



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

## MITIGATED DETERMINATION OF NON- SIGNIFICANCE (MDNS)

**DESCRIPTION OF PROPOSAL:** There is an open Code Compliance case (CC-2019-017) related to the drainage infrastructure for this property. Resolution of the Code Compliance case includes permanent repairs to the storm drainage pipe failure and the related slope erosion in Tract G of the Kari Short Plat, also known as Snohomish County Assessor Parcel No. 28040300203200, located within the RD 7.5 zoning district.

This proposal is a slope stabilization and repair project, including the installation of new drainage dispersion infrastructure and erosion containment via a gabion dissipater wall, in order to remedy the failing slope downstream of the detention facility for the development. The slope was damaged when an existing drainage conveyance structure failed, leading to the erosion and eventual failure of slopes located within the western buffer of Edgewater Creek, a Type 5 stream.

The proposed slope stabilization project will impact approximately 1,782 square feet of the Category III wetland buffer. As mitigation for the proposed buffer disturbance, the applicant is proposing to mitigate 2,227.5 square feet of buffer by purchasing the fee-in-lieu credits through the City of Mukilteo Critical Area Mitigation Program (CAMP).

State Environmental Policy Act (SEPA) review is necessary due work within the stream and wetland buffers.

**PROJECT NAME:** Mukilteo Ridge HOA Slope Stabilization Project

**PROPONENT:** Gwendolyn (Wendy) McHugh, P.E., Coffman Engineers, Inc., on behalf of Tarvinder (Terry) Hara, President, Mukilteo Ridge Homeowner's Association (HOA),

**DATE OF ISSUANCE:** Friday, September 9, 2022

**LOCATION:** Snohomish County Assessor Parcel No. 28040300203200 and legally described as:

Section 03 Township 28 Range 04 Quarter NW TRS A, B, C, D, E, F & G CITY OF MUK  
SP NO SP2012-001 REC AFN 201402105001; BEING PTN NE1/4 NW1/4 OF SD SEC

**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 February 25, 2022, for slope stabilization and repair project, including the installation of new drainage dispersion infrastructure and erosion containment via a gabion dissipater wall, in order to remedy the failing slope downstream of the detention facility for the development. The application became complete on March 29, 2022.
2. The property is zoned Residential Development with a minimum lot size of 7,500 square feet (RD7.5).
3. The proposed slope stabilization project will impact approximately 1,782 square feet of the Category III wetland buffer. As mitigation for the proposed buffer disturbance, the applicant is proposing to mitigate 2,227.5 square feet of buffer by purchasing the fee-in-lieu credits through the City of Mukilteo Critical Area Mitigation Program (CAMP).
4. The supporting documents listed below have been submitted for review by the City:
  - Environmental Checklist prepared by Jeff Mallahan, Senior Wetland Ecologist of Wetland Resources, Inc on January 31, 2022.
  - Mukilteo Ridge HOA Mitigation Plan prepared by Jeff Mallahan, Senior Wetland Ecologist of Wetland Resources, Inc dated February 3, 2021.
  - Geotechnical Evaluation Report prepared by American Geoservices dated April 18, 2018.
5. A Notice of Application was issued on April 12, 2022, with a 14-day comment period that closed on April 26, 2022.
6. The City of Mukilteo received two (2) comments in response to the Notice of Application.
  - The first comment is from Peter DeSanto, property owner who resides at 1603 Debreton Lane, Mukilteo WA 98275. Mr. DeSanto is concerned about the impacts to his property adjacent to the landslide area caused by the drainage failure. Mr. DeSanto has a pump house that supplies his property with water and is currently only four (4) feet from the top of the slope due to the drainage failure.
    - **Staff Response:** The geotechnical report recommended the existing foundations should either be underpinned adequately, or, a retaining wall should be built at the base of the slope to create an adequate setback for the pumphouse. The applicant chose the latter as a retaining wall has been proposed to be installed at the base of the slope to support the slope and existing pumphouse. The setback from the unsupported steep slope area to the south/southeast is now about 16 feet minimum.
  - The second comment was from Washington State Department of Fish and Wildlife (WDFW) stating a hydraulic permit will be required for the proposed work.
    - **Staff Response:** This will be a condition of the permit.
7. The City of Mukilteo has assumed lead agency status for the proposal in accordance with [WAC 197-11-758](#).

8. 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.
9. 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 clearing/grading of this area shall be accomplished in such a manner as to prevent the transport runoff of silt and sediment into the storm drainage system and onto adjacent or downstream properties. Erosion control measures shall be implemented as necessary to accomplish this erosion control. No clearing/grading or any activity that exposes bare soil to the precipitation or wind shall be accomplished without implementing a Temporary Erosion Control Plan that employs Best Management Practices (BMP's) to prevent erosion and sedimentation.
2. The planting and other recommendations of the Mukilteo Ridge HOA Mitigation Plan

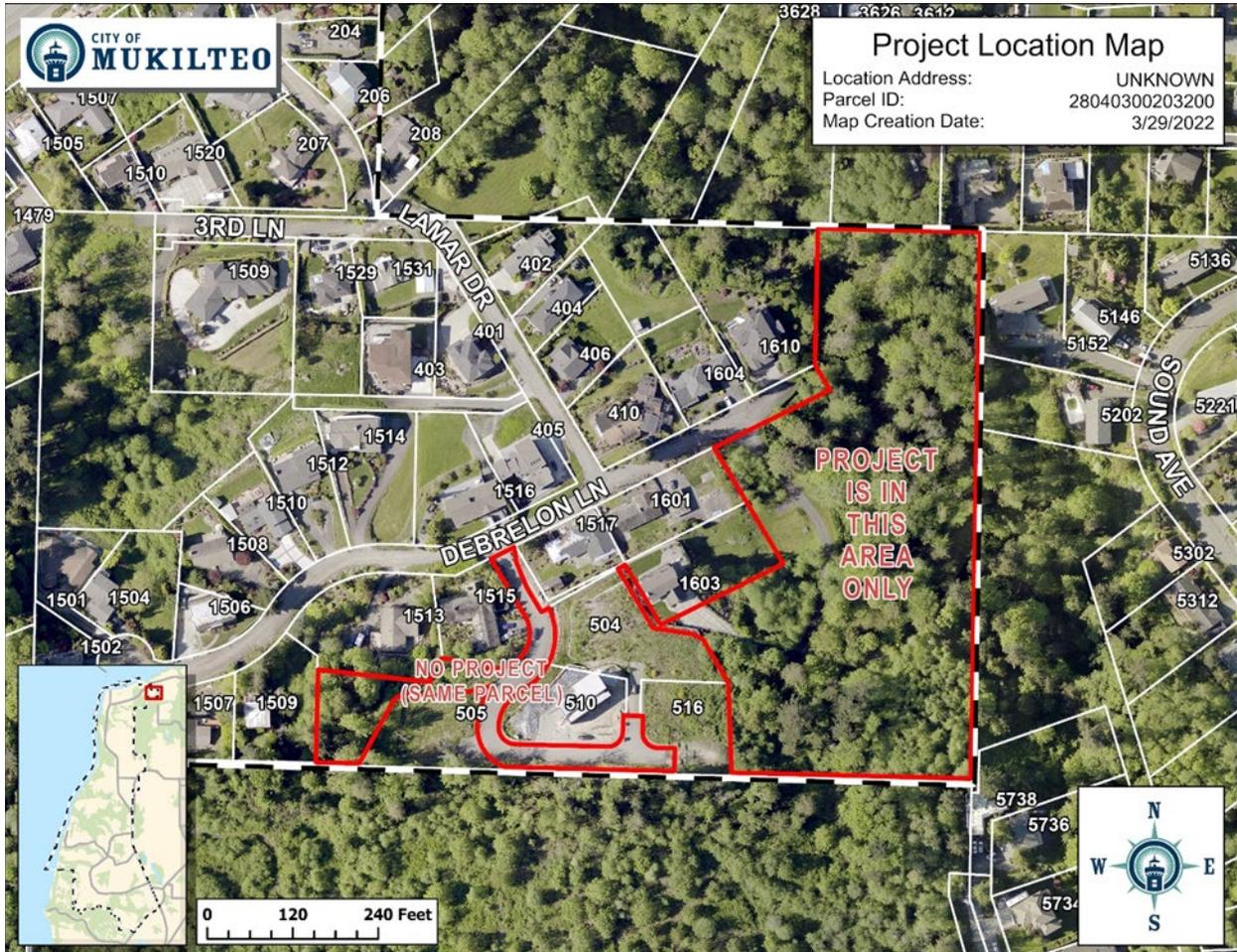


**DATE OF ISSUANCE:** September 9, 2022

pc: Review Agencies  
Project File  
Applicant / Contact

CDD Director  
Permit Services  
Parties of Interest / Record

Mukilteo Beacon  
Everett Herald



**Location Map**