



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

Notice of Decision

Salina Construction Contractor Laydown Yard

4007 78th Street SW

(PPR-2020-001 and ENG-2020-002)

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, March 5, 2021
- APPEAL PERIOD:** Ends Friday, March 19, 2021 (4:30 p.m.)
- EXPIRATION:** March 5, 2025

PROJECT NAME: Salinas Construction Contractor Laydown Yard (File Nos. PPR-2020-001 and ENG-2020-002)

PROponent: Salinas Construction

DESCRIPTION OF PROPOSAL:

Construction of a paved construction yard that is approximately 4.5 acres in size with associated grading, parking, landscaping, and street frontage improvements. An environmental review was completed due to proposed grading quantities being more than 1,000 cubic yards.

The contractor laydown yard will be located west of the existing concrete access road for the existing Mukilteo Water and Wastewater District sewer lift station. Japanese Gulch Creek and its buffer lie east of the concrete access road. Stormwater from the proposed development will be discharged into the creek from the existing stormwater pipe network onsite. The contractor laydown yard will be used to facilitate the operations of Salinas Construction's concrete paving company.

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: 4007 78th Street SW, Mukilteo WA 98275, also known as Snohomish County Assessor's Parcel No. 00611600009400, legally described as:

WEST & WHEELERS SEAVIEW FIVE AC TRS BLK 000 D-00 TR 94
ACCORDING TO PLAT THOF EXC S 10FT THOF CONV TO SNO CO
PER DEED REC AF NO 182031 & ALSO EXC N 10FT OF S 20FT OF
TR 94 CONV TO SNO CO PER DEED REC AF NO 2305330

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 7, 2020, for the construction of a paved construction yard that is approximately 4.5 acres in size with associated grading, parking, landscaping, and street frontage improvements. The application became complete on April 30, 2020.
2. The property is zoned Planned Industrial (PI).
 - a. Building contractor yard is allowed per the Permitted Use Matrix for PI zone in MMC 17.16.040.
 - b. This proposal includes export of 385 cubic yards of material and the regrading of 6,189 cubic yards. Per MMC 17.84.070(F), excavation over 1,000 cubic yards requires State Environmental Policy Act review. Therefore, this proposal was subject to major review under MMC 17.13.030(B).
3. Japanese Gulch Creek is located along the northeast portion of the property. No work is being proposed within Japanese Gulch Creek or its buffer. All work being performed is located on the west side of the existing Mukilteo Water and Wastewater District (MWWD) Lift Station access road. As part of the proposed development, the collected stormwater will be tightlined to an existing pipe network on site, which then will discharge into Japanese Gulch Creek. Catch basins will be installed through the site to collect and treat stormwater runoff from the newly paved area and convey it to the new detention pond prior to being released into Japanese Gulch Creek.
4. The property lies within the MWWD service area. There is an existing 3/4" water service that served the property along the 78th Street SW frontage that has been inactive since 2003.
5. There was a single-family residence on the site that was on septic at the time it was demolished. Gravity sanitary sewer service is available to the proposed area.
6. MWWD owns and operates a sanitary sewer Lift Station (LS) located in the central north portion of the lot. A 30' easement for utilities and access road runs through the site from the southeast corner to the LS.

7. In accordance with Chapter 17.13 MMC, a Notice of Application was issued May 14, 2020, and the project was circulated for review in accordance with the City's normal review and permitting procedures.
8. Pursuant to the Washington 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 December 4, 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 Ryan Withrow, dated March 23, 2020.
 - Critical Areas Study, prepared by Environmental Corporation, dated April 6, 2020.
 - Drainage Report, prepared by ESM Consulting Engineers, LLC dated March 16, 2020, and revised on September 2, 2020.
 - Geotechnical Report, prepared by HWA GeoSciences Inc., dated August 4, 2006, and the Geotechnical Report Addendum, dated August 28, 2020.

No appeal of the SEPA determination was submitted and the threshold determination stands as issued.

9. 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.	No structure proposed for this development
<i>Front Setback (MMC 17.20)</i>	10 ft. w/o parking in front of building; 20 ft. next to residential zone	No structure proposed for this development
<i>Rear Setback (MMC 17.20)</i>	20 ft.	No structure proposed for this development
<i>Side Setbacks (MMC 17.20)</i>	10 ft., except 20 ft. next to residential zone'	No structure proposed for this development
<i>Lot Coverage (MMC 17.20)</i>	40%	No structure proposed for this development
<i>Maximum Hard Surface Coverage (MMC 17.20)</i>	90%	41%
<i>Parking (MMC 17.56)</i>	30 stalls	No additional parking required for this proposal as it is a storage yard
<i>Landscaping (MMC 17.56.130 and MMC 17.58)</i>	<i>Frontage:</i> <ul style="list-style-type: none"> • 5 ft. of Type III or 5 ft. of Type V 	<i>Frontage:</i> <ul style="list-style-type: none"> • 5 ft. of Type III or 5 ft. of Type V

Regulation (Chapter)	Requirement	Proposed
	<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"> • Parking lots containing less than twenty parking spaces need provide only perimeter screening to satisfy the ten percent area requirements 	<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"> • Parking will be less than 20 parking spaces. Therefore, interior parking lot landscaping is not required.
<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 will be located within an 8-foot-high sight-obscuring 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 contractor laydown yard will not produce objectionable odors, noises, dust, smoke, light, glare or electronic interference beyond property boundaries. No liquids or environmental hazard items will be stored on the property. Storage items will include items such as dowel baskets for concrete paving, forms, etc.
<i>Residential Compatibility (MMC 17.20.130)</i>	Buildings and site features shall be designed and arranged with sensitivity toward adjacent residential areas.	No structure proposed for this development and the contractor laydown yard 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.	Access is currently available to the property from 78th Street SW. Frontage improvements are required for this development.

10. 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.
11. There is an existing 12” stormwater pipe that conveys stormwater from the public right-of-way through this subject parcel. This stormwater pipe has no recorded easement for city access or maintenance. MMC 13.12.160F requires a permanent easement be dedicated to the city.
12. The project disturbs over one acre of land and requires a Construction Stormwater National Pollutant Discharge Elimination System (NPDES) permit. The permit was reissued on November 18, 2020 and is valid from January 1, 2021 through December 31, 2025.

13. HWA GeoScience's report dated August 28, 2020 recommends no construction of the proposed detention facility in the wet weather. Wet weather is defined as the period between October 1 through April 30.
14. HWA GeoScience's report dated August 8, 2020 recommends testing of the soils used to construct the berm of the detention pond.
15. The applicant obtained a Certificate of Concurrency from the City prior to permit issuance in accordance with Ordinance 1131, effective July 27, 2005.
16. Existing utilities serve the subject property. Water and sewer are currently provided by the MWWD. Electricity is provided by Snohomish County PUD. Natural gas is provided by Puget Sound Energy.
17. This property lies inside the 55 Day-Night Average Sound Level (DNL) noise contour of Paine Field Airport. Federal Aviation Administration (FAA) approval is not required for this project as no structures are being proposed.

Consistency with Mukilteo Comprehensive Plan:

18. The property is designated Industrial in the City's 2018 Comprehensive Plan.
19. 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:
 - 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.

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 November 19, 2020 and approved on December 12, 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. Final engineering drawings depicting the street improvements and drainage design shall be submitted to the City's Public Works Director for final review and approval before issuance of any grading permits. The street and drainage improvements shall be designed in accordance with the City's Development Standards
3. Landscaping shall be installed in accordance with the approved landscaping plan dated November 19, 2020 and approved December 10, 2020, and shall be subject the following:
 - a. 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 site.
 - b. 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.
 - c. 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.
4. Construction shall meet the requirements of the Geotechnical Report prepared by HWA GeoSciences Inc. dated August 4, 2006 and the Addendum dated August 28, 2020.
5. Prior to permit issuance, the applicant must:
 - a. Show that it has coverage under a Department of Ecology Construction Stormwater General Permit.

- b. Provide the name and contact information of the Certified Erosion and Sediment Control Lead (CESCL) for the project.
- c. Schedule an onsite preconstruction meeting with city engineering staff and the contractor to review sediment transport potential.

Mitigated Determination of Non-Significance (MDNS)

6. Construction, grading, and associated site development shall follow recommendations presented in approved drainage report prepared by ESM Consulting Engineers, LLC dated March 16, 2020 and revised September 2, 2020 for the Salinas Construction Contractor Laydown Yard project.
7. The applicant shall comply with all other applicable codes and regulations.

Stormwater

8. The Contech CDS2015-5-C and the Bio-Clean MWS-L-4-4-V water quality systems will require a maintenance bond for the 12-month inspection and maintenance period.
9. Prior to Engineering permit issuance, the City will require a bond estimate to cover the costs of these inspections and full replacement of the cartridges. Inspections shall follow the Department of Ecology's General Use Level Designation (GULD) under the Washington State Technology Assessment Protocol - Ecology better known as the TAPE protocol.
10. The earthen berms, pond bottom and the compaction rates shall be tested by a geotechnical expert. The test results shall be submitted to the City, showing how the berm and pond bottom meet the criteria, prior to permit final.
11. All pond construction shall be performed only in the dry summer months (May 1 through September 30). No pond work in the wet weather is allowed.
12. The applicant shall prepare and submit a draft drainage easement for the existing stormwater pipe that meets MMC 13.12.160F for review and acceptance by the city. The final easement shall be recorded with the Snohomish County Auditor's Office at the applicant's expense.

Public Improvements

13. 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

14. 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.
15. The contractor laydown yard shall not impede access or impact the MWWD Lift Station facility.
16. Plans shall be submitted to MWWD to determine what, if any, improvements would be required if additional water or sanitary sewer service is required.

Miscellaneous

17. 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.
18. All outside storage, including dumpsters, shall be enclosed by a sight-obscuring fence.
19. 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.
20. All contractors and subcontractors working on the project described herein shall obtain a business license from the City 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. 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 permit must be obtained within four (4) years from the date of this Notice of Decision (MMC 17.030.030(G)).
2. If a grading 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, March 19, 2021.**

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

3/4/21

Date

Andrea Swisstack

Andrea Swisstack, Director, Public Works

3/4/2021

Date



Location Map

pc: Applicant/Representative
 Reviewing Agencies
 Interested Parties

CDD Director
 Permit Services Coordinator
 Permit Services Assistants (2)

Property File
 Property Owners (300')