



PLANNING COMMISSION AGENDA

15728 Main Street, Mill Creek, Washington 98012 - (425) 745-1891

January 19, 2017

**Regular Meeting
7:00 p.m.**

	TIME
I. CALL TO ORDER	7:00 p.m.
II. ROLL CALL	7:01 p.m.
A. Introduction of New Members	
III. ELECTION OF OFFICERS	7:02 p.m.
A. Election of Chair	
B. Election of Vice Chair	
IV. APPROVAL OF MINUTES	7:05 p.m.
A. Planning Commission Meeting of February 18, 2016 ⁽¹⁾	
V. PUBLIC HEARING	7:06 p.m.
A. Proposed Amendments to the Mill Creek Municipal Code Regarding Low Impact Development (LID)	
VI. FOR THE GOOD OF THE ORDER	7:55 p.m.
VII. ADJOURNMENT	8:00 p.m.

ATTACHMENTS:

1. Planning Commission Minutes from Meeting of February 18, 2016
2. Planning Commission Resolution 2017-164 with Attached Staff Report

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**CITY OF MILL CREEK
PLANNING COMMISSION MEETING MINUTES
February 18, 2016**

Draft

I. CALL TO ORDER:

Chair Eisner called the meeting to order at 7:00 p.m.

II. ROLL CALL:

Chair Stan Eisner

Vice Chair Matthew Nolan

Commissioner Randy Blair

Commissioner Ed McNichol (absent)

Commissioner Jared Mead (absent)

Commissioner Daniel Mills

Commissioner Dennis Teschlog

Staff:

Tom Rogers, Director of Community and Economic
Development

Sherrie Ringstad, Planning Specialist

III. APPROVAL OF MINUTES

Planning Commission Meeting of November 19, 2015

MOTION: Vice Chair Nolan moved, seconded by Commissioner Teschlog, to approve the November 19, 2015 minutes as presented. The motion was approved unanimously.

IV. WORK SESSION

Update on Economic Analysis for 132nd Street Corridor

Director of Community and Economic Development Tom Rogers noted that this presentation is based on a presentation given to the City Council in January. He explained that the presentation is a historical perspective of past economic development efforts, including the Town Center and the East Gateway Urban Village. Mr. Rogers briefly described the Town Center planning process, which started with a one sentence policy added to the Comprehensive Plan by the Planning Commission in 1992. From that policy, many activities occurred, including a Town Center Advisory Committee, and an Economic Feasibility Study. Feedback from the development community indicated that the original master plan for the Town Center was too small, needed to have less of a residential focus within the Town Center itself but more residential density in close proximity. As a result, the City made changes to the zoning code to increase the size of the Town Center and changed the zoning surrounding the Town Center from Business Park to multifamily residential to create the opportunity for more residential density to support commercial uses. He stated that the City did make a 1.3 million capital investment by completing the Main Street extension.

Community and Economic Development Director Rogers reviewed the East Gateway Urban Village history, including the annexation of the property, the Walmart that was originally proposed, and the City's desire to create a master plan for this area similar to the Town Center. He described how the plan has evolved over time. In response to a concern that the area would contain too much residential, a Code Amendment was adopted requiring all residential uses west

of 44th Avenue Southeast to be above commercial development. Mr. Rogers displayed a property owner's map showing land that has already been developed or is in the planning stages, versus property that is still available for development. Because the Council was still not satisfied with the way the EGUV was developing, they instituted a moratorium on development in the EGUV while an economic analysis for the EGUV is being completed. He stated that the City entered into a contract with ECONorthwest to provide an economic analysis of the 132nd Street corridor.

The consultant will be making another presentation to the City Council on February 23rd and will be presenting three development alternatives to the City Council for consideration. The alternatives will compare the various uses and address the following: are the proposed uses viable, what kind of revenue would they generate, what zoning changes may be necessary and/or what investment might the City need to make to encourage development that fits their vision.

Vice Chair Nolan asked about the Gateway Shopping Center and the area west of Mill Creek Boulevard. Mr. Rogers indicated that these areas will be discussed by the City Council, who will provide direction to staff on where to focus their efforts. He noted that staff has had recent contact with the property owners of the Gateway Shopping Center site, who are interested in updating their site.

Chair Eisner mentioned the potential for the East Gateway Urban Village site competing with the Town Center. Community Development Director Rogers said that they are not in close proximity to each other and the East Gateway site would have a different focus, which helps. However the City may need to make an investment to remove some of the risk for developers. Mr. Rogers added that there has been a shift in the economy and products you can buy on the internet are having a hard time in brick and mortar stores. The more the City can focus on things that you can't find on the internet the better. Commissioner Mills said that he believes the City could use even more dining options, as well as entertainment options such as a movie theater.

Potential Department of Community and Economic Development 2016 Work Program

Director of Community and Economic Development Tom Rogers distributed a draft of the 2016 Work Program. He noted that the items shown in bold are the ones that the Planning Commission will be involved in. The Work Program will be finalized following the Council retreat and it will be based on direction received from the Council.

Community and Economic Development Director Rogers said that no developer or citizen generated proposals have been submitted for Comprehensive Plan amendments. However, the policy added by the Commission during the recent Comprehensive Plan update, regarding potential redevelopment of the City's Community Business and Business Park properties and suggesting that the City look at the feasibility and desirability of alternative land uses will likely generate some work for staff and the Commission.

Mr. Rogers stated that the Engineering staff, Community and Economic Development staff, and Parks, Facilities and Recreation staff are moving to the annex building this year. In addition, staff is in the process of a major records management system/process update, which will make responding to public records requests more efficient. Another item that staff will be working on is Land Development proposals, such as the Binding Site Plans for Vintage at Mill Creek and Mill Creek Sports Cards.

Chair Eisner referenced the Economic Development plan and noted that economic development and planning can frequently be in conflict. Community and Economic Development Director Rogers stated that it does require balance, but it has been the policy of the City to facilitate development that is consistent with the Comprehensive Plan. Vice Chair Nolan stated that staff's working style and reputation within the development community is an advantage for the City because it is perceived that it is easier to develop here than other areas. Mr. Rogers stated that the City is running out of developable land and there are reasons why the land that is left hasn't developed yet. It will likely take even more flexibility for the remaining properties to develop.

Community and Economic Development Director Rogers advised the Commission that the City Council adopted the 2015 Comprehensive Plan in December. The City Council was appreciative and complimentary of the Commission's work on the Comprehensive Plan update. Mr. Rogers stated that depending on the Council direction, it is possible that the Planning Commission's agenda may not be that full this year. In an effort to better utilize staff time, as well as the Planning Commission's time, staff will not schedule a meeting for the Planning Commission if there isn't something substantive to put on the agenda.

IX. FOR THE GOOD OF THE ORDER

Planning Specialist Sherrie Ringstad explained that an economic development initiative the City is working on is a partnership with Google to encourage local businesses to claim their business listing with Google. This is a completely free service provided by Google that allows businesses to control and enhance their listing. Staff is trying to educate the local businesses community about this powerful tool that is available to them at no cost. Community Development Director Rogers added that this initiative focuses on the retention of existing businesses.

Ms. Ringstad advised the Commission that three Commission terms expire this year on April 30th and staff will be starting the recruitment process soon. The positions that expire are Vice Chair Nolan, and Commissioners McNichol and Mead. Community Development Director Rogers encouraged the Commissioners whose terms are expiring to reapply by sending in a letter of interest.

X. ADJOURNMENT

MOTION: Chair Eisner adjourned the meeting with the consensus of the Commission at 7:49 p.m.

Submitted by:

Sherrie Ringstad, Planning Specialist

PLANNING COMMISSION RESOLUTION NO. 2017-164

A RESOLUTION OF THE CITY OF MILL CREEK)
PLANNING COMMISSION, RECOMMENDING)
APPROVAL TO THE MILL CREEK CITY COUNCIL)
OF AMENDMENTS TO THE MILL CREEK) FINDINGS,
MUNICIPAL CODE CHAPTERS 12.18 PAVEMENT) REASONS AND
MANAGEMENT AND ROADWAY RESTORATION) RECOMMENDATIONS
STANDARDS, 15.12 GRADING, EXCAVATION)
AND LAND FILLING, 15.14 SURFACE WATER)
MANAGEMENT PROGRAM, 16.02 DESIGN)
STANDARDS, 16.04 PLATS, 16.06 SHORT
SUBDIVISIONS, 16.12 PLANNED AREA
DEVELOPMENT, 17.01 INTRODUCTION, 17.24
MAINTENANCE AND ALTERATIONS OF
STRUCTURES AND LANDSCAPING, 17.27
PARKING STANDARDS AND REQUIREMENTS,
AND 17.34 DESIGN REVIEW, TO COMPLY WITH
THE CITY OF MILL CREEK’S WESTERN
WASHINGTON PHASE II MUNICIPAL
STORMWATER PERMIT.

WHEREAS, the Planning Commission is charged with the responsibility for conducting public hearings on proposed regulations concerning the use of land in the City of Mill Creek or amendments to existing regulations and for making recommendations to the City Council for appropriate action on such proposed land use regulations, as set forth in RCW chapter 35A.63 and Mill Creek Municipal Code Chapters 4.10 and 14.03; and

WHEREAS, RCW 36.70A.040 and 36.70A.120, portions of the Growth Management Act, require the City to adopt development regulations, including zoning regulations, to implement the City's Comprehensive Plan; and

WHEREAS, the Western Washington Phase II Municipal Stormwater Permit, dated August 1, 2013, requires that the City review, amend and make effective local development-related codes, rules, and standards to incorporate and require low impact development (LID) principles and LID Best Management Practices (BMPs); and

WHEREAS, the intent of the amendments is to make LID the preferred and commonly-used approach to site development; and

WHEREAS, the amendments are intended to minimize impervious surfaces, native vegetation loss, and stormwater runoff in all types of development situations; and

WHEREAS, on December 1, 2016, the City issued a SEPA threshold Determination of Non-Significance for the proposed amendments to the Development Code; and

WHEREAS, on December 15, 2016, the comment period for the Determination of Non-Significance expired. No comments were received; and

WHEREAS, notice of a public hearing before the Planning Commission on the proposed amendments was duly posted at City Hall on January 5, 2017, pursuant to MCMC Section 14.07.030(A); and

WHEREAS, notice of the public hearing before the Planning Commission on the proposed amendments was duly advertised in the Everett Herald on January 7, 2017, in accordance with MCMC 14.07.030; and

WHEREAS, on December 1, 2016, the proposed amendments were submitted to the Washington State Department of Commerce for review, as required by RCW 36.70A.106; and

WHEREAS, a staff report to the Planning Commission was prepared to present, analyze, and recommend to the Planning Commission adoption of the proposed amendments to the development code; and

WHEREAS, on January 19, 2017, the Planning Commission held a public hearing on the proposed amendments to the development code; and

WHEREAS, the Planning Commission considered the staff report, attached hereto as **Exhibit A** and incorporated in full by this reference, and the proposed amendments to the MCMC and found that the proposed amendments are consistent with the City's Comprehensive Plan, the Growth Management Act, MCMC Chapter 17.38, and other applicable state and federal law, including the Western Washington Phase II Municipal Stormwater Permit, dated August 1, 2013, the Comprehensive Plan, and will benefit the public health, safety, and welfare.

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

Section 1: The Planning Commission finds the proposed amendments as described within the Planning Commission staff report, attached and incorporated in full by this reference as **Exhibit A**, are consistent with and implement the policies of the Comprehensive Plan, the Growth Management Act, and other applicable state and federal law, including the Western Washington Phase II Municipal Stormwater Permit, dated August 1, 2013, and further finds that the proposed Amendments make appropriate provisions for and further the public health, safety and general welfare.

Section 2: The Planning Commission adopts the findings, conclusions, and recommendations contained in the staff report, attached as **Exhibit A**, except as may be expressly modified herein by **Exhibit B**, attached and incorporated in full by this reference.

Section 3: The Planning Commission therefore recommends to the City Council adoption of the proposed Amendments as set forth in **Exhibit A** and as may be further modified by specific action of the Planning Commission as set forth in **Exhibit B**.

Passed in open meeting this 19st day of January, 2017, by a vote of _____ for, _____ against and _____ abstaining.

CITY OF MILL CREEK PLANNING COMMISSION

STAN EISNER, PLANNING COMMISSION CHAIR

TOM ROGERS, PLANNING COMMISSION SECRETARY

ATTACHMENT: Exhibit A – Staff Report
 Exhibit B – Planning Commission Motion

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

PART I - SUMMARY INFORMATION

- PUBLIC HEARING:** January 19, 2017
- REQUESTED ACTION:** Review of proposed Mill Creek Municipal Code Amendments that would make Low Impact Development (LID) the required approach to managing stormwater runoff where feasible. The revisions are designed to minimize impervious surfaces, native vegetation loss, and stormwater runoff in all types of development situations. The proposed regulations would apply citywide.
- SITE LOCATION:** City of Mill Creek
- PROPONENT:** City of Mill Creek
15728 Main Street
Mill Creek, Washington 98012
- COMPREHENSIVE
PLAN DESIGNATION:** Not applicable.
- ZONING DISTRICT:** Not applicable.

PART II - STATUTORY REQUIREMENTS

SEPA COMPLIANCE:

The proposed amendments to the MCMC are subject to the provisions of the State Environmental Policy Act (SEPA). The City's SEPA Official has determined that the proposed code amendments will not have a probable significant adverse impact on the environment. Thus, an Environmental Impact Statement (EIS) was not required.

On December 1, 2016, a Determination of Non-significance (DNS) was issued on the proposed code amendments. The comment period ended on December 15, 2016. No comments were received.

PUBLIC NOTICE:

Pursuant to Section 14.07.030 Mill Creek Municipal Code (MCMC), a notice of the public hearing was posted at Mill Creek City Hall on January 5, 2017, and published in the Everett Herald on January 7, 2017. All legal requirements for public notice have been satisfied.

**PART III - DESCRIPTION OF PROPOSED AMENDMENTS
TO THE MILL CREEK MUNICIPAL CODE**

ZONING ORDINANCE AMENDMENT:

The provisions governing amendments to the text of the Development Code are found in Section 17.38.020, MCMC. This section states that text amendments may be initiated by the City Council, the Planning Commission, or City staff. The proposed amendments listed below have been initiated by City staff.

KEY FACTS AND INFORMATION SUMMARY:

Mill Creek is responsible for operating the City storm drainage system under the requirements of the Western Washington Phase II Municipal Stormwater Permit issued by the State Department of Ecology. The current permit became effective on August 1, 2013 and expires on July 31, 2018. The full text of the permit and appendices is available online at the following link: <http://www.ecy.wa.gov/programs/wq/stormwater/municipal/phaseIIww/wwphiipermmit.html>

As part of the Ecology Stormwater Permit, specifically Section S5.C.4.f, the City is required to review and revise the Mill Creek Municipal Code (MCMC) and other associated documents to incorporate and require Low Impact Development (LID) principles and practices. As part of permit Section S5.C.4.a.ii, the City is also required to adopt the 2012 Stormwater Management Manual for Western Washington, which will replace the 2005 version.

Staff from the Public Works and Community Development Departments have spent several months reviewing the existing MCMC to determine appropriate revisions to meet the requirements of the Ecology permit. The issue of LID requirements was last reviewed by Council in 2009, and several changes were made to the MCMC with Ordinance 2009-702. In addition, many existing requirements for developments in Mill Creek, such as retaining native vegetation and reducing impervious surfaces, already meet the intent of LID practices. Consequently, relatively few code changes are necessary when compared to other agencies.

The bulk of the proposed code amendments consist of either changing “encourage” to “require when feasible” or referencing the 2012 Stormwater Manual, see language below. There are also various housekeeping changes to maintain consistency with current City practices, such as in Section 15.12, or the State Department of Ecology permit language. Additional updates were made to the LID related details in the City Standard Plans, which can be viewed online at the following link: <http://www.cityofmillcreek.com/DocumentCenter/View/24>

PROPOSED AMENDMENTS:

Each Section below addresses a different area of the Code that includes proposed amendments. Portions of the code proposed for deletion are in ~~strike through~~, while new language is underlined.

Section 1. **MCMC Section 12.18.060.B**, relating to pavement restoration standards, shall be amended as follows:

B. Unless the city engineer specifies different standards, the following standards shall apply to all pavement restoration and patches:

1. A full depth patch sufficient to match existing pavement depth or four inches, whichever is greater, shall be constructed on and over the disturbed area and to a minimum lateral distance of 12 inches beyond the boundaries of the disturbed area.
2. A minimum two-inch-thick grind and overlay is required for the restored area beyond the full depth patch.
3. Final restoration shall use ~~hot mix asphalt (HMA) material, class 1/2 inch, in accordance with WSDOT standard specifications~~ patching material similar to existing pavement that was removed, including permeable pavement or concrete.
4. All patch edges shall be sealed with city-approved material.
5. No irregular patch perimeter shall be allowed. Each patch shall have a single straight edge in both transverse (curb to curb) and longitudinal (direction of travel) directions.
6. The minimum patch dimension in both transverse and longitudinal directions shall be 24 inches.
7. A patch shall be extended to the curb and/or edge of lane if the patch is located within 36 inches of such feature.
8. If the transverse dimension of a patch is greater than half the lane width, then the patch shall be extended from the curb to the full lane width or the centerline of the roadway, whichever applies.

9. If two or more patches will be located within 48 inches of each other in the transverse direction, and/or within 10 feet of each other in the longitudinal direction, they shall be combined into a single larger patch.

10. If a new patch is made within any portion of an existing larger patch, then the entire original patch shall be replaced.

11. If a patch will extend over a lane edge or centerline of the roadway, then the patch shall be extended to the full roadway width or nearest lane edge.

Section 2. MCMC 15.12.030, relating to permit exemptions, shall be amended as follows:

A grading permit is not required for:

A. Excavation and grading in association with a building permit;

~~B. Excavations required for installation of public improvements;~~

CB. Excavations for the study of soil and ground water conditions;

DC. Landscape installation or site improvements which do not result in a fill placed behind a wall more than four feet in height or a cut more than four feet in depth or which does not exceed 50 cubic yards on any one lot; or

~~E. Excavations, grading or filling when required as a condition of a preliminary plat, short plat or binding site plan.~~ (Ord. 2005-609 § 2)

Section 3. MCMC 15.12.040, relating to prohibited excavation, shall be amended as follows:

Excavation, grading or filling is prohibited ~~in the following areas within a designated critical area and/or a critical area buffer as defined by Chapter 18.06 MCMC~~ unless approved by the city engineer:

~~A. Within 50 feet of the city right-of-way;~~

~~B. Within a designated critical area and/or a critical area buffer as defined by Chapter 18.06 MCMC.~~ (Ord. 2005-609 § 2)

Section 4. MCMC 15.12.050, relating to permit applications, shall be amended as follows:

An application for a grading permit shall include the following unless otherwise approved by the City Engineer:

- A. The name, address and telephone number of the owner of the property;
- B. The name, address and telephone number of the person doing the work;
- C. A map of the site which includes: topography, vegetation, wetlands and watercourses, public improvements, structures and rights-of-way or other easements and such features within 300 feet of the site;
- D. The names and addresses of all property owners and residents within 300 feet of the property;
- E. A grading plan indicating the areas to be filled or excavated, the contours of the land after filling or excavating and the amount of material to be moved. Contours shall be depicted at two-foot intervals or as specified by the city engineer;
- F. If material is to be imported from or exported to another location, the application shall include the location of the site, the route to be followed, and evidence of compliance with the regulations of the government with jurisdiction over the site to borrow from or receive material;
- G. A plan for the control of erosion and water quality during and after the site work;
- H. A plan for drainage of the site;
- I. A plan for restoration of vegetation or landscaping on the site;
- J. An estimate of the cost of the work to be undertaken;
- K. A SEPA environmental checklist; and
- L. Other such information as may be required by the city engineer, including traffic engineering geological, soils and hydrological and geotechnical or drainage studies as required in the 2012 Stormwater Management Manual for Western Washington as amended in December 2014. (Ord. 2005-609 § 2)

Section 5. MCMC Section 15.14.020.G, relating to purpose and goals, shall be amended as follows:

G. Encourage-Require low impact development (LID) best management practices through the use of on-site stormwater facilities to manage stormwater as close to where it falls as possible when site and soil conditions make LID a feasible alternative.

Section 6. MCMC Section 15.14.050, relating to definitions, shall be amended by adding/amending the following definitions:

“Soil Management Plan, SMP” means a plan of best management practices for improving soil quality for new development in order to protect and restore soil function.

“Stormwater facility” means a constructed component or segment of the stormwater system. Stormwater facilities include, but are not limited to, pipes, swales, ditches, culverts, street gutters, detention/retention/infiltration facilities, constructed wetlands, low impact development features, catch basins, oil/water separators, sediment basins, modular pavement, constructed ponds and streams, or any other constructed conveyance of or for stormwater.

“Stormwater system” means the entire system within the city, both public and private, whether naturally existing or manmade, which is designed for, intended for, or which handles the collection, drainage, conveyance, diversion, abatement, detention, retention, infiltration, treatment, storage, low impact development features or disposition of stormwater. By way of example only, the stormwater system may include pipes, culverts, ditches, open channels, streams, lakes, rivers, ponds, and stormwater facilities. The stormwater system is a subset of the drainage system.

“Stormwater site plan” means a plan that includes a SMP, TESCP, a PSQCP, and/or an SPESCP.

Section 7. MCMC Section 15.14.060, relating to the Ecology stormwater manual, shall be amended as follows:

The Thresholds, Definitions, Minimum Requirements and Exceptions, Adjustment and Variance found in ~~Appendix I of the 2012 NPDES Western Washington Phase II Municipal Stormwater Permit (dated as effective September 1, 2012) and the 2005 Edition of the State Department of Ecology’s the 2012 Stormwater Management Manual for Western Washington, as amended in December 2014~~ (hereinafter referred to as the “Ecology Manual”) are hereby adopted and incorporated by this reference. ~~The city clerk shall at all times maintain and make available for public inspection Appendix I of the 2012 NPDES Western Washington Phase II Municipal Stormwater Permit and the Ecology Manual.~~

Section 8. MCMC 15.14.095, relating to low impact development (LID) stormwater management, shall be amended as follows:

The use of LID best management practices for stormwater management is ~~encouraged~~ required whenever site and soil conditions make it feasible. LID stormwater management techniques include, but are not limited to, bioretention ~~and bioinfiltration~~ facilities, and other BMPs as outlined in the LID Technical Guidance Manual for Puget Sound (current edition) and the 2012 Stormwater Management Manual for Western Washington as amended in December 2014. LID facilities shall be maintained in accordance with the Maintenance of Low Impact Development Facilities Guidelines as interpreted by the city engineer, if applicable.

Section 9. MCMC Section 15.14.140.C.5, relating to construction of stormwater facilities, shall be amended as follows:

5. LID stormwater management facilities shall be constructed by contractors who have received approval from the utility to construct open conveyance systems that are consistent with submitted plans and in accordance with the best management practices in the LID Technical Guidance Manual for Puget Sound (current edition) and the 2012 Stormwater Management Manual for Western Washington as amended in December 2014.

Section 10. MCMC Section 15.14.150.B, relating to construction and warranty inspections – bonds, shall be amended as follows:

B. For newly installed LID stormwater management facilities, the director of public works or designee may require a ~~three~~two-year maintenance bond to be posted to ensure the viability of LID stormwater management facilities. The bond shall be in accordance with MCMC 16.16.090(B) through (D).

Section 11. MCMC Section 15.14.180.C.6, relating to stormwater system engineering and design requirements, shall be amended as follows:

6. LID stormwater management facilities shall be designed and constructed in accordance with the LID Technical Guidance Manual for Puget Sound (current edition) and the 2012 Stormwater Management Manual for Western Washington as amended in December 2014 and approved by the city engineer.

Section 12. MCMC Section 16.02.150, relating to roadway design, shall be amended as follows:

All roads shall be designed and constructed in accordance with the current edition of the American Association of State Highway and Transportation Officials “Geometric Design of Highways and Streets” and the city of Mill Creek “Design and Construction Standard Plans” in effect on the date a notice of complete application is issued for a complete development application.

The current edition of the Federal Highway Administration “Manual on Uniform Traffic Control Devices” shall be used as the design and operational regulatory guideline for all traffic control devices on public roads.

Low impact development (LID) best management practices, such as permeable paving and bioretention facilities, are encouraged when site and soil conditions make LID feasible. Permeable pavement is applicable to low traffic volume surfaces. LID facilities shall be designed and constructed in accordance with the LID Technical Guidance Manual for Puget Sound (current edition) and the city of Mill Creek “Design and Construction Standard Plans” and the 2012 Stormwater Management Manual for Western Washington as amended in December 2014.

Section 13. MCMC Section 16.02.160.B, relating to cul-de-sacs, shall be amended as follows:

B. Streets ending in cul-de-sacs may extend beyond 1,000 feet where there are special circumstances that cause the conformance with subsection A of this section to be impractical, and upon approval by the directors of community development and public works, and the fire marshal. Approval of streets extending beyond 1,000 feet must meet all of the following criteria:

1. The presence of special circumstances, including natural landforms/topography, adjacent parcel configuration, and the lack of secondary access to a parcel.
2. The provision of safety measures, such as approved fire suppression systems, sufficient to ensure the adequate provision of fire flow, fire prevention, and emergency vehicle access as determined by the fire marshal.
3. The installation of landscaped traffic circles. The quantity and location of the traffic circles shall be reviewed on a case-by-case basis by the fire marshal, city engineer, and director of community development. Said traffic circle shall have a minimum outside turning radius of 40 feet and a maximum inside turning radius of 20 feet. The use of LID techniques in the design and construction of traffic circles and cul-de-sacs is encouraged where site and soil conditions make LID feasible. Permeable pavement is applicable to low traffic volume surfaces. LID facilities shall be designed in accordance with the LID Technical Guidance Manual for Puget Sound (current edition) and Mill Creek “Design and Construction Standard Plans-” and the 2012 Stormwater Management Manual for Western Washington as amended in December 2014.

Section 14. MCMC 16.04.020.B, relating to information required for preliminary plats, shall be amended as follows:

B. The following additional information shall be submitted with the preliminary plat site plan in order for an application to be evaluated for a determination of complete application:

1. An accurate and thorough tree survey including accurate drip lines of all significant trees determined by the director to be retained or located in areas to be preserved, submitted in accordance with the applicable submittal requirements of MCMC 15.10.050.
2. A preliminary grading plan in accordance with Chapters 15.10 and 15.12 MCMC.
3. A preliminary stormwater management plan including runoff calculations, documentation that the minimum technical requirements of the ~~current 2012 Department of Ecology~~ Stormwater Management Manual for Western Washington as amended in December 2014 as adopted by the city have been met, upstream and downstream analysis, a maintenance plan for any new stormwater facilities and existing and proposed drainage facilities for the site and adjacent areas as specified by the city engineer, and feasibility analysis of using low impact development (LID) facilities, all consistent with Chapter 15.14 MCMC.

4. A letter of water and sewer availability from the purveyors.
5. A completed and signed environmental checklist and critical area identification forms pursuant to Chapter [18.06](#) MCMC.
6. Supplemental studies as determined necessary by the directors of community development and public works. Supplemental studies typically include but are not limited to traffic, drainage, critical areas, and geotechnical issues.

Section 15. MCMC Section 16.04.040.R, relating to information required for final plat submittal, shall be amended as follows:

R. Conditions of approval of the preliminary plat including but not limited to dedications, reservations, roadway buffer/cutting preserves, property buffers, open space tracts, critical areas and buffers, [low impact development features](#), stormwater requirements and homeowners' association obligations.

Section 16. MCMC Section 16.06.070.S, relating to information required for final short subdivision submittal, shall be amended as follows:

S. Conditions of approval of the preliminary short subdivision, including but not limited to dedications, reservations, roadway buffer/cutting preserves, property buffers, open space tracts, critical areas and their buffers, slope setbacks, [low impact development features](#), and stormwater requirements and homeowners' association obligations.

Section 17. MCMC Section 16.12.020.J, relating to purpose, shall be amended as follows:

J. To ~~encourage~~ [require](#) infiltration as a preferred method of stormwater drainage, when feasible.

Section 18. MCMC Section 17.01.010.I, relating to purpose, shall be amended as follows:

I. ~~Encourage Require, when feasible, the use of~~ low impact development techniques, ~~and the use of recycled or recyclable construction products.~~

Section 19. MCMC Section 17.01.010.L, relating to purpose, shall be added as follows:

[L. Encourage the use of recycled or recyclable construction products.](#)

Section 20. MCMC Section 17.24.020, relating to alterations, shall be amended as follows:

All additions to, alterations or renovations of existing buildings, or any maintenance project significantly affecting the exterior appearance of existing buildings, shall be subject to a review and approval process no less stringent than followed in approving the original use. [Any landscape changes to low impact development features such as bioretention facilities or rain gardens shall be subject to City review and approval.](#)

Section 21. MCMC Section 17.24.030.B, relating to maintenance, shall be amended as follows:

B. All landscaped and open space areas and low impact development landscape features on or adjacent to the property, excluding public sidewalks and public rights-of-way subject to Chapter 12.06 MCMC, shall be maintained by the property owner, and shall be:

1. Kept free of litter, debris, invasive vegetation/weeds and obstructions.
2. Maintained in a clean, neat and orderly fashion.
3. Maintained consistent with design review board and other approved landscape and clearing and grading plans if applicable.
4. Kept free of inoperable vehicles.
5. Maintained so that all deposited materials in garbage and recycle containers are wholly contained within the structure as required by MCMC 17.22.070. No litter or recyclable material shall be allowed to accumulate outside said containers. Containers shall be kept clean, free of odors and pests, shall not constitute a public nuisance and shall be maintained to meet the conditions of the design review board and/or other conditions of approval.

Section 22. MCMC Section 17.27.040.F, related to parking design and construction requirements, shall be amended as follows:

F. Surfacing. All parking facilities shall be constructed with a surface appropriate for the use and amount of associated traffic, as approved by the city. Paved surfaces are preferred, and the use of permeable surfacing materials is encouraged required when site and soil conditions make it feasible. In addition, the use of low impact development (LID) best management practices such as integrating LID stormwater management facilities into the required landscaping in parking lots is encouraged required whenever feasible.

Section 23. MCMC Section 17.34.040.A.1.f, relating to design criteria, shall be amended as follows:

f. The use of low impact development (LID) best management practices is encouraged required whenever site and soil conditions make it feasible, including pedestrian facilities such as trails and sidewalks. LID best management practices include, but are not limited to, minimizing impervious surfaces, designing on-site LID stormwater management facilities, and retaining native vegetation.

Section 24. MCMC Section 17.34.040.A.2, relating to parking lot design and screening, shall be amended as follows:

2. Parking Lot Design and Screening.

- a. Project design shall avoid the appearance of domination by automobiles. Positive methods to achieve this concept include:
 - i. Orienting buildings to fronting streets and placing parking at the rear and/or sides;
 - ii. Designing the required parking area into smaller, discrete, connected lots rather than large, single-use lots;

iii. Designing parking areas to be partially screened from view from adjacent streets and building occupants. Screening can be accomplished through a number of methods including:

- (A) Orienting buildings away from parking areas;
- (B) Placing buildings between streets and parking lots;
- (C) Using extensive landscape screening, berms, and architecturally treated walls that also allow visibility to provide adequate safety and surveillance of the parking areas.

iv. The use of LID best management practices in parking lots is ~~encouraged~~ required whenever site and soil conditions make it feasible. Such BMPs include, but are not limited to, permeable surfacing materials and integrating LID stormwater management facilities into the required landscaping.

Section 25. MCMC Section 17.34.040.A.4, relating to storm drainage, shall be amended as follows:

4. Storm Drainage.

a. Open stormwater facilities (i.e., ponds and bioswales) visible from public areas shall be designed as site amenities and shall provide a natural appearance through layout, design, and landscape treatment. If fencing is determined to be necessary by the city, it shall be installed in accordance with MCMC 17.22.040 and public works policies, and be obscured with landscaping.

b. Stormwater facilities (whether open facilities or vaults) shall be located outside roadway buffers/cutting preserves unless there is no other feasible alternative and the facilities do not compromise the purpose and function of the roadway buffer/cutting preserve. In such cases, the facility may only be located in the outer portion of the roadway buffer/cutting preserve.

c. Where located under areas to be landscaped, underground stormwater vaults shall have adequate soil cover to support the approved landscape plan. The soil shall be of sufficient quality to properly support vegetation.

d. Stormwater ~~bioretention, biofiltration, and bioinfiltration swales facilities~~ that are integrated into interior landscape areas within parking lots, and that meet area and landscaping requirements may be counted toward the interior parking lot landscape requirements.

Section 26. MCMC Section 17.34.040.H.2.b, relating to perimeter landscaping and parking lots, shall be amended as follows:

b. Pavers or stepping stones are ~~encouraged~~ required in parking lot landscape islands to protect plant materials from damage by pedestrians. Permeable surfaces are ~~encouraged~~ required in parking lots whenever site and soil conditions make it feasible.

Section 27. MCMC Section 18.06.210, relating to definitions, shall be amended as follows:

“Stormwater conveyance facilities” means bioswales, dispersal trenches, stormwater pipes, and other facilities that carry stormwater from a detention or treatment facility to a discharge location.

PART IV – FINDINGS, CONCLUSIONS, AND RECOMMENDATION

The proposed amendments to the City's Municipal Code have been prepared to be consistent with the Growth Management Act, applicable state and federal regulations, including the Western Washington Phase II Municipal Stormwater Permit issued by the State Department of Ecology, the City's Comprehensive Plan, and the City's development code amendment process contained in Chapter 17.38. As reflected below, the proposed amendments have been reviewed for consistency with these requirements and are found to be consistent with applicable local, state and federal regulations.

FINDINGS AND CONCLUSIONS:

1. In accordance with the Growth Management Act (GMA), specifically RCW 36.70A.040 and 36.70A.120, the City is required to adopt development regulations, including development regulations, to implement the City's Comprehensive Plan.
2. In accordance with the Mill Creek Municipal Code (MCMC) Chapter 17.38, the City has the authority to initiate amendments to the code.
3. The Western Washington Phase II Municipal Stormwater Permit, dated August 1, 2013, requires that the City review, revise and make effective local development-related codes, rules, and standards to incorporate and require low impact development principles and LID Best Management Practices (BMPs).
4. The amendments to the Development Code, as proposed herein, make low impact development the preferred and commonly-used approach to site development and are intended to minimize impervious surfaces, native vegetation loss, and stormwater runoff in all types of development situations.
5. In accordance to MCMC Chapter 18.04, the proposed code amendments are subject to the provisions of the State Environmental Policy Act (SEPA). The City's SEPA Official has determined that the proposed code amendments will not have a probable significant adverse impact on the environment. Therefore, an Environmental Impact Statement (EIS) was not required.
6. On December 1, 2016, a Determination of Non-significance (DNS) was issued on the proposed code amendments. The comment period ended December 15, 2017. No comments were received and the DNS is deemed final.
7. Pursuant to Section 14.07.030 Mill Creek Municipal Code (MCMC), notice of public hearing was posted at Mill Creek City Hall on January 5, 2017, and published in the Everett Herald on January 7, 2017. All legal requirements for public notice have been satisfied.
8. On December 1, 2016, the proposed amendments were submitted to the Washington State Department of Commerce for review, as required by RCW 36.70A.106.

9. In accordance with Chapter 35A.63 RCW and MCMC Chapters 2.04 and 14.03, the City Council is charged with the responsibility of making decisions on amendments to the existing Mill Creek Municipal Code (MCMC) regulations.
10. The proposed amendments are consistent with the City's Comprehensive Plan, the Growth Management Act, MCMC Chapter 17.38, and other applicable state and federal law, will implement the Comprehensive Plan, and will benefit the public health, safety, and welfare.

STAFF RECOMMENDATION:

Notwithstanding citizen testimony and revisions made by the Planning Commission in response to said testimony, staff recommends that the Mill Creek Planning Commission adopt the preceding findings and conclusions and recommend to the Mill Creek City Council adoption of the proposed code amendments.

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