



Hearing Examiner Staff Report Estes Single-Family Residence Reasonable Use and Variance

Subject Title: Estes Single-Family Residence - Reasonable Use and Variance	Meeting Date: April 3, 2023 at 1:00p.m.
Lead Staff: Sarah Kress, Associate Planner	Exhibits: <ol style="list-style-type: none"> 1. Location Map 2. Plat Map 3. Applications 4. Site and Civil Plans 5. Construction Stormwater Pollution Prevention Plan 6. Building Elevation and Plans 7. Geotechnical Reports 8. Drainage Report 9. Reasonable Use Permit Letter 10. Variance Criteria Letter 11. Letter of Complete Application 12. Notice of Application 13. Comments 14. Affidavit of Publication 15. PowerPoint Presentation
Department Director: Andrew Galuska, Community Development Director	
Staff Recommendation: Hearing Examiner to GRANT the Reasonable Use and Variance Permits for the Estes Single-Family Residence (SFR-RUP-HE 2020-001/VAR-2020-001) subject to conditions.	

Background Summary:

Owner/Applicant: Chris Estes and Jacqu Deieon-Estes

Request: Reasonable Use Permit and Variance to reduce the setback from the steep slope from twenty-five feet to ten feet and reduce the front setback from twenty feet to ten feet to allow construction of a new single-family residence with associated grading and street frontage improvements

Property Address: 6305 Webster Way, Mukilteo, Washington 98275

Property Description: CHENNAULT BEACH BLK 004 D-00 - ALL LOT 3 CHENNAULT BEACH BLK 004 D-00 - ALL LOT 3
 Snohomish County Assessor Parcel No. 00408600400300

Comprehensive Plan Designation: Single-Family Residential – low Density

Zoning District: RD 12.5(S) Single Family Residential

Existing Land Use: Single-family residence

SEPA Status: Proposal is SEPA exempt. (197-11-800(1)(b)(i), “Minor New Construction –Flexible Thresholds”)

Applicable Approval Criteria:

Mukilteo Municipal Code (MMC)

- Chapter 17.52 CRITICAL AREA REGULATIONS
- Chapter 17.64 CONDITIONAL USES AND VARIANCES

Definitions:

Reasonable Use. The minimum use a property owner is entitled to by virtue of the due process and takings clauses of the state and federal constitutions.

Variance. The means by which an adjustment is made in the application of the specific regulations of this title to a particular piece of property.

Background

The subject property was subdivided with the Plat of Chennault Beach, recorded in 1943 (AFN 747579 (Exhibit 2). This plat was recorded prior to the adoption of critical area regulations.

Under MMC 17.52A, Geologic Sensitive Area Regulations, strict limits are placed on development in geologic sensitive areas. In the case of the subject property, the slopes greater than 40% percent limit the buildable area of the property.

As referenced earlier and shown on the site plan (Exhibit 4), most of the property is encumbered by slopes greater than 40% percent and the remainder is encumbered by required setbacks. The applicant is proposing to place the house and garage on the west portion of the property adjacent to Webster Way.

Under MMC 17.52A.050, for legal, undeveloped lots, a 25 foot setback is required from the top of slopes 40% or greater. When this regulation is applied to the subject property, there is no reasonable building pad available as the 25 foot buffer encroaches into the buildable area of the property. It is not possible to construct a reasonable sized single-family residence on the property if all of the zoning and critical area regulations are applied. This requires the submittal of an application using the Reasonable Use Provisions under MMC 17.52.025 and Variance criteria under MMC 17.64.040.

The applicant has proposed the following:

Area	Square Feet	Percentage
Building Footprint	2,020	15%
Deck	114	1%
Back Patio	35	0%
Front Patio and Steps	339	2%
Driveway	1240	9%
Total Area of Disturbance	4090	30%

No structures, grading or clearing activities are being proposed to take place beyond the identified disturbance area.

Findings of Fact:

1. On October September 22, 2020, Chris Estes (“applicant”) submitted a Reasonable Use and Variance Permit applications to construct a new 2,134 square foot single-family residence (“subject property”) located at 6305 Webster Way (Snohomish County Assessor’s Parcel Number 00408600400300). The City of Mukilteo determined the applications complete on June 8, 2021 (Exhibit 11).
2. The subject property is approximately 13,652 square feet (0.31 acres) in size and contains steep slopes.
3. The Comprehensive Plan designates the property as “Single-Family Residential - Low Density”. The property is zoned “RD 12.5(S) Single-Family Residential”. Per MMC 17.16.040 (“Permitted use matrix”), Single-Family Residential is a permitted use in this zone.
4. Table 1 and Figure 1 below summarize Comprehensive Plan designations, zoning designations and existing land uses for the subject property and adjacent properties:

Table 1: Analysis of Adjacent Properties – Comprehensive Plan Designation, Zoning and Land Use

Property	Comprehensive Plan	Zoning	Land Use
Subject Property	Single Family Residential – Low Density	RD 12.5(S) Single-Family Residential	Single-Family Residence
North	Single Family Residential – Low Density	RD 12.5(S) Single-Family Residential	Single-Family Residence
South	Single Family Residential – Low Density	RD 12.5(S) Single-Family Residential	Single-Family Residence
West	Single Family Residential – Low Density	RD 12.5(S) Single-Family Residential	Single-Family Residence
East	Single Family Residential – Low Density	RD 12.5(S) Single-Family Residential	Single-Family Residence

Reasonable Use Provisions

5. Under Reasonable Use provisions, staff can administratively reduce zoning and critical area buffers up to 50%. If any setback must be reduced more than 50%, the permit must be reviewed under the variance process, as outlined in MMC 17.64.040.
6. Under this Reasonable Use Permit and Variance application, the applicant is requesting a zoning setback reduction, critical area setback reduction, and modification to critical areas. The following reductions require approval by the Hearing Examiner:
 - a. Reduce the front yard setback from 20 feet to ten (10) feet. This is a reduction of 50%.
 - b. Reduce the setback from the top of slope from 25 feet to ten (10) feet. This is a reduction of 60%.
7. Table 2 below identifies minimum performance standards for “Reasonable Use Provisions” contained in MMC 17.52.025(B), and evaluates the proposal’s consistency with those standards

Table 2: Analysis of Reasonable Use Provision (MMC 17.52.025(B))

MMC 17.52.025	Regulation	Analysis
17.52.025.B.1	That no reasonable use with less impact on the critical area and/or the buffer is feasible and reasonable.	The proposed use of a single-family residence is an allowed use within the RD 12.5(S) zone. The proposal has been designed to have the least impact on the steep slopes by reducing the steep slope and front setback.
17.52.025.B.2	There is no feasible and reasonable on-site alternative to the proposed activity or use that would allow reasonable use with less adverse impacts to the critical area and/or buffer. Feasible on-site alternatives shall include but are not limited to: reduction in density or building size, phasing of project implementation, change in timing of activities, and revision of road or parcel layout or related site planning considerations.	Most of the site is impacted by steep slopes 40% or greater. The building footprint as shown was chosen because it creates the least impact to the steep slopes.
17.52.025.B.3	There are no practical alternatives available to the applicant for development of the property. An alternative is practical if the property or site is available, and the project is capable of being done after taking into consideration existing technology, infrastructure, and logistics in light of the overall project purpose.	With the majority of the property encumbered by either critical areas or setbacks, no reasonable building pad is available without impacting the critical area setback. The building pad has been located close to the existing street and ten (10) feet from the top of the slope. The building footprint has been designed to produce the least impact to the critical area.

MMC 17.52.025	Regulation	Analysis
		<p>The geotechnical analysis makes recommendations for construction that include erosion control, stormwater drainage, grading, , foundations, structural fill, and retaining walls. These recommendations take into account the characteristics of the site and applied best available science and prevailing technology to the analysis and recommendations.</p>
17.52.025.B.4	<p>The proposed activity or use will be mitigated to the maximum practical extent and result in the minimum feasible alteration or impairment of functional characteristics of the site, including contours, vegetation and habitat, groundwater, surface water, and hydrologic conditions, and consideration has been given to best available science;</p>	<p>The proposed house will be constructed outside of the steep slope area but will need to reduce the steep slope buffer. Stormwater will be collected and tied into the existing stormwater facility within the right-of-way.</p>
17.52.025.B.5	<p>There will be no material damage to nearby public or private property and no material threat to the health or safety of people on or off the property.</p>	<p>There is an existing single-family residence located to the north, south, east and west of the property. The proposed construction area will have little to no impacts to adjacent public and private property.</p> <p>The proposed building footprint has been designed to reduce to impacts to the neighboring property. The geotechnical report did not identify any potential concerns for neighboring property or people. Access to neighboring properties is not affected, as this lot accesses directly from Webster Way. Access from Webster Way by neighboring properties will not be impacted by the proposed single-family residence.</p> <p>Impacts during construction may include temporary blockage to a lane along Webster Way. The applicant is required to store all equipment and construction</p>

MMC 17.52.025	Regulation	Analysis
		material outside of the public right-of-way. If temporary road closures are required, a traffic control plan must be submitted by the applicant and reviewed and approved by the Public Works Director.
17.52.025.B.6	The proposed activity or use complies with all local, state, and federal laws and the applicant has applied for or obtained all required state and federal approvals.	The proposal appears to meet the requirements of the Mukilteo Municipal Code and the City's Development Standards. The applicant is required to obtain clearing and grading, right-of-way, stormwater and building permits. Staff is unaware of any state or federal permits required for this project.
17.52.025.B.7	The inability to derive reasonable use is not the result of actions by the applicant in segregating or dividing the property and creating the undevelopable condition after March 23, 1992.	The property was created under a plat that was recorded in 1943 prior to the adoption of any critical area regulations.

Based on the above analysis, the applicant's Reasonable Use Permit application meets the standards and regulations in order to qualify for a Reasonable Use Permit identified in MMC Section 17.52.025(B).

A Reasonable Use Permit may be granted administratively for single-family residences subject to the following development standards under MMC 17.52.025. If a greater reduction is necessary than provided by these standards, the Applicant must meet the standards for a Variance under MMC 17.64.040 and a decision shall be made by the Hearing Examiner.

Variance Criteria

8. Under MMC 17.64.040(A), a variance may be granted only if all of the following criteria are met:

Table 3: Analysis of Variance Performance Standards (MMC 17.64.040)

MMC 17.64.040	Regulation	Analysis
17.64.040(1)	Variance shall not constitute a grant of special privilege inconsistent with the rules and regulations governing the uses of other properties in the vicinity or zoning district in which the property for which the variance is requested is located.	The MMC allows reasonable use of any property that is encumbered by critical areas such as steep slopes, wetlands, or streams. The Applicant has met all other criteria for a Reasonable Use Permit under MMC 17.52.025 – Reasonable Use Provisions.

MMC 17.64.040	Regulation	Analysis
		<p>Single-family residences are a permitted use in the RD 12.5 (S) zone.</p> <p>By following the recommendations of the geotechnical report originally prepared by Geospectrum Consultants, Inc. with addenda from GEO Group Northwest, Inc. dated November 27, 2017 and forward (Exhibit 7), long term stability of the steep slopes is expected to increase.</p>
17.64.040(2)	<p>Special Circumstances relating to the size, shape, topography, location, or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity that are located in the same zoning district in which the subject property is located.</p>	<p>Most of the site is impacted by steep slopes 40% or greater.</p> <p>Under MMC 17.52A.050, a 25 foot setback is required from the top of steep slopes for all undeveloped lots.</p> <p>If these regulations, under MMC 17.52A, were applied to this site, all reasonable use of the property would be taken, creating an unbuildable lot under standard zoning and critical areas regulations.</p> <p>The building footprint as shown was chosen because it creates the least impact to the steep slopes.</p>
17.64.040(3)	<p>Not detrimental to the public health and welfare or injurious to the property or improvements in the vicinity or zone in which the subject property is situated.</p>	<p>The project application and submittals have been routed to other agencies and departments for their review and comments. No responses were received that stated that the variance would have any adverse impact to public street operations, drainage or adversely impact the public welfare.</p> <p>With the recommendations in the geotechnical analyses, the approval of:</p> <ul style="list-style-type: none"> • 10' front yard setback on the southwest property line • 10' setback from the top of slope • 4,090 square feet of impact (30% of the site) to the site will not be detrimental to property or improvements in the area. <p>As discussed under the Reasonable Use Provision subsection 5, the side setback separation from the adjacent properties</p>

MMC 17.64.040	Regulation	Analysis
		will be at least the minimum requirement. <ul style="list-style-type: none"> Access will be directly from Webster Way, which will not affect neighboring properties.
17.64.040(4)	Hardships of a financial nature, hardships which are self-created, and hardships which are personal to the owner and not to the property, shall not be grounds for a variance.	The request for the variance is due to the nature of the property, not actions created by the applicant. The lot was legally created prior to the adoption of critical area regulations which restrict developments on steep slopes, wetlands, streams, and their associated buffers.
17.64.040(5)	The use is permitted in the zoning district.	Single-family residences are a permitted use in the RD 12.5(S) zone.

Comparison Analysis

9. Under MMC 17.52.025(C)(2), at least seventy (70) percent of a reasonable use lot must be left undisturbed. For lots that are 7,500 square feet or smaller, the maximum footprint is 1,500 square feet. In order to determine the appropriate building footprint and disturbance area for this site, other reasonable use permits that are within the RD 12.5/RD12.5(S) zoning districts were analyzed. There are eight (8) permits that were used for the analysis.

Name/ Zone	Address	Lot Size	Building footprint (s.f./percentage)	Disturbance area (s.f./percentage) Excludes driveway
Fisk/Harris RD 12.5(S)	10027 Marine View Drive	24,154 s.f.	2,292 s.f. / 9.4%	4,080 s.f. / 17%
Gaenz RD 12.5	5334 84 th Street SW	20,881 s.f.	2,280 s.f. / 11%	3,078 s.f. / 14%
Steinman/Negriz RD 12.5	9040 61 st Place W	35,283 s.f.	1,424 s.f. / 4%	6,655 s.f. / 19%
Ramfar RD 12.5	9410 63 rd Place W	9,612 s.f.	2,135 s.f. / 22%	2,501 s.f. / 26% (nonconforming lot)
Nielsen RD 12.5	5640 96 th Street SW	27,809 s.f.	850 s.f. / 3%	6,400 s.f. / 23%
Griffin RD 12.5	9020 61 st Place W.	19,557 s.f.	2,604 s.f. / 13%	4,208 s.f. / 22%
Pinalto RD 12.5(S)	10601 Macarthur Lane	15,905 s.f.	2,600 s.f./ 16%	4,770 s.f. /30%
Kakar RD 12.5	9018 63 rd Place W.	60,509 s.f.	2,580 s.f. / 5%	7,000 s.f. / 12%

Name/ Zone	Address	Lot Size	Building footprint (s.f./ percentage)	Disturbance area (s.f./percentage) Excludes driveway
Estes RD 12.5(S)	6305 Webster	13,652 s.f.	2,134 s.f. / 16%	4,090 s.f./ 30%* *Number includes driveway

10. The Estes RUP footprint, as proposed, is in line with other lots within the RD 12.5/RD 12.5(S) zoning districts. The disturbance area is comparable, based on the size of the lot, to the other reasonable use permits within the same or similar zoning districts.
11. The proposed footprint was based on an evaluation of the topography. The footprint as proposed allows a reasonable size house and onsite parking with sufficient room for maintenance of the structure.
12. Per MMC 17.52.025(C)(2), yard areas will be permitted only if they do not encroach into the critical area or buffer. Property owners are allowed to maintain the area within the steep slope setback but cannot build structures within the setback area except as allowed by code. Although a small portion of the disturbed area would require the maintenance area to extend into the steep slope setback, the city feels this is necessary for the property owner to have the ability to perform necessary maintenance on their home. The portion of the property within the Native Growth Protection Area (NGPA) shall not be disturbed.
13. In accordance with MMC Chapter 17.13, City of Mukilteo issued a Notice of Application (Exhibit 12) on July 2, 2021, with a fourteen (14) day comment period that ended July 16, 2021. The City received five (5) written comments. Table 3 below includes public comment received during the Notice of Application comment period and the response from City staff.

Table 4: Notice of Application, Public Comment (Exhibit 13)

<p>Comment 1: The property owners at 6306 Webster Way request the following:</p> <ul style="list-style-type: none"> • Objection to the front setback reduction from 20 feet to 10 feet as well as the top of slope setback. • Property owner feels it will diminish the quality of living on their property and privacy, which makes the location very desirable for them. • Hopes that the request will be denied.
<p>Staff Response: Mukilteo Municipal Code Chapter 17.52.025 has provisions that allow a property owner reasonable use of their property. The applicant is proposing to reduce the critical area buffer by sixty percent and the front setback by fifty percent in order to construct the proposed home. <i>“Fifty percent or greater reduction requires approval by the hearing examiner through a variance process and with the submittal of a report relying on best available science and prepared by a qualified specialist to the city that demonstrates the reduction is warranted.”</i> The applicant has provided this information and therefore the city has no objection to the variance request to reduce the front setback in order to have reasonable use of the property due to the critical areas onsite.</p>
<p>Comment 2: Mr. Marmaduke questions this permitting proposal for the following reasons:</p> <ul style="list-style-type: none"> • Front yard pavement grading of 14% to 25% is far outside engineering grading design

norms of 10% to 13% maximum for paved driving surfaces.

- Clearly the preliminary drainage analysis shows If the driveway is 25% then the front-yard slope is pushing 35% and so does NOT comply with 'grass strip' storm filter mitigation.
- They need a curb and interceptor CB with a storm detention vault. Half of the buildout will be Impervious Runoff and the rest will be new unstable Steep Slope, even more steep than the existing steep slope.
- Building 3-story height, with reduced 10-foot building setback, means neighbor properties will never see the sun during winter months.

Staff Response: The slope of the driveway has been revised to meet the city's development standards of 5%. Per the Mukilteo Development Standards section 4.6.5.5, the maximum grade for driveways to meet the public right-of-way is five percent (5%). This grade shall not be exceeded for a distance of 20 feet from edge of pavement.

Stormwater improvements were designed to the Washington State Department of Ecology's Stormwater Management Manual for Western Washington (2012) as amended in 2014.

The current height limit for this zone is 35 feet. The city has no objection to the variance request to reduce the front setback in order to have reasonable use of the property due to the critical areas onsite.

Comment 3: Mukilteo Water and Wastewater District - There is no existing water service for this lot. There is one existing sanitary sewer service stubbed into the Southeast corner of the lot. There is a water main located in the North ROW of Webster Way capable of serving this property. There is an existing fire hydrant on the same side of Webster Way, in the ROW, at this lot. The City of Mukilteo Fire Department will need to comment whether the hydrant will meet their requirements. To obtain water and sewer service the owner would need to make application and payment for a water (District Installed) and side sewer permit at the district office. Once the sewer permit is purchased, the owner would need to hire a licensed side sewer contractor to connect the residence to the side sewer stub per District standards. The district will need to review and approve the licensed side sewer contractor prior to work on the sewer. Thank you for providing the district the opportunity to comment on the project.

Staff Response: The applicant is required to enter into an agreement with the District to ensure all water and sewer provisions meet the District's specifications and requirements. This is identified as a recommended condition of the permit.

Comment 4: Snohomish County Public Utility District No. 1- The District presently has sufficient electric system capacity to serve the proposed development. However, the existing District facilities in the local area may require upgrading. The developer is required to supply the District with suitable locations/easements on au parcels where electrical facilities must be installed to serve the proposed development. It is unlikely that easements will be granted on District-owned property, or consents granted within District transmission line corridors. Existing PUD facilities may need relocations or modifications at the developer's expense. Any relocation, alteration, or removal of District facilities to accommodate this project shall be at the expense of the project developer and must be coordinated with the PUD in advance of final design. Please include any utility work in the scope of all land-use permits. Cost of any work, new or upgrade, to existing facilities that is required to connect this proposed development to the District electric system shall be in accordance with the applicable District policy.

Staff Response: The applicant is required to adhere to the requirements of the utility companies. This is identified a recommended condition of the permit.

Comment 5: Mukilteo School District - Impact fees to be paid to the Mukilteo School District per GMA Ordinance before issuance of building permits

Staff Response: The applicant is required to adhere to the requirements of the School District. This is identified a recommended condition of the permit.

14. The proposal is SEPA exempt pursuant to Washington Administrative Code (WAC) section 197-11-800(1)(b)(i), “Minor New Construction –Flexible Thresholds” which states,
- “(1) Minor new construction. The following land use decisions shall be exempt:*
- (b) The following types of construction shall be exempt:*
 - (i) The construction or location of four detached single family residential units.*
 - (ii) The construction or location of four multifamily residential units.*
 - (iii) The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering 10,000 square feet, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feed lots.*
 - (iv) The construction of an office, school, commercial, recreational, service or storage building with 4,000 square feet of gross floor area, and with associated parking facilities designed for twenty automobiles. This exemption includes parking lots for twenty or fewer automobiles not associated with a structure.*
 - (v) Any fill or excavation of 100 cubic yards throughout the total lifetime of the fill or excavation and any excavation, fill or grading necessary for an exempt project in (i), (ii), (iii), or (iv) of this subsection shall be exempt.*

Construction of a single-family residence is exempt from SEPA.

15. The Reasonable Use Permit and Variance public hearing was noticed in accordance with City of Mukilteo requirements. The public hearing notice was mailed to property owners within 380 feet of the proposal, notices were posted in required city notification location, and a legal ad was published in the Everett Herald.

CONCLUSIONS

Based on the application and facts and findings of this staff report, the following conclusions are made:

1. The proposal meets the minimum performance standards and regulations required for granting of a Reasonable Use Permit and Variance.
2. The Reasonable Use Permit and Variance will have no adverse impact to the surrounding properties, and, more generally, it will not adversely affect the public health, safety and general welfare if conditioned as recommended.
3. The proposal for construction of a new single-family residence with associated grading, parking and access approach improvements if conditioned, meets the Reasonable Use Permit requirements in MMC Section 17.52.040 and Variance criteria in MMC Section 17.64.040.

4. The proposal is consistent with the City of Mukilteo Comprehensive Plan and the Mukilteo Municipal Code.
5. All public noticing requirements have been met.
6. Other than the Reasonable Use Permit and Variance approval by the Hearing Examiner, the permits required for this proposal include clearing and grading, stormwater, right-of-way and building permits.
7. According to the Reasonable Use Permit provisions under MMC Section 17.52.040 and the Variance criteria in MMC Section 17.64.040, if the criteria contained within these code sections are met, thus demonstrating compatibility then the application must be approved.

STAFF RECOMMENDATION

Based on the application and findings of fact and conclusions of the staff report, staff recommends that the hearing examiner **GRANT** the Reasonable Use Permit and Variance request (City File No. SFR-RUP-HE 2020-001/VAR-2020-001) from Chris Estes to reduce the setback from the steep slope from 25 feet to ten (10) feet and reduce the front setback from 20 feet to ten (10) feet to allow construction of a new single-family residence with associated grading, parking and access approach improvements for the property located at 6305 Webster Way in the RD 12.5(S) zoning district subject to the following conditions:

Disturbance Area

1. The disturbance limit line as shown on the approved site plan submitted October 12, 2022 and approved November 8, 2022, delineates where all improvements may be constructed. The disturbance area include the building footprint, the driveway area. The disturbance area shall also denote the border of the Native Growth Protection Area (NGPA).
2. No structures or foundation walls may be constructed within the steep slope setback area.
3. Utilities are not being proposed within the steep slope setback area. Utilities must be placed within the driveway access or use alternative methods acceptable to the Public Works Director to bring the utilities through the property.
4. In no case shall the disturbance area be greater than 30% of the property, excluding the driveway area, but including any parking/turnaround area.
5. Minor modifications of the site plan submitted may be approved by the Community Development Director and Public Works Director if the modifications do not require a change to the findings of fact or the conditions of approval.

Native Growth Protection Area

6. Temporary signs shall be placed at the perimeter of the NGPA at 50-foot intervals during periods of construction, clearing, grading or excavation on adjacent property. The signs shall describe the limitations on site disturbance and development adjacent to the NGPA. Permanent signs shall be placed at the perimeter of the NGPA at 50-foot intervals prior to final inspection/issuance of the certificate of occupancy.
7. 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 installations, 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.

8. A written report by a certified landscape architect, arborist, or wetland specialist shall be provided with all requests to modify or disturb a native growth protection area. The report shall be reviewed by the planning and public works directors, which shall approve, condition, or reject the request based on findings presented.

Variance

9. The following variances from MMC 17.20.020 Structure Bulk Matrix and MMC 17.52A.050 Geologic Sensitive Area Regulations are approved:
 - a. A reduction of the front yard setback from the southwestern property line from 20 feet to ten (10) feet.
 - b. A reduction of the setback from the top of slope from 25 feet to ten (10) feet.

Clearing and Grading

10. All development shall proceed in accordance with the recommendations listed in the Geotechnical Report prepared by Geospectrum Consultants Inc. dated November 27, 2017 and the Geotechnical Report Addenda Letters prepared by Associated Earth Sciences Incorporated dated December 18, 2020, March 19, 2021 and June 13, 2022.
11. The applicant's Geotechnical Engineer shall be on-site to monitor excavations to suitable bearing soils for the foundations. We should also be on site to inspect the progress of backfill and compaction, subsurface drainage installation, temporary and permanent erosion control, and to verify slope stability throughout the construction process, as noted in the geotechnical report. Copies of all inspection reports shall be submitted to the City's Engineering Department on a weekly basis.
12. Only those trees within the disturbance area are allowed to be removed. Other trees shall only be removed as allowed under MMC 17.52A.070, Vegetation Management on Steep Slopes. Outside of the approved disturbance area, only those trees that are determined to be hazardous by a certified arborist who specializes in risk assessment and a professional geotechnical engineer may be removed.

Site Access

13. The portion of the driveway approach located within the right-of-way shall be maintained by the property owner. Per the Mukilteo Development Standards section 4.6.2, Access Management and Design, maintenance of driveway approaches shall be the responsibility of the owner whose property they serve.

Fire Department

14. The following requirements shall be adhered to during construction and completed before occupancy of any structure in accordance with Fire Code Development Standards and applicable International Fire Code at time of application:
 - a. An automatic 13D residential sprinkler system shall be required in accordance with Section 903.3.1 of the International Fire Code due to property topography and based on limited Fire Department access;
 - b. A water supply capable of supplying the required fire flow for fire protection must be

provided;

- c. 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;
- d. 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;
- e. Hydrants shall be fitted with a 4" quarter turn Storz adaptor; and
- f. 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.

Utilities

- 15. The applicant shall enter into a "Developer Extension Agreement" with the Mukilteo Water and Wastewater District. All construction of water and sewer facilities shall be in accordance with the standards, specifications and regulations of the District.
- 16. 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.

Other

- 17. Prior to permit issuance, a Land Use Binder shall be prepared and recorded with Snohomish County stating the Conditions of Approval for the Estes Single-family Residence Reasonable Use Permit and Variance.
- 18. All contractors and subcontractors working on the project described herein shall obtain a business license from the City before initiation of any site work.
- 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. If at any time during clearing, grading or construction the public 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.
- 21. All mailbox locations must be approved and signed off by the U S Postal Service prior to permit issuance. Please contact the Growth Management Coordinator at 425.514.9843 to arrange an appointment.
- 22. The applicant and contractor shall attend a pre-construction meeting with City staff to discuss expectations and limitations of the project permit prior to the start of construction or site improvements.
- 23. An on-site stormwater preconstruction meeting with the contractor is required.

Mitigation Fees

24. The applicant shall pay park, school and traffic mitigation fees or other forms of negotiated impact mitigation directly to the City of Mukilteo in accordance with MMC 3.100, MMC 3.105 and MMC 3.107 or similar requirements associated with the Growth Management Act. Payment of the impact mitigation fees shall be made to the City prior to building permit issuance. The total fee or mitigation amount shall be based on the mitigation fees in effect at the time of fee payment.

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