

**EXHIBIT 1**  
**DEPARTMENT OF COMMUNITY DEVELOPMENT**  
**STAFF REPORT**  
**TO THE CITY OF MILL CREEK PLANNING COMMISSION**

**PART I - SUMMARY INFORMATION**

**HEARING DATE:** May 9, 2018

**NAME OF PROJECT:** Preliminary Plat of Creekside West (Planned Area Development),  
File No. PL2017-0022

**DEVELOPER/  
APPLICANT:** Village Life  
19020 33<sup>rd</sup> Avenue West, Suite 450  
Lynnwood, WA 98036

**LOCATION:** The site is located at 13407 35<sup>th</sup> Avenue SE, Mill Creek,  
Washington 98012. See **Exhibit 1a – Vicinity Map.**

**REQUESTED  
ACTION:** Consideration of a Preliminary Plat (Planned Area Development)  
application to develop property located within the Medium Density  
Residential (MDR) zone district. The applicant proposes to  
subdivide 1.26 acres into ten lots for single family attached  
development (townhomes). Associated infrastructure includes  
parking and guest parking, stormwater facilities, and landscaping.  
No impact to the off-site wetland and buffer to the east is  
proposed. Access to the lots will be from a private road  
connecting to 35th Avenue SE. A fifty-foot wide roadway buffer  
tract is proposed adjacent to 35th Avenue SE. See **Exhibit 1b –  
Preliminary Plat.**

**COMPREHENSIVE  
PLAN DESIGNATION:** Medium Density Residential

**ZONING DISTRICTS:** Medium Density Residential (MDR)

**LEGAL DESCRIPTION:** See **Exhibit 1c – Legal Description.**

## **PART II - STATUTORY REQUIREMENTS**

### **SEPA COMPLIANCE:**

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

On April 4, 2018, a Mitigated Determination of Non-Significance (MDNS) and Notice of Property Development Impact Mitigation was issued for the proposal, which is contained in the project file. **Exhibit 2 - MDNS and Notice of Property Development Impact Mitigation, dated April 4, 2018.** MDNS identifies code requirements and contains conditions that mitigate impacts on specific elements of the environment that may be affected by the proposal, including, transportation, schools, parks, and public services (fire protection). The comment and appeal period expired on April 18, 2018, and no comments or appeals were received. These conditions have also been incorporated in the recommended Conditions of Approval, contained in Part V of this report.

### **INTERJURISDICTIONAL AGREEMENTS:**

The City has adopted an interlocal agreement with Snohomish County Fire Protection District No. 7 regarding the joint review, comment, and imposition of appropriate mitigation and conditions that affect the proposed development. This application has been reviewed by Snohomish County Fire District No. 7. Their requirements are discussed later in this report and are included in the recommended Conditions of Approval.

### **PUBLIC NOTICE:**

Pursuant to MCMC Section 14.07.030, notice of public hearing was mailed on April 25, 2018, directly to property owners of record within 500 feet of the proposed project and posted on the site on April 26, 2018. Notice of public hearing was published in the Everett Herald on April 28, 2018. All legal requirements for public notice have been satisfied.

## **PART III - BACKGROUND INFORMATION**

### **EXISTING SITE CHARACTERISTICS:**

The subject site is 1.26 acres in size and is Lot 26 of the original Plat of Creekside Place; see Project File Contents. Approximately 0.28 acres has already been set aside for a 50 foot wide Roadway Buffer (Tract 993) adjacent to 35<sup>th</sup> Avenue SE with the approved Plat of Creekside Place. In addition, along the northern property boundary an existing 20 foot wide sewer easement with an overlapping 15 foot wide public pedestrian access easement exists. The existing pedestrian pathway connects 35<sup>th</sup> Avenue SE to 134<sup>th</sup> Place SE. The remaining portion of the site has been previously cleared and is vegetated with small deciduous trees and grasses. 35<sup>th</sup> Avenue SE borders the site on the west and the site gently slopes down to the east at approximately 6%. Tract 994 is located to the east of the proposed plat and is designated as a critical areas tract from the recorded plat of Creekside Place. There are no critical areas on the

subject site. See **Plat of Creekside West** and the **Perteet Critical Areas Review Memorandum** contained in the project file.

## **SURROUNDING ZONING AND LAND USES:**

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

- The property to the north is zoned *Low Density Residential* and is occupied by a wetland mitigation site that is owned by the County.
- The property to the south is zoned *Medium Density Residential* and is used as a garden and soils retail center by Pacific Topsoils, Inc.
- The properties to the east are zoned *Low Density Residential* and are developed with the Plat of Creekside Place and occupied with single-family homes.
- The properties to the west across 35<sup>th</sup> Avenue SE are zoned *Medium Density Residential* and are occupied with the single family homes (The Meadows subdivision).

### **Summary of other pending development proposals in the area:**

There are two pending projects in the area. First, the City has a capital facilities project for the improvements to reduce flooding on the 35<sup>th</sup> Avenue SE roadway between the blocks of 141<sup>st</sup> Street SE and 144<sup>th</sup> Street SE. This project is scheduled to start June 1, 2018.

The second project is for a binding site plan for a mixed-used development called The Farm at Mill Creek (City file number PL2018-0004) located northeast of the subject site in the City's East Gateway Urban Village zone district.

## **OTHER AGENCIES WITH JURISDICTION:**

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

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

## **PART IV – PROJECT ANALYSIS**

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

#### **Development Review Process**

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

In accordance with MCMC Chapter 17.12, Medium Density Residential, residential development projects in the MDR zone may be processed as a Binding Site Plan or a Preliminary Plat in accordance with MCMC Section 16.12 and 16.04. The applicant is proposing a Preliminary Plat (Planned Area Development) for 10 lots for attached single-family townhomes. A matrix demonstrating how the project complies with the applicable development regulations is included within this report.

#### **Site Development Design**

##### **General Description:**

The proposed attached single-family townhomes are a permitted use in the Medium Density Residential zone district. The site design includes the construction of ten lots for single family attached development (townhomes) with parking for two cars in each garage. Associated infrastructure includes six guest parking stalls, stormwater facilities (three rain gardens), and landscaping. Access to the lots will be from a 20 foot wide private permeable pavement road on the northern property boundary. The private road connects back to south to 35<sup>th</sup> Avenue SE with emergency access only on the south connected to 35<sup>th</sup> Avenue SE. This access will be controlled with emergency bollards to be installed with Emergency Access Only signage). A fifty-foot wide roadway buffer tract is proposed adjacent to 35<sup>th</sup> Avenue SE. No impacts to critical areas to the east and south of the site are proposed. Access to the site will be from the existing driveway easement along 35<sup>th</sup> Avenue SE. See **Preliminary Plat of Creekside West** in the Project File Contents.

In order to develop the site, the applicant is proposing approximately 3,500 cubic yards of cut and 1,500 cubic yards of fill on the site.

Site design includes features such as: shielded lights, permeable pavement, standard infiltration with rain gardens, and a landscaped 50 foot Roadway Buffer.

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

##### **Parking Requirements**

In accordance with MCMC Section 17.27.020.C., Off Street Parking, single-family homes have a parking ratio of 2 stalls per home. For attached single-family units the code requires two and a half parking stalls for each unit with two or more bedrooms. The applicant has indicated that these units will be on separate fee simple lots. Thus, the ratio of two stalls per unit is required. The applicant is proposing two stalls for each unit in the garage, plus parking in the driveways

for Lots 6-8. Six guest parking stalls are also provided west of the private road. A total of 32 parking spaces are provided, which well exceeds the 20 stalls required per code, MCMC 17.27.020.

#### Requested Modifications and Consistency with Planned Area Development Purpose

Pursuant to MCMC Section 16.12.040, the applicant has requested a reduction of building setbacks for attached dwellings units in the MDR zone. The site is the original Lot 26 of the Plat of Creekside Place. The applicant is asking for a reduction in front yard setbacks for the garage buildings and the rear yards. Modifications to zoning code requirements are permissible through the Planned Area Development (PAD) process if it can be demonstrated that the modifications further the expressed interest of the Planned Area Development chapter as established in MCMC Section 16.12.020, PAD Purpose.

#### Purpose of Planned Area Development

The purpose of the Planned Area Development Chapter 16.12 includes but is not limited to the following:

- A. To allow for creative development equal to or superior to traditional lot-by-lot development.
- B. To preserve open space, natural vegetation, watercourses, wetlands, historic buildings and places, and other community values.
- C. To provide more efficient street and utility systems and retain existing vegetation by clustering buildings.
- D. To provide for a variety of housing types in one development with architectural design compatibility.
- E. To provide integrated landscape development.
- F. To provide for the integration of new development into the existing community while protecting and preserving the values of the surrounding neighborhood.
- G. To provide for the site planning and regulation of nonresidential sites not requiring a subdivision for development.
- H. To manage stormwater through a land development strategy that emphasizes conservation and use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely mimic predevelopment hydrologic conditions.
- I. To minimize impervious surfaces and effective impervious surfaces.
- J. To encourage infiltration as a preferred method of stormwater drainage, when feasible.
- K. To encourage development of residential environments that are harmonious with on-site and off-site natural and built environments.
- L. To further the goals and the implementation of the policies of the comprehensive land use plan.

### *Reduced Building Setbacks*

The Medium Density Residential zone requires the following setbacks:

- Required front yard setback: Allowable range of 15 feet to 20 feet; however, garages shall be constructed a minimum of 20 feet from the sidewalk in such a manner that keeps sidewalks and pedestrian ways clear of vehicles.
  - The applicant is requesting a reduction in the front yard setbacks for the garages to 10 feet for Lots (Lots 1-3).
- Required side yard setback of 10 feet between the ends of buildings for duplexes, 15 feet between the ends of buildings containing three or more units;
  - No reduction.
- Required rear yard setback: 10 feet for structures on platted lots, 25 feet from the perimeter of project.
  - The applicant is requesting a reduction in the rear yard setback to 10 feet for Lots 6-10 from 25 feet.

### *Modification Consistency with Planned Area Development Purpose*

The requested building setback reductions meet the intent of the code and do not impact adjacent land uses or residences. These modified setbacks are illustrated on the preliminary plat map. The proposed setbacks are necessary to allow more flexibility in the design of the homes, low impact development techniques (rain gardens) and to provide parking. In addition the rear setbacks allow 12 parking spaces above the minimum number required by code. In summary, staff supports the setback modifications as requested by the applicant as the reductions meet the intent of the code and the applicant is able to meet the zoning regulations and design standards.

### Design Review Board Review Required:

As required by City Code and included as a Condition of Approval, the building elevations and materials and the proposed landscaping along with the monument sign design are required to be submitted to the City's Design Review Board for review and approval for consistency with the Design Standards in MCMC Chapter 17.34. The approved landscaping plan for the Plat of Creekside Place contains the landscaping scheme for the Roadway Buffer Tract 993.

### Utilities:

Utilities and services to serve the future uses on the site are available. The site is within the Silver Lake Water District. The site has an existing 20 foot sewer easement on the properties northern boundary and a 25 foot Silver Lake Water and Sewer District along the site's frontage on 35<sup>th</sup> Avenue SE. The developer is proposing to construct an 8-inch line to connect to the existing sanitary sewer main along the northern property line that ties into the 15-inch sewer main in 35<sup>th</sup> Avenue SE. For water service, the developer will be connecting to the existing 8-inch water main in 35<sup>th</sup> Avenue SE. The developer has entered into a Development Agreement for the proposed improvements and connections with the District.

Electrical service will be provided by Snohomish County PUD No. 1.

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

Natural gas will be provided by Puget Sound Energy.

Stormwater Facilities:

The existing site sheet flows to the south and east into the adjacent wetlands which flow south into Penny Creek, see **Drainage Report** contained in the project file for the detailed analysis.

The new drainage system for the proposed development is required to be designed in accordance with the requirements of the 2014 Department of Ecology (DOE) Stormwater Management Manual for Western Washington. The new stormwater treatment facilities will treat the entire site, maintaining the natural discharge pattern.

In order to maintain hydration of the existing wetland off-site to the east and south, the applicant is proposing to collect all run-off from impervious surfaces in roof drains and catch basins into three infiltration rain gardens throughout the site. The applicant is proposing permeable pavement for the private road. Thus, the remaining stormwater runoff on-site will be treated in rain gardens to provide water quality treatment by fully infiltrating all runoff on the site, with the exception of the vegetated area which will sheet flow into the adjacent wetlands. The proposed drainage system will aid in recharging the groundwater system to the adjacent wetlands and stream.

A separate Geotechnical Engineering Report was done to verify the structural soils for the building foundation and is contained in the project file.

As a Condition of Approval, the applicant will be required to submit a final Stormwater Management Plan (MCMC Chapter 15.14) during the civil plan review phase. Final system design and drainage details will be addressed at that time. The maintenance of the drainage system will be the responsibility of the property owner. The City's drainage consultant Perteet Engineering has reviewed the project for compliance with the City's drainage regulations and has prepared a letter which is in the project file.

Critical Areas:

A Critical Areas Identification form was submitted and reviewed by the City, which is contained in the project file. There is one wetland off-site to the east in Tract 994. No impacts to the wetland are proposed.

As a Condition of Approval, barrier fencing shall be placed around the drip lines of the trees to be retained and the edge of the on-site critical area tract, Tract 994, prior to commencing clearing and grading. The barrier fencing shall be maintained until construction is completed.

### Transportation:

#### *City Transportation - Traffic Impacts and Mitigation:*

The applicant has submitted a Traffic Impact Analysis dated June 2017 prepared by Gibson Traffic Consultants. According to the Traffic Impact Analysis, it is anticipated that the development will generate 58 new average daily trips with 4 new AM peak-hour trips and 5 new PM peak-hour trips. The level of service analysis shows that the trips generated by the development of the site are not anticipated to significantly impact any off-site intersections. Since the City's mitigation formula is based upon PM peak-hour trips, the 5 PM peak-hour trips are subject to mitigation.

The MDNS issued for the project requires the developer to pay mitigation to the City of Mill Creek for impacts to the City roadway system. The mitigation required is \$3,000/new trip during the PM peak hour. The traffic analysis has estimated that there will be 5 new PM peak trips generated by the proposed development. Thus,  $\$3,000 \times 5 = \$15,000$  total traffic mitigation required. Payment of traffic mitigation fees to the City is required prior to the issuance of the first building permit.

### Recreation:

The applicant is proposing ten new single-family units which will increase the demand upon the City's park and recreation facilities by allowing the construction of a total of 10 single-family attached residential dwelling units. Therefore, to mitigate the project's impacts on park and recreation facilities, mitigation fees are required for the development of neighborhood parks and community parks. Mitigation fees to offset impacts to parks and recreation facilities are calculated in accordance with Resolution 2011-477.

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

- A. Neighborhood Parks. In accordance with Resolution 2011-477, the developer shall pay \$2,863.76 per single-family dwelling x 10 dwellings = \$28,637.60. Pursuant to Chapter 17.48 MCMC, the developer shall pay neighborhood park mitigation fees in the amount of \$28,637.60 prior to approval of the Final Plat.
- B. Community Parks: In accordance with Resolution 2011-477, the developer shall pay \$1,738.67 per single-family dwelling x 10 dwellings = \$17,386.70. Pursuant to Chapter 17.48 MCMC, the developer shall pay community park mitigation fees in the amount of \$17,386.70 prior to approval of the Final Plat.

## **SUMMARY OF RESPONSES FROM OTHER AGENCIES WITH JURISDICTION:**

### School District Mitigation and Improvements:

The City of Mill Creek and the Everett School District have executed an Interlocal Agreement for mitigation of development impacts on district facilities. Mitigation fees are calculated per the Interlocal Agreement between the City and Everett School District.



The proposed project is within the enrollment boundaries of Penny Creek Elementary School, Gateway Middle School and H.M. Jackson High School. According to the Everett School District, the elementary and high schools are over capacity. Thus, mitigation of \$16,770.00 is required for the 10 single-family attached townhome unit project.

As a Condition of Approval the development shall enter into a voluntary mitigation agreement with Everett School District and provide proof of payment of mitigation fees totaling \$16,770.00 to the Everett School District prior to issuance of the first building permit. In addition, the District is requiring the applicant to install a 10 foot x 15 foot bus pad along the site frontage along 35<sup>th</sup> Avenue SE, see Preliminary Plat for location of bus pad.

Fire District Mitigation and Improvements:

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 through the SEPA process by the anticipated impact a development will have on Fire District No. 7 facilities. Based on the provisions of the agreement, the mitigation required is \$365 per equivalent development unit (EDU). Based on the applicant's proposal to construct ten residential units (10 EDU), fire mitigation impact fees are \$3,650.00.

As a Condition of Approval, the developer shall pay the Fire District the \$3,650.00 of mitigation fees and provide the City of Mill Creek a copy of the receipt prior to issuance of the first building permit.

**CONSISTENCY WITH DEVELOPMENT REGULATIONS:**

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

<b>DEVELOPMENT REGULATIONS</b>	
<b>CODE SECTION</b>	<b>STAFF ANALYSIS</b>
<b>16.16.005 Public Improvements.</b> No plat, Binding Site Plan, short plat, or other development approval shall be granted without, as a Condition of Approval, making appropriate provisions for public improvements as elsewhere permitted or required by this code or state law.	As a Condition of Approval the project is required to install public improvements associated with this project.
<b>Medium Density Residential (LDR) Zone 17.12.050 Review requirements.</b> All development in the MDR zone district shall be processed as either a preliminary plat or binding site plan in accordance with MCMC Title 16, Subdivisions and Plats.	The proposal is being processed as a Preliminary Plat (Planned Area Development) in accordance with MCMC Title 16.

## DEVELOPMENT REGULATIONS

CODE SECTION	STAFF ANALYSIS
<b>17.12.070 Density.</b> The maximum density is 12 dwelling units/acre with a minimum of 5 dwelling units/acre.	The applicant is proposing a density of 10 units.
<b>17.12.080 Setbacks.</b> B. Setbacks for attached dwelling units shall be as listed below: <ol style="list-style-type: none"> <li>1. Front yard: 15-20 feet; however garages shall be constructed a minimum of 20 feet from the sidewalk in such a manner that keeps sidewalks and pedestrian ways clear of vehicles.</li> <li>2. Side yard: 10 feet between the ends of buildings for duplexes, 15 feet between the ends of buildings containing three or more units.</li> <li>3. Rear yard: 10 feet for structures on platted lots, 25 feet from the perimeter of project.</li> </ol>	The project site is requesting modifications (reductions) in the rear and front yard garage setbacks for a portion of the units noted above in the staff report under Requested Modifications and Consistency with Planned Area Development Purpose.
<b>17.12.100 Maximum height.</b> The maximum height in the MDR zone shall be 35 feet.	The proposed heights of the homes (three buildings with attached units) will be approximately 30 feet high and are in compliance with the maximum height.
<b>17.12.110 Project Design.</b> Development within this zone district shall be designed in conformance with the design principles and standards set out in 17.34 MCMC, Design Review.	The project has already had one informal Design Review Board meeting on April 19, 2018 to ensure project compliance with the City's design principles. See discussion below regarding consistency with MCMC 17.34.
<b>17.22.020 Landscaping.</b> All lots and developments shall be generously landscaped, consistent with the natural environment of Mill Creek and appropriate to the planned use. Retention and enhancement of natural landscaping is encouraged. Landscaping design objectives and standards are contained in Chapter 17.34.	The proposal is providing a landscaping around each of the buildings and on each lot. In addition, the 50 foot wide roadway buffer will be landscaped per the approved landscape plan of The Plat of Creekside West. New landscaping is subject to review and approval of the Design Review Board (DRB).

## DEVELOPMENT REGULATIONS

CODE SECTION	STAFF ANALYSIS
<p><b>17.22.110 Undergrounding of utilities.</b>  A. For any private development that includes new construction typically associated with a Binding Site Plan, plat, short plat, or a conditional use permit subject to the provisions of the development code, the developer shall place underground all new and existing wiring and related facilities for all utilities, including but not limited to electrical, cable television and communication, unless otherwise provided in this section.</p>	<p>As a Condition of Approval all utilities will be constructed underground consistent with this requirement.</p>
<p><b>17.22.120 Comprehensive plan – Concurrency and consistency required.</b>  All new developments within the City shall be consistent with the provisions of the comprehensive plan, including but not limited to the following:  A. All developments within the City shall be consistent with the land use plan map as adopted in the land use element of the comprehensive plan.  B. All developments within the City shall be consistent with the applicable goals and policies of the comprehensive plan.  C. Developments shall not cause a reduction in the level of service for transportation and/or neighborhood park facilities below the minimum standards established within the comprehensive plan and capital facilities plan, unless improvements or strategies to accommodate the impacts of the development are made concurrent with the development.  D. Site design and frontage improvements shall be consistent with the streetscape plans as established in the streetscape element of the comprehensive plan. A roadway buffer/cutting preserve is required adjacent to all arterial and collector roads as identified in the transportation element of the comprehensive plan, with the exception of North Creek Drive between Trillium Boulevard and Dumas Road. The minimum</p>	<p>The Preliminary Plat (Planned Area Development) and associated documents are consistent with these requirements as follows:</p> <ul style="list-style-type: none"> <li>A. The proposal is consistent with the Medium Density Residential land use designation. Single-family attached dwellings are listed as principal uses in the MDR zone district.</li> <li>B. The proposal is consistent with the applicable development regulations which implement the goals and policies of the comprehensive plan.</li> <li>C. The proposal does not cause a reduction in transportation levels of service below minimum standards. Mitigation for transportation facilities is being provided.</li> <li>D. The applicant is providing the required 50 foot Roadway Buffer tract along 35<sup>th</sup> Avenue SE. The landscape plan has been approved with the Plat of Creekside Place.</li> </ul>

## DEVELOPMENT REGULATIONS

CODE SECTION	STAFF ANALYSIS
width of a roadway buffer/cutting preserve adjacent to commercial uses is 35 feet.	
<p><b>17.34.040 A 1-8. Site Design.</b> The following applicable design elements shall be applied to all projects:</p> <p><u>Site Design Layout.</u></p> <ul style="list-style-type: none"> <li>• Sites shall be developed in a coordinated manner to complement the natural topography and drainage, and adjacent structures through building placement, architecture and size/mass.</li> <li>• Where appropriate, sites shall incorporate transit-compatible designs. “Transit compatibility” means designs that are pedestrian oriented, provide safe and convenient access to transit facilities, and foster efficient transit service.</li> <li>• Where appropriate, sites shall be designed to provide vehicular and pedestrian connections to adjacent sites.</li> <li>• Private open space shall be incorporated into attached single-family and multifamily residential projects in accordance with MCMC <a href="#">17.22.060</a>.</li> <li>• The use of LID best management practices is encouraged whenever site and soil conditions make it feasible. LID best management practices include, but are not limited to, minimizing impervious surfaces, designing on-site LID stormwater management facilities, and retaining native vegetation.</li> </ul>	<p>The proposed Preliminary Plat has been designed to be consistent with these requirements as described below:</p> <ul style="list-style-type: none"> <li>• The project provides a 50 foot Roadway Buffer Tract.</li> <li>• The proposed stormwater facilities will be infiltration rain gardens. Landscaping will be designed to be an amenitie while providing ground water hydration to the wetland system. The private road is proposed to be constructed of permeable pavement.</li> <li>• At the request of the Everett School District, a student waiting area (bus pad) will be installed within the 35<sup>th</sup> Avenue SE roadway buffer.</li> <li>• The plat is designed to provide private vehicular access on the north and emergency service access to the south. In addition, there is an existing pedestrian access easement to the Plat of Creekside Place to the east.</li> <li>• The applicant is proposing LID best management practices by proposing permeable pavement for the private roadway and the use of rain gardens to treat the majority of the roof run-off.</li> </ul>

## DEVELOPMENT REGULATIONS

CODE SECTION	STAFF ANALYSIS
<p><b>17.34.040 A. Site Design Cont'd.</b></p> <p><u>Storm Drainage.</u></p> <ul style="list-style-type: none"><li>• Open stormwater facilities (i.e., ponds and bioswales) visible from public areas shall be designed as site amenities and shall provide a natural appearance through layout, design, and landscape treatment. If fencing is determined to be necessary by the city, it shall be installed in accordance with MCMC 17.22.040 and public works policies, and be obscured with landscaping.</li><li>• Stormwater facilities (whether open facilities or vaults) shall be located outside roadway buffers/cutting preserves unless there is no other feasible alternative and the facilities do not compromise the purpose and function of the roadway buffer/cutting preserve. In such cases, the facility may only be located in the outer portion of the roadway buffer/cutting preserve.</li><li>• Where located under areas to be landscaped, underground stormwater vaults shall have adequate soil cover to support the approved landscape plan. The soil shall be of sufficient quality to properly support vegetation.</li></ul>	<ul style="list-style-type: none"><li>• Designing the stormwater vault to be located under an open space area to maximize land use.</li><li>• Rain garden landscaping to be planted to comply with the DOE Stormwater Manual for Western Washington and City requirements.</li></ul>

## **PART V—STAFF RECOMMENDATION**

### **STAFF RECOMMENDATION:**

Staff recommends approval of the Preliminary Plat (Planned Area Development) subject to the following suggested Conditions of Approval:

#### **Plat (Planned Area Development):**

1. Development shall occur as portrayed on the Preliminary Plat Map, except as may be modified by the Hearing Examiner following the open record hearing, per MCMC Chapter 4.34.
2. Building setbacks on the lots shall be as required by code with the following exceptions:  
  
Front yard setbacks:
  - 10 feet for Lots 1-3  
Rear yard setbacks:
  - 10 feet for Lots 6-10
3. All utility, stormwater, drainage, maintenance, and landscaping buffers/easements, together with attendant restrictions and conditions, shall be portrayed on the final plat. Building setback lines shall be shown on the face of the final plat.
4. The final Plat shall be recorded with the Snohomish County Auditor and a copy provided to the City prior to the issuance of the first Certificate of Occupancy.
5. The developer may assign its rights and obligations under this development approval upon prior written notice to the City identifying the new entity and evidencing the transfer of obligations to the new entity.
6. In accordance with MCMC Section 16.04.100, the Preliminary Plat approval shall expire and become void if the final plat is not submitted for approval in accordance with the time frames set forth in RCW 58.17.140.
7. The subdivision shall be incorporated into a homeowners association which will be responsible for the maintenance of all privately owned common areas and facilities. Homeowners association documents in accordance with MCMC Section 16.12.100 shall be submitted with the final plat application and recorded at the time of final plat recording.
8. The building colors and material composition, the site landscaping plans, dumpster design and any proposed monument signs shall be designed in accordance with MCMC Chapter 17.34 and reviewed and approved by the City's Design Review Board in accordance with MCMC Chapters 4.18 and 17.34.

**Landscaping:**

9. The developer shall provide a secured performance bond equal to 125 percent of the cost of the landscaping plan installation including labor and materials, in accordance with MCMC Section 16.16.040, which shall be posted prior to the issuance of the first building permit.
10. Once the developer has fulfilled the obligations of the landscape performance bond, the applicant shall enter into a two-year maintenance bond for the approved and installed landscaping in accordance with MCMC Section 16.16.090.

**Protection of Critical Areas/Existing Vegetation to be Retained:**

11. Pursuant to MCMC Section 15.10.045.A, barrier fencing shall be placed around the drip lines of the trees to be retained and Tract 994 prior to commencing clearing and grading. The barrier fencing shall be maintained until construction is completed as determined by the City.
12. In accordance with MCMC Section 15.10.075.B, where trees designated to be retained are damaged, destroyed or removed during the construction of the proposed improvements, a penalty in the amount of \$1,000 may be assessed for each tree, and each tree shall be replaced at a 3:1 ratio.

**Engineering and Site Work:**

13. A Clearing and Grading permit for all clearing, grading, roadway, stormwater, and erosion control work shall be approved by the Director of Public Works and Development Services prior to any clearing or grading work on the site.
14. The developer shall construct a new driveway cut on 35th Avenue SE with concrete vertical curb, and gutter and maintain the existing public pedestrian pathway.
15. The developer shall submit stormwater plans and documentation to address all required drainage improvements. The approved stormwater system shall include the following elements and conditions per MCMC Chapter 15.14 and the 2012 Department of Ecology Stormwater Management Manual for Western Washington as amended in 2014.
  - A. Drainage plans shall be submitted to the Director of Public Works and Development Services for review and approval.
  - B. A Stormwater Pollution Prevention Plan (SWPPP) shall be prepared to address the required elements and all Best Management Practices that are expected to be used on site for erosion and sediment control.
  - C. The developer shall apply for an individual Construction Stormwater General Permit from the State Department of Ecology, and provide proof of the issued permit to the City prior to beginning construction.

- D. A final stormwater report signed and stamped by a licensed professional engineer shall be submitted to the City for review and approval.
  - E. The property owners shall be obligated to own, maintain and operate the stormwater system outside the public right-of-way to the satisfaction of the City.
  - F. Provisions shall be included on the face of the final plat for maintenance of the stormwater system outside the public right-of-way, including, but not limited to, adequate access to maintenance locations, provisions and easements that allow the City to inspect and maintain the system at its discretion, and adequate provisions to ensure uninterrupted function of the facilities for the proposed development.
16. All new and existing utilities within the project shall be placed underground in accordance with MCMC Section 17.22.110. The applicant shall be responsible for all costs associated with undergrounding the utilities. Appropriate easements or right-of-way for all utilities shall be provided by the applicant and shown on the face of the Plat.
17. The developer shall install a 10 foot x 15 foot bus pad along the north corner of the site frontage along 35<sup>th</sup> Avenue SE per the Everett School District.
18. The developer shall install a mailbox structure and covered stand for the proposed development in accordance with City standards. The location of the mailboxes shall be approved in writing by both the City and Post Office prior to installation.

#### **SEPA Mitigation Fees:**

19. The developer shall pay mitigation to the City of Mill Creek in the amount of \$15,000.00 for impacts to the City roadway system. Payment of traffic mitigation fees to the City of Mill Creek is required prior to building permit issuance.
20. The development shall enter into a voluntary mitigation agreement with Everett School District and shall pay mitigation in the amount of \$16,770.00 as stated in the voluntary mitigation agreement with the Everett School District. Proof of payment shall be submitted to the City prior to issuance of the first building permit.
21. In accordance with the Interlocal Agreement between the City of Mill Creek and Snohomish County Fire District No. 7, payment of mitigation fees totaling \$3,650.00 to the City of Mill Creek is required to offset impacts for the proposal prior to building permit issuance.
22. The developer shall pay mitigation to the City of Mill Creek for impacts to the parks and recreation system in the following amounts:
- A) Neighborhood Parks. In accordance with Resolution 2011-477, the developer shall pay \$2,863.76 per single-family dwelling x 10 dwellings = \$28,637.60. Pursuant to Chapter 17.48 MCMC, the developer shall pay neighborhood park mitigation fees in the amount of \$28,637.60 prior to approval of the Final Plat.



- B) Community Parks: In accordance with Resolution 2011-477, the developer shall pay \$1,738.67 per single-family dwelling x 10 dwellings = \$17,386.70. Pursuant to Chapter 17.48 MCMC, the developer shall pay community park mitigation fees in the amount of \$17,386.70 prior to approval of the Final Plat.

**Fire District Requirements:**

23. The developer shall ensure adequate fire flow/hydrants and 4" STORTZ adaptors on all hydrants.
24. The developer shall ensure that the monument sign and street name are clearly marked and visible from 35<sup>th</sup> Avenue SE.
25. The developer shall install grasscrete on the south end of the private road for Fire Department use only and install two 'Do Not Enter' and 'Fire Lane' signage. Fire lane signage is subject to City approval prior to installation and shall be shown on the civil plans. Removable bollard shall be installed east of the grasscrete.

Attachments: Exhibit 1a – Vicinity Map  
Exhibit 1b – Preliminary Plat of Creekside West  
Exhibit 1c – Legal Description  
Exhibit 1d – List of Project File Contents

## Exhibit 1a Vicinity Map



## Exhibit 1b Preliminary Plat



**For APN/Parcel ID(s): 011351-000-026-00**

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Lot 26 and Tract 993, Creekside Place, according to the plat thereof recorded under recording number 201311085003, records of Snohomish County, Washington.

Situate in the County of Snohomish, State of Washington.

## **Exhibit 1d Contents of Project File**

### **THE PRELIMINARY PLAT OF CREEKSIDO WEST (PL2017-0022)**

**The following documents will be officially entered into the record at the Hearing Examiner Public Hearing on May 9, 2018. The staff report was posted on the City of Mill Creek website on April 26, 2018, along with and many documents contained in the project file. All other documents are available for review in the project file at City Hall North, 15720 Main Street, Mill Creek.**

<b>Exhibit</b>	
<b>1</b>	Staff Report to the Hearing Examiner, dated May 9, 2018 a) Vicinity Map b) Preliminary Plat c) Legal Description d) Contents of Project File
<b>2</b>	Land Use Application, submitted September 14, 2017
<b>3</b>	Owner's Letter of Authorization, dated September 8, 2017
<b>4</b>	Project Narrative, submitted September 14, 2017
<b>5</b>	Title Report, dated August 14, 2017
<b>6</b>	Tree Retention Plan, submitted April 25, 2017
<b>7</b>	Preliminary Plat of Creekside Place
<b>8</b>	Critical Areas Identification for and Report from Recorded Plat of Creekside Place
<b>9</b>	Traffic Impact Analysis, by Gibson Traffic Consultants, dated June 2017
<b>10</b>	Water and Sewer Availability Letter from Silver Lake Water and Sewer District dated August 24, 2017
<b>11</b>	Preliminary Drainage Plan, dated March 2018
<b>12</b>	Preliminary Drainage Report, dated March 2018
<b>13</b>	Geotechnical Report, dated August 20, 2018
<b>14</b>	Recorded Plat of Creekside Place
<b>15</b>	Completeness Letter dated September 27, 2017

<b>16</b>	Technical Review Committee Comments Letter, dated October 25, 2017
<b>17</b>	Drainage Review Memorandum, dated March 2, 2018
<b>18</b>	Mitigated Determination of Non-Significance (MDNS), issued April 4, 2018
<b>19</b>	Public Hearing Notice with Affidavit of Publishing and Posting dated April 30, 2018
<b>20</b>	Staff's PowerPoint Presentation dated May 9, 2018
<b>21</b>	
<b>22</b>	
<b>23</b>	

Yellow Highlight Indicates Exhibits Submitted during the Public Hearing