



ADMINISTRATIVE BINDING SITE PLAN (BSP) AND PLANNED RESIDENTIAL DEVELOPMENT (PRD) APPROVAL

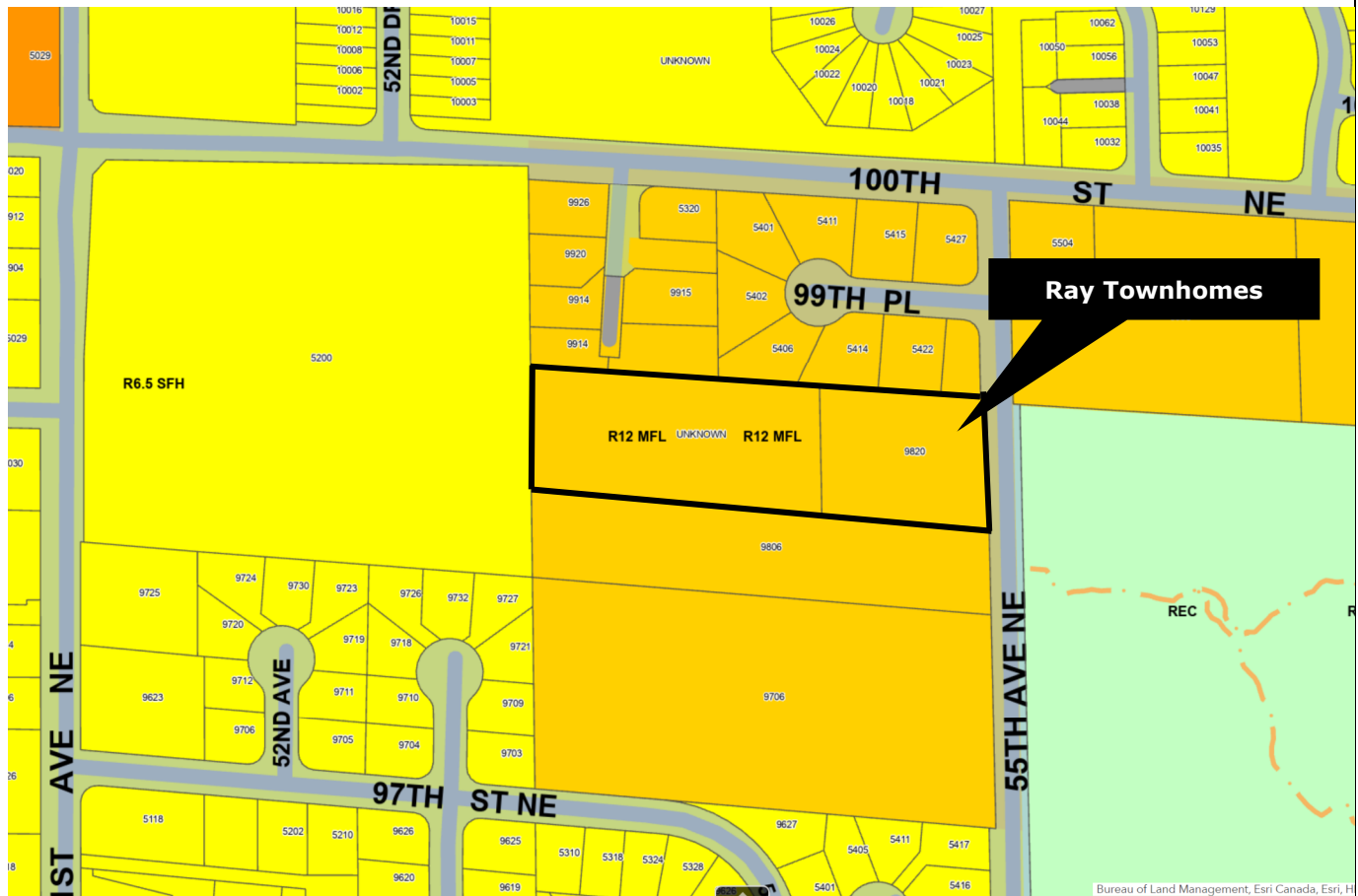
Community Development Department ♦ 501 Delta Avenue ♦ Marysville, WA 98270
 (360) 363-8000 ♦ Office Hours: Mon - Fri 8:00 AM - 4:30 PM

PROJECT INFORMATION									
Project Title	Ray Townhomes			Date of Report	March 28, 2023				
File Number	PA20-007			Attachments	Preliminary BSP/PRD map (Exhibit 47); MDNS (Exhibit 30)				
Administrative Recommendation	Approve the Administrative Binding Site Plan (BSP) and Planned Residential Development (PRD) request to subdivide 3.03-acres into 22 lots retaining two existing single-family residences on proposed Lots 21 & 22 and construction of 20 new single-family attached townhome residences.								
BACKGROUND SUMMARY									
Applicant	Custom Comfort Homes, LLC								
Request	Administrative Binding Site Plan and Planned Residential Development approval in order to subdivide a 3.03 acres into 22 lots.								
SEPA Status	SEPA MDNS issued July 31, 2020. Appeal period expired August 14, 2020; no appeals were filed.								
Site Address	9820 55 th Avenue NE			APN(s)	30051500302100; 30051500305000				
Legal Description (abbreviated)	See File PA20-007			Section	15	Township	30	Range	05
Comprehensive Plan	MFL	Zoning	R-12	Shoreline Environment			N/A		
Water Supply	Current		Proposed		Sewer Supply	Current		Proposed	
	Marysville		Marysville			Marysville		Marysville	
Present Use of Property	Single family residences and accessory structures on acreage.								
REVIEWING AGENCIES									
Marysville	Local Agencies & Districts		State & Federal		County		Other		
<input checked="" type="checkbox"/> Building <input checked="" type="checkbox"/> Fire District <input checked="" type="checkbox"/> Land Development <input type="checkbox"/> Parks <input checked="" type="checkbox"/> Planning <input checked="" 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"/> Zipl <input type="checkbox"/> Lake Stevens (city) <input checked="" type="checkbox"/> Marysville School Dist. <input checked="" type="checkbox"/> PUD No. 1		<input type="checkbox"/> US Army Corps of Engineers <input type="checkbox"/> BNSF <input checked="" type="checkbox"/> DAHP <input checked="" type="checkbox"/> DOE <input type="checkbox"/> WDFW <input type="checkbox"/> WSDOT <input type="checkbox"/> WUTC		<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 checked="" type="checkbox"/> Administrative	<input type="checkbox"/> City Council	<input type="checkbox"/> Quasi-Judicial	<input type="checkbox"/> Planning Commission						
Date of Action	March 28, 2023		<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied	<input type="checkbox"/> Continued				
STAFF									
Name Amy Hess	Title Senior Planner	Phone 360.363.8215	E-mail ahess@marysvillewa.gov						

SURROUNDING USES

	Comprehensive Plan	Zoning	Land Use
Site	Multi Family Low Density	R-12	Single family residences on acreage
North	Multi Family Low Density	R-12	Single family residences
East	Recreational	REC	Mother Nature’s Window Park
South	Multi Family Low Density	R-12	Single family residence on acreage
West	Single Family High Density	R-6.5	Cascade Elementary School

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

Custom Comfort Homes, LLC, applicant, has requested Preliminary Binding Site Plan (BSP) and Planned Residential Development (PRD) approval in order to subdivide 3.03-acres into 22 lots, retaining two existing single-family residences on proposed Lots 21 & 22 and construction of 20 new townhome residences.

2. Project History

An application was filed on January 24, 2020 and deemed complete on January 30, 2020. Notice was provided in accordance with MMC Section 22G.010.090, *Notice of development application*. No comments have been received from the public to-date.

3. Site Location

The subject properties are located at 9820 55th Avenue NE and an un-addressed parcel, and are identified by Assessor’s Parcel Numbers (APN) 30051500302100 and 30051500305000. Surrounding uses include an existing single-family subdivision to the north, single-family residences and accessory structures on acreage to the south, and an elementary school to the west.

4. Site Description

The subject properties consist of 3.03 acres that is relatively flat with less than a few feet of elevation differential across the property. The site is currently developed with two single-family residences and associated improvements, including three related outbuildings, with a majority of the site consisting of mowed lawn and landscaped areas.

5. Critical Areas

A Wetland Delineation Report, prepared by Altman Oliver Associates, LLC, dated November 30, 2018 was submitted to the City on January 15, 2019. The report identified one wetland (Wetland A) on site, along the southwestern property line. Wetland A was rated as a Category IV wetland, with a 35-foot associated buffer.

6. Access and Circulation

The project proposes one access point from 55th Avenue NE. Interior to the subdivision, the applicant is proposing construction of “Road A”, and a future stub out to the south for future connection, “Road B”. Road A terminates in a cul-de-sac.

7. Traffic Impacts

A traffic impact analysis (TIA) was prepared by Gibson Traffic Consultants dated August 2019. The report was subsequently updated in April 2020. An additional updated TIA prepared by Kimley Horn dated February 2023 (Exhibit 53) was submitted on February 3, 2023. According to the updated TIA, the proposed development would generate approximately 144 new Average Daily Trips (ADT), 10 new AM peak hour trips (AMPHT), and 11 new PM peak hour trips (PMPHT), using the Single-family Attached Housing code, LUC 215 identified in the ITE Manual.

The City Engineer, Traffic Engineer, and Transportation and Parks Maintenance Manager reviewed the updated TIA, and issued a written concurrency recommendation dated March 24, 2023 informing the developer of the project’s impacts and mitigation obligation pursuant to Chapter 22D.030, *Traffic Impact Fees and Mitigation*. Pursuant to MMC Section 22D.030.070(1)(d), an applicant is required to make a written proposal for mitigation of traffic impacts to the Public Works Director based on the concurrency recommendation. The applicant accepted the Concurrency Recommendation on March 27, 2023 (Exhibit 55). Three conditions of the concurrency are as follows (Exhibit 54):

1. 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 per PMPHT. Estimated fees are \$69,300 (11 x \$6,300).
2. The applicant shall be required to dedicate public right-of-way in order to accommodate the required frontage improvements along 55th Ave NE and the internal plat road 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.
3. Pursuant to MMC 12.02A.090, Frontage improvements required, the applicant shall be required to construct frontage improvements along 55th Avenue NE and the internal plat road per Engineering Design and Development Standards (EDDS), prior to final subdivision approval. Roadway improvements, channelization, street lighting and site access plans shall be required to be reviewed and approved by the City Engineer, prior to construction plan approval.

Note that frontage improvements may be required on the south side of Road A, between 55th Avenue and Road B.

8. Utilities

The following utilities will be provided to the site:

Storm drainage: According to the *Preliminary Storm Drainage Report*, prepared by PACE Engineers, Inc., dated April 15, 2020, updated on July 21, 2020 and again on September 21, 2022, runoff from pollutant generating impervious and pervious areas will be routed to one of two bioretention cells; one located in the west basin and one in the east basin. The proposed stormwater facilities will fully mitigate storm water runoff in accordance with the Department of Ecology 2012 Stormwater Management Manual for Western Washington, as amended in 2014 (DOE Manual).

Water: An existing 8" cast iron water main is located within 55th Avenue NE. The applicant will be required to install water mains within Road A, and provide a stub to the property to the south in Road B.

Sewer: An existing 8" sewer main is located in the 55th Avenue. The main connects at the 55th Avenue NE and 100th Street NE intersection, terminating at the NE corner of the project. At its termination, the main is approximately 5-feet in depth. A Utility Variance (Exhibit 44) was granted on November 8, 2018 which exempts the applicant from extending the sewer main for the full frontage of the project, given the limited depth. The applicant is required to provide a stub to the adjacent property to the south within Road B. The applicant will be required to extend the sewer main within Road A and connect to the existing sewer main within 55th Avenue NE in order to provide sanitary sewer service to the proposed development.

9. SEPA

A State Environmental Policy Act (SEPA) Mitigated Determination of Non-Significance (MDNS) was issued on July 31, 2020. The appeal period expired August 14, 2020; no appeals were filed.

10. Agency Comments: A *Request for Review* of the proposed development was sent to the following Local, County, State and Federal Agencies and Districts:

- a. *PUD No. 1:* The District presently has enough electric system capacity to serve the proposed development. However, the existing District facilities in the local area may require upgrading.

The developer is required to supply the District with suitable locations/easements on all parcels where electrical facilities must be installed to serve the proposed development. It is unlikely that easements will be granted on District-owned property, or consents granted within District transmission line corridors.

Existing PUD facilities may need relocations or modifications at the developer's expense. Any relocation, alteration or removal of District facilities to accommodate this project shall be at the expense of the project developer and must be coordinated with the PUD in advance of final design. Please include any utility work in the scope of all land-use permits.

Cost of any work, new or upgrade, to existing facilities that is required to connect this proposed development to the District electric system shall be in accordance with the applicable District policy. The developer will be required to supply the District with suitable locations/easements upon its property for any electrical facilities that must be installed to serve the proposed development.

- b. *Zipty (fka Frontier)*: No comments received.
- c. *Marysville Fire District*: A fire sprinkler system is required in each townhome unit.

Aerial fire apparatus access minimum 26' wide is required for buildings over 30' tall. Plans show access Road A 28' wide into the site from existing 55th Ave NE at the east end of the site, with Road A shown extending about 600' west through the site to a 80' cul-de-sac dead-end.

Access shown appears acceptable.

Plans show proposed water main extensions and three new fire hydrants. Water main extension into the site with approved fire hydrant locations is required. The three new hydrant locations shown appear acceptable.

The City GIS water map shows an 8" CI water main along 55th Ave NE, with existing hydrants to the north and south spaced about 518' apart. A city fire flow test on 4-17-20 showed 3,553 gpm fire flow available for the fire hydrants tested near this site. Minimum 1,500 gpm fire flow is required. The fire flow available to the site appears adequate.

11. 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:

- a. 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: Pursuant to MMC 22C.010.060, single family residences are permitted outright, and townhomes as part of a Planned Residential Development (PRD) are permitted in the R-12 zone.

- b. Density of residential development in urban growth areas.

Staff Comment: The base density allowed in the R-12 zone is 12 dwelling units per net project acre with a maximum density of 18 dwelling units per net project acre utilizing Residential Density Incentives outlined in MMC Chapter 22C.090.

The proposed development is proposing a density of 10.7 dwelling units per acre (22 d.u./2.05 net acres) which complies with the density allowances outlined in MMC 22C.010.080(2).

- c. Availability and adequacy of public facilities identified in the comprehensive plan.

Staff Comment: The Comprehensive Plan designation for the subject property is Multi Family, Low 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

General Development Land Use Policies

Policies: LU-3, LU-5, LU-6, LU-7

Residential Land Use Goals & Policies

Policies: LU-20, LU-21, LU-23, LU-25, LU-27, LU-28, LU-29, LU-30, LU-31, LU-33, LU-38

Single Family

Policies: LU-41

HOUSING ELEMENT

Housing Policies

Policies: HO-4, HO-7, HO-8, HO-20, HO-25, HO-30

ENVIRONMENTAL ELEMENT

Sensitive Lands

Policies: EN-9, EN-13, EN-15

Quality, Wetland and Watershed Protection, Storm Water Runoff, Drainage, Shoreline Goals and Policies

Policies: EN-27, EN-29, EN-32

Wildlife Goals and Policies

Policies: EN-40

TRANSPORTATION ELEMENT

Transportation System Efficiency and Safety

Policies: T-3, T-7, T-8

Mobility Options

Policies: T-29

Level of Service Standards and Concurrency

Policies: T-40

Financing and Implementation

Policies: T-48

PARKS ELEMENT

Policies: PK-10, PK-12, PK-17

UTILITIES ELEMENT

Policies: UT-1, UT-3, UT-8, UT-9, UT-10, UT-14

PUBLIC FACILITIES & SERVICES ELEMENT

Police, Fire, Library

Policies: PS-1, PS-10, PS-11

Schools

Policies: SC-6

Water, Sewer, Storm Drainage, Solid Waste

Policies: PF-1, PF-2, PF-7, PF-9, PF-19, PF-20, PF-23, PF-26, PF-28

d. Development Standards.

Staff Comment: The project site is currently zoned R-12 Multi Family, Low Density. The R-12 zone allows single-family and townhome residences at base density of 12 dwelling units per acre and a maximum of 18 dwelling units per acre utilizing Residential Density Incentives outlined in MMC Chapter 22C.090.

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*. These standards include a minimum 30 foot lot width, 2,000 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: Fifteen percent of the net project area is required to be dedicated as open space as required by MMC Section 22G.080.100. As proposed, 17 percent of the net project area will be reserved for open space (0.35 acres of open space/2.05 net acres). Improvements within the open space area will include, but are not limited to, landscaping, trail network, benches, BBQ and multi-purpose active recreation area. A final detail plan of open space amenities will be provided prior to civil construction plan approval.

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-12 zone, 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.

12. Factors Considered by City Departments: MMC 22G.100.100(3) requires the City to review the binding site plan to determine whether it meets the following criteria:

- a. Comprehensive Plan. Whether the proposed binding site plan and development of the parcel relate to all elements of the comprehensive plan;

Staff Comment: The proposed binding site plan and development of the parcels relate to all elements of the Comprehensive Plan. Compliance with the various elements of the Comprehensive Plan is specifically demonstrated in Section 11(b) above.

- b. Zoning. Whether the proposed binding site plan meets the zoning regulations;

Staff Comment: The proposed binding site plan meets all applicable zoning regulations outlined in Title 22, *Unified Development Code*. Compliance with specific zoning regulations is specifically demonstrated in Sections 11(a), (b), and (c) above.

- c. Physical Setting. Whether the binding site plan properly takes into account the topography, drainage, vegetation, soils and any other relevant physical elements of the site;

Staff Comment: The binding site plan properly takes into account the topography, drainage, vegetation, soils and any other relevant physical elements of the site.

- d. Public Services. (i) Adequate water supply; (ii) Adequate sewage disposal; (iii) Appropriate storm drainage improvements; (iv) Adequate fire hydrants; (v) Appropriate access to all anticipated uses within the site plan; (vi) Provisions for all appropriate deeds, dedications, and/or easements; and (vii) Examination of the existing streets and utilities and how the proposed binding site plan relates to them.

Staff Comment: After evaluation of the applications materials and other supporting documentation available to the City, staff concludes that, as conditioned, the proposed development will provide adequate and appropriate public services.

- e. Environmental Issues. Examination of the project through the SEPA process and a determination of whether the proposed binding site plan complies with the SEPA requirements.

Staff Comment: The project and binding site plan has been examined through the SEPA process and have been determined to comply with SEPA requirements. A SEPA MDNS was issued on July 31, 2020; no appeals were filed.

- f. Critical Areas. Binding site plans shall comply with the land division requirements of MMC 22E.010.350.

Staff Comment: Wetland A, located on the southwestern portion of the site, and its associated 35-foot buffer will be placed in a tract and protected in perpetuity. The binding site plan complies with the land division requirements of MMC 22E.010.350.

13. In House Days

Pursuant to MMC Section 22G.010.200, a decision on the application shall be made within 120 days from the date of the letter of completeness. A decision on this application was made 117 in-house calendar days from the date of completeness.

2.0 DECISION

Based on the foregoing findings and conclusions, review of the environmental documents submitted by the applicant, and the City's regulatory authority to implement the policies, standards, and regulations of the Comprehensive Plan and Marysville Municipal Code, the Community Development Director hereby grants **Preliminary Administrative Binding Site Plan and Planned Residential Development (PRD) Approval** subject to the following conditions:

1. The preliminary BSP/PRD site plan map (Exhibit 47) dated September 27, 2022 shall be the approved site layout.
2. Prior to civil construction plan approval, a final landscaping plan meeting the requirements outlined in MMC Chapter 22C.120, *Landscaping and Screening*, shall be submitted for review and approval. All required landscaping, fencing, and open space improvements shall be installed prior to final PRD approval.
3. All pathways in open space areas must be hard surfaced and ADA accessible.
4. Prior to civil construction plan approval, details of open space surfaces and amenities, in compliance with MMC 22G.080.100, shall be approved by the Planning Department.
5. All power lines, telephone wires, television cables, fire alarm systems and other communication wires, cables or line shall be placed underground either by direct burial or by means of conduit or ducts providing service to each building. This includes the existing lines located along 55th Avenue NE.
6. Direct vehicular access from individual lots onto 55th Avenue NE is prohibited.

7. 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 for the development as set forth in MMC 22D.030.070(3). Traffic impact fees shall be vested at a rate of \$6,300.00 per new PM peak hour trip (PMPHT), in accordance with the Traffic Concurrency recommendation and SEPA Determination.
8. The applicant shall submit payment to Marysville School District No. 25 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.
9. 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.
10. Declaration or covenants shall be required to be recorded, prior to issuing occupancy permits for the development, including provisions which address the following:
 - a. Maintenance of the common areas, drive-aisles, drainage system, open space, landscaping and other private improvements within the development.
 - b. Provisions for storage parking of boats, RV's, non-operable vehicles and similar vehicle storage so as not to reduce the proposed parking within the development and enforcement of these provisions.
 - c. Parking enforcement provisions.
 - d. If the garage units are used for the required parking calculations, then a covenant shall be required that the garage facilities are used for parking of vehicles (only) and not used for storage.

These covenants or restrictions shall be reviewed and approved by the Community Development Department and Marysville Fire District prior to recording.

11. The project is subject to conditions 1 – 7 of the State Environmental Policy Act (SEPA) Mitigated Determination of Significance (MDNS) issued on July 31, 2020 (Exhibit 30).
12. Prior to building permit issuance, building elevations demonstrating compliance with MMC Section 22C.010.290, *Site and building design standards*, shall be submitted for review and approval.
13. The Department of Archaeology and Historic Preservation's (DAHP) Inadvertent Discovery Plan shall be followed during site construction. If at any time during construction archaeological resources are observed on the project site, work shall be temporarily suspended at the location of discovery and a professional archaeologist shall document and assess the discovery. The 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 may be undertaken until a process has been agreed upon by these parties, and no exposed human remains should be left unattended.
14. The applicant is required to provide a sewer stub to the adjacent property to the south within Road B.

Prepared by: *Amy*

Reviewed by: *Chris*

This ***Preliminary Administrative Binding Site Plan and Planned Residential Development Approval*** is issued pursuant to MMC Section 22G.010.150(h). Administrative decisions may be appealed to the Hearing Examiner in accordance with MMC 22G.010, Article VIII, *Appeals*. Appeals must be filed within fourteen (14) calendar days of the date of the Preliminary Administrative Binding Site Plan and Planned Residential Development Approval.

Date: 3/28/23 **Signature:** 
Haylie Miller, Community Development Director

The above recommendation, including conditions of preliminary approval, are subject to change if the proposed phasing parameters, land uses or any other information provided by the applicant or their authorized representatives proves inaccurate.