

**Community
Development**



**501 Delta Ave
Marysville, WA 98270**

**Hearing Examiner
July 24, 2024**

Call to Order

The meeting was called to order at 6:00 p.m. by Hearing Examiner McDonald.

Public Hearings

1. File Number: PA23-030

Land Use Action: The applicant is proposing a 23-lot PRD subdivision and a wetland variance for the placement of a stormwater dispersion trench within the Category III wetland buffer.

Applicant: Robinett Investment Company/Land Resolutions

Project Manager: Emily Morgan, Senior Planner, emorgan@marysvillewa.gov

Hearing Examiner McDonald introduced the topic for the public hearing noting that staff is recommending approval of the request with 19 conditions of approval. He stated he has read the staff report and viewed the site in person. He entered 37 exhibits into the record including Exhibit 36 which is the Staff Report and Recommendation dated July 2, 2024. He reviewed hearing procedures and expectations that everyone would be truthful.

Staff Presentation: Senior Planner Emily Morgan made the staff presentation. The proposed project is a 23-lot Planned Residential Development (PRD) subdivision. The applicant is proposing to achieve that density through the application of Residential Density Incentives. The project has been reviewed for compliance with PRD development standards. Ms. Morgan discussed the wetland variance and mitigation measures that would result in no net loss.

She entered four additional exhibits into the record:

- Exhibit 38 - Letter from the Applicant, Martin Robinett dated 7/23/24
- Exhibit 39 - Snohomish County Property Assessor's Records

- Exhibit 40 - Email from the Fire Marshall Tom Maloney regarding Fire Sprinklers dated 7/24/24
- Exhibit 41 - Staff's Memo to Hearing Examiner dated 7/24/24

Ms. Morgan addressed some items brought up by the applicant in his letter (Exhibit 38):

- Condition of Approval #5 related to fire sprinklers - Since the homes will be oriented and addressed off 83rd Avenue, the Fire Marshall has stated that the requirement for sprinklers may be eliminated. Staff recommends that Condition of Approval #5 be removed from the conditions.
- Condition of Approval #18 regarding impact fees. The applicant had stated they were seeking to receive credit for Lot 2 as well as Lot 1. After review of this, staff is recommending that Condition of Approval 18 should remain as drafted in the Staff Recommendation.
- Condition of Approval 18 - Credit for frontage improvements to 83rd Avenue NE - The applicant is requesting to be given credit for the cost of dedication, design and construction of frontage improvements on 83rd Avenue NE. TIF credits would not be eligible as fees are not collected for any improvements along 83rd Avenue NE from Soper Hill Road to SR 528. Staff notes that Condition of Approval 15 might be the intended condition the applicant was seeking to modify and recommends that Condition of Approval 18 (nor Condition of Approval 15) should not be modified and should remain as proposed in the Staff Recommendation. Hearing Examiner McDonald asked for clarification about this item. Planning Manager Holland provided more background.

Applicant Testimony:

Ry McDuffy, Land Resolutions, 3605 Colby Avenue, Everett, WA 98201, representing Robinett Investment Company, stated they have read through the file with the addition of the documents just added by Ms. Morgan. They have no further conditions to add and agree mostly with what Ms. Morgan said although there is some disagreement with Condition of Approval 18. Their engineer said it was part of the Comprehensive Plan, but Mr. McDuffy said he was informed today that it was not.

Hearing Examiner McDonald had no further questions.

Public Testimony: None

Final Staff Comments: Ms. Morgan clarified that staff is recommending approval of the Staff Recommendation as conditioned with the removal of Condition of Approval 5. Hearing Examiner McDonald requested that staff add an Exhibit 42 which would be the revised Staff Recommendation showing Condition of Approval 5 as stricken.

Adjournment:

The public hearing was closed at 6:12 p.m. Hearing Examiner McDonald stated he would be providing a decision shortly.

The meeting was adjourned at 6:13 p.m.

Emily Morgan for

Laurie Hugdahl, Recording Secretary

E001 - Land Use Application - PA23-030.pdf

E002 - Project Narrative - PA23-030.pdf

E003 - Title Report-Legal Description - PA23-030.pdf

E004 - Correspondence - PA23-030.pdf

E005 - Critical Areas Report - PA23-030.pdf

E006 - Traffic Impact Analysis - PA23-030.pdf

E007 - Geotechnical Report - PA23-030.pdf

E008 - Drainage Report - PA23-030.pdf

E009 - Landscape Plan - PA23-030.pdf

E010 - Plat Map - PA23-030.pdf

E011 - Preliminary Civil Plans - PA23-030.pdf

E012 - Letter of Completeness - PA23-030.pdf

E013 - Request for Review - PA23-030.pdf

E014 - Notice of Application - PA23-030.pdf

E015 - Affidavit of Publication - PA23-030.pdf

E016 - Technical Review Comments - PA23-030.pdf

E017 - Resubmittal Letter - PA23-030.pdf

E018 - Preliminary Site Plan - PA23-030.pdf

E019 - Preliminary Civil Plans - PA23-030.pdf

E020 - Landscape Plan - PA23-030.pdf

E021 - Critical Areas Report - PA23-030.pdf

E022 - Drainage Report - PA23-030.pdf

E023 - Traffic Impact Analysis - PA23-030.pdf

E024 - Technical Review Comments 2 - PA23-030.pdf

E025 - Preliminary Site Plan - PA23-030.pdf

E026 - Concurrency Recommendation - PA23-030.pdf

E027 - Concurrency Acceptance - PA23-030.pdf

E028 - Notice of Public Hearing - PA23-030.pdf

E029 - Correspondence - PA23-030.pdf

E030 - Affidavit of Publication - PA23-030.pdf

E031 - Affidavit of Publication - PA23-030.pdf

E032 - Plat Map - PA23-030.pdf

E033 - Correspondence - PA23-030.pdf

E034 - Notice of Public Hearing - PA23-030.pdf

E035 - Affidavit of Publication - PA23-030.pdf

E036 - Staff Recommendation - PA23-030.pdf

E037 - Affidavit of Publication - PA23-030.pdf