

Exhibit 18

CITY OF MILL CREEK MITIGATED DETERMINATION OF NON-SIGNIFICANCE (MDNS) AND NOTICE OF PROPERTY DEVELOPMENT IMPACT MITIGATION FOR A BINDING SITE PLAN FOR CUBES SELF-STORAGE (CITY FILE PL2018-0013)

The Binding Site Plan application proposes the construction of a 90,425 square foot, three-story self-storage facility with associated parking areas, utility infrastructure, landscaping, stormwater facilities, and frontage improvements on the 3.60 acre parcel (see **Attachment 1 – Site Plan**). The eastern portion of the site is currently occupied by a nursery-garden center while the balance of the site to the west includes a Category II wetland, an access road, buildings in disrepair, and vegetation comprised of native and invasive plant species.

A Reasonable Use Exception is required to accommodate the Project as submitted. Wetland A occupies approximately .84 acres of the site. A right-of-way dedication is anticipated along Bothell-Everett Highway (varies two to five feet in width) to accommodate a 50-foot right-of-way roadway section. The existing Category II wetland and corresponding wetland buffer (100-feet if adjacent to a low impact use such as a stormwater facility) coupled with a 35-foot landscape buffer from the future ROW results in an undevelopable remnant tract (due to both the size and shape) and the inability to derive reasonable economic use of the subject property. The applicant is requesting a Reasonable Use Exemption from the City of Mill Creek pursuant to MCMC Section 18.06.430 to obtain Binding Site Plan and SEPA approval as well as a building permit (see **Attachment 2 - Reasonable Use Narrative**) for a detailed discussion of the project's compliance with the criteria for issuance of a reasonable use exception. While encroachment into the buffer is proposed, the project will result in a significant increase in wetland and buffer functions and values given the existing disturbed condition. A Wetland Mitigation Plan prepared by Talasaea Consultants will be implemented as part of the Project (see **Attachment 3 – Critical Areas Report**).

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

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

PROPERTY OWNER: Amsberry Property, LLC

PROPONENT: PACLAND - Seattle
1505 Westlake Avenue North #305
Seattle, Washington 98109

LOCATION: 17414 Bothell-Everett Highway, Mill Creek, Washington 98012
(See **Attachment 4 – Vicinity Map**)

TAX PARCEL: 27050700401300

**LEGAL
DESCRIPTION:** See **Attachment 5**

LEAD AGENCY: City of Mill Creek

CONTACT PERSON: Sherrie Ringstad, Associate Planner
(425) 921-5717 or sherrier@cityofmillcreek.com

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

The environmental impacts of this proposal are documented in the environmental checklist and other information on file with the City of Mill Creek. In most cases, the enforcement of the City's land use regulations adequately mitigate the impacts of a proposed development. However, there are elements of the environment (Transportation and Fire Service) where City Code and Interlocal Agreement require a case-by-case assessment of a development's impact and a determination of the appropriate mitigation. Below are those mitigation measures being imposed to mitigate impacts on transportation and fire service based on the City's assessment of the application materials:

TRANSPORTATION

Access

The CUBES Self-Storage Mill Creek project proposes to remove an existing 2.46-acre nursery-garden center and replace it with a 90,425 square foot mini-warehouse. Access to the site will be provided by the existing two entrances currently serving the nursery, which shall be coordinated with WSDOT. Two points of access will better serve the proposed use for increased truck maneuverability, emergency service vehicle access and site circulation. The City has reviewed the proposed access configuration and no safety issues have been identified with the continued use of two entrances on the Bothell Everett Highway.

Traffic

The applicant has submitted a Traffic Impact Analysis dated August 2018 prepared by Heath & Associates, Inc. (**Attachment 6**). According to the Traffic Impact Analysis, it is anticipated that 150 total trip movements into and out of the site will occur on a daily basis, with 17 trip movements into and out of the site occurring during the PM weekday peak-hour. The existing use of the site generates 266 total trip movements into and out of the site on a daily basis, with 20 trip movements into and out of the site occurring during the PM weekday peak-hour. 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.

Mitigation Measures:

No traffic impact mitigation measures are required because of the decrease in the impact this project will have compared with the existing use of the site.

PUBLIC SERVICES - FIRE SERVICES:

The City of Mill Creek and Snohomish County Fire District No. 7 have executed an Interlocal Agreement for mitigation of development impacts on fire facilities/services. Mitigation fees are determined by the anticipated impact a development will have on Fire District No. 7 facilities. Based on the provisions of the agreement, the mitigation required is \$365 per equivalent development unit (EDU), which is 2,400 square feet of structure. Based on the applicant's proposal to construct 90,425 square feet (37.68 EDU), of commercial square footage, fire mitigation impact fees are \$13,753.20.

Mitigation Measures:

To mitigate the potential impacts of these activities and based on the provisions of the Interlocal Agreement for mitigation of development impacts on Fire District No. 7 facilities/services, the developer shall pay the City of Mill Creek \$13,753.20 prior to issuance of the building permit.

THRESHOLD DETERMINATION

The lead agency for this proposal has determined that the project, as conditioned, does not have a probable significant adverse impact on the environment. An Environmental Impact Statement is not required under RCW 43.21C.030 (2) (C). This determination assumes compliance with state law, City ordinances related to general environmental protection, and the mitigation measures identified above. This decision was made after review of a completed environmental checklist and other information on file with the lead agency. See **Attachment 7 – SEPA Checklist**. This additional information is available on the City's website:

<https://www.cityofmillcreek.com/cms/One.aspx?portalId=9100937&pageId=13398918>. The Mitigated Determination of Non-Significance and Notice of Property Development Impact Mitigation are specifically conditioned on compliance with the conditions attached hereto, which are incorporated by reference as fully set forth herein.

This Mitigated Determination of Non-Significance is issued under WAC 197-11-340(2); the threshold determination will be deemed final 14 days from issuance. Comments on this MDNS must be submitted by **5:00 p.m., September 12, 2018**.

Responsible Official: Gina Hortillosa, PE, PMP

Title: Director of Planning and Development Services

Address: 15728 Main Street, Mill Creek, Washington 98012

Date: August 29, 2018

Signature:

 8/29/18

In accordance with the provisions of Mill Creek Municipal Code Chapters 3.42, 14.11, and Section 18.04.250, this determination may be appealed to the City Clerk at City Hall, 15728 Main Street, Mill Creek, Washington, no later than 14 days from the date the MDNS and Notice of Property Development Impact Mitigation are issued. To be considered, an appeal of this MDNS must be filed prior to 4:30 p.m., **September 12, 2018**, by submitting a written statement to the City Clerk requesting an appeal, together with appropriate fees. The written statement shall meet the requirements set forth in MCMC Section 14.11.050.

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

Attachment 1 – Proposed Binding Site Plan

Attachment 2 – Reasonable Use Narrative

Attachment 3 – Critical Areas Report, dated August 2018

Attachment 4 – Vicinity Map

Attachment 5 – Legal Description

Attachment 6 – Traffic Impact Analysis, dated August 2018

Attachment 7 – SEPA Checklist

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