



# STAFF RECOMMENDATION

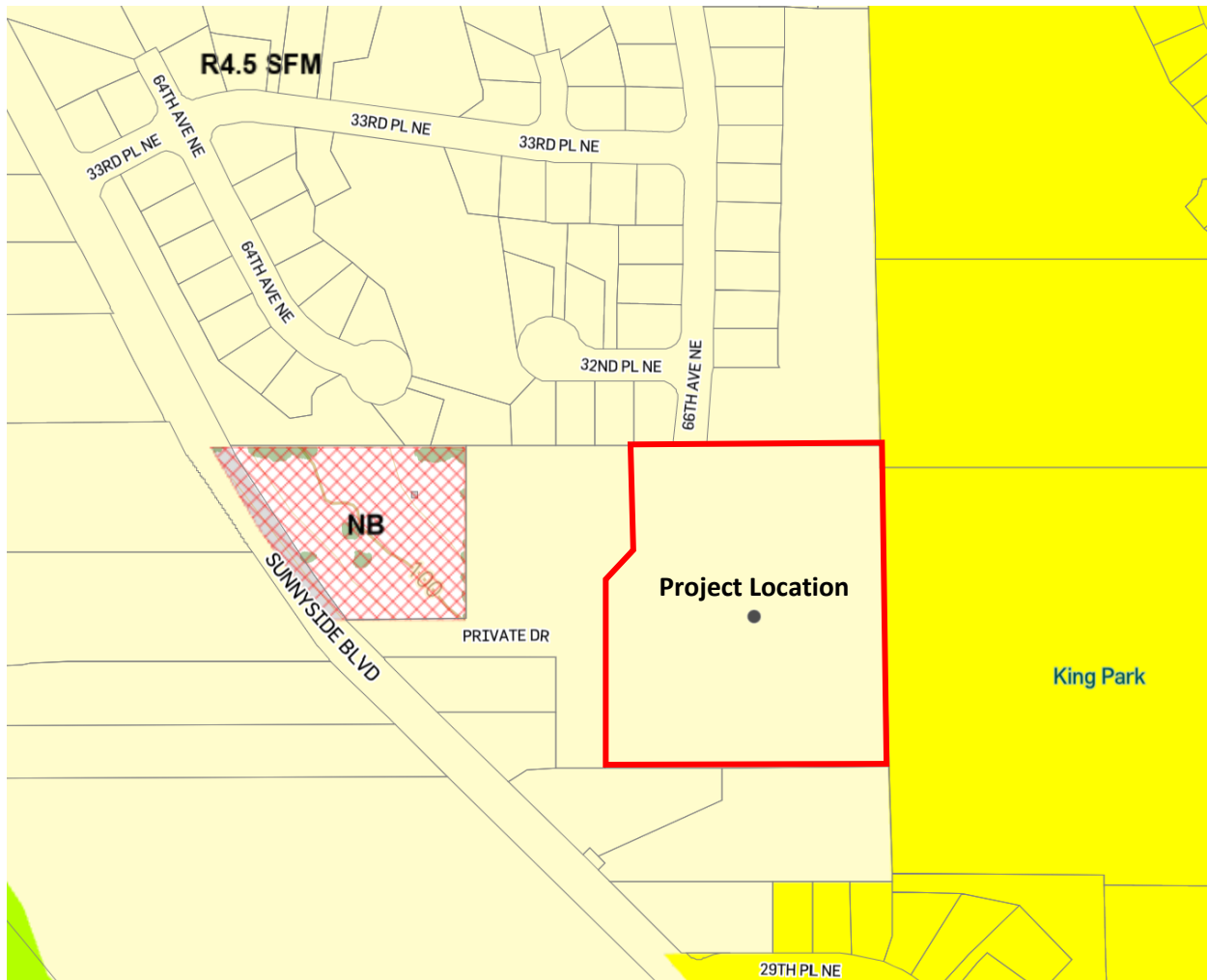
Community Development Department ♦ 501 Delta Avenue ♦ Marysville, WA 98270  
 Office Hours: Mon - Fri 8:00 AM - 4:30 PM ♦ Phone: (360) 363-8000

PROJECT INFORMATION									
<b>Project Title</b>	Sunnyside Village Cohousing			<b>Date of Report</b>	April 4, 2023				
<b>File Number</b>	PA22-042			<b>Attachments</b>	Public Hearing Exhibits (1 - 48)				
<b>Administrative Recommendation</b>	Approve the Preliminary Subdivision and Conditional Use Permit request to create 32 detached cottage unit lots for a cottage housing development.								
BACKGROUND SUMMARY									
<b>Applicant</b>	Schemata Workshop								
<b>Request</b>	Preliminary Subdivision and Conditional Use Permit for the construction of a 32-lot cottage housing development.								
<b>SEPA Status</b>	A Mitigated Determination of Non-Significance (MDNS) and Traffic Concurrency Determination was issued on February 28, 2023 (Exhibit 41). No comments or appeals were received on the MDNS.								
<b>Site Address</b>	3121 66 <sup>th</sup> Avenue NE			<b>APN(s)</b>	29050300402100				
<b>Legal Description (abbreviated)</b>	A portion of the NE 1/4 & the SE 1/4, of the SE 1/4			<b>Section</b>	03	<b>Township</b>	29N	<b>Range</b>	05E
<b>Comprehensive Plan</b>	SFM	<b>Zoning</b>	R-4.5	<b>Shoreline Environment</b>			N/A		
<b>Water Supply</b>	<b>Current</b>	<b>Proposed</b>		<b>Sewer Supply</b>	<b>Current</b>		<b>Proposed</b>		
	Marysville	Marysville			Private (septic)	Marysville			
<b>Present Use of Property</b>	The site is primarily vegetated with lawn grass and varying tree species and includes an existing single-family residence with multiple small accessory buildings.								
REVIEWING AGENCIES									
<b>Marysville</b>	<b>Local Agencies</b>		<b>State &amp; Federal</b>		<b>County</b>		<b>Other</b>		
<input checked="" type="checkbox"/> Building <input checked="" type="checkbox"/> Fire District <input checked="" type="checkbox"/> Land Development <input checked="" type="checkbox"/> Planning <input type="checkbox"/> Police <input checked="" type="checkbox"/> Public Works	<input type="checkbox"/> Arlington (city) <input type="checkbox"/> Community Transit <input type="checkbox"/> Everett (city) <input checked="" type="checkbox"/> Comcast <input checked="" type="checkbox"/> Marysville SD 25 <input checked="" type="checkbox"/> PUD No. 1 <input checked="" type="checkbox"/> Ziply		<input checked="" type="checkbox"/> US Army Corps of Engineers <input type="checkbox"/> BNSF <input checked="" type="checkbox"/> DAHP <input checked="" type="checkbox"/> DOE <input checked="" type="checkbox"/> WDFW <input type="checkbox"/> WSDOT <input checked="" type="checkbox"/> USDFW		<input type="checkbox"/> Health District <input type="checkbox"/> Planning <input type="checkbox"/> Public Works - Land Development <input type="checkbox"/> Public Works		<input type="checkbox"/> Olympic Pipeline <input checked="" type="checkbox"/> Puget Sound Energy <input checked="" type="checkbox"/> Tulalip Tribes <input checked="" type="checkbox"/> Stillaguamish Tribe		
ACTION									
<input type="checkbox"/> Administrative	<input type="checkbox"/> City Council	<input checked="" type="checkbox"/> Quasi-Judicial		<input type="checkbox"/> Planning Commission					
<b>Date of Hearing</b>	April 12, 2023		<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	<input type="checkbox"/> Continued				
STAFF									
<b>Name</b> Emily Morgan	<b>Title</b> Senior Planner	<b>Phone</b> 360.363.8216		<b>E-mail</b> <a href="mailto:emorgan@marysvillewa.gov">emorgan@marysvillewa.gov</a>					

**SURROUNDING USES**

	<b>Comprehensive Plan</b>	<b>Zoning</b>	<b>Land Use</b>
<b>North</b>	Single Family Medium Density	R-4.5	Single-family residences and associated stormwater detention
<b>East</b>	Single Family High Density	R-6.5	City-owned King Park
<b>South</b>	Single Family Medium Density	R-4.5	Large lot single-family residences
<b>West</b>	Single Family Medium Density	R-4.5	Large lot single-family residences

**Vicinity Map**



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

**1.0 - FINDINGS AND CONCLUSIONS**

1. **Description of Proposal.** An application was submitted for a Preliminary Subdivision with Conditional Use Permit and State Environmental Policy Act (SEPA) review for the construction of a 32-lot cottage housing development. The proposed development would include 32-detached single family cottages, ranging from 1,000 to 1,200 sq. ft., along with a 2,779 sq. ft. community house including, a community kitchen, dining hall, and accessory rooms. The property would also include common areas with amenities such as a community garden, orchard, and open space areas.

1.1. Per MMC 22G.010 Article I, the city consolidates development permit applications and reviews to avoid duplicating the review process. Being as the Preliminary Subdivision requires a public hearing, the associated Conditional Use Permit for the Cottage Housing Development is reviewed under the highest level of review.

2. **Project Location.** The proposed development is located at 3121 66<sup>th</sup> Avenue NE, and is identified as Assessor’s Parcel Number (APN) 29050300402100.

3. **Site Description.** The project site is approximately 4.75 acres in size and is generally rectangular in shape with a gentle slope to the south. The majority of the site is vegetated in lawn grass with coniferous and deciduous trees of varying sizes throughout.

The existing structures on site are to be demolished with the proposed site development.

4. **Project History.** A pre-application request (PreA 21-036) was submitted on June 25, 2021 with comments provided to the applicant, dated July 20, 2021. A subsequent neighborhood meeting was held via Zoom on February 23, 2022, to introduce and discuss the proposed development.

5. **Letter of Completeness.** The application was submitted on September 27, 2022 and determined to be complete on October 12, 2022. A letter of completeness was provided to the applicant in accordance with MMC 22G.010.050.

6. **Public Notice.** Public notice of the development application was provided in accordance with MMC 22G.010.090.

6.1. A public comment dated November 22, 2022, received via email from Matt and Kandi Edmunds (see Exhibit 26, pages 18-21), outlined concerns with the proposed development not meeting code requirements or negatively impacting the surrounding area. Concerns regarding traffic, neighborhood incompatibility, property values, and residential density were mentioned.

With the 2<sup>nd</sup> review resubmittal, the applicant provided responses to the above concerns (see Exhibit 27, pages 18-21).

6.1.1. Matt Edmunds requested clarifying information via email on April 4, 2023; staff provided response to the questions via email (Exhibit 48).

6.2. The public hearing for the proposed request was advertised in accordance with MMC 22G.010.110, *Notice of public hearing*.

7. **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 report. The following

comments were received; if above-referenced agencies are not listed below, no comments were received:

	<b>Nature of Comment</b>
<b>Public Works, Operations</b>	<ul style="list-style-type: none"> <li>• <i>Provided requirements for proposed water main along with recommendations for fire hydrant assembly and proposed locations.</i></li> </ul>
<b>Public Works, Traffic</b>	<ul style="list-style-type: none"> <li>• <i>Requirements and recommendations are addressed in the approved Traffic Concurrency Recommendation, dated February 16, 2023.</i></li> </ul>
<b>Public Works, Development Services</b>	<ul style="list-style-type: none"> <li>• <i>Provided information regarding the required improvements which are to be further reviewed with Civil Plan Review.</i></li> <li>• <i>The project is vested under the 2019 Stormwater Management Manual for Western Washington. Formal drainage review will be conducted during Civil Plan Review.</i></li> <li>• <i>Capital facility fees would be required to be paid prior to issuance of the building permit.</i></li> </ul>
<b>Marysville Fire District</b>	<ul style="list-style-type: none"> <li>• <i>Proposed new buildings will require approved fire sprinkler and alarm systems appropriate for the proposed occupancy types.</i></li> <li>• <i>Access for fire apparatus appears to be acceptable.</i></li> <li>• <i>Fire hydrants shall be provided along the new and existing roadways at approved locations, at all intersections and with maximum spacing of 600 ft. apart.</i></li> </ul>
<b>Marysville Police Department</b>	<i>Provided recommendations to ensure public safety and visibility.</i>
<b>Building Department</b>	<i>Provided requirements for the building permit submittal.</i>
<b>WA State Department of Ecology</b>	<i>The wetlands delineated on this property would be waters of the state subject to the applicable requirements of state law (see RCW 90.48 and WAC 173.201A) and Section 401 of the Clean Water Act (33 USC §1341) and 40 CFR Section 121.2. Because direct impacts are proposed in Wetlands A, B, and D the applicant shall obtain all necessary state and federal authorizations prior to beginning any ground-disturbing activities or vegetation removal.</i>
<b>Snohomish County PUD</b>	<ul style="list-style-type: none"> <li>• <i>Snohomish County PUD has adequate system capacity to serve the proposed development, but upgrades may be needed. Securing of easements for the necessary utilities would be required, if applicable.</i></li> <li>• <i>The PUD requires a minimum 14 ft. clearance from any structure to accommodate workers, scaffolding, and ladders. Minimum worker safety clearance from 115kV transmission wires is 20 ft.</i></li> </ul>

8. **State Environmental Policy Act Review.** A State Environmental Policy Act (SEPA) Mitigated Determination of Non-Significance (MDNS) was issued on February 28, 2023. The appeal period expired March 14, 2023; no appeals were filed.
  
9. **Critical Areas.** A preliminary *Critical Area Assessment Report* (Exhibit 6) dated March 16, 2020, and a *Wetland Mitigation Bank Use Plan* (Exhibit 7) dated August 22, 2022, both prepared by GeoEngineers, were submitted with the development application. According to these documents, the subject property contains (3) Category IV wetlands (Wetlands A, B, & D) and (1) Category III wetland (Wetland C). Category IV wetlands require a 35 foot buffer and Category III wetlands require a 75 foot buffer pursuant to MMC 22E.010.100. The preliminary mitigation plan was

provided to demonstrate no net loss of ecological function would occur with the proposed development via onsite minimization measures and utilization of mitigation bank credits.

The applicant is proposing to fill Wetlands A, B and D. The filling of Wetland B will be mitigated through the purchase of mitigation bank credits from the Snohomish Basin Mitigation Bank (SBMB). Since Wetlands A and D are Category IV and under one-tenth of an acre, compensation requirements are able to be waived by the City of Marysville pursuant to MMC 22E.010.080 provided that the criteria outlined in MMC 22E.010.080(2)(c)(i)-(vi) are met. The applicant shall obtain approval from the United States Army Corps of Engineers (USACE) and Department of Ecology (DOE), as applicable, for the proposed wetland fill.

Wetland C and its associated buffer is to be clearly identified on site and placed into a Native Growth Protection Area (NGPA) tract for permanent protection. As conditioned, the proposed development would not be anticipated to cause adverse impacts to the retained on-site wetland and the proposed wetland filling would be adequately mitigated for.

10. **Access and Circulation.** Primary vehicular and pedestrian access to the subdivision is proposed to be provided via the extension of 66<sup>th</sup> Avenue NE. Private drive aisles with resident parking areas are proposed throughout the development site. While the proposed development includes subdivision, which typically requires the internal streets meet the provisions of PRD Streets of EDDS 3-218. Based on comments from Shane Whitney, Civil Plan Reviewer (see Exhibit 36, pages 2-4), the use of private drive aisles with 22 ft. of pavement and include, gutter and rolled curb, was accepted, given the unique figuration of the site and that the accesses did not need to be extended.

66<sup>th</sup> Avenue NE is proposed to dead-end as a hammerhead near the western boundary of the development; typically, the installation of a temporary cul-de-sac would be required. With application, the applicant applied for an Engineering Design and Development Standards (EDDS) variance requesting that the alternate turnaround be allowed. The EDDS variance was approved by Ken McIntyre, P.E., Assistant City Engineer, on February 16, 2023, since the hammerhead provides a suitable turnaround and would be a temporary condition that will ultimately be resolved when 66<sup>th</sup> Avenue NE is eventually extended with further development to the southwest. The Marysville Fire District also approved this style of turn-around on the condition that buildings situated beyond the turn-around be provided with automatic fire sprinkler systems. The variance is approved subject to the buildings south of the turnaround being provided with automatic sprinkler systems.

11. **Traffic Impacts.** A traffic impact analysis (TIA) was prepared by Transportation Engineering North West, dated August 17, 2022. According to the TIA, the proposed development would generate approximately 293 Average Daily Trips (ADT), 21 AM peak hour trips (AMPHT), and 31 PM peak hour trips (PMPHT).

The City's Traffic Engineering Manager reviewed the TIA, and issued a written concurrency recommendation dated February 16, 2023 (Exhibit 38), informing the developer of the project's impacts and mitigation obligation pursuant to Chapter 22D.030, *Traffic Impact Fees and Mitigation*. Pursuant to MMC 22D.030.070(1)(d), an applicant is required to make a written proposal for mitigation of traffic impacts based on the concurrency recommendation. The applicant accepted the requirements outlined in the traffic concurrency recommendation via email on February 24, 2023 (Exhibit 40).

12. **Utilities.** Per MMC 14.03.250, utilities are to be extended along the street frontages of the proposed project. Extensions of sewer and water mains as well as a storm drain system for the roadway extension will be required. The following utilities will be provided to the site:

Storm Drainage: According to the *Preliminary Stormwater Site Plan*, prepared by MIG Design Company, dated August 19, 2022, the project would maintain natural drainage patterns with proposed storm drainage conveyance and flow control facilities discharging at or near existing discharge points to the east side of the project area.

Stormwater runoff from the developed part of the site will be conveyed to a stormwater detention vault located under the southeast parking lot. Discharge from the detention vault will be via a Dispersal Trench and overland flow at the natural point of discharge. A stormwater duplex pump system will be required to convey stormwater from the detention vault's flow control structure to the dispersal trench. The proposed stormwater facilities would fully mitigate storm water runoff in accordance with the Department of Ecology 2019 Stormwater Management Manual for Western Washington.

Water: The applicant is proposing to tie into the existing 8 inch ductile iron water main within 66<sup>th</sup> Avenue NE and loop it through the site in order to provide water service and adequate fire flow.

Sewer: The applicant is proposing to tie into the existing 8 inch sewer main within 66<sup>th</sup> Avenue NE and extend on site to serve the development.

13. **Park Impacts.** Pursuant to MMC 22D.020, the applicant shall mitigate City of Marysville parks impacts through payment of the park impact fee in effect at the time of building permit application.
14. **School Impacts.** Pursuant to MMC 22D.040, the applicant shall mitigate school impacts through the payment of the school impact fee in effect at the time of building permit application.
15. **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:

15.1. *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 proposed cottage housing development requires an administrative Conditional Use Permit pursuant to MMC 22C.010.060. Per Finding 16 below, the proposed development has been reviewed for compliance with MMC 22G.010.430, Conditional Use Permit.

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

**Staff Comment:** The base density permitted in the R-4.5 zone is 4.5 dwelling units per net project acre. Pursuant to MMC 22C.010.280(6), density for cottage density developments are allowed at 2 times the base density of the underlying zone. Therefore, a density of 9 dwelling units per net project acre would be permitted at the project site.

The net project acreage for the development is 3.8 acres which would allow for a total of 34 dwelling units. The development proposes a total of 32 dwelling units; therefore, the allowable density for the project site has been demonstrated.

15.3. *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

would be consistent with the pertinent development policies outlined in the Marysville Comprehensive Plan, and is located within the Sunnyside Neighborhood Planning Area 3.

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

- **LAND USE ELEMENT – Policies:** LU-3, LU-5, LU-6, LU-7, LU-8, LU-10, LU-17, LU-20, LU-25, LU-33, LU-41
- **TRANSPORTATION ELEMENT—Policies:** T-13, T-25, T-27, T-29, T-42, T-48
- **UTILITIES ELEMENT – Policies:** UT-1, UT-3, U-14
- **PUBLIC FACILITIES AND SERVICE ELEMENT – Policies:**
  - **Police, Fire, Library:** PS-1, PS-3, PS-9, PS-10
  - **Water, Sewer, Storm Drainage, Solid Waste:** PF-1, PF-18, PF-19, PF-20, PF, 26,

Staff finds that the proposed development, as conditioned, is consistent with the City of Marysville Comprehensive Plan.

#### 15.4. *Development Standards – MMC 22C.010.080 Cottage Housing Developments*

**Staff Comment:** The development is proposed as a 32-lot cottage housing development pursuant to MMC 22C.010.280. Being as the development is proposing cottages on individual lots, the proposed application must reviewed in accordance with MMC 22G.090 for Subdivisions.

Pursuant to MMC 22C.010.280(2)(d), cottage housing developments are permitted in single family zones where two (2) or more unique site circumstances exist. The proposed development is located adjacent to City-owned park lands and is in close proximity to a Neighborhood Business zoned property along with a portion of the property being encumbered by a Category III wetland.

With the proposed cottage housing units, the site would include a centrally located community building, along with community gardens, orchards, and resident open space areas. The community areas would be maintained and managed by the association created for the development. The preliminary cottage unit building plans demonstrate compliance with the required design standards, specifically, (7) *Density and Dimensions*; (8) *Cottage Size, Height and Porch Dimensional Standards*; (9) *Cottage Orientation*; and (10) *Building Design Standards*. A formal review for compliance with the design standard provisions of MMC 22C.010.080(7)-(10) would be completed with individual building permit review.

Parking requirements for the cottages would be determined by the cottage sizes. The proposed cottages are to be 1,000 sq. ft. to 1,200 sq. ft. in size. Per MMC 22C.010.080(11)(a)(iii), cottages over 1,000 sq. ft. require (2) parking spaces per cottage. With 32-cottages being proposed, a total of (64) parking spaces are required and provided on the site plan.

The development is proposed to be landscaped throughout along with perimeter screening. Review for compliance with the required landscape and screening standards would be completed during formal civil plan review.

The applicant submitted requests for modification (Exhibit 9) pursuant to MMC 22C.010.080(14):

- **For Measuring Main Floor Area & Total Floor Area:** Based on discussions with the Building Official, Mike Snook, the building code indicates that “interior space is measured from inside finished walls”. The definition of “Floor Area” per MMC 22A.020.070 conflicts with building code. The Community Development Director determined that the cottages may be measured from the interior finished walls rather than to the exterior walls.

The direction by the Director is if the code conflicts, staff should use the less restrictive; therefore, measuring interior space (enclosed space) from the inside of the finished walls has been authorized.

- **Increasing Maximum Building Coverage:** Per MMC 22C.010.280(6) footnote (e), subdivided cottage lots are allowed a maximum of 40% building coverage and 60% impervious surface. However, if a site is not subdivided, the development as a whole is subject to those maximum figures.

Being as the proposed cottages meet the dimensional sizing standards along with individual yard setbacks, staff finds that a modification to allow for a maximum of 45% building coverage is justifiable.

As conditioned, staff finds that the proposed development would meet development standards requirements for cottage housing developments.

16. **MMC 22G.010.430 – Conditional Use Permit.** A Conditional Use Permit (CUP) shall be granted by the city only if the applicant demonstrates that:

16.1. *The conditional use is designed in a manner which is compatible with the character and appearance of the existing or the proposed development in the vicinity of the subject property.*

**Applicant’s Response:** While each cottage is smaller than typical adjacent single family residential homes, the design is compatible with adjacent neighborhood character and appearance in terms of roof profiles, exterior siding types, window and door types, porches, and bay windows. Reference the enclosed elevation drawing sheets.

**Staff Comment:** With the development, landscape perimeter screening is proposed which would provide a visual separation from the cottage development and neighboring single family residences. Compliance with design standards and neighborhood compatibility required by MMC 22C.010.080 would be reviewed and enforced at time of individual building permit application.

16.2. *The location, size and height of buildings, structures, walls and fences, and screening vegetation for the conditional use shall not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties.*



**Applicant's Response:** The heights of buildings, structures, walls, fences, and screening vegetation are in conformance with MMC 22C.010.280. Reference attached elevation drawings and site plans.

**Staff Comment:** 66<sup>th</sup> Avenue NE is proposed to be extended through the project site and aligned to allow for continuation of development for the property to the west; pedestrian and vehicular circulation has been reviewed for compliance. As conditioned, the site plan for the cottage housing development would not hinder neighborhood circulation or discourage development or use of neighboring properties.

- 16.3. *The conditional use is designed in a manner that is compatible with the physical characteristics of the subject property, and will be in harmony with the area in which it is to be located and in general conformity with the comprehensive plan of development of Marysville and its environs.*

**Applicant's Response:** The design of the development project is in conformance with MMC 22C.010.280, and includes exterior common open spaces that complement the adjacent city-owned nature preserve.

**Staff Comment:** Per Findings 15.3, 15.4, and 17.1, the cottage housing development has been designed in a manner that would be compatible with physical characteristics of the subject property and harmonious with the surrounding area along with conforming to the Marysville comprehensive plan.

- 16.4. *Requested modifications to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards of this title.*

**Applicant's Response:** See the enclosed list of requested minor modifications, which mitigate impacts in accordance with this criteria.

**Staff Comment:** With application, a modification was requested under MMC 22C.010.280(14). Staff finds that the request of Finding 15.4 was justifiable and the allowed modifications have been conditioned accordingly.

The applicant did not request modifications to the Conditional Use Permit criteria of this section.

- 16.5. *The conditional use will not endanger the public health or safety if located where proposed and developed, and the use will not allow conditions which will tend to generate nuisance conditions such as noise, dust, glare, or vibration.*

**Applicant's Response:** The proposed residential development is not anticipated to generate the nuisance conditions listed.

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

- 16.6. *The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood.*

**Applicant's Response:** See the enclosed traffic impact analysis for description of limited traffic impact anticipated with development. The conditional use features a pedestrian friendly design, and does not include features that would be anticipated to be hazardous or in conflict with anticipated traffic in the neighborhood.

**Staff Comment:** Per Finding 11 and 16.2, pedestrian and vehicular traffic associated with the use would not be hazardous or conflict with existing and anticipated traffic in the neighborhood.

- 16.7. *The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities.*

**Applicant's Response:** Water availability has been confirmed. Reference the enclosed civil site plan and drainage report for utility and stormwater control information.

**Staff Comment:** Per Finding 12 and as conditioned, the proposed conditional use would not adversely affect public services to the site or surrounding areas.

- 16.8. *The use meets all required conditions and specifications set forth in the zone where it proposes to locate.*

**Applicant's Response:** The design of the development project is in conformance with MMC 22C.010.280, and meets the conditions of the R-4.5 zone where it proposes to locate.

**Staff Comment:** As conditioned, the proposed use would meet all required conditions and specifications set forth in the R-4.5 zoning.

- 16.9. *The use will not be injurious or detrimental to adjoining or abutting property, or that the use is a public necessity.*

**Applicant's Response:** The design of the development project is in conformance with MMC 22C.010.280, including the required setbacks and screening, and the residential use is not anticipated to be detrimental or injurious to adjacent properties.

**Staff Comment:** As conditioned, the proposed use would not be injurious or detrimental to adjoining or abutting property, or that the use is a public necessity.

17. **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:

- 17.1. *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 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.

17.2. *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:** 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.

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

**Staff Comment:** Per Finding 16.5, 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.

17.4. *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, 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.

17.5. *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, 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.

18. **Preliminary Subdivision Review, Public Hearing – Elements Considered.** MMC 22G.090.130 requires the hearing examiner provide a basis for approval or disapproval of a proposed subdivision, as follows:

18.1. **Public Use and Interest.** *Evaluation of the proposed subdivision to determine whether the public use and interest are served by permitting the proposed subdivision.*

**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 subdivision.

- 18.2. **Public Health, Safety and General Welfare.** *Evaluation of the proposed subdivision to determine whether the public health, safety and general welfare have been served.*

**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 subdivision is consistent with the requirements of RCW 58.17.110.

- 18.3. **Comprehensive Plan.** *Evaluation of all elements of the comprehensive plan and its consistency with the proposed subdivision.*

**Staff Comment:** The proposed subdivision and development of the parcel relate to all elements of the Comprehensive Plan. Compliance with the various elements of the Comprehensive Plan is specifically demonstrated in Finding 15.3.

- 18.4. **Existing Zoning.** *Evaluation of existing zoning and its compliance with the proposed subdivision and MMC 22G.090, Article V, Land Division Requirements.*

**Staff Comment:** The existing zoning and its compliance with the proposed subdivision and Article V of this chapter, Land Division Requirements has been evaluated. Compliance with specific zoning regulations is demonstrated in Finding 15.2.

- 18.5. **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 MMC 22G.090, Article V, Land Division Requirements.*

**Staff Comment:** The plat impacts and provision for mitigation of all impacts on all elements of the natural environment including topography, vegetation, soils, geology and all environmental issues have been evaluated pursuant to the State Environmental Policy Act, WAC 197-11 WAC, MMC 22E.010, Critical Areas Management, and MMC 22G.090, Article V, Land Division Requirements and mitigation has been provided for the project, as conditioned.

- 18.6. **Drainage.** *Evaluation of all drainage impacts and provisions made for mitigation of all drainage impacts as defined in the city's drainage codes, and MMC 22G.090, Article V, Land Division Requirements.*

**Staff Comment:** All drainage impacts have been evaluated, and adequate provisions have been made to mitigate for all drainage impacts as defined in the City's drainage codes, and MMC 22G.090, Article V, Land Division Requirements.

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

**Staff Comment:** As a condition of final plat, the maintenance of the allocated common open space areas would be the responsibility of the Homeowner's Association which would be required to be formed pursuant to MMC 22C.010.280(13). Further, no division or redivision of land shall be approved unless appropriate provisions are made for, but not limited to, the public health, safety and general welfare, relating to open space, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, school facilities and other standards as may be required by this title.

18.8. **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 22G.090, Article V, Land Division Requirements.*

**Staff Comment:** The applicant is required to pay mitigation fees for each new dwelling unit in accordance with MMC 22D.020 and 22D.040 in order to mitigate potential impacts on parks, schools, and community facilities.

18.9. **Public Services.** *Evaluation of all impacts and provisions made for mitigation of impacts on public services including streets, all public utilities, and fire and police protection as defined in MMC 22G.090, Article V, Land Division Requirements.*

**Staff Comment:** The proposed subdivision would construct streets providing appropriate access and circulation to all proposed new lots. Public utilities are to be extended to serve all new units in accordance with City standards. Appropriate improvements for fire safety in accordance with the city's fire code would be provided. Capital improvement fees are required to be collected for water, sewer, and stormwater.

18.10. **Floodplain.** *Identification of subdivisions proposed in the floodplain and compliance with requirements of this chapter and MMC 22E.020, Floodplain Management.*

**Staff Comment:** The project is not located within an identified floodplain; therefore, this provision would not apply.

## 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 Preliminary Plat and Conditional Use Permit of Sunnyside Village Cohousing, subject to the following conditions:

1. The preliminary subdivision configuration (Exhibit 45) 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. The proposed community building shall be designed and conform to the standards of MMC 22C.010.280(4)(a).

5. Prior to building permit issuance, compliance with MMC 22C.010.280(7)-(9) shall be demonstrated for the individual cottage building permits
6. Pursuant to MMC 22C.010.280(14), the following modifications to the general parameters and design standards for cottage housing developments shall be allowed:
  - 6.1. Each proposed cottage lot shall allow for a maximum of 45% building coverage.
  - 6.2. When determining total cottage floor area, measurements shall be taken from inside of the finished walls (the enclosed interior space).
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. The proposed development shall adhere to the recommendations and conclusions provided in the Critical Areas Assessment Report, dated March 16, 2020, prepared by GeoEngineers, or as amended and approved by the Community Development Department.
  - 8.1. The required compensatory mitigation measures for direct and indirect impacts to the on-site wetlands shall follow the Wetland Mitigation Bank Use Plan, dated August 22, 2022, prepared by GeoEngineers, and shall be implemented prior to final plat approval.
9. The proposed development is subject to the fourteen (14) mitigation measures outlined in the Mitigated Determination of Non-Significance and Traffic Concurrency Determination issued on February 28, 2023 (Exhibit 41).
10. 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.
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).
12. The applicant shall submit payment to the City of Marysville for park impacts caused by the development in accordance with MMC Chapter 22D.020, Parks, Recreation, Open Space and Trail Impact Fees and Mitigation. Park mitigation fees will be based on the fee schedules in effect at the time an individual building permit application is accepted by the City, and will be required to be paid prior to building permit issuance unless deferred until a time preceding final building inspections being granted.
13. The applicant shall submit payment to Marysville School District for school impacts caused by the development in accordance with MMC Chapter 22D.040, School Impact Fees and Mitigation. School mitigation fees will be based on the fee schedules in effect at the time an individual building permit application is accepted by the City, and will be required to be paid prior to building permit issuance unless deferred until a time preceding final building inspections being granted.

Prepared by: *Emily*

Reviewed by: *Angela*

### 3.0 - EXHIBITS

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

#### [PA22-042 – Sunnyside Village Cohousing](#)

- 1) Land Use Application
- 2) Project Narrative
- 3) CUP Criteria Responses
- 4) Environmental Checklist
- 5) Critical Area Review Application
- 6) Critical Areas Report
- 7) Mitigation Bank Use Plan
- 8) USACE Jurisdiction Determination
- 9) Proposed Modifications & Variances
- 10) EDDS Variance Request
- 11) Title Report / Legal Description
- 12) Geotechnical Report
- 13) Drainage Report
- 14) Traffic Impact Analysis
- 15) Survey Map
- 16) Tree Evaluation
- 17) Building Elevations
- 18) Site Plan
- 19) Landscape Plan
- 20) Civil Street Profiles
- 21) Preliminary Civil Plans
- 22) Letter of Completeness
- 23) Notice of Application
- 24) Request for Review
- 25) Affidavit of Publication
- 26) Technical Review Comments #1
- 27) Resubmittal Letter – TR2
- 28) Project Narrative – TR2
- 29) Variance Request –TR2
- 30) Engineering Survey
- 31) Preliminary Site Plan – TR2
- 32) Building Plans – TR2
- 33) Fire Flow Correspondence
- 34) SEPA Correspondence
- 35) Preliminary Civil Plans – Revised
- 36) Technical Review Comments #2
- 37) EDDS Variance Approval
- 38) Concurrency Recommendation
- 39) Critical Areas Report – Bald Eagle Report
- 40) Concurrency Acceptance
- 41) SEPA MDNS
- 42) Notice of SEPA MDNS
- 43) Civil Review Comments #1
- 44) Resubmittal Letter – TR3
- 45) Preliminary Site Plan – TR3
- 46) Notice of Public Hearing
- 47) Affidavit of Posting – NOPH
- 48) Correspondence - Public Comment