

PLANNING COMMISSION RESOLUTION NO. 93-32

A RESOLUTION OF THE CITY OF MILL CREEK)
PLANNING COMMISSION, RECOMMENDING)
APPROVAL TO THE CITY COUNCIL OF THE)
CITY OF MILL CREEK, WASHINGTON OF A) FINDINGS,
PRELIMINARY PLAT/PLANNED RESIDENTIAL) REASONS AND
DEVELOPMENT FOR A THIRTY (30) LOT) RECOMMENDATIONS
RESIDENTIAL SUBDIVISION TO BE KNOWN AS)
"THE PARKS AT MILL CREEK, DIVISIONS 3)
AND 4." CASE FILE NUMBER PP 93-36.)

WHEREAS, Countrywood Homes, Inc. has submitted the appropriate information to the City of Mill Creek for consideration of a Preliminary Plat/Planned Residential Development for a thirty (30) lot single-family residential subdivision located south of Seattle Hill Road, west of 35th Avenue and east of the Highlands, Division IV, within the City of Mill Creek; and

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

WHEREAS, on November 5, 1993, a legal notice stating the time, place and purpose of the public hearing was published in the Everett Herald, and on November 5, 1993, 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 November 18, 1993, to consider the matter, took testimony and inquired into the facts of the proposal.

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

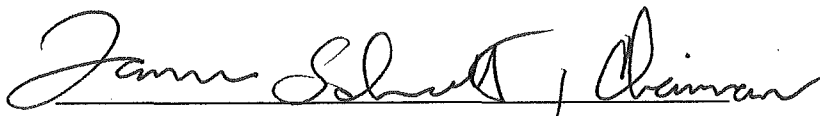
Section 1: The Planning Commission has considered the staff report, attached as Exhibit A, and the proposed preliminary plat, attached as Exhibit B, all incorporated herein, and the testimony and other facts elicited at the public hearing and finds that the proposed preliminary plat/planned residential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

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

Section 3: The Planning Commission, therefore, recommends to the City Council approval of a thirty (30) lot preliminary plat/planned residential development for Countrywood Homes, Inc. as fully described and conditioned in Exhibit A, Exhibit B, and Exhibit C.

Done and Passed by majority vote, this eighteenth day of November, 1993.

CITY OF MILL CREEK PLANNING COMMISSION


LAWRENCE SCHMIDT, CHAIRMAN


SECRETARY OF THE PLANNING COMMISSION

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

EXHIBIT A

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

PART I - SUMMARY INFORMATION

DATE: November 12, 1993

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

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

REQUESTED ACTION: Planned Residential Development/ Preliminary Plat approval for a 30-lot subdivision to be developed with single-family detached residences.

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

SIZE: 7.31 acres

LEGAL DESCRIPTION: Refer to Attachment 1

COMPREHENSIVE PLAN DESIGNATION: Single-Family Low Density, 4 Dwelling Units per Acre

ZONING DISTRICT: R 9600 - Residential Single-Family

PART II - STATUTORY REQUIREMENTS

SEPA COMPLIANCE/ DEVELOPMENT IMPACT MITIGATION ORDINANCE:

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

City staff has identified certain elements of the environment that require mitigation pursuant to SEPA as well as impacts on public facilities that require mitigation pursuant to Chapter 17.48 MCMC. On September 28, 1993 a Mitigated Determination of Non-Significance (MDNS)/ Notice of Property Development 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 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 before 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.

To reduce impacts on air quality, all fireplaces shall be natural gas appliances, or pellet stoves or certified wood stoves shall be used in place of fireplace inserts.

SEPA COMPLIANCE/DEVELOPMENT IMPACT MITIGATION ORDINANCE CONTINUED:

3. WATER:

Future residential development will generate stormwater that may contain oil, fertilizers, and other potential pollutants. Runoff will be detained on-site prior to release into off-site drainage courses. Stormwater treatment methods are required and shall be based on the Washington State Department of Ecology Stormwater Management Manual, Publication 92-32 Volume I and Publication 92-33 Volume II.

4. PLANTS:

Development of the plat will result in the loss of a large amount of the existing site vegetation. To mitigate for this loss, fifty-foot (50') roadway buffers/cutting preserves shall be incorporated in the plat design along 35th Avenue Southeast. In addition, individual trees shall be preserved on individual lots as determined by the Department of Community Development, and an approved street tree planting program shall be implemented commensurate with house construction.

5. TRANSPORTATION:

The proposed project will generate approximately 305 average weekday trips upon full development, with 23 trips in the a.m. peak hours and 31 trips in the p.m. peak hours. An Impact Mitigation Agreement between the applicant and the City shall be executed to mitigate direct traffic impacts on City facilities.

6. RECREATION:

Approval of the plat as proposed would allow the construction of 30 single-family residences with an estimated population of 86 people. This additional population will increase the demands on the City's recreation facilities and programs. In order to mitigate these impacts, the applicant shall dedicate land for park purposes or execute an Impact Mitigation Agreement for payment of mitigation in lieu of dedication for neighborhood park facilities located adjacent to the proposed plat. The specific mitigation measures shall be determined in accordance with Chapter 17.48 Mill Creek Municipal Code, and Mill Creek City Council Resolution 91-134.

SEPA COMPLIANCE/DEVELOPMENT IMPACT MITIGATION ORDINANCE CONTINUED:

7. PUBLIC SERVICES:

Approval of the plat will have an impact on the Everett School District facilities. The Everett School District shall determine the appropriate mitigation measures and advise the City accordingly.

INTERJURISDICTIONAL AGREEMENTS:

The City and Snohomish County have adopted two interlocal agreements regarding joint review, comment and imposition of appropriate mitigation and conditions that affect the proposed project.

Interlocal Transportation Agreement with Snohomish County

In 1991 the City and Snohomish County signed an interlocal transportation agreement that established the policies and procedures for the review of development impacts on interjurisdictional transportation systems. Under the terms of the agreement, each jurisdiction is to: 1) notify the other of developments occurring within specific geographical areas; 2) provide special studies or information related to specific development proposals; 3) recommend specific measures to be imposed to mitigate impacts on transportation facilities in the other jurisdiction.

Interlocal Agreement with Snohomish County - East Neighborhood Annexation

The subject site is located within an area that was annexed to the City in 1992. Recognizing that future development in the annexation area would directly affect road and drainage facilities in the county, the City and Snohomish County have signed an Interlocal Agreement that:

- Establishes the road section design for future improvements to 35th Avenue.
- Enables the county to review and comment on stormwater management design plans for projects located in the annexation area.
- Establishes the City limit lines forty feet (40') west of the existing centerline of 35th Avenue.

INTERJURISDICTIONAL AGREEMENTS CONTINUED:

- Establishes the number of public access points to the western right-of-way of 35th Avenue between 148th and 164th Streets.

INTERLOCAL AGREEMENT WITH EVERETT

SCHOOL DISTRICT:

In March 1993 the City and the Everett School District signed an Interlocal Agreement to: 1) establish a process for the joint review of development applications in the City through the SEPA process and 2) provide a legal basis through which the City may condition development approvals to require mitigation of impacts in the District's facilities. This application has been viewed by the District and their comments are reflected in the report and recommended conditions.

COMMENTS RECEIVED FROM INTERESTED AGENCIES:

The following is a summary of the relevant comments received:

Snohomish County Public Works:

Pursuant to the 1991 Interlocal Transportation Agreement, the Snohomish County Public Works Department has reviewed the proposed project and supporting documents including the project traffic study and has recommended the specific measures to mitigate project impacts on the county road system. These measures include dedication of right-of-way, construction of frontage improvements and payment of mitigation fees.

Snohomish County Department of Community Development:

In accordance with the provisions of the Interlocal Agreement for the East Neighborhood Annexation, a preliminary stormwater runoff report, and preliminary runoff calculations have been submitted to the county's Department of Community Development for review. The City will incorporate the county's comments and the relevant recommendations in the detailed stormwater engineering plans. In addition, the county will be provided with an opportunity to review and comment on the final design plans.

COMMENTS RECEIVED FROM INTERESTED AGENCIES CONTINUED:

Washington State Department of Transportation (WSDOT):

The traffic study for the proposed project has been reviewed by WSDOT. They have requested that the developer contribute to the state's SR 527 widening project for the highway sections between 208th Street Southeast and 164th Street Southeast.

Alderwood Water District:

1. Public water and sanitary service are available at the eastern boundaries of the Highlands development.
2. The developer is responsible for extending sewer and water service throughout the plat in accordance with the District's design standards. Some off-site easements will be required to extend service from its current location to the subject site.
3. The District has the capacity to serve the proposed plat with sanitary sewer service and water.

Everett School District

1. The Everett School District has indicated that the approval of the proposed plat will have an impact on District facilities. In their response letter, the District recommends that the City require mitigation in lieu of dedication of land for school facilities.
2. The District and the City have conferred on appropriate bus pullouts for this project.

NOTICE:

According to Section 17.36.040 MCMC, notice of the public hearing was mailed to property owners of record within 500 feet of the proposed project on November 5, 1993, published in the Everett Herald on November 5, 1993 and the property was posted in three places on November 5, 1993.

PART III - BACKGROUND INFORMATION

HISTORY:

The subject site is located within the City's Interim Urban Growth Area that was adopted as part of the Comprehensive Plan in January 1992. The site was annexed to the City in December 1992 as part of the East Neighborhood Annexation. A zoning

classification of RC 2.5 was applied to the property at the time of annexation. The property was reclassified to R 9600 - Residential Single-Family in February 1993, as part of the citywide rezone to implement the Land Use Map of the Comprehensive Plan.

In June 1993, the Planning Commission held a public hearing on the first two divisions of The Parks at Mill Creek and recommended approval of the preliminary plat/planned residential development to the City Council. The Council approved Divisions I and II in July 1993.

**EXISTING SITE
CHARACTERISTICS:**

The proposed project constitutes the second and third divisions of a larger project known as The Parks at Mill Creek. The first two divisions contain a total of 110 lots and two neighborhood park sites.

The project area for this application comprises two separate sites south of Seattle Hill Road located between 35th Avenue Southeast and the Highlands development. The northern portion, Division III, contains approximately 2.82 acres and the southern site, Division IV, is approximately 4.49 acres in size. With the exception of an existing residence and barn on Division III, both sites are largely undeveloped and topography is generally flat. Please refer to Exhibit B (plat map).

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

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

VEGETATION:

Division III, which is located between 35th Avenue and the eastern boundary of the neighborhood park site located in Division I, is

VEGETATION CONTINUED:

largely open field and pasture. However, there is a small forested area on the western boundary.

Conversely, Division IV is heavily forested with a mixture of evergreen and deciduous trees. While Alder, Cedar and Hemlock are the dominant species, Fir and Pine are also present.

LAND USE:

The subject site is, for the most part, undeveloped. Based on the census conducted by the City subsequent to the annexation of the area in 1992, there is one mobile home and one occupied residence located on the subject site.

Surrounding land uses are as follows:

Division III

The surrounding lands in the City are currently undeveloped. However, it is anticipated that the area will be fully developed with single-family residences and a public neighborhood park.

To the east is 35th Avenue, and east of that road are open fields with light tree cover and 2-3 single-family residences on larger lots.

Division IV

To the west is Division IV of the Highlands development, which is now completely built out. To the south is an undeveloped parcel approximately five and one-half acres in size. There is a small daycare center and a single residence located east of the subject site. The property across 35th Avenue to the east is sparsely developed with single-family residences on large lots.

UTILITIES:

The subject site is located within the service area of the Alderwood Water District. Water service is located at the western boundary of the site, within the Highlands development at the east end of Highlands Boulevard and 162nd Place Southeast. A sewer main located at the end of 162nd Place Southeast in the Highlands development. These utilities will be installed in conjunction with the plat construction for Divisions I and II. Electrical service will be provided by Snohomish County PUD and natural gas service by Washington Natural Gas.

FIRE PROTECTION:

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

**SUBDIVISION PROCESS
AND DESIGN: PROCESS**

As mentioned previously, the project proponent has applied for the preliminary plat under the provisions of Section 16.12 of the subdivision ordinance governing planned residential development. The PRD process is intended as an alternate form of development to allow more flexibility while retaining significant natural features or providing public and private amenities. Under this process, many of the zoning and subdivision dimensional and bulk standards may be modified except for street setbacks on exterior streets, surveying standards, permitted uses and the engineering and design standards for public improvements. (This process was also used in the neighboring developments of the Highlands, The Springs, and The Parks Divisions I and II.)

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

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

SUBDIVISION DESIGN

General Description

As mentioned previously, the proposed plat is being developed in two divisions containing a total of 30 lots. The proposed plat has been designed as a second phase of a much larger development that will ultimately create a distinct neighborhood. While this proposal will add to an identifiable neighborhood, it will still maintain a connection with the Highlands development by a pedestrian pathway located in Division II.

In order to plan for future development, the applicant was directed by the City to provide a schematic lot and circulation plan for the entire East Neighborhood Annexation area. On September 16, 1993 the Planning Commission passed Resolution 93-31 adopting a master circulation plan for the East Neighborhood. (Please refer to **Attachment 2.**) The adopted plan was based on the schematic

SUBDIVISION PROCESS AND DESIGN CONTINUED:

plan mentioned previously. Future lots and roads are represented by lighter lines and the proposed plat is delineated by the darker lines on Exhibit B (plat map).

Lot Layout

■ Division III

This 2.82 acre division has frontage on 35th Avenue Southeast. It contains 9 lots which range in size from 6,500 to 13,800 square feet. The average lot size is 8,217 square feet. The lots are aligned along a north/south interior road taking access from 161st Street Southeast (which is to be constructed as the primary access to Division II from 35th Avenue Southeast). None of the proposed lots border existing developed properties. The applicant currently plans to retain the existing single-family residence located in this division.

Consistent with the Comprehensive Plan and subdivision and zoning regulations, a fifty-foot (50') roadway buffer/cutting preserve is provided in a separate tract between 35th Avenue and the proposed lots. Other open space in this division includes Tract R to be added to the neighborhood park that is to be dedicated to the City in accordance with the conditions of approval of Divisions I and II. Total open space in this division comprises approximately 28,050 square feet (.64 acre).

■ Division IV

This division is located between 35th Avenue Southeast and Division IV of the Highlands. It is 4.49 acres in size and is proposed to be divided into 21 lots ranging in size from 6,300 to 10,250 square feet. The average lot size is 7,319 square feet. Similar to Division III, the smaller lots will be developed on the interior portions of the division. The lots in this division front on the two (2) interior roads with access from 161st Street Southeast in Division II.

Lots 1-5 abut lots in the Highlands, Division IV. Similar to the Highlands, there will be a property buffer (tree preservation easement) on the rear twenty feet of the proposed lots.

SUBDIVISION PROCESS AND DESIGN CONTINUED:

Access and Circulation

As mentioned above, a master circulation plan for the entire East Neighborhood south of Seattle Hill Road was adopted by the Planning Commission and is being used as a guide for all future development in the area.

■ Division III

Vehicle access to this division will be from a single cul-de-sac, which is designated as 34th Avenue Southeast and runs north from 161st Street Southeast, one of the two main entrances to the development from 35th Avenue located within Division II.

Pedestrian access will be provided by public sidewalks on the internal street and connected to the public sidewalks in Division II. A pedestrian pathway is planned for Tract Q.

■ Division IV

Access to this division will also be from Division II via the future streets, 32nd Avenue S.E., and 161st Street S.E. Consistent with the overall circulation plan for the East Neighborhood, both of the proposed roads are designed to dead end at adjacent properties in order to provide access to future development(s) located within the East Neighborhood Annexation area. No public street connections to the Highlands are proposed.

In addition the applicant has proposed an access tract (Tract N) to provide internal access for future development on properties to the east.

Sidewalks will be constructed on both sides of the interior streets and a pedestrian pathway/ sidewalk for use by the public will be developed in the cutting preserve along 35th Avenue Southeast.

Utilities

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

SUBDIVISION PROCESS AND DESIGN CONTINUED:

Stormwater runoff will be collected in the streets and conveyed to an underground detention vault in Division I where settling of particulates will occur. It will then have a measured release into drainage facilities along 35th Avenue and follow existing drainage courses in unincorporated Snohomish County.

Open Space

The proposed plat is designed to provide both private and public open space. Private open space is provided in Tracts Q and O, the roadway buffers/cutting preserves and public open space is provided in Tract R, an addition to the neighborhood park tract. Since this application represents a small portion of a larger project, the majority of the open space is contained in Divisions I and II, primarily in the two tracts that will be dedicated to the City for neighborhood park purposes. The combined open space of all four divisions is approximately 7.33 acres.

CONSISTENCY WITH THE MILL CREEK COMPREHENSIVE PLAN:

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

LAND USE ELEMENT

Policy 1.03 - Continuation of residential development patterns.

The proposed plat continues the existing residential development patterns in the City, since it is a low density development located in a defined residential neighborhood area away from the higher density development located in the core area. It is a continuation of a large development recently approved by the City.

Policy 1.07 - Directs that four (4) dwelling units per acre should be the predominate density in single-family neighborhoods.

The proposed plat is located in the East Neighborhood, which is designated four (4) dwelling units per acre in the Comprehensive Plan. The gross density of the proposal is 3.4 units per acre.

CONSISTENCY WITH THE MILL CREEK COMPREHENSIVE PLAN CONTINUED:

Policy 1.10 - References compatibility with existing development in the East Neighborhood. The site design is consistent with the adjacent developments to the west. The current application constitutes a part of a larger development that provides for future circulation, provides land for public parks and private open spaces, has adequate vehicular and pedestrian circulation and uses a planned residential development approach similar to the adjacent developments.

Policy 1.12 - Parks, open space and linkage with existing development. The proposed plat provides both public and private open space, and again, is part of a larger development that provides linkage to the adjacent development of the Highlands.

Policy 1.13 - Access to new development by collector or arterial streets. The proposed plat is served by the internal street system of Division II, which has direct access to an arterial, 35th Avenue.

Policy 1.14 - Directs the provision of landscaped buffers and greenways along arterials. The proposed plat includes fifty-foot (50') roadway buffers/cutting preserves along 35th Avenue. The width of the proposed buffer is consistent with the Streetscape Element of the Comprehensive Plan; however, additional landscaping may be required.

Policy 1.15 - Peripheral buffers around residential developments to define the development. In addition to the roadway buffer/cutting preserve, the proposed plat also incorporates other buffers in the form of an open space tract and property buffers abutting the Highlands and other adjacent properties.

Policy 1.16 - New developments are to be planned as identifiable neighborhoods. The proposed plat is part of a larger development that has been designed to achieve an identifiable neighborhood by incorporating the following elements: two (2) primary or formal entrances, two (2) neighborhood park sites, a compatible mix of lot sizes, and a master circulation and open space plan.

Policy 1.17 - Compatibility with adjacent developments. The proposed plat is similar to the adjacent development of the Highlands since both areas have the same zoning, R 9600, the PRD

CONSISTENCY WITH THE MILL CREEK COMPREHENSIVE PLAN CONTINUED:

process has been used for both developments, the range of lot sizes and densities is similar and the overall plat layouts are similar.

COMMUNITY FACILITIES AND UTILITIES ELEMENT

Policies 1.01 & 1.03 - Sewer and water capacity. The subject site can be served by public water and sewer. The Alderwood Water District has indicated that there is sufficient capacity to serve this development and the developer will be responsible for extending the lines and mains throughout the site.

Policy 4.01 - Stormwater management - protecting water quality. Although the final engineering designs for the stormwater system are not normally reviewed at this juncture, the SEPA requirements and Interlocal Agreement with Snohomish County require compliance with the Department of Ecology Stormwater Manuals, designed to protect water quality. In addition, the preliminary design incorporates a detention facility for settling and grass-lined biofiltration ditches along 35th Avenue.

Policy 6.01 - School mitigation. The applicant will be required to mitigate school impacts as requested by the Everett School District.

TRANSPORTATION ELEMENT

Policies 2.01 & 2.02 - Pedestrian and bicycle travel, location of facilities. Public sidewalks will be provided on both sides of the internal streets. In addition, pedestrian pathways linking the sidewalk system with other public sidewalks or pedestrian pathways are proposed.

ROADWAY CAPACITY POLICIES

Policy 3.01 - Traffic impacts. The proposed project does not introduce traffic into any existing residential divisions. A master circulation plan has been approved for the proposed plat and future development in the area. The developer will also be responsible for constructing full frontage improvements along 35th Avenue consistent with the roadway design plans agreed to by the City and Snohomish County.

CONSISTENCY WITH THE MILL CREEK COMPREHENSIVE PLAN CONTINUED:

Policy 3.03 - Roadway access. The access for the site has been evaluated and there is no direct residential access onto the arterials serving the subject site. All internal access is to residential streets.

TRANSIT POLICIES

Policies 4.01 & 4.03 - Location of transit facilities and transit friendly land developments. Community Transit has reviewed the proposed plat, and their recommendations for transit stops and access were previously incorporated into the conditions of approval of Divisions I and II.

STREETSCAPE ELEMENT

Polices 1.02 & 3.01 - Location and width of landscape buffers/cutting preserves. The proposed project has frontage on one arterial subject to the streetscape standards of the plan. Consistent with those standards, a fifty-foot (50') roadway buffer/cutting preserve has been included in the project design along 35th Avenue.

ENVIRONMENTAL FEATURES ELEMENT

Environmental Policies 1.02 & 1.03 - Control and treatment of stormwater runoff. The project applicant will be required to provide stormwater runoff facilities that provide both detention, controlled release and water quality treatment through the use of particulate settling, biofiltration, and oil/water separators.

Aesthetic Value Policies 4.02, 4.03, 4.05 & 4.06 - Preservation of natural vegetation. The proposed plat will result in the removal of a significant amount of native vegetation. As mentioned above, the design incorporates roadway buffers/cutting preserves and property buffers in an effort to maintain some existing stands of trees and native vegetation. There should also be an opportunity to save more trees in the areas to be dedicated to the City for parks, and through the requirement for tree preservation plans for individual lots. In addition, a street tree planting program is recommended to meet the intent of the policy.

CONSISTENCY WITH THE MILL CREEK COMPREHENSIVE PLAN CONTINUED:

PARKS AND OPENS SPACE ELEMENT

Policy 1.02 - Linking public and private trail systems. As mentioned previously, the design of the proposed plat includes an open space tract that can accommodate a pedestrian pathway, link the subject plat with adjacent developments, and the City sidewalk system, and provide convenient non-motorized access to the future parks.

Policy 5.02 - Park land acquisition and dedication. Dedication of two neighborhood park sites was a condition of the annexation and preliminary plat approval for Divisions I and II. The proposed plat contains additional land area to be dedicated for park purposes.

Subsequent to the Planning Commission action on Divisions I and II the applicant and the City reached agreement on the dedication of additional land for the neighborhood park site located in Division II. In accordance with the terms of the agreement, the applicant has reserved three tracts (previously identified as residential lots in Division II) for future acquisition by the City. As future development occurs in the East Neighborhood, the City will use mitigation payments to acquire these lots at a price previously agreed to by both parties. If this applicant proposes additional development, then the required mitigation will be "credited " toward acquisition of all or a part of the reserved tracts.

Staff has determined that the payment of proportionate share mitigation, consistent with adopted formulas, is required to mitigate the impacts of this residential development. In accordance with the agreement mentioned above, the mitigation will be used to fund acquisition of one of the park reserve tracts.

In summary, staff has reviewed the applicable policies of the Comprehensive Plan. Based on this review, we find that the proposed project complies with the applicable policies or that the policies provide further direction in the development of the conditions of approval.

Please note that the transportation map in the plan is contrary to the policies regarding the creation of distinct identifiable neighborhoods, and precluding additional traffic from having access through existing neighborhoods. Based on the previous approval

CONSISTENCY WITH THE MILL CREEK COMPREHENSIVE PLAN CONTINUED:

of Divisions I and II and consistent with Planning Commission Resolution 93-31 establishing an overall circulation plan for the portion of the East Neighborhood south of Seattle Hill Road, the transportation map should be amended through the Growth Management Act revision process.

CONSISTENCY WITH SUBDIVISION REGULATIONS:

The subdivision of property in the City is governed by Title 16 MCMC. This application is also being processed under the provisions of the planned area development section of the subdivision regulations (Chapter 16.12), which allows modification of zoning and subdivision requirements with certain limitations and conditions. The following section evaluates the proposed plat with the seven (7) criteria for reviewing and approving preliminary plats that are found in MCMC Sections 16.12 and 16.18.010(c).

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

Subdivision Review Criteria

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

Comment:

The gross density that is allowed for the development of single-family homes within the East Neighborhood Annexation area, as designated on the Land Use Map of the Comprehensive Plan, is four (4) units per acre. The gross density for all four divisions of The Parks, including the proposed plat, is 3.4 units per acre. The proponents have chosen the PRD process and among the modifications sought is a reduction in the minimum lot size. The average lot area of the proposed project is 7,752 square feet.

Also, the proposed plat is located adjacent to the Highlands subdivision, which was also developed under the provisions of the

CONSISTENCY WITH SUBDIVISION REGULATIONS CONTINUED:

PRD regulations. The lot layout, size, and design of the proposed plat with neighborhood park facilities and open space tracts is similar to the adjacent properties.

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

Comment:

The streets and pedestrian ways within the proposed development comply with the standards required by the City Engineer. Open space will be provided through the roadway buffers/cutting preserves and dedication of additional land to the neighborhood park site. The applicants have agreed to mitigate their recreational impacts through the payment of park impact fees to be used for acquisition of additional land for the proposed neighborhood parks. Utilities are available with sufficient capacity to serve the site and the final drainage plans will be reviewed for adequacy in managing projected off-site flows. Contributions will be required to mitigate proportionate share impacts on City streets.

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

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

Comment:

The execution of mitigation agreements with the proponent will include dedication of additional land for a neighborhood park site, contributions for the acquisition of additional land for one of the parks and improvements to the City road system. In addition, the applicant will grant a pedestrian access easement in the roadway buffers/cutting preserves along 35th Avenue, for pedestrian access along 35th Avenue.

CONSISTENCY WITH SUBDIVISION REGULATIONS CONTINUED:

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

Comment:

The subject site contains 7.3 acres. The total for all four divisions is 41.11 acres.

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

Comment:

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

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

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

Comment:

Based on the density calculation formula, the subject site (Divisions III and IV) could be developed with 34 residential lots. The proposed project has 30 lots.

CONSISTENCY WITH SUBDIVISION REGULATIONS CONTINUED:

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

Comment:

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

Based on the formula contained in the PRD regulations, approximately 6.6 acres of open space is required for all four divisions. The applicants are proposing to provide 7.33 acres of open space. The two park sites contain 5.1 acres, and the balance of the open space is located in the roadway buffers/cutting preserves.

FINDINGS AND CONCLUSIONS:

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

1. The request is for the approval of a preliminary plat/planned residential development for 30 lots to be developed with single-family residences.
2. The proposed plat would be developed in two separate divisions--Division III with 9 lots and Division IV with 21 lots.
3. Access to the proposed plat would be from the internal streets of Divisions I and II.
4. The proposed project has been reviewed under the provisions of the State Environmental Policy Act (SEPA) and Chapter 17.48 MCMC, the Development Impact Mitigation Ordinance. This review has revealed that there will be an impact on the City street system, parks, and public school facilities that require mitigation.

In accordance with the Mitigated Determination of Non-Significance and Notice of Property Development Impact

FINDINGS AND CONCLUSIONS CONTINUED:

Mitigation issued by the responsible official on September 28, 1993, impact mitigation agreements will be required to mitigate the identified impacts.

5. The proposed plat is also subject to an Interlocal Transportation Agreement between the City of Mill Creek and Snohomish County for the review and mitigation of development impacts on the county road system.

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

7. The Everett School District has requested that the applicant contribute fees in lieu of land dedication to mitigate the development impacts on District facilities.

8. The Washington State Department of Transportation has requested mitigation for planned improvements on SR 527.

9. The subject site is located in an area that was annexed to the City in 1992. A condition of the annexation was the dedication of at least three (3) acres of land for public park purposes.

Consistent with the conditions of approval for Divisions I and II, the applicant will dedicate a total of 5.1 acres of land for park purposes. The proposed plat includes an additional .64 acres of land to be dedicated to the City for park purposes.

10. The City of Mill Creek and Snohomish County have executed an Interlocal Agreement specifically for the East Neighborhood Annexation that identifies roles and responsibilities for the review and approval of road and storm drainage system design. While the 35th Avenue right-of-way was not annexed, the City was given the authority, over the county right-of-way adjacent to the proposed plat.

11. The applicant is required to provide full width right-of-way improvements to 35th Avenue within the county right-of-way in accordance with the Interlocal Agreement. The applicant is also required to dedicate additional right-of-way as appropriate to

FINDINGS AND CONCLUSIONS CONTINUED:

provide a full forty-foot right-of-way measured west from the centerline of 35th Avenue.

12. The proposed plat is located within an R 9600 Residential Single-Family Zone District. By using the Planned Residential Development process, the setback lots and lot width requirements of the district may be modified.

13. The plat as described conforms to the provisions of the planned residential development section of the Mill Creek Subdivision Ordinance.

14. The proposed plat is compatible with regard to residential use, lot design, open space, provision of public facilities, and property buffers that exist in adjacent developments.

15. The proposed plat has been reviewed and found consistent with the applicable policies and Land Use Map of the City of Mill Creek Comprehensive Plan.

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

17. The statutory requirements for environmental review and public notification have been duly satisfied.

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

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

2. The maximum number of building lots shall be 30. Construction shall be limited to one single-family detached residence per lot.

3. There shall be a homeowners' association, which will be responsible for the maintenance of the common tracts and all privately owned facilities including landscape islands and medians.

RECOMMENDATIONS CONTINUED:

4. Water and sewer facilities shall be designed and installed in accordance with the requirements of the Alderwood Water District.

5. Stormwater management plans shall be submitted for review and approval by the City Engineer. The plans shall be prepared by a licensed engineer and incorporate stormwater treatment methods based on the Washington State Department of Ecology Stormwater Management Manual, Publication 92-32 Volume I and Publication 92-33 Volume II.

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

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

6. The applicant shall construct full width frontage improvements on 35th Avenue Southeast between Divisions I and IV in accordance with the design standards agreed upon by the City and Snohomish County. Additional right-of-way shall be dedicated to Snohomish County to provide a forty-foot right-of-way measured west of the centerline of the existing right-of-way. The road section shall be dedicated to Snohomish County.

7. In accordance with the design standards for the 35th Avenue improvements, the applicant shall construct pedestrian pathways within the roadway buffers/cutting preserves designated on Exhibit B as Tracts Q and M. (Note: Tract M will be redesignated Tract O on the final plat.) The pathways shall be located within an easement allowing public use and access. The applicant shall be responsible for constructing the pathway in accordance with the specifications and standards established by the City Engineer. The easement language shall be depicted on the face of the plat.

8. Standard sidewalks are required on both sides of the public streets within the plat.

9. All roadway sections shall be designed by a licensed engineer and the design reviewed and approved by the City Engineer. The design of the roadway section for all internal streets shall include provisions for a planting strip situated between the back of the curb

RECOMMENDATIONS CONTINUED:

and the outside edge of the sidewalk to accommodate street trees and shall be prepared by a licensed landscape architect.

10. In accordance with the Interlocal Transportation Agreement between Snohomish County and the City of Mill Creek for the mitigation of interjurisdictional development impacts, the applicant shall contribute \$73,836.30 to Snohomish County, subject to any credits approved by the county. Verification of payment shall be provided to the City before final plat approval.

11. Payment of \$39,090.00 to the Everett School District. Verification of payment shall be provided to the City before final plat approval.

12. The execution of an impact mitigation agreement between the applicant and the City for \$21,038.00 for the following road improvement projects:

Seattle Hill Road Improvements - \$6,517.00
Traffic Signal at 23rd/25th Avenue - \$12,103.00
9th Avenue Intersection Improvements - \$1,072.00
164th Street Bridge Widening - Phase II - \$1,224.00
Dumas Road Improvements - \$122.00

13. Contribution of \$7,409.00 to WSDOT for widening and intersection improvements to SR 527. Payment shall be made prior to final plat approval.

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

15. Contribution of \$16,029.00 to mitigate impacts on City park and recreation facilities. In accordance with the agreement between the City and the applicant, \$14,910.00 shall be used for acquisition of park reserve tract 001 in Division II for public neighborhood park facilities. The balance of the mitigation \$1,119.00 shall be used for the acquisition and development of a Community Park.

RECOMMENDATIONS CONTINUED:

16. A certificate of dedication for Tract R to the City, for park purposes, shall be executed prior to preliminary plat approval.

17. Twenty-foot property buffers shall be provided on the rear portions of Lots 1 - 5 in Division IV for the purpose of tree preservation. Additional trees shall be preserved within the interior of the plat where appropriate.

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

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

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

21. The roadway buffers/cutting preserves along 35th Avenue Southeast shall be landscaped in accordance with the Streetscape Element of the Comprehensive Plan. The landscape plan shall be reviewed and approved by the City's Design Review Board and implemented prior to final plat approval.

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

RECOMMENDATIONS CONTINUED:

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

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

w:\data\plan\wp\pete\pk34stf

RECOMMENDATIONS CONTINUED:

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

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

PLANNING COMMISSION

ACTION:

On November 18, 1993 the Mill Creek Planning Commission held a public hearing on the preliminary plat application by Countrywood Homes. After reviewing the staff report and recommendations and taking public testimony, the Commission voted to recommend to the City Council approval of the preliminary plat of the Parks at Mill Creek, Divisions III and IV subject to the following changes and additions:

Condition 15 is changed as follows:

Contribution of \$ 16,029.00 to mitigate impacts on City park and recreation facilities. Of this amount, \$ 14,910.00 shall be used for the development of the neighborhood park in Division II. The balance of the mitigation, \$ 1,119.00 shall be used for the acquisition and development of a Community Park.

Condition 17 is changed as follows:

Twenty-foot property buffers shall be provided on the portions of Lots 1-5 in Division IV for the purpose of tree preservation. If these areas are lacking in suitable trees for preservation, a reasonable number of trees shall be planted by the developer. Additional trees shall be preserved within the interior of the plat where appropriate.

New Condition 25

The private driveway serving Lot 18 shall be landscaped in an attractive manner. The landscape plan shall be reviewed and approved by the Design Review Board.

data\plan\wp\pete\pk36stf

DIVISION III

Legal Description

The North half of the South half of the Northeast quarter of the Southeast quarter, lying West of the present existing County road;
EXCEPT County Road, Section 5, Township 27 North, Range 5 East, W.M.;
EXCEPT the West 500 feet thereof.
Situate in the County of Snohomish, State of Washington.

DIVISION IV

Legal Description

PARCEL A

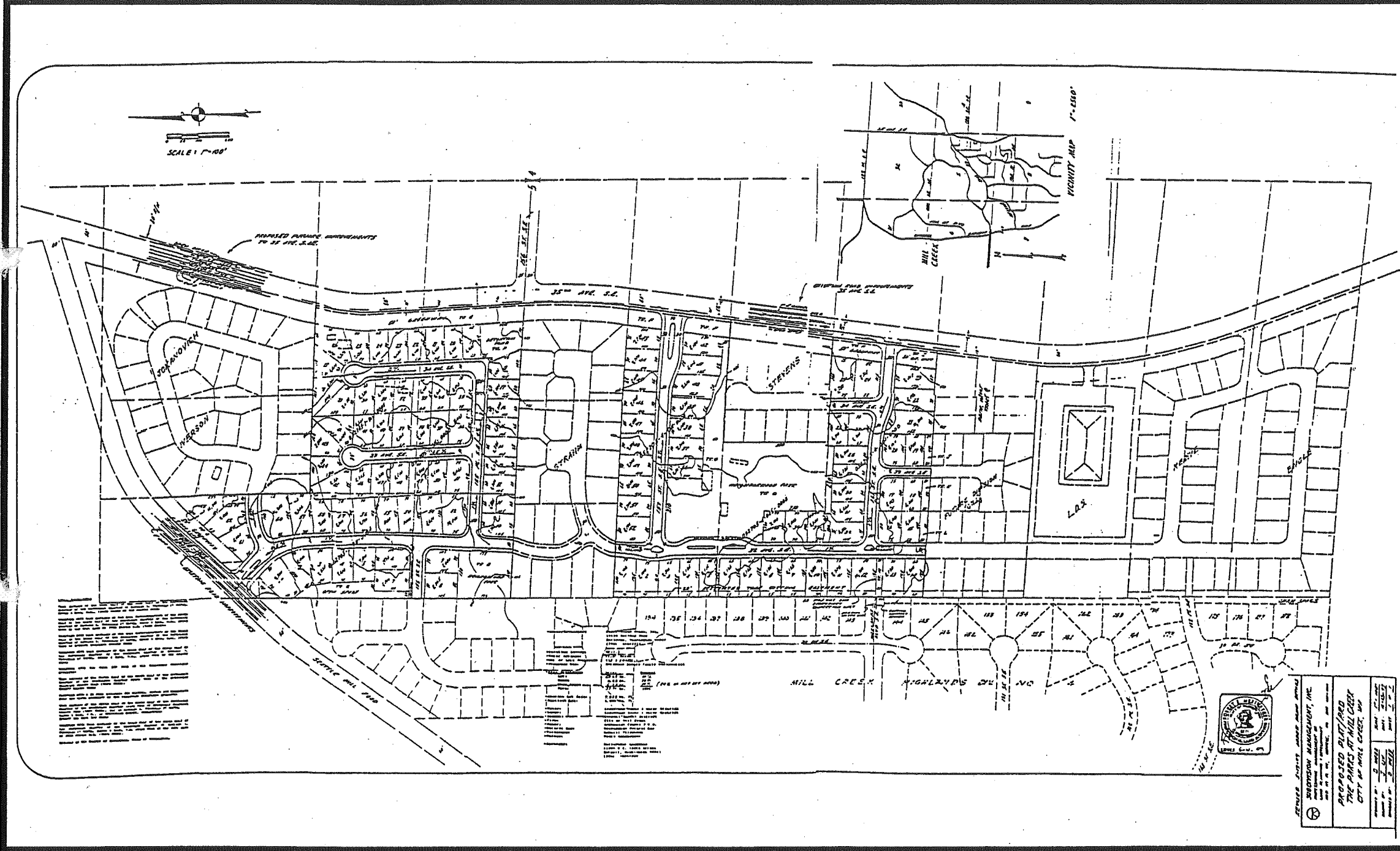
BEGINNING at the Northwest corner of the Southeast quarter of the Southeast quarter of Section 5, Township 27 North, Range 5 East, W.M.; the True Point of Beginning, thence East along the North line of said subdivision 550 feet; thence South 135 feet; thence East to the West line of road; thence Southerly along the West line of County road to the South line of the North half of the Southeast quarter of the Southeast quarter; thence West along the South line of said subdivision to the West line of said subdivision; thence North along the West line of said subdivision to the True Point of Beginning.

PARCEL B

BEGINNING at the Southeast corner of the South half of the North half of the North half of the Southeast quarter of the Southeast quarter of Section 5, Township 27 North, Range 5 East, W.M.; thence East 550 feet; thence North 135 feet; thence East to the West line of County road; thence Northerly along said West line of County road to the North line of said South half of the North half of the North half of the Southeast quarter of the Southeast quarter; thence West to the Northwest corner of said subdivision; thence South to the True Point of Beginning.

Attachment 1

LEGAL DESCRIPTION



Attachment 2

MASTER CIRCULATION PLAN - EAST NEIGHBORHOOD