



NOTICE OF PRELIMINARY DECISION

COWLES SHORT PLAT APPLICATION (PL2022-0003) TO CREATE FOUR PARCELS

NOTICE IS HEREBY GIVEN that the City of Mill Creek has given preliminary approval to the above referenced Short Plat to subdivide 45,301 square feet (1.03 acres) into four single-family residential lots. Access to Lots 1-3 residential will be from a private drive aisle connecting to 41st Ave SE. Lot 4 will retain access from private street 42nd Ave SE. The property is zoned Low Density Residential (LDR). In accordance with state law, a copy of this notice is being provided to the Snohomish County Assessor.

After reviewing the application for conformance with the City of Mill Creek development regulations the City has determined that the application complies with the applicable City regulations. In accordance with Mill Creek Municipal Code Chapter 14.07.020 a copy of the Conditions of Approval is attached.

This approval shall become final within 15 days on July 27, 2022 unless the preliminary approval is appealed to the Mill Creek Hearing Examiner. Regulations on who may file an appeal and how to file an appeal can be found in Chapter 14.11 of the Mill Creek Municipal Code (MCMC). A fee of two hundred and fifty dollars (\$250.00) must accompany the written appeal, pursuant to MCMC Section 3.42.180.A.14.B.

The application materials are available for review at City Hall and on the City's website at www.cityofmillcreek.com. For further information, please contact Justin Horn, Associate Planner, at (425) 921-5727 or justin.horn@millcreekwa.gov.

Approved subject to the attached Conditions of Approval:

A handwritten signature in black ink that reads "Mike Todd". The signature is written in a cursive style and is positioned above a horizontal line.

Mike Todd
Director of Public Works and Development Services
Dated and Signed this 12th Day of July 2022

Pursuant to MCMC 14.07.020, this notice is being mailed to all adjoining property owners and the Snohomish County Assessors Office. In addition, this notice is available on the City's website at www.cityofmillcreek.com.

Attachment 1 – Conditions of Approval



COWLES SHORT PLAT PERMIT PL2022-0003 CONDITIONS OF APPROVAL

OWNER/APPLICANT: Brooks Homes, Inc
13724 42nd Ave SE
Mill Creek, WA 98012

LOCATION: 13710 42nd Ave SE, Mill Creek, WA 98012

The Cowles Short Plat application to subdivide 45,301 square feet (1.03 acres) into four lots is preliminarily approved subject to the following conditions:

Preliminary Short Plat:

1. Development shall occur as portrayed on the Preliminary Short Plat Map.
2. All access, utility, stormwater, drainage, maintenance, and landscaping buffers/easements, together with attendant restrictions and conditions, shall be portrayed on the final plat. Building setback lines shall be shown on the final plat.
3. A 25 foot wide private access and utility easement on Lots 1 and 2, as portrayed on the Preliminary Short Plat Map, shall be shown on the final plat. The easement shall benefit Lots 1-3 of the Cowles Short Plat.
4. Lots 1-3 of the Cowles Short Plat shall have no direct vehicular access onto 42nd Ave SE.
5. In accordance with MCMC Section 16.06.140, the Preliminary Short Plat approval shall expire and become void if the Final Plat is not submitted for approval in accordance with the time frames set forth in RCW 58.17.140.
6. The subdivision shall be incorporated into a homeowners association which will be responsible for the stormwater detention system. Homeowners' association documents in accordance with MCMC Section 16.12.100 shall be submitted with the final plat application and recorded at the time of final plat recording.

7. 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.

Landscaping:

8. Mature trees shall be preserved where practical and a tree preservation plan shall be prepared for each lot. The clearing and grading plans shall identify trees to be preserved and must be approved by the Director prior to issuance of the clearing and grading permit.
9. To protect the roots, barrier fencing shall be placed around the drip lines of the trees to be retained.
10. Trees designated for preservation that are damaged or removed shall be replaced at a ratio of 3:1. The replacement trees shall be a coniferous species and have a minimum height at planting of 10 feet. In addition, a penalty of \$1,000.00 per tree may be assessed for any trees that are removed or destroyed by the developer or his agent without the express approval of the City. The City may, at its discretion, issue a stop work order for the construction on the subject lots until the penalty is paid and a tree replacement plan is approved by the City.

Engineering and Site Work:

11. Grading, roadway, stormwater, and erosion control plans shall be approved by the City prior to any clearing or grading work on the site, MCMC Chapter 15.12.
12. All public improvement work shall be adequately guaranteed through a two-year performance bond acceptable to the City Engineer prior to beginning construction in accordance with MCMC Chapters 16.16 and 16.20 and then be guaranteed with a subsequent two-year maintenance bond for 15% of the approved engineer's estimate.
13. In accordance with MCMC Chapter 16.16, the developer shall construct all necessary public and private site improvements in accordance with City street and development standards.
14. The developer shall submit final engineering design plans and documentation to address all required public and private drainage improvements. The approved stormwater system shall include the following elements and conditions per MCMC Chapter 15.14:
 - A. The stormwater facilities shall comply with the February 2012 Department of Ecology Stormwater Management Manual for Western Washington (amended 2014) with Appendix 1 of the City's Phase 2 NPDES permit (dated as effective September 1, 2012) and the current Low Impact Development manual.

- B. A final geotechnical report shall be submitted to the City Engineer to address the feasibility and design of the proposed rain garden facilities.
 - C. A final stormwater drainage report signed and stamped by a licensed professional engineer shall be submitted to the City Engineer for review and approval.
 - D. 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.
 - E. Provisions shall be included with the Final Short Plat for maintenance of the stormwater system outside the public right-of-way, including, but not limited to, adequate access to maintenance locations, provisions and easements that allow the City to inspect and maintain the system at its discretion, and adequate provisions to ensure uninterrupted function of the facilities for the proposed development.
15. All new utilities within the project 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. Appropriate easements or right-of-way for all utilities shall be provided by the developer and shown on the face of the Final Short Plat.
16. The developer shall install a mailbox structure and covered stand for the proposed development in accordance with City standards. The location of the mailboxes shall be approved in writing by both the City and Post Office prior to installation.

Public Safety:

17. The developer shall ensure that proper address signage clearly states house numbers at the driveway access point on 41st Ave SE and on the individual houses.
18. The 25 foot wide private drive to Lots 1-3 shall be capable of supporting a 75,000 pound fire apparatus.
19. No Parking Fire Lane signs shall be posted on the side of the 25 foot wide private drive opposite the homes.