CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: June 24, 2013

<table>
<tr><td>AGENDA ITEM:
Final plat approval for Willow Springs ZA05-123399SD located at 3115 79th Avenue NE.</td><td colspan="2">AGENDA SECTION:
New business</td></tr>
<tr><td>PREPARED BY:
Angela Gemmer, Associate Planner</td><td colspan="2">APPROVED BY:</td></tr>
<tr><td rowspan="2">ATTACHMENTS:
1. Sno. Co. Hearing Examiner's Decision dated 8/14/08
2. Vicinity map
3. Legal description
4. Final plat checklist
5. Final plat map</td><td colspan="2"></td></tr>
<tr><td>MAYOR</td><td>CAO</td></tr>
<tr><td>BUDGET CODE:</td><td colspan="2">AMOUNT:</td></tr>
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DESCRIPTION:
The Snohomish County Hearing Examiner granted preliminary subdivision approval for a 13-lot subdivision known as "Willow Springs" on August 14, 2008. This plat was annexed into the City on December 1, 2006 and is located along the east side of 79th Avenue NE along 32nd Street NE with an original site address of 3115 79th Avenue NE. The applicant has met all plat conditions of approval.

RECOMMENDED ACTION: Staff recommends that the City Council approve and authorize the Mayor to sign the final plat of Willow Springs.
COUNCIL ACTION:

Snohomish County

Hearing Examiner's Office
Email: Hearing.Examiner@co.snohomish.wa.us

Barbara Dykes
Hearing Examiner

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DECISION of the SNOHOMISH COUNTY HEARING EXAMINER PRO TEM

AUG 19 2008

DATE OF DECISION: August 14, 2008

PLAT/PROJECT NAME: ***Willow Springs***

APPLICANT/
LANDOWNER: Robert Nehring, RBN Investments, LLC
3216 Wetmore Avenue, Ste. 202
Everett, WA 98201

FILE NO.: 05-123399 SD

TYPE OF REQUEST: **PRELIMINARY SUBDIVISION APPROVAL USING LOT SIZE AVERAGING**

DECISION (SUMMARY): **Preliminary Subdivision Approval GRANTED** for a 13-Lot Subdivision subject to Preconditions and Conditions

BASIC INFORMATION

GENERAL LOCATION: The subject property is located at 3115 79th Avenue N.E., Everett
Section 2, Township 29 North, Range 5 East, W.M., Snohomish County, WA

ACREAGE: 3.84 acres

NUMBER OF LOTS: 13

AVERAGE LOT SIZE: 11,410 square feet

MINIMUM LOT SIZE: 4,296 square feet

DENSITY: 6.7 du/ac

ZONING: R-9600.

GMACP
GPP Designation: Urban Low Density Residential (4-6 du/acre)

UTILITIES:
Water: Snohomish County PUD No. 1
Sewer: City of Marysville

SCHOOL DISTRICT: Lake Stevens School District No. 4

FIRE DISTRICT: Fire District No. 8

SELECTED AGENCY RECOMMENDATIONS:

Department of Planning and Development Services (PDS):	Approve with Conditions
Department of Public Works (DPW):	Approve with Conditions

INTRODUCTION

The applicant filed a Master Permit Application on July 17, 2006. (Exhibit 1A3) A second Master Permit Application was filed on September 6, 2007. (Exhibit 1A2). Finally, a Revised Master Permit Application was filed on March 18, 2008. (Exhibit 1A1)

The Department of Planning and Development Services (PDS) gave proper public notice of the open record hearing as required by the County Code. (Exhibits 6A, 6B and 6C).

A SEPA determination of nonsignificance (DNS) was issued on April 15, 2008. (Exhibit 5B). No appeal was filed.

The Examiner held an open record hearing on June 12, 2008, the 130th day of the 120-day decision-making period. Witnesses were sworn, testimony was presented, and exhibits were entered at the hearing. The Examiner stated that although she did not perform a specific site visit prior to the open record hearing, she is familiar with the site due to the fact that she resides in the vicinity.

PUBLIC HEARING

The public hearing commenced on June 12, 2008 at 10:00 a.m.

1. Representing PDS was Elbert Esparza, Senior Planner, Dwayne Overholser, Drainage Engineer and Elizabeth Larsen, Biologist.

2. Representing the Applicant was Robert Nehring, RBN Investments, LLC.

3. No other parties or members of the public were in attendance.

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

FINDINGS OF FACT

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

1. The master list of Exhibits and Witnesses are the record in this file, as well as the testimony of witnesses received at the open record hearing. The entire record was considered by the Examiner and is hereby incorporated by reference, as if set forth in full herein. No additional Exhibits were entered during the open record hearing.

2. Summary of the Proposal: The Applicant is requesting a 13-lot subdivision of approximately 3.84 acres utilizing lot size averaging including a modification to allow a private road (Tract 996). An existing home (to be removed), a Type 5 stream and one Category 3 wetland are located on site. A Category 3 wetland is located off site about 30 feet from the north property line.

3. Site description: The project contains approximately 3.84 acres of which 1.57 acres are streams (Type 5), a wetland (Category 3) and associated buffer. The site is currently developed with one single-family home and garage. The east portion of the site is encumbered by 150 feet of easements, the easterly easement is held by Puget Sound Energy and the west remaining 50-feet contains an easement for a gas utility. The vegetation on the site is residential landscaping and lawn located at the southwest corner of the site. The remainder portion of the site is forested land with evergreen and deciduous trees with ferns and shrubs under the canopy. Wetland areas with alder, vine maple and blackberry are located in the eastern region of the site and under the power lines and gas easements. The County's records reveal that the site has Tokul gravelly loam soils that have a hydrologic classification of Type "C". The average slopes on the site are approximately 10 percent to 15 percent.

4. Adjacent zoning and uses: The area is predominately zoned R-9600 and consists of many newer subdivisions and single-family homes located on different sized lots.

5. Neighborhood Concerns: No public letters of concern were received.

6. Park Impacts: The proposal is within Park District No. 302 and is subject to Chapter 30.66A SCC, which requires payment of $48.82 per each new single-family residential unit. The applicant has proposed to pay applicable park impact fees. Such payment is acceptable mitigation for parks and recreation impacts in accordance with County policies.

7. Traffic Mitigation and Road Design Standards (Title 13 SCC & Chapter 30.66B SCC).

   A. Road System Capacity (SCC 30.66B.310) The density calculations on the TDM Plan indicate that the density for this development is 3.4 dwelling units per acre. The development does not qualify for TDM credit. The impact fee for this proposal is based on the new average daily trips (ADT) generated by 13 new homes, which is 9.57 ADT/home. This rate comes from the 7th Edition of the ITE Trip Generation Report (Land Use Code 210). The development will generate 114.84 new ADT and has a road system capacity impact fee of $27,791.28, based on $242.00 per ADT. This impact fee must be paid proportionately prior to issuance of each building permit.

   B. Concurrency (SCC 30.66B.120) The subject development has been evaluated for concurrency under the provisions of SCC 30.66B.120 and the DPW has made a preliminary determination that the development is concurrent as of August 31, 2006. A record of developer obligations documenting the concurrency determination will be prepared by the DPW in accordance with the provisions of SCC 30.66B.070. The expiration date of the concurrency determination will be six years from August 31, 2006. Pursuant to SCC 30.66B.130(4), the development has been deemed concurrent because it is located in TSA A which, as of the date of submittal of the application, had no arterial units in arrears. The subject development generates 9.00 a.m. peak-hour trips and 12.12 p.m. peak-hour trips which is below the threshold of 50 peak-hour trips, which would require the development to be evaluated under SCC 30.66B.035.

C. Inadequate Road Condition (IRC) (SCC 30.66B.210) The subject proposal will not impact any inadequate road condition locations identified at this time within TSA A.with three or more of its p.m. peak hour trips, nor will it create any. Therefore, it is anticipated that mitigation will not be required with respect to inadequate road conditions and no restrictions to building permit issuance or certificate of occupancy/final inspection will be imposed under this section of Ch. 30.66B SCC.

D. Frontage Improvements (SCC 30.66B.410) The subject property frontage is located along 79th Ave. NE. Urban standard frontage improvements are required consisting of 18 feet of pavement from the centerline of right-of-way, vertical curb, 5-foot planter strip and 5-foot sidewalk. The Applicant proposes to construct a 6-foot sidewalk to meet the City of Marysville's design standards in accordance to the provisions of the County/City of Marysville Interlocal Agreement, and to match the improvements adjacent to the north. The construction of frontage improvements is required prior to recording the subdivision unless bonding of improvements is allowed, in which case construction is required prior to any occupancy of the development.

E. Access and Circulation (SCC 30.66B.420) Access is proposed from a new private cul-de-sac road off of 79th Avenue NE adjacent to the north property line. Lots 1 through 7 would take access from the cul-de-sac road, Lots 8 through 10 will take access directly from 79th Avenue, and Lots 11 through 13 will have access via a stub road (labeled private Tract 996) adjacent to the south property line. Direct access to 79th Avenue via individual driveways is acceptable to the County since it is not classified as an arterial road, and adjacent developments have been approved with similar accesses.

SCC 30.41A.210(3) requires that all subdivision roads shall be dedicated public roads designed and constructed in conformance to EDDS (except Planned Residential Developments). A Design Standard Modification per SCC30.41A.215 was included with the application to request approval of the private cul-de-sac road, and the private drive Tract 996. PDS does not object to the approval of the private roads in this development because the two roads are short dead end roads serving very few homes, and cannot be extended in the future because of development adjacent to the east. PDS staff has determined that the minimum centerline offset spacing between the proposed cul-de-sac road and the public road to the north in Willow Park (32nd Place NE) meets minimum EDDS requirements for separation. Spacing between the two proposed roads in the development meet requirements as well. There are no issues with road grade, vertical or horizontal curve, or with sight distance. The plans show a right-of-way width of 41 feet for the private cul-de-sac road, because a sidewalk and planter are not proposed on the north side. There will be no homes fronting the north side of the cul-de-sac road.

A deviation request (Exhibit #7A2) was submitted requesting approval of that design, to meet the City of Marysville's design standards. The request was approved on condition that comments are received from the City indicating agreement with the proposed design; which is a 24-foot pavement width, vertical curbs, and a 6-foot sidewalk (no planter) in a 40-foot right-of-way. A memo dated December 10, 2007 was received from John Cowling, Engineering Services Manager for the City of Marysville indicating that the City's design standards for the private cul-de-sac road (Road A) are 40-foot right-of-way, two 12-foot lanes, and 6-foot sidewalks, which is shown on the plans for Road A. However; the City requires a minimum easement radius of 50 feet for the cul-de-sac, not 48 feet as shown on the plans. In addition, the City requires that an adequate curb return radius be provided on the north side of Road A at 79th Avenue NE; and since the improvements on 79th Avenue have been completed by the development adjacent to the

north, that must be shown on the plans. The curb return from Road A must tie into the existing sidewalk on 79th Avenue at an acceptable radius. The plat (Exhibit #2B) has been revised to show a 50-foot cul-de-sac easement radius and a 25-foot radius curb return at the intersection of Road A and 79th Avenue, which is acceptable to PDS. The Applicant's proposal to eliminate the planter around the cul-de-sac bulb is acceptable to the DPW and PDS, and no EDDS deviation is required for that change.

F. Dedication of Right-of-Way (SCC 30.66B.510 and 30.66B.520) The development abuts 79th Ave. NE, which is designated as a non-arterial on the County's Arterial Circulation Map. A 30-foot right-of-way presently exists on the development's side of the right-of-way, and therefore, no additional right-of-way is required.

G. State Highway Impacts (SCC 30.66B.710) This development is subject to the Washington State Department of Transportation (WSDOT)/County Interlocal Agreement (ILA) which became effective on applications determined complete on or after December 21, 1997. Impacts to state highways were originally calculated to be 124.41 ADT x $36.00/ADT = $4,478.76. However, the Applicant's traffic study showed no impacts to the State Highways. WSDOT sent a letter to the County dated July 20, 2006 (Exhibit #8B) in which they indicated agreement with the Applicant's analysis and, therefore, no traffic mitigation was requested from the Applicant.

H. Other Streets and Roads [SCC 30.66B.720] Based on interlocal agreements, the County shall impose mitigation to other city road system for direct impacts caused by developments. The current development proposal causes direct impacts to road systems of the Cities of Marysville and Arlington. The Applicant's initial mitigation offers to those cities have been revised because the number of lots has decreased from 14 to 13 lots.

(a) Impacts to the City of Marysville's road system are calculated as follows:
12.12 pht x 80% (sub area location) x $3,175.00 = $30,784.80

(b) Impacts to the City of Arlington's road system is calculated as follows:
12.12 pht x 20% x $3,355 = $8,132.52

PDS is recommending that payment of these amounts be imposed as a condition of preliminary plat approval.

I. Transportation Demand Management (TDM) [SCC 30.66B.630]

A TDM Plan was submitted with the initial application, but it did not meet the requirements of SCC 30.66B.640(3)(e), which requires an overall density of at least four dwelling units per gross acre. The applicant opted to submit an offer to pay the TDM fee instead of revising their plans to meet the TDM Plan requirements, which PDS finds acceptable.

The trip reduction percentage for this development is five percent. The TDM obligation for this development is therefore equivalent to five percent of the 12.12 new PM peak hour trips x $1,500.00, which equals $909.00. A written offer (Exhibit #8A1) for payment of this TDM obligation has been received from the Applicant.

8. Pedestrian Facilities [RCW 58.17.110]

In order to approve the subdivision, the Applicant is required to provide safe walking conditions for pedestrians and in particular, school children, who may reside in the subject development. Comments dated August 11, 2006 (Exhibit #8C6) have been received from the Lake Stevens School District indicating that all grade levels of public school children will be provided with bus

service to school and that the bus stop would be located at the entrance of the plat road with 79th Avenue NE. With the provision of sidewalks in the interior of the development and along the frontage with 79th Avenue NE, PDS has determined that safe walking conditions will be in place prior to occupancy of the subdivision.

9. Mitigation for Impacts to Schools [Chapter 30.66C SCC] Pursuant to Chapter 30.66C SCC, school impact mitigation fees will be determined according to the Base Fee Schedule in effect for the Lake Stevens School District No. 4, at the time of building permit submittal and collected at the time of building permit issuance for the proposed units. Credit is to be given for the one existing lot.

10. Drainage and grading.

Drainage. The project contains approximately 3.84 acres of which 1.57 acres are streams (Type 5), a wetland (Category 3) and associated buffer. The proposal is to establish a 13 lot short plat and construct 12 new single-family homes, approximately 280 lineal feet access road with associated utilities and private road located at the south to access detention facility and Lots 12 & 13, approximately 240 lineal feet. The access roads to the site will be from 79th Ave. NE. The proposal also includes frontage improvements on 79th Ave. NE. The site is currently developed with one single-family home and garage. All existing structures are proposed to be removed.

One detention vault is proposed to meet the detention requirements conforming to the Snohomish County standards, which has been sized to include a 30% factor of safety. The discharge and outflows from the vault will be directed into an existing storm facility along 79th Ave. NE., flow south approximately 100' until the storm water from 79th Ave. and discharge into the Type 5 stream that flows from the site. Lots 12 and 13's roof and footing drains will discharge into a level spreader trench outside of the wetland buffer. The Type 5 stream flows under the private access road; UDC Chapter 30.63A.200 (3)(C) states, "...Bridges or bottomless arch culverts shall be installed instead of culverts at stream crossings..." PDS has granted permission for the use of over size culverts with fill of gravel for approximately 1/3 of the culvert.

The undeveloped and developed runoff for this project was calculated for the 2, 10 and 100 year design storms using the Santa Barbara Unit Hydrograph method. The Stream Bank Erosion Control detention release standard as defined by the Washington State Department of Ecology (DOE) in the "1992 Stormwater Design Manual for the Puget Sound Basin" was utilized to size the detention facilities. The undeveloped flows for the 2, 10 and 100 year storms correspond to values of 0.08, 0.25 and 0.53 cfs. The developed flows from the site, prior to storm detention, correspond to values of 0.61, 1.12 and 1.78 cfs. The developed flows from the site, after storm detention, correspond to values of for 0.04, 0.25 and 0.53 cfs.

Water quality for Basin "A" will be addressed via a stormfilter manufactured by Stormwater Management, Inc. upstream of the detention vault. Water quality for Basin "B" will be addressed by a storm filter manufactured by Stormwater Management, Inc upstream of the detention vault.

The development proposes in excess of 5,000 square feet of new impervious surface which meets the definition of major development activity per SCC 30.63, and therefore a full drainage plan and report is required. No downstream flooding was reported by the Surface Water Management division of DPW. Based on the preliminary findings made by the staff of PDS's

Engineering Section relating to drainage and grading, this project will meet the requirements of the UDC Chapters 30.63A and 30.63B.

Grading. Proposed grading is in excess of 100 cubic yards which triggers the need for a grading permit and SWPP Plan per SCC 30.63B and Rule 3044. Specifically, the applicant is proposing to cut approximately 6,200 cubic yards and fill 6,200 cubic yards. The Preliminary Grading and TESC Plan (Exhibit #2B) tried to provide building pads for each lot. The Targeted Drainage Plan shows a proposed 6 foot rock wall on the south side of buildings 2, and 3. PDS may require the applicant to provide a geotechnical engineer design at the time of construction plan review.

11. Critical Areas Regulations (Chapter 30.62 SCC)

A. Fish and Wildlife Habitat Conservation Areas and Wetlands. A PDS Biological Technician conducted a wetland verification on September 7, 2005 (Calkins L88 Wetland Verification 05-123399PA). According to PDS, a Type 5 stream and one Category 3 wetland were accurately flagged in the field. A Category 3 wetland exists off-site about 30 feet from the north property line. According to the Critical Area Study and Wetland Mitigation Plan for Willow Springs prepared by Wetland Resources (revised December 19, 2007) (Exhibit #3E), the wetland is dominated by emergent species including creeping buttercup and reed canary grass with areas of Himalayan blackberry. Although portions of the wetland buffer contain trees, a majority of the buffer is dominated by Himalayan blackberry.

The Applicant is proposing a 13-lot subdivision. An existing wetland buffer will be reduced to a minimum of between 2 and 10 feet in certain areas for Lots 2, 3, 4, 5, and 12. The Type 5 stream and its buffer will be impacted in order to access Lots 12 and 13. The remaining critical areas and buffer will be designated NGPA/E and enhanced with native trees and shrubs. A total of 10,835 square feet of existing emergent wetland and 8,817 square feet of existing scrub-shrub wetland buffer will be enhanced. In addition, 710 square feet of additional wetland buffer will be provided and enhanced.

The Applicant is proposing Innovative Development Design under SCC 30.62.370; therefore, a Critical Areas Study and Wetland Mitigation Plan was prepared by Wetland Resources (revised December 19, 2007) (Exhibit #3E) and submitted for review as required per SCC 30.62.340. A mitigation plan is required under SCC 30.62.345 to address the loss of area or functional value of wetlands, streams, and buffers.

The Applicant is proposing to mitigate for proposed impacts to wetlands, streams, and buffers using Innovative Development Design (SCC 30.62.370). Under SCC 30.62.370(1)(b) the applicant is required to demonstrate that the innovative design proposal will achieve a net improvement in the functions and values of the streams and wetlands and their buffers over that existing on the subject property and that which is achievable using the provisions of SCC 30.62.310, 30.62.320, 30.62.345, and 30.62.350. A discussion of how the project meets the requirements of Innovative Development Design has been provided on Page 7 of the Critical Areas Study and Wetland Mitigation Plan (revised December 19, 2007) (Exhibit #3E).

According to the mitigation plan, the proposal will result in the loss of 4,322 square feet of wetland buffer. The portion of the buffer which will be reduced is dominated by Himalayan blackberry, a non-native and invasive species. Mitigation for the buffer impact includes enhancing 8,718 square feet of existing wetland buffer with native trees and shrubs.

PDS staff reviewed the proposed mitigation based on a formalized administrative rule which was approved by the director of PDS in June of 1998. This administrative rule states that by utilizing a set of prescribed replacement ratios, it will be assumed that all functions and values will be replaced and thus will be assumed to comply with SCC 30.62.345(1)(c). The replacement ratios are always expressed as replacement area to impact area with emergent conditions requiring a replacement ratio of 1:1, scrub-shrub at 1.5:1, forest at 2:1 and bogs at 3:1. The administrative rule has also been utilized by staff in the same manner for buffers because the assessment for vegetative habitat is comparable. Based on this rule, a scrub-shrub habitat, such as the one provided by the Himalayan blackberry dominated wetland buffer, could be mitigated by providing a mitigation ratio of 1.5(buffer enhancement):1(buffer impact). The mitigation plan proposes a 2(buffer enhancement):1(buffer impact) mitigation ratio and will improve the habitat over what is existing on the site by proposing to install conifer trees and provide a variety of native shrubs.

Although direct impacts to the on-site wetland are not proposed, the reduction of the wetland buffer to less than 25 feet in some areas will cause an indirect impact to the wetland. These indirect impacts are required to be addressed as "wetland designated as buffer" or "paper fill". The Critical Areas Study and Wetland Mitigation Plan (Exhibit #3E) has addressed the proposed "paper fill" on page 6 paragraph 4. According to the mitigation plan, the development proposal will create a total of 2,965 square feet of "wetland designated as buffer". Mitigation for the "paper fill" includes enhancing 10,835 square feet of the on-site wetland which will provide a 3.7(wetland enhancement):1(paper fill) mitigation ratio.

The Type 5 stream and its buffer will be crossed in order to access Lots 12 and 13. According to the Critical Areas Study and Wetland Mitigation Plan (Exhibit #3E) (revised December 19, 2007), a total of 705 square feet of stream buffer will be impacted. This buffer is dominated by Himalayan blackberry. Mitigation for the buffer impact includes adding 710 square feet of buffer to the existing wetland, adjacent to Lot 2. This additional buffer will be enhanced with trees and shrubs.

Pursuant to SCC 30.62.370(1)(b) the Hearing Examiner finds that the Applicant has demonstrated that the innovative design proposal will achieve a net improvement in the functions and values of the streams and wetlands and their buffers over that existing on the subject property, and that the plan is achievable using the provisions of SCC 30.62.310, 30.62.320, 30.62.345, and 30.62.350. Based on the Critical Areas Study and Wetland Mitigation Plan, prepared by Wetland Resources (revised December 19, 2007), the enhanced buffer will improve the existing functions and values of the required 25-foot standard wetland buffer, which is currently dominated by Himalayan blackberry. Also, by enhancing the wetland, the Applicant will improve the existing functions and values of the wetland which is currently dominated by emergent species. All approved critical areas and buffers will be designated NGPA/E per SCC 30.62.320. The mitigation plan has exceeded the mitigation ratios set forth under the administrative rule addressing compliance with SCC 30.62.345(1)(c), as it applies to buffers.

An evaluation of the information submitted in the revised application coupled with an on-site investigation has resulted in a determination that the application is complete and in conformance with Chapter 30.62 SCC (Critical Areas Regulation) and is consistent with the purpose and objectives of the Chapter in regulation of development activities in Critical Areas.

B. Geologically Hazardous Areas:

(1) Landslide Hazards (SCC 30.62.210 SCC) The Geotechnical Engineer found some areas of the site's slopes are slightly steeper than 15% and contain relatively permeable sediment overlying relatively impermeable sediment. They found no evidence of groundwater seeps or springs on the site's slopes, additionally, the weathered till soils overlying the dense tills are relatively thin and in a medium dense, generally consolidated condition. Based on these factors, and the inherently high shear strength exhibited by the site soils, PDS agrees with the Applicant's engineer's opinion that site characteristics do not meet Snohomish County criteria for landslide hazard area.

(2) Erosion Hazards (SCC 30.62.200) The Geotechnical Engineer has reviewed the *Soil Survey of Snohomish County Area, Washington* by the Soil Conservation Service (SCS) to determine the erosion hazard of the on-site soils. The site's surface soils were classified using the SCS classification system as Tokul loam, 10% to 15% slopes (Unit 73). The erosion hazard for Unit 73 is listed as being slight to moderate.

(3) Seismic Hazards (SCC 30.62.220) The Geotechnical Engineer evaluated the potential of ground rupture at the site resulting from a severe seismic event. Review of the Quaternary Fault and Fold Database of the United States (USGS Earthquake Hazards Program) has identified the presence of a southeast-northwest trending Quaternary fault located approximately ten miles west of the project site. Due to the absence of surficial indications of rupture in the vicinity of the site, and the distance from the site of the nearest mapped fault, it is the Geotechnical Engineer opinion the potential of ground rupture at the site resulting from a severe seismic event is low.

The Geotechnical Engineer's opinion is based on subsurface explorations and the Soil Profile in accordance with Table 1615.1.1 of the 2003 International Building Code (IBC), which is Soil Class C. Additional seismic considerations include liquefaction potential and amplification of ground motions by soft soil deposits. The liquefaction potential is highest for loose sand with a high groundwater table. The underlying dense till, drift and outwash soils are considered to have a low potential for liquefaction and amplification of ground motion.

12. Fire Code (Chapter 30.53A SCC) The Uniform Fire Code (now known as the International Fire Code or "IFC"), was modified by the adoption of Amended Ordinance 07-087 on September 5, 2007, effective September 21, 2007. This application was complete as of March 26, 2007 and is therefore subject to that version of Chapter 30.53A SCC in effect prior to September 21, 2007.

The roads shown on the preliminary plat map (Exhibit #2B) meet the minimum requirements of Chapter 30.53A and the UFC for width and slope and turn around radii for the cul-de-sac shown at the end of Road A. Fire hydrants are required per SCC 30.53A.300. The location and spacing of the hydrants will be determined at the construction plan phase and are not required to be shown on the face of the preliminary plat.

The required fire flow for the fire hydrants is 1000 gpm at 20 psi for a two (2) hour duration and will be verified after construction and prior to the final plat recording. In the event the required fire flow cannot be provided, a condition will be added to the plat that requires the new dwellings in the plat to be provided with NFPA 13-D fire suppression systems. Per Section 901.4.4 of the

Uniform Fire Code, the new dwellings shall be provided with approved address numbers placed in a position that is plainly legible and visible from the street or road fronting the property. The numbers shall contrast with their background.

13. Consistency with the GMA Comprehensive Plan (GMACP) 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-7200, PRD-7200, R-8400, PRD-8400, R-9600, PRD-9600 and WFB zones. The 13-lot subdivision is consistent with the density provisions of Snohomish County's GMACP, and GMA-based zoning regulations under Subtitle 30.2 SCC.

14. Utilities

A. Water - Water service to the subdivision will be provided by Snohomish County PUD No 1. (Exhibit 8C5)

B. Sewer - The City of Marysville has stated that adequate capacity exists to serve the proposed subdivision through its sewer utility. (Exhibit 8A2)

C. Electricity – The Snohomish County PUD No. 1 has stated that there is adequate electrical capacity to serve the proposed subdivision. (Exhibit 8C2)

15. Zoning (Chapter 30.2 SCC). This project meets zoning code requirements for lot size, including lot size averaging provisions, bulk regulations and other zoning code requirements.

Lot Size Averaging (LSA) The proposal has been evaluated for compliance with the LSA provisions of SCC 30.23.210, which provide that the minimum lot area of the applicable zone is deemed to have been met if the area in lots plus critical areas and their buffers and areas designated as open space or recreational uses, if any, divided by the number of lots proposed, is not less than the minimum lot area requirement. Lot coverage for this proposed subdivision is a maximum of 35%. The LSA calculation is as follows:

Area in Lots 76,751 square feet + Critical Areas and Buffers 59,050 square feet + Open Space (9,526 square feet = 145,327 square feet ÷ 13 of lots proposed = 11,020 square feet

The minimum zoning requirement is 9,600 square feet. No lot is less than 3,000 square feet, and all lots comply with minimum lot width and setback requirements. Roadways and surface detention/retention facilities are not counted toward the LSA calculations. PDS has concluded that the proposal is consistent with the lot size averaging provisions of SCC 30.23.210.

16. State Environmental Policy Act Determination (Chapter 30.61 SCC). SEPA analysis was performed for this subdivision project and a DNS was issued on April 15, 2008. (Exhibit 5B) No appeal of the DNS was filed.

17. Subdivision Code (Chapter 30.41A SCC). The proposed plat, as conditioned, meets the general requirements of SCC 30.41A.100 with respect to providing for the public health, safety and general welfare. As proposed, the subject lots will not be subject to flood, inundation or swamp conditions. The lots as proposed are outside of all regulated flood hazard areas. As conditioned and modified, the plat will meet all SCC 30.41A.210 design standards for roads.

The plat has been reviewed for conformance with criteria established by RCW 58.17.100, .110, .120, and .195. Such criteria require that the plat conform with applicable zoning ordinances and comprehensive plans, and make appropriate provisions for the public health, safety and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and other planning features including safe walking conditions for students.

The proposed plat conforms to all applicable zoning codes and the comprehensive plan. There is open space provided within the plat in the form of wetlands, and buffer areas. The single-family homes on small lots will be in character with the existing neighborhood. Provisions for adequate drainage have been made in the conceptual plat design which indicates that the final design can conform to Chapter 30.63A SCC and DOE drainage standards. The plat, as conditioned, will conform to Chapters 30.66A, B and C SCC, satisfying County requirements with respect to parks and recreation, traffic, roads and walkway design standards, and school mitigation. Water and electricity will be provided by Snohomish Public Utility District No. 1 (Exhibits # 8C2 & 8C5), and sewer will be provided by the City of Marysville (Exhibit # 8A2).

18. Plats – Subdivisions – Dedications (Chapter 58.17 RCW) The County does not require the dedication of any land for right-of-way purposes or other public uses as a result of impacts from the proposed subdivision. However, the City of Marysville has requested that Tract 996 be dedicated to the City of Marysville as a condition of plat approval for future use as a pedestrian/multi-purpose trail. (Exhibit 8A2) The record shows that the Applicant has refused to comply with the City's request because of the conditions of a purchase and sale agreement which require the Tract to remain in private ownership. The PDS Staff Report does not address this issue, nor was it discussed as an issue at the public hearing. No other information was provided by the City of Marysville to justify the request or show that such a dedication is required pursuant to an interlocal agreement with the County. Accordingly, the Hearing Examiner is unable to determine whether such a request is legally justified based on the record and therefore does not find that sufficient evidence exists to grant the City's request.

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

CONCLUSIONS OF LAW

1. The proposal is consistent with the GMACP, GMA-based County Codes, the type and character of land use permitted on the project site, the permitted density and applicable design and development standards.

2. Adequate public services exist to serve the proposed subdivision.

3. The subdivision application, with the recommended conditions, makes adequate provisions for the public health, safety and general welfare.

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

DECISION

The request for a **13-LOT SUBDIVISION** is hereby **GRANTED** subject to the following **CONDITIONS:**

CONDITIONS

A. The preliminary plat received by PDS on March 18, 2008 (Exhibit #2B) shall be the approved plat configuration.

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

i. All site development work shall comply with the requirements of the plans and permits approved pursuant to Condition A, above.

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 Critical Areas Study and Wetland Mitigation Plan, prepared by Wetland Resources (revised December 19, 2007) shall be submitted for review and approval during the construction review phase of this project.

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

i. "The lots within this subdivision will be subject to school impact mitigation fees for the Lake Stevens School District No. 4 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 1 existing parcel. Lot 1 shall receive credit."

ii. SCC Title 30.66B requires the new lot mitigation payments in the amounts shown below for each single-family residence building permit or double the amount for a duplex:

- $2,137.79 per lot for mitigation of impacts on County roads paid to the County,
- $69.92 per lot for transportation demand management paid to the County for TSA A,
- $2,368.06 per lot for mitigation of impacts on Marysville streets paid to the City.
- $625.58 per lot for mitigation of impacts on Arlington streets paid to the City.

These payments are due prior to or at the time of each building permit issuance. Notice of these mitigation payments shall be contained in any deeds involving this subdivision, short subdivision of the lots therein or binding site plan. Once building permits have been issued all mitigation payments shall be deemed paid.

iii. 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 30.91N.010 are allowed when approved by the County."

iv. "The dwelling units within this development are subject to park impact fees in the amount of $48.82 per newly approved dwelling unit pursuant to Chapter 30.66A. Payment of these mitigation fees is required prior to building permit issuance; provided that the building permit has been issued within five years after the application is deemed complete. After five years, park impact fees shall be based upon the rate in effect at the time of building permit issuance."

D. Prior to recording of the final plat:

i. Urban standard frontage improvements shall be constructed along the property's frontage with 79th Avenue NE unless bonding of improvements is allowed, in which case construction is required prior to any occupancy of the development.

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

All Critical Areas shall be designated Native Growth Protection Areas (NGPA) (unless other agreements have been made);

"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 30.91N.010 are allowed when approved by the County."

iii. The final mitigation plan shall be completely implemented (additional buffer, wetland and buffer enhancement).

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

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

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

Order issued this 14th day of August, 2008.

Mary Burke, Admin Asst
for Millie M. Judge, Hearing Examiner, Pro Tem

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) within 10 days of the date of this decision (which is on or before **August 25, 2008**. There is no fee for filing a petition for reconsideration.

Note: "The petitioner for reconsideration shall mail or otherwise provide a copy of the petition for reconsideration to all parties of record on the date of filing." [SCC 30.72.065]

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

The grounds for seeking reconsideration are limited to the following:

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

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

Appeal

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

appeal to the County Council shall be limited to those issues raised in the petition for reconsideration. Appeals shall be addressed to the Snohomish County Council but shall be filed in writing with the Department of Planning and Development Services, 2nd Floor, County Administration-East Building, 3000 Rockefeller Avenue, Everett, Washington (Mailing address: M/S #604, 3000 Rockefeller Avenue, Everett, WA 98201) on or before **August 28, 2008** 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.

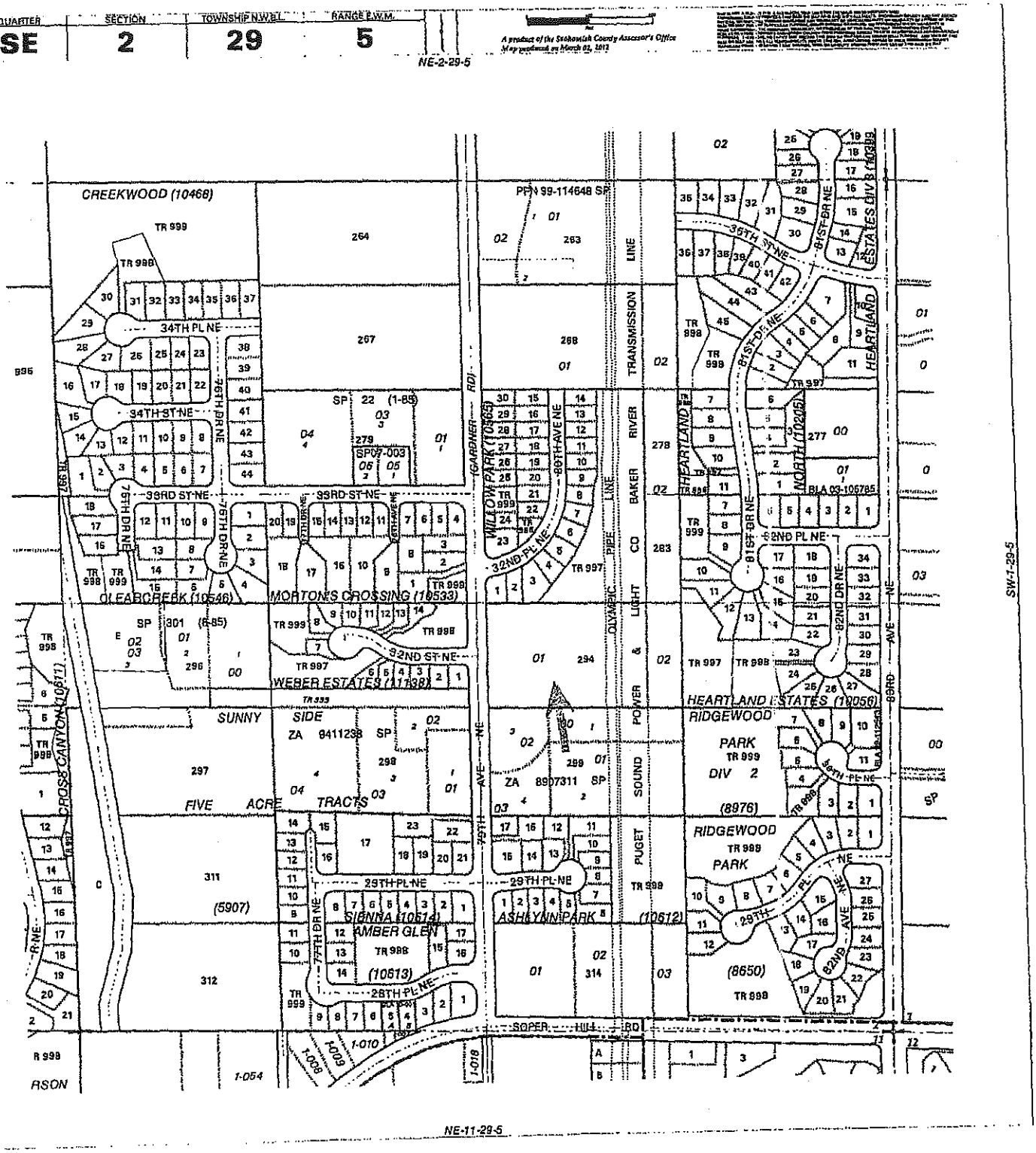
Staff Distribution:

Department of Planning and Development Services: Elbert Esparza

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.

QUARTER	SECTION	TOWNSHIP N.W.B.L.	RANGE E.W.M.
SE	2	29	5

A product of the Snohomish County Assessor's Office
Map generated on March 02, 2012



This sketch is for the purpose of showing the approximate general location of the premises without actual survey and Chicago Title assumes no liability in connection with the same.

PLAT CERTIFICATE

SCHEDULE A

(Continued) Order No.: 5756718C

LEGAL DESCRIPTION

TRACT 294, SUNNYSIDE FIVE ACRE TRACTS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 7, PAGE 19, RECORDS OF SNOHOMISH COUNTY, WASHINGTON;
EXCEPT THAT PORTION LYING EAST OF PUGET SOUND POWER & LIGHT CO'S EAST RIGHT-OF-WAY LINE AS RECORDED UNDER AUDITOR'S FILE NUMBER 34374), IN SNOHOMISH COUNTY, WASHINGTON.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

FINAL PLAT INTERNAL ROUTING 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:	Willow Springs	File	ZA05-123995D

Item	Department	Initials	Date
1. Plat Map- Checked & Approved	Land Dev.	SAS	6/7/13
	Planning	ADG	6/5/13
2. Letter of Segregation to Assessor	Planning	ADG	5/29/13
3. Water System/Sewer System			
Letter of Acceptance	Const. Insp.	N/A	
Asbuilts – Including Digital Files	Const. Insp.	N/A	
Bill(s) of Sale	Const. Insp.	N/A	
Maintenance and Warranty Funding	Const. Insp.	N/A	
4. Road/Storm Sewer			
Letter of Acceptance	Const. Insp.	SAS	6/6/13
Asbuilts – Including Digital Files	Const. Insp.	SAS	6/6/13
Bill(s) of Sale	Const. Insp.	SAS	6/6/13
Maintenance and Warranty Funding	Const. Insp.	SAS	6/6/13
5. Performance Bond – Submitted/Approved			
(If Required - Road and Storm Drain Only)	Const. Insp.	N/A	
6. Inspection Fees - Calculated and Paid	Const. Insp.	SAS	6/6/13
7. Final Plat Fee - Calculated and Paid	Planning	ADG	4/26/13
8. TIP Fees: Not required until building permit is issued.	Planning	ADG	
9. Parks Mitigation Fees: Not required until building permit is issued.	Planning	ADG	
10. School District Mitigation Fees: Not required until building permit is issued.	Planning	ADG	
11. Signage and Striping Installed	Const. Insp.	SAS	6/7/13

12. Final Grading and TESC Inspection	Const. Insp.	SAS	6/6/13
13. Satisfied Hearing Examiner's Conditions of Approval	Planning	ADG	6/5/13
14. Utility/Recovery/Main Fees	Land Dev.	SAS	6/6/13
Plat Approved for Recording:			
Community Development Director:			
Date:			
City Engineer:			
Date:			
Note: The final plat will not be scheduled before the City Council until this checklist is complete.			

DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS THAT NATURAL 9 HOLDINGS, 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 PRIVATE ROAD TRACT 996, 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 79TH AVE. NE FROM LOT 7, 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 LOT.

TRACT 998 IS FOR STORMWATER DETENTION AND IS HEREBY CONVEYED TO THE CITY OF MARYSVILLE UPON RECORDING OF THIS PLAT.

TRACTS 990, 991, 992, 993, 994, 995, 996, 997, AND 999 ARE HEREBY GRANTED AND CONVEYED TOGETHER WITH ALL MAINTENANCE OBLIGATIONS TO THE WILLOW SPRINGS 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.

NATURAL 9 HOLDINGS, LLC

BY: _____
TIM KAINTZ, MEMBER

ACKNOWLEDGMENTS

STATE OF WASHINGTON }
} ss
COUNTY OF SNOHOMISH }

THIS IS TO CERTIFY THAT ON THIS ____ DAY OF _____, 2013, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, PERSONALLY APPEARED TIM KAINTZ, TO ME KNOWN TO BE THE PERSON WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT HE SIGNED THE SAME AS HIS FREE AND VOLUNTARY ACT AND DEED FOR THE USES AND PURPOSES THEREIN MENTIONED. WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR FIRST ABOVE WRITTEN.

_____
NOTARY SIGNATURE

_____ DATED: _____
(PRINT NAME)
NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON
RESIDING AT _____
MY APPOINTMENT EXPIRES: _____

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 OR DETRIMENTAL TO CITY 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) GARAGES SHALL BE SET BACK A MINIMUM OF 18 FEET FROM THE FRONT PROPERTY LINE.

(6) DUPLEXES WILL NOT BE PERMITTED ON ANY LOT OF THIS SUBDIVISION.

(7) 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 30.33 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.

(8) THERE SHALL BE NO DIGGING, GRADING, BUILDING OR FENCEING ALLOWED WITHIN GAS EASEMENT.

©

EASEMENTS, RESTRICTIONS AND COVENANTS (CONTINUED)

(9) TRACT 998 IS A PRIVATE ROAD. THE COST OF CONSTRUCTION AND MAINTAINING TRACT 998 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 TRACT 998 MAY BE HELD. IN THE EVENT THAT THE OWNERS OF ANY LOTS SERVED BY TRACT 998 OF THIS PLAT SHALL PETITION MARYSVILLE CITY COUNCIL TO INCLUDE TRACT 998 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.

(10) 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 LAKE STEVENS SCHOOL DISTRICT NO. 4 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 1 EXISTING PARCEL. LOT 1 SHALL RECEIVE CREDIT.

TRAFFIC MITIGATION FEES

PAYMENT IN THE AMOUNT OF $2,137.79 PER LOT FOR MITIGATION OF IMPACTS ON SNOHOMISH COUNTY ROADS, SHALL BE PAID TO THE CITY OF MARYSVILLE PRIOR TO BUILDING PERMIT ISSUANCE.

PAYMENT IN THE AMOUNT OF $89.92 PER LOT FOR TRANSPORTATION DEMAND MANAGEMENT PAID TO THE CITY OF MARYSVILLE FOR TSA A PRIOR TO BUILDING PERMIT ISSUANCE.

PAYMENT IN THE AMOUNT OF $3,368.06 PER LOT FOR MITIGATION OF IMPACTS ON CITY OF MARYSVILLE ROADS, SHALL BE PAID TO THE CITY OF MARYSVILLE PRIOR TO BUILDING PERMIT ISSUANCE.

PAYMENT IN THE AMOUNT OF $825.58 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 $48.82 PER NEWLY APPROVED DWELLING UNIT PURSUANT TO CHAPTER 30.66A. PAYMENT OF THESE MITIGATION FEES IS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE; PROVIDED THAT THE BUILDING PERMIT HAS BEEN ISSUED WITHIN FIVE YEARS AFTER THE APPLICATION IS DEEMED COMPLETE. AFTER FIVE YEARS, PARK IMPACT FEES SHALL BE BASED UPON THE RATE IN EFFECT AT THE TIME OF BUILDING PERMIT ISSUANCE.

OPEN SPACE PROTECTION

ALL OPEN SPACE SHALL BE PROTECTED AS OPEN SPACE IN PERPETUITY, INCLUDING TRACTS 990-995, 997 & 999. USE OF THE OPEN SPACE TRACTS WITHIN THIS SUBDIVISION IS RESTRICTED TO THOSE USES APPROVED FOR THE SUBDIVISION, 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

ALL NATIVE GROWTH PROTECTION AREAS SHALL BE LEFT PERMANENTLY UNDISTURBED IN A SUBSTANTIALLY NATURAL STATE, INCLUDING TRACT 999. 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 30.91N.010 ARE ALLOWED WHEN APPROVED BY THE COUNTY.

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

PUBLIC TRAIL EASEMENT

A PUBLIC TRAIL EASEMENT WITHIN TRACTS 997 AND 999 IS HEREBY RESERVED FOR AND GRANTED TO THE CITY OF MARYSVILLE FOR CONSTRUCTION AND OPERATION OF PUBLIC TRAIL FACILITIES. THE CITY OF MARYSVILLE IS HEREBY RESPONSIBLE FOR THE MAINTENANCE OF THE PUBLIC TRAIL FACILITIES WITHIN SAID EASEMENT. THE LOCATION OF SAID EASEMENT IS OVER THOSE PORTIONS OF TRACTS 997 AND 999 WHICH ARE ENCUMBERED BY EXISTING UTILITY EASEMENT, SPECIFICALLY THE EAST 10 FEET OF THE GAS EASEMENT RECORDED UNDER RECORDING NUMBER 1682699 AND THE WEST 20 FEET OF THE PSPL POWER EASEMENT RECORDED UNDER RECORDING NUMBER 343740.

UTILITY EASEMENTS

A UTILITY EASEMENT, TOGETHER WITH INGRESS, EGRESS AND MAINTENANCE RIGHTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, OPERATING AND MAINTAINING THE SANITARY SEWER SYSTEM AND ASSOCIATED APPURTENANCES IS HEREBY GRANTED TO THE CITY OF MARYSVILLE, OVER, UNDER, ACROSS AND THROUGH THAT PORTION OF LOTS 1 THROUGH 13, AS SHOWN TOGETHER WITH TRACTS 990, 991, 992, 993, 994, 995, 996, 997, 998, AND 999 IN THEIR ENTIRETY.

A UTILITY EASEMENT, TOGETHER WITH INGRESS, EGRESS AND MAINTENANCE RIGHTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, OPERATING AND MAINTAINING THE WATER SYSTEMS AND ASSOCIATED APPURTENANCES IS HEREBY GRANTED TO SNOHOMISH COUNTY PUD, ITS SUCCESSORS AND ASSIGNS, OVER, UNDER, ACROSS AND THROUGH THAT PORTION OF LOTS 1 THROUGH 13, AS SHOWN TOGETHER WITH TRACTS 990, 991, 992, 993, 994, 995, 996, 997, 998, AND 999 IN THEIR ENTIRETY.

A UTILITY EASEMENT, TOGETHER WITH INGRESS, EGRESS AND MAINTENANCE RIGHTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, OPERATING AND MAINTAINING THE STORMWATER SYSTEMS AND ASSOCIATED APPURTENANCES IS HEREBY GRANTED TO THE CITY OF MARYSVILLE, OVER, UNDER, ACROSS AND THROUGH THAT PORTION OF LOTS 1 THROUGH 13, AS SHOWN TOGETHER WITH TRACTS 990, 991, 992, 993, 994, 995, 996, 997, 998, AND 999 IN THEIR ENTIRETY.

10 FOOT FRONTAGE UTILITY EASEMENT

AN EASEMENT SHALL BE RESERVED FOR AND GRANTED TO ALL UTILITIES SERVING THE SUBJECT PLAT AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, UNDER AND UPON THE EXTERIOR (10) FEET PARALLEL WITH AND ADJOINING THE STREET FRONTAGE OF ALL LOTS IN WHICH TO INSTALL, LAY, CONSTRUCT, RENEW, OPERATE AND MAINTAIN UNDERGROUND CONDUITS, CABLES, PIPE AND WIRES WITH NECESSARY FACILITIES AND OTHER EQUIPMENT FOR THE PURPOSE OF SERVING THIS SUBDIVISION AND OTHER PROPERTY WITH ELECTRIC, TELEPHONE, AND UTILITY SERVICE, TOGETHER WITH THE RIGHT TO ENTER UPON THE LOTS AT ALL TIMES FOR THE PURPOSE HEREIN STATED. DRAINAGE EASEMENTS DESIGNATED ON THE PLAT ARE HEREBY RESERVED FOR AND GRANTED TO THE CITY OF MARYSVILLE, EXCEPT THOSE DESIGNATED ON THE PLAT AS PRIVATE EASEMENTS, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS AND THE RIGHT TO EXCAVATE, CONSTRUCT, OPERATE, MAINTAIN, REPAIR AND/OR REBUILD AN ENCLOSED OR OPEN-CHANNEL STORM WATER CONVEYANCE SYSTEM AND/OR OTHER DRAINAGE FACILITIES, UNDER, UPON OR THROUGH THE DRAINAGE EASEMENT.

SEWER EASEMENTS

SANITARY SEWER EASEMENTS DESIGNATED ON THE PLAT ARE FOR SEWER MAIN LINES ONLY, SIDE SEWER MAINTENANCE IS THE RESPONSIBILITY OF THE INDIVIDUAL HOMEOWNER SERVED BY THE SIDE SEWER.

SUBJECT TO:

1. SUBJECT TO A PUGET SOUND POWER AND LIGHT COMPANY, AND CORPORATION EASEMENT PER RECORDING NO. 343740.

2. SUBJECT TO AN EASEMENT TO OLYMPIC PIPE LINE COMPANY PER RECORDING NO. 1682699.

3. SUBJECT TO CITY OF MARYSVILLE RECOVERY CONTRACT NO. 233 PER RECORDING NO. 200105300299.

4. SUBJECT TO CITY OF MARYSVILLE RECOVERY CONTRACT NO. 251 PER RECORDING NO. 200304240256.

5. SUBJECT TO CITY OF MARYSVILLE RECOVERY CONTRACT NO. 253 PER RECORDING NO. 200304240268.

6. SUBJECT TO CITY OF MARYSVILLE RECOVERY CONTRACT NO. 272 PER RECORDING NO.200702010096.

LEGAL DESCRIPTION

TRACT 294, SUNNY SIDE 5 ACRE TRACTS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 7, PAGE 19, RECORDS OF SNOHOMISH COUNTY, WASHINGTON;
EXCEPT THAT PORTION LYING EAST OF PUGET SOUND POWER AND LIGHT CO'S EAST RIGHT-OF-WAY LINE AS RECORDED UNDER AUDITOR'S FILE NUMBERS 343740 IN 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 TIM KAINTZ IN MAY, 2013.

I HEREBY CERTIFY THAT THE PLAT OF WILLOW SPRINGS IS BASED UPON AN ACTUAL SURVEY AND SUBDIVISION OF SECTION 2, TOWNSHIP 29 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
STATE OF WASHINGTON
37536
REGISTERED
PROFESSIONAL LAND SURVEYOR

_____
DARREN J. RIDDLE
PROFESSIONAL LAND SURVEYOR
CERTIFICATE NO. 37536

_____
DATE

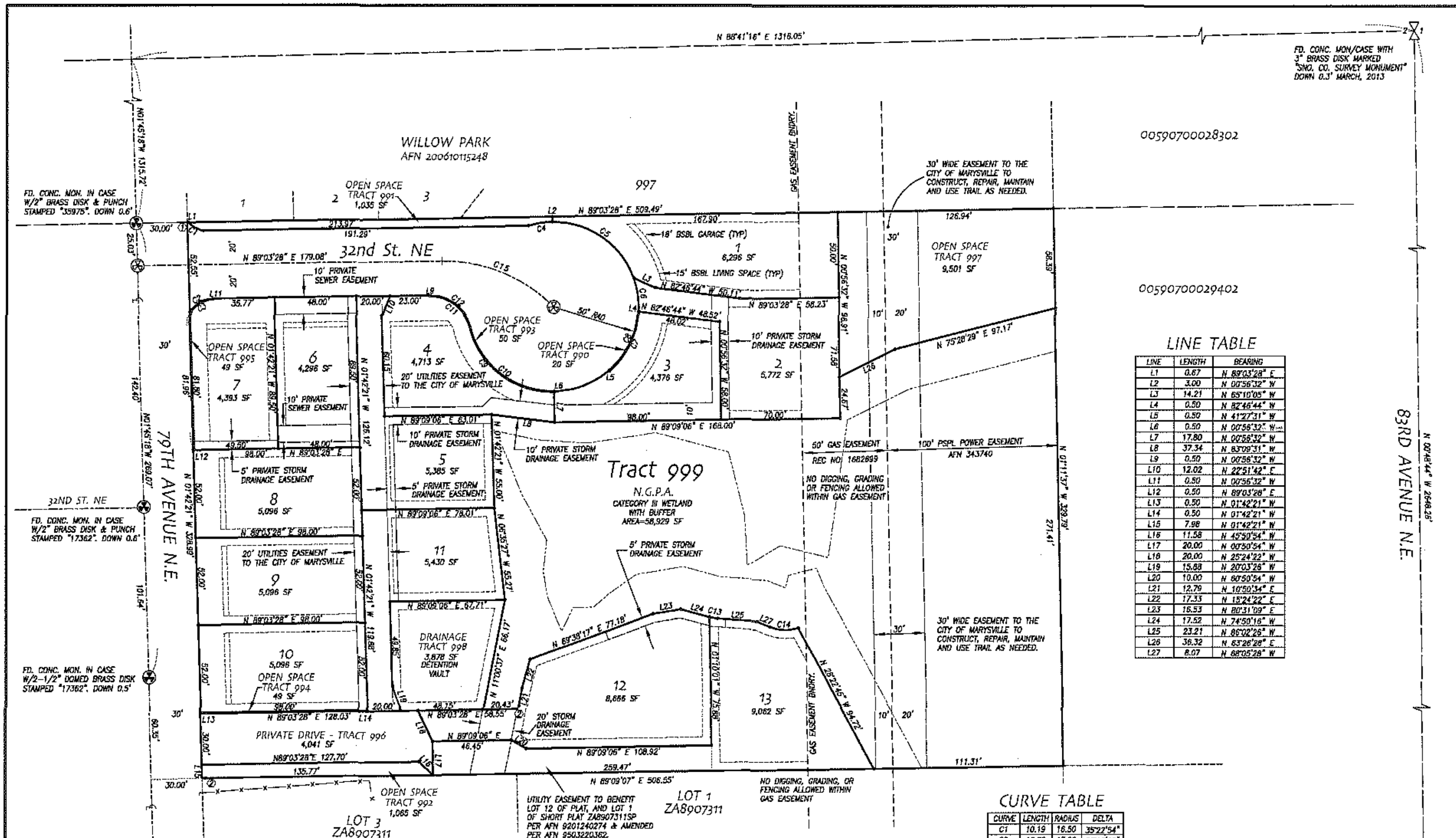
A.F. NO. _____

SHEET 1 of 2

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:
WILLOW SPRINGS
PFN: 05-123399SD
CITY OF MARYSVILLE, SNOHOMISH COUNTY, WA
SE 1/4 & SE/4, SW 1/4, SEC.2, T.29N., R.5E., W.M.

DRAWN BY	DATE	DRAWING FILE NAME	SCALE	JOB NO.
MAH	6.06.13	13621FPM.DWG	1" = 40'	13-621



LINE TABLE

LINE	LENGTH	BEARING
L1	0.67	N 89°03'28" E
L2	3.00	N 00°56'32" W
L3	14.21	N 65°10'05" W
L4	0.50	N 82°46'44" W
L5	0.50	N 41°27'31" W
L6	0.50	N 00°56'32" W
L7	17.80	N 00°56'32" W
L8	37.34	N 83°09'31" W
L9	0.50	N 00°56'32" W
L10	12.02	N 22°51'42" E
L11	0.50	N 00°56'32" W
L12	0.50	N 89°03'28" E
L13	0.50	N 01°42'21" W
L14	0.50	N 01°42'21" W
L15	7.98	N 01°42'21" W
L16	11.58	N 45°50'54" W
L17	20.00	N 00°50'54" W
L18	20.00	N 25°24'22" W
L19	15.88	N 20°03'26" W
L20	10.00	N 60°50'54" W
L21	12.79	N 10°50'34" E
L22	17.33	N 15°24'22" E
L23	16.53	N 80°31'09" E
L24	17.52	N 74°50'16" W
L25	23.21	N 86°02'26" W
L26	36.32	N 63°26'28" E
L27	8.07	N 68°05'28" W

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA
C1	10.19	16.50	35°22'54"
C2	16.68	17.00	56°12'12"
C3	16.03	16.50	55°40'00"
C4	14.19	50.00	16°15'37"
C5	61.94	50.00	70°58'55"
C6	20.17	50.00	23°07'07"
C7	39.96	50.50	45°20'33"
C8	75.06	50.00	86°00'57"
C9	67.68	50.50	76°47'01"
C10	67.01	50.00	76°46'56"
C11	32.88	24.50	76°53'57"
C12	33.55	25.00	76°53'57"
C13	4.89	25.00	11°12'10"
C14	17.06	25.00	39°06'32"
C15	72.98	90.00	46°27'28"

LEGEND

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

SCALE: 1" = 40'
0 40 80

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 CENTERLINE LINE OF 79TH AVENUE N.E. AS THE BEARING OF NORTH 01°42'21" WEST.

DARREN J. RIDDLE — STATE OF WASHINGTON — 37536 — REGISTERED PROFESSIONAL LAND SURVEYOR

A.F. NO. ____________

SHEET 2 of 2

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