



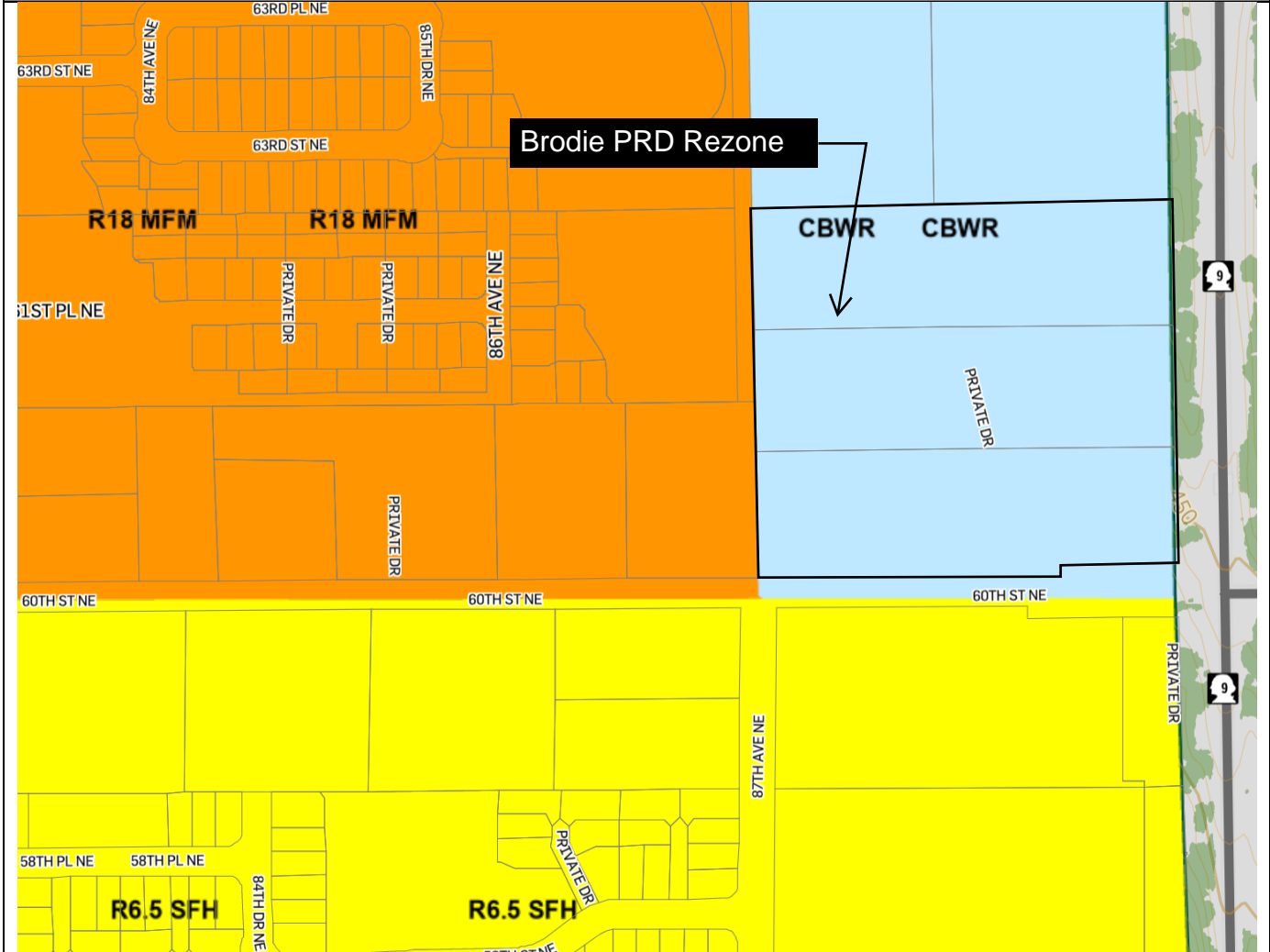
# STAFF RECOMMENDATION

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>	Brodie Rezone PRD			<b>Date of Report</b>	September 12, 2023				
<b>File Number</b>	PA 22-023			<b>Attachments</b>	Public Hearing Exhibits (001 - 052)				
<b>Administrative Recommendation</b>	Approve the Project Action Rezone changing the zoning designation from Community Business-Whiskey Ridge (CB-WR) to High Density, Single-Family (R-6.5) and concurrent Preliminary Planned Residential Development (PRD) Subdivision to construct 44 single-family detached units.								
BACKGROUND SUMMARY									
<b>Applicant</b>	JM1 Holdings, LLC (Ryan C. Larsen, Land Pro Group)								
<b>Request</b>	Project Action Rezone to change the zoning designation from Community Business-Whiskey Ridge (CB-WR) to High Density, Single-Family (R-6.5) and concurrent Preliminary Planned Residential Development (PRD) and Subdivision Approval.								
<b>SEPA Status</b>	A Mitigated Determination of Non-Significance (MDNS) and Traffic Concurrency Determination was issued on May 17, 2023 (Exhibit 051). No comments or appeals were received on the MDNS.								
<b>Site Address</b>	8703 & 8719 60 <sup>th</sup> Street NE 6117 83 <sup>rd</sup> Avenue NE			<b>APN(s)</b>	30052500303900, 30052500302300 & 30052500303800				
<b>Legal Description (abbreviated)</b>	Lot 2, 3, and 4 of SP-348			<b>Section</b>	25	<b>Township</b>	30N	<b>Range</b>	05E
<b>Comprehensive Plan</b>	CB	<b>Zoning</b>	WR-CB	<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			Marysville	Marysville			
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 checked="" type="checkbox"/> Police <input checked="" type="checkbox"/> Public Works	<input checked="" type="checkbox"/> Lake Stevens (city) <input checked="" type="checkbox"/> Comcast <input checked="" type="checkbox"/> Lake Stevens SD 4 <input checked="" type="checkbox"/> PUD No. 1 <input checked="" type="checkbox"/> Ziply		<input checked="" type="checkbox"/> US Army Corps of Engineers <input checked="" type="checkbox"/> DAHP <input checked="" type="checkbox"/> DOE <input checked="" type="checkbox"/> WDFW <input checked="" type="checkbox"/> USDFW		<input type="checkbox"/> Health District <input type="checkbox"/> Planning <input checked="" type="checkbox"/> Public Works - Land Development <input type="checkbox"/> Public Works		<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>	November 2, 2023		<input type="checkbox"/> Approved		<input type="checkbox"/> Denied		<input type="checkbox"/> Continued		
STAFF									
<b>Name</b> Amy Hess	<b>Title</b> Senior Planner		<b>Phone</b> 360.363.8215		<b>E-mail</b> <a href="mailto:ahess@marysvillewa.gov">ahess@marysvillewa.gov</a>				

SURROUNDING USES			
	Comprehensive Plan	Zoning	Land Use
North	Community Business – Whiskey Ridge	CB-WR	Allen Creek Baptist Church and City-owned water facility
East	Highway 9 / Unincorporated Snohomish County	N/A	Large lot single family residences and utility corridor across Highway 9 right-of-way
South	Single Family High Density	R-6.5	Large lot single family residence
West	Multifamily Family Medium Density	R-18	Large lot single family residences and NGPA tracts

**Vicinity Map**



# 1.0 - FINDINGS AND CONCLUSIONS

1. **Description of Proposal.** An application was submitted for a Project Action Rezone to change the zoning designation from Community Business-Whiskey Ridge (CB-WR) to High Density, Single-Family (R-6.5), and a concurrent Preliminary Planned Residential Development (PRD) and Subdivision Approval to construct 44 single-family detached units.
  - 1.1. Per MMC 22G.010 Article I, the City consolidates development permit application review. Both the Project Action Rezone and the Preliminary Subdivision require a public hearing.
2. **Project Location.** The proposed development includes three (3) parcels, addressed as 8703 & 8719 60<sup>th</sup> Street NE, and 6117 83<sup>rd</sup> Avenue NE and further identified as Assessor’s Parcel Numbers (APN) 30052500303900, 30052500302300 & 30052500303800.
3. **Present Use of Property.** The project site is mostly undeveloped and heavily vegetated with varietal grasses, ferns, ivy, and undergrowth along with variable diameter trees. There is an existing gravel driveway extending through the property to the south to access a cellular tower in the east central portion of the site.
4. **Site Description.** The project site is approximately 10.01 acres in size and slopes downward from east to west, ranging from 5 to 30% slopes and a relief of about 70 feet. The southwest portion of the site is nearly level. The majority of the site has slopes of 15 to 25%.
5. **Letter of Completeness.** The application was submitted on June 24, 2022 and determined to be complete on June 30, 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. The notice of application was issued July 11, 2022 with comments due August 3, 2022. No public comments on the proposed development were received.
  - 6.2. The public hearing for the proposed request was advertised in accordance with [MMC 22G.010.110](#), *Notice of public hearing* (Exhibit 055).
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 the above-referenced agencies are not listed below, no comments were received:

	Nature of Comment
Public Works, Operations	<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>
Public Works, Traffic	<ul style="list-style-type: none"> <li>• <i>Requirements and recommendations are addressed in the approved Traffic Concurrency Recommendation dated May 12, 2023.</i></li> </ul>
Public Works, Development Services	<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> </ul>

	<ul style="list-style-type: none"> <li>• <i>The project is vested under the 2012 Stormwater Management Manual for Western Washington, as amended in 2014. 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>Public Works, Surface Water</b>	<ul style="list-style-type: none"> <li>• <i>The project is vested under the 2012 Stormwater Management Manual for Western Washington, as amended in 2014.</i></li> <li>• <i>Provided requirements for the proposed on-site storm drainage system.</i></li> </ul>

8. **State Environmental Policy Act Review.** A State Environmental Policy Act (SEPA) Mitigated Determination of Non-Significance (MDNS) was issued on May 17, 2023 (Exhibit 051). The appeal period expired June 1, 2023; no appeals were filed.
9. **Critical Areas.** A preliminary *Critical Area Study and Buffer Mitigation Plan* (Exhibit 010), dated June 29, 2022, prepared by Wetland Resources Environmental Consulting, was submitted with the development application. Updated reports dated November 21, 2022 (Exhibit 031) and April 26, 2023 (Exhibit 042) were submitted with subsequent submittals. According to these documents, the subject property contains three (3) on-site wetlands (Wetlands A-C) and one (1) off-site wetland (Wetland D). Wetlands A and D are Category II wetlands that require a 100-foot buffer. Wetlands B and C are Category III wetlands that require a 75-foot buffer.

The applicant is proposing to utilize a combination of buffer width averaging and temporary buffer impacts. Consistent with MMC [22E.010.100](#)(5)(a) and (5)(c), buffer reduction is proposed in the western portion of lots 27-28, a small area in Tract 999 near the plat entrance, and the stormwater facility in Tract 998. A total of 4,224 square feet of buffer reduction and 4,287 square feet of buffer addition are proposed. The total on-site area within the buffer will be slightly larger under the buffer averaging proposal. Additionally, buffer conditions in the northern portion of the site do not meet the buffer criteria of MMC [22E.010.100](#) and will require buffer enhancement. No direct impacts to the wetland areas are proposed.

Per MMC [22E.010.100](#)(10), stormwater management facilities may be located within the outer 25 percent of the wetland buffers if they will have no negative impact on the functions and purpose the buffers serve for the wetland. The dispersion trench located in the southwest corner of the site cannot be placed in the outer 25 percent of the buffer due to the close proximity of the wetland to the existing roadway and the need to treat and disperse runoff from the required road frontage improvements. It will result in temporary impacts to buffer vegetation during construction, but this area will be restored with native plants, resulting in no permanent negative impact to buffer functions. The dispersion trench will ensure that hydrology to Wetland A will be maintained after construction, resulting in no negative impacts to the wetland.

To mitigate for impacts associated with construction of the trench, the applicant proposes to plant native shrubs in all areas impacted by the trench installation. By restoring a dense native plant community within this area, the applicant will ensure that the hydrologic, water quality, and habitat functions provided by these portions of the buffers are maintained.

10. **Access and Circulation.** Primary vehicular and pedestrian access to the subdivision is proposed to be provided via the extension of 87<sup>th</sup> Avenue NE, north through the proposed development. Due to the presence of the on-site Wetland B and C, and portions of off-site Wetland A, the extension of 87<sup>th</sup> Avenue NE at the intersection of 60<sup>th</sup> Street NE was shifted east to allow for the extension to occur outside of the wetland and associated buffer area.

Along with the main extension of 87<sup>th</sup> Avenue NE north through the development, a 50 ft. internal roadway (Road B) would stub off of 87<sup>th</sup> Avenue NE to the east and run north, where it would then direct west intersecting with 87<sup>th</sup> Avenue NE towards the north of the proposed development. There is also to be a rear-loaded alley that will run north-south intersecting with proposed Road B; said alley would provide vehicular access to lots 33 – 44. There are to be three (3), 20 foot wide autocourts which would provide access to lots 6 – 7, 16 – 17, and 25 – 29.

11. **Traffic Impacts.** A Traffic Impact Analysis (TIA) was prepared by Kimley Horn, dated June 2022 (Exhibit 011). According to the TIA, the proposed development would generate approximately 415 Average Daily Trips (ADT), 31 AM peak hour trips (AMPHT), and 44 PM peak hour trips (PMPHT).

The City's Transportation and Park Maintenance Manager reviewed the TIA, and issued a written concurrency recommendation dated May 12, 2023 (Exhibit 048), informing the developer of the project's impacts and mitigation obligation pursuant to Chapter 22D.030, *Traffic Impact Fees and Mitigation*. The conditions of concurrency recommendation are as follows:

- a. The applicant shall be required to construct frontage improvements along 60<sup>th</sup> Street NE along with the extension of 87<sup>th</sup> Avenue NE, 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.
  - i. 60<sup>th</sup> Street NE is classified as a Collector Arterial. From the western boundary of the project through the intersection of future 87<sup>th</sup> Avenue NE and 60<sup>th</sup> Street NE shall be improved to Engineering Design and Development Standards (EDDS) Standard Plan (SP) 3-201-004, with a 12 foot multi-use path being substituted for the 5 foot sidewalk. East of the future intersection, 60<sup>th</sup> Street NE shall be constructed to SP 3-201-007 with a full cul-de-sac at the eastern terminus. This project will only be responsible for the northern half of the cul-de-sac.
  - ii. 87<sup>th</sup> Avenue NE shall be constructed in accordance with SP 3-201-008 of the EDDS, including 2 travel lanes with a 5 foot planters, a 12 foot multi-use path (east of the travel lanes) and a 5 foot sidewalk (west of the travel lanes).
- b. The applicant shall be required to dedicate public right-of-way in order to accommodate the required frontage improvements along 60<sup>th</sup> Street NE and the new internal roads, including Tract 993 (alley), 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.
  - i. The applicant's surveyor will need to establish what the half width of 60<sup>th</sup> Street NE is and ensure there is 35 feet of right of way.
- c. The autocourts and alleys (Tracts 992, 993, 994, 996, & 997) shall be constructed with scored concrete, paving blocks, bricks, or other ornamental pavers to clearly indicate that the entire surface is intended for pedestrians as well as vehicles, as outlined in EDDS Section 3-219. A detail of the surfacing of the autocourt will be required to be provided on the civil construction plans and approved by the City Engineer.
- d. 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 totaling \$277,200.**

Pursuant to MMC Section [22D.030.070\(6\)\(a\)\(ii\)](#), the traffic concurrency determination and the projects impacts and mitigation obligations shall expire upon expiration of the subdivision.

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 on May 12, 2023 (Exhibit 050).

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, updated November 2022 and August 2023, 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.

The proposed detention facility detains, and releases collected stormwater runoff from the Onsite Basin. The facility is located within Tract 998 in the northwestern corner of the site. Flows from the Onsite Basin are collected and conveyed to the detention vault via a proposed network of catch basins and storm water conveyance pipes. Water Quality Treatment for the Onsite Basin is accomplished through a Perfilter structure located downstream of the detention vault. Water Quality Treatment for the Bypass Basin is accomplished through a Modular Wetland structure located in Tract 991. The Modular Wetland treats all stormwater that cannot be collected by the detention vault prior to discharge.

Water: The applicant is proposing to tie into the existing 16-inch ductile iron (DI) water main within 60<sup>th</sup> Street NE and loop it through the site in order to provide water service and adequate fire flow. Water mains will be extended within the plat roads.

Sewer: The applicant is proposing to tie into the existing 8-inch sewer main within 60<sup>th</sup> Street NE and extend on site to serve the development. Sewer mains will be extended within the plat roads.

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 to the Lake Stevens School District No. 4 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 subject property is zoned Community Business-Whiskey Ridge (CB-WR). PRD subdivisions with single family residences are not a permitted use in the CB-WR zone; however, the applicant is proposing a rezone to R-6.5 Single Family High Density (R-6.5 SFH). Planned Residential Developments are permitted in the R-6.5 zone. The

application has demonstrated compliance with the rezone criteria set forth in MMC Section [22G.010.440](#), Rezone criteria, as outlined in Sections 16 and 17 of this report.

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

**Staff Comment:** The base density allowed in the R-6.5 Single Family High Density zone is 6.5 units per acre. The PRD subdivision proposes 44 units on 10.01 gross acres (6.68 net acres). The proposed development is proposing a density of 6.58 dwelling units per acre (6.5 du/acre x 6.68 net acres = 43.42; rounds down to 43 allowable units). MMC Section [22G.080.080](#) allows increased densities in a Planned Residential Development consistent with density incentives in MMC Section 22C.090. The applicant proposes use of Residential Density Incentives (RDI) in order to achieve the additional unit.

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

**Staff Comment:** The Comprehensive Plan designation for the subject property is Community Business – Whiskey Ridge; however, is proposed to be rezoned to Single Family High Density. The proposed development and subsequent use of the property will be consistent with the pertinent development policies outlined in the Marysville Comprehensive Plan as conditioned herein.

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-2, LU-3, LU-5, LU-7, LU-8, LU-10, LU-20, LU-22, LU-23, LU-24, LU-25, LU-27, LU-28, LU-31, LU-38, LU-40, LU-41
- **ENVIRONMENTAL ELEMENT –** EN-1, EN-13, EN-15, EN-19, EN-29, EN-32
- **TRANSPORTATION ELEMENT—Policies:** T-8, T-25, T-27, T-29, T-48
- **PARKS ELEMENT –** PK-9, PK-14
- **UTILITIES ELEMENT – Policies:** UT-1, U-14
- **PUBLIC FACILITIES AND SERVICE ELEMENT – Policies:**
  - **Police, Fire, Library:** PS-1, PS-3, PS-9
  - **Water, Sewer, Storm Drainage, Solid Waste:** PF-1, PF-9, PF-18, PF-19, PF-20, PF-26,
- **SCHOOLS –** SC-6

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

15.4. *Development Standards*

**Staff Comment:** The project site is currently zoned Community Business – Whiskey Ridge (CB-WR) which is proposed to be rezoned to R-6.5. The R-6.5 zone is a high density single-family residential zone. The major types of new housing development will be detached single-family residences. It allows single family residences at a density of 6.5 dwelling



units per net project acre, with up to a 20% increase over that density for Planned Residential Developments using the Residential Density Incentive provisions outlined in Chapter 22C.090 MMC .

East Sunnyside Whiskey Ridge Master Plan: The subject property is located within the East Sunnyside – Whiskey Ridge Master Plan (ESWR) Area. The project is subject to the design standards set forth [in MMC 22C.070](#).

The proposal, as conditioned, complies with the standards set forth in the Plan.

Bulk & Dimensional Standards: The proposed PRD will meet all bulk and dimensional requirements set forth in MMC [Section 22G.080.080\(1\)](#), *Modification of development regulations*. For single family residences, these standards include a minimum 30 foot lot width, 3,500 square foot minimum lot size, 10 foot street setback (7 feet for porches), 20 foot garage setback, 10 foot rear yard setback, 5 foot side yard setback, and 70 percent lot coverage.

Open Space Standards: Pursuant to MMC [Section 22G.080.100](#), fifteen percent of the net project area must be dedicated as open space, and thirty-five percent of the required open space must be active open space. As proposed, 15 percent of the net project area, or approximately 1 acre (43,636 square feet), is required to be reserved for open space. The project is required to provide 0.35 acres (15,273 square feet) of active open space, but will provide approximately 0.36 acres (15,468 square feet) of active open space. The project is required to provide approximately 0.65 acres (28,314 square feet) of passive open space, and will provide slightly more than 0.65 acres (28,363 square feet) due to the presence of on-site critical areas and buffers which will be permanently protected. Improvements within the active open space area will include one play structure, two benches, and associated landscaping, pathways and fencing.

Street Standards: The PRD plat is subject to the PRD Access Street with Parking standard set forth in the Engineering Design and Development Standards (EDDS).

PRD Decision Criteria: As proposed and conditioned, the PRD meets all of the requirements set forth in [22G.080.050](#), *Procedures for review and approval*, including subsections (a) Consistency with Applicable Plans and Laws, (b) Quality Design, (c) Design Criteria (i), (iii), and (iv), (d) Public Facilities, (e) Consistency with adjacent single family development, (f) Perimeter Design, (g) Open Space and Recreation, (h) Streets, Sidewalks, and Parking, (i) Landscaping, and (j) Maintenance Provisions.

The proposed development and subsequent use of the property will comply with the intent of the R-6.5 Single Family, High Density zone, and the standards set forth in the East Sunnyside – Whiskey Ridge Subarea Plan, and as conditioned herein, complies with all of the applicable design and development standards outlined in Title 22 – Unified Development Code.

The proposed development, as conditioned herein, makes appropriate provisions for the public use and interest, health, safety and general welfare.

16. **Comprehensive Plan Rezone Criteria:** MMC Section [22G.010.440\(1\)](#) requires the applicant for a zone reclassification to demonstrate that the proposal is consistent with the Comprehensive Plan, and applicable functional plans, and complies with the following criteria:

- a. There is a demonstrated need for additional zoning as the type proposed;



Applicant response: The proposed rezone of 10.01 acres of land zoned CB-WR to R-6.5 SFH would result in more land that is zoned for residential uses. Housing continues to be an issue in the Puget Sound Region, and the supply is simply not keeping up with the demand. According to the 2022 Competitiveness Report for Washington, released by the Lt. Governor and the Joint Legislative Committee on Economic Development, makes clear:

- Washington State has the fewest number of housing units per household of any state in the county, and the housing crisis is getting worse as the number of units built has not kept pace with household formation over the last decade.
- The lack of housing supply puts strong upward pressure on home prices and rents. 44% of Washington renter households are cost burdened and spend more than 30% of their income on housing; 22% of renters are severely cost burdened and spend more than 50% of their income on housing.
- Chronically undersupplied housing is the principal driver of the state's homelessness crisis. Washington's homelessness rate—30 per 10,000 residents—is well above the U.S. average (18 per 10,000 residents).
- Homeownership is becoming more unattainable, particularly for BIPOC households. The Black homeownership rate is 11.5% lower than the national average, which ranks last among peer states, and the 7th lowest nationally.
- There are only 1.06 housing units per household Washington State compared to 1.14 nationally.

In this context, Marysville was reclassified by the Puget Sound Regional Council in advance of the next ten-year comprehensive plan update as a high-capacity transit community, which means it and other cities zoned alike will be responsible for taking 50% of the region's growth between now and 2050. Given that much of Marysville's UGA has been extensively developed, the city will need to look rezones and upzones to address current and future housing needs.

Although the Brodie Property's proximity to Highway 9, SR 528, and the Walmart shopping center appeared to support Community Business zoning, there is little interest by developers to create commercial development in a location that don't directly access the major roadways mentioned above. Successful commercial development requires both visibility and access. This site would not have the latter and it would make it incredibly difficult for retail stores to compete with the opportunities already provided at Walmart.

- b. The zone reclassification is consistent and compatible with uses and zoning of the surrounding properties;

Applicant response: The parcels that borders this site to the west and south are currently zoned R-18 and R-6.5, respectively. Residential zones of varying densities are routinely located abutting each other. Further, because the uses of the parcels to the north are known and not intensive commercial development, R-6.5 zoning would be compatible with the adjacent church and the city's water tower.

- c. There have been significant changes in the circumstances of the property to be rezoned, or surrounding properties, to warrant a change in classification; and

Applicant response: There are three significant changes in circumstance which warrant a change in the zoning:

- Marysville was designated as a High Capacity Transit Community, which designated communities are responsible for taking in 50% of the future growth.

- Puget Sound’s housing crisis has continued to get worse as outlined in the 2022 Competitiveness Report discussed on the previous page.
  - The Community Business zoning has been in place for many years and the lack of interest in developing the site for commercial uses demonstrates there is a need to reconsider why development has not occurred. The answer is that the Community Business zoning of the Brodie Property is inconsistent with the physical limitations of the property and the lack of access to a major roadway.
- d. The property is practically and physically suited for the uses allowed in the proposed zone reclassification.

Applicant response: This property is physically suited to best allow the type of residential development in the R-6.5 zone, which can be more easily laid out in relationship to the site’s critical areas and this type of residential zoning would not require direct access to 64<sup>th</sup> or Highway 9 to be successful. Lastly, the property is practically suited for residential development because it is predominantly surrounded by residential zoning.

The applicant’s responses outlined above are excerpted from Exhibit 026.

After evaluation of the applicant’s written response, and other supporting documentation and application materials, the proposed rezone, as conditioned herein complies with the rezone criteria and applicable development standards outlined in Title 22 MMC, *Unified Development Code*.

**17. Rezone Criteria – Edge of Land Use Districts:** Pursuant to MMC Section [22G.010.440\(2\)](#), properties at the edges of land use districts can make application to rezone property to the bordering zone without applying for a Comprehensive Plan map amendment if the proponent can demonstrate the following:

- a. The proposed land use district will provide a more effective transition point and edge for the proposed land use district than strict application of the comprehensive plan map would provide due to neighboring land uses, topography, access, parcel lines or other property characteristics;

Applicant response: The Brodie Property borders the R-6.5 land use district to the south and the proposed land use district will allow for extension of the R-6.5 which follows a similar pattern within this portion of the UGA.

The Brodie property is restricted by the 3.11 acres [of] critical areas which encompassed the western third of its site with slight slopes from the east to the west, making the topography and physical characteristics of the site part of an appropriate transition between the proposed zone and the R-18 zone bordering it to the west.

This proposal would result in the R-6.5 land use district bordering the Community Business Whiskey Ridge zoning that would remain on the church and city parcels to the north, which is a similar scenario to the current border of these two zones at 60<sup>th</sup> Street NE.

- b. The proposed land use district supports and implements the goals, objectives, policies and text of the comprehensive plan more effectively than strict application of the comprehensive plan map; and

Applicant response: The proposal is consistent with [Comprehensive Plan policy] LU-2, ensuring that population growth and the provision of services will continue to take place

inside the urban growth area (note that no expansions to the Marysville UGA are proposed for 2024, but the City must take on a much higher population target being that it's been designated as a High Capacity Transit Community).

Further, the proposal is consistent with LU-24 as it locates additional residential development proximate to highways (SR 528, Highway 9) and arterials (83<sup>rd</sup> Ave NE, Ingraham Blvd, and 67<sup>th</sup> Avenue NE) which will connect the future housing to employment centers in Everett, as well as the developing Manufacturing Industrial Center in north Marysville and Arlington (a job center expected to employ over 20,000 workers).

Additional analysis of the support for and implementation of goals, objectives, and policies of the comprehensive plan can be found in the "Consistency with the Marysville Comprehensive Plan" narrative in Exhibit 026.

- c. The proposed land use change will not affect an area greater than 10 acres, exclusive of critical areas.

*Applicant response:* The site area is 10.01 acres, however exclusive of the critical areas the site is 6.9 acres. The total critical area for the site is 3.11 acres or 135,366 sf.

The applicant's responses outlined above is excerpted from Exhibit 026. After evaluation of the applicant's written response, and other supporting documentation and application materials, the proposed rezone, as conditioned herein, will be consistent with the applicable development goals and policies outlined in the Marysville Comprehensive Plan.

18. **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:

- 18.1. *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 Community Business-Whiskey Ridge, proposed to be rezoned to Single Family High 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. For compliance with specific Comprehensive Plan policies, see Section 16.3 above.

- 18.2. *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.

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

**Staff Comment:** Per Finding 15.4, 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.

- 18.4. *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.

- 18.5. *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.

19. **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:

- 19.1. **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.

- 19.2. **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.

- 19.3. **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.

- 19.4. **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 15.4.

- 19.5. **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 provisions 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.

- 19.6. **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.

- 19.7. **Open Space.** *Evaluation of all impacts and provision for open space as defined in MMC [22G.090](#), Article V, Land Division Requirements.*

**Staff Comment:** The proposed subdivision will be providing open space in accordance with the Planned Residential Development Standards and Article V, *Land Division Requirements*. The proposed open space is of a grade and surface suitable for recreation, and is accessible and conveniently located for use by all residents.

**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.

- 19.8. **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.

- 19.9. **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 Planned Residential Development and Subdivision of Brodie, and Concurrent Rezone of the property from Whiskey Ridge-Community Business to R-6.5 Single Family High Density, subject to the following conditions:

1. The preliminary subdivision configuration depicted in Exhibit 046 shall be the approved plat configuration.
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 PRD 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 Section [22G.080.120](#). 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 the adequacy of the covenants to fulfill the requirement of the PRD.
4. 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*.
  - 4.1. All required landscaping shall be bonded prior to final plat approval per MMC [22C.120.060](#).
5. Prior to civil construction plan approval, the applicant shall demonstrate that the active open space is of a grade and surface suitable for recreation as required by MMC Section [22G.080.100](#)(4)(a).
6. Prior to final PRD subdivision approval, any existing on-site septic systems or wells, if any, shall be abandoned in accordance with Snohomish Health District requirements.
7. Pursuant to MMC Section [22G.090.580](#), *Fence requirements*, a six-foot high, sight-obscuring fence may be required along the affected perimeter of the plat (unless waived by the adjacent property owner) if it is determined during grading plan review that the existing grade will be increased by a two-foot or greater vertical grade change and the grade increase causes the newly created lots to be at a higher elevation than the abutting property.
8. Accessory dwelling units shall not be permitted for single family detached dwelling units.
9. Direct access from individual lots onto 87<sup>th</sup> Avenue NE or 60<sup>th</sup> Street NE is prohibited.

10. Construction of the subdivision and each single-family dwelling shall be required to comply with all applicable standards outlined in the East Sunnyside – Whiskey Ridge Design Standards and Guidelines.
  - 10.1 Lots adjacent to roadways shall be oriented toward, including front door and entry way, the street. This provision applies to lots 1-5 and 33-37. Pedestrian connections shall be provided to the public sidewalk on 60<sup>th</sup> Street NE and 87<sup>th</sup> Avenue NE for the aforementioned lots.
11. Any lots under 5,000 square feet must demonstrate compliance with MMC Section 22C.010.310, Small Lot Single Family Dwelling Development standards.
12. The maximum height of solid (more than 50% opaque) free-standing walls, fences, or hedges in any front yard or other location between the street and the façade shall be 3.5 feet unless a taller fence or wall is required, per the Community Development Director, to mitigate significant noise and traffic impacts.
13. In development configurations where side yards abut a street, fences taller than 3.5 feet shall be set back at least 5 feet from the sidewalk to allow for landscaping to soften the view of the fence.
14. 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).
15. 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.
16. The applicant shall submit payment to Lake Stevens School District No. 4 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.
17. The proposed development is subject to the ten (10) mitigation measures outlined in the SEPA Mitigated Determination of Non-Significance issued on May 17, 2023 (Exhibit 051).

**Prepared by:** *Amy*

**Reviewed by:** *Angela*

### **3.0 - EXHIBITS**

The following Exhibits can be accessed electronically via the link provided in the exhibit header below. Key exhibits are listed in [dark blue](#).



PA22-023 – Brodie Rezone PRD

- 1) Land Use Application
- 2) Land Use Application – Critical Areas
- 3) Project Narrative
- 4) PRD Responses
- 5) Title Report
- 6) Legal Description
- 7) Vicinity Map
- 8) Pre-app Comments
- 9) Environmental Checklist
- 10) Critical Areas Report
- 11) Traffic Impact Analysis
- 12) Sno Co Traffic Offer
- 13) Geotechnical Report
- 14) Drainage Report
- 15) Landscape Plan
- 16) Preliminary Plat Map
- 17) Preliminary Civil Plans
- 18) Letter of Completeness
- 19) Request for Review
- 20) Notice of Application
- 21) Technical Review Comments
- 22) Resubmittal Letter
- 23) Land Use Application Resubmittal
- 24) Project Narrative
- 25) Environmental Checklist
- 26) Project Narrative – Rezone Criteria Responses
- 27) Preliminary Site Plan
- 28) Landscape Plan
- 29) Preliminary Illumination Plan
- 30) Drainage Report
- 31) Critical Areas Report
- 32) Revised Sno Co Traffic Offer
- 33) Preliminary Civil Plans
- 34) Technical Review Comments 2
- 35) Resubmittal Letter
- 36) Critical Areas Report
- 37) Drainage Report
- 38) Landscape Plan
- 39) Preliminary Site Plan
- 40) Sno Co Traffic Offer
- 41) Resubmittal Letter
- 42) Critical Areas Report
- 43) Drainage Report
- 44) Preliminary Site Plan
- 45) Landscape Plan
- 46) Preliminary Site Plan – Revised 5.5.23
- 47) Preliminary Civil Plans
- 48) Concurrency Recommendation
- 49) Technical Review Comments – Civil Review
- 50) Concurrency Acceptance
- 51) SEPA MDNS
- 52) Notice of SEPA MDNS
- 53) Staff Recommendation
- 54) Affidavit of Publication MDNS
- 55) Affidavit of Publication NOPH