



City of Mukilteo, Washington

## Notice of Decision

for

**Harbour Pointe Boulevard (HPB)  
SW Widening Project  
at HPB & Cyrus Way  
by the City of Mukilteo**

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:** Harbour Pointe Boulevard (HPB) SW Widening

**Proponent:** Fiona McNair, of GeoEngineering Inc. on behalf of the City of Mukilteo

**Project Number:** PPR-2017-003

**Description of proposal:** Widen Harbour Pointe Boulevard S.W. and upgrade the operational components of the Harbour Pointe Boulevard S.W./Cyrus Way intersection. The project will extend along Harbour Pointe Boulevard from SR 525 to approximately 450 feet west of Cyrus Way. Left turn pockets with left turn sign phases will be added to all four legs at the intersection of Cyrus Way allowing left turn movements to be protected/permissive. An elevated, 8-foot wide shared use path and 5-foot wide planter strip will be constructed on the south side of the boulevard to complete the sidewalk and bike path gap that currently exists. Sidewalks along the east and west sides of Cyrus Way will be designed to draw pedestrians closer to the existing traveled way. This is being done to minimize pedestrian crosswalk lengths and reduce impacts to the existing critical areas. The project includes stormwater management; flow control and water quality treatment.

Three wetlands have been identified and delineated within the project corridor: a Category III and IV wetland delineated by GeoEngineers (GeoEngineers 2017, Harbour Pointe Wetland and Stream Delineation Report) and one category IV wetland delineated by others (Wetland Resources 2016, Critical Area Study and Buffer Averaging Plan). The proposed layout minimizes impacts to existing wetlands and wetland buffers to the maximum extent practicable while still meeting design and safety requirements. Project improvements will expand the existing roadway footprint into one existing wetland (Wetland A which is a Category III Wetland) and into disturbed (pavement or gravel) portions of existing wetland buffers.

The wetland impacts associated with the road work will be mitigated for on property the City owns, known as Japanese Gulch. The City of Mukilteo has identified Japanese Gulch for wetland and buffer mitigation. Compensatory wetland mitigation for project impacts at the road widening site is proposed at the Japanese Gulch site. If approved by

the Army Corps of Engineers, mitigation will include wetland creation and enhancement.

**Project Location:** See Attached Location Map

**Notice of Decision Date: Friday, August 24, 2018**

**End of Appeal Period: Friday, September 7, 2018**

**Project Permit Expiration Date: August 24, 2022**

**Project Decision: Approved**

### **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 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 to widen Harbour Pointe Boulevard S.W. and upgrade the operational components of the Harbour Pointe Boulevard S.W./Cyrus Way intersection. The application was determined to be complete on January 18, 2018.
2. In accordance with Mukilteo Municipal Code (MMC) 17.13, a Notice of Application was issued on February 2, 2018, and the project was circulated for review in accordance with the City's normal review and permitting procedures.
3. The property is designated commercial per the 2015 City of Mukilteo Comprehensive Plan. The proposal complies with the intended goals, objectives and policies of the Comprehensive Plan. The following Comprehensive Plan elements 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 project area is zoned Community Business-South (CB(S))
  5. 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 July 6, 2018 for the proposal. No appeal of the SEPA determination was submitted and the threshold determination stands as issued.
  6. 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 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.
  7. Utilities are available to serve the subject property. Water and sewer is available from the Alderwood Water & Wastewater District. Electricity is available from Snohomish County PUD. Natural Gas is available from Puget Sound Energy.
  8. The property lies in the 60 DNL noise contour of Paine Field Airport.
  9. 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.
  10. Staff administratively reviewed this project for consistency with all applicable requirements of Mukilteo's Development Standards, including but not limited to drainage, clearing, grading, erosion control, access and street standards.
  11. A grading, right-of-way and stormwater permit are required prior to start of any work.

**CONDITIONS OF PROJECT APPROVAL**

1. The grading, right-of-way, and stormwater improvements shall be designed in accordance with the City's Development Standards and the Stormwater Management Manual for Western Washington in effect at the time of a complete application for grading, right-of-way, and stormwater.
2. The applicant shall adhere to all conditions on the grading, right-of-way and stormwater permits.

3. A Traffic and Pedestrian Control Plan shall be submitted and approved by the City prior to any work starting in the right-of-way, including any shoulder work.
4. Landscaping shall be installed in accordance with the approved landscaping plan dated May 1, 2017 and shall be subject the following:
  - a.) All landscaping shall be maintained in a healthy growing condition. A final landscape inspection will be performed at the end of two (2)-years and any dead, dying or diseased plant material shall be replaced.
  - b.) Minor modifications of the landscaping 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.
5. Minor modifications of the approved wetland creation mitigation plan prepared by GeoEngineers Inc. dated December 19, 2017 may be approved by the Community Development Director if the modifications do not change the findings of fact or the conditions of approval.

#### **Mitigated Determination of Significance (MDNS)**

6. Should archaeological materials (e.g. shell midden, faunal remains, stone tools) or human remains be observed during project activities, all work in the immediate vicinity shall stop, and the area shall be secured. The Washington State Office of Archaeology and Historic Preservation (360-586-3065), the Lummi Nation Tribal Historic Preservation Officer (LNTHPO) (360-384-2298), and the U.S. Army Corps of Engineers, Seattle District, Regulatory Branch (206-764-3495) shall be contacted immediately in order to help assess the situation and determine how to preserve the resource(s). In the event that human remains are encountered, the LNTHPO will contact the appropriate tribal repatriation specialists. Compliance with all applicable laws pertaining to archaeological resources is required.
7. The wetland creation shall be per the approved mitigation plan prepared by GeoEngineers Inc. dated December 19, 2017.
8. Work shall be done in accordance with the approved U.S. Army Corps of Engineers Permit NWS-2017-1130.
9. All development shall proceed in accordance with the recommendations listed in the Geotechnical Report prepared by GeoEngineers Inc. dated October 20, 2017.
10. Construction noise 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.
11. Construction noise for the wetland recreation and 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.

#### **Stormwater**

12. 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.

## Utilities

13. 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.

## Miscellaneous

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

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 storwater 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 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 project decision within fourteen (14) calendar days from issuance of this Notice of Decision. 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, September 7, 2018**, 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, Senior Planner

**(425) 263-8043**

*Linda Ritter*  
Linda Ritter

Planning Department

*Roger Rudikoff*  
Roger Rudikoff  
Fire Marshal

8/21/18  
Date:

8/21/18  
Date:

*Mick Matheson*

Mick Matheson, P.E.  
Public Works Director

8/21/2018  
Date:



**Location Map**

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

CDD Director  
Management Serv. Director  
Permit Services Supervisor  
Permit Services Technicians (2)

SEPA File  
File Copy