



City of Mukilteo, Washington
Notice of Decision
for
Mukilteo Water and Wastewater District
Lift Station 10 Replacement
Conditional Use Permit

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

Project Name: Lift Station 10 Replacement Conditional Use Permit

Proponent: Jim Voetberg, General Manager on behalf of the Mukilteo Water and Wastewater District

Project Number: CUP 2016-001

Description of proposal: Replacement of the existing Lift Station 10 with a new 1,500 square foot lift station. The new lift station will serve approximately 838 acres in north Mukilteo, including downtown. Parking is provided on-site within the fenced area for maintenance vehicles to park while performing maintenance functions at the new lift station. The building will be approximately 17 feet tall and be constructed of CMU walls, with a concrete foundation and prefabricated truss roof with associated grading and landscaping. The project site is approximately 16,639 square feet in size and located in the RD7.5 zone.

Project Location: 1113 Mukilteo Speedway

Notice of Decision Date: Friday, September 1, 2017

End of Appeal Period: Monday, September 25, 2017

Project Permit Expiration Date: September 1, 2019

Project Decision: Approved

Project Decision

A public hearing was held before the Hearing Examiner on August 2, 2017 for a Conditional Use Permit Application. 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 Conditional Use Permit 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 Conditional Use Permit is not obtained within this period, the project permit shall become null and void, and a new Conditional Use permit application would need to be submitted. The Planning Director may grant an extension to the approval date for a period of one (1) year if such is requested prior to the expiration of the project permit.

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, Monday, September 25, 2017, 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

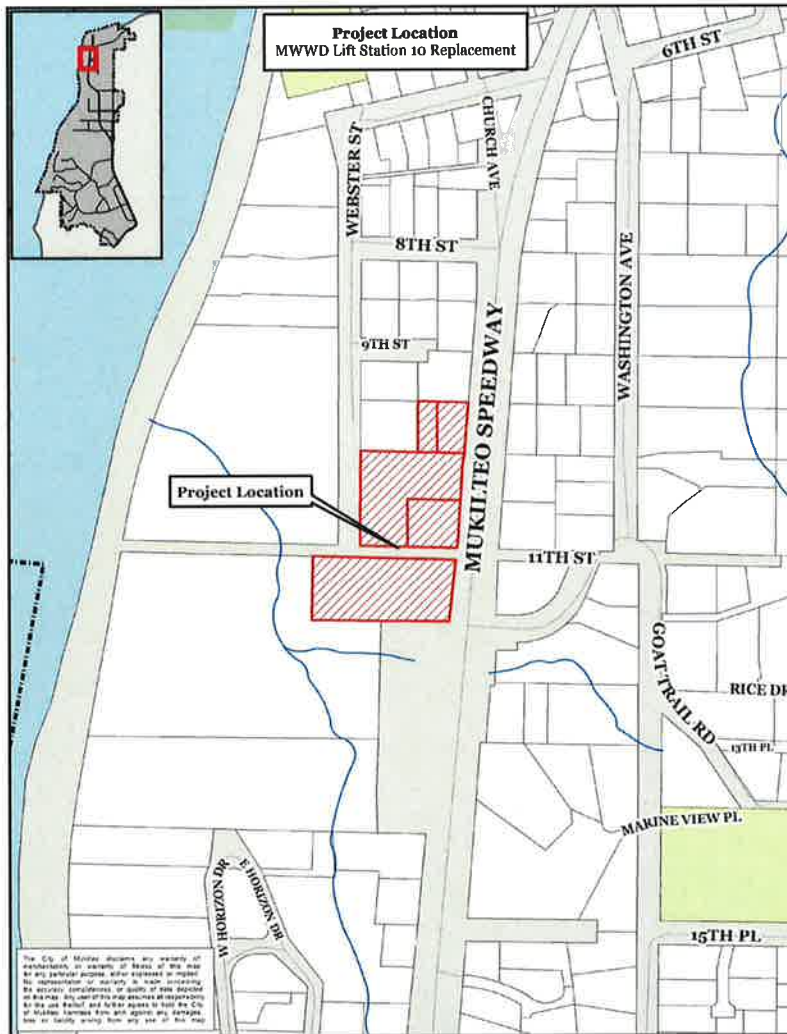
(425) 263-8043

Linda Ritter 8/24/17
Linda Ritter
Planning Department

Willie Berns 8/30/17
Willie Berns
Building Official

Mick Matheson, P.E. 8/30/2017
Mick Matheson, P.E.
Public Works Director

Roger Rudikoff 8/30/2017
Roger Rudikoff
Fire Marshal



Location Map

pc: Applicant
Property own. w/i 300 ft.
Parties of Record (if any)
Review Agencies

Planning Director
Permit Services Supervisor
City Administrator

Permit Services Technicians (1)
SEPA File
File Copy (2)

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

RECEIVED
AUG 24 2017

In the Matter of the Application of)	No. CUP 2016-001
Jim Voetberg, on behalf of the)	
Mukilteo Water and Wastewater District)	
For a Conditional Use Permit)	FINDINGS, CONCLUSIONS
	AND DECISION

SUMMARY OF DECISION

The request for a conditional use permit to replace the existing Lift Station 10 with a 1,500 square foot lift station at 1113 Mukilteo Speedway is **GRANTED**. Conditions are necessary to mitigate specific impacts of the proposed development.

Hearing Date:

The Hearing Examiner held an open record hearing on the request on August 2, 2017. During the hearing, Dietrich Biemiller, attorney for Patricia Dennis, requested an extension of time to file a hydrologist report. This request was granted, given that Mr. Biemiller was retained on the day of the hearing. After the hearing, Mr. Biemiller requested an extension of time to file a report, stating that he had only recently retained a hydrologist. On August 11, 2017, the Hearing Examiner issued a response to the request for continuance, allowing a report to be filed by August 17th and a response to be filed by the Applicant and City by August 22nd. A report was filed as discussed below. The hearing record closed on August 22nd.

Testimony:

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

Linda Ritter, Senior City Planner
Rick Matthews, MWWD Operations/Engineering Manager
Eric Delfel, P.E., for Applicant
Jennifer Adams, City Surface Water Manager

Attorney Dietrich Biemiller represented Patricia Dennis

Exhibits:

The following exhibits were admitted into the record:

1. Staff Report with the following attachments:
 - A. Location Map
 - B. Project Aerial Map

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Mukilteo Water and Wastewater District CUP, No. CUP 2016-001*

- C. Land Use Permit Application, received November 22, 2016; Conditional Uses Permit Supplemental Application Form, received November 22, 2016; Building Permit Application, dated April 19, 2017
- D. Project Narrative, received January 27, 2017
- E. Site Plans, dated April 2017
 - i. Proposed Site Map (Sheet C-2 of 13)
 - ii. Proposed Site Plan (Sheet C-2A of 13)
- F. Civil Plans
 - i. Details (Sheet GD-5 of 5), revised June 2017
 - ii. Existing Parcel Map (Sheet C-1 of 13), dated April 2017
 - iii. Proposed Site Map (Sheet C-2 of 13), dated April 2017
 - iv. Proposed Site Plan (Sheet C-2A of 13), dated April 2017
 - v. Existing Site, Clearing, Demolition, and TESC Plan (Sheet C-3 of 13), dated April 2017
 - vi. Lift Station Site Plan and Facility Designations (Sheet C-4 of 13), revised June 2017
 - vii. Site Grading Plan (Sheet C-5 of 13), revised June 2017
 - viii. Driveway Sections (Sheet C-6 of 13), dated April 2017
 - ix. Site Sections (Sheet C-7 of 13), dated April 2017
 - x. Drainage Plan (Sheet C-8 of 13), revised July 2017
 - xi. Site Process and Utility Piping Plan (Sheet C-9 of 13), revised June 2017
 - xii. Yard and Upper Site Process Piping and Utilities Plan (Sheet C-10 of 13), dated April 2017
 - xiii. Force Main Profile (Sheet C-11 of 13), dated April 2017
 - xiv. Site Restoration Plan (Sheet C-12 of 13), revised June 2017
 - xv. Survey Coordinates (Sheet C-13 of 13), date April 2017
- G. Building Elevations (Sheet A-2 of 3), dated February 2017
- H. Building Simulations, two (2) photos, undated
- I. Geotechnical Report, Pan GEO, dated August 8, 2016
- J. Geotechnical Report – Infiltration Rate Assessment, Pan GEO, dated March 29, 2017
- K. Wetland and Stream Determination Report, Wetland Resources, Inc., dated November 14, 2016
- L. Letter from Eric Delfel to Linda Ritter, Landscape Variance Request, dated July 14, 2017
- M. Landscape Plans
 - i. Proposed Lift Station Landscaping Plan (Sheet L-1 of 2), revised June 2017
 - ii. Proposed Lift Station Landscaping Notes and Details (Sheet L-2 of 2), dated April 2017
- N. Six (6) Existing Condition Pictures, dated September 26, 2016
- O. Determination of Nonsignificance, dated November 28, 2016
- P. SEPA Environmental Checklist, dated November 22, 2016

- Q. Agency Comments
 - i. Letter from Mark A. Oens, Snohomish County PUD No. 1 to Linda Ritter, dated March 23, 2017
 - ii. Response from Mukilteo School District, dated March 23, 2017
 - iii. Email from Kate Tourtellot, Community Transit, to Linda Ritter, dated April 5, 2017, with five (5) bus shelter drawings (STD. PLAN P-1 through P-5), dated December 18, 1998
 - iv. Response, dated March 15, 2017
- R. Public Comments
 - i. Letter from Patricia Dennis to City of Mukilteo, dated March 31, 2017
 - ii. Email from Donald Ripley to Linda Ritter, dated April 1, 2017
 - iii. Email from Jennifer Adams to Linda Ritter, dated April 17, 2017, with email string
- S. Public Notice
 - i. Affidavit of Publication, *Everett Daily Herald*, dated July 21, 2017
 - ii. Notice of Public Hearing, Ad copy, *Everett Daily Herald*, published July 21, 2017
 - iii. Certification of Public Notice, Declaration of Posting, dated July 21, 2017
- T. City PowerPoint (10 slides)
- U. Applicant PowerPoint (12 slides)
- V. Notice of Complete Application, dated March 2, 2017
- W. Stormwater Site Plan, Gray & Osborne, Inc., revised July 2017
- X. Geo Group Northwest, Inc, Geotechnical Drainage Evaluation, dated August 17, 2017
- Y. Letter from Jim Voetberg, MWWD, to City of Mukilteo, dated August 21, 2017; with topographic drawing, dated August 3, 2017
- Z. Letter from David Osaki, City Planning Manager, to Hearing Examiner, dated August 22, 2017; with Post Developed Surface Water Drainage Map, created August 21, 2017

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

FINDINGS

Application and Notice

1. Jim Voetberg, on behalf of the Mukilteo Water and Wastewater District (MWWD) (Applicant) requests a conditional use permit to replace the existing Lift Station 10 with a 1,500 square foot lift station.¹ The site for the proposed replacement project is at 1113 Mukilteo Speedway (SR 525).² *Exhibit 1, Staff Report, page 1; Exhibits 1.C through 1.H*

¹ The Land Use Permit Application lists Eric Delfel, P.E., as the Applicant's authorized agent. *Exhibit 1.C.*

² The property is identified by tax account number 00611600000203. *Exhibit 1.C; Testimony of Rick Matthews.* A legal description is provided with the application. *Exhibit 1.C.* The Land Use Permit

Findings, Conclusions and Decision

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2. The City of Mukilteo (City) determined that the Land Use Permit Application and Conditional Use Permit Supplemental Application Form (application) was complete on March 2, 2017. The City provided notice of the application by mailing notice to interested parties and agencies, and owners of property within 300 feet of the subject property; posting notice on the property and at the official locations for City notices; and publishing notice in the *Everett Daily Herald* on March 17, 2017. The City received comments from Patricia Dennis and Don and Renee Ripley. Community Transit and the Snohomish County PUD also provided comments. These comments are discussed below. The City provided notice of the open record hearing associated with the application by mailing notice to interested parties and agencies, and owners of property within 300 feet of the subject property; posting notice on the property and at the official locations for City notices; and publishing notice in the *Everett Daily Herald* on July 21, 2017. *Exhibit 1, Staff Report, pages 6 and 25; Exhibits 1.C through .H; Exhibit 1.R; Exhibit 1.S; Exhibit 1.V.*

State Environmental Policy Act

3. The MWWD acted as lead agency and analyzed the environmental impacts of the proposal, as required by the State Environmental Policy Act (SEPA), Chapter 43.21C Revised Code of Washington (RCW). The MWWD reviewed its SEPA Environmental Checklist and other available information on file, and determined that the proposal would not have a significant adverse impact on the environment. The MWWD issued a Determination of Nonsignificance (DNS) on November 28, 2016, with a 14 day comment period. The Applicant's Environmental Checklist lists hawks, eagles, songbirds and deer as having been observed or are known to be on or near the site; and include the marbled murrelet, bull trout, streaked horned lark and yellow-billed cuckoo as ESA threatened or endangered species known to be on or near the site. The DNS was not appealed. *Exhibit 1, Staff Report, pages 6 and 24; Exhibit 1.O; Exhibit 1.P.*

Comprehensive Plan and Zoning

4. The City Comprehensive Plan designates the property as Single-Family Residential – High Density (SFR-H) (5.8 dwelling units per acre). The City Comprehensive Plan contains goals and policies relevant to the proposed use. Land Use policies call for maintaining the natural hydrological functions of each watershed. Utility policies call for location, construction, operation, and maintenance of utilities to minimize impacts to the natural and human environment; locating above-ground utilities within fully-enclosed building, or surrounded with sight-obscuring fencing or landscaping, or located out of the public or private view; application review by the MWWD; and working with the MWWD to improve systems and efficiencies.³ Surrounding properties are also

Application and Conditional Use Permit Supplemental Application Form list the address as “Near 1009 Mukilteo Speedway.” *Exhibit 1.C.* The Staff Report lists the address as 113 Mukilteo Speedway. *Exhibit 1, Staff Report, page 1.*

³ The City identified Land Use Policy LU9b and Utility Policies UT1, UT1b, UT4, and UT5 as particularly relevant to the proposed use. *Exhibit 1, Staff Report, pages 20 and 21.*

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designated SFR-H. *City Comprehensive Plan (2015); Exhibit 1, Staff Report, pages 20 and 21.*

5. The property and surrounding properties in all directions are zoned Single-Family residential (RD 7.5). Major aboveground utility facilities are allowed within the RD 7.5 zone as a conditional use. *Mukilteo Municipal Code (MMC) Table 17.16.040.* The RD 7.5 zone requires a minimum lot size of 7,500 square feet and minimum average lot depth of 85 feet. *MMC 17.20.015 Table 1.* Maximum lot coverage is limited to 35 percent with a maximum building height in the RD 7.5 zone is 30 feet. City code requires front setbacks of 20 feet; rear setbacks of 20 feet; and side set, backs of five feet minimum with a total of 15 feet on both sides. *MMC 17.20.020 Table 2.* As proposed in the application, the lift station would be located on a 16,639 square foot lot after approval of a lot line adjustment (LLA), with a maximum lot coverage of nine percent, a building height of 17 feet, a front setback of 35 feet, rear setback of 20 feet, a south setback of 74 feet and a north setback of 47 feet, and would be located approximately 22 feet from the nearest residential property line. *Exhibit 1, Staff Report pages 7 through 10, and 20.*

Existing Property⁴

6. The proposed area generally slopes to the west, with a small ravine located in the northern portion of the site. An existing gravel driveway provides access to the site. The northern and southern portions of the area are forested, with a house and two outbuildings located in the southeast area of the site. Three wetlands and a stream are located on the site as described in the Critical Areas finding below. A relatively level 20 to 30 foot wide upper bench is located adjacent to Mukilteo Speedway, which contains a wet well, dry pit, control vault, and generator. The top of an approximately 10 to 14 foot high west-facing slope descends at an approximately 2H:1V inclination on the west side of the upper bench with an approximately 30-foot wide lower bench located at the toe of the slope. *Exhibit 1.I; Exhibit 1.K; Exhibit 1.W.*

Proposal

7. The existing Lift Station 10 is located within the Mukilteo Speedway right-of-way. MWWD proposes to install a new 10-foot diameter wet well, construct a new 1,500 square foot 17 foot tall pump station building, and associated new utility pipes/force mains on the northwest side of the SR 525.⁵ A new wet well would be constructed within

⁴ The MWWD has a separate request for City approval to vacate a portion of 11th Street on the west side of the Mukilteo Speedway (SR 525). If approved, the MWWD has also requested that the City approved a Lot Line Adjustment combining five lots into two parcels. *Exhibit 1, Staff Report, page 6.*

⁵ The Land Use Permit Application lists the total site area as 0.340 acres, while the Conditional Use Permit Supplemental Application Form lists the existing lot area as 1.25 acre and proposed lot area as 0.340 acre. *Exhibit 1.C.* The MWWD project narrative identifies the property as “located next to 1009 Mukilteo Speedway. . . The two parcels owned by Mukilteo Water and Wastewater District include 1.58 acres located adjacent and west of the Mukilteo Speedway (SR 525).” *Exhibit 1.D. See also Exhibit 1.P, Environmental Checklist.* The staff report identifies the project site as approximately 1.33 acres. *Exhibit 1, Staff Report,*

the upper bench while the new pump station building would be located on the lower bench, requiring a retaining wall on the west side of the building of up to eight feet of fill. Approximately one-third of an acre of early successional deciduous and coniferous trees and understory would be removed from the site to construct the proposed lift station. Electrical energy would power the lift station pumps, motors and electronics, with a diesel-powered electrical generator for emergency power during outages. *Exhibit 1, Staff Report, page 1 and 10; Exhibit 1.I; Exhibit 1.P.*

8. PanGEO, Inc., prepared a Geotechnical Report for the Applicant, dated August 8, 2016. The Geotechnical Report determined that loose to medium dense existing fill overlying medium dense to dense glacial soils are present in the vicinity of the proposed wet well, and that temporary shoring would likely be needed for the wet well excavation. The Geotechnical Report determined that these soils are adequate for supporting the wet well provided the geotechnical report recommendations are incorporated into design and construction of the project. These recommendations relate to designing for lateral earth pressure, buoyance force,⁶ foundation support, and wet well backfill. Up to seven and a half feet of loose soil was identified on the west side of the proposed pump station building. The Geotechnical Report determined that the pump station building could be supported on a conventional foundation if the loose soil is overexcavated and replaced with structural fill. *Exhibit 1.I.*
9. PanGEO, Inc., also prepared a Geotechnical Evaluation - Infiltration Rate Assessment, dated March 29, 2017. PanGEO determined that the “infiltrate rates of the site soils are negligible and infiltration if [sic] surface runoff at the site is not appropriate.” *Exhibit 1.J.*

Access, Transit, and Parking

10. Access to the proposed lift station would be from Mukilteo Speedway (SR 525) to the east. An existing driveway would be widened and graded. Webster Street runs parallel north and south to the west of Mukilteo Speedway and provides access to residences to the north of the MWWDP property. To the south, Webster Street ends in a “T” with 11th Street. 11th Street does not connect to the east with Mukilteo Speedway and is the subject of a separate street vacation request that is pending before the City. The proposed lift station would not be staffed, although maintenance and operation service would be conducted twice a week. No street improvements would be required by the City. The municipal code requires one parking space for utility facilities without regular employees. Sufficient area is available for parking. Approximately 3,000 square feet of gravel

page 1. The Gray & Osborne, Inc., Stormwater Site Plan, identifies the project site as approximately 0.5 acres. *Exhibit W.* The Wetland Resources, Inc., Wetland and Stream Determination Report performed a site visit on a 3.04-acre site comprised of five separate tax parcels. *Exhibit 1.K.* After the proposed lot line adjustment, the Applicant’s civil plans identify a new parcel “B” (0.382 acres) containing the proposed new lift station, with a new parcel “A” (2.807 acres) adjacent to the north and west. *Exhibit 1.F.iv.*

⁶ The Geotechnical Report refers to “buoyance force” as “hydrostatic uplift forces.” *Exhibit 1.I., page 5.*

driveway would be replaced with approximately 8,500 square feet of paved surface. *Exhibit 1, Staff Report, pages 6, 7, 10, and 32. Exhibit 1.D; Exhibit 1.E.ii; Exhibit 1.W.*

11. Community Transit provided a comment email dated April 5, 2017, noting that it had an existing bus pull-out and shelter adjacent to the subject property. Community Transit requested that these be retained. *Exhibit 1, Staff Report, page 25; Exhibit 1.Q.iii.*

Critical Areas

12. Wetland Resources, Inc., prepared a Wetland and Stream Determination Report (WSDR) for the Applicant, dated November 14, 2016. The WSDR evaluated a 3.04 acre site comprised of five tax parcels (00527504701700, 00527504701900, 00527506200000, 00527506200001, 00611600000203). Stream A and three sloped wetlands are located on the site. Wetland A is dominated by Western red cedar, salmonberry, horsetail and skunk cabbage. It is located on the north end of the site adjacent to Stream A and extends off-site to the west along the stream channel. Wetland B is dominated by Himalayan blackberry, lady fern, and piggy-back plant. It is a small on-site wetland on the west side of the central parcel. Wetland C is dominated by red alder, salmonberry, horsetail, and slough sedge. It is located in the southwest area of the site and extends off-site to the west. The wetlands are rated Category IV with a 40-foot buffer. Stream A enters the site on the east side, flowing out of a culvert near Mukilteo Speedway, then flows west through Wetland A and continues flowing west off-site. This stream is rated a Type 4L with a 50-foot buffer. An off-site Type 4H Stream B is located to the south and west with a 75-foot buffer. All proposed development would be constructed outside of wetlands, streams, and associated buffers. *Exhibit 1.K.*
13. The property has steep slopes on the west, northwest, and southeast portions of the site. The proposed lift station would not encroach into any steep slope areas. *Exhibit 1, Staff Report, page 18.*

Stormwater

14. Gray & Osborne, Inc., prepared a Stormwater Site Plan (SSP) for the Applicant, revised July 2017. The SSP identified a project site of approximately 0.5 acres within the Goat Trail Ravine Drainage Basin. The west half of Mukilteo Speedway drains away from the project site. Downstream of the site, runoff sheet flows through forested land and drains to Goat Trail Creek before discharging to Puget Sound. The project would comply with the 2012 Washington State Department of Ecology Stormwater Management Manual for Western Washington (2012 SMMWW) and qualifies as a new development project because less than 35 percent of the project site is currently impervious. New hard surfaces of 5,743 square feet, plus replaced hard surface, would total approximately 8,570 square feet. Stormwater runoff would be directed to a Contech Stormfilter Catch Basin for stormwater treatment, on the west end of the site. Once treated, the flow would be disbursed through 98 linear feet of level spreader westerly over a vegetated flow path of approximately 30 feet.

The SSP identifies the soils in the vicinity as predominantly Alderwood gravelly sandy loams that are moderately well drained. The SSP references the Pan GEO Geotechnical Evaluation – Infiltration Rate Assessment (Exhibit 1.J) as reporting “very low on-site infiltration rates.” No existing stormwater flow or treatment infrastructure addresses runoff from the project site. The SSP did not identify any current flooding problems within the project site. However, City staff indicated that flooding has occurred along the south end of Webster Street, approximately 480 feet northwest of the proposed project. The SSP determined that minor addition of flow from the additional impervious surface area added as part of the project would not be expected to impact this area since the flow would be directed to the west rather than the northwest. The SSP determined that water would be collected from less than 10,000 square feet of impervious area, so that there would be less than a 0.1 cfs increase between stormwater runoff from the site today compared to the stormwater expected from the post-project site.

Appendix C to the SSP is a Construction Stormwater Pollution Prevention Plan, along with a Construction Stormwater Pollution Prevention and Spill Plan. The City has proposed conditions requiring employment of stormwater pollution prevention measures “per the approved Stormwater Pollution Prevention Plan,” utilizing Best Management Practices as defined by the current Department of Ecology Stormwater Management Manual for Western Washington and the current Department of Ecology National Pollutant Discharge Elimination System (NPDES). *Exhibit 1, Staff Report, page 31; Exhibit 1.W.*

Landscaping, Lighting, and Noise

15. The Mukilteo Municipal Code (MMC) requires that a conditional use employ reasonable measures of fencing, buffering, traffic restraints, and sign and light controls. *MMC 17.64.020.C.* Fences are required around utility substations to not exceed eight feet in height except as allowed with an approved CUP. *MMC 17.20.080.2.c.* The proposed lift station would sit approximately 12 feet lower than Mukilteo Speedway. The Applicant submitted a landscape plan for buffering. The Applicant would maintain the majority of the existing vegetation, but requests an administrative deviation from the requirement for landscaping buffer adjacent to SR 252, due to the need for visibility of the lift station to deter trespassing and vandalism. The Applicant proposes a six foot high privacy fence with landscaping on the east and north side of the property. The Applicant proposes to plant a 10-foot landscaping buffer, rather than 20-foot, along the west boundary. The Applicant would obtain a sign permit for any non-exempt signage. The Applicant proposes to add four exterior lights, with three attached to poles and one light attached to the proposed building. All lights would be arranged to reflect away from the street and surrounding properties and would be equipped with motion sensors. The MMC limits noise to 55 dBA during daytime hours and 45 dBA during nighttime hours in a residential zone. *Chapter 8.18 MMC.* Tests more carried out on the existing Lift Station 10. Based on the noise levels from the existing lift station generators, the City did not recommend

any noise mitigation. *Exhibit 1, Staff Report, pages 11, 13, 14, 22, and 33; Exhibit 1.L; Exhibit 1.M.*

Utilities

16. Water and sanitary sewer for an on-site bathroom is available from the Mukilteo Water and Wastewater District. The Snohomish County PUD No.1 submitted a comment letter, dated March 23, 2017, noting that existing PUD facilities may require upgrading to provide sufficient electricity. *Exhibit 1, Staff Report, page 25 and 32; Exhibit Q.i.*

Testimony

17. MWWD Operations/Engineering Manager Rick Matthews testified in general about the application and the history of the existing sewage treatment system. The existing lift station is located in the public right-of-way and has operated for 27 years, beyond its useful life. The new proposed lift station would be located on adjacent property that contains five lots. The Applicant has requested a line lot adjustment from the City in order to place the lift station on a new parcel B with the remaining lots combined into a new parcel A. *Testimony of Mr. Matthews.*
18. Eric Delfel, P.E., testified for the Applicant that the existing lift station is within the Mukilteo Speedway right-of-way, which presents dangers for workers. He testified that the proposed lift station would be located away from the Speedway and outside of critical areas or their buffers. The Applicant separately requested a deviation from the landscaping requirement between the proposed lift station and the Mukilteo Speedway to increase visibility and help stop vandalism. He performed the stormwater modeling and noted that any increase in stormwater runoff would be negligible and would be treated. He testified that the Applicant intends to keep the existing residence on site. He testified about how the proposal would meet the CUP criteria. *Testimony of Mr. Delfel.*
19. City Senior Planner Linda Ritter testified in general about the application and notice of the application and hearing. She testified that the City reviewed and verified the Applicant's Wetland and Stream Determination Report. She testified that proposed Condition 45 regarding transportation impact mitigation fees and proposed Condition 50 regarding enclosure of outside storage containers are not needed and could be deleted. *Testimony of Ms. Ritter.*
20. City Surface Water Manager Jennifer Adams testified that proposed Condition 43 regarding a private easement and agreement between property owners was no longer needed and could be deleted. *Testimony of Ms. Adams.*
21. Attorney Dietrich Biemiller appeared as an attorney on behalf of Patricia Dennis. He stated that she is concerned about surface water coming down the hill unto her property that may increase due to increased impervious surface associated with the proposed

project. He suggested that more study is needed to make sure there is no increased stormwater runoff impacts on his client's property.

Mr. Matthews responded that the site slopes to the west and south and that Ms. Dennis lives to the north, so that any increase in runoff should not impact her property. In addition, he noted that water runoff from the project site does not flow out onto the paved road so would not impact her property from that perspective either. He pointed out a ditch to the north of the site on the east side of the paved road that would likely capture any runoff. Mr. Matthews noted that the project site is below the size that requires implementation of flow control, but that the Applicant is proposing a dispersal system (level spreader) for the small amount of additional flow that may occur. He testified that in all likelihood no water would emerge from dispersal trench and, even if it did, it would go into the nearby wetland. He stated his opinion that not a drop of water would reach the Dennis property

Nevertheless, Mr. Biemiller requested time for an additional study at the hearing. The Hearing Examiner agreed that the hearing record would be kept open to allow Ms. Dennis to submit a stormwater or hydrologist report followed by a response by the Applicant and City. At the request of Mr. Biemiller, the hearing record was eventually kept open until August 22, 2017.⁷ *Statement of Mr. Biemiller; Testimony of Mr. Matthews.*

22. Mr. Biemiller submitted a report on August 17, 2017, prepared by Geo Group Northwest, Inc. The report concludes that "the potential drainage impact from the lift station to the Dennis property is minimal, due to the limited size of the lift station development, the street and the 917 property that separates the lift station from the Dennis property." The report noted, however, that a much larger impact on the Dennis property would occur "if the City fails to properly maintain the drainage ditch at the east side of Webster Street", as the storm drainage could then flood over the roadway and drain into the Dennis property. *Exhibit X, page 3.*

On August 21, 2017, the Applicant responded to the Geo Group Northwest Inc. report. In a letter signed by its General Manager, Jim Voetberg, the Applicant states that, given the topography of the site, "it is not possible for draining from the District's lift station site to flow to 807 Webster," and that drainage from the lift station site "does not, and will not flow to the drainage ditch on the east side of Webster Street." The Applicant states that any drainage from the lift station site "will flow to the undeveloped 11th Street Right-of-way" and that drainage flow in that undeveloped right-of-way "flows toward Puget Sound, not 917 or 807 Webster Street." Therefore, the Applicant concludes that "there will be no impact from the lift station development to the Dennis property located at 807 Webster Street" and that "the topography and distance between the District's lift

⁷ Hearing Examiner's Response to Request for Continuance, dated August 11, 2017.

station site and 807 Webster makes it impossible for drainage from the lift station site to flow to the Dennis property.” *Exhibit Y, pages 1 through 3 (emphasis in original)*.

The City also responded to the Geo Group Northwest Inc. report. In its letter of August 22, 2017, the City states that it disagrees with the conclusion in the report that there would be ‘minimal’ potential drainage impact to the Dennis property from the proposed development. The City states that there would be “no potential damage impact from the proposed development.” The City also submitted a topographic map, and further states that the map shows that stormwater discharged from the lift station site would flow downhill to the west to an existing stream channel, and from there into Puget Sound.⁸ *Exhibit Z, pages 1 and 2, and attached map (emphasis in original)*.

Staff Recommendation

23. City staff reviewed the applications and concluded that with conditions, the proposal meets the requirements of the Comprehensive Plan and applicable development regulations. The City staff recommends approval of the CUP, with conditions. *Exhibit 1, Staff Report, page 27.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner is granted authority to hold hearings and make decisions on Conditional Use Permit applications pursuant to Mukilteo Municipal Code (MMC) 17.13.070, Table 6.

Criteria for Review

Pursuant to Mukilteo Municipal Code (MMC) 17.64.010 and 17.64.020, the Hearing Examiner shall grant a Conditional Use Permit if the conditional use would not impinge on the health, safety, welfare, and rights of city residents; and if the following Conditional Use Permit criteria are satisfied:

- A. All conditional uses must be in accordance with the goals and objectives of the comprehensive plan and they must not violate the purpose of the district^[9] in which they will locate;

⁸ In its response, the City notes that Conclusions and Recommendations 2 – 5 of the Geo Group Northwest Inc. report are beyond the scope of the report requested by the Hearing Examiner at the hearing on this application. The City requests that this portion of the report be excluded from the record of the hearing. The Hearing Examiner agrees that Conclusions and Recommendations 2 – 5 are beyond the scope of the report requested, and has not considered them in this decision. Nor should those conclusions and recommendations be considered further for any reason related to this decision. It is not possible to exclude them from the record, however, without first receiving and considering a response to the City’s objection from Ms. Dennis. The delay associated with this process is not warranted.

⁹ The Mukilteo zoning code defines residential districts based on the minimum allowed lot area, but does not include the intent or purpose of the various districts. *See MMC 17.12.010*. MMC 17.16.040 identifies permitted, conditional, temporary, and prohibited uses within the various districts.

- B. It must be demonstrated that all conditional uses if located as proposed would not be injurious or detrimental to the character of the zone or to its abutting or adjoining neighbors;
- C. The conditional use must employ reasonable measures of fencing, buffering, traffic restraints, sign and light controls, and any other appropriate measures to protect the surrounding properties and adjoining districts;
- D. All conditional uses must have adequate site area to accommodate the use. The minimum site area for a conditional use is no less than that permitted in the underlying district;
- E. All conditional uses must conform to the dimensional regulations in the individual districts, except that additional restrictions may be imposed to ensure the uses are compatible within the district;
- F. All conditional uses having a site area in excess of one acre must provide a buffer of trees and shrubs around the perimeter of lots abutting a residential zone;
- G. All applications for conditional uses must be accompanied by layout and development plans drawn to an appropriate scale which show at least the following:
 - 1. Site plans showing landscaping, paving, parking, access, relationship of building to site, outdoor lighting, proposed fencing and topography;
 - 2. Sections and elevations of proposed structure;
 - 3. Vicinity map showing property, zoning and access;
 - 4. Provision for sewage disposal, storm drainage and surface runoff.
- H. All conditional uses must comply with the parking regulations in Chapter 17.56.
- I. In the course of reviewing the conditional use permit application, the City staff may request a recommendation by the planning commission on matters under its permit authority related to the conditional use permit. The matters may include but are not limited to the comprehensive plan or the nature and intent of the zone in which the conditional use permit is requested.

MMC 17.64.020.

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.*

Conclusions Based on Findings

1. **With conditions, the proposed use would be in accordance with the goals and objectives of the comprehensive plan and would not violate the purpose of the district in which the use will be located.** The proposed use would meet the Comprehensive Plan's objectives of locating above-ground utilities in a fully-enclosed building while minimizing impacts to the natural and human environment and working with the MWWD to help improve their systems and efficiencies. Major aboveground

*Findings, Conclusions and Decision
City of Mukilteo Hearing Examiner
Mukilteo Water and Wastewater District CUP, No. CUP 2016-001*

utility facilities are permitted as a conditional use within the RD 7.5 zone. The proposed lift station would be set back approximately 22 feet from the nearest residential property line. The Applicant acted as lead agency to review environmental impacts of the proposed use and issued a Determination of Nonsignificance, which was not appealed. Conditions are necessary to mitigate impacts, including ones to ensure that the Applicant constructs all improvements in accordance with the approved civil construction drawings dated July 21, 2017, and approved site plan dated July 5, 2017, as well as comply with requested engineering, right-of-way, grading, stormwater, easements, fees/sureties, utilities, fire, noise, and signage requirements. *Findings 1 – 23.*

2. **With conditions, the proposed use would not be injurious or detrimental to the character of the zone or surrounding uses.** The RD 7.5 zone is a single-family residential zone. Major aboveground utility facilities may be located in the RD 7.5 zone as a conditional use. Fencing and landscaping would be provided to buffer the project from surrounding residential uses. The Applicant requested a deviation from the City's landscaping requirements for the landscaping buffer on the east side of the property along SR 525, and to provide a 10 foot rather than 20 foot landscape buffer along the west property boundary. The fencing and landscaping will provide sufficient buffering, even with the deviations.

The proposed lift station would be set back approximately 22 feet from the nearest residential property line. The proposed use would meet the City's noise standards. The Applicant acted as lead agency to review environmental impacts of the proposed use and issued a Determination of Nonsignificance, which was not appealed. The Applicant would provide on-site stormwater treatment and dispersal trench to treat stormwater runoff through a 98-foot level spreader.

Although Ms. Dennis submitted comments and attended the hearing to express concern about increased stormwater runoff, nothing in the record supports a finding that the project would contribute to any increased stormwater runoff onto the Dennis property. There is clear indication that stormwater currently does enter the Dennis property from off-site, but not originating from the subject property. This conclusion is supported by the expert retained by Ms. Dennis as well as the response of the Applicant signed by its General Manager. It is recommended that Ms. Dennis work closely with the City to ensure that the City properly maintain the drainage ditch at the east side of Webster Street so that water does not flow onto the roadway and thence to her property. This can be done with watchful eyes and notification, or perhaps even limited clearing of the ditch by the residents in the area. However it is done, it cannot become a condition of approval that would require the Applicant to maintain the ditch as its project will not contribute any increased stormwater runoff that would negatively impact the Dennis property.

Conditions are necessary to ensure that the Applicant complies with municipal code requirements and other requirements of the City, unless there are authorized deviations as discussed above. *Findings 1, 5, 7, 11-23.*

3. **With conditions, the proposed use would employ reasonable measures of fencing, buffering, traffic restraints, sign and light controls, and any other appropriate measures to protect the surrounding properties and adjoining districts.** The Applicant submitted a landscape plan and requested a deviation from the City's landscaping requirements to waive the requirement for landscaping buffer on the east side of the property along SR 525, and provide a 10 foot rather than 20 foot landscape buffer along the west property boundary. The Applicant would install three exterior lights on poles and one exterior light attached to the lift station. These would be arranged to reflect away from the streets and have motion sensors. No adverse traffic impacts from the proposed lift station operation were identified. Conditions are necessary to ensure that the Applicant comply with municipal code requirements and other requirements of the City. *Findings 1, 5, 7, 15, 23.*
4. **The property subject to the application provides an adequate site area for the proposed use.** The minimum RD 7.5 lot size is 7,500 square feet. The proposed 1,500 square foot lift station would be located on a 16,639 square foot parcel upon approval of the Applicant's lot line adjustment request. *Findings 1, 5, 7, 23.*
5. **The proposed use would conform to the dimensional regulations of the RD 7.5 zone.** The proposed use would be located more than 20 feet from the nearest residential property line, consistent with City code requirements. The proposed lift station would be 17 feet in height, less than the 30-foot maximum building height for the RD 7.5 zone. With the proposed lift station, lot coverage would be approximately nine percent, well under the 35 percent maximum lot coverage. *Findings 1, 5, 7, 23.*
6. **The proposed use is located on property that measures less than one acre.** The site is surrounded by over an acre of natural vegetation providing a buffer to the existing homes on Webster Street. No additional landscaping is required. *Findings 1, 7, and 23.*
7. **The Applicant provided a complete CUP application.** The Applicant provided the City with a site plan; sections and elevation of the proposed lift station; a vicinity map and information regarding sewage disposal, storm drainage and surface runoff. The City provided reasonable notice of the application and associated open record hearing consistent with the Municipal code. *Findings 1-3, 5, 7, 23.*
8. **The proposed use complies with City parking regulations.** At least one parking space is required for utility facilities without regular employees. Sufficient parking is available within the fenced facility. *Findings 10 and 23.*

9. City staff have not requested a recommendation from the planning commission.

DECISION

Based on the preceding findings and conclusions, a conditional use permit to replace the existing Lift Station 10 with a new 1,500 square foot lift station at 1113 Mukilteo Speedway is **GRANTED**, subject to the following conditions:¹⁰

1. All improvements shall be constructed in accordance with the approved civil construction drawings dated July 21, 2017 and approved Site Plan dated July 5, 2017. Minor modifications of the plans submitted may be approved by the Planning Director or Public Works Director if the modifications do not change the Findings of Fact or the Conditions of Approval.
2. Prior to permit issuance the District shall receive approval of the 11th Street vacation.
3. Prior to permit issuance the LLA shall be recorded with Snohomish County Auditor's Office.
4. Landscaping shall be installed in accordance with the approved landscaping plan dated July 5, 2017 and shall be subject the following:
 - a.) All landscaping shall be maintained in healthy growing condition. A final landscape inspection will be performed at the end of the two (2)-year period and any dead, dying or diseased plant material shall be replaced.
 - b.) Minor modifications of the landscaping plans submitted may be approved by the Planning Director if the modifications do not change the findings of fact or the conditions of approval.

Engineering

5. A Traffic Control Plan shall be submitted and approved by the City prior to the start of construction.
6. Special Inspections shall be conducted for the retaining wall(s) construction by the Design Structural Engineer, or their designee, and the reports completed and turned into the City for the file. These reports shall verify that the wall(s) were built per the approved engineered design, or if deviations were done they were approved by the Structural Engineer of record.
7. Per the IBC the City may require that the property owner obtain a special inspection (such as topography, foundation types, unstable conditions, or soil types) prior to City approval. The cost of these inspections will be the responsibility of the property owner.

¹⁰ Conditions include both legal requirements applicable to all developments and conditions to mitigate the specific impacts of this development.

8. The clearing limits of the approved Site Plan shall be clearly delineated in the field.
9. The City of Mukilteo does not allow equipment with steel tracks on pavement, the Permittee and their contractors shall use rubber tire equipment only.
10. All development shall proceed in accordance with the recommendations listed in the Geotechnical Report prepared by PanGeo Incorporated dated August 8, 2016.

Right-of-Way

11. No open cut crossing of City roads or streets shall be made without the approval of the City Engineer (notice of two working days required). Immediately call 911 in the event of any disruption of utilities AND then the affected utility and the City of Mukilteo. Immediately contact the City of Mukilteo and the affected utility of any damage to the utility not causing a disruption in service.
12. Signing, flagging and traffic control shall be in accordance with the current Manual of Uniform Traffic Control Devices (MUTCD). One lane of traffic shall remain open at all times. The road shall be restored with asphalt surface to two-way traffic at the end of each working day. Should a total road closure appear necessary, application for a road closure permit must be filed with the Mukilteo City Engineer's office at least two (2) working days prior to the anticipated closure. Application must include a detailed Traffic Control Plan consisting of proposed hours of closure, detour routes, sign locations, and flagger locations. Access shall be maintained to all residences and businesses at all times; if this is not possible make arrangements with the City and the property owner.
13. Pavement shall be cut in a solid straight line. After excavating and installing utility, the utility shall be properly bedded and open cut trenches shall be backfilled with 1 1/4 inch minus material. Road cuts of one full lane or greater shall be backfilled using controlled density backfill (CDF) meeting the requirements of Section 2-09.3(1) of the Standard Specifications for Road, Bridge, and Municipal Construction 2006 Edition. All backfill material must be free draining granular material free of debris and clay. This material to be compacted by a mechanical compactor (approved by the City Engineer) to 95% of maximum density (modified proctor) in six inch lifts. Back fill is to be followed by placement of either six (6) inches of 5/8" minus crushed top course OR three (3) inches of asphalt treated base. After placing a tack coat on the edges of the existing pavement, a minimum of two (2) inches of Class B shall be placed and compacted to match the existing surface. Pavement sections are subject to a 1-year workmanship warranty; to be replaced if excessive settling or mechanical breakdown develops. A minimum of four (4) inch depth of cement concrete pavement shall be placed if the excavation is within cement concrete pavement. Sidewalk excavations shall be replaced in full panel sidewalk increments.

14. When multiple open cut utility crossings are proposed at intervals of 200 feet or less, between adjacent crossings, a full width chip coat of the roadway pavement section will be required for the entire length of roadway between crossings extending to ten (10) feet either side of crossings. Existing crossing will be considered when establishing overlay requirements in addition to work contemplated under current utility permit application.
15. Existing drainage ditches, culverts, etc. shall be kept clean at all times. Temporary diversion of any drainage system will not be permitted without the consent of the City Engineer. Any drainage culvert tile, catch basins, manholes, etc., disturbed by excavation shall be replaced with new material or repaired as directed by the City Engineer. Temporary erosion/sedimentation control measures shall be employed to protect adjacent property and storm drain facilities.
16. If in the opinion of the City Engineer, weather conditions are so bad as to make traveled roadways unsafe for the traveling public or detrimental to the restoration of the roads, excavation shall cease immediately and clean up shall be promptly accomplished.
17. Maximum amount of open trench on streets shall be 400 lineal feet. At the end of each day, all ditches must be backfilled or covered with steel plates and barricaded with flashing warning lights to prevent people or animals from falling into the trench. Section 1-07.23(1) Standard Specification for Road, Bridge, and Municipal Construction shall be followed as appropriate.
18. All pipe or other material strung along City right-of-way must be placed a safe distance from the traveled roadway in such a manner as to avoid rolling onto the roadway, or creating a traffic hazard.
19. Final cleanup shall include complete repair to damage and restoration to original condition of shoulders, surrounding pavement, curb and gutter, striping and traffic control devices; cleaning of ditches, culverts and catch basins, and removal of loose material from back slopes of ditches. This cleanup shall not exceed 500 lineal feet behind excavating operations. Street surfaces shall be kept cleaned at all times with the use of a power broom or other approved means.
20. No excess material or unsuitable material shall be wasted on City right-of-way without the express written consent of the City Engineer. All wasted material removed from the site shall be disposed of in an acceptable location.
21. Yard improvements within the right-of-way shall be restored to as close to original condition as feasible. This includes but is not limited to features such as landscaping, rockeries, lampposts, mailboxes, fences and irrigation components.

22. Any private property damages or liability incurred are the sole responsibility of the Contractor.

Grading

23. No free standing slope shall be steeper than two (2) horizontal units to one (1) vertical unit or be structurally unstable.
24. Work authorized and regulated by this permit is limited to property owned by the permittee or by the party contracting work from the permittee. No cut and/or fill slopes shall intrude onto other properties, except when right-of-way or construction easement has been secured by private arrangement. City permits may also be required for off-site activities and the appropriate representatives of the City staff should be contacted.
25. No debris, earth material, cleared vegetation, or waste materials shall be deposited on any other property in the City of Mukilteo without first obtaining the required permits and/or approvals. This includes the intrusion of such materials into the City's street and drainage systems.
26. The clearing/grading of this area shall be accomplished in such a manner as to prevent the transport runoff of silt and sediment into the storm drainage system and onto adjacent or downstream properties. Erosion control measures shall be implemented as necessary to accomplish this erosion control. No clearing/grading or any activity that exposes bare soil to the precipitation or wind shall be accomplished without implementing a Temporary Erosion Control Plan that employs Best Management Practices (BMP's) to prevent erosion and sedimentation.
27. No work shall be performed on the site without first obtaining the required permits or approvals from the City of Mukilteo. This includes the intrusion of such materials into the City's street and drainage systems.
28. The Applicant shall submit a Temporary Erosion Control Plan to the City that employs Best Management Practices (BMP's) to prevent erosion and sedimentation.
29. Dust control shall be provided by the Contractor as field conditions warrant or when directed by the City Engineer or his agent.
30. This permit is subject to all the conditions of the Chapter 15.16 MMC.
31. Applicant is solely responsible for any damage, public or private, of any kind resulting from work accomplished under this permit.

32. The permit to which this agreement applies pertains only to the provisions of the Mukilteo Municipal Code. Additional authorization from other public agencies may be necessary for work to be accomplished under this permit.

Stormwater

33. Stormwater pollution prevention measures shall be employed per the approved Stormwater Pollution Prevention Plan and as necessary to ensure appropriate on-site and off-site water quality control. Site runoff during construction shall be handled and treated as to quantity and quality impacts by utilizing Best Management Practices, as defined in the current DOE Stormwater Management Manual for Western Washington and the current Department of Ecology National Pollutant Discharge Elimination System (NPDES).
34. A wet weather Stormwater Pollution Prevention Plan is required to be submitted to the City for review and approval prior to September 15th if the project is clearing or grading after October 1st.
35. The stormwater detention design and stormwater discharge shall utilize the Best Management Practices of the current DOE Stormwater Management Manual for Western Washington and the current Department of Ecology National Pollutant Discharge Elimination System (NPDES).
36. Evidence of coverage under the Department of Ecology National Pollutant Discharge Elimination System (NPDES) Construction Permit shall be submitted to the city prior to permit issuance.
37. The stormwater requirements are only applicable to the project until January 1, 2022. If construction has not begun prior to January 1, 2022, then new stormwater regulations may apply to the stormwater design.
38. Provide verification to the City that the monitoring well was decommissioned according to WAC 173-60 prior to issuance of final occupancy.
39. A Soil Management Plan shall be submitted and approved by the City prior to the start of construction.

Easements

40. A private maintenance agreement for the shared use driveway shall be reviewed and approved by the City. The agreement shall be recorded prior to issuance of final occupancy.
41. All plans shall include a covenant for maintenance of permanent stormwater improvements. The covenant shall identify the party responsible for maintenance, a site

plan showing the stormwater infrastructure, authority to access property, and the maintenance requirements. A signed covenant and maintenance plan shall be submitted prior to permit issuance.

42. Per MMC 13.12.160 a recorded version of the covenant for maintenance reflecting any as-built changes shall be submitted prior to final inspection.
43. (Deleted)

Fees/Sureties

44. All landscaping associated with a project permit shall require the submittal of an acceptable maintenance agreement between the District and the City of Mukilteo to warrant all required landscaping improvements against defects in labor and materials for a period of twenty-four (24) months after acceptance of those improvements by the City. The agreement shall be submitted to and approved by the City of Mukilteo and executed before occupancy of the building.
45. (Deleted)

Utilities

46. The cost of any work, new or upgrade, to the existing electric system and facilities that is required to connect the project to the Snohomish County PUD electric system shall be in accordance with applicable Snohomish County PUD policies.

Fire

47. The following requirements shall be adhered to during construction and completed before occupancy of any structure in accordance with Fire Code Development Standards and 2015 International Fire Code:
- A water supply capable of supplying the required fire flow for fire protection must be provided;
 - Fire hydrants shall be equipped with four- (4) inch quarter-turn Storz adapters;
 - An access route, for firefighting apparatus, must be provided at the start of construction. Minimum access route requirements include a 20' width, 13'6" vertical height clearance, and the ability to support a load up to 75,000 pounds;
 - All buildings must be addressed visibly and legibly from the road. When buildings are not visible from the street, appropriate provisions must be made to identify clearly which road or drive serves the appropriate address including private roads.

Miscellaneous

48. The location of signs on approved plans is for illustrative purposes only. Pursuant to Chapter 17.80 MMC, a sign permit must be obtained for the placement of any non-exempt signage.

49. Application for that sign permit shall include an approved site plan specifying the location of all signs.
50. (Deleted)
51. All exterior lighting, including the parking area and property surrounding the building, shall be arranged so as to reflect away from surrounding properties and streets.
52. All construction equipment, building materials, and debris shall be stored on the applicant's property, out of the public right-of-way. In no case shall the access to any private or public property be blocked or impinged upon without prior consent from the affected property owners and the City of Mukilteo.
53. All contractors and subcontractors working on the project described herein shall obtain a business license from the City before initiation of any site work.
54. If at any time during clearing, grading and construction the streets are not kept clean and clear, all work will stop until the streets are cleaned and maintained in a manner acceptable to the Public Works Director.
55. Noise from construction activity that is audible beyond the property lines of the project site shall not be allowed between the hours of nine (9) PM to seven (7) AM on weekdays, seven (7) PM to nine (9) AM on Saturdays, Sundays and holidays.
56. The Applicant and contractor shall attend a pre-construction meeting with City staff to discuss expectations and limitations of the project permit before starting the project.
57. The Applicant shall have a licensed Civil Engineer prepare and/or supervise the preparation of As-Built drawings to be reviewed, approved and signed by the City Engineer upon satisfactory installation of the constructed infrastructure improvements and site work. One (1) reproducible, one (1) signed Mylar drawing and one (1) 11"x17" reduced copy of the drawings shall be submitted prior to final approval of the proposed project.

DATED this 23rd day of August 2017.



THEODORE PAUL HUNTER
Hearing Examiner
Sound Law Center