

**CITY OF MARYSVILLE**

**EXECUTIVE SUMMARY FOR ACTION**

**CITY COUNCIL MEETING DATE: June 10, 2013**

<b>AGENDA ITEM:</b> PA13008 – Trivett Rezone	<b>AGENDA SECTION:</b> New business	
<b>PREPARED BY:</b> Angela Gemmer, Associate Planner	<b>APPROVED BY:</b>	
<b>ATTACHMENTS:</b> 1. Adopting ordinance 2. Legal description – Exhibit A 3. Site plan 4. Hearing Examiner’s Recommendation 5. Staff Recommendation 6. SEPA Determination		
	<b>MAYOR</b>	<b>CAO</b>
<b>BUDGET CODE:</b>	<b>AMOUNT:</b>	

**DESCRIPTION:**

The subject proposal is a “non-project” action Rezone of the property 8021 State Avenue which is presently split-zoned General Commercial and R-6.5 Single Family, High Density. The rezone request is to rezone the east portion of the site from R-6.5 Single Family, High Density to General Commercial so that the entire property will be zoned General Commercial.

A duly advertised public hearing before the Hearing Examiner (HE) was held on April 25, 2013 to review the proposal, and the HE received testimony from staff and the applicant. There was no public testimony at the public hearing. Following the public hearing, the HE made a recommendation to the Marysville City Council for approval and adoption of the rezone by ordinance.

**RECOMMENDED ACTION:**

Affirm the Hearing Examiner’s Recommendation and approve the rezone of the subject property, by Ordinance.

**COUNCIL ACTION:**

**CITY OF MARYSVILLE**  
**Marysville, Washington**  
**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON, AFFIRMING  
THE RECOMMENDATION OF THE HEARING EXAMINER AND REZONING THE  
EASTERN PORTION OF 8021 STATE AVENUE TO GENERAL COMMERCIAL,  
AMENDING THE OFFICIAL ZONING MAP OF THE CITY.**

WHEREAS, Larry and Teresa Trivett own approximately 0.41 acres of property within the City of Marysville generally located at 8021 State Avenue, said property being legally described in **Exhibit A** attached hereto; and

WHEREAS, Larry and Teresa Trivett submitted an application to the City of Marysville requesting a site specific NON-PROJECT action Rezone requesting a rezone classification of the eastern portion of the of the property from R-6.5, Single Family, High Density to General Commercial so that if approved, the entire property will be zoned General Commercial; and

WHEREAS, following notice as required by law, the City of Marysville Hearing Examiner held a public hearing on said rezone application on April 25, 2013 and adopted Findings, Conclusions and Recommendation recommending approval of the rezone request subject to one condition; and

WHEREAS, the Marysville City Council held a public meeting on said rezone on June 10, 2013 and concurred with the Findings, Conclusions and Recommendation of the Hearing Examiner;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MARYSVILLE, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. The Findings, Conclusions and Recommendation of the Hearing Examiner with respect to the above-referenced rezone are hereby approved, and the property described in the attached **Exhibit A** is hereby rezoned from R-6.5, Single Family, High Density to General Commercial.

Section 2. The zoning classification for the property described in **Exhibit A** shall be perpetually conditioned upon strict compliance with the condition set forth in the Findings, Conclusions and Recommendation of the Hearing Examiner all of which are incorporated herein by this reference. Violation of the condition of said decision may result in reversion of the property to the previous zoning classification and/or may result in enforcement action being brought by the City of Marysville.

Section 3. The official zoning map of the City of Marysville is hereby amended to reflect the reclassification of the property described in **Exhibit A**.

Section 4. This decision shall be final and conclusive with the right of appeal by any aggrieved party to Superior Court of Snohomish County by filing a Land Use Petition pursuant to the Land Use Petition Act within twenty-one (21) days after passage of this ordinance.

Section 5. Severability. If any section, subsection, sentence, clause, phrase or work of this ordinance should be held to be invalid or unconstitutional by a court of competent

jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, clause, phrase or word of this ordinance.

Section 6. Effective Date. This ordinance shall become effective five days after the date of its publication by summary.

PASSED by the City Council and APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

CITY OF MARYSVILLE

By: \_\_\_\_\_  
JON NEHRING, MAYOR

Attest:

By: \_\_\_\_\_  
CITY CLERK

Approved as to form:

By: \_\_\_\_\_  
GRANT K. WEED, CITY ATTORNEY

Date of Publication: \_\_\_\_\_

Effective Date: \_\_\_\_\_  
(5 days after publication)

## EXHIBIT A

THE WEST 196.00 FEET OF THE SOUTH HALF OF THE FOLLOWING DESCRIBED TRACT:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE  
NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 30 NORTH,  
RANGE 5 EAST, W.M., IN SNOHOMISH COUNTY, WASHINGTON;  
THENCE SOUTH 89°48'48" WEST ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF  
THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER FOR 329.81 FEET;  
THENCE NORTH 1°17'34" WEST FOR 166.99 FEET TO THE TRUE POINT OF BEGINNING;  
THENCE CONTINUE ON THE SAME STRAIGHT LINE NORTH 1°17'34" WEST FOR 182.53 FEET;  
THENCE SOUTH 89°50'41" WEST FOR 597.21 FEET TO AN INTERSECTION WITH THE EASTERLY  
MARGIN OF PACIFIC HIGHWAY RIGHT-OF-WAY;  
THENCE SOUTHERLY ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1880.1  
FEET AND CONSUMING AN ANGLE OF 1°33'35" FOR AN ARC DISTANCE OF 51.18 FEET;  
THENCE SOUTH 1°24'50" EAST FOR 131.35 FEET;  
THENCE NORTH 89°50'41" EAST FOR 597.51 FEET TO THE TRUE POINT OF BEGINNING.

ALSO KNOWN AS PARCEL 2 OF BOUNDARY LINE ADJUSTMENT NO. 01-005 RECORDED ON  
DECEMBER 10, 2001 AS RECORDING NO. 200112105004, IN THE OFFICIAL RECORDS OF  
SNOHOMISH COUNTY, WASHINGTON.

APN: 300521-003-105-00



**CITY OF MARYSVILLE**  
**Hearing Examiner**  
**Findings, Conclusions and Recommendation**

**APPLICANT:** Larry and Teresa Trivett

**CASE NO.:** PA 13008

**LOCATION:** 8021 State Ave.

**APPLICATION:** Rezone of a property presently split-zoned General Commercial and R-6.5 Single Family, High Density to be zoned entirely General Commercial.

**SUMMARY OF RECOMMENDATION:**

Planning Staff Recommendation: Approve with one condition

Hearing Examiner Decision: Approve with one condition

**PUBLIC HEARING:**

After reviewing the official file, which included the Staff Advisory Report, and after visiting the site, the Hearing Examiner conducted a public hearing on the application. The hearing on the application was opened at 7:00 p.m., April 25, 2013, in the Council Chambers, Marysville, Washington, and closed at 7:06. p.m. Participants at the public hearing are listed in the minutes of the hearing. A verbatim recording of the hearing and more complete minutes are available in the Planning Department. A list of exhibits offered and entered at the hearing and a list of parties of record are attached to this report.

**HEARING COMMENTS:**

As noted in the minutes of the hearing, comments were offered by:

Angela Gemmer, Associate Planner

Larry Trivett, Applicant

**WRITTEN COMMENTS:**

No correspondence was received from members of the general public.

**FINDINGS CONCLUSIONS AND DECISION:**

Having considered the entire record in this matter, the Hearing Examiner now makes and enters the following:

**A. FINDINGS AND CONCLUSIONS:**

1. The information contained in Section II of the Staff Advisory Report (Hearing Examiner Exhibit 20) is found by the Hearing Examiner to be supported by the evidence presented during the hearing and by this reference is adopted as portion of the Hearing Examiner's findings and conclusions. A copy of said report is available in the Community Development Department.
2. The minutes of the meeting accurately summarize the testimony offered at the hearing and by this reference are entered into the official record.
3. The applicant expressed frustration with the fact the property had been split zoned by the City, but complimented staff for the work done on this application, and concurred with the one recommended conclusion.

**B. RECOMMENDATION:**

Based upon the foregoing findings of fact and conclusions, it is recommended that the request for a rezone to General Commercial be approved, subject to the following condition:

1. In order to utilize the existing garage for commercial purposes, the applicant shall be required to apply for a change of occupancy from residential to commercial use. Future change of occupancy proposals shall be required to comply with all of the applicable development standards outlined in the Marysville Municipal Code (MMC), including but not limited to, density and dimensions, building design, parking and loading, landscaping, stormwater and building codes.



Ron McConnell, FAICP  
Hearing Examiner

**RECONSIDERATION:**

A party to a public hearing may seek reconsideration only of a final decision by filing a written request for reconsideration with the director within fourteen (14) days of the final written decision. The request shall comply with MMC 15.11.020(3). The examiner shall consider the request within seven (7) days of filing the same. The request may be decided without public comment or argument by the party filing the request. If the request is denied, the previous action shall become final. If the request is granted, the hearing examiner may immediately revise and reissue its decision. Reconsideration should be granted only when a legal error has occurred or a material factual issue has been overlooked that would change the previous decision.

**COUNCIL ACTION:**

Recommendations by the Examiner on rezones or shoreline conditional use permits will constitute a final action by the City unless a timely written request for a closed record appeal is filed with the City Council within 14 days after issuance of the recommendation. In the event of a timely appeal, the City Council will conduct a closed record hearing of this case. Closed record hearings shall be on the record and no new evidence may be presented. The City Council's action will be the final action of the City.

**JUDICIAL APPEAL:**

- (1) Appeals from the final decision of the hearing examiner, or other city board or body involving MMC Titles 15 to 20 and for which all other appeals specifically authorized have been timely exhausted, shall be made to Snohomish County superior court pursuant to the Land Use Petition Act, RCW 36.70C within 21 days of the date the decision or action became final, unless another applicable appeal process or time period is established by state law or local ordinance.
- (2) Notice of the appeal and any other pleadings required to be filed with the court shall be served as required by law within the applicable time period. This requirement is jurisdictional.
- (3) The cost of transcribing and preparing all records ordered certified by the court or desired by the appellant for such appeal shall be borne by the appellant. The record of the proceedings shall be prepared by the City or such qualified person as it selects. The appellant shall post with the city clerk prior to the preparation of any records an advance fee deposit in the amount specified by the city clerk. Any overage will be promptly returned to the appellant.



**EXHIBITS:**

The following exhibits were offered and entered into the record:

1. 24 x 36 Site Plan
2. Land Use Permit Application, 03.05.13
3. Rezone Checklist
4. Letter explaining purchased responsibility for Rezone app, 03.06.13
5. Arial view map, 03.05.13
6. Applicants response to Comprehensive Plan requirements, 03.05.13
7. Applicants response to MMC 22G.10.420, 03.05.13
8. Rezone cover letter, 03.05.13
9. Receipt
10. 8 ½ x 11 parcel map
11. Statutory Warranty Deed.
12. First American- Title report, 03.05.13
13. Environmental Checklist, 03.05.13
14. Letter of Completeness, 03.22.13
15. Affidavit of Posting- NOA
16. RFR and Agency responses
17. Affidavit of Posting- DNS
18. DNS, 03.26.13
19. Affidavit of Posting- NOH
20. Staff Recommendation, 04.19.13

**PARTIES of RECORD:**

Larry & Teresa Trivett  
7604 83rd Ave. NE  
Marysville, WA 98270

Planning Department



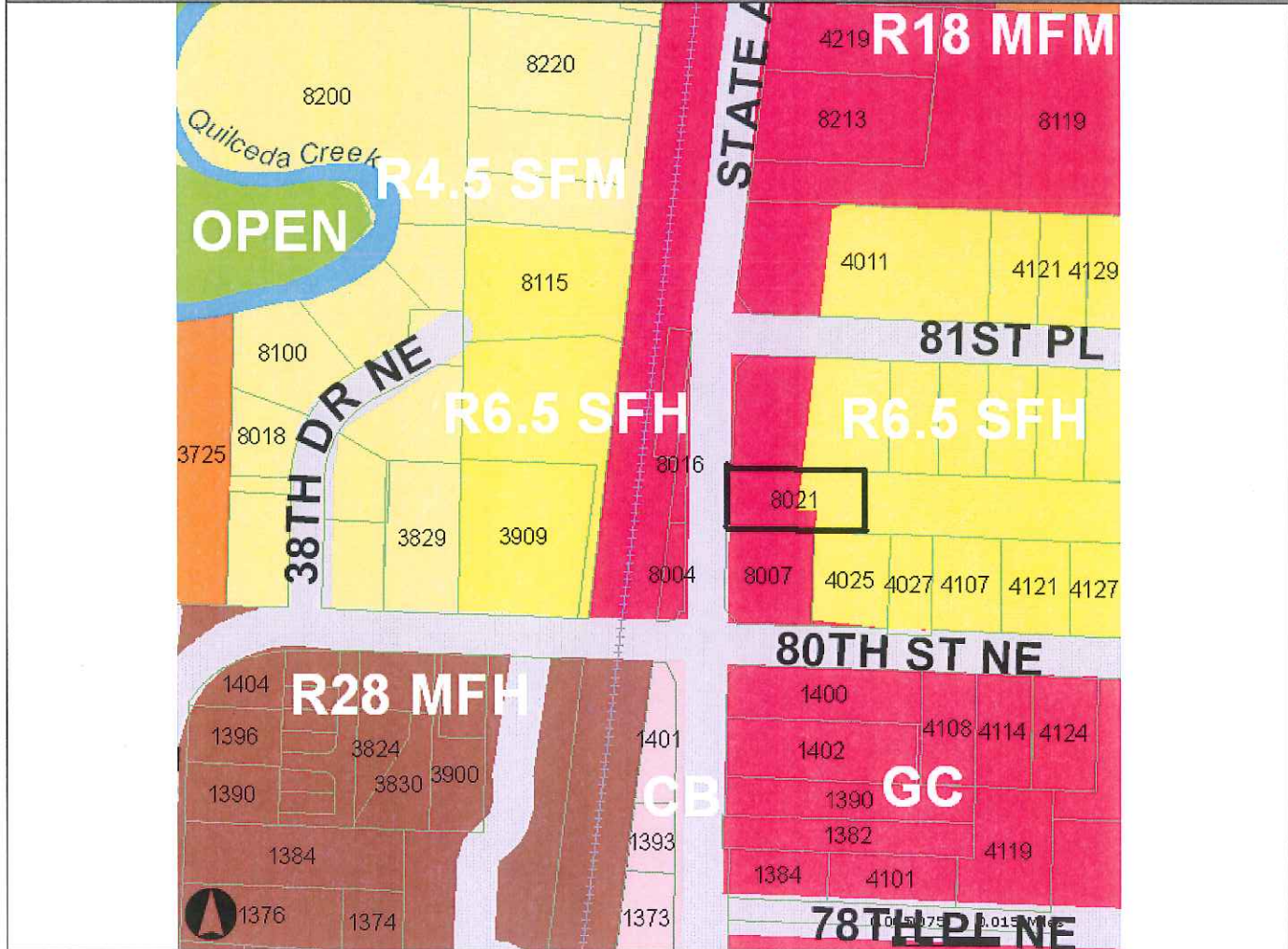
# STAFF RECOMMENDATION

Community Development Department ♦ 80 Columbia Avenue ♦ Marysville, WA 98270  
 (360) 363-8100 ♦ (360) 651-5099 FAX ♦ Office Hours: Mon - Fri 7:30 AM - 4:00 PM

PROJECT INFORMATION										
<b>Project Title</b>	Trivett Rezone				<b>Date of Report</b>	April 18, 2013				
<b>File Number</b>	PA13008				<b>Attachments</b>	Site plan				
<b>Administrative Recommendation</b>	Approve the request to rezone the east portion of the site from R-6.5, Single Family, High Density to General Commercial.									
BACKGROUND SUMMARY										
<b>Owner/Applicant</b>	Larry and Teresa Trivett									
<b>Request</b>	Non-project action rezone in order to rezone the east portion of the site from R-6.5, Single Family, High Density to General Commercial so that the entire property is zoned General Commercial.									
<b>SEPA Status</b>	Determination of Non-Significance issued March 26, 2013; appeal period expired April 10, 2013 with no appeal filed.									
<b>Site Address</b>	8021 State Avenue			<b>APN(s)</b>	30052100310500					
<b>Legal Description (abbreviated)</b>	PAR 2 CITY OF MAR BLA 01-005 REC AFN 200112105004			<b>Section</b>	21	<b>Township</b>	30	<b>Range</b>	05	
<b>Comprehensive Plan</b>	GC & SFH	<b>Zoning</b>	GC & R-6.5	<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>			
	City	City			City	City				
<b>Present Use of Property</b>	Vacant single family residence which had been converted to an office in the past and a garage.									
REVIEWING AGENCIES										
<b>Marysville</b>	<b>Local Agencies &amp; Districts</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 type="checkbox"/> Frontier <input type="checkbox"/> Lake Stevens (city) <input type="checkbox"/> Lake Stevens SD 4 <input type="checkbox"/> Lakewood SD 306 <input type="checkbox"/> Marysville SD 25 <input type="checkbox"/> PUD No. 1			<input type="checkbox"/> US Army Corps of Engineers <input type="checkbox"/> BNSF <input 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 type="checkbox"/> Public Works - Land Development <input type="checkbox"/> Public Works		<input type="checkbox"/> Tulalip Tribes <input 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 25, 2013			<input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Continued						
STAFF										
<b>Name</b>	Angela Gemmer		<b>Title</b>	Associate Planner		<b>Phone</b>	360.363.8240		<b>E-mail</b>	<a href="mailto:agemmer@marysvillewa.gov">agemmer@marysvillewa.gov</a>

SURROUNDING USES			
	Comprehensive Plan	Zoning	Land Use
Site	General Commercial and Single family, high density	GC & R-6.5	Vacant office (single family residence converted to office use) and garage.
North	General Commercial and Single family, high density	GC & R-6.5	Church assembly building.
East	Single family, high density	R-6.5	Vacant land owned by adjacent church.
South	General Commercial and Single family, high density	GC & R-6.5	Convenience store, gas station and strip mall on GC parcel; office and automotive repair and service on R-6.5.
West	General Commercial	GC	State Avenue right-of-way and automotive canopy sales shop.

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         |                           |

## I. EVALUATION

**1. Description of Proposal:** The applicant is proposing a NON-PROJECT action, requesting a Rezone of the eastern portion (approximately 43% of the site square footage or 0.18 acres) of the subject property from R-6.5, Single Family, High Density to General Commercial. Rezoning the property would allow future commercial utilization of the site, under a separate application, upon granting of a favorable decision on the rezone.

**2. Location of Proposal:** The subject property is located on the east side of State Avenue one parcel north of 80<sup>th</sup> Street NE at a site address of 8021 State Avenue, on Assessor's Parcel Number 30052100310500.

**3. Site Description:** The subject property is approximately 0.41 acres and is developed with an office, which was originally a single family residence, and a garage. Topography of the site is flat. According to the Soil Survey of Snohomish County, on-site soils are identified as Ragnar fine sandy loam.

**4. Critical Areas:** There are no critical areas on-site and no known critical areas within a 400 foot radius of the subject property.

**5. Project History:** An application was submitted on March 5, 2013 and deemed complete on March 8, 2013. Notice of application was provided in accordance with MMC Section 22G.010.090. Written comments on the application were solicited; however, no written comments or phone calls from the public were received as of the date of this report.

**6. Traffic and Circulation:** The proposed rezone is a NON-PROJECT action and will not create any additional daily vehicular trips nor have an adverse impact on the adjacent street traffic. However, future project actions will be required to be reviewed in accordance with Chapter 22D.030, *Traffic Impact Fees and Mitigation*.

**7. City of Marysville Comprehensive Plan:** The proposed project is located within Planning Area 6 – Pinewood Neighborhood. This Planning Area is bounded by 76<sup>th</sup> Street NE to the south, Interstate 5 to the west, 100<sup>th</sup> Street to the north when west of Quilceda Creek, and 92<sup>nd</sup> Street to the east of Quilceda Creek and by Allen Creek to the west. The majority of commercial in this Planning Area is General Commercial. It is located along State Avenue, primarily on the east side, and between Quilceda Creek and State Avenue north of 88<sup>th</sup> Street NE.

General Commercial is the primary zoning within the immediate vicinity to the north, west and south of the property proposed to be rezoned, and R-6.5, Single Family, High Density is the primary zoning to the immediate east. As conditioned herein, the proposed non-project action rezone and future uses of the property will be consistent with the pertinent development policies outlined in the Marysville Comprehensive Plan.

**8. Title 22 MMC, Unified Development Code.** MMC Section 22G.010.420(1) requires the applicant 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;
- (b) The zone reclassification is consistent and compatible with uses and zoning of the surrounding properties;

- (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
- (d) The property is practically and physically suited for the uses allowed in the proposed zone reclassification.

The applicant submitted a written response to the rezone criteria outlined above (Exhibit 7). 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*.

**9. Comprehensive Plan Rezone Criteria.** Pursuant to MMC Section 22G.010.420(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;
- (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
- (c) The proposed land use change will not affect an area greater than 10 acres, exclusive of critical areas.

The applicant submitted written responses to the criteria outlined above (Exhibit 6). 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.

**10. Conformance with State Environmental Policy Act:** After evaluation of the environmental checklist, and review of information on file with the City, a Determination of Non-Significance (DNS) was issued on February 25, 2008. No appeals on the DNS were filed on or before the April 10, 2013 deadline. This determination is hereby adopted by reference as part of this report.

## **II. FINDINGS AND CONCLUSIONS**

1. The applicant is proposing a NON-PROJECT action, requesting a rezone of approximately 0.18 acres from R-6.5 to General Commercial.
2. Rezoning the property would allow a future administrative project action proposal in order to develop the portion of the site with the garage and vacant land for commercial purposes.
3. The proposed rezone would have no impacts to critical areas.
4. The rezone application was submitted on March 5, 2013 and deemed complete on March 8, 2013.
5. Future project actions will be required to be reviewed in accordance with Chapter 22D.030, *Traffic Impact Fees and Mitigation*.
6. The proposed rezone, as conditioned herein, will be consistent with the pertinent development goals and policies outlined in the Comprehensive Plan.

7. The proposed rezone, as conditioned herein, complies with the rezone criteria and pertinent development standards outlined in Title 22, *Unified Development Code*.
8. A DNS was issued on March 26, 2013. No appeals on the DNS were filed on or before the April 10, 2013 deadline.
9. The public hearing for the proposed rezone was advertised in accordance with MMC Section 22G.010.110, *Notice of public hearing*.
10. After evaluation of the application materials and other supporting documentation available to the City, Staff concludes that, as conditioned, the proposed non-project action rezone is beneficial to the public health, safety and welfare and is in the public interest.
11. After evaluation of the application materials and other supporting documentation available to the City, Staff concludes that, as conditioned, the proposed non-project action rezone does not lower the level of service of transportation and/or neighborhood park facilities below the minimum standards established within the Comprehensive Plan.

### III. STAFF RECOMMENDATION

Based on the foregoing findings and conclusions, the Community Development Department recommends **APPROVAL** of the site specific NON-PROJECT action rezone from R-6.5, Single Family, High Density to General Commercial, subject to the following condition:

In order to utilize the existing garage for commercial purposes, the applicant shall be required to apply for a change of occupancy from residential and commercial use. Future change of occupancy proposals shall be required to comply with all of the applicable development standards outlined in the Marysville Municipal Code (MMC), including but not limited to, density and dimensions, building design, parking and loading, landscaping, stormwater and building codes.

Prepared by: ADG  
Reviewed by: eli



COMMUNITY DEVELOPMENT DEPARTMENT  
80 Columbia Avenue ♦ Marysville, WA 98270  
(360) 363-8100 ♦ (360) 651-5099 FAX

## DETERMINATION OF NONSIGNIFICANCE

**File Number:** PA13-008  
**Proponent/Contact:** Larry and Teresa Trivett  
7604 83<sup>rd</sup> Avenue NE  
Marysville, WA 98270  
**Lead Agency:** City of Marysville  
Community Development Department  
**SEPA Contact:** Angela Gemmer, Associate Planner  
360.363.8240 or [agemmer@marysvillewa.gov](mailto:agemmer@marysvillewa.gov)

**Description of Proposal:** The applicant is proposing a NON-PROJECT action requesting a rezone of the eastern portion of a split-zoned property from R-4.5, Single Family, Medium Density to General Commercial so that the entire property will be zoned General Commercial. Rezoning of the property would allow a future administrative project action in order to convert the entire property to commercial use, under a separate action, upon granting of a favorable decision on the rezone.

**Location of Proposal:** The proposed rezone project is located at 8021 State Avenue and is also identified as Assessor's Parcel Number (APN) 30052100310500.

**Site Description:** The proposed rezone is of the eastern portion of a 0.41 acre site. The site is developed with a house which was previously converted to a commercial office, a garage, and a paved parking area. The subject property is flat. According to the soil survey of Snohomish County, on-site soils are identified as Ragnar fine sandy loam. Permeability of the Ragnar soil is moderately rapid. Runoff is medium, and the hazard of water erosion is moderate.

Surrounding uses consist of a church to the north, vacant residentially-zoned land to the east, a convenience store and strip retail to the south, and right-of-way to the west.

**Critical Areas:** There are no known regulated critical areas on or within 400 feet of the subject property.

**Threshold Determination:** The lead agency has determined that this proposal does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is NOT required under RCW 43.21C.030(2)(c). This decision was made after review by the City of Marysville of a completed environmental checklist and other information on file with this agency. This information is available for public review upon request.

**Prepared by:** ADG  
**Reviewed by:** CDG

**This DNS is issued under WAC 197-11-355; there is no comment period for this DNS.**

**Responsible Official:** Gloria Hirashima  
**Position:** Community Development Director  
**Address:** 80 Columbia Avenue, Marysville, WA 98270

**Date:** 3/26/13      **Signature:**   
*Chris Holland, Planning Manager, for responsible official*

The issuance of this Determination of Non-Significance should not be interpreted as acceptance or approval of the subject proposal as presented. The City of Marysville reserves the right to deny or approve said proposal subject to conditions if it is determined to be in the best interests of the City and/or necessary to the general health, safety and welfare of the public to do so. For further information, contact the Marysville Planning Department at 360.363.8100.

**Distribution:**

***State Agencies:***

Department of Ecology – Olympia SEPA register  
Department of Commerce

***City Government:***

City of Everett – Planning and Community Development Department  
City of Lake Stevens – Department of Planning and Community Development  
City of Marysville – Public Works Department

***Tribal Government:***

Tulalip Tribes

***Private Parties:***

Larry and Teresa Trivett, applicants

***News Media:***

Marysville Globe

**SEPA Appeal Procedure:**

A fee of \$500.00 must accompany all SEPA appeals that require a separate public hearing.

MMC Section 22E.030.180, *Appeals*.

(1) Any agency or aggrieved person may appeal the procedures or substance of an environmental determination of the responsible official under SEPA as follows:

(a) Only one administrative appeal of a threshold determination or of the adequacy of an EIS is allowed; successive administrative appeals on these issues within the same agency are not allowed. This limitation does not apply to administrative appeals before another agency.

(b) A DNS. Written notice of such an appeal shall be filed with the responsible official within 15 days after the date of issuance of the DNS. The appeal hearing shall be consolidated with the hearing(s) on the merits of the governmental action for which the environmental determination was made.



(c) A DS. Written notice of the appeal shall be filed with the responsible official within 15 days after the date of issuance of the DS. The appeal shall be heard by the city council within 30 days thereafter.

(d) The Adequacy of an EIS. Written notice of appeal shall be filed with the responsible official within 15 days after the issuance of the final EIS. The appeal hearing shall be consolidated with the hearing(s) on the merits of the governmental action for which the EIS was issued.

(e) Appeals of intermediate steps under SEPA (e.g., lead agency determination, scoping, draft EIS adequacy) shall not be allowed.

(f) For any appeal under this section, the city shall provide for a record that shall consist of the following:

- (i) Findings and conclusions;
- (ii) Testimony under oath; and
- (iii) A taped or written transcript.

(g) Determination by the responsible official shall carry substantial weight in any appeal proceeding.