

PLANNING COMMISSION RESOLUTION NO. 91-19

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)
PRELIMINARY PLAT FOR A TWENTY-) FINDINGS,
EIGHT (28) LOT RESIDENTIAL) REASONS AND
SUBDIVISION TO BE KNOWN AS MILL) RECOMMENDATIONS
CREEK 20, CASE FILE NUMBER PP 91-31

WHEREAS, the United Development Corporation has submitted the appropriate information to the City of Mill Creek for consideration of a preliminary plat for a twenty-eight (28) lot single-family attached residential subdivision located west of Mill Creek Boulevard and north of 152nd Pl. S.E., within the City of Mill Creek; and

WHEREAS, the City of Mill Creek's SEPA Official issued a Mitigated Determination of Non-Significance on April 24, 1991, pursuant to RCW 43.21C; and

WHEREAS, a Notice of Property Development Impact Mitigation requiring specific mitigation measures was issued on April 24, 1991, pursuant to MCMC 17.48; and

WHEREAS, on October 5, 1991, a legal notice stating the time, place and purpose of the public hearing was published in the Everett Herald, and on October 4, 1991, 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 October 17, 1991, to consider the matter, took testimony and inquired into the facts of the proposal;

WHEREAS, the Planning Commission directed Staff to address specific issues and to provide written responses; and

WHEREAS, the Planning Commission continued review of the matter at the regular Planning Commission meeting on November 21, 1991;

NOW, THEREFORE, BE IT RESOLVED;

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, together with the testimony and evidence produced at the public hearing, and finds the proposed preliminary plat is consistent with the North Creek Comprehensive Plan and the Mill Creek Subdivision and Zoning Ordinances if conditioned to make appropriate provisions for the public health, safety, general welfare and other elements identified in RCW 58.17.110, and further finds that the public use and interest will be served by granting the preliminary plat as conditioned.

Section 2. The Planning Commission adopts the findings and recommendations 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 recommends to the City Council approval of a twenty-eight (28) lot preliminary plat for the United Development Corporation as fully described and conditioned in Exhibit A, Exhibit B and Exhibit C.

Done and passed by majority vote, this 21st day of November, 1991.


LAWRENCE SCHMIDT, CHAIRMAN


SECRETARY OF THE PLANNING COMMISSION

ATTACH: Exhibit A - Staff Report and Addendum
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

MEETING DATE: October 17, 1991

OWNER: United Development Corporation
15714 Country Club Drive
Mill Creek, WA 98012

**APPLICANT/
REPRESENTATIVE:** Wilsey and Ham Pacific
3025 112th Ave. N.E.
Bellevue, WA 98009

REQUESTED ACTION: Preliminary Plat approval of a twenty-eight (28) lot residential subdivision to be developed with single family attached dwelling units.

LOCATION: The subject site is located on the west side of Mill Creek Boulevard and north of 152nd Place S.E., immediately north of the Parkwood Apartments.

SIZE: 5.0 acres

LEGAL DESCRIPTION: Tract 299 of the plat of Mill Creek 16, recorded in Volume 47 of Plats, pages 224-226 inclusive, records of Snohomish County, Washington.

**NORTH CREEK
COMPREHENSIVE
PLAN DESIGNATION:** The North Creek Comprehensive Plan designates the site Suburban Residential, 1-4 dwelling units per acre. However, in accordance with the Mill Creek Master Plan and rezone contract, the subject site is designated Single Family Attached, 9 dwelling units to the acre. (The proposed Mill Creek Comprehensive Plan designates the parcel for single family medium density (nine (9) dwelling units per acre.)

ZONING DISTRICT: The subject site is designated PRD 7200 on the City's zoning map.

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 is not required under the provisions of RCW 43.21C.030. The City staff has, however, identified impacts to certain elements of the environment that require mitigation pursuant to SEPA. On April 24, 1991, a Mitigated Determination of Non-Significance (MDNS) was issued for the proposed project with the following measures required to mitigate development impacts:

Elements of the Environment Impacted by this Action:

1. **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 and erosion control 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.

2. **AIR:**

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

3. **VEGETATION:**

Development of the property will result in the removal of a significant number of trees and understory vegetation. In order to minimize the impacts of property development, a tree preservation plan shall be reviewed and approved by the City. The plan shall identify trees to be preserved both during and after construction, and identify the type and location of all measures such as

barrier fencing intended to prevent intrusion into areas designated for preservation.

4. TRANSPORTATION:

The proposed project will generate approximately 280 average weekday trips upon full development, with 19 trips in the a.m. peak hour, and 28 trips in the p.m. peak hour. In order to mitigate these impacts, the applicant shall execute a Voluntary Contribution Agreement in favor of the City for improvements and signalization at the intersection of SR 527 and Trillium Boulevard.

**CHAPTER 17.48 MCMC,
DEVELOPMENT
IMPACT MITIGATION
ORDINANCE:**

Pursuant to the provisions of Chapter 17.48 MCMC, a Notice of Property Development Impact Mitigation was issued by the City on April 24, 1991. The following measure was specifically developed to mitigate the impacts of this proposal of City facilities:

Execution of an Impact Mitigation Agreement between the applicant and the City in the amount of \$16,000.00 to mitigate impacts on the City's parks and recreation facilities. These funds are to be used for the acquisition and/or development of land for a public park to be located in the SR 527 corridor, north of 164th Street S.E.

In addition to these specific mitigation measures, the impacts to roads, with the exception of the Trillium Boulevard and SR 527 intersection, and schools were mitigated in separate agreements with Snohomish County and the Everett School District. Please refer to attachments 1 and 2.

NOTICE:

In accordance with Section 17.36.040 MCMC, notice of the public hearing was mailed to property owners of record within 500 feet of the proposed project site on October 2, 1991, published in the Everett Herald on October 5, 1991, and the property was posted on October 4, 1991.

PART III- BACKGROUND INFORMATION

HISTORY:

The subject site is located in Sector 6 of United Development Corporation's Mill Creek Master Plan. The subject parcel is one of seven tracts that were created in 1986 after a Sector Plan revision and subsequent large tract subdivision known as Mill Creek 16. In accordance with the provisions of the Master Plan and the revised Sector Plan, the subject site was designated for the development of single family attached residences with a maximum density of nine (9) dwelling units per acre.

EXISTING SITE CHARACTERISTICS:

The project site is somewhat hilly in character. Adjacent to Mill Creek Road, the terrain is generally flat; however, the grade sharply falls away towards the middle of the site and then gradually rises and flattens out to the west. Slopes in the middle section of the site range from 20% - 40%. The steepest slopes are located on the rear portions of lots 10-16 and 18-22.

The soils on this parcel have been classified by the Soil Conservation Service (SCS) as being in the Alderwood series. The SCS identifies the main limitation to home construction as absorption for septic tank drain fields, and the need for foundation drainage for buildings with crawl spaces and basements. Since the project is served by public sewer, the septic tank limitation is not applicable; however, foundation drainage should be installed. The severity of the limitations regarding stability also increases with the steepness of the slope. This is particularly true in the areas where the slopes approach 25%.

VEGETATION:

The subject site is one of three remaining undeveloped parcels within the plat of Mill Creek 16. It is heavily forested with a combination of deciduous and coniferous trees. The predominant species are alder and fir. There are significant stands of fir located in the southeast corner of the site, along the slopes mentioned above, and also in the southwest quadrant of the site.

LAND USE:

As mentioned previously, the subject site is one of seven tracts located within the plat of Mill Creek 16. Development within the plat to date includes the Parkwood Apartments, located south of the subject site, and the sixty-five (65) lot Juniper Division, located to the east across Mill Creek Boulevard. Immediately to the north is a twenty (20) acre undeveloped

tract designated for single family detached residential development. The property to the west is also undeveloped and currently zoned R-9600. (Note: The City's Proposed Comprehensive Plan designates this parcel for medium density residential, nine (9) dwelling units per acre.)

UTILITIES:

The subject site is located within the service area of the Alderwood Water District. Water and sewer service is available to the site from existing lines located along 152nd Place S.E. Electrical service is provided by Snohomish County PUD #1 and natural gas by Washington Natural Gas.

FIRE PROTECTION:

Fire protection services are provided by Fire District No. 7.

SUBDIVISION DESIGN:

The application is for the approval of a twenty-eight (28) lot subdivision to be developed with attached dwelling units. The attached units would be duplex/townhouse style with a common wall located on the lot lines separating the two units. Thus, each unit and lot is in fee simple ownership. This is similar to the design of the recently approved plat of Belvedere Place, located at the corner of Trillium Boulevard and Mill Creek Boulevard.

The subject site is five acres in size. The gross density is 5.6 dwelling units per acre; however, excluding the streets and dedicated right-of-ways, the net density is 6.5 units per acre.

Lot Layout:

The plat design incorporates two parallel cul-de-sacs extending north from 152nd Place S.E. The lots are arranged in an east/west alignment from the access roads. The average lot size is 6,302 square feet, with the smallest lot being 5,000 square feet and the largest being 9,300 square feet.

Similar to other residential divisions located along Mill Creek Boulevard, the plat design includes a cutting preserve adjacent to Mill Creek Boulevard. This area is proposed to be seventy-five (75) feet wide. Thirty-five (35) feet immediately adjacent to the road would be a common area, while the remaining forty (40) feet is proposed as an easement over the rear portion of lots 23-28. There is also a twenty-five (25) foot cutting preserve easement along the western boundary of the site on the rear portion of lots 1-8, and a fifteen (15) foot cutting preserve

located along the north property line of the subject site. The cutting preserves were placed on the site as a condition of the plat of Mill Creek 16.

Access:

Access to the site will be from an existing public street, 152nd Place S.E., which is located west of Mill Creek Boulevard separating the subject site from the Parkwood Apartments. The Proposed Comprehensive Plan shows this road being extended to SR 527, and then westerly to serve the planned Town Center.

The two internal streets will be dedicated as public streets and include curbs, gutters and sidewalks. In addition to the sidewalks located within the plat, other proposed pedestrian facilities include the construction of public sidewalks along the Mill Creek Boulevard frontage of the plat, and a pedestrian pathway easement connecting the subject site with an adjacent site to the north and a planned trail along Smoke House Creek.

Utilities:

Due to the location of the project in an area with existing development, much of the infrastructure necessary to serve the plat is already in place. The sewer and water service for the plat is located within the 152nd Place right-of-way. Service for the lots will be constructed within the two right-of-ways for the cul-de-sacs.

Similar to sewer and water, the stormwater runoff facilities for the plat will connect to the existing system that was designed for Sector 6 of the original Master Plan. In accordance with that plan, capacity is available for full development of the sector. Stormwater from the lots on the subject site will be collected and conveyed to the existing stormwater system located within the 152nd Place right-of-way, which is then conveyed to SR 527, and ultimately to the detention pond located south of the Washington State Department of Wildlife office and adjacent to North Creek.

**CONSISTENCY WITH
SUBDIVISION
REGULATIONS:**

While the subject site is currently a tract situated within the plat of Mill Creek 16, approved by the City in 1986, further division

of the tract is subject to the subdivision regulations in effect at the time the preliminary plat application is filed. Thus, Staff has evaluated the proposed plat with the criteria set forth in MCMC 16.18.010 and presents the following comments:

1. The preliminary plat meets the requirements and intent of the MCMC and adopted City plans.

Comment:

The subject site is located within Sector 6 of the UDC Master Plan. In 1986, the City granted approval of a revision to the Sector Plan allowing an increase in the approved number of dwelling units from 220 to 600 dwelling units. As a result of these approvals, the subject site was designated for single family attached uses allowing the development of townhouse style residences at a maximum density of nine dwelling units per acre.

As mentioned above, the subject site is located within a sector of the UDC Master Plan for Mill Creek. That plan was developed and approved in accordance with the goals and policies of Snohomish County's North Creek Comprehensive Plan, which was adopted by the City upon incorporation. Since the density of the proposed plat is lower than the maximum allowed in the approved Sector Plan, the proposed plat is consistent with adopted City plans.

The subject site is zoned PRD 7200. The use regulations and development standards for the district are contained in Chapter 17.04 MCMC. Section 17.04.030 B designates townhouses as principle uses. The minimum lot size for townhouses is an average of 2,000 square feet. The smallest lot in the proposed plat is 5,000 square feet, and the average lot size is 6,302 square feet. Thus, the proposed plat is consistent with the use regulations and development standards of the zone district.

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

Comment:

The streets within the proposed plat comply with the standards required by the City Engineer, including street dedication and the construction of sidewalks. However, the City Engineer has recommended that 152nd Place S.E. should be extended the full length of the site, that sidewalks be constructed along the full length of the 152nd Place S.E. frontage, and that additional right-of-way be dedicated on 152nd Place S.E. in order to accommodate future road widening. Please refer to attachment 3.

Water and sewer service is available to serve the site, and stormwater runoff will be managed through previously designed and approved systems.

The proposed project has complied with the open space requirements of the PRD and sector approval process through the inclusion of the required amount in the nature preserves. Additional open space is provided along Mill Creek Boulevard in the form of a 9800 square foot common area.

In addition, the City has determined that adequate provision for public parks is appropriately made by the assessment of fees for mitigation of the project's impact on public recreation. In accordance with the provisions of the Development Impact Mitigation Ordinance, Chapter 17.48 MCMC, the City has required the contribution of funds to be used for acquisition/development of a community park in the SR 527 corridor north of 164th Street S.E.

The applicant appealed this requirement to the City Council contending that the recreation impacts from the proposed plat were mitigated through the Sector 6 revision process. The applicants asserted that the dedication of Tract 301 (Library Park) for public purposes and the construction of the private play area, located adjacent to the Nature Preserve across Mill Creek Boulevard from the Surrey Park Apartments, provides adequate mitigation for the impacts of the current proposal.

The City Council considered the appeal at a public hearing on June 25, 1991, and again on August 13, 1991. On September 10, 1991, the City Council adopted findings and conclusions denying the appeal and upholding the requirement for the

contribution of fees to mitigate the project's impact on public recreation.

Based on the City Council's decision on the appeal and a review of the findings and conclusions in support of the decision, it is staff's opinion that adequate provisions for parks and playgrounds have been made. First, by the payment of fees to mitigate impacts on public recreation facilities, and also by the development of the play field serving Sector 6 in lieu of on-site private 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 impact mitigation agreements with the applicant will include contributions for future park land acquisition. In addition, approval of the plat will be conditioned to require construction of public sidewalks along 152nd Place S.E. and Mill Creek Boulevard.

FINDINGS AND CONCLUSIONS:

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

1. The request is for the approval of a preliminary plat to subdivide five (5) acres into twenty-eight (28) lots. The lots are intended to be developed with single family attached residences.
2. The proposed plat is situated within the PRD 7200 zone district and subject to the restrictions and standards contained in Chapter 17.04 MCMC. The proposed plat is consistent with the use, density, and lot area requirements of the district.
3. Access to the plat would be from 152nd Place S.E. The City Engineer has determined that an additional right-of-way is required to be dedicated along this street.

4. The project has been reviewed in accordance with the State Environmental Policy Act (SEPA) and Chapter 17.48 MCMC, the City's Development Impact Mitigation ordinance. After completing a review of the application in accordance with these provisions, it was determined that contributions were necessary to mitigate the proposal's impact on public parks and transportation facilities.
5. On May 8, 1991, the applicant appealed the requirement for the impact mitigation, asserting that the project impacts on parks and recreation facilities were previously offset through the provision of private facilities. After holding a public hearing on the appeal, the City Council determined that the previous actions did not offset the impacts of this proposal on public recreation, and upheld the requirement for contribution for public park land acquisition/development.
6. Subsequent to the City Council's decision on the appeal of the requirement for parks impact mitigation, the applicant reduced the number of lots in the proposed plat. The amount of the contribution required to mitigate the project impacts on recreation will be adjusted to reflect this change.
7. The proposed plat is capable of being served with adequate water and sewer services.
8. 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.
9. The statutory requirements for environmental review and public notice have been duly satisfied.

RECOMMENDATIONS: Based on the foregoing information and findings and conclusions, staff recommends to the Planning Commission approval of the proposed preliminary plat, 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.

2. The maximum number of building lots shall not exceed twenty-eight (28). Construction shall be limited to single family attached residences.
3. Water and sewer facilities shall be designed and constructed in accordance with the requirements of the Alderwood Water District.
4. A temporary stormwater management and erosion control plan shall be submitted for review and approval by the City Engineer. Approval of the plan and implementation shall occur prior to the commencement of any site work including clearing and grading.
5. In addition to the trees located within the cutting preserves depicted on the plat, trees within the interior of the plat shall be preserved where appropriate. The trees to be preserved shall be determined after review of a tree survey currently on file with the City, and an on-site identification and designation by City staff. Preservation areas and individual trees identified to be saved shall be protected from encroachment by vehicles, earth moving machinery, and material storage by the erection of barrier fencing approved by City staff.
6. Site clearing and grading shall be restricted to areas necessary for the installation of utilities, and road and sidewalk construction. No other clearing is allowed without the approval of City staff. No lot clearing shall be allowed nor building permit issued prior to the submittal and approval of a tree preservation plan for each lot.

Trees designated for preservation that are damaged or removed shall be replaced at a ratio of 2:1. The replacement trees shall be of a coniferous species, and have a minimum height at planting of twelve (12) feet.

7. All utility, stormwater, drainage, maintenance easements, cutting preserves, and common tracts together with

attendant restrictions and conditions shall be portrayed on the face of the final plat.

8. A soils and slope stability report and analysis, which shall include methods of construction and erosion control prepared by a licensed geotechnical engineer, shall be submitted for review and approval by the City Engineer and City Building Official prior to clearing, grading, and the issuance of building permits for lots 10-23.
9. Mail boxes shall be grouped or clustered in locations identified by the United State Postal Service.
10. Fire hydrant design, location, and spacing shall be reviewed and approved by Fire District No. 7, Alderwood Water District, and the City Building Official.
11. Stormwater shall be managed in accordance with the plans and specifications approved by the City Engineer. The applicant shall provide an updated stormwater engineering report confirming the existing system's capacity or proposing on-site designs necessary to accommodate the runoff from the proposed plat.

Oil/water separators shall be installed in catch basins as determined by the City Engineer.
12. The pedestrian pathway shall be designated as a separate tract on the face of the plat and dedicated as an easement for public access.
13. Meandering sidewalks are required on both of the public streets within the plat, along the north side of 152nd Place S.E., and along the west side of Mill Creek Boulevard.
14. 152nd Place S.E. be improved to a 36 foot width collector standard the entire length of the subject site adjacent to this road. A ten foot wide strip, running the full length of the subject site adjacent to 152nd Place S.E., be dedicated to public right of way to accommodate the road widening and other public improvements.

15. All roadway sections shall be designed by a licensed engineer, and the design shall be reviewed and approved by the City Engineer. The planting islands in the cul-de-sac shall be privately owned and maintained.
16. There shall be a homeowners association, which will be responsible for the maintenance of the pedestrian tract, planting islands, and any other privately owned facilities.
17. The execution of a voluntary contribution agreement between the applicant and the City in the amount of \$14,000 in cash to mitigate impacts on City recreation facilities, and to be used specifically for park land acquisition/development of a public park within the SR 527 corridor, north of 164th Street S.E.
18. The execution of a voluntary contribution between the applicant and the City in the amount of \$270.00 to mitigate traffic impacts on the intersection of Trillium Boulevard and SR 527.
19. The entry landscaping, signage, building materials, and design shall be reviewed and approved by the City's Design Review Board prior to the issuance of any building permits.

**PLANNING COMMISSION
ACTION:**

At their regular meeting on November 21, 1991 the Planning Commission continued their review of the preliminary plat application. After reviewing the staff report addendum containing the responses to the issues raised at the public hearing, the Commission voted to adopt the staff report, addendum and recommended conditions of approval with the following change:

Condition 12 be changed to read:

The pedestrian pathway shall be designated as a separate tract on the face of plat and dedicated to the City of Mill Creek for public access and use. The tract shall have a minimum width of twenty (20) feet and contain a concrete walkway with a minimum width of five (5) feet.



TO: Planning Commission
FROM: Pete Friedman, Planner II
DATE: November 25, 1991
SUBJ: **MILL CREEK 20 - STAFF REPORT ADDENDUM**

At the close of the public hearing on October 17, 1991, the Planning Commission directed staff to: (1) provide written responses to the issues raised by United Development Corporation in their letter dated October 17, 1991, (2) discuss the issues as appropriate with the City Attorney, and (3) discuss the issues with the applicant in an attempt to arrive at a solution to the issues. The following are the City staff's written responses to the applicant's issues, and concerns raised by the Commission, as well as the staff's proposed changes and additions to the recommended findings and conditions of approval. Attachments include a memorandum from the City Engineer addressing the pedestrian pathway, planting islands, and stormwater runoff; and a copy of the 100 year flood hazard map for the City.

Applicants Issues:

1. Requirement for soils and slope stability reports on lots 17 and 23.

The applicant has indicated that there is a discrepancy in the background information regarding the location of steep slopes and the specific lots that are subject to the soils and slope stability reports.

Comment:

Staff concurs with the applicant, and the recommendation will be changed to reflect that the soils and slope stability will be required for lots 10-16 and 18-22.

2. Ownership and maintenance of the pedestrian pathway.

The applicant has indicated that the pedestrian pathway linking the subject site with the tract to the north should be designated as a separate tract and dedicated to the public rather than remain in private ownership with a public access easement. They assert that the homeowners should not be responsible for the maintenance costs of the tract since it will be used by the public.

Comment:

Staff has reviewed the applicants proposal to dedicate the pedestrian pathway tract to the City for the purposes of public access. Since the tract is not located within or adjacent to a public right-of-way and the purpose is to provide access from the plat to an adjacent development, as well as other public and private

pathways, staff believes that private ownership with an easement for public access is appropriate. This is consistent with the City's actions on the recently approved plats of Parkside and The Springs.

The City Engineer recommends, however, that repair maintenance of the pathway be assumed by the City, and routine maintenance and cleaning responsibilities be assumed by the homeowners association. Therefore, the recommended public access easement across the tract should include a provision to allow entry by the City for repair purposes. Please refer to the attached memorandum from the City Engineer.

3. Construction of meandering sidewalks along the internal streets of the plat.

The recommended conditions of approval required meandering sidewalks along all street frontages of the subject site and along the two internal streets. The applicants have indicated that it is not possible to construct the meandering sidewalks within the forty (40) foot right-of-way for the internal streets.

Comment:

The City Engineer has reviewed the matter and agrees that the sidewalks along the two internal streets and 152nd Place Southeast may be constructed in a straight alignment rather than meandering. The original recommendation for construction of meandering sidewalks along the Mill Creek Boulevard frontage remains.

4. Private ownership and maintenance of the planting islands.

The applicants assert that the planting islands currently located within City right-of-ways are publicly owned and maintained and they expect similar treatment in the proposed plat.

Comment:

The planting islands located in the two cul-de-sacs were proposed by the applicant, not required by the City. It is staff's opinion that the proposed islands would primarily benefit the residents of the plat rather than the general public, as in the case of planting islands located within the collector road system. Therefore, we believe that the responsibility for maintenance should rest with the homeowners benefitting from this amenity. In addition, the recently approved plat of Parkside has landscape islands located in the right-of-way that are privately maintained.

Based on the limited public benefit derived from planting islands located in a dead end street and the public cost of maintaining this type of feature, staff recommends that the islands be eliminated from the proposed plat. If the applicants desire to have the islands in the plat, then we recommend that they be constructed to City standard and approved by the City Engineer; be approved by the City's Design Review Board; and consistent with our original recommendation, be privately maintained.

5. Street improvements and right-of-way dedication along 152nd Place Southeast.

The applicants stated their opposition to these requirements both verbally and in a letter dated October 17, 1991. They contend that the existing road complies with the standards depicted on the plat of Mill Creek 16 and is not required to serve the proposed plat.

Comment:

At the Commission's direction, this matter has been discussed at length with the applicant. Based on our discussions and further review of the City's adopted Transportation Improvement Program, which identifies the section of 152nd Place Southeast between SR 527 and the western boundary of the subject site as a collector, the applicant has agreed to dedicate the additional ten feet for future road widening. Thus, Condition 14, which makes provisions for future road widening, when actually warranted, through the dedication of additional right-of-way remains unchanged. Construction of road improvements and sidewalks along 152nd Place Southeast to the western boundary of the site to match the existing road width is still required.

Planning Commission Issues

1. Risk of flooding due to the proximity of Smokehouse Creek.

At the public hearing, a concern was raised regarding the potential flood hazard due to the close proximity of the northwest corner of the plat to Smokehouse Creek.

Comment:

The Federal Emergency Management Agency's Flood Insurance Rate Map # 535534 0480 B identifies both 100 year and 500 year flood hazard areas for the City. The area of concern is not designated as a flood hazard area on the map.

North Creek is the closest identified flood hazard area. The flood hazard map is attached for the Commission's reference.

In addition, Smokehouse Creek is an intermittent stream. The headwater source of the Creek is the stormwater detention pond located in the Holly subdivision. The pond was designed to store stormwater and release it at a specified rate; therefore, runoff in the creek is partially controlled.

2. Was the existing detention pond on lot 6 of Mill Creek Plaza designed to include development runoff for the subject site.

Comment:

The applicant's have provided the City Engineer with the original drainage calculations for Sector 6. The calculations and storm drainage plans indicate that the pond can accommodate the runoff from the subject site.

**SUPPLEMENTAL
FINDINGS AND
CONCLUSIONS:**

Following a review and evaluation of the issues, staff makes the additional findings:

10. In accordance with the City's Transportation Improvement Program, 152nd Place Southeast is planned as a collector street linking SR 527 and Mill Creek Boulevard. Dedication of additional right-of-way, extension of the existing road to the property line of the subject site, and the construction of sidewalks along the entire site frontage constitutes appropriate provision of road, public ways, and sidewalks.

11. The proposed plat, as conditioned, makes appropriate provisions for roads, sidewalks, utilities, schools and parks and recreation in accordance with RCW 58.17.110.

SUPPLEMENTAL

RECOMMENDATIONS: Based on our review of the applicants comments and information contained in this memorandum, staff recommends approval of the proposed plat subject to the recommended conditions of approval with the following revisions and additions:

Condition 8 is
amended as follows:

8. A soils and slope stability report and analysis, which shall include methods of construction, amount of grading, and erosion control prepared by a licensed geotechnical engineer, shall be submitted for review and approval by the City Engineer and City Building Official prior to clearing, grading, and the issuance of building permits for lots 10-16 and 18-22.

Condition 13 is
amended as follows:

13. Meandering Sidewalks are required on both of the public streets within the plat, along the north side of 152nd Place Southeast, and along the west side of Mill Creek Boulevard. The sidewalks along Mill Creek Boulevard shall be designed and constructed to meander within the area between the back of the curb and the western right-of-way line.

Condition 15 is
amended as follows:

15. All roadway sections shall be designed by a licensed engineer, and the design shall be reviewed and approved by the City Engineer. The planting islands in the cul-de sacs shall be constructed in accordance with the City Standard Plans approved by the City Engineer; be approved by Fire District No. 7; and be privately owned and maintained. There shall be a note on the face of the plat stating the City's right to remodel, remove or re-landscape the islands if deemed necessary by the City Engineer.

Condition 16 is
amended as follows:

16. There shall be a homeowners association, which will be responsible for the maintenance of the pedestrian tract, planting islands, and any other privately owned facilities.

Condition 19 is
amended as follows:

19. The entry and planting island landscaping, signage, building materials, and design shall be reviewed and approved by the City's Design Review Board prior to the issuance of any building permits.

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Add new
Condition 20.

20. The capacity of all open channels adjacent to SR 527 that convey stormwater from the subject site shall be increased to carry the additional flows at the direction of the City Engineer.

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that MCCA is any different than any other community association, except for the the rezone contract. If the City Attorney is satisfied that the contract does not specifically prohibit this, she does not feel that there is a compelling reason to make an exception for one community association. Commissioner Hodge pointed out that other community associations do not have private trail systems.

Chairman Schmidt commented that since the City's boundaries have been expanding, he feels that walls and barriers cannot be erected to try to keep the public off the accesses and trails. The City and MCCA have the opportunity to develop a good trail system throughout the total community. He added that he is leaning in favor of maintenance by the City. Commissioner Dinniene suggested that the City and MCCA meet to work on this issue for the good of the entire community.

MOTION:

Commissioner Hodge moved to adopt Planning Commission Resolution No. 91-19 entitled "A RESOLUTION OF MILL CREEK PLANNING COMMISSION, RECOMMENDING APPROVAL TO THE CITY COUNCIL OF THE CITY OF MILL CREEK, WASHINGTON OF A PRELIMINARY PLAT FOR A TWENTY-EIGHT (28) LOT RESIDENTIAL SUBDIVISION TO BE KNOWN AS MILL CREEK 20, CASE FILE NUMBER PP 91-31," to include the revisions and one additional amendment set forth in the October 17, 1991 staff report. Commissioner Beyerlein seconded the motion.

Commissioner Hodge asked the staff, not as a part of motion, that in the future when there are substantial changes to recommendations, that all recommendations be included with the agenda for review by the Commission.

MOTION:

After further discussion, Commissioner Hodge moved to amend his motion to change Recommendation No. 12 to read "The pathway shall be designated as a separate tract on the face of the plat, dedicated to the City of Mill Creek for public access." Commissioner Bulger seconded the motion. Motion carried 5 to 1, with Commissioner Beyerlein opposing.

Commissioner Beyerlein stated that she voted against the amendment as she feels that the tract should not be treated any differently than Parkside or the Springs.

MOTION:

Commissioner Dinniene moved to include his earlier amendment to Condition No. 12 to add that a five-foot concrete pedestrian pathway be constructed in the designated area. It was seconded by Commissioner

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Beyerlein and approved unanimously.

A vote on the original motion as amended carried unanimously.

Chairman Schmidt declared a short recess at 8:25 p.m. The meeting reconvened at 8:35 p.m.

V. PUBLIC HEARING:

a) Preliminary Plat Application (Hillcrest Glen)

Chairman Schmidt opened the public hearing and asked for the staff report.

Planner Friedman stated that this application is for a preliminary plat approval of a nine (9) lot residential subdivision to be developed with single family detached dwelling units to be located immediately north of the plat of Mill Creek Highlands Division III, between the end of 27th Drive S.E. and Seattle Hill Road. The property covers 2.4 acres and is designated R-9600 Residential Single Family on the City's Zoning map. A Mitigated Determination of Non-Significance (MDNS) was issued by the SEPA official of the City. All statutory requirements have been met.

Planner Friedman described the existing land use, site characteristics, utilities, subdivision design, access, and other background information. He also listed the resulting impacts from required transportation and recreation. Planner Friedman advised the Commission that the applicant has chosen to use lot size averaging which will result in lots ranging from 8,400 to over 10,000 square feet. The staff felt that it would be punitive to require on-site recreational facilities for a nine-lot development which is close to two neighborhood parks and has recommended waiving this requirement.

Planner Friedman detailed the other recommendations and conditions prepared by the staff and recommended approval by the Planning Commission of the proposed preliminary plat, subject to the 18 conditions listed.

The Commissioners asked several questions relating to possible existing underground fuel storage, buffers, maintenance of trail, and public access. In answer to a question asked by Commissioner Dinniene, Planner Friedman explained that due to the size of the plat, the applicant was not required to submit a traffic study.