

EXHIBIT 1
DEPARTMENT OF PUBLIC WORKS AND DEVELOPMENT SERVICES
STAFF REPORT
TO THE CITY OF MILL CREEK HEARING EXAMINER

PART I - SUMMARY INFORMATION

HEARING DATE: October 10, 2018

NAME OF PROJECT: Cubes Self-Storage, Binding Site Plan
File No. PL2018-0013

APPLICANT: PacLand - Seattle
1505 Westlake Avenue North, Suite 305
Seattle, Washington 98109

DEVELOPER: David Pruin – Gramor Development Washington, LLC
950 North 72nd Street, Suite 100
Seattle, Washington 98103

LOCATION: The site is located at 17414 Bothell-Everett Highway, Mill Creek, Washington 98012. See **Exhibit 1a – Vicinity Map.**

REQUESTED ACTION: The Binding Site Plan application proposes the construction of a 90,425 square foot, three-story self-storage facility with associated parking, utility infrastructure, landscaping, stormwater facilities, and frontage improvements on a 3.60 acre parcel. Wetland buffer encroachments are being proposed for the on-site wetland, consistent with the Reasonable Use Exception provisions of MCMC 18.06.430. The project proposes a combination of wetland enhancement and buffer restoration and enhancement to compensate for the proposed buffer encroachment.

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 29, 2018, 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. **Exhibit 18 - MDNS and Notice of Property Development Impact Mitigation.** 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, transportation and public services (fire protection). The comment and appeal period expired on September 12, 2018, and no comments or appeals were received. The SEPA conditions have been incorporated in the recommended Conditions of Approval, contained in Part V of this report.

INTERJURISDICTIONAL AGREEMENTS:

The City has adopted an interlocal agreement with Snohomish County Fire Protection District No. 7 regarding the 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 26, 2018, directly to property owners of record within 500 feet of the proposed project and posted on the site on September 26, 2018. Notice of the public hearing was published in the Everett Herald on September 28, 2018. (See the project file for **Exhibit 19 - Affidavits of Publishing, Posting and Mailing for Public Hearing.**) All legal requirements for public notice have been satisfied.

PART III - BACKGROUND INFORMATION

EXISTING SITE CHARACTERISTICS:

The subject site is approximately 3.6 acres in size and the eastern portion of the site is currently occupied by a nursery/garden center, “Li'l Sprout Nursery,” which is comprised of multiple greenhouse structures. As a part of the proposed project the existing nursery will be demolished. The balance of the site to the west includes a wetland (Wetland A); dilapidated and abandoned structures; and vegetation comprised of native and invasive plant species. The on-site portion of Wetland A is 36,733 square feet. Wetland A extends off-site to the west and is part of a larger wetland complex associated with North Creek.

The site gradually slopes from east to west across the eastern portion of the site containing the existing buildings and parking area with grades varying from 2% to 5%. The western portion of the site containing the critical areas and buffer slopes steeply to the west with grades varying from 25% to 50%.

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 (BP)* and is occupied by a single-family detached residential dwelling.
- ❑ The property to the west is within unincorporated Snohomish County and is a part of the North Creek Park and Water Retention Facility and is zoned *Forestry and Recreation (FR)*.
- ❑ The property to the south is zoned *Business and Industrial Park (BP)* and is currently under construction as a 10,000 square foot commercial daycare and children's learning facility (The Learning Experience).
- ❑ The properties to the east across SR 527 are located in unincorporated Snohomish County, are zoned *Multiple Residential (MR)* and are developed with The Mill Terrace and Fir Hollow condominiums.



OTHER AGENCIES WITH JURISDICTION:

The proposed development is within the Alderwood Water and Wastewater District and 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 an interlocal agreement with Snohomish County Fire Protection District No. 7 regarding the review, comment, and imposition of appropriate mitigation and conditions on development proposed within the City.

Bothell-Everett Highway (SR 257) is a state highway 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 the Bothell-Everett Highway, including the 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), the Washington State Department of Ecology, Fire District No. 7, the 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.

Site Development Design

General Description:

The proposed self-storage facility is permitted as a principal use in the Business and Industrial Park zone district. The site design includes development of approximately 1.84 acres of the 3.6 acre site. Consistent with the MCMC, a meandering sidewalk is proposed within the roadway buffer, which shall conform to ADA and building code requirements for pedestrian safety.

The proposed site design has been reviewed for consistency with the Site Design Objectives of MCMC Chapter 17.34. As illustrated in the development regulations matrix included later in the staff report, staff has determined that the development is consistent with City requirements.

Critical Areas:

A Critical Areas Report and Detailed Conceptual Mitigation Plan prepared by Talasaea Consultants, Inc., dated May 31, 2018, and amended August 10, 2018, was submitted and

reviewed by the City, see **Exhibit 12**. One wetland has been identified on the site (Wetland A), which extends off site to the west, north and south. The on-site portion of Wetland A is approximately 36,733 square feet, and contains forested vegetation, emergent vegetation and invasive species. Wetland A was rated on May 17, 2017, by Sound Ecological Endeavors, pursuant to the requirements of MCMC 18.06.910 and classified as a Category II wetland. Wetland buffers are determined based on the wetland rating and proposed land use intensity. The use proposed adjacent to the wetland is the detention facility, which is considered to be a low-impact use. Category II wetlands with a low impact land use have a 100-foot buffer.

The proposed project will reduce the developed footprint of the site from 2.46 acres to 1.84 acres. The buffer for Wetland A is heavily disturbed with pre-existing non-conforming structures, as well as cleared areas and an access road. There is little native vegetation present throughout the wetland buffer. The project proposes a combination of wetland enhancement and buffer restoration and enhancement to compensate for the proposed buffer encroachment. The mitigation efforts will improve the buffer functions and values from the existing condition. A wetland Mitigation Plan prepared by Talasaea Consultants will be implemented as part of the Project. The proposed mitigation will result in a net gain in critical area functions and values compared to existing conditions. The site has been engineered to minimize impacts to critical areas to the greatest extent practicable. No direct impacts to Wetland A are proposed.

The City's wetland consultant, ESA, has reviewed the development plans, including the Critical Areas Report and Conceptual Mitigation Plan, and has determined that the proposal as conditioned is consistent with the City's environmental regulations see **Exhibit 17 – ESA Review Memorandum, dated August 29, 2018**, which is contained in the project file.

Reasonable Use Exception:

The applicant has applied for a Reasonable Use Exception, pursuant to MCMC Section 18.06.430, stating that the right-of-way dedication along SR 527, the required 35-foot roadway buffer, and the Category II wetland (Wetland A) and its corresponding 100-foot buffer result in remnant tract too small and oddly shaped to derive reasonable economic use of the property.

MCMC 18.06.430 states that an exception may be considered by the hearing examiner if application of Chapter 18.06 would deny all reasonable use of the subject property.

Reasonable Use - In considering what constitutes a reasonable use for a property, there is no prescribed mathematical formula in City Code. In addition, the City Code does not state that only the minimal amount of code relief be granted. As a result, there is flexibility in the Code and reasonable use recommendations to the Hearing Examiner are made by staff on a case-by-case basis using several factors, including:

- The existing use of the property, including the amount of existing development, the existing condition of the critical area and the buffer, and the opportunity to improve the condition, and
- Logical land features on the site that support land uses consistent with the City Code.

The subject property's use is a retail nursery and the property is legal-nonconforming in respect to providing a buffer between the developed areas and the critical area. Redevelopment of the site in a manner that will incorporate current surface water detention and treatment standards and bring the buffer width and quality closer to prescriptive standards are in the public interest. The

project as proposed would reduce the developed footprint of the site from 2.46 acres to 1.84 acres and increase the quality of the habitat within the buffer. The project as proposed exceeds the buffer requirements in terms of square feet of buffer provided. However, the exception is necessary because, the wetland on the property south of the proposed development juts to the east, making buffer averaging not practical because of the 50-foot minimum dimension requirement.

The proposed development primarily utilizes the impervious footprint on the upper tier of the existing development, which is generally at the same grade as the existing parking lot. The new development is not proposed on the portion of the site that slopes steeply towards the wetland. The top tier of the site seems to be the reasonable area for redevelopment of the site.

Reasonable Use Approval Criteria –To approve a reasonable use exception, the Hearing Examiner must find that the proposed project meets the following criteria:

- A. The proposed activity will result in minimal alteration of existing contours, vegetation, fish and wildlife resources, hydrological conditions, and geologic conditions and will have a minimal effect on critical area functions;

There is no grading proposed within the Category II wetland identified in the critical areas report. Due to the dilapidated condition of buildings and invasive nature of the plant material/vegetation within the buffer area, clearing and grading will take place as part of the buffer restoration and enhancement plan. Grades will generally be maintained in the portion of the property that includes the self-storage building and associated parking. The project design includes measures to improve water quality and quantity control (detention) so that fish and wildlife resources as well as hydrological conditions will not be impacted. Full dispersion of stormwater to the wetland will ensure that it is continuously charged. Habitat conditions will be improved by removing structures in disrepair along with invasive plant species. Geologic conditions will remain generally consistent with the current condition. In summary, critical area functions will improve as result of the project.

- B. The proposed activity will not jeopardize the continued existence of endangered, threatened, sensitive, or monitored species as listed by the federal or state government;

There are no known endangered, threatened, sensitive or monitored species living onsite in the development area. Listed salmonid species are known to use North Creek, which is off-site to the west and is associated with the greater wetland complex of which the on-site wetland is a part. However, the proposed development will result in an improvement to water quality, which will have a positive long-term impact for salmonids using North Creek.

- C. The proposed activity will not cause material degradation of habitat, groundwater or surface water quality;

Habitat will be improved by implementing the buffer enhancement and restoration plan. It is not anticipated that groundwater will be impacted by the project and surface water generated from the pollution generating impervious surfaces and landscape areas will be treated (enhanced water quality treatment) per the 2012 Washington State Department of

Ecology Stormwater Manual for Western Washington, as amended in 2014 (2014 SMMWW). A proprietary enhanced water quality treatment structure will be constructed downstream of the surface detention pond prior to outfall into the wetland buffer area via a dispersion trench.

- D. The proposed activity will comply with all local, state, and general laws, including those related to environmental protection, sediment control, pollution control, floodplain restriction, and on-site wastewater disposal;

Development activity will comply with the MCMC for commercial construction, stormwater management, and temporary erosion control as well as the Washington State Department of Ecology Stormwater Manual for Western Washington. This includes implementation of a Stormwater Pollution Prevention Plan (SWPPP) and applicable Best Management Practices (BMPs) during design and construction for surface water run-off and sediment and pollution control. Impacts to the floodplain are not anticipated. An existing septic system will be decommissioned as part of the project and public sewer service will be extended to serve the project. The wetland and buffer will be placed within a separate tract to preserve the wetland and buffer from development in perpetuity.

- E. There will be no damage to public or private property and no threat to the health or safety of people on or off the site; and

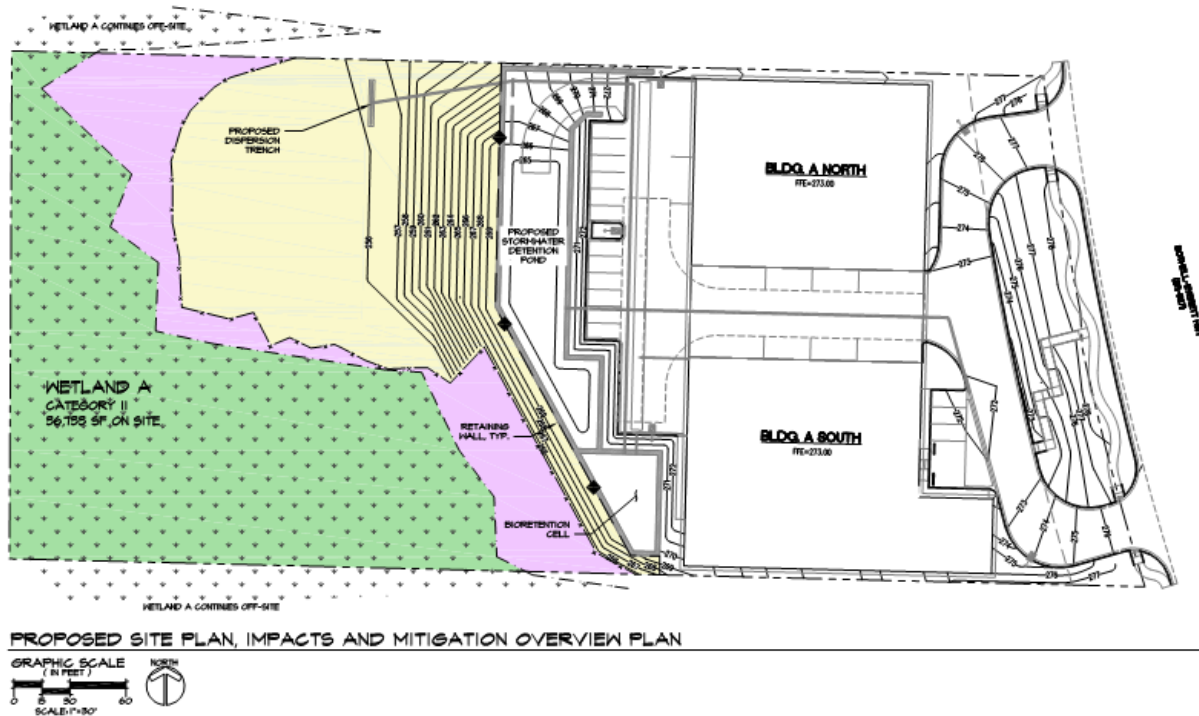
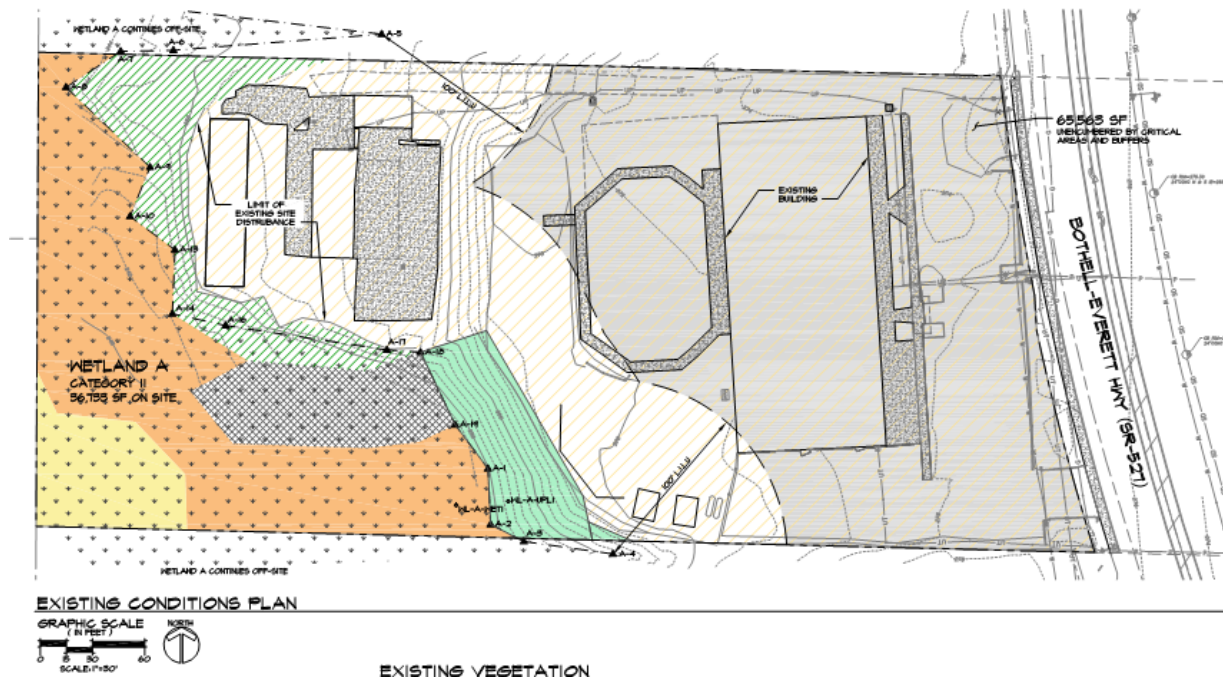
The project will be designed and constructed in accordance with the MCMC as well as all other relevant building codes. In fact, the removal of the dilapidated buildings and debris will improve the safety of the site and conditions. Therefore, no threat to the health or safety of people on or off the site is anticipated.

- F. The inability to derive reasonable economic use of the property is not the result of actions by the applicant in segregating or dividing the property and/or creating or adding to the undevelopable condition.

The applicant has not segregated or divided the property to create or add to the undevelopable condition of the subject site.

In November of 2017, prior to the application being submitted, the City's wetland biologist, ESA, reviewed the site to render a professional opinion on whether the proposed use/site plan would be consistent with the reasonable use provisions in the MCMC (see **Exhibit 17, ESA Memorandum, dated November 17, 2017**). ESA determined that if the proposed development was located within the footprint of the existing nursery and if the buffer was restored and enhanced to adequately protect the function and values of the North Creek wetland, the proposal would be in compliance with MCMC Chapter 18.06, including the criteria listed above.

Existing conditions and proposed condition of the site are illustrated below. The City's wetland consultant has determined that proposed project including the restoration of the buffer and the use of current surface water facilities will result in a net gain in critical area functions and values compared to existing conditions. Staff is supportive of granting the Reasonable Use Exception.



Access:

Vehicular access will be from the Bothell-Everett Highway. The location of the two existing driveway approaches will be maintained to ensure adequate access for fire protection services and large vehicles (moving vans). As mentioned above, the City is responsible for approving the location of access points, while WSDOT is responsible for the traffic operations, turn movement restrictions or channelization changes. Based on Fire District 7's assessment stating that the site would likely not meet Fire Code requirements without both access points, the City supports maintaining the two access points. As proposed, vehicle access through the site will have turning radii large enough to accommodate large trucks and emergency vehicles.

Utilities:

Water service will be provided by Alderwood Water and Wastewater District (District) and will be tapped into the existing water main located along the western side of SR 527. The project will require a new sanitary sewer main to be constructed along the east side of the subject property and extended north for future connections. The developer is working with the District to finalize a Development Agreement for the proposed improvements and connections.

Parking:

In accordance with MCMC Section 17.27.020, Off Street Parking, self-storage warehouses shall have one space for each 50 storage units plus one space for each 300 square feet of office space. Based on the 600 proposed storage units and 1,200 square feet of office, 16 parking spaces are required. The project includes 16 standard parking stalls, one van accessible stall directly in front of the main office, and 12 temporary loading stalls.

Tree Preservation:

MCMC 17.34.040.A.3 requires the preservation of existing significant tree stands and significant individual trees, to the greatest extent feasible. There are two healthy Douglas fir growing on the parcel to the north of the project area very close to the northern property boundary that could be impacted by construction. As a Condition of Approval, these trees will require protection during construction. In addition, there are four healthy Western Red Cedar in the northwest corner of the wetland buffer area that will require protection from impacts during the buffer restoration.

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 along with the monument sign design are required to comply with the Design Standards contained in MCMC Chapter 17.34. The applicant is required to submit the building elevations, landscaping, and monument sign design to the City's Design Review Board for review for consistency with MCMC Chapter 17.34 and approval prior to approval of the final construction documents, which include final grading and utilities plan, final erosion control, final stormwater management plan, final drainage report, and final critical areas report and wetland mitigation plan.

Landscaping:

Landscaping is proposed: 1) along the front elevation and the north and south elevations of the building, 2) within the parking area and along the perimeter of the parking lot, 3) along the site's frontage and within the SR 527 right-of-way. See **Exhibit 7 - Preliminary Landscape Plan**.

MCMC 17.34.040.H.2 states that, "Where parking lot design results in head-in parking adjacent to landscape areas, the landscape areas shall be protected by wheel stops or another method adequate to prevent damage by overhanging vehicles." 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 within the Critical Areas Study, which is contained in the project file.

Stormwater Facilities:

Stormwater runoff generated from the proposed improvements will generally maintain the existing/historic drainage patterns. The paved parking areas onsite have been designed to allow runoff to sheet flow to curb and gutters and then flow to catch basin inlets. The stormwater is then conveyed via underground storm piping to a stormwater detention pond. A flow control structure has been designed to control release rates. Downstream of the detention pond and flow control structure, a proprietary water quality treatment structure (enhanced treatment) will treat the runoff prior to being conveyed to the dispersion trench and ultimately into the wetland buffer. The stormwater runoff generated from the building roof area is conveyed to a gravel infiltration trench and then to a small infiltration pond. Runoff that is not infiltrated will be conveyed to a flow control structure, which will control stormwater runoff as it discharges from the pond. Stormwater from both the detention and infiltration pond is conveyed to a dispersion trench prior to outfall into the wetland buffer. The new drainage system for the proposed development is required to be designed in accordance with the Washington State Department of Ecology's 2012 Stormwater Management Manual for Western Washington (SMMWW), as amended in 2014.

As a Condition of Approval, the applicant will be required to submit a final Stormwater Management Plan (MCMC Chapter 15.14) during the civil plan review phase and the final system design and drainage details will be addressed at that time. The maintenance of the drainage system will be the responsibility of the property owner in accordance with the Mill Creek Municipal Code.

Transportation:

The applicant has submitted a revised **Traffic Impact Analysis dated August 2018 prepared by Heath and Associates**, which is contained in the project file. The designated land uses studied for the site were defined as Nursery (Garden Center – LUC 817) for the existing use and Mini-Warehouse (LUC 151) for the proposed use. The Cubes Self-Storage project proposes to remove an existing nursery-garden center (2.46 developed acres) and replace it with a 90,425 square foot mini-warehouse. On a daily basis an estimated 116 trips would be removed from the site. The AM peak hour would see an increase of 3 trips and the critical PM peak hour would see a reduction of 3 trips. The City's traffic mitigation is based on PM peak hour trips and given the decrease in PM peak hour trips, no traffic mitigation is required.

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 90,425 square foot structure, which results in a commercial EDU of 37.68 x \$365, resulting in mitigation fees totaling \$13,753.20. The developer shall pay \$13,753.20 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 **Fire District Comments, dated September 25, 2018**, 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 mentioned above, because of the decrease in PM peak hour trips, no traffic mitigation is 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 \$13,753.20 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.

DEVELOPMENT REGULATIONS	
CODE SECTION	STAFF ANALYSIS
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.	As a Condition of Approval the project is required to install public improvements associated with this project.
Business and Industrial Park (BP) Zone 17.20.035 Review requirements. 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.

DEVELOPMENT REGULATIONS	
CODE SECTION	STAFF ANALYSIS
17.20.060 Maximum height. The maximum height in the BP zone shall be 50 feet.	Based on past Cubes Self-Storage projects, the building height is anticipated to be approximately 48-feet, which is less than the maximum 50-foot height allowed.
<p>17.20.050 Setbacks.</p> <p>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>	The project site is not adjacent to a residential or commercial zone. The narrowest setback proposed is five feet on the north and south sides of the building, which complies with the setbacks in the BP zone.
17.20.055 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 along SR 527. Prior to approval of the Civil Plans the applicant will need approval from WSDOT to install lawn and a meandering sidewalk within the right-of-way along the sites frontage. As proposed and conditioned, the project is consistent with the Comprehensive Plan Streetscape Element.
17.20.090 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.
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.	The proposal is providing landscaping and a roadway buffer consistent with this requirement. Landscaping is subject to review and approval of the Design Review Board (DRB). A Tree Retention Plan is provided in the project file.

DEVELOPMENT REGULATIONS

CODE SECTION	STAFF ANALYSIS
<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 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. The minimum width of a roadway buffer/cutting preserve adjacent to commercial uses is 35 feet.</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 Business Park 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. D. The applicant is providing the required 35 foot Roadway Buffer along SR 527.

DEVELOPMENT REGULATIONS

CODE SECTION	STAFF ANALYSIS
<p>17.34.040 A 1-8. Site Design. The following applicable 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) Open stormwater facilities visible from public areas shall be designed as amenities. 5) 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"> - Pedestrian access is provided across the site via the meandering sidewalk in the roadway buffer, with a connection to the building entry. - A majority of the parking is provided behind the buildings, which ensures there isn't the appearance of domination by automobiles. - Retaining existing native vegetation and trees is proposed to the greatest extent possible; however, there only four significant trees in the northwest corner of the wetland buffer and two on the adjacent property to the north that can be preserved. These trees will be protected during construction. - The stormwater facilities are not visible from the public right-of-way. - Not applicable - No dumpster is proposed. The applicant does not anticipate a need for a dumpster and intends to use trash collection cans.

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 elevations, 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 Section 4.18.020.

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 proposed meandering sidewalk and lawn within the SR 527 right-of-way shall be reviewed and approved by WSDOT prior to installation.
8. The developer shall provide a secured performance bond equal to 125 percent of the cost of labor and materials to install the landscaping, in accordance with MCMC Section 16.16.040, posted prior to the issuance of the first building permit.
9. The developer shall install wheel stops or another suitable mechanism to protect the landscaping.
10. Once the developer has fulfilled the obligations of the landscape performance bond, the applicant shall enter into a two-year maintenance bond equal in value to not less than 15 percent of the original bond amount for the approved and installed landscaping in accordance with MCMC Section 16.16.090.

Protection of Critical Areas:

11. The wetland and its associated buffer shall be placed in a separate tract and shall be designated as a Native Growth Protection Area (NGPA) 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. Prior to commencing construction activity, the edge of the wetland buffer (western edge of proposed site improvements) shall be clearly staked, flagged and protected with fencing. 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 NGPA tract being created 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. Pursuant to MCMC Section 15.10.045.A, barrier fencing shall be placed around the drip lines of the trees to be retained 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 Director of Public Works and Development Services prior to any clearing or grading work on the site.
17. The applicant shall provide a pedestrian connection from the walkway along SR 527 to the interior of the site as shown on the site plan.
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 2012 Department of Ecology Stormwater Management Manual for Western Washington as amended in 2014.
 - A. Final drainage plans shall be submitted to the Director of Public Works and Development Services for review and approval.
 - B. A Stormwater Pollution Prevention Plan (SWPPP) shall be prepared to address the 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 Director of Public Works and Development Services 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 Director of Public Works and Development Services.
 - 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. In accordance with the Interlocal Agreement between the City of Mill Creek and Snohomish County Fire District No. 7, payment of mitigation fees totaling \$15,753.20 to the City of Mill Creek is required to offset impacts for the proposal prior to building permit issuance.

Fire District Requirements:

21. Fire hydrants shall be provided to serve the development. Placement of the hydrants and fire flow capacity are subject to review and approval by Fire District No. 7.
22. The applicant shall provide a water availability letter from the water purveyor to the City indicating that the required fire flow is available on site.
23. The project requires fire sprinkler protection, and a fire alarm system, each meeting the specifications of the fire code and the applicable NFPA standards. The FDC is required to be located remotely, within 50 feet of a fire hydrant, and is acceptable where proposed.
24. Combustible building materials shall not be brought onto the site until approved firefighting water is available and an all-weather roadway surface capable of supporting fire apparatus is provided.
25. The property address shall be clearly marked at the site during all site and building construction and on the building after construction with a minimum 6" numbers using a 3/4" stroke width on a contrasting background.

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

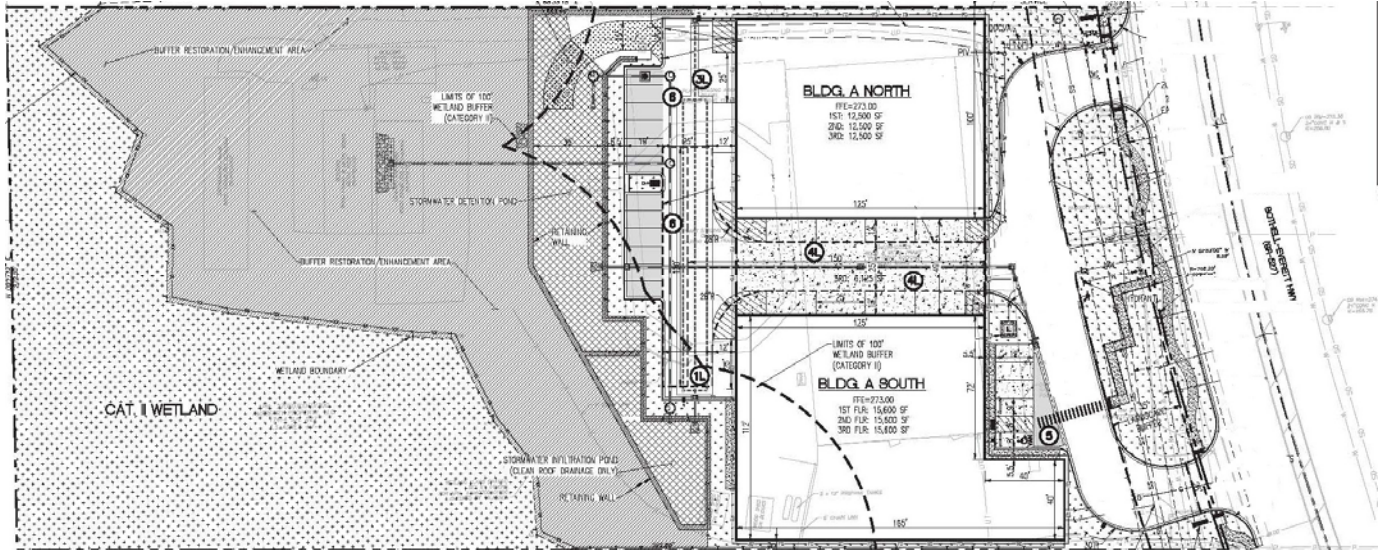


Exhibit 1c

Legal Description

LEGAL DESCRIPTION

(PER FIDELITY NATIONAL TITLE INSURANCE COMPANY ESCROW NO. 20375847-410-MP2 DATED OCTOBER 24, 2017)

PARCEL A:

THAT PORTION OF THE NORTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 27 NORTH, RANGE 5 EAST, W.M., IN SNOHOMISH COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE NORTH ALONG THE WEST LINE THEREOF 272 FEET; THENCE EAST PARALLEL TO THE SOUTH LINE OF SAID SUBDIVISION TO THE WESTERLY MARGIN OF PACIFIC HIGHWAY; THENCE SOUTHEASTERLY ALONG SAID WESTERLY MARGIN TO THE SOUTH LINE OF SAID NORTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE WEST ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING;

EXCEPT THAT PORTION CONVEYED TO THE STATE OF WASHINGTON UNDER RECORDING NUMBER 9207130651.

PARCEL B:

THAT PORTION OF THE FOLLOWING DESCRIBED PARCEL X LYING WESTERLY OF A LINE BEGINNING AT A POINT OPPOSITE HIGHWAY ENGINEER'S STATION (HEREINAFTER REFERRED TO AS HES) 238+89.38 ON THE SR 527 LINE SURVEY OF SR 527, 15TH AVE. S.E. VIC. TO 164TH ST. S.E. VIC. AND 42 FEET WESTERLY THEREFROM; THENCE NORTHERLY ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 746.2 FEET TO A POINT OPPOSITE HES 242+07.57 ON SAID LINE SURVEY AND 60.56 FEET WESTERLY THEREFROM; THENCE EASTERLY TO A POINT OPPOSITE HES 242+03.49 ON SAID LINE SURVEY AND 48 FEET WESTERLY THEREFROM; THENCE NORTHWESTERLY PARALLEL WITH SAID LINE SURVEY TO A POINT OPPOSITE HES 243+30.00; THENCE NORTHERLY ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 746.2 FEET TO A POINT OPPOSITE HES 243+40.90 ON SAID LINE SURVEY AND 46.36 FEET WESTERLY THEREFROM; THENCE NORTHERLY TO A POINT OPPOSITE HES 243+49.51 ON SAID LINE SURVEY AND 45 FEET WESTERLY THEREFROM; THENCE NORTHERLY PARALLEL WITH SAID LINE SURVEY TO A POINT OPPOSITE HES 245+80 AND THE END OF THIS LINE DESCRIPTION.

PARCEL X:

THAT PORTION OF THE SOUTH 272 FEET OF THE NORTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 27 NORTH, RANGE 5 EAST, W.M., IN SNOHOMISH COUNTY, WASHINGTON LYING WITHIN THE RIGHT OF WAY OF STATE ROUTE 527 AS IT EXISTED PRIOR TO SEPTEMBER 13, 1991;

ALL SITUATE IN THE CITY OF MILL CREEK, COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

Exhibit 1d Contents of Project File

CUBES SELF-STORAGE (PL2018-0013)

The following documents will be officially entered into the record at the Hearing Examiner Public Hearing on October 10, 2018. The staff report was posted on the City of Mill Creek website on September 28, 2018, along with the noted Exhibits. All other documents are available for review in the project file at City Hall North, 15720 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 4, 2018
3	Owner's Letter of Authorization, dated June 1, 2018
4	Revised Project Narrative, submitted August 10, 2018
5	Title Report, dated May 15, 2018
6	Tree Retention Plan, dated May 24, 2018
7	Preliminary Landscape Plan (Sheets L1-0 through L1-3), dated August 10, 2018
8	Revised Geotechnical Report from Associate Earth Sciences, Inc., dated August 10, 2018
9	Traffic Report from Heath & Associates, Inc. updated August 2018
10	Water and Sewer Availability Letter from Alderwood Water and Sewer District dated December 13, 2017
11	Revised Preliminary Technical Information Report by PacLand, dated August 2018
12	Revised Critical Area Study, dated August 10, 2018
13	Revised Preliminary Grading and Drainage Plans, dated August 20, 2018
14	Notice of Development Application, affidavit of publication and posting dated July 5, 2018

15	Completeness Letter dated July 2, 2018
16	Technical Review Committee Comments Letter dated December 12, 2017
17	City's Wetland Review by ESA dated November 16, 2017, July 20, 2018 and August 29, 2018
18	Mitigated Determination of Non-Significance (MDNS), issued August 29, 2018
19	Public Hearing Notice with Affidavit of Publishing and Posting dated September 26, 2018
20	City's Engineering Review by Pertect, dated July 13, 2018 and PacLand's Response, dated August 10, 2018
21	Staff's PowerPoint Presentation dated October 10, 2018
22	
23	

Yellow Highlight Indicates Exhibits Submitted during the Public Hearing