

**EXHIBIT 1
CITY OF MILL CREEK
DEPARTMENT OF COMMUNITY DEVELOPMENT**

**STAFF REPORT
TO THE CITY OF MILL CREEK HEARING EXAMINER**

PART I - SUMMARY INFORMATION

HEARING DATE: April 13, 2016

NAME OF PROJECT: Vintage at Mill Creek, LLC, Binding Site Plan
File No. BS 15-65

**DEVELOPER/
PROPERTY OWNER:** Ryan Patterson
Vintage at Mill Creek, LLC
369 San Miguel Drive, Suite 135
Newport Beach, CA 92660

LOCATION: The site is located on the south side of 132nd Street SE at 41st
Avenue SE, Mill Creek, Washington 98012. See **Attachment 1a –
Vicinity Map.**

**REQUESTED
ACTION:** The requested project action is the approval of a Binding Site Plan
to subdivide 3.96 acres for a mixed-use development located
within the East Gateway Urban Village (EGUV) zone district. The
project consists of two five-story buildings with 17,200 square feet
of ground floor commercial/retail and a total of 216 residential
units above.

**COMPREHENSIVE
PLAN DESIGNATION:** Town/Village Center

ZONING DISTRICT: East Gateway Urban Village (EGUV)

LEGAL DESCRIPTION: See **Attachment 1b - Legal Description.**

**TAX PARCEL
NUMBER:** 28053300201300

PART II - STATUTORY REQUIREMENTS

SEPA COMPLIANCE:

The proposed project was deemed complete on March 26, 2015, and 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.

A Mitigated Determination of Non-Significance (MDNS) and Notice of Property Development Impact Mitigation were issued for the proposal on March 10, 2016. The MDNS contains conditions to mitigate impacts on specific elements of the environment that may be affected by the proposal, including earth, air, water, plants, animals, environmental health, transportation, and public services. No appeal was filed. The MDNS is included in the project file and the required mitigation measures have been incorporated in the Conditions of Approval.

INTERJURISDICTIONAL COORDINATION:

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

132nd Street SE is a state highway (SR 96) and traffic operations are under the jurisdiction of the Washington State Department of Transportation (WSDOT). In accordance with the adopted guidelines for City Streets as Part of State Highways, dated April 2, 2013, the City is effectively responsible for everything behind the curb on 132nd Street, including location of any new access points, while WSDOT is responsible for the traffic operations and requiring any turn movement restrictions or channelization (striping) changes

PUBLIC NOTICE:

Pursuant to Section 14.07.030 MCMC, notice of the public hearing was mailed to property owners of record within 500 feet of the proposed project on March 30, 2016, and posted on the proposed development site on March 29, 2016. Notice of public hearing was published in the *Everett Herald* on April 2, 2016. All legal requirements for public notice have been satisfied.

PART III - BACKGROUND INFORMATION

EXISTING SITE CHARACTERISTICS:

The existing site is 3.96 acres and there is one unpaved driveway from 132nd Street SE (SR 96) that provides access to the site. The existing site is currently grassland with mature fir and cedar

trees along the southern and western perimeters as well as in the northeast corner of the site. There are no structures or impervious surfaces on the site and the topography is gently rolling and generally slopes from east to west. Due to the existing vegetation and minimal slope, runoff is slow and the hazard of water erosion is slight. A copy of the Boundary and Topographic Survey is contained in the project file.

SURROUNDING ZONING AND LAND USES:

- ❑ The property to the north (across SR 96) is located in unincorporated Snohomish County and is zoned *PRD-7,200*; the property is developed with an elementary school (Penny Creek Elementary).
- ❑ The property to the south is zoned *Low Density Residential*; the property is developed with single-family homes (Westfield Park and Bluegrass Meadows).
- ❑ The property to the west is zoned *EGUV*; the property contains a dilapidated barn and outbuildings.
- ❑ The property to the east is zoned *EGUV*; the property is developed with a hair salon and a single-family home.

PENDING DEVELOPMENT PROPOSALS IN THE AREA:

There are no pending development proposals in the area.

PART IV – PROJECT ANALYSIS

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 17.19, East Gateway Urban Village (EGUV), development in this district requires approval of a detailed master development plan that includes a Binding Site Plan and a Development Agreement between the developer and the City setting forth conditions for development.

The detailed master development plan must be reviewed in accordance with the provisions of MCMC Chapter 16.12, Planned Area Development. Also, development proposals in the EGUV are subject to compliance with the Design Standards in MCMC Chapter 17.34, and the EGUV Design Guidelines.

The City Council approved the Development Agreement (Ordinance No. 2015-798) following a public hearing on September 1, 2015. A copy of the recorded Development Agreement

(Snohomish County Recording Number 201510260323) is available for review in the project file. Listed below is a summary of the terms of the Development Agreement:

- The following uses are allowed on the ground floor: A 1,000 square foot maximum leasing office, and a 2,500 square foot maximum space that will serve as a beauty parlor, kitchen and fitness center for residential amenities, Section 9.3.2.
- The developer will provide a minimum area of 2,800 square feet for a senior center and a minimum area of 500 square feet for a police satellite office, Section 9.3.2.1.
- Construction of the 132nd Street SE frontage and related access point improvements is required per Section 10.2.
- The developer is solely responsible for negotiating all necessary legal interests from underlying property owners of the public right-of-way in order to accomplish the dedication of Road A and B, Section 10.3.
- A reciprocal parking covenant provided by the developer shall be approved by the City for the parking serving the commercially designated stalls to other commercially developed properties within the EGUV that provide an equivalent reciprocal agreement, Section 11.2.
- A parking management plan will be provided, Section 11.3.
- Plaza and public gathering areas shall be furnished by the developer, and maintenance and replacement of infrastructure and furnishings shall be the responsibility of the developer, Section 12.2.
- Public access easements shall be granted to the City over the roadway buffer, perimeter trail, private drive aisles and sidewalks to allow public access from the public roads, Section 12.3.
- Maintenance of improvements in the public right-of-way including the area between the street curbs and property lines including but not limited to: sidewalks, plazas and open spaces, canopies, all landscaping including tree grates, trash cans (including daily servicing), benches and all outdoor furniture, and all drainage facilities on the property outside the public right-of-way shall be the responsibility of the developer, Section 13.1.
- Maintenance obligations within the publicly-owned right-of-way: streets, pavement, curbs, gutters, structural sidewalk repairs, lighting, on-street parking, raised crosswalks, street signage, channelization, and drainage facilities shall be the responsibility of the City, Section 13.2.

PROPOSED PROJECT DESCRIPTION:

General Description:

The project consists of two five-story buildings with 17,200 square feet of ground floor commercial/retail and a total of 216 residential units above, which will be served by 174 parking stalls. Ninety-six of the parking stalls are proposed to be in a covered secured parking structure for the residents, and the remaining 76 parking stalls are to be surface parking.

As part of the 17,200 square feet of ground floor commercial use in Building 1, the developer is proposing 2,800 square feet to be used as a senior center, 2,500 square feet to be used as a beauty parlor and mini-market, 500 square feet to be used as a City police satellite office, and 1,000 square feet to be used as a leasing office. The remaining 10,400 square feet of commercial area is proposed to be divided between the two buildings, 6,300 to be located in Building 1 and 4,100

square feet to be located in Building 2. These uses are consistent with the terms of the Development Agreement.

Three single-story garage buildings are proposed adjacent to the existing single-family homes along the southern property boundary. In addition, a 20-foot wide landscape buffer with a 6-foot wide public pedestrian trail is proposed along the southern perimeter of the site, which will connect to the east and west when the adjacent properties are developed. Landscaping and public and private open spaces are proposed, including a 50-foot wide vegetated roadway buffer with a 6-foot wide sidewalk along 132nd Street SE. A total of 57,382 square feet of dedicated open space recreation area is proposed. This includes 30,626 square feet of private open space throughout the project including indoor recreational area, private court yards and each unit has a 6x12 foot deck. Public open space on-site consists of a 6,948 square foot public plaza as well as 19,808 square feet of public open space throughout the site. This meets the requirements of MCMC 17.22.060.

Site Access and Circulation:

The sole access to the site will be from 132nd Street SE via a new 30-foot wide public road, 41st Avenue SE (Road A). 41st Avenue SE is proposed to run north and south, to be a right-in, right-out access point, and to be constructed and dedicated to the City consistent with MCMC Chapter 16.16, the EGUV Engineering Study dated December 2012 and the Developer Agreement. 41st Avenue SE will connect to a 72-foot wide east-west public road, 133rd Street SE (Road B). 133rd Street improvements are proposed to extend to the eastern property line, and future extension of the public roadway would occur when the adjacent properties develop. In addition, there will also be two private drive aisles (Roads C and D) for traffic circulation and fire access. See the Preliminary Road Profiles and Sections included in the project file.

Stormwater Facilities:

The drainage and conveyance system for the proposed development will be designed to meet City standards, as well as the requirements of the February 2005 Department of Ecology Stormwater Management Manual for Western Washington and Appendix 1 of the City's Phase 2 NPDES permit. An analysis for the implementation of Low Impact Development (LID) facilities was also done as part the Preliminary Storm Drainage Report, and it was determined that this site is not well suited to LID practices due to the slow infiltration rate caused by the underlying Alderwood type soils.

Site runoff will be routed to a temporary off-site stormwater detention pond on the property to the west. The existing site is a pasture, but is required to be modeled as a forested condition for stormwater treatment and flow control. Consequently, the developed discharge rate will be less than the existing flows with no adverse downstream impacts.

Two stage water quality treatment will be provided with a cartridge filter system and a wet pond, and the outfall will flow towards the west via a level spreader with no direct discharge to groundwater in order to maintain the pre-developed drainage patterns. When the adjacent parcel develops, the site runoff will be incorporated into a permanent regional stormwater vault system. See the project file to review the Drainage Report, Revised January 2016 and the Preliminary Clearing, Grading, Storm and Utilities Plan (Sheet C1).

The developer will be required to submit detailed maintenance procedures to the City for review prior to civil plan approval. The developer will be also required to submit a final drainage report during the Clearing and Grading permit phase, where the final drainage design and details will be addressed.

Site Grading:

The site slopes from the east to the west. Significant grading will occur on the site, including approximately 18,000 cubic yards of cut and 5,000 cubic yards of fill. The developer is proposing a 3 to 8 foot high retaining wall along the eastern property boundary and a 2 to 4 foot high retaining wall along the southern boundary. Existing residential fences are currently located along the southern boundary.

The developer is proposing to stockpile approximately 13,000 cubic yards of fill and construct a temporary stormwater pond on the property to the west. Grading required for the construction of the off-site stormwater detention pond, public and private Roads A - D, all structures or utilities proposed in the Binding Site Plan, or within proposed perimeter landscape buffers shall not take place until the City has approved the Clearing and Grading plans.

Consistency with EGUV Design Guidelines:

The developer has designed the Binding Site Plan to be consistent with the EGUV Design Guidelines. The Design Review Board (DRB) requirements will be addressed during the DRB process. Listed below are those features that specifically address the requirements of the Binding Site Plan relative to the EGUV Design Guidelines:

- Dedication of the Spine Road to provide future access to adjacent properties and provide connectivity throughout EGUV.
- Directional and non-glare lighting provided to minimize impacts to the adjoining uses.
- Multi-level buildings with commercial, office or residential uses shall create a clearly-defined street edge and provide upper story activities that overlook the street and plazas.
- Buildings or portions of buildings located directly adjacent to the surrounding single-family homes in the Low Density Residential zone district shall be a maximum of three stories (35feet) consistent with the EGUV zone district.
- Plazas shall be designed as integral public spaces along the Spine Road and other primary streets.
- There shall be pedestrian linkages leading to and from the plazas to natural features and other pedestrian paths.
- The minimum number of parking spaces provided shall be as established in MCMC Section 17.27.020. Shared parking between land uses is encouraged where it can be demonstrated that parking demands of uses offset each other.
- On-street parking on public streets within the East Gateway Urban Village may be credited toward required parking.
- End aisle planters shall be a minimum six feet wide including curb.
- All parking lots must contain five-foot wide clearly marked (with paint or special paving material) pedestrian connections from parking areas to the sidewalk adjacent to the building entrance. A sidewalk or entrance area of at least 200 square feet raised six inches above the parking lot must be provided at the building entrance to provide for pedestrian safety and separation.

- Landscaped 50-foot roadway buffer tract with a minimum of a 6-foot wide paved sidewalk to be provided along SR 96.
- A 20-foot perimeter landscape buffer along the southern perimeter containing a minimum of a 6-foot wide paved trail and associated amenities.
- Fencing and/or vegetative screening is provided around the perimeter of the site adjacent to the single-family homes.
- Development in EGUV is required to be designed consistent with Leadership in Energy and Environmental Design (LEED) standards. Thus, the developer is required to demonstrate the measures proposed to make the project more sustainable than would result from typical construction and site development practices. The developer has submitted a LEED Compliance Narrative (see the project file).

LANDSCAPING:

SR 96 Roadway Landscaping

The existing street trees will be retained in the 50-foot roadway buffer, as well as the two Douglas Firs in the northeast corner, as shown on the Tree Preservation Plan and the Preliminary Landscape Plan (Sheets L1-L3) in the project file. As a Condition of Approval staff is recommending a minimum of a six-foot wide concrete meandering sidewalk be installed within the 50-foot roadway buffer.

Perimeter Buffer

Within the 20-foot landscape perimeter buffer at the southern edge of the development (adjacent to Blue Grass Meadows and Westfield Park), the developer is proposing to retain the four Cedar trees where possible and practical and to supplement the buffer with new plantings as shown on the preliminary landscape plan. A public access easement is required to be recorded on the face of the Binding Site Plan to allow for public use of the trail in the 20-foot perimeter buffer and maintenance will be provided by the property owner.

Internal Site Landscaping

As required by MCMC 17.34.040, the interior portions of the site, including the private open space and parking areas are proposed to be landscaped as shown on the Preliminary Landscape Plan (Sheets L1-L3) contained in the project file.

Streetscape Landscaping

As required by the EGUV Design Guidelines, along the new public roadways, 41th Avenue SE (Road A) and 133rd Street SE (Road B), street trees and street furnishings will be provided.

Design Review Board Review Required

As required by City Code and included as a Condition of Approval, all proposed building elevations, landscaping and street furnishings are required to be submitted to the City's Design Review Board for review and approval prior to issuance of a building permit.

PARKING REQUIREMENTS:

Per MCMC Section 17.27.020, the table below illustrates the parking required and proposed for the development. The developer is proposing to utilize the on-street parking on public streets

provision of the EGUV Design Guidelines, Parking Areas, page 22, item 2, and is also proposing a 10% mixed-use shared parking reduction, per MCMC 17.27.020.G.

Land Use	Size	Minimum Parking Supply Rate¹	Required Parking
<u>Commercial Space</u>			
Building 1 Commercial	6,300 sf	1 stall / 250 sf	25
Building 2 Commercial	4,100 sf	1 stall / 250 sf	17
Police Department Office	500 sf	1 stall / 250 sf	2
<u>Beauty Shop & Mini-Mart</u>	<u>2,500 sf</u>	<u>1 stall / 250 sf</u>	<u>10</u>
Total Commercial Space	13,400 sf		54 stalls
<u>Senior Apartments</u>			
Dwelling Units	216 du	0.5 stalls/du	108 stalls
Employees	3 employees	1 stall/employee	3 stalls
<u>Leasing Office</u>	<u>1,000 sf</u>	-	<u>0 stalls²</u>
Total Senior Apartments			111 stalls
Senior Center	2,800sf	1 stall / 100 sf³	28 stalls
Total Required Spaces			193 stalls
<i>Total Constructed Parking</i>			<i>174 stalls</i>
Proposed On-Site Parking Supply			160 stalls
Proposed On-Street Parking Supply			14 stalls
Notes: du = dwelling unit, sf = square feet			
1. City of Mill Creek Municipal Code			
2. No parking required for leasing office space as parking requirements are based on dwelling units and employees.			
3. Senior Center parking rate per information provided by City of Mill Creek staff (email from T. Rogers to R. Patterson, January 5, 2016).			

Shared Parking and Reduction Requested

As shown on the table above, the developer is proposing to construct 174 of the 193 parking stalls required by code. The reduced number of spaces is based upon the use of shared parking. To support the request for utilizing shared parking, the developer commissioned a Parking Analysis Study by transpogroup. The report, dated March 2, 2016, includes an analysis showing that peak demand is 171 stalls because the various uses have different times of peak demand. The City had its on-call consultant, Perteet Engineering, complete a peer review of the transpogroup Parking Analysis Study and determined that it utilized reasonable assumptions and met professional standards. The study and peer review are in the project file.

Parking Management Plan

As required by the Development Agreement, the developer has proposed a Parking Management Plan. Parking is proposed to be managed by the following methods. Residential parking for the apartments is proposed to be regulated by providing 108 reserved stalls for residents, whom will be issued parking stickers for their designated stall. 96 of the 108 stalls will be in secured parking garages, the remaining 12 stalls will be reserved surface parking stalls. Staff parking for the three employees for the residential apartments will be managed with signage and parking stickers. Commercial use parking will be managed with signage and monitored by onsite staff. Customers of the commercial uses will have use of the majority of the surface parking and the parking will be time restricted. See the project file for the Parking Management Plan, which is Attachment A in the Parking Analysis by transpogroup contained in the project file.

Reciprocal Parking Covenant

The developer is also required to grant a reciprocal parking covenant for the parking serving the commercially designated stalls to other commercially developed properties within the EGUV. The requirement is included in the suggested Conditions of Approval.

CITY PARK FACILITIES – IMPACTS AND MITIGATION:

To mitigate the project's impacts on park and recreation facilities, public neighborhood and community park facilities must be provided, or in-lieu fees must be paid to the City to provide public park facilities. The City has established level of service standards/guidelines for neighborhood and community parks in the Comprehensive Plan. The amount of mitigation required is determined based upon the anticipated impact of a development on the City's park system. Mitigation fees to offset impacts to parks and recreation facilities are calculated in accordance with Resolution 2013-503. The developer has provided data that shows that senior apartments have an average of 1.11 persons per household, which is lower than the average 1.82 persons per multi-family household (U.S. Census Bureau) that the City uses for calculating the fee. Therefore, the fees calculated below use the 1.11 person per household for senior apartments.

Neighborhood Parks

Pursuant to the MDNS issued for the project, the developer is required to contribute \$1,177.32 per unit x 216 units = \$254,301.12 to offset impacts to neighborhood parks. Pursuant to Chapter 17.48 MCMC, as a Condition of Approval the developer shall pay neighborhood park mitigation fees in the amount of \$254,301.12 prior to issuance of the first building permit.

Community Parks

Pursuant to the MDNS issued for the project, the developer is required to pay \$714.78 per unit x 216 units = \$154,392.48 to offset impacts to community parks. Pursuant to Chapter 17.48 MCMC, as a Condition of Approval the developer shall pay community park mitigation fees in the amount of \$154,392.48 prior to issuance of the first building permit.

CITY TRANSPORTATION - TRAFFIC IMPACTS AND MITIGATION:

City of Mill Creek

Public roadway improvements are required in accordance with the Development Agreement, as well as MCMC Chapters 16.14 and 16.16. Traffic mitigation is required by the City for PM peak hour trips generated by this development in accordance with City Ordinance No. 2011 – 735. The developer has submitted a revised Traffic Impact Analysis, see Attachment 6 – Traffic Impact Analysis, dated February 4, 2016.

According to the transpogroup report, the project will generate 832 new average daily trips (ADT) associated with this project. Of these trips, 68 would occur during the PM Peak hour and 45 would occur during the AM Peak hour. All trips would directly impact 132nd Street SE (SR 96) since the sole access point will be at the intersection with Road A (41st Avenue SE).

Since the Senior Center and City Police Department satellite office are public facilities that will provide a benefit to the community, no impact fees are required for these two uses. As shown in the project file in the Traffic Impact Analysis, Table 2, the Police Department office and Senior

Center uses are estimated to generate 7 PM peak hour trips, which is equivalent to \$21,000 of the total estimated impact fee.

The City's transportation mitigation impact fee is \$3,000 per weekday PM peak hour trip. Therefore, based on the development's 68 estimated new weekday PM peak hour off-site trips, minus the 7 PM peak hour trips generated by Senior Center and Police Department office, 61 PM peak hour trips results in an impact fee of \$183,000.

As Condition of Approvals the applicant is required to construct all frontage improvements along 132nd Street (SR 96), Road A and B, and dedicate all public roads as well as pay mitigation to the City of Mill Creek in the amount of \$183,000.00 for impacts to the City roadway system. Payment of traffic mitigation fees to the City is required prior to the issuance of the first building permit.

SUMMARY OF RESPONSES FROM OTHER AGENCIES WITH JURISDICTION:

Silver Lake Water and Wastewater District

The subject site lies within the Silver Lake Water and Wastewater District. Extension of sewer beyond the project property lines will be required. The District's comprehensive plan has identified the need to extend the water and sewer off-site to 132nd Street SE. A 12-inch water main route and 8-inch sewer line are proposed to connect to the existing 16-inch water main and 18-inch sanitary sewer main, both at 132nd Street SE and 41st Avenue SE (Road A). The water line is proposed to be looped within the site along Road A, Road B, Road D and through the roadway buffer. Both the water and sewer lines will be stubbed to the eastern and western (approximately) property line within Road B to serve the future development of properties in the East Gateway Urban Village. The sewer line is proposed to be extended to the center of Road B along the western property boundary. The costs of sanitary sewer improvements on the project site as well as extending the water system shall be under the terms and conditions of a Developer Extension Agreement with the District.

Snohomish County - Traffic Impacts and Mitigation:

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. Snohomish County has reviewed the traffic study prepared by the transpogroup, and concurs with the analysis contained within the study. Per SCC 30.66B.330, the developer's proportionate impact share is based on a generation of 70 percent of 832 net new average daily trips. This percentage was applied to the calculated commercial and residential trip generation with impact fees for residential uses at \$227 per ADT and for commercial uses at \$267 per ADT. This results in an estimated residential mitigation fee of \$77,861.00 and a commercial mitigation fee of \$63,919.80, and totals \$141,780.80. The Police Department office is estimated to generate 10 weekday commercial trips as shown in the Traffic Impact Analysis, Table 2, and based on the fee

per commercial trip is equivalent to \$1,869.00. The Senior Center is estimated to generate 60 weekday residential trip equivalent to \$11,214.00. The County has accepted deductions for these two public uses. Thus, the total Snohomish County mitigation fee is estimated to be \$128,697.80. Payment of traffic mitigation fees to the County is required prior to the issuance of the first building permit.

Fire District No. 7 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 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). For commercial uses, the fees are based on 2,400 square feet of structure being equal to one EDU. Based on the developer's proposal to construct 216 residential units and 17,200 square feet of commercial square footage (7.2 EDUs), fire mitigation impact fees are calculated at \$78,840.00 for residential EDUs and \$2,628.00 for commercial EDUs, for a total of \$81,468.00. The developer shall pay the City \$81,468.00 prior to issuance of the first building permit.

In addition, the Fire Department No. 7 has reviewed the application and the proposed site plan provides 3 fire hydrants. A minimum of four fire hydrants is required with an average spacing of 350' between hydrants and a maximum distance from any point on a street or road frontage to a hydrant of 210'. Existing fire hydrants may be utilized to provide this, provided they meet the spacing, location, and fire flow criteria. The required minimum fire flow achieved through these minimum 4 (or more) fire hydrants is 3875gpm for 4 hours. A letter from Silver Lake Water and Sewer District is required stating they can provide this fire flow. A copy of Fire District No. 7 comments is contained in the project file.

As a Condition of Approval, the developer is required to provide a minimum of four hydrants and a letter from Silver Lake Water and Sewer District verifying that the required fire flow can be met.

Community Transit:

Community Transit has reviewed the application and determined that the recently completed bus pad and shelter east of the site, associated with the Mill Creek Meadows and The Towns at Mill Creek Meadows (City file BS 12-65), will serve this site. A copy of the letter from Community Transit is contained in the project file.

Everett School District Mitigation:

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 the Everett School District as follows:

The student generation rate for 0-1 bedroom units is 0. No mitigation for 156 1 bedroom units.

The student generation rate for MF 2+ bedroom units is $.120 \times \$6,250 = \750 . Mitigation for 60 2+ bedroom units = $60 \times \$750 = \$45,000.00$

As a Condition of Approval the developer shall enter into a voluntary mitigation agreement with the Everett School District and pay mitigation fees totaling \$45,000.00 and/or in accordance with the fee schedule in effect at the time of issuance of the first building permit.

However, since the development is a senior, age-restricted development, mitigation fees may be waived. The developer will need to provide a fully executed regulatory agreement (Extended Use Agreement) between Washington State Housing Finance Commission and Vintage at Mill Creek stating that the development will be restricted to 55 years and older. A copy of the letter from Everett School District stating their requirements is contained in the project file.

CONSISTENCY WITH DEVELOPMENT REGULATIONS:

The proposed development has been reviewed by staff for consistency with the applicable development regulations in the Mill Creek Municipal Code (MCMC) and the following matrix identifies the applicable development regulations and staff’s analysis regarding compliance:

Code Section	Staff Analysis
<p>16.16.005 Public improvements. A. 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.</p>	<p>As a Condition of Approval the developer is required to install public improvements associated with this project.</p>
<p>17.19.020 Detailed master development plan required. Development in this district requires approval of a detailed master development plan that shall include a Binding Site Plan and a development agreement between the owner and the city setting forth conditions for development. The detailed master development plan may be for all or a portion of the site and shall be substantially consistent with the East Gateway Urban Village illustrative development plan. The detailed master development plan shall be reviewed in accordance with the Binding Site Plan provisions of MCMC Title 16. All development and uses shall thereafter occur in accordance with the approved detailed master development plan.</p>	<p>The Development Agreement for this proposal was approved by City Council Ordinance 2015-798. The Binding Site Plan application constitutes the detailed Master Development Plan, which is currently under consideration by the Hearing Examiner.</p>
<p>17.19.030 Detailed master plan elements. The detailed master development plan shall contain, at a minimum, the following elements: A. A Binding Site Plan that includes the</p>	<ul style="list-style-type: none"> • The proposed Binding Site Plan includes the specific location of features as required. This staff report includes a description of the development’s consistency with the applicable EGUV Guidelines.

<p>specific location of various features as detailed in MCMC 17.19.030.A.1-10.</p> <p>B. An evaluation of consistency with the adopted urban village design guidelines.</p> <p>C. Development agreement in accordance with RCW 36.70B.170.</p>	<ul style="list-style-type: none"> The City Council adopted Ordinance 2015-798 approving the Development Agreement for the proposed Binding Site Plan.
<p>17.19.050 Project design</p> <p>A. The design, layout and distribution of uses and site elements such as buildings, roadways, landscaping, parking areas, open space, public areas, pedestrian facilities and streetscapes shall comply with the approved detailed master development plan and adopted design guidelines.</p> <p>B. Buildings proposed for sites adjacent to the central spine street shall be designed to accommodate ground floor nonresidential uses.</p>	<p>The proposed preliminary Binding Site Plan layout has been designed to be consistent with these requirements. This staff report includes a description of how the development meets the applicable EGUV Design Guidelines. As Conditioned the proposal and associated improvements will be consistent with these design requirements.</p>
<p>17.19.070 Maximum height.</p> <p>The maximum height shall be four stories not to exceed 50 feet, except for mixed-use residential buildings, which shall be a maximum of five stories and 60 feet; provided, that the maximum height shall be three stories and 35 feet for buildings built adjacent to the single-family homes in the adjacent LDR zoning district.</p>	<p>The proposed mixed-use buildings (Building 1 and 2) are five stories with a maximum height of 60 feet and the three single-story buildings on the southern property boundary are to be a maximum height of 35 feet. Both are consistent with the height requirements.</p>
<p>17.19.085 Streetscape and roadway</p> <p>Streetscape design and roadway buffer/cutting preserve tracts adjacent to arterial and collector streets shall be provided in accordance with the comprehensive plan, streetscape element. Roadway buffer/cutting preserves to be provided range from 35 feet from the right-of-way for nonresidential uses to 50 feet for residential uses adjacent to arterial streets.</p>	<p>The proposed Binding Site Plan provides a 50-foot wide roadway buffer tract along SR 96. Thus, the proposal is consistent with this requirement.</p>
<p>17.22.060 Required open space.</p> <p>On-site open space and recreational facilities are required in an amount adequate to meet the recreational, health, environmental and safety needs of the residents, occupants, guests and visitors of the development. That determination shall be made in accordance with the following standards and criteria:</p> <p>A. The amount of open space and type of</p>	<p>The proposal is consistent with this requirement. A total of 54,000 square feet of open space is required. The developer is proposing a total of 57,382 square feet of dedicated open space recreation area. This includes 30,626 square feet of private open space throughout the project; including a 6x12 foot deck for each unit. Public open space on-site consists of a 6,948 public plaza as well as 19,808 square feet of public</p>

<p>recreational facilities shall meet the specific needs of the residents, guests and visitors.</p> <p>B. The amount of open space and recreational facilities should be proportional to the density of the development (i.e., as density increases and/or as lots become smaller, there is a greater need for common open space available to all of the residents, guests and visitors to the development). In multifamily developments without individual yards, total common open space should be equivalent to 250 square feet per dwelling unit. Single-family developments located more than one-quarter of a mile from a public park shall provide mini-parks and/or open space proportional to serve the density of the development and the need of the local residents.</p> <p>C. The amount of open space and recreational facilities should meet the purpose and intent of the zone district in which the development is located.</p> <p>D. The open space and recreational facilities should be readily accessible to all dwelling units in the development.</p> <p>E. The open space and recreational facilities shall be appropriately screened from parking areas.</p> <p>F. The length of the open space area shall be no more than twice the width.</p> <p>G. The open space area may be located in any required setback area, except street setbacks, so long as the uses thereof are compatible and permissible.</p> <p>H. The open space shall not have more than five percent grade.</p>	<p>open space throughout the site. The amount of open space (public and private) proposed is consistent with the minimum open space requirements.</p>
<p>17.22.110 Undergrounding of utilities.</p> <p>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</p>	<p>As a Condition of Approval all utilities will be constructed underground consistent with this requirement.</p>

<p>communication, unless otherwise provided in this section.</p>	
<p>17.22.120 Comprehensive plan – Concurrency and consistency required. 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.</p>	<p>The preliminary Binding Site Plan has been designed to be consistent with the City’s Development Regulations contained in Titles 14-18, which are consistent with the City’s Comprehensive Plan. Therefore, this project is consistent with this code provision. The development will not cause a reduction in the level of service for transportation and/or park facilities.</p>
<p>17.27.020 Off-street parking and requirements. A. Applicability. Off-street parking as required by this title shall be provided when any of the following circumstances exist: 1. A new principal building is constructed. C. Residential Requirements. 5. Retirement centers or communities shall have one-half space per dwelling unit and one space per employee based on the maximum potential number of employees during a single shift. D. Nonresidential Uses. 1. Retail stores except as specified below, convenience stores, department stores, drug stores, and grocery stores shall have one space per 250 square feet. * Senior Center parking is 1 stall per 100 square feet based on a City staff survey.</p>	<p>As discussed previously in this staff report, the developer is proposing and has provided acceptable rationale for a mixed-use shared parking reduction of up to 10%, per MCMC 17.27.020.G. Parking ratios proposed have been determined to be consistent with code. Documentation for the parking modification has been reviewed by staff. Staff is recommending approval of the parking reduction request. Guest parking is available both on site and in the spaces provided on the public right-of-way. In addition, a Parking Management Plan has been provided per the Development Agreement and is required per the Conditions of Approval.</p>

<p>17.34.040 A. Site Design. The following design elements shall be applied to all projects:</p> <p>1. Site Design Layout.</p> <p>a. 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.</p> <p>b. Whenever possible, buildings on the same site shall be designed to enhance safe and convenient pedestrian access between buildings including plazas, courtyards, pocket parks, and other pedestrian use areas connected by clearly marked walkways.</p> <p>c. 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.</p> <p>d. Where appropriate, sites shall be designed to provide vehicular and pedestrian connections to adjacent sites.</p> <p>e. Private open space shall be incorporated into attached single-family and multifamily residential projects in accordance with MCMC 17.22.060.</p> <p>f. 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.</p>	<p>The proposed preliminary Binding Site Plan layout has been designed to be consistent with these requirements.</p> <ul style="list-style-type: none"> • Orientating buildings toward the street. • Screening parking areas from public road. • Providing private and public open space areas. • Connecting walkways to surrounding neighborhoods to provide access to and through the site. • Shared stormwater vault with adjacent property owner to the west to maximize land use on the subject site. • Minimizing impervious surface by requesting a parking modification to allow additional open space on the site. • As previously discussed in this staff report, site and soil conditions are not feasible for LID. Four Cedars and two Douglas Firs are proposed to be retained on-site and integrated into the surrounding landscaping.
<p>17.34.040 A. Site Design Cont’d. The following design elements shall be applied to all projects:</p> <p>2. Parking Lot Design and Screening.</p> <p>a. Project design shall avoid the appearance of domination by automobiles. Positive methods to achieve this concept include:</p> <p>i. Orienting buildings to fronting streets and placing parking at the rear and/or sides;</p> <p>ii. Designing the required parking area into</p>	<p>The proposed preliminary Binding Site Plan layout has been designed to be consistent with these requirements. Buildings are oriented toward the street with parking areas in secured garages and/or screened from the public road. Streetscape furnishings and plazas along the public roads will be provided. The proposed layout is consistent with the Site Design requirements and is subject to DRB review.</p>

<p>smaller, discrete, connected lots rather than large, single-use lots;</p> <p>iii. Designing parking areas to be partially screened from view from adjacent streets and building occupants. Screening can be accomplished through a number of methods including:</p> <p>(A) Orienting buildings away from parking areas;</p> <p>(B) Placing buildings between streets and parking lots;</p> <p>(C) Using extensive landscape screening, berms, and architecturally treated walls that also allow visibility to provide adequate safety and surveillance of the parking areas.</p> <p>iv. The use of LID best management practices in parking lots is encouraged whenever site and soil conditions make it feasible. Such BMPs include, but are not limited to, permeable surfacing materials, and integrating LID stormwater management facilities into the required landscaping.</p>	
<p>17.34.040 A. Site Design Cont'd. The following design elements shall be applied to all projects:</p> <p>3. Tree Preservation.</p> <p>a. Project design shall maximize the preservation of existing significant tree stands and significant individual trees, especially on slopes, street frontages, and on the perimeter of the site.</p> <p>b. Project design shall incorporate existing natural vegetation into the site design wherever possible.</p> <p>c. Trees that are to be preserved shall be subject to the standards established in MCMC 15.10.045 and penalties established in MCMC 15.10.075.</p>	<p>The proposed preliminary Binding Site Plan layout has been designed to be consistent with these requirements. Desirable trees are required to be preserved in the perimeter buffer where practical. The proposed preliminary Landscape Plan will incorporate the four Cedars into the 20 foot perimeter buffer along the southern property line and the two Douglas fir trees in the northeast corner of the site are to be retained in the 50-foot roadway buffer.</p>
<p>17.34.040 A. Site Design Cont'd. The following design elements shall be applied to all projects:</p> <p>4. Storm Drainage.</p> <p>a. 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</p>	<p>The proposed preliminary Binding Site Plan layout has been designed to be consistent with these requirements by:</p> <ul style="list-style-type: none"> • Designing a stormwater pond to be located off site to the west to maximize land use on the subject site. This stormwater facility will ultimately be a regional shared facility once the property to the west is developed.

<p>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.</p> <p>b. 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.</p> <p>c. Where located under areas to be landscaped, underground stormwater vaults shall have a minimum soil cover of three feet. The soil shall be of sufficient quality to properly support vegetation.</p> <p>d. Stormwater bioretention, biofiltration, and bioinfiltration swales that are integrated into interior landscape areas within parking lots, and that meet area and landscaping requirements may be counted toward the interior parking lot landscape requirements.</p>	
<p>17.34.040 A. Site Design Cont'd. The following design elements shall be applied to all projects:</p> <p>5. Vehicular Entrances.</p> <p>a. Vehicular entrances shall be designed to welcome residents, customers, and visitors. Gated entrances on public right-of-way are prohibited. Gated entrances on private roads are strongly discouraged.</p> <p>b. At the primary vehicle access point(s) to a site, signage identifying the address should be clearly visible from the street and the entrance shall be highlighted with elements such as:</p> <ul style="list-style-type: none"> i. Freestanding development identification sign; ii. Ornamental entrance features; iii. Water feature(s); iv. Identifying architectural features such as arbors or trellises; v. Functional, accent lighting; vi. Artwork; vii. Landscape treatment with 	<p>The proposed preliminary Binding Site Plan layout has been designed to be consistent with these requirements by:</p> <ul style="list-style-type: none"> • Providing a sign easement for a future sign at the 41st Avenue SE intersection for the project. • Installing and maintaining landscaping and street furnishing along the public roadways (Road A and B). • Installing entry landscaping to highlight the signage and along the public streetscapes.

<p>seasonal color (such as annuals or flowering trees), including planter boxes or pots; viii. Decorative or textured pavement.</p>	
<p>17.34.040 A. Site Design, Cont'd. The following design elements shall be applied to all projects: 6. Sidewalks, Trails, and Pedestrian Walkways. a. A comprehensive system of pedestrian walkways shall link together all site entrances, building entries, parking facilities, and common outdoor spaces with the sidewalk system in the public right-of-way. b. Sidewalks and trails shall be meandering and continuous between developments, and shall also conform to ADA and building code requirements for pedestrian safety, where appropriate. c. Pedestrian walkways shall incorporate pedestrian-scale lighting, bollard lighting, landscaping, accent lighting, and directional signage into the design of the walkways. d. Site furnishings adjacent to sidewalks/paths such as pedestrian kiosks, benches, newspaper stands, decorative banners, and trash receptacles, bus shelters, hanging flower baskets, and planting pots shall be made of durable, weather-resistant, vandal-resistant materials.</p>	<p>The proposed preliminary Binding Site Plan layout has been designed to be consistent with these requirements by:</p> <ul style="list-style-type: none"> • Connecting walkways to the public roadways to provide access to and through the site and to the adjacent sites when they are developed. • Providing walkways which will be ADA compliant and lit where appropriate. • Installing pedestrian furnishings such as benches and trash receptacles along the perimeter trail and streetscape.
<p>17.34.040 A. Site Design. The following design elements shall be applied to all projects: 8. Screening of Utilities and Service Areas. a. On-site service facilities, such as loading docks, dumpsters, etc., shall be located in areas least visible from the right-of-way, public spaces and main parking areas. Service areas shall be screened from view using landscaping or screen walls. b. Where possible, all utility areas, meters, and vaults shall be screened by a combination of masonry, wood, and/or planting areas. Where possible, building mounted utilities shall be placed within utility rooms or enclosures.</p>	<p>As a Condition of Approval the project service areas, utilities and dumpsters will be coordinated with the building colors and materials, consistent with these standards. The developer is proposing to locate the trash enclosure in the secured garages.</p>

<p>c. All screening shall reflect building architecture of the adjacent building and be compatible with adjacent project designs. This shall include consideration of proportion, color, texture, and materials. Ground level outdoor enclosures shall be composed of materials similar to the main structure.</p>	
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PART V—STAFF RECOMMENDATION

STAFF RECOMMENDATION:

Staff recommends approval of the Binding Site Plan subject to the following suggested Conditions of Approval:

Binding Site Plan:

1. Development shall occur as portrayed on the Binding Site Plan map.
2. All utility, stormwater, drainage, maintenance, and landscaping buffers/easements, together with attendant restrictions and conditions, and dedication of the spine road shall be portrayed on the face of the site plan or recorded on a separate page along with the Binding Site Plan.
3. The final Binding Site Plan shall be recorded with the Snohomish County Auditor and a copy provided to the City prior to issuance of a Certificate of Occupancy.
4. 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.
5. The terms and conditions contained within the Developer Agreement as recorded under Snohomish County Recording Number 201510260323 shall apply to the Binding Site Plan and the Recording Number shall be noted on the face of the Binding Site Plan.
6. Certificates of Occupancy. In addition to the requirements of the MCMC and the enforcement provisions set forth in the Development Agreement, the City may withhold certificates of occupancy for all or any part of the Project until all building permit requirements and Project Conditions of Approval have been met to City's satisfaction.

Landscaping/Building Design:

7. Existing street trees and the mature trees within the 50-foot roadway buffer and 20-foot perimeter landscape buffer will be retained where practical and appropriate. The Director of Community and Economic Development or designee shall determine the trees to be retained based upon the existing trees' compatibility with future improvements to be

constructed in the vicinity. This determination shall be made in the field prior to the commencement of clearing and grading activities.

8. Trees to be retained shall be shown on the Clearing and Grading Plans. Barrier fencing shall be placed by the developer around the driplines of the trees to be retained prior to commencing clearing and grading, and shall be maintained until construction is completed.
9. 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.
10. All private landscaped areas are to be maintained by the owner/property management and shall be shown on the face of the Binding Site Plan.
11. In the 50-foot roadway buffer, the existing street trees shall be retained and the existing sidewalk shall be removed and replaced with a 6-foot wide concrete meandering sidewalk along the SR 96 frontage.
12. The 20-foot perimeter landscape buffer shall contain a 6-foot wide paved trail and pedestrian amenities along with perimeter landscaping. The landscape plans shall include a mix of evergreen and deciduous trees to be planted around the perimeter of the site to enhance any retained vegetation and to provide a visual buffer between the existing residential uses and the proposed residential buildings.
13. The developer shall coordinate with the adjacent property owners along the southern boundary to protect the existing residential fencing during construction. If damage occurs, the developer shall coordinate with the property owner the repair and/or replacement of the fence. The fencing detail shall be shown on the Landscape Plan and is subject to Design Review Board approval.
14. The Developer will install wheel stops or another form of vehicle stop at the end of all parking stalls that abut a landscape area or walkway to prevent damage to landscaping and to allow full use of pedestrian walkways, pursuant to MCMC Section 17.34.040.H.2.c.
15. The buildings, signage, lighting, streetscape landscaping & furnishings, and pedestrian amenities, along with all site landscaping shall be designed in accordance with Section 17.34.040, MCMC, the EGUV Design Guidelines and reviewed and approved by the City's Design Review Board prior to installation. Landscaping may be installed in phases but must be in place prior to the issuance of a Certificate of Occupancy for buildings adjacent to said landscaping.
16. Trash cans and recycling enclosures shall be depicted on the site plan for the mixed-use buildings, and the trash/recycling enclosures shall have solid doors to fully screen the

trash containers per MCMC Section 17.34.040.8.a-c. Trash enclosure building materials and color are subject to review and approval of the Design Review Board.

17. Street furniture shall be provided along the new section of 41st Avenue SE and 133rd Street SE and shown on the landscape and streetscape plans. Street furniture shall include, but not be limited to bicycle racks, planters, benches, and trash cans.
18. The developer shall provide a secured performance bond for the approved landscape plan equal to 125 percent of the cost of labor and materials, in accordance with MCMC Section 16.16.040, posted prior to the issuance of the first building permit.
19. Once the Developer has fulfilled the obligations of the landscape performance bond, the developer shall enter into a two-year maintenance agreement for the approved and installed landscaping in accordance with MCMC Section 16.16.090.

LEED Neighborhood Design Standards:

20. The Binding Site Plan, construction (civil) plans and buildings permits shall be reviewed for consistency with the 2009 LEED Neighborhood Design requirements. Civil Plans will not be issued until the City determines that the development meets the LEED Neighborhood Design Standards.

Construction of Public Roads and Site Improvements:

21. Construction activity that generates noise levels shall be limited to Monday through Friday, 7 a.m. to 9 p.m., with weekend hours 8 a.m. to 9 p.m. as required by MCMC Section 9.14.030.
22. No non-attended idling of construction equipment shall be permitted and mufflers are required on all construction vehicles.
23. A Clearing and Grading permit for all clearing, grading, roadway, stormwater, and erosion control work shall be approved by the City Engineer and Director of Community Development prior to any clearing or grading work on the site.
24. The developer shall construct all frontage improvements along 132nd Street SE (SR 96) required by the Washington State Department of Transportation and the EGUV Engineering Study dated December 2012, including, but not limited to, a new right-in, right-out access point for Road A (41st Avenue SE). The design, construction, and operation of the SR 96 improvements are subject to the review and approval of the Washington State Department of Transportation.
25. The developer shall dedicate or cause to be dedicated to the City the full width of the portion of Road A (41st Avenue SE) and Road B (133rd Street SE). Developer's dedication shall comply with all terms and provisions for roadway alignment as shown on the Binding Site Plan and the requirements of MCMC Chapter 16.14. Dedication shall be completed either by (i) showing the dedication on the face of the Final BSP for the

project; or (ii) by separate dedication deed approved and accepted by City before the Final BSP is released for recording.

26. The developer shall construct the 30-foot wide public right-of-way improvements for Road A (41st Avenue SE) with a sidewalk on the east side and a temporary curb on the west side as shown on the Binding Site Plan and Preliminary Clearing and Grading Plans. In addition, the Developer shall construct the full 72-foot width of the public right-of-way for Road B (133rd Street SE). Road construction shall include: (i) full width of the street and sidewalk cross section; (ii) on-street parking as approved by City; (iii) street and pedestrian lighting; (iv) stormwater and drainage facilities; (v) street trees and landscaping; and (vi) signage and striping.
27. The Developer shall install a six-foot wide trail with amenities within the 20-foot perimeter landscape buffer. The location of the trail shall be field located by the Developer and approved by City staff prior to construction. Amenities may include pedestrian lighting and small activity nodes with benches, and/or picnic tables, per the EGUV Design Guidelines.
28. All public improvement work shall be adequately secured through a security device (such as a bond, assignment of funds, etc.) acceptable to the City prior to beginning construction in accordance with MCMC Chapters 16.16 and 16.20.
29. An easement shall be obtained from the property owner to the west to allow the location, construction and maintenance of the stormwater pond and Road A, as well as the stockpiling of soil. Verification of an executed easement shall be provided to the City prior to approval of the Clearing and Grading permit.
30. The developer shall submit a geotechnical report to address the construction of improvements. This includes, but is not limited to fill under the parking lots, building foundations, stormwater facilities, and retaining walls.

Storm Drainage Facilities

31. 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 February 2005 Department of Ecology Stormwater Management Manual for Western Washington with Appendix 1 of the City's Phase 2 NPDES permit (dated as effective September 1, 2012):
 - A. Drainage plans shall be submitted to the City Engineer and Director of Community and Economic Development for review and approval.
 - B. A Stormwater Pollution Prevention Plan (SWPPP) shall be prepared and submitted to the City and address the 12 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 Engineer 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 Engineer.
- F. Provisions shall be included with the Final Binding Site Plan 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.

SEPA Mitigation Fees

- 32. The developer shall pay mitigation to the City of Mill Creek in the amount of \$183,000.00 for impacts to the City roadway system. Payment of traffic mitigation fees to the City is required prior to the issuance of the first building permit.
- 33. The developer shall pay mitigation to Snohomish County in the amount of \$128,697.80 for impacts to roads within the TSA D subarea. Payment of traffic mitigation fees to the County is required prior to the issuance of the first building permit.
- 34. Neighborhood Park: In accordance with Resolution 2013-503 and Chapter 17.48 MCMC, the developer shall pay \$254,301.12 (\$1,177.32 per unit x 216 units) to offset impacts to neighborhood parks prior to issuance of first building permit.
- 35. Community Park: In accordance with Resolution 2013-503 and Chapter 17.48 MCMC, the developer shall pay \$154,392.48 (\$714.78 per unit x 216 units) to offset impacts to community parks prior to issuance of first building permit.
- 36. In accordance with the Interlocal Agreement between the City of Mill Creek and Snohomish County Fire District No. 7, the developer shall pay \$81,468.00 to offset development impacts on fire facilities/services. Proof of payment of mitigation fees is required prior to issuance of the first building permit.
- 37. The developer shall enter into a voluntary mitigation agreement with the Everett School District and pay mitigation fees totaling \$45,000.00 and/or in accordance with the fee schedule in effect at the time of issuance of the first building permit or receive a waiver for the school mitigation fees based on the age restriction of 55 years or older. In order to receive a mitigation fee waiver, the developer will be required to provide a fully executed regulatory agreement (Extended Use Agreement) between Washington State Housing

Finance Commission and Vintage at Mill Creek. Proof of payment of mitigation fees or a copy of the Extended Use Agreement is required prior to issuance of the first building permit.

Utilities:

38. The developer shall be responsible for all fees and obtaining the required permits and agreements necessary to provide on and off-site sewer improvements and to extend the water and sewer service to the subject site.
39. All new and existing utilities within the project and along all roadway frontage areas shall be placed underground in accordance with MCMC Section 17.22.110. The developer shall be responsible for all costs associated with undergrounding the utilities. No new utility poles shall be installed in the project site. Appropriate easements or right-of-way for all utilities shall be provided by the developer as shown on the face of the Final Binding Site Plan. Said Utility Construction Plans shall be submitted to the appropriate service provider for review and approval prior to construction.
40. All utilities shall be adequately sized for future built-out conditions of the entire EGUV area in accordance with the Engineering Study.

Fire District Requirements:

41. A minimum of four fire hydrants is required with an average spacing of 350' between hydrants and a maximum distance from any point on a street or road frontage to a hydrant of 210'. Existing fire hydrants may be utilized to provide this, provided they meet the spacing, location, and fire flow criteria. The required minimum fire flow achieved through these minimum 4 (or more) fire hydrants is 3875gpm for 4 hours.
42. A letter from Silver Lake Water and Sewer District stating they can provide this fire flow is required.
43. Ensure all hydrants required for this site are equipped with 4" STORTZ" adaptors.
44. Ensure all *street name* and *no parking* signs are posted prior to occupancy.
45. Building addresses shall be clearly posted on each building.
46. KNOX box(s) would be required to allow fire department access to all sprinkler systems, fire alarm systems, mechanical rooms, etc. Contact the Fire District for number type, size and specific location.
47. No Parking/Fire Lane to be reviewed and coordinated with the Fire District and installed by the developer.

Attachments:

Exhibit 1a – Vicinity Map

Exhibit 1b – Legal Description

Exhibit 1c – List of Project File Contents

EXHIBIT 1a

VICINITY MAP

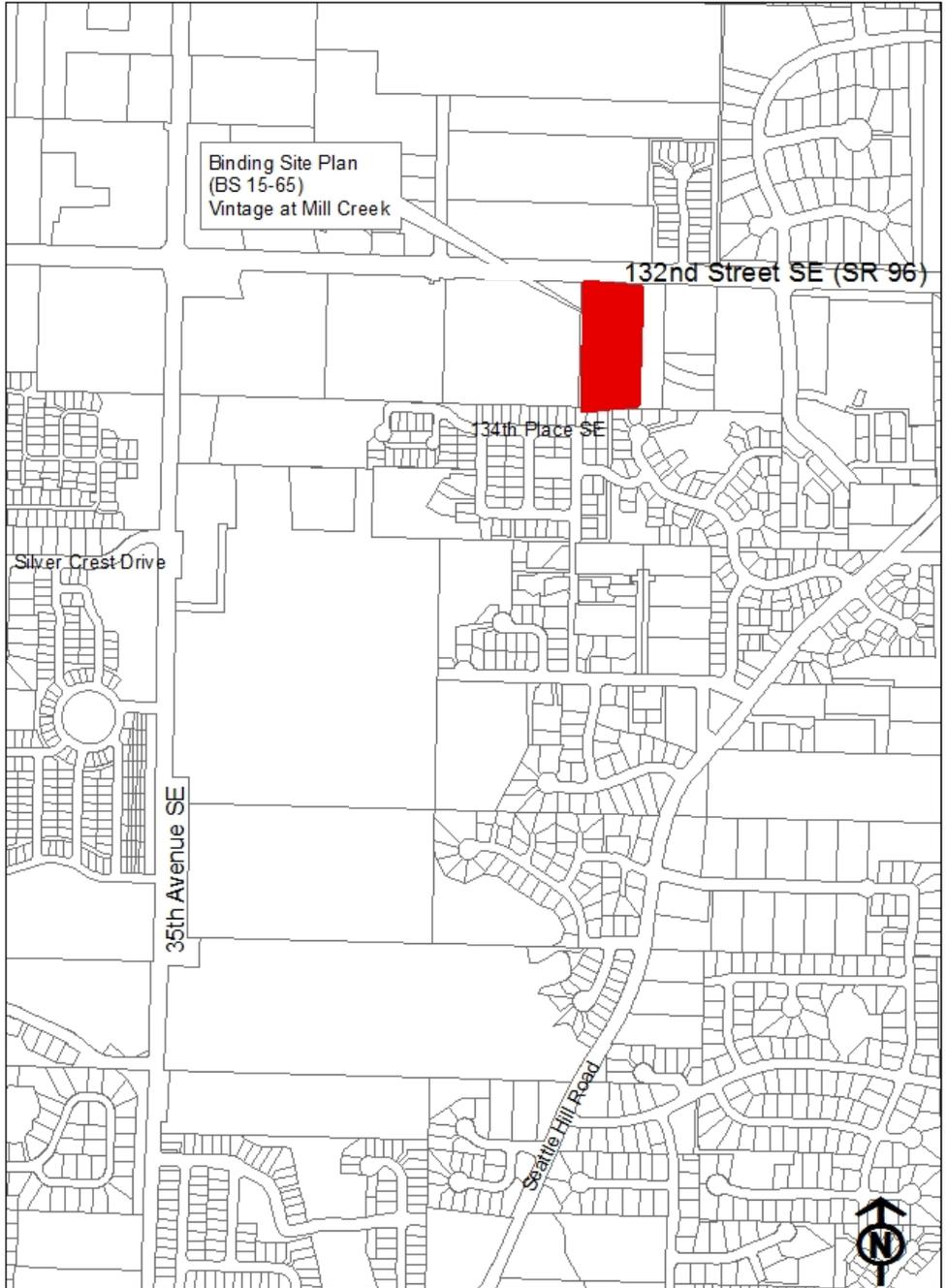


EXHIBIT 1b

LEGAL DESCRIPTION

THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33,
TOWNSHIP 28 NORTH, RANGE 5 EAST, W. M., IN SNOHOMISH COUNTY, WASHINGTON;

EXCEPT THE EASTERLY 389 FEET AS MEASURED ALONG THE NORTHERLY LINE OF SAID NORTHEAST QUARTER
OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER;

EXCEPT THAT PORTION CONVEYED TO SNOHOMISH COUNTY BY QUIT CLAIM DEED RECORDED UNDER
AUDITOR'S FILE NO. 219641;

EXCEPT THAT PORTION CONVEYED TO THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON FOR ROAD
PURPOSE THROUGH DEED RECORDED MARCH 27, 1992 UNDER RECORDING NO. 9203270216, RE RECORDED
BY DEED RECORDED JUNE 3, 1992 UNDER RECORDING NO. 9206030420.

EXHIBIT 1c

CONTENTS OF PROJECT FILE

VINTAGE AT MILL CREEK BINDING SITE PLAN (BS 15-65)

The following documents will be officially entered into the record at the Hearing Examiner Public Hearing on April 13, 2016. The staff report was posted on the City of Mill Creek website on April 2, 2016. All other documents are available for review in the project file at City Hall, 15728 Main Street, Mill Creek.

1	Staff Report to the Hearing Examiner dated April 13, 2016. a) Vicinity Map b) Legal Description c) Contents of Project File
2	Master Land Use Application and Owner's Letter of Authorization, dated March 3, 2015
3	Water and Sewer Availability Letter from Silver Lake Water and Sewer District, dated February 19, 2015
4	Project Narrative, dated March 6, 2015
5	Binding Site Plan, dated April 1, 2016
6	Boundary and Topographic Survey, dated February 17, 2015
7	Preliminary Clearing, Grading, Storm and Utilities Plan (Sheet C1), dated March 9, 2016
8	Preliminary Road Profiles and Sections (Sheet C2), dated February 29, 2016
9	Site Sections (Sheet C3), dated February 29, 2016
10	Tree Protection Plan, dated February 2, 2015
11	Preliminary Landscape Plan, dated June 5, 2015
12	Drainage Report, dated January 2016
13	LEED Compliance Narrative, dated March 6, 2015
14	Parking Analysis, dated March 2, 2016

15	Perteet Peer Review of transpogroup Parking Analysis, dated March 1, 2016
16	Traffic Impact Analysis, dated February 4, 2016
17	Record of Developer Obligations for Traffic Mitigation and Offer to Snohomish County, Signed February 6, 2016
18	Development Agreement (Snohomish County Recording Number 201510260323) Recorded on October 26, 2015
19	Completeness Letter, dated March 26, 2015
20	Notice of Development Application posted on-site April 1, 2015, and Affidavit of Publishing, Posting and Mailing
21	Community Transit Comment email, dated May 6, 2015
22	TRC Comments Letter, dated May 14, 2015 (without attachments)
23	SEPA Checklist, signed March 8, 2016
24	MDNS and Notice of Property Development Impact Mitigation for the Vintage at Mill Creek Binding Site Plan, dated March 10, 2016 (without attachments)
25	Fire District Review Letter, dated March 17 2016
26	Affidavit of Publishing, Posting and Mailing for Public Hearing Notice
31	Staff's PowerPoint Presentation

Yellow Highlight Indicates Exhibits Submitted during the Public Hearing