

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: February 25, 2013

AGENDA ITEM: Snohomish County PFN 04119240 CreekWalk Estates (aka Orchid Lane) – Final Plat	AGENDA SECTION:	
PREPARED BY: Chris Holland, Senior Planner	APPROVED BY:	
ATTACHMENTS: 1. Snohomish County Hearing Examiner Decision 2. Final Subdivision Map 3. Final Plat Checklist		
	MAYOR	CAO
BUDGET CODE:	AMOUNT:	

DESCRIPTION:

On September 27, 2006, Snohomish County granted preliminary approval of a 65-lot subdivision, known as “Orchid Lane,” located just north of the intersection of Timberbrook Drive and 146th Street NE. The applicant has since changed the name of the plat to CreekWalk Estates (CWE).

The subject property was annexed (Central Marysville Annexation) into the City of Marysville on December 30, 2009, prior to recording of the final subdivision. Since, the property was annexed into the City, prior to being recorded by Snohomish County, final subdivision review was conducted by the City of Marysville.

Cornerstone Homes recently acquired the property from Union Bank and has satisfied all the conditions of approval outlined in the attached Hearing Examiner decision, in order to record the subdivision.

RECOMMENDED ACTION:

Staff recommends City Council authorize the Mayor to sign the final mylar for the subdivision known as “Creekwalk Estates.”

COUNCIL ACTION:



BEFORE THE

Hearing Examiner's Office

Email: Hearing.Examiner@co.snohomish.wa.us

SNOHOMISH COUNTY HEARING EXAMINER

Robert J. Backstein
Hearing Examiner

DECISION of the DEPUTY HEARING EXAMINER

Ed Good
Deputy Hearing Examiner

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In the Matter of the Application of)
)
BPH ASSETS CORPORATION)
)
Preliminary plat approval for a 65-lot planned)
residential development of 16.8 acres as a reduced)
drainage discharge demonstration project)

FILE NO. 04 119240 SD

DATE OF DECISION: September 27, 2006

PLAT/PROJECT NAME: Orchid Lane

DECISION (SUMMARY): The application for a PRD subdivision with public and private internal roads as a Reduced Drainage Discharge Demonstration Project is **CONDITIONALLY APPROVED** to include a precondition.

BASIC INFORMATION

GENERAL LOCATION: This project is located just north of the intersection of Timberbrook Drive and 146th Street NE, Marysville, Washington.

ACREAGE: 16.8 acres

NUMBER OF LOTS: 65

AVERAGE LOT SIZE: 4,350

MINIMUM LOT SIZE: 3,950

DENSITY: 3.9 du/ac (gross)
9.82 du/ac (net)

ZONING: R-9,600

FILE COPY

COMPREHENSIVE PLAN DESIGNATION:

General Policy Plan Designation: Urban Low Density Residential (4-6-du/ac)
Subarea Plan: Marysville
Subarea Plan Designation: Suburban (1-4 du/ac)

UTILITIES:

Water/Sewer: City of Marysville

SCHOOL DISTRICT: Marysville

FIRE DISTRICT: No. 12

SELECTED AGENCY RECOMMENDATIONS:

Department of:

Planning and Development Services (PDS): Approval subject to conditions
Public Works (DPW): Approval subject to conditions

INTRODUCTION

The applicant filed the Master Application on December 8, 2004 (Exhibit 1) which was superseded by Exhibit 16 submitted on October 28, 2005.

The Department of Planning and Development Services (PDS) gave proper public notice of the open record hearing as required by the county code. (Exhibits 25, 26 and 27)

A SEPA determination was made on July 10, 2006. (Exhibit 24) No appeal was filed.

The Examiner held an open record hearing on September 12, 2006, the 65th day of the 120-day decision making period. Witnesses were sworn, testimony was presented and exhibits were entered at the hearing.

PUBLIC HEARING

The public hearing commenced on September 12, 2006 at 10:05 a.m.

1. The Examiner indicated that he has read the PDS staff report, reviewed the file and viewed the area and therefore had a general idea of the particular request involved.
2. The applicant, John Lakhani, BPH Assets Corporation, was represented by Merle Ash of Land Technologies. Snohomish County was represented by Monica McLaughlin and Randy Sleight of the Department of Planning and Development Services and by Mark Brown of the Department of Public Works.
3. No member of the general public attended the hearing. Vicinity resident Rick Williams, by letter received July 17, 2005 (Exhibit 31), urges an additional vehicular access to and from 152nd Street NE to ease congestion in existing neighborhoods along Timberbrook Drive. He reports that responding fire apparatus earlier this year blocked Timberbrook Drive for nearly an hour for dozens of families. Vicinity residents John and Kathy Runge by letter of November 21, 2005 (Exhibit 32) echo those concerns and recommendations.

4. Fire District 12 by letter of November 4, 2005 (Exhibit 35), opposes some of the proposed deviations to road widths based on asserted limitations to emergency apparatus access.
5. The Arlington Municipal Airport by letter of December 22, 2004 (Exhibit 33) points out that the proposed residential subdivision is directly in line with the aircraft approach to the main runway and within the "Outer Safety Zone" of the "Airport Influence Area" outlined in the Arlington Airport Master Plan approved by the Arlington City Council.
6. The Olympic Pipeline Company by letters of May 2, 2005 and April 5, 2006 (Exhibit 43) requests specific actions to protect its 16-inch and 20-inch high-pressure pipelines, with emphasis on protection for the pipelines where a plat road or utilities cross the pipelines.

The hearing concluded at 11:00 a.m.

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

FINDINGS, CONCLUSIONS AND DECISION

FINDINGS OF FACT

Based on all of the evidence of record, the following findings of fact are entered.

1. The applicant, BPH Assets Corporation, filed an application for a 65-lot Planned Residential Development (PRD) subdivision on nearly 17 acres located immediately north of the intersection of Timberbrook Drive and 146th Street NE, Marysville.
2. The master list of exhibits and witnesses which is a part of this file and which exhibits were considered by the Examiner is hereby made a part of this file as if set forth in full herein.
3. The PDS staff report has analyzed the nature of the application, the issues of concern, the application's consistency with adopted codes and policies and land use regulations, and the State Environmental Policy Act (SEPA). That report is hereby adopted by the Examiner as if set forth in full herein unless otherwise stated below.
4. The basic issue is whether the application meets the criteria for: (1) preliminary subdivision approval at SCC 30.41A.100 et seq. and RCW 58.17.100 and .195; (2) subdivision modification procedure at SCC 30.41A.215(4); (3) planned residential development approval at SCC 30.42B; and (4) the Reduced Drainage Discharge Demonstration Program at SCC 30.34B.
5. Conventional stormwater drainage systems collect runoff and pipe it to a detention facility. Merle Ash, the applicant's representative, testified that the water table is so high at the subject site that eight feet of fill would be needed in order to construct a standard plat with conventional drainage detention. Mr. Ash testified that the cost of that much fill would be "unbearable". As an option, the applicant sought approval of the PRD as the fifth and final project in the County's *Reduced Drainage Discharge Demonstration Program* (hereinafter, the "Program"). The County Council had established the Program by Ordinance No. 02-064 effective February 1, 2003, (SCC 30.34B) in order to encourage:

“...innovative design and development techniques which will significantly reduce drainage discharge from a site after development.” (SCC 30.34B.010(1))

6. Stated conversely, it is not the purpose of the Program to merely provide a less costly drainage solution for a site that presents drainage compliance challenges. However, there does have to be a “win-win” or few, if any, project applications would ever be submitted to the Project Selection Committee. That Committee consists in up to ten persons representing at least the Department of Planning and Development Services, the Department of Public Works, the County Planning Commission, an environmental organization, a university or college and the construction or development industry. (SCC 30.34B.020) That Committee recommended this subdivision (with its roadways as proposed) to be the fifth and final project in the Demonstration Program. The purpose of the deviations requested by the applicant is to reduce impervious surfaces to the extent that storm drainage leaving the subdivision will be zero. That purpose is consistent with the above-quoted SCC 30.34B.010(1). However, Chapter 30.34 allows the EDDS flexibility but only “...while maintaining necessary safety features. (SCC 30.34B.010(1)(d)).
7. The Snohomish County Department of Public Works (DPW) has approved all roads but one (Timberbrook Drive) in the proposed subdivision for deviations from the EDDS for modified road section width. (Exhibit 46) In summary, as to Timberbrook Drive the DPW does not fully accept the recommendation of the Project Selection Committee.
8. The evidence of record demonstrates the DPW’s concern is about granting a proposed 26-foot curb-to-curb dimension for Timberbrook Drive. DPW reports that Timberbrook Drive is expected to carry more than 1,000 average weekday trips in the future, upon connecting to adjoining plats to the north and to the south. In the plat abutting on the south, existing pavement width is 36 feet: ten feet wider than the 26 feet proposed for Timberbrook Drive herein. That connection at the south would be made immediately upon construction of the proposed plat but, at the north (at 152nd Street NE) the connection will have to await private development of parcels now separating the proposed plat from 152nd Street NE. In anticipation of those future connections to the north and south, DPW asserts that Timberbrook Drive must be built to EDDS public road standards of 36 feet of curb-to-curb traveled way plus five-foot planters plus five-foot sidewalks: requiring 59 feet of right-of-way.
9. In contrast, the applicant asserts that Timberbrook Drive is treated on the plat map as a main, through, public collector street with no driveways having access to or from it, and with standard traveled width but without the standard eight-foot parking lane. That parking is provided, instead, by 30 perpendicular guest parking stalls adjacent to the three internal loop roads. The stalls are to be surfaced by grass or pervious pavers. The applicant asserts that removal of the eight-foot parking lane eliminates nearly 30% (28.6%) of the polluted runoff generated by a standard road. If the eight feet of parking lane were to be required, the zero-discharge goal of the demonstration project could not be met: i.e., there would be stormwater runoff from the subdivision.
10. The applicant argues that the proposal provides 225 parking spaces instead of the 163 spaces required by the Code to serve 65 dwellings. That excess of parking spaces relates to the concern of Fire District 12 (Exhibit 35) that in real life “...a small percentage of garages in smaller homes will allow the parking of even one car.” In brief, if parking occurs along the proposed Timberbrook Drive despite a “no parking” area, the passage would likely be too narrow for emergency apparatus.

11. The applicant summarizes that the traveled lanes of proposed Timberbrook Drive are of standard width and the proposed road section meets the criteria for emergency vehicle access while, simultaneously, the replacement of the paved parking lanes by the pervious surfaces of the perpendicular parking stalls significantly reduces drainage discharge in furtherance of the Reduced Drainage Discharge Demonstration Program.

12. The Timberbrook Drive issue is enunciated concisely in the testimony of Mark A. Brown, Engineer III, Snohomish County Department of Public Works, Land Use. He states:

“The public east-west road centerline radius is agreed upon. The easterly north-south public road [Timberbrook Drive] may change. It may get bigger. It may not. It might stay. But since this is a neat and approximate drawing, any changes to that will come as a deviation to the design standards and those are under the authority of the County Engineer. That will be dealt with between the County Engineer and the applicant through Public Works staff review: the deviation process.”

13. The Snohomish County Department of Planning & Development Services and the applicant urge the Hearing Examiner to decide whether Timberbrook Drive should be a public road or a private road through this PRD subdivision. Reasoning on that issue begins by noting that public roads are favored in subdivisions pursuant to SCC 30.41A.210(3):

“All subdivisions roads shall be dedicated public roads designed and constructed in conformance with the EDDS, except that

“(b) Private roads may be permitted as part of a planned residential development approved pursuant to chapter 30.42B SCC;....”

14. The next step is to apply the PRD provisions of SCC 30.42B.140(3):

“Access to all dwelling units within a PRD shall be by public road, except that access may be by private road when approved by the county engineer upon a finding that the following criteria are met:

“(a) The PRD consists of no more than 40 dwelling units;....”

15. The quoted language is clear on its face. Thus, under the rules of statutory construction, the language is not to be interpreted or construed but must be applied. The proposed PRD is for 65 dwellings, which exceeds the maximum of 40 below which the County Engineer is given discretion to approve a private road. Conversely stated, the County Engineer has no discretion to allow a private road in a PRD of more than 40 dwellings. The argument that this PRD consists in three internal looped road systems each serving fewer than 40 dwellings is not determinative. If the County Council had intended to exempt internal roadway loops, the County Council would have so provided.

16. In fact, the County Council does so provide, at SCC 30.34B: **REDUCED DRAINAGE DISCHARGE DEMONSTRATION PROGRAM**. Therein is codified the language establishing the legislative choice of policy and process by which standards, including road standards, are made more flexible in order to stimulate and support the innovation in design by which low impact drainage approaches can be field-tested. It is provided at 30.34B.060(3):

“Deviations from the requirements of the county code and the EDDS authorized pursuant to SCC 30.34B.070 and 30.34B.080 may be ... approved by ... the hearing examiner for permits under the jurisdiction of that office.”

17. The quoted excerpt establishes that the Hearing Examiner has the jurisdictional authority to decide whether Timberbrook Drive shall be a public road or a private road. The Hearing Examiner should exercise that authority only after having the recommendation of the Public Works Director. (See 30.34B.080) As shown by the quote of Mark Brown's testimony at Finding No. 12 above, that recommendation is not in this record but is delayed until the deviation process, which could be several months deferred. The applicant will find it impossible to move forward with the PRD until the width of Timberbrook Drive is known. In fact, that width is determinative of whether the proposal meets the runoff containment requirements of the demonstration project. All parties should expedite finalizing the engineering detail of that road, noting that any alterations of proposed designs that would result in runoff would constitute a substantial alteration of the character of the Reduced Drainage Discharge Demonstration Program aspect of the subject PRD.
18. It is noteworthy that the internal looped roadways proposed are a design that allows responding emergency vehicles to approach any home in the PUD from two directions. Still, it will be imperative that "No Parking" be enforced along the PRD roadways. The homeowners' association will logically stay focused on that issue of mutual safety. But for those concerns, the Examiner finds no evidence of record providing specific facts showing that the proposal is dangerous or otherwise contrary to the public health, safety and welfare.
19. The DPW review of the request covered Title 13 SCC and Chapter 30.66B SCC as to road system capacity, concurrency, inadequate road conditions, frontage improvements, access and circulation, and dedication/deeding of right-of-way, state highway impacts, impacts on other streets and roads, and Transportation Demand Management. As a result of this review, the DPW has determined that the development is concurrent and has no objection to the requests subject to various conditions.
20. The project would comply with park mitigation requirements under Chapter 30.66A SCC by the payment of \$1,040.00 for each new single-family home.
21. School mitigation requirements under Chapter 30.66C SCC have been reviewed and set forth in the conditions. Students in the PRD will attend Shoultes Elementary, Marysville Middle School, Marysville Junior High and Marysville Pilchuck High School. Students in the secondary schools will be bussed but those in Shoultes Elementary School will require a safe walking route. That route is provided via the five-foot pathways encircling the PRD along the rear lot lines of each lot.
22. The middle fork of Quilceda Creek (Type 3 stream) borders the eastern property line and Edgecomb Creek (Type 3 stream) and an associated Category 3 wetland are located in the western quarter of the site. Both streams are known Chinook salmon and presumed bull trout habitat. The applicant is using Option B of PDS' Salmonid Rule to reduce the stream buffers from 150 feet to 75 feet in return for enhancing the stream buffers by planting native trees and shrubs within them.
23. The PDS Engineering Division has reviewed the concept of the proposed grading and drainage and recommends approval of the project subject to conditions, which would be imposed during full detailed drainage plan review pursuant to Chapter 30.63A SCC.

24. The Snohomish County Health District has no objection to this proposal provided that public water and sewer are furnished.
25. Public water and sewer service will be available for this development as well as electrical power.
26. The subject property is designated Urban Low Density Residential (ULDR: 4-6 DU/Ac) on the GPP Future Land Use map, and is located within an Urban Growth Area (UGA). It is not located within a mapped Growth Phasing Overlay. According to the GPP, the Urban Low Density Residential designation "covers various sub-area plan designations, which allow mostly detached housing developments on larger lot sizes. Land in this category may be developed at a density of four to six dwelling units per acre. Implementing zones include the R-9,600, which is the case here.
27. The request is consistent with Section 30.70.100 SCC (Section 32.50.100 SCC), which requires, pursuant to RCW 36.70B.040, that all project permit applications be consistent with the GMACP, and GMA-based county codes.
28. Any finding of fact in this decision which should be deemed a conclusion is hereby adopted as such.

CONCLUSIONS OF LAW

1. The Examiner having fully reviewed the PDS staff report, hereby adopts said staff report as properly setting forth the issues, the land use requests, consistency with the existing regulations, policies, principles, conditions and their effect upon the request. It is therefore hereby adopted by the Examiner as a conclusion as if set forth in full herein, in order to avoid needless repetition.
2. The Department of Public Works recommends that the request be approved as to traffic use subject to certain conditions. The Examiner concurs with the proposed conditions and finds that Timberbrook Drive should be built as a public road but that any other roads designated to be private roads during the preceding review should remain so designated.
3. The request is consistent with the (1) GMACP, GMA-based County codes, (2) the type and character of land use permitted on the site, (3) the permitted density, and (4) the applicable design and development standards.
4. Specifically, the proposed subdivision makes appropriate provisions for the public health, safety and welfare, open space, drainage, streets and roads, potable water supply, sanitary waste, parks and recreation and safe walking conditions for school pedestrians. As to fire safety, the internal plat roads meet Code requirements as to width despite the lack of parking lanes and the loop road design enhances access by responding emergency units. The requests of the airport will remain matters of record for inspection by subsequent parties in interest but are not imposed as conditions herein.
5. The request should be approved subject to compliance by the applicant with the following precondition and conditions:

PRECONDITION

As required by SCC 30.34B.060(5), the applicant shall have recorded with the County Auditor a concomitant agreement after it has been executed by the landowner(s), approved as to form by the Prosecuting Attorney, and executed by the County.

CONDITIONS

- A. The Preliminary Plat (Exhibit 23B & C) received by PDS on July 28, 2006, shall be the approved plat configuration. Changes to the approved preliminary plat are governed by SCC 30.41A.330. The PRD Site Plan received by PDS on August 14, 2006 (Exhibit 23 A-C), Conceptual Building Elevations received by PDS on October 28, 2005 (Exhibit 18) and Detailed Landscape and Recreation approved per condition B. ii., below, shall constitute the PRD Official Site Plan. Changes to the PRD Official Site Plan are governed by SCC 30.42B.220.
- B. Prior to initiation of any further site work, and/or prior to issuance of any development permits by the county;
- i. A detailed landscape and recreational facilities plan shall have been submitted to and approved by PDS. The plan shall be prepared in general conformance with Exhibit 23D-E and with all required landscape standards for perimeter, streetscape and open space treatment.
 - ii. The plattor shall mark with temporary markers in the field the boundary of all Native Growth Protection Areas (NGPA) required by Chapter 30.62 SCC, or the limits of the proposed site disturbance outside of the NGPA, using methods and materials acceptable to the county.
 - iii. A final mitigation plan based on the conceptual HMP and buffer reduction plan for Orchid Lane, prepared by Wetland Resources, Inc. dated October 25, 2005 (Exhibit 23 F-G) shall be submitted for review and approval during the construction review phase of this project.
 - iv. Any construction activities within the within the 50 foot wide Olympic Pipeline Easement located on the subject property must be in compliance with the conditions outlined in correspondence received from the Olympic Pipeline Company (Exhibit 43).
 - v. PDS shall establish the required road/right-of-way width of Timberbrook Drive with deliberate speed.
 - vi. An EDDS deviation shall be approved to use 120-foot centerline road radiuses.
- C. The following additional restrictions and/or items shall be indicated on the face of the final plat:
- i. Chapter 30.66B SCC requires the new lot mitigation payments in the amounts shown below for each single-family residential building permit:
\$1,961.85 per lot for mitigation of impacts on county roads paid to the County,
\$75.75 per lot for TDM to be paid to the County.

\$344.52 per lot for impacts on the state highways paid to the County,

\$733.87 per lot for mitigation of impacts on Arlington streets paid to the City. Proof of payment shall be provided.

\$631.26 per lot for mitigation of impacts on city streets for the City of Marysville paid to the City. Proof of payment shall be provided.

These payments are due prior to or at the time of building permit issuance for each single-family residence. Notice of these mitigation payments shall be contained in any deeds involving this subdivision or the lot(s) therein. Once building permits have been issued all mitigation payments shall be deemed paid by PDS.

- ii. "Your real property is within, adjacent to, or within 1,300 feet of designated farmland; therefore, you may be subject to inconveniences or discomforts arising from agricultural activities, including but not limited to noise, odors, fumes, dust, smoke, the operation of machinery of any kind (including aircraft), the storage and disposal of manure, the application by spraying or otherwise of chemical or organic fertilizers, soil amendments, herbicides and pesticides, hours of operation, and other agricultural activities.

"Snohomish County has adopted Agricultural Lands Regulations (chapter 30.32B SCC) which may affect you and your land. You may obtain a copy of Chapter 30.32B SCC from Snohomish County.

"A provision of chapter 30.32B SCC provides that "agricultural activities conducted on designated farmlands in compliance with acceptable agriculture practices and established prior to surrounding non-agricultural activities are presumed to be reasonable and shall not be found to constitute a nuisance unless the activities have a substantial adverse effect on the public health and safety."

This disclosure applies to the real property which is subject to a development or building permit as of the date of the development or building permit approval or, in the case of real property transfers, the disclosure applies to the subject property as of the date of the transfer. This disclosure may not be applicable thereafter if areas designated farmland are changed from the farmland designation.

"Nothing in chapter 30.32B SCC shall affect or impair any right to sue for damages."

- iii. All development within the plat is to be consistent with the PRD Official Site Plan approved under file number 04-119240 SD.
- iv. All open space shall be protected as open space in perpetuity. Use of the open space tracts within this subdivision is restricted to those uses approved for the planned residential development, to include any open play areas, sport courts, tot lots, trails, drainage facilities, picnic tables, benches, and required landscape improvements as shown on the approved site plan and the approved landscape plan. Covenants, conditions and restrictions as recorded with the plat, and as may be amended in the future, shall include provisions for the continuing preservation and maintenance of the uses, facilities and landscaping within the open space as approved and constructed.

- v. The dwelling units within this development are subject to park impact fees in the amount of \$1,040.00 per newly approved dwelling unit, as mitigation for impacts to the Marysville park service area of the County parks system in accordance with SCC 30.66A. Payment of these mitigation fees is required prior to building permit issuance, provided that the building permit is issued by December 8, 2009 (5 years after the completeness date of the subject application). After this date, park impact fees shall be based upon the rate in effect at the time of building permit issuance.
- vi. The lots within this subdivision will be subject to school impact mitigation fees for the Marysville School District to be determined by the certified amount within the Base Fee Schedule in effect at the time of building permit application, and to be collected prior to building permit issuance, in accordance with the provisions of SCC 30.66C.010. Credit shall be given for one existing lot. Lot 1 shall receive credit.
- vii. All Critical Areas shall be designated Native Growth Protection Areas (NGPA) (unless other agreements have been made) with the following language on the face of the plat;

"All NATIVE GROWTH 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 activities as set forth in SCC 32.10.110(29)(a), (c), and (d) are allowed when approved by the County."

D. Prior to recording of the final plat:

- i. The applicant shall submit to PDS covenants, deeds, and homeowners' association bylaws, and other documents guaranteeing maintenance of landscaping, commonly owned tracts and common fee ownership, if applicable, 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 home ownership. The documents shall have been reviewed by and accompanied by a certificate from an attorney that they comply with Chapter 30.42B SCC requirements prior to approval by PDS.
- ii. Site improvements and landscaping depicted on the approved site and landscape plans shall be installed, inspected and approved.
- iii. A bond or other guarantee of performance shall have been submitted to and accepted by PDS to assure compliance with the provisions of SCC 30.42B.125(5)(b).
- iv. Native Growth Protection Area boundaries (NGPA) shall have been permanently marked on the site prior to final inspection by the county, with both NGPA signs and adjacent markers which can be magnetically located (e.g.: rebar, pipe, 20 penny nails, etc.). The platlor may use other permanent methods and materials provided they are first approved by the county. Where an NGPA boundary crosses another boundary (e.g.: lot, tract, plat, road, etc.), a rebar marker with surveyors' cap and license number must be placed at the line crossing.

NGPA signs shall have been placed no greater than 100 feet apart around the perimeter of the NGPA. 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 NGPA, unless otherwise approved by the county biologist. The design and proposed locations for the NGPA signs shall be submitted to the Land Use Division for review and approval prior to installation.

v. The Final Critical Areas Mitigation Plan shall have been completely implemented.

E. Prior to occupancy of any unit in the PRD:

The applicant shall provide a maintenance bond for required landscape improvements, in an amount and form satisfactory to PDS.

Preliminary plats which are approved by the county are valid for five (5) years from their effective date and must be recorded within that time period unless an extension has been properly requested and granted pursuant to Section 30.41A.300.

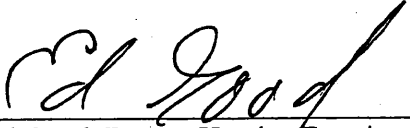
6. Any conclusion in this report and decision which should be deemed a finding of fact is hereby adopted as such.

DECISION

Based on the findings of fact and conclusions of law entered above, the decision of the Hearing Examiner on the application is as follows:

The request for a 65-lot Planned Residential Development Subdivision on 16.8 acres **CONDITIONALLY APPROVED**, subject to compliance by the applicant, with the precondition and conditions set forth in Conclusion No. 5, above.

Decision issued this 27th day of September, 2006.


Ed Good, Deputy Hearing Examiner

EXPLANATION OF RECONSIDERATION AND APPEAL PROCEDURES

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

Reconsideration

Any party of record may request reconsideration by the Examiner. A petition for reconsideration must be filed in writing with the Office of the Hearing Examiner, 2nd Floor, County Administration-East Building, 3000 Rockefeller Avenue, Everett, Washington, (Mailing Address: M/S #405, 3000 Rockefeller Avenue, Everett WA 98201) on or before **OCTOBER 9, 2006**. There is no fee for filing a petition for reconsideration. **“The petitioner for reconsideration shall mail or otherwise provide a copy of the petition for reconsideration to all parties of record on the date of filing.” [SCC 30.72.065]**

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

The grounds for seeking reconsideration are limited to the following:

- (a) The Hearing Examiner exceeded the Hearing Examiner's jurisdiction;
- (b) The Hearing Examiner failed to follow the applicable procedure in reaching the Hearing Examiner's decision;
- (c) The Hearing Examiner committed an error of law;
- (d) The Hearing Examiner's findings, conclusions and/or conditions are not supported by the record;
- (e) New evidence which could not reasonably have been produced and which is material to the decision is discovered; or
- (f) The applicant proposed changes to the application in response to deficiencies identified in the decision.

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

Appeal

An appeal to the County Council may be filed by any aggrieved party of record. Where the reconsideration process of SCC 30.72.065 has been invoked, no appeal may be filed until the reconsideration petition has been disposed of by the hearing examiner. An aggrieved party need not file a petition for reconsideration but may file an appeal directly to the County Council. If a petition for reconsideration is filed, issues subsequently raised by that party on appeal to the County Council shall be limited to those issues raised in the petition for reconsideration. Appeals shall be addressed to the Snohomish County Council but shall be filed in writing with the Department of Planning and Development Services, 2nd Floor, County Administration-East Building, 3000 Rockefeller Avenue, Everett, Washington (Mailing address: M/S #604, 3000 Rockefeller Avenue, Everett, WA 98201) on or before **OCTOBER 11, 2006** and shall be accompanied by a filing fee in the amount of five hundred dollars (\$500.00); PROVIDED, that the filing fee shall not be charged to a department of the County or to other than the first appellant; and PROVIDED FURTHER, that the filing fee shall be refunded in any case where an appeal is dismissed without hearing because of untimely filing, lack of standing, lack of jurisdiction or other procedural defect. [SCC 30.72.070]

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

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

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

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

Staff Distribution:

Department of Planning and Development Services: Monica McLaughlin
Department of Public Works: Mark Brown

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

This decision is binding but will not become effective until the above precondition(s) have been fulfilled and acknowledged by the Department of Planning and Development Services (PDS) on the original of the instant decision. Document(s) required for fulfillment of the precondition(s) must be filed in a complete, executed fashion with PDS not later than SEPTEMBER 27, 2007.

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

ACKNOWLEDGMENT OF FULFILLMENT OF PRECONDITIONS

The above imposed precondition(s) having been fulfilled by the applicant and/or the successors in interest, the Department of Planning and Development Services hereby states that the instant Decision is effective as of

Feb 20 2007

Certified by:

Maura McLaughlin
(Name)

Sr Planner
(Title)

Parties of Record Register
34 119240 SD ORCHID LANE
HRG: 9/12/06
34119240 KW UPDATED 9/27/06

BPH ASSETS CORPORATION
JOHN LAKHANI
8115 BROADWAY SUITE 204
EVERETT WA 98203

SNO CO PUD NO 1
DEAN SAKSENA
PO BOX 1107
EVERETT WA 98206-1107

WA ST DEPT OF TRANSPORTATION
RAMIN PAZOOKI
PO BOX 330310
SEATTLE WA 98133-9710

STILLAGUAMISH TRIBE
V YEAGER & S YANITY
PO BOX 277
ARLINGTON WA 98223-0277

SNOHOMISH HEALTH DIST
BRENT RAASINA
3020 RUCKER AVE SUITE 104
EVERETT WA 98201-3900

SNO CO PLANNING & DEV/LAND USE
DIV
MONICA MCLAUGHLIN & MARK
BROWN
3000 ROCKEFELLER AVE M/S 604
EVERETT WA 98201

LAND TECHNOLOGIES
MERLE ASH
18820 3RD AVE NE
ARLINGTON WA 98223

BRUTUS & ASSOCIATES
12122 SE 21ST ST
BELLEVUE WA 98005

JOHN & KATHY RUNGE
12015 MARINE DR UNIT 569
MARYSVILLE WA 98271-9363

OLYMPIC PIPELINE CO
H WILLIAMSON & K REED
2319 LIND AVE SW
RENTON WA 98055

GIBSON TRAFFIC CONSULT
MATTHEW J PALMER
1712 PACIFIC AVE SUITE 100
EVERETT WA 98201

MARYSVILLE SCHOOL DIST
JOE LEGARE & JOHN BINGHAM
4220 80TH ST NE
MARYSVILLE WA 98270

SNO CO FIRE DIST #12
GERALD L JACKSON
1635 GROVE ST
MARYSVILLE WA 98270

CITY OF MARYSVILLE
LIBBY GRAGE & DERYL TAYLOR
80 COLUMBIA AVE
MARYSVILLE WA 98270

CITY OF ARLINGTON
YVONNE PAGE
238 N OLYMPIC AVE
ARLINGTON WA 98223

HIGA BURKHOLDER ASSOC
JAKE LIBAIRE
1721 HEWITT AVE, SUITE 401
EVERETT WA 98201

STATE OF WA DEPT OF ECOLOGY
LAURA CASEY
3190 160TH AVE SE
BELLEVUE WA 98008-5452

_LOZIER HOMES
JENNIFER MCCALL
1203 114TH AVE SE
BELLEVUE WA 98004

RICK WILLIAMS
5514 146TH ST NE
MARYSVILLE WA 98271-9221

DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS THAT **CREEKWALK ESTATES, LLC**, THE UNDERSIGNED OWNERS, IN FEE SIMPLE OF THE LAND HEREBY PLATTED DECLARE THIS PLAT AND DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, AVENUES, PLACES AND SEWER EASEMENTS OR WHATEVER PUBLIC PROPERTY THERE IS SHOWN ON THE PLAT, EXCEPT ANY STREET, AVENUE OR PLACE LOCATED WITHIN TRACTS 991 THROUGH 999, AND THE USE FOR ANY AND ALL PUBLIC PURPOSES NOT INCONSISTENT WITH THE USE THEREOF FOR PUBLIC HIGHWAY PURPOSES. ALSO, THE RIGHT TO MAKE NECESSARY SLOPES FOR CUTS AND FILLS UPON LOTS, BLOCKS, TRACTS, ETC., SHOWN ON THIS PLAT IN THE REASONABLE ORIGINAL GRADING OF ALL THE STREETS, AVENUES, PLACES, ETC., SHOWN HEREON. ALSO, THE RIGHT TO DRAIN ALL STREETS OVER AND ACROSS ANY LOT OR LOTS WHERE WATER MIGHT TAKE A NATURAL COURSE AFTER THE STREET OR STREETS ARE GRADED. ALSO, ALL CLAIMS FOR DAMAGE AGAINST ANY GOVERNMENTAL AUTHORITY ARE WAIVED WHICH MAY BE OCCASIONED TO THE ADJACENT LAND BY THE ESTABLISHMENT, CONSTRUCTION, DRAINAGE, AND MAINTENANCE OF SAID ROADS.

FOLLOWING ORIGINAL REASONABLE GRADING OF ROADS AND WAYS HEREON, NO DRAINAGE WATERS ON ANY LOT OR LOTS SHALL BE DIVERTED OR BLOCKED FROM THEIR NATURAL COURSE SO AS TO DISCHARGE UPON ANY PUBLIC ROAD RIGHTS-OF-WAY TO HAMPER PROPER ROAD DRAINAGE. THE OWNER OF ANY LOT OR LOTS, PRIOR TO MAKING AN ALTERATION IN THE DRAINAGE SYSTEM AFTER THE RECORDING OF THE PLAT, MUST MAKE APPLICATION TO AND RECEIVE APPROVAL FROM THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS FOR SAID ALTERATION. ANY ENCLOSING OF DRAINAGE WATERS IN CULVERTS OR DRAINS OR REROUTING THEREOF ACROSS ANY LOT AS MAY BE UNDERTAKEN BY OR FOR THE OWNER OF ANY LOT SHALL BE DONE BY AND AT THE EXPENSE OF SUCH OWNER AFTER ACQUIRING A CULVERT PERMIT FROM THE DEPARTMENT OF PUBLIC WORKS, IF REQUIRED, AND SUBJECT TO ANY OTHER EXISTING PERMITTING REQUIREMENTS THEREFORE.

THAT SAID DEDICATION TO THE PUBLIC SHALL BE IN NO WAY CONSTRUED TO PERMIT A RIGHT OF DIRECT ACCESS TO TIMBERBROOK DRIVE FROM LOTS NUMBERED 32, 37, 46, 47, 55, & 59 NOR SHALL THE CITY OF MARYSVILLE OR ANY OTHER LOCAL GOVERNMENTAL AGENCY EVER BE REQUIRED TO GRANT A PERMIT TO BUILD OR CONSTRUCT AN ACCESS OF APPROACH TO SAID STREET FROM SAID LOTS.

TRACTS 987 THROUGH 999 ARE HEREBY GRANTED AND CONVEYED TOGETHER WITH ALL MAINTENANCE OBLIGATIONS TO THE CREEKWALK ESTATES HOMEOWNERS ASSOCIATION. USE OF SAID TRACTS IS RESTRICTED TO THAT SPECIFIED IN THE APPROVED FINAL PLAT. THE HOA SHALL REMAIN IN EXISTENCE UNLESS AND UNTIL ALL LOTS WITHIN THIS SUBDIVISION HAVE ASSUMED COMMON OWNERSHIP OF SAID TRACTS. IN THE EVENT THE HOA SHOULD BE DISSOLVED, THEN EACH LOT SHALL HAVE AN EQUAL AND UNDIVIDED OWNERSHIP INTEREST IN THE TRACTS PREVIOUSLY OWNED BY THE HOA AS WELL AS RESPONSIBILITY FOR MAINTAINING THE TRACTS. THESE TRACTS SHALL REMAIN AN APPURTENANCE TO AND INSEPARABLE FROM EACH LOT. THIS COVENANT SHALL BE BINDING UPON AND INURE TO THE BENEFIT OF THE HOA, THE OWNERS OF ALL LOTS WITHIN THE SUBDIVISION AND ALL OTHERS HAVING AN INTEREST IN THE TRACTS OR LOTS.

IN WITNESS WHEREOF, WE SET OUR HANDS AND SEALS THIS _____ DAY OF _____, 2013.

CREEKWALK ESTATES, LLC

By: _____
MIKE IMPOLA, PRESIDENT

ACKNOWLEDGMENTS

STATE OF WASHINGTON)
)SS
COUNTY OF SNOHOMISH)

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT **MIKE IMPOLA** IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT THEY SIGNED THIS INSTRUMENT ON OATH STATING THAT HE WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE **PRESIDENT** OF **CREEKWALK ESTATES, LLC**, TO BE THE FREE AND VOLUNTARY ACT AND DEED OF SUCH PARTY FOR THE USE AND PURPOSES MENTIONED IN THIS INSTRUMENT.

NOTARY SIGNATURE

_____ DATED: _____

(PRINT NAME)

NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON

RESIDING AT _____

MY APPOINTMENT EXPIRES: _____

AIRPORT INFLUENCE AREA RESTRICTIONS

(1) THIS LAND IS WITHIN THE INFLUENCE OF THE ARLINGTON MUNICIPAL AIRPORT, ON WHICH AERONAUTICAL ACTIVITIES AS DEFINED IN RCW CHAPTER 14.08 AND ARLINGTON MUNICIPAL CODE TITLE 14 ARE AND MAY BE CONDUCTED. THIS LAND MAY EXPERIENCE LOW OVERHEAD FLIGHTS, ODOR, NOISE, VIBRATION, AND OTHER AVIATION RELATED IMPACTS.

(2) A PERPETUAL EASEMENT AND RIGHT-OF-WAY IS HEREBY GRANTED TO THE CITY OF ARLINGTON, STATE OF WASHINGTON, ITS SUCCESSORS AND ASSIGNS ("GRANTEE"), FOR USE AND BENEFIT OF THE PUBLIC, OVER THE PLAT STARTING AT 292' MEAN SEA LEVEL (MSL), FOR THE PURPOSE OF THE PASSAGE OF ALL AIRCRAFT ("AIRCRAFT" BEING DEFINED FOR THE PURPOSE OF THIS INSTRUMENT AS ANY DEVICE NOW KNOWN OR HEREAFTER INVENTED, USED OR DESIGNATED FOR NAVIGATION OF, OR FLIGHT IN THE AIR) BY WHOMSOEVER OWNED AND OPERATED IN THE AIR SPACE TO AN INFINITE HEIGHT ABOVE THE SURFACE OF THE GRANTOR'S PROPERTY, TOGETHER WITH THE RIGHT TO CAUSE IN SAID AIR SPACE NOISE, VIBRATION AND ALL OTHER EFFECTS THAT MAY BE CAUSED BY THE OPERATION OF AIRCRAFT LANDING AT OR TAKING OFF FROM, OR OPERATED AT, OR ON ARLINGTON MUNICIPAL AIRPORT, LOCATED IN SNOHOMISH COUNTY, STATE OF WASHINGTON. UPON SAID PROPERTY, NO DEVELOPMENT OR CONSTRUCTION SHALL BE PERMITTED WHICH WILL INTERFERE IN ANY WAY WITH THE SAFE OPERATION OF AIRCRAFT IN THE AIR SPACE OVER THE LAND DESCRIBED HEREIN OR AT OR ON THE ARLINGTON MUNICIPAL AIRPORT.

(3) ROOFING AND SIDING MATERIAL ON ALL STRUCTURES SHALL BE NON-REFLECTIVE.

(4) ALL OUTDOOR LIGHTING MUST BE SHIELDED AS TO REDUCE ANY TYPE OF GLARE, WHICH COULD INTERFERE WITH FLIGHT OPERATIONS.

(5) NO USE MAY BE MADE OF THE PREMISES WHICH CAN OR DOES INTERFERE WITH THE USE OF THE AIRPORT BY AIRCRAFT BY REASON OF ELECTRICAL, ELECTRONIC, OR SMOKE EMANATIONS, LIGHTING CONDITIONS, HEIGHT OF ANY STRUCTURE OR APPURTENANCE, OR ANY USE WHICH MAY ATTRACT BIRDS.

EASEMENTS, RESTRICTIONS AND COVENANTS

(1) NO FURTHER SUBDIVISION OF ANY LOT WITHOUT RESUBMITTING FOR FORMAL PLAT PROCEDURE.

(2) THE SALE OR LEASE OF LESS THAN A WHOLE LOT IN ANY SUBDIVISION PLATTED AND FILED UNDER TITLE 22 OF THE MARYSVILLE MUNICIPAL CODE IS EXPRESSLY PROHIBITED EXCEPT IN COMPLIANCE WITH TITLE 22 OF THE MARYSVILLE MUNICIPAL CODE.

(3) ALL LANDSCAPED AREAS IN PUBLIC RIGHTS-OF-WAY SHALL BE MAINTAINED BY THE OWNER(S) OR THEIR SUCCESSOR(S) AND MUST BE REDUCED OR ELIMINATED AT THE REQUEST OF THE CITY OF MARYSVILLE IF DEEMED NECESSARY FOR ROAD PURPOSES;

(4) THE LOCATION AND HEIGHT OF ALL FENCES AND OTHER OBSTRUCTIONS WITHIN AN EASEMENT AS DEDICATED ON THIS PLAT SHALL BE SUBJECT TO THE APPROVAL OF THE DIRECTOR OF PUBLIC WORKS OR HIS DESIGNEE.

(5) YOUR REAL PROPERTY IS WITHIN, ADJACENT TO, OR WITHIN 1,300 FEET OF DESIGNATED FARMLAND; THEREFORE, YOU MAY BE SUBJECT TO INCONVENIENCES OR DISCOMFORTS ARISING FROM AGRICULTURAL ACTIVITIES, INCLUDING BUT NOT LIMITED TO NOISE, ODORS, FUMES, DUST, SMOKE, THE OPERATION OF MACHINERY OF ANY KIND (INCLUDING AIRCRAFT), THE STORAGE AND DISPOSAL OF MANURE, THE APPLICATION BY SPRAYING OR OTHERWISE OF CHEMICAL OR ORGANIC FERTILIZERS, SOIL AMENDMENTS, HERBICIDES AND PESTICIDES, HOURS OF OPERATION, AND OTHER AGRICULTURAL ACTIVITIES.

SNOHOMISH COUNTY HAS ADOPTED AGRICULTURAL LANDS REGULATIONS (CHAPTER 30.32B SCC) WHICH MAY AFFECT YOU AND YOUR LAND. YOU MAY OBTAIN A COPY OF CHAPTER 30.32 SCC FROM SNOHOMISH COUNTY.

A PROVISION OF CHAPTER 30.32 SCC PROVIDES THAT "AGRICULTURAL ACTIVITIES CONDUCTED ON DESIGNATED FARMLANDS IN COMPLIANCE WITH ACCEPTABLE AGRICULTURE PRACTICES AND ESTABLISHED PRIOR TO SURROUNDING NON-AGRICULTURAL ACTIVITIES ARE PRESUMED TO BE REASONABLE AND SHALL NOT BE FOUND TO CONSTITUTE A NUISANCE UNLESS THE ACTIVITIES HAVE A SUBSTANTIAL ADVERSE EFFECT ON THE PUBLIC HEALTH AND SAFETY.

THIS DISCLOSURE APPLIES TO THE REAL PROPERTY WHICH IS SUBJECT TO A DEVELOPMENT OR BUILDING PERMIT AS OF THE DATE OF THE DEVELOPMENT OR BUILDING PERMIT APPROVAL OR, IN THE CASE OF REAL PROPERTY TRANSFERS, THE DISCLOSURE APPLIES TO THE SUBJECT PROPERTY AS OF THE DATE OF THE TRANSFER. THIS DISCLOSURE MAY BE APPLICABLE THEREAFTER IF AREAS DESIGNATED FARMLAND ARE CHANGED FROM THE FARMLAND DESIGNATION.

NOTHING IN CHAPTER 30.32B SCC SHALL AFFECT OR IMPAIR ANY RIGHT TO SUE FOR DAMAGES.

(6) ALL DEVELOPMENT WITHIN THE PLAT IS TO BE CONSISTENT WITH THE PRD OFFICIAL SITE PLAN APPROVED UNDER FILE NUMBER PFN04-119240 SD.

(7) BUILDING PERMITS FOR LOTS 8, 9 & 10 SHALL NOT BE ISSUED FOR TWO RAINY SEASONS, FOLLOWING FINAL RECORDING OF THE SUBDIVISION, IN ORDER TO ENSURE THAT THE "PILOT PROGRAM" DRAINAGE SYSTEM, APPROVED BY SNOHOMISH COUNTY, IS FUNCTIONING PROPERLY AND NOT IMPACTING ADJACENT PROPERTY OWNERS. THE RAINY SEASON IS DEFINED AS NOVEMBER 1ST THROUGH APRIL 30TH. IF THE DRAINAGE SYSTEM IS NOT FUNCTIONING PROPERLY AFTER TWO WINTER SEASONS, LOTS 8, 9 & 10 WILL BE REQUIRED TO BE USED TO ENLARGE THE INFILTRATION CELL, UNTIL THE DRAINAGE SYSTEM IS CORRECTED. THE LENGTH OF BUILDING PROHIBITION ON LOTS 8, 9 & 10 MAY BE SHORTENED BY THE DIRECTOR IF IT IS DETERMINED THAT THE DRAINAGE SYSTEM IS FUNCTIONING PROPERLY AND THERE ARE NO IMPACTS TO THE ADJACENT PROPERTY OWNERS.

(8) TRACTS 990, 991, 992, & 993 ARE PRIVATE ROADS. THE COST OF CONSTRUCTION AND MAINTAINING TRACTS 990, 991, 992, & 993 SHALL BE THE OBLIGATION OF ALL OF THE OWNERS AND THE OBLIGATION TO MAINTAIN SHALL BE CONCURRENTLY THE OBLIGATION OF ANY CORPORATION IN WHICH TITLE OF TRACTS 990, 991, 992, & 993 MAY BE HELD. IN THE EVENT THAT THE OWNERS OF ANY LOTS SERVED BY TRACTS 990, 991, 992, & 993 OF THIS PLAT SHALL PETITION MARYSVILLE CITY COUNCIL TO INCLUDE TRACTS 990, 991, 992, & 993 IN THE PUBLIC ROAD SYSTEM, THE PETITIONERS SHALL BE OBLIGATED TO BRING THE SAME TO CITY ROAD STANDARDS APPLICABLE AT THE TIME OF PETITION IN ALL RESPECTS, INCLUDING DEDICATION OF RIGHTS-OF-WAY, PRIOR TO ACCEPTANCE BY THE CITY.

(9) SUBJECT TO THE "DECLARATION OF PROTECTIVE COVENANTS" RECORDED UNDER AFN _____

SCHOOL IMPACT MITIGATION FEES

THE LOTS WITHIN THIS SUBDIVISION WILL BE SUBJECT TO SCHOOL IMPACT MITIGATION FEES FOR THE MARYSVILLE SCHOOL DISTRICT TO BE DETERMINED BY THE CERTIFIED AMOUNT WITHIN THE BASE FEE SCHEDULE IN EFFECT AT THE TIME OF BUILDING PERMIT APPLICATION, AND TO BE COLLECTED PRIOR TO BUILDING PERMIT ISSUANCE, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 22D.040 MMC. CREDIT SHALL BE GIVEN FOR ONE EXISTING LOT. LOT 1 SHALL RECEIVE CREDIT.

TRAFFIC MITIGATION FEES

PAYMENT IN THE AMOUNT OF \$3,013.38 PER LOT FOR MITIGATION OF IMPACTS ON MARYSVILLE ROADS, SHALL BE PAID TO THE CITY OF MARYSVILLE PRIOR TO BUILDING PERMIT ISSUANCE.

PAYMENT IN THE AMOUNT OF \$733.87 PER LOT FOR MITIGATION OF IMPACTS ON ARLINGTON ROADS, SHALL BE PAID TO THE CITY OF ARLINGTON PRIOR TO BUILDING PERMIT ISSUANCE. PROOF OF PAYMENT SHALL BE PROVIDED TO THE CITY OF MARYSVILLE.

PARKS AND RECREATION IMPACT FEES

THE DWELLING UNITS WITHIN THIS DEVELOPMENT ARE SUBJECT TO PARK IMPACT FEES IN THE AMOUNT OF \$1,251.00 PER NEWLY APPROVED DWELLING UNITS, AS MITIGATION FOR IMPACTS TO THE MARYSVILLE PARKS. PAYMENT OF THESE MITIGATION FEES IS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE

OPEN SPACE PROTECTION

ALL OPEN SPACE SHALL BE PROTECTED AS OPEN SPACE IN PERPETUITY, INCLUDING TRACTS 987, 988, 989, 995, 996, 997, 998. USE OF THE OPEN SPACE TRACTS WITHIN THIS SUBDIVISION IS RESTRICTED TO THOSE USES APPROVED FOR THE PLANNED RESIDENTIAL DEVELOPMENT, TO INCLUDE ANY OPEN PLAY AREAS, SPORT COURTS, TOT LOTS, TRAILS, DRAINAGE FACILITIES, PICNIC TABLES, BENCHES, AND REQUIRED LANDSCAPE IMPROVEMENTS AS SHOWN ON THE APPROVED SITE PLAN AND THE APPROVED LANDSCAPE PLAN. COVENANTS, CONDITIONS AND RESTRICTION AS RECORDED WITH THE PLAT, 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.

NATIVE GROWTH PROTECTION AREA/EASEMENT

ALL NATIVE GROWTH PROTECTION AREAS SHALL BE LEFT PERMANENTLY UNDISTURBED IN A SUBSTANTIALLY NATURAL STATE, INCLUDING TRACTS 999 AND 994. NO CLEARING, GRADING, FILLING, BUILDING CONSTRUCTION OR PLACEMENT, OR ROAD CONSTRUCTION OF ANY KIND SHALL OCCUR, EXCEPT REMOVAL OF HAZARDOUS TREES. THE ACTIVITIES AS SET FORTH IN CHAPTER 22E.010 MMC ARE ALLOWED WHEN APPROVED BY THE CITY OF MARYSVILLE.

ALL NGPA AND OPEN SPACE TRACTS SHOWN HEREON ARE TO REMAIN IN THE OWNERSHIP OF THE HOME OWNERS ASSOCIATION FOR THIS PLAT.

UTILITY EASEMENTS

A UTILITY EASEMENT, TOGETHER WITH INGRESS, EGRESS AND MAINTENANCE RIGHTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, OPERATING AND MAINTAINING THE SANITARY SEWER AND WATER SYSTEMS AND ASSOCIATED APPURTENANCES IS HEREBY GRANTED TO THE CITY OF MARYSVILLE OVER, UNDER, ACROSS AND THROUGH THAT PORTION OF LOTS 39, 40, AND TRACT 987 AS SHOWN TOGETHER WITH TRACTS 990, 991, 992, AND 993 IN THEIR ENTIRETY.

SUBJECT TO:

- SUBJECT TO A RIGHT OF WAY FOR RAILWAY PURPOSES PER AUDITOR'S FILE NO. 174443.
- SUBJECT TO WAIVER OF DAMAGE CLAIMS PER RECORDING NO. 193479
- SUBJECT TO AN AGREEMENT FOR DRAINAGE FACILITIES PER RECORDING NO. 226649.
- SUBJECT TO DRAINAGE DISTRICT DEED AND EASEMENT PER RECORDING NO. 239234.
- SUBJECT TO OLYMPIC PIPELINE EASEMENT AS RECORDED UNDER RECORDING NO. 2282593 AND ALSO DEPICTED BY SURVEY RECORDED UNDER AUDITOR'S FILE NO. 200804025085.
- SUBJECT TO ANNEXATION COVENANT AND POWER OF ATTORNEY PER RECORDING NO. 200506010934.
- SUBJECT TO CONCOMITANT AGREEMENT PER RECORDING NO. 200702200885.
- SUBJECT TO PSE GAS EASEMENT PER RECORDING NO. 200802010185.
- SUBJECT TO MATERS DISCLOSED BY SURVEY RECORDED UNDER RECORDING NO. 200804025085.

Item 5 - 17

LEGAL DESCRIPTION

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M., LYING EAST OF BURLINGTON NORTHERN RAILROAD RIGHT OF WAY, AND NORTH OF THE NORTH LINE OF THE PLATS OF TIMBERBROOK, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 30 OF PLATS PAGES 86 AND 87, TIMBERBROOK NO. 2, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 32 OF PLATS, PAGE 58, AND TIMBERBROOK NO. 3, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 33 OF PLATS, PAGE 40, RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

CITY OF MARYSVILLE APPROVALS

EXAMINED AND FOUND TO BE IN CONFORMITY WITH APPLICABLE ZONING AND OTHER LAND USE CONTROLS.

EXAMINED AND APPROVED THIS _____ DAY OF _____, 2013.

MAYOR, CITY OF MARYSVILLE

ATTEST: CITY CLERK/ DEPUTY

EXAMINED AND APPROVED THIS _____ DAY OF _____, 2013.

CITY ENGINEER, CITY OF MARYSVILLE

EXAMINED AND APPROVED THIS _____ DAY OF _____, 2013.

COMMUNITY DEVELOPMENT DIRECTOR, CITY OF MARYSVILLE

AUDITOR'S CERTIFICATE

FILED FOR RECORD AT THE REQUEST OF PACIFIC COAST SURVEYS, INC. THIS _____ DAY OF _____ 2013, AT _____ MINUTES PAST _____ M, AND RECORDED IN VOLUME _____ OF PLATS, PAGES _____, RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

AUDITOR, SNOHOMISH COUNTY

By: _____
DEPUTY COUNTY AUDITOR

TREASURER'S CERTIFICATE

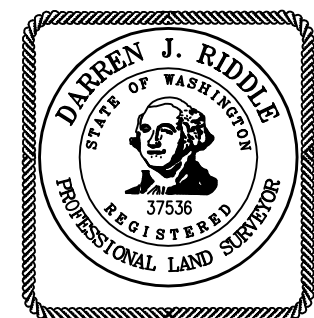
I HEREBY CERTIFY THAT ALL STATE AND COUNTY TAXES HERETOFORE LEVIED AGAINST THE PROPERTY DESCRIBED HEREIN, ACCORDING TO THE BOOKS AND RECORDS OF MY OFFICE, HAVE BEEN FULLY PAID AND DISCHARGED, INCLUDING _____ TAXES.

TREASURER, SNOHOMISH COUNTY

SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF MIKE IMPOLA IN SEPTEMBER, 2012

I HEREBY CERTIFY THAT THE PLAT OF CREEKWALK ESTATES IS BASED UPON AN ACTUAL SURVEY AND SUBDIVISION OF SECTION 34, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M. AS REQUIRED BY THE STATE STATUTES; THAT THE DISTANCES, COURSES AND ANGLES ARE SHOWN HEREON CORRECTLY; THAT THE MONUMENTS ARE SET AND THE LOT AND BLOCK CORNERS ARE STAKED CORRECTLY ON THE GROUND; THAT I FULLY COMPLIED WITH THE PROVISIONS OF THE STATE AND LOCAL STATUTES AND REGULATIONS GOVERNING PLATTING.



DARREN J. RIDDLE
PROFESSIONAL LAND SURVEYOR
CERTIFICATE NO. 37536

DATE

A.F. NO. _____

SHEET
1 of 5

Pacific Coast Surveys, Inc.
LAND SURVEYING & MAPPING
P.O. BOX 13619
MILL CREEK, WA 98082
PH. 425.508.4951 FAX 425.357.3577
www.PCSurveys.net

PLAT OF:
CREEKWALK ESTATES
PFN: 04 119240 SD
CITY OF MARYSVILLE, SNOHOMISH COUNTY, WA
NW 1/4 & NE/4, SW 1/4, SEC.34, T.31N., R.5E., W.M.

DRAWN BY DJR	DATE 2.06.13	DRAWING FILE NAME 125578FPM.DWG	SCALE 1" = 50'	JOB NO. 12-578
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LINE TABLE

LINE	LENGTH	BEARING
L1	18.78	N 21°14'45" E
L2	19.96	N 68°45'15" W
L3	37.99	N 21°14'45" E
L4	22.92	N 24°41'25" E
L5	19.96	N 65°18'35" W
L6	15.42	N 24°41'25" E
L7	21.11	N 24°41'25" E
L8	13.50	N 89°01'49" W
L9	12.39	N 43°15'45" E
L10	46.33	N 87°41'32" W
L11	4.26	N 02°18'28" E
L12	15.44	N 02°18'28" E
L13	15.44	N 02°18'28" E
L14	0.66	N 38°30'36" W
L15	13.07	N 51°29'24" E
L16	30.00	N 38°30'36" W
L17	11.30	N 51°29'24" E
L18	10.18	N 89°01'49" W
L19	12.98	N 01°03'27" E
L20	50.00	N 88°56'33" W
L21	12.57	N 01°03'27" E
L22	23.88	N 24°41'25" E
L23	6.00	N 64°23'43" W
L24	12.06	N 24°41'25" E
L25	21.61	N 24°41'25" E
L26	47.86	N 21°14'45" E
L27	36.58	N 60°26'16" W
L28	1.29	N 60°26'16" W
L29	28.87	N 46°07'02" E
L30	14.29	N 87°41'32" W
L31	15.28	N 09°38'49" W
L32	7.76	N 43°15'45" E
L33	5.46	N 43°15'45" E
L34	13.74	N 88°42'29" W
L35	28.85	N 88°42'29" W
L36	15.17	N 00°58'11" E
L37	17.36	N 88°42'29" W
L38	17.63	N 43°15'45" E
L39	37.05	N 61°54'08" E
L40	37.26	N 54°35'56" E
L41	24.83	N 76°42'00" E
L42	7.00	N 88°42'29" W
L43	20.50	N 38°30'36" W
L44	7.52	N 85°30'02" W
L45	14.75	N 38°37'37" W
L46	8.13	N 04°21'49" E
L47	16.69	N 38°30'36" W
L48	14.01	N 53°02'55" E
L49	23.34	N 38°30'36" W
L50	14.00	N 02°18'28" E
L51	23.78	N 02°18'28" E
L52	7.01	N 32°38'45" E
L53	17.38	N 32°38'45" E
L54	24.47	N 14°58'37" E
L55	8.05	N 87°41'32" W
L56	14.00	N 02°18'28" E
L57	13.90	N 02°18'28" E
L58	3.96	N 64°21'06" E
L59	26.49	N 00°56'08" W
L60	38.05	N 07°07'21" W
L61	34.19	N 04°51'54" E
L62	37.10	N 04°51'54" E
L63	30.70	N 04°51'54" E
L64	6.40	N 04°51'54" E
L65	2.91	N 04°51'54" E
L66	22.62	N 07°01'59" E
L67	1.50	N 10°50'56" W
L68	11.22	N 35°09'48" W
L69	15.13	N 00°58'11" E
L70	32.00	N 00°58'11" E
L71	25.11	N 18°49'57" E
L72	31.06	N 02°18'28" E
L73	23.11	N 25°48'06" E
L74	16.00	N 87°41'32" W
L75	9.17	N 32°38'45" E

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA
C1	73.73	191.00	22°06'59"
C2	83.30	165.00	28°55'31"
C3	61.64	139.00	25°24'25"
C4	17.59	139.00	7°14'57"
C5	7.63	30.50	14°20'33"
C6	91.75	55.50	94°43'23"
C7	38.22	55.50	39°27'24"
C8	32.87	106.00	17°46'04"
C9	35.31	106.00	19°05'05"
C10	38.78	106.00	20°57'51"
C11	15.66	106.00	8°27'47"
C12	104.11	90.00	66°16'46"
C13	78.51	74.00	60°47'08"
C14	33.66	106.00	18°11'30"
C15	79.36	90.00	50°31'13"
C16	49.06	74.00	37°58'54"
C17	37.01	106.00	20°00'08"
C18	22.80	106.00	12°19'36"
C19	1.87	104.00	1°01'46"
C20	72.22	104.00	39°47'18"
C21	51.65	136.00	21°45'40"
C22	30.86	136.00	13°00'08"
C23	58.10	149.00	22°20'30"
C24	69.44	149.00	26°42'13"
C25	141.24	165.00	49°02'43"
C26	25.22	181.00	7°59'05"
C27	38.21	181.00	12°05'39"
C28	49.07	181.00	15°32'03"
C29	42.43	181.00	13°25'55"
C30	138.31	165.00	48°01'46"
C31	90.75	149.00	34°53'45"
C32	37.75	181.00	11°56'55"
C33	41.74	181.00	13°12'44"
C34	40.98	181.00	12°58'16"
C35	31.27	181.00	9°53'51"
C36	34.15	149.00	13°08'01"
C37	39.41	25.00	90°19'21"
C38	39.13	25.00	89°40'39"
C39	9.70	106.00	5°14'38"
C40	36.51	106.00	19°44'08"
C41	27.65	106.00	14°56'35"
C42	42.55	106.00	23°00'07"
C43	34.35	106.00	18°33'53"
C44	22.36	106.00	12°05'01"
C45	146.98	90.00	93°34'23"
C46	108.48	74.00	83°59'39"
C47	12.37	74.00	9°34'44"
C48	14.65	106.00	7°55'16"
C49	36.10	106.00	19°30'54"
C50	35.16	106.00	19°00'08"
C51	35.93	106.00	19°25'22"
C52	39.93	106.00	21°34'53"
C53	137.35	90.00	87°26'34"
C54	109.11	74.00	84°28'38"
C55	16.96	326.00	2°58'50"
C56	83.48	326.00	14°40'19"
C57	32.39	326.00	5°41'35"
C58	41.38	326.00	7°16'23"
C59	165.86	300.00	31°40'34"
C60	53.92	274.00	11°16'32"
C61	57.37	274.00	11°59'46"
C62	40.19	274.00	8°24'17"
C63	51.50	60.00	49°10'56"
C64	77.26	90.00	49°10'56"
C65	15.81	106.00	8°32'36"
C66	38.09	106.00	20°35'27"
C67	32.91	106.00	17°47'10"
C68	4.18	106.00	2°15'43"
C69	14.37	136.00	6°03'15"
C70	85.49	120.00	40°49'04"

DRAINAGE FACILITY MAINTENANCE COVENANT

WE, THE OWNERS AND CONTRACT PURCHASERS OF THE LANDS HEREIN PLATTED (GRANTOR), AGREE THAT THE OBLIGATIONS OF GRANTOR SHALL INURE TO THE BENEFIT OF AND BE BINDING UPON THE HEIRS, SUCCESSORS, AND ASSIGNS. GRANTOR AGREES THAT THIS COVENANT TOUCHES AND CONCERNS THE LAND DESCRIBED HEREIN AND SHALL RUN WITH THE LAND.

GRANTOR BY EXECUTION OF THIS COVENANT ACKNOWLEDGES THAT THE BENEFITS OF THIS COVENANT INURE TO GRANTOR, DOWNSTREAM PROPERTY OWNERS, AND THE GENERAL PUBLIC, AND THAT THE CITY OF MARYSVILLE AS THIRD PARTY BENEFICIARY OF THIS COVENANT HAS THE RIGHT, BUT NOT THE OBLIGATION, TO ENFORCE THIS COVENANT ON BEHALF OF DOWNSTREAM PROPERTY OWNERS AND THE GENERAL PUBLIC. THE CITY OF MARYSVILLE REQUIRES THIS COVENANT TO PROTECT PRIVATE AND PUBLIC PROPERTY, PRIVATE AND PUBLIC DRAINAGE INFRASTRUCTURE, AND NATURAL RESOURCES OF DOWNSTREAM PROPERTY OWNERS AND THE GENERAL PUBLIC.

GRANTOR, IN CONSIDERATION OF THE APPROVAL OF THIS SUBDIVISION, HEREBY COVENANTS TO PERFORM REGULAR MAINTENANCE UPON THE DRAINAGE FACILITIES INSTALLED, OR TO BE INSTALLED UPON GRANTOR'S PROPERTY. REGULAR MAINTENANCE SHALL INCLUDE, AT A MINIMUM, ANNUAL INSPECTION OF THE STORM WATER DRAINAGE SYSTEM. AS APPLICABLE, THE SYSTEM SHALL INCLUDE THE STORM WATER CONVEYANCE SYSTEM PIPES, DITCHES, SWALES, AND CATCH BASINS; STORM WATER FLOW REGULATION SYSTEM DETENTION PONDS, VAULTS, PIPES, RETENTION PONDS, FLOW REGULATION AND CONTROL STRUCTURES; INFILTRATION SYSTEMS AND WATER QUALITY CONTROL SYSTEM.

THE SCOPE OF THIS COVENANT AND RIGHT OF ENTRY SHALL BE ADEQUATE TO PROVIDE FOR THE ACCESS, INSPECTION, AND MAINTENANCE OF THE STORM WATER DRAINAGE SYSTEM, AND SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

1. THE CITY OF MARYSVILLE SHALL HAVE THE PERPETUAL RIGHT OF ENTRY ACROSS ADJACENT LANDS OF THE GRANTOR FOR PURPOSES OF INSPECTING, AUDITING, OR CONDUCTING REQUIRED MAINTENANCE OF THE DRAINAGE FACILITY TRACTS 987, 988, 989, 995, 996, 997, & 998.
2. IF THE CITY OF MARYSVILLE INSPECTION DETERMINES THAT MAINTENANCE IS NOT BEING PERFORMED, THE CITY OF MARYSVILLE SHALL ENDEAVOR TO PROVIDE GRANTOR REASONABLE ADVANCE NOTIFICATION OF THE NEED TO PERFORM THE MAINTENANCE AND A REASONABLE OPPORTUNITY FOR GRANTOR TO PERFORM IT. IN THE EVENT THAT GRANTOR FAILS TO COMPLETE THE REQUIRED MAINTENANCE WITHIN A REASONABLE TIME PERIOD, THE CITY OF MARYSVILLE SHALL HAVE THE RIGHT TO PERFORM OR CONTRACT WITH OTHERS TO PERFORM IT AT THE SOLE EXPENSE OF THE GRANTOR. IF THE CITY OF MARYSVILLE IN ITS SOLE DISCRETION DETERMINES THAT AN IMMINENT OR PRESENT DANGER EXISTS, REQUIRED MAINTENANCE AND/OR REPAIR MAY BEGIN IMMEDIATELY AT GRANTOR'S EXPENSE WITHOUT PRIOR NOTICE TO GRANTOR. IN SUCH EVENT, THE CITY OF MARYSVILLE SHALL PROVIDE GRANTOR WITH A WRITTEN STATEMENT AND ACCOUNTING OF ALL WORK PERFORMED AND THE FEES, CHARGES, AND EXPENSES INCURRED IN MAKING SUCH REPAIRS. GRANTOR SHALL AGREE TO REIMBURSE THE CITY OF MARYSVILLE OR PAY THE CITY OF MARYSVILLE'S VENDORS DIRECTLY FOR ALL REASONABLE FEES, CHARGES, AND EXPENSES IDENTIFIED IN CITY OF MARYSVILLE'S STATEMENT.

3. IF THE CITY OF MARYSVILLE IS REQUIRED TO ACT AS A RESULT OF GRANTOR'S FAILURE TO COMPLY WITH THIS COVENANT, THE CITY OF MARYSVILLE MAY REMOVE ANY OBSTRUCTIONS AND/OR INTERFERENCES THAT IN THE SOLE OPINION OF THE CITY OF MARYSVILLE IMPAIR THE OPERATION OF THE DRAINAGE FACILITY OR THE MAINTENANCE THEREOF. GRANTOR AGREES TO HOLD THE CITY OF MARYSVILLE, ITS OFFICERS, EMPLOYEES, AND AGENTS HARMLESS FROM ANY AND ALL CLAIMS, ACTION, SUITS, LIABILITY, LOSS, EXPENSES, DAMAGES AND JUDGMENTS OF ANY NATURE WHATSOEVER, INCLUDING COSTS AND ATTORNEY'S FEES, INCURRED BY THE REMOVAL OF VEGETATION OR PHYSICAL INTERFERENCE FROM THE DRAINAGE FACILITY.

4. WHEN EXERCISING THE MAINTENANCE PROVISIONS OF THE COVENANT, IN THE EVENT OF NONPAYMENT, THE CITY OF MARYSVILLE MAY BRING SUIT TO RECOVER SUCH COSTS, INCLUDING ATTORNEY'S FEES, AND UPON OBTAINING A JUDGMENT, SUCH AMOUNT SHALL BECOME A LIEN AGAINST THE PROPERTY OF GRANTOR AS PROVIDED IN RCW 4.56.190.

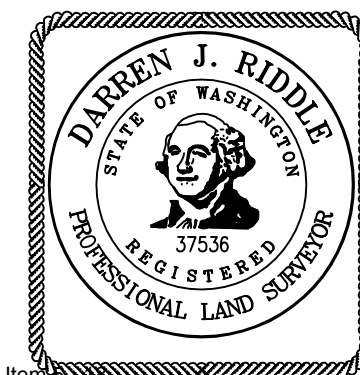
5. GRANTOR COVENANTS THAT ALL OF THE OWNERS, CONTRACT PURCHASERS AND LIEN HOLDERS OF THE PROPERTY DESCRIBED HEREIN HAVE SIGNED THE DEDICATION AND/OR DECLARATION OF THIS SUBDIVISION, THAT THEY HAVE THE RIGHT TO GRANT THIS COVENANT ON THE PROPERTY, AND THAT THE TITLE TO THE PROPERTY IS FREE AND CLEAR OF ANY ENCUMBRANCES WHICH WOULD INTERFERE WITH THE ABILITY TO GRANT THIS COVENANT.

10 FOOT FRONTAGE UTILITY EASEMENT

AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO ALL UTILITIES SERVING THE SUBJECT PLAT AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, UNDER AND UPON THE EXTERIOR TEN (10) FEET PARALLEL WITH AND ADJOINING THE STREET FRONTAGE OF ALL LOTS, TRACTS AND COMMON AREAS IN WHICH TO INSTALL, LAY, CONSTRUCT, RENEW, OPERATE AND MAINTAIN UNDERGROUND CONDUITS, CABLES, PIPES AND WIRES WITH NECESSARY FACILITIES AND OTHER EQUIPMENT FOR THE PURPOSE OF SERVING THIS SUBDIVISION AND OTHER PROPERTY WITH ELECTRICITY, TELEPHONE, GAS, TELEVISION CABLE, AND OTHER UTILITY SERVICES, TOGETHER WITH THE RIGHT TO ENTER UPON THE LOTS AT ALL TIMES FOR THE PURPOSE HEREIN STATED.

TRACT TABLE

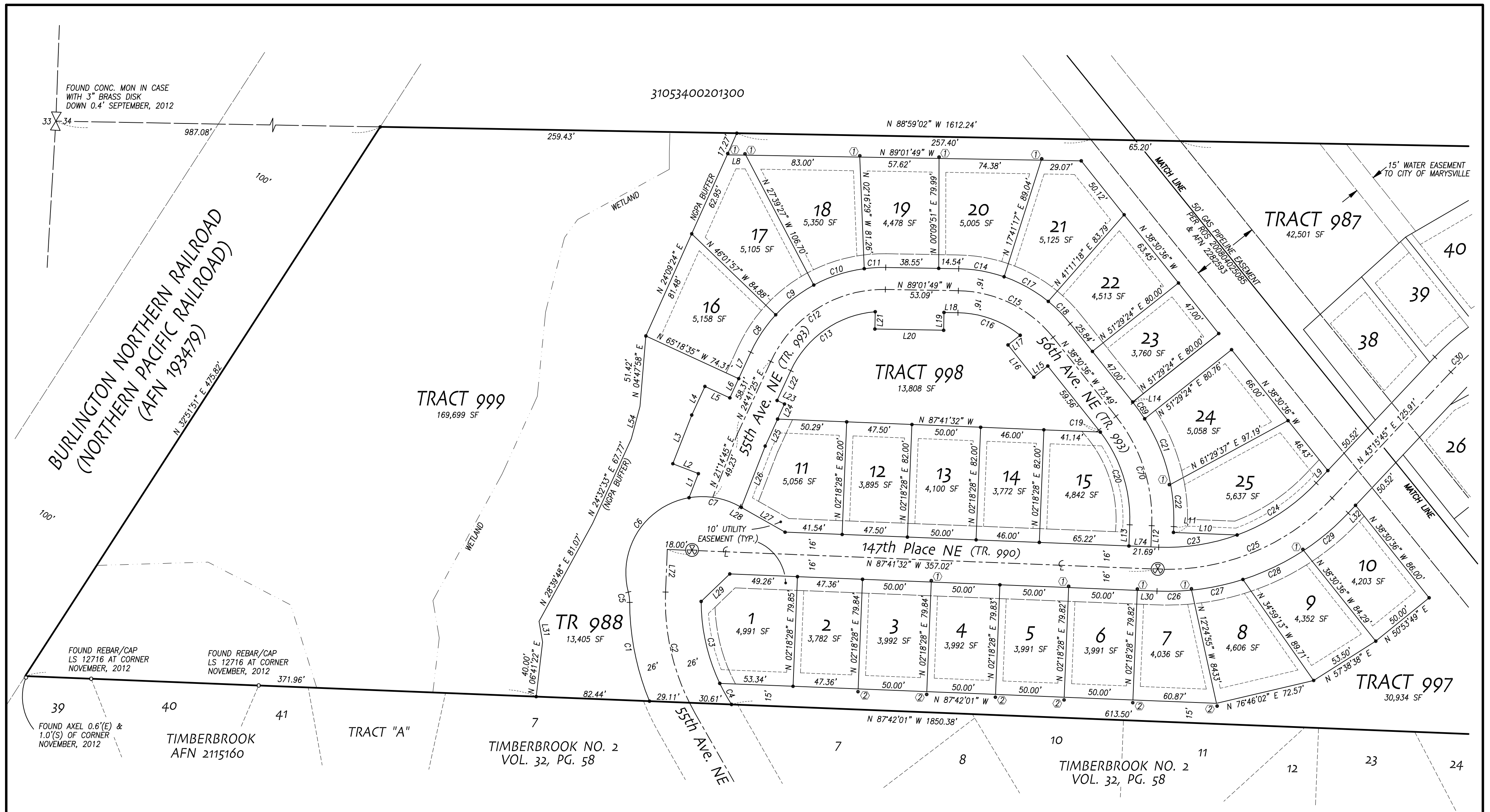
TRACT	AREA	TYPE
987	42,501 SQ. FT.	RECHARGE CELL
988	13,405 SQ. FT.	RECHARGE CELL
989	27,102 SQ. FT.	RECHARGE CELL
990	39,444 SQ. FT.	PRIVATE ROAD (148TH)
991	20,448 SQ. FT.	PRIVATE ROAD (148TH & 147TH)
992	13,656 SQ. FT.	PRIVATE ROAD (147TH)
993	19,652 SQ. FT.	PRIVATE ROAD (56TH AVE)
994	42,396 SQ. FT.	NGPA
995	18,811 SQ. FT.	PLAYFIELD/RECHARGE CELL
996	18,098 SQ. FT.	PLAYFIELD/RECHARGE CELL
997	30,934 SQ. FT.	RECHARGE CELL
998	13,808 SQ. FT.	PLAYFIELD/RECHARGE CELL
999	169,699 SQ. FT.	NGPA



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PLAT OF:
CREEKWALK ESTATES
 PFN: 04 119240 SD
 CITY OF MARYSVILLE, SNOHOMISH COUNTY, WA
 NW 1/4 & NE/4, SW 1/4, SEC.34, T.31N., R.5E., W.M.

DRAWN BY	DATE	DRAWING FILE NAME	SCALE	JOB NO.
DJR	2.06.13	125578FPM.DWG	1" = 50'	12-578



EQUIPMENT & PROCEDURES

METHOD OF SURVEY:
SURVEY PERFORMED BY FIELD TRAVERSE

INSTRUMENTATION:
LEICA TCRA 1205 ROBOTIC ELECTRONIC TOTAL STATION

PRECISION:
MEETS OR EXCEEDS STATE STANDARDS WAC 332-130-090

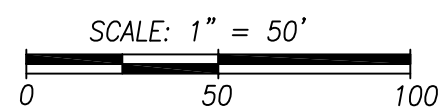
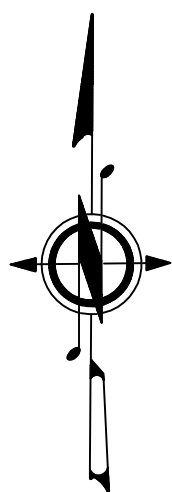
BASIS OF BEARING:
THE MONUMENTED NORTH LINE OF THE SOUTHWEST QUARTER OF 34-31-5.

NOTES

1). PUGET SOUND ENERGY EASEMENT RECORDED UNDER AUDITOR'S FILE NO. 200802010185 AS LISTED IN THE TITLE REPORT AFFECTS THIS PROPERTY BUT THE DESCRIPTION PROVIDED IS NOT SUFFICIENT TO DETERMINE ITS EXACT LOCATION WITHIN THE SUBJECT PROPERTY.

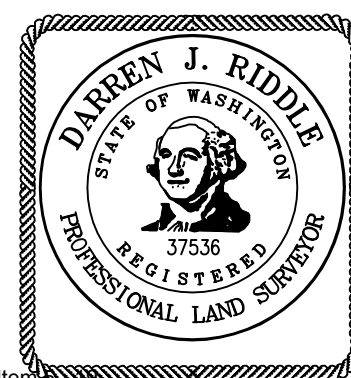
BULK & DIMENSIONAL REQUIREMENTS

- 10' FRONT LOT LINE
- 10' REAR LOT LINE
- SETBACKS FROM FRONT AND REAR LOT LINES MAY BE REDUCED TO 5' PROVIDED THE TOTAL DISTANCE OF THE SETBACKS FROM THE FRONT AND REAR LOT LINES ADDS UP TO A MINIMUM OF 20'
- 5' SIDE LOT LINE
- 18' MINIMUM DRIVEWAY WIDTH
- 20' MINIMUM DRIVEWAY LENGTH, MEASURED FROM EDGE OF ROW OR TRACT LINE TO GARAGE FACE
- 24' DRIVEWAY SETBACK FROM ROAD INTERSECTION
- 4' DRIVEWAY SETBACK FROM PROPERTY LINE
- 55% LOT COVERAGE



LEGEND

- SET 1/2" X 24" REBAR W/CAP STAMPED "L.S. 37536"
- FOUND REBAR/CAP AS NOTED
- ⊗ SET CONC. MON/CASE STAMPED "PCS - 37536"
- ℄ RIGHT OF WAY CENTERLINE
- ① OFFSET IN FEET TO SET CORNER



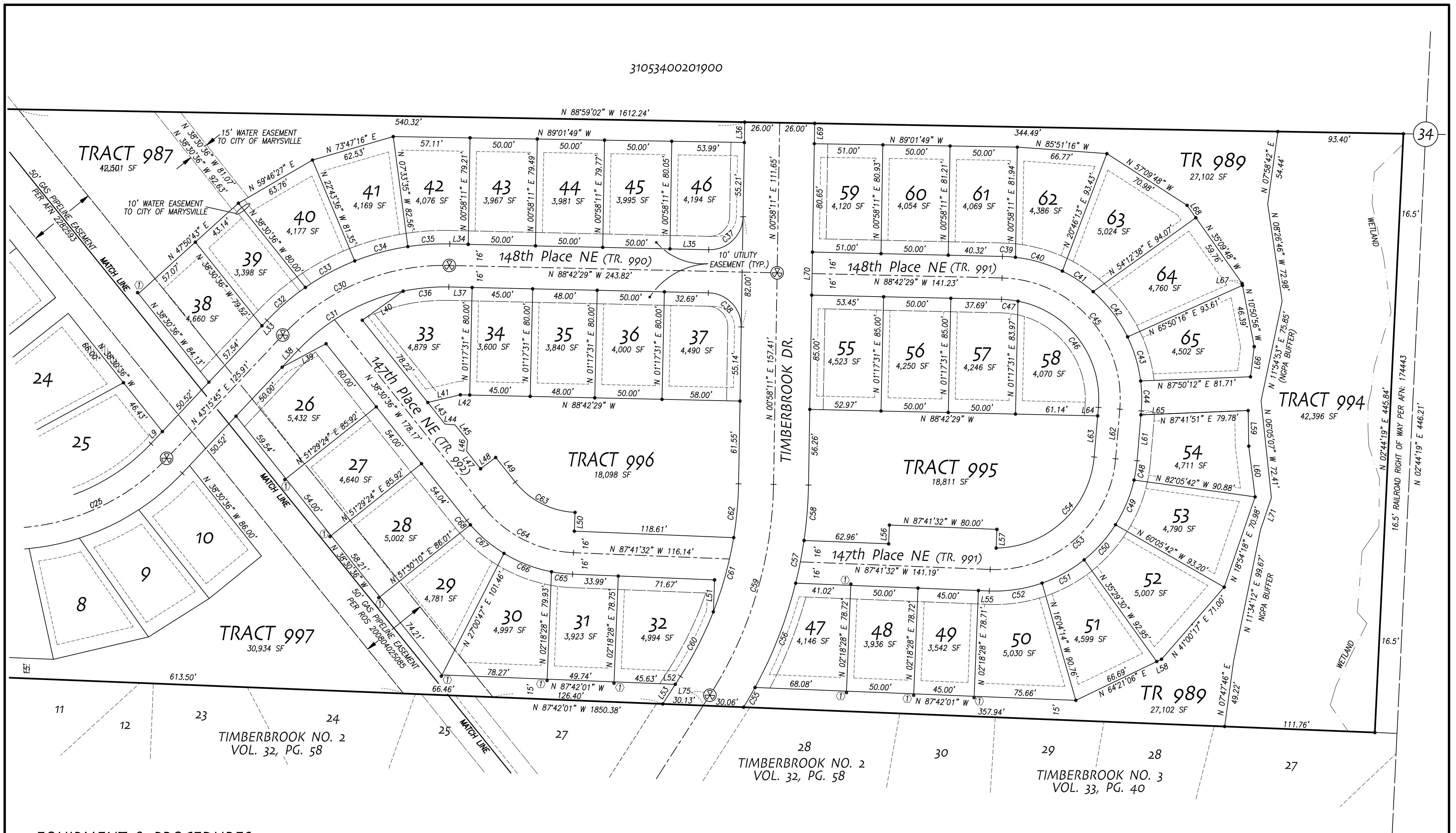
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MILL CREEK, WA 98082
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A.F. NO. _____

SHEET 3 of 5

PLAT OF:
CREEKWALK ESTATES
PFN: 04 119240 SD
CITY OF MARYSVILLE, SNOHOMISH COUNTY, WA
NW 1/4 & NE/4, SW 1/4, SEC.34, T.31N., R.5E., W.M.

DRAWN BY	DATE	DRAWING FILE NAME	SCALE	JOB NO.
DJR	2.06.13	125578FPM.DWG	1" = 50'	12-578



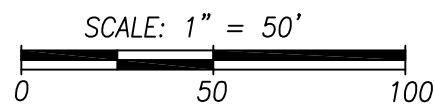
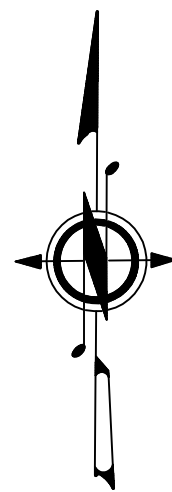
EQUIPMENT & PROCEDURES

METHOD OF SURVEY:
SURVEY PERFORMED BY FIELD TRAVERSE

INSTRUMENTATION:
LEICA TCRA 1205 ROBOTIC ELECTRONIC TOTAL STATION

PRECISION:
MEETS OR EXCEEDS STATE STANDARDS WAC 332-130-090

BASIS OF BEARING:
THE MONUMENTED NORTH LINE OF THE SOUTHWEST QUARTER OF 34-31-5.



NOTES

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BULK & DIMENSIONAL REQUIREMENTS

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- 10' REAR LOT LINE
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- 24' DRIVEWAY SETBACK FROM ROAD INTERSECTION
- 4' DRIVEWAY SETBACK FROM PROPERTY LINE
- 55% LOT COVERAGE

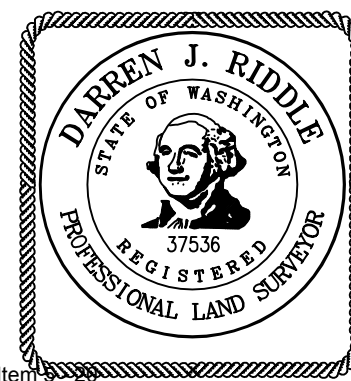
GAS PIPELINE SETBACKS

THE BP/ OLYMPIC PIPELINE COMPANY HAS REQUESTED A MINIMUM 25' BUILDING SETBACK FROM THEIR 16" GAS LINE, WITH THE EXCEPTION OF THE FOLLOWING LOTS:

LOT	SETBACK
26	23.47'
28	23.45'
38	23.61'

LEGEND

- SET 1/2" X 24" REBAR W/CAP STAMPED "L.S. 37536"
- FOUND REBAR/CAP AS NOTED
- ⊗ SET CONC. MON/CASE STAMPED "PCS - 37536"
- ⊕ RIGHT OF WAY CENTERLINE
- ① OFFSET IN FEET TO SET CORNER



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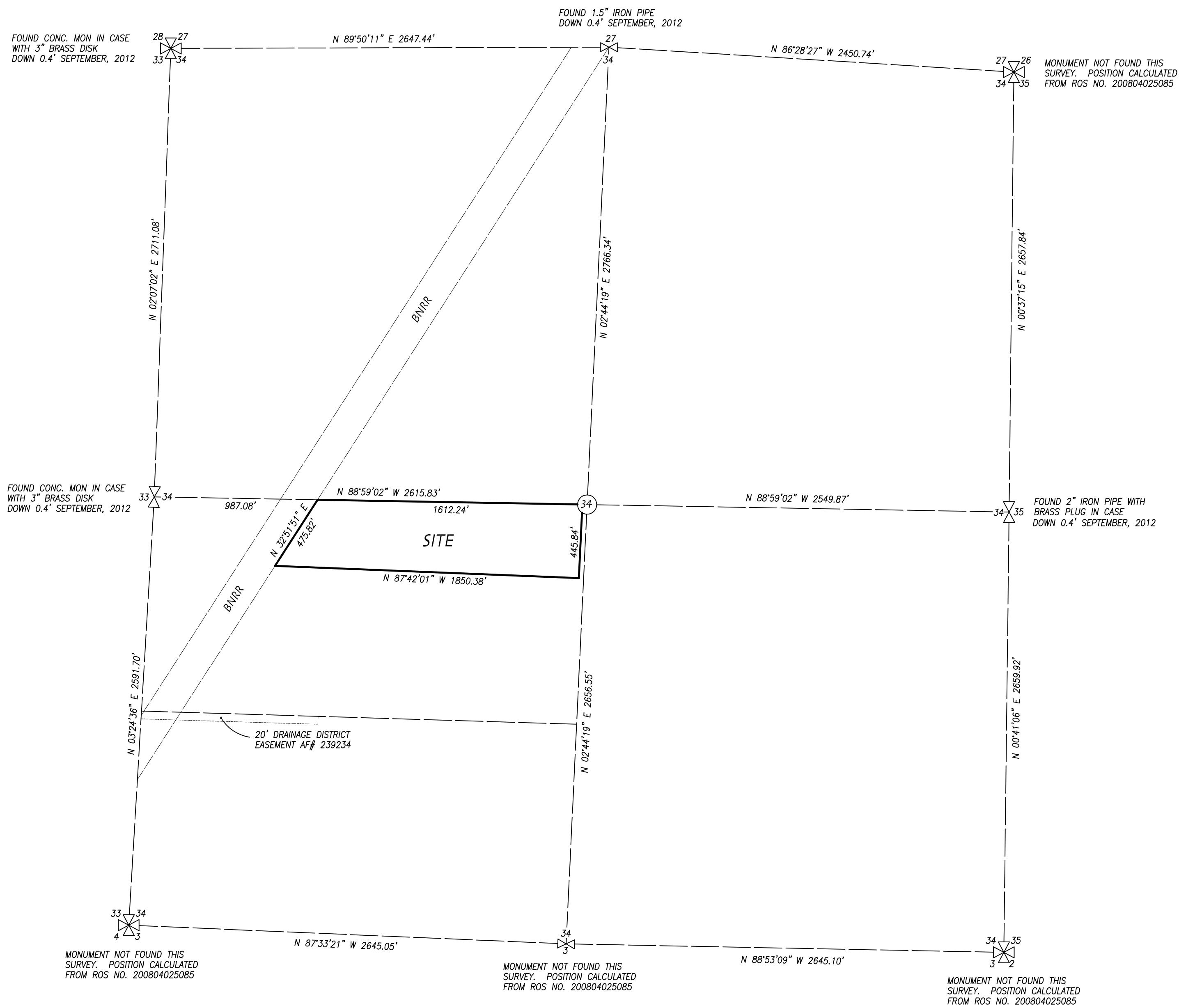
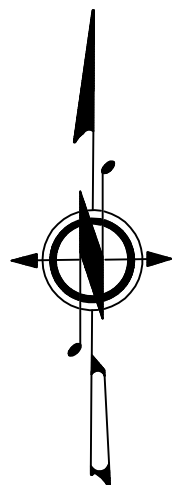
PH. 425.508.4951 FAX 425.357.3577
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A.F. NO. 4 of 5

PLAT OF: CREEKWALK ESTATES

PFN: 04 119240 SD
CITY OF MARYSVILLE, SNOHOMISH COUNTY, WA
NW 1/4 & NE/4, SW 1/4, SEC.34, T.31N., R.5E., W.M.

DRAWN BY	DATE	DRAWING FILE NAME	SCALE	JOB NO.
DJR	2.06.13	125578FPM.DWG	1" = 50'	12-578



LEGEND

- SET 1/2" X 24" REBAR W/CAP STAMPED "L.S. 37536"
- FOUND REBAR/CAP AS NOTED
- ⊗ SET CONC. MON/CASE STAMPED "PCS - 37536"
- ⌒ RIGHT OF WAY CENTERLINE

NOTES

1.) THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF PARTIES WHOSE NAMES APPEAR HEREON ONLY, AND DOES NOT EXTEND TO ANY UNNAMED THIRD PARTIES WITHOUT EXPRESS RECERTIFICATION BY THE LAND SURVEYOR.

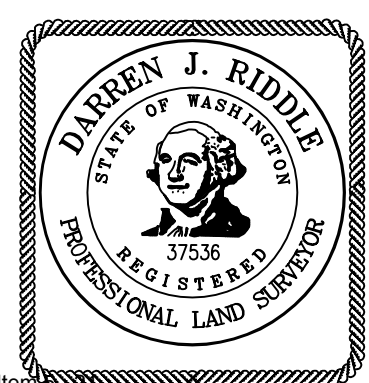
2.) BOUNDARY LINES SHOWN AND CORNERS SET REPRESENT DEED LOCATIONS; OWNERSHIP LINES MAY VARY. NO GUARANTEE OF OWNERSHIP IS EXPRESSED OR IMPLIED.

MONUMENT NOT FOUND THIS SURVEY. POSITION CALCULATED FROM ROS NO. 200804025085

MONUMENT NOT FOUND THIS SURVEY. POSITION CALCULATED FROM ROS NO. 200804025085

MONUMENT NOT FOUND THIS SURVEY. POSITION CALCULATED FROM ROS NO. 200804025085

A.F. NO. _____ SHEET 5 of 5



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PLAT OF:
CREEKWALK ESTATES
 PFN: 04 119240 SD
 CITY OF MARYSVILLE, SNOHOMISH COUNTY, WA
 NW 1/4 & NE/4, SW 1/4, SEC.34, T.31N., R.5E., W.M.

DRAWN BY	DATE	DRAWING FILE NAME	SCALE	JOB NO.
DJR	2.06.13	125578FPM.DWG	NTS	12-578



CREEKWALK ESTATES - FINAL PLAT CHECKLIST

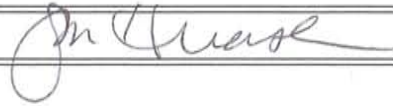
Community Development Department ♦ 80 Columbia Avenue ♦ Marysville, WA 98270
 (360) 363-8100 ♦ (360) 651-5099 FAX ♦ Office Hours: Monday - Friday 7:30 AM - 4:00 PM

Plat Name:	CreekWalk Estates (aka Orchid Lane)	PFN 04119240 SD	
Item	Department	Initials	Date
1. Plat Map- Checked & Approved	Land Dev.	DM	2/4/13
	Planning	cli	2/15/13
2. Letter of Segregation to Assessor	Planning	cu	12/6/12
3. Water System/Sewer System			
Letter of Acceptance	Const. Insp.	SAS	2/6/13
Asbuilts – Including Digital Files	Const. Insp.	SAS	2/15/13
Bill(s) of Sale	Const. Insp.	SAS	2/6/13
Maintenance and Warranty Funding	Const. Insp.	SAS	2/28/13
4. Road/Storm Sewer			
Letter of Acceptance	Const. Insp.	SAS	2/8/13
Asbuilts – Including Digital Files	Const. Insp.	SAS	2/15/13
Bill(s) of Sale	Const. Insp.	SAS	2/6/13
Maintenance and Warranty Funding	Const. Insp.	SAS	2/8/13
5. Performance Bond – Submitted/Approved			
(If Required - Road and Storm Drain Only)	Const. Insp.	SAS	2/8/13
6. Inspection Fees - Calculated and Paid	Const. Insp.	SAS	2/8/13
7. Final Plat Fee - Calculated and Paid \$7,500.00	Planning	cli	2/15/13
8. TIP Fees: CITY: \$3,013.00 /LOT	Planning	cli	1/28/13
ARLINGTON: \$733.00 /LOT	PAY AT OP	cli	1/28/13
9. Parks Mitigation Fees: \$1251.00 /LOT	Planning	cli	1/28/13
	PAY AT OP		
10. School District Mitigation Fees: PAY AT OP	Planning	cli	1/28/13
11. Signage and Striping Installed	Const. Insp.	SAS	2/15/13

12. Final Grading and TESC Inspection	Const. Insp.	SAS	2/6/13
13. Satisfied Hearing Examiner's Conditions of Approval	Planning	cli	2/15/13
14. Utility/Recovery/Main Fees	Land Dev.	DD	2/4/13

Plat Approved for Recording:

Community Development Director:



Date: 2/15/13

City Engineer:



Date: 2/15/13

Note: The final plat will not be scheduled before the City Council until this checklist is complete.