

PLANNING COMMISSION RESOLUTION NO. 94-39

A RESOLUTION OF THE CITY OF MILL CREEK)
PLANNING COMMISSION, RECOMMENDING)
APPROVAL TO THE CITY COUNCIL OF THE)
CITY OF MILL CREEK, WASHINGTON OF A) FINDINGS,
PRELIMINARY PLAT/PLANNED RESIDENTIAL) REASONS AND
DEVELOPMENT FOR A THIRTY-THREE (33)) RECOMMENDATIONS
LOT RESIDENTIAL SUBDIVISION TO BE)
KNOWN AS "THE PARKS AT MILL CREEK,)
DIVISION VI." CASE FILE NUMBER PP 94-40.)

WHEREAS, Countrywood Homes, Inc. has submitted the appropriate information to the City of Mill Creek for consideration of a Preliminary Plat/Planned Residential Development for a thirty-three (33) lot single-family residential subdivision located south of Seattle Hill Road, west of 35th Avenue and north of the Highlands, Division IV, within the City of Mill Creek; and

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

WHEREAS, on October 9, 1994, a legal notice stating the time, place and purpose of the public hearing was published in the Everett Herald, and on October 7, 1994, was posted on the property pursuant to MCMC 17.36.040 and sent to surrounding property owners within 500 feet of the site in accordance with MCMC 17.36.040; and

WHEREAS, the Planning Commission duly convened a public hearing on October 20, 1994, to consider the matter, took testimony and inquired into the facts of the proposal.

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

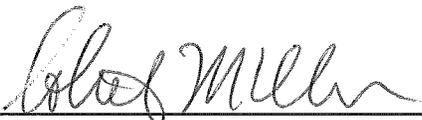
Section 1: The Planning Commission has considered the staff report, attached as Exhibit A, and the proposed preliminary plat, attached as Exhibit B, all incorporated herein, and the testimony and other facts elicited at the public hearing and finds that the proposed preliminary plat/planned residential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

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

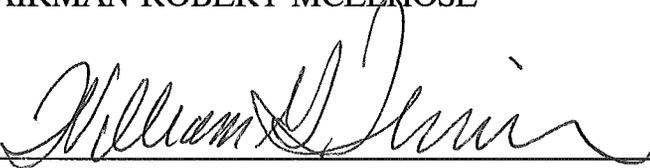
Section 3: The Planning Commission, therefore, recommends to the City Council approval of a thirty-three (33) lot preliminary plat/planned residential development for Countrywood Homes, Inc. as fully described and conditioned in Exhibit A, Exhibit B, and Exhibit C.

Done and Passed by majority vote, this twentieth day of October, 1994.

CITY OF MILL CREEK PLANNING COMMISSION



CHAIRMAN ROBERT MCELHOSE



SECRETARY WILLIAM G. TRIMM

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: October 20, 1994

OWNER:

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

REPRESENTATIVE:

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

REQUESTED

ACTION: Planned Residential Development/Preliminary Plat approval for a thirty-three (33) 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 north of the Highlands development within Section 5, Township 27 North, Range 5 East, W.M. Snohomish County.

SIZE:

9.06 acres

LEGAL

DESCRIPTION: Refer to Attachment 1

COMPREHENSIVE

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

ZONING DISTRICT:

R 9600 - Residential Single-Family

PART II - STATUTORY REQUIREMENTS

SEPA COMPLIANCE/ DEVELOPMENT IMPACT MITIGATION ORDINANCE:

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

City staff has identified certain elements of the environment that require mitigation pursuant to SEPA as well as impacts on public facilities that require mitigation pursuant to Chapter 17.48 MCMC. On July 13, 1994 a Mitigated Determination of Non-Significance (MDNS)/Notice of Property Development 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 and the Everett School District regarding joint review, comment, and imposition of appropriate mitigation and conditions that affect the proposed project. This application has been reviewed by Snohomish County and the Everett School District and their comments are reflected in the recommended conditions.

NOTICE:

According to Section 17.36.040 MCMC, notice of the public hearing was mailed to property owners of record within 500 feet of the proposed project on October 7, 1994, published in the Everett Herald on October 9, 1994, and the property was posted on October 7, 1994.

PART III - BACKGROUND INFORMATION

HISTORY:

The subject site is located within the City's Interim Urban Growth Area that was adopted as part of the Comprehensive Plan in January 1992. The site was annexed to the City in December 1992 as part of the East Neighborhood Annexation. A zoning classification of RC 2.5 was applied to the property at the time of annexation. The property was reclassified to R 9600 - Residential

HISTORY CONTINUED:

Single-Family in February 1993, as part of the citywide rezone to implement the Land Use Map of the Comprehensive Plan. The proposed project constitutes the sixth division of a larger project known as The Parks at Mill Creek. Since 1993 the City Council has approved Divisions I - V of The Parks as recommended by the Planning Commission. The first five divisions contain a total of 149 lots and two neighborhood park sites.

**EXISTING SITE
CHARACTERISTICS:**

The project site for this application encompasses approximately 9.06 acres. A single-family residence, garage and outbuilding currently occupy the site.

The site is 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 Gravelly 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 requirement for foundation drainage is made by the City Building Official at the time of construction of the future residences.

VEGETATION:

The site is heavily forested. The predominant species is Douglas Fir; however, Hemlock, Alder and Cedar are also present.

LAND USE:

Surrounding land uses are as follows:

To the north is Seattle Hill Road and north of that is the Parkside development;

To the east is the preliminary plat of Hollymere, which was recently approved by the City Council;

To the west are two single-family residences on large lots; and

To the south is Division IV of the Highlands development.

UTILITIES:

The subject site is located within the service area of the Alderwood Water District. Water and sewer service is available in adjacent

UTILITIES CONTINUED:

developments. Electrical service will be provided by Snohomish County PUD and natural gas service by Washington Natural Gas.

FIRE PROTECTION:

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

SUBDIVISION PROCESS AND DESIGN:

Process

The applicant has requested that the proposed project be processed in accordance with the PRD process contained in Section 16.12 of the Subdivision Ordinance. This process is intended as an alternate form of development to allow more flexibility while retaining significant natural features or providing public and private amenities. Under this process, many of the zoning and subdivision dimensional and bulk standards may be modified except for street setbacks on exterior streets, surveying standards, permitted uses and the engineering and design standards for public improvements. (This process was also used in the neighboring developments of the Highlands, the Springs, and The Parks Divisions I - V)

The following modifications, as allowed by the PRD process, are requested:

1. Modification of the minimum lot size of 9,600 square feet to an averaging method.
2. Reduction of the required setbacks on individual lots to allow flexibility on the placement of structures on lots. The requested reductions are:
 - front and rear yards - from 20 feet to 10 feet;
 - side yards - from 20 feet to a total of 10 feet
3. Modification of the lot width requirements from sixty feet measured at the street to sixty feet measured at the front setback line.

Subdivision Design

General Description

The proposed 33-lot plat has been designed as a continuing phase of a much larger development, which will ultimately create a distinct neighborhood. Project density and range of lot sizes is

SUBDIVISION PROCESS AND DESIGN CONTINUED:

consistent with the previously approved divisions of The Parks at Mill Creek and Hollymere.

Consistent with the subdivision design standards and the previously approved developments of The Parks, Division I and Hollymere, a fifty (50) foot roadway buffer/cutting preserve has been designated along the Seattle Hill Road frontage of the subject site. Additional open space is provided in Tract A, which is the remaining property to be dedicated to the City for the smaller of the two public neighborhood parks that have been planned for the East Neighborhood Annexation area.

Lot Layout

The proposed lots are arranged along a north/south, dead end road and three shorter hammerhead and cul-de-sac streets. Six of the proposed lots abut Division I of The Parks, five lots abut Division IV of the Highlands and eight lots abut the undeveloped property to the west of the subject site. Similar to the Highlands and Divisions II and III of The Parks, there will be a property buffers/tree preservation easements on the rear twenty feet of the proposed lots that will be adjacent to existing lots in the Highlands.

Property buffers are also proposed on the rear portions of lots 10 - 17 in order to maintain a semi-forested appearance from Seattle Hill Road. The lots range in size from 9,375 square feet to 6,300 square feet.

Access and Circulation

The proposed plat has been designed consistent with the East Neighborhood Master Circulation Plan. Adopted by the Planning Commission in 1993, the plan is a guide for all future development in the area. To date the first five divisions of The Parks development and the plat of Hollymere have been designed in accordance with the plan. Access to the subject site will be from the internal streets within Division I.

Pedestrian circulation will be provided by public sidewalks on the internal streets and connected to the public sidewalks in Division I. In addition to the sidewalks, two pedestrian pathways are proposed to provide linkage from the internal portions of the plat to adjacent public sidewalk systems. One is located at the end of 31st Place Southeast and connects with the public sidewalks on Seattle Hill

SUBDIVISION PROCESS AND DESIGN CONTINUED:

Road. The other pathway is between lots 19 and 20 and provides a connection between the subject site and Division IV of the Highlands.

A third pedestrian pathway is recommended between lot 33 in the proposed plat and lot 18 in Division I. The purpose is to provide a pedestrian connection between the neighborhood park (Tract A) and the open space tract/pedestrian pathway located between lots 1 and 4 in the proposed plat and lots 1 - 7 in Division I.

Utilities

Sanitary sewer and water service is currently located on the eastern and southern boundaries of the site. The Alderwood Water District has indicated that the developer is required to construct a public water system throughout the site with connections to the existing mains located at the end of 30th Drive Southeast in the Highlands, Division IV and to the recently installed mains at the end of 155th Street Southeast in Division I of The Parks.

The project proponent is also required to extend the sewer service throughout the site to the connection at the end of 30th Drive Southeast

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

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. Since this project represents a portion of a larger project that was previously found to be consistent with the plan and approved by the

CONSISTENCY WITH THE MILL CREEK COMPREHENSIVE PLAN CONTINUED:

City, staff has not presented the expanded policy review and comment similar to that contained in the record for the previously approved divisions of The Parks. We have reviewed this application with the applicable policies of the Comprehensive Plan as well as the previous policy analysis for The Parks development and found it to be consistent with both the plan maps and policies of the plan. The applicable policies of the plan are:

LAND USE ELEMENT

Policies 1.03, 1.07, 1.10, 1.13, 1.14, 1.15, 1.16, and 1.17

COMMUNITY FACILITIES AND UTILITIES ELEMENT

Policies 1.01, 1.02, 1.03, 4.01, 4.02, and 6.01

STREETSCAPE ELEMENT

Policies 1.03 and 3.01

TRANSPORTATION ELEMENT

Policies 2.01, 3.01, 3.03, 4.01, and 4.03

ENVIRONMENTAL FEATURES ELEMENT

Policies 1.02, 1.03, 4.02, 4.03, and 4.05

PARKS AND OPEN SPACE ELEMENT

Policies 1.02, 5.02, and 5.04

In summary, staff has reviewed the applicable policies of the Comprehensive Plan, as well as the approved findings and conclusions from the previous five divisions of The Parks development. Based on this review, we find that the proposed project complies with the applicable policies or that the policies provide further direction in the development of the conditions of approval.

**CONSISTENCY WITH
SUBDIVISION
REGULATIONS:**

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

Since the proposal is a planned residential development, it has been evaluated consistent with the following provisions of Chapter 16.12 MCMC - Planned Area Development.

Subdivision Review Criteria

1. Section 16.18.010 (C) 1 The preliminary subdivision and binding site plan meet the requirements and intent of the MCMC and adopted City plans.

Comment:

The gross density that is allowed for the development of single-family homes within the East Neighborhood Annexation area, as designated on the Land Use Map of the Comprehensive Plan, is four (4) units per acre. The gross density of the proposed plat, is 3.6 units per acre. The proponents have chosen the PRD process and among the modifications sought is a reduction in the minimum lot size. Through the use of the PRD process, minimum lot sizes may be modified or eliminated and the allowable number of dwellings are determined by dividing the net developable area by the minimum lot size of the zone district. The proposed number of lots is consistent with this formula. The average lot area of the proposed project is 7,829 square feet.

Also, the proposed plat is located adjacent to the Highlands subdivision, which was also developed under the provisions of the PRD regulations. The lot layout, size, and design of the proposed plat with neighborhood park facilities and open space tracts is similar to the adjacent properties.

2. Section 16.18.010 (C) 2 The proposed plat makes adequate provisions for open space, drainage ways, streets and other public ways, water supply, sanitary wastes, parks, playgrounds, sites for schools and school grounds.

CONSISTENCY WITH SUBDIVISION REGULATIONS CONTINUED:

Comment:

The streets and sidewalks within the proposed development comply with the standards required by the City Engineer. The applicants have agreed to mitigate their recreational impacts through the payment of park impact fees to be used for development of the proposed neighborhood parks in Divisions I and II. The park land dedication area (Tract A) is a requirement of the annexation.

Utilities are available with sufficient capacity to serve the site and the final drainage plans will be reviewed for adequacy in managing projected off-site flows. Contributions will be required to mitigate proportionate share impacts on City streets.

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

3. Section 16.18.010 (C) 3 The subdivision or development is beneficial to the public health, safety, and welfare and is in the public interest.

Comment:

The execution of mitigation agreements with the proponent will include funds for the development of neighborhood parks and contributions for improvements to the City road system.

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

Comment:

The subject site contains 9.06 acres.

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

CONSISTENCY WITH SUBDIVISION REGULATIONS CONTINUED:

Comment:

The requested modifications include a reduction in the minimum lot size from 9,600 square feet and reduction of the required yard setbacks from twenty (20) feet to ten (10) feet for front and rear yards and a reduction from a total of twenty (20) feet to a total of ten (10) feet for side yards. These requested modifications are consistent with those allowed under said section. It should be noted, however, that the general provisions of the zoning ordinance still require that driveways have a length of 24 feet from the sidewalk to garages facing the street in order to prevent automobiles from hanging over sidewalks.

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

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

Comment:

Based on the density calculation formula, the subject site could be developed with a minimum of 34 residential lots and up to 40 residential lots if the bonus provisions of the PRD process were utilized. The proposed project contains 33 lots.

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

Comment:

Based on the formula contained in the PRD regulations, approximately 1.5 acres of open space is required for this division. The applicants are proposing to provide 1.6 acres of open space, which includes .79 acres in the neighborhood park site (Tract A)

CONSISTENCY WITH SUBDIVISION REGULATIONS CONTINUED:

and .76 acres in the roadway buffer/cutting preserve and pedestrian pathway tracts.

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 33 lots to be developed with single-family residences.
2. Access to the proposed plat would be from the internal streets of Division I.
3. The proposed project has been reviewed under the provisions of the State Environmental Policy Act (SEPA) and Chapter 17.48 MCMC, the Development Impact Mitigation Ordinance. This review has revealed that there will be an impact on the City street system, parks, and public school facilities that require mitigation.

In accordance with the Mitigated Determination of Non-Significance and Notice of Property Development Impact Mitigation issued by the responsible official on July 13, 1994, impact mitigation agreements will be required to mitigate the identified impacts.

4. 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.
5. The Everett School District has requested that the applicant contribute fees in lieu of land dedication to mitigate the development impacts on district facilities.
6. The proposed plat is located within an R 9600 Residential Single-Family Zone District. By using the Planned Residential

FINDINGS AND CONCLUSIONS CONTINUED:

Development process, the setback, lot size, and lot width requirements of the district may be modified.

7. The applicant has requested modification of certain zoning standards in accordance with the provisions of the planned residential development process. The requested modifications are:

- ▶ modification of the minimum lot size of 9,600 square feet;
- ▶ reduction of the required yard setbacks from twenty (20) feet to ten (10) feet for front and rear yards; and
- ▶ reduction of the side yards from a total of twenty (20) feet to a total of ten (10) feet.

8. The plat as described conforms to the provisions of the planned residential development section of the Mill Creek Subdivision Ordinance. The proposal does not include the density bonus allowed in the planned residential development process.

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

10. 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.

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

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

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

RECOMMENDATIONS CONTINUED:

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 33. Construction shall be limited to one single-family detached residence per lot.

3. ~~All other regulations notwithstanding, including Section 17.22.160(A) (driveway length),~~ the front and rear yard setbacks may be reduced to ten (10) feet, and the side yard setback requirements reduced from a total of twenty (20) feet to a total of ten (10) feet.

East side yard setback for lots 22 and 29 be a minimum of 10'

4. The proposed project shall be incorporated into the primary homeowners association for The Parks development, which will be responsible for the maintenance of all privately owned common facilities.

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

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

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

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

8. Tracts B, C, and D shall be redesignated as Tract B and Tract E shall be redesignated as Tract C. *comb tract F w/ tract A*

9. Public access easements shall be provided for the pedestrian pathways located in Tracts B and C.

10. All roadway sections shall be designed by a licensed engineer and the design reviewed and approved by the City Engineer. The

RECOMMENDATIONS CONTINUED:

design of the roadway section for all internal streets shall include provisions for a planting strip situated between the back of the curb and the outside edge of the sidewalk to accommodate street trees and shall be prepared by a licensed landscape architect.

11. In accordance with the Interlocal Transportation Agreement between Snohomish County and the City of Mill Creek for the mitigation of interjurisdictional development impacts, the applicant shall contribute \$ 73,913.60 to Snohomish County, subject to any credits approved by the county. Verification of payment shall be provided to the City before final plat approval.

12. Payment of \$ 41,696.00 to the Everett School District. Verification of payment shall be provided to the City before final plat approval.

13. The execution of an impact mitigation agreement between the applicant and the City for \$ 24,254.00 for the following road improvement projects:

- Seattle Hill Road Improvements - \$ 7,399.00
- Traffic Signal at 23rd/25th Avenue - \$ 13,741.00
- 9th Avenue Intersection Improvements - \$ 1,340.00
- 164th Street Bridge Widening - Phase II - \$ 1,530.00
- Dumas Road Intersection Improvements- \$ 244.00

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

15. Contribution of \$ 17,660.00 to mitigate impacts on City park and recreation facilities. Of this amount, \$ 15,904.00 shall be used for the development of the neighborhood parks in Divisions I and II. The balance of the mitigation \$ 1,756.00 shall be used for the acquisition and development of a Community Park.

16. Twenty-foot property buffer easements shall be provided on the rear portions of Lots 10 - 21 for the purpose of tree preservation.

RECOMMENDATIONS CONTINUED:

If these areas are lacking in suitable trees for preservation, a reasonable number of trees shall be planted by the developer. Additional trees shall be preserved within the interior of the plat where appropriate.

17. All buildings shall be setback ten (10) feet from the property buffer lines on lots 10 - 21.

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

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

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

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

22. Mail boxes shall be grouped or clustered in lockable hutches in locations identified by the United States Postal Service and the Mill Creek Police Department.

RECOMMENDATIONS CONTINUED:

23. 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.

24. The southern cul-de-sac located between lots 21 and 22 shall be eliminated in its present location and shifted to the west. The intent is to provide a minimum of 20 feet between the end of the cul-de-sac and the rear lot lines of lots 4 and 5 of Division I. ~~A "hammerhead" turning area may be provided as an alternative after review and approval by the City Engineer.~~

25. A ~~ten~~ foot pedestrian pathway tract shall be provided between lot 33 in the proposed plat and lot 8 in Division I.

20' tract shifting everything down

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staff is recommending that no construction be allowed within 10 feet of the setback. Mr. Beach also wanted to know if the homes would be similar to the homes in the Highlands. Mr. Webb explained that they would be similar but not identical.

Judy Beach, 15723 30th Drive Southeast, Mill Creek, Washington 98012

Ms. Beach wanted to know if the developer would be required to plant 12-foot evergreens in the buffer. Planner Friedman explained that this was only required when there weren't a sufficient number of trees in the buffer. Ms. Beach is concerned about old growth trees on her lot and the potential danger from windstorms blowing them on to adjacent property. She also stated that she hoped the developer would use a different style of homes than were used in the Highlands to provide some variety in the area.

- ☐ Chair McElhose closed the public comment portion of the hearing at 8:08 p.m.

MOTION: Commissioner Grannis moved that the Commission accept the resolution as worded with a provision that the developer arrange a cul-de-sac at the terminus of 31st Place and a turnaround facility on the unnamed street along side the park. The motion died for lack of a second.

The Commission agreed to make the following additions to staff's recommendations:

- Amend Condition No. 3 as follows: ~~All other regulations notwithstanding, including Section 17.22.160(A) (driveway length),~~ the front and rear yard setbacks may be reduced to ten (10) feet, and the side yard setback requirements reduced from a total of twenty (20) feet to a total of ten (10) feet. ~~The requirements for the driveway length contained in Section 17.22.160(A) may be reduced to twenty-two feet. The east side yard setback for lots 22 and 29 will be a minimum of ten feet.~~
- Amend Condition No. 8 as follows: Tracts B, C, and D shall be redesignated as Tract B and Tract E shall be redesignated as Tract C. ~~Combine Tract F with Tract A~~
- Delete the last sentence from Condition No. 24, which states "~~A 'hammerhead' turning area may be provided as an alternative after review and approval by the City Engineer.~~"
- Amend Condition No. 25 as follows: A ~~ten~~ **twenty** foot pedestrian pathway tract shall be provided between lot 33 in the proposed plat and lot 8 in Division I.
- Add a new Condition No. 26 that requires the developer to construct a cul-de-sac, instead of a hammerhead turnaround, at the end of 31st Place Southeast. A cul-de-sac will also be required at the end of the street between lots 28/29 and the neighborhood park.
- Designate the width of the pathway between lots 19 and 20 as twenty feet.

MOTION: Vice Chair Hodge moved to adopt the resolution approving the Preliminary Plat for The Parks, Division VI, with the recommendations as provided by staff and amended by the Planning Commission. Commissioner Beyerlein seconded the motion and it passed unanimously.

Chair McElhose recessed the meeting for a short break at 8:35 p.m.

Chair McElhose reconvened the meeting at 8:46 p.m. Commissioners Hodge, Pazevic, and Schmidt were excused since the next item of business was deliberations continued from a public hearing held on September 22, 1994, that they did not attend.

V. OLD BUSINESS:

A. Appeal of an administrative approval for a Group B Home Occupation Permit issued for LRT, Inc.

Planner Friedman updated the Commission and gave them an overview of what was expected at this meeting. At a special meeting on September 22, 1994, the Planning Commission held a public hearing on the appeal of the preliminary approval of a Group B Home Occupation Permit. The Commission took oral testimony and closed the public hearing but left the written record open for ten (10) days. At this time the Commission will deliberate on the testimony received and make a recommendation to the City Council to:

- grant final approval,
- grant final approval subject to conditions, or
- deny approval.

Chair McElhose cautioned the Commissioners that their action this evening would be precedent setting and they should be very careful and deliberate in the decision making process.

Chair McElhose made the following comments:

- He has a concern regarding the number of employees. Even if the other employees are only coming in for short periods of time, more than one employee would be a violation.
- The Toombs should be recognized for their efforts to improve the situation and to comply with the code.
- An attempt should be made to resolve disputes of this type at a neighborhood level before the appeal process is used.
- In the future appeals of this type should go directly to the City Council.

Commissioner Beyerlein made the following comments:

- Wants to recognize the applicants good faith efforts to address the problems.