



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

MITIGATED DETERMINATION OF NON-SIGNIFICANCE (MDNS)

DESCRIPTION OF PROPOSAL: Proposal is to fill/remove an existing, on-site 3,432 square foot Category IV wetland at approximately 8xx 8th Street to allow for the future construction of a single-family residence and to mitigate the wetland fill/removal by creating an off-site wetland.

On February 13, 2017, the applicant was granted authorization by the Mukilteo City Council to move forward with permitting to fill the on-site wetland and mitigate by creating an off-site wetland in a high-value watershed identified in the City of Mukilteo's Critical Area Mitigation Program (CAMP). The applicant has since received approval from the U.S. Army Corps of Engineers to fill/remove the existing wetland.

The new off-site wetland will be located in Japanese Gulch, within the City of Everett. This work includes the creation of 5,162 sq. ft. of wetland and enhancement of 6,649 sq. ft. of existing wetland buffer. A grading permit from the City of Everett is required to recreate the wetland and complete buffer enhancement.

Environmental review is required under the Washington State Environmental Policy Act (SEPA) for projects undertaken on lands covered by water, including work on wetlands. Specifically, the removal and fill of the wetland located at 8xx 8th Street and the recreation of the wetland and buffer enhancement within Japanese Gulch on City-owned property requires SEPA review.

Grading quantities are estimated at 300 cubic yards (CY) for the property located at 8xx 8th Street and 10 CY for the City-owned property in Japanese Gulch. The existing soil within the wetland recreation area will be reused to enhance the buffer area. Mulch will be imported for use within the buffer area. Submittal of the building permit for the single-family dwelling will occur at a later date.

PROJECT NAME: Mundorf Critical Areas Fill and Mitigation

PROPONENT: Terrence and Marina Mundorf

DATE OF ISSUANCE: June 11, 2021

LOCATION: 8xx 8th Street, Mukilteo WA 98275; also known as Snohomish County Assessor's Parcel No. 00527503900500, legally described as:

MUKILTEO PLAT OF BLK 039 D-00 LOTS 5,6,7,8

Japanese Gulch Property - Snohomish County Assessor's Parcel
No. 00631400000001 legally described as:

GARDEN OF PRAYER (HIGHLAND MEMORIAL PARK) BLK
000 D-01 - CEMETERY

Japanese Gulch Property - Snohomish County Assessor's Parcel
No. 28041000201400 legally described as:

SEC 10 TWP 28 RGE 04COM AT SW COR SD NW1/4 10-28-4
TH N02*01 00E ALG W LN SD NW1/4 549.02FT TAP WH IS
INTOF W LN OF SD NW1/4 WITH WLY PROLNG OF NLN OF
PLAT OF GARDEN OF PRAYER TH S87*5900E ALG SD ELY &
WLY PROLNG 711.98FT TH S TO S LNOF SD NW1/4 WH PT IS
541.32FT M/L FR W MGN OF GN/RR R/W TH W TO SW
CORSD NW1/4 TPB LESS FDT - BEG 1/4 COR OFW BDY SEC
TH N 208.17FT TH E 208.71FT TH S 208.71FT TH W 208.71FT
POB ALSO LESS PLATS OF GARDEN OF PEACE, GARDEN
OF MEMORIES, GARDEN OF PRAYER-HIGHLAND
MEMORIAL PARK ALSO LESS S 50FT THOF& TGW FDT - BEG
NW COR OF SURV FOR HIGHLAND MEMORIAL PARK REC
VOL 12 SURVS PG 54 TH N02*01 00E ALG W LN SEC 59.64FT
TH S87*59 00E PLW N LN SD SURV 421.98FT TH S02*01 00W
PLW W LN SD SEC 59.64FT TO N LN SD SURV TH N87*59
00W ALG N LN SD SURV 421.98FT TO POB

LEAD AGENCY: City of Mukilteo

The City of Mukilteo has determined that this proposal will not have a probable significant adverse impact on the environment. Pursuant to WAC 197-11-350(3), the proposal has been clarified and changed by the applicant, and conditioned to include necessary mitigation measures to avoid, minimize or compensate for probable significant impacts. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c).

This determination is based on the findings and conclusions below.

FINDINGS:

1. The supporting documents listed below have been submitted for review by the City:
 - Environmental Checklist, prepared by Jeff Mallahan, dated August 14, 2018 and submitted August 19, 2020.
 - U.S. Army Corps of Engineers (USACE) Permit NWS-2017-602, issued on March 2, 2018.
 - Biological Evaluation for Informal ESA Consultation dated June 30, 2017 and submitted August 19, 2020.
 - Small Site Drainage Report Mundorf SFR, prepared by Elias J. Troutman, E.I.T. and checked by Joseph M. Smeby, PE dated January 2020 and submitted August 19, 2020 and revised January 2021.
 - Geotechnical Report prepared by Earth Solutions NW, LLC dated January 4, 2021.

- Critical Area Study and Mitigation Plan for Mundorf - 8th Street, prepared by Wetland Resources, Inc. dated July 21, 2017.
2. The applicant received authorization from the Mukilteo City Council on February 13, 2017, to use the Critical Area Mitigation Program (CAMP) for wetland creation and buffer enhancement within an identified area located in Japanese Gulch, contingent on approval from the USACE.
 3. The applicant received approval from the USACE on March 2, 2018, to fill/remove the wetland on the property located at 8xx 8th Street.
 4. The applicant submitted a Critical Area Study and Mitigation Plan to the City to create a wetland and do buffer enhancement within Japanese Gulch on City-owned property located within the City of Everett.
 5. Removing, excavating, disturbing or dredging soil, sand, gravel, minerals, organic matter or materials of any kind is a regulated activity as described in MMC 17.52B.030.
 6. A Notice of Application was issued on September 25, 2020, with a 14-day comment period that closed on October 9, 2020.
 7. The City of Mukilteo received three (3) comments in response to the Notice of Application.
 - The first two comments were regarding drainage, building height and placement of the structure for the vacant parcel at 8xx 8th Street. These items will be reviewed during the permitting process for the building permit to ensure they meet code requirements.
 - The third comment was regarding the potential to lose natural space within Japanese Gulch for the creation of the wetland. The City of Mukilteo's CAMP provides property owners the flexibility to mitigate project impacts off-site in a pre-determined location. The mitigation for the fill/removal of the wetland at 8xx 8th Street is located within Japanese Gulch at one of these pre-determined locations. Selected sites were determined using the Department of Ecology's Watershed Approach in order to provide additional ecological and biological benefits to the environment.
 8. This Mitigated Determination of Significance (MDNS) is issued in accordance with the substantive authority described in Mukilteo Municipal Code section 17.84.160
 9. With the concurrence of the City of Everett, the City of Mukilteo has assumed lead agency status for the proposal in accordance with WAC 197-11-758.
 10. The following Mukilteo Comprehensive Plan policies form the basis for the mitigation measures:
 - 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.
11. The building permit for the single-family dwelling has not yet been submitted. When submitted, the building permit will be reviewed for compliance with all applicable codes and regulations.

CONCLUSIONS:

1. If mitigation measures are applied, the proposal will not have a probable significant adverse impact on the environment.
2. Substantive authority exists to support the imposition of the identified mitigation measures.
3. Public notice procedures required by the Cities of Mukilteo and Everett Municipal Codes for this SEPA determination have been met.

MITIGATION MEASURES:

The lead agency for this proposal has determined that the proposal does not have a probable significant adverse impact on the environment if the following mitigation measures are followed:

1. The wetland creation and buffer enhancement shall be per the approved Critical Area Study and Mitigation Plan for Mundorf- 8th Street prepared by Wetland Resources, Inc. dated July 21, 2017.
2. Work shall be done in accordance with the approved U.S. Army Corps of Engineers Permit NWS-2017-602.
3. The applicant shall provide the City of Mukilteo a copy of all permits obtained from the City of Everett prior to the installation of the mitigation plantings.
4. Mitigation plantings shall be installed in accordance with the approved Critical Area Study and Mitigation Plan for Mundorf- 8th Street prepared by Wetland Resources, Inc. dated July 21, 2017, 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 to the City of Mukilteo, 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 by the City of Mukilteo.
 - 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 by the City of Mukilteo and any dead, dying or diseased plant material shall be replaced prior to release from the agreement.
5. Minor modifications of the Mitigation Plan submitted may be approved by the City of Mukilteo Community Development Director at his/her discretion and provided that the minor modification is supported by additional critical areas analysis.
 6. The applicant shall submit a Performance Bond to the City of Mukilteo in the amount of one hundred and fifty percent (150%) of the estimated cost for mitigation upon approval of the Critical Area Review.
 7. The applicant shall submit a Maintenance Bond to the City of Mukilteo in the amount of fifteen percent (15%) of the actual cost for mitigation upon completion of the mitigation installation.
 8. The applicant shall submit a Monitoring Deposit to the City of Mukilteo prior to final acceptance of the mitigation project to cover the City's estimated costs to review the yearly monitoring reports and conduct a site inspection to ensure the performance standards are being met.
 9. Construction noise for the wetland mitigation is not allowed between the hours of six (6) p.m. to seven (7) a.m. on weekdays, and no construction is allowed on weekends and holidays.
 10. An addendum to the Geotechnical Report shall be submitted with the building permit for construction of the new single-family residence on the property located at 8xx 8th Street.
 11. All work associated with the fill/removal of the wetland at 8xx 8th Street and the creation of the wetland and the buffer enhancement work within Japanese Gulch on property owned by the City of Mukilteo shall be completed be no later than March 18, 2022.
 12. If the authorized work has not been completed by March 18, 2022 and the applicant has commenced or is under contract to commence this activity before March 18, 2022, the applicant has until March 18, 2023 to complete the activity under the terms and conditions of the USACE Permit NWS-2017-602.
 13. The applicant shall comply with other applicable codes and requirements for the City of Everett for the work being done within the Japanese Gulch area and the City of Mukilteo for the work being done at 8xx 8th Street.

COMMENT PERIOD:

This MDNS is issued pursuant to WAC 197-11-350 and MMC 17.84.100; the lead agency will not act on this proposal for 14 days from Friday, June 4, 2021. Comments must be submitted no later than **4:30 p.m. on Friday, June 25, 2021**. After that date, this determination becomes final.

APPEAL PERIOD:

Appeals of this determination shall be made by filling out the appeal form and submitting it with the appeal fee to the City of Mukilteo Community Development Department, 11930 Cyrus Way, Mukilteo, WA 98275 by **Friday, July 9, 2021, 4:30 pm**. At a SEPA hearing, all testimony is under oath and you must provide specific factual objections. Appeal procedures can be found in MMC Section 17.84.170.

City Hall is currently closed to walk in public visitors in response COVID-19. Please call City Hall (425) 263-8000 during regular business hours and arrangements can be made for receipt of an appeal.

DOCUMENTS AND MDNS AVAILABILITY:

Copies of the MDNS, Environmental Checklist and related documents are available on the City of Mukilteo website at <https://mukilteowa.gov/land-use-action-notices/> or by request from the City of Mukilteo Community Development Department via email (permittech@mukileowa.gov), or phone (425) 263-8000.

PROJECT CONTACT:

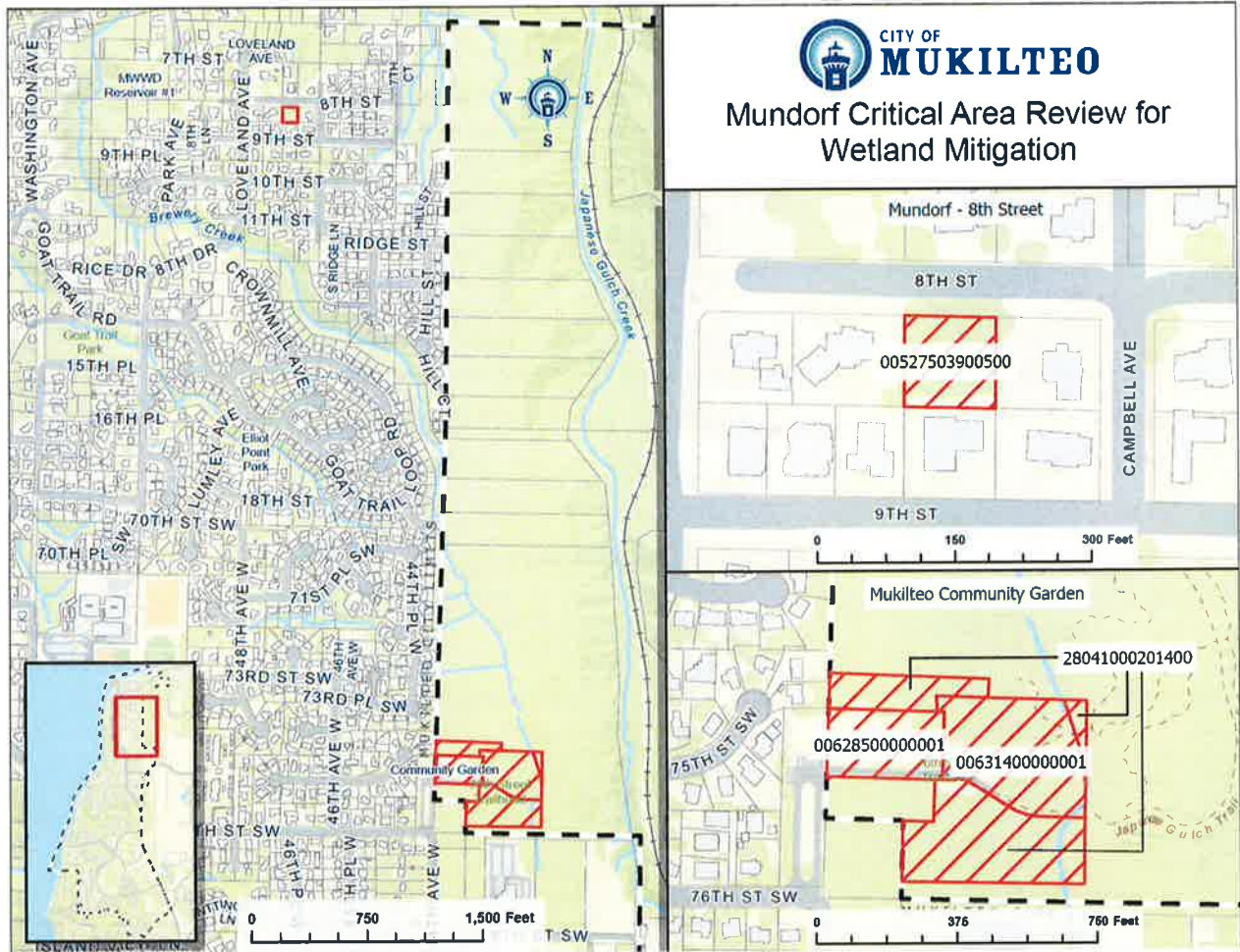
Linda Ritter
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SEPA RESPONSIBLE OFFICIAL:

Signature:  Date: 6.11.2021
David Osaki
Community Development Director

DATE OF ISSUANCE: June 11, 2021

pc:	Review Agencies	CDD Director	Mukilteo Beacon
	Project File	Permit Services	Everett Herald
	Applicant / Contact	Parties of Interest / Record	



Location Map