



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

Notice of Decision

Japanese Gulch Bridge Repair Japanese Gulch Trail

File Nos. MISC-2023-002 and SEPA-2023-002

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.

DECISION:	Approved, subject to conditions
NOTICE DATE:	Thursday, September 7, 2023
APPEAL PERIOD:	Ends Thursday, September 21, 2023 (4:30 p.m.)
EXPIRATION:	September 7, 2027
PROJECT NAME:	Japanese Gulch Bridge Repair
PROPONENT:	Gael Fisk, on behalf of the City of Mukilteo

DESCRIPTION OF PROPOSAL:

This is a proposal by the City of Mukilteo to replace and realign a previously existing pedestrian bridge in Japanese Gulch. Additional work includes removing a pedestrian platform due to the realignment, minor necessary vegetation trimming and minor excavation to accommodate the work. An environmental review was required under the Washington State Environmental Policy Act (SEPA) due to work occurring in the stream and stream buffer. On August 23, 2023, a Mitigated Determination of NonSignificance (MDNS) was issued. A Hydraulic Permit Approval from Washington Department of Fish and Wildlife has been requested.

The bridge is part of the Japanese Gulch trail system and will be used for recreational purposes.

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: Parcel No. 00567000001100; SEATTLE SYNDICATE ACRE TRS ADD TO MUK BLK 000 D-00 – LOT 11 LESS PTN WHN GN/RRTGW WLY 1/2 PTN VAC WOOD ST ABTG PER ORD135 AF 9012170180; see map below for specific location within the parcel.

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 critical area review 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 a SEPA Determination request along with a building permit on July 19, 2023, proposing to replace and realign an existing pedestrian bridge in Japanese Gulch. The application was deemed complete on July 25, 2023.
2. The property is zoned Open Space. Trails and other open space uses are permitted in this zone.
3. In accordance with Chapter 17.13 MMC, a Notice of Application with Optional DNS was issued July 27, 2023, and the project was circulated for review in accordance with the City's normal review and permitting procedures. The comment period ended on August 10, 2023.
4. The City of Mukilteo received two comments in response to the Notice of Application.
 - The first comment was from Doug Gresham at Washington State Department of Ecology stating that Ecology would not require a permit. He provided information for the applicant to contact the Corps of Engineers to make a permit determination as well.
 - The second comment was from the Corps of Engineers. Following discussion with the applicant, the Corps determined that a permit is not required from their agency. The determination was submitted to the City on August 28, 2023.
5. Pursuant to the Washington State Environmental Policy Act, the City of Mukilteo assumed lead agency status for review of the proposed development in accordance with WAC 197-11-758. Following the optional DNS process, a Mitigated Determination of Non-Significance (MDNS) was issued on August 23, 2023, for the proposal pursuant to WAC 197-11-350 and MMC 17.84. The MDNS was based on an environmental checklist, prepared by Gael Fisk, dated July 14, 2023. No appeal of the SEPA determination was submitted and the threshold determination stands as issued.
6. Staff reviewed this project for consistency with all applicable requirements of the Mukilteo Municipal Code. Staff determined that the project will conform to all applicable zoning and development standards. As conditioned, the project will have no adverse impacts to the public health, safety and general welfare.

Consistency with Mukilteo Comprehensive Plan:

7. The property is designated Open Space in the Comprehensive Plan.
8. Staff reviewed this project for consistency with the goals, objectives and policies of the Comprehensive Plan. Staff 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.
 - PK5: For the City's Park system to be long lasting it should be operated and maintained in a sustainable and efficient manner.
 - PK5a: The operation and maintenance of existing park and recreation facilities shall be prioritized above acquiring and/or creating new facilities.
 - PK5c: In the maintenance of City parks and other city-owned property, environmentally friendly products should be used wherever feasible.

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 July 19, 2023. 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. Approval of the building permit is required prior to any work.
3. Construction noise shall follow the requirements of MMC 9.46.080.
4. A spill kit shall be always on-site during construction.
5. If any archeological or historic resources are found, the proper groups must be notified.

EXPIRATION

1. If a building permit from the City of Mukilteo is not obtained within four years from this this Notice of Decision (MMC 17.13.030(G)), the project permit shall become null and void.
2. The Community Development Director may grant an extension to the approval date for a period of one year if such is requested prior to the expiration of the project approval.

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., Thursday, September 21, 2023.**

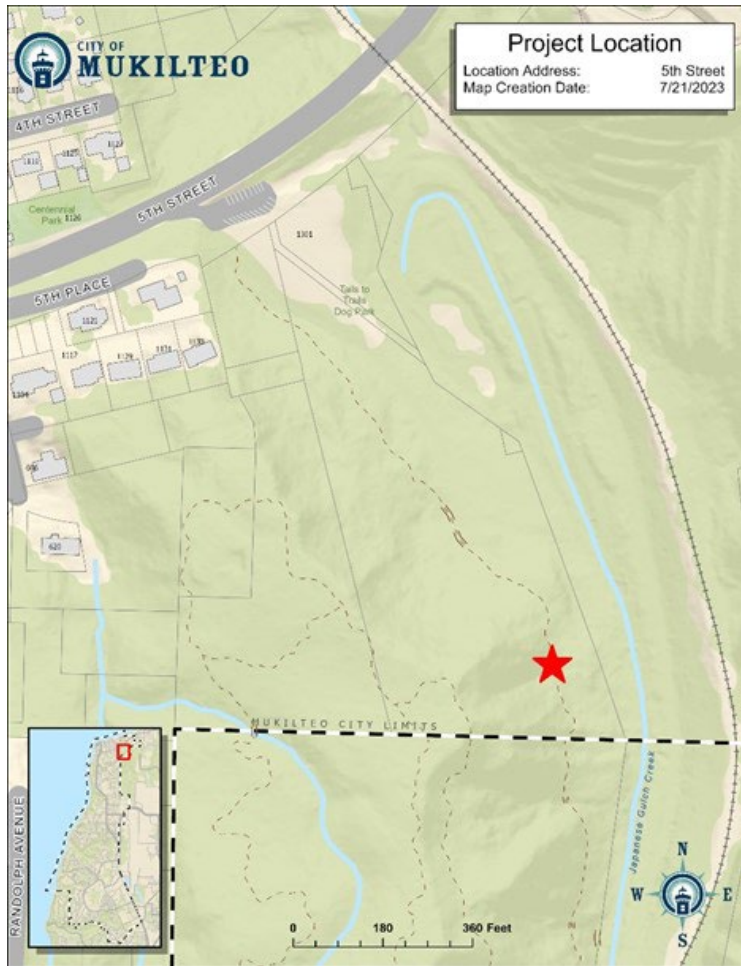
Parties of record include the applicant and any person who submitted written comments concerning the application (excluding persons who have only signed petitions or mechanically produced form letters).

City Hall is currently open Monday through Thursday from 8:00 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 skress@mukilteowa.gov.

Sarah Kress
Sarah Kress, Associate Planner, Planning & Community Development

September 7, 2023

Date



Location Map

Date Issued: Wednesday, September 7, 2023

Date Advertised: Wednesday, September 7, 2023

End Appeal Period: 4:30pm, Wednesday, September 21, 2023

pc: Applicant/Representative
 Reviewing Agencies
 Interested Parties

CDD Director
 Permit Services Coordinator
 Permit Services Assistants (2)

Property File
 Property Owners (300')

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