



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

Notice of Decision

City of Mukilteo

Stormwater Decant Facility

4206 78th Street SW

(PPR-2020-002, ENG-2020-004, and SEPA-2020-004)

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, and has made the following decision:

- DECISION:** Approved, subject to conditions
- NOTICE DATE:** Friday, October 23, 2020
- APPEAL PERIOD:** Ends Friday, November 6, 2020 (4:30 p.m.)
- EXPIRATION:** October 23, 2024

PROJECT NAME: City of Mukilteo Stormwater Decant Facility (File Nos. PPR-2020-002, ENG-2020-004 and SEPA-2020-004)

PROPONENT: City of Mukilteo

DESCRIPTION OF PROPOSAL:

Construction of a new 5,560 square foot decant station and solids storage area at the City of Mukilteo Public Works Shop. The project also proposes to construct a new decant settling vault which will be sized to store one day's worth of material cleaned from City catch basins and sediment ponds. This material will settle overnight and will be drained each morning to the City's sanitary sewer system.

The proposal includes the construction of a roofing system to prevent stormwater runoff from becoming contaminated before it enters the on-site stormwater collection system. This proposed roofing system over the above-ground storage areas and the settling vault will also remove a significant amount of pollutants from downstream waterways.

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: 4206 78th Street SW, also identified by Snohomish County Assessor as Parcel No. 28041000302100, SEC 10 TWP 28 RGE 04RT-13A) BEG 660FT S OF NE COR NW1/4 SW1/4 TH W 669.74FT TO TPB TH S 660FT TH W 330FT TH N 660FT TH E 330FT TO TPB LESS 20FT RD ON N.

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

Consistency with Mukilteo Development Regulations and Permitting Procedures:

1. The applicant submitted an application on April 17, 2020, for the construction of a new 5,560 square foot decant station and solids storage area at the City of Mukilteo Public Works Shop. The application became complete on May 7, 2020.
2. The property is zoned Planned Industrial (PI).
 - a. Government offices, shops and storage building are allowed per the Permitted Use Matrix for PI zone in MMC 17.16.040.
 - b. Any land use proposal for construction of a commercial structure requires a project permit review under MMC 17.13.030.
 - c. This proposal includes export of 6,240 cubic yards of material. Per MMC 17.84.070(F), excavation over 1,000 cubic yards requires State Environmental Policy Act review. Therefore, this proposal is subject to major review under MMC 17.13.030(B).
3. The property contains a regulated wetland. The proposed area of work does not impact the wetland or its buffer, and therefore no wetland review was required. There are no other known critical areas on site.
4. In accordance with Mukilteo Municipal Code (MMC) 17.13, a Notice of Application was issued May 21, 2020, and the project was circulated for review in accordance with the City's normal review and permitting procedures.
5. 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 September 11, 2020, for the proposal pursuant to WAC 197-11-350 and MMC 17.84.100. The MDNS was based on the following:
 - Environmental Checklist, prepared by Matt Nienhuis, dated March 30, 2020 and submitted April 17, 2020
 - Stormwater Technical Information Report, prepared by PACE Engineers, Inc., dated January 2020 and submitted April 17, 2020
 - Geotechnical Engineering Evaluation Report, prepared by Aspect Consulting, LLC, dated May 25, 2018 and submitted April 17, 2020

6. No appeal of the SEPA determination was submitted and the threshold determination stands as issued.
7. 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, staff has 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.

The proposal complies with use, area, lot dimension, landscaping and parking requirements of the PI zoning district. The proposal also complies with additional regulations described in MMC 17.20.130:

Regulation (Chapter)	Requirement	Proposed
<i>Height (MMC 17.20)</i>	35 ft.	21.01 ft.
<i>Front Setback (MMC 17.20)</i>	10 ft. w/o parking in front of building; 20 ft. next to residential zone	>240 ft.
<i>Rear Setback (MMC 17.20)</i>	20 ft.	20 ft.
<i>Side Setbacks (MMC 17.20)</i>	10 ft., except 20 ft. next to residential zone'	65 ft. – east/north 107 ft. – west/south
<i>Lot Coverage (MMC 17.20)</i>	40%	7%
<i>Maximum Hard Surface Coverage (MMC 17.20)</i>	90%	53%
<i>Parking (MMC 17.56)</i>	30 stalls	No additional parking required for this proposal.
<i>Landscaping (MMC 17.56.130 and MMC 17.58)</i>	<p><i>Frontage:</i></p> <ul style="list-style-type: none"> • 5 ft. of Type III or 5 ft. of Type V <p><i>Outside storage or waste areas:</i></p> <ul style="list-style-type: none"> • Sight obscuring fence <p><i>Parking:</i></p> <ul style="list-style-type: none"> • 10% of parking area 	No additional landscaping is required for this proposal as there is existing frontage and perimeter landscaping.
<i>Outside Storage (MMC 17.20.130)</i>	All storage of materials and finished products shall either be completely enclosed or surrounded by a sight-obscuring barrier of at least six feet. Barriers may consist of buildings, fences, landscaping or other means such that outdoor storage areas are not visible from adjacent residential areas.	The project is within a fenced area and is not adjacent to any residential areas.
<i>Environmental Compatibility (MMC 17.20.130)</i>	Uses within the PI zone shall not produce objectionable odors, noises, dust, smoke, light, glare or electronic interference beyond property boundaries.	The Decant Facility will not produce objectionable odors, noises, dust, smoke, light, glare or electronic interference beyond property boundaries.

Regulation (Chapter)	Requirement	Proposed
<i>Residential Compatibility (MMC 17.20.130)</i>	Buildings and site features shall be designed and arranged with sensitivity toward adjacent residential areas.	Not applicable as the Stormwater Decant Facility is not adjacent to any residential properties as it is surrounded by industrial uses on all sides.
<i>Traffic and Access (MMC 17.20.130)</i>	Ingress and egress to the site shall be located as to cause the least disruption to adjacent residential areas. Roads serving the site shall be improved to city street standards as required by the Public Works Director.	No additional traffic to and from the property. Access is currently available to the property from 78th Street SW.

8. Staff administratively reviewed this project for consistency with applicable requirements of Mukilteo Municipal Code 15.04.040, adopted 2015 International Fire Code and 15.08 Mukilteo Fire Development Standards (2015 IFC) that apply to the subject property.
9. Staff administratively reviewed this project for consistency with all applicable requirements of Mukilteo’s 2019 Development Standards, including but not limited to drainage, clearing, grading, erosion control, access and street standards.
10. Existing utilities serve the subject property. Water and sewer are currently provided by the Mukilteo Water & Wastewater District. Electricity is provided by Snohomish County PUD. Natural gas is provided by Puget Sound Energy.
11. The proposed structure does not meet the height requirement to file a Notice of Proposed Construction or Alteration with the Federal Aviation Administration (FAA). This property lies inside the 55 Day-Night Average Sound Level (DNL) noise contour of Paine Field Airport.

Consistency with Mukilteo Comprehensive Plan:

12. The property is designated Industrial in the City’s 2018 Comprehensive Plan.
13. Staff administratively reviewed this project for consistency with the goals, objectives and policies of the Comprehensive Plan. Based on this review, staff has determined that development of the project will conform to the following applicable Comprehensive Plan policies:
 - 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.

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 October 12, 2020 and approved on October 15, 2020. 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. All improvements shall be constructed in accordance with the Engineering Plans submitted on October 12, 2020 and approved on October 12, 2020. Minor modifications of the plans submitted may be approved by the Public Works Director if the modifications do not change the Findings of Fact or the Conditions of Approval.
3. An onsite preconstruction meeting is required prior to start of any work to review sediment transport potential.

Mitigated Determination of Non-Significance (MDNS)

4. Construction, grading, and associated site development shall follow recommendations presented in the approved drainage report prepared by PACE Engineers, Inc., dated January 2020 for the Stormwater Decant Facility project.
5. The applicant shall comply with other applicable codes and requirements.

Utilities

6. 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

7. All street frontage shall be brought up to current American with Disabilities (ADA) standards prior to permit final. If work is to be done by a private contractor, a Right-of-Way permit shall be obtained.

8. All contractors and subcontractors working on the project described herein shall obtain a business license from the City before initiation of any site work.
9. 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.
10. 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.

EXPIRATION

1. A grading or building permit must be obtained within four (4) years from the date of this Notice of Decision (MMC 17.030.030(G)).
2. 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 is required.
3. 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.

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., Friday, November 6, 2020**.

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).

City Hall is currently closed to walk in public visitors in response COVID-19. Please call City Hall (425) 263-8000 during regular business hours and arrangements can be made for receipt of an appeal.

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 & Community Development

10/22/2020

Date

Andrea Swisstack

Andrea Swisstack, Director, Public Works

10/21/2020

Date

Willie Berns

Willie Berns, Building Official, Planning & Community Development

10/22/2020

Date

Leroy McNulty

Leroy "Pinky" McNulty, Interim Fire Marshal, Fire

10/22/20

Date

Location Map



pc: Applicant/Representative
Reviewing Agencies
Interested Parties

CDD Director
Permit Services Coordinator
Permit Services Assistants (2)

Property File
Property Owners (300')