



April 20, 2023

Angela Gemmer, Principal Planner
Community Development
City of Marysville
501 Delta Avenue
Marysville, WA 98270

KM CAPITAL, LLC RESPONSE TO TECHNICAL REVIEW #1 (CPA 23003) – 51st AVE REZONE

Dear Angela:

The following letter outlines our responses to the City's Technical Review #1 for CAP 23003, as well as additional information. Our responses to city and citizen comments are noted in [blue](#).

- ❖ The requested R-18 Multi-family, Medium Density zone allows for a base density of 18 dwelling units per net project acre and a maximum density of 27 dwelling units per net project acre through the application of the residential density incentive provisions set forth in Chapter 22C.090 MMC. The Trip Generation Analysis prepared by Kimley Horn dated February 15, 2023 anticipates approximately 684 multi-family residences will be constructed on the 48.01 acre site with a future project action. While there are significant critical areas encumbrances on-site, it still appears that this estimate may be conservative. If a 25 percent deduction for net project area is made, an estimated project yield might range from 648 (base) to 972 units (maximum). Should a higher unit count or range of units be contemplated in the Trip Generation Analysis? If not, please provide a brief description of why the provided figure is a reasonable estimate. If so, please amend the Trip Generation Analysis and applicable sections of the SEPA checklist accordingly.

[Conceptually, Applicant expects to construct approximately 768 apartment units in three phases. The trip generation analysis by Kimley Horn has been updated and is attached hereto.](#)

- ❖ The following revisions or supplemental information is requested for the SEPA checklist:
 - 1 Earth (g) – Include a reference to the maximum 70 percent impervious surface which would be allowed if the property is rezoned to R-18.

[Edits were made to address the City's comment, noting that the existing LI zone's impervious surface is 85% and the proposed R18 zone impervious surface is 70%.](#)

- 3 Water (a)(1) – It is indicated that the consultant is not aware of any surface water body on or in the immediate vicinity of the site (including year-round and season streams, saltwater, lakes, ponds, wetlands); however, the Technical Memorandum prepared by Soundview Consultants, LLC dated February 17, 2023 and supporting critical areas documentation identifies the following surface water bodies on or in the vicinity of the site: Wetland AH and Edgecomb Creek. Please amend to reflect.

[Edits were made to address the City's comment, including information from Soundview on Wetland AH and Edgecomb Creek. On a related note, clarifications were made elsewhere to bring attention to the fact this site has an approved preliminary BSP for light industrial development.](#)

- 3 Water (a)(2) – Reviewing the critical areas documentation that was provided, it is recommended that this section be revised to include a statement that future project actions may require work

over, in, or adjacent to Wetland AH and Edgecomb Creek which will be analyzed during future project action review.

Edits were made to address the City's comment, including additional information from Soundview.

- 3 Water (a)(3) – Amend to briefly summarize the fill of the 51st Avenue NE ditch, impacts to Wetland AH, and realignment of Edgecomb Creek that are anticipated to accompany a future project action.

Edits were made to address the City's comment, including discussion of the 51st Avenue NE ditch and Wetland AH as they relate to the existing, approved industrial development and the proposed rezone's potential future development.

- 3 Water (c)(1) – Recommend indicating that a future project action will require stormwater facilities be constructed in accordance with the 2019 Stormwater Management Manual for Western Washington or then-current regulations.

Edits were made to address the City's comment.

- 5 Animals (a) – The list of animals in the vicinity is very limited. Have animals such as hawk, deer or eagle been observed in the vicinity?

Edits were made to reflect additional input from other members of the consultant team.

- 5 Animals (b) – The City's GIS indicates Chinook, Coho, Cutthroat, and Chum are present within Edgecomb Creek. Reviewing the National Oceanic and Atmospheric Administration (NOAA) Fisheries website (Chinook Salmon (Protected) | NOAA Fisheries), it appears Chinook are ESA Threatened in Puget Sound and that the checklist may need to be amended to reflect this.

Edits were made to address the City's comment based on information compiled by Soundview Consultants.

- 5 Animals (d) – This section should mention the realignment of Edgecomb Creek and wetland buffer mitigation that is anticipated with a future project action, and that it is anticipated that the critical areas and buffers will be placed in a Native Growth Protection Area (NGPA) tract or easement for future protection.

Edits were made to address the City's comment.

- 8 Land and Shoreline Use (g) – It should be noted that Edgecomb Creek is not subject to the Shoreline Master Program.

Edits were made to address the City's comment.

- 8 Land and Shoreline Use (h) – Provide a brief description of the on-site critical areas, Wetland AH and Edgecomb Creek.

Edits were made to address the City's comment.

- 8 Land and Shoreline Use (i) – Recommend that an estimate of the number of future residents that would be live in a future project be provided that is consistent with the preliminary Trip Generation Analysis.

Edits were made to address the City's comment, as the Applicant anticipates 768 units.

- 8 Land and Shoreline Use (l) – A landscape buffer along the eastern property line will be required to screen the anticipated future project from adjacent single family residential areas.

Edits were made to address the City's comment.

- 9 Housing (a) – Recommend an estimated range of housing units that are projected with a future project action be noted that is consistent with the requested zoning and the preliminary Trip Generation Analysis.

Edits were made to address the City's comment.

- 10 Aesthetics (a) – Cite the allowable height of 45 feet in the R-18 zone.

Edits were made to address the City's comment and note that the LI zone base building height is taller, which this rezone would result in a lower building height adjacent to residential development.

- 10 Aesthetics (b – second one that should be c) – Recommend that it be indicated that future project actions will be subject to design standards and landscaping as required by code.

Edits were made to address the City's comment.

- 12 Recreation (c) – Future residential project actions will be required to provide open space on-site and pay park mitigation fees.

Edits were made to address the City's comment.

- 13 Historic and Cultural Preservation (d) – Future project actions will be required to follow the Department of Archaeology and Historic Preservation's Inadvertent Discovery protocols in the event that a cultural resource is encountered.

Edits were made to address the City's comment.

- 14 Transportation (d) – While certain transportation improvements will not be identified until a project action is submitted, it is anticipated that frontage improvements will be required along the property's 51st Avenue NE and 152nd Street NE frontages.

Edits were made to address the City's comment.

- 14 Transportation (f) – Recommend citing the estimate of trip generation for a future project action from the Trip Generation Analysis.

Edits were made to address the City's comment.

- 15 Public Services (a) – Future project actions would increase the need for the variety of public services listed in this section

Edits were made to address the City's comment.

- 15 Public Services (b) – Future project actions will require the payment of school, traffic and park mitigation fees, and water, sewer and storm capital improvement charges to help mitigate the project's impacts.

Edits were made to address the City's comment.

- 15 Public Services (c) – Future project actions will require connections, and extensions where necessary, of water, sewer and storm infrastructure.

Edits were made to address the City's comment.

- ❖ Please review and address the attached comments from Ms. Kinnamon dated March 2, 2023. The comments pertaining to the review and approval process have been addressed.

Kinnamon Comment #1

Please add to the record my concern about school impacts of this big zoning change . How is the school district supposed to plan for and teach students when a new development attracts a new elementary school worth of students that weren't expected?

The proposed rezone would not create a new elementary school's worth of students.

The student generation rates for Marysville are found on page 23 of the Marysville School District (MSD) 2022-2027 Capital Facilities Plan. These rates show that the prior R4.5 zoning and proposed R18 zoning would account for the following student counts:

	Single Family Student Generation Rate	Former R4.5 Medium Zoning Projected Students	Multifamily 2+ Bedroom Student Generation Rate	Proposed R18 Multifamily Zoning Projected Students	Net Change ¹
Elementary	.263	12	.083	68	56
Middle	.079	3	.117	90	87
Senior	.086	4	.100	77	73

Looking at the six-year capital facilities plan (2022 – 2027), the Marysville School District (MSD) currently projects a deficit of permanent capacity for 277 elementary students, but has capacity for an additional 784 students via relocatable capacity (e.g. portables). For middle and senior high schools, the MSD projects surplus permanent capacity of 334 (middle high) and 725 high school.²

Based on current enrollment boundaries, students who would reside in the proposed rezone area would go to Shoultes Elementary, Marysville Middle School, and Marysville Pilchuck High School. Shoultes elementary school has permanent capacity for 314 students and relocatable capacity (currently) for 98 students.

Ultimately, it does not appear based on existing student generation rates and capacity through 2027 that the proposed rezone would create a capacity concern.

Kinnamon Comment #2

Reading through the Environmental Checklist however was extremely disappointing. The applicant simply repeated "non project action" and put no work into assessing how this change will impact current and future city residents or workers.

The rezone is a non-project action and no site-specific development plan has been submitted for review.

¹ Prior to March 2023, 10.18 acres of Applicant's proposed site was zoned R4.5, medium density residential. Based on data from the 2021 Snohomish County Buildable Lands Report, densities for the R4.5 zone ranged from 4.09 to 4.3 dwelling units per gross buildable acre which would have yielded approximately 44 single family dwelling units. Based on data from the Draft Snohomish County Housing Needs Report owner occupied housing units account for 2.71 persons per household, which residential development would have supported approximately 119 persons. By comparison, the proposed rezone to R18 would result in approximately 768 units or 649 units than what the zoning allowed approximately 1 year ago. These unit counts were the basis for calculating net change.

² **Note:** as the rezone from R4.5 to LI wasn't completed until late March of 2022, it does not appear that rezone's change was included in projected capacity figures per Table 12 on page 17 indicate capacities, which MSD notes were calculated as of February 2022.

The Applicant has updated the SEPA to reflect information based on a very conceptual analysis of the site and its development potential and is providing updated traffic analysis based on this current information.

Applicant's rezone recognizes that the Cascade Industrial Center will be a major employment center for all of Snohomish County. To that end, it is well documented that missing middle housing options, including apartments are needed throughout the region and Applicant is confident that a future multifamily development in this location will serve the growing workforce and potentially reduce the length of commutes for many future employees.

Kinnamon Comment #3

What are the next steps in this process? Will the Planning Commission or City Council have a hearing?

This question is better answered by the city, which has indicated its responded to Ms. Kinnaman.

Will someone (city or applicant) provide some analysis of the impact of this proposed change?

Analysis was submitted with the application and additional, supplemental analysis is being developed in conjunction with requests by the city.

Kinnamon Comment #4

The traffic analysis cites 2,500 new weekday trips requiring \$1.5 million in additional mitigation (and for some reason assumes vehicles will only go north or west, not south). This is a huge change and the written documentation to date does nothing to justify it.

An initial traffic analysis memo was submitted with the Applicant. This information is being revised based on a revised unit count estimate. Trip distribution and trip generations rates used in the traffic analysis memos produced by Kimley Horn are based on data and recommendations from the City of Marysville and the Institute of Transportation Engineers (ITE) manual, 11th Edition (2021).

- ❖ An initial Planning Commission work session on this Comprehensive Plan map amendment and rezone request is anticipated in late April or early May.

Thank you for the update on timing.

- ❖ Critical areas and associated buffers are anticipated to provide significant buffering along the majority of the eastern property line. Pursuant to MMC 22C.120.120, Table 1, a 10 foot wide, Type L1 landscape buffer with a six foot tall, sight-obscuring fence or wall will be required along property lines abutting single family zoned properties. Reductions in the landscape buffer would not be supported as the deciduous trees along the railroad right-of-way become quite sparse during the fall and winter providing more limited screening. Fencing may be conditioned to be a good neighbor or picture frame style fence that is aesthetically pleasing to abutting properties.

Acknowledged.

- ❖ Comments are anticipated from the Transportation Division of Public Works and will be forwarded upon receipt.

Acknowledged. Kimley Horn has provided a revised Traffic Analysis Memo in response to the SEPA checklist comments/questions from the city and more accurate conceptual unit count.

- ❖ An Olympic Pipeline easement is located on the property. Past residential projects adjacent to the pipeline have required coordination with the pipeline on appropriate setbacks for residential uses.

Applicant will coordinate and ensure appropriate setbacks for residential uses as required by the pipeline.

- ❖ The Planning Division is contemplating concurrently rezoning the small area of R-4.5 Single Family, Medium Density that is immediately south of the subject site and west of the Burlington Northern Santa Fe railroad to R-18 Multi-family, Medium Density.

Acknowledged. No comment.

- ❖ Enclosed please find comments from other departments, agencies and the public.

Acknowledged, the following are our responses.

Reviewed by	On Behalf Of	Comment	Applicant Response
Kacey Simon, Civil Plan Review	City of Marysville	We do not have any comments on this review.	Acknowledged
Michael Snook, Building Official	City of Marysville	Building has no comments at this time.	Acknowledged
Brooke Ensor, NPDES Coordinator	City of Marysville	There are no surface water comments on CPA23-003 51st Avenue Comp. Plan Amendment and Rezone.	Acknowledged

We trust the responses above fully address the city and citizen comments to date. Should you have any questions regarding the responses in this letter, the revised SEPA Checklist or the revised traffic analysis memorandum, please let me know.

Thank you for your time and consideration. Should you have any questions, please do not hesitate to contact me at david@toyerstrategic.com or 425-344-1523.

Very Sincerely,



David K. Toyer
President

Haylie Miller, Director, Community Development
Chris Holland, Planning Manager, Community Development