



STAFF RECOMMENDATION

Community Development Department ♦ 501 Delta Avenue ♦ Marysville, WA 98270
 Office Hours: Mon - Fri 8:00 AM - 4:30 PM ♦ Phone: (360) 363-8000

PROJECT INFORMATION									
Project Title	Bazara Short Plat			Date of Report	October 26, 2023				
File Number	SP23004			Attachments	Preliminary Site Plan (Exhibit 15)				
Administrative Recommendation	Approve the Preliminary 2-lot Short Subdivision to construct one new single-family detached residence.								
BACKGROUND SUMMARY									
Applicant	Walid Bazara								
Request	The applicant is requesting 2-lot Short Subdivision to construct one new single-family detached residence and retain the existing single-family residence and accessory structure on Lot 1.								
SEPA Status	N/A								
Location	12508 45 th DR NE			APNs	00655700001000				
Acreage (SF)	0.51-acres (22,216 SF)			Section	04	Township	30	Range	05
Comprehensive Plan	Single Family Medium	Zoning	R-4.5	Shoreline Environment			N/A		
Water Supply	Current	Proposed		Sewer Supply	Current		Proposed		
	Marysville	Marysville			Marysville	Marysville			
Present Use of Property	Existing Single Family Residence and Accessory Structures								
REVIEWING AGENCIES									
Marysville	Local Agencies & Districts		State & Federal		County		Other		
<input checked="" type="checkbox"/> Building <input checked="" type="checkbox"/> Fire District <input checked="" type="checkbox"/> Development Services <input type="checkbox"/> Parks <input checked="" type="checkbox"/> Planning <input type="checkbox"/> Police <input checked="" type="checkbox"/> Public Works	<input type="checkbox"/> Arlington (city) <input type="checkbox"/> Arlington Airport <input checked="" type="checkbox"/> Comcast <input type="checkbox"/> Community Transit <input type="checkbox"/> Marysville Fire District <input checked="" type="checkbox"/> PUD No. 1 <input checked="" type="checkbox"/> Ziplly		<input type="checkbox"/> BNSF <input type="checkbox"/> DAHP <input type="checkbox"/> DOE <input type="checkbox"/> US Army Corp of Engineers <input type="checkbox"/> WDFW <input type="checkbox"/> WSDOT <input type="checkbox"/> WUTC		<input type="checkbox"/> Health District <input type="checkbox"/> Planning <input type="checkbox"/> Public Works - Land Development <input type="checkbox"/> Public Works <input type="checkbox"/> <input type="checkbox"/>		<input type="checkbox"/> Puget Sound Clean Air <input type="checkbox"/> Puget Sound Energy <input checked="" type="checkbox"/> Stillaguamish Tribe <input checked="" type="checkbox"/> Tulalip Tribes <input checked="" type="checkbox"/> Parties of Record		
ACTION									
<input type="checkbox"/> Administrative <input type="checkbox"/> City Council <input checked="" type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Planning Commission									
Date of Hearing	November 2, 2023		<input checked="" type="checkbox"/> Approved		<input type="checkbox"/> Denied		<input type="checkbox"/> Continued		
STAFF CONTACT									
Name Chris Holland Title Planning Manager Phone 360.363.8207 E-mail cholland@marysvillewa.gov									

SURROUNDING USES

	Comprehensive Plan	Zoning	Land Use
Site	Single-family, Medium Density	R-4.5	Single-family residence
North	Single-family, Medium Density	R-4.5	Single-family residence
East	Single-family, Medium Density	R-4.5	45 th Drive NE and Single-family residences
South	Single-family, Medium Density	R-4.5	Single-family residence
West	Single-family, Medium Density	R-4.5	Single-family residence

Vicinity Map



1.0 FINDINGS AND CONCLUSIONS

- 1. **Description of Proposal:** An application was submitted for a 2-lot Short Subdivision to construct one new single-family detached residence behind an existing single-family residence and accessory structure, which is proposed to be retained. Pursuant to [MMC 22G.010.360](#) *Decision or public hearing required*, the City has received over five (5) adverse public comments on the application, therefore, the Community Development Director has determined that a public hearing is necessary to address issues of public significance related to the proposed short subdivision.
- 2. **Project Location:** The proposed Short Subdivision is located at 12508 45th DR NE in the Whispering Firs Estates Subdivision identified as Assessor’s Parcel Number (APN) 00655700001000.
- 3. **Site Description:** The project site is developed with an existing single-family residence and residential accessory structures. The 0.51 acre property is generally flat and is comprised of typical residential landscaping and lawn grass.
- 4. **Letter of Completeness:** The application was submitted on June 26, 2023 and determined to be complete on July 5, 2023. A letter of completeness (Exhibit 008) was provided to the applicant in accordance with [MMC 22G.010.050](#).
- 5. **Public Notice:** Public notice of the development application was provided in accordance with [MMC 22G.010.090](#) (Exhibit 009).
 - 5.1. The notice of application was issued July 5, 2023 with comments requested to be returned by August 2, 2023. The following public comments were received as outlined in Exhibit 011 *Technical Review Comments*:

<p><u>Summary of Comments:</u> The increased density will decrease property values in a community with established large lots averaging 0.5 acres.</p>
<p><u>Applicant’s Response:</u> The zoning for the area is R4.5 SFM. This proposed Short Plat is allowed and will meet Marysville Municipal Code requirements.</p> <p><u>Staff Response:</u> Property and structure values are not subject to mitigating factors or conditions in review and approval of a short subdivision. Historically, urban development provides an increased value to neighborhoods when urban services such as public roads, water and sanitary sewer are provided. The proposed neighborhood currently has existing public roads, water and sewer.</p> <p>Additionally, the State’s Growth Management Act requires urban development to occur within Urban Growth Areas. This means that the majority of urban development will occur within cities. While the subdivision will result in a change in the character of the site, since annexation into the City, the subject property has been designated to allow for residential development at urban densities. The proposed short plat subdivision complies with the Marysville Municipal Code standards for the Residential 4.5 zoning.</p>
<p><u>Summary of Comments:</u> Property has approximately 6 to 8 vehicles parked at residence. Several are commercial vehicles including a work van and tow truck.</p>
<p><u>Applicant’s Response:</u> The tow truck has been removed; however, the work van is allowed. With regards to how many vehicles are parked at the</p>

residence the Whispering Firs Estates Covenants, Conditions and Restrictions (CC&R) does not indicate a maximum number of vehicles

Staff Response: The work van is associated with Comfort Quality Heating and AC, Inc. This is a permitted home occupation, operating in accordance with [MMC Chapter 22C.190 Home Occupations](#). The applicant has an approved home occupation business license (BLS23-0228). The tow truck was associated with a separate business and has been removed in compliance with Code Enforcement case CE23-000089.

Summary of Comments: Existing residence is occupied by three families.

Applicant's Response: Incorrect statement. It is one family with possibly three generations.

Staff Response: Occupancy limits for single-family residences are allowed based on the definition of "household" as outlined [MMC 22A.020.090](#) "H" definitions, as follows:

- (1) An individual;
- (2) Two or more persons related by blood, marriage, adoption, or guardianship, and including foster children and exchange students;
- (3) A group of two or more disabled residents protected under the Federal Fair Housing Amendment Act of 1988;
- (4) Adult family homes or enhanced services facility as defined under Washington State law; or
- (5) A group living arrangement where six or fewer residents receive support services such as counseling, foster care or medical supervision at the dwelling unit by resident or nonresident staff; or
- (6) Consistent with the International Building Code (IBC), up to one unrelated person per 200 square feet per gross floor area of any dwelling unit, or in conjunction with any of the above individuals or groups, may occupy a dwelling unit;
- (7) For the purposes of this section, minors living with a parent, legal custodian (including a foster parent), or legal guardian shall not be counted as part of the maximum number of residents;
- (8) Any limitation on the number of residents resulting from this definition shall not be applied in a manner inconsistent with the Fair Housing Amendment Act of 1988, [42 U.S.C. Section 360](#) et seq., the Washington Law Against Discrimination, Chapter [49.60](#) RCW, and/or the Washington Housing Policy Act, RCW [46.63.220](#).

To the City's knowledge, occupancy of the single-family residence complies with the definition of household.

Summary of Comments: The property owners were observed driving recklessly on numerous occasions.

Applicant's Response: This is only an accusation. The property owner cares about his neighbors and safety issues in the neighborhood.

Staff Response: The Marysville Police Department enforces traffic related violations and should be contacted when reckless driving occurs.

Summary of Comments: The property residents allegedly burn garbage on numerous occasions creating a foul odor.

Applicant's Response: This is only an accusation. The property owner has indicated that a next-door neighbor did have a fire once.

Staff Response: The Marysville Fire District should be notified of burning which creates a hazard which endangers people and property.

Summary of Comments: The home owner operates multiple businesses out of the residence.

Applicant's Response: The property owner does operate a business from his home and has received approval from the City to do so.

Staff Response: The applicant is permitted to operate Comfort Quality Heating and AC, Inc., at the residence subject to the provisions detailed in [MMC Chapter 22C.190 Home Occupations](#). The applicant has an approved home occupation business license (BLS23-0228). The tow truck was associated with a separate business and has been removed in compliance with Code Enforcement case CE23-000089.

Summary of Comments: The short plat subdivision will set a negative precedent, which will damage the existing character of the neighborhood

Applicant's Response: The zoning for the area is R4.5 SFM. This proposed Short Plat is allowed and will meet Marysville Municipal Code requirements.

Staff Response: The proposed short plat is surrounded by single-family homes on all sides, which vary in lot sizes. The proposed lot behind the existing residence will be 9,268 square feet (0.21 acres), which is comparable with abutting lots to the west. As designed, the proposed panhandle lot is consistent with the required provisions outlined in the MMC.

Summary of Comments: The proposed project disregards the Whispering Firs Covenants, Conditions and Restrictions.

Applicant's Response: This proposed Short Plat will meet Marysville Municipal Code requirements and not disregard Whispering Firs Estates CC&R's (AFN 9411160096).

Staff Response: The City of Marysville has the authority to enforce city requirements set forth in Marysville Municipal Code. The City has no authority to enforce privately recorded Codes, Covenants and Restrictions (CC&Rs), unless expressly authorized in the CC&R's and approved by the City of Marysville. The homeowner's association (HOA) or individual lot owners in the Whispering Firs Estates neighborhood are responsible for interpreting and enforcing privately recorded CC&Rs.

Summary of Comments: The increased density will disrupt an established quiet neighborhood.

Applicant's Response: The zoning for the area is R-4.5 SFM.

Staff Response: The property is in the R-4.5 Single Family Medium Density zone which allows for 4.5 dwelling unit per acre. The existing lot is 0.51 gross acres and 0.40 net acres. Density is calculated by multiplying the allowed units per acre by the net project acres (0.40 net project acres x 4.5 du/acre

= 1.83 or 2 units). The proposed short subdivision complies with the density requirements of the zone.

Summary of Comments: The proposed location of the new lot and residence will compromise views, privacy, and comfort for the immediately surrounding homes.

Applicant's Response: This proposed Short Plat is allowed and will meet Marysville Municipal Code requirements

Staff Response: As noted above, the proposed short subdivision complies with the density requirements of the R-4.5 zone. If approved, the City will ensure the newly constructed residence complies with the bulk and dimensional requirements outlined in [MMC 22C.010.080](#), including, but not limited to setbacks, height, building and impervious surface coverage.

Summary of Comments: Methods to remedy privacy concerns will be monetarily burdensome for surrounding neighbors.

Applicant's Response: No comment

Staff Response: If approved, the City will ensure the newly constructed residence complies with the bulk and dimensional requirements outlined in [MMC 22C.010.080](#), including, but not limited to setbacks, height, building and impervious surface coverage.

Summary of Comments: According to Covenants, Conditions, and Restrictions, a majority vote from the neighborhood property owners is required to change or cancel restrictions. A vote has not been taken.

Applicant's Response: To subdivide the parcel is a city issue. The zoning for the area is R4.5 SFM.

Staff Response: As noted above, The City of Marysville has the authority to enforce city requirements set forth in Marysville Municipal Code. The City has no authority to enforce privately recorded Codes, Covenants and Restrictions (CC&Rs), unless expressly authorized in the CC&R's and approved by the City of Marysville. The homeowner's association (HOA) or individual lot owners in the Whispering Firs Estates neighborhood are responsible for interpreting and enforcing privately recorded CC&Rs.

Summary of Comments: Covenants and deeds of each property state that no subdivision would be allowed so that the character and "feel" of the neighborhood could be established and maintained.

Applicant's Response: Where in the CC & R's does it state that "no subdivision would be allowed"? With regards to character, harmony and feel of the neighborhood, it would be the Architectural Control Committee that considers these issues when they review and approving the construction plans and specification of the new building structure.

Staff Response: As noted above, The City of Marysville has the authority to enforce city requirements set forth in Marysville Municipal Code. The City has no authority to enforce privately recorded Codes, Covenants and Restrictions (CC&Rs), unless expressly authorized in the CC&R's and approved by the City of Marysville. The homeowner's association (HOA) or individual lot owners in the Whispering Firs Estates neighborhood are responsible for interpreting and enforcing privately recorded CC&Rs.

Summary of Comments: An alternative such as relocating the proposed lot to where the existing shop stands would be a preferable option compared to the proposed land action.

Applicant's Response: The property owner would like to keep the existing shop as is.

Staff Response: The City of Marysville has reviewed the proposed short subdivision for compliance with all applicable provisions of the MMC, including the lot configuration and access. The proposed lot layout is consistent with all applicable provisions of the MMC.

Summary of Comments: The short subdivision is more intensive than an Accessory Dwelling Unit application, therefore neighbors request more time for a complete impact review.

Applicant's Response: The zoning for the area is R4.5 SFM

Staff Response: Notice of the proposed development was provided in compliance with [MMC 22G.010.090](#). The project property was posted with a sign; the Notice of Application was posted in the Everett Herald (see Exhibit 016), and postcards were mailed to property owners within 300 feet of the subject property. Due to the number of concerns of surrounding property owners, the normally administrative short subdivision has been scheduled before the Hearing Examiner for a quasi-judicial public hearing, so the neighbors have an opportunity to provide public testimony for consideration.

Summary of Comments: The project will create more traffic, noise, and crime.

Applicant's Response: The project will generate one new PM peak hour vehicular trip. The noises will be similar to existing noise that are heard every-day in the neighborhood. The property taxes from the new house will assist in paying for additional law enforcement.

Staff Response: If approved, construction of a new single-family residence would generate 9.57 Average Daily Trips (ADT) and 1 PM Peak Hour Trip (PMPHT). The additional trip generation would not cause any intersection to fall below and acceptable level-of-service, or impact concurrency of the local intersections.

Noise and crime are both enforced by the Marysville Police Department in accordance with the applicable provisions of the MMC, State and Federal Law.

Summary of Comments: The proposed project will set a precedent for increased removal of vegetation and displacement of wildlife.

Applicant's Response: Yes, the project will remove some vegetation from an existing backyard; however, it's difficult to understand how this project will displace wildlife.

Staff Response: The city enforces wildlife protection through [MMC Chapter 22E.010 Critical Areas Ordinance](#). The proposed short subdivision is not located within a designated critical area.

It appears that lawn grass and two existing trees may need to be removed for construction of a new single-family residence. [MMC 22C.010.080](#) requires a maximum 40% building coverage and 50% impervious surface coverage.

It is anticipated that any future development would install typical residential landscaping.

Summary of Comments: If the project goes ahead as planned, could a "Type B" landscape buffer be required?

Staff Response: Pursuant to [MMC 22C.120.120](#) there are no required landscape buffer requirements for single-family residential uses adjacent to single-family residential uses, therefore, the City cannot require landscaping be installed between the two residential uses.

CD has passed along the request for installation of a landscape buffer to the applicant for consideration. The applicant can voluntarily elect to install landscaping.

5.2. The public hearing for the proposed request was advertised in accordance with [MMC 22G.010.110](#), *Notice of public hearing* (Exhibit 017).

6. **Request for Review:** A Request for Review of the proposed development was sent to the Local, County, State & Federal Agencies and Districts identified on page 1 of this recommendation. The following comments were received; if the above-referenced agencies are not listed below, no comments were received:

Agency	Nature of Comment
Marysville Fire District	<ul style="list-style-type: none"> • The new SFR on lot 2 will require fire sprinklers due to access issues (200' from the public ROW). • The project shall comply with current fire code requirements (2018 IFC) including WA State and local City of Marysville amendments to the fire code, city design standards, and applicable NFPA standards, including IFC Chapter 33 and NFPA 241 construction codes. • Any fire code required construction permits (IFC section 105.7) are obtained through Marysville Community Development at 501 Delta Ave. • The drive aisle be posted "NO PARKING – FIRE LANE" to maintain unobstructed emergency access. • Future homes to be constructed may require residential fire sprinkler installation for a number of reasons, including: If a home is three or more stories tall, exceeds 3,600 SF fire area, the distance from a public ROW to the furthest part of a home exceeds 200', deficient access to any part of a home, lack of hydrants, or if the fire flow from hydrants does not meet fire code requirements. • Where residential fire sprinklers may be required the developer should install a water service per Standard Plan 2-090-001 Full ¾" x 1" Meter Service. Under this plan a 1" tap is made at the water main and 1" piping is run to the 1" meter setter. If in the end a ¾" water meter will suffice then all that is required is to install two reducer bushings with the ¾" water meter. A single service tap should be used where sprinklers are required, not a double service installation. • An adequate access route for fire apparatus must be in service prior to any building construction.

7. **State Environmental Policy Act Review:** Pursuant to WAC 197-11-800(1)(c) and [MMC 22E.030.090](#), the proposed short subdivision is categorically exempt from State Environmental Policy (SEPA) review.
8. **Critical Areas:** There are no on-site critical areas.
9. **Access & Circulations:** Lot 2 is proposed to be accessed via 45th Drive NE. No change in access to the existing single-family residence on Lot 1 is proposed and the lot will continue to take access via 45th Drive NE.

The applicant shall be required to construct frontage improvement along 45th Drive NE, in accordance with [MMC 12.02A.090](#)(3)(b), unless an administrative variance is granted by the Public Works Department in accordance with [MMC 12.02A.090](#)(4) and [MMC 12.02A.120](#)(1).

10. **Utilities:** Per [MMC 14.03.250](#), utilities are to be extended along the street frontages of the proposed project. The following utilities will be provided to the site:
 - 10.1. **Storm Drainage:** According to the *Preliminary Stormwater Site Plan*, prepared by MAC Engineering, LLC., dated June 26th 2023, the proposed site development is not expected to have off-site drainage impacts. The project will not alter the natural discharge locations of stormwater runoff. Stormwater runoff from the proposed roofs will utilize downspouts and infiltration trenches.
 - 10.2. **Water:** The applicant is proposing to connect to the existing water main located within 45th Drive found on record drawing W194.
 - 10.3. **Sewer:** The applicant is proposing to connect to the existing sewer main located within 45th Drive shown on record drawing S58.

If the Short Plat Subdivision is approved, review of required utilities will be addressed during civil construction plan review to ensure compliance with all of the applicable Marysville Municipal Codes.

11. **Impact Fees**

- 11.1. **Park Impacts:** Pursuant to MMC Chapter [22D.040](#), the applicant shall mitigate City of Marysville parks impacts through payment of the park impact fee in effect at the time of building permit submittal.
 - 11.2. **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 submittal.
 - 11.3. **Traffic Impacts:** Pursuant to MMC Chapter [22D.040](#), the applicant shall mitigate traffic impacts through the payment of a traffic impact fee. The traffic impact fee is vested at the current rate of \$6,300.00 per new single-family residence.
12. **Application Review:** [MMC 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:

12.1. *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: The project proposes construction of one new single-family detached residence, which is a permitted use in the R-4.5 zone.

12.2. *Density of residential development in urban growth areas.*

Staff Comment: The base density allowed in the R-4.5 zone is 4.5 dwelling units per net project acre. The base density allowed for the proposed development is 2

units (0.40 net project acres x 4.5 du/acre = 1.83 which rounds to 2 units). The applicant is proposing to retain the existing single-family residence on Lot 1 and a construct a second single-family residence on Lot 2, which is within the allowable density.

12.3. *Availability and adequacy of public facilities identified in the Comprehensive Plan.*

Staff Comment: The Comprehensive Plan designation for the subject property is Single Family, Medium Density. 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.

12.4. *Development Standards*

Staff Comment: The project site is zoned R-4.5 Single Family, Medium Density. It allows single-family residences at a density of 4.5 dwelling units per acre. The major type of new development will be detached single-family residences.

The proposed short plat will meet all bulk and dimensional requirements set forth in MMC Section [22C.010.080](#), *Densities and Dimensions*.

After review of the application materials, preliminary short subdivision plan and information on file with the City, it has been determined that the proposed subdivision, as conditioned herein, complies with all of the applicable design and development standards outlined in Title 22 – Unified Development Code.

13. **Factors Considered by City Departments:** MMC [22G.090.360](#), *Review Process – Elements considered*, requires the City to review the short plat to determine whether it meets the following criteria:

13.1. Public Use and Interest. Evaluation of the proposed short subdivision to determine whether the public use and interest are served;

Staff Comment: After evaluation of the application materials and other supporting documentation available to the City, staff concludes that, as conditioned, the public use and interest are served by the proposed short subdivision;

13.2. Public Health, Safety and General Welfare. Evaluation of the proposed subdivision to determine whether the public health, safety and general welfare have been served and that the subdivision is consistent with the requirements of [RCW 58.17.110](#);

Staff Comment: After evaluation of the application materials and other supporting documentation available to the City, staff concludes that, as conditioned, the public health, safety and general welfare have been served and that the short subdivision is consistent with the requirements of [RCW 58.17.110](#);

13.3. Comprehensive Plan. Evaluation of all elements of the comprehensive plan and its consistency with the proposed short subdivision;

Staff Comment: The proposed short subdivision and development of the parcel relate to all elements of the Comprehensive Plan.

13.4. Existing Zoning. Evaluation of existing zoning and its compliance with the proposed short subdivision and Article V of this chapter, Land Division Requirements;

Staff Comment: The existing zoning and its compliance with the proposed short subdivision and [MMC Chapter 22G.090](#), Article V, Land Division Requirements has been evaluated. Compliance with specific zoning regulations is specifically demonstrated in Subsections 12.1 – 12.4 above.

13.5. Natural Environment. Evaluation of the impacts and provision for mitigation of all impacts on all elements of the natural environment including topography,

vegetation, soils, geology and all environmental issues as defined in the State Environmental Policy Act, Chapter 197-11 WAC and Article V of this chapter, Land Division Requirements;

Staff Comment: Pursuant to [WAC 197-11-800\(1\)\(c\)](#) and MMC Section [22E.030.090\(1\)\(a\)](#), the project is categorically exempt from the State Environmental Policy act review; however, evaluation of the impacts and mitigation provisions cited above has occurred through review of the project.

- 13.6. Drainage. Evaluation of all drainage impacts and provisions made for mitigation of all drainage impacts as defined in the city's comprehensive drainage ordinance and [MMC Chapter 22G.090](#), Article V, Land Division Requirements;

Staff Comment: After evaluation of the application materials which includes the *Geotechnical Engineering Report* prepared by Geotest (Exhibit 003), and the *Preliminary Drainage Report* prepared by MAC Engineering, LLC, staff concludes that, as conditioned, the proposed development has evaluated all drainage impacts and will provide mitigation for all drainage impacts as defined in the City's comprehensive drainage ordinance and [MMC Chapter 22G.090](#), Article V, Land Division Requirements;

- 13.7. Open Space. Evaluation of all impacts and provision for open space as defined in Chapter 22G.090, Article V, Land Division Requirements;

Staff Comment: After evaluation of the application materials and other supporting documentation available to the City, staff concludes that, as conditioned, the proposed development has evaluated all impacts and made provision for open space as defined in [MMC Chapter 22G.090](#), Article V, Land Division Requirements;

- 13.8. Public Systems Capacity. Evaluation of all impacts and provisions made for mitigation of impacts on public systems including parks, schools and community facilities as defined in [MMC Chapter 22G.090](#), Article V, Land Division Requirements;

Staff Comment: After evaluation of the application materials and other supporting documentation available to the City, staff concludes that, as conditioned, all impacts have been evaluated, and provisions have been made for mitigation of impacts on public systems including parks, schools and community facilities as defined in [MMC Chapter 22G.090](#), Article V, Land Division Requirements;

- 13.9. Public Services. Evaluation of all impacts and provisions made for mitigation of impacts on public services including streets, all public utilities, fire and police protection as defined in [MMC Chapter 22G.090](#), Article V, Land Division Requirements;

Staff Comment: After evaluation of the application materials and other supporting documentation available to the City, staff concludes that, as conditioned, all impacts have been evaluated, and provisions have been made for mitigation of impacts on public services including streets, all public utilities, fire and police protection as defined in [MMC Chapter 22G.090](#), Article V, Land Division Requirements;

- 13.10. Floodplain. Identification of short subdivisions proposed in the floodplain and compliance with requirements of this title and MMC Chapter [22E.020](#), Floodplain Management;

Staff Comment: This requirement is not applicable as the project is not in a floodplain.

- 13.11. Sidewalks. Pursuant to [RCW 58.17.060](#)(2), the applicant shall be required to show that sidewalks are provided to assure safe walking conditions for students who walk to and from school.

Staff Comment: After evaluation of the application materials and other supporting documentation available to the City, staff concludes that, as conditioned, the requirements of [RCW 58.17.060](#)(2) are met. The neighborhood the proposed short subdivision is located, and surrounding neighborhoods, do not have sidewalks. Frontage improvements, consisting of curb, gutter and sidewalk are required to be installed along the 45th Drive NE frontage, in accordance with [MMC 12.02A.090](#)(3), unless an administrative variance is granted by the Public Works Department.

Whether or not frontage improvements are installed or an administrative variance is granted, waiving installation of the frontage improvements, there is adequate room within the existing road section for safe walking conditions for students, including a shoulder separated by a white "fog-line."

14. **Hearing Examiner – Required Findings:** [MMC 22G.010.170](#)(3) requires that the Hearing Examiner not approve a proposed development without first making the following findings and conclusions:

- 14.1. *The development is consistent with the comprehensive plan and meets the requirements and intent of the Marysville Municipal Code.*

Staff Comment: The Comprehensive Plan designation for the subject property is Single Family Medium Density. The proposed development and subsequent use of the property will be consistent with the pertinent development policies outlined in the Marysville Comprehensive Plan and the intent of the Marysville Municipal Code, as conditioned herein.

- 14.2. *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.*

Staff Comment: As conditioned herein, the proposed short subdivision, will make adequate provisions for open space, parks and recreation facilities, playground and sites for schools and school grounds through payment of park and school impact fees. There are no environmentally sensitive areas on-site and there are adequate streets, public water and sewer and public utilities and infrastructure within the neighborhood.

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

Staff Comment: As conditioned herein, the proposed short subdivision is beneficial to the public health, safety and welfare and is in the public interest as the subdivision is designed in accordance with applicable Marysville Municipal Code requirements.

- 14.4. *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.*

Staff Comment: As conditioned herein, 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.

- 14.5. *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.*

Staff Comment: As conditioned herein, 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.

2.0 RECOMMENDATION

Based on the foregoing findings and conclusions, review of the application materials and other supporting documentation available to the Community Development Department, and the City's regulatory authority to implement the policies, standards, and regulations of the Marysville Comprehensive Plan and Marysville Municipal Code, the Community Development Department respectfully recommends that the Hearing Examiner **APPROVE** the proposed Short Subdivision to construct one new single-family detached residence, subject to the following conditions:

1. The preliminary site plan received by the Community Development Department (Exhibit 015) shall be the approved preliminary site plan layout.
2. The applicant shall be required to construct frontage improvement along 45th Drive NE, in accordance with [MMC 12.02A.090](#)(3)(b), unless an administrative variance is granted by the Public Works Department in accordance with [MMC 12.02A.090](#)(4) and [MMC 12.02A.120](#)(1). The administrative variance shall be reviewed and a decision rendered, prior to civil construction plan approval.
3. Prior to civil construction plan approval, a landscape plan consistent with MMC Chapter [22C.120](#), shall be approved, including but not limited to, the following design elements:
 - 2.1. Street trees along 45th Avenue NE and the private pan handle access.
 - 2.2. Fencing in accordance with [MMC 22G.090.580](#).
4. Prior to recording the short subdivision, the existing carport located on proposed Lot 1 shall be removed in order to comply with the required accessory structure setbacks outlined in [MMC 22C.180.020](#).
5. Prior to recording the short subdivision, the applicant shall be required to demonstrate compliance with the building and impervious surface coverage for Lot 1, pursuant to [MMC 22C.010.080](#).
6. The applicant shall submit payment to Marysville School District No. 25 for school impacts caused by the new lots in accordance with MMC Chapter [22D.040](#). 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. Credit shall be given to lot 1 for the existing single-family residence.
7. The applicant shall submit payment to the City of Marysville for park impacts caused by the new lots in accordance with MMC Chapter [22D.020](#). 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.

8. The applicant shall submit payment to the City of Marysville for traffic impacts caused by the new lots in accordance with MMC Chapter [22D.030](#). Traffic impact fees are vested at \$6,300.00, and will be required to be paid prior to final short plat approval. Credit shall be given to lot 1 for the existing single-family residence.
9. All necessary power lines, telephones wires, television cables, fire alarm systems and other communication wires, cables or lines 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](#).

3.0 EXHIBITS

The following Exhibits can be accessed electronically via the link provided in the exhibit header below.

[SP23004 Bazara Short Plat](#)

1. Land Use Application
2. Title Report
3. Geotechnical Report
4. Drainage Report
5. Plat Map
6. Preliminary Civil Plans
7. Request for Review
8. Letter of Completeness
9. Notice of Application
10. Affidavit of Publication
11. Technical Review Comments
12. Response Letter
13. Preliminary Civil Plans
14. Response Letter
15. Plat Map
16. Affidavit of Publication

17. Notice of Public Hearing
18. Staff Recommendation