



October 13, 2016

*Transmitted Via Email*

Mr. David Lee  
NW Steel Systems  
12214 SE 18<sup>th</sup> Place  
Bellevue, Washington 98005

SUBJECT: NOTICE OF DECISION FOR BINDING SITE PLAN, PL2016-0013

Dear David:

The City of Mill Creek Hearing Examiner has officially issued a decision in regard to the Binding Site Plan application for Mill Creek Commons, Phase II. A copy of the Hearing Examiner's decision, issued on October 12, 2016, is enclosed. A copy of the decision will also be mailed to the Snohomish County Assessor and all Parties of Record and will be posted on the City's website.

Appeals on this decision must be filed within 15 days of the decision date or by October 27, 2016, and filed by 4:30 p.m. with the City Clerk along with the \$500.00 filing fee. The written statement shall set forth the name and address of the person aggrieved and a clear and concise statement of the grounds for the appeal in accordance with MCMC Section 14.11.050. The appellant must be prepared to make specific factual objections.

Should you have any questions, regarding this Notice of Decision, please call me at 425-921-5738 or contact me via email at [christia@cityofmillcreek.com](mailto:christia@cityofmillcreek.com).

Sincerely,

A handwritten signature in purple ink that reads "Christi Amrine".

Christi Amrine, AICP  
Senior Planner

Copy to:     Director of Community and Economic Development  
                  City Engineer  
                  Snohomish County Assessor  
                  Parties of Record

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**BEFORE THE HEARING EXAMINER FOR THE CITY OF MILL CREEK**

**RE: Mill Creek Commons Phase II**

**FINAL DECISION**

**Binding Site Plan**

**File No. PL2016-0013**

**SUMMARY**

The applicant has requested approval of a binding site plan for a 48,600 square foot storage facility composed of one three-story building and two smaller one-story buildings located at 16824 Bothell-Everett Highway. The application is approved subject to conditions.

**TESTIMONY**

Christi Amrine, senior Mill Creek planner, summarized the staff report. She noted that in response to comments from the Muckleshoot Tribe staff has recommended a revision to recommended Condition No. 10 pursuant to Ex. 21 of Ex. 1(d). In response to Examiner questions, Ms. Amrine noted that the site plan attached to the critical areas report inaccurately identifies the critical area buffers as low intensity buffers and they should have been labelled as high intensity buffers. Ms. Amrine confirmed that despite the site plan error, the project site is located outside the critical area buffers except for the area where buffer averaging has been approved by staff. Ms. Amrine also confirmed there's no office space at the project site and therefore no parking requirements based on office space.

Scott Smith, Mill Creek Public Works, testified that public works has reviewed the application and determined that the proposal as conditioned will be served by adequate infrastructure. Mr. Smith noted that the proposed use is one of the lowest types of traffic generators that could be proposed for the site. There are only 12 pm trips generated by the project, which is minimal impact. No frontage improvements are required because they're already complete. The project will be using existing

1 access points, which minimizes traffic disruption. The project is uniquely situated for stormwater  
2 control, because it has soils well suited for infiltration, which is not common in the area. In response  
3 to questions from the Examiner, Mr. Smith confirmed that no level of service analysis had to be  
4 done in the applicant's traffic report because trip generation wasn't significant enough to trigger that  
5 threshold. As a result, Public Works finds that the proposal satisfies the City's concurrency  
standards. The nearest intersection is far away and already at LOS F and is undergoing mitigation to  
improve traffic flow. The applicant's traffic impact fees help pay for those mitigation measures.

6 David Lee, applicant representative, noted that the applicant is in agreement with the staff report  
7 recommendations.

8 Barbara Murray, interested citizen, noted that 164<sup>th</sup> was already congested. She wanted to know why  
9 the Muckleshoot Tribe was interested in the project and who owned the property. Mr. Lee  
responded that he's one of the owners.

## 10 EXHIBITS

11 During the September 28, 2016 hearing the staff report was admitted as Exhibit 1 including  
12 attachments 1(a)-(d) and all documents identified in Exhibit 1(d). During the hearing Exhibit 20  
13 (staff power point presentation) and Exhibit 21 (8/30/16 Muckleshoot comments) was added to the  
14 exhibit list of Ex. 1(d).

## 15 FINDINGS OF FACT

### 16 **Procedural:**

- 17 1. Applicant. The applicant is Mill Creek Phase II, LLC.
- 18 2. Hearing. A hearing was held on the subject application on September 28, 2016 at 6:00 pm in  
19 the City of Mill Creek City Council Chambers.
- 20 3. Project Description. The applicant has requested approval of a binding site plan for a 48,600  
21 square foot storage facility composed of one three-story building and two smaller one-story buildings  
22 located at 16824 Bothell-Everett Highway. The proposed development includes associated  
23 infrastructure with parking and landscaping. Access to the site will be from the Bothell-Everett  
24 Highway (SR 527) via a drive shared with the Mill Creek Commons Office Building. No office  
25 space is proposed for the project site.  
26

1 4. Conformity to Development Standards<sup>1</sup>. The project will conform to applicable development  
2 standards as follows:

3  
4 A. Drainage. The drainage and conveyance system for the proposed development will be designed  
5 to meet City standards, including the requirements of the February 2005 Department of Ecology  
6 Stormwater Management Manual for Western Washington and Appendix 1 of the City's Phase 2  
7 NPDES permit.

8 Due to the unique sandy soils (Everett gravelly loam) on this site, an infiltration system is  
9 proposed for this development. An infiltration system was also used on the adjacent Mill Creek  
10 Commons office building site. Infiltration will help recharge the groundwater system in the area  
11 and eliminate any potential downstream discharge issues. A separate geotechnical study was  
12 done to verify the feasibility of infiltration and measure the actual infiltration rate on site.

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

18 As a Condition of Approval, the applicant will be required to submit a final drainage report  
19 (MCMC Chapter 15.14) during the civil plan review phase and the final system design and  
20 drainage details will also be addressed at that time. The maintenance of the drainage system will  
21 be the responsibility of the property owner. The applicant will have to submit detailed procedures  
22 and schedules to the City for review prior to civil plan approval.

23 B. Transportation. Public works staff have determined that the proposal complies with applicable  
24 city road and transportation standards. No frontage improvements are required because they are  
25 already in place. No off-site improvements beyond those funded by traffic impact fees because  
26 the proposal only generates 12 pm trips, which creates nominal impacts to affected intersections  
and does not exceed thresholds that trigger level of service review. The proposal will also use  
an existing access point from the Bothell-Everett Highway, thus minimizing traffic disruption at  
its access points.

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<sup>1</sup> Conformity to development standards is usually assessed via conclusions of law. However, site plan review standards are highly detailed and technical. In the absence of any disagreement over the application or any indication in the record of a code compliance issue, the examiner will rely upon assurances made by staff that standards are met, based upon the staff's exercise of professional judgment. Since these determinations of conformity are based upon staff expertise instead of application of law to fact, the determinations regarding conformance to development standards are treated as findings of fact.

- 1 C. Parking. The proposal is required to have a minimum of 10 parking spaces pursuant to MCMC  
2 17.27.020. The applicant proposes 30 parking spaces.
- 3 D. Landscaping and Project Design (Chapter 17.34 MCMC). Landscaping and project design, to  
4 the extent addressed by Chapter 17.34 MCMC, is beyond the scope of site plan review since  
5 exclusive jurisdiction lies with the design review board as outlined in the conclusions of law.
- 6 E. Fire Services. The City of Mill Creek and Snohomish County Fire District No. 7 have executed  
7 an Interlocal Agreement for mitigation of development impacts on fire facilities/services.  
8 Pursuant to the agreement, a condition of approval will require the applicant to pay fire  
9 mitigation fees totaling \$7,300.00 to Snohomish County Fire District No. 7 prior to issuance of  
10 the first building permit. The conditions of approval also impose other mitigating measures  
11 recommended by the Fire District as part of their review for conformance with the International  
12 Fire Code.
- 13 F. School Impact Fees. City ordinances do not impose any school impact fees on commercial  
14 development.
- 15 G. Utilities. The conditions of approval require the undergrounding of utilities as required by  
16 MCMC 17.22.110. The subject site lies within the Alderwood Water and Wastewater District  
17 and adjoining water and sewer facilities are available for extension to serve it. Electrical service  
18 is provided by the Snohomish County PUD No. 1. Communication services are provided by  
19 either Frontier or Comcast communication companies. Natural gas is provided by Puget Sound  
20 Energy.
- 21 H. Building and Fire Code. Building and fire code compliance will be addressed during building  
22 permit review.
- 23 I. Critical Areas. The project site contains portions of four wetlands and a stream. A large portion  
24 of the project site is encumbered by these critical areas. The project proposes a combination of  
25 buffer replacement and restoration to offset the buffer functions and values from the reduced  
26 buffer width. The proposed mitigation will result in a net gain in critical area functions and  
values compared to existing conditions. Staff have also authorized buffer averaging pursuant to  
MCMC 18.06.1050(C) to allow encroachment into 3,743 square feet of buffer along Nickel  
Creek in the northeast corner of the site.

### Conclusions of Law

1. Authority. MCMC 14.03.080(2) provides that the examiner shall review and make final  
decisions on binding site plan applications.

1 2. Zoning/Comprehensive Plan Designations. The Comprehensive Plan designation is Business  
2 Park and the Zoning Map designation for the subject property is Business and Industrial Park (BP).

3 3. Review Criteria. As determined in the Examiner's Autozone Binding Site Plan Final  
4 Decision (BSP 15-66), the following are the criteria for site plan approval: (1) conformance to the  
5 City's development standards; and (2) conformance to the comprehensive plan.

6 5. Conformance to Development Standards. The proposal complies with all of the City's  
7 development standards. The applicant proposes storage use, which is authorized in the BP zone by  
8 MCMC 17.20.010. The proposal conforms to the rest of the City's development standards as  
9 determined in Finding of Fact No. 4 and as assessed in the Development Standards matrix in the staff  
10 report, excluding design review and landscaping, which is beyond the scope of binding site plan  
11 review absent an appeal to the examiner.

12 6. Conformity to Comprehensive Plan. The proposal is consistent with the comprehensive plan as  
13 it is of low intensity and within the uses authorized by the comprehensive plan "Land Use Plan" for  
14 the project site and is consistent with all implementing regulations of the comprehensive plan.

15 **DECISION**

16 The binding site plan is approved subject to the conditions of approval recommended in the staff  
17 report, Ex. 1 with the modification that the following sentence be added to Condition No. 10:

18 *Any suitable trees<sup>2</sup> that are removed from within 200 feet of Nickel Creek shall be placed back  
19 into Nickel Creek as partial mitigation for the permanent loss of these trees and future wood  
20 recruitment functions.*

21 DATED this 12th day of October, 2016.

22   
23 Phil A. Olbrechts

24 City of Mill Creek  
25 Hearing Examiner

26 <sup>2</sup> This decision initially only required trees greater than four inches in diameter to be placed back into Nickel Creek. However, the City requested informal reconsideration by email dated 10/13/16 to remove the limitation to four-inch diameter. Since this modification did not appear significant, it was incorporated without further comment from hearing participants.

1 **Appeal Right and Valuation Notices**

2 MCMC 14.03.030(4) provides that the final decision of the hearing examiner is subject to appeal to  
3 the Mill Creek City Council. RMC 14.11.030 requires appeals of the hearing examiner’s decision  
4 to be filed within fifteen days from the date of the hearing examiner’s decision. Appeal  
5 requirements are governed by Chapter 14.11 MCMC.

6 Affected property owners may request a change in valuation for property tax purposes  
7 notwithstanding any program of revaluation.  
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**EXHIBIT 1  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
STAFF REPORT  
TO THE CITY OF MILL CREEK PLANNING COMMISSION**

**PART I - SUMMARY INFORMATION**

**HEARING DATE:** September 28, 2016

**NAME OF PROJECT:** Mill Creek Commons Phase II, LLC Binding Site Plan  
File No. PL2016-0013

**DEVELOPER/  
APPLICANT:** Mill Creek Commons Phase II, LLC.  
12214 SE 18th Place  
Bellevue, WA 98005

**LOCATION:** The site is located at 16824 Bothell-Everett Highway (on the west side of the highway near the intersection with old Seattle Hill Road). See **Exhibit 1a – Vicinity Map.**

**REQUESTED ACTION:** The project action is the consideration of 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 one single 3-story building and two 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. See **Exhibit 1b – Binding Site Plan.**

**COMPREHENSIVE PLAN DESIGNATION:** Business Park

**ZONING DISTRICTS:** Business and Industrial Park (BP)

**LEGAL DESCRIPTION:** See **Exhibit 1c – 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 August 17, 2016, a Mitigated Determination of Non-Significance (MDNS) and Notice of Property Development Impact Mitigation was issued for the proposal, which is contained in the project file. The MDNS identifies code requirements and contains conditions that mitigate impacts on specific elements of the environment that may be affected by the proposal, including earth, air, water, critical areas, plants, animals, transportation, and public services (fire protection). These conditions have been incorporated in the recommended Conditions of Approval, contained in Part V of this report.

### **INTERJURISDICTIONAL AGREEMENTS:**

The City has adopted separate interlocal agreements with Snohomish County Fire Protection District No. 7 regarding the joint review, comment, and imposition of appropriate mitigation and conditions that affect the proposed development. This application has been reviewed by Snohomish County Fire District No. 7. Their requirements are discussed later in this report and are included in the recommended Conditions of Approval.

### **PUBLIC NOTICE:**

Pursuant to MCMC Section 14.07.030, notice of public hearing was mailed on September 14, 2016, directly to property owners of record within 500 feet of the proposed project and posted on the site on September 14, 2016. Notice of public hearing was published in the Everett Herald on September 17, 2016. All legal requirements for public notice have been satisfied.

## **PART III - BACKGROUND INFORMATION**

### **EXISTING SITE CHARACTERISTICS:**

The subject site is 4.81 acres and contains Nickel Creek and associated wetlands on and off the site. Nickel Creek flows southwest through the site and flows off-site to the west, eventually draining into North Creek. The wetland extends off-site to the west and then runs along the base of the slope that parallels the western property boundary. Portions of three smaller wetlands occur in association with the Nickel Creek system to the northeast. Topography of the site is flat in the center and slopes down to both the east and west with a 20% maximum slope. Development is proposed to occur primarily on the flat portion of the site on 1.45 acres, and the remaining 3.66 acres of the site will be preserved. A detailed description of the critical areas on-site is contained in Part IV – Project Analysis under Critical Areas.

## **SURROUNDING ZONING AND LAND USES:**

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

- ❑ The property to the north is zoned *Business and Industrial Park* and is occupied by Clock Tower Self-Storage and Mill Creek Commons Phase I office building.
- ❑ The property to the south is zoned *Business and Industrial Park* and is undeveloped.
- ❑ The properties to the west are zoned *Business and Industrial Park* and are occupied by single-family detached dwelling and/or are undeveloped.
- ❑ The two properties to the east across SR 527 are located in unincorporated Snohomish County and are zoned for residential and the northern parcel is under construction with townhomes (see description below). Everett School District owns the southern parcel and this site is undeveloped.

### **Summary of other pending development proposals in the area:**

The property to the east across SR 527 and north of Seattle Hill Road is located in unincorporated Snohomish County and has an approved development application, called Sierra Snohomish, for the construction of 56 townhomes. This development is currently under construction.

## **OTHER AGENCIES WITH JURISDICTION:**

The proposed development is within the Alderwood Water and Wastewater 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, Alderwood Water and Wastewater 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 16 (Subdivisions and Plats), Title 17 (Zoning), and Title 18 (Environment) of the Mill Creek Municipal Code (MCMC).

In accordance with MCMC Chapter 17.20, Business and Industrial Park, commercial development projects in the BP zone are to be processed as a Binding Site Plan in accordance with MCMC Section 16.12.010. A matrix demonstrating how the project complies with the applicable development regulations is included within this report (beginning on page 8).

#### **Site Development Design**

##### **General Description:**

The proposed self-storage use is permitted as a principal use in the Business and Industrial Park zone district. The site design includes development of 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 one single 3-story building and two smaller 1-story buildings. Access to the site will be from the Bothell-Everett Highway (SR 527) via a drive shared with the Mill Creek Commons Office Building. A two-way, 25-foot wide access drive will provide access through a security gate into a one-way drive aisle with parking around one side for 30 vehicles and a covered load and unload area.

The buildings are located in a manner to avoid impacts to the critical areas and associated buffers, and minimize site grading. The applicant is proposing balanced cut and fill on the site. Site design includes features such as: shielded lights, one-way drive aisle, and perimeter landscaping. A detailed description of Nickel Creek and its associated wetlands are contained below under Critical Areas.

The proposed site design has been reviewed for consistency with the Site Design Objectives of MCMC Chapter 17.34. As illustrated in the matrix later in the staff report, staff has determined that the development satisfies these objectives.

##### **Parking Lot:**

In accordance with MCMC Section 17.27.020, Off Street Parking, self-storage warehouses are required to have one space for each 50 storage units plus one space for each 300 square feet of office space. Based on the 480 units of self-storage proposed (480 units/50) 10 parking spaces are required; 30 parking spaces are proposed.

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.

Landscaping:

Landscaping on-site is proposed in three areas: 1) along the west side of Building C, 2) the east side of Building A, and 3) within the parking area. See **Preliminary Landscape Plan** contained in the project file contents.

As a Condition of Approval, wheel stops or another suitable mechanism will be required to protect the landscaping from vehicles.

As a Condition of Approval the proposed landscaping is required to be reviewed and approved by the City's Design Review Board prior to installation. Enhancement and restoration proposed to the landscaping within the critical area buffers is discussed in detail below within the Critical Areas section.

Utilities:

Utilities and services to serve the future uses on the site are available. The site is within the Alderwood Water and Wastewater District. Extension of sewer and water are required to serve the proposed use. Connections to the existing eight-inch water main and the existing eight-inch sanitary sewer main along the north property line will provide water and sanitary sewer to the proposed development.

Electrical service is provided by 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 be designed in accordance with the requirements of the February 2005 Department of Ecology (DOE) Stormwater Management Manual for Western Washington.

Due to the unique sandy soils (Everett gravelly loam) on this site, an infiltration system is proposed for this development. An infiltration system was also used on the adjacent Mill Creek Commons office building site. Infiltration will help recharge the groundwater system in the area and eliminate any potential downstream discharge issues. A separate geotechnical study was done to verify the feasibility of infiltration and measure the actual infiltration rate on site.

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 **Drainage Report dated June 2016** contained in the project file.

As a Condition of Approval, the applicant will be required to submit a final drainage report (MCMC Chapter 15.14) during the civil plan review phase and the final system design and drainage details will also be addressed at that time. The maintenance of the drainage system will be the responsibility of the property owner. The applicant will have to submit detailed procedures and schedules to the City for review prior to civil plan approval.

Critical Areas:

A Critical Areas Study and Conceptual Mitigation Plan, dated June 8, 2016, has been submitted and reviewed by the City, see Critical Areas Study and Conceptual Mitigation Plan contained in the project file. 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

The City's wetland consultant, ESA Adolfson, Inc., has reviewed the development plans, including the wetland and stream buffer enhancement plan, and has determined that the proposal as conditioned is consistent with the City's environmental regulations see **ESA review memorandum, dated July 7, 2016**, which is contained in the project file.

As a Condition of Approval, 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. 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. Critical Area signs and fencing will be installed along the critical area boundaries.

Transportation:

*City Transportation - Traffic Impacts and Mitigation:*

The applicant has submitted a traffic study by Gibson Traffic Consultants see **Traffic Impact Analysis, dated June 2016**, which is contained in the project file. The Mill Creek Commons, Phase II development is proposed to consist of 48,060 square feet of mini-storage use and 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.

**SUMMARY OF RESPONSES FROM OTHER AGENCIES WITH JURISDICTION:**

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 48,060 square foot structure, which results in a commercial EDU of 20 x \$365, resulting in mitigation fees totaling \$7,300.00. The developer shall pay \$7,300.00 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, see **letter from Fire District**, which is contained in the project file.

**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.

As a Condition of Approval, 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.

**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.

**Fire Impacts/Mitigation:**

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. As a Condition of Approval, the developer shall pay \$7,300.00 to the City of Mill Creek to offset impacts for the proposal prior to building permit issuance.

**CONSISTENCY WITH DEVELOPMENT REGULATIONS:**

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

<b>DEVELOPMENT REGULATIONS</b>	
<b>CODE SECTION</b>	<b>STAFF ANALYSIS</b>
<b>16.16.005 Public Improvements.</b> 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.	As a Condition of Approval the project is required to install public improvements associated with this project.
<b>Community Business (BP) Zone 17.20.035 Review requirements.</b> All development in the BP 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.
<b>17.20.060 Maximum height.</b> The maximum height in the BP zone shall be 50 feet.	The proposed height of the highest building (Building B) is approximately 35 feet high and is in compliance with the maximum height.

## DEVELOPMENT REGULATIONS

CODE SECTION	STAFF ANALYSIS
<p><b>17.20.050 Setbacks.</b>                      A. Front yard: zero feet from right-of-way or sidewalk (whichever is greater), or roadway buffer/cutting preserve, if applicable.</p> <p>B. Side yard: none, except when abutting a residential or commercial zone, which shall then be 25 feet or one foot for each foot of height of the structure nearest the side lot line, whichever is greater.</p> <p>C. Rear yard: none, except when abutting a residential or commercial zone, which shall then be 25 feet or one foot for each foot of height of the structure nearest the rear lot line, whichever is greater.</p>	<p>The project site is not adjacent to a residential or commercial zone. The proposed building complies with the setbacks in the BP zone.</p>
<p><b>17.20.055 Streetscape and roadway buffer/cutting preserves.</b> 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.</p>	<p>The proposal includes a critical areas tract that will retain the native vegetation and fulfill the codes requirement of a 35-foot wide roadway buffer/cutting preserve along Bothell-Everett Highway consistent with the Streetscape Element.</p>
<p><b>17.20.090 Project Design.</b> Development within this zone district shall be designed in conformance with the design principles and standards set out in 17.34 MCMC, Design Review.</p>	<p>See discussion below regarding consistency with MCMC 17.34.</p>
<p><b>17.22.020 Landscaping.</b> 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>

**DEVELOPMENT REGULATIONS**

<b>CODE SECTION</b>	<b>STAFF ANALYSIS</b>
<p><b>17.22.110 Undergrounding of utilities.</b>                      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><b>17.22.120 Comprehensive plan – Concurrency and consistency required.</b>                      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 development are made concurrent with the development.                      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</p>	<p>The binding site plan and associated documents are consistent with these requirements as follows:</p> <ul style="list-style-type: none"> <li>A. The proposal is consistent with the Business Park land use designation.</li> <li>B. The proposal is consistent with the applicable development regulations which implement the goals and policies of the comprehensive plan.</li> <li>C. The proposal does not cause a reduction in transportation levels of service below minimum standards. Mitigation for transportation facilities is being provided.</li> <li>D. A critical areas tract is being provided along Bothell-Everett Highway and fulfils the code requirement for a 35-foot wide roadway buffer/cutting preserve.</li> </ul>

<b>DEVELOPMENT REGULATIONS</b>	
<b>CODE SECTION</b>	<b>STAFF ANALYSIS</b>
<p>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><b>17.34.040 A 1-8. Site Design.</b> The following design elements shall be applied to all projects:</p> <ol style="list-style-type: none"> <li>1) Site design to include convenient pedestrian access between buildings including plazas, respect the natural topography and retain native vegetation.</li> <li>2) Sites should be designed to avoid the appearance of domination by automobiles</li> <li>3) Tree preservation and retention of existing vegetation is encouraged.</li> <li>4) Bioswales shall be an amenity.</li> <li>5) Vehicular entrances shall be designed to welcome residents.</li> <li>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.</li> <li>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.</li> <li>8) All dumpsters and recycling bins shall be screened to match the building exterior.</li> </ol>	<p>The proposed binding site plan has been designed to be consistent with these requirements by:</p> <ul style="list-style-type: none"> <li>- Providing parking around the perimeter of the one-way drive aisle and since the site is surrounded on three sides by native vegetation the site will not be dominated by the appearance of automobiles.</li> <li>- Retaining existing landscaping where feasible and enhancing/restoring per the Critical Areas Plan.</li> <li>- Providing locations for signage (subject to Design Review Board review) at the main vehicular entrances per MCMC 17.26.020.E.</li> <li>- Providing pedestrian walkways to link site entrances, building entries and parking facilities.</li> <li>- The site will have a security gate to deter theft and prevent criminal activity.</li> <li>- Screening the dumpsters and recycling bins (subject to Design Review Board review).</li> </ul>

**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, dumpster design 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.

**Landscaping:**

6. The proposed landscaping plan is required to be reviewed and approved by the City's Design Review Board prior to installation.
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. The developer shall install wheel stops or another suitable mechanism will be required to protect the landscaping.
9. 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:**

10. 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.
11. 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.

12. 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.
13. 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.
14. 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.
15. Pursuant to MCMC Section 15.10.045.A, barrier fencing shall be placed around the drip lines of the trees to be retained (to form a continuous barrier protecting stream and wetland critical areas) prior to commencing clearing and grading, and be maintained until site grading is completed and may only be removed to install critical areas enhancements, including protective fencing at the critical areas boundary.
16. 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:**

17. 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 and Economic Development prior to any clearing or grading work on the site.
18. The developer shall remove the existing driveway cut on SR 527 and replace with concrete vertical curb, gutter and sidewalk.
19. 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.

20. 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:**

- 21. The developer shall pay mitigation to the City of Mill Creek in the amount of \$36,000.00 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.
- 22. In accordance with the Interlocal Agreement between the City of Mill Creek and Snohomish County Fire District No. 7, payment of mitigation fees totaling \$7,300.00 to the City of Mill Creek to offset impacts for the proposal prior to building permit issuance.

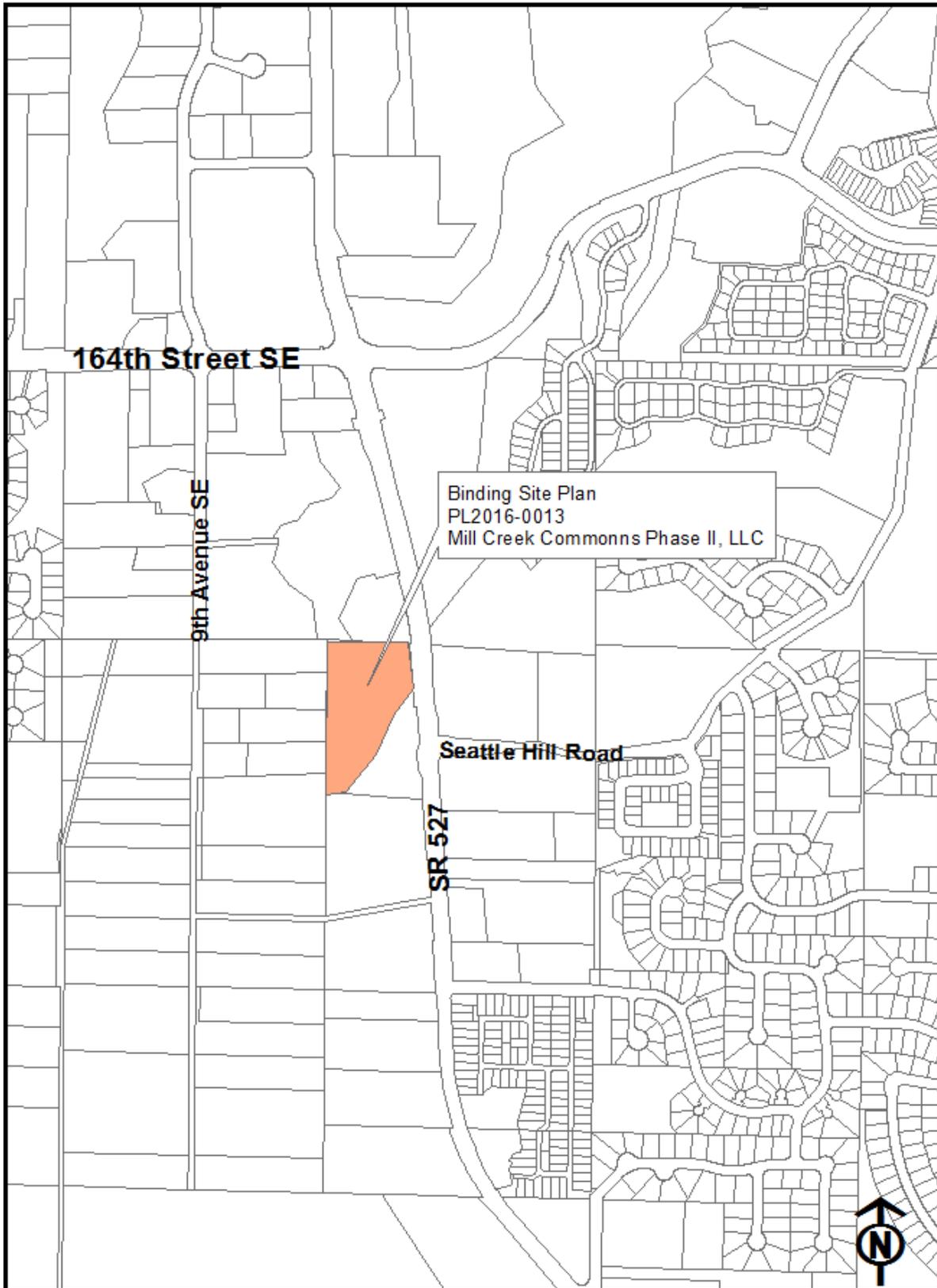
**Fire District Requirements:**

- 23. The developer shall ensure adequate fire flow/hydrants and 4” STORTZ adaptors on all hydrants.
- 24. 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.
- 25. The developer shall ensure that the site address is clearly marked on the building exterior adjacent to Bothell-Everett Highway.

26. The developer shall provide a Knox box and tenant keys for Fire District 7.
27. Ensure all “Fire Lanes” are clearly marked and signs posted prior to occupancy.
28. The developer shall provide fire flow with a minimum of 2 fire hydrants with an average spacing between hydrants of 450 feet and a maximum distance from any point on street frontage to a hydrant of 225 feet.
29. The covered loading area must have a minimum overhead clearance of 13’ 6” above the roadway surface.
30. The developer shall provide a firefighter access point near the middle of Building C, providing access to the rear of this building is required. This will be reviewed during building permit review.

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

# Exhibit 1a Vicinity Map



## **Exhibit 1b Binding Site Plan**

**LEGAL DESCRIPTIONS :**

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

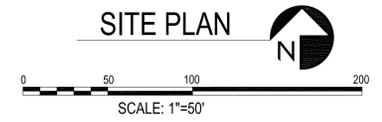
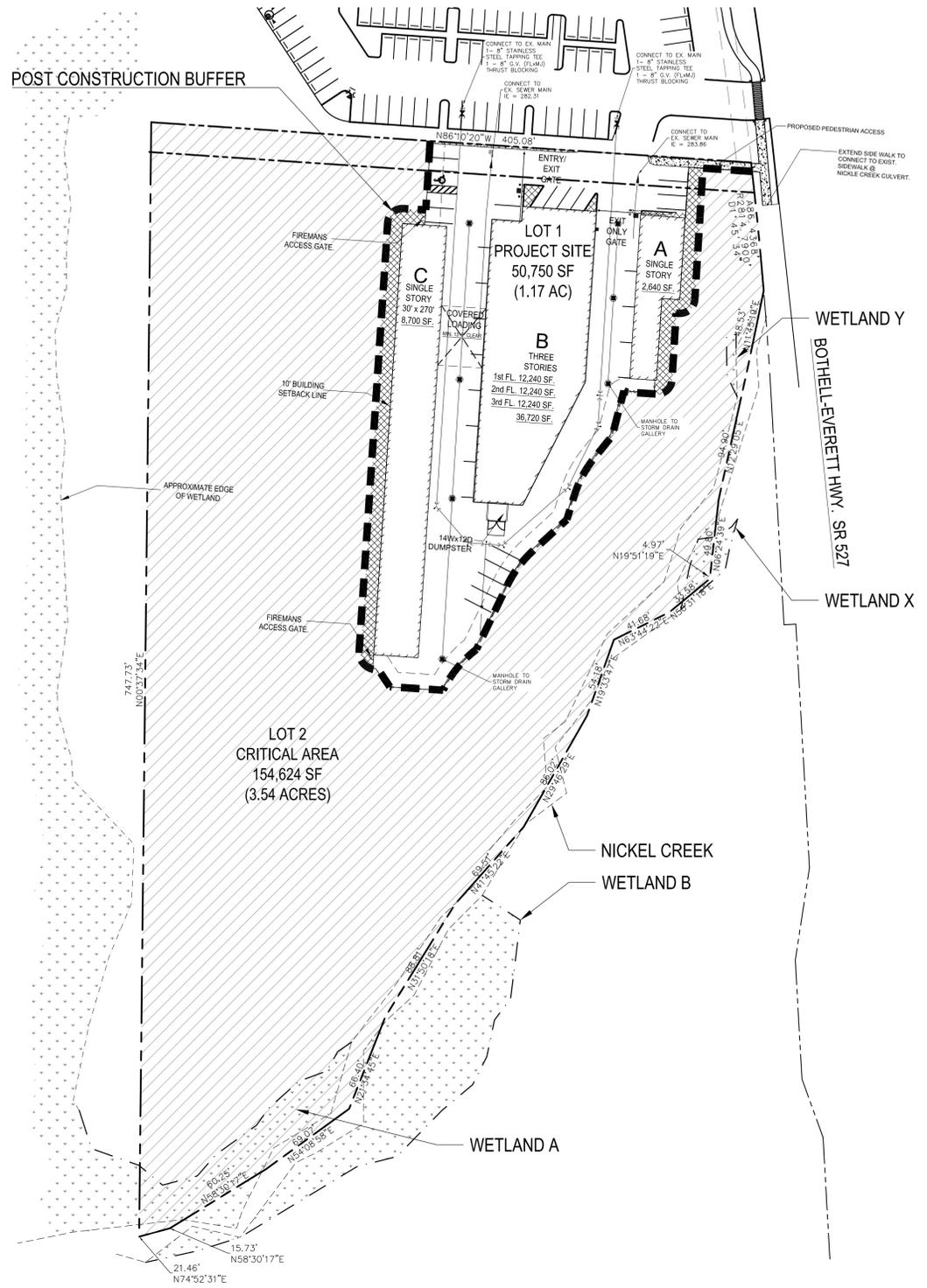
BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION; THENCE EASTERLY ALONG THE NORTH LINE OF SAID SUBDIVISION 426 FEET, MORE OR LESS, TO THE WEST LINE OF THE PACIFIC HIGHWAY;  
 THENCE SOUTHERLY ALONG THE WEST LINE OF SAID PACIFIC HIGHWAY TO A POINT 44 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:  
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 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.



**PRELIMINARY BINDING SITE PLAN**  
 CLOCK TOWER SELF STORAGE PHASE II  
 Mill Creek Commons Phase II, LLC  
 A Portion of the SW 1/4 of the NE 1/4 of Section 7,  
 Township 27 North, Range 5 East, W.M.

Revisions	Mark	Date
		07-25-2016

**OWNER AND CONSULTANT LIST**

**OWNER / APPLICANT**  
 Mill Creek Commons Phase II, LLC  
 12214 SE 18TH Place  
 Bellevue, WA 98005  
 Contact : David Lee  
 C: 425-957-1411

**CIVIL / SURVEYOR**  
 Omega Engineering , Inc.  
 2707 Wetmore Ave.  
 Everett, WA 98201  
 Contact : Joseph Smeby, P.E.  
 C: 425-387-3820

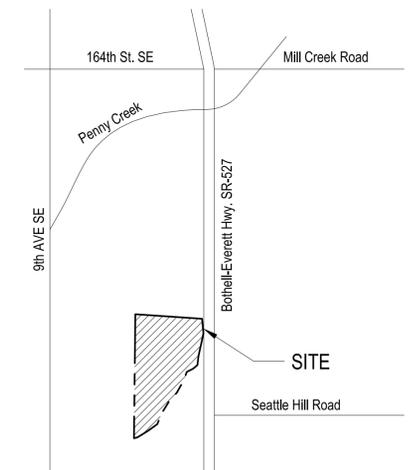
**SURVEYOR**  
 Alpha Subdivision Pros, Inc.  
 4532-B Evergreen Way  
 Everett, WA 98203  
 Contact: Harley Pawley, PLS  
 C: 424-252-1884

**ENVIRONMENTAL CONSULTANT**  
 Talasaea Consultants, Inc.  
 15020 Bear Creek Road NE  
 Woodinville, WA 98077  
 Contact: Ann Olsen  
 Project Ecologist: Jennifer Marriot  
 O: 425-861-7550

**ARCHITECT**  
 Moore Design Associates  
 15504 SE 18TH Street  
 Bellevue, WA 98007  
 Contract: Greg Moore  
 O: 425-941-1040

KEY	OPEN SPACE CALCULATION / LAND AREA
	SITE AREA = 210,067 S.F. = 4.82 AC.
	LOT 1 (PROJECT SITE) = 50,750 SF (1.17 AC)
	IMPERVIOUS AREA = 49,943 SF
	BUILDING "A" = 2,640 SF
	BUILDING "B" = 36,720 SF (3 STORY)
	BUILDING "C" = 8,700 SF
	LANDSCAPE AREA = 5,500 SF
	LANDSCAPING INCLUDES: SERVICEBERRY, HINOKI CYPRESS, KOUSA DOGWOOD, RED-OSIER DOGWOOD, NANDINA, OREGON GRAPE, ORNAMENTAL GRASS, DWARF CHERRY LAUREL, SNOWBERRY, VIBURNUM.
	LOT 2 (CRITICAL AREA TRACT) = 154,429 SF (3.54 ACRES)

PARKING CALCULATION
AS PER MCMC SECTION 17.27.020 SECTION D NON RESIDENTIAL #19. 1: 50 UNITS (& 1 PER 300 S.F. OFFICE DOES NOT APPLY)
TOTAL PROJECTED # UNITS = 480 480/50 = 10 STALLS REQUIRED. 30 STALLS PROVIDED.
TOTAL PARKING LOT AREA: 26,823 SF



**Vicinity Map**  
 SCALE: N.T.S.

## Exhibit 1c 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:

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

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SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

## Exhibit 1d Contents of Project File

### MILL CREEK COMMONS PHASE II (PL2016-0013)

The following documents will be officially entered into the record at the Hearing Examiner Public Hearing on September 28, 2016. The staff report was posted on the City of Mill Creek website on September 14, 2016, along with and many documents contained in the project file. 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 September 28, 2016. a) Vicinity Map b) Binding Site Plan c) Legal Description d) Contents of Project File
2	Land Use Application, submitted June 10, 2016
3	Owner's Letter of Authorization, dated June 10, 2016
4	Project Narrative, submitted June 14, 2016
5	Title Report, dated May 11, 2016
6	Water and Sewer Availability from Alderwood Water and Wastewater District dated April 7, 2016
7	Preliminary Landscape Plan (Sheet L1.1), submitted August 4, 2016
8	Tree Retention Plan, submitted June 10, 2016
9	Critical Area Study and Conceptual Mitigation Plan, from Talasaea Consultants, submitted June 4, 2016
10	Drainage Report from Joseph M. Smeby, dated June 2016
11	Traffic Report from Gibson Traffic Consultants, dated June 2016
12	Geotechnical Report from The Riley Group, Inc., submitted June 10, 2016
13	Preliminary Grading and Drainage Plans (Sheets 1-3), submitted August 4, 2016
14	Letter of Completeness, issued June 20, 2016
15	Notice of Development Application, published June 22, 2016, and affidavit of publication and posting

16	Exhibit 16 –Technical Review Committee Comments Letter, dated July 18, 2016, with attachments including : Critical Area Study and Conceptual Mitigation Plan Review by ESA, dated July 7, 2016, and Snohomish County Fire Districts 3 & 7 Memorandum, dated July 18, 2016
17	SEPA Checklist, submitted June 5, 2016
18	Mitigated Determination of Non-Significance (MDNS), issued August 17, 2016
19	Public Hearing Notice with Affidavit of Publishing and Posting
20	Staff's PowerPoint Presentation
21	Comments from Muckleshoot Tribe, in response to MDNS, dated 8/30/16
22	
23	

Yellow Highlight Indicates Exhibits Submitted during the Public Hearing

**From:** Karen Walter <KWalter@muckleshoot.nsn.us>  
**Sent:** Tuesday, August 30, 2016 1:39 PM  
**To:** Christi Amrine  
**Cc:** Reinbold, Stewart G (DFW)  
**Subject:** Mill Creek Commons Phase II,  
**Attachments:** MDNS Mill Creek Commons Phase II, LLC.pdf

Christi,

We have reviewed the proposed Mill Creek Commons Phase II ( storage) project referenced above. We offer the following comments in the interest of protecting and restoring the Tribe's treaty-protected fisheries resources.

1. Can we get a copy of the full Critical Areas Report? The City's website only has the project impacts/mitigation drawing showing for this attachment.
2. Sheet W1.1 "Critical Areas Mitigation Plan" indicates that 3,902 square feet of buffer will be replaced, not 4,095 as indicated in the "Elements of the Environment Impacted by this Action and Mitigation Measures" document (see page 4). Please clarify which number is correct.
3. With respect to the stream buffer impacts, these areas as shown (Sheet W1.1) show several existing trees, at least 16, that will be removed. From the data in the Tree Retention Plan (Attachment 7), all of these trees are at least 4 inches in diameter (i.e. most are 8 inches in diameter and greater) and within 200 feet of Nickel Creek, a known salmon-bearing water. These trees could otherwise be a source of in-stream wood necessary for salmon habitat. Nickel Creek currently lacks wood and pools (see Table A-2 from Snohomish County Aquatic Habitat Assessment Report 2002; <http://snohomishcountywa.gov/DocumentCenter/View/14235>). The permanent removal of these trees, many of which are 20" to 36" Douglas Fir trees, will create a loss of wood source material necessary to create and sustain salmon habitat that needs mitigation.

It should be noted that WSDOT determined in 2015 that the upstream culvert on SR 527 to be at least a partial barrier because of debris build-up at the inlet which indicates that wood from upstream is not able to pass through this culvert to the downstream project site.

As a result of the existing conditions and the proposed project, we recommend that any native trees that is 4 inches in diameter and within 200 feet of Nickel Creek (based on the mature tree height of the site) be placed back into Nickel Creek as partial mitigation for the permanent loss of these trees and future wood recruitment functions.

We appreciate the opportunity to review this proposal and look forward to the City's responses.

Thank you,  
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