

**EXHIBIT 1
CITY OF MILL CREEK
DEPARTMENT OF COMMUNITY DEVELOPMENT**

**STAFF REPORT
TO THE CITY OF MILL CREEK HEARING EXAMINER**

PART I - SUMMARY INFORMATION

HEARING DATE: April 20, 2016

NAME OF PROJECT: Mill Creek Sports Binding Site Plan
File No. PL2015-0029

APPLICANT: Mr. Harold Christensen
Lance Mueller Architects
130 Lakeside, Suite 250
Seattle, Washington 98122

LOCATION: 1200 Dumas Road, Mill Creek, Washington 98012. See **Attachment A – Vicinity Map.**

REQUESTED ACTION: The requested action is consideration of a Binding Site Plan to construct a 13,122 square foot building on a 3.73 acre site. The first floor will have 2,256 square feet for the retail sales of sports memorabilia and 8,147 square feet of storage area. A 2,719 square foot mezzanine will be built over the retail area for office use. (See **Attachment B, Site Plan**).

COMPREHENSIVE PLAN DESIGNATION: Community Business (CB)

ZONING DISTRICT: Community Business (CB)

LEGAL DESCRIPTION: See **Attachment C – Legal Description**

PART II - STATUTORY REQUIREMENTS

SEPA COMPLIANCE:

The proposed project is subject to the provisions of the State Environmental Policy Act (SEPA) and Chapter 17.48 of the Mill Creek Municipal Code (MCMC). The City's SEPA Official has determined that the proposal does not have a probable significant adverse impact on the environment. Therefore, an Environmental Impact Statement (EIS) was not required.

On March 8, 2016, a Mitigated Determination of Non-Significance (MDNS) and Notice of Property Development Impact Mitigation were issued for the proposal. The MDNS identifies measures necessary to mitigate impacts on specific elements of the environment that may be affected by the proposal, including earth, air, water, plants, animals, environmental health, transportation, and public services. These measures have also been incorporated in the staff recommended Conditions of Approval as appropriate, contained in Part V of this report.

PUBLIC NOTICE:

Pursuant to Section 14.07.030 MCMC, notice of public hearing was mailed on April 6, 2016, directly to property owners of record within 500 feet of the proposed project and posted on the site on March 30, 2016. Notice of public hearing was published in the *Everett Herald* on April 9, 2016. (See the project file for a copy of the Affidavits of Publishing, Posting and Mailing.) All legal requirements for public notice have been satisfied.

PART III - BACKGROUND INFORMATION

EXISTING SITE CHARACTERISTICS:

The site is a 3.73 acre site located on the southwest corner of Dumas Road and Bothell-Everett Highway (SR 527). The majority of the site consists of wetlands and buffers, resulting in a developable area of approximately .94 acres. There is an existing driveway to a cleared area in the northeast corner of the property.

SURROUNDING ZONING AND LAND USES:

Description of surrounding zoning and existing land uses are as follows:

- ❑ The properties to the north, across Dumas Road, are zoned *Community Business (CB)*. The properties are developed with a gas station and single-family and duplex residences.
- ❑ The property to the west is zoned *Community Business (CB)*. The property is undeveloped.
- ❑ The property to the southwest is zoned *Office Park (OP)*. The property is undeveloped.
- ❑ The property to the south is zoned *Community Business (CB)*. The property is developed with a church and other associated outbuildings.
- ❑ The property to the east, across Bothell-Everett Highway, is zoned *Low Density Residential (LDR)*. The property is developed with single-family residences.

Summary of other pending development proposals in the area:

There are no pending development proposals in the area at this time.

OTHER AGENCIES WITH JURISDICTION:

The proposed development is within the Silver Lake Water and Sewer District, the Everett School District, and the Snohomish County Public Utility District No. 1 (PUD). The City contracts for fire protection and emergency medical services from Snohomish County Fire Protection District No. 7. The City has adopted separate interlocal agreements with Snohomish County Fire Protection District No. 7 and the Everett School District regarding the joint review, comment, and imposition of appropriate mitigation and conditions on development proposed within the City.

Bothell-Everett Highway is a state highway (SR 257) and traffic operations are under the jurisdiction of the Washington State Department of Transportation (WSDOT). In accordance with the adopted guidelines for City Streets as Part of State Highways, dated April 2, 2013, the City is effectively responsible for everything behind the curb on Bothell-Everett Highway, including location of any new access points, while WSDOT is responsible for the traffic operations and requiring any turn movement restrictions or channelization (striping) changes.

Once an application is deemed complete, the City holds a Technical Review Committee meeting to solicit comments from agencies with jurisdiction and other interested parties. Through this process, the application was distributed to numerous entities including Snohomish County (Public Works), Fire District No. 7, the Everett School District, Silver Lake Water and Sewer District, and the Public Utility District No. 1 (PUD). Comments are also solicited as part of the SEPA review process. The comments/requirements submitted by these agencies are in the project file and are summarized later in this report and are included, as applicable, in the recommended Conditions of Approval.

PART IV – PROJECT ANALYSIS

DEVELOPMENT REVIEW PROCESS AND SITE DESIGN:

Development Review Process

The proposal is being processed in conformance with the provisions contained in Title 14 (Development Code Administration), Title 15 (Building and Construction) Title 16 (Subdivisions and Plats), Title 17 (Zoning), and Title 18 (Environment) of the Mill Creek Municipal Code (MCMC). The project must be consistent with the applicable development regulations and the Design Standards. A matrix evaluating the project's consistency with the requirements is included within this staff report.

Site Design

General Description:

The proposal is to construct a 13,122 square foot building on a 3.73 acre site. The first floor will have 2,256 square feet for the retail sales of sports memorabilia and 8,147 square feet of storage area. A 2,719 square foot mezzanine will be built over the retail area for office use. In addition to

the new building, there will be parking improvements, landscaping, pedestrian access, utility infrastructure improvements, and a 35-foot wide landscaped roadway buffer on Dumas Road and Bothell-Everett Highway. The site includes two Category III wetlands, which require 100 foot buffers. The applicant is proposing to average a portion of the on-site buffers in accordance with MCMC Section 18.06.930(C).

Parking:

The proposed building includes retail, office and storage uses, which each have different off-street parking requirements per MCMC Section 17.27.020. Below is a table showing the number of parking stalls required and the number of parking stalls proposed.

Type of Use Proposed	Code Requirement	Square Feet of Use	Parking Stalls
Retail	1 stall/250 square feet	2,256	9
Office	1 stall/800 square feet	2,719	3
Storage	1 stall/1,000 square feet	8,147	8
Total Required:			20
Total Proposed:			29

As proposed, the number of stalls exceeds the number required by a total of nine stalls.

Access and Traffic Circulation:

Two new access points will be constructed along the frontages, one on Dumas Road and one on Bothell-Everett Highway. The former will be a full-access driveway, while the latter will be a right-in, right-out only operation. The existing driveway on Dumas Road will be removed and relocated outside of the current right-turn lane, and the Bothell-Everett Highway driveway will be located outside the bus lane merge area. Internal traffic circulation will be provided with a private drive aisle within the parking lot.

Landscaping:

Where feasible, existing on-site significant trees will be preserved and protected during construction. The applicant is proposing landscaped areas along the west and south sides of the proposed building, as well as between every 10 parking spaces, as required by code. The proposed landscaping is required to be reviewed and approved by the Design Review Board. Monument signs, if desired, are also subject to review and approval by the Design Review Board.

Dumas Road and Bothell-Everett Highway Roadway Buffer/Cutting Preserve Landscaping:

A landscaped 35-foot wide roadway buffer/cutting preserve is required adjacent to Dumas Road and Bothell-Everett Highway.

Design Review Board Review Required:

As required by City Code and included as a Condition of Approval, the building elevations and materials and the proposed landscaping are required to be submitted to the City's Design Review Board for review and approval for consistency with the Design Standards in MCMC Chapter 17.34.

Wetlands

Two wetlands were identified on the subject property. Documentation provided by the City of Mill Creek identified a third wetland off-site to the west. All of these wetlands are classified as Category III wetlands. In Mill Creek, Category III wetlands adjacent to high impact land uses typically require 100 foot protective buffers from their delineated edges. Buildings require a 10 foot building setback from buffers. The proposed development layout intrudes into the buffers, resulting in a request for buffer averaging using the buffer averaging standards set forth in MCMC Section 18.06.930.C. The City's wetland consultant has reviewed the preliminary critical areas report and mitigation plan and has found it to be consistent with City requirements.

Utilities

Utilities and services to serve the future use on the site are available. The site has water and sewer facilities adjacent to it that could be extended through the Silver Lake Water and Sewer District Developer Extension Process to provide for on-site needs. A Water and Sewer Availability Letter from Silver Lake Water and Sewer District dated December 18, 2015, is available for review in the project file.

Electrical service is provided by the Snohomish County PUD No. 1.

Communication services are provided by either Frontier or Comcast communication companies.

Natural gas is provided by Puget Sound Energy.

Stormwater Facilities

The new drainage system for the proposed development is required to meet City standards and the requirements of the February 2005 Department of Ecology Stormwater Management Manual for Western Washington with Appendix 1 of the City's Phase 2 NPDES permit (dated as effective September 1, 2012).

Runoff from the existing site currently flows to the southwest corner, where it is routed around the Mill Creek Sports Park and through an existing storm drainage system along North Creek Drive. The site runoff ultimately ends up in a regional WSDOT detention pond that collects and treats all runoff from Bothell-Everett Highway in the area.

Stormwater from the proposed development will be collected and conveyed in a closed system of catch basins and pipes into an underground wet vault, which will provide both flow control and water quality treatment. The outfall from the vault will be directed to the existing storm drainage system along Bothell-Everett Highway, which flows to the same regional WSDOT detention pond.

State stormwater regulations require the site to be treated as native undisturbed forest instead of the existing configuration of a former house site and some open pasture. Consequently, the proposed developed runoff rate will be less than the existing flows and there will be no adverse downstream impacts. There will also be water quality treatment provided where there is currently none.

Frontage Improvements

Existing sidewalk, curb and gutter, and drainage facilities are already in place along both frontages, so no new improvements are needed or required. The existing driveway on Dumas Road will be removed and replaced with the construction of a new access point.

SEPA Mitigation

City Transportation Impacts/Mitigation:

City Ordinance 2011-735 requires traffic mitigation fees to be paid to mitigate development impacts on the City roadway network.

A traffic study was prepared by Jake Traffic Engineering, dated December 17, 2015. This development is expected to generate a net total of 10.8 new PM peak hour trips and 212 new average daily trips. The new trips will have no adverse impact on the existing Level of Service at the adjacent intersection of Bothell-Everett Highway at Dumas Road.

As a Condition of Approval, the developer shall pay mitigation to the City of Mill Creek in the amount of \$32,400.00 for impacts to the City roadway system. Payment of traffic mitigation fees to the City is required prior to building permit issuance.

City Park Facilities – Impacts and Mitigation

The proposal is a commercial use and will not increase the demand on the City's park and recreation facilities. No mitigation fees are required.

SUMMARY OF RESPONSES FROM OTHER AGENCIES WITH JURISDICTION:

Snohomish County – Traffic Impacts and Mitigation

The Reciprocal Impact Mitigation Agreement between the City of Mill Creek and Snohomish County, dated July 24, 2006, established policies and procedures for the review of development impacts on interjurisdictional transportation systems and the requirement to mitigate appropriate impacts in accordance with adopted road improvement programs. In accordance with the agreement, the project proponent is required to comply with specific measures identified by Snohomish County that are reasonably necessary to mitigate the project's impacts on directly affected County roads in the surrounding area.

Developments are subject to SCC Title 26B and are located within subarea TSA D. There are a number of County projects noted in TSA D. However, none of the projects would be affected by more than 3 PM peak hour trips of the development site's traffic. Snohomish County has reviewed the traffic study prepared by the Jake Traffic Engineering and concurs with this analysis. Therefore, no mitigation fees are required by this development under the county/city interlocal agreement.

Fire District Mitigation and Improvements

The City of Mill Creek and Snohomish County Fire District No. 7 have executed an Interlocal Agreement for mitigation of development impacts on fire facilities/services. Mitigation fees are determined by the anticipated impact a development will have on Fire District No. 7 facilities. Based on the provisions of the agreement, the mitigation required is \$365 per equivalent development unit (EDU).

For a commercial structure, an EDU is defined as 2,400 square feet of commercial structure. The proposal is to construct a 13,122 square foot structure, which results in a commercial EDU of 5.47 x \$365 resulting in mitigation fees totaling \$1,996.55. The developer shall pay \$1,996.55 to the City of Mill Creek to offset impacts for the proposal prior to building permit issuance.

Other improvements requested by the Fire District have been incorporated into the Conditions of Approval for this proposal.

Everett School District Mitigation:

The proposal is a commercial use and will not increase the demand on the Everett School District facilities. No mitigation fees are required.

CONSISTENCY WITH DEVELOPMENT REGULATIONS:

The following matrix evaluates the proposed project with the applicable development regulations.

DEVELOPMENT REGULATIONS	
CODE SECTION	STAFF ANALYSIS
<p>16.16.005 Public Improvements. No plat, Binding Site Plan, short plat, or other development approval shall be granted without, as a Condition of Approval, making appropriate provisions for public improvements as elsewhere permitted or required by this code or state law.</p>	<p>As a Condition of Approval the project is required to install public improvements associated with this project.</p>

DEVELOPMENT REGULATIONS	
CODE SECTION	STAFF ANALYSIS
Community Business (CB) Zone 17.16.035 Review requirements. All development in the CB zone district shall be processed as either a preliminary plat or binding site plan in accordance with MCMC Title 16, Subdivisions and Plats.	The proposal is being processed as a binding site plan in accordance with MCMC Title 16.
17.16.040 Lot size. The minimum lot size in the CB zone is 7,200 square feet.	The lot size is 3.73 acres.
17.16.070 Maximum height. The maximum height in the CB zone shall be 40 feet.	The proposed building is approximately 32 feet high and is in compliance with the maximum height.
17.16.080 Setbacks. 1. Front yard: Zero feet 2. Side yard: None, except when abutting a residential zone, which shall then be 25 feet. 3. Rear yard: None, except when abutting a residential zone, which shall then be 25 feet.	The project site is not adjacent to a residential zone. The proposed building complies with the setbacks in the CB zone.
17.16.085 Streetscape and roadway buffer/cutting preserves. Streetscape design and roadway buffer/cutting preserve tracts adjacent to arterial and collector streets shall be provided in accordance with the City's comprehensive plan, streetscape element. Roadway buffer/cutting preserves to be provided range from 35 feet from the edge of the right-of-way for nonresidential uses to 50 feet for residential uses.	The proposal includes a 35-foot wide roadway buffer/cutting preserve along Dumas Road and Bothell-Everett Highway consistent with the Streetscape Element.
17.16.090 Project Design. Development within this zone district shall be designed in conformance with the design principles and standards set out in 17.34 MCMC, Design Review.	See discussion below regarding consistency with MCMC 17.34.

DEVELOPMENT REGULATIONS	
CODE SECTION	STAFF ANALYSIS
<p>17.22.020 Landscaping. All lots and developments shall be generously landscaped, consistent with the natural environment of Mill Creek and appropriate to the planned use. Retention and enhancement of natural landscaping is encouraged. Landscaping design objectives and standards are contained in Chapter 17.34.</p>	<p>The proposal is generally consistent with this requirement. Landscaping is subject to review and approval of the Design Review Board (DRB).</p>
<p>17.22.110 Undergrounding of utilities. A. For any private development that includes new construction typically associated with a Binding Site Plan, plat, short plat, or a conditional use permit subject to the provisions of the development code, the developer shall place underground all new and existing wiring and related facilities for all utilities, including but not limited to electrical, cable television and communication, unless otherwise provided in this section.</p>	<p>As a Condition of Approval all utilities will be constructed underground consistent with this requirement.</p>
<p>17.22.120 Comprehensive plan – Concurrency and consistency required. All new developments within the City shall be consistent with the provisions of the comprehensive plan, including but not limited to the following: A. All developments within the City shall be consistent with the land use plan map as adopted in the land use element of the comprehensive plan. B. All developments within the City shall be consistent with the applicable goals and policies of the comprehensive plan. C. Developments shall not cause a reduction in the level of service for transportation and/or neighborhood park facilities below the minimum standards established within the comprehensive plan and capital facilities plan, unless improvements or strategies to accommodate the impacts of the</p>	<p>The binding site plan and associated documents are consistent with these requirements as follows:</p> <ul style="list-style-type: none"> A. The proposal is consistent with the Community Business land use designation. B. The proposal is consistent with the applicable development regulations which implement the goals and policies of the comprehensive plan. C. The proposal does not cause a reduction in transportation levels of service below minimum standards. Mitigation for transportation facilities is being provided. D. A 35-foot wide roadway buffer/cutting preserve is being provided along Dumas Road and Bothell-Everett Highway.

DEVELOPMENT REGULATIONS

CODE SECTION	STAFF ANALYSIS
<p>development are made concurrent with the development.</p> <p>D. Site design and frontage improvements shall be consistent with the streetscape plans as established in the streetscape element of the comprehensive plan. A roadway buffer/cutting preserve is required adjacent to all arterial and collector roads as identified in the transportation element of the comprehensive plan, with the exception of North Creek Drive between Trillium Boulevard and Dumas Road. The minimum width of a roadway buffer/cutting preserve adjacent to commercial uses is 35 feet. The minimum width of a roadway buffer/cutting preserve adjacent to residential uses is 50 feet.</p>	
<p>17.27.030 Bicycle Standards and Requirements</p> <p>Bicycle parking shall be encouraged in all developments. Where provided, bicycle parking shall be a bike rack or locker-type parking facilities unless otherwise specified.</p> <p>A. The planning director may require bicycle facilities when it is determined that the use or its location will generate a high volume of bicycle activity. Such a determination will include but not be limited to the following uses:</p> <ol style="list-style-type: none"> 1. Park/playfield 2. Public facilities 3. Library/museum/arboretum 4. Elementary/secondary school 5. Sports club; or 6. Retail business (especially when located along a developed or projected bicycle trail or designated bicycle route). <p>B. Bicycle facilities for patrons, when required, shall be located within 100 feet of the building entrance and shall be</p>	<p>Due to the proposal’s proximity to Jackson High School, Heatherwood Middle School, the Mill Creek Sports Park, the North Creek Trail, as well as other nearby retail and restaurant uses, as a Condition of Approval the Director has determined that the project is required to include a bicycle rack on the site, consistent with these requirements.</p>

DEVELOPMENT REGULATIONS

CODE SECTION	STAFF ANALYSIS
<p>designed to allow either a bicycle frame or wheels to be located to a structure attached to the pavement.</p> <p>C. All bicycle parking and storage shall be located in safe, visible areas that do not impede pedestrian or vehicle traffic flow, and shall be well lit for nighttime use.</p>	
<p>17.34.040 A 1-8. Site Design. The following design elements shall be applied to all projects:</p> <ol style="list-style-type: none"> 1) Site design to include convenient pedestrian access between buildings including plazas, respect the natural topography and retain native vegetation. 2) Sites should be designed to avoid the appearance of domination by automobiles 3) Tree preservation and retention of existing vegetation is encouraged. 4) Bioswales shall be an amenity. 5) Vehicular entrances shall be designed to welcome residents. 6) Pedestrian walkways shall link together all site entrances, building entries, parking facilities, and common outdoor spaces with the sidewalk system in the public right-of-way and be ADA accessible and incorporate pedestrian scale lighting. 7) New or renovated commercial buildings are strongly encouraged to provide adequate public open space at building entrances for public use. The space should be suitable to place sidewalk furniture and as a public gathering place. 8) All dumpsters and recycling bins shall be screened to match the building exterior. 	<p>The proposed binding site plan has been designed to be consistent with these requirements by:</p> <ul style="list-style-type: none"> - Providing parking behind the building to avoid the appearance of domination by automobiles. - Retaining existing landscaping where feasible. - Providing locations for signage (subject to Design Review Board review) at the main vehicular entrances per MCMC 17.26.020.E. - Providing pedestrian walkways to link site entrances, building entries and parking facilities. - Screening the dumpsters and recycling bins (subject to Design Review Board review).

PART V—STAFF RECOMMENDATION

STAFF RECOMMENDATION:

Staff recommends approval of the Binding Site Plan subject to the following suggested Conditions of Approval:

Binding Site Plan:

1. Development shall occur as portrayed on the Binding Site Plan.
2. All utility, stormwater, drainage, maintenance, and landscaping buffers/easements, together with attendant restrictions and conditions, shall be portrayed on the final binding site plan.
3. The final Binding Site Plan shall be recorded with the Snohomish County Auditor and a copy provided to the City prior to the issuance of the Certificate of Occupancy.
4. The developer may assign its rights and obligations under this development approval upon prior written notice to the City identifying the new entity and evidencing the transfer of obligations to the new entity.
5. The building colors and material composition, the site landscaping plans and any proposed monument signs shall be designed in accordance with MCMC Chapter 17.34 and reviewed and approved by the City's Design Review Board in accordance with MCMC Chapters 4.18 and 17.34.
6. The developer shall provide a bicycle rack in accordance with MCMC Section 17.27.030.

Landscaping:

7. The developer shall provide a secured performance bond equal to 125 percent of the cost of labor and materials, in accordance with MCMC Section 16.16.040, posted prior to the issuance of the first building permit.
8. Once the developer has fulfilled the obligations of the landscape performance bond, the applicant shall enter into a two-year maintenance bond for the approved and installed landscaping in accordance with MCMC Section 16.16.090.

Protection of Critical Areas:

9. A final critical areas report/wetland buffer mitigation plan shall be prepared in compliance with MCMC Chapter 18.06 and submitted to the City prior to approval of the clearing and grading permit.
10. The wetlands and buffers shall be contained in separate tracts and shall be designated as Native Growth Protection Areas (NGPAs) on the face of the binding site plan, and shall

be recorded on all documents of title for all affected lots or land areas, pursuant to MCMC Section 18.06.830. Tract restrictions shall include:

- A. An assurance that native vegetation will be preserved for the purpose of preventing harm to property and the environment, including, but not limited to, controlling surface water runoff and erosion, maintaining slope stability, buffering, and protecting plants, fish, and animal habitat; and
 - B. The right of the City to enforce the terms of the restrictions.
11. The edge of the wetland buffers shall be clearly staked and flagged. Site clearing shall not commence until the applicant has submitted written notice to the Department of Community and Economic Development that the buffer requirements of MCMC Sections 18.06.810 and 18.06.930 (E) have been met.
 12. Prior to issuance of a Certificate of Occupancy, the boundary at the edge of the NGPAs shall be identified with permanent signs or markers every 100 feet to clearly indicate the location of the NGPA buffers, pursuant to MCMC Section 18.06.810.
 13. The developer shall provide a secured wetland mitigation bond with the City equal to 125 percent of the cost of installation (labor and materials) for implementation of the Final Wetland Buffer Mitigation Plan. Said bond shall be posted prior to issuance of the first building permit.
 14. Pursuant to MCMC Section 15.10.045.A, barrier fencing shall be placed around the drip lines of the trees to be retained (including the wetland buffer) prior to commencing clearing and grading, and be maintained until construction is completed.
 15. In accordance with MCMC Section 15.10.075.B, where trees designated to be retained are damaged, destroyed or removed during the construction of the proposed improvements, a penalty in the amount of \$1,000 may be assessed for each tree, and each tree shall be replaced at a 3:1 ratio.

Engineering and Site Work:

16. A Clearing and Grading permit for all clearing, grading, roadway, stormwater, and erosion control work shall be approved by the City Engineer and Director of Community Development prior to any clearing or grading work on the site.
17. The final locations of the new Dumas Road and Bothell-Everett Highway access points shall be approved by the City Engineer and located outside the current turn lane / merge transition areas. The existing driveway on Dumas Road shall be removed and replaced with concrete curb, gutter and sidewalk.
18. The developer shall submit stormwater plans and documentation to address all required drainage improvements. The approved stormwater system shall include the following elements and conditions per MCMC Chapter 15.14 and the February 2005 Department of

Ecology Stormwater Management Manual for Western Washington with Appendix 1 of the City's Phase 2 NPDES permit (dated as effective September 1, 2012):

- A. Drainage plans shall be submitted to the City Engineer and Director of Community and Economic Development for review and approval.
 - B. A Stormwater Pollution Prevention Plan (SWPPP) shall be prepared to address the 12 required elements and all Best Management Practices that are expected to be used on site for erosion and sediment control.
 - C. The developer shall apply for an individual Construction Stormwater General Permit from the State Department of Ecology, and provide proof of the issued permit to the City prior to beginning construction.
 - D. A final stormwater report signed and stamped by a licensed professional engineer shall be submitted to the City Engineer for review and approval.
 - E. The property owners shall be obligated to own, maintain and operate the stormwater system outside the public right-of-way to the satisfaction of the City Engineer.
 - F. Provisions shall be included with the Final Binding Site Plan for maintenance of the stormwater system outside the public right-of-way, including, but not limited to, adequate access to maintenance locations, provisions and easements that allow the City to inspect and maintain the system at its discretion, and adequate provisions to ensure uninterrupted function of the facilities for the proposed development.
19. All new and existing utilities within the project shall be placed underground in accordance with MCMC Section 17.22.110. The applicant shall be responsible for all costs associated with undergrounding the utilities. Appropriate easements or right-of-way for all utilities shall be provided by the applicant and shown on the face of the Final Binding Site Plan.

SEPA Mitigation Fees:

- 20. The developer shall pay mitigation to the City of Mill Creek in the amount of \$32,400.00 for impacts to the City roadway system. Payment of traffic mitigation fees to the City of Mill Creek is required prior to building permit issuance.
- 21. In accordance with the Interlocal Agreement between the City of Mill Creek and Snohomish County Fire District No. 7, payment of mitigation fees totaling \$1,996.55 to the City of Mill Creek is required prior to building permit issuance.

Fire District Requirements:

22. The developer shall ensure adequate fire flow/hydrants and 4” STORTZ adaptors on all hydrants.
23. The developer shall contact Fire District 7 prior to building permit application to coordinate the location of the fire department connection for the sprinkler system.
24. The developer shall ensure that the site address is clearly marked on the building exterior adjacent to Dumas Road and Bothell-Everett Highway.
25. The developer shall provide a Knox box and tenant keys for Fire District 7.
26. Ensure all “Fire Lanes” are clearly marked and signs posted prior to occupancy.

Attachments: Exhibit 1a – Vicinity Map
Exhibit 1b – Binding Site Plan
Exhibit 1c – Legal Description
Exhibit 1d – List of Project File Contents

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EXHIBIT 1b

BINDING SITE PLAN

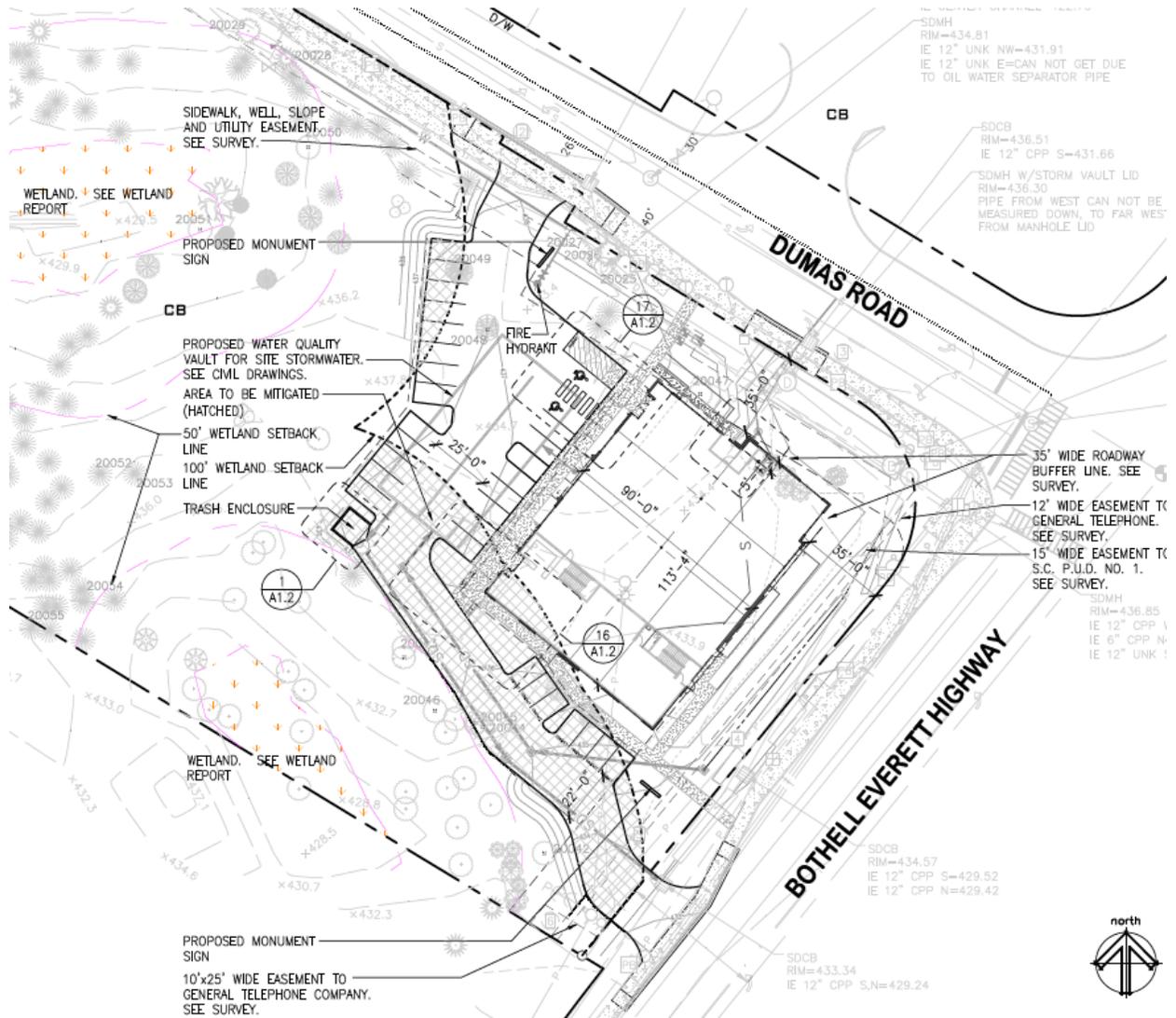


EXHIBIT 1c

LEGAL DESCRIPTION

COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 31, TOWNSHIP 28 NORTH, RANGE 5 EAST. W.M., IN SNOHOMISH COUNTY, WASHINGTON, THENCE SOUTH ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION FOR 1029 FEET TO THE TRUE POINT OF BEGINNING, THENCE CONTINUING SOUTH ALONG SAID WEST LINE FOR 340 FEET, THENCE SOUTH 63°20' EAST FOR 562 FEET, MORE OR LESS, TO THE WEST BOUNDARY OF THE PACIFIC HIGHWAY, THENCE NORTHEASTERLY ALONG THE WEST BOUNDARY OF SAID PACIFIC HIGHWAY FOR 297 FEET, THENCE NORTH 63°20' WEST FOR 772 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING,

EXCEPT DUMAS ROAD UNDER AUDITOR'S FILE NUMBER 1220276,

AND EXCEPT THAT PORTION CONVEYED TO THE STATE OF WASHINGTON BY DEED RECORDED UNDER RECORDING NO 9904120966.

TOTAL CONTAINING 1,444 SQUARE FEET, MORE OR LESS.

TAX PARCEL NUMBER: 280531001021

EXHIBIT 1d

CONTENTS OF PROJECT FILE

MILL CREEK SPORTS BINDING SITE PLAN (PL2016-0029)

The following documents will be officially entered into the record at the Hearing Examiner Public Hearing on April 20, 2016. The staff report was posted on the City of Mill Creek website on April 8, 2016. All other documents are available for review in the project file at City Hall, 15728 Main Street, Mill Creek.

Exhibit	
1	Staff Report to the Hearing Examiner dated April 20, 2016. a) Vicinity Map b) Binding Site Plan (Sheet A1.0) c) Legal Description d) Contents of Project File
2	Land Use Application submitted December 22, 2015
3	Owner's Letter of Authorization dated January 4, 2016
4	Legal Description and Plat Certificate dated December, 2015
5	Water and Sewer Availability Letter from Silver Lake Water and Sewer District dated December 18, 2015
6	Preliminary Landscape Plan (Sheet L-1.0), submitted February 29, 2016
7	Preliminary Grading and Drainage Plans (Sheets C1.0-C5.0), submitted February 29, 2016
8	Project Narrative, submitted December 22, 2015
9	Critical Area Study from Wetland Resources, Inc., submitted February 29, 2016
10	Traffic Report from Jake Traffic Engineering, Inc., submitted January 7, 2016
11	Drainage Report from SDA, submitted February 29, 2016
12	Tree Survey, submitted December 22, 2015
13	Geotechnical Report from Terra Associates, Inc. submitted December 22, 2015

14	Letter of Completeness – issued January 8, 2016
15	Notice of Development Application posted on-site January 12, 2016 and Affidavit of Publishing, Posting and Mailing
16	Technical Review Committee Comment Letter issued February 11, 2016, with attachments: a) MCMC 17.27.030, Bicycle Standards b) ESA Comment Memo c) Comments from Silver Lake Water and Sewer District d) Comments from Snohomish County Fire District No. 7 e) Comments from Snohomish County Public Works f) Preliminary Development Impact Mitigation Checklist
17	MDNS and Notice of Property Development Impact Mitigation for Mill Creek Sports Binding Site Plan (City File PL2015-0029), with attached SEPA checklist, dated March 8, 2016
18	Affidavit of Publishing, Posting and Mailing for Public Hearing Notice
19	Staff's PowerPoint Presentation
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21	
22	
23	

Yellow Highlight Indicates Exhibits Submitted during the Public Hearing