



**HEARING EXAMINER REGULAR MEETING  
WEDNESDAY, APRIL 8, 2026 — 6:00 PM  
501 DELTA AVENUE  
MARYSVILLE, WA 98270**

**AGENDA**

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The Hearing Examiner meeting is a hybrid meeting which you are welcome to attend in person or via Teams. Anyone wishing to provide verbal public comment is encouraged to pre-register by contacting the Project Manager listed in the item by 4PM the day prior to the meeting. Those providing verbal public comment will need to provide their name, address, e-mail and phone number.

[Join the meeting now / https://teams.microsoft.com](https://teams.microsoft.com)

Meeting ID: 246 473 593 814 7

Passcode: 43Ww66xT

**Call to Order**

**Public Hearing**

Creekside Crossing - PA25-0028

**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

AGENDA ITEM NO. 1.

### CITY COUNCIL AGENDA ITEM REPORT

**DATE:** April 8, 2026

**SUBMITTED BY:** Emily Morgan, Senior Planner

**PRESENTED BY:**

**ITEM TYPE:** Presentation

**AGENDA SECTION:** Public Hearing

**SUBJECT:**

Creekside Crossing - PA25-0028

**SUGGESTED ACTION:**

### SUMMARY

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**ATTACHMENTS:**  
Staff Recommendation - PA25-0028



# STAFF RECOMMENDATION

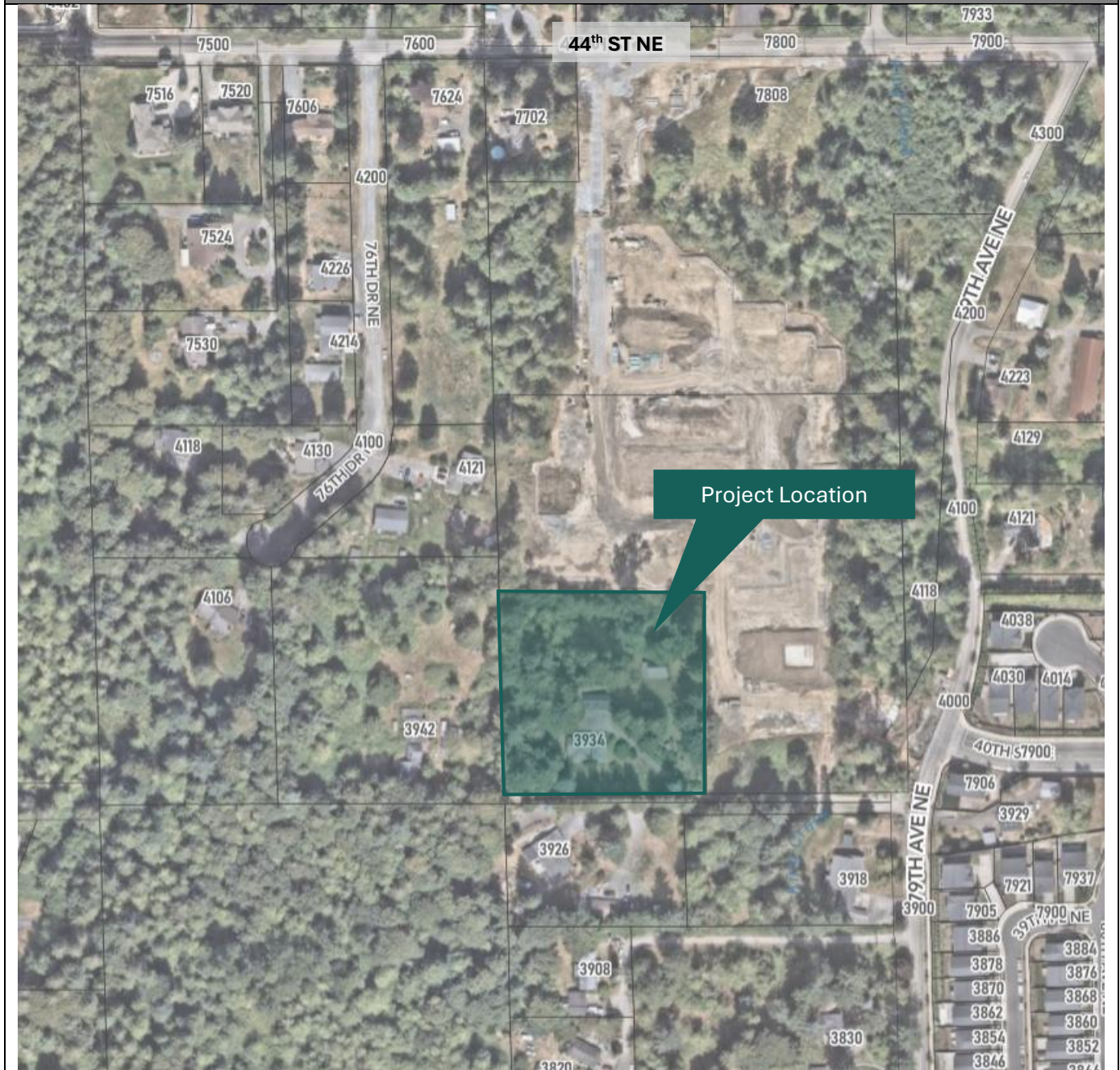
Community Development Department ♦ 501 Delta Avenue ♦ Marysville, WA 98270  
 Office Hours: Mon - Fri 8:00 AM - 4:30 PM ♦ Phone: (360) 363-8000

PROJECT INFORMATION									
<b>Project Title</b>	Creekside Crossing		<b>Date of Report</b>	April 1, 2026					
<b>File Number</b>	PA25-0028		<b>Attachments</b>	Public Hearing Exhibits (1 - 29)					
<b>Administrative Recommendation</b>	Approve the Preliminary Subdivision for the creation of (11) single family lots.								
BACKGROUND SUMMARY									
<b>Applicant</b>	Solid Ground Engineering		<b>Developer</b>	Keystone Land					
<b>Request</b>	The applicant is proposing an 11-lot residential subdivision, with the existing residence to be retained on proposed Lot 8.								
<b>Site Address</b>	3934 79 <sup>th</sup> Avenue NE		<b>APN(s)</b>	29050200100200					
<b>Site Size</b>	2.45 acres		<b>S/T/R</b>	02/29N/5E					
<b>Comprehensive Plan</b>	Neighborhood Residential 6.5		<b>Zoning</b>	NR-6.5					
<b>Water Supply</b>	<b>Current</b>	<b>Proposed</b>	<b>Sewer Supply</b>	<b>Current</b>	<b>Proposed</b>				
	Marysville	Marysville		Private (septic)	Marysville				
REVIEWING AGENCIES									
<b>Marysville Departments/Divisions</b>		<b>Local Agencies &amp; Other</b>		<b>County, State &amp; Federal</b>					
<input checked="" type="checkbox"/> Building <input checked="" type="checkbox"/> Fire District <input type="checkbox"/> Police <input type="checkbox"/> Parks <input checked="" type="checkbox"/> PW-Engineering (DS Tech) <input checked="" type="checkbox"/> PW-Engineering (Civil Review) <input checked="" type="checkbox"/> PW-Traffic <input checked="" type="checkbox"/> PW-Operations <input type="checkbox"/> PW-Sanitation <input type="checkbox"/> PW-Streets <input checked="" type="checkbox"/> PW-Storm Water <input checked="" type="checkbox"/> PW-Water Quality		<input type="checkbox"/> Neighboring City, if applicable <input checked="" type="checkbox"/> Marysville SD <input type="checkbox"/> Arlington Airport <input type="checkbox"/> Community Transit <input type="checkbox"/> Olympic Pipeline <input type="checkbox"/> Marysville Historical Society <input type="checkbox"/> Comcast <input type="checkbox"/> Ziplly <input type="checkbox"/> PSE <input checked="" type="checkbox"/> PUD No. 1 <input checked="" type="checkbox"/> Stillaguamish Tribe <input checked="" type="checkbox"/> Tulalip Tribe		<input checked="" type="checkbox"/> USACE <input type="checkbox"/> BNSF <input checked="" type="checkbox"/> DAHP <input checked="" type="checkbox"/> DOE <input checked="" type="checkbox"/> WDFW <input type="checkbox"/> WSDOT <input type="checkbox"/> WUTC <input type="checkbox"/> DSHS <input type="checkbox"/> SnoCo Health District <input type="checkbox"/> SnoCo PDS <input checked="" type="checkbox"/> SnoCo Land Development <input type="checkbox"/> SnoCo Public Works					
ACTION									
<b>Date of Hearing</b>	April 8, 2026	<input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Continued	<input checked="" type="checkbox"/> Quasi-Judicial						
STAFF									
<b>Name</b>	Emily Morgan	<b>Title</b>	Senior Planner	<b>Phone</b>	360.363.8216	<b>E-mail</b>	<a href="mailto:emorgan@marysvillewa.gov">emorgan@marysvillewa.gov</a>		

**SURROUNDING USES**

	<b>Comprehensive Plan</b>	<b>Zoning</b>	<b>Land Use</b>
<b>North</b>	Neighborhood Residential 6.5	NR-6.5	Single family residential; Village at Creekside
<b>East</b>	Neighborhood Residential 6.5	NR-6.5	Single family residential; Village at Creekside
<b>South</b>	Neighborhood Residential 6.5	NR-6.5	Single family residential on large lots
<b>West</b>	Neighborhood Residential 6.5	NR-6.5	Single family residential on large lots

**VICINITY MAP**



## FINDINGS AND CONCLUSIONS

1. **Description of Proposal.** An application was submitted by Solid Ground Engineering on behalf of Keystone Land, proposing an 11-lot residential subdivision. Site improvements include construction of internal roads, extension of utilities, and street frontage.
  - 1.1. The existing residence is to be retained on proposed Lot 8.
  - 1.2. The project site includes two (2) Category III wetlands that are proposed to be filled with development; compensatory mitigation via purchase of mitigation bank credits is proposed.
2. **Type of Review.** Major subdivisions (creation of more than 9 lots) require a quasi-judicial decision action; therefore, a public hearing is required per [MMC 22G.090](#).
3. **Project Location.** The project site is located south of 44<sup>th</sup> Street NE and west of 79<sup>th</sup> Avenue NE at 3934 79<sup>th</sup> Avenue NE (formerly 7715 40<sup>th</sup> Street NE) and further identified by Assessor’s Parcel Number 29050200100200.
4. **Site Description.** The project site is approximately 2.45 gross acres in size and currently developed with an existing residence with accessory structures. The residence is to be retained, while the accessory structures are to be demolished with development. Vegetation within the project site primarily consists of landscaped grass areas, grass fields, and minorly forested sections. The site slopes slightly from north to the south/southeast.
5. **Project History and Letter of Completeness.** The formal project application was submitted on November 3, 2025, and was deemed complete on November 5, 2025 with the Letter of Completeness (**Exhibit 015**) provided to the applicant in accordance with [MMC 22G.010.050](#).
6. **Notice of Application.** Public notice of the development application was provided in accordance with [MMC 22G.010.090](#).
7. **Notice of Public Hearing.** The public hearing for the proposed request was advertised in accordance with [MMC 22G.010.110](#), *Notice of public hearing*. A Notice of Public Hearing was published for an open record public hearing on March 25, 2026.
8. **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 (see full comments in **Exhibit 018**); if above-referenced reviewing agencies are not listed below, no comments were received:

	Nature of Comment
<b>Public Works, Traffic</b>	<ul style="list-style-type: none"> <li>• <i>Requirements and recommendations are addressed in the approved Traffic Concurrency Recommendation, dated January 16, 2026.</i></li> </ul>
<b>Public Works, Development Services</b>	<ul style="list-style-type: none"> <li>• <i>Provided information regarding the required improvements which are to be further reviewed with Civil Plan Review.</i></li> <li>• <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></li> </ul>

	<ul style="list-style-type: none"> <li>• <i>Capital facility fees must be paid prior to issuance of the building permit.</i></li> </ul>
<b>Public Works, Operations</b>	<i>Install a hydrant assembly at the end of Road A after Lot 6 service.</i>
<b>Public Works, Utilities &amp; Maintenance</b>	<i>Provided requirements and standards for cross connections.</i>
<b>Public Works, Water Quality</b>	<i>All wastewater plumbing will be subject to MMC 14.20, Pretreatment Requirements.</i>
<b>Public Works, Surface Water</b>	<ul style="list-style-type: none"> <li>• <i>For residential projects triggering minimum requirements #6 Runoff Treatment and #7 Flow Control, the stormwater facility lot will be dedicated to the HOA. This policy may be modified depending on facility design. The City will receive an easement to inspect the facility and, if needed, repair and maintain the facility in an emergency.</i></li> <li>• <i>The City has adopted the 2019 Stormwater Management Manual for Western Washington.</i></li> <li>• <i>A stormwater covenant and easement will be required for the proposed stormwater facilities.</i></li> </ul>
<b>Marysville Fire District</b>	<ul style="list-style-type: none"> <li>• <i>No sprinklers are required so long as homes are 30 ft. and under. However, sprinklers are strongly recommended by MFD for the enhanced life safety of residents in these new homes.</i></li> <li>• <i>Fire hydrants shall be provided along the new and existing roadways at approved locations, at all intersections, and with a maximum spacing of 600 ft. apart. The location of fire hydrants requires fire marshal approval on civil construction plans.</i></li> <li>• <i>“NO PARKING - FIRE LANE” signs are required on both sides of all roads that are 26 ft. wide or less. If applicable, the signage shall be identified on the approved Civil Plans.</i></li> </ul>
<b>Snohomish County Public Works</b>	<i>No traffic mitigation is required to the County based on the generated trips.</i>
<b>WA State Dept. of Ecology</b>	<i>Provided guidance for jurisdictional determination for the wetlands on site and required approvals for the proposed filling of the wetlands.</i>
<b>Building Department</b>	<i>Provided requirements for the building permit submittal.</i>

9. **State Environmental Policy Act Review.** Pursuant to [MMC 22E.030.090](#), the proposed subdivision is subject to SEPA Review due to the presence and proposed impacts to wetlands (lands covered in water).

A Mitigated Determination of Non-Significance (MDNS) was issued on March 19, 2026 (**Exhibit 028**).

10. **Critical Areas.** A Critical Area Report and Mitigation Plan (**Exhibit 005**), prepared by Wetland Resources, dated October 28, 2025, was provided during review of this application. The report

concludes that the project site contains two (2) Category III wetlands (Wetland B and E) in the center of the site.

The Category III wetlands are proposed to be filled with development to accommodate a site access road. Further, a portion of Wetland E (located northeast of the site) was partially filled with the development north of the project site. Compensatory mitigation is proposed via purchase of mitigation bank credits through the Skykomish Habitat Mitigation Bank, ensuring that no net loss of ecological functions occurs within the associated watershed.

As conditioned, the proposed development is not anticipated to cause adverse impacts to the critical area and will be adequately mitigated for, meeting the requirements of mitigation for impacts to Class IV wetlands, in accordance with MMC 22E.010, *Article II Wetlands*.

11. **Access and Circulation.** Access is proposed through the extension of new internal roads off of 44<sup>th</sup> Street NE and the extended portion of 40<sup>th</sup> Street NE off of 79<sup>th</sup> Avenue NE by way of the adjacent development, Village at Creekside (PA23-005), which is currently under construction.
12. **Traffic Impacts.** With the application, a Traffic Impact Analysis (TIA) prepared by Kimley-Horn & Associates, Inc., dated October 29, 2025 (**Exhibit 009**), was provided. The City's Traffic Engineering Manager reviewed the TIA and issued a written concurrency recommendation dated January 16, 2026 (**Exhibit 024**), informing the developer of the project's impacts and mitigation obligation pursuant to MMC 22D.030, Traffic Impact Fees and Mitigation.

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 19, 2026 (**Exhibit 025**).

Said recommendation determines that the proposed development, as conditioned, would meet concurrency as required per MMC 22D.030.

13. **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:** With application, a Preliminary Drainage Report, dated October 2025, prepared by Solid Ground Engineering (**Exhibit 007**), was provided. Stormwater will be mitigated and treated to comply with water quality via a detention wet vault, which would discharge to a level spreader in the southwest corner of the site. Access to the stormwater facility will be through a proposed off-site access and utility easement to the west.
  - **Water:** The applicant is proposing water extension via an 8-inch ductile iron water main extending onto the site along the northern side of proposed Road A.
  - **Sewer:** The applicant is proposing to extend the 8-inch PVC sewer main within the road in the adjacent Village at Creekside development through the new internal plat roads.

All utility proposals will be further reviewed during the civil construction plan review. Compliance with all applicable codes and standards must be demonstrated prior to civil construction plan approval.

14. **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.

15. **School Impacts.** Pursuant to [MMC 22D.040](#), the applicant shall mitigate Marysville School District No. 25 impacts through the payment of the school impact fee in effect at the time of building permit application.

16. **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:

16.1. *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 proposed subdivision is for the creation of single family residential lots. Per [MMC 22C.010.060](#), single family detached units are permitted outright in the Neighborhood Residential 6.5 (NR-6.5) zone; therefore, the proposed development would comply with this provision.

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

**Staff Comment:** The base density allowed in the NR-6.5 zone is 6.5 dwelling units per acre with the maximum density as 7.8 dwelling units/lots per acre. The maximum density in the NR-6.5 zone is limited to developments proposing Planned Residential Developments per [MMC 22G.080](#) and requires compliance with the Residential Density Incentives (RDI) provisions outlined in [MMC 22C.090](#). The gross site area is approximately 2.45 acres.

Based on the definition of “Net Project Area” in MMC 22A.020.150, as an alternative to an itemized deduction, the developer may elect to take a flat 20% deduction from the gross project area for right-of-way, private roads, access easements, and panhandles. Per the site plan of record (**Exhibit 026**), the applicant is opting to utilize the flat 20% deduction; therefore, the proposed site has a net project area of 1.96 acres.

- **Base Density** (6.5 DU/Acres) – 1.96 net acres x 6.5 = 12.7 or **13 units/lots**

The applicant is proposing 11 total lots, which complies with the allowable base density for the NR-6.5 zone.

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

**Staff Comment:** The Comprehensive Plan designation for the subject property is Neighborhood Residential 6.5. The proposed development and subsequent use of the property would 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 5.4, LU 7.1, LU 7.2, LU 7.3, LU 7.5, LU 7.8
- **HOUSING ELEMENT – Policies:** HS 1.1, HS 1.2, HS 1.5, HS 2.1, HS 2.2, HS 2.3, HS 3.3, HS 3.4
- **ENVIRONMENTAL ELEMENT – Policies:** EN 0.1, EN 0.4, EN 0.7, EN 0.8, EN 0.9, EN 0.11, EN 0.13, EN 0.15, EN 0.17, EN 0.25, EN 0.26
- **TRANSPORTATION ELEMENT – Goals:** T 1.1, T 1.2, T 1.3, T 6.2, T 6.7

- **UTILITIES ELEMENT – Policies:** UT 1.1, UT 1.2, UT 1.3

**PUBLIC & HUMAN SERVICES ELEMENT – Policies:** PS 1.2, PS 1.3, PS 1.5, PS 2.2, PS 2.7

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

16.4. *Development Standards*

**Staff Comment:** Per Finding 16.1 and 16.2, the project site and proposed residential lots meet the density and dimensional requirements of [MMC 22C.010](#), *Residential Zones*.

Per MMC 22G.090.670, double frontage lots shall be avoided whenever possible and lots shall not access off of arterials. Although 40<sup>th</sup> Street NE is not to be built at this time, it is warranted to consider the future road extension. As such, a 10 ft. landscape buffer (preferably dedicated as a tract) along that portion of 40th Street NE right-of-way area, abutting Lots 8-11, is required to provide softened frontage. Said buffer must be densely vegetated, meeting the L1 screen standards of MMC 22C.120.110, and be maintained by the HOA.

The proposed subdivision and subsequent use of the property would comply with the intent of the NR-6.5 zone, and as conditioned herein, complies with all of the applicable design and development standards outlined in Title 22, *Unified Development Code*.

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

17. **Hearing Examiner – Required Findings.** [MMC 22G.010.170\(3\)](#) requires that the Hearing Examiner not approve a proposed development without first making the following findings and conclusions:

17.1. *The development is consistent with the comprehensive plan and meets the requirements and intent of the Marysville Municipal Code.*

**Staff Comment:** The Comprehensive Plan designation for the subject property is Neighborhood Residential 6.5. The proposed subdivision and subsequent use of the property would be consistent with the pertinent development policies outlined in the Marysville Comprehensive Plan and the intent of the Marysville Municipal Code, as conditioned herein.

17.2. *The development makes adequate provisions for open space, environmentally sensitive areas, drainage, streets and other public ways, transit stops, water supply, sanitary wastes, public utilities and infrastructure, parks and recreation facilities, playgrounds, sites for schools and school grounds.*

**Staff Comment:** Based on a review of the preliminary plat map and application materials, as applicable, the development makes adequate provisions for open space, environmentally sensitive areas, drainage, streets and other public ways, transit stops, water supply, sanitary wastes, public utilities and infrastructure, parks and recreation facilities, playgrounds, sites for schools and school grounds.

17.3. *The development is beneficial to the public health, safety and welfare and is in the public interest.*

**Staff Comment:** Per Finding 16, the proposed subdivision would be beneficial to the public health, safety and welfare and would be in the public interest as the subdivision has been designed in accordance with applicable Marysville Municipal Code requirements.

- 17.4. *The development does not lower the level of service of transportation and/or neighborhood park facilities below the minimum standards established within the comprehensive plan. If the development results in a level of service lower than those set forth in the comprehensive plan, the development may be approved if improvements or strategies to raise the level of service above the minimum standard are made concurrent with the development. For the purpose of this section, “concurrent with the development” is defined as the required improvements or strategies in place at the time of occupancy, or a financial commitment is in place to complete the improvements or strategies within six years of approval of the development.*

**Staff Comment:** Per Finding 12, as conditioned, the proposed subdivision would not lower the level of service of transportation and/or neighborhood park facilities below the minimum standards established within the comprehensive plan.

- 17.5. *The area, location and features of land proposed for dedication are a direct result of the development proposal, are reasonably needed to mitigate the effects of the development and are proportional to the impacts created by the development.*

**Staff Comment:** As conditioned, the area, location and features of land proposed for dedication are a direct result of the development proposal, are reasonably needed to mitigate the effects of the development and are proportional to the impacts created by the subdivision.

18. **Preliminary Subdivision Review, Public Hearing – Elements Considered.** [MMC 22G.090.130](#) requires the hearing examiner provide a basis for approval or disapproval of a proposed subdivision, as follows:

- 18.1. **Public Use and Interest.** *Evaluation of the proposed subdivision to determine whether the public use and interest are served by permitting the proposed subdivision.*

**Staff Comment:** After evaluating the application materials and other supporting documentation available to the City, staff concludes, as conditioned, the public use and interest are served by the proposed subdivision.

- 18.2. **Public Health, Safety and General Welfare.** *Evaluation of the proposed subdivision to determine whether the public health, safety and general welfare have been served.*

**Staff Comment:** After evaluation of the application materials and other supporting documentation available to the City, staff concludes that, as conditioned, the public health, safety and general welfare have been served and that the subdivision is consistent with the requirements of RCW 58.17.110.

- 18.3. **Comprehensive Plan.** *Evaluation of all elements of the comprehensive plan and its consistency with the proposed subdivision.*

**Staff Comment:** The proposed subdivision and development of the parcel relate to all elements of the Comprehensive Plan. Compliance with the various elements of the Comprehensive Plan is specifically demonstrated in Finding 16.3.

- 18.4. **Existing Zoning.** *Evaluation of existing zoning and its compliance with the proposed subdivision and MMC 22G.090, Article V, Land Division Requirements.*

**Staff Comment:** The existing zoning and its compliance with the proposed subdivision and Article V of this chapter, Land Division Requirements has been evaluated. Compliance with specific zoning regulations is demonstrated in Finding 16.1 and 16.2.

- 18.5. **Natural Environment.** *Evaluation of the impacts and provision for mitigation of all impacts on all elements of the natural environment including topography, vegetation, soils, geology and all environmental issues as defined in the State Environmental Policy Act, Chapter 197-11 WAC, and MMC 22G.090, Article V, Land Division Requirements.*

**Staff Comment:** As required by the issued MDNS, the applicant must mitigate for impacts as a result of this development. Further, staff reviewed impacts on all elements of the natural environment including topography, vegetation, soils, geology, and all environmental issues, and determined compliance with [MMC 22G.090](#), Article V, Land Division Requirements, as conditioned herein.

**Drainage.** *Evaluation of all drainage impacts and provisions made for mitigation of all drainage impacts as defined in the city's drainage codes, and MMC 22G.090, Article V, Land Division Requirements.*

**Staff Comment:** All drainage impacts have been evaluated, and adequate provisions have been made to mitigate for all drainage impacts as defined in the City's drainage codes, and MMC 22G.090, Article V, Land Division Requirements.

- 18.6. **Open Space.** *Evaluation of all impacts and provision for open space as defined in MMC 22G.090, Article V, Land Division Requirements.*

**Staff Comment:** As a condition of final subdivision, the applicant must submit copies of restrictions and covenants for the maintenance of common open space areas pursuant to [MMC 22G.090.240](#) and [MMC 22G.080.120](#).

Further, no division or redivision of land shall be approved unless appropriate provisions are made for, but not limited to, the public health, safety and general welfare, relating to open space, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, school facilities and other standards as may be required by this title.

- 18.7. **Public Systems Capacity.** *Evaluation of all impacts and provisions made for mitigation of impacts on public systems including parks, schools, and community facilities as defined in MMC 22G.090, Article V, Land Division Requirements.*

**Staff Comment:** The applicant is required to pay mitigation fees for each new dwelling unit in accordance with [MMC 22D.020](#) and [MMC 22D.040](#) in order to mitigate potential impacts on parks, schools, and community facilities.

- 18.8. **Public Services.** *Evaluation of all impacts and provisions made for mitigation of impacts on public services including streets, all public utilities, and fire and police protection as defined in MMC 22G.090, Article V, Land Division Requirements.*

**Staff Comment:** The proposed subdivision would construct streets providing appropriate access and circulation to all proposed new lots. Public utilities are to be extended to serve all new units in accordance with City standards. Appropriate improvements for fire safety in accordance with the city's fire code would be provided.

Capital improvement fees are required to be collected for water, sewer, and stormwater.

- 18.9. **Floodplain.** *Identification of subdivisions proposed in the floodplain and compliance with requirements of this chapter and [MMC 22E.020](#), Floodplain Management.*

**Staff Comment:** The project is not located within an identified floodplain; therefore, this provision would not apply.

## RECOMMENDATION

Based on the foregoing findings and conclusions, review of the application materials and other supporting documentation available to the Community Development Department, and the City's regulatory authority to implement the policies, standards, and regulations of the Marysville Comprehensive Plan and Marysville Municipal Code, the Community Development Department respectfully recommends that the Hearing Examiner **APPROVE** the proposed Preliminary Subdivision, subject to the following conditions:

1. The preliminary configuration shown in the preliminary site plan (**Exhibit 026**) shall be the approved plat configuration. The final subdivision shall be processed in strict compliance with the provisions of Article III Final Subdivision Review and Article V Land Division Requirements of [MMC 22G.090](#).
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 subdivision 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 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 to the adequacy of the covenants to fulfill the requirement of the subdivision.
4. Construction of the residential development shall comply with all applicable standards outlined in [MMC 22.070](#), *East Sunnyside-Whiskey Ridge Design Requirements*, and [MMC22C.010.310](#), *Single-family dwelling and middle housing development standards*.
5. 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 3½ feet unless a taller wall is required, per the Community Development Director, to mitigate significant noise and traffic impacts.
6. In development configurations where side yards abut a street, fences taller than 3½ ft. shall be setback at least 5 ft. from the sidewalk to allow for landscaping to soften the view of the fence. Provisions for long-term maintenance of this landscaping shall be addressed on the FINAL plat map.
7. Where street trees are located on private property, trees shall not be removed unless reviewed and approved by the Community Development Department.

8. Prior to final subdivision approval, the proposed off-site access and utility easement for the stormwater facility shall be recorded with Snohomish County Auditor.
9. Prior to issuing any ground disturbing activity permits, the applicant is required to obtain all necessary permits and approvals from Federal, State and local agencies for the proposed critical areas impacts.
10. 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](#) and [MMC 22G.090.570](#)
  - 10.1. A 10 ft. landscape buffer (preferably dedicated as a tract) along that portion of 40<sup>th</sup> Street NE right of way, abutting Lots 8-11, shall be required. Said buffer must be densely vegetated, meeting the L1 screen standards of MMC 22C.120.110 and maintained by the HOA.
  - 10.2. All required landscaping shall be bonded prior to final subdivision approval per [MMC 22C.120.060](#).
11. The applicant shall submit payment to the City of Marysville for park impacts caused by the development in accordance with [MMC 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.
12. The applicant shall submit payment to the Marysville School District for school impacts caused by the development in accordance with [MMC 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.
13. The project is subject to the (7) mitigation measures of the State Environmental Policy Act (SEPA) Mitigated Determination of Significance (MDNS) (**Exhibit 028**) issued on March 19, 2026.
14. All necessary power lines, telephone 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\(1\)](#).

Prepared by: *Emily Morgan*

Reviewed by: *Angela Gemmer*

## EXHIBITS

The following Exhibits can be accessed electronically via the link provided in the exhibit header below:

### [PA25-0028 – Creekside Crossing](#)

- 01) Land Use Application
- 02) Project Narrative
- 03) Title Report
- 04) SEPA Checklist
- 05) Critical Area Report
- 06) Geotechnical Report
- 07) Drainage Report
- 08) Landscape Plan
- 09) Traffic Impact Analysis
- 010) Preliminary Civil Plans
- 011) Memo on Building Elevations
- 012) Fire Flow Analysis
- 013) Preliminary Site Plan
- 014) Incomplete Determination
- 015) Letter of Completeness
- 016) Notice of Application
- 017) Request for Review
- 018) Technical Review Comments
- 019) Response Letter to TR Comments
- 020) Landscape Plan, Revision 1
- 021) Preliminary Civil Plans, Revision 1
- 022) Technical Review Comments 2
- 023) Concurrency Recommendation
- 024) Concurrency Recommendation, Revised
- 025) Concurrency Acceptance
- 026) Site Plan of Record
- 027) USACE Jurisdictional Determination Letter
- 028) SEPA MDNS
- 029) Notice of Public Hearing
- 030) Affidavit of Publication - NOPH