

PLANNING COMMISSION RESOLUTION NO. 99-77

A RESOLUTION OF THE CITY OF MILL CREEK)
 PLANNING COMMISSION, RECOMMENDING)
 APPROVAL TO THE CITY COUNCIL OF THE CITY) FINDINGS,
 OF MILL CREEK, WASHINGTON OF A) REASONS AND
 PRELIMINARY PLAT FOR A PLANNED) RECOMMENDATIONS
 RESIDENTIAL DEVELOPMENT A SIXTEEN (16) LOT)
 RESIDENTIAL SUBDIVISION TO BE KNOWN AS)
 "THE PARKS, DIVISION VIII," CASE FILE NUMBER)
 PP 98-53.

WHEREAS, Countrywood Homes has submitted the appropriate information to the City of Mill Creek for consideration of a Preliminary Plat/Planned Residential Development for a 16-lot residential subdivision located south of Seattle Hill Road, east of 32nd Street Southeast, and west of 35th Avenue Southeast, within the City of Mill Creek; and

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

WHEREAS, on February 14, 1999, a legal notice stating the time, place and purpose of the public hearing was published in the Everett Herald, and on February 12, 1999, was posted on the property pursuant to MCMC 14.07.030, and on February 12, 1999, was sent to surrounding property owners within 500 feet of the site in accordance with MCMC 14.07.030; and

WHEREAS, the Planning Commission duly convened a public hearing on February 25, 1999, to consider the matter, take testimony, and inquire 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/Planned Residential Development, 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 as conditioned is consistent with the Mill Creek Comprehensive Plan, the Mill Creek Subdivision and Zoning ordinances, and makes 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.

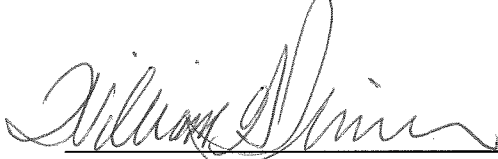
Section 3: The Planning Commission, therefore, recommends to the City Council approval of an 16-lot Preliminary Plat/Planned Residential Development, known as The Parks, Division VIII for Countrywood Homes as fully described and conditioned in Exhibit A, Exhibit B, and Exhibit C.

Passed in open meeting this 25th day of FEBRUARY, 1999 by a vote of 6 for, 0 against and 0 abstaining.

CITY OF MILL CREEK PLANNING COMMISSION



ROBERT MC ELHOSE, CHAIRMAN



SECRETARY OF THE PLANNING COMMISSION

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

EXHIBIT A

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

PART I - SUMMARY INFORMATION

HEARING

DATE: February 25, 1999

OWNER:

Countrywood Homes
14410 Bel-Red Road
Bellevue, WA 98007

REQUESTED

ACTION: Preliminary Plat/Planned Residential Development approval for a sixteen (16) 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 32nd Avenue between Divisions I and II of the development of The Parks within Section 5, Township 27 North, Range 5 East, W.M. Snohomish County.

SIZE:

4.79 acres

LEGAL

DESCRIPTION: Refer to **Attachment 1**

COMPREHENSIVE

PLAN DESIGNATION: Residential Low Density, Four Dwelling Units per Acre

ZONING DISTRICT:

LDR - Low Density Residential

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 February 3, 1999, an amended Mitigated Determination of Non-Significance (MDNS)/Notice of Property Development Impact Mitigation was issued for the proposed project. Specific measures are required to mitigate development impacts and have been incorporated into the appropriate recommended conditions of approval.

INTERJURISDICTIONAL AGREEMENTS:

The City has adopted separate interlocal agreements with Snohomish County, the Everett School District and Snohomish County Fire District 7 regarding joint review, comment, and imposition of appropriate mitigation and conditions that affect the proposed project. This application has been reviewed by these agencies and their comments are reflected in the recommended conditions.

NOTICE:

According to Section 14.07.030 MCMC, notice of the public hearing was mailed to property owners of record within 500 feet of the proposed project on February, 1999, published in the Everett Herald on February 14, 1999, and the property was posted on February 12, 1999.

PART III - BACKGROUND INFORMATION

HISTORY:

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, and reclassified to LDR in 1995 as part of the citywide rezone to implement the Land Use Map of the Comprehensive Plan.

The proposed project is located between Divisions I and II of The Parks at Mill Creek. Development of the area has been continuous since 1993 with the beginning of The Parks project and the subject

application is one of the last two undeveloped parcels in the East Neighborhood south of Seattle Hill Road.

In 1997, the City approved an 18 lot preliminary plat, known as Cedar Glen on the subject site. Subsequent to plat approval, the present applicant, Countrywood Homes purchased the property and commenced installation of utilities and other plat improvements with the intention of obtaining final plat approval and constructing residences of similar size and scale as those located on the adjacent divisions of the Parks development.

Upon reviewing Countrywood's model home plans for the site, staff determined that the planned residences were to be constructed with five-foot side yard set backs for a total of ten feet. This is inconsistent with the required set backs of the LDR zone district which requires side yard set backs be a total of twenty feet with a minimum set back of five feet.

The proposed set backs are similar to the residences in the other divisions of the Parks development, which were processed and approved as Planned Residential Developments (PRDs) allowing for a reduction of the side yard set backs to five feet. However, the plat of Cedar Glen was not processed as a PRD.

In discussions with the applicant, staff identified a number of alternatives to resolve the issue:

- Reduce the size of the residences to comply with the required sideyard set backs (total of twenty feet with a minimum of 5 feet).
- Reduce the number of lots to accommodate the required set backs
- Submit an application for a new preliminary plat to be processed as a PRD and request a modification to the front and side yard set back requirements similar to the other seven divisions of the Parks development.

The applicant chose to apply for a Preliminary Plat/Planned Residential Development and has requested that the front yard set back be modified to allow the houses to have a ten foot set back (with garages set back twenty feet) and the side yard set back be modified to allow side yards having a total of ten feet with a minimum set back of five feet. This is consistent with the previously approved divisions of the Parks development.

EXISTING SITE CHARACTERISTICS:

The project site for this application encompasses approximately 4.79 acres. A single-family residence and garage/outbuilding were removed from the site subsequent to approval of the plat of Cedar Glen.

The site is generally flat and similar to much of the land in the City; the soils are the Alderwood series. The Soil Conservation Service (SCS) has classified the soils as Alderwood Gravely Sandy Loam 2-5 percent 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 City Building Official determines the requirement for foundation drainage when permits are issued for future residences.

VEGETATION:

Initially, the site was moderately forested, with the exception of the area cleared for the existing residence and access road. The predominant species were Cedar; however, Hemlock and Alder are also present. Much of the existing vegetation was removed for plat construction with the exception of a 50-foot roadway buffer adjacent to 35th Avenue Southeast and the wetland located in Tract 999, as well as remaining stands of trees on the undeveloped lots.

WETLANDS:

There are two wetlands located on the site. One is located in the northeast corner of the site (Tract 999) and is 7,890 square feet in size. It has been categorized as a Category III wetland in accordance with the provisions of the City's Environmentally Critical Areas Ordinance, Chapter 18.06 MCMC. No intrusions into the wetland area are proposed. The development complies with the buffer requirements of Chapter 18.06 MCMC.

The second wetland is located in southeast section the subject site and is 1,845 square feet in size and has been classified as a Category IV wetland. The proposed project includes filling this wetland, which is allowed since Category IV wetlands less than 2,500 square feet in area are not regulated. Thus, the proposal to fill this wetland is allowed under the provisions of Chapter 18.06 MCMC.

LAND USE:

Surrounding land uses are as follows:

- To the north are seven residences located in Division I of The Parks;
- To the east is 35th Avenue;
- To the west are four single-family residences in Division V of The Parks; and
- To the south are nine single-family residences in Division II of The Parks.

UTILITIES:

The subject site is located within the service area of the Alderwood Water District. Water and sewer service has been installed. Electrical service will be provided by Snohomish County PUD and natural gas service by Puget Sound Energy.

FIRE PROTECTION:

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

SUBDIVISION DESIGN:

General Description

The proposed 16-lot plat is essentially an "in-fill" development in the East Neighborhood. The gross project density (3.34 units per acre) and the range of lot sizes are consistent with the previously approved divisions within the East Neighborhood, including The Parks at Mill Creek, Parkridge Lane, and Hollymere.

Consistent with the subdivision design standards and the previously approved developments of The Parks and Hollymere, a fifty (50) foot roadway buffer/cutting preserve (Tract 998) has been designated along 35th Avenue. Additional open space is provided in Tract 999, the retained wetland and buffer area.

Lot Layout

The proposed lots are arranged along a single east/west cul-de-sac street. Seven of the proposed lots abut Division I of The Parks, and eight lots abut Division II of The Parks. In addition, Lots 1 and 16 abut Division V of The Parks on the western boundary of the site.

The proposed lots range in size from 8,429 to 11,734 square feet. All of the lots exceed the minimum lot size of the LDR zone district, which is 8,400 square feet.

Similar to surrounding developments, the proposed project is being developed in accordance with the Planned Residential Development provisions of the City Subdivision Ordinance, Title 16 MCMC. In accordance with the provisions Chapter 16.12 MCMC projects that are developed as PRDs may modify many of the zoning requirements with the exception of principle land uses, exterior street set backs, and certain engineering standards. In addition, all PRD applications must provide a minimum of 20% of the net developable area as open space.

Since this application is a division of the larger Parks development, staff has evaluated the aggregate amount of open space of the previously approved divisions and the proposed project to evaluate compliance with the open space requirements. Based on our evaluation, the instant application complies with the open space requirement. Please refer to **Attachment 2**.

Access and Circulation

The proposed plat has been designed consistent with the East Neighborhood Master Circulation Plan. Adopted by Planning Commission Resolution in 1993, the plan is a guide for all future development in the East Neighborhood south of Seattle Hill Road. Please refer to **Attachment 3**. To date, all seven divisions of The Parks development, the plats of Hollymere and Parkridge Lane, and the LDS Church have been designed in accordance with the East Neighborhood Master Circulation Plan.

Access to the subject site will be from 32nd Street Southeast through the internal street in Division V of The Parks, which was configured to provide road access to the subject site. No connection to 35th Avenue SE is proposed as part of this development. Additional connections to 35th Avenue SE are not recommended due to the desire of both the City and County to control access to this route in order to avoid unnecessary conflicting traffic movements. Staff recommends that the proposed site be served entirely from 32nd Avenue SE to provide the safest access. The proposed road has been constructed within a 50-foot right-of-way and consists of a single cul-de-sac.

Pedestrian circulation will be provided by public sidewalks on both sides of the internal street and connected to the public sidewalks in Division V of The Parks located to the west of the site. In addition to the sidewalks, two pedestrian pathways are proposed to provide linkage from the internal portions of the plat to adjacent sidewalk systems. One will be located within Tract 998, the roadway buffer/cutting preserve adjacent to 35th Avenue and will connect with the sidewalks located in the cutting preserves in Divisions I and II of The Parks located to north and the south. The other pathway is planned for Tract 999 providing a pedestrian connection between the proposed development and the pathways in Tract 998.

Utilities

Sanitary sewer and water lines have been installed.

The proposed drainage plans for the site include a bioswale, detention pipe combination system to meet Department of Ecology "Stormwater Management Manual for the Puget Sound Basin" standards. The system is proposed to be located within a tract designated as Tract 999 on the Preliminary Plat. The applicant's proposal includes a detention pipe located in the wetland buffer of Tract 999. The proposed conditions require the pipe be outside of the buffer.

Upon discharge from the detention pipes, the stormwater will flow north via a pipe in 35th Avenue SE to the detention system located in The Parks at Mill Creek, Division I. The stormwater then exits the vault in The Parks and eventually flows to a large wetland via a pipe in 156th Street SE in the County. The proposed conditions of approval require County approval of the discharge system into the County-maintained system.

CONSISTENCY WITH THE MILL CREEK COMPREHENSIVE PLAN:

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

To be approved, the proposed plat must be consistent with the Land Use Map and applicable policies of the Comprehensive Plan. This application has been reviewed with the applicable policies of the Comprehensive Plan and found to be consistent with both the plan maps and policies of the plan. The applicable policies of the plan are:

POLICY	FOCUS	COMMENT
LAND USE ELEMENT		
Land Use Map	Site designated for Residential Low Density (four-units/acre maximum).	Density of the project is 3.34 units per acre, which is below the maximum allowed.
1.01 and 1.03	City's residential character should be composed of a wide range of densities and maintain and enhance the City as a predominantly single-family residential community.	The project is consistent with the recommended density in the Comprehensive Plan. The residential character of the proposed development is single-family, which is consistent with surrounding developments.
1.04	Compatibility with surrounding land uses.	The proposed plat is similar to surrounding development with respect to use (single-family detached residential), density, and range of lot sizes.
1.08	Predominate density in single-family neighborhoods not to exceed four dwelling units per acre.	The density of the proposed project is 3.34 dwelling units per acre.
1.16	Peripheral boundaries of each residential development should contain appropriately sized buffer areas.	The recommended conditions of approval require a 20-foot property buffer on Lots 9-16 adjacent to The Parks, Division II, as well as a 50-foot cutting preserve/roadway buffer adjacent to 35th Avenue.
1.17	Elements of neighborhood development and building mass should be in scale with lot sizes; pedestrian and vehicular circulation should be safe and efficient; vegetation and environmentally sensitive areas should be preserved.	The large lot sizes will provide an appropriate scale between lot area and the building mass of the detached single-family homes; vehicle and pedestrian circulation is safe, efficient, and in accordance with circulation plans for the East Neighborhood; a cutting preserve is planned adjacent to 35th Avenue and the regulated wetland is to be preserved.

POLICY	FOCUS	COMMENT
1.18	Residential developments shall be designed to be compatible with adjacent developments.	Project density and lot size is similar to The Parks subdivisions to the north and south, and a 20-foot property buffer is being required on the lots that are adjacent to Division II of The Parks. A 50-foot roadway buffer/cutting preserve is proposed between the project and 35 th Avenue. The proposed subdivision as conditioned is compatible with adjacent developments.
CAPITAL FACILITIES ELEMENT		
2.03	Stormwater management facilities to include quality and quantity controls per Level of Service guidelines.	Project shall incorporate stormwater management facilities that comply with City established Level of Service guidelines.
5.01	Public safety services should expand to serve increased population.	The recommendation includes conditions of approval requiring payment of mitigation for impacts on Fire District facilities.
UTILITIES ELEMENT		
1.01	Urban development shall occur only where adequate utilities are available.	Adequate utility services are available and have been installed.
1.10	Requires undergrounding of utilities where possible.	Utilities are located underground.
TRANSPORTATION ELEMENT		
2.03	Project shall not reduce Levels of Service below established standards.	City Engineer has determined that the project does not reduce Levels of Service below established standards.

POLICY	FOCUS	COMMENT
3.04 and 3.06	<p>Access points from the public right-of-way to private developments shall be located at appropriate locations.</p> <p>Reduce potential traffic conflicts on arterial streets by utilizing shared access and internal circulation.</p>	<p>City Engineer has determined access location is appropriate and is consistent with adopted circulation plans for the East Neighborhood.</p> <p>The proposed plat does not introduce additional traffic to 35th Avenue, which is an arterial.</p>
4.01	<p>Public sidewalks required throughout residential neighborhoods. Sidewalk should be located on both sides of the street and be connected with other public/private trail systems. Sidewalks adjacent to arterial streets should be consistent with the Streetscape Element of the Comprehensive Plan.</p>	<p>The proposed plat as conditioned meets all of these requirements.</p>
STREETSCAPE ELEMENT		
1.02	<p>Proposals shall incorporate all requirements of streetscape plans.</p>	<p>Sidewalks are to be located within 50-foot cutting preserve.</p>
3.01	<p>50-foot cutting preserve required.</p>	<p>50-foot cutting preserve is provided adjacent to 35th Avenue.</p>
ENVIRONMENTAL FEATURES ELEMENT		
2.01	<p>Wetlands should be left in a natural state.</p>	<p>The wetland located in Tract 999 will not be altered.</p>
3.01	<p>Adequate erosion control measures required.</p>	<p>Recommended conditions of approval require erosion control measures.</p>
4.01	<p>Wooded areas to be preserved where possible.</p>	<p>Conditions of approval and MDNS issued for the project require preservation of trees where possible, including the cutting preserve/ roadway buffer in Tract 998.</p>

POLICY	FOCUS	COMMENT
4.03	Directs that vegetated buffer zones should be established between developments.	Requirement for a 20-foot property buffer adjacent to The Parks subdivision to the south is included in the conditions of approval. To the east is the 50-foot roadway buffer/cutting preserve.
PARKS AND RECREATION ELEMENT		
5.02	Park impact mitigation required for residential development.	MDNS issued for the project and conditions of approval require payment of park impact mitigation fees for both neighborhood and community parks.

In summary, staff has reviewed the applicable policies of the Comprehensive Plan, and finds that the proposed project complies with the applicable policies or that the policies provide further direction in the development of the conditions of approval.

CONSISTENCY WITH DEVELOPMENT REGULATIONS:

As stated previously, this application is being processed under the provisions of the Subdivision, Zoning, and Environmental Titles of the MCMC (Chapters 16, 17, and 18). The following matrix evaluates the proposed project with the applicable development regulations:

DEVELOPMENT REGULATIONS		
SECTION	REQUIREMENT	COMMENT
16.12.030	Planned Residential Developments must be located on a site having a minimum of 2.5 acres.	The subject site is 4.79 acres

DEVELOPMENT REGULATIONS		
SECTION	REQUIREMENT	COMMENT
16.12.060	20 percent of the net developable area must be established as open space and community recreation facilities.	<p>The proposed division does not contain the amount of open space that would be required if this was an individual application. However, since it is a division of the larger Parks development, staff has determined that the open space requirements have been fulfilled through the open space provided in this and the previously approved seven divisions of the Parks development.</p> <p>The aggregate buildable area of the eight divisions of the Parks is 2,577,593 square feet (59.1 acres). The required open space is 515,518 square feet (11.83 acres). The total amount of open space provided in all eight divisions is 517,894 square feet (11.8 acres).</p>
16.18.010(c)1	The subdivision meets the requirement and intent of the MCMC and adopted City plans.	<p>The gross density for development within the East Neighborhood, as designated on the Land Use Map of the Comprehensive Plan, is four units per acre. The gross density of the proposed plat, is 3.34 units per acre.</p> <p>The lots in the proposed plat comply with the minimum lot size requirements of the LDR zone district, which is 8,400 square feet. The smallest lot is 8,429 square feet, the largest lot is 11,734 square feet and the average lot size is 9,406 square feet.</p> <p>The lot layout, size, and design of the proposed plat with open space tracts is similar to the adjacent properties.</p>

DEVELOPMENT REGULATIONS

SECTION	REQUIREMENT	COMMENT
16.18.010(c)2	The proposed plat makes adequate provisions for open space drainage ways, parks, streets, and utilities.	<p>The streets and sidewalks comply with the standards required by the City Engineer. Recreational impacts will be mitigated through the payment of park impact fees to be used for development of the proposed neighborhood parks in Divisions I and II of The Parks.</p> <p>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.</p> <p>In addition to mitigating impacts on public facilities within the City, the applicant will also contribute proportionate share impact mitigation to Snohomish County for transportation impacts, to Snohomish County Fire District No. 7 for impacts on fire district facilities, and to the Everett School District for impacts in school facilities.</p>
16.18.010(c)3	The subdivision is beneficial to the public health, safety, and welfare and is in the public interest.	The execution of mitigation agreements with the proponent will include funds for the development of neighborhood parks and contributions for improvements to the City road system.
17.06.010	Principal Uses in the LDR zone district.	Project consists of subdividing property to allow construction of detached single-family residences, a Principal Use.

DEVELOPMENT REGULATIONS		
SECTION	REQUIREMENT	COMMENT
17.06.070	Minimum lot size is 8,400 square feet.	Smallest lot size is 8,429 square feet. Average lot size is 9,406 square feet.
17.22.180	Comprehensive Plan concurrency and consistency required.	As discussed above, the project is consistent with the applicable policies of the Comprehensive Plan and does not reduce Levels of Service below established standards.

In summary, staff has reviewed the applicable policies of the Comprehensive Plan and the applicable development regulations. Based on this review, we find that the proposed project complies with the Comprehensive Plan policies, the land use map of the plan, and applicable development regulation.

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 16 lots to be developed with single-family residences.
2. The application is a re-plat of the previously approved preliminary plat of Cedar Glen. Subsequent to the approval of Cedar Glen the applicant submitted and received approval of the engineering plans for the subject property. A majority of the required plat improvements have been constructed but not accepted by the City.
3. In accordance with Chapter 16.12 MCMC, Planned Residential Developments, the applicant has requested that the front and side yard set back requirements of the LDR zone district be modified. The requested front yard set back is 10 feet for the residential structure with a 20-foot set back for garages. The requested side yard set back is for a total of ten feet with a minimum of five feet.
4. Access to the proposed plat would be from the internal streets of The Parks development consistent with the Master Circulation Plan for the East Neighborhood adopted in Planning Commission Resolution 93-30.
5. 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, schools, parks and fire services that require mitigation.

In accordance with the Mitigated Determination of Non-Significance Addendum and Notice of Property Development Impact Mitigation issued by the responsible official on February 3, 1999, impact mitigation agreements will be required to mitigate the identified impacts.

6. 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. 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. In accordance with the interlocal agreement between the City and Snohomish County Fire District No. 7, the district has requested that the applicant contribute fees to mitigate the development impacts on district facilities.
8. The proposed project is subject to the interlocal agreement between the City and the Everett School District to mitigate development impacts on district facilities.
9. There are two wetlands located on the site. One is a Category IV wetland, which is less than 2,500 square feet in area; thus, it is not regulated. The second is a Category III wetland. While no development is proposed in the wetland, storm drainage facilities are planned in the buffer area. This is allowed subject to a buffer enhancement plan.
10. The proposed plat is compatible with regard to residential use, lot design, provision of public facilities, and property buffers that exist in adjacent developments.
11. 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.
12. If approved subject to the conditions recommended below, the proposed plat will be consistent with the requirements of Title 16, Plats and Subdivisions, Title 17 Zoning, and Title 18 Environmentally Critical Areas.
13. 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 subject to the following conditions.

Conditions recommended by the Department of Community Development:

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 16. Construction shall be limited to one single-family detached residence per lot.
3. Water and sewer facilities shall be designed and installed in accordance with the requirements of the Alderwood Water District.
4. In accordance with the Interlocal Transportation Agreement between Snohomish County and the City of Mill Creek for the mitigation of interjurisdictional development impacts, the applicant shall contribute \$ 19,517.00 to Snohomish County, subject to any credits approved by the County. Verification of payment shall be provided to the City before Final Plat approval.
5. Payment of \$ 365.00 per dwelling unit to Snohomish County Fire District 7. Verification of payment shall be provided to the City before Final Plat approval.
6. Payment to the City of \$10,236.80 for City road improvements prior to final plat approval.
7. Contribution of \$ 23,469.60 to mitigate impacts on City park and recreation facilities. Of this amount, \$ 8,130.88 shall be used for the development of the public neighborhood parks in Divisions I and II of The Parks. The balance of the mitigation \$ 15,338.72 shall be used for the acquisition and development of a Community Park. Payment shall be prior to final plat approval.
8. Payment of \$32,000.00 to the Everett School District prior to the City issuing any building permits.
9. Submittal and approval of a street tree planting plan for the street within the plat. The street tree plan shall be prepared by a licensed landscape architect and shall be reviewed and approved by the City's Design Review Board prior to Final Plat approval. The plan shall be implemented commensurate with house construction.
10. A 20-foot property buffer shall be designated on Lots 9-16. A landscape plan for the rear 20 feet of lots 1 through 7, to be prepared by a landscape architect, shall be submitted to the Design Review Board for approval.
11. The applicant shall construct a traffic-calming island at the intersection of 156th Place SE. and 32nd Avenue SE. The design of the island shall be prepared by a licensed engineer and

shall be approved by the Public Works Director and the Director of Community Development.

12. 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.
13. 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.
14. 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.
15. The applicant shall prepare and implement a wetland buffer enhancement plan for the area between Lot 8 and the wetland in Tract 999 to mitigate for impacts from construction of stormwater facilities.
16. Prior to issuing the building permits for the last residence to be constructed, the area of the existing access road to 35th Avenue shall be planted to a depth of 50 feet with a mix of conifers and native shrubs. The planting plan shall be reviewed and approved by the Design Review Board. The subdivider shall also relinquish access rights to 35th Avenue SE on the Final Plat and shall remove the existing driveway.
17. Fire hydrant design, location and spacing shall be reviewed and approved by Fire District No. 7 and the Alderwood Water District.
18. All fireplaces shall be natural gas appliances, pellet stoves or certified wood stoves or certified fireplaces in place of fireplace inserts.
19. Mailboxes shall be grouped or clustered in lockable hutches in locations identified by the United States Postal Service, the Mill Creek Police Department, and the City Engineer.
20. 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.

21. Tract 998 shall be designated as a roadway buffer/cutting preserve on the Final Plat.
22. The proposed project shall incorporate a homeowner's association, which will be responsible for the maintenance of privately owned common facilities including common tracts and stormwater management facilities.

Conditions recommended by the Department of Public Works:

23. The applicant shall dedicate adequate right-of-way and easements as follows:
 - A. Provide 40 feet of right-of-way west of the centerline on 35th Avenue SE to the County in accordance with the City of Mill Creek's interlocal agreement with the County, dated August 23, 1993.
 - B. Provide public access easements over proposed Tracts 998 and 999 to accommodate a path between 156th Place SE and 35th Avenue SE.
 - C. Provide easements over proposed Tracts 998 and 999 to the City sufficient to allow but do not require the City to maintain and operate the proposed storm drain system.
24. The applicant shall design and construct improvements to 156th Place SE within and adjacent to the proposed plat and to 35th Avenue SE adjacent to the plat. The improvements shall be designed by the applicant's registered civil engineer to the satisfaction of the City Engineer and shall include, but not be limited to the improvements shown on the preliminary paving plan, dated October 27, 1997, by Harmsen & Associated Inc. as modified herein.

The improvements are described as follows:

- A. Concrete curb, gutter, and noncontiguous five-foot wide sidewalk on both sides of 156th Place SE. The sidewalk shall be separated from the curb by a landscaped five-foot wide parkway strip.
- B. Asphalt concrete paving and compacted base. The actual pavement thickness will be based on an analysis submitted to the satisfaction of the City Engineer. The analysis shall include soil strength information and traffic loading and shall contain a recommended design section.
- C. Street lighting, designed to the satisfaction of the City Engineer, shall be installed, maintained, and operated at the expense of the applicant until such time as the plat is at least 50 percent occupied.
- D. The street width from back-of-curb to back-of-curb shall be a minimum of 26 feet for 156th Place SE.

- E. Existing improvements on 156th Place SE west of the proposed plat shall be removed and replaced as needed to provide a smooth, aesthetic and structurally adequate transition with the proposed plat improvements.
 - F. A landscaped island may be installed in the cul-de-sac of 156th Place SE to accommodate installation of the sewer cleanout. The island shall be designed to the satisfaction of the City Engineer and shall be maintained by the homeowner's association.
 - G. Improvements to 35th Avenue SE in accordance with the City/County interlocal agreement, dated August 25, 1993. Improvements are expected to include, but are not limited to, installation of a meandering, five-foot wide concrete sidewalk, designed and installed adjacent to 35th Avenue SE as indicated in the interlocal agreement. The path shall meander within the cutting preserve and right-of-way and shall be aligned to the satisfaction of the City Engineer and Community Development Director.
 - H. The subdivider shall construct a five-foot wide meandering concrete path within Tract 999, between the cul-de-sac on 156th Place SE and 35th Avenue. The path shall be designed and located to the satisfaction of the City Engineer and Community Development Director.
 - I. The existing driveway to 35th Avenue SE shall be used as the primary construction access to the site during clearing, grading, utility installation, and road construction, unless determined by the City Engineer to be unsafe for said use.
25. The subdivider shall design and install a storm drainage system in accordance with City standards and the Department of Ecology Stormwater manual. A final signed drainage study for the site shall be submitted for approval with the engineering plans. The final study shall include calculations of the adequacy of the downstream facilities to accommodate the proposed site flows. The approved stormwater system shall include the following:
- A. Detention and stormwater treatment that, as a minimum, meet City of Mill Creek and Department of Ecology Stormwater Manual requirements.
 - B. Relocation of the proposed detention pipe directly west of the wetland in proposed Tract 999. The pipe shall be located out of the wetland buffer and may be located within the panhandle off 156th Place SE, subject to design.
 - C. A conveyance system design that meets City standards.
 - D. Any off site improvements identified as needed in the final stormwater report.

- E. Provisions for maintenance of the stormwater system, including, but not limited to: adequate access to maintenance locations; provisions, including easements, that allow the City to maintain and operate the detention and treatment system at its discretion; and, adequate easement provisions to ensure uninterrupted function of the swales proposed along the north and south boundaries of the proposed tract.
 - F. Requirements that the homeowner's association is obligated to own, maintain and operate the stormwater system to City satisfaction. This obligation shall be secured by a performance agreement and security in accordance with DOE guidelines.
 - G. Adequate provisions for individual lot drainage to the satisfaction of the City Engineer.
 - H. Approval from the County for the proposed discharge of stormwater into the County maintained systems in 35th Avenue SE and 156th Street SE as well as to the wetland off 156th Street SE.
26. All existing and proposed utilities onsite, with the exception of those along 35th Avenue, shall be placed underground.

PLANNING COMMISSION ACTION:

On February 25, 1999, the Planning Commission held a public hearing on the application by Countrywood Homes. After reviewing the staff report and recommendation, and public testimony, the Commission voted to recommend to the City Council, approval of the application subject to the above recommended conditions.

- Attachment 1: Legal Description
- Attachment 2: Open Space Calculations
- Attachment 3: East Neighborhood Master Circulation Plan

LEGAL DESCRIPTION

THAT PORTION OF THE NORTH HALF OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 27 NORTH, RANGE 5 EAST, W.M., LYING WESTERLY OF YORK ROAD;

EXCEPT THE WEST 304 FEET THEREOF; AND

EXCEPT THE EAST 25 FEET DEDICATED TO PUBLIC FOR ROAD BY SHORT PLAT RECORDED UNDER AUDITOR'S FILE NUMBER 8403150199;

(ALSO KNOWN AS LOTS 2 AND 3 OF SNOHOMISH COUNTY SHORT PLAT NUMBER SP-319(10-83) RECORDED UNDER AUDITOR'S FILE NUMBER 8403150199).

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

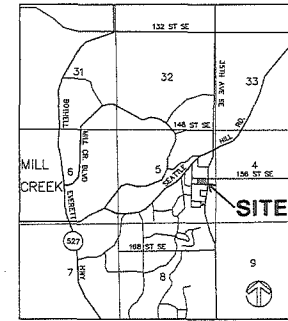
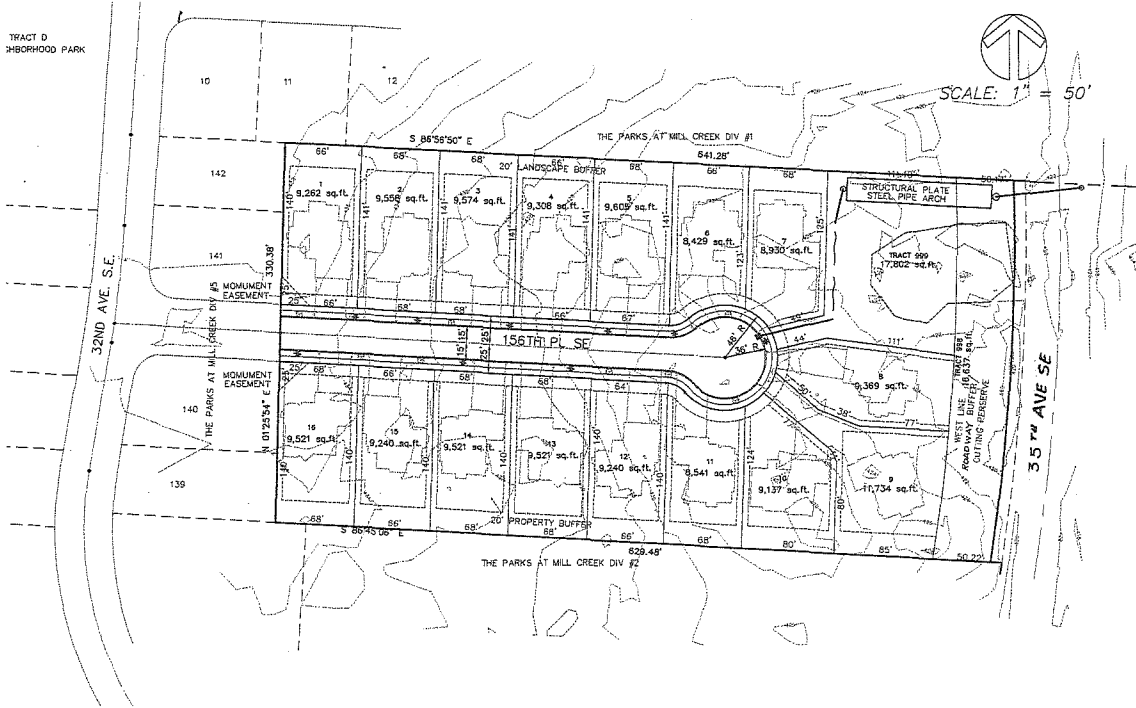
Attachment 1

**THE PARKS AT MILL CREEK
OPEN SPACE CALCULATIONS**

DIVISION	BUILDABLE AREA [Ⓞ]	TRACT	OPEN SPACE	%
1	573,918	TOTAL	110,114	19
		P	16,101	
		E	33,408	
		D	26,459	
		C	13,795	
		A	16,671	
		B	3,680	
2	591,412	TOTAL	202,000	34
		H	8,262	
		I	5,608	
		F1	5,420	
		F2	7,221	
		X	7,006	
		Y	7,189	
		G	154,288	
		Z	7,006	
3	101,919	TOTAL	26,707	26
		Q	16,670	
		R	10,037	
4	160,802	O	3,088	2
5	77,243		-0-	-0-
6	340,143	TOTAL	83,200	24
		C	39,204	
		D	41,818	
		A	2,178	
7	561,567	TOTAL	74,882	13
		A	5,204	
		B	24,338	
		C	45,340	
8	170,589	TOTAL	17,903	10
		998	10,850	
		999	7,053	
GRAND TOTAL	2,577,593		517,894	20

[Ⓞ]Buildable area = Total site area less roads and wetlands (including buffers)

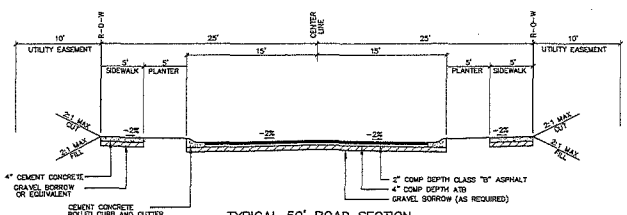
SEC 5, TWP 27N, RGE 5E, W.M.



VICINITY MAP
SCALE: 1" = 2000'

LEGAL DESCRIPTION

THE WEST 304 FEET OF THAT PORTION OF THE NORTH HALF OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 27 NORTH, RANGE 5 EAST, W.M., LYING WESTERLY OF YORK ROAD, TOGETHER WITH AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES OVER, UNDER, THROUGH AND ACROSS THE NORTH 30 FEET OF THAT PORTION OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 5, LYING WESTERLY OF YORK ROAD, EXCEPTING THE WEST 304 FEET THEREOF, ALSO EXCEPT THE EASTERLY 25 FEET DEDICATED TO THE PUBLIC FOR ROAD, (ALSO KNOWN AS LOT 2 OF SHORT PLAT RECORDED UNDER AUDITOR'S FILE NO. 8403150199), ALONG WITH EAST 335 FEET OF THE WEST 639 FEET OF THAT PORTION OF THE NORTH HALF OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 27 NORTH, RANGE 5 EAST, W.M., LYING WESTERLY OF YORK ROAD, TOGETHER WITH AND SUBJECT TO AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES OVER, UNDER, THROUGH AND ACROSS THE NORTH 30 FEET OF THAT PORTION OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 5, LYING WEST EXCEPTING THE WEST 304 FEET THEREOF, ALSO EXCEPT THE EASTERLY 25 FEET DEDICATED TO THE PUBLIC FOR ROAD, SUBJECT TO AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES OVER, UNDER, THROUGH AND ACROSS THE NORTH 30 FEET OF SAID PREMISES, (ALSO KNOWN AS LOT 3 OF SHORT PLAT RECORDED UNDER AUDITOR'S FILE NO. 8403150199).



TYPICAL 50' ROAD SECTION
156TH PL. S.E.
STA. 0+00 TO STA. 3+85

MODIFICATION OF SETBACKS REQUEST
FACE OF GARAGE FROM SIDEWALK: 20'
FRONT OF HOUSE FROM SIDEWALK: 10'
SIDE YARD: 5' MIN. / 10' TOTAL 2 SIDES
REAR YARD: 20' EXCEPT LOTS B

THE PARKS AT MILL CREEK DIV. 1-8 CALCULATIONS:
NET AREA: 2,577,583 S.F.
OPEN SPACE AS REQUIRED: 20 %
OPEN SPACE AREA REQUIRED: 515,519 S.F.
OPEN SPACE AREA: 517,894 S.F.

DENSITY CALCULATIONS - DIV. B
GROSS AREA: 208,611 S.F. 4.79 ACRES
LOTS ALLOWED: 4,794
LOTS PROVIDED: 16 LOTS

OWNER/DEVELOPER:
COUNTRYWOOD HOMES, INC.
14410 BEL-RED ROAD
SUITE 220
BELLEVUE, WA, 98007
PHONE: (206) 644-2323

LAND SURVEYOR/ENGINEER:
OSTERGAARD-ROBINSON & ASSOC., INC.
3630 COLBY AVE.
EVERETT, WA, 98201
PHONE: (425) 258-6445

TOTAL ACREAGE: 4.79 ACRES
AREA IN ROADS & TRACTS: 1.34 ACRES 28 %
AREA IN LOTS: 3.45 ACRES 72 %
AVERAGE LOT SIZE: 9408 S.F.
EXISTING ZONING: LDR
REQUESTED ZONING: PRD 7200
SANITARY SEWER: ALDERWOOD WATER DISTRICT
WATER: ALDERWOOD WATER DISTRICT
POWER: SNOHOMISH COUNTY PUD
TELEPHONE: GTE
GAS: PGE

IMPROVEMENTS TO BE INSTALLED:

UNDERGROUND STORM SYSTEM, WATER, POWER, GAS
CABLE, TELEPHONE, ASPHALT PAVEMENT, CONCRETE
ROLLED CURB, GUTTER, AND SIDEWALKS



DATE: 2-2-99
BY: TLO
REVISION: 5/26 CITY

OSTERGAARD • ROBINSON
& ASSOC. INC. CONSULTING ENGINEERS
3630 COLBY AVENUE, SUITE 220
EVERETT, WA 98201
(425) 258-6445 BELLEVUE, (425) 652-0884

PARKS AT MILL CREEK DIV. 8
PRELIMINARY PUD
WASHINGTON
CITY OF MILL CREEK

Designed: _____
Checked: _____
Drawn: MGC
Checked: _____
As-built: _____

Sheet: 1 / 1

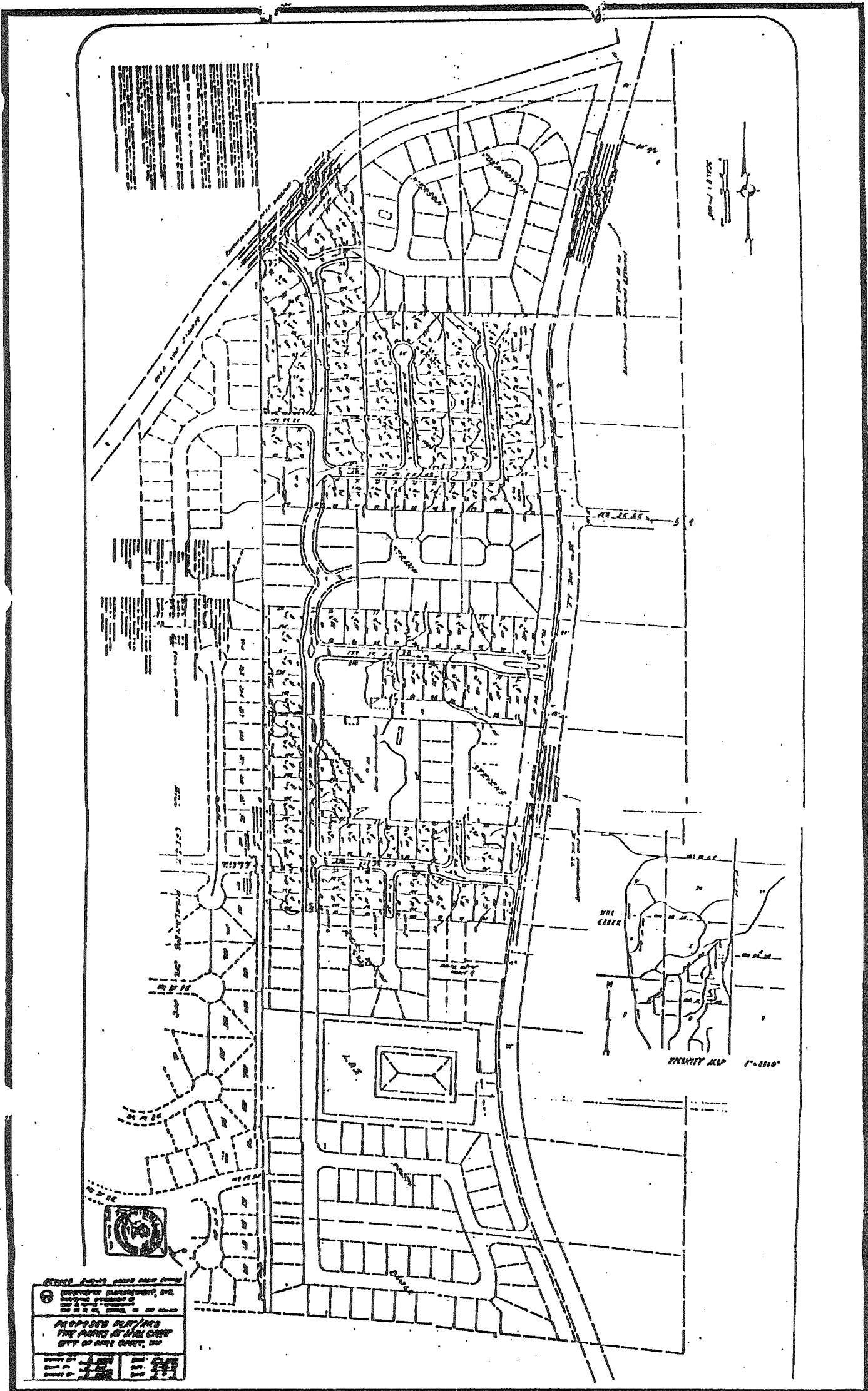
Job No. 98119

EXHIBIT C

Planning Commission Motion on Preliminary Plat 98-53

At the conclusion of the February 25, 1999 public hearing on Preliminary Plat 98-53, the Planning Commission took the following action:

MOTION: Chair McElhose moved to approve PP 98-53 as presented by staff. It was seconded by Commissioner Beales and passed unanimously.



Attachment 3

MASTER CIRCULATION PLAN - EAST NEIGHBORHOOD