



**CITY COUNCIL MEETING AGENDA**  
**Council Chambers, 1000 Laurel Street**

**February 10, 2020**  
**Monday**

**Special Meeting**  
**6:00 p.m.**

- 1. Call to Order and Flag Salute**
- 2. Roll Call of Councilmembers**
- 3. Additions/Deletions**
- 4. Regular Agenda**
  - A. Bridge Master Plan Ordinance 1980-20 (Options A & B) Approval
  - B. Development Agreement Ordinance 1981-20 Approval
  - C. Council Position #3 Interviews

**Executive Session**

Executive Session to evaluate the qualifications of a candidate for appointment of elective office. Any interview of such candidate and final action appointing a candidate to elective office shall be in a meeting open to the public. RCW 42.30.110(1)(h) Meeting shall be approximately 30 minutes.

- D. Council Position #3 Appointment & Swearing In
  - E. Transportation Impact Fee Ordinance 1982-20 Approval
  - F. Parks Impact Fee Ordinance 1983-20 Approval
  - G. Water Utility Rate Increase Ordinance 1984-20 Approval
  - H. Fee Schedule Update Resolution 20-1928 Approval
- 5. Adjournment**

Council may add and take action on other items not listed on this agenda.  
If you need ADA accommodations, please contact City Hall at (253) 517-2705  
at least 24 hours prior to the meeting.

Thank you.

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## Agenda Item #: 4A

**To:** Mayor Shanna Styron Sherrell and City Council Members  
**From:** Nick Afzali, MSCE, Director of Public Works  
Brittany Port, AICP, Contract Senior Planner  
**Date:** February 10, 2020  
**Re:** **Bridge Point I-5 Master Plan**

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**ATTACHMENTS:**

- 1) Hearing Examiner Recommendation (dated November 18, 2019)
- 2) Ordinance 1980-20 Option A (listing prohibited uses in Section 1 on page 38 of 98)
- 3) Ordinance 1980-20 Option B (listing authorized uses in Section 1 on page 42 of 98)

**TYPE OF ACTION:**

Information Only  Discussion  Action  Public Hearing  Expenditure

**Council Action/Recommendation:** Choose one of the two options below:

- “I move to adopt Ordinance 1980-20, Option “A”, listing prohibited uses), as presented.”
- “I move to adopt Ordinance 1980-20, Option “B”, listing authorized uses, as presented.”

Note: City Council conducted a closed record public hearing as required by the Municipal Code for quasi-judicial actions on December 9 voting to approve the Bridge Point I-5 Master Plan. An open record public hearing had already been held by the City of Milton Hearing Examiner as required for Process Type V applications. The City Council did not accept new testimony on the proposal as prohibited by Chapter 36.70B RCW at December 2 City Council meeting. At a closed record hearing, no new public testimony was provided, and the City Council made a decision based on the record developed before the Hearing Examiner and his recommendation

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**Background:** On March 29, 2019, the City received an application for a Planned Development (PD) Master Plan to develop the Lloyds site (gravel quarry in northwest portion of City) into a light industrial/warehousing complex involving four industrial/warehouse buildings totaling approximately 2,043,024sf. The project would demolish existing structures on the site and

include grading and fill activities to reclaim the site in accordance with the Surface Mining Reclamation permit from the Washington Department of Natural Resources. To support the industrial/warehousing proposed use, paved parking would be provided for both automobiles and truck trailers, with automobile parking separated from truck maneuvering areas for safety. The site will be landscaped with a 10-ft wide landscaping strip provided around the perimeter of the property, and parking lot landscaping provided as well as vegetation planted within the buffers of two on-site wetlands and within the buffer of Hylebos Creek in accordance with a voluntary agreement with the Puyallup Tribe to restore habitat area and functions associated with the stream.

The project would provide frontage improvements (curb, gutter and sidewalk) along the entirety of its frontage on 5<sup>th</sup> Ave. Off-site improvements would be constructed to widen 5<sup>th</sup> Ave to allow sufficient travel lane width (at least 12 feet) for truck traffic, as well as sufficient shoulder to buffer pedestrians from vehicular traffic. In addition, the road bed of 5<sup>th</sup> Ave would be raised several feet at the crossing of the Hylebos Creek and 5<sup>th</sup> Ave, where two piped culverts would be replaced with a larger, bottomless box culvert that will restore habitat and functions to the creek, removing a barrier to fish passage at this crossing.

At the intersection of 5<sup>th</sup> Ave and Porter Way, where the majority of the truck traffic for the project is proposed to travel, a roundabout or other intersection improvement would be provided that would mitigate the projects impacts as well as the existing level of service deficiency (LOS F) at that intersection. The City has recently received an approximately \$3,000,000 grant from the State to improve the intersection of Porter Way and Pacific Hwy (SR-99). The applicant has committed approximately \$415,000 towards this effort as a payment in lieu of required improvements to mitigate the projects congestion at this intersection.

In addition to the required traffic improvements to 5<sup>th</sup> Ave, the intersection of 5<sup>th</sup> Ave and Porter Way, and payment towards the City's newly funded project improving the intersection of Porter Way and Pacific Hwy, the applicant would also pay approximately \$1,421,310 (calculated based on 2019 fee structure) in traffic impact fees as required by the City's Traffic Impact Fee ordinance, to mitigate traffic impacts associated with the development throughout the City.

Between March 29, 2019 and October 31, 2019, City staff provided timely notice in accordance with MMC 17.71.120. A neighborhood meeting was held on June 5, 2019, and a notice of public hearing and revised notice of public hearing were both posted in advance of the open record hearing before the Hearing Examiner. On October 31, 2019, the City of Milton Hearing Examiner held the required open record hearing on the proposal. His recommendation is attached to this memorandum.

At the closed record hearing, upon review/presentation of the record and the Hearing Examiner's recommendation, the City Council approved the Master Plan application with the Hearing Examiner's Findings of Fact and Conclusions of Law on December 9, 2019.

November 19, 2019

Barghausen Consulting Engineers  
Attn: Dan Balmelli  
18215-72<sup>nd</sup> Avenue South  
Kent, WA 98032

Bridge Development Partners  
Attn: Spencer Mayes  
10655 N.E. 4<sup>th</sup> Street, Suite 210  
Bellevue, WA 98004

**RE: LUA 2019-0008, LUA 2019-0009, LUA 2019-0010  
BRIDGE POINT 1-5 SEATTLE**

Dear Applicant:

Transmitted herewith is the Report and Recommendation of the City of Milton Hearing Examiner relating to the above-entitled matter.

Very truly yours,

**STEPHEN K. CAUSSEUX, JR.**  
Hearing Examiner

SKC/jjp  
cc: Parties of Record

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**OFFICE OF THE HEARING EXAMINER**

**CITY OF MILTON**

**REPORT AND RECOMMENDATION**

**PROJECT NO.:** LUA 2019-0008, LUA 2019-0009, LUA 2019-0010  
**BRIDGE POINT 1-5 SEATTLE**

**APPLICANTS/  
PROPERTY OWNERS:** Barghausen Consulting Engineers  
Attn: Dan Balmelli  
18215-72<sup>nd</sup> Avenue South  
Kent, WA 98032

Bridge Development Partners  
Attn: Spencer Mayes  
10655 N.E. 4<sup>th</sup> Street, Suite 210  
Bellevue, WA 98004

**PLANNER:** Brittany Port, AICP- Contract Senior Planner

**SUMMARY OF REQUEST:**

Master plan approval and site plan review approval to develop a 118 acre site (the Lloyds gravel quarry) with four industrial/warehouse buildings totaling approximately 2,043,024 square feet along with paved parking and truck maneuvering areas, landscaping, stormwater facilities, water and sanitary sewer extensions, a street vacation, frontage road improvements, off-site roadway improvements along Milton Road/5<sup>th</sup> Avenue, and at the intersection of Milton Road/Porter Way and Porter Way/Pacific Highway. Buffer averaging is proposed for two on-site wetlands. The site is located at 38000 Milton Road South.

**SUMMARY OF RECOMMENDATION:** Approval, subject to conditions.

**DATE OF RECOMMENDATION:** November 19, 2019

**PUBLIC HEARING:**

After reviewing the City of Milton Planning and Community Development Staff Report and examining available information on file with the application, the Examiner conducted a public hearing on the request as follows:

The hearing was opened on October 31, 2019 at 9:01 a.m.

Parties wishing to testify were sworn in by the Examiner.

The following exhibits were submitted and made a part of the record as follows:

- EXHIBIT A - Planning and Community Development Staff Report**
- EXHIBIT 1 - Master Application**
- EXHIBIT 2 - Pre-Application Meeting Summary**
- EXHIBIT 3 - Title Report**
- EXHIBIT 4 - Contract to Purchase Letter from Land Lloyd Development Co.**
- EXHIBIT 5 - Certificate of Water Availability**
- EXHIBIT 6 - Certificate of Power Availability**
- EXHIBIT 7 - Site Specific Sewer Information**
- EXHIBIT 8 - Lighting Plan**
- EXHIBIT 9 - Geotechnical Report**
- EXHIBIT 10 - Notice of Complete Application**
- EXHIBIT 11 - Notice of Application and Neighborhood Meeting**
- EXHIBIT 12 - Interagency Memorandum for SEPA Optional Notice of Application**
- EXHIBIT 13 - Memorandum from WSDOT**
- EXHIBIT 14 - SEPA Comments on NOA from DOH**
- EXHIBIT 15 - SEPA Comments on NOA from Muckleshoot Indian Tribe**
- EXHIBIT 16 - SEPA Comments on NOA from Lakehaven Water & Sewer District**
- EXHIBIT 17 - SEPA Comments on NOA from Pierce Transit**
- EXHIBIT 18 - SEPA Comments on NOA from City of Federal Way**
- EXHIBIT 19 - SEPA Comments on NOA from Tacoma-Pierce County Health Department**
- EXHIBIT 20 - Elliott Comment Letter**
- EXHIBIT 21 - Third Party Review Letter of Traffic Impact Analysis**
- EXHIBIT 22 - Third Party Review Letter of Critical Area Reports**
- EXHIBIT 23 - Fire Comments by East Pierce Fire & Rescue**
- EXHIBIT 24 - City 1<sup>st</sup> Substantive Review Letter**
- EXHIBIT 25 - Applicant Response to City 1<sup>st</sup> Substantive Review Comments**
- EXHIBIT 26 - Revised Site Plan**
- EXHIBIT 27 - Site Cross Sections**
- EXHIBIT 28 - Revised Preliminary Civil Engineering Design Plans**
- EXHIBIT 29 - Revised Preliminary Stormwater Site Plan**
- EXHIBIT 30 - Revised Stormwater Pollution Preservation Plan**
- EXHIBIT 31 - Revised Preliminary Landscape Planting Plans**
- EXHIBIT 32 - Revised Traffic Impact Analysis**
- EXHIBIT 33 - Revised SEPA Checklist**
- EXHIBIT 34 - Applicant Response to Critical Area Comments**
- EXHIBIT 35 - Revised On-Site Wetland and Fish and Wildlife Assessment Report and Mitigation Plan**
- EXHIBIT 36 - Revised Off-Site Wetland and Fish and Wildlife Assessment**

- EXHIBIT 37 - Report and Mitigation Plan**
- EXHIBIT 38 - Revised Off-Site Biological Evaluation**
- EXHIBIT 39 - Significant Tree Survey and Retention Plan**
- EXHIBIT 40 - Applicant Response to Geotechnical Engineering Comments**
- EXHIBIT 41 - Revised Master Plan Document**
- EXHIBIT 42 - Memorandum from Applicant to City of Fife Re: Pro-Rata Share of Traffic Impact Fees**
- EXHIBIT 43 - Letter from City of Fife to City of Milton Re: Pro-Rata Share of Traffic Impact Fees**
- EXHIBIT 44 - Third Party Review Letter of Revised Critical Area Reports**
- EXHIBIT 45 - SEPA Mitigated Determination on Non-Significance**
- EXHIBIT 46 - Notice of Public Hearing**
- EXHIBIT 47 - Puget Sound Clean Air Agency Comment Letter**
- EXHIBIT 48 - Puyallup Tribe Appeal of MDNS**
- EXHIBIT 49 - City of Federal Way Appeal of MDNS**
- EXHIBIT 50 - Vargas Comment Letter**
- EXHIBIT 51 - Revised Notice of Public Hearing**
- EXHIBIT 52 - Notice of Administrative Appeal Hearing**
- EXHIBIT 53 - Cosner Comment Letter**
- EXHIBIT 54 - Stockdale Comment Letter**
- EXHIBIT 55 - Radant Comment Letter**
- EXHIBIT 56 - Boyle Comment Letter**
- EXHIBIT 57 - Barron Comment Letter**
- EXHIBIT 58 - Puyallup Tribe Stipulated Dismissal of Appeal**
- EXHIBIT 59 - Modified MDNS**
- EXHIBIT 60 - Federal Way Voluntary Appeal Withdrawl**
- EXHIBIT 61 - City of Milton Power Point Presentation**
- EXHIBIT 62 - Applicant Consultant Resumes/Qualifications**
- EXHIBIT 63 - Castle Comment Letter**
- EXHIBIT 64 - Staff Report**
- EXHIBIT 65 - Addendum to Staff Report**

**The Minutes of the Public Hearing set forth below are not the official record and are provided for the convenience of the parties. The official record is the recording of the hearing that can be transcribed for purposes of appeal.**

BRITTANY PORT appeared, presented the City Staff Report and a power point presentation. She testified that the project site is currently an active gravel quarry zoned PD. The owner stockpiles material and engages in topsoil production. The PD zone defers required studies to the time of a proposed use, which then allows the applicant to reclaim and grade the site to fit the use. Requirements for the proposed use include landscaping, water and sewer extensions, and street improvements. The development proposal will need to meet all master site plan approval requirements as set forth in the code. The City responsible official issued a threshold MDNS following SEPA review and

imposed 24 mitigating measures. The MDNS was modified to address traffic in Federal Way. The City deemed the application complete on April 17, 2019. Staff reviewed the application in accordance with Comprehensive Plan policies and noted that the warehouse project will create between 900-1,200 family wage jobs. Traffic improvements will upgrade the level of service of the Porter Way/SR-99 intersection from its current LOS F to LOS D. The proposed use is consistent with the zoning code, as it accommodates mainly warehouses and offices. The proposed uses are similar to those allowed in the M1 zone, and all bulk regulations are met. Conditions require additional landscaping to buffer residential uses as well as an acoustical evaluation by an expert. The project meets all parking ratios. Staff recommends approval subject to compliance with 17 conditions. Staff recommends increases in the height of the buildings as they are well-removed from property lines. The project will have no adverse impact on Hylebos Creek and will protect wetlands. The TIA shows 3,000 plus total vehicle trips per day, but also shows that all intersections will operate at LOS D or better following improvements. The two environmental appeals filed by the City of Federal Way and the Puyallup Tribe have been withdrawn subject to compliance with new conditions.

BRIAN LAWLER, attorney at law representing the applicant, appeared and thanked the City for its review and work, and the work of the Tribe and Federal Way to reach mitigation agreements that allowed them to withdraw their appeals. Voluntary mitigation addresses both appeals. The project satisfies all City code requirements and the applicant accepts all conditions of approval.

JUSTIN CARLUCCI, manger of the applicant's local office, appeared and testified that they propose light industrial and warehouse distribution type uses on the site. Their headquarters are in Chicago. As the population in the Northwest grows, so does the need for warehouses and distribution offices. They propose constructing the project in two phases between late 2022 and 2024. They are presently negotiating with five to six tenants for light warehouse and distribution uses. They could also incorporate light manufacturing uses and other types of uses. Present potential tenants include an auto parts distributor, moving and storage, business, storage of goods in pods, door distribution, machinery company distribution, and paper distributor.

SPENCER MAYES appeared and testified he is the senior vice president of development for Bridge. All of their officers have extensive experience. They have worked with City staff, the Tribes, DOT, DOH, Federal Way, and specifically the Puyallup Tribe. They accept all conditions of approval and MDNS mitigating measures.

JEFF SCHRAMM, traffic expert, appeared and testified that he has performed hundreds of traffic studies, and that this study is one of the most comprehensive. DOT and the City had their consultants review his TIA. He also worked with Federal Way and Fife. He provided an initial analysis and responded to comments with an updated report. The purpose of his analysis is to evaluate the impact of traffic on both the immediate and the extended areas. He evaluated the distribution of both employee and truck traffic. He also considered the gravel pit trucks. New truck traffic from the site will primarily travel north and make a right

turn upon leaving the site and will not travel to the south. Federal Way was concerned about congestion on Enchanted Parkway. However, most of the truck traffic from this project will go to the Port of Tacoma. They will regrade and improve 5<sup>th</sup> Avenue to accommodate trucks. They will monitor the pavement and perform further evaluations. He also considered the intersection of 5<sup>th</sup> and Porter. That intersection now operates at LOS F. The southbound movement on Porter is failing. A roundabout is the best option and they now have a preliminary design. The challenge is trucks using the roundabout, and they will provide a rolled curb to accommodate trucks. Returning trucks will go around the roundabout, and they have designed it to accommodate the largest trucks. The roundabout will improve the LOS significantly at build out of the project. Concerning the intersection with SR-99, they will extend the right turn lane on Porter and will improve the signal operation in accordance with their work with DOT. They will pay a Traffic Impact Fee of approximately 1.4 million dollars. This will be a direct payment in addition to the described improvements. The City also has a long term plan for improving 5<sup>th</sup>. They will pay a proportionate share of approximately \$111,000 to the City of Fife, and a proportionate share to Federal Way to upgrade three intersections. The cities will build out the improvements.

MR. MAYES reappeared and testified that the total amount of money paid to the cities for direct payments and improvements represents eight to ten million dollars.

SCOTT JOHNSON appeared and testified that he has raised a family of four plus foster children. He is a 30 year resident of Milton and bought his house from his parents. He had a question about the notice as he never received notice of any of the meetings. Today is his first chance to make comments. Salmon spawn in the creek and will not have protection. The City does not have adequate right-of-way to improve the road. Over the last four years he has not been able to get out of his driveway between 2:30 and 4:00. People will lose their property when the City condemns it for the roundabout. He agrees that something needs to be done and does not want trucks coming down the road.

RAYMOND HERMANN appeared and testified that he has had issues with truck traffic over the past five to six years. Trucks do not abide by the 25 mile per hour speed limit. He agrees with the first speaker. The 5<sup>th</sup> improvements will be in front of his home. What will they do about the wetlands? No one had adequate notice of this project. 5<sup>th</sup> will have to accommodate more traffic and it will affect a lot of people.

NOAH DOUGLAS appeared and questioned the number of jobs that will be provided in Milton.

BRYAN ALDERMAN appeared and testified that he resides on 5<sup>th</sup> Avenue and has lived in Milton for the past eight years. How will the roundabout help the Porter Way/SR-99 intersection? Only one traffic lane in each direction is on the bridge over I-5. He has concerns as the semis now travel faster than 30 miles per hour. What about the school buses? Trucks will come along the road while children wait for the school bus. He does not want children playing on an industrial road. They should continue routing semis to the

north and not the south. He cannot get onto 5<sup>th</sup> Friday afternoons. They have to plan their days around the traffic. The number of semis using the road is bad now.

BRUCE CASTLE appeared and testified that he is a retired geologist and opposes the MDNS. He does not approve the mitigating measures. He had no notice of the project and learned about it on October 17. Others had five months to consider it. This is a massive project and needs careful consideration. We must look at what documents are there and what documents are not there. Concerning notice, a large project such as this one needs a much wider notification. People need more time to consider it. Why can't there be a notice posted in the library or copies of the studies provided in the library? Why should people have to go to staff? People are stakeholders as they are heavily invested in their homes. He didn't see three critical documents: an environmental site assessment, hydrogeologic report, and risk management plan. We don't know anything about the site. They have not performed a hydrological report. There is no risk management plan. What about the petroleum pipeline? The absence of studies is glaring. How can the MDNS be approved without these documents? Furthermore, the reports are constrained to the 118 acre project site. There is no discussion of the project's impact to the area. There is no consideration of Federal Way's high density residential zone and how the project interacts therewith. We are not seeing this project in the big picture.

SUZANNE VARGO appeared and testified that she is a Federal Way resident and works in Federal Way at the Weyerhaeuser building. The watershed is important and the City should have required an EIS to evaluate the project and its impacts on the upper plateau. Federal Way rezoned property to HDR along the project's north property line. Does this project comply with the Hylebos Creek plan that provides criteria for development along the creek? Did the applicant include impervious surfaces in the runoff calculations, and did it divert the discharge to the creek? We need to have a hydrogeologic study to determine the answers to these questions. Trees provide a food source. We must incorporate the project with the creek plan. The Weyerhaeuser project generates 700 trips, but only 300 are estimated here. A pipeline runs along 5<sup>th</sup> Avenue and the wetland. Lloyds dumped material from the site into a wetland in Federal Way. The process here is for show only. The signage is not located in a proper place. Look at all of the impacts. We have no idea who will occupy the buildings.

PHIL LINDEN appeared and testified that water quality is very important. We need homes in the area, not warehouses. The bottleneck is the two lane bridge. Extending the right turn lane will not do a lot. This area is probably the worst traffic area in the City. 700 seniors will add many more car lengths. The impact of this project will be felt by all.

JACKIE WHALEN, a member of the Planning Commission, appeared and testified that she is speaking personally, not as a commission member. She also disclosed that her husband is a Milton City Councilmember. This project was included in the 2003-2004 Master Plan. The area around the site is not residential. We must do the maximum to protect the creek. She has long struggled with truck traffic to include its smell and noise. This project will create a drastic change in the area. We must have sidewalks and other

safety features in the area. We cannot protect citizens from thousands of trucks. Pollution will occur on the site and we must protect our citizens and the creek.

JOSEPH BARRON appeared and testified that he is not a 30 year resident, but has only moved to Milton recently. They found property here on Juniper. The City required him to perform street improvements and no one mentioned that the State would want to purchase his property. He has a low opinion of the City. He notes a lack of paperwork and studies. This project will affect everyone in the area. He can't imagine that they will develop only a portion of 5<sup>th</sup>, as 5<sup>th</sup> should be a four lane road. What is the cost to the people? He will have a wider road on his front step. A lot of industrial land is located along SR-99 and that is the place to put a warehouse park. Even if 5<sup>th</sup> is widened the project will not fit. Too many people and children live there. Trucks are up to 55 feet long and cannot make the turn at Porter and Milton Road. Here, the City is not thinking about the cost. They could easily add 50 percent to the cost and should buy out the abutting property owners. The aquifer is also our water. The City has a history of bad water and had to cleanout its facilities. The aquifer will not last if we can't perc water into the ground. He can see the Porter and SR-99 intersection, and this is not an area for commercial development.

BETTY TAYLOR appeared and testified that the City has not thought this project out. There are so many unknowns to this project. The applicant proposes to put warehouses on it and then rent them out. The applicant and the City will make a profit, but at what impact to residents. She bought her home five years ago when she moved from Kent and then eventually to Milton. They don't want their lifestyle ruined by more warehouses. Profit will change the culture. Children will now live with trucks going by all day. Other uses could be beneficial to the area. They will stop this project.

MS. PORT reappeared and testified that the Milton Municipal Code requires notice to property owners within a 500 foot radius of the property boundaries. The City provided the notice on May 1, 2019, and also published the notice in the News Tribune. The applicant posted a notice board on the site and it was also included on the City's website. The City also published notice of the public hearing, mailed notice to property owners within a 500 foot radius from the property boundaries, and also provided notice to those who commented. The environmental review consisted of evaluating a SEPA checklist that disclosed all known environmental issues. The City published the checklist and agencies commented. The MDNS includes conditions necessary to mitigate the environmental impacts of the project. No impacts are not mitigated assuming compliance with mitigating measures.

JEFF PARSONS appeared and testified that he conducted a third party environmental review for the City. His task was to review the applicant's echnical material and determine whether it complied with the municipal code. He provided comments on the applicant's studies and reviewed the applicant's proposed voluntary actions within the creek. Voluntary action is not required by the critical areas ordinance. A hydrological study is required by MDNS mitigating measures, and there are working with DOT on the road improvements for 5<sup>th</sup> Avenue. The studies performed to date show that the lower aquifer is

artesian, which means that water is flowing upward and prevents infiltration of stormwater.

MR. LAWLER reappeared and testified that the applicant has made no requests for speed limit increases.

MS. PORT reappeared and testified that the City has not proposed increasing the speed limit.

MR. CARLUCCI reappeared and testified that they will create 900 to 1,200 jobs from entry level to management. Jobs of all different skills will be available and people can advance within the project. Wages will vary from \$35,000 to \$100,000.

MR. SCHRAMM reappeared and testified that his TIA went well beyond the normal analysis. They needed to focus on the operation of streets and intersections. Each jurisdiction has its own criteria. He went through the process comprehensively. They measured traffic for both a full day and during the peak hours. The project will generate 3,000 vehicle trips per day, but only 480 will be truck trips. They also measured the LOS of impacted intersections. The City and its independent expert (TSI), DOT, as well as the cities of Fife and Federal Way and their independent experts reviewed his traffic study. They comprehensively evaluated the study more so than any he has ever done. All of the traffic professionals reviewing his report determined that conditions would be adequate. He visited 5<sup>th</sup> Avenue a dozen times and observed traffic and truck speeds. The citizen testimony is accurate. Fifth is signed at 25 miles per hour, and they have no proposal to increase it. In his opinion the 25 mile per hour speed limit is appropriate. The concerns raised about traffic have nothing to do with Milton. He noted that trucks use 5<sup>th</sup> to avoid I-5 back-ups, which is the reason why a large amount of trucks presently use 5<sup>th</sup>. The City can enforce its traffic laws. They will construct 5<sup>th</sup> to City standards and are working on pedestrian facilities. They will provide mitigation money to help the City improve the entire length of 5<sup>th</sup>. Fifth has a 60 foot wide right-of-way for most of its length, although some parts may not. Fifth does have adequate width for the improvements. They would construct it with two lanes, one in each direction, along with pedestrian improvements. The City can widen the road if it desires. If it is widened, non-City traffic would use the road. Portions of the road are now 20 to 22 feet and they will widen it to 24 feet. The roundabout will be installed at an intersection that is difficult to negotiate now. The roundabout will allow a smooth and even flow and will eliminate the queue caused by the LOS F movement. The design of the roundabout has been reviewed by seven traffic experts. The design will accommodate all trucks, regardless of length. They must ensure that it will accommodate all trucks the same as the Porter/SR-99 intersection. Testimony indicated that the two lane bridge over I-5 creates the problem for traffic, but it does not. The problem is the intersection at SR-99 and Porter. They have identified mitigation to include extension of the right turn lane and modification of the signal. They evaluated traffic during the morning and evening peak periods and noted ten to 15 percent of the daily traffic volume occurs during the a.m. period and less during the p.m. peak period. He noted specifically the left turn movement at SR-99. Some vehicles will use 376<sup>th</sup> to go north. They used a traffic model to determine where future employees will likely live. Some traffic

will use roads to the north of the site. However, trucks will use SR-99/Porter and Fifth. Their mitigation to 376<sup>th</sup> is part of Federal Way's requirement. The intersection of 5<sup>th</sup>/376<sup>th</sup> will include a turn lane or mini roundabout. At 373<sup>rd</sup> and SR-99, an un-signalized intersection, Federal Way will build a two lane roundabout. They will pay \$325,000 as their proportionate share, or in the alternative, will install a temporary signal. They considered using 376<sup>th</sup> as the primary access, but 5<sup>th</sup> and Porter is a better route and the mitigation will help more in that area. The applicant performed all studies required by the code. The hydrological study will be done in the future per code. They are not seeking a waiver, but are providing a risk management plan. If contaminants are found, they will comply with DOE regulations to include the Model Toxic Control Act.

DAN BALMELLI, Barghausen Engineers, appeared and testified that his role is developing the storm drainage plan and providing civil engineering services. He was also involved years ago with a previous master plan that did not go forward. About 100 acres of the site are proposed for development. About 18 acres will provide a buffer for the creek. The site is highly disturbed as it was used as a mine. 75 to 80 percent of the site is graded and denuded. Temporary ponds were constructed with overflow to the creek. It is unknown if water quality requirements were met. This project will design its stormwater in accordance with the DOE manual. They will design the system to limit the stormwater runoff to the amount that would runoff naturally if the site were in a forested condition. They cannot consider the graded condition of the site. They will increase the retention and reduce the discharge to the creek. Today the water discharging to Hylebos Creek from the site has no water quality controls. In accordance with the agreement reached with the Tribe, the owner will provide enhanced quality for discharge from both paved areas and roof tops. Thus, the system will treat stormwater runoff from the entire site when it is only required to treat water runoff from paved areas. Upon development this site will have much better water quality and will exceed code requirements. They will utilize a dispersion system of discharge into the creek; it will not be a point discharge such as a pipe.

JON PICKETT, Soundview Consultants, appeared and testified that Soundview has been involved in the project for 2.5 years and has thoroughly studied the site. He evaluated the offsite culverts under 5<sup>th</sup> which measure 36 and 72 inches. Both create a barrier for fish. They will replace the 72 inch culvert with a box culvert open to the ground, and will replant the creek buffer within the right-of-way. The box culvert will measure 14 to 18 feet. Improvements will not impact wetlands, as construction will be within the right-of-way. The culvert will be designed in consultation with the Tribe and the Corps of Engineers. It will also be compliant with Department of Fish and Wildlife criteria. Flooding issues exist now, and the culvert will aid such issues as it will provide a bypass. No wetland or stream impacts will occur onsite. He walked the entire length of the creek and met with the Tribe. They have identified 14 key locations for woody debris and will replant the creek buffer with native trees. All of these mitigating measures are voluntary. They will invade no buffers and existing trees will remain.

MR. LAWLER reappeared and testified that this proceeding is not a SEPA appeal hearing. No more than moderate environmental impacts will occur. The applicant has performed a

significant amount of work to study and mitigate all impacts. State Growth Management Act compliance involves a lot of process. The GMA Comprehensive Plan is a guide and the zoning code adopts the regulations to include critical areas ordinances and environmental regulations. An applicant then knows when purchasing a parcel what standards it must meet to gain project approval. They have done everything the code requires.

NICK AFZALI, City Public Works Director, appeared and testified that he has worked for 20 years in the public sector and eight years in the private sector. Comprehensive Plan elements include transportation. The City is now working on an update to the Comprehensive Plan. The present plan was adopted in 2015 and adopted the concurrency standards of LOS D for intersections. Traffic models are required to evaluate intersections and the applicant followed the proper process. The Porter/5<sup>th</sup> roundabout will accommodate all traffic from the proposed use and will be aesthetically pleasing. They are currently looking at pedestrian improvements. They will widen the roadway to include adequate shoulders. The City has plans for future improvements to 5<sup>th</sup> that it will share with the community. The traffic signal at SR-99 and Porter is owned and controlled by DOT. They consulted with DOT and included its comments within the study. They will seek additional funds to address the impacts to the intersection. The City has no plans to increase the speed limit. DOE regulations address impacts to the aquifer.

JAMIE CARTER, City engineer, appeared and testified that the City has a NPDES permit with DOE that allows stormwater runoff to flow into water bodies. DOE audits the program. Lloyds began mining gravel at the site when environmental regulations were weak. New development must build to the current higher standards. Mr. Parsons has worked to mitigate impacts to the creek and to improve its overall quality. The City's goal was a box culvert some time in the future, and they will now obtain that goal much sooner than expected. A box culvert will provide salmon access to the upper creek. Most new projects improve stormwater quality and quantity controls.

JEREMY DOWNS, Soundview Consultants, appeared and testified that they have not engaged in any short cuts, but have reviewed the project thoroughly. They worked with the Tribes and other interested agencies. The applicant had worked with the Tribe before it filed the environmental appeal. They are now voluntarily capturing and treating roof runoff, which is entirely voluntary. The runoff will mimic natural conditions. The culvert allows fish passage and alleviates flooding. The Corps of Engineers and State agencies will permit the culvert.

No one spoke further in this matter and the Hearing Examiner took the matter under advisement. The hearing was concluded at 12:38 p.m.

**NOTE:** A complete record of this hearing is available in the office of the City of Milton Planning and Community Development.

## **FINDINGS, CONCLUSIONS, AND RECOMMENDATION:**

### **FINDINGS:**

1. The Hearing Examiner has admitted documentary evidence into the record, viewed the property, heard testimony, and taken this matter under advisement.
2. Pursuant to MMC 17.72, the City advertised the Notice of Application and Notice of Neighborhood Meeting on May 1, 2019. Notice was mailed to surrounding property owners within 500 feet of the project site, sent to SEPA agencies, published in The Tacoma News Tribune, and posted on a board on the site. The City published notification of the public hearing on October 2, 2019, more than fifteen days prior to the date and time of the hearing.
3. The applicant, Bridge Point I-5 Seattle, has acquired a possessory ownership interest in an irregularly shaped, 118 acre parcel of property abutting the east side of 5<sup>th</sup> Avenue (Milton Road South) with an address of 3800 Milton Road South within the City of Milton. Hylebos Creek flows through the southeast portion of the site, and South 376<sup>th</sup> Street is to the north of the site. The applicant requests approval of a “master plan” and site plan review approval to allow improvement of the site with four industrial/warehouse buildings totaling approximately 2,043,024 square feet. Accessory improvements include paved parking spaces, truck maneuvering areas, landscaping, stormwater facilities, water and sanitary sewer extensions, frontage road improvements, off-site road improvements, and critical area improvements.
4. A previous owner utilized the site for a surface mine/gravel quarry for many years. Approximately 75 to 80 percent of the parcel is presently graded and denuded of vegetation due to the extraction operation. The most recent gravel operation included sorting and stockpiling of materials and top soil production. Development of the site as proposed includes removal of all improvements associated with the surface mine.
5. The parcel is located within the Planned Development (PD) zoning district of the Milton Municipal Code (MMC). Chapter 17.38 MMC sets forth the procedures and bulk regulations for the PD classification. Section 17.38.010 MMC provides that the PD district allows future development consistent with the goals of the City of Milton Comprehensive Plan. Said section also defers studies for development of a site to the time that a use is proposed. Section 17.38.020 MMC defines a “master plan” as a plan showing the proposed development of a parcel. Section 17.38.030 MMC provides that a master plan can propose any use on a site within the PD district that is allowed in any zoning district in the MMC as either an authorized use, conditional use, or special use. Said section authorizes surface mining without approval of a master plan. Section 17.38.040 MMC does not set forth specific bulk regulations

(setbacks, height, etc.) for the PD district, but authorizes such regulations consistent with bulk regulations found in other chapters of the MMC on a case-by-case basis, depending upon the proposed uses.

6. Section 17.38.060 MMC provides that the master plan approval procedure utilizes the Type 5 decision process pursuant to Chapter 17.71 MMC. Said process requires the Examiner to conduct an open record hearing and make a recommendation as to approval, approval with modifications, or disapproval of the master plan to the Milton City Council. The City Council makes the final decision.
7. The applicant has also concurrently requested site plan review approval, a Type 4 permit process wherein the Hearing Examiner makes the final Decision. However, pursuant to MMC 17.71.060 that authorizes consolidated review, the major site plan approval request follows the process for master plan approval. Therefore, the Examiner makes a recommendation to the City Council, which also makes the final decision on the site plan review application.
8. The applicant submitted a completed application for master plan and site plan review approval on March 29, 2019, that the City deemed complete on April 17, 2019. Included with the application was a State Environmental Policy Act (SEPA) checklist. The applicant also submitted a revised SEPA checklist on August 27, 2019. Following environmental review the City responsible official issued a threshold Mitigated Determination of Non-Significance (MDNS) on September 30, 2019. On October 14, 2019, the Puyallup Tribe of Indians (Tribe) timely submitted an appeal of the MDNS. On October 14, 2019, the City of Federal Way also timely filed an appeal of the threshold determination. The public hearing to consider the applications for master plan approval, site plan review approval, and both SEPA appeals was scheduled for October 31, 2019.
9. Subsequent to filing its appeal, the Tribe met with the applicant on several occasions to discuss and respond to the Tribe's environmental concerns regarding protection of Hylebos Creek. The applicant and the Tribe reached agreement, and on October 30, 2019, the Tribe and the applicant entered into an agreement dismissing the appeal. The dismissal is subject to the applicant's compliance with mitigating measures set forth in Attachment 1 to the dismissal letter, and incorporation of said mitigating measures into SEPA conditions for the project. The Examiner has added a recommended condition of approval that incorporates the agreement as set forth in a Technical Memorandum dated October 28, 2019, along with attachments. The City responsible official agrees with the additional mitigating measures set forth in the agreement.
10. On October 30, 2019, the City of Federal Way voluntarily withdrew its appeal of the SEPA threshold determination subject to modifications to the MDNS. The applicant and the responsible official agreed to modify the MDNS by eliminating mitigating measure 5 and adding mitigating measures 25-27. The responsible official issued

the modified MDNS on October 30, 2019. The revised MDNS requires additional traffic mitigation for two intersections within the City of Federal Way and payment of traffic impact fees to Federal Way based upon the estimated total of 86 p.m. project trips entering and leaving the City.

11. The proposed site plan (Exhibit 26) shows the parcel improved with four buildings ranging in size between 1,076,335 square feet and 122,609 square feet. The largest building is adjacent to the south property line of the parcel, and the smallest building is near the east property line, east of the other three buildings. Parking spaces generally surround all four buildings. The site provides a total of 1,226 vehicle parking stalls and 305 trailer stalls. The MMC authorizes a maximum building coverage of 50 percent, and the site plan shows a maximum coverage of 39.8 percent. The site plan shows all buildings fully sprinkled. The site plan shows three accesses onto 5<sup>th</sup> Avenue, and closure of the two, existing accesses serving the surface mine. Hylebos Creek flows across the southeastern portion of the site and is protected by a minimum, 150 foot wide, undisturbed buffer. Wetlands are shown in the central portion of the site between three buildings and at the southwest corner of the site. All wetlands are protected by appropriate buffers.
12. The abutting parcel to the north is also located within the PD district and is improved with a senior living facility. Abutting parcels to the south are located within the Residential Single-Family (RES) and Residential Moderate Density (RMD) districts and either improved with a multi-family development or remain vacant. Parcels to the east are located in the RES district and are either vacant or improved with single-family dwellings. The parcel to the west is within the Business (B) district and is used for a gravel storage yard. Interstate 5 is also a short distance to the west.
13. Section 17.38.030(A) MMC reads:

Master plan authorized uses in this zone [PD] may include any use allowed in any zoning district as an authorized use, a conditional use, or a special use.

The applicant originally proposed many uses on the site as allowed by the Use Tables set forth in Chapter 17.14 MMC. Staff amended the proposed list by eliminating uses such as food manufacturing, processing, or packaging; hospitals; hotels; motels; restaurants; and smelting plants. Staff sets forth its proposed list of uses for the site on page 15 of the Staff Report. However, based upon residential uses abutting three sides of the project and the fact that the improvements will be located generally below grade due to the surface mine, the City Council should consider removing the following uses from said list:

- A. Assembly of heavy equipment, airplanes, or vehicles.
- B. Outside storage yards as principal use.

- C. Rock, stone, brick, concrete or asphalt, batching or assembly.
- D. Sales and rental of heavy machinery and equipment.
- E. Salvage and wrecking yard.
- F. Tow truck operation/impound yard.
- G. Utility yard.

Most (if not all) of the above uses recommended for exclusion would add additional square footage to the proposed buildings (outside storage, impound yard, soil mixing, and wrecking yards). Said outside uses could also create excessive noise as could assembly of heavy equipment, airplanes or vehicles. Furthermore, said outside uses would create aesthetic impacts not only for abutting parcels, but for other tenants as well. Such uses could also reduce the quality of tenant.

- 14. Section 17.38.040 MMC entitled “Bulk Regulations” provides for the PD zone:
  - A. Density, height, setback and other restrictions shall be applied in a manner consistent with the regulations found in other sections of this chapter for the uses proposed.
  - B. Increased setbacks and buffers may be required to provide adequate protection between differing land uses.

In the present case the applicant proposes bulk standards similar to those required in the Light Manufacturing (M1) district as the applicant anticipates uses similar to those authorized therein. Following review of the project, staff recommends additional protection for adjacent land uses. Staff sets forth its proposed bulk and dimensional standards in Table 2 of the Staff Report set forth on pages 16-18. Staff then evaluates the proposed site plan in accordance with said bulk dimensional standards in Table 4 on pages 28-32 of the Staff Report. The Examiner agrees with staff’s bulk and dimensional standards and the project’s compliance therewith.

- 15. The site plan shows structural setbacks of 96 feet, seven inches from the north property line, over 150 feet from the south property line, 138 feet, ten inches from the west property line, and 157 feet, 11 inches from the east property line. Staff’s proposed bulk regulations (Table 2, page 16 of the Staff Report) would authorize a maximum building height increase from 40 feet to 50 feet. Staff’s proposal allows an additional one foot of building height for each additional foot of building setback up to a maximum of 50 feet.

16. Landscape standards require a ten foot wide, landscape strip along the front and side property lines and additional screening on the north and south property lines where the development abuts residential uses. A ten foot wide, landscape strip is also proposed along the east property line. Additional buffering adjacent to residential properties to the north is a 20 foot wide, solid, vegetative, landscape barrier. Additional buffering along the south property line is provided by a eight foot tall, solid fence between the parking lot and the ten foot wide, landscape buffer.
17. The number of parking spaces complies with those required for the anticipated uses. Should additional spaces be necessary the applicant can remove and replace loading dock areas. Uses that propose outside storage would eliminate parking spaces and is another reason for prohibition.
18. The project is generally consistent with applicable goals and policies of the Milton Comprehensive Plan that encourages planned development districts to provide high quality, environmentally sensitive projects that contribute to the City's vision. Policy PD 1.1.a encourages redevelopment of the quarry site with uses that could include a mixed-use center or other appropriate use. In the present case the applicant proposes uses that will create between 900 and 1,200 jobs ranging from entry level to management, and that will pay between \$35,000 and \$100,000 per year. The project also protects sensitive areas including Hylebos Creek and will substantially improve the environmental qualities of the site to include stormwater runoff and the creek. Conditions of approval and mitigating measures in the MDNS address traffic, noise, lighting, and odor. The project will retain and protect wetlands, Hylebos Creek, and their buffers. As discussed hereinafter, traffic mitigation will ensure concurrency with the City's adopted levels of service and will actually improve the operation of two major intersections.
19. Approximately 75 to 80 percent of the site has been graded and all vegetation removed. However, the remaining trees are primarily native deciduous and coniferous species. The applicant proposes to plant 4,206 trees that will meet the City's tree replacement requirements (Exhibit 38).
20. The applicant's stormwater system will consist of a detention vault that will accommodate stormwater runoff from not only the paved portions of the site, but also the roof areas in accordance with the settlement agreement entered with the Tribe. Treatment of stormwater runoff from roofs is voluntary and not required by City of Milton or Department of Ecology stormwater standards. Furthermore, the applicant will discharge the stormwater by means of a spreader and not a point distribution such as a pipe. The storm drainage system will meet all requirements of the City.
21. The applicant submitted a Biological Evaluation and Wetland and Fish Habitat Assessment Report and Mitigation Plan prepared by Soundview Consultants that was subsequently revised following review and comment by the City's independent

expert, Herrera Environmental Consultants. Hylebos Creek and four wetlands will be preserved and protected in accordance with said report and in accordance with the settlement agreement with the Puyallup Tribe. The applicant will conduct stream restoration/enhancement actions that will include 14, new, woody debris installations located in the lower part of the onsite reach of the creek. The locations of the woody debris installations are agreed to by the applicant and Tribe. The agreement also requires planting of live conifers along upland creek banks and adjacent wetlands. Tree plantings in the onsite stream buffer will supplement the tree replacement plan by adding approximately 2,623 conifer trees. All improvements will be accomplished manually or through highline placement and not with mechanical or manual excavation. All stream restoration/enhancement actions will occur simultaneously with the first phase of the development or bonded.

22. All activities and uses will occur outside of the wetlands and buffers except for an intrusion into the 15 foot wide, building setback from the buffer of Wetland B. Wetland B is a Category III, 79,762 square foot wetland that requires a 60 foot wide buffer. The wetland experts agree that mitigation proposed for such impacts is consistent with industry standard.
23. As previously found the applicant will provide significant plantings and stream enhancement improvements within and along Hylebos Creek as it flows through the project site. Thus, no development is proposed within the creek habitat conservation areas or buffer. However, Hylebos Creek flows beneath 5<sup>th</sup> Avenue, and temporary impacts will occur due to the installation of a new, bottomless culvert that will replace two, existing culverts. Both existing culverts measure 62 feet in length. One culvert has a 72 inch diameter and the other a 36 inch diameter. The smaller culvert is completely blocked. The new, culvert will consist of a 14-18 foot wide, box culvert (bottomless) that will restore the natural stream channel beneath the roadway. The culvert must meet the requirements of the State Department of Fish and Wildlife, U.S. Army Corps of Engineers, and the Tribe. The applicant proposes to replant areas within the right-of-way that are disturbed by culvert installation. The new culvert will restore salmon runs to the upper Hylebos.
24. Residents raised substantial concerns regarding traffic impacts of project trucks and private automobiles on intersections and roads in the area. The City of Federal Way appealed the threshold MDNS, asserting that it did not provide sufficient mitigation for traffic impacts within the City. The applicant, Federal Way, and the responsible official negotiated a modified MDNS that requires the following:
  - A. The applicant will either install a temporary signal at the intersection of SR-99 and South 373<sup>rd</sup> Street, or at the sole discretion of Federal Way, contribute \$325,000 toward construction of a future roundabout at said intersection.

- B. Construct improvements at the Milton Road South and South 375<sup>th</sup> Street intersection to Federal Way standards.
  - C. Pay Traffic Impact Fees to Federal Way based upon the 86 project p.m. trips.
25. Traffic mitigating measures within the City of Milton require the following improvements:
- A. Construct a single lane, roundabout with a southbound right turn slip lane and pedestrian facilities including sidewalks and crossing points at each entrance at the intersection of 5<sup>th</sup> Avenue/Porter Way. The roundabout must accommodate trucks.
  - B. Improve the intersection of SR-99/Porter Way by extending the westbound right turn queue lane approximately 200 feet and optimizing signal timing. While residents argue that the two lane bridge over I-5 is the cause for congestion at the SR-99/Porter Way intersection, none of the seven traffic engineers reviewing the project agree.
  - C. Widen and improve 5<sup>th</sup> Avenue to accommodate truck traffic, and if the pavement does not meet structural design standards, reconstruct 5<sup>th</sup> Avenue in a manner to meet these standards or as required by the City engineer.
  - D. Contribute \$1,382,700 to the City in accordance with the current Transportation Impact Fee of \$4,190 per p.m. peak trip. Such fee may increase since it is calculated at building permit issuance.
26. The applicant will also contribute to improvements to the 54<sup>th</sup> Avenue East/Pacific Highway South intersection within the City of Fife in the amount of \$111,375.
27. Many residents raise concerns regarding existing traffic in the area and the worsening of such traffic by the project. However, residents presented no expert testimony or evaluation of the applicant's Traffic Impact Analysis (TIA). Furthermore, the City's independent traffic consultant, DOT traffic engineers, City of Fife traffic engineers, and City of Federal Way traffic engineers all agree with the applicant's traffic engineer that the proposed mitigation will increase the level of service at impacted intersections and will upgrade 5<sup>th</sup> Avenue. Furthermore, the traffic engineers anticipate that most truck traffic will occur between the site and the Port of Tacoma and that most trucks will utilize SR-99. The applicant anticipates that the cost of construction plus the payment of Transportation Impact Fees will equal between eight and ten million dollars.
28. Prior to obtaining approval of its proposed master plan, the applicant must show that said plan satisfies the criteria set forth in MMC 17.38.070. Findings on applicable criterion are hereby made as follows:

- A. As previously found the proposed master plan is consistent with the goals and policies of the Milton Comprehensive Plan.
- B. The plan is consistent with applicable policies set forth in the State Growth Management Act (GMA) that encourage development in urban areas where adequate public facilities and services exist. In the present case, conditions of approval require upgrades to public facilities and services necessary to support the development.
- C. The project satisfies SEPA requirements pursuant to the revised MDNS.
- D. Criterion 4 requires the applicant to demonstrate a need for the master plan within the community at large, and that such plan is not contrary to the public interest. In the present case the applicant proposes to reclaim a surface mine previously used for essentially industrial activities. The site is in close proximity to the Port of Tacoma, Interstate 5, and a future extension of SR-167. The project will create approximately 900 to 1,200 jobs and could create additional supportive jobs. Staff asserts that Class A buildings are in high demand, especially those in close proximity to the Port of Tacoma and also have convenient access to the Port of Seattle and Interstate 5.
- E. The master plan is located, planned, and will be developed in a manner that does not detrimentally impact the health, safety, convenience, or general welfare of persons residing or working in the community. This finding is based specifically on the mitigation required by conditions of approval that include the mitigating measures in the MDNS, specifically traffic improvements and improvements to Hylebos Creek to include the open culvert. The open culvert should restore salmon habitat to the upper Hylebos Creek area. The applicant has provided additional buffering and screening for abutting multi-family, single-family, and senior living facilities and will provide pedestrian pathways within the site. Compliance with mitigating measures will ensure that the project does not become detrimental to the health, safety, convenience, or general welfare of the neighborhood.
- F. The 118 acre site is adequate to accommodate the proposed uses to include parking, traffic circulation, and buffers.
- G. The site provides adequate landscaping, screening, setbacks, and open spaces that mitigate its impacts on neighboring properties. The project provides a substantial structural setback that will minimize the visual impacts of buildings on neighboring properties.
- H. The applicant proposes external illumination that will face inward. Lighting will include standards for parking lots and pedestrians and for exterior

illumination of buildings. All lighting will be mitigated to the greatest extent practicable.

- I. The design of the parking areas assure that headlight glare from internal traffic will not affect motorists on 5<sup>th</sup> Avenue.
  - J. As previously found the stormwater drainage system will meet and exceed City of Milton drainage standards in accordance with the agreement reached with the Puyallup Tribe as incorporated in conditions of approval.
  - K. The site will provide three accesses, all of which will have adequate entering and stopping sight distance. Improvements include the construction of sidewalks along the property frontage and a widened shoulder on 5<sup>th</sup> Avenue to Porter Way.
  - L. The sight distance at each point of access assures traffic safety.
  - M. Criterion 13 requires the applicant to demonstrate that the noise generated by the project will not exceed maximum permissible noise levels and will not increase the ambient noise level by more than five dB(A). A condition of approval requires the applicant to engage an acoustical expert to conduct a sound/noise study to ensure the proposal complies with noise levels. Furthermore, the applicant will install a minimum, eight foot tall, solid fence along the retaining wall at the southern property line that borders the multi-family apartments. Such will provide a visual and noise barrier from the site.
  - N. Since the applicant has identified no uses for any of the structures, it is difficult to evaluate the noise, noxious or offensive emissions, odors, or other nuisances that may detrimentally impact the community. However, the City will have the opportunity to evaluate such issues at the building permit stage. Furthermore, the permitted uses as refined by the City and the Examiner should not create noise, odors, or other nuisances.
  - O. The project satisfies all requirements for parking lots.
  - P. Criterion 17 sets forth the standards (bulk regulations) for a master plan. The City Staff Report sets forth all bulk regulations covering the present master plan.
29. Prior to obtaining site plan review approval the applicant must show that the request satisfies the criteria set forth in MMC 17.62.050(B). Findings on each criterion are hereby made as follows:
- A. The 100 acre site has adequate size to accommodate the buildings, parking areas, traffic circulation areas, and buffers.

- B. All external illumination is designed to face inward to minimize impacts on adjacent properties to the greatest practical extent.
  - C. Parking areas are designed to assure that headlight glare from internal traffic does not affect motorists on 5<sup>th</sup> Avenue.
  - D. The storm drainage system will significantly improve the quality of stormwater discharged from the site.
  - E. Adequate sight distance exists at each proposed point of access to assure traffic safety.
  - F. The parcel abuts residential uses on three sides, and barriers and landscaping will be in place prior to occupancy.
  - G. The site plan is consistent with GMA policies.
  - H. The site plan is consistent with the Milton Comprehensive Plan.
  - I. The site plan complies with all applicable City development regulations including, but not limited to, all regulations found in Titles 13, 16, 17, and 18 MMC. Title 16 does not apply, and the applicant's site plan complies with Titles 13, 17, and 18 as set forth above. The master plan sets forth allowed uses and bulk and dimensional regulations that apply to the project. The site plan satisfies all regulations governing development of the master plan and with zoning regulations not set forth in the master plan as detailed in Table 4 on pages 28-32 of the Staff Report.
30. Residents raised concerns regarding construction noise, but such is covered by Chapter 9.37 MMC and further described in Condition of Approval 16. Construction hours are limited from 7:00 a.m. to 8:00 p.m. Monday through Friday, 9:00 a.m. to 8:00 p.m. Saturday, and no construction noise on Sundays and holidays. Residents expressed concerns regarding a proposed increase in the speed limit on 5<sup>th</sup> Avenue. Neither the City nor the applicant have any plans to raise the speed limit, and the applicant's traffic engineer recommends no increase. Vehicles exceeding the speed limit at the present time can be cited by the Milton Police Department. Conditions of approval require a hydrologic study and the applicant will develop a Risk Management Plan. Citizens assert that the City has rushed this project to approval without requiring proper studies and/or evaluation. However, the exhibits identified in the Table of Contents of the Staff Report show that the City required and received the following: lighting plan, geotechnical report, third party review of traffic impact analysis, third party review of critical area reports, fire comments, civil engineering design plans, stormwater site plan, stormwater pollution prevention plan, preliminary landscape planting plans, revised traffic analysis, Wetland and

Fish and Wildlife Assessment Report and Mitigation Plan, offsite frontage improvement plan, significant tree survey and retention plan, third party review letter of revised critical area reports, and negotiations with the cities of Fife and Federal Way. Conditions of approval require preparation of additional studies to include a hydrologic assessment report to address critical aquifer recharge areas, a mitigation plan for the impacts to the 15 foot wide setback from Wetland B, engagement of a wetland biologist to monitor the buffer enhancement for five years, an acoustical expert to conduct a sound/noise study, a night-time lighting test following installation of all improvements, submittal of a temporary erosion and sedimentation control plan, and providing for adequate erosion control while grading the site.

## **CONCLUSIONS:**

1. The Hearing Examiner has the jurisdiction to consider and make recommendations on the issues presented by this request.
2. The applicant has shown that the request for master plan approval and site plan review approval satisfies all criteria set forth in the MMC and therefore should be approved subject to the following conditions:
  1. The southbound approach (stop controlled) intersection of 5<sup>th</sup> Avenue/Porter Way is anticipated to operate at LOS F during the weekday PM peak hour without or with the proposed project in 2024. The applicant will provide mitigation to this intersection to accommodate trucks and to improve operations to LOS D or better by constructing a single lane roundabout with a southbound right turn slip lane and pedestrian facilities including sidewalk and crossings points at each entrance.
  2. The applicant will provide mitigation for the intersection of SR 99 and Porter Way by extending the westbound right turn queue storage approximately 200 feet and optimizing signal timing.
  3. The applicant will be responsible for widening and improving 5th Ave to accommodate truck traffic. Currently the applicant intends to widen 5th Ave by paving the shoulder. Pavement borings for 5th Ave shall be taken and analyzed to determine if additional mitigation is necessary to 5th Ave to accommodate truck traffic. If the pavement borings do not meet WSDOT standards for pavement structural design, the applicant shall reconstruct 5th Ave to meet these standards or as required by the City Engineer.
  4. To mitigate transportation impacts in the City of Milton, the Bridge Point Seattle I-5 project will contribute to the City's Traffic Impact Fee program. Per Ordinance 1994-18, the current traffic impact fee is \$4,190 per PM peak trip. The project will contribute 330 new PM peak trips to the City's road network. As currently calculated, the total fee would be \$1,382,700. The

total fee will be calculated at the time of building permit issuance, and may increase as the City's adopted traffic impact fee increases. The applicant will be responsible for contributing towards the traffic impact fee program at the adopted rate for 330 new PM peak trips.

5. To mitigate transportation impacts in the City of Fife, the Bridge Point Seattle I-5 project will contribute a pro-rata share of the cost of improvements to the intersection of 54th Ave E/Pacific Highway S identified in the City's 2018-2023 Six-Year Transportation Improvement Plan (TIP) with an estimated cost of \$3,750,000. The project will contribute 136 trips to this intersection which constitutes a 2.97% share of the 2021 traffic volumes with the project. The project's pro-rata contribution to the project is estimated to be \$111,375.
6. The applicant has identified a variety of uses as allowed uses in accordance with the master plan. The site plan approval for the proposed project for which environmental review was conducted includes warehousing, storage, high cube distribution, fulfillment center, manufacturing and processing/assembly users within the 4 industrial buildings comprising approximately 2,043,24sf of gross square footage. If other uses are proposed, they must be in accordance with the Master Plan and/or a modification to the master plan and site plan approval will be required and that modification may require additional SEPA review.
7. The proposed project and required traffic mitigation will result in impacts to both on and off-site wetlands and an off-site stream (Hylebos Creek). The applicant will construct a new bottomless culvert to replace two existing culverts where Hylebos Creek crosses 5th Avenue. The existing culverts include a 72-inch-diameter by 62-foot-long culvert and another partially or completely blocked 36-inch-diameter by 62-foot long culvert. The new culvert will restore the natural stream channel underneath the roadway. As described, the culvert will be self-mitigating. If designed to meet WDFW's stream simulation design per the 2013 Water Crossing Design Guidelines, which will be reviewed by the U.S. Army Corps of Engineers under the submittal of a Joint Aquatic Resources Permit Application (JARPA), additional potential environmental impacts may be considered as the culvert design is completed. The applicant shall submit to the City any design documents and mitigation plans for the culvert as well as the approved JARPA and HPA to demonstrate that it has met the standards for fishbearing stream crossings and ESA compliance prior to civil permit issuance.
8. The site lies within two wellhead protection areas. The applicant will prepare and submit a hydrogeologic assessment report as required for critical aquifer recharge areas prior to civil permit issuance.

9. The applicant will prepare a mitigation plan to mitigate impacts to Wetland B for work within the 15-foot building setback that is unavoidable. A maintenance and monitoring plan for buffer enhancement shall be prepared in accordance with MMC 18.16.160. A performance bond shall be submitted to the City prior to the issuance of building permits that guarantees that the wetland mitigation work in accordance with the submitted wetland mitigation plan through onsite wetland enhancement.
10. The owner shall contract with a qualified wetland biologist to monitor the buffer enhancement once a year for the next five (5) years. The qualified biologist shall submit a report summarizing his/her findings in accordance with the approved wetland mitigation plan to the City for review each year
11. Critical areas present on the site shall be appropriately delineated and fenced during construction so as to ensure they are not adversely impacted during construction.
12. The applicant shall revise the wetland mitigation plans to include fencing along the edge of the wetland buffers. The fence shall have signage placed every 50 feet with the following language:

“Protected Wetland Area  
Do Not Disturb  
Contact the City of Milton, Community Development  
Department, 1000 Laurel Street, Milton, WA  
Regarding Uses and Restriction”
13. The location for a potential future pedestrian crossing over the Hylebos Creek from this site shall be included in the proposed design. Should a pedestrian connection to the Interurban Trail over the Hylebos Creek be desired, the applicant will grant an easement to the City for the construction and perpetual use of said bridge.
14. An internal trail system shall be provided connecting the Interurban Trail to 5th Avenue through the proposed development should a pedestrian connection over Hylebos Creek be constructed. In the interim, this will also provide a walking trail for employees to utilize.
15. The City’s Municipal Code (Chapter 9.37) requires that the maximum permissible sound levels for the property be limited to 60dBA to the north and south (as they are zoned for residences) between 7:00am and 7:00pm. These limits are reduced to 50dBA during the nighttime hours. However, these limits can be exceeded by 5dBA for 15 minutes during any one-hour period, 10dBA for 5 minutes during any one-hour period, and 15dBA for 1 ½ minutes during any one-hour period. In addition, the City of Federal Way

requires notice be provided if heavy equipment noise or construction noise is going to occur outside of their permitted work hours. The applicant shall notify the City of Milton and the City of Federal Way if noise is proposed to occur outside of the following hours:

- 7:00am and 8:00pm Monday through Friday
  - 9:00am and 8:00pm Saturday
  - Heavy equipment operation and construction noise is not permitted on Sundays and holidays observed by the City.
16. The applicant shall engage an acoustical expert to conduct a sound/noise study to ensure compliance with the aforementioned requirements in mitigation measure #4 and recommend acoustical mitigation in the form of a solid fence, wall, berm or other. The applicant will submit the noise study to the City and noise mitigation for the site will be imposed during civil plan review, with mitigation anticipated for the south side of Building C which borders existing multi-family residences.
  17. To mitigate noise and impacts to adjacent residential uses the applicant shall construct a 20-foot wide landscape buffer providing a solid vegetative screen barrier along the north, south and west property boundaries. In addition, a minimum 8-foot tall solid screen fence shall be provided along the retaining wall at the southern property boundary that borders existing multi-family apartments to the south, so as to provide a visual barrier to the facility in accordance with the site plan sections depicting sight-line from the adjacent apartments to the proposed development.
  18. After installation of all improvements, a night time lighting test shall be performed. All lights shall be tuned such that they do not spill light onto neighboring properties. A report completed by a qualified professional shall be submitted to the City certifying that all lights have been tuned to avoid light spillage. If tuning of the lights cannot reduce all lights spillage, additional landscaping or buffering considerations shall be considered and implemented at that time.
  19. The Bridge Point I-5 project shall provide an approved emergency access from 12<sup>th</sup> Ave within the Meridian at Stone Creek Assisted Living Facility to the proposed project.
  20. If during construction any artifacts are uncovered the applicant shall follow the [Inadvertent Discovery Plan \(IDP\)](#) procedures and shall notify the Department of Ecology, the Puyallup Tribe, the Muckleshoot Tribe and the Washington State Department of Archeology and Historic Preservation.

21. Compliance with all applicable City codes is required during and following any site development activity, including MMC 13.26 (Storm Drainage of Surface Water – Utility, Management and Maintenance).
22. A Temporary Erosion and Sedimentation Control (TESC) plan must be submitted with a SWPPP prior to clearing and grading permit issuance. This plan shall be approved by the City's Stormwater Official, and implemented during site preparation activities.
23. The applicant shall provide adequate site control measures for erosion control while grading the site, including site stabilization measures to stabilize the site after clearing and grading is complete.
24. The Stipulated Dismissal of Appeal of Puyallup Tribe of Indians dated October 30, 2019, along with the agreed additional mitigation measures (Attachment A and B) is hereby implemented as a condition of approval for this project.
25. S 373rd Street and Pacific Highway S - The traffic study identified that the intersection of SR 99 and S 373rd St would operate below the adopted Level of Service (LOS) standards for both 2024 with and without the project. To mitigate the development impacts and bring the LOS back to the 2024 Without Project conditions, prior to the certificate of occupancy (C of O) issuance by the City of Milton, the developer shall construct an interim traffic signal at the SR 99 and S 373rd St intersection or other alternatives as approved by the City of Federal Way and WSDOT. The developer shall design and construct the traffic signal to all applicable standards and submit to the City of Federal Way and the Washington State Department of Transportation (WSDOT) for applicable reviews and approvals prior to construction.

The City of Federal Way has a planned improvement project to install a roundabout at this intersection in the six-year Transportation Improvement Plan (TIP). Depending on construction schedule, in lieu of construction the interim traffic signal, at the City of Federal Way's sole discretion, the City of Federal Way may allow the developer to contribute \$325,000 towards the roundabout construction.

The developer shall notify the City of Federal Way Public Works Director and City of Federal Way City Attorney by mail and electronic mail within 24 hours of any on-site building permit application to the City of Milton. The City of Federal Way shall notify the developer in writing within 14 working days of receiving the hard copy mail notification informing the developer of the City of Federal Way's decision whether to accept the \$325,000 fee in lieu of construction of the interim traffic signal.

26. S 375th Street and Milton Road /5th Avenue – Prior to the certificate of occupancy (C of O) issuance by the City of Milton, the developer shall construct improvements at the Milton Road S and S 375th St intersection. The improvements shall mitigate the impacts of the project to bring the intersection back to without project conditions. The developer shall design and construct the improvements to all applicable standards and submit to the City of Federal Way for review and approval prior to construction.

The developer shall notify the City of Federal Way Public Works Director and City of Federal Way City Attorney by mail and electronic mail within 24 hours of any on-site building permit application to the City of Milton.

27. Traffic Impact Fee - Prior to building permit issuance for any buildings on site by the City of Milton, the developer shall pay traffic impact fees (TIF) to the City of Federal Way. The TIF shall be assessed based on the latest adopted fee schedule at the time the developer submits for a building permit to the City of Milton and the TIF shall be paid to the City of Federal Way prior to issuing any building permits on site. The TIF shall be calculated based on a per trip cost and shall only include the 86 total PM trips entering and leaving the City of Federal Way. The City of Federal Way will adjust the total PM trips entering and leaving the City of Federal Way to account for the size of the actual development proposal if the development proposal changes such that it affects the total number of PM trips entering and leaving the City of Federal Way. By paying the trip based impact fees, the developer agrees that the City of Federal Way may use this fee on any projects listed on the current adopted Transportation Improvement Plan (TIP).
28. All activities, uses, and alterations proposed to be located in water bodies used by anadromous fish or in areas that affect such water bodies shall adhere to the following standards:
  - Activities shall be timed to occur only during the allowable work window as designated by the Department of Fish and Wildlife for the applicable species;
  - Shoreline erosion control measures shall be designed to use bioengineering methods or soft armoring techniques according to an approved critical areas report.
29. A maintenance agreement and/or CC&Rs shall be prepared and submitted to the City for review prior to building permit issuance. The maintenance agreement shall stipulate the property owner's obligation to maintain parking areas and stormwater facilities in accordance with City standards.

30. Any project where demolition of structure(s), earth moving and material handling, heavy equipment operations, and/or disposing of vegetative matter is to occur is subject to Puget Sound Clean Air Agency regulations. The requirements may include, but are not limited to the following:
- Agency Regulation I:
    - Article 8 – Outdoor Burning
    - Article 9 – Emission Control Standards, Section(s) 9.03, 9.11, and 9.15
  - Agency Regulation III:
    - Article 4 – Asbestos Control Standards
31. The decision set forth herein is based upon representations made and exhibits, including plans and proposals submitted at the hearing conducted by the hearing examiner. Any substantial change(s) or deviation(s) in such plans, proposals, or conditions of approval imposed shall be subject to the approval of the hearing examiner and may require further and additional hearings.
32. The authorization granted herein is subject to all applicable federal, state, and local laws, regulations, and ordinances. Compliance with such laws, regulations, and ordinances is a condition precedent to the approvals granted and is a continuing requirement of such approvals. By accepting this/these approvals, the applicant represents that the development and activities allowed will comply with such laws, regulations, and ordinances. If, during the term of the approval granted, the development and activities permitted do not comply with such laws, regulations, or ordinances, the applicant agrees to promptly bring such development or activities into compliance.

**RECOMMENDATION:**

The Milton City Council should approve the request for master plan approval and site plan review approval to allow construction of the Bridge Point 1-5 project consisting of improving a 118 acre parcel with four, industrial/warehouse buildings totaling approximately 2,043,024 square feet together with accessory uses at a site located at 3800 Milton Road South, Milton, subject to compliance with the conditions of approval set forth in the conclusions above.

**RECOMMENDED** this 19th day of November, 2019.

---

**STEPHEN K. CAUSSEAU, JR.**  
Hearing Examiner

28X

**TRANSMITTED** this 19th day of November, 2019, to the following:

**APPLICANTS/**

**PROPERTY OWNERS:**

Barghausen Consulting Engineers  
Attn: Dan Balmelli  
18215-72<sup>nd</sup> Avenue South  
Kent, WA 98032

Bridge Development Partners  
Attn: Spencer Mayes  
10655 N.E. 4<sup>th</sup> Street, Suite 210  
Bellevue, WA 98004

**OTHERS:**

Bob and Rebeca Gill  
309-5<sup>th</sup> Avenue  
Milton, WA 98354

Kim and Jurren Brown  
37837-43<sup>rd</sup> Avenue South  
Auburn, WA 98001

Carleen Elmore  
208-5<sup>th</sup> Avenue  
Milton, WA 98354

Katrina Sells  
426 Emerald Street  
Milton, WA 98354

Colleen Patterson  
102-5<sup>th</sup> Avenue  
Milton, WA 98354

Suzanne Vargo  
2522 South 361<sup>st</sup> Street  
Federal Way, WA 98003

Rick Cole  
8658 Park Way  
Milton, WA 98354

Richard Cosner  
507-7<sup>th</sup> Avenue  
Milton, WA 98354

Zack Stockdale  
217-5<sup>th</sup> Avenue  
Milton, WA 98354

Tom Boyle  
1109-9<sup>th</sup> Avenue  
Milton, WA 98354

Bruce Castle  
503-12<sup>th</sup> Avenue Court  
Milton, WA 98354

Bob Cooper  
80-5<sup>th</sup> Avenue  
Milton, WA 98354

Greg Gran  
1012 Kent Street  
Milton, WA 98354

Todd Schutz  
1200-5<sup>th</sup> Avenue, Suite 1300  
Seattle, WA

Jacquelyn Whalen  
P.O. Box 749  
Milton, WA 98354

Margie Brubaker  
303-19<sup>th</sup> Avenue  
Milton, WA 98354

Jeri Spindler  
502-22<sup>nd</sup> Avenue  
Milton, WA 98354

Mark and Christy Journey  
605-7<sup>th</sup> Avenue  
Milton, WA 98354

Dan Bailey  
302-5<sup>th</sup> Avenue  
Milton, WA 98354

Margie Rose  
98-18<sup>th</sup> Avenue  
Milton, WA 98354

Nancy Pasic  
1984 South 368<sup>th</sup> Place  
Federal Way, WA

Donna Emerson  
35819-25<sup>th</sup> Place South  
Federal Way, WA

Raymond Hermann  
P.O. Box 1357  
Milton, WA 98354

Katrin Asay  
2206 Thea Court  
Milton, WA 98354

Jon Pickett  
2907 Harborview Drive, Suite D  
Gig Harbor, WA

Ruth Ballard  
1802 Bacchant Court  
Milton, WA 98354

Robert Johnson  
306-5<sup>th</sup> Avenue  
Milton, WA 98354

Steve Ketz  
806 Park Way  
Milton, WA 98354

Phil Linden  
1804-23<sup>rd</sup> Avenue  
Milton, WA 98354

Mike and Maureen McCreecy  
111-15<sup>th</sup> Avenue  
Milton, WA 98354

Bryan Alderman  
307-5<sup>th</sup> Avenue  
Milton, WA 98354

Tom Brubaker  
600 Steward Street, Suite 400  
Seattle, WA 98101

Puyallup Tribe of Indians  
Attn: Russ Ladley  
6824 Pioneer Way East  
Puyallup, WA 98371

City of Fife  
Attn: Russ Blount  
5411-23<sup>rd</sup> Street East  
Fife, WA 98424

City of Federal Way  
Attn: Mark Orthmann  
33325-8<sup>th</sup> Avenue South  
Federal Way, WA 98002

City of Fife  
Attn: Steve Friddle  
5411-23<sup>rd</sup> Street East  
Fife, WA 98424

30X

JBSL  
Attn: Brian Lawler  
801-2<sup>nd</sup> Avenue, Suite 700  
Seattle, WA 98104

Bridge Development Partners  
Attn: Justin Carlucci  
10655 N.E. 4<sup>th</sup> Street  
Bellevue, WA 98004

April Elliott	<a href="mailto:April_elliott@live.com">April_elliott@live.com</a>
Whitney Radant	<a href="mailto:Whitney.radant@gmail.com">Whitney.radant@gmail.com</a>
Sandra Barron	<a href="mailto:sndybabe@yahoo.com">sndybabe@yahoo.com</a>
Jeff Schramm	<a href="mailto:schramm@tenw.com">schramm@tenw.com</a>

CITY OF MILTON

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**ORDINANCE NO. 1980-20 Option A**

**AN ORDINANCE OF THE CITY OF MILTON, WASHINGTON, APPROVING THE BRIDGE POINT I-5 SEATTLE PLANNED DEVELOPMENT (PD) MASTER PLAN, MILTON PROJECT NOS. LUA2019-0008, LUA2019-0009 AND LUA2019-0010, SUBJECT TO CONDITIONS, AND ESTABLISHING AN EFFECTIVE DATE**

---

WHEREAS, the City of Milton Comprehensive Plan designates a 142 acre tract in the northwest portion of the City, known as the Lloyd Property, as a Planned Development District; and

WHEREAS, a portion of the property has been developed as a senior housing/assisted living development under a valid master plan permit for the entire site, which has since expired; and

WHEREAS, 118 acres of the site remain that do not have a valid master plan permit, and are currently being mined by Land Lloyd Development Co. ("Owner"), which plans to complete mining operations in the next few years; and

WHEREAS, Bridge Development Co. ("Applicant") has been authorized by the Owner to seek approval of a master plan permit and is contracted to purchase the property; and

WHEREAS, the Applicant submitted a complete application on March 29, 2019 seeking approval of a master plan for developing the site with four industrial/warehouse buildings totaling approximately 2,043,024sf (the "Project"). Along with the building construction, the project will include demolition of existing structures, grade and fill activities, paved parking and truck maneuvering areas, landscaping, storm water facilities, water and sanitary sewer extensions, a street vacation, frontage road improvements, off-site roadway improvements along Milton Road/5th Avenue, and at the intersection of Milton Road/Porter Way and Porter Way/Pacific Highway; and

WHEREAS, public notices of the Project were duly published and posted in accordance with MMC Chapter 17.71; and

WHEREAS, environmental review of the Project was performed by the City of Milton ("City") under the State Environmental Policy Act, RCW Chapter 43.21C ("SEPA"), related administrative regulations, and the MMC, following which a Mitigated Determination of Non-Significance ("MDNS") was issued on September 30, 2019; and

WHEREAS, administrative appeals of the MDNS were timely filed on October 14, 2019 by the City of Federal Way and the Puyallup Tribe; and

WHEREAS, the Applicant entered into a Stipulated Dismissal Settlement Agreement with the Puyallup Tribe on October 30, 2019, and the Puyallup Tribe subsequently withdrew their appeal of the MDNS; and

WHEREAS, the Applicant agreed to voluntary mitigation conditions to be incorporated into a Modified MDNS, which the City issued on October 30, 2019, and as a result the City of Federal Way withdrew its appeal of the MDNS; and

WHEREAS, an open record public hearing was held before the City of Milton Hearing Examiner on October 31, 2019, following which the Hearing Examiner issued a

recommendation of approval of the Project to the Milton City Council; and

WHEREAS, the City Council has considered the Hearing Examiner recommendation and its attachments, and has considered the MDNS, Modified MDNS, the recommendations of the City staff, and the testimony and other facts elicited at the public hearing on the Project, and has found that the master plan as conditioned is consistent with the Milton Comprehensive Plan, the Milton Municipal Code, and the requirements of SEPA, and makes appropriate provision for the public health, safety and welfare;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MILTON, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The City Council adopts the findings and conclusions set forth in the Hearing Examiner's Recommendation to the City of Milton City Council, dated November 19, 2019, attached hereto as Exhibit 1; except the City Council hereby modifies Finding of Fact #13 to expressly disallow the following uses from the site:

- A. Assembly of heavy equipment, airplanes, or vehicles;
- B. Outside storage yards as principal use;
- C. Rock, stone, brick, concrete or asphalt, batching or assembly;
- D. Sales and rental of heavy machinery and equipment;
- E. Salvage and wrecking yard;
- F. Tow truck operation/impound yard; and
- G. Utility yard.

Section 2. The City Council finds and declares that adoption of the master plan for the Project, as conditioned herein, is consistent with the Milton Comprehensive Plan, development regulations, and RCW Chapter 43.21C, and will serve the public health, safety and welfare.

Section 3. Based on the foregoing, the City Council adopts and approves the master plan identified as Bridge Point I-5 Seattle Planned Development (PD) Master Plan, Milton Project Nos. LUA 2019-0008, LUA2019-0009 and LUA2019-0010, as described in the Hearing Examiner's Recommendation to the City of Milton City Council, dated November 19, 2019, attached hereto as Exhibit 1, subject to the conditions of approval set forth in said recommendation and in the Modified MDNS.

Section 4. The City Council adopts the Exhibit List for this hearing entitled, "Exhibit to Staff Report Dated October 31, 2019 (given to Council December 2, 2019)," as the final exhibit list setting forth all of the documents considered by the City Council in this matter, attached hereto as Exhibit 2.

Section 5. SEVERABILITY. If any section, sentence, clause or phrase of this ordinance should be held to be invalid by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Passed by the Milton City Council the \_\_\_\_\_ day of February 2020, and approved by the Mayor, the \_\_\_ day of \_\_\_\_\_, 2020.

---

SHANNA STYRON SHERRELL, MAYOR

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

BY: \_\_\_\_\_  
CITY ATTORNEY

FILED WITH THE CITY CLERK:  
PASSED BY THE CITY COUNCIL:  
PUBLISHED:  
EFFECTIVE DATE:  
ORDINANCE NO. 1980-20

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**ORDINANCE NO. 1980-20 Option B**

**AN ORDINANCE OF THE CITY OF MILTON, WASHINGTON, APPROVING THE BRIDGE POINT I-5 SEATTLE PLANNED DEVELOPMENT (PD) MASTER PLAN, MILTON PROJECT NOS. LUA2019-0008, LUA2019-0009 AND LUA2019-0010, SUBJECT TO CONDITIONS, AND ESTABLISHING AN EFFECTIVE DATE**

---

WHEREAS, the City of Milton Comprehensive Plan designates a 142 acre tract in the northwest portion of the City, known as the Lloyd Property, as a Planned Development District; and

WHEREAS, a portion of the property has been developed as a senior housing/assisted living development under a valid master plan permit for the entire site, which has since expired; and

WHEREAS, 118 acres of the site remain that do not have a valid master plan permit, and are currently being mined by Land Lloyd Development Co. ("Owner"), which plans to complete mining operations in the next few years; and

WHEREAS, Bridge Development Co. ("Applicant") has been authorized by the Owner to seek approval of a master plan permit and is contracted to purchase the property; and

WHEREAS, the Applicant submitted a complete application on March 29, 2019 seeking approval of a master plan for developing the site with four industrial/warehouse buildings totaling approximately 2,043,024sf (the "Project"). Along with the building construction, the project will include demolition of existing structures, grade and fill activities, paved parking and truck maneuvering areas, landscaping, storm water facilities, water and sanitary sewer extensions, a street vacation, frontage road improvements, off-site roadway improvements along Milton Road/5th Avenue, and at the intersection of Milton Road/Porter Way and Porter Way/Pacific Highway; and

WHEREAS, public notices of the Project were duly published and posted in accordance with MMC Chapter 17.71; and

WHEREAS, environmental review of the Project was performed by the City of Milton ("City") under the State Environmental Policy Act, RCW Chapter 43.21C ("SEPA"), related administrative regulations, and the MMC, following which a Mitigated Determination of Non-Significance ("MDNS") was issued on September 30, 2019; and

WHEREAS, administrative appeals of the MDNS were timely filed on October 14, 2019 by the City of Federal Way and the Puyallup Tribe; and

WHEREAS, the Applicant entered into a Stipulated Dismissal Settlement Agreement with the Puyallup Tribe on October 30, 2019, and the Puyallup Tribe subsequently withdrew their appeal of the MDNS; and

WHEREAS, the Applicant agreed to voluntary mitigation conditions to be incorporated into a Modified MDNS, which the City issued on October 30, 2019, and as a result the City of Federal Way withdrew its appeal of the MDNS; and

WHEREAS, an open record public hearing was held before the City of Milton Hearing Examiner on October 31, 2019, following which the Hearing Examiner issued a

recommendation of approval of the Project to the Milton City Council; and

WHEREAS, the City Council has considered the Hearing Examiner recommendation and its attachments, and has considered the MDNS, Modified MDNS, the recommendations of the City staff, and the testimony and other facts elicited at the public hearing on the Project, and has found that the master plan as conditioned is consistent with the Milton Comprehensive Plan, the Milton Municipal Code, and the requirements of SEPA, and makes appropriate provision for the public health, safety and welfare;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MILTON, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The City Council adopts the findings and conclusions set forth in the Hearing Examiner’s Recommendation to the City of Milton City Council, dated November 19, 2019, attached hereto as Exhibit 1; except the City Council hereby clarifies staff and the Hearing Examiner’s recommended allowed uses for the site to include the following:

<b>AUTHORIZED USES WITHIN MASTER PLAN</b>	
Accessory Parks and Recreation Facilities	Permitted
Air Separation Facilities	
Battery Storage, Distribution, and Processing	
Breweries (no customers visiting premises)	
Contractor Business	
Enclosed salvage and wrecking operations	
Film processing plant	
Lumber and wood product manufacturing or assembly	
Major Utility facilities	
Manufacturing, assembling, processing, and packaging	
Medical equipment manufacturing plant	
Minor Utility facilities	
Mini-warehouses	
Prepared material, manufacturing, processing or package plants	
Prepared metal processing and assembly plants	
Professional and business office	
Wireless Communications facilities	
Soil Mixing	
Warehousing and distribution facilities and storage of equipment, commodities, and products	
Storage/Warehousing and distribution, bonded and located within a designated foreign trade zone	
Truck terminals	
Vehicle repair facility	
Wholesaling	

Section 2. The City Council finds and declares that adoption of the master plan for the Project, as conditioned herein, is consistent with the Milton Comprehensive Plan, development regulations, and RCW Chapter 43.21C, and will serve the public health, safety and welfare.

Section 3. Based on the foregoing, the City Council adopts and approves the master plan identified as Bridge Point I-5 Seattle Planned Development (PD) Master Plan, Milton Project Nos. LUA 2019-0008, LUA2019-0009 and LUA2019-0010, as described in the Hearing Examiner's Recommendation to the City of Milton City Council, dated November 19, 2019, attached hereto as Exhibit 1, subject to the conditions of approval set forth in said recommendation and in the Modified MDNS.

Section 4. The City Council adopts the Exhibit List for this hearing entitled, "Exhibit to Staff Report Dated October 31, 2019 (given to Council December 2, 2019)," as the final exhibit list setting forth all of the documents considered by the City Council in this matter, attached hereto as Exhibit 2.

Section 5. SEVERABILITY. If any section, sentence, clause or phrase of this ordinance should be held to be invalid by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Passed by the Milton City Council the \_\_\_\_\_ day of February 2020, and approved by the Mayor, the \_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
SHANNA STYRON SHERRELL, MAYOR

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

BY: \_\_\_\_\_  
CITY ATTORNEY

FILED WITH THE CITY CLERK:  
PASSED BY THE CITY COUNCIL:  
PUBLISHED:  
EFFECTIVE DATE:  
ORDINANCE NO. 1980-20

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## Agenda Item #: 4B

**To:** Mayor Shanna Styron Sherrell and City Council Members  
**From:** Nick Afzali, MSCE, Director of Public Works  
**Date:** February 10, 2020  
**Re:** **Bridge Point Development Agreement**

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**ATTACHMENTS:** 1) Ordinance No. 1981-20 and Exhibit 1 (Development Agreement)

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**TYPE OF ACTION:**

Information Only  Discussion  Action  Public Hearing  Expenditure

**Council Action/Recommendation:** “I move to approve Ordinance 1981-20.”

A development agreement is a voluntary contract between a local jurisdiction and a person/an entity who owns or controls property within the jurisdiction, detailing the obligations of both parties that will govern development of the property. Although the agreements are voluntary, they are binding on the parties and their successors once approved and executed.

**Statutory Authority / Legal Requirements**

RCW 36.70B.170.210 and WAC 365-196-845 provide authority and direction for development agreements. Local jurisdictions must hold a public hearing prior to approving a development agreement and may only impose impact fees, dedications, mitigation measures, and standards as authorized by other laws. Also, RCW 36.70B.180 addresses vested rights under a development agreement.

On December 9, 2019, the City Council passed a motion to adopt the Hearing Examiner’s Findings of Fact and Conclusions of Law regarding the Bridge Point I-5 Master Plan applications.

Pursuant to this proposed Development Agreement, Bridge Development will install additional roadway improvements to 5th Avenue between the southern boundary of the Property and the intersection of 5th Avenue and Porter Way as voluntary measures to enhance pedestrian safety along this corridor (“Voluntary Improvements”). The Voluntary Improvements shall be constructed in accordance with the locally approved road section (as adopted within the City of Milton Development Guidelines and Public Works Standards).

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**ORDINANCE NO. 1981-20**

**AN ORDINANCE OF THE CITY OF MILTON, WASHINGTON, APPROVING A DEVELOPMENT AGREEMENT BETWEEN BRIDGE ACQUISITIONS, LLC, A DELAWARE LIMITED LIABILITY COMPANY, LAND LLOYD DEVELOPMENT COMPANY, INC., A WASHINGTON CORPORATION, AND THE CITY OF MILTON, A WASHINGTON OPTIONAL CODE CITY AND ESTABLISHING AN EFFECTIVE DATE.**

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WHEREAS, the Washington State Legislature has authorized the execution of development agreements between a local government and a person having ownership or control of real property within its jurisdiction consistent with state law, specifically RCW 36.70B.170 through .210; and

WHEREAS, Land Lloyd Development Company, Inc., as Washington corporation (“Owner”) is the current owner of that certain real property described and depicted in Exhibits A and B of the development agreement attached hereto as Exhibit 1 (the “Development Agreement”), which real property is located in the City of Milton, Washington (the “Property”);

WHEREAS, Bridge Acquisitions, LLC, a Delaware Limited Liability Company (“Bridge”) is the contract purchaser/ground lessee of the Property and is the applicant for redevelopment of the Property with four industrial/warehouse buildings in accordance with the Planned Development Master Plan Approval, Site Plan Approval and SEPA applications (Project Nos. LUA 2019-008 to LUA 2019-0010) (collectively, “Bridge Point I-5 Seattle Project”); and

WHEREAS, redevelopment of the Property in accordance with the Planned Development Master Plan for the Bridge Point I-5 Seattle Project and this development agreement will serve the public health, safety and welfare by providing substantial tax revenues, job creation, enhanced project design and road and transportation infrastructure improvements that are beneficial to the City and mitigate project impacts; and

WHEREAS, the Development Agreement is consistent with the requirements of the City’s Comprehensive Plan, the City’s development standards and land use application procedures and other applicable development regulations and is a proper exercise of the City’s police power; and

WHEREAS, the following events have occurred in the processing of the Bridge Point I-5 Seattle Project applications:

- a) The City of Milton Hearing Examiner conducted an open record public hearing on October 31, 2019;
- b) The City of Milton Hearing Examiner issued his Report and Recommendation on November 19, 2019;
- c) The Milton City Council conducted a closed record public hearing on December 2, 2019 and continued to December 9, 2019 based on the record before the Hearing Examiner; and
- d) By Ordinance No. 1980-20, the City Council approved the Planned Development Master Plan and related Bridge Point Project Applications and adopted the City of Milton

Hearing Examiner's Findings of Fact and Conclusions of Law, dated November 19, 2019 and modified Finding of Fact 13 to expressly prohibit certain uses within the Planned Development zone;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MILTON, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The City Council finds and declares that the foregoing recitals and contents of the Development Agreement, in substantially the form attached hereto as Exhibit 1, are consistent with the Milton Comprehensive Plan, Milton development regulations, and chapter 43.21C (SEPA) RCW, and are hereby adopted as the Council's findings in support of this Ordinance.

Section 2. Based on the foregoing, the City Council hereby adopts and approves the Development Agreement, in substantially the form attached hereto as Exhibit 1, and the Mayor is hereby authorized to execute it on behalf of the City.

Section 3. SEVERABILITY. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Passed by the Milton City Council the \_\_\_\_\_ day of February 2020, and approved by the Mayor, the \_\_\_ day of February 2020.

\_\_\_\_\_  
SHANNA STYRON SHERRELL, MAYOR

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

BY: \_\_\_\_\_

CITY ATTORNEY

FILED WITH THE CITY CLERK:

PASSED BY THE CITY COUNCIL:

PUBLISHED:

EFFECTIVE DATE:

ORDINANCE NO. 1981-20

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## DEVELOPMENT AGREEMENT

**CITY OF MILTON  
AND  
BRIDGE ACQUISITIONS, LLC  
AND  
LAND LLOYD DEVELOPMENT CO. INC**

THIS DEVELOPMENT AGREEMENT is entered into this \_\_\_ day of February 2020 (“Effective Date”), by and between BRIDGE ACQUISITIONS, LLC, a Delaware limited liability company (“Bridge”), Land Lloyd Development Company, Inc., a Washington corporation (“Owner”), and the CITY OF MILTON, a Washington optional municipal code city (the “City”).

### BACKGROUND AND CONTEXT

A. Bridge is the contract purchaser/ground lessee of the real property commonly known as Lloyd’s Gravel Quarry (118 acres), more particularly described on Exhibit A attached hereto, and as depicted on Exhibit B attached hereto (the “Property”). The Property is located in the Planned Development (PD) zone of the City. The Owner of the Property is Land Lloyd Development Company, Inc., a Washington corporation

B. The PD zone requires the submittal of a master plan for any uses not already present on the site. A master plan requires a Type V permit process under Chapter 17.38 of the City Code.

C. Bridge proposes to develop the site with four industrial/warehouse buildings totaling approximately 2,043,024 square feet.

D. Bridge submitted the required master plan applications on March 29, 2019 (Project Nos. LUA 2019-008 to LUA 2019-0010), which were deemed complete on April 17, 2019.

E. Redevelopment of the Property in accordance with the Master Plan will provide substantial public benefits, including:

- (1) Substantial tax revenues;
- (2) Job creation;
- (3) Approximately \$8M to \$10M of road and transportation improvements to address current infrastructure deficiencies, and to improve traffic safety; and
- (4) Improved seasonal flooding along 5<sup>th</sup> Avenue by raising the existing street grade above the 100 - year flood plain and installation of an open bottomed box culvert.

F. Bridge and the City intend that redevelopment of the Property will serve as a catalyst for redevelopment of surrounding areas and mitigate and improve existing transportation deficiencies. To these ends, the parties intend that this Agreement will:

- (1) Encourage redevelopment of the Property to occur as soon as practical;

(2) Influence the character of the development such that the public and private benefits identified in the Comprehensive Plan and T.I.P. will be fully realized as soon as practical; and

(3) Provide for mitigation of any environmental impacts that are likely to result from redevelopment of the Property.

G. RCW 36.70B authorizes cities to enter into development agreements with property owners to govern the future development of real property. A development agreement between Owner and the City is a collaboration that will provide mutual benefit for the parties, residents and businesses of the City.

## **AGREEMENT**

NOW, THEREFORE, pursuant to the provisions of RCW 36.7013.170, et seq., and in consideration of the mutual promises, benefits and obligations set forth herein, the City, the Owner and Bridge enter into the following Development Agreement ("Agreement"):

### **1. Property.**

**1.1 Land.** See Exhibit A for Legal Description and Exhibit B for site Map.

**1.2 Existing Development.** The site is approximately 118 acres and is currently occupied by a sand and gravel extraction operation on the majority of the site (Land Lloyd Development Company). The current gravel operation on the site includes the sorting and stock piling of material. In addition, there is a scale house and wash down area. There is also a topsoil production operation on the property. The Comprehensive Plan and Zoning designations for the site are Planned Development (PD). The PD district requires that any proposed uses that are not already present on the site (surface mining, yard waste recycling, concrete crushing and public utilities) requires a master plan be submitted that shows the proposed development of the site and includes allowed uses, density, height, setbacks and other bulk regulations that will govern any future development of the site. The master plan process was put in place by the City in response to the environmental conditions on the site that would constrain future development. Rather than completing costly studies at the time the City's Comprehensive Plan was adopted, the PD District was created to allow an applicant to perform these studies at the time the property was ready to be developed. Hylebos Creek runs through the southeastern portion of the property. In addition, an unnamed stream and four on-site wetlands as well as fish and wildlife habitat areas are also present on the site. Access to the site is provided via Milton Road South (5th Avenue).

### **2. Master Plan**

**2.1 Right to Develop Master Plan.** Subject to the requirements set forth in this Agreement, Bridge and all future owners of some or all of the Property (hereafter, collectively "Owner") shall have the right to demolish existing structures and redevelop the Property in accordance with its Master Plan Approval dated \_\_\_\_\_, 20\_\_, ("the Project"). In consideration of the benefits to be derived, the Owner and Bridge waive and release any and all rights and benefits accruing under a prior Settlement Agreement and Covenant Regarding Traffic Impacts – Land Lloyd Development Co. Inc. Planned development Master Plan dated Dec. 10, 2003; recorded under Pierce County Auditor's File No. 20057017000046("Prior Master Plan"). The Parties acknowledge that the prior Master Plan has expired on its terms.

**2.2 Conformance with Master Plan.** The City Council approved the Master Plan on \_\_\_\_\_. Approval of the development shown in the Master Plan and identified in this Agreement is specifically conditioned upon dedication of the land and improvements identified in the Master Plan and/or this Agreement. The Project shall substantially conform to the Master Plan, including amendments thereto as provided for in Milton Municipal Code (“MMC”) Chapter 17.74. In the event of a conflict between the Master Plan and this Agreement, this Agreement shall control.

### **2.3 Vested Rights.**

**2.3.1 Development Regulations.** Except as provided otherwise in this Agreement, development of the Project shall be vested to and governed by City development regulations in effect as of the Effective Date of this Agreement. Except as expressly stated otherwise herein, any amendments or additions made during the term of this Agreement to City development regulations shall not apply to or affect the conditions of development of the Project. As used in this Agreement, “development regulations” shall be deemed to include regulations, policies, procedures and guidelines addressing zoning, environmental review (including SEPA procedures and substantive SEPA policies), building and site design, utilities, storm water, impact fees, transportation concurrency and other laws, ordinances, policies, and administrative regulations and guidelines of the City governing land development.

**2.3.2 Exemptions.** The following are exempt from vesting under this Agreement:

- (a) Plan review fees, inspection fees, connection charges and the amounts of impact fees established by schedules, charts or tables;
- (b) Storm water and utility connection fees and monthly service charges;
- (c) Amendments to building, plumbing, fire and other construction codes;
- (d) City enactments that are adopted pursuant to State or federal mandates that preempt the City's authority to vest regulations.

**2.4 City's Reserved Rights.** Notwithstanding any other provisions of this Agreement, pursuant to RCW 36.70B.170(4), the City reserves authority to impose new or different officially adopted regulations of general applicability, but only if, and to the extent required by a serious threat to public health and safety, as determined by the City Council after written notice and an opportunity to be heard has been provided to all owners of the Property.

**2.5 Future Amendments.** Owner and Bridge may request to be bound by future amendments to the Milton Municipal code or other regulations, policies or guidelines affecting development, and such request shall be approved administratively provided that, as a result of being subject to such amendment(s), the development of the Property will meet the following criteria: no new land use not allowed under current regulations is proposed; no reduction in the amount of open space is proposed; and no increase to the total square footage of structures to be developed is proposed. Otherwise, the request to be bound by the future amendments(s) shall be approved by the City Council as an amendment to this Agreement. Except for the termination date, any of the dates set forth in this Agreement may be revised administratively by agreement between Owner and City Staff.

## **2.6 Development Approvals.**

**2.6.1 Site Plan Entitlement Process.** Detailed development plans for development sites within the Property are approved through the Master Plan and site plan approval processes and other approval processes provided for in the Milton Municipal Code (“MMC”), as applicable. Depictions of building footprints, shapes and number of stories in the Master Plan are illustrative only.

**2.6.2 Conditions.** The City shall not impose any condition on the Project, or any development proposal for one or more sites within the Project, that is inconsistent with this Agreement or the Master Plan.

**2.7 Development Sites/Land Division.** The size, configuration and number of legal lots or development parcels within the Property may be modified without amendment of the Master Plan through boundary line adjustments, lot consolidations, binding site plans, short plats, subdivisions or creation of condominiums. Such modifications must be consistent with the requirements of the Master Plan. The Property shall be deemed “classified for commercial use” as this term is used in RCW 58.17.040(4) for the purpose of legally dividing the property through administrative approval of one or more binding site plans.

**2.8 Agreement Runs with the Land.** In the event of transfer of ownership of all or any portion of the Property, the benefits accruing to, and the obligations placed upon the “Owner” under this Agreement shall run with the land and title to the Property and inure to the benefit of, and be binding upon each person having any right or title or other legal interest in the Property with respect to that party's interest in the Property. This Agreement shall be deemed to create privity of contract and estate with and among all persons and entities acquiring any interest in the Property subsequent to the date hereof. This Agreement shall not be recorded until Bridge is the fee owner or ground lessee of the Property.

## **3. Transportation Management.**

**3.1 Mitigation of Transportation Impacts:** In accordance with the Master Plan and under this Agreement, the owner agrees as follows:

**3.1.1** Bridge shall mitigate transportation impacts from its development in accordance with the Conditions of Approval as stated in the Master Plan approval and within the Mitigated Determination of Non-Significance.

**3.1.2** Bridge shall install additional roadway improvements to 5th Avenue between the southern boundary of the Property and the intersection of 5th Avenue and Porter Way as a voluntary measure to enhance pedestrian safety along this corridor (“Voluntary Improvements”). The Voluntary Improvements shall be constructed in accordance with the locally approved road section (as adopted within the City of Milton Development Guidelines and Public Works Standards).

**3.2 Voluntary Improvements for the 5<sup>th</sup> Avenue Corridor.** In addition to the required Master Plan conditions requiring the widening of the travel lanes of 5<sup>th</sup> Avenue to 12’ in each direction and the improvement of the structural capacity of the asphalt surface to make it sufficient for the anticipated truck travel, Bridge agrees to the following additional voluntary improvements on 5<sup>th</sup> Avenue from the southern property line of the project to the intersection at 5<sup>th</sup> Avenue and Porter Way. The Parties acknowledge the final design of the road section is not complete, but believe, based on preliminary designs and discussions, that the existing 60’ right of way is adequate for the proposed

improvements. Bridge shall fund and complete the following additional voluntary improvements (collectively “Voluntary Improvements.”)

- 1) Widen the asphalt travel lanes to 14’ in each direction (Northbound (NB) and Southbound (SB)); install curb & gutter and install 5’ raised concrete sidewalks on each side of the street.
- 2) Install two (2) covered school bus shelters with concrete pads along the 5<sup>th</sup> Avenue corridor. Locations are to be within existing right of way and will be determined at a future date as agreed upon by both parties and in consultation with the school district.
- 3) Install four (4) electronic speed radar signs.
- 4) Install two (2) painted and signed crosswalks.
- 5) Use good faith efforts to re-align the centerline of 5<sup>th</sup> Avenue to align with the centerline of the right of away, where feasible.

**3.3** The City of Milton Public Works Director (“Director”) may, in the exercise of reasonable discretion, modify (but not increase without Bridge’s consent) the scope, design and extent of some or all of the Voluntary Improvements, including the discretion to:

**3.3.1** Modify the road section for 5<sup>th</sup> Avenue to allow construction of a sidewalk on only one side of 5<sup>th</sup> Avenue or to eliminate any required five foot (5’) landscape strip on one or both sides when the installation of sidewalks and or landscape strip on both sides of the road is found in the Director’s discretion to be impractical, infeasible or not in the best interests of the public due to topographical and terrain impediments including the loss of existing driveways and/or street parking facilities.

**3.3.2** The City will work in good faith with Bridge to:

**3.3.2.1** Allow for the realignment of the road surface from the centerline of the existing right of way to avoid the relocation of existing impediments such as utility poles, lift stations, driveways and/or drainage facilities; provided it meets the minimum design speed of 35 MPH. (The design speed limit is not the same as the posted speed limit.)

**3.3.2.2** Utilize alternative stormwater management techniques such as biofiltration, pervious sidewalk, culverts, and open drainage ditches to avoid inappropriate complication of the drainage of the street improvements.

**3.4** Bridge shall provide mitigation for the intersection of SR 99 and Porter Way by extending the westbound right turn queue storage approximately 200 feet and optimizing signal timing at this intersection. The City recently received a grant from Transportation Improvement Board in the amount of \$2.9 million for major improvement of this intersection. Bridge will either extend the westbound right turn lane and optimize the signal timing, or at the City of Milton’s sole discretion, Bridge agrees to contribute \$415,000 for the future improvements of this intersection in exchange of not being required to mitigate their impacts to this intersection (herein “Payment in Lieu of Improvement”).

**3.5 Timing of Phases:** Per Master Plan.

**3.6 Acquisition of Right of Way.**

**3.6.1** It is the understanding of the Parties that sufficient public right of way is in the City's ownership and control for the installation of the Voluntary Improvements and the improvements on and within the 5<sup>th</sup> Avenue right of way designated in the Master Plan. The design for the roundabout at 5<sup>th</sup> Avenue and Porter Way is not final and in the event that the design of the roundabout at the intersection of 5th Avenue and Porter Way should require the acquisition of additional right of way, the parties agree to cooperate in its acquisition.

**3.6.2** Bridge shall make a bests effort to acquire any right-of-way required for any right-of way improvement that is not owned by Bridge or the Owner. "Best efforts" shall mean an effort in good faith to acquire necessary right of way at a reasonable cost that reflects fair market value as determined by agreement with the affected owners or, in the absence of an agreement with affected powers, an appraisal by a duly qualified appraiser with an MAI certification. If Bridge cannot acquire needed right of way through its best efforts within ninety (90) days of making a request to purchase land from affected owners, then within thirty (30) days, the City shall initiate efforts to acquire the necessary right of way by any lawful means, provided, however that the Milton City Council retains its full legislative discretion in the enactment of any ordinance or other action pursuant to Chapter 8.12 RCW.

**3.6.2.1** In the event Bridge's and/or the City of Milton's good faith efforts to acquire additional right-of-way are not successful, the Director will exercise discretion to allow revisions consistent with city design standards and public safety as required by state and federal traffic standards to the Voluntary Improvements on 5<sup>th</sup> Avenue and or the round-about design at 5<sup>th</sup> and Porter Way, to allow for all improvements to be constructed within the existing right-of-way.

**3.6.3** In consideration for the City's assistance on right of way acquisition, Bridge will construct five-foot (5') raised concrete sidewalks and five-foot (5') planter strips on the Northwest, Southeast and Northeast legs of the round-about.

**3.6.4** In the event Bridge pays for some or all of the improvements in this Agreement and in the Master Plan, Bridge, shall be entitled to request reimbursement agreements under Milton City Code Chapter 13.44.090 and RCW 35.72.

**3.6.5** Nothing in this Agreement is a waiver of Bridge's right to impact fee credits under Milton City Code Chapter 13.44.050.

**4. Term.** The term of this Agreement shall be fifteen (15) years, except as provided in this Section. The City and Owner may agree to extend the term of this Agreement, provided that such extension is approved by the City Council. The City and Owner intend that the Master Plan be in effect for a term concurrent with this Agreement.

**5. Miscellaneous Provisions**

**5.1 Code Citations.** All citations and references to the Milton Zoning Code and Milton Municipal Code in this Agreement shall refer to those provisions in force as of the date of this Agreement, unless express reference is made to future amendments thereto.

**5.2 Recording.** This Agreement shall be recorded with the King County Department of Records and Elections.

**5.3 Amendments.** Any amendment to this Agreement shall require approval by the City Council unless administrative approval is specifically authorized by this Agreement. Modifications and/or amendments of the Master Plan agreed to by Owner and approved by the City administratively or upon City Council approval shall be deemed incorporated into this Agreement without further action.

**5.4 Specific Performance.** The Parties specifically agree that damages are not an adequate remedy for breach of this Agreement and that the Parties are entitled to compel specific performance call terms of this Agreement by any Party in default hereof.

**5.5 Governing Law and Venue.** This Agreement shall be governed and construed in accordance with the laws of the State of Washington. The exclusive venue for any litigation arising out of this Agreement shall be the King County Superior Court.

**5.6 Notices.** All notices and other communications required or otherwise provided for by this Agreement shall be in writing, and shall be given to the following persons:

**City of Milton**

Attention: Public Works Director  
1000 Laurel St.  
Milton, Washington 98354-8850

**And to its Attorney:**

Ogden, Murphy, Wallace, P.L.L.C.  
Attention:  
901 Fifth Avenue, Suite 3500  
Seattle, WA 98164-2008

**Bridge Acquisitions LLC**

Attention: Justin Carlucci  
10655 NE 4<sup>th</sup> Street, Suite 210  
Bellevue, WA 98004

**And to its Attorney:**

Jameson Babbitt Stites & Lombard, PLLC  
Attention: Brad Brigham  
801 Second Avenue, Suite 700  
Seattle, WA 98104

**Land Lloyd Development Company**

Attn: Robert R. Lloyd  
34667 Pacific Highway South  
Federal Way, WA 98003

**And to its Attorney:**

West Law Offices  
Attn: Robert E. West Jr.  
332 1<sup>st</sup> Street NE  
Auburn, WA 98002

**5.7 Full Understanding.** The Parties each acknowledge, represent and agree that they have read this Agreement; that they fully understand the terms thereof.; that they have had the opportunity to be fully advised by their legal counsel and any other advisors with respect thereto; and that they are executing this Agreement after sufficient review and understanding of its contents.

**5.8 Attorneys' Fees.** In the event of any dispute concerning this Agreement, the substantially prevailing party shall be entitled to receive its attorneys' fees and costs at trial, at any alternative dispute resolution proceeding and on appeal.

**5.9 Severability.** In the event that any section, sentence, clause or phrase of this Agreement is determined to be invalid or unconstitutional by any court of competent jurisdiction, the remaining sections, sentences, clauses and phrases shall remain viable and in full force and effect.

**5.10 Counterparts.** This Agreement may be executed in counterparts, with each Party sending a pdf of its signature to the other Party via e-mail transmission. This Agreement, when fully executed and signature pages exchanged, as provided herein, shall be effective as the original document.

**5.11 Equal Opportunity to Participate in Drafting.** The Parties have participated and had an equal opportunity to participate in the drafting of this Agreement. No ambiguity shall be construed against any Party based upon a clam that such Party drafted the ambiguous language.

**5.12 Exhibits.** This Agreement includes the following exhibits:

Exhibit A      Legal Description of the Property

**5.13 Final and Complete Agreement.** This Agreement constitutes the final and complete expression of the Parties on all subjects relating to the development of the Property. This Agreement supersedes and replaces all prior agreements, discussions and representations on all subjects relating to the development of the Property. No Party is entering into this Agreement in reliance on any oral or written promises, inducements, representations, understandings, interpretations or agreements other than those contained in this Agreement and the exhibits hereto.

**IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first set forth above.**

**BRIDGE ACQUISITIONS, LLC,**  
A Delaware Limited Liability Company

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Its: \_\_\_\_\_

**Land Lloyd Development Company**

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Its: \_\_\_\_\_

**CITY OF MILTON,**  
A Washington municipal corporation

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Its: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney  
Ogden Murphy Wallace, PLLC

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**EXHIBIT A**  
LEGAL DESCRIPTION OF THE PROPERTY

The Land referred to herein below is situated in the County of King, State of Washington, and is described as follows:

PARCEL A:

TRACT 1:

THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER AND THAT PORTION OF GOVERNMENT LOT 2, SECTION 32, TOWNSHIP 21 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS A WHOLE AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER;  
THENCE NORTH 0°58'00" WEST ALONG THE EAST LINE OF SAID NORTHEAST QUARTER 134.36 FEET TO THE SOUTHEASTERLY MARGIN OF PRIMARY STATE HIGHWAY NO. 1 (SR-5);  
THENCE ALONG SAID SOUTHEASTERLY MARGIN THE FOLLOWING COURSES;  
THENCE SOUTH 34°03'34" WEST 338.04 FEET;  
THENCE SOUTH 52°36'34" WEST 122.70 FEET;  
THENCE SOUTH 26°34'04" WEST 503.90 FEET;  
THENCE NORTH 89°12'15" EAST 525.69 FEET TO THE EAST LINE OF SAID GOVERNMENT LOT 2;  
THENCE NORTH 0°58'00" WEST ALONG SAID LINE 663.70 FEET TO THE POINT OF BEGINNING;  
EXCEPT THE SOUTH 30.00 FEET OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER;  
AND EXCEPT THE NORTH 30.00 FEET OF SAID GOVERNMENT LOT 2 AS CONVEYED TO THE TOWN OF MILTON BY DEED RECORDED UNDER KING COUNTY RECORDING NUMBER 7911150897.

TRACT 2:

THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 21 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:  
BEGINNING AT THE NORTHWEST CORNER OF SAID SUBDIVISION;  
THENCE SOUTH 0°58'00" EAST 663.70 FEET;  
THENCE NORTH 89°12'15" EAST 867.61 FEET;  
THENCE NORTH 0°47'56" WEST 663.08 FEET TO THE NORTH LINE OF SAID SUBDIVISION;  
THENCE SOUTH 89°14'42" WEST ALONG SAID LINE 869.55 FEET TO THE POINT OF BEGINNING;

EXCEPT THE NORTH 30.00 FEET THEREOF CONVEYED TO THE TOWN OF MILTON BY DEED RECORDED UNDER KING COUNTY RECORDING NUMBER 7911150897.

TRACT 3:

THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 21 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SUBDIVISION;  
THENCE SOUTH 0°58'00" EAST 663.70 FEET;  
THENCE NORTH 89°12'15" EAST 867.61 FEET TO THE POINT OF BEGINNING;  
THENCE CONTINUING NORTH 89°12'15" EAST 438.67 FEET TO EAST LINE OF SAID SUBDIVISION;  
THENCE NORTH 0°47'56" WEST ALONG SAID LINE 662.77 FEET TO THE NORTH LINE OF SAID SUBDIVISION;  
THENCE SOUTH 89°14'42" WEST ALONG SAID LINE 438.67 FEET;  
THENCE SOUTH 0°47'56" EAST 663.08 FEET TO THE POINT OF BEGINNING;  
EXCEPT THE NORTH 30.00 FEET THEREOF CONVEYED TO THE TOWN OF MILTON BY DEED RECORDED UNDER RECORDING NUMBER 7911150897.

TRACT 4:

THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 21 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SUBDIVISION;  
THENCE SOUTH 0°58'00" EAST 663.70 FEET;  
THENCE NORTH 89°12'15" EAST 87.51 FEET TO THE POINT OF BEGINNING;  
THENCE SOUTH 0°58'00" EAST 657.75 FEET TO THE SOUTH LINE OF SAID SUBDIVISION;  
THENCE NORTH 89°12'15" EAST 1216.84 FEET TO THE EAST LINE OF SAID SUBDIVISION;  
THENCE NORTH 0°47'56" WEST ALONG SAID LINE 657.75 FEET;  
THENCE SOUTH 89°12'15" WEST 1218.77 FEET TO THE POINT OF BEGINNING.

PARCEL B:

THE WEST 320 FEET OF THE SOUTH 700 FEET OF THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 21 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, LYING NORTHERLY OF RIGHT OF WAY OF PUGET SOUND RAILROAD.

PARCEL C:

BLOCKS 1, 2 AND 3, ST. GEORGE ADDITION TO EAST TACOMA, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 5 OF PLATS, PAGE 44, IN KING COUNTY, WASHINGTON;

TOGETHER WITH THE 20 FOOT WIDE ALLEYS IN SAID BLOCKS 1, 2 AND 3 AND THE EAST AND WEST 5 FEET OF 9<sup>TH</sup> AVENUE SOUTH, 10TH AVENUE SOUTH AND 11TH AVENUE SOUTH, AS VACATED BY ORDINANCE NUMBER 798 AS PASSED AND APPROVED BY THE COUNCIL OF THE TOWN OF MILTON, WASHINGTON ON JULY 12, 1979;

ALL ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 5 OF PLATS, PAGE 44, IN KING COUNTY, WASHINGTON;

(BEING KNOWN AS PARCELS 10 THROUGH 57, INCLUSIVE, AS DELINEATED ON AND DESCRIBED IN APPROVED "DEVELOPMENT PLAN AND BOUNDARY SURVEY" AS RECORDED DECEMBER 4, 1979 UNDER RECORDING NUMBER 7912049004.)

PARCEL D:

ALL OF BLOCK 4, ST. GEORGE ADDITION TO EAST TACOMA, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 5 OF PLATS, PAGE 44, IN KING COUNTY, WASHINGTON;

TOGETHER WITH THE 20 FOOT ALLEY IN BLOCK 4 AND THE WEST 5 FEET OF 9TH AVENUE SOUTH, BOTH AS VACATED BY ORDINANCE NO. 798 AS PASSED AND APPROVED BY THE COUNCIL OF THE TOWN OF MILTON, WASHINGTON, ON JULY 12, 1979;

EXCEPT ANY PORTION OF SAID BLOCK 4, CONVEYED TO THE STATE OF WASHINGTON FOR STATE HIGHWAY NUMBER 1 UNDER KING COUNTY RECORDING NUMBERS 5015088 AND 5049603.

(BEING KNOWN AS PARCELS 1 THROUGH 9, INCLUSIVE, AS DELINEATED ON AND DESCRIBED IN APPROVED "DEVELOPMENT PLAN AND BOUNDARY SURVEY" AS RECORDED ON DECEMBER 4, 1979, UNDER KING COUNTY RECORDING NUMBER 7912049004).

PARCEL E:

PARCEL D, CITY OF MILTON BOUNDARY LINE ADJUSTMENT NO. 019-2006, RECORDED UNDER RECORDING NO. 2006081090001, IN KING COUNTY, WASHINGTON.

PARCEL F:

THOSE PORTIONS OF LOTS 1 AND 2, LITTLE HOMES ADDITION TO EAST TACOMA, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 7 OF PLATS, PAGE 11, IN KING COUNTY, WASHINGTON, AND THOSE PORTIONS OF LOTS 1 THROUGH 11, INCLUSIVE, AND LOTS 30 THROUGH 43, INCLUSIVE, BLOCK 4, ST. GEORGE ADDITION TO EAST TACOMA, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 5 OF PLATS, PAGE 44, IN KING COUNTY, WASHINGTON;

TOGETHER WITH THOSE PORTIONS, IF ANY, OF THE ALLEY IN SAID BLOCK AND THOSE PORTIONS, IF ANY, OF THE WESTERLY 5 FEET OF 9TH AVENUE, EACH VACATED

BY ORDINANCE NO. 798 OF THE TOWN OF MILTON, THAT ATTACHED TO SAID LOTS BY OPERATION OF LAW, ALL LYING WITHIN THE FOLLOWING DESCRIBED TRACT:

BEGINNING AT A POINT OPPOSITE HIGHWAY ENGINEER'S STATION 1781+50 ON THE LE LINE SURVEY OF STATE HIGHWAY ROUTE NO. 5, PIERCE COUNTY LINE TO JCT. SSH NO. 5-A, AND SOUTH 52°17'30" EAST 275 FEET THEREFROM;  
THENCE SOUTH 52°17'30" EAST, ALONG SAID FORMER RIGHT OF WAY LINE OF SAID HIGHWAY, 75 FEET;  
THENCE SOUTH 36°12'00" WEST, ALONG THE FORMER RIGHT OF WAY LINE, 559.8 FEET, MORE OR LESS, TO THE WESTERLY LINE OF SAID BLOCK;  
THENCE NORTHERLY, ALONG SAID WESTERLY LINE, BEING THE PRESENT RIGHT OF WAY LINE OF SAID HIGHWAY, TO INTERSECT A LINE DRAWN PARALLEL WITH SAID LE LINE SURVEY AND SOUTH 52°17'30" EAST 275 FEET THEREFROM;  
THENCE NORTH 37°42'30" EAST, ALONG SAID PARALLEL LINE, BEING THE PRESENT RIGHT OF WAY LINE OF SAID HIGHWAY, TO THE POINT OF BEGINNING.

PARCEL G:

THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER AND THAT PORTION OF GOVERNMENT LOT 2, ALL IN SECTION 32, TOWNSHIP 21 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 32;  
THENCE NORTH 0°58'00" WEST ALONG THE EAST LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER 134.36 FEET TO THE SOUTHEASTERLY MARGIN OF PRIMARY STATE HIGHWAY NO. 1 (SR-5);  
THENCE ALONG SAID SOUTHEASTERLY MARGIN THE FOLLOWING COURSES:  
SOUTH 34°03'34" WEST 338.04 FEET;  
SOUTH 52°36'34" WEST 122.70 FEET;  
SOUTH 26°34'04" WEST 503.90 FEET TO THE TRUE POINT OF BEGINNING;  
THENCE NORTH 89°12'15" EAST 613.20 FEET;  
THENCE SOUTH 0°58'00" EAST 657.75 FEET TO THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER;  
THENCE SOUTH 89°12'15" WEST ALONG SAID SOUTH LINE 467.00 FEET TO THE NORTHEASTERLY BOUNDARY OF THE PUYALLUP INDIAN RESERVATION;  
THENCE NORTH 47°27'27" WEST ALONG SAID BOUNDARY 401.74 FEET TO SAID SOUTHEASTERLY MARGIN OF PRIMARY STATE HIGHWAY NO. 1;  
THENCE SOUTH ALONG SAID SOUTHEASTERLY MARGIN THE FOLLOWING COURSES:  
ON A CURVE TO THE RIGHT, WITH A RADIUS OF 1,071.00 FEET, WHICH CENTER BEARS SOUTH 80°29'33" EAST, THROUGH A CENTRAL ANGLE OF 17°09'37", AN ARC DISTANCE OF 320.77 FEET; NORTH 26°34'04" EAST 89.50 FEET TO THE TRUE POINT OF BEGINNING.



## Agenda Item #:4D

**To:** City Council Members  
**From:** Mayor Shanna Styron Sherrell  
**Date:** February 10, 2020  
**Re:** **Appointment to Council Position Number 3**

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### TYPE OF ACTION:

Information Only  Discussion  Action  Public Hearing  Expenditure

**Council Action/Recommendation:** "I move to appoint candidate \_\_\_\_\_ to fill the Council Position Number 3 through the general election of November 2021."

**Issue:** Council Position Number 3 has been vacated as of February 10, 2020.

**Background:** Council has the option of appointing an eligible citizen to the position or, failing to do so within 90 days of the vacation, Pierce County may make the appointment.

Council opted to open the position up to the citizens for an application/interview process. The application period ended at 5pm on Monday, February 3; there were three eligible applications submitted.

Applicants are scheduled for interviews during this Special Meeting of the City Council. Based on those interviews, Council may adjourn to an executive session to discuss and then come back into regular session and make a motion to appoint one of the candidates.

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## Agenda Item #: 4E

**To:** Mayor Styron Sherrell and City Council Members  
**From:** Nick Afzali, MSCE, Public Works Director  
**Date:** February 10, 2020  
**Re:** **Ordinance 1982-20 – Transportation Impact Fee Increase**

---

**ATTACHMENTS:** Ordinance 1982-20

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**TYPE OF ACTION:**

Information Only  Discussion  Action  Public Hearing

**Recommended Action:** “I move to approve Ordinance 1982-20.”

**Fiscal Impact/Source of Funds:** This ordinance modification will increase the impact fee per p.m. peak hour trip by 1.7%. This modification has the potential to increase Revenue for the Traffic Impact Fee Fund. The amount of the increase will be dependent upon the level of development in the City.

---

**Issue:** This is an annual update to the City’s Transportation Impact Fees. Milton Municipal Code 13.44.065(B) specifies that the transportation impact fee will be adjusted annually based on the Engineering News Record Construction Cost Index.

**Discussion:** The Engineering News Record Construction Cost Index increased by 1.7% in the previous year (2019). The proposed Ordinance will increase the City’s transportation impact fee using that 1.7% increase. This increase will raise the amount of the traffic impact fee from \$4,307 to \$4,380, a change of \$73 per p.m. peak hour trip.

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**ORDINANCE NO. 1982-20**

AN ORDINANCE OF THE CITY OF MILTON, WASHINGTON, REVISING CHAPTER 13.44.065 OF THE MILTON MUNICIPAL CODE AS IT RELATES TO THE CALCULATION OF TRANSPORTATION IMPACT FEES; ENTERING LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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WHEREAS, the collection of transportation impact fees is an important element of the City's effort to improve our transportation system; and

WHEREAS, the Milton Municipal Code provides for an annual increase in the peak hour trip impact fee based on the Engineering News Record Annual Construction Cost Index, which for this year is 1.7 percent;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MILTON, WASHINGTON, DO ORDAIN AS FOLLOWS:

**Section 1. Findings.** The recitals set forth above are hereby adopted as the Milton City Council's findings in support this ordinance.

**Section 2.** Chapter 13.44 of the Milton Municipal Code is hereby modified as follows:

13.44.065 Impact fees – Calculation

- A. The impact fee for each p.m. peak hour trip, as set forth in the 2015 transportation impact fee study and adjusted in accordance with subsection B of this section, is ~~\$4307~~4380. Each development activity shall be subject to and pay an impact fee based on the p.m. peak hour trips attributable to the development activity.

**END OF CODE REVISION**

**Section 3. Severability.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

**Section 4. Publication.** This ordinance shall be published by an approved summary consisting of the title.

**Section 5. Effective Date.** This ordinance shall become effective and be in full force five (5) days after passage, approval, and publication as provided by law.

PASSED by the Council and approved by the Mayor of the City of Milton, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF MILTON

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Mayor Shanna Styron Sherrell

ATTEST/AUTHENTICATED:

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Trisha Summers, City Clerk

APPROVED AS TO FORM:

---

City Attorney

Published:  
Effective Date:



## Agenda Item #: 4F

**To:** Mayor Styron Sherrell and City Council Members  
**From:** Nick Afzali, MSCE, Public Works Director  
**Date:** February 10, 2020  
**Re:** **Ordinance 1983-20 -Parks Impact Fee Increase**

---

**ATTACHMENTS:** 1. Ordinance 1983-20  
2. MMC 13.45

---

**TYPE OF ACTION:**

Information Only  Discussion  Action  Public Hearing

**Recommendation/Action:** "I move to approve Ordinance 1983-20."

**Fiscal Impact/Source of Funds:** This item will provide a slight annual increase in the amount of Parks Impact fees collected, increasing revenue.

---

**Issue:** The City of Milton adopted Parks Impact Fees in 2016. The rates, for the first time, were increased last year. The existing code provides a mechanism for council review of the impact fees but does not provide an annual escalation factor similar to the City's Traffic Impact Fees and School Impact Fees.

**Discussion:** Section 13.45 of the Milton Municipal Code establishes Parks Impact Fees. Currently this code section does not provide for an annual escalation factor to ensure that these impact fees keep up with the rate of inflation.

The Traffic Impact Fees and School Impact Fees have an annual escalator based on the Construction Cost Index of the Engineering News Record. This has proven to be an efficient method of ensuring that the funds collected are keeping up with the inflation rate of the construction industry.

We are recommending that this same approach be applied to the Parks Impact Fees as it was applied in 2019. This will provide a consistent and simple method of matching the funds collected with the costs of construction.

The attached Ordinance will increase the Parks Impact Fees and implement an annual escalator.

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**ORDINANCE NO. 1983-20**

**AN ORDINANCE OF THE CITY OF MILTON, WASHINGTON, REVISING CHAPTER 13.45 OF THE MILTON MUNICIPAL CODE AS IT RELATES TO THE CALCULATION OF PARKS IMPACT FEES; ENTERING LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

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**WHEREAS**, the collection of Parks impact fees is an important element of the City's effort to improve its park system; and

**WHEREAS**, the Milton Municipal Code currently does not provide for an annual increase in the impact fee; and

**WHEREAS**, it is desirable to increase the impact fees and implement an annual increase in the parks impact fee based on the Engineering News Record Annual Construction Cost Index;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MILTON, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1. Findings.** The recitals set forth above are hereby adopted as the Milton City Council's findings in support this ordinance.

**Section 2.** Section 13.45.030 of the Milton Municipal Code is hereby modified as follows:

**13.45.030 Assessment of impact fees.**

- A. The city shall collect park impact fees calculated at \$1,709 per each dwelling unit from any applicant seeking development approval from the city for any development activity that includes dwelling units within the city.
- B. The fees shown in 13.45.030(A) shall be adjusted annually by applying the Engineering News-Record annual construction cost index to the fee per dwelling unit.
- C. Where a change of use increases housing capacity by more than or equal to one dwelling unit, the director shall calculate a parks and recreation impact fee based on the increase in the housing capacity.

- D. The amount of impact fees shall be determined at the time an applicant submits a complete application for a building permit using the amount shown in this section, or pursuant to an independent fee calculation accepted by the director pursuant to MMC 13.45.040, and adjusted for any credits pursuant to MMC 13.45.050.
- E. Payment of impact fees shall be made by the feepayer at the time the building permit is issued for each unit in the development. The amount to be paid shall not be increased for any applicant that submitted a complete application for the building permit before the city established the impact fee rates.
- F. Applicants that have been awarded credits prior to the submittal of the complete building permit application pursuant to MMC 13.45.050 shall submit, along with the complete building permit application, a copy of the letter or certificate prepared by the director pursuant to MMC 13.45.050 setting forth the dollar amount of the credit awarded. Impact fees, as determined after the application of appropriate credits, shall be collected from the feepayer at the time the building permit is issued.
- G. The department shall not issue a building permit unless and until the impact fees have been paid or credit(s) awarded.
- H. For complete building permit applications for new development, redevelopment or a change of use, and prior to or at the time of issuance of any single-family residential building permit for a dwelling unit that is being constructed, the applicant may elect to record a covenant against title to the property on forms prepared and provided by the city that requires payment of parks impact fees due and owing, less any credits awarded, by providing for automatic payment through escrow of these development charges due and owing to be paid no later than at time of final inspection or 18 months from the date of issuance of the original building permit, whichever comes first. Failure to pay shall result in the following:
  - 1. If 30 days after the city has sent the responsible party written notification of its obligation to pay the charges established in this chapter the full amount remains unpaid, the responsible party shall be subject to the enforcement provisions of MMC 1.08.100. Written notification shall be by regular and certified mail and to the most current available contact information on file with the city. For the purposes of

applying MMC 1.08.100, the responsible party shall constitute a property owner, the property(ies) for which a permit(s) has been issued shall constitute the property(ies) on which the violation is occurring, and the impact fee amount remaining unpaid shall constitute a violation occurring on the permitted property(ies) under these sections.

2. Any unpaid charges adopted by this chapter that are outstanding 30 days from the date the charges are due shall constitute a lien against the property(ies) for which a permit(s) has been issued in the amount of the unpaid charges. In addition to the actions authorized in subsection (H)(1) of this section, the city may record a lien against the permitted property(ies) in the amount of the unpaid charges and may immediately suspend any permits previously issued for the lot or unit associated with the current development activity and shall limit the granting of any future permits for the lot or unit until such time that all outstanding water, sanitary sewer and storm drainage development charges are paid in full.
3. The appeals process authorized in MMC 13.45.070 shall not apply to determinations made pursuant to this section. (Ord. 1903 § 2, 2016).

**Section 3.** Section 13.45.060 of the Milton Municipal Code is hereby modified as follows:

**13.45.060 Exemptions.**

A. The following shall be exempted from the payment of parks and recreation impact fees:

1. Replacement of a structure with a new structure of the same use at the same site or lot when such replacement occurs within 12 months of the demolition or destruction of the prior structure.
2. Alterations or expansion or enlargement or remodeling or rehabilitation or conversion of an existing dwelling unit where no additional units are created and the use is not changed.
3. Miscellaneous improvements, including but not limited to fences, walls, swimming pools, and signs.
4. A change of use where the increase in housing capacity is less than the threshold stated in MMC 13.45.030(C).

5. Demolition or moving of a structure.

6. Any building permit application that has been submitted to the department before 5:00 p.m. the business day before the first effective date of the park impact fee rate schedule and subsequently determined to be a complete application by the city.

B. The director shall be authorized to determine whether a particular development activity falls within an exemption identified in this section. Determinations of the director shall be subject to the appeals procedures set forth in MMC [13.45.070](#). (Ord. 1903 § 2, 2016).

**END OF CODE REVISION**

**Section 4. Severability.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

**Section 5. Publication.** This ordinance shall be published by an approved summary consisting of the title.

**Section 6. Effective Date.** This ordinance shall become effective and be in full force five (5) days after passage, approval, and publication as provided by law.

PASSED by the Council and approved by the Mayor of the City of Milton, this \_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF MILTON

\_\_\_\_\_  
Mayor Shanna Styron Sherrell

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Trisha Summers, City Clerk

APPROVED AS TO FORM:

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City Attorney

Published:

Effective Date:

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## Agenda Item # 4G

**To:** Mayor Styron Sherrell and City Council Members  
**From:** Michelle Robbecke, Finance Director  
**Date:** February 10, 2020  
**Re:** **Ordinance 1984-20 Approval - Water Utility Rate Increase**

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**ATTACHMENTS:** Ordinance 1984-20 (Redlined)  
Ordinance 1984-20 (Clean)

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**TYPE OF ACTION:**

Information Only  Discussion  Action  Public Hearing

**Recommendation/Action:** "I move to approve Ordinance 1984-20."

**Fiscal Impact/Source of Funds:** The Water Utility Fund will see an increase in revenue in the current year due to this rate change.

---

**Issue:** Milton Municipal Code 13.28.195(D) specifies that the water utility rates will increase annually based on the CPI (Consumer Price Index) for the Seattle-Puget Sound area from the preceding June. These rate changes will apply to all billings after May 1, 2020.

**Discussion:** The CPI from last June as reported by the U.S. Bureau of Labor Statistics increased by 2.3%. The rates in the proposed Ordinance are based on this 2.3% increase.

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**ORDINANCE NO. 1984-20**

AN ORDINANCE OF THE CITY OF MILTON, WASHINGTON, INCREASING WATER RATES AND CHARGES 2.3 PERCENT; AMENDING SECTIONS 13.28.195 AND 13.28.230 OF THE MILTON MUNICIPAL CODE; PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND FOR SUMMARY PUBLICATION BY ORDINANCE TITLE ONLY.

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WHEREAS, the City of Milton operates a Water Utility to provide services to residents; and

WHEREAS, Milton Municipal Code 13.28.195 (D) provides that the rates for services will be adjusted annually based on the CPI from June of the previous year;

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF MILTON, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The following Sections of Chapter 13.28 WATER UTILITY are amended as follows:

**13.28.195 Rates for metered service.**

A. The schedule of rates for the water facilities and service furnished by or through or for the use of the City water system, which rates are found and declared to be reasonable and just, taking into account and consideration the cost and value of the system and cost of maintaining and operating the system, and the proper and necessary allowances for the depreciation thereof and reserves therefore, are fixed, established, levied, imposed, and otherwise prescribed in this section. Such charges include utility taxes.

B. The applicant shall determine the meter size by using the current building code and Uniform Plumbing Code.

C. The city shall place a meter on every service and charge the metered rate as provided herein.

D. On the May billing of each year, the rates established in this section shall be adjusted according to the June CPI-U index for the previous year for the Seattle-Puget Sound area.

E. The schedule of rates is as follows:

Water - Monthly Base Rate per meter within the General Service Area:	
Meter Size	Base Rate
3/4"	\$27.16 <del>\$26.55</del>
1"	\$100.75 <del>\$98.48</del>
1 1/4"	\$136.42 <del>\$133.35</del>
1 1/2"	\$167.72 <del>\$163.95</del>
2"	\$201.28 <del>\$196.75</del>
3"	\$335.55 <del>\$328.01</del>
4"	\$503.25 <del>\$491.94</del>
6"	\$1,006.47 <del>\$983.84</del>

Water - Monthly Consumption Rate - Single Family, Duplex Units, within the General Service Area:	
Per 100 Cubic Feet:	
Up to 800 cubic feet consumed	\$2.69 <del>\$2.63</del>
801 – 1,000 cubic feet consumed	\$2.93 <del>\$2.86</del>
1,001 + cubic feet consumed	\$3.15 <del>\$3.08</del>

Water – Monthly Consumption Rate – Commercial, including Multi-Family and irrigation units within the General Service Area:	

Per 100 Cubic Feet:	
Up to 800 cubic feet consumed	<del>\$2.83</del> <del>\$2.77</del>
801 – 1,000 cubic feet consumed	<del>\$3.06</del> <del>\$2.99</del>
1,001 – 2,000 cubic feet consumed	<del>\$3.27</del> <del>\$3.20</del>
2,001 – 3,000 cubic feet consumed	<del>\$3.50</del> <del>\$3.42</del>
3,001 + cubic feet consumed	<del>\$3.72</del> <del>\$3.64</del>

**13.28.230 Fire protection line charges.**

The rates for fire protection lines inside and outside of the corporate limits of the City shall be ~~\$29.44~~ ~~\$28.78~~ per month, plus ~~\$0.29~~ ~~\$0.28~~ per 100 cubic feet of water used.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Publication by Summary. The Clerk may publish a summary of this ordinance.

Section 4. Effective Date. These rate changes apply to all billings after May 1, 2020, which is at least five days following its passage and publication of an approved summary thereof.

Passed by the Milton City Council the \_\_\_ day of \_\_\_\_\_, 2020, and approved by the Mayor, the \_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
SHANNA STYRON SHERRELL, MAYOR

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
TRISHA SUMMERS, CITY CLERK

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY \_\_\_\_\_  
CITY ATTORNEY

FILED WITH THE CITY CLERK:  
PASSED BY THE CITY COUNCIL:  
PUBLISHED:  
EFFECTIVE DATE:  
ORDINANCE NO: 1984-20

**ORDINANCE NO. 1984-20**

AN ORDINANCE OF THE CITY OF MILTON, WASHINGTON, INCREASING WATER RATES AND CHARGES 2.3 PERCENT; AMENDING SECTIONS 13.28.195 AND 13.28.230 OF THE MILTON MUNICIPAL CODE; PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND FOR SUMMARY PUBLICATION BY ORDINANCE TITLE ONLY.

---

WHEREAS, the City of Milton operates a Water Utility to provide services to residents; and

WHEREAS, Milton Municipal Code 13.28.195 (D) provides that the rates for services will be adjusted annually based on the CPI from June of the previous year;

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF MILTON, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The following Sections of Chapter 13.28 WATER UTILITY are amended as follows:

**13.28.195 Rates for metered service.**

A. The schedule of rates for the water facilities and service furnished by or through or for the use of the City water system, which rates are found and declared to be reasonable and just, taking into account and consideration the cost and value of the system and cost of maintaining and operating the system, and the proper and necessary allowances for the depreciation thereof and reserves therefore, are fixed, established, levied, imposed, and otherwise prescribed in this section. Such charges include utility taxes.

B. The applicant shall determine the meter size by using the current building code and Uniform Plumbing Code.

C. The city shall place a meter on every service and charge the metered rate as provided herein.

D. On the May billing of each year, the rates established in this section shall be adjusted according to the June CPI-U index for the previous year for the Seattle-Puget Sound area.

E. The schedule of rates is as follows:

Water - Monthly Base Rate per meter within the General Service Area:	
Meter Size	Base Rate
3/4"	\$27.16
1"	\$100.75
1 1/4"	\$136.42
1 1/2"	\$167.72
2"	\$201.28
3"	\$335.55
4"	\$503.25
6"	\$1,006.47

Water - Monthly Consumption Rate - Single Family, Duplex Units, within the General Service Area:	
Per 100 Cubic Feet:	
Up to 800 cubic feet consumed	\$2.69
801 – 1,000 cubic feet consumed	\$2.93
1,001 + cubic feet consumed	\$3.15

Water – Monthly Consumption Rate – Commercial, including Multi-Family and irrigation units within the General Service Area:	

Per 100 Cubic Feet:	
Up to 800 cubic feet consumed	\$2.83
801 – 1,000 cubic feet consumed	\$3.06
1,001 – 2,000 cubic feet consumed	\$3.27
2,001 – 3,000 cubic feet consumed	\$3.50
3,001 + cubic feet consumed	\$3.72

**13.28.230 Fire protection line charges.**

The rates for fire protection lines inside and outside of the corporate limits of the City shall be \$29.44 per month, plus \$0.29 per 100 cubic feet of water used.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Publication by Summary. The Clerk may publish a summary of this ordinance.

Section 4. Effective Date. These rate changes apply to all billings after May 1, 2020, which is at least five days following its passage and publication of an approved summary thereof.

Passed by the Milton City Council the \_\_\_ day of \_\_\_\_\_, 2020, and approved by the Mayor, the \_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
SHANNA STYRON SHERRELL, MAYOR

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
TRISHA SUMMERS, CITY CLERK

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY \_\_\_\_\_  
CITY ATTORNEY

FILED WITH THE CITY CLERK:  
PASSED BY THE CITY COUNCIL:  
PUBLISHED:  
EFFECTIVE DATE:  
ORDINANCE NO: 1984-20



**To:** Mayor Styron Sherrell and City Council Members  
**From:** Michelle Robbecke, Finance Director  
**Date:** February 10, 2020  
**Re:** **Amending the Fee Schedule**

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**ATTACHMENTS:** 1. Resolution adopting the Fee Schedule (Redline)  
2. Resolution adopting the Fee Schedule (Clean)

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**TYPE OF ACTION:**

Information Only  Discussion  Action  Public Hearing  Expenditure

**Recommendation/Action:** “I move to adopt Resolution 20-1928, the updated Fee Schedule as presented.”

**Fiscal Impact/Source of Funds:** This change reflects an annual adjustment to the Fire fees by the annual rate of inflation as based on the CPI-U (Consumer Price Index).

---

**Issue:** The interlocal agreement with East Pierce Fire & Rescue for fire prevention, investigation and other services provides that the Fire fees will be adjusted annually by the annual rate of inflation as based on the CPI-U for the Seattle area from the preceding June.

**Discussion:** This resolution reflects an annual adjustment to the Fire fees as listed in Section VI. Building and Fire Safety of the Fee Schedule. The CPI-U from last June as reported by the U.S. Bureau of Labor Statistics increased by 2.3%. The Fire fees in the amended Fee Schedule are based on this 2.3% increase. All other fees in the Fee Schedule remain unchanged.

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RESOLUTION ~~20-1928 19-1926~~ OF THE CITY COUNCIL OF THE CITY OF MILTON, WASHINGTON, AMENDING RESOLUTION NO. ~~19-1926 19-1925~~ ADOPTED ON ~~DECEMBER 9 NOVEMBER 4~~, 2019, AND REPEALING ALL PRIOR VERSIONS OF THE FEE SCHEDULE.

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Passed by the City Council of the City of Milton, Washington at its special meeting on the 10<sup>th</sup> day of February, 2020 and signed in authentication of its passage.

Approved:

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Shanna Styron Sherrell, Mayor

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Trisha Summers, City Clerk

Code Reference	VI. Building & Fire Safety	Fee/Rate/Charge
	<b>A. Planning</b>	
	Plan Review Fees	65% of Building Permit Fee
	Reroof	Fee based on City of Milton Building Division Valuation Table but no less than \$234 for IRC and \$312 for IBC
	Outside Consultant Plan Review	Actual consultant cost plus regular City plan review fees
	<b>B. Fire</b>	
	Fire Marshal Plan Review Fee	40% of Building Permit Fee
	Fire Sprinkler System	
	Residential (1-2 family dwelling units) – 1 hour minimum plan review Commercial – 2 hour minimum plan review	\$300.12 <del>\$293.37</del> for first 10 heads plus \$1.13 <del>\$1.10</del> for each additional head plus plan review fee at \$89.00 <del>\$87.00</del> /hr
	Fire Alarm	
	Residential (1-2 family dwelling units)	\$300.12 <del>\$293.37</del> plus \$1.64 <del>\$1.60</del> per device
	Commercial / Multi Family	\$606.58 <del>\$592.94</del> plus \$1.64 <del>\$1.60</del> per device
	Tenant Improvement, Alteration, or Remodel	\$504.07 <del>\$492.74</del> plus \$1.64 <del>\$1.60</del> per device
	Fire Suppression (other than Sprinklers)	
	Includes hood and duct and alternative fire-extinguishing systems	\$300.12 <del>\$293.37</del> plus plan review fee at \$106.73 <del>\$104.33</del> /hour (2 hr. min)
	Re-inspection Fee	\$106.73 <del>\$104.33</del> /hour
	Other Inspections and Fees	
	Inspections outside of normal business hours (3 hours minimum)	\$351.90 <del>\$343.99</del> plus \$117.24 <del>\$114.60</del> /hour for each additional hour over 3 hours
	Inspections for which no fee is specifically indicated (1 hour minimum)	\$106.73 <del>\$104.33</del> /hour
	Additional plan review required by changes, additions or revisions to plans after 2 reviews (1 hour minimum)	\$106.73 <del>\$104.33</del> /hour
	Site Plan	\$300.12 <del>\$293.37</del>
	Developer Agreement	\$300.12 <del>\$293.37</del>
	Pre-Application/Construction	\$300.12 <del>\$293.37</del>
	Short Plat	\$106.73 <del>\$104.33</del>
	Alteration/Amendment of Short Plat (0-4 lots)	\$106.73 <del>\$104.33</del>
	Subdivision	\$300.12 <del>\$293.37</del>
	Alteration/Amendment of Subdivision (5+ lots)	\$300.12 <del>\$293.37</del>
	<b>C. Planning</b>	
	Energy Code Plan Review	\$150.00/hr, 1hr minimum for IRC, 2 hour minimum for IBC
	Demolition or Building Move	457 IRC; \$675 IBC
	In addition, buildings moved into jurisdiction will require a building permit and complete plan review. This category requires Assignment of Funds to equal twice the assessed value of the estimated work (i.e. demolition cost or moving costs), but no less than \$10,000.	
	Swimming Pool and Spa	Fee based on the City of Milton Building Division Valuation Table. Not less than \$450.00
	Signs (fee includes plan review)	
	Pole	\$900.00
	Monument	\$900.00
	Building	\$630.00
	Multi-Group	\$630.00
	Temporary Banners, A-Boards-Annually	\$156.00
	Minimum Fee Unless Noted Otherwise	\$150.00 per hour
	Expedited Plan Review	2 X Plan Review Fee
	Violations and Penalties	
	Work commencing prior to permit issuance	Fee equal to triple the required permit fee plus mitigation fees and legal fees (valued at cost plus 15% overhead fee), investigative fees, and administrative staff costs at \$150.00/hour (5 hr minimum)



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RESOLUTION 20-1928 OF THE CITY COUNCIL OF THE CITY OF MILTON, WASHINGTON, AMENDING RESOLUTION NO. 19-1926 ADOPTED ON DECEMBER 9, 2019, AND REPEALING ALL PRIOR VERSIONS OF THE FEE SCHEDULE.

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A. Planning: Utility Permit and Connection Fees	11
B. Electric	11
C. Public	11

Passed by the City Council of the City of Milton, Washington at its special meeting on the 10<sup>th</sup> day of February, 2020 and signed in authentication of its passage.

Approved:

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Shanna Styron Sherrell, Mayor

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Trisha Summers, City Clerk

Code Reference	VI. Building & Fire Safety	Fee/Rate/Charge
	<b>A. Planning</b>	
	Plan Review Fees	65% of Building Permit Fee
	Reroof	Fee based on City of Milton Building Division Valuation Table but no less than \$234 for IRC and \$312 for IBC
	Outside Consultant Plan Review	Actual consultant cost plus regular City plan review fees
	<b>B. Fire</b>	
	Fire Marshal Plan Review Fee	40% of Building Permit Fee
	Fire Sprinkler System	
	Residential (1-2 family dwelling units) – 1 hour minimum plan review Commercial – 2 hour minimum plan review	\$300.12 for first 10 heads plus \$1.13 for each additional head plus plan review fee at \$89.00/hr
	Fire Alarm	
	Residential (1-2 family dwelling units)	\$300.12 plus \$1.64 per device
	Commercial / Multi Family	\$606.58 plus \$1.64 per device
	Tenant Improvement, Alteration, or Remodel	\$504.07 plus \$1.64 per device
	Fire Suppression (other than Sprinklers)	
	Includes hood and duct and alternative fire-extinguishing systems	\$300.12 plus plan review fee at \$106.73/hour (2 hr. min)
	Re-inspection Fee	\$106.73/hour
	<b>Other Inspections and Fees</b>	
	Inspections outside of normal business hours (3 hours minimum)	\$351.90 plus \$117.24/hour for each additional hour over 3 hours
	Inspections for which no fee is specifically indicated (1 hour minimum)	\$106.73/hour
	Additional plan review required by changes, additions or revisions to plans after 2 reviews (1 hour minimum)	\$106.73/hour
	Site Plan	\$300.12
	Developer Agreement	\$300.12
	Pre-Application/Construction	\$300.12
	Short Plat	\$106.73
	Alteration/Amendment of Short Plat (0-4 lots)	\$106.73
	Subdivision	\$300.12
	Alteration/Amendment of Subdivision (5+ lots)	\$300.12
	<b>C. Planning</b>	
	Energy Code Plan Review	\$150.00/hr, 1hr minimum for IRC, 2 hour minimum for IBC
	Demolition or Building Move	457 IRC; \$675 IBC
	In addition, buildings moved into jurisdiction will require a building permit and complete plan review. This category requires Assignment of Funds to equal twice the assessed value of the estimated work (i.e. demolition cost or moving costs), but no less than \$10,000.	
	Swimming Pool and Spa	Fee based on the City of Milton Building Division Valuation Table. Not less than \$450.00
	<b>Signs (fee includes plan review)</b>	
	Pole	\$900.00
	Monument	\$900.00
	Building	\$630.00
	Multi-Group	\$630.00
	Temporary Banners, A-Boards-Annually	\$156.00
	Minimum Fee Unless Noted Otherwise	\$150.00 per hour
	Expedited Plan Review	2 X Plan Review Fee
	<b>Violations and Penalties</b>	
	Work commencing prior to permit issuance	Fee equal to triple the required permit fee plus mitigation fees and legal fees (valued at cost plus 15% overhead fee), investigative fees, and administrative staff costs at \$150.00/hour (5 hr minimum)