



**CITY COUNCIL WORK SESSION
MONDAY, JULY 7, 2025 – 7:00 PM
501 DELTA AVENUE
MARYSVILLE, WA 98270**

AGENDA

To listen to the meeting without providing public comment:

Join Zoom Meeting

<https://us06web.zoom.us/j/86246307568>

Or

Dial toll-free US: 888 475 4499

Meeting ID: 862 4630 7568

Call to Order

Pledge of Allegiance

Roll Call

Approval of the Agenda

Presentations

Discussion Items

1. Josephine Caring Community Rezone
This item is for discussion only. Action is not requested until the July 14th meeting.
[Ord. Josephine Caring Community second rezone](#)
[Exhibit C - Hearing Examiner Decision Josephine Caring Community Rezone and Minor CUP Revision](#)

Approval of Minutes *(Written Comment Only Accepted from Audience)*

Consent

Review Bids

Public Hearings

New Business

Legal

Mayor's Business

Staff Business

Call on Councilmembers and Committee Reports

Adjournment/Recess

Executive Session

A. Litigation

B. Personnel

C. Real Estate

Reconvene

Adjournment

Special Accommodations: The City of Marysville strives to provide accessible meetings for people with disabilities. Please contact the City Clerk's office at (360) 363-8000 or 1-800-833-6384 (Voice Relay), 1-800-833-6388 (TDD Relay) two business days prior to the meeting date if any special accommodations are needed for this meeting.



Agenda Bill

CITY COUNCIL AGENDA ITEM REPORT

DATE:	July 7, 2025
SUBMITTED BY:	Angela Gemmer, Community Development
ITEM TYPE:	Discussion Item
AGENDA SECTION:	Discussion Items
SUBJECT:	Josephine Caring Community Rezone
SUGGESTED ACTION:	This item is for discussion only. Action is not requested until the July 14th meeting.
SUMMARY:	On September 25, 2022, Josephine Caring Community received Conditional Use Permit (CUP) Approval with a Recommendation of Approval of a concurrent Rezone to construct an 80-unit Master Planned Senior Community (MPSC) for those ages 62 and up at 16704 25th Avenue NE. A MPSC provides a continuum of housing and care options for seniors to enable them to “age in place”. The rezone was for 2.15 acres to be rezoned from General Commercial (GC) to R-12 Multi-family, Low Density (R-12). The rezone was affirmed by City Council on December 5, 2022, via Ordinance 3246. On April 8, 2025, an application was filed to revise the CUP to reduce the number of units from 80 to 63 units, expand the project boundaries north by 22 feet to accommodate additional parking, and to rezone the 0.34 acres comprising the northern expansion area from GC to R-12, which is consistent with the rest of the project site. A duly advertised public hearing before the Hearing Examiner (HE) was held on May 28, 2025, to review the minor revision to the CUP and the rezone of the 0.34 acres from GC to R-12. The HE received testimony from staff, the applicant, and the applicant’s representatives. Following the public hearing, at which no public testimony was received, the HE granted approval of the minor revision to the CUP and made a recommendation to the Marysville City Council for approval of the concurrent Rezone by Ordinance.

ATTACHMENTS:

Ord. Josephine Caring Community second rezone

Exhibit C - Hearing Examiner Decision Josephine Caring Community Rezone and Minor CUP
Revision

CITY OF MARYSVILLE
Marysville, Washington
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON, AFFIRMING THE RECOMMENDATION OF THE HEARING EXAMINER AND REZONING APPROXIMATELY 0.34 ACRES OF THE JOSEPHINE CARING COMMUNITY PROPERTY LOCATED AT 16704 25TH AVENUE NE FROM GENERAL COMMERCIAL (GC) TO R-12 MULTI-FAMILY, LOW DENISTY (R-12), AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY.

WHEREAS, Josephine Caring Community owns approximately 7.46 acres of property within the City of Marysville generally located at 16704 25th Avenue NE, said property being legally described in attached **Exhibit A**; and

WHEREAS, Josephine Caring Community submitted an application to the City of Marysville requesting a site specific NON-PROJECT Action Rezone requesting a rezone classification of the northern approximately 0.34 acres of their property described in **Exhibit A** and depicted in **Exhibit B** from General Commercial to R-12 Multi-family, Low Density so that, if approved, the entire property would be zoned R-12 Multi-family, Low Density; and

WHEREAS, following notice as required by law, the City of Marysville Hearing Examiner held a hearing on the proposed rezone on May 28, 2025, and adopted Findings, Conclusions, and Recommendations recommending approval of the rezone request along with a Minor Revision to the Conditional Use Permit Approval for the Master Planned Senior Community subject to three conditions, which Findings, Conclusions, and Recommendations is attached hereto as **Exhibit C**; and

WHEREAS, on July 14, 2025 at a public meeting the Marysville City Council reviewed and concurred with the Hearing Examiner's Findings, Conclusions, and Recommendation related to Josephine Caring Community Rezone;

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

Section 1. City Council Approval of Hearing Examiner Decision. The Findings, Conclusions, and Recommendations of the Hearing Examiner with respect to the above-referenced rezone are approved, and the property described in **Exhibit A** and depicted in **Exhibit B** is rezoned from General Commercial (GC) to R-12 Multi-family, Low Density (R-12).

Section 2. Zoning Classification Conditioned Upon Compliance with Hearing Examiner Decision. The zoning classification for the property described in **Exhibit A** and depicted in **Exhibit B** shall be perpetually conditioned upon strict compliance with the conditions set forth in the Findings, Conclusions and Recommendations of the Hearing Examiner, attached hereto as **Exhibit C**. Violation 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 3. Amendment of Official Zoning Map. The City Council amends the City's Official Zoning Map, Ordinance No. 3331, as previously amended, and the City's Unified Development Code MMC Title 22, by adopting the Josephine Caring Community Rezone which

rezones the property described in **Exhibit A** and depicted in **Exhibit B** from General Commercial (GC) to R-12 Multi-family, Low Density (R-12). This amendment shall be attested by the signature of the Mayor and City Clerk, with the seal of the municipality affixed, shall be include with the Official Zoning Map on file in the office of the City Clerk, and shall be available for public inspection.

Section 4. Severability. If any section, subsection, sentence, clause, phrase or word 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.

Section 5. Corrections. Upon approval by the city attorney, the city clerk or the code reviser are authorized to make necessary corrections to this ordinance, including scrivener's errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections

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

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 2025.

CITY OF MARYSVILLE

By: _____
JON NEHRING, MAYOR

Attest:

By: _____
DEPUTY CITY CLERK

Approved as to form:

By: _____
JON WALKER, CITY ATTORNEY

Date of Publication: _____

Effective Date: _____
(5 days after publication)

EXHIBIT A

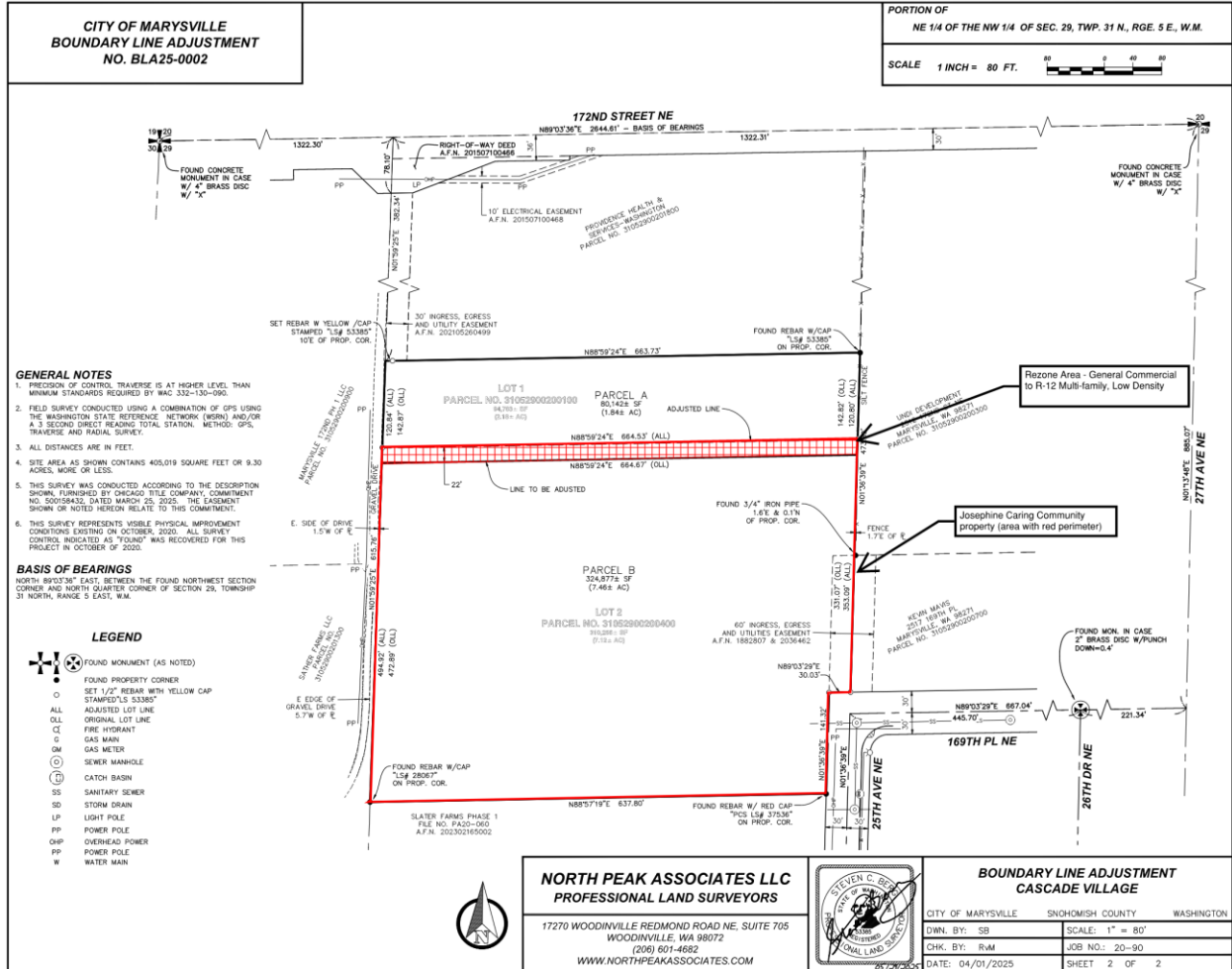
The north half of the southwest quarter of the northeast quarter of the northwest quarter of Section 29, Township 31 North, Range 5 East, W.M.;

Together with the south 140.00 feet of the northwest quarter of the northeast quarter of the northwest quarter of Section 29, Township 31 North, Range 5 East, W.M.;

Except that portion dedicated to the Plat of Lakewood Meadow according to the plat thereof recorded under Snohomish County Auditor's File No. 200110175002, records of Snohomish County, Washington;

Situate in the City of Marysville, County of Snohomish, State of Washington.

EXHIBIT B



CITY OF MARYSVILLE
Hearing Examiner
Findings, Conclusions and Decision

APPLICANT: Josephine Caring Community Master Planned Senior Community

CASE NO.: PA 21-054

LOCATION: 16704 25th Avenue NE, Marysville, WA

APPLICATION: Minor Revision to the approved Conditional Use Permit (CUP) for a Master Planned Senior Community (MPSC) to reduce the number of dwelling units for the project from 80 to 63 units and to expand the project boundaries by approximately 0.34 acres, and to receive the Hearing Examiner's Recommendation of Approval of the concurrent Rezone of those 0.34 acres from General Commercial (GC) to Multi-family, Low Density (R-12) to City Council for affirmation and adoption by Ordinance. The MPSC originally received CUP Approval and a concurrent Recommendation of Approval from the Hearing Examiner on the initial Rezone request on September 25, 2022. The rezone was subsequently adopted by Ordinance 3246.

SUMMARY OF RECOMMENDATION:

Staff Recommendation: Approve the Minor Revision to the Conditional Use Permit for the Master Planned Senior Community and receive the Hearing Examiner's Recommendation of Approval of the concurrent Rezone of 0.34 acres of the site from General Commercial to R-12 Multifamily, Low Density to City Council for affirmation and adoption by Ordinance.

Hearing Examiner Decision: Approve the Minor Revision to the Conditional Use Permit for the Master Planned Senior Community and recommend approval of the concurrent Rezone of 0.34 acres of the site from General Commercial to R-12 Multifamily, Low Density to City Council for affirmation and adoption by Ordinance.

PUBLIC HEARING

After reviewing the exhibits in the official file, which included the Marysville Community Development Department Staff Recommendation dated May 22, 2025; the Hearing Examiner conducted a public hearing on the request from the Josephine Caring Community for a Conditional Use permit and a concurrent rezone for a portion of the subject site. The hearing was opened at 6:00 p.m., May 28, 2025, and closed at 6:12 p.m.. The public hearing took place in hybrid format, both in-person and by Zoom teleconference. The Hearing Examiner, City staff, and the applicant attended. These persons are listed below together with a summary of their

testimony, and are documented in the minutes of the hearing. A link to the exhibits offered and entered into the record at the hearing is linked here. [PA21-054 Exhibit List](#).

HEARING COMMENTS AND TESTIMONY

The Hearing Examiner noted for the record that the issues under consideration are the request to approve a minor revision to the Conditional Use Permit for the Master Planned Senior Community to reduce the number of dwelling units for the project from 80 to 63 units and to expand the project boundaries by approximately 0.34 acres, and to receive a recommendation of approval of the concurrent rezone of those 0.34 acres of the site from General Commercial to R-12 Multifamily, Low Density which would go to the City Council for affirmation and adoption by Ordinance. It was noted that the request revises the Hearing Examiner decision and recommendation from September 25, 2022 ([Exhibit 61](#)) which was a request for a Conditional Use Permit and a concurrent Rezone to construct an 80-unit Master Planned Senior Community on a 7.12-acre site.



MMC 22G.010.170 (3) (a-e) provides the 5 factors the Hearing Examiner must consider and find to be consistent, in order to approve the proposal. These are addressed in the Staff Recommendations ([Exhibit 59 dated September 7, 2022](#) and [Exhibit 74 dated May 22, 2025](#)) and are adopted by reference in the Hearing Examiner findings.

Testimony was provided by city of Marysville Community Development Department staff and a representative of the applicant. A summary of the testimony is as follows:

City of Marysville, Community Development Department

Angela Gemmer, Principal Planner reviewed the proposal for a Conditional Use permit and a Rezone and provided a brief description of the site and the changes requested for the proposed Master Planned Senior Community. Ms. Gemmer noted that all of the Marysville Municipal Code requirements are met, for both the Conditional Use Permit and for the Rezone. Regarding a comment from the Fire Department, the location of the entry gates is specified and documented as Condition #1 in the Staff Recommendation dated May 22, 2025 ([Exhibit 74](#)).

Applicant: Josephine Caring Community

Tyler Foster, Land Technologies, Inc. expressed that the applicant concurs with the staff recommendation and the conditions for approval.

WRITTEN COMMENTS

None entered into the record at the hearing.

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 Marysville Community Development Department Staff Recommendations ([Exhibit 59 and Exhibit 74](#)) is found by the Hearing Examiner to be supported by the evidence presented during the hearing and is by this reference adopted as portion of the Hearing Examiner's findings and conclusions.
2. The Hearing Examiner's prior approval of the Conditional Use Permit and recommendation for approval of the rezone from September 25, 2022 ([Exhibit 61](#)) remain valid and by this reference are incorporated into these findings.
3. The City Council adopted the rezone by [Ordinance 3246](#).
4. 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 record.
5. The applicant has provided evidence and has demonstrated that the request meets all of the criteria for a Conditional Use Permit in accordance with MMC Section 22G.010.430.
6. The applicant has provided evidence and has demonstrated that the Rezone request meets all the criteria for a Comprehensive Plan Rezone in accordance with MMC Section 22G.010.440(1)(a-d).
7. The applicant has provided evidence and has demonstrated that the proposed Rezone request meets all the criteria for a Rezone at the Edge of a Land Use District in accordance with MMC Section 22G.010.440(2)(a-c).
6. MMC 22G.010.170(3)(a-e) requires that the Hearing Examiner not approve a proposed development without first making the following findings and conclusions, which were documented in the Hearing Examiner's September 25, 2022 decision ([Exhibit 61](#)) and by this reference are incorporated herein as applicable to the current request.

B. CONCLUSIONS

The Hearing Examiner concludes that the applicant has demonstrated that the request is consistent with the provisions for a Conditional Use Permit and Rezone. Responses to each of the Conditional Use Permit criteria in MMC 22E.050.060(2)(a)(i-v) and the Rezone criteria in MMC Section 22G.010.440(1)(a-d) and MMC Section 22G.010.440(2)(a-c) are deemed to be satisfactory with respect to their intent. The proposal also complies with the MMC 22G.010.170(3)(a-e) which is necessary for the Hearing Examiner to approve a proposed development.

C. DECISION

Based upon the foregoing findings of fact and conclusions, the Hearing Examiner approves the request for a minor revision to the Conditional Use Permit for a Master Planned Senior Community (MPSC) to reduce the dwelling units for the project from 80 units to 63 units and to expand the project boundaries by approximately 0.34 acres with the following 3 conditions, and recommends the City Council approve the Rezone request of those 0.34 acres from General Commercial (GC) to Multi-family, Low Density (R-12):

1. Prior to Land Disturbing Activity (LDA) permit approval, the applicant shall submit plans for the proposed gate locations that demonstrate adequate queueing storage for a minimum of one (1) vehicle to not obstruct roadway travel, including sidewalks, and
2. The project is subject to the fifteen (15) conditions of approval outlined in the Hearing Conditional Use Permit Approval issued on September 25, 2022 ([Exhibit 061](#)); provided that, Condition 6 is amended to reference BLA25-0002 instead of BLA 22-004, which expired.
3. The project is subject to the eight (8) mitigation measures outlined in the SEPA Mitigated Determination of Non-Significance issued on August 5, 2022 ([Exhibit 053](#)).

Dated this 2nd day of June, 2025.



Kevin D. McDonald, AICP
Hearing Examiner

EXHIBITS

The following exhibits were offered and entered into the record: [PA21-054 Exhibit List](#).

PARTICIPANTS at the PUBLIC HEARING

Angela Gemmer Marysville Community Development Department 80 Columbia Avenue Marysville, WA 98270	Tyler Foster, Land Technologies, Inc. 18820 3rd Ave NE Arlington, WA 98223
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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.010.560.

- (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.
- (3) The cost of transcribing and preparing all records ordered certified by the court or desired by the appellant for such appeal shall be borne by the appellant. The record of the proceedings shall be prepared by the City or such qualified person as it selects. The appellant shall post with the city clerk prior to the preparation of any records an advance fee deposit in the amount specified by the city clerk. Any overage will be promptly returned to the appellant.