

PLANNING COMMISSION RESOLUTION NO. 94-34

A RESOLUTION OF THE CITY OF MILL CREEK)
PLANNING COMMISSION, RECOMMENDING)
APPROVAL TO THE CITY COUNCIL OF THE)
CITY OF MILL CREEK, WASHINGTON OF A) FINDINGS,
PRELIMINARY PLAT/PLANNED RESIDENTIAL) REASONS AND
DEVELOPMENT FOR A NINE (9) LOT) RECOMMENDATIONS
RESIDENTIAL SUBDIVISION TO BE KNOWN AS)
"THE PARKS AT MILL CREEK, DIVISION 5.")
CASE FILE NUMBER PP 94-39.)

WHEREAS, Countrywood Homes, Inc. has submitted the appropriate information to the City of Mill Creek for consideration of a Preliminary Plat/Planned Residential Development for a nine (9) lot single-family residential subdivision located south of Seattle Hill Road, west of 35th Avenue and east of the Highlands, Division IV, within the City of Mill Creek; and

WHEREAS, the City of Mill Creek's SEPA Official issued a Mitigated Determination of Non-Significance and Notice of Property Development Impact Mitigation, pursuant to RCW 43.21C, and Chapters 17.48 and 18.04 MCMC; and

WHEREAS, on March 4, 1994, a legal notice stating the time, place and purpose of the public hearing was published in the Everett Herald, and on March 4, 1994, was posted on the property pursuant to MCMC 17.36.040 and sent to surrounding property owners within 500 feet of the site in accordance with MCMC 17.36.040; and

WHEREAS, the Planning Commission duly convened a public hearing on March 17, 1994, to consider the matter, took testimony and inquired into the facts of the proposal.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF MILL CREEK:

Section 1: The Planning Commission has considered the staff report, attached as Exhibit A, and the proposed preliminary plat, attached as Exhibit B, all incorporated herein, and the testimony and other facts elicited at the public hearing and finds that the proposed preliminary plat/planned residential development is consistent with the Mill Creek Comprehensive Plan the Mill Creek Subdivision and Zoning ordinances if conditioned to make appropriate provisions for the public health, safety and general welfare.

Section 2: The Planning Commission adopts the findings and recommendations as contained in Exhibit A, as they may be modified by the Planning Commission discussion and recommendation contained in Exhibit C, attached and incorporated herein.

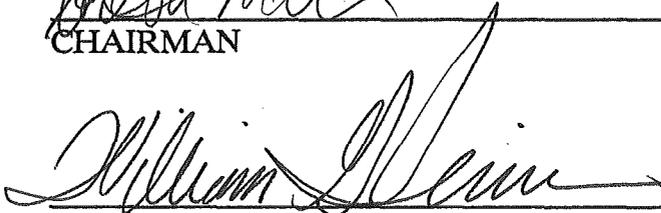
Section 3: The Planning Commission, therefore, recommends to the City Council approval of a nine (9) lot preliminary plat/planned residential development for Countrywood Homes, Inc. as fully described and conditioned in Exhibit A, Exhibit B, and Exhibit C.

Done and Passed by majority vote, this seventeenth day of March, 1994.

CITY OF MILL CREEK PLANNING COMMISSION



CHAIRMAN



SECRETARY OF THE PLANNING COMMISSION

ATTACHMENT: Exhibit A - Staff Report
Exhibit B - Preliminary Plat Map
Exhibit C - Planning Commission Motion with Conditions

EXHIBIT A

**DEPARTMENT OF COMMUNITY DEVELOPMENT
STAFF REPORT
TO THE CITY OF MILL CREEK PLANNING COMMISSION**

PART I - SUMMARY INFORMATION

**HEARING
DATE:**

March 17, 1994

OWNER:

Countrywood Homes, Inc.
14410 Bel-Red Road
Bellevue, Washington 98007

REPRESENTATIVE:

Subdivision Management, Inc.
16031 - 119th Place Northeast
Bothell, Washington 98011

**REQUESTED
ACTION:**

Planned Residential Development/ Preliminary Plat approval for a 9-lot subdivision to be developed with single-family detached residences.

LOCATION:

The subject site is located south of Seattle Hill Road, west of 35th Avenue Southeast and east of the Highlands development within Section 5, Township 27 North, Range 5 East, W.M. Snohomish County.

SIZE:

2.3 acres

**LEGAL
DESCRIPTION:**

Refer to Attachment 1

**COMPREHENSIVE
PLAN DESIGNATION:**

Single-Family Low Density, 4 Dwelling Units per Acre

ZONING DISTRICT:

R 9600 - Residential Single-Family

PART II - STATUTORY REQUIREMENTS

SEPA COMPLIANCE/ DEVELOPMENT IMPACT MITIGATION ORDINANCE:

The City's SEPA Official has determined that this proposal does not have a probable significant adverse impact on the environment. Therefore, an environmental impact statement was not required under the provisions of RCW 43.21C.030(2)(C). The project is also subject to the provisions of Chapter 17.48 Mill Creek Municipal Code (MCMC), Development Impact Mitigation.

City staff has identified certain elements of the environment that require mitigation pursuant to SEPA as well as impacts on public facilities that require mitigation pursuant to Chapter 17.48 MCMC. On January 26, 1994 a Mitigated Determination of Non-Significance (MDNS)/ Notice of Property Development was issued for the proposed project. Specific measures are required to mitigate development impacts and have been incorporated into the appropriate recommended conditions of approval.

INTERJURISDICTIONAL AGREEMENTS:

The City has adopted separate interlocal agreements with Snohomish County and the Everett School District regarding joint review, comment and imposition of appropriate mitigation and conditions that affect the proposed project. This application has been reviewed by Snohomish County and the Everett School District and their comments are reflected in the recommended conditions.

NOTICE:

According to Section 17.36.040 MCMC, notice of the public hearing was mailed to property owners of record within 500 feet of the proposed project on March 4, 1994, published in the Everett Herald on March 4, 1994, and the property was posted in three places on March 4, 1994.

PART III - BACKGROUND INFORMATION

HISTORY:

The subject site is located within the City's Interim Urban Growth Area that was adopted as part of the Comprehensive Plan in January 1992. The site was annexed to the City in December 1992 as part of the East Neighborhood Annexation. A zoning classification of RC 2.5 was applied to the property at the time of annexation. The property was reclassified to R 9600 - Residential

HISTORY CONTINUED:

Single-Family in February 1993, as part of the citywide rezone to implement the Land Use Map of the Comprehensive Plan. The City Council approved Divisions I, II, III and IV in 1993 as recommended by the Planning Commission.

**EXISTING SITE
CHARACTERISTICS:**

The proposed project constitutes the fifth division of a larger project known as The Parks at Mill Creek. The first four divisions contain a total of 140 lots and two neighborhood park sites.

The project site for this application is located between Divisions I and II and encompasses approximately 2.3 acres. A single family residence was recently moved from the site, although a garage remains.

The site is flat and similar to much of the land in the City, the soils are the Alderwood series. The Soil Conservation Service (SCS) has classified the soils as Alderwood Gravelly Sandy Loam 2-5% slope. This soil type has slight to moderate limitations for residential development primarily due to septic tank drain field suitability resulting from poor drainage and seasonal wetness and the need for foundation drainage for buildings and crawl spaces.

Since the proposed plat will be served by public sewers, the limitation for septic tank drain fields is not applicable. The requirement for foundation drainage is made by the City Building Official at the time of construction of the future residences.

VEGETATION:

As mentioned above the previous use of the property was a single family residence and detached garage both located in the northern half of the site. The remainder of the site is moderately forested with stands of trees located on the north south and east sides of the site. The predominant species is Cedar; however, Douglas Fir and Hemlock are also present.

LAND USE:

Surrounding land uses are as follows:

To the north is Division I of The Parks development approved for 63 future residences;

To the east is a single family residence on a 2.3 acre lot;

To the west are three developed lots located in Division IV of the Highlands development; and

LAND USE CONTINUED:

To the south is Division II of The Parks development approved for 47 future residences.

UTILITIES:

The subject site is located within the service area of the Alderwood Water District. Water and sewer service is available and will be installed in conjunction with the plat construction for Divisions I and II. Electrical service will be provided by Snohomish County PUD and natural gas service by Washington Natural Gas.

FIRE PROTECTION:

Fire protection, suppression and emergency medical service will be provided by Fire District No. 7.

SUBDIVISION PROCESS AND DESIGN:

PROCESS

The PRD process contained in Section 16.12 of the Subdivision Ordinance is intended as an alternate form of development to allow more flexibility while retaining significant natural features or providing public and private amenities. Under this process, many of the zoning and subdivision dimensional and bulk standards may be modified except for street setbacks on exterior streets, surveying standards, permitted uses and the engineering and design standards for public improvements. (This process was also used in the neighboring developments of the Highlands, The Springs, and The Parks Divisions I,II, III and IV.)

The applicant has requested the following modifications as allowed by the PRD regulations:

1. Modification of the minimum lot size of 9,600 square feet to an averaging method.
2. Reduction of the required setbacks on individual lots.
3. Modification of the lot width requirements from sixty feet measured at the street to sixty feet measured at the front setback line.

SUBDIVISION PROCESS AND DESIGN CONTINUED:

SUBDIVISION DESIGN

General Description

The proposed 9 lot plat has been designed as a continuing phase of a much larger development that will ultimately create a distinct neighborhood. It is one of three properties separating Divisions I and II. The proposed plat will provide the road linkage between Divisions I and II and is consistent with the East Neighborhood Master Circulation Plan approved by the Planning Commission in September 1993.

Lot Layout

The proposed lots are arranged in a north/south alignment and are separated by an extension of 32nd Avenue S.E. There are five (5) lots on the west (lots 1-5) and four (4) lots on the east of 32nd Avenue. The lots on the east side of the plat are divided by a portion of 151st Street S.E. that will provide future access to the property east of the subject site. Similar to the Highlands and Divisions II and III of the Parks, there will be a property buffer (tree preservation easement) on the rear twenty feet of proposed lots that will be adjacent to existing or future lots.

Access and Circulation

As mentioned above, the East Neighborhood Circulation Plan is being used as a guide for all future development in the area. Access will be from Division I on the north and Division II on the south. Pedestrian access will be provided by public sidewalks on the internal street and connected to the public sidewalks in Divisions I and II.

Utilities

Sanitary sewer and water service is currently located on the northern and western boundaries of the site. The project proponent will be required to extend the utilities throughout both divisions.

Stormwater runoff will be collected in the streets and conveyed to a detention vault in Division I where settling of particulates will occur. It will then have a measured release into existing drainage courses in unincorporated Snohomish County.

**CONSISTENCY WITH
THE MILL CREEK
COMPREHENSIVE
PLAN:**

The proposed plat has been reviewed for consistency with the Mill Creek Comprehensive Plan. Since the plan is by its nature "comprehensive" or a broad policy document, staff has focused on the applicable policies that either have direct influence on the design of this project or are geographically specific to the request.

To be approved, the proposed plat must be consistent with the land use map and applicable policies of the Comprehensive Plan. Since this project represents a small portion of a much larger project that was previously found to be consistent with the plan and approved by the City, staff has not presented the expanded policy review and comment similar to that contained in the record for Divisions I - IV. We have reviewed this application with the applicable policies of the Comprehensive Plan as well as the previous policy analysis for Divisions I - IV and found it to be consistent with both the map and policies of the plan. The applicable policies of the plan are:

LAND USE ELEMENT

Policies 1.03, 1.07, 1.10, 1.13, 1.15, 1.16, and 1.17

COMMUNITY FACILITIES AND UTILITIES ELEMENT

Policies 1.01, 1.03, 4.01, and 6.01

TRANSPORTATION ELEMENT

Policies 2.01, 2.02, 3.01, 3.03, 4.01, and 4.03

ENVIRONMENTAL FEATURES ELEMENT

Policies 1.02, 1.03, 4.03, and 4.05

In summary, staff has reviewed the applicable policies of the Comprehensive Plan, as well as the approved findings and conclusions from the previous four divisions of The Parks development. Based on this review, we find that the proposed project complies with the applicable policies or that the policies provide further direction in the development of the conditions of approval.

CONSISTENCY WITH THE MILL CREEK COMPREHENSIVE PLAN CONTINUED:

Please note that the transportation map in the Comprehensive Plan is contrary to the policies regarding the creation of distinct identifiable neighborhoods, and precluding additional traffic from having access through existing neighborhoods. Based on the previous approval of Divisions I and II and consistent with Planning Commission Resolution 93-31 establishing an overall Circulation Plan for the portion of the East Neighborhood south of Seattle Hill Road, the transportation map should be amended through the Growth Management Act revision process.

CONSISTENCY WITH SUBDIVISION REGULATIONS:

This application is being processed under the provisions of the planned area development section of the subdivision regulations (Chapter 16.12 MCMC), which allows modification of zoning and subdivision requirements with certain limitations and conditions. The following section evaluates the proposed plat with the criteria for reviewing and approving preliminary plats that are found in MCMC Sections 16.12 and 16.18.010(c).

Since the proposal is a planned residential development, it has been evaluated consistent with the following provisions of Chapter 16.12 MCMC - Planned Area Development. Since this application constitutes the fifth division of one development, staff has determined that, where appropriate, the evaluation for consistency will be applied for the combined area of all divisions.

Subdivision Review Criteria

1. The preliminary subdivision and binding site plan meets the requirements and intent of the MCMC and adopted City plans.

Comment:

The gross density that is allowed for the development of single-family homes within the East Neighborhood Annexation area, as designated on the Land Use Map of the Comprehensive Plan, is four (4) units per acre. The gross density for all divisions of The Parks, including the proposed plat, is 3.4 units per acre. The proponents have chosen the PRD process and among the modifications sought is a reduction in the minimum lot size. The average lot area of the proposed project is 8,615 square feet.

CONSISTENCY WITH SUBDIVISION REGULATIONS CONTINUED:

Also, the proposed plat is located adjacent to the Highlands subdivision, which was also developed under the provisions of the PRD regulations. The lot layout, size, and design of the proposed plat with neighborhood park facilities and open space tracts is similar to the adjacent properties.

2. The proposed plat makes adequate provisions for open space, drainage ways, streets and other public ways, water supply, sanitary wastes, parks, playgrounds, sites for schools, and school grounds.

Comment:

The streets and sidewalks within the proposed development comply with the standards required by the City Engineer. The applicants have agreed to mitigate their recreational impacts through the payment of park impact fees to be used for development of the proposed neighborhood parks in Division I and II. Utilities are available with sufficient capacity to serve the site and the final drainage plans will be reviewed for adequacy in managing projected off-site flows. Contributions will be required to mitigate proportionate share impacts on City streets.

In addition to mitigating impacts on public facilities within the City, the applicant will also contribute proportionate share impact mitigation to Snohomish County for road and transportation impacts and to the Everett School District for impacts on the school facilities.

3. The subdivision or development is beneficial to the public health, safety, and welfare and is in the public interest.

Comment:

The execution of mitigation agreements with the proponent will include funds for the development of neighborhood parks and contributions for improvements to the City road system.

4. Section 16.12.030, requires that a planned residential development must be located on a minimum lot size of 4.9 acres.

CONSISTENCY WITH SUBDIVISION REGULATIONS CONTINUED:

Comment:

The subject site contains 2.3 acres. However, the total for all five divisions is 43 acres.

5. Section 16.12.040, directs that certain bulk regulations may be modified in a planned residential development.

Comment:

The requested modifications include a reduction in the minimum lot size from 9,600 square feet and reduction of the required yard setbacks from twenty (20) feet to ten (10) feet for front and rear yards and a reduction from a total of twenty (20) feet to a total of ten (10) feet for side yards. These requested modifications are consistent with those allowed under said section.

While the setback and lot width standards may be reduced, the applicant must comply with the 35% lot coverage requirement. Thus, the modification of setbacks allows more flexibility in the location of houses on the lots but not more coverage by structures.

6. Section 16.12.050, indicates that the number of dwelling units in a PRD may be 120% of the permitted density of the zone district. This section also establishes a formula for computing the allowable density determined by establishing a net development area that accounts for the unbuildable lands and the internal road systems.

Comment:

Based on the density calculation formula, the subject site could be developed with 9.6 residential lots. The proposed project has 9 lots.

7. Section 16.12.060, directs that 20% of the net development area in a PRD, must be established as open space and community recreation facilities.

CONSISTENCY WITH SUBDIVISION REGULATIONS CONTINUED:

Comment:

This division does not contain the amount of open space that would be required if this was an individual application. However, since it is a portion of a larger development, staff has determined that the open space requirements are in compliance with the subdivision regulations.

Based on the formula contained in the PRD regulations, approximately 7.03 acres of open space is required for all five divisions. The applicants are proposing to provide 7.33 acres of open space. The two park sites contain 5.1 acres, and the balance of the open space is located in the roadway buffers/cutting preserves.

FINDINGS AND CONCLUSIONS:

Having viewed the property and reviewed the application and supporting materials, staff makes the following findings and conclusions:

1. The request is for the approval of a preliminary plat/planned residential development for 9 lots to be developed with single-family residences.
2. Access to the proposed plat would be from the internal streets of Divisions I and II.
3. The proposed project has been reviewed under the provisions of the State Environmental Policy Act (SEPA) and Chapter 17.48 MCMC, the Development Impact Mitigation Ordinance. This review has revealed that there will be an impact on the City street system, parks, and public school facilities that require mitigation.

In accordance with the Mitigated Determination of Non-Significance and Notice of Property Development Impact Mitigation issued by the responsible official on January 26, 1994, impact mitigation agreements will be required to mitigate the identified impacts.

4. The proposed plat is also subject to an Interlocal Transportation Agreement between the City of Mill Creek and Snohomish County for the review and mitigation of development

FINDINGS AND CONCLUSIONS CONTINUED:

impacts on the county road system. The City has received Snohomish County's comments pursuant to the Interlocal Transportation Agreement and SEPA, along with a request for the requirement of contributions to mitigate the specific impacts occurring from this development.

5. The Everett School District has requested that the applicant contribute fees in lieu of land dedication to mitigate the development impacts on District facilities.
6. The proposed plat is located within an R 9600 Residential Single-Family Zone District. By using the Planned Residential Development process, the setback lots and lot width requirements of the district may be modified.
7. The plat as described conforms to the provisions of the planned residential development section of the Mill Creek Subdivision Ordinance.
8. The proposed plat is compatible with regard to residential use, lot design, provision of public facilities, and property buffers that exist in adjacent developments.
9. The proposed plat has been reviewed and found consistent with the applicable policies and Land Use Map of the City of Mill Creek Comprehensive Plan.
10. If approved subject to the conditions recommended below, the proposed plat will be consistent with the requirements of Title 16 MCMC, Plats and Subdivisions.
11. The statutory requirements for environmental review and public notification have been duly satisfied.

RECOMMENDATIONS: Based on the foregoing information, findings and conclusions, staff recommends to the Planning Commission approval of the proposed preliminary plat/planned residential development subject to the following conditions.

1. Development shall occur as portrayed on the preliminary plat map attached as Exhibit B, except as may be modified by conditions imposed by the Planning Commission.

RECOMMENDATIONS CONTINUED:

2. The maximum number of building lots shall be 9. Construction shall be limited to one single-family detached residence per lot.
3. There shall be a homeowners' association, which will be responsible for the maintenance of any privately owned facilities.
4. Water and sewer facilities shall be designed and installed in accordance with the requirements of the Alderwood Water District.
5. Stormwater management plans shall be submitted for review and approval by the City Engineer. The plans shall be prepared by a licensed engineer and incorporate stormwater treatment methods based on the Washington State Department of Ecology Stormwater Management Manual, Publication 92-32 Volume I and Publication 92-33 Volume II.

In accordance with the Interlocal Agreement with Snohomish County dated August 25, 1993, the county will be provided with an opportunity to review and comment on the stormwater plans prior to final approval by the City Engineer.

Oil/water separators shall be installed in catch basins in both divisions as determined by the City Engineer.

6. Standard sidewalks are required on both sides of the public streets within the plat.
7. All roadway sections shall be designed by a licensed engineer and the design reviewed and approved by the City Engineer. The design of the roadway section for all internal streets shall include provisions for a planting strip situated between the back of the curb and the outside edge of the sidewalk to accommodate street trees and shall be prepared by a licensed landscape architect.
8. In accordance with the Interlocal Transportation Agreement between Snohomish County and the City of Mill Creek for the mitigation of interjurisdictional development impacts, the applicant shall contribute \$ 19,436.00 to Snohomish County, subject to any credits approved by the county. Verification of payment shall be provided to the City before final plat approval.

RECOMMENDATIONS CONTINUED:

9. Payment of \$ 11,727.00 to the Everett School District. Verification of payment shall be provided to the City before final plat approval.

10. The execution of an impact mitigation agreement between the applicant and the City for \$ 6,321.00 for the following road improvement projects:

Seattle Hill Road Improvements - \$ 1,911.00
Traffic Signal at 23rd/25th Avenue - \$ 3,549.00
9th Avenue Intersection Improvements - \$ 402.00
164th Street Bridge Widening - Phase II - \$ 459.00

11. Submittal and approval of a street tree planting plan for all streets within the plat. The street tree plan shall be prepared by a licensed landscape architect and shall be reviewed and approved by the City Design Review Board prior to final plat approval. The plan shall be implemented commensurate with house construction.

12. Contribution of \$ 4457.00 to mitigate impacts on City park and recreation facilities. Of this amount, \$ 4,389.00 shall be used for the development of the neighborhood parks in Divisions I and II. The balance of the mitigation \$ 67.00 shall be used for the acquisition and development of a Community Park.

13. Twenty-foot property buffer easements shall be provided on the rear portions of Lots 3 - 5 for the purpose of tree preservation. If these areas are lacking in suitable trees for preservation, a reasonable number of trees shall be planted by the developer. Additional trees shall be preserved within the interior of the plat where appropriate.

14. The trees to be preserved shall be determined after a review of the tree survey on file with the City and on-site identification by City staff. Preservation areas and individual trees identified to be saved shall be protected from encroachment by vehicles, earth moving and excavating machinery and material storage by the erection of barrier fencing approved by City staff. Failure to maintain, or removal of the fencing without approval of the City, shall result in the issuance of a stop work order.

RECOMMENDATIONS CONTINUED:

15. Site clearing and grading shall be restricted to areas necessary for the installation of utilities, and construction of roads and sidewalks. No other clearing is allowed without the approval of City staff. No lot clearing shall be allowed nor building permits issued prior to the submittal and approval of individual tree preservation plans for each lot following approval by the City Council of the final plat.

16. Trees designated for preservation that are damaged or removed shall be replaced at a ratio of 3:1. The replacement trees shall be a coniferous species and have a minimum height at planting of twelve feet. In addition, a penalty of \$1,000.00 per tree may be assessed for any trees that are removed or destroyed by the applicant or his agent without the express approval of the City. The City may, at its discretion, issue a stop work order for the construction on the subject lots until the penalty is paid.

17. Fire hydrant design, location and spacing shall be reviewed and approved by Fire District No. 7 and the Alderwood Water District.

18. Mail boxes shall be grouped or clustered in locations identified by the United States Postal Service.

19. All utility, stormwater, drainage, maintenance easements, property buffers and pedestrian easements together with attendant restrictions and conditions shall be portrayed on the face of the final plat.

PLANNING COMMISSION

ACTION:

On March 17,1993, the Mill Creek Planning Commission held a public hearing on the preliminary plat application by Countrywood Homes. After reviewing the staff report and recommendation and taking public testimony, the Commission voted to recommend to the City Council approval of the preliminary plat of the Parks at Mill Creek, Division V, subject the following change to the recommended conditions of approval.

Condition 3. There shall be a homeowners association incorporated into the homeowners association of the other divisions of the Parks at Mill Creek which will be responsible for the maintenance of any privately owned facilities.

w:\data\plan\wp\pete\pk5_A.tem

ATTACHMENT 1

LEGAL DESCRIPTION

The W 304 feet of that portion of the N ½ of the N ½ of the NE ¼ of the SE ¼ of Sec. 5, Twn. 27 N, R 5 E, W.M., lying Westerly of York Road.

(ALSO KNOWN as Lot 1 of Short Plat No. SP319 (10-83) recorded March 15, 1984, under Recording No. 8403150199).

TOGETHER WITH an easement for ingress, egress and utilities over, under, through and across the N 30 feet of that portion of the N ½ of the N ½ of the NE ¼ of the SE ¼ of said Sec. 5, lying Westerly of York Road as established,
EXCEPT the W 304 feet thereof;
ALSO EXCEPT the Easterly 25 feet dedicated to the public for road.

Situate in the County of Snohomish, State of Washington.