



Notice of Decision
for
**Zhang Single-Family
Residence**
at 7908 53rd Ave West
by Fred Baxter, AIA

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:

PROPOSAL: The proposal is for single-family dwelling with approximately 10,150 square feet of living space and approximately 1,500 square feet of garage space with associated access, utilities and grading. Proposed grading quantities of approximately 2,400 cubic yards (cut and fill combined). An existing single family dwelling will be demolished.

The single family dwelling is proposed to be on a lot that is part of a three lot short plat (Case No. SP-2017-002) being processed concurrently with the single family dwelling decision. An Adjustment to the Minimum Stormwater Requirement #7 (Flow Control) requested with SP-2017-002 is necessary for the single family dwelling. Occupancy of the single family dwelling will not be permitted unless the short plat (Case No. SP-2017-002) is approved and recorded. The access proposed for the single family dwelling will also serve the additional two lots of the proposed short plat.

PROJECT NUMBER: City File No: SFR-SEPA-2017-001 and (ENG-2017-020, associated with SP-2017-002).

PROJECT NAME: Zhang Single Family Residence

LOCATION OF PROPOSAL: WEST & WHEELERS SEAVIEW FIVE AC TRS BLK 000 D-00 LOT 45 THAT PART TR 45 LY WLY OF E LN TR 52 EXTENDED ACROSS SD TR THAT PART OF TRT 45 LY ELY OF E LNOF TR 52 EXTENDED ACROSS SD TRT SUBJ TO ESE TO PUD 1; otherwise known as 7908 53rd Ave West, Mukilteo, Washington. Snohomish County Assessor No. 00611600004500

Notice of Decision Date:

June 4, 2020

End of Appeal Period:

June 18, 2020

Project Permit Expiration Date:
Project Decision:

June 18, 2024
Approved with Conditions

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. On June 6, 2017, the applicant submitted an application for construction and site development of a 10,150 square feet of living space and approximately 1,500 square feet of garage space on an approximately 3.78 acre lot with associated grading, driveway access, and drainage improvements. The application was determined to be complete on June 21, 2017.
2. The subject property has a single family dwelling with garage that will be demolished. The property is generally rectangular shaped (east-west). Access to the property is from 53rd Avenue West. The west part of the property drops down significantly on a steep slope to the Burlington Northern-Santa Fe railroad line/Possession Sound. The eastern portion of the property also drops down to a stream system located near or within undeveloped City right-of-way. Both the easterly and westerly portion of the property will be protected through placement into a native growth protection easement or tract.
3. At the time the application for the single family dwelling was made, the applicant had intended to subsequently short plat the property into three lots. The building permit application reflected the intended short plat application. The short plat application was subsequently submitted on December 4, 2017 and deemed complete on December 20, 2017.
4. In accordance with Mukilteo Municipal Code (MMC) Chapter 17.13, a Notice of Application on the single family dwelling application was issued on July 5, 2017, and the project was circulated for review in accordance with the City's normal review and permitting procedures.
5. Upon review of the application, it was determined that, based on the City's adopted 2017 Development Standards and on the 2014 Stormwater Management Manual for Western Washington, the applicant's request for an adjustment to Minimum Requirement #7 did not apply to the proposed single family dwelling

project, and therefore could not be vested to any future Short Plat proposal. To address this issue, the applicant submitted the previously referenced short plat application on December 4, 2017.

6. The applicant’s proposed single family dwelling is proposed to be one of the three lots of the short plat. The Engineering Plans (ENG-2017-020) for the short plat adequately address the engineering requirements for the single family dwelling.
7. The property is designated ‘SFR-L’ (Single Family Residential – Low Density) per the City of Mukilteo Comprehensive Plan 2035.
8. The proposal complies with the intended goals, objectives and policies of the City of Mukilteo Comprehensive Plan 2035. The following Comprehensive Plan Land Use (LU) and Parks and Open Space (PK) policies apply to this project:
 - LU1: Develop as a community which provides housing, job opportunities, and shopping places which are compatible with and complementary to the residential character of the neighborhoods and the quality of life in the City.
 - LU14: All development shall occur only in areas with adequate public utilities and services including but not limited to water, sewer, storm drainage collection and disposal, solid waste disposal, police and fire protection, or areas into which such utilities and services can be readily extended at no cost to the City of existing users.
 - PK7: Preserve areas with critical or unique natural features such as stream corridors, steep slopes, wildlife habitats, wetlands, and ravines.
9. The Comprehensive Plan designations, zoning and land uses of surrounding properties are as follows:

Direction	Comprehensive Plan Map Designation	Zoning	Land Use
North	Single Family Residential - Low Density	RD 12.5 Single family Residential	Single Family Home
East	Single Family Residential - Low Density	RD 12.5 Single Family Residential	Right of Way

South	Single Family Residential - Low Density	RD 12.5 Single Family Residential	Single Family Homes
West	Single Family Residential - Low Density	RD 12.5 family Residential	BNSF Right-of-Way

10. The proposed development of single family residence is a permitted use in the RD-12.5 zoning district.

11. The applicant has submitted the following reports in support of the application

- SEPA Checklist prepared by Fred Baxter, dated May 31, 2017

12. Site work associated with the single family dwelling are also addressed with the documents submitted in support of the short plat application (SP-2017-002). These include:

- Drainage Report prepared by Site Development Services dated June 1, 2017, with final revision dated June 1, 2018
- Civil plan set dated June 1, 2018, with updated sheets
- Construction Stormwater Pollution Prevention Plan received June 5, 2018
- Geotechnical Report prepared by Nelson Geotechnical Associates, dated June 16, 2016, with supplements dated February 8, 2017, November 10, 2017, February 28, 2018 and February 14, 2020
- Undated Preliminary Soil Management Plan received by the City on August 20, 2017
- Stream Qualitative Assessment Report dated November 10, 2017
- Request for Deviation from Private Road Standards
- Requests for Adjustment to the Stormwater Minimum Requirements (Minimum Requirement #7)
- Landscaping Plan dated June 8, 2018; Revised Landscaping Plan, revised December 24, 2019

13. Comment letters were received by the City in response to the Notice of Application included concerns about the size of the proposed single family dwelling and that it might function as a hotel or similar commercial use. Matters related to slope stability due to the development, debris on the hillside and the proposal's noise and traffic impacts were also raised. Agency comments included the Mukilteo School District and the Mukilteo Water and Wastewater District.

14. MMC section 17.08.020, under the section heading “Definitions”, defines a “Dwelling, Single-Family” and “Hotel” as,

“Dwelling, Single-Family. “Single-family dwelling” means a detached building designed for and occupied exclusively by one family. The term shall not include mobile homes, but does include manufactured homes.”

“Hotel” means any building or portion thereof containing five or more separately occupied rooms that are rented or hired out to be occupied or which are occupied for sleeping purposes for compensation, whether the compensation be paid directly or indirectly. A central kitchen, dining room, private toilet facility and accessory shops and services catering to the general public can be provided. Institutions housing persons under legal restraint or requiring medical attention or care are not included in this definition.

The zoning code does not have a bedroom or similar limitation on single family dwellings. The RD 12.5 Single Family Residential” zone does not permit hotels. The building cannot be operated for a hotel use. Should the city receive a complaint about the single family dwellings use as a hotel it will be investigated in accordance with the City’s code enforcement procedures.

15. Pursuant to the State Environmental Policy Act, the City of Mukilteo was designated as the lead agency for review of the proposed development. On August 25, 2017 the City issued a DNS under WAC 197-11-340(2) that included an appeal period. No appeal of the SEPA determination was filed and the threshold determination stands as issued. A revision to the DNS to recognize an adjustment and short plat application (SP2017-002) affecting the proposed property was prepared December 11, 2019.
16. The proposal complies with use, area, lot dimension, and parking requirements of the RD-12.5 zoning district:

Regulation	Requirement	Submitted
Height (MMC 17.20)	30 feet	29.23 feet (Building height will be required to be recertified when roofing is installed).
Front setback (MMC 17.20)	25' (15' if proposed short plat is approved. (Proposed short plat uses MMC section 17.52A.100 – Density Calculation for critical slope areas)	300' feet to east lot line (25' to new lot line to be created with short plat created)
Private Road, No access from Road (MMC 17.20)	10'	N/A
Rear setback (MMC 17.20)	25' (15' if proposed short plat 2017-002 is approved. Proposed short plat uses MMC section 17.52A.100 – Density Calculation for critical slope areas)	500'+
Side setbacks (MMC 17.20)	5' minimum with 15' of total side yard	5'/10' 15' total
Maximum Lot Coverage (MMC 17.20)	30% (60% if proposed short plat is approved. Proposed short plat 2017-002 uses MMC section 17.52A.100 – Density Calculation for critical slope areas)	Approx. 6.5%
Hard Surface 17.20.028 Maximum hard surface coverage matrix	55% of lot area (60% if short plat 2017-002 is approved)	Approx. 13%
Parking (MMC 17.56)	Two (2) stalls	Minimum of two (2) are provided

17. If Short Plat 2017-002 is approved, storm water design for the single family dwelling will meet the City's Development Standards and the Washington State Department of Ecology's Stormwater Management Manual for Western Washington (2014), with the approved adjustment.
18. Utilities are available to serve the subject property. Water is available from the Mukilteo Water & Wastewater District. Electricity is provided by Snohomish County PUD. Updated Water and sewer availability certificates and power certificate shall be provided, if necessary, from the MWWD and Snohomish County PUD, prior to building permit issuance.
19. Development of the site will be subject to the requirements of the 2015 International Residential Code.
20. The property lies outside the 55 dB noise contour of Paine Field Airport.
21. Staff administratively reviewed this project for consistency with applicable requirements of Mukilteo Municipal Code 15.04.040, adopted 2015 International Fire Code and Mukilteo Fire Development Standards that apply to the subject property. A sprinkler system for the single family dwelling shall be required to mitigate on-site emergency vehicle access difficulties as will the provision of a Knox box, approved by the Mukilteo Fire Department, for the gate. Other Fire Department requirements shall be met as well.
22. Staff administratively reviewed this project for consistency with all applicable requirements of Mukilteo's Development Standards (Resolution No. 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.
23. The applicant obtained a Certificate of Concurrency from the City prior to permit issuance in accordance with Ordinance No. 1131.

CONDITIONS OF PROJECT APPROVAL

1. All work, including improvements, shall be done in accordance with the approved Engineering Permit associated with SP-2017-002, approved Building Permit (City File No: SFR-SEPA-2017-001) and other applicable approvals. Minor modifications of the plans associated with these approved permits may be approved by the applicable City Department Director if the modifications do not substantively change the Findings of Fact or Conditions of Approval of this decision.

2. Engineering drawings associated with SP-2017-002 depicting improvements and drainage design shall be submitted to the City's Public Works Director for final review and approval before issuance of the building permit. Applicable street, drainage and other improvements shall be designed in accordance with the City's Development Standards. In this case, the engineering plans are the short plat (SP-2017-002) engineering plans. Construction of the short plat engineering improvements will satisfy the engineering requirements for the single family dwelling.
3. Issuance of the single family building permit shall be preceded by issuance of the Engineering Permit associated with SP-2017-002.
4. Prior to construction of the single family dwelling building foundation, all of the approved stormwater improvements associated with SP-2017-002 shall be constructed and approved by the City.
5. Per MMC section 13.12.160(C) a Construction Stormwater Pollution Prevention Plan shall be submitted to the City's Public Works Director for final review and approval before issuance of any grading permits.
6. 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.
7. Per MMC section 15.16.160(D), clearing and grading in the wet months (October 1st to April 30th) shall only be allowed with the approval of a wet weather erosion control plan. The wet weather erosion control plan is required to be submitted to the City for review and approval a minimum of 30 days in advance of grading activity if the project involves clearing or grading between October 1st and April 30.
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. Prior to grading activity related to this Single Family Residential permit, the clearing limits of the approved plans shall be clearly delineated in the field. Significant trees to be retained shall be clearly delineated in the field. The boundary of areas to the Native Growth Protection Areas/Easements shall also be clearly marked 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 Sediment Control Plan.

10. Prior to final inspection of the single family dwelling, the requirements of MMC section 17.52.035 entitled “Native growth protection areas (NGPAs) and buffers” shall be met. This includes placing areas prohibited from development into a native growth protection area/easement protected by execution of an easement, dedicated to a conservation organization or land trust, or similarly preserved through a permanent protective mechanism acceptable to the city.

11. The location and limitation associated with the critical area and its buffer shall be shown on the face of the deed or site plan and shall be recorded with the Snohomish County assessor’s office. The recorded deed or site plan shall include the language from MMC section 17.52.035(C) as follows:

“There shall be no clearing, excavation, or fill within a native growth protection area shown on the face of this site plan/plat, with the exception of required utility installation, removal of dangerous trees, thinning of woodlands for the benefit of the woodlands as determined by a certified landscape architect or arborist, and removal of obstructions on drainage courses, or as allowed under Section 17.52A.070, Vegetation management on steep slopes.”

12. In accordance with MMC section 17.52.035(D), a temporary sign(s) shall be placed at the boundary of all native growth protection areas *during periods of construction, clearing, grading, or excavation...*. The sign(s) shall describe the limitations of on-site disturbance and development within the native growth protection area. Prior to final occupancy/final inspection of the single family dwelling, a permanent sign(s) shall be placed at the boundary of all native growth protection areas/easements describing the limitation on development. NGPA signs shall be spaced fifty feet on center along: a) The top of slope of the critical areas; and b) Any other location along the periphery of the critical area/buffer as determined by the City.

13. All work shall be done in accordance with the Geotechnical Report prepared by Nelson Geotechnical Associates, dated June 16, 2016, along with supplements dated February 8, 2017, November 10, 2017, February 28, 2018 and February 14, 2020. This includes, but is not limited to, recommendations for a geotech to be retained to provide construction monitoring services during the earthwork phase of the project.

14. The following requirements shall be adhered to during construction and completed before occupancy of the single family dwelling in accordance with Fire Code Development Standards and 2015 International Fire Code:
- The single family home shall include a sprinkler system.
 - A water supply capable of supplying the required fire flow for fire protection must be provided.
 - All buildings must be addressed visibly and legibly from the street. 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.
 - As applicable, 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.
 - A City of Mukilteo approved knox box shall be provided for the private entrance gate.
 - 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.)
 - As applicable, 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.
15. All public improvements associated with a project permit, if any, 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. 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. Updated water and sewer availability certificates and an updated power certificate shall be provided, if necessary, from the MWWD and Snohomish County PUD prior to permit issuance. MWWD easements shall be identified on, and recorded with, the final short plat (SP2007-002).

17. All mailbox locations must be approved and signed off by the US Postal Service prior to final inspection. Please contact the US Postal Service Growth Management Coordinator.
18. 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.
19. There shall be no construction materials or other debris dumped or placed in the Native Growth Protection Areas/Easements.
20. All contractors and subcontractors working on the project described herein shall obtain a business license from the City of Mukilteo before initiation of any site work.
21. 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.
22. 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 and all day on Sundays and holidays.
23. All construction equipment, building materials, and debris shall be stored on the applicant's property, out of the public right-of-way, but not within any NGPA or its buffer/setback, and in accordance with other recommendations of the Geotech reports prepared for the project.
24. Prior to clearing or grading activity, the applicant shall provide a traffic control plan/haul route for review and approval by the City. The traffic control plan/haul route shall address:
 - A. Proposed haul route for earthwork (grading cut and fill);
 - B. General location and type of warning lights, safety devices, signs and barricades intended to protect vehicular or pedestrian traffic at the site;
 - C. How emergency access will be maintained to the subject property and other properties served by the public road leading to the site and the private access road on the site; and
 - D. Means to provide reasonable access during construction for properties served by the access road.

25. 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. The preconstruction meeting shall be held both on-site and off-site. The on-site meeting shall include, but not be limited to, a review of erosion and sediment control measures.
26. The building permit plans City File No: SFR-SEPA-2017-001 shall show existing and anticipated easements associated with SP-2017-002 to ensure that placement of the single family dwelling does not conflict with existing and anticipated short plat easements.
27. The applicant shall pay park impact mitigation fees or other forms of negotiated impact mitigation directly to the City of Mukilteo in accordance with MMC 3.105 or similar requirements associated with the Growth Management Act. Payment of the park impact mitigation shall be made to the City prior to building permit issuance unless deferred in accordance with procedures in the Mukilteo Municipal Code. The total fee or mitigation amount shall be based on the mitigation fee established in MMC 3.105 in effect at the time of building permit issuance.
28. The applicant shall pay school impact mitigation fees or other forms of negotiated impact mitigation directly to the City of Mukilteo in accordance with MMC 3.100 or similar requirements associated with the Growth Management Act. Payment of the school impact mitigation shall be made to the City of Mukilteo prior to building permit issuance unless deferred as provided by the Mukilteo Municipal Code.
29. 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 No. 1131 and No. 1132 effective July 27, 2005. The transportation impact mitigation fee is due prior to building permit issuance, unless deferred as provided by the Mukilteo Municipal Code. The total fee or mitigation amount shall be based on the mitigation fee established in MMC 3.105 in effect at the time of building permit issuance.
30. A demolition permit shall be required for the existing buildings on site. Compliance with Puget Sound Clean Air Agency requirements shall be met.
31. Final occupancy of the single family dwelling shall not be permitted until recordation of City of Mukilteo Short Plat 2017-002. Issuance of the Single Family Residential building permit shall constitute the applicant's understanding of this permit condition related to final occupancy of the single family dwelling and the recording of the short plat is required.

32. If the project has not started construction prior to July 1, 2022, the applicant will be required to submit a new stormwater permit application that meets the then current stormwater design regulations for review and approval by the City.
33. The applicant shall comply with all other applicable codes, ordinances and requirements.

DECISION TIME PERIOD

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 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 may file an appeal of this project 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., June 18, 2020**, at City Hall, 11930 Cyrus Way, Mukilteo, WA 98275.

City Hall is currently closed to walk in public visitors in response COVID-19. Individuals wishing to review materials related to the application may be viewed at the City of Mukilteo website at www.mukilteowa.gov. A limited number of large size hard copies of the civil plan and certain building permit sheets can be made available for review upon request.

Appeals may be submitted prior to the appeal deadline. Please call City Hall (425) 263-8000 during regular business hours and arrangements can be made for receipt of an appeal.

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.

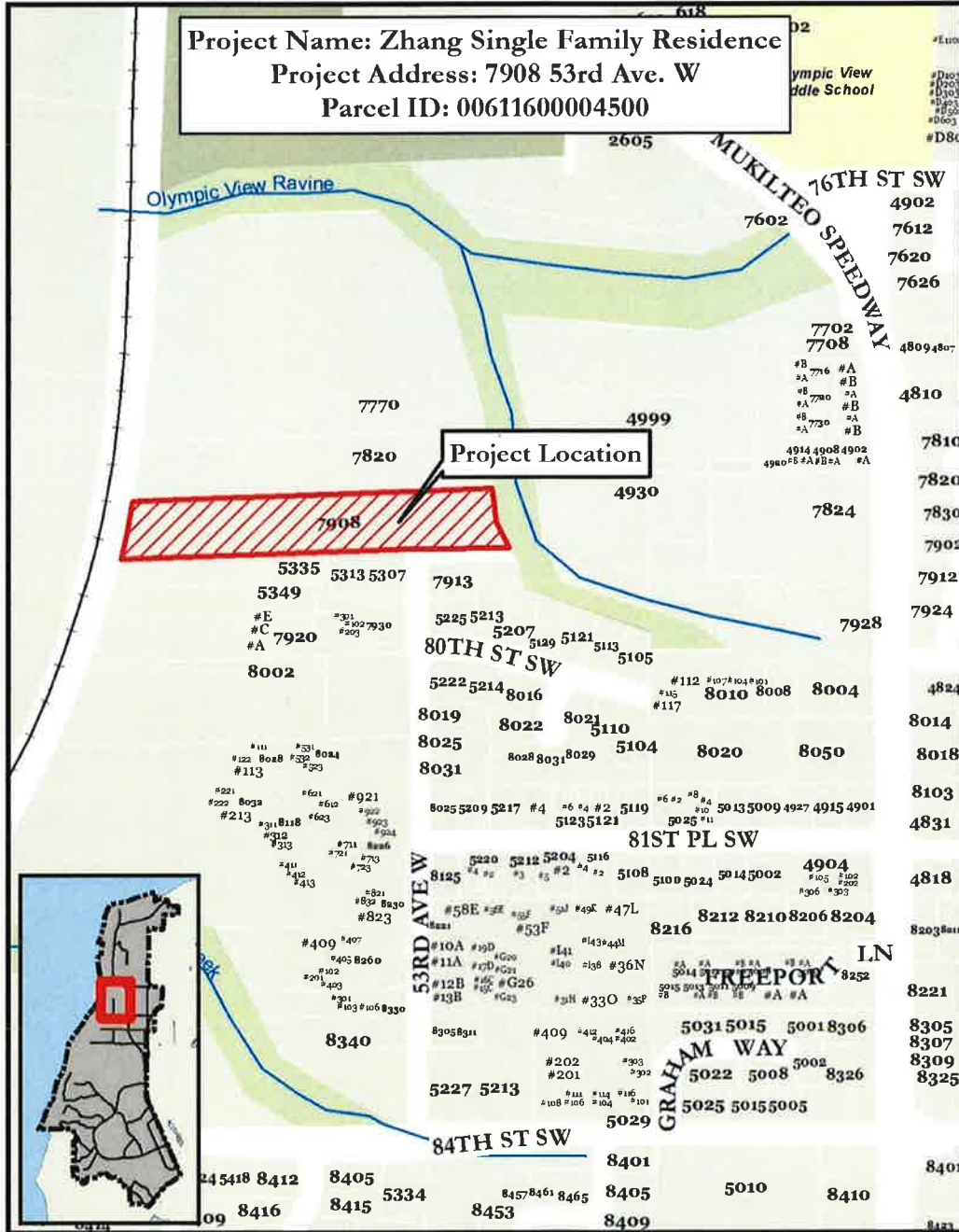
Contact Person: David Osaki (425) 263-8000

David Osaki 6/3/20

David Osaki
Community
Development
Department

Date:

Location Map



- pc: Applicant
- Property own. w/i 300 ft.
- Parties of Record (if any)
- Review Agencies
- Community Development Dir.
- Management Services Director
- Permit Services
- Permit Services Technicians (2)
- SEPA File
- File Copy (2)