

PLANNING COMMISSION RESOLUTION NO. 89-08

A RESOLUTION OF THE CITY OF MILL)
CREEK PLANNING COMMISSION,)
RECOMMENDING APPROVAL TO THE)
CITY COUNCIL OF THE CITY OF MILL) FINDINGS,
CREEK, WASHINGTON OF A) REASONS AND
PRELIMINARY PLAT FOR HAMLIN PARK,) RECOMMENDATIONS
A EIGHTY ONE (81) LOT RESIDENTIAL)
SUBDIVISION. CASE FILE NUMBER LP 88-)
26.)

WHEREAS, William Buchan, Inc. has submitted the appropriate information to the City of Mill Creek for the consideration of a Preliminary Plat, for an eighty one (81) lot, single-family residential subdivision located between Seattle Hill Road and Village Green Drive, west of 33rd Avenue SE and north of the Highlands, to be known as Hamlin Park; and

WHEREAS, the City of Mill Creek's SEPA Official issued a Mitigated Declaration of Non-Significance on August 24, 1989, pursuant to RCW 43.21C; and

WHEREAS, on September 15, 1989, a legal notice stating the time, place and purpose of the public hearing was published in the Everett Herald, 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 September 28, 1989, to consider the matter; and

WHEREAS, the Planning Commission directed Mill Creek City staff and William F. Buchan, Incorporated to revise the proposed Preliminary Plat; and

WHEREAS, the Planning Commission continued review of the matter at the

regular Commission meeting on November 16, 1989.

NOW, THEREFORE, BE IT RESOLVED:


Section 1: The Planning Commission has considered the proposed Preliminary Plat, attached as Exhibit B and revised plan Exhibit E, the staff report, attached as Exhibit A and amended as Exhibit D, all incorporated herein, and finds that the proposed preliminary plat is consistent with 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 D, 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 eighty one (81) lot preliminary plat for Hamlin Park as fully described and conditioned in Exhibit C, Exhibit D and Exhibit E.

Done and Passed by majority vote, this sixteenth day of November, 1989.

CITY OF MILL CREEK PLANNING COMMISSION


PETER HALLER, CHAIRMAN


SECRETARY OF THE PLANNING COMMISSION

- ATTACHMENT: Exhibit A - Staff Report
- Exhibit B - Preliminary Plat Map
- Exhibit C - Planning Commission Motion with conditions
- Exhibit D - Staff Report (Amended)
- Exhibit E - Revised Plat Map

EXHIBIT A
DEPARTMENT OF COMMUNITY DEVELOPMENT
STAFF REPORT
TO MILL CREEK PLANNING COMMISSION

PART I: SUMMARY INFORMATION

HEARING DATE: September 28, 1989

NAME OF PROJECT: Hamlin Park

OWNER: William Buchan Inc.
11555 Northup Way
Bellevue, WA 98004

APPLICANT/
REPRESENTATIVE: Greg Nelson

TYPE OF REQUEST: Preliminary Plat approval of an 81 lot residential subdivision

LOCATION: The subject site is situated north of Seattle Hill Road, west of 33rd Ave. SE, between Village Green Drive and Seattle Hill Road within Section 5, Township 27 North, Range 5 East, W.M. Snohomish County, Washington.

LEGAL DESCRIPTION: Attached

COMPREHENSIVE PLAN
DESIGNATION: The North Creek Comprehensive Plan designates the wetland portion of this site as watershed site sensitive, and the remaining non-wetland area as Suburban Residential, one to four (1-4) dwelling units per acre.

ZONING DISTRICT: R-9600 - Single Family Residential

PART II: STATUTORY REQUIREMENTS

SEPA COMPLIANCE: 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. City staff has however, identified impacts to certain elements of the environment that require mitigation. On August 24, 1989 a Mitigated Determination of Nonsignificance was issued for the proposed plat. The following measures are required to mitigate the impacts of the requested action:

Elements of the Environment Impacted by the Action:

Earth:

Erosion could occur during the grading, filling and excavation for roads and utilities. To mitigate the potential impacts resulting from these activities, the project proponent shall submit a temporary stormwater control and erosion plan for approval by the City Engineer. Said plan shall be approved prior to the issuance of any construction permits or commencement of site work including clearing and grading. Any physical improvements or measures required by the plan shall be installed prior to or commensurate with site work including clearing and grading. Cleared and exposed areas shall be hydroseeded or otherwise covered until final construction, paving and landscaping.

Air:

Dust shall be controlled by watering areas of soil disturbance during construction.

Water:

Prior to the issuance of any building permits, the applicants shall submit a permanent stormwater management plan for approval by the City Engineer. This plan shall be prepared by a licensed engineer and shall incorporate biofiltration, settling ponds, oil/water separators and other methods to treat stormwater runoff.

The proposed development would disrupt .05 acres of grassy meadow wetland. Filling or wetland disruption may only occur within the area of the building envelope formed by the yard setbacks. In order to mitigate this impact and to maintain water quality functions of the disturbed area, a biofiltration system comprised of grassland swales and settlement basins, shall be provided between the wetland edge and future park uplands. The grasslined swales in this biofiltration system shall be provided in a amount that is a ratio of 1:25 square feet for every 1 square foot of wetland area that is disturbed.

Plants:

A fifty (50) foot native growth protection easement will be required along the entire length of the property contiguous to Seattle Hill Road and on lots 1 and 2 fronting along Village Green Drive.

An additional tree preservation area (approximately 35 feet wide, will be provided along the northern and northwestern perimeters of the plat (lots 32-51 inclusive). In addition to these easements, a tree preservation plan is required for the interior portions of the plat. This plan shall be approved by the Department of Community Development staff prior to the issuance of any building permits.

Recreation:

Approval of the plat as designed would allow construction of 81 single family residences and an estimated population of 259 people. This population will increase the demands on the City's recreation facilities and programs. In order to mitigate these impacts the proponent shall enter into an agreement with the City to contribute \$40,500 in cash, or in-kind service for improvements to Log Cabin Park which is situated adjacent to the proposed subdivision. The specific improvement measures shall be determined by the Director of the Department of Community Development prior to final plat approval. The applicant has previously committed to dedicate 1.9 acres to the City for neighborhood park purposes as a condition of annexation (see Exhibit B).

Transportation:

The proposed project will generate 815 average weekday trips upon full build-out with a p.m. peak of 82 trips. A Voluntary Contribution Agreement executed between the City and the applicant is required to mitigate traffic impacts associated with the widening of the 164th Street Bridge at North Creek, the traffic signal at Village Green Drive and Seattle Hill Road and intersection improvements at 164th Street SE and SR-527. In addition, the proponent shall contribute a proportionate share to Snohomish County's 164th Street MRIP as determined by Snohomish County.

NOTICE:

In accordance with the Section 17.36.040 of the Mill Creek Municipal Code, notice of the public hearing was mailed to property owners of record within 500 feet of the proposed project on September 15, 1989, published in the Everett Herald on September 15, 1989 and the property was posted in three conspicuous places on September 15, 1989.

III: BACKGROUND INFORMATION

EXISTING SITE CHARACTERISTICS:

Soils:

Soils on the site have been classified by the Soil Conservation Service (SCS) as Alderwood Sandy Loam (2% - 8% slopes) and Mukilteo Muck. Topographically, there is little change in ground relief on the site. A 2.66 acre wetland is located in the northwest quadrant. The extent of this wetland has been identified by the applicant's technical representatives and reviewed by City and Washington State Department of Ecology staff.

The SCS identifies the Alderwood series as having moderate limitations for residential development. These limitations are mainly due to drainage, septic tank percolation and wetness problems for basements and excavations. The Mukilteo soils have severe limitations for residential development due to ponding and low soil strength. These soils are associated with the wetland areas.

Vegetation:

The site contains both open fields and forested areas. The woodlands are a mix of deciduous and evergreen trees. While many of these are scattered throughout the site, there are three areas with particularly dense stands. One is located on the south side of the wetland in the areas designated Tract 102 and in lots 58, 59, 62, 63 and 64. Another area is located parallel to Seattle Hill Road in the tier of lots 19-30 and the third area is in the northern corner where lots 42-52 are proposed.

Predominant tree species include Pine, Hemlock, Fir, Cedar, Alder, Maple, Cottonwood and Willow. Other vegetation includes grasses, shrubs, blackberries, nettles and salal. Wetland plants include hardhack spiraea, creeping buttercup, skunk cabbage, rush and sedge.

Utilities:

Water and sewer service is available from the Alderwood Sewer and Water District. The precise location of the connections as well as the internal system design are currently under discussion by the applicants, District staff and the City Engineer.

Additional services such as elec. power, natural gas, cable television and telephone can be extended to the site.

Land Use:

The subject property contained two single family residences upon annexation to the City in 1989. The zoning classification that became effective upon annexation is R-9600, Residential Single Family. This district is intended to be developed primarily with single family residences, although duplexes are allowed on 14,000 square foot lots. Additionally, townhouses are allowed through the Planned Area Development review process. The applicant is proposing to construct 81 single family detached residential dwellings.

Prior to annexation, the property was designated RR 9600 under the County zoning regulations. The land uses associated with the district are identical to the City's R-9600 district. These two vacant structures on the site will be demolished or removed prior to development of this plat. Adjacent property use is as follows:

- To the north are the plats of Swordfern and Red Cedar which are developed with single family houses.
- To the south, Seattle Hill Road forms the southern boundary of the site. The property south of Seattle Hill Road is developed with two single family homes on large parcels and a commercial nursery.
- To the south and west, is a four lot short plat containing three residences and a pre-school.
- To the east, is one single family residence and large undeveloped parcels.
- To the west, across Village Green Drive, is the Woodfern Subdivision.

Subdivision Design:

The proposed plat would contain 81 residential lots. The gross density would be 2.45 units per acre. The average lot size is approximately 11,478 square feet. The smallest lot would be about 8,900 square feet although it appears that with the exception of this and four others, all of the lots will exceed 9,600 square feet. This is permitted under the provisions of the subdivision ordinance which allow lot size averaging and

reduction below the minimum _____ of the zoning district.

Access to the site will be from a single access point off of Village Green Drive. The internal street system is comprised of a large loop with two connecting dead-end streets in the northern quadrant and a short cul-de-sac in the southern corner. A pedestrian easement to Seattle Hill Road is proposed for this cul-de-sac.

Pursuant to City code, a fifty (50) foot native growth protection easement is proposed along the entire length of Seattle Hill Road. An additional native growth protection easement will be required for the lots fronting on Village Green Drive.

As mentioned previously, there is a large wetland in the northwest quadrant of the site. The applicants are proposing to use this area as a stormwater detention pond that would receive approximately 60% of the project runoff.

The applicants have indicated that during a major rainstorm the water level in the pond would be raised approximately 4 inches. The receding waters would leave the pond through an existing culvert located in the southwest corner of the site. A control structure will be required to disperse this runoff at a rate determined by the City Engineer.

While much of the wetland will remain undisturbed, the applicant's propose to fill or disturb approximately 14,800 square feet area located on lots 52-55. The wetland was dredged some years ago to provide an open-water area. The organic soils were then deposited in the area proposed for above described lots. The applicants propose to remove these soils and replace them with fill material.

The area north of the entrance road encompassing tracts 100, 101 and 102 is the site of the City's future "Log Cabin Park". Tract 100 was dedicated to the City by this applicant to mitigate for impacts on recreation facilities in conjunction with the annexation. The City is actively pursuing means to acquire Tract 102 and develop this entire area as a neighborhood park.

CONSISTENCY WITH
SUBDIVISION
REGULATIONS:

The subdivision of property in the City is governed by Title 16 of the MCMC which governs the required submittals for preliminary plat.

The criteria for reviewing and approving preliminary plats found in Section 16.18.010 (C) of the MCMC are:

1. The preliminary subdivision and binding site plan meets the requirements and intent of the Mill Creek Municipal Code and adopted City plans.

Comment: Nearly all of the lots meet or exceed the requirements of the zoning ordinance. Five lots; 6, 72, 73, 74 & 76 are less than 9600 square feet, the smallest being 8900 square feet. Under the provisions of Section 16.02.060, lot size averaging is permitted with certain limitations. One is that lots cannot be smaller than .75 of the minimum lot size of the zoning district in which the plat is located. In the R 9600 district this would be 7200 square feet. As mentioned previously, the average lot size for this plat is over 11,000 square feet.

The gross density of this plat is 2.45 units per acre. Excluding the tracts that are planned for park purposes and stormwater management, the density is 3.1 units per acre. The maximum allowable density in the R 9600 district is 4.5 units per acre.

2. The proposed plat or site plan 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: Open space will be provided through the provision of parkland and the cutting preserves. Recreational facilities will be located within the plat with the development of "Log Cabin Park" and pedestrian trails around the wetland. The streets and sidewalks will comply with the development standards required by the City Engineer. Utilities are available to serve this site and drainage plans will be reviewed and approved for adequacy in managing projected off site flows as well as protecting water quality in the wetland.

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

Comment: The execution of the mitigation agreements with the proponent will accelerate the development of Log Cabin Park which is in the public interest.

PART IV FINDINGS & CONCLUSIONS

The Mill Creek City staff, having viewed the property, reviewed the application and supporting materials, and in consideration of the comments from agencies with jurisdiction, makes the following findings:

1. The request is for the approval of a preliminary plat. The applicant has submitted a preliminary plat map that depicts the building lots, native growth protection areas, future park land and pedestrian and road areas within the development.
2. This subdivision would have 81 lots and lot development would be limited to single-family residences.
3. Access to the plat would be from a single point on Village Green Drive.
4. The environmental review of this project has revealed impacts on the City street network. In accordance with the conditions, the Mitigated Determination of Nonsignificance issued on August 24, 1989, Voluntary Contribution Agreements will be required to mitigate these impacts.
5. Development of the proposed plat will increase the demands on the City's recreation facilities and programs. In addition to the dedication of park land that was required as mitigation during the annexation of this site, additional contributions are required to offset the impacts arising from development of this plat.
6. The proposed average lot size would be approximately 11,400 square feet and the smallest proposed lot would be 8,900 square feet. The minimum lot size required in this zoning district where the plat is located is 9,600 square feet. Under the provisions of Section 16.02.060 of the subdivision code, lot size averaging is permitted provided that no lot may be reduced more than 25% of the minimum lot size. The size of the smallest lot represents a 7% reduction from the minimum lot size of the zoning district.

Lot layout and design complies with Section 16.02.060 of the MCMC.

7. Based upon the lot size requirements of the R 9600 zone district, the property could be divided into at least 94 lots. This takes into account lands dedicated for roads and right-of-ways. The applicant proposes 81 lots keeping the plat within the range of allowable use and density.
8. The proposal is consistent with the Suburban Residential designation of the comprehensive plan which designates 1-4 dwelling units per acre. The density of the proposed plat is 3.1 dwelling units per acre.
9. The proposal is consistent with the provisions and standards of the Mill Creek Zoning Ordinance.

10. If approved subject to the conditions recommended herein, the proposed plat will be consistent with the requirements of Title 16 of the MCMC - Plats and Subdivisions.

RECOMMENDATIONS:

1. Development shall occur as portrayed on the preliminary plat map, except as it may be modified by the imposition of conditions.
2. The maximum number of building lots shall be 81. Construction shall be limited to one single-family detached home per lot.
3. Water and sewer facilities shall be designed and installed in accordance with the requirements of the Alderwood Water and Sewer District.
4. An erosion control plan shall be submitted for approval by the City Engineer prior to commencement of any site work including clearing and grading.
5. A fifty (50) foot cutting preserve area adjacent to Seattle Hill Road and on lots 1 and 2 fronting on Village Green Drive is required. Additional native growth protection areas will be required within the interior of the plat and an additional tree preservation area approximately 35 feet wide will be provided along the northern and northwestern perimeters of the plat (lots 32-51 inclusive). The areas to be preserved will be determined after the preparation of a tree survey and on-site identification and designation by City staff. Preservation areas and trees to be saved shall be protected from encroachment by vehicles, earth moving machinery, and material storage by methods to be agreed upon by the developer and the staff.
6. All utility, stormwater drainage, maintenance and native growth protection easements, together with attendant reductions, shall be portrayed on the face of the final plat.
7. Mailboxes shall be grouped or clustered in centralized location(s) in accordance with the requirements of the U.S. Postal Service and approved by the City.
8. Fire hydrant design, location and spacing shall be reviewed and approved by Fire District No. 7, Alderwood Water and Sewer District and the City Building Official.
9. No structure shall be located within 50 feet of the edge of the wetland. This restriction shall be depicted on the face of the final plat.
10. Prior to the approval of the final plat, the applicants shall submit a permanent stormwater management plan for approval by the City Engineer with recommendations from the Washington State Department of Ecology. This plan shall be prepared by a licensed engineer and shall incorporate biofiltration, settling ponds, oil/water separators and other methods to treat stormwater runoff.

11. Sidewalks are required around the interior "island" lots (60-81). Also, the sidewalk located adjacent to lot 1 shall be extended to the sidewalk located along Village Green Drive. All sidewalks shall be designed by a licensed engineer and the design reviewed and approved by the City Engineer.
12. Plans for the streets shall be prepared by a licensed engineer and designed to the standards of the City as required by the City Engineer.
13. A pedestrian access easement to Seattle Hill Road shall be provided between lots 24 and 29 to serve future transit stop. This easement may be combined with an easement for utilities.
14. The execution of a Voluntary Contribution Agreement between the applicant and the City in the amount of \$40,500 in cash to mitigate impacts on City recreation facilities, specifically for improvements to Log Cabin Park.
15. The execution of Voluntary Contribution Agreements between the applicant and the City in the amount of \$17,115.31 to mitigate the impacts on the 164th Street Bridge and road widening at North Creek, \$3,427.20 to mitigate the impacts caused by the development of the 164th Street and SR 527 Intersection, \$14,894.28 to pay a proportionate share of the signalization at Village Green Drive and Seattle Hill Road and \$21,679.00 to be contributed as the proportionate share of Snohomish County's 164th Street SE MRIP. Also, dedication of a ten foot wide strip running the entire length of Seattle Hill Road adjacent to the property is required for further road widening and shall be depicted on the face of the plat.
16. Pursuant to Section 16.18.050, approval of the preliminary plat is effective for three (3) years from the date of City Council approval, subject to possible extension.

SEPTEMBER 28, 1989
STAFF REPORT
ADDENDUM

SEPA

COMPLIANCE: The following is a summary of SEPA comments from agencies with jurisdiction who responded to the MDNS:

Everett School District:

The District does not oppose the preliminary plat since there was no change in zoning that differed from the District's original projections.

Puget Sound Air Pollution Control Agency:

The agency suggests that homes be furnished with an adequate source of heat other than wood. If fireplace inserts or woodstoves are to be installed at a density greater than one per five acres, an air quality model should be prepared to address impacts.

An evaluation of automobile related air quality impacts was not recommended.

Community Transit:

A bus zone, westbound on Seattle Hill Road in the vicinity of lot 25-28 should be established. In addition, the applicant should dedicate sufficient right-of-way for a bus pullout in the vicinity of the bus zone and provide a pedestrian easement between Seattle Hill Road and 156th Street, 29th Avenue or 30th Avenue S.E.

Snohomish County Public Works and Planning:

Public Works requested that the developer contribute a proportionate mitigation payment of \$21,679.00 to the County's 164th Street MRIP. The Planning Department requested that any resulting agreement for the mitigation funds should be executed and recorded prior to recording the plat and no building permits issued until payment is made.

Washington State Department of Ecology:

The DOE comments were made in response to a field visit prior to the SEPA review. The agency stated that the on-site wetland is of high quality, with a diversity of habitat types. The wetland boundaries should be re-flagged to reflect the existence of wetland plants beyond the previously identified boundaries and that the stormwater plan provide for pretreatment of stormwater prior to release into the wetlands.

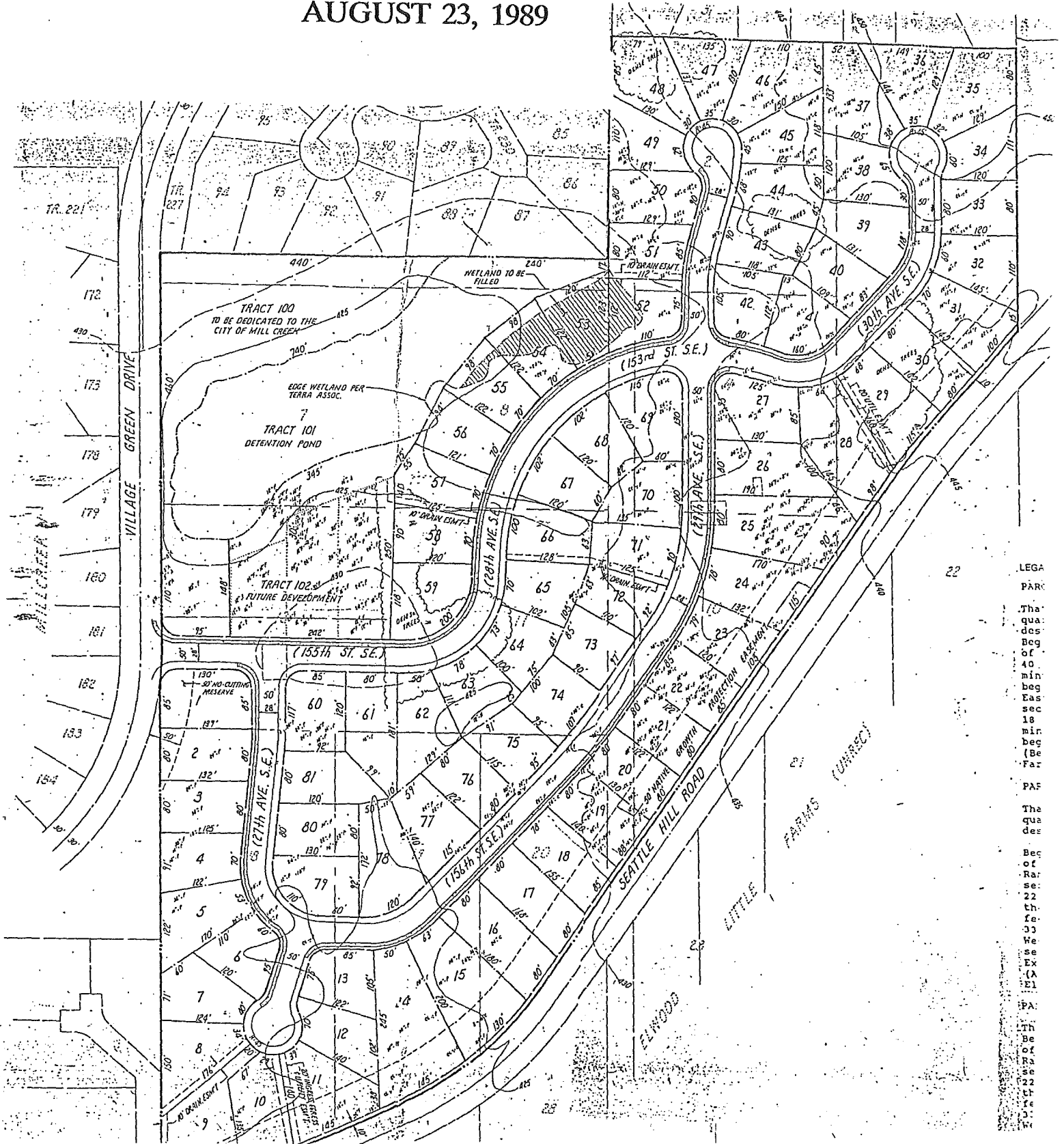
Washington State Department of Wildlife:

The Department did not provide specific comments regarding the proposal. However, it was suggested that questions or issues regarding wildlife or habitat be directed to the Department staff.

Snohomish County PUD:

The agency stated that there is sufficient capacity to serve the project and that the agency's new 10 foot easement on lots be reflected in the final plat.

**EXHIBIT B
PRELIMINARY PLAT
HAMLIN PARK
AUGUST 23, 1989**



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(OBSOLETE)

EXHIBIT C

CITY OF MILL CREEK
PLANNING COMMISSION MEETING
MINUTES
November 16, 1989

I. CALL TO ORDER:

Vice Chairman Van Geisen called the meeting to order at 7:00 p.m.

II. ROLL CALL:

Chairman Haller (absent)	<u>Staff:</u>
Vice Chairman Van Geisen	Community Development
Commissioner Coulter	Director Trimm
Commissioner Gish	Planner Friedman
Commissioner Hornbeck	Public Works Director Monken
Commissioner McElhose	City Attorney Missall
Commissioner Schmidt	

III. APPROVAL OF MINUTES:

- a) Approval of the Planning Commission meeting minutes of October 26, 1989.

MOTION:

Commissioner Hornbeck moved to approve the minutes of the October 26, 1989 meeting as presented. Commissioner Coulter seconded the motion. Motion carried unanimously.

IV. OLD BUSINESS:

- a) LP 88-26 - Hamlin Park: Continuing review of the application for Preliminary Plat approval of an 81 lot subdivision. The plat plan has been revised as directed by the Commission.

Vice Chairman Van Geisen announced that the public hearing portion of this item was concluded at the meeting held on September 28, 1989, and the discussion by the Commissioners was continued. He stated that he understood that some modifications have been made to the Hamlin Park proposal with respect to the comments made by the Commissioners at the previous meeting.

Planner Friedman stated that the City received today a packet of petitions submitted by residents of the area as well as a letter from the Community Association opposing access on to Village Green Drive. Inasmuch as the public hearing was closed, the Commissioners cannot rely on these to help them make their decision.

Vice Chairman Van Geisen asked that the record show that he was handed the petitions and letter. He asked

PLANNING COMMISSION MEETING - November 16, 1989

the City Attorney if the property was posted. City Attorney Missall stated that the property was posted in accordance with City ordinances and State law, ten days prior to the hearing. In addition, notices of the hearing were mailed to all residents living within 500 feet of subject property. Attorney Missall added that if the hearing was reopened, notices again would have to be sent, readvertized, and published, and this item would have to be deferred to a later date.

Chairman Van Geisen stated that he would like to poll the Commissioners to determine if they would be in favor of reopening the public hearing.

Commissioner McElhose asked if the Council would hold a public hearing on this item. Vice Chairman Van Geisen explained that the Council may accept the recommendation of the Planning Commission or hold their own public hearing.

Commissioner Gish arrived at 7:10 p.m.

MOTION: After a short discussion, Commissioner Schmidt moved that the Commissioners vote on acceptance of the petition presented on Hamilin Park. Commissioner Coulter seconded the motion.

After further discussion and upon the advice of the City Attorney, Commissioner Schmidt withdrew his motion with permission of his second.

MOTION: Commissioner Schmidt moved to reopen the public hearing. Commissioner Coulter seconded the motion. Motion failed unanimously.

Planner Friedman gave the staff presentation, stating that the staff has identified 16 issues of concern expressed by the members of the Planning Commission at the September 28, 1989 meeting. These are:

- (1) The relationship of the proposed project density to the existing density of surrounding property;
- (2) Specific lot size of the proposed development in relationship to the lot size of adjacent developments;
- (3) Wetland filling disturbance and filling;
- (4) Pedestrian access to the site and within the site;
- (5) Location of internal sidewalks;

PLANNING COMMISSION MEETING - November 16, 1989

- (6) Use of Tract 102 for residential purposes;
- (7) Consistency of open space of the proposed plat with other developments in the City;
- (8) Roadway entrance width;
- (9) Project access, Seattle Hill Road versus Village Green Drive;
- (10) Emergency access from Seattle Hill Road;
- (11) The absence of a requirement for frontage improvements along Seattle Hill Road;
- (12) The level of service on Village Green Drive and the associated traffic impacts;
- (13) Impacts on drainage;
- (14) The existence of a homeowners association;
- (15) The design of the plat compared with other residential developments in the City; and
- (16) Impacts on the Everett School District.

Planner Friedman stated that as a result of these issues and concerns previously expressed by the Planning Commission, the preliminary plat has been subsequently redesigned. He addressed the Findings and Conclusions in the staff report and recommended that the Preliminary Plat of Hamlin Park be approved subject to the following conditions:

- 1) Development shall occur as portrayed on the revised preliminary plat map dated October 31, 1989, except as it may be modified by the imposition of conditions imposed by the Planning Commission.
- 2) The maximum number of building lots shall be 81. Construction shall be limited to one single-family detached home per lot.
- 3) Water and sewer facilities shall be designed and installed in accordance with the requirements of the Alderwood Water and Sewer District.
- 4) An erosion control plan shall be submitted for approval by the Public Works Director prior to commencement of any site work including clearing and grading.

- 5) A fifty (50) foot cutting preserve area adjacent to Seattle Hill Road and on lots 1 and 2 fronting on Village Green Drive is required. An additional cutting preserve easement approximately 35 feet wide will be required along the northern and northwestern perimeters of the plat (lots 33-52 inclusive). Also, additional trees shall be preserved within the interior of the plat. The areas to be preserved will be determined after the preparation of a tree survey and on-site identification and designation by City staff. Preservation areas and trees to be saved shall be protected from encroachment by vehicles, earth moving machinery, and material storage by methods to be agreed upon by the developer and the staff.
- 6) All utility, storm water drainage, maintenance and cutting preserves together with attendant restrictions, shall be portrayed on the face of the final plat.
- 7) Mailboxes shall be grouped or clustered in centralized location(s) in accordance with the requirements of the U.S. Postal Service and approved by the City.
- 8) Fire hydrant design, location and spacing shall be reviewed and approved by Fire District No. 7, Alderwood Water and Sewer District and the City Building Official.
- 9) No residential structure shall be located within 50 feet of the edge of the wetland. This restriction shall be depicted on the face of the final plat. In addition, the rear 20 feet of lots 54 - 58 shall be replanted with native plantings associated with wetland areas as recommended by the Washington State Department of Ecology.
- 10) Stormwater shall be managed in accordance with plans and specifications submitted by Triad Associates dated October 26, 1989 and accepted by the Public Works Director. Further, the proposed sedimentation pond shall not encroach into any area identified as a forested wetland nor require tree removal.

Prior to final plat approval, a stormwater maintenance and management plan shall be submitted and approved by the Public Works Director in conjunction with the recommendations of the Washington State Departments of Wildlife and Ecology.

PLANNING COMMISSION MEETING - November 16, 1989

- 11) Sidewalks are required on both sides of the street within the plat. Also, the sidewalk located adjacent to lot 1 shall be extended to the sidewalk located along Village Green Drive. All roadway sections shall be designed by a licensed engineer and the design reviewed and approved by the Public Works Director.
- 12) A twenty (20) foot wide access tract connecting Seattle Hill Road with the interior of the plat shall be provided between Lots 18 and 19. A paved concrete pathway having a minimum width of six (6) feet shall be constructed within said tract.
- 13) In order to assure sufficient area for future transit facilities to serve the plat along Seattle Hill Road, a six (6) foot slope easement shall be provided adjacent to the future right-of-way between lots 20 and 23.
- 14) The developer shall provide pedestrian crossing facilities across Seattle Hill in the following locations: at Lot 9 and Tract 103 and at Lots 18 and 19. These facilities shall include pavement striping, caution lights and warning signs as required and approved by the Public Works Director.
- 15) The execution of a Voluntary Contribution Agreement between the applicant and the City in the amount of \$40,500 in cash to mitigate impacts on City recreation facilities, specifically for improvements to Log Cabin Park.
- 16) The execution of Voluntary Contribution Agreements between the applicant and the City in the amount of \$17,115.31 to mitigate the impacts on the 164th Street Bridge and road widening at North Creek, \$3,732.00 to mitigate the impacts caused by the development of the 164th Street and SR527 Intersection, \$14,894.28 to pay a proportionate share of the signalization at Village Green Drive and Seattle Hill Road, \$21,679.00 to be contributed as the proportionate share of Snohomish County's 164th Street SE MRIP and \$6,228.00 to be contributed as the proportionate share for improvements on Seattle Hill Road. Also, dedication of a ten foot wide strip running the entire length of Seattle Hill Road adjacent to the property is required for future road widening and shall be depicted on the face of the plat. The applicant shall also construct a temporary black-top path within the right-of-way to connect to the sidewalks on 35th Avenue.

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- 17) The developers dedicate to the City 1.9 acres for the development of a neighborhood park as Tract 100, at the time of the preliminary plat approval in accordance with Ordinance 89-203, Section 3, passed by the City Council in July of this year.

Commissioners questioned the staff about several of the proposed conditions.

Commissioner Gish inquired about lot size averaging and how the determination was made. Planner Friedman explained how he averaged the lots along Swordfern and Red Cedar boundaries.

Commissioner Schmidt stated that he needed assurances on the drainage, how it will effect the adjacent lots and also the insect and animal habitat. Public Works Director Monken explained how the calculations were made on the supposition of a 100 year storm after development. He added that there would be no impact on the adjacent lots or the habitat.

Commissioner Hornbeck commented that there seems to be a difference in the cutting preserve as opposed to the adjacent developments. Planner Friedman explained that the cutting preserves are at the rear of the lots and are shown as easements in accordance with the requirements of the Mill Creek Municipal Code.

Vice Chairman Van Geisen noted that a homeowners association was included but no mention was made about its provisions and stated that he would like to see the make-up of the homeowners association regulations, such as the architectural control, and responsibility for maintenance of the wetlands. Public Works Director Monken stated that procedures for maintenance of the wetlands would be developed when the storm management plan is developed in 1990.

Vice Chairman Van Geisen also inquired about the traffic study, stating that he has not seen a copy. Public Works Director Monken described the present traffic flow on Village Green Drive and Seattle Hill Road and the projected flow of traffic after development.

Vice Chairman Van Geisen declared a short recess at 8:44 p.m. The meeting reconvened at 9:00 p.m.

Commissioner Schmidt stated that he has some misgivings about private homeowners associations

governing a detention pond which is intricately related to a public park and felt that the full community would be served best with City control maintenance.

Commissioner Coulter stated that he has concerns about access to Tract 100. Community Development Director Trimm stated that the preliminary site plan for the park shows an access point from the sidewalk on Village Green Drive and a proposed trail from Tract 100. There is also access from the northern portion of Mill Creek which is safe and effective. Commissioner McElhose noted that Village Green Drive meanders in that area and part of the sidewalk is in the right-of-way.

Vice Chairman Van Geisen asked the Public Works Director if he had any objection to taking over the maintenance of the detention pond with a possible contribution by the Community Association. Community Development Director Trimm explained that the City maintains the right as far as drainage maintenance if the homeowners do not maintain the detention pond.

Vice Chairman Van Geisen commented that the conditions recommended by the staff are appropriate but he would like to see fences along Seattle Hill Road which could be done by shifting the cutting preserve one foot inside the property line to the north from the dedicated right-of-way.

Commissioner Coulter noted that the developer could be asked to build a trail through the 15 foot easement between lots 55 and 54.

Vice Chairman Van Geisen stated that he has a problem with the proposal for the park and does not feel that \$40,500 adequately addresses the public need for mitigation. City Attorney Missall stated that he shares that concern but there are some aspects that are not relevant to whether or not the development is approved.

Commissioner Gish stated that she is still not comfortable with the overall development. She added that she is trying to consider the impact and stated that there are a lot of concerned citizens in Mill Creek. She felt that the developer would be getting a good deal to be able to use the completed Village Green Drive for access.

Commissioner McElhose commented that the City has an opportunity to obtain a park and he is more concerned about access to Seattle Hill Road. He added that on the whole, he appreciates what the developer has

PLANNING COMMISSION MEETING - November 16, 1989

proposed.

MOTION: Commissioner Hornbeck moved to approve LP 88-26 - Hamlin Park as presented based on staff report, findings, recommendations, and conditions with the provision made that the attached plat map presented to the Commission be changed to move the cutting preserve along Seattle Hill Road one (1) foot in from the dedicated right-of-way to the north to permit fencing; also adding the staff recommendation to provide for a left turn lane at the entrance to Village Green Drive, and amending Recommendation No. 12 to read tracts 104 - 105 connect with Seattle Hill Road, with pathways to be located between Lots 18 and 19, and between interior lots 62 and 65, and 75 and 76. Commissioner McElhose seconded the motion.

MOTION: Commissioner Schmidt moved to amend the motion to state that the City shall review and approve the homeowners provisions regarding the detention pond maintenance and such review shall provide that adequate maintenance is provided in an equitable manner to all benefiting property owners. Vice Chairman Van Geisen seconded the motion. Motion carried unanimously.

MOTION: Vice Chairman Van Geisen moved to amend the motion to require that the developer provide sufficient park improvements on Tract 100 to effect an operational park when the first residents moved into the Hamlin Park Subdivision. The improvements should reflect staged improvements on the City Master Plan for Log Cabin Park; the degree of improvements should allow for a picnic shelter, walking paths, ground cover, and irrigation. Such improvements shall be constructed on at least 50% of Tract 100 as well as providing for entrance landscaping on the portion of Tract 100 adjacent to Village Green Drive and 155th Street S.E. There shall be a trail constructed, at the developer's expense, between Lots 55 and 54 to serve as a walkway to a future walkway around the wetland area. Commissioner Coulter seconded the motion. Motion carried unanimously.

Original motion as amended carried unanimously.

V. OTHER BUSINESS - None.

VI. ADJOURNMENT:

The meeting adjourned at 10:35 p.m.

EXHIBIT D
DEPARTMENT OF COMMUNITY DEVELOPMENT
STAFF REPORT
TO MILL CREEK PLANNING COMMISSION
(Amended November 9, 1989)

PART I: SUMMARY INFORMATION

MEETING DATE: November 16, 1989

NAME OF PROJECT: Hamlin Park

OWNER: William Buchan Inc.
11555 Northup Way
Bellevue, WA 98004

APPLICANT/
REPRESENTATIVE: Greg Nelson

TYPE OF REQUEST: Preliminary Plat approval of an 81 lot residential subdivision

LOCATION: The subject site is situated north of Seattle Hill Road, west of 33rd Ave. SE, between Village Green Drive and Seattle Hill Road within Section 5, Township 27 North, Range 5 East, W.M. Snohomish County, Washington.

LEGAL DESCRIPTION: Attached

COMPREHENSIVE PLAN
DESIGNATION: The North Creek Comprehensive Plan designates the wetland portion of this site as watershed site sensitive, and the remaining non-wetland area as Suburban Residential, one to four (1-4) dwelling units per acre.

ZONING DISTRICT: R-9600 - Single Family Residential

PART II: BACKGROUND INFORMATION

On September 28, 1989 the Mill Creek Planning Commission held a public hearing on this preliminary plat application. After taking public testimony and closing the public hearing, the Commission then deliberated on the design of the plat as proposed. During their deliberations, the Commission members identified a number of concerns and issues

regarding the plat design and consistency with City codes and regulations. In addition, the Planning Commission raised general concerns regarding; density, drainage, access and open space. By unanimous vote, the Commission deferred action on the application and directed the applicant to revise the plat design to address the Commission's concerns. In response to the Commission's direction, the applicants have submitted a revised plat plan that is the subject of this staff report.

The Planning Commission's issues and concerns are listed below:

1. Specific density of the proposed project.
2. Density of surrounding properties and the lot sizes on the adjacent developments.
3. Disturbance of the wetlands.
4. Pedestrian access (to the site and within the site).
5. Sidewalk design.
6. Future use of Tract 102 and the usability of that tract.
7. Consistency of open space of the proposed plat with other developments in the City.
8. Roadway entrance width.
9. Seattle Hill Road access/Village Green Drive access.
10. Emergency access from Seattle Hill Road.
11. Frontage improvements on Seattle Hill Road.
12. Level of service on Village Green Drive and associated traffic impacts.
13. Impacts from drainage on adjacent properties as well as within the site.
14. The existence of a homeowners association?
15. The design of the plat as compared to the design of other residential subdivisions within the City.
16. Impacts of the proposed subdivision on the Everett School District.

The applicants have submitted a revised preliminary plat as well as written responses to the Commission's concerns and issues as identified above. The analysis of the revised plat and issue responses are presented below.

PLANNING COMMISSION ISSUES:

1. The relationship of the proposed project density to the existing density of surrounding property.

Applicant's Response:

The applicant has responded that the densities of the surrounding neighborhoods are greater than that of the proposed plat. The gross density of the proposed plat is 2.45 units per acre. This density calculation is based on all the land within the property lines including the wetland area, the proposed park site and roads.

Staff Comment:

Staff agrees with the applicant's calculation of density for the revised plat at 2.45 units per gross acre. With regard to the density of surrounding properties, the plat of Red Cedar is 3.0 dwelling units per gross acre and the density of Swordfern is 3.6 dwelling units per gross acre.

2. Specific lot size of the proposed development in relationship to the lot size of adjacent developments.

Applicant's Response:

The applicants have not provided information regarding this matter.

Staff Comment:

Based on a comparison of the lot sizes in the revised proposal with the total lots adjacent lots in Red Cedar and Swordfern, the proposed lots are generally equal to, or larger than, the lots in the adjacent divisions. For example, the average lot size of the proposed plat is 11,018 square feet whereas the average size of adjacent lots in Red Cedar is 9400 square feet and in Swordfern 12,500 square feet. The average size of the proposed lots adjacent to those divisions is approximately 11,550 square feet.

3. Wetland filling on lots 52, 53, 54 and 55.

Applicant's Response:

The proposed subdivision has been modified to remove all of the above lots from within the wetland boundaries as identified by the applicant's consultant and the Department of Ecology.

Staff Comment:

Review of the preliminary plat map indicates that the applicant has eliminated all lots previously situated within the wetland boundary. While the residential use of the lots in the wetland area has been eliminated, the proposed drainage plan includes a sediment pond to be constructed within the same wetland area previously occupied by the proposed lots.

4. Pedestrian access to the site and within the site.

Applicant's Response:

The pedestrian access to the plat has been modified to provide a fifteen (15) foot access tract along the western boundary of the plat and another access point to Seattle Hill Road, between lots 23 and 24. The access tracts will each contain six (6) foot paved trails.

Staff Comment:

These tracts, depicted on the attached revised plat map, will provide pedestrian linkage to the Highlands residential neighborhoods. In addition, the applicant has provided an internal pathway system linking the tract from Seattle Hill Road with the internal roadway and sidewalk system within the plat. The width of the internal tract is twenty (20) feet with six (6) foot paved pathways provided within those open space tracts.

5. Location of internal sidewalks.

Applicant's Response:

The preliminary plat has been revised to provide sidewalks on both sides of the right-of-way of the internal street system.

Staff Comment:

This is depicted on the revised plat and staff noted that sidewalks are provided along all street frontages within the plat as well as being extended beyond the entrance to connect with the sidewalks along Village Green Drive.

6. Usability of Tract 102. There was some question as to whether or not Tract 102 is usable for residential purposes.

Applicant's Response:

Tract 102 has currently been designated for future development. The ability exists to subdivide this tract into three additional lots which would be consistent with the City's zoning code. Further, they acknowledged that the City has expressed an interest in acquiring this parcel as a site for a future park.

Staff Comment:

The size of Tract 102 outside of the wetland area is approximately 48,500 feet. As the Commission is aware, the proposed plat is within a R-9600 zoning district and the minimum lot size for residential lots in the district is 9600 square feet. Based upon the size of the tract and minimum lot size it is apparent that there is sufficient dry land area to provide additional residential lots. It is the City's intent however, to acquire Tract 102 for the development of a neighborhood park that would surround the wetland on the north, south and west.

7. Consistency of open space of the proposed plat with other developments in the City.

Applicant's Response:

The applicants have indicated that the proposed plat of Hamlin Park provides more open space than the surrounding residential areas of Swordfern and Red Cedar.

Staff Comment:

Upon review of the revised plat, it is apparent that open space tracts are provided in the areas proposed for the pedestrian walkways. In addition, the applicant has dedicated 1.9 acres to the City for open space purposes to be effectuated upon approval of the preliminary plat by the City Council.

As mentioned previously, the proposed plat is located in an R-9600 zoning district. The provisions of this zoning district are different from the provisions of the PRD-

7200 zoning district that is applied to the balance of residential lands that are part of the original United Development Corporation Master Plan. That master plan required that a specific amount of open space be allocated between the various residential divisions. Those allocations were incorporated into the provisions of the PRD-7200 zoning district and subdivision regulations. There is however, no requirement for similar open space requirements associated with the R-9600 zoning district. Even though the zoning district in which this plat is located does not contain a specific open space requirement, the applicants plan appears to satisfy these concerns by the provision of the internal tracts and the areas that are to be dedicated in conjunction with the annexation.

8. Roadway entrance width. The previous design had a paved roadway width of twenty-eight (28) feet. The Commission was of the opinion that this was inconsistent with the entrances of other residential divisions in the City and directed the applicant to re-examine their design of the entrance to the plat.

Applicant's Response:

The entrance of the revised plat of Hamlin Park has been widened to have a sixty (60) foot right-of-way with a thirty-six (36) foot paved section, curb to curb.

Staff Comment:

In reviewing other residential access streets, we have found that twenty-eight (28) feet is not an uncommon entrance width. A memorandum from the Public Works Director regarding the width of other residential streets within the City is attached for the Commission's reference. Nevertheless, the width of the entrance to the plat has been increased to thirty-six (36) feet.

9. Project access, Seattle Hill Road versus Village Green Drive.

Applicant's Response:

The access onto Village Green Drive was designed as such at the request of City Staff. The original concept for Hamlin Park, when it was under the jurisdiction of Snohomish County, was to have the access onto Seattle Hill Road.

Staff Comment:

The request to move the access to Village Green Drive was intended to reduce the potential traffic hazards that would be associated with directing residential traffic onto a main arterial which is going to increase in volume over time. The proposed design of the plat with access onto Village Green Drive is consistent with the other

residential developments in the City that are served by this collector street. It is an accepted engineering principal, that access on the arterial street should only be allowed when there is no other access alternative. It was the consideration of the safety for both the future residents of Hamlin Park and the traveling public using Seattle Hill Road, that the access to the plat be from Village Green Drive.

The level of service and design of Village Green Drive is appropriate to support the additional traffic generated by the proposed plat. Also, the proposed plat would be the last development, other than Country Club Village, having direct access to Village Green Drive. A memorandum from the Public Works Director to the Planning Division regarding this matter is attached for the Commission's reference.

10. Emergency access from Seattle Hill Road.

Applicant's Response:

Emergency access from Seattle Hill Road will be provided within the pedestrian tract located between lots 23 and 24 of the revised plat.

Staff Comment:

The Fire Department is in favor of one access point from Seattle Hill Road with a minimum width of twelve (12) feet. The proposed access tract meets with their approval.

11. The absence of a requirement for frontage improvements along Seattle Hill Road.

Applicant's Response:

In accordance with RCW 82.02 the City of Mill Creek is only authorized to require mitigation where there are direct impacts. Based upon the similar development of Country Club Village, no mitigation fees should be assessed. However, the developer is willing to construct a pedestrian pathway along Seattle Hill Road.

Staff Comment:

The primary reason for not requiring the improvements to Seattle Hill Road, was the location of the project access onto Village Green Drive and staff concerns regarding the legal justifications for such a requirement in the absence of a direct access. The construction of "frontage" improvements is normally required along streets where direct access occurs. The design of the plat is oriented toward Village Green Drive, with the back of the lots and the cutting preserve adjacent to Seattle

Hill Road. Since access to the site is from Village Green Drive and there is no direct connection onto Seattle Hill Road, the construction of the improvements was not required.

As mentioned above, staff was concerned about the legal implications of requiring the construction of frontage improvements without a direct impact or access onto Seattle Hill Road. In the absence of a clear and related impact on Seattle Hill Road, the requirement to construct any improvements would place the City in a tenuous legal position with regard to both constitutional and statutory restrictions on the imposition of fees, conditions or exactions not directly attributable to specific identifiable impacts.

As the Commission will recall, the applicant has agreed to dedicate an additional ten (10) feet of right-of-way for the future road improvement of Seattle Hill Road. In addition they have offered to construct a pedestrian pathway along the Seattle Hill Road portion of the property.

12. The level of service on Village Green Drive and the associated traffic impacts.

Applicant's Response:

The traffic studies conducted in conjunction with the project indicate that the level-of-service at the entrance to the project is acceptable.

Staff Comment:

The Public Works Director concurs with the findings of the traffic studies. Accounting for both the proposed plat and the previously approved Country Club Village project, the updated study indicates that the overall level-of-service at the project entrance or affected intersections will not change. It appears that the worst case level-of-service for the entrance would be Level B.

13. Impacts on drainage.

Applicant's Response:

The applicant submitted stormwater calculations for pre and post development conditions for a 100 year rainstorm. This information was accompanied by a detailed topographic map required by the Public Works Director to assess the impacts on adjacent property and a stormwater management plan.

Staff Comment:

The Public Works Director has reviewed the proposed stormwater management plan and supporting materials for the proposed plat. In addition, he has researched the impacts of similar designs in neighboring jurisdictions such as Bellevue and Kirkland. He has concluded that the proposed design to use the wetland area for stormwater detention and water quality treatment is acceptable.

The design submitted by the applicant's engineer proposes to construct a settling pond in the upper basin of the wetland area (This is the area where 3-4 residential lots were proposed in the original application). The purpose of the pond is for the deposition or settling of solids and heavy metals that remain in the stormwater system after it has passed through an oil separator which also provides some pre-settling. The pond would be designed to accommodate a 100 year storm event, with water being released at a rate comparable to a 10 year storm under existing pre-development conditions. A full text of the Public Works Director's review is attached for the Commissions review.

Also based on the information submitted, he has concluded that a temporary increase of the water level of one and one half (1 1/2) feet will not negatively affect the adjacent property.

14. The existence of a homeowners association?

Applicant's Response:

The applicants have responded that a homeowners association will be established for this plat. The restrictive covenants establishing the association will be recorded with the final plat.

Staff Comment:

Staff has no comment on this issue.

15. The design of the plat as compared with other residential developments in the City.

Applicant's Response:

As mentioned above, the density of the proposed plat is lower than the densities of the surrounding residential developments. In addition, the proposed plat provides more open space than either of the previously mentioned Mill Creek divisions.

Staff Comment:

As stated in the previous staff comments, the proposal is being developed within an R-9600 single family residential zoning district. The requirements of this district are different from those contained in the PRD-7200 district where the majority of the existing single family plats occur. As the Commission is aware, the residential divisions that exist in the PRD-7200 zone, were developed in accordance with the conditions of approval of the original Mill Creek Master Plan and contract rezone. The standards of all the other residential zoning districts in the City, including the R-9600 zone district, are different from the provisions of the PRD 7200 district. Therefore, resulting developments constructed under the provisions of the R-9600 district will not be identical to the plats developed in the PRD 7200 district.

The proposed plat has incorporated design elements that attempt to reflect the design of other residential subdivisions within the City limits particularly those in the PRD 7200 zone. These include the cutting preserve along the northern boundaries, similar lot sizes and densities, an internal roadway system that reflects the design of other roadway systems within the City, internal walkways, and a single point access onto the collector street of Village Green Drive.

16. Impacts on the Everett School District.

Applicants Response:

The applicant has responded that the time their memo was conveyed to the City on October 31, 1989, the School District had not identified the impacts on the their system.

Staff Comment:

The Commission will recall from their meeting on September 28th, the School District indicated that they did not foresee a difference in the impacts related to this project whether it be in the City jurisdiction or the County jurisdiction since the zoning had not changed. However, they do recognize that there will be an increase in students. The current estimate is that the proposed plat would generate fifty-six (56) new students. These students would attend Mill Creek Elementary School, Heatherwood Middle School and Cascade High School.

REVISED SUBDIVISION DESIGN:

As a result of the issues and concerns previously expressed by the Planning Commission, the preliminary plat has been subsequently redesigned. The revised plat design includes 81 residential lots with a proposed gross density of 2.45 units

per acre. The net density, calculated after excluding the wetlands and the area for park development is 3.1 dwelling units per acre. The average lot size is approximately 11,018 square feet with the smallest lot being approximately 8,900 square feet. There are five lots that contain less than 9,600 square feet. This is permitted under the provisions of the subdivision ordinance which allows lot size averaging and the reduction below the minimum size of the zoning district.

Access to the site would be from a single point off of Village Green Drive. The width of this entry street has been increased from twenty-eight (28) feet to thirty-six (36) feet. The internal street system is still comprised of a large loop with two connecting dead-end streets in the northern quadrant and a short cul-de-sac in the southern quadrant. Two pedestrian tracts from Seattle Hill Road are proposed. One would be located along the western boundary of the site and the second would be located farther east along Seattle Hill Road, connecting Seattle Hill Road with the internal street system.

The revised plat includes sidewalks for both sides of the internal streets and are designed to connect with the existing sidewalks along Village Green Drive. Pursuant to the City code, a fifty (50) foot cutting preserve is proposed along the entire length of Seattle Hill Road and on the lots fronting on Village Green Drive.

As the Commission is aware, there is a large wetland located in the northern quadrant of the site. The lots that were proposed to be located within a small portion of that wetland have been relocated beyond the wetland edge. Rather than using this small wetland area for the construction of homes, the area has been incorporated into the site's drainage system and is to be used for a settlement basin. The purpose of the settlement pond is to protect water quality in the major wetland and ensure an appropriate release ratio of water leaving the site.

Similar to the previous design, the area north of the entrance road, encompassing Tracts 100 and 102 is proposed as the site for the City's "Log Cabin Park". Tract 100 will be dedicated to the City at the time of preliminary plat approval to mitigate for impacts on recreation facilities as a result of the annexation that occurred previously this year. This City intends to acquire Tract 102 and develop both tracts as a public neighborhood park.

PART IV FINDINGS & CONCLUSIONS

Following an analysis and evaluation of the revised preliminary plat, staff makes the following findings:

1. On September 28, 1989 the Mill Creek Planning Commission conducted a public hearing on this request for preliminary plat approval. By a majority vote of the Commission, the applicants were directed to develop a revised design that addresses the Commission's concerns regarding open space provisions, pedestrian access, street design, wetland preservation and drainage impacts.
2. The request is for the approval of a preliminary plat. The applicant has submitted a revised preliminary plat map that depicts the building lots, cutting preserves, future park land and pedestrian and road areas within the development.
3. This subdivision would have 81 lots limited to single-family residences.
4. Access to the plat would be from a single point on Village Green Drive. The revised design includes a wider entrance than originally proposed having a pavement width of 36 feet.
5. The environmental review of this project has revealed impacts on the City street network. In accordance with the conditions of the Mitigated Determination of Nonsignificance issued on August 24, 1989, Voluntary Contribution Agreements will be required to mitigate these impacts.
6. Development of the proposed plat will increase the demands on the City's recreation facilities and programs. In addition to the dedication of park land that was required as mitigation for the annexation of this site, additional contributions are required to offset the impacts arising from development of the proposed plat.
7. The proposed plat is situated within an R-9600 - Single Family Residential zoning district. The provisions of the code for the district do not require developments to be designed in accordance with the provisions of Sections 16.12.010 - 060 of the subdivision ordinance governing Planned Residential Developments.
8. The proposed average lot size would be approximately 11,018 square feet and the smallest proposed lot would be 8,900 square feet. The minimum lot size required in the R-9600 zoning district is 9,600 square feet. Under

the provisions of Section 16.02.060 of the subdivision code, lot size averaging is permitted provided that no lot may be reduced more than 25% of the minimum lot size. The size of the smallest lot represents a 7% reduction from the minimum lot size of the zoning district. Lot layout and design complies with Section 16.02.060 of the MCMC.

9. The proposed plat is consistent and compatible in both lot size and density with the adjacent subdivisions of Swordfern and Red Cedar.
10. Based upon the lot size requirements of the R 9600 zoning district, the property could be divided into approximately 94 lots after taking into account lands dedicated for road right-of-ways. The applicant proposes 81 lots keeping the plat within the range of allowable use and density of the zoning district.
11. The proposal is consistent with the Suburban Residential designation of the comprehensive plan which designates 1-4 dwelling units per acre. The gross density of the proposed plat is 2.45 dwelling units per acre.
12. The proposal is consistent with the provisions and standards of the Mill Creek Zoning Ordinance.
13. If approved subject to the conditions recommended below, the proposed plat will be consistent with the requirements of Title 16 of the MCMC - Plats and Subdivisions.

RECOMMENDATIONS:

Based on the foregoing information, findings and conclusions, the Mill Creek City Staff recommends to the Planning Commission, approval of the proposed preliminary plat as revised, subject to the following conditions:

1. Development shall occur as portrayed on the revised preliminary plat map dated October 31, 1989, except as it may be modified by the imposition of conditions imposed by the Planning Commission.
2. The maximum number of building lots shall be 81. Construction shall be limited to one single-family detached home per lot.
3. Water and sewer facilities shall be designed and installed in accordance with the requirements of the Alderwood Water and Sewer District.
4. An erosion control plan shall be submitted for approval by the Public Works

Director prior to commencement of any site work including clearing and grading.

5. A fifty (50) foot cutting preserve area adjacent to Seattle Hill Road and on lots 1 and 2 fronting on Village Green Drive is required. An additional cutting preserve easement approximately 35 feet wide will be required along the northern and northwestern perimeters of the plat (lots 33-38 and 47-52 inclusive). Also, additional trees shall be preserved within the interior of the plat. The areas to be preserved will be determined after the preparation of a tree survey and on-site identification and designation by City staff. Preservation areas and trees to be saved shall be protected from encroachment by vehicles, earth moving machinery, and material storage by methods to be agreed upon by the developer and the staff.
6. All utility, stormwater drainage, maintenance and cutting preserves, together with attendant restrictions, shall be portrayed on the face of the final plat.
7. Mailboxes shall be grouped or clustered in centralized location(s) in accordance with the requirements of the U.S. Postal Service and approved by the City.
8. Fire hydrant design, location and spacing shall be reviewed and approved by Fire District No. 7, Alderwood Water and Sewer District and the City Building Official.
9. No structure shall be located within 50 feet of the edge of the wetland. This restriction shall be depicted on the face of the final plat. In addition, the rear 20 feet of lots 54 - 58 shall be replanted with native plantings associated with wetland areas as recommended by the Washington State Department of Ecology.
10. Stormwater shall be managed in accordance with the plans and specifications submitted by Triad Associates dated October 26, 1989 and accepted by the Public Works Director. Further, the proposed pond shall not encroach into any area identified as a forested wetland nor require tree removal.

Prior to final plat approval, a stormwater maintenance and management plan shall be submitted and approved by the Public Works Director in conjunction with the recommendations of the Washington State Departments of Wildlife and Ecology.

11. Sidewalks are required on both sides of the street within the plat. Also, the sidewalk located adjacent to lot 1 shall be extended to the sidewalk

located along Village Green Drive. All roadway sections shall be designed by a licensed engineer and the design reviewed and approved by the Public Works Director.

12. A twenty (20) foot wide access tract connecting Seattle Hill Road with the interior of the plat shall be provided between Lots 18 and 19. A paved concrete pathway having a minimum width of six (6) feet shall be constructed within said tract.
13. In order to assure sufficient area for future transit facilities to serve the plat along Seattle Hill Road, a six (6) foot slope easement shall be provided adjacent to the future right-of-way between lots 20 and 23.
14. The developer shall provide pedestrian crossing facilities across Seattle Hill in the following locations; at Lot 9 and Tract 103 and at Lots 18 and 19. These facilities shall include pavement striping, caution lights and warning signs as required and approved by the Public Works Director.
15. The execution of a Voluntary Contribution Agreement between the applicant and the City in the amount of \$40,500 in cash and/or in kind service to mitigate impacts on City recreation facilities, specifically for improvements to Log Cabin Park.
16. The execution of Voluntary Contribution Agreements between the applicant and the City in the amount of \$17,115.31 to mitigate the impacts on the 164th Street Bridge and road widening at North Creek, \$3,732.00 to mitigate the impacts caused by the development of the 164th Street and SR 527 Intersection, \$14,894.28 to pay a proportionate share of the signalization at Village Green Drive and Seattle Hill Road, \$21,679.00 to be contributed as the proportionate share of Snohomish County's 164th Street SE MRIP and \$6,228.00 to be contributed as the proportionate share for improvements on Seattle Hill Road. Also, dedication of a ten foot wide strip running the entire length of Seattle Hill Road adjacent to the property is required for future road widening and shall be depicted on the face of the plat. The applicant shall also construct a temporary black-top path within the right-of-way to connect to the sidewalks on 35th Avenue.
17. The developers dedicate to the City 1.9 acres for the development of a neighborhood park as Tract 100, at the time of the preliminary plat approval in accordance with Ordinance 89-203, Section 3, passed by the City Council in July of this year.

In addition, the following conditions were added by the Planning Commission at their regular meeting on November 17, 1989.

The Planning Commission voted unanimously to adopt the Staff report, findings and recommended conditions of approval with the following changes and additions:

The first sentence of Condition 12 be amended to read that "Tract 104 shall be relocated between Lots 18 and 19, and Tract 105 shall be relocated between Lots 63 and 64 and 74 and 75."

New Condition 18:

A left turn channel, for access into the project, shall be provided at Village Green Drive adjacent to 155th Street S.E.

New Condition 19:

The 50 foot cutting preserve along Seattle Hill Road shall be moved inward, away from the edge of the dedicated right-of-way, a distance of one foot, to permit future fencing along Seattle Hill Road.

New Condition 20:

The City shall review and approve the Hamlin Park Homeowner's Association covenants, conditions and restrictions regarding detention pond maintenance to ensure that adequate maintenance is provided.

New Condition 21:

The developer shall provide sufficient park improvements on Tract 100 to effect an operational park when the first residents move into the Hamlin Park subdivision. The improvements should reflect the City's Master Plan for the park and provide a picnic shelter, walking paths, groundcover and irrigation. Said improvements shall constitute at least fifty percent of the improvements scheduled for Tract 100. Additional improvements to Tract 100 shall include entrance landscaping on that portion of the tract east of Village Green Drive and north of 155th Street S.E.

Other required improvements shall include construction of a pedestrian trail within the detention pond maintenance access located between Lots 54 and 55. This trail shall be constructed to provide access to the future walkway around the wetland area.