

PLANNING COMMISSION RESOLUTION NO. 91-20

A RESOLUTION OF THE CITY OF MILL)
CREEK PLANNING COMMISSION,)
RECOMMENDING APPROVAL TO THE)
CITY COUNCIL OF THE CITY OF MILL) FINDINGS,
CREEK, WASHINGTON OF A) REASONS AND
PRELIMINARY PLAT FOR A NINE (9) LOT) RECOMMENDATIONS
RESIDENTIAL SUBDIVISION TO BE)
KNOWN AS "HILLCREST GLEN." CASE)
FILE NUMBER PP 91-32.)

WHEREAS, Master Properties, Inc. has submitted the appropriate information to the City of Mill Creek for consideration of a Preliminary Plat for a nine (9) lot single family residential subdivision located south of Seattle Hill Road, north of 27th Drive S.E. abutting Mill Creek Highlands Division III, within the City of Mill Creek; and

WHEREAS, the City of Mill Creek's SEPA Official issued a Mitigated Determination of Non-Significance on September 11, 1991, pursuant to RCW 43.21C; and

WHEREAS, a Notice of Property Development Impact Mitigation requiring specific mitigation measures was issued on September 11, 1991, pursuant to MCMC 17.48; and

WHEREAS, on November 8, 1991, a legal notice stating the time, place and purpose of the public hearing was published in the Everett Herald, and on November 8, 1991, was posted on the property pursuant to MCMC 17.36.040 and sent to surrounding property owners within 500 feet of the site in accordance with MCMC 17.36.040; and

WHEREAS, the Planning Commission duly convened a public hearing on November 21, 1991, to consider the matter, took testimony and inquired into the facts of the proposal.

NOW, THEREFORE, BE IT RESOLVED:

Section 1: The Planning Commission has considered the staff report, attached as Exhibit A, and the proposed preliminary plat, attached as Exhibit B, all incorporated herein, and finds that the proposed preliminary plat is consistent with RCW 58.17.110, the North Creek Comprehensive Plan, and the Mill Creek Subdivision and Zoning ordinances if conditioned to make appropriate provisions for the public health, safety and welfare, and is in the public interest.

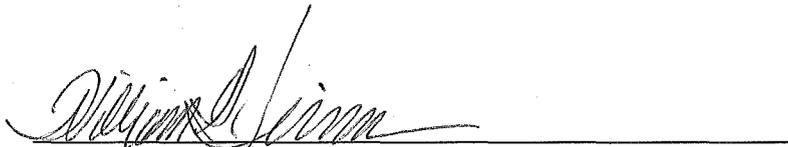
Section 2: The Planning Commission adopts the findings and recommendations as contained in Exhibit A, as they may be modified by the Planning Commission discussion and recommendation contained in Exhibit C, attached and incorporated herein.

Section 3: The Planning Commission, therefore, recommends to the City Council approval of a nine (9) lot preliminary plat for Master Properties, Inc. as fully described and conditioned in Exhibit A, Exhibit B, and Exhibit C.

Done and Passed by majority vote, this twenty-first day of November, 1991.

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

MEETING DATE: November 21, 1991

OWNER: Master Properties, Inc.
2815 Second Avenue, #260
Seattle, WA 98121

REQUESTED ACTION: Preliminary plat approval of a nine (9) lot residential subdivision to be developed with single family detached dwelling units.

LOCATION: The subject site is located immediately north of the plat of Mill Creek Highlands Division III, between the end of 27th Drive S.E. and Seattle Hill Road.

SIZE: 2.4 acres

LEGAL DESCRIPTION: Attached

**NORTH CREEK
COMPREHENSIVE
PLAN DESIGNATION:** The North Creek Comprehensive Plan adopted by Snohomish County in 1977 and amended in 1986 designates the site as Suburban 1-4 dwelling units per acre.

ZONING DISTRICT: The subject site is designated R-9600 Residential Single Family on the City's zoning map.

PART II- STATUTORY REQUIREMENTS

SEPA COMPLIANCE: The City's SEPA Official has determined that this proposal does not have a probable significant adverse impact on the environment; therefore, an environmental impact statement is not required under the provisions of RCW 43.21C.030. The

City staff has, however, identified impacts to certain elements of the environment that require mitigation pursuant to SEPA. On September 11, 1991, a Mitigated Determination of Non-Significance (MDNS) was issued for the proposed project. The following measures required to mitigate development impacts:

Elements of the Environment Impacted by this Action:

1. **EARTH:**

Erosion could occur during the grading, filling, and excavation for roads and utilities. To mitigate the potential impacts resulting from these activities, the project proponent shall submit a temporary stormwater and erosion control plan for approval by the City Engineer. Said plan shall be approved prior to the issuance of any construction permits or commencement of site work including clearing and grading.

2. **AIR:**

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

Each dwelling must have an adequate source of heat other than a woodstove, fireplace insert or fireplace.

The developer shall provide a Puget Sound Air Pollution Control Authority (PSAPCA) approved packet of information to the purchaser of any dwelling unit equipped with a woodstove, fireplace insert or fireplace. This packet is to include information on proper wood burning techniques and burning restrictions.

3. **WATER:**

Future residential development will generate stormwater containing oils, fertilizer and other potential pollutants. The primary runoff will be transported to underground detention chambers with metered release into the facilities within the adjacent plat. Oil-water separators are required for the stormwater system.

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, twenty (20) foot vegetative buffers shall be included in the plat design as determined by Department of Community Development staff. Trees within the buffer areas shall be preserved. In addition to the buffers, a tree preservation plan is required for the interior portions of the plat. This plan shall be approved by the Department of Community Development staff prior to site clearing and grading.

**DEVELOPMENT
IMPACT MITIGATION
ORDINANCE:**

Pursuant to the provisions of Chapter 17.48 MCMC, a Notice of Property Development Impact Mitigation was issued by the City on September 11, 1991. The following measures were developed to mitigate the impacts of the proposal on City facilities:

1. **TRANSPORTATION:**

The proposed project will generate approximately 90 average weekday trips upon full build-out, with 6 trips in the a.m. peak hour and 9 trips in the p.m. peak hour. An Impact Mitigation Agreement between the applicant and the City shall be executed to mitigate direct traffic impacts on City facilities. Specific improvement programs include: the 164th Street bridge and road widening; future intersection improvements at the intersection of SR 527 and 164th Street S.E.; signalization and intersection improvements at Seattle Hill Road and Village Green Drive; and roadway widening and right-of-way improvements to Seattle Hill Road.

2. **RECREATION:**

Approval of the plat as designed would allow construction of 9 single family residences with an estimated population of 28 people. This additional population will increase the demands on the City's recreation facilities and programs. In order to mitigate

these impacts, an Impact Mitigation Agreement between the City and the applicant for improvement to parks and recreation facilities shall be executed.

NOTICE:

In accordance with Section 17.36.040 MCMC, notice of the public hearing was mailed to property owners of record within 500 feet of the subject site on November 8, 1991, published in The Herald on November 8, 1991, and the property was posted on November 8, 1991.

PART III- BACKGROUND INFORMATION

HISTORY:

The subject site is a small parcel of land located between two sections of the Highlands development. Specifically, the plat of Mill Creek Estates on the west and Highlands Division III on the south and east sides of the site. This parcel was annexed to the City in 1987 as part of the Foxglove annexation. Much of the land that was annexed was subsequently developed as the Highlands. Similar to the Highlands, the subject site was designated R 9600 Residential Single Family at the time of annexation.

EXISTING SITE

CHARACTERISTICS:

The subject site is generally flat; however, there is a small depression in the rear corner of Lot 5. This depression was created by the previous property owner who excavated the area a number of years ago to create a watering hole for livestock.

The soils on the parcel have been classified by the Soil Conservation Service (SCS) as Alderwood gravelly sandy loam. The SCS rates this soil series as having slight to moderate limitations for residential developments. Similar to other areas in the City, the primary limitation is absorption for septic tank drain fields, and the need for foundation drainage for buildings with basements and crawlspaces. The project will be served by public sewer; therefore, the limitation for septic tank drain fields is not applicable. Foundation drainage should be installed based upon the recommendations of the City Building Official.

VEGETATION:

The project site is sparsely forested. There is one notable stand of trees located in the southeast corner of the site. The predominant species in the stand are Cedar and Fir. There are two other small stands located on the north lot line of Lot 5 and

the eastern or rear lot lines of Lots 6 and 7, with the predominant species being Fir, Cedar, and Alder. In addition, there are three large Maple trees located in the center of the plat, in the middle of the proposed road. The remainder of the site is brush or yard area associated with the existing residence.

LAND USE:

The 2.4 acre site is currently occupied with an older single-family residence that will be demolished. The site is bordered on the east and the south by Division III of the Highlands, and on the west by Mill Creek Estates. The property located immediately to the north of the subject site has a mobile home and a contracting business, and the property beyond that is a commercial nursery. The properties occupied by these businesses were zoned RC 2.5 Rural Conservation when they were annexed to the City in 1987. The businesses are considered legal, nonconforming uses.

UTILITIES:

The subject site is located within the service area of the Alderwood Water District. Water and sanitary sewer service will be provided by the District; however, the developer is responsible for extending the necessary lines from the north end of 27th Drive S.E. Electrical service is provided by Snohomish County PUD #1. Natural gas service is provided by Washington Natural Gas.

FIRE PROTECTION:

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

SUBDIVISION DESIGN:

The application is for the approval of a nine (9) lot subdivision to be developed with single-family detached residences. The plat is essentially an infill development located between two sections of the Highlands development between 27th Drive S.E. and 28th Drive S.E., south of Seattle Hill Road.

The gross density of the site is proposed for 3.7 dwelling units per acre.

Lot Layout:

The proposed plat is located on a square parcel with the lots arranged in an east/west configuration separated by the access street. There are five lots and a pedestrian access tract located on the west side of the site, and four lots located on the east

side of the site.

In order to provide the pedestrian tract on a separate parcel, rather than an easement across private property, it was necessary to design the plat in accordance with the lot size averaging provisions of the City's subdivision ordinance. Under the provisions of Section 16.02.060 MCMC, lot size averaging is allowed provided: 1) the number of lots does not exceed the number that would be created if the all the lots meet the minimum lot size of the zoning district; and 2) the lots are not smaller than 75% of the minimum lot size of the zoning district. In the R 9600 zoning district, the smallest lot that can be created using the lot size averaging provisions of the code is 7,200 square feet.

The smallest lot in the proposed plat is 8,487 square feet and the largest lot is 10,520 square feet. These lots are consistent with the abutting lots in the Highlands, which range in size from 7,531 square feet to 11,977 square feet.

Access:

Access to the site will be from an extension of 27th Drive S.E. in the Highlands. While the site currently takes access from Seattle Hill Road via a narrow dirt access road, it is the City's policy to limit or preclude direct access onto arterial streets where other access is available. In addition, the City has planned the proposed alignment to eventually connect to a looped road system within the recently approved plat of The Springs, if and when the property between the two sites is converted from the present uses.

The access road will be a dedicated public street and include curbs, gutters and sidewalks. In addition to the sidewalks, a separate tract with a pedestrian pathway is proposed for the west side of the plat. This path will connect the Highlands, Seattle Hill Road, Parkside, and Heron Park pathway system.

Utilities:

Since the subject site is located in an area of existing development, much of the infrastructure required to serve the subject site is already in place. Sewer and water lines within the adjacent Highlands development have been stubbed out at the

southern boundary of the site. The developer will be required to extend the lines from their present location at the end of 27th Drive S.E. into the subject site.

Although stormwater runoff facilities will also be connected to the existing facilities located within 27th Drive S.E, the City Engineer has indicated that on-site detention facilities are necessary to regulate the flows from the plat. This will be accomplished through the construction of an underground storage chamber located within the 27th Drive right-of-way. Preliminary stormwater runoff calculations were submitted by the applicant and reviewed and approved by the City Engineer.

**CONSISTENCY WITH
SUBDIVISION
REGULATIONS:**

Staff has reviewed the proposed plat in accordance with provisions of Title 16, the City's subdivision regulations. The following comments are presented based upon an evaluation and review of criteria contained in Section 16.18.010 MCMC:

1. The preliminary plat meets the requirements and intent of the Mill Creek Municipal Code and adopted City plans.

Comment:

The subject site is located in an area that was annexed to the City in 1987. Similar to the surrounding properties located in the Highlands development, the subject site was zoned R 9600 Residential Single Family, effective upon annexation. Under the provisions of the zoning ordinance, the maximum allowable density for single family residential detached projects being developed in the R 9600 district is 4.5 dwelling units per acre. The gross density of the proposed project is 3.7 dwelling units per acre. Excluding streets and right-of-ways, the net density is 4.5 dwelling units per acre.

The proposed plat is being developed in accordance with the provisions of Section 16.02.060, lot size averaging. Under the provisions of the Code, the maximum number of lots created cannot exceed the number that would be derived by dividing the site area by the minimum lot size of the zone district.

The total land area of the site included in lots is approximately 89,012 square feet. The lot yield utilizing the minimum lot size of 9,600 square feet is 9 lots. The proposed plat is for 9 lots ranging in size from 8,487 to 10,520 square feet. The smallest lot in the proposed plat has not been reduced to a minimum allowable size of 7,200 square feet. In addition, the proposed lots are consistent with the size of abutting lots in the Highlands.

Thus, the proposed plat is consistent with the provisions of the subdivision code including lot size averaging and the standards and regulations of the R-9600 zone district.

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

Comment:

The street within the proposed plat complies with the standards required by the City Engineer, including the dedication of public right-of-way, and construction of sidewalks. Consistent with City policy, access is from an existing residential access street, 27th Drive S.E., which has been constructed to the southern boundary of the subject site.

In addition to the sidewalks located within the public right-of-way, a pedestrian pathway is proposed between lots 2 and 3 to provide linkage with the existing pathway located on the west side of the site connecting The Highlands development with Seattle Hill Road and the Parkside neighborhood.

Water and sewer service is available to serve the site from existing lines located in 27th Drive S.E. Stormwater will be detained on-site with controlled release in the existing system, also located within 27th Drive S.E.

Due to the small size of the site, staff is of the opinion that the provision of an on-site recreation site is not

appropriate. The close proximity of the site to Heron and Highland Parks will accommodate the recreational needs of the residents; however, the City has determined that the assessment of fees for mitigation of impacts on public recreation is appropriate.

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

Comment:

The execution of impact mitigation agreements with the applicant will include contributions for park development, proportionate share contributions for public road improvements, and a pedestrian linkage between the public sidewalks in the plat and adjacent pedestrian facilities.

**FINDINGS AND
CONCLUSIONS:**

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

1. The request is for the approval of a preliminary plat to subdivide 2.4 acres into nine (9) lots. The lots are intended to be developed with single family detached residences.
2. The proposed plat is zoned R-9600 and subject to the restrictions and standards contained in Chapter 17.06 MCMC. The proposed plat is consistent with the use, density, and lot area requirements of the zone district.
3. The proposed plat is being developed in accordance with Section 16.02.060 MCMC, the provisions of the City's subdivision ordinance allowing the use of lot size averaging. The number of proposed lots does not exceed the number that would be allowed by dividing the site area by the minimum lot size of the zone district.
4. The project has been reviewed in accordance with the State Environmental Policy Act (SEPA) and Chapter 17.48 MCMC, the City's Development Impact Mitigation

ordinance. After reviewing the application in accordance with these provisions, it was determined that contributions were necessary to mitigate the proposal's impact on public parks and transportation facilities.

5. The proposed plat is capable of being served with adequate water and sewer services.
6. If approved, subject to the conditions recommended below, the proposed plat will be consistent with the requirements of Title 16 of the MCMC, Plats and Subdivisions.
7. If approved subject to conditions, the proposed plat is consistent with RCW 58.17.110 and makes appropriate provisions for drainage ways, streets, sidewalks, potable water supplies, sanitary wastes, and parks and recreation.
8. The statutory requirements for environmental review and public notice have been duly satisfied.

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

1. Development shall occur as portrayed on the preliminary plat map attached as Exhibit B, except as may be modified by conditions imposed by the Planning Commission.
2. The maximum number of building lots shall not exceed nine (9). Construction shall be limited to single family detached residences.
3. Water and sewer facilities shall be designed and constructed in accordance with the requirements of the Alderwood Water District.
4. A temporary stormwater management and erosion control plan shall be submitted for review and approval by the City Engineer. Approval of the plan and implementation shall occur prior to the commencement of any site work including clearing and grading.

5. Property buffers having a minimum width of twenty (20) feet are required in the rear portions of Lots 1, 2, 7, and 8, adjacent to the southern lot line on Lot 11 and the north lot line of Lot 5 to preserve existing trees. The property buffers shall be depicted on the face of the final plat.
6. In addition to any trees located within the property buffers depicted on the plat, trees within the interior of the plat shall be preserved where appropriate. The trees to be preserved shall be determined after review of a tree survey currently on file with the City, and an on-site identification and designation by City staff. Preservation areas and individual trees identified to be saved shall be protected from encroachment by vehicles, earth moving machinery, and material storage by the erection of barrier fencing approved by City staff.
7. Site clearing and grading shall be restricted to areas necessary for the installation of utilities, and road and sidewalk construction. No other clearing is allowed without the approval of City staff. No lot clearing shall be allowed nor building permit issued prior to the submittal and approval of a tree preservation plan for each lot.

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

8. All utility, stormwater, drainage, maintenance easements, property buffers, and the common tract together with attendant restrictions and conditions shall be portrayed on the face of the final plat.
9. Mail boxes shall be grouped or clustered in locations identified by the United States Postal Service.
10. Fire hydrant design, location, and spacing shall be reviewed and approved by Fire District No. 7, Alderwood Water District, and the City Building Official.

11. Stormwater shall be managed in accordance with the plans and specifications approved by the City Engineer.

Oil/water separators shall be installed in catch basins as determined by the City Engineer.
12. Fill material for the depression on Lot 5 shall be clean material free of all debris and approved by the City Building Official.
13. The pedestrian pathway located between Lots 2 and 3 shall be constructed by the applicant and be designated as a separate tract on the face of the plat and dedicated as an easement for public access.
14. Sidewalks are required on both sides of the public street within the plat.
15. The roadway section shall be designed by a licensed engineer, and the design shall be reviewed and approved by the City Engineer.
16. There shall be a homeowners association, which will be responsible for the maintenance of the pedestrian tract.
17. The execution of a voluntary contribution agreement between the applicant and the City in the amount of \$4,500 in cash to mitigate impacts on City recreation facilities, and to be used specifically for neighborhood park development.
18. The execution of a voluntary contribution agreement between the applicant and the City for the following amounts to mitigate traffic impacts on the following facilities:
 - Seattle Hill Road Improvements - \$5,099.00
 - Traffic Signal at Village Green Drive and Mill Creek Road - \$1,650.00
 - 164th Street Road and Bridge Widening - \$1,131.00

**PLANNING COMMISSION
ACTION:**

At their regular meeting on November 21, 1991, the Planning Commission conducted a public hearing on the preliminary plat application. After reviewing the staff report, recommended findings, conclusions and conditions of approval, the Commission voted unanimously to adopt the findings and recommend approval of the proposed project subject to the recommended conditions with the following additions:

Delete recommended Condition 13.

Amend Condition 16 as follows:

~~There shall be a homeowners association which will be responsible for maintenance of the pedestrian tract.~~

The applicant seek membership in the appropriate homeowners association of the abutting Highlands development. If membership in said association is not accepted then there shall be a separate homeowners association for Hillcrest Glen. In addition, the conditions, covenants and restrictions for the plat shall require consistency with the overall tone, material composition, colors, and landscaping of the neighboring subdivision, Highlands Division III and shall be reviewed and approved by the City Attorney prior to final plat approval.

MILL CREEK PLANNING COMMISSION MEETING - November 21, 1991

Burton Rainier, P.O. Box 484, Kennmore, Engineer and Planner for the applicant, stated that the owners are substantially in agreement with the staff. In the case of the trail being designated for public access, there is the question of liability insurance. City Attorney Missall informed him that the City is self-insured and has coverage for accidents occurring on public property.

Discussion by the Commissioners followed on public access, dedication, the location of the easement, and the advisability of homeowners associations being required to maintain trails. Commissioner Hodge questioned the viability of creating a homeowners association for a 9-lot subdivision. Community Development Director Trimm stated that the recommendation can be amended to require this subdivision to join an adjacent association. Commissioner Bulger expressed his concern over possibly funneling children over a trail that runs adjacent to American Concrete, a commercial piece of property.

As no one else present wished to speak on this item, Chairman Schmidt closed the public hearing.

Commissioner Hodge questioned the need for a separate tract for access to the adjacent trail system. He did not see any particular value or present need for a tract at that location. The appropriate place in that section, he felt, was at the point where 156th Street makes the bend and can be designated in a future development. Commissioner Beyerlein commented that the property on the north may never be developed. After further discussion, Community Development Director Trimm stated that the adjacent Highlands plat, owned and maintained by the Highlands Homeowners Association, has no restrictions for public use but agreed with Commissioner Hodge, that this could be changed by majority vote. City Attorney Missall noted that typically a change in restrictive covenants cannot be made for 20 years.

MOTION: Vice Chairman McElhose moved to amend Condition No. 13 by striking the requirement for an easement across Tract W between Lots 2 and 3. Commissioner Dinniene seconded the motion. Motion carried 5 to 1, with Commissioner Beyerlein opposing.

MOTION: After further discussion on the requirement for a homeowners association, Commissioner Hodge moved that Condition No. 16 be revised to reflect that the development should pursue joining an adjacent homeowners association but if this is not possible, the

MILL CREEK PLANNING COMMISSION MEETING - November 21, 1991

developer create a homeowners association with the usual covenants and restrictions, upon final plat approval. Commissioner Dinniene seconded the motion. Motion carried unanimously.

MOTION: Commissioner Hodge moved to adopt Planning Commission Resolution 91-20 entitled "A RESOLUTION OF THE CITY OF MILL CREEK PLANNING COMMISSION, RECOMMENDING APPROVAL TO THE CITY COUNCIL OF THE CITY OF MILL CREEK, WASHINGTON OF A PRELIMINARY PLAT FOR A NINE (9) LOT RESIDENTIAL SUBDIVISION TO BE KNOWN AS 'HILLCREST GLEN,' CASE FILE NUMBER PP 99-32," with conditions as set forth in the staff report dated November 21, 1991 and amended by the Planning Commission. Commissioner Dinniene seconded the motion. Motion carried unanimously.

VI. ADJOURNMENT:

MOTION: Vice Chairman McElhose moved to adjourn the meeting at 9:25 p.m. Commissioner Beyerlein seconded the motion. Motion carried unanimously.