



**DECISION of the SNOHOMISH COUNTY
HEARING EXAMINER**

Hearing Examiner's Office
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DATE OF DECISION: May 20, 2013

Gordon Sivley
Hearing Examiner

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PLAT/PROJECT NAME: *Camilla Lane*

**APPLICANT/
LANDOWNER:** Kamaljit Deol
17225 Sunset Road
Bothell, WA 98012

FILE NO.: 12-110894-SD, 12-102652-LDA

TYPE OF REQUEST: Major Revision to Preliminary Subdivision and
PRD Official Site Plan Approval

**DECISION
(SUMMARY):** Preliminary Subdivision Revision is **APPROVED**, subject to a
**Pre-condition and Conditions; PRD Official Site Plan is
APPROVED**

BASIC INFORMATION

LOCATION: 17203 Sunset Road, on the east side of Sunset Road, 1000 feet south
of its intersection with 169th Street SE, Bothell, WA

ACREAGE: 4.26 acres

NUMBER OF LOTS: 29 lots

MINIMUM LOT SIZE: 3,303 square feet
GROSS DENSITY: 6.4 du/acre (8.81 du/acre net)

GMACP DESIGNATION: Urban Low Density Residential (ULDR)

ZONING: R-7200

UTILITIES:
Water: Silver Lake Water and Sewer District
Sewer: Silver Lake Water and Sewer District
Electricity: Snohomish County PUD No. 1

SCHOOL DISTRICT: Everett School District No. 2

FIRE DISTRICT: Snohomish County Fire Protection District No. 7

PDS STAFF RECOMMENDATION: Approve, subject to conditions

A. BACKGROUND INFORMATION

1. **The Record.** The official record for this proceeding consists of the Exhibits entered into evidence (Exhibits A.1 through I.2), as well as the testimony of witnesses received at the Open Record Hearing. At the request of the Department of Planning and Development Services (PDS), the record was left open for one week following the May 9, 2013 hearing to permit PDS to provide documentation of the previously granted preliminary plat extensions. This matter was addressed by Exhibit I.1 which was received on May 10, 2013 and added to the record. PDS also provided additional information concerning the location of a student waiting area. (Exhibit I.2) The entire record was admitted into evidence and considered by the Examiner in reaching the decision herein.

NOTE: For a complete record, an electronic recording of the hearing in this case and the Hearing Log is available in the Office of the Hearing Examiner.

2. **Parties of Record.** The Parties of Record are set forth in the Parties of Record Register and include interested parties who testified at the Open Record Hearing.
3. **Public Hearing.** A public hearing was held on May 9, 2013. Witnesses were sworn, testimony was presented at the hearing. Notices of the application and public hearing were issued according to the provisions of SCC 30.70.050. (Exhibits F.1, F.2 and F.3) Notice was concurrently given concerning the SEPA Threshold Determination, Traffic Concurrency and Impact Fee Determinations as required by the County Code.

Bob Pemberton, Howard Knight and Ann Goetz appeared and testified on behalf of PDS. Appearing for the Applicant was Marc Servizi of WH Pacific. No members of the general public appeared at the public hearing.

B. FINDINGS OF FACT

The following Findings of Fact are supported by a preponderance of the evidence presented in the record pertaining to this matter.

1. **Applicant's Proposal.** The Applicant proposes a major revision to the previously approved PRD preliminary subdivision of Camilla Lane. The revision is to increase the number of lots from 24 to 29 lots on this 4.26 acre site. The current zoning is R-7200 and the proposed single-family lots range in size from 3,303 square feet to 4,246 square feet with 37,526 square feet of open space provided. PDS indicated that no critical areas are known to exist on or near the site. The development will take access from Sunset Road via a new internal public road.

2. Site Description. The project is comprised of three parcels. The aggregate site is fairly rectangular in shape and slopes generally from northeast to southwest. The gross area of the proposed development is approximately 4.3 acres. There are two existing single-family structures on the subject site. All structures will be vacated and demolished upon initial site clearing. No wetlands exist on site or within 100 feet of the proposed development. On-site soils consist of Alderwood Soils that have a hydrologic classification of C.
3. Adjacent uses. The subject property is surrounded by residential uses on lots that are generally 1 to 3 acres in size. Canton Ridge (PFN 04-109198), an 81 lot subdivision is proposed to the south. East Creek (PFN 04-110654), a 42 lot Planned Residential Development is proposed to the west. Creekstone, a large subdivision, is proposed to the north. Seattle City Light electric transmission lines are located east of the subject property. Property immediately to the north and west of the subject property are now zoned R-7200. Approximately half of the southern boundary of the subject property borders R-9600 zoned land. The other half of the land bordering to the south is zoned R-7200. Property to the east is zoned R-9600. The urban growth boundary is approximately 200 feet east of the subject property.
4. Project Chronology; Vesting. This application is a revision to the previous Camilla Lane PRD subdivision application under file number 04-114014 (Exhibit B.2.), the approval of which was effective on November 17, 2004. Through approvals issued on November 16, 2009 and October 29, 2012 (Exhibit I.1), the original subdivision approval has been extended until November 17, 2013 and the project remains vested to the development regulations in effect in 2004. This major revision application was originally submitted to PDS on December 14, 2012, and was determined on December 14, 2012 to be complete as of the date of submittal for regulatory purposes and sufficient for further review. The 120-day clock started on December 14, 2012. As of the hearing date, 145 days of the 120-day review period had elapsed.
5. State Environmental Policy Act Compliance. PDS issued a Determination of Nonsignificance (DNS) (Exhibit E.2) for the subject application on March 28, 2013. The DNS was not appealed. Accordingly, the Examiner finds that compliance with the substantive and procedural requirements of SEPA have been met.
6. Approval Criteria.

A. Subdivision Approval.

In order to grant preliminary subdivision approval, the Examiner must find that the applicant has met the approval criteria set forth in SCC 30.41A.100 *et seq.* The Examiner considers each regulation in turn.

- (i) Park and Recreation Impact Mitigation (Chapter 30.66A SCC) The proposal is within the North Creek (Community Family Number 10) park and recreation impact mitigation fee area and is subject to former Chapter 30.66A SCC (repealed on March 11, 2005), which requires payment of \$918.00 for each new single-family residential

unit. Payment is required prior to recording of the final plat; provided, however, the Applicant may elect to postpone payment until issuance of building permits for the dwellings to be constructed on each lot. If such election is made, a covenant requiring such payment must be placed on the face of the recorded final plat and included in the deed for each affected lot within the subdivision. Former SCC 30.66A.100. The Examiner finds that such payment is acceptable as mitigation for parks and recreation impacts in accordance with County codes and policies.

(ii) Traffic Mitigation and Road Design Standards (Title 13 SCC, & Chapters 30.24 and 30.66B SCC)

(a) Road System Impacts, Concurrency and Inadequate Road Conditions (IRC)

(1) Road System Capacity Impacts (SCC 30.66B.310) A development must mitigate its impact upon the future capacity of the road system by paying a road system impact fee reasonably related to the impacts of the development on arterial roads located in the same transportation service area as the development, at the rate identified in SCC 30.66B.330 for the type and location of the proposed development.

The impact fee for this proposal is based on the new average daily trips (ADT) generated by 27 new homes, which is 9.57 ADT/home. This rate comes from the 7th Edition of the ITE Trip Generation Report (Land Use Code 210). With a five percent credit for Transportation Demand Management (TDM) granted by the Department of Public Works (DPW) pursuant to SCC 30.66B.640 because the Applicant submitted a TDM plan, the development will generate 245.47 new ADT and has a road system capacity impact fee of \$55,476.22 (\$1912.97/building permit) based on \$226.00/ADT; the rate for a residential development located in the urban growth area in TSA D at the time of project vesting in 2004. Although the project is located in TSA E, because a majority of its traffic impacts are in TSA D, that TSA was used by the Applicant and DPW to evaluate impact fees. See Exhibit C.1. The impact fee payments are due in accordance with the provisions of SCC 30.66B.340. Payment of such impact fees as mitigation for impacts to County roads demonstrates compliance with SCC 30.66B.310.

(2) Concurrency (SCC 30.66B.120) The County makes a concurrency determination for each development application to ensure the development will not impact a County arterial unit in arrears or cause a County arterial to go in arrears. The subject development is located in TSA E but has impacts in TSA D which, as of the date of submittal, had no arterial units in arrears. Therefore, pursuant to SCC 30.66B.160(2)(a), the development was determined concurrent. The proposed development generates 19.24 AM peak-hour trips and 25.90 PM peak-hour trips which

is less than the threshold of 50 peak-hour trips and, therefore, the development was not evaluated under SCC 30.66B.035.

The development was determined to be concurrent as of January 30, 2013. The concurrency determination expires six years from the date of the determination, in this case January 30, 2018. (Exhibit H)

(3) Inadequate Road Conditions (SCC 30.66B.210) Regardless of the existing level of service, development which adds three or more PM peak-hour trips to a location in the road system determined to have an existing Inadequate Road Condition (IRC) at the time of imposition of mitigation requirements, or development whose traffic will cause an IRC at the time of full occupancy of the development, must eliminate the IRC.

DPW has determined that the subject development proposal will not impact any IRC locations identified within TSA D or E with three or more of its PM peak hour trips, nor will it create any IRC. Therefore, mitigation will not be required with respect to inadequate road conditions and no restrictions to building permit issuance or certificate of occupancy/final inspection will be imposed under SCC 30.66B.210.

(b) Frontage Improvements (SCC 30.66B.410) All developments are required to make frontage improvements along the parcel's frontage on any opened, constructed, and maintained public road. The required improvement is to be constructed in accordance with the EDDS, including correction of horizontal and vertical alignments, if necessary.

Here, the construction of full urban frontage improvements along the subject property's frontage on Sunset Road is required. Sunset Road is designated as a collector arterial on the County's Arterial Circulation Map. Therefore, the required improvements will consist of:

- 18 foot plus 5 foot (for future center turn lane) pavement width plus a 5 foot bicycle lane, from right-of-way centerline to curb face
- Cement concrete vertical curb
- Five (5) foot planter
- Five (5) foot cement concrete sidewalk

Construction of frontage improvements is required prior to recording unless bonding of improvements is allowed by PDS, in which case construction is required prior to any occupancy of the development.

(c) Access and Circulation (SCC 30.66B.420 and Chapter 30.24 SCC) All developments are required to provide for access and transportation circulation in accordance with the comprehensive plan and SCC 30.66B.420, design and construct such access in accordance with the EDDS, and improve existing roads

that provide access to the development in order to comply with adopted design standards, in accordance with SCC 30.66B.430.

The property fronts on and takes access from Sunset Road, which is designated as a collector arterial on the County's Arterial Circulation Map. A public road, Road A, intersects east off of Sunset Road in the center of the development property. Road A intersects near the east property line with Road B. Road B is a public road that forms a "T" with Road A. It runs north/south the entire width of the property, and stubs at the north and south property lines.

The County Engineer has classified internal Road A in the proposed development as a non-arterial urban public residential road. The design speed for a residential road is 25 mph. DPW has determined that the horizontal and vertical curves and the road grades meet EDDS requirements for a 25 mph design speed. DPW also determined that the proposed right-of-way width of 51 feet is adequate for the required improvements.

Similarly, the County Engineer has also classified internal Road B in the proposed development as a non-arterial urban public residential road. The design speed for a residential road is 25 mph. Each leg of Road B north and south from Road A to the property line is less than 150 feet in length, so a turnaround is not required by EDDS 3-10.

The design required by EDDS 3-04, and Standard Drawings 3-050 and 3-065, for Roads A and B is a 51-foot right-of-way width to include: 28-foot pavement width (for two 10-foot travel lanes and an 8-foot parking strip), vertical curbs, 5-foot planter strips, 5-foot sidewalks, and 1-foot of right-of-way behind the sidewalks, which is what the plans show.

The road system into this development from the Sunset Road/Road A intersection will be a dead end until other developments adjacent to the north or south have been constructed. Until then, the current design does not meet the minimum requirements of EDDS 3-01 (B.4) for road circulation, layout and design. However, the Applicant has made provisions for future road circulation and connection by dedicating right-of-way and constructing (stubbing) Road B to the north and south property lines. DPW has found this to be acceptable.

(d) Right-of-Way Requirements (SCC 30.66B.510 and 30.66B.520) A development is required to dedicate, establish or deed right-of-way to the County for road purposes as a condition of approval of the development, when to do so is reasonably necessary as a direct result of a proposed development, for improvement, use or maintenance of the road system serving the development.

Sunset Road is designated as a collector arterial road on the County's Arterial Circulation Map. This requires a right-of-way width of 35 feet on each side of the right-of-way centerline. Thirty feet of right-of-way presently exists on the

development's side of the right-of-way. Therefore, five feet of additional right-of-way is required. This is adequately shown on the preliminary plat.

(e) Impacts to State Highways (SCC 30.66B.710) When a development's road system includes a state highway, mitigation requirements will be established using the County's SEPA authority consistent with the terms of the interlocal agreement between the County and the Washington State Department of Transportation (WSDOT). This is consistent with the County's SEPA policy SCC 30.61.230(9), through which the County designates and adopts by reference the formally designated SEPA policies of other affected agencies for the exercise of the County's SEPA authority.

This development is subject to SEPA and thus is subject to the Interlocal Agreement (ILA) with WSDOT and Snohomish County effective December 21, 1997, and as amended. The Gibson traffic study dated November, 2012 indicates that the proposed development will not impact any WSDOT improvement projects identified in Exhibit C.1 with three directional PM peak hour trips, and therefore should not be required to pay any mitigation fees to WSDOT. (Exhibit C.1) Comments dated December 31, 2012 have been received from WSDOT indicating agreement with the traffic study, and the State does not request that the Applicant pay a traffic impact mitigation fee for state highways. Therefore, a traffic impact fee will not be required for this development for impacts to state highways.

(f) Impacts to City Streets and Roads (SCC 30.66B.720) Mitigation requirements for impacts on streets inside cities and roads in other counties will be established consistent with the terms of a Reciprocal Traffic Mitigation ILA between the County and the other jurisdictions.

Snohomish County has an ILA with the City of Mill Creek and this development is within the influence area that requires traffic mitigation be considered for the City. Based on the trip distribution from the Gibson traffic study dated November 2012, the development will impact City arterials with a total of 5 PM peak hour trips. Gibson Traffic Consultants calculate that the Applicant would owe the City of Mill Creek a total of \$4,980.00, based on the mitigation fee of \$996.00 per PM peak hour trip (in effect at the time this project was vested) x 5 PM peak hour trips. That is \$171.72 per lot. PDS indicated that it received comments dated January 30, 2013 from the City indicating agreement with that amount. Therefore, PDS recommends that a condition of approval be imposed that the Applicant pay that amount to the City.

(g) Transportation Demand Management (TDM) (SCC 30.66B.630) The County requires all new developments in the urban area to provide TDM measures. Sufficient TDM measures are to be provided to indicate the potential for removing a minimum of five (5) percent of a development's P.M. peak hour trips from the road system. This requirement may be met by site design requirements provided under SCC 30.66B.640. A TDM Plan was submitted with

the application for this development, and PDS determined that it meets the minimum code requirements for acceptance. Therefore, the TDM fee obligation has been waived, and a five percent reduction credit on the number of ADT generated by this project has been given in the calculation of its road system capacity impact fee.

Based on the Findings of Fact set forth above, the Examiner finds that the proposed subdivision as conditioned, will meet the County's traffic mitigation and road design standards.

(iii) Pedestrian Facilities (RCW 58.17.110)

The County is required to make findings regarding safe walking conditions for school children that may reside in the subject development. Comments from the Everett School District dated January 11, 2013 were received by PDS. (Exhibit G.6) The District indicated that all grade levels of public school children will be provided with bus transportation to school. The bus stop location was identified as Sunset Road and Road A, which is the access point into the development on Sunset Road. The District also requested the installation of one hard surfaced student waiting area at the entrance to the development. It indicated that the waiting area should be approximately 10 feet by 15 feet in size. The District indicated that this could be accomplished by filling the 5 foot planter strip with concrete for a distance of 15 feet. (Exhibit I.2) Although the waiting area is not shown on the project plans, PDS has proposed that the waiting area be located on Sunset Road, just north of the intersection with Road A. At the hearing, the Applicant's representative indicated that the Applicant agrees to provide the waiting area as requested by the District. Road A will have sidewalks on both sides to the bus stop, as will Road B. The Applicant will also construct urban standard frontage improvements on Sunset Road, which includes sidewalks. Based on this, no additional off-site pedestrian facilities will be required.

(iv) Bicycle Facilities The subject development borders on a right-of-way, Sunset Road, which has been identified on the adopted Bicycle Facility System Map. Therefore, a bicycle path is required along the development's frontage on Sunset Road. This will be incorporated into the required frontage improvements.

(v) Mitigation for Impacts to Schools (Chapter 30.66C SCC) Chapter 30.66C SCC provides for collection of school impact mitigation fees at the time of building permit issuance based upon certified amounts in effect at that time. Pursuant to Chapter 30.66C SCC, school impact mitigation fees will be determined according to the Base Fee Schedule in effect for the Everett School District No. 2 at the time of building permit submittal and collected at the time of building permit issuance for the proposed units. Credit is to be given for three (3) existing lots. Payment of school impact fees has been included as a condition of approval of the development.

(vi) Drainage and Land Disturbing Activities (Clearing and Grading) (Chapters 30.63A and 30.63B SCC) Drainage will be controlled by routing runoff from all areas to be developed through a detention vault in the southwest portion of the site. Water

quality will be provided by a biofiltration swale located downstream of the detention vault. PDS (Engineering) has reviewed the concept offered and recommends approval of the project, subject to conditions which would be imposed during full drainage plan review pursuant to Chapter 30.63A SCC. Grading quantities are anticipated to be approximately 9,500 cubic yards of cut and 9,500 cubic yards of fill, primarily for road, drainage facility, and home site construction. Water quality will be controlled during construction by use of silt fences and straw bales in accordance with a Temporary Erosion and Sedimentation Control Plan (TESCP) required by Chapter 30.63A SCC.

(vii) Critical Areas Regulations (Chapter 30.62) There are no critical areas on or within 100 feet of the subject property.

(viii) International Fire Code (Chapter 30.53A SCC) Under the Fire Code, fire hydrants serving single-family dwellings shall have a maximum lateral spacing of 600 feet with no lot or parcel in excess of 300 feet from a hydrant. Hydrant locations shall be depicted on the face of the plat, and locations for new hydrants shall be approved by the Fire Marshal. The Fire Marshal indicated that all hydrants must meet the following requirements: four (4) inch storz-type steamer port fittings shall be provided, the tops of the hydrants shall be colored green and blue street reflectors must be installed on the hydrant side of the centerline of the street serving the lots in the plat to indicate hydrant locations. The Fire Marshal also determined that the minimum required fire flow for this project is 1,000 GPM at 20 psi for a one-hour duration. (Exhibit G.8) If the required fire flow cannot be provided, the new dwellings shall be provided with NFPA 13-D fire suppression systems. The Fire Marshal also required that a restriction be included on the final plat that if there are dwellings that exceed 3,600 square feet, the required fire flow shall be determined using Appendix B of the 2006 edition of the International Fire Code. Because fire apparatus access is not to be obstructed in any manner including the parking of vehicles, the Fire Marshal and Snohomish County Fire District No. 7 requested that the Applicant provide signage or pavement striping on one side of the access road stating "NO PARKING – FIRE LANE" to ensure access availability. If pavement striping is used the curbs shall be painted yellow with black lettering.

The Fire Code requires that dead-end roads in excess of 150 feet in length be provided with a turnaround unless a modification is granted by the Fire Marshal. In the instant case, the Fire Marshal indicated that if the road system in the development is not connected with the plats of Canton Ridge and Creekstone before construction begins on the dwellings, the Applicant must provide a cul-de-sac turnaround or, if the Applicant wishes to pursue and gain approval for a hammerhead design, the Applicant will need to make the request in writing and provide NFPA 13-D fire suppression systems in the dwellings.

The Fire Marshal also requested that a condition of approval be imposed that approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property and that street signage shall be in place prior to occupancy. Numbers shall contrast with their background Section 505.1 IFC.

(ix) Utilities. Water and sanitary sewer will be supplied by the Silver Lake Water and Sewer District. Preliminary Certificates of Water and Sewer Availability were received dated January 15, 2013. (Exhibit G.4) Snohomish County Public Utility District has provided correspondence indicating that it can provide electrical service for the project. (Exhibit G.5)

(x) Zoning (Chapter 30.2 SCC) This project will meet zoning code requirements for lot size, bulk regulations and other zoning code requirements, including those required under the Planned Residential Development (PRD) requirements, as discussed below.

(xi) As conditioned, the plat will meet all of the County's transportation and road regulations and design standards. The Examiner finds that all lots as proposed are outside of all regulated flood hazard areas and that none of the lots are proposed in areas that are subject to flood, inundation or swamp conditions. (SCC 30.41A.110) The Fire Marshall has determined that the project will meet the County's fire regulations subject to the proposed conditions. Accordingly, the Examiner finds that the proposed plat, as conditioned, also meets the general requirements under SCC 30.41A.100 with respect to health, safety and general welfare of the community.

B. Planned Residential Development Approval. (Chapter 30.42B SCC)

In addition to meeting the requirements of the County's subdivision regulations, the Applicant is seeking to develop a PRD, and must meet the additional requirements of Chapter 30.42B SCC.

(i) Unit Yield (SCC 30.42B.040) PDS determined that the Net Development Area is 185,747 square feet yielding 25.80 units under the 7200 square foot lot size minimum. Since there are no critical areas or buffers, there is no bonus under SCC 30.42B.040(2)(c). Therefore, the total unit yield under SCC 30.42B.040(2)(d) is 31 units. The Applicant has proposed 29 units.

In the R-7200 zone, the maximum number of dwelling units allowed is reduced so that the maximum net density does not exceed nine (9) dwelling units per net acre. The net density for the subject application is 6.81 du/acre. Accordingly, the requirement has been met.

(ii) Design Criteria (SCC 30.42B.100) The proposed project has been reviewed by PDS and was found to meet the requirements of the applicable zoning regulations. This PRD is accompanied by an application for a preliminary subdivision and the Applicant has appropriately proposed the construction of single-family detached residential units in the R-7200 zone.

(a) Open Space. A minimum of 20 percent of the gross site area or 37,149 square feet of open space is required. The total open space provided is 37,526 square feet which meets the requirement. Total open space will be permanently established in clearly designated separate tracts. The tracts in this development will be owned by all lot owners in accordance with SCC 30.42B.115(1)(e)(iii).

Required covenants, conditions and restrictions will be recorded to provide for maintenance of the total open space in a manner which will assure its continued use as approved.

(b) On-site Recreation. Total open space must contain usable space in the amount of 600 square feet per dwelling unit. The minimum requirement in this case is 29 units x 600 = 17,400 square feet and the Applicant has provided 31,945 square feet of the open space as usable open space. Forty percent (6960 square feet) of the required usable open space must be located in a single open space tract or permanent easement and this is provided since Tract 999 contains 22,386 square feet of usable open space. No areas of usable open space are less than 20 feet wide as required by SCC 30.42B.115(2)(d), except for segments containing trails. Usable open space must be accessed by all-weather pedestrian pathways and/or sidewalks from all lots and dwellings within the PRD. SCC 30.42B.115(2)(e). The proposal complies with these provisions.

(c) Active Recreation Uses. Thirty percent of the required useable open space is to be developed for active recreation uses. Based upon the useable open space requirement of 17,400 square feet, 5220 square feet of active recreation area is required. The Applicant proposes 31,945 square feet of active recreation area. The trail system, open play area and play structure area comprise the majority of the active recreation spaces. Areas proposed for active recreation uses meet the maximum slope criteria of less than six percent.

(d) Landscaping.

(1) Drainage Detention Facility Landscaping. No man-made surface detention facilities are proposed, so the landscaping standards for such facilities are not applicable to this application.

(2) Site Perimeter Landscaping. Site perimeter landscaping is required and must be established as a tract or easement along any property boundary of a PRD where adjacent property is currently zoned or designated for single-family residential use unless the exceptions in SCC 30.42B.125(3)(a) applies. PDS determined that certain exemptions apply as follows:

A Seattle City Light transmission line easement, greater than 15 feet in width, runs along the easterly boundary of the proposal. No perimeter landscaping is required along that property line (Lots 12 through 19).

When the front or side yards of the perimeter lots of a PRD abut a road frontage, no site perimeter landscaping will be required other than streetscape landscaping pursuant to SCC 30.42B.125(4). This section applies to the westerly boundary of the plat along the frontage of Sunset Road.

When the perimeter of the PRD abuts another property zoned PRD, no site perimeter landscaping will be required. This section applies to the southerly boundary of the subdivision which is adjacent to Canton Ridge, an approved PRD subdivision.

Where the proposed perimeter lots have a minimum area of 6000 square feet (or) are at least 100 feet in depth, no site perimeter landscaping will be required. This section applies to the area of proposed Lot 11.

(3) Streetscape Landscaping. Landscaping has been provided that complies with the criteria for streetscape as shown on the landscape plans (see Exhibit B.3).

(4) Landscaping Performance Bond. The submittal of a bond or other guarantee of performance, for approval by PDS prior to construction plan approval, will be required as provided in the County Code.

(e) Tree retention. The Applicant has submitted a conceptual tree plan (Exhibit B.3) that provides trees at the required rate of two per lot and identifies the number of significant trees, which are located for the most part in open space area, which are to be retained. The Applicant proposes the planting of new trees that exceed the minimum requirements.

(f) Drainage detention facilities. The Applicant proposes an underground detention vault for detention of stormwater along with a biofiltration swale. Preliminary plans have been determined by PDS to conform to the provisions of SCC 30.42B.135, Chapter 30.63A SCC, the Washington Department of Ecology Drainage Manual, and the Engineering Design and Development Standards (EDDS).

(g) Roads, Access, Circulation, Pedestrian Facilities and Parking. In a PRD, roads, access, circulation, and pedestrian facilities are to be provided pursuant to Chapter 30.24 SCC. This PRD has been designed to provide adequate road access, connection and circulation to minimize traffic congestion, provide connection to adjoining neighborhoods where feasible, ensure adequate utility services, and provide emergency vehicle access. The configuration and design of the roads and access facilities in this development have been reviewed extensively and have been found to comply with Chapter 30.24 SCC, Chapter 30.66B SCC, Chapter 30.53A SCC, and EDDS.

A new public road intersecting with Sunset Road and Road B are proposed within the development. All of the lots will be accessed directly from the new roads.

The County engineer has determined the project provides adequate connection to County roads.

The PRD has been designed to provide adequate and safe pedestrian access to and circulation within the development by sidewalks and trails.

The PRD has been designed to provide parking as required by Chapter 30.26 SCC. The code requires two spaces per dwelling unit plus one-half space per dwelling unit for guest parking. Two spaces per single-family dwelling unit (located in each home's garage) are proposed. Two additional parking spaces for guests are proposed in each of the driveways in front of the garages.

(h) Bulk Requirements. PDS determined that the proposed PRD site plan complies with the dimensional standards within Table 1 of SCC 30.42B.145 for single-family residential development, including lot width, lot area, setbacks and lot coverage. The Applicant has demonstrated that all lots meet the bulk requirements.

(i) Specific Housing Types. The Applicant proposes single-family residential structures for this development. The development plans indicate variation in modulation of the front setbacks and building envelopes of the proposed residences. Typical floor plans and street elevation drawings submitted (see Exhibit B.6) will provide for a visually diversified streetscape as shown in the plans. The use of a variety of floor plans, elevations, and product types provide the modulation and variation prescribed. No portion of any building or appurtenance shall project into any open space.

7. Any Finding of Fact in this Decision, which should be deemed a Conclusion of Law, is hereby adopted as such.

C. CONCLUSIONS OF LAW

1. The Examiner has original jurisdiction over subdivision and PRD applications pursuant to Chapters 30.41A, 30.42B, 30.72 SCC and Chapter 2.02 SCC.
2. The Examiner must review the proposed subdivision application under RCW 58.17.110, the legal standard for approval of a preliminary subdivision. The Examiner must find that:

The proposed subdivision complies with the established criteria therein and makes the appropriate provisions for public, health, safety and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and other planning features including safe walking conditions for students

The Examiner concludes that the Applicant has met its burden in showing the established criteria have been met. The proposal is consistent with the state subdivision statute.

3. The proposed subdivision also meets Chapter 30.41A SCC requirements. The proposed subdivision conforms generally with the development regulations of Title 30 SCC. There is open space provided within the subdivision in the form of usable open space areas. The single-family homes within the subdivision will be in character with the urban area. Provisions for adequate drainage have been made in the conceptual plat design which indicates that the final design can conform to Chapter 30.63A SCC and Chapter 30.63C SCC. The subdivision, as conditioned, will conform to Chapters 30.66A, 30.66B and 30.66C SCC, satisfying County requirements with respect to parks and recreation, traffic, roads and walkway design standards, and school mitigation. The proposal as conditioned meets the applicable version of the International Fire Code. Adequate drinking water and sewage disposal will be provided by the Silver Lake Water and Sewer District.
4. Given the information provided in the record and the Findings of Fact made above, the Examiner also concludes that the Applicant has met its burden in showing that the subdivision application meets the requirements of Chapter 30.41A SCC.
5. Based on Finding of Fact 6.B. and a review of the code requirements for PRDs (Chapter 30.42B SCC), the Examiner concludes that the development as designed meets the design and performance standards of the PRD regulations and the Official Site Plan should be approved.
6. The Examiner concludes that adequate public services exist to serve this proposal.
7. If approved with the recommended pre-condition and conditions, the proposal will make adequate provisions for the public health, safety, and general welfare.
8. Any Conclusion of Law in this Decision, which should be deemed a Finding of Fact, is hereby adopted as such.

D. DECISION

Based on the foregoing Findings of Fact and Conclusions of Law, the Hearing Examiner hereby issues the following final decision and order:

The Preliminary Subdivision Revision is **APPROVED**, subject to the following pre-condition and conditions:

PRE-CONDITION

The Preliminary Plat and PRD Site Plan received by PDS on December 14, 2012 (Exhibit B.1) shall be modified to show the 10 foot by 15 foot hard surfaced student waiting area along Sunset Road, just north of the intersection with Road A.

CONDITIONS

- A. The Preliminary Plat and PRD Site Plan received by PDS on December 14, 2012 (Exhibit B.1), modified as required by the Pre-condition, shall be the approved plat

configuration and shall constitute the PRD Official Site Plan. Changes to the approved preliminary plat are governed by SCC 30.41A.330. Changes to the PRD Official Site Plan are governed by SCC 30.42B.220.

B. Prior to initiation of any further site work, and/or prior to issuance of any development permits by the County:

i. A detailed landscape and recreational facilities plan shall have been submitted to and approved by PDS. The plan shall be prepared in general conformance with Exhibit B.3 and with all required landscape standards for perimeter, streetscape and open space treatment and shall include a significant tree retention plan.

ii. The Applicant shall submit to PDS covenants, deeds, and homeowners' association bylaws, and other documents guaranteeing maintenance and common fee ownership, if applicable, of open space, community facilities, and all other commonly-owned and operated property. Such documents shall include covenants assuring permanent, ongoing maintenance of landscape areas. These documents shall have been reviewed and accompanied by a certificate from an attorney that they comply with the requirements of Chapter 30.42B SCC prior to approval by PDS.

C. All site development work shall comply with the requirements of the plans and permits approved pursuant to Conditions A and B above and the following requirements:

i. Fire flow and fire hydrants shall be provided in accordance with Snohomish County Code 30.53A.514 through 30.53A.520. The approved development/construction plans shall show hydrant locations and locations for new hydrants shall be approved by the Fire Marshal. Fire hydrants serving single-family dwellings shall have a maximum lateral spacing of 600 feet with no lot or parcel in excess of 300 feet from a hydrant. The following requirements shall apply to the installation of any required hydrant:

Four (4) inch storz type steamer port fittings shall be provided on new hydrants.

The top(s) of the hydrant(s) shall be colored green.

Blue street reflector(s) shall be installed on the hydrant side of centerline to indicate hydrant location(s).

ii. Fire apparatus access shall not be obstructed in any manner including the parking of vehicles. Signage or pavement striping shall be provided stating "NO PARKING – FIRE LANE" to ensure access availability. If pavement striping is used the curbs shall be painted yellow with black lettering.

D. The following additional restrictions and/or items shall be indicated on the face of the final plat:

i. "SCC Title 30.66B requires the new lot mitigation payments in the amounts shown below for each single-family residence building permit:

\$1,912.97 per lot for mitigation of impacts on County roads paid to the County.

\$171.72 per lot for mitigation of impacts on City of Mill Creek streets paid to the City. Proof of payment is required.

These payments are due prior to or at the time of building permit issuance for each single-family residence. Notice of these mitigation payments shall be contained in any deeds involving this subdivision or the lots therein.”

ii. “The dwelling units within this development are subject to park impact fees for the North Creek park and recreation impact mitigation fee area of the County parks system in accordance with SCC 30.66A which requires payment of \$918.00 for each new single-family residential unit.”

iii. “The lots within this subdivision will be subject to school impact mitigation fees for the Everett School District No. 2 to be determined by the certified amount within the Base Fee Schedule in effect at the time of building permit application, and to be collected prior to building permit issuance, in accordance with the provisions of SCC 30.66C.010. Credit shall be given for three existing lots. Lots 1, 2 and 3 shall receive credit.”

iv. “All open space shall be protected as open space in perpetuity. Use of the open space tracts within this subdivision is restricted to those uses approved for the planned residential development, to include open play areas, picnic areas, recreational trail system, viewing platform, drainage facilities, benches, and required landscape improvements as shown on the approved site plan and the approved landscape plan. Covenants, conditions and restrictions as recorded with the plat, and as may be amended in the future, shall include provisions for the continuing preservation and maintenance of the uses, facilities and landscaping within the open space as approved and constructed.”

v. “If there are dwellings that exceed 3,600 square feet the required fire flow shall be determined using Appendix B of the 2006 edition of the International Fire Code.”

vi. “Access to all the lots shall be to and from the new public roads created by the subdivision.”

E. In conformity with applicable standards and timing requirements:

i. The preliminary landscape plan (Exhibit B3) shall be implemented. All required detention facility landscaping shall be installed in accordance with the approved landscape plan.

ii. All development activity shall conform to the requirements of Chapter 30.63A SCC.

F. Prior to recording of the final plat:

- i. The new public roads shall have been constructed to the satisfaction of DPW.
- ii. Urban standard frontage improvements shall have been constructed along the property frontage with Sunset Road to the satisfaction of DPW unless bonding of improvements is allowed by PDS, in which case construction is required prior to any occupancy of the development.
- iii. If the road connection to the adjacent plats is/are not in place before final plat recording, the required turnaround shall be in place.
- iv. Covenants, deeds, and homeowners' association bylaws, and other documents guaranteeing maintenance of open space, community facilities and commonly owned and operated property, if applicable, and restricting use of the tracts to that specified in the approved PRD Official Site Plan shall have been submitted to and approved by PDS and recorded with the County Auditor, except that the conveyance of land to a homeowners' association may be recorded simultaneously with the filing of the final plat.
- v. If the Applicant elects to postpone payment of park and recreation impact fees until issuance of building permits, a covenant requiring such payments shall be placed on the face of the final plat and included in the deed for each affected lot within the subdivision.

G. Prior to occupancy of the first unit:

- i. Street signage shall be in place.
- ii. Fire lane signs and/or striping shall be completed as required by the County Fire Marshal's Office.
- iii. Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or access way fronting the property. Numbers shall contrast with their background Section 505.1 IFC.
- iv. Site improvements including landscaping, fencing, pedestrian facilities, recreational amenities and trails depicted on the approved PRD Official site plan and landscape plans shall be installed, inspected and approved.
- v. A bond or other guarantee of performance shall have been submitted to and accepted by PDS to assure compliance with the provisions of SCC 30.42B.125.

Nothing in this approval excuses the Applicant, owner, lessee, agent, successor or assigns from compliance with any other federal, state or local statutes, ordinances or regulations applicable to this project.

Revisions to preliminary plats which were previously approved by the County do not extend the term of the preliminary plat approval. The preliminary plat of *Camilla Lane* was originally approved on November 17, 2004 and, under the provisions of SCC 30.41A.300 then in effect, was valid for five (5) years. That approval was extended by PDS for three (3) years on November 16, 2009. It was then extended by PDS for one (1) additional year on October 29, 2012. Thus, the approval of the preliminary plat of *Camilla Lane* will expire on November 17, 2013.

DATED this 20th day of May, 2013.


Gordon Sivley, Hearing Examiner

EXPLANATION OF RECONSIDERATION AND APPEAL PROCEDURES

The decision of the Hearing Examiner is final and conclusive with right of appeal to the County Council. However, reconsideration by the Examiner may also be sought by one or more parties of record. The following paragraphs summarize the reconsideration and appeal processes. For more information about reconsideration and appeal procedures, please see Chapter 30.72 SCC and the respective Examiner and Council Rules of Procedure.

Reconsideration

Any party of record may request reconsideration by the Examiner **within 10 days** from the date of this decision. A petition for reconsideration must be filed in writing with the Office of the Hearing Examiner, 2nd Floor, Robert J. Drewel Building, 3000 Rockefeller Avenue, Everett, Washington, (Mailing Address: M/S No. 405, 3000 Rockefeller Avenue, Everett WA 98201) **on or before MAY 30, 2013**. There is no fee for filing a petition for reconsideration. "The petitioner for reconsideration shall mail or otherwise provide a copy of the petition for reconsideration to all parties of record on the date of filing." [SCC 30.72.065]

A petition for reconsideration does not have to be in a special form but must: contain the name, mailing address and daytime telephone number of the petitioner, together with the signature of the petitioner or of the petitioner's attorney, if any; identify the specific findings, conclusions, actions and/or conditions for which reconsideration is requested; state the relief requested; and, where applicable, identify the specific nature of any newly discovered evidence and/or changes proposed by the Applicant.

The grounds for seeking reconsideration are limited to the following:

- (a) The Hearing Examiner exceeded the Hearing Examiner's jurisdiction;
- (b) The Hearing Examiner failed to follow the applicable procedure in reaching the Hearing Examiner's decision;
- (c) The Hearing Examiner committed an error of law;

- (d) The Hearing Examiner's findings, conclusions and/or conditions are not supported by the record;
- (e) New evidence which could not reasonably have been produced and which is material to the decision is discovered; or
- (f) The Applicant proposed changes to the application in response to deficiencies identified in the decision.

Petitions for reconsideration will be processed and considered by the Hearing Examiner pursuant to the provisions of SCC 30.72.065. Please include the County file number in any correspondence regarding this case.

Appeal

An appeal to the County Council may be filed by any aggrieved party of record **within 14 days from the date of this decision**. Where the reconsideration process of SCC 30.72.065 has been invoked, no appeal may be filed until the reconsideration petition has been disposed of by the Hearing Examiner. An aggrieved party need not file a petition for reconsideration but may file an appeal directly to the County Council. If a petition for reconsideration is filed, issues subsequently raised by that party on appeal to the County Council shall be limited to those issues raised in the petition for reconsideration.

Appeals shall be addressed to the Snohomish County Council but shall be filed in writing with the Department of Planning and Development Services, 2nd Floor, County Administration-East Building, 3000 Rockefeller Avenue, Everett, Washington (Mailing address: M/S No. 604, 3000 Rockefeller Avenue, Everett, WA 98201) **on or before JUNE 3, 2013**, and shall be accompanied by a filing fee in the amount of five hundred dollars (\$500.00) for each appeal filed; PROVIDED, that the fee shall not be charged to a department of the County. The filing fee shall be refunded in any case where an appeal is summarily dismissed in whole without hearing under SCC 30.72.075.

An appeal must contain the following items in order to be complete: a detailed statement of the grounds for appeal; a detailed statement of the facts upon which the appeal is based, including citations to specific Hearing Examiner findings, conclusions, exhibits or oral testimony; written arguments in support of the appeal; the name, mailing address and daytime telephone number of each appellant, together with the signature of at least one of the appellants or of the attorney for the appellant(s), if any; the name, mailing address, daytime telephone number and signature of the appellant's agent or representative, if any; and the required filing fee.

The grounds for filing an appeal shall be limited to the following:

- (a) The decision exceeded the Hearing Examiner's jurisdiction;
- (b) The Hearing Examiner failed to follow the applicable procedure in reaching his decision;
- (c) The Hearing Examiner committed an error of law; or
- (d) The Hearing Examiner's findings, conclusions and/or conditions are not supported by substantial evidence in the record. [SCC 30.72.080]

Appeals will be processed and considered by the County Council pursuant to the provisions of Chapter 30.72 SCC. Please include the County file number in any correspondence regarding the case.

Staff Distribution:

Department of Planning and Development Services: Bob Pemberton

The following statement is provided pursuant to RCW 36.70B.130: "Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation." A copy of this Decision is being provided to the Snohomish County Assessor as required by RCW 36.70B.130.

PRECONDITION NOTICE

This decision is binding but will not become effective until the above precondition has been fulfilled and acknowledged by the Department of Planning and Development Services (PDS) on the original of the instant decision. Document(s) required for fulfillment of the precondition must be filed in a complete, executed fashion with PDS not later than May 20, 2014.

1. "Fulfillment" as used herein means recordation with the County Auditor, approval/acceptance by the County Council and/or Hearing Examiner, and/or such other final action as is appropriate to the particular precondition(s).
2. One six-month period will be allowed for resubmittal of any required document(s) which is (are) returned to the Applicant for correction.
3. This conditional approval will automatically be null and void if all required precondition(s) have not been fulfilled as set forth above; PROVIDED, that:
 - A. The Examiner may grant a one-time extension of the submittal deadline for not more than twelve (12) months for just cause shown if and only if a written request for such extension is received by the Examiner prior to the expiration of the original time period; and
 - B. The submittal deadline will be extended automatically an amount equal to the number of days involved in any appeal proceedings.

ACKNOWLEDGMENT OF FULFILLMENT OF PRECONDITIONS

The above imposed precondition, having been fulfilled by the Applicant and/or the successors in interest, the Department of Planning and Development Services hereby states that the instant decision is effective as of _____, _____.

Certified by:

_____ (Name)

_____ (Title)

Nothing in this approval excuses the Applicant, owner, lessee, agent, successor or assigns from compliance with any other federal, state or local statutes, ordinances or regulations applicable to this project.

PARTY OF RECORDS REGISTER
CAMILLA LANE
HEARING: 5/9/2013
TIME: 10:00 AM
12-110894-SD

G & D HOMES
KAMALJIT DEOL
17225 SUNSET ROAD
BOTHELL WA 98012

JAGJIT DEOL
11321 – 45TH AVE SE
EVERETT WA 98208

SNO CO PLANNING & DEV/LAND USE
BOB PEMBERTON / WHEELER
3000 ROCKEFELLER AVE #604
EVERETT WA 98201

EVERETT SCHOOL DISTRICT
HAROLD BEUMEL
PO BOX 2098
EVERETT WA 98201

WH PACIFIC
RANDY BLAIR & MARC SERVIZI
12100 NE 195TH ST, SUITE 300
BOTHELL WA 98011

DEPT OF PUBLIC WORKS
COUNTY ENGINEER
3000 ROCKEFELLER AVE
#607
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SILVER LAKE WATER & SEWER
DISTRICT
RICHARD Q GILMORE
PO BOX 13888
MILL CREEK WA 98082-1888

SNO CO FIRE DISTRICT 7
GARY MEEK
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