



City of Mukilteo, Washington
Notice of Decision
for
Cyrus Way Partners/Orca
Beverage

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:

The City of Mukilteo has issued a Notice of Decision for following project:

Project Name: Cyrus Way Partners/Orca Beverage

Proponent: Mike Bourgeois

Project Number: PPR 2015-006

Description of proposal: Construction of a 32,542 square foot building with associated grading, parking, landscaping and frontage improvements located in the Light Industrial (LI) zone.

Project Location: 11901 Cyrus Way

Notice of Decision Date: Friday, September 15 2017

End of Appeal Period: Friday, September 29, 2017

Project Permit Expiration Date: September 15, 2020

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 submitted an application for construction and site development of a December 4, 2015 building with associated grading, parking, landscaping, and street frontage improvements. The application was determined to be complete on May 10, 2016.

2. In accordance with Mukilteo Municipal Code (MMC) 17.13, a Notice of Application was issued on May 20, 2016 and the project was circulated for review in accordance with the City's normal review and permitting procedures.
3. The property is designated industrial per the 2015 City of Mukilteo Comprehensive Plan. The proposal complies with the intended goals, objectives and policies of the Comprehensive Plan. The following Comprehensive Plan elements apply to this project:
 - ED1a: Businesses that create family-wage jobs, or provide services to Mukilteo residents, or allow residents to live and work in Mukilteo, or have a positive impact on city finances shall be supported and encouraged.
 - LU2: Development regulations and standards that improve quality of life of Mukilteo residents and promote the city's single-family residential character should be adopted.
 - LU2d: Development regulations that provide for smooth and compatible transitions between areas of different land use intensity should be adopted.
 - 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.
4. The subject property is located at 11901 Cyrus Way and is zoned Light Industrial (LI).
5. The proposed development of a warehouse building is a permitted use in the LI zoning district.
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 Determination of Non-Significance (DNS) was issued on July 1, 2016 for the proposal. The DNS was based on Environmental Checklist prepared by Mike Bourgeois dated February 1, 2016; Geotechnical Report prepared by Associated Earth Sciences Incorporated dated March 13, 2015 and the Traffic Study prepared by Gibson Traffic Consultants, Inc. dated May 2, 2016.
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 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.
9. The proposal complies with use, area, lot dimension, landscaping and parking requirements of the LI zoning district:

Regulation	Requirement	Submitted
Height (MMC 17.20)	65'	30'
Front setback (MMC 17.20)	25'	29'

Regulation	Requirement	Submitted
Side setbacks (MMC 17.20)	IBC	21' – east/north 37' – west/south
Lot Coverage (MMC 17.20)	100%	59%
Parking (MMC 17.56)	16 stalls	16 stalls
Landscaping (MMC 17.56.130 and MMC 17.58)	<ul style="list-style-type: none"> • Abutting residential: 20' Type III • Frontage (between the R/W or private access road and parking areas): 5' of Type III • Outside storage: Sight obscuring fence or 5' of planted sight-obscuring screen • Between public R/W if not a parking or display area: 20' of Type III • Abutting commercially designated property: 10' feet of Type IV • Abutting the rear lot line of commercially designated property and the structure in the LI zone is within five feet of that property line: Type I • Parking Lot: 10% of parking area 	<ul style="list-style-type: none"> • The Property does not abut any residential zones • 5' of Type III landscaping. There are existing trees along the frontage of the property that will be incorporated into the landscaping. • The applicant is not proposing any outside storage other than the trash enclosure which will have a sight obscuring fence. • N/A. Parking is proposed between the building and the public right-of-way. • The City has granted a deviation for the rear landscaping as the property abuts a parking lot which has a shared drainage facility and landscaping and a fence in this area is not necessary. • Per MMC 17.56.130(F) Size Exception. Parking lots containing less than twenty parking spaces need provide only perimeter screening to satisfy the ten percent area requirements. <p>The proposed development is only required to have 16 parking spaces; therefore perimeter landscaping is all that is required.</p>

10. On site storm water detention meets the City's design standards per the Washington State Department of Ecology's Stormwater Management Manual for Western Washington (2012).
11. Utilities are available to serve the subject property. Water and sewer are available from the Alderwood Water and Sewer District. Electricity is available from Snohomish County PUD. Natural Gas is available from Puget Sound Energy.

12. Development of the site will be subject to the requirements of the 2015 International Building Code (IBC).
13. The property lies outside the 60 DNL noise contour of Paine Field Airport.
14. 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.
15. 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.
16. The applicant obtained a Certificate of Concurrency from the City prior to permit issuance in accordance with Ordinance 1131, effective July 27, 2005.

CONDITIONS OF PROJECT APPROVAL

1. All improvements shall be constructed in accordance with the approved civil construction drawings dated July 27, 2017 and approved Site Plan dated July 27, 2017. 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.

Landscaping

2. Landscaping shall be installed in accordance with the approved landscaping plan dated May 25, 2017, and shall be subject the following:
 - a.) 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.
 - b.) Minor modifications of the landscaping plans submitted may be approved by the Planning Director if the modifications do not change the findings of fact or the conditions of approval.

Engineering

3. A Traffic Control Plan shall be submitted and approved by the City prior to the start of construction.
4. Special Inspections shall be conducted for the retaining wall(s) construction by the Design Structural Engineer, or their designee, and the reports completed and turned into the City for the file. These reports shall verify that the wall(s) were built per the approved engineered design, or if deviations were done they were approved by the Structural Engineer of record.
5. Per the IBC the City may require that the property owner obtain a special inspection (such as topography, foundation types, unstable conditions, or soil types) prior to City approval. The cost of these inspections will be the responsibility of the property owner.
6. The clearing limits of the approved Site Plan shall be clearly delineated in the field.
7. All development shall proceed in accordance with the recommendations listed in the geotechnical report, prepared by Associated Earth Sciences Incorporated dated March 13, 2015. The cost of special inspections, if any, as recommended by the report shall be the responsibility of the applicant.

Stormwater

8. 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).
9. Stormwater pollution prevention measures shall be employed per the approved Stormwater Pollution Prevention 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).
10. A wet weather Stormwater Pollution Prevention Plan is required to be submitted to the City for review and approval prior to September 15th if the project is clearing or grading after October 1st.
11. The temporary construction easement, #201612090241 between QFC and Orca Beverage is only fifteen (15') feet. Orca Beverage's drawing shows a forty-five (45') foot easement which will need to be submitted to the City prior to permit issuance.
12. A private easement and agreement between property owners shall be executed for maintenance of the stormwater systems. Easements shall meet the requirements of MMC 13.12.160, including prior review and acceptance by the City attorney. The easement shall be recorded and a copy provided to the City prior to final inspection.
13. A recorded access easement for the city to inspect stormwater facilities, per MMC 13.12.160 is required prior to final inspection.
14. The stormwater requirements are only applicable to the project until January 1, 2022. If construction has not begun prior to January 1, 2022, then new stormwater regulations may apply to the stormwater design.
15. The QFC detention system shall be built and functional prior to grading the existing pond that currently receives that runoff.

Fees/Sureties

16. 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.
17. 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.
18. The applicant shall pay transportation impact mitigation fees for each new pm peak hour trip generated by the proposed development, or other forms of negotiated impact mitigation directly to the City of Mukilteo in accordance with Ordinance 1131 and 1132 effective July 27, 2005. The

amount of the fee due shall be based on the fee schedule in effect at the time of fee payment. The transportation impact mitigation fee is due prior to building permit issuance.

Utilities

19. The applicant shall enter into a "Developer Extension Agreement" with the Alderwood Water & Wastewater District. All construction of water and sewer facilities shall be in accordance with the standards, specifications and regulations of the District.
20. 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.

Fire

21. 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 water supply capable of supplying the required fire flow for fire protection must be provided;
 - Fire hydrants shall be equipped with four- (4) inch quarter-turn Storz adapters;
 - 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;
 - 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.
 - 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.
 - 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 for the fire protection system.
 - 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, off set one (1) foot from the roadway center toward the hydrant.

Miscellaneous

22. The location of signs on approved plans is for illustrative purposes only. Pursuant to Mukilteo Municipal Code 17.80, a sign permit must be obtained for the placement of any non-exempt signage. Application for that sign permit shall include an approved site plan specifying the location of all signs.
23. All outside storage containers, including dumpsters, shall be enclosed by a sight obscuring fence.
24. 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.

25. 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.
26. All contractors and subcontractors working on the project described herein shall obtain a business license from the City before initiation of any site work.
27. 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.
28. 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.
29. 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.
30. 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.

Utilities

31. The applicant shall enter into a "Developer Extension Agreement" with the Alderwood Water and Sewer District. All construction of water and sewer facilities shall be in accordance with the standards, specifications and regulations of the District.
32. 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.

The project permit shall be valid for three (3) 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.

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. 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, September 29, 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.

Contact Person: Linda Ritter

(425) 263-8043

Linda Ritter
Linda Ritter
Planning Department

9/11/17
Date:

Mick Matheson
Mick Matheson, P.E.
Public Works Director

9/12/2017
Date:

Willie Berns
Willie Berns
Building Official

9/13/17
Date:

Roger Rudikoff
Roger Rudikoff
Fire Marshal

9/12/17
Date:



Location Map

pc: Applicant
Property own. w/i 300 ft.
Parties of Record (if any)
Review Agencies

Com Dev Director
CDD Administrator
Mgmt. Svcs Director
Permit Services Supervisor

Permit Services Technicians (2)
SEPA File
File Copy (2)

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

Notice of Decision – Cyrus Way Partners/Orca Beverage

Approval of construction of a 32,542 square foot building with associated grading, parking, landscaping and frontage improvements located in the Light Industrial (LI) zone.

Location: 11901 Cyrus Way

Notice of Decision Date: Friday, September 15, 2017

End of Appeal Period: Friday, September 29, 2017

Project Permit Expiration Date: September 15, 2020

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.

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