



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

**Notice of Decision**  
for Saratoga Heights  
at 8002 53<sup>rd</sup> Ave West  
by Saratoga 44 LLC

The City of Mukilteo has issued a Notice of Decision for a Land Use Development 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, subject to conditions:

**Project Name:** Saratoga Heights

**Proponent:** Greg Krabbe on behalf of Saratoga 44 LLC

**Project Number:** PPR-2017-002

**Description of Proposal:** Construction of 29 townhomes in ten 3-story buildings with associated grading, parking, and landscaping located in the MRD Zone (Multi-Family Residential – 13 Dwelling Units per Acre). This approval is a revision to the previously approved land use application (File No. PPR-2013-008) to construct 32 flat-style condominiums in four 4-story buildings.

**Location of Proposal:** Section 9 Township 28 Range 04 Quarter SW –West & Wheelers Seaview Five Acre Tracts Block 2, Tract 54 & 55 aka Parcel #1 & #2 of City of Mukilteo LLA-2015-002 commonly known as 8002 53<sup>rd</sup> Ave West, Mukilteo, WA 98275.

The specific location of the revision is located west of the developed cottages on Parcel #2 of Mukilteo LLA-2015-002.

**Notice of Decision Date: Monday, October 16, 2017**

**End of Appeal Period: Monday, October 30, 2017**

**Project Permit Expiration Date: Monday, October 18, 2021**

**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 received an approved land use application (PPR-2013-008) on March 26, 2014 for the construction of a Planned Residential Development (PRD) project including 10 single-family detached cottage residences, two dwelling units in a single duplex residence and 32 flat-style condominium in four 4-story buildings.
2. PPR-2013-008 was appealed and an open record hearing was held before the Mukilteo Hearing Examiner on May 15, 2014. The Hearing Examiner dismissed the appeal on June 2, 2014. A second appeal was not filed and the original approval decision stood.
3. The applicant received approved building permits and constructed the initial portion of the project which included the cottages and duplex units and associated grading and stormwater improvements.
4. The applicant met with City Staff on February 1, 2017 to discuss a revision from flat-style units to townhomes for the previously approved land use permit.
5. A major revision per MMC 17.51.080(C) includes “a major revision means any proposed change in the base use in a PRD, or any proposed change in the plans and specification for structures or location of features therein, whereby the character of the approved development will be substantially modified or changed in any material respect or to any material degree”.
6. Staff determined that the proposed revision was a major revision as a townhome development is materially different in character than a flat-style apartment development.
7. Staff informed the applicant the proposed revision requires a new land use permit.
8. The applicant submitted a land use application to revise the previous land use decision (PPR-2013-008) to construct 29 townhomes in ten 3-story buildings. The application was determined to be complete on June 1, 2017.
9. In accordance with Mukilteo Municipal Code (MMC) 17.13, a Notice of Application was issued on June 12, 2017, and the project was circulated for review in accordance with the City’s normal review and permitting procedures.
10. The property is designated “Multi-Family Residential – Low Density” per the 2015 City of Mukilteo Comprehensive Plan. The proposal complies with the goals and objectives of the Comprehensive Plan. The following Comprehensive Plan goals and objectives related to Land Use (LU), Transportation (TR), and Utility (UT) apply to this project:

- LU2d. New development and redevelopment shall provide housing, increased opportunities for employment, services, retail options, recreational activities, and enjoyment of the arts compatible with and complementary to the residential character of the neighborhoods.
  - LU12: New development and redevelopment that is not compatible with the safe operation of Snohomish County Airport/Paine Field shall not be allowed. The regulated areas to implement this policy should be as small as possible while still achieving the goal.
  - TR6: Standards for streets, appropriate for each street classification, that specify the design of street facilities shall be adopted. The standards should include minimum provisions for pedestrian-oriented streetscape elements and bicycle facilities.
  - 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.
11. The subject property is located at 8002 53rd Avenue West, Mukilteo and is zoned MRD (Multi-Family Residential – 13 Dwelling Units per Acre).
  12. The proposed development of a townhomes is a permitted use in the MRD zone.
  13. Pursuant to the State Environmental Policy Act, the City of Mukilteo was lead agency for review of the proposed development. A SEPA Addendum to City Case File No. PPR-2013-008 was issued on August 11, 2017 for the proposal.
  14. 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.

15. The proposal complies with use, area, lot dimension, landscaping and parking requirements of the MRD zoning district:

<b>Regulation</b>	<b>Requirement per MRD District</b>	<b>Submitted</b>
<b>Height</b> (MMC 17.20)	45' on slopes > 8%  30' on slopes < 8%	Heights will be verified during building permit review; information provided showing proposed multi story condominium buildings will not exceed 45'
<b>Front setback</b> (MMC 17.20)	25'	255'
<b>Rear setback</b> (MMC 17.20)	20'	410'
<b>Side setbacks</b> (MMC 17.20)	One – Two Stories: 5'/15' Three Stories: 12'	North – 12' South – 14'
<b>Drive Aisle Setbacks</b> (MMC 17.20.025.24)	10' for habitable areas; 20' for private garages	Setbacks from drive aisles will be verified during building permit review.
<b>Lot Coverage</b> (MMC 17.20.015)	40%	17%
<b>Hard Surface Limit</b> (MMC 17.20.028)	80%	36%
<b>Parking</b> (MMC 17.56)	2 per Dwelling Unit	3 per Dwelling Unit (Average)
<b>Landscaping</b> (MMC 17.56.130 and MMC 17.58)	Frontage: 5' of Type V	Frontage Landscaping Completed with Phase I
<b>Active or Passive Recreation Areas</b> (MMC 17.20.090)	350 SF per DU = 41 Units x 350 SF = 14,350	25,988 SF

16. The proposal complies with critical area regulations described in **MMC 17.52**:

<b>Regulation</b>	<b>Requirement</b>	<b>Submitted</b>
<b>Geologic Sensitive Area Regulations (MMC 17.52A)</b>	Geotech report required Setback from top of steep slope: 25'	Geotech report submitted 25' per Geotech Report prepared by E3RA Report dated September 30, 2013.
<b>Wetland Regulations (MMC 17.52B)</b>	No wetlands on site	n.a.
<b>Fish and Wildlife Habitat Areas (MMC 17.52C)</b>	No streams on site	n.a.

17. Preliminary storm water detention proposal meets the City's design standards per the Washington State Department of Ecology's Stormwater Management Manual for Western Washington (2012) as amended in 2014.
18. Engineering Permit 2017-017 shall be approved prior to release of any building permits.
19. This project shall pay mitigation fees for transportation, park, and school impacts in accordance with MMC Title 3.
20. Utilities are available to serve the subject property. Water and sewer is available from the Mukilteo Water Wastewater District. Electricity is available from Snohomish County PUD. Natural Gas is available from Puget Sound Energy.
21. Development of the site will be subject to the requirements of the 2015 International Building Code.
23. The property lies outside the 55 DNL noise contour of Paine Field Airport.
24. Staff administratively reviewed this project for consistency with applicable requirements of Mukilteo Municipal Code 15.08 Fire Code, adopted 2015 International Fire Code and Mukilteo Fire Development Standards that apply to the subject property.
25. Staff administratively reviewed this project for consistency with all applicable requirements of Mukilteo's Development Standards Resolution #2016-19, including but not limited to drainage, clearing, grading, erosion control, access and street standards.

## **CONDITIONS OF PROJECT APPROVAL**

1. All improvements shall be constructed in accordance with the approved preliminary Site Plan dated August 28, 2017. Minor modifications of the plans submitted may be approved by the Planning Director or Public Works Director if the modifications do not significantly modify the character of the proposed development.
2. All development shall proceed in accordance with the recommendations listed in the Geotechnical Report, prepared by E3RA, dated September 30, 2013. The cost of special inspections, if any, as recommended by the report shall be the responsibility of the applicant.
3. The applicant shall enter into a “Developer Extension Agreement” with the Mukilteo Water Wastewater District. All construction of water and sewer facilities shall be in accordance with the standards, specifications and regulations of the District.
4. 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.
5. The stormwater detention design and stormwater discharge shall utilize the Best Management Practices of the current DOE Stormwater Management Manual for Western Washington and the current Department of Ecology National Pollutant Discharge Elimination System (NPDES).

### **Prior to Permit Issuance:**

6. 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.
7. All contractors and subcontractors working on the project described herein shall obtain a business license from the City before initiation of any site work.

### **During Development:**

8. Noise from construction activity that is audible beyond the property lines of the project site shall not be allowed between the hours of nine (9) p.m. to seven (7) a.m. on weekdays, seven (7) p.m. to nine (9) a.m. on Saturdays, Sundays and holidays.
9. The clearing limits of the approved Site Plan shall be clearly delineated in the field. Where such limits are in proximity to property boundaries or associated with site-sensitive areas, barrier fencing or siltation fencing shall be installed before site disturbance in accordance with the approved Temporary Erosion and Soil Control Plan.

10. Siltation and erosion control measures shall be employed per the approved Temporary Erosion and Sediment Control Plan and as necessary to ensure appropriate on-site and off-site water quality control. Site runoff during construction shall be handled and treated as to quantity and quality impacts by utilizing Best Management Practices, as defined in the current DOE Stormwater Management Manual for Western Washington and the current Department of Ecology National Pollutant Discharge Elimination System (NPDES).
11. 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.
12. All construction equipment, building materials, and debris shall be stored on the applicant's property, out of the public right-of-way. In no case shall the access to any private or public property be blocked or impinged upon without prior consent from the affected property owners and the City of Mukilteo.
13. All exterior lighting, including the parking area and property surrounding the building, shall be arranged so as to reflect away from surrounding properties and streets.
14. The following requirements shall be adhered to during construction and completed before occupancy of any structure in accordance with Fire Code Development Standards and 2015 International Fire Code:
  - a) A water supply capable of supplying the required fire flow for fire protection must be provided;
  - b) Fire hydrants shall be installed as per fire flow and spacing requirements specified for the type of development with regards to distances to structures;
  - c) Fire hydrants shall be equipped with a four- (4) inch quarter-turn Storz adapters;
  - d) An access route, for firefighting apparatus, must be provided at the start of construction. Minimum access route requirements include a 20' width, 13'6" vertical height clearance, and the ability to support a load up to 75,000 pounds;
  - e) All buildings must be addressed visibly and legibly from the road. When buildings are not visible from the street, appropriate provisions must be made to identify clearly which road or drive serves the appropriate address including private roads.
  - f) Fire protection systems including, but not limited to the following: sprinkler systems, standpipe systems, fire extinguisher systems, fire hydrants, and fire detection or alarm systems shall be installed in accordance with Fire Code Development Standards and 2015 International Fire Code.

- g) Provide a Washington State certification number for any work done on fire protection systems, i.e. sprinkler systems, standpipe systems, fire detection/alarm systems or any underground systems for the fire protection system.
  - h) One (1) blue, square (Type II) raised grade or permanent marker shall be installed in the roadway to indicate each fire hydrant location. It shall be placed directly across from the hydrant location, offset one (1) foot from the roadway center toward the hydrant.
  - i) The FDC will be painted red with the address of the building it serves on the pipe. A clamp placard address sign is required. This will be visible on approach for any fire apparatus.
15. All public improvements associated with a project permit shall require the submittal of an acceptable warranty surety to warrant all required improvements against defects in labor and materials for a period of twenty-four (24) months after acceptance of those improvements by the City. The warranty amount shall be equal to fifteen (15) percent of the costs of the improvements and installation, as determined by the City. The surety shall be submitted to and approved by the City of Mukilteo and executed before occupancy of the building.
16. Landscaping shall be installed in accordance with the approved landscaping plan dated September 15, 2017, and shall be subject the following:
- a) All landscaping associated with a project permit shall require the submittal of an acceptable warranty surety to warrant all required landscaping improvements against defects in labor and materials for a period of twenty-four (24) months after acceptance of those improvements by the City. The warranty amount shall be fifteen (15) percent of the costs of the improvements, as determined by the City. The surety shall be submitted to and approved by the City of Mukilteo and executed before occupancy of the building.
  - b) All landscaping shall be maintained in healthy growing condition. A final landscape inspection will be performed at the end of the two (2)-year period and any dead, dying or diseased plant material shall be replaced.
  - c) Minor modifications of the landscaping plans submitted may be approved by the Planning Director if the modifications meet the requirements of MMC 17.58 Landscaping.

**Prior to Final Inspection:**

- 17. The contractor shall clean all pipes, catch basins, and vaults prior to final approval.
- 18. The applicant shall have the Engineer of Record prepare the As-Built Drawings which accurately reflect revisions made to approved plans during construction. The



record drawings should locate all newly installed, existing, and abandoned utilities encountered during construction, but not shown on the approved plans. The record drawings must be stamped, signed, and dated by the Engineer of Record. As-constructed survey information provided on a record drawing shall be provided by a licensed land surveyor. Information from sources such as the contractor's red-lined drawings, for which the surveyor is not responsible, shall be clearly noted/identified on the face of the record drawings. Two (2) hard copies shall be submitted to the City for review. Once the City approves the preliminary submittal, final drawings in the following formats shall be submitted. Each plan shall bear the engineer and the surveyor stamps, signature and date signed: one (1) full size paper; one (1) mylar (24" by 36"); AutoCAD format; and PDF electronic file.

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.

**Project Approval Timeframe:**

The project permit shall be valid for four (4) years from the date of this Notice of Decision. If a building permit, grading permit, or occupancy 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.

**Contact Person:** Karl Almgren, AICP, Associate Planner

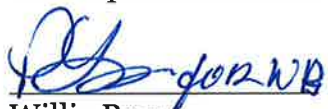
**(425) 263-8045**

  
 Patricia Love  
 Community  
 Development Director

10/12/17  
 Date:

  
 Mick Matheson, P.E.  
 Public Works Director

10/12/17  
 Date:

  
 Willie Berns  
 Building Official

10/12/17  
 Date:

  
 Roger Rudikoff  
 Fire Marshal

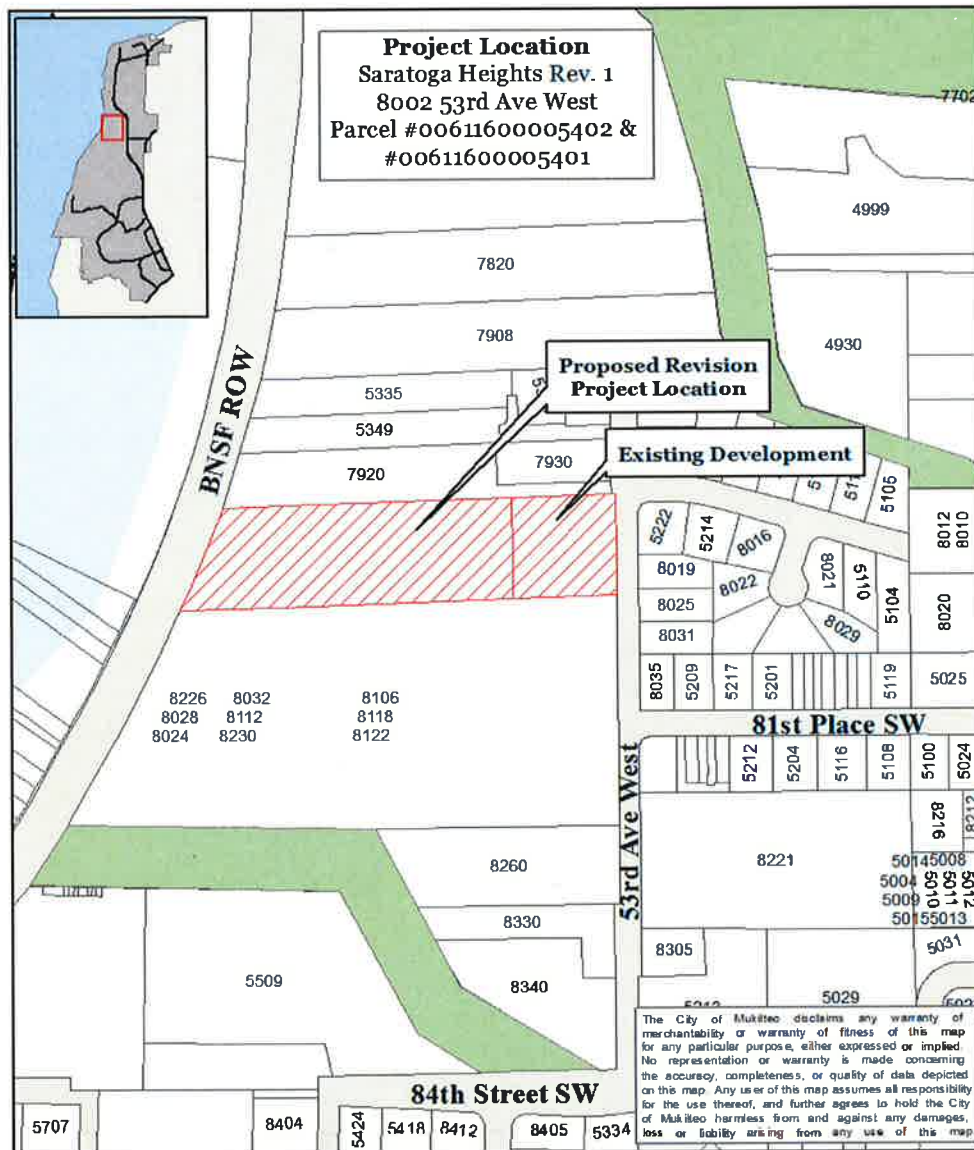
10/12/17  
 Date:

**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., Monday, October 30, 2017** 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.

### Location Map



- |     |                            |                            |                                |
|-----|----------------------------|----------------------------|--------------------------------|
| pc: | Applicant                  | CDD Director               | Permit Services Assistants (2) |
|     | Prop. Owners w/i 300 ft.   | Planning Manager           | SEPA File                      |
|     | Parties of Record (if any) | Mgmt. Services Director    | File Copy (2)                  |
|     | Review Agencies            | Permit Services Supervisor |                                |

City of Mukilteo, Washington  
11930 Cyrus Way  
(425) 263-8000

Notice of Decision Summary for  
Saratoga Heights:  
8002 53<sup>rd</sup> Ave West

**Approval** of a Land Use Development Project Permit request by Greg Krabbe, on the behalf of 44 Saratoga LLC, to construct 29 townhomes in ten 3-story buildings associated grading, parking, and landscaping located in the MRD Zone (Multi-Family Residential – 13 Dwelling Units per Acre). This approval is a revision to the previously approved land use application (File No. PPR-2013-008) to construct 32 flat-style condominiums in four 4-story buildings.

**Notice of Decision Date: Monday, October 16, 2017**

**End of Appeal Period: Monday, October 30, 2017**

**Permit Expiration Date: Monday, October 18, 2021**

**Appeals:** An Appeal of this decision must be filed by a Party of Record 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., by the above date**, at City Hall, 11930 Cyrus Way, Mukilteo, WA 98275.

*Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation. For information, contact the Snohomish County Assessor at (425) 388-3433.*

*To obtain the complete Notice of Decision, contact the City at (425) 263-8000.*

City of Mukilteo, Washington  
11930 Cyrus Way  
(425) 263-8000

**Notice of Decision- Saratoga Heights:**

**8002 53<sup>rd</sup> Ave West**

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