



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

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

PROJECT INFORMATION									
Project Title	Creekside PRD			Date of Report	January 8, 2024				
File Number	PA23-005			Attachments	Exhibits (001 - 053)				
Administrative Recommendation	Approve the Planned Residential Development and preliminary Binding Site Plan to construct 49 single-family dwelling units on 16.19 acres.								
BACKGROUND SUMMARY									
Applicant	Horizon View Holdings								
Request	The applicant is requesting Preliminary Planned Residential Development (PRD) and preliminary Binding Site Plan approval to construct 49 single family lots, demolishing the existing two single family structures and associated outbuildings.								
SEPA Status	A Mitigated Determination of Non-Significance (MDNS) was issued on December 11, 2023 (Exhibit 049). No comments or appeals were received on the MDNS.								
Site Address	7808 44 th Street NE, 7715 & 7811 40 th Street NE			APN(s)	29050200100300, 29050200100300 and 29050200100400				
Legal Description (abbreviated)	See file			Section	2	Township	29N	Range	05E
Comprehensive Plan	SFH	Zoning	R-6.5	Shoreline Environment			N/A		
Water Supply	Current	Proposed		Sewer Supply	Current		Proposed		
	Private (well)	Marysville			Private (septic)	Marysville			
REVIEWING AGENCIES									
Marysville	Local Agencies		State & Federal		County		Other		
<input checked="" type="checkbox"/> Building <input checked="" type="checkbox"/> Fire District <input checked="" type="checkbox"/> Land Development <input checked="" type="checkbox"/> Planning <input checked="" type="checkbox"/> Police <input checked="" type="checkbox"/> Public Works	<input checked="" type="checkbox"/> Lake Stevens (city) <input checked="" type="checkbox"/> Comcast <input checked="" type="checkbox"/> Lake Stevens SD 4 <input checked="" type="checkbox"/> PUD No. 1 <input checked="" type="checkbox"/> Ziplly		<input checked="" type="checkbox"/> US Army Corps of Engineers <input checked="" type="checkbox"/> DAHP <input checked="" type="checkbox"/> DOE <input checked="" type="checkbox"/> WDFW <input checked="" type="checkbox"/> USDFW		<input type="checkbox"/> Health District <input type="checkbox"/> Planning <input checked="" type="checkbox"/> Public Works - Land Development <input type="checkbox"/> Public Works		<input checked="" type="checkbox"/> Tulalip Tribes <input checked="" type="checkbox"/> Stillaguamish Tribe		
ACTION									
<input checked="" type="checkbox"/> Administrative	<input type="checkbox"/> City Council		<input type="checkbox"/> Quasi-Judicial		<input type="checkbox"/> Planning Commission				
Date of Hearing	<input type="checkbox"/> Approved		<input type="checkbox"/> Denied		<input type="checkbox"/> Continued				
STAFF									
Name Amy Hess	Title Senior Planner		Phone 360.363.8215		E-mail ahess@marysvillewa.gov				

SURROUNDING USES

	Comprehensive Plan	Zoning	Land Use
North	Single Family High Density	R-6.5	44 th Street NE and single family residences
East	Single Family High Density	R-6.5	Large lot single family residences and 79 th Avenue NE
South	Single Family High Density	R-6.5	Large lot single family residences
West	Single Family High Density	R-6.5	Single family residences

Vicinity Map



1.0 - FINDINGS AND CONCLUSIONS

1. **Description of Proposal.** An application was submitted for a 49-lot Planned Residential Development (PRD) and preliminary Binding Site Plan (BSP) approval. Existing single family residences and associated outbuildings will be demolished.
2. **Project Location.** The proposed development includes parcels addressed as 7808 44th Street NE, 7811 40th Street NE and 7715 40th Street NE, and further identified as Assessor’s Parcel Numbers (APN) 29050200100400, 29050200100300 and 29050200100200. BLA23-001 will adjust APN 29050200100200 which will remove it from this project.
3. **Present Use of Property.** The project site is mostly undeveloped, largely forested with areas maintained as yard grass. Single family residences and associated outbuildings are located in the south east and north central portions of the site.
4. **Site Description.** The project site is approximately 16.19 acres in size, is relatively level to gently sloping, with a few very small isolated steep slopes. Most of the proposed development site is forested with scattered mapped wetland areas, the largest being associated with the creek running along the eastern portion of the site. The property is bordered by 40th Street NE to the south, 79th Avenue NE to the east, and 44th Street NE to the north.
5. **Letter of Completeness.** The application was submitted on March 17, 2023 and determined to be complete on April 4, 2023. A letter of completeness was provided to the applicant in accordance with MMC [22G.010.050](#).
6. **Public Notice.** Public notice of the development application was provided in accordance with MMC [22G.010.090](#).
 - 6.1. The notice of application was issued April 4, 2023 with comments requested to be returned by April 24, 2023. The following public comments were received as outlined in Exhibit 026 *Correspondence – Public Comments*:

<p><u>Summary of Comments:</u> Road alignment on the south side, requests that the new short portion of 40th Street align with existing 40th Street before reaching the west boundary of the PRD. Suggests alternate alignment, using round-about or some other device.</p>
<p><u>Applicant’s Response:</u> This is not feasible based on the existing stream and wetland area in the southeast portion of the property.</p> <p><u>Staff Response:</u> The proposed alignment of 40th Street extension is designed to have the least impact on critical areas and associated buffers, and to align with the existing portion of roadway to the east. The proposed extension and alignment has been reviewed and approved by the City of Marysville Public Works department as consistent with the Transportation Element of the Comprehensive Plan and applicable City/State/Federal standards.</p>
<p><u>Summary of Comments:</u> Recommendation for sewer service area expansion with proposed sewer extension.</p>
<p><u>Applicant’s Response:</u> A dry sewer line will be constructed along the NE property frontage to allow potential future connection should the line be activated. The span of 79th Avenue between NE and SE property frontages is the frontage of a separate property.</p>

Staff Response: Consistent with [MMC 14.03.250](#), at time of connection to a collection main, the property owner shall be required to extend the main(s) for the full public or private road frontage of the lot. The applicant will be extending mains along all frontages, as required by code. The applicant will also be providing a sewer connection south of the project, as conditioned in City file number PA16-043, adding additional capacity.

Summary of Comments: Concerns about 1) neighborhood speed limit, increase in traffic, 2) sewer services, 3) road and easement paving, and 4) wetland maintenance. Request reduction of speed limit and/or installation of speed bump/speed clocking device. Requests paving of 40th Street and 38th Street and paving of private drive. Request Creekside PRD pay a fee to maintain wetlands off-site.

Applicant's Response 1: Speed Limit – This decision is for the city to make, please contact City staff with concerns.

Staff Response 1: The City's Traffic Engineering Manager reviewed and approved the Traffic Impact Analysis prepared by DN Traffic Consultants Inc. Posted speed limits on the newly constructed plat roads will be consistent with the City's adopted Engineering Development and Design Standards (EDDS). The developer will be required to pay Traffic Impact fees and complete improvements to mitigate for impacts caused by the development.

Applicant's Response 2: Sewer Services – A dry sewer line will be constructed along the NE property frontage to allow potential future connection should the line be activated. The span of 79th Ave between NE and SE property frontage is the frontage of a separate property.

Staff Response 2: Consistent with [MMC 14.03.250](#), at time of connection to a collection main, the property owner shall be required to extend the main(s) for the full public or private road frontage of the lot. The applicant will be extending mains along all frontages, as required by code. The applicant will also be providing a sewer connection south of the project, as conditioned in City file number PA16-043, adding additional capacity.

Applicant's Response 3: Road and Easement Paving – 40th Street NE is offsite and unable to be improved based on wetland & stream proximity. This project proposed a slight realignment and will construct a portion of the new 40th Street NE.

Staff Response 3: Consistent with MMC 12.02A.090, property owners shall be required to construct frontage improvements along the full abutting public street frontage of property which is developed. There are no code standards that would allow the City to require the developer to pave private off-site driveways/easements.

Applicant's Response 4: Department of Ecology (DOE) Manual requirements and City code requirements are being met for wetland protection, buffer mitigation/creation, and enhancement.

Staff Response 4: The applicant is required to follow DOE manual, as well as City code requirements related to wetland enhancement, buffer mitigation, and maintenance for wetlands on the project site and impacted by the development. The City cannot require the applicant to maintain wetlands on adjacent privately owned property.

Summary of Comments: Concerns about 150' buffer adjacent to Jones creek and impact to wildlife. Suggests a study of the site be completed.

Applicant's Response: DOE Manual requirements and City code requirements are being met for wetland protection, buffer mitigation/creation, and enhancement.

Staff Response: The applicant submitted a Critical Areas Report, prepared by qualified scientific professional. The report identified impacts to on-site critical areas, as well as identification of degraded buffers and required enhancement. City staff reviewed and agreed with the findings, conclusions, and recommendations of the report.

7. **Request for Review.** A Request for Review of the proposed development was sent to the Local, County, State & Federal Agencies and Districts identified on page 1 of this report. The following comments were received; if the above-referenced agencies are not listed below, no comments were received:

Department	Nature of Comment
Public Works, Operations	<ul style="list-style-type: none"> • <i>Provided requirements for proposed water main along with recommendations for service line locations and fire hydrant assembly and proposed locations.</i>
Public Works, Traffic	<ul style="list-style-type: none"> • <i>Requirements and recommendations are addressed in the approved Traffic Concurrency Recommendation dated January 4, 2024.</i>
Public Works, Development Services	<ul style="list-style-type: none"> • <i>Provided information regarding the required improvements, including utility extensions and frontage improvements, which are to be further reviewed with Civil Plan Review.</i> • <i>The project is vested under the 2019 Stormwater Management Manual for Western Washington. Formal drainage review will be conducted during Civil Plan Review.</i> • <i>Capital facility fees would be required to be paid prior to issuance of the building permit.</i>
Public Works, Surface Water	<ul style="list-style-type: none"> • <i>The project is vested under the 2019 Stormwater Management Manual for Western Washington.</i> • <i>Provided direction for dedication of treatment facilities.</i> • <i>Provided requirements for the proposed on-site storm drainage system.</i> • <i>Noted downstream drainage issues along 40th Street NE.</i>

8. **State Environmental Policy Act Review.** A State Environmental Policy Act (SEPA) Mitigated Determination of Non-Significance (MDNS) was issued on December 11, 2023 (Exhibit 049). The appeal period expired December 27, 2023; no appeals were filed.
9. **Critical Areas.** A *Stream, Wetland and Fish and Wildlife Habitat Assessment Report* (Exhibit 011), dated March 2023, prepared by Soundview Consultants, was submitted with the development application. A *Conceptual Mitigation Plan* (Exhibit 12), dated March 2023, prepared by Soundview Consultants, was submitted with the development application. Updated plans dated August 2023 (Exhibit 33), and November 9, 2023 (Exhibit 043) were submitted with subsequent submittals. According to these documents, the subject property contains seven (7) potentially regulated wetlands (Wetlands A-E, Wetland F, Pond A, and Pond B) and one (1) stream (Stream Z) on-site. In addition, one wetland (Offsite Pond A) was identified offsite within 300 feet of the subject property. Wetlands A, C – E, G, Pond A, and Pond B are rated as Category III wetlands per MMC [22E.010.100\(4\)](#) and are subject to a standard 75-foot buffer. Wetland B is preliminarily rated a Category II wetland and is subject to a standard 100- foot buffer per MMC [22E.010.100\(4\)](#). Stream Z is a Type F stream

and is subject to a standard 150-foot buffer per MMC [22E.010.220](#). Additionally, a 15-foot building setback is required from the outer edge of all critical areas or their buffers per MMC [22E.010.380](#). No other potentially regulated wetlands fish and wildlife habitat were identified within 300 feet of the subject property.

Stream Z flows directly into Ebey Slough, a traditionally navigable water, and would be regulated as Water of The United States (WOTUS) under Category 4 of a December 2, 2008 memorandum from the Environmental Protection Agency (EPA) and USACE. Wetlands B, D, and G have a direct surface water to the onsite streams and would also be regulated as WOTUS under Category 3 above. Wetlands A and E and Ponds A and B are identified depressional wetlands that do not have surface water connectivity to traditionally navigable waters or associated tributaries. However, given their proximity to other potentially regulated WOTUS, such as Stream Z downgradient of these features, they may be considered to have a “significant nexus” and therefore subject to federal regulation.

The applicant explored many development options in order to minimize impacts to critical areas to the greatest extent feasible. However, in order to provide required site access from the northwest and southeast corners of the subject property, space for stormwater facilities, a 10-foot-wide public utility easement on both sides of the proposed roads onsite, and required residential units to meet density requirements and make the development financially feasible, direct and indirect wetland impacts are necessary and unavoidable. As such, the project requires the unavoidable partial fill of Wetlands A, B, and E, and the total fill of Wetland Pond B. The project proposes indirect impacts to Wetland A and Wetland E. Additionally, permanent buffer impacts for Wetlands A, B, C, D, E, and G are required and will be mitigated through the purchase of wetland buffer credits.

Direct wetland impacts will be compensated onsite through a combined approach of wetland creation and wetland enhancement, standalone wetland creation, and purchase of mitigation bank credits, consistent with MMC [22E.010.120](#)(3). Due to the intact nature of most of the onsite wetlands, enhancement opportunities are limited, and the combined wetland creation and enhancement approach cannot compensate for all proposed impacts. Standalone wetland creation will be provided at a 2:1 ratio to the extent possible onsite to offset the remaining proposed impacts, and the mitigation deficit that remains will be compensated through the purchase of mitigation bank credits from the Skykomish Habitat Wetland Mitigation Bank (SHWMB). Additionally, due to site constraints and limited wetland mitigation opportunities onsite, credits will be purchased from SHWMB to mitigate for indirect wetland impacts.

The project proposes permanent buffer impacts associated with the Stream Z and Wetland G buffers for the installation of a storm water outfall within the buffer area, and permanent buffer impacts to Stream Z and Wetland G are proposed due to the construction of the required access road on the southeast portion of the site, which will also require the installation of a bottomless box culvert for Stream Z. Permanent impacts are also proposed to the Wetland B buffer due to frontage improvements along 44th Street NE. Buffer averaging will also be utilized on Stream Z to further reduce permanent buffer impacts. The applicant proposes the restoration of buffer areas currently impacted and degraded by non-conforming uses. Additionally, wetland and stream buffer enhancement is proposed throughout the majority of the site to provide improved water quality functions, structural diversity, and habitat accessibility to the existing wetlands and stream onsite.

The proposed use of on-site wetland creation, on-site wetland enhancement, on-site buffer enhancement and restoration, in combination with a mitigation bank, will result in a net gain in ecological functions and is consistent with MMC [Chapter 22E.010](#), *Critical Areas Management*.

10. **Access and Circulation.** Primary vehicular and pedestrian access to the subdivision is proposed to be provided via the extension of 40th Street NE (Road C), and from 44th Street NE south through the development. Due to the presence of the on-site Wetland B and C, and portions of off-site Wetland G and Stream Z, the extension of 40th Street NE at the intersection of 79th Avenue NE was shifted to reduce the impact to the critical areas and associated buffers.

Fifty-foot internal roadways (Roads A & B) will run through the project property from 44th Street NE connecting with 40th Street NE. There are to be four (4), 20 foot wide autocourts which would provide access to lots 1-4, 10-15, 33-36, and 26-28.

An Engineering Variance Request (E035) to omit construction of frontage improvements on 79th Avenue NE was submitted by the applicant. The variance request was approved by the Assistant City Engineer on September 11, 2023 (E036). The variance was approved based on the following justification:

The project has two separate and distinct frontages on 79th Ave. NE. The two frontages are separated by another lot under separate ownership. The lot separating the two frontage areas is not likely to be developed further, since most of that parcel is encumbered with critical areas. With that in mind, extending a sidewalk across the project's northern frontage onto 79th Ave. NE would likely create a 'dead end' sidewalk with little likelihood of ever being completed. The City has determined that a safer alternative would be to provide:

1. An east/west crosswalk across 79th Ave. on the south side of the 79th Ave. & 44th St. intersection.
2. An east/west crosswalk across 79th Ave. on the north side of the 79th Ave. & 40th St. intersection.

Providing those two crosswalk connections would route all pedestrian traffic to the east side of 79th Ave, where pedestrian facilities currently exist.

Elimination of the sidewalk as requested also reduces the amount of disturbance to the nearby wetland buffer.

A second Engineering Variance Request (E045) to omit the planter strip along proposed Road C where it crosses the existing stream. The variance request was approved by the Engineering Services Manager on December 5, 2023 (E036). The variance was approved based on the following justification:

Stream Z, categorized as Type F stream, is subject to regulations and protective measures due to its fish-bearing characteristics. The City has determined that elimination of the planter area as requested reduces the amount of disturbance to the nearby creek buffer.

11. **Utilities.** Per [MMC 14.03.250](#), utilities are to be extended along the street frontages of the proposed project. Extensions of sewer and water mains as well as a storm drain system for the roadway extension will be required. The following utilities will be provided to the site:

Storm Drainage: According to the *Preliminary Stormwater Site Plan*, prepared by LDC Inc., dated March 2023 (E016), and revised August 2023 (E034), the project will collect and detain runoff in a detention vault system and disperse it via dispersion trench.

Runoff from pollution generating surfaces will be conveyed to the detention vault and associated Perfilter water quality treatment structure located downstream of detention to fulfill water quality treatment requirements for the site before releasing at mitigated, historic rates through the dispersion trench into native vegetation. Additional Perfilters will be located near the proposed intersection of 79th Avenue NE intersection and along 44th Street NE to treat PGIS area unable to be collected due to vertical constraints.

Water: The applicant is proposing to tie into the existing 8-inch ductile iron (DI) water main within 79th Avenue NE and the existing 8-inch ductile iron (DI) water main within 44th Street NE. Water mains will be extended within the plat roads.

Sewer: The applicant is proposing to tie into the existing 8-inch dry sewer line within 79th Avenue NE and extend on site to serve the development. The applicant will also be providing a sewer connection south of the project, as conditioned in City file number PA16-043, across parcel number 01195800099700. This connection will make the existing dry line in 79th Avenue NE from just north of the 40th Street NE intersection, south to 34th Place NE 'live'. Sewer mains will be extended within the plat roads, to the northern terminus of Road A. Due to existing topography, the Assistant City Engineer waived the requirement to extend a sewer main along the projects 44th Street frontage. Rather, the applicant will install a dry 8" sewer line in 79th Avenue NE from the intersection of 44th St NE & 79th Ave. NE, south to the projects boundary.

12. **Traffic Impacts.** A Traffic Impact Analysis (TIA) was prepared by DN Traffic Consultants, Inc., dated January 15, 2023 (Exhibit 014) and updated November 28, 2023 (Exhibit 048). According to the TIA, the proposed development would generate approximately 443 Average Daily Trips (ADT), 33 AM peak hour trips (AMPHT), and 49 PM peak hour trips (PMPHT). There are two existing single-family residences that will provide two PMPHT credits, resulting in 47 new PMPHT's.

The City's Traffic Engineering Manager reviewed the TIA, and issued a written concurrency recommendation dated January 4, 2024 (Exhibit 053), informing the developer of the project's impacts and mitigation obligation pursuant to MMC Chapter [22D.030](#), *Traffic Impact Fees and Mitigation*. The conditions of concurrency recommendation are as follows:

- a. The applicant shall be required to construct frontage improvements along 44th Street NE and 79th Avenue NE, prior to final plat approval. Roadway improvements, channelization, site access and lighting plans shall be required to be reviewed and approved by the City Engineer, prior to construction plan approval.
 - i. 44th Street NE is classified as a three (3) lane arterial with bike lanes within 70' of right-of-way (ROW), and shall be improved to SP 3-201-004.
 - ii. 79th Avenue NE shall be improved to SP 3-201.033. An Engineering Variance was granted to omit the sidewalk required in SP 3-201-033 along the western side of 79th Avenue NE. The applicant shall construct sidewalks as required in SP 3-201-033 along the eastern side of 79th Avenue NE and install an east/west crosswalk across 79th Avenue NE on the south side of the 79th Ave & 44th St intersection, and another crosswalk across 79th Avenue NE on the north side of the 79th Ave & 40th St intersection.
- b. The applicant shall construct the 40th Street NE road extension from 79th Avenue NE to the projects western boundary. 40th Street NE is a three (3) lane arterial with bike lanes within 70' of right of way, and shall be improved to SP 3-201-004.

- i. An Engineering Variance was granted to omit the planter strip required by SP 3-201-004 where crossing over the existing stream in order to reduce the impact to this Type F stream. Sidewalks in the area between the intersection of 79th Avenue NE and the stream where the planter strip is eliminated shall be six feet in width. The planter strip shall be required from the edge of the stream crossing, west to the termination of the extension.
- c. The applicant shall be required to dedicate public right-of-way in order to accommodate the required frontage improvements along 44th Street NE, 79th Avenue NE, and the new internal roads, including Roads A, B, and C (40th Street NE), in accordance with MMC 12.02A.110(1)(c), *Dedication of Road right-of-way – Required setbacks*. Right-of-way widths and required dedication shall be determined by the City Engineer.
- d. The joint use autocourts and alleys (Tract 992, 995, 996, & 999) shall be constructed with scored concrete, paving blocks, bricks, or other ornamental pavers to clearly indicate that the entire surface is intended for pedestrians as well as vehicles, as outlined in the City of Marysville Design Guidelines and Engineering Design and Development Standard (EDDS) Section 3-219. A detail of the surfacing of the autocourt will be required to be provided on the civil construction plans and approved by the City Engineer.
- e. In order to mitigate impacts upon the future capacity of the road system, the applicant shall be required to submit payment to the City of Marysville, on a proportionate share cost of the future capacity improvements as set forth in MMC 22D.030.070(3), for the development. **Traffic impact fees shall be vested at a rate of \$6,300.00, per PMPHT.**

Pursuant to MMC Chapter 22D.010, traffic impact fee credits are allowed for the construction of frontage improvements on 40th Street NE. The amount of credit for these improvements shall be approved by the City Engineer.

- f. Based on the *Mitigation Measures* section of the TIA, the proposed development would generate 1 PMPHT affecting the intersection of 87th Ave NE and Soper Hill Road. The applicant shall be required to contribute on a proportionate share basis towards the construction of a compact, urban roundabout at the intersection of 87th Avenue NE and Soper Hill Road.

If the roundabout has not been fully constructed and accepted by the City of Lake Stevens, prior to building permit issuance, the applicant's proportionate share mitigation shall be vested at a rate of \$1,700 per PMPHT (\$1,700 x 1, totaling \$1,700).

- g. Based on the *Mitigation Measures* section of the TIA, there are no Snohomish County improvement projects in the vicinity of the proposed development that would be directly impacted by (3) or more PM peak hour trips generated by the proposed development; therefore, Snohomish County traffic mitigation fees shall not be required for the proposed development
- h. Based on the *Mitigation Measures* section of the TIA, there are no WSDOT improvement projects in the vicinity of the proposed development that would be directly impacted by (3) or more PM peak hour trips generated by the proposed development; therefore, WSDOT traffic mitigation fees shall not be required for the proposed development.

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

Pursuant to MMC [22D.030.070](#)(1)(d), an applicant is required to make a written proposal for mitigation of traffic impacts based on the concurrency recommendation. The applicant accepted the requirements outlined in the traffic concurrency recommendation on January 5, 2024 (Exhibit 053).

13. **Park Impacts.** Pursuant to [MMC 22D.020](#), the applicant shall mitigate City of Marysville parks impacts through payment of the park impact fee in effect at the time of building permit application.
14. **School Impacts.** Pursuant to [MMC 22D.040](#), the applicant shall mitigate school impacts to the Lake Stevens School District No. 4 through the payment of the school impact fee in effect at the time of building permit application.
15. **Application Review.** [MMC 22G.010.140](#) (3) requires the City to determine whether or not the project is consistent with the following items described in the applicable plans and regulations:

15.1. *Type of land use permitted at the site, including uses that may be allowed under certain circumstances, such as planned residential development and conditional uses, if the criteria for their approval have been satisfied.*

Staff Comment: The subject property is zoned Single-family High Density (R-6.5). PRD & BSP subdivisions with single family residences are a permitted use in the R-6.5 zone.

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

Staff Comment: The base density allowed in the R-6.5 Single Family High Density zone is 6.5 units per acre. The PRD & BSP subdivision proposes 49 units on 16.19 gross acres (7.5 net acres). The proposed development is proposing a density of 6.5 dwelling units per acre (6.5 du/acre x 7.5 net acres = 48.75; rounds up to 49 allowable units). MMC Section [22G.080.080](#) allows increased densities in a Planned Residential Development consistent with density incentives in MMC Section 22C.090. The applicant is not proposing density over what is allowed nor use of Residential Density Incentives (RDI) in order to achieve additional units.

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

Staff Comment: The Comprehensive Plan designation for the subject property is Single-family – High Density. The proposed development and subsequent use of the property will be consistent with the pertinent development policies outlined in the Marysville Comprehensive Plan as conditioned herein.

The following development policies outlined in the Comprehensive Plan that are specifically pertinent to the overall subdivision request, and were used to establish appropriate conditions, are as follows:

- **LAND USE ELEMENT – Policies:** LU-2, LU-3, LU-5, LU-7, LU-8, LU-10, LU-20, LU-22, LU-23, LU-25, LU-27, LU-28, LU-29, LU-31, LU-33, LU-38, LU-40, LU-41
- **ENVIRONMENTAL ELEMENT – Policies:** EN-1, EN-2, EN-8, EN-9, EN-10, EN-13, EN-15, EN-19, EN-29, EN-32, EN-44
- **TRANSPORTATION ELEMENT—Policies:** T-8, T-25, T-27, T-29, T-35, T-40, T-48
- **PARKS ELEMENT – Policies:** PK-9, PK-14

- **UTILITIES ELEMENT – Policies:** UT-1, UT-14
- **PUBLIC FACILITIES AND SERVICE ELEMENT – Policies:**
 - **Police, Fire, Library:** PS-1, PS-3, PS-9
 - **Water, Sewer, Storm Drainage, Solid Waste:** PF-1, PF-9, PF-18, PF-19, PF-20, PF-26,
- **SCHOOLS – SC-6**

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

15.4. *Development Standards*

Staff Comment: The project site is zoned Single-family High Density (R-6.5). The R-6.5 zone is a high density single-family residential zone. The major types of new housing development will be detached single-family residences. It allows single family residences at a density of 6.5 dwelling units per net project acre, with up to a 20% increase over that density for Planned Residential Developments using the Residential Density Incentive provisions outlined in Chapter 22C.090 MMC .

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

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

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

Open Space Standards: Pursuant to MMC [Section 22G.080.100](#), fifteen percent of the net project area must be dedicated as open space, and thirty-five percent of the required open space must be active open space. As proposed, 15 percent of the net project area, or approximately 1.13 acres (49,005 square feet), is required to be reserved for open space. The project is required to provide 0.4 acres (17,152 square feet) of active open space, but will provide approximately 0.46 acres (20,132 square feet) of active open space. The project will provide 8.47 acres (368,975 square feet) due to the presence of on-site critical areas and buffers which will be permanently protected. Improvements within the active open space areas will include a tether ball court, horseshoe pit, one play structure, a sport court, three benches, two picnic tables, and associated landscaping, pathways and fencing.

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

PRD Decision Criteria: As proposed and conditioned, the PRD meets all of the requirements set forth in [22G.080.050](#), *Procedures for review and approval*, including subsections (a) Consistency with Applicable Plans and Laws, (b) Quality Design, (c) Design Criteria (i), (iii), and (iv), (d) Public Facilities, (e) Consistency with adjacent single family

development, (f) Perimeter Design, (g) Open Space and Recreation, (h) Streets, Sidewalks, and Parking, (i) Landscaping, and (j) Maintenance Provisions.

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

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

16. **Factors Considered by City Departments** – MMC [22G.100.100\(3\)](#) requires the City to review the binding site plan to determine whether it meets the following criteria:

16.1. *Comprehensive Plan. Whether the proposed binding site plan and development of the parcel related to all elements of the comprehensive plan;*

Staff Comment: The proposed binding site plan and development of the subject property relate to all elements of the Comprehensive Plan. Compliance with the Comprehensive Plan is specifically demonstrated in Section 15.3 above.

16.2. *Zoning. Whether the proposed binding site plan meets the zoning regulations;*

Staff Comment: The proposed binding site plan meets all applicable zoning regulations outlined in Title 22, *Unified Development Code*. Compliance with specific zoning regulations is specifically demonstrated in Section 15.2 above.

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

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

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

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

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

Staff Comment: The project and binding site plan has been examined through the SEPA process and has been determined to comply with SEPA requirements. A SEPA MDNS was issued December 11, 2023; no appeals were filed.

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

Staff Comment: As proposed, the binding site plan complies with the land division requirements of MMC 22E.010.350.

2.0 - DECISION

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

1. The preliminary subdivision configuration depicted in Exhibit 035 shall be the approved plat configuration.
2. The final subdivision shall be approved and recorded within 5 years of the date of preliminary approval. A 2-year extension may be granted in accordance with MMC [22G.090.170](#).
3. Prior to final PRD approval, the applicant shall submit to the City for its approval, covenants, deed restrictions, homeowners' association bylaws, and other documents providing for preservation and maintenance of all common open space, parking areas, walkways, landscaping, signs, lights, roads, and community facilities consistent with MMC Section [22G.080.120](#). All common areas and facilities shall be continuously maintained at a minimum standard at least equal to that required by the City, and shall be approved by the City at the time of initial occupancy. Said restrictive covenants shall also include provisions to address parking enforcement and a statement from a private attorney as the adequacy of the covenants to fulfill the requirement of the PRD.
4. A final landscape plan shall be required to be approved, prior to civil construction plan approval, and designed to comply with the applicable provisions outlined in MMC [22C.120](#), *Landscaping and Screening*.
 - 4.1. All required landscaping shall be installed prior to final plat approval per MMC [22C.120.060](#).
5. Prior to final PRD subdivision approval, any existing on-site septic systems or wells, if any, shall be abandoned in accordance with Snohomish Health District requirements.
6. Pursuant to MMC Section [22G.090.580](#), *Fence requirements*, a six-foot high, sight-obscuring fence may be required along the affected perimeter of the plat (unless waived by the adjacent property owner) if it is determined during grading plan review that the existing grade will be increased by a two-foot or greater vertical grade change and the grade increase causes the newly created lots to be at a higher elevation than the abutting property.
7. Accessory dwelling units shall not be permitted for single family detached dwelling units.
8. Lots 27 and 28 shall have vehicular access from Tract 995.
9. Lot 15 shall have vehicular access from Tract 996.
10. Lots 1-4 shall have vehicular access from Tract 999.
11. Direct access from individual lots onto 44th Street NE is prohibited.
12. Construction of the subdivision and each single-family dwelling shall be required to comply with all applicable standards outlined in the East Sunnyside – Whiskey Ridge Design Standards and Guidelines.


- 12.1 Lots adjacent to roadways shall be oriented toward, including front door and entry way, the street. This provision applies to lots 1-3. Pedestrian connections shall be provided to the public sidewalk on 44th Street NE for the aforementioned lots.
13. Any lots under 5,000 square feet must demonstrate compliance with MMC [22C.010.310](#), Small Lot Single Family Dwelling Development standards.
 14. Any retaining walls exceeding four (4) feet in height, which are visible from the street or adjacent property, shall be terraced and landscaped in accordance with MMC [22D.050.030\(4\)](#), or as otherwise determined by the Director.
 15. The maximum height of solid (more than 50% opaque) free-standing walls, fences, or hedges in any front yard or other location between the street and the façade shall be 3.5 feet unless a taller fence or wall is required, per the Community Development Director, to mitigate significant noise and traffic impacts.
 16. Prior to Civil Construction Plan approval, the Boundary Line Adjustment (BLA), identified and preliminarily approved, by City file number BLA23-001, shall be recorded with Snohomish County. If the BLA is not recorded by May 10, 2024, a new application for boundary line adjustment will be required.
 17. In development configurations where side yards abut a street, fences taller than 3.5 feet shall be set back at least 5 feet from the sidewalk to allow for landscaping to soften the view of the fence.
 18. Applicant shall submit documentation of required wetland bank mitigation credits, paid to Skykomish Habitat Wetland Mitigation Bank, prior to issuing any ground disturbing permits.
 19. All necessary power lines, telephones wires, television cables, fire alarm systems and other communication wires, cables or shall be placed in underground location either by direct burial or by means of conduit or duct. All such underground installations or systems shall be approved by the appropriate utility company and shall adhere to all governing applicable regulations including, but not limited to, the applicable City and State regulations and specific requirements of the appropriate utility pursuant to MMC 22G.090.710(1).
 20. Prior to granting occupancy permits, the applicant shall provide a letter from the project engineer to verify that final project grading has been completed consistent with the approved grading plans; that all recommendations outlined in the Geotechnical Assessment and subsequent amendments have been followed; and that all fill has been properly placed.
 21. The applicant shall submit payment to the City of Marysville for park impacts caused by the development in accordance with MMC Chapter 22D.020, Parks, Recreation, Open Space and Trail Impact Fees and Mitigation. Park mitigation fees will be based on the fee schedules in effect at the time an individual building permit application is accepted by the City, and will be required to be paid prior to building permit issuance unless deferred until a time preceding final building inspections being granted. Credit shall be given to lots 1 and 2 for existing single family residences that have been demolished.
 22. The applicant shall submit payment to Lake Stevens School District No. 4 for school impacts caused by the development in accordance with MMC Chapter 22D.040, School Impact Fees and Mitigation. School mitigation fees will be based on the fee schedules in effect at the time an individual building permit application is accepted by the City, and will be required to be paid prior to building permit issuance unless deferred until a time preceding final building inspections being granted. Credit shall be given to lots 1 and 2 for existing single family residences that have been demolished.

23. Applicant shall be required to pay any applicable sewer recovery fees as identified by the City Public Works Department.
24. The proposed development is subject to the eight (8) mitigation measures outlined in the SEPA Mitigated Determination of Non-Significance issued on December 11, 2023 (Exhibit 049).
25. The proposed development is subject to the eight (8) measures outlined in the Traffic Concurrency Recommendation, issued January 4, 2024 (Exhibit 053).

Prepared by: Amy

Reviewed by: Chris

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

Signature:  _____ **Date:** January 9, 2024
 Haylie Miller, CD Director

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

3.0 - EXHIBITS

The following Exhibits can be accessed electronically via the link provided in the exhibit header below. Key exhibits are linked below.

[PA23-005 – Creekside PRD](#)

- | | |
|---|--|
| 1) Land Use Application | 18) Preliminary Site Plan |
| 2) Critical Areas Review Application | 19) Preliminary Civil Plans |
| 3) Letter of Authority – APN 0200 | 20) Incomplete Application |
| 4) Letter of Authority – APN 0300 | 21) Letter of Completeness |
| 5) Letter of Authority – APN 0400 | 22) Notice of Application |
| 6) Project Narrative | 23) Request for Review |
| 7) Title Report – APN 0200 | 24) Affidavit of Publication |
| 8) Title Report – APN 0400 | 25) Technical Review Comments |
| 9) Title Report – APN 0300 | 26) Public Comments |
| 10) Environmental Checklist | 27) Response Letter |
| 11) Critical Areas Report – 3.9.2023 | 28) Project Narrative |
| 12) Mitigation Planting Plan | 29) Environmental Checklist |
| 13) Timber Cruise Report | 30) Preliminary Site Plan |
| 14) Traffic Impact Analysis – 3.9.2023 | 31) Preliminary Civil Plans |
| 15) Geotechnical Report – 3.9.2023 | 32) Preliminary Landscape Plan |
| 16) Drainage Report | 33) Mitigation Planting Plan |
| 17) Preliminary Landscape Plan | 34) Drainage Report |

- 35) Variance Request
- 36) Variance Approval
- 37) Technical Review Comments 2
- 38) Response Letter
- 39) [Site Plan](#)
- 40) [Civil Plans](#)
- 41) Landscape Plan
- 42) Memo from Geotech re: Walls
- 43) [Buffer Mitigation Planting Plan](#)
- 44) Variance Request
- 45) Variance Request
- 46) Variance Approval
- 47) Technical Review Comments 3
- 48) [Traffic Impact Analysis](#)
- 49) [SEPA MNDS](#)
- 50) Notice of SEPA MDNS
- 51) Traffic Engineer Approval of TIA
- 52) Snohomish County Traffic Offer
- 53) [Concurrency Recommendation](#)
- 54) [Concurrency Acceptance](#)