

CITY OF MILL CREEK
DETERMINATION OF NON-SIGNIFICANCE (DNS)
AMENDMENTS TO MILL CREEK MUNICIPAL CODE
(MCMC) CRITICAL AREAS REGULATIONS

DESCRIPTION OF PROPOSAL: The City is updating its critical areas regulations as required by the Growth Management Act. This proposal would amend Chapters 17.32 and 18.06 MCMC to comply with best available science and regulatory guidance.

PROPONENT: City of Mill Creek
Department of Community Development
15728 Main St
Mill Creek, WA 98012

LOCATION: Citywide; this is a non-project action

LEAD AGENCY: City of Mill Creek

The lead agency for this proposal has determined that it does not have a probable significant adverse environmental impact. Thus, an Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). The SEPA checklist and supporting information is available to the public on request by emailing justin.horn@millcreekwa.gov.

COMMENTS: This DNS is issued under WAC 197-11-340(2); the Lead Agency will not act on this proposal for 14 days from the issuance date below. Comments must be submitted by **December 30, 2025**.

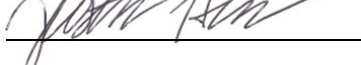
APPEALS: The City does not provide an administrative appeal of a SEPA decision on a non-project action. A judicial or quasi-judicial SEPA appeal for a non-project action is allowed and may be made only in conjunction with the judicial or quasi-judicial appeal of a final decision of the City Council on the underlying non-project action. To have standing for such an appeal, an appellant must be an interested party in the underlying non-project action and must have participated in the administrative SEPA process by submitting oral or written comments pertaining to the SEPA action being appealed during the applicable SEPA comment period, or in connection with any open record hearing on the non-project action (see MCMC 18.04.240(D)).

RESPONSIBLE OFFICIAL: Justin Horn

POSITION/TITLE: Planner **PHONE:** 425-921-5727

ADDRESS: 15728 Main Street, Mill Creek, WA 98012

DATE: December 16, 2025

SIGNATURE: 

Please contact Justin Horn, Planner, at 425-921-5727 or justin.horn@millcreekwa.gov for more information regarding this DNS.

SEPA¹ Environmental Checklist

Purpose of checklist

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization, or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. **You may use “not applicable” or “does not apply” only when you can explain why it does not apply and not when the answer is unknown.** You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to **all parts of your proposal**, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for lead agencies

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B, plus the Supplemental Sheet for Nonproject Actions (Part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in “Part B: Environmental Elements” that do not contribute meaningfully to the analysis of the proposal.

¹ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/Checklist-guidance>

A. Background

[Find help answering background questions](https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-A-Background)²

1. Name of proposed project, if applicable:

Mill Creek CAO Update

2. Name of applicant:

City of Mill Creek

3. Address and phone number of applicant and contact person:

Jeff Ryan, Director - City of Mill Creek

15728 Main St, Mill Creek, WA 98012

Jeff.ryan@millcreekwa.gov (425) 745-1891

4. Date checklist prepared:

December 12, 2025

5. Agency requesting checklist:

City of Mill Creek – Community Development/Planning

6. Proposed timing of schedule (including phasing, if applicable):

Updates to the Mill Creek Environmentally Critical Areas Ordinance will be completed by January 6, 2026.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

This is a non-project action to complete the periodic update of the Critical Areas Ordinance (Mill Creek Municipal Code 18.06, Environmentally Critical Areas) as required under the Growth Management Act (GMA). Additionally, associated technical terms and definitions under MCMC 18.06 were updated. No further activity is planned for this proposal.

Currently, no additional expansions or updates are anticipated beyond the current CAO update. That said, the implementation of the revised code may highlight the need for future amendments as new information, community input, or changes in state or federal requirements arise. Any such updates would be subject to the appropriate review and public process.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

Environmental information prepared in support of this non-project action includes:

- Best Available Science (BAS) Review (Facet 2025): This review evaluated current scientific literature and practices related to critical areas protection.

² <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-A-Background>

- CAO Gap Analysis (Facet 2025): Identified where the existing critical areas code falls short of current best available science or regulatory guidance.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

This is a non-project action. Any complete and accepted property specific development applications will be vested under the current policies and regulations of Mill Creek Municipal Code 18.06, Environmentally Critical Areas. The City of Mill Creek City Council must approve amendments to Chapter 18.06 Environmentally Critical Areas, prior to adoption.

10. List any government approvals or permits that will be needed for your proposal, if known.

The proposal involves updates to the Mill Creek Municipal Code (MCMC) and will require the City of Mill Creek to approve all amendments.

- Washington State Department of Commerce Notification – The City is required to notify the Department of Commerce of proposed development regulation changes at least 60 days prior to adoption. The draft code was submitted to the Department of Commerce in the fall of 2025.
- Planning Commission Recommendation – A public hearing and formal recommendation by the Mill Creek Planning Commission.
- City Council Adoption – Final approval and adoption of the code amendments by the Mill Creek City Council through ordinance.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

The Growth Management Act (GMA) requires cities and counties to identify and protect “Critical Areas” to reduce risks from natural hazards and preserve vital natural resources. The GMA defines five categories of critical areas:

1. Wetlands
2. Fish and wildlife habitat conservation areas
3. Frequently flooded areas
4. Geologically hazardous areas
5. Critical aquifer recharge areas important for potable water

State law also requires each city and county to periodically review and update their critical areas regulations, typically every 10 years as part of the Comprehensive Plan update. For the City, this CAO periodic review offers a chance to align regulations with updated Comprehensive Plan policies, comply with state and federal standards, and incorporate best

available science (BAS) pursuant to WAC 365-190-080(2) on environmental protection and natural hazards.

This proposal includes amendments to the Environmentally Critical Areas Ordinance MCMC 18.06, primarily pertaining to definition clarifications, refinement of land use exemptions and exceptions, implementation of mitigation sequencing and associated monitoring requirements, updates to wetlands rating systems, updates to critical area buffer determinations based on site specific ecological characterizations, and critical area report requirements.

- 12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.**

The amended regulations would apply within the city limits of the City of Mill Creek.

B.Environmental Elements

1. Earth

[Find help answering earth questions](https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/sepa-checklist-guidance/sepa-checklist-section-b-environmental-elements/environmental-elements-earth)³

a. General description of the site:

This is a non-project action proposal that provides new, updated, and revised language to the Environmentally Critical Areas Ordinance Chapter 18.60 MCMC and has the potential to affect all parcels within the city limits.

Circle or highlight one: Flat, rolling, hilly, steep slopes, mountainous, other:

Areas within the City represent multiple topography types.

b. What is the steepest slope on the site (approximate percent slope)?

There are steep slopes within the City of Mill Creek as depicted on the map below. The steepest identified slope is approximately 70%, which is located at Penny Creek near the southwestern portion of city boundaries.

³ <https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/sepa-checklist-guidance/sepa-checklist-section-b-environmental-elements/environmental-elements-earth>



- c. **What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them, and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.**

Not applicable. This is a non-project action. Soil types in the City of Mill Creek are mapped on the Natural Resources Conservation Service (NRCS) Web Soil Survey ([Web Soil Survey - Home](#)). Common soils include Alderwood gravelly sandy loam, Alderwood-Everett gravelly sandy loams, Alderwood-Urban land complex, Mukilteo muck, Norma loam, and more.

- d. **Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.**

Not applicable. This is a non-project action. The City of Mill Creek includes mapped steep slopes (>40%), which may include unstable slopes, erosion, and landslide hazard areas.

- e. **Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.**

Not applicable. This is a non-project action. No fill, excavation, or grading is being proposed. Future development proposals that include filling, excavation, or grading activities will be reviewed with a project permit.

f. Could erosion occur because of clearing, construction, or use? If so, generally describe.

Not applicable. This is a non-project action. No clearing or construction is proposed with this proposal.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

Not applicable. This is a non-project action. Impervious surface calculations will be evaluated with future project permits.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any.

Not applicable. This is a non-project action. Measures to reduce or control erosion will be evaluated with future project permits.

Proposed amendments to the CAO include requiring critical area reports to assess geologically hazardous areas through subsurface exploration, seasonal groundwater monitoring, landslide monitoring, and cumulative impacts assessments.

2. Air

[Find help answering air questions](#)⁴

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

Not applicable. This is a non-project action. There are no emissions to the air that would come from this proposal.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

Not applicable. This is a non-project action. There are no emissions or odors that would come from this proposal.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

Not applicable. This is a non-project action. Any mitigation measures to reduce or control emissions will be evaluated with future project permits.

⁴ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-Air>

3. Water

[Find help answering water questions](#)⁵

a. Surface:

[Find help answering surface water questions](#)⁶

- 1. Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.**

The City has year-round and seasonal streams, lakes, ponds, and wetlands.

Streams:

Penny Creek (flows into North Creek)

North Creek

Tambark Creek

Nickel Creek

Mill Creek

Sitka Creek

Lakes:

Thomas Lake (discharges into Penny Creek)

Ponds:

Penny Creek Pond

Mill Creek Country Club Ponds

Several unnamed ponds

Wetlands:

Most wetlands are unnamed

- 2. Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.**

Not applicable. This is a non-project action. All development will be evaluated with future project permits and be required to meet all City, State, and Federal regulations.

⁵ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-3-Water>

⁶ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-3-Water/Environmental-elements-Surface-water>

- 3. Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.**

Not applicable. This is a non-project action. There are no amounts of fill and dredge material that would be placed in or removed from surface waters or wetlands that would come from this proposal. All development will be evaluated with future project permits and be required to meet all City, State, and Federal regulations.

- 4. Will the proposal require surface water withdrawals or diversions? Give a general description, purpose, and approximate quantities if known.**

Not applicable. This is a non-project action. There are no surface water withdrawals or diversions that would be placed in or removed from surface waters that would come from this proposal. All surface water withdrawal or diversions will be evaluated with future project permits and be required to meet all City, State, and Federal regulations.

- 5. Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.**

Not applicable. This is a non-project action. There are areas of the City impacted by floodplain as shown on the most current FEMA National Flood Insurance Program Maps, where regulations would be in effect for future development.

Within Mill Creek city boundaries, one unnamed wetland and North Creek have been identified as Zone A Special Flood Hazard Areas by FEMA.

- 6. Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.**

Not applicable. This is a non-project action. Any discharge of waste materials to surface waters will be evaluated under a project permit and must meet all City, State, and Federal regulations.

b. Ground:

[Find help answering ground water questions](https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-3-Water/Environmental-elements-Groundwater)⁷

- 1. Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give a general description, purpose, and approximate quantities if known.**

Not applicable. This is a non-project action. Any groundwater withdrawal will be evaluated under a project permit and must meet all City, State, and Federal regulations.

⁷ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-3-Water/Environmental-elements-Groundwater>

2. **Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (domestic sewage; industrial, containing the following chemicals...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.**

Not applicable. This is a non-project action. Any materials discharged into the ground will be evaluated under a project permit and must meet all City, State, and Federal regulations.

c. Water Runoff (including stormwater):

1. **Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.**

Not applicable. This is a non-project action. Storm water runoff, collection and disposal will be evaluated with a project permit.

2. **Could waste materials enter ground or surface waters? If so, generally describe.**

Not applicable. This is a non-project action. There are no waste materials associated with this proposal. Any site-specific waste materials will be evaluated with a project permit.

3. **Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.**

Not applicable. This is a non-project action. Any proposed alteration of drainage patterns will be evaluated with a project permit and must meet all City, State, and Federal regulations.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

Not applicable. This is a non-project action. Any mitigation measures to reduce or control surface, ground, and runoff water, and drainage pattern will be evaluated with future project permits.

The proposed amendments to the CAO include updating the definition of 'frequently flooded areas' to include areas with seasonal high groundwater flooding or address the policy rationale.

4. Plants

[Find help answering plants questions](#)

a. Check the types of vegetation found on the site:

☒ **deciduous tree: alder, maple, aspen, other**

☒ **evergreen tree: fir, cedar, pine, other**

- ☒ shrubs
- ☒ grass
- ☒ pasture
- ☐ crop or grain
- ☐ orchards, vineyards, or other permanent crops.
- ☒ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- ☒ water plants: water lily, eelgrass, milfoil, other
- ☒ other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

Not applicable. This is a non-project action. Any vegetation removal will be evaluated with a project permit and meet applicable sections of the MCMC.

c. List threatened and endangered species known to be on or near the site.

Not applicable. This is a non-project action. There are no mapped or threatened endangered plant species within the City of Mill Creek by Washington Department of Natural Resources WHNP Data Explorer. Any potential threats to endangered plant species will be evaluated with a project permit and meet all City, State, and Federal regulations protecting threatened, endangered, sensitive or candidate species.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any.

Not applicable. This is a non-project action. Any measures to preserve or enhance vegetation on a site will be evaluated with a project permit. Native landscaping is often used as a mitigation measure for development actions within critical areas and associated buffers.

e. List all noxious weeds and invasive species known to be on or near the site.

Not applicable. This is a non-project action. Noxious and invasive species are known to occur in the City of Mill Creek.

5. Animals

[Find help answering animal questions](https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-5-Animals)⁸

a. List any birds and other animals that have been observed on or near the site or are known to be on or near the site.

Examples include:

⁸ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-5-Animals>

- **Birds:** hawk, heron, eagle, songbirds, other: Heron, crows, etc.
- **Mammals:** deer, bear, elk, beaver, other: Bats, raccoons, squirrels, etc.
- **Fish:** bass, salmon, trout, herring, shellfish, other: Chinook, coho, steelhead, sockeye, etc.

b. List any threatened and endangered species known to be on or near the site.

Not applicable. This is a non-project action. The City of Mill Creek has threatened, endangered, sensitive or candidate species throughout the city limits. Any potential threats to endangered species will be evaluated with a project permit and meet all City, State, and Federal regulations protecting threatened, endangered, sensitive or candidate species.

According to Washington Department of Fish and Wildlife's Priority Habitat and Species web map explorer, the following species occur within Mill Creek:

- Salmon: Chinook/Fall chinook, coho, steelhead/Winter steelhead, and sockeye (threatened)
- Bats: Little brown bat (endangered)

c. Is the site part of a migration route? If so, explain.

Not applicable. This is a non-project action. Mill Creek is part of the Pacific Flyway. The Pacific Flyway is a major north-south flyway for migratory birds in the Americas, extending from Alaska to Patagonia. Migratory birds travel some or all this distance both in spring and fall, following food sources, heading to breeding grounds, or travelling to overwintering sites.

d. Proposed measures to preserve or enhance wildlife, if any.

Not applicable. This is a non-project action. Any mitigation measures will be evaluated with a project permit. The proposed amendments to the CAO include potentially designating streams of local significance based on mapped fish species distributions, basin condition, or other local priorities. If determined to have significance, the stream may have a uniquely assigned buffer to further preserve ecological functions. Mitigation sequencing is also proposed to be required in order to prevent net loss of critical area acreage, function, or value.

e. List any invasive animal species known to be on or near the site.

Not applicable. This is a non-project action. Mill Creek may have invasive animal species within city limits.

6. Energy and natural resources

[Find help answering energy and natural resource questions](#)⁹

- a. **What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.**

Not applicable. This is a non-project action. Energy use information is evaluated with a project permit.

- b. **Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.**

Not applicable. This is a non-project action. Energy use information is evaluated with a project permit.

- c. **What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any.**

Not applicable. This is a non-project action. Energy conservation information is evaluated with a project permit.

7. Environmental health

[Health Find help with answering environmental health questions](#)¹⁰

- a. **Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur because of this proposal? If so, describe.**

Not applicable. This is a non-project action. There are no environmental health hazards, exposure to toxic chemicals, risk of fire, explosion, spill or hazardous waste, that could occur with this proposal. Environmental hazards are evaluated with a project permit.

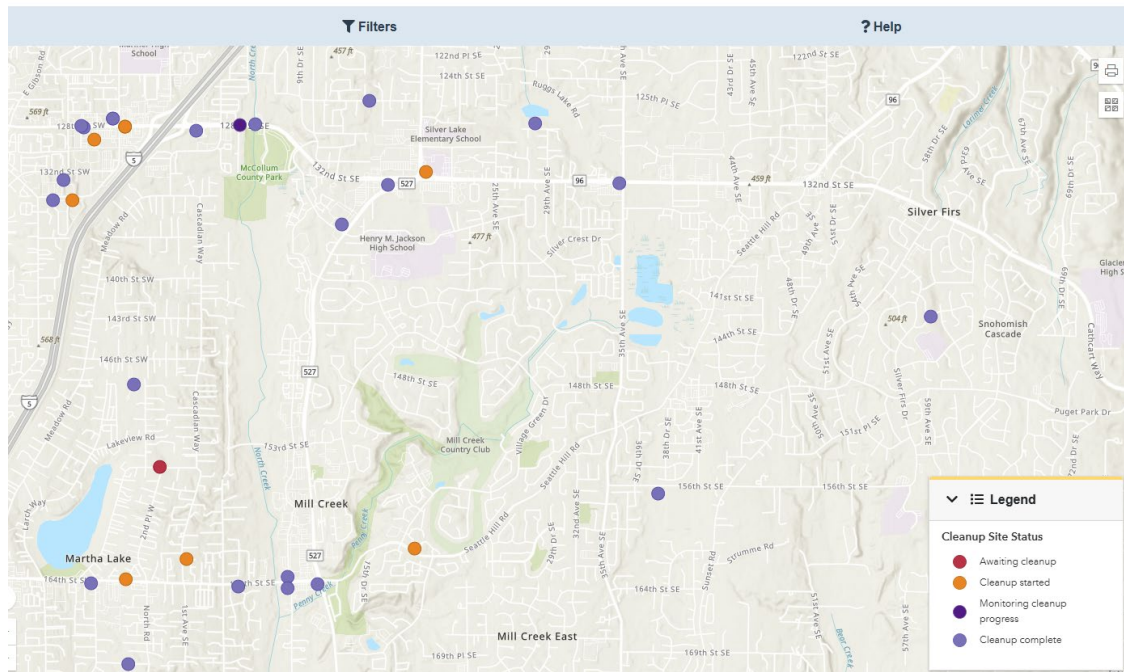
1. **Describe any known or possible contamination at the site from present or past uses.**

Not applicable. This is a non-project action. Any known or possible contamination of a site is evaluated with a project permit. Washington State Department of Ecology (Ecology) maps Model Toxics Control Act (MTCA) cleanup sites throughout the state. MTCA cleanup sites are mapped within the City of Mill Creek. Ecology's 'What's in My Neighborhood: Toxics Cleanup' webpage also lists several contaminated sites within city boundaries, two of which cleanup has been initiated (Mill Creek Plaza and Arco 5377), and the remaining sites are listed as completed.

⁹ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-6-Energy-natural-resou>

¹⁰ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-7-Environmental-health>

What's in My Neighborhood: Toxics Cleanup



2. Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

Not applicable. This is a non-project action. Any known or possible contamination of a site is evaluated with a project permit.

3. Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

Not applicable. This is a non-project action. Any known or possible contamination of a site is evaluated with a project permit.

4. Describe special emergency services that might be required.

Not applicable. This is a non-project action.

5. Proposed measures to reduce or control environmental health hazards, if any.

Not applicable. This is a non-project action. Any mitigation measures will be evaluated with a project permit.

b. Noise

1. What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

Not applicable. This is a non-project action. There are no types of noise that would affect this proposal.

- 2. What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site)?**

Not applicable. This is a non-project action. Any potential noise created will be evaluated with a project permit and must meet applicable regulations under the MCMC.

- 3. Proposed measures to reduce or control noise impacts, if any:**

Not applicable. This is a non-project action. Any mitigation measures will be evaluated with a project permit.

8. Land and shoreline use

[Find help answering land and shoreline use questions](#)¹¹

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.**

Not applicable. This is a non-project action. Mill Creek has multiple residential, commercial, and mixed-use zones. The code amendments will affect all applicable zones within the City.

- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses because of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?**

Not applicable. This is a non-project action. Mill Creek does not have any designations for farmlands or forest lands within the city limits.

- 1. Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how?**

Not applicable. This is a non-project action.

- c. Describe any structures on the site.**

Not applicable. This is a non-project action.

- d. Will any structures be demolished? If so, what?**

Not applicable. This is a non-project action.

- e. What is the current zoning classification of the site?**

Not applicable. This is a non-project action. The current zoning classifications for the City are listed below:

¹¹ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-8-Land-shoreline-use>

NR – Neighborhood Residential	BP – Business and Industrial Park
MDR – Medium-Density Residential	TC – Town Center
HDR – High-Density Residential	EGUV – East Gateway Urban Village
MU/HDR – Mixed Use/High-Density Residential	CB – Community Business
NB – Neighborhood Business	

f. What is the current comprehensive plan designation of the site?

Not applicable. This is a non-project action. The current comprehensive plan designation for the City are listed below:

Low-Density Residential	Community Business
Medium-Density Residential	Business and Industrial Park
High-Density Residential	Urban Center
Mixed Use/High-Density Residential	Public and Quasi-Public
Neighborhood Business	Open Space - Private

g. If applicable, what is the current shoreline master program designation of the site?

Not applicable. This is a non-project action.

The City of Mill Creek does not have an Ecology approved Shoreline Management Plan and associated shoreline designations. There are no designations within Mill Creek per Snohomish County's Shoreline Master Program.

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

This proposal is a non-project action and does not apply to a specific site. Updates to the Environmentally Critical Areas Code will apply to all critical areas within the City of Mill Creek. Environmentally sensitive areas in Mill Creek include wetlands, fish and wildlife habitat areas, critical aquifer recharge areas, geologically hazardous areas, and frequently flooded areas.

i. Approximately how many people would reside or work in the completed project?

Not applicable. This is a non-project action. Impacts on housing and work will be evaluated with a project permit.

j. Approximately how many people would the completed project displace?

Not applicable. This is a non-project action. Any displacement impacts will be evaluated with a project permit.

k. Proposed measures to avoid or reduce displacement impacts, if any.

Not applicable. This is a non-project action. Any mitigation measures to avoid or reduce displacement will be evaluated with a project permit.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any.

Not applicable. This is a non-project action. The evaluation of land use compatibility will occur with a project permit.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

Not applicable. This is a non-project action. Further there are no working farm or forest lands within the boundaries of Mill Creek.

9. Housing

[Find help answering housing questions](#)¹²

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

Not applicable. This is a non-project action. Impacts on housing will be evaluated with a project permit.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

Not applicable. This is a non-project action. Impacts on housing will be evaluated with a project permit.

c. Proposed measures to reduce or control housing impacts, if any:

Not applicable. This is a non-project action. Any mitigation measures to reduce or control housing impacts will be evaluated with a project permit.

10. Aesthetics

[Find help answering aesthetics questions](#)¹³

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

Not applicable. This is a non-project action. Aesthetics are evaluated with a project permit.

b. What views in the immediate vicinity would be altered or obstructed?

¹² <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-9-Housing>

¹³ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-10-Aesthetics>

Not applicable. This is a non-project action. Aesthetics are evaluated with a project permit.

c. Proposed measures to reduce or control aesthetic impacts, if any:

Not applicable. This is a non-project action. Any mitigation measures to reduce or control building aesthetics will be evaluated with a project permit.

11. Light and glare

[Find help answering light and glare questions](#)¹⁴

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

Not applicable. This is a non-project action. Light and glare impacts are evaluated with a project permit.

b. Could light or glare from the finished project be a safety hazard or interfere with views?

Not applicable. This is a non-project action. Light and glare impacts are evaluated with a project permit.

c. What existing off-site sources of light or glare may affect your proposal?

Not applicable. This is a non-project action. Light and glare impacts are evaluated with a project permit.

d. Proposed measures to reduce or control light and glare impacts, if any:

Not applicable. This is a non-project action. Any mitigation measures to reduce or control light and glare impacts will be evaluated with a project permit.

12. Recreation

[Find help answering recreation questions](#)

a. What designated and informal recreational opportunities are in the immediate vicinity?

Not applicable. This is a non-project action. Mill Creek's public parks and trails network include 11 neighborhood and community parks and over 23 miles of nature trails. There is also a private nature reserve and private golf course.

b. Would the proposed project displace any existing recreational uses? If so, describe.

Not applicable. This is a non-project action. All legally existing recreational uses will be vested under the current critical area regulations. Any displacement of recreational uses will be evaluated with a project permit.

¹⁴ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-11-Light-glare>

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:**

Not applicable. This is a non-project action. Any mitigation measures to reduce or control recreational opportunities impacts will be evaluated with a project permit.

The proposed amendments to the CAO include allowing maintenance of existing trails to be an exempt activity within critical areas per MCMC 18.06.410. However, construction of new trails is proposed to require mitigation to ensure no net loss of ecological functions.

13. Historic and cultural preservation

[Find help answering historic and cultural preservation questions](#)¹⁵

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.**

Not applicable. This is a non-project action. Historical and cultural resources will be evaluated with a project permit. According to the Washington Department of Archaeology and Historic Preservation (DAHP), there are many structures within city limits that have not received determination for eligibility. No known structures are listed as eligible.

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.**

Not applicable. This is a non-project action. Historical and cultural resources will be evaluated with a project permit.

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.**

Not applicable. This is a non-project action. Historical and cultural resources will be evaluated with a project permit. Coordination with DAHP will occur with a project permit, as necessary.

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.**

Not applicable. This is a non-project action. Any mitigation measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources will be evaluated with a project permit with coordination with DAHP.

¹⁵ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-13-Historic-cultural-p>

14. Transportation

[Find help with answering transportation questions](#)¹⁶

- a. **Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.**

Not applicable. This is a non-project action. Future development will be subject to site specific assessment and will be reviewed for consistency with all applicable policies and regulations.

- b. **Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?**

Not applicable. This is a non-project action. Future development will be subject to site specific assessment and will be reviewed for consistency with all applicable policies and regulations. Mill Creek is serviced by public transit, including two Swift Bus Rapid Transit lines.

- c. **Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle, or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).**

Not applicable. This is a non-project action. Future development will be subject to site specific assessment and will be reviewed for consistency with all applicable policies and regulations.

- d. **Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.**

Not applicable. This is a non-project action.

- e. **How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?**

Not applicable. This is a non-project action.

- f. **Will the proposal interfere with, affect, or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.**

Not applicable. This is a non-project action.

- g. **Proposed measures to reduce or control transportation impacts, if any:**

Not applicable. This is a non-project action. Future development will be subject to site specific assessment and will be reviewed for consistency with all applicable policies and regulations.

¹⁶ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-14-Transportation>

15. Public services

[Find help answering public service questions¹⁷](#)

- a. **Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.**

Not applicable. This is a non-project action.

- b. **Proposed measures to reduce or control direct impacts on public services, if any.**

Not applicable. This is a non-project action. Future development will be reviewed for consistency with all applicable policies and regulations.

16. Utilities

[Find help answering utilities questions¹⁸](#)

- a. **Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other:**

Not applicable. This is a non-project action. Utilities available within the City of Mill Creek include sewer, water, electricity, natural gas, refuse service, and telephone/internet/cable.

- b. **Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.**

Not applicable. This is a non-project action. Future development proposals will be reviewed for consistency with all applicable policies and regulations.

C. Signature

[Find help about who should sign¹⁹](#)

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

¹⁷ <https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/sepa-checklist-guidance/sepa-checklist-section-b-environmental-elements/environmental-elements-15-public-services>

¹⁸ <https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/sepa-checklist-guidance/sepa-checklist-section-b-environmental-elements/environmental-elements-16-utilities>

¹⁹ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-C-Signature>

X 

Type name of signee: Justin Horn

Position and agency/organization: Planner, City of Mill Creek

Date submitted: December 12, 2025

D. Supplemental sheet for nonproject actions

[Find help for the nonproject actions worksheet²⁰](#)

Do not use this section for project actions.

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

The proposed amendments to Chapter 18.60 MCMC Environmentally Critical Areas, are not expected to increase discharges to water, emissions to air, production, storage, or release of toxic or hazardous substances, or production of noise. Individual development applications must comply with all applicable codes and regulations to prevent or mitigate adverse impacts.

- **Proposed measures to avoid or reduce such increases are:**

Project proposals must comply with all other local, state, and federal requirements for development. The existing city codes include restrictions on uses, activities, and development that prevent the discharge of water or release of toxic or hazardous substances into the water.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

The proposed amendments to Chapter 18.60 MCMC Environmentally Critical Areas, are not anticipated to negatively affect plants, animals, fish, or marine life. The proposed

²⁰ <https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/sepa-checklist-guidance/sepa-checklist-section-d-non-project-actions>

amendments include increased protection standards based on best available science and updated state guidance.

- **Proposed measures to protect or conserve plants, animals, fish, or marine life are:**

The proposed amendments are intended to improve protection of critical areas, which plants, animals, and fish rely on for habitat. In particular, the proposal includes increased mitigation requirements for development projects which may impact these habitats. Additionally, recommendations for critical area buffer determinations are proposed in order to preserve water quality buffer functions. Streams may be designated of local significance based on fish species present, basin condition, and other local priorities, and may have larger buffer widths assigned as determined by the City.

3. How would the proposal be likely to deplete energy or natural resources?

The proposed amendments to Chapter 18.60 MCMC Environmentally Critical Areas, are not anticipated to deplete energy or natural resources.

- **Proposed measures to protect or conserve energy and natural resources are:**

The proposed amendments include improved protection standards for critical areas. These increased standards are expected to preserve and protect natural resources. This proposal includes adopting riparian management zones (RMZ) rather than standardized buffers, of which widths would be determined by site potential tree height (SPTH) mapping. Critical area site specific buffer characterizations aim to preserve stream habitat functions and water quality. Mitigation sequencing is also proposed to be refined which would require development projects within a critical area buffer to demonstrate no net loss of ecological functions to preserve natural resources.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection, such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

The proposed amendments to Chapter 18.06 MCMC Environmentally Critical Areas, are based on best available science, updates to state guidance or laws, and to improve application or clarity. These amendments are intended to improve protection standards for environmentally critical areas.

- **Proposed measures to protect such resources or to avoid or reduce impacts are:**

The proposed amendments are expected to reduce impacts to critical areas and related functions and values. Updated guidance for wetlands management is proposed. This includes adopting the newest Washington wetlands rating system, clarifying land use intensity definitions and which uses are allowed within wetlands, as well as additional mitigation requirements. Construction of new public trails is proposed to require mitigation, rather than being an exempt land use activity.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

This non-project action does not allow or encourage land or shoreline uses incompatible with existing plans.

- **Proposed measures to avoid or reduce shoreline and land use impacts are:**

Development will be required to comply with all other applicable policies and regulations to protect and mitigate impacts to environmentally critical areas, where applicable. This proposal modifies the mitigation requirements associated with development projects and land uses within critical areas and their associated buffers, primarily within wetlands, in order to reduce environmental impacts.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Increased demands on transportation, utilities, or public services are not expected from this non-project action.

- **Proposed measures to reduce or respond to such demand(s) are:**

Increased demands on transportation, utilities, or public services are not expected from this non-project action. Future development will be required to comply with all applicable policies and regulations.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

This non-project action is not expected to conflict with any local, state or federal laws. The proposed amendments to Chapter 18.60 MCMC Environmentally Critical Areas, have been reviewed for compliance with local, state, and federal laws.