

PLANNING COMMISSION RESOLUTION NO. 95- 44

A RESOLUTION OF THE CITY OF MILL CREEK )  
PLANNING COMMISSION, RECOMMENDING )  
APPROVAL TO THE CITY COUNCIL OF THE )  
CITY OF MILL CREEK, WASHINGTON OF A ) FINDINGS,  
PRELIMINARY PLAT FOR A FIFTY-SEVEN (57) ) REASONS AND  
LOT RESIDENTIAL SUBDIVISION TO BE ) RECOMMENDATIONS  
KNOWN AS "WINSLOW." CASE FILE NUMBER )  
PP 95-43. )

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WHEREAS, William E. Buchan, Inc. has submitted the appropriate information to the City of Mill Creek for consideration of a Preliminary Plat for a fifty-seven (57) lot single-family residential subdivision located east of SR 527 and west of Seattle Hill Road near the Lively Environmental Center, within the City of Mill Creek; and

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

WHEREAS, on May 7, 1995, a legal notice stating the time, place and purpose of the public hearing was published in the Everett Herald, and on May 8, 1995, was posted on the property pursuant to MCMC 17.36.040 and sent to surrounding property owners within 500 feet of the site in accordance with MCMC 17.36.040; and

WHEREAS, the Planning Commission duly convened a public hearing on May 18, 1995, to consider the matter, hear public 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 is consistent with the Mill Creek Comprehensive Plan and the Mill Creek Subdivision and Zoning ordinances, if conditioned to make appropriate provisions for the public health, safety and general welfare.

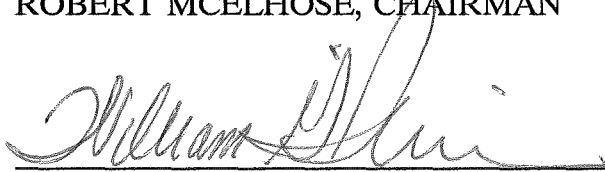
Section 2: The Planning Commission adopts the findings and recommendations as contained in Exhibit A, as they may be modified by the Planning Commission discussion and recommendation contained in Exhibit C, attached and incorporated herein.

Section 3: The Planning Commission, therefore, recommends to the City Council approval of a fifty-seven (57) lot preliminary plat for William E. Buchan, Inc. as fully described and conditioned in Exhibit A, Exhibit B, and Exhibit C.

Done and Passed by majority vote, this eighteenth day of May, 1995.

CITY OF MILL CREEK PLANNING COMMISSION

  
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ROBERT MCELHOSE, CHAIRMAN

  
\_\_\_\_\_  
SECRETARY OF THE PLANNING COMMISSION

ATTACHMENT: Exhibit A - Staff Report  
Exhibit B - Preliminary Plat Map  
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**

**DATE:** May 18, 1995

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

**REPRESENTATIVE:** G.W.C. Consulting  
8888 45th Place West  
Mukilteo, Washington 98275

**REQUESTED ACTION:** Preliminary Plat approval for a 57-lot subdivision to be developed with single-family detached residences.

**LOCATION:** The subject site is located south of Mill Creek Road, east of SR 527, west of Seattle Hill Road near the Lively Environmental Center within Sections 7 and 8, Township 27 North, Range 5 East, W.M. Snohomish County.

**SIZE:** 21.4 acres

**LEGAL DESCRIPTION:** Refer to Attachment 1

**COMPREHENSIVE PLAN DESIGNATION:** Residential - Medium Density, Twelve Dwelling Units per Acre Maximum

**ZONING DISTRICT:** MDR - Medium Density Residential

## **PART II - STATUTORY REQUIREMENTS**

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

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

City staff has identified certain elements of the environment that require mitigation pursuant to SEPA as well as impacts on public facilities that require mitigation pursuant to Chapter 17.48 MCMC. On April 19, 1995 a Mitigated Determination of Non-Significance (MDNS)/Notice of Property Development was issued for the proposed project. The specific measures were required to mitigate development impacts and have been incorporated into the recommended conditions of approval.

### **INTERJURISDICTIONAL AGREEMENTS:**

The City has adopted separate interlocal agreements with Snohomish County and the Everett School District regarding joint review, comment, and imposition of appropriate mitigation and conditions that affect the proposed project. This application has been reviewed by Snohomish County and the Everett School District and their comments are reflected in the recommended conditions.

### **NOTICE:**

According to Section 17.36.040 MCMC, notice of the public hearing was mailed to property owners of record within 500 feet of the proposed project on May 5, 1995, published in the Everett Herald on May 7, 1995, and the property was posted in three places on May 8, 1995.

## **PART III - BACKGROUND INFORMATION**

### **HISTORY:**

The subject site is located within the City's Interim Urban Growth Area that was adopted as part of the Comprehensive Plan in January 1992. The site was annexed to the City in October 1992, as part of the LKS Annexation. A zoning classification of RC 2.5 was applied to the property at the time of annexation. The property was reclassified to MR 1 Medium Density Residential in

## **HISTORY CONTINUED:**

February 1993. It was subsequently reclassified MDR in 1995 as part of the citywide rezone to implement the Land Use Map of the 1994 Comprehensive Plan.

## **EXISTING SITE CHARACTERISTICS:**

The site of the proposed project is 21.4 acres in size and is located near the Lively Environmental Center on the west side of Seattle Hill Road. A tributary of Nickel Creek flows from east to west through the southern portion of the site. Topography of the site ranges from steep slopes on the north side of the creek rising to rolling uplands above the valley corridor across from the Lively Environmental Center. The valley corridor area, which includes the tributary to Nickel Creek and adjacent side slopes, accounts for approximately 10.8 acres, will remain undeveloped, and is to be dedicated to the City for open space pursuant to conditions of the LKS annexation. Development will occur on the remaining upland area.

Soil investigations reveal that there are two primary soil types on the site, Alderwood Gravelly Sandy Loam on the slopes, and Kitsap Silt Loam in the upland area. The Kitsap soils have moderate limitations for residential development primarily due to poor drainage and seasonal wetness. These soil limitations primarily affect building foundations and septic tank drain fields.

Since the proposed plat will be served by public sewers, the limitation for septic tank drain fields is not applicable. The requirement for foundation drainage is made by the City Building Official at the time of construction of the future residences.

The Alderwood soils have severe limitations for development due to steepness, and ponding and low strength respectively. A geotechnical engineering report submitted with the application recommends a minimum twenty-five (25) foot setback from the top of the bank for all lots that contain the steep slopes and a prohibition on clearing on the slopes.

## **VEGETATION:**

The site is mostly forested with second growth mixed conifer and deciduous trees. Predominant species are Cedar, Maple, and Alder. Douglas Fir and Hemlock are also found on the site.

## **WETLANDS:**

There are two wetlands located at the head of a steep ravine in the northeast corner of the site (see Attachment 2). Based on the information contained in the wetland delineation report, the smaller

## **WETLANDS CONTINUED:**

of the two wetlands was apparently created by a blocked culvert under the old logging road that cuts across the head of the ravine. The wetland is under 2,500 square feet in area and is therefore exempt from the City's Environmentally Critical Areas Regulations, Chapter 18.06 MCMC.

The second wetland, which is over an acre in size, extends down the steep ravine. It has been classified as a Category III wetland under the provisions of Chapter 18.06. The applicant's wetland report indicates that habitat value is fairly low due to sparse groundcover and the absence of a well-developed shrub cover. The report also indicates that the lack of dense herbaceous groundcover precludes the wetland from providing significant biofiltration or biological production and that the most significant functional value of the wetland is retention of surface water and maintenance of some water supply to Nickel Creek.

The proposed project will involve filling approximately 3,000 square feet of the larger wetland to allow construction of the plat access road and one lot. To mitigate the impacts of the filling, the applicant has designed a mitigation plan that creates two ponds in the remaining wetland area. The ponds will serve two purposes: 1) they will provide for some stormwater detention, and 2) provide open water habitat. In addition, the areas around the ponds will be enhanced with wetland plants and shrubs.

Pursuant to Section 18.06.120 MCMC, a conceptual mitigation plan has been submitted, reviewed, and approved by the Department of Community Development. The final, detailed mitigation plan must be submitted subsequent to approval of the preliminary plat application.

## **LAND USE:**

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

To the north is the plat of Amberleigh being developed with 79 attached residences and 9 single-family detached residences;

To the south is the Nickel Creek stream corridor and valley and beyond that is the plat of The Lakes being developed with 34 single-family residences;

## LAND USE CONTINUED:

To the west is the Emerald Heights division;

To the east is the Lively Environmental Center.

### UTILITIES:

The subject site is located within the service area of the Alderwood Water District. Public sewer and water are located at the northeast corner of the proposed plat within the Seattle Hill Road right-of-way and at the western plat boundary in Emerald Heights.

The developer will be responsible for extending sewer and water service in accordance with the district's design standards. The district has the capacity to serve the proposed plat with sanitary sewer service and water.

Electrical service will be provided by Snohomish County PUD and natural gas service by Washington Natural Gas.

### FIRE PROTECTION:

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

### SUBDIVISION DESIGN: General Description

The application is for the approval of a 57-lot residential subdivision. The subject site encompasses 21.4 acres; however, the conditions of the LKS annexation require the dedication of a portion of the property (designated as Tract C containing 10.8 acres) to the City upon final plat approval. The actual development will occur on approximately 10.6 acres.

The subject site is located in a Medium Density Residential (MDR) zone district, which allows a fairly high degree of flexibility with regard to building placement, setbacks, and lot sizes. Thus, there has been no request for the application to be reviewed as a Planned Residential Development and additional open space is not required to be dedicated through the plat process.

The lots are laid out in an east/west configuration along two access roads, which form two loops connected to a single access onto Seattle Hill Road. The lots range in size from 5,455 square feet to 13,023 square feet with an average lot size of 6,291 square feet. All development will occur on the upland portion of the site, except for the construction of two stormwater detention ponds in the ravine, located in the northeast corner of the site. No development or

## **SUBDIVISION DESIGN CONTINUED:**

clearing will be allowed on the south facing steep slopes, located in the Nickel Creek stream corridor. The density of the proposed plat is 5.4 dwelling units per acre.

### Access and Circulation

Access to the proposed plat will be from a single entrance on Seattle Hill Road. The access is situated approximately 300 feet south of the entrance to Amberleigh, which is the nearest intersection on Seattle Hill Road. Grading at the entrance will be required to provide adequate sight distance and is required to be reviewed and approved by the City Engineer.

The applicants have proposed sidewalks on only one side of some streets. The proposed sidewalks would be located on the north side of 164th Place Southeast, the west side of 16th Avenue Southeast, the south side of 165th Street Southeast, the east side of 18th Drive Southeast, and the north side of the entry road. Pedestrian pathways are also proposed to connect the project with Amberleigh to the north and Emerald Heights to the west. Sidewalks will also be constructed within Tract C adjacent to Seattle Hill Road.

The developer will also be required to dedicate a right-of-way along the Seattle Hill Road frontage and widen the road.

### Utilities

Sanitary sewer and water service is currently located adjacent to the subject site. The project proponent will be required to extend the utilities as determined by the Alderwood Water District.

Stormwater runoff will be collected in the streets and conveyed to two basins, located in an east and west area of the plat. The west system, which ultimately drains into Penny Creek, provides temporary on-site storage through an underground concrete vault located on a private tract (Tract B). The proposed underground vault is dependent on securing an easement from the Emerald Heights Homeowners Association allowing the conveyance of runoff through underground piping to a catch basin located in the Emerald Heights development. In the event that an easement is not obtained, the vault will be above ground and the stormwater will sheet flow over open ground to the catch basin. Water quality is controlled through bio-filtering, settling cells within the vault, oil-water separator and controlled release of site runoff.



## **SUBDIVISION DESIGN CONTINUED:**

The west system, which will drain into Nickel Creek, provides temporary on-site storage in two open ponds located on land to be dedicated to the City (Tract C). Water quality is controlled through an oil/water separator, two settling ponds, a bio-filtering swale, and controlled release of site runoff.

### Open Space

Private open space, to be used primarily for site landscaping, is provided in Tracts A and D. Public open space is provided in Tract C. An active/passive neighborhood park is to be located in the upland area south of the entry road and a resource protection area on the steep slopes and in the stream corridor. This land will form a 10.8 acre open space that will be dedicated to the City.

A total of 19 acres of parks and open space will result when Tract C is combined with the property to the south, which is committed to be dedicated from The Lakes Project. The construction of the pedestrian pathways, scenic overlooks or viewpoints, and possibly some interpretive signs in the stream corridor may be developed later as part of the future development of the neighborhood park. The City Capital Facilities Plan has allowed \$85,000 in 1995 and 1997 for design and development of the park.

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

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

### LAND USE ELEMENT

Policies 1.03 & 1.04 - Continue existing residential development pattern and compatibility with surrounding land uses. The proposed plat continues the existing residential development pattern in the City since it provides medium density residential development in an area that is characterized by similar types of existing or planned developments; i.e., attached residential developments (Millers Village, Amberleigh), detached residential

## CONSISTENCY WITH THE MILL CREEK COMPREHENSIVE PLAN CONTINUED:

development on smaller lots (Emerald Heights, Wildflower), and densities between 5 - 7 dwelling units per acre.

Policy 1.07 - Appropriate areas for medium density residential development. This policy identifies lands located south of Millers Village and east of SR 527 as appropriate for medium density residential development. The subject site is located south of Lot 3 of Millers Village, which has been replatted as the Amberleigh development.

Policy 1.15 - Site planning and development standards for areas abutting Nickel Creek. As directed in the policy, the proposed project preserves the steep slopes and vegetation on the north side of the Nickel Creek valley, is similar in lot size and density with surrounding developments, includes narrower streets to slow traffic and provide a scale of development that is not oriented solely to the automobile, provides land for a future neighborhood park, includes resource protection areas that preserve the environment of the Nickel Creek stream corridor and the developer will be required to upgrade the section of Seattle Hill Road abutting the entire site.

Policies 1.16 & 1.17 - Elements of neighborhood design: buffers, linkages, tree preservation, underground utilities, and identity. The proposed project will be an identifiable neighborhood characterized by the Nickel Creek stream corridor on the south and a neighborhood park on the south side of the single entrance.

Trees and understory vegetation will be preserved on the steep slopes bordering the Nickel Creek stream corridor, along Seattle Hill Road. Utilities will be located underground. Pedestrian connections will be provided to the adjacent developments of Emerald Heights and Amberleigh and usable open space will be provided in the neighborhood park.

Policy 1.18 - Compatibility with neighboring developments. As mentioned above the proposed plat will be compatible with adjacent developments. Similar to Emerald Heights and Millers Village, the proposed project will be developed with single-family detached residences on lots in the 5,000 to 6,000 square foot range. The density will also be similar to surrounding developments; i.e., 5 - 7 dwelling units per acre.

## CONSISTENCY WITH THE MILL CREEK COMPREHENSIVE PLAN CONTINUED:

The applicant is also the developer of Amberleigh. The proposed residences will be similar in size and design to the detached residences in the Amberleigh development.

### CAPITAL FACILITIES ELEMENT

Policies 2.02 & 2.03 - Management of stormwater runoff for both quantity and quality. The stormwater management system for the project has been designed to detain and meter the release of stormwater from the subject site. Treatment is accomplished through the use of storage vaults, settling ponds, oil/water separators, and biofiltration swales (see Attachment 4).

### UTILITIES ELEMENT

Policy 1.01 - Approving development only in areas where services are available. The subject site can be served by a full range of services. Sewer service is currently located at the western boundary of the site within the Emerald Heights development and in the northeast corner of the property in the Seattle Hill Road right-of-way. Water service is also located in Emerald Heights on the west and Amberleigh to the north. The applicant is responsible for extending the service throughout the proposed project.

Policy 1.09 - Development proponents to mitigate proportionate impacts and bear costs. The applicant is responsible for constructing all utilities to serve the project in accordance with the design requirements of the utility purveyors.

### TRANSPORTATION ELEMENT

Policy 1.01 - Provision of pedestrian and bicycle facilities. Frontage improvements are required along Seattle Hill Road. However, standard sidewalks will not be constructed with the improvements. In order to save as many trees as possible and preserve the overall streetscape aesthetics of Seattle Hill Road, a pedestrian pathway will be constructed adjacent to the road within the property to be dedicated for the park (Tract C). The pathway will meander through the tract and connect with the sidewalk being constructed in The Lakes project, which is located to the south.

Policy 2.02 - New development only allowed if it does not result in lowering levels of service of transportation facilities. The City Engineer has determined that development of the project will not

## CONSISTENCY WITH THE MILL CREEK COMPREHENSIVE PLAN CONTINUED:

result in a decrease in the level of service of affected transportation facilities with the payment of proportionate mitigation (see Attachment 3).

Policies 3.01, 3.03, 3.04 & 3.05 - Street System. Access to the site will be directly from Seattle Hill Road, a collector road, and not on any existing or planned residential streets. The entrance to the project will require grading to obtain safe sight distance. The City Engineer has determined that the project does not increase traffic volumes enough to warrant a left-turn lane.

Policies 4.01, 4.02, 4.06 and 4.07 - Pedestrian circulation, design, consistency with transportation maps. In addition to internal site sidewalks, the proposed project also includes pedestrian pathways to link it with the Emerald Heights and Amberleigh developments. As mentioned previously, a pedestrian pathway will be constructed within Tract C, the park and open space site, and connected to the public sidewalk system being constructed for The Lakes development along Seattle Hill Road south of the subject site. This trail will perform the functions of the trail contemplated in the Streetscape Element of the plan.

The Transportation Map includes a bike/pedestrian path connecting Seattle Hill Road with SR 527 through the Nickel Creek stream corridor. A portion of the planned path will be constructed as part of the proposed project and will be a major link in the Nickel Creek greenway as provided in the Open Space Element.

### ENVIRONMENTAL FEATURES ELEMENT

Policy 1.02 - Use of detention in stormwater management facilities. As mentioned previously, stormwater runoff will be collected in the streets and conveyed to two basin areas, divided into an east and west area. The west system, draining into Penny Creek, provides temporary on-site storage through an underground concrete vault located on a private tract. The proposed underground vault is dependent on securing an easement from the Emerald Heights Homeowners Association, allowing the conveyance of site runoff through underground piping to a catch basin located in the Emerald Heights development. In the event that an easement is not obtained, the vault will be above ground with the stormwater sheet flowing across a common tract in Emerald Heights to the catch basin. Water quality is controlled through bio-filtering,

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

settling chambers within the vault, oil-water separator and controlled release of site runoff.

The west system, draining into Nickel Creek, provides temporary on-site storage in two open ponds located on land to be dedicated to the City (Tract C). Water quality is controlled through an oil/water separator, two settling ponds, a bio-filtering swale, and controlled release of site runoff.

Policies 2.01 & 2.02 - Wetlands. A portion of an existing wetland is proposed to be filled. In addition, another portion of the wetland will be altered to provide stormwater runoff storage and detention. The total area to be filled and inundated comprises less than 10 percent of the affected wetland and a conceptual mitigation plan has been reviewed and approved by the City. The enhancement plan should result in habitat improvements.

Policies 4.01, 4.02 and 4.03 - Aesthetic values, tree preservation and buffer zones. The proposed project represents a more compact form of development than found in the typical low density subdivisions. Thus, the opportunity to preserve trees on individual lots is greatly reduced. However, significant numbers of trees and other vegetation will be preserved in Tract C, the open space area comprising the Nickel Creek stream corridor on the steep slopes above the stream corridor and in the neighborhood park site adjacent to the entrance. This represents 10.8 acres or 50 percent of the project site. Additionally, Tract C includes the entire frontage along Seattle Hill Road resulting in a vegetative buffer well in excess of the standard fifty (50) foot cutting preserve.

### **PARKS AND OPEN SPACE ELEMENT**

Policy 1.02 - Linking public and private trail systems. As mentioned previously, the design of the proposed plat includes an open space tract that will accommodate a pedestrian pathway, link the subject plat with adjacent developments of Amberleigh and Emerald Heights, and the City sidewalk system along Seattle Hill Road, to provide convenient non-motorized access.

Policy 5.02 - Park land acquisition and dedication. Dedication of 12 acres of land for open space and a neighborhood park site was a condition of the LKS annexation. The proposed plat contains 10.8 acres, including a two acre active park site. When combined with the open space tract in The Lakes development located to the

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

south, the total area of land dedicated for parks and open space will be approximately 19 acres.

Staff has determined that the payment of proportionate share mitigation, consistent with adopted formulas, is also required to mitigate the impacts of this residential development on the park system. These funds will be used for development of the neighborhood park planned on Tract C and scheduled for design and development in 1995 and 1997.

In summary, staff has reviewed the applicable policies of the Comprehensive Plan. Based on this review, we find that the proposed project either complies with the applicable policies or can be conditioned to be consistent.

## **CONSISTENCY WITH SUBDIVISION REGULATIONS:**

This subdivision of property in the City is governed by Title 16 MCMC. This application has been reviewed with the criteria for reviewing and approving preliminary plats that are found in MCMC Section 16.18.010(c).

### **SUBDIVISION REVIEW CRITERIA**

**1. The preliminary subdivision and binding site plan meets the requirements and intent of the MCMC and adopted City plans.**

#### **Comment:**

The maximum density of the MDR zone district is 12 dwelling units per acre and the minimum is 5 dwelling units per acre. The density for the proposed project is 5.4 units per acre.

The average lot area of the proposed project is 6,291 square feet. The minimum lot size requirement of the MDR zone district for single-family residential is an average of 4,500 square feet.

The lot layout, size, and design of the proposed plat with neighborhood park facilities and/or open space tracts are similar to the development pattern established by the City in previously approved residential developments and is consistent with the City's Comprehensive Plan.

**2. The proposed plat makes adequate provisions for open space, drainage ways, streets and other public ways, water supply,**

## **CONSISTENCY WITH SUBDIVISION REGULATIONS CONTINUED:**

sanitary wastes, parks, playgrounds, sites for schools, and school grounds.

### **Comment:**

The streets and pedestrian ways within the proposed development comply with the standards required by the City Engineer. Open space will be provided in two small private landscape tracts within the plat and dedication of 10.8 acres for the Nickel Creek greenway/neighborhood park site. The applicants will mitigate the recreational impacts through the payment of park impact fees to be used for development of the planned neighborhood park. Utilities are available with sufficient capacity to serve the site and the final drainage plans will be reviewed for adequacy in managing projected off-site flows. Contributions will also be required to mitigate proportionate share impacts on City streets.

In addition to mitigating impacts on public facilities within the City, the applicant will also contribute proportionate share impact mitigation to Snohomish County for road and transportation impacts and to the Everett School District for impacts on the school facilities.

**3. The subdivision or development is beneficial to the public health, safety, and welfare and is in the public interest.**

### **Comment:**

In addition to the dedication of Tract C for public park and open space purposes, the execution of mitigation agreements will include contributions for the development of the neighborhood park and improvements to the City road system and will contribute to the general health, safety, and welfare. In addition, the applicant will construct a pedestrian pathway in the tract to be dedicated to the City within the Nickel Creek corridor.

## **FINDINGS AND CONCLUSIONS:**

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

1. The request is for the approval of a preliminary plat for 57 lots to be developed with single-family residences.
2. Access to the proposed plat will be from Seattle Hill Road, a collector road.

## **FINDINGS AND CONCLUSIONS CONTINUED:**

3. 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 street system, parks, and public school facilities that require mitigation.

In accordance with the Mitigated Determination of Non-Significance and Notice of Property Development Impact Mitigation issued by the responsible official on April 19, 1995, impact mitigation agreements will be required to mitigate the identified impacts.

4. The proposed plat is also 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.

5. The City has received Snohomish County's comments pursuant to the Interlocal Transportation Agreement and SEPA, along with a request for the requirement of contributions to mitigate the specific impacts occurring from this development.

6. The Everett School District has requested that the applicant contribute fees in lieu of land dedication to mitigate the development impacts on district facilities.

7. The subject site is located within an area that was annexed to the City in 1992. A condition of the annexation was the commitment to dedicate approximately twelve (12) acres of land for public park purposes at the time of final plat. Under the terms of the dedication commitment, a minimum of two (2) acres of uplands are to be dedicated for an active neighborhood park and the balance may lie within the Nickel Creek corridor to be used for passive recreation and nature preserve purposes. The two (2) acre upland area is located on the subject site.

8. The applicant was not an original party to the commitment to dedicate land for parks and open space.

9. The applicant has submitted a second commitment specifying that Tract C is to be dedicated for parks and open space in accordance with the conditions of the LKS Annexation.



## **FINDINGS AND CONCLUSIONS CONTINUED:**

10. The applicant is constructing two stormwater detention ponds in Tract C. The ponds will be dedicated to the City and future maintenance of the ponds will rest with the City. The City Engineer has determined that a contribution of funds for the first ten (10) years maintenance of the ponds is appropriate.
11. The applicant is required to provide right-of-way improvements to Seattle Hill Road, including the dedication of additional right-of-way.
12. The proposed plat has been reviewed and found consistent with the applicable policies and Land Use Map of the City of Mill Creek Comprehensive Plan.
13. If approved subject to the conditions recommended below, the proposed plat will be consistent with the requirements of Title 16 MCMC, Plats and Subdivisions.
14. The proposed plat is located within an MDR - Medium Density Residential zone district. Single-family residences are identified as principal uses in the MDR zone district.
15. The proposed plat is compatible with regard to the residential use, density, and lot design that exist in adjacent developments.
16. The proposed plat is consistent with the development standards and provisions of Title 17 MCMC Zoning.
17. The proposed plat is consistent with Chapter 18.06, Environmentally Critical Areas.
18. The statutory requirements for environmental review and public notification have been duly satisfied.

**RECOMMENDATIONS:** Based on the foregoing information, findings and conclusions, staff recommends to the Planning Commission approval of the proposed preliminary plat/planned residential development subject to the following conditions.

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

## RECOMMENDATIONS CONTINUED:

2. The maximum number of building lots shall be 57. Construction shall be limited to one single-family detached residence per lot.

3. There shall be a homeowners' association, which will be responsible for the maintenance of the common tracts and any privately owned facilities including landscape tracts, medians, and the stormwater vault in Tract B.

4. Water and sewer facilities shall be designed and installed in accordance with the requirements of the Alderwood Water District.

5. Stormwater management plans shall be submitted for review and approval by the City Engineer. The plans shall be prepared by a licensed engineer and incorporate stormwater treatment methods based on the Washington State Department of Ecology Stormwater Management Manual, Publication 92-32 Volume I and Publication 92-33 Volume II.

Oil\water separators shall be installed in catch basins as determined by the City Engineer.

6. The applicant shall contribute \$4,000.00 for maintenance of the stormwater ponds in Tract C.

7. The applicant shall construct frontage improvements on Seattle Hill Road in accordance with the design standards specified by the City Engineer and include a full width asphalt overlay the entire length of the property frontage. Additional 10 feet of right-of-way shall be dedicated to the City to accommodate the improvements to the existing right-of-way.

8. Sidewalks are required on both sides of the public streets within the plat.

9. All roadway sections shall be designed by a licensed engineer and the design reviewed and approved by the City Engineer. The design shall include a tree planting strip between the back of the curb and sidewalk. A street tree plan shall be prepared by a licensed landscape architect and implemented commensurate with home construction.

## RECOMMENDATIONS CONTINUED:

10. In accordance with the Interlocal Transportation Agreement between Snohomish County and the City of Mill Creek for the mitigation of interjurisdictional development impacts, the applicant shall contribute \$43,844.00 to Snohomish County for roadway capacity impacts to county Transportation Service Area G and \$4,500.00 for Transportation Demand Management measures. Said contributions may be subject to credits approved by the county. Verification of payment shall be provided to the City before final plat approval.

11. Payment of \$74,271.00 to the Everett School District. Verification of payment shall be provided to the City before final plat approval.

12. The execution of an impact mitigation agreement between the applicant and the City for \$37,378.00 for the following road improvement projects:

Seattle Hill Road Improvements - \$22,264  
Traffic Signal at 23rd/25th Avenue - \$1,808  
35th/Seattle Hill Road Signal - \$1,672  
9th/164th Street Signal - \$7,650  
Dumas Road/SR 527 Intersection - \$3,984

13. The developer shall submit a preliminary grading plan for review and approval by the City Engineer. In accordance with Section 16.02.110, said plan shall demonstrate that the existing grades are preserved and where this is not feasible the proposed site grading is minimized.

14. The developer shall submit a temporary stormwater and erosion control plan for review and approval by the City Engineer. Said plan shall be approved prior to the issuance of any construction permits or commencement of site work and shall include specific measures to protect tributaries of Nickel Creek and adjacent riparian areas.

15. An on-site inspector shall be present during the initial phases of plat construction including clearing and grading for roads and sidewalks, slope cuts and fills, installation of utilities, construction of roads and installation of erosion control measures.

## RECOMMENDATIONS CONTINUED:

The inspection service shall be chosen or approved by the City and will be responsible to the City under the direction of the Mill Creek Public Works Department. All costs for the inspection service shall be borne by the developer.

16. Contribution of \$32,214.00 to mitigate impacts on City park and recreation facilities. Of this amount, \$28,367.00 shall be used for development of the neighborhood park on the subject site. The balance of the mitigation \$3,847.00 shall be used for the acquisition and development of a Community Park.

17. Tract C shall be dedicated to the City, at the time of final plat approval.

18. Submittal of a detailed wetland mitigation plan developed in accordance with Section 18.06 MCMC. Said plan shall be implemented prior to final plat approval or a performance bond equal to 125 percent of the cost of labor and materials shall be posted.

In addition, the developer and the City shall enter into a development agreement that will ensure the applicant's compliance with the monitoring schedule contained in the final mitigation plan. Said agreement shall be reviewed and approved by the City Attorney.

19. Initial site clearing and grading shall be restricted to areas only reviewed and approved by City staff. No other clearing is allowed without the approval of City Staff. Approval of individual tree preservation plans is required for each lot, following approval by the City Council of the final plat.

20. Twenty-five foot property buffers shall be provided on the rear portions of lots 1 - 17 and 44 - 54. Additional trees shall be preserved within the interior of the plat where appropriate.

21. The trees to be preserved shall be determined after a review of the tree survey on file with the City and on-site identification by City staff. Preservation areas and individual 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

## RECOMMENDATIONS CONTINUED:

maintain, or removal of the fencing without approval of the City, shall result in the issuance of a stop work order.

22. Trees designated for preservation that are damaged or removed shall be replaced at a ratio of 3:1. The replacement trees shall be a coniferous species and have a minimum height at planting of 12 feet. In addition, a penalty of \$1,000.00 per tree may be assessed for any trees that are removed or destroyed by the applicant or his agent without the express approval of the City. The City may, at its discretion, issue a stop work order for the construction on the subject lots until the penalty is paid.

23. Building plans for lots 48, 52 and 53 - 57 shall incorporate terrain adaptive designs in order to avoid excessive filling and preserve as many trees as possible. This restriction shall be noted on the face of the final plat map.

24. All landscaping, signage, and street tree plans shall be reviewed and approved by the City's Design Review Board.

25. Fire hydrant design, location and spacing shall be reviewed and approved by Fire District No. 7. Verification of approval shall be provided prior to final plat approval.

26. Mail boxes shall be grouped or clustered in lockable hutches in locations approved by the United States Postal Service and the Mill Creek Police Department.

27. All utility, stormwater, drainage, maintenance easements, property buffers and pedestrian easements together with attendant restrictions and conditions shall be portrayed on the face of the final plat.

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**LEGAL DESCRIPTION:**

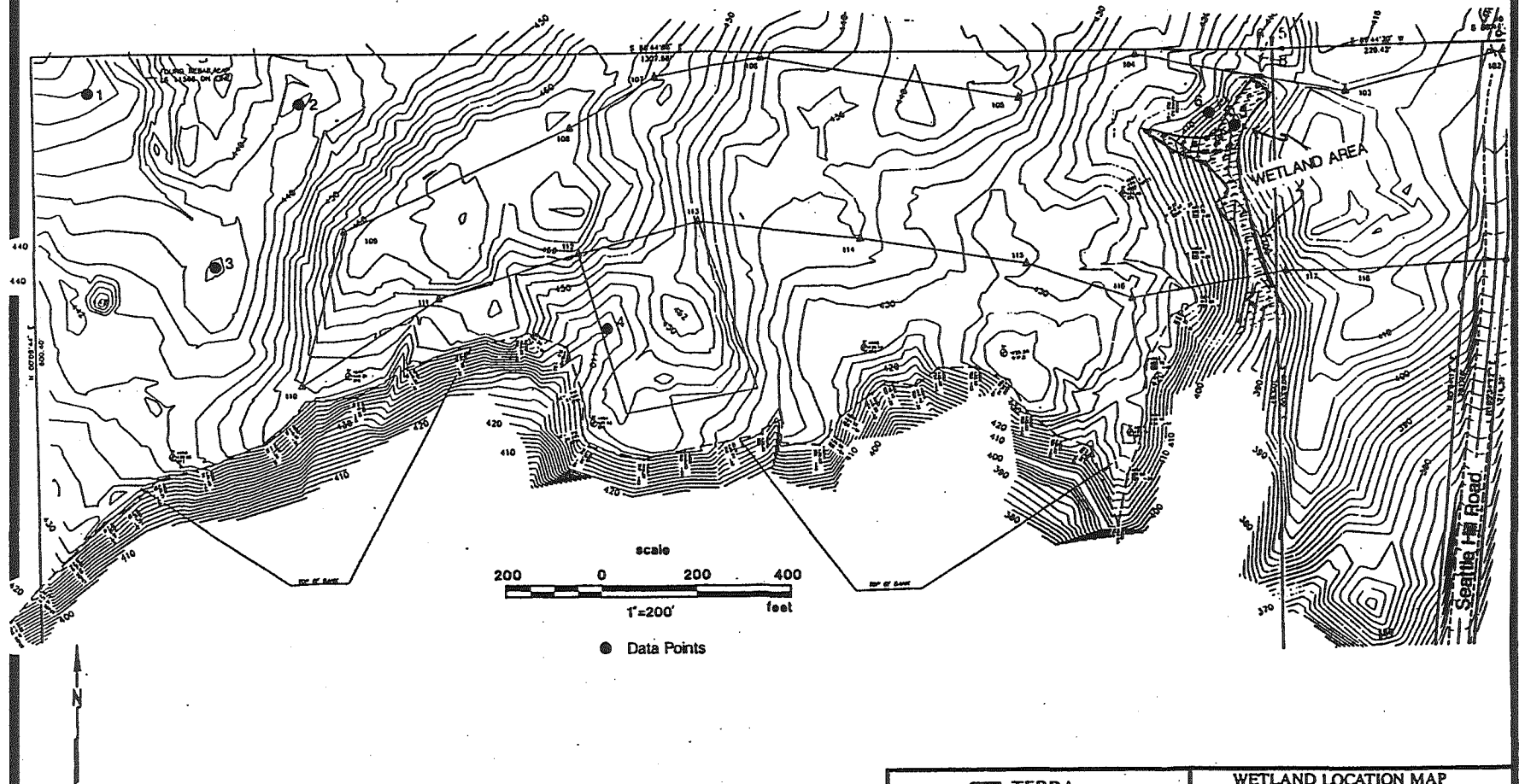
THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 8, AND THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, ALL IN TOWNSHIP 27 NORTH, RANGE 5 EAST, W.M., IN SNOHOMISH COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 8;  
THENCE SOUTH 88°08'41" EAST ALONG THE NORTH LINE THEREOF, 222.15 FEET TO THE WEST MARGIN OF SEATTLE HILL ROAD;  
THENCE SOUTH 5°45'49" WEST ALONG, SAID WEST MARGIN, 693.69 FEET;  
THENCE CONTINUE, ALONG SAID WEST MARGIN, 75.22 FEET;  
THENCE NORTH 63°31'08" WEST 375.56 FEET;  
THENCE NORTH 88°44'06" WEST, PARALLEL TO THE NORTH LINE OF SAID SECTION 7, A DISTANCE OF 1,088.13 FEET TO THE EAST LINE OF MARTHA LAKE GARDEN TRACTS, AS RECORDED IN VOLUME 8 OF PLATS, PAGE 51;  
THENCE NORTH 0°08'44" EAST, ALONG SAID EAST LINE, 600.11 FEET TO THE NORTH LINE OF SAID SECTION 7;  
THENCE SOUTH 88°44'06" EAST, ALONG SAID NORTH LINE, 1,307.68 FEET TO THE POINT OF BEGINNING.

**ATTACHMENT 1**

**Legal Description**

ATTACHMENT 2  
WETLANDS MAP



Reference: Undated Topographic Map with Wetlands  
by Ostergaard-Robinson and Associates, Inc.



**TERRA  
ASSOCIATES**  
Geotechnical Consultants

**WETLAND LOCATION MAP**  
Nolfe Property  
Mill Creek, Washington

Proj. No 2777-1 Date 1/95 Figure 1



## MEMORANDUM

TO: Pete Friedman, Senior Planner  
FROM: Mick Monken, Director of Public Works/City Engineer *mm*  
DATE: May 2, 1995  
SUBJECT: WINSLOW PRELIMINARY PLAT TRAFFIC MITIGATION

Public Works has reviewed the Traffic Impact Analysis, prepared by Ostergaard Robinson & Associates, Inc., dated January 19, 1995 and find it acceptable. Based on the traffic flow information, the City's traffic demand mitigation is as follows:

SEATTLE HILL ROAD IMPROVEMENT	506 @ \$44/ADT	\$22,264
23RD/25TH SEATTLE HILL ROAD SIGNAL	8 @ \$226/PHT	\$1,808
35TH/SEATTLE HILL ROAD SIGNAL	8 @ \$209/PHT	\$1,672
9TH/164TH SIGNAL	30 @ \$255/PHT	\$7,650
DUMAS ROAD/SR 527 INTERSECTION	12 @ \$332/PHT	\$3,984
TOTAL MITIGATION DUE		\$37,378

An approved copy of the traffic report will be filed under the Engineering section of the Preliminary Plat file.

### GMA Requirements

This project is not expected to reduce the established acceptable level of service of the transportation system, as adopted in the GMA Comprehensive Plan, except at identified planned transportation improvement project sites. Proportional mitigation for these projects has been addressed through monetary contributions.

cc: Debbie Tarry, Director of Finance  
Bill Trimm, Director of Community Development  
File: Winslow Pre-Plat/Engineer

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## ATTACHMENT 3

MEMO FROM MICK MONKEN, DIRECTOR OF PUBLIC WORKS





## MEMORANDUM

TO: Pete Friedman, Senior Planner  
FROM: Mick Monken, Director of Public Works/City Engineer  
DATE: May 2, 1995  
SUBJECT: WINSLOW PRELIMINARY PLAT - STORM DRAINAGE REPORT

Public Works has reviewed the Winslow Preliminary Drainage Report as prepared by Ostergaard Robinson & Associates, Inc., dated January 19, 1995, and find it acceptable.

The stormwater runoff control system for this site has been prepared in accordance with the City's February 1994 Storm Design Standards, which are consistent with the state Department of Ecology Standards. This provides temporary on-site storage for the post-development runoff created in excess of the pre-development rate. The stormwater control system allows the runoff to be released from the site at a controlled rate not to exceed the calculated pre-development site runoff rate except during a two (2) year storm event<sup>1</sup>. During the two (2) year storm event, the site release rate is one-half (½) of the pre-development rate. This exception in the release rate is to help control the water quality during the more frequent storm events of two (2) years or less.

The plat drainage system proposed consists of two basin areas, divided into an east and west area.

The west system, feeding into Penny Creek, provides temporary on-site storage through an underground concrete vault<sup>2</sup> located on a private tract. Water quality is controlled through settling chambers within the vault, oil/water separator and controlled release of site runoff.

The east system, feeding into Nickel Creek, provides temporary on-site storage through two open ponds located on land to be dedicated to the City. Water quality is controlled through an oil/water separator, the two settling ponds, a bio-filtering swale, and controlled release of site runoff.

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<sup>1</sup> A storm event is a statistical probability of a storm of a given rainfall intensity (typically measured in inches per 24 hours) occurring in a given period of time. For example, in Mill Creek a 2-year storm event is 1.7 inches of rainfall in a 24-hour period, which would be estimated to occur only once very two years.

<sup>2</sup> The proposed underground vault is dependant on securing an easement from the Emerald Heights Homeowners with such easement allowing the conveyance of site runoff through underground piping off-site. In the event that an easement is not obtained, the vault will be above ground.

## ATTACHMENT 4

MEMORANDUM FROM MICK MONKEN, DIRECTOR OF PUBLIC WORKS