

12 September 2023

Community Development Department
City of Marysville
80 Columbia Ave
Marysville, WA Zip
Phone: 360.363.8100

Re: Sunnyside Village Cohousing – Final Plat Application – Responses to Conditions of Preliminary Approval

Construction sitework is underway, and bonding is proposed as indicated on the enclosed plat application and per the engineer's estimate provided to the city.

The Conditions of Preliminary Approval are addressed as follows:

- (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
 - a. **Response: The submitted plat configuration matches the preliminary subdivision configuration. The plat has been developed in conformance with the above referenced articles.**
- (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.
 - a. **Response: The final plat application is being submitted on 15 February 2024, less than a year after preliminary approval was issued in April 2023.**
- (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.
 - a. **Response: A draft CC&R document is hereby submitted for the city's review.**
- (4) The proposed community building shall be designed and conform to the standards of MMC 22C.010.280(4)(a).
 - a. **Response: the community building is designed in conformance with the above referenced standard.**
- (5) Prior to building permit issuance, compliance with MMC 22C0101.280(7)-(9) shall be demonstrated for the individual cottage building permits.
 - a. **Response: The cottages have been designed in accordance with the above-referenced standards. Associated drawings and calculations have been reviewed and approved by the building department. Lot-specific permit applications will be submitted as per city requirements prior to construction of the cottages.**
- (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)
 - a. **Response: The cottages have been designed in accordance with the above-referenced requirements. Associated drawings have been reviewed and approved by the Community Development and Building Departments, respectively.**
- (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.
 - a. **Response: The landscape has been designed in accordance with the above-referenced standards. Landscape drawings have been reviewed and approved by the City engineering department.**

(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 2022, prepared by Geoengineers, and shall be implemented prior to final plat approval.

a. **Response: The development will comply with the requirements stated above, and wetland mitigation bank credits have been purchased. Reference Notice of Credit Transfer from Skykomish Habitat Mitigation Bank to King Creek, LLC, dated 7/21/23.**

(9) A 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).

9.1 Prior to civil construction plan approval, the applicant shall submit a FINAL Geotechnical Assessment, prepared by a Professional Engineer registered in the State of Washington. Additionally, the applicant/contractor shall be required to adhere to the recommendations of the Final Geotechnical Assessment. Prior to granting occupancy permits, the applicant shall provide a letter from the project engineer to verify that final project grading has been completed consistent with the Assessment and subsequent amendments have been followed; and that all fill has been properly placed.

a. **Response: The final geotechnical assessment was submitted in the preliminary review and the civil review. The above-referenced letter will be submitted after final grading and fill placement.**

9.2 If at any time during construction archaeological resources are observed in the project area, work shall be temporarily suspended at that location and a professional archaeologist shall document and assess the discovery. The Department of Archaeology and Historic Preservation (DAHP) and all concerned tribes shall be contacted for any issues involving Native American sites. If project activities expose human remains, either in the form of burials or isolated bones or teeth, or other mortuary items, work in that area shall be stopped immediately. Local law enforcement, DAHP, and affected tribes shall be immediately contacted. No additional excavation shall be undertaken until a process has been agreed upon by these parties, and no exposed human remains should be left unattended.

a. **Response: The project team will comply with the requirements outlined above.**

9.3. The applicant shall be required to construct frontage improvements along 66th Avenue NE consistent with Engineering Design and Development Standards (EDDS) Standard Plan 3-202-002, Local Access Street, prior to final plat approval. Roadway improvements, channelization, site access and lighting plans shall be required to be reviewed and approved by the City Engineer, prior to construction plan approval.

a. **Response: Reference approved civil and landscape plans for planned right of way improvements.**

9.4. The applicant shall be required to dedicate public right-of-way for the extension of 66th Avenue NE in accordance with MMC 12.02A.110(1)(c), Dedication of Road right-of-way– Required setbacks. Right-of-way widths and required dedication shall be determined by the City Engineer. The extension of 66th Ave. NE requires a 50 ft. dedication, which is currently shown on the supplied documents.

a. **Response: Reference enclosed draft final plat map for right-of-way dedication documentation.**

9.5. In order to mitigate impacts upon the future capacity of the road system, the applicant shall be required to submit payment to the City of Marysville, on a proportionate share cost of the future capacity improvements as set forth in MMC 22D.030.070(3), for the development. Traffic impact fees shall be vested at a rate of \$6,300.00 per PMPHT. A credit will apply for the existing house which will be demolished; said credit shall be applied to lot 1.

a. **Response: Owner will pay indicated traffic impact fees.**

9.6. Based on the TIA, approximately 18 percent of the project trips are anticipated to impact the roundabout intersection of Soper Hill Road at 87th Avenue NE. Therefore, the applicant shall be required to pay the proportionate share of the impact fee for the Soper Hill Road and 87th Avenue NE roundabout estimated at \$9,520.00

(\$1,700.00 x 5.6 PMPHT).

b. **Response: Response: Owner will pay indicated traffic impact fees.**

9.7 Per the approved EDDS variance, dated February 16, 2023, Ken McIntyre, Assistant City Engineer, accepted the justification for allowing a hammerhead style turnaround rather than a temporary cul-de-sac for the extension of 66th Avenue NE. As a condition to allow the variance, automatic fire sprinkler systems will be required for buildings situated beyond the turnaround. Any lots requiring sprinklers shall be identified during civil plan review. (Note this MDNS requirement for fire sprinklers is amended by new Condition 14 as recommended by Marysville staff at the hearing on April 12, 2023)

- a. **Response: Project has been designed with a hammerhead style turnaround in accordance with the direction provided above. All cottages and the common house will have fire sprinkler systems.**

9.8. The onsite wetland and buffer area that will be retained must be placed in a separate Native Growth Protection Area (NGPA) tract. The boundary of the tract shall be delineated by the installation of split rail fencing and signage.

- a. **Response: Reference the enclosed draft final plat for the NGPA tract documentation.**

9.9. Prior to issuing any ground disturbing activity permits, proof of purchase for Skykomish Habitat Wetland Mitigation Bank credits shall be provided to the City of Marysville to mitigate for direct and indirect wetland impacts.

- a. **Response: Reference Notice of Credit Transfer from Skykomish Habitat Mitigation Bank to King Creek, LLC, dated 7/21/23.**

9.10. Prior to issuing any ground disturbing activity permits, the applicant is required to obtain all necessary permits and approvals from Federal, State and local agencies for the proposed critical areas impacts.

- a. **Response: The contractor, Green Canopy NODE, will obtain required approvals.**

9.11. Prior to any ground disturbing activities, all wetland buffer areas shall be temporarily fenced between the construction activity and the buffer area with highly visible and durable protective barrier(s). Said barriers shall be retained during construction to prevent access and sedimentation from disturbed areas from entering the wetland or its buffer.

- a. **Response: The construction of barriers described above is included in the project earthwork subcontractor scope.**

9.12. Based on correspondence with the applicant and environmental consultant, the subject property may have a bald eagle nest in the vicinity. A Bald Eagle Nest Assessment Field Report, prepared by GeoEngineers dated February 17, 2023 was provided; said report concluded that the historic eagle nest is no longer present, but that continued monitoring is proposed as the possibility of the damaged nest rebuilding could begin or a new nest may be built in the near vicinity. Per MMC 22E.010, an updated report on the status of the potential nest location must be submitted prior to ground disturbing activities to ensure the bald eagle habitat shall be protected pursuant to the Washington State Bald Eagle Protection Rules of WAC 232-12-292.

- a. **Response: The requested updated report was provided during the civil permit review, and indicated no new nesting activity.**

9.13. Prior to civil construction plan approval, the on-site septic system shall be decommissioned in accordance with WAC 246-272A-0300. Documentation demonstrating that the septic system has been decommissioned shall be submitted prior to final plat approval.

- a. **Response: The decommissioning of the septic system is included in the project earthwork subcontractor scope.**

9.14. Prior to civil construction plan approval, all trees identified to be retained per Tree Evaluation, prepared by Zsafia Pasztor, dated January 2020, shall be clearly identified on the grading plans. Prior to commencement of ground disturbing activities, all retained trees shall be protected and marked in the field.

- a. **Response: As confirmed in the civil plan review, all trees within the wetland buffer, other than those deemed hazardous, will be protected and retained.**

(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.

- a. **Response: Noted.**

(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).

- a. **Response: The electrical systems will be constructed in accordance with the above requirements. The project team is coordinating with Snohomish County PUD for the site electrical design and construction, and with Ziple for communication wiring.**

(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.

- a. **Response: Response: Owner will pay the required impact and mitigation fees.**

(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.

- a. **Response: Response: Owner will pay the required impact and mitigation fees.**

(14) All buildings within the proposed development shall be equipped with automatic fire sprinkler systems.

- a. **Response: Fire sprinkler systems have been designed and will be installed in all buildings.**

Sincerely,

Miles Cook, aia
Architect, Schemata Workshop

On behalf of the project design and development team.