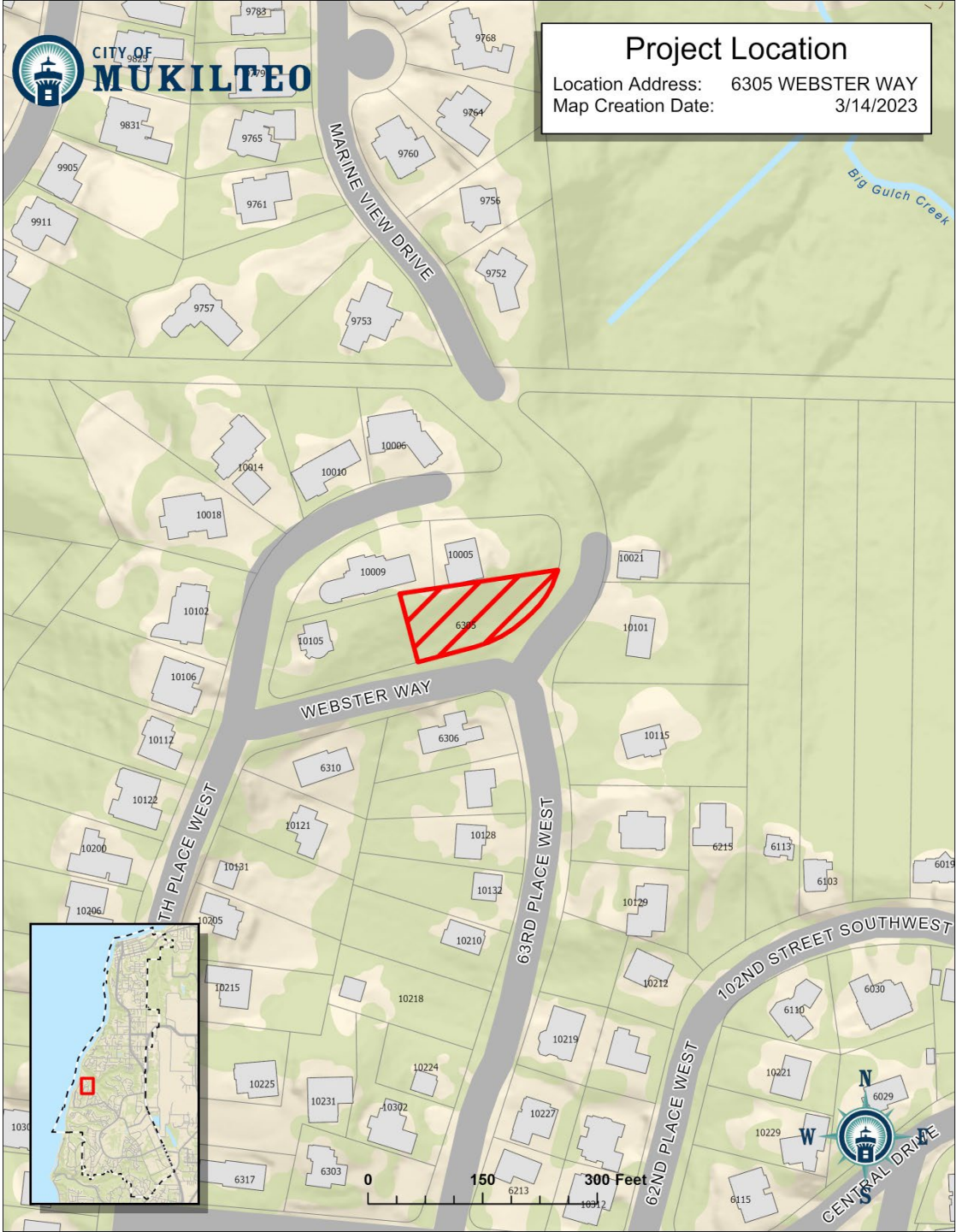




**Estes Single-Family Residence Reasonable Use Permit (RUP)
and Variance
Mukilteo Hearing Examiner Public Hearing
April 3, 2023**



Location Map





Current Conditions





DATE	12-01-01
TIME	14:00
LOCATION	1000
NAME	1000
TYPE	1000
STATUS	1000
REMARKS	1000





Staff Analysis of Other Permitted Reasonable Use Properties

Name	Address	Lot Size	Building footprint (s.f./percentage)	Disturbance area (s.f./percentage) Excludes driveway
Fisk/ Harris	10027 Marine View Drive	24,154 s.f.	2,292 s.f. / 9.4%	4,080 s.f. / 17%
Gaenz	5334 84 th Street SW	20,881 s.f.	2,280 s.f. / 11%	3,078 s.f. / 14%
Steinman/ Negris	9040 61 st Place W	35,283 s.f.	1,424 s.f. / 4%	6,655 s.f. / 19%
Ramfar	9410 63 rd Place W	9,612 s.f.	2,135 s.f. / 22%	2,501 s.f. / 26% (nonconforming lot)
Nielsen	5640 96 th Street SW	27,809 s.f.	850 s.f. / 3%	6,400 s.f. / 23%
Griffin	9020 61 st Place W	19,557 s.f.	2,604 s.f. / 13%	4,208 s.f. / 22%
Pinalto	10601 Macarthur Lane	15,905 s.f.	2,600 s.f. / 16%	4,770 s.f. / 30%
Kakar	9018 63 rd Pl W	60,509 s.f.	2,580 s.f. / 5%	7,000 s.f. / 12%
Estes	6305 Webster Way	13,652 s.f.	2,134 s.f. / 15%	4,090 s.f. / 30%* *Number includes driveway



Comments Received

Commenter	Comment	Staff Response
Mukilteo Water and Wastewater District (MWWD)	<ul style="list-style-type: none">• There is no existing water service for this lot. There is one existing sanitary sewer service stubbed into the Southeast corner of the lot. There is a water main located in the North ROW of Webster Way capable of serving this property. There is an existing fire hydrant on the same side of Webster Way, in the ROW, at this lot. The City of Mukilteo Fire Department will need to comment whether the hydrant will meet their requirements.• To obtain water and sewer service the owner would need to make application and payment for a water (District Installed) and side sewer permit at the district office. Once the sewer permit is purchased, the owner would need to hire a licensed side sewer contractor to connect the residence to the side sewer stub per District standards. The district will need to review and approve the licensed side sewer contractor prior to work on the sewer.	<p>The applicant will be required to enter into an agreement with the MWWD to install the necessary water and sewer improvements needed to serve the proposed construction.</p> <p>This is a condition of the permit</p>



Comments Received

Commenter	Comment	Staff Response
Snohomish County Public Utility District #1	<ul style="list-style-type: none">• The District presently has sufficient electric system capacity to serve the proposed development.• The existing District facilities in the local area may require upgrading.• The developer is required to supply the District with suitable locations/easements on au parcels where electrical facilities 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. Existing PUD facilities may need relocations or modifications at the developer's expense. Any relocation, alteration, or removal of District facilities to accommodate this project shall be at the expense of the project developer and must be coordinated with the PUD in advance of final design. Please include any utility work in the scope of all land-use permits.• 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 applicant is required to adhere to the requirements of the utility companies. This is identified a recommended condition of the permit.



Comments Received

Commenter	Comment	Staff Response
Mukilteo School District	<ul style="list-style-type: none">• Impact fees to be paid to the Mukilteo School District per GMA prior to building permit issuance.	The applicant is required to adhere to the requirements of the School District. This is identified a recommended condition of the permit.
Property owners at 6306 Webster Way	<ul style="list-style-type: none">• Objection to the front setback reduction from 20 feet to 10 feet as well as the top of slope setback.• Property owner feels it will diminish the quality of living on their property and privacy, which makes the location very desirable for them.• Hopes that the request will be denied.	Mukilteo Municipal Code Chapter 17.52.025 has provisions that allow a property owner reasonable use of their property. The applicant is proposing to reduce the critical area buffer by sixty percent and the front setback by fifty percent in order to construct the proposed home. “Fifty percent or greater reduction requires approval by the hearing examiner through a variance process and with the submittal of a report relying on best available science and prepared by a qualified specialist to the city that demonstrates the reduction is warranted.” The applicant has provided this information and therefore the city has no objection to the variance request to reduce the front setback in order to have reasonable use of the property due to the critical areas onsite.



Comments Received

Commenter	Comment	Staff Response
Mr. Marmaduke, Mukilteo Resident	<p>Mr. Marmaduke questions this permitting proposal for the following reasons:</p> <ul style="list-style-type: none">• Front yard pavement grading of 14% to 25% is far outside engineering grading design norms of 10% to 13% maximum for paved driving surfaces.• Clearly the preliminary drainage analysis shows If the driveway is 25% then the front-yard slope is pushing 35% and so does NOT comply with 'grass strip' storm filter mitigation.• They need a curb and interceptor CB with a storm detention vault. Half of the buildout will be Impervious Runoff and the rest will be new unstable Steep Slope, even more steep than the existing steep slope.• Building 3-story height, with reduced 10-foot building setback, means neighbor properties will never see the sun during winter months.	<p>The slope of the driveway has been revised to meet the city's development standards of 5%. Per the Mukilteo Development Standards section 4.6.5.5, the maximum grade for driveways to meet the public right-of-way is five percent (5%). This grade shall not be exceeded for a distance of 20 feet from edge of pavement.</p> <p>Stormwater improvements were designed to the Washington State Department of Ecology's Stormwater Management Manual for Western Washington (2012) as amended in 2014.</p> <p>The current height limit for this zone is 35 feet. The city has no objection to the variance request to reduce the front setback in order to have reasonable use of the property due to the critical areas onsite.</p>



6305 Webster Way





Unique Conditions

- 3 - Utilities are not being proposed within the steep slope setback area. Utilities must be placed within the driveway access or use alternative methods acceptable to the Public Works Director to bring the utilities through the property.
- 6 - Temporary signs shall be placed at the perimeter of the NGPA at 50-foot intervals during periods of construction, clearing, grading or excavation on adjacent property. The signs shall describe the limitations on site disturbance and development adjacent to the NGPA. Permanent signs shall be placed at the perimeter of the NGPA at 50-foot intervals prior to final inspection/issuance of the certificate of occupancy.
- 11 - The applicant's Geotechnical Engineer shall be on-site to monitor excavations to suitable bearing soils for the foundations. We should also be on site to inspect the progress of backfill and compaction, subsurface drainage installation, temporary and permanent erosion control, and to verify slope stability throughout the construction process, as noted in the geotechnical report. Copies of all inspection reports shall be submitted to the City's Engineering Department on a weekly basis.



Unique Conditions

- 12 - Only those trees within the disturbance area are allowed to be removed. Other trees shall only be removed as allowed under MMC 17.52A.070, Vegetation Management on Steep Slopes. Outside of the approved disturbance area, only those trees that are determined to be hazardous by a certified arborist who specializes in risk assessment and a professional geotechnical engineer may be removed.
- 17 - Prior to permit issuance, a Land Use Binder shall be prepared and recorded with Snohomish County stating the Conditions of Approval for the Estes Single-family Residence Reasonable Use Permit and Variance.



Recommendation

- APPROVAL of the proposed Reasonable Use Permit and variance for the property located at 6305 Webster Way with the recommended conditions outlined in the Staff Report.