

**CITY OF MILL CREEK  
 MITIGATED DETERMINATION OF NON-SIGNIFICANCE (MDNS)  
 AND  
 NOTICE OF PROPERTY DEVELOPMENT IMPACT MITIGATION  
 FOR THE PRELIMINARY PLAT/PLANNED AREA DEVELOPMENT OF  
 HARMS ESTATE  
 (CITY FILE PP 15-67)**

The applicant has submitted a Preliminary Plat/Planned Area Development application to subdivide 7.13 acres into 28 lots for single-family home development located in the Low Density Residential zone district. Access to the proposed development will be via an existing road stub-out located on the east side of 35<sup>th</sup> Avenue SE at 149<sup>th</sup> Place SE. There is one wetland located in the southwest corner of the site and two off-site wetlands located near the northeast corner of the site. The proposal includes the following tracts:

- Tract 993 will be an open space area.
- Tract 994 will include the on-site Wetland A and wetland buffer in a permanent Native Growth Protection Area.
- Tract 995 will be a shared driveway for Lots 15-19.
- Tract 996 will be a 50-foot wide vegetated roadway buffer with sidewalk adjacent to Seattle Hill Road.
- Tract 997 will be designated as a storm drainage/open space tract.
- Tract 998 will include the Wetland B and C wetland buffers in a permanent Native Growth Protection Area and serves as a tree retention area.
- Tract 999 will be a storm drainage and open space area.

Per Mill Creek Municipal Code Section 16.12.040, the applicant has requested modifications to the following minimum lot sizes and building setbacks:

Modification Requested:	Requirement:	Proposal:
Lot sizes	8,400 square feet	4,175 to 9,248 square feet
Front yard	20 feet	20 feet for the garage side of the lot and 10 feet on the non-garage side of corner lots
Side yard	20 feet	10 feet total with 5 feet minimum
Rear yard	20 feet	10 feet for Lots 1 and 2; 15 feet for Lots 3-28

For further details, please see **Attachment 1**, Preliminary Plat/PRD.

The proposed project is being reviewed and processed in accordance with Mill Creek Municipal Code (MCMC) Title 14 Development Code Administration, Title 16 Subdivisions and Plats, Title 17 Zoning, and Title 18 Environment. A SEPA checklist was submitted with the application and is attached (See **Attachment 2**, SEPA Checklist).

This Mitigated Determination of Non-Significance (MDNS) and Notice of Property Development Impact Mitigation are issued pursuant to WAC 197-11-350, Chapters 17.48 and 18.04 MCMC.

**PROPONENT:** Harbour Homes LLC  
1441 N. 34<sup>th</sup> Street Suite 200  
Seattle, Washington 98103

**LOCATION:** The site is located at 3601 Seattle Hill Road in the City of Mill Creek.  
(See **Attachment 3 – Vicinity Map**)

**TAX PARCEL NUMBERS:** 27050400201600, 27050400201602

**LEGAL DESCRIPTION:** See **Attachment 4**

**LEAD AGENCY:** City of Mill Creek, Department of Community and Economic Development

**CONTACT PERSON:** Camille Chriest, Senior Planner (425) 921-5726 or  
camillec@cityofmillcreek.com

**ELEMENTS OF THE ENVIRONMENT IMPACTED BY THIS ACTION AND MITIGATION MEASURES:**

The potential environmental impacts of this proposal are documented in the SEPA environmental checklist (attached) and other information on file with the City of Mill Creek. The required mitigation measures listed below are imposed as conditions of development in response to the City's review of this information. Please note that where City regulations address and mitigate potential environmental impacts, the MCMC code section addressing the issue is identified. If mitigation measures beyond those contained in the MCMC are required, the specific mitigation measure is provided. Other non-SEPA based conditions may be imposed pursuant to the MCMC at appropriate times of the remaining stages of the development review process.

**MITIGATION MEASURES:**

**1. EARTH**

MCMC Section 15.12.050 and the February 2005 Department of Ecology (DOE) Stormwater Management Manual for Western Washington require that the applicant submit a Stormwater Pollution Prevention Plan (SWPPP) and Erosion Control Plans for approval by the City Engineer. Said plans must be approved and Best Management Practices (BMPs) installed prior to commencement of any site work.

## 2. AIR

The proponent and/or successor are required to comply with all applicable federal, state and local air quality regulations.

## 3. WATER

### **Surface (Wetland)**

There is one 4,712 square foot wetland (Wetland A) located in the southwest corner of the site and two off-site wetlands (Wetlands B and C) located near the northeast corner of the site. The off-site wetlands have overlapping buffers that extend onto the subject property. The wetlands identified contained indicators of wetland hydrology, hydric soils, and a predominance of hydrophytic vegetation. Wetland A (Category III) is a Palustrine Scrub-Shrub, Seasonally Flooded wetland. Off-site Wetlands B and C are Palustrine, Scrub-Shrub, Saturated wetlands and rated as Category IV and Category III, respectively.

Wetland A may provide water quality functions and stormwater retention and infiltration functions along with water quality and enhancement. However, these functions are limited due to the small size of the wetland and lack of surface connectivity to natural and/or man-made conveyances. There is native vegetation within the buffer, but it contains a low level of species diversity. Habitat functions are available for small mammals, birds, and amphibians. The wetland has been evaluated under MCMC Chapter 18.06 and is classified as a Category III wetland, requiring a 100-foot buffer. Buildings require a 10-foot building setback from buffers. The proposed development layout intrudes into the Wetland A buffer, resulting in a request for buffer averaging using the buffer averaging standards set forth in MCMC 18.06.930.C.

A small portion (approximately 5,078 square feet) of the off-site Wetland's (B and C) buffer extends on-site in the northeast corner of the site. Wetland B is classified as a Category IV wetland, requiring a 50-foot buffer. Wetland C is a Category III wetland, requiring a 100-foot buffer. Buildings require a 10-foot building setback from buffers.

### Mitigation Measures

To mitigate the potential impacts to the wetlands, the project proponent shall satisfy the following conditions:

- A. A final critical areas report shall be prepared in compliance with MCMC Chapter 18.06 and submitted to the City prior to approval of the civil engineering plans.
- B. The wetlands and buffers shall be contained in separate tracts and shall be designated as a Native Growth Protection Areas (NGPA) on the face of the plat, and shall be recorded on all documents of title for all affected lots or land areas, pursuant to MCMC Section 18.06.830. Tract restrictions shall include:
  1. An assurance that native vegetation will be preserved for the purpose of preventing harm to property and the environment, including, but not limited to, controlling

surface water runoff and erosion, maintaining slope stability, buffering, and protecting plants, fish, and animal habitat; and

2. The right of the City to enforce the terms of the restrictions.

- C. The edge of the wetland buffers shall be clearly staked and flagged. Site clearing shall not commence until the applicant has submitted written notice to the Department of Community Development that the buffer requirements of MCMC Sections 18.06.810 and 18.06.930 (E) have been met.
- D. Prior to issuance of a Certificate of Occupancy, the boundary at the edge of the NGPAs shall be identified with permanent signs or markers every 100 feet to clearly indicate the location of the NGPA buffers, pursuant to MCMC Section 18.06.810.

#### **Water Runoff (Stormwater)**

MCMC Section 15.14.060 requires that the stormwater management facilities for the project be designed in accordance with the requirements of the February 2005 Department of Ecology (DOE) Stormwater Management Manual for Western Washington and Appendix I of the 2012 NPDES Phase II Municipal Stormwater Permit.

#### **4. PLANTS**

There are numerous trees located on the site, some that will be retained and some that will need to be removed in order to construct the plat improvements and prepare the site for construction of houses. To mitigate for removal of the trees, the applicant has designated the preservation of trees in separate tracts as shown on the Preliminary Plat/PRD and a landscape plan in compliance with MCMC Section 17.22.020 and subject to MCMC Chapter 17.34, Design Review.

#### **Mitigation Measures**

To mitigate the potential impacts to the trees, the project proponent shall satisfy the following conditions:

- A. A restriction will be required on the face of the Preliminary Plat/PRD that preserves all trees in Tracts 994, 996, and 998 and to the extent feasible in Tracts 997 and 999.

#### **5. ENVIRONMENTAL HEALTH - NOISE**

MCMC Chapter 9.14 limits the exemption for noise related to construction activity to Monday through Friday, 7 a.m. to 9 p.m., with weekend hours 8 a.m. to 9 p.m.

#### **6. TRANSPORTATION**

**Mill Creek:** MCMC Chapter 16.16 requires construction of all necessary public improvements, such as the associated public roadway system, as part of a development. Chapter 10 of the Comprehensive Plan, the Transportation Element, also sets forth policies for traffic circulation

and access points. In addition, City Ordinance 2011-735 requires traffic mitigation fees to be paid to mitigate development impacts on the City roadway network.

Mitigation Measures:

To mitigate the potential impacts of these activities, the project proponent shall pay mitigation to the City of Mill Creek in the amount of \$81,000.00 for impacts to the City roadway system. Payment of traffic mitigation fees to the City is required prior to approval of the Final Plat.

**Snohomish County:** The Reciprocal Impact Mitigation Agreement between the City of Mill Creek and Snohomish County, dated July 24, 2006, established policies and procedures for the review of development impacts on interjurisdictional transportation systems and the requirement to mitigate appropriate impacts in accordance with adopted road improvement programs. In accordance with the agreement, the project proponent is required to comply with specific measures identified by Snohomish County that are reasonably necessary to mitigate the project's impacts on directly affected County roads in the surrounding area.

Developments are subject to SCC Title 26B and are located within subarea TSA D, which has a mitigation impact fee rate of \$267 per residential ADT on County roads. Snohomish County has reviewed the traffic studies prepared by Gibson Traffic Consultants, and concurs with the analysis contained within the study. Per SCC 30.66B.330, the applicant's proportionate impact share for mitigation is \$48,040.78, based on a generation of 70 percent of 257 residential ADT's.

Mitigation Measures:

To mitigate the potential impacts of these activities, the project proponent shall pay mitigation to Snohomish County in the amount of \$48,040.78 for impacts to roads within the TSA D subarea. Payment of traffic mitigation fees to the County is required prior to the approval of the Final Plat.

**7. RECREATION:**

Approval of the Preliminary Plat/Planned Area Development will increase the demand upon the City's park and recreation facilities by allowing the construction of a total of 28 single-family 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 2013-503.

Mitigation Measures:

To mitigate the potential impacts of these activities, the project proponent shall satisfy the following conditions:

- A. Neighborhood Parks. In accordance with Resolution 2013-503, the developer shall pay \$2,863.76 per single-family dwelling x 27 dwellings = \$77,321.52 (credit shall be given for one existing single-family dwelling unit). Pursuant to Chapter 17.48 MCMC, the developer shall pay neighborhood park mitigation fees in the amount of \$77,321.52 prior to approval of the Final Plat.

- B. Community Parks: In accordance with Resolution 2013-503, the developer shall pay \$1,738.68 per single-family dwelling x 27 dwellings = \$46,944.09 (credit shall be given for two existing single-family dwelling units). Pursuant to Chapter 17.48 MCMC, the developer shall pay community park mitigation fees in the amount of \$46,944.09 prior to approval of the Final Plat.

## 8. PUBLIC SERVICES - FIRE SERVICES:

The City of Mill Creek and Snohomish County Fire District No. 7 have executed an Interlocal Agreement for mitigation of development impacts on fire facilities/services. Mitigation fees are determined by the anticipated impact a development will have on Fire District No. 7 facilities. Based on the provisions of the agreement, the mitigation required is \$365 per equivalent development unit (EDU).

### Mitigation Measures:

To mitigate the potential impacts of these activities and based on the provisions of the agreement, the project proponent shall satisfy the following condition:

- A. In accordance with the Interlocal Agreement between the City of Mill Creek and Snohomish County Fire District No. 7, the developer shall pay \$365.00 per single-family dwelling x 27 dwellings = \$9,855.00 (credit shall be given for one existing single-family dwelling unit). The developer shall pay mitigation fees to the City to offset impacts on fire facilities/services in the amount of \$9,855.00 prior to approval of the Final Plat.

## 9. PUBLIC SERVICES - SCHOOLS:

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.

School impact fees calculated by the Everett School District in the City of Mill Creek are the product of:

1. The number of housing units of each type.
2. The number of elementary, middle, and high school students generated by each type of housing unit (Student Generation Rate).
3. Whether the schools serving the proposed development are over capacity.
4. The cost of providing accommodations in new portable classrooms for each student, estimated as \$6,250 (\$150,000 per portable classroom divided by 24 students).

The proposed project is within the enrollment boundaries of Penny Creek Elementary School, Gateway Middle School and H.M. Jackson High School. The elementary school and high school are currently over capacity, so only those schools were used in the calculation of unhoused students generated by this development.

$$.403 \text{ (student generation rate)} \times \$6,250 = \$2,519 \times 27 \text{ single family units} = \$68,013.00$$

Mitigation Measures

To mitigate for the identified impacts of the development on the Everett School District facilities, the applicant shall satisfy the following condition:

- A. Proof of payment of mitigation fees totaling \$68,013.00 to the Everett School District shall be submitted to the City prior to issuance of the first building permit.

**THRESHOLD DETERMINATION**

The lead agency for this proposal has determined that the project, with the mitigation measures applied as described above, does not have a probable significant adverse impact on the environment. An Environmental Impact Statement is not required under RCW 43.21C.030 (2) (C). This determination assumes compliance with state law, City ordinances related to general environmental protection, and the mitigation measures identified above. This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. The Mitigated Determination of Non-Significance and Notice of Property Development Impact Mitigation are specifically conditioned on compliance with the conditions attached hereto, which are incorporated by reference as fully set forth herein.

This Mitigated Determination of Non-Significance is issued under WAC 197-11-340(2); the threshold determination will be deemed final 14 days from issuance. Comments on this MDNS must be submitted by **4:30 p.m., November 5, 2015**.

**Responsible Official:** Tom Rogers, AICP  
**Title:** Director of Community and Economic Development  
**Address:** 15728 Mill Creek Boulevard  
 Mill Creek, Washington 98012  
**Date:** October 22, 2015  
**Signature:** 

In accordance with the provisions of Mill Creek Municipal Code Chapters 3.42, 14.11, and Section 18.04.250, this determination may be appealed to the City Clerk at City Hall, 15728 Main Street, Mill Creek, Washington, no later than 14 days from the date the MDNS and Notice of Property Development Impact Mitigation are issued. To be considered, an appeal of this MDNS must be filed prior to 4:30 p.m., **November 5, 2015**, by submitting a written statement to the City Clerk requesting an appeal, together with appropriate fees. The written statement shall set forth the name and address of the person aggrieved and a clear and concise statement of the grounds for the appeal in accordance with MCMC Section 14.11.050. The appellant must be prepared to make specific factual objections.

**NOTE:** This MDNS may be withdrawn in the event of significant changes in the proposal, disclosure of new significant information, misrepresentation by the applicant, or failure to

comply with the conditions upon which the Mitigated Determination of Non-Significance are predicated.

**Attachments:**

Attachment 1 – Preliminary Plat/PRD

Attachment 2 – SEPA Checklist

Attachment 3 – Vicinity Map

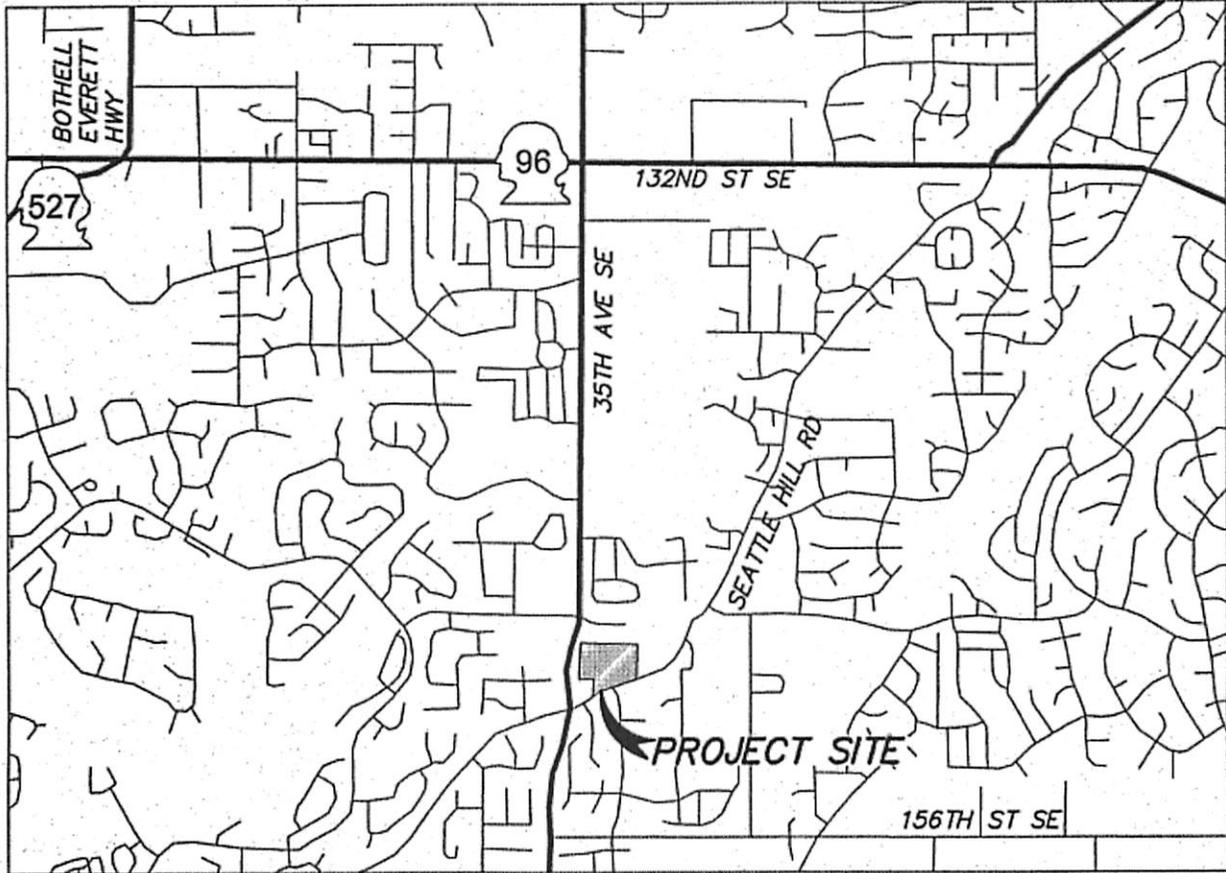
Attachment 4 – Legal Description

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ATTACHMENT 1  
PRELIMINARY PLAT/PRD

ATTACHMENT 2  
SEPA CHECKLIST

ATTACHMENT 3  
VICINITY MAP



VICINITY MAP  
SCALE 1"=2,500'



## ATTACHMENT 4 LEGAL DESCRIPTION

### **LEGAL DESCRIPTION:**

**THE SOUTH HALF OF THE NORTHWEST QUARTER OF GOVERNMENT LOT 4 AND THAT PORTION OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF GOVERNMENT LOT 4, LYING NORTH OF COUNTY ROAD IN SECTION 4, TOWNSHIP 27 NORTH, RANGE 5 EAST, W.M.;**

**EXCEPT THAT PORTION THEREOF CONVEYED TO SCHOOL DISTRICT NO. 28 BY DEED RECORDED FEBRUARY 24, 1928 UNDER RECORDING NO. 421063 AND RECORDED IN VOLUME 240 OF DEEDS AT PAGE 344, DESCRIBED AS FOLLOWS:**

**BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 4; THENCE SOUTH 00°23' EAST ALONG THE WEST LINE OF SAID SECTION, 1,061.49 FEET TO AN INTERSECTION WITH THE CENTERLINE OF THE COUNTY ROAD AND THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 54°37' EAST ALONG THE CENTERLINE OF SAID ROAD, 216.85 FEET; THENCE NORTH 00°23' WEST, PARALLEL WITH THE WEST LINE OF SAID SECTION 4 A DISTANCE OF 182.79 FEET; THENCE SOUTH 89°37' WEST, 178.0 FEET TO THE SECTION LINE; THENCE SOUTH 00°23' EAST ALONG SAID SECTION LINE 306.85 FEET TO THE POINT OF BEGINNING;**

**EXCEPT SAID COUNTY ROAD; ALSO EXCEPT THAT PORTION CONVEYED TO COUNTY OF SNOHOMISH BY DEED RECORDED FEBRUARY 20, 2009 UNDER RECORDING NO. 200902200512. SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.**