



**Snohomish County**  
**Office of Hearings Administration**

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**Peter Camp**  
*Hearing Examiner*

## **AMENDED DECISION AFTER RECONSIDERATION of the SNOHOMISH COUNTY HEARING EXAMINER**

### **I. SUMMARY**

**DECISION DATE:** February 28, 2025

**AMENDED** April 30, 2025

**DECISION DATE:**

**PROJECT:** Eastview Village  
8915 Cathcart Way  
Snohomish, Washington

**APPLICANT:** Pacific Ridge – DRH, LLC  
17921 Bothell Everett Highway, Ste.100  
Bothell, Washington 98012

**OWNER:** Forestar (USA) Real Estate Group Inc.  
10515 20th St. SE Suite 116  
Lake Stevens, WA 98258

**FILE NOS.:** 22-113955 SPA                      22-117395 PSD                      22-117404 PSD  
22-114101 SPA                      22-117398 PSD/SPA                      24-113099 SPA  
22-117447 SPA

**APPLICATIONS:** 1,311 dwelling units and 61,000 sq. ft. of commercial space consisting of  
Planned Residential Development subdivision, Planned Residential  
Development official site plan, preliminary subdivision, Urban Residential  
Design Standards administrative site plan, and Single-Family Detached Unit  
site plan

**DECISION** Preliminary Planned Residential Development subdivision, Planned  
**SUMMARY:** Residential Development official site plan, preliminary subdivision, Urban  
Residential Design Standards administrative site plan, and Single-Family  
Detached Unit site plan approved subject to conditions

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### III. SITE SUMMARY

LOCATION: 8915 Cathcart Way  
Snohomish, Washington

TAX PARCEL NUMBERS: 280535-001-003-00  
280535-001-004-00  
280535-001-005-00  
280535-002-006-00  
280535-004-002-00  
280535-004-003-00  
280535-004-004-00  
280535-004-005-00

ACREAGE: 144.88 acres

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COMPREHENSIVE PLAN DESIGNATION:	Urban High Density Residential Urban High Density Residential/Urban Industrial (overlapping designations) Urban Industrial Urban Medium Density Residential Urban Village
ZONING:	Business Park Low Density Multiple Residential Multiple Residential Neighborhood Business
UTILITIES:	
Water:	Silver Lake Water And Sewer District
Sewer:	Silver Lake Water And Sewer District
Electricity:	Snohomish County Public Utility Dist. No. 1
SCHOOL DISTRICT:	Snohomish School District No. 201
FIRE DISTRICT:	Snohomish Regional Fire and Rescue, a regional fire authority
PDS STAFF RECOMMENDATION:	Conditionally approve preliminary subdivisions and site plans.

Based on a preponderance of the evidence of record, the Hearing Examiner finds the following facts and makes the following conclusions of law and decision.

#### **IV. BACKGROUND**

##### **A. Regulatory Review and Vesting**

On August 19, 2022, Pacific Ridge—DRH, LLC applied to Snohomish County Planning and Development Services department (PDS) for a Planned Residential Development (PRD) subdivision, subdivisions using lot size averaging, unit lot subdivisions, Urban Residential Design Standards (URDS) site plans, and a Single-Family Detached Unit (SFDU) site plan. Pacific Ridge submitted additional information on

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December 22, 2023, April 24, 2024, August 26, 2024, and September and October 2024. Pacific Ridge requested consolidated review.<sup>1</sup>

The Hearing Examiner reconsidered the original decision regarding the vesting date because PDS listed three different vesting dates in 2022 and provided a copy of the master permit application filed in 2024.<sup>2</sup> The Hearing Examiner reopened the record to accept additional evidence, argument, and public comment on the vesting date.

PDS explained the correct vesting date for these development applications is October 26, 2022.<sup>3</sup> Pacific Ridge concurred.<sup>4</sup>

Public comments were received. Some were not on the issue of vesting although the record was reopened solely for public comment on the vesting issue. Public comments unrelated to vesting were not timely and not considered.<sup>5</sup> Exhibits Q.15, Q.16, and Q.17 generally supported other public comments (Irwin and Wetzell) re vesting without providing any additional or useful information. Only two public comments on reconsideration raised substantive issues.

Some public comments contended that the Hearing Examiner should not accept the representations of PDS and Pacific Ridge regarding the completeness of the application as of October 26, 2022.<sup>6</sup> In other words, they object to the adequacy of the evidence. The concerns are overruled for several reasons. First, the Hearing Examiner heard no evidence impeaching witnesses' credibility—disagreements, yes, but no credible evidence of a lack of veracity. The Hearing Examiner finds the witnesses credible. Second, the Hearing Examiner may consider testimony and documentary evidence that would lack foundation under Superior Court evidentiary rules:

Hearings before the Hearing Examiner are designed to be accessible to the public without the need for an attorney. Except as provided in Rule 4.8(b), any relevant evidence, including hearsay evidence, may be admitted at the discretion of the Hearing Examiner. Irrelevant, inflammatory, immaterial, unreliable, or unduly repetitious evidence may be excluded.

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<sup>1</sup> Ex. M.2, PDF p. 7.

<sup>2</sup> Ex. Q.7, 9:8-11.

<sup>3</sup> Ex. Q.8, p. 1 (considered by the Hearing Examiner).

<sup>4</sup> Ex. Q.1, 1:13 -2:18 (considered by the Hearing Examiner).

<sup>5</sup> Exhibits Q.14 (general disapproval of proposal), Q.15 (general support for critical comments regarding traffic), Q.18 (general criticism of the proposal), and Q.19 (traffic).

<sup>6</sup> E.g., ex. Q.13.

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1 H. Ex. R. of Proc. 5.6(b) (2023). For example, the Hearing Examiner considers emailed public comments,  
2 but emails are hearsay and would not be admissible in the Superior Court absent either an exception to  
3 the hearsay rule and an adequate foundation. The Hearing Examiner weighs the credibility of all  
4 information presented in a proceeding, including hearsay. He considers the demeanor of witnesses and  
5 the consistency of testimony and documentary evidence, both internal consistency and consistency  
6 with other testimony and documentary evidence.

7 A development proposals vests when the applicant submits a complete application. RCW 58.17.033(1)  
8 (1987). State law allows local jurisdictions to establish the elements required for a complete  
9 application. *Id.* at (2). County code provides that an application is deemed complete for vesting  
10 purposes either when it meets the submittal requirements established by the department<sup>7</sup> or if 28  
11 calendar days pass without the county advising the applicant in writing that additional information is  
12 needed for a complete application.

13 (1) The department [PDS] shall determine whether a project permit application is complete  
14 or incomplete within 28 days of receiving an application. The determination shall be in  
15 writing and mailed, faxed, e-mailed, or delivered to the applicant or the applicant's  
16 representative with the required time period, except as set forth in SCC 30.70.040(2).  
17 When an application is determined incomplete, the determination shall state what is  
18 necessary to make the application complete.

19 (2) **An application is complete for the purposes of this section if the department does not**  
20 **provide a written determination to the applicant within the required time period.**

21 SCC 30.70.040(1), (2) (Amend. Ord. 02-064, passed Dec. 9, 2022, eff. Feb. 1, 2003) (emphasis added).

22 Pacific Ridge submitted its initial application on August 22, 2022.<sup>8</sup> PDS advised Pacific Ridge that the  
23 application was not complete.<sup>9</sup> Pacific submitted the material requested by PDS on October 26, 2022.  
24 Twenty-eight calendar days passed without PDS notifying Pacific Ridge that its October 26 submission  
25 was incomplete. Therefore, the October 26, 2022, submission is deemed complete by operation of SCC  
26 30.70.040 and the development application vested on that date.

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<sup>7</sup> PDS may establish the required elements pursuant to SCC 30.70.030.

<sup>8</sup> Exhibits G.4 and G.6.

<sup>9</sup> Ex. Q.11, ex. A.

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One public comment criticized the claimed vesting date because “the proposed development has still yet to satisfy a handful of transportation requirements,” citing SCC 30.66B.035.<sup>10</sup> Assuming, *arguendo*, the proposed development had not yet fulfilled all requirements of chap. 30.66B, the alleged failure does not change the vesting date. First, the text of SCC 30.66B.035 does not state that any of the materials it describes are required for an application to be complete pursuant to SCC 30.70.030. Second and most importantly, PDS did not advise Pacific Ridge in writing that the October 26, 2022, application was incomplete in any way, including any materials that might be required by SCC 30.66B.035. The application therefore vested by operation of law, irrespective of whether the application lacked items otherwise required to be complete.

## B. Open Record Hearing

An open record hearing on the applications began on November 21, 2024, and concluded on December 30, 2024. The witnesses who testified are listed in the matter’s exhibit list maintained by the Office of Hearings Administration. Duana Koloušková, Esq., of Johns Monroe Mitsunaga Koloušková PLLC, Bellevue, Washington, Esq., appeared on behalf of Pacific Ridge. Joshua Machen, AICP, appeared and testified on behalf of PDS. Gary Brandstetter, Esq., appeared on behalf of Marshland Flood Control District.

## C. The Record

The Hearing Examiner considered the testimony of the witnesses, the argument of counsel, and exhibits A.1, A.3 through B.2.2, B.4.1 through B.4.3, B.4.5 through B.4.6, B.6.1 through L.32, L.35 through L.40, and M.1 through O.2.<sup>11</sup> On reconsideration, the Hearing Examiner also considered exhibits Q.2 through Q.13, Q.15 through Q.20, and Q.21. Exhibits Q.14, Q.15, Q.18, Q.19, and Q.21 were not considered because the record was only reopened for comment on the vesting issue. These were not comments about vesting. They therefore were untimely. A recording of the hearing is available in the Office of Hearings Administration.

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<sup>10</sup> Ex. Q.12. The comment does not identify which requirements were allegedly not met and therefore the Hearing Examiner was unable to compare the alleged failures with the checklists and code to determine whether such alleged failure was material to the completeness determination.

<sup>11</sup> Gaps in exhibit numbers are primarily due to some exhibits were superseded by replacement exhibits. E.g., ex. M.2 (project narrative) replaced ex. A.2. Two public comments, L.41 and L.42, were submitted after public comment closed, were not timely, and were not considered by the Hearing Examiner.

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1 D. Public Notice

2 PDS notified the public of the open record hearing, concurrency, and traffic impact fee  
3 determinations.<sup>12</sup>

4 E. Development Proposal

5 Pacific Ridge proposes a mixed-use phased development. The eight parcels (totaling 144.88 acres) will  
6 be developed in 12 phases.<sup>13</sup> The project will have 1,311 dwellings, consisting of 377 apartments, 360  
7 townhomes, and 574 detached single-family residences. Commercial development totals 61,000 sq. ft.,  
8 of which 30,000 sq. ft. will be general retail.<sup>14</sup> Pacific Ridge anticipates development will occur over six  
9 years.

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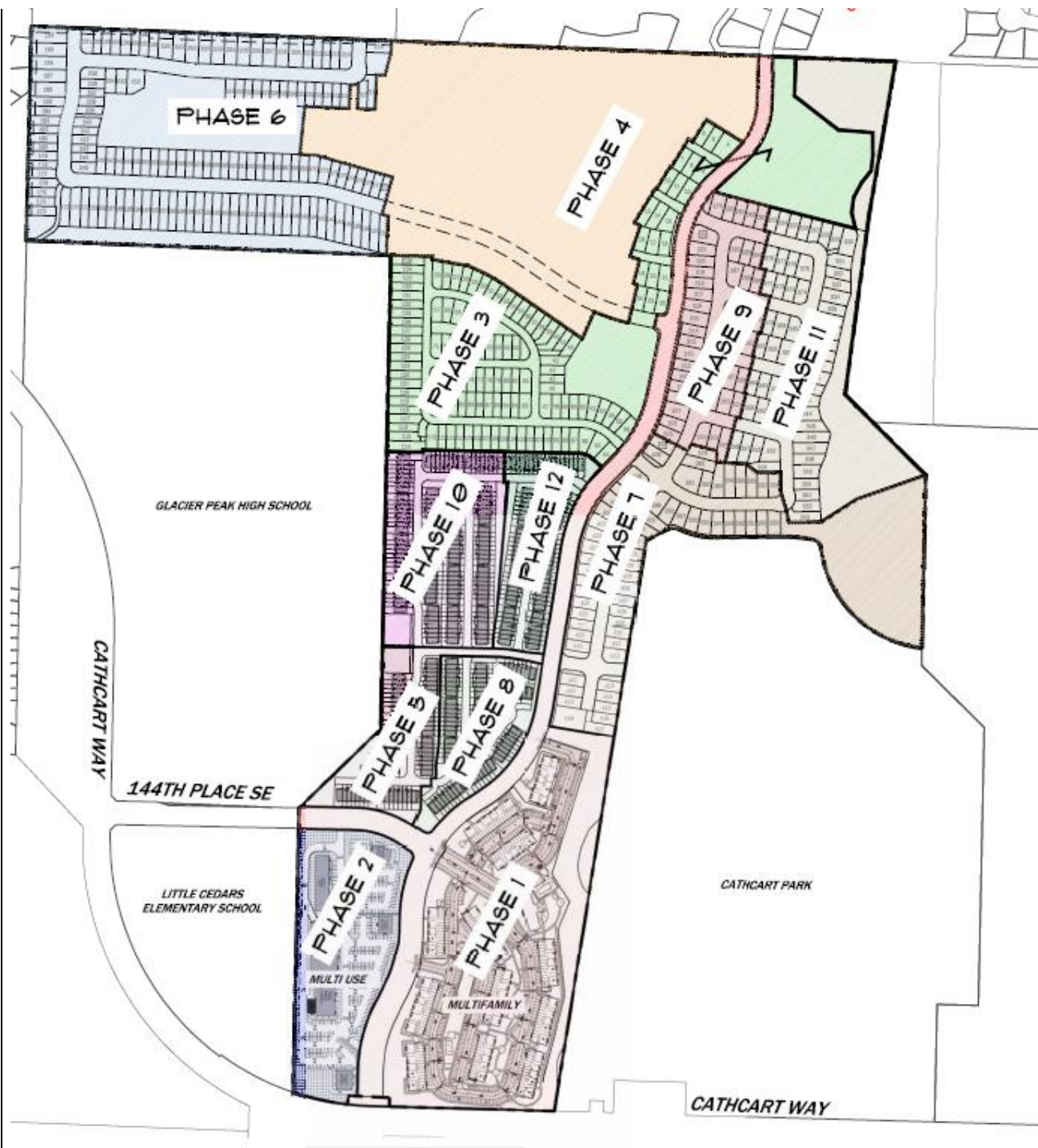
<sup>12</sup> Exhibits F.1 through F.3.

<sup>13</sup> The phases will not be developed in numerical sequence.

<sup>14</sup> SCC 30.91R.143 (2017) ("Retail, general' means a structure built or occupied for use to sell merchandise indoors to the general public for personal or household consumption and rendering services incidental to the sale of such merchandise.").

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1  
2  
3

Ex. M.2, PDF p. 142.

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1 Pacific Ridge requests approval of the following:

Phase	Requested approval	Description
1	Preliminary site plan per SCC 30.31A.210 (Business Park and Neighborhood Business site plan)	Primary roads and utility infrastructure along the main route through the site, 337 apartments within 12 buildings and a clubhouse facility, stormwater facilities, connections to the existing road network, open space, and overall site grading
2	Preliminary site plan per SCC 30.31A.210 (Business Park and Neighborhood Business site plan)	Grading, road, parking facilities, and utility infrastructure to support a mixed-use development with 40 apartment units and a variety of proposed commercial uses located near the intersection of Cathcart Way and Puget Park Drive
3	Preliminary unit lot subdivision per SCC 30.41A.205	Unit lot subdivision of 132 detached single-family dwellings
4	Preliminary SFDU site plan per chap. 30.41F SCC	Single Family Detached Unit (SFDU) development of 137 single-family dwellings
5	Preliminary unit lot subdivision per SCC 30.41A.205	Unit lot subdivision of 62 townhouses (single-family dwellings)
6	Preliminary Planned Residential Development subdivision per chap. 30.42B SCC.	Planned Residential Development (PRD) subdivision of 143 single-family dwellings
7	Preliminary subdivision utilizing lot size averaging per SCC 30.23.210	Lot size averaged subdivision of 62 detached single-family dwellings
8	Preliminary unit lot subdivision per SCC 30.41A.205	Unit lot subdivision of 76 townhouses (single-family dwellings)
9	Preliminary subdivision utilizing lot size averaging per SCC 30.23.210	Lot size averaged subdivision of 44 single-family dwellings
10	Preliminary unit lot subdivision per SCC 30.41A.205	Unit lot subdivision of 142 townhouses (single-family dwellings)
11	Preliminary subdivision utilizing lot size averaging per SCC 30.23.210	Lot size averaged subdivision of 56 single-family dwellings
12	Preliminary unit lot subdivision per SCC 30.41A.205	Unit lot subdivision of 80 townhouses (single-family dwellings)

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All phases	Urban Residential Design Standards administrative site plan per SCC 30.23A.020(1)	
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## F. Site Description and Surrounding Uses

The site consists of eight vacant parcels. Thirteen wetlands and four streams are either on or within 300 feet of the site.

Properties north of the site are zoned R-7,200 and PRD-9,600 and are either vacant or developed with single-family residences. Properties south of the site are zoned Low Density Multiple Residential, Business Park, PRD-9,600, and R-9,600 and are developed with a high school, an undeveloped park, and single-family residences. Property east of the site is zoned Business Park and Light Industrial and is developed with the county operations facility and an undeveloped park. Property to the west is zoned Low Density Multiple Residential and PRD-9,600 and developed with schools and single-family residences.

## G. Comments

Members of the community expressed concerns about traffic, property taxes, impact on schools, community character and quality of life; compliance with the comprehensive plan; slope stability, and drainage.

State law requires the county to establish standards to determine whether the transportation infrastructure is adequate to handle the proposed additional traffic load, i.e., whether transportation infrastructure capacity is concurrent with the projected use.<sup>15</sup> Snohomish County ordinances establish the methodology for determining whether the roads have the concurrent capacity to handle the projected traffic and determining whether and the amount of any fees that must be paid to mitigate the increase in traffic.<sup>16</sup> As discussed more fully below, the proposed development will pay substantial traffic mitigation fees and the road system has adequate capacity to handle the increased traffic without decreasing the level of service beyond what is legally permissible.<sup>17</sup>

Residents of the Greenleaf neighborhood adjacent to the project site on the north are concerned about the proposed connection to 79<sup>th</sup> Ave SE, which they feel is too narrow and unsuitable for the expected

<sup>15</sup> *E.g.*, RCW 36.70A.020 (2002).

<sup>16</sup> Chapter 30.66B SCC.

<sup>17</sup> See discussion below at page 29.

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1 increase in traffic. They are also concerned about the possibility of cut-through traffic, i.e., traffic  
2 seeking to avoid congestion on SR 9 by using roads paralleling SR 9. Although 79<sup>th</sup> Ave. SE currently  
3 runs north/south, it currently ends at the southern border of the Greenleaf subdivision because the  
4 Eastview Village site is undeveloped.

5 County transportation policy for many years intends for subdivisions to have two routes of ingress and  
6 egress for safety reasons.<sup>18</sup> When the county approves subdivisions, it is usually with the condition that  
7 some roads have temporary terminations that expressly allow for a future road connection to the  
8 adjacent property when it develops. When the Greenleaf subdivision was approved, the approved and  
9 recorded plat map showed a temporary cul-de-sac on the southern border with a specific note stating it  
10 would be removed when the public street is extended south.<sup>19</sup> Removal of the temporary cul-de-sac  
11 and extension of 79<sup>th</sup> Ave. SE from the Greenleaf south to Cathcart has been planned and the plat map  
12 recorded years ago provided constructive notice to the public and to purchasers in the Greenleaf  
13 neighborhood.<sup>20</sup>

14 Some expressed concern regarding the width of 79<sup>th</sup> through the Greenleaf community. Traffic usually  
15 moves slower through narrower roads than through wider roads. The narrower width of 79<sup>th</sup> in  
16 Greenleaf should help calm traffic and lower the average speed.

17 If traffic problems occur and persist, the Hearing Examiner urges the Greenleaf neighborhood to  
18 contact Public Works. Further information can be found at:<sup>21</sup>

Neighborhood traffic calming  
program website

<https://snohomishcountywa.gov/502/Neighborhood-Traffic-Calming-Program>

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<sup>18</sup> There are temporary and permanent circumstances that occasionally preclude two access roads into a subdivision. Undeveloped adjacent property is a temporary circumstance that ultimately is resolved when the adjacent property is developed and required to connect with the adjacent property that developed first. An example of a permanent circumstance is when topography precludes a second road connection. When a second connection is not physically possible, the Fire Marshal often recommends conditioning approval on installation of automatic fire sprinklers in dwellings.

<sup>19</sup> Ex. M.30, PDF p. 6 (sheet 9 of Greenleaf plat map recorded under Auditor's file no. 200406305228.

<sup>20</sup> "Once an encumbrance is recorded, a subsequent purchaser is deemed to have constructive notice of it . . ." *Larson v. Snohomish County*, 20 Wn. App. 2d 243, 261, 499 P.3d 957, 969 (2021), rev. denied 199 Wn.2d 1016 (2022), cert. denied 143 S. Ct. 575 (2023), reh. denied 143 S.Ct. 1014, 213 L.Ed.2d 341 (citation omitted).

<sup>21</sup> Ex. N.1.

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Traffic investigator email address	<a href="mailto:pw.traffic@co.snohomish.wa.us">pw.traffic@co.snohomish.wa.us</a>
Traffic investigator phone number	(425) 388-6420
Online traffic complaint form	<a href="https://www.snohomishcountywa.gov/FormCenter/Sheriff-4/Parking-and-Traffic-Complaints-543">https://www.snohomishcountywa.gov/FormCenter/Sheriff-4/Parking-and-Traffic-Complaints-543</a>

1 Community members worried the school district would not have the capacity to accept school-age  
2 children who will live in the development. The county requires residential developments to mitigate the  
3 impact of additional students on a school district's facilities.<sup>22</sup> The purpose of the mitigation is to  
4 "ensure that adequate school facilities are available" and to "require that new growth and  
5 development pay its proportionate share of the costs of new facilities."<sup>23</sup> In this case, Pacific Ridge will  
6 be required to pay Snohomish School District \$6,039.00 per single-family dwelling unit and \$260.00 for  
7 each 2-bedroom apartment and townhouse.<sup>24</sup> Snohomish School District will receive at least  
8 \$2,797,158 in mitigation fees from this development.<sup>25</sup> Further, PDS notified Snohomish School District  
9 of the proposed development and solicited comments. The School District responded with "no  
10 comment" and did not advise the county that it would not be able to accommodate students from this  
11 development.<sup>26</sup> Absent the school district advising it could not accommodate students, the Hearing  
12 Examiner lacks the legal authority to deny a development application.

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<sup>22</sup> Chap. 30.66C SCC.

<sup>23</sup> SCC 30.66C.010 (2021).

<sup>24</sup> Pacific Ridge responded to public comments that it is required to pay \$6,039.00 per single-family dwelling and \$4,514 for multi-family and townhouse dwellings, for a total of over \$6 million. Ex. M.30, PDF pp. 7 and 9. This is partially correct and partially incorrect. The ordinance in effect at the time when Pacific Ridge's application vested required mitigation fees of \$6,039.00 per single-family dwelling unit, zero for a one-bedroom apartment, and \$260.00 for each 2-bedroom apartment and townhouse. Ord. 20-072, adopted Nov. 10, 2020, eff. date Jan. 1, 2021. As noted in the accompanying text, the total mitigation to Snohomish School District will be more than \$2.8 million, not more than \$6 million.

<sup>25</sup> \$6,039/single-family dwelling x 442 new subdivision single-family dwellings = \$2,669,238.  
\$260/townhouse x 492 townhouses = \$127,920. Apartment mitigation fees (\$260/2-bedroom apartment) is not included in this calculation.

<sup>26</sup> Ex. H.3.

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1 Some neighbors believe the project is inconsistent with the county's comprehensive plan. State law  
2 generally requires a specific project comply with development regulations, not the comprehensive  
3 plan.

4 Generally, a specific zoning ordinance will prevail over an inconsistent comprehensive plan. \* \* \*  
5 Because a comprehensive plan is a guide and not a document designed for making specific land  
6 use decisions, conflicts concerning a proposed use are resolved in favor of the more specific  
7 regulations.

8 *Lakeside Industries v. Thurston County*, 83 P.3d 433, 437, 119 Wn.App. 886, 894–95 (2004), rev. denied,  
9 152 Wn.2d 1015 (citations omitted). County code is the touchstone to determine whether development  
10 should be approved, not the comprehensive plan. This decision reviews the proposal's consistency with  
11 county code, not the comprehensive plan. The entire proposed development is consistent with existing  
12 zoning for all the parcels; Pacific Ridge did not request a rezone of any parcel.

13 Some neighbors think the development will cause of a loss of rural character and increased crime. The  
14 area is designated as an urban growth area and intended to absorb the increasing population of the  
15 county. Too, the area immediately west and southwest of the site is clearly suburban, not rural.

16 Concerns were raised regarding potential strain on emergency and transportation services. Regarding  
17 the latter, a park and ride lot for Community Transit is being constructed south of the development  
18 across Cathcart Way and there is no evidence in the record indicating Community Transit had any  
19 concerns about the development. Comments were solicited from South County Fire and Snohomish  
20 Regional Fire and Rescue; neither objected nor raised any concern about providing emergency  
21 services.<sup>27</sup>

22 Some neighbors mistakenly believe the project redevelops a closed landfill and worried that pollutants  
23 from garbage would leach into streams and wetlands. A portion of the site was planned to be a landfill.  
24 Although some preparations for the landfill were made (e.g., grading), it was never used a landfill and  
25 never accepted refuse.<sup>28</sup>

26 Some residents are concerned that the development will lead to an increase in property taxes.  
27 Substantial evidence was not presented that credibly demonstrated this development would cause an  
28 increase in property taxes for neighbors. *See, e.g., Omnipoint Corp. v. Zoning Hearing Bd. of Pine Grove*

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<sup>27</sup> Ex. H.7, PDF p. 10.

<sup>28</sup> Snohomish County previously owned the property and sold it in 2021. Ex. M.30, PDF p. 4. The county does not retain any financial interest in the property or its development. Testimony of Mirante.

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1 *Twp.*, 181 F.3d 403, 409 (3d Cir. 1999), citing *Cellular Tel. Co. v. Town of Oyster Bay*, 166 F.3d 490, 496  
2 (2d Cir. 1999) (“Generalized concerns over impact of cell tower on property value do not constitute  
3 substantial evidence sufficient to deny the application.”)

4 Some residents are worried about the impact of the development on hillside slope stability and the  
5 amount of fill needed to construct the development. Development regulations identify hazardous  
6 slopes and set requirements for construction on or near hillsides.<sup>29</sup> Inchoate, generalized concerns are  
7 legally insufficient to deny a development application.

8 Marshland Flood Control District raised concerns regarding critical areas and asked the Hearing  
9 Examiner to impose a maintenance covenant that requires county inspection of stormwater facilities if  
10 the homeowners’ association fails to inspect them.<sup>30</sup> Marshland’s concerns regarding critical areas  
11 which affect drainage are discussed below.<sup>31</sup>

12 Marshland asked for a drainage facility maintenance covenant that would mandate the county to  
13 inspect and maintain the stormwater drainage facilities if the homeowners’ association fails to do so.  
14 Some plats in the area have such covenants, and others do not. The reasons vary. For example, the  
15 Hearing Examiner *pro tem* in *Riverstone Estates* declined to require the covenant, which decision was  
16 upheld by the Superior Court.<sup>32</sup> Marshland points out that the incumbent Hearing Examiner required a  
17 conditional covenant in the Lowell Heights subdivision.<sup>33</sup> However, that development required a  
18 conditional use permit. The Hearing Examiner has more authority and discretion to impose conditions  
19 for conditional use permits than he does in preliminary subdivision approvals.<sup>34</sup> The Hearing Examiner  
20 declines to substitute his judgment for the elected representatives who have neither required such a  
21 covenant through legislation nor given the Hearing Examiner authority to use his judgment.

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<sup>29</sup> E.g., SCC 30.62B.340; SCC 30.63B.110 *et seq.*

<sup>30</sup> Ex. L.5, pp. 5-7.

<sup>31</sup> See below at p. 19 *et seq.*

<sup>32</sup> *In re Riverstone Estates*, p. 13 (No. 21-17364 PSD, April 14, 2022), upheld by Snohomish County Superior Court, Order Affirming Land Use Decision, p. 7 (No. 22-2-03887-31, November 9, 2022).

<sup>33</sup> *In re Lowell Heights* ULS (No. 22-102666 PSD/SPA/ACUP, August 1, 2024).

<sup>34</sup> *Compare* SCC 30.41A.100 (2006) (subdivision decision criteria) with SCC 30.42.C.100 (2012) (conditional use permit decision criteria).

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## V. ENVIRONMENT

### A. SEPA (Chap. 30.61 SCC)

PDS determined the proposal did not require a threshold determination under the State Environmental policy act because it is infill development<sup>35</sup> in an urban growth area and Pacific Ridge agreed to provide all mitigation that otherwise would have been due and owing under applicable interlocal agreements.<sup>36</sup>

Some community members objected to PDS's exemption determination. The Hearing Examiner lacks jurisdiction of whether PDS's determination was appropriate. The Hearing Examiner only has jurisdiction over matters assigned to him by County Council. "As a quasi-judicial official, the Hearing Examiner 'has only the authority granted it by statute and ordinance.'" *HJS Development, Inc. v. Pierce County*, 148 Wn.2d 451, 471, 61 P.3d 1141 (2003). The Snohomish County Hearing Examiner may exercise his powers "on all matters for which jurisdiction is assigned to the examiner either by county ordinance, board of health code or by other legal action of the county or its elected officials." SCC 2.02.100 (2022). No county ordinance tasks the Hearing Examiner with determining the appropriateness of PDS's SEPA exemption decision. County code lists the appeals from SEPA decisions that the Hearing Examiner may hear. "An aggrieved party of record may file an appeal of a DNS [determination of nonsignificance], MDNS [mitigated determination of nonsignificance], DS [determination of significance], or the adequacy of a final EIS [environmental impact statement] as set forth in this section and SCC 30.71.050." SCC 30.61.300(1) (2010). An exemption determination is absent from this list. "Under the age old rule *expressio unius est exclusio alterius*, '[w]here a statute specifically designates the things upon which it operates, there is an inference that the Legislature intended all omissions.'" *State v. LG Electronics, Inc.*, 186 Wn.2d 1, 9, 375 P.3d 636, 640 (2016) (citations omitted). The Hearing Examiner lacks jurisdiction to consider this objection.

### B. Critical Areas Regulations (Chapters 30.62, 30.62A, 30.62 B, and 32.62C SCC)

The project site contains nine wetlands and four streams as defined by county code. Four wetlands are nearby.

Critical Area	Type	Classification	Habitat Score	Buffer width for high intensity land use
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<sup>35</sup> "'Infill development' means residential, commercial, or mixed-use development in an urban growth area that is categorically exempt from the State Environmental Policy Act under RCW 43.21C.229." SCC 30.91I.037 (2022).

<sup>36</sup> SCC 30.61.035(2), (3) (2022); Ex. E.1.

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<i>On the project site</i>				
A	Depressional	IV	5	50 feet
AB	Depressional	III	6	150 feet
B	Slope	III	7	150 feet
F	Depressional	III	6	150 feet
L	Depressional	III	5	80 feet
M	Depressional	III	7	150 feet
O	Slope	IV	6	80 feet
P	Depressional	III	6	150 feet
Q	Depressional	III	5	
Stream A <sup>37</sup>	F			150 feet
Stream Y	Ns			50 feet
Stream Z	Ns			50 feet
Outcrop Creek <sup>38</sup>	F			150 feet
<i>Off-site</i>				
AA	Depressional	III	6	150 feet
C	Depressional	III	6	150 feet
D	Riverine	II	7	150 feet
E	Depressional	II	7	150 feet

- 1 Net new effective impervious surfaces within 300 feet of stream A and Outcrop Creek are limited to ten
- 2 percent of the area within 300 feet.<sup>39</sup> Pacific Ridge complies with this limitation by treating and

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<sup>37</sup> Presumed habitat for salmonids.

<sup>38</sup> Presumed habitat for salmonids.

<sup>39</sup> SCC 30.62A.320(1)(c).

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1 dispersing runoff through at least 100 feet of native vegetation and by removing existing impervious  
2 surfaces.

3 Pacific Ridge will minimize noise and light intrusion into the critical areas by its design of the site, plant  
4 of dense native vegetation adjacent to development, treat stormwater, and fencing critical areas.  
5 County code allows using these techniques to reduce buffer widths.<sup>40</sup>

6 The buffer of wetland L will be reduced to accommodate necessary grading activities. Pacific Ridge will  
7 mitigate this impact by replanting the affected area with native shrubs and trees and will provide an  
8 average buffer of 80-feet after construction.

9 The landward edges of buffers of wetlands M and O extend onto a slope of 33 percent or more. Their  
10 buffers will therefore extend to a point 25 feet beyond the top of the steep slopes.<sup>41</sup>

11 Buffers of wetlands L, M, and O will be averaged as allowed by SCC 30.62A.320(1)(g). The reduced  
12 buffers will be replaced at a greater than 1:1 ratio. The resulting buffers will result in a net gain of  
13 wetland functions.

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<sup>40</sup> SCC 30.62A.340(1)(f), (4)(c)(i)(A).

<sup>41</sup> SCC 30.62A.320(1)(b)(ii).

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Wetland	Buffer reduction	Net additional buffer
L	80 feet to 60 feet (north) and 74 feet (south)	303 sq. ft.
M	110 feet to 55 feet	1,205 sq. ft.
Q	60 feet to 21 feet (south) and 42 feet (east)	2,360 sq. ft.

Wetland A is a non-riparian category IV wetland of 7,667 sq. ft. SCC 30.62A.510(3)(g) allows Pacific Ridge to fill this wetland and mitigate the fill by purchasing mitigation credits from the Snohomish Basin Mitigation Bank.

Pacific Ridge's installation of utility and transportation structures will negatively and permanently affect 6,638 sq. ft. of the buffers of wetlands M and Q and stream A. These impacts are allowed by SCC 30.62A.320(2)(a) and Pacific Ridge will mitigate the impacts by creating 20,492 sq. ft. of buffer, a ratio of 3:1. The portions of buffers of wetlands C and Q and stream A affected by grading during construction will be fully restored with native plantings. Construction of a retaining wall will negatively and permanently affect 3,566 sq. ft. of the buffer of wetland C. Pacific Ridge will mitigate this impact at 3:1 ratio.<sup>42</sup>

Marshland Flood Control District criticizes the evaluation of wetland A and an alleged failure to investigate additional wetland features, even if the features are not a regulated wetland. It did not, however, provide persuasive evidence that wetland A was improperly or inadequately delineated or characterized. Marshland argues that even if wetland A was correctly delineated and characterized according to county code, environmental benefits could still be obtained by applying stricter buffer and mitigation measures, though not required by county code.

First, questions and skepticism are usually insufficient bases to overturn subject matter expert evaluations. Absent contrary evidence or persuasive evidence of inadequate evaluation, the Hearing Examiner will not substitute his judgment for subject matter experts. Second, the Hearing Examiner lacks authority to impose stricter requirements than applicable county code.

Further, PDS identified an area near wetland A that may qualify as a regulated critical area and asked Pacific Ridge to evaluate it further. Pacific Ridge decided to delineate and characterize the questioned area as a wetland (wetland Q) rather than delay the project by conducting long-term hydrology

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<sup>42</sup> SCC 30.62A.320, table 3.

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1 monitoring. It does not make sense to complain that Pacific Ridge failed to conduct hydrology  
2 monitoring of wetland Q to determine whether the location is a wetland when Pacific Ridge acquiesced  
3 and agreed to delineate, rate, and treat the area as a wetland even if it wasn't.

4 Marshland Flood Control District notes that on-line maps of streams A, Y, and Z show the streams  
5 starting farther upstream than the wetland study found and therefore could be subject to protective  
6 measures.<sup>43</sup> However, online maps lack precision and sometimes accuracy. The locations and  
7 classifications of the streams were verified in the field. County code requires maintaining hydrology of  
8 the critical areas. Pacific Ridge's preliminary plans demonstrate the proposed plans can maintain the  
9 hydrology of critical areas and comply with county code.<sup>44</sup> For example, the natural drainage pattern of  
10 stream Y from the off-site upstream area will be maintained, conveying the flow through the  
11 development to its natural discharge location, along with critical areas and buffers on-site that drain to  
12 stream Y and flow path 1.<sup>45</sup>

### 13 C. Drainage and Grading (Chapters 30.63A, 30.63B, and 30.63C SCC)

14 The standard for approval of a preliminary subdivision or site plan is whether the applicant  
15 demonstrated its design can feasibly comply with the county's drainage regulations in county code, the  
16 county's drainage manual, and the county's Engineering Design and Development standards. An  
17 applicant does not need to demonstrate that each element fully complies, only that the design is  
18 feasible and capable of complying, though minor revisions may be needed. For example, final invert  
19 elevations of catch basins are normally calculated and designed with full engineering drawings  
20 submitted for review of the land disturbing activity permit. In other words, the final invert elevation  
21 may vary by a few inches from the preliminary design presented for preliminary subdivision approval.  
22 The standard is whether the schematic stormwater design demonstrates feasibility of compliance.

23 Pacific Ridge demonstrated its stormwater drainage design is feasible and capable of complying with  
24 county code, the drainage manual, and EDDS.

25 The site has two threshold discharge areas (west and east). Of the three natural discharge locations,  
26 flow paths 1 and 2 combine within 1/4-mile of the site. The area contributing to flow paths 1 and 2

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<sup>43</sup> Ex. L.32, PDF p. 8.

<sup>44</sup> Ex. M.21, PDF p. 6.

<sup>45</sup> Ex. M. 27 PDF p. 3.

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constitutes the west threshold discharge area. Flow path 3 is the third discharge point; the area contributing to flowpath 3 constitutes the east threshold discharge area.<sup>46</sup>

The project site will be developed into four subbasins. Basin A (multi-family area), basin B (commercial area), and basin D (lots that contribute to the east threshold discharge area), will discharge to the east threshold discharge area. Basin C (lots contributing to the west discharge area) will discharge to the west threshold discharge area. Proprietary filters will provide basic water quality treatment for basins C and D. Enhanced water quality treatment will be provided for basins A and B. Oil control for basin B will also be provided by an approved device such as a coalescing plate separator. All water quality treatment devices are approved the Washington State Department of Ecology.<sup>47</sup>

Infiltration is infeasible for several reasons. Grading will leave insufficient vertical distance between the finished grade and a restrictive layer of relatively impervious soil. Soil conditions are variable with a high fines content (which reduces permeability) and nearby slopes could be destabilized by infiltrating stormwater.<sup>48</sup>

Stormwater will be collected and conveyed to three detention vaults. Basin B will drain to vault B, basin C will drain to vault C, and vaults A and D will drain to vault D.<sup>49</sup> The vaults are sized pursuant to the Western Washington Hydrology Model and will use control structures to discharge stormwater to the historic flow paths at a rate and volume mimicking forested, undeveloped conditions. Some stormwater falling in basin D will be fully dispersed by four 50-foot-long dispersion trenches.

Req't	Description	How Fulfilled?
1	Stormwater Site Plan	A stormwater site plan and report adequately address the on-site stormwater requirements. <sup>50</sup>

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<sup>46</sup> Ex. M.7, PDF p. 4.

<sup>47</sup> *Id.*

<sup>48</sup> Marshland Flood Control District's engineer agreed infiltration is infeasible. Ex. L.32, PDF p. 5.

<sup>49</sup> There is no vault A. During the evolution of project design, design elements may be combined. Instead of relabeling with each iteration (which can cause substantial confusion), surviving design elements retain their original designation even if they do not follow in numerical alphabetical sequence.

<sup>50</sup> Exhibits M.3 and M.7.

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2	Stormwater Pollution Prevention Plan (SWPPP)	A satisfactory SWPPP was provided.
3	Water Pollution source control for new development or redevelopment	Satisfied because residential projects typically do not have to provide water pollution source control after the project is completed.
4	Preservation of natural drainage systems	Natural drainage systems will be preserved to the extent feasible. No adverse downstream impacts have been identified. <sup>51</sup>
5	On-site stormwater management	On-site stormwater management has been adequately addressed according to the drainage manual.
6	Runoff treatment	Water quality treatment will be provided by an approved filter downstream of the detention vault.
7	Flow control requirements for new development or redevelopment	Flow control is adequately addressed by the proposed stormwater management system.
8	Detention or treatment in wetlands or wetland buffers	No detention or treatment will occur in wetlands or buffers.
9	Inspection, operation, and maintenance requirements	Pacific Ridge provided sufficient operation and maintenance information.

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<sup>51</sup> Marshland Flood Control District also criticizes Pacific Ridge's proposed drainage system that changes some of the flow paths within the site, although the proposed system does not change discharge from the site. It contends this will cause negative impacts to stream Y. Ex. L.3, PDF p. 12. Minimum requirement 4 does not require maintaining all internal discharges of stormwater. Regulations require maintenance of threshold discharge areas and historic flow paths leaving the development site and the proposal complies. Regulations also require maintaining hydrology of critical areas on the site, which may require maintaining internal discharges that supply on-site critical areas.

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## VI. URBAN RESIDENTIAL DESIGN STANDARDS (CHAP. 30.23A.SCC)

This project must comply with several overlapping ordinances, including URDS<sup>52</sup> (which apply to new residential developments located within urban growth areas), subdivisions regulated under chapter 30.41A SCC, and PRDs.<sup>53</sup> The proposed project meets the development standards applicable to the underlying site development plan. As conditioned, the site plans comply with URDS and subdivision requirements such as PRD and unit lot subdivisions.

The proposed development complies with the requirements of chapter 30.23A SCC that must be met at the preliminary plat stage. Approval will be conditioned upon complete fulfillment with applicable URDS requirements prior to building permit issuance, *e.g.*, design standards.<sup>54</sup>

## VII. LANDSCAPING AND TREE CANOPY

Pacific Ridge complies with county requirements to landscape at least 10% of the gross site area.

Phase	Gross Area (sq. ft.)	Requirement (10%)	Provided
1	1,057,548	105,755	292,800
2	317,832	31,783	66,360
3	819,594	81,959	174,432 <sup>55</sup>
4	1,029,725	102,973	103,298
5	174,902	17,490	25,251
6	944,989	94,499	123,512
7	540,148	54,015	54,587 <sup>56</sup>
8	171,619	17,162	18,808
9	255,793	25,579	25,866 <sup>57</sup>
10	302,005	30,201	31,037 <sup>58</sup>
11	528,757	52,876	53,342 <sup>59</sup>

<sup>52</sup> Chap. 30.23A SCC.

<sup>53</sup> Chap. 30.42B SCC.

<sup>54</sup> SCC 30.23A.040 (2009).

<sup>55</sup> Excludes landscaping area given to other phases.

<sup>56</sup> 25,000 sq. ft. of landscaping credit from Phase 3

<sup>57</sup> 21,000 sq. ft. of landscaping credit from Phase 3

<sup>58</sup> 13,000 sq. ft. of landscaping credit from Phase 3

<sup>59</sup> 35,000 sq. ft. of landscaping credit from Phase 3

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12	168,095	16,810	17,209 <sup>60</sup>
Total	6,311,007	631,101	986,502

1 Pacific Ridge similarly complies with requirements for tree canopy coverage.

Phase	Gross Area (sq. ft.)	Required Tree Canopy	Total Retained Canopy	Total Canopy Provided
1	1,057,548	211,510 (20%)	13,029	215,134
2	317,832	0	0	48,163
3	819,594	245,878 (30%)	0	272,830 <sup>61</sup>
4	1,029,725	205,945 (20%)	175,683	397,116
5	174,902	34,980 (20%)	8,166	63,751
6	944,989	283,497 (30%)	74,284	284,946 <sup>62</sup>
7	540,148	162,044 (30%)	124,679	192,242 <sup>63</sup>
8	171,619	34,324 (20%)	0	47,842
9	255,793	76,738 (30%)	0	78,530 <sup>64</sup>
10	302,005	60,401 (20%)	7,023	66,425
11	528,757	158,627 (30%)	167,340	239,147
12	168,095	33,619(20%)	0	64,618
<b>Total</b>	<b>6,311,007</b> <b>(144.88acres)</b>	<b>1,507,563</b> <b>(34.61 acres)</b>	<b>570,204</b> <b>(13.09 acres)</b>	<b>1,970,744</b> <b>(45.24 acres)</b>

2

## 3 VIII. BUSINESS PARK AND NEIGHBORHOOD BUSINESS (CHAP. 30.31A SCC)

### 4 A. General Performance Standards (SCC 30.31A.100)

5 The proposed use of the site is residential and is not likely to produce offensive odors, dust, smoke, gas,  
6 or electronic interference that will be objectionable beyond the boundaries of the site.<sup>65</sup>

<sup>60</sup> 1,000 sq. ft. of landscaping credit from Phase 3

<sup>61</sup> Excludes 18,000 square feet of canopy given to Phase 6

<sup>62</sup> Includes 18,000 square feet canopy credit from Phase 3

<sup>63</sup> Excludes 10,000 square feet of canopy given to Phase 9

<sup>64</sup> Includes 10,000 square feet of canopy credit from Phase 7

<sup>65</sup> SCC 30.31A.100(1) (2012). N.B. Noise is not included in the list of objectionable items.

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1 The design of proposed buildings will be compatible with the surroundings.<sup>66</sup> Restrictive covenants will  
2 be required to ensure the long-term maintenance and upkeep of landscaping, storm drainage facilities,  
3 other private property improvements, and open space areas and facilities. The covenants must refer to  
4 the official site plan and indicate its availability at PDS. The covenants must also provide that  
5 Snohomish County is an additional beneficiary with standing to enforce them and that any lease  
6 agreements may not avoid performance of obligations required by the covenants.<sup>67</sup> Permanent off-  
7 street parking complies with chap. 30.26 SCC.<sup>68</sup> Noise will not likely exceed the noise levels established  
8 by law, including, but not limited to, the levels established in chap. 10.01 SCC. The proposed project  
9 complies with the landscaping requirements of chapters 30.42B and 30.25 SCC.<sup>69</sup> The portion of the site  
10 zoned Business Park is more than 43 acres and is under the same ownership or control, exceeding the  
11 required minimum of 25 contiguous acres.<sup>70</sup> The proposal complies with the setbacks and other  
12 minimum requirements for the Multiple Residential zone, as required by SCC 30.31A.140(3)(b).

### 13 B. Preliminary Site Plan Requirements (SCC 30.31A.210)

14 Pacific Ridge complies with the required minimum elements for a preliminary site plan. Pacific Ridge  
15 provided: the names and addresses of the developer, land surveyor, engineer; unified control through  
16 final plan approval; a description of intended type of uses and operations including timing of  
17 development, if phased, and management control; statement of intention to formally subdivide the  
18 property; description of proposed building designs, including probable exterior finishes; landscape  
19 maintenance provisions; and a traffic impact analysis.

20 The site plan includes: a vicinity sketch; property boundaries; tentative traffic and pedestrian circulation  
21 pattern within the development area, showing intended street widths; tentative location of building  
22 lots and/or building areas and major areas intended for open space; phasing plan depicting  
23 development divisions, if applicable; and general landscape plan showing areas to be landscaped,  
24 proposed plant height, and treatment of existing vegetation.

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<sup>66</sup> *Id.* at (3). The neighbors do not object to the design of the building, but the noise and traffic by the use of the building.

<sup>67</sup> *Id.* at (4).

<sup>68</sup> *Id.* at (5).

<sup>69</sup> Ex. B.5.SCC 30.31A.100(8) (2012).

<sup>70</sup> SCC 30.31A.140 (2022).

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## **IX. PLANNED RESIDENTIAL DEVELOPMENT – PHASE 6 (CHAPTER 30.42B SCC)**

### **1. Density (SCC 30.42B.040)**

Pacific Ridge proposes a Planned Residential Development of 143 dwelling units, which complies with chapter 30.42B SCC requirements regarding the maximum number of dwelling units per acre. The development area is 944,989 sq. ft. Division of the development area by the minimum lot size of the underlying zone, then multiplication by 150 percent, yields a maximum of 354 dwelling units.<sup>71</sup> Pacific Ridge proposes 153 dwellings.

### **2. General Design Criteria (SCC 30.42B.100)**

The proposal complies with general design criteria. All requirements of the underlying zone have been applied to this project. This PRD is accompanied by an application for a preliminary subdivision and Pacific Ridge appropriately proposed the construction of single-family residential dwelling units in an R-9,600 zone.

### **3. Open Space (SCC 30.42B.115)**

The proposed development complies with the open space requirements of SCC 30.42B.115 (2013). A minimum of 20% of the gross site area, or 188,998 square feet, must be left as open space and Pacific Ridge intends to leave 236,192 sq. ft. open in tracts 6-996, 6-997, 6-998 and 6-999.<sup>72</sup> The open space will be permanently established in clearly designated separate tracts.<sup>73</sup> Approval will be conditioned on recording covenants, conditions, and restrictions to provide for maintenance of the total open space in a manner which will assure its continued use as open space.

Usable open space for active or passive recreation must be at least 85,800 square feet.<sup>74</sup> Pacific Ridge provides 91,769 sq. ft. in tracts 6-998 and 6-999. Pacific Ridge complies with the requirement of at least 40% of usable open space in a single tract.<sup>75</sup> Pacific Ridge will provide adequate active recreation space in tract 6-998.

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<sup>71</sup> The product is rounded up pursuant to SCC 30.42B.040(3).

<sup>72</sup> Ex. B.6.5.

<sup>73</sup> SCC 30.42B.115(1)(e) (2017).

<sup>74</sup> Six hundred square feet per dwelling unit (600 x 143 = 85,800 sq. ft.). SCC 30.42B.115(2)(b) (2017).

<sup>75</sup> Tract 6-998.

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#### 4. Roads, Access, Circulation, Pedestrian Facilities and Parking (SCC 30.42B.140)

The 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 are in accordance with chapters 30.24 SCC, 30.66B SCC, and 30.53A SCC and EDDS. Access to the dwelling units within the PRD will be by public road. The County Engineer has determined the project will provide 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.

A PRD must have at least two parking spaces per dwelling unit plus one-half parking space per dwelling unit for guests.<sup>76</sup> Pacific Ridge complies with this requirement.

#### 5. Bulk Regulations (SCC 30.42B.145)

The proposed site plan complies with the dimensional standards<sup>77</sup> for single family residential development, including lot width, lot area, setbacks, and lot coverage.

### X. UNIT LOT SUBDIVISION (TOWNHOUSES) (SCC 30.41A.205)

The proposed unit lot subdivisions comply with the requirements of SCC 30.41A.205. See, for example, landscaping and tree canopy calculations above at page 27.

### XI. LOT SIZE AVERAGING SUBDIVISION (CHAPTERS 30.23 AND 30.41A)

Phases 4, 7, 9, and 11 will be subdivisions that use lot size averaging. The proposed subdivisions comply with county code requirements for the average lot size to be at least 7,200 sq. ft.

Phase	Overall Area	Number of lots	Average lot size
7	478,148 <sup>78</sup>	62	7,712
9	317,793 <sup>79</sup>	44	7,223
11	528,757	56	9,442
Total	1,324,698	162	8,177

<sup>76</sup> SCC 30.42B.140(2) (2009); SCC 30.26.030(1) Table 1 (2018).

<sup>77</sup> SCC 30.42B.145 Table 1 (2013).

<sup>78</sup> 62,000 sq. ft. of phase 7 applied to phase 9

<sup>79</sup> Includes 62,000 from phase 7.

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## **XII. TRANSPORTATION (TITLE 13 SCC, EDDS 3-02, AND SCC 30.66B.420)**

### **A. Area Transportation**

#### **1. Concurrency Determination (SCC 30.66B.120)**

County ordinances prescribe the measures and tests with which a development must comply. This project meets those measures and tests, even though traffic is already congested and may become more so. The project must be approved if it does not affect a county arterial unit in arrears or cause a county arterial to go into arrears, i.e., fall below the minimum level of service established by ordinance.<sup>80</sup> Transportation Service Area (TSA) D had no arterial units in arrears as of the date of submittal, but had four arterial units at ultimate capacity. The development will generate far more than 50 peak-hour trips, requiring analysis of future levels of service of arterial units that includes projects in the pipeline.<sup>81</sup> Analysis of future levels of service that include projects in the pipeline demonstrated that no arterial units were fill into arrears because of this predicted traffic from this project. Public Works determined the project to be concurrent pursuant to SCC 30.66B.160(2)(c).<sup>82</sup>

#### **2. Inadequate Road Conditions (IRC) (SCC 30.66B.210)**

Irrespective of the existing level of service, a development which adds at least three evening peak hour trips to a place in the road system that has an Inadequate Road Condition<sup>83</sup> (IRC) must eliminate the IRC to be approved. Public Works evaluated three intersections regarding IRCs.<sup>84</sup> The intersection of Cathcart Way and Puget Park Drive will qualify as an IRC in the future without intervention. Pacific Ridge will mitigate this future IRC by constructing a roundabout at the intersection. Public Works determined the other two intersections would not qualify as an IRC under future operating conditions.

No mitigation beyond the new roundabout is expected, nor any restrictions to building permits or certificates of occupancy.

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<sup>80</sup> SCC 30.66B.120(1) (2003).

<sup>81</sup> SCC 30.66B.145(1) (2003)

<sup>82</sup> Ex. H.9.

<sup>83</sup> An IRC is a road condition determined by the County Engineer to jeopardize the safety of road users. SCC 30.91I.020 (2003). It is not traffic congestion.

<sup>84</sup> Cathcart Way and Puget Park Drive, Cathcart Way and 144<sup>th</sup> Pl. SE, and Cathcart Way and 81<sup>st</sup> Ave. SE. **Eastview Village**

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### 3. Impact Fees

#### a. County

The proposed development must mitigate its impact upon the future capacity of the Snohomish County road system by paying a road system impact fee.<sup>85</sup> The road system impact fee will be the product of the net average daily trips (ADT) generated by the development<sup>86</sup> multiplied by the amount for the transportation service area identified in SCC 30.66B.330 for each trip.

The Hearing Examiner reopened the record because he could not reconcile the number of dwelling units between PDS's traffic review memorandum<sup>87</sup> and Pacific Ridge's project narrative.<sup>88</sup> The project narrative listed 442 single-family detached dwellings, but PDS calculated the impact fee based on 574 dwellings, a difference of 132 dwellings. The project narrative listed 492 single-family attached dwellings, but PDS calculated the impact fee based on 360 dwellings, a difference of 132 dwellings. This results in a difference of more than \$200,000 in impact fees because of the different trip generation rates attributed to the types of dwellings by the Institute of Traffic Engineers.

This is also important because county code requires each plat and each deed to include information regarding the mitigation fees.

The Hearing Examiner reopened the record and asked PDS to "confirm or modify the numbers of dwelling units by phase and category, identifying the numbers of each type of dwelling units in each phase."<sup>89</sup> PDS advised that the discrepancy was due to the characterization regarding attached or detached dwellings of phase 3. PDS did not, however, provide the number of dwelling units by phase and category, but merely said the traffic review memorandum "is correct."<sup>90</sup> Because PDS did not break out the proposed road impact mitigation fee by phase, the Hearing Examiner calculated them in Appendix A and included the results in the text required on the plats. If the calculations are inaccurate, he will entertain a motion to reconsider to correct errors.<sup>91</sup>

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<sup>85</sup> SCC 30.66B.310 (2003).

<sup>86</sup> ADT is calculated using the latest edition of the Institute of Traffic Engineers' Trip Generation Report.

<sup>87</sup> Ex. H.9.

<sup>88</sup> Ex. M.2.

<sup>89</sup> Ex. O.1.

<sup>90</sup> Ex. O.2.

<sup>91</sup> The Hearing Examiner notes that Pacific Ridge had the opportunity to respond to PDS's answer but did not do so.

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1 b. Other Jurisdictions

2 *i. State Highway Impacts (SCC 30.66B.710)*

3 When a development's road system affects a state highway, mitigation requirements will be established  
4 using the county's SEPA authority consistent with the terms of the interlocal agreement between the  
5 county and the Washington State Department of Transportation (WSDOT). This is consistent with the  
6 county's SEPA policy<sup>92</sup> through which the county designates and adopts by reference the formally  
7 designated SEPA policies of other affected agencies for the exercise of the county's SEPA authority. The  
8 interlocal agreement calls for mitigation payments to WSDOT if projected traffic from a development  
9 will affect any WSDOT projects listed on Exhibit C to the interlocal agreement.

10 Pacific Ridge evaluated traffic impacts to state highways as requested by WSDOT. A community member  
11 objected to the analysis, arguing that the interlocal agreement required more analysis than Pacific  
12 Ridge performed. Pacific Ridge responded that it performed all analyses requested by WSDOT.

13 The record is clear that WSDOT is satisfied with the extent of the analysis of the impact of traffic  
14 generated by the development on state highways. While reasonable professional engineers may  
15 disagree regarding the extent of appropriate analysis, the Hearing Examiner gives substantial weight to  
16 WSDOT's determination regarding its stewardship of state highways. The record is insufficient for the  
17 Hearing Examiner to require more analysis for WSDOT than WSDOT says it needs.

18 Pacific Ridge initially proposed adding two left turns from eastbound Cathcart Way to turn northbound  
19 on SR 9. However, WSDOT's plan for the intersection changed from a signalized intersection to a  
20 roundabout, which would require demolition of the new left turn lanes. WSDOT instead accepted a  
21 mitigation payment of \$673,859.06.<sup>93</sup>

22 While the public would like more mitigation, the Hearing Examiner may only legally require mitigation  
23 requested by WSDOT that is proportionate to the impact and has a sufficiently direct nexus to the  
24 impact. He must give substantial weight to WSDOT's determination of mitigation that would be  
25 proportionate to the impact and that would have a sufficient nexus to the impact. Requiring more than  
26 WSDOT believes proportionate and sufficiently connected to the harm would require competent and  
27 persuasive evidence sufficient to overcome the substantial weight given to WSDOT's decision regarding  
28 the impact on its roads.

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<sup>92</sup> SCC 30.61.230(9) (2012).

<sup>93</sup>  $\$36/\text{ADT} \times 14,009.87 \text{ ADT} = \$673,859.06.$

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Here, WSDOT clearly believes that a payment of more than half-million dollars is proportionate and has a sufficient nexus. The Hearing Examiner gives substantial weight to WSDOT's determination that the proposed mitigation is appropriate under the interlocal agreement and finds the record inadequate both legally and factually to require more.

The Hearing Examiner finds and concludes that the proposed mitigation payment is proportionate to the projected harm and that the payment has as sufficient nexus to the traffic to be generated by the development. Approval will be conditioned on payment by Pacific Ridge to WSDOT of \$673,859.06 prior to the first occupancy of any phase.

*ii. Cities (SCC 30.66B.710)*

The number of trips generated from this development will affect the roads of the city of Mill Creek with which the county has a reciprocal interlocal traffic mitigation agreement. Pacific Ridge offered to pay the city more than \$2 million in mitigation, which the city accepted. The Hearing Examiner finds and concludes that the proposed mitigation payment is proportionate to the projected impact of traffic on the city's streets and that the payment has as sufficient nexus to the traffic to be generated by the development. Approval will therefore be conditioned on payment by Pacific Ridge to Mill Creek of \$2,067,078.78. Payment may be made in proportion to the phase.

*c. Transportation Demand Management (SCC 30.66B.630)*

Transportation demand management (TDM) is a strategy for reducing vehicular travel demand, especially by single occupant vehicles during commuter peak hours. TDM offers a means of increasing the ability of transportation facilities and services to accommodate greater travel demand without making expensive capital improvements. New developments like this within an urban growth area must comply with county code's TDM requirements.

Pacific Ridge must fulfil a 15% TDM goal. County code requires fulfillment of a 5% TDM goal for a proposed development in an urban growth area, either by submitting a plan with its development application that has features that could remove up peak hour trips or by paying an amount equal to \$6,500 multiplied by 5% of the evening peak hour trips.

In addition, a development that adds three or directional peak-hour trips to an arterial unit designated at ultimate capacity has an additional 5% requirement. This development will add three or more trips to 164<sup>th</sup> St. SW and 35<sup>th</sup> Ave. SE, an arterial unit designated at ultimate capacity.

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1 Similarly, a development that adds three or more directional peak-hour trips to a multimodal  
2 designated arterial must remove another 5%. Arterial unit 228<sup>94</sup> will be affected, adding an additional  
3 5% requirement.

4 Pacific Ridge submitted a satisfactory TDM plan with its initial application and will receive a 5% credit.  
5 Pacific Ridge fulfilled an additional 5% by proposing to construct a roundabout at Cathcart Way and  
6 Puget Park Drive. Public Works may allow 5% for measures with an area-wide impact, and found the  
7 roundabout will have such an impact for pedestrian circulation and connection to public transit.<sup>95</sup>  
8 Pacific Ridge will fulfill the remaining 5% obligation by paying \$366,505.75.<sup>96</sup> Approval will be  
9 conditioned on payment and installation and construction of the TDM features.

## 10 B. Project Site

### 11 1. Right of Way

12 Pacific Ridge will establish roads A, B, C, and D as public roads. Pacific Ridge will also convey additional  
13 right of way necessary for the roundabout at Cathcart Way and Puget Park Drive. Public Works must  
14 approve the limits and establishment of the rights of way.

### 15 2. Road System, Access, and Circulation

16 The development will be served by new public roads constructed by Pacific Ridge to county standards.  
17 The development will connect to the county road network by road A (running from Cathcart Way to  
18 79<sup>th</sup> Ave. SE.), road B (connecting to 144<sup>th</sup> Pl. SE), and road C (future connections to the north). Pacific  
19 Ridge will provide additional right of way for the roundabout at Cathcart Way and Puget Park Drive.

### 20 3. Frontage Improvements (SCC 30.66B.410)

21 Full urban frontage improvements are usually required where a project abuts a public road.<sup>97</sup> Frontage  
22 improvements already exist on Cathcart Way. Pacific Ridge will construct a roundabout at the  
23 intersection of Cathcart Way and Puget Park Drive.

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<sup>94</sup> 128<sup>th</sup> St. SW/Airport Road from Interstate 5 to State Route 99).

<sup>95</sup> SCC 30.66B.650(3).

<sup>96</sup>  $5\% \times 1,127.71 \text{ evening peak-hour trips} \times \$6,500 = \$366,505.75$ .

<sup>97</sup> Snohomish County Department of Public Works Rule 4222.020(1).

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### **XIII. MITIGATION**

#### **A. School Impact Mitigation (Chapter 30.66C SCC)**

Approval of the development will be conditioned upon the payment of school impact fees to mitigate the impact of the development on the capital facilities of Snohomish School District no. 201.<sup>98</sup> For building permit applications submitted on or before October 26, 2027, the fee shall be \$6,039.00 per single-family dwelling unit, zero dollars per 1-bedroom multi-family units, and \$260.00 per 2-bedroom multi-family units and townhome dwelling units, as provided by the fee schedule. For building permit applications submitted on or after October 27, 2027, the amount shall be determined by the fee schedule in effect at the time the building permit application is submitted. The impact fees must be paid prior to building permit issuance, except as allowed by SCC 30.66C.200(2). Credit will be given for two existing lots.

#### **B. Park and Recreation Impact Mitigation (Chapter 30.66A SCC)**

Prior to building permit issuance for each dwelling unit, Pacific Ridge must pay park and recreation impact fees.<sup>99</sup> For building permit applications submitted on or before October 26, 2027, the impact fee shall be \$1,071.45 per dwelling unit. For building permit applications submitted on or after October 27, 2027, the amount shall be determined by the fee schedule in effect at the time the building permit application is submitted. The impact fees must be paid prior to building permit issuance, except as allowed by SCC 30.66A.020(4).

### **XIV. PUBLIC SAFETY AND HEALTH**

#### **A. Fire**

The Fire Marshal's Office reviewed the proposed development. Approval will be conditioned on implementing the Fire Marshal's recommendations, such specifications for fire protection based upon the size of dwelling units, requirements for final certificate of water availability and fire flow related to fire hydrants, specifications for fire hydrant installation, and fire signage installation.

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<sup>98</sup> SCC 30.66C.100 (2017).

<sup>99</sup> SCC 30.66A.020 (2010). The project site lies in the Nakeeta Beach park service area. SCC 30.66A.040(1) (2005).

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1 B. Pedestrian Facilities (RCW 58.17.110 and 58.17.060)

2 The development cannot be approved unless school children have safe walking conditions.<sup>100</sup>  
3 Pedestrian facilities will be constructed in the development which will provide adequate safe walking  
4 conditions to schools and the bus stop. No off-site pedestrian improvements are needed.

5 C. Utilities

6 Adequate provisions have been made for utilities, which will be installed underground. Approval will be  
7 conditioned on Pacific Ridge demonstrating to PDS prior to development of each phase that Snohomish  
8 PUD can provide electrical power.

9 **XV. CONCLUSIONS**

- 10 1. The Hearing Examiner has authority to approve preliminary subdivisions,<sup>101</sup> Planned Residential  
11 Developments official site plans,<sup>102</sup> and Urban Residential Design Standards administrative site plans,<sup>103</sup>  
12 and Single-Family Detached Unit site plan where, as here, the applicant requested consolidated review.
- 13 2. The Hearing Examiner concludes that Pacific Ridge satisfied the criteria established by county code.
- 14 3. The proposal is consistent with the Growth Management Act comprehensive plan, county code,  
15 the type and character of land use permitted on the project site, the permitted density, and applicable  
16 design and development standards.
- 17 4. Having considered all relevant facts, including the physical characteristics of the site, sidewalks and  
18 other planning features and with fulfillment of the conditions imposed below, the Hearing Examiner  
19 finds the proposed subdivision will serve the public interest and it makes appropriate provision for the  
20 public health, safety, and general welfare, for open spaces, drainage ways, streets, alleys, other public  
21 ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, sites for  
22 schools and school grounds, fire protection and other public facilities.<sup>104</sup> As conditioned, the proposed  
23 subdivision meets the general requirements of SCC 30.41A.100 (2006) with respect to health, safety  
24 and general welfare of the community. The proposed lots will not be subject to flood, inundation or

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<sup>100</sup> RCW 58.17.060(2) (1990); RCW 58.17.110(2) (1995).

<sup>101</sup> SCC 30.72.020(5) (2015); SCC 30.72.025 (2012).

<sup>102</sup> SCC 30.72.020(6) (2015); SCC 30.72.025 (2012).

<sup>103</sup> SCC 30.23A.100(2)(a) (2017).

<sup>104</sup> SCC 30.41A.100 (2020).

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1 swamp conditions. The proposed subdivision conforms to applicable zoning codes and the  
2 comprehensive plan. Provisions for adequate drainage have been made. Local utilities confirmed the  
3 availability of water, sewer, and electrical service to the project.

4 5. The Hearing Examiner concludes that adequate public services exist to serve the proposed project.

5 6. Any finding of fact in this decision which should be deemed a conclusion of law is hereby adopted  
6 as a conclusion of law.

7 7. Any conclusion of law in this decision which should be deemed a finding of fact is hereby adopted  
8 as a finding of fact.

## 9 **XVI. DECISION**

10 Based on the foregoing findings of fact and conclusions of law, the Hearing Examiner approves the  
11 preliminary plats and site plans subject to the conditions attached hereto.

12 Original decision issued February 28, 2025.

13 Decision after reconsideration issued April 30, 2025.

*Peter B. Camp*

Peter B. Camp

Snohomish County Hearing Examiner

### **Eastview Village**

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## RECONSIDERATION AND APPEAL PROCEDURES

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 Hearing Examiner and Council Rules of Procedure.

### Reconsideration

Further motions for reconsideration will not be considered because county code allows only one reconsideration period. SCC 30.72.065(5) (2013).

### Appeal

An appeal to the County Council may be filed by any aggrieved party of record **on or before May 14, 2025**. An aggrieved party may file an appeal directly to the County Council without first filing a petition for reconsideration. If a petition for reconsideration was 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, 2<sup>nd</sup> Floor, County Administration-East Building, 3000 Rockefeller Avenue, Everett, Washington (Mailing address: M/S 604, 3000 Rockefeller Avenue, Everett, WA 98201), and shall be accompanied by a filing fee in the amount of five hundred dollars (\$500.00) for each appeal filed. A county department does not need to pay the filing fee. The filing fee shall be refunded in any case where an appeal is summarily dismissed in whole without hearing under SCC 30.72.075.

Appeals may be accepted electronically by the Planning and Development Services Department and paid for by credit card over the phone as follows:

1. Scan the original manually signed (handwritten) copy of the appeal document;
2. Send your appeal as an email attachment to [epermittech@snoco.org](mailto:epermittech@snoco.org). Please include your phone number where you can be reliably reached.
3. Staff will call you to collect your credit card information and process your payment.
4. Mail the original to Snohomish County PDS, 3000 Rockefeller M/S 604, Everett, WA 98201.

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1 An appeal must contain the following items in order to be complete: (a) a detailed statement of the  
2 grounds for appeal; (b) a detailed statement of the facts upon which the appeal is based, including  
3 citations to specific Hearing Examiner findings, conclusions, exhibits or oral testimony; (c) written  
4 arguments in support of the appeal, including all legal arguments on which the appeal is based; (d) the  
5 name, mailing address and daytime telephone number of each appellant or appellant's representative,  
6 together with the signature of at least one of the appellants or the appellant's representative; and (d)  
7 the required filing fee. SCC 30.72.080(1).

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

- 9 (a) The decision exceeded the Hearing Examiner's jurisdiction;
- 10 (b) The Hearing Examiner failed to follow the applicable procedure in reaching his decision;
- 11 (c) The Hearing Examiner committed an error of law; or
- 12 (d) The Hearing Examiner's findings, conclusions, or conditions are not supported by substantial  
13 evidence in the record.

14 SCC 30.72.080(2). Appeals will be processed and considered by the County Council pursuant to the  
15 provisions of chapter 30.72 SCC. Please include the county file number in any correspondence  
16 regarding the case.

17 Staff Distribution:

18 Department of Planning and Development Services: Joshua Machen, AICP

19 The following statement is provided pursuant to RCW 36.70B.130: "Affected property owners may  
20 request a change in valuation for property tax purposes notwithstanding any program of revaluation." A  
21 copy of this decision is being provided to the Snohomish County Assessor as required by RCW  
22 36.70B.130.

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## APPENDIX A –ROAD IMPACT MITIGATION FEES BY PHASE

	Phase					
	1	2	3	4	5	6
1 Number of Dwelling Units	337.00	40	132	137	62	143
2 ADT per Dwelling Unit	6.74	6.74	9.44	9.44	7.2	9.44
New ADT						
3 (line 1 x line 2)	2,271.38	269.60	1,246.08	1,293.28	446.40	1,349.92
TDM Credit						
4 (Line 3 x 10%)	227.14	26.96	124.61	129.33	44.64	134.99
Gross New ADT						
5 (line 3 - line 4)	2,044.24	242.64	1,121.47	1,163.95	401.76	1,214.93
6 ADT Credit for Existing Trips	0.00	0.00	0.00	0.00	0.00	0.00
Net New ADT						
7 (Line 5 - line 6)	2044.24	242.64	1121.47	1163.95	401.76	1214.93
8 TSA D mitigation rate per ADT	\$736.00	\$736.00	\$736.00	\$736.00	\$736.00	\$736.00
Total Road System Impact Fee			\$	\$		
9 (line 7 x line 8)	\$1,504,562.11	\$178,583.04	825,403.39	856,668.67	\$295,695.36	\$894,187.01
Impact Fee per New Dwelling Unit (line 9 / line 10)						
10	\$4,464.58	\$4,464.58	\$6,253.06	\$6,253.06	\$4,769.28	\$6,253.06
11 Commercial space sq. ft	61,000					
12 ADT per 1,000 sq. ft.	94.49					
13 Pass By Rate	60%					
14 New ADT ((line 11/1,000) x line 12) x line 13	3,458.33					
15 TDM Credit (Line 14 x 10%)	345.83					
16 Net New ADT	3,112.50					
17 TSA D mitigation rate per ADT	\$624.00					
Total Commercial Space Mitigation Fee						
18 (line 16 x line 17)	\$1,942,200.37					
Impact fee per sq. ft.						
19 ((line 16 x line 17)/line 11)	\$ 31.84					

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		\$		\$		\$	
<b>Total Mitigation Fee for Phase</b>		3,446,762.49	\$178,583.04	825,403.39	856,668.67	\$295,695.36	\$894,187.01
		<b>Phase</b>					
		<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>
1	Number of Dwelling Units	62	76	44	142	56	80
2	ADT per Dwelling Unit	9.44	7.2	9.44	7.2	9.44	7.2
New ADT							
3	(line 1 x line 2)	585.28	547.20	415.36	1,022.40	528.64	576.00
TDM Credit							
4	(Line 3 x 10%)	58.53	54.72	41.54	102.24	52.86	57.60
Gross New ADT							
5	(line 3 - line 4)	526.75	492.48	373.82	920.16	475.78	518.40
6	ADT Credit for Existing Trips	0.00	0.00	0.00	0.00	0.00	0.00
New New ADT							
7	(Line 5 - line 6)	526.75	492.48	373.82	920.16	475.78	518.40
8	TSA D mitigation rate per ADT	\$736.00	\$736.00	\$736.00	\$736.00	\$736.00	\$736.00
Total Road System Impact Fee		\$	\$	\$	\$	\$	\$
9	(line 7 x line 8)	387,689.47	362,465.28	275,134.46	677,237.76	350,171.14	381,542.40
Impact Fee per New Dwelling							
10	Unit (line 9 / line 10)	\$6,253.06	\$4,769.28	\$6,253.06	\$4,769.28	\$6,253.06	\$4,769.28
		\$	\$		\$		
<b>Total Mitigation Fee for Phase</b>		387,689.47	362,465.28	\$ 275,134.46	677,237.76	\$ 350,171.14	381,542.40

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## APPENDIX B – GENERAL CONDITIONS APPLICABLE TO ALL PHASES<sup>105</sup>

1. Any discrepancies between title 30 SCC and approved preliminary plats or site plans shall be resolved in favor of title 30 SCC.
2. Revisions to approved preliminary plats or site plans shall be processed as required by applicable county code provisions at the time of proposed revision.
3. Trees planted to meet requirements of SCC 30.25.016 and shown in the approved landscape plan shall not be removed except when determined in writing by a certified arborist to constitute a hazard in accordance with SCC 30.25.016(11). A person who removes a tree without authorization shall be subject to a fine as determined under Chapter 30.85 SCC. Further, dead, or significantly damaged trees must be replaced within three months in compliance with SCC 30.25.045.
4. Final plat approval or final plan approval of a phase may not occur until the Snohomish County PUD indicates that power will be available for that phase.
5. All water, sewer, electrical and communication distribution, and service lines shall be underground except as may be allowed per SCC 30.23A.110(1) or 30.23A.110(2).
6. Prior to the acceptance of the public road connection to 79<sup>th</sup> Avenue SE, the temporary turnaround in the adjoining plat (Greenleaf at Snohomish Cascade) recorded under Auditor's file no. 200406305228 shall be removed and the road end of 79<sup>th</sup> Ave SE adjoining the site shall be reconstructed to the satisfaction of the county. Snohomish County Public works shall approve the timing of connection to 79<sup>th</sup> Avenue SE.
7. Rights of way for the new public roads and roundabout are subject to approval by the department of Public Works.
8. Pacific Ridge may determine the sequence of construction of phases, although permits for phases which depend on prior phases may not be finally inspected until the applicable permit for the prior phase is completed and finally inspected. For example, stormwater facilities for one phase may depend on completion of stormwater facilities in another phase. In that case, the land disturbing activity permit of the dependent phase may not be finally inspected and approved until the land disturbing activity permit of the prior phase is finally inspected and approved. Pacific Ridge shall

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<sup>105</sup> The Hearing Examiner usually does not repeat conditions but makes an exception for this matter. He believes it will be easier for the public to be aware of the conditions for each phase and the conditions that apply to all phases, for PDS to administer conditions, and for Pacific Ridge to comply with conditions. The conditions are therefore organized by general conditions applying to all phases and specific conditions applying to each phase.

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1 inform PDS of the sequence of construction of phases and shall inform PDS of any changes to its  
2 planned sequence.

3 9. Depending on the order of phasing, the Fire Marshal's Office may require Pacific Ridge to install  
4 temporary turnarounds for any dead-end fire lanes that exceed 150 feet in length. The Snohomish  
5 County Fire Marshal's Office will review for these situations as a part of the review of applications  
6 for land disturbing activity permits.

7 10. Prior to first occupancy of the development, irrespective of phase, Pacific Ridge shall:

8 a. Construct and obtain final approval of the roundabout at Cathcart Way and Puget Park Drive.

9 b. Pay WSDOT \$673,859.06 to mitigate the impacts of the development on state highways.

10 11. Nothing in this approval excuses Pacific Ridge, owner, lessee, agent, successor or assigns from  
11 compliance with any other federal, state, or local statutes, ordinances, or regulations applicable to  
12 this project.

13 12. Preliminary subdivision approvals under chapter 30.41A SCC expire five years from the date of this  
14 decision and must be recorded within that time unless PDS grants an extension under SCC  
15 30.70.140(1) or SCC 30.41A.300.

16 13. Administrative site plans approved under chapter 30.23A SCC expire five years from the date of this  
17 decision unless construction or use commenced.

18 14. Official site plans and site plans approved under Chapter 30.31A and 30.31B SCC expire five years  
19 from the date of this decision unless construction or use commenced.

20 15. Planned Residential Development official site plans expire five years from the date of this decision  
21 unless construction or use commenced.

22 16. Single Family Detached Unit site plans expire five years from the date of this decision unless  
23 construction or use commenced.

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## APPENDIX C – PHASE 1 CONDITIONS (337 APARTMENTS)

### A. General Conditions for Phase 1

P1.1 The urban residential design standards administrative site plan and preliminary plan for the multi-family phase 1 received by PDS on October 1, 2024,<sup>106</sup> must be revised to show the critical area shown on sheet 13. Tracts 1-999 shown on sheet 15 of the phase 1 multi-family site plan set shall be labeled as CAPA in a separate tract or easement with the critical areas and buffers located and labeled. The revised urban residential design standards administrative site plan and plan for the multi-family phase 1 shall be the approved URDS administrative site plan pursuant to chapter 30.23A SCC.

P1.2 The preliminary tree canopy and landscape plan for phase 1 received by PDS on October 1, 2024, shall be the approved preliminary landscape plan.<sup>107</sup>

P1.3 Exterior lighting shall have full cut-off features and be shielded, hooded, or otherwise directed to prevent glare and light pollution from reaching adjacent properties and roads in accordance with SCC 30.34A.110 and 30.26.075. Pacific Ridge must obtain approval from the Washington State Department of Transportation or the director of Snohomish County Public Works, for any lights that flash, blink, or simulate traffic signals.

P1.4 To the extent required by the Fire Marshal, buildings shall have automatic sprinkler and alarm systems. At the time of building permit application, Pacific Ridge may provide updated fire flow information. The Fire Marshal may modify sprinkler requirements based upon the updated fire flow information. If the fire flow is less than the fire flow required by Appendix B for the size and type of structure, installation of NFPA-compliant automatic fire sprinkler systems will reduce the fire flow required by 50%.

P1.5 Access to fire department connections shall be maintained at all times and not obstructed by fences, bushes, trees, walls, or any other object, whether fixed or movable. Signs shall be mounted on all FDCs as required by the Fire Marshal.

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<sup>106</sup> Ex. B.4.1.

<sup>107</sup> Ex. B.6.1.

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1 **B. Site Development Activities for Phase 1**

2 **Prior to any development activity on the site except surveying and marking:**

3 P1.6 Pacific Ridge shall obtain the required permits for site development work, including one or more  
4 land disturbing activity permits as required by chapters 30.63A and 30.63B SCC.

5 P1.7 To the extent required SCC 30.43F.100, Pacific Ridge must obtain a forest practices activity  
6 permit – class IV general conversion permit.

7 P1.8 The application for the land disturbing activity permit shall include for review and approval:

8 a. To the extent critical areas exist on the site of the phase:

9 i. Critical Area Protection Area (CAPA) sign design and location specifications that  
10 comply with the design requirements of SCC 30.62A.320(1)(f)(ii)(A)-(D).

11 ii. A final mitigation plan based on the mitigation proposed in the Mitigation Plan  
12 written by Soundview Consultants and revised December 5, 2023. The mitigation  
13 plan map shall be consistent with the land disturbing activity construction plans.  
14 The plan shall include a plan for use of mitigation bank credits.

15 b. A full drainage plan pursuant to chapters 30.63A and 30.63B SCC.

16 c. A landscape plan review fee. SCC 30.86.145(1).

17 d. A proposed final landscape plan that includes:

18 i. The location of any CAPA-compliant fencing.

19 ii. Details of the designated areas of common space for gathering near building entries  
20 in Phase 1 per SCC 30.23A.060. The details of these gathering areas need to include  
21 amenities such as surfacing material, benches, or artwork.

22 P1.9 A landscape maintenance security may be required in accordance with SCC 30.84.150 if Pacific  
23 Ridge requests a planting delay and PDS concurs with the suitability of the delay.

24 P1.10 Pacific Ridge must temporarily mark the boundary of any CAPA on the phase site required by  
25 chapter 30.62A SCC and the limits of the proposed site disturbance outside of the CAPA, using  
26 methods and materials acceptable to the county.

27 P1.11 To protect any trees during land disturbing activities that are shown as retained by the approved  
28 landscape plan, Pacific Ridge shall install tree protective fencing along the outer edge of the drip

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line surrounding the trees. Fencing shall not be moved to facilitate grading or other construction activity within the protected area. Tree protective fencing shall be a minimum height of three feet, visible, and of durable construction (orange polyethylene laminar fencing is acceptable). Signs must be posted on the fencing reading "Tree Protection Area." SCC 30.25.016.

Prior to issuance of the land disturbing activity permit, Pacific Ridge shall:

P1.12 Pay the amount required by the county for the installation of signs and striping. SCC 13.10.180.

P1.13 Pay the county a landscape site inspection fee as required by SCC 30.86.145(3).

P1.14 Provide proof of purchase to the county of required Snohomish Basin Mitigation Bank credits. PDS may allow proration of the credits by phase.

P1.15 Obtain approval from the county of a lighting plan to address pedestrian-scaled lighting along pedestrian facilities, distinguishing the pedestrian facilities from automobile circulation and parking areas.

Prior to final acceptance of the land disturbing activity permit:

P1.16 All CAPA boundaries on the phase site shall have been permanently marked on the site prior to final inspection by the county, with both CAPA signs and adjacent markers which can be magnetically located (e.g., rebar, pipe, or 20 penny nails). Other permanent methods and materials may be used if they are first approved by the county. Where a CAPA boundary crosses another boundary (e.g., lot, tract, plat, or road), a rebar marker with surveyors' cap and license number must be placed at the line crossing.

P1.17 CAPA signs shall have been placed no greater than 100 feet apart around the perimeter of any CAPA on the phase site. Minimum placement shall include one Type 1 sign per wetland, and at least one Type 1 sign shall be placed in any lot that borders the CAPA, unless otherwise approved by the county biologist.

P1.18 CAPA-compliant fencing shall have been installed around the boundary of any CAPA on the phase site to the satisfaction of the county.

P1.19 The final mitigation plan shall have been satisfactorily implemented.

C. Building Permits

P1.20 All multi-family shared building entrances in phase 1 shall have covered canopies or awnings to protect pedestrians from weather.

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- 1 P1.21 Building plans shall demonstrate compliance with urban residential design standards of chap.  
2 30.23A SCC, including illumination of building entries for pedestrians and compliance of all  
3 exterior lighting with condition P1.3.
- 4 P1.22 Building plans submitted for building permit review shall include any automatic fire suppression  
5 systems and fire alarm systems required by the Fire Marshal.
- 6 P1.23 Prior to the issuance of building permits,<sup>108</sup> Pacific Ridge shall pay mitigation fees as follows  
7 (payment may be made proportionately with each building permit):
- 8 a. The dwelling units within phase 1 are subject to park impact fees as mitigation for impacts  
9 to the Nakeeta Beach Park Service Area No. 307 of the County parks system in accordance  
10 with chapter 30.66A SCC. Impact fees must be paid before building permit issuance unless  
11 deferred as allowed by county code. For building permits applications submitted on or  
12 before October 26, 2027, the amount shall be \$1,071.45 per multi-family dwelling unit.  
13 For building permits submitted on or after October 27, 2027, the amount shall be  
14 determined by the fee schedule in effect at the time the building permit application is  
15 submitted. Payment of these mitigation fees is required prior to building permit issuance  
16 except as provided for in SCC 30.66A.020(4).
- 17 b. Traffic impact mitigation fees for traffic impacts to the county road system in the amounts of:
- 18 i. \$4,464.57 per dwelling unit (for a total of \$1,504,562.11), in accordance with the  
19 provisions of SCC 30.66B.340. This payment may be made proportionately with each  
20 building permit.
- 21 ii. \$31.84 per square foot of commercial space (for a total of \$1,942,200.37) in  
22 accordance with the provisions of SCC 30.66B.340. This payment may be made  
23 proportionately with each building permit.
- 24 c. School impact mitigation fees for each dwelling unit as mitigation for impacts to the  
25 Snohomish School District No. 201, in accordance with chapter 30.66C SCC. School impact  
26 mitigation fees shall be determined based upon the school impact mitigation fees schedule  
27 under SCC 30.66C.100 in effect at the time of building permit application. For building  
28 permits applications submitted on or before October 26, 2027, the mitigation fees are zero  
29 for 1-bedroom multi-family dwelling units and \$260.00 2-bedroom multi-family dwelling  
30 units. For building permit applications received on or after October 27, 2027, the amount of  
31 the school impact fee shall be based on the fee schedule in effect at the time of the building  
32 permit application. Credit shall be given for one existing lot.

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<sup>108</sup> Except as otherwise authorized by county code.

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d. Traffic impact mitigation fees of \$209,929.62 to the city of Mill Creek for traffic impacts to the city. Pacific Ridge shall provide proof of payment to the county.

e. Transportation Demand Management fee in the amount of \$48,594.82.

#### D. Prior to Combustible Construction

P1.24 Pacific Ridge shall have provided the Fire Marshal with a final certificate of water availability verifying all hydrants have been installed, are charged and operational, and that minimum required fire flow can be met.

P1.25 Each fire hydrant shall have been equipped with a four-inch Storz steamer port.

P1.26 The cap and bonnet of each fire hydrant shall have been painted with a color reflecting the level of fire service provided.

P1.27 For each fire hydrant, blue street reflectors shall have been installed on the hydrant side of the center line to assist approaching emergency vehicle apparatus in locating the hydrant. Installation of reflectors may be deferred until the final lift of pavement if approved by the Fire Marshal.

#### E. Occupancy or Final Inspection

P1.28 Installed all required landscaping, including landscaping of open space tracts and common areas, unless deferral of the improvements is allowed by PDS and a bond or other performance security is submitted in an amount and form satisfactory to PDS. A qualified landscape designer shall certify to PDS that the installation complies with county code and the approved plans. After the landscaping is installed, a landscape maintenance bond or other maintenance security shall be provided for the required landscape improvements, in an amount and form satisfactory to PDS.

P1.29 Any automatic fire sprinkler system and alarm system required by condition P1.4 shall be operational. The Snohomish County Fire Marshal's Office may waive sprinkler requirements if Pacific Ridge provides a secondary access that complies with county requirements and if there is adequate fire flow.

P1.30 Pacific Ridge shall have constructed or installed the features on the approved Transportation Demand Management plan.

P1.31 Pacific Ridge shall have installed all fire lane pavement striping and signs per the approved site plan.

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1 P1.32 Pacific Ridge shall have installed all fire department connections (FDCs) per the approved plans  
2 and shall be installed, provide access, and be signed in accordance with International Fire Code  
3 requirements. Access to the FDCs shall be maintained at all times and not obstructed by fences,  
4 bushes, trees, walls, or any other object, whether fixed or movable. Signs shall be mounted on  
5 all FDCs as required by the Fire Marshal.

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Detached Unit Site Plan Subject to Conditions.

## APPENDIX D – PHASE 2 CONDITIONS (40 APARTMENTS AND COMMERCIAL SPACE)

### A. General Conditions for Phase 2

- P2.1 The urban residential design standards administrative site plan and preliminary plan for the multi-use phase 2 received by PDS on September 16, 2024, shall be the approved URDS administrative site plan pursuant to chapter 30.23A SCC.<sup>109</sup>
- P2.2 The preliminary tree canopy and landscape plan for phase 2 received by Snohomish County Planning and Development Services on September 16, 2024, shall be the approved preliminary landscape plan.<sup>110</sup>
- P2.3 Exterior lighting shall have full cut-off features and be shielded, hooded, or otherwise directed to prevent glare and light pollution from reaching adjacent properties and roads in accordance with SCC 30.34A.110 and 30.26.075. Pacific Ridge must obtain approval from the Washington State Department of Transportation or the director of Snohomish County Public Works, for any lights that flash, blink, or simulate traffic signals.
- P2.4 To the extent required by the Fire Marshal, buildings shall have automatic sprinkler and alarm systems. At the time of building permit application, Pacific Ridge may provide updated fire flow information. The Fire Marshal may modify sprinkler requirements based upon the updated fire flow information. If the fire flow is less than the fire flow required by Appendix B for the size and type of structure, installation of NFPA-compliant automatic fire sprinkler systems will reduce the fire flow required by 50%.
- P2.5 Access to fire department connections shall be maintained at all times and not obstructed by fences, bushes, trees, walls, or any other object, whether fixed or movable. Signs shall be mounted on all FDCs as required by the Fire Marshal

### B. Site Development Activities for Phase 2

Prior to any development activity on the site except surveying and marking:

- P2.6 Pacific Ridge shall obtain the required permits for site development work, including one or more land disturbing activity permits as required by chapters 30.63A and 30.63B SCC.

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<sup>109</sup> Ex. B.4.2.

<sup>110</sup> Ex. B.6.2.

#### **Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family Detached Unit Site Plan Subject to Conditions.

- P2.7 To the extent required SCC 30.43F.100, Pacific Ridge must obtain a forest practices activity permit – class IV general conversion permit.
- P2.8 The application for the land disturbing activity permit shall include for review and approval:
- a. To the extent critical areas exist on the site of the phase:
    - ii. Critical Area Protection Area (CAPA) sign design and location specifications that comply with the design requirements of SCC 30.62A.320(1)(f)(ii)(A)-(D).
    - ii. A final mitigation plan based on the mitigation proposed in the Mitigation Plan written by Soundview Consultants and revised December 5, 2023. The mitigation plan map shall be consistent with the land disturbing activity construction plans. The plan shall include a plan for use of mitigation bank credits.
  - b. A full drainage plan pursuant to chapters 30.63A and 30.63B SCC.
  - c. A landscape plan review fee. SCC 30.86.145(1).
  - d. A proposed final landscape plan that includes the location of any CAPA-compliant fencing.
- P2.9 A landscape maintenance security may be required in accordance with SCC 30.84.150 if Pacific Ridge requests a planting delay and PDS concurs with the suitability of the delay.
- P2.10 Pacific Ridge must temporarily mark the boundary of any CAPA on the phase site required by chapter 30.62A SCC and the limits of the proposed site disturbance outside of the CAPA, using methods and materials acceptable the county.
- P2.11 To protect any trees during land disturbing activities that are shown as retained by the approved landscape plan, Pacific Ridge shall install tree protective fencing along the outer edge of the drip line surrounding the trees. Fencing shall not be moved to facilitate grading or other construction activity within the protected area. Tree protective fencing shall be a minimum height of three feet, visible, and of durable construction (orange polyethylene laminar fencing is acceptable). Signs must be posted on the fencing reading "Tree Protection Area." SCC 30.25.016.
- Prior to issuance of the land disturbing activity permit, Pacific Ridge shall:
- P2.12 Pay the amount required by the county for the installation of signs and striping. SCC 13.10.180.
- P2.13 Pay the county a landscape site inspection fee as required by SCC 30.86.145(3).
- P2.14 Provide proof of purchase to the county of required Snohomish Basin Mitigation Bank credits. PDS may allow proration of the credits by phase.

**Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family Detached Unit Site Plan Subject to Conditions.

P2.15 Obtain approval from the county of a lighting plan to address pedestrian-scaled lighting along pedestrian facilities, distinguishing the pedestrian facilities from automobile circulation and parking areas.

Prior to final acceptance of the land disturbing activity permit:

P2.16 All CAPA boundaries on the phase site shall have been permanently marked on the site prior to final inspection by the county, with both CAPA signs and adjacent markers which can be magnetically located (e.g., rebar, pipe, or 20 penny nails). Other permanent methods and materials may be used if they are first approved by the county. Where a CAPA boundary crosses another boundary (e.g., lot, tract, plat, or road), a rebar marker with surveyors' cap and license number must be placed at the line crossing.

P2.17 CAPA signs shall have been placed no greater than 100 feet apart around the perimeter of any CAPA on the phase site. Minimum placement shall include one Type 1 sign per wetland, and at least one Type 1 sign shall be placed in any lot that borders the CAPA, unless otherwise approved by the county biologist.

P2.18 CAPA-compliant fencing shall have been installed around the boundary of any CAPA on the phase site to the satisfaction of the county.

P2.19 The final mitigation plan shall have been satisfactorily implemented.

C. Building Permits

P2.20 All multi-family shared building entrances in phase 2 shall have covered canopies or awnings to protect pedestrians from weather.

P2.21 Building plans shall demonstrate compliance with urban residential design standards of chap. 30.23A SCC, including illumination of building entries for pedestrians and compliance of all exterior lighting with condition P1.3.

P2.22 Building plans submitted for building permit review shall include any automatic fire suppression systems and fire alarm systems required by the Fire Marshal.

P2.23 Prior to the issuance of building permits,<sup>111</sup> Pacific Ridge shall pay mitigation fees as follows (payment may be made proportionately with each building permit):

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<sup>111</sup> Except as otherwise authorized by county code.

**Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family Detached Unit Site Plan Subject to Conditions.

- a. The dwelling units within phase 2 are subject to park impact fees as mitigation for impacts to the Nakeeta Beach Park Service Area No. 307 of the County parks system in accordance with chapter 30.66A SCC. Impact fees must be paid before building permit issuance unless deferred as allowed by county code. For building permits applications submitted on or before October 26, 2027, the amount shall be \$1,071.45 per multi-family dwelling unit. For building permits submitted on or after October 27, 2027, the amount shall be determined by the fee schedule in effect at the time the building permit application is submitted. Payment of these mitigation fees is required prior to building permit issuance except as provided for in SCC 30.66A.020(4).
- b. Traffic impact mitigation fees for traffic impacts to the county road system in the amount of:
  - i. \$4,464.57 per dwelling unit (for a total of \$178,583.04), in accordance with the provisions of SCC 30.66B.340.
  - ii. \$31.84 per square foot of commercial building space (for a total of \$1,942,200.37).
- c. School impact mitigation fees for each dwelling unit as mitigation for impacts to the Snohomish School District No. 201, in accordance with chapter 30.66C SCC. School impact mitigation fees shall be determined based upon the school impact mitigation fees schedule under SCC 30.66C.100 in effect at the time of building permit application. For building permits applications submitted on or before October 26, 2022, the mitigation fees are zero for 1-bedroom multi-family dwelling units and \$260.00 for 2-bedroom multi-family dwelling units. Credit for four existing lots shall be applied to the first building permit as allowed by chap. 30.66C SCC. For building permit applications received on or after October 27, 2027, the amount of the school impact fee shall be based on the fee schedule in effect at the time of the building permit application. Credit shall be given for one existing lot.
- d. Traffic impact mitigation fees of \$428,609.58 to the city of Mill Creek for traffic impacts to the city. Pacific Ridge shall provide proof of payment to the county.
- e. Transportation Demand Management fee in the amount of \$99,215.18.

#### D. Prior to Combustible Construction

P2.24 Pacific Ridge shall have provided the Fire Marshal with a final certificate of water availability verifying all hydrants have been installed, are charged and operational, and that minimum required fire flow can be met.

P2.25 Each fire hydrant shall have been equipped with a four-inch Storz steamer port.

P2.26 The cap and bonnet of each fire hydrant shall have been painted with a color reflecting the level of fire service provided.

#### **Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family Detached Unit Site Plan Subject to Conditions.

P2.27 For each fire hydrant, blue street reflectors shall have been installed on the hydrant side of the center line to assist approaching emergency vehicle apparatus in locating the hydrant. Installation of reflectors may be deferred until the final lift of pavement if approved by the Fire Marshal.

#### E. Occupancy or Final Inspection

##### Prior to the earlier of first occupancy or final inspection:

P2.28 Pacific Ridge shall have installed all required landscaping. A qualified landscape designer shall certify to the Department that the installation complies with county code and the approved plans.

P2.29 Any automatic fire sprinkler system and alarm system required by condition P2.4 shall be operational. The Snohomish County Fire Marshal's Office may waive sprinkler requirements if Pacific Ridge provides a secondary access that complies with county requirements and if there is adequate fire flow.

P2.30 Pacific Ridge shall have constructed or installed the features on the approved Transportation Demand Management plan.

P2.31 Pacific Ridge shall have installed all fire lane pavement striping and signs per the approved site plan.

P2.32 Pacific Ridge shall have installed all fire department connections (FDCs) per the approved plans. Access to the FDCs shall be maintained at all times and not obstructed by fences, bushes, trees, walls, or any other object, whether fixed or movable. Signs shall be mounted on all FDCs as required by the Fire Marshal.

#### **Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA  
Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family Detached Unit Site Plan Subject to Conditions.



## APPENDIX E — PHASE 3 CONDITIONS (UNIT LOT SUBDIVISION OF 132 TOWNHOUSES)

### A. General Conditions for Phase 3

- P3.1 The preliminary unit lot subdivision plat for phase 3 received by PDS on October 1, 2024, shall be the approved preliminary plat map.<sup>112</sup>
- P3.2 The urban residential design standard site plan and preliminary plan for phase 3 received by PDS on October 1, 2024, shall be the approved URDS administrative site plan pursuant to chapter 30.23A SCC.<sup>113</sup>
- P3.3 The preliminary tree canopy and landscape plan for phase 3 received by Snohomish County Planning and Development Services on October 01, 2024, shall be the approved preliminary landscape plan.<sup>114</sup>
- P3.4 To the extent required by the Fire Marshal, buildings shall have automatic sprinkler and alarm systems. At the time of building permit application, Pacific Ridge may provide updated fire flow information. The Fire Marshal may modify sprinkler requirements based upon the updated fire flow information. If the fire flow is less than the fire flow required by Appendix B for the size and type of structure, installation of NFPA-compliant automatic fire sprinkler systems will reduce the fire flow required by 50%.
- P3.5 All common areas and elements of the development included within tracts shall be held by a homeowners' association or in common by the owners of the individual unit lots.
- P3.6 No townhouse unit lot may be sold, transferred, or conveyed prior to recording of the final plat.
- P3.7 The model home provisions of SCC 30.41A.500 through SCC 30.41A.550 shall not apply to this unit lot subdivision. SCC 30.41A.205(8) (2017).
- P3.8 All portions of the parent site not subdivided for individual unit lots shall be owned in common by the owners of the individual unit lots, or by a homeowners' association.

### B. Site Development Activities for Phase 3

Prior to any development activity on the site except surveying and marking:

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<sup>112</sup> Ex. B.4.3.

<sup>113</sup> Ex. B.4.3.

<sup>114</sup> Exhibit B.6.3.

#### **Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family Detached Unit Site Plan Subject to Conditions.

- P3.9 Pacific Ridge shall obtain the required permits for site development work, including one or more land disturbing activity permits as required by chapters 30.63A and 30.63B SCC.
- P3.10 To the extent required SCC 30.43F.100, Pacific Ridge must obtain a Forest Practices Activity (FPA) Permit – Class IV General Conversion Permit.
- P3.11 The application for the land disturbing activity permit shall include for review and approval:
- a. To the extent critical areas exist on the site of the phase:
    - i. Critical Area Protection Area (CAPA) sign design and location specifications that comply with the design requirements of SCC 30.62A.320(1)(f)(ii)(A)-(D).
    - ii. A final mitigation plan based on the mitigation proposed in the Mitigation Plan written by Soundview Consultants and revised December 5, 2023. The mitigation plan map shall be consistent with the land disturbing activity construction plans. The plan shall include plans for use of mitigation bank credits.
  - b. A full drainage plan pursuant to chapters 30.63A and 30.63B SCC.
  - c. A landscape plan review fee. SCC 30.86.145(1).
  - d. A proposed final landscape plan that includes:
    - i. The location of any CAPA-compliant fencing.
    - ii. Any additional shrubs and ground cover needed to comply with the landscaping code requirements for the portion of the site proposed for townhouse development. Code requires five shrubs per 100 square feet of landscaping and ground cover to achieve 90 percent cover within three-years of planting within all front and side setbacks and common outdoor areas associated with a dwelling unit consistent with table SCC 30.23A.050(1).
- P3.12 A landscape maintenance security may be required in accordance with SCC 30.84.150 if Pacific Ridge requests a planting delay and PDS concurs with the suitability of the delay.
- P3.13 Pacific Ridge must temporarily mark the boundary of any CAPA on the phase site required by chapter 30.62A SCC and the limits of the proposed site disturbance outside of the CAPA, using methods and materials acceptable the county.
- P3.14 To protect any trees during land disturbing activities that are shown as retained by the approved landscape plan, Pacific Ridge shall install tree protective fencing along the outer edge of the drip line surrounding the trees. Fencing shall not be moved to facilitate grading or other construction activity within the protected area. Tree protective fencing shall be a minimum height of three feet, visible, and of durable construction (orange polyethylene laminar fencing is acceptable). Signs must be posted on the fencing reading "Tree Protection Area." SCC 30.25.016.

**Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family Detached Unit Site Plan Subject to Conditions.

Prior to issuance of the land disturbing activity permit, Pacific Ridge shall:

P3.15 Pay the amount required by the county for the installation of signs and striping. SCC 13.10.180.

P3.16 Pay the county a landscape site inspection fee as required by SCC 30.86.145(3).

P3.17 Provide proof of purchase to the county of required Snohomish Basin Mitigation Bank credits.  
PDS may allow proration of the credits by phase.

Prior to final acceptance of the land disturbing activity permit:

P3.18 Any stormwater facility easement required by SCC 30.63A.595 shall be recorded prior to the final inspection and approval of the initial land disturbing activity permit for the site implementing construction of stormwater facilities.

P3.19 All CAPA boundaries on the phase site shall have been permanently marked on the site prior to final inspection by the county, with both CAPA signs and adjacent markers which can be magnetically located (e.g., rebar, pipe, or 20 penny nails). Other permanent methods and materials may be used if they are first approved by the county. Where a CAPA boundary crosses another boundary (e.g., lot, tract, plat, or road), a rebar marker with surveyors' cap and license number must be placed at the line crossing.

P3.20 CAPA signs shall have been placed no greater than 100 feet apart around the perimeter of any CAPA on the phase site. Minimum placement shall include one Type 1 sign per wetland, and at least one Type 1 sign shall be placed in any lot that borders the CAPA, unless otherwise approved by the county biologist.

P3.21 CAPA-compliant fencing shall have been installed around the boundary of any CAPA on the phase site to the satisfaction of the county.

P3.22 The final mitigation plan shall have been satisfactorily implemented.

### C. Final Plat Content

The following text shall be written on the face of the final recorded plat:<sup>115</sup>

P3.23 The lots within this subdivision are subject to school impact mitigation fees for Snohomish School District No. 201. For building permit applications submitted on or before October 26, 2027, the fee shall be \$6,039.00 per single-family dwelling unit, zero dollars per 1-bedroom multi-family units, and \$260.00 per 2-bedroom multi-family units and townhome dwelling units, as provided by the fee schedule. For building permit applications submitted on or after October 27, 2027, the amount shall be determined by the fee schedule in effect at the time the building

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<sup>115</sup> Numbering of required text is for convenience only.

#### **Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA  
Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family Detached Unit Site Plan Subject to Conditions.

1 permit application is submitted. Payment of these mitigation fees is required prior to building  
2 permit issuance except as provided for in SCC 30.66C.200(2). Credit shall be given for one  
3 existing lot. The first lot or unit constructed in phase 3 shall receive credit.

4 P3.24 The dwelling units within this development are subject to park impact fees as mitigation for  
5 impacts to the Nakeeta Beach Park Service Area No. 307 of the County parks system in  
6 accordance with chapter 30.66A SCC. For building permit applications submitted on or before  
7 October 26, 2027, the impact fee shall be \$1,071.45 per dwelling unit. For building permit  
8 applications submitted on or after October 27, 2027, the amount shall be determined by the fee  
9 schedule in effect at the time the building permit application is submitted. Payment of these  
10 mitigation fees is required prior to building permit issuance except as provided in SCC  
11 30.66A.020(4).

12 P3.25 Chapter 30.66B SCC requires new lot mitigation payment of:

13 \$6,253.06 per dwelling unit (to total \$825,403.39) for mitigation of impacts on county roads  
14 paid to the county in accordance with the payment timing provisions of chapter 30.66B SCC.  
15 The impact fee shall be distributed to each Transportation Service Area in accordance with SCC  
16 30.66B.350.

17 \$36,950.05 to Snohomish County for Transportation Demand Management measures within  
18 Transportation Service Area D. This payment may be made proportionately with each building  
19 permit.

20 \$159,624.23 to the City of Mill Creek for traffic impacts to projects within the City. Proof of  
21 payment of the above amount shall be provided to the County. This payment may be made  
22 proportionately with each building permit.

23 Payment of these fees is due prior to or at the time of building permit issuance for each dwelling  
24 unit unless deferment is allowed pursuant to chapter 30.66B SCC. Notice of these mitigation  
25 payments shall be contained in any deeds involving this subdivision or the lots therein.

26 P3.26 Approval of the design and layout of the development was granted by the review of the  
27 development, as a whole, on the parent site by the site development plan approval (PDS file no.  
28 22-113955 SPA).

29 P3.27 Subsequent platting actions, additions, or modifications to any structure may not create or  
30 increase any nonconformity of the parent site as a whole and shall conform to the approved site  
31 development plan.

32 P3.28 If a structure or portion of a structure has been damaged or destroyed, any repair,  
33 reconstruction, or replacement of the structure shall conform to the approved site development  
34 plan.

#### **Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA  
Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development  
Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family  
Detached Unit Site Plan Subject to Conditions.

- 1 P3.29 The individual unit lots are not separate buildable lots and additional development of the  
2 individual unit lots may be limited as a result of the application of development standards to the  
3 parent site.
- 4 P3.30 Membership in the homeowners' association and payment of dues or other assessments for  
5 maintenance purposes shall be a requirement of lot ownership and shall remain an  
6 appurtenance to and inseparable from each lot. If the homeowners' association is dissolved,  
7 then each lot shall have an equal and undivided ownership interest in the tracts previously  
8 owned by the association as well as responsibility for maintaining the tracts.
- 9 P3.31 The homeowners' association or its successors shall regularly inspect and maintain any  
10 stormwater facilities and best management practice facilities shown on the plat.
- 11 P3.32 Open space shall be protected in perpetuity. Use of the open space tracts within this subdivision  
12 is restricted to those uses approved for the residential development shown on the approved  
13 site plan and the approved landscape plan.
- 14 P3.33 Provisions for the maintenance of walls, eaves, chimneys, and other architectural features that  
15 rest directly on, or cross over, the zero-lot lines shall be included in the covenants, conditions,  
16 and restrictions of the adjoining lots, and may be recorded with the covenants, conditions, and  
17 restrictions or in a separate document approved by the director pursuant to SCC 30.23A.050.
- 18 P3.34 All critical areas and buffers are designated critical area protection areas or easements and  
19 placed in separate tracts or easements. The critical areas shall be left permanently undisturbed  
20 in a substantially natural state. No clearing, grading, filling, building construction or placement,  
21 or road construction of any kind shall occur, except removal of hazardous trees. The following  
22 are allowed in critical area protection areas and easements: Non-ground disturbing interior or  
23 exterior building improvements; routine landscape, maintenance of established, ornamental  
24 landscaping; non-ground disturbing normal maintenance or repair; felling or topping of  
25 hazardous trees based on review by a qualified arborist; removal of noxious weeds conducted in  
26 accordance with chapter 16-750 WAC; maintenance or replacement that does not expand the  
27 affected area of septic tanks and drainfields, wells, and individual utility service connections;  
28 data collection by non-mechanical means; and non-mechanical survey and monument  
29 placement. SCC 30.62A.010(2)(a) (2017).
- 30 P3.35 Trees planted to meet the tree canopy requirements of SCC 30.25.016(3) (locations indicated on  
31 the approved landscape plans for the project) may not be removed without prior approval from  
32 the Department of Planning and Development Services and submittal of documentation from a  
33 certified arborist stating that removal of any of the trees is necessary to prevent an imminent  
34 safety hazard. Any trees removed without authorization shall be subject to a fine as determined  
35 under Chapter 30.85 SCC.

36 The following text shall be included on the final plat if the Fire Marshal requires automatic fire  
37 sprinklers:

**Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA  
Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development  
Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family  
Detached Unit Site Plan Subject to Conditions.

P3.36 All dwelling units shall be equipped with NFPA-compliant automatic sprinklers.

The following shall be noted and drawn on the final plat:

P3.37 Five-foot building maintenance easements for walls, eaves, chimneys, and other architectural features that rest directly on a lot line for all common walls on common property lines.

P3.38 CAPAs and buffers. Tract 10-998 and tract 5-998 shown on sheet 14 of 40 of the unit lot subdivision plan set for phases 3, 8, 10, & 12 shall be labeled as CAPA.

P3.39 Any stormwater facility easement required by SCC 30.63A.595.

#### D. Final Plat Approval

Prior to approval of the final plat:

P3.40 Pacific Ridge shall have submitted a final certificate of water availability to the county Fire Marshal verifying the fire hydrants have been installed, are charged and operational, and meet the minimum required fire flow after installation. Each fire hydrant shall be equipped with a 4-inch Storz steamer port and its bonnet and cap painted to reflect the level of fire service.

P3.41 Site improvements, fencing, recreation facilities, open space and common area landscaping depicted on the approved plans shall have been installed, inspected, and approved unless deferral of the improvements is allowed by PDS and a bond or guarantee of performance is submitted to PDS. A qualified landscape designer shall certify that landscaping is installed per the approved plan.

P3.42 Pacific Ridge shall have established a homeowners' association as a Washington corporation (profit or non-profit) for the purposes of tract ownership and maintenance. Pacific Ridge shall provide PDS with a copy of the articles of incorporation of the homeowners' association filed with the Washington Secretary of State. The homeowners' association shall remain the owner of tracts unless tract ownership by all lots in the subdivision is authorized pursuant to a final plat alteration. The articles of incorporation must provide that if the homeowners' association is dissolved, each Olot shall have an equal and undivided ownership interest in the tracts previously owned by the association and shall have responsibility for maintaining the tracts.

P3.43 Pacific Ridge shall have recorded with the County Auditor:<sup>116</sup>

- a. Documents that identify the rights and responsibilities of property owners and the homeowners' association for use and maintenance of common parking and vehicle access areas, on-site recreations areas, landscaping, underground utilities, common open space, exterior building facades and roofs, and other similar features.

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<sup>116</sup> SCC 30.41A.205(9).

#### **Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family Detached Unit Site Plan Subject to Conditions.

- b. Any access and construction easements.
- c. Any joint use and maintenance agreements.
- d. Any instruments necessary to convey ownership of property to be held by the homeowners' association. These instruments may be recorded contemporaneously with the final plat.
- e. Covenants, conditions, and restrictions. The restrictive covenants shall contain proper easements for utilities and for maintenance of exterior building facades and common walls, specifically providing a five-foot easement on either side of the common wall/property line for maintenance. The covenants shall provide that Snohomish County is an intended beneficiary of the covenants with standing to enforce them and shall preclude the avoidance of performance obligations required by county code through lease agreements.

P3.44 Pacific Ridge shall have installed all fire lane signage and pavement striping per the approved plans and coordinated on-site with the Snohomish County Fire Marshal's Office.

P3.45 Pacific Ridge shall have constructed or installed the features on the approved TDM plan.

P3.46 Pacific Ridge shall have provided a valid signed plat name reservation to PDS.

#### E. Prior to Earlier of Combustible Construction or Final Plat Approval

P3.47 If Pacific Ridge begins construction with combustible materials prior to approval of the final plat, Pacific Ridge must:

- a. Satisfy condition P3.40 (fire hydrants).
- b. Install or cause to be installed all street signage.

#### F. Building Permits

P3.48 Building plans submitted for building permit review shall:

- a. Include any automatic fire suppression systems and fire alarm systems required by the Fire Marshal.
- b. Comply with applicable bulk regulations of chap. 30.23 SCC.
- c. Include the architectural design elements required by the Urban Residential Design Standards for townhouses as outlined in SCC 30.23A.050.
- d. Demonstrate that all parking spaces within garages are free of obstructions that reduce the required internal parking space dimensions, such as stairs, furnaces, or water heaters.

#### **Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA  
Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development  
Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family  
Detached Unit Site Plan Subject to Conditions.

- e. Provide 20 percent façade transparency for each primary façade and 10 percent for each secondary façade facing a road network element or other public space.

P3.49 Pacific Ridge shall have paid the fees described in conditions P3.23 (school impact mitigation fees), P3.24 (park impact mitigation fees), and P3.25 (traffic impact mitigation fees). Pacific Ridge may pay such fees proportionately with each building permit.

#### G. Occupancy or Final Building Permit Approval of Each Dwelling Unit

Irrespective of whether the final plat has been approved and recorded, the following conditions shall be fulfilled prior to the earlier of approval for occupancy or final building permit approval of the first dwelling unit:

P3.50 Condition P3.40 (fire hydrants).

P3.51 Blue street reflectors shall have been installed on the hydrant side of the center line to assist approaching emergency vehicle apparatus in locating the hydrant. Installation may be deferred to the final lift with the approval of the Fire Marshal.

P3.52 Condition P3.45 (TDM plan).

P3.53 All street signage shall have been installed.

P3.54 All fire lane pavement striping and signage shall have been installed per the approved site plan and coordinated on-site with Snohomish County Fire Marshal's Office.

P3.55 All required landscaping shall be installed in accordance with the approved landscape plan and a qualified landscape designer shall certify that the installation complies with the code and the approved plans unless a performance bond has been reviewed and accepted by the department. All landscaping review and inspection fees shall be paid pursuant to chapter 30.86 SCC.

P3.56 Any automatic fire sprinkler system and alarm system required by the Fire Marshal shall be operational. The Snohomish County Fire Marshal's Office may waive sprinkler requirements if Pacific Ridge provides a secondary access that complies with county requirements and if there is adequate fire flow.

#### **Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA  
Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family Detached Unit Site Plan Subject to Conditions.



## APPENDIX F – PHASE 4 (SINGLE FAMILY DETACHED UNIT (SFDU) DEVELOPMENT OF 137 SINGLE-FAMILY DWELLINGS)

### A. General Conditions for Phase 4

- P4.1 The single-family detached unit (SFDU) phase 4 site plan received by PDS on October 1, 2024, shall be the approved site plan.<sup>117</sup>
- P4.2 The preliminary tree canopy and landscape plan for phase 4 received by Snohomish County Planning and Development Services on October 1, 2024, shall be the approved preliminary landscape plan.<sup>118</sup>
- P4.3 To the extent required by the Fire Marshal, buildings shall have automatic sprinkler and alarm systems. At the time of building permit application, Pacific Ridge may provide updated fire flow information. The Fire Marshal may modify sprinkler requirements based upon the updated fire flow information. If the fire flow is less than the fire flow required by Appendix B for the size and type of structure, installation of NFPA-compliant automatic fire sprinkler systems will reduce the fire flow required by 50%. The Snohomish County Fire Marshal's Office may waive sprinkler requirements if Pacific Ridge provides a secondary access that complies with county requirements and if there is adequate fire flow.

### B. Site Development Activities for Phase 4

#### Prior to any development activity on the site except surveying and marking:

- P4.4 Pacific Ridge shall obtain the required permits for site development work, including one or more land disturbing activity permits as required by chapters 30.63A and 30.63B SCC.
- P4.5 To the extent required SCC 30.43F.100, Pacific Ridge must obtain a forest practices activity (FPA) permit – class IV general conversion permit.
- P4.6 The application for the land disturbing activity permit shall include for review and approval:
- a. To the extent critical areas exist on the site of the phase:
    - i. Critical Area Protection Area (CAPA) sign design and location specifications that comply with the design requirements of SCC 30.62A.320(1)(f)(ii)(A)-(D).
    - ii. A final mitigation plan based on the mitigation proposed in the Mitigation Plan written by Soundview Consultants and revised December 5, 2023. The mitigation plan map

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<sup>117</sup> Ex. M.4.

<sup>118</sup> Exhibit M.6.

#### **Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family Detached Unit Site Plan Subject to Conditions.

shall be consistent with the land disturbing activity construction plans. The plan shall include plans for use of mitigation bank credits.

b. A full drainage plan pursuant to chapters 30.63A and 30.63B SCC.

c. A landscape plan review fee. SCC 30.86.145(1).

d. A proposed final landscape plan that includes the location of any CAPA-compliant fencing.

P4.7 A landscape maintenance security may be required in accordance with SCC 30.84.150 if Pacific Ridge requests a planting delay and PDS concurs with the suitability of the delay.

P4.8 Pacific Ridge must temporarily mark the boundary of any CAPA on the phase site required by chapter 30.62A SCC and the limits of the proposed site disturbance outside of the CAPA, using methods and materials acceptable the county.

P4.9 To protect any trees during land disturbing activities that are shown as retained by the approved landscape plan, Pacific Ridge shall install tree protective fencing along the outer edge of the drip line surrounding the trees. Fencing shall not be moved to facilitate grading or other construction activity within the protected area. Tree protective fencing shall be a minimum height of three feet, visible, and of durable construction (orange polyethylene laminar fencing is acceptable). Signs must be posted on the fencing reading "Tree Protection Area." SCC 30.25.016.

Prior to issuance of the land disturbing activity permit, Pacific Ridge shall:

P4.10 Pay the amount required by the county for the installation of signs and striping. SCC 13.10.180.

P4.11 Pay the county a landscape site inspection fee as required by SCC 30.86.145(3).

P4.12 Provide proof of purchase to the county of required Snohomish Basin Mitigation Bank credits.

Prior to final acceptance of the land disturbing activity permit:

P4.13 All CAPA boundaries on the phase site shall have been permanently marked on the site prior to final inspection by the county, with both CAPA signs and adjacent markers which can be magnetically located (e.g., rebar, pipe, or 20 penny nails). Other permanent methods and materials may be used if they are first approved by the county. Where a CAPA boundary crosses another boundary (e.g., lot, tract, plat, or road), a rebar marker with surveyors' cap and license number must be placed at the line crossing.

P4.14 CAPA signs shall have been placed no greater than 100 feet apart around the perimeter of any CAPA on the phase site. Minimum placement shall include one Type 1 sign per wetland, and at least one Type 1 sign shall be placed in any lot that borders the CAPA, unless otherwise approved by the county biologist.

P4.15 CAPA-compliant fencing shall have been installed around the boundary of any CAPA on the phase site to the satisfaction of the county.

**Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family Detached Unit Site Plan Subject to Conditions.

P4.16 The final mitigation plan shall have been satisfactorily implemented.

### C. Building Permits

P4.17 Building plans shall demonstrate compliance with urban residential design standards of chap. 30.23A SCC.

P4.18 Building plans submitted for building permit review shall include any automatic fire suppression systems and fire alarm systems required by the Fire Marshal.

P4.19 Prior to the issuance of building permits,<sup>119</sup> Pacific Ridge shall pay mitigation fees as follows (payment may be made proportionately with each building permit):

- a. The dwelling units within phase 4 are subject to park impact fees as mitigation for impacts to the Nakeeta Beach Park Service Area No. 307 of the County parks system in accordance with chapter 30.66A SCC. Impact fees must be paid before building permit issuance unless deferred as allowed by county code. For building permits applications submitted on or before October 26, 2027, the amount shall be \$1,071.45 per multi-family dwelling unit. For building permits submitted on or after October 27, 2027, the amount shall be determined by the fee schedule in effect at the time the building permit application is submitted. Payment of these mitigation fees is required prior to building permit issuance except as provided for in SCC 30.66A.020(4).
- b. Traffic impact mitigation fees for traffic impacts to the county road system in the amount of \$4,464.57 per dwelling unit (for a total of \$856,668.67), in accordance with the provisions of SCC 30.66B.340.
- c. School impact mitigation fees for each dwelling unit as mitigation for impacts to the Snohomish School District No. 201, in accordance with chapter 30.66C SCC. School impact mitigation fees shall be determined based upon the school impact mitigation fees schedule under SCC 30.66C.100 in effect at the time of building permit application. For building permits applications submitted on or before October 26, 2022, the mitigation fees are zero for 1-bedroom multi-family dwelling units and \$260.00 for 2-bedroom multi-family dwelling units. Credit for four existing lots shall be applied to the first building permit as allowed by chap. 30.66C SCC. For building permit applications received on or after October 27, 2027, the amount of the school impact fee shall be based on the fee schedule in effect at the time of the building permit application. Credit shall be given for one existing lot.
- d. Traffic impact mitigation fees of \$165,670.61 to the city of Mill Creek for traffic impacts to the city. Pacific Ridge shall provide proof of payment to the county.

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<sup>119</sup> Except as otherwise authorized by county code.

#### **Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA  
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Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family  
Detached Unit Site Plan Subject to Conditions.

e. Transportation Demand Management fee in the amount of \$38,349.68.

#### D. Prior to Combustible Construction

P4.20 Pacific Ridge shall have provided the Fire Marshal with a final certificate of water availability verifying all hydrants have been installed, are charged and operational, and that minimum required fire flow can be met.

P4.21 Each fire hydrant shall have been equipped with a four-inch Storz steamer port.

P4.22 The cap and bonnet of each fire hydrant shall have been painted with a color reflecting the level of fire service provided.

P4.23 For each fire hydrant, blue street reflectors shall have been installed on the hydrant side of the center line to assist approaching emergency vehicle apparatus in locating the hydrant. Installation of reflectors may be deferred until the final lift of pavement if approved by the Fire Marshal.

#### E. Occupancy or Final Inspection

##### Prior to the earlier of first occupancy or final inspection:

P4.24 SFDU covenants, conforming to SCC 30.41F.030(3), 30.41F.040 (2)(d), 30.41.090, and 30.41F.100, on a form provided by PDS, shall be executed, and recorded with the County Auditor

P4.25 Installed all required landscaping, stormwater facilities, site amenities, fencing, pedestrian facilities, lighting, and other requirements of chap. 30.41F SCC shall be installed and approved. A qualified landscape designer shall certify to the Department that the installation complies with county code and the approved plans.

P4.26 Address signs, street signs, and unit addressing is completed.

P4.27 Any automatic fire sprinkler system and alarm system required by condition P4.3 shall be operational. The Snohomish County Fire Marshal's Office may waive sprinkler requirements if Pacific Ridge provides a secondary access that complies with county requirements and if there is adequate fire flow.

P4.28 Pacific Ridge shall have constructed or installed the features on the approved Transportation Demand Management plan.

P4.29 Pacific Ridge shall have installed all fire lane pavement striping and signs (including no parking signs) per the approved site plan.

P4.30 Pacific Ridge shall have installed all fire department connections (FDCs) per the approved plans and shall be installed, provide access, and be signed in accordance with International Fire Code requirements. Access to the FDCs shall be maintained at all times and not obstructed by fences,

#### **Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family Detached Unit Site Plan Subject to Conditions.

1 bushes, trees, walls, or any other object, whether fixed or movable. Signs shall be mounted on  
2 all FDCs as required by the Fire Marshal.

**Eastview Village**

*22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA*  
Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development  
Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family  
Detached Unit Site Plan Subject to Conditions.

## APPENDIX G – PHASE 5 (UNIT LOT SUBDIVISION OF 62 TOWNHOUSES)

### A. General Conditions for Phase 5

- P5.1 The preliminary unit lot subdivision plat for phase 5 received by PDS on October 1, 2024 shall be the approved preliminary plat map.<sup>120</sup>
- P5.2 The urban residential design standard site plan and preliminary plan for phase 5 received by PDS on October 1, 2024, shall be the approved URDS administrative site plan pursuant to chapter 30.23A SCC.<sup>121</sup>
- P5.3 The preliminary tree canopy and landscape plan for phase 5 received by Snohomish County Planning and Development Services on October 01, 2024, shall be the approved preliminary landscape plan.<sup>122</sup>
- P5.4 To the extent required by the Fire Marshal, buildings shall have automatic sprinkler and alarm systems. At the time of building permit application, Pacific Ridge may provide updated fire flow information. The Fire Marshal may modify sprinkler requirements based upon the updated fire flow information. If the fire flow is less than the fire flow required by Appendix B for the size and type of structure, installation of NFPA-compliant automatic fire sprinkler systems will reduce the fire flow required by 50%.
- P5.5 All common areas and elements of the development included within tracts shall be held by a homeowners' association or in common by the owners of the individual unit lots.
- P5.6 No townhouse unit lot may be sold, transferred, or conveyed prior to recording of the final plat.
- P5.7 The model home provisions of SCC 30.41A.500 through SCC 30.41A.550 shall not apply to this unit lot subdivision. SCC 30.41A.205(8) (2017).
- P5.8 All portions of the parent site not subdivided for individual unit lots shall be owned in common by the owners of the individual unit lots, or by a homeowners' association.

### B. Site Development Activities for Phase 5

#### Prior to any development activity on the site except surveying and marking:

- P5.9 Pacific Ridge shall obtain the required permits for site development work, including one or more land disturbing activity permits as required by chapters 30.63A and 30.63B SCC.

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<sup>120</sup> Ex. B.4.3.

<sup>121</sup> Ex. B.4.3.

<sup>122</sup> Exhibit B.6.3.

#### **Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family Detached Unit Site Plan Subject to Conditions.

P5.10 To the extent required SCC 30.43F.100, Pacific Ridge must obtain a Forest Practices Activity (FPA) Permit – Class IV General Conversion Permit.

P5.11 The application for the land disturbing activity permit shall include for review and approval:

a. To the extent critical areas exist on the site of the phase:

i. Critical Area Protection Area (CAPA) sign design and location specifications that comply with the design requirements of SCC 30.62A.320(1)(f)(ii)(A)-(D).

ii. A final mitigation plan based on the mitigation proposed in the Mitigation Plan written by Soundview Consultants and revised December 5, 2023. The mitigation plan map shall be consistent with the land disturbing activity construction plans. The plan shall include plans for use of mitigation bank credits.

b. A full drainage plan pursuant to chapters 30.63A and 30.63B SCC.

c. A landscape plan review fee. SCC 30.86.145(1).

d. A proposed final landscape plan that includes:

i. The location of any CAPA-compliant fencing.

ii. Any additional shrubs and ground cover needed to comply with the landscaping code requirements for the portion of the site proposed for townhouse development. Code requires five shrubs per 100 square feet of landscaping and ground cover to achieve 90 percent cover within three-years of planting within all front and side setbacks and common outdoor areas associated with a dwelling unit consistent with table SCC 30.23A.050(1).

P5.12 A landscape maintenance security may be required in accordance with SCC 30.84.150 if Pacific Ridge requests a planting delay and PDS concurs with the suitability of the delay.

P5.13 Pacific Ridge must temporarily mark the boundary of any CAPA on the phase site required by chapter 30.62A SCC and the limits of the proposed site disturbance outside of the CAPA, using methods and materials acceptable the county.

P5.14 To protect any trees during land disturbing activities that are shown as retained by the approved landscape plan, Pacific Ridge shall install tree protective fencing along the outer edge of the drip line surrounding the trees. Fencing shall not be moved to facilitate grading or other construction activity within the protected area. Tree protective fencing shall be a minimum height of three feet, visible, and of durable construction (orange polyethylene laminar fencing is acceptable). Signs must be posted on the fencing reading "Tree Protection Area." SCC 30.25.016.

Prior to issuance of the land disturbing activity permit, Pacific Ridge shall:

P5.15 Pay the amount required by the county for the installation of signs and striping. SCC 13.10.180.

**Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA  
Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family Detached Unit Site Plan Subject to Conditions.

1 P5.16 Pay the county a landscape site inspection fee as required by SCC 30.86.145(3).

2 P5.17 Provide proof of purchase to the county of required Snohomish Basin Mitigation Bank credits.  
3 PDS may allow proration of the credits by phase.

4 Prior to final acceptance of the land disturbing activity permit:

5 P5.18 Any stormwater facility easement required by SCC 30.63A.595 shall be recorded prior to the  
6 final inspection and approval of the initial land disturbing activity permit for the site  
7 implementing construction of stormwater facilities.

8 P5.19 All CAPA boundaries on the phase site shall have been permanently marked on the site prior to  
9 final inspection by the county, with both CAPA signs and adjacent markers which can be  
10 magnetically located (e.g., rebar, pipe, or 20 penny nails). Other permanent methods and  
11 materials may be used if they are first approved by the county. Where a CAPA boundary crosses  
12 another boundary (e.g., lot, tract, plat, or road), a rebar marker with surveyors' cap and license  
13 number must be placed at the line crossing.

14 P5.20 CAPA signs shall have been placed no greater than 100 feet apart around the perimeter of any  
15 CAPA on the phase site. Minimum placement shall include one Type 1 sign per wetland, and at  
16 least one Type 1 sign shall be placed in any lot that borders the CAPA, unless otherwise  
17 approved by the county biologist.

18 P5.21 CAPA-compliant fencing shall have been installed around the boundary of any CAPA on the  
19 phase site to the satisfaction of the county.

20 P5.22 The final mitigation plan shall have been satisfactorily implemented.

21 C. Final Plat Content

22 The following text shall be written on the face of the final recorded plat:<sup>123</sup>

23 P5.23 The lots within this subdivision are subject to school impact mitigation fees for Snohomish  
24 School District No. 201. For building permit applications submitted on or before October 26,  
25 2027, the fee shall be \$6,039.00 per single-family dwelling unit, zero dollars per 1-bedroom  
26 multi-family units, and \$260.00 per 2-bedroom multi-family units and townhome dwelling units,  
27 as provided by the fee schedule. For building permit applications submitted on or after October  
28 27, 2027, the amount shall be determined by the fee schedule in effect at the time the building  
29 permit application is submitted. Payment of these mitigation fees is required prior to building  
30 permit issuance except as provided for in SCC 30.66C.200(2).

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<sup>123</sup> Numbering of required text is for convenience only.

**Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA  
Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development  
Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family  
Detached Unit Site Plan Subject to Conditions.



- P5.24 The dwelling units within this development are subject to park impact fees as mitigation for impacts to the Nakeeta Beach Park Service Area No. 307 of the County parks system in accordance with chapter 30.66A SCC. For building permit applications submitted on or before October 26, 2027, the impact fee shall be \$1,071.45 per dwelling unit. For building permit applications submitted on or after October 27, 2027, the amount shall be determined by the fee schedule in effect at the time the building permit application is submitted. Payment of these mitigation fees is required prior to building permit issuance except as provided in SCC 30.66A.020(4).
- P5.25 Chapter 30.66B SCC requires new lot mitigation payment of:
- \$4,769.28 per dwelling unit (to total \$295,695.36) for mitigation of impacts on county roads paid to the county in accordance with the payment timing provisions of chapter 30.66B SCC. The impact fee shall be distributed to each Transportation Service Area in accordance with SCC 30.66B.350.
  - \$9,992.16 to Snohomish County for Transportation Demand Management measures within Transportation Service Area D. This payment may be made proportionately with each building permit.
  - \$43,166.14 to the City of Mill Creek for traffic impacts to projects within the City. Proof of payment of the above amount shall be provided to the County. This payment may be made proportionately with each building permit.
- Payment of these fees is due prior to or at the time of building permit issuance for each dwelling unit unless deferment is allowed pursuant to chapter 30.66B SCC. Notice of these mitigation payments shall be contained in any deeds involving this subdivision or the lots therein.
- P5.26 Approval of the design and layout of the development was granted by the review of the development, as a whole, on the parent site by the site development plan approval (PDS file no. 22-113955 SPA).
- P5.27 Subsequent platting actions, additions, or modifications to any structure may not create or increase any nonconformity of the parent site as a whole and shall conform to the approved site development plan.
- P5.28 If a structure or portion of a structure has been damaged or destroyed, any repair, reconstruction, or replacement of the structure shall conform to the approved site development plan.
- P5.29 The individual unit lots are not separate buildable lots and additional development of the individual unit lots may be limited as a result of the application of development standards to the parent site.

**Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA  
Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family Detached Unit Site Plan Subject to Conditions.

- P5.30 Membership in the homeowners' association and payment of dues or other assessments for maintenance purposes shall be a requirement of lot ownership and shall remain an appurtenance to and inseparable from each lot. If the homeowners' association is dissolved, then each lot shall have an equal and undivided ownership interest in the tracts previously owned by the association as well as responsibility for maintaining the tracts.
- P5.31 The homeowners' association or its successors shall regularly inspect and maintain any stormwater facilities and best management practice facilities shown on the plat.
- P5.32 Open space shall be protected in perpetuity. Use of the open space tracts within this subdivision is restricted to those uses approved for the residential development shown on the approved site plan and the approved landscape plan.
- P5.33 Provisions for the maintenance of walls, eaves, chimneys, and other architectural features that rest directly on, or cross over, the zero-lot lines shall be included in the covenants, conditions, and restrictions of the adjoining lots, and may be recorded with the covenants, conditions, and restrictions or in a separate document approved by the director pursuant to SCC 30.23A.050.
- P5.34 All critical areas and buffers are designated critical area protection areas or easements and placed in separate tracts or easements. The critical areas shall be left permanently undisturbed in a substantially natural state. No clearing, grading, filling, building construction or placement, or road construction of any kind shall occur, except removal of hazardous trees. The following are allowed in critical area protection areas and easements: Non-ground disturbing interior or exterior building improvements; routine landscape, maintenance of established, ornamental landscaping; non-ground disturbing normal maintenance or repair; felling or topping of hazardous trees based on review by a qualified arborist; removal of noxious weeds conducted in accordance with chapter 16-750 WAC; maintenance or replacement that does not expand the affected area of septic tanks and drainfields, wells, and individual utility service connections; data collection by non-mechanical means; and non-mechanical survey and monument placement. SCC 30.62A.010(2)(a) (2017).
17. Trees planted to meet the tree canopy requirements of SCC 30.25.016(3) (locations indicated on the approved landscape plans for the project) may not be removed without prior approval from the Department of Planning and Development Services and submittal of documentation from a certified arborist stating that removal of any of the trees is necessary to prevent an imminent safety hazard. Any trees removed without authorization shall be subject to a fine as determined under Chapter 30.85 SCC.
- The following text shall be included on the final plat if the Fire Marshal requires automatic fire sprinklers:
- P5.35 All dwelling units shall be equipped with NFPA-compliant automatic sprinklers.

**Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family Detached Unit Site Plan Subject to Conditions.

The following shall be noted and drawn on the final plat:

P5.36 Five-foot building maintenance easements for walls, eaves, chimneys, and other architectural features that rest directly on a lot line for all common walls on common property lines.

P5.37 CAPAs and buffers. Tract 10-998 and tract 5-998 shown on sheet 14 of 40 of the unit lot subdivision plan set for phases 3, 5, 8, 10, & 12 shall be labeled as CAPA.

P5.38 Any stormwater facility easement required by SCC 30.63A.595.

#### D. Final Plat Approval

Prior to approval of the final plat:

P5.39 Pacific Ridge shall have submitted a final certificate of water availability to the county Fire Marshal verifying the fire hydrants have been installed, are charged and operational, and meet the minimum required fire flow after installation. Each fire hydrant shall be equipped with a 4-inch Storz steamer port and its bonnet and cap painted to reflect the level of fire service.

P5.40 Site improvements, fencing, recreation facilities, open space and common area landscaping depicted on the approved plans shall have been installed, inspected, and approved unless deferral of the improvements is allowed by PDS and a bond or guarantee of performance is submitted to PDS. A qualified landscape designer shall certify that landscaping is installed per the approved plan.

P5.41 Pacific Ridge shall have established a homeowners' association as a Washington corporation (profit or non-profit) for the purposes of tract ownership and maintenance. Pacific Ridge shall provide PDS with a copy of the articles of incorporation of the homeowners' association filed with the Washington Secretary of State. The homeowners' association shall remain the owner of tracts unless tract ownership by all lots in the subdivision is authorized pursuant to a final plat alteration. The articles of incorporation must provide that if the homeowners' association is dissolved, each Olot shall have an equal and undivided ownership interest in the tracts previously owned by the association and shall have responsibility for maintaining the tracts.

P5.42 Pacific Ridge shall have recorded with the County Auditor:<sup>124</sup>

- a. Documents that identify the rights and responsibilities of property owners and the homeowners' association for use and maintenance of common parking and vehicle access areas, on-site recreations areas, landscaping, underground utilities, common open space, exterior building facades and roofs, and other similar features.
- b. Any access and construction easements.

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<sup>124</sup> SCC 30.41A.205(9).

#### **Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family Detached Unit Site Plan Subject to Conditions.

- c. Any joint use and maintenance agreements.
- d. Any instruments necessary to convey ownership of property to be held by the homeowners' association. These instruments may be recorded contemporaneously with the final plat.
- e. Covenants, conditions, and restrictions. The restrictive covenants shall contain proper easements for utilities and for maintenance of exterior building facades and common walls, specifically providing a five-foot easement on either side of the common wall/property line for maintenance. The covenants shall provide that Snohomish County is an intended beneficiary of the covenants with standing to enforce them and shall preclude the avoidance of performance obligations required by county code through lease agreements

P5.43 Pacific Ridge shall have installed all fire lane signage and pavement striping per the approved plans and coordinated on-site with the Snohomish County Fire Marshal's Office.

P5.44 Pacific Ridge shall have constructed or installed the features on the approved TDM plan.

P5.45 Pacific Ridge shall have provided a valid signed plat name reservation to PDS.

#### E. Prior to Earlier of Combustible Construction or Final Plat Approval

P5.46 If Pacific Ridge begins construction with combustible materials prior to approval of the final plat, Pacific Ridge must

- a. Satisfy condition P5.39 (fire hydrants).
- b. Install or cause to be installed all street signage.

#### F. Building Permits

P5.47 Building plans submitted for building permit review shall:

- a. Include any automatic fire suppression systems and fire alarm systems required by the Fire Marshal.
- b. Comply with applicable bulk regulations of chap. 30.23 SCC.
- c. Include the architectural design elements required by the Urban Residential Design Standards for townhouses as outlined in SCC 30.23A.050.
- d. Demonstrate that all parking spaces within garages are free of obstructions that reduce the required internal parking space dimensions, such as stairs, furnaces, or water heaters.
- e. Provide 20 percent façade transparency for each primary façade and 10 percent for each secondary façade facing a road network element or other public space.

P5.48 Pacific Ridge shall have paid the fees described in conditions P5.23 (school impact mitigation fees), P5.24 (park impact mitigation fees), and P5.25 (traffic impact mitigation fees). Pacific Ridge may pay such fees proportionately with each building permit.

#### **Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family Detached Unit Site Plan Subject to Conditions.

1 G. Occupancy or Final Building Permit Approval of Each Dwelling Unit

2 Irrespective of whether the final plat has been approved and recorded, the following conditions shall  
3 be fulfilled prior to the earlier of approval for occupancy or final building permit approval of the first  
4 dwelling unit:

5 P5.49 Condition P5.39 (fire hydrants).

6 P5.50 Blue street reflectors shall have been installed on the hydrant side of the center line to assist  
7 approaching emergency vehicle apparatus in locating the hydrant. Installation may be deferred  
8 to the final lift with the approval of the Fire Marshal.

9 P5.51 Condition P5.44(TDM plan).

10 P5.52 All street signage shall have been installed.

11 P5.53 All fire lane pavement striping and signage shall have been installed per the approved site plan  
12 and coordinated on-site with Snohomish County Fire Marshal's Office.

13 P5.54 All required landscaping shall be installed in accordance with the approved landscape plan and a  
14 qualified landscape designer shall certify that that the installation complies with the code and  
15 the approved plans unless a performance bond has been reviewed and accepted by the  
16 department. All landscaping review and inspection fees shall be paid pursuant to chapter 30.86  
17 SCC.

18 P5.55 Any automatic fire sprinkler system and alarm systems required by the Fire Marshal shall be  
19 operational. The Snohomish County Fire Marshal's Office may waive sprinkler requirements if  
20 Pacific Ridge provides a secondary access that complies with county requirements and if there is  
21 adequate fire flow.

**Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA  
Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development  
Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family  
Detached Unit Site Plan Subject to Conditions.

## **APPENDIX H – PHASE 6 (PLANNED RESIDENTIAL DEVELOPMENT SUBDIVISION OF 143 SINGLE-FAMILY DWELLINGS)**

### **A. General Conditions for Phase 6**

- P6.1 The planned residential development subdivision plat plan for phase 6 received by PDS on October 11, 2024, shall be the approved preliminary plat under chapter 30.42B SCC.<sup>125</sup>
- P6.2 The PRD official site plan for phase 6 received by PDS on October 11, 2024, shall be the approved PRD official site plan pursuant to chapter 30.42B SCC.<sup>126</sup>
- P6.3 The urban residential design standard site plan and preliminary plan for phase 6 received by PDS on October 11, 2024, shall be the approved URDS administrative site plan pursuant to chapter 30.23A SCC.<sup>127</sup>
- P6.4 To the extent required by the Fire Marshal, buildings shall have automatic sprinkler and alarm systems. At the time of building permit application, Pacific Ridge may provide updated fire flow information. The Fire Marshal may modify sprinkler requirements based upon the updated fire flow information. If the fire flow is less than the fire flow required by Appendix B for the size and type of structure, installation of NFPA-compliant automatic fire sprinkler systems will reduce the fire flow required by 50%.
- P6.5 The preliminary tree canopy and landscape plan for phase 6 received by Snohomish County Planning and Development Services on September 16, 2024, shall be the approved preliminary landscape plan.<sup>128</sup>
- P6.6 Trees planted to meet requirements of SCC 30.25.016(3) may not be removed except when determined in writing by a certified arborist to constitute a hazard pursuant to SCC 30.25.016(11). All dead or significantly damaged trees within the installed landscaping areas shall be replaced within three months. SCC 30.25.045.
- P6.7 All water, sewer, electrical and communication distribution and service lines shall be placed underground except as may be allowed per SCC 30.23A.110(1) or 30.23A.110(2).

### **B. Site Development Activities for Phase 6**

Prior to any work on the site other than surveying and marking:

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<sup>125</sup> Ex. B.4.5.

<sup>126</sup> Ex. B.4.5.

<sup>127</sup> Ex. B.4.5.

<sup>128</sup> Exhibit B.6.5.

#### **Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family Detached Unit Site Plan Subject to Conditions.

- 1 P6.8 Pacific Ridge shall obtain one or more land disturbing activity permits as required by chaps.  
2 30.63A and 30.63B SCC.
- 3 P6.9 To the extent required SCC 30.43F.100, Pacific Ridge must obtain a forest practices activity  
4 permit – class IV general conversion permit.
- 5 P6.10 The application for the land disturbing activity permit shall include for review and approval:  
6 a. To the extent critical areas exist on the site of the phase:  
7 i. Critical Area Protection Area (CAPA) sign design and location specifications that  
8 comply with the design requirements of SCC 30.62A.320(1)(f)(ii)(A)-(D).  
9 ii. A final mitigation plan based on the mitigation proposed in the Mitigation Plan written  
10 by Soundview Consultants and revised December 5, 2023. The mitigation plan map  
11 shall be consistent with the land disturbing activity construction plans. The plan shall  
12 include plans for use of mitigation bank credits.  
13 b. A full drainage plan pursuant to chapters 30.63A and 30.63B SCC.  
14 c. A landscape plan review fee. SCC 30.86.145(1).  
15 d. A proposed final landscape plan that includes the location of any CAPA-compliant fencing.
- 16 P6.11 A landscape maintenance security may be required in accordance with SCC 30.84.150 if Pacific  
17 Ridge requests a planting delay and PDS concurs with the suitability of the delay.
- 18 P6.12 Pacific Ridge must temporarily mark the boundary of any CAPA on the phase site required by  
19 chapter 30.62A SCC and the limits of the proposed site disturbance outside of the CAPA, using  
20 methods and materials acceptable the county.
- 21 P6.13 To protect any trees during land disturbing activities that are shown as retained by the approved  
22 landscape plan, Pacific Ridge shall install tree protective fencing along the outer edge of the drip  
23 line surrounding the trees. Fencing shall not be moved to facilitate grading or other construction  
24 activity within the protected area. Tree protective fencing shall be a minimum height of three  
25 feet, visible, and of durable construction (orange polyethylene laminar fencing is acceptable).  
26 Signs must be posted on the fencing reading "Tree Protection Area." SCC 30.25.016.
- 27 Prior to issuance of the land disturbing activity permit, Pacific Ridge shall:
- 28 P6.14 Pay the amount required by the county for the installation of signs and striping. SCC 13.10.180.
- 29 P6.15 Pay the county a landscape site inspection fee as required by SCC 30.86.145(3).
- 30 P6.16 Provide proof of purchase to the county of required Snohomish Basin Mitigation Bank credits.  
31 PDS may allow proration of the credits by phase.

**Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA  
Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development  
Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family  
Detached Unit Site Plan Subject to Conditions.

Prior to final acceptance of the land disturbing activity permit:

P6.17 All CAPA boundaries on the phase site shall have been permanently marked on the site prior to final inspection by the county, with both CAPA signs and adjacent markers which can be magnetically located (e.g., rebar, pipe, or 20 penny nails). Other permanent methods and materials may be used if they are first approved by the county. Where a CAPA boundary crosses another boundary (e.g., lot, tract, plat, or road), a rebar marker with surveyors' cap and license number must be placed at the line crossing.

P6.18 CAPA signs shall have been placed no greater than 100 feet apart around the perimeter of any CAPA on the phase site. Minimum placement shall include one Type 1 sign per wetland, and at least one Type 1 sign shall be placed in any lot that borders the CAPA, unless otherwise approved by the county biologist.

P6.19 CAPA-compliant fencing shall have been installed around the boundary of any CAPA on the phase site to the satisfaction of the county.

P6.20 The final mitigation plan shall have been satisfactorily implemented.

P6.21 Any stormwater facility easement required by SCC 30.63A.595 shall be recorded prior to the final inspection and approval of the initial land disturbing activity permit for the site implementing construction of stormwater facilities.

C. Final Plat Content

The following text shall be written on the face of the final plat:<sup>129</sup>

P6.22 The lots within this subdivision will be subject to school impact mitigation fees for Snohomish School District No. 201. For building permits issued on or before October 26, 2027, the impact fee shall be \$6,039.00 per single-family residence dwelling unit. For building permits issued on or after October 27, 2027, the impact fee shall be determined by the fee schedule in effect at the time of building permit application. The impact fees must be paid prior to building permit issuance, except as allowed by SCC 30.66C.200(2). Credit shall be given for one existing lot. Lot 1 shall receive credit.

P6.23 The dwelling units within this development are subject to park impact fees per newly approved dwelling unit as mitigation for impacts to the Nakeeta Beach Park Service Area of the County parks system, in accordance with Chapter 30.66A SCC. For building permits issued on or before October 26, 2027, the impact fee shall be \$1,630.22 per dwelling unit. For building permits issued on or after October 27, 2027, the impact fee shall be determined by the fee schedule

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<sup>129</sup> Numbering of paragraphs is for convenience and reference only.

**Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family Detached Unit Site Plan Subject to Conditions.



under SCC 30.66C.100 in effect at the time of building permit application. The impact fees must be paid prior to building permit issuance, except as allowed by SCC 30.66A.020(4).

P6.24 Chapter 30.66B SCC requires the new lot mitigation payments in the amounts shown below for each dwelling unit:

\$6,253.06 per dwelling unit (to total \$894,187.01) for mitigation of impacts on county roads paid to the county in accordance with the payment timing provisions of chapter 30.66B SCC. The impact fee shall be distribution to each Transportation Service Area in accordance with SCC 30.66B.340.

\$279.92 per dwelling unit (to total \$40,029.23) for Transportation Demand Management paid to the county.

\$1,209.27 per dwelling unit (to total \$127,926.25) to the city of Mill Creek to mitigate the impact of the development on the city's streets. Proof of payment shall be provided to the county.

Payment of these fees is due prior to or at the time of building permit issuance, unless deferment is allowed pursuant to Chapter 30.66B SCC, for the individual building permits. Notice of these mitigation payments shall be contained in any deeds involving this subdivision or the lot[s] therein.

P6.25 A homeowners' association used for purposes of tract ownership and maintenance responsibility for tracts established pursuant to chapter 30.42B SCC shall remain in effect unless and until alternative ownership and maintenance responsibility is authorized by the department. The homeowners' association shall have by-laws and other documents, including covenants, approved by the county, and recorded with the county auditor, guaranteeing maintenance of commonly owned tracts, and restricting use of the tracts to that specified in the approved PRD official site plan. Membership in the homeowners' association and payment of dues or other assessments for maintenance purposes shall be a requirement of lot ownership and shall remain an appurtenance to and inseparable from each lot.

P6.26 The homeowners' association or its successors shall regularly inspect and maintain any stormwater facilities and best management practice facilities shown on the plat.

P6.27 All CRITICAL AREA PROTECTION AREAS shall be left permanently undisturbed in a substantially natural state. No clearing, grading, filling, building construction or placement, or road construction of any kind shall occur, except removal of hazardous trees. The following are allowed in CAPAs: Non-ground disturbing interior or exterior building improvements; routine landscape, maintenance of established, ornamental landscaping; non-ground disturbing normal maintenance or repair; felling or topping of hazardous trees based on review by a qualified

#### **Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family Detached Unit Site Plan Subject to Conditions.

arborist; removal of noxious weeds conducted in accordance with chapter 16-750 WAC; maintenance or replacement that does not expand the affected area of the following existing facilities: (a) septic tanks and drain fields; (b) wells; (c) individual utility service connections; data collection by non-mechanical means, and non-mechanical survey and monument placement.

P6.28 All open space shall be protected as open space in perpetuity. Use of open space tracts within this subdivision is restricted to those uses approved for the planned residential development, including open play areas, picnic areas, recreation 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.

P6.29 Trees to be planted to meet the tree canopy requirements of SCC 30.25.016(3) (locations indicated on the approved landscape plans for the project) may not be removed without prior approval from the Snohomish County department of Planning and Development Services and submittal of documentation from a certified arborist stating that removal of any of the trees is necessary to prevent an imminent safety hazard. Any trees removed without authorization shall be subject to a fine as determined under chapter 30.85 SCC.

The following text shall be included in the final plat if the Fire Marshal requires automatic fire sprinklers.

P6.30 All dwelling units shall be equipped with NFPA-compliant automatic sprinklers.

The following shall be drawn and labeled on the final plat map:

P6.31 All CAPAs and buffers, including tract 6-998 shown on sheets 4, 5, 6, and 7 of the Phase 6 PRD Plan Set shall be labeled as "CAPA and Open Space."

P6.32 Any stormwater facility easement required by SCC 30.63A.595.

#### D. Final Plat Approval

Approval of the final plat shall not occur until the following conditions have been fulfilled:

P6.33 Pacific Ridge shall have established a homeowners' association as a Washington corporation (profit or non-profit) for the purposes of tract ownership and maintenance. Pacific Ridge shall provide PDS with a copy of the articles of incorporation of the homeowners' association filed with the Washington Secretary of State. The homeowners' association shall remain the owner of tracts unless tract ownership by all lots in the subdivision is authorized pursuant to a final plat alteration. The articles of incorporation must provide that if the homeowners' association is

#### **Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family Detached Unit Site Plan Subject to Conditions.

dissolved, each lot shall have an equal and undivided ownership interest in the tracts previously owned by the association and shall have responsibility for maintaining the tracts.

P6.34 Pacific Ridge shall have submitted to PDS covenants, deeds, homeowners' association bylaws, and any other documents guaranteeing maintenance and common fee ownership of open space, any community facilities, any private roads, and drives, and any other commonly owned, maintained, or operated property. These documents shall be submitted in a form acceptable to the director of PDS.

P6.35 The covenants, conditions, and restrictions shall:

- a. Identify the rights and responsibilities of property owners and the homeowners' association for use and maintenance of on-site recreation areas, landscaping, underground utilities, open space, and other similar features.
- b. Guarantee maintenance and common ownership (where applicable) of open space, community facilities, private roads and drives, and all other commonly owned and operated property prior to final plat approval
- c. Restrict use of the tracts to the uses specified in the approved preliminary plat and require compliance with county regulations and conditions of final subdivision approval.
- d. State they are binding upon and inure to the benefit of the homeowners' association, the owners of all lots within the subdivision, and all others having any interest in the tracts or lots.
- e. State that the county is an intended beneficiary of the covenants, conditions, and restrictions with the right to enforce them.

P6.36 Pacific Ridge shall have provided the Fire Marshal with a final certificate of water availability verifying all hydrants have been installed, are charged and operational, and that minimum required fire flow can be met.

P6.37 All fire hydrants shall have a four-inch Storz steamer port and the bonnets and caps of the hydrants painted to reflect the level of fire flow service.

P6.38 Pacific Ridge shall have installed blue street reflectors for each hydrant on the hydrant side of the center line to assist approaching emergency vehicle apparatus in locating the hydrant. Installation may be deferred to final lift upon approval of the Fire Marshal.

P6.39 All critical areas and buffers shall have been designated CAPAs and placed in one or more easements and the easements recorded.

P6.40 The following improvements constructed by Pacific Ridge shall have been inspected and accepted or approved:

**Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family Detached Unit Site Plan Subject to Conditions.

- a. The features on the approved TDM plan.
- b. The pedestrian facilities and recreational amenities depicted on the approved official and administrative site and landscape plans unless deferral of the improvements is allowed by PDS and a bond or other performance security is submitted in an amount and form satisfactory to PDS.
- c. If the land disturbing activity permit has not been completed, conditions P6.17 (permanent marking of CAPA boundaries), P6.18 (CAPA signs), and P6.19 (CAPA fencing) shall have been completed.
- d. Landscaping in open space tracts and common areas shall have been installed, inspected, and approved in accordance with the approved site and landscape plans, unless deferral of the improvements is allowed by PDS, and a bond or other performance security is submitted in an amount and form satisfactory to PDS. A qualified landscape designer shall certify to PDS that the installation complies with the landscape code and the approved plans. After the landscaping is installed, a landscape maintenance bond or other maintenance security shall be provided for the required landscape improvements, in an amount and form satisfactory to PDS.

P6.41 All water, sewer, electrical, and communication distribution and service lines shall have been installed underground, except as may be allowed per SCC 30.23A.110.

P6.42 Pacific Ridge shall have recorded the documents and conveyances required or described in conditions P6.33, P6.34, and P6.35 with the County Auditor. Recording of instruments such as the conveyance of land to the homeowners' association may be recorded simultaneously with the recording of the final plat.

#### E. Prior to Earlier of Combustible Construction or Final Plat Approval

P6.43 Pacific Ridge shall have satisfied condition P6.36 (final certificate water availability, etc.), P6.37 (fire hydrants), and P6.38 (street reflectors).

P6.44 Pacific Ridge shall have installed or caused to be installed street signage.

#### F. Building permits

P6.45 Plans submitted for building permits shall:

- a. Comply with urban residential design standards of SCC 30.23A.040.
- b. Comply with applicable bulk regulations of chap. 30.23 SCC and chap. 30.42B SCC, including maximum heights, setbacks, and maximum lot coverage.
- c. Comply with compatibility design standards for lots (i) less than 6,000 sq. ft. and (ii) lots along the west property line.

#### **Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA  
Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family Detached Unit Site Plan Subject to Conditions.

d. Include any automatic fire suppression systems and fire alarm systems required by the Fire Marshal

P6.46 If building permits are sought before approval of the final plat, Pacific Ridge must comply with condition P6.36 (adequate fire flow and hydrants charged and operational) prior to building permit issuance.

P6.47 Prior to building permit issuance (except for model homes in the single-family residence area of the development authorized by SCC 30.41A.500 *et seq.*), Pacific Ridge shall have paid the road, parks, and school mitigation fees described in conditions P6.24 (road), P6.22 (school), and P6.23 (parks).

## G. Occupancy or Final Inspection

### Prior to the earlier of occupancy or final inspection of the first dwelling:

P6.48 Pacific Ridge shall have installed all fire lane signage per the approved site plan. Signage along the public roads will be installed by county forces.

P6.49 Any automatic fire sprinkler system and alarm systems required by condition P6.4 shall be operational. The Snohomish County Fire Marshal's Office may waive sprinkler requirements if Pacific Ridge provides a secondary access that complies with county requirements and if there is adequate fire flow.

P6.50 If it has not been performed sooner, all required common area landscaping shall have been installed, inspected, and approved per chapter 30.25 SCC and in conformance with the approved final landscaping plan, unless deferral of improvements is allowed by PDS, and a bond or other guarantee of performance is submitted to PDS. A qualified landscape designer shall certify that all landscaping is installed per the approved plan.

P6.51 Prior to occupancy of each building lot, all required landscaping for the lot shall have been installed, inspected, and approved per chapter 30.25 SCC and in conformance with the approved final landscaping plan, unless deferral of improvements is allowed by PDS, and a bond or other guarantee of performance is submitted to PDS. A qualified landscape designer shall certify that all landscaping is installed per the approved plan.

P6.52 Perimeter landscaping within 100 feet of any dwelling shall be installed prior to final inspection or certificate of occupancy for the dwelling.

## **Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family Detached Unit Site Plan Subject to Conditions.

## APPENDIX I – PHASE 7 (LOT SIZE AVERAGING SUBDIVISION OF 62 SINGLE-FAMILY DWELLINGS)

### A. General Conditions for Phase 7

- P7.1 The preliminary lot size averaging plat for phase 7 received by PDS on November 8, 2024, shall be the preliminary plat under chapter 30.41A SCC for the development.<sup>130</sup>
- P7.2 The urban residential design standard site plan and preliminary plan for phase 7 received by PDS on November 8, 2024, shall be the approved URDS administrative site plan pursuant to chapter 30.23A SCC.<sup>131</sup>
- P7.3 The preliminary tree canopy and landscape plan for phase 7 received by Snohomish County Planning and Development Services on September 16, 2024, shall be the approved preliminary landscape plan.<sup>132</sup>
- P7.4 Trees planted to meet the tree canopy requirements of SCC 30.25.016 shall not be removed unless a certified arborist provides written documentation that trees to be removed constitute a hazard in accordance with SCC 30.25.016(11). Any retained trees shall be protected during construction. Any trees removed without authorization shall be subject to a fine as determined under chapter 30.85 SCC. Further, dead or significantly damaged trees that are removed from landscaped areas after installation must be replaced within three months in compliance with SCC 30.25.045.
- P7.5 To the extent required by the Fire Marshal, buildings shall have automatic sprinkler and alarm systems. At the time of building permit application, Pacific Ridge may provide updated fire flow information. The Fire Marshal may modify sprinkler requirements based upon the updated fire flow information. If the fire flow is less than the fire flow required by Appendix B for the size and type of structure, installation of NFPA-compliant automatic fire sprinkler systems will reduce the fire flow required by 50%.
- P7.6 All water, sewer, electrical and communication distribution and service lines shall be underground except as may be allowed per SCC 30.23A.110(1) or 30.23A.110(2).

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<sup>130</sup> Ex. B.4.6.

<sup>131</sup> Ex. B.4.6.

<sup>132</sup> Ex. B.6.6.

#### **Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family Detached Unit Site Plan Subject to Conditions.

1 B. Site Development Activities for Phase 7

2 Prior to any development activity on the site except surveying and marking:

3 P7.7 Pacific Ridge shall obtain the required permits for site development work, including one or more  
4 land disturbing activity permits as required by chapters 30.63A and 30.63B SCC.

5 P7.8 To the extent required SCC 30.43F.100, Pacific Ridge must obtain a forest practices activity  
6 permit – class IV general conversion permit.

7 P7.9 The application for the land disturbing activity permit shall include for review and approval:

8 a. To the extent critical areas exist on the site of the phase:

9 i. Critical Area Protection Area (CAPA) sign design and location specifications that  
10 comply with the design requirements of SCC 30.62A.320(1)(f)(ii)(A)-(D).

11 ii. A final mitigation plan based on the mitigation proposed in the Mitigation Plan written  
12 by Soundview Consultants and revised December 5, 2023. The mitigation plan map  
13 shall be consistent with the land disturbing activity construction plans. The plan shall  
14 include a plans for use of mitigation bank credits.

15 b. A full drainage plan pursuant to chapters 30.63A and 30.63B SCC.

16 c. A landscape plan review fee. SCC 30.86.145(1).

17 d. A proposed final landscape plan that includes the location of any CAPA-compliant fencing.

18 P7.10 A landscape maintenance security may be required in accordance with SCC 30.84.150 if Pacific  
19 Ridge requests a planting delay and PDS concurs with the suitability of the delay.

20 P7.11 Pacific Ridge must temporarily mark the boundary of any CAPA on the phase site required by  
21 chapter 30.62A SCC and the limits of the proposed site disturbance outside of the CAPA, using  
22 methods and materials acceptable the county.

23 P7.12 To protect any trees during land disturbing activities that are shown as retained by the approved  
24 landscape plan, Pacific Ridge shall install tree protective fencing along the outer edge of the drip  
25 line surrounding the trees. Fencing shall not be moved to facilitate grading or other construction  
26 activity within the protected area. Tree protective fencing shall be a minimum height of three  
27 feet, visible, and of durable construction (orange polyethylene laminar fencing is acceptable).  
28 Signs must be posted on the fencing reading "Tree Protection Area." SCC 30.25.016.

29 Prior to issuance of any land disturbing activity permit, Pacific Ridge shall:

**Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA  
Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development  
Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family  
Detached Unit Site Plan Subject to Conditions.

- 1 P7.13 Pay the county for installation of signs and striping. SCC 13.10.180.
- 2 P7.14 Pay the county a landscape site inspection fee. SCC 30.86.145(3).
- 3 P7.15 Provide proof of purchase to the county of required Snohomish Basin Mitigation Bank credits.
- 4 Prior to final approval of the land disturbing activities permit:
- 5 P7.16 All CAPA boundaries on the phase site shall have been permanently marked on the site prior to
- 6 final inspection by the county, with both CAPA signs and adjacent markers which can be
- 7 magnetically located (e.g., rebar, pipe, or 20 penny nails). Other permanent methods and
- 8 materials may be used if they are first approved by the county. Where a CAPA boundary crosses
- 9 another boundary (e.g., lot, tract, plat, or road), a rebar marker with surveyors' cap and license
- 10 number must be placed at the line crossing.
- 11 P7.17 CAPA signs shall have been placed no greater than 100 feet apart around the perimeter of any
- 12 CAPA on the phase site. Minimum placement shall include one Type 1 sign per wetland, and at
- 13 least one Type 1 sign shall be placed in any lot that borders the CAPA, unless otherwise
- 14 approved by the county biologist.
- 15 P7.18 CAPA-compliant fencing shall have been installed around the boundary of any CAPA on the
- 16 phase site to the satisfaction of the county.
- 17 P7.19 Installed all landscaping associated with common areas (tracts, streets, etc.). A qualified
- 18 landscape designer shall have certified to PDS that the installation complies with county code
- 19 and the approved plans. PDS may authorize up to a 180-day delay when a qualified landscape
- 20 designer certifies that planting season conflicts could produce a high probability of plant loss. A
- 21 performance security in accordance with SCC 30.84.105 shall be required PDS if a planting delay
- 22 is authorized.
- 23 P7.20 The final mitigation plan shall have been satisfactorily implemented.
- 24 P7.21 Any stormwater facility easement required by SCC 30.63A.595 shall be recorded prior to the
- 25 final inspection and approval of the initial land disturbing activity permit for the site
- 26 implementing construction of stormwater facilities.

**Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA  
Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development  
Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family  
Detached Unit Site Plan Subject to Conditions.



1 C. Final Plat Content

2 The following text shall be written on the face of the final recorded plat:<sup>133</sup>

3 P7.22 The lots within this subdivision will be subject to school impact mitigation fees for Snohomish  
4 School District No. 201. For building permits issued on or before October 26, 2027, the impact  
5 fee shall be \$6,039.00 per single-family residence dwelling unit. For building permits issued on  
6 or after October 27, 2027, the impact fee shall be determined by the fee schedule in effect at  
7 the time of building permit application. The impact fees must be paid prior to building permit  
8 issuance, except as allowed by SCC 30.66C.200(2).

9 P7.23 The dwelling units within this development are subject to park impact fees per newly approved  
10 dwelling unit as mitigation for impacts to the Nakeeta Beach Park Service Area of the County  
11 parks system, in accordance with Chapter 30.66A SCC. For building permits issued on or before  
12 October 26, 2027, the impact fee shall be \$1,630.22 per dwelling unit. For building permits  
13 issued on or after October 27, 2027, the impact fee shall be determined by the fee schedule  
14 under SCC 30.66C.100 in effect at the time of building permit application. The impact fees must  
15 be paid prior to building permit issuance, except as allowed by SCC 30.66A.020(4).

16 P7.24 Chapter 30.66B SCC requires new lot mitigation payment of:

17 \$6,253.06 per dwelling unit (to total \$387,689.47) for mitigation of impacts on county roads  
18 paid to the county in accordance with the payment timing provisions of chapter 30.66B SCC.  
19 The impact fee shall be distributed to each Transportation Service Area in accordance with SCC  
20 30.66B.350.

21 \$279.92 per dwelling unit (to total \$17,355.33) for Transportation Demand Management paid to  
22 the county.

23 \$1,209.27 per dwelling unit (to total \$74,975.02) to the city of Mill Creek to mitigate the impact  
24 of the development on the city's streets. Proof of payment shall be provided to the county

25 Payment of these fees to the county is due prior to or at the time of building permit issuance for  
26 each dwelling unit unless deferment is allowed pursuant to chapter 30.66B SCC. Notice of these  
27 mitigation payments shall be contained in any deeds involving this subdivision or the lots  
28 therein.

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<sup>133</sup> Numbering of required text is for convenience only.

**Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA  
Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development  
Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family  
Detached Unit Site Plan Subject to Conditions.

- 1 P7.25 Membership in the homeowners' association and payment of dues or other assessments for  
2 maintenance purposes shall be a requirement of lot ownership and shall remain an  
3 appurtenance to and inseparable from each lot.
- 4 P7.26 The homeowners' association or its successors shall regularly inspect and maintain any  
5 stormwater facilities and best management practice facilities shown on the plat.
- 6 P7.27 All CRITICAL AREA PROTECTION AREAS shall be left permanently undisturbed in a substantially  
7 natural state. No clearing, grading, filling, building construction or placement, or road  
8 construction of any kind shall occur, except removal of hazardous trees. The following are  
9 allowed in CAPAs: Non-ground disturbing interior or exterior building improvements; routine  
10 landscape, maintenance of established, ornamental landscaping; non-ground disturbing normal  
11 maintenance or repair; felling or topping of hazardous trees based on review by a qualified  
12 arborist; removal of noxious weeds conducted in accordance with chapter 16-750 WAC;  
13 maintenance or replacement that does not expand the affected area of the following existing  
14 facilities: (a) septic tanks and drain fields; (b) wells; (c) individual utility service connections;  
15 data collection by non-mechanical means, and non-mechanical survey and monument  
16 placement.
- 17 P7.28 All open space shall be protected as open space in perpetuity. Use of open space tracts within  
18 this subdivision is restricted to those uses approved for the planned residential development,  
19 including open play areas, picnic areas, recreation trail system, viewing platform, drainage  
20 facilities, benches, and required landscape improvements as shown on the approved site plan  
21 and the approved landscape plan. Covenants, conditions, and restrictions as recorded with the  
22 plat, and as may be amended in the future, shall include provisions for the continuing  
23 preservation and maintenance of the uses, facilities, and landscaping, within the open space as  
24 approved and constructed.
- 25 P7.29 Trees to be planted to meet the tree canopy requirements of SCC 30.25.016(3) (locations  
26 indicated on the approved landscape plans for the project) may not be removed without prior  
27 approval from the Department of Planning and Development Services and submittal of  
28 documentation from a certified arborist stating that removal of any of the trees is necessary to  
29 prevent an imminent safety hazard. Any trees removed without authorization shall be subject  
30 to a fine as determined under Chapter 30.85 SCC.

**Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA  
Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development  
Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family  
Detached Unit Site Plan Subject to Conditions.

1 The following text shall be included on the final plat if the Fire Marshal requires automatic fire  
2 sprinklers:

3 P7.30 All dwelling units shall be equipped with NFPA-compliant automatic sprinklers.

4 The following shall be noted and drawn on the final plat:

5 P7.31 All CAPAs and buffers shall be labeled as "CAPA and Open Space," including tract 11-998 (shown  
6 on sheets 6, 7, and 9 of the phase 7 lot size averaging plan set) and tract 11-997 (sheets 5 and  
7 6), and tract 7-997 (sheets 8 through 11).

8 P7.32 Any stormwater facility easement required by SCC 30.63A.595.

9 **D. Final Plat Approval**

10 Approval of the final plat shall not occur until the following conditions have been fulfilled:

11 P7.33 Pacific Ridge shall have established a homeowners' association as a Washington corporation  
12 (profit or non-profit) for the purposes of tract ownership and maintenance. Pacific Ridge shall  
13 provide PDS with a copy of the articles of incorporation of the homeowners' association filed  
14 with the Washington Secretary of State. The homeowners' association shall remain the owner  
15 of tracts unless tract ownership by all lots in the subdivision is authorized pursuant to a final  
16 plat alteration. The articles of incorporation must provide that if the homeowners association is  
17 dissolved, each lot shall have an equal and undivided ownership interest in the tracts previously  
18 owned by the association and shall have responsibility for maintaining the tracts.

19 P7.34 Pacific Ridge shall have prepared covenants, conditions, and restrictions that restrict use of the  
20 tracts to the uses specified in the approved preliminary plat and require compliance with county  
21 regulations and conditions of final subdivision approval. The covenants, conditions, and  
22 restrictions shall state that they are binding upon and inure to the benefit of the homeowners'  
23 association, the owners of all lots within the subdivision, and all others having any interest in  
24 the tracts or lots. The covenants, conditions, and restrictions shall state that the county is an  
25 intended beneficiary of the covenants, conditions, and restricts with the right to enforce them.  
26 After approval by the county, Pacific Ridge shall record the covenants, conditions, and  
27 restrictions with the County Auditor. The covenants, conditions, and restrictions may be  
28 recorded simultaneously with recording of the final plat.

29 P7.35 Conveyance of land to the homeowners' association may be recorded simultaneously with the  
30 recording of the final plat.

**Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA  
Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development  
Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family  
Detached Unit Site Plan Subject to Conditions.

P7.36 Pacific Ridge shall have submitted a final certificate of water availability to the Fire Marshal's Office verifying the fire hydrants have been installed, are charged and operational, and meet the minimum required fire flow after installation.

P7.37 Site improvements, landscaping, pedestrian facilities, and recreational amenities in the open space tracts and common areas on the approved administrative site plan and landscape plans shall have been installed, inspected, and approved per code, unless deferral of the improvements is allowed by PDS, and a bond or other guarantee of performance is submitted in an amount and form satisfactory to PDS. Landscaping installation shall be certified by a qualified landscape designer. After the landscaping is installed, a landscape maintenance bond or other maintenance security shall be provided for the required landscape improvements, in an amount and form satisfactory to Snohomish County.

P7.38 Pacific Ridge shall have constructed or installed:

- a. The features on the approved Transportation Demand Management Plan have been constructed or installed.
- b. All fire hydrants, which shall be equipped with 4-inch Storz steamer ports and the tops painted to indicate the level of fire service.
- c. If the land disturbing activity permit has not been completed, conditions P7.16 (permanent marking of CAPA boundaries), P7.17 (CAPA signs), and P7.18 (CAPA fencing) shall have been completed.
- d. Pacific Ridge shall have installed blue street reflectors for each hydrant on the hydrant side of the center line to assist approaching emergency vehicle apparatus in locating the hydrant. Installation may be deferred to final lift upon approval of the Fire Marshal.

#### E. Prior to Earlier of Combustible Construction or Final Plat Approval

If Pacific Ridge begins construction with combustible materials prior to approval of the final plat, it must:

P7.39 Satisfy condition P7.38(b) (fire hydrants) and d (street reflectors).

P7.40 Satisfy condition P7.36 (water availability).

P7.41 Install or cause to be installed all street signage.

#### F. Building permits

P7.42 Plans submitted for any residential building permits must comply with:

##### **Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family Detached Unit Site Plan Subject to Conditions.

1 a. Urban design standards for single family dwellings outlined in SCC 30.23A.040;

2 b. The applicable bulk regulations of chap. 30.23 SCC.

3 P7.43 Except for model homes allowed by SCC 30.41A.500 *et seq.*, building permits will only be issued  
4 after Pacific Ridge has recorded the final plat with the Snohomish County Auditor.

5 P7.44 Building plans submitted for building permit review shall include any automatic fire suppression  
6 systems and fire alarm systems required by the Fire Marshal.

7 P7.45 Prior to the issuance of any building permits, Pacific Ridge shall have paid the traffic (condition  
8 P7.24), parks (condition P7.23), and school mitigation (condition P7.22) fees.

9 G. Occupancy or Final Inspection

10 P7.46 Prior to the occupancy of the first building, Pacific Ridge shall have installed all fire lane signage  
11 and markings shall be installed per the approved site plan.

12 P7.47 Any automatic fire sprinkler system and alarm systems required by the Fire Marshal shall be  
13 operational. The Snohomish County Fire Marshal's Office may waive sprinkler requirements if  
14 Pacific Ridge provides a secondary access that complies with county requirements and if there is  
15 adequate fire flow.

16 P7.48 Prior to occupancy of each dwelling unit, Pacific Ridge shall have installed landscaping for the  
17 lot pursuant to the final landscaping plan. A qualified landscape designer shall certify to PDS  
18 that the installation complies with county code and the approved plans.

19 P7.49 Prior to occupancy of the last dwelling unit, landscaping deferred pursuant to chap. 30.25 SCC  
20 and located on the applicable lot, in the right-of-way, or private road tract adjacent to the  
21 applicable lot, or perimeter landscaping located within 100 feet of the subject dwelling unit  
22 pursuant to SCC 30.25.036 shall have been installed and a letter from a qualified landscape  
23 designer provided to PDS stating the landscaping has been installed pursuant to the requirements  
24 of chapter 30.25 SCC and the approved landscape plan.

**Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA  
Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development  
Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family  
Detached Unit Site Plan Subject to Conditions.

## APPENDIX J – PHASE 8 (UNIT LOT SUBDIVISION OF 76 TOWNHOUSES)

### A. General Conditions for Phase 8

- P8.1 The preliminary unit lot subdivision plat for phase 8 received by PDS on October 1, 2024 shall be the approved preliminary plat map.<sup>134</sup>
- P8.2 The urban residential design standard site plan and preliminary plan for phase 8 received by PDS on October 1, 2024, shall be the approved URDS administrative site plan pursuant to chapter 30.23A SCC.<sup>135</sup>
- P8.3 The preliminary tree canopy/landscape plan for phase 8 received by Snohomish County Planning and Development Services on October 1, 2024, shall be the approved preliminary landscape plan.<sup>136</sup>
- P8.4 To the extent required by the Fire Marshal, buildings shall have automatic sprinkler and alarm systems. At the time of building permit application, Pacific Ridge may provide updated fire flow information. The Fire Marshal may modify sprinkler requirements based upon the updated fire flow information. If the fire flow is less than the fire flow required by Appendix B for the size and type of structure, installation of NFPA-compliant automatic fire sprinkler systems will reduce the fire flow required by 50%.
- P8.5 All common areas and elements of the development included within tracts shall be held by a homeowners' association or in common by the owners of the individual unit lots.
- P8.6 No townhouse unit lot may be sold, transferred, or conveyed prior to recording of the final plat.
- P8.7 The model home provisions of SCC 30.41A.500 through SCC 30.41A.550 shall not apply to this unit lot subdivision. SCC 30.41A.205(8) (2017).
- P8.8 All portions of the parent site not subdivided for individual unit lots shall be owned in common by the owners of the individual unit lots, or by a homeowners' association.

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<sup>134</sup> Ex. B.4.3.

<sup>135</sup> Ex. B.4.3.

<sup>136</sup> Exhibit B.6.3.

#### **Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA  
Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development  
Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family  
Detached Unit Site Plan Subject to Conditions.

## B. Site Development Activities for Phase 8

### Prior to any development activity on the site except surveying and marking:

- P8.9 Pacific Ridge shall obtain the required permits for site development work, including one or more land disturbing activity permits as required by chapters 30.63A and 30.63B SCC.
- P8.10 To the extent required SCC 30.43F.100, Pacific Ridge must obtain a forest practices activity permit – class IV general conversion permit.
- P8.11 The application for the land disturbing activity permit shall include for review and approval:
- a. To the extent critical areas exist on the site of the phase:
    - i. Critical Area Protection Area (CAPA) sign design and location specifications that comply with the design requirements of SCC 30.62A.320(1)(f)(ii)(A)-(D).
    - ii. A final mitigation plan based on the mitigation proposed in the Mitigation Plan written by Soundview Consultants and revised December 5, 2023. The mitigation plan map shall be consistent with the land disturbing activity construction plans. The plan shall include plans for use of mitigation bank credits.
  - b. A full drainage plan pursuant to chapters 30.63A and 30.63B SCC.
  - c. A landscape plan review fee. SCC 30.86.145(1).
  - d. A proposed final landscape plan that includes:
    - i. The location of any CAPA-compliant fencing.
    - ii. Any additional shrubs and ground cover needed to comply with the landscaping code requirements for the portion of the site proposed for townhouse development. Code requires five shrubs per 100 square feet of landscaping and ground cover to achieve 90 percent cover within three-years of planting within all front and side setbacks and common outdoor areas associated with a dwelling unit consistent with table SCC 30.23A.050(1).
- P8.12 A landscape maintenance security may be required in accordance with SCC 30.84.150 if Pacific Ridge requests a planting delay and PDS concurs with the suitability of the delay.
- P8.13 Pacific Ridge must temporarily mark the boundary of any CAPA on the phase site required by chapter 30.62A SCC and the limits of the proposed site disturbance outside of the CAPA, using methods and materials acceptable the county.
- P8.14 To protect any trees during land disturbing activities that are shown as retained by the approved landscape plan, Pacific Ridge shall install tree protective fencing along the outer edge of the drip line surrounding the trees. Fencing shall not be moved to facilitate grading or other construction

### **Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA  
Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family Detached Unit Site Plan Subject to Conditions.

activity within the protected area. Tree protective fencing shall be a minimum height of three feet, visible, and of durable construction (orange polyethylene laminar fencing is acceptable). Signs must be posted on the fencing reading "Tree Protection Area." SCC 30.25.016.

Prior to issuance of the land disturbing activity permit, Pacific Ridge shall:

P8.15 Pay the amount required by the county for the installation of signs and striping. SCC 13.10.180.

P8.16 Pay the county a landscape site inspection fee as required by SCC 30.86.145(3).

P8.17 Provide proof of purchase to the county of required Snohomish Basin Mitigation Bank credits.

Prior to final acceptance of the land disturbing activity permit:

P8.18 Any stormwater facility easement required by SCC 30.63A.595 shall be recorded prior to the final inspection and approval of the initial land disturbing activity permit for the site implementing construction of stormwater facilities.

P8.19 All CAPA boundaries on the phase site shall have been permanently marked on the site prior to final inspection by the county, with both CAPA signs and adjacent markers which can be magnetically located (e.g., rebar, pipe, or 20 penny nails). Other permanent methods and materials may be used if they are first approved by the county. Where a CAPA boundary crosses another boundary (e.g., lot, tract, plat, or road), a rebar marker with surveyors' cap and license number must be placed at the line crossing.

P8.20 CAPA signs shall have been placed no greater than 100 feet apart around the perimeter of any CAPA on the phase site. Minimum placement shall include one Type 1 sign per wetland, and at least one Type 1 sign shall be placed in any lot that borders the CAPA, unless otherwise approved by the county biologist.

P8.21 CAPA-compliant fencing shall have been installed around the boundary of any CAPA on the phase site to the satisfaction of the county.

P8.22 The final mitigation plan shall have been satisfactorily implemented.

C. Final Plat Content

The following text shall be written on the face of the final recorded plat:<sup>137</sup>

P8.23 The lots within this subdivision are subject to school impact mitigation fees for Snohomish School District no. 201. For building permit applications submitted on or before October 26, 2027, the fee shall be \$6,039.00 per single-family dwelling unit, zero dollars per 1-bedroom multi-family units, and \$260.00 per 2-bedroom multi-family units and townhome dwelling units,

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<sup>137</sup> Numbering of required text is for convenience only.

**Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family Detached Unit Site Plan Subject to Conditions.



as provided by the fee schedule. For building permit applications submitted on or after October 27, 2027, the amount shall be determined by the fee schedule in effect at the time the building permit application is submitted. Payment of these mitigation fees is required prior to building permit issuance except as provided for in SCC 30.66C.200(2). Credit shall be given for one existing lot. The first lot or unit constructed phase 8 shall receive credit.

P8.24 The dwelling units within this development are subject to park impact fees as mitigation for impacts to the Nakeeta Beach Park Service Area No. 307 of the County parks system in accordance with chapter 30.66A SCC. For building permit applications submitted on or before October 26, 2027, the impact fee shall be \$1,071.45 per dwelling unit. For building permit applications submitted on or after October 27, 2027, the amount shall be determined by the fee schedule in effect at the time the building permit application is submitted. Payment of these mitigation fees is required prior to building permit issuance except as provided in SCC 30.66A.020(4).

P8.25 Chapter 30.66B SCC requires new lot mitigation payment of:

\$4,769.28 per dwelling unit (to total \$362,465.28) for mitigation of impacts on county roads paid to the county in accordance with the payment timing provisions of chapter 30.66B SCC. The impact fee shall be distributed to each Transportation Service Area in accordance with SCC 30.66B.350.

\$12,248.46 to Snohomish County for Transportation Demand Management measures within Transportation Service Area D. This payment may be made proportionately with each building permit.

\$52,913.33 to the City of Mill Creek for traffic impacts to projects within the City. Proof of payment of the above amount shall be provided to the County. This payment may be made proportionately with each building permit.

Payment of these fees is due prior to or at the time of building permit issuance for each dwelling unit unless deferment is allowed pursuant to chapter 30.66B SCC. Notice of these mitigation payments shall be contained in any deeds involving this subdivision or the lots therein.

P8.26 Approval of the design and layout of the development was granted by the review of the development, as a whole, on the parent site by the site development plan approval (PDS file no. 22-113955 SPA).

P8.27 Subsequent platting actions, additions, or modifications to any structure may not create or increase any nonconformity of the parent site as a whole and shall conform to the approved site development plan.

P8.28 If a structure or portion of a structure has been damaged or destroyed, any repair, reconstruction, or replacement of the structure shall conform to the approved site development plan.

**Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family Detached Unit Site Plan Subject to Conditions.

- 1 P8.29 The individual unit lots are not separate buildable lots and additional development of the  
2 individual unit lots may be limited as a result of the application of development standards to the  
3 parent site.
- 4 P8.30 Membership in the homeowners' association and payment of dues or other assessments for  
5 maintenance purposes shall be a requirement of lot ownership and shall remain an  
6 appurtenance to and inseparable from each lot. If the homeowners' association is dissolved,  
7 then each lot shall have an equal and undivided ownership interest in the tracts previously  
8 owned by the association as well as responsibility for maintaining the tracts.
- 9 P8.31 The homeowners' association or its successors shall regularly inspect and maintain any  
10 stormwater facilities and best management practice facilities shown on the plat.
- 11 P8.32 Open space shall be protected in perpetuity. Use of the open space tracts within this subdivision  
12 is restricted to those uses approved for the residential development shown on the approved  
13 site plan and the approved landscape plan.
- 14 P8.33 Provisions for the maintenance of walls, eaves, chimneys, and other architectural features that  
15 rest directly on, or cross over, the zero-lot lines shall be included in the covenants, conditions,  
16 and restrictions of the adjoining lots, and may be recorded with the covenants, conditions, and  
17 restrictions or in a separate document approved by the director pursuant to SCC 30.23A.050.
- 18 P8.34 All critical areas and buffers are designated critical area protection areas or easements and  
19 placed in separate tracts or easements. The critical areas shall be left permanently undisturbed  
20 in a substantially natural state. No clearing, grading, filling, building construction or placement,  
21 or road construction of any kind shall occur, except removal of hazardous trees. The following  
22 are allowed in critical area protection areas and easements: Non-ground disturbing interior or  
23 exterior building improvements; routine landscape, maintenance of established, ornamental  
24 landscaping; non-ground disturbing normal maintenance or repair; felling or topping of  
25 hazardous trees based on review by a qualified arborist; removal of noxious weeds conducted in  
26 accordance with chapter 16-750 WAC; maintenance or replacement that does not expand the  
27 affected area of septic tanks and drainfields, wells, and individual utility service connections;  
28 data collection by non-mechanical means; and non-mechanical survey and monument  
29 placement. SCC 30.62A.010(2)(a) (2017).
- 30 P8.35 Trees planted to meet the tree canopy requirements of SCC 30.25.016(3) (locations indicated on  
31 the approved landscape plans for the project) may not be removed without prior approval from  
32 the Department of Planning and Development Services and submittal of documentation from a  
33 certified arborist stating that removal of any of the trees is necessary to prevent an imminent  
34 safety hazard. Any trees removed without authorization shall be subject to a fine as determined  
35 under Chapter 30.85 SCC.

36 The following text shall be included on the final plat if the Fire Marshal requires automatic fire  
37 sprinklers:

**Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA  
Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development  
Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family  
Detached Unit Site Plan Subject to Conditions.

P8.36 All dwelling units shall be equipped with NFPA-compliant automatic sprinklers.

The following shall be noted and drawn on the final plat:

P8.37 Five-foot building maintenance easements for walls, eaves, chimneys, and other architectural features that rest directly on a lot line for all common walls on common property lines.

P8.38 CAPAs and buffers. Tract 10-998 and tract 5-998 shown on sheet 14 of 40 of the unit lot subdivision plan set for phase 8 shall be labeled as CAPA.

P8.39 Any stormwater facility easement required by SCC 30.63A.595.

#### D. Final Plat Approval

Prior to approval of the final plat:

P8.40 Pacific Ridge shall have submitted a final certificate of water availability to the county Fire Marshal verifying the fire hydrants have been installed, are charged and operational, and meet the minimum required fire flow after installation. Each fire hydrant shall be equipped with a 4-inch Storz steamer port and its bonnet and cap painted to reflect the level of fire service.

P8.41 Site improvements, fencing, recreation facilities, open space and common area landscaping depicted on the approved plans shall have been installed, inspected, and approved unless deferral of the improvements is allowed by PDS and a bond or guarantee of performance is submitted to PDS. A qualified landscape designer shall certify that landscaping is installed per the approved plan.

P8.42 Pacific Ridge shall have established a homeowners' association as a Washington corporation (profit or non-profit) for the purposes of tract ownership and maintenance. Pacific Ridge shall provide PDS with a copy of the articles of incorporation of the homeowners' association filed with the Washington Secretary of State. The homeowners' association shall remain the owner of tracts unless tract ownership by all lots in the subdivision is authorized pursuant to a final plat alteration. The articles of incorporation must provide that if the homeowners' association is dissolved, each Olot shall have an equal and undivided ownership interest in the tracts previously owned by the association and shall have responsibility for maintaining the tracts.

P8.43 Pacific Ridge shall have recorded with the County Auditor:<sup>138</sup>

- a. Documents that identify the rights and responsibilities of property owners and the homeowners' association for use and maintenance of common parking and vehicle access areas, on-site recreations areas, landscaping, underground utilities, common open space, exterior building facades and roofs, and other similar features.

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<sup>138</sup> SCC 30.41A.205(9).

#### **Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family Detached Unit Site Plan Subject to Conditions.

- b. Any access and construction easements.
- c. Any joint use and maintenance agreements.
- d. Any instruments necessary to convey ownership of property to be held by the homeowners' association. These instruments may be recorded contemporaneously with the final plat.
- e. Covenants, conditions, and restrictions. The restrictive covenants shall contain proper easements for utilities and for maintenance of exterior building facades and common walls, specifically providing a five-foot easement on either side of the common wall/property line for maintenance. The covenants shall provide that Snohomish County is an intended beneficiary of the covenants with standing to enforce them and shall preclude the avoidance of performance obligations required by county code through lease agreements

P8.44 Pacific Ridge shall have installed all fire lane signage and pavement striping per the approved plans and coordinated on-site with the Snohomish County Fire Marshal's Office.

P8.45 Pacific Ridge shall have constructed or installed the features on the approved TDM plan.

P8.46 Pacific Ridge shall have provided a valid signed plat name reservation to PDS.

#### E. Prior to Earlier of Combustible Construction or Final Plat Approval

P8.47 If Pacific Ridge begins construction with combustible materials prior to approval of the final plat, Pacific Ridge must

- a. Satisfy condition P8.40 (fire hydrants).
- b. Install or cause to be installed all street signage.

#### F. Building Permits

P8.48 Building plans submitted for building permit review shall:

- a. Include any automatic fire suppression systems and fire alarm systems required by the Fire Marshal.
- b. Comply with applicable bulk regulations of chap. 30.23 SCC.
- c. Include the architectural design elements required by the Urban Residential Design Standards for townhouses as outlined in SCC 30.23A.050.
- d. Demonstrate that all parking spaces within garages are free of obstructions that reduce the required internal parking space dimensions, such as stairs, furnaces, or water heaters.
- e. Provide 20 percent façade transparency for each primary façade and 10 percent for each secondary façade facing a road network element or other public space.

#### **Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA  
Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family Detached Unit Site Plan Subject to Conditions.

1 P8.49 Pacific Ridge shall have paid the fees described in conditions P8.23 (school impact mitigation  
2 fees), P8.24 (park impact mitigation fees), and P8.25 (traffic impact mitigation fees). Pacific  
3 Ridge may pay such fees proportionately with each building permit.

4 **G. Occupancy or Final Building Permit Approval of Each Dwelling Unit**

5 Irrespective of whether the final plat has been approved and recorded, the following conditions shall  
6 be fulfilled prior to the earlier of approval for occupancy or final building permit approval of the first  
7 dwelling unit:

8 P8.50 Condition P8.40 (fire hydrants).

9 P8.51 Blue street reflectors shall have been installed on the hydrant side of the center line to assist  
10 approaching emergency vehicle apparatus in locating the hydrant. Installation may be deferred  
11 to the final lift with the approval of the Fire Marshal.

12 P8.52 Condition P8.45 (TDM plan).

13 P8.53 All street signage shall have been installed.

14 P8.54 All fire lane pavement striping and signage shall have been installed per the approved site plan  
15 and coordinated on-site with Snohomish County Fire Marshal's Office.

16 P8.55 All required landscaping shall be installed in accordance with the approved landscape plan and a  
17 qualified landscape designer shall certify that that the installation complies with the code and  
18 the approved plans unless a performance bond has been reviewed and accepted by the  
19 department. All landscaping review and inspection fees shall be paid pursuant to chapter 30.86  
20 SCC.

21 P8.56 Any automatic fire sprinkler system and alarm systems required by the Fire Marshal shall be  
22 operational. The Snohomish County Fire Marshal's Office may waive sprinkler requirements if  
23 Pacific Ridge provides a secondary access that complies with county requirements and if there is  
24 adequate fire flow.

**Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA  
Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development  
Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family  
Detached Unit Site Plan Subject to Conditions.

## APPENDIX K – PHASE 9 (LOT SIZE AVERAGING SUBDIVISION OF 44 SINGLE-FAMILY DWELLINGS)

### A. General Conditions for Phase 9

- P9.1 The preliminary lot size averaging plat for phase 9 plans received by PDS on November 8, 2024, shall be the approved preliminary plat map under chapter 30.41A SCC for the development.<sup>139</sup>
- P9.2 The urban residential design standard site plan and preliminary plan for phase 9 received by PDS on November 8, 2024, shall be the approved URDS administrative site plan pursuant to chapter 30.23A SCC.<sup>140</sup>
- P9.3 The preliminary tree canopy/landscape plan for phase 9 received by Snohomish County Planning and Development Services on September 16, 2024, shall be the approved preliminary landscape plan.<sup>141</sup>
- P9.4 Trees planted to meet the tree canopy requirements of SCC 30.25.016 shall not be removed unless a certified arborist provides written documentation that trees to be removed constitute a hazard in accordance with SCC 30.25.016(11). Any retained trees shall be protected during construction. Any trees removed without authorization shall be subject to a fine as determined under chapter 30.85 SCC. Further, dead or significantly damaged trees that are removed from landscaped areas after installation must be replaced within three months in compliance with SCC 30.25.045.
- P9.5 To the extent required by the Fire Marshal, buildings shall have automatic sprinkler and alarm systems. At the time of building permit application, Pacific Ridge may provide updated fire flow information. The Fire Marshal may modify sprinkler requirements based upon the updated fire flow information. If the fire flow is less than the fire flow required by Appendix B for the size and type of structure, installation of NFPA-compliant automatic fire sprinkler systems will reduce the fire flow required by 50%.
- P9.6 All water, sewer, electrical and communication distribution and service lines shall be underground except as may be allowed per SCC 30.23A.110(1) or 30.23A.110(2).

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<sup>139</sup> Ex. B.4.6.

<sup>140</sup> Ex. B.4.6.

<sup>141</sup> (Exhibit B.6.6)

#### **Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family Detached Unit Site Plan Subject to Conditions.

1 **B. Site Development Activities for Phase 9**

2 **Prior to any development activity on the site except surveying and marking:**

3 P9.7 Pacific Ridge shall obtain the required permits for site development work, including one or more  
4 land disturbing activity permits as required by chapters 30.63A and 30.63B SCC.

5 P9.8 To the extent required SCC 30.43F.100, Pacific Ridge must obtain a forest practices activity  
6 permit – class IV general conversion permit.

7 P9.9 The application for the land disturbing activity permit shall include for review and approval:

8 a. To the extent critical areas exist on the site of the phase:

9 i. Critical Area Protection Area (CAPA) sign design and location specifications that  
10 comply with the design requirements of SCC 30.62A.320(1)(f)(ii)(A)-(D).

11 ii. A final mitigation plan based on the mitigation proposed in the Mitigation Plan written  
12 by Soundview Consultants and revised December 5, 2023. The mitigation plan map  
13 shall be consistent with the land disturbing activity construction plans. The plan shall  
14 include plans for use of mitigation bank credits.

15 b. A full drainage plan pursuant to chapters 30.63A and 30.63B SCC.

16 c. A landscape plan review fee. SCC 30.86.145(1).

17 d. A proposed final landscape plan that includes the location of any CAPA-compliant fencing.

18 P9.10 A landscape maintenance security may be required in accordance with SCC 30.84.150 if Pacific  
19 Ridge requests a planting delay and PDS concurs with the suitability of the delay.

20 P9.11 Pacific Ridge must temporarily mark the boundary of any CAPA on the phase site required by  
21 chapter 30.62A SCC and the limits of the proposed site disturbance outside of the CAPA, using  
22 methods and materials acceptable the county.

23 P9.12 To protect any trees during land disturbing activities that are shown as retained by the approved  
24 landscape plan, Pacific Ridge shall install tree protective fencing along the outer edge of the drip  
25 line surrounding the trees. Fencing shall not be moved to facilitate grading or other construction  
26 activity within the protected area. Tree protective fencing shall be a minimum height of three  
27 feet, visible, and of durable construction (orange polyethylene laminar fencing is acceptable).  
28 Signs must be posted on the fencing reading "Tree Protection Area." SCC 30.25.016.

29 **Prior to issuance of any land disturbing activity permit, Pacific Ridge shall:**

**Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA  
Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development  
Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family  
Detached Unit Site Plan Subject to Conditions.

- 1 P9.13 Pay the county for installation of signs and striping. SCC 13.10.180.
- 2 P9.14 Pay the county a landscape site inspection fee. SCC 30.86.145(3).
- 3 P9.15 Provide proof of purchase to the county of required Snohomish Basin Mitigation Bank credits.
- 4 Prior to final approval of the land disturbing activities permit:
- 5 P9.16 All CAPA boundaries on the phase site shall have been permanently marked on the site prior to
- 6 final inspection by the county, with both CAPA signs and adjacent markers which can be
- 7 magnetically located (e.g., rebar, pipe, or 20 penny nails). Other permanent methods and
- 8 materials may be used if they are first approved by the county. Where a CAPA boundary crosses
- 9 another boundary (e.g., lot, tract, plat, or road), a rebar marker with surveyors' cap and license
- 10 number must be placed at the line crossing.
- 11 P9.17 CAPA signs shall have been placed no greater than 100 feet apart around the perimeter of any
- 12 CAPA on the phase site. Minimum placement shall include one Type 1 sign per wetland, and at
- 13 least one Type 1 sign shall be placed in any lot that borders the CAPA, unless otherwise
- 14 approved by the county biologist.
- 15 P9.18 CAPA-compliant fencing shall have been installed around the boundary of any CAPA on the
- 16 phase site to the satisfaction of the county.
- 17 P9.19 Installed all landscaping associated with common areas (tracts, streets, etc.). A qualified
- 18 landscape designer shall have certified to PDS that the installation complies with county code
- 19 and the approved plans. PDS may authorize up to a 180-day delay when a qualified landscape
- 20 designer certifies that planting season conflicts could produce a high probability of plant loss. A
- 21 performance security in accordance with SCC 30.84.105 shall be required PDS if a planting delay
- 22 is authorized.
- 23 P9.20 The final mitigation plan shall have been satisfactorily implemented.
- 24 P9.21 Any stormwater facility easement required by SCC 30.63A.595 shall be recorded prior to the
- 25 final inspection and approval of the initial land disturbing activity permit for the site
- 26 implementing construction of stormwater facilities.

**Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA  
Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development  
Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family  
Detached Unit Site Plan Subject to Conditions.



1 C. Final plat Content

2 The following text shall be written on the face of the final recorded plat:<sup>142</sup>

3 P9.22 The lots within this subdivision will be subject to school impact mitigation fees for Snohomish  
4 School District No. 201. For building permits issued on or before October 26, 2027, the impact  
5 fee shall be \$6,039.00 per single-family residence dwelling unit. For building permits issued on  
6 or after October 27, 2027, the impact fee shall be determined by the fee schedule in effect at  
7 the time of building permit application. The impact fees must be paid prior to building permit  
8 issuance, except as allowed by SCC 30.66C.200(2).

9 P9.23 The dwelling units within this development are subject to park impact fees per newly approved  
10 dwelling unit as mitigation for impacts to the Nakeeta Beach Park Service Area of the County  
11 parks system, in accordance with Chapter 30.66A SCC. For building permits issued on or before  
12 October 26, 2027, the impact fee shall be \$1,630.22 per dwelling unit. For building permits  
13 issued on or after October 27, 2027, the impact fee shall be determined by the fee schedule  
14 under SCC 30.66C.100 in effect at the time of building permit application. The impact fees must  
15 be paid prior to building permit issuance, except as allowed by SCC 30.66A.020(4).

16 P9.24 Chapter 30.66B SCC requires new lot mitigation payment of:

17 \$6,253.06 per dwelling unit (to total \$275,134.46) for mitigation of impacts on county roads  
18 paid to the county in accordance with the payment timing provisions of chapter 30.66B SCC.  
19 The impact fee shall be distributed to each Transportation Service Area in accordance with SCC  
20 30.66B.350.

21 \$279.92 per dwelling unit (to total \$12,316.68) for Transportation Demand Management paid to  
22 the county.

23 \$1,209.27 per dwelling unit (to total \$53,208.08) to the city of Mill Creek to mitigate the impact  
24 of the development on the city's streets. Proof of payment shall be provided to the county

25 Payment of these fees to the county is due prior to or at the time of building permit issuance for  
26 each dwelling unit unless deferment is allowed pursuant to chapter 30.66B SCC. Notice of these  
27 mitigation payments shall be contained in any deeds involving this subdivision or the lots  
28 therein.

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<sup>142</sup> Numbering of required text is for convenience only.

**Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA  
Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development  
Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family  
Detached Unit Site Plan Subject to Conditions.

- 1 P9.25 Membership in the homeowners' association and payment of dues or other assessments for  
2 maintenance purposes shall be a requirement of lot ownership and shall remain an  
3 appurtenance to and inseparable from each lot.
- 4 P9.26 The homeowners' association or its successors shall regularly inspect and maintain any  
5 stormwater facilities and best management practice facilities shown on the plat.
- 6 P9.27 All CRITICAL AREA PROTECTION AREAS shall be left permanently undisturbed in a substantially  
7 natural state. No clearing, grading, filling, building construction or placement, or road  
8 construction of any kind shall occur, except removal of hazardous trees. The following are  
9 allowed in CAPAs: Non-ground disturbing interior or exterior building improvements; routine  
10 landscape, maintenance of established, ornamental landscaping; non-ground disturbing normal  
11 maintenance or repair; felling or topping of hazardous trees based on review by a qualified  
12 arborist; removal of noxious weeds conducted in accordance with chapter 16-750 WAC;  
13 maintenance or replacement that does not expand the affected area of the following existing  
14 facilities: (a) septic tanks and drain fields; (b) wells; (c) individual utility service connections;  
15 data collection by non-mechanical means, and non-mechanical survey and monument  
16 placement.
- 17 P9.28 All open space shall be protected as open space in perpetuity. Use of open space tracts within  
18 this subdivision is restricted to those uses approved for the planned residential development,  
19 including open play areas, picnic areas, recreation trail system, viewing platform, drainage  
20 facilities, benches, and required landscape improvements as shown on the approved site plan  
21 and the approved landscape plan. Covenants, conditions, and restrictions as recorded with the  
22 plat, and as may be amended in the future, shall include provisions for the continuing  
23 preservation and maintenance of the uses, facilities, and landscaping, within the open space as  
24 approved and constructed.
- 25 P9.29 Trees to be planted to meet the tree canopy requirements of SCC 30.25.016(3) (locations  
26 indicated on the approved landscape plans for the project) may not be removed without prior  
27 approval from the Department of Planning and Development Services and submittal of  
28 documentation from a certified arborist stating that removal of any of the trees is necessary to  
29 prevent an imminent safety hazard. Any trees removed without authorization shall be subject  
30 to a fine as determined under Chapter 30.85 SCC.

**Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA  
Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development  
Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family  
Detached Unit Site Plan Subject to Conditions.

1 The following text shall be included on the final plat if the Fire Marshal requires automatic fire  
2 sprinklers:

3 P9.30 All dwelling units shall be equipped with NFPA-compliant automatic sprinklers.

4 The following shall be noted and drawn on the final plat:

5 P9.31 All CAPAs and buffers shall be labeled as "CAPA and Open Space," including tract 11-998 (shown  
6 on sheets 6, 7, and 9 of the phase 9 lot size averaging plan set) and tract 11-997 (sheets 5 and  
7 6), and tract 7-997 (sheets 8 through 11).The following shall be noted and drawn on the final  
8 plat:

9 P9.32 All CAPAs and buffers shall be labeled as "CAPA and Open Space," including tract 11-998 (shown  
10 on sheets 6, 7, and 9 of the phase 9 lot size averaging plan set) and tract 11-997 (sheets 5 and  
11 6), and tract 7-997 (sheets 8 through 11).

12 P9.33 Any stormwater facility easement required by SCC 30.63A.595.

#### 13 D. Final Plat Approval

14 Approval of the final plat shall not occur until the following conditions have been fulfilled:

15 P9.34 Pacific Ridge shall have established a homeowners' association as a Washington corporation  
16 (profit or non-profit) for the purposes of tract ownership and maintenance. Pacific Ridge shall  
17 provide PDS with a copy of the articles of incorporation of the homeowners' association filed  
18 with the Washington Secretary of State. The homeowners' association shall remain the owner  
19 of tracts unless tract ownership by all lots in the subdivision is authorized pursuant to a final  
20 plat alteration. The articles of incorporation must provide that if the homeowners association is  
21 dissolved, each lot shall have an equal and undivided ownership interest in the tracts previously  
22 owned by the association and shall have responsibility for maintaining the tracts.

23 P9.35 Pacific Ridge shall have prepared covenants, conditions, and restrictions that restrict use of the  
24 tracts to the uses specified in the approved preliminary plat and require compliance with county  
25 regulations and conditions of final subdivision approval. The covenants, conditions, and  
26 restrictions shall state that they are binding upon and inure to the benefit of the homeowners'  
27 association, the owners of all lots within the subdivision, and all others having any interest in  
28 the tracts or lots. The covenants, conditions, and restrictions shall state that the county is an  
29 intended beneficiary of the covenants, conditions, and restricts with the right to enforce them.  
30 After approval by the county, Pacific Ridge shall record the covenants, conditions, and

#### **Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA  
Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development  
Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family  
Detached Unit Site Plan Subject to Conditions.

restrictions with the County Auditor. The covenants, conditions, and restrictions may be recorded simultaneously with recording of the final plat.

P9.36 Conveyance of land to the homeowners' association may be recorded simultaneously with the recording of the final plat.

P9.37 Pacific Ridge shall have submitted a final certificate of water availability to the Fire Marshal's Office verifying the fire hydrants have been installed, are charged and operational, and meet the minimum required fire flow after installation.

P9.38 Site improvements, landscaping, pedestrian facilities, and recreational amenities in the open space tracts and common areas on the approved administrative site plan and landscape plans shall have been installed, inspected, and approved per code, unless deferral of the improvements is allowed by PDS, and a bond or other guarantee of performance is submitted in an amount and form satisfactory to PDS. Landscaping installation shall be certified by a qualified landscape designer. After the landscaping is installed, a landscape maintenance bond or other maintenance security shall be provided for the required landscape improvements, in an amount and form satisfactory to Snohomish County.

P9.39 Pacific Ridge shall have constructed or installed:

- a. The features on the approved Transportation Demand Management Plan have been constructed or installed.
- b. All fire hydrants, which shall be equipped with 4-inch Storz steamer ports and the tops painted to indicate the level of fire service.
- c. If the land disturbing activity permit has not been completed, conditions P9.16 (permanent marking of CAPA boundaries), P9.17 (CAPA signs), and P9.18 (CAPA fencing) shall have been completed.
- d. Pacific Ridge shall have installed blue street reflectors for each hydrant on the hydrant side of the center line to assist approaching emergency vehicle apparatus in locating the hydrant. Installation may be deferred to final lift upon approval of the Fire Marshal.

#### E. Prior to Earlier of Combustible Construction or Final Plat Approval

If Pacific Ridge begins construction with combustible materials prior to approval of the final plat, it must:

P9.40 Satisfy condition P9.39(b) (fire hydrants) and (d) (street reflectors).

P9.41 Satisfy condition P9.37 (water availability).

#### **Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family Detached Unit Site Plan Subject to Conditions.

P9.42 Install or cause to be installed all street signage.

## F. Building permits

P9.43 Plans submitted for any residential building permits must comply with:

- a. Urban design standards for single family dwellings outlined in SCC 30.23A.040;
- b. The applicable bulk regulations of chap. 30.23 SCC.

P9.44 Except for model homes allowed by SCC 30.41A.500 *et seq.*, building permits will only be issued after Pacific Ridge has recorded the final plat with the Snohomish County Auditor.

P9.45 Building plans submitted for building permit review shall include any automatic fire suppression systems and fire alarm systems required by the Fire Marshal.

P9.46 Prior to the issuance of any building permits, Pacific Ridge shall have paid the traffic (condition P9.24), parks (condition P9.23), and school mitigation (condition P9.22) fees.

## G. Occupancy or Final Building Permit Approval of Each Dwelling Unit

P9.47 Prior to the occupancy of the first building, Pacific Ridge shall have installed all fire lane signage and markings shall be installed per the approved site plan.

P9.48 Any automatic fire sprinkler system and alarm systems required by condition P9.5 shall be operational. The Snohomish County Fire Marshal's Office may waive sprinkler requirements if Pacific Ridge provides a secondary access that complies with county requirements and if there is adequate fire flow.

P9.49 Prior to occupancy of each dwelling unit, Pacific Ridge shall have Installed landscaping for the lot pursuant to the final landscaping plan. A qualified landscape designer shall certify to PDS that the installation complies with county code and the approved plans.

P9.50 Prior to occupancy of the last dwelling unit, landscaping deferred pursuant to chap. 30.25 SCC and located on the applicable lot, in the right-of-way, or private road tract adjacent to the applicable lot, or perimeter landscaping located within 100 feet of the subject dwelling unit pursuant to SCC 30.25.036 shall have been installed and a letter from a qualified landscape designer provided to PDS stating the landscaping has be installed pursuant to the requirements of chapter 30.25 SCC and the approved landscape plan.

### **Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family Detached Unit Site Plan Subject to Conditions.

## APPENDIX L – PHASE 10 (UNIT LOT SUBDIVISION OF 142 TOWNHOUSES)

### A. General Conditions for Phase 10

- P10.1 The preliminary unit lot subdivision plat for phase 10 received by PDS on October 1, 2024, shall be the approved preliminary plat map.<sup>143</sup>
- P10.2 The urban residential design standard site plan and preliminary plan for phase 10 received by PDS on October 1, 2024, shall be the approved URDS administrative site plan pursuant to chapter 30.23A SCC.<sup>144</sup>
- P10.3 The preliminary tree canopy and landscape plan for phase 10 received by Snohomish County Planning and Development Services on October 1, 2024, shall be the approved preliminary landscape plan.<sup>145</sup>
- P10.4 To the extent required by the Fire Marshal, buildings shall have automatic sprinkler and alarm systems. At the time of building permit application, Pacific Ridge may provide updated fire flow information. The Fire Marshal may modify sprinkler requirements based upon the updated fire flow information. If the fire flow is less than the fire flow required by Appendix B for the size and type of structure, installation of NFPA-compliant automatic fire sprinkler systems will reduce the fire flow required by 50%.
- P10.5 All common areas and elements of the development included within tracts shall be held by a homeowners' association or in common by the owners of the individual unit lots.
- P10.6 No townhouse unit lot may be sold, transferred, or conveyed prior to recording of the final plat.
- P10.7 The model home provisions of SCC 30.41A.500 through SCC 30.41A.550 shall not apply to this unit lot subdivision. SCC 30.41A.205(8) (2017).
- P10.8 All portions of the parent site not subdivided for individual unit lots shall be owned in common by the owners of the individual unit lots, or by a homeowners' association.

### B. Site Development Activities for Phase 10

#### Prior to any development activity on the site except surveying and marking:

- P10.9 Pacific Ridge shall obtain the required permits for site development work, including one or more land disturbing activity permits as required by chapters 30.63A and 30.63B SCC.

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<sup>143</sup> Ex. B.4.3.

<sup>144</sup> Ex. B.4.3.

<sup>145</sup> Exhibit B.6.3.

#### **Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family Detached Unit Site Plan Subject to Conditions.

P10.10 To the extent required SCC 30.43F.100, Pacific Ridge must obtain a forest practices activity permit – class IV general conversion permit.

P10.11 The application for the land disturbing activity permit shall include for review and approval:

a. To the extent critical areas exist on the site of the phase:

i. Critical Area Protection Area (CAPA) sign design and location specifications that comply with the design requirements of SCC 30.62A.320(1)(f)(ii)(A)-(D).

ii. A final mitigation plan based on the mitigation proposed in the Mitigation Plan written by Soundview Consultants and revised December 5, 2023. The mitigation plan map shall be consistent with the land disturbing activity construction plans. The plan shall include plans for use of mitigation bank credits.

b. A full drainage plan pursuant to chapters 30.63A and 30.63B SCC.

c. A landscape plan review fee. SCC 30.86.145(1).

d. A proposed final landscape plan that includes:

i. The location of any CAPA-compliant fencing.

ii. Any additional shrubs and ground cover needed to comply with the landscaping code requirements for the portion of the site proposed for townhouse development. Code requires five shrubs per 100 square feet of landscaping and ground cover to achieve 90 percent cover within three-years of planting within all front and side setbacks and common outdoor areas associated with a dwelling unit consistent with table SCC 30.23A.050(1).

P10.12 A landscape maintenance security may be required in accordance with SCC 30.84.150 if Pacific Ridge requests a planting delay and PDS concurs with the suitability of the delay.

P10.13 Pacific Ridge must temporarily mark the boundary of any CAPA on the phase site required by chapter 30.62A SCC and the limits of the proposed site disturbance outside of the CAPA, using methods and materials acceptable the county.

P10.14 To protect any trees during land disturbing activities that are shown as retained by the approved landscape plan, Pacific Ridge shall install tree protective fencing along the outer edge of the drip line surrounding the trees. Fencing shall not be moved to facilitate grading or other construction activity within the protected area. Tree protective fencing shall be a minimum height of three feet, visible, and of durable construction (orange polyethylene laminar fencing is acceptable). Signs must be posted on the fencing reading "Tree Protection Area." SCC 30.25.016.

Prior to issuance of the land disturbing activity permit, Pacific Ridge shall:

P10.15 Pay the amount required by the county for the installation of signs and striping. SCC 13.10.180.

**Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA  
Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family Detached Unit Site Plan Subject to Conditions.

P10.16 Pay the county a landscape site inspection fee as required by SCC 30.86.145(3).

P10.17 Provide proof of purchase to the county of required Snohomish Basin Mitigation Bank credits.

Prior to final acceptance of the land disturbing activity permit:

P10.18 Any stormwater facility easement required by SCC 30.63A.595 shall be recorded prior to the final inspection and approval of the initial land disturbing activity permit for the site implementing construction of stormwater facilities.

P10.19 All CAPA boundaries on the phase site shall have been permanently marked on the site prior to final inspection by the county, with both CAPA signs and adjacent markers which can be magnetically located (e.g., rebar, pipe, or 20 penny nails). Other permanent methods and materials may be used if they are first approved by the county. Where a CAPA boundary crosses another boundary (e.g., lot, tract, plat, or road), a rebar marker with surveyors' cap and license number must be placed at the line crossing.

P10.20 CAPA signs shall have been placed no greater than 100 feet apart around the perimeter of any CAPA on the phase site. Minimum placement shall include one Type 1 sign per wetland, and at least one Type 1 sign shall be placed in any lot that borders the CAPA, unless otherwise approved by the county biologist.

P10.21 CAPA-compliant fencing shall have been installed around the boundary of any CAPA on the phase site to the satisfaction of the county.

P10.22 The final mitigation plan shall have been satisfactorily implemented.

C. Final Plat Content

The following text shall be written on the face of the final recorded plat:<sup>146</sup>

P10.23 The lots within this subdivision are subject to school impact mitigation fees for Snohomish School District No. 201. For building permit applications submitted on or before October 26, 2027, the fee shall be \$6,039.00 per single-family dwelling unit, zero dollars per 1-bedroom multi-family units, and \$260.00 per 2-bedroom multi-family units and townhome dwelling units, as provided by the fee schedule. For building permit applications submitted on or after October 27, 2027, the amount shall be determined by the fee schedule in effect at the time the building permit application is submitted. Payment of these mitigation fees is required prior to building permit issuance except as provided for in SCC 30.66C.200(2). Credit shall be given for one existing lot. The first lot or unit constructed phase 10 shall receive credit.

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<sup>146</sup> Numbering of required text is for convenience only.

**Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family Detached Unit Site Plan Subject to Conditions.



1 P10.24 The dwelling units within this development are subject to park impact fees as mitigation for  
2 impacts to the Nakeeta Beach Park Service Area No. 307 of the County parks system in  
3 accordance with chapter 30.66A SCC. For building permit applications submitted on or before  
4 October 26, 2027, the impact fee shall be \$1,071.45 per dwelling unit. For building permit  
5 applications submitted on or after October 27, 2027, the amount shall be determined by the fee  
6 schedule in effect at the time the building permit application is submitted. Payment of these  
7 mitigation fees is required prior to building permit issuance except as provided in SCC  
8 30.66A.020(4).

9 P10.25 Chapter 30.66B SCC requires new lot mitigation payment of:

10 \$4,769.28 per dwelling unit (to total \$677,237.76) for mitigation of impacts on county roads paid  
11 to the county in accordance with the payment timing provisions of chapter 30.66B SCC. The  
12 impact fee shall be distributed to each Transportation Service Area in accordance with SCC  
13 30.66B.350.

14 \$22,885.27 to Snohomish County for Transportation Demand Management measures within  
15 Transportation Service Area D. This payment may be made proportionately with each building  
16 permit.

17 \$98,864.38 to the City of Mill Creek for traffic impacts to projects within the City. Proof of  
18 payment of the above amount shall be provided to the County. This payment may be made  
19 proportionately with each building permit.

20 Payment of these fees is due prior to or at the time of building permit issuance for each dwelling  
21 unit unless deferment is allowed pursuant to chapter 30.66B SCC. Notice of these mitigation  
22 payments shall be contained in any deeds involving this subdivision or the lots therein.

23 P10.26 Approval of the design and layout of the development was granted by the review of the  
24 development, as a whole, on the parent site by the site development plan approval (PDS file no.  
25 22-113955 SPA).

26 P10.27 Subsequent platting actions, additions, or modifications to any structure may not create or  
27 increase any nonconformity of the parent site as a whole and shall conform to the approved site  
28 development plan.

29 P10.28 If a structure or portion of a structure has been damaged or destroyed, any repair,  
30 reconstruction, or replacement of the structure shall conform to the approved site development  
31 plan.

32 P10.29 The individual unit lots are not separate buildable lots and additional development of the  
33 individual unit lots may be limited as a result of the application of development standards to the  
34 parent site.

#### **Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA  
Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development  
Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family  
Detached Unit Site Plan Subject to Conditions.

- 1 P10.30 Membership in the homeowners' association and payment of dues or other assessments for  
2 maintenance purposes shall be a requirement of lot ownership and shall remain an  
3 appurtenance to and inseparable from each lot. If the homeowners' association is dissolved,  
4 then each lot shall have an equal and undivided ownership interest in the tracts previously  
5 owned by the association as well as responsibility for maintaining the tracts.
- 6 P10.31 The homeowners' association or its successors shall regularly inspect and maintain any  
7 stormwater facilities and best management practice facilities shown on the plat.
- 8 P10.32 Open space shall be protected in perpetuity. Use of the open space tracts within this subdivision  
9 is restricted to those uses approved for the residential development shown on the approved  
10 site plan and the approved landscape plan.
- 11 P10.33 Provisions for the maintenance of walls, eaves, chimneys, and other architectural features that  
12 rest directly on, or cross over, the zero-lot lines shall be included in the covenants, conditions,  
13 and restrictions of the adjoining lots, and may be recorded with the covenants, conditions, and  
14 restrictions or in a separate document approved by the director pursuant to SCC 30.23A.050.
- 15 P10.34 All critical areas and buffers are designated critical area protection areas or easements and  
16 placed in separate tracts or easements. The critical areas shall be left permanently undisturbed  
17 in a substantially natural state. No clearing, grading, filling, building construction or placement,  
18 or road construction of any kind shall occur, except removal of hazardous trees. The following  
19 are allowed in critical area protection areas and easements: Non-ground disturbing interior or  
20 exterior building improvements; routine landscape, maintenance of established, ornamental  
21 landscaping; non-ground disturbing normal maintenance or repair; felling or topping of  
22 hazardous trees based on review by a qualified arborist; removal of noxious weeds conducted in  
23 accordance with chapter 16-750 WAC; maintenance or replacement that does not expand the  
24 affected area of septic tanks and drainfields, wells, and individual utility service connections;  
25 data collection by non-mechanical means; and non-mechanical survey and monument  
26 placement. SCC 30.62A.010(2)(a) (2017).
- 27 P10.35 Trees planted to meet the tree canopy requirements of SCC 30.25.016(3) (locations indicated on  
28 the approved landscape plans for the project) may not be removed without prior approval from  
29 the Department of Planning and Development Services and submittal of documentation from a  
30 certified arborist stating that removal of any of the trees is necessary to prevent an imminent  
31 safety hazard. Any trees removed without authorization shall be subject to a fine as determined  
32 under Chapter 30.85 SCC.

33 The following text shall be included on the final plat if the Fire Marshal requires automatic fire  
34 sprinklers.

35 P10.36 All dwelling units shall be equipped with NFPA-compliant automatic sprinklers.

**Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA  
Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development  
Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family  
Detached Unit Site Plan Subject to Conditions.

The following shall be noted and drawn on the final plat:

P10.37 Five-foot building maintenance easements for walls, eaves, chimneys, and other architectural features that rest directly on a lot line for all common walls on common property lines.

P10.38 CAPAs and buffers. Tract 10-998 and tract 5-998 shown on sheet 14 of 40 of the unit lot subdivision plan set for phase 10 shall be labeled as CAPA.

P10.39 Any stormwater facility easement required by SCC 30.63A.595.

#### D. Final Plat Approval

Prior to approval of the final plat:

P10.40 Pacific Ridge shall have submitted a final certificate of water availability to the county Fire Marshal verifying the fire hydrants have been installed, are charged and operational, and meet the minimum required fire flow after installation. Each fire hydrant shall be equipped with a 4-inch Storz steamer port and its bonnet and cap painted to reflect the level of fire service.

P10.41 Site improvements, fencing, recreation facilities, open space and common area landscaping depicted on the approved plans shall have been installed, inspected, and approved unless deferral of the improvements is allowed by PDS and a bond or guarantee of performance is submitted to PDS. A qualified landscape designer shall certify that landscaping is installed per the approved plan.

P10.42 Pacific Ridge shall have established a homeowners' association as a Washington corporation (profit or non-profit) for the purposes of tract ownership and maintenance. Pacific Ridge shall provide PDS with a copy of the articles of incorporation of the homeowners' association filed with the Washington Secretary of State. The homeowners' association shall remain the owner of tracts unless tract ownership by all lots in the subdivision is authorized pursuant to a final plat alteration. The articles of incorporation must provide that if the homeowners' association is dissolved, each lot shall have an equal and undivided ownership interest in the tracts previously owned by the association and shall have responsibility for maintaining the tracts.

P10.43 Pacific Ridge shall have recorded with the County Auditor:<sup>147</sup>

- a. Documents that identify the rights and responsibilities of property owners and the homeowners' association for use and maintenance of common parking and vehicle access areas, on-site recreations areas, landscaping, underground utilities, common open space, exterior building facades and roofs, and other similar features.
- b. Any access and construction easements.

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<sup>147</sup> SCC 30.41A.205(9).

#### **Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family Detached Unit Site Plan Subject to Conditions.

- c. Any joint use and maintenance agreements.
- d. Any instruments necessary to convey ownership of property to be held by the homeowners' association. These instruments may be recorded contemporaneously with the final plat.
- e. Covenants, conditions, and restrictions. The restrictive covenants shall contain proper easements for utilities and for maintenance of exterior building facades and common walls, specifically providing a five-foot easement on either side of the common wall/property line for maintenance. The covenants shall provide that Snohomish County is an intended beneficiary of the covenants with standing to enforce them and shall preclude the avoidance of performance obligations required by county code through lease agreements

P10.44 Pacific Ridge shall have installed all fire lane signage and pavement striping per the approved plans and coordinated on-site with the Snohomish County Fire Marshal's Office.

P10.45 Pacific Ridge shall have constructed or installed the features on the approved TDM plan.

P10.46 Pacific Ridge shall have provided a valid signed plat name reservation to PDS.

#### E. Prior to Earlier of Combustible Construction or Final Plat Approval

P10.47 If Pacific Ridge begins construction with combustible materials prior to approval of the final plat, Pacific Ridge must

- a. Satisfy condition P10.40 (fire hydrants).
- b. Install or cause to be installed all street signage.

#### F. Building Permits

P10.48 Building plans submitted for building permit review shall:

- a. Include any automatic fire suppression systems and fire alarm systems required by the Fire Marshal.
- b. Comply with applicable bulk regulations of chap. 30.23 SCC.
- c. Include the architectural design elements required by the Urban Residential Design Standards for townhouses as outlined in SCC 30.23A.050.
- d. Demonstrate that all parking spaces within garages are free of obstructions that reduce the required internal parking space dimensions, such as stairs, furnaces, or water heaters.
- e. Provide 20 percent façade transparency for each primary façade and 10 percent for each secondary façade facing a road network element or other public space.

P10.49 Pacific Ridge shall have paid the fees described in conditions P10.23 (school impact mitigation fees), P10.24 (park impact mitigation fees), and P10.25 (traffic impact mitigation fees). Pacific Ridge may pay such fees proportionately with each building permit.

#### **Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA  
Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family Detached Unit Site Plan Subject to Conditions.

1 G. Prior to Approval for Occupancy or Final Building Permit Approval of Each Dwelling Unit

2 Irrespective of whether the final plat has been approved and recorded, the following conditions shall  
3 be fulfilled prior to the earlier of approval for occupancy or final building permit approval of the first  
4 dwelling unit:

5 P10.50 Condition P10.40 (fire hydrants).

6 P10.51 Blue street reflectors shall have been installed on the hydrant side of the center line to assist  
7 approaching emergency vehicle apparatus in locating the hydrant. Installation may be deferred  
8 to the final lift with the approval of the Fire Marshal.

9 P10.52 Condition P10.45(TDM plan).

10 P10.53 All street signage shall have been installed.

11 P10.54 All fire lane pavement striping and signage shall have been installed per the approved site plan  
12 and coordinated on-site with Snohomish County Fire Marshal's Office.

13 P10.55 All required landscaping shall be installed in accordance with the approved landscape plan and a  
14 qualified landscape designer shall certify that that the installation complies with the code and  
15 the approved plans unless a performance bond has been reviewed and accepted by the  
16 department. All landscaping review and inspection fees shall be paid pursuant to chapter 30.86  
17 SCC.

18 P10.56 Any automatic fire sprinkler system and alarm systems required by the Fire Marshal shall be  
19 operational. The Snohomish County Fire Marshal's Office may waive sprinkler requirements if  
20 Pacific Ridge provides a secondary access that complies with county requirements and if there is  
21 adequate fire flow.

**Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA  
Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development  
Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family  
Detached Unit Site Plan Subject to Conditions.

## APPENDIX M – PHASE 11 (PRELIMINARY SUBDIVISION USING LOT SIZE AVERAGING OF 56 SINGLE-FAMILY DWELLINGS)

### A. General Conditions for Phase 11

P11.1 The preliminary lot size averaging plat for phase 11 received by PDS on November 8, 2024, shall be the approved preliminary plat map under chapter 30.41A SCC for the development.<sup>148</sup>

P11.2 The urban residential design standard site plan and preliminary plan for phase 11 received by PDS on November 8, 2024, shall be the approved URDS administrative site plan pursuant to chapter 30.23A SCC.<sup>149</sup>

P11.3 The preliminary tree canopy and landscape plan for phase 11 received by Snohomish County Planning and Development Services on September 16, 2024, shall be the approved preliminary landscape plan.<sup>150</sup>

P11.4 Trees planted to meet the tree canopy requirements of SCC 30.25.016 shall not be removed unless a certified arborist provides written documentation that trees to be removed constitute a hazard in accordance with SCC 30.25.016(11). Any retained trees shall be protected during construction. Any trees removed without authorization shall be subject to a fine as determined under chapter 30.85 SCC. Further, dead or significantly damaged trees that are removed from landscaped areas after installation must be replaced within three months in compliance with SCC 30.25.045.

P11.5 To the extent required by the Fire Marshal, buildings shall have automatic sprinkler and alarm systems. At the time of building permit application, Pacific Ridge may provide updated fire flow information. The Fire Marshal may modify sprinkler requirements based upon the updated fire flow information. If the fire flow is less than the fire flow required by Appendix B for the size and type of structure, installation of NFPA-compliant automatic fire sprinkler systems will reduce the fire flow required by 50%.

P11.6 All water, sewer, electrical and communication distribution and service lines shall be underground except as may be allowed per SCC 30.23A.110(1) or 30.23A.110(2).

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<sup>148</sup> Ex. B.4.6.

<sup>149</sup> Ex. B.4.6.

<sup>150</sup> (Exhibit B.6.6)

#### **Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family Detached Unit Site Plan Subject to Conditions.

1 B. Site Development Activities for Phase 11

2 Prior to any development activity on the site except surveying and marking:

3 P11.7 Pacific Ridge shall obtain the required permits for site development work, including one or more  
4 land disturbing activity permits as required by chapters 30.63A and 30.63B SCC.

5 P11.8 To the extent required SCC 30.43F.100, Pacific Ridge must obtain a forest practices activity  
6 permit – class IV general conversion permit.

7 P11.9 The application for the land disturbing activity permit shall include for review and approval:

8 a. To the extent critical areas exist on the site of the phase:

9 i. Critical Area Protection Area (CAPA) sign design and location specifications that  
10 comply with the design requirements of SCC 30.62A.320(1)(f)(ii)(A)-(D).

11 ii. A final mitigation plan based on the mitigation proposed in the Mitigation Plan written  
12 by Soundview Consultants and revised December 5, 2023. The mitigation plan map  
13 shall be consistent with the land disturbing activity construction plans. The plan shall  
14 include a plans for use of mitigation bank credits.

15 b. A full drainage plan pursuant to chapters 30.63A and 30.63B SCC.

16 c. A landscape plan review fee. SCC 30.86.145(1).

17 d. A proposed final landscape plan that includes the location of any CAPA-compliant fencing.

18 P11.10 A landscape maintenance security may be required in accordance with SCC 30.84.150 if Pacific  
19 Ridge requests a planting delay and PDS concurs with the suitability of the delay.

20 P11.11 Pacific Ridge must temporarily mark the boundary of any CAPA on the phase site required by  
21 chapter 30.62A SCC and the limits of the proposed site disturbance outside of the CAPA, using  
22 methods and materials acceptable the county.

23 P11.12 To protect any trees during land disturbing activities that are shown as retained by the approved  
24 landscape plan, Pacific Ridge shall install tree protective fencing along the outer edge of the drip  
25 line surrounding the trees. Fencing shall not be moved to facilitate grading or other construction  
26 activity within the protected area. Tree protective fencing shall be a minimum height of three  
27 feet, visible, and of durable construction (orange polyethylene laminar fencing is acceptable).  
28 Signs must be posted on the fencing reading "Tree Protection Area." SCC 30.25.016.

29 Prior to issuance of any land disturbing activity permit, Pacific Ridge shall:

**Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA  
Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development  
Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family  
Detached Unit Site Plan Subject to Conditions.

1 P11.13 Pay the county for installation of signs and striping. SCC 13.10.180.

2 P11.14 Pay the county a landscape site inspection fee. SCC 30.86.145(3).

3 P11.15 Provide proof of purchase to the county of required Snohomish Basin Mitigation Bank credits.

4 Prior to final approval of the land disturbing activities permit:

5 P11.16 All CAPA boundaries on the phase site shall have been permanently marked on the site prior to  
6 final inspection by the county, with both CAPA signs and adjacent markers which can be  
7 magnetically located (e.g., rebar, pipe, or 20 penny nails). Other permanent methods and  
8 materials may be used if they are first approved by the county. Where a CAPA boundary crosses  
9 another boundary (e.g., lot, tract, plat, or road), a rebar marker with surveyors' cap and license  
10 number must be placed at the line crossing.

11 P11.17 CAPA signs shall have been placed no greater than 100 feet apart around the perimeter of any  
12 CAPA on the phase site. Minimum placement shall include one Type 1 sign per wetland, and at  
13 least one Type 1 sign shall be placed in any lot that borders the CAPA, unless otherwise  
14 approved by the county biologist.

15 P11.18 CAPA-compliant fencing shall have been installed around the boundary of any CAPA on the  
16 phase site to the satisfaction of the county.

17 P11.19 Installed all landscaping associated with common areas (tracts, streets, etc.). A qualified  
18 landscape designer shall have certified to PDS that the installation complies with county code  
19 and the approved plans. PDS may authorize up to a 180-day delay when a qualified landscape  
20 designer certifies that planting season conflicts could produce a high probability of plant loss. A  
21 performance security in accordance with SCC 30.84.105 shall be required PDS if a planting delay  
22 is authorized.

23 P11.20 The final mitigation plan shall have been satisfactorily implemented.

24 P11.21 Any stormwater facility easement required by SCC 30.63A.595 shall be recorded prior to the  
25 final inspection and approval of the initial land disturbing activity permit for the site  
26 implementing construction of stormwater facilities.

**Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA  
Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development  
Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family  
Detached Unit Site Plan Subject to Conditions.



1 C. Final plat Content

2 The following text shall be written on the face of the final recorded plat:<sup>151</sup>

3 P11.22 The lots within this subdivision will be subject to school impact mitigation fees for Snohomish  
4 School District No. 201. For building permits issued on or before October 26, 2027, the impact  
5 fee shall be \$6,039.00 per single-family residence dwelling unit. For building permits issued on  
6 or after October 27, 2027, the impact fee shall be determined by the fee schedule in effect at  
7 the time of building permit application. The impact fees must be paid prior to building permit  
8 issuance, except as allowed by SCC 30.66C.200(2). Credit shall be given for one existing lot. Lot 1  
9 shall receive credit.

10 P11.23 The dwelling units within this development are subject to park impact fees per newly approved  
11 dwelling unit as mitigation for impacts to the Nakeeta Beach Park Service Area of the County  
12 parks system, in accordance with Chapter 30.66A SCC. For building permits issued on or before  
13 October 26, 2027, the impact fee shall be \$1,630.22 per dwelling unit. For building permits  
14 issued on or after October 27, 2027, the impact fee shall be determined by the fee schedule  
15 under SCC 30.66C.100 in effect at the time of building permit application. The impact fees must  
16 be paid prior to building permit issuance, except as allowed by SCC 30.66A.020(4).

17 P11.24 Chapter 30.66B SCC requires new lot mitigation payment of:

18 \$6,253.05 per dwelling unit (to total \$350,170.04) for mitigation of impacts on county roads  
19 paid to the county in accordance with the payment timing provisions of chapter 30.66B SCC.  
20 The impact fee shall be distributed to each Transportation Service Area in accordance with SCC  
21 30.66B.350.

22 \$279.92 per dwelling unit (to total \$15,675.78) for Transportation Demand Management paid to  
23 the county.

24 \$1,209.27 per dwelling unit (to total \$67,719.37) to the city of Mill Creek to mitigate the impact  
25 of the development on the city's streets. Proof of payment shall be provided to the county

26 Payment of these fees to the county is due prior to or at the time of building permit issuance for  
27 each dwelling unit unless deferment is allowed pursuant to chapter 30.66B SCC. Notice of these  
28 mitigation payments shall be contained in any deeds involving this subdivision or the lots  
29 therein.

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<sup>151</sup> Numbering of required text is for convenience only.

**Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA  
Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development  
Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family  
Detached Unit Site Plan Subject to Conditions.

1 P11.25 Membership in the homeowners' association and payment of dues or other assessments for  
2 maintenance purposes shall be a requirement of lot ownership and shall remain an  
3 appurtenance to and inseparable from each lot.

4 P11.26 The homeowners' association or its successors shall regularly inspect and maintain any  
5 stormwater facilities and best management practice facilities shown on the plat.

6 P11.27 All CRITICAL AREA PROTECTION AREAS shall be left permanently undisturbed in a substantially  
7 natural state. No clearing, grading, filling, building construction or placement, or road  
8 construction of any kind shall occur, except removal of hazardous trees. The following are  
9 allowed in CAPAs: Non-ground disturbing interior or exterior building improvements; routine  
10 landscape, maintenance of established, ornamental landscaping; non-ground disturbing normal  
11 maintenance or repair; felling or topping of hazardous trees based on review by a qualified  
12 arborist; removal of noxious weeds conducted in accordance with chapter 16-750 WAC;  
13 maintenance or replacement that does not expand the affected area of the following existing  
14 facilities: (a) septic tanks and drain fields; (b) wells; (c) individual utility service connections;  
15 data collection by non-mechanical means, and non-mechanical survey and monument  
16 placement.

17 P11.28 All open space shall be protected as open space in perpetuity. Use of open space tracts within  
18 this subdivision is restricted to those uses approved for the planned residential development,  
19 including open play areas, picnic areas, recreation trail system, viewing platform, drainage  
20 facilities, benches, and required landscape improvements as shown on the approved site plan  
21 and the approved landscape plan. Covenants, conditions, and restrictions as recorded with the  
22 plat, and as may be amended in the future, shall include provisions for the continuing  
23 preservation and maintenance of the uses, facilities, and landscaping, within the open space as  
24 approved and constructed.

25 P11.29 Trees to be planted to meet the tree canopy requirements of SCC 30.25.016(3) (locations  
26 indicated on the approved landscape plans for the project) may not be removed without prior  
27 approval from the Department of Planning and Development Services and submittal of  
28 documentation from a certified arborist stating that removal of any of the trees is necessary to  
29 prevent an imminent safety hazard. Any trees removed without authorization shall be subject  
30 to a fine as determined under Chapter 30.85 SCC.

31 The following text shall be included on the final plat if the Fire Marshal requires automatic fire  
32 sprinklers.

**Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA  
Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development  
Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family  
Detached Unit Site Plan Subject to Conditions.

P11.30 All dwelling units shall be equipped with NFPA-compliant automatic sprinklers.

The following shall be noted and drawn on the final plat:

P11.31 All CAPAs and buffers shall be labeled as “CAPA and Open Space,” including tract 11-998 (shown on sheets 6, 7, and 9 of the phase 11 lot size averaging plan set) and tract 11-997 (sheets 5 and 6), and tract 7-997 (sheets 8 through 11).

P11.32 Any stormwater facility easement required by SCC 30.63A.595.

#### D. Final Plat Approval

Approval of the final plat shall not occur until the following conditions have been fulfilled:

P11.33 Pacific Ridge shall have established a homeowners’ association as a Washington corporation (profit or non-profit) for the purposes of tract ownership and maintenance. Pacific Ridge shall provide PDS with a copy of the articles of incorporation of the homeowners’ association filed with the Washington Secretary of State. The homeowners’ association shall remain the owner of tracts unless tract ownership by all lots in the subdivision is authorized pursuant to a final plat alteration. The articles of incorporation must provide that if the homeowners association is dissolved, each lot shall have an equal and undivided ownership interest in the tracts previously owned by the association and shall have responsibility for maintaining the tracts.

P11.34 Pacific Ridge shall have prepared covenants, conditions, and restrictions that restrict use of the tracts to the uses specified in the approved preliminary plat and require compliance with county regulations and conditions of final subdivision approval. The covenants, conditions, and restrictions shall state that they are binding upon and inure to the benefit of the homeowners’ association, the owners of all lots within the subdivision, and all others having any interest in the tracts or lots. The covenants, conditions, and restrictions shall state that the county is an intended beneficiary of the covenants, conditions, and restricts with the right to enforce them. After approval by the county, Pacific Ridge shall record the covenants, conditions, and restrictions with the County Auditor. The covenants, conditions, and restrictions may be recorded simultaneously with recording of the final plat.

P11.35 Conveyance of land to the homeowners’ association may be recorded simultaneously with the recording of the final plat.

P11.36 Pacific Ridge shall have submitted a final certificate of water availability to the Fire Marshal’s Office verifying the fire hydrants have been installed, are charged and operational, and meet the minimum required fire flow after installation.

#### **Eastview Village**

*22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA*  
Amended Decision Approving Preliminary Planned Residential Development Subdivision, Planned Residential Development Official Site Plan, Preliminary Subdivision, Urban Residential Design Standards Administrative Site Plan, and Single-Family Detached Unit Site Plan Subject to Conditions.

P11.37 Site improvements, landscaping, pedestrian facilities, and recreational amenities in the open space tracts and common areas on the approved administrative site plan and landscape plans shall have been installed, inspected, and approved per code, unless deferral of the improvements is allowed by PDS, and a bond or other guarantee of performance is submitted in an amount and form satisfactory to PDS. Landscaping installation shall be certified by a qualified landscape designer. After the landscaping is installed, a landscape maintenance bond or other maintenance security shall be provided for the required landscape improvements, in an amount and form satisfactory to Snohomish County.

P11.38 Pacific Ridge shall have constructed or installed:

- a. The features on the approved Transportation Demand Management Plan have been constructed or installed.
- b. All fire hydrants, which shall be equipped with 4-inch Storz steamer ports and the tops painted to indicate the level of fire service.
- c. If the land disturbing activity permit has not been completed, conditions P11.16 (permanent marking of CAPA boundaries), P11.17 (CAPA signs), and P11.18 (CAPA fencing) shall have been completed.
- d. Pacific Ridge shall have installed blue street reflectors for each hydrant on the hydrant side of the center line to assist approaching emergency vehicle apparatus in locating the hydrant. Installation may be deferred to final lift upon approval of the Fire Marshal.

#### E. Prior to Earlier of Combustible Construction or Final Plat Approval

If Pacific Ridge begins construction with combustible materials prior to approval of the final plat, it must:

P11.39 Satisfy condition P11.38(b) (fire hydrants) and (d) (street reflectors).

P11.40 Satisfy condition P11.36 (water availability).

P11.41 Install or cause to be installed all street signage.

#### F. Building permits

P11.42 Plans submitted for any residential building permits must comply with:

- a. Urban design standards for single family dwellings outlined in SCC 30.23A.040;
- b. The applicable bulk regulations of chap. 30.23 SCC.

#### **Eastview Village**

22-113955 SPA, 22-114101 SPA, 22-117447 SPA, 22-117395 PSD, 22-117398 PSD/SPA, 22-117404 PSD, 24-113099 SPA  
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1 P11.43 Building plans submitted for building permit review shall include any automatic fire suppression  
2 systems and fire alarm systems required by the Fire Marshal

3 P11.44 Except for model homes allowed by SCC 30.41A.500 *et seq.*, building permits will only be issued  
4 after Pacific Ridge has recorded the final plat with the Snohomish County Auditor.

5 P11.45 Building permits for dwellings larger than 4,800 square feet may be issued only if sufficient fire  
6 flow is available as described by Appendix B of the International Fire Code in effect at the time  
7 of building permit application. If the fire flow is less than the fire flow required by Appendix B  
8 for dwellings larger than 4,800 sq. ft., installation of NFPA 13D automatic fire sprinkler systems  
9 will reduce the required fire flow by 50%.

10 P11.46 Prior to the issuance of any building permits, Pacific Ridge shall have paid the traffic (condition  
11 P11.24), parks (condition P11.23), and school mitigation (condition P11.22) fees.

12 G. Prior to Earlier of Final Plat Approval or Approval for Occupancy of Each Dwelling Unit

13 P11.47 Prior to the occupancy of the first building, Pacific Ridge shall have installed all fire lane signage  
14 and markings shall be installed per the approved site plan.

15 P11.48 Any automatic fire sprinkler system and alarm systems required by condition P11.5 shall be  
16 operational. The Snohomish County Fire Marshal's Office may waive sprinkler requirements if  
17 Pacific Ridge provides a secondary access that complies with county requirements and if there is  
18 adequate fire flow.

19 P11.49 Prior to occupancy of each dwelling unit, Pacific Ridge shall have Installed landscaping for the  
20 lot pursuant to the final landscaping plan. A qualified landscape designer shall certify to PDS  
21 that the installation complies with county code and the approved plans.

22 P11.50 Prior to occupancy of the last dwelling unit, landscaping deferred pursuant to chap. 30.25 SCC  
23 and located on the applicable lot, in the right-of-way, or private road tract adjacent to the  
24 applicable lot, or perimeter landscaping located within 100 feet of the subject dwelling unit  
25 pursuant to SCC 30.25.036 shall have been installed and a letter from a qualified landscape  
26 designer provided to PDS stating the landscaping has be installed pursuant to the requirements  
27 of chapter 30.25 SCC and the approved landscape plan.

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Detached Unit Site Plan Subject to Conditions.

## APPENDIX N – PHASE 12 (UNIT LOT SUBDIVISION OF 80 TOWNHOUSES)

### A. General Conditions for Phase 12

- P12.1 The preliminary unit lot subdivision plat for phase 12 received by PDS on October 1, 2024, shall be the approved preliminary plat map.<sup>152</sup>
- P12.2 The urban residential design standard site plan and preliminary plan for phase 12 received by PDS on October 1, 2024, shall be the approved URDS administrative site plan pursuant to chapter 30.23A SCC.<sup>153</sup>
- P12.3 The preliminary tree canopy/landscape plan for phase 12 received by Snohomish County Planning and Development Services on October 1, 2024, shall be the approved preliminary landscape plan.<sup>154</sup>
- P12.4 To the extent required by the Fire Marshal, buildings shall have automatic sprinkler and alarm systems. At the time of building permit application, Pacific Ridge may provide updated fire flow information. The Fire Marshal may modify sprinkler requirements based upon the updated fire flow information. If the fire flow is less than the fire flow required by Appendix B for the size and type of structure, installation of NFPA-compliant automatic fire sprinkler systems will reduce the fire flow required by 50%.
- P12.5 All common areas and elements of the development included within tracts shall be held by a homeowners' association or in common by the owners of the individual unit lots.
- P12.6 No townhouse unit lot may be sold, transferred, or conveyed prior to recording of the final plat.
- P12.7 The model home provisions of SCC 30.41A.500 through SCC 30.41A.550 shall not apply to this unit lot subdivision. SCC 30.41A.205(8) (2017).
- P12.8 All portions of the parent site not subdivided for individual unit lots shall be owned in common by the owners of the individual unit lots, or by a homeowners' association.

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<sup>152</sup> Ex. B.4.3.

<sup>153</sup> Ex. B.4.3.

<sup>154</sup> Exhibit B.6.3.

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1 **B. Site Development Activities for Phase 12**

2 **Prior to any development activity on the site except surveying and marking:**

3 P12.9 Pacific Ridge shall obtain the required permits for site development work, including one or more  
4 land disturbing activity permits as required by chapters 30.63A and 30.63B SCC.

5 P12.10 To the extent required SCC 30.43F.100, Pacific Ridge must obtain a forest practices activity  
6 permit – class IV general conversion permit.

7 P12.11 The application for the land disturbing activity permit shall include for review and approval:

8 a. To the extent critical areas exist on the site of the phase:

9 i. Critical Area Protection Area (CAPA) sign design and location specifications that  
10 comply with the design requirements of SCC 30.62A.320(1)(f)(ii)(A)-(D).

11 ii. A final mitigation plan based on the mitigation proposed in the Mitigation Plan written  
12 by Soundview Consultants and revised December 5, 2023. The mitigation plan map  
13 shall be consistent with the land disturbing activity construction plans. The plan shall  
14 include plans for use of mitigation bank credits.

15 b. A full drainage plan pursuant to chapters 30.63A and 30.63B SCC.

16 c. A landscape plan review fee. SCC 30.86.145(1).

17 d. A proposed final landscape plan that includes:

18 i. The location of any CAPA-compliant fencing.

19 ii. Any additional shrubs and ground cover needed to comply with the landscaping code  
20 requirements for the portion of the site proposed for townhouse development. Code  
21 requires five shrubs per 100 square feet of landscaping and ground cover to achieve  
22 90 percent cover within three-years of planting within all front and side setbacks and  
23 common outdoor areas associated with a dwelling unit consistent with table SCC  
24 30.23A.050(1).

25 P12.12 A landscape maintenance security may be required in accordance with SCC 30.84.150 if Pacific  
26 Ridge requests a planting delay and PDS concurs with the suitability of the delay.

27 P12.13 Pacific Ridge must temporarily mark the boundary of any CAPA on the phase site required by  
28 chapter 30.62A SCC and the limits of the proposed site disturbance outside of the CAPA, using  
29 methods and materials acceptable the county.

30 P12.14 To protect any trees during land disturbing activities that are shown as retained by the approved  
31 landscape plan, Pacific Ridge shall install tree protective fencing along the outer edge of the drip

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line surrounding the trees. Fencing shall not be moved to facilitate grading or other construction activity within the protected area. Tree protective fencing shall be a minimum height of three feet, visible, and of durable construction (orange polyethylene laminar fencing is acceptable). Signs must be posted on the fencing reading "Tree Protection Area." SCC 30.25.016.

Prior to issuance of the land disturbing activity permit, Pacific Ridge shall:

P12.15 Pay the amount required by the county for the installation of signs and striping. SCC 13.10.180.

P12.16 Pay the county a landscape site inspection fee as required by SCC 30.86.145(3).

P12.17 Provide proof of purchase to the county of required Snohomish Basin Mitigation Bank credits.

Prior to final acceptance of the land disturbing activity permit:

P12.18 Any stormwater facility easement required by SCC 30.63A.595 shall be recorded prior to the final inspection and approval of the initial land disturbing activity permit for the site implementing construction of stormwater facilities.

P12.19 All CAPA boundaries on the phase site shall have been permanently marked on the site prior to final inspection by the county, with both CAPA signs and adjacent markers which can be magnetically located (e.g., rebar, pipe, or 20 penny nails). Other permanent methods and materials may be used if they are first approved by the county. Where a CAPA boundary crosses another boundary (e.g., lot, tract, plat, or road), a rebar marker with surveyors' cap and license number must be placed at the line crossing.

P12.20 CAPA signs shall have been placed no greater than 100 feet apart around the perimeter of any CAPA on the phase site. Minimum placement shall include one Type 1 sign per wetland, and at least one Type 1 sign shall be placed in any lot that borders the CAPA, unless otherwise approved by the county biologist.

P12.21 CAPA-compliant fencing shall have been installed around the boundary of any CAPA on the phase site to the satisfaction of the county.

P12.22 The final mitigation plan shall have been satisfactorily implemented.

C. Final Plat Content

The following text shall be written on the face of the final recorded plat:<sup>155</sup>

P12.23 The lots within this subdivision are subject to school impact mitigation fees for Snohomish School District No. 201. For building permit applications submitted on or before October 26,

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<sup>155</sup> Numbering of required text is for convenience only.

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2027, the fee shall be \$6,039.00 per single-family dwelling unit, zero dollars per 1-bedroom multi-family units, and \$260.00 per 2-bedroom multi-family units and townhome dwelling units, as provided by the fee schedule. For building permit applications submitted on or after October 27, 2027, the amount shall be determined by the fee schedule in effect at the time the building permit application is submitted. Payment of these mitigation fees is required prior to building permit issuance except as provided for in SCC 30.66C.200(2).

P12.24 The dwelling units within this development are subject to park impact fees as mitigation for impacts to the Nakeeta Beach Park Service Area No. 307 of the County parks system in accordance with chapter 30.66A SCC. For building permit applications submitted on or before October 26, 2027, the impact fee shall be \$1,071.45 per dwelling unit. For building permit applications submitted on or after October 27, 2027, the amount shall be determined by the fee schedule in effect at the time the building permit application is submitted. Payment of these mitigation fees is required prior to building permit issuance except as provided in SCC 30.66A.020(4).

P12.25 Chapter 30.66B SCC requires new lot mitigation payment of:

\$4,769.28 per dwelling unit (to total \$381,542.40) for mitigation of impacts on county roads paid to the county in accordance with the payment timing provisions of chapter 30.66B SCC. The impact fee shall be distributed to each Transportation Service Area in accordance with SCC 30.66B.350.

\$12,893.11 to Snohomish County for Transportation Demand Management measures within Transportation Service Area D. This payment may be made proportionately with each building permit.

\$55,698.24 to the City of Mill Creek for traffic impacts to projects within the City. Proof of payment of the above amount shall be provided to the County. This payment may be made proportionately with each building permit.

Payment of these fees is due prior to or at the time of building permit issuance for each dwelling unit unless deferment is allowed pursuant to chapter 30.66B SCC. Notice of these mitigation payments shall be contained in any deeds involving this subdivision or the lots therein.

P12.26 Approval of the design and layout of the development was granted by the review of the development, as a whole, on the parent site by the site development plan approval (PDS file no. 22-113955 SPA).

P12.27 Subsequent platting actions, additions, or modifications to any structure may not create or increase any nonconformity of the parent site as a whole and shall conform to the approved site development plan.

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- 1 P12.28 If a structure or portion of a structure has been damaged or destroyed, any repair,  
2 reconstruction, or replacement of the structure shall conform to the approved site development  
3 plan.
- 4 P12.29 The individual unit lots are not separate buildable lots and additional development of the  
5 individual unit lots may be limited as a result of the application of development standards to the  
6 parent site.
- 7 P12.30 Membership in the homeowners' association and payment of dues or other assessments for  
8 maintenance purposes shall be a requirement of lot ownership and shall remain an  
9 appurtenance to and inseparable from each lot. If the homeowners' association is dissolved,  
10 then each lot shall have an equal and undivided ownership interest in the tracts previously  
11 owned by the association as well as responsibility for maintaining the tracts.
- 12 P12.31 The homeowners' association or its successors shall regularly inspect and maintain any  
13 stormwater facilities and best management practice facilities shown on the plat.
- 14 P12.32 Open space shall be protected in perpetuity. Use of the open space tracts within this subdivision  
15 is restricted to those uses approved for the residential development shown on the approved  
16 site plan and the approved landscape plan.
- 17 P12.33 Provisions for the maintenance of walls, eaves, chimneys, and other architectural features that  
18 rest directly on, or cross over, the zero-lot lines shall be included in the covenants, conditions,  
19 and restrictions of the adjoining lots, and may be recorded with the covenants, conditions, and  
20 restrictions or in a separate document approved by the director pursuant to SCC 30.23A.050.
- 21 P12.34 All critical areas and buffers are designated critical area protection areas or easements and  
22 placed in separate tracts or easements. The critical areas shall be left permanently undisturbed  
23 in a substantially natural state. No clearing, grading, filling, building construction or placement,  
24 or road construction of any kind shall occur, except removal of hazardous trees. The following  
25 are allowed in critical area protection areas and easements: Non-ground disturbing interior or  
26 exterior building improvements; routine landscape, maintenance of established, ornamental  
27 landscaping; non-ground disturbing normal maintenance or repair; felling or topping of  
28 hazardous trees based on review by a qualified arborist; removal of noxious weeds conducted in  
29 accordance with chapter 16-750 WAC; maintenance or replacement that does not expand the  
30 affected area of septic tanks and drainfields, wells, and individual utility service connections;  
31 data collection by non-mechanical means; and non-mechanical survey and monument  
32 placement. SCC 30.62A.010(2)(a) (2017).
- 33 P12.35 Trees planted to meet the tree canopy requirements of SCC 30.25.016(3) (locations indicated on  
34 the approved landscape plans for the project) may not be removed without prior approval from  
35 the Department of Planning and Development Services and submittal of documentation from a  
36 certified arborist stating that removal of any of the trees is necessary to prevent an imminent

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1 safety hazard. Any trees removed without authorization shall be subject to a fine as determined  
2 under Chapter 30.85 SCC.

3 The following text shall be included in the final plat if the Fire Marshal requires automatic fire  
4 sprinklers.

5 P12.36 All dwelling units shall be equipped with NFPA-compliant automatic sprinklers.

6 The following shall be noted and drawn on the final plat:

7 P12.37 Five-foot building maintenance easements for walls, eaves, chimneys, and other architectural  
8 features that rest directly on a lot line for all common walls on common property lines.

9 P12.38 CAPAs and buffers. Tract 10-998 and tract 5-998 shown on sheet 14 of 40 of the unit lot  
10 subdivision plan set for phase 12 shall be labeled as CAPA.

11 P12.39 Any stormwater facility easement required by SCC 30.63A.595.

#### 12 D. Final Plat Approval

13 Prior to approval of the final plat:

14 P12.40 Pacific Ridge shall have submitted a final certificate of water availability to the county Fire  
15 Marshal verifying the fire hydrants have been installed, are charged and operational, and meet  
16 the minimum required fire flow after installation. Each fire hydrant shall be equipped with a 4-  
17 inch Storz steamer port and its bonnet and cap painted to reflect the level of fire service.

18 P12.41 Site improvements, fencing, recreation facilities, open space and common area landscaping  
19 depicted on the approved plans shall have been installed, inspected, and approved unless  
20 deferral of the improvements is allowed by PDS and a bond or guarantee of performance is  
21 submitted to PDS. A qualified landscape designer shall certify that landscaping is installed per  
22 the approved plan.

23 P12.42 Pacific Ridge shall have established a homeowners' association as a Washington corporation  
24 (profit or non-profit) for the purposes of tract ownership and maintenance. Pacific Ridge shall  
25 provide PDS with a copy of the articles of incorporation of the homeowners' association filed  
26 with the Washington Secretary of State. The homeowners' association shall remain the owner  
27 of tracts unless tract ownership by all lots in the subdivision is authorized pursuant to a final  
28 plat alteration. The articles of incorporation must provide that if the homeowners' association is  
29 dissolved, each Olot shall have an equal and undivided ownership interest in the tracts  
30 previously owned by the association and shall have responsibility for maintaining the tracts.

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P12.43 Pacific Ridge shall have recorded with the County Auditor:<sup>156</sup>

- a. Documents that identify the rights and responsibilities of property owners and the homeowners' association for use and maintenance of common parking and vehicle access areas, on-site recreations areas, landscaping, underground utilities, common open space, exterior building facades and roofs, and other similar features.
- b. Any access and construction easements.
- c. Any joint use and maintenance agreements.
- d. Any instruments necessary to convey ownership of property to be held by the homeowners' association. These instruments may be recorded contemporaneously with the final plat.
- e. Covenants, conditions, and restrictions. The restrictive covenants shall contain proper easements for utilities and for maintenance of exterior building facades and common walls, specifically providing a five-foot easement on either side of the common wall/property line for maintenance. The covenants shall provide that Snohomish County is an intended beneficiary of the covenants with standing to enforce them and shall preclude the avoidance of performance obligations required by county code through lease agreements

P12.44 Pacific Ridge shall have installed all fire lane signage and pavement striping per the approved plans and coordinated on-site with the Snohomish County Fire Marshal's Office.

P12.45 Pacific Ridge shall have constructed or installed the features on the approved TDM plan.

P12.46 Pacific Ridge shall have provided a valid signed plat name reservation to PDS.

#### E. Prior to Earlier of Combustible Construction or Final Plat Approval

P12.47 If Pacific Ridge begins construction with combustible materials prior to approval of the final plat, Pacific Ridge must

- a. Satisfy condition P12.40 (fire hydrants).
- b. Install or cause to be installed all street signage.

#### F. Building Permits

P12.48 Building plans submitted for building permit review shall:

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<sup>156</sup> SCC 30.41A.205(9).

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- a. Include any automatic fire suppression systems and fire alarm systems required by the Fire Marshal.
- b. Comply with applicable bulk regulations of chap. 30.23 SCC.
- c. Include the architectural design elements required by the Urban Residential Design Standards for townhouses as outlined in SCC 30.23A.050.
- d. Demonstrate that all parking spaces within garages are free of obstructions that reduce the required internal parking space dimensions, such as stairs, furnaces, or water heaters.
- e. Provide 20 percent façade transparency for each primary façade and 10 percent for each secondary façade facing a road network element or other public space.

P12.49 Pacific Ridge shall have paid the fees described in conditions P12.23 (school impact mitigation fees), P12.24 (park impact mitigation fees), and P12.25 (traffic impact mitigation fees). Pacific Ridge may pay such fees proportionately with each building permit.

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**G. Prior to Approval for Occupancy or Final Building Permit Approval of Each Dwelling Unit**

Irrespective of whether the final plat has been approved and recorded, the following conditions shall be fulfilled prior to the earlier of approval for occupancy or final building permit approval of the first dwelling unit:

P12.50 Condition P12.40 (fire hydrants).

P12.51 Blue street reflectors shall have been installed on the hydrant side of the center line to assist approaching emergency vehicle apparatus in locating the hydrant. Installation may be deferred to the final lift with the approval of the Fire Marshal.

P12.52 Condition P12.45 (TDM plan).

P12.53 All street signage shall have been installed.

P12.54 All fire lane pavement striping and signage shall have been installed per the approved site plan and coordinated on-site with Snohomish County Fire Marshal's Office.

P12.55 All required landscaping shall be installed in accordance with the approved landscape plan and a qualified landscape designer shall certify that that the installation complies with the code and the approved plans unless a performance bond has been reviewed and accepted by the department. All landscaping review and inspection fees shall be paid pursuant to chapter 30.86 SCC.

P12.56 Any automatic fire sprinkler system and alarm systems required by the Fire Marshal shall be operational. The Snohomish County Fire Marshal's Office may waive sprinkler requirements if Pacific Ridge provides a secondary access that complies with county requirements and if there is adequate fire flow.

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**Snohomish County**

**Hearing Examiner's Office**

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[www.snoco.org](http://www.snoco.org)

## **AFFIDAVIT OF MAILING OR EMAILING**

**Peter Camp**  
Hearing Examiner

APPLICANT: Pacific Ridge – DRH, LLC

PROJECT: Eastview Village

FILE NO.: 22-113955 PSD/SPA

DOCUMENT(S): 22-113955 PSD/SPA Eastview Village PRD Decision After Reconsideration

I, Allegra Clarkson, Administrative Hearings Clerk, certify under penalty of perjury under the laws of the State of Washington that:

1. I have been authorized by the Snohomish County Hearing Examiner to mail and/or email hearing notices required by SCC 2.02.125(10) and other official office documents.
2. I have made a good-faith effort to mail and/or email the above-described document(s) to each person entitled thereto. The names and addresses of the persons to whom I mailed and/or emailed said document are listed on the attached page(s).
3. I mailed and/or emailed (or caused to be mailed and/or emailed) said document(s) on April 30, 2025.

Signed at Everett, Washington on April 30, 2025.

*Allegra Clarkson*

Allegra Clarkson, Administrative Hearings Clerk

<b>Organization POR &amp; Agency register</b>	<b>Name 22-113955 SPA Eastview Village</b>	<b>Service by</b>
<b>APPLICANT(S)</b>	Pacific Ridge-DRH LLC	<b>email</b>
<b>OWNER(S)</b>	Cathcart 144 LLC	<b>email</b>
<b>CONTACT PERSON(S)</b>	Ian Faulds John Mirante Dagny Cook Lindsey Solorio Kimberly Busteed Michael Moody Duana Kolouskova Matt DeCaro Brad Lincoln Bob Herman Henry Wright Danny Villagrana	<b>email</b> <b>email</b> <b>email</b> <b>email</b> <b>email</b> <b>email</b> <b>email</b> <b>email</b> <b>email</b> <b>email</b> <b>email</b> <b>email</b>
<b>GOVERNMENT/TRIBES</b>		
SNO CO PDS/LAND USE	Joshua Machen	<b>email</b>
SNO CO PDS	Michael Huey	<b>email</b>
SNO CO PDS	Erin Harker	<b>email</b>
SNO CO PDS	Seth Henderson	<b>email</b>
SNO CO PDS	Kelli Hale	<b>email</b>
WA STATE OF TRANSPORTATION	DAWN ANDERSON	<b>email</b>
SNO CO PUD NO 1	mary Wicklund	<b>email</b>
SNO CO PUD NO 1	DEAN SAKSENA	<b>email</b>
S SNO CO FIRE & RESCUE	DEPUTY CHIEF ZWEBER	<b>email</b>
SNO CO DEPT OF PUBLIC WORKS	DOUG MCCORMICK	<b>email</b>
WA STATE OF TRANSPORTATION	PETER ALM	<b>email</b>
SNOHOMISH HEALTH DISTRICT	RAGINA GRAY	<b>email</b>
STILLAGUAMISH TRIBES	SHAWN YANITY	<b>email</b>
Tulalip Tribe Environmental	Todd Gray	<b>email</b>
Tulalip Tribe Cultural	Gene Enick	<b>email</b>
Snohomish County Parks	Sharon Swan	<b>email</b>
Snohomish School District	Dave Sage	<b>email</b>
Snohomish School District	Keith Stefanson	<b>email</b>
Snohomish School District	Tom Laufmann	<b>email</b>
Marshland Flood Control Dist.	Gary W. Brandstetter	<b>email</b>
Army Corps	stephanie neil	<b>email</b>
city of millcreek	sybil tetteh	<b>email</b>
community transit	kathryn boris	<b>email</b>
<b>Public Comment/Parties of record</b>	Adam Paffhouse Akram Mellice Alexandra Nelson and David R	<b>email</b> <b>email</b> <b>email</b>



Conservation and Preservation Society

Amy Amend	email
Amy Demoulin	email
Amy Watts	email
Andrew Douglas	email
Angela Berghout	email
Angela Kim	email
Annette Crossland	email undeliverable
Barry Trosin	email
Ben Austin	email
Betty Winholtz	email
Brad Gross	email
Brian Russon	email
Bruce A. Pitts	email
Bruce Thomas	email
Carol Foss	email
Carter Burns	email
Caryn M Taylor-Fiebig	email
Catherine Stafford	email
Chad Fowler	email
Christine Kurkowski	email
Corinne Weir	email
Courtney Privett	email
Dan Murphy	email
Daniel and Sarah Walsh	email
Danielle Gadek	email
Daria Suzana Martel	email
David Irwin	email
David Landis	email
Deborah Wetzel	email
Deborah Wetzel	email
Debra Fahey	email
Dina Wheeler	email
Don Bailey	email
Earl Davisjorts	email
Elizabeth Rutledge	email
Emi Halvorson	email
Emily Maglietti, David Maglietti	email
Emily Walker	email
Eric Goodrich	email
Eric Moore	email
Erika Landis	email
Erin Wilner	email
Frank Gillen	email
	email
Gary Maguire	email
Gayani Perera	email
Irene Billa	email
Jaime Lee	email
James Birkenbuel	requested removal 12/3/24

SaveBothell	James M. Benson	email
	Janna Gross	email
	Jenna Evans	email
	Jennica Halbert	email
	Jennifer McKiernan	email
	Jennifer Nwobi	email
	Jennifer Tillman	email
	Jeroen Vanturenout & Jamie	email
	Jill Holt	email
	Joan Thomas	email
Greenleaf HOA	Joan Thomas	email
	Joe Rogers	email
	Joe Tomola	email
	Joel Pentland	email
	John Sheldon	email
	John Woodard	email
	Jonathan Kimball	email
	Juliana Farmer	email
	Karen and Geoff Jacobs	requested removal 3/13/25
	Kathy Putt	email
	Kathy Putt	email
	Katrina Stewart	email
	Kelsey Bergren	email
	Kerri Lonergan-Dreke	email
	Kim Cutuli	email
	Kimberly Trammell	email
	Kira Edmonds	email
	Kristen Kowalski	email
	Krystal DeLucchi	email
	L. Walsh	email
	Laron Glover	email
	LaShelle Morrison	email
	Launa Blaine	email
	Lauren Manegold	email
	Lauren Waltzing	email
	Lauren Winget	email
	Lavonne Evans	email
	Leonard Kurkowski	email
	Leslie Ringstad	email
	Linda Gray	email
	Lindsey Bihary	email
	Lisa Grimm	email
	Lisa Jackson	email
	Lisa Russon	email
	Lori Wirtz	email
	Lucy Henderson	email undeliverable
	Marilyn Ellertson	email
	Marisa Miller	email
	Mark Amend	email

requested notification  
requested notification

Mary Lou Burns	email
Matt Hall	email
Meleia Norton	email
Michael Schmidt & Gail Schmic	email
Michael Shih	email
Michael Wright	email
Michelle Kelly	email
Monica Burgmaier	email
Navdeep Bawa	email
Neal Manegold	email
Neva Goodrich	email
Nicole Wise	email
Pamela Blaszek	email
Rebecca Gross	email
Rena Connell	email
Rhonda Smith	email
Richard & Tamera Hodge	email
Richard Tickle	email
Rigarda Goetz	email
Rob Tucker	email
Ryan Barnes	email
Ryan Mayer	email
Sampath Jayasinghe	email
Sara Petyt	email
Scott Culberson	email
Shannon Cherry-Anderson	email
Shannon Reynante	email
Shane Zhang	email
Shari Crichton	email
Shirley Mair	email
Stuart Lawson Esq.	email
Surender Kumar	email
Suzanne Un	email
Sze Wing Wong	email
Tamera & Richard Hodge	email
Tamra Biasco	email
Tek Kim	email
Tim Stocker	email
Tim Winde	email
Name not given	email
Todd and Taylor Healey	email
Tony Coppola	email
Tori Marroquin	email
Walt Isler	email
Yolman Torrez	email
Merrick Parnell	email
Eliza Aronson	email