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Exhibit 17

memorandum

date	July 20, 2018
to	Tom Rogers, City of Mill Creek
from	Jessica Redman, Associate Biologist
subject	Cubes Self Storage – Critical Areas Report and Conceptual Mitigation Plan Review

At the request of the City of Mill Creek (City), Environmental Science Associates (ESA) reviewed the *Critical Areas Report and Conceptual Mitigation Plan – Cubes Self Storage*, prepared by Talasaea Consultants, Inc. (dated June 22, 2018, and hereinafter referred to as the Report). The property for the proposed project is a 6.6-acre parcel located at 17414 State Route (SR) 527 in Mill Creek, WA (Snohomish County Parcel 27050700401300). The parcel is currently used as a plant nursery and garden store with parking and several associated outbuildings. The applicant has submitted a formal application of development of an approximately 90,000 square foot (SF), 3-story storage facility (Project). A site plan developed by PacLand (dated June 25, 2018) was also reviewed. The storage facility will consist of two separate buildings (Building A North and Building A South). In addition to the buildings, the Project includes the construction of a driveway, 25 parking spaces, and stormwater improvements including a stormwater detention pond and a bioretention cell. The purpose of this review is to determine if the proposed project complies with Mill Creek Municipal Code (MCMC) Chapter 18.06 – *Environmentally Critical Areas.*

ESA visited this site on April 20, 2016 while reviewing an application for the adjacent site to the south. A second site visit was conducted on November 1, 2017 and was also attended by the applicant and their biologist (Talasaea).

Report Summary

According to the Report, one wetland (Wetland A) occurs onsite. Wetland A is part of the large North Creek wetland complex that extends offsite to the west. Wetland A is a Category II wetland, which requires a 200-foot buffer per Mill Creek Municipal Code (MCMC) 18.06.930. No direct impacts to the wetland are proposed. However, a portion of the proposed development would encroach into the standard 200-foot buffer; the applicant is requesting that the encroachment be permitted under the Reasonable Use provisions of MCMC 18.06.430. With, the exception of the stormwater facilities, the majority of the development will occur in areas of the buffer that have already been impacted by grading and fill to accommodate current and previous uses. In these areas, existing grades will generally be maintained. The proposed stormwater facilities will be located immediately west of the proposed building and parking lot. A dispersion trench would be located downslope of the stormwater

pond, within the wetland buffer. According to the plan sheets, grading will occur in this area to accommodate the facilities.

To offset the impacts to the buffer of Wetland A, the applicant is proposing the following:

- Wetland Enhancement – 36,733 SF of Wetland A will be enhanced through the removal of invasive species and the subsequent planting of native trees and shrubs,

- Buffer Restoration – 27,647 SF of the buffer of Wetland A will be restored through the removal of existing structures, refuse, debris, and invasive species. Generally, this area is the location of the proposed stormwater facilities and will be planted with native shrubs and trees post-construction,

- Buffer Enhancement – 11,889 SF of the buffer of Wetland A will be enhanced through the removal of invasive species and the subsequent planting of native trees and shrubs.

Post-construction the mitigation area will be monitored for a period of five years to ensure goals, objectives, and performance standards are met. Details of the monitoring plan were not included in the Report, and will be submitted in a final mitigation plan at a later date.

Review Comments and Recommendations

Based on the site visits and document review, we have the following comments and recommendations:

- Based on conversations with the City, the City considers stormwater facilities to be a low-impact land use and therefore, the standard buffer width of Wetland A should be 100 feet. We recommend the Report be revised to include a 100-foot buffer. We also recommend the 100-foot buffer be included on Sheets W1.0 through W3.0 and the site plan.

- Page 5 of the Reports states "the design has been completed to meet or exceed the stormwater requirements as required by the City of Mill Creek, which is currently using the *February 2005 DOE Stormwater Management Manual for Western Washington*." However, per MCMC 15.14.060, the City has adopted the *2012 Stormwater Management Manual for Western Washington, as amended in December 2014*. We recommend the Report be revised to include this manual and stormwater facilities be modified as necessary to meet the requirements of the adopted manual.

- We recommend a detailed monitoring plan be developed per MCMC 18.06.630 to ensure mitigation efforts are successful. Monitoring should be performed for a minimum of 5 years and may be extended if the deemed necessary by the director.

- We agree that the proposed development meets the requirements of reasonable use per MCMC 18.06.430. Though some alteration of existing contours will be required to install the stormwater facilities, we believe only the minimum alterations necessary are being proposed to accommodate these facilities. Furthermore, the mitigation proposed would reduce the developed footprint of the site from 2.46 acres to 1.84 acres; remove all structures, trash, and debris, from the buffer; and subsequently plant the buffer and on-site wetland with structurally diverse native vegetation; all which will provide an ecological functional lift to the buffer and increase protection of the wetland.

- We understand from the Project's SEPA Checklist that contaminated fill material and soils are present onsite. We recommend that the wetland be avoided during the removal of the soils and fill material. We also recommend that the hazardous material supervisor is aware of the buffer enhancement work to ensure contaminated soils are properly removed and appropriate soil is brought onsite for the restoration and enhancement work.

Based on our review, we have determined that the *Critical Areas Report and Conceptual Mitigation Plan – Cubes Self Storage* is reasonable with respect to MCMC Chapter 18.06 *–Environmentally Critical Areas*

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memorandum

date	August 29, 2018
to	Tom Rogers and Sherrie Ringstad, City of Mill Creek
from	Jessica Redman, Wetland Ecologist
subject	Cubes Self Storage – Review of Critical Areas Report and Detailed Conceptual Mitigation Plan and the Letter Titled "Cubes Self Storage Project – Response to ESA Comments" dated August 14, 2018.

At the request of the City of Mill Creek (City), Environmental Science Associates (ESA) reviewed the *Critical Areas Report and Conceptual Mitigation Plan – Cubes Self Storage* (dated August 10, 2018) prepared by Talasaea Consultants, Inc. for the property located at 17414 State Route (SR) 527 in Mill Creek, WA (Snohomish County Parcel 27050700401300). The parcel is currently used as a plant nursery and garden store with parking and several associated outbuildings. The applicant has submitted a formal application of development of an approximately 90,000 square foot (SF), 3-story storage facility (Project) with associated infrastructure including a driveway, parking spaces, and stormwater improvements. ESA reviewed a previous version of the Critical Areas Report (dated June 22, 2018). Two site visits were also conducted by ESA on April 20, 2016 and November 1, 2017. Results of ESA's review were presented to the City in the memorandum titled *Cubes Self Storage – Critical Areas Report and Conceptual Mitigation Plan Review* (dated July 20, 2018).

In response to the July 20, 2018 memorandum, Talasaea provided a letter titled *Cubes Self Storage Project – Response to ESA Comments* (dated August 14, 2018) and a revised version of the Critical Areas Report (hereinafter referred to as the Revised Report). The Revised Report also includes a detailed conceptual mitigation plan. After review of these documents, ESA has the following comments and recommendations regarding the revised submittal documents:

- According to Section 7.4.2 of the Revised Report, the downed logs and stumps that are proposed to be incorporated into the restored buffer as habitat features will all be coniferous species (including western red cedar, Douglas fir, western hemlock, and Sitka spruce) and will be obtained from the project site. One habitat feature per every 2,500 square feet is proposed, totaling approximately 18 habitat features within the 0.9-acre restored buffer. However, based on the site description in the Revised Report, as well as observations made during the two site visits, the site has been largely cleared of vegetation for the existing plant nursery and associated outbuildings and parking. The native trees that do exist onsite are primarily deciduous species including black cottonwood and red alder. Some large conifers, including western red cedar and Douglas fir, occur near the wetland edge in the northeast portion of the site. However, these large trees are located away from any proposed developments and should be retained in

the wetland buffer. We recommend the applicant review the availability of large wood on site that can be sufficiently used as habitat features. If key pieces cannot be obtained on site, we recommend the applicant secure large wood from an approved off site location to ensure restoration goals are met.

- According to Section 7.4.3 of the Revised Report, "the mitigation areas are primarily located in existing forested areas within a ravine…therefore, a temporary irrigation system is not anticipated to be needed." However, based on the site descriptions in the Revised Report, as well as observations made during the two site visits, no forested areas or ravines exist on site. Furthermore, because the site has been largely cleared of native vegetation, the mitigation site would be largely exposed and successful plant establishment may require irrigation. We recommend the applicant review the need for irrigation based on existing site conditions.

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memorandum

date November 16, 2017

to Tom Rogers, City of Mill Creek

from Jessica Redman & Margaret Clancy

subject Proposed Development at 17417 State Road 527, Mill Creek, WA

At the request of the City, ESA reviewed the conceptual plans for a potential development at 17416 State Route (SR) 527 in Mill Creek, Washington (Parcel # 27050700401300). The proposed development is a two- to three-story storage facility. A garden center currently exists on the site. The western edge of the project site includes a portion of the North Creek wetland. The North Creek wetland is a Category II wetland, which requires a 200-foot-wide buffer per Mill Creek Municipal Code (MCMC) 18.06.930.B. In addition to the garden center, the site includes several dilapidated buildings, fill, and invasive species, which occupy the wetland buffer. In its current state, the buffer is largely degraded. ESA reviewed the conceptual plan drawing (PacLand, dated September 29, 2017) for compliance with MCMC 18.06 – *Environmentally Critical Areas* and conducted a site visit on November 1, 2017 with the potential applicant and their biologists Bill Shiels and David Teasdale of Talasaea, Inc.

Proposal

Because the buffer covers the majority of the parcel, the potential applicant is considering asking the City to reduce the buffer to 100 feet per requirements in 18.06.930.H.1 *Performance Standards – Wetland Buffer Widths*, which states the director may reduce the width of the standard buffer on a case-by-case basis if "the buffer is adjacent to a critical area that is being significantly restored through a city-approved mitigation plan that has regional benefit to critical area functions as determined by the director." Potential mitigation for the buffer reduction would likely include removal of fill and invasive species from the buffer, and the subsequent planting of native vegetation.

Findings

ESA does not believe the proposal meets the "regional benefit" clause under 18.06.930.H.1. Although restoring the onsite buffer would increase the buffer quality and could improve wetland ecological function, the majority of these benefits would occur at a site-scale, and not produce material benefits at the regional scale.

Alternatively, we believe the proposal is allowed under MCMC 18.06.430 – *Reasonable Use*, which states that an exception to provisions in MCMC 18.06 may be considered by the hearing examiner if application of the code

(i.e., buffer requirements) would deny all reasonable use of the property. In our opinion, development within the footprint of the existing nursery facility would constitute "reasonable use" of the property, therefore the buffer reduction would be allowed.

In addition, MCMC 18.06.930.B – *Performance Standards-Wetland Buffer Widths* presumes "the existence of a relatively intact native vegetation community in the buffer zone adequate to protect wetland functions and values at the time of the proposed activity." Buffers that are not considered to be intact and functioning shall be either increased or enhanced to maintain or improve buffer function. Because existing buffer conditions on the parcel provide little ecological function to the wetland, we recommend that any development, including "reasonable use" development within the footprint of the existing nursery facility, be contingent upon concurrent buffer restoration and enhancement. In other words, the developer would be required to remove the dilapidated buildings, fill, and invasive species and plant native trees and shrubs throughout the buffer to create a relatively intact community of native plant species.

Conclusion

ESA believes the potential development of the parcel would be in compliance of MCMC 18.06 – *Environmentally Critical Areas* if the following occurred:

- The proposed development was located within the footprint of the existing nursery and did not extend further west toward the wetland, thus meeting all requirements under MCMC 18.06.420 – *Reasonable Use*, and
- The buffer outside the footprint of the existing development is restored and enhanced to adequately protect the function and values of the North Creek wetland.