

## MEMORANDUM

TO: Planning Commission  
FROM: Tom Rogers, Planning and Development Services Manager  
DATE: October 12, 2018  
SUBJECT: OCTOBER 18, 2018 PLANNING COMMISSION MEETING

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The Planning Commission will hold its regularly scheduled meeting at 7:00 p.m. on Thursday, October 18, 2018, in the Council Chambers. The meeting will consist of a Work Session to discuss the following:

### Introductions

Since the Planning Commission has not met for some time and there are new members, we will start the meeting with introductions.

### Election of Officers

Since we haven't met yet in 2018, we should elect officers for the year and since it is so close to the end of the year, you might want to consider making the elections effective for 2019 as well.

### Proposed Code Amendments

Staff reviewed the Mill Creek Municipal Code (MCMC) and determined that it could be modified to clarify and better communicate the intent of the Code with respect to Code Enforcement and make it easier for staff to enforce the Code. Several minor amendments, contained in the attached staff report, are being presented for your input.

If you have any questions prior to the meeting, please call me at (425) 921-5721.

If you are unable to attend the meeting, please contact Sherrie at (425) 921-5717 or at [sherrie@cityofmillcreek.com](mailto:sherrie@cityofmillcreek.com). We look forward to meeting with you next Thursday evening.



# PLANNING COMMISSION AGENDA

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

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**October 18, 2018**

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

	TIME
I. CALL TO ORDER	7:00 p.m.
II. ROLL CALL	7:01 p.m.
A. Introductions	
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 January 19, 2017 <sup>(1)</sup>	
V. WORK SESSION	7:06 p.m.
A. Proposed Amendments to the Mill Creek Municipal Code Regarding Code Enforcement	
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 January 19, 2017
2. Proposed Code Amendments

*We are trying to make our public meetings accessible to all members of the public. If you need special accommodations, please call City Hall three days prior to this meeting (425) 745-1891.*

**CITY OF MILL CREEK  
PLANNING COMMISSION MEETING MINUTES  
January 19, 2017**

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 Steven Maloney (absent)

Commissioner Jared Mead (absent)

Commissioner Daniel Mills

Commissioner Jennifer Parker

Commissioner Dennis Teschlog

Staff:

Christi Amrine, Senior Planner

Scott Smith, Director of Public Works

Sherrie Ringstad, Planning Specialist

Chair Eisner welcomed and introduced new Commissioner Jennifer Parker. Commissioner Maloney's absence was excused because of a work conflict.

III. ELECTION OF OFFICERS

Election of Chair

**MOTION: Vice Chair Nolan nominated Stan Eisner to serve in the position of Chair, seconded by Commissioner Mills. The motion was approved unanimously.**

Election of Vice Chair

**MOTION: Chair Eisner nominated Matthew Nolan to serve in the position of Vice Chair, seconded by Commissioner Mills. The motion was approved unanimously.**

III. APPROVAL OF MINUTES

Planning Commission Meeting of February 18, 2016

**MOTION: Commissioner Teschlog moved, seconded by Vice Chair Nolan, to approve the February 18, 2016 minutes as presented. The motion was approved unanimously.**

IV. PUBLIC HEARING

Proposed Amendments to the Mill Creek Municipal Code

Chair Eisner opened the public hearing at 7:05 p.m. and noted that the purpose of the hearing is to hear testimony on the proposed Code Amendments and make a recommendation to the City Council.

Senior Planner Amrine officially entered into the record the Planning Commission Resolution, the staff report, and the PowerPoint presentation. She noted that there was no public present to comment, nor have any written comments been received. Ms. Amrine explained that the proposed code amendments have been initiated by staff in order to bring the City into compliance with the Western Washington Phase II Municipal Stormwater Permit issued by the State Department of Ecology.

Ms. Amrine stated that the intent of the proposed amendments is to have low impact development the required approach to managing stormwater where feasible, which would apply citywide. She noted that the revisions are contained in multiple chapters throughout the Code. In addition, the City is required to adopt the 2012 Stormwater Management Manual for Western Washington, which will replace the 2005 version. The amendments are primarily housekeeping in nature and replace “encourage” low impact development with “require” low impact development where feasible.

Senior Planner Amrine concluded her presentation by stating that staff is recommending that the Planning Commission adopt the Resolution recommending approval to the City Council.

Commissioner Mills referenced Page 3, MCMC Section 12.18.060.B.3, and stated he feels using the word “similar” leaves the statement too open-ended and believes it should be clarified. After a brief discuss, the consensus of the Commission was to replace “similar” with “in-kind.”

Chair Eisner referenced Page 5, MCMC Section 15.12.050, and asked if the qualifier “unless otherwise approved by the City Engineer,” had been approved by the City Attorney? Director of Public Works Scott Smith stated that it has been approved by the City Attorney and the intent is to provide some flexibility and allow staff the ability to exercise common sense and judgement.

Vice Chair Nolan referenced Page 4, MCMC Section 15.12.030.B, which strikes the grading permit exemption for “excavations required for installation of public improvements.” He asked if this would apply to jobs done by the City’s maintenance crew. Director of Public Works Smith stated that typically the City crew is only involved in maintenance type projects. The trigger for requiring for grading permits is 50 cubic yards, which is more extensive than projects that would be done by the crew. The amendment eliminates the loop hole that made a developer doing public improvements exempt.

Vice Chair Nolan referenced Page 11, MCMC Section 17.34.040.H2.b, requiring pavers or stepping stones in landscape islands. He suggested that this remain “encouraged” rather than “required” and after a brief Commission discussion it was the consensus of the Commission to leave the word “encouraged.”

Commissioner Parker had some grammatical corrections as follows:

- Make the use of term Low Impact Development consistent with regard to capitalization and the use of the acronym.
- Correct the spelling of variance on Page 6.
- Correct the date on Page 12 which refers to 2017 rather than 2016.

Commissioner Parker referenced Page 7, MCMC Section 16.02.150, the last paragraph, and suggested that the use of “encouraged” be changed to “required.”

Commissioner Mills made the following grammatical corrections:

- Page 4, MCMC Section 15.12.040 should end in a period rather than a colon since the list has been eliminated.

Chair Eisner closed the public hearing at 7:26 p.m. He read the Resolution title and asked the Commission if there was a motion to approve.

**MOTION: Vice Chair Nolan moved, seconded by Commissioner Mills, to adopt Resolution 2017-164 recommending approval to the City Council of proposed amendments to the Mill Creek Municipal Code, regarding Low Impact Development, as modified by the Planning Commission. The motion was approved unanimously.**

IX. FOR THE GOOD OF THE ORDER

Senior Planner Amrine updated the Commission and answered question on several current development projects going on in the City.

X. ADJOURNMENT

**MOTION: Chair Eisner adjourned the meeting with the consensus of the Commission at 7:40 p.m.**

Submitted by:

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Sherrie Ringstad, Planning Specialist

## MILL CREEK MUNICIPAL CODE AMENDMENTS RELATED TO CODE ENFORCEMENT

On July 11, 2017, the City Manager updated the City Council on the Code Enforcement Program. The update contained a report on the status of the transition of responsibility for land use code enforcement from the Police Department to the Department of Community and Economic Development (DCED). Upon taking responsibility for code enforcement, DCED staff reviewed the Mill Creek Municipal Code (MCMC) and determined that it could be modified to clarify and better communicate the intent of the Code and staff's ability to enforce the Code. Following are several minor amendments that staff is proposing:

### SUMMARY OF PROPOSED ZONING TEXT AMENDMENTS:

Staff Report Key
<ul style="list-style-type: none"><li>Proposed new text is shown with a <b>shaded background</b>. Deleted text is shown in <del>red strike through</del>.</li></ul>
Code Amendment #1 – MCMC Section 17.22.080.B Vehicle Parking
<p>Issue #1: The MCMC prohibits recreational vehicles, boats, trailers, and <b>inoperable vehicles</b> from being stored in the front yard including the driveway. In enforcing the Code there have been some challenges with regard to inoperable vehicles. The current definition of inoperable vehicle includes cars with invalid licensing. This means that an operable car in good repair would be considered inoperable simply because it does not have current tabs. There are a variety of reasons why the owner may not currently be using the vehicle and may have chosen not to renew the tabs, including several that have come up in recent Code Enforcement cases such as:</p> <ul style="list-style-type: none"><li>Someone serving in the armed forces and they are currently deployed</li><li>Saving the vehicle for a grandson who won't be 16 for a year</li><li>Works internationally and is currently in Europe</li></ul> <p>Staff Recommendation #1: Staff believes the intent of the MCMC is to not allow junk vehicles to be stored in the front yard/driveway. This can be addressed by deleting the term inoperable vehicle and replacing it with junk vehicle. A definition of junk vehicle would need be added to the Code – see Code Amendment #4 below.</p> <p>Issue #2: The MCMC also prohibits recreational vehicles and boats from being stored in the front yard. Another issue that has come up is that owners of an RV or boat that is generally stored off site in accordance with the Code periodically may want to temporarily park their RV or boat at their house for purposes of cleaning and/or loading.</p> <p>Staff Recommendation #2: Staff is proposing to add an exception to allow temporary parking of RVs and boats for purposes of loading and/or cleaning for a period not to exceed 72 hours.</p>

**Proposed Text Amendments:**  
**17.22.080.B Vehicle parking.**

B. No recreation vehicle, boat, trailer, or ~~inoperable-junk~~ vehicle shall be parked or stored in any front yard or front yard setback area including the driveway. **Exception: Recreational vehicles and boats may be temporarily parked in the front yard setback area for purposes of cleaning and/or loading for a period not to exceed 72 hours.** Any vehicles stored in a side yard shall be fully screened from view from any public right-of-way; see MCMC [17.22.070](#).

**Code Amendment #2 – MCMC Section 17.22.080.C Vehicle Parking**

Issue #1: The MCMC currently prohibits Commercial Vehicles in excess of 6,000 pounds total gross weight from being parked on any lot in a residential zone. The 6,000 pound distinction is unrealistic since a large truck meets this definition (e.g., a Ford F350 weighs 8,000 pounds).

Staff Recommendation #1: Remove the 6,000 pound qualifier and add a definition of Commercial Vehicle to the definition section – see Amendment #4 below.

Issue #2: The MCMC does not currently prohibit construction equipment from being parked on a residential lot.

Staff Recommendation #2: Staff is proposing to add motorized construction equipment to the list of Commercial Vehicles that cannot be parked on a residential lot, with the exception of equipment being used in conjunction with an approved construction project.

**Proposed Text Amendments:**

**17.22.080.C Vehicle parking.**

C. Commercial Vehicles. No commercial vehicles, ~~or~~ combination of vehicle and trailer, **or any type of motorized construction equipment** ~~of 6,000 pounds total gross weight~~ shall be parked on any lot in a residential zone **except for motorized construction equipment being used in conjunction with an approved construction project.** (Ord. 2010-717 § 2 (Exh. B); Ord. 2005-609 § 2)

**Code Amendment #3 – MCMC Section 17.24.030 Maintenance**

Issue: The MCMC currently requires all buildings and structures to be maintained in original or better than original condition. This is an unrealistic expectation as well as being problematic to enforce.

Staff Recommendation: Staff believes the intent of the Code is to ensure that all buildings and structures be maintained in good repair and is proposing to change the Code to reflect that.

**Proposed Text Amendments:**

**17.24.030 Maintenance.**

A. All buildings and other structures shall be maintained **in good repair** by the property owner ~~in original or better than original condition~~ with respect to exterior appearance and landscaping.

B. All landscaped and open space areas and LID 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 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.

**Code Amendment #4 – MCMC 14.01.030 – Definitions**

Issue: The MCMC does not currently contain a definition for Commercial Vehicle.

Staff Recommendation: Add the following definition for Commercial Vehicle to the Code, which was based on the Department of Transportation definition.

**Proposed Text Amendments:**

**“Commercial vehicle” means any vehicle that is used or maintained for the transportation of persons for hire compensation, or profit, or is designed, used, or maintained primarily for the transportation of property and commodities; and**

- 1. Is a motor vehicle having a declared gross weight in excess of ten thousand pounds; or**
- 2. Is a motor vehicle having three or more axles.**

Issue: The MCMC currently uses the term inoperable vehicle and as mentioned in Code Amendment #1 above, staff is proposing to replace inoperable vehicle with junk vehicle.

Staff Recommendation: Delete definition of “Inoperable Vehicle” in its entirety and add a definition for Junk Vehicle, which was based on the RCW definition.

**Proposed Text Amendments:**

~~“Inoperable motor vehicle” means any motor vehicle, which by reason of dismantling, disrepair, lack of licensing or other cause is either incapable of being propelled under its own power or is prevented by law from being propelled on a public highway.~~



“Junk Vehicle” means a vehicle certified under RCW 46.55.230 as meeting at least three of the following requirements:

(a) is three years old or older;

(b) is extensively damaged, such damage including but not limited to any of the following: a broken window or windshield, or missing wheels, tires, motor, or transmission;

(c) is apparently inoperable;

(d) has an approximate fair market value equal only to the approximate value of the scrap in it.