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

PART I - SUMMARY INFORMATION

HEARING DATE:       June 16, 2020

NAME OF PROJECT:    Binding Site Plan for 7Cs Swim School
                    File No. PL2019-0014

DEVELOPER/          Daniel Carr
APPLICANT:          7C’s Swim School
                    21600 31st Drive Southeast
                    Bothell, Washington 98021

LOCATION:           The site is located at 13525 North Creek Drive, Mill Creek,
                    Washington 98012. See Attachment A – Vicinity Map.

REQUESTED ACTION:  Consideration of a Binding Site Plan application that proposes the
                    construction of an approximately 10,000 square foot recreational
                    building that will house a 50-foot by 70-foot indoor pool and be
                    used as a swim school. Site improvements will include parking,
                    concrete sidewalks, stormwater facilities and associated utilities.
                    See Attachment B – Preliminary Binding Site Plan.

COMPREHENSIVE PLAN DESIGNATION:  Community Business

ZONING DISTRICTS:   CB Community Business

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 May 6, 2020, a Mitigated Determination of Non-Significance (MDNS) and Notice of Property
Development Impact Mitigation was issued for the proposal, which is contained in the project file.
The MDNS identifies code requirements and contains conditions that mitigate impacts on specific elements of the environment that may be affected by the proposal, including transportation. The comment and appeal period expired on May 21, 2020, and no appeals were received. The conditions have been incorporated in the recommended Conditions of Approval, contained in Part V of this report.

PUBLIC NOTICE:

Pursuant to MCMC Section 14.07.030, notice of public hearing was mailed on June 5, 2020, directly to property owners of record within 500 feet of the proposed project and posted on the site on June 5, 2020. Notice of public hearing was published in the Everett Herald on June 6, 2020. All legal requirements for public notice have been satisfied.

PART III - BACKGROUND INFORMATION

EXISTING SITE CHARACTERISTICS:

The subject site is approximately 4.5 acres in size and is located on the southern parcel at the corner of North Creek Drive and Dumas Road. The property is undeveloped forest land with an existing wetland. Overall the topography of the site slopes from north to south, as well as the east and west. Wetland A, a Category III wetland, is located in the northeastern portion of the site.

SURROUNDING ZONING AND LAND USES:

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

- The property to the northeast, across North Creek Drive, is zoned Mixed-Use/High Density Residential (MU-HDR). The property is developed with the Heatherwood Apartments. A portion of the site is leased to YMCA of Snohomish County and is developed with a childcare facility.

- The property to the south is zoned Office Park (OP). The property is owned by the City of Mill Creek and is currently undeveloped.

- The property to the southwest is zoned Community Business (CB). The property is developed with Mill Creek Sports Cards, a retail business.

The property to the northeast, across Dumas Road, is zoned High Density Residential (HDR). The property is developed with the Monterra Apartments

- The properties to the east, across Dumas Road, are zoned Community Business (CB). The properties are developed with two older duplex units.

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 from Snohomish County Fire Protection District No. 7. The City has adopted an interlocal agreement with Snohomish County regarding the joint review, comment, and imposition of appropriate mitigation and conditions on development proposed within the City.

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, 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 16 (Subdivisions and Plats), Title 17 (Zoning), and Title 18 (Environment) of the Mill Creek Municipal Code (MCMC). The applicant is proposing a Binding Site Plan, which is subject specifically to the provisions contained in Chapter 16.12, and Chapter 17.16. A matrix demonstrating how the project complies with the applicable development regulations is included within this report.

Site Design

General Description:
The subject property is currently undeveloped. The subject property is bound by North Creek Drive to the west and Dumas Road to the north. The property is zoned Community Business (CB). The purpose of the Community Business (CB) district is to implement the community business land use designation of the comprehensive plan by locating commercial businesses and higher density residential uses near activity areas, pedestrian accesses, and major transportation arterials. Uses permitted within this district are intended to provide a broad range of goods and services to the surrounding community. MCMC Section 17.16.010.G identifies commercial recreation facilities as a principal use in the CB zone district.

Development of an approximately 10,000 square foot building that will be used as a private swim school is proposed on the southern portion of the property. Site improvements will include parking, stormwater facilities, and utilities.

Topography across the site varies so that the highest part of the parcel is generally in its center with an elevation of approximately 430 feet. The elevation drops in all directions from the center of the parcel at a gentle to moderate rate. Along the western property line, the ground slopes to the west at an approximate 2.5H:1V to 3H:1V inclination over approximately 10 to 15 feet of vertical relief. It appears that the slope was created as a result of the construction of North Creek Drive. A moderate slope approximately 10 feet in height with an approximately 20 percent
inclination is situated near the midpoint of the southern property line. The eastern portion of the site contains a wetland with an approximate 100 foot buffer.

The City defines Geologically Hazardous Areas to include erosion hazards, landslide hazards, and seismic hazards. No areas were identified as Erosion Hazards; however, typical erosion control measures during construction will be required. No Landslide Hazard areas were identified on the property. Do to the presence of very dense glacial till soils underlying the subject property, it does not appear that the property is located within a Seismic Hazard Area.

Access and Circulation
The project site has frontage on North Creek Drive. Partial frontage improvements currently exist along the entire frontage, and access to the site will be via a road cut that is directly across from the Heatherwood Apartments southern entrance.

Setback Requirements
Required setbacks in the CB zone district are:

- Front yard: Zero Feet.
- Side yard: None, except when abutting a residential zone, which shall then be 25 feet. The proposed development does not abut a residential zone. The adjoining properties are zoned Community Business to the west and Office Park to the south.
- Rear yard: None, except when abutting a residential zone.

Parking Requirements
In accordance with MCMC Section 17.27.020.D.13, Commercial recreation facilities shall have one space per 500 square feet. Thus, with a 10,000 square foot building, 20 parking spaces are required. However, the applicant is proposing 54 parking stalls to meet their business needs.

Roadway Buffer / Landscaping:
A 35-foot roadway buffer tract is required adjacent to Dumas Road, which shall be placed in a separate tract. The majority of this roadway buffer tract overlaps with the tract containing Wetland A and its associated buffer. Thus, this buffer will be designated as an NGPA and remain in a natural state. The North Creek Drive frontage will be landscaped in compliance with the Comprehensive Plan Streetscape Element. Landscaping for the North Creek Drive frontage, as well as interior site/parking lot landscaping will be reviewed and approved by the City’s Design Review Board.

Utilities:
Utilities and services to serve the future uses on the site are available. The site is within the Silver Lake Water and Sewer District. Extension of the public water and sewer system is required under the terms of a Developer Extension (DE) Agreement with the District. Water and sewer plans should be a separate set from the civil/site plans and submitted to the District for review with the DE. A water easement will be required to the southern property line for potential future development connections. The discharge location for the pool is required, by the City, to be to the sanitary sewer. Thus, the maximum discharge rate will be required to determine impacts on the District’s downstream pipe network. During the construction plan review stage, building plans and details of the pool discharge pump system will be required by the District to determine water and sewer requirements. Required fire hydrants and/or fire flow will be coordinated between the Silver Lake Water and Sewer District and Fire District No. 7.
Electrical service will be provided by Snohomish County PUD No. 1. The PUD has indicated that they have enough electric system capacity to serve the proposed development. However, the existing District facilities in the local area may require upgrading. The developer is required to supply the District with suitable locations/easements on all parcels where electrical facilities must be installed to serve the proposed development. Existing PUD facilities may need relocations or modifications at the developer’s expense. Three-phase power will have to be brought to the site from Bothell-Everett Highway, and primary line extension will be required. Any relocation, alteration or removal of District facilities to accommodate this project shall be at the expense of the project developer and must be coordinated with PUD in advance of final design.

Communication services will be provided by either Frontier or Comcast communication companies.

Natural gas will be provided by Puget Sound Energy.

**Stormwater Facilities:**
There are two Threshold Discharge Areas (TDA) associated with the subject site. Flows to the east in one TDA eventually discharge to Sitka Creek, which then discharges to North Creek. Flows to the south and east in the second TDA eventually discharge to an unnamed watercourse that discharges to North Creek. Flows from the two TDA join approximately one-half mile downstream.

The site is tributary to Upper North Creek Basin and currently does not have a concentrated point of confluence, but rather drains evenly along the property lines. A portion of the developed site will drain to a point of connection to the public storm drain system in North Creek drive, which eventually outfalls to North Creek through Heatherwood Apartments. According to the Drainage Report created for the Heatherwood Apartments, the stormwater system for Heatherwood Apartments was designed to handle runoff from the subject property under predeveloped and forested conditions. Therefore, the runoff discharged from the developed site will be released at a rate that is at or less than predeveloped and forested conditions using detention and flow control. Therefore, the natural drainage system within this subbasin is preserved.

An eastern portion of the existing site drains to the south before it eventually connects with Upper North Creek. A separate stormwater system has been designed for this subbasin, and will discharge to the south, thus preserving the natural drainage system.

Runoff from both pollution and non-pollution generating surfaces will be collected and discharged to StormTech stormwater detention systems, to meet flow control requirements. There will be three stormwater detention systems on the developed site. Two detention systems to the west will discharge stormwater in a traditional gravity flow manner (Subbasin B and C). A third detention system (Subbasin D) to the east will utilize a pump lift station to discharge stormwater from its control structure, as it is infeasible to discharge by gravity from this system due to the depth of the system.

Downstream of the detention system, a Biopod system will be used to meet water quality requirements prior to discharging to the point of confluence. One Biopod will be placed at the confluence of two detention facilities at the southwest corner of the site, the second Biopod will be placed downstream of the third detention facility on the east side of the site.
The new drainage system for the proposed development is required to be designed in accordance with the requirements of the 2014 Department of Ecology (DOE) Stormwater Management Manual for Western Washington. See the Drainage Report, which is contained in the project file for a detailed analysis.

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. 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. Perteet, the City’s engineering consultant, has reviewed the project for compliance with the City’s drainage regulations and found the project compliant as proposed and conditioned.

Wetland Protection and Wetland Buffer Averaging
Per the wetland study performed by Wetland Resources, Inc., there is one on-site Category III wetland (Wetland A), located in the northeastern portion of the site. The overall footprint of the proposed development partially extends into the standard buffer associated with Wetland A. In order to avoid potential buffer impacts associated with the project, the applicant proposes to implement buffer averaging as allowed by MCMC Section 18.06.930(C) and reduce a 5,230 square foot buffer area to the south of Wetland A. As compensation, an equal amount of buffer will be provided. The additional buffer area is of at least equal quality as that being reduced. Additionally, the applicant will install three downed logs, two bird nest boxes, and one bat box to enhance wildlife habitat functions on the site. Per MCMC Section 18.06.080, the modified buffer edge will be demarcated by fencing and critical area signage. See the Wetland Report and Buffer Averaging Plan, dated November 11, 2019, which is contained in the project file. The Buffer Averaging Plan was reviewed by ESA, the City’s environmental consultant, who found the plan to be consistent with the MCMC and DOE regulations.

Transportation:
City Transportation - Traffic Impacts and Mitigation:
Traffic mitigation is required by the City for new PM peak hour trips generated by this development in accordance with City Ordinance No. 2018 – 838. Mitigation money is collected and used to build future capital projects to improve roadway capacity in accordance with the adopted City Comprehensive Plan, Capital Improvement Plan and biennial budget.

The applicant has submitted a Traffic Impact Analysis dated January 2019 prepared by Gibson Traffic Consultants, Inc., which is contained in the project file. The Traffic Impact Analysis was reviewed by Perteet, the City’s engineering consultant, who found the plan to be consistent with the MCMC and DOE regulations.

The trip generation calculations were based on data provided by the applicant and a count of their existing facility. Based on a year’s worth of data, there are approximately 1.89 PM peak-hour trips per attending family with an average of 14.67 attending family during the PM peak hour. This equated to approximately 27.73 PM peak-hour trips for an average weekday at their existing facility.

The pool size will be increasing from 30-feet by 50-feet to 50-feet by 70-feet. This increase is to account for the number of instructors doubling and for an increase in the warm-up/cool-down area, which is currently undersized. Due to the swimming lessons being held in a one-on-one format,
the number of trips is expected to double with the increase in instructors. This would result in a PM peak-hour trip generation of approximately 55.45 trips.

The MDNS issued for the project requires the developer to pay mitigation to the City of Mill Creek for impacts to the City roadway system. The mitigation required is $3,900/new trip during the PM peak hour. The traffic analysis has estimated that there will be 55 new PM peak trips generated by the proposed development. Thus, $3,900 \times 55.45 = $216,255 total traffic mitigation required. Payment of traffic mitigation fees to the City is required prior to issuance of the building permit.

*Snohomish County Transportation - Traffic Impacts and Mitigation:* 
The City of Mill Creek and Snohomish County entered into an Interlocal Agreement, on February 20, 2019, for the reciprocal review and mitigation of interjurisdictional transportation system impacts. Mitigation fees to Snohomish County are based on the use of a standard distribution percentage of project trips impacting county roads or on a comprehensive traffic study. As shown in the traffic report, the proposed project will not impact any Snohomish County planned improvement projects identified in the County’s Transportation Needs Report with three directional PM peak hour trips. As a result, the project applicant is not required to pay proportionate share impact fees to Snohomish County. Snohomish County Public Works reviewed the traffic report and concurred with this assessment as a part of the TRC review process.

**Intersection LOS Analysis**

Intersection level of service analysis has been performed for the following intersections:

1. North Creek Drive at Dumas Road – Signalized
2. SR 527 at Dumas Road – Signalized
3. SR 527 at North Creek Drive – Signalized
4. North Creek Road at Site Access - Unsignalized

The City of Mill Creek has a level of service standard of C for local intersections, level of service D for collector arterials, level of service E for arterial to local intersections and level of service F for arterial to arterial intersections.

### Intersection Level of Service Summary

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Existing Conditions</th>
<th>2023 Baseline Conditions</th>
<th>2023 Future with Development Conditions</th>
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<tbody>
<tr>
<td></td>
<td>LOS</td>
<td>Delay</td>
<td>LOS</td>
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<tr>
<td>1. N Creek Road at Dumas Road</td>
<td>B</td>
<td>11.3</td>
<td>B</td>
</tr>
<tr>
<td>2. SR-527 at Dumas Road</td>
<td>C</td>
<td>25.9</td>
<td>C</td>
</tr>
<tr>
<td>3. SR-527 at N Creek Road</td>
<td>B</td>
<td>13.3</td>
<td>B</td>
</tr>
<tr>
<td>4. N Creek Road at Site Access</td>
<td>A</td>
<td>9.9</td>
<td>B</td>
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The study intersections will continue to operate at an acceptable level of service under the 2023 future with development conditions.

Sight Distance Analysis
The City of Mill Creek assesses sight distance based on the standards described in the AASHTO Geometric Design Manual. The speed limit along North Creek Drive near the site access is 25-mph. Based on a design speed of 25-mph, 155 feet of stopping sight distance and 280 feet of intersection sight distance is required. As the site frontage will be updated with the development, it will have to meet sight distance standards. The access point will be aligned with the existing Heatherwood Apartments southern entrance as required by the City's transportation, traffic alignment and spacing requirements. The sight distance to the north can be achieved by clearing the foliage along the frontage, which will be a recommended Condition of Approval. The site distance to the south is obstructed by an off-site fence. The adjacent property to the south is owned by the City of Mill Creek. A Condition of Approval is included requiring the applicant to enter into a perpetual vehicular sight line easement with the City prior to starting any site work.

SUMMARY OF RESPONSES FROM OTHER AGENCIES WITH JURISDICTION:

Fire District No. 7:
Snohomish County Fire District No. 7 reviewed the proposed Binding Site Plan and had the following comments:

- The building construction is indicated to be type V-B, 10,000 square feet. This requires a fire flow of 2,750 gpm for 2 hours per Table B105.1(2). (Note – this can be reduced to 1,500 gpm at 20 psi if the building is equipped with an NFPA 13 automatic fire system.)
- With an NFPA 13 automatic fire sprinkler system installed, one new fire hydrant is required. The required fire flow availability of 1,500 gpm for this hydrant needs to be verified by Silver Lake Water and Sewer District.
- The fire apparatus access roadway needs to be marked per the City’s Fire Lane Signage and Marking standards.

CONSISTENCY WITH DEVELOPMENT REGULATIONS:

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

<table>
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<th>DEVELOPMENT REGULATIONS</th>
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<tr>
<td><strong>CODE SECTION</strong></td>
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<tr>
<td>16.12.005 Public Improvements.</td>
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<tr>
<td>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.</td>
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### DEVELOPMENT REGULATIONS

<table>
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<tr>
<th>CODE SECTION</th>
<th>STAFF ANALYSIS</th>
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| **17.16.010 Principal uses:**  
G. Commercial recreation facilities; | Commercial recreation facilities are identified as a principal use in the CB zone district. |
| **17.16.035 Review requirements.** 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. |
| **17.16.040 Minimum lot size.**  
The minimum lot size shall be 7,200 square feet. | The approximate lot size is 4.5 acres; thus meeting the minimum lot size requirement. |
| **17.16.070 Maximum height.**  
The maximum height shall be 40 feet. | The proposed building height is 23 feet, which is less than the allowed maximum height. |
| **17.16.080 Setbacks.**  
Setbacks shall be:  
1. Front yard: zero feet.  
2. Side yard: none, except when abutting a residential zone.  
3. Rear yard: none, except when abutting a residential zone. | The proposed site abuts property that is zone Community Business and Office Park. It does not abut a residential zone; thus, the proposal is compliant with the setback requirements. |
| **17.16.085 Streetscape and roadway buffer/cutting preserves.**  
Streetscape design and roadway buffer/cutting preserve tracts adjacent to arterial and collector streets shall be provided in accordance with the city’s comprehensive Plan, Streetscape Element. Roadway buffer/cutting preserves to be provided range from 50 feet from the edge of the right-of-way for residential uses to 35 feet for nonresidential uses. No roadway buffer is required adjacent to North Creek Drive, between Trillium Boulevard and Dumas Road MCMC 17.22.120). | A roadway buffer tract is proposed along Dumas Road as required by the Code. No roadway buffer is required along North Creek Drive. |
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<td><strong>CODE SECTION</strong></td>
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<tr>
<td><strong>17.22.020 Landscaping.</strong> 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.</td>
</tr>
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<td><strong>17.22.110 Undergrounding of utilities.</strong> 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.</td>
</tr>
<tr>
<td><strong>17.22.120 Comprehensive plan – Concurrency and consistency required.</strong> All new developments within the City shall be consistent with the provisions of the comprehensive plan, including but not limited to the following: A. All developments within the City shall be consistent with the land use plan map as adopted in the land use element of the comprehensive plan. B. All developments within the City shall be consistent with the applicable goals and policies of the comprehensive plan. C. Developments shall not cause a reduction in the level of service for transportation and/or neighborhood park facilities below the minimum standards established within the comprehensive plan and capital facilities plan, unless improvements or strategies to accommodate the impacts of the development are made concurrent with the development.</td>
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## DEVELOPMENT REGULATIONS

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<tr>
<td>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.</td>
<td>The proposed Binding Site Plan has been designed to be consistent with these requirements as described below:</td>
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<td>17.34.040 A 1-8. Site Design. The following applicable design elements shall be applied to all projects:</td>
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<tr>
<td>Site Design Layout.</td>
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<td>• Sites shall be developed in a coordinated manner to complement the natural topography and drainage, and adjacent structures through building placement, architecture and size/mass.</td>
<td>• The proposed swim school is compatible with the surrounding uses, which include the Mill Creek Sports Park and Arena Sports, both recreation-oriented uses.</td>
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<td>• Where appropriate, sites shall incorporate transit-compatible designs. “Transit compatibility” means designs that are pedestrian oriented, provide safe and convenient access to transit facilities, and foster efficient transit service.</td>
<td>• The site is located within ¼ mile of the McCullum Park &amp; Ride and there are several transit stops along SR 527 in close proximity, including the CT Green Line. A sidewalk is proposed on the southern edge of the access drive, connecting to the sidewalk on North Creek Drive to provide access to the bus stops.</td>
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<td>• Where appropriate, sites shall be designed to provide vehicular and pedestrian connections to adjacent sites.</td>
<td>• Vehicular and pedestrian connections to adjacent sites are not appropriate in this case.</td>
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<td>• The use of LID best management practices is encouraged whenever site and soil conditions make it feasible. LID best management practices include, but are not limited to, minimizing impervious surfaces, designing on-site LID stormwater management facilities, and retaining native vegetation.</td>
<td>• Private open space is being provided in the 35-foot Roadway Buffer Tract and Wetland A and its associated buffer.</td>
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<td>• The site was evaluated for LID potential and for the most part it was determined to be not feasible.</td>
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PART V—STAFF RECOMMENDATION

STAFF RECOMMENDATION:

Staff recommends approval of the Binding Site Plan subject to the following suggested Conditions of Approval:

1. Development shall occur as portrayed on the Binding Site Plan Map, except as may be modified by the Hearing Examiner following the open record hearing, per MCMC Chapter 4.34.

2. All utility, stormwater, drainage, maintenance, easements, and roadway buffer and NGPA tracts, together with attendant restrictions and conditions, shall be portrayed on the Final Binding Site Plan.

3. The Final Binding Site Plan shall be recorded with the Snohomish County Auditor and a copy provided to the City prior to the issuance of the Certificate of Occupancy.

4. The developer may assign its rights and obligations under this development approval upon prior written notice to the City identifying the new entity and evidencing the transfer of obligations to the new entity.

5. A binding site plan issued under MCMC Chapter 16.12 shall expire and become void unless site improvements are substantially implemented within seven years of approval. The applicant may request one and only one extension of time before the expiration date.

Landscaping:

6. Landscape plans for the streetscape (street trees) and the interior parking lot landscaping 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 prior to issuance of the building permit.

7. Street trees are required in the planter strip between the sidewalk and the street along North Creek Drive and shall be maintained to ANSI standards. If a tree should fail, replacement will be the responsibility of the property owner.

8. The developer shall provide a secured performance bond equal to 125 percent of the cost of the landscaping plan installation including labor and materials, in accordance with MCMC Section 16.16.040, which shall be posted prior to issuance of the building permit.

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.

10. To achieve adequate sight distance to the north of the access drive, the existing plant material shall be cleared and any supplemental landscaping planted in the sight distance triangle should be low growing.
11. The applicant shall be required to obtain a perpetual vehicular sight line easement on the adjacent property to the south, to achieve the necessary sight distance to the south of the access drive prior to commencement of construction activity.

**Low Impact Development Standards:**

12. All landscaped areas shall be amended with a minimum of four inches of compost to a minimum depth of six inches to improve the on-site retention of stormwater.

13. During clearing and grading the duff layer and native topsoil shall be retained in an undisturbed state to the maximum extent practicable. In any areas requiring grading, remove and stockpile the duff layer and native topsoil on site in a designated, controlled area, not adjacent to critical areas, to be reapplied to other portions of the site where feasible.

14. Stockpiled topsoil must also be amended if needed to meet the organic matter or depth requirements (to achieve 12 inches of uncompacted depth (top 8 inches shall be amended soil and 4 inches of loose or fractured subsoil).

**Protection of Critical Areas:**

15. The wetland and its associated buffer shall be placed in a separate tract and shall be designated as a Native Growth Protection Area (NGPA) on the face of the Final Binding Site Plan, and shall be recorded on all documents of title, 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.

16. Prior to commencing construction activity, the edge of the wetland buffer shall be clearly staked, flagged and protected with fencing. Site clearing shall not commence until the applicant has submitted written notice to the Public Works and Development Services Department that the buffer requirements of MCMC Sections 18.06.810 and 18.06.930 (E) have been met.

17. Prior to issuance of a Certificate of Occupancy, the edge of the NGPA tract shall be fenced and 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.

18. All of the existing significant trees in the NGPA shall be preserved. A restriction shall be shown on the face of the Final Binding Site Plan preserving all trees in the critical areas tract.

19. 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.

20. 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 building permit.

**Engineering and Site Work:**

21. A Clearing and Grading permit for all clearing, grading, roadway, stormwater, and erosion control work shall be approved by the Director of Public Works and Development Services prior to any clearing or grading work on the site.

22. The developer shall submit stormwater plans and documentation to address all required drainage improvements. The approved stormwater system shall include the following elements and conditions per MCMC Chapter 15.14 and the 2012 Department of Ecology Stormwater Management Manual for Western Washington as amended in 2014.

   A. Final drainage plans shall be submitted to the Director of Public Works and Development Services for review and approval.

   B. A Stormwater Pollution Prevention Plan (SWPPP) shall be prepared to address the required elements and all Best Management Practices that are expected to be used on site for erosion and sediment control.

   C. The developer shall apply for an individual Construction Stormwater General Permit from the State Department of Ecology, and provide proof of the issued permit to the City prior to beginning construction. Said plan elements shall be installed and inspected/approved by the City prior to other site work.

   D. A final stormwater report signed and stamped by a licensed professional engineer shall be submitted to the City for review and approval.

   E. The property owners shall be obligated to own, maintain and operate the stormwater system outside the public right-of-way to the satisfaction of the City.

   F. Provisions shall be included on the face of 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.

23. All new and existing utilities within the project shall be placed underground in accordance with MCMC Section 17.22.110. The applicant shall be responsible for all costs associated with undergrounding the utilities. Appropriate easements or right-of-way for all utilities shall be provided by the applicant and shown on the face of the Final Binding Site Plan.
24. Prior to commencing any site work, a comprehensive COVID-19 exposure control, mitigation, and recovery plan, which is compliant with state guidelines, is required. The plan must include policies regarding the following control measures: PPE utilization; on-site social distancing; hygiene; sanitation; symptom monitoring; incident reporting; site decontamination procedures; COVID-19 safety training; exposure response procedures; and a post-exposure incident project wide recovery plan. The plan must also include a Job Hazard Analysis (JHA), including a list of engineering controls and proper Personal Protective Equipment (PPE), for all jobsite activities defined by Washington State Department of Labor & Industries (L&I) as medium and high transmission risk.

25. A copy of the COVID-19 exposure control, mitigation, and recovery plan must be available on each job site during any construction activities and available for inspection by state and local authorities. Workers must be trained on safety protocols before the activity begins.

SEPA Mitigation Fees:

26. The developer shall pay mitigation to the City of Mill Creek in the amount of $216,255.00 for impacts to the City roadway system. Payment of traffic mitigation fees to the City of Mill Creek is required prior to approval of the building permit.

Fire District Requirements:

27. The developer shall ensure adequate fire flow/hydrants and 4” STORTZ adaptors on all hydrants. Placement of the hydrant(s) and fire flow capacity are subject to review and approval by Fire District No. 7.

28. The applicant should submit a Fire Flow verification from the Silver Lake Water and Sewer District to quantify the fire flow rate that is available.

29. Fire Lane Marking: Fire lane signs as specified in the City Standards shall be posted on the internal roadway.

30. An NFPA 13 automatic fire sprinkler system is recommended. If a fire sprinkler is not installed, the fire hydrants and fire flow will be adjusted as necessary to compensate.

31. Combustible building materials shall not be brought onto the site until approved firefighting water is available and an all-weather roadway surface capable of supporting fire apparatus is provided.

Silver Lake Water District Requirements:

32. A Developer Extension Agreement with the Silver Lake Water and Sewer District (SLWSD) is required.

33. A water easement is required to the southern property line for potential future development connections.
34. If additional hydrants and/or fire flow are needed, the water main must be looped back to North Creek Drive. Hydraulic modeling will be required to determine an exact fire flow figure.

35. Because the discharge location for the pool is required, by the City, to be to the sanitary sewer, the maximum discharge rate will be required to determine impacts on the District’s downstream pipe network. An onsite pool filter system may be required to minimize or eliminate the need for rapid pool discharge.

36. Any chemical storage rooms in the building should not drain to the sanitary sewer system.

Attachments:  Attachment A – Vicinity Map  
Attachment B – Binding Site Plan  
Attachment C – Legal Description  
Attachment D – List of Project File Contents
ATTACHMENT C
Legal Description

LOT 3 OF HEATHERWOOD APARTMENTS, RECORDED DECEMBER 09, 2002 UNDER RECORDING NO. 200212095001, IN SNOHOMISH COUNTY, WASHINGTON.
ATTACHMENT D
Contents of Project File

THE BINDING SITE PLAN FOR THE 7Cs SWIM SCHOOL PROJECT

(PL2019-0014)

The following documents will be officially entered into the record at the Hearing Examiner Public Hearing on June 16, 2020. The staff report was posted on the City of Mill Creek website on June 5, 2020, along with the attachments and documents contained in the project file.

<table>
<thead>
<tr>
<th>Exhibit</th>
<th>Description</th>
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</table>
| 1       | Staff Report to the Hearing Examiner, dated June 16, 2020  
  a) Vicinity Map  
  b) Preliminary Plat  
  c) Legal Description  
  d) Contents of Project File |
<p>| 2       | Land Use Application, submitted September 19, 2019 |
| 3       | Owner’s Letter of Authorization, dated September 19, 2019 |
| 4       | Project Narrative, dated September 19, 2019 |
| 5       | Title Report, dated September 5, 2019 |
| 6       | Civil Plans (Sheets C1.1 through L1.5, including SWPPP, Paving, Grading, Drainage, and Landscape Plans, dated May 7, 2020) |
| 8       | Stormwater Management Report, dated April 30, 2020 |
| 9       | Preliminary Binding Site Plan, dated February 24, 2020 |
| 10      | Geotechnical Engineering Report, dated December 13, 2018, with Addendum dated January 8, 2020 |</p>
<table>
<thead>
<tr>
<th></th>
<th>Document Description</th>
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<tbody>
<tr>
<td>12</td>
<td>Buffer Averaging Report, dated August 22, 2019, revised dated November 11, 2019</td>
</tr>
<tr>
<td>13</td>
<td>ESA Review Comments dated October 15, 2019 and Approval dated February 7, 2020</td>
</tr>
<tr>
<td>14</td>
<td>MDNS dated May 6, 2020 and SEPA Checklist dated March 11, 2020</td>
</tr>
<tr>
<td>15</td>
<td>Fire District Review Letter dated October 21, 2019</td>
</tr>
<tr>
<td>16</td>
<td>Silver Lake Water and Sewer Comments dated September 23, 2019</td>
</tr>
<tr>
<td>17</td>
<td>PUD Comments dated May 21, 2020</td>
</tr>
<tr>
<td>18</td>
<td>Completeness Letter dated September 26, 2019</td>
</tr>
<tr>
<td>19</td>
<td>Technical Review Committee Letter dated October 29, 2020</td>
</tr>
<tr>
<td>20</td>
<td>Public Hearing Notice with Affidavit of Publishing and Posting dated June 5, 2020</td>
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<td>21</td>
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<td>23</td>
<td>Staff’s PowerPoint Presentation dated June 16, 2020</td>
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</table>

Yellow Highlight Indicates Exhibits Submitted during the Public Hearing