



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

## Notice of Decision

**Speedway Quad II LLC  
Binding Site Plan**  
11338 Mukilteo Speedway

BSP-2021-001

### 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, February 18, 2022  
**APPEAL PERIOD:** Ends Friday, March 4, 2022 (4:30 p.m.)  
**EXPIRATION:** February 18, 2027

**PROJECT NAME:** Speedway Quad II LLC Binding Site Plan (File No. BSP-2021-001)

**PROPONENT:** Speedway Quad II LLC

### DESCRIPTION OF PROPOSAL:

Proposal is to separate a parcel in the Community Business – South (CB(S)) zone and the buildings on it into two separate lots. Lot 1 is proposed to be 31,500 square feet and Lot 2 is proposed to be 27,000 square feet.

Environmental review was not required for this proposal as it is for the division of the parcel only.

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:** 11338 Mukilteo Speedway, Mukilteo WA 98275, otherwise known as Snohomish County Assessor Parcel No. 00441400001100, and legally described as:

EVERGREEN MANOR NO 3 BLK 000 D-00- TR 11

**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 critical area review 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 for a Binding Site Plan review on April 23, 2021, to separate a parcel in the Community Business – South (CB(S)) zone and the buildings on it into two separate lots. Lot 1 is proposed to be 31,500 square feet and Lot 2 is proposed to be 27,000 square feet. The application became complete on May 13, 2021.
2. The property is zoned Community Business – South (CB(S)).
3. In accordance with Chapter 17.13 of the Mukilteo Municipal Code (MMC), a Notice of Application was issued May 26, 2021, and the project was circulated for review in accordance with the City’s normal review and permitting procedures. The comment period ended on June 9, 2021.
4. Staff administratively reviewed this project for consistency with all applicable requirements of the MMC 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.
5. Mukilteo Municipal Code Chapter 16.14.020(C) states that Binding Site Plans shall be approved if the Planning Director finds:

“Appropriate provisions are made for the public health, safety and general welfare and for such open spaces, drainage ways, streets, or roads, alleys, other public ways, transit stops, potable water supplies, sanitary water, parks and recreation, and other planning features that assure safe walking conditions for students who only walk to and from school and the public use and interest will be served by approval of such binding site plan.”
6. The Binding Site Plan documents the locations of permanent easements and restrictions for ingress, egress, drainage, and other public utilities.
7. The property was first developed in 1996 with one building totaling 4,608 square feet located adjacent to the Mukilteo Speedway (Building 1). Building 1 is currently occupied by a minor auto repair use. The second building, (Building 2) is 14,875 square feet and is located to the west of Building 1. It was constructed in 2007 and is currently occupied by retail uses. The site contains associated grading, parking, and landscaping improvements, as well as shared fire access with the properties to the north and south.
8. Utilities currently serve the subject property. Water and sewer are provided by the Mukilteo Water and Wastewater District. Electricity is provided by Snohomish County PUD.

*Consistency with Mukilteo Comprehensive Plan:*

9. 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:

- LU3: Property rights of landowners shall be respected by protecting those rights from arbitrary and discriminatory actions by the city.
- 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.
- ED1e: Permitting and licensing processes shall be efficient, clear, and concise so they do not unduly inhibit conducting business in the city.
- UT4: Development applications shall be reviewed by the Mukilteo Water & Wastewater District or the Alderwood Water & Wastewater District for adherence to the developer extension standards of the relevant district as determined by the location of the development.
- UT7d: Drainage, flooding, and stormwater run-off impacts shall be minimized to the maximum extent practical in land use development proposals and City operations.
- LU13: New development and redevelopment, both in Mukilteo and at Snohomish County/ Paine Field Airport, should be complementary to each other and should support general aviation and the aerospace industry over all other airport uses.

**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.

1. Approval shall be in accordance with the Binding Site Plan approved February 9, 2022. Minor modifications of the plans submitted may be approved by the Community Development Director and Public Works Director if the modifications do not change the findings of fact or the conditions of approval.
2. Minor modifications of the plans previously approved under Project Permit Review (PPR) PPR-2006-07 and Conditional Use Permit (CUP) CUP-2007-07/Hearing Examiner Decision (HED) HED-2007-04 may be approved by the Community Development Director if the modifications do not change the Findings of Fact or the Conditions of Approval.
3. There is an active Conditional Use Permit for the use located in Building 1 on Lot 1. Per the Notice of Decision for CUP-2007-07/HED-2007-04 issued on July 5, 2007, for the building located on Lot 1, the following conditions still apply:
  - The only outside storage allowed shall be for trash receptacles/dumpsters. No other outside storage shall be allowed, including storage of parts, materials and parking of inoperable, junk, or nuisance vehicles.
  - Trash receptacles/dumpsters shall be enclosed by a sight obscuring fence.
  - Vehicles to be repaired or in the process of being repaired shall not be located outside of the structure.
4. Per the Notice of Decision for PPR-2006-007 for Building 2 on Lot 2, issued on May 18, 2007, the following conditions for Lot 2 still apply:
  - Uses shall not produce odors, noises, dust, smoke, light, glare or electronic interference beyond property boundaries.

- Noise levels generated within the development shall not exceed those established in Chapter 8.18. Noise of machines and operations shall be muffled so as not to become objectionable due to intermittence, beat frequency, or shrillness.
  - All outside storage containers, including dumpsters, shall be enclosed by a sight-obscuring fence.
5. A stormwater easement is required. The easement shall:
- a. Include provisions for Lot 1 to drain across Lot 2.
  - b. Contain provisions for repair, maintenance, and replacement and clearly identify responsible parties, financial obligations, roles and responsibilities, for all structures on both lots (including the detention facility).
  - c. Prohibit all structures within the easement area except those that can readily be removed by the property owner at the owner's expense when access to the stormwater facility is required by the city. An agreement to remove the structures on request by the city, approved by the city attorney, shall be included in the easement. If such existing structures are within the easement area, they shall be removed prior the recording of the easement.
  - d. Be a minimum of twenty (20) feet wide, except an easement as narrow as fifteen feet may be allowed under special conditions as determined by the Public Works Director.
  - e. Grant the city an access easement, satisfactory to the city attorney, allowing inspection by the city to verify the maintenance condition of the stormwater facility and allowing the city, without obligation, the ability to correct any deficiency not cured by the owner in a timely manner at the owner's expense.
  - f. Be reviewed and accepted by the City prior to recording.
  - g. Be recorded with the Snohomish County's auditor's office.

## **EXPIRATION**

The Binding Site Plan shall be valid for five (5) years from the date of this Notice of Decision. If the Binding Site Plan is not recorded with the Snohomish County Assessor's Office 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 approval.

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**

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, March 4, 2022.**

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 open Monday through Thursday from 7:30 AM-5:00 PM. The building is closed for lunch from 12-1 PM and closed to the public on Fridays. Appeals must be delivered by in person, mail, or personal delivery to the drop box outside City Hall. City Hall is located at 11930 Cyrus Way, Mukilteo, WA 98275. 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.*

*Linda Ritter*

February 10, 2022

Linda Ritter, Senior Planner, Planning & Community Development

Date



**Location Map**

**Date Issued:** Friday, February 18, 2022  
**Date Advertised:** Friday, February 18, 2022  
**End Comment Period:** Friday, March 4, 2022

pc: Applicant/Representative  
Reviewing Agencies  
Interested Parties

CDD Director  
Permit Services Coordinator  
Permit Services Assistants (2)

Property File  
Property Owners (300')

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