



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

## MITIGATED DETERMINATION OF NON- SIGNIFICANCE (MDNS)

**DESCRIPTION OF PROPOSAL:** Proposal for the 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 2,660 square feet of buffer on the properties located at 12900 and 12912 Beverly Park Road. The buffer on the property located at 12912 Beverly Park Road is currently comprised of maintained lawn.

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 is necessary due to grading quantities being more than 1,000 cubic yards and impacts to the wetland buffer.

**PROJECT NAME:** BEC Investments LLC Automobile Sales and Repair

**PROPONENT:** BEC Investments LLC

**DATE OF ISSUANCE:** Thursday, September 1, 2022

**LOCATION:** 12900 Beverly Park Road, Mukilteo, WA 98275 otherwise known as Snohomish County Assessor Parcel No. 00568700200402, and legally describes 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

**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 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 City of Mukilteo has assumed lead agency status for the proposal in accordance with [WAC 197-11-758](#).
12. 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.

13. This Mitigated Determination of Significance (MDNS) is issued in accordance with the substantive authority described in [MMC 17.84.160](#).

#### **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. Mukilteo Municipal Code required public notice procedures 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 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.
2. 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.
3. The applicant shall comply with other applicable codes and requirements.

**COMMENT PERIOD:**

This MDNS is issued pursuant to WAC 197-11-340(2) and MMC 17.84.100; the lead agency will not act on this proposal for 14 days from (insert date). Comments must be submitted no later than **4:30 p.m. on Thursday, September 15, 2022**. 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 **4:30 p.m. on Thursday, September 29, 2022**. At a SEPA hearing, all testimony is under oath and you must provide specific factual objections. Appeal procedures can be found in [MMC 17.84.170](#).

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](mailto: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.

**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](mailto:permittech@mukileowa.gov)), or phone (425) 263-8000.

**PROJECT CONTACT:**

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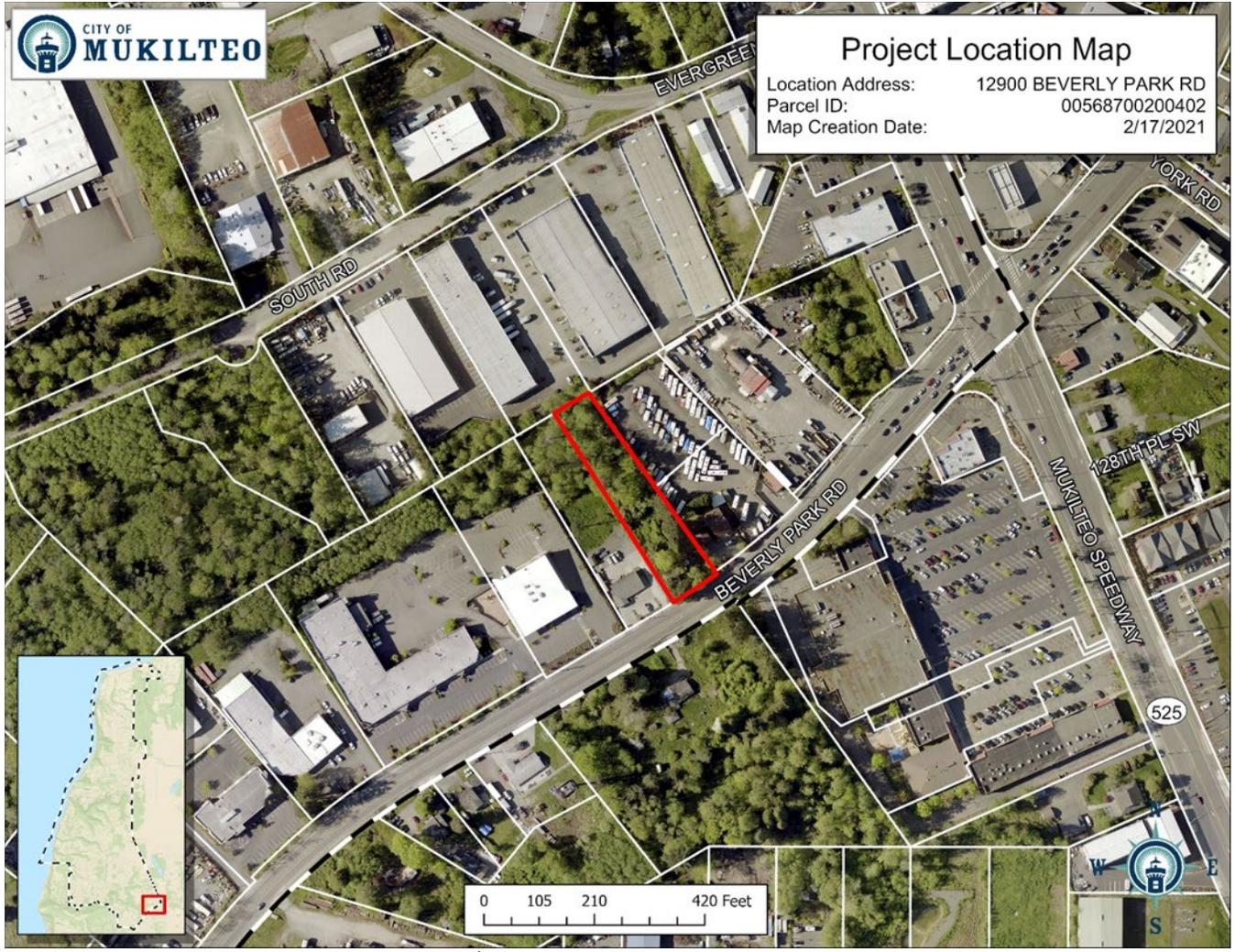
**SEPA RESPONSIBLE OFFICIAL:**

Signature: *Matt Nienhuis*  
Matt Nienhuis, Public Works Director

Date: 08/31/2022

**DATE OF ISSUANCE:** September 1, 2022

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



**Location Map**