

RUGOSA RIDGE HOMEOWNERS ASSOCIATION

September 27, 2022

SUBMITTED VIA EMAIL

Linda Ritter, Senior Planner
City of Mukilteo
Planning and Community Development Department
11930 Cyrus Way
Mukilteo, WA 98275

RE: Harbor Grove Subdivision Revised Application Documents

Dear Ms. Ritter,

Please accept our comments on the revised application documents for the Harbor Grove subdivision. The revisions were submitted August 12, 2022 and placed on the City's website sometime later. Although we understand there is no formal comment period on the revised documents, we believe there are some important issues the City should consider during its review.

Storm drainage. A drainage swale and pump system have been added along the west side of the project abutting Rugosa Ridge (see Sheets 5, 9, 10, 11 and 15 of the civil plans and the storm drainage report). The system includes a collection swale, catch basin, electric pump, and pressurized pipe system that would pass underneath two large retaining walls. Stormwater would be collected at an elevation of approximately 377', pumped back to the east, and discharged to a gravity system at about 403'. This system seems intended to address the city's and neighbors' concerns about drainage from the site affecting the adjacent properties to the west.

Rugosa Ridge property owners are concerned about potential impacts of this proposal because it relies on a mechanical pump and pressure system to move water away from the lowest portion of the site to the main detention vault closer to 53rd Street. This system would presumably be owned and maintained by the future homeowner association (HOA) of Harbor Grove. Because it sits literally down in a hole, it would not be visible or accessible to any of the future property owners, and therefore would likely never be maintained. We note the system would serve no real benefit to a Harbor Grove HOA—it would only be there to protect the homeowners in Rugosa Ridge. It would be a liability to all parties. HOAs typically do not own and maintain this type of highly specialized stormwater system—it is beyond their capabilities. Small HOAs have a hard enough time maintaining *above-ground* facilities, let alone facilities they cannot see and may not even understand. A simple power failure could cause a serious flood event that would directly impact the adjacent properties. When it fails, stormwater would overflow back to the west toward Hargreaves, following the man-made and natural topography. (In the meantime, future homeowners in Harbor Grove would likely be unaffected by and unaware of a pump system failure.) Any risk of this happening is unacceptable to the property owners in Rugosa. This proposal transfers the risk and liability of a flawed design from Harbor Grove to Rugosa Ridge and should not be approved in its current form.

Questions for the City of Mukilteo and Applicant:

1. *Is pumping of stormwater a method that has been approved and implemented successfully in the City?*
2. *If the pressurized pipe (i.e., force main) that passes underneath the retaining walls were to fail, how would it be repaired/replaced and how long would it take?*
3. *If the project were to be built as proposed, how can the City legally compel the developer and future Harbor Grove HOA to monitor, maintain, repair/replace and fund the stormwater system? What recourse would Rugosa Ridge homeowners have in the event of a system failure and flooding?*

Hydrological Study. The applicant submitted a separate letter requesting a waiver of the city's requirement to provide a hydrological analysis of the development. The letter is dated August 1, 2022 and starts on page 12 of the PDF of the applicant's response letter. This is another issue of concern since the study most likely would provide a lot of useful information about how groundwater and surface water runoff from the development could affect the adjacent properties in Rugosa. The amount of grading, fill and overall site disturbance will clearly alter the flow of water across and through the site, including both ground and surface water. The basis for this request seems to be that because the area of 35% slopes is proposed to be mass graded anyway, the condition requiring the hydrological study in the first place would be eliminated. Why have a code standard that requires a study based only on post-development conditions? Further, there is an inconsistency on the top portion of page 2 of the August 1 letter regarding whether or not the 35% slopes will be graded, but the plans show the entire western and southern portions of the site being graded out. We strongly disagree with the applicant's request. Without that study, Rugosa Ridge HOA maintains the application is still incomplete and the impacts of the proposal cannot be evaluated.

Grading and Retaining Walls. The revised plans and studies do not address one of Rugosa's main concerns raised in our previous comment letter--namely, the amount of grading on the western portion of the site and large retaining walls. The proposed design will negatively impact property owners in Rugosa in a variety of ways. In any case, we expect there will be a detailed analysis of impacts, along with findings stating how it complies with (or violates) city code requirements.

Recommendation. Based on the substantial impacts of this project and the risks it would create for the adjacent properties in Rugosa Ridge, we recommend the City not move forward with the approval process. The application should either be rejected or returned to the applicant for substantial revisions that could include:

1. Clustering the lots on the eastern portion of the site, where drainage can be more easily controlled and impacts on the more sensitive western portion of the site avoided. This could include a planned unit development; or
2. Reducing the number of lots, along with overall grading and site disturbance.

For any design, the proposal must be accompanied by substantial analysis of surface water, groundwater and grading impacts.

Please feel free to contact the either of the undersigned with any questions.

Sincerely,
Rugosa Ridge HOA



Prepared by
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Approved by
Bryan Carli, Rugosa Ridge HOA President
9047 Hargreaves Pl

**Note: 7 of 10 property owners responded (verbally or in writing) in support of draft copies of this letter circulated by email. 3 property owner(s) did not respond.*

Cc: Matthew Geiger, Public Works