



City of Mukilteo, Washington
Notice of Decision
for
Hong Property Variance
at 1100 2nd Street
by Fred Baxter & Associates

The City of Mukilteo has issued a Notice of Decision for a Variance as required by Regulatory Reform Act (RCW 36.70B.130) and Mukilteo Municipal Code (MMC 17.13.080), and has **APPROVED**, with conditions, the following project:

Project Name: Hong Property Variance

Proponent: Fred Baxter & Associates on the behalf of Kyung & Susie Hong

Project Number: VAR 2017-001

Description of Proposal: Increase the hard surface limits for the property located at 1100 2nd Street from 3,780 s.f. to 4,580 s.f. The variance was requested due to the existing joint-use drive-way which was installed as an easement on the lot with the development of the Short Plat in 2007 as access for the lots to the north of the property.

Project Location: 1100 2nd Street

Notice of Decision Date: Friday, January 5, 2018

End of Appeal Period: Friday, January 26, 2018

Project Permit Expiration Date: January 5, 2020

Project Decision: Approved with conditions

Project Decision

A public hearing was held before the Hearing Examiner on December 14, 2017 for a Variance. After considering comments by the public, City staff, and outside agencies, the project was approved with conditions by the Hearing Examiner, based on and subject to the attached Findings of Fact, Conclusions and Decision.

The Variance shall be valid for two (2) years from the date of this Notice of Decision. If a building permit or grading permit, as permitted by the Variance is not obtained within this period, the project permit shall become null and void, and a new Variance would need to be submitted.

Any violation of the Conditions of Approval shall be considered a violation of the project permit and shall be subject to the City's code enforcement procedures.

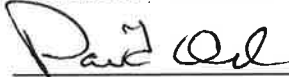
Appeals

A Party of Record must file an appeal of this decision within twenty-one (21) calendar days from issuance of this Notice of Decision. Appeals must be delivered to the Snohomish County Superior Court by, **Friday, January 26, 2018**, at 3000 Rockefeller Ave., Everett, WA 98201.

Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation. For information regarding property valuations and/or assessments, contact the Snohomish County Assessor's Office at (425) 388-3433.

Contact Person: Linda Ritter, Senior Planner


(425) 263-8043


Linda Ritter
Planning Department

For Linda R.
01.03.18
Date:


Mick Matheson, P.E.
Public Works Director

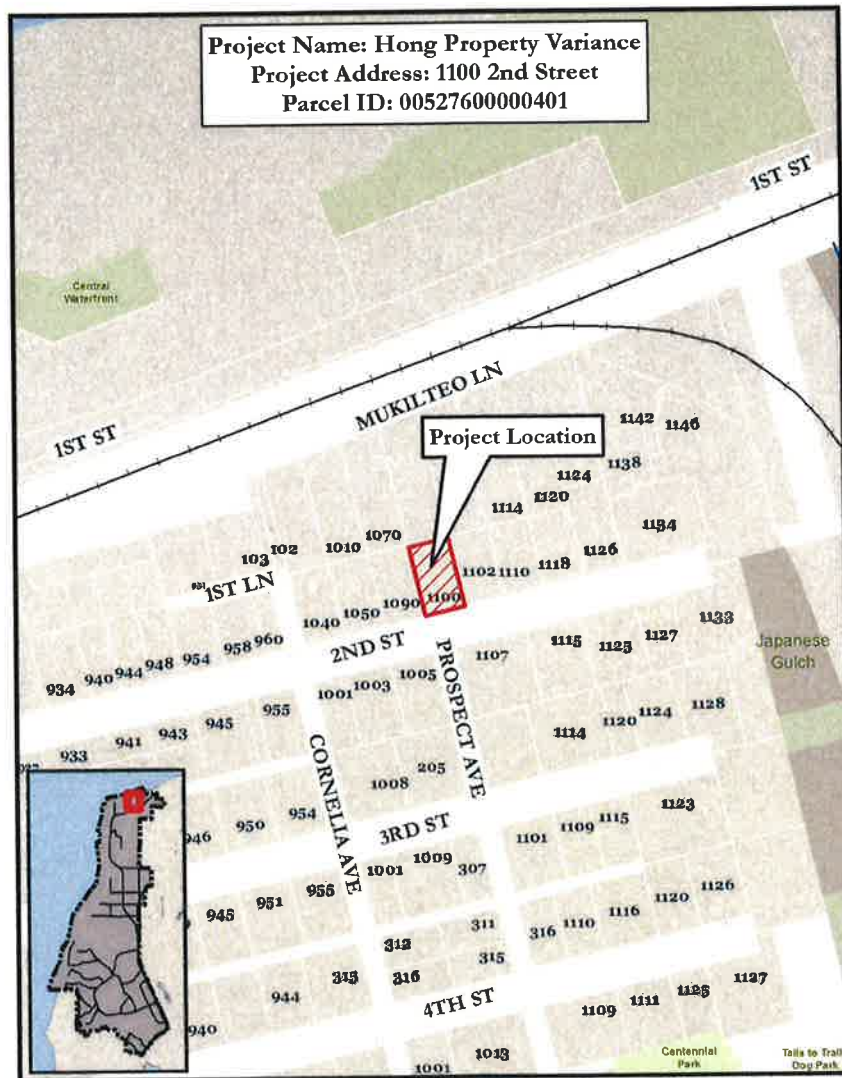
1/3/2018
Date:


Willie Berns
Building Official

1/3/18
Date:


Roger Rudikoff
Fire Marshal

01/03/18
Date:



Location Map

pc:	Applicant	Planning Director	Permit Services Technicians (1)
	Property own. w/i 300 ft.	Permit Services Supervisor	SEPA File
	Parties of Record (if any)	Management Services Dir.	File Copy (2)
	Review Agencies		

**BEFORE THE HEARING EXAMINER
FOR THE CITY OF MUKILTEO**

In the Matter of the Application of)	No. VAR-2017-001
)	
)	
Fred Baxter & Associates)	
)	
)	FINDINGS, CONCLUSIONS,
<u>For Approval of a Variance</u>)	AND DECISION

SUMMARY OF DECISION

The request for a variance from the maximum hard surface coverage requirements of MMC 17.20.028 (Table 3) to allow for future development in the RD 7.5 zone, at 1100 2nd Street, is **APPROVED**. Conditions are necessary to address specific impacts of the proposal.

SUMMARY OF RECORD

Hearing Date:

The Hearing Examiner held an open record hearing on the request on December 14, 2017.

Testimony:

The following individuals presented testimony under oath at the open record hearing:

Linda Ritter, City Senior Planner
Jennifer Adams, City Surface Water Manager
David Osaki, City Planning Manager
Fred Baxter, Applicant
Kris Huxford
Lee Lovorn
Barbara O'Brien

Exhibits:

The following exhibits were admitted into the record:

1. Staff Report with the following attachments:
 - A. Location Map, undated
 - B. Aerial Map, undated
 - C. Land Use Permit Application and Variance Supplemental Application Form, received September 29, 2017

*Findings, Conclusions, and Decision
City of Mukilteo Hearing Examiner
Fred Baxter & Associates Variance, No. VAR-2017-001*

- D. Application Submittal Notification, dated October 26, 2017
- E. Project Narrative, dated September 25, 2017
- F. Site Plan, received September 29, 2017
- G. Short Subdivision No. 1, A.F. No. 200807305214, dated April 3, 2008; Short Subdivision No. 2, A.F. No. 200807305215, dated April 3, 2008
- H. Kung Hong 2 Lot Short Plat, Paving & Drainage Plan, Notes and Details, dated December 26, 2007
- I. Boundary/Topographic Survey for Susie Hong, dated September 22, 2017
- J. Residential Site Evaluation, Cornerstone Geotechnical, Inc., dated April 14, 2006
- K. Agency comments
 - ii. Email from Ann Feaster, Mukilteo School District, to Linda Ritter, dated November 1, 2017; with City of Mukilteo Request for Comments, dated October 20, 2017
 - iii. Letter from Jim Voetberg, Mukilteo Water & Wastewater District, to Linda Ritter, dated November 1, 2017
- L. Public comments
 - i. Email from Kris Huxford to Linda Ritter, dated October 25, 2017
 - ii. Email from Kris Huxford to Linda Ritter, dated November 2, 2017; with email string
 - iii. Email from Lee Lovorn to Linda Ritter, dated November 4, 2017
- M. Affidavit of Publication, dated December 14, 2017
- N. City PowerPoint (15 slides)

The Hearing Examiner enters the following findings and conclusions based on the testimony and exhibits admitted at the open record hearing:

FINDINGS

Application and Notice

1. Fred Baxter & Associates (Applicant),¹ for property owners Kyung and Susie Hong, requests a variance from the maximum hard surface coverage requirements of Mukilteo Municipal Code (MMC) 17.20.028 (Table 3) to allow for future development in the RD 7.5 zone. The property is located at 1100 2nd Street.² *Exhibit 1, Staff Report, page 1.*
2. The City of Mukilteo (City) determined the Applicant's variance application was complete on October 16, 2017. The City mailed the notice of the application to the Applicant, property owners within 300 feet of the property, and interested parties on October 25, 2017. That same day, the City posted notice of the application on-site and at the City's official notice locations, and published notice in the *Everett Daily Herald*. On

¹ Fred Baxter & Associates applied as the Applicant. The property owners are Kyung & Susie Hong. *Exhibit 1.C.*

² The property is identified by Snohomish County Tax Parcel No. 00527600000401. A legal description of the property is included with the staff report. *Exhibit 1, Staff Report, page 1; Exhibit 1.C.*

November 30, 2017, the City mailed the notice of the public hearing to the Applicant, property owners within 300 feet of the property, and interested parties on October 25, 2017. The same day, the City posted notice of the application on-site and at the City's official notice locations. On December 1, 2017, the City published notice of the open record hearing associated with the application in the *Everett Daily Herald*. *Exhibit 1, Staff Report, page 14; Exhibit 1.D; Exhibit 1.M.*

3. In response to the notice documents, the City received two public comments on the proposal prior to the open record hearing. Kris and Jeff Huxford expressed concern over the lack of building plans, view blockage, overpricing of the lots, and erosion and landslides during construction. Lee and Ricky Lovorn expressed concern over the size of the lot, drainage issues, lack of hardship that would allow a variance, and changing the rules for one land lot owner. They requested that the variance request be denied. City staff responded to the written comments in the staff report, noting that the Applicant provided a site plan and that the Applicant has not requested a bulk requirement variance; that the City accepts the short plat survey, which identifies the lot as 7,500 square feet; that the time for appealing the short plat decision has expired; that lot price is not relevant to the variance criteria; that the City does not have a view protection ordinance, and building height is reviewed at the time of building permit application; that a geotechnical report was submitted to the City as part of both of the short plats; and that Native Growth Protection Easements were created to protect the steep hillside on the northern portions of Lot 2 of each short plat, also noting that the Applicant would submit an updated geotechnical report or addendum at the time of building permit application, that additional review of storm drain improvements would occur at the time of building permit application, and that the zoning code includes variance procedures. *Exhibit 1, Staff Report, pages 15 and 16; Exhibit 1.L.*

State Environmental Policy Act Review

4. The City staff determined that the variance request is exempt from review under the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, in accord with Washington Administration Code (WAC) 197-11-800(6)(e).³ *Exhibit 1, Staff Report, page 2.*

Comprehensive Plan, Zoning, and Critical Areas

5. The property is designated as Single-Family Residential High Density under the City's Comprehensive Plan, which permits a development density of 5.80 dwelling units per acre. The City did not identify any Comprehensive Plan goals or policies as relevant to the proposed application. *Exhibit 1, Staff Report, page 2.*

³ WAC 197-11-800(6)(e) provides land use decisions that "[grant] variances based on special circumstances, not including economic hardship, applicable to the subject property, such as size, shape, topography, location or surroundings and not resulting in any change in land use or density" shall be exempt from SEPA review.

6. The property is located within the City's RD 7.5 Single Family Residential zone. Single-family residences are a permitted use within the zone. Lots within the RD 7.5 zone must measure at least 7,500 square feet. *MMC 17.20.015, Table 1*. Under *MMC 17.20.020, Table 2*, minimum setback requirements in the RD 7.5 zone are 20 feet for front property line setbacks, 20 feet for rear setbacks, and 5 feet, with 15 feet of total side setbacks. In addition, lot coverage must not exceed 35 percent, and building height must not exceed 30 feet. The Applicant does not propose to reduce any of these requirements. *MMC 17.20.020, Table 2*. All surround property is also designated Single-Family Residential High Density and zoned RD 7.5. Properties to the east and west contain single-family residences. Properties to the south include a religious institution and single-family residences. Properties to the north are vacant. *Exhibit 1, Staff Report, pages 1 and 2*.

Existing Conditions and Proposal

7. Lot 1 is a vacant, rectangle-shaped, 7,500 square foot parcel with a view of Possession Sound. The property would be accessed from 2nd Street, which runs east/west along the south property boundary. From 2nd Street, the property is level, then slopes downward toward the north. Lot 1 was created as part of the City's September 19, 2006, approval of a two-lot short plat (Hong II), recorded together with a neighboring short plat (Hong I) to the east. The decisions for the two short plats required that Lot 2 of Hong II and Lot 2 of Hong I both take access from 2nd Street via a private road running north on Lot 1 of Hong II. Lots 1 of Hong I and II were required to take access directly from 2nd Street. As a result, although Lot 1 of Hong II contains a paved, 16-foot-wide private road, in order to construct a residence on Lot 1, the Applicant must construct a separate driveway access to 2nd Street. *Exhibit 1, Staff Report, pages 1 and 3 through 5; Exhibit 1.F; Exhibit 1.G*.
8. On December 5, 2016, after approval of the Hong I and II short plats, the City Council passed Ordinance No. 1390, which adopted new low-impact development standards as part of Resolution 2016-19. As adopted, *MMC 17.20.028* established a maximum hard surface limit of 3,780 square feet for a 7,500 square foot lot. The existing paved easement on Lot 1, allowing accessing to two lots to the north, occupies approximately 2,579 square feet of hard surface. Under the hard surface coverage limit, the remaining allowable additional hard surface for a building footprint, separate driveway, walkway, and decks would be 1,201 square feet. A typical driveway would cover 320 square feet leaving 881 square feet for a building footprint. The Applicant is requesting a variance to allow an additional 797 square feet of hard surface beyond the 3,780 square foot maximum (a total of 4,577 square feet). The City has rounded the maximum hard surface area to 4,580 square feet. *Exhibit 1, Staff Report, pages 1, 6, and 18*.
9. City staff reviewed surrounding residences and determined that the building footprints in the immediate area averaged approximately 2,156 square feet and that Lot 1 of the Hong II short plat is the only remaining vacant lot that has a paved private access easement. *Exhibit 1, Staff Report, pages 7 and 8*.

Findings, Conclusions, and Decision

City of Mukilteo Hearing Examiner

Fred Baxter & Associates Variance, No. VAR-2017-001

10. Drainage for Lot 1 was evaluated as part of the Hong II short plat. Cornerstone Geotechnical prepared a Residential Site Evaluation (RSE), dated April 14, 2006. The RSE recommended that runoff from impervious (hard) surfaces, such as the roof and paved areas, be collected and routed to an appropriate storm water discharge system, with roof drains tightlined separate from the footing drains until the tightline is a minimum of 1-foot, vertically, down-gradient from the footing drains. The City determined that the storm drainage system was designed per the Washington State Department of Ecology's Stormwater Management Manual for the Puget Sound Basin (1992) and installed prior to the final plat approval in 2008. Both Lot 1 and Lot 2 of the Hong II short plat have on-site detention to reduce surface water impacts. Detention on Lot 1 is sized to manage a total of 3,746 square feet of impervious surface. The Applicant's drainage plan for Lot 1 allocates 1,657 square feet of roof area, 2,400 square feet of driveway/walkway area, and 658 square feet of deck area for the stormwater vault. The existing shared driveway is 2,579 square feet, and the Applicant is proposing 1,290 square feet of hard surface roof area. The Applicant would complete drainage calculations as part of any future building permit application and submit a drainage plan showing sufficient capacity in the existing vault. *Exhibit 1, Staff Report, pages 10 and 11; Exhibit 1.H; Exhibit 1.J.*
11. Utility services, including water, sewer, stormwater, electricity, natural gas, telephone, and cable are all available for the property. All improvements were required to be installed prior to final plat approval. *Exhibit 1, Staff Report, pages 1 and 3.*

Variance

12. To be granted a variance, an applicant must demonstrate that: the variance does not constitute a grant of special privilege inconsistent with the rules and regulations governing the uses of other properties in the vicinity or zoning district; the variance is necessary because of special circumstances relating to the size, shape, topography, location, or surroundings of the property to provide it with use rights and privileges afforded other properties in the area; granting the variance will not be materially detrimental to the public welfare or injurious to neighboring property; the variance is not needed to relieve financial hardship or hardship created by the applicant; and the variance would not allow a use that is not permitted, outright or by conditional use permit, in the zone.⁴ *MMC 17.64.040.A.*

Testimony

13. Senior Planner Linda Ritter testified and briefly described the plat history and the City's adoption of the hard surface ordinance as required by the Washington State Department of Ecology. The ordinance went into effect on January 1, 2017, but did not take into account a lot with an access easement serving other lots. She testified that views would

⁴ The staff report referenced a 2014 Hearing Examiner variance appeal decision for a nonconforming lot related to the Ball Short Plat (HEA-2014-02; SP-2014-003/VAR-ADMIN-2014-002), which is not relevant to the proposed application. *Exhibit 1, Staff Report, page 8.*

be protected because of the small size of the house. In addition, the access road to the west would also provide a view corridor. She pointed out that the Applicant is not asking for a variance that would increase lot size, there is no requested change in setbacks, and there is no request for an increase in the height limits for the lot. She indicated that a permitted house, if the variance is granted, would be consistent with other houses in the area, and she referenced a chart in the staff report comparing the size of the proposed house with other nearby houses. She testified that the variance would not constitute a special privilege because the house that would be constructed is consistent with nearby properties. She also pointed out that the access road, which is required by the plat, provides no benefit to the Applicant's lot, yet the amount of the hard paved surface is applied to the lot. The proposed house could have been built without a variance if the street had not been required by the plat. She discussed the inconsistency between the size of the lot cited by the public comment obtained from a county website and the actual measured size of the lot. She indicated that the lot size meets the minimum requirements, and that the county's figure is based upon a rounding of size computations. With regard to comments that there could be drainage or erosion problems caused by the development, she pointed out that during the building permit process an analysis of the drainage system would be required. She testified that there had been no amendments to the comprehensive plan or zoning code that would adversely affect the proposed request since the date of complete application. Although any future construction would be subject to the most recent storm water manual, not the 1992 version, no changes would be required by the application of the new manual. *Testimony of Ms. Ritter.*

14. Fred Baxter, a licensed architect, testified on behalf of the property owners and briefly described the subdivision process that had occurred and the need for variance. The variance is required because of the new code provisions enacted after the subdivision of the property. Applying the new code provisions that limit hard surfaces, which would include the access road for lots to the north, would cause hardship on the use of the Lot 1. The access road does not benefit the lot, but does drastically reduce the size of a residence that could be built on the property. He estimated that the house, to comply with the new code, would have a footprint of about 490 square feet. That would make it impractical to build on the property. He testified that the property owners were not seeking any variances which would increase the size or height of the house, but just a variance from the hard surface coverage requirement. The proposed residence would be consistent with other houses in the area and with the prior house on the lot, which was demolished. He also testified that there would not be any greater impact on views, given the size of the proposed house compared to the prior house, and that the access road would also constitute a view corridor. *Testimony of Mr. Baxter.*
15. Kris Huxford testified that she lives on Third Street, to the south. She said that she can see the property from her home. She submitted email comments in response to the notice of application. She testified regarding the issues raised in her emails. She disagreed with the Applicant's description of why the old house was removed. She said it was not

because of the short plat, but because of a 2007 storm and damage to the roof. She also testified about groundwater problems in the area and testified that groundwater issues need to be taken care of with any development. *Testimony of Ms. Huxford.*

16. Lee Lovorn, submitted email comments in response to the notice of application. She testified that the lot size was too small to be developed. She also testified that the smaller house could be built without a variance. She also testified that there are many other houses in the old town area similar to what could be built on Lot 1 without a variance. *Testimony of Ms. Lovorn.*
17. Barbara O'Brien testified that she was not given notice of the variance plans and that she thought there are too many variances granted on properties throughout the city. She was concerned that all the variances were changing the city, and that property owners were applying for them simply because they did not like the rules. She said that many people felt frustrated because it was impossible to fight city hall. She said that people should follow the rules. She said she opposed the variance because drainage is an issue in this part of the city ("old town"). *Testimony of Ms. O'Brien.*
18. City Planning Manager David Osaki testified that there was a house on the property at one time, but when the City adopted the new development standards, the house did not exist. A year ago, prior to the enactment of the new hard surface code, the City would have approved the proposed house without a variance as a matter of right. The problem is caused by the recently enacted code applying to the old plat. He also testified that variances were part of the rules. The code allows variances if they meet the requirements. In making the request for a variance, the Applicant is complying with the rules. *Testimony of Mr. Osaki.*
19. City Surface Water Manager Jennifer Adams testified, addressing the possible use of a permeable surface for a residence driveway, but she noted that both permeable and nonpermeable surfaces are considered hard surfaces under the City code. With regard to concerns about drainage, she pointed out that there already exists a detention vault on the property, which was installed as part of the plat. She noted that drainage issues would be considered as part of the building permit process. She also noted that the Applicant was not seeking any variance from drainage requirements. *Testimony of Ms. Adams.*
20. In response to public testimony, Mr. Baxter pointed out that the old house that had existed on the property would be nonconforming under current code requirements. He also pointed out that he has been involved with remodeling at least five houses within two blocks of the site. He said the proposal is not for a big house, and the proposed house is consistent with other houses in the area. He testified that not granting the variance would place an unreasonable hardship on the use of the property. *Testimony of Mr. Baxter.*

Staff Recommendation

21. City staff recommended that, with conditions, the variance request be granted. Mr. Baxter testified that the property owners agreed with all of the proposed conditions stated in the City staff report. *Exhibit 1, Staff Report, page 18; Testimony of Mr. Baxter.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner is authorized to hold an open record hearing for Type II permit applications, including variance applications. *MMC 2.38.030; MMC 17.13.060 - .070; MMC 17.64.040.* The City of Mukilteo has authorized the Hearing Examiner to approve, approve with conditions, or deny land use applications. *Chapter 17.13 MMC.*

Criteria for Review

Variance Criteria

In making a decision on any variance application, the Hearing Examiner may approve the variance as presented, deny the variance, or approve the variance with such conditions, regulations, or safeguards as necessary to ensure that the variance meets the criteria below and that the purpose and intent of the regulations adopted in this title are not violated. *MMC 17.64.040.D.* A variance may be approved only if all of the following criteria are met:

1. The variance shall not constitute a grant of special privilege inconsistent with the rules and regulations governing the uses of other properties in the vicinity or zoning district in which the property for which the variance is requested is located; and
2. The variance must be necessary, because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity that are located in the same zoning district in which the subject property is located; and
3. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity or zone in which the subject property is situated;
4. Hardships of a financial nature, hardships which are self-created, and hardships which are personal to the owner and not to the property, shall not be grounds for a variance;
5. Variances shall not be granted if the granting of the variance would allow a use not permitted outright or by conditional use permit, or any use prohibited outright or by implications in the zoning district involved.

MMC 17.64.040.A.

Findings, Conclusions, and Decision

City of Mukilteo Hearing Examiner

Fred Baxter & Associates Variance, No. VAR-2017-001

The criteria for review adopted by the Mukilteo City Council are designed to implement the requirement of Chapter 36.70B RCW to enact the Growth Management Act. In particular, RCW 36.70B.040 mandates that local jurisdictions review proposed development to ensure consistency with City development regulations, considering the type of land use, the level of development, infrastructure, and the characteristics of development. *RCW 36.70B.040; Exhibit 1, Staff Report, page 18.*

Conclusions Based on Findings

1. **The variance would not constitute a grant of special privilege inconsistent with the rules and regulations governing the uses of other properties in the vicinity or zoning district in which the property for which the variance is requested is located.** The request is for a variance to increase the maximum hard surface requirements, not a change in land use. Courts have held that a variance does not constitute a special privilege inconsistent with the rules and regulations governing the uses of other properties where the request is for relief from dimensional setbacks, not a use variance. *See City of Medina v. T-Mobile USA, Inc.*, 123 Wn. App. 19 (2004). The property is located in the RD 7.5 Single Family Residential zone, which allows a single-family residence. Variance approval would enable development consistent with that allowed on surrounding properties within this zoning district and does not constitute a grant of special privilege. *Findings 1, 5 – 21.*
2. **The variance is necessary, because of special circumstances relating to the size, shape, topography, location, or surroundings of the property, to provide it with use rights and privileges permitted to other properties in the vicinity that are located in the same zoning district in which the subject property is located.** The City amended its zoning code, which established new maximum hard surface requirements, after final approval of the Hong II short plat. The Hong II short plat required that Lot 1 provide a paved access easement to two lots to the north. Once a separate driveway and walkway are constructed, the existing hard surface would limit the buildable area to a building footprint of 493 square feet. The variance is necessary to allow the Applicant to build a single-family residence on-site, a privilege enjoyed by all other property owners in the vicinity. *Findings 1 – 21.*
3. **With conditions, the variance would not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity or zone in which the property is situated.** The City provided reasonable notice of the application and open record hearing by posting notice on the site and at official locations for City notices, publishing in the *Everett Daily Herald*, and mailing notice to property owners within 300 feet of the property and to interested agencies. Although Ms. O'Brien testified that she did not receive notice of the variance request, she did not provide any evidence that her property was within the 300 feet required for mailed notice. Her presence and testimony at the hearing indicates that she was afforded an opportunity to testify at the open record hearing. A variance is exempt from review under the State

Findings, Conclusions, and Decision
City of Mukilteo Hearing Examiner
Fred Baxter & Associates Variance, No. VAR-2017-001

Environmental Policy Act. The Applicant would submit additional stormwater drainage plans as part of any residential building permit application. The City does not have a view ordinance, and no evidence was presented of any view easement. Any proposed residence would comply with the 30-foot height limit for the R-7.5 zone. Conditions are necessary to ensure that the maximum hard surface area not exceed 4,580 square feet, that a site-specific addendum to the geotechnical report be submitted with any building permit application; that, prior to building permit issuance, a Land Use Binder be prepared and recorded with the Snohomish County Auditor's office, and that the Applicant comply with all other applicable City codes, regulations, and requirements. *Findings 1 – 21.*

4. **The variance is not the result of hardships of a financial nature, hardships that are self-created, or hardships that are personal to the owner and not to the property.** The request for a variance is due to a change of City code that sets out maximum hard surface requirements adopted after the approval of the final Hong II short plat, not due to any situation created by the Applicant. The lot was legally created prior to the adoption of the new regulations. *Findings 1, 4 – 21.*
5. **The variance would not allow any use that is not permitted, outright or by conditional use permit, or any use that is prohibited outright or by implication, in the zoning district involved.** Single-family residences are a permitted use in the RD 7.5 zone. *Findings 1, 6, and 21.*

DECISION


Based on the preceding findings and conclusions, the request for a variance from the maximum hard surface coverage requirements of MMC 17.20.028 (Table 3) to allow for future development in the RD 7.5 zone, at 1100 2nd Street, is **APPROVED**, with the following conditions:⁵

1. The maximum additional hard surface area above the maximum 3,780 shall be 800 square feet (meaning the total maximum hard surface area for the property shall not exceed 4,580 square feet).
2. A site-specific addendum to the geotechnical report shall be submitted with the building permit application, addressing foundations, drainage control, and any other issues deemed pertinent by geotechnical engineer or the Public Works Director in accordance with MMC 17.52A.
3. Prior to building permit issuance, a Land Use Binder shall be prepared and recorded with the Snohomish County Auditor's office.

⁵ This decision includes conditions required to reduce project impacts as well as conditions required to meet City Code standards. "An approved project permit shall be issued by the city only after the proposal has met all the requirements of the Mukilteo Municipal Code." MMC 17.13.030.F.

4. The Applicant shall comply with all other applicable City codes, regulations, and requirements.

DATED this 28th day of December 2017.



LEE RAAEN
Hearing Examiner
Sound Law Center

LEE RAAEN