

**CITY OF MARYSVILLE**  
**Hearing Examiner**  
**Findings, Conclusions and Decision**

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**APPLICANT:** Serenity Trails Subdivision  
**FILE NO.:** PA 24-001  
**LOCATION:** 3208 83rd Ave NE, Marysville, WA 98270  
**APPLICATION:** Preliminary subdivision approval to subdivide a 1.95-acre parcel into fourteen (14) single-family lots.

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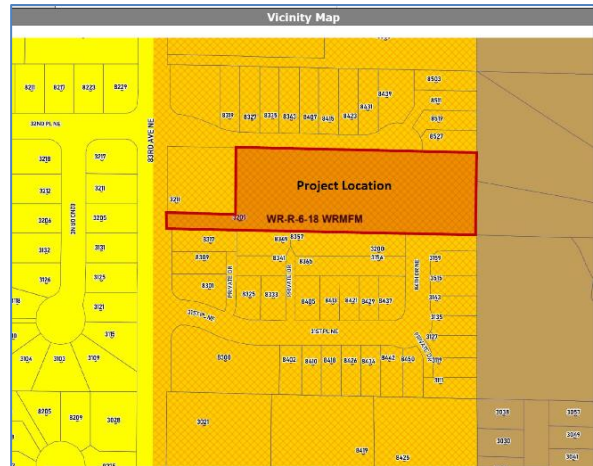
**SUMMARY OF RECOMMENDATION**

**Staff Recommendation:** Approve the request to subdivide a 1.95-acre property into fourteen (14) single-family lots and to construct associated site improvements, as conditioned in in the Staff Recommendation dated April 9, 2024.

**Hearing Examiner Decision:** Approve the request to subdivide a 1.95-acre property into fourteen (14) single-family lots and to construct associated site improvements, as conditioned in the Staff Recommendation dated April 9, 2024.

**PUBLIC HEARING**

After reviewing the official file, that included the Marysville Community Development Department Staff Recommendation, the Hearing Examiner conducted a public hearing on the request from Joe Long, Keystone Land, LLC and Tom Abbott, Solid Ground Engineering (representing the applicant). The hearing was opened at 6:00 p.m., April 18, 2024, and closed at 6:09 p.m.. The public hearing took place in hybrid format, both in-person and by Zoom teleconference. The Hearing Examiner and City staff attended in-person, as did a representative of the applicant.



No members of the public participated in this hearing. Participants are listed in this report, together with a summary of their testimony. A verbatim recording of the hearing and summary minutes are available from the Community Development Department. The exhibits entered into the record and a list of parties of record are listed at the end of this report.

**HEARING COMMENTS AND TESTIMONY**

The Hearing Examiner opened the public hearing, admitted Exhibits 1-33 into the public record, and outlined the procedures for the hearing. The Hearing Examiner summarized

the request for a Preliminary Subdivision to subdivide a 1.95-acre property into 14 residential lots.

Testimony was provided by city of Marysville Community Development Department staff and a representative of the applicant. A summary of the testimony is as follows:

**City of Marysville, Community Development Department**

Emily Morgan, Senior Planner briefly summarized the proposal and entered 2 documents to the public record. Residential Density Incentives have been applied. All applicable codes have been met. Staff recommends approval of the proposal with the 11 conditions detailed in the staff report that is Exhibit 31.

**Representative of the Applicant**

Tom Abbott, Solid Ground Engineering concurred with the staff recommendation and all the conditions of approval, and made note of the good working relationship with city staff.

**WRITTEN COMMENTS**

Staff submitted two written comments for the record at the hearing. Exhibit 32. Affidavit of Publication, and Exhibit 33. Updated Geotechnical Report

**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 Hearing Examiner finds that the information provided in the Marysville Community Development Department Staff Recommendation (Exhibit 31) is supported by the evidence presented during the hearing and does by this reference adopt the Staff Recommendation as portion of the Hearing Examiner's findings and conclusions.
2. The minutes of the hearing accurately summarize the testimony offered at the hearing and are by this reference entered into the official record.
3. The applicant has provided evidence and has demonstrated that the request meets all of the application review criteria in accordance with MMC Section 22G.010.140(3)(a-d) as documented in Section 15 of the city of Marysville Staff Recommendation (Exhibit 31).
4. Staff has documented the basis for approval of a proposed subdivision in accordance with MMC 22G.090.130(1-10) Section 17 of the Marysville Staff Recommendation (Exhibit 31).
5. MMC 22G.010.170(3)(a-e) requires that the Hearing Examiner not approve a proposed development without first making the following findings and conclusions:
  - a. The development is consistent with the Comprehensive Plan and meets the requirements and intent of the Marysville Municipal Code.

City of Marysville Staff Response

The Comprehensive Plan designation for the subject property is Whiskey Ridge Multi Family, Medium Density. The proposed development and subsequent use of the property would be consistent with the pertinent development policies outlined in the Marysville Comprehensive Plan and the intent of the Marysville Municipal Code, as conditioned herein.

Hearing Examiner Finding

Concur with the staff response.

- b. The development makes adequate provisions for open space, environmentally sensitive areas, drainage, streets and other public ways, transit stops, water supply, sanitary wastes, public utilities and infrastructure, parks and recreation facilities, playgrounds, sites for schools and school grounds.

City of Marysville Staff Response

Based on a review of the preliminary plat map and application materials, the development makes adequate provisions for open space, environmentally sensitive areas, drainage, streets and other public ways, transit stops, water supply, sanitary wastes, public utilities and infrastructure, parks and recreation facilities, playgrounds, sites for schools and school grounds.

Hearing Examiner Finding

Concur with the staff response.

- c. The development is beneficial to the public health, safety and welfare and is in the public interest.

City of Marysville Staff Response:

Per Finding 17.2, the proposed subdivision would be beneficial to the public health, safety and welfare and would be in the public interest as the subdivision has been designed in accordance with applicable Marysville Municipal Code requirements.

Hearing Examiner Finding

Concur with the staff response.

- d. The development does not lower the level of service of transportation and/or neighborhood park facilities below the minimum standards established within the comprehensive plan. If the development results in a level of service lower than those set forth in the comprehensive plan, the development may be approved if improvements or strategies to raise the level of service above the minimum standard are made concurrent with the development. For the purpose of this section, "concurrent with the development" is defined as the required improvements or strategies in place at the time of occupancy, or a financial commitment is in place to complete the improvements or strategies within six years of approval of the development.

City of Marysville Staff Response:

As conditioned, the development would not lower the level of service of transportation and/or neighborhood park facilities below the minimum standards established within the comprehensive plan.

Hearing Examiner Finding

Concur with the staff response.

- e. The area, location and features of land proposed for dedication are a direct result of the development proposal, are reasonably needed to mitigate the effects of the development and are proportional to the impacts created by the development.

City of Marysville Staff Response

As conditioned, the area, location and features of land proposed for dedication are a direct result of the development proposal, are reasonably needed to mitigate the effects of the development, and are proportional to the impacts created by the development.

Hearing Examiner Finding

Concur with the staff response.

**B. CONCLUSIONS**

The Hearing Examiner concludes that the applicant has demonstrated that the request is consistent with the provisions for a Preliminary Subdivision. Responses to each of the Application Review criteria in MMC 22E.010.140(3)(a-d) and the Public Hearing-Elements Considered in MMC 22G.090.130 (1-10) are deemed to be satisfactory with respect to their intent. The proposal complies with the Hearing Examiner-Required Findings in MMC 22G.010.170(3)(a-e).

**C. DECISION**

Based upon the foregoing findings of fact and conclusions, the Hearing Examiner approves the request for a Preliminary Subdivision for the proposed Serenity Trails Subdivision, with the 11 conditions in the Staff Recommendation (Exhibit 31) dated April 9, 2024 (listed below):

1. The preliminary subdivision configuration (Exhibit 030) shall be the approved plat configuration. The final subdivision shall be processed in strict compliance with the provisions of Article III Final Subdivision Review and Article V Land Division Requirements of MMC 22G.090.
2. The final subdivision shall be approved and recorded within 5 years of the date of preliminary approval. A 2-year extension may be granted in accordance with MMC 22G.090.170.
3. Prior to final subdivision approval, the applicant shall submit to the City for its approval, covenants, deed restrictions, homeowners' association bylaws, and other documents providing for preservation and maintenance of all common open space, parking areas,

walkways, landscaping, signs, lights, roads, and community facilities consistent with MMC 22G.090.240. All common areas and facilities shall be continuously maintained at a minimum standard at least equal to that required by the City, and shall be approved by the City at the time of initial occupancy. Said restrictive covenants shall also include provisions to address parking enforcement and a statement from a private attorney as to the adequacy of the covenants to fulfill the requirement of the subdivision.

4. In order to achieve density greater than 6 dwelling units per acre, and not to exceed 18 dwelling units per acre, the applicant shall be required to comply with MMC 22C.090 *Residential Density Incentives*. Any and all RDI Financial contributions shall be paid prior to the final plat being recorded. If the proposed RDI tools are not possible to implement, the total number of proposed lots will be reduced accordingly.
5. Residential fire sprinklers shall be required for Lots 5, 11, 12, 13, and 14, unless adequate alternative provisions are reviewed and approved by the Marysville Fire Marshal.
6. Pursuant to MMC 22C.010.090(13), the proposed development shall utilize the bulk and dimensional standards of the R-8 zone. Compliance with this provision shall be demonstrated at time of building permit submittal.
7. A final landscape plan shall be required to be approved, prior to civil construction plan approval, and designed to comply with the applicable provisions outlined in MMC 22C.120, *Landscaping and Screening* and MMC 22G.090.570.
  - 7.1. All required landscaping shall be bonded prior to final plat approval per MMC 22C.120.060.
8. Pursuant to MMC 22D.030.070(6)(a)(ii), the traffic concurrency determination and the project's impacts and mitigation obligations shall expire upon expiration of the subdivision. The project is subject to the (3) traffic mitigation obligations as required by the Traffic Concurrency Recommendation, dated March 26, 2024. Said obligations are as follows:
  - 8.1. The applicant shall be required to construct frontage improvements along 83rd Ave NE, 32nd Pl NE, and 32nd St NE, prior to the recording the final subdivision. Roadway improvements, channelization, site access and lighting plans shall be required to be reviewed and approved by the City Engineer, prior to construction plan approval.
    - 83rd Ave NE shall be built compliant with SP 3-201-004.
    - The remainder of 32nd Pl NE and 32nd St NE shall be required to be constructed in accordance with SP 3-202-002.
  - 8.2. The applicant shall be required to dedicate public right-of-way in order to accommodate the required frontage improvements, in accordance with MMC

12.02A.110(1)(c), *Dedication of Road right-of-way – Required setbacks*. Right-of-way widths and required dedication shall be determined by the City Engineer.

- 8.3. 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 as set forth in MMC 22D.030.070(3), for the development. Traffic impact fees shall be vested at a rate of \$6,300.00, per PMPHT, totaling \$88,200.
9. The applicant shall submit payment to the City of Marysville for park impacts caused by the development in accordance with MMC 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 unless deferred until a time preceding final building inspections being granted.
10. The applicant shall submit payment to Lake Stevens School District for school impacts caused by the development in accordance with MMC 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 unless deferred until a time preceding final building inspections being granted.
11. All necessary power lines, telephones wires, television cables, fire alarm systems and other communication wires, cables or shall be placed in underground location either by direct burial or by means of conduit or duct. All such underground installations or systems shall be approved by the appropriate utility company and shall adhere to all governing applicable regulations including, but not limited to, the applicable City and State regulations and specific requirements of the appropriate utility pursuant to MMC 22G.090.710(1).

Dated this 22nd day of April, 2024.



Kevin D. McDonald, AICP  
Hearing Examiner

**EXHIBITS**

The following exhibits were offered and entered into the record:

01) Land Use Application	018) REVISED Preliminary Site Plan
02) Project Narrative	019) REVISED Preliminary Civil Plans
03) Title Report/Legal Description	020) REVISED Landscape Plan
04) Critical Area Report	021) Updated Traffic Impact Analysis (Feb 2024)
05) Geotechnical Report	022) Technical Review Comments #2
06) Drainage Report	023) Resubmittal Letter #2
07) Traffic Impact Analysis (Dec 2023)	024) Plat Map
08) SnoCo Traffic Offer	025) Affidavit of Publication
09) Landscape Plan	026) Concurrency Recommendation
010) Preliminary Site Plan	027) Concurrency Acceptance Letter
011) Preliminary Civil Plans	028) Notice of Public Hearing
012) Letter of Completeness	029) Affidavit of Posting
013) Request for Review	030) Final Plat Map
014) Notice of Application	031) Staff Recommendation
015) Technical Review Comments #1	032) Affidavit of Publication
016) Updated SnoCo Traffic Offer	033) Geotechnical Report
017) Resubmittal Letter	

**PARTIES of RECORD at the PUBLIC HEARING**

Emily Morgan, Senior Planner City of Marysville Community Development Department 501 Delta Avenue Marysville, WA 98270	Joe Long, Keystone Land LLC 13805 Smokey Point Boulevard, Suite 102 Marysville, WA 98271
	Tom Abbott, Solid Ground Engineering 8105 166 <sup>th</sup> Avenue NE, #201 Redmond, WA 98852

**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.010.560.**

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.