



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

Notice of Decision

61st Place Retaining Wall
located near the intersection of 61st Place
West and 91st Place SW
(PPR-2019-002/ENG-2019-004)

The City of Mukilteo has issued a Notice of Decision for a Project 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: 61st Place West Retaining Wall

Proponent: City of Mukilteo Public Works Department

Project Number: PPR-2019-002 and ENG-2019-004

Description of Proposal: Repair and reinforce an existing 90-foot-long soldier pile retaining wall and roadway with associated grading, landscaping, and street improvements. The retaining wall will be extended an additional 30-40 feet at each end. This project will also repair a segment of the existing failed roadway adjacent to the existing wall and install surface and subsurface stormwater and groundwater management systems.

To strengthen the existing wall, tie-back anchors and walers will be installed at the face of the wall and will extend under the roadway and uphill slope to an appropriate bonded length of approximately 55 feet. Additionally, subsurface drains will extend under the roadway and uphill slope to an approximate length of 80 feet to 120 feet. These subsurface anchors and drains required permanent subsurface slope easements from two (2) uphill property owners. A wetland was identified downslope of the retaining wall and was classified as a Category III, with a 60 foot wide buffer width. Any disturbed vegetated areas will be restored.

Location of Proposal: Located near the intersection of 61st Place West and 91st Place SW, Mukilteo, Washington.

Notice of Decision Date: Friday, March 27, 2020

End of Appeal Period: Friday, April 10, 2020

Project Permit Expiration Date: March 27, 2024

Project Decision: Approved with Conditions

Project Decision

Staff administratively reviewed this project for consistency with the policies, standards, and regulations of the City of Mukilteo. After considering comments by the public and/or other agencies, the project permit is hereby approved with conditions based on the following Findings of Fact, and subject to the following Conditions of Project Approval:

FINDINGS OF FACT

1. The applicant submitted an application on January 17, 2019 for the 61st Place retaining wall a repair and reinforcement with associated grading, landscaping, and street improvements. The application became complete on February 14, 2019.
2. In accordance with Mukilteo Municipal Code (MMC) 17.13, a Notice of Application was issued March 4, 2019, and the project was circulated for review in accordance with the City's normal review and permitting procedures.
3. The property is designated Single-Family Residential- Low Density per the 2018 City of Mukilteo Comprehensive Plan. The proposal complies with the intended goals, objectives and policies of the Comprehensive Plan. The following Comprehensive Plan Land Use (LU) and Urban Design Policies apply to this project:
 - LU9: The City shall manage and regulate 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 associated with development.
 - LU9a: These wetlands and other critical areas which contribute to the City's stormwater management program should be protected by delineating their locations, adopting relevant land use regulations, purchasing of development rights, and other protective techniques.
 - LU9b: Maintaining the natural hydrological functions of each watershed, and where appropriate and possible, restoring them along with freshwater and marine habitats to a more natural state and ecological functionality should be a consideration of all City of Mukilteo actions.
 - 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.
 - UT7d: Drainage, flooding, and stormwater run-off impacts shall be minimized to the maximum extent practical in land use development proposals and City operations.
 - UT8: Streams and wetlands should be an integral part of the stormwater management program, provided they are protected from the negative impacts created by altered flow regimes and pollutant sources.
4. The subject property is located near the intersection of 61st Place West and 91st Place SW and zoned RD 12.5.
5. The adjacent properties are zoned RD 12.5.

6. Pursuant to the State Environmental Policy Act, the City of Mukilteo was designated as the lead agency for review of the proposed development. A Mitigated Determination of Non-Significance (MDNS) was issued on February 7, 2020, for the proposal pursuant to WAC 197-11-350 and MMC 17.84.100. The MDNS was based on the following:
 - Environmental Checklist prepared by Randall Roberts dated January 14, 2019
 - Biological Evaluation prepared by Northwest Environmental Consulting, LLC dated May 2018
 - Request for a National Environmental Policy Act (NEPA) Determination of Categorical Exclusion prepared by Northwest Environmental Consulting, LLC dated August 1, 2018
 - Wetland Determination prepared by Northwest Environmental Consulting, LLC, dated May 24, 2016
 - Stabilization Alternatives Feasibility and Evaluation prepared by GeoDesign, dated April 27, 2018
 - Mukilteo 61st Place Retaining Wall Critical Areas Report prepared by Northwest Environmental Consulting, LLC, dated August 2018
 - Stormwater Report 61st Place West Retaining Wall Project prepared by Tuttle Engineering, dated July 12, 2018
7. No appeal of the SEPA determination was submitted and the threshold determination stands as issued.
8. Staff administratively reviewed this project for consistency with all applicable requirements of the Mukilteo Municipal Code that apply to the subject property. Based on this review, it has been determined that development of the project 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.
9. 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.
10. The property lies outside the 55 Day-Night Average Sound Level (DNL) noise contour of Paine Field Airport.
11. Staff administratively reviewed this project for consistency with applicable requirements of Mukilteo Municipal Code 15.04.040.3, adopted 2015 International Fire Code and Mukilteo Fire Development Standards (2015 IFC) that apply to the subject property.
12. 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.

CONDITIONS OF PROJECT APPROVAL

1. All improvements shall be constructed in accordance with the Site Plan submitted on March 16, 2020 and approved March 24, 2020. Minor modifications of the plans submitted may be approved by the Community Development Director if the modifications do not change the Findings of Fact or the Conditions of Approval.

2. Final engineering drawings depicting the street improvements and drainage design shall be submitted to the City's Public Works Director for final review and approval before issuance of any grading permits. The street and drainage improvements shall be designed in accordance with the City's Development Standards.
3. The stormwater 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).

Clearing and Grading

4. An onsite preconstruction meeting is required prior to start of any work to review sediment transport potential.
5. The clearing limits of the approved Site Plan shall be clearly delineated in the field. Where such limits are in proximity to property boundaries or associated with site-sensitive areas, barrier fencing or siltation fencing shall be installed before site disturbance in accordance with the approved Temporary Erosion and Soil Control Plan.
6. Siltation and erosion control measures shall be employed per the approved Temporary Erosion and Sediment Control 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).

Mitigated Determination of Nonsignificance (MDNS)

7. The applicant shall comply with the Critical Areas Report prepared by Northwest Environmental Consulting, LLC dated August 2018, for any permanent or temporary impacts to the wetland and its associated buffer.
8. Mitigation plantings shall be installed in accordance with the approved Critical Areas Mitigation Plan, and shall be subject the following:
 - a. The mitigation and/or buffer enhancement site(s) shall be monitored for a minimum of five (5) years. The monitoring period required may be extended an additional two (2) years if the wetland or stream buffer is not performing as expected by the mitigation or enhancement plan. The monitoring reports shall be submitted on August 1st of each year during the monitoring period. Monitoring reports shall follow the recommendations contained in the Department of Ecology's publication "Guidance on Wetland Mitigation in Washington State," Part Two.
 - b. The applicant shall be responsible for ensuring that the monitoring reports are prepared, submitted, and any corrections are made as required by the reports.
 - c. Prior to final inspection, all plantings associated with a project permit shall require the submittal of an acceptable maintenance agreement to warrant all required plantings against defects in labor and materials for a period of five (5) years after acceptance of those improvements.

- d. All plantings shall be maintained in healthy growing condition. A final inspection will be performed at the end of the five (5) year period and any dead, dying or diseased plant material shall be replaced prior to release from the agreement.
7. Minor modifications of the mitigation plans submitted may be approved by the Community Development Director at his/her discretion and provided that the minor modification is supported by additional critical areas analysis.
8. Development shall follow recommendations presented in the Stabilization Alternatives Feasibility and Evaluation prepared by GeoDesign dated April 27, 2018.
9. Stormwater improvements shall be in accordance with the approved Stormwater Report for the 61st Place West Retaining Wall project prepared by Tuttle Engineering and Management dated July 12, 2018, revised March 24, 2020.
10. Use of the private roadway for access to the project site is prohibited. Access to the site shall only be from 92nd Street SW.
11. Construction noise for the project shall be allowed between the hours of seven (7) a.m. to six (6) p.m. on weekdays. No construction is allowed on weekends and holidays.

Miscellaneous

12. 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.

Utilities

13. All contractors and subcontractors working on the project described herein shall obtain a business license from the City before initiation of any site work.
14. 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.
15. 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.
16. 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.

The project permit shall be valid for four (4) years from the date of this Notice of Decision. If a building permit, grading permit, right-of-way permit, or stormwater permit is not obtained within this period, the project permit shall become null and void, and a new project permit application would need to be submitted. The Community Development 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 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 to the drop box outside City Hall, or other method, during normal business hours by **4:30 p.m., Friday, April 10, 2020** at City Hall, 11930 Cyrus Way, Mukilteo, WA 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.

Contact Person: Linda Ritter

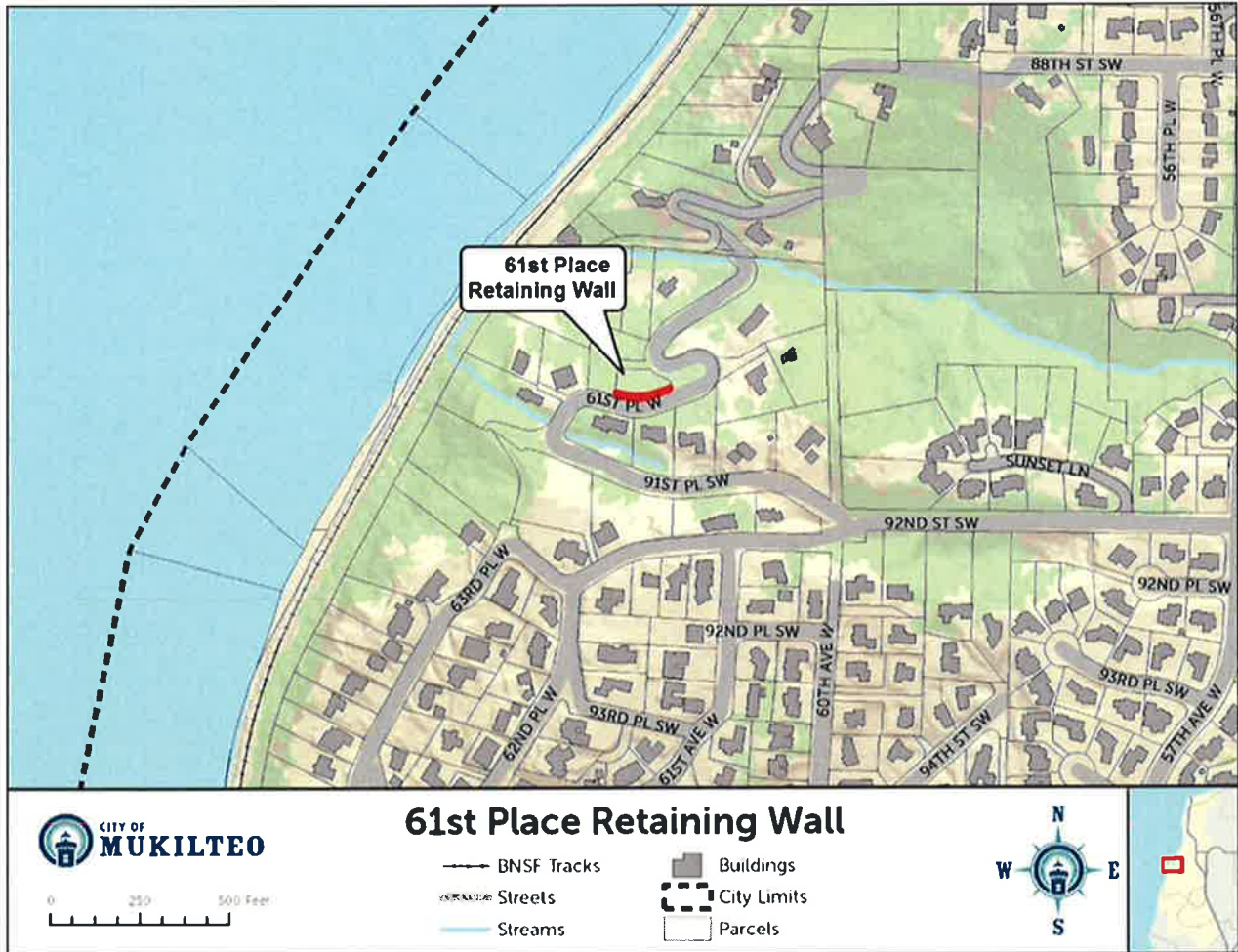
(425) 263-8043

Linda Ritter
 Linda Ritter,
 Senior Planner
 Planning Department

3/24/2020
 Date:

[Signature]
 Andrea Swisstack, P.E.
 Public Works Director

3/24/2020
 Date:



Location Map

pc: Applicant
 Property own. w/i 300 ft.
 Review Agencies

CD Director

Permit Services Technicians
 Parties of Record (if any)

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