

## Staff Report to The Hearing Examiner

### REPORT SUMMARY

PROJECT NAME	Harbor's Edge
PROJECT FILE NUMBERS	REVI22-001
APPLICANT	Sage Homes Northwest, LLC
REQUEST	The City of Everett received an application to: <ul style="list-style-type: none"> <li>Develop an existing vacant lot of approximately 1.45 acres into 25-unit lot townhomes utilizing the unit lot development process.</li> </ul>
DECISION BODY	Hearing Examiner
STAFF CONTACT	Niels Tygesen
REPORT DATE	April 27, 2022
ATTACHMENTS	Exhibits 2-37
HEARING DATE	April 28, 2022

### PROJECT SITE SUMMARY, (EXHIBIT 2)

LOCATION	3618 W. Mukilteo Boulevard
PARCELS	004336-000-048-02, 004336-000-047-00, 004336-000-046-00, 004336-000-045-00
EXISTING LAND USE	Undeveloped land, single family detached dwelling, and commercial
EXISTING ADJACENT LAND USES	One-unit dwelling units to the west, south, and east.
LAND USE DESIGNATION	Commercial Mixed-Use
ADJACENT LAND USE DESIGNATIONS	Single Family to the west, south, and east.
ZONING	NB Neighborhood Business
ADJACENT ZONING	R-S Suburban Residential to the west, south, and east.
AIRPORT DESIGNATION	Airport Influence Area, FAA Approach and Transitional Area
CRITICAL AREAS:	Medium to severe landslide hazards and 1 category 4 wetland

### PROJECT OVERVIEW

PRIOR ACTIVITY:	The site comprises four parcels. Two parcels have been developed for a commercial use building and its associated parking lot which have been vacant approximately 5 years and have a permitted demolition permit. One
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	parcel was previously developed with a one-unit dwelling which has since been demolished and has been vacant for approximately 14 years. And one parcel was previously developed with a one-unit dwelling and has a permitted demolition permit.
PROPOSED ACTIVITY:	The project proposes to develop an approximately 1.45 acre site into 25 unit lot townhomes. Six building structures with townhomes (single-family attached) are proposed, comprising 1 tri-plex, 3 four-plexes, and 2 five-plexes. There will be one access point off W. Mukilteo Blvd. An existing wetland on-site will be mitigated with credits to the Skykomish Habitat Mitigation Bank. (Exhibit 3).

**PUBLIC NOTICE AND COMMENT**

PUBLIC/AGENCY NOTICE:	<p><u>Notice of Application, Optional DNS, and Public Hearing:</u>  The City issued the Notice of Application, Optional DNS, and Public Hearing on April 11, 2022, (Exhibit 4). Three notice boards were posted on the project site on April 12, 2022, (Exhibit 5). The notice was published in the Herald on April 13, 2022, (Exhibit 6).</p>
COMMENT LETTERS:	<p><u>Agency Comments:</u></p> <ol style="list-style-type: none"> <li>1. City of Everett Permit Services emailed comments on March 22, 2022, (Exhibit 7).</li> <li>2. City of Everett Fire Department emailed comments on March 25, 2022, (Exhibit 8).</li> <li>3. Mukilteo School District emailed comments on April 12, 2022, (Exhibit 9).</li> <li>4. City of Everett Planning Division comments, April 18, 2022, (Exhibit 10).</li> <li>5. Snohomish County PUD comments emailed comments on April 19, 2022, (Exhibit 11).</li> <li>6. Washington State Department of Ecology emailed comments on April 25, 2022, (Exhibit 19).</li> </ol> <p><u>Public Comments:</u></p> <ol style="list-style-type: none"> <li>1. Catherine Wilhelm, Everett resident, emailed comments on February 9, 2022, (Exhibit 12).</li> <li>2. Britana Uppinghouse, Everett resident, emailed comments on April 25, 2022, (Exhibit 20).</li> <li>3. Breahna Zahler, Everett resident, emailed two comments on April 24, 2022, (Exhibits 21 -22).</li> <li>4. Ed Steenman, Everett resident, emailed three comments on April 25, 2022, (Exhibits 23 – 25).</li> <li>5. Jen Collette emailed comments on April 25, 2022, (Exhibit 26).</li> </ol>



	<ol style="list-style-type: none"> <li>6. Josiah Hartom emailed comments on April 25, 2022, (Exhibit 27).</li> <li>7. Kyung Kung emailed comments on April 25, 2022, (Exhibit 28).</li> <li>8. Mark Barnhart, Everett resident, emailed comments on April 25, 2022, (Exhibit 29).</li> <li>9. Mike Miller emailed comments on April 25, 2022, (Exhibit 30).</li> <li>10. Noel Garrett, Everett resident, emailed comments on April 25, 2022, (Exhibit 31).</li> <li>11. Pinchclaw emailed comments on April 25, 2022, (Exhibit 32).</li> <li>12. Svetlana Filippov, Everett resident, emailed comments on April 25, 2022, (Exhibit 33).</li> <li>13. Valerie Krueger emailed comments on April 25, 2022, (Exhibit 34).</li> </ol>
<p>KEY ISSUES SUMMARY:</p>	<p>Comments from the public may be summarized into 19 categories:</p> <ol style="list-style-type: none"> <li>1. Concern townhome development will not blend into the surrounding neighborhood;</li> <li>2. Concern development will affect property values.</li> <li>3. Concern over increased density.</li> <li>4. Concern over increased traffic and speeding.</li> <li>5. Concern over pedestrian safety.</li> <li>6. Concern over increased demands for parking.</li> <li>7. Concern over building heights and views.</li> <li>8. Concern over wetland mitigation off-site.</li> <li>9. Concern over lack of open green space.</li> <li>10. Concern over construction activity/security/safety.</li> <li>11. Concern the proposal does not meet the definition of neighborhood business.</li> <li>12. Concern approval for the proposal will set precedence for similarly zoned properties across the street.</li> <li>13. Concern over drainage and downstream capacity for stormwater.</li> <li>14. Concern over nonconforming setbacks of structures on adjacent properties and property lines.</li> <li>15. Concern over new development under the flight path for Paine Field.</li> <li>16. Concern over impact to school district.</li> <li>17. Request an EIS for the proposal.</li> <li>18. Concern dwelling units in the development will not be owner occupied.</li> </ol>
<p>STAFF RESPONSES SUMMARY:</p>	<p>Summary responses to some of the comment categories are listed below. Further analyses are listed in the 'Project Review' and 'Decision Criteria &amp; Analysis' sections of this report.</p> <ol style="list-style-type: none"> <li>1. The proposal will be required to comply with existing development regulations pertaining to use, building height, and setbacks in order for the development to blend in with the surrounding neighborhood.</li> </ol>



	<p>There are no design guidelines or standards however for the subject property or the greater neighborhood.</p> <ol style="list-style-type: none"> <li>2. The proposal would increase the number of dwelling units that were associated with the subject site historically, but will be under the number of dwelling units that could be permitted by code.</li> <li>3. The development will be required to provide the number of off-street parking as applicable.</li> <li>4. Building heights will be required to comply with the 3-floor height limit. Code regulation do not provide for view corridors or view protections for adjacent property owners outside of maximum building height regulations.</li> <li>5. The regulations for critical areas were vetted by Ecology who have jurisdiction over wetlands. The code provides for wetland mitigation off-site.</li> <li>6. Outside of building setbacks for the parent lot, code regulations would allow the subject site to be entirely developed by buildings. The proposal would provide more open green spaces compared to what could be permitted by code.</li> <li>7. Though the intent of the neighborhood business zone (NB) does not note residential use, the permitted uses listed in EMC 19.05 do list residential use as a permitted use in the NB zone. Further, the use tables do not require non-residential use be provided for on the subject site.</li> <li>8. Access to nonconforming structures on adjacent properties are a civil matter between property owners.</li> <li>9. The proposal will be required to pay impact fees to Mukilteo School District as applicable.</li> <li>10. The city as lead agency determined that and EIS wasn't required as there are no significant adverse environmental impacts which could not be mitigated.</li> <li>11. EMC 19 does not require dwelling units to be owner occupied.</li> </ol>
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**PROJECT REVIEW & CODE ANALYSIS**

<p><a href="#">EMC 15:</a> LOCAL PROJECT REVIEW PROCEDURES</p>	<p>Applicable sections of Everett Municipal Code (EMC) 15 are reviewed below, (Exhibit 13 contains all EMC code citations referenced in this report).</p> <p><a href="#">EMC 15.02.060.B.4</a> requires applications to be reviewed as a Review Process 1, Minor Administrative Review, unless otherwise indicated in Title 15. As Title 15 is silent on the process for reviewing alterations of wetlands, it is interpreted these are Review Process 1.</p>
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	<p><a href="#">EMC 15.02.070.B.9.a</a> requires applications for unit lot developments to be reviewed as a Review Process 2, Planning director review.</p> <p><a href="#">EMC 15.01.050</a> requires the city to determine whether a submitted application is complete within 28 days after receiving an application. The subject application was submitted to the City on January 13, 2022, (Exhibit 14) and was determined to be complete on February 10, 2022, (Exhibit 15).</p> <p><a href="#">EMC 15.02.070.B.12</a> states that if the planning director determines that the land use decision should be heard by the hearing examiner due to potential project impacts or public concerns, the planning director may require the permit application to be reviewed using Review Process III (hearing examiner).</p> <p><a href="#">EMC 15.02.080.C</a> and <a href="#">EMC 15.02.110</a> require the subject property to be posted with the notice of application, SEPA, and public hearing, mailing notice to property owners within 500 feet, and publishing notice in the newspaper at least 15 days prior to a public hearing.</p> <p><a href="#">EMC 15.02.200.E</a> grants authority to the Hearing Examiner to grant or deny an application, or require conditions, modifications, and/or restrictions.</p>
<p><a href="#">EMC 19:</a> UNIFIED DEVELOPMENT CODE</p>	<p>Applicable sections of EMC 19 are reviewed below.</p> <p><u>Ch. 3 Zoning Districts and Maps</u></p> <ul style="list-style-type: none"> <li>• Per <a href="#">EMC 19.03.030.C.1</a>, The purpose of the neighborhood business zone is to: <ul style="list-style-type: none"> <li>○ Provide for the limited scale retail, personal service and convenience consumer needs of the immediately adjacent residential neighborhoods, rather than the larger community;</li> <li>○ Establish building and development standards which assure that uses, buildings and structures are appropriately sited, scaled and designed so as to be compatible with surrounding residential neighborhoods; and</li> <li>○ Ensure that businesses can be accessed by nonmotorized means of transportation.</li> </ul> </li> </ul> <p><u>Ch. 5 Use Tables</u></p> <ul style="list-style-type: none"> <li>• <a href="#">EMC 19.05.080</a> Table 5-1 lists 3 to 4-unit dwellings and multiple-family dwellings as permitted uses in the NB zone.</li> </ul> <p><u>Ch. 6 Development Standards Table</u></p> <ul style="list-style-type: none"> <li>• Per <a href="#">EMC 19.06.010</a> Table 6-1, the minimum lot area for the NB zone is 5,000 square feet, minimum lot width is 50 feet, minimum lot depth is 80 feet, minimum lot frontage is 40 feet, and there is no maximum lot coverage by building. The parent lot site is approximately 240 feet wide by approximately 245 feet deep with approximately 340 feet of lot frontage and an overall area of approximately 1.45 acres. The subject parent lot is determined to be a legal lot per the standards in Table 6-1.</li> </ul>



- Per [EMC 19.06.020](#) Table 6-2, there is no minimum front setback for the NB zone; however, there is a minimum 10-foot rear setback and a minimum 5-foot side interior setback.
- [EMC 19.06.060.C.4](#) states, through the unit lot land division process, the director may modify the Everett Unified Development Code requirements for individual lots for width, depth, area, frontage, setbacks and minimum building site; provided, that Everett Unified Development Code density standards are met for the total (parent lot) site.
- Per [EMC 19.06.100](#) Table 6-6, there is no minimum density requirement for the NB zone and the maximum density is 1 unit per 500 square feet of lot area. The subject site could support up to 126 dwelling units per code, the proposal meets the density standards for the total (parent lot) site.

#### Ch. 9 Multifamily Development Standards

- [EMC 19.09.030.A](#) requires a 5-foot wide exterior pedestrian circulation system for the proposed development. The submitted plan set does not delineate this circulation system, a modification may be required which could be permitted under [EMC 19.09.100.A.3](#) using a Review Process 1.
- [EMC 19.09.050.B.2](#) Table 9-1 requires 2,500 square feet of outdoor and common area for the proposal. The submitted plan set indicates units will have some private open space, however the dimensions and area do not appear to meet code. A modification may be required which could be permitted under [EMC 19.09.100.A.4](#) using a Review Process 1, or fee-in-lieu may be permitted under [EMC 19.09.050.B.10](#).

#### Ch. 12 Building Form and Design Standards

At time of building permit submittal, the proposal will be required to be in compliance with the building form standards of [Section 030](#) as applicable and the façade design standards of [Section 040](#) as applicable.

#### Ch. 17 Airport/Port/Navy Compatibility Overlay

The subject site is located within both the FAA Approach and Transitional Area and the Airport Influence Area. Notice of the proposal was sent to the airport manager of Paine Field in compliance with [EMC 19.17.080](#). At time of construction permit submittal, the applicant will be required to comply with the Airport Compatibility Area and Airport Influence Area provisions as applicable.

#### Ch. 22 Building and Structure Heights

- Per [EMC 19.22.150](#) Map 22-1, the maximum permitted building height for the subject site is 3 floors.

- Per [EMC 19.22.060.1](#), building height is measured from the average sidewalk elevation at the front lot line or, where no sidewalk exists, the average of the record profile grade elevation of the street abutting the principal frontage of the building, as determined by the public works department.
- Per Planning Director Interpretation 2021-1, building heights on development sites zoned NB where new streets (public or private) are proposed are calculated from the average elevation of the centerline of the public or private street proposed to abut the principal frontage of the building or from the average elevation of the centerline of the public or private street perpendicular to the midpoint of the building's principal façade, (Exhibit 35).
- Per [EMC 19.22.030](#) Table 22-4, building height within 35 feet of the east and south lot lines of the subject parent lot is restricted to 28 feet.

Ch. 25 Land Division General Evaluation Criteria

Per [EMC 9.25.040](#), an application that complies with all of the following general evaluation criteria listed below, the requirements of Chapters 19.24 through 19.27 EMC and this title, and applicable city standards shall be approved. In any such approval, the city shall make written findings that the application has made appropriate provisions in accordance with the requirements of this section. An application that does not comply with these criteria shall be denied by the city.

**A. Public Use and Interest.** The proposed project and design shall promote the public use and interest in accordance with the standards established by the state, city, and Chapters 19.24 through 19.27 EMC and this title.

**Findings:** The proposed development will increase the supply of housing by 24 dwelling units within the City of Everett and will help meet the city's and the state's housing goals. The proposed development should promote the public use and interest.

**B. Public Health, Safety, and General Welfare.** The proposed project and design shall promote the public health, safety and general welfare in accordance with the standards established by the state, city, and Chapters 19.24 through 19.27 EMC and this title.

**Findings:** The proposal will be required to meet all applicable current development codes and standards. The criteria analysis for the public health, safety, and general welfare are addressed in this decision. The proposed development should promote the public health, safety, and general welfare.

**C. Comprehensive Plan.** The proposed project and design shall conform to the general purposes of the comprehensive plan.

**Findings:** The subject lot is designated with a 'Commercial Mixed-Use' Land Use Designation. The commercial mixed-use designation is applied to areas that have historically been used for retail, entertainment, office/service use, and business serving food and beverage. In some areas, the commercial mixed-use

designation will include multifamily residential and community oriented public uses. New development and redevelopment is encouraged to include housing and other supportive services and uses.

**Housing Policies**

**4.1.2:** Promote housing alternatives to the large lot single family detached dwelling and large footprint apartment complexes.

**4.1.7:** Encourage housing in mixed use residential/commercial/light industrial settings in appropriate zones that complements and enhances the character of the surrounding area.

**4.5.4:** Encourage infill development on underutilized sites that have adequate urban services and ensure that the infill housing enhances and is compatible with the nearby neighborhood and community.

**4.7.1:** Encourage multiple family development and redevelopment in downtown, in mixed-use residential-commercial centers, along mixed-use arterial corridors, and near major employment areas.

The proposal is supported by the land use designation by providing new 3 and 4-unit dwellings and new multifamily housing units. The proposal is an alternative to single family detached dwellings and from large footprint apartment complexes. And it will create additional density on an underutilized lot in a commercially zoned area near a transit corridor. The proposed number of dwellings per acre is 17 units per acre (25 units divided by 1.45 acres). Although the proposal is below what could be achieved by maximizing the current development standards, it will bring the subject site closer to compliance with the housing goals of the Comprehensive Plan. The proposal should conform to the general purposes of the comprehensive plan.

**D. Unified Development Code.** The proposed project and design shall meet the requirements of this title, including but not limited to the following:

1. Chapter 19.06 EMC, Lots, Setbacks and Residential Densities;
2. Chapter 19.26 EMC, Land Division Development Standards *or* Chapter 19.27 EMC, Unit Lot Land Divisions;
3. Chapter 19.30 EMC, Flood Damage Prevention (N/A);
4. Chapter 19.33 EMC, Streets, Sidewalks and Pedestrian Circulation;
5. Chapter 19.34 EMC, Parking, Loading and Access Requirements; and
6. Chapter 19.35 EMC, Landscaping.

**Findings:** See the discussion of the applicable requirements of EMC 19 in this report. The proposal will be required to comply with all applicable development standards.

- E. Natural Environment.** The proposed project and design shall meet the requirements of environmentally sensitive area regulations of this title and Chapter 19.43 EMC, Environmental Policy, and the State Environmental Policy Act, Chapter 197-11 WAC, if applicable.
- Findings:** See the discussion of the Critical Areas Chapter and the Environmental Policy Chapter in this report. The proposal will mitigate impacts to an existing on-site wetland in compliance with the Critical Areas Chapter.
- F. Drainage.** The proposed project and design shall meet the requirements of the city's drainage regulations in the stormwater management program (SWMP) and design and construction standards and specifications.
- Findings:** A preliminary drainage report was submitted with the application and has been tentatively reviewed by the Public Works Department. The proposal will be required to meet the city's drainage regulations in the SWMP and design and construction standards and specifications.
- G. Open Space and On-Site Recreation.** The proposed project and design shall meet the requirements for open space and on-site recreation as defined in Chapter 19.09 EMC and EMC 19.12.210. These requirements are based on the type of use proposed and zoning designation of the property.
- Findings:** See the discussion of the outdoor and common area requirements in this report. EMC 19.12.210 is not applicable as it pertains only to properties zoned LI2 and HI. The proposal will be required to meet these requirements.
- H. Public Facilities.** The proposed project shall be consistent with all regulations and requirements in EMC Titles 14 and 16, the design and construction standards and specifications, and other adopted plans and policies, including the following:
1. Adequate water supply to city standards.  
**Findings:** There is an existing water main on W. Mukilteo Boulevard. Water supply can be provided to all lots and must be permitted and installed prior to final approval.
  2. Adequate sewage disposal to city standards.  
**Findings:** There is an existing sewer main on W. Mukilteo Boulevard. Sewage disposal can be provided to all lots and must be permitted and installed prior to final approval.
  3. Appropriate surface water management to city standards.  
**Findings:** See finding for drainage above.
  4. Adequate fire protection and hydrants to city standards.  
**Findings:** Additional fire hydrants will be required for this project.
  5. Appropriate vehicular and nonmotorized access designed to meet city standards for anticipated uses within the project.  
**Findings:** All lots will only have vehicular access via a private access easement drive that meets city standards. Each lot will have their own individual parking.

The existing parking that served the businesses at 3710 W Mukilteo Boulevard will be removed.

6. Provisions for all appropriate deeds, dedications, and all other easements.

**Findings:** Provisions for all appropriate deeds, dedications, and any easements necessary will be required prior to final approval. All easements must be delineated on the final plat map.

7. Provisions made for access to and maintenance of all common facilities.

**Findings:** Common facilities within the proposed unit-lot subdivision include: open space recreation area, access drive aisles, stormwater facilities, guest parking, and landscaping. Access to all common facilities will be available to those within the development. Common facilities must be maintained by a homeowner's association.

8. Transportation systems for both motorized and nonmotorized travel modes, including: streets, alleys, sidewalks, transit stops, bike lanes, and safe pedestrian routes to schools and schoolgrounds. This includes connections to existing and planned facilities.

**Findings:** W. Mukilteo Boulevard is a paved street without a sidewalk and curb. The pedestrian walkway within the development will be required to connect to any required frontage improvements per the City Engineer. There is a transit stops at the property's frontage and one across the street. This project will be subject to Transportation Mitigation in accordance with [Ordinance 3782-20](#) (codified as [EMC 19.51](#)) and subsequent revision.

**I. Existing Public Services.** The proposed project shall be designed to not adversely impact the following public services:

1. Police.

**Findings:** Adverse impacts to police services is not anticipated.

2. Fire.

**Findings:** Adverse impacts to fire services is not anticipated.

3. Parks.

**Findings:** See discussion of Park Impact Fees in this report. Parks impact fees are assessed at the time of building permit applications.

4. Schools.

**Findings:** See discussion of School District Impact Fees in this report. The subject property is within the Mukilteo School District. School impact fees are assessed at the time of building permit applications.

**J. Floodplain.** The proposed project and design shall meet the requirements of this title and flood damage prevention requirements in Chapter 19.30 EMC.

**Findings:** The subject site is not located in a floodplain or flood hazard area.

**K. Landscaping Standards.** The proposed project and design shall meet the landscaping standards as established in Chapter 19.35 EMC.

**Findings:** See discussion of Landscaping in this report. The proposal will be required to meet these requirements as applicable.

#### Ch. 26 Land Division Development Standards

- [EMC 19.26.050](#) Table 26-1 requires a private drive Standard C access road per the city's design and construction standards and specifications.
- Frontage improvements will be required in accordance to city standards, as administered by the city engineer per [EMC 19.26.060](#).
- Clearing and grading will require plan approval by the city engineer per [EMC 19.26.080](#).
- Easements shall be provided as required by the city engineer per [EMC 19.26.090](#).
- All new utilities will be required to be provided for in compliance with the appropriate utility company and in compliance with [EMC 19.26.110](#).
- An incorporated homeowners association will be required per [EMC 19.26.120](#).

#### Ch. 27 Unit Lot Land Divisions

- [EMC 19.27.010.D](#) states in the event of a conflict with the provisions of EMC 19.27 with those in EMC 19.24 through EMC 19.26, EMC 19.27 shall control.
- [EMC 19.27.030](#) states development on individual unit lots within the unit lot subdivision need not conform to the minimum lot area or dimensional standards of EMC 19.06; provided, that overall development of the parent site meets the development and design standards of the underlying zoning and the requirements of this section.
- Individual unit-lot areas have been proposed to contain each individual dwelling unit and private garage parking. The overall development will meet the development and design standards of the NB zone.

#### Ch. 33 Streets, Sidewalks, and Pedestrian Circulation

- The regulations in this chapter are intended to supplement the standards in [EMC Title 13, Streets and Sidewalks](#), and the [city's design and construction standards and specifications \(DCSS\)](#). Per [EMC 13.68.020](#) Map 13.68-1, the subject site is located within the Sidewalk Priority Area, however frontage improvements may be modified by the City Engineer under [EMC 13.68.070](#). Per [EMC 19.33.020](#) Table 33-1, the minimum width for the sidewalk along the street frontage (W. Mukilteo Boulevard) is 6 feet, however public sidewalk standards may be modified by the City Engineer under [EMC 19.33.050.D](#).

#### Ch. 34 Parking, Loading, and Access Requirements

- Per [EMC 19.34.025](#) Table 34-2, the minimum off-street parking required per multiple-family dwelling units outside Metro Everett is 2 paved stalls for 3 or more bedroom units, except that unit lots comprised of 2 to 4-unit attached dwellings which take access from an easement access drive that do not front a

public street are required to provide three spaces per unit. The unit lot land division requires 65 spaces (2 per unit abutting W Mukilteo and 3 per unit in back- Lots 11-25 ). The proposal will have 2 spaces per unit within a garage with driveway space in front of each unit. A parking modification must be granted prior to the unit lot land division receiving final approval if required.

- There are no requirements to provide off-street parking spaces for guests, however, the proposal includes 4 off-street guest parking spaces.

#### Ch. 35 Landscaping

- Per [EMC 19.35.060](#) Tables 35-1 and 35-2, the subject site will be required to be in compliance with Landscape Category B standards. Category B landscaping requires a 10-foot wide Type III landscape strip along the street frontage (W. Mukilteo Boulevard), a five-foot wide Type III landscape strip (or the distance between the buildings and the lot lines) along the west parent lot lines, and a 10 foot wide Type I landscape strip along the east and south parent lot lines. Per EMC 19.35.100 Table 35-1, 5 feet of Type III landscaping will be required for the frontage of the private access drive. Type III requires a minimum of one tree every 30 feet along the required landscaped strip. Type I landscaping requires a minimum of one spreading evergreen tree every 20 feet along the required landscape strip including shrubs and ground cover along with a solid wood fence or masonry wall six feet in height along the lot line.

#### Ch. 37 Critical Areas

- There is one category 4 wetland on-site, approximately 1,345 square feet, with habitat score of 3 (Exhibit 16). [EMC 19.37.050.B.3.a](#) excepts category 4 wetlands less than 4,000 square feet in area from compliance with the wetland preservation and protection goals in the chapter, provided they are not associated with riparian areas or their buffers; are not associated with shorelines of the state or their associated buffers; are not part of a wetland mosaic; have a habitat score of four or less; do not contain priority habitat mitigation or a priority area for a priority species identified by the Washington Department of Fish and Wildlife, do not contain federally listed species or their critical habitat; and that mitigation will be provided under [EMC 19.37.120](#). Mitigation credits for the proposal can be obtained from Skykomish Habitat Mitigation Bank.
- The United States Army Corps of Engineers determined the wetland was not a water of the US, (Exhibit 36).
- The City's GIS mapping system indicates the site is subject to medium to very high/severe landslide hazards, however, a site assessment by Earth Solutions NW LLC indicated there were no landslide hazards on-site, (Exhibit 18). Alterations of geologically hazardous slopes are permitted under EMC

	<p><a href="#">19.37.080.C</a> with an approved geotechnical report. A geotechnical evaluation was done for the subject site on March 31, 2003 by Nelson Geotechnical Associates, Inc. (Exhibit 17), and the assessment noted above by Earth Solutions done on December 6, 2021 was an update to the 2003 report.</p> <p><u>Ch. 43 Environmental Policy</u></p> <ul style="list-style-type: none"> <li>The proposed activity is not exempt from SEPA per <a href="#">EMC 19.43.130.A.1</a>. The City utilized the Optional DNS process as provided for under <a href="#">WAC 197-11-355</a>. The City issued a DNS on April 27, 2006, (Exhibit 37).</li> </ul> <p><u>Ch. 52 School Impact Fees</u></p> <p>2022 Mukilteo School Impact Fees are \$8,924 per unit.</p> <p><u>Ch. 53 Park Impact Fees</u></p> <p>Per EMC <a href="#">19.53.200</a>, park impact fees will be required for building permit applications submitted on or after September 3, 2022. Impact fees for residential units are based on bedroom count per <a href="#">EMC 19.53.060</a> Table 1.</p>
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## RECOMMENDED ACTION

Planning staff recommends the Hearing Examiner **APPROVE** the preliminary approval to develop an approximately 1.45 acre site into 25 unit lot townhomes located at 3618 W. Mukilteo Boulevard, and to mitigate an existing wetland on-site with credits to the Skykomish Habitat Mitigation Bank.

### Exhibits:

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| 1. Staff Report                                | 20. Traffic Analysis                        |
| 2. Project Site Summary                        | 21. Ecology Comments                        |
| 3. Plan Set                                    | 22. Britana Uppinghouse comments            |
| 4. Notice of Application and Public Hearing,   | 23. Breahna Zahler comments                 |
| 5. Affidavit of Posting                        | 24. Ed Steenman comments                    |
| 6. Affidavit of Publication                    | 25. Jen Collette comments                   |
| 7. City of Everett Permit Services Comments    | 26. Josiah Hartom comments                  |
| 8. City of Everett Fire Department Comments    | 27. Kyung Kung comments                     |
| 9. Mukilteo School District Comments           | 28. Mark Barnhart comments                  |
| 10. City of Everett Planning Division Comments | 29. Mike Miller comments                    |
| 11. Snohomish County PUD Comments              | 30. Noel Garrett comments                   |
| 12. Catherine Wilhelm Comments                 | 31. Pinchclaw comments                      |
| 13. EMC Code Citations                         | 32. Svetlana Filippov comments              |
| 14. Land Use Permit Application                | 33. Valerie Krueger comments                |
| 15. Determination of Complete Application      | 34. Planning Director Interpretation 2021-1 |
| 16. Wetland Report                             | 35. USACE Letter                            |
| 17. Geotechnical Report, 2003                  | 36. DNS                                     |
| 18. Geotechnical Update, 2021                  |   |
| 19. SEPA Checklist                             |   |

