

**CITY OF MILL CREEK
MITIGATED DETERMINATION OF NON-SIGNIFICANCE (MDNS)
AND
NOTICE OF PROPERTY DEVELOPMENT IMPACT MITIGATION
FOR A BINDING SITE PLAN FOR MILL CREEK COMMONS PHASE II
(CITY FILE PL2016-0013)**

Mill Creek Commons Phase II, LLC has submitted a Binding Site Plan application to develop property located within the Business and Industrial Park (BP) zone district. The applicant proposes to develop 1.45 acres of a 4.81 acre site with a self-storage facility comprised of 48,060 square feet of building space split between a single 3-story building and 2 smaller 1-story buildings. The proposed development includes associated infrastructure with parking and landscaping. Access to the site will be from the Bothell-Everett Highway (SR 527) via a drive shared with the Mill Creek Commons Office Building.

Runoff will be infiltrated on-site with multiple infiltration trenches with a filter layer for water quality treatment. The infiltration trenches are proposed to be located under the parking lot and site access. The pre-developed drainage patterns will be maintained.

The proposed project is being reviewed and processed in accordance with Mill Creek Municipal Code (MCMC) Title 14 Development Code Administration, Title 16 Subdivisions and Plats, Title 17 Zoning, Title 18 Environment.

This Mitigated Determination of Non-Significance (MDNS) and Notice of Property Development Impact Mitigation are issued pursuant to WAC 197-11-350, Chapters 17.48 and 18.04 MCMC, and through an interlocal agreement with Snohomish County Fire District No. 7.

PROPONENT: Mill Creek Commons Phase II, LLC.
12214 SE 18th Place
Bellevue, WA 98005

LOCATION: The site is located at 16824 Bothell-Everett Highway, Mill Creek, Washington 98012. (See **Attachment 1 – Vicinity Map**)

TAX PARCEL NUMBER: 27050700100400

LEGAL DESCRIPTION: See **Attachment 2**

LEAD AGENCY: City of Mill Creek, Department of Community and Economic Development

CONTACT PERSON: Christi Amrine, Senior Planner (425) 921-5738 or christia@cityofmillcreek.com

ELEMENTS OF THE ENVIRONMENT IMPACTED BY THIS ACTION AND MITIGATION MEASURES:

The environmental impacts of this proposal are documented in the environmental checklist and other information on file with the City of Mill Creek. The required mitigation measures are imposed in response to the City's review of this information.

1. EARTH

Erosion could occur during the clearing, grading, filling and construction of site improvements, as well as for the building foundations, stormwater facilities, parking lots, and utilities. The existing site is vacant. See **Attachment 3 – Preliminary Binding Site Plan** and **Attachment 4 – Preliminary Clearing, Grading and Utilities**.

The site is flat in the center and slopes down to both the east and west with a 20% maximum slope. Nickel Creek runs through the site along the south and eastern boundaries. This site is well suited to Low Impact Development practices due to the soils type, which is generally underlain by 4 to 5 feet of loose to medium dense silty sandy gravel with trace cobbles over medium dense to dense fine sand with some silt. In addition, groundwater was not encountered during the subsurface investigation, which reached a maximum depth of 10 feet.

Cut and fill on-site is proposed to be balanced with no import or export. Grading required for the construction of all structures or utilities proposed in the Binding Site Plan, or within proposed perimeter landscape buffers shall not take place until the City has approved the Clearing and Grading plans.

Mitigation Measures

To mitigate the potential impacts of these activities, the project proponent shall satisfy the following conditions:

- A. The developer shall submit a Stormwater Pollution Prevention Plan (SWPPP) and Erosion Control Plans for approval by the City Engineer. Said plans shall be approved and Best Management Practices (BMPs) installed prior to commencement of any site work.
- B. The developer shall submit a geotechnical report to address the construction of improvements. This includes, but is not limited to fill under the parking lots, building foundations, stormwater facilities, and retaining walls.

2. AIR

Construction activities onsite will generate dust, pollution and odors resulting from the use of construction vehicles and equipment. Soils tracked onto City streets by construction vehicles could generate dust off-site. Upon completion and occupation of the project, motor vehicle use on the site will produce automotive emissions consistent with those typically found in self-storage developments.

Mitigation Measures

To mitigate the potential impacts of these activities, the project proponent shall satisfy the following conditions:

- A. To mitigate the air quality impacts, dust shall be controlled by watering areas of soil disturbance during construction and using a street sweeper on adjacent roads. Wheel washes shall be required if determined necessary by the City Engineer.
- B. There shall be no non-attended idling of construction vehicles and equipment on-site.

3. WATER

Critical Areas: A Critical Areas Study and Conceptual Mitigation Plan, dated June 8, 2016, has been submitted and reviewed by the City, see **Attachment 5**. Portions of four (4) wetlands (Wetlands A, B, X, and Y) have been identified within the project area and one stream (Nickel Creek) was located flowing from the northeast to the southwest along the southern property boundary. All four (4) wetlands occur in association with Nickel Creek.

Wetland A is a large forested wetland that occurs along the western boundary of the site and extends along Nickel Creek. The on-site portion of Wetland A is approximately 4,167 square feet. Wetland A extends off-site to both the north and west and is part of an extensive wetland network that extends along Nickel Creek and continues into North Creek Park. Wetland A is rated as a Category II wetland per Mill Creek Municipal Code (MCMC) Section 18.06.910, and requires a standard 200-foot buffer with a high impact land use per MCMC Section 18.06.930.B.

Wetland B is a palustrine scrub-shrub wetland that occurs along the southern side of Nickel Creek in the southwest portion of the site, and has a total of 87 square feet within the project area. The remainder of Wetland B extends offsite to the south in either direction along the south side of Nickel Creek. Wetland B is rated as a Category III wetland per MCMC Section 18.06.910, and requires a standard 100-foot buffer with a high impact land use per MCMC Section 18.06.930.B.

Wetland X is a small palustrine emergent wetland located adjacent to Nickel Creek in the southeast portion of the site and has 484 square feet within the project area. Wetland X is rated as a Category III wetland per MCMC Section 18.06.910, and requires a standard 100-foot buffer with a high impact land use per MCMC Section 18.06.930.B.

Wetland Y is a 223 square foot scrub-shrub wetland located adjacent to Nickel Creek in the northeast portion of the site. Wetland Y is rated as a Category IV wetland per MCMC Section 18.06.910, and is exempt from regulation by the City of Mill Creek per MCMC Section 18.06.910.D. Nickel Creek is a perennial fish-bearing stream. All streams other than North Creek or Tambark Creek have a 75-foot standard buffer per MCMC Section 18.06.1050.B.

No direct or indirect impacts to wetlands or Nickel Creek are proposed with this project. Buffer averaging will be used per MCMC Section 18.06.1050.C to allow encroachment into 3,743 square feet of buffer along Nickel Creek in the northeast corner of the site.

The project proposes a combination of buffer replacement and restoration to offset the buffer functions and values from the reduced buffer width. The proposed mitigation will result in a net gain in critical area functions and values compared to existing conditions. The total proposed mitigation consists of:

- Buffer Replacement: 4,095 square feet
- Buffer Restoration: 1,730 square feet
- Buffer Enhancement of temporary buffer impacts: 1,821 square feet

Mitigation Measures

To mitigate the potential impacts of these activities, the project proponent shall satisfy the following conditions:

- A. A Final Critical Areas Study and Mitigation Plan, consistent with MCMC Section 18.06.090, shall be submitted to the City and approved prior to any site clearing and grading.
- B. Critical Areas on-site shall be protected by being designated as a separate tract on the Binding Site Plan or preserved through a permanent mechanism acceptable to the City.
- C. Critical Area signs and fencing will be installed along the critical area boundaries.

Stormwater: Development of the site will generate stormwater runoff that may contain sediment, oil, heavy metals, fertilizers, and other potential pollutants. Stormwater runoff if unmitigated could cause downstream erosion, destruction of habitat, and adverse impacts to the adjacent off-site receiving property to the west.

Site runoff from roofs, sidewalks and paved parking areas will be captured and piped to catch basins with filters for water quality treatment and routed infiltration trenches under the driveway access and parking areas. The system is designed to fully treat runoff up to the 100-year design event. In addition, the trenches will be constructed with a treatment filter layer to treat water prior to infiltration. See **Attachment 6 – Drainage Report dated June 2016.**

Mitigation Measures

To mitigate the potential impacts of these activities, the project proponent shall satisfy the following conditions:

- A. Pursuant to City regulations, stormwater management facilities for the project shall be designed in accordance with the requirements of the February 2005 Department of Ecology (DOE) Stormwater Management Manual for Western Washington.
- B. To ensure that the proposed infiltration trenches and water quality facilities are adequately designed and sized, a final storm drainage report (MCMC Chapter 15.14) shall be submitted to the City prior to approval of the clearing and grading plans.

4. PLANTS

The existing site is vacant and the central portion of the site has been disturbed and was previously developed with a single-family home, which has been removed. The site is 4.81 acres and the 1.45 acres to be developed will be cleared of vegetation. A Tree Retention Plan has been submitted and 403 trees have been surveyed on the site and approximately 93 trees are proposed to be removed within the developable area of the site. Significant vegetation within the critical areas and their buffers will also be preserved (approximately 70% of the site) and enhanced pursuant to the required final Critical Areas Study and Mitigation Plan as described under Critical Areas. Some existing mature trees along the developed portion of the site will be retained and the landscape plan proposes to install nearly 100 trees along with shrubs and ground cover. See **Attachment 7 – Tree Retention Plan and Attachment 8 – Landscape Plan**.

Mitigation Measures

To mitigate the potential impacts of the loss of vegetation within the developable portion of the site, the project proponent shall satisfy the following conditions:

- A. Trees to be retained shall be shown on the Tree Retention Plan and Clearing and Grading Plan. Barrier fencing shall be placed by the applicant around the driplines of the trees to be retained prior to commencing clearing and grading, and shall be maintained until construction is completed.
- B. 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.
- C. A landscape plan(s) for the parking lot shall be submitted to the City for review and approval by the City of Mill Creek Design Review Board prior to installation. Landscaping may be installed in phases but must be in place prior to the issuance of a Certificate of Occupancy for buildings adjacent to said landscaping.

5. ANIMALS

Wildlife observed and/or expected to be present onsite or near the site include crows, heron and songbirds and small mammals such as raccoons, mice, shrews, moles, gophers, beaver, opossum, etc. Removal of existing vegetation will result in the loss of habitat for wildlife. When the project is completed, approximately 70 percent of the site would be preserved. Some existing mature trees along the developed portion of the site will be retained and the landscape plan proposes to install nearly 100 trees along with shrubs and ground cover described above under Plants.

Mitigation Measures

See mitigation measures listed above under Plants.

6. ENVIRONMENTAL HEALTH

Noise: The proposed development of the site will generate noise during construction of the site improvements and buildings. Increased noise during construction may impact the adjacent existing commercial uses to the north.

Mitigation Measures

To mitigate the potential impacts of noise during construction, the project proponent shall comply with requirements of MCMC Chapter 9.14.

- A. Construction hours shall be limited to Monday through Friday, 7 a.m. to 9 p.m., with weekend hours 8 a.m. to 9 p.m.
- B. No non-attended idling of construction equipment shall be permitted and mufflers are required on all construction vehicles.

7. TRANSPORTATION

City of Mill Creek: Traffic mitigation is required by the City for PM peak hour trips generated by this development in accordance with City Ordinance No. 2011 – 735. The applicant has submitted a revised Traffic Impact Analysis, dated June 2016, see **Attachment 9**.

The Mill Creek Commons, Phase II development is proposed to consist of 48,060 square feet of mini-warehouse use. According to the Gibson Traffic Consultants report, the Mill Creek Commons development is anticipated to generate 120 new average daily trips with 7 AM peak-hour trips and 12 PM peak-hour trips. The development is proposed to have access to SR 527 via an existing parking lot.

Mitigation Measures:

In accordance with City requirements, the following measures shall be implemented to mitigate the potential impacts of the new traffic generated by the development.

- A. The developer shall pay mitigation to the City of Mill Creek in the amount of \$36,000 for impacts to the City roadway system. Payment of traffic mitigation fees to the City is required prior to the issuance of the first building permit.

8. PUBLIC SERVICES - FIRE SERVICES:

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), which is 2,400 square feet of structure. Based on the applicant's proposal to construct 46,060 square feet, or 19.19 EDUs, of commercial square footage, fire mitigation impact fees are \$7,004.95.

Mitigation Measures:

To mitigate the potential impacts of these activities and based on the provisions of the Interlocal Agreement for mitigation of development impacts on Fire District No. 7 facilities/services, the developer shall pay the City of Mill Creek \$7,004.95 prior to issuance of the first building permit.

9. PUBLIC SERVICES - WATER AND SANITARY SEWER:

The subject site lies within the Alderwood Water and Wastewater District. The developer provided a Letter of Water and Sewer Availability from the District confirming the project may connect to the existing water and sewer mains located north of the site. The costs of sanitary sewer improvements on the project site as well as extending the water system shall be under the terms and conditions of a Developer Extension Agreement with the District.

Mitigation Measures:

To mitigate the potential impacts of these activities, the project proponent shall satisfy the following conditions:

- A. The developer shall be responsible for all fees and obtaining the required permits and agreements necessary to provide on and off-site sewer improvements and to extend the water and sewer service to the subject site.

THRESHOLD DETERMINATION

The lead agency for this proposal has determined that the project, as conditioned, does not have a probable significant adverse impact on the environment. An Environmental Impact Statement is not required under RCW 43.21C.030 (2) (C). This determination assumes compliance with state law, City ordinances related to general environmental protection, and the mitigation measures identified above. This decision was made after review of a completed environmental checklist and other information on file with the lead agency. See **Attachment 10 – SEPA Checklist**. This information is available to the public on request. The Mitigated Determination of Non-Significance and Notice of Property Development Impact Mitigation are specifically conditioned on compliance with the conditions attached hereto, which are incorporated by reference as fully set forth herein.

This Mitigated Determination of Non-Significance is issued under WAC 197-11-340(2); the threshold determination will be deemed final 14 days from issuance. Comments on this MDNS must be submitted by **5:00 p.m., August 31, 2016**.

Responsible Official: Tom Rogers, AICP
Title: Director of Community and Economic Development
Address: 15728 Main Street
Mill Creek, Washington 98012
Date: August 17, 2016
Signature: 

In accordance with the provisions of Mill Creek Municipal Code Chapters 3.42, 14.11, and Section 18.04.250, this determination may be appealed to the City Clerk at City Hall, 15728 Main Street, Mill Creek, Washington, no later than 14 days from the date the MDNS and Notice of Property Development Impact Mitigation are issued. To be considered, an appeal of this MDNS must be filed prior to 4:30 p.m., **August 31, 2016**, by submitting a written statement to the City Clerk requesting an appeal, together with appropriate fees. The written statement shall meet the requirements set forth in MCMC Section 14.11.050.

NOTE: This MDNS may be withdrawn in the event of significant changes in the proposal, disclosure of new significant information, misrepresentation by the applicant, or failure to comply with the conditions upon which the Mitigated Determination of Non-Significance are predicated.

Attachment 1 – Vicinity Map

Attachment 2 – Legal Description

Attachment 3 – Preliminary Binding Site Plan

Attachment 4 – Preliminary Clearing, Grading and Utilities

Attachment 5 – Critical Areas Study and Conceptual Mitigation Plan dated June 8, 2016

Attachment 6 - Drainage Report dated June 2016

Attachment 7 – Tree Retention Plan

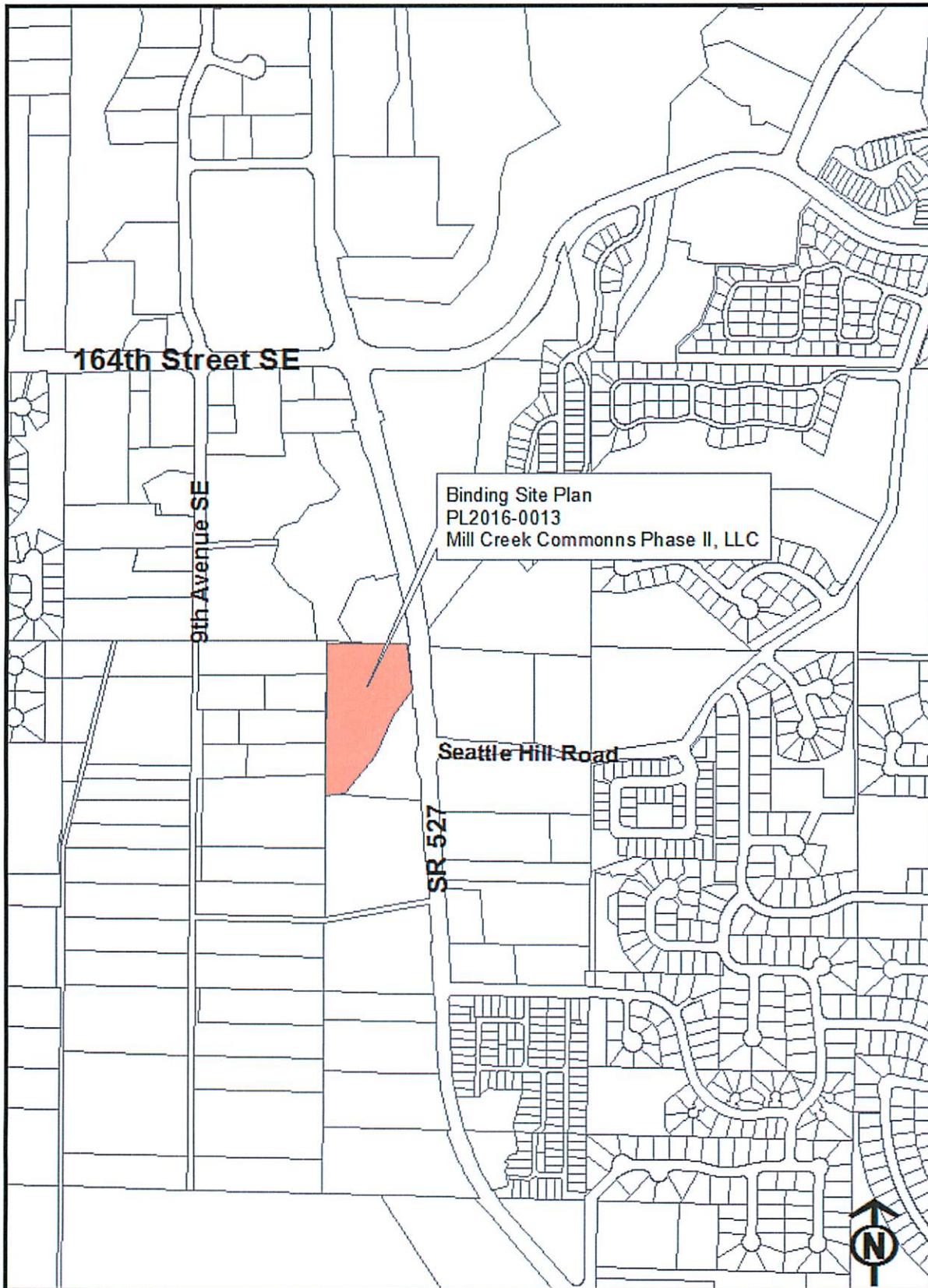
Attachment 8 - Landscape Plan

Attachment 9 – Traffic Impact Analysis date June 2016

Attachment 10 – SEPA Checklist

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Attachment 1 – Vicinity Map



Attachment 2 – Legal Description

THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 27 NORTH, RANGE 5 EAST, W.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION;
THENCE EASTERLY ALONG THE NORTH LINE OF SAID SUBDIVISION 426 FEET, MORE OR LESS, TO THE WEST LINE OF THE PACIFIC HIGHWAY;
THENCE SOUTHERLY ALONG THE WEST LINE OF SAID PACIFIC HIGHWAY TO A POINT 44 RODS AND 4 1/2 FEET SOUTH OF THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER;
THENCE WEST PARALLEL TO THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER TO THE WEST LINE OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER;
THENCE NORTHERLY ALONG SAID WEST LINE 44 RODS AND 4 1/2 FEET TO THE POINT OF BEGINNING.
EXCEPT THAT PORTION CONVEYED TO THE STATE OF WASHINGTON BY DEED RECORDED UNDER AUDITOR'S FILE NUMBER 9204080377.

EXCEPT ALL THAT PORTION THEREOF LYING SOUTHERLY AND EASTERLY OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE NORTHWEST CORNER OF LOT 6, TWIN VALLEY GARDEN TRACTS, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 10 OF PLATS, PAGE 21, RECORDS OF SNOHOMISH COUNTY, WASHINGTON, AS DISPLAYED IN RECORD OF SURVEY RECORDED UNDER AUDITOR'S FILE NUMBER #9602085001;
THENCE SOUTH 86°10'20" EAST ALONG THE NORTH LINE OF SAID LOT 6 A DISTANCE OF 34.02 FEET TO THE CENTERLINE OF NICKEL CREEK AND THE TRUE POINT OF BEGINNING OF THIS DESCRIBED LINE;
THENCE FOLLOWING THE CENTERLINE OF NICKEL CREEK THE FOLLOWING COURSES AND DISTANCES: NORTH 58°30'17" EAST A DISTANCE OF 60.25 FEET;
THENCE NORTH 54°08'58" EAST A DISTANCE OF 69.07 FEET; THENCE NORTH 21°34'45" EAST A DISTANCE OF 66.40 FEET; THENCE NORTH 31°50'18" EAST A DISTANCE OF 88.81 FEET; THENCE NORTH 41°45'22" EAST A DISTANCE OF 69.51 FEET; THENCE NORTH 29°46'29" EAST A DISTANCE OF 86.02 FEET; THENCE NORTH 19°33'47" EAST A DISTANCE OF 54.18 FEET; THENCE NORTH 63°44'22" EAST A DISTANCE OF 41.68 FEET; THENCE NORTH 50°31'18" EAST A DISTANCE OF 33.58 FEET; THENCE NORTH 19°51'19" EAST A DISTANCE OF 4.97 FEET; THENCE NORTH 06°24'39" EAST A DISTANCE OF 49.80 FEET; THENCE NORTH 12°29'05" EAST A DISTANCE OF 94.90 FEET; THENCE NORTH 11°45'19" EAST A DISTANCE OF 48.53 FEET MORE OR LESS, TO A POINT ON THE WESTERLY RIGHT OF WAY OF SR-527 (BOTHELL-EVERETT HIGHWAY) AND THE TERMINUS OF DESCRIBED LINE.

TOGETHER WITH THAT PORTION OF LOT 6, TWIN VALLEY GARDEN TRACTS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 10 OF PLATS, PAGE 21, RECORDS OF SNOHOMISH COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 6, THE TRUE POINT OF BEGINNING;
THENCE SOUTH 86°10'20" EAST ALONG THE NORTH LINE OF SAID LOT 6 A DISTANCE OF 34.02 FEET TO THE CENTERLINE OF NICKEL CREEK;
THENCE FOLLOWING THE CENTERLINE OF NICKEL CREEK THE FOLLOWING COURSES AND DISTANCES: SOUTH 58°30'17" WEST A DISTANCE OF 15.73 FEET; THENCE SOUTH 74°52'31" WEST A DISTANCE OF 21.46 FEET MORE OR LESS TO A POINT ON THE WEST LINE OF SAID LOT 6; THENCE NORTH 00°37'34" EAST ALONG THE WEST LINE OF SAID LOT 6 A DISTANCE OF 16.09 FEET TO THE NORTHWEST CORNER OF SAID LOT 6 AND THE TRUE POINT OF BEGINNING.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.