

January 15, 2024

Via E-mail to emorgan@marysvillewa.gov; Original via US Mail

City of Marysville
Community Development
501 Delta Avenue
Marysville, WA 98072

Attn: Emily Morgan Senior Planner
Chris Holland, Planning Manager

RE: Stevens Ridge PRD (City of Marysville File No. PA21-038)
87th & 40th PRD (City of Marysville File No. PA22-040)
Required Public Road and Pedestrian Interfaces Between Projects

Dear Ms. Morgan and Mr. Holland:

We were cc'd to an e-mail to the City from Mr. Ry McDuffy of Land Resolutions dated 12-20-2023 and 12-21-2023, inclusive of a proposed site plan revision (copy attached). Mr. McDuffy is the lead proponent for the Stevens Ridge PRD (referenced above). Mr. McDuffy's correspondence solicits both the City's and our response to a proposed revision to the Stevens Ridge PRD's site plan that results from the City of Marysville staff's requirements to both the Stevens Ridge proponent and the 87th & 40th PRD's proponent to provide certain common pedestrian and vehicular road interfaces between the 2 projects pursuant to the City's adopted codes and regulations.

In summary, after more than eighteen (18) months providing the City with numerous proposed site plan revisions to the Stevens Ridge PRD, the Stevens Ridge PRD's site plan fails to comply with both the City's regulations and prior instructions of staff for site design elements, including (but not limited to) provision of all of the common neighborhood road and pedestrian connectivity locations that the City has determined necessary for both the Stevens Ridge PRD and the 87th & 40th PRD.

Mr. McDuffy's 12-20-2023 states as follows: "..Please note that we shall not be installing a road connection to Road "E" of the adjoining project."

We interpret Mr. McDuffy's correspondence as a refusal to comply with the City's regulations without basis or justification. We again respectfully object, as the Stevens Ridge PRD proponent has no basis for not complying with the City's code requirements; in particular, the City's requirement for extension of a public road through the Stevens Ridge PRD to a point of adjacency with the westerly extension of Road "E" by the 87th & 40th PRD.

The purpose of this correspondence is to set forth (i) a history of the issues underlying the City's requested common road and pedestrian interface locations for both projects; (ii) the underlying codes and regulations applicable; and (iii) our request that the City require the Stevens Ridge PRD to comply with all of the vehicular and pedestrian interfaces between the two projects that have been determined necessary and appropriate by the City.

We respond to Mr. McDuffy's e-mail and revised site plan as follows:

History:

- The Stevens Ridge PRD was applied for and vested with the City on or around August, 2021.

Among other site design features, the Stevens Ridge PRD's initial site plan proposed (i) the application of 42-foot wide internal public roads; (ii) a single easterly public road extension to the 87th & 40th PRD property ("41st Place NE"); (iii) a North-South half street along the entire eastern boundary of the Stevens Ridge PRD providing access to the north side of 40th Street NE; and (iv) an east-west public road culdesac approx. 80 feet north of 40th Street NE, extending westerly from the half street referenced above.

- The 87th & 40th PRD was applied for and vested with the City in September 2022. The 87th & 40th PRD's initial site plan provided for road and pedestrian interface locations to the common boundary with the Stevens Ridge PRD at two locations (Road "A" and Road "E", as described below), while not providing access to the North side of 40th Street NE, based on pre-application advice provided by the City.
- As part of its initial review of both projects, the City advised both the Stevens Ridge PRD proponent and the 87th & 40th PRD proponent as follows:
 - Access to 40th Street NE would be not be approved by the City to either project due to the fact that the proposed access was inconsistent with intersectional spacing requirements for primary arterials, as set forth in the EDDS;
 - 42-foot wide rights-of-way would not be supportable by City staff for either project; and

- The site plans for both projects shall provide common east-west road and pedestrian interface(s) due north of 40th Street NE between their respective properties pursuant to the City's authority under adopted regulations.
- Resulting therefrom, amendments to the Stevens Ridge PRD's site plan were tendered to the City on several occasions, predicated upon (i) the City approving autocourts that service more than 6 housing units per autocourt (we respectfully note, without underlying variance application or justification) and (ii) removal of the easterly public half road from the Stevens Ride PRD site plan.
- The City's Engineering Design and Development Standards ("EDDS"), Chapter 3, Section 3-219, limits the number of housing units served by an autocourt to "...a maximum of 6 units."
- The Stevens Ridge PRD proponent's request to the City to approve more than 6 housing units per autocourt is not substantiated by code, nor has a variance request been submitted or attempted to be justified by the Stevens Ridge PRD proponent. *See PNW Investors LLC correspondence to City dated 8-7-2023.*
- The City advised the Stevens Ridge PRD proponent on several occasions that (i) the request for more than six (6) housing units per autocourt was not allowed under code or supportable; and (ii) the project's plans would need to be resubmitted to demonstrate compliance with all of the City's regulations, inclusive of (1) providing the type of centrally-accessible open space, as required under applicable codes and (2) providing internal public road and pedestrian connectivity between the Stevens Ridge PRD and the 87th & 40th PRD to facilitate the requirements of City code.
- In response to the City's review comments and in lieu of complying, the Stevens Ridge PRD proponent subsequently provided the City with a number of proposed site plan revisions, none of which have fully met the City's adopted regulations and conditioned upon expectation that the City would grant an unjustified variance for more than 6 housing units per autocourt. The various site plan revisions also did not comply with the City's requirements for open space design and location, and did not provide all of the common public road and pedestrian neighborhood interface requirements advised by the City to both applicants as necessary.
- In response to the City's initial review comments, the 87th & 40th PRD proponent complied with the City's requests for site plan revisions including but not limited to (i) provision of 50-foot wide public rights-of-way; (ii) centralized and distributed open space; (iii) Two (2) public road interfaces between the 2 projects (Road "A" connecting to 41st Street NE and Road "E" abutting to the common property line); and (iii) no road connectivity to 40th Street NE, as requested by the City.

- During Spring 2022 (on or around 4-18-2022), the City held a meeting with the Stevens Ridge PRD proponent and the 87th & 40th PRD applicant and requested both parties to work together in good faith to resolve the common boundary public road and pedestrian location interface issues. The City advised both project proponents that their projects would not be further processed until amicable agreement was reached on public road and pedestrian interface locations.
- In Spring 2022 (on or around 5-11-2022), the City held a meeting with the Stevens Ridge Proponent and property owner, the 87th & 40th PRD's proponent and civil engineer, and City planning and public works staff. At that meeting, the City directed both the 87th & 40th PRD proponent and the Stevens Ridge PRD proponent to provide for common public road and pedestrian interfaces between the 2 projects at the following locations:
 - (i) An east-west public road approximately 80 LF south of the NE corner of the Stevens Ridge PRD property (shown as "Road A" on the 87th & 40th PRD site plan and as "41st Place NE" on the Stevens Ridge PRD site plan); and
 - (ii) The creation of a new north-south public road in the NE corner of the Stevens Ridge Site Plan with a corresponding half road along the westerly boundary of the 87th & 40th PRD Property north of Road A, connecting to the 41st Place NE and Road A intersection ("85th Avenue NE"); and
 - (iii) An east-west public road connection between the two projects due north of 40th Street NE, to provide internal vehicular, pedestrian and emergency vehicle circulation between the two projects (shown as "Road E" on the 87th & 40th PRD site plan).
- The 87th & 40th PRD proponent responded by complying with the City's request for all of the requested road and pedestrian interface locations, as said request is within the authority of the City to require pursuant to regulations. We note for the record, that as resubmitted, the 87th & 40th PRD site plan requires no variances or deviations from code, other than the allowance of rolled curb due to driveway spacing issues, which the City Engineer has deemed reasonable and agreed to be justified.
- Following the Spring 2022 meeting and through Winter 2023, the 87th & 40th PRD proponent met with the Stevens Ridge PRD property owner on several occasions to make good-faith attempts to resolve the requested common road and pedestrian interfaces requested by the City. This effort included providing the Stevens Ridge PRD proponent various site plan alternatives for the Stevens Ridge PRD demonstrating how the Stevens Ridge Project could be designed and developed in a manner that complies with the City's codes and regulations; i.e., providing the common public road and pedestrian interfaces required by the City, centrally located open space, all while resulting in superior housing unit yield.

During this same period of time, the Stevens Ridge PRD proponent continued its efforts to lobby City staff to accept their then-current site design preference for more than 6 housing units per autocourt (without variance or code justification), and without provision of the Southerly “Road “E” public road and pedestrian interface location referenced above.

- Subsequent meetings were held with the City on or around 3-16-2023 and 6-28-2023. This meeting included the Stevens Ridge PRD ownership, proponent, 87th & 40th PRD proponent, engineering team, City Planning and Public Works staff and the City Fire Marshall. At this meeting, the City again advised the Stevens Ridge ownership and proponent again that the proposed site plan revisions were not acceptable (including but not limited to the reasons stated above) and requested the Stevens Ridge PRD proponent to resubmit a site plan that complied with the City’s regulations. The Fire Marshall emphasized its preference for (i) the public road connectivity locations requested by City staff; and (ii) avoidance of dead-end roads and culdesacs wherever feasible, given both project’s density.
- Following the June 28, 2023 meeting:
 - The 87th & 40th PRD proponent revised its site plan to address various minor issues necessary to meet the requirements of the City and advised the City by means of formal correspondence of (i) the lack of code justification for the Stevens Ridge proponent’s request for more than 6 housing units per autocourt; and (ii) the inability to reach mutual agreement. *See PNW Investors LLC correspondence to City dated 8-7-2023 and 8-25-2023.*

As part of this correspondence, the 87th & 40th PRD requested the City to proceed with allowing resubmittal of the 87th & 40th Site plan and requested the City to require the Stevens Ridge PRD to comply with the requested “Road E” public road / pedestrian common interface location.

- In early September 2023, the City advised the 87th & 40th PRD proponent that the 87th & 40th PRD revised site plan was acceptable, based on provision of a temporary turn-around / culdesac at the westerly end of Road “E” pending development of the Stevens Ridge PRD and other minor issues.

The 87th & 40th PRD has, in reliance on staff’s instructions, resubmitted the site plan providing a temporary turn-around at the westerly end of Road “E”. The City has issued SEPA and completed its traffic concurrency recommendation, to which the applicant has agreed, all in reliance on approval of the provision of a westerly public Road “E” extension with said temporary culdesac pending future extension of a public road to said location through the Stevens Ridge PRD.

- On December 21, 2023, the Stevens Ridge proponent e-mailed the City and the 87th & 40th PRD proponent yet another site plan that does not comply with the City's requirement for the public Road "E" interface location between the 2 projects, while also not meeting other aspects of the City's regulations and design standards. In Mr. McDuffy's correspondence, he specifically refuses to provide the requested Road "E" connection required by the City, without providing any form of justification or merit for said position. *See McDuffy 12-20-2023 and 12-21-2023 e-mail correspondence.*

In summary, the Stevens Ridge proponent continues to avoid compliance with the City's requirement for the public Road "E" interface location, despite advice provided by the City to both parties of the requirement and the City's acceptance of a site plan for the 87th & 40th PRD that establishes a temporary road cul-de-sac at the West end of Road "E" and providing for future extension of Road E as a public road to the Stevens Ridge PRD.

Analysis of City's Code Authority to Require Public Road and Pedestrian Connectivity between Neighborhoods:

The City's adopted Subarea Plan, design guidelines, zoning code and other regulations provide guidance and justification to the City's requirement for the Stevens Ridge proponent to provide vehicular and pedestrian connectivity to the 87th & 40th PRD at the proposed westerly extension of Road "E". Relevant policy, code and regulatory authority is cited below, along with our comments:

We first cite the City of Marysville's adopted Whiskey Ridge Subarea Plan:

Land Use Element, Page 4-14 (Land Use Vision), 2nd Paragraph, 2nd Sentence states as follows:

"New residential developments in the Whiskey Ridge area should provide / address site planning to integrate with the surrounding planned developments as well as provide attractive internal layout. What this means is that new neighborhoods should enhance rather than diminish the surrounding area. This might occur through provision of transportation improvements that promote neighborhood walkability"

Commentary:

The intent and purpose of this Subarea Plan provision is clear – the City, as part of review and approval of new subdivision and development proposals, should require site designs that provide for integration with adjacent neighborhoods (existing or proposed) and promote neighborhood walkability by means of transportation improvements / systems (i.e., roads) that establish pedestrian connections between neighborhoods.

Next, we review the Whiskey Ridge Design Standards MMC 22C.070.120 (On-site vehicular access and connections), which states as follows:

22C.070.120 On-site vehicular access and connections.

(1) Intent.

- (a) To create a safe, convenient, and efficient network for vehicular circulation and parking.
- (b) To enhance access to the area from the surrounding neighborhood.
- (c) To upgrade the appearance of interior access roads.
- (d) To minimize negative impacts of driveways on the streetscape and pedestrian environment.

(2) Standards and Guidelines.

- (a) Vehicular Circulation Network. Developments shall provide a safe and convenient network of vehicular circulation that connects to the surrounding road/access network and provides the opportunities for future connections to adjacent parcels, where desirable and applicable.

Commentary:

MMC 22C.070.120 provides clear code authority to the City to require, for the benefit of public health, safety and welfare, all applicants to provide all of the following elements of site design: (i) an efficient network of vehicular circulation to, from, and between neighborhoods; and (ii) to enhance access to and between neighborhoods.

The application of the word “..shall..” in Section 2(a) provides the City with irrefutable authority to require projects to provide future road connections to adjacent properties to the extent that the City deems such transportation system improvements necessary to promote public health, safety and welfare.

The Stevens Ridge PRD proponent offers no basis supporting its unwillingness to comply with the City’s requirement for the public Road E interface between the Stevens Ridge PRD and the 87th & 40th PRD that the City has deemed necessary.

In direct contrast, the 87th & 40th PRD proponent has agreed with the City’s code authority in this regard and amended / resubmitted its site plan accordingly.

22C.070.140 Sidewalk and pathway standards and guidelines.

(1) Intent.

- (a) To provide safe, convenient, and comfortable pedestrian circulation.
- (b) To enhance the character and identity of the area.
- (c) To promote walking, bicycling, and transit use.

Commentary:

MMC 22C.070.140 provides clear code authority to the City to require, for the benefit of public health, safety and welfare, all applicants to provide safe, convenient and comfortable pedestrian circulation in a manner that promotes pedestrian and bicycle transportation methods. This code section operates in an internally consistent manner with MMC 22C.070.120 so as to include pedestrian and bicycle circulation between adjacent neighborhoods.

The Stevens Ridge PRD proponent offers no basis justifying its unwillingness to comply with the City's requirement for the public Road E interface between the Stevens Ridge PRD and the 87th & 40th PRD that the City has deemed appropriate and necessary.

In direct contrast, the 87th & 40th PRD proponent has agreed with the City's authority in this regard and amended / resubmitted its site plan accordingly.

22C.070.150 Pedestrian circulation.

(1) Intent.

- (a) To create a network of linkages for pedestrians to improve safety and convenience and enhance the pedestrian environment.

Commentary:

MMC 22C.070.150 provides clear code authority to the City to (i) require linkages between neighborhoods to enhance and promote the pedestrian environment, for the benefit of public health, safety and welfare, and (ii) require all applicants to provide safe, convenient and comfortable pedestrian circulation. This code section operates in an internally consistent and interlocutory manner with MMC 22C.070.120, MMC 22C.070.140 and the EDDS.

The Stevens Ridge PRD proponent offers no basis justifying its unwillingness to comply with the City's requirement for the public Road E interface between the Stevens Ridge PRD and the 87th & 40th PRD that the City has deemed appropriate and necessary.

In direct contrast, the 87th & 40th PRD proponent has agreed with the City's authority in this regard and amended / resubmitted its site plan accordingly.

MMC Chapter 22G.080 (Planned Residential Developments)

Next, we review the requirements of MMC Chapter 22G.080 to confirm the extent of the City's code authority as to the issues at hand, as it relates to development of planned residential communities.

22G.080.050 (Procedures for Review and Approval)

(2) Decision Criteria. It is the responsibility of the applicant to demonstrate the criteria have been met. The city may place conditions on the PRD approval in order to fulfill the requirements and intent of the city's development regulations, comprehensive plan, and subarea plan(s). The following criteria must be met for approval of a PRD to be granted:

(a) Consistency with Applicable Plans and Laws. The development will comply with all applicable provisions of state law, the Marysville Municipal Code, comprehensive plan, and any applicable subarea plan(s).

(b) Quality Design. The development shall include high quality architectural design and well conceived placement of development elements including the relationship or orientation of structures.

(c) Design Criteria. Design of the proposed development shall achieve two or more of the following results above the minimum requirements of this title and Chapters 22G.090 and 22G.100 MMC; provided, that such design elements may also be used to qualify for residential density incentives as provided in Chapter 22C.090 MMC:

(f) Perimeter Design. The perimeter of the PRD shall be compatible in design, character, and appearance with the existing or intended character of development adjacent to the subject property and with the physical characteristics of the subject property.

(g) Open Space and Recreation. Open space and recreation facilities shall be provided and effectively integrated into the overall development of a PRD and surrounding uses.

(h) Streets, Sidewalks and Parking. Existing and proposed streets and sidewalks within a PRD shall be suitable and adequate to carry anticipated motorized and pedestrian traffic

within the proposed project and in the vicinity of the subject property. A safe walking path to schools shall be provided if the development is within one-quarter mile of a school (measured via existing or proposed streets or pedestrian corridors) or if circumstances otherwise warrant. Adequate parking shall be provided to meet or exceed the requirements of the MMC.

Commentary:

MMC 22G.080.050(2) (Decision Criteria) provides clear authority for the City to require an applicant to demonstrate a project's conformance with the City's regulations. Specifically:

- Subsection (f) requires an applicant to provide compatibility in design and character with adjacent neighborhoods, including but not limited to physical characteristics, which can be reasonably interpreted to include road and pedestrian location interfaces.
- Subsection (h) clearly establishes the City's code authority to determine that the types and locations of roads within a proposed subdivision “.. be suitable and adequate to carry anticipated motorized and pedestrian traffic within the subdivision and in the vicinity of the project.” (emphasis added).

The first sentence of MMC 22G.080.050 (2) clearly obligates an applicant to comply and demonstrate that all criteria have been met, including but not limited to MMC 22C.070.120, MMC 22C.070.140, MMC 22C.070.150 and the EDDS.

The Stevens Ridge PRD proponent offers no basis justifying its unwillingness to comply with the City's requirement for the public Road E interface between the Stevens Ridge PRD and the 87th & 40th PRD that the City has deemed appropriate and necessary.

In direct contrast, the 87th & 40th PRD proponent has agreed with the City's authority in this regard and amended / resubmitted its site plan accordingly.

22G.120.200 Access and circulation.

Ingress, egress and general circulation shall be approved by the city engineer. (Ord. 2914 § 3, 2012).

Commentary:

MMC 22G.120.200 provides clear code authority that all aspects of a proposed project's ingress, egress and general circulation shall be determined and approved by the City Engineer.

The Stevens Ridge PRD Proponent offers no basis justifying its refusal to comply with the City's requirement for the public Road E interface between the Stevens Ridge PRD and the 87th & 40th PRD as deemed appropriate and necessary by the City.

This code section operates in an internally consistent manner with MMC 22C.070.120, MMC 22C.070.140, MMC 22C.070.150 and the EDDS.

City Engineering Design and Development Standards (EDDS).

Finally, we review the City's code authority pursuant to EDDS.

The following portions of the EDDS provide guidance as to the City's authority to require both the 87th & 40th PRD and the Stevens Ridge PRD to provide the road connectivity between the 2 projects, as directed by the City. The applicable sections of the City's Engineering Design and Development Standards, (Chapter 3) are cited below:

3-215 ROAD CIRCULATION Road circulation is important in road systems for the following reasons:

- Operation of the arterial road system is improved by dispersing local traffic onto multiple roads and access points;
- Response time for emergency services is reduced;
- Time and mileage traveled by individuals and service providers, including school bus transportation, mail delivery, utilities, etc. is reduced; and
- Use of transit systems, and pedestrian and bicycle facilities, is promoted.

3-215 A. The following criteria for road circulation shall be used in the layout and design of new road systems:

1. Road systems internal to developments shall be designed to promote the convenient circulation of traffic without reliance on the arterial road system. Circulation shall be provided in a manner, where possible, that will allow subsequent developments to meet these standards.
2. Road stubs shall be constructed to the boundary of adjacent parcels to create an interconnected road system, unless topography, critical areas or other factors make road construction impractical. A road stub proposal shall include information to demonstrate that the off-site road connection is constructible. That is, the location is such that an off-site road connection could be made that would avoid sensitive areas or topographical constraints, and be feasible road location for adjacent land development.

3. A road serving more than 250 ADT shall be connected in at least two locations with another road or roads that meet the applicable standard(s) for the resulting traffic volume.

4. A road connection shall be made to any road stub on an adjacent parcel that has been constructed to the shared boundary, or where a road stub on an adjacent parcel has been established by right-of-way or easement, but is not yet constructed to the shared boundary. This requirement may be waived by variance where it can be shown that topography, critical areas or other factors make the connection impractical.

Commentary:

Section 3-215 provides the basis for the City's code authority as to the relevant issues the City may consider in rendering a decision as to the type and location of road and pedestrian connectivity between neighborhoods. All of the issues stated are relevant in requiring the Stevens Ridge PRD and the 87th & 40th PRD to provide the public road and pedestrian connections required by the City.

Section 3-215 A and its subsections 1–4, provide the City with the authority to require both the Stevens Ridge PRD proponent and the 87th & 40th PRD proponent to comply with the City's requirement for the public road and pedestrian connections between the 2 projects determined necessary by the City.

- Subsection 1 requires the internal road systems for both projects to promote convenient circulation that both avoids reliance on arterial road systems and allows adjacent development to also avoid reliance on the arterial system.
- Subsection 2 requires developers to construct public road stubs to the boundary of adjacent properties so as to create an interconnected road and pedestrian system between neighborhoods unless determined impractical.

We note for the record (again) that neither the Stevens Ridge PRD nor the 87th & 40th PRD has topographic, critical areas or any other physical characteristics which prevent the public road connections identified by the City.

- Section 4 requires road connections where a road stub has been established on an adjacent property. In the instant case, the City has (i) determined that both projects must create a public road connection at Road "E"; and (ii) allowed the 87th & 40th PRD to finalize its site plan in reliance on said advice from the City and proceeded with finalizing SEPA and traffic concurrency in reliance.

Thus, as required under code, the Stevens Ridge PRD has a duty to comply by extending a public road to the westerly extension of Road "E" on the 87th & 40th PRD site plan.

Again, as a point of emphasis, the Stevens Ridge PRD *does not have* topographic, critical areas or any other physical characteristics which provide a justification for not complying with the City's requirement to provide said public road extension to connect to Road "E".

Again, we note for the record that the Stevens Ridge PRD Proponent offers no basis justifying its unwillingness to comply with the City's requirement for the public Road E interface between the Stevens Ridge PRD and the 87th & 40th PRD that the City has deemed appropriate and necessary.

In direct contrast, the 87th & 40th PRD proponent has agreed with the City's authority in this regard and amended / resubmitted its site plan accordingly.

Summary:

The City's adopted codes, policies and regulations provide the City with clear authority to require both the 87th & 40th PRD and the Stevens Ridge PRD to provide good site design that promotes neighborhood connectivity for transportation systems (i.e., roads), emergency vehicle access and pedestrian walkability, including but not limited to common public road and pedestrian interface at Road "E".

When examined in light of the City's adopted regulations, both individually and in total, the Stevens Ridge PRD proponent's unwillingness to comply with provision of public road and pedestrian connectivity to the westerly extension of Road "E" is not justified or supported by fact.

The City has appropriately and reasonably determined that the westerly extension of Road "E" as a public road to the east boundary of the Stevens Ridge PRD is (i) supported by the City's code authority; and (ii) necessary to promote public health, safety and welfare, including but not limited to quality design, neighborhood connectivity, emergency vehicle access, and a public road network that provides improved vehicular and pedestrian connectivity. For the City to require only the 87th & 40th PRD to comply with such requirement(s), while allowing the Stevens Ridge PRD to not provide such public road neighborhood connectivity, would be inconsistent with the City's duties and regulatory authority. More importantly, the advocacy of the Stevens Ridge PRD for the City to not require said connectivity amounts to nothing more than a request for a special grant of privilege both inconsistent with adopted code and without justification.

The City correctly applies its regulation and code authority by requiring both the Stevens Ridge PRD and the 87th & 40th PRD to provide all of the common public road and pedestrian interface locations cited; specifically, to require the Stevens Ridge PRD site plan to provide an easterly abutment of a public road that connects to the westerly extension of Road "E", thus providing adequate and proper vehicular and pedestrian connectivity between the two projects. The higher interests of public health, safety and welfare are promoted and improved by the City's directive to both applicants to comply with code.

We note for the record that in establishing its requirements for both the 87th & 40th PRD and the Stevens Ridge PRD to provide the requested common road and pedestrian interface locations between the 2 projects, the City has applied its code regulations consistently and treated both the 87 & 40th PRD proponent and the Stevens Ridge PRD proponent equally with respect to application of the City's regulations. Neither project proponent is damaged by the City's decision, as it "... is the responsibility of the applicant to demonstrate the criteria have been met.." pursuant to MMC 22G.080.050 (emphasis added). Therefore, the Stevens Ridge proponent cannot claim any form of prejudice or damage resulting from its failure to conform to the requirements of the City's regulations and code authority.

Lastly, we note that the Stevens Ridge PRD proponent has previously delivered a site plan to the City for its consideration that provided the above-referenced Road "E" connection. Therefore, by means of submitting a revised site plan demonstrating its ability to comply with the City's requirement for Road "E" connectivity between the 2 projects, the Stevens Ridge proponent demonstrates both the ability to comply with the request and the lack of justification for conducting its project design in a manner inconsistent with the City's regulations.

In summary, we respectfully request:

- The City proceed with recommending approval of the 87th & 40th PRD as submitted, with the westerly extension of Road E as a public road to the easterly boundary of the Stevens Ridge PRD, including (i) a temporary turn-around cul-de-sac pending development of the Stevens Ridge PRD, and (ii) planning for the easterly extension of a public road through the Stevens Ridge PRD to the westerly extension of Road "E"; and
- That the City require the Stevens Ridge PRD Proponent to design and resubmit a site plan for the Stevens Ridge PRD project, and the City approve the Stevens Ridge PRD so as to provide all of the following design elements:
 - (i) The easterly public road extension of 41st Street NE to a point of common connectivity to the westerly extension of Road "A" through the 87th & 40th PRD;
 - (ii) Northerly from 41st Street NE to the Stevens Ridge Property's northern boundary, the west half of a public street (85th Avenue NE) in the NE corner of the Stevens Ridge PRD; and
 - (iii) The extension of a public road through the Stevens Ridge PRD easterly to the westerly terminus of Road "E" within the 87th & 40th PRD.

We appreciate the City's consideration of this correspondence as it evaluates the Stevens Ridge proponent's proposed site plan revisions and compliance with City's regulations to which the Stevens Ridge PRD project is vested.

Ltr to City of Marysville
Stevens Ridge PRD (PA21-038) and 87th & 40th PRD (PA-22-040)
1/15/2024
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We respectively request that this correspondence and supporting documents and codes be entered onto the record for both the Stevens Ridge PRD and the 87th & 40th PRD, so that the decision makers may take this information into consideration as part of deliberations for both projects.

Best,



Michael Reid
Managing Director
MR/mr

cc: Ken McIntyre, City of Marysville Engineer
Joshua King, City of Marysville Assistant Engineer
Jesse Birchman, City of Marysville Traffic Engineer
Ben Madeo, Core Design Inc.
Dean Williams, Johns Monroe Mitsunaga PLLC