



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

Notice of Decision

ProGranite Culvert Replacement and Stormwater Improvements

12303, 12313, and 12230 Cyrus Way

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: ProGranite Culvert Replacement and Stormwater Improvements

Proponent: Jesse Jarrell of Western Engineers and Surveyors on behalf of ProGranite

Project Number: PPR-2019-001

Description of Proposal: This is a proposal by ProGranite to replace, upgrade, and straighten the existing piped stream system on 12303, 12313 and 12230 Cyrus Way to allow for better operation and maintenance and to minimize known flooding problems directly west of the site. This piped stream reconstruction proposal includes increasing the existing 12-inch and 15-inch diameter pipes to 18-inch diameter pipes. Overall piped stream length will be reduced from approximately 612 linear feet to approximately 585 linear feet.

Location of Proposal: 12303, 12313 and 12230 Cyrus Way

Notice of Decision Date: Friday, August 16, 2019

End of Appeal Period: Friday, August 30, 2019

Project Permit Expiration Date: August 16, 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 on March 14, 2019 for a culvert replacement and stormwater Improvements with associated grading, mitigation and stormwater improvements. The application became complete on April 3, 2019.
2. In accordance with Mukilteo Municipal Code (MMC) 17.13, a Notice of Application was issued April 17, 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 2018 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:
 - 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.
4. The subject properties are located at 12303, 12313 and 12230 Cyrus Way and are zoned Light Industrial (LI)
5. The adjacent properties are zoned Light Industrial (LI).
6. 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 July 17, 2019, for the proposal using the optional DNS process pursuant to WAC 197-11-355 and MMC 17.84.105. The MDNS was based on the following:

- Environmental Checklist prepared by Jesse Jarrell of Western Engineers and Surveyors dated November 7, 2018
 - Critical Areas Study and Buffer Mitigation Plan prepared by ACRE Environmental Consulting, LLC dated February 28, 2019
 - Targeted Drainage Report for ProGranite Drainage Revision prepared by Western Engineers and Surveyors dated January 21, 2019
7. No appeal of the SEPA determination was submitted and the threshold determination stands as issued.
 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. 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.
 10. The property lies outside the 60 Day-Night Average Sound Level (DNL) noise contour of Paine Field Airport.
 11. 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.
 12. 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. All improvements shall be constructed in accordance with the approved civil construction drawings dated July 31, 2019 and approved Site Plan dated July 31, 2019. Minor modifications of the plans submitted may be approved by the Planning Director or Public Works Director if the modifications do not change the Findings of Fact or the Conditions of Approval.
2. 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.
3. 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).

4. The stormwater 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).
5. 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.

Mitigated Determination of Significance (MDNS)

6. The applicant shall comply with the revised Critical Areas Study and Buffer Mitigation Plan prepared by ACRE Environmental Consulting, LLC dated June 20, 2019, for any permanent or temporary impacts to the wetlands, streams or their associated buffers, 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 Mitigation Plan, and shall be subject to 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 performance bond in the amount of 150% of the cost for materials and labor as the biologist recommended planting in the early spring or late fall.
 - d. Upon installation of the mitigation plants, a maintenance bond shall be submitted 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.
 - e. 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. The applicant shall apply for and obtain a Hydraulic Permit Approvals (HPA) by the Washington State Department of Fish and Wildlife and submit a copy to the City prior to permit issuance.
10. Stormwater improvements shall be in accordance with the approved stormwater report prepared by Western Engineers and Surveyors dated January 21, 2019 for the ProGranite culvert replacement and drainage improvement project.

Stormwater

11. The City will not accept ownership of any stormwater structures not in the City's ROW. All structures on private property will be that property owner's responsibility.

Public Improvements

12. Per the Development Standards, the City may require the developer to post a performance surety for all public improvements guaranteeing their installation. The applicant shall submit an invoice or cost estimate for the public improvements along with a performance surety of 150% of the cost on all public improvements for approval by the City prior to permit issuance.

Utilities

13. 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

14. All contractors and subcontractors working on the project described herein shall obtain a business license from the City before initiation of any site work.
15. 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.
16. 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.
17. All exterior lighting shall be arranged so as to reflect away from surrounding properties.
18. Noise from construction activity that is audible beyond the property lines shall not be allowed between the hours of ten (10) p.m. to seven (7) a.m. on weekdays, and ten (10) p.m. to nine (9) a.m. on weekends and holidays.
19. The applicant shall have a licensed Civil Engineer prepare and/or supervise the preparation of As-Built drawings to be reviewed, approved and signed by the City Engineer upon satisfactory installation of the constructed infrastructure improvements and site work. One (1) reproducible, one (1) signed Mylar drawing and one (1) 11"x17" reduced copy of the drawings shall be submitted prior to final approval of the proposed 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, August 30, 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

8/12/19

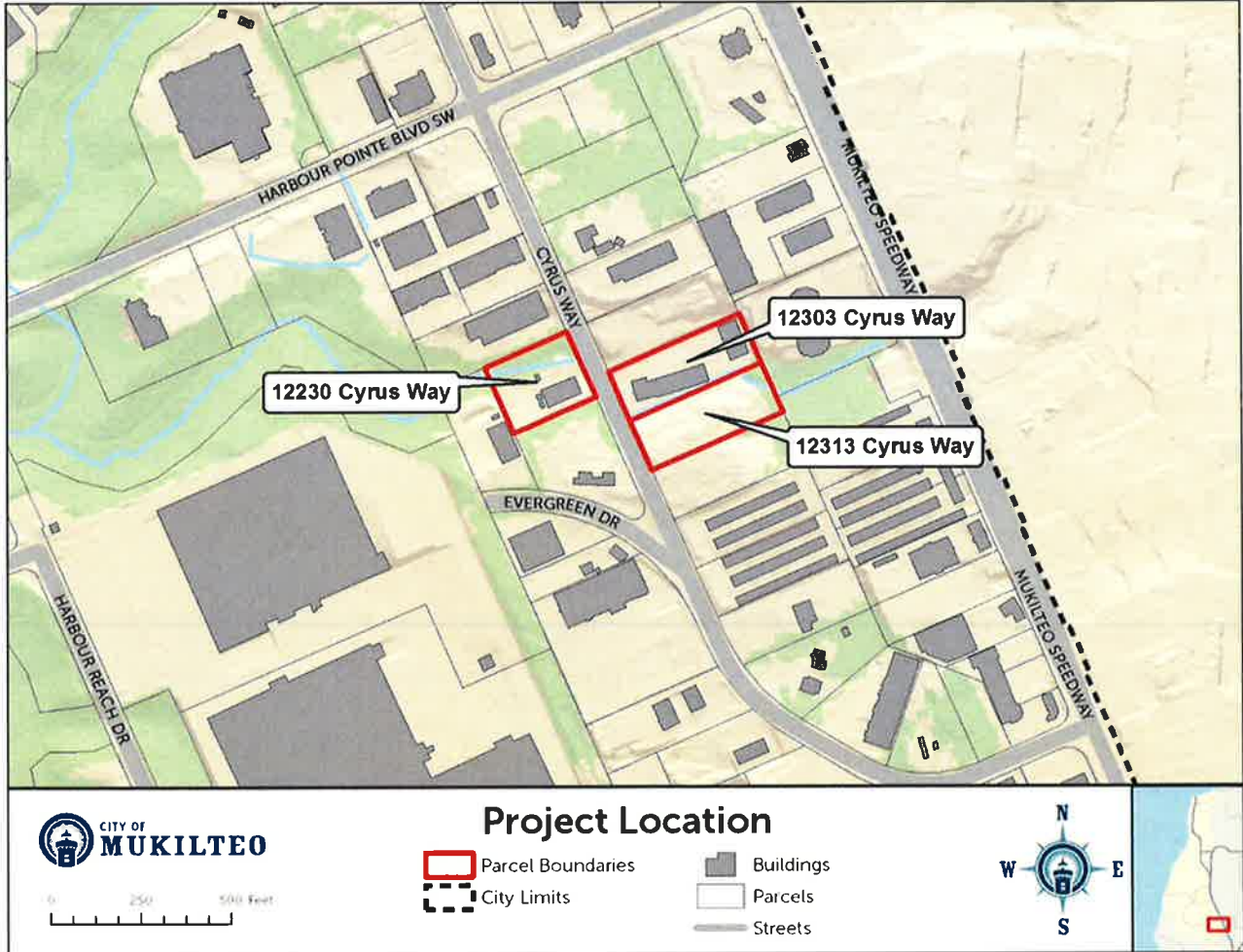
Date:

Mick Matheson

Mick Matheson, P.E.
Public Works Director

8/12/2019

Date:



Location Map

pc: Applicant
Property own. w/i 300 ft.
Review Agencies

CD Director
Management Services Director

Permit Services Technicians (2)
Parties of Record (if any)

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