

Lauren Balisky

From: Lauren Balisky
Sent: Wednesday, November 17, 2021 8:35 AM
To: 'SYLVIA S KAWABATA'
Cc: permittech; Linda Ritter; Garrett Jensen
Subject: RE: Harbor Grove Subdivision Prelim Plat
Attachments: Notice of Application.pdf

Good morning Sylvia,

The notice of application is attached for your convenience. We will also add you to the notification list to ensure you get future notices on this proposal, including notification of the public hearing with the Hearing Examiner.

Thank you for letting us know of the missing document, we have updated the website as of this morning. Notices are not required to be posted on the City's website under the Mukilteo Municipal Code (see [Chapter 17.13 MMC](#) for land use permit processing procedures), however we do provide the information there as a courtesy. The website is a supplement, but not a substitution for, the official file maintained at City Hall. Therefore, the noticing period will not be extended at this time.

Please let us know if we can be of any further assistance.

NOTE: Mukilteo City Hall is open to the public for limited hours on Tuesdays, Wednesdays, and Thursdays, from 9 AM – 3:30 PM. The building is closed for lunch from 12 – 1 PM. City staff is also available to assist you remotely during regular business hours. Please call 425-263-8000 if you need assistance.

Sincerely,

Lauren Balisky, AICP, MPA | Planning Manager

Planning & Community Development
11930 Cyrus Way
Mukilteo, WA 98275
(425) 263-8041 | lbalsky@mukilteowa.gov



All email, including attachments, sent to or from the City of Mukilteo are public records and may be subject to disclosure pursuant to the Public Records Act (RCW 42.56).

From: SYLVIA S KAWABATA <sylvia6031@comcast.net>
Sent: Tuesday, November 16, 2021 9:53 PM
To: Lauren Balisky <lbalsky@mukilteowa.gov>
Subject: Fwd: Harbor Grove Subdivision Prelim Plat

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

Hi Lauren,

I sent the email below to Linda Ritter. Her auto-reply message said that while she is out of the office to contact you. Please respond to my email below.

Thank-you, Sylvia Kawabata

----- Original Message -----

From: SYLVIA S KAWABATA <sylvia6031@comcast.net>

To: "<permittech@mukilteowa.gov>" <permittech@mukilteowa.gov>, "<lritter@mukilteowa.gov>" <lritter@mukilteowa.gov>, "<gjensen@mukilteowa.gov>" <gjensen@mukilteowa.gov>

Date: 11/16/2021 8:52 PM

Subject: Harbor Grove Subdivision Prelim Plat

Hi,

I just checked the City's Land Use Action Notice website for the above reference project. I did not see the "Notice of Application" as one of the available documents. It was also not in the project file that I looked at when I visited the City's office today.

Could you please send me a copy of the "Notice of Application" and add this document to "Land Use Action Notice" for the Harbor Grove project.

Also, due to an incomplete set of documents posted to the City's web site and the the Thanksgiving Holiday, I request an extension for submitting comments on this project from Nov. 30, 2021 to January 4, 2022. Please let me know if there is an extension to the comment period.

Lastly, please add my name as a "party of interest" for this proposed project.

Thank you,

Sylvia Kawabata
6031 88th ST SW
Mukilteo, WA 98275
sylvia6031@comcast.net

Lauren Balisky

From: Lauren Balisky
Sent: Wednesday, November 17, 2021 11:40 AM
To: Linda Ritter
Subject: FW: Harbor Grove Application

Good morning Linda,

Dave and I just spoke with Steve Schmalz about the process and ability to submit comments. He is going to send me a separate email later today and asked me to disregard this one. Email provided for the record.

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Sincerely,

Lauren Balisky, AICP, MPA | Planning Manager Planning & Community Development
11930 Cyrus Way
Mukilteo, WA 98275
(425) 263-8041 | lbalisky@mukilteowa.gov

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-----Original Message-----

From: STEVE SCHMALZ <ssch179156@aol.com>
Sent: Wednesday, November 17, 2021 10:13 AM
To: Lauren Balisky <lbalisky@mukilteowa.gov>
Subject: Harbor Grove Application

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

Hi Lauren,

My name is Steve Schmalz and I live right across where this development is being proposed. I was told that Linda Ritter is going to be out until the first week of December after the due date of comments on this project. I know there will a lot comments on this project from the public.

Could the public get an extension of the public comment period on this project especially since it falls during the Thanksgiving holiday and the project contact person is not available until after the comment period has expired (November 30th) ?

Folks I talked to were hoping to get a 30 day extension for public comment. This project has gained a lot of interest and folks need more time to gather information to make sure their comments are accurate and add value to this project.

Thanks for your help.

Steve Schmalz
9115 53rd Ave West
Mukilteo, WA 98275
425-971-5521

Sent from my iPhone

Lauren Balisky

From: Lauren Balisky
Sent: Wednesday, November 17, 2021 3:28 PM
To: 'Ssch179156'
Cc: Dave Osaki; Linda Ritter
Subject: RE: Harbor Grove Notice of Application

Hi Steve,

I am going to provide the whole process for preliminary decision on a full subdivision (5+ lots), and answer your specific questions within that framework:

Application Submitted	An application is submitted by an applicant.
Determination of Completeness	Staff reviews the application to determine whether all of the items required to be submitted by the Section 17.13.040 of the Mukilteo Municipal Code (MMC) are there. This is not a determination of whether the materials are accurate or whether they meet all applicable code requirements. This must be completed within 28 calendar days of the date of submittal.
Notice of Application (current stage)	A notice is provided at the property, to neighboring property owners, at the City's regular posting sites and in the Everett Herald to inform the public that an application has been submitted and to invite comments. This must be completed within 14 calendar days of the date an application is determined to be complete, and under the MMC, is limited to a 14-day comment period (see MMC 17.13.050). This is to help keep the process moving forward in a predictable manner for applicants. Any comments provided during this period are reviewed by staff to determine whether the comment is related to a code requirement, or whether the request is above and beyond what is required by law. All comments are provided to the applicant with a note of whether they need to be addressed, and providing the applicant with the opportunity to respond to commenters. Comments received after the end of the Notice of Application comment period are not weighted differently than comments received during the comment period, but they may not all reach the applicant at the same time.
Staff Review (current stage)	This is completed concurrent with the Notice of Application period. Staff's comments are provided in addition to any comments received prior to the issuance of the initial comment letter.
Resubmittal and Staff Review	If corrections are required, the applicant resubmits and the application is re-reviewed by staff. This timeline depends heavily on how well the applicant responded to staff's corrections and where the application is in our queue of permits to review. These iterative versions are not normally published on the City's website for review, but are available for anyone to come view at City Hall.
State Environmental Policy Act (SEPA) Review	Depending on the unique circumstances of an application, a subdivision may or may not be exempt from SEPA. Once adequate information is provided to the City, a determination will be made. Notification, if required, will follow the requirements of Chapter 17.84 MMC and state law.
Notice of Public Hearing	Once the applicant has adequately demonstrated compliance with applicable law, staff schedules a public hearing with the hearing examiner and prepares the staff report.

	A notice of public hearing is issued to the same group as the notice of application, plus anyone who requested to receive a notice and anyone who submitted a comment. Notice will be issued a minimum of ten (10) calendar days in advance of the public hearing. All written comments submitted in advance of the staff report and packet being published for the Public Hearing will be provided with the staff report; other written comments will be provided at or before the public hearing but will not be part of the published packet. The packet will also include all of the newest application materials, based on feedback from staff and from public comment. The staff report and packet will be available at City Hall and also online on the Land Use Action Notices webpage.
Public Hearing	The Hearing Examiner will hold the public hearing. All written testimony submitted in advance of and at the public hearing will be considered, and all verbal testimony given at the public hearing will be considered. Once the public hearing is closed, no additional public comment will be taken. At this time, I do not expect a public hearing to occur until at least Spring 2022.
Notice of Decision and Appeal Period (Preliminary Approval)	The Hearing Examiner has ten (10) calendar days to issue a decision, after which a notice of decision will be issued to the same group as the notice of public hearing, plus anyone new who requested to receive a notice and anyone new who submitted a written comment or provided verbal testimony at the public hearing. Appeals of the Hearing Examiner's decision must be made to the Superior Court within 21 days from the date of the decision.
Site Permitting	After the appeal period is complete, and assuming the application is granted preliminary approval, the City can complete review and approve construction for site work. This typically includes things like curb, gutter, sidewalk, utilities, interior roadways, landscaping, etc.
Final Approval	Once all of the site work is complete, and within five (5) years of the date of preliminary approval, the applicant may request final approval. Staff reviews whether the request is complete (all required documents submitted). Once it is complete, City Council has 30 days to make a decision. This is an administrative decision by City Council. As an administrative hearing, no public testimony is taken. Council must approve the final plat if all of the conditions of the preliminary plat have been met. This is done by motion, and not by ordinance or resolution. Examples of this process can be seen for the following subdivisions: - Raymond Ridge(March 4, 2013, AB 13-029) - Pine Crest North (November 18, 2013, AB13-105)
Recording	Once approved by Council, the applicant may record the approved subdivision with Snohomish County. This is the process that makes the approved lots official, and allows them to be sold and for structures to be built.
Structure Permitting	Once the lots are recorded, the City can complete review and approve construction of structures.

Please let us know if I misunderstood any of your questions, if you have any additional questions or if we can be of any further assistance.

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Sincerely,

Lauren Balisky, AICP, MPA | Planning Manager

Planning & Community Development

11930 Cyrus Way

Mukilteo, WA 98275

(425) 263-8041 | lbalisky@mukilteowa.gov



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From: Ssch179156 <ssch179156@aol.com>

Sent: Wednesday, November 17, 2021 1:16 PM

To: Lauren Balisky <lbalisky@mukilteowa.gov>

Cc: Dave Osaki <dosaki@mukilteowa.gov>

Subject: Harbor Grove Notice of Application

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

Hi Lauren,

Thanks for you and Dave's time today. You explained the process well.

Just so I understand the process, the November 30th comment deadline (two weeks) is a state law but it is a soft deadline since the City will accept public comments up until when the public hearing (which is anticipated to sometime next year.) is closed.

And as comments continue to come into the city they are then forwarded to the applicant for response.

The question I have is that will relevant comments will be weighed differently if that are received after November 30th?

And also, if you could give a timeline of the application and the city's review process so I can pass it in on to those who have an interest in this project.

Thanks again for your time.

Steve Schmalz

9115 53rd AVE West

Mukilteo, WA 98275



Mukilteo Water & Wastewater District

7824 Mukilteo Speedway

Mukilteo, WA 98275-2608

Ph. 425-355-3355 • Fx. 425-348-0645

November 19, 2021

Linda Ritter
City of Mukilteo
11930 Cyrus Way
Mukilteo WA 98275

RE: Harbor Grove Subdivision Preliminary Plat
Proponent: Jake Drake of the Blueline Group LLC, on behalf of Sea-Pac Homes, LLC
File No.: SD-2021-001/ENG-2021-019/SEPA-2021-010
Location: 9110 53rd Ave W., Mukilteo, WA 98275

Dear Ms. Ritter:

The above referenced property lies within the Mukilteo Water and Wastewater District (District) service area. There is a single-family residence on the site with gravity sanitary sewer service and a single water service. There are water and sanitary sewer systems in the immediate area capable of providing additional service.

The District has no objection to the creation of a seven-lot subdivision on the above referenced property. If additional water or sanitary sewer service is needed, the owner would need to enter into a Developer Extension Agreement with the District and provide plans to determine what improvements will be required.

Thank you for providing the District the opportunity to comment on the project.

Sincerely,

Rick Matthews
Operations/Engineering Manager

Lauren Balisky

From: Lauren Balisky
Sent: Monday, November 22, 2021 12:16 PM
To: 'evolkstorf@earthlink.net'
Cc: permittech; Linda Ritter; Lindsey Arrington
Subject: RE: PRR

Good afternoon Erich,

I apologize for the delay in getting back to you as I was out on Friday. The end of the Notice of Application period is not the end of your ability to submit comments. Comments may be submitted up through the public comment portion of the public hearing.

Below is the whole process for preliminary decision on a full subdivision (5+ lots), which I hope will address your concerns:

Application Submitted	An application is submitted by an applicant.
Determination of Completeness	Staff reviews the application to determine whether all of the items required to be submitted by the Section 17.13.040 of the Mukilteo Municipal Code (MMC) are there. This is not a determination of whether the materials are accurate or whether they meet all applicable code requirements. This must be completed within 28 calendar days of the date of submittal.
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Staff Review (current stage)	This is completed concurrent with the Notice of Application period. Staff's comments are provided in addition to any comments received prior to the issuance of the initial comment letter.
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State Environmental Policy Act (SEPA) Review	Depending on the unique circumstances of an application, a subdivision may or may not be exempt from SEPA. Once adequate information is provided to the City, a determination will

	be made. Notification, if required, will follow the requirements of Chapter 17.84 MMC and state law.
Notice of Public Hearing	Once the applicant has adequately demonstrated compliance with applicable law, staff schedules a public hearing with the hearing examiner and prepares the staff report. A notice of public hearing is issued to the same group as the notice of application, plus anyone who requested to receive a notice and anyone who submitted a comment. Notice will be issued a minimum of ten (10) calendar days in advance of the public hearing. All written comments submitted in advance of the staff report and packet being published for the Public Hearing will be provided with the staff report; other written comments will be provided at or before the public hearing but will not be part of the published packet. The packet will also include all of the newest application materials, based on feedback from staff and from public comment. The staff report and packet will be available at City Hall and also online on the Land Use Action Notices webpage.
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Site Permitting	After the appeal period is complete, and assuming the application is granted preliminary approval, the City can complete review and approve construction for site work. This typically includes things like curb, gutter, sidewalk, utilities, interior roadways, landscaping, etc.
Final Approval	Once all of the site work is complete, and within five (5) years of the date of preliminary approval, the applicant may request final approval. Staff reviews whether the request is complete (all required documents submitted). Once it is complete, City Council has 30 days to make a decision. This is an administrative decision by City Council. As an administrative hearing, no public testimony is taken. Council must approve the final plat if all of the conditions of the preliminary plat have been met. This is done by motion, and not by ordinance or resolution. Examples of this process can be seen for the following subdivisions: - Raymond Ridge(March 4, 2013, AB 13-029) - Pine Crest North (November 18, 2013, AB13-105)
Recording	Once approved by Council, the applicant may record the approved subdivision with Snohomish County. This is the process that makes the approved lots official, and allows them to be sold and for structures to be built.
Structure Permitting	Once the lots are recorded, the City can complete review and approve construction of structures.

As noted above, the official file is available at City Hall. You may come and view this file at any time during our normal business hours. Our current hours are highlighted below for your convenience. Please note that we are closed for holidays, including the upcoming Thanksgiving holiday.

We have also added you to the notification list to ensure you get future notices on this proposal, including notification of the public hearing with the Hearing Examiner. The noticing period will not be extended at this time.

Please let us know if we can be of any further assistance.

NOTE: Mukilteo City Hall is open to the public for limited hours on Tuesdays, Wednesdays, and Thursdays, from 9 AM – 3:30 PM. The building is closed for lunch from 12 – 1 PM. City staff is also available to assist you remotely during regular business hours. Please call 425-263-8000 if you need assistance.

Sincerely,

Lauren Balisky, AICP, MPA | Planning Manager

Planning & Community Development

11930 Cyrus Way

Mukilteo, WA 98275

(425) 263-8041 | lbalisky@mukilteowa.gov



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From: Erich Volkstorf <evolkstorf@earthlink.net>

Sent: Thursday, November 18, 2021 6:18 PM

To: Patrick Doughty <pdoughty@mukilteowa.gov>; Cathy Rizzo <crizzo@mukilteowa.gov>

Subject: Re: PRR

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

Hello Patrick,

Thank you for letting me know. I would have hoped that I could have this information sooner. The reason is that the comment period ends on November 30, leaving very few days to review the data. I may be mistaken, however, I understand that under Washington State law, the comment period for development should take place after the development records are available to the public. As I submitted my request for this material on November 8, ten days ago, I respectfully request that the comment period for this project be extended so that I may have adequate time to review the material once I receive it. I would submit that two weeks after I receive the material would be acceptable.

Regards,

Erich Volkstorf

On Nov 18, 2021, at 3:36 PM, Patrick Doughty <pdoughty@mukilteowa.gov> wrote:

Hello,

We are working on your Public Records Request and it we will try to send it to you by 11/24/2021.

Thank you for your patience.

Lauren Balisky

From: Lauren Balisky
Sent: Wednesday, November 24, 2021 8:48 AM
To: Brandon Rudd
Cc: permittech; Linda Ritter
Subject: RE: Party of interest - Harbor Grove Subdivision Preliminary Plat – 9110 53rd AVE. W.

Hi Brandon,

I would add that any information you can provide about the mountain beavers that we can pass along to the applicant to help address the concern would be great. It does not have to be by the end of the comment period (we will notify them of the potential issue regardless), but sooner in the process would be better.

Have a wonderful week,

Lauren

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Sincerely,

Lauren Balisky, AICP, MPA | Planning Manager

Planning & Community Development
11930 Cyrus Way
Mukilteo, WA 98275
(425) 263-8041 | lbalsky@mukilteowa.gov



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From: Cathy Rizzo <crizzo@mukilteowa.gov>
Sent: Wednesday, November 24, 2021 8:42 AM
To: Brandon Rudd <brandon@artdart.com>; permittech <permittech@mukilteowa.gov>
Subject: RE: Party of interest - Harbor Grove Subdivision Preliminary Plat – 9110 53rd AVE. W.

Hello Brandon,

We have added you to our party of interest list and you will be receiving emails as the project moves forward. Below are the steps from Planning Manager Lauren Balisky which lays out the when the public can comment on the Notice of Application.

The end of the Notice of Application period is not the end of your ability to submit comments. Comments may be submitted up through the public comment portion of the public hearing.

Below is the whole process for preliminary decision on a full subdivision (5+ lots), which I hope will address your concerns:

Application Submitted	<i>An application is submitted by an applicant.</i>
Determination of Completeness	<i>Staff reviews the application to determine whether all of the items required to be submitted by the Section 17.13.040 of the Mukilteo Municipal Code (MMC) are there. This is not a determination of whether the materials are accurate or whether they meet all applicable code requirements. This must be completed within 28 calendar days of the date of submittal.</i>
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Public Hearing	<i>The Hearing Examiner will hold the public hearing. All written testimony submitted in advance of and at the public hearing will be considered, and all verbal testimony given at the public hearing will be considered. Once the public hearing is closed, no additional public comment will be taken.</i>

	<i>At this time, I do not expect a public hearing to occur until at least Spring 2022.</i>
Notice of Decision and Appeal Period (Preliminary Approval)	<i>The Hearing Examiner has ten (10) calendar days to issue a decision, after which a notice of decision will be issued to the same group as the notice of public hearing, plus anyone new who requested to receive a notice and anyone new who submitted a written comment or provided verbal testimony at the public hearing.</i> <i>Appeals of the Hearing Examiner's decision must be made to the Superior Court within 21 days from the date of the decision.</i>
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Recording	<i>Once approved by Council, the applicant may record the approved subdivision with Snohomish County. This is the process that makes the approved lots official, and allows them to be sold and for structures to be built.</i>
Structure Permitting	<i>Once the lots are recorded, the City can complete review and approve construction of structures.</i>

You may come and view this file at any time during our normal business hours. Our current hours are highlighted below for your convenience. Please note that we are closed for holidays, including the upcoming Thanksgiving holiday.

Thank you.

NOTE: Mukilteo City Hall is open to the general public *Monday – Thursday from 7:30 AM – 5:00 PM, closed for lunch 12:00 PM – 1:00 PM.*

City Hall is closed to the public on Fridays; however, City Hall staff is still available to assist you remotely by phone and email between **7:30 AM – 4:30 PM (closed for lunch 12:00 PM – 1:00 PM).** Please call 425-263-8000 if you need assistance.

Sincerely,

Cathy Rizzo | Permit Services Assistant

Community Development Department

(425) 263-8060 | crizzo@mukilteowa.gov | permittech@mukilteowa.gov



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From: Brandon Rudd <brandon@artdart.com>
Sent: Tuesday, November 23, 2021 2:04 PM
To: permittech <permittech@mukilteowa.gov>
Cc: Brandon Rudd <brandon@artdart.com>
Subject: Party of interest - Harbor Grove Subdivision Preliminary Plat – 9110 53rd AVE. W.

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

Can you add me to the party of interest list for the following project?

Harbor Grove Subdivision Preliminary Plat – 9110 53rd AVE. W.

Also, I reviewed the project details and saw that they didn't include any environmental impact for the resident mountain beavers. Can you tell me what is the best format to submit awareness for it, along with slope erosion concerns? I just want to make sure my hillside doesn't erode away when they start digging into the hill.

Thank you,

Brandon Rudd
5353 92nd St. SW
Mukilteo, WA 98275
206.235.1886

Lauren Balisky

From: Lauren Balisky
Sent: Wednesday, November 24, 2021 8:53 AM
To: 'David Tyler'
Cc: permittech; Linda Ritter
Subject: RE: 7-Lot Subdivision at 9110 53rd Ave W (SD-2021-001)

Good morning David,

I am going to provide you with the same information that I have provided to other commenters, to explain the process and your ability to comment:

The end of the Notice of Application period is not the end of your ability to submit comments. Comments may be submitted up through the public comment portion of the public hearing.

Below is the whole process for preliminary decision on a full subdivision (5+ lots), which I hope will address your concerns:

Application Submitted	An application is submitted by an applicant.
Determination of Completeness	Staff reviews the application to determine whether all of the items required to be submitted by the Section 17.13.040 of the Mukilteo Municipal Code (MMC) are there. This is not a determination of whether the materials are accurate or whether they meet all applicable code requirements. This must be completed within 28 calendar days of the date of submittal.
Notice of Application (current stage)	A notice is provided at the property, to neighboring property owners, at the City's regular posting sites and in the Everett Herald to inform the public that an application has been submitted and to invite comments. This must be completed within 14 calendar days of the date an application is determined to be complete, and under the MMC, is limited to a 14-day comment period (see MMC 17.13.050). This is to help keep the process moving forward in a predictable manner for applicants. Any comments provided during this period are reviewed by staff to determine whether the comment is related to a code requirement, or whether the request is above and beyond what is required by law. All comments are provided to the applicant with a note of whether they need to be addressed, and providing the applicant with the opportunity to respond to commenters. Comments received after the end of the Notice of Application comment period are not weighted differently than comments received during the comment period, but they may not all reach the applicant at the same time.
Staff Review (current stage)	This is completed concurrent with the Notice of Application period. Staff's comments are provided in addition to any comments received prior to the issuance of the initial comment letter.
Resubmittal and Staff Review	If corrections are required, the applicant resubmits and the application is re-reviewed by staff. This timeline depends heavily on how well the applicant responded to staff's corrections and where the application is in our queue of permits to review. These iterative versions are not normally published on the City's website for review, but are available for anyone to come view at City Hall.

State Environmental Policy Act (SEPA) Review	Depending on the unique circumstances of an application, a subdivision may or may not be exempt from SEPA. Once adequate information is provided to the City, a determination will be made. Notification, if required, will follow the requirements of Chapter 17.84 MMC and state law.
Notice of Public Hearing	Once the applicant has adequately demonstrated compliance with applicable law, staff schedules a public hearing with the hearing examiner and prepares the staff report. A notice of public hearing is issued to the same group as the notice of application, plus anyone who requested to receive a notice and anyone who submitted a comment. Notice will be issued a minimum of ten (10) calendar days in advance of the public hearing. All written comments submitted in advance of the staff report and packet being published for the Public Hearing will be provided with the staff report; other written comments will be provided at or before the public hearing but will not be part of the published packet. The packet will also include all of the newest application materials, based on feedback from staff and from public comment. The staff report and packet will be available at City Hall and also online on the Land Use Action Notices webpage.
Public Hearing	The Hearing Examiner will hold the public hearing. All written testimony submitted in advance of and at the public hearing will be considered, and all verbal testimony given at the public hearing will be considered. Once the public hearing is closed, no additional public comment will be taken. At this time, I do not expect a public hearing to occur until at least Spring 2022.
Notice of Decision and Appeal Period (Preliminary Approval)	The Hearing Examiner has ten (10) calendar days to issue a decision, after which a notice of decision will be issued to the same group as the notice of public hearing, plus anyone new who requested to receive a notice and anyone new who submitted a written comment or provided verbal testimony at the public hearing. Appeals of the Hearing Examiner's decision must be made to the Superior Court within 21 days from the date of the decision.
Site Permitting	After the appeal period is complete, and assuming the application is granted preliminary approval, the City can complete review and approve construction for site work. This typically includes things like curb, gutter, sidewalk, utilities, interior roadways, landscaping, etc.
Final Approval	Once all of the site work is complete, and within five (5) years of the date of preliminary approval, the applicant may request final approval. Staff reviews whether the request is complete (all required documents submitted). Once it is complete, City Council has 30 days to make a decision. This is an administrative decision by City Council. As an administrative hearing, no public testimony is taken. Council must approve the final plat if all of the conditions of the preliminary plat have been met. This is done by motion, and not by ordinance or resolution. Examples of this process can be seen for the following subdivisions: - Raymond Ridge(March 4, 2013, AB 13-029) - Pine Crest North (November 18, 2013, AB13-105)
Recording	Once approved by Council, the applicant may record the approved subdivision with Snohomish County. This is the process that makes the approved lots official, and allows them to be sold and for structures to be built.
Structure Permitting	Once the lots are recorded, the City can complete review and approve construction of structures.

As noted above, the official file is available at City Hall. You may come and view this file at any time during our normal business hours. Our current hours are highlighted below for your convenience. Please note that we are closed for holidays, including the upcoming Thanksgiving holiday.

We will also add you to the notification list to ensure you get future notices on this proposal, including notification of the public hearing with the Hearing Examiner. The noticing period will not be extended at this time.

Please let us know if we can be of any further assistance.

NOTE: Mukilteo City Hall is open to the public for limited hours on Tuesdays, Wednesdays, and Thursdays, from 9 AM – 3:30 PM. The building is closed for lunch from 12 – 1 PM. City staff is also available to assist you remotely during regular business hours. Please call 425-263-8000 if you need assistance.

Sincerely,

Lauren Balisky, AICP, MPA | Planning Manager

Planning & Community Development

11930 Cyrus Way

Mukilteo, WA 98275

(425) 263-8041 | lbalisky@mukilteowa.gov



All email, including attachments, sent to or from the City of Mukilteo are public records and may be subject to disclosure pursuant to the Public Records Act (RCW 42.56).

From: David Tyler <david.d.tyler@comcast.net>
Sent: Tuesday, November 23, 2021 3:28 PM
To: Lauren Balisky <lbalisky@mukilteowa.gov>
Cc: Linda Ritter <lritter@mukilteowa.gov>
Subject: Fwd: 7-Lot Subdivision at 9110 53rd Ave W (SD-2021-001)

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

Hello Lauren,

I am forwarding this message since Linda Ritter is out of the office until December 1.

Thank you
David Tyler

----- Original Message -----

From: David Tyler <david.d.tyler@comcast.net>

To: "lritter@mukilteowa.gov" <lritter@mukilteowa.gov>

Date: 11/23/2021 1:48 PM

Subject: 7-Lot Subdivision at 9110 53rd Ave W (SD-2021-001)

Linda,

I am a resident on Hargreaves Pl, and my property immediately abuts the subject property on the west side. There are a number of issues and concerns regarding this application:

1. Drainage impacts on abutting property due to the slope, underlying soils and proposed grading;
2. Drainage impacts on downstream properties, including Hargreaves Place, which is a public/private stormwater facility and part of a Low Impact Development;
3. Visual eyesore created by installation of two retaining walls up to 16 feet in height along the west perimeter of the development, as well as associated fill;
4. Building height and structural integrity of future residences located on fill on the west side of the property;
5. Loss of significant existing vegetation. The plans do not appear to make any attempt at retaining vegetation on the site, which will further exacerbate drainage impacts;
6. Lack of mitigation for all potential impacts identified above.

In order to provide time for additional study and analysis of these and other issues, I request an extension of the November 30 comment period by 14 days, until **December 13**. We note that the comment period occurs over the Thanksgiving holiday, which makes it a challenge to provide timely comments.

We also reserve the ability to supplement the issues raised during the public comment period with additional information and studies following the comment period.

I also request that the City hold off on scheduling a public hearing until further studies can be completed. Please add me to the notification list for the public hearing.

Please respond at your earliest convenience. Thank you.
Sincerely,

David Tyler
9055 Hargreaves Pl
Mukilteo, WA 98275

Lauren Balisky

From: Cathy Rizzo
Sent: Wednesday, November 24, 2021 11:23 AM
To: Sangumani Rajmadan; permittech
Cc: bharathi sj
Subject: RE: Party of interest - Harbor Grove Subdivision Preliminary Plat – 9110 53rd AVE. W.

Hello,

Since your email is similar to one we received earlier this morning. Below are responses from Planning Manager Lauren Balisky and myself.

Lauren:

I would add that any information you can provide about the mountain beavers that we can pass along to the applicant to help address the concern would be great. It does not have to be by the end of the comment period (we will notify them of the potential issue regardless), but sooner in the process would be better.

Cathy:

We have added you to our party of interest list and you will be receiving emails as the project moves forward. Below are the steps from Planning Manager Lauren Balisky which lays out the when the public can comment on the Notice of Application.

The end of the Notice of Application period is not the end of your ability to submit comments. Comments may be submitted up through the public comment portion of the public hearing.

Below is the whole process for preliminary decision on a full subdivision (5+ lots), which I hope will address your concerns:

<i>Application Submitted</i>	<i>An application is submitted by an applicant.</i>
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You may come and view this file at any time during our normal business hours. Our current hours are highlighted below for your convenience. Please note that we are closed for holidays, including the upcoming Thanksgiving holiday.

Thank you.

NOTE: Mukilteo City Hall is open to the general public Monday – Thursday from 7:30 AM – 5:00 PM, closed for lunch 12:00 PM – 1:00 PM.

City Hall is closed to the public on Fridays; however, City Hall staff is still available to assist you remotely by phone and email between **7:30 AM – 4:30 PM (closed for lunch 12:00 PM – 1:00 PM)**. Please call 425-263-8000 if you need assistance.

Sincerely,

Cathy Rizzo | Permit Services Assistant

Community Development Department

(425) 263-8060 | crizzo@mukilteowa.gov | permittech@mukilteowa.gov



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From: Sangumani Rajmadan <rajmadan@gmail.com>

Sent: Wednesday, November 24, 2021 11:05 AM

To: permittech <permittech@mukilteowa.gov>

Cc: bharathi sj <sj.bharathi@gmail.com>

Subject: Party of interest - Harbor Grove Subdivision Preliminary Plat – 9110 53rd AVE. W.

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

Greetings Mukilteo Government!

Can you add me to the party of interest list for the following project?

Harbor Grove Subdivision Preliminary Plat – 9110 53rd AVE. W.

Also, I have reviewed the project details and saw that they did not include any ecosystem impact for the species like resident mountain beavers, hundreds of birds like sparrows, hummingbirds, woodpeckers, Great Horned owls. Can you tell me what is the best format to submit awareness for it, along with slope erosion concerns? Also I want to make sure that the roots of the big trees in my backyard are not cut down when they start digging, Will the builder assure me of the well being of the trees in my backyard?

Thank you,

Rajmadan Sangumani & Bharathi Sivasakthi

5335 92nd St. SW

Mukilteo, WA 98275

425.749.1687

1. Introduction

1.1. The following are comments provided by Kenneth R. Willett, the property owner of 8918 53rd Avenue West. The subject of the comments is the Notice of Application and all documents as provided at the website identified in the Notice for the development of the Harbor Grove Subdivision at 9110 53rd Avenue W, Mukilteo, Washington.

2. Community

2.1. The existing community surrounding the proposed development is a quiet neighborhood with limited vehicle traffic and frequent pedestrian travel to and from the adjacent Big Gulch trail. This neighborhood is surrounded by Old Growth Protected Forest (OGPF) with abundant wildlife.

3. Request notice of the public hearing

The author, Kenneth R. Willett, request a public hearing and notification. Contact information is as follows:

Kenneth Willett

8918 53rd. Avenue W

Mukilteo, Washington 98275

Email address: kwille@protonmail.com

Personal phone: 513 258 92724

Office phone: 513 668 7920

4. Concerns

Following is a preliminary list of concerns as the review period of 14 days from the notice date does not provide adequate time to review and prepare a response to the Notice of Application. Additional revisions of this document will be provided as the review progresses and will be included as part of the testimony in the requested public hearing.

4.1. Disruption of Neighborhood

The documents provided as part of the Notice of Application do not address concerns of disruption of the current neighborhood. There is no mitigation plan for the disruption of services or neighborhood traffic which will result from the proposed development and construction efforts.

4.2. Neighborhood Safety

The construction traffic required to support the proposed development will pose a significant risk to safety of the neighborhood. There are no sidewalks along 53rd Avenue W between 88th and 92nd streets and the additional truck traffic will pose a risk to those pedestrians traveling this span of 53rd Avenue W.

4.3. Definition of road capability and traffic capacity

The application lists the removal of 5100 cubic yards of excavation and 5100 cubic yards of fill. This will require the use of excavation and transportation equipment. The application does not describe any engineering evaluation of the current road system, including 88th Street, 53rd Ave. W or 92nd Street, required to support this traffic without damage or reinforcement and repairs that may be necessary as the result of this traffic. There is no commitment by the developer to do this engineering evaluation or make improvements and repairs.

4.4. Limits on transport size and weight

Following engineering review, the permitted vehicle weights shall be limited to that which insures that no damage of the road, its base or drainage occurs. As an example, the truck capacity for the transport of excavation and fill materials may be limited to 5 cubic yards; this would require that 2040 trips be made to facilitate the proposed development. It is doubtful that this level of construction traffic can be supported by the current roads over a reasonable period of time. In addition, the combined weights of the construction equipment and transport vehicles must meet the identified road limits.

4.5. Interruption of Livelihood

As mentioned in one of the application documents, Covid-19 has required many professionals to work from home creating a crucial reliance on internet and public services. The development effort must not interrupt internet, gas, water, sewer or electric service or result in excessive noise that may interrupt the ability of residents to conduct work activities or achieve the rest necessary to complete those activities.

The work activities conducted at the residence of the author are:

The generation and publishing of medical device training materials

The development of alternate fuel aviation propulsion systems

4.6. Impact on local wildlife and fauna

The proposed development will displace multiple animal species that are frequently observed in the area. This includes deer and multiple birds including raptors which are protected by state and federal laws. Owl(s) are frequently observed in the neighborhood with a predatory range which includes the proposed development site. Eagles and hawks are also frequently observed in the area. From the provided reports it is obvious that a current review of the wildlife in the area has not been completed. Crows have been observed attaching the Owls' nest(s) located on the proposed development site.

4.7. Impact to the creek north of the proposed development

There is no mention in the proposal documents of the creek that runs north from the proposed development area. This creek runs through OGPf and is documented in plot drawings including that of the author.

4.8. Extension of Public Comment Period

A period of 14 days from the Notice Date of November 16, 2021 is an unreasonable period of response. Application reports span the period of July 29, 2021 for the "Blueline" drawing through October 05, 2021 for the Land Use Application. This does not include the preparation time of the individual studies. The public comment period should be no less than the cumulative time used in the generation, submission and review of application documents. As any reviewer must be independent and become familiar with the proposed project, a reasonable period of review will be a multiple greater than 1.0 of the cumulative time used to generate the proposal documents.

4.9. Conflicts between Application Documents and lack of substantiation

A preliminary review of the documents available at the website defined in the Notice of Application has identified multiple conflicts between the documents. The review of those documents is ongoing and a list of these conflicts will be provided in a future revision of this document. Additionally there is no evidence of substantiation or peer review of the documents; without those. This is a mere statement of the opinions of the authors. Regardless of any professional certification of the authors, without peer review

it is simply the opinion of an individual. If peer reviews have occurred, then all notes, actions and closures from those reviews must be provided.

5. Continuation of Comments

The comments and concerns provided above are a subset of the yet to be completed review. Additional comments and concerns will be provided at a future date in a revision to this document.

Lauren Balisky

From: Greg Chapdelaine <greg_chapdelaine@hotmail.com>
Sent: Saturday, November 27, 2021 8:17 PM
To: permittech
Subject: Party of Interest to Harbor Grove Subdivision Preliminary Plat – 9110 53rd AVE. W.

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

Please add me as a party of interest regarding this development.

Lauren Balisky

From: Lauren Balisky
Sent: Monday, November 29, 2021 7:52 AM
To: 'Jan Delorey-Lytle'
Cc: permittech; Linda Ritter (lritter@mukilteowa.gov)
Subject: RE: Harbor Grove Preliminary Plat Application

Good morning Jan,

This email is to confirm receipt of your comments and that you will be added to the parties of interest list.

NOTE: Mukilteo City Hall is open to the public Monday - Thursday, from 7:30 AM – 5:00 PM. The building is closed to the public for lunch from 12 – 1 PM and Fridays. City staff is also available to assist you remotely during regular business hours. Please call 425-263-8000 if you need assistance.

Sincerely,

Lauren Balisky, AICP, MPA | Planning Manager

Planning & Community Development
11930 Cyrus Way
Mukilteo, WA 98275
(425) 263-8041 | lbalisky@mukilteowa.gov



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From: Jan Delorey-Lytle <jandeloirey@hotmail.com>
Sent: Sunday, November 28, 2021 11:38 PM
To: Lauren Balisky <lbalisky@mukilteowa.gov>
Subject: Fw: Harbor Grove Preliminary Plat Application

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

Hi Lauren,

I am sending this to you because Linda Ritter listed you as her "out of office" contact.

Thanks,

Jan

From: Jan Delorey-Lytle <jandeloirey@hotmail.com>
Sent: Monday, November 29, 2021 2:29 AM
To: lritter@mukilteowa.gov <lritter@mukilteowa.gov>
Cc: gjensen@mukilteowa.gov <gjensen@mukilteowa.gov>; mgeiger@mukilteowa.gov <mgeiger@mukilteowa.gov>
Subject: Harbor Grove Preliminary Plat Application

Hello Linda,

My husband and I live at 9035 Hargreaves Place. We purchased the home in 2013 when I was transferred to Naval Station Everett for my twilight duty station. After 27 honorable years as a United States Naval Officer, we made the decision to stay here following my retirement because we enjoy living in Mukilteo.

The Harbor Grove Phase 1 section is adjacent to our property. We are concerned about the drainage and runoff into our entire neighborhood from the plan provided by Sea Pac Homes.

In 2020, our basement flooded. We had to have pressure relief drains installed into the wall/floor in the crawlspace. Cost was \$6851.00. It would be a shame to have other houses experience the expense and damage caused by flooding.

Hargreaves Place has permeable pavement that requires expensive maintenance. On 10 May 2022, the private portion of the road is scheduled to be cleaned by *Jet City Cleaning*. The cost, to be shared by 4 properties, will be approximately \$3800. Any excess runoff impacts the permeability and compromises our street. This will require us to have more frequent cleanings on the private part and the city will also be tasked with the additional expense for cleaning the public part of the road.

We understand that the Daffron family sold their land to a house developer with the intent to construct quality homes with little or no negative impact to environment. We would like to see what their plan is for Phase 1 because it directly affects our home.

Bottom line is this: We are asking that the Sea Pac Homes overall project for 11 homes be properly redesigned to eliminate the negative impacts of drainage, stormwater and erosion on all of the area.

Please address the public concerns and environmental impacts and notify us when there will be a Public Hearing.

Thank you for your time. My phone numbers are (H) 425-903-4467 and (Mobile) 540-287-0035.

Respectfully

Jan Delorey-Lytle and Mel Lytle

Jan Delorey-Lytle, DDS

Lauren Balisky

From: Terri Hix <terrihix6@gmail.com>
Sent: Monday, November 29, 2021 8:43 PM
To: Lauren Balisky
Subject: Fwd: Harbor Grove Subdivision Concerns

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

Begin forwarded message:

From: Terri Hix <terrihix6@gmail.com>
Subject: Harbor Grove Subdivision Concerns
Date: November 29, 2021 at 8:41:10 PM PST
To: lrutter@mukilteowa.gov
Cc: jadams@mukilteowa.gov, mgeiger@mukilteowa.gov

To Whom it May Concern:

We are writing to you to express our concerns with the Harbor Grove Subdivision by SeaPac Homes at 9110 53rd Ave. W, Mukilteo, WA 98275

We have 2 primary concerns having now reviewed the application and plans online.

Our first concern is with how the drainage from the development will be handled. Many of the homes on Hargreaves Place have been struggling with crawlspace drainage problems. Two of the neighbors that we are familiar with have spent thousands of dollars to put drainage systems in after the fact. Our lot is wet and while our crawlspace has not been a problem we are concerned that it will become a problem given that the foundation drains for the proposed retaining walls will have out fall near the NE corner of our property. This location is uphill of our home as well as the neighbors home. That neighbor being one that has spent significantly to mitigate crawlspace flooding. We have included a photograph of Hargreaves Place taken Sunday, November 28, 2021 which shows how our street regularly floods following a rain storm. We include this because it further reinforces that our neighborhood has problems with ground water drainage.

Our second concern is with what we believe will be an unsightly and intimidating retaining wall system uphill from our property. The plan indicates that there will be 2-8 foot retaining walls terraced and when accounting for the slope of the grade this will present something approaching a 20 foot structure directly to the NE of our backyard. This structure cannot help but damage our property value as it will be like living in front of a castle wall. Aesthetics aside, we are concerned that these retaining walls which are built inside the building set back are likely not per code. This design needs a proper engineering review to ensure the safety and security of the walls and of the foundation drain treatment as mentioned previously.

We appreciate you considering our concerns. We are not anti development but we do expect that the City of Mukilteo will ensure that the ground water retention wall safety and community aesthetics will be carefully considered. As citizens of the City of Mukilteo we expect developers to do a proper job, not to create problems and to enhance the community. We don't want to be left holding the bag once the developer has sold the houses and is no where to be found.

Respectfully Yours,
Terri and Charlie Hix
9115 Hargreaves Place (Lot #2, Rugosa Ridge)
Mukilteo, WA 98275



Lauren Balisky

From: Ssch179156 <ssch179156@aol.com>
Sent: Monday, November 29, 2021 9:43 PM
To: Linda Ritter
Cc: Lauren Balisky
Subject: Comment for Harbor Grove Subdivision

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

Hi Linda,

I would like to be a "Party of Record" and my comments submitted on the above project.

I am really concerned about the proposed development on 9110 53rd Ave. Seven large homes as well as a many as 3 more to the north? Really? In 2012, the City of Mukilteo applied and received a DOE grant for a \$1,000,000 for a LID (Low Impact Development) grant inn Smuggler's Gulch (where this proposed property is located) which sole purpose was to slow the storm water from up the hill from Paine Field to the Puget Sound. There have been a lot of landslides in the area due to erosion (from storm water) and saturation from rain. The city had spent hundreds of thousands of dollars repairing damage from storm water from heavy and constant rain from the fall storms (similar to this fall).

The City identified 3 area of the Smugglers Gulch LID project: The upper area (area east of 525 to Paine Field), the mid area (area west of 525 to about Surrey Lane) and the lower area (west of Surrey) Both the upper and lower are very steep area while the mid area is a relatively flat area. The mid area (where this proposed development is located) was identified a area where the storm water and rain would be absorb into the ground (pervious surfaces) slowing the water down before it headed down hill to the Puget Sound. The key for this LID to be successful in my opinion, is having a much pervious surfaces and trees as possible. Adding almost 40% of impervious surfaces that this application is proposing, I feel jeopardizes the ability to control the storm water run off which could result in more erosion which could have a negative impact homes and roads costing homeowners and taxpayers a lot of money.

Thanks,

Steve Schmalz
9115 53rd Avenue West
Mukilteo, WA 98275

Lauren Balisky

From: Charles VC <c.vc@comcast.net>
Sent: Monday, November 29, 2021 5:31 PM
To: Lauren Balisky
Subject: FW: Harbor Grove Subdivision Concerns, Questions and Observations

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

From: Charles VC [mailto:c.vc@comcast.net]
Sent: Monday, November 29, 2021 5:15 PM
To: 'lritter@mukilteowa.gov'
Cc: 'Linda Van Citters'; 'ronaldsheiman19@gmail.com'; 'sylvia6031@comcast.net'; 'evolkstorf@earthlink.net'
Subject: Harbor Grove Subdivision Concerns, Questions and Observations

Harbor Grove Subdivision

Concerns, Questions and Observations

11/29/2021

Before I get started with my questions and observations about this development, I am wondering if it has occurred to anyone else what a tremendous carbon footprint developing this plat will have. From hauling in more than 500 dump truck loads of excavated structural fill dirt from who knows where, to digging up an equal amount on site moving it around with bulldozers and compacting the whole thing as every layer is laid down, then there is the loss of habitat and green space, I hope it is worth it.

I have numbered the questions I have to make them easier to respond to

In looking through the plans the first thing I notice is the number of X's on the "Existing Conditions" page where the majority of the trees are going to be cut down. The Environmental checklist states that 27 significant trees will remain, and 74 will be removed. It is hard to imagine that with 90% or more of the land denuded, still more than 25% of the significant trees remain. It also states that there will be 60 trees planted, but how many of those will be significant trees? I think we know the answer to that one (1) what type of funding is available to maintain them? (2) Why does the Landscape Plans sheet only show 20 trees to be planted what about the other 40?

In the Geotechnical Engineering Study Plate 2 shows the test pit location, I notice that the only test pit below an elevation of about 400' was TP#2 about 35 feet East of where retaining wall #1 will be at an elevation of about 388', the base of retaining wall #1 will be at an elevation of about 380'. The test pits nearest the east side of the property are all above 400' in elevation, despite an obvious low spot near the middle of lot 1 where the temporary retaining pond will be with an elevation of about 392'. This location is worth investigating for several reasons. (a) it is the lowest place on the eastern side of the property and yet there is no evidence of standing water nor is there any hydrophytic vegetation, hydric soils, or wetland hydrology according to the Critical Area Reconnaissance Report, (3) what happens to all the water that must

drain to there? (b) the nearest test pit was also the deepest and the wettest TP#6 with a moisture content of 17.9% at 13 feet deep and getting wetter that would only be 5' below the surface at this low point, (4) is it possible this is a natural drain or seep where surface water enters? (c) if during construction this spot is going to be used for a temporary sediment trap (5) shouldn't it be checked for what is happening to the water that drains there? (6) Is there a liner or other method of retaining water for the temporary sediment trap? (7) What is the depth of the temporary sediment trap?

From the Geotechnical report p.12

" Infiltration Evaluation

The dense, cemented, and unweathered glacial till soils (hardpan) observed at depths beginning at about one to four feet bgs across the site generally exhibit very poor soil infiltration characteristics. In our opinion, the unweathered glacial soils should be considered impermeable for design purposes, and the use of infiltration systems at the subject site is not recommended."

(3) Where does the water go? I just walked by the property and from the street it is obvious that there is a low area that should collect all the runoff from the eastern 1/2 of the property it is dry even with all the rain this November. From what I could see it did not appear that any water flowed off the Eastern portion of this property not to the north or the south, it all slopes into the low spot away from the Right of Way. Any water entering the ditches comes from the ROW or the street.

On the TESC (Temporary Erosion and Sediment Plan), I see that with the exception of the north panhandle portion of the property, practically all of the rest of the property will be bulldozed. I see that there is a temporary interceptor swale that runs North South across the property about 60' east of the western property line. At its lowest point it appears to be at an undisturbed ground level of 393ft. This swale then drains according to the plan to a temporary 23' x 42' sediment trap on lot 1 about 280' to the East with a current ground level elevation of 396' to 398' from there it drains thru a temporary 12" flex pipe outfall with continuous positive slope to a riprap pad at an elevation of about 401' and then into the storm ditch that drains North to Smugglers Gulch Creek. It seems that the runoff that the swale collects will have to run uphill at least 8' to its outfall 340' away. I don't see how this can work unless it installed after all the grading is done when it may no longer be needed. If the runoff does reach the outfall (perhaps by pumping from another temporary sediment pond??) there is another problem. Until vegetation can be planted, the entire plat with the exception of the north panhandle, will be practically impervious (relative to pre-development conditions) to water due to either being scraped down to glacial till or being filled over with compacted structural fill or because it has been run over and compacted by all the machines doing the scraping and filling. With all the runoff making its way to the outfall there may be big problems in Smugglers Gulch Creek. Very, very little water from this site previously flowed north into the creek according to the Storm Drainage Report page 3.3 (Frontage Basin) Contrary to what is stated on the SEPA check list #3.c.1, which appears to apply only after the plat is finished, during construction virtually all of the water that lands on the plat will run north thru a temporary straw waddle at the North East corner of the plat and continue to Smugglers Gulch Creek which then drains West thru 8924 and 8916 then across the Woodson property and along the East side of Property on Surrey Lane, 9003, 9017, and 9031 that have already reported problems during heavy rains, then join the other sub-basin flow and continues west. (see Downstream Exhibit in Preliminary Storm Drain Report) This represents a huge increase in flow (potentially sediment laden) to an already stressed system. (8) What are the Best Management Practices (BMP's) concerning the downstream properties? According to BMP's it is necessary to document existing conditions, (9) what are the current discharge rates from the Harbor Grove

property to the catch basin on the East side of Hargreaves (photo 4 and 5 in the Preliminary Storm Drainage Report) (10) what is the current flow from the Harbor Grove property to the culvert where the temporary straw waddle will be placed (no picture available). (11) What is the expected flow rate at these locations during construction? (12) what will the flow rate be after completion of the subdivision? (13) What amount of fines in the construction discharge are allowed? (14) how will these fines be monitored during construction? (15) How will this impact existing ecology in the creek?

The Grading Plan shows that there will be extensive fill, over 20' high near the western property line by the retaining wall and as much 18' high on lots 5 and 6 within the building setbacks and 10' high over lot 1 by where the sediment trap is planned. (16) How will the city insure that the site has been properly stripped, excavated, and structurally filled, (17) who will be held responsible for any future failures to the new homes constructed on these lots if there are settling issues? According to the National Homebuilders Association settlement issues over improperly placed fill is by far the major cause of structural failure in residential construction.

The Grading Plan shows two retaining walls #1 located about 6 feet from the western property line and #2 about 6 feet further East from #1. #1 at its lowest point rests on ground that has a current elevation of 380 and its Toe is at an elevation of 382(?) and the Top is at 390 it is to be backfilled to the top with structural fill which slopes up to the bottom of retaining wall #2, which, if you are following along, is to be built on about 10 feet of structural fill with a Toe of 394 and a Top of 402 and Backfilled with compacted structural fill to a height at least 18' above the original ground elevation directly below. Having seen a lot of failed retaining walls, I looked for some detail of how these would be constructed, but could find only a drainage plan for them included with the Preliminary Storm Drain Report. The footing drains for the approximately 400' of retaining walls daylight near the South West corner and drain toward the property at 9155 Hargreaves Pl, less than 12' away. (18) How will these retaining walls be built, (19) what is the expected lifespan of the walls, (20) how will they be monitored to insure that they are performing per design, (21) who will be responsible for maintenance and repairs as time goes by, (22) is there any guarantee provided for the retaining walls by anyone involved? (23) in the event of failure is there a bond, or a fund set aside to pay for repairs or will it be necessary to sue the city, and the contractors, and the engineers to try to get the replacement or repairs paid for? (24) is there any provision for monitoring ground water and saturation levels of the compacted fill behind and under the retaining walls, (25) How are the retaining walls expected to act during a major earthquake, (26) how will the temporary erosion control be handled to the West of the interceptor swale especially during the grading and digging and setting forms and pouring of concrete and stripping forms and backfilling and compaction necessary to build the approximately 400 linear feet of retaining walls? (27) How will the Best Management Practices (BMPs) be implemented concerning onsite fueling? (28) How will the BMPs be implemented concerning concrete waste water? (29) How will the BMPs be implemented concerning spill prevention and control?

There is a French drain indicated on the Grading Plan. (30) How will it be maintained and who will be responsible for it? (31) Will the owners of lots 4, 5, 6, and 7 be allowed to build over it, as it lies within these lots building setbacks? (32) what is the purpose of the French drain? (33) Is the French drain an essential part of the retaining wall system?

According to the Geotechnical Report all the topsoil will be stripped from the areas that are to be filled and this topsoil is generally 8" to 12" deep with some areas 24" deep, also to be removed is any dirt with roots and such. All this is to be stockpiled. (34)Where will this huge pile of dirt be stockpiled? (35) about how many cubic yards will this amount to? (36) How will it be protected over the long term until it is reapplied, as it will be the first removed and the last replaced?

Thank you for your consideration.

Charles Van Citters
5416 88th St SW
Mukilteo WA 98275
425 232 0171

11/29/2021

Please find below my concerns with the proposed Harbor Grove development on 53rd Ave W in Mukilteo:

Trees

1. Removing 86 significant trees while preserving a mere 27 is unacceptable.
2. Replacing 250+ year old trees with 6-foot trees is unacceptable.

We recently petitioned to remove branches overhanging our home and we not allowed to do so without lengthy discussion; will you allow a developer, who will take a financial profit and then vacate the area, to completely remove a significant number of legacy trees that have born witness to Mukilteo's history?

Animals

1. The area on and near the site is home to bald eagles, hawks, ravens, songbirds, and hummingbirds. What is believed to be a Barred Owl is a permanent resident of this wooded area. Ravens have been observed attacking a predator nest on the property, near the street.
2. Resident deer, raccoons, and squirrels will be displaced by this development.

Neglecting to mention the numerous and diverse fauna that inhabit the area is indicative of a developer attempting to marginalize an issue that might impact this project. Ignoring endangered species such as raptors is unacceptable.

Traffic & Noise

1. Increasing home density on 53rd Ave W by approximately 30 percent would most certainly result in more than just the 'slight increase in ambient noise levels in the vicinity' suggested by the developer. The street has no sidewalks; a 30 percent increase in motor vehicle traffic would create a significant risk to walkers, bikers, and children.

Housing Density

2. It is not apparent what the square footage will be of proposed homes. Three- or four-bedroom homes will contain more occupants than the 2.25 residents reported by the developer. This is not in keeping with the current character of the neighborhood.

To summarize, I believe that this development is not in the best interest of the community. We cherish our quiet, calm neighborhood filled with an abundance of natural beauty and wildlife. Many have chosen to live in the area for this exact reason. It is shortsighted to wedge more houses into an established neighborhood that exemplifies what makes Mukilteo unique, a cool, wooded respite from the hubbub of nearby cities and suburbs. My heart skips a beat every time I turn into our street and see the towering trees; please don't take that away from me and my neighbors.

Respectfully,

Mindy Varner-Willett
8918 53Rd Ave W
Mukilteo, WA 98275

PLEASE NOTIFY ME OF ALL HEARINGS RELATED TO THIS MATTER

Comments in Response to Proposed Development by SEAPAC Homes at 9110 53rd Ave. W, Mukilteo, WA 98275. Dated November 26, 2021.

Introduction: The following Comments are respectfully submitted to the City of Mukilteo Planning Department by Erich Volkstorf, homeowner and resident at 9005 53rd Ave. W, Mukilteo, WA 98275.

Comment Contact: Erich Volkstorf
9005 53rd Ave. W
Mukilteo, WA98275
206-769-5263
<evolkstorf@earthlink.net>



Received by Email

11-29-2021

1. In the SEPA Environmental checklist, Section B Environmental Elements, Subsection 1.g., the developer submits that approximately 39%(40,785 square feet) of the site will be covered with impervious surfaces. The developer has submitted that “water runoff from both storms and construction activities” will be conveyed to a detention vault and thence to an existing drain pipe at 92nd Street SW. To date, there is no evidence the developer has installed active groundwater monitoring wells at the site to determine the extent of passive groundwater storage which exists at the site. Such monitoring wells are sometimes required for construction sites to determine the amount of passive storage which will be lost after construction. SeaPac Homes needs to properly assess and document, rather than make assumptions, of the ground water storage which will be lost due to the development. Further, what provisions if any, will be in place for maintenance of the underground vault(s)? SeaPac Homes needs to provide detailed plans for what party or entity will be responsible for maintaining the underground vault(s) and how such maintenance will be financed. How will SeaPac Homes mitigate increased stormwater impacts on the drain system it will discharge into at 92nd Street SW? With climate change, Pacific Northwest winters are expected to be warmer and wetter with more extreme weather events, including severe rain storms. What analysis has SeaPac Homes done on the expected more extreme weather and what plans have been prepared to do so vis a vis ground water and soil stability issues. Further, residents on Hargreaves Pl. and Surrey Lane already experience flooding in severe storm events. SeaPac needs to demonstrate how they will mitigate these existing issues, given that much of the proposed site will eliminate passive stormwater storage.
2. In the SEPA Environmental checklist, Section B Environmental Elements, Subsection 5.a., the developer submits that the fauna present only includes songbirds and squirrels. The developer needs to list all species which have been observed and documented on the site and surrounding area. Residents of homes on 53rd Ave. W., frequently observe and document sightings of Black Tailed Deer, Bald Eagles, Coyotes, Raccoons, Stoats, Gray Squirrels, Douglas Squirrels, Sharp Shinned Hawks, Barred Owls, Great Blue Herons and Northern Pygmy Owls. There is an active raptor nest on the site. Further, there are as observed, two active Mountain Beaver borrows on the site. Mountain Beavers are a rare species and protected in Canada.

Comments in Response to Proposed Development by SEAPAC Homes at 9110 53rd Ave. W, Mukilteo, WA 98275. Dated November 26, 2021.

3. In the SEPA Environmental checklist, Section B Environmental Elements, Subsection 5.b. SeaPac Home declares that, "No threatened or endangered species are known to exist on the site." SeaPac Homes should provide data showing they practiced due diligence to determine that no threatened or endangered species will be affected by this development. This will include an assessment of stormwater discharge into Puget Sound which can affect salmon and shellfish.
4. No arborist's reports on the site are currently available to the public. The site contains two old growth Douglas fir (*Pseudotsuga menziesii*) trees which were cored three decades ago and found to be app. 250 years old. These heritage trees are not documented specifically in any material SeaPac Homes has provided. An arborist's report on the site, noting the age and health of such heritage trees and their unique place in the history of Mukilteo and the region must be provided. Further, residents on 53rd Ave.W, Jon Boyce and Erich Volkstorf, spoke with SeaPac Homes Superintendent, Ruben Jauregui, who indicated that at least one, if not both, old growth Douglas firs had been declared by SeaPac Homes' arborist, as diseased and dying and in need of removal. SeaPac Homes must submit to an independent arborist who will assess the health and age of the trees in question. The proposed removal of said tree(s) must not be taken lightly as they cannot be replaced.
5. The SeaPac Homes website lists the proposed homes to have 4-5 bedrooms and 3-4 bathrooms at a cost of \$1.5 million to more than \$2 million. SeaPac Homes has declared these homes to be middle class housing for app. 2.25 individuals each. There appears to be a discrepancy between the size and cost of the homes proposed and the expected number of residents. Please explain this discrepancy. As well, document mitigation and upgrading of existing water and sewer systems on 53rd Ave.W. Additionally, document proposed mitigation of traffic safety improvements which will be needed due to added traffic on 53rd Ave. W and surrounding surface streets.
6. The City of Mukilteo has on its website, this statement. "*Mukilteo's beauty is largely attributed to our waterfront, and our massive green spaces. They play a significant role in creating the high quality of life we enjoy. Trees are also a valuable resource that provide a variety of public benefits to the community such as stormwater retention, improving water quality, stabilizing slopes and creating wildlife habitat.*" This statement is in direct conflict with the proposed development by SeaPac Homes. If this development is allowed to proceed, the City of Mukilteo must remove this statement from its website.
7. Fact based studies by climate scientists, assess the ability of mature conifers to absorb Co2 at an average of 50 pounds per year. The 86 large conifers slated for removal from the site absorb more than 2 tons of Co2 annually. SeaPac Homes must provide a plan on how the loss of this carbon sink in Mukilteo will be mitigated.

Comments in Response to Proposed Development by SEAPAC Homes at 9110 53rd Ave. W, Mukilteo, WA 98275. Dated November 26, 2021.

8. SeaPac Homes indicates it would divert stormwater from the site to a detention vault(s) and thence either north to the existing creek or south to the stormwater pipe on 92nd Street SW. SeaPac Homes needs to provide data showing how many gallons per hour will be discharged to either or both locations during extreme rain events. SeaPac Homes needs to provide data showing such pipes or stream beds are capable of sustaining such increases and, if not, how these systems will be modified and how such planning anticipates greater flows due to climate change.
9. Mukilteo Citizens for Safety and Preservation requires an extended time period in order to analyze the material submitted by SeaPac Homes, and material requested and not provided to either the City of Mukilteo or Mukilteo Citizens for Safety and Preservation. The hearing hereby requested cannot occur before March 1, 2022.

Lauren Balisky

From: Sean Baker <muktowninc@hotmail.com>
Sent: Tuesday, November 30, 2021 2:37 PM
To: Linda Ritter; Lauren Balisky
Cc: silencebaker@hotmail.com
Subject: FW: 53rd st SeaPac development

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

Sent from my Galaxy

----- Original message -----

From: Sean Baker <muktowninc@hotmail.com>
Date: 11/30/21 1:04 PM (GMT-08:00)
To: lritter@mukilteowa.gov
Cc: silencebaker@hotmail.com
Subject: 53rd st SeaPac development

Good Afternoon,

My name is Sean Baker and I live at 9003 Surrey LN SW. I have some major concerns regarding the proposed development on 53rd AVE WEST SeaPac development. We have storm water drainage issues when the creek behind us overflows. My understanding is that the new development will increase the flow of water heading west which will negatively impact my property. What studies have been done to verify that the flooding and erosion issues from this project will not effect my property? I can send video of the last time the creek overflowed through our property, and I brought this up to the city regarding our storm drainage issues. Please reach out to me with any questions.

Sincerely,
Sean Baker
(425)772-0790

Sent from my Galaxy

City of Mukilteo
ATTN: Linda Ritter & Co.

RE: Proposed Harbor Grove Subdivision Plat (HGSP)
SD-2021-001
ENG-2021-019
SEPA-2021-10

The above referenced HGSP proposal by SEAPAC homes = Epic Fail!

For many more reasons than those listed below, numerous concerned stakeholders have submitted both well-researched and substantial criticisms of this inept proposal.

First of all, this drainage basin of Mukilteo has an extensive history of water issues and is a part of the LID area. This proposal is MAX-Impact Development. Should this HGAP be approved, the City of Mukilteo should scrap any further Smuggler's Gulch LID regulations. There is no way this is a low-impact development.

First Off... Short of canning the project as drawn, change the name. While the Daffron Property is a grove at this time, SEAPAC's removal of 75% of the trees makes it an UnGrove, DeGrove, ia Hot Mess Grove. How about Ecocide Acres?

Seriously, who thinks such misnomers up? How about an informative roadside memorial plaque with photos of the pre-existent grove. Before and after? Proly nothing SEAPAC wants their name on.

Associated Grading: Completely Unacceptable. Hundreds and hundreds of dump-truck loads of fill material? At what environmental cost? The carbon-footprint of moving and grading 10,000 yards of fill dirt has to be enormous. The plan as submitted destroys a largely functioning environment. Seven houses, averages 30 (!!!) loads of fill per house. In 2021, such wild-west get-away-with-as-much-as-possible developments are anachronistic. In an age of scientific consensus at all levels of government to reduce carbon-emissions, this project as drawn is a carbon-pig.

Drainage Improvements - There are none. There is only drainage destruction.

The developer addresses through alterations, drainage mitigation and drainage work-arounds, but none of their proposed work constitutes "Improvements". They pass along drainage water off site to the 92nd street storm sewer. LID proposals for flow monitoring of the creek passing under 53rd Ave W. supported by neighborhood residents and promised by the city have NEVER been installed. How is it possible to adequately design mitigation without having a scientifically measured baseline specific to this already compromised drainage basin? The project cannot help but affect nearby streams and wetlands in a negative manner.

LOT 1 works quite well to mitigate off-site drainage. It should be left as is, undeveloped. It ain't broke. Don't fix it. Deforestation followed by hundreds of loads of trucked-in fill makes no ecological sense. Bioretention onsite is 100% feasible! Simply do not develop Site 1. Sell it to the city as an example of intelligent development, or responsible development.

Landscaping - Seriously? Plant sixty 6 foot western reds? This is a SAP and nothing more. HGSP owners will not want 80' tall mature trees close to their house. This is normal "developer

speak” to appease the eco-illiterate. Looks good on paper, sounds good in a presentation, but as a real-world post-development situation... these trees are better off never planted because they face certain death. Homeowners routinely chop these down.

Street Frontage Improvements -

None. There are none! Unbelievable!

There are NO sidewalks and provisions for public safety? 53rd Ave West between 88th and 92nd has a decades long safety issue. Only recently, through the installation of speed bumps, has it become moderately more safe for pedestrians, children, and bicyclists. This proposal adds scores of daily car trips without any mitigation for pedestrian safety.

Sheet UT-01 Rain Garden Proposal -

I was a member of the city's LID citizens committee. The proposed raingarden is in the 10 foot ROW. Where is there room for pedestrians? Add 50 car trips per day (both projects) yet NO mitigation for increased traffic? The proposed RG location means that at such time when MUK does put in sidewalks, the RG will be removed. Also, given the existent grading (not the “improved grading”) they look good on paper, but are not an improvement.

Site Plan - Out of context of the built environment. Except to the west, this site is surrounded by non-tract homes. To the west, residents of Hargraves Place are enduring the egregious consequences of a poorly designed yet city-approved drainage infrastructure. The HG proposal looks to compound the troubles by inadequate soils and perc analysis. Too often Mukilteo developers get it wrong, and the city of Mukilteo spends hundreds of thousands of dollars to correct the permitted as-builts. In the case of HG, SEAPAC should be required to submit a 10 year \$1,000,000 Performance Bond, to get the city off the hook for their as-built mistakes and misdesigns.

Wildlife Impact - Bald Eagles use the two OLD GROWTH firs on a daily basis. This is a critical habitat! As a 28 year resident, the HG site has a migration corridor for rabbits, deer, coyotes, mountain beaver, norway rats, possums, weasels, and amphibians. The on-site forest is home to not only Bald Eagles, but hawks and herons.

Environmental Health - Slight increase in noise levels? How determined? What is the ambient noise level now? Removal of scores of sound absorbing trees is not insignificant. Leaving Lot 1 as could provide a sure-as-shooting noise attenuation to the HG development.

The Two Oldest Trees in the entire city of Mukilteo! Almost 30 years ago, Mrs. Daffron told me the two large fir trees had been cored. They were about 250 years old. These are Old Growth trees! Now nearly 300 years old! Do these get the axe? Are they and the wildlife they support to be s**t-canned? Habitat be damned?

Numerous Critical Areas exist on the site. Wetland, drainage, and wildlife.

Since SEAPAC is soon to close on the adjoining Daffron property, unite the two properties into one plan. Start over. This is a brilliant site, with a decidedly UNbrilliant site plan.

Item 14 - Transportation - “Lot structures are conceptual and subject to change” At best, this is a weasel-worded description. Does this mean it is not possible to accurately determine the

number of cars or residents in said houses at this time. Is it possible there will be “home square foot creep”, “three car garage creep”, and “number of residents creep”? Specifics are necessary so concerned stakeholders can accurately assess and address numerous negative impacts.

There is more, but 4:30 on 11/30 nears.

This project as submitted is Do Not Pass Go, Do Not Collect Three Million Dollars!

Sincerely,

B. Jon Boyce
9011 53rd Ave. W.
Mukilteo, WA 98275
425-625-5278
swisslife@gmail.com

Lauren Balisky

From: Emmi Brant-Zawadzki <1nishiem@gmail.com>
Sent: Tuesday, November 30, 2021 11:52 AM
To: Linda Ritter; Lauren Balisky; Jennifer Adams; Matthew Geiger
Subject: RE: Damage Concern to our property by a Sea Pac Homes

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

We received the notification about the development behind our house.

We live in 9107 Hargreaves Pl, Mukilteo, WA 98275. My husband was got job from Providence Medical Center as Vascular Surgeon and relocated here 8 years ago.

Our property will be the lowest point in the west of development. In this past 8 years, our house flooded 3 times already. We have a few reputable drainage companies come and evaluate the source of drainage. All 3 companies agreed water was coming from Outside, East of our property and all the water in Rugosa Ridge since our property is the lowest point.

Each time, we had out work done by Bodine Company over past 8 years. Our crawl space wasn't good candidate for sum pump. In our last flooding, we have to have our drainage pipe connected to the street pipe. The cost of establishing the drainage system established is total \$15,000.

We also put many improvements in the yard (Establishing the drainage system and Vegetation planted). Our backyard improvement was approved by City a few years back. Despite all the effort we put, drainage has been still serious problem for us.

In the down pour, water almost come from the bottom of ground, eroding patio stone slate already.

Right now, all the vegetation hold the water. No matter what or who builds it, any kind of man-made structure erodes very rapidly with water. Having high wall constructed would be a safety risk and would definitely flood us even further and to the Hargreaves Street, which as you know flooding already as well.

We are asking that the Sea Pac Homes overall project for 11 homes be properly redesigned to eliminate the negative impacts of drainage, stormwater and erosion on all of the area and reconsider to save current vegetation behind our property line.

I included the pictures of what drainage is doing to our property.

Thank you for your time.

Best,













Peter and Emmi Brant-Zawadzki

Lauren Balisky

From: Bryan Carli <mrbyancarli@gmail.com>
Sent: Tuesday, November 30, 2021 4:13 PM
To: Lauren Balisky
Subject: Concerns Regarding Harbor Grove Subdivision, 9110 53rd Ave W

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

Dear Ms. Balisky,

I sent the following letter to Linda Ritter today, but I see that she is out of the office. So, I thought that I would send you a copy in order to make sure that my message is received by the appropriate individuals at the City of Mukilteo.

I am writing to express my concern regarding the proposed development at 9100 53rd Ave W, Harbor Grove Subdivision (SD-2021-001/ENG-2021-019/SEPA-2021-010). Our home is located at 9047 Hargreaves Place, which is west of and downhill from the proposed development. Our lot is at a lower elevation than the site of the new development and water currently flows from the higher lot around 9100 53rd Ave W toward our property. Over the past three and a half years of living here we have had a problem with ground water seeping from the eastern hillside portion of our property down toward the foundation of our home. The water seeps up at the foundation level causing our surrounding lawn to always be muddy and has caused excessive moisture issues in our basement.

I am concerned that the disturbance to the environment at the proposed Harbor Grove Subdivision will only exacerbate the water problems that are flowing westward toward our home. The removal of many trees, removal of topsoils, introduction of compacted material and addition of seven homes can only cause more water to seep toward our property.

I am also concerned about the runoff from the new development impacting the permeability of our unique impervious street on Hargreaves Place. Maintenance of the street has come at a high cost to the city and private property owners. I am concerned that the runoff from the development will introduce more organic material into the surface, requiring more frequent maintenance and reducing the permeability of the street.

Thank you in advance for being willing to listen to and address my concerns as a homeowner in Mukilteo.

Sincerely,

Bryan Carli
(909) 653-3011
9047 Hargreaves Place
Mukilteo, WA 98275

Gregory Chapdelaine
9101 Hargreaves Place
Mukilteo, WA 98275
November 30th, 2021

Linda Ritter
City of Mukilteo
11930 Cyrus Way
Mukilteo, WA 98275

Re: Harbor Grove Development Preliminary Plat Application

Dear Linda Ritter:

I am writing to comment on the proposed Harbor Grove development as a homeowner at 9101 Hargreaves Place in the Rugosa Ridge development. My property is due west of the proposed development.

I have serious concerns regarding the proposed development:

1. Height of proposed retaining walls and structure. The height of the proposed retaining walls and the required fill (up to 20') in some places in addition to the height of the residential structure will have a significant negative effect on my property in several ways. I am concerned for the height of the total proposed construction and do not believe the proposed development is in compliance with the height restrictions in the building code which should be measured from the existing, not improved grade. The proposed retaining walls would be directly adjacent to my property and would be significantly imposing due to the height and length of these alterations including the overall vertical profile of the completed structure comprised of the fill, retaining wall, and residences. The total height of the completed residence could be in excess of 50' above the existing grade and would tower over my property in an unacceptable manner. I am not aware that any variance was filed by Sea-Pac to request study or consideration of a structure that is not compliant with the maximum building height for residences in this RD12.5 zone of 30' which must be resolved by the applicant.
2. Adverse effect on groundwater flow and surface water. I have serious concerns for the potential impact on groundwater and surface water and drainage as a result of the combination of required alterations of the site including removal of native vegetation, addition of up to 20' of fill, prevalence of non-permeable surfaces, etc. My property and those of my neighbors on Hargreaves Place have already suffered from significant drainage issues that have required extensive and expensive remediation and I am

Linda Ritter

November 30th, 2021

Page 2

concerned the proposed development would add pressure to the groundwater table increasing groundwater flow to my properties and those of my neighbors. I am concerned for the effectiveness of the proposed scheme required to redirect the natural flow of groundwater and stormwater from the proposed development onto my property and those of my neighbors to mitigate potential increased groundwater and stormwater.

3. Other considerations. I have other serious concerns relating to the impact of the construction process including access to my property to perform the proposed site alterations, construction traffic on our local streets to haul 5,100 yards of fill and to perform the other site alterations and construction, the removal of forest vegetation and the resulting reduction in carbon-carrying capacity, and potential increased erosion of the Smugglers Gulch area.

I submit that the development application should be returned to the applicant for additional study and revisions to address these concerns. My property is at significant risk of damage as a result of this development due to negative impacts to ground and surface water drainage and the proximity to the new vertical profile of the raised grade, retaining walls, and residential structures. I am concerned for negative impacts to the quality of life of myself and my neighbors and for negative impacts to our property values.

Thank you for your consideration of my comments.

Sincerely,



Gregory Chapdelaine
9101 Hargreaves Place
Mukilteo, WA 98275

From: [Ronald Heiman](#)
To: [Linda Ritter](#)
Subject: Re: Harbor Grove Subdivision/53rd Avenue West
Date: Wednesday, December 01, 2021 3:57:45 PM

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

Dear Ms. Ritter,

Please note that I would like to be notified of any hearings regarding this proposed application for development. Thanks so much!

Ron Heiman

On Tue, Nov 30, 2021 at 4:51 PM Ronald Heiman <ronaldsheiman19@gmail.com> wrote:

Dear Ms. Ritter:

The email, prior to 4:30, bounced back. I made a mistake in addressing it. Please consider my comments none the less. Thanks and have a good evening.

Ron

----- Forwarded message -----

From: **Ronald Heiman** <ronaldsheiman19@gmail.com>

Date: Tue, Nov 30, 2021 at 4:29 PM

Subject: Harbor Grove Subdivision/53rd Avenue West

To: <lr Ritter@mukilteo.wa.gov>

Dear Ms. Ritter:

Thanks for considering my comments below as the City makes decisions regarding the proposed development. In preparing to make these comments it has been sobering to speak to people that will undoubtedly be negatively impacted by this project. Secondly, as a nearly 20 year resident of Mukilteo I am concerned about the liability and expenses that the City (taxpayers) will take on once SeaPac leaves the scene and moves on to its next project.

WATER: As mentioned above in preparing to write this email I have had the opportunity to talk to property owners from the immediate neighborhood of the project all the way to Olympic Terrace in Smuggler's gulch. The consistent theme/narrative of all these property owners is that they have current and consistent issues with water/flooding/erosion. It is particularly heartbreaking to hear that almost EVERY home owner on Hargreaves Place (immediately west of the project) has experienced varying degrees of excess water that threatens their property and has in many cases have cost them thousands of dollars of clean up and attempts at prevention. Similar stories can be found on Surrey Lane and Smuggler's gulch, where the city is constantly dealing with erosion issues. Given the above, it is undisputed that the City currently has a deeply flawed storm water system when it comes to these communities. It is currently a broken/flawed system that causes these communities to live in fear of rainstorms. It is within this context that the City is presented a plan that will greatly increase the volume of water heading towards these communities. The people West of this new proposed development, aren't just irritated they are fearful. And based on what I have learned from them, it seems their fear is justifiable. People much smarter than

me with experience in engineering and work in city government have already made detailed comments about what they believe is a very, very questionable plan proposed by SeaPac to mitigate the increased volume of water as the land is significantly cleared. I look forward to the City, on behalf of all Mukilteo taxpayers, responding to those concerns in a diligent and sincere way that is mindful of protecting existing communities and residents of Mukilteo and not just the interests of the developers or the never ending desire of Mukilteo to have more access to additional property taxes.

As mentioned above I am aware of others pointing out specific concerns in great detail about the proposed drainage plan, so I will not take your time repeating those relevant questions already posed to the City. However, I would like to request that the City account for a few things I have learned about that area that may not have yet been referenced. Having lived in the area of the project for a long time, **I am aware of the 2013 LID study** that was done at the expense of local and state taxpayers. As the City knows, but SeaPac does not seem to reference in their proposal, that study found that the area in question is a significant absorption area. I am hopeful that the City will not fail to respect the findings of this taxpayer financed, meticulous study and when considering this project note that the project will wipe away an area determined to be significant for water absorption in terms of water flowing from Paine Field to the Sound.

In addition, I have learned of a 2010 study by Pertect Engineers that determined that within the proposed sight is a wetland. Please, please consider both of these facts based on science, if not for the benefit of existing communities at least in terms of avoiding liability for negligence if the proposal is approved given what is clearly documented in Mukilteo records about the critical role this land plays in the overall drainage system. A system that is already flawed.

Though my comments may seem pessimistic or suspicious of the process, I am hopeful that given all that the City knows about the importance of the proposed building site and the already suffering westerly neighbors, that the City will do the right thing for the impacted communities and all Mukilteo taxpayers hopeful that their hard earned contributions will not have to be doled out over the next few decades to residents suffering from the fall out of this decision. I realize it is the tendency of a community to want to grow and increase its tax base. But it is also the role of a community government to look out for existing communities and their interests. In the case of this development, the City needs to look at all facts and either downsize this project or come to the reality that the proposed building site is not suited for any significant development

Thanks for your time and attention to this

Ron Heiman

Comments on Planned Development by Sea Pac Homes at 9110 53rd Ave. W Mukilteo, WA 98275. Dated November 30, 2021

Introduction: The following comments are submitted to the City of Mukilteo Planning Department by a Mukilteo resident.

Contact: Sandra Marie Hoffman
9005 53rd Ave. W
Mukilteo, WA 98275
206-240-4275
<sandiehoff@comcast.net>



Received by Email

2021-11-30

Item 1:

In the City of Mukilteo Smuggler's Gulch Stormwater Retrofit Study which was conducted by Perteet Inc. of Everett, Washington and dated August 27, 2010, Perteet provided maps showing that on the development site in question(9110 53rd Ave. W) there is a wetland on the property on the west side of 53rd Ave. W with a northern border approximately 150 south of the creek at the north side of the two tracts(Harbor Grove Phase 1, and the adjoining tract which Sea Pac Homes is also purchasing). In the Sea Pac Homes material provided in records available to the public, there is no mention of this wetland. Said wetland is in the area which Sea Pac Homes plans to construct homes. It is this author's understanding that wetlands are protected under City, State and Federal regulations and that construction of any sort on such wetlands requires extensive study and mitigation. Sea Pac Homes and the City of Mukilteo must provide documentation as to why a City of Mukilteo sponsored study is apparently being disregarded.

Item 2:

Sea Pac Homes has submitted soils and hydrology reports conducted in the spring and summer of 2021 on the site in question(9110 53rd Ave. W, Mukilteo, WA 98275). To date, these reports do not indicate how this project will affect properties downslope from the site, including properties on Hargreaves Place and Surrey Lane. Homes on those streets already experience flooding in yards and basements during severe rain events. The Sea Pac Homes development will severely reduce the natural passive stormwater retention on the site by creating impervious surfaces on more than 40% of the site and also removing 75% of the mature flora. Sea Pac Homes must provide data showing that further studies have been done to address these questions.

Item 3:

Sea Pac Homes has, in its history, been subject to a number of complaints both by purchasers of their homes, and residents near their projects. These complaints are documented up to the state level. To ensure that should the Harbor Grove Phase 1, and presumably Harbor Grove Phase 2, developments are allowed to

Comments on Planned Development by Sea Pac Homes at 9110 53rd Ave. W Mukilteo, WA 98275. Dated November 30, 2021

proceed, Sea Pac Homes must be required to post a bond of not less than \$5,000,000 to cover any and all unforeseen impacts the project(s) will have on the surrounding neighborhoods. These impacts may include stormwater mitigation, soil subsidence and mitigation, utility upgrades, safety upgrades, wild life protection, road maintenance, and property damage.

Item 4:

The author submits that Sea Pac Homes began their studies in early 2021, if not before, as to the suitability of the site for a development. As a resident and member of a group of concerned Mukilteo citizens(Mukilteo Citizens for Safety and Protection) it is imperative that local government afford as much respect for its residents as it does for an outside entity in the form of a developer. Therefore, it is important that those who question the due diligence performed by the developer(Sea Pac Homes) on this project, have a commensurate amount of time to also conduct studies and to be allowed access to the site.

November 30, 2021

Linda Ritter, Senior Planner
City of Mukilteo
11930 Cyrus Way
Mukilteo, WA 98275



Received by Email

November 30, 2021

Re: Proposed Harbor Grove Subdivision
9110 53rd Ave West, Mukilteo, WA

Dear Ms. Ritter,

I have reviewed the documents submitted by Sea-Pac Homes to the City of Mukilteo for their proposed sub-division to construct seven single-family homes at 9110 53rd Ave West, Mukilteo. The applicant's submittals are not complete, and based on the submittals the proposed sub-division will result in environmental impacts that have not been addressed, alternatives have not been identified, discussed or evaluated. This proposal has potentially significant environmental impacts to the nearby properties and in other areas within the Smugglers Gulch watershed.

At this time the City should deny the applicants request for the required permits. If the applicant still wants to pursue a subdivision approval, the City must request the applicant for additional information and analyses, see my comments below. The applicant needs to prepare an evaluation of various alternatives and mitigation via the SEPA process, and lastly provide the public an opportunity to review and comment on the additional/new information and the SEPA analysis.

Provided below are my comments on the documents that applicant submitted to the City and were available for the public to review via the City's website.

(1) Comments on the Supplemental Application Form

Page 1, item #7 says: Lots per Acre = 2

item #8 states that the "Number of Proposed lots/units = 5"

The number of proposed lots and the size of each lot is different from what is stated in the SEPA Environmental Checklist (page 3, response to item 11). Here it states they are proposing 7 (not 5) single-family residential homes. The preliminary plans also say 7 lots. Please clarify the number of proposed lots/units.

(2) Comments on the Critical Area Reconnaissance Report (dated May 6, 2021)

This report was prepared for the neighboring property located at **9018 53rd Ave West** (Parcel 00611600015900) located north of the applicant's proposed sub-division. The applicant does not explain how the data and analysis presented in this May 6, 2021 Reconnaissance Report was extrapolated, analyzed and/or used to decide that there are no critical areas on the proposed sub-division (Parcel # 0061160005901). The applicant must prepare and submit a Critical Area Reconnaissance Report (as required in MMC 17.52) for Parcel # 0061160005901, the proposed sub-division. Since no Critical Area Reconnaissance Report was submitted for the proposed sub-division, the application is incomplete. Until the requirements of MMC 17.52 and the public has an opportunity to review and comment on that report, the City shall not move forward in moving forward in approving this proposed sub-division.

(3) Comments on the Geotech Report

Page 2, Project Description

The report says the total approximate area is 1.33 acres, the Supplemental Application and the Preliminary Plat Plans says the Gross Site Area = 2.43 acres and the New Site Area = 2.38 acres. Please clarify what is the correct size of the project.

The Geotech Report discusses the stormwater vault (2nd paragraph) but does not mention the discharge from the "Bypass Basin" area. (see comments below about the absence of any analysis/evaluation of the discharge from the Bypass Basin).

MMC 17.52.021 and 17.52.025 requirements are not met in the Geotech Report. This Geotech Report does not present, analyze or discuss mitigating the impacts this proposed development will have on nearby "critical areas".

Page 4, Landslide Hazard Areas

The current topography of the site may not have any "steep gradients" as defined in MMC 17.52.020, however after the site is developed (especially on the west side of the property) what are the impacts to the properties located to the west?

What are the landslide hazards to the properties downhill of the west property line after the 24 trees and vegetation in the Bypass Basin area are removed?

Will cutting down of these trees make this area less stable and prone to landslides?

Will the collected water from the Bypass Basin area be discharge to the west side neighbor's backyards? And will this discharge make the west side slope of the proposed development a landslide hazard area?

What evaluation has been done to analyze the impact of the Bypass Basin flows to the neighbors' property on the west side? Jennifer Adams (City of Mukilteo's Surface Water Manager) indicated receiving a complaint from a homeowner located on Hargreaves Place (adjacent to the west side of the applicant's proposed development) of onsite runoff from the

current parcel and the property was very wet. At a recent meeting with the homeowners living on the north end Hargreaves Place, they have said their backyards receives a lot of water and they had to install drainage systems.

What alternatives have been evaluated for the discharge from the Bypass Basin area? Has the alternative of routing the water collected in the Bypass Basin area to the underground vault been evaluated?

Page 10 Retaining Walls

This report says drainage is proposed to be provided behind the retaining walls and connected to an approved discharge location. The applicant's documents do not analyze, discuss alternatives, or mitigation for the discharge of this drainage. All that is mentioned in the Storm Drain Report, is that the Bypass Basin is 0.46 acres, or 19% of the developed conditions. There needs to be more evaluation of this proposed discharge of drainage from the Bypass Basin area. Currently, the neighbors on the west (houses on north end Hargreaves Place) have excess water entering their backyards. What will this development do to prevent/mitigate the runoff or seeps from entering these neighbors' backyards?

(4) Comments on the Preliminary Storm Design Report

This report does not analyze, discuss, or mitigate the impact(s) of the discharge from the post developed site drainage and discharge, including its impact on the existing flow conditions of Smugglers Gulch Creek or other nearby drainage ways. Without this analysis, the City Council cannot make formal written findings that the applicant has plans for appropriate provisions to protect public health, safety and general welfare including the impact of the drainage ways as required in MMC 16.12.050.

The Preliminary Storm Design Report violates MMC 16.12.010. C.2.e since it does not discuss the disposal of stormwater from the Bypass Basin, nor of the Rain Garden. What are the downstream water quality and quantity impacts to neighboring properties, who will be managing these storm design structures, and what assurances will the property owners and/or developer guarantee that these storm water system operate properly? The city should require financial assurance (e.g., performance bond) from the developer to cover at least the first five years of maintenance and operations expenses in case these systems fail, and the city has to step in and take over these systems

The application is incomplete since it did not include a Hydrology report as required in MMC 15.16.060 for sites with a mass clearing and grading and development of a proposed sub-division site. According to MMC 15.16.060 D. 6. the hydrology report shall include: :

“...an adequate hydrology study of the drainage basin in which the development site is located, conclusions setting forth existing and future changes in the hydrology and the extent of significant effects on the surrounding and downstream properties as a result of the proposed clearing, grading and development and design criteria for corrective measures whenever necessary, together with opinions and proposed project conditions. Recommendations included in the report shall be incorporated in the plans, specifications, or support material.”

Also, the application is incomplete since it did not include an Engineering Geology Report, including the extent of significant effects of the site development upon the surrounding properties by the proposed clearing and grading. This is required by MMC 15.16.060 D.5.

Page 3.6, Section 4.2 Vault Performance

The calculated “required” space of the wetvault is only 98% of the “provided” space, which provides 2% volume for rainfall events greater than the 2-year 24-hour rainfall events. - What does this mean for the downstream impacts (flow quality and quantity). It is my understanding that the developer and homeowners are responsible for the inspection and maintenance of this vault. How is this wetvault inspected and maintained on a regular basis? How will the homeowners be notified of their responsibility for the inspection and maintenance of the wetvault? What happens if the vault maintenance is not kept up? The City should require the Developer and homeowners to provide an assurance bond for the City to use in case they have to do emergency maintenance and cleanouts.

The discussion about discharges from the vault to the existing stormwater collection line on 92nd Street SW does not analyze if the existing 92nd ST SW stormwater line can take on additional flows, especially during high storm events. And what would happen if the capacity of the existing line reaches full capacity? Is the excess water backing up to the project site, and flowing along the road ditches of 53rd Ave West, or will it go via overland flow via the road surfaces and into the neighboring properties either along 53rd Ave West of 92nd Street SW. This capacity issue needs to be evaluated and presented for public review and comment before the City can decide on whether the wetvault has been adequately sized and whether the 92nd ST SW stormwater line can accept this additional flows.

Page 4.7, Section 4.3 Water Quality Analysis and Design

This Storm Drainage Report should compare the pre-development and post-development runoff volumes and analyze the impacts to the neighboring properties and other areas in the downstream areas of Smugglers Gulch Basin. The City should require the applicant to complete a SEPA analysis and look at the alternatives and mitigation for the management of the runoff. For example, what will be the resulting increase in flows and water quality impacts to Smugglers Gulch Creek with the addition of drainage from the Rain Garden, detention vault and Bypass Basin? What would the result be if Bypass Basin flows are routed thru a detention vault (either thru the proposed wetvault or another detention vault located near the Bypass Basin area)? What are the pre-development and post-development storm flows? During post-development what is the cfs and percent increase of flows during various times of the year? How does it compare to the pre-development conditions?

The section of the analysis says the detention/wetvault’s simulated daily volume (which represents the upper limit of the range of daily volumes) accounts for 91% of the entire runoff volume over a multi-decade period of record. What geographic area does this decade period of rainfall record represent? Is this rainfall record obtained from an area that is in close

proximity to the Smugglers Gulch watershed? Are there any rainfall records from Paine Field or Everett that can be used for this analysis (instead of the SEATAC rainfall region – Section 4.1, page 4.1)? And what is the basis for the Scale Factor of 0.833 mean and how is it used in the calculations?

In the last decade, the rainfall events have been larger and with longer durations. The city should analyze how the size of more recent storm events affects the design capacity of the wetvault. The City should be more protective of downstream stream impacts, require more vigorous upstream storm control systems, starting with the Harbor Grove wetvault system and not put the burden of future retrofits on the Mukilteo citizens. The City has already witnessed and experienced the impacts to the lower Smugglers Gulch Basin during the December 2007 storm event. And subsequently monetarily compensated the affected neighborhood for damages that occurred downstream in Smuggler's Gulch Creek. The City should start being more proactive in making decisions that will impact neighborhoods that could be affected by storm related discharges and the associated decisions, especially when climate change has affected the rain events (intensity and frequency).

(6) Comments on the Environmental Checklist:

1. Earth

According to MMC 17B.52A.010:

“The purpose of this chapter is to designate geologic sensitive areas in the shorelines management area and **to regulate development activities in or near geologic sensitive areas** to safeguard the public health, safety and welfare.” (*emphasis added*).

“Several geologic conditions influence development on or adjacent to slopes including: slope inclination, soil types, underlying geology, groundwater and seepage, surface water runoff and vegetative cover. Therefore, for the purposes of this chapter, a geologic sensitive areas map has been prepared for the city that will be used to determine when additional site analysis will be required as a condition of development.”

The City's Critical Area map (pdf copy attached) indicates there are steep slopes to the west of the proposed project. The applicant has not evaluated nor discussed mitigation of the potential impacts this project will have on these steep slopes.

Also, in the City of Mukilteo's Pre-Design Report of the Smuggler's Gulch Stormwater Retrofit Study (dated 8-27-2010, prepared by Perteet) Figure 1.2 identifies a wetland area on the proposed sub-division about 175 feet south of where the creek goes under 53rd Ave W. (A copy of Figure 1.2 is attached.) The applicant needs to address the impacts to this wetland, alternatives to not disturb this wetland and mitigation for its loss if the applicant intends to fill in this wetland area.

3. Water

a. Surface Water:

The applicant's response to the question "is there any surface water body on or in the immediate vicinity of the site (including year-round and season streams...)" is incorrect. Less than 150 feet north of the NE corner of the property is a year-round stream that the applicant proposes to receive the rain garden discharges. There is no analysis or discuss about the quality or quantity of flows that will be discharged from this rain garden. And yes, the applicant is proposing work within 200 feet of this year-round stream.

Also, the applicant proposes to discharge the Bypass Basin flows west overland existing drainage channels which connect to Smugglers Gulch creek. Neither of the Bypass Basin nor the Rain Garden proposed discharges were analyzed to determine its impact (water quality or quantity) to Smugglers Gulch Creek and its downstream uses.

The application is incomplete since there was no Critical Area Reconnaissance Report for the 9110 53rd Ave West parcel. The applicant must submit this report before the City can begin to evaluate this sub-division proposal.

c. Water runoff

The applicant is proposing to install a "french drain" and other collections systems to capture the runoff from the western portion of the site (the Bypass Basin). This has not been addressed in the Environmental Checklist form; therefore, the application is not complete. The adjacent neighbors located to the west of the proposed site has complained about excess water coming onto their property from the existing site. The applicant has not proposed any mitigation for the current excess runoff or seepage from its property to the western neighbors. And this issue has not been discussed nor addressed in any of the documents submitted by the applicant. Before the City can review this applicant's sub-division request the applicant must provide this information, the analysis and mitigation.

Page 7, 4. Plants, part b and c)

The applicant proposes to remove 74 significant conifer trees and 12 significant deciduous trees (total 86 significant trees), and 27 significant trees will be preserved. 76% of the significant trees will be cut down. The applicant proposes to retain only 27 of the 101 significant conifers, and not retain any of the 12 significant deciduous trees. On map 12 in the Preliminary Plat Plans, the applicant proposes 20 replacement trees (16 deciduous and 4 conifer), and 230 shrubs. None of the trees on the western side of the subdivision will remain and no plantings are planned in this area. The applicant does not provide any analysis of how this removal of a forest canopy will impact the area. The City's web site states:

Mukilteo's beauty is largely attributed to our waterfront, and our massive green spaces. They play a significant role in creating the high quality of life we enjoy. Trees are also a valuable resource that provide a variety of public benefits to the community such as stormwater retention, improving water quality, stabilizing slopes and creating wildlife habitat.

Since the applicant is proposing to cut down 76% of the significant trees on a 2.38 acre lot, the City should require a SEPA analysis per MMC 17.84. And before the City can approve this proposed subdivision, the applicant should evaluate and discuss the impacts of cutting down all these trees and submit it to public review and evaluation and also provide a discussion of feasible alternatives to not cut down these many trees, especially on the western part of the property. Here are my questions about the cutting down of 76% of these significant trees:

- the applicant needs to explain why these significant trees need to be cut down,
- will the removal of the trees and other vegetation on the west side of the property, adversely impact land stability? The applicant has not provided any analysis of land stability for their proposed plan.
- will it increase the amount of stormwater runoff?
- will cutting down 76% of the significant trees affect the local wind patterns in the area and adversely impact the stability of the other trees in the neighborhood that was protected by the existing 86 significant trees. Many years ago (I think about the early 2000's), the developer of the property adjacent to the Mukilteo Speedway and south of the Staybridge Hotel cut down the trees in this proposed development except for a row of trees along the east side of the property (adjacent to the Speedway). When a windstorm came through one (or more) of the remaining trees that was formerly protected by the forest or grove of adjacent trees, fell down onto the Speedway and killed a driver in a passing car. After this tragedy, the remaining trees were cut down and to this day this property is denuded and an eye-sore in the City of Mukilteo.

5. Animals

The discussion of animals on the existing property is not complete. There are other wildlife located on or near the existing property. I have observed the following list of birds and animals near the site:

Barred Owls, Anna's Hummingbird, Red-Breast Sapsucker, Downy Woodpecker, Northern Flicker, Pileated Woodpecker, Great Blue Heron, Cooper's Hawk, Bald Eagle¹, Red-Tailed Hawk, Northwestern Crow, Steller's Jay, deer, racoons, weasel, mountain beaver, coyote, and salmonid species.²

¹ MMC 17.52C.130 Perf. Standard #3 states: Bald eagle habitat shall be protected pursuant to the Washington State Bald Eagle Protection Rules (WAC 232-12-292).

² In April 1996, members of the Smugglers Gulch Creek HOA walked Smugglers Gulch Creek with Tony Opperman (biologist with WA Fish and Game) and he used a device to capture fish from the creek. He brought up several salmonid species. He also observed salmonids in the first 100 feet of the creek upstream of the railroad track where the creek enters Puget Sound. With the City's proposed project to replace the 61st Place Culvert over Smugglers Gulch Creek and the downstream streambed this will make the creek potentially habitable for fish passage. In the City's 8-27-10 Pertee Report (Smuggler's Gulch Stormwater Retrofit Study) page 9, it says: "The City of Mukilteo staff have coordinated with the Washington Dept of Fish and Wildlife and determined the channel upstream of 61st Street culvert crossing is not conducive to fish habitat. However, with

MMC 15.16.060.D.7. has not been satisfied, since the impacts to the wildlife have not been discussed, alternatives not provided and neither has mitigation been identified. This analysis needs to be prepared and shared with the public for review and input. It needs to include an analysis of what the impacts to wildlife living in or near the proposed development if the area is cleared and graded. Also the applicant needs to look at alternatives to cutting down all those significant trees, can their proposed plat of homes be reduced or located away from the western edge of the property? Can less significant trees be cut down?

Once again, the applicant's proposal and submittals are not complete.

The City should require the applicant to submit an Engineering Geology Report, including significant effects of the site development on the surrounding properties proposed by the clearing and grading. The City should also require the applicant prepare and submit a hydrology report which includes an adequate hydrology study of the drainage area.

In summary, the applicant's submittals are incomplete and not consistent with SEPA and MMC. The applicant did not submit a Critical Area Reconnaissance Report for the parcel, their submittals do not describe the impacts of their proposal (nor does it analyze the impacts to areas outside of the parcel), they have not provided an analysis of alternatives, nor has the application presented any mitigation proposals.

Thank-you for the opportunity to comment on the proposed Harbor Grove application.

Sincerely,



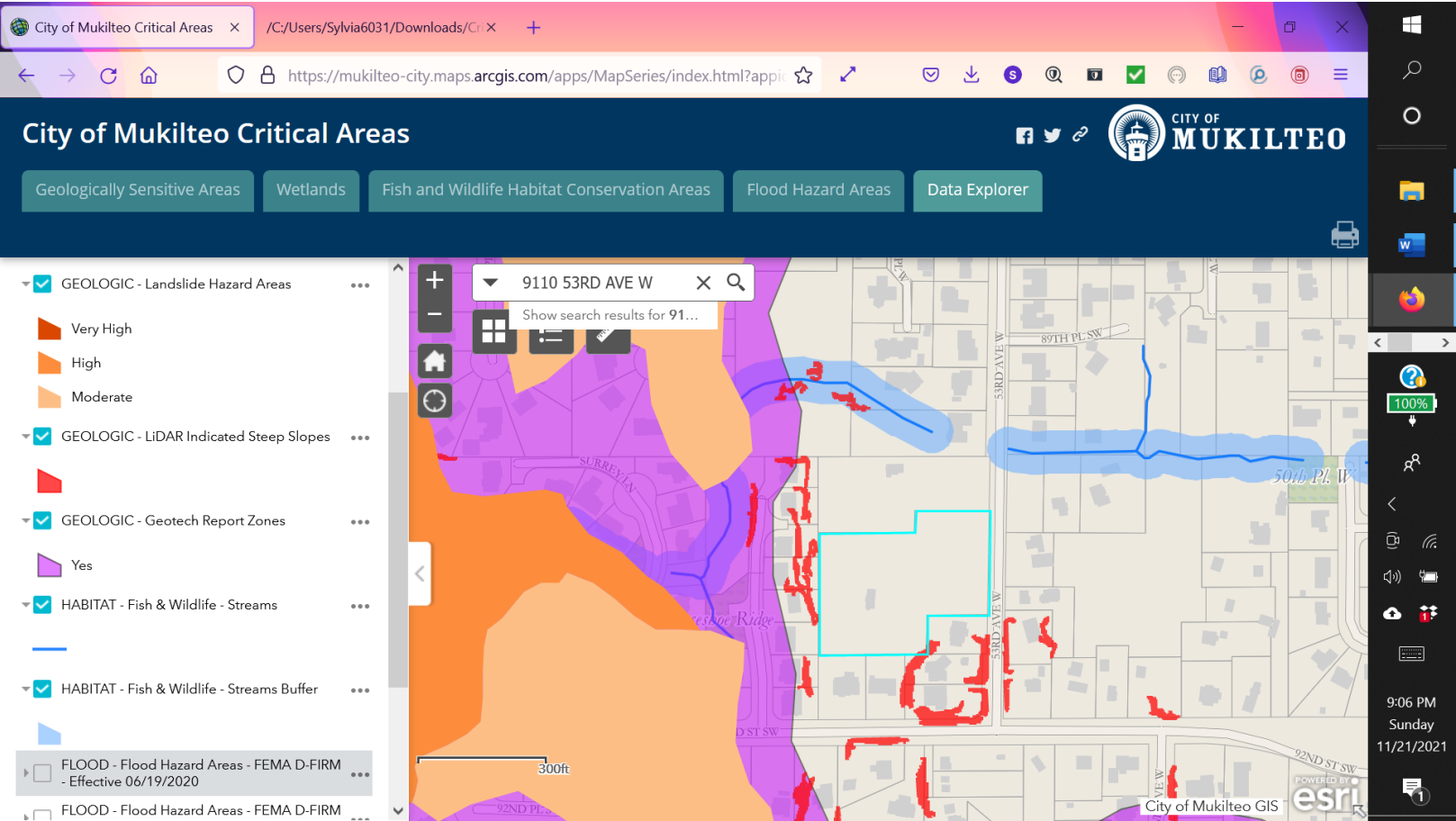
Sylvia Kawabata
6031 88th ST SW
Mukilteo, WA 98275
Sylvia6031@comcast.net

Attachments:

Critical Area Map near 9110 53rd Ave W
Pertteet Figure 1.2

the replacement of the 61st Place Culvert and retrofitting the downstream channel, the lower reaches of Smuggler's Gulch Creek could be viable fish habitat.

From the City of Mukilteo Critical Areas

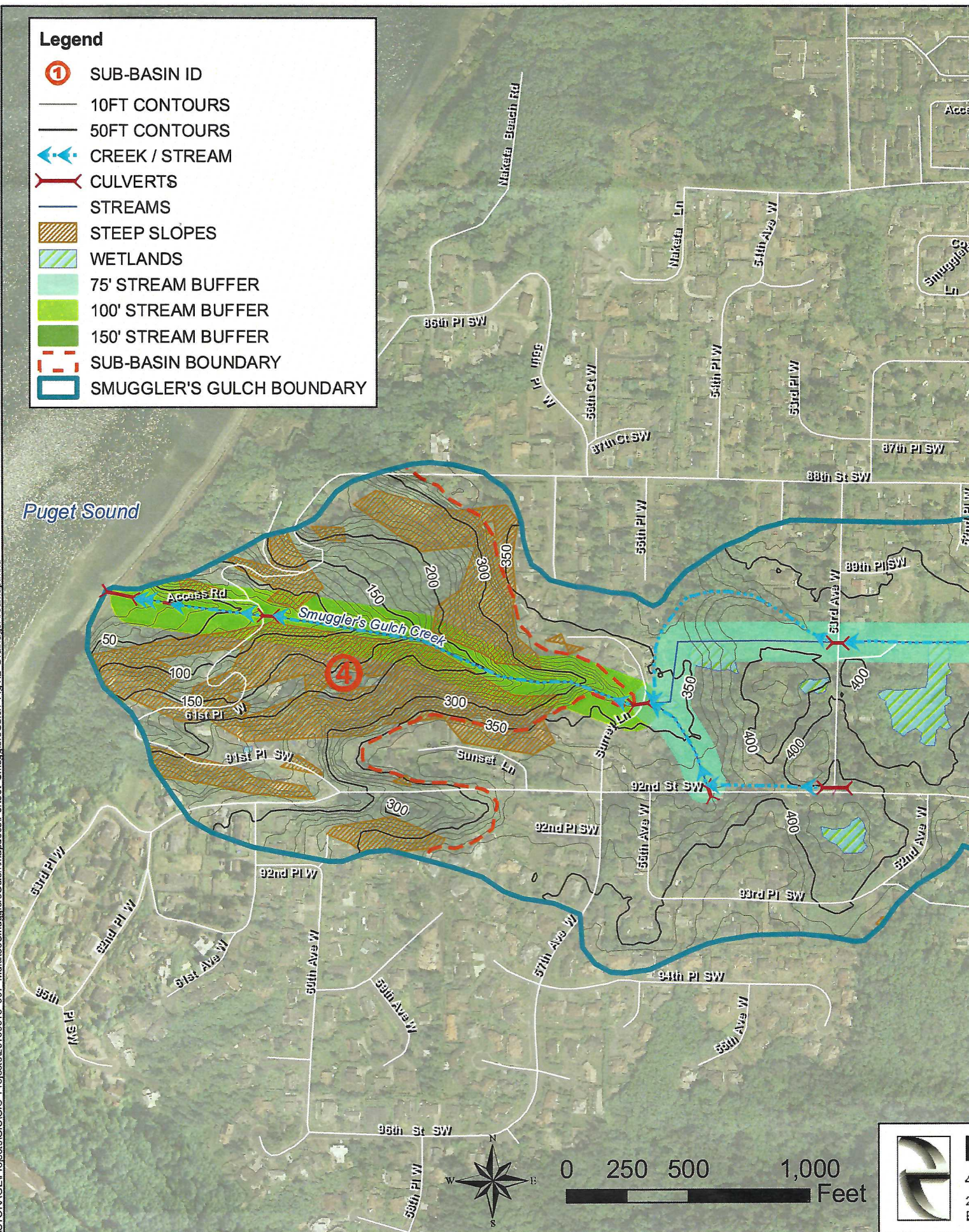


Legend

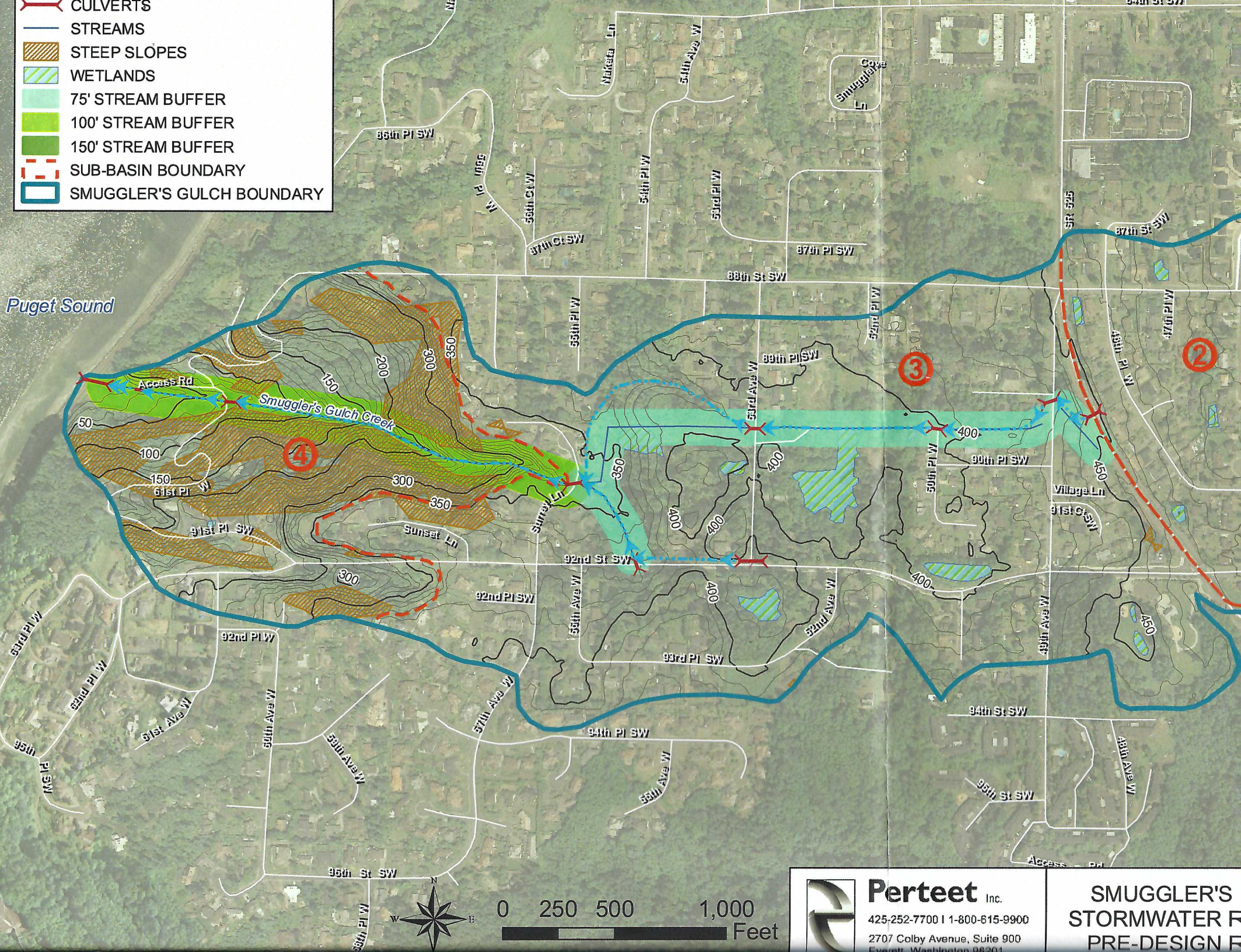
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- 10FT CONTOURS
- 50FT CONTOURS
- ← CREEK / STREAM
- X CULVERTS
- STREAMS
- STEEP SLOPES
- WETLANDS
- 75' STREAM BUFFER
- 100' STREAM BUFFER
- 150' STREAM BUFFER
- SUB-BASIN BOUNDARY
- SMUGGLER'S GULCH BOUNDARY

Puget Sound

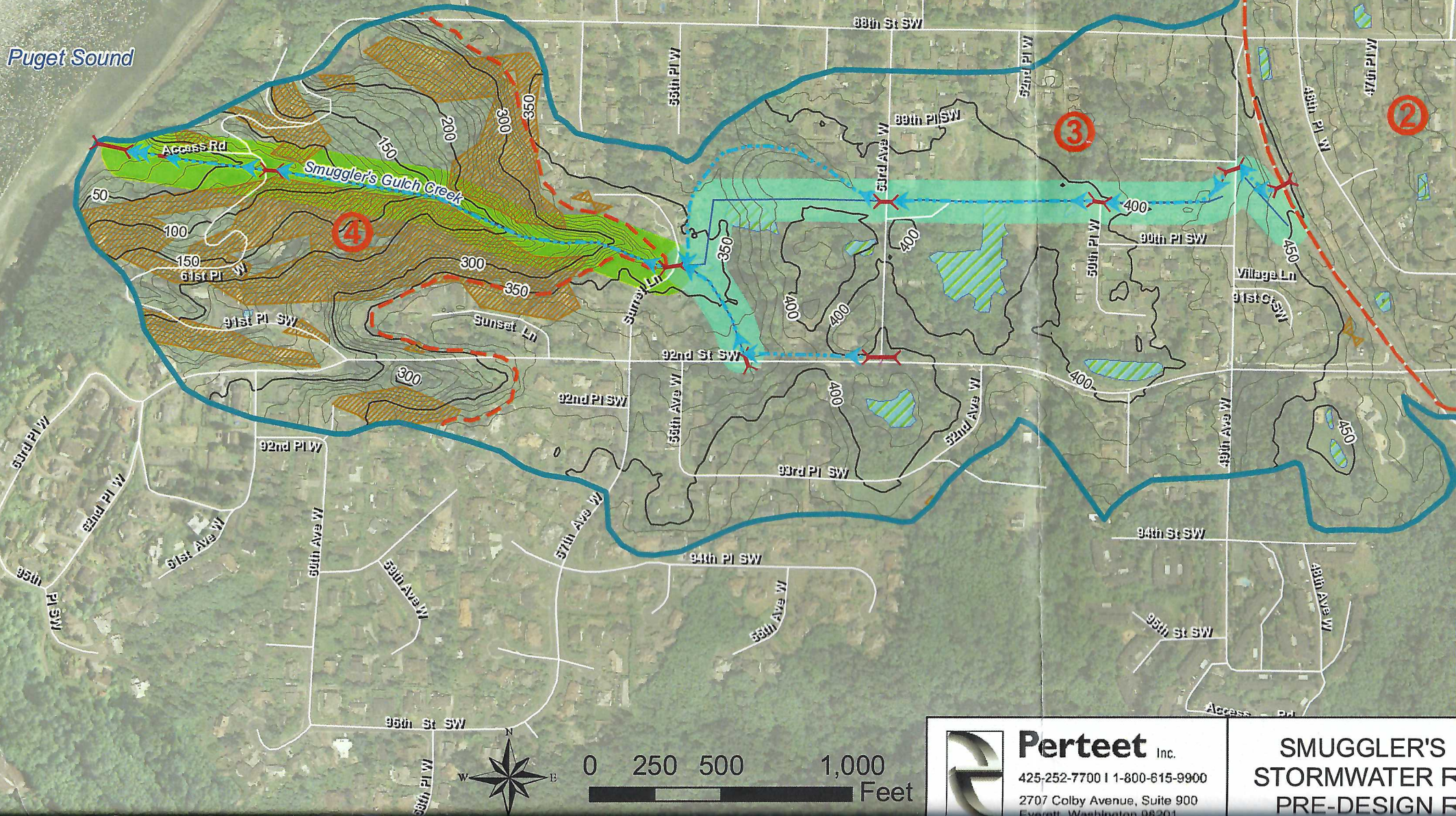
\\STORAGE\Projects\GIS\GIS Projects\20100016_007 MukilteoSmugglersGulch\mapdocs\Perfret SmugglersGulch Fig.1.2 DrainageAreaMap.mxd

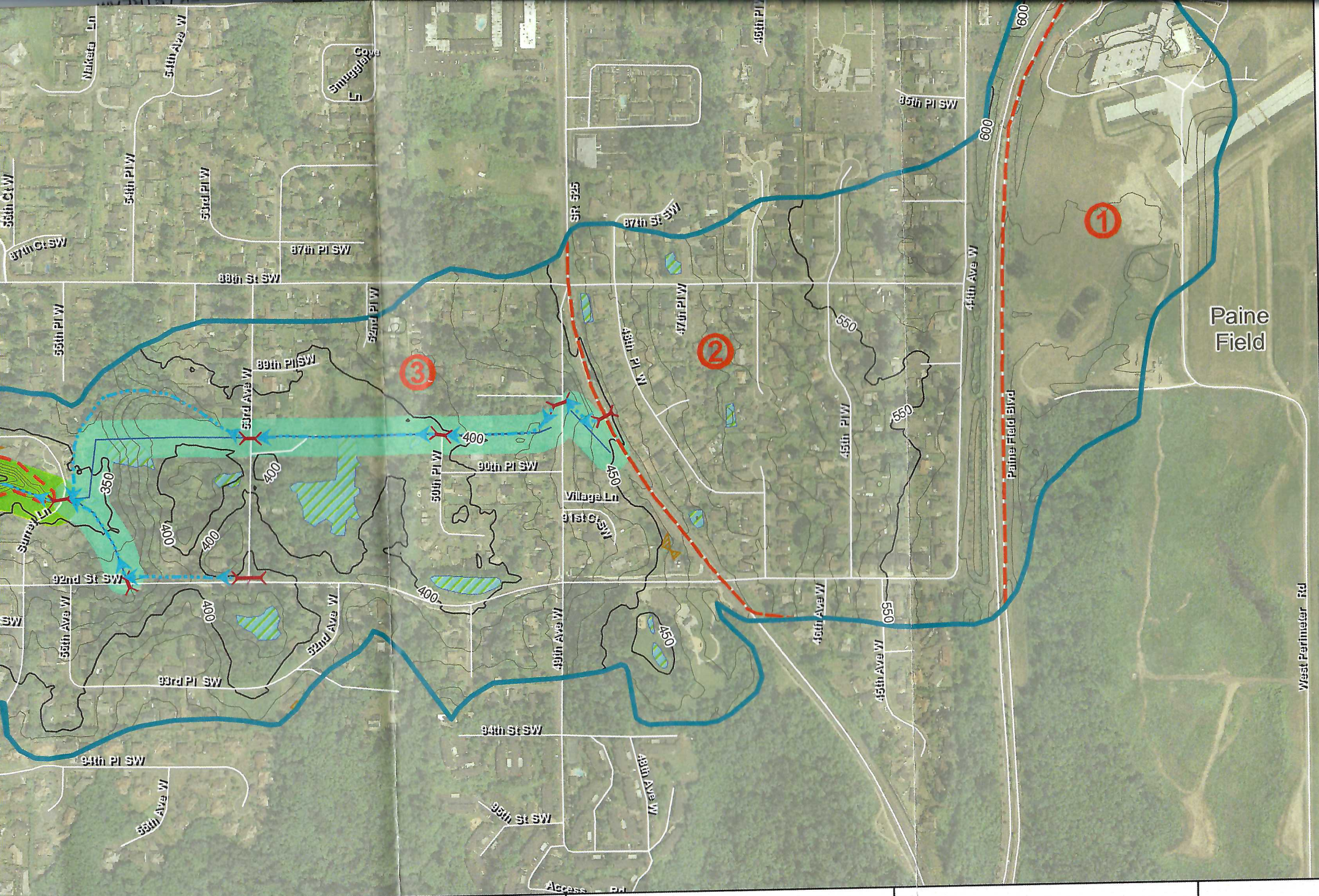


Source: City of Mukilteo (2007), Snohomish County (2007)



-  CULVERTS
-  STREAMS
-  STEEP SLOPES
-  WETLANDS
-  75' STREAM BUFFER
-  100' STREAM BUFFER
-  150' STREAM BUFFER
-  SUB-BASIN BOUNDARY
-  SMUGGLER'S GULCH BOUNDARY





250 500 1,000 Feet



Perteet Inc.
 425-252-7700 | 1-800-615-9900
 2707 Colby Avenue, Suite 900
 Everett, Washington 98201

SMUGGLER'S GULCH STORMWATER RETROFIT PRE-DESIGN REPORT

DRAINAGE AREA MAP

FIGURE
 1.2

From: [Paolo rocca](#)
To: [Linda Ritter](#); jimv@mukilteowwd.org
Cc: [Jennifer Adams](#); [Joe Marine](#)
Subject: Paolo Rocca
Date: Tuesday, November 30, 2021 4:20:05 PM

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

Hi Linda,

I am sending this email to echo the many concerns of more than 40 households, regarding the development on a 2.43 acre site at 9119 53rd Ave W; this is a high footprint development, with 3000sq homes and destruction of 75% of the native vegetation, which is an absolute abomination to any common sense resident of Mukilteo. I am aware that you have been flooded with letters of concerns, so I will keep mine short.

I am CC this email to our Major Joe Matine, whom I proudly voted for, to make him aware of an unfolding situation that could turn catastrophic, if not promptly and properly addressed.

The above-mentioned planned development has not been properly studied and the increased load of stormwater drainage to the many households living downhill has not been properly addressed. I refer the reader to the technical letter send by our Rugosa HOA (signed by D. Tyler and B. Carli) for the technical details of our concerns. The disruption caused by insufficient stormwater drainage would be massive, potentially affecting hundreds of houses west and downhill of the development, let alone the creek and the NGPA west of Hargreaves

We, the Rugosa HOA, have been cursed by having the only permeable pavement road of the whole Mukilteo; it is already expensive and difficult to maintain, as MKT city already knows, and it is NOT designed to support an extra load of stormwater drainage, from the proposed development insufficient drainage plan. Furthermore, 4 out of 10 households on Hargreaves PI have had already drainage issues in past 7 years and those 4 homeowners have already spent thousands of dollars, hoping to fix those issues.

I strongly invite you to read carefully the many letters that the whole neighborhood (east and west of the proposed development) have sent your way, and to review very carefully the Rugosa HOA technical letter sent with the concerns regarding the insufficient stormwater drainage plan by the builder. Once again, the disruption caused by a poor or insufficient stormwater drainage would be massive, potentially affecting hundreds of houses west and downhill of the development, let alone the creek and the NGPA west of Hargreaves. At a meeting I attended yesterday (30 person), a newly forming wide neighborhood association is already extremely worried and considering in due time to hire both a lawyer and a technician.

Finally I notify by this writing that I will keep the MKT City Hall accountable and liable for any issue to my house and the neighborhood, caused by releasing a permit to the builder of the

above mentioned development, without a strong and well-studied stormwater drainage system and his effects to the downhill houses.

Sincerely

Paolo

PAOLO ROCCA, MD

IM hospitalist at PRMCE

Harbor Grove Subdivision – Public Comments (November 30, 2021)
Mukilteo File No(s): SD-2021-001/ENG-2021-019/SEPA-2021-010
Location: 9110 53rd Avenue W. (Parcel No. 00611600015901)

RECEIVED

NOV 30 2021

CITY OF MUKILTEO

Greetings,

As part of the public comment window for the Harbor Grove property development on 53rd Ave., I wanted to call out a few items for awareness:

#1: I noticed the environmental review didn't show the mountain beaver population. As a next door neighbor, I've witnessed these creatures coming into my property from the development area. I hired animal control to remove a couple of them which was a successful venture back in 2019. Just calling this out as it seemed odd the various holes in the ground didn't signal their existence. We actually have significant animal life back there including rabbits, deer, a multitude of birds, squirrels, and more...

#2: Do we have security regarding the retaining walls to ensure they don't divert water runoff into my lot (located in the SW corner of the development area)? Just trying to ensure nothing weakens the large corner tree or floods my lot.

#3: Will any of the tree removals affect the trees on my property? I'm not sure how far the roots go over but it could be detrimental if they reduce the root structure, especially in our wind storms.

Thanks for listening.

Cheers,



Brandon Rudd
5353 92nd St. SW
Mukilteo, WA 98275
206.235.1886

From: [Allie Schmahl](#)
To: [Linda Ritter](#)
Subject: Proposed SeaPac proposed development- 9110 53rd Ave W Mukilteo Wa 98275
Date: Tuesday, November 30, 2021 9:57:14 PM

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

I just got home from thanksgiving holiday and wanted to send this. I hope this can be honored.

I am extremely concerned about the environmental impact, ground water runoff and traffic on the proposed development proposed by SeaPac for 9110 53rd Ave W Mukilteo Wa 98275.

Let me know what questions you have,

Allie Schmahl

RUGOSA RIDGE HOMEOWNERS ASSOCIATION

November 30, 2021

Linda Ritter, Senior Planner
City of Mukilteo
11930 Cyrus Way
Mukilteo, WA 98275

**RE: Harbor Grove Preliminary Plat Application
9110 53rd Ave W**

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NOV 30 2021

CITY OF MUKILTEO

Dear Linda,

This letter concerns a proposed 7-lot subdivision application and is submitted on behalf of the Rugosa Ridge Homeowners Association (HOA). The Rugosa Ridge Subdivision consists of 10 lots located on Hargreaves Place. Hargreaves Place is one block west of 53rd Ave W. The proposed development site directly abuts four properties in Rugosa Ridge. The primary concerns of the HOA are related to drainage and stormwater runoff, and the use of large retaining walls that would allow the project site to be filled to a higher elevation.

Background: Rugosa Ridge was built out over several years as a planned development. A key element of the Rugosa Ridge subdivision is Hargreaves Place, a low impact development feature consisting of permeable pavement. The development lacks a typical centralized stormwater detention feature found in most projects. In this case, the street provides the primary stormwater detention and treatment functions by infiltrating rainwater. We note that due to its design Hargreaves is very sensitive to dirt, silt and debris accumulation and when it gets dirty it does not infiltrate properly. It must be cleaned on an ongoing basis. Cleaning of the street is a highly specialized process that costs the City and private property owners a considerable sum.

A. Stormwater runoff and erosion.

Almost the entire site proposed for development is currently forested. The proposed project would remove all of the vegetation from the western portion of the site and there would be up to 20 feet of dirt placed above the existing ground level. Because the land slopes down to the west, removal of the vegetation and filling the site will result in an increase in site runoff, with potential storm drainage and erosion impacts on Hargreaves Place and the adjoining lots 3, 4, 5 and 6. Hargreaves Place is not designed to accommodate stormwater from developments outside of Rugosa Ridge. It already floods during heavy rains. Any soil erosion that occurs during construction or post-development could have a negative adverse impact affecting not only private properties, but the City of Mukilteo. Both parties have a mutual interest in preventing erosion and sedimentation impacts on the Hargreaves Place, which means potential impacts on the street must be considered during the project review.

There is a history of basement flooding and wet yards for properties on the east side of Hargreaves. The owner of Lot 5 (author of this letter) has spent thousands of dollars on drainage improvements to move

water away from the house foundation. Others, including Lots 3 and 8, have spent similar amounts. There is a clay layer in the soil causing groundwater migrating down from the east to daylight, resulting in water problems for these property owners, including those abutting the subject property. The proposed development threatens to make this situation worse by filling the site and removing vegetation, which helps absorb stormwater and prevent it from moving off-site.

Smugglers Gulch Creek runs through the north and western portion of the Rugosa Ridge development within a NGPA tract owned by the HOA. Hargreaves Place drains to the creek. There is a history of erosion and flooding within Smuggler's Gulch Creek, including drainage complaints from property owners in the Surrey Lane Development. These complaints are mentioned in the drainage study and subsequently dismissed, but the HOA feels they are relevant, given there are two projects in the planning stage with one of them already approved by the city (SP 2017-003). A portion of the creek is actively eroding due to elevated stormwater flows (Photos 1 and 2). Note the elevation of the chain fence, eroded fence posts and overhanging bank in the photos. This information is missing from the Applicant's storm drainage report.

Photo #1 – Smuggler's Gulch Creek Erosion



Photo #2 – Smuggler’s Gulch Creek Erosion



The potential for increased stormwater flows to Rugosa Ridge could cause additional erosion problems in Smuggler’s Gulch Creek, creating liability issues for the city and HOA.

Any additional runoff from the site to Rugosa Ridge would be a significant adverse impact requiring a redesign of the project, additional stormwater mitigation measures, or both. Discharge of any stormwater or collected surface water will require approval of the HOA, individual property owners and City of Mukilteo.

The downstream analysis in the Storm Drainage report stops at the point where the project’s stormwater would be discharged to the Smuggler’s Gulch Creek. The storm drainage analysis should be expanded to include Smuggler’s Gulch Creek, both upstream and downstream of the discharge point.

The City, Association and downstream property owners have a shared interest in preventing flooding and erosion of Smuggler’s Gulch Creek and Hargreaves Place. The City should require an independent, third party review of the drainage study at the Applicant’s expense. The review should be performed by licensed civil engineer with expertise in stormwater/drainage design.

B. Additional Comments on Drainage Study (Preliminary Storm Drainage Report – 9/28/21)

Page 10 of the report includes the following statement regarding the existing drainage pattern on the site and a portion of Rugosa Ridge:

The majority of the on-site runoff sheet flows west across vegetated landcover (Photo 1 – 3). Runoff travelling west continues across Parcel No. 01116500000600, Parcel No. 01116500000500, Parcel No. 01116500000400, and Parcel No. 01116500000300 before entering a catch basin on the east side of Hargreaves PI (Photo 4 – 5).

This statement is incorrect because it does not accurately describe existing conditions. Much of the on-site runoff currently infiltrates into the ground, migrates west as groundwater, and daylights where it comes in contact with a layer of glacial till soil that has been exposed by construction of residences in Rugosa Ridge. This groundwater is what is currently causing drainage issues described in the preceding section. For reference, the parcels listed above are Lots 3, 4, 5 and 6 in Rugosa Ridge.

C. Proposed Grading and Large Retaining Walls

The project includes very large retaining walls along the western boundary of the property. The walls appear to be up to 20 feet in height adjacent to Lot 3 of Rugosa Ridge (see Figure 1 below from grading plan). Not only would the walls be visible from the abutting lots in Rugosa, they would be visible from many vantage points in our subdivision, including from the public street. The walls would be massive and unsightly. For that reason, the HOA strongly opposes the use of large retaining walls supporting large amounts of fill.

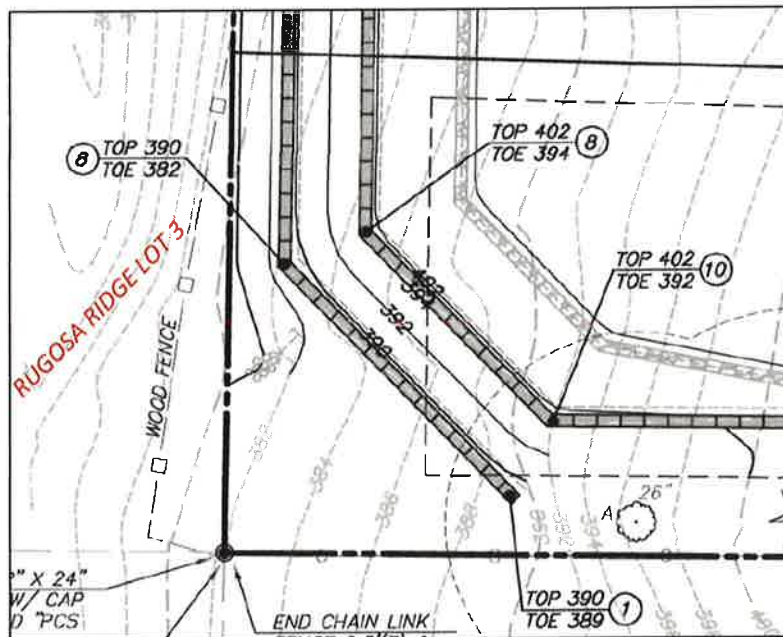


Figure 1 - Image showing proposed retaining walls abutting Rugosa Ridge

Summary

The Association acknowledges the right to develop property and anticipates the site will eventually have houses on it. However, the property must be developed in accordance with the city's zoning and other development regulations. The proposed plan would create adverse impacts on Rugosa Ridge as a

whole, Hargreaves Place, and would reduce property values for those properties that would be immediately adjacent to the development. The project should be redesigned to reduce and mitigate impacts on stormwater, drainage, erosion and visual impacts.

One good example of a subdivision development is the short plat that was recently developed on the abutting property to the north (SP-2017-013). This development was completed with minimal grading and tree removal and should serve as a model for development of the Harbor Grove subdivision. However, it is important to note the applicant of the Harbor Grove subdivision has apparently purchased the lots in SP-2017-03 and will be constructing houses there. The impacts of house construction on adjacent properties are not entirely clear at this time. The City should carefully review the building plans for potential impacts on properties within Rugosa Ridge, including Lots 6, 7 and 8, as well as stormwater impacts on Hargreaves Place and Smuggler's Gulch Creek.

The city will be receiving comment letters from individual property owners within Rugosa Ridge. Please give strong consideration to the issues raised in all public comments. The Association requests to be notified of all further actions concerning this project, including the public hearing. We believe a public hearing should not be scheduled unless public concerns and environmental impacts have been addressed.

Thank you for your time and consideration.

Sincerely,
Rugosa Ridge HOA



Prepared by
David Tyler
9055 Hargreaves Pl



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

**Endnote: 9 of 10 property owners responded (verbally or in writing) in support of draft copies of this letter circulated by email. One property owner did not respond.*

November 30, 2021

Linda Ritter, Senior Planner
City of Mukilteo
11930 Cyrus Way
Mukilteo, WA 98275

RECEIVED

NOV 30 2021

CITY OF MUKILTEO

**RE: Harbor Grove Preliminary Plat Application
9110 53rd Ave W**

Dear Linda,

Please consider the following comments on the 7-lot preliminary plat application submitted by SeaPac Homes, LLC. My property is within the Rugosa Ridge subdivision and directly abuts the project site to the west. I would be one of the neighbors most directly affected by the proposed development.

A. Application Completeness. The application is not complete for the following reasons:

1. Incomplete project description. The application fails to fully describe the proposed project, which includes a series of massive retaining walls on the west and south sides of the property. The combined height of these walls is up to 20 feet in the southwest corner of the development. It is only possible to determine the height of the walls through a careful review of the grading plan (sheet 5 of 12). These walls, combined with placement of up to 20 feet of fill, are a major element of the project design and will adversely impact my property, as well as additional properties on the west boundary of this development. The project description should also be changed to more fully describe the proposed grading scheme, which places most of the fill on the western portion of the property, directly upslope from my property.

Future dwelling location for Lots 4, 5, 6 and 7. The application also fails to disclose that Lots 4-7 are potential view lots, with the best views from the far western portion of the property. As a result, the actual location of the future residences on these lots will likely be closer to the rear setback line than shown on any of the plans. This will create additional impacts on earth, surface water and aesthetics. For the purpose of the environmental analysis, the building pads shown on the plans for lots 4-7 should be moved further west and closer to the rear setback line.

2. Variance Application. A variance application should have been submitted for the proposed 20-foot high retaining walls located in the 25' rear setback area. Under MMC 17.20.080.A.2, maximum height of retaining walls within a rear setback is six feet. The City should view the proposed walls as a single wall since they are all located within the setback and the visual impacts that would be created. The application should include a visual analysis showing how the walls would appear as viewed from the abutting properties to the west (Rugosa Ridge Lots 3, 4, 5, and 6), from Hargreaves Place, and abutting lots on 53rd Ave W.

3. SEPA Checklist. The SEPA checklist should be amended in the same manner as the application form. There should be additional analysis under the **Earth** section describing the proposed grading and its impacts on the surrounding properties. There should be further information and analysis under **Aesthetics** identifying the retaining walls and describing visual impacts on the surrounding properties.
4. Groundwater study. The City should require a groundwater study that analyzes the location, depth and movement of groundwater on the site. The study is needed in order to evaluate impacts of large scale alteration of the site through removal of the forest vegetation, placement of up to 20 feet of fill, retaining walls and future house construction. It should identify how the presence of underlying glacial till will influence groundwater flow on and off the site. The study should establish both pre-development baseline conditions, as well as monitoring recommendations for post- development conditions. It should have specific recommendations addressing how groundwater impacts on adjacent properties to the west would be mitigated during construction and post-development.
5. Revisions to Preliminary Storm Drainage Report. See section C below for requested revisions.

B. Impacts of Large Retaining Walls

The proposed retaining walls on the west end of the property would be up to 20 feet in height, based on the grading plans dated 7/29/21 (Sheet 5 of 12). These walls would be directly adjacent to existing developed residential properties that front on Hargreaves Place, including mine. The walls would also be visible from many other vantage points in Rugosa Ridge, including from Hargreaves Place. The proposed walls would be a visual eyesore, and are incompatible with the surrounding residences and development pattern. Walls like this are typically found in large industrial projects and are not necessary for development of this property.

I have prepared a photo rendering of what a 14-foot high wall might look like behind my property (see images below). The wall design may not be perfectly accurate, but the scaling *is* accurate. Note how the wall would dwarf my 6' fence. Now imagine a 30' tall home perched at the top of the wall with all of the vegetation removed. My neighbors to the south would be facing an even taller 20-foot high wall.



Photo #1 – Looking east at development site from office window

• 6' fence



Photo #2 – Rendering showing proposed retaining wall along my east property line.

• 14' wall height near my SE property corner

• 6' fence

For Lots 5, 6, and 7, the terrace area between the walls and the area at the base of the wall will become a no-man's land due to its inaccessibility to the future property owners. Due to the height of the walls, a ladder would be required to gain access to the property line. The no-man's land will accumulate leaves, debris and weeds and over time will become an eyesore as viewed from the adjacent properties to the west, including mine.

While I appreciate the applicant's proposal to landscape the terraced area between the retaining walls, the landscaping will likely never be maintained and will most likely die. It will be too difficult for the future property owners to access it, and the landscaping would serve no real benefit to the homeowner.

C. Drainage, Surface Water and Groundwater

The large scale alteration of the property would radically alter the amount of surface water runoff, as well as groundwater movement on and off the subject property. There is a high likelihood that additional surface and/or groundwater would flow from the project site onto adjacent properties in

Rugosa Ridge, including mine. This is because the site naturally slopes down to the west. Placement of a large amount of fill material will put added pressure on the groundwater table, resulting in the water being squeezed out and away from the site. My property sits below the west boundary of the site and could be impacted by changes in groundwater flow. It has existing drainage issues that have required extensive backyard improvements to fix.

French drain. The proposed french drain to be installed across Lots 4-7 will be buried under approximately 10-12 feet of fill dirt (see Sheet 7 of the preliminary plans and Figure 1 below). How will this drain be maintained? What will happen if it fails? Will it be possible to bring equipment into the back yards of future homeowners and dig a 12 foot deep trench? Future property owners will have no incentive to maintain the drain systems because failure would mostly impact other properties outside of the development. My guess is this drain will never be maintained or repaired, and if it fails, it will cause major drainage issues for my property and my neighbors. Such a failure would be nearly impossible to detect and locate, much less to fix. There is also a possibility that future homeowners will cover the drain area with patios and other hard surfacing, making it less effective.

The french drain will flow back to the east in a pipe connected to the detention system. The slope gradient of this pipe is specified at a minimum of 1%, which is barely enough for the water to flow in its intended direction (see Sheet 7). In order to flow back to the east, this drain will need to be installed at a minimum elevation of 393' because the catch basin elevation will be set at 391' (Sheet 7 and Figure 1, below). The french drain collection pipe will be *above* the existing grade level of approximately 386' to 392'. This is significant because the drain will be at too high of an elevation to capture all of the site's subsurface drainage. It would be located above the layer of glacial till that underlies the site. Because of the site's sloping topography, water is likely pass *under* the pipe, contact the glacial till layer, and migrate to the west. And what would happen if the site were to experience post-development settlement, changing the gradient of the pipe? Could it potentially stop flowing? These are valid questions since the proposal is to place a massive amount of fill material on the site.

The effectiveness of this project's subsurface drainage system will be reduced as a result of the applicant's design objective of sending collected water back to the east. System improvements, including the french drain, would be installed at too high of an elevation. The City should require the applicant to prepare an alternative design that places the subsurface drainage collection system at a lower elevation to more effectively capture subsurface water. The design should be prepared in close coordination with a groundwater study and a revised soils study. Long-term access and maintenance provisions should be included for this or any system.

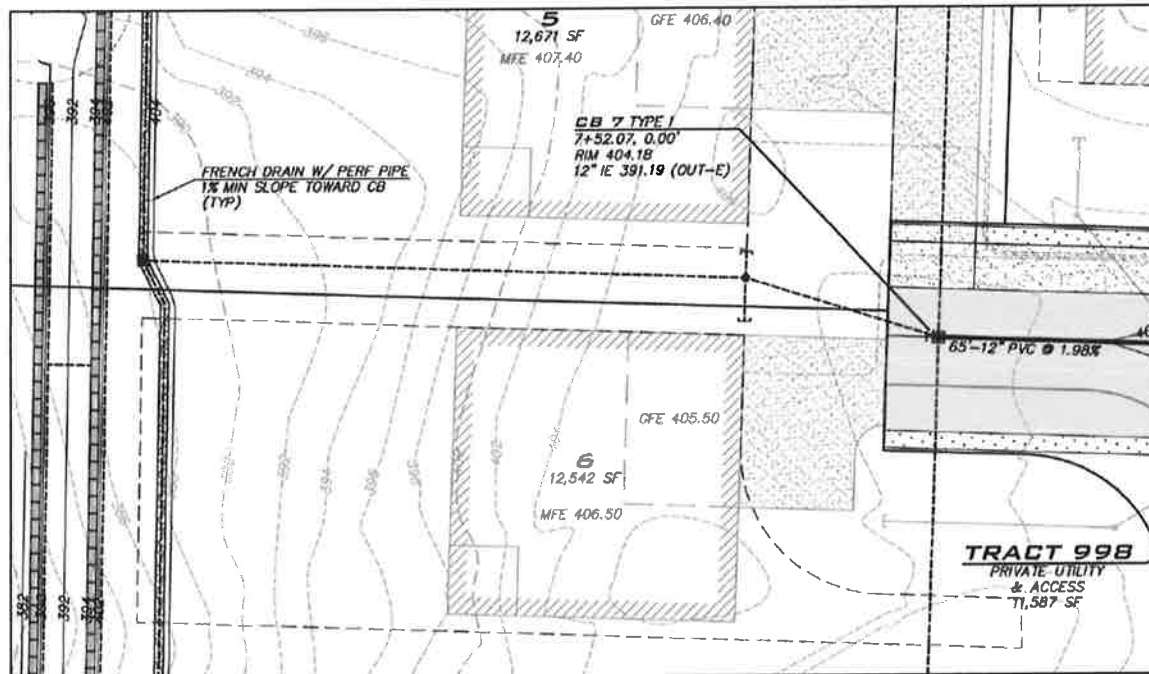


Figure 1 – French drain and connection to stormwater collection system

The applicant's drainage scheme is attempting to re-engineer the natural drainage pattern of the site and direct surface and subsurface water in a manner that is contrary to the forces of gravity. It ultimately will not work and will cause a hazard to downslope properties.

Future dwelling location and improvements. The storm drainage plan (Sheet 7) and Preliminary Storm Drainage Report – 9/28/21 (Figure DC)- shows preliminary building and driveway locations for the lots in the subdivision. For Lots 4, 5, 6 and 7 the pads are shown as being pushed as far east as possible, close to the access road. However, these lots will have views of Puget Sound, which makes it highly likely the future houses will be moved as far west on the lots as possible and closer to the rear setback line in order to capture the views. This means longer driveways than shown on the plans, with a greater amount of impervious area and stormwater runoff.

If the future dwellings on Lots 4, 5, 6, and 7 are to be constructed in the locations shown on the plans, why is it necessary to fill and grade all the way to the west property line?

The future homeowners on Lots 4-7 will likely construct decks, patios and walkway improvements, since these are common and expected improvements for any home. These improvements, if constructed in the rear yard, are likely to cause uncontrolled stormwater runoff that will flow to the west and impact my property and other neighboring properties in Rugosa Ridge.

Retaining wall footing drains. Where do these drains discharge? If they simply infiltrate into the ground, the water will end up in my back yard as well as my neighbors. If they discharge at a point, the applicant should be required to obtain off-site easements for discharge and conveyance of the water, as well as

approval from the City. Discharge of water from the retaining wall footing drains to any lot in Rugosa Ridge will adversely impact that lot and must be prohibited by the City. Additional design details should be requested by the City

The applicant's storm drainage report and plans should be updated to address *actual* future building locations on Lots 4-7; longer driveways; future back yard improvements; french drain system design, access and maintenance and; retaining wall footing drain discharge.

D. Grading, Fill, Soils and Erosion Impacts

The project includes a mass grade of the site, resulting in up to 15 – 20' of fill to be placed on the western and southern portions of the property (see Sheet 5 of the preliminary plans). The applicant submitted a Geotechnical Engineering Study dated July 30, 2021.

Use of on-site soils as structural fill. The applicant has proposed using 10,200 cubic yards of soils as structural fill, with approximately 5,100 cubic yards consisting of on-site material and the same amount imported to the site. In evaluating the use of on-site soils for fill, the geotechnical study states the following on page 8:

The in-situ soils encountered at the subject site have a moderate to high sensitivity to moisture and were generally in a damp to moist condition at the time of exploration. Soils anticipated to be exposed on site will degrade if exposed to wet weather and construction traffic. Compaction of the soils to the levels necessary for use as structural fill may be difficult or infeasible during wet weather conditions.

This statement creates doubt as to whether the on-site soils can be used as structural fill. Because they have a "moderate to high sensitivity to moisture" the applicant should be required to submit inspection reports during excavation and placement of fill to verify the use of on-site soils is feasible. If the soils are unsuitable, they will need to be exported from the site and more material imported.

Potential soil erosion impacts during construction. The applicant's environmental checklist states on page 4:

Erosion is not expected to occur as a result of clearing, construction, or use.

This statement is dismissive of potential impacts due to mass grading, site topography and the likeliness of an extended period of soils being exposed to wet weather during construction. Placement of up to 20 feet of fill may require the soils to be "pre-loaded" in order to allow proper settlement and compaction as structural fill. During pre-loading, the soils would be exposed to rain storms and will likely become saturated at times, leading to potential erosion impacts. If erosion occurs, it will likely impact downslope properties to the west and south of the site, and possibly Hargreaves Place. Potential soil erosion impacts during construction need to be identified in the application documents and analyzed by the City during the project review.

Settlement of Fill Materials. Given the massive amount of fill on the site, it is possible that portions of the site may experience post-development settlement, particularly if site work is not performed to proper specifications. What assurances or contingencies can be put in place to address settlement of the filled areas and ensure the site is developed to proper specifications?

The Applicant's mass grading proposal is out of character and incompatible with the surrounding development pattern. This type of grading scheme is more typical of large commercial and industrial developments that do not have the same potential to impact residential properties. The large, flat graded area, deep fills, and tall retaining walls would combine to cause harm to my property, as well as other properties to the north and south.

E. Building Height of Future Residences.

Under **MMC Section 17.20.020 - Structure bulk matrix** – maximum building height in the RD 12.5 zone is 30 feet. The finished grade on Lots 4 through 7 is proposed to be elevated by up to 20 feet above existing grade. Calculation of building height based on the finished grade would result in future residences being allowed to have 30 feet of building height on top of 20 feet of fill for an overall height of up to 50 feet above the existing ground level. Applying the building height standard in this manner would be absurd and would create significant impacts on adjacent properties. It would amount to a building height bonus. Buildings located at or near the rear setback line would tower over neighboring houses and yards, resulting in light and shadow impacts and loss of privacy.

The City should impose a restriction on the project that building height for future residences located on fill shall be calculated from existing grade. Existing grade should be established by an approved site topography map. Variances to the building height requirement should be prohibited.

F. SEPA Analysis

The City of Mukilteo should conduct a thorough analysis of the project under SEPA. This includes impacts under the following elements of the environment:

- Earth (erosion, grading and retaining walls)
- Water (ground and surface water)
- Plants and Animals (additional wildlife on site not mentioned in the environmental checklist, including mountain beaver, owls, hawks, and eagles)
- Aesthetics (visual impacts and compatibility; building height).

The SEPA responsible official should use his/her authority under MMC 17.84.160 to require a review of alternative design(s) with reduced impacts on surrounding properties, and to place conditions on the development. The cumulative impacts of this project related to surface water and drainage, combined with the impacts of the recently approved project to the north (SP 17-003) should be considered.

G. Construction Impacts

Construction Easements. The applicant should be required to obtain construction easements from abutting property owners for installation of grading and retaining wall improvements located within five feet of the exterior boundary of the lot. Given the project scope and scale of improvements, it is highly unlikely that the proposed work can be completed in a manner that does not require access to the abutting properties, the removal of fences, tree work, etc.

Construction traffic.

At a minimum, there will be hundreds of truck trips to the site using 53rd for the primary access route. There should be an evaluation of truck traffic and haul routes, including the suitability of 53rd for truck access.

H. Summary

It is unfortunate the applicant did not reach out to the adjacent property owners of Rugosa Ridge, and the HOA prior to submitting the land use application. The lack of early communication has put property owners in the difficult position of having to respond to a development proposal that, in its attempt at creating view lots where none currently exist, also creates unacceptable impacts on adjacent properties in Rugosa Ridge. The application should be returned for additional studies and information, and perhaps major revisions in order to comply with city code and eliminate damaging impacts on surrounding properties. My property would be damaged by this proposal through impacts on ground and surface water, soil erosion and proximity of a monstrous, 14-foot retaining wall. Impacts to my neighbors to the south would be even worse. The proposed development is not in character with other single-family areas in the neighborhood, or the city as a whole. With its massive walls and grade changes, it is more like an industrial development that strips all native vegetation and results in a huge, perfectly flat building pad.

Thank you for considering these comments.

Sincerely,



David Tyler
9055 Hargreaves Pl
Mukilteo, WA 98275

Lauren Balisky

From: Lauren Balisky
Sent: Tuesday, November 30, 2021 5:00 PM
To: 'lvancitt@gmail.com'
Cc: permittech; Linda Ritter
Subject: RE: SeaPac Homes comments 11/30/2021

Good afternoon Linda,

This email is to confirm receipt of your comments and that you will be added to the parties of interest list.

NOTE: Mukilteo City Hall is open to the public for limited hours on Tuesdays, Wednesdays, and Thursdays, from 9 AM – 3:30 PM. The building is closed for lunch from 12 – 1 PM. City staff is also available to assist you remotely during regular business hours. Please call 425-263-8000 if you need assistance.

Sincerely,

Lauren Balisky, AICP, MPA | Planning Manager

Planning & Community Development
11930 Cyrus Way
Mukilteo, WA 98275
(425) 263-8041 | lbalisky@mukilteowa.gov



All email, including attachments, sent to or from the City of Mukilteo are public records and may be subject to disclosure pursuant to the Public Records Act (RCW 42.56).

From: Linda Van Citters <lvancitt@gmail.com>
Sent: Tuesday, November 30, 2021 4:30 PM
To: Linda Ritter <lritter@mukilteowa.gov>; Cathy Rizzo <crizzo@mukilteowa.gov>
Subject: SeaPac Homes comments 11/30/2021

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

Comments on SeaPac Homes Harbor Grove Proposal

November 30, 2021

To Whom It May Concern:

The proposal by SeaPac Homes to build 7 homes off of 53rd Ave. W. in Mukilteo (Harbor Grove, Phase 1) has many deleterious impacts to our community and watershed. Climate change is real, it's here, and we should be trying to promote healthier habitats, not pander to profit-driven corporations.

Witness the paradoxical name of the entire project: Harbor Grove. Not on a harbor (or even any waterfront). Not in a grove; because their own chainsaws will be cutting it down before home construction begins. Mukilteo cannot afford to be removing mature trees and paving

our way to a better future. Water runoff, landslides and disruption to downstream creek habitat will be enormous. People living downhill from this property will experience immediate and immense changes in the amount of runoff water and flooded roads, yards, basements and homes, which will not be taken lightly. There will be lawsuits. Who is financially responsible for fixing the problems created by allowing this development?

SeaPac Homes gives short shrift to the diversity of fauna currently living there, only mentioning “songbirds and squirrels.” Are we to pretend there are no deer, coyotes, bobcats, raccoons, rabbits, mountain beavers, voles, opossum, bats, eagles, hawks, owls, quail, butterflies, slugs, spiders, salamanders, frogs, bees, etc. that live amongst us? They also failed to mention Harbor Seals...oh wait, no harbor, so no seals. Just a feel-good, misleading name.

Removing 75% of the trees on the tract is not a good move toward carbon neutrality, or ecosystem health. The proposed French drains will not mitigate the large increase in impervious surfaces and massive amount of fill behind the new retaining walls. Being downhill from Paine Field should have taught us a lasting lesson about how water flows. Does anyone remember the enormous costs of sewer trunk line replacement in Big Gulch?

Protect our fair city from the ravages of unchecked corporate greed. Plan well, build lightly, and protect the planet.

Respectfully submitted,

Linda Van Citters, 5416 88th St. SW, Mukilteo WA 98275

From: [Christiaan Visser](#)
To: [Linda Ritter](#)
Subject: Feedback on Land Use Action proposal for 9110 53rd AVE. W.
Date: Tuesday, November 30, 2021 6:41:20 PM
Attachments: [image.png](#)

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

Dear Linda Ritter,

We received your notification with regards to the Land Use Action proposal for 9110 53rd Ave W.

Our residence is at 9105 53rd Ave W, so adjacent to the proposed construction. Reviewing the [materials available online](#), I noticed the following in the environmental checklist, page 7:

5. Animals

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.

Examples include:

birds: hawk, heron, eagle, songbirds, other:
mammals: deer, bear, elk, beaver, squirrels, other:
fish: bass, salmon, trout, herring, shellfish, other _____

This is not accurate. This area is home to more than just songbirds and squirrels. Wildlife in the immediate vicinity of this plot includes deer, raccoons, coyotes, rabbits, owls and other animals. The proposed development would significantly reduce the amount of wooded area available for wildlife in this area. I hope due consideration can be given for this.

Regards,

Christiaan Visser
317-753-8114

From: John Cole
To: Linda Ritter, Cathy Rizzo
Subject: Additional Harbor Grove Comments
Date: Thursday, December 2, 2021 2:29:51 PM

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

Hi planning staff,

I am attaching additional documentation following the comments I had previously submitted regarding the proposed Harbor Grove plat. As I mentioned in my comments, I have a recorded easement that has seemingly been ignored in the proposed plat. I am providing a copy to you for your reference.

Thank you,

John Cole
9150 53rd Ave W
Mukilteo WA 98275
425 330-1226

John Cole
PO Box 714
Mukilteo, WA 98275



NO EXCISE TAX
REQUIRED

MAY 21 2008

KIRKE SIEVERS, Snohomish County Treasurer

By KIRKE SIEVERS

Declaration of Easement

The Estate of Francis Daffron grants an easement over, under and across the East 100 feet of the South 30 feet of Lot 1 of City of Mukilteo 91-06 recorded under recording No. 9205200691 and by survey recorded under auditors file No. 9205205003, being a portion of lots 159 and 166, West and Wheeler's Sea View 5 acre tracts, according to the plat thereof recorded in volume 7 of plats, page(s) 12 and 13, records of Snohomish county, Washington, parcel # 00611600015901 for egress, ingress and utilities to lot 2 of the same Short Plat.

Said easement is for the benefit of John Cole and any future owners of Lot 2 of City of Mukilteo 91-06 recorded under recording No. 9205200691 and by survey recorded under auditors file No. 9205205003, being a portion of lots 159 and 166, West and Wheeler's Sea View 5 acre tracts, according to the plat thereof recorded in volume 7 of plats, page(s) 12 and 13, records of Snohomish county, Washington, Parcel # 00611600015902.

In witness thereof the undersigned agree to terms of easement.

Grantor(s)

A handwritten signature of Francis Daffron over a horizontal line.

Grantee(s)

A handwritten signature of John Cole over a horizontal line.

Date 4-21-08

Date 4/29/08

Sent from my iPhone



Received by Email

2021-12-30

December 30, 2021

Linda Ritter, Senior Planner
City of Mukilteo
11930 Cyrus Way
Mukilteo, WA 98275

VIA Email

**RE: Harbor Grove Preliminary Plat Application
9110 53rd Ave W**

Dear Ms. Ritter,

This letter provides additional details in support of issues raised in my previous comment letter dated November 30, 2021 on the proposed subdivision.

1. Surface Water/Drainage Impacts.

- A. Off-site analysis. The off-site study area in the preliminary storm drainage study stops at the existing storm-drain outfall located at Hargreaves Place. It does not evaluate any open channel portions of the downstream flow path. The project will require new storm drainage pipe to connect the proposed detention vault to the existing 92nd Street storm drain. The ¼ mile off-site analysis should be extended downstream as measured from the furthest downstream improvement required within the city's storm drain system. If system improvements are required to the 92nd Street/ Hargreaves Place storm system, this information should be included in the drainage study. Based on existing downstream erosion issues in Smuggler's Gulch Creek, the City should use its authority to require a quantitative analysis under section 3.5.12 of the City's Development Standards (2019 amendment) and DOE Manual.
- B. Impacts on Smuggler's Gulch Creek during construction. Until the storm detention vault is fully completed and operational, stormwater flows from the site during construction will run north (not south) along 53rd and enter Smuggler's Gulch Creek. The drainage study does not address temporary impacts on stormwater runoff and erosion of the creek during construction. Further analysis must be provided.
- C. Bypass Basin. The drainage study identifies a "bypass basin" consisting of 0.46 acres of land that will not drain to the detention vault (see pages 4.3, 4.4 and Developed Conditions Exhibit and Figure 1 below). This area is located along the west and south property lines of the project site and directly abuts several properties in Rugosa Ridge. The drainage study contains no analysis of potential impacts on adjacent properties and must be amended to address this issue since nearly 20% of the developed project site will bypass the storm system and flow to adjacent properties. The amount of runoff generated post-development from the bypass basin would exceed runoff from existing

conditions as a result of removal of all existing vegetation. This information also supports a requirement for a groundwater study.

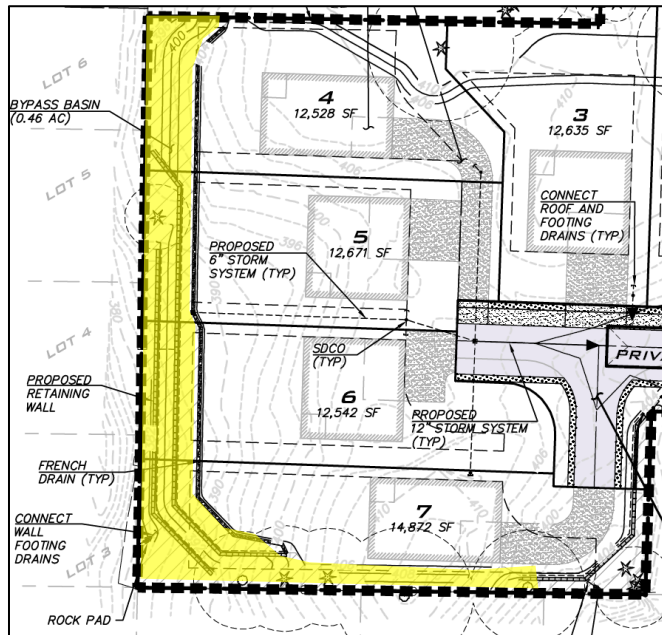


Figure 1 – Detention Vault “Bypass Basin” Area (highlighted in yellow)

- D. R.O.W. dedication and future frontage improvements on 53rd Ave. W. The City’s requirement for a dedication of 10 feet of right-of-way on 53rd would seem to imply frontage improvements (street widening and/or sidewalk) will be needed. The drainage study should account for any additional impervious area tied to this project’s need for frontage improvements, whether they are built now or at some point in the future. This obligation should not be passed on to the City of Mukilteo and taxpayers.
- E. TESC Plan (Sheet 4 of 12). The TESC plan shows a “temporary interceptor swale” that apparently is intended to collect surface flows and route them east to a sediment trap, which appears to discharge to a swale in 53rd at an approximate elevation of 402 feet. However, no elevation data is provided for the swale itself. Since positive flow is required from all portions of the interceptor swale to the sediment trap discharge point, a likely scenario is that the lowest point of the swale will need to be at least 405’ elevation. This will be at too high of an elevation to effectively prevent stormwater runoff and erosion impacts on adjacent properties, which are at a much lower elevation of around 380’ or less.

An additional concern is the timing of the installation of the interceptor swale. At its proposed location, the swale cannot be installed until the clearing and fill placement phases of the project are complete, which increases the risk of an erosion/runoff event affecting adjacent properties during construction.

The City should require installation of the interceptor swale along the western boundary of the property, at the lowest elevation, not at the 405' level as proposed. The most effective timing of swale installation would be immediately following the clearing phase of construction and prior to the grading/fill phase. Appropriate easements for conveyance and discharge of temporary stormwater runoff must be obtained by the applicant, in addition to approval by the city for the discharge point.

2. Groundwater/Hydrology Study. The need for a groundwater/hydrology study is further supported by the following:
 - A. 15.16.050.C.2.b.i.(b), which requires a slope and hydrology report when clearing/grading on slopes greater than 35%. The south and southwest portions of the site contain slopes greater than 35% (see Figure 2 below from Grading Plan, Sheet 5). I calculated slopes up to 40%.

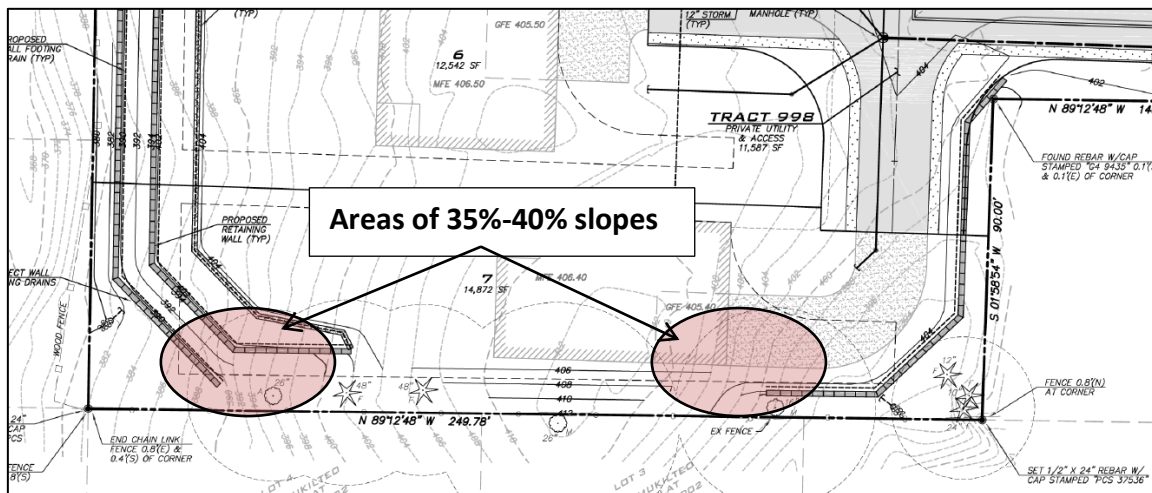


Figure 2 – Areas of 35-40% slopes

- B. 15.16.060.D.6. and D7, which require a groundwater component in the geotechnical study. The study provided with the application addresses groundwater in a cursory manner—it does not provide any analysis of the proposed large-scale grading and fill project on groundwater, particularly as it would affect the adjacent properties.
3. Grading and Retaining Walls. Subsection 15.16.140.C requires the incorporation of “special precautions” to project adjoining properties from impacts. How has this requirement been met by the proposed project design? Based on previously described impacts, the project design should be revised by the applicant to demonstrate consistency with this standard.

4. Risk Analysis. As a means of disclosing and evaluating impacts on adjoining properties, the City should conduct an analysis of the following:
 - A. Probable effects of a major storm event that exceeds the design capacity of the proposed storm detention vault;
 - B. Risk of retaining wall failure given size and proximity to adjacent properties;
 - C. Risk of erosion during construction and post development; and
 - D. Risk of settlement of fill areas.

Sincerely,

David Tyler
9055 Hargreaves Place
Mukilteo, WA 98275

January 4, 2022

Linda Ritter
City of Mukilteo
11930 Cyrus Way
Mukilteo, WA 98275



Received by Email

01/04/2022

Dear Ms. Ritter:

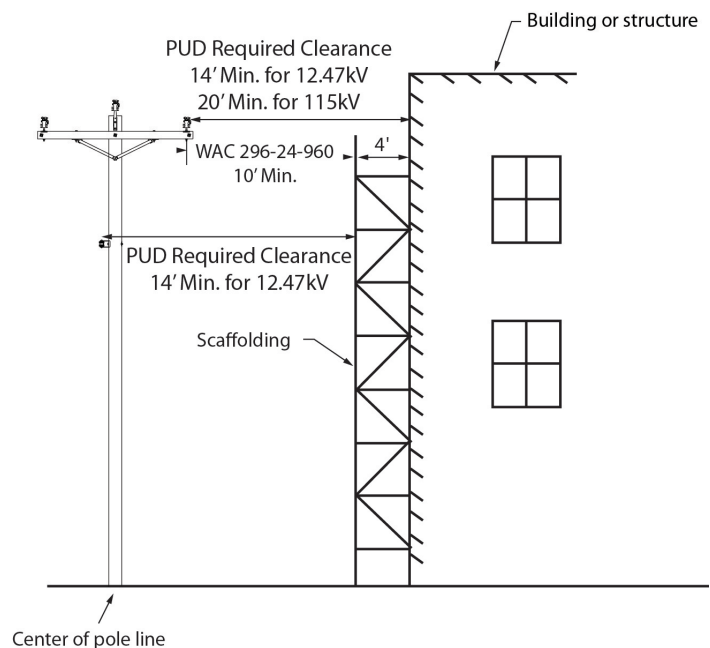
Ref: SD 2021 001/ENG 2021 019/SEPA 2021 010
Harbor Grove Subdivision Preliminary Plat

District DR Number: 21-10-384

The District presently has enough electric system capacity to serve the proposed development. However, the existing District facilities in the local area may require upgrading. Cost of any work, new or upgrade, to existing facilities that is required to connect this proposed development to the District electric system shall be in accordance with the applicable District policy. The developer will be required to supply the District with suitable locations/easements upon its property for any electrical facilities that must be installed to serve the proposed development. It is unlikely that easements will be granted on District-owned property, or consents granted within District transmission line corridors.

Please be advised that per WAC 296-24-960 the minimum worker safety clearance from any District distribution conductor is 10 feet. **Therefore, the District requires a minimum 14-foot clearance from any structure to accommodate workers, scaffolding and ladders. Minimum worker safety clearance from 115kV transmission wires is 20 feet.**

Any relocation, removal or undergrounding of District facilities to accommodate this project and the worker safety clearances shall be at the expense of the project developer and must be coordinated with the PUD in advance of final design. Please include any project related utility work in all applicable permits.





Providing quality water, power and service at a competitive price that our customers value

The District policy requires the developer to provide a minimum 10-foot easement for underground electrical facilities that must be installed to serve the proposed development. In addition, the developer must maintain an 8-foot clearance between transformers and a 10-foot clearance between switch cabinets and any building/structures upon its property. Additional clearances may be required depending on the equipment in the area and accessibility of the equipment.

Please contact the District prior to design of the proposed project. For information about specific electric service requirements, please call the District's Plat Development Team at (425) 783-4350.

Sincerely,

Mary Wicklund for

Mark Flury, Senior Manager
Transmission & Distribution System
Operations & Engineering

Cc: Jake Drake – jdrake@thebluelinegroup.com

From: [Kristin Kirk](#)
To: [Linda Ritter](#)
Subject: Harbor Grove Development
Date: Wednesday, January 19, 2022 4:21:19 PM

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

Ms. Ritter,

Please accept these comments to the record for the Harbor Grove project.

This project should be denied. It does nothing to preserve natural resources, habitat, and trees. As a development with this level of impact, you have discretion to impose conditions to mitigate impacts.

Impact mitigation should include reduced lot size and/or density to preserve an open space tract for tree preservation, habitat preservation, screening, and buffering.

The proposal as planned completely disregards the existing private and treed character of the area. It is poorly designed and provides no long term benefit to this town or its current inhabitants - human and otherwise.

Deny this project or at the very least require significant redesign to include tree and habitat preservation.

Best,
Kristin Kirk

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.

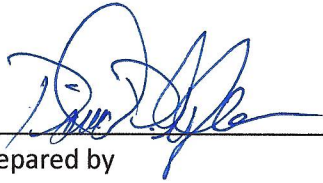
Recommendation. Based on the substantial impacts of this project and the risks it would create for the adjacent properties in Rugosa Ridge, we recommend the City not move forward with the approval process. The application should either be rejected or returned to the applicant for substantial revisions 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
David Tyler
9055 Hargreaves Pl



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

From: [HARVEY D. MALONE](#)
To: [Linda Ritter](#)
Subject: 9110 53rd Avenue Project
Date: Sunday, December 12, 2021 5:20:28 PM

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

TO WHOM IT MAY CONERN:

I'm strongly opposed to this proposed project. As a long time resident and daily walker, this portion of 53rd currently has no shoulder for pedestrians and with the increased daily traffic associated with this project will make this portion of the street more treacherous.

In addition to this serious safety issue, I'm very concerned about the unique and critical habitat. The removal of the old growth forest will only add to the chronic erosion and mud slides confronting the region. All experts are in agreement that these slide problems are the direct result of loss of vegetation and over building.

While the developers take their profits and leave, the local taxpayers will again be stuck with the liability and cost for the constant reworking of our inadequate and stressed storm water system.

Scientist are in agreement that climate change is the sole reason for the increased precipitation that we are currently experiencing. These atmospheric rivers and heavy rainfalls will only increase in frequency and intensity in coming years.

In addition these serious environmental issues, the natural beauty of the city will again be scarred by over development. The primary duty of city officials should be the safety and quality of the environment of its citizens. Approval of this project is not compatible with this primary responsibility.

Thank you for your consideration of my concerns.

Sincerely,

Harvey Malone

From: [Eric Hovland](#)
To: [Linda Ritter](#)
Subject: Comment, Harbor Grove Subdivision
Date: Sunday, November 28, 2021 4:36:07 PM

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

Hi, I received a "Notice of Application" card in the mail a couple days ago. I'm sure its per plan to give minimal warning and time to respond! One word on the card got my attention.

As a child, the definition of "improvement" that I was taught was; to make better. As an adult, I found the definition could mean the complete opposite! As an aircraft mechanic at boeings, I was always leery when I hear the word "improvement"!

In todays example, improvement means; to fill in a naturally permeable area that absorbs all local rainwater, then build a facility to store that water and release it down the nearby overloaded storm drain system.

Improvement? How is that better? Who is that better for?

I've worked with and against the city in the past on storm water issues. I was part of the Smugglers Gulch Basin Low Impact Development - Citizen Advisory Committee. From what I've seen here, I honestly feel it was all a waste of time!

I know its probably not in your engineering manual, this isn't a one size fits all neighborhood that's probably why I was attracted to it, but I believe there can be a solution. My suggestion is leave the area designated as lot 1, along 53rd ave, untouched. I believe lot 1 mostly contains the infiltration zone. Build open drainage from other lots to lot 1. As a bonus the area could also serve as a "migration island" for the local deer, coyotes, racoons, etc... traversing our neighborhood.

A working example of this type of system is but steps away right across 53rd, to the east. I've lived next to it for 35 years and it always absorbs and never floods and is not drained into local storm drains or the nearby stream. In fact I've argued in the past to the city to re-connect the seasonal stream along the north edge back into it to help reduce down stream storm water flow.

I quickly scanned over the preliminary storm drainage report in the minimum time given which included the holiday weekend. I believe it was pencil whipped and contains some misinformation pertaining to infiltration and flow paths!

Thanks,
Eric Hovland
5219 92nd st sw
Mukilteo.

From: [Logan Ringer](#)
To: [Linda Ritter](#)
Subject: Comments on SeaPac Homes 53rd Ave W
Date: Monday, November 29, 2021 6:22:32 PM

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

Hi,

I am writing to you about the homes slated for development by SeaPac on 9110 53rd Ave W in Mukilteo.

I am a resident at 8811 53rd Ave W in Mukilteo and oppose the current development plan of the homes going in for the following reasons:

1. Green space is essential to our community, and the city of Mukilteo claims to pride themselves on it. We need to preserve green spaces. Much of Mukilteo's wildlife relies on these residential greenspaces. I have seen deer, coyotes, bald eagles and their nests, owls, and other animals in and around the greenspace almost daily. Whether the area is zoned for housing or not, as many trees and greenery must be preserved as possible, and steps must be taken to preserve the wildlife.
2. The proposed homes do not match 53rd Ave W's current homes. These homes are proposed to be 4-5 bedrooms at a cost of \$1.5 – 2 million dollars. This type of housing development (in terms of size and cost) will stand against the streets current residential homes by not blending in nicely and not matching the residential costs of those directly around them.
3. 53rd Ave W already has issues with traffic. Speed humps were installed a year or so ago, and many of the streets' residents, including myself, do not feel completely safe walking the street due to speeding and no sidewalks. Before more homes are built, the city needs to consider the increased traffic this will cause, along with the decrease in pedestrian safety more traffic brings. I have counted more than 100 people a day walking 53rd Ave W, cutting between 88th St and 92nd St. When I have asked walkers if they feel the street needed sidewalks, all have said yes. If the homes are built, sidewalks need to be put on 53rd Ave W to better handle pedestrian safety with the further increase in traffic.

Thank you,

Logan Ringer

From: [John Cole](#)
To: [Linda Ritter](#)
Subject: Harbor Grove Subdivision
Date: Tuesday, November 30, 2021 1:21:28 AM

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

Hello Mukilteo planning staff:

I am submitting this email as my comments to become a party of record regarding the proposed Harbor Grove Subdivision at 9110 53rd Ave W.

I live at 9150 53rd Ave W, Mukilteo WA 98275. The proposed development will border my property to both the north and west. I have looked at the proposed plat and have a significant number of concerns regarding the proposal. My concerns are both for the immediate impact on my property, as well the project as a whole.

My objections to this project as it relates immediately to my property:

1. I have a recorded easement that has been omitted or ignored in the preliminary plat. It was recorded with Snohomish County in May of 2008. This easement grants me ingress, egress, and utilities to the north of my property. Within this easement, the proposed plat intends to violate this easement in several ways:

1a. The proposed plat would limit the access to my garage/parking area.

1b. The proposed plat shows removing a catch basin in my driveway, as well as a dispersion trench that is outside of the easement and on MY property.

1c. The proposed plat has a significant portion of the proposed detention vault within the easement.

1d. The proposed planting schedule has a large maple tree very near or in front of the steps leading to my front door.

1e. I have very significant concerns regarding the access I will have to my house during construction. The proposed footprint of the vault would cut off the access to my house for me, my family, friends, deliveries, emergency vehicles, etc. The proposed temporary construction access, which is my current and only access, would also become the temporary access for me. Will this surface be appropriate for all types of vehicles? Will my access be guaranteed 24 hours a day 7 days a week?

1f. The side sewer is not correctly depicted on the proposed plat. The plat shows the side sewer from the existing house at 9110 53rd Ave W connected to the clean out for my side sewer at 9150 53rd Ave W. I want this clarified before any potential construction begins to ensure my side sewer does not get removed or damaged during construction.

My objections to this project as a whole:

My biggest concern with the proposed development is the drastic change of landscape and the negative impact it will have on surface water. The removal of so many significant trees and vegetation will no doubt effect those who live to the west(and downhill) of this property. There is already a massive amount of groundwater running through this property. I was involved with the construction of two homes on Hargreaves Pl, and witnessed this first hand.

The Mukilteo Watershed Based Stormwater Strategies Plan from May of 2013 also addresses this topic. There are

many interesting takeaways from the findings. In regards to this development, section 4.4 addresses the integration of the Stormwater Strategies Plan with the Comprehensive Land Use Plan. It seems a LID would be much more in line with this property than what is proposed.

There was a similar development put in only a couple hundred feet to the south of this proposed development several years ago. The houses were built on 52nd Ave W. The wetland below the development now becomes inundated and overflows when we get heavy rain events. The house(I believe 5304 92nd St SW) now requires a large pump to used to keep from flooding during these events. I believe the City of Mukilteo provides this.

I would also like to mention that I have read through the 'Long Range Planning' information found on the City of Mukilteo's website, including the 'Comprehensive Plan.' One goal mentioned is to 'Create a Healthy Built Environment.' Maintaining neighborhoods is listed as an important factor under this goal. The proposed development would undeniably change our neighborhood. Clearing the vast majority of significant trees and leveling the property does not fit the characteristic of this neighborhood. It would be inconsistent with everything around it.

Thank you for taking the time to consider my thoughts regarding the proposed Harbor Grove Subdivision. I hope you do consider this to be collaborative community planning, as this actually is our community. We will be greatly effected by what happens with this property as will our neighbors downstream of this development.

Please acknowledge you have received this email. Thank you.

John Cole
9150 53rd Ave W
Mukilteo WA 98275

425 330-1226

From: [David Tyler](#)
To: [Andrew Galuska](#)
Cc: [Sarah Kress](#); [SYLVIA S KAWABATA](#); [Bryan Carli](#); [Matthew Geiger](#)
Subject: RE: Harbor Grove
Date: Wednesday, March 8, 2023 9:16:22 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

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

Andy,

Thank you for your response. On the wall design issue, I don't think final engineered drawings are what's needed at this point. What is needed is sufficient detail to understand the appearance and future maintenance needs. This includes materials, height, and placement relative to the property line and other infrastructure. A cross-section or two would be helpful. The adjacent property owners want to know how the walls will appear from their properties. This information is necessary for the analysis of project impacts.

On the building height issue, it would be helpful to have further input as follows:

- Lots 4 - 7 will be elevated by placement of fill at considerable depth. Lot 6, for example, will have a finished grade of 406' which is 20' higher than existing grade. So if I understand correctly, the City will allow the applicant to construct a 30' high building on top of 20 feet of fill up to the 25' rear setback line. This allows a building that is up to 50 feet above existing grade near the western property boundary. Is this correct?
- Does the Planning Department have discretionary authority, under SEPA, zoning, or any other city code, to limit wall height, building height or placement of fill if it expects that a subdivision will create impacts on the adjacent properties? Or, are these issues addressed as a matter of engineering design that are handled by the City's engineering group?

Thank you
David Tyler

On 03/06/2023 4:45 PM Andrew Galuska <agaluska@mukilteowa.gov> wrote:

David,

Thank you for the comments, I will add them to the record for the file.

In your comment letter you asked about the building height calculations. The following definition is given in code:

““Building height” means the vertical distance from the mean ground level (prior to any elevation change in native existing grade except as approved through a plat or short plat) to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the height of the highest gable or roofline of a gable or pitched roof.”

I have included the form we use to calculate the building height for building permits.

Regarding requests for the design of the wall, typically that level of detail is not designed until after preliminary plat approval. They did clarify some of the issues our engineering staff raised related to drainage and the geotechnical report.

Preliminary plat approval is neat and approximate and there is a greater level of detail in the engineering that is reviewed during the civil review phase. I would say that ecology blocks are not typically used in plat construction because they are not engineered to be used as a retaining wall. The most common approach is to use pre-engineered interlocking stacking blocks, this level of review would not be done until civil review. In any case the wall would have to meet the structural requirements in the adopted building code and our engineering design standards.

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: Monday, March 6, 2023 8:15 AM
To: Andrew Galuska <agaluska@mukilteowa.gov>
Cc: Sarah Kress <skress@mukilteowa.gov>; SYLVIA S KAWABATA <sylvia6031@comcast.net>; Bryan Carli <mrbryancarli@gmail.com>; Matthew Geiger <mgeiger@mukilteowa.gov>
Subject: RE: Harbor Grove

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

Andy,

Please see attached letter concerning retaining walls.

Regards,

David Tyler

On 02/03/2023 10:00 AM Andrew Galuska
<agaluska@mukilteowa.gov> wrote:

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?

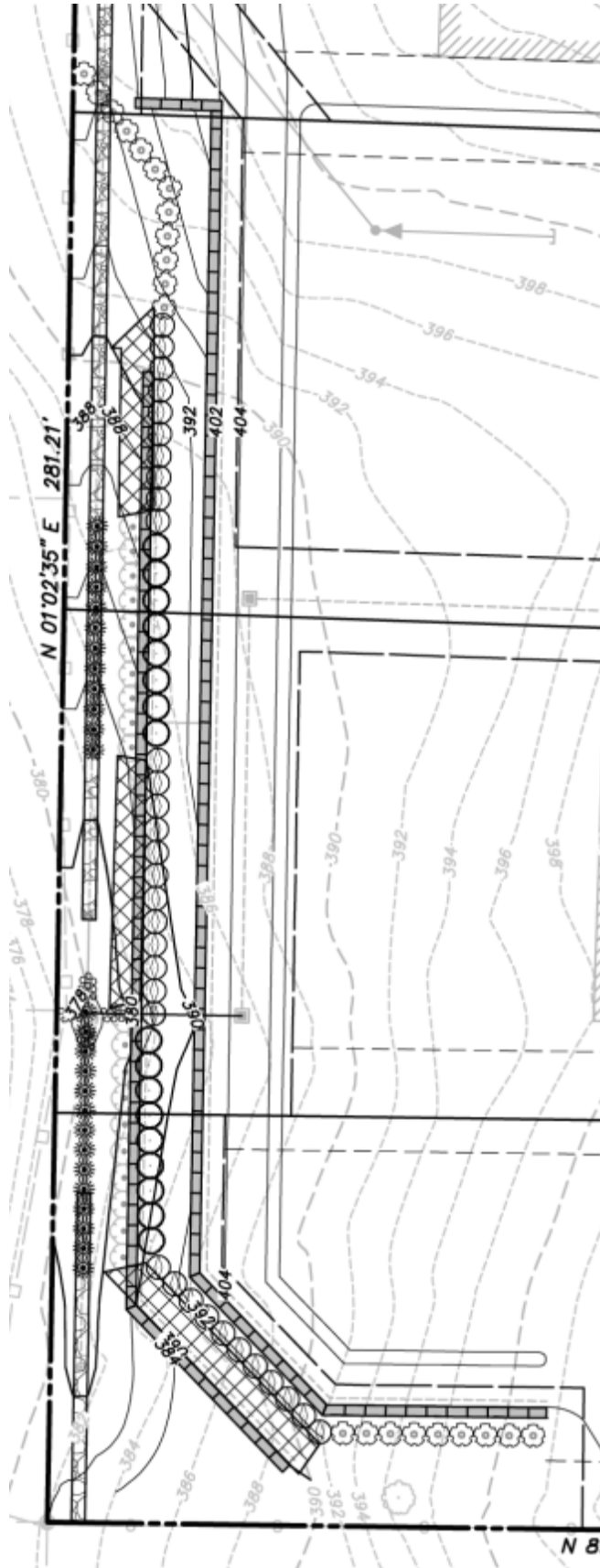
Regards,

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

<u>TREES</u>	<u>QTY</u>	<u>BOTANICAL / COMMON NAME</u>
	3	ACER CIRCINATUM VINE MAPLE
	9	ACER RUBRUM 'FRANKSRED' TM RED SUNSET MAPLE
	4	CERCIDIPHYLLUM JAPONICUM KATSURA TREE
<u>REPLACEMENT TREES</u>	<u>QTY</u>	<u>BOTANICAL / COMMON NAME</u>
	4	THUJA PLICATA 'EXCELSA' WESTERN RED CEDAR
<u>SHRUBS</u>	<u>QTY</u>	<u>BOTANICAL / COMMON NAME</u>
	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
<u>GROUND COVERS</u>	<u>QTY</u>	<u>BOTANICAL / COMMON NAME</u>
	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,

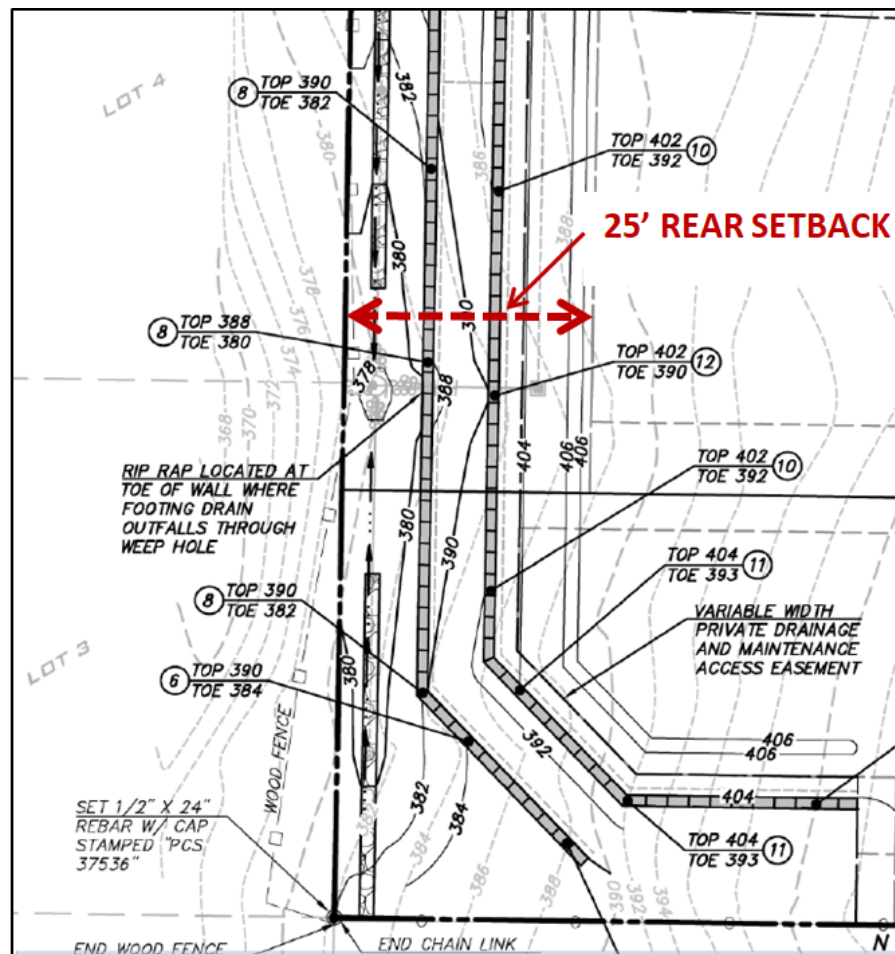
Thanks for the follow-up on this issue. Here's the code section I found and cited in a previous comment letter to Linda Ritter. Seems like it limits wall height to six feet in the rear setback. This is not an unusual requirement--Everett had something similar. For the project, the combined wall height 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)

March 6, 2023

VIA EMAIL

Andrew Galuska
Planning/Community Development Director
City of Mukilteo
11930 Cyrus Way
Mukilteo, WA 98275

**RE: Harbor Grove Subdivision Application
Retaining Wall Setbacks and Height; Building Height; Retaining Wall Details**

Dear Mr. Galuska,

This is a formal request that the City reconsider its determination regarding zoning code applicability to the proposed retaining walls along the western boundary of the project. The City maintains they are not freestanding walls and therefore are not required to meet height and setback regulations for walls, fences or other structures (*Galuska email 2-3-23*). Under this reasoning, there is no limit to the height of retaining walls within setback areas and they are exempt from regulation under the zoning code. This interpretation of the zoning code is contrary to the purpose and intent of setback regulations and allows damaging impacts on adjacent properties including light, shadow, and increased building height caused by abrupt and artificial grade increases. Even if a hearing examiner were to rule that the proposed walls are exempt from zoning regulations, it will be impossible to ignore the impacts that such an interpretation would cause under SEPA.

The proposed retaining walls along the western boundary of the project are located within the 25-foot rear setback required by the zoning code. The lower wall would be within 12 feet of the property line, while the upper wall would be within 21 feet. The total length of the lower wall would be 170 feet, while the upper wall would be 250 feet. The combined height of the walls would be up to 20 feet on Lots 6 and 7, in the southwest corner of the project site. Both walls would exceed six feet in height in places.

Applicable City code sections:

17.08.020 Definitions.

“Setback line” means a line parallel to the property line and located at the minimum distance required by the code or ordinance between a building wall and a property line or other reference.

“Structure” means a combination of materials constructed or erected on the ground or water, or attached to something having a location on the ground or water.

“Freestanding sign” means a pole, pylon, ground or monument sign supported by the structures or supports that are placed on, or anchored in, the ground and that are independent from any building or structure.

17.20.080 Fences and freestanding walls.

- A. *Fences and Freestanding Walls. Fences and freestanding walls are allowed under the following conditions.*
 - 2. *Height.*
 - a. *In residential zones, fences and freestanding walls located in side and rear yards may not exceed six feet in height and must be stepped down to not more than four feet or forty-eight inches at the front setback line.*
- C. *Variances. Increases in the height of fences or freestanding walls by more than two feet in height shall be subject to the review procedures and requirements of Section 17.64.040, Variances.*

What exactly is the difference between a retaining wall and a freestanding wall? City code does not define either term. The term “freestanding” is, however, used in identification of sign types and provides guidance on how it should be applied here (see definition above). A freestanding sign is a self-supporting structure that is not attached to a building or other structure. Using this same approach, the retaining walls in the Harbor Grove project are also considered freestanding since they are not connected to any other structures. Their only function is to support fill dirt and allow the site elevation to be raised.

The proposed walls, because of their height, length and continuous nature are more like large buildings than the type of retaining walls that are commonly used on residential lots. In fact, the proposed walls create a greater impact than if a variance were issued for a residential house within the rear setback. This is due to the continuous length, with no gaps to allow light to pass through.

The American Planning Association in, A Planner’s Dictionary includes model definitions for setback regulations, including the following:

Setback regulation. *The requirement that a building be set back a certain distance from the street or lot line, whether on the street level or at a prescribed height. The aim is to allow more room for the pedestrian or to reduce the obstruction to sunlight reaching the streets and lower stories of adjoining buildings. (Handbook for Planning Commissioners in Missouri)*

The proposed walls along the western and southern property lines are both retaining walls **and** freestanding walls under city code and are therefore subject to the height and setback provisions under MMC 17.20.080.A.2.a. The Planning Department should have required either a project redesign or a variance application for wall height exceeding six feet within the 25-foot rear setback. With the current project design the application is incomplete because it does not include a variance request.

March 6, 2023

Page 3

Building height:

A closely related issue is building height. How will future building height be calculated for lots that are created on structural fill with a finished grade higher than existing grade? Please provide the relevant code framework and rationale.

Additional information regarding retaining wall design details:

One of the items in the City's letter dated Feb. 17, 2022 requesting additional information for the Harbor Grove application was, "Detailed drawings of the proposed retaining walls" (see page 6 of the letter). This information has not been provided by the applicant.

In the applicant's response letter to Linda Ritter dated Aug. 11, 2022, the applicant addresses this issue:

Response: *Coordination has been made with the geotechnical engineer in providing detailed drawings of the proposed retaining walls and drains. Details will be submitted with the retaining wall clearing and grading permit when obtained.*

The applicant stated they will not be providing the information as part of the land use application, but will instead submit it with the grading permit application. The design details for the retaining walls are important to understand the impacts of the project. For example, we need to know if the applicant intends to construct the walls using ecology blocks, which will be an instant eyesore. Long-term structural stability and maintenance are other key concerns. (After all, the walls need to last forever due to the difficulty in gaining access to repair/replace them.) The City recognized this in their request for additional information. And since this issue was raised in the public comments received by the City, there is no basis to waive the requirement. The additional information requested by the City has not been provided within the code required time frame and the Harbor Grove application should be terminated under MMC 17.13.040.E.

Your consideration and response to these issues would be greatly appreciated.

Sincerely,

David Tyler
9055 Hargreaves Pl., Mukilteo, WA 98275

CC: Sarah Kress, Matthew Geiger – City of Mukilteo
Sylvia Kawabata
Bryan Carli

From: [Juanito C. Borromeo III](#)
To: [Linda Ritter](#)
Subject: SD 2021 001/ENG-2021-019/SEPA-2021-010
Date: Monday, November 29, 2021 11:11:47 AM

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

To The Mukilteo City Planner:

I would just like to address my concern about the environmental impact of this project (Harbor Groove Subdivision Preliminary 9110 53rd Ave W). Specifically the rapid erosion of the creek south of my property (9031 surrey ln SW, Mukilteo WA).

Sincerely,

JB