

Exhibit A
Department of Public Works and Development Services
Initial Staff Assessment for the City of Mill Creek Planning Commission

Summary Information

Meeting Date: March 16, 2023

Name of Project: 13529 Bothell-Everett Highway Comprehensive Plan Land Use and Zoning Change

Proponent: Steve Bedrossian
133 177th Pl SE
Bothell, WA 98012

Location: 13529 Bothell-Everett Highway (See Attachment 1: Vicinity Map)

Description of Proposed Amendment

The amendment would change the comprehensive plan Land Use Map and Zoning Map of parcel 28053100102400, located at 13529 Bothell-Everett Highway, from Low Density Residential (LDR) to Community Business (CB). The parcel is .36 acres and currently allows one single-family detached unit (currently two units are on the site and are legal nonconforming). If designated CB, the allowed principal uses would change from residential to commercial in nature, although residential would still be allowed as a secondary use. A comparison of the uses, setbacks and maximum heights of the two zones is shown below:

LDR Principal Uses	CB Principal Uses
Single-family detached dwellings, townhouses or single-family attached dwellings, boarding houses, and adult family homes.	Retail and wholesale sales, professional services, personal services, offices, healthcare, restaurants and taverns, commercial recreation facilities, hotels and motels, Accessory structures and uses, parking facilities, banks and similar uses, veterinary clinics and indoor animal boarding, and commercial day care centers.
LDR Secondary Uses	CB Secondary Uses
Accessory buildings, home occupations, accessory dwelling units, family home child care.	Multi-family dwellings, and outside sales, display, and eating and drinking establishment seating

LDR Setbacks	CB Setbacks
Front: 20 feet Side: Total of 20 feet; no side less than 5 feet Rear: 20 feet	Front: None Side: 25 feet abutting a residential zone Rear: 25 feet abutting a residential zone
LDR Maximum Height	CB Maximum Height
35 feet	40 feet

Materials from the application describing the proposal are attached (Attachment 2: PL2022-0016 Application).

Review Process

The Mill Creek Municipal Code lays out the review process in Chapter 14.19.030 (See Attachment 3: 14.19.030(E-J)). In summary, the process consists of the following steps:

1. Notice of application sent to property owners within 500 feet of subject area
2. Informational meeting with city staff and solicitation of preliminary comments
3. Staff initial assessment of proposal
4. Planning Commission initial assessment and recommendation on whether to proceed
5. City Council assessment and decision on whether to proceed
6. Staff analysis
7. Planning Commission public hearing
8. [Optional] City Council public hearing
9. City Council decision to adopt or reject Planning Commission’s recommendation

Thus far, notices have been sent to nearby property owners, a public informational meeting was held on March 2nd, and staff has prepared this initial assessment of the proposal. The next step is for the Planning Commission to conduct the initial assessment and make a recommendation to the City Council on if the proposal should go through the annual comprehensive plan review cycle.

Staff Initial Assessment

Prior to the planning commission making a recommendation to the City Council concerning whether to further consider the proposal, staff is required to review the application and provide an initial assessment, based on, at a minimum, the following criteria to the comprehensive plan:

1. **Is the proposal legislative in nature and otherwise appropriate in scope and subject matter to consider in the comprehensive plan?**

The proposed Land Use Map and Zoning Map change is confined to a single parcel and is therefore fairly limited in scope. The proposal is legislative in nature as it would change the

regulations that would apply to future development of the site. The proposed comprehensive plan amendment is appropriate in scope and subject to consider in the Comprehensive Plan.

2. Has there been recent review or work related to the same area or issue?

The owner of the property previously applied for a land use change from LDR to Medium Density Residential during the 2022 comprehensive plan amendment cycle. At the time, the City Council voted not to consider the proposal and no further analysis was conducted.

3. Does city staff intend to address related areas or issues in a later amendment cycle?

There is currently no plan to make similar changes in a later amendment cycle. The next staff-initiated comprehensive plan amendment will be the 2024 mandatory update. The scope of this update has not yet been determined.

4. Does the city have adequate budgeted resources to analyze the proposed amendment, and are such resources available to timely provide an informed recommendation within the requested review cycle?

The planning staff is currently devoting a significant amount of time to prepare for the 2024 comprehensive plan update; however, the proposal is relatively limited in scope. Staff would be able to process the request over the next several months.

Recommendation

Staff recommends that the Planning Commission adopt the attached resolution to recommend that the City Council consider the proposed comprehensive plan amendment during the current annual review cycle.

Attachment 1: Vicinity Map



Bedrossian Property – Comprehensive Plan Amendment Request Narrative

13529 Bothell Everett Highway

We are requesting a Comprehensive Plan Amendment to change the land use designation of the Bedrossian property, located at 13529 Bothell Everett Highway (hereafter referred to as the subject property), from Low Density Residential (LDR) to Community Business (CB). We believe this change to be consistent with existing Comprehensive Plan goals. It provides land for high-quality commercial and business uses without adversely impacting the surrounding non-commercial land uses.

The rationale pertaining to the community business land use designation within the current Comprehensive Plan is to provide for appropriate land areas that provide economic stability for the City through jobs and tax base. The requested land use change from LDR to CB would allow the site to include one of a variety of potential commercial uses allowed by the zoning code for this land use designation. There would be an increase in terms of jobs and potential tax base but the extent of these is hard to estimate at this time. The site is modestly sized and could allow for one or two small businesses of the uses/types allowed by the CB land use designation, and the number of jobs created would vary based on the nature of this business (more for office use than health care for example).

The locational criteria for Community Business land use within the current Comprehensive Plan states that an appropriate amount of land area should be centrally located along the SR 527 and SR 96 corridors in concentrated forms. We believe that the existing LDR land use designation of the subject property makes it an anomaly in terms of similar adjacent sites. We are aware of no other parcels of its size with direct access off SR 527 that are zoned LDR. In fact, other properties with direct access to/from SR 527 across the street and to the north of the site are zoned Community Business. Amending the Comprehensive Plan to change the land use designation of the subject property to Community Business would make it more consistent with other properties directly accessed from SR 527.

The Community Business land use designation intends to provide an appropriate amount of commercial land properly sited to take advantage of a safe and efficient transportation network and transit facilities, providing a range of goods and services and compatible with both surrounding land use designations and environmentally sensitive areas. As mentioned previously, the subject property is located on and accessed from SR 527 and has a bus stop located on the northwest corner of the site. Changing the land use of the subject property to Community Business would have minimal traffic impacts on the adjacent LDR properties since access to those LDR properties is separate from the subject property. The subject property accesses SR 527 directly while the single-family homes in the Dumas Lane development are all accessed from 136th Street SE. The Common Parcel between 136th Street SE and the subject property further buffers the subject property from the 136th Street SE access. Required setbacks to residential development on a Community Business zoned property are sufficient to mitigate visual impacts as well. The subject property is not adjacent any environmentally sensitive areas or their buffers, so compatibility to them is not an issue.

MCMC 14.19.030.I sets forth four questions for consideration in making a recommendation to the city council regarding the adoption of amendments to the comprehensive plan. In addition to consideration of the information put forward above, we respond to these criteria as follows.

Will the proposed amendment benefit the city as a whole?

Yes, we anticipate the proposed amendment will benefit the City as a whole. Amending the Comprehensive Plan to designate the land use of the subject property as Community Business would allow development to occur that is economically viable and consistent with the Comprehensive Plan Goals and Rationale of providing “*appropriate land areas that provide economic stability for the City through jobs and tax base.*” The subject property isn’t the first thing that you see when approaching the City of Mill Creek from the north, but it is close to it. The current low density residential land use designation of the property makes redevelopment of the site economically infeasible. While it is recognized that economic feasibility is not a criteria for the consideration of a Comprehensive Plan Amendment, this simple fact is the reason the site has remained dormant up until this point.

Will the amendment adversely affect the city’s public facilities or services?

As mentioned previously, the subject property is located on SR 527 and is connected to most utilities. That said, the site currently is served by a septic system and so when redeveloped, a connection would need to be made to the City sewer and storm drain system at SR 527 potentially causing a temporary inconvenience while that physical connection is made.

A bus stop is located on site and will remain and so no disruption to service is anticipated from a public transport standpoint. Ridership may, or may not, increase as a result of development of a use allowed under the CB land use regulations.

Since the primary land uses that result from an approved Comprehensive Plan amendment to change the site from LDR to CB are non-residential, there will be no impact to schools in terms of an increased number of students. The site is currently serviced by Mill Creek Police and Snohomish County Fire District No. 7 and so while the use will change from LDR to CB, in the future the site will have at least equivalent physical access and access to fire department connections as it does today.

Will the amendment support the city’s role in governing public health, safety, and welfare?

The possible uses resulting from an approved Comprehensive Plan amendment to change the land use of the site from LDR to CB will add small business jobs and increase the tax base. Redevelopment of the site will require the applicant to provide a roadway buffer along SR 527 frontage that will provide safer pedestrian passage from the bus stop located on the northwest corner of the property and the intersection of SR 527 and Dumas Road / 136th Street S.E. and generally clean up the site from the state that it is in today.

Does the amendment conform to applicable provisions of state statutes, case law, regional policies, and maintain internal consistency within the city's comprehensive plan?

The Comprehensive Plan identifies that there are only a limited number of undeveloped sites designated for commercial use remaining within the City and its MUGA. The rationale pertaining to the community business land use designation is to provide for appropriate land areas that provide economic stability for the City through jobs and tax base. The designation intends to provide an appropriate amount of commercial land that is properly sited to take advantage of a safe and efficient transportation network and transit facilities, provides a broad range of goods and services and is compatible with surrounding land use designations and environmentally sensitive areas. The proposed amendment to change the land use designation of the subject property from LDR to CB will allow the subject property to be developed consistent with Comprehensive Plan goals and policy that this type of land use occur along the SR 527 corridor, is served by pedestrian pathways and transit facilities. The CB land use designation will also make the subject property similar to other parcels with direct access to/from SR 527 without adversely impacting the surrounding non-commercial land uses.

Attachment 3: MCMC 14.19.030(E-J) Comprehensive Plan Application Review Process

E. Public Process.

1. For each annual review cycle, the director shall develop, update and broadly disseminate to the public a public participation program including a preliminary schedule for processing the proposed amendments consistent with RCW [36.70A.035](#) and [36.70A.130](#), as those sections may be amended or recodified.
2. For proposals that include land use designation changes and zoning reclassifications, a special notice of the acceptance of the proposal for processing shall be mailed to all property owners of record, as indicated in the records of the Snohomish County assessor, within 500 feet of the subject area. This special notice will inform property owners that an application has been filed, identify where the application and background information may be reviewed, describe in general terms the review and public comment process, establish a time and place for an informational meeting with city staff, and solicit preliminary comments.

F. Staff Initial Assessment of Proposals Requiring an Application. The director or designee shall review applications and provide an initial assessment to the planning commission, based on, at a minimum, the following criteria:

1. Is the proposal legislative in nature and otherwise appropriate in scope and subject matter to consider including in the comprehensive plan?
2. Has there been recent review or work related to the same area or issue?
3. Does city staff intend to address related areas or issues in a later amendment cycle?
4. Does the city have adequate budgeted resources to analyze the proposed amendment, and are such resources available to timely provide an informed recommendation within the requested review cycle?

G. Planning Commission Initial Assessment of Proposals Requiring an Application and Recommendation to City Council. The planning commission shall consider the application and staff's assessment of an application and make a recommendation to the city council as to whether or not the application should be further considered during the current annual review cycle. Before making a recommendation, the planning commission may request additional information from the applicant.

H. Preliminary City Council Review of Applications.

1. Upon receiving a recommendation from the planning commission, the city council shall determine which proposals that required an application shall receive further consideration during the current annual review cycle.
2. At any time, the city council may, in its sole discretion, direct the city manager and/or the planning commission to redirect resources away from processing any or all applications

or other amendment proposals before the planning commission. The city council may also choose to hold joint meetings with the planning commission, independently review any proposals, including those made by the city manager or planning commission, in order to provide policy and legislative guidance to staff and/or the planning commission.

I. Staff Analysis. Prior to the planning commission making a recommendation to the city council regarding the adoption of amendments to the comprehensive plan, the director or designee shall analyze the proposal and present that analysis in a written staff report to the planning commission. The analysis should include the following criteria:

1. Will the proposed amendment benefit the city as a whole?
2. Will the amendment adversely affect the city's public facilities or services?
3. Will the amendment support the city's role in governing public health, safety, and welfare?
4. Does the amendment conform to applicable provisions of state statutes, case law, regional policies, and maintain internal consistency within the city's comprehensive plan?

The analysis of the above criteria should include, as appropriate, whether the proposed amendment addresses inconsistencies or errors in the comprehensive plan or development regulations; whether the amendment addresses changing circumstances, such as growth and development patterns, needs and desires of the community, and the city's capacity to provide adequate services; and/or whether the amendment maintains or enhances compatibility with the existing or planned land uses and the surrounding development pattern. In addition, the analysis should document, as appropriate and necessary, public outreach and public comments, analytical data and research, economic impacts, sustainability impacts, environmental determinations, and other pertinent background information.

J. Public Hearing and Adoption.

1. Prior to recommending any comprehensive plan amendment, including those initiated by the city council, city manager, or planning commission, the planning commission will conduct at least one public hearing to solicit comments from the general public, organizations and agencies, other governmental agencies, and adjacent jurisdictions as appropriate. The city council, at its sole discretion, may also hold one or more public hearings.
2. For land use designation changes, area-wide zoning reclassifications, and interim zoning of an area-wide nature, the director shall ensure that a special notice of the public hearing is mailed to all property owners of record, as indicated in the records of the Snohomish County assessor, within 500 feet of the subject area at least 15 days prior to the hearing.
3. Consistent with Chapter [36.70A](#) RCW, the city is required to notify the Washington State Department of Commerce and other required state agencies of the city's intention to adopt or amend the comprehensive plan or development regulations prior to adoption by the city council, and transmit copies of the adopted plan or development regulation and any amendment after city council action.

4. Upon receiving a recommendation from the planning commission regarding a proposed comprehensive plan amendment, the city council may choose to follow the recommendation, reject the recommendation, or follow the recommendation with modifications.

Attachment 4: Public Comments

From: Ana Lourdes Carlos <anagabayeron@gmail.com>
Sent: Friday, March 3, 2023 2:09 PM
To: Justin Horn
Subject: [RESIDENT FEEDBACK]: Bedrossian Comprehensive Plan Amendment

CAUTION: This email originated from outside the City of Mill Creek. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Sir,

Due to some conflicts in our schedule, we missed attending the Zoom call held last night to discuss the Bedrossian Amendment (shifting the classification of the land use from Low-Density to Community Business).

We are the homeowners beside the property in question. We currently reside in 1321 136th St SE, Mill Creek. Is there a recording that we can listen to? What are the timelines for the decision?

Our concerns remain the same as the prior hearing around this property when the owner previously requested for a shift of classification from low-density to medium-density. Below remain to be our concerns should they shift to a community business classification:

(1) Traffic and parking - I am concerned that this will introduce more traffic in the area and given that this street has heavy traffic for school as it already stands. This corner is also prone to accidents and if there is a study done on the number of accidents in this intersection, I am concerned that additional traffic as a result of having a business in this corner is going to even amplify that.

(2) Type of businesses allowed - our main concern is sanitation, i.e. commercial kitchens and garbage would attract rodents in the area. Are there provisions to limit the type of business allowed to be opened?

(3) Privacy - a business building right next to our home poses an even higher risk to privacy vs. a residential building. Will they be allowed to build taller buildings? Are there provisions that allow us to safeguard our home given that there is only a short wooden fence between our properties right now?

We apologize that we were not able to attend and listen to the call last night, but we do hope that our concerns can be noted and heard. We are happy to learn more about what is allowed for the property under a commercial business classification.

Sincerely,
Ana Lourdes Gabayeron Carlos and Vincent Michael Carlos