

Sarah Kress

From: Andrew Galuska <agaluska@mukilteowa.gov>
Sent: Friday, February 3, 2023 10:00 AM
To: David Tyler
Cc: Sarah Kress
Subject: RE: Harbor Grove

David,

The code specifically names free standing walls in MMC 17.20.080, so it seems that the council's intent in that section did not include retaining walls. I would say in general setback regulations do not commonly regulate retaining walls. It is often necessary to locate retaining walls for certain improvements.

MMC 17.20.080 does discuss height of fences in setbacks. The code section specifically specifies how fence height is calculated when they are located on top of retaining walls, which implies retaining walls are permitted in the setback. To confirm this interpretation, I went back through several previously approved plats and was able to find several instances of retaining walls permitted in front, rear, and side setbacks.

Based on this analysis I have concluded that the retaining walls proposed in the Harbor Grove plat are approvable. Ultimately, the plat approval will be issued by the Hearing Examiner, but this is the finding of staff.

In regards to the vegetation removal question, this is a public works call and I believe Brian already sent a response.

Andy Galuska

Community Development Director



11930 Cyrus Way

Mukilteo, WA 98275

Ph: (425) 263-8084

Cell: (425) 866-9129

From: David Tyler <david.d.tyler@comcast.net>
Sent: Wednesday, February 1, 2023 3:40 PM
To: Andrew Galuska <agaluska@mukilteowa.gov>
Cc: Sarah Kress <skress@mukilteowa.gov>
Subject: RE: Harbor Grove

[WARNING: THIS MESSAGE HAS COME FROM A SENDER OUTSIDE THE CITY OF MUKILTEO NETWORK,]

Andy,

Thanks for your earlier reply. It seems that any wall or fence within the rear setback should be treated the same since the purpose of a setback requirement is to allow natural light and air on adjacent properties. This is particularly the case in a large lot single-family context--not so much in tighter urban areas. I would appreciate some additional perspective on the city's thinking--particularly since your application of the code would prohibit me from putting a 7-foot fence or wall along my property line, while allowing the applicant to place 20 feet of retaining wall along the same property line. And

since the walls are hundreds of feet in length, this is not much different from putting a very large building within the setback, which would be impossible in a SF zone. This doesn't make sense--and it creates impacts.

Another provision in the code, [15.16.050 Requirements](#), limits the amount of vegetation removal on the site depending on the slope (Table 1 – Clearing Matrix). The slope of the property does trigger these requirements. How would the project meet this section? And did the applicant provide a slope report consistent with this section?

Regards,
David Tyler




On 01/25/2023 8:10 AM Andrew Galuska <agaluska@mukilteowa.gov> wrote:

David,

MMC 17.20.080 refers to freestanding walls, which we do regulate like fences. However, the applicant is proposing retaining walls which are not regulated in the same manner. The project proponent is proposing landscaping to help reduce the visual impacts on the neighboring properties.

PLANT SCHEDULE








TREES QTY BOTANICAL / COMMON NAME

	3	ACER CIRCINATUM VINE MAPLE
	9	ACER RUBRUM 'FRANKSRED' TM RED SUNSET MAPLE
	4	CERCIDIPHYLLUM JAPONICUM KATSURA TREE

REPLACEMENT TREES QTY BOTANICAL / COMMON NAME

	4	THUJA PLICATA 'EXCELSA' WESTERN RED CEDAR
---	---	--

SHRUBS QTY BOTANICAL / COMMON NAME

	42	CORNUS SERICEA 'ARTIC FIRE' ARTIC FIRE DOGWOOD
	9	LONICERA INVOLUCRATA TWINBERRY
	20	LONICERA NITIDA 'BAGGESEN'S GOLD' BOXLEAF HONEYSUCKLE
	55	PANICUM VIRGATUM 'NORTHWIND' NORTHWIND SWITCH GRASS
	20	RHUS AROMATICA 'GRO-LOW' GRO-LOW FRAGRANT SUMAC
	36	SYMPHORICARPOS ALBUS COMMON WHITE SNOWBERRY
	48	VACCINIUM OVATUM EVERGREEN HUCKLEBERRY

GROUND COVERS QTY BOTANICAL / COMMON NAME

	4,692	COTONEASTER DAMMERI 'CORAL BEAUTY' CORAL BEAUTY COTONEASTER
---	-------	--

RAIN GARDEN

	<u>RAIN GARDEN PLANTS PER SW-047</u>	2,494 SF
	-	

Andy Galuska

Community Development Director



11930 Cyrus Way

Mukilteo, WA 98275

Ph: (425) [263-8084](tel:4252638084)

Cell: (425) [866-9129](tel:4258669129)

From: David Tyler <david.d.tyler@comcast.net>
Sent: Tuesday, January 24, 2023 5:05 PM
To: Andrew Galuska <agaluska@mukilteowa.gov>
Cc: Sarah Kress <skress@mukilteowa.gov>
Subject: Re: Harbor Grove

[WARNING: THIS MESSAGE HAS COME FROM A SENDER OUTSIDE THE CITY OF MUKILTEO NETWORK,]

Hello Andy and Sarah,

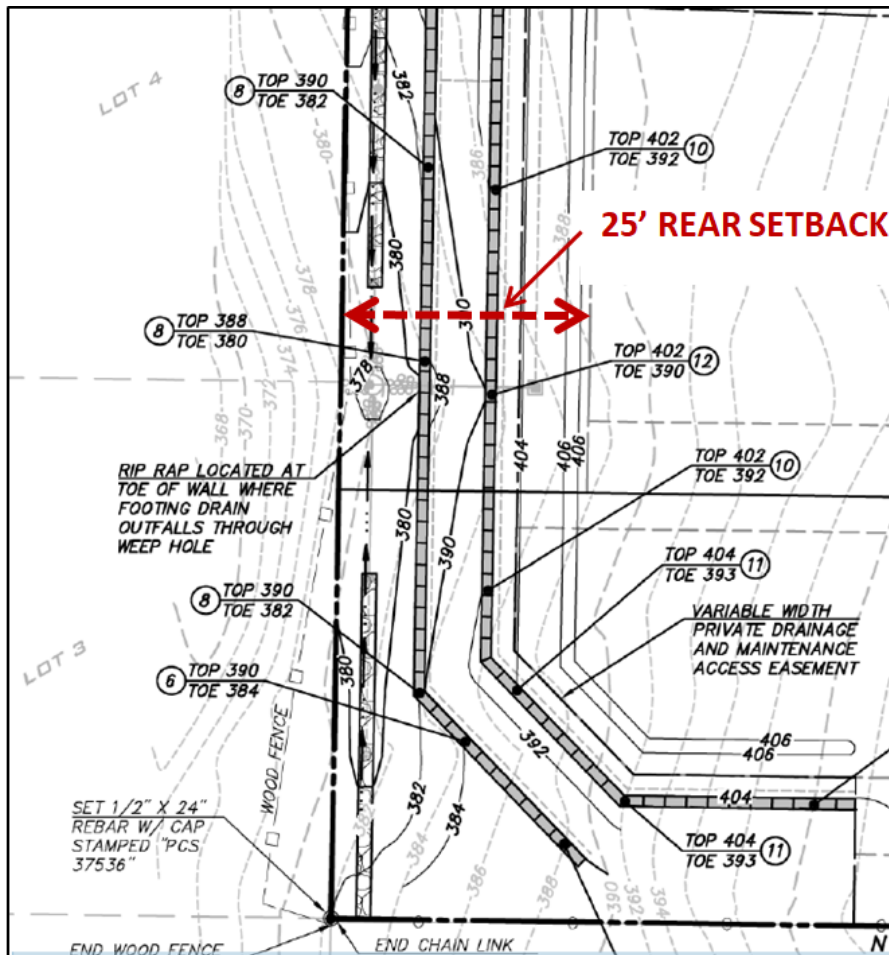
Thanks for the follow-up on this issue. Here's the code section I found and cited in a previous comment letter to Linda Ritter. Seems like it limits wall height to six feet in the rear setback. This is not an unusual requirement--Everett had something similar. For the project, the combined wall height within the rear setback is 20 feet on Lots 6 and 7. Linda never addressed this in her letter of Feb. 17, 2022. This is a critical issue for the neighbors in Rugosa that will most assuredly be raised during the SEPA process if it is not addressed prior to. I have developed some graphic information I would like to share with you at some point showing the impacts of these walls and grade changes on the site.

[17.20.080 Fences and freestanding walls.](#)

Also, you may be getting a call from Bryan Carli, Rugosa HOA president, about the project in the near future.

Best regards,

David Tyler



On 01/24/2023 3:39 PM Andrew Galuska <agaluska@mukilteowa.gov> wrote:

Mr. Tyler,

In our discussion last week, we discussed the requirements around retaining wall heights and setbacks from the property lines. I did not find any code citations which regulated the height of retaining walls. Looking through previous department history and past short plats and subdivisions, the department has not enforced property line setbacks for retaining walls.

Andy Galuska

Community Development Director



11930 Cyrus Way

Mukilteo, WA 98275

Ph: (425) [263-8084](tel:4252638084)

Cell: [\(425\) 866-9129](tel:4258669129)