


**CITY OF MARYSVILLE**

**EXECUTIVE SUMMARY FOR ACTION**

**CITY COUNCIL MEETING DATE: November 12, 2018**

AGENDA ITEM: Rezone from R-18 to R-MHP to allow a 10 unit expansion of the La Tierra MHP	AGENDA SECTION:	
PREPARED BY: Cheryl Dungan, Senior Planner	APPROVED BY: 	
ATTACHMENT: 1. Draft Ordinance affirming rezone 2. Hearing Examiner Recommendation to City Council 3. Hearing Examiner Reconsideration Recommendation to City Council 4. MMC 22G.010.440(1)a-d 5. MHP expansion site plan 6. Legal Description 7. Vicinity Map	MAYOR	CAO
	AMOUNT:	

**DESCRIPTION:**

CMMW Group, LLC submitted an application proposing project action, requesting a rezone of approximately 1.96 acres of property from Medium Density, Multi-Family (R-18) to Residential-Mobile Home Park Overlay Zone (R-MHP). The property proposed for rezone is located at 4424 84<sup>th</sup> St NE, directly abutting La Tierra MHP. The applicant is proposing to construct a 10-unit expansion of the La Tierra MHP upon granting of a favorable decision on the rezone. There were two (2) persons from the general public who spoke in favor of the rezone. No opposition has been received from the general public.

The Hearing Examiner held a public hearing on the rezone application on July 24, 2018 with a recommendation of denial after a finding the four rezone criteria under MMC 22G.010.440(1)a-d had not been met.

The Hearing Examiner upon reconsideration of the matter including review of supplemental responses submitted by the applicant and city staff and the rezone criteria mentioned above recommends approval of the rezone subject to one (1) condition.

<p><b>RECOMMENDED ACTION:</b></p> <p>Staff recommends that the City Council approve the Hearing Examiner’s recommendation to allow the rezoning of 4424 84<sup>th</sup> Street NE from R-18 to R-MHP Overlay Zone and allow the 10 unit expansion of the La Tierra MHP.</p>
<p><b>COUNCIL ACTION:</b></p>

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

**AN ORDINANCE OF THE CITY OF MARYSVILLE, AFFIRMING THE DECISION OF THE HEARING EXAMINER, REZONING APPROXIMATELY 1.96-ACRES OF LAND LOCATED AT 4424 84<sup>TH</sup> ST NE AND DIRECTLY ABBUTTING LA TIERRA MOBILE HOME PARK FROM R-18 TO R-MHP, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY**

WHEREAS, the CMMW Group, LLC own approximately 1.96-acres abutting the 4424 84<sup>th</sup> St NE, said property being legally described in **Exhibit A** attached hereto; and

WHEREAS, the CMMW Group, LLC submitted an application to the City of Marysville requesting a site specific, project action zone reclassification of approximately 1.96 acres from R-18 (multi-family, medium density) to R-MHP (residential mobile home park overlay zone); and

WHEREAS, the City of Marysville Hearing Examiner held a public hearing on said rezone application on July 24th and adopted Findings, Conclusions and Recommendation of denial because each of the 4 rezone criteria for a rezone under MMC 22G.010.440(1)a-d had not been met, set forth in the attached **Exhibit B**; and.

WHEREAS, the City of Marysville Hearing Examiner upon reconsideration of the matter including review of supplemental responses submitted by the CMMW Group, LLC and staff to rezone criteria MMC 22G.010.440(1)a and c, the Hearing Examiner recommends the City Council approve the rezone from R-18 to R-MHP subject to one (1), as set forth in the attached **Exhibit C**; and

WHEREAS, the Marysville City Council held a public meeting on said rezone on November 10, 2018 and concurred with the Findings, Conclusions and Recommendation of the Hearing Examiner as established in **Exhibit C**;

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, as set forth in the attached **Exhibit C**, are hereby approved and adopted by this reference, and the City Council hereby finds as follows:

- (1) The rezone is consistent with the purposes of the comprehensive plan;
- (2) The rezone is consistent with the purpose of Title 19 MMC;
- (3) There have been significant changes in the circumstances to warrant a rezone;
- (4) The benefit or cost to the public health, safety and welfare is sufficient to warrant the rezone.

Section 2. The property described in the attached **Exhibit A** is hereby rezoned from R-18 (multi-family, medium density) to R-MHP (residential – mobile home park overlay zone).

Section 3. The zoning classification for the property described in **Exhibit A** shall be perpetually conditioned upon strict compliance with each of the conditions set forth in the Findings, Conclusions and Recommendation of the Hearing Examiner. Violation of any of the conditions 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 4. The official zoning map of the City of Marysville is hereby amended to reflect the reclassification of the property described in **Exhibit A**.

Section 5. 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 6. 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, sentence, clause, phrase or word of this ordinance.

PASSED by the City Council and APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

CITY OF MARYSVILLE

By: \_\_\_\_\_  
John Nehring, MAYOR

Attest:

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

Approved as to form:

By: \_\_\_\_\_  
Jon Walker, CITY ATTORNEY

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

Effective Date: \_\_\_\_\_

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

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**APPLICANT:** CMMW Group, LLC

**CASE NO.:** PA 18-010, La Tierra Rezone

**LOCATION:** 4424 84th St NE  
Marysville, WA 98270

**APPLICATION:** Application by CMMW Group, LLC for a **REZONE** from R-18 to R-MHP (manufactured home park overlay zone) to allow construction of 10-unit expansion of an existing manufactured home park (MHP) onto an adjacent property.

**SUMMARY OF Recommendation**

**Staff Recommendation:** Hearing Examiner forward a recommendation of **Approval** the rezone overlay from R-18 to R-MHP, to the City Council for consideration subject to one condition.

**Hearing Examiner Decision:** Recommend to the City Council that the applicant's request for a rezone overlay from R-18 to R-MHP, not be approved, because each of the 4 criteria for a rezone in MMC 22G.010.440(1)a-d have not been met.

**PUBLIC HEARING OVERVIEW**

After reviewing the official public record file (Exhibits 1-38), that included the Marysville Community Development Department Staff Recommendation (Exhibit 38), and after visiting and viewing the site, the Hearing Examiner conducted a public hearing on the Rezone request. The hearing was opened at 7:00 p.m., July 25, 2018, in the City Council Chambers, Marysville, Washington. The hearing was not closed that evening but rather extended to allow the staff to draft a response to rezone criteria MMC 22G.010.440(1)c. that had inadvertently been omitted from the staff report. The hearing was closed on July 26 upon the hearing examiner's receipt of the staff response. Participants who provided testimony at the public hearing included a representative of the city of Marysville Community Development Department, and a representative of the applicant, Ken Olsen. Two residents of the adjacent La Tierra mobile home park; Dawn Everett and Karen Buskager also provided testimony. They are listed below as parties of record and noted in the minutes of the hearing. All participants in the public hearing

affirmed to be truthful in their testimony. A verbatim recording of the hearing and summary minutes may be obtained from the Community Development Department. A list of exhibits offered and entered into the record at the hearing are attached at the end of this report.

Application for a REZONE is provided for in MMC 22G.010.440 (1). The proposed rezone must be consistent with the Comprehensive Plan and with applicable functional plans. There are four (4) criteria that must be met for the Hearing Examiner to recommend approval of a rezone. These are documented in Section A (Findings) of this report.

### **PUBLIC HEARING TESTIMONY**

The Hearing Examiner began the proceedings by noting for the record that the issue to be addressed was the application for a REZONE from R-18 to R-MHP. This change would allow for the construction of a 10-unit expansion of an existing mobile home park (La Tierra) to the subject adjacent property (1.96 acres on which currently exists a single-family dwelling).

Testimony was provided by the city of Marysville Community Development Department staff (Cheryl Dungan, Senior Planner), a representatives of the applicant (Ken Olsen), as well as two residents of the adjacent La Tierra mobile home park, Dawn Everett and Karen Buskager.

#### **City of Marysville, Community Development Department Testimony**

Cheryl Dungan, Senior Planner noted that the rezone proposal would allow for a 10-unit expansion of the adjacent La Tierra mobile home park. Ms. Dungan noted that one comment letter expressed a number of concerns; not with the rezone itself, but with the potential adverse impacts of development on the subject site, including disrupting wildlife habitat, damaging trees, and extending sewer and water infrastructure. Staff recommends the hearing examiner forward a recommendation of approval to the City Council, subject to one condition related to measures that should be taken to protect trees along the eastern edge of the site.

In response to a question from the hearing examiner, Ms. Dungan noted that all of the conditions for approval of a rezone were not addressed in the staff report, and she concurred with the hearing examiner's proposal that the hearing be kept open to allow for the submittal of a response to criterion MMC 22G.010.440 (1)c.

#### **Applicant Testimony**

Ken Olsen, who was representing the applicant, described a good working relationship with the city staff. All concerns have been addressed and he is encouraged by the opportunity to create additional affordable housing through this rezone.

## **PUBLIC TESTIMONY**

Two members of the public who were both neighboring residents in the La Tierra mobility home park provided testimony.

Dawn Everett expressed that she has reviewed the plans for expanding the mobile home park and that they look reasonable to her. One benefit of redevelopment would be the elimination of attractive nuisances on the adjacent parcel.

Karen Buskager concurred with her neighbor Ms. Everett. There have been problems with the unkempt property next door, including people living in out-buildings.

## **WRITTEN COMMENTS**

None submitted for the record.

## **ADJOURNMENT**

The Hearing Examiner kept open the hearing until the receipt of the staff response to MMC 22G.010.440 (1).c, which occurred on July 26, 2018 at 3:04 PM, at which time the hearing was closed.

## **FINDINGS, CONCLUSIONS AND RECOMMENDATION**

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

### **A. FINDINGS**

1. The information contained in the Community Development Department Staff Recommendation (Exhibit 38 as amended by the addition of the staff response to rezone criteria MMC 22G.010.440 (1)c is found by the Hearing Examiner to be complete and supported by the evidence presented during the hearing and is by this reference adopted as portion of the Hearing Examiner's findings and conclusions. A copy of the Staff Recommendation is available through the Marysville Community Development Department.
2. The minutes of the hearing are an accurate summary of the testimony offered at the hearing and are by this reference entered into the official public record.
3. To make a recommendation of approval, the Hearing Examiner is required to find that the proposal is consistent with the Comprehensive Plan and applicable functional plans, and that it complies with each of the 4 criteria articulated in MMC 22G.010.440(1)a-d.

Evidence was presented that the rezone proposal and the development potential that would be created is consistent with the Comprehensive Plan, and with applicable functional plans. The Hearing Examiner finds that the public record does not support approval of the REZONE, because exhibits and testimony presented for the record do not adequately address each of the criteria in MMC 22G.010.440(1)a-d, as documented below in the applicant and staff responses and hearing examiner findings.

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

Applicant response: With the rapid increase in home prices in Central Puget Sound during the last decade, there has been an equally large increase in the pressure to develop affordable housing. This market sector is still lagging significantly behind demand. La Tierra park, to which this project will be added is currently sold out and has a considerable waiting list of willing buyers. We are told by leaders in the MH Industry that they cannot find enough projects in which to place homes to meet their current demand. We are told that we should expect to sell out our 10 proposed units within a few months of making the project available.

Staff Comment: The Housing Consortium of Everett and Snohomish County's report found we have 3,297 Senior (55+) affordable units, 677 Elderly (62+), and 639 Frail Elderly (62+ and disabled or 75+) in Snohomish County.

Match this up with American Communities Survey Table S0102 and you see that, in the case of Marysville approximately 23% of the age 60+ population renting (~1500 people) while 52% of these senior renter households (~800) spend more than 30% of their income on rent. Applying the same calculation to Snohomish County's population, we have ~10,800 senior households in the County paying more than 30% of their income (fixed or otherwise) to rent every month. This clearly exceeds the available supply of affordable senior housing in Snohomish County and Marysville.

Hearing Examiner Finding: The existing zoning is R-18. This zoning designation would potentially allow for a greater number multifamily dwelling units on the subject site than the 10 mobile home spaces that are proposed on the 1.96-acre site under the R-MHP zoning. It is not clear that the proposed zoning will create the opportunity for housing that is affordable to any of the age groups or income brackets described in the staff comment. No such restrictions, covenants or expectations are included as conditions for the rezone approval. The zoning would, however, provide for 10 mobile home sites, which may be in short supply in Marysville according to evidence presented. The applicant makes a tangential case at best between the request for the R-MHP zoning and the criterion that requires a *demonstrated need for additional zoning as the*

*type proposed.* The staff response cites statistics that document the state of housing affordability in Marysville and Snohomish County. These statistics present a sobering picture of the challenge many residents face – especially senior residents – in finding affordable housing. Clearly, the evidence in the record documents that the supply of affordable housing is limited and is in high demand. However, it cannot be known from the public record regarding this rezone request that the housing that would be provided under the proposed R-MHP zoning would be any more affordable than the housing that could be provided under the existing R-18 zoning. It appears that the supply of housing units under R-MFH would be less than the number of housing units theoretically possible under the existing R-18 zoning. The hearing examiner finds no evidence in the record that the proposed rezone to R-MHP would provide additional supply of land of a type that is in demand or that such zoned land would produce more affordable housing units than the multifamily housing that could be developed under the existing R-18 zoning. This criterion, therefore, is not met.

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

Applicant Response: The Pinewood district is specifically identified to support a mix of higher residential developments including MHPs. The underlying zoning of R-18 supports both attached and detached residential products including densities up to 18 units per acre in apartments and condominiums. The proposed project will be an addition to an existing MHP, La Tierra, which lies directly to the east and under the same ownership. It is surrounded by compatible residential uses of a similar scale and scope. To the west lies a residential district with a mix of single-family, multi-family and residential care facilities. To the north lies more single and multi-family development and residential care facilities. To the south are additional multi-family developments as well as commercial properties.

Increasing market pressures are forcing single family areas to transition to higher densities in order to respond to affordability issues. This property is one of the last few single-family homes on a 2-acre parcel in the neighborhood. The value of the land has exceeded the value of the improvement by a considerable extent, calling into question its viability in its current use. Further, during the last several decades, the surrounding properties have almost all transitioned to high density uses including MHPs. The change in classification from R18 to R-MHP overall constitutes only the most minor change, not one of the use type and density, but only a product type



Hearing Examiner Finding: Concur that the potential mobile home park development under the proposed R-MHP zoning would likely be compatible with the uses and zoning of the surrounding properties, and thus, finds that this rezone criterion is met.

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

Applicant's Response: None

Staff Comment: According to the Washington State Finance Commission (WSFC), manufactured housing communities (MHC) known by many as mobile home parks, are one of the largest sources of subsidized housing in Washington State. Manufactured homes provide affordable housing for about 500,000 people, or approximately 8% of state residents, many of them elderly. However, MHCs are closing at an alarming rate. According to the Washington State Finance Commission, since the beginning of 2007, 59 communities have closed in Washington State resulting in a loss of over 1,900 spaces (including the loss of 231 spaces in 2007 due to 2 park closures in Marysville). This trend is likely to continue, due to an expanding economy and the increase in both land values.

Marysville currently has 13 MHPs within the current city limits which contain 1,130 rental spaces. Of those 13 parks, 5 parks (703 rental spaces) were rezoned to the R-MHP overlay zone, including La Tierra. This was purposely done in 2010 to add a layer of protection to MHPs located in residential zones and retain an affordable housing option to citizens. The remaining 8 parks (427 rental spaces) are all considered legal non-conforming uses. It is anticipated these parks will convert to uses other than MHPs due to development pressures in commercial and industrial zones as the population grows.

Because of the changing conditions listed above, it's important that residential MHPs continue to expand or new MHPs be allowed to developed to preserve a valuable affordable housing opportunity in Marysville.

Hearing Examiner Finding: Staff presents a picture of a diminishing resource – mobile home parks – in the context of the city of Marysville. While compelling, the statistics cited fail to specifically address this rezone criterion. To warrant a change in classification, the applicant or staff must demonstrate that there has been a significant change in circumstances *on the subject site or on surrounding properties* (emphasis added) that has occurred in the time since the existing zoning for the site was adopted. Evidence of specific changed circumstances of the property to be rezoned is not provided in the exhibits or testimony on the public record, therefore the hearing examiner finds that this rezone criterion is not met.

Further, MMC 22A.030.050(1)(c) states that the R-MHP zone is assigned to *existing* (emphasis added) mobile home parks within residential zones. The subject site is not an existing mobile home park and may not be eligible for the requested R-MHP zone. The hearing examiner is not familiar with the legislative intent behind this code provision, or if there are other overriding provisions that support this proposal. Staff may wish to clarify when this matter is before the City Council.

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

Applicant Response: The property adjoins an existing MHP, and will share in that project's infrastructure and access routes. The property itself is absolutely flat and unencumbered by any critical areas or other natural features. The soil and stormwater conditions are supportive of this type of development, and it is within the service areas of all relevant utilities and services. The property is highly compatible with the proposed development.

Hearing Examiner Finding: Concur. This rezone criterion is met.

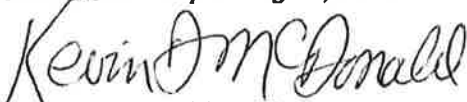
**B. CONCLUSIONS**

The Hearing Examiner concludes that the applicant has not fully demonstrated that the proposed REZONE complies with each of the applicable criteria defined in the Marysville Municipal Code, **MMC 22G.010.440(1)(a-d)**. Specifically, criteria "a" and "c" are not met.

**C. RECOMMENDATION**

Based upon the foregoing findings of fact and conclusions, the Hearing Examiner recommends that the proposed rezone not be approved. MMC 22A.010.090(5).c provides for the hearing examiner to advise the City Council on site-specific rezones. MMC 22A.010.090(3)c provides for the Council to act on the hearing examiner's advice on such rezones. Additional information may be provided to the City Council in support of the proposal.

Dated this 7<sup>th</sup> day of August, 2018.

  
Kevin D. McDonald, AICP  
Hearing Examiner

**EXHIBITS**

The following exhibits were offered and entered into the record:

1. Receipt, 03.07.18
2. Land Use Application, 03.07.18
3. Site Plan Review Checklist, 03.07.18
4. Transmittal
5. Letter of Application, 03.07.18
6. Legal Description, 03.07.18
7. Chicago Title, title report, 03.07.18
8. Written response to Design Standards, 03.07.18
9. Written response to Rezone Criteria, 03.07.18
10. La Tierra Rules & Regulations, 03.08.17
11. GTC- Traffic analysis / trip generation report, 03.07.17
12. Environmental Checklist, 03.07.17
13. 11 x 17 Preliminary Site Plan, 03.07.17
14. 11 x 17 Landscape Plan, 03.07.17
15. Stormwater Site Plan, 03.07.17
16. 24 x 36 Preliminary Site Plan, 03.07.17
17. 24 x 36 Landscape Plan, 03.07.17
18. RFR Checklist
19. Affidavit of Posting- NOA
20. Affidavit of Publication- NOA
21. 1st Technical Review, 03.30.18
22. Evans & Assoc., Transmittal sheet, 05.15.18
23. Evans & Assoc.- Response to Tech review, 05.15.18
24. Stormwater Site Plan, -5.15.18
25. 24 x 36 Site Plan, 05.15.18
26. 11 x 17 Site Plan, 05.15.18
27. 24 x 36 Landscape Plan, 05.15.18
28. 11 x 17 Landscape Plan, 05.15.18
29. RFR Checklist
30. City- email, 05.29.18
31. 2nd Technical Review, 05.30.18
32. MDNS w/ Environmental Checklist
33. MDNS routed email, 07.05.18
34. Notice of MDNS
35. Affidavit of Posting- MDNS
36. Affidavit of Posting- NOH
37. Email- Citizen concerns, 07.16.18
38. Staff Recommendation

**PARTIES of RECORD**

Cheryl Dungan City of Marysville Community Development Department 80 Columbia Avenue Marysville, WA 98270	Ken Olsen PO Box 906 LaConner, WA 98257
Dawn Everett 4401 80 <sup>th</sup> St NE # 41 Marysville, WA 98270	Mike Warden 1116 Olympic Avenue Edmonds, WA 98020
Karen Buskeger La Tierra (Complete address not available)	



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

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**APPLICANT:** CMMW Group, LLC

**CASE NO.:** PA 18-010, La Tierra Rezone

**LOCATION:** 4424 84th St NE  
Marysville, WA 98270

**APPLICATION:** Application by CMMW Group, LLC for a **REZONE** from R-18 to R-MHP (manufactured home park overlay zone) to allow construction of 10-unit expansion of an existing manufactured home park (MHP) onto an adjacent property.

**SUMMARY OF RECOMMENDATION**

**Staff Recommendation:** Hearing Examiner forward a recommendation of **Approval** the rezone overlay from R-18 to R-MHP, to the City Council for consideration **subject to one condition**.

Upon receipt of the Hearing Examiner's recommendation of denial of the rezone request (August 7, 2018) staff requested a reconsideration and provided supplemental responses to Rezone criteria MMC 22G.010.440(1)a and c. Staff recommends the Hearing Examiner forward a recommendation of Approval to the City Council.

**Hearing Examiner Decision:** Initial recommendation to the City Council that the applicant's request for a rezone overlay from R-18 to R-MHP, not be approved, because each of the 4 criteria for a rezone in MMC 22G.010.440(1)a-d have not been met.

Upon reconsideration of the matter including a review of supplemental responses submitted by the applicant and staff to rezone criteria MMC 22G.010.440(1)a and c, the Hearing Examiner recommends to the City Council that the requested rezone from R-18 to R-MHP be **Approved, subject to one condition**.

## **PUBLIC HEARING OVERVIEW**

After reviewing the official public record file (Exhibits 1-38), that included the Marysville Community Development Department Staff Recommendation (Exhibit 38), and after visiting and viewing the site, the Hearing Examiner conducted a public hearing on the Rezone request. The hearing was opened at 7:00 p.m., July 25, 2018, in the City Council Chambers, Marysville, Washington. The hearing was not closed that evening but rather extended to allow the staff to draft a response to rezone criteria MMC 22G.010.440(1)c. that had inadvertently been omitted from the staff report. The hearing was closed on July 26 upon the hearing examiner's receipt of the staff response. Participants who provided testimony at the public hearing included a representative of the city of Marysville Community Development Department, and a representative of the applicant, Ken Olsen. Two residents of the adjacent La Tierra mobile home park; Dawn Everett and Karen Buskager also provided testimony. They are listed below as parties of record and noted in the minutes of the hearing. All participants in the public hearing affirmed to be truthful in their testimony. A verbatim recording of the hearing and summary minutes may be obtained from the Community Development Department. A list of exhibits offered and entered into the record at the hearing are attached at the end of this report.

Application for a REZONE is provided for in MMC 22G.010.440 (1). The proposed rezone must be consistent with the Comprehensive Plan and with applicable functional plans. There are four (4) criteria that must be met for the Hearing Examiner to recommend approval of a rezone. These are documented in Section A (Findings) of this report.

### Reconsideration

On August 7, 2018, upon receipt of the Hearing Examiner's recommendation of denial of the rezone request, staff requested the Hearing Examiner reconsider the recommendation. The Hearing Examiner welcomed the opportunity to consider supplemental responses to the rezone criteria, particularly MMC 22G.010.440 (1)a and c, (See Attachments 1 and 2 for the e-mail record of the correspondence). In accordance with MMC 22G.010.190 (cited below), on August 20, 2018 the applicant and staff provided supplemental responses as requested to rezone criteria MMC 22G.010.440 (1)a and c. Responses are embedded in the Findings section. This additional submittal is in accordance with the provisions for reconsideration in that material factual issues had been omitted from the original application materials and staff recommendation. Supplemental responses and the Hearing Examiner findings with respect to the supplemental responses are in the Findings, Conclusions and Recommendations Section of this report.

**22G.010.190 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 14 days of the final written decision. The request shall comply with MMC 22G.010.550(3). The examiner shall consider the request within seven 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 re-issue his or her 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.

**PUBLIC HEARING TESTIMONY**

The Hearing Examiner began the proceedings by noting for the record that the issue to be addressed was the application for a REZONE from R-18 to R-MHP. This change would allow for the construction of a 10-unit expansion of an existing mobile home park (La Tierra) to the subject adjacent property (1.96 acres on which currently exists a single-family dwelling).

Testimony was provided by the city of Marysville Community Development Department staff (Cheryl Dungan, Senior Planner), a representatives of the applicant (Ken Olsen), as well as two residents of the adjacent La Tierra mobile home park, Dawn Everett and Karen Buskager.

**City of Marysville, Community Development Department Testimony**

Cheryl Dungan, Senior Planner noted that the rezone proposal would allow for a 10-unit expansion of the adjacent La Tierra mobile home park. Ms. Dungan noted that one comment letter expressed a number of concerns; not with the rezone itself, but with the potential adverse impacts of development on the subject site, including disrupting wildlife habitat, damaging trees, and extending sewer and water infrastructure. Staff recommends the hearing examiner forward a recommendation of approval to the City Council, subject to one condition related to measures that should be taken to protect trees along the eastern edge of the site.

In response to a question from the hearing examiner, Ms. Dungan noted that all of the conditions for approval of a rezone were not addressed in the staff report, and she concurred with the hearing examiner's proposal that the hearing be kept open to allow for the submittal of a response to criterion MMC 22G.010.440 (1)c.

**Applicant Testimony**

Ken Olsen, who was representing the applicant, described a good working relationship with the city staff. All concerns have been addressed and he is encouraged by the opportunity to create additional affordable housing through this rezone.



**PUBLIC TESTIMONY**

Two members of the public who were both neighboring residents in the La Tierra mobility home park provided testimony.

Dawn Everett expressed that she has reviewed the plans for expanding the mobile home park and that they look reasonable to her. One benefit of redevelopment would be the elimination of attractive nuisances on the adjacent parcel.

Karen Buskager concurred with her neighbor Ms. Everett. There have been problems with the unkempt property next door, including people living in out-buildings.

**WRITTEN COMMENTS**

None submitted for the record during the public hearing.

1. Supplemental #1. Upon request of the Hearing Examiner at the public hearing, staff provided supplemental responses to rezone criteria MMC 22G.010.440(1) a and c on July 26, 2018.
2. Supplemental #2. To support the staff request for reconsideration of the Hearing Examiner’s initial recommendation of denial issued on August 20, 2018, the applicant and staff submitted supplemental responses to rezone criteria MMC 22G.010.440(1)a and c.

**ADJOURNMENT**

The Hearing Examiner kept open the hearing until the receipt of the staff response to MMC 22G.010.440 (1)c, which occurred on July 26, 2018 at 3:04 PM, at which time the hearing was closed.

**RECONSIDERATION**

On August 7, 2018, staff requested the Hearing Examiner reconsider the initial recommendation of denial, and on August 20, 2018, to support the reconsideration request, the applicant and staff provided the requested supplemental responses to rezone criteria MMC 22G.010.440(1)a and c.

**FINDINGS, CONCLUSIONS AND RECOMMENDATION**

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

## A. FINDINGS

1. The information contained in the Community Development Department Staff Recommendation (Exhibit 38 as amended by the addition of the staff response to rezone criteria MMC 22G.010.440 (1)c is found by the Hearing Examiner to be complete and supported by the evidence presented during the hearing and is by this reference adopted as portion of the Hearing Examiner's findings and conclusions. A copy of the Staff Recommendation is available through the Marysville Community Development Department.
2. The minutes of the hearing are an accurate summary of the testimony offered at the hearing and are by this reference entered into the official public record.
3. To make a recommendation of approval, the Hearing Examiner is required to find that the proposal is consistent with the Comprehensive Plan and applicable functional plans, and that it complies with each of the 4 criteria articulated in MMC 22G.010.440(1)a-d. Evidence was presented that the rezone proposal and the development potential that would be created is consistent with the Comprehensive Plan, and with applicable functional plans. The Hearing Examiner's initial finding was that the public record did not support approval of the rezone, because exhibits and testimony presented for the record did not adequately address each of the criteria in MMC 22G.010.440(1)a-d. The Hearing Examiner found that the evidence presented in response to rezone criteria a and c did not support approval. In reconsideration of the supplemental material provided by the applicant and staff on August 20, 2018, the Hearing Examiner finds that each of the criteria for a rezone are met, as documented below in the applicant and staff responses and hearing examiner findings.

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

Applicant Initial Response: With the rapid increase in home prices in Central Puget Sound during the last decade, there has been an equally large increase in the pressure to develop affordable housing. This market sector is still lagging significantly behind demand. La Tierra park, to which this project will be added is currently sold out and has a considerable waiting list of willing buyers. We are told by leaders in the MH Industry that they cannot find enough projects in which to place homes to meet their current demand. We are told that we should expect to sell out our 10 proposed units within a few months of making the project available.

### Further Applicant Response for Hearing Examiner Reconsideration

1. The Hearing Examiner finds that this criterion is NOT MET. The Examiner states that it cannot be known from the record that the housing that would be provided under this rezone would be any more affordable than the housing that could be provided under the existing R-18 zoning. The current cost of site-built wood-frame construction in the Marysville area is between \$150 and \$200 per square foot. The cost of a Manufactured Home of equal quality (2x6 wall technology, Energy code compliant, similar finishes, furnishings and equipment) is currently \$85 per square foot. Further, since the buyer of a Manufactured Home is not buying the land upon which the unit is built, the cost of land acquisition and development is not transferred to the home price, rather it is recouped as rent by the developer over a much longer timeframe. This again reduces the cost of the delivered housing unit. These cost saving would be transferred directly to buyers, indicating a savings of 50% or more per square foot of housing provided by this rezone proposal.

2. The Hearing Examiner states that the supply of housing under the proposed rezone would be less than the number of units THEORETICALLY possible under the existing R-18 zoning. Adjacent multifamily developments in the R-18 zone were analyzed early in the process of evaluating this project. It was found that the adjoining development "Westover Village Apartments" only achieves a density of 11 units per acre in the R-18 zone, a site efficiency factor of 61%. This is also the case at "Marysville Quilceda Meadows" just to the east of the proposed project. It is typical that development does not reach the available zoning in almost all cases. This is due to deducts in available land for setbacks, required open space, landscape buffers, emergency vehicle access routes, and limitations on impervious surfaces. These combined deducts make it virtually impossible for developments to reach maximum allowed zoning.

We analyzed the subject property for its capability to deliver under the R-18 zoning and found that considering the 50% building coverage limitation, the 70% impervious surface limitation, the 20% of building footprint Open Space requirement, the roadway and emergency vehicle turnaround, 2.75 cars per unit parking requirement, setbacks, and building size fire separation requirements, we would be able to deliver 22 units to the market. That represents a site efficiency factor of 61% in this R-18 zone. However, to achieve that unit count, the units are much smaller (960 to 1152 sf) than the market is seeking, making the raw unit count irrelevant to the economic success of the project. We have similarly analyzed the yield of a Manufactured Home development on the subject site and find that with the lot coverage limitation of 60%, required roadways and

sidewalks, building separation requirements, setbacks, required dedication of land to the City along 84th street, 10% of site area Open Space requirement, we are able to deliver a maximum of 10 units on this site. If we could squeeze one more unit on this site we would have done so. Given the required deducts it is simply not possible. It is also important to remember that the R-MHP overlay zone, which is a permitted use in the R-18 zone, limits density to 8 units per acre. This allows a maximum of 15 units to be developed on this site. At a yield of 10 units we achieve a site efficiency factor of 73%. This is higher efficiency at far greater affordability than a comparable multi-family attached product. Furthermore we are able to offer a much wider variety of home plan types and square footage responsive to a greater range of buyer preferences and budgets. There is no minimum density established or required for any zone in the City of Marysville, therefore we do not feel that this or any proposal should be evaluated against what is theoretically possible or against the maximum density the underlying zoning might allow. In addition, the City cannot compel property owners to develop any particular density, only regulate that maximum density cannot be exceeded. Property owners have financial constraints or capabilities, relationships with financing institutions, track records, areas of expertise all of which enter in to any decision about the product type, amount of risk, level of capitalization, and time-frame for return on investment. It is up to the owner to assess demand relative to risk and time in order to decide whether and how to proceed, within the constraints of allowed zoning schema. This project is a permitted use in the R-18 zone. We believe it is beyond the scope of authority for the Examiner to determine whether there is sufficient demand or, whatever the demand, how a developer should deploy their resources to meet it. It is not the brief of the Examiner to evaluate building types (site-built vs. factory built), densities or site yield, including the consequent financial risks and obligations. We believe that as long a project is within the permitted range of uses and development regulations, it is improper to deny a project by comparing it to an unproven theoretical density or yield based on a particular building type or financial performance model.

Staff Initial Comment: The Housing Consortium of Everett and Snohomish County's report found we have 3,297 Senior (55+) affordable units, 677 Elderly (62+), and 639 Frail Elderly (62+ and disabled or 75+) in Snohomish County.

Match this up with American Communities Survey Table S0102 and you see that, in the case of Marysville approximately 23% of the age 60+ population renting (~1500 people) while 52% of these senior renter households (~800) spend more than 30% of their income on rent. Applying the same calculation to Snohomish County's population, we have ~10,800 senior households in the County paying more than 30% of their income

(fixed or otherwise) to rent every month. This clearly exceeds the available supply of affordable senior housing in Snohomish County and Marysville.

Further Staff Response to Rezone Criteria form Hearing Examiner Consideration: The City's updated 2015 Comprehensive Plan recognizes the following needs for affordable housing specifically in multi-family zones:

Comprehensive Plan Goals and Policies:

G-16 Provide for new residential development that is compatible with the present housing stock while also providing for a broad range of housing types and dwelling unit densities to serve diverse lifestyles, income levels, and ages.

LU-25 Encourage a range of housing types and densities, including small lot single family, zero lot line developments, cluster housing, townhouses, duplexes, triplexes, apartments (high and low density, including garden), accessory dwelling units, and mobile home parks. Increase the opportunities for home ownership through the availability of these housing types.

LU-51 Require multi-family dwellings and mobile home parks to locate where access to public streets can be provided without creating congestion of or disruption to established single family residential neighborhoods.

LU-52 Allow mobile home parks in areas designated for Low Density Multi-family residential on the land use plan, by conditional use permit, and permit outright in Medium Density Multi-family and High Density Multi-family

The proposed rezone to R-MHP supports the goals and policies of the city's comprehensive plan and development regulations. Both the plan and the regulations recognize the need for this type of development. The densities proposed through the rezone overlay process propose a higher, better use and increased density than what is currently existing.

Hearing Examiner Initial Finding: The existing zoning is R-18. This zoning designation would potentially allow for a greater number multifamily dwelling units on the subject site than the 10 mobile home spaces that are proposed on the 1.96-acre site under the R-MHP zoning. It is not clear that the proposed zoning will create the opportunity for housing that is affordable to any of the age groups or income brackets described in the staff comment. No such restrictions, covenants or expectations are included as conditions for the rezone approval. The zoning would, however, provide for 10 mobile home sites, which may be in short supply in Marysville according to evidence presented. The applicant makes a tangential case at best between the request for the R-MHP

zoning and the criterion that requires a *demonstrated need for additional zoning as the type proposed*. The staff response cites statistics that document the state of housing affordability in Marysville and Snohomish County. These statistics present a sobering picture of the challenge many residents face – especially senior residents – in finding affordable housing. Clearly, the evidence in the record documents that the supply of affordable housing is limited and is in high demand. However, it cannot be known from the public record regarding this rezone request that the housing that would be provided under the proposed R-MHP zoning would be any more affordable than the housing that could be provided under the existing R-18 zoning. It appears that the supply of housing units under R-MFH would be less than the number of housing units theoretically possible under the existing R-18 zoning. The hearing examiner finds no evidence in the record that the proposed rezone to R-MHP would provide additional supply of land of a type that is in demand or that such zoned land would produce more affordable housing units than the multifamily housing that could be developed under the existing R-18 zoning. This criterion, therefore, is not met.

Hearing Examiner Finding on Reconsideration: Criterion is met.

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

Applicant Response: The Pinewood district is specifically identified to support a mix of higher residential developments including MHPs. The underlying zoning of R-18 supports both attached and detached residential products including densities up to 18 units per acre in apartments and condominiums. The proposed project will be an addition to an existing MHP, La Tierra, which lies directly to the east and under the same ownership. It is surrounded by compatible residential uses of a similar scale and scope. To the west lies a residential district with a mix of single-family, multi-family and residential care facilities. To the north lies more single and multi-family development and residential care facilities. To the north lies more single and multi-family development' including other MHPs. To the south are additional multi-family developments as well as commercial properties.

Increasing market pressures are forcing single family areas to transition to higher densities in order to respond to affordability issues. This property is one of the last few single-family homes on a 2-acre parcel in the neighborhood. The value of the land has exceeded the value of the improvement by a considerable extent, calling into question its viability in its current use. Further, during the last several decades, the surrounding properties have almost all transitioned to high density uses including MHPs. The change

in classification from R-18 to R-MHP overall constitutes only the most minor change, not one of the use type and density, but only a product type

Hearing Examiner Initial Finding: Concur that the potential mobile home park development under the proposed R-MHP zoning would likely be compatible with the uses and zoning of the surrounding properties, and thus, finds that this rezone criterion is met.

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

Applicant's Initial Response: None

Further Applicant Response for Hearing Examiner Reconsideration

We submitted the following statement in our Rezone Application, and note that in the Staff Report it was mistakenly inserted as a response to Criterion B. We submit it here again in answer to Criterion C.

Increasing market pressures are forcing single-family areas to transition to higher densities in order to respond to affordability issues. This property is one of the last few single-family homes on a 2-acre parcel in the neighborhood. The value of the land has exceeded the value of the improvement by a considerable amount, calling into question its economic viability in its current single-family use. Further, during the last several decades, the surrounding properties have almost all transitioned to higher density uses including MHPs. The change in classification from R-18 to R-18 with an MHP overlay constitutes only the most minor change, not one of use type, but only of product type.

Staff Initial Comment: According to the Washington State Finance Commission (WSFC), manufactured housing communities (MHC) known by many as mobile home parks, are one of the largest sources of subsidized housing in Washington State. Manufactured homes provide affordable housing for about 500,000 people, or approximately 8% of state residents, many of them elderly. However, MHCs are closing at an alarming rate. According to the Washington State Finance Commission, since the beginning of 2007, 59 communities have closed in Washington State resulting in a loss of over 1,900 spaces (including the loss of 231 spaces in 2007 due to 2 park closures in Marysville). This trend is likely to continue, due to an expanding economy and the increase in both land values.

Marysville currently has 13 MHPs within the current city limits which contain 1,130 rental spaces. Of those 13 parks, 5 parks (703 rental spaces) were rezoned to the R-MHP overlay zone, including La Tierra. This was purposely done in 2010 to add a layer of protection to MHPs located in residential zones and retain an affordable housing option

to citizens. The remaining 8 parks (427 rental spaces) are all considered legal non-conforming uses. It is anticipated these parks will convert to uses other than MHPs due to development pressures in commercial and industrial zones as the population grows.

Because of the changing conditions listed above, it's important that residential MHPs continue to expand or new MHPs be allowed to developed to preserve a valuable affordable housing opportunity in Marysville.

Further Staff Comment for Hearing Examiner Reconsideration: The Hearing Examiner's recommendation and analysis of item c was interpreted too narrowly. In order for a single parcel within a City of 67,000+ residents to be specifically impacted, external factors including those mentioned in the staff recommendation, allegations of applicant, the city's comprehensive plan, and the zoning regulations all need to be consistent under the GMA to allow properties to be developed as planned.

In 2010 the City of Marysville adopted an ordinance to allow MHPs in single-family and multi-family zones to be rezoned to the R-MHP zone. The R-MHP overlay zone was specifically created to allow/offer greater protection to existing parks as well as new parks approved through the land use process. It does not prevent the MHP owner from rezoning the park back to R-18 and construct another permitted use on the property. What the R-MHP overlay zone does is require the park owner to go through a public review process (the rezone) prior to the redevelopment of the park. This provides the residents as well as surrounding neighbors an opportunity to voice their opinions through the land use hearing process. This was lacking in 2006 when an existing 187 unit MHP park was redeveloped. The entire process was administrative and there was no recourse for a public hearing or public participation, this did not sit well with elected officials, city staff, or the residents being forced to vacate their homes. The R-MHP overlay zone criteria were not written to establish criteria that are difficult to meet or to discourage new MHPs in the city.

Below is an analysis for the La Tierra MHP from R-18 to R-MHP that was done in 2010, with few changes the same can be said for the adjacent, abutting parcel (4424 84th St NE) that La Tierra MHP plans to expand on to. The only difference is the park under the 2015 Comprehensive Plan meets the goals and polices cited in a. above. The expansion parcel is an under-utilized parcel that contains 1 existing single-family dwelling, approving the rezone would allow an identified housing type to be located in the R-18 zone.



## La Tierra MHP - 4401 80th St NE



Existing Use: Mobile Home Park

Size: 9.8 acres

Spaces: 62

Recommendation: Change the zoning from R-18 to R-MHP

Analysis: The proposed rezone complies with goals and policies in the Comprehensive Plan to preserve existing MHP in areas designated residential

**A. Request:** The City proposes rezoning LaTierra MHP (TP # 30052100405200) from R-18 to R-MHP.

**B. Site Description:** La Tierra is located at 4401-80th Street NE in Marysville, is approximately 9.83 acres in size, with 62 rental spaces. The density is 5.4 du/ac. The park consists of about 75% double wide mobile homes and 25% single wide mobile homes with rental spaces available for \$395 SW and \$405 DW monthly. Since the park is a senior community park, the park residents usually have a lengthy tenure. Most of the mobile homes are older structures, averaging in the mid-1980s. However, the park is kept up with nice landscaping as well as the residents keeping their rental spaces clutter-free.

**C. Comprehensive Plan:** The proposed rezone is consistent with existing goals and policies established in the 2005 City of Marysville Comprehensive Plan which supports the preservation of existing mobile/manufactured home parks as a source of affordable detached housing within residentially designated areas of the city. The following are goals/policies which support the preservation of existing neighborhoods and a range of affordable housing types including MHP:

Page 4-28, General Development Land Use Goals & Policies Goal 5: As appropriate, protect and strengthen the vitality and stability of existing neighborhoods.

Page 4-30, Residential Land Use Goals & Policies Goal 15: Provide for new residential development that is compatible with the present housing stock while also preserving for a broad range of housing types and dwelling units densities to serve diverse life styles, income levels, and ages.

LU-23 Encourage a range of housing types and densities, including small lot single family, zero lot line developments, cluster housing, town houses, duplexes, triplexes, apartments (high and low density, including garden), accessory apartments, mobile

home parks. Increase the opportunities for home ownership through the availability of these housing types.

The following are goals and policies which specifically support the preservation of existing residentially designated MHP: Page 5-220 Housing Element County-Wide Planning Policies Relating to Housing: CWPP-HO-8 Implement policies and programs that encourage the upgrading of neighborhoods and the rehabilitation and preservation of the supply of existing affordable housing, including but not limited to mobile home park housing, single room (SRO) housing, and manufactured housing.

NOTE: County-wide planning policies HO-5: Support the development and preservation of mobile home parks and subdivisions.

**D. Zoning**

Existing Zoning



Staff initiated Area Wide Rezone #5

Current Zoning: R-18

Staff initiated Area-wide Rezone #5

Proposed Zoning: R-MHP

The property is currently zoned R-18. The City is proposing creation of a MHP zone which will provide for permitted uses consistent with the zone's intent.

**E. Conformance with SEPA:** The proposed code amendment and rezones were processed in accordance with Title 18, City of Marysville Environmental Policy Ordinance and Chapter 197-11 WAC, State Environmental Policy Act (SEPA). A DNS was issued on July 5, 2018.

**Review and Analysis**

1) The proposed rezone implements and is consistent with the 2005 City of Marysville Comprehensive Plan to preserve existing mobile home parks in residentially designated parts of the City and to maintain a source of affordable housing.

2) The proposed rezone is necessary to achieve consistency with the development regulations and the 2005 City of Marysville Comprehensive Plan.

3) The zone reclassification and existing use is consistent and compatible with uses and zoning of the surrounding area.

Hearing Examiner Initial Finding: Staff presents a picture of a diminishing resource – mobile home parks – in the context of the city of Marysville. While compelling, the statistics cited fail to specifically address this rezone criterion. To warrant a change in classification, the applicant or staff must demonstrate that there has been a significant change in circumstances *on the subject site or on surrounding properties* (emphasis added) that has occurred in the time since the existing zoning for the site was adopted. Evidence of specific changed circumstances of the property to be rezoned is not provided in the exhibits or testimony on the public record, therefore the hearing examiner finds that this rezone criterion is not met.

Further, MMC 22A.030.050(1)(c) states that the R-MHP zone is assigned to *existing* (emphasis added) mobile home parks within residential zones. The subject site is not an existing mobile home park and may not be eligible for the requested R-MHP zone. The hearing examiner is not familiar with the legislative intent behind this code provision, or if there are other overriding provisions that support this proposal. Staff may wish to clarify when this matter is before the City Council.

Hearing Examiner Finding on Reconsideration: The applicant presents a largely defensive response to the Hearing Examiner's finding, rather than a response to address the rezone criteria. However, in sifting through the supplemental material provided by both the applicant and the staff, the Hearing Examiner finds sufficient evidence to support this rezone criteria. Particularly helpful is the information on the legislative intent provided by staff that describes the globally changed circumstances that are relevant to this particular site and the surrounding properties.

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

Applicant Response: The property adjoins an existing MHP, and will share in that project's infrastructure and access routes. The property itself is absolutely flat and unencumbered by any critical areas or other natural features. The soil and stormwater conditions are supportive of this type of development, and it is within the service areas of all relevant utilities and services. The property is highly compatible with the proposed development.

Hearing Examiner Initial Finding: Concur. This rezone criterion is met.

**B. CONCLUSIONS**

- a. Initial Conclusion: The Hearing Examiner concludes that the applicant has not fully demonstrated that the proposed REZONE complies with each of the applicable criteria defined in the Marysville Municipal Code, **MMC 22G.010.440(1)(a-d)**. Specifically, criteria “a” and “c” are not met.
- b. Reconsideration: The application with supplemental responses to rezone criteria “a” and “c” now complies with each of the applicable rezone criteria.

**C. HEARING EXAMINER RECOMMENDATION**

- a. Initial Recommendation: Based upon the foregoing findings of fact and conclusions, the Hearing Examiner recommends that the proposed rezone not be approved. MMC 22A.010.090(5).c provides for the hearing examiner to advise the City Council on site-specific rezones. MMC 22A.010.090(3)c provides for the Council to act on the hearing examiner's advice on such rezones. Additional information may be provided to the City Council in support of the proposal.
- b. Recommendation on Reconsideration: In consideration of the requested supplemental responses to MMC 22G.010.440(1)a and c that have been provided by the applicant and staff, the Hearing Examiner recommends that the proposed rezone be approved.

The original staff-recommended condition is hereby applied to this reconsideration recommendation as follows:

- 1. During construction plan review if it is determined that trees may be impacted along the eastern edge of the development, the applicant shall provide an arborist report assessing all trees to be impacted from proposed development. The applicant shall not remove or cause damage to trees located on adjacent properties, this includes root systems of identified trees. If negative impacts to trees are identified, the applicant shall obtain written permission to remove said trees or revise the civil drawings to prohibit construction activities within the dripline of identified trees. Post-construction and prior to issuance of building permit, the applicant shall provide an arborist report assessing the health of all retained trees to ensure the structural integrity of retained trees has not been compromised and they as safe to retain.

**Initial Recommendation: Dated August 7, 2018**

**Reconsideration: Dated August 28, 2018**



Kevin D. McDonald, AICP

Hearing Examiner

**RECONSIDERATION - MMC 22G.010.190.**

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 22.010.530(3). The hearing 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 the 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.

**JUDICIAL APPEAL - MMC 22G.010.540.**

- (1) Appeals from the final decision of the hearing examiner, or other city board or body involving MMC Title 22 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, Chapter 36.70C RCW, 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.

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.

## ATTACHMENTS

### 1. Initial e-mail correspondence of intent to request reconsideration

Cheryl Dungan <CDungan@marysvillewa.gov>

Tue 8/7/2018, 8:06 AM

Kevin McDonald

Thanks Kevin,

The City will be requesting a reconsideration by the HE.

Cheryl

**From:** Kevin McDonald <kdm617b@msn.com>

**Sent:** Tuesday, August 7, 2018 7:51 AM

**To:** Cheryl Dungan <CDungan@marysvillewa.gov>

**Subject:** La Tierra Recommendation

Hi Cheryl - attached is my recommendation on the La Tierra rezone, plus an invoice. I have to recommend the Council does not approve this proposal because all of the 4 criteria for a rezone are not met. I think they could be met if staff and/or the applicant could be more specific in their responses to the criteria. This can be provided to Council to help inform their final decision.

Hard copies will be in today's mail.

Kevin

### 2. E-Mail correspondence transmitting the requested supplemental materials to address rezone criteria

Cheryl Dungan <CDungan@marysvillewa.gov>

Mon 8/20/2018, 3:17 PM

Kevin McDonald; David Koenig; Chris Holland

Hi Kevin,

Please see the attached request for reconsideration for the La Tierra MHP overlay rezone.

Thanks, Cheryl

Cheryl Dungan | Senior Planner

City of Marysville

Community Development Department

80 Columbia Ave

Marysville, WA 98270

360-363-8100 Office

360-363-8206 Direct Line

360-651-5099 Fax

[cdungan@marysvillewa.gov](mailto:cdungan@marysvillewa.gov)

**EXHIBITS**

The following exhibits were offered and entered into the record:

- |   |   |
|---|---|
| <ol style="list-style-type: none"> <li>1. Receipt, 03.07.18</li> <li>2. Land Use Application, 03.07.18</li> <li>3. Site Plan Review Checklist, 03.07.18</li> <li>4. Transmittal</li> <li>5. Letter of Application, 03.07.18</li> <li>6. Legal Description, 03.07.18</li> <li>7. Chicago Title, title report, 03.07.18</li> <li>8. Written response to Design Standards, 03.07.18</li> <li>9. Written response to Rezone Criteria, 03.07.18</li> <li>10. La Tierra Rules &amp; Regulations, 03.08.17</li> <li>11. GTC- Traffic analysis / trip generation report, 03.07.17</li> <li>12. Environmental Checklist, 03.07.17</li> <li>13. 11 x 17 Preliminary Site Plan, 03.07.17</li> <li>14. 11 x 17 Landscape Plan, 03.07.17</li> <li>15. Stormwater Site Plan, 03.07.17</li> <li>16. 24 x 36 Preliminary Site Plan, 03.07.17</li> <li>17. 24 x 36 Landscape Plan, 03.07.17</li> <li>18. RFR Checklist</li> <li>19. Affidavit of Posting- NOA</li> </ol> | <ol style="list-style-type: none"> <li>20. Affidavit of Publication- NOA</li> <li>21. 1st Technical Review, 03.30.18</li> <li>22. Evans &amp; Assoc., Transmittal sheet, 05.15.18</li> <li>23. Evans &amp; Assoc.- Response to Tech review, 05.15.18</li> <li>24. Stormwater Site Plan, -5.15.18</li> <li>25. 24 x 36 Site Plan, 05.15.18</li> <li>26. 11 x 17 Site Plan, 05.15.18</li> <li>27. 24 x 36 Landscape Plan, 05.15.18</li> <li>28. 11 x 17 Landscape Plan, 05.15.18</li> <li>29. RFR Checklist</li> <li>30. City- email, 05.29.18</li> <li>31. 2nd Technical Review, 05.30.18</li> <li>32. MDNS w/ Environmental Checklist</li> <li>33. MDNS routed email, 07.05.18</li> <li>34. Notice of MDNS</li> <li>35. Affidavit of Posting- MDNS</li> <li>36. Affidavit of Posting- NOH</li> <li>37. Email- Citizen concerns, 07.16.18</li> <li>38. Staff Recommendation</li> </ol> |
|---|---|

**PARTIES of RECORD**

Cheryl Dungan City of Marysville Community Development Department 80 Columbia Avenue Marysville, WA 98270	Ken Olsen PO Box 906 LaConner, WA 98257
Dawn Everett 4401 80 <sup>th</sup> St NE # 41 Marysville, WA 98270	Mike Warden 1116 Olympic Avenue Edmonds, WA 98020
Karen Buskeger La Tierra (Complete address not available)	

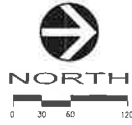
**22G.010.440 Rezone criteria.**

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(1) A zone reclassification shall be granted only if the applicant demonstrates 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;
- (d) The property is practically and physically suited for the uses allowed in the proposed zone reclassification.





**DEVELOPMENT DATA:**

**APPLICANT:**  
 TRACED LLC  
 416 OLIVAR AVENUE  
 LANSING MI 48206  
 CONTACT: JEFF WOODEN  
 TEL: 248.360.8877  
 E-MAIL: www.tracedllc.com

**ARCHITECTURE / PLANNING:**  
 OLIVER ASSOCIATES  
 ARCHITECTURE & PLANNING  
 CONTACT: JEFF WOODEN  
 TEL: 414.890.6414  
 E-MAIL: jeff@oliverassociates.com

**ENGINEER / SURVEYOR:**  
 TRACED LLC & ASSOCIATES, INC.  
 1400 W MARINE VIEW DRIVE, TRUCKEE, NV 89402  
 CONTACT: JEFF WOODEN  
 TEL: 414.890.6414  
 E-MAIL: jeff@tracedllc.com



OVERALL PRELIMINARY SITE PLAN  
**LA TERRA MHP EXPANSION**  
 CMMW GROUP  
 MARYSVILLE, WASHINGTON 98270



**LEGAL DESCRIPTION:**

**EXISTING MOBILE HOME PARK**  
 THAT PORTION OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 30 NORTH, RANGE 5 EAST, WM, DESCRIBED AS FOLLOWS:  
 BEGINNING AT THE CORNER OF THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, THENCE NORTH TO THE NORTH LINE OF THE SOUTHWEST QUARTER, THENCE EAST 100 FEET, THENCE SOUTH 100 FEET TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, THENCE WEST TO THE POINT OF BEGINNING, LESS 60 FEET ROAD.

**MOBILE HOME PARK ADDITION**  
 THAT PORTION OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 30 NORTH, RANGE 5 EAST, WM, DESCRIBED AS FOLLOWS:  
 BEGINNING AT THE NORTHWEST CORNER OF THE B&M GRADEN TRACTS, ALONG TO THE PLAT THEREIN, BEING 100 FEET TO THE POINT OF BEGINNING, THENCE SOUTH 100 FEET TO THE POINT OF BEGINNING, THENCE WEST TO THE POINT OF BEGINNING, THENCE SOUTH 100 FEET TO THE POINT OF BEGINNING, THENCE WEST 100 FEET TO THE POINT OF BEGINNING, LESS 60 FEET ROAD.

**SITE ADDRESS**

1024 84TH ST NE  
 MARYSVILLE, WASHINGTON 98270

**TAX PARCEL NO.**

300012840000 - ADDITION  
 300012840000 - EXISTING

**SITE DATA**

EXISTING ZONING: R-18  
 PROPOSED ZONING: R-18  
 EXISTING MOBILE HOME PARK: 10 LOTS  
 PROPOSED MOBILE HOME PARK: 10 LOTS  
 TOTAL MOBILE HOME PARK: 20 LOTS

**LOT COVERAGE CALCULATION**

BUILDING FOOTPRINT AREA: 10,000 SQ FT  
 TOTAL LOT AREA: 100,000 SQ FT  
 LOT COVERAGE: 10%

**SERVICES:**

WATER: MARYSVILLE PUBLIC UTILITY  
 SEWERAGE: MARYSVILLE PUBLIC UTILITY  
 FIRE PROTECTION: MARYSVILLE FIRE DEPARTMENT  
 TRASH: MARYSVILLE PUBLIC UTILITY  
 TELEPHONE: MARYSVILLE PUBLIC UTILITY  
 ELECTRIC: MARYSVILLE PUBLIC UTILITY

**IMPERVIOUS SURFACE SUMMARY**

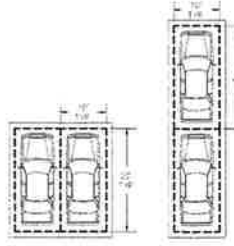
AREA OF EXISTING IMPERVIOUS SURFACE: 10,000 SQ FT  
 AREA OF PROPOSED IMPERVIOUS SURFACE: 10,000 SQ FT  
 TOTAL IMPERVIOUS SURFACE: 20,000 SQ FT

**MINIMUM NET DENSITY CALCS:**

MINIMUM NET DENSITY PER TRACT:  
 GROSS SITE AREA: 100,000 SQ FT  
 NET DENSITY: 10 LOTS PER TRACT  
 GROSS SITE AREA: 100,000 SQ FT  
 NET DENSITY: 10 LOTS PER TRACT

**OPEN SPACE CALCULATION**

OPEN SPACE CALCULATION:  
 GROSS SITE AREA: 100,000 SQ FT  
 OPEN SPACE REQUIRED: 10,000 SQ FT  
 OPEN SPACE PROVIDED: 10,000 SQ FT



**PARKING REQUIREMENTS PER MMC 22C.230.070**

PARKING STALLS REQUIRED PER BUILDING UNIT:  
 PROPOSED BUILDING UNIT: 2 STALLS BUILDING UNIT  
 OFF-STREET PARKING STALLS PROVIDED: 20  
 GUEST PARKING STALLS REQUIRED: 1 STALLS BUILDING UNIT  
 GUEST PARKING STALLS PROVIDED: 10  
 PARKING STALLS EXCESSIVE REQUIREMENTS:  
 2 OFF-STREET PARKING STALLS PER UNIT WILL BE PROVIDED IN EACH UNIT'S DRIVEWAY.



**DAVID EVANS AND ASSOCIATES INC.**  
 1420 W. MARINE VIEW DRIVE, SUITE 200  
 EVERETT, WASHINGTON 98201  
 PHONE: 425.336.4444

REVISION:	APPR

DATE: MAY 2018  
 DESIGN: JMW  
 DRAWN: CLK  
 CHECKED: JWS  
 REVISION NUMBER:

SCALE: 1" = 30'  
 PROJECT NUMBER:  
 MTCC00000003

DRAWING FILE:  
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**EXHIBIT**  
 SP1 26  
 OF 2

DATE: 05/20/18 11:17 AM  
 BY: AME/CP/DM  
 PROJECT: 00-0000-APP000003.dwg  
 SHEET: 00-0000-APP000003.dwg



**DEVELOPMENT DATA:**

**APPLICANT:**  
 MATROO LLC  
 1115 OLYMPIC AVENUE  
 EDMONDS, WA 98020  
 CONTACT: MIKE WARDEN  
 PH: 206-200-8871  
 E-MAIL: mwarden@comcast.net

**ENGINEER / SURVEYOR:**  
 DAVID EVANS & ASSOCIATES, INC.  
 1620 W MARINE VIEW DRIVE, SUITE 200  
 EVERETT, WASHINGTON 98201  
 CONTACT: JACK MOLVER, PE  
 PH: 425-405-1504  
 E-MAIL: jrm@deamc.com

PRELIMINARY SITE DEVELOPMENT PLAN  
**LA TIERRA MHP EXPANSION**  
 CMMW GROUP  
 MARYSVILLE, WASHINGTON 98270



**DAVID EVANS AND ASSOCIATES, INC.**  
 1620 W. MARINE VIEW DRIVE, SUITE 200  
 EVERETT, WASHINGTON 98201  
 PH: 425-405-1504

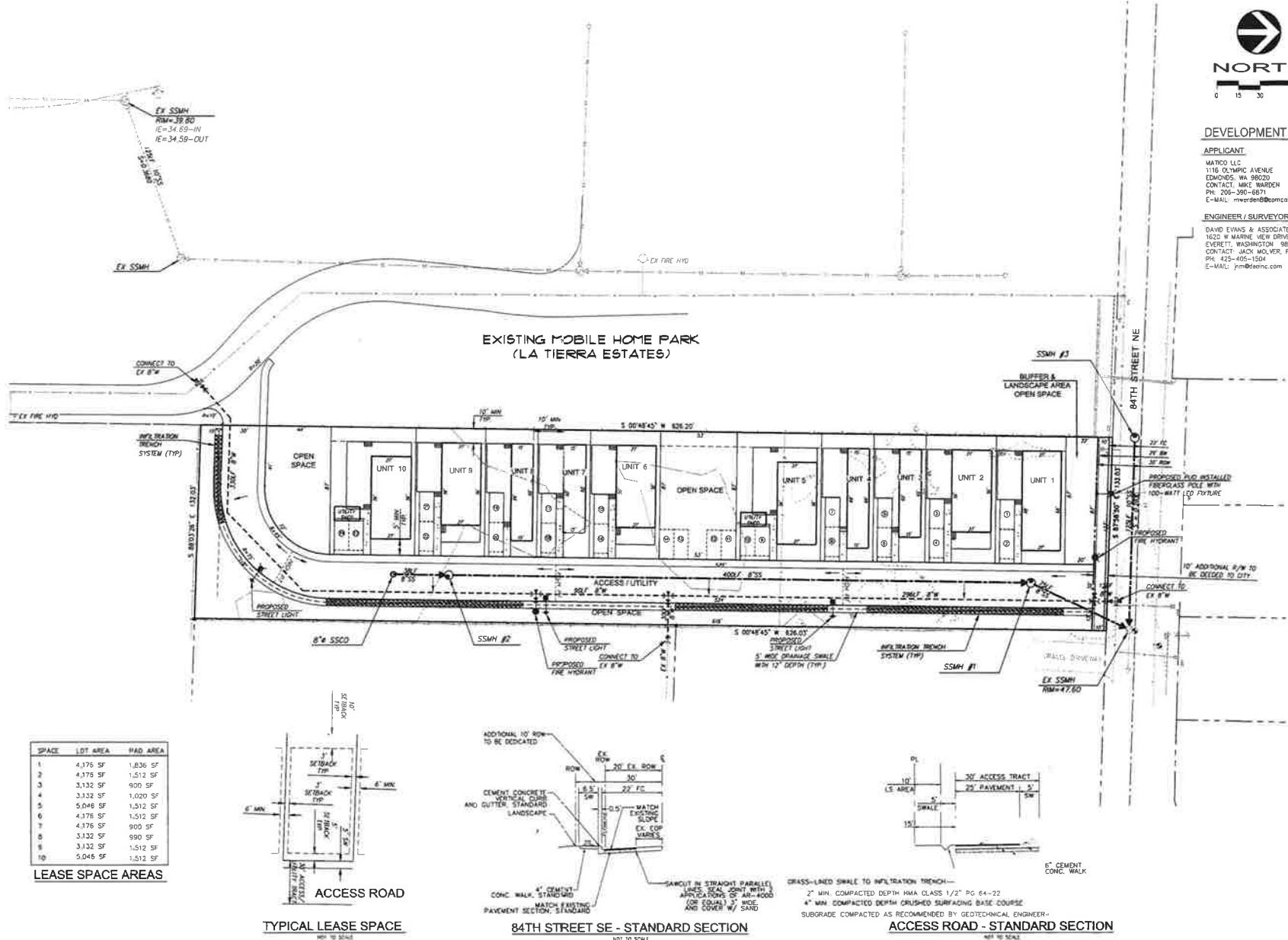
REVISIONS: APPD

DATE: MAY, 2016  
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 CHECKED: JNS  
 REVISION NUMBER:

SCALE: 1"=30'  
 PROJECT NUMBER:  
 MTC00000003

DRAWING FILE:  
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SHEET NO.  
**SP2**  
 OF 2

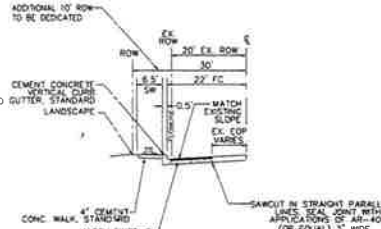


SPACE	LOT AREA	PAD AREA
1	4,376 SF	1,836 SF
2	4,376 SF	1,512 SF
3	3,132 SF	900 SF
4	3,132 SF	1,020 SF
5	5,048 SF	1,512 SF
6	4,376 SF	1,512 SF
7	4,376 SF	900 SF
8	3,132 SF	990 SF
9	3,132 SF	1,512 SF
10	5,048 SF	1,512 SF

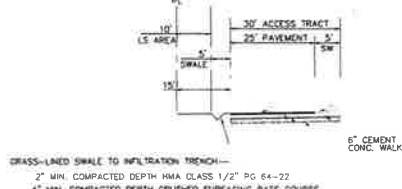
**LEASE SPACE AREAS**



**TYPICAL LEASE SPACE**



**84TH STREET SE - STANDARD SECTION**



**ACCESS ROAD - STANDARD SECTION**

**PRELIMINARY SITE PLAN**

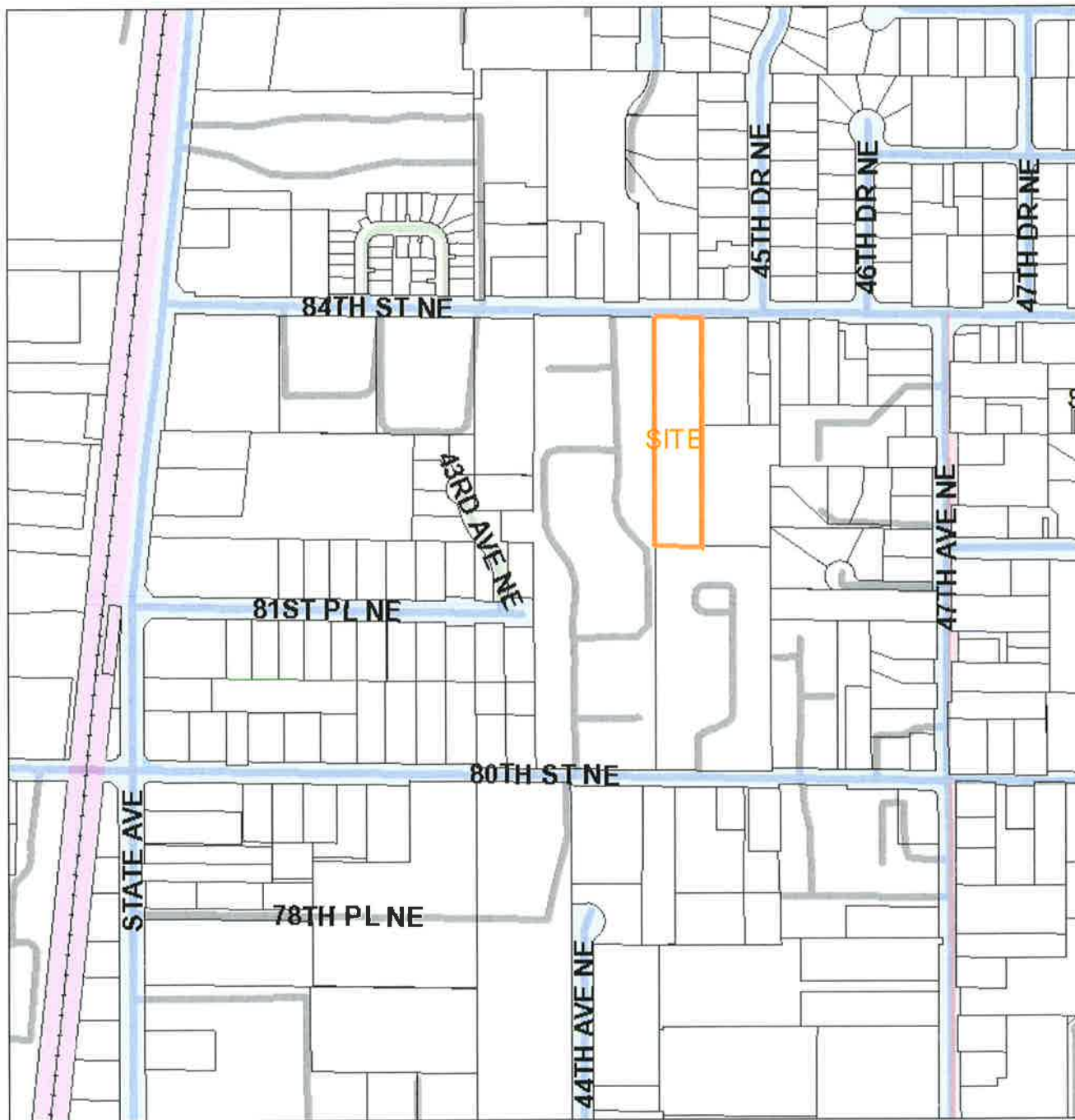
By: Jack Molver  
 Date: 5/15/2016 10:18 AM  
 File Path: C:\Users\jmolver\Documents\Projects\SP-062-MTC00003.dwg

**EXHIBIT A – LEGAL DESCRIPTION FOR LA TIERRA MHP REZONE ADDITION**

**THAT PORTION OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 21,  
TOWNSHIP 30 NORTH, RANGE 5E, W.M., DESCRIBED AS FOLLOWS:**

**BEGINNING AT THE NORTHWEST CORNER OF THE B&M GARDEN TRACTS, ACCORDING TO THE PLAT  
THEREOF RECORDED IN VOLUME 10 OF PLATS ON PAGE 114, RECORDS OF SNOHOMISH COUNTY,  
WASHINGTON; THENCE WEST 198 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 01°10'00"  
WEST A DISTANCE OF 645.85 FEET; THENCE SOUTH 89°57'44" WEST A DISTANCE OF 132 FEET; THENCE  
NORTH 01°10'00" A DISTANCE OF 645.85 FEET; THENCE EAST 132 FEET TO THE TRUE POINT OF  
BEGINNING, LESS COUNTY ROAD**

**SNOHOMISH COUNTY, WA**



### City of Marysville



- Lines**
- Override 1
  - Parcels
- City limits**
- ARLINGTON
  - EVERETT

LAKE STEVENS  
MARYSVILLE

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City of Marysvill