



City of Mukilteo, Washington

Notice of Decision

for

Harbour Reach Corridor Project (Between Beverly Park Road and Harbour Pointe Boulevard SW)

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 Reach Corridor

Proponent: Randall Roberts, on the behalf of City of Mukilteo

Project Number: PPR-2019-001

Description of Proposal: Construction of a new roadway connecting Beverly Park Road to Harbour Pointe Boulevard SW. The approximate $\frac{3}{4}$ mile of new and improved roadway will provide a parallel north-south alternative to State Route 525 increasing the City of Mukilteo's traffic capacity. The completed roadway will consist of a two-lane roadway with bicycle and pedestrian facilities and associated grading and landscaping.

The proposed roadway will cross a ravine. A 13 foot-wide culvert will be added to South Fork Picnic Point Creek. Temporary impacts to wetlands and wetland/stream buffers will be restored. Permanent wetland impacts will be mitigated within the project area on another wetland. The U.S. Army Corps of Engineers has authorized the stream and wetland impacts through the Nationwide Permit 14. Coordination with the Washington Department of Fish and Wildlife and the Tulalip Tribes has been conducted during the project design. Permanent stream buffer impacts are proposed to be compensated through a fee-in-lieu payment in accordance with the City's Critical Areas Mitigation Program.

Project Location: Between Beverly Park Road and Harbour Pointe Boulevard SW

Notice of Decision Date: Friday, April 12, 2019

End of Appeal Period: Friday, April 26, 2019

Project Permit Expiration Date: April 12, 2023

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 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 for construction and site development of a new roadway with associated grading, landscaping, and stormwater improvements. The application was determined to be complete on February 14, 2019.
2. In accordance with Mukilteo Municipal Code (MMC) 17.13, a Notice of Application was issued on February 21, 2019, and the project was circulated for review in accordance with the City's normal review and permitting procedures.
3. The adjacent property is designated Industrial per the 2035 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:

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 adjacent properties are zoned Light Industrial (LI) and Industrial Park (IP).
 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 March 18, 2019, for the proposal. The MDNS was based on the following:

- Environmental Checklist prepared by Amy Summe, dated January 2019;
 - Geotechnical Engineering Report Harbour Reach Corridor Project prepared by Shannon & Wilson, Inc., dated December 18, 2018;
 - Wetland/Stream Delineation Report prepared by Shannon & Wilson, Inc., dated January 11, 2017;
 - Wetland and Stream Mitigation Report prepared by Shannon & Wilson, Inc., dated January 15, 2019; and
 - Harbour Reach Drive Extension Final Drainage Report prepared by Perteet, dated December 2018.
6. No appeal of the SEPA determination was submitted and the threshold determination stands as issued.
 7. Traffic impacts were reviewed based on the Harbour Reach Transportation Analysis prepared by Lochner dated May 4, 2017.
 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. On site storm water detention meets the City's design standards per the Washington State Department of Ecology's Stormwater Management Manual for Western Washington (2005).
 10. 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.
 11. The property lies outside the 60 Day-Night Average Sound Level (DNL) noise contour of Paine Field Airport.
 12. 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.
 13. Staff administratively reviewed this project for consistency with all applicable requirements of Mukilteo's Development Standards (Resolution 99-02 and Amending Resolutions 01-21, 07-14, 08-22 and 09-15), including but not limited to drainage, clearing, grading, erosion control, access and street standards.

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 January 17, 2017 with an approval date of April 5, 2019 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 in accordance with MMC 17.58.040.
 - 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.

Mitigated Determination of Significance (MDNS)

5. 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 Department 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.
6. The applicant shall comply with to the Wetland and Stream Mitigation Plan prepared by Shannon & Wilson, Inc. dated January 15, 2019, for any permanent or temporary impacts to the wetlands, streams or their associated buffer, unless the mitigation plan is otherwise subsequently modified and approved by all applicable regulatory agencies.
7. Mitigation plantings shall be installed in accordance with the approved Wetland and Stream 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 by the City 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 reports are prepared, submitted, and any corrections are made as required by the reports or the City.
 - c) Prior to issuance of an engineering permit, 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.

- 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.
8. Minor modifications of the mitigation 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.
 9. All work within the wetland and streams shall be performed in accordance with the approved U.S. Army Corps of Engineers Nationwide Permit 14 (NWS-2018-0145) terms and conditions.
 10. All work shall proceed in accordance with the approved Hydraulic Permit Approval (HPA) issued by the Washington State Department of Fish and Wildlife.
 11. Construction, grading, and associated site development shall follow recommendations presented in the Geotechnical Engineering Report Harbour Reach Corridor Project prepared by Shannon & Wilson, Inc. dated December 18, 2018 or as amended and approved by the City.
 12. Stormwater improvements shall be in accordance with the approved Harbour Reach Drive Extension Final Drainage Report prepared by Perteet dated December 2018 or as amended and approved by the City.
 13. Construction noise hours shall comply MMC 9.46.080.

Stormwater

14. 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.
15. The water quality filters must follow the Department of Ecology's Emerging Stormwater Treatment Technologies TAPE/GULD approval conditions for MWS-Linear Modular Wetland dated July 2017.
16. The conditions for the approved stormwater deviation request for less than ½" orifice, dated March 29, 2019 are as follows: *Small wire cage shall be attached to the bottom of the riser. Opening in wire cage shall be 0.25" minimum.*

Utilities

17. 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

18. All contractors and subcontractors working on the project described herein shall obtain a business license from the City before initiation of any site work.
19. 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.

20. 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.
21. All exterior lighting shall be arranged so as to reflect away from surrounding properties.
22. Noise from construction activity that is audible beyond the property lines of the project site shall not be allowed between the hours of six (6) p.m. to seven (7) a.m. on weekdays, six (6) p.m. to nine (9) a.m. on Saturdays and no work on Sundays and holidays.
23. 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 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, or other method, during normal business hours by **4:30 p.m., Friday, April 26, 2019** 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

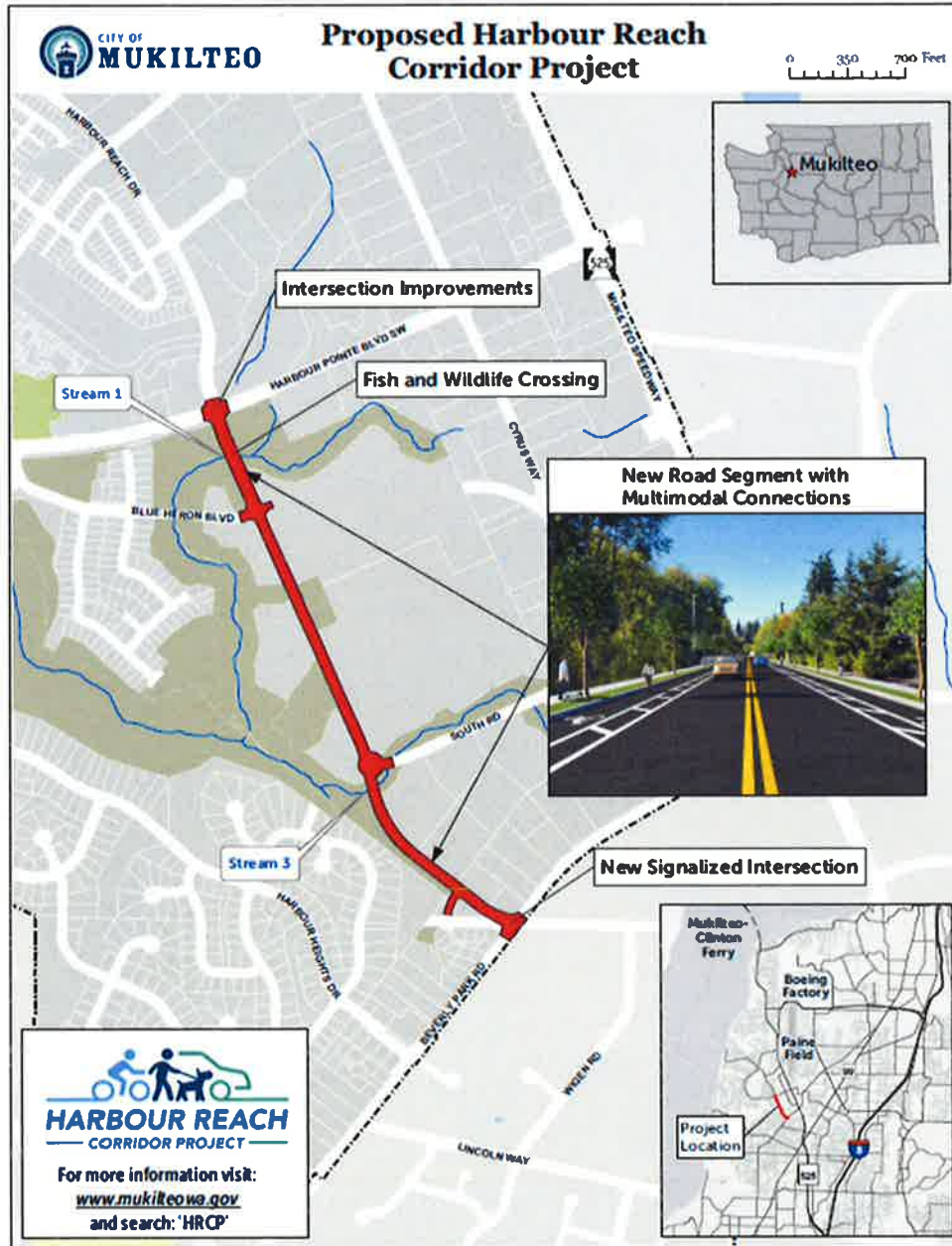
(425) 263-8043

Linda Ritter
 Linda Ritter,
 Senior Planner
 Planning Department

4/10/19
 Date:

Mick Matheson
 Mick Matheson, P.E.
 Public Works Director

4/10/19
 Date:



Location Map

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

CD Director
 Management Services Director
 Permit Services Supervisor

Permit Services Technicians (2)
 SEPA File

