



11930 Cyrus Way
Mukilteo, WA 98275
(425) 263-8000

Notice of Decision Preliminary Short Plat Approval

McConnell Short Plat
200 Lamar Drive

File No. SP-2019-002

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

Project Name: McConnell Short Plat

Proponent: Mike McConnell

Project Number: SP-2019-002

Description of Proposal: The applicant proposes to subdivide approximately 0.40 acres (17,233 sq. ft.) into two (2) lots on property that is zoned RD 7.5 Single Family Residential. The short plat proposal includes a separate tract dedicated as a Native Growth Protection Area for a portion of the property where critical area regulations prohibit development on steep slopes and in stream buffers. Consistent with MMC 17.52A.100 and MMC 17.52C.100, the applicant proposes to transfer the density attributable to the critical area portion of the property to non-critical area portions of the same property.

Location of Proposal: Commonly known as 200 Lamar Drive, Mukilteo, WA 98275 and by Snohomish County Assessor's Parcel Number 29043400302600.

Legal Description: That portion of Government Lot 1 of Section 34, Township 29 North, Range 4 East of the Willamette Meridian, described as follows:

Beginning at the Southeast corner of Government Lot 1; thence North 00° 09'30" East for 225 feet; thence South 89° 52'00" West for 133.34 feet to the East line of the County Road; thence Northwesterly along an arc of a curve 115.77 feet; thence North 16° 03'30" West along the East line of the County Road for 8 feet to the true point of beginning; thence North 60° 03'00" East for 214.70 feet to the East line of said Lot 1; thence North to the South line of the State Highway; thence Southwesterly along the South line of the State Highway to the East line of the County Road; thence Southeasterly along the East line of said County Road to the true point of beginning.

Situate in the County of Snohomish, State of Washington.

Project Decision

Project Decision:	Approved
Notice of Decision Date:	Friday, February 14, 2020
End of Appeal Period:	Friday, February 28, 2020
Project Permit Expiration Date:	February 14, 2025

Staff administratively reviewed the project for consistency with the policies, standards and regulations of the City of Mukilteo. After considering comments by the public and outside agencies, the project permit is hereby approved with conditions based on the following findings.

Findings of Fact

Permit Procedures

1. The applicant submitted a land use application on July 16, 2019, for a two (2) lot single-family residential short plat with associated grading and drainage improvements. The City of Mukilteo determined the application complete on August 7, 2019.
2. In accordance with MMC Chapter 17.13, the City of Mukilteo issued a Notice of Application on August 21, 2019, and invited the public and outside agencies to comment on the project.
3. The City of Mukilteo received the following public and agency comments for the proposal:

Comment #1: Mukilteo Water and Wastewater District letter dated August 20, 2019, and submitted via email August 21, 2019.

There are existing water main/systems in Lamar Drive capable of providing both fire protection and domestic water to the proposed development. Sewer service can be provided from the existing collection system in Lamar Drive. There is one 1" future water service located at the South West corner of the lot fronting on Lamar Drive. There is one 6" side sewer stubbed into the North Westerly portion of the lot off Lamar Drive. The closest fire hydrant is located across the street at the North West corner of the lot. The City of Mukilteo Fire Department will need to comment whether this hydrant will meet their requirements.

The Owner/Developer will need to enter into a Developer Extension Agreement (DE), with the District, to install the additional proposed water and sewer service improvements. Service will be provided upon the completion and acceptance of the improvements and Transfer of Ownership in accordance with the terms of the DE. A Pre-Application Form, completed and submitted, with a current title report showing ownership of the property is the first step in the DE process. Two Developer Extension Agreement Books/ Applications will need to be completed and submitted along with a developer deposit. The deposit amount will be determined once the District has a better understanding of the scope of the project. The above mentioned paperwork may be obtained from Kendra Chapman, Executive Assistant, at the District Office.

All construction of sewer and/or water facilities will be in accordance with the Standards, Specifications and Regulations of the Mukilteo Water and Wastewater District. The owner would pay the current charges in effect when application is made to connect to the sewer and/or water system.

City Response:

As listed in the conditions of preliminary approval, water and sewer connection shall be required prior to final approval of this short plat.

Comment #2: Evelyn Bozak submitted via email August 22, 2019.

Thank you for notifying the neighbors of the proposal for 200 LaMar. I just left you a voicemail as well. I live near this parcel on _____ and have some questions / comments during the public period:

1. Are you aware of the Edgewater Bridge Replacement Project by the City of Everett? I want to be sure the two planners are coordinating on these efforts as they are adjacent (and perhaps dependent on one another?) The Bridge Replacement project will cut off all routes into the City of Everett (they are trying to determine a detour route) so having two construction projects at one time with only one outlet could be a burden on the community. <https://everettwa.gov/1870/Edgewater-Bridge-Replacement>
2. SNO PUD is planning on replacing the distribution pole on 200 LaMar this Summer, per Andrew Rife. I have been checking in with Any periodically about this project, as we are interested in moving the distribution pole that is connected to the 200 LaMar distribution pole.
3. Is there an opportunity for the landowner to bury the electrical in and around 200 LaMar at the same time of construction?
4. Drive way access is a concern with nearby neighbors.
5. This area is susceptible to hillside instability. Can you share the plans to ensure proper drainage, and hillside stability?
6. What are the height requirements for the two homes?
7. Are there restrictions on the current grade (i.e. Are the homes to able to make a higher grade to build higher than city requirements?)

These are my initial questions so far. Thank you for allowing us to comment, and let me know if you would like to connect over the phone.

-Evelyn Bozak

City Response: Sent via email August 23, 2019

On August 23, 2019, Staff responded to the questions posed in the comment. Full response is included in the project file. The comment did not trigger any findings or special conditions. Staff included individual as a "Party of Interest" for the project file.

Comment #3: Gael Fisk submitted via email August 22, 2019

I was given a link to the McConnell short plat application by a concerned citizen. My email is only a FYI. I am the project manager for the Edgewater Bridge Replacement which is the boundary bridge between Everett and Mukilteo, which is also adjacent to the short plat. The City has a planned start date between the Late Spring of 2021 and 2022. We are just about to enter the design phase so our target start date could shift. We would like to start construction in the Late Spring of 2021 but as you know RoW and Permitting or several other things could delay us. The link to the Project webpage is: [Edgewater Bridge Replacement | Everett, WA - Official Website](#)

If you have any questions please let me know.

Thank you,

Gael

City Response: Sent via email August 23, 2019	
On August 23, 2019, Staff responded to the questions posed in the comment. Full response is included in the project file. The comment did not trigger any findings or special conditions. Staff included individual as a "Party of Interest" for the project file.	
Comment #4: Ron Lee submitted via email August 22, 2019	
<p>In regards to the subject Land Use Action, please make sure that my view preservation easement is adhered to. Details attached. Best of luck to Michael McConnell on his project. My wife and I are the owner of the home at _____. I sold the property at 200 Lamar Drive to Mike on 04/09/18. Just curious.... Are you related to Omar Jensen ? Omar was the contractor who built our house - 1st class high-quality work</p> <p>Ron Lee</p>	
City Response: Sent via email August 23, 2019	
On August 23, 2019, Staff responded to the questions posed in the comment. Full response is included in the project file. The City does not enforce private easement agreements between two property owners. However, as part of the first review, the City required the applicant to include all existing and proposed easements on the Preliminary Plat Plan. The comment did not trigger any findings or special conditions. Staff included individual as a "Party of Interest" for the project file.	
Comment #5: Mukilteo School District letter dated August 28, 2019 and submitted via email August 29, 2019.	
<p>Impact fees to be paid to Mukilteo School District per GMA Ordinance before issuance of building permits. Transportation comments will be mailed separately. Direct transportation questions to the Director of Transportation and Safety, Cindy Steigerwald at 425-356-1306.</p> <p>Please make Mukilteo School District a Party of Record and send all notifications to Josette Fisher, Mukilteo School District, 9401 Sharon Drive, Everett WA 98204.</p> <p>Sincerely, Josette Fisher</p>	
City Response: Sent via email August 29, 2019	
On August 23, 2019, Staff responded to the questions posed in the comment. Full response is included in the project file. All impact fees will be required prior to building permit issuance. Staff included individual as a "Party of Interest" for the project file.	
Comment #6: Snohomish County Public Utility District letter dated September 4, 2019 and submitted via email September 5, 2019.	
Reference No.: SP 2019 002 McConnell Two-Lot Short Plat District	DR Number: 19-177
<p>The District presently has enough electric system capacity to serve the proposed development. However, the existing District facilities in the local area may require upgrading.</p> <p>The developer is required to supply the District with suitable locations/easements on all parcels where electrical facilities must be installed to serve the proposed development. It is unlikely that easements will be granted on District-owned property, or consents granted within District transmission line corridors. Existing PUD facilities may need relocations or modifications at the developer's expense. Any relocation, alteration or removal of District facilities to accommodate this project shall be at the expense of the project developer and must be coordinated with the PUD in advance of final design. Please include any utility work in all applicable permits.</p>	

Cost of any work, new or upgrade, to existing facilities that is required to connect this proposed development to the District electric system shall be in accordance with the applicable District policy. The developer will be required to supply the District with suitable locations/easements upon its property for any electrical facilities that must be installed to serve the proposed development.

Please contact the District prior to design of the proposed project. For information about specific electric service requirements, please call 425-783-8272 to contact a Customer Engineer.

Sincerely,
Jason Zyskowski

City Response: Sent via email September 5, 2019

On August 23, 2019, Staff responded to the questions posed in the comment. Full response is included in the project file. Utility installation shall comply with the respective requirements of each utility. Applicant is solely responsible for any costs associated with utility installation or relocation. Staff included individual as a "Party of Interest" for the project file.

4. The City of Mukilteo is lead agency for State Environmental Policy Act (SEPA) review and determined that the proposed two-lot short plat is exempt from SEPA based on the categorical exemption criteria specified in MMC 17.84.075 and WAC 197-11-800(6)(d).
5. The subject property has a comprehensive plan designation of Single-Family Residential – High Density.
6. The subject property has a zoning designation of RD 7.5 Single Family Residential.
7. The proposal complies with the intended goals, objectives and policies of the Comprehensive Plan, specifically the following Land Use (LU), Housing (HO) and Utilities (UT) goals:
 - LU2: Development regulations and standards that improve the quality of life of Mukilteo residents and promote the city's single-family residential character should be adopted.
 - LU9: The City shall manage and regulation development in critical areas and the shoreline to allow reasonable and appropriate uses in those areas while protecting them against adverse effects and shall regularly evaluate these regulations and programs to ensure they continue to use the best available science to protect environmentally sensitive areas from negative impacts associate with development.
 - HO2: Housing policies, programs and regulations designed to support and promote sustainability and which minimize the impact on environmentally sensitive areas should be developed.
 - HO5: A wide variety of housing options should be encouraged in the city's residential and mixed use zoning districts to meet demands for housing, including affordable housing.
 - UT7: Surface water management planning and operations shall comply with City, State, and Federal surface water regulations and be consistent with the City of Mukilteo Comprehensive Plan.

Applicable Review Criteria

8. Staff administratively reviewed this project for consistency with all applicable requirements of the MMC that apply to the subject property. Based on this review, it has been determined that development of the site will conform to all applicable zoning and development standards, and that, as conditioned, the project will have no adverse impacts to the public health, safety and general welfare. Review of specific criteria is provided in the table(s) below. Table 1 below summarizes lot bulk matrix standards in the RD 7.5 Single Family Residential zoning district.

Table 1: Analysis of MMC 17.20.015 Lot Bulk Matrix.

Lot Bulk Matrix	Requirement	Proposed Lot 1	Proposed Lot 2
Minimum Lot Area	7,500 sf	6,534 sf *	6,215 sf *
	* See the analysis in Finding 10 below related to MMC 17.52A.100 Density calculation for critical slope areas.		
Minimum Average Depth	85'	102.5'	85.7'
Minimum Lot Width			
Setback Line	50'	61'	72'
Lot Line	30'	N/A	71.5'
Corner Lot Line	60'	59.43'	N/A

9. The existing corner lot line width for Lot 1 is 59.43' and is legally nonconforming. This proposal does not increase nonconformity of the lot line width.
10. The proposal complies with the density transfer criteria specified in MMC 17.52A.100 and MMC 17.52C.100 for density calculations for stream buffers. Table 2 below summarizes density calculations for critical areas.

Table 2: Analysis of Density Calculations for Critical Areas (Steep Slopes and Stream Buffers)

Density Calculation for Critical Areas	Requirement	Proposed Lot 1	Proposed Lot 2
Minimum Lot Area	3,000 sf	6,534 sf	6,215 sf
Setbacks			
Front	15'	35.5'	15'
Interior Side	5'; with 15' of total side yard	22.5'	5' / 10' / total 15'
Corner Side	15'	15'	N/A
Rear	15'	15'	25'
Lot Coverage	60%	To be calculated with building permit	To be calculated with building permit

Setbacks defined through the short plat process are preliminary and are only analyzed to confirm lot compliance with current building setbacks without utilizing reasonable use

provisions. Building setbacks for each lot will be analyzed during building permit review for each lot.

11. The proposal complies with development standards in geologic sensitive areas specified in MMC Chapter 17.52A. Limited geotechnical evaluation recommends a minimum 25' setback from the top of the east-facing steep slope (Cobalt Geosciences, February 2018, pg. 3).
12. The preliminary plat plan dedicates Tract 999 as a Native Growth Protection Area (NGPA) due to steep slopes and a stream buffer, as required by MMC 17.52.035.
13. The preliminary plat plan identifies the following existing and proposed easements:
 - Access and utility easement;
 - Power easement;
 - Side sewer easement; and
 - View protection easement.
14. This proposal is required to pay mitigation fees for transportation, park, and school impacts in accordance with MMC Title 3.
15. Utilities are available to serve the subject property. Water and sewer is available from the Mukilteo Water Wastewater District. Electricity is available from Snohomish County PUD. Natural Gas is available from Puget Sound Energy.
16. The property lies outside the 55 DNL noise contour of Paine Field Airport.
17. Development of the site will be subject to applicable construction codes effective at the time of a complete application.
18. Staff administratively reviewed this project for consistency with applicable requirements of MMC Chapter 15.08 and Mukilteo Fire Development Standards that apply to the subject property.
19. Staff administratively reviewed this project for consistency with all applicable requirements of Mukilteo's Development Standards Resolution #2016-19, including but not limited to drainage, clearing, grading, erosion control, access and street standards.
20. Staff administratively reviewed this project for consistency with MMC 13.12.160 and the Washington State Department of Ecology's Stormwater Management Manual for Western Washington (2012) as amended in 2014.

Conditions of Approval

1. All improvements shall be constructed in accordance with the approved (1) Preliminary Short Plat Plan, (2) Grading and TESC Plan, and (3) Drainage Plan dated October 8, 2019. Minor modifications to the plans may be approved by the Community Development Director or Public Works Director if the modifications do not add additional unmitigated impacts or change the conditions of the original approval.
2. All development shall proceed in accordance with the recommendations listed in the Geotechnical Report, prepared by E3RA, dated September 30, 2013, and amended by The Riley Group Inc., dated January 14, 2019. The cost of special inspections, if any, as recommended by the report shall be the responsibility of the applicant.

3. Engineering permits for clearing and grading, right-of-way and/or stormwater shall be issued prior to issuance of any building permits. Improvements shall satisfy applicable requirements of each permit and conditions of each permit approval.
4. Utility installation shall comply with the respective requirements of each utility. Applicant is solely responsible for any costs associated with utility installation or relocation. See letters provided by Snohomish County PUD dated January 17, 2019, and September 4, 2019, and by Mukilteo Water and Wastewater District dated July 9, 2019, and August 20, 2019.
5. All native growth protection areas shall be shown on the final plat and shall be noted as follows:

There shall be no clearing, excavation, or fill within a native growth protection area shown on the face of this site plan/plat, with the exception of required utility installation, removal of dangerous trees, thinning of woodlands for the benefit of the woodlands as determined by a certified landscape architect or arborist, and removal of obstructions on drainage courses, or as allowed under Mukilteo Municipal Code Section 17.52A.070, Vegetation management on steep slopes.

6. Tract 999 dedication and maintenance responsibility shall be included with the final plat. The location and limitation associated with the critical area and its buffer shall be shown on the face of the final plat and shall be recorded with the Snohomish County assessor's office. Draft language or reference documents shall be approved by the City Attorney prior to being recorded.
7. Easements shall be included on the final short plat include language or reference responsible parties, repair, maintenance, replacement, financial responsibilities, etc. Draft easement language or reference documents shall be approved by the City and/or the City Attorney prior to being recorded.
8. Prior to the final plat being recorded, the applicant must provide easements in accordance with MMC 13.12.160(F). An easement and maintenance covenant for the private parties is required in addition to a city access easement for the stormwater improvements.
9. All lot corners must be installed with rod and cap prior to Final Short Plat approval.
10. 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.
11. The project shall comply with all other applicable code, regulations, and ordinances.

Final Plat:

1. The following notes and information shall appear on the face of the final short plat map. All signature blocks shall be in accordance with City standards that are available through the Community Development Department.
 - a. "The use and development of the property included within this plat shall be governed by the Conditions of Approval imposed through Case Number SP-2019-002 and shall be binding upon the land until that approval is amended, revoked or expires."

- b. The following free consent statement shall be acknowledged by property owners and shall be notarized: "We the undersigned, attest that we are the contract purchaser or owner in fee simple of the land represented on this short plat and have no right, title or interest of any kind in any unplatted land contiguous to any part of the land included in this short plat. This Short Plat is made with our free consent and in accordance with our desires."
- c. "Lots 1 and 2 shall pay park, school and traffic mitigation fees at the time of building permit issuance. The total fee or mitigation amount shall be based on the mitigation fee established by ordinance in effect at the time of fee payment."
- d. "Maintenance of drainage facilities is subject to the recorded maintenance agreement under AFN No. _____."
- e. "Building setbacks for the lots contained within this short plat are subject to the approval by the City of Mukilteo prior to the issuance of a building permit. Applicants should have the setback on their site plan verified by the City's Community Development Department prior to submitting plans for a building permit."
- f. "No lot created by this short plat may be re-subdivided for a period of five (5) years from the date of approval of this short plat without the submission and approval of a final subdivision pursuant to all provisions of Mukilteo Municipal Code Title 16 concerning the subdivision of land into five or more lots, tracts, or parcels. Any future subdivision of the lots in this short plat will be contingent on obtaining adequate right-of-way to meet the standards for a public road to provide access to the lots."
- g. All native growth protection areas shall be shown on the final plat and shall be noted as follows. "There shall be no clearing, excavation, or fill within a native growth protection area shown on the face of this site plan/plat, with the exception of required utility installation, removal of dangerous trees, thinning of woodlands for the benefit of the woodlands as determined by a certified landscape architect or arborist, and removal of obstructions on drainage courses, or as allowed under Mukilteo Municipal Code Section 17.52A.070, Vegetation management on steep slopes."
- h. "Refer to Auditor Recording Number" shall be shown on the recording block section of the plat map.
- i. The title block on the final plat map shall have the names of all the legal owners of the property named on the plat and the name of the surveyor/engineering firm that prepared the final plat map. The following items are required to be shown on the face of both the final plat map and supplemental map prior to final approval. The required language for these items may be obtained from the City's Community Development Department:
 - i. Surveyor Certificate;
 - ii. Correct legal description of all lots;
 - iii. Owners Statement;
 - iv. All new easement(s) over the property, their legal description(s) and associated dedication block (s);

- v. Recording block/Certification block for Community Development Director and Public Works Director approval;
- vi. Certification of Payment of Taxes and Assessments;
- vii. Auditor's Certificate;
- viii. North arrow;
- ix. The survey control scheme, monumentation and references.

Project Approval Timeframe

Preliminary short plat approval is valid for five (5) years from the date of this Notice of Decision, or until February 14, 2025. If final approval is not obtained within this period, the project permit shall become null and void, and a new project permit application is required. Per MMC 17.13.030(G), the Community Development Director may grant an extension to the approval date for a period of one (1) year if such request is submitted in writing at least ten (10) business days 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 may file an appeal of this project decision within fourteen (14) calendar days from issuance of this Notice of Decision. Parties of record include the applicant, any person who testified at the open record hearing on the application (if a public hearing was held), and/or any person who submitted written comments concerning the application (excluding persons who have only signed petitions or mechanically produced form letters).

Appeals must be delivered to the City Clerk by mail, personal delivery, or other method, during normal business hours by **4:30 p.m., Friday, February 28, 2020**, at City Hall, 11930 Cyrus Way, Mukilteo, Washington 98275. Appeals shall be in writing on the approved form with the required information provided, accompanied by an appeal fee as outlined in the city's most current fee resolution, and shall include the appellant's signature.

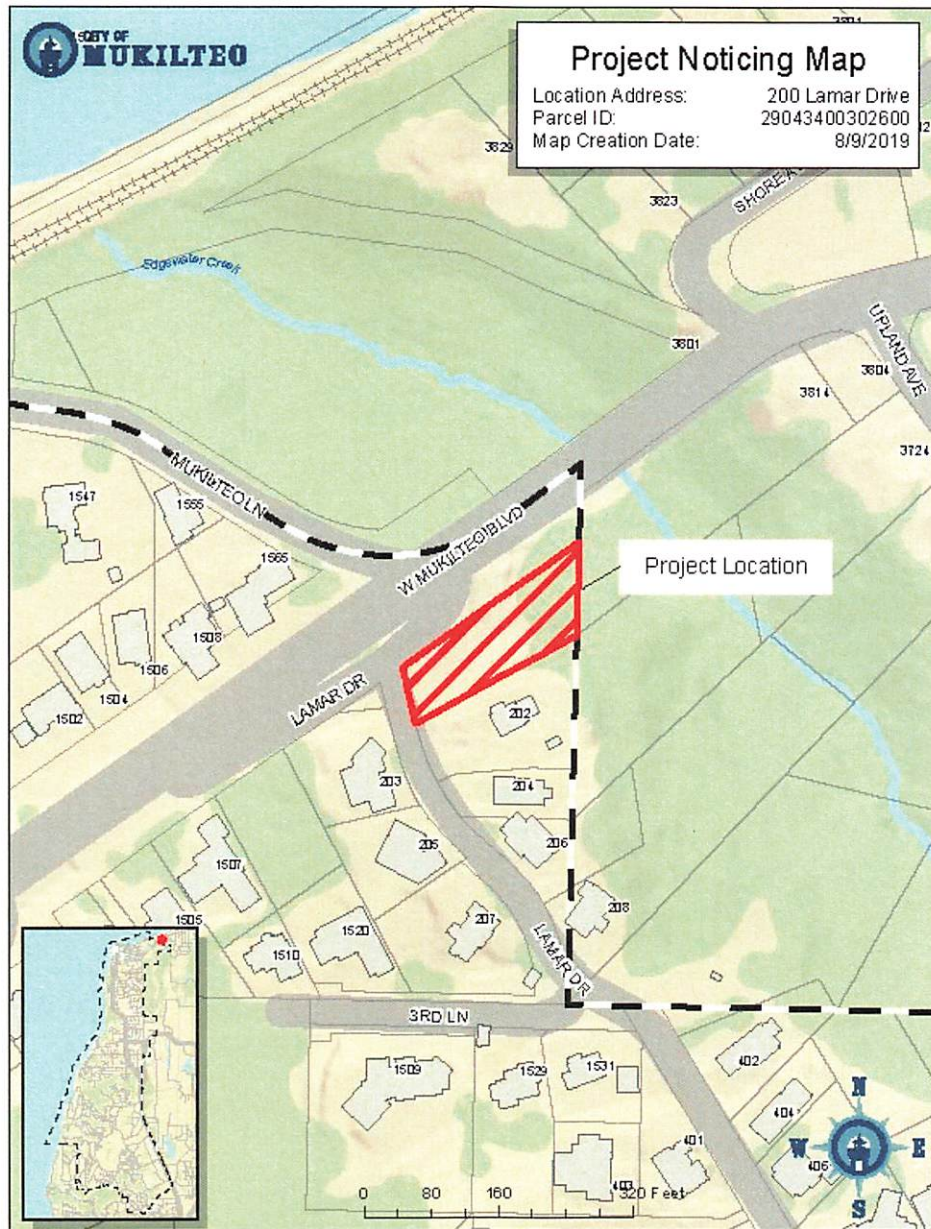
Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation. For information regarding property valuations and/or assessments, contact the Snohomish County Assessor's Office at (425) 388-3433.

Staff Contact: Garrett Jensen, Associate Planner
T: (425) 263-8046
E: gjensen@mukilteowa.gov

Signature: 
Garrett Jensen, Associate Planner

Date: 2/14/20

Location Map



Date Issued: Friday, February 14, 2020
End of Appeal Period: Friday, February 28, 2020
Project Permit Expiration Date: February 14, 2025

pc: Applicant/Representative
Reviewing Agencies
Interested Parties

CDD Director
Planning Manager
Permit Services Coordinator

Permit Services Assistants
Property File

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