



## ADMINISTRATIVE SITE PLAN APPROVAL - TWIN LAKES LANDING 2

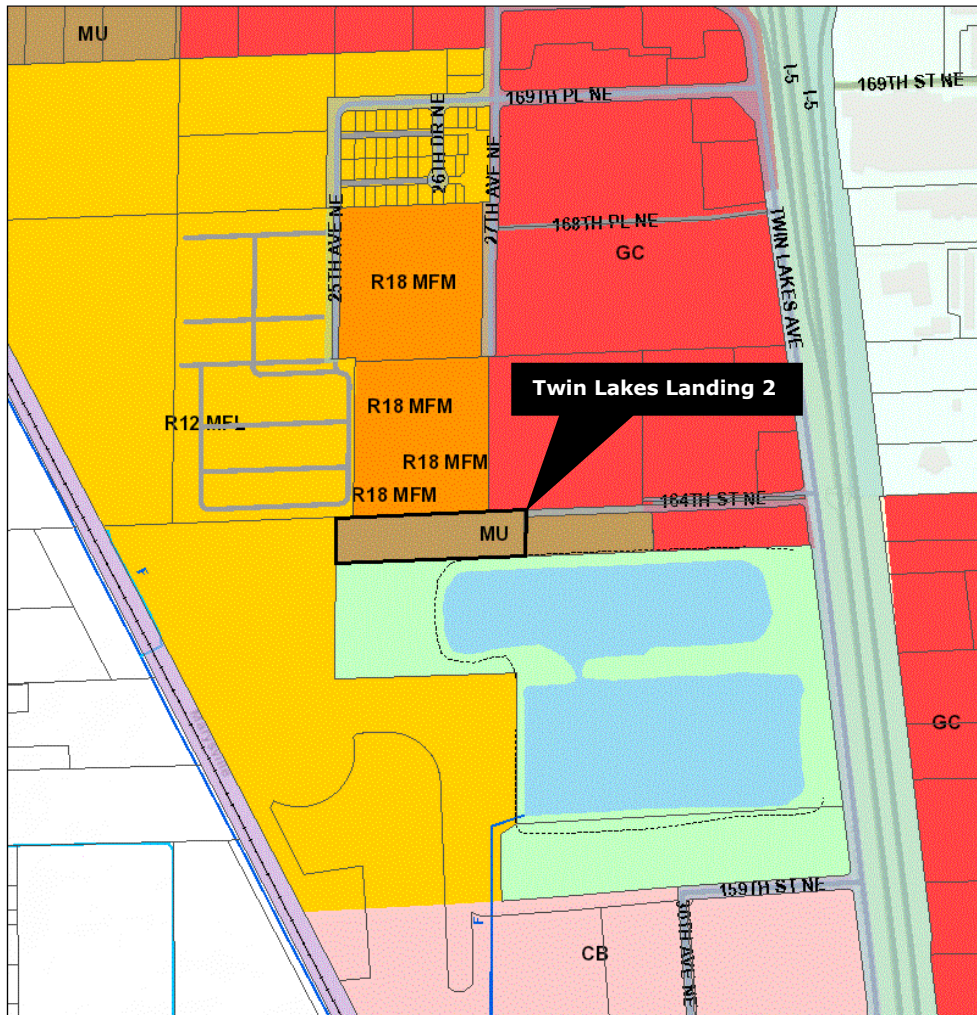
Community Development Department ♦ 80 Columbia Avenue ♦ Marysville, WA 98270  
 (360) 363-8100 ♦ (360) 651-5099 FAX ♦ Office Hours: Mon - Fri 7:30 AM - 4:00 PM

PROJECT INFORMATION										
<b>Project Title</b>	Twin Lakes Landing 2			<b>Date of Report</b>	April 23, 2021					
<b>File Number</b>	PA20-029			<b>Attachments</b>	Site plan (Exhibit 39), SEPA MDNS (Exhibit 42) & HE Parking Variance Decision (Exhibit 44)					
<b>Administrative Recommendation</b>	Approve the multi-family site plan subject to the conditions of approval contained in Section 2.0.									
BACKGROUND SUMMARY										
<b>Owner/Applicant</b>	Housing Hope/ Doug Hofius of Dykeman Architects									
<b>Request</b>	Administrative site plan approval in order to construct a 60-unit multi-family residential development serving limited income residents.									
<b>SEPA Status</b>	A SEPA MDNS was issued on March 23, 2021. The appeal period expired April 7, 2021; no appeals were filed.									
<b>Site Address</b>	2630 164 <sup>th</sup> Street NE			<b>APN(s)</b>	31052900300100					
<b>Legal Description (abbreviated)</b>	Parcel 1 City of Marysville BLA13-006 Recorded under AFN 201310015001			<b>Section</b>	29	<b>Township</b>	31	<b>Range</b>	05	
<b>Comprehensive Plan</b>	MU	<b>Zoning</b>	MU	<b>Shoreline Environment</b>			N/A			
<b>Water Supply</b>	<b>Current</b>		<b>Proposed</b>		<b>Sewer Supply</b>	<b>Current</b>		<b>Proposed</b>		
	None		City			None		City		
<b>Present Use of Property</b>	Vacant land.									
REVIEWING AGENCIES										
<b>Marysville</b>	<b>Local Agencies &amp; Districts</b>			<b>State &amp; Federal</b>			<b>County</b>		<b>Other</b>	
<input checked="" type="checkbox"/> Building <input checked="" type="checkbox"/> Fire District <input checked="" type="checkbox"/> Land Development <input checked="" type="checkbox"/> Parks <input checked="" type="checkbox"/> Planning <input checked="" type="checkbox"/> Police <input checked="" type="checkbox"/> Public Works	<input checked="" type="checkbox"/> Arlington (city) <input checked="" type="checkbox"/> Arlington Airport <input type="checkbox"/> Everett (city) <input checked="" type="checkbox"/> Frontier <input type="checkbox"/> Lake Stevens (city) <input checked="" type="checkbox"/> Lakewood SD 306 <input type="checkbox"/> Marysville SD 25 <input checked="" type="checkbox"/> PUD No. 1			<input type="checkbox"/> BNSF <input checked="" type="checkbox"/> DAHP <input checked="" type="checkbox"/> DOE <input checked="" type="checkbox"/> US Army Corps of Engineers <input checked="" type="checkbox"/> WDFW <input type="checkbox"/> WSDOT <input type="checkbox"/> WUTC			<input checked="" type="checkbox"/> Health District <input type="checkbox"/> Planning <input checked="" type="checkbox"/> Public Works - Land Development <input type="checkbox"/> Public Works		<input checked="" type="checkbox"/> Tulalip Tribes <input checked="" type="checkbox"/> Stillaguamish Tribe	
ACTION										
<input checked="" type="checkbox"/> Administrative <input type="checkbox"/> City Council <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Planning Commission										
<b>Date of Action</b>	April 23, 2021			<input checked="" type="checkbox"/> Approved		<input type="checkbox"/> Denied		<input type="checkbox"/> Continued		
STAFF										
<b>Name</b> Angela Gemmer	<b>Title</b> Senior Planner	<b>Phone</b> 360.363.8240	<b>E-mail</b> <a href="mailto:agemmer@marysvillewa.gov">agemmer@marysvillewa.gov</a>							

**SURROUNDING USES**

	<b>Comprehensive Plan</b>	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	Mixed Use	MU	Vacant land
<b>North</b>	General Commercial & Multi-family, Medium Density	GC & R-18	Vacant land
<b>East</b>	Mixed Use	MU	Twin Lakes Landing Ph. 1
<b>South</b>	Recreation	REC	Gissberg Twin Lakes Park
<b>West</b>	Multi-family, Low Density	R-12	Vacant land

**Vicinity Map**



- |                       |                         |                                 |                           |
|-----------------------|-------------------------|---------------------------------|---------------------------|
| General Commercial    | 88 - Mixed Use          | R12 Multi-Family Low            | R4.5 Single Family Medium |
| Downtown Commercial   | General Industrial      | R6-18 Multi-Family Low          | Public-Institutional      |
| Community Business    | Light Industrial        | R8 Single Family High Small Lot | Recreation                |
| Neighborhood Business | R28 Multi-Family High   | R6.5 Single Family High         | Open                      |
| Mixed Use             | R18 Multi-Family Medium | R4-8 Single Family High         |                           |

**1.0 FINDINGS AND CONCLUSIONS**

**1. Description of Proposal**

Doug Hofius of Dykeman Architects (applicant) is requesting Administrative Multi-Family Site Plan Approval in order to construct a 60-unit multi-family residential development on a 3.73 acre site, and associated site improvements including, but not limited to, landscaping, parking, open space, and stormwater facilities. The project is proposed to consist of six one-bedroom units, 34 two-bedroom units, and 20 three-bedroom units, and will provide stable housing for extremely low income and formerly homeless families.

**2. Project History**

A formal land use application was filed on May 27, 2020, and deemed complete on July 6, 2020. Notice of this application was provided in accordance with MMC Section 22G.010.090, *Notice of development application*. No written comments or phone calls were received as of the date of this report; however, one citizen had questions regarding a parking variance affiliated with this project which were addressed during the public hearing on the parking variance.

**3. Site Location**

The subject property is located within the City of Marysville, at the westerly terminus of 164th Street NE, west of Twin Lakes Avenue, and north of Gissberg Twin Lakes Park. The site is addressed as 2630 164th Street NE and is identified by Assessor’s Parcel Number 31052900300100.

**4. Site Description**

The subject property is approximately 3.73 acres of vacant commercial land that is generally flat. Vegetation primarily consists of native grasses, weeds, and sparse trees with areas of mature forest in the center and north portions of the site. According to the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS), on-site soils consist of Norma loam.

**5. Surrounding Uses**

The subject property is zoned Mixed Use. Surrounding uses include vacant land to the north and west; Twin Lakes Landing 1 multi-family residences to the east; and Gissberg Twin Lakes Park to the south.

**6. Critical Areas**

*A Wetland and Fish and Wildlife Habitat Assessment Report and Conceptual Mitigation Plan* prepared by Soundview Consultants dated May 2020 and revised in January and March 2021, identifies one Category IV wetland, identified as Wetland A, and a potential jurisdictional ditch on-site. Gissberg Twin Lakes Park also abuts the project’s south property line. Pursuant to MMC Section 22E.010.220(1)(a), the setbacks from the lakes within the park correspond to the County park boundaries.

The project was designed to utilize the developable upland area on the central and eastern portion of the site. In response to City and Department of Ecology staff comments, the applicant amended their site plan to reduce the size of the western parking area which minimizes some of the direct wetland impacts.

The portion of the Category IV wetland located on-site is approximately 45,385 square feet and encumbers approximately one-third of the site which significantly constrains the developable area for the site. The potential jurisdictional ditch along the northern

property line also inhibits the required extension of 164<sup>th</sup> Street NE. Consequently, the partial fill (9,287 square feet) of the low-functioning Category IV wetland, and the potentially regulated ditch (5,082 square feet) along the northern boundary of the subject property, is needed. In addition, 14,659 square feet of indirect wetland impacts are anticipated due to the 164<sup>th</sup> Street NE extension.

The applicant proposes compensatory mitigation for the partial fill of Wetland A, indirect impacts to Wetland A, and the partial fill of the potential jurisdictional ditch along the northern property boundary, through the purchase of mitigation bank credits from the Snohomish Basin Wetland Mitigation Bank in compliance with Chapter 22E.010 MMC, *Critical Areas Management*. In addition, the approximately 14,659 square foot area of indirect wetland impact area and remaining on-site buffer area will be fully enhanced with native trees, shrubs, and groundcover to improved its ecological functions.

Consistent with SEPA MDNS Condition 2, the applicant shall obtain all necessary Federal, State, and local permits for temporary and permanent impacts to critical areas and regulated ditches prior to beginning any land disturbing activities. The applicant shall furnish the Planning Division with a copy of said permits, or documentation demonstrating that the work is permit exempt, as applicable.

**7. Utilities**

There is an 8-inch ductile iron (DI) water main, and a 15-inch PVC sanitary sewer main located in 164<sup>th</sup> Street NE. Water and sanitary sewer will be required to be extended along the project's 164<sup>th</sup> Street NE frontage. Water, sewer, and surface water capital improvement fees are required for the new dwelling units.

**8. Stormwater Drainage**

The proposal will be required to be developed in compliance with the Washington State Department of Ecology's 2012 *Stormwater Management Manual for Western Washington* as amended in December 2014. The *Conceptual Stormwater Site Plan* prepared by David Harmsen, P.E., dated December 12, 2019 and revised September 30, 2020, indicates that 100 percent of the runoff from the site will be infiltrated through the use of pervious pavement. The landscape and courtyard areas will be surfaced with amended topsoil over a free draining subgrade. These areas will be tributary to the pervious pavement. Any runoff from large storm events will reach the storage rock layers under the pervious pavement and infiltrate. Runoff from public roads improvements will be infiltrated into three separate bioretention cells located within planters.

**9. Access, Parking, and Circulation**

The multi-family residences will be served by two separate parking lots that access off of 164<sup>th</sup> Street NE. The multi-family residences will be located between the parking lots. The eastern parking lot will obtain access by sharing an existing drive aisle located in the northwest corner of the Twin Lakes Landing 1 site; the shared access will require that an access easement be executed. The western parking lot will have a separate drive aisle.

The applicant requested a parking variance to reduce the required off-street parking from 104 to 75 spaces, which is a 28 percent reduction in the required parking and results in approximately 1.25 parking space being provided per unit. The Hearing Examiner approved the parking variance on March 24, 2021 subject to two conditions of approval which are as follows:

- 1) A minimum of 75 off-street parking stalls shall be provided. These parking stalls are required to comply with the applicable development standards outlined in Chapter 22C.130 MMC, Parking and Loading.
- 2) If the reduced number of spaces creates an on-going, persistent problem with over flow parking, the applicant will be required to provide additional stalls and associated improvements, or implement other alternative methods to alleviate the over flow parking problem, as determined by the City Traffic Engineer.

10. **Traffic Impacts and Mitigation**

A Traffic Impact Analysis (TIA) was prepared by Gibson Traffic Consultants dated March 25, 2020. According to the TIA, the proposed development would generate approximately 326.4 Average Daily Trips (ADT), 21.6 AM peak hour trips (AMPHT), and 26.4 PM peak hour trips (PMPHT).

The City Engineer reviewed the information on file for the project and issued a written concurrency recommendation dated February 23, 2021 informing the developer of the project's impacts and mitigation obligation pursuant to Chapter 22D.030, *Traffic Impact Fees and Mitigation*. Pursuant to MMC Section 22D.030.070(1)(d), an applicant is required to make a written proposal for mitigation of the impacts to the Public Works Director, based on the concurrency recommendation. The applicant accepted the traffic concurrency recommendation on March 16, 2021. The conditions of the concurrency determination are as follows:

- a. In order to mitigate impacts upon the future capacity of the road system, the applicant shall be required to submit payment to the City of Marysville, on a proportionate share cost of the future capacity improvements for the development as set forth in MMC 22D.030.070(3). Traffic impact fees shall be vested at a rate of \$6,300.00 per new PM peak hour trip (PMPHT). The estimated impact fee is \$166,320.00. Calculation: (60 units x 0.44 PMPHT per unit x \$6,300 per new PMPHT).

Pursuant to MMC Chapter 22D.010, credit against the traffic impact fees may be allowed for the construction of 164<sup>th</sup> Street NE west of the future roundabout at the intersection of 27<sup>th</sup> Avenue NE. The amount of credit for the improvements to 164<sup>th</sup> Street NE shall be approved by the City Engineer.

- b. The applicant shall construct the south half of 164<sup>th</sup> Street NE across the majority of the property's northern frontage, and dedicate the associated right-of-way to the City. 164<sup>th</sup> Street NE is identified as a 3-lane minor arterial with streetscape in the *Lakewood Neighborhood Master Plan* to be built per Engineering Design and Development Standards (EDDS) Standard Plan (SP) 3-201-001, as modified by variance granted via letter from the City dated November 17, 2020. The required standard would situate the face-of-curb 20-feet from the planned right-of-way centerline, which lies along the parcel's current northern boundary.
- c. The applicant shall construct full-width frontage improvements along the property's 164<sup>th</sup> Street NE frontage on the west end of the site, adjacent to Assessor's Parcel Number 00960003000100 (Crystal Tree Village Mobile Home Park), and dedicate the associated right-of-way to the City. The section of 164<sup>th</sup> Street NE west of the 27<sup>th</sup> Avenue NE extension shall include a 12-foot multi-use trail on the north side of 164<sup>th</sup> Street NE to the western property line. The alignment of 164<sup>th</sup> Street NE shall include a 'jog' to transition from the half street section to the full frontage section indicated above. The 'jog' shall consist of reverse horizontal curves or opposing curves separated by a short tangent section. The horizontal curves shall be consistent with

the latest edition of the AASHTO *Policy on Geometric Design of Highways and Streets*, with a minimum radius of 165-ft.

- d. The project shall dedicate additional right-of-way to accommodate a future roundabout at the anticipated intersection of 27<sup>th</sup> Avenue NE and 164<sup>th</sup> Street NE; the roundabout shall be designed as a "Compact Roundabout". Construction of the roundabout is anticipated to be primarily located on parcels to the north with 10-feet of additional right-of-way needed from the proposed development.

11. **Park Impacts**

Pursuant to [MMC Chapter 22D.020](#), the applicant shall mitigate City of Marysville parks impacts through payment of the park impact fee in effect at the time of building permit issuance.

12. **School Impacts**

Pursuant to [MMC Chapter 22D.040](#), the applicant shall mitigate school impacts through the payment of the school impact fee in effect at the time of building permit issuance.

13. **SEPA**

A State Environmental Policy Act (SEPA) Mitigated Determination of Non-Significance (MDNS) was issued on March 23, 2021 (Exhibit 42). The appeal period expired April 7, 2021; no appeals were received on the MDNS.

14. **Agency Review**

A *Request for Review* of the proposed project was sent to the following Local, County, State, and Federal Agencies and Districts:

- a. *Snohomish County Parks, Recreation and Tourism*: James Yap, PLA, Arborist with Snohomish County Parks, provided the following comments in an email dated July 16, 2020. Doug Hofius, applicant, provided responses on behalf of Housing Hope, in an resubmittal letter received October 29, 2020; for clarity, the response immediately follows each question.

- *Snohomish County Parks*: What is the setback from the south property line to the nearest built structure?

*Applicant Response*: The setback is 15'.

- *Snohomish County Parks*: There should be no access from the development into the park.

*Applicant Response*: A continuous fence is described along the south property line.

- *Snohomish County Parks*: Fencing on south boundary line should be identical to Phase 1 development.

*Applicant Response*: *Drawing Sheet L5 describes the fence, which matches the fence on Phase 1.*

- *Snohomish County Parks*: Southern walkway leads to a dead end. Screen planting should be proposed here so it will be consistent with the permitted Phase 1 landscape plan.

*Applicant Response*: *A pedestrian connection to Phase 1 will be provided.*

- Snohomish County Parks: Re-orient the half-court basketball to east-west direction or a 20 foot high fence [should be installed] to prevent balls from flying into the park.

Applicant Response: See Drawing SD1.1 for revised layout [of the court].

- Snohomish County Parks: Where does the storm water ultimately discharge?

Applicant Response: All stormwater is discharged and infiltrated on site.

- Snohomish County Parks: Impacts to wetlands. In Chapter 7 of the Assessment Report and Conceptual Mitigation Report, it mentioned low functioning Category IV wetland (Wetland A) and off-site mitigation. There is no mention of upgrading the wetland on site. Since it is of poor quality, it should be restored and enhanced on site first. Any remaining mitigation to be done will then be mitigated through the bank (SBMS). Wetland A has all the criteria to be a high value and functioning wetland. A good example is south of Twin Lakes Park.

Applicant Response: Soundview Consultants proposed onsite wetland enhancement in addition to the purchase of wetland and buffer credits through the Snohomish Basin Mitigation Bank to compensate for the direct and indirect impacts to Wetland A and the potential jurisdictional ditch; these details are outlined throughout our report. Please refer to Section 7.3.3 (Onsite Non-Compensatory Enhancement) and Sections 7.4 through 7.11 for details of the onsite enhancement including the approach and best management practices; goals, objective, and performance standards; maintenance and monitoring plan; reporting; contingency plan; conservation easement; and financial assurances. It is anticipated that the proposed project will result in a net increase in ecological functions onsite and within the Snohomish River watershed (Water Resource Inventory Area 7) when compared to the existing degraded conditions of the wetland and potential jurisdictional ditch proposed to be impacted.

Supplementary Staff Response: Based on a review of the resubmittal, staff concludes that the concerns of Snohomish County Parks have been addressed by the resubmittal. The project will be conditioned to require a quality, six-foot tall, sight-obscuring fence, which matches the fence installed for Twin Lakes 1, be constructed along the property's common border with Gissberg Twin Lakes Park prior to a Certificate of Occupancy being granted.

- b. Snohomish County Public Utility District No. 1: In a letter dated July 29, 2020, Mary Wicklund indicated that, the District presently has enough 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 all parcels where electrical facilities must be installed to serve the proposed development.
- c. Department of Ecology: Doug Gresham, Wetland Specialist, provided the following comments in an email dated July 28, 2020:

I reviewed the Twin Lakes Landing project and have the following comments about wetland impacts and mitigation. Wetland A was rated as Category IV with a 35' buffer. The proposed western parking lot will cause direct impacts from filling Wetland A and these will be mitigated by purchasing credits at the Snohomish Basin mitigation bank. As long as they submit a JARPA to Ecology we would approved this. However, I have concerns with the indirect impacts because there is no effective buffer around this parking lot. Ecology considers this lack of buffer as paper fill that needs to be mitigated just like direct impacts. They need to show a 35' buffer setback from the edge of the parking lot as it overlaps the wetland as an indirect impact. They should

purchase additional credits at the mitigation bank for this impact at half of the typical replacement ratio. They should not receive any credit for the on-site wetland enhancement they propose where this paper fill occurs. They may want to consider creating a different configuration that doubles the stalls in the eastern parking lot instead of impacting Wetland A.

Applicant Response: The eastern portion of the subject property is already designed with a compact parking configuration, so there is a lack of space available to double the parking stalls. Doubling the parking stalls would also be detrimental to the safety of the future residences as this would inhibit emergency vehicle access and appropriate turn-around areas to serve the buildings located on the western portion of the subject property. As it is not feasible to relocate the parking spaces, SVC's report has been revised to incorporate the purchase of additional credits from Snohomish Basin Mitigation Bank (SBMB) to compensate for the indirect impacts to Wetland A. Credits are proposed to be purchased from the mitigation bank at a ratio of 0.2:1 which is consistent with the SBMB Mitigation Banking Instrument (MBI) guidelines for purchasing credits to compensate for wetland buffer impacts. Marysville Municipal Code (MMC) 22E.010 does not specify a mitigation ratio for wetland buffer impacts. However, the SBMB MBI specifies that "since one bank credit is generated for every 5 acres of aquatic wetland or riparian buffer restoration, a ratio of "0.20:1" for critical areas buffer impacts results in a "1:1" ratio for area on the ground of permitted buffer impact to buffer restoration at the bank" (Habitat Bank LLC, 2016). As such, the ratio of 0.2:1 will result in 1:1 compensation for the proposed buffer impacts which will be provided in addition to the proposed onsite wetland enhancement that will act as functional buffer area and provide additional protective screening between the wetland and proposed development.

Supplemental Staff Response: After the above response was received from the applicant, the applicant amended their project to reduce the size of their western parking lot thereby minimizing wetland impacts. The applicant's proposal to mitigate critical areas impacts complies with standards set forth in Chapter 22E.010, *Critical Areas Management*.

- d. *Stillaguamish Tribes:* No comments received.
- e. *Tulalip Tribes:* Kurt Nelson, Environmental Division Manager for the Tulalip Tribes Natural Resources Department, provided the following comments in an email dated April 8, 2021:

Project Related Comment: Looking at Sheet 2 in the mitigation plan, I am not sure how the applicant is avoiding and minimizing impacts when they basically want to fill a wetland for a parking area. They should be able to reconfigure their proposal to avoid much more of the wetland than they show. Has the applicant sent this proposal to the USACE for approval?

General Comment: A vast majority of wetland within the Quilceda Watershed have been lost (see Quilceda/Allen Watershed Management Plan), largely through impacts like this one. A greater emphasis needs to be made to protect existing wetlands in the basin, or mitigating in the basin. Simply and conveniently allowing fill to occur and having applicants go to a mitigation bank needs closer scrutiny. I believe the MMC prioritizes using mitigation banks over onsite mitigation, as does Ecology and the USACE. We strongly disagree with this prioritization approach in these smaller built watersheds that rely on the remaining wetlands to recharge and provide water quality improvements to streams and other wetlands. The need to maintain streamflow is going to become increasingly important with climate change.

Staff Response: The City and Ecology both provided comments to the applicant requesting that the applicant consider site plan revisions to minimize wetland impacts. The applicant made some revisions to the site plan (primarily reducing the



size of the western parking area) to reduce impacts to the wetland. The modified parking area required a parking variance which the City supported in part so that wetland impacts could be minimized. The Tulalip Tribes comments have been forwarded to the applicant, and the City has requested that the applicant provide an update to the Tribes on the status of their application with United States Army Corps of Engineers (USACE). The general comments have been forwarded to the Community Development Director and Planning Manager.

- f. *Marysville Fire District:* In an email dated November 17, 2020, David VanBeek, Assistant Fire Marshall, indicated that the project appears acceptable and that approval is recommended. Fire District requirements are required to be addressed during civil construction plan and building permit review as applicable.

15. **Application Review**

MMC Section 22G.010.140(3) requires the City to determine whether or not the project is consistent with the following items described in the applicable plans and regulations:

- a. Type of land use permitted at the site, including uses that may be allowed under certain circumstances, such as planned residential development and conditional uses, if the criteria for their approval have been satisfied.

Staff Comment: Pursuant to MMC 22C.020.060, multi-family residences are permitted outright in the MU zone. The proposed project meets the allowable density and dimensional standards of the MU zone.

- b. Density of residential development in urban growth areas.

Staff Comment: The base density permitted in the MU zone is 28 dwelling units per acre. The applicant is proposing 60 multi-family units on a 3.73 acre site (3.73 acres x 28 units per acre = 104.4 which rounds to 104 units permitted) which complies with the allowable density for the MU zone.

- c. Availability and adequacy of public facilities identified in the Comprehensive Plan.

Staff Comment: The Comprehensive Plan designation for the subject property is Mixed Use. There are adequate water, sewer, and other public facilities to serve the proposed development. The proposed development and subsequent use of the property will be consistent with the pertinent development policies outlined in the Marysville Comprehensive Plan, as conditioned herein.

The following development policies outlined in the Comprehensive Plan that are specifically pertinent to this request and were used to establish appropriate conditions are as follows:

**LAND USE ELEMENT**

General Development Land Use Policies

*Policies:* LU-9, LU-11

Mixed Use Land Use Policies

*Policies:* LU-149, LU-155

**ENVIRONMENTAL ELEMENT**

Earth Goals and Policies

*Policies:* EN-19, EN-21

Water: Quality, Wetland/Watershed Protection, Storm Water Runoff, Drainage

*Policies:* EN-38

**TRANSPORTATION ELEMENT**

Mobility Options

*Policies:* T-25, T-26  
Sustainable Transportation Systems and the Environment

*Policies:* T-34  
Level of Service Standards and Concurrency

*Policies:* T-41

#### **UTILITIES ELEMENT**

*Policies:* UT-3, UT-5, UT-8, UT-10

#### **PUBLIC FACILITIES & SERVICES ELEMENT**

Police, Fire, Library

*Policies:* PS-1, PS-3, PS-9, PS-10, PS-11

Water, Sewer, Storm Drainage, Solid Waste

*Policies:* PF-1, PF-2, PF-7, PF-9, PF-23

d. Development Standards.

Staff Comment: The project site is currently zoned Mixed Use (MU). The purpose of the mixed use zone (MU) is to provide for pedestrian- and transit-oriented high-density employment uses together with limited complementary retail and higher density residential development in locations within activity centers where the full range of commercial activities is not desirable. The base density is 28 units per acre. After review of the application materials, site plan and information on file with the City, it has been determined that the proposed multi-family site plan, as conditioned herein, complies with all of the applicable design and development standards outlined in Title 22 – *Unified Development Code*.

16. **In House Days**

Pursuant to MMC Section 22G.090.380, a decision on the application shall be made within 120 days from the date of the letter of completeness. A decision on this application was made 54 in-house days from the date of completeness.

17. **Conclusion**

The proposed development, as conditioned herein, will make appropriate provisions for the public use and interest, health, safety, and general welfare.

## **2.0 DECISION**

Based on the foregoing findings and conclusions, and review of the City’s regulatory authority to implement the policies, standards, and regulations of the Comprehensive Plan and MMC, the Community Development Director hereby grants preliminary **Administrative Multi-Family Site Plan Approval** for Twin Lakes Landing 2 subject to the following conditions:

1. The site plan date stamped March 12, 2021 is the approved site layout (Exhibit 39).
2. The applicant shall submit payment to Lakewood School District No. 306 for school impacts caused by the development in accordance with MMC Chapter 22D.040, *School Impact Fees and Mitigation*. School mitigation fees will be based on the fee schedules in effect at the time an individual building permit application is accepted by the City, and will be required to be paid prior to building permit issuance.
3. The applicant shall submit payment to the City of Marysville for park impacts caused by the development in accordance with MMC Chapter 22D.020, *Parks, Recreation, Open Space and Trail Impact Fees and Mitigation*. Park mitigation fees will be based on the fee schedules in effect at the time an individual building permit application is accepted by the City, and will be required to be paid prior to building permit issuance.

4. Roof mounted mechanical equipment shall be located and screened by a parapet, or other primary building element, so the equipment is not visible within 150 feet of the structure when viewed from the ground level of adjacent properties. The color of roof mounted equipment must be matched with the exposed color of the roof to minimize visual impacts when equipment is visible from higher elevations nearby.
5. The applicant shall be required to execute an access easement for the shared access that crosses over the northwest corner of the Twin Lakes Landing 1 parking area which provides access to the eastern parking lot for Twin Lakes Landing 2.
6. Prior to civil construction plan approval, a final landscaping plan complying with the standards set forth in Chapter 22C.120 MMC, *Landscaping and Screening*, and MMC Section 22C.010.290, Site and building design standards, shall be submitted for review and approval. The landscape plans shall include details on proposed playground equipment and other amenities.
7. Prior to civil construction plan approval, a final critical areas mitigation plan complying with the standards set forth in Chapter 22E.010, *Critical Areas Management*, shall be submitted for review and approval.
8. Prior to civil construction plan approval, compliance with the bicycle standards set forth in MMC Section 22C.130.060 shall be demonstrated including provision of details on the proposed bicycle racks.
9. A quality, six-foot tall, sight-obscuring fence, which matches the fence installed for Twin Lakes 1, shall be constructed along the property's common border with Gissberg Twin Lakes Park prior to a Certificate of Occupancy being granted.
10. Appropriate lighting levels shall be provided in all areas used by pedestrians or automobiles, including building entries, walkways, parking areas, circulation areas, and other open space areas, in order to ensure safety and security; enhance and encourage evening activities; and provide a distinctive character to the area. A lighting plan which identifies lighting equipment, locations and standards, and implements the design standards set forth in MMC Sections 22C.010.290(4)(c) and 22C.130.050(3)(d) shall be submitted for review and approval prior to civil construction plan approval, and implemented prior to a Certificate of Occupancy being granted.
11. The project is subject to the fourteen (14) mitigation measures outlined in the SEPA Mitigated Determination of Non-Significance issued on March 23, 2021 (Exhibit 42).
12. The project is subject to the two (2) conditions of approval set forth in the Hearing Examiner's parking variance decision dated March 24, 2021 (Exhibit 44).

**Prepared by:** Angela

**Reviewed by:** *Chris*

This **Administrative Site Plan Approval** is issued under MMC Section 22G.010.150(h). Administrative decisions may be appealed to the Hearing Examiner in accordance with MMC 22G.010 – Article VIII, Appeals. Appeals must be filed within fourteen (14) calendar days of the date of administrative site plan approval.

**Date:** 4/23/21 **Signature:** \_\_\_\_\_

  
Haylie Miller, Community Development Director

The above recommendation, including conditions of preliminary approval, are subject to change if the proposed phasing parameters, land uses or any other information provided by the applicant or their authorized representative proves inaccurate.

Parking & Loading Calculation	
	Required per MMC
60 Units:	66 stalls (1.1 per unit)
Office Space (1,763 s.f.):	5 stalls (1 per 400 sf)
Storage/Shop (419 s.f.):	1 stalls (1 per 2,000 sf)
<b>Total</b>	<b>72 stalls</b>

**SUMMARY:**  
 Residential: #69 Parking stalls provided  
 Office: #5 Parking stalls provided  
 Storage: #1 Parking stall provided

**Accessible Parking Quantity:**

Parking Stall Dimensions, per MMC 22C.120.050 Development standards.					
Angle	Width	Curb Length	1-Way Aisle W.	2-Way, Aisle W.	Stall Depth
Standard					
90 Degrees	8'-6"	8'-6"	22'-0"	22'-0"	18'-0"
Parallel(0 degrees)	8'-0"	21'-0"	12'-0"	22'-0"	8'-0"

**Accessible Parking, per Building Code and ICC/ANSI A117.1**  
 ADA Standard  
 90 Degrees 8'-6" + 5'-0" (access aisle) x 18'-0" (Stall Depth)  
 ADA Van 11'-0" + 5'-0" (access aisle) x 18'-0" (Stall Depth)

**Bicycle parking, per MMC 22C.130.060**  
 Required: 4 spaces.  
 Provided: 36 spaces.

- (1) Required Bicycle Parking: Bicycle parking facilities shall be provided for any new use which requires 20 or more automobile parking spaces.
- (a) The number of required bicycle parking spaces shall be five percent of the number of required off-street auto parking spaces.
- (b) When any covered automobile parking is provided, all bicycle parking shall be covered.
- (3) Bicycle Parking Standards.
- (a) Each required bicycle parking space shall be located on a minimum all-weather surface, specified by the city engineer.
- (b) Bicycle parking should be at least as well-lit as vehicle parking for security.
- (c) A bicycle parking space shall be at least six feet long and two feet wide with an overhead clearance of at least seven feet, and comply with the spacing provisions depicted in Figure 5. An access aisle of at least four feet wide shall be provided and maintained beside or between each row of bicycle parking.

**Parking Lot Landscaping Required** per MMC Chapter 22C.120  
 See Landscape Drawings  
**Shaded Parking Provided**  
 See Landscape Drawings

**MMC - 22c Land Use Standards**

Building types:  
 Three Multifamily bldgs (bldgs # 2, 3, & 4)  
 One Mixed use bldg (bldg #1)

Total Stories: 3

**22C.020.080 Densities and dimensions, MU (12)**

	Allowed	Proposed
• Base Density	104 (3.73 * 28/acre) (1)	60 Units
• Minimum street setback	20' (None (r, s))	20'
• Minimum interior setback	5 feet (9)	15'
• Minimum Setback from park	15'	15'
• Base height (6)	45'	41'
• Maximum bldg coverage	50% (81,239 s.f)	17% (23,360.64 s.f.)
• Maximum impervious surface: Percentage	75% (11)	51% (70,116.5 s.f.)

- (1) These densities are allowed only through the application of mixed use development standards.
- (6) Height limits may be increased when portions of the structure or building which exceed the base height limit provide one additional foot of street and interior setback beyond the required setback for each foot above the base height limit.
- (7) Subject to sight distance review at driveways and street intersections.
- (8) A 20-foot setback is required for multiple-family structures outside of the downtown portion of Planning Area 1.
- (9) A 15-foot setback is required for (a) commercial or multiple-family structures on property lines adjoining single-family residentially designated property, and (b) a rear yard of a multi-story residential structure, otherwise no specific interior setback requirement. Interior setbacks may be reduced where features such as critical areas(s) and buffer(s), public/private right-of-way or access easements, or other conditions provide a comparable setback or separation from adjoining uses.
- (11) The 75 percent impervious surface percentage applies to multiple-family developments.
- (12) Reduced building setbacks and height requirements may be approved on a case-by-case basis to provide flexibility for innovative development plans; provided, that variance requests which are greater than 10 percent of the required setback shall be considered by the hearing examiner.

**Adjacent Use:** Public right-of-way and private access roads 30 feet wide or greater  
**Buffer Width and type:** 10'-0" L3 type

**Open space and recreation space required** per MMC 22C.020.270  
 The mixed use zone shall provide open space equivalent to at least 20 percent of the building's gross floor area, and at less than 200 SF per dwelling units.

**Required Open and Recreational Space**  
 (20 percent of the building's gross floor area) 55,145 s.f. \* 20% = 11,029 s.f.  
 and (200 s.f. \* 60 units) = 12,000 s.f. (min, open space req'd)

**Provided Open Space : 19,744 s.f.**

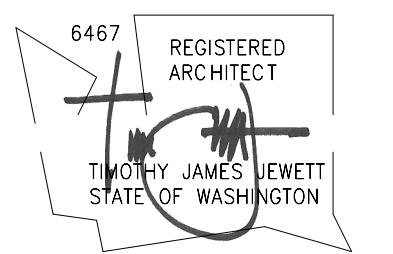
**SITE LEGEND**

- FIRE APPARATUS ACCESS
- SETBACK
- ORIGINAL WETLAND PERIMETER
- ACCESSIBLE PATH
- TYPE "A" UNITS
- TWIN LAKES - PHASE ONE, EXISTING BLDGS
- WETLAND, PROPOSED
- WETLAND SETBACK
- GRASS
- PERMEABLE CONCRETE
- STANDARD SITE NOT PERMEABLE CONCRETE
- PEDESTRIAN PATH, PERMEABLE CONCRETE
- PEDESTRIAN PATH, COLORED PERMEABLE CONCRETE
- EV INFRASTRUCTURE
- BIKE RACK
- CBU BOXES
- J BOX, TRANSFORMER AND SECONDARY VAULT BOXES



**CONSULTANT:**

**REGISTRATION STAMPS:**



**PROJECT IDENTIFICATION:**

**TWIN LAKES LANDING PHASE 2**

FOR HOUSING HOPE AT  
 2604 164TH ST. NE,  
 MARYSVILLE, WA 98271

LAND USE PERMIT 3rd  
 RESUBMITTAL  
 03/11/2021

This drawing is:  
 1. Copyright 2021 Dykeman, Inc.  
 2. The Architect's Instrument of Professional Service.  
 3. For use on this project only. Obtain Architect's written permission for any other use or reproduction.

**PROJECT NUMBER:**

2019-020

**REVISIONS:**

MARK	DATE	DESCRIPTION
LU	05/11/2020	LAND USE PERMIT
LU-R	10/16/2020	LAND USE PERMIT R.
LU2-R	01/14/2021	LAND USE PERMIT 2ND R.
BS	03/05/2021	BID SET
LU3-R	03/08/2021	LAND USE PERMIT 3rd R.

**PROJECT TEAM:**

PRINCIPAL IN CHARGE: TJ  
 PROJECT MANAGER: DH  
 PROJECT ARCHITECT: GM  
 JOB CAPTAIN: GM

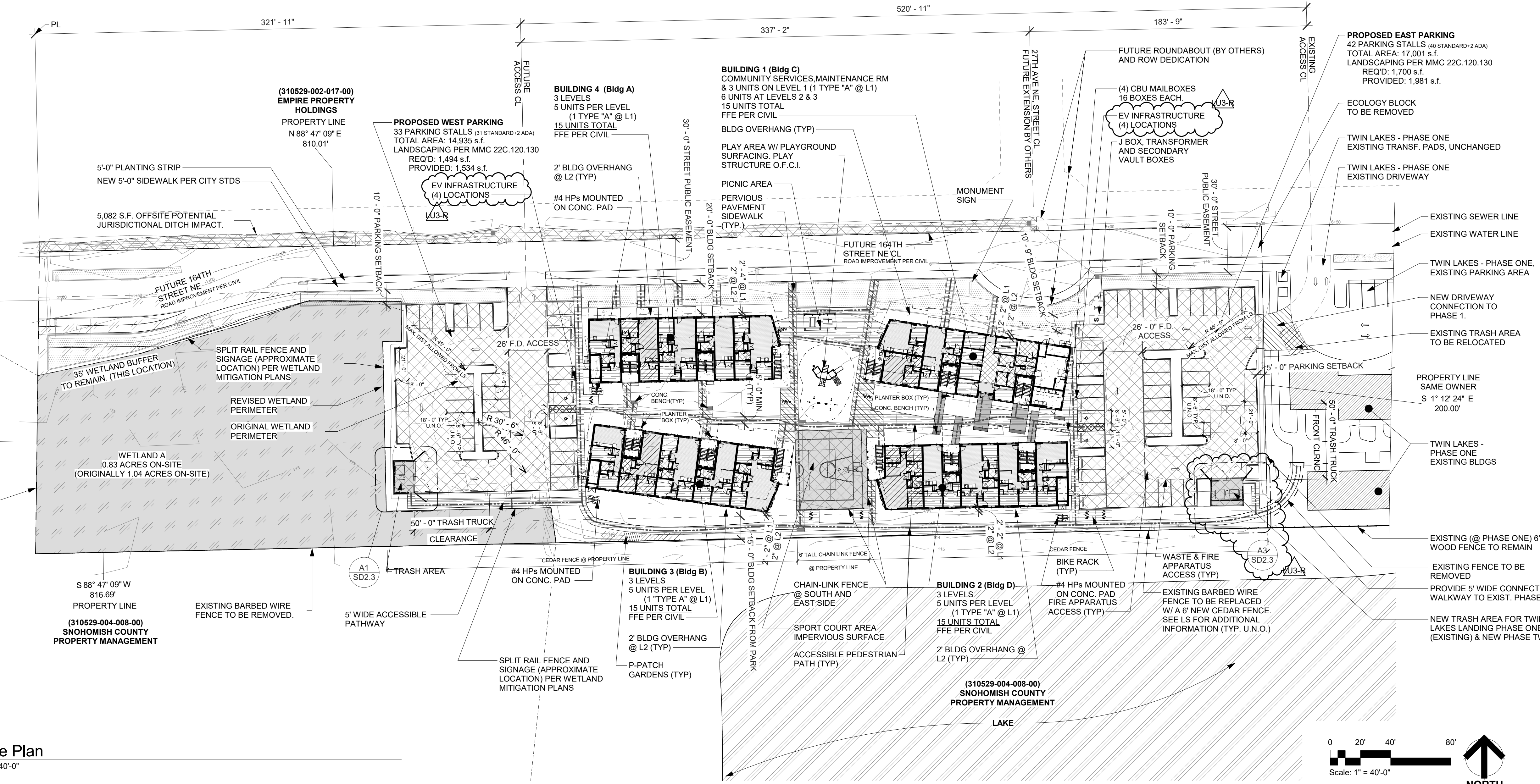
**DRAWING TITLE:**

Site Plan

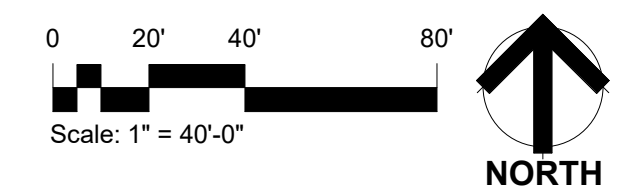
**DRAWING NUMBER:**

**SD1.1**

3/10/2021 9:00:17 AM



**A1 Site Plan**  
 1" = 40'-0"







# SEPA MITIGATED DETERMINATION OF NON-SIGNIFICANCE AND TRAFFIC CONCURRENCY DETERMINATION

Community Development Department ♦ 80 Columbia Avenue ♦ Marysville, WA 98270  
 (360) 363-8100 ♦ (360) 651-5099 FAX ♦ Office Hours: Mon - Fri 7:30 AM - 4:00 PM

PROJECT INFORMATION			
<b>Project Title</b>	Twin Lakes Landing 2	<b>File No.</b>	PA20-029
<b>Detailed Project Description</b>	The applicant is requesting State Environmental Policy Act (SEPA) review for a 60-unit multi-family residential development serving limited income residents.		
<b>Site Address</b>	2630 164 <sup>th</sup> Street NE	<b>APN(s)</b>	31052900300100
<b>Legal Description (abbreviated)</b>	PARCEL 1 CITY OF MARYSVILLE BLA13-006 RECORD UNDER AFN 201310015001		
	<b>OWNER</b>	<b>APPLICANT</b>	<b>CONTACT</b>
<b>Name</b>	Housing Hope	Doug Hofius/Dykeman Architects	Doug Hofius/Dykeman Architects
<b>Address</b>	5830 Evergreen Way	1716 W. Marine View Drive	1716 W. Marine View Drive
<b>City, State, ZIP</b>	Everett, WA 98203	Everett, WA 98201	Everett, WA 98201
THRESHOLD DETERMINATION			
<b>Lead Agency</b>	<input checked="" type="checkbox"/> City of Marysville		
<p>The lead agency has determined that this proposal does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is NOT required under RCW 43.21C.030(2)(c). This decision was made after review by the City of Marysville of a completed environmental checklist and other information on file with this agency. This information is available for public review upon request.</p> <p><input type="checkbox"/> There is no comment period for this DNS</p> <p><input type="checkbox"/> This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on this DNS.</p> <p><input type="checkbox"/> This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14-days from the date below. Comments must be submitted by:</p> <p><input checked="" type="checkbox"/> This MITIGATED DNS is issued under WAC 197-11-350; the lead agency will not act on this proposal for 14-days from the date below. Comments must be submitted by: <b>Tuesday, April 6, 2021</b></p>			
SEPA CONTACT			
<b>Name</b>	Angela Gemmer	<b>Title</b>	Senior Planner
<b>Phone</b>	360.363.8240	<b>E-mail</b>	<a href="mailto:agemmer@marysvillewa.gov">agemmer@marysvillewa.gov</a>
RESPONSIBLE OFFICIAL			
<b>Name</b>	Allan Giffen	<b>Title</b>	CD Director
<b>Address</b>	80 Columbia Avenue, Marysville, WA 98270		

Prepared by: *Angela*

Reviewed by: *Amy*

*Allan Giffen*

Allan Giffen, Community Development Director

March 23, 2021

Date

### ENVIRONMENTAL IMPACTS

The proposed construction and subsequent use of the property could result in the following adverse environmental impacts.

- |           |  |
|-----------|--|
| <b>1.</b> | Increase in the amount and rate of stormwater runoff and attendant pollutants from the introduction of paved and building roof surfaces. |
| <b>2.</b> | Increase in erosion, surface water pollutants, siltation and sedimentation as a result of site preparation and construction.             |
| <b>3.</b> | Increase in demand for police, fire protection, parks and other public services generated as a result of the development.                |
| <b>4.</b> | Increase in noise, dust, light and glare from construction activity and subsequent use of the site.                                      |
| <b>5.</b> | Increase in vehicular traffic on Twin Lakes Avenue and 172 <sup>nd</sup> Street NE as well as other City streets in the vicinity.        |

### MITIGATION MEASURES

The following mitigation measures are required to minimize the probable significant adverse environmental impacts as a result of the proposed development activity.

- |           |   |
|-----------|---|
| <b>1.</b> | The applicant and contractor shall strictly adhere to the recommendations outlined in the <i>Conceptual Stormwater Site Plan</i> prepared by Harmsen dated December 12, 2019 and amended September 30, 2020, and the <i>Geotechnical Engineering Report</i> prepared by Geotest dated October 10, 2019, and future supplemental reports and amendments, during construction of the project. Prior to a Certificate of Occupancy being granted, the applicant shall provide a letter from the project engineer to verify that final site grading has been completed consistent with the approved grading plans; that all recommendations outlined in the geotechnical assessment and subsequent amendments have been followed; and that all fill has been properly placed.   |
| <b>2.</b> | The applicant shall obtain all necessary Federal, State, and local permits for impacts to critical areas and regulated ditches prior to beginning any land disturbing activities. The applicant shall furnish the Planning Division with a copy of said permits, or documentation demonstrating that the work is permit exempt, as applicable.  |
| <b>3.</b> | The applicant shall acquire mitigation bank credits for wetland impacts from an approved mitigation bank. Documentation demonstrating acquisition of said credits shall be provided to the Planning Division prior to civil construction plan approval.   |
| <b>4.</b> | A Native Growth Protection Area Easement (NGPA/E) shall be required over the critical areas and buffer area. Said easement shall be recorded with the Snohomish County Auditor's Office, and a copy of said easement provided to the Planning Division, prior to a Certificate of Occupancy being granted.  |
| <b>5.</b> | To provide the best protection for trees within the on-site critical areas and along the common property line with Gissberg Twin Lakes Park that may be impacted during the construction stage, the applicant shall install a temporary, five-foot high, orange clearing limits construction fence in a line generally corresponding to the drip line of any significant tree(s) to be retained. No construction will be permitted within the dripline of trees identified to be saved. All such fencing shall be installed and inspected by the Community Development Department prior to commencement of site work.   |
| <b>6.</b> | Prior to beginning construction, the applicant shall provide the arborist report for the project to Snohomish County Parks, Recreation and Tourism, and submit documentation to the Planning Division that Snohomish County Parks has reviewed the arborist report for the project, and concurs with the recommendations outlined in the report. During project construction, a certified arborist shall be required to monitor impacts to trees along the southern property line with Gissberg Twin Lakes Park; provide written approval from the Snohomish County Parks as to whether 'at risk' trees on their property can be protected, removed, or replaced; and what type of compensation will be required. Prior to a final Certificate of Occupancy being granted, a certified arborist shall do a final evaluation of the trees that will be retained along the common property line and make a written recommendation to Snohomish County Parks in regards to the treatment of the treed areas. |
| <b>7.</b> | In order to mitigate impacts upon the future capacity of the road system, the applicant shall be required to submit payment to the City of Marysville, on a proportionate share cost of the future capacity improvements for the development as set forth in MMC 22D.030.070(3). Traffic impact fees shall be   |

	vested at a rate of \$6,300.00 per new PM peak hour trip (PMPHT). The estimated impact fee is \$166,320.00. Calculation: (60 units x 0.44 PMPHT per unit x \$6,300 per new PMPHT). Pursuant to MMC Chapter 22D.010, credit against the traffic impact fees may be allowed for the construction of 164 <sup>th</sup> Street NE west of the future roundabout at the intersection of 27 <sup>th</sup> Avenue NE. The amount of credit for the improvements to 164 <sup>th</sup> Street NE shall be approved by the City Engineer.			
8.	The applicant shall construct the south half of 164 <sup>th</sup> Street NE across the majority of the property's northern frontage, and dedicate the associated right-of-way to the City. 164 <sup>th</sup> Street NE is identified as a 3-lane minor arterial with streetscape in the <i>Lakewood Neighborhood Master Plan</i> to be built per Engineering Design and Development Standards (EDDS) Standard Plan (SP) 3-201-001, as modified by variance granted via letter from the City dated November 17, 2020. The required standard would situate the face-of-curb 20-feet from the planned right-of-way centerline, which lies along the parcel's current northern boundary.			
9.	The applicant shall construct full-width frontage improvements along the property's 164 <sup>th</sup> Street NE frontage on the west end of the site, adjacent to Assessor's Parcel Number 00960003000100 (Crystal Tree Village Mobile Home Park), and dedicate the associated right-of-way to the City. The section of 164 <sup>th</sup> Street NE west of the 27 <sup>th</sup> Avenue NE extension shall include a 12-foot multi-use trail on the north side of 164 <sup>th</sup> Street NE to the western property line. The alignment of 164 <sup>th</sup> Street NE shall include a 'jog' to transition from the half street section to the full frontage section indicated above. The 'jog' shall consist of reverse horizontal curves or opposing curves separated by a short tangent section. The horizontal curves shall be consistent with the latest edition of the AASHTO <i>Policy on Geometric Design of Highways and Streets</i> , with a minimum radius of 165-ft.			
10.	The project shall dedicate additional right-of-way to accommodate a future roundabout at the anticipated intersection of 27 <sup>th</sup> Avenue NE and 164 <sup>th</sup> Street NE; the roundabout shall be designed as a "Compact Roundabout". Construction of the roundabout is anticipated to be primarily located on parcels to the north with 10-feet of additional right-of-way needed from the proposed development.			
11.	Decorative street lighting meeting the standards set forth in <i>Lakewood Neighborhood Master Plan</i> (LNMP) Appendix B shall be installed along the project's 164 <sup>th</sup> Street NE frontage.			
12.	Pursuant to MMC Section 22G.120.270(2), all projects shall have all power lines, telephone wires, television cables, fire alarm systems and other communication wires, cables or lines placed in underground location either by direct burial or by means of conduit or ducts with the exception of the city fire alarm system.			
13.	The Arlington Airport aviation easement shall be recorded with the Snohomish County Auditor's Office, and a copy of the recorded document shall be submitted to the Planning Division, prior to a Certificate of Occupancy being granted for the project.			
14.	The Department of Archaeology and Historic Preservation's (DAHP) Inadvertent Discovery Plan shall be followed during site construction. If at any time during construction archaeological resources are observed on the project site, work shall be temporarily suspended at the location of discovery and a professional archaeologist shall document and assess the discovery. The DAHP and all concerned tribes shall be contacted for any issues involving Native American sites. If project activities expose human remains, either in the form of burials or isolated bones or teeth, or other mortuary items, work in that area shall be stopped immediately. Local law enforcement, DAHP, and affected tribes shall be immediately contacted. No additional excavation may be undertaken until a process has been agreed upon by these parties, and no exposed human remains should be left unattended.			
<b>APPEALS</b>				
<input checked="" type="checkbox"/> This MDNS may be appealed pursuant to the requirements of MMC 22E.030.180. There is a 15 day appeal period on the MDNS that commences from the date the MDNS was issued. Any appeal must be addressed to the responsible official, accompanied by a filing fee of \$500.00, and be filed in writing at the City of Marysville Community Development Department, 80 Columbia Avenue, Marysville, WA 98270. The appeal must be received by 4 p.m., <b>Wednesday, April 7, 2021</b> . The appeal must contain the items set forth in MMC 22G.010.530.				
<input type="checkbox"/> There is no agency appeal.				
<b>DISTRIBUTION</b>				
<b>Marysville</b>	<b>Local Agencies &amp; Districts</b>	<b>State &amp; Federal</b>	<b>County</b>	<b>Other</b>



<input checked="" type="checkbox"/> <b>Building</b> <input checked="" type="checkbox"/> <b>Fire District</b> <input checked="" type="checkbox"/> <b>LD</b> (Shane Whitney) <input checked="" type="checkbox"/> <b>LD</b> (Eng. Svc. Mgr.) <input checked="" type="checkbox"/> <b>Parks</b> <input checked="" type="checkbox"/> <b>Police</b> <input checked="" type="checkbox"/> <b>Public Works</b> (Jesse Hannahs) <input checked="" type="checkbox"/> <b>Public Works</b> (Kari Chennault) <input checked="" type="checkbox"/> <b>Public Works</b> (Jeff Laycock) <input checked="" type="checkbox"/> <b>Public Works</b> (Karen Latimer)	<input checked="" type="checkbox"/> <b>Arlington (city)</b> <input checked="" type="checkbox"/> <b>Arlington Airport</b> <input type="checkbox"/> <b>Community Transit</b> <input type="checkbox"/> <b>Everett (city)</b> <input type="checkbox"/> <b>Lake Stevens (city)</b> <input type="checkbox"/> <b>Lake Stevens SD 4</b> <input checked="" type="checkbox"/> <b>Lakewood SD 306</b> <input type="checkbox"/> <b>Marysville SD 25</b> <input checked="" type="checkbox"/> <b>PUD No. 1</b> (electric) <input type="checkbox"/> <b>PUD No. 1</b> (water) <input checked="" type="checkbox"/> <b>ZiPLY</b>	<input checked="" type="checkbox"/> <b>US Army Corps of Engineers</b> <input type="checkbox"/> <b>BNSF</b> <input checked="" type="checkbox"/> <b>DOE</b> (Bellevue) <input checked="" type="checkbox"/> <b>DOE</b> (Olympia - Env. Review) <input checked="" type="checkbox"/> <b>DOE</b> (SEPA - Greta Stough) <input checked="" type="checkbox"/> <b>DOE</b> (Shorelands - G. Tallent) <input checked="" type="checkbox"/> <b>WDFW</b> <input type="checkbox"/> <b>WSDOT</b> <input type="checkbox"/> <b>WUTC</b>	<input type="checkbox"/> <b>Health District</b> <input type="checkbox"/> <b>Planning</b> <input checked="" type="checkbox"/> <b>Public Works - Land Development</b> <input type="checkbox"/> <b>Public Works</b>	<input type="checkbox"/> <b>Olympic Pipeline</b> <input type="checkbox"/> <b>Puget Sound Energy</b> <input checked="" type="checkbox"/> <b>Stillaguamish Tribe</b> <input checked="" type="checkbox"/> <b>Tulalip Tribes</b> <input checked="" type="checkbox"/> <b>Everett Herald</b>
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**CITY OF MARYSVILLE**  
**Hearing Examiner**  
**Findings, Conclusions and Decision**

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**APPLICANT:** Housing Hope

**CASE NO.:** PA20-029, Twin Lakes Landing Phase II Parking Variance

**LOCATION:** 2630 164th Street NE, Marysville, WA 98270

**APPLICATION:** Application by Housing Hope for a **VARIANCE** to allow a reduced number of on-site parking spaces from the number required by MMC Section 22C.130.030, Minimum Required Parking Spaces

**SUMMARY OF DECISION**

Staff Recommendation: **Approve** the **VARIANCE** for **Twin Lakes Landing Phase II** to allow a reduced number of on-site parking spaces from the number required by MMC Section 22C.130.030, with two (2) Conditions of approval.

Hearing Examiner Decision: **Approve** the applicant’s request for a **VARIANCE** for **Twin Lakes Landing Phase II** to allow a reduced number of on-site parking spaces from the number required by MMC Section 22C.130.030, with two (2) Conditions of approval.

**PUBLIC HEARING OVERVIEW**

After reviewing the official public record file that included the Marysville Community Development Department Staff Recommendation (Exhibit 37); and after virtually viewing the site, the Hearing Examiner conducted a public hearing on the Variance request. The hearing was opened at 2:03 p.m., March 18, 2021, and was closed at 2:23 p.m. Pursuant to Governor Inslee’s Proclamation 20-28, in an effort to curtail the spread of the COVID19 virus, the public hearing took place by teleconference hosted by the City. Participants who provided testimony at the public hearing included a representative of the city of Marysville Community Development Department, a representative of Housing Hope, the applicant, and a member of the community. They are listed below as parties of record and noted in the minutes of the hearing. All participants in the public hearing affirmed to be truthful in their testimony. A verbatim recording of the hearing and summary minutes may be obtained from the Community Development Department. A list of exhibits offered and entered into the record at the hearing are attached at the end of this report.

**PUBLIC HEARING TESTIMONY**

The Hearing Examiner began the proceedings by noting for the record that the issue to be addressed at the hearing was the **VARIANCE** request to allow for a reduced number

of on-site parking spaces for proposed the 60-unit Twin Lakes Landing Phase II housing development planned by Housing Hope. Strict application of MMC Section 22C.130.030 would require the project to provide 104 parking spaces, based on the number and size of the housing units. This variance request is to reduce the number of parking spaces to 1.1 parking spaces per unit for each unit, regardless of size, and to provide five additional parking spaces for staff.

This proposal would result in a total of 75-parking spaces for the development. This would be a reduction in 29 parking spaces from the MMC requirement.

Testimony was provided by the city of Marysville Community Development Department staff (Angela Gemmer, Senior Planner), representatives of the applicant, and one member of the public.

### City of Marysville, Community Development Department Testimony

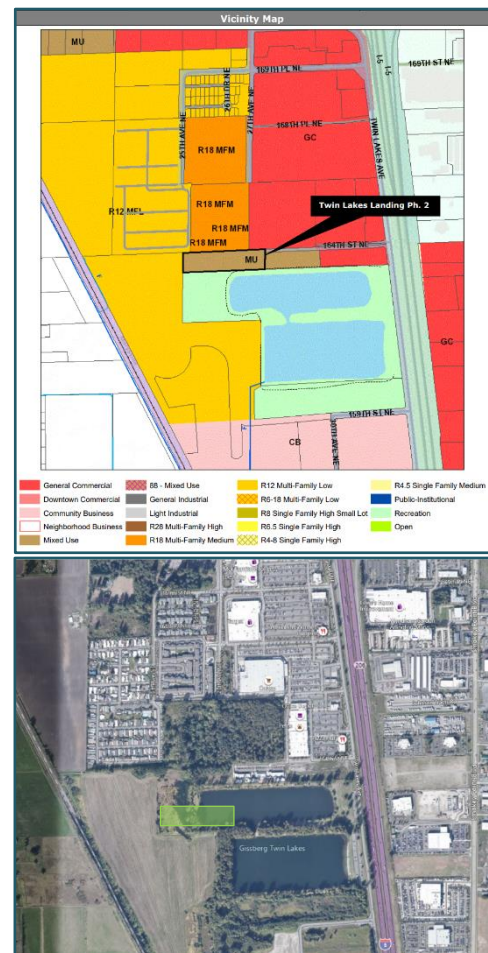
Angela Gemmer, Senior Planner noted that the Hearing Examiner accurately summarized the Variance request. Housing Hope is proposing a 60-unit development targeted toward lower-income residents. The Marysville Municipal Code (MMC Section 22C.130.030) would require 104 on-site parking spaces, and the applicant is proposing to provide 75 spaces, a rate of 1.1 parking spaces per unit, regardless of the number of bedrooms, plus staff parking. No public comments have been received regarding the proposal.

Numerous documents have been submitted in support of the variance, including a traffic analysis and a study of the parking demand of similar housing projects, including neighboring Twin Lakes Landing Phase I. The car-ownership rate of the prospective tenants is expected to be lower than for market rate apartment units. Transit service is accessible via a continuous sidewalk between the proposed housing and bus stops on 172<sup>nd</sup> St NE.

Ms. Gemmer described the two conditions of approval recommended by staff:

1. The applicant shall provide a minimum of 75 off-street parking spaces.

2. If the reduced number of parking spaces creates an ongoing, persistent problem with overflow parking, the applicant shall be required to provide additional parking spaces and associated improvements, or implement other alternative strategies to alleviate the overflow parking problem as determined by the City Traffic Engineer Manager.



Ms. Gemmer noted that when the city receives a parking complaint, it is addressed by the city Traffic Engineering Manager. In consultation with the property manager, resolution of the situation could include improving parking supply management or increasing the parking supply.

### **Applicant Testimony**

Doug Hofius/Dykeman Architects- 1716 W. Marine View Drive Everett, WA 98201, explained that the applicant, Housing Hope, works with its lower-income tenants on job skills training in addition to providing affordable shelter. It is the intent that residents will transition out of the Housing Hope development to permanent housing.

Todd Bullock, Senior Housing Developer for Housing Hope, 5830 Evergreen Way, Everett, WA 98203 offered that Housing Hope does not have information regarding their tenants' use of public transit.

### **PUBLIC TESTIMONY**

Lindy Poe, 8907 61<sup>st</sup> Drive NE, Marysville, WA 98270 presented two questions; one regarding how the potential issue of spillover parking would be handled, and one regarding whether the public transit service available on 172<sup>nd</sup> Street NE is useful to potential residents.

### **WRITTEN COMMENTS**

None contributed to the record at the hearing.

### **ADJOURNMENT**

The Hearing Examiner closed the hearing at 2:23 PM.

### **FINDINGS, CONCLUSIONS AND DECISION**

Having considered the entire record in this matter, the Hearing Examiner now makes and enters the following:

#### **A. FINDINGS**

1. The information contained in the Community Development Department Staff Recommendation (Exhibit 37) is found by the Hearing Examiner to be complete and supported by the evidence presented during the hearing and is by this reference adopted as portion of the Hearing Examiner's findings and conclusions. A copy of the Staff Recommendation is available in the Marysville Community Development Department.
2. The minutes of the hearing are an accurate summary of the testimony offered at the hearing and are by this reference entered into the official public record.
3. The Hearing Examiner finds that the public record supports approval of the Variance, in accordance with MMC 22C.130.090, Variance requests to this chapter. MMC Section 22C.130.090 sets forth the following criteria governing variances to the requirements of Chapter 22C.130, Parking and Loading:

(1) In considering a request for a modification of parking requirements, the hearing examiner shall consider the following factors:

(a) Type of use proposed and traffic generation, including hours of operation, frequency of employee and customer trips, and other specific factors relating to the proposed use.

Applicant response: The Twin Lakes Landing project will provide stable housing for extremely low income and formerly homeless families. Due to limited incomes, this population experiences a far lower rate of car ownership than typical families. As a result, projects like this have a significantly reduced demand for parking when compared to market rate multi-family projects.

Supplementary staff response: The proposed use is a multi-family residence serving extremely low income and formerly homeless families which have a lower rate of car ownership as noted above. According to the Memo from Gibson Traffic Consultants, Inc. dated March 25, 2020, the project is projected to generate 326.40 Average Daily Trips (ADT), 21.60 AM peak hour trips (AMPHT), and 26.40 PM peak hour trips (PMPHT).

Hearing Examiner Finding:

The variance request is consistent with this factor.

(b) Location of the subject property, proximity to and availability of public transportation facilities, likelihood of customers or employees to use public transportation;

Applicant response: We believe a variance will allow for reduced impervious surface, and will help to minimize impacts to on-site wetlands. The property is also located within walking distance of a major local shopping and business hub with a full array of shopping and services, as well as the Smokey Point transit center, with services to several local and regional transit lines.

Supplementary staff response: The site is adjacent to Gissberg Twin Lakes Park, and within walking distance of a wide variety of retail, restaurants and other services minimizing the need for motor vehicle trips. Public transit is available on 172nd Street NE which is within walking distance, and the Smokey Point transit center which is located to the east of I-5 within the City of Arlington.

Hearing Examiner Finding:

The location of this property is a considerable distance from the nearest transit stop. There is an accessible pedestrian route between transit and the subject property. Further, there are numerous services, retail and employment opportunity within walking or bicycling distance. The variance request is consistent with this factor.

(c) Other information which is relevant and necessary to make a determination as to the validity of the request for modification. Such additional information may include parking studies and traffic surveys for the proposed project vicinity and data concerning the actual parking demand of other similar uses.

Applicant response: A parking demand analysis has been prepared by Gibson Traffic Consultants, which indicates a parking demand of 1 parking space per unit. In addition, morning and evening parking counts were prepared at several of the owner's properties. Both studies indicate parking demand of roughly 1 stall per unit. This project proposes 1.1 spaces per unit, with an additional 5 spaces for staff. Staff will typically not be on-site during overnight hours, so those 5 spaces will be available for resident use, creating an even higher supply of parking. We believe the proposed parking, of 75 stalls (note: there is a typo in the original document which references 73 stalls), to be adequate to meet the needs of the facility.

Supplementary staff response: As noted in section 13 of the Staff Recommendation, the applicant submitted a Memorandum from Gibson Traffic Consultants that included a parking count, and also submitted an inventory of parking demand conducted at Housing Hope's other projects which is outlined in the letter from Dykeman dated January 15, 2021. According to the Memorandum from Gibson Traffic Consultants, a parking count was conducted by Traffic Data Gathering after 10 PM on a weekday in December 2019. The parking count shows that the existing Housing Hope development to the immediate east of the subject site has a parking supply of 1.12 parking spaces per unit, and a parking demand of 1 parking space per unit. An inventory of parking demand at other Housing Hope facilities was also provided in a letter from Dykeman dated January 15, 2021. This inventory shows parking demand at their facilities that range between 0.4 and 1.1 parking spaces per unit. The applicant is proposing to provide 1.1 parking spaces per unit which exceeds both the observed parking demand at the existing Housing Hope development and the anticipated parking demand for the subject property.

Staff conducted two site visits of the existing Twin Lakes Landing project to the east to evaluate current use of the parking lot. At the time of the site visits, which occurred midday and in the evening respectively, the use of the parking lot was moderate and there was a surplus of parking.

With the initial land use application, the applicant proposed a greater amount of parking that resulted in a larger encroachment into the on-site Category IV wetland. The applicant's studies show that the current proposal of 1.1 parking space per unit will exceed their demand. Reducing parking to that 1.1 parking spaces per unit will also minimize impacts to the on-site wetland.

Hearing Examiner Finding:

It is demonstrated that the parking requirement in MMC 22C.130.030 exceeds the demand for parking. The variance request is consistent with this factor.

(2) In approving a request for the modification of the number of required off-street parking spaces, the hearing examiner may require that a transit stop be located on the subject lot in order to promote use of public transit and to justify a reduction in the required number of parking spaces.

Staff response: There is currently no transit service on Twin Lakes Avenue which is the nearest arterial street. While 164<sup>th</sup> Street NE will be extended along the project's frontage, further

extension to the west will not occur until properties to the west are developed; therefore, a transit stop is not supported and would not be approved abutting the site.

Hearing Examine Finding:

No transit stop on the subject site is required.

**B. CONCLUSIONS**

The Hearing Examiner concludes that the applicant has demonstrated that the proposed VARIANCE with the two (2) conditions of approval recommended by staff complies with the applicable criteria for a Variance defined in the Marysville Municipal Code.

**C. DECISION**

Based upon the foregoing findings of fact and conclusions, the Hearing Examiner APPROVES the VARIANCE with two (2) CONDITIONS as follows:

1. A minimum of 75 off-street parking stalls shall be provided. These parking stalls are required to comply with the applicable development standards outlined in Chapter 22C.130 MMC, *Parking and Loading*.
2. If the reduced number of spaces creates an on-going, persistent problem with over flow parking, the applicant will be required to provide additional stalls and associated improvements, or implement other alternative methods to alleviate the over flow parking problem, as determined by the City Traffic Engineer.

**Dated this 24<sup>th</sup> day of March 2021.**

Kevin D. McDonald, AICP  
Hearing Examiner

**RECONSIDERATION - MMC 22G.010.190.**

A party to a public hearing may seek reconsideration only of a final decision by filing a written request for reconsideration with the director within fourteen (14) days of the final written decision. The request shall comply with MMC 22.010.530(3). The hearing examiner shall consider the request within seven (7) days of filing the same. The request may be decided without public comment or argument by the party filing the request. If the request is denied, the previous action shall become final. If the request is granted, the hearing examiner may immediately revise and reissue the decision. Reconsideration should be granted only when a legal error has occurred or a material factual issue has been overlooked that would change the previous decision.

**JUDICIAL APPEAL - MMC 22G.010.540.**

- (1) Appeals from the final decision of the hearing examiner, or other city board or body involving MMC Title 22 and for which all other appeals specifically authorized have been timely exhausted, shall be made to Snohomish County superior court pursuant to the Land Use Petition Act, Chapter 36.70C RCW, within 21 days

of the date the decision or action became final, unless another applicable appeal process or time period is established by state law or local ordinance.

- (2) Notice of the appeal and any other pleadings required to be filed with the court shall be served as required by law within the applicable time period. This requirement is jurisdictional.
- (3) The cost of transcribing and preparing all records ordered certified by the court or desired by the appellant for such appeal shall be borne by the appellant. The record of the proceedings shall be prepared by the City or such qualified person as it selects. The appellant shall post with the city clerk prior to the preparation of any records an advance fee deposit in the amount specified by the city clerk. Any overage will be promptly returned to the appellant.

## EXHIBITS

The following exhibits were offered and entered into the record

1. Receipt, 05.12.2020
2. Land Use Permit Application, 05.12.2020
3. Environmental Checklist, 05.12.2020
4. GTC- Traffic Analysis, 05.12.2020
5. Harmsen- Conceptual Stormwater Site Plan, 05.12.2020
6. Geotest- Geotechnical Engineering report, 05.12.2020
7. Soundview- Wetland Assessment and Conceptual Mitigation Plan, 05.12.2020
8. 11 x 17 Site Plan and Full Size, 05.12.2020
9. 24 x 36 Prelim Civil Plan set, 05.12.2020
10. Soundview Biological Evaluation
11. Critical Areas Review Application
12. Title report, 5.27.2020
13. JARPA Application, 5.27.2020
14. Cover letter, 5.27.2020
15. Letter of completeness, 7.6.2020
16. Click 2 Mail distribution list, 7.15.2020
17. Notice of Application Affidavit of Posting, 7.15-20, 2020
18. First technical review comments, 8.12.2020
19. 24 x 36 Plan Set
20. Dykeman resubmittal cover letter, 10.29.2020
21. Dykeman parking variance request, 10.29.2020
22. Engineering variance request, 10.29.2020
23. Revised SEPA checklist, 10.29.2020
24. Geotest Infiltration Feasibility Assessment, 10.29.2020
25. Amended Harmsen Conceptual Stormwater Site Plan, 1.25.2021
26. Second technical review comments, 11.25.2020, updated 12.4.2020
27. Dykeman resubmittal cover letter, 1.25.2021
28. Revised parking variance request letter, 1.25.2021
29. Housing Hope traffic impact fee reduction letter, 1.25.2021
30. Tree Risk Assessment, 1.25.2021
31. Caldera Archaeology – Cultural Resources Overview, 1.25.2021
32. Arlington Airport Avigation Easement (unrecorded), 1.25.2021
33. Soundview Consultants Revised Wetland Assessment and Conceptual Mitigation Plan, 1.25.2021
34. Revised plan set, 1.25.2021
35. Third technical review comments with traffic concurrency recommendation, 2.23.2021
36. Affidavit of posting public hearing
37. Staff recommendation

## PARTIES of RECORD

Angela Gemmer City of Marysville Community Development Department 80 Columbia Avenue Marysville, WA 98270	Doug Hofius Dykeman Architects 1716 W. Marine View Drive Everett, WA 98201
Todd Bullock Housing Hope 5830 Evergreen Way, Everett, WA 98203	Lindy Poe 8907 61 <sup>st</sup> Drive NE Marysville, WA 98270