



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

Notice of Decision

BEC Investments, LLC
Automobile Sales and Repair
12900 Beverly Park Road

SUMMARY OF DECISION:

The City of Mukilteo issues this Notice of Decision as required by Revised Code of Washington (RCW) 36.70B.130 and Mukilteo Municipal Code (MMC) 17.13.080, and has made the following decision:

- DECISION:** Approved, subject to conditions
- NOTICE DATE:** Thursday, October 6, 2022
- APPEAL PERIOD:** Thursday, October 20, 2022 (4:30 p.m.)
- EXPIRATION:** October 6, 2026

PROJECT NAME: BEC Investments, LLC Automobile Sales and Repair (PPR-2021-01, ENG-2021-002, CAR-2021-001 and SEPA-2021-001)

PROPONENT: BEC Investments, LLC

DESCRIPTION OF PROPOSAL:

Construction of a new car sales building with a detached car detail and repair building totaling 4,780 square feet with associated grading and street frontage improvements. The parcel is approximately 37,105 square feet in size (0.89 acres) with a Category III wetland and Type V stream located in the northern portion of the property which extends off-site to the north and west.

To bring sewer to the site, the applicant proposes to extend the existing sewer from its current location west of the site at 12978 Beverly Park Road, across the adjacent property at 12912 Beverly Park Road to the subject property through the wetland buffer. Construction of this sewer line is expected to result in temporary impacts to 1,328 square feet of buffer on the subject site. The buffer on the adjacent property is currently comprised on maintained lawn, and on the subject site the buffer is comprised primary of vine maples.

To create a reasonable design for the site and to accommodate development and the sewer easement, the applicant is proposing a buffer averaging as allowed by the Mukilteo Municipal Code (MMC) 17.52B.100(G)(2). An environmental review was necessary due to grading quantities being more than 1,000 cubic yards and impacts to the wetland buffer.

All supporting 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@mukilteowa.gov) or phone (425) 263-8000.

LOCATION: 12900 Beverly Park Road, Mukilteo WA 98275, also known as Snohomish County Assessor's Parcel No. 00568700200402, legally described as:

SERENE ACRES BLK 002 D-02 - PTN LOT 4 DAF BEG AT MOS ELY
COR LOT 4TH SWLY ALG SELY LN SD LOT 100 FT TH NWLY TO INT
NW LN OF LOT 4 AT PT WH IS S59*01 20W 82.99 FT FR MOST NLY
COR SD LOT TH N59*01 20E 82.99 FT TOMOST NLY COR SD LOT 4
TH S35*34 43E 422.58 FT ALG NELY LN LOT 4 POB

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

Consistency with Mukilteo Development Regulations and Permitting Procedures:

1. The applicant submitted an application on January 28, 2021, for construction of a new car sales building with a detached car detail and repair building on 0.89 acres with associated grading, drainage improvements, landscaping, and street frontage improvements. The application became complete on March 5, 2021.
2. The property is zoned Light Industrial (LI).
3. The applicant is proposing to reduce the wetland buffer on the property located at 12900 Beverly Park Road by a total of 155 square feet through buffer averaging. MMC 17.52B.100(G) allows for buffer averaging if this will improve the protection of wetland functions or if it is the only way to allow for reasonable use of a parcel. As mitigation for this buffer averaging, the applicant is proposing to add a total of 281 square feet of additional buffer area. As proposed, the buffer averaging allows reasonable use of the parcel.
4. This proposal will temporarily impact approximately 2,660 square feet of the Category III wetland buffer on the property located at 12912 Beverly Park Road for the installation of the new sewer line. The disturbed buffer will be restored to the approximate pre-disturbance condition using native shrubs as identified in the Critical Area Mitigation Report. No trees are proposed in this buffer restoration due to the potential for the roots of these species to damage the sewer line.
5. Stormwater from this development will be collected, treated, and routed to the detention vault before being released into the wetland buffer via a point discharge onto a riprap pad located in the outer twenty-five percent of the Category III wetland buffer.
6. Per the approved mitigation plan, to off-set any impacts resultant from this outfall, the applicant is proposing to plant the area immediately downslope of this feature with willow whips. Willow whips will be installed on the downhill side of the riprap pad on 2-

foot centers. Whips should be installed during the late fall (after leaf drop) to early spring (before leaf emergence).

7. Export of 750 cubic yards of material and the import of 2,250 cubic yards. Per MMC 17.84.070(F), excavation over 1,000 cubic yards requires State Environmental Policy Act review. Therefore, this proposal was subject to major review under MMC 17.13.030(B).
8. The supporting documents listed below have been submitted for review by the City:
 - Environmental Checklist, prepared by Jesse Jarrell of Western Engineers and Surveyors dated January 15, 2019 and signed February 24, 2021
 - Critical Areas Study & Buffer Mitigation Plan prepared by Acre Environmental Consulting, LLC, dated April 15, 2019 and revised March 4, 2022.
 - Full Stormwater Drainage Report, prepared by Timothy Sarkela of Western Engineers and Surveyors, issued October 31, 2018, revised on August 24, 2021 and revised on March 7, 2022.
 - Geotechnical Engineering Report, prepared by the Riley Group, Inc. dated May 4, 2018 and the geotechnical addendum letter dated March 7, 2022.
9. A Notice of Application was issued on March 19, 2021, with a 14-day comment period that closed on April 2, 2021.
10. The City of Mukilteo received three (3) comments in response to the Notice of Application.
 - The first comment is from Darrel Peacock, Facilities and Equipment Manager at Kaas Tailored. Mr. Peacock stated the business received a post card announcing this project and asked if staff could provide more detailed information. Mr. Peacock stated he reviewed the drawings online and believe he sees where the sewer line will be placed. It appears all the proposed sanitary sewer line work is on the 12900 property and ties into existing sewer line.
 - **Staff Response:** Staff contacted Mr. Peacock and informed him that the proposed sanitary sewer line will connect to the sewer stub within the easement on the Kaas property and go across the property located at 12912 Beverly Park Road to 12900 Beverly Park Road. No further information was requested from Mr. Peacock regarding this proposal.
 - The second comment was from Alderwood Water and Wastewater District (AWWD) providing fire flow verification for the property located at 12900 Beverly Park Road.
 - **Staff Response:** The applicant shall adhere to AWWD's requirements. This will be a condition of the permit.
 - The third comment is from Snohomish County Public Utility District No. 1 (PUD) stating 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. 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 the scope of all land-use permits.

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.

- **Staff Response:** The applicant shall adhere to PUD's requirements. This will be a condition of the permit.

11. The property lies within the AWWD service area. There is an existing 15-foot sewer easement on the property located at 12978 Beverly Park Road in which the applicant will have to connect to the sewer connection and bring across the property located at 1292 Beverly Park Road and onto the property located at 12900 Beverly Park Road.
12. Pursuant to the Washington 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 September 1, 2022, 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 Jesse Jarrell of Western Engineers and Surveyors dated January 15, 2019 and signed February 24, 2021
 - Critical Areas Study & Buffer Mitigation Plan prepared by Acre Environmental Consulting, LLC, dated April 15, 2019 and revised March 4, 2022.
 - Full Stormwater Drainage Report, prepared by Timothy Sarkela of Western Engineers and Surveyors, issued October 31, 2018, revised on August 24, 2021 and revised on March 7, 2022.
 - Geotechnical Engineering Report, prepared by the Riley Group, Inc. dated May 4, 2018 and the geotechnical addendum letter dated March 7, 2022.
13. The City of Mukilteo received a comment from the Department of Ecology (Ecology) in response to the issued MDNS.
 - The Department of Ecology stated there are two active cleanup sites located within 750 feet of the proposed project: the O'Brien Trucking cleanup site at 12808 Beverly Park Road and the 7-Eleven 23176 cleanup site at 12704 Mukilteo Speedway. If existing environmental contamination are encountered during construction, the release should be reported to Ecology within 90 days through Ecology's Environmental Report Tracking System (ERTS).
 - **Staff Response:** The applicant shall adhere to Ecology's requirements. This will be a condition of the permit.
14. No appeal of the SEPA determination was submitted and the threshold determination stands as issued.

15. 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, staff has 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.

The proposal complies with use, area, lot dimension, landscaping and parking requirements of the LI zoning district:

Regulation (Chapter)	Requirement	Proposed
<i>Height (MMC 17.20)</i>	65 ft.	38.2 ft.
<i>Front Setback (MMC 17.20)</i>	25 ft.	64.6 ft.
<i>Rear Setback (MMC 17.20)</i>	IBC, except 50 ft. next to residential zones	320 ft. (Sales Office) 210 ft. (Car Detail and Repair Building)
<i>Side Setbacks (MMC 17.20)</i>	IBC, except 50 ft. next to residential zones	34'/11' (Sales Office) 5'/34' (Car Detail and Repair Building)
<i>Lot Coverage (MMC 17.20)</i>	none	11%
<i>Maximum Hard Surface Coverage (MMC 17.20)</i>	95%	90%
<i>Parking (MMC 17.56)</i>	15.4 stalls	16 stalls
<i>Landscaping (MMC 17.56.130 and MMC 17.58)</i>	<p><i>Frontage:</i></p> <ul style="list-style-type: none"> • 5 ft. of Type III or 5 ft. of Type V <p><i>Outside storage or waste areas:</i></p> <ul style="list-style-type: none"> • Sight obscuring fence <p><i>Parking:</i></p> <ul style="list-style-type: none"> • Parking lots containing less than twenty parking spaces need provide only perimeter screening to satisfy the ten percent area requirements 	<p><i>Frontage:</i></p> <ul style="list-style-type: none"> • 5 ft. of Type III or 5 ft. of Type V <p><i>Outside storage or waste areas:</i></p> <ul style="list-style-type: none"> • None proposed <p><i>Parking:</i></p> <ul style="list-style-type: none"> • Perimeter landscaping as there are only 16 parking spaces.

16. Staff administratively reviewed this project for consistency with all applicable requirements of Mukilteo's 2019 Development Standards, including but not limited to drainage, clearing, grading, erosion control, access and street standards.
17. The applicant obtained a Certificate of Concurrency from the City prior to permit issuance in accordance with Ordinance 1131, effective July 27, 2005.
18. Existing utilities serve the subject property. Water and sewer are currently provided by the AWWD. Electricity is provided by Snohomish County PUD. Natural gas is provided by Puget Sound Energy.
19. This property lies inside the 55 Day-Night Average Sound Level (DNL) noise contour of Paine Field Airport. Federal Aviation Administration (FAA) approval is not required for this project as no structures are being proposed.

Consistency with Mukilteo Comprehensive Plan:

20. The property is designated Industrial in the City's 2018 Comprehensive Plan.
21. Staff administratively reviewed this project for consistency with the goals, objectives and policies of the Comprehensive Plan. Based on this review, staff has determined that development of the project will conform to the following applicable Comprehensive Plan policies:
 - 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.

CONDITIONS OF PROJECT APPROVAL

The City may attach conditions to the approval of permits as necessary to ensure consistency of the project with the City regulations and the comprehensive plan (MMC 17.13.080).

When permit approval is based on conditions, such conditions shall be satisfied prior final approval of the construction, use or activity (MMC 17.13.030(F)). Any violation of the conditions below are considered a violation of the permit and may be subject to the City's code enforcement procedures.

General

1. All improvements shall be constructed in accordance with the Site Plan submitted on March 10, 2022 and approved on September 7, 2022. 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. All improvements shall be constructed in accordance with the Engineering Plans submitted on March 10, 2022 and approved on September 13, 2022. Minor modifications of the plans submitted may be approved by the Public Works Director if the modifications do not change the Findings of Fact or the Conditions of Approval.
3. An onsite preconstruction meeting is required prior to start of any work to review sediment transport potential.
4. Final landscaping plans shall be submitted for final review and approval before issuance of grading permit.
5. Landscaping shall be installed in accordance with the approved landscaping plan and shall be subject the following:
 - a. All landscaping associated with a project permit shall require the submittal of an acceptable warranty surety 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 warranty amount shall be fifteen (15) percent of the costs of the improvements, as determined by the City. The surety shall be submitted to and approved by the City of Mukilteo and executed before occupancy of the site.
 - b. 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.
 - c. 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.
6. A Native Growth Protection Area (NGPA) shall be established on which development is prohibited, protected by execution of an easement, dedicated to a conservation organization or land trust or similarly preserved through a permanent protective mechanism acceptable to the City.
7. Temporary signs shall be placed at the perimeter of the NGPA at 50-foot intervals during periods of construction, clearing, grading or excavation on adjacent property. The signs shall describe the limitations on site disturbance and development within the NGPA. Permanent signs shall be placed at the perimeter of the NGPA at 50-foot intervals describing the limitations on development.
8. 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 installations, 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 Section 17.52A.070, Vegetation management on steep slopes.

Mitigated Determination of Non-Significance (MDNS)

9. The planting and other recommendations of the Critical Areas Study & Buffer Mitigation Plan prepared by Acre Environmental Consulting, LLC, dated April 15, 2019 and revised March 4, 2022 shall be met. Other Mukilteo Municipal Code critical areas requirements not specifically addressed in the Critical Areas Report including, but not limited to, acceptable surety devices and long-term maintenance shall also be met.
10. All development shall proceed in accordance with the recommendations listed in the Geotechnical Engineering Report, prepared by the Riley Group, Inc. dated May 4, 2018 and the geotechnical addendum letter dated March 7, 2022.
11. The applicant shall comply with other applicable codes and requirements.

Stormwater

12. A recorded Declaration of Covenant for stormwater facility maintenance and permanent access easement for the city to inspect stormwater facilities is required for this project prior to Final Inspection.
13. A registered professional engineer or professional land surveyor shall verify that installation of roads and utilities was in accordance with the approved construction plans. Record drawings must be provided for private infrastructure that connects to the City's infrastructure, for public facilities, and for right-of-way work.
14. Special Inspections shall be conducted for the stormwater vault construction by the Design Structural Engineer, and geotechnical engineer, or their designee, and the reports completed and turned into the City. These reports shall verify that the vault was built per the approved Engineered design, or, if deviations were done, that they were approved by the Structural Engineer of record.

Public Improvements

15. All street frontages shall be brought up to current American with Disabilities (ADA) standards prior to permit final. If work is to be done by a private contractor, a Right-of-Way permit shall be obtained.
16. Per the Development Standards, the City may require the developer to post a performance surety for all public improvements guaranteeing their installation. The applicant shall submit an invoice or cost estimate for the public improvements along with a performance surety of 150% of the cost on all public improvements for approval by the City prior to permit issuance.

Mitigation Plan

17. Minor modifications of the Mitigation Plan 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.
18. The applicant shall submit a Performance Bond in the amount of one hundred and fifty percent (150%) of the estimated cost for mitigation upon approval of the Critical Area Review.
19. The applicant shall submit a Maintenance Bond in the amount of fifteen percent (15%) of the actual cost for mitigation upon completion of the mitigation installation.
20. The applicant shall submit a Monitoring Deposit in the amount of \$700.00 prior to final acceptance of the project to cover the estimated city's costs to review the yearly

monitoring reports and conduct a site inspection to ensure the performance standards are being met.

Environmental

21. Two active cleanup sites are located within 750 feet of the proposed project: the O'Brien Trucking cleanup site (cleanup site ID 4772; facility site ID 2741; metals and non-halogenated organics - petroleum products) at 12808 Beverly Park Road and the 7-Eleven 23176 cleanup site (cleanup site ID 1101; facility site ID 91197184; lead, non-halogenated solvents, benzene, and gasoline) at 12704 Mukilteo Speedway. If existing environmental contamination is encountered during construction, the release should be reported to Ecology within 90 days through Ecology's Environmental Report Tracking System (ERTS). Releases should be reported via Ecology's [web form](#), by phone (206-584-0000), or by email (nwroerts@ecy.wa.gov). For more information, please visit Ecology's website: <https://ecology.wa.gov/Footer/Report-an-environmental-issue/Report-a-spill>.
22. Appropriate best management practices should be utilized to prevent dewatering migration from occurring. If migration does occur as a result of dewatering activities, the proposed project may be determined to be the responsible party for cleanup. If suspected migrated contamination is encountered during construction, the release must be reported to Ecology within 90 days through Ecology's Environmental Report Tracking System (ERTS). Releases must be reported via Ecology's [web form](#), by phone (206-584-0000), or by email (nwroerts@ecy.wa.gov). For more information, please visit Ecology's website: <https://ecology.wa.gov/Footer/Report-an-environmental-issue/Report-a-spill>.

Utilities

23. 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.
24. Plans shall be submitted to AWWD to determine what, if any, improvements would be required if additional water or sanitary sewer service is required.

Traffic Mitigation Fees

25. The applicant is required to pay traffic mitigation fees to Snohomish County based on the Traffic Mitigation Offer in the amount of \$13,544.00. The applicant shall submit proof of the payment to the City prior to permit issuance.

Miscellaneous

26. The location of signs on approved plans is for illustrative purposes only. Pursuant to Mukilteo Municipal Code 17.80, a sign permit must be obtained for the placement of any non-exempt signage. Application for that sign permit shall include an approved site plan specifying the location of all signs.
27. All outside storage, including dumpsters, shall be enclosed by a sight-obscuring fence.
28. All mailbox locations must be approved and signed off by the U S Postal Service prior to permit issuance. Please contact the Growth Management Coordinator at 425.514.9843 to arrange an appointment.

29. 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.
30. 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.
31. All contractors and subcontractors working on the project described herein shall obtain a business license from the City before initiation of any site work.
32. 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.
33. Noise from construction activity that is audible beyond the property lines shall not be allowed between the hours of nine (9) p.m. to seven (7) a.m. on weekdays, and seven (7) p.m. to nine (9) a.m. on weekends and holidays.
34. 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.

EXPIRATION

1. A grading or building permit must be obtained within four (4) years from the date of this Notice of Decision (MMC 17.030.030(G)).
2. If a building permit, grading permit or occupancy permit is not obtained within this period, the project permit shall become null and void, and a new project permit application is required.
3. 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.

Appeals

Any Party of Record may appeal this project decision 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 mail, personal delivery to the drop box outside City Hall, or other method, during normal business hours by **4:30 p.m., October 20, 2022.**

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).

City Hall is currently open Monday and Wednesday from 7:30 AM-5:00 PM, Tuesday and Thursday from 10:30 AM – 5:00 PM. The building is closed for lunch from 12-1 PM and closed to the public on Fridays. Comments must be delivered by in person, mail, personal delivery to the drop box outside City Hall or by email to lrutter@mukilteowa.gov. City Hall is located at

11930 Cyrus Way, Mukilteo, WA 98275. Please call City Hall (425) 263-8000 during regular business hours and arrangements can be made to submit an appeal.

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

October 3, 2022

Linda Ritter, Senior Planner, Planning & Community Development

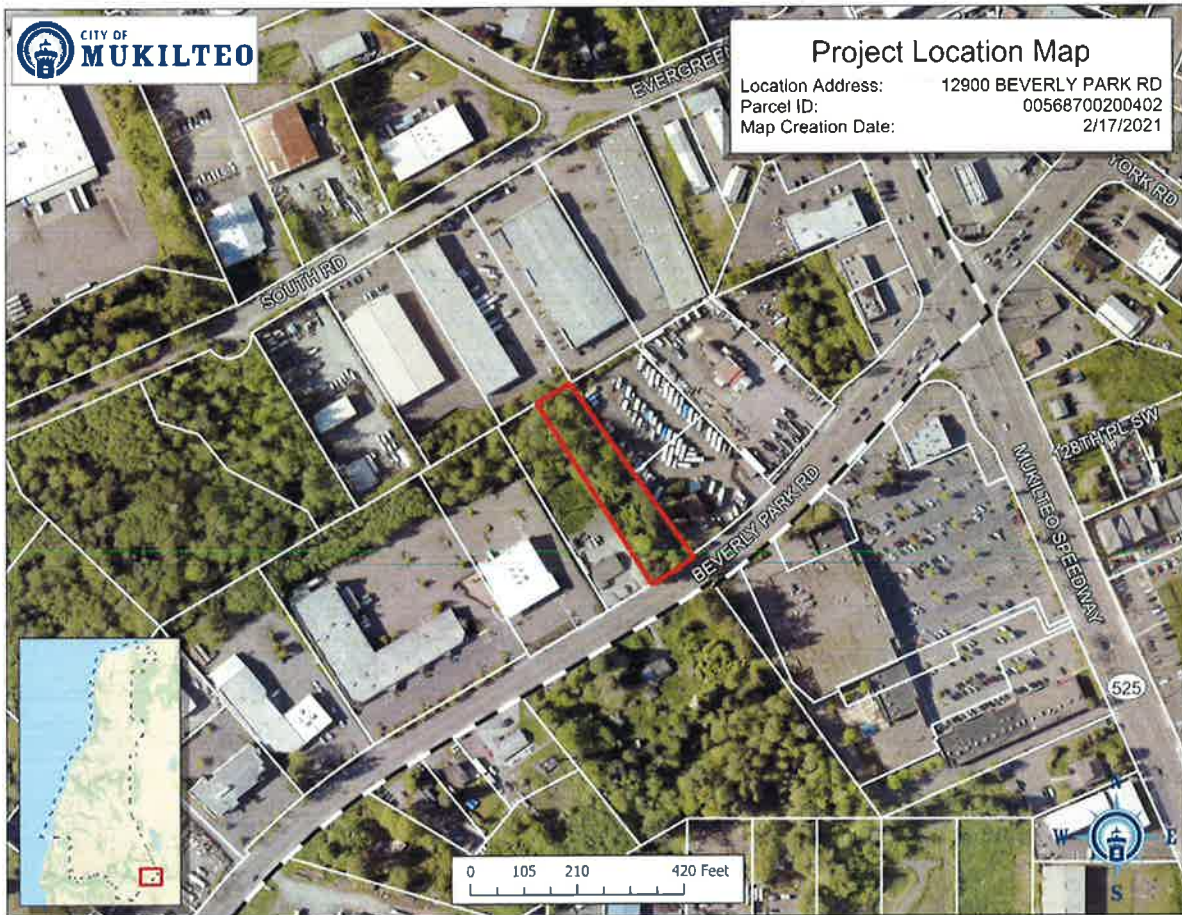
Date

Matt Nienhuis

October 3, 2022

Matt Nienhuis, Director, Public Works

Date



Location Map

pc: Applicant/Representative
Reviewing Agencies
Interested Parties

CDD Director
Permit Services Coordinator
Permit Services Assistants (2)

Property File
Property Owners (300')