

RESOLUTION NO. 85-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILL CREEK, WASHINGTON, APPROVING THE PRELIMINARY PLAT FOR MILLER'S VILLAGE.

WHEREAS, the Mill Creek Planning Commission, after notice required by RCW 58.17.090 had been duly given, held a public hearing on October 4, said hearing being continued to November 1, 1984, at which times it took testimony concerning the application for preliminary plat approval of the project known as Miller's Village receiving staff input and testimony from all members of the public desiring to speak regarding this application, and following said hearing approved the preliminary plat with conditions, and

WHEREAS, the Council, at a public meeting, considered the recommendation of the Planning Commission and,

WHEREAS, the Council finds that the proposed subdivision will conform to the general purposes of the comprehensive plan as adopted by the City of Mill Creek and to the planning standards and specifications as adopted by the City provided the conditions set forth herein, are complied with; and,

WHEREAS, the Council finds that the proposed plat, as conditioned, makes appropriate provision for the public health, safety and general welfare and that the public use and interest will be served by the platting of such subdivision; and,

WHEREAS, the Council concurs in the finding of the City's official responsible for compliance with the State Environmental Policy Act that this approval, as conditioned, will not have any significant adverse impact upon the quality of the environment, now, therefore,

THE CITY COUNCIL OF THE CITY OF MILL CREEK, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

1. The applicant and the Everett School District have entered into a voluntary agreement set forth in that certain document entitled "Mitigation Agreement Re: Land Developed and to be Developed by Developer within the City of Mill Creek" a copy of which was provided for review. The Council accepts the representation of the Everett School District that the agreement identifies the direct impacts of the proposed development upon the Everett School District and mitigates the same.

2. That the Miller's Village preliminary plat is approved subject to the following conditions and stipulations:
 - a) Development will comply with all provisions of the Sector and Division of Development approvals.
 - b) Development will comply with all provisions of the Rezone Contract, Auditors File No. 2326163, as it relates to this property as hereinafter additionally defined.
 - c) The statement indicating current compliance with the Rezone Contract shall be removed from the face of the plat.
 - d) The maximum density of this property shall be nine dwelling units per acre.
 - e) Prior to recordation of the final plat, Mill Creek Road in the vicinity of the intersection of Village Green Drive shall be partially restriped and new signs installed by owner in the appropriate location as set by the City, pursuant to plans to be submitted to the City Engineer for review and approval.

f) Prior to issuance of building permits for development on Lot 3, the owner shall complete a transportation study of Mill Creek Road at the intersection of Village Green Drive in order to advise the City of the appropriate improvements or modifications that may be made on Mill Creek Road in order to improve the intersection at Mill Creek Road and Village Green Drive. The City and the Owner will determine the scope of work of the traffic study and select the consultant. The consultant will be retained by the City and the cost thereof reimbursed by the Owner.

In addition, the owner shall, prior to issuance of building permits for Lot 3, enter into an agreement with the City agreeing to participate in the future payment for a portion of the cost of a traffic signal at the intersection of Mill Creek Road and Village Green Drive. The agreement shall provide for the participation on a fair share basis for each unit on Lots 1, 2, and 3, in the cost of such traffic signal. The method of payment, the appropriate amount of participation, as well as the area to be served by the traffic signal is to be set by the City on a reasonable basis, based on the impacts from the development which the owner recognizes exists.

g) Prior to issuance of building permits or in conjunction with the issuance of building permits for development on Lot 3, the owner shall submit for approval and obtain approval of the design, including the location and size, of a Pocket Park to be set aside and constructed as part of the development in accordance with the Division of Development approvals.

- h) Drainage facilities will be designed in accordance with the Sector and Division of development approvals.
- I. A drainage retention pond will be designed or developed on Lot 3 to serve the appropriate parts of Lot 1 and Lot 2 or evidence shall be submitted permitting discharge of storm waters into the appropriate regional retention pond elsewhere in Sector 8 or discharged into existing storm retention pond.
- J. Appropriate easements shall be submitted securing the right to discharge storm water from Lots 1 and 2 onto and over Lot 3 and the right to construct a retention pond on Lot 3.
- K. Building permits shall be withheld for Lot 3 until permanent plans for retention facilities are submitted and approved providing for retention on Lot 3 or until evidence is submitted permitting discharge of storm waters into the appropriate regional retention pond either in Sector 8 or storm waters being discharged into the existing storm retention pond. Prior to issuance of the building permits, the retention facilities shall either be constructed or bonded. The amount of the bond shall be set by the City Manager and shall provide for a specified completion date.
- L. Building permits shall be withheld for Phases 3 and 4 (Phases 3 and 4 as designated on the conceptual revised on July 13, 1983, which was approved as part of the Division of Development approval) on Lot 3 until improvements to Seattle Hill Road are commenced or bonded. The amount of the bond shall be set by the City Manager and shall specify a completion date for the improvements.

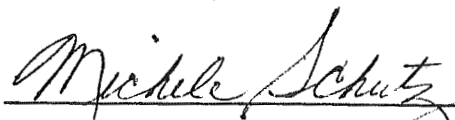
- M. The Plat and/or covenants shall indicate that all private roads, storm drainage facilities, and Pocket Park, existing or proposed, are under a common use and maintenance agreement and have been appropriately granted to serve all applicable units. The City shall be a third party beneficiary with the right, but not the obligation, to enforce the maintenance obligation and with the right to recover its costs (including reasonable attorneys' fees) if it becomes necessary to enforce the obligation.
- N. Upon issuance of building permits for Lot 3, the owner shall provide the City adequate assurances that if the property is cleared and/or graded, it shall be hydroseeded or some other action shall be taken to the satisfaction of the City Engineer to ensure adequate ground cover during the winter months, in the event actual construction of the development is not proceeding. Plans for such actions shall be submitted for review as part of the development approval for building permits for Lot 3.
- O. Prior to issuance of the building permits for Lot 3, the owner shall enter into an agreement with the City to release and indemnify the City with respect to possible diversion of storm waters.

RESOLVED this 12th day of March, 1985.

APPROVED:


MAYOR SID HANSON

ATTEST/AUTHENTICATED:



MICHELE SCHUTZ, CITY CLERK

FILED WITH THE CITY CLERK: 3-11-85
PASSED BY THE CITY COUNCIL: 3/2-85
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