposition would most definitely create. We have already seen many people trying to use this road as a shortcut by removing the blocking posts or driving around them into the forests and yards of adjacent houses.

We understand the need for emergency services to have access to 3<sup>rd</sup> Ave. SE, but this is simply not the solution.

The second part of our objection has to do with the character of the neighborhood. This area is comprised of single-family houses, not apartments, duplexes, or other predominantly high-density, high-turnover dwellings. Constructing duplexes in the heart of a single-family house neighborhood not only reduces the property value of the neighboring lots, but also greatly reduces the overall appeal of the area. Who wants to buy a house that sits next to a pseudo-apartment complex? Who wants to raise a family next to a duplex that changes tenants every few years? Certainly not us.

If duplexes were already constructed in the proposed location or 3<sup>rd</sup> Drive SE connected to 3<sup>rd</sup> Ave. SE, we would not have purchased our current house in 2001. It is for these reasons we would like to go on record as being strongly against the proposition submitted by Jack Kaleas.

Thank you,

Jason & Christine Mitchell  
15709 3<sup>rd</sup> Ave. SE  
Mill Creek, WA 98012



**From:** "Fowler, Jim" <Jim.Fowler@co.snohomish.wa.us>  
**To:** "Christi Amrine" <Christi@cityofmillcreek.com>  
**Date:** 5/15/2003 6:26:44 AM  
**Subject:** RE: Public Hearing

I spoke with the County Engineer and the County does not allow open public roads to be blocked with gates or other devices. It is in the public's best interest from a circulation standpoint and emergency vehicle standpoint to have public roads opened.

Let me know if you need any thing else.

Jim Fowler  
425-388-6458





*COPY TO SHERRIE PER SCOTT M.*  
May 15, 2003  
**Planning Commission Meeting**

Chair McElhose and Members of the Mill Creek Planning Commission:

Without disrespect to the residents of River Crossing, and speaking from a position of public safety, the Police Department opposes any change to the current plan regarding the opening of 3<sup>rd</sup> Avenue SE at 3<sup>rd</sup> Drive SE or restricting access to the neighborhood on 153<sup>rd</sup> Street SE. *conced*

From a public safety perspective, responses to emergencies are best-case scenario when facilitated by multiple un-restricted routes of approach, and if necessary, retreat. Single response routes can pose critical safety concerns and depending on the type of emergency encountered, examples being a natural gas leak or chemical incident, can delay the arrival of emergency personnel and equipment or restrict or eliminate routes of evacuation for the residents. With a single route of ingress and egress an emergency response, or necessary evacuation, could expose both public safety personnel and residents to hazardous or life threatening situations.

When law enforcement or fire personnel are dispatched to a major incident they frequently request other agencies for resources in advance of arrival and request that they respond in the event additional manpower, services or equipment are required. These additional responders are kept in reserve near, but away from the actual emergency scene. This practice is commonly called "staging". A critical scene is best managed when avenues of entrance and exit that are not in direct conflict with one-another to allow unneeded equipment to exit and needed equipment to enter in an expeditious manner.

Additionally proposed by the residents of River Crossing are electric or manual access gates. The police department views this proposal as problematic and potentially unsafe for emergency responders. According to the information I have received this gate would be controlled by either an Opti-Com emitter or a manually opened device called a Knox-Box. Both of these devices raise concern.

Opti-Com systems use a very bright white light which pulses or strobes at a calibrated rate, which is in turn transmitted to a receiver unit that operates a specific piece of equipment, in this proposal a gate. Our concern with this device is multi-fold. All Mill Creek Police Department vehicles, with the exception of the patrol supervisor vehicle, an unmarked detective vehicle, and the animal control vehicle are currently equipped with these systems. The intent of installation was to allow for expedited response through traffic by using the Opti-Com to control traffic signals. Policy and training related to using Opti-Com demands that the officer ~~not depend~~ *rely* entirely on the equipment when responding in the event of equipment malfunctions or failure. To summarize, Opti-Com's current use by this agency is as a secondary back-up device only designed to activate traffic control devices on at major intersections.

As stated, Opti-Com equipment emits an extremely bright white light in a fashion similar to a strobe light. In hours of darkness this light is visible for hundreds of feet ~~away~~ from the originating source and the emitter is generally activated for a period of 2 to 3 seconds or until the desired device becomes operational. Distance and angle from the Opti-Com receiver, or weather, play a part in the amount activation time needed to operate the specific device. Not all police responses are effective with the use of emergency equipment like overhead blue and red lights and a siren. Many responses like burglaries, panic alarms or thefts in progress call for a silent response that does not alert the suspect to police response or arrival. If the police were dependant on an Opti-Com emitter to gain access, especially during hours of darkness, the suspect could be afforded time to prepare for a police officer arrival, have time to hide, possibly commit additional crimes, or depart the area.

The Mill Creek Police Department has mutual aid agreements with all the surrounding law enforcement agencies to afford an adequate response to an emergency should Mill Creek either not have a particular resource or not have ample resources available to address the emergency. The Mill Creek Police Department uses the resources of the Snohomish County Sheriffs office primarily for additional patrol manpower, K-9's, and SWAT. The Washington State Patrol frequently assists Mill Creek with traffic accidents, traffic control, and if needed Hazardous Material responses. Neither of the agencies use Opti-Com systems and have indicated that they have no plan to use them in the future.

Should the Opti-Com device fail the secondary access device would be a Knox-Box. This device would require the responding officers to delay arrival by completely stopping their vehicle, exiting, accessing a key in a box opened by combination dial or pad, opening the gate, pulling the vehicle through then placing the key back into the locked box. Additionally during hours of darkness an officer may have to use a flashlight to see the combination dial or pad to gain access. This requirement would significantly delay an officer's arrival time and causes the officer to exit his/her vehicle, which does provide a margin of protection, exposing him/herself to the danger he/she is responding to. It is also of note that while the officer is gaining access to the secure key location his/her attention may be distracted away from the actual emergency situation. As stated, Mill Creek is dependent on the mutual aid of many additional agencies. The police department could not assume the responsibility of insuring knowledge of the combination required for access or notifying other agencies if the combination was changed for any reason.

To the best of my knowledge, restricting public and security ingress and egress by use of an access gate across a public street is a first in this County and without other comparisons the expressed concerns may be just a few of many other concerns not yet known. Some concerns could be power outages, vandalism, malfunction, or equipment failure. The Police Department desires unrestricted access not only to better serve the citizens of this neighborhood, but also to provide safety to the police officers and other emergency providers who are responsible for protection and security in this area.

I thank you for your consideration of these comments and will gladly answer any questions you may have.



May 7, 2003

To: The City of Mill Creek City Council and Planning Commission

From: Gene and Sara Simshauser  
15229 3<sup>rd</sup> Dr. SE  
Mill Creek, Wa. 98012  
425-743-3596  
[gsksims@aol.com](mailto:gsksims@aol.com)

RE: Proposed connection of 3<sup>rd</sup> DR. SE and 3<sup>rd</sup> Ave

~~When~~ we were transferred to this area a little over a year ago, we looked at several communities and decided that Mill Creek was where we wanted to live. The schools are good, there are numerous parks and walking trails, the homes are situated so that large amounts of traffic does not interrupt the safety of the developments and yet it is in close proximity to many amenities. We further decided that we wanted to live in River Crossing, as it was small, had limited traffic, numerous trees and quiet. We had concerns about the fact that there was no park close for children to play, but since it was on a dead-end street, we felt this would be alright. We were told by two different Realtors representing Buchan Homes that 3<sup>rd</sup> Dr would never go through due to the restrictions placed by the city and county. We also talked to some others in the neighborhood who were told the same thing and thus we did not check with the City. This was our error and shame on us for not checking further!

The proposal to now connect these two streets however, brings up numerous questions that the City needs to address before proceeding and shame on the City for not doing so prior.

1. Why wasn't there a sign maintained at the site stating that it was to be a future through street during the entire construction and selling process and only recently has one been re-installed?
2. Why, if the street was to be used as an access street was it not opened when the development was started well over 2 years ago, so everyone would know and the amount of traffic measured?
3. Why would the City approve a development of 50 homes (soon to be more) without having a play area, especially if the street was to be used as a connector between 2 major arterials?
4. Why would the City decide to open the street now, coinciding with the proposal for The Falls Development, unless it is purely due to having the ability to have someone else pay for it and not current need?
5. Why would Chief Meek of the Snohomish County Fire District say verbally, that if their drivers did not have to get out of their vehicles to get through a gate, that he wouldn't care if a gate was erected on the site, then write a letter to the assistant City Engineer stating that the Department was in favor of opening the road?
6. Why did the City Chief of Police write a letter to the assistant City Engineer at the same time stating opposition to a gate when the city jurisdiction ends at the site and there has been no prior need? The enforcement agency most involved is the Sheriffs department and they have not expressed a need for opening the street.
7. Why would the City push to open this street now when almost every resident in the city and county is living on or near these streets opposes the action? This has been true since the initial plat was Approved.
8. Why would the Chief of Police endorse opening the road after admitting that speeding and safety on 3<sup>rd</sup> avenue is already a concern and it will likely be worse with the road connected to 3<sup>rd</sup> drive?
9. Why has neither of these departments had a serious concern with the closure for over two years and pushed to have the street opened long before now?
10. Why was the "Vinyards" development approved with only one entrance open, the other from Hwy 527 currently blocked, and the dead-end seemingly over 1000 feet from that entrance? Even if the access from Hwy 527 is opened, response time on the long gravel road would be greater than going through a gate to enter River Crossing and why isn't that a contradiction? There are numerous other developments in our city that also have but one way in and out.
11. Why has the City decided to depart from the historical practice of not having major connector

streets pass through residential areas, when it has been stated that this is not needed for overflow traffic at this time and before the effects of widening Hwy 527 and the completion of Main street can be analyzed? They have said that Parkside is similar but it isn't as the street through that community does not serve as a collector route or an exit route from a major City Center.

12. Why would the City wish to endanger the safety and security of the residents of River Crossing without any clear and stated purpose or need, other than the "opening has been planned for from the beginning"?
13. What co-ordination with Snohomish county has been arranged concerning the proposed street calming devices that the City has said are needed on 3<sup>rd</sup> Avenue? Snohomish County officials have said that they are neutral on opening the street and have no improvement plans at this point.
14. Would the City take over responsibility for street, bridge and landscape maintenance from the Homeowners association?

We believe that these questions need to be addressed before any decision to proceed is made. There are alternatives that would serve the purpose of the City, the residents and the emergency services and allow for a quality solution to this problem.

We believe that the detrimental effects on safety, security, property values and privacy, on the citizens living in this area should be the primary focus of our City planners and not what is expedient and easy. Since the initial plat for the area was approved there have been numerous changes to the community and to be fair, the initial plans must be re-evaluated. The citizens of the area have worked hard to come up with alternative plans to meet the needs of all involved, alternatives that we believe will work and they need to be given an opportunity. The road can be connected at any time in the future by merely mandating that the gate be left open, but that would not be the case if the road is opened immediately. There is no down-side to the City by waiting to see if our plans will work, but there is a tremendous down-side to the residents if the City's plans don't work.

We urge the City Council to reject the opening of 3<sup>rd</sup> Avenue into River Crossing without the installation of a gate.

Respectively submitted;  
Gene and Sara Simshauser

**Frederic H. and Margaret P. Row**

15505 3<sup>rd</sup> Drive SE  
Mill Creek, Washington 98012  
425-787-0858  
[fhmpr@earthlink.net](mailto:fhmpr@earthlink.net)  
fax 425-787-0888

**TO:** The City of Mill Creek City Council and Planning Commission

**FROM:** Frederic H. Row *Frederic H. Row*

**DATE:** May 15, 2003

**RE:** Public Testimony at Public Hearing for The Falls at Mill Creek and recommended connection of 3<sup>rd</sup> Avenue SE and 3<sup>rd</sup> Drive SE

My wife Polly and I are not here to contest the approval of the plat request for the Falls at Mill Creek. While we would prefer that the development consist of all single family homes we appreciate the modification from the original plans to incorporate single family homes along 3<sup>rd</sup> Avenue. We are also not excited about the request to cut lot sizes in some cases close to half the required square footage in Low Density Developments, but again we appreciate the efforts of the developers to modify their original plans to now include the four single family residences. However, we are here to oppose the connection of 3<sup>rd</sup> Avenue and 3<sup>rd</sup> Drive SE.

You should have received a copy of my wife and my letter dated May 2, 2003, addressed to Bill Trimm. In our letter we expressed deep concerns regarding safety and security resulting from the potential connection of 3<sup>rd</sup> Avenue SE and 3<sup>rd</sup> Drive SE. We also expressed strong support for the River Crossing proposal to install an electronic gate between the two streets as well as consider a second gate at the entrance of the development on 153<sup>rd</sup> Street SE.

Since writing our letter we have had the opportunity to talk with several Realtors and now are concerned about the potential negative effect a connector street will have on our property value. We have been advised that depending on the amount of increased through traffic our property value could fall between 10 – 25%.

23 years ago we purchased a new home in Reinwood 1 on the west side of Hollywood Hill, in Woodinville. It was a development of 70 homes with only one entrance. Several years later when a developer to the east of our development submitted permits to build new homes in Woodway Estates the county required that our two developments be connected. This provided two ways in and out. At the same time a new shopping center was completed to the North West of our development. While our homeowners association was able to get the developer of the shopping center to provide a green belt and fencing along the perimeter of our development upon completion our development suddenly became the target for a number of robberies and break-ins. We had not experienced any during the years when there was only one entrance into the development. In several instances, individuals were pursued by police only to melt into the shopping center crowds and escape. While we can not predict that this will occur if the 3<sup>rd</sup> Avenue and 3<sup>rd</sup> Drive are connected and the Mill Creek Town Center is completed, it does increase the probability for both our communities to have increased vandalism and theft.

Since our letter, we have also had the opportunity to review the May 7 Traffic Impact Study report and the Planning Commission Staff report recommending approval of the Falls at Mill Creek Preliminary Plat 02-58.

On page 23 of 26 in the Staff Report item 19 indicates:

“The applicant shall remove the barricades separating 3<sup>rd</sup> Avenue SE from 3<sup>rd</sup> Drive SE to open the existing roadway to through traffic.”

Page 19 of 26 in the same report indicates in item number 3:

“ Access to the proposed plat would be from 3<sup>rd</sup> Avenue SE”

and number 5 on the same page indicates:

“Frontage improvements include the connection of 3<sup>rd</sup> Avenue and 3<sup>rd</sup> Drive. This connection is consistent with the Conditions of Approval for the River Crossing plat, has been recommended by both the Police and Fire department, and has been determined to be necessary for the public's health, safety and welfare”.



Page 9 of 26 indicates that:

“The City is committed to working with the residents along both 3<sup>rd</sup> Drive SE and 3<sup>rd</sup> Avenue SE to find acceptable solutions to any future problems”

We take exception with the statement “committed to working with the residents”. We have had numerous meetings with staff and openly shared information that then has been used to change individual agency support as well as to develop counter proposals to off set identified concerns. There has been no indication by staff of their willing to consider options other then connecting the two roads. This is not considered to demonstrate a committed to resolving issues in a collaborative effort.

On page 4 of the January 22, 1998 minutes of the Planning Commission meeting regarding approval of the West Village Preliminary plat 97-50. Which is now known as River Crossing, it state:

“The Commission discussed the planned future connection to 3<sup>rd</sup> Avenue. There was a concern about the cut-through traffic that will result when the road is opened.”

The response from City Engineer Stampher indicated in the minutes is the same rhetoric we are getting today, such as the narrower roadway and the traffic circle to discourage through traffic. In the same comment section he also stated:

“In addition (the connection of the two streets), it will provide a valuable connection for the people in the area to access the Town Center”

This is in conflict with efforts to minimize cut through traffic, when you then state it will provide a valuable access avenue.

At the 1998 meeting there was public testimony recorded indicating a number of the residents opposed having the roads connected.

Six years later the public is still opposing the opening of the two streets. How can the City state they are committed to working with the public to resolve problems, when they continue to ignore public input that is consistent over a six year period of time.

Page 9 of the 1998 minutes states that:

“Several Commission members expressed the opinion that 3<sup>rd</sup> Avenue should not be opened. Commissioner Weight recommended that access from 3<sup>rd</sup> Avenue to the Town Center be discouraged. Chair McElhose suggested that any future opening of the road be subject to a public hearing before the Planning Commission.”

A motion was made and passed by Commissioner Weight that

“The planning commission direct staff to examine the appropriateness of opening the connection between North Creek Road (3<sup>rd</sup> Drive SE) and 3<sup>rd</sup> Avenue during consideration and review of the first Binding Site Plan associated with the Town Center development plan.” “It was the consensus of the Commission to amend the motion to include the following statement “If a decision is being considered to open the road outside of the Town Center, a public hearing would be held prior to that decision”.

The motion passed unanimously.

The 1998 minutes do not appear to indicate that a final decision was made regarding the connection of the two streets in conjunction with the approval of the River Crossing Plat as indicated by the current staff report.

I do understand that item 16 in the section of the January 1998 minutes entitled “Preliminary Plat Conditions of Approval” do indicate the intention to open the streets, but the minutes indicate that there needed to be a public hearing prior to any final decision. Was the decision finalized prior to the hearing? Are the minutes reflective of what went on at the meeting, or are they intended to deceive the public into thinking a decision was not reached.

Page 9 of 26 of the current Staff report states that the roads need to be connected in order to provide for a second emergency response entrance should the bridge be blocked by a fallen tree and/or accident along 153<sup>rd</sup> Street or the Town Center intersection with SR 527. We understand the need for an additional emergency response entrance/exit, which is why as a development River Crossing’s proposal has offered to install an electronic gate.

However, even that will not provide a second emergency response avenue for the majority of River Crossing and River Crossing North Residents, which live north of 3<sup>rd</sup> Drive SE and 153<sup>rd</sup> Street, should 3<sup>rd</sup> Drive be temporarily blocked by an accident and or "fallen tree" close to the intersection of 153<sup>rd</sup> and 3<sup>rd</sup> Drive.

Review of the May 7 traffic report indicates that travel times could be reduced by up to 55% for 3<sup>rd</sup> Avenue SE residents traveling to the Mill Creek Town Center, as well as River Crossing and River Crossing North residents traveling to 164<sup>th</sup> Street. **At the same time, the report indicates that the potential for cut-through traffic traveling from 164<sup>th</sup> to SR 527 is difficult to predict.** The estimated travel time for vehicles going from 164<sup>th</sup> Street SE to 3<sup>rd</sup> Avenue to 153<sup>rd</sup> Street SE at SR 527 are indicated to be about the same, no matter which route is taken.

If residents along 3<sup>rd</sup> Drive SE and 3<sup>rd</sup> Avenue SE Travel time to 164<sup>th</sup> Street SE can be cut by 55%, it seems logical that traffic from 164<sup>th</sup> to 153<sup>rd</sup> to SR 527, and vice versa, would also be significantly reduced.

I am aware that the charts on pages 12-15 of the study indicate that little saving will be achieved by cutting through on 3<sup>rd</sup> Avenue/3<sup>rd</sup> Drive SE. I simply don't agree, especially in light of missing potentially 4 or 5 stop lights and heavier traffic down SR 527 at peak rush hours. A commuter traveling south on SR 527 that is able to turn right onto 153<sup>rd</sup> Street SE and travel to 164<sup>th</sup> will potentially miss a number of lights and heavier traffic. This should save time or will be perceived as doing so and will result in our streets becoming a collector street versus a residential roadway.

Page 12 of the Traffic study indicates that the new roadway connection between 3<sup>rd</sup> Avenue SE and 3<sup>rd</sup> Drive SE will create new access points to the local neighborhoods and potentially new travel patterns. It will not potentially but will create new travel patterns!

I would again like to refer you to our letter of May 2 and the attached pictures. These pictures graphically illustrate the narrowness of 3<sup>rd</sup> Drive SE and it's inability to handle through traffic. In order for a car to pass a second vehicle when another vehicle is legally parked, both passing vehicles must slow to only a few miles per hour and often tires go up onto the sidewalk. This is not conducive to the commuter traffic you propose to route through our neighborhood.

The cities own Transportation Policies 1.02 and 3.01 indicate the intent to eliminate high-density traffic through a residential community. **3<sup>rd</sup> Drive SE was constructed as a Residential Roadway and not a Collector Street!**

Why is the Planning Commission ignoring public requests to not violate City policies by continuing to recommend the connection of these streets? There have been petitions submitted by both residents living on 3<sup>rd</sup> Avenue SE to Snohomish County with a copy to the City and 3<sup>rd</sup> Drive SE to the City requesting that the streets not be connected.

Please reconsider your current recommendation to turn two quiet residential roadways into potentially heavy volume collector streets.

I urge you to reconsider your current direction and take into account the Proposal submitted by River Crossing to provide gating that will allow for a quick second emergency response avenue, without providing for a new route resulting in high volumes of public traffic through quiet residential neighborhoods.

**Listen to your community! We do not want 3<sup>rd</sup> Drive SE and 3<sup>rd</sup> Avenue SE opened to through traffic!**

**GOODSTEIN  
LAW GROUP  
PLLC**

---

1001 Pacific Ave, Ste 400  
Tacoma, WA 98402  
Fax: (253) 779-4411  
Tel: (253) 779-4000

Carolyn A. Lake  
*Attorney at Law*  
clake@goodsteinlaw.com

May 15, 2003

City of Mill Creek Planning Commission  
City of Mill Creek  
15728 Mill Creek Blvd  
Mill Creek, WA 98012-1227

Re: The Falls at Mill Creek Preliminary Plat (PP 02-58)

Dear Commission Members:

We represent Applicants Jack Kaleas and Bruce Horst in the above referenced matter, and submit this letter in support of the Planning Commission's approval of this preliminary plat in its current configuration. We request that the Commission approve the connection of 3<sup>rd</sup> Avenue and 3<sup>rd</sup> Drive S.E. for the following reasons.

**A. The Question of Connection of 3<sup>rd</sup> Avenue and 3<sup>rd</sup> Drive is not Before the Commission**

The connection of 3<sup>rd</sup> Avenue and 3<sup>rd</sup> Drive was already determined as part of the River Crossing plat, and therefore is not a matter properly before the Commission as part of the Mill Creek Plat. Road connection was a Condition of Approval for the original River Crossing Plat in 1998, and was also planned as a part of the Town Center development to accommodate traffic from the local residents along 3rd Avenue SE. (See Ordinance No. 2000-488).

Connection of these public roads promotes public safety by ensuring access to both this project, and enhancing emergency access to the River Crossing subdivision. Reconsideration of the connection issue in the context of this preliminary plat application would be improper, both procedurally and legally.

**B. The 3<sup>rd</sup> Avenue Connection is a Health/Safety Issue**

Now, the neighboring River Crossing Homeowners now argue that rather than complete the connection, the connection should be abandoned, and a locked gate be installed across this public road. The primary concern expressed by the Homeowners is over increased through traffic to and from the Town Center and cut-through traffic from 164<sup>th</sup>. These issues are regional traffic issues that are not related to this ten-lot plat.

**ORIGINAL**

The connection of 3<sup>rd</sup> Avenue and 3<sup>rd</sup> Drive is a health and safety issue that impacts both this application and the River Crossing plat. Restriction of the connection between these streets results in a single avenue of ingress and egress for the residents of River Crossing, and for residents of the Falls at Mill Creek, which would increase risk. (See Mill Creek Police Department Memorandum, Attachment 4 to the Staff Report). In fact, the restriction of Fire Department access by installing the gate creates significant enough additional risk that some River Crossing homeowners would be required to install residential fire suppression sprinklers. (See Snohomish County Fire District # 7 letter, Attachment 5 to the Staff Report).

The River Crossing plat was conditioned on dedication of 3<sup>rd</sup> Drive as a through street in part to address those significant health and safety concerns. *Id.* Those issues were resolved and adequately addressed at that time. They should not be re-opened as part of the consideration of this preliminary plat application.

**C. 3<sup>rd</sup> Drive was Dedicated as a Through Street, and the Dedication Runs with the Land**

The adjacent plat, River Crossing, was approved subject to the dedication of 3<sup>rd</sup> Drive SE as a public street designed to provide future connection with 3<sup>rd</sup> Avenue E on the south. That dedication is noted on the face of the final plat, is indicated in the map at the southern termination of 3<sup>rd</sup> Drive, and the intent of the dedication is made clear in General Note 15, which states "Third Drive S.E. is intended to be connected with Third Avenue." (See River Crossing Preliminary Plat Map ). Connection was also a specific condition of preliminary plat approval for the River Crossing Plat. (See May 23, 2000 Staff Report at p. 7).

3<sup>rd</sup> Drive S.E. is a dedicated existing, public street that was designed and extended to the property on which The Falls at Mill Creek project is to be built. A dedication of land for public use operates as an easement to the public, and runs with the land. *See Erickson Bushling v. Manke Lumber Co.*, 77 Wn. App. 495, 891 P.2d 750 (1995). "Property once acquired and devoted to public use is held in trust for the public and cannot be alienated without legislative authority, either express or implied." *Nelson v. Pacific County*, 36 Wn. App. 17, 671 P.2d 785 (1983) *citing Commercial Waterway Dist. 1 of King Cy. v. Permanente Cement Co.*, 61 Wn.2d 509, 379 P.2d 178 (1963). Were the City to capitulate to the River Crossing residents and refuse to allow access to 3<sup>rd</sup> Avenue, it would amount to an illegal gift of public property to those property owners, as well as violating the intent of the dedication.

**D. Connection to 3<sup>rd</sup> Drive was Decided in the Prior, Unappealed SEPA MDNS, and Reconsideration is Barred by Res Judicata**

On March 19, 2002, the City issued a SEPA Mitigated Determination of Non Significance (MDNS) for this project which was not appealed. A fundamental part of the MDNS relates to traffic impacts of the proposed project, and mitigation of those impacts.

The purpose of the mitigation set forth in the MDNS is to offset the impact of the traffic generated by the project. The underlying premise of the traffic mitigation required by the MDNS is that access be provided via the connection of 3<sup>rd</sup> Avenue and 3<sup>rd</sup> Drive as set forth in the River

Crossing plat. The mitigation measures include frontage improvements and traffic calming achieved with a traffic circle "consistent with the adjacent plat to the north, River Crossing." MDNS at p. 5.

The mitigation measures imposed by the MDNS fully address the issues now being raised by the neighboring River Crossing residents. The MDNS was not appealed, and therefore the subsequent attempt to reopen the 3<sup>rd</sup> Avenue connection issue is barred by the doctrines of *collateral estoppel*<sup>1</sup>, and failure to exhaust administrative remedies.

Collateral estoppel precludes consideration of issues previously litigated in another forum. In this case, the question of connection of 3<sup>rd</sup> Avenue was initially decided when River Crossing was platted and 3<sup>rd</sup> Drive was dedicated. The effect of the proposed project on traffic and mitigation of the impact was fully addressed as part of the MDNS. It is improper for the issue of traffic impact to be reopened at this late date.

By not appealing the MDNS, the River Crossing residents also failed to exhaust administrative remedies regarding their objections to opening 3<sup>rd</sup> Avenue. As such, they lack standing to raise the issue as part of this preliminary plat application. *Spokane Cy. Fire Protec. Dist. 9 v. Spokane Cy. Boundary Review Bd.*, 97 Wn.2d 922, 928, 652 P.2d 1356 (1982).

#### **E. Applicant's Access to 3<sup>rd</sup> Drive is an Enforceable Property Right**

Finally, the Applicant's access to 3<sup>rd</sup> Avenue and connection to 3<sup>rd</sup> Drive S.E. is an existing property right. 3<sup>rd</sup> Avenue is a public street. In general, the right of access of an abutting property owner to a public street is an enforceable property right. *Keiffer v. King County*, 89 Wn.2d 369, 372, 572 P.2d 408 (1977). Property abuts on a public street when there is no intervening land between it and the street. *London v. City of Seattle*, 93 Wn.2d 657, 661, 611 P.2d 781 (1980); *Kemp v. City of Seattle*, 149 Wash. 197, 201, 270 P. 431 (1928). See also 10A Eugene McQuillin, *Municipal Corporations* § 30.55 (3d ed. rev.1990). "When property abuts, the lot line and street line are in common." *Kemp*, 149 Wash. at 201, 270 P. 431.

3<sup>rd</sup> Drive is currently configured as a "Public Temporary Turnaround<sup>2</sup>." However, the dedication of the street line as shown on the plat map is to the lot line of the Applicant's property, which therefore holds an enforceable property right to connect to 3<sup>rd</sup> street regardless of the adjoining property owners' desires. A refusal by the City to allow the Applicant to connect to 3<sup>rd</sup> Drive would violate the Applicant's right of access, and is directly contrary to the intent of the dedication.

#### **F. Conclusion**

Applicants Jack Kaleas and Bruce Horst request that the Planning Commission approve this Preliminary Plat application. The Council need not address the issue of connecting 3<sup>rd</sup> Avenue and 3<sup>rd</sup> Drive S.E. as a part of this application because the issue was previously addressed during

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<sup>1</sup> See *Hilltop Terrace Homeowner's Ass'n v. Island County*, 126 Wn.2d 22, 891 P.2d 29 (1995).

<sup>2</sup> See River Crossing Plat Map.

Mill Creek Planning Commission  
May 15, 2003  
Page 4

the approval of the River Crossing plat. In addition, strong public health/safety reasons support connecting the roadway at the River Crossing boundary. A decision to abandon the connection has significant negative legal implications, and would impair the Applicants' existing right of access.

Thank you for your consideration of this analysis.

Sincerely,

Goodstein Law Group PLLC

A handwritten signature in black ink, appearing to be 'Carolyn A. Lake', with a long horizontal line extending to the right.

Carolyn A. Lake  
Attorney for Applicants  
Jack Kaleas and Bruce Horst

CAL:drl

cc: Jack Kaleas  
Bruce Horst



# Exhibit B

## RIVER CROSSING

FOR W 1/2 W 1/2 NW 1/4 OF SECTION 6, TOWNSHIP 27 NORTH, RANGE 5 EAST, W.M.  
CITY OF MILL CREEK SNOHOMISH COUNTY, WASHINGTON

VOL/PG

### DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WILLIAM BUCHAN HOMES, INC., A WASHINGTON CORPORATION AND JOHN F. BUCHAN CONSTRUCTION COMPANY, THE UNDERSIGNED OWNERS, IN FEE SIMPLE OF THE LAND HEREBY PLATTED AND U.S. BANK NATIONAL ASSOCIATION THE MORTGAGEE THEREOF, HEREBY DECLARE THIS PLAT AND DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, AVENUES, PLACES AND SEWER EASEMENTS OR WHATEVER PUBLIC PROPERTY THERE IS SHOWN ON THE PLAT AND THE USE FOR ANY AND ALL PUBLIC PURPOSES NOT INCONSISTENT WITH THE USE THEREOF FOR PUBLIC HIGHWAY PURPOSES.

ALSO, THE RIGHT TO MAKE NECESSARY SLOPES FOR CUTS AND FILLS UPON LOTS, BLOCKS, TRACTS, ETC. SHOWN ON THIS PLAT IN THE REASONABLE ORIGINAL GRADING OF ALL STREETS, AVENUES, PLACES, ETC. SHOWN HEREON.

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TRACT 997 IS A PRIVATE ACCESS AND UTILITIES TRACT AND IS RETAINED AND MAINTAINED BY THE OWNERS OF LOTS 41-43 FOR ROAD AND UTILITY PURPOSES.

IN WITNESS WHEREOF, WE SET OUR HANDS THIS DAY OF , 2000.

WILLIAM BUCHAN HOMES, INC.

BY: ITS:

BY: ITS:

JOHN F. BUCHAN CONSTRUCTION COMPANY, INC.

BY: ITS:

BY: ITS:

U.S. BANK NATIONAL ASSOCIATION

BY: ITS:

### ACKNOWLEDGMENTS

STATE OF WASHINGTON  
COUNTY OF

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT AND THAT THEY WERE AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE ACT OF WILLIAM BUCHAN HOMES, INC., A WASHINGTON CORPORATION, TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

DATED: SIGNATURE: PRINTED NAME: NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON RESIDING AT: MY APPOINTMENT EXPIRES:

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**TRIAD ASSOCIATES**  
11814 115TH AVENUE NE KIRKLAND, WA 98034  
(425) 821-8448 (425) 821-3481 FAX

### APPROVALS

#### CITY OF MILL CREEK APPROVALS

EXAMINED AND APPROVED THIS DAY OF , 2000.

MAYOR, CITY OF MILL CREEK ATTEST CITY CLERK

CITY OF MILL CREEK PLANNING/BUILDING/PUBLIC WORKS DEPARTMENT  
EXAMINED AND APPROVED THIS DAY OF , 2000.

MILL CREEK CITY ENGINEER

EXAMINED AND APPROVED THIS DAY OF , 2000.

DIRECTOR OF COMMUNITY DEVELOPMENT

#### CITY OF MILL CREEK FINANCE DIRECTOR'S CERTIFICATE

I HEREBY CERTIFY THAT THERE ARE NO DELINQUENT SPECIAL ASSESSMENTS AND THAT ALL SPECIAL ASSESSMENTS CERTIFIED TO THE CITY TREASURER FOR COLLECTION ON ANY PROPERTY HEREON CONTAINED DEDICATED FOR STREETS, ALLEYS OR OTHER PUBLIC USES ARE PAID IN FULL THIS DAY OF , 2000.

TREASURER, CITY OF MILL CREEK

#### SNOHOMISH COUNTY FINANCE DIVISION CERTIFICATE

I HEREBY CERTIFY THAT ALL PROPERTY TAXES ARE PAID, THERE ARE NO DELINQUENT SPECIAL ASSESSMENTS CERTIFIED TO THIS OFFICE FOR COLLECTION AND THAT ALL SPECIAL ASSESSMENTS CERTIFIED TO THIS OFFICE FOR COLLECTION ON ANY OF THE PROPERTY HEREIN CONTAINED, DEDICATED AS STREETS, ALLEYS OR OTHER PUBLIC USE ARE PAID IN FULL. THIS DAY OF , 2000.

TREASURER, SNOHOMISH COUNTY DEPUTY COUNTY TREASURER

#### SNOHOMISH COUNTY AUDITOR

EXAMINED AND APPROVED THIS DAY OF , 2000.

SNOHOMISH COUNTY ASSESSOR DEPUTY ASSESSOR

COUNTY RECORDING OFFICIAL'S INFORMATION BLOCK (WAC 332-130-050)

LUA-99-094-FP  
LNB-10-0345

#### LAND SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT OF WEST VILLAGE IS BASED UPON AN ACTUAL SURVEY AND SUBDIVISION OF SECTION 6, TOWNSHIP 27 NORTH, RANGE 5 EAST, W.M., AS REQUIRED BY STATE STATUTES; THAT THE DISTANCES, COURSES AND ANGLES ARE SHOWN THEREON CORRECTLY; THAT THE MONUMENTS SHALL BE SET AND LOT AND BLOCK CORNERS SHALL BE STAKED CORRECTLY ON THE GROUND, EXCEPT AS NOTED, THAT I FULLY COMPLIED WITH PROVISIONS OF THE STATE AND LOCAL STATUTES AND REGULATIONS GOVERNING PLATTING.



GREGORY T. JUNEAU, PROFESSIONAL LAND SURVEYOR, CERTIFICATE NO. 22335  
TRIAD ASSOCIATES  
11814 115TH AVE. NE  
KIRKLAND, WASHINGTON 98034  
PHONE: (425) 821-8448

#### AUDITORS CERTIFICATE

FILED FOR RECORD AT THE REQUEST OF TRIAD ASSOCIATES, INC., THIS DAY OF 2000, AT MINUTES PAST M. AND RECORDED IN VOLUME OF PLATS, PAGE(S) RECORDS OF SNOHOMISH COUNTY, WASHINGTON.  
DIVISION OF RECORDS AND ELECTIONS

AUDITOR, SNOHOMISH COUNTY DEPUTY COUNTY AUDITOR

PORTION OF THE WEST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 27 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN SNOHOMISH COUNTY, WASHINGTON

JOB NO 96-321

SHEET 1 OF 5

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# Exhibit B

## RIVER CROSSING

FOR W 1/2 W 1/2 NW 1/4 OF SECTION 6, TOWNSHIP 27 NORTH, RANGE 5 EAST, W.M.  
CITY OF MILL CREEK SNOHOMISH COUNTY, WASHINGTON

VOL/PG

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DEPUTY COUNTY TREASURER

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DIVISION OF RECORDS AND ELECTIONS

AUDITOR, SNOHOMISH COUNTY

DEPUTY COUNTY AUDITOR

PORTION OF THE WEST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 27 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN SNOHOMISH COUNTY, WASHINGTON

JOB NO 96-321

SHEET 1 OF 5

VOL/PG

# RIVER CROSSING

FOR W 1/2 W 1/2 NW 1/4 OF SECTION 6, TOWNSHIP 27 NORTH, RANGE 5 EAST, W.M.  
CITY OF MILL CREEK SNOHOMISH COUNTY, WASHINGTON

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## LEGAL DESCRIPTION

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 27 NORTH, RANGE 5 EAST, W.M., IN SNOHOMISH COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST 1/4 CORNER OF SAID SECTION 6; THENCE NORTH 00°34'41" EAST ALONG THE WEST LINE OF SAID NORTHWEST QUARTER 80.00 FEET TO THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN AN INSTRUMENT RECORDED UNDER RECORDING NUMBER 8907260316, RECORDS OF SNOHOMISH COUNTY, WASHINGTON AND THE TRUE POINT OF BEGINNING;

THENCE NORTH 89°51'25" EAST ALONG THE BOUNDARY LINE OF SAID TRACT OF LAND 565.10 FEET TO AN ANGLE POINT IN SAID BOUNDARY LINE; THENCE NORTH 00°34'41" EAST ALONG THE BOUNDARY LINE OF SAID TRACT OF LAND AND ITS NORTHERLY EXTENSION 2031.36 FEET TO THE NORTH LINE OF SAID TRACT OF LAND DESCRIBED IN AN INSTRUMENT RECORDED UNDER RECORDING NUMBER 8907260316; THENCE NORTH 89°43'53" WEST ALONG SAID NORTH LINE 565.10 FEET TO THE WEST LINE OF SAID NORTHWEST QUARTER OF SECTION 6; THENCE SOUTH 00°34'41" WEST ALONG SAID WEST LINE 2045.29 FEET TO THE TRUE POINT OF BEGINNING.

## EASEMENT PROVISIONS

- EACH LOT IS SUBJECT TO AN EASEMENT 2.5 FEET IN WIDTH PARALLEL WITH AND ADJOINING ALL SIDE AND REAR LOT LINES WHICH ADJOIN ANOTHER LOT AND FIVE (5) FEET IN WIDTH PARALLEL WITH AND ADJACENT TO ALL REAR LOT LINES NOT ADJOINING ANOTHER LOT FOR STORM DRAINAGE FACILITIES. PROVIDED HOWEVER, THE GRANTING OF EASEMENTS ALONG SAID REAR AND SIDE LOT LINES IS SUBJECT TO THE CONDITION THAT IN THE EVENT TRANSFEREES FROM WILLIAM E. BUCHAN, INC., AND JOHN F. BUCHAN CONSTRUCTION COMPANY, INC., OWNERS OF MORE THAN ONE LOT IN THIS PLAT ON A CONTIGUOUS BASIS, OWN OR HOLD SAID LOTS FOR THE PURPOSE OF CONSTRUCTING BUILDINGS THEREON, WHICH BUILDINGS WOULD CROSS PLATTED LOT LINES, SUCH CONSTRUCTION SHALL BE PERMITTED IRRESPECTIVE OF THE PLAT EASEMENT CONTAINED IN THIS PARAGRAPH, PROVIDED SUCH EASEMENT AREAS HAVE NOT BEEN UTILIZED FOR THEIR EASEMENT PURPOSES TO RECEIVE SUCH CONSTRUCTION BY SUCH OWNER OR APPLICATION MADE FOR A BUILDING PERMIT. THE ISSUANCE OF A BUILDING PERMIT FOR SUCH CONSTRUCTION WILL CONSTITUTE AN EXTINGUISHMENT OF THIS EASEMENT AS TO THAT PORTION OCCUPIED BY THE STRUCTURE. PROVIDED FURTHER, NO DRAINAGE FACILITIES SHALL BE INSTALLED BY THE BENEFICIARIES OF THE EASEMENT IN THE SIDE LOT AREAS WITHOUT FIRST PROVIDING WRITTEN NOTICE TO THE OWNERS OF AFFECTED LOTS IN THE PLAT OF SUCH INSTALLATION. SUBSEQUENT TRANSFEREES FROM THE GRANTEES OF WILLIAM E. BUCHAN, INC. AND JOHN F. BUCHAN CONSTRUCTION COMPANY, INC., SHALL HAVE THE SAME RIGHTS WITH RESPECT TO PROPERTY WHICH IS HELD ON A CONTIGUOUS BASIS IN THE EVENT THAT SUCH EASEMENT AREAS HAVE NOT BEEN UTILIZED FOR DRAINAGE FACILITIES. FURTHER, FOR A LOT LINE EASEMENT, ANY SUCH EASEMENT AS GRANTED BY THIS PLAT WILL AUTOMATICALLY BE EXTINGUISHED AND BE REPLACED BY AN EASEMENT OF EQUAL STATUS IN EVERY RESPECT AS THOSE GRANTED BY THIS PLAT ALONG ANY NEW SIDE OR REAR LOT LINES CREATED BY BOUNDARY LINE ADJUSTMENT.

- AN EASEMENT IS HEREBY RESERVED AND GRANTED UPON RECORDING TO SNOHOMISH COUNTY PUB NO. 1, PUGET SOUND ENERGY, GTE, AT&T CABLE SERVICES, AND SILVER LAKE WATER DISTRICT, AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, UNDER AND UPON THE EXTERIOR 10 FEET PARALLEL WITH AND ADJOINING THE STREET FRONTAGE OF ALL LOTS AND TRACTS IN WHICH TO INSTALL, LAY, CONSTRUCT, RENEW, OPERATE AND MAINTAIN UNDERGROUND CONDUITS, CABLE, PIPELINE, GROUND WATER INTERCEPTOR AND WIRES, WITH THE NECESSARY FACILITIES AND OTHER EQUIPMENT FOR THE PURPOSE OF SERVICE TO THIS SUBDIVISION AND OTHER PROPERTY WITH ELECTRIC, GAS TELEPHONE, CABLE TELEVISION SERVICE AND WATER, TOGETHER WITH THE RIGHT TO ENTER UPON THE EASEMENTS AT ALL TIMES FOR THE PURPOSES STATED.

EASEMENT IS HEREBY GRANTED TO ALDERWOOD WATER DISTRICT UNDER AND UPON THE EASEMENTS SHOWING PLAT DESCRIBED HEREIN AS PUBLIC SANITARY SEWER EASEMENT IN WHICH TO INSTALL, MAINTAIN, REPLACE AND REPAIR A SANITARY SEWER SYSTEM AND APPURTENANCES FOR OTHER PROPERTY AND TOGETHER WITH THE RIGHT TO ENTER UPON THE EASEMENTS AT ALL TIMES FOR THE PURPOSES STATED.

## COVENANTS

ALL LOTS AND TRACTS WITHIN THIS PLAT ARE SUBJECT TO THE COVENANTS RECORDED THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2000, UNDER RECORDING NO. \_\_\_\_\_ RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

## RESTRICTIONS

NO LOT OR PORTION OF A LOT IN THIS PLAT SHALL BE DIVIDED AND SOLD OR RE SOLD OR OWNERSHIP CHANGED OR TRANSFERRED WHEREBY THE OWNERSHIP OF ANY PORTION OF THIS PLAT SHALL BE LESS THAN THE AREA REQUIRED FOR THE USE DISTRICT IN WHICH LOCATED.

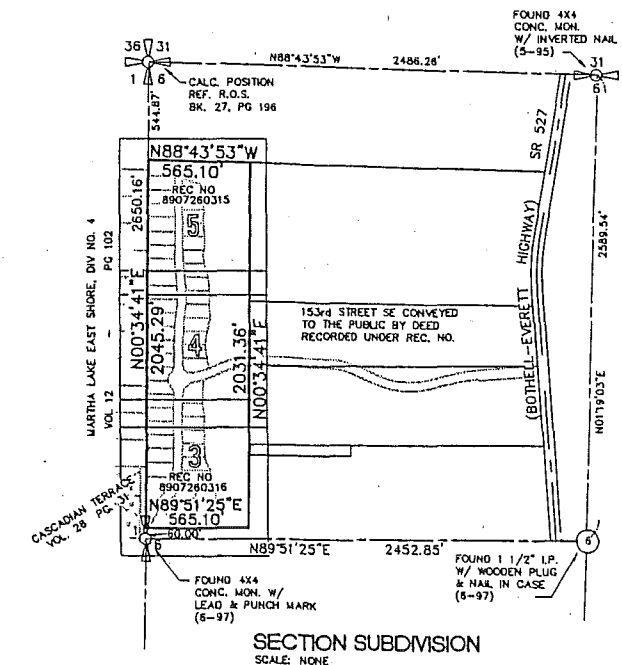
NO BUILDING FOUNDATIONS ARE ALLOWED BEYOND THE REQUIRED BUILDING SETBACK LINE, UNLESS OTHERWISE PROVIDED BY LAW.

## GENERAL NOTES

- INSTRUMENTATION FOR THIS SURVEY WAS A 1 MINUTE THEODOLITE AND ELECTRONIC DISTANCE MEASURING UNIT. PROCEDURES USED IN THIS SURVEY WERE FIELD TRAVERSE, MEETING OR EXCEEDING STANDARDS SET BY WAC 332-130-090.
- PROPERTY CORNERS SHALL BE SET AS FOLLOWS UNLESS OTHERWISE SPECIFIED.
  - SET 1/2" x 24" REBAR WITH CAP "LS NO. 22335" AT A TWENTY-FOOT OFFSET FROM THE FRONT LOT CORNERS.
  - LEAD AND TACKS ON CONCRETE CURB AT FRONT LOT LINE EXTENSIONS.
  - SET 1/2" x 24" REBAR WITH CAP "LS NO. 22335" AT ALL REAR LOT CORNERS.
- ALL BUILDING DOWNSPOUTS, FOOTING DRAINS, AND DRAINS FROM ALL IMPERVIOUS SURFACES SUCH AS PATIOS AND DRIVEWAYS SHALL BE CONNECTED TO THE PERMANENT STORM DRAIN OUTLET AS SHOWN ON THE APPROVED CONSTRUCTION DRAWINGS ON FILE WITH MILL CREEK DEVELOPMENT SERVICES DIVISION. THIS PLAN SHALL BE SUBMITTED WITH THE APPLICATION OF ANY BUILDING PERMIT. ALL CONNECTIONS OF THE DRAINS MUST BE CONSTRUCTED AND APPROVED PRIOR TO FINAL BUILDING INSPECTION APPROVAL.
- ALL NATIVE GROWTH PROTECTION AREAS SHALL BE LEFT IN A SUBSTANTIALLY NATURAL STATE. NO CLEARING, GRADING, FILLING, BUILDING CONSTRUCTION OR PLACEMENT, FENCE CONSTRUCTION, OR ROAD CONSTRUCTION OF ANY KIND SHALL OCCUR WITHIN THESE AREAS; PROVIDED THAT THE UNDERGROUND UTILITY LINES MAY CROSS SUCH AREAS UTILIZING THE SHORTEST ALIGNMENT POSSIBLE IF AND ONLY IF NO FEASIBLE ALIGNMENT IS AVAILABLE WHICH WOULD AVOID SUCH A CROSSING. ADDITIONALLY, STORM DRAINAGE PIPES AND DISCHARGE STRUCTURES AND SWALES HAVE BEEN CONSTRUCTED WITHIN EASEMENT LOCATED ON THESE TRACTS AND THE CITY OF MILL CREEK HAS THE RESPONSIBILITY AND THE RIGHT TO MAINTAIN, REPAIR AND RECONSTRUCT THESE FACILITIES. REMOVAL OF VEGETATION BY THE PROPERTY OWNER SHALL BE LIMITED TO THAT WHICH IS DEAD, DISEASED OR HAZARDOUS. NO TREES SHALL BE REMOVED FROM NATIVE GROWTH PROTECTION AREA WITHOUT CITY APPROVAL AND UNLESS THEY ARE DETERMINED BY A QUALIFIED PLANT ECOLOGIST TO BE HAZARDOUS OR AT RISK OF BLOWING DOWN AND CAUSING UNACCEPTABLE DAMAGE RELATED TO THE BUFFER. NO ADJUSTMENT TO THE BOUNDARY OF ANY SUCH AREA SHALL OCCUR UNLESS FIRST APPROVED THROUGH THE FORMAL REPLAT PROCESS. THE CITY OF MILL CREEK SHALL HAVE THE RIGHT TO REPAIR DRAINAGE IMPROVEMENTS WITHIN THE NATIVE GROWTH PROTECTION AREA, ON AN EMERGENCY BASIS ONLY.
- THE LANDSCAPE PLANTER WITHIN TRACT 998 IS OWNED AND MAINTAINED BY THE WEST VILLAGE HOME OWNERS ASSOCIATION.
  - PRIVATE STORM DRAINAGE EASEMENT WITHIN LOT 41 IS FOR THE BENEFIT OF LOT 39. THE OWNERS OF LOTS 39 AND 41 ARE RESPONSIBLE FOR THE MAINTENANCE, REPAIRS AND RECONSTRUCTION OF THAT PORTION OF THE STORM DRAINAGE SYSTEM USED IN COMMON.
- PAYMENT OF \$365.00 PER DWELLING UNIT IS REQUIRED TO MITIGATE IMPACTS ON FIRE DISTRICT NO. 7 FACILITIES. PAYMENT OF THE MITIGATION IS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE ON RESPECTIVE LOTS.

## GENERAL NOTES

- TRACT 997 IS FOR ACCESS AND UTILITIES FOR THE BENEFIT OF LOTS 41, 42 AND 43. THE OWNERS OF SAID LOTS 41, 42 AND 43 ARE HEREBY CONVEYED AN EQUAL AND UNDIVIDED OWNERSHIP INTEREST IN SAID TRACT. 997, AND ARE EQUALLY RESPONSIBLE FOR ITS MAINTENANCE. THIS SHALL BE DEEMED TO BE A COVENANT RUNNING WITH THE LAND AND SHALL BE BINDING UPON THE GRANTORS AND GRANTEEES AND THEIR RESPECTIVE GRANTEES, SUCCESSORS AND ASSIGNS. AN EASEMENT IS HEREBY GRANTED TO PUGET SOUND ENERGY CORPORATION, PUBLIC UTILITY DISTRICT NO. 1 OF SNOHOMISH COUNTY, A MUNICIPAL CORPORATION, CITY OF MILL CREEK, SILVER LAKE WATER DISTRICT, GTE NETWORK SERVICES AND AT&T CABLE SERVICES, AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS UNDER AND UPON TRACT 997 IN WHICH TO INSTALL, LAY, CONSTRUCT, RENEW, INSPECT, REMOVE, OPERATE AND MAINTAIN UNDERGROUND CONDUITS, CABLE, PIPELINE AND WIRES WITH THE NECESSARY FACILITIES AND OTHER EQUIPMENT FOR THE PURPOSE OF SERVICE TO THE LOTS AND TRACTS ADJOINING TRACT 997 WITH STORM WATER DRAINAGE, ELECTRIC, GAS, CABLE TV SERVICE, SEWER AND WATER, TOGETHER WITH THE RIGHT TO ENTER UPON THE EASEMENT WITH ALL NECESSARY MAINTENANCE AND CONSTRUCTION EQUIPMENT AT ALL TIMES FOR THE PURPOSES STATED. SAID EASEMENT SHALL BE RESTORED BY THE UTILITY AS NEARLY AS REASONABLY POSSIBLE, TO ITS CONDITION PRIOR TO ANY MATERIAL DISTURBANCE FROM CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR OR REPLACEMENT OF WATER AND SEWER FACILITIES AND OTHER UTILITIES.
- THE PUBLIC STORM DRAINAGE EASEMENT WITHIN TRACTS 998 AND 999 AND WITHIN LOTS 10,14,15,19,20,29,31, 32,34-36,43,44 AND 49 ARE FOR THE PURPOSE OF CONVEYING EXISTING STORM WATER FLOW, ORIGINATING OFFSITE, ACROSS THIS PLAT. NO STRUCTURES ARE PERMITTED WITHIN THESE EASEMENTS EXCEPT FOR FENCES AND ROCKERIES. THE CITY OF MILL CREEK IS RESPONSIBLE FOR MAINTENANCE, REPAIRS AND RECONSTRUCTION OF THIS STORM DRAINAGE SYSTEM. SAID EASEMENT SHALL BE RESTORED BY THE CITY AS NEARLY AS REASONABLY POSSIBLE, TO ITS CONDITION PRIOR TO ANY MATERIAL DISTURBANCE FROM CONSTRUCTION, MAINTENANCE, REPAIR OR REPLACEMENT OF THESE STORM FACILITIES.
- THE PRIVATE STORM DRAINAGE EASEMENT ON LOT 17 IS FOR THE BENEFIT OF 18. THE OWNERS OF LOTS 17 AND 18 ARE EQUALLY RESPONSIBLE FOR MAINTENANCE OF THAT PORTION OF THE STORM DRAINAGE SYSTEM USED IN COMMON.
- THE PRIVATE STORM DRAINAGE EASEMENT ON LOTS 13 AND 14 IS FOR THE BENEFIT OF LOTS 12 AND 13. THE OWNERS OF LOTS 12-14 ARE EQUALLY RESPONSIBLE FOR THE MAINTENANCE OF THAT PORTION OF THE STORM DRAINAGE SYSTEM USED IN COMMON.
- THE PRIVATE STORM DRAINAGE EASEMENT ON LOTS 20 AND 21 IS FOR THE BENEFIT OF LOTS 19 AND 20. THE OWNERS OF LOTS 19-21 ARE EQUALLY RESPONSIBLE FOR MAINTENANCE OF THAT PORTION OF THE STORM DRAINAGE SYSTEM USED IN COMMON.
- THE PRIVATE STORM DRAINAGE EASEMENT ON LOTS 9 AND 10 IS FOR THE BENEFIT OF LOTS 10 AND 11. THE OWNERS OF LOTS 9-11 ARE EQUALLY RESPONSIBLE FOR MAINTENANCE OF THAT PORTION OF THE STORM DRAINAGE SYSTEM USED IN COMMON.
- THE PRIVATE STORM DRAINAGE EASEMENT ON LOT 15 IS FOR THE BENEFIT OF LOT 16. THE OWNERS OF LOTS 15 AND 16 ARE EQUALLY RESPONSIBLE FOR MAINTENANCE OF THAT PORTION OF THE STORM DRAINAGE SYSTEM USED IN COMMON.
- THIRD DRIVE S.E. IS INTENDED TO BE CONNECTED WITH 3rd AVENUE. SIGNS DESIGNATING 3rd DRIVE S.E. AS A FUTURE THROUGH ROAD SHALL BE ERRECTED AT THE NORTH AND SOUTH TERMINI OF 3rd DRIVE S.E.
- LOTS THAT ARE ADJACENT TO WETLAND BUFFERS MUST PROVIDE MEASURES TO DETER ANIMAL AND HUMAN INTRUSION INTO THE WETLANDS, INCLUDING BUT NOT LIMITED TO FENCING OR PLANTING WITH IMPENETRABLE VEGETATION.
- A LANDSCAPING PLAN IS REQUIRED FOR THE REAR PORTION OF LOTS 1-38,42,43 AND 45-51 THAT SHALL INCLUDE BUT NOT BE LIMITED TO TREES AND SHRUBS FOR THE REPLANTING OF DISTURBED AREAS AND THE PROTECTION OF WETLANDS. LANDSCAPE PLAN IS REQUIRED TO BE SUBMITTED IN CONJUNCTION WITH INDIVIDUAL LOT BUILDING PERMITS.



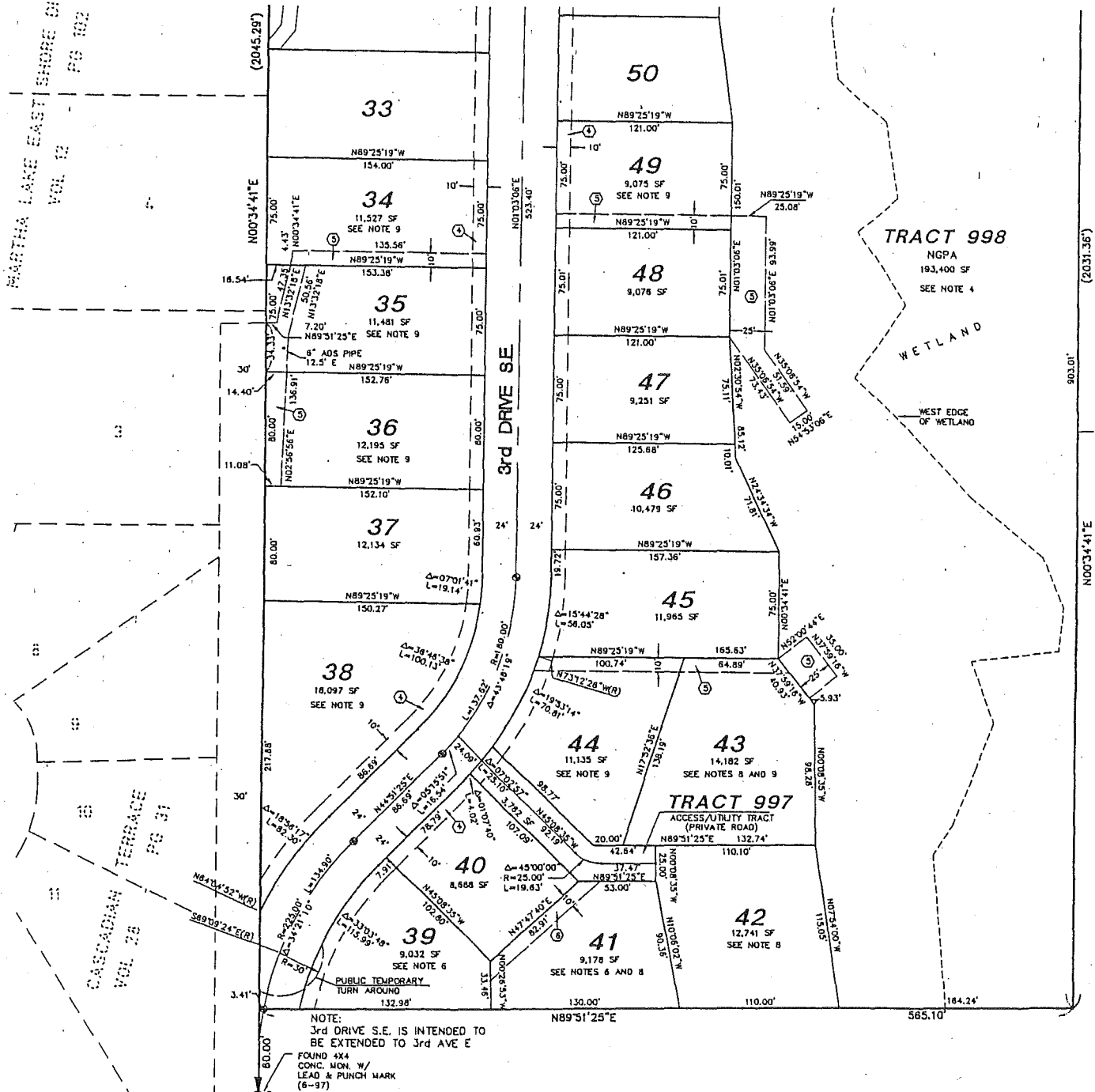
# RIVER CROSSING

FOR W 1/2 W 1/2 NW 1/4 OF SECTION 6, TOWNSHIP 27 NORTH, RANGE 5 EAST, W.M.  
CITY OF MILL CREEK  
SNOHOMISH COUNTY, WASHINGTON

VOL/PG

SEE SHEET 4

MARTHA LAKE EAST SHORE DIV NO 4  
VOL 12 PG 102



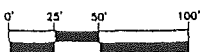
THE 60 FOOT TEMPORARY TURN AROUND IS RELINQUISHED WHEN 3rd DRIVE S.E. IS CONNECTED FOR GENERAL TRAFFIC TO 3rd AVENUE EAST. A TEMPORARY ACCESS ROAD WILL CONNECT 3rd DRIVE S.E. AND 3rd AVENUE EAST UNTIL ADDITIONAL PUBLIC RIGHT OF WAY IS ACQUIRED AND A WIDER GENERAL PUBLIC ACCESS ROAD IS BUILT.

- ④ PUBLIC UTILITY EASEMENT
- ⑤ PUBLIC STORM DRAINAGE EASEMENT
- ⑥ PRIVATE STORM DRAINAGE EASEMENT
- ⑦ SET CONCRETE MONUMENT AND CASE PER SNOHOMISH COUNTY STANDARDS

3RD AVE E



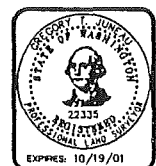
SCALE: 1" = 50'



GRAPHIC SCALE

**TRIAD ASSOCIATES**  
11814 115th AVENUE NE • KIRKLAND, WA 98034  
(425) 821-8448 • (425) 821-3481 FAX

JOB NO 96-321  
SHEET 3 OF 5



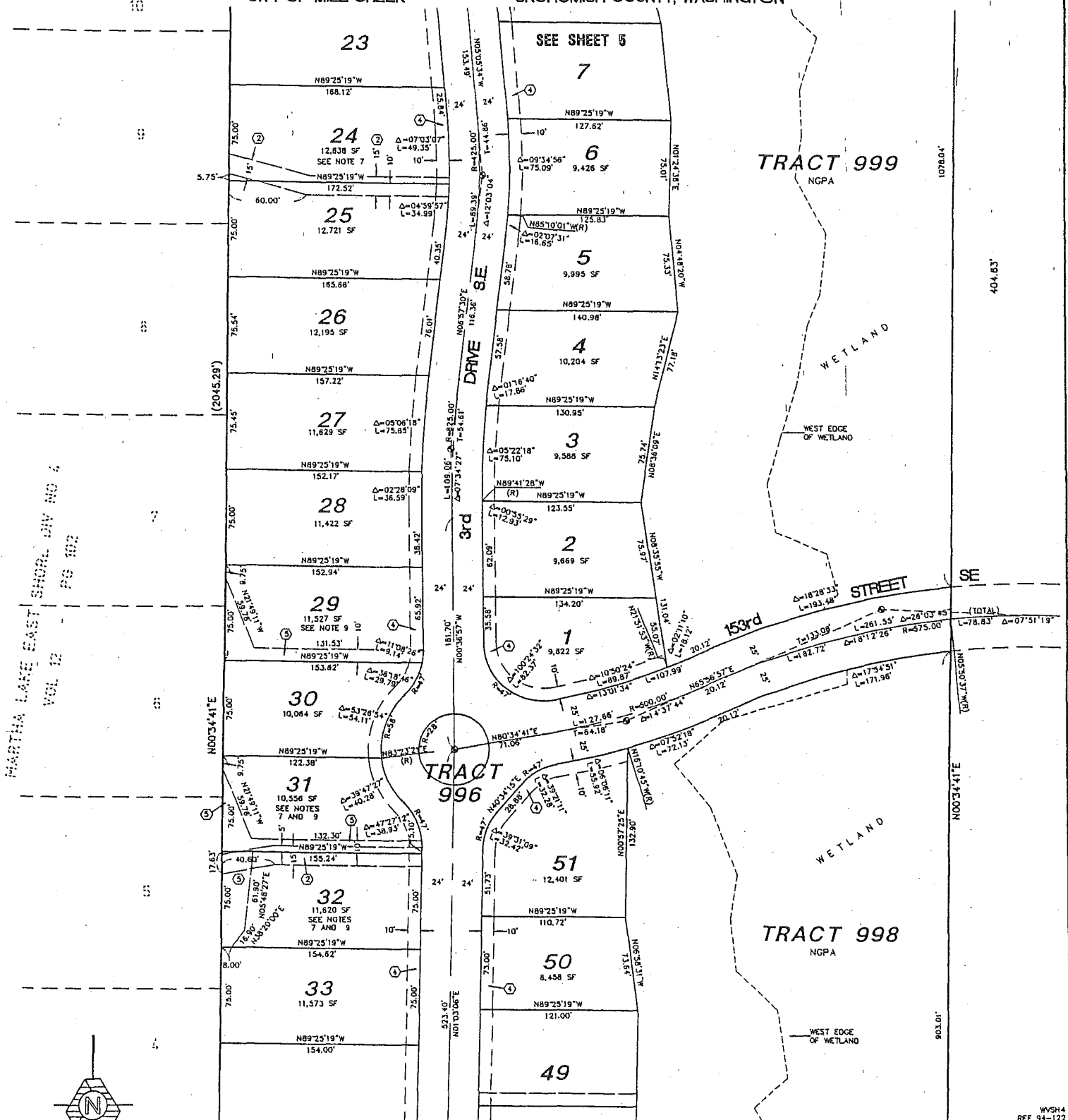
WVSH1  
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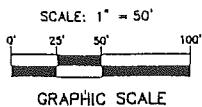
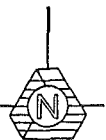
# RIVER CROSSING

FOR W 1/2 W 1/2 NW 1/4 OF SECTION 6, TOWNSHIP 27 NORTH, RANGE 5 EAST, W.M.  
CITY OF MILL CREEK SNOHOMISH COUNTY, WASHINGTON

VOL/Pg



MARTHA LAKE EAST SHORE DIV NO 4  
VOL 12  
PG 102

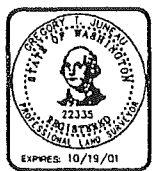


- ② PUBLIC SANITARY SEWER EASEMENT
- ④ PUBLIC UTILITY EASEMENT
- ③ PUBLIC STORM DRAINAGE EASEMENT
- ⑤ SET CONCRETE MONUMENT AND CASE PER SNOHOMISH COUNTY STANDARDS

SEE SHEET 3

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JOB NO 96-321  
SHEET 4 OF 5



WYSH4  
REF 94-122

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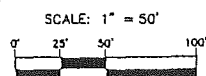
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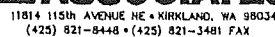


WEST EDGE  
OF WETLAND

WETLAND



SEE SHEET 4



JOB NO 96-321

SHEET 5 OF 5



YVSH5  
REF 94-122

VOL/PAGE

**EXHIBIT A**

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

**MEETING DATE:** May 23, 2000

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

**REQUESTED ACTION:** Approval of the Final Plat of River Crossing (formerly known as West Village) (FP 00-31)

**LOCATION:** The site is located west of North Creek, north of 164<sup>th</sup> Street SE, and east of Cascadian Way

**SIZE:** 26.4 acres

**LEGAL DESCRIPTION:** Refer to Attachment 1

**COMPREHENSIVE PLAN DESIGNATION:** Residential - Low Density (maximum four dwelling units per acre)

**ZONING DISTRICT:** Low Density Residential (LDR)

**BACKGROUND INFORMATION**

**FINAL PLAT REVIEW PROCESS:**

The development of a residential subdivision in the City involves three major steps: 1) approval of a Preliminary Plat, 2) installation of site infrastructure improvements, and 3) approval of a Final Plat. The Preliminary Plat shows the layout of proposed lots, easements, roads, and special-purpose tracts (e.g., for wetlands, buffers, and stormwater facilities). The preliminary plat is reviewed for consistency with the density requirements of the underlying zone district as well as the Comprehensive Plan policies. Upon Preliminary Plat approval by the City Council, the applicant submits construction drawings to the City for clearing and grading, and infrastructure improvements (e.g., water, sewer, storm drainage, roads, sidewalks, and streetlights). Once these improvements have been installed and inspected by the City (or bonded for), the applicant submits the Final Plat. The Final Plat is the recorded document that lays out the surveyed streets, lots, tracts and easements.

Upon submittal of the Final Plat application, staff confirms compliance with the Preliminary Plat Conditions of Approval and prepares the staff report and recommendation for Council action. Once the Final Plat is approved by the Council and recorded, building permits can be issued.

## **HISTORY:**

The proposal is for Final Plat approval of a subdivision containing 51 lots to be developed with single-family detached residences. On January 22, 1998, the Planning Commission held a public hearing on the Preliminary Plat application. After closing the hearing and considering the matter, the Commission voted to recommend to the City Council approval of the application. On February 10, 1998, the City Council reviewed the Planning Commission recommendations at a study session. On February 24, 1998, the City Council considered the application, and voted to approve the Preliminary Plat subject to conditions. Clearing, grading and installation of improvements occurred between April 1998 and April 2000.

## **PROJECT DESCRIPTION:**

The proposed subdivision is located on the west side of North Creek at approximately 153<sup>rd</sup> Street Southeast. Currently, access to the site is provided off of SR 527 via 153<sup>rd</sup> Street Southeast. The internal road system has been designed to provide future access to the north as development occurs, as well as a future connection with 3<sup>rd</sup> Avenue Southeast to the south. In the meantime, this southern entrance may only be used for emergency access.

A total of 51 lots, ranging in size from approximately 8,000 to 18,000 square feet, are proposed. With the exception of lots 41-43, the lots will front on 3<sup>rd</sup> Avenue Southeast. Each lot will have its own driveway. Lots 41-43, located at the south end of the plat, will have access via a separate tract.

The North Creek wetland is located on the eastern portion of the site, and together with required buffers, comprises approximately 41 percent of the subject site. The wetland/buffers have been placed in separate tracts and will be protected through a conservation easement. Encroachment into the wetland buffer will be discouraged through the installation of fences or impenetrable vegetation on the rear portions of adjacent lots.

Public improvements include the construction of roads, curbs, gutters, sidewalks, streetlights, storm drainage facilities, water, sewer, and a traffic-calming island in the intersection of 153<sup>rd</sup> Street Southeast and 3<sup>rd</sup> Avenue Southeast. The majority of these improvements have been installed. Remaining improvements include final paving, and the traffic-calming island, which will be completed once the majority of the homes are constructed to avoid damage during construction.

## **COMPLIANCE WITH PRELIMINARY PLAT CONDITIONS:**

The conditions of Preliminary Plat approval are included in this report as **Attachment 2**. The applicant has complied with all applicable code requirements and conditions placed on the plat, or has bonded to ensure future compliance with applicable conditions as required by Chapters 16.16 and 16.20 of the Mill Creek Municipal Code (MCMC).



## FINDINGS OF FACT:

Staff has reviewed the Final Plat application in accordance with the applicable provisions of Title 16.04, 16.14, 16.16, and 16.20 MCMC regarding final plat requirements, easements, dedications, voluntary contributions, public improvements, bonds, and fees, and makes the following findings:

1. The request is for Final Plat approval for West Village, containing 51 lots. The use of the lots is limited to single-family detached residences.
2. The appropriate fees for review of the Final Plat have been paid.
3. The City Engineer has reviewed and approved the completed survey computation notes.
4. A title report and plat certificate have been submitted, and reviewed and approved by the City Engineer.
5. All plan specifications and documents required for public improvements have been reviewed and approved by the City Engineer.
6. All public improvements have been constructed or bonded with the approval of the Director of Public Works.
7. The City is in receipt of performance bonds in the amount of \$350,000 to provide a surety for the completion of public improvements in the plat, including ATB and Class "B" paving, sidewalks, a traffic calming island, street trees and landscaping within the right-of-way, and street lighting.
8. The City is in receipt of the following impact mitigation fees, or verification of payment, which satisfies the conditions of Preliminary Plat approval:

<u>Fire:</u>	\$18,615.00
<u>Parks:</u>	
Neighborhood	\$52,931.00
Community	\$44,183.00
<u>Schools:</u>	\$102,000.00
<u>Transportation:</u>	
City of Mill Creek	\$12,265.00
Snohomish County	\$54,358.02

9. The Silver Lake Water District has inspected, tested, and approved the installation of the water and sewer lines.
10. The City has received a tree survey for the plat. This survey will serve as the basis for tree preservation plans for each lot, which will be reviewed and approved prior to the issuance of individual building permits.

11. All of the required conditions of Preliminary Plat approval set out in Resolution 98-243 and have been satisfied or bonded for and include the following:
  - a) Review and approval of a street tree plan by the Design Review Board. The DRB has reviewed and approved the landscaping plans for the internal street.
  - b) Submittal of a final wetland mitigation plan for the 152<sup>nd</sup> Street Southeast crossing prepared in accordance with Chapter 18.06, MCMC. Said wetland mitigation plan has been submitted and approved. The City is in receipt of a bond to provide a surety for the completion and monitoring of the wetland mitigation plan.
  - c) Lot Line Adjustment to segregate the subject site from a larger parcel. This Lot Line Adjustment has been reviewed and approved by the City and recorded with Snohomish County.
  - d) Public right-of-way shall be dedicated from SR 527 to the project boundary to ensure access to the site (for 153<sup>rd</sup> Street SE). This right-of-way is being dedicated on the Final Plat through separate dedications.
  - e) Federal and state permits for the road and bridge crossing over North Creek, Smokehouse Creek and associated wetlands shall be obtained. These permits were obtained prior to the issuance of grading permits.
12. The City is in receipt of letters from the Snohomish County Health Department and Fire District No. 7, stating that the proposed means of sewage disposal and water supply are adequate and that the fire protection improvements are adequate within the plat.
13. The covenants, conditions, and restrictions have been reviewed and approved by the City Attorney.
14. All provisions of Chapters 16.04, 16.14, 16.16, and 16.20 MCMC regarding final plat requirements, easements, dedications, voluntary contributions, public improvements, bonds, and fees, have been satisfied.
15. The plat is consistent with the provisions of RCW 58.17.110 regarding the protection of the public health, safety and general welfare; the provision of such elements including, but not limited to, public roads, utilities, open space, parks and recreation, schools, and transit; and the provision that the public use and interest will be served by the proposed subdivision and attendant dedications.

#### **RECOMMENDATION:**

Based upon the above findings, staff recommends that the City Council approve the Final Plat application.

#### **Attachments:**

Attachment 1: Legal Description

Attachment 2: Conditions of Preliminary Plat Approval

**ATTACHMENT 1  
LEGAL DESCRIPTION**

That portion of the northwest quarter of Section 6, Township 27 North, Range 5 East, W.M., in Snohomish County, Washington, described as follows:

Beginning at the west  $\frac{1}{4}$  corner of said Section 6; thence north  $00^{\circ}34'41''$  east along the west line of said northwest quarter 60.00 feet to the southwest corner of a tract of land described in an instrument recorded under recording number 8907260316; records of Snohomish County, Washington and the true point of beginning;

Thence north  $89^{\circ}51'25''$  east along the boundary line of said tract of land 565.10 feet to an angle point in said boundary line; thence north  $00^{\circ}34'41''$  east along the boundary line of said tract of land and its northerly extension 2031.36 feet to the north line of said tract of land described in an instrument recorded under recording number 8907260316; thence north  $88^{\circ}43'53''$  west along said north line 565.10 feet to the west line of said northwest quarter of Section 6; thence south  $00^{\circ}34'41''$  west along said west line 2045.29 feet to the true point of beginning.

**ATTACHMENT 2**  
**PRELIMINARY PLAT CONDITIONS OF APPROVAL**

1. Development shall occur as portrayed on the Preliminary Plat map attached as Exhibit B, except as may be modified by conditions imposed by the Planning Commission.
2. A Lot Line Adjustment segregating the subject site from the larger parcel shall be approved by the Director of Community Development and the Director of Public Works prior to Final Plat application.
3. The maximum number of building lots shall be 51. Construction shall be limited to single-family detached residences. Mitigation in Conditions 17, 23, 25, and 26 shall be prorated based on the final number of lots.
4. Water and sewer facilities shall be designed and installed in accordance with the requirements of the Silver Lake Water District. The applicant shall provide the City with evidence of recorded easements sufficient to install utilities across properties located between the subject site and the point of existing utility service. Copies of the recorded easements shall be submitted to the City prior to approval of engineering plans.
5. A public right-of-way shall be dedicated from SR 527 to the eastern project boundary sufficient to ensure access to the site. The dedication shall be approved by the Planning and Public Works Departments and shall be recorded after approval of the Preliminary Plat and prior to the approval of engineering plans.
6. All appropriate federal and state permit approvals for the road and bridge crossing over North Creek and its wetlands shall be secured prior to the approval of the engineering plans.
7. Submittal and approval of a street tree planting plan. The street tree plan shall be prepared by a licensed landscape architect and reviewed and approved by the Design Review Board prior to Final Plat approval. The plan shall be implemented commensurate with house construction.
8. Site clearing and grading shall be restricted to areas specified by City staff. No other clearing is allowed without the approval of City staff.
9. Trees to be preserved shall be determined after a review of the tree survey on file with the City and onsite identification by City staff and the applicant. (See Beck report dated January 12, 1998.) Preservation areas and individual trees identified to be saved shall be protected from encroachment by vehicles, earth moving and excavating machinery, and material storage by the erection of barrier fencing approved by City staff. Failure to maintain, or removal of the fencing without approval of the City, shall result in the issuance of a stop work order.
10. Trees designated for preservation that are damaged or removed shall be replaced at a ratio of 3:1. The replacement trees shall be coniferous species and have a minimum height at planting of twelve feet. In addition, a penalty of \$ 1,000.00 per tree may be assessed for any trees that

are removed or destroyed by the applicant or his agent without the express approval of the City. The City may, at its discretion, issue a stop work order for the construction of the subject lots until the penalty is paid.

11. Fire hydrant design, location and spacing shall be reviewed and approved by Fire District No. 7 and the Silver Lake Water District.
12. Mailboxes shall be grouped or clustered in locations identified by the United States Postal Service.
13. All utility, stormwater, drainage, maintenance and visibility easements, property buffers and public pedestrian easements together with attendant restrictions and conditions shall be portrayed on the face of the Final Plat.
14. There shall be a Homeowners' Association that will be responsible for the maintenance of all common tracts, privately owned facilities, and the landscape island.
15. The wetland mitigation plan shall be prepared in accordance with Chapter 18.06 MCMC to compensate for the wetlands that are filled for the construction of the West Village Road and North Creek crossing. In addition, a restoration plan shall be prepared for the wetland buffer area located between the stormwater detention pond and the North Creek wetland. The preliminary mitigation plan shall be approved prior to or concurrent with the project engineering plans. The final wetland mitigation plan shall be approved prior to Final Plat approval.
16. There shall be a note on the face of the Final Plat that North Creek Road is intended to be connected with 3rd Avenue. Signs designating North Creek Road as a future through road shall be erected at the north and south termini of North Creek Road.

**SEPA Conditions:**

- 16a. Payment of \$ 365.00 per dwelling unit is required to mitigate impacts on Fire District No. 7 facilities. Payment of the mitigation is required prior to building permit issuance.
17. Payment of mitigation for development of neighborhood park facilities, located within the service area of the proposed plat, and community park facilities. The specific mitigation required in accordance with Chapter 17.48 MCMC, and Mill Creek City Council Resolution 95-191 is:
  - \$ 52,931.00 for acquisition and development of neighborhood park facilities in the SR 527 Corridor.
  - \$ 44,183.00 for acquisition and development of a community park.
18. All fireplaces may be masonry with natural gas fixtures, pellet stoves, or certified wood stoves and fireplaces.

19. The project proponent shall submit a temporary stormwater and erosion control plan for approval by the City Engineer. Said plan shall incorporate best management practices as contained in the State of Washington Department of Ecology Stormwater Control Manual, shall be approved prior to the issuance of any construction permits or commencement of site work including clearing and grading, shall include specific measures to protect North Creek, and without limiting the foregoing, shall at a minimum include the following:
- A. Sediment ponds and traps.
  - B. Silt fences and other approved filtration to prevent runoff sediments from reaching North Creek and associated wetlands.
  - C. Grading and excavation for roads and utilities and grading and filling of the lots adjacent to the wetland on the east side of the site is restricted to the period of April 1 - September 30, unless otherwise approved by the City.
  - D. Promptly covering exposed soil surfaces that remain unworked for more than seven days during the period April 1- September 30 or for more than two days during the period October 1 - March 30 with mulch or plastic sheeting unless other measures are reviewed and approved by the City.
  - E. Submission, for City approval, of a slope stability report, including the risk of liquefaction, by a licensed geotechnical engineer prior to approval of engineering plans.
20. Dust shall be controlled by watering areas of soil disturbance during any construction period encompassing the drier months.
21. Stormwater treatment methods and release rates are required and shall be based on the Washington State Department of Ecology Stormwater Management Manual, Publication 92-32 Volume I and Publication 92-33 Volume II. The stormwater system shall incorporate lateral spreaders to provide continued hydrological input to the wetland. The following minimum measures are required to mitigate the impacts of the proposal on the North Creek wetland:
- A. A buffer area having an average width of 100 feet shall be required between all lots abutting the wetland. In no case shall the actual buffer be less than 75 feet wide.
  - B. Construction activity shall be restricted so as not to cause disturbance of or intrusion into the buffer except in limited instances for the installation of stormwater discharge facilities such as lateral spreaders providing wetland recharge or other work as approved by the City.
  - C. Measures to discourage animal and human intrusion into the wetlands and wetland buffers shall be provided on the rear portions of the lots that are adjacent to the buffers, including but not limited to fencing and/or planting with impenetrable vegetation.
  - D. The temporary erosion and sedimentation control plan, as well as permanent site engineering, shall be designed to prevent erosion, sedimentation, and chemical pollutants

from entering into all areas of undisturbed vegetation, including the buffer and Wetland AB.

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

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

- E. All trees to be cut shall be removed in a manner that the fall direction is away from the wetland and wetland buffer. No trees shall be removed from the wetland buffer without City approval and unless they are determined, by a qualified plant ecologist, to be hazardous or at risk of blowing down and causing unacceptable damage relative to the buffer.
  - F. Site engineering shall be designed to minimize impacts on the hydro-period in the central wetland and forest. This can only be accomplished by using pre- and post-construction monitoring. The monitoring for the West Village site will consist only of monitoring vegetation plots and the placement of water level measuring devices and shall be for a five-year period. The monitoring standards are contained in the mitigation measures contained in Section 3.4.3 of the DEIS on Page III-53. A contingency plan shall also be developed for implementation in the event that post-construction monitoring reveals that deleterious hydro-period impacts have occurred or will continue. Preconstruction monitoring shall commence February 15, 1998.
  - G. Construction stockpiles and debris shall be placed outside the wetland buffer at locations approved by the City. Any wetland buffer vegetation destroyed or disturbed during construction shall be replaced and restored as each phase of construction is completed.
  - H. Implement contingency plans to respond to the event of failure of each element of the erosion and sedimentation control plan.
  - I. Except for approved action, avoid soil alteration of any type within Wetland AB or its buffer.
22. The applicant shall submit an arborist report for review and approval identifying areas of tree preservation and a replanting plan for rear portions of proposed Lots 15 - 38 on the western side

of the project. In addition, lot landscaping, on the rear portion of lots abutting the wetland, shall incorporate non-invasive species of trees and shrubs.

23. Traffic mitigation is required for the traffic generated by this development. The amount of the mitigation based on adopted City formulas is:
  - Seattle Hill Road - \$ 660.00
  - 9th Avenue SE & 164th Street SE - \$ 3,835.00
  - 23rd/25th Avenues & Seattle Hill Road Signal - \$ 798.00
  - Dumas Road/SR 527 Signal - \$ 6,972.00
24. Fully construct the west entrance of 152nd Street (extended) at the future intersection with SR 527.
25. Provide the project's proportionate share for signalization of the future intersection of 152nd Street Southeast (extended and SR 527) in an amount not to exceed \$15,625.00.
26. The project proponents shall comply with the following measures identified by Snohomish County to mitigate the project's impacts on County roads:
  - \$ 50,848.02 for impacts to County Road system capacity.
  - \$ 3,510.00 for Transportation Demand Management obligation.
- 26a. The addendum issued by the City's Responsible Official on January 13, 1998, shall modify and control over any inconsistent provisions of SEPA Conditions 16a. through 26.

**Department of Public Works Conditions:**

27. The subdivider shall dedicate adequate public right-of-way for "North Creek Road" and "West Village Road" within the boundaries of the Preliminary Plat as indicated thereon and as may be modified by the Conditions of Approval. In addition to the dedications indicated on the Preliminary Plat, the subdivider shall dedicate visibility easements to the City on lots 1 and 51 at the intersection of "North Creek Road" and "West Village Road" to provide for maintenance of adequate sight distance at the intersection. Locations of the easements shall be determined by the subdivider's engineer subject to approval by the City Engineer.
28. The subdivider shall design and construct improvements to "North Creek Road" and "West Village Road" within the proposed plat and from the eastern Preliminary Plat boundary to the eastern edge of the stormwater facility proposed on the east side of North Creek, as designated on the Preliminary Plat (approximately station 6+95 of "West Village Road"). The improvements shall be designed by the applicant's registered civil engineer to the satisfaction of the City Engineer and shall include, but not be limited to the improvements shown on the preliminary road profiles sheet, latest accepted revision, by Triad Associates, as modified herein.



The surface improvements are described as follows:

- A. Concrete curb and gutter, and five-foot wide sidewalk on both sides of "North Creek Road" and a six-foot wide concrete sidewalk on one side of "West Village Road."
  - B. Asphalt concrete paving and compacted base. The actual pavement thickness will be based on an analysis submitted to the satisfaction of the City Engineer prior to paving. The analysis shall include soil strength information and traffic loading and shall contain a recommended design section.
  - C. Street lighting designed to the satisfaction of the City Engineer and Director of Community Development. Lighting shall be installed, maintained, and operated at the expense of the applicant until such time as the plat is at least 50 percent occupied.
  - D. The street width, from back-of-curb to back-of-curb, shall be a minimum of 22 feet for "North Creek Road" north of "West Village Road" and for "West Village Road." The street width for "North Creek Road" south of "West Village Road" shall be a minimum of 26 feet from back-of-curb to back-of-curb. The design of the plat shall make adequate provisions for school bus access based on consultation with the Everett School District.
  - E. A landscaped traffic circle shall be installed at the intersection of "West Village Road" and "North Creek Road." The island shall be designed to the satisfaction of the City Engineer and Director of Community Development and shall be maintained by the homeowner's association. Landscape design for the island shall be subject to review and approval by the City's Design Review Board.
30. The subdivider shall design and construct improvements to "West Village Road" from the eastern edge of the stormwater facility on the east side of North Creek to SR 527 (approximately station 6+95 of "West Village Road"). The improvements shall be designed by the applicant's registered civil engineer to the satisfaction of the City Engineer and shall include, but not be limited to the improvements shown on the preliminary road profiles sheet, last revised January 15, 1998, by Triad Associates, as modified herein.

The improvements are described as follows:

- A. A temporary, asphalt, six-foot wide sidewalk on one side of "West Village Road."
- B. Asphalt concrete paving and compacted base. The actual pavement thickness will be based on an analysis submitted to the satisfaction of the City Engineer. The analysis shall include soil strength information and traffic loading and shall contain a recommended design section.
- C. Temporary street lighting designed to the satisfaction of the City Engineer and Director of Community Development.

- D. Ultimate improvements of the intersection of SR 527 and "West Village Road," including, but not limited to, grading, curb, gutter, paving and drainage facilities.
  - E. Installation of widening and improvements to SR 527 to accommodate a left-turn pocket and other related improvements as required by the approved traffic study for the development. Improvements shall be designed to the satisfaction of the City Engineer and the Washington State Department of Transportation and shall include dedication of right-of-way as required by the state. Temporary lighting of the intersection shall be installed to the satisfaction of the City Engineer at the expense of the subdivider until such time as a traffic signal or permanent lighting is installed.
  - F. The paved street width shall be a minimum of 22 feet.
30. The subdivider shall construct a temporary, asphalt connection to 3rd Avenue SE, designed to the satisfaction of the City Engineer and the Fire Department to provide emergency and temporary access for the residents in the event that "West Village Road" is inaccessible. Access control, which may include removable bollards or other devices acceptable to the Fire Department and City Engineer, shall be designed and installed at the expense of the subdivider.
31. The subdivider shall submit engineering plans, plan check fees, and inspection fees and deposits for all improvements shown on the approved Preliminary Plat and/or required as Conditions of Approval.
32. The subdivider shall design and install a storm drainage system in accordance with City requirements and the Department of Ecology Stormwater manual. A final, signed drainage study for the site shall be submitted for approval with the engineering plans. The final study shall include a determination of the adequacy of the downstream facilities to accommodate the proposed site flows. The approved stormwater system shall include the following:
- A. Detention and stormwater treatment that, as a minimum, meets City of Mill Creek and Department of Ecology Stormwater Manual requirements.
  - B. A conveyance system design that meets City standards.
  - C. Any off-site improvements identified as needed in the final stormwater report. Access to off-site facilities shall be secured through easements from adjacent property owners. These easements shall be subject to review and approval by the City.
  - D. Provisions for maintenance of the stormwater system, including, but not limited to, adequate access to maintenance locations and provisions, including easements to the City, that allow the City to maintain and operate the detention and treatment system at its discretion.
  - E. Requirements that the homeowner's association is obligated to maintain and operate the stormwater system to City satisfaction. This obligation shall be secured by a performance agreement and security in accordance with DOE guidelines.

- F. Adequate provisions for individual lot drainage to the satisfaction of the City Engineer.
  - G. No stormwater will be discharged directly into wetlands adjacent to the site without appropriate treatment.
33. The subdivider shall provide grading, stormwater, and erosion and sediment control plans to the satisfaction of the City Engineer prior to commencing any clearing for the site. Sediment and erosion control work shall be designed to the satisfaction of the City Engineer and shall, as a minimum, meet the recommendations in the Department of Ecology Stormwater Manual. All related work shall be adequately secured through a secured agreement acceptable to the City Engineer.
  34. Upon occupation of the homes initially, the developer shall provide educational materials regarding wetland stewardship, and thereafter as the home ownership changes, it would be the responsibility of the homeowners' association to provide similar materials.

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**CITY OF MILL CREEK  
PLANNING COMMISSION MEETING  
May 15, 2003**

Draft

I. CALL TO ORDER:

Chair McElhose called the meeting to order at 7:02 p.m.

II. ROLL CALL:

Chair Bob McElhose  
Commissioner Ed Barton  
Commissioner Bob Collard (7:05 p.m.)  
Commissioner John deRoulet  
Commissioner Tom Jones  
Commissioner John Robertson  
Commissioner Chuck Wright (absent)

Staff:  
Bill Trimm, Director of Community Development  
Tom Rogers, Planning Manager  
Christi Amrine, Associate Planner  
Doug Jacobson, Director of Public Works  
Scott Smith, Assistant City Engineer  
Scott Missall, City Attorney  
Bob Crannell, Chief of Police  
Gary Meek, Deputy Fire Chief

III. INTRODUCTION OF NEW MEMBERS:

Chair McElhose introduced the two newly appointed members to the Planning Commission, Tom Jones and John deRoulet.

IV. ELECTION OF VICE CHAIR:

**MOTION:** Chair McElhose nominated Commissioner Barton for the position of Vice Chair, seconded by Commissioner Robertson. The nomination was approved with five in favor and Commissioner Barton abstaining.

V. MINUTES:

Minutes of April 17, 2003

**MOTION:** Commissioner Collard moved, seconded by Commissioner Robertson, to approve the April 17, 2003 minutes as presented. The motion passed unanimously.

VI. PUBLIC HEARING:

A. **The Falls at Mill Creek Preliminary Plat**

Chair McElhose opened the Public Hearing and asked staff for a report. Associate Planner Amrine officially entered the following into the record: the Planning Commission Resolution including the attached preliminary plat documents and staff report, staff's presentation, written public comments

received as well as any public testimony taken this evening. Ms. Amrine noted that four items were submitted after the staff report was distributed that she would like to enter into the record: an amended petition from the River Crossing residents, a letter from the Everett School District, a letter from Jason and Christine Mitchell, and an e-mail from Jim Fowler at Snohomish County.

Ms. Amrine noted that the requested action is adoption of a resolution forwarding The Falls at Mill Creek Preliminary Plat (PP 02-58) to the City Council with a recommendation for adoption. She outlined the format of her presentation stating that staff would be covering a description of the site, project analysis, neighborhood concerns, public works issues, emergency services, and a staff recommendation. Ms. Amrine stated that The Falls is a 10-unit preliminary plat that is being developed using the Planned Residential Development (PRD) process. The applicant is requesting three modifications through the PRD process: to the building yard setbacks, lot coverage, and lot size.

Associate Planner Amrine displayed a map of the site and described its location. She noted that statutory requirements for SEPA and public notice have been met. Ms. Amrine also displayed several photos of the site and described surrounding land uses.

Ms. Amrine reviewed the plat design and the requested PRD modifications. She noted that modifications are allowed through the PRD process if the project provides added benefits, for example, additional open space, preservation of natural vegetation, or greater efficiency in the use of the land. The applicant is requesting a one-foot reduction in the front yard setback for Lots 3, 4, 7, and 8 to provide additional modulation, which still meets the minimum parking stall depth of 19 feet. Another requested setback modification is to the side yard setback. This reduction is necessary to allow zero lot line units. It will also allow the developer to minimize grading on the site.

Ms. Amrine stated that another modification being requested is to the lot coverage allowance. The applicant is requesting a 48 percent maximum lot coverage in order to minimize grading on the site and to provide additional open space.

The final modification request is to reduce the minimum lot size. Proposed lot sizes range from 3,288 to 4,830 square feet with an average lot size of 4,216 square feet. This will result in 2.9 acres of wetlands and buffers being preserved and an additional 0.8 acres of open space.

Ms. Amrine reviewed the mitigation that is being required, including fire, school, parks, City traffic, and County traffic.

In October of 2002 a petition was submitted to the City by surrounding residents regarding the opening of 3<sup>rd</sup> Drive/3<sup>rd</sup> Avenue. It has since been amended with additional signatures. Ms. Amrine summarized the residents' primary concerns as follows: potential for cut-through traffic, safety, speeding, potential for decrease in property values, and increase in noise. She noted that the residents have also requested that they be allowed to install a gate. She stated that staff evaluated the residents' concerns early in the process and worked with the developer to address them.

Assistant City Engineer Scott Smith described the proposed drainage facilities and stated that they will be required to meet the 2001 DOE Stormwater Manual. He also noted that a short plat being developed in Snohomish County directly across the road shares the same developer and the stormwater

facilities on The Falls at Mill Creek site would transport and treat runoff from both projects. Maintenance will be the responsibility of both The Falls and the County short plat homeowner associations. Since infiltration is a fairly new mechanism to treat stormwater, a five-year monitoring plan to gauge the performance of the system is being required.

Mr. Smith described the traffic impacts that will result from the development, features of the interior roadway and discussed the proposed frontage improvements. He addressed the connection of 3<sup>rd</sup> Drive SE and explained that it was necessary to provide a secondary access point for the 92 homes that will eventually be contained in the River Crossing, River Crossing North, and Chilelli plats. Opening the road is supported by the Planning Department, Mill Creek Police Department, Fire District No. 7, and Snohomish County Public Works. In addition, the connection of the road was a Condition of Approval for the River Crossing plat. Mr. Smith stated that the only existing access point for residents on 3<sup>rd</sup> Drive is 153<sup>rd</sup> Street, which is an elevated, narrow corridor that could easily be closed by falling trees, accidents, or blocking vehicles.

Assistant City Engineer Smith explained that in light of citizen concerns, staff contracted with an independent consultant to assess the traffic impacts of the planned connection. The study assumed that the road improvement projects currently underway have been completed and 3<sup>rd</sup> Drive is completely built out, including River Crossing North and the Chilelli plat. The study determined that local residents would benefit from the connection, as travel times could be cut in half. The study also looked at the potential for cut-through traffic and determined that there would be no time saving benefit or incentive to cut-through the new road connection. In addition, the connection will not be visible from 164<sup>th</sup> Street. The traffic volume analysis indicates the cumulative traffic increase would be a total of 281 new daily trips on 3<sup>rd</sup> Avenue and 208 new daily trips on 3<sup>rd</sup> Drive between 153<sup>rd</sup> Street and the connection. In conclusion, Mr. Smith stated that there will be some traffic volume changes with the new connection but impacts will be minimal.

Mr. Smith addressed the citizen proposed gate and explained that staff is opposed to gating public roadways for several reasons:

- Public roads should have unrestricted access for all citizens
- Developments on 3<sup>rd</sup> Drive were not intended to be gated communities
- There is no common emergency vehicle detection device that will work for all emergency service agencies
- Maintenance concerns
- Liability of City of Mill Creek
- Snohomish County will not allow a gate on County right-of-way

Deputy Fire Chief Gary Meek stated that several years ago when the Fire District commented on the West Village plat (now known as River Crossing), they did have a concern with the length of the street and stated that a second access would be desirable. Residential sprinklers were not required in River Crossing based on the future road connection. Chief Meek asserted that the Fire District is opposed to gating public streets as it causes problems such as slower response times. He noted that not all emergency service agencies use the same gate access system.

Commissioner Robertson referenced the Heatherwood Apartments, which was recently reviewed by the Commission. He asked if an emergency vehicle only access using the grasscrete, similar to Heatherwood, would be acceptable to the Fire District. Chief Meek confirmed that it would likely meet Fire District requirements.

Commissioner Collard asked if the Fire District had any concerns regarding the 12 percent slope of the interior roadway? Chief Meek acknowledged that while the drive is steep, it should not hinder Fire District access. They usually don't have a concern unless slopes are in excess of 15 percent.

Police Chief Bob Crannell stated that the Police Department opposes any change to the current plan regarding the opening of 3<sup>rd</sup> Avenue/3<sup>rd</sup> Drive or restricting access to the neighborhood on 153<sup>rd</sup> Street. From a public safety perspective, single response routes can pose critical safety concerns by delaying the arrival of emergency personnel and equipment, and restricting or eliminating evacuation routes for the residents.

The Police Department views electric or manual access gates as problematic. Chief Crannell explained that the proposed Opti-Com system operates using a bright white light and in hours of darkness this light is visible for hundreds of feet, which could alert a suspect to the arrival of the police and allow time to hide or depart the area. In addition, the Snohomish County Sheriff and the Washington State Patrol, who frequently assist the Mill Creek Police Department, are not equipped with the Opti-Com system and have no plans to use it in the future. In addition, problems could be caused by power outages, vandalism, malfunction, or equipment failure.

Chief Crannell concluded his comments by stating that the Police Department desires unrestricted access not only to better serve the citizens of this neighborhood, but also to provide safety to the police officers and other emergency providers who are responsible for protection and security in this area. Chief Crannell submitted his written comments into the record.

Commissioner Robertson asked Chief Crannell if an emergency vehicle access similar to the one proposed for the Heatherwood Apartments would be adequate for Police Department access. Chief Crannell stated that it would likely be adequate.

Associate Planner Amrine concluded staff's presentation, stating that staff has found the proposal to be consistent with the Comprehensive Plan and the Mill Creek Municipal Code and is recommending approval.

Chair McElhose took the opportunity at this time to ask if any of the Commissioners had a conflict of interest to report. There were no conflicts reported, and Chair McElhose called for the applicant's presentation.

**Laurie Tobiason, 110 - 3<sup>rd</sup> Avenue North, Suite 101, Edmonds, Washington 98020**

Mr. Tobiason, who is representing the applicant, stated that they have worked with City staff for almost a year to come up with this plan. The design of the plat was dictated by site constraints. Because of the wetlands and associated buffers, the development had to occur within the western portion of the site. The elevation of the existing sewer line dictated the elevations of the units. Another design constraint was ensuring that the plat was consistent with the existing neighborhood.



Mr. Tobiason stated that they felt the best way to blend this development with the existing neighborhood was to place the detached single-family units along 3<sup>rd</sup> Avenue. He explained that the detached single-family homes will be three stories, but will have the appearance of a two-story unit from the street. Driveway access will be via a daylight basement in the back. The six single-family attached units will be located along the internal private drive, which is approximately nine feet lower, and thus the attached units will be partially screened by the single-family units on 3<sup>rd</sup> Avenue.

Mr. Tobiason asserted that developing the site using the PRD process has allowed them to preserve the wetland and buffer as well as add additional open space. The stormwater infiltration consists of an underground drainfield, which does not preclude passive recreational use of the surface of that area. The area will be mowed and maintained as a park for the residents and will include benches and picnic tables.

Mr. Tobiason referenced Condition of Approval No. 24C, requiring a pilot infiltration test, which can be very costly. He asked if the Commission and staff would consider a less expensive method.

Chair McElhose suggested that the words, "or equivalent acceptable to the City Engineer" could be inserted after reference to the pilot infiltration test to allow the City Engineer the flexibility to approve another test if appropriate. Assistant City Engineer Smith concurred with this recommendation.

Chair McElhose recessed the meeting for a short break at 8:30 p.m. The meeting reconvened at 8:41 p.m.

Chair McElhose opened the public testimony portion of the hearing at 8:42 p.m.

**Michael Quigley, 15425 – 3<sup>rd</sup> Drive Southeast, Mill Creek, Washington 98012**

Mr. Quigley asked several questions on the traffic study, which Assistant City Engineer Smith responded to.

**Kurt Nulph, 15316 – 3<sup>rd</sup> Drive Southeast, Mill Creek, Washington 98012**

Mr. Nulph stated that he does not believe the traffic study is accurate, and until the Town Center is complete the actual impact cannot be determined. He also noted that there are a number of subdivisions in Mill Creek that have only one access point. Mr. Nulph likes Commissioner Robertson's suggestion regarding using the grasscrete to create an access for emergency vehicles only.

**Roy L. Cats, 15508 - 3<sup>rd</sup> Drive Southeast, Mill Creek, Washington 98012**

Mr. Cats feels the density of the project is not consistent with surrounding development. He outlined his credentials for the Commission. Mr. Cats noted that Mill Creek contains many developments that have only a single entrance and multiple gated neighborhoods. He volunteered to provide sprinkler systems for the 18 affected homes (the ones that would have been required to have sprinkler systems if it had been known that the road was not going to be connected) if the City would waive the permit fees. He also volunteered to provide the gate access equipment for the emergency service agencies if the permit fees would be waived. Mr. Cats, whose property is at the end of the existing 3<sup>rd</sup> Drive, offered to dedicate 8,000 square feet of property to the City, which should provide an adequate radius to create a turnaround.

**Jeffrey Luckey, 15324 - 3<sup>rd</sup> Drive Southeast, Mill Creek, Washington 98012**

Mr. Luckey expressed opposition to the opening of the road and stated that he doesn't believe it is necessary. He also stated that he believes the data in the traffic report is flawed.

**Gene Simshauser, 15229 - 3<sup>rd</sup> Drive Southeast, Mill Creek, Washington 98012**

Mr. Simshauser submitted a letter into the record and summarized his comments for the Commission. He asked why the road was not opened two years ago and why is it being opened now. He feels there is already a problem with speeding and traffic and stated that it will only get worse with the road opening. Mr. Simshauser noted that the Vineyards had recently been approved with only one access.

**Frederic H. Row, 15505 - 3<sup>rd</sup> Drive Southeast, Mill Creek, Washington 98012**

Mr. Row said that he would prefer the development to be all single-family detached; however, he did appreciate the modification that incorporated single-family homes on 3<sup>rd</sup> Avenue. He expressed opposition to the connection of the road and supported the River Crossing development's proposal for a gate. Mr. Row believes opening the road will have a negative impact on his property values.

**Kelly Jorgensen, 15523 - 3<sup>rd</sup> Drive Southeast, Mill Creek, Washington 98012**

Mr. Jorgensen, who lives just north of the proposed development, stated that there is only approximately a four-foot setback between his house and the property line and with the ten-foot setback proposed in The Falls, that would only be 14 feet between his house and the homes in the new development. He believes the proposed plat is not consistent with the other homes in the neighborhood.

**Vicki Jensen, 15404 - 3<sup>rd</sup> Drive Southeast, Mill Creek, Washington 98012**

Ms. Jensen feels the traffic study is based on assumptions. She stated that the time savings indicated in the study are not an important issue for the residents; safety is the most important issue. Ms. Jensen asked if there is a problem with adequate response time now. She believes the hazards caused by increased traffic are a more significant issue than slightly longer emergency service response times. Ms. Jensen expressed support for Commissioner Robertson's suggestion regarding using the grasscrete to create an emergency vehicle only access.

**Jim Ryan, 317 - 158<sup>th</sup> Street Southeast, Mill Creek, Washington 98012**

Mr. Ryan expressed a concern about the road opening. He liked the suggestion made by Commissioner Robertson. Mr. Ryan feels the small lot sizes are not consistent with the surrounding development and feels they will decrease property values.

**Kari Strong, 316 - 158<sup>th</sup> Street Southeast, Mill Creek, Washington 98012**

Ms. Strong, who lives in the last residential development off 3<sup>rd</sup> Avenue, expressed a concern about the impact the increased traffic will have on 3<sup>rd</sup> Avenue. She feels there will be a greater increase in traffic than indicated in the traffic report. Right now there is no reason for people to drive through the area unless they live there. If the road is open, people will use it as a cut-through. Ms. Strong also expressed a concern about the small lot sizes.

**Heejae Lee, 16230 - 3<sup>rd</sup> Avenue Southeast, #A-1, Mill Creek, Washington 98012**

Mr. Lee opposes the opening of the road. He is concerned about the increase in traffic that will result and said that even though the road will not be easily visible, people will find and use the short cut.

**Lance Hudson, 325 – 158<sup>th</sup> Street Southeast, Mill Creek, Washington 98012**

Mr. Hudson believes emergency response time has been adequate and stated that fire insurance rates would not be impacted by a gate. He feels the proposed plat is not consistent with the neighborhood. There are too many homes in too small of an area. Mr. Hudson does not think the traffic study is accurate and expressed a concern about the increased traffic that would result from the opening of the road.

**Richard Willis, 15417 - 3<sup>rd</sup> Drive Southeast, Mill Creek, Washington 98012**

Mr. Willis is opposed to the opening of the road and feels there are alternative ways to create access for emergency vehicles.

**Bryan Koehler, 304 – 161<sup>st</sup> Place Southeast, Mill Creek, Washington 98012**

Mr. Koehler feels it is clear that everyone is strongly opposed to the opening of the road and stated that there isn't any need to open the road.

**John Strother, 15027 - 3<sup>rd</sup> Drive Southeast, Mill Creek, Washington 98012**

Mr. Strother, who lives north of 153<sup>rd</sup> Street, stated that he wouldn't personally be impacted by the increased traffic. However, he believes the street is too narrow to be a through street. Because of the lack of parks in the area, children frequently play in the street. Mr. Strother is skeptical of the traffic study and believes that Town Center patrons will use the cut-through. He supported Mr. Robertson's suggestion.

**Bruce Horst, 1711 – 174<sup>th</sup> Place Southeast**

Mr. Horst stated that he doesn't believe Commissioner Robertson's suggestion regarding the grasscrete is feasible. He believes many people will just drive over the grasscrete. Mr. Horst feels the development is very compatible with the surrounding area and stated that it will contain almost a one-acre park that will provide the children living in The Falls a place to play off the street, unlike the existing development on 3<sup>rd</sup> Drive.

**Brenda Viloni, 15511 – 3<sup>rd</sup> Drive Southeast, Mill Creek, Washington 98012**

Ms. Viloni stated that one of the reasons she purchased a home in River Crossing was because of the quiet streets and slower traffic. Opening the road will impact her quality of life. She stated her opposition to the opening of the road and asked if it would be opened if this plat were not being proposed.

**Rick Ervin, 15409 – 3<sup>rd</sup> Drive Southeast, Mill Creek, Washington 98012**

Mr. Ervin stated that he is a long-time resident of Mill Creek, and when he was considering buying a home in River Crossing he was told by staff that the County would have to make \$3 million worth of improvements before the road could be opened. He stated that the street should have been wider if it was planned to be a through street. Mr. Ervin is concerned about the impact of the additional traffic and is opposed to the opening of the road.

**Tom McCavet, 232 – 160<sup>th</sup> Street Southeast**

Mr. McCavet believes there is likely to be a fatality accident if the street is opened. He has already seen some near misses with the existing traffic, which is primarily people who are familiar with the area. People who are cutting through won't be familiar with the area and will probably not watch their speed.

**Hasan Qutir, 15515 – 3<sup>rd</sup> Drive Southeast, Mill Creek, Washington 98012**

Mr. Qutir opposes the opening of the road and believes the proposed development is not compatible with the surrounding community.

**Olaf Helman, 16230 – 3<sup>rd</sup> Avenue Southeast, Mill Creek, Washington 98012**

Mr. Helman believes people will find the cut-through and use it. He supports Commissioner Robertson's suggestion. Mr. Helman believes the future residents of The Falls would not want the road open.

**Tom Doyle, 302 – 163<sup>rd</sup> Place Southeast, Bothell, Washington 98012**

Mr. Doyle feels the residents who live south of the proposed connection in the County will not receive any benefits from the opening of the road and will actually be the most impacted by the increased traffic. He believes the impact will be greater than indicated in the traffic study.

**Diane Tsai, 15327 – 3<sup>rd</sup> Drive Southeast, Mill Creek, Washington 98012**

Ms. Tsai is strongly opposed to the opening of the road. She is concerned about the increased traffic and safety issues that will result. Ms. Tsai has already experienced two incidents of vandalism on her property and feels it will get worse if the road is opened.

**Gordon Rassmusen, 309 – 158<sup>th</sup> Street Southeast, Mill Creek, Washington 98012**

Mr. Rassmusen said that it is clear that the people do not want the road to go through. He asked if the road does not go through would it cause a problem for the developer?

**Larry Strom 316 – 158<sup>th</sup> Street Southeast, Mill Creek, Washington 98012**

Mr. Strom stated that he had asked on several occasions and was not told that the street was going to go through.

**Carolyn Lake, 1001 Pacific Avenue, Tacoma, Washington 98402**

Ms. Lake, who is representing the applicant, believes there are several legal reasons why the Commission does not have the authority to decide that the road will not be opened. She stated that the connection of 3<sup>rd</sup> Avenue and 3<sup>rd</sup> Drive has already been determined, since it was a specific Condition of Approval for the plat of the River Crossing. Ms. Lake asserted that there is a very specific process for changing plat conditions.

In addition, the MDNS issued for this plat, which includes mitigation to offset the impact of the traffic generated by the project and fully addresses the issues now being raised by the neighboring residents, was not appealed. Ms. Lake encouraged the Planning Commission not to deviate from the recommendations of the public safety experts. She concluded her comments and submitted a written statement into the record.

**Jim Ryan, 317 – 158<sup>th</sup> Street Southeast, Mill Creek, Washington 98012**

Mr. Ryan asked why the road was not connected initially with the development of River Crossing. He also clarified that there are only two school districts in the area.

Chair McElhose asked if there were any comments from those who had not yet spoken. There was no response, so he opened the floor to comments by those who had already spoken.

**Jeffrey Luckey, 15324 - 3<sup>rd</sup> Drive Southeast, Mill Creek, Washington 98012**

Mr. Luckey asserted that the current mail and school bus service do not depend on the road connection.

**Roy L. Cats, 15508 - 3<sup>rd</sup> Drive Southeast, Mill Creek, Washington 98012**

Mr. Cats asked if the condition to open the road was based on the plat of River Crossing or on the addition of a plat to the south.

Community Development Director Trimm explained that the 1998 approval of the West Village plat contained a Condition of Approval to connect the road. The reason the road was not connected at that time was that there was no physical connection until a development to the south was proposed.

City Attorney Missall explained that there are actually two issues with respect to West Village. One was the condition of plat approval that said it was intended to connect 3<sup>rd</sup> Drive and 3<sup>rd</sup> Avenue. There was also a motion passed that said the Planning Commission believed there should be a public hearing held before that road connection was made. This public hearing satisfies that second condition and the road connection is now a physical possibility because this proposed development borders where 3<sup>rd</sup> Drive would connect with 3<sup>rd</sup> Avenue. Mr. Missall noted that opening roads is a legislative decision, however, and that the City could thus put in the road connection at any time.

**Frederic H. Row, 15505 - 3<sup>rd</sup> Drive Southeast, Mill Creek, Washington 98012**

Mr. Row asked how the City could turn a residential road into a collector road.

Assistant City Engineer Scott Smith stated that this road would not be a collector and there is no way that it could be upgraded to a collector. Even with the opening of the road there will be relatively low traffic on this road, with less than 500 trips per day. There are specific federal guidelines that classify a road as a collector. The road must collect traffic from a residential area and move it to a larger arterial, which isn't true in this area. Good examples of collector roads in the City are Village Green Drive, Trillium Boulevard, and Dumas Road.

Chair McElhose, hearing no further requests to present new testimony, closed the public testimony portion of the hearing at 10:16 p.m. and opened deliberations by the Commission.

In response to a question, City Attorney Missall confirmed that the Planning Commission has the authority to make a recommendation to the City Council on the opening of 3<sup>rd</sup> Avenue/3<sup>rd</sup> Drive because the issue has been incorporated into this plat.

Commissioner Barton recommended that the issue of the road opening be bifurcated from the approval of the plat. Separate from the opening of the road, there are a number of issues relative to the plat that need to be discussed. Mr. Barton stated that he is sympathetic to the challenge the topography presented in designing the plat. However, he feels the proposed plat is too dense for a Low Density Residential zone district, and stated that the proposal does not meet the intent of the Comprehensive Plan and is not compatible with the surrounding community.

Planning Manager Rogers pointed out that other developments in the City, such as Beveledere and The Pointe, contain single-family attached units on small lots in a Low Density Residential zone district.

Commissioner Barton reiterated that he feels there should be fewer units and larger lots. As proposed he is not in favor of the plat design.

Commissioner Robertson stated that he is in full agreement with Commissioner Barton. Mr. Robertson said that while he is not in favor of opening the road, he is also not in favor of a gate. He believes the City should investigate other options such as the grasscrete. Mr. Robertson also noted that while the recent traffic improvements may help now, with future development traffic will get bad again and people will be more likely to look for short cuts.

Commissioner McElhose asked staff if other plat designs had been considered. Associate Planner Amrine responded that the original proposal was for all attached units and staff worked with the applicant over several iterations to come up with the current proposal. It would have been possible to design the plat with larger lots, but instead the applicant opted for preservation of open space. Ms. Amrine noted that there are people who prefer the smaller lot with the larger open space maintained by the Homeowners Association. Ms. Amrine explained that the intent of placing the single-family detached units on 3<sup>rd</sup> Avenue was to make the development more compatible with River Crossing.

Commissioner Collard addressed earlier comments by members of the audience with respect to the motives and integrity of the Commission and staff. Mr. Collard asserted that he knows staff, the Commission members, and the City Council, many of whom are here, and the work they are doing is with the sense of trying to do the best and trying to do what is right and not to run hidden agendas or try to pull things over on someone. He said that a comment was made that this is just a check on a box and it has been predetermined what is going to happen. He personally works long hours at his job and then comes here to volunteer his time and he wouldn't be doing that just to check off a box. Commissioner Collard maintained that the people who are in this room are approaching things honestly and honorable people can disagree. What we have is a disagreement amongst honorable people over a real issue.

Mr. Collard stated that the Commission not only needs to consider the impacts to current residents, but also must consider potential impacts to future residents. He believes the plat is compatible with other development in the Low Density Residential zone district. He noted that there are other developments that combine attached single-family units with detached single-family units such as Emerald Heights and they work well. Commissioner Collard believes it is a good goal to have more than one access to a subdivision; however, the Commission must weigh the risk of having a

single access versus the impacts of increased traffic. He feels the grasscrete could work, although he is concerned that people will still abuse it and he is concerned with enforcement. He suggested that the southern bollards be removed and the northern bollards retained. In addition, sprinklers should be required in The Falls and if necessary a turnaround created, using the deeded property offered by Mr. Cats. Mr. Collard asserted that he is not in favor of a gate, as it sends an elitist message that is not conducive to community.

Commissioner Jones stated that he does not have an issue with the lot sizes. He did, however, have a question about the setback reductions as one of the reasons for granting the reduction was the provision of open space. Mr. Jones believes the stormwater infiltration area is necessary and would be required anyway and should not necessarily be credited as additional open space. He also felt using the grasscrete to provide emergency access only was worth of consideration; however, it will be necessary to also have some form of a barricade. Mr. Jones expressed his opposition to using a gate.

Chair McElhose asked how it would impact the street design if the road was not opened. Assistant City Engineer Smith responded that the street design would probably remain the same and the traffic circle could be used as a turnaround.

Commissioner deRoulet said that in his professional opinion 2,400 square foot, zero lot line units are not typically rental units. In addition, a 3,000 square foot home would not depreciate anyone's property value.

Commissioner Barton asserted that he would like to see the three attached single-family dwellings replaced with four detached single-family dwellings. Chair McElhose believes the current mix of attached and detached housing is a good compromise.

**MOTION:** Commissioner Collard moved, seconded by Chair McElhose, to approve Resolution 2003-107 recommending approval of The Falls at Mill Creek Preliminary Plat as conditioned in the staff report.

**MOTION:** Commissioner Collard moved, seconded by Commissioner Barton, to amend Condition 24C to add to the end of the second sentence "or equivalent approved by the City Engineer." The amendment passed with five in favor and Commissioner Robertson abstaining.

**MOTION:** Commissioner Collard moved, seconded by Chair McElhose, that a new condition be added requiring that each unit be provided with a sprinkler system as required by the Code. The motion passed unanimously.

**MOTION:** Commissioner Collard moved, seconded by Commissioner deRoulet, to delete Condition No. 19 in its entirety. The motion passed unanimously.

**MOTION:** Chair McElhose moved, seconded by Commissioner Collard, to add a new condition stating that 3<sup>rd</sup> Drive/3<sup>rd</sup> Avenue will not be opened for public access but have emergency access only. The specific language for the new condition will be drafted by

**staff in cooperation with Snohomish County and the emergency service providers and circulated for approval by the Commission before forwarding the full Planning Commission recommendation to the City Council. The motion passed unanimously.**

**The vote on the Main Motion was then called, and passed with four in favor and Commissioners Barton and Robertson opposed.**

Commissioner Barton stated that he voted against the plat because he feels the density is incompatible with the surrounding neighborhood.

Commissioner Robertson concurred.

City Attorney Missall clarified for all those attending that because of the way the last amendment was made, there will be a new condition that is added to the staff report that the audience does not have at this time. Anyone who is interested in knowing the specific language drafted for the final condition can contact staff. Once the Planning Commission has approved the language for that condition, a revised staff report will be issued and interested parties would be entitled to a copy.

Chair McElhose closed the public hearing at approximately 11:10.

VII. WORK SESSION:

A. **Road Standards**

Due to the lateness of the hour, this item was continued to the regular June Planning Commission meeting.

VIII. ADJOURNMENT:

Chair McElhose adjourned the meeting at 11:11 p.m.

Submitted by:

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Sherrie Ringstad, Administrative Secretary