

**EXHIBIT 1  
CITY OF MILL CREEK  
DEPARTMENT OF COMMUNITY DEVELOPMENT**

**STAFF REPORT  
TO THE CITY OF MILL CREEK HEARING EXAMINER**

**PART I - SUMMARY INFORMATION**

**HEARING DATE:** March 25, 2019

**NAME OF PROJECT:** Muttley Square  
File No. PL2018-0017

**APPLICANT:** Sandra Martin  
Capital Architects Group PC  
2813 Rockefeller Avenue  
Everett, WA 98201

**LOCATION:** 13209 Bothell-Everett Highway, Mill Creek, Washington 98012.  
See **Attachment A – Vicinity Map**.

**REQUESTED ACTION:** The requested action is consideration of a proposed Binding Site Plan application for an indoor animal boarding and day care facility comprised of six buildings on approximately 2.68 acres. The proposed development consists of five 768 square foot pet boarding houses and a 1,628 square foot main office along with parking, stormwater facilities, and landscaping with walking paths and a private dog exercise area. A Category III wetland is located in the center of the site and buffer averaging is proposed consistent with City Code. Access to the site is proposed from SR 527 with a right-in and right-out only. (See **Attachment B, Site Plan**).

**COMPREHENSIVE  
PLAN DESIGNATION:** Community Business (CB)

**ZONING DISTRICT:** Community Business (CB)

**LEGAL DESCRIPTION:** See **Attachment C – 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 February 20, 2019, a Mitigated Determination of Non-Significance (MDNS) and Notice of Property Development Impact Mitigation were issued for the proposal. The MDNS identifies measures necessary to mitigate impacts on specific elements of the environment that may be affected by the proposal; for this proposal it is limited to traffic. These measures have also been incorporated in the staff recommended Conditions of Approval as appropriate, contained in Part V of this report.

### **PUBLIC NOTICE:**

Pursuant to Section 14.07.030 MCMC, notice of public hearing was mailed on March 13, 2019, directly to property owners of record within 500 feet of the proposed project and posted on the site on March 13, 2019. Notice of the public hearing was published in the *Everett Herald* on March 13, 2019. (See the project file for a copy of the Affidavits of Publishing, Posting and Mailing.) All legal requirements for public notice have been satisfied.

## **PART III - BACKGROUND INFORMATION**

### **EXISTING SITE CHARACTERISTICS:**

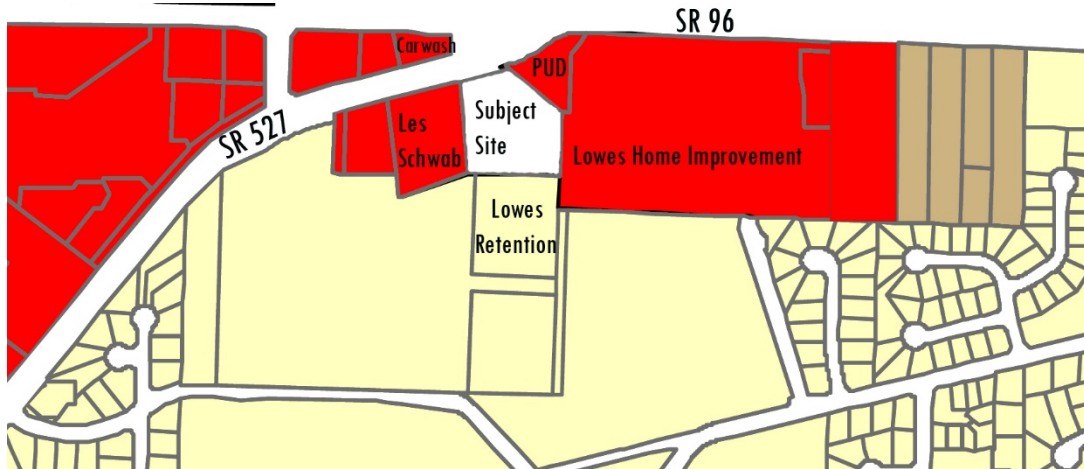
The site is a 2.68 acre site located at 13209 Bothell-Everett Highway (SR 527), on the east side of SR 527, between the Les Schwab Tire Center and the Snohomish PUD substation. The majority (1.33 acres) of the site consists of a wetland and buffer, resulting in a developable area of approximately 1.34 acres. An existing sidewalk and street trees are located along the site's frontage on SR 527.

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

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

- ❑ The property to the northeast, is zoned *Community Business (CB)* and is developed with a Snohomish County PUD facility.
- ❑ The property across SR 527 to the north is zoned *Community Business (CB)*. The property is developed with a ShurKleen Car Wash.
- ❑ The property to the west, is zoned *Community Business (CB)* and is developed with a Les Schwab Tire Center.

- ❑ The property to the east is zoned *Community Business (CB)* and is developed with a Lowes Home Improvement Warehouse.
- ❑ The property to the south is zoned *Low Density Residential (LDR)* and is owned by Lowes and serves as a detention facility for the Lowes' development.



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

There are two conditional use permit applications being reviewed by the City for Jackson High School (City file number PL2019-0003) and Heatherwood Middle School (City file number PL2019-0001) for the placement of portable classrooms on each site to increase the capacity of the schools.

### **OTHER AGENCIES WITH JURISDICTION;**

The proposed development is within the Silver Lake Water and Sewer District and the Snohomish County Public Utility District No. 1 (PUD). The City contracts for fire protection and emergency medical services with Snohomish County Fire Protection District No. 7.

Bothell-Everett Highway is a state highway (SR 527) and traffic operations are under the jurisdiction of the Washington State Department of Transportation (WSDOT) who is responsible for the traffic operations and requiring any turn movement restrictions or channelization (striping) changes. The City is effectively responsible for everything behind the curb on Bothell-Everett Highway, including the location of any new access points.

Once an application is deemed complete, the City holds a Technical Review Committee meeting to solicit comments from agencies with jurisdiction and other interested parties. Through this process, the application was distributed to numerous entities including Snohomish County (Public Works), Fire District No. 7, the Everett School District, Silver Lake Water and Sewer 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 15 (Building and Construction) Title 16 (Subdivisions and Plats), Title 17 (Zoning), and Title 18 (Environment) of the Mill Creek Municipal Code (MCMC). The project must be consistent with the applicable development regulations and the Design Standards. A matrix evaluating the project's consistency with the requirements is included within this staff report.

#### **Site Design**

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

The Binding Site Plan application proposes the development of the 2.64 acre parcel with a pet daycare and boarding facility to be known as Muttley Square. The development would consist of five 768 square foot pet boarding houses and a 1,628 square foot main office. The design of the development is cottage style for the buildings, creating a community of house-like commercial buildings. In addition to the new buildings, there will be parking improvements, landscaping, utility infrastructure improvements, and a 35-foot wide landscaped roadway buffer on the Bothell-Everett Highway (SR 527).

The site includes one Category III wetland near the center of the subject property, which requires a 100 foot buffer, per MCMC 18.06.930. The applicant is proposing to average a portion of the buffer in accordance with MCMC Section 18.06.930(C). The physical improvements on site are limited to approximately one acre along the northern and western perimeters of the property. The wetland and its buffer will be protected by a black chain link fence around the full perimeter and signed the Native Growth Protection signs as required by MCMC 18.06. The intent is to preserve as much of the existing vegetation in the wetland and buffer as possible (1.33 acres).

Consistent with past adjacent development Conditions of Approval for the Les Schwab and Lowe's sites, the applicant will grant a 25-foot wide reciprocal access easement on the southern property boundary. The easement shall be noted on the face of the Binding Site Plan and the language shall be subject to City review and approval. Should the adjacent property owners choose to exercise their right to the access easement, the applicant or future owner is not responsible for any costs or the construction of the roadway as there is no nexus between this access easement and the proposed development on the subject site.

##### **Operations:**

The pet boarding cottages will have a rotating staff, day shift and night shift. Services in the cottages are a dog boarding by appointment. Grooming services will also be provided at the

main office as well as a small retail store of pet products. The main office will act as the drop off & pick up spot for all activities on site as well as the employee's clock-in office.

Parking:

The proposed building includes office and doggy boarding and day care facilities, which each have different off-street parking requirements per MCMC Section 17.27.020. Below is a table showing the number of parking stalls required and the number of parking stalls proposed.

Type of Use Proposed	Code Requirement	Square Feet of Use	Parking Stalls
Office	1 stall/400 square feet	1,628	4
Day Care	1 stall/300 square feet	3,840	13
<b>Total Required:</b>			<b>17</b>
<b>Total Proposed:</b>			<b>18</b>

As proposed, the number of stalls exceeds the number required.

As discussed under the landscaping section below, the applicant will need to provide an additional landscape island in the parking lot every ten stalls and therefore one parking stall may be eliminated during the preparation of the final Binding Site Plan and civil plans.

Access and Traffic Circulation:

The site is located on the southeast side of SR 527, east of Les Schwab, and will have a 26-foot wide right-in/right-out access to SR 527 approximately 265 feet east of the Les Schwab driveway. Internal traffic circulation will be provided with a private drive aisle within the parking lot. Access from SR 527 has been reviewed and preliminarily approved by the City and WSDOT and the applicant has entered into a developer's agreement with WSDOT for review of the frontage improvements (new driveway cut and curb and gutter). The executed JZ Account Application dated November 29, 2018, is available for review in the project file.

Landscaping:

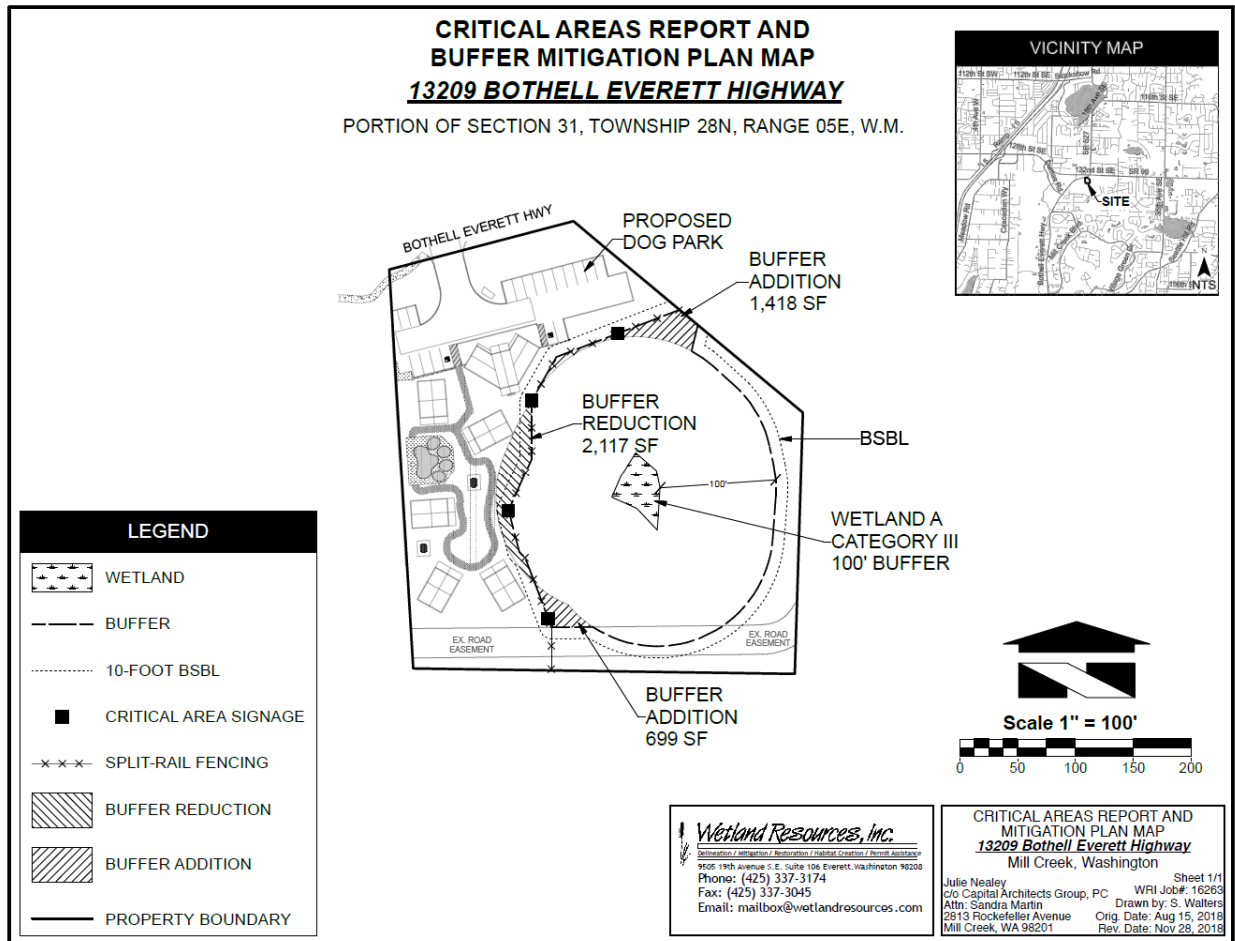
Where feasible, existing on-site significant trees will be preserved and protected during construction. The existing street trees along the SR 527 frontage appear to be in poor health and will likely need to be replaced as part of the landscape plan review and approval by the City's Design Review Board. As required by MCMC 17.16.085, the applicant is proposing landscaping in the 35-foot roadway buffer as well as around the perimeter of the parking lot. In addition, a landscape island is required between every 10 parking spaces, MCMC 17.34.040.H.2.E. The applicant is also proposing a dog exercise area with two picnic tables and walking path for the dogs between the five boarding houses. A Condition of Approval has been added under the Parking section above to address need for an additional landscape island and the potential loss of one parking stall.

### Design Review Board Review Required:

As required by City Code the building elevations and materials, the proposed landscaping and any monument signage are required to be submitted to the City's Design Review Board for review and approval for consistency with the Design Standards in MCMC Chapter 17.34. The proposed project elements are not under the jurisdiction of the hearing examiner.

### Wetlands

One Category III wetland (Wetland A) is located near the center of the site. The Mill Creek Municipal Code (MCMC) requires a 100-foot buffer on sites with a high-intensity land use adjacent to a Category III wetland. The applicant is proposing buffer averaging in accordance with MCMC 18.06.930(C). The total area of proposed buffer reduction (2,117 square feet) is equal to that proposed as additional buffer. The compensatory area of buffer being provided is divided into two areas (1,418 and 699 square feet), one on either side of the buffer reduction area. The City's wetland consultant has reviewed the preliminary critical areas report and mitigation plan and has found it to be consistent with City requirements. See below excerpt showing the proposed wetland mitigation plan.



### Utilities

Utilities and services to serve the future use on the site are available. The site has water and sewer facilities adjacent to it that can be extended through the Silver Lake Water and Sewer District Developer Extension Process to provide for on-site needs. A Water and Sewer Availability Letter from Silver Lake Water and Sewer District dated August 15, 2018, is available for review in the project file.

Electrical service is provided by the Snohomish County PUD No. 1.

Communication services are provided by either Frontier or Comcast communication companies.

Natural gas is provided by Puget Sound Energy.

### Stormwater Facilities

There is currently no stormwater treatment or control on the site. Stormwater runoff generated from the proposed improvements will generally maintain the existing/historic drainage patterns. The paved driveway entry and 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 flow control structure with a detention tank located under the parking lot. Stormwater from the parking lot will be treated for water quality (dead storage) and then released by the flow control structure, which has been designed to control release rates.

Treated water from the parking area is then conveyed through piping, which is also tied into the roof and footing drains to capture the roof run off from the five boarding buildings. All site stormwater is then conveyed to the southern property boundary, where the stormwater is proposed to be released into a rock lined outfall trench off-site into the existing wetland. The developer has had discussions with the property owner who has indicated that they will grant a private stormwater easement to the developer for the outfall trench. Should the adjacent home owner not be willing to grant an easement, then the applicant shall locate the stormwater outfall on the subject site outside of the 25-foot wide access easement. 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.

The City's engineer, Perteet Consulting, has reviewed the proposed civil plans, drainage report and geotechnical report and drainage facility and has determined that they comply with City code and the DOE manual, and their comments are available for review in the project file.

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. In addition, as a Condition of Approval, the developer will need to obtain an off-site 20-foot wide private stormwater easement.

## **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.

A traffic study prepared by Gibson Traffic Consultants, Inc., dated June 2018, was submitted and then updated in December 2018 to address TRC comments. The City's adopted LOS is F for the SR 527 and SR 96 intersection. Due to the low volume (5.41 PM Peak Hour Trips) of trips generated from the proposed use, the City's engineering consultant determined that no Level of Service (LOS) analysis of the SR 96 and SR 527 intersection was warranted.

The proposed development is expected to generate a net total of 5.41 new PM peak hour trips and 46 new average daily trips. The City has adopted a traffic mitigation fee. Pursuant to this program, the developer shall pay mitigation to the City of Mill Creek in the amount of \$21,099.00 (\$3,900.00 x 5.41 per PM Hour Trip) for impacts to the City roadway system. Payment of traffic mitigation fees to the City is required prior to building permit issuance.

### **City Park Facilities – Impacts and Mitigation**

The proposal is a commercial use and will not increase the demand on the City's park and recreation facilities. No mitigation fees are required.

## **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. No impacts were identified by the Fire District; thus no mitigation has been requested.

Other improvements requested by the Fire District have been incorporated into the Conditions of Approval and include the sprinkling of the five boarding structures, as they are classified as a mix of residential and commercial, which use requires an NFPA-13 fire sprinkler system throughout the structure. The main office does not require sprinklers. The Fire District has determined that the existing fire hydrant along SR 527 has adequate flow and is within 150 feet of all structures and is sufficient to provide service on the site.

### **Everett School District Mitigation:**

The proposal is a commercial use and will not increase the demand on the Everett School District facilities. No mitigation fees are required.

## CONSISTENCY WITH DEVELOPMENT REGULATIONS:

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

DEVELOPMENT REGULATIONS	
CODE SECTION	STAFF ANALYSIS
<b>16.16.005 Public Improvements.</b> No plat, Binding Site Plan, short plat, or other development approval shall be granted without, as a Condition of Approval, making appropriate provisions for public improvements as elsewhere permitted or required by this code or state law.	As a Condition of Approval the project is required to install public improvements associated with this project.
<b>Community Business (CB) Zone 17.16.035 Review requirements.</b> All development in the CB zone district shall be processed as either a preliminary plat or binding site plan in accordance with MCMC Title 16, Subdivisions and Plats.	The proposal is being processed as a Binding Site Plan in accordance with MCMC Title 16.
<b>17.16.040 Lot size.</b> The minimum lot size in the CB zone is 7,200 square feet.	The lot size is 2.64 acres.
<b>17.16.070 Maximum height.</b> The maximum height in the CB zone shall be 40 feet.	The proposed five boarding buildings are proposed to be approximately 25 feet high and the main office building is proposed to be approximately 19 feet high. All proposed structures are in compliance with the maximum height of 40 feet.
<b>17.16.080 Setbacks.</b> 1. Front yard: Zero feet 2. Side yard: None, except when abutting a residential zone, which shall then be 25 feet. 3. Rear yard: None, except when abutting a residential zone, which shall then be 25 feet.	The southern property boundary is adjacent to a residential zone, which requires a 25-foot setback, which has been met; thus, the proposed building complies with the setbacks in the CB zone.

<b>DEVELOPMENT REGULATIONS</b>	
<b>CODE SECTION</b>	<b>STAFF ANALYSIS</b>
<b>17.16.085 Streetscape and roadway buffer/cutting preserves.</b> Streetscape design and roadway buffer/cutting preserve tracts adjacent to arterial and collector streets shall be provided in accordance with the City's comprehensive plan, streetscape element. Roadway buffer/cutting preserves to be provided range from 35 feet from the edge of the right-of-way for nonresidential uses to 50 feet for residential uses.	The proposal includes a 35-foot wide roadway buffer/cutting preserve along the Bothell-Everett Highway consistent with the Streetscape Element. The landscape plan is subject to review and approval by the Design Review Board.
<b>17.16.090 Project Design.</b> Development within this zone district shall be designed in conformance with the design principles and standards set out in 17.34 MCMC, Design Review.	See discussion below regarding consistency with MCMC 17.34.
<b>17.22.020 Landscaping.</b> All lots and developments shall be generously landscaped, consistent with the natural environment of Mill Creek and appropriate to the planned use. Retention and enhancement of natural landscaping is encouraged. Landscaping design objectives and standards are contained in Chapter 17.34.	The proposal is consistent with this requirement. The City will require trees, shrubs and groundcover in the roadway buffer. The existing street trees appear to be in poor health and will likely need to be removed and replaced. Landscaping is subject to review and approval of the Design Review Board (DRB).
<b>17.22.110 Undergrounding of utilities.</b> A. For any private development that includes new construction typically associated with a Binding Site Plan, plat, short plat, or a conditional use permit subject to the provisions of the development code, the developer shall place underground all new and existing wiring and related facilities for all utilities, including but not limited to electrical, cable television and communication, unless otherwise provided in this section.	As a Condition of Approval all utilities on-site will be constructed underground consistent with this requirement. The electrical utilities along the frontage are exempt from undergrounding per MCMC 17.22.110.C.2.b.i.
<b>17.22.120 Comprehensive plan – Concurrency and consistency required.</b> All new developments within the City shall be consistent with the provisions of the	The Binding Site Plan and associated documents are consistent with these requirements as follows: A. The proposal is consistent with the Community Business land use designation.

## DEVELOPMENT REGULATIONS

CODE SECTION	STAFF ANALYSIS
<p>comprehensive plan, including but not limited to the following:</p> <p>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.</p> <p>B. All developments within the City shall be consistent with the applicable goals and policies of the comprehensive plan.</p> <p>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.</p> <p>D. Site design and frontage improvements shall be consistent with the streetscape plans as established in the streetscape element of the comprehensive plan. A roadway buffer/cutting preserve is required adjacent to all arterial and collector roads as identified in the transportation element of the comprehensive plan, with the exception of North Creek Drive between Trillium Boulevard and Dumas Road. The minimum width of a roadway buffer/cutting preserve adjacent to commercial uses is 35 feet. The minimum width of a roadway buffer/cutting preserve adjacent to residential uses is 50 feet.</p>	<p>B. The proposal is consistent with the applicable development regulations which implement the goals and policies of the comprehensive plan.</p> <p>C. The proposal does not cause a reduction in transportation levels of service below minimum standards. Mitigation for transportation facilities is being provided.</p> <p>D. A 35-foot wide roadway buffer/cutting preserve is being provided along the Bothell-Everett Highway.</p>

## DEVELOPMENT REGULATIONS

CODE SECTION	STAFF ANALYSIS
<p><b>17.34.040 A 1-8. Site Design.</b> The following design elements shall be applied to all projects:</p> <ol style="list-style-type: none"> <li>1) Site design to include convenient pedestrian access between buildings including plazas, respect the natural topography and retain native vegetation.</li> <li>2) Sites should be designed to avoid the appearance of domination by automobiles</li> <li>3) Tree preservation and retention of existing vegetation is encouraged.</li> <li>4) Bioswales shall be an amenity.</li> <li>5) Vehicular entrances shall be designed to welcome residents.</li> <li>6) Pedestrian walkways shall link together all site entrances, building entries, parking facilities, and common outdoor spaces with the sidewalk system in the public right-of-way and be ADA accessible and incorporate pedestrian scale lighting.</li> <li>7) New or renovated commercial buildings are strongly encouraged to provide adequate public open space at building entrances for public use. The space should be suitable to place sidewalk furniture and as a public gathering place.</li> <li>8) All dumpsters and recycling bins shall be screened to match the building exterior.</li> </ol>	<ol style="list-style-type: none"> <li>1. The developer is proposing buffer averaging on the site and preserving vegetation on approximately 1.33 acres in a Native Growth Protection Area and developing approximately one acre of the site. The applicant is proposing to retain the existing sidewalk along the SR 527 frontage and install a new internal walkway from the parking lot to the five indoor animal boarding houses and to a private dog park with picnic tables.</li> <li>2. The developed area of the site will include a 35-foot wide roadway buffer along the site frontage to screen the parking area from the roadway.</li> <li>3. Trees are being persevered on the southern portion of developable area of the site. Les Schwab next door has requested that the dying trees along the western property line be removed. A tree preservation plan has been provided consistent with City code.</li> <li>4. The proposed stormwater facility is a detention tank with a flow control structure proposed underneath the parking lot.</li> <li>5. The entry has been designed to meet access requirements and the roadway buffer landscaping and a monument sign at the entry are subject to review by the Design Review Board. The entry will be pedestrian friendly.</li> <li>6. A sidewalk along the driveway entry or through the roadway buffer will be required by code to connect the site to the public sidewalk along SR 527.</li> <li>7. A private dog exercise area with internal walkways and picnic tables is proposed.</li> <li>8. The dumpster is proposed on the western portion of the site and is required to go to the Design Review Board with the landscape plan for review and approval.</li> </ol>

## **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 developer shall grant a 25-foot wide reciprocal access easement adjacent to the southern property boundary. The easement shall be shown on the face of the final Binding Site Plan and the language shall be subject to City review and approval.
4. 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.
5. 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.
6. The building colors and material composition, the site 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 Chapters 4.18 and 17.34.

#### **Landscaping:**

7. The developer shall provide a secured performance bond equal to 125 percent of the cost of labor and materials, in accordance with MCMC Section 16.16.040, posted prior to the issuance of the first building permit.
8. The developer shall revise the civil plans, final Binding Site Plan and the landscape plan to provide a landscape island between every ten stalls.
9. Once the developer has fulfilled the obligations of the landscape performance bond, the applicant shall enter into a two-year maintenance bond for the approved and installed landscaping in accordance with MCMC Section 16.16.090.

### **Protection of Critical Areas:**

10. A final Critical Areas Report/Wetland Buffer Mitigation Plan shall be prepared in compliance with MCMC Chapter 18.06 and submitted to the City prior to approval of the clearing and grading permit. The final Critical Areas Report shall provide an assessment of vegetation present in the buffer. If portions of the buffer contain Himalayan blackberry, buffer enhancement, in the form of invasive species removal will be required.
11. The wetland and buffer shall be contained 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. The edge of the wetland buffer shall be clearly staked and flagged. Temporary barrier fencing shall be installed adjacent to the areas where construction activity will occur. Site clearing shall not commence until the applicant has submitted written notice to the Development Services Department that the buffer requirements of MCMC Sections 18.06.810 and 18.06.930 (E) have been met.
13. A permanent black chain link fence shall be installed along the edge of the wetland buffer per MCMC 18.06.810.
14. Prior to issuance of a Certificate of Occupancy, the boundary at the edge of the NGPA 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.
15. If enhancement or removal of invasive species is required in the wetland buffer averaging areas during the review of final Critical Areas Report, the developer shall provide a secured wetland mitigation bond with the City equal to 125 percent of the cost of installation (labor and materials) for implementation of the final Wetland Buffer Mitigation Plan. Said bond shall be posted prior to issuance of the first building permit.
16. Pursuant to MCMC Section 15.10.045.A, temporary barrier fencing shall be placed around the drip lines of the trees to be retained (including the wetland buffer) prior to commencing clearing and grading, and be maintained until construction is completed.
17. 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:**

18. A Clearing and Grading permit for all clearing, grading, roadway, stormwater, and erosion control work shall be approved by the City Engineer and Director of Public Works and Development Services prior to any clearing or grading work on the site.
19. Frontage improvements include a new driveway cut and curb/gutter. The applicant shall coordinate review with WSDOT.
20. Per MCMC 17.34.040.A, a walkway connection shall be provided from the public sidewalk along SR 527 to the parking lot. Location of the walkway shall be either along the side of the driveway entry or through the roadway buffer and shown on the final Binding Site Plan and the civil plans.
21. The developer shall submit stormwater plans and documentation to address all required drainage improvements. The approved stormwater system shall include the following elements and conditions per MCMC Chapter 15.14 and the February 2012 Department of Ecology Stormwater Management Manual for Western Washington (amended 2014) with Appendix 1 of the City's Phase 2 NPDES permit (dated as effective September 1, 2012):
  - A. Drainage plans shall be submitted to the City Engineer and Director of Public Works and Development Services for review and approval.
  - B. A Stormwater Pollution Prevention Plan (SWPPP) shall be prepared to address the 12 required elements and all Best Management Practices that are expected to be used on site for erosion and sediment control.
  - C. The developer shall obtain and provide the City a copy of the proposed off-site 20-foot wide private stormwater easement prior to submitting the final stormwater report and plans. If the developer does not obtain the easement, the stormwater outfall shall be located on the subject site outside of the 25-foot wide access easement.
  - D. 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.
  - E. A final stormwater report signed and stamped by a licensed professional engineer shall be submitted to the City Engineer for review and approval.
  - F. The property owners shall be obligated to own, maintain and operate the stormwater system outside the public right-of-way to the satisfaction of the City Engineer.
  - G. 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.

22. All new and existing utilities within the project site 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:**

23. The developer shall pay mitigation to the City of Mill Creek in the amount of \$21,099.00 for impacts to the City roadway system. Payment of traffic mitigation fees to the City of Mill Creek is required prior to building permit issuance.

**Fire District Requirements:**

24. The developer shall ensure adequate fire flow/hydrants and 4" STORTZ adaptors on all hydrants.
25. The developer shall contact Fire District 7 prior to building permit application to coordinate the location of the fire department connection for the sprinkler system for the five indoor animal boarding houses.
26. The developer shall ensure that the site address is clearly marked on the building exterior adjacent to the Bothell-Everett Highway.
27. The developer shall provide a Knox box and tenant keys for Fire District 7.
28. Ensure all "Fire Lanes" are clearly marked and signs posted prior to occupancy.

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

**For APN/Parcel ID(s): 280531-001-004-00**

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All that portion of the Northeast quarter of the Northeast quarter of Section 31, Township 28 North, Range 5 East, W.M., described as follows:

Beginning at the Northeast corner of said Section 31;  
Thence South 0°54' West 160 feet;  
Thence North 51°03'15" West 113.57 feet to Southeasterly right of way state highway,  
Thence Southwesterly along said Southeasterly line on a curve to the right having a radius of 317.9 feet a distance of 117.92 feet;  
Thence South 74°11' West along said Southeasterly line 32.08 feet to the true point of beginning;  
Thence South 51°03'15" East to East line of said section;  
Thence South to a point which is 560 feet South of the Northeast corner of said section;  
Thence South 89°58' West 330 feet;  
Thence North 4°58'54" West 371.04 feet to Southeasterly right of way state highway;  
Thence North 74°11' East 150.00 feet more or less to the true point of beginning.

Except that portion for highway to the State of Washington by Decree Of Appropriation entered in Snohomish County Superior Court Cause No. 02-2-07147-1.

Situate in the County of Snohomish, State of Washington,

## **EXHIBIT 1d**

### **CONTENTS OF PROJECT FILE**

#### **MUTTLEY SQUARE BINDING SITE PLAN (PL2018-0017)**

**The following documents will be officially entered into the record at the Hearing Examiner Public Hearing on March 25, 2019. The staff report was posted on the City of Mill Creek website on March 15, 2019. All other documents are available for review in the project file at City Hall, 15728 Main Street, Mill Creek.**

<b>Exhibit</b>	
<b>1</b>	Staff Report to the Hearing Examiner dated March 13, 2019. a) Vicinity Map b) Binding Site Plan (Sheet A1.0) c) Legal Description d) Contents of Project File
<b>2</b>	Land Use Application submitted August 24, 2018
<b>3</b>	Owner's Letter of Authorization dated August 24, 2018
<b>4</b>	Revised Project Narrative dated January 14, 2019
<b>5</b>	Title Report dated August 10, 2018
<b>6</b>	Tree Preservation Plan (Sheet A-1.1( dated December 11, 2018
<b>7</b>	Preliminary Landscape Plan (Sheet A-1.2) dated December 11, 2018
<b>8</b>	Geotechnical Report from Nelson Geotechnical Associates, Inc. submitted June 20, 2018
<b>9</b>	Revised Traffic Report prepared by Gibson Traffic Consultants, dated December 2018
<b>10</b>	Traffic Report Compliance Memo dated March 11, 2019
<b>11</b>	WSDOT JZ Agreement executed on November 29, 2018
<b>12</b>	Revised Critical Areas Study prepared by Wetland Resources dated November 28, 2018
<b>13</b>	Critical Areas Compliance Memo dated January 4, 2019

<b>14</b>	Water and Sewer Availability Letter from Silver Lake Water and Sewer District dated August 15, 2018
<b>15</b>	Preliminary Grading and Drainage Plans (Sheets C1.1-C4.1), submitted January 18, 2018
<b>16</b>	Drainage Report prepared by CG Engineering dated December 12, 2018
<b>17</b>	Drainage, Clearing and Grading Compliance Memo dated March 11, 2019
<b>18</b>	Completeness Letter issued September 6, 2018
<b>19</b>	Notice of Development Application posted on-site September 6, 2018 and Affidavit of Publishing, Posting and Mailing
<b>20</b>	Technical Review Committee Comment Letter issued October 3, 2018, with attachments: <ul style="list-style-type: none"> <li>a. Binding Site Plan Redlines</li> <li>b. SEPA Checklist Redlines and Preliminary Development Impact Mitigation Checklist</li> <li>c. Review Memorandum from ESA dated September 20, 2018</li> <li>d. Review Memorandums from Perteet Engineering for drainage and traffic dated September 11 and 15, 2018 along with Preliminary Technical Information Report/Plan Redlines and Recorded Easement</li> <li>e. Review Letter Snohomish County Fire District No. 7 dated September 14, 2018</li> <li>f. Silver Lake Water and Sewer District comments dated September 14, 2018</li> <li>g. Snohomish County PUD comments dated September 25, 2018</li> </ul>
<b>21</b>	Revised Fire District Comments dated December 12, 2018
<b>22</b>	MDNS and Notice of Property Development Impact Mitigation for Muttley Square Binding Site Plan (City File PL2018-0017), with attached SEPA checklist, issued February 20, 2019
<b>23</b>	Affidavit of Publishing, Posting and Mailing for Public Hearing Notice
<b>24</b>	Staff Power Point
<b>25</b>	

Yellow Highlight Indicates Exhibits Submitted during the Public Hearing