

Call to Order**Pledge of Allegiance****Roll Call****Approval of the Agenda****Committee Reports****Presentations****Discussion Items****Approval of Minutes** *(Written Comment Only Accepted from Audience.)*

1. Approval of December 1, 2014, City Council Work Session Minutes.
2. Approval of December 8, 2014 City Council Meeting Minutes.

Consent

3. Consider Approval of the December 10, 2014 Claims in the Amount of \$266,337.63; Paid by Check Numbers 96550 through 96664 with Check Number 96364 voided.
4. Consider Approval of the December 17, 2014 Claims in the Amount of \$677,769.81; Paid by Check Numbers 96665 through 96842 with Check Numbers 94464 and 95617 Voided.
5. Consider Approval of the December 24, 2014 claims in the amount of \$648,508.69 paid by Check Numbers 96843 through 97002 with Check Numbers 89356, 94638, 96757 and 96801 voided.
6. Approve the December 19, 2014 payroll in the amount \$1,252,324.62 Check Numbers 28457 through 28498.

Review Bids**Public Hearings****New Business**

7. Consider the Fuel Tax Grant Distribution Agreement with the Transportation Improvement Board thereby Securing Funding for the Grove Street Sidewalk Improvements Project from State Avenue to Cedar Avenue.

Work Sessions are for City Council study and orientation – Public Input will be received at the January 12, 2015 City Council meeting.

Marysville City Council Work Session

January 5, 2015

7:00 p.m.

City Hall

8. Consider the Interlocal Agreement with Snohomish County for Participation in County's Overlay Program.

9. Consider the Local Agency Agreement Supplement No. 1 with WSDOT in the Amount of \$12,000.

10. Consider Acceptance of the Police Evidence Building Expansion Project with Obom Construction, Starting the 60-Day Lien Filing Period for Project Closeout.

11. Consider a **Resolution** of the City of Marysville Establishing February 9, 2015 as the Date Upon which a Hearing Shall Be Held Before the Marysville City Council to Consider Vacation of a Portion of 25th Avenue NE, and a Stormwater Detention Pond, Located North of 172nd Street NE (SR 531) in the City of Marysville, and Consider Waiving Compensation for Said Vacation.

12. Consider an **Ordinance** Related To Master Planned Senior Communities By Amending Marysville Municipal Code (MMC) Section 22C.020.060 Permitted Uses; and Amending MMC Section 22A.010.160 General Administration, Related to Tracking Amendments to the City's Uniform Development Code; Repealing Ordinance 2969 and Terminating the Moratorium Established therein; and Providing for Severability and Effective Date.

13. Consider an **Ordinance** Related to Enactments Adopted by the Washington State Legislature by Amending Marysville Municipal Code (MMC) Sections 22C.020.060 Permitted Uses; 22C.010.070 Permitted Uses – Development Conditions; 22G.010.150 Administrative Approvals Without Notice; 22G.010.250 Vesting; 22G.010.260 Minor Revisions to Approved Development Applications; 22G.010.270 Major Revisions to Approved Residential Development Applications; 22G.010.280 Revisions not Defined as Minor or Major; 22G.010.290 Supplemental Information; 22G.010.300 Oath of Accuracy; 22G.010.310 Limitations on Refiling of Applications; 22G.010.320 Code Compliance Review – Actions Subject to Review; 22G.010.330 Decisions and Appeals; 22G.010.340 Actions Subject to Review; 22G.010.350 Notice Requirements and Comment Period; 22G.010.360 Decision or Public Hearing Required; 22G.010.370 Additional Requirements Prior to Hearing; 22G.010.380 Decision Regarding Proposal; 22G.010.390 Time Limitations; 22G.010.400 Purpose; 22G.010.410 Temporary Use Permit; 22G.010.420 Variance; 22G.010.430 Conditional Use Permit; 22G.010.440 Rezone Criteria; 22G.010.450 Rezone and Review Procedures; 22G.010.460 Home Occupation Permit; 22G.010.470 Continuing Jurisdiction; 22G.010.480 Cancellation of Decisions; 22G.010.490 Transfer of Ownership; 22g.010.500 Purpose; 22G.010.510 Authority and Application; 22G.010.520 Required Findings; 22G.010.530 Burden of Proof; 22G.010.540 Appeal Process – General Description; 22G.010.550 Appeal of Administrative Interpretations and Approvals; 22G.010.560 Judicial Appeal; 22G.030.020 General Fee Structure; 22G.090.170 Preliminary and Final Subdivision Approval – Terms; 22G.090.185 Revisions After Preliminary Subdivision Approval; Repealing 22G.090.280; Amending Section 22G.090.380 Preliminary and Final Short

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Marysville City Council Work Session

January 5, 2015

7:00 p.m.

City Hall

Subdivision Approval – Terms; and Creating New Sections 22G.090.385 Revisions After Preliminary Short Subdivision Approval; 22G.100.125 Revisions; 22G.120.390 Revision of the Official Site Plan; and Amending MMC Section 22A.010.160 General Administration, Related to Tracking Amendments to the City’s Uniform Development Code; Providing for Severability and Effective Date.

14. Consider an **Ordinance** Related to Nonconforming Situations amending Marysville Municipal Code (MMC) Sections 22C.100.030(3) and MMC 22C.100.040(3); and Amending MMC Section 22A.010.160 General Administration, Related Tracking Amendments to the City’s Uniform Development Code; Providing for Severability and Effective Date.

15. Consider an **Ordinance** Related to Definitions and the Sign Code Amending Marysville Municipal Code (MMC) Sections 22A.020.140 “Monument Sign” Definition; 22C.160.170(10) Development Standards – Freestanding Signs; 22C.160.180(5) Development Standards – Electronic Message, Animated and Changeable Copy Signs; 22C.160.240(1)(B) Nonconforming Signs; and Amending MMC Section 22A.010.160 General Administration, Related to Tracking Amendments to the City’s Uniform Development Code; Providing for Severability and Effective Date.

16. Consider an **Ordinance** Related to the City’s Animal Control Regulations; and Adding a New Section 10.04.335 Beekeeping to MMC Chapter 10.04 Animal Control.

17. Consider an **Ordinance** Amending Marysville Municipal Code (MMC) Sections 10.04.460 Regarding Commercial Kennels and Pet Shops – General Conditions; MMC 22A.020.120 by Amending the Definition for “Kennel, Commercial”; MMC 22A.020.170 by Adding a Definition for “Pet Daycare”; MMC 22C.020.060 Regarding Table of Permitted Uses; MMC 22C.020.070 Regarding Permitted Uses – Development Conditions; and Amending MMC 22A.010.160 Regarding General Administration, Related to Tracking Amendments to the City’s Unified Development Code.

18. Consider an **Ordinance** Amending MMC 22D.020.090(5); MMC 22D.020.100 Regarding Parks, Recreation, Open Space and Trail Impact Fees and Mitigation; MMC 22D.040.050; MMC 22d.040.60 Regarding School Impact Fees and Mitigation; MMC 22D.030.070 Regarding Traffic Impact Fees and Mitigation; MMC 22A.010.160 Regarding General Administration, Related to Tracking Amendments to the City’s Unified Development Code; Providing for Severability and Effective Date.

19. Consider an **Ordinance** Related to the State Environmental Policy Act (SEPA) Amending Marysville Municipal Code (MMC) Section 22E.030.090; and Amending MMC Section 22A.010.160 General Administration, Related to Tracking Amendments to the City’s Uniform Development Code; Providing for Severability and Effective Date.

20. Consider an **Ordinance** Related to Wireless Communication Facilities (WCF) Amending Marysville Municipal Code (MMC) Section 22C.250.030 Adding Subsection (7) Related to WCF SEPA Exemptions; and Amending MMC Section 22A.010.160

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Marysville City Council Work Session

January 5, 2015

7:00 p.m.

City Hall

General Administration, Related to Tracking Amendments to the City's Uniform Development Code; Providing for Severability and Effective Date.

21. Consider an **Ordinance** Related to Critical Areas Management – Article IV 'Geologic Hazards' Amending Marysville Municipal Code (MMC) Sections 22E.010.280; 22E.010.300(2); 22E.010.310(E) And Amending MMC Section 22A.010.160 General Administration, Related to Tracking Amendments to the City's Uniform Development Code; Providing for Severability and Effective Date.

27. Consider Professional Services Agreement between City of Marysville and Summit Law Group.

Legal

22. Agreement for Legal Services Between City of Marysville and Weed, Graafstra and Benson, Inc. P.S.

Mayor's Business

23. Reappointment to Library Board: B.J. Guillot.

24. Reappointment to LEOFF I Disability Board: Donna Wright and Jeff Vaughan.

25. Reappointment to the Parks and Recreation Board: Mike Leighan.

26. Annual Certification of Board of Health Representative: Donna Wright.

Staff Business

Call on Councilmembers

Executive Session

A. Litigation

B. Personnel

C. Real Estate

Adjourn

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 days prior to the meeting date if any special accommodations are needed for this meeting.

Work Sessions are for City Council study and orientation – Public Input will be received at the January 12, 2015 City Council meeting.

Index #1

COUNCIL



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MINUTES

Work Session
December 1, 2014

Call to Order / Pledge of Allegiance

Mayor Nehring called the meeting to order at 7:00 p.m. and led those present in the Pledge of Allegiance.

Roll Call

Finance Director Sandy Langdon gave the roll call. The following staff and councilmembers were in attendance.

- Mayor:** Jon Nehring
- Council:** Steve Muller, Kamille Norton, Jeff Seibert, Michael Stevens (arr. at 7:03 p.m.), Rob Toyer, Jeff Vaughan, and Donna Wright
- Absent:** None
- Also Present:** Finance Director Sandy Langdon, Commander Wendy Wade, City Attorney Grant Weed, Public Works Director Kevin Nielsen, Parks and Recreation Director Jim Ballew, and Recording Secretary Laurie Hugdahl.

Approval of the Agenda

Motion made by Councilmember Muller, seconded by Councilmember Norton, to approve the agenda. **Motion** passed unanimously (6-0).

Committee Reports

Presentations

- A. Marysville-Tulalip Chamber of Commerce Annual Report.

Mayor Nehring stated Board Chair Will Ibershof will give this annual report next week.

Councilmember Stevens arrived.

Discussion Items

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

1. Approval of the November 10, 2014 City Council Meeting Minutes.

Consent

2. Approval of the November 20, 2014 Payroll in the Amount \$867,252.51; Paid by Check Numbers 28366 through 28408.
3. Approval of the November 19, 2014 Claims in the Amount of \$1,124,917.54; Paid by Check Numbers 96028 through 96166 with No Checks Voided.
4. Approval of the November 26, 2014 Claims in the Amount of \$714,446.97; Paid by Check Numbers 96167 through 96375 with No Checks voided.

Review Bids

Public Hearings

New Business

5. Consider the Professional Services Agreement with K2 Data Systems for the SCADA and Telemetry System Upgrade.

IT Manager Worth Norton explained that this is an upgrade to the existing SCADA system. It is also a complete architectural redesign. He explained that this will provide several advantages to the City. Director Nielsen stated that this will be a great upgrade and will give the City a robust system so changes can be made by staff out in the field.

6. Consider the Renewal Facility Use Agreement with the United States Bankruptcy Court.

City Attorney Grant Weed stated this is a standard agreement that is reviewed every year. There are no substantive changes to it.

7. Consider the Professional Services Agreement between the City of Marysville and Kennedy/Jenks Consultants in the Amount of \$59,332.

Director Nielsen explained staff is looking at ways to make the plant more efficient. The consultant will be looking at ways that they can cut costs on chemicals and save money to avoid raising rates.

8. Consider Extending the Employment Agreement with Mike Reynolds as Pro Shop Supervisor for Cedarcrest Golf Course.

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Parks and Recreation Director Jim Ballew stated this is an extension through February with Mike Reynolds until the RFP process is complete.

9. Consider the Professional Services Supplement No. 7 with BergerABAM, Extending the Agreement End Date to January 30, 2015.

Director Nielsen reviewed this item. There were no comments or questions.

10. Consider the Renewal of the Yakima County Jail Agreement.

Commander Wade stated this is basically the same contract. There is no change in the rates.

11. Consider the 2014 Pavement Preservation Program with CEMEX Construction Materials Pacific LLC, Starting the 45-Day Lien Filing Period for Project Closeout.

Director Nielsen stated they are starting the 45 day lien period.

12. Consider the Professional Services Agreement Strategies 360, Inc. for Consulting Services.

Mayor Nehring reviewed this item.

Councilmember Muller asked if anything was changed regarding Public Records Requests. City Attorney Weed replied that area it is not within the scope of work for this new agreement. Mayor Nehring explained that there is a lot of work through AWC on this issue which tends to be more productive than the City lobbying individually. Councilmember Muller asked if there should be something in the agreement to protect the City in light of the recent situation with Snohomish County. City Attorney Weed stated he is hoping to get clarity on the case that is pending in the State Court of Appeals regarding the obligations of cities concerning public records requests that involve records that a consultant holds and maintains.

13. Consider an **Ordinance** of the City of Marysville, Washington Relating to the City's Comprehensive Plan; Amending the Comprehensive Plan by the Adoption of the Marysville, Lake Stevens and Lakewood School Districts' 2014 – 2019 Capital Facilities Plans as a Subelement of the City's Comprehensive Plan and Establishing the Adoption of Said Plan and the Collection and Imposition of School Impact Fees, Pursuant to the City's Annual Comprehensive Plan Amendment and Update Process and Repealing Ordinance No. 2912.

Planning Manager Chris Holland stated that in order for the City to collect school impact fees for each one of the districts they are required biannually to adopt a Capital Facilities Plan that goes through a rate analysis based on capacity. The Planning Commission has reviewed the Capital Facilities Plans for Lake Stevens, Marysville, and Lakewood. The actual fees for Marysville School District are proposed to drop a little for single family and quite significantly for multi-family rate. Lake Stevens' fee rate is

proposed to drop as well. There is an increase in Lakewood for single family and multifamily based on what is going on up there right now. Staff is recommending approval of the Ordinance as recommended by the Planning Commission.

Councilmember Muller asked if the recent bond passage in Lakewood had an effect on the fee. Planning Manager Holland stated that he wasn't involved in the Planning Commission meetings, but indicated he would check.

14. Consider the MRSC Rosters Model Small Public Works, Consultant, and Vendor Rosters **Resolution**.

Finance Director Langdon stated that this is updating language to the RCW and adding vendor rosters to the MRSC rosters service that they provide.

15. Consider an **Ordinance** of the City of Marysville Amending the 2014 Budget and Providing for the Increase of Certain Expenditure Items as Budgeted for in Ordinance No. 2941 and Changes in Compensation Levels.

Finance Director Langdon reviewed the budget amendments for the 2014 Budget as outlined in Council's packet on pages 15-1 and 15-2.

Councilmember Toyer asked if police vehicles aren't covered under insurance. Finance Director Langdon stated they are. There will be revenue coming in to replace that.

16. Consider an **Ordinance** authorizing the City of Marysville to Continue to Impose a Sales and Use Tax as Authorized by RCW 82.14.415 as a Credit against State Sales and Use Tax; Certifying the Costs to Provide Municipal Services to the Central Marysville Annexation Area; and Setting a New Threshold Amount for Fiscal Year 2015 Relating to Annexations.

Finance Director Langdon stated this is the annexation sales tax credit for 2015. Staff is estimating we are at a 3.2% shortfall for the revenue covering the expenses for the annexation costs. In order to continue annexation sales tax credit the Ordinance needs to be reauthorized every year. In 2020 this will start reducing.

17. Consider an **Ordinance** of the City of Marysville, Washington Related to Caretaker's Quarters by Amending Marysville Municipal Code (MMC) Sections 22A.020.040 "C" Definitions; 22C.110.020 Permitted Temporary Uses; 22C.110.030 Exempted Temporary Uses; 22C.020.070 Permitted Uses – Development Conditions; and Amending MMC Section 22A.010.160 General Administration, Related to Tracking Amendments to the City's Uniform Development Code; Providing for Severability and Effective Date.

Planning Director Holland reviewed this item. Staff proposed some changes to the code that would clearly outline that a caretaker's quarters needs to be incidental to the primary business. Staff proposed that the Planning Commission introduce a new definition for caretaker's quarters, require that any applicant for a caretaker's quarters

would need to get a temporary use permit, and add some development parameters. Planning Commission met regarding this on three occasions and held a public hearing and a continued public hearing. Following this they recommended allowing recreational vehicles in the General Industrial and Light Industrial zones for caretaker's quarters. Staff is not in support of this as reflected in the minutes. He summarized that this would cause a lot of onsite issues such as aesthetics, outdoor storage of personal items and garbage, not connecting to public water and sewer, etc. He explained that RVs are not allowed in the City except in an RV park or as a two-week guest at a residential. Staff is recommending that the Council amend the Ordinance recommended by the Planning Commission and not allow RVs to be utilized for caretaker's quarters within the General Industrial and Light Industrial zones.

Councilmember Muller asked how prevalent it is right now to even have a caretaker or to have an RV. Planning Manager Holland replied that there might be half dozen sites in the city where they're operating illegally. This is not something that is actively enforced, but the intent of staff is to make sure we're not allowing folks to move into our existing industrial and commercial establishments to utilize the entire facility as a caretaker's quarters.

Councilmember Vaughan asked if this would apply to undeveloped land that is zoned commercial as well. Planning Manager Holland replied that it would. Councilmember Vaughan said that he was aware of some properties in the City where there are multiple RVs that are basically camping on undeveloped land. Planning Manager Holland commented that the camping code can be enforced in those situations. Councilmember Vaughan asked if the camping code would apply to other areas. Planning Manager Holland replied that all areas of the city are covered by the camping code. He added that camping is not even allowed at Wal-Mart although Wal-Mart allows it.

Legal

Mayor's Business

- Merrysville for the Holidays will take place this Saturday.
- Leah sent out the dates for the National League of Cities. Councilmember should let her know by Friday if they plan to attend.
- Marysville-Pilchuck High School football team went all the way to the final four. It was extremely impressive to watch the game and see the great turnout in support of the team.

Staff Business

Jim Ballew:

- He agreed it was a great football game to watch.
- The parade will be held on Saturday at 6:30. There are 34 entries including high school bands. There will also be the tower lighting and a concert.

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- The community center is closed right now because of the utility backup. Staff is working diligently to get this resolved. Staff at the community center has moved to the annex at 156th which is working out beautifully. It looks like the community center will be closed at least 30 days. He applauded staff for relocating the entire operation within 24 hours.
- Tour of Lights will start next week.
- The youth basketball program starts this week.
- Doug Buell will be starting as a Recreation Coordinator tomorrow.

Kevin Nielsen:

- Staff is putting down anti-icer at intersections.
- TIB gave the City grant money for Grove between State and Cedar for sidewalk improvements over the track. It looks like we will also get money for 116th for Safe Sidewalks to School in front of Marshall. TBD sidewalk money is being used to leverage getting the grant money with TIB.

Wendy Wade announced that Jim Maples will be back tomorrow on light duty.

Grant Weed stated that last week, item 5 on the agenda was the approval of a three-month extension of the franchise agreement with Wave Broadband. The consultant reviewed the term of the extension which is intended to be just three months and discovered a glitch in the dates. The extension Council approved was approved to commence December 5 through March 4, but the beginning of that three-month period needs to be December 4 so there is no gap in it. Due to the time constraints, he asked Council to waive their normal rules and authorize the Mayor to sign a revised amendment that commences December 4 instead of December 5 and ends March 3.

Sandy Langdon pointed out that the version in the packet last week had the revised dates and Council had actually authorized the proper version. City Attorney commented that he didn't have the revised version and Wave had signed the previous version. He explained that Wave would just need to resign the revised version.

Grant Weed stated the need for Executive Session for five minutes to discuss one real estate acquisition item with no action expected.

Chris Holland stated that a property owner has inquired about some potentially dangerous trees along 80th. The property owner there has contacted the City today and said they had an arborist report from PUD about the trees. He also offered to dedicate the property to the City if they wanted to maintain or remove trees. Public Works seems supportive of the acquisition. Staff hopes to have resolution by the end of the week.

Worth Norton had no further comments.

Finance Director Langdon stated that the TBD Budget needs to be amended. She recommended they hold a special meeting of the TBD next Monday in order to do that. There was consensus to have a 6:59 meeting and recess for the Council meeting.

Call on Councilmembers

Councilmember Toyer had no comments.

Councilmember Stevens had no comments.

Councilmember Muller had no comments.

Councilmember Norton had no comments.

Councilmember Wright stated she won't be here for the next meeting.

Councilmember Seibert asked if there would be a Public Works Committee meeting held this month. Director Nielsen stated there would be no meeting in December.

Councilmember Vaughan had no comments.

Adjournment

Council recessed at 7:45 p.m. for five minutes after which time they reconvened into Executive Session for five minutes to discuss one real estate acquisition item with no action expected.

Executive Session

- A. Litigation
- B. Personnel
- C. Real Estate – one item, RCW 42.30.110(1)(b)

Executive Session extended three minutes until 7:58 p.m.

Executive Session ended and public meeting reconvened at 7:59 p.m.

Adjournment

Motion made by Councilmember Muller, seconded by Councilmember Norton to adjourn meeting at 7:59 p.m.

Approved this _____ day of _____, 2014.

Mayor

April O'Brien

DRAFT

Jon Nehring

Deputy City Clerk

Index #2

Call to Order/Pledge of Allegiance/Roll Call	7:00 p.m.
Excuse the absence of Councilmember Wright.	Approved
Excuse the absence of Councilmember Toyer.	Approved
Approval of the Agenda	Approved
Committee Reports	
Presentations	
Marysville-Tulalip Chamber of Commerce Annual Report.	Presented
Approve release of final payment to Chamber for 2014.	Approved
Approval of Minutes	
Approval of November 10 2014 City Council Meeting Minutes.	Approved
Approval of November 20, 2014 City Council Work Session Minutes.	Approved
Consent Agenda	
Approval of the November 20, 2014 Payroll in the Amount \$867,252.51; Paid by Check Numbers 28366 through 28408.	Approved
Approval of the November 19, 2014 Claims in the Amount of \$1,124,917.54; Paid by Check Numbers 96028 through 96166 with No Checks Voided.	Approved
Approval of the November 26, 2014 Claims in the Amount of \$714,446.97; Paid by Check Numbers 96167 through 96375 with No Checks voided.	Approved
Consider Approving the Professional Services Agreement with K2 Data Systems for the SCADA and Telemetry System Upgrade.	Approved
Consider Approving the Renewal Facility Use Agreement with the United States Bankruptcy Court.	Approved
Consider Approving the Professional Services Agreement between the City of Marysville and Kennedy/Jenks Consultants in the Amount of \$59,332.	Approved
Consider Approving Extending the Employment Agreement with Mike Reynolds as Pro Shop Supervisor for Cedarcrest Golf Course.	Approved
Consider Approving the Professional Services Supplement No. 7 with BergerABAM, Extending the Agreement End Date to January 30, 2015.	Approved
Consider Approving the Renewal of the Yakima County Jail Agreement.	Approved
Consider Approving the 2014 Pavement Preservation Program with Cemex Construction Materials Pacific LLC, Starting the 45-Day Lien Filing Period for Project Closeout.	Approved
Consider Approving the Professional Services Agreement Strategies 360, Inc. for Consulting Services.	Approved
Approval of the December 3, 2014 Claims in the Amount of \$1,742,879.38; Paid by Check Numbers 96376 through 96549 with Check Number 96204 Voided.	Approved
Approval of the December 5, 2014 Payroll in the Amount of \$1,527,210.68; Paid by Check Numbers 28409 through 28456.	Approved
Review Bids	
Public Hearings	
New Business	
Consider Approving an Ordinance of the City of Marysville, Washington	Approved

Relating to the City’s Comprehensive Plan; Amending the Comprehensive Plan by the Adoption of the Marysville, Lake Stevens and Lakewood School Districts’ 2014 – 2019 Capital Facilities Plans as a Subelement of the City’s Comprehensive Plan and Establishing the Adoption of Said Plan and the Collection and Imposition of School Impact Fees, Pursuant to the City’s Annual Comprehensive Plan Amendment and Update Process and Repealing Ordinance No. 2912.	Ord. No. 2976
Consider Approving the MRSC Rosters Model Small Public Works, Consultant, and Vendor Rosters Resolution.	Approved Res. No. 2639
Consider Approving an Ordinance of the City of Marysville Amending the 2014 Budget and Providing for the Increase of Certain Expenditure Items as Budgeted for in Ordinance No. 2941 and Changes in Compensation Levels.	Approved Ord. No. 2977
Consider Approving an Ordinance authorizing the City of Marysville to Continue to Impose a Sales and Use Tax as Authorized by RCW 82.14.415 as a Credit against State Sales and Use Tax; Certifying the Costs to Provide Municipal Services to the Central Marysville Annexation Area; and Setting a New Threshold Amount for Fiscal Year 2015 Relating to Annexations.	Approved Ord. No. 2978
Consider Approving an Ordinance of the City of Marysville, Washington Related to Caretaker’s Quarters by Amending Marysville Municipal Code (MMC) Sections 22A.020.040 “C” Definitions; 22C.110.020 Permitted Temporary Uses; 22C.110.030 Exempted Temporary Uses; 22C.020.070 Permitted Uses – Development Conditions; and Amending MMC Section 22A.010.160 General Administration, Related to Tracking Amendments to the City’s Uniform Development Code; Providing for Severability and Effective Date.	Approved Ord. No. 2979
Consider a Resolution of the City Council of the City of Marysville, Washington Declaring an Emergency and Waiving the Requirement for Public Bidding for Flooding Repairs to the Ken Baxter Community Center.	Approved Res. No. 2370
Consider a Resolution of the City of Marysville, Washington Authorizing the Demolition of the City Owned Single-Family Dwelling, Located at 1327 5th Street NE, Marysville, WA.	Approved Res. No. 2371
Mayor’s Business	
Staff Business	
Call on Councilmembers	
Adjournment	9:23 p.m.
Executive Session	9:28 p.m.
Pending Litigation – one item	
Reconvenement	9:35 p.m.
Adjournment	9:35 p.m.

COUNCIL*DRAFT*
MINUTES

Regular Meeting
December 8, 2014

Call to Order / Pledge of Allegiance

Mayor Nehring called the meeting to order at 7:00 p.m. Following the invocation, Mayor Nehring led those present in the Pledge of Allegiance.

Roll Call

Chief Administrative Officer Hirashima gave the roll call. The following staff and councilmembers were in attendance.

Mayor: Jon Nehring

Council: Steve Muller, Kamille Norton, Jeff Seibert, Michael Stevens
(arrived 7:06 p.m.), Jeff Vaughan

Absent: Rob Toyer, Donna Wright

Also Present: Chief Administrative Officer Gloria Hirashima, Finance Director Sandy Langdon, Police Chief Rick Smith, City Attorney Grant Weed, Public Works Director Kevin Nielsen, Parks and Recreation Director Jim Ballew, and Recording Secretary Laurie Hugdahl.

Mayor Nehring said he had received a call from Councilmember Toyer who was feeling ill. Councilmember Stevens had called to inform the Mayor that he was stuck in traffic and should arrive shortly. Councilmember Wright was out of town.

Motion made by Councilmember Vaughan, seconded by Councilmember Seibert, to excuse the absence of Councilmember Wright. **Motion** passed unanimously (4-0).

Motion made by Councilmember Muller, seconded by Councilmember Norton, to excuse the absence of Councilmember Toyer. **Motion** passed unanimously (4-0).

Approval of the Agenda

Motion made by Councilmember Muller, seconded by Councilmember Norton, to approve the agenda. **Motion** passed unanimously (4-0).

Committee Reports

Councilmember Vaughan reported on the Fireworks Committee meeting held last week where they discussed a variety of ways to get input from the public regarding the possibility on banning fireworks in Marysville. Some of these methods are online surveys, social media, press releases, etc. The Committee expressed an interest in doing something in print like in a utility bill mailing and also continuing to gather public input through social media and other means. The Committee will meet again after some data has been collected. They reviewed the results of the online survey which has been running since October. There are well over 100 comments from citizens weighing in on both sides of the issue. The Committee hopes to have some recommendations for Council by the end of the first quarter of 2015.

Presentations

A. Marysville-Tulalip Chamber of Commerce Annual Report.

Marysville-Tulalip Board Chair Will Ibershoff gave an update on the Chamber noting they are in transition and searching for a new CEO. They are surveying the business community right now and working on ways to strengthen their online presence. They really want to enhance their website next year. The Chamber is focusing on learning how they can better connect with the business community via partnerships with other groups. The survey is asking businesses what is important to them in order to improve value and engagement. The Chamber is interested in learning what they can do to serve the City better and working on a future agreement together that focuses on key areas of interest. They hope to have quarterly agreements with the Chamber and City leadership and also develop a 2-3 year business plan with the City. Chair Ibershoff invited Board Member Lance Curry to the discussion.

Discussion:

CAO Hirashima said she had passed out the Chamber Services Agreement. She noted that the City has been receiving the quarterly reports and the directory. She has shared the feedback from the Council regarding their desires. Chair Ibershoff's presentation addressed some of those concerns in terms of building a stronger community relationship. Both City staff and the Chamber understand this is something we want to expand on in the coming months. Items that have also been discussed were member recruitment, business development, engagement, and attraction. One of the questions for the Council is how to close out the 2014 contract. There is \$10,000 remaining on the current contract that the City has yet to release. She stated that at this point, she and the Mayor are recommending releasing the remaining funds and focusing on looking forward instead of to the past.

Councilmember Muller stated his concerns were about the Chamber as an organization that was not growing and not evolving with current trends. It was stagnating and members were falling off. He had been concerned about the value of throwing money at

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an organization to try to keep it afloat. He said he wanted to know what the Chamber would be doing to rejuvenate and bring energy back to the organization. He commented that the Chamber used to have a very active Government Affairs group. When they raised rates it was recognized that they needed to bring value back to the membership. He questioned the services and benefits to both the members and the City. Chair Ibershof thanked him for his feedback. Mayor Nehring stated that he, CAO Hirashima, and Chair Ibershof have talked a lot over the last few months. He summarized that the Visitor Information Center (VIC) has shrinking value to the City. The Council may feel that their dollars could be better used in different ways.

Councilmember Stevens concurred with Councilmember Muller and Mayor Nehring. He commented on the value of the Economic Development Summit held a few years ago which brought in a large audience of professionals, developers, professional services groups, government officials, etc. There was a lot of energy around that effort. He recommended putting on something like that again.

Councilmember Norton said she would like to see improvement in the relations with other organizations in the region such as the Economic Alliance of Snohomish County (EASC) and the Snohomish County Tourism Bureau. These are important relationships to foster and develop. She echoed Mayor Nehring's comments about the VIC and agreed that it could be improved and modernized.

Councilmember Vaughan asked how the Board would characterize the membership of the Chamber right now. Mr. Ibershof referred to the survey and said they would like to find out what is meaningful to the businesses in the community. His biggest priority is engagement with business owners. He thinks the new CEO should go out and visit 30 businesses a month. He spoke to the importance of looking regionally in ways like the economic summit. He also stressed the importance of working on the small business component and engaging the membership.

Board Member Lance Curry stated that the Chamber is excited about the idea of growth. Part of their role is as ambassadors to help new members. Over the year they have held two special networking events. Last spring they had a business membership blitz where they went out knocking on business doors to invite them to become part of the Chamber. They also did some surveying while they were there. This will happen again in the spring.

Councilmember Vaughan asked what the Chamber has to offer businesses. Chair Ibershof commented that the Chamber provides a way to network with other members, a way to engage directly with the Chamber, and help with marketing to the people of Marysville. He acknowledged the need for the Chamber to provide a stronger online presence. Board Member Lance Curry stated that the Chamber is putting in the energy to crank up the interest and the excitement. He believes that they will be successful.

Mayor Nehring suggested an initiative, such as the Military Family Friendly Initiative, around driving customers to local businesses. Mr. Ibershof concurred. He is working on

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that by going out and talking to other chambers within the region to see what they have done to help drive the “buy local” component. He stated that the Chamber has some ideas in this regard that they want to implement over the next year. They are redefining the direction they are going, engaging people they haven’t in a while, and investing a lot of energy and a commitment to grow and build great partnerships.

Councilmember Stevens expressed appreciation for the Chamber’s energy and desire to try new things. He referred to the speed networking event that was held at the last Chamber meeting. He expressed appreciation for the recognition of the EASC’s worth to this region and to the community. They know how to work Olympia to get a stronger voice down there. The community can only benefit from partnership with them.

Councilmember Vaughan expressed appreciation for the Chamber’s ideas. He recalled several years ago when the City was dealing with graffiti issues and the Chamber was involved with these efforts. He stated that to his knowledge the Chamber hasn’t been involved with anything like that for several years. He recalled that the Chamber used to be the voice of Marysville and there is an opportunity to get it back. He is encouraged by some of the things he has heard tonight.

Mayor Nehring expressed appreciation for the Chamber’s efforts.

Motion made by Councilmember Muller, seconded by Councilmember Stevens, to release the final payment of \$10,000 to the Chamber for 2014. **Motion** passed unanimously (5-0).

Audience Participation

None

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

1. Approval of the November 10, 2014 City Council Meeting Minutes.

Motion made by Councilmember Norton, seconded by Councilmember Muller, to approve the November 10, 2014 City Council Meeting Minutes. **Motion** passed unanimously (5-0).

18. Approval of the November 24, 2014 City Council Meeting Minutes.

Councilmember Stevens abstained.

Motion made by Councilmember Vaughan, seconded by Councilmember Norton, to approve the November 24, 2014 City Council Meeting Minutes. **Motion** passed unanimously (4-0) with Councilmember Stevens abstaining.

Consent

2. Approval of the November 20, 2014 Payroll in the Amount \$867,252.51; Paid by Check Numbers 28366 through 28408.
3. Approval of the November 19, 2014 Claims in the Amount of \$1,124,917.54; Paid by Check Numbers 96028 through 96166 with No Checks Voided.
4. Approval of the November 26, 2014 Claims in the Amount of \$714,446.97; Paid by Check Numbers 96167 through 96375 with No Checks voided.
5. Consider Approving the Professional Services Agreement with K2 Data Systems for the SCADA and Telemetry System Upgrade.
6. Consider Approving the Renewal Facility Use Agreement with the United States Bankruptcy Court.
7. Consider Approving the Professional Services Agreement between the City of Marysville and Kennedy/Jenks Consultants in the Amount of \$59,332.
8. Consider Approving Extending the Employment Agreement with Mike Reynolds as Pro Shop Supervisor for Cedarcrest Golf Course.
9. Consider Approving the Professional Services Supplement No. 7 with BergerABAM, Extending the Agreement End Date to January 30, 2015.
10. Consider Approving the Renewal of the Yakima County Jail Agreement.
11. Consider Approving the 2014 Pavement Preservation Program with Cemex Construction Materials Pacific LLC, Starting the 45-Day Lien Filing Period for Project Closeout.
12. Consider Approving the Professional Services Agreement Strategies 360, Inc. for Consulting Services.
19. Approval of the December 3, 2014 Claims in the Amount of \$1,742,879.38; Paid by Check Numbers 96376 through 96549 with Check Number 96204 Voided.
20. Approval of the December 5, 2014 Payroll in the Amount of \$1,527,210.68; Paid by Check Numbers 28409 through 28456.

Motion made by Councilmember Vaughan, seconded by Councilmember Muller, to approve Consent Agenda items 2-12, 19 and 20. **Motion** passed unanimously (5-0).

Review Bids

Public Hearings**New Business**

13. Consider Approving an Ordinance of the City of Marysville, Washington Relating to the City's Comprehensive Plan; Amending the Comprehensive Plan by the Adoption of the Marysville, Lake Stevens and Lakewood School Districts' 2014 – 2019 Capital Facilities Plans as a Subelement of the City's Comprehensive Plan and Establishing the Adoption of Said Plan and the Collection and Imposition of School Impact Fees, Pursuant to the City's Annual Comprehensive Plan Amendment and Update Process and Repealing Ordinance No. 2912.

Councilmember Muller asked if staff was surprised by the number of students in the multifamily housing. Director Hirashima said she wasn't. It is a reflection of the economic reality. Councilmember Muller asked what the City is doing to harness all that youthful energy up in Lakewood. CAO Hirashima explained that the City is in the midst of doing a Lakewood Subelement Plan update as part of the Comprehensive Plan update. One of the things they are looking at is ways to increase the parks and recreation opportunities within that subarea.

Motion made by Councilmember Muller, seconded by Councilmember Seibert, to adopt Resolution No. 2976. **Motion** passed unanimously (5-0).

14. Consider Approving the MRSC Rosters Model Small Public Works, Consultant, and Vendor Rosters Resolution.

Motion made by Councilmember Vaughan, seconded by Councilmember Stevens, to approve Resolution No. 2369. **Motion** passed unanimously (5-0).

15. Consider Approving an Ordinance of the City of Marysville Amending the 2014 Budget and Providing for the Increase of Certain Expenditure Items as Budgeted for in Ordinance No. 2941 and Changes in Compensation Levels.

Motion made by Councilmember Muller, seconded by Councilmember Stevens, to adopt Ordinance No. 2977. **Motion** passed unanimously (5-0).

16. Consider Approving an Ordinance authorizing the City of Marysville to Continue to Impose a Sales and Use Tax as Authorized by RCW 82.14.415 as a Credit against State Sales and Use Tax; Certifying the Costs to Provide Municipal Services to the Central Marysville Annexation Area; and Setting a New Threshold Amount for Fiscal Year 2015 Relating to Annexations.

Motion made by Councilmember Norton, seconded by Councilmember Seibert, to adopt Ordinance No.2978. **Motion** passed unanimously (5-0).

17. Consider Approving an Ordinance of the City of Marysville, Washington Related to Caretaker's Quarters by Amending Marysville Municipal Code (MMC) Sections 22A.020.040 "C" Definitions; 22C.110.020 Permitted Temporary Uses; 22C.110.030 Exempted Temporary Uses; 22C.020.070 Permitted Uses – Development Conditions; and Amending MMC Section 22A.010.160 General Administration, Related to Tracking Amendments to the City's Uniform Development Code; Providing for Severability and Effective Date.

CAO Hirashima stated the Planning Commission has reviewed this ordinance. The caretaker revisions are in response to a Hearing Examiner decision where it was pointed out that the code language could be clearer. The proposed language is intended to ensure that the establishment of a caretaker's quarters is clearly subordinate and incidental to the primary commercial use and would require a temporary use permit. Staff is recommending that the Council adopt the staff's original recommended ordinance instead of the Planning Commission's recommended ordinance. Staff believes allowing recreational vehicles would create a lot of enforcement issues and generally cause deterioration of areas. CAO Hirashima stated there was a difference of opinion between staff and the Planning Commission on this matter.

Councilmember Norton said she read the minutes from the Planning Commission meeting which indicated the Planning Commission wanted to allow RVs because they were concerned that the code was too prohibitive, and they were concerned about businesses being allowed to look after their assets. CAO Hirashima affirmed this. She noted that the City allows caretaker's quarters to be set up in industrial areas. They simply need to meet certain standards. The point of dispute was what those standards are.

Councilmember Muller asked if a business can get a Conditional Use Permit on an interim basis while they are constructing a permanent facility. Director Hirashima replied that they can.

Councilmember Seibert commented that staff had provided some good visual documentation of the problems they encounter with these. CAO Hirashima stated that staff took some pictures of existing uses that staff would like to prohibit. She noted that they wouldn't want to see those all over the city.

Motion made by Councilmember Seibert, seconded by Councilmember Vaughan, to adopt Ordinance No. 2979 which is the original version recommended by staff and doesn't allow RVs. **Motion** passed unanimously (5-0).

21. Consider a Resolution of the City Council of the City of Marysville, Washington Declaring an Emergency and Waiving the Requirement for Public Bidding for Flooding Repairs to the Ken Baxter Community Center.

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Director Nielsen explained that there was some sewage backup at the Baxter Center so they had to close the facility and needed to get contractors in there immediately. Staff is requesting waiving formal bidding procedures due to the fact they already had to have people in there to start the cleanup to limit the damage.

Councilmember Muller asked if they would be addressing the trunk line connection as well in this process. Director Nielsen replied that it is already done.

Councilmember Stevens asked about the anticipated completion date. Director Nielsen said they are still hoping it will be done within a month. They got good news about being able to put the new flooring over the existing flooring.

Motion made by Councilmember Stevens, seconded by Councilmember Norton, to approve Resolution No. 2370. **Motion** passed unanimously (5-0).

22. Consider a Resolution of the City of Marysville, Washington Authorizing the Demolition of the City Owned Single-Family Dwelling, Located at 1327 5th Street NE, Marysville, WA.

Director Nielsen stated that this is to support construction of a parking lot for Comeford Park and the spray park.

Motion made by Councilmember Muller, seconded by Councilmember Norton, to approve Resolution No. 2371. **Motion** passed unanimously (5-0).

Mayor's Business

Mayor Nehring noted that this was City Attorney Grant Weed's last meetings with the City. He commented on the numerous projects and situations that Grant has seen the City through over the years. Mayor Nehring expressed appreciation for Grant's solid legal experience and tremendous appreciation for his service and friendship. Staff and Council members took turn expressing their appreciation for Grant Weed's service to the City and his knack for puns.

Council recessed for refreshments at 8:49 p.m. until 9:00 p.m.

Other Mayor's Business:

- Thanks to Peter for the generous Christmas gifts for Council and staff.
- There was an ad hoc Rail Committee meeting for AWC this week. There is a lot of talk about some federal safety measures for fuel trains such as car casings and first responder notifications and trainings. There is also some talk beginning around mitigation fees for pass-through cities.
- Snohomish County Tomorrow passed its legislative agenda.
- Mike McCarty from the AWC Board is retiring at the end of this month. The Board is in the process of filling this spot.

- Community Transit adopted its budget for next year. They have purchased some new double-decker buses. Commute times from the north to Seattle have permanently increased to the point where bus schedules have had to be altered.
- He thanked everyone for Merrysville for the Holidays which was fantastic. The Public Works rigs were particularly well-decorated this year. The band was great. Thanks to Sandy Langdon for judging. He especially appreciates when the water tower lights up.
- Councilmember Toyer has been contacted by the citizen with concerns about the mandatory garbage issue and wanted to know what will be happening. Councilmember Vaughan asked if she has spoken to staff. Mayor Nehring replied that she has been in touch with staff about the matter. CAO Hirashima stated that she has also contacted Utility Billing about the matter. The City has continued to provide services to her and stayed the finance charges. CAO Hirashima offered to send out a letter from staff regarding the status of the customer's account and notify her that charges will start accumulating again. Councilmember Seibert suggested waiving the previous fines and having her start over with her bill. Mayor Nehring commented that this could be done administratively. Finance Director Langdon noted that she has been paying her bill. Councilmember Muller commented on the importance of sticking to the decision made by the Council. He was in support of waiving late fees that had occurred during this process, but not any actual fees. There was consensus to send her a letter summarizing the situation.

Staff Business

Chief Smith wished everyone Merry Christmas and a Happy New Year.

Sandy Langdon thanked Parks for Merrysville for the Holidays. It was very well-attended. She wished everyone a Merry Christmas and a Happy New Year.

Grant Weed stated the need for a short Executive Session for an update on pending litigation for 10 minutes with no action following.

Kevin Nielsen:

- Public Works is preparing for a storm and expecting heavy rain and winds this week.
- Public Works Committee meeting will be changed to January 9 from January 2.

Jim Ballew:

- The Tour of Lights starts on Thursday night. There are a lot of new features this year.
- Merrysville for the Holidays was extremely well-attended this year. The band was wonderful and is already scheduled to come back next year. He commended all the departments that played a role in this.
- There will be a Community Vigil on December 22 at 7:00 for MPHS.

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- There will be a City luncheon coming up this week at the United Methodist Church.
- The Baxter Building is coming along well. Hopefully staff will be back in there in January.
- He wished everyone a happy holiday.

Council Business

Kamille Norton:

- Merrysville for the Holiday was a great event. She especially enjoyed the lights and the band. She was impressed with how quickly Streets crews were out there cleaning up.
- She asked about extending the parade route in the future to reduce the crowding of those watching the parade. Director Ballew said they could look into it.
- She wished everyone a Merry Christmas.

Steve Muller commented that it was a great year. A lot was accomplished in the City, and next year is shaping up to be another great year.

Michael Stevens:

- Merry Christmas to everyone.
- Thanks to Peter for his ornaments.

Jeff Seibert wished everyone Merry Christmas and Happy New Year.

Jeff Vaughan wished everyone Merry Christmas.

Adjournment

Council recessed at 9:20 for five minutes and reconvened into Executive Session at 9:25 p.m. to receive an update on pending litigation.

Executive Session

- A. Litigation – three items, RCW 42.30.110(1)(i)
- B. Personnel
- C. Real Estate

Executive Session ended and public meeting reconvened at 9:35.

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Adjournment

Seeing no further business Mayor Nehring adjourned the meeting at 9:35 p.m.

Approved this _____ day of _____, 2014.

Mayor
Jon Nehring

April O'Brien
Deputy City Clerk

Index #3

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: January 12, 2015

AGENDA ITEM: Claims	AGENDA SECTION:	
PREPARED BY: Sandy Langdon, Finance Director	AGENDA NUMBER:	
ATTACHMENTS: Claims Listings	APPROVED BY:	
	MAYOR	CAO
BUDGET CODE:	AMOUNT:	

Please see attached.

RECOMMENDED ACTION:

The Finance and Executive Departments recommend City Council approve the **December 10, 2014** claims in the amount of **\$266,337.63** paid by **Check No.'s 96550 through 96664 with Check No. 96364 voided.**

COUNCIL ACTION:

CLAIMS
FOR
PERIOD-12

I, THE UNDERSIGNED, DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE MATERIALS HAVE BEEN FURNISHED, THE SERVICES RENDERED OR THE LABOR PERFORMED AS DESCRIBED HEREIN AND THAT THE **CLAIMS** IN THE AMOUNT OF **\$266,337.63 PAID BY CHECK NO.'S 96550 THROUGH 96664 WITH CHECK NO. 96364 VOIDED** ARE JUST, DUE AND UNPAID OBLIGATIONS AGAINST THE CITY OF MARYSVILLE, AND THAT I AM AUTHORIZED TO AUTHENTICATE AND TO CERTIFY SAID CLAIMS.

AUDITING OFFICER

DATE

MAYOR

DATE

WE, THE UNDERSIGNED COUNCIL MEMBERS OF MARYSVILLE, WASHINGTON DO HEREBY APPROVE FOR PAYMENT THE ABOVE MENTIONED **CLAIMS** ON THIS **12th DAY OF JANUARY 2015.**

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

**CITY OF MARYSVILLE
 INVOICE LIST**

FOR INVOICES FROM 12/4/2014 TO 12/10/2014

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
96550	AMERICAN POLYGRAPH A	MEMBERSHIP RENEWAL	POLICE ADMINISTRATION	170.00
96551	ARAMARK UNIFORM	UNIFORM SERVICE	MAINTENANCE	11.15
96552	ASM AFFILIATES, INC.	PROFESSIONAL SERVICES	GMA - STREET	3,291.52
96553	BLACK ROCK CABLE INC	I-NET LEASE	CENTRAL SERVICES	536.93
96554	BOUFFIOU, VALERIE	PRO-TEM SERVICES	MUNICIPAL COURTS	185.00
96555	CAPITAL ONE COMMERCIAL	SUPPLY REIMBURSEMENT	PERSONNEL ADMINISTRATION	35.17
	CAPITAL ONE COMMERCIAL		EXECUTIVE ADMIN	49.03
	CAPITAL ONE COMMERCIAL		NON-DEPARTMENTAL	75.11
	CAPITAL ONE COMMERCIAL		UTIL ADMIN	179.49
	CAPITAL ONE COMMERCIAL		PERSONNEL ADMINISTRATION	195.08
	CAPITAL ONE COMMERCIAL		WATER QUAL TREATMENT	435.15
	CAPITAL ONE COMMERCIAL		EQUIPMENT RENTAL	435.16
96556	CARRS ACE	LOCK SET	COMMUNITY CENTER	26.10
	CARRS ACE	UTILITY HEATER	SOURCE OF SUPPLY	41.33
96557	CASCADE MACHINERY	ANNUAL SERVICE	WASTE WATER TREATMENT FAC	3,276.06
96558	CATHOLIC COMMUNITY	CHORE SERVICES-CDBG	COMMUNITY DEVELOPMENT-	444.59
96559	CAUDLE, BARBARA & RO	UB 760081000000 5706 69TH AVE	WATER/SEWER OPERATION	55.86
96560	CHAMPION BOLT	TAPS AND INSERT KITS	STORM DRAINAGE	102.62
	CHAMPION BOLT		SEWER MAIN COLLECTION	102.63
	CHAMPION BOLT	DRILL BITS, TAPS, INSERTS AND	STORM DRAINAGE	164.24
	CHAMPION BOLT		SEWER MAIN COLLECTION	164.24
96561	CHEMTRADE CHEMICALS	ALUMINUM SULFATE	WASTE WATER TREATMENT FAC	5,071.77
	CHEMTRADE CHEMICALS		WASTE WATER TREATMENT FAC	5,179.44
96562	CITIES & TOWNS	SCC DINNER (3)	CITY COUNCIL	105.00
96563	CNR INC	MAINTENANCE CONTRACT	COMPUTER SERVICES	1,355.79
	CNR INC		COMPUTER SERVICES	1,358.29
	CNR INC	DESK PHONES	IS REPLACEMENT ACCOUNTS	1,849.48
96564	COMCAST	MONTHLY BROADBAND CHARGE	COMPUTER SERVICES	234.01
96565	CONSOLIDATED PRESS	CITY SCENE NEWSLETTER	UTILITY BILLING	1,967.09
96566	CORDOVA, LYDIA	REFUND CLASS FEES	PARKS-RECREATION	30.00
96567	CORRECTIONS, DEPT OF	SPOON CREDIT	DETENTION & CORRECTION	-52.23
	CORRECTIONS, DEPT OF	FREIGHT CREDIT	DETENTION & CORRECTION	-36.56
	CORRECTIONS, DEPT OF	INMATE MEALS	DETENTION & CORRECTION	56.56
	CORRECTIONS, DEPT OF		DETENTION & CORRECTION	4,219.46
	CORRECTIONS, DEPT OF		DETENTION & CORRECTION	4,219.46
96568	CRISTIANO'S	DEPOSITION LUNCH (3)	EXECUTIVE ADMIN	25.36
96569	DAY WIRELESS SYSTEMS	TRIAL EXPERT TESTIMONY	LEGAL-GENL	305.76
96570	DELL	LAPTOPS	EQUIPMENT RENTAL	4,572.02
96571	DIETRICH, FRED	UB 849000499501 8001 64TH DR N	WATER/SEWER OPERATION	357.91
96572	DUNLAP INDUSTRIAL	CHAINSAW REPAIR PARTS	WATER RESERVOIRS	173.88
96573	DUPRE, LISA	RENTAL FEES AND DEPOSIT REFUND	PARKS-RENTS & ROYALTIES	60.00
	DUPRE, LISA		GENERAL FUND	200.00
96574	E&E LUMBER	STAPLES	PARK & RECREATION FAC	5.00
	E&E LUMBER	FASTENERS	PARK & RECREATION FAC	5.10
	E&E LUMBER	GRAFITTI SUPPLIES	COMMUNITY DEVELOPMENT-	20.84
	E&E LUMBER	STAPLE GUN AND STAPLES	PARK & RECREATION FAC	69.09
	E&E LUMBER	BRUSH HEADS	ER&R	260.86
96575	EAST JORDAN IRON WOR	RISERS AND SEALANT	ROADWAY MAINTENANCE	388.33
96576	ECOLOGY, DEPT. OF	WW OPERATOR CERT-BRYANT	UTIL ADMIN	30.00
	ECOLOGY, DEPT. OF	WW OPERATOR CERT-BYDE	UTIL ADMIN	30.00
	ECOLOGY, DEPT. OF	WW OPERATOR CERT-COBB	UTIL ADMIN	30.00
	ECOLOGY, DEPT. OF	WW OPERATOR CERT-CRAIN	UTIL ADMIN	30.00
	ECOLOGY, DEPT. OF	WW OPERATOR CERT-FILORI	UTIL ADMIN	30.00
	ECOLOGY, DEPT. OF	WW OPERATOR CERT-FREEMAN	UTIL ADMIN	30.00
	ECOLOGY, DEPT. OF	WW OPERATOR CERT-LATIMER	UTIL ADMIN	30.00
	ECOLOGY, DEPT. OF	WW OPERATOR CERT-ROODZANT	UTIL ADMIN	30.00
	ECOLOGY, DEPT. OF	WW OPERATOR CERT-STAIR	UTIL ADMIN	30.00
96577	ERBE, CHRISTOPHER &	UB 765801750000 5801 75TH AVE	WATER/SEWER OPERATION	54.84
96578	EVERETT, CITY OF	LAB ANALYSIS	WASTE WATER TREATMENT FAC	1,426.50
96579	FASTENAL COMPANY	CABLE TIES	PARK & RECREATION FAC	109.12
96580	FAY, CRISSY	RENTAL DEPOSIT REFUND	GENERAL FUND	100.00

**CITY OF MARYSVILLE
 INVOICE LIST**

FOR INVOICES FROM 12/4/2014 TO 12/10/2014

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
96581	FEDEX	SHIPPING EXPENSE	COMPUTER SERVICES	20.20
96582	FEENEY WIRELESS	MODEM REPAIR	IS REPLACEMENT ACCOUNTS	941.13
96583	FELDMAN & LEE P.S.	PUBLIC DEFENDER	LEGAL - PUBLIC DEFENSE	20,000.00
96584	FOOTJOY	GOLF SHOES	GOLF COURSE	87.18
	FOOTJOY		GOLF COURSE	130.83
	FOOTJOY		GOLF COURSE	826.81
	FOOTJOY		GOLF COURSE	890.70
96585	FRONTIER COMMUNICATI	GLOVES	GOLF COURSE	890.70
	FRONTIER COMMUNICATI	PHONE CHARGES	POLICE ADMINISTRATION	45.39
	FRONTIER COMMUNICATI		ADMIN FACILITIES	45.39
	FRONTIER COMMUNICATI		COMMUNICATION CENTER	45.39
	FRONTIER COMMUNICATI		LIBRARY-GENL	45.39
	FRONTIER COMMUNICATI		UTILITY BILLING	45.39
	FRONTIER COMMUNICATI		GENERAL SERVICES - OVERH	45.39
	FRONTIER COMMUNICATI	ACCT #36065173190324995	TRAFFIC CONTROL DEVICES	46.14
	FRONTIER COMMUNICATI	ACCT #36065347410509955	WASTE WATER TREATMENT F	48.30
	FRONTIER COMMUNICATI	ACCT #36065833580311025	POLICE PATROL	49.50
	FRONTIER COMMUNICATI	ACCT# 36065770750721145	POLICE PATROL	49.65
	FRONTIER COMMUNICATI	PHONE CHARGES	COMMUNITY DEVELOPMENT-	90.77
	FRONTIER COMMUNICATI		POLICE PATROL	90.77
	FRONTIER COMMUNICATI		DETENTION & CORRECTION	90.77
	FRONTIER COMMUNICATI		OFFICE OPERATIONS	90.77
	FRONTIER COMMUNICATI		COMMUNITY CENTER	90.77
	FRONTIER COMMUNICATI		GOLF ADMINISTRATION	90.77
	FRONTIER COMMUNICATI		GOLF ADMINISTRATION	90.77
	FRONTIER COMMUNICATI		WASTE WATER TREATMENT F	181.54
	FRONTIER COMMUNICATI		PARK & RECREATION FAC	226.90
	FRONTIER COMMUNICATI		UTIL ADMIN	308.77
96586	GALLS, LLC	HOLSTER	POLICE PATROL	98.19
	GALLS, LLC	GUN LOCK	POLICE PATROL	113.15
96587	GLOBALSTAR INC.	PHONE CHARGES	OFFICE OPERATIONS	62.29
96588	GOVCONNECTION INC	VIDEO CARD AND PERIPHERALS	IS REPLACEMENT ACCOUNTS	311.38
	GOVCONNECTION INC	CAMERA PROJECT SWITCH	IS REPLACEMENT ACCOUNTS	398.21
	GOVCONNECTION INC	ENCODERS	IS REPLACEMENT ACCOUNTS	783.36
	GOVCONNECTION INC	LAPTOPS	IS REPLACEMENT ACCOUNTS	2,021.42
96589	GRAINGER	BRASS ELBOWS	WATER FILTRATION PLANT	54.46
	GRAINGER	FLOAT SWITCH	WATER DIST MAINS	123.50
96590	GRANITE CONST	ASPHALT	STORM DRAINAGE	519.12
96591	GREEN RIVER CC	BACKFLOW ASSEMBLY CERT-DAGGETT	UTIL ADMIN	42.00
	GREEN RIVER CC	BACKFLOW ASSEMBLY CERT-GEIST	UTIL ADMIN	42.00
96592	GRIFFEN, CHRIS	PUBLIC DEFENDER	LEGAL - PUBLIC DEFENSE	262.50
96593	GRIMM, KEN	UB 070550000000 9521 58TH DR N	WATER/SEWER OPERATION	6.83
96594	GROUP MOBILE INT'L L	WORK STATION	WATER/SEWER OPERATION	-20.47
	GROUP MOBILE INT'L L		SEWER MAIN COLLECTION	129.23
	GROUP MOBILE INT'L L		STORM DRAINAGE	129.24
96595	HAMO INVESTMENTS LLC	UB 983824681000 3824 68TH DR N	WATER/SEWER OPERATION	76.78
96596	HARRINGTON, JOANNE	UB 160200000001 4603 129TH PL	WATER/SEWER OPERATION	57.94
96597	HD FOWLER COMPANY	METER BOX CREDIT	WATER SERVICE INSTALL	-137.09
	HD FOWLER COMPANY	COUPLING	STORM DRAINAGE	27.49
	HD FOWLER COMPANY	AIRVAC PARTS	WATER DIST MAINS	152.76
	HD FOWLER COMPANY	CHLORINE AND PIPE LUBE	WATER DIST MAINS	227.37
	HD FOWLER COMPANY	PIPE AND END CAP	STORM DRAINAGE	238.97
	HD FOWLER COMPANY	COUPLING, REDUCER AND ACCESSOR	STORM DRAINAGE	464.55
	HD FOWLER COMPANY	METER BOXES AND COVERS	WATER SERVICE INSTALL	663.68
	HD FOWLER COMPANY	PIPE	STORM DRAINAGE	1,171.12
96598	HEALTH, DEPT OF	WW OPERATOR CERT-AVEY	UTIL ADMIN	42.00
	HEALTH, DEPT OF	WW OPERATOR CERT-BRYANT	UTIL ADMIN	42.00
	HEALTH, DEPT OF	WW OPERATOR CERT-BUELL	UTIL ADMIN	42.00
	HEALTH, DEPT OF	WW OPERATOR CERT-BYDE	UTIL ADMIN	42.00
	HEALTH, DEPT OF	WW OPERATOR CERT-DAGGETT	UTIL ADMIN	42.00
	HEALTH, DEPT OF	WW OPERATOR CERT-DZAWALA	UTIL ADMIN	42.00
	HEALTH, DEPT OF	WW OPERATOR CERT-GEIST	UTIL ADMIN	42.00

**CITY OF MARYSVILLE
 INVOICE LIST**

FOR INVOICES FROM 12/4/2014 TO 12/10/2014

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
96598	HEALTH, DEPT OF	WW OPERATOR CERT-GESSNER, KE	UTIL ADMIN	42.00
	HEALTH, DEPT OF	WW OPERATOR CERT-GETTLE	UTIL ADMIN	42.00
	HEALTH, DEPT OF	WW OPERATOR CERT-GILBERT	UTIL ADMIN	42.00
	HEALTH, DEPT OF	WW OPERATOR CERT-GUENZLER	UTIL ADMIN	42.00
	HEALTH, DEPT OF	WW OPERATOR CERT-HERZOG	COMMUNITY DEVELOPMENT-	42.00
	HEALTH, DEPT OF	WW OPERATOR CERT-KING, TIM	UTIL ADMIN	42.00
	HEALTH, DEPT OF	WW OPERATOR CERT-LATIMER	UTIL ADMIN	42.00
	HEALTH, DEPT OF	WW OPERATOR CERT-MILLER	UTIL ADMIN	42.00
	HEALTH, DEPT OF	WW OPERATOR CERT-OLSON	UTIL ADMIN	42.00
	HEALTH, DEPT OF	WW OPERATOR CERT-STROPE	UTIL ADMIN	42.00
	HEALTH, DEPT OF	WW OPERATOR CERT-WINELAND	UTIL ADMIN	42.00
96599	HOUSING HOPE	PLAYGROUND REHAB-CDBG	COMMUNITY DEVELOPMENT-	28,094.00
96600	HUBER, ADAM & CINDY	UB 987025000005 7025 45TH ST N	WATER/SEWER OPERATION	89.79
96601	IMPACT PROPERTY MANA	UB 855949100000 5949 GROVE ST	WATER/SEWER OPERATION	316.13
96602	INNOVAC	RELEASE RETAINAGE ON PAY ESTIM	WATER/SEWER OPERATION	4,942.86
96603	KINGSFORD, ANDREA	REIMBURSE SPECIAL EVENT EXPENS	RECREATION SERVICES	42.37
96604	LASTING IMPRESSIONS	CAPS	ER&R	365.96
96605	LAVARIAS, BEA	REFUND CLASS FEES	PARKS-RECREATION	8.75
96606	LAW, LYMAN, DANIEL, KAM	LEGAL SERVICES	NON-DEPARTMENTAL	371.18
	LAW, LYMAN, DANIEL, KAM		WASTE WATER TREATMENT F	1,113.52
96607	LICENSING, DEPT OF	COLBY, JANICE (ORIGINAL)	GENERAL FUND	18.00
	LICENSING, DEPT OF	DIAS, MIGUEL (ORIGINAL)	GENERAL FUND	18.00
	LICENSING, DEPT OF	FLESHMAN, DANIEL (ORIGINAL)	GENERAL FUND	18.00
	LICENSING, DEPT OF	GEORGE, ESTERLITA (RENEWAL)	GENERAL FUND	18.00
	LICENSING, DEPT OF	HERNANDEZ, CARLOS (ORIGINAL)	GENERAL FUND	18.00
	LICENSING, DEPT OF	MARTIN, JEREMY (ORIGINAL)	GENERAL FUND	18.00
	LICENSING, DEPT OF	MASCARELLO, JULIE (ORIGINAL)	GENERAL FUND	18.00
	LICENSING, DEPT OF	MCGLOTHLIN, BABARA (ORIGINAL)	GENERAL FUND	18.00
	LICENSING, DEPT OF	MCGLOTHLIN, KENNETH (ORIGINAL)	GENERAL FUND	18.00
	LICENSING, DEPT OF	NUNNALLY, LARRY (ORIGINAL)	GENERAL FUND	18.00
	LICENSING, DEPT OF	PHIPPS, GLENN (ORIGINAL)	GENERAL FUND	18.00
	LICENSING, DEPT OF	PHIPPS, LYNNE (ORIGINAL)	GENERAL FUND	18.00
	LICENSING, DEPT OF	ZENGER, SYDNEY (ORIGINAL)	GENERAL FUND	18.00
	LICENSING, DEPT OF	FOUTS, ANNA (LT RENEWAL)	GENERAL FUND	21.00
	LICENSING, DEPT OF	JOHNSON, ROBERT (LT RENEWAL)	GENERAL FUND	21.00
96608	LOWER KITTITAS DIST	BAIL POSTED	GENERAL FUND	3,000.00
96609	LOWES HIW INC	GALVANIZED PIPE	STORM DRAINAGE	26.39
	LOWES HIW INC	CONDUIT AND HARDWARE	WATER CROSS CNTL	89.16
	LOWES HIW INC	HOLIDAY LIGHTS	WATER DIST MAINS	204.34
96610	MANGLONA, LILIAN	RENTAL DEPOSIT REFUND	GENERAL FUND	100.00
96611	MCDONALD, ANGELA	REFUND CLASS FEES	PARKS-RECREATION	70.00
96612	MEGAPATH CORPORATION	INTERNET SERVICES	COMPUTER SERVICES	263.83
96613	MERCER, JESSICA L	REFUND BUSINESS LICENSE FEE	GENL FUND BUS LIC & PERMI	50.00
96614	MOORE, JOSHUA & LAUR	UB 751159226001 5502 80TH AVE	WATER/SEWER OPERATION	295.59
96615	MORFORD, FRANK	REFUND CLASS FEES	PARKS-RECREATION	70.00
96616	MRSC	SMALL WORKS ROSTER 2015 FEE	FINANCE-GENL	360.00
96617	NATIONAL BARRICADE	ORANGE FLAGS	PARK & RECREATION FAC	25.68
96618	NATURAL RESOURCES	PRIVATE MARINA TAX	STORM DRAINAGE	309.45
96619	NEXTEL	ACCT #843707243	EQUIPMENT RENTAL	37.99
	NEXTEL	ACCT #130961290	WATER FILTRATION PLANT	60.36
	NEXTEL		SOURCE OF SUPPLY	60.36
96620	NICLAI, CHERYL	REIMBURSE EMERGENCY RADIO PURC	WATER/SEWER OPERATION	-5.71
	NICLAI, CHERYL		UTIL ADMIN	70.64
96621	NORRIS, CRAIG	UB 987335390000 7335 39TH PL N	WATER/SEWER OPERATION	229.37
96622	NORTH CENTRAL LABORA	BOD STANDARD	WATER/SEWER OPERATION	-4.93
	NORTH CENTRAL LABORA		WASTE WATER TREATMENT F	60.91
96623	NORTH SOUND HOSE	DECANT PARTS	STORM DRAINAGE	552.87
	NORTH SOUND HOSE		SEWER MAIN COLLECTION	552.88
96624	NW PROPERTY MANAGEME	UB 080149000002 5332 95TH PL N	WATER/SEWER OPERATION	10.21
96625	OFFICE DEPOT	OFFICE SUPPLIES	UTIL ADMIN	17.27
	OFFICE DEPOT		POLICE PATROL	17.54

**CITY OF MARYSVILLE
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<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
96625	OFFICE DEPOT	OFFICE SUPPLIES	UTIL ADMIN	42.60
	OFFICE DEPOT		COMPUTER SERVICES	53.17
	OFFICE DEPOT		UTIL ADMIN	74.80
	OFFICE DEPOT		POLICE PATROL	122.25
	OFFICE DEPOT		POLICE INVESTIGATION	154.59
	OFFICE DEPOT		POLICE PATROL	156.31
	OFFICE DEPOT		OFFICE OPERATIONS	195.83
	OFFICE DEPOT	VIDEO HARD DRIVE	DETENTION & CORRECTION	814.63
96626	OTTO, VICKI	INSTRUCTOR SERVICES	RECREATION SERVICES	110.60
	OTTO, VICKI		RECREATION SERVICES	110.60
96627	OUTDOOR RESEARCH	UNIFORMS	GENERAL FUND	-243.94
	OUTDOOR RESEARCH		GENERAL FUND	-14.27
	OUTDOOR RESEARCH		GENERAL FUND	-13.55
	OUTDOOR RESEARCH		POLICE PATROL	167.55
	OUTDOOR RESEARCH		POLICE PATROL	176.45
	OUTDOOR RESEARCH		POLICE PATROL	3,015.94
96628	PAC RIM CODE SERVICE	PLAN REVIEW	COMMUNITY DEVELOPMENT-	150.00
96629	PARTS STORE, THE	RETURN BELT AND FILTER	MAINTENANCE	-31.07
	PARTS STORE, THE	HITCH PIN, TIES AND SHANKS	MAINTENANCE	72.87
96630	PEACE OF MIND	MINUTE TAKING SERVICE	CITY CLERK	155.00
	PEACE OF MIND		COMMUNITY DEVELOPMENT-	235.60
96631	PETERSEN BROTHERS	GUARDRAIL REPAIR	ROADWAY MAINTENANCE	4,914.27
96632	PIGSKIN UNIFORMS	UNIFORMS	POLICE PATROL	368.90
	PIGSKIN UNIFORMS		DETENTION & CORRECTION	458.41
96633	PLATT ELECTRIC	PVC	PUMPING PLANT	50.73
	PLATT ELECTRIC	CONDUIT, ADAPTERS AND HARDWARE	PUMPING PLANT	270.18
96634	PUD	ACCT #2054-2741-2	PARK & RECREATION FAC	5.99
	PUD	ACCT #2052-8364-1	STREET LIGHTING	6.78
	PUD	ACCT #2050-2647-6	STREET LIGHTING	8.26
	PUD	ACCT #2045-8436-1	STREET LIGHTING	12.87
	PUD	ACCT #2050-2647-6	STREET LIGHTING	12.93
	PUD	ACCT #2045-8436-1	STREET LIGHTING	17.07
	PUD	ACCT #2021-7786-1	PUMPING PLANT	31.78
	PUD	ACCT #2026-7070-9	STREET LIGHTING	47.84
	PUD	ACCT #2025-7611-2	STREET LIGHTING	86.47
	PUD	ACCT #2033-4458-5	STREET LIGHTING	149.50
	PUD	ACCT #2023-6819-7	PUMPING PLANT	250.89
	PUD	ACCT #2026-0420-3	STREET LIGHTING	1,202.64
	PUD	ACCT #2001-6459-8	SOURCE OF SUPPLY	1,454.41
	PUD	ACCT #2025-7611-2	STREET LIGHTING	1,642.94
	PUD	ACCT #2026-0420-3	STREET LIGHTING	1,803.95
	PUD	ACCT #2010-9896-9	PUMPING PLANT	2,745.41
	PUD	ACCT #2028-8209-8	STREET LIGHTING	7,311.64
	PUD		STREET LIGHTING	11,436.16
96635	PUGET SOUND SECURITY	KEYS MADE	POLICE PATROL	3.54
96636	REYNOLDS, KIMBERLY	INSTRUCTOR SERVICES	COMMUNITY CENTER	315.00
96637	RODRIQUEZ, LOURDES	RENTAL DEPOSIT REFUND	GENERAL FUND	100.00
96638	RYAN HERCO PRODUCTS	TUBING	WATER FILTRATION PLANT	178.07
96639	SAFETY SOURCE LLC	TRENCH SHIELD RENTAL	SEWER MAIN COLLECTION	163.17
96640	SCOTT, ROBERT	REIMBURSE PARKING FEES	EQUIPMENT RENTAL	10.50
96641	SEATTLE PACIFIC HOME	REFUND PLUMBING FEES	NON-BUS LICENSES AND PEF	150.00
96642	SMITH, KOURTNEY	RENTAL DEPOSIT REFUND	GENERAL FUND	100.00
96643	SNO CO TREASURER	CRIME VICTIM/WITNESS FUNDS	CRIME VICTIM	764.67
96644	SOUND SAFETY	JEANS-KINNEY, S	UTIL ADMIN	85.18
96645	STAPLES	OFFICE SUPPLIES	PERSONNEL ADMINISTRATIO	120.12
	STAPLES		EXECUTIVE ADMIN	318.18
96646	STRATEGIES 360	PROFESSIONAL SERVICES	GENERAL SERVICES - OVERH	1,061.07
	STRATEGIES 360		WASTE WATER TREATMENT F	1,061.08
	STRATEGIES 360		UTIL ADMIN	1,414.76
96647	SUMMIT LAW GROUP	ARBITRATION	PERSONNEL ADMINISTRATIO	7,231.09
96648	TITLEIST	WINTER HATS	GOLF COURSE	319.89

**CITY OF MARYSVILLE
 INVOICE LIST**

FOR INVOICES FROM 12/4/2014 TO 12/10/2014

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
96648	TITLEIST	GOLF BALLS	GOLF COURSE	411.62
96649	TOLBERT, JAMES	TRAVEL/TRAINING REIMBURSEMENT	POLICE TRAINING-FIREARMS	132.15
96650	TRANSPORTATION, DEPT	BIA PROJECT COSTS	GMA - STREET	1,513.24
96651	TULALIP CHAMBER	BBH OCTOBER AND NOVEMBER	CITY COUNCIL	23.00
	TULALIP CHAMBER		EXECUTIVE ADMIN	23.00
	TULALIP CHAMBER		CITY COUNCIL	23.00
	TULALIP CHAMBER		EXECUTIVE ADMIN	48.00
96652	VINYL SIGNS & BANNER	WHITE COREX BLANKS	COMMUNITY EVENTS	38.08
96653	VONG, LOUIS HONG & C	UB 849000272501 6513 81ST ST N	WATER/SEWER OPERATION	175.99
96654	WA AUDIOLOGY SRVCS	TESTING AND EMPLOYEE TRAINING	EXECUTIVE ADMIN	1,339.76
96655	WA STATE TREASURER	PUBLIC SAFETY & BLDG REVENUE	GENERAL FUND	308.00
	WA STATE TREASURER		GENERAL FUND	45,211.51
96656	WAHLGREN, KEVIN & RO	UB 141200000003 4100 125TH ST	WATER/SEWER OPERATION	5.80
96657	WALKER, REGINA & GAR	UB 751159231001 5404 80TH AVE	WATER/SEWER OPERATION	284.03
96658	WAXIE SANITARY SUPPL	JANITORIAL SUPPLIES	PARK & RECREATION FAC	1,286.84
96659	WEED GRAAFSTRA	LEGAL SERVICE	GENL GVRNMNT SERVICES	46.25
	WEED GRAAFSTRA		STORM DRAINAGE	647.00
	WEED GRAAFSTRA	FORFEITURES-NOVEMBER 2014	POLICE INVESTIGATION	1,374.75
	WEED GRAAFSTRA	LEGAL SERVICE	GMA - STREET	1,795.50
	WEED GRAAFSTRA		UTIL ADMIN	2,305.00
	WEED GRAAFSTRA		UTIL ADMIN	3,344.25
	WEED GRAAFSTRA		UTIL ADMIN	8,172.82
	WEED GRAAFSTRA		LEGAL-GENL	8,172.83
	WEED GRAAFSTRA		LEGAL-GENL	15,720.00
96660	WEST PAYMENT CENTER	HANDBOOK	LEGAL - PROSECUTION	260.58
96661	WHITE CAP CONSTRUCT	CUT OFF WHEELS AND BLADES	STORM DRAINAGE	82.39
	WHITE CAP CONSTRUCT		SEWER MAIN COLLECTION	82.39
96662	WOGGE, CHESTER	USED GOLF BALLS	GOLF COURSE	90.00
96663	WOMER & ASSOCIATES	FIRE SAFETY PLAN REVIEW	COMMUNITY DEVELOPMENT-	360.00
96664	WRIGHT, DONNA	REIMBURSE TRAVEL EXPENSE	CITY COUNCIL	352.80

WARRANT TOTAL:

266,397.63

REASON FOR VOIDS:

UNCLAIMED PROPERTY

INITIATOR ERROR

WRONG VENDOR

CHECK LOST/DAMAGED IN MAIL

CHECK # 96364

INITIATOR ERROR

(60.00)

266,337.63

Index #4

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: January 12, 2015

AGENDA ITEM: Claims	AGENDA SECTION:	
PREPARED BY: Sandy Langdon, Finance Director	AGENDA NUMBER:	
ATTACHMENTS: Claims Listings	APPROVED BY:	
	MAYOR	CAO
BUDGET CODE:	AMOUNT:	

Please see attached.

RECOMMENDED ACTION:

The Finance and Executive Departments recommend City Council approve the **December 17, 2014** claims in the amount of **\$677,769.81** paid by **Check No.'s 96665 through 96842 with Check No.'s 94464 & 95617 voided.**

COUNCIL ACTION:

BLANKET CERTIFICATION

CLAIMS
FOR
PERIOD-12

I, THE UNDERSIGNED, DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE MATERIALS HAVE BEEN FURNISHED, THE SERVICES RENDERED OR THE LABOR PERFORMED AS DESCRIBED HEREIN AND THAT THE **CLAIMS** IN THE AMOUNT OF **\$677,769.81 PAID BY CHECK NO.'S 96665 THROUGH 96842 WITH CHECK NO.'S 94464 & 95617 VOIDED** ARE JUST, DUE AND UNPAID OBLIGATIONS AGAINST THE CITY OF MARYSVILLE, AND THAT I AM AUTHORIZED TO AUTHENTICATE AND TO CERTIFY SAID CLAIMS.

[Signature] 12/17/14
AUDITING OFFICER DATE

MAYOR DATE

WE, THE UNDERSIGNED COUNCIL MEMBERS OF MARYSVILLE, WASHINGTON DO HEREBY APPROVE FOR PAYMENT THE ABOVE MENTIONED **CLAIMS** ON THIS **12th DAY OF JANUARY 2015.**

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

**CITY OF MARYSVILLE
 INVOICE LIST**

FOR INVOICES FROM 12/11/2014 TO 12/17/2014

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
96665	AFTS	REMITTANCE PROCESSING	UTILITY BILLING	664.48
	AFTS	BILL PRINTING SERVICES	UTILITY BILLING	8,065.85
96666	ALL BATTERY SALES &	BATTERY	EQUIPMENT RENTAL	175.16
96667	AMERICAN CLEANERS	DRY CLEANING	POLICE INVESTIGATION	18.39
	AMERICAN CLEANERS		POLICE PATROL	41.70
	AMERICAN CLEANERS		POLICE ADMINISTRATION	51.53
	AMERICAN CLEANERS		OFFICE OPERATIONS	57.78
	AMERICAN CLEANERS		DETENTION & CORRECTION	112.89
96668	ARAMARK UNIFORM	UNIFORM SERVICE	EQUIPMENT RENTAL	26.33
	ARAMARK UNIFORM		EQUIPMENT RENTAL	37.12
96669	ARLINGTON POWER	TRIMMER REPAIR	WATER RESERVOIRS	34.54
	ARLINGTON POWER		ROADSIDE VEGETATION	34.55
	ARLINGTON POWER		WATER DIST MAINS	39.19
	ARLINGTON POWER		ROADSIDE VEGETATION	39.20
	ARLINGTON POWER		ROADSIDE VEGETATION	42.43
	ARLINGTON POWER	MOWER REPAIR	ROADSIDE VEGETATION	48.81
	ARLINGTON POWER	TRIMMER REPAIR	ROADSIDE VEGETATION	48.96
	ARLINGTON POWER	MOWER REPAIR	ROADSIDE VEGETATION	53.99
	ARLINGTON POWER	TRIMMER HEADS	ROADSIDE VEGETATION	63.10
	ARLINGTON POWER	TRIMMER REPAIR	ROADSIDE VEGETATION	64.74
	ARLINGTON POWER	MOWER REPAIR	ROADSIDE VEGETATION	76.11
	ARLINGTON POWER		ROADSIDE VEGETATION	119.93
96670	ASM AFFILIATES, INC.	PROFESSIONAL SERVICES	GMA - STREET	6,031.75
96671	ASSOC OF SHERIFFS	CONFERENCE TRAINING-SMITH, R	POLICE TRAINING-FIREARMS	300.00
96672	AXEL, JEANNE	UB 713111250000 4107 80TH ST N	GARBAGE	17.70
96673	BANK OF AMERICA	LICENSE FEE REIMBURSEMENT	WATER RESERVOIRS	30.25
	BANK OF AMERICA		EQUIPMENT RENTAL	34.25
96674	BANK OF AMERICA	MEMBERSHIP/SUBSCRIPTION REIMBU	CITY COUNCIL	15.00
	BANK OF AMERICA		EXECUTIVE ADMIN	25.00
	BANK OF AMERICA		PERSONNEL ADMINISTRATIO	150.00
	BANK OF AMERICA		EXECUTIVE ADMIN	150.00
	BANK OF AMERICA		LEGAL - PROSECUTION	355.00
96675	BARRETT, SUZANNE	INSTRUCTOR SERVICES	RECREATION SERVICES	12.60
	BARRETT, SUZANNE		RECREATION SERVICES	12.60
	BARRETT, SUZANNE		RECREATION SERVICES	86.40
	BARRETT, SUZANNE		RECREATION SERVICES	141.00
96676	BLUE MARBLE ENV.	WASTE REDUCTION RECYCLING PROG	RECYCLING OPERATION	2,418.28
96677	BLUMENTHAL UNIFORMS	VEST-PALMER	DETENTION & CORRECTION	1,114.21
96678	BRAKE AND CLUTCH	WHEEL CYLINDER	EQUIPMENT RENTAL	158.73
96679	BUILDING SPECIALTIES	10' TRACK AND HARDWARE	CAPITAL OUTLAY	54.98
96680	CAPONE, KEVIN	UB 420750132001 16405 40TH DR	WATER/SEWER OPERATION	11.01
96681	CAPTAIN DIZZYS EXXON	CAR WASHES	POLICE PATROL	49.50
96682	CARQUEST	BATTERY CHARGERS	EQUIPMENT RENTAL	152.44
	CARQUEST		ER&R	152.44
	CARQUEST	POWER INVERTER	EQUIPMENT RENTAL	249.59
96683	CARRS ACE	HEAT TAPE	WASTE WATER TREATMENT F	65.26
	CARRS ACE	TAPE, BULBS, BUNGEE CORDS AND	WASTE WATER TREATMENT F	86.87
	CARRS ACE	PIPE WRAP, WEATHER STRIPPING A	WASTE WATER TREATMENT F	155.18
96684	CARVER, VICKI	INSTRUCTOR SERVICES	RECREATION SERVICES	154.00
96685	CEMEX	HMA-PATCH	ROADWAY MAINTENANCE	277.94

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96686	CHEMTRADE CHEMICALS	ALUMINUM SULFATE	WASTE WATER TREATMENT F	4,965.36
	CHEMTRADE CHEMICALS		WASTE WATER TREATMENT F	5,053.89
	CHEMTRADE CHEMICALS		WASTE WATER TREATMENT F	5,104.59
96687	CHRISTENSEN, BRITNEY	REFUND CLASS FEES	PARKS-RECREATION	10.00
96688	COMCAST	CABLE SERVICE-KBCC	BAXTER CENTER APPRE	61.72
96689	CONSOLIDATED TECH	IGN MONTHLY CHARGE	OFFICE OPERATIONS	195.00
96690	CONTECH ENGINEERED	FREIGHT CHARGES	WATER/SEWER OPERATION	-10.76
	CONTECH ENGINEERED		STORM DRAINAGE	132.99
96691	CORNWELL TOOLS	BREAKER BAR	EQUIPMENT RENTAL	86.99
	CORNWELL TOOLS	RATCHET KIT	EQUIPMENT RENTAL	356.86
96692	CORRECTIONS, DEPT OF	WORK CREW-OCTOBER 2014	PARK & RECREATION FAC	460.83
	CORRECTIONS, DEPT OF		ROADWAY MAINTENANCE	694.43
96693	COSTLESS SENIOR SRVC	INMATE PRESCRIPTIONS	DETENTION & CORRECTION	219.19
96694	CRISTIANO'S	DEPOSITION LUNCH (3)	EXECUTIVE ADMIN	25.09
96695	CRYSTAL SPRINGS	BOTTLED WATER	SOLID WASTE OPERATIONS	91.17
96696	CUES	CCTW REPAIR PARTS	SEWER MAIN COLLECTION	479.32
96697	DATEC, INC	CAR ADAPTERS	POLICE PATROL	67.46
96698	DB SECURE SHRED	MONTHLY SHREDDING SERVICE	POLICE INVESTIGATION	46.79
	DB SECURE SHRED		POLICE PATROL	46.79
	DB SECURE SHRED		DETENTION & CORRECTION	46.79
	DB SECURE SHRED		OFFICE OPERATIONS	46.79
96699	DELTA PROPERTY MANAG	UB 651050200000 10502 63RD DR	WATER/SEWER OPERATION	177.65
96700	DIAMOND B CONSTRUCT	REPLACE CONTACTOR	COMMUNITY DEVELOPMENT-	189.86
96701	DICKS TOWING	TOWING EXPENSE-MP14-9748	POLICE PATROL	43.52
	DICKS TOWING	TOWING EXPENSE	EQUIPMENT RENTAL	212.16
96702	DITCH WITCH NORTHWES	HIGH FREQUENCY LOCATOR KIT	WATER DIST MAINS	3,662.81
96703	DKJ INVESTMENTS INC	UB 680780000000 4731 100TH ST	WATER/SEWER OPERATION	13.42
96704	DONALDSON, BRENDA	REIMBURSE SAFETY VESTS/BRACELE	WATER/SEWER OPERATION	-153.33
	DONALDSON, BRENDA		UTIL ADMIN	1,895.69
96705	DOORMAN COMMERCIAL	REPLACE LOCK	UTIL ADMIN	1,549.63
96706	DOUP, SADA JAMES	INSTRUCTOR SERVICES	RECREATION SERVICES	114.00
	DOUP, SADA JAMES		RECREATION SERVICES	150.00
96707	E&E LUMBER	HOLIDAY PAINT	COMMUNITY EVENTS	20.85
	E&E LUMBER	HAMMER	FACILITY MAINTENANCE	22.97
	E&E LUMBER	HOSE, HOSE ENDS AND BLOCKS	WATER DIST MAINS	23.52
	E&E LUMBER	PLATES AND HARDWARE	EQUIPMENT RENTAL	28.68
	E&E LUMBER	REDI MIX CONCRETE	STORM DRAINAGE	46.19
	E&E LUMBER	BOX ANCHORS	WATER CROSS CNTL	46.99
96708	EAST JORDAN IRON WOR	RING AND COVERS	SEWER MAIN COLLECTION	111.61
	EAST JORDAN IRON WOR	GRATES	STORM DRAINAGE	475.56
96709	EB BRADLEY CO	BRACKETS	MAINT OF GENL PLANT	18.44
	EB BRADLEY CO		WASTE WATER TREATMENT F	18.44
	EB BRADLEY CO		ADMIN FACILITIES	18.44
	EB BRADLEY CO		PUBLIC SAFETY BLDG.	18.44
	EB BRADLEY CO		MAINT OF GENL PLANT	18.44
	EB BRADLEY CO		WASTE WATER TREATMENT F	18.44
	EB BRADLEY CO		ADMIN FACILITIES	18.44
	EB BRADLEY CO		PUBLIC SAFETY BLDG.	18.44
	EB BRADLEY CO		MAINT OF GENL PLANT	73.75
	EB BRADLEY CO		WASTE WATER TREATMENT F	73.76

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96709	EB BRADLEY CO	BRACKETS	ADMIN FACILITIES	73.76
	EB BRADLEY CO		PUBLIC SAFETY BLDG.	73.76
96710	EDGE ANALYTICAL	LAB ANALYSIS	WATER QUAL TREATMENT	10.50
	EDGE ANALYTICAL		WATER QUAL TREATMENT	10.50
	EDGE ANALYTICAL		WATER QUAL TREATMENT	12.00
	EDGE ANALYTICAL		WATER QUAL TREATMENT	12.00
	EDGE ANALYTICAL		WATER QUAL TREATMENT	12.00
	EDGE ANALYTICAL		WATER QUAL TREATMENT	12.00
	EDGE ANALYTICAL		WATER QUAL TREATMENT	12.00
	EDGE ANALYTICAL		WATER QUAL TREATMENT	12.00
	EDGE ANALYTICAL		WATER QUAL TREATMENT	24.00
	EDGE ANALYTICAL		WATER QUAL TREATMENT	24.00
	EDGE ANALYTICAL		WATER QUAL TREATMENT	189.00
	EDGE ANALYTICAL		WATER QUAL TREATMENT	189.00
	EDGE ANALYTICAL		WATER QUAL TREATMENT	189.00
96711	EMERALD HILLS	COFFEE SUPPLIES	BAXTER CENTER APPRE	150.39
96712	EVERETT, CITY TREAS	WATER/FILTRATION SERVICE CHARG	SOURCE OF SUPPLY	142,995.79
96713	FARLEY, CHRISTOPHER	REIMBURSE TRAINING/TRAVEL EXPE	POLICE TRAINING-FIREARMS	127.73
96714	FEENEY WIRELESS	ROOF MOUNTS	EQUIPMENT RENTAL	235.00
96715	FIRE PROTECTION INC	ANNUAL TESTING	GOLF ADMINISTRATION	35.00
	FIRE PROTECTION INC		LIBRARY-GENL	35.00
	FIRE PROTECTION INC		WATER FILTRATION PLANT	70.00
	FIRE PROTECTION INC		PUBLIC SAFETY BLDG.	105.00
96716	FLOYD, CHRIS	INSTRUCTOR SERVICES	RECREATION SERVICES	478.66
96717	FRONTIER COMMUNICATI	PHONE CHARGES	CRIME PREVENTION	7.61
	FRONTIER COMMUNICATI		ANIMAL CONTROL	7.61
	FRONTIER COMMUNICATI		COMMUNITY CENTER	7.61
	FRONTIER COMMUNICATI		PURCHASING/CENTRAL STOF	7.61
	FRONTIER COMMUNICATI		SOLID WASTE CUSTOMER EX	7.61
	FRONTIER COMMUNICATI		CITY CLERK	15.22
	FRONTIER COMMUNICATI		LEGAL-GENL	15.22
	FRONTIER COMMUNICATI		FACILITY MAINTENANCE	15.22
	FRONTIER COMMUNICATI		YOUTH SERVICES	22.82
	FRONTIER COMMUNICATI		PERSONNEL ADMINISTRATIO	22.82
	FRONTIER COMMUNICATI		EXECUTIVE ADMIN	30.43
	FRONTIER COMMUNICATI		GOLF ADMINISTRATION	30.43
	FRONTIER COMMUNICATI		COMPUTER SERVICES	38.03
	FRONTIER COMMUNICATI		FINANCE-GENL	38.04
	FRONTIER COMMUNICATI		LEGAL - PROSECUTION	38.04
	FRONTIER COMMUNICATI		RECREATION SERVICES	38.04
	FRONTIER COMMUNICATI		STORM DRAINAGE	38.04
	FRONTIER COMMUNICATI		EQUIPMENT RENTAL	38.04
	FRONTIER COMMUNICATI		PARK & RECREATION FAC	53.26
	FRONTIER COMMUNICATI		ENGR-GENL	60.87
	FRONTIER COMMUNICATI		POLICE INVESTIGATION	60.87
	FRONTIER COMMUNICATI		UTILITY BILLING	60.87
	FRONTIER COMMUNICATI	ACCT #36065852920604075	PERSONNEL ADMINISTRATIO	66.07
	FRONTIER COMMUNICATI	PHONE CHARGES	POLICE ADMINISTRATION	68.47
	FRONTIER COMMUNICATI		GENERAL SERVICES - OVERH	68.47
	FRONTIER COMMUNICATI		MUNICIPAL COURTS	83.69

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96717	FRONTIER COMMUNICATI	PHONE CHARGES	OFFICE OPERATIONS	83.69
	FRONTIER COMMUNICATI		WASTE WATER TREATMENT F	91.30
	FRONTIER COMMUNICATI		DETENTION & CORRECTION	106.51
	FRONTIER COMMUNICATI		UTIL ADMIN	144.56
	FRONTIER COMMUNICATI		COMMUNITY DEVELOPMENT-	152.16
	FRONTIER COMMUNICATI	ACCT #36065852920604075	MUNICIPAL COURTS	164.91
	FRONTIER COMMUNICATI	PHONE CHARGES	POLICE PATROL	334.76
96718	FRONTIER COMMUNICATI	LONG DISTANCE CHARGES	COMPUTER SERVICES	-0.03
	FRONTIER COMMUNICATI		CRIME PREVENTION	0.02
	FRONTIER COMMUNICATI		SOLID WASTE CUSTOMER EX	0.02
	FRONTIER COMMUNICATI		YOUTH SERVICES	0.07
	FRONTIER COMMUNICATI		LEGAL-GENL	0.12
	FRONTIER COMMUNICATI		GENERAL SERVICES - OVERH	0.20
	FRONTIER COMMUNICATI		PURCHASING/CENTRAL STOF	0.38
	FRONTIER COMMUNICATI		FACILITY MAINTENANCE	0.66
	FRONTIER COMMUNICATI		ANIMAL CONTROL	0.87
	FRONTIER COMMUNICATI		RECREATION SERVICES	1.18
	FRONTIER COMMUNICATI		GOLF ADMINISTRATION	1.59
	FRONTIER COMMUNICATI		CITY CLERK	2.04
	FRONTIER COMMUNICATI		STORM DRAINAGE	2.60
	FRONTIER COMMUNICATI		EQUIPMENT RENTAL	3.04
	FRONTIER COMMUNICATI		COMMUNITY CENTER	3.12
	FRONTIER COMMUNICATI		PERSONNEL ADMINISTRATIO	3.84
	FRONTIER COMMUNICATI		FINANCE-GENL	4.16
	FRONTIER COMMUNICATI		LEGAL - PROSECUTION	4.48
	FRONTIER COMMUNICATI		POLICE ADMINISTRATION	4.96
	FRONTIER COMMUNICATI		UTILITY BILLING	7.39
	FRONTIER COMMUNICATI		WASTE WATER TREATMENT F	8.08
	FRONTIER COMMUNICATI		PARK & RECREATION FAC	8.56
	FRONTIER COMMUNICATI		ENGR-GENL	10.19
	FRONTIER COMMUNICATI		COMPUTER SERVICES	10.86
	FRONTIER COMMUNICATI		POLICE PATROL	10.97
	FRONTIER COMMUNICATI		UTIL ADMIN	11.19
	FRONTIER COMMUNICATI		OFFICE OPERATIONS	11.54
	FRONTIER COMMUNICATI		EXECUTIVE ADMIN	11.91
	FRONTIER COMMUNICATI		DETENTION & CORRECTION	17.81
	FRONTIER COMMUNICATI		POLICE INVESTIGATION	18.08
	FRONTIER COMMUNICATI		MUNICIPAL COURTS	20.79
	FRONTIER COMMUNICATI		COMMUNITY DEVELOPMENT-	30.93
96719	FULLERTON & ASSOCIAT	PARK EXPANSION PROJECT	PLANNING & COMMUNITY DE	2,040.00
96720	GEOLINE INC	ROVER POLE BILLING ADJ	SEWER MAIN COLLECTION	-107.91
	GEOLINE INC		WASTE WATER TREATMENT F	-107.91
	GEOLINE INC		STORM DRAINAGE	-107.90
	GEOLINE INC	ROVER POLE	STORM DRAINAGE	92.08
	GEOLINE INC		WASTE WATER TREATMENT F	92.08
	GEOLINE INC		SEWER MAIN COLLECTION	92.08
	GEOLINE INC		STORM DRAINAGE	107.90
	GEOLINE INC		WASTE WATER TREATMENT F	107.91
	GEOLINE INC		SEWER MAIN COLLECTION	107.91
	GEOLINE INC	TRIMBLE	STORM DRAINAGE	8,160.00

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96720	GEOLINE INC GEOLINE INC	TRIMBLE	WASTE WATER TREATMENT F	8,160.00
			SEWER MAIN COLLECTION	8,160.00
96721	GEOSPATIAL TRAINING	ADVANCED ARCGIS SERVER DEVELOP	ENGR-GENL	380.00
96722	GOTCHA PEST CONTROL	PEST CONTROL	PUBLIC SAFETY BLDG.	244.80
96723	GREEN RIVER CC GREEN RIVER CC GREEN RIVER CC GREEN RIVER CC	BACKFLOW ASSY CERT-DAVIS BACKFLOW ASSY CERT-GESSNER, KR BACKFLOW ASSY CERT-GILBERT BACKFLOW ASSY CERT-ZAHNOW	UTIL ADMIN UTIL ADMIN UTIL ADMIN UTIL ADMIN	42.00 42.00 42.00 42.00
96724	GREENSHIELDS GREENSHIELDS	ADAPTERS RATCHET STRAPS	EQUIPMENT RENTAL ROADWAY MAINTENANCE	36.96 144.08
96725	GREWAL, BHAJAN	REFUND CLASS FEES	PARKS-RECREATION	150.00
96726	HD FOWLER COMPANY HD FOWLER COMPANY HD FOWLER COMPANY HD FOWLER COMPANY	INSERTS, ELLS AND GASKETS BRASS HARDWARE AND ADAPTERS PVC AND CAPS METER BOXES	WATER/SEWER OPERATION WATER/SEWER OPERATION WASTE WATER TREATMENT F WATER/SEWER OPERATION	298.30 318.84 381.37 589.87
96727	HD SUPPLY WATERWORKS	AMI SYSTEM SUPPLIES	WATER CAPITAL PROJECTS	21,145.29
96728	HEALTH, DEPT OF HEALTH, DEPT OF HEALTH, DEPT OF	WW OPERATOR CERIFICATION-DAVIS WW OPERATOR CERIFICATION-GESSN WW OPERATOR CERTIFICATION-ZAHN	UTIL ADMIN UTIL ADMIN UTIL ADMIN	42.00 42.00 42.00
96729	HENNIG, JEANINE TULL	INSTRUCTOR SERVICES	RECREATION SERVICES	307.20
96730	HUSKY DOOR CORP	DOOR	CAPITAL OUTLAY	246.57
96731	INTERSTATE AUTO PART	WIRE, TIES, BULBS AND WRAPS	EQUIPMENT RENTAL	128.95
96732	K-MART	HOLIDAY SUPPLIES	COMMUNITY EVENTS	83.50
96733	KAR GOR INC	CAMERA	TRANSPORTATION MANAGEM	544.00
96734	KENWORTH NORTHWEST KENWORTH NORTHWEST	AIR DRYER CARTRIDGES	ER&R ER&R	169.71 169.71
96735	KINGSFORD, ANDREA	REIMBURSE SPECIAL EVENT SUPPLI	COMMUNITY EVENTS	178.81
96736	KLEMENTSEN, TORY KLEMENTSEN, TORY KLEMENTSEN, TORY KLEMENTSEN, TORY	INSTRUCTOR SERVICES	RECREATION SERVICES RECREATION SERVICES RECREATION SERVICES RECREATION SERVICES	35.00 105.00 175.00 367.50
96737	KUK, SHANE KUK, SHANE KUK, SHANE	RENTAL FEE REFUND RENTAL FEES AND DEPOSIT REFUND	PARKS-RENTS & ROYALTIES PARKS-RENTS & ROYALTIES GENERAL FUND	45.00 165.00 200.00
96738	KUNG FU 4 KIDS KUNG FU 4 KIDS	INSTRUCTOR SERVICES	RECREATION SERVICES RECREATION SERVICES	485.10 554.40
96739	LAKE STEVENS SCHOOL	MITIGATION FEES	SCHOOL MIT FEES	14,076.00
96740	LAKESIDE INDUSTRIES	ASPHALT	WATER MAINS INSTALL	572.65
96741	LAWLER, R L	UB 981660086000 16600 25TH AVE	GARBAGE	49.22
96742	LEACH, DEAN	UB 300820000000 5218 133RD PL	WATER/SEWER OPERATION	75.10
96743	LICENSING, DEPT OF LICENSING, DEPT OF LICENSING, DEPT OF LICENSING, DEPT OF LICENSING, DEPT OF LICENSING, DEPT OF LICENSING, DEPT OF LICENSING, DEPT OF LICENSING, DEPT OF LICENSING, DEPT OF LICENSING, DEPT OF	BLANTON, MARLENE (RENEWAL) CHISHOLM, ISAAC (ORIGINAL) COOK, GREGORY (RENEWAL) COOPER, WILLIAM (ORIGINAL) DAVIS, BENJAMIN (ORIGINAL) EHRISMAN, LARRY (ORIG-DENIED) EVANS, SCOTT (ORIGINAL) FONTANILLA, JOSHUA (ORIGINAL) HERZOG, MITCHELL (ORIGINAL) LEWIS, JERRY (RENEWAL)	GENERAL FUND GENERAL FUND GENERAL FUND GENERAL FUND GENERAL FUND GENERAL FUND GENERAL FUND GENERAL FUND GENERAL FUND GENERAL FUND GENERAL FUND	18.00 18.00 18.00 18.00 18.00 18.00 18.00 18.00 18.00 18.00 18.00

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96743	LICENSING, DEPT OF	LEWIS, KATHYRN (RENEWAL)	GENERAL FUND	18.00
	LICENSING, DEPT OF	LEWIS, WILLIAM (RENEWAL)	GENERAL FUND	18.00
	LICENSING, DEPT OF	OLSON, STEPHEN (ORIGINAL)	GENERAL FUND	18.00
	LICENSING, DEPT OF	STALLCUP, LANE (RENEWAL)	GENERAL FUND	18.00
	LICENSING, DEPT OF	TA, TIMOTHY (ORIGINAL)	GENERAL FUND	18.00
	LICENSING, DEPT OF	WALLACE, OLGA (ORIGINAL)	GENERAL FUND	18.00
	LICENSING, DEPT OF	BAYLINSON, WARREN (LT RENEWAL)	GENERAL FUND	21.00
	LICENSING, DEPT OF	HARING, ADAM (LT RENEWAL)	GENERAL FUND	21.00
	LICENSING, DEPT OF	SMALLEY, CRAIG (LT RENEWAL)	GENERAL FUND	21.00
96744	LOWES HIW INC	WINDOW STOP AND LATCH	MAINT OF GENL PLANT	11.01
	LOWES HIW INC	GROMMETS, TAPE AND STICK	CAPITAL OUTLAY	24.96
	LOWES HIW INC		FACILITY MAINTENANCE	39.24
	LOWES HIW INC	WRENCH, SOCKETS AND PLIERS	ROADWAY MAINTENANCE	140.78
	LOWES HIW INC	DEHUMIDIFIERS	SOURCE OF SUPPLY	601.56
96745	LUSK, GEORGE	INSTRUCTOR SERVICES	RECREATION SERVICES	66.00
96746	MAKERS	PROFESSIONAL SERVICES	COMMUNITY DEVELOPMENT-	1,127.50
96747	MANOR HARDWARE	FINISH NAIL GUN REPAIR	FACILITY MAINTENANCE	79.99
96748	MARYSVILLE AWARDS	ORNAMENTS	COMMUNITY EVENTS	90.38
	MARYSVILLE AWARDS	PLAQUE	LEGAL-GENL	157.22
96749	MARYSVILLE PRINTING	PROSECUTOR OFFER FORMS	LEGAL - PROSECUTION	167.43
	MARYSVILLE PRINTING	ENVELOPES	FINANCE-GENL	176.80
	MARYSVILLE PRINTING	CORRECTION NOTICES	COMMUNITY DEVELOPMENT-	184.96
	MARYSVILLE PRINTING	DOOR HANGERS	COMMUNITY DEVELOPMENT-	265.20
	MARYSVILLE PRINTING		ROADWAY MAINTENANCE	397.81
96750	MARYSVILLE SCHOOL	FACILITY USAGE FEES-TMS	RECREATION SERVICES	72.00
	MARYSVILLE SCHOOL	FACILITY USAGE FEES-MMS	RECREATION SERVICES	81.00
	MARYSVILLE SCHOOL	FACILITY USAGE FEES-CEDARCREST	RECREATION SERVICES	120.00
	MARYSVILLE SCHOOL	FACILITY USAGE FEES-TMS	RECREATION SERVICES	168.00
96751	MARYSVILLE SCHOOL	MITIGATION FEES	SCHOOL MIT FEES	18,790.00
96752	MARYSVILLE, CITY OF	UTILITY SERVICE-17906 43RD AVE	WATER FILTRATION PLANT	55.12
	MARYSVILLE, CITY OF	UTILITY SERVICE-15524 SMOKEY P	NON-DEPARTMENTAL	304.98
	MARYSVILLE, CITY OF	UTILITY SERVICE-6302 152ND ST	PARK & RECREATION FAC	342.85
	MARYSVILLE, CITY OF		PARK & RECREATION FAC	556.44
96753	MENZEL, BRIAN	UB 761303166001 7425 81ST PL N	WATER/SEWER OPERATION	28.32
96754	METCALF, SHELLEY	INSTRUCTOR SERVICES	RECREATION SERVICES	797.18
96755	MICHAL, JAMES L	UB 980098000802 3710 91ST ST N	GARBAGE	61.77
96756	MICROFLEX INC	SALES TAX AUDIT PROGRAM	FINANCE-GENL	153.86
96757	MIRANDA, TONYA	INSTRUCTOR SERVICES	RECREATION SERVICES	54.00
	MIRANDA, TONYA		RECREATION SERVICES	72.00
	MIRANDA, TONYA		RECREATION SERVICES	144.00
	MIRANDA, TONYA		RECREATION SERVICES	612.00
96758	MOTOR TRUCKS	DIAGNOSE AND REPAIR 2013 INTER	EQUIPMENT RENTAL	397.34
96759	MURRAY, SMITH & ASSO	PROFESSIONAL SERVICES	WATER CAPITAL PROJECTS	9,497.99
96760	NEPTUNE TECHNOLOGY	PROREAD PITS AND INSTALLATION	WATER CAPITAL PROJECTS	15,118.16
96761	NORTH COUNTY OUTLOOK	ADVERTISING	COMMUNITY CENTER	98.00
96762	NORTH SOUND HOSE	HOSE WITH FITTINGS	STORM DRAINAGE	611.07
96763	NORTHSTAR CHEMICAL	SODIUM HYPOCHLORITE	WATER QUAL TREATMENT	1,432.30
96764	NORTHUP GROUP	MEDICAL SERVICES	POLICE ADMINISTRATION	260.00
96765	NORTHWESTERN AUTO	REPAIR PATROL CAR ACCIDENT DAM	EQUIPMENT RENTAL	4,055.88
96766	NYITRAY, SANDRA	INSTRUCTOR SERVICES	COMMUNITY CENTER	27.00

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96766	NYITRAY, SANDRA	INSTRUCTOR SERVICES	COMMUNITY CENTER	45.00
96767	O'BRIEN, APRIL	REIMBURSE MILEAGE	CITY CLERK	43.68
96768	OFFICE DEPOT	OFFICE SUPPLIES	POLICE INVESTIGATION	97.87
96769	OLASON, MONICA	INSTRUCTOR SERVICES	RECREATION SERVICES	33.60
	OLASON, MONICA		RECREATION SERVICES	72.00
	OLASON, MONICA		RECREATION SERVICES	88.20
	OLASON, MONICA		RECREATION SERVICES	111.00
	OLASON, MONICA		RECREATION SERVICES	126.00
	OLASON, MONICA		RECREATION SERVICES	126.00
96770	PARKINSON, JEN	RENTAL DEPOSIT REFUND	GENERAL FUND	100.00
96771	PARTS STORE, THE	CORE REFUND	EQUIPMENT RENTAL	-103.82
	PARTS STORE, THE	OIL FILTER CREDIT	EQUIPMENT RENTAL	-3.59
	PARTS STORE, THE	OIL FILTER	EQUIPMENT RENTAL	3.59
	PARTS STORE, THE	TOGGLE SWITCH AND SWITCH BOOT	EQUIPMENT RENTAL	21.44
	PARTS STORE, THE	BRASS BUSHINGS	EQUIPMENT RENTAL	22.77
	PARTS STORE, THE	AIR FILTERS	EQUIPMENT RENTAL	29.41
	PARTS STORE, THE	OIL FILTER AND MOTOR OIL	EQUIPMENT RENTAL	63.76
	PARTS STORE, THE	BRAKE CALIPERS W/CORE CHARGE	EQUIPMENT RENTAL	232.61
96772	PAYMENTUS	TRANSACTION FEES	UTILITY BILLING	9,822.95
96773	PETERSON, TROY M	UB 580800000000 17710 11TH AVE	WATER/SEWER OPERATION	122.59
96774	PETROCARD SYSTEMS	FUEL CONSUMED	COMMUNITY DEVELOPMENT-	17.88
	PETROCARD SYSTEMS		STORM DRAINAGE	37.90
	PETROCARD SYSTEMS		COMPUTER SERVICES	43.14
	PETROCARD SYSTEMS		FACILITY MAINTENANCE	58.67
	PETROCARD SYSTEMS		COMMUNITY DEVELOPMENT-	267.42
	PETROCARD SYSTEMS		PARK & RECREATION FAC	635.84
	PETROCARD SYSTEMS		GENERAL SERVICES - OVERH	2,424.31
	PETROCARD SYSTEMS		MAINT OF EQUIPMENT	3,347.25
	PETROCARD SYSTEMS		SOLID WASTE OPERATIONS	3,905.76
	PETROCARD SYSTEMS		POLICE PATROL	6,495.11
96775	PILCHUCK RENTALS	SMALL TOOL REPAIR	ROADSIDE VEGETATION	179.13
96776	PLATT ELECTRIC	LIGHTS	ADMIN FACILITIES	16.48
	PLATT ELECTRIC	HARDWARE	WATER CAPITAL PROJECTS	32.24
	PLATT ELECTRIC	SCREWDRIVERS AND BITS	FACILITY MAINTENANCE	59.84
	PLATT ELECTRIC	OUTLETS, COVERS AND BALLASTS	PUBLIC SAFETY BLDG.	62.11
96777	POLLARDWATER.COM	PULLING GRIPS, LOCATOR VALVE A	WATER SERVICES	1,199.44
96778	PORTER, JENAE	RENTAL DEPOSIT REFUND	GENERAL FUND	100.00
96779	PREMIER FENCE INC	FENCE INSTALLATION	STORM DRAINAGE	1,695.10
96780	PUD	ACCT #2042-5946-9	TRAFFIC CONTROL DEVICES	33.08
	PUD	ACCT #2042-6034-3	TRAFFIC CONTROL DEVICES	33.08
	PUD	ACCT #2042-6262-0	TRAFFIC CONTROL DEVICES	33.08
	PUD	ACCT #2054-8182-3	MAINTENANCE	33.08
	PUD	ACCT #2005-0161-7	TRANSPORTATION MANAGEM	49.28
	PUD	ACCT #2200-2050-7	STREET LIGHTING	64.72
	PUD	ACCT #2022-9424-5	SEWER LIFT STATION	100.39
	PUD	ACCT #2048-2969-1	STREET LIGHTING	110.23
	PUD	ACCT #2006-6043-9	STREET LIGHTING	133.17
	PUD	ACCT #2039-9634-3	STREET LIGHTING	154.75
	PUD	ACCT #2032-9121-6	GENERAL SERVICES - OVERH	290.83
	PUD	ACCT #2200-2051-1	STREET LIGHTING	559.57

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96780	PUD	ACCT #2000-2187-1	COURT FACILITIES	2,384.08
	PUD	ACCT #2016-1747-9	ADMIN FACILITIES	2,680.26
96781	PUGET SOUND ENERGY	ACCT #200024981520	COMMUNITY CENTER	70.87
	PUGET SOUND ENERGY	ACCT #220002768939	PUBLIC SAFETY BLDG.	88.52
	PUGET SOUND ENERGY	ACCT #200007781657	PRO-SHOP	113.48
	PUGET SOUND ENERGY	ACCT #200007052364	MAINT OF GENL PLANT	178.52
	PUGET SOUND ENERGY	ACCT #200023493808	ADMIN FACILITIES	524.18
	PUGET SOUND ENERGY	ACCT #200004804056	COURT FACILITIES	563.31
	PUGET SOUND ENERGY	ACCT #200013812314	MAINT OF GENL PLANT	1,003.59
	PUGET SOUND ENERGY	ACCT #200010703029	PUBLIC SAFETY BLDG.	1,521.04
96782	PUGET SOUND SECURITY	LOCK SET AND KEYS	SEWER MAIN COLLECTION	21.21
	PUGET SOUND SECURITY		STORM DRAINAGE	21.21
96783	QUADRA CEILING	CEILING INSTALLATION	CAPITAL OUTLAY	5,005.89
96784	RADAR INC	PORTS AND CABLES	EQUIPMENT RENTAL	33.07
96785	RADEK, ZENA	UB 042670000000 9516 62ND DR N	WATER/SEWER OPERATION	7.14
96786	RADIOSHACK	WALKIE-TALKIES	ROADWAY MAINTENANCE	269.78
96787	REAL PROPERTY FUNDIN	UB 850820000000 5809 78TH PL N	WATER/SEWER OPERATION	52.67
96788	RICOH USA, INC.	PRINTER CHARGES	WASTE WATER TREATMENT F	1.14
	RICOH USA, INC.		MUNICIPAL COURTS	6.51
	RICOH USA, INC.		MAINTENANCE	6.76
	RICOH USA, INC.		GENERAL SERVICES - OVERT	12.76
	RICOH USA, INC.		COMMUNITY CENTER	18.03
	RICOH USA, INC.		UTILITY BILLING	25.43
	RICOH USA, INC.		CITY CLERK	28.36
	RICOH USA, INC.		FINANCE-GENL	28.36
	RICOH USA, INC.		PARK & RECREATION FAC	42.44
	RICOH USA, INC.		PROBATION	53.69
	RICOH USA, INC.		POLICE PATROL	98.96
	RICOH USA, INC.		PERSONNEL ADMINISTRATIO	125.70
	RICOH USA, INC.		ENGR-GENL	130.61
	RICOH USA, INC.		POLICE INVESTIGATION	177.17
	RICOH USA, INC.		COMMUNITY DEVELOPMENT-	177.35
	RICOH USA, INC.		UTIL ADMIN	187.70
	RICOH USA, INC.		DETENTION & CORRECTION	206.13
	RICOH USA, INC.		LEGAL - PROSECUTION	361.30
	RICOH USA, INC.		EXECUTIVE ADMIN	369.13
	RICOH USA, INC.		OFFICE OPERATIONS	896.16
96789	RICOH USA, INC.	PRINTER	PROPERTY TASK FORCE	74.84
96790	RIDGE @ ROCKCREEK	RENTAL DEPOSIT REFUND	GENERAL FUND	100.00
96791	RIVER OAKS	CABLE FRANCHISE RENEWAL PROJEC	EXECUTIVE ADMIN	552.68
96792	ROMO, LAURENCE	UB 985015020000 5015 SUNNYSIDE	WATER/SEWER OPERATION	21.53
96793	ROMO, LAURENCE	UB 985015010000 5015 SUNNYSIDE	WATER/SEWER OPERATION	99.05
96794	SCHARBACH, KELLI	REFUND CLASS FEES	PARKS-RECREATION	70.00
96795	SEATTLE TIMES, THE	EMPLOYMENT AD	EXECUTIVE ADMIN	860.39
96796	SHERWIN WILLIAMS	PAINT AND SUPPLIES	MAINT OF GENL PLANT	253.84
96797	SIX ROBBLEES INC	SCREWDRIVER CORE TOOL	EQUIPMENT RENTAL	17.43
	SIX ROBBLEES INC	WHEEL WEIGHTS, TIRE PATCH AND	EQUIPMENT RENTAL	400.31
96798	SKAGIT PLUMBING	DISHWASHER INSTALLATION	WASTE WATER TREATMENT F	588.61
96799	SNAP-ON INCORPORATED	CREDIT PARTIAL SHIPPING EXPENS	WASTE WATER TREATMENT F	-9.89
	SNAP-ON INCORPORATED		EQUIPMENT RENTAL	-9.89

**CITY OF MARYSVILLE
 INVOICE LIST**

FOR INVOICES FROM 12/11/2014 TO 12/17/2014

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
96799	SNAP-ON INCORPORATED	CREDIT PARTIAL SHIPPING EXPENS	STORM DRAINAGE	-9.89
	SNAP-ON INCORPORATED		GENERAL SERVICES - OVERF	-9.89
	SNAP-ON INCORPORATED	PULLER, SOCKETS AND CLIPS	EQUIPMENT RENTAL	236.06
	SNAP-ON INCORPORATED	FLEX SET	EQUIPMENT RENTAL	338.15
96800	SNO CO PUBLIC WORKS	PROJECT BILLING	WATER CAPITAL PROJECTS	149.26
96801	SNO CO TOURISM BURE	RENTAL DEPOSIT REFUND	GENERAL FUND	100.00
96802	SNO CO TREASURER	CRIME VICTIM/WITNESS FUNDS	CRIME VICTIM	2,445.26
96803	SNOPAC	DISPATCH SERVICES	COMMUNICATION CENTER	75,427.60
96804	SONITROL	SECURITY SERVICES	PARK & RECREATION FAC	132.00
	SONITROL		UTIL ADMIN	133.00
	SONITROL		COMMUNITY CENTER	142.00
	SONITROL		PUBLIC SAFETY BLDG.	160.00
	SONITROL		MAINT OF GENL PLANT	286.00
	SONITROL		ADMIN FACILITIES	333.00
	SONITROL		WASTE WATER TREATMENT F	491.26
96805	SOUND PUBLISHING	ADVERTISING	COMMUNITY CENTER	21.00
96806	SOUND PUBLISHING	LEGAL ADS	CITY CLERK	110.99
96807	SOUND PUBLISHING	EMPLOYMENT AD	EXECUTIVE ADMIN	358.25
96808	SOUND PUBLISHING	LEGAL ADS	COMMUNITY DEVELOPMENT-	596.72
96809	SOUND SAFETY	JEANS-WARD	UTIL ADMIN	85.18
	SOUND SAFETY	JEANS AND BOOTS-BLACKWELL	COMMUNITY DEVELOPMENT-	194.38
	SOUND SAFETY	JEANS AND BOOTS-MOORE	COMMUNITY DEVELOPMENT-	194.38
	SOUND SAFETY	GLOVES, JEANS AND BOOTS-ROCHE	COMMUNITY DEVELOPMENT-	253.54
96810	STAPLES	CRAFT SUPPLY CREDIT	RECREATION SERVICES	-40.23
	STAPLES	OFFICE SUPPLIES	UTILITY BILLING	39.37
	STAPLES	CRAFT SUPPLIES	RECREATION SERVICES	40.16
	STAPLES	OFFICE SUPPLIES	PRO-SHOP	44.02
	STAPLES		COMMUNITY CENTER	55.40
	STAPLES		COMMUNITY DEVELOPMENT-	63.78
	STAPLES		FINANCE-GENL	97.00
	STAPLES		PERSONNEL ADMINISTRATIO	118.48
	STAPLES	KEYBOARD TRAY	PARK & RECREATION FAC	152.31
	STAPLES	OFFICE SUPPLIES	COMMUNITY DEVELOPMENT-	193.15
96811	STATE PATROL	BACKGROUND CHECKS	PERSONNEL ADMINISTRATIO	260.00
	STATE PATROL	FINGERPRINTING ID SERVICES	GENERAL FUND	511.50
96812	STUART, THOMAS K	UB 110630250000 4518 95TH ST N	WATER/SEWER OPERATION	256.23
96813	SWICK-LAFAVE, JULIE	REIMBURSE JAIL SUPPLIES	DETENTION & CORRECTION	22.85
96814	TACTICAL TRACKING	TRAINING-NORRIS	POLICE TRAINING-FIREARMS	275.00
	TACTICAL TRACKING	TRAINING-YOUNG	POLICE TRAINING-FIREARMS	275.00
96815	TAUZIN, MATTHEW	UB 600410000000 2200 140TH PL	WATER/SEWER OPERATION	33.16
96816	TESSCO	COIL, ANTENNA AND MOUNT	EQUIPMENT RENTAL	141.31
96817	THOMAS, AMANDA	UB 847610870000 7610 87TH AVE	WATER/SEWER OPERATION	15.82
96818	TIPPRO LLC	UB 849000283001 8007 66TH DR N	WATER/SEWER OPERATION	77.29
96819	TREACY, AL	REIMBURSE CLE TRAINING EXPENSE	LEGAL-GENL	173.59
96820	TRIBUNE	ADVERTISING	COMMUNITY CENTER	96.00
96821	TULALIP CHAMBER	CHAMBER SERVICES 2ND HALF	NON-DEPARTMENTAL	10,000.00
	TULALIP CHAMBER	2013 HOTEL MOTEL GRANT	HOTEL/MOTEL TAX	20,000.00
96822	TYLER BUSINESS FORMS	AP & PR CHECK STOCK	GENERAL FUND	-43.03
	TYLER BUSINESS FORMS	1099'S & W2'S	GENERAL FUND	-25.49
	TYLER BUSINESS FORMS		FINANCE-GENL	315.11

**CITY OF MARYSVILLE
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96822	TYLER BUSINESS FORMS	AP & PR CHECK STOCK	FINANCE-GENL	532.03
96823	UNITED PARCEL SERVIC	SHIPPING EXPENSE	POLICE PATROL	14.16
96824	UTILITIES SERVICE CO	PUMP REPAIR	WASTE WATER TREATMENT F	3,412.34
96825	UTILITIES UNDERGROUN	EXCAVATION NOTICES	UTILITY LOCATING	371.14
96826	VALADEZ-GOMEZ, ABEL	UB 790430000002 5628 66TH AVE	WATER/SEWER OPERATION	297.09
96827	VAN DAM'S ABBEY	BLINDS	CAPITAL OUTLAY	511.63
	VAN DAM'S ABBEY	BASE AND CARPET	CAPITAL OUTLAY	1,656.37
96828	VERIZON	AMR LINES	METER READING	256.72
96829	VICTOR STANLEY INC	36 GAL RECEPTACLES (10)	SOLID WASTE OPERATIONS	13,395.46
96830	WA AUDIOLOGY SRVCS	TESTING AND EMPLOYEE TRAINING	EXECUTIVE ADMIN	1,512.34
96831	WA STATE TREASURER	PUBLIC SAFETY & BLDG REVENUE	GENERAL FUND	236.00
	WA STATE TREASURER		GENERAL FUND	38,028.95
96832	WABO	MEMBERSHIP RENEWAL-DORCAS	COMMUNITY DEVELOPMENT-	185.00
96833	WAGNER, GAVIN	UB 891043000001 5625 GROVE ST	WATER/SEWER OPERATION	100.48
96834	WASTE MANAGEMENT	RECYCLE PILOT	RECYCLING OPERATION	2,221.58
96835	WASTE MANAGEMENT	YARDWASTE AND RECYCLE SERVICE	RECYCLING OPERATION	107,099.27
96836	WEBCHECK	WEBCHECK SERVICES NOV 2014	UTILITY BILLING	664.63
96837	WESTERN GRAPHICS	PATROL CAR EXTERIOR GRAPHICS	EQUIPMENT RENTAL	520.63
96838	WESTERN PETERBILT	BRAKE VALVE	EQUIPMENT RENTAL	81.78
	WESTERN PETERBILT	LIGHT ASSEMBLIES	ER&R	125.80
96839	WESTERN SYSTEMS	SOLAR ENGINES, LIGHTBARS, POST	CITY STREET-GENL	13,183.60
96840	WHITE CAP CONSTRUCT	SLEDGE HAMMER AND LUTES	STORM DRAINAGE	74.73
	WHITE CAP CONSTRUCT		SEWER MAIN COLLECTION	74.73
96841	YUKSELOGLU, BARIS &	UB 091462446000 14624 46TH AVE	WATER/SEWER OPERATION	250.00
96842	ZEE MEDICAL SERVICE	RESTOCK FIRST AID KIT	ADMIN FACILITIES	69.82

WARRANT TOTAL:

678,043.40

REASON FOR VOIDS:

UNCLAIMED PROPERTY

CHECK # 94464

CHECK LOST

(100.00)

INITIATOR ERROR

CHECK # 95617

CHECK LOST

(173.59)

WRONG VENDOR

CHECK LOST/DAMAGED IN MAIL

677,769.81

Index #5

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: January 12, 2015

AGENDA ITEM: Claims	AGENDA SECTION:	
PREPARED BY: Sandy Langdon, Finance Director	AGENDA NUMBER:	
ATTACHMENTS: Claims Listings	APPROVED BY:	
	MAYOR	CAO
BUDGET CODE:	AMOUNT:	

Please see attached.

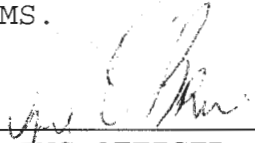
RECOMMENDED ACTION:

The Finance and Executive Departments recommend City Council approve the **December 24, 2014** claims in the amount of **\$648,508.69** paid by **Check No.'s 96843 through 97002 with Check No.'s 89356, 94638, 96757 & 96801 voided.**

COUNCIL ACTION:

**CLAIMS
FOR
PERIOD-12**

I, THE UNDERSIGNED, DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE MATERIALS HAVE BEEN FURNISHED, THE SERVICES RENDERED OR THE LABOR PERFORMED AS DESCRIBED HEREIN AND THAT THE **CLAIMS** IN THE AMOUNT OF **\$648,508.69 PAID BY CHECK NO.'S 96843 THROUGH 97002 WITH CHECK NO.'S 89356, 94638, 96757 & 96801 VOIDED** ARE JUST, DUE AND UNPAID OBLIGATIONS AGAINST THE CITY OF MARYSVILLE, AND THAT I AM AUTHORIZED TO AUTHENTICATE AND TO CERTIFY SAID CLAIMS.



AUDITING OFFICER

12/24/14

DATE

MAYOR

DATE

WE, THE UNDERSIGNED COUNCIL MEMBERS OF MARYSVILLE, WASHINGTON DO HEREBY APPROVE FOR PAYMENT THE ABOVE MENTIONED **CLAIMS** ON THIS **12th DAY OF JANUARY 2015.**

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

**CITY OF MARYSVILLE
 INVOICE LIST**

FOR INVOICES FROM 12/18/2014 TO 12/24/2014

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
96843	REVENUE, DEPT OF	SALES & USE TAXES-NOV 2014	COMMUNITY DEVELOPMENT-	2.20
	REVENUE, DEPT OF		CITY CLERK	2.82
	REVENUE, DEPT OF		INFORMATION SERVICES	2.82
	REVENUE, DEPT OF		ER&R	25.25
	REVENUE, DEPT OF		POLICE ADMINISTRATION	26.07
	REVENUE, DEPT OF		PRO-SHOP	72.83
	REVENUE, DEPT OF		CITY STREETS	216.70
	REVENUE, DEPT OF		WATER/SEWER OPERATION	217.78
	REVENUE, DEPT OF		RECREATION SERVICES	258.47
	REVENUE, DEPT OF		GENERAL FUND	941.96
	REVENUE, DEPT OF		GOLF COURSE	1,356.42
	REVENUE, DEPT OF		STORM DRAINAGE	4,753.28
	REVENUE, DEPT OF		SOLID WASTE OPERATIONS	20,502.63
	REVENUE, DEPT OF		UTIL ADMIN	54,009.44
96844	ADVANTAGE BUILDING S	JANITORIAL SERVICE	COMMUNITY CENTER	125.00
96845	AFTS	PAPER STOCK	UTILITY BILLING	386.54
96846	AGRICULTURE, DEPT OF	PESTICIDE LICENSE RENEWAL-DAY	SOLID WASTE OPERATIONS	33.00
	AGRICULTURE, DEPT OF	PESTICIDE LICENSE RENEWAL-GEIS	UTIL ADMIN	33.00
	AGRICULTURE, DEPT OF	PESTICIDE LICENSE RENEWAL-KEEF	UTIL ADMIN	33.00
	AGRICULTURE, DEPT OF	PESTICIDE LICENSE RENEWAL-MILL	UTIL ADMIN	33.00
	AGRICULTURE, DEPT OF	PESTICIDE LICENSE RENEWAL-WINE	UTIL ADMIN	33.00
96847	ALBERTSONS	MEETING/WELLNESS/KBCC REIMBURS	RECREATION SERVICES	15.97
	ALBERTSONS		PERSONNEL ADMINISTRATIO	17.97
	ALBERTSONS		BAXTER CENTER APPRE	38.95
	ALBERTSONS		PERSONNEL ADMINISTRATIO	55.49
	ALBERTSONS		BAXTER CENTER APPRE	103.89
96848	ARAMARK UNIFORM	UNIFORM SERVICE	MAINTENANCE	11.15
	ARAMARK UNIFORM		MAINTENANCE	11.15
	ARAMARK UNIFORM		EQUIPMENT RENTAL	41.56
96849	AUTO ADDITIONS, INC.	PATROL CAR OUTFITTING EQUIPMEN	ER&R	-114.54
	AUTO ADDITIONS, INC.		ER&R	-91.56
	AUTO ADDITIONS, INC.	CONSOLES, FLOORMOUNT AND FACEP	ER&R	-44.29
	AUTO ADDITIONS, INC.		EQUIPMENT RENTAL	547.54
	AUTO ADDITIONS, INC.	PATROL CAR OUTFITTING EQUIPMEN	EQUIPMENT RENTAL	1,132.06
	AUTO ADDITIONS, INC.		EQUIPMENT RENTAL	1,416.16
96850	BANK OF AMERICA	TRAINING REIMBURSEMENT	POLICE TRAINING-FIREARMS	144.20
96851	BANK OF AMERICA	SUPPLY REIMBURSEMENT	INFORMATION SERVICES	-9.28
	BANK OF AMERICA		COMPUTER SERVICES	0.80
	BANK OF AMERICA		UTILITY BILLING	6.99
	BANK OF AMERICA		COMPUTER SERVICES	117.85
	BANK OF AMERICA		PERSONNEL ADMINISTRATIO	244.80
96852	BANK OF AMERICA	SUPPLY REIMBURSEMENT/DUES RENE	POLICE INVESTIGATION	75.00
	BANK OF AMERICA		DETENTION & CORRECTION	1,642.55
96853	BANK OF AMERICA	SUPPLY REIMBURSEMENT	GENERAL FUND	-3.96
	BANK OF AMERICA		PARK & RECREATION FAC	43.75
	BANK OF AMERICA		COMMUNITY EVENTS	669.49
	BANK OF AMERICA		COMMUNITY CENTER	1,847.42
96854	BANK OF AMERICA	CONFERENCE EXPENSES	EXECUTIVE ADMIN	618.20
	BANK OF AMERICA		CITY COUNCIL	2,142.50
96855	BENS CLEANER SALES	WASHRACK REPAIR	MAINT OF GENL PLANT	326.42
96856	BERGER/ABAM ENGR	PROFESSIONAL SERVICES	GMA - STREET	8,518.56
96857	BLAIR, KRISTINA M	RENTAL DEPOSIT REFUND	GENERAL FUND	100.00
96858	BLUE MARBLE ENV.	WASTE REDUCTION RECYCLING PROG	RECYCLING OPERATION	1,667.48
96859	BLUMENTHAL UNIFORMS	UNIFORM NAMETAGS AND TIE BARS	POLICE PATROL	53.96
96860	BOYD, RAE	INMATE MEDICAL CARE-NOV 2014	DETENTION & CORRECTION	2,260.00
96861	BROWN, JENNIFER	JURY DUTY	COURTS	13.92
96862	BUD CLARY CHEVROLET	2014 CHEVROLET CAPRICE	EQUIPMENT RENTAL	30,094.76
96863	BURGESS, MARYKE	LUNCHEON SUPPLY REIMBURSEMENT	PERSONNEL ADMINISTRATIO	137.32
96864	BURLINGTON NORTHERN	PERMIT APP FOR UNDERGROUND UTI	GMA - STREET	600.00
96865	BURLINGTON NORTHERN		GMA - STREET	600.00
96866	CABLES PLUS	CAT5 CABLES	INFORMATION SERVICES	-4.37

**CITY OF MARYSVILLE
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96866	CABLES PLUS	CAT5 CABLES	COMPUTER SERVICES	54.01
96867	CARRS ACE	MASTER LOCKS	ER&R	94.59
	CARRS ACE	HEATERS, CORDS, TAPE, TARP AND	PARK & RECREATION FAC	184.68
	CARRS ACE	PADLOCKS	ER&R	352.25
96868	CERDINIO, LEIZA U	JURY DUTY	COURTS	13.36
96869	CHHIM, DARA		COURTS	15.88
96870	CHOP, SHARRON		COURTS	15.60
96871	CLOSE, JOSHUA	RENTAL DEPOSIT REFUND	GENERAL FUND	100.00
96872	COMCAST	CABLE SERVICE-KBCC	BAXTER CENTER APPRE	51.14
96873	COMPUCOM SYSTEMS	LICENSE RENEWALS (15)	UTIL ADMIN	78.74
	COMPUCOM SYSTEMS		MAINTENANCE	78.74
	COMPUCOM SYSTEMS		PARK & RECREATION FAC	157.48
	COMPUCOM SYSTEMS		UTIL ADMIN	187.91
	COMPUCOM SYSTEMS		STORM DRAINAGE	275.57
	COMPUCOM SYSTEMS		SOLID WASTE OPERATIONS	393.68
	COMPUCOM SYSTEMS		SOLID WASTE OPERATIONS	714.03
96874	COOP SUPPLY	PEST CONTROL	WATER RESERVOIRS	9.78
	COOP SUPPLY	RUBBER BOOTS-BUELL, D	PARK & RECREATION FAC	18.49
	COOP SUPPLY	TANK AND PROPANE	PARK & RECREATION FAC	166.19
96875	CORNWELL TOOLS	PUMP AND BEARING PACKAGE	EQUIPMENT RENTAL	68.38
	CORNWELL TOOLS	PUMP PLIERS AND PULLER	EQUIPMENT RENTAL	158.25
	CORNWELL TOOLS	SOCKET TRAY RACK	EQUIPMENT RENTAL	410.44
96876	CORPORATE OFFICE SPL	HAND SANITIZER	ER&R	115.22
	CORPORATE OFFICE SPL	OFFICE SUPPLIES	WATER DIST MAINS	191.15
	CORPORATE OFFICE SPL	WYPALL WIPES AND HAND SANITIZE	ER&R	287.07
96877	CORRECTIONS, DEPT OF	INMATE MEALS	DETENTION & CORRECTION	2,156.84
96878	CRISTIANO'S	NEGOTATION LUNCH (4)	EXECUTIVE ADMIN	29.76
	CRISTIANO'S		EXECUTIVE ADMIN	31.87
96879	CURTIS, JANET A	UB 111310000000 4505 104TH PL	WATER/SEWER OPERATION	72.44
96880	DAGGETT, KIM	REIMBURSE HOTEL COSTS TRAINING	UTIL ADMIN	216.20
96881	DATEC, INC	POCKET JET PRINTERS	POLICE PATROL	1,087.35
96882	DAVIS DOOR	ROLL UP DOOR SERVICE	MAINT OF GENL PLANT	1,731.62
96883	DELL	CREDIT FOR DRIVES	TECHNOLOGY REPLACEMEN	-781.90
	DELL	SANITATION PC'S	IS REPLACEMENT ACCOUNTS	101.51
	DELL	DRIVES	TECHNOLOGY REPLACEMEN	781.90
	DELL	MONITORS	WATER CAPITAL PROJECTS	891.02
	DELL	SANITATION PC'S	SOLID WASTE OPERATIONS	1,179.53
	DELL		SOLID WASTE OPERATIONS	1,180.07
	DELL	AMR LAPTOP	WATER CAPITAL PROJECTS	2,269.31
96884	DEPALMA, ARLINE	INSTRUCTOR SERVICES	COMMUNITY CENTER	359.60
96885	DEPT GRAPHICS	INSTALLATION & PAINTING OF SIG	RECYCLING OPERATION	2,156.70
96886	DEPT OF ENT SRVCS	ADMINISTRATION FEE	POLICE ADMINISTRATION	750.00
96887	DICKS TOWING	TOWING EXPENSE-MP14-10055	POLICE PATROL	43.52
	DICKS TOWING	TOWING EXPENSE-MP14-9547	POLICE PATROL	43.52
	DICKS TOWING	TOWING EXPENSE-MP14-9625	POLICE PATROL	43.52
	DICKS TOWING	TOWING EXPENSE-MP14-9672	POLICE PATROL	43.52
	DICKS TOWING	TOWING EXPENSE-MP14-9684	POLICE PATROL	43.52
	DICKS TOWING	TOWING EXPENSE-MP14-9763	POLICE PATROL	43.52
	DICKS TOWING	TOWING EXPENSE-MP14-9634	POLICE PATROL	88.40
	DICKS TOWING	TOWING EXPENSE	POLICE PATROL	159.12
96888	DIHEL, DON	JURY DUTY	COURTS	19.52
96889	DIJULIO DISPLAYS INC	LIGHT BULBS	PARK & RECREATION FAC	152.32
	DIJULIO DISPLAYS INC	HOLIDAY LIGHTS	COMMUNITY EVENTS	238.62
	DIJULIO DISPLAYS INC	LIGHTS AND LAMPS	MAINTENANCE	616.13
96890	DLT SOLUTIONS	AUTODESK AUTOCAD	STORM DRAINAGE	1,445.24
	DLT SOLUTIONS		WASTE WATER TREATMENT F	1,445.24
	DLT SOLUTIONS		SEWER MAIN COLLECTION	1,445.24
96891	E&E LUMBER	BUNGEY CORDS	FACILITY MAINTENANCE	2.92
	E&E LUMBER	ADAPTER	PARK & RECREATION FAC	3.10
	E&E LUMBER	LED LIGHTS	PARK & RECREATION FAC	12.99
	E&E LUMBER	LUMBER	COMMUNITY EVENTS	17.50

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96891	E&E LUMBER	FASTENERS	PARK & RECREATION FAC	18.09
	E&E LUMBER	CONDUIT AND HARDWARE	MAINTENANCE	25.17
	E&E LUMBER	ROPE	PARK & RECREATION FAC	26.09
	E&E LUMBER	ROPE AND FILM	PARK & RECREATION FAC	32.84
	E&E LUMBER	WALL FIXTURE	SOLID WASTE OPERATIONS	48.04
	E&E LUMBER	HAMMER, PLIERS AND TAPE MEASUR	PARK & RECREATION FAC	71.85
	E&E LUMBER	CONCRETE	WATER DIST MAINS	172.43
	E&E LUMBER	PAINT AND PRIMER	PARK & RECREATION FAC	396.87
	E&E LUMBER	SEALANT, CORDS, HOSE, RAGS AND	ER&R	458.88
96892	ESTRADA, MARIBELL	JURY DUTY	COURTS	17.28
96893	EVERETT OFFICE	DESK AND HARDWARE	UTIL ADMIN	1,019.46
96894	EVERETT, CITY OF	ANIMAL SHELTER FEES-NOV 2014	ANIMAL CONTROL	5,599.89
96895	EVERETT, JOHN	JURY DUTY	COURTS	15.60
96896	EVERGREEN STATE	HVAC INSTALLATION-ROTARY RANCH	GMA-PARKS	16,362.44
96897	FERRELLGAS	PROPANE	SOLID WASTE OPERATIONS	54.59
	FERRELLGAS		WATER SERVICE INSTALL	54.59
	FERRELLGAS		TRAFFIC CONTROL DEVICES	54.59
	FERRELLGAS		ROADWAY MAINTENANCE	54.59
96898	FIRE PROTECTION INC	ANNUAL FIRE MONITORING AND INS	PUBLIC SAFETY BLDG.	529.50
96899	FOLEY, JANET	INSTRUCTOR SERVICES	RECREATION SERVICES	72.00
	FOLEY, JANET		RECREATION SERVICES	216.00
96900	FRONTIER COMMUNICATI	ACCT #36065150331108105	EXECUTIVE ADMIN	26.39
	FRONTIER COMMUNICATI	ACCT #36065774950927115	STREET LIGHTING	44.17
	FRONTIER COMMUNICATI	ACCT #36065836350725085	UTIL ADMIN	46.10
	FRONTIER COMMUNICATI		COMMUNITY DEVELOPMENT-	46.10
	FRONTIER COMMUNICATI	ACCT #36065827660617105	MUNICIPAL COURTS	64.72
	FRONTIER COMMUNICATI	ACCT #36065831360617105	MUNICIPAL COURTS	64.72
	FRONTIER COMMUNICATI	ACCT #36065894930725005	POLICE INVESTIGATION	68.92
	FRONTIER COMMUNICATI		RECREATION SERVICES	68.92
	FRONTIER COMMUNICATI	ACCT #36065891800622955	LIBRARY-GENL	93.97
96901	GIDLEY, CHRISTOPHER	JURY DUTY	COURTS	11.12
96902	GRANGER, JENNIFER		COURTS	13.36
96903	GREENHAUS PORTABLE	PORTABLE RENTAL	PARK & RECREATION FAC	121.00
96904	GRIFFEN, CHRIS	PUBLIC DEFENDER	LEGAL - PUBLIC DEFENSE	112.50
	GRIFFEN, CHRIS		LEGAL - PUBLIC DEFENSE	262.50
96905	GUIDANCE SOFTWARE	SOFTWARE RENEWAL	POLICE INVESTIGATION	636.97
96906	GUNDERSON, JARL	LEOFF 1 REIMBURSEMENT	POLICE ADMINISTRATION	730.57
96907	HARPER, KYLE	JURY DUTY	COURTS	12.24
96908	HD FOWLER COMPANY	PLUG AND CAPS	WATER SERVICES	13.84
	HD FOWLER COMPANY	BRASS HARDWARE	WATER/SEWER OPERATION	25.26
	HD FOWLER COMPANY	ADAPTERS	WATER/SEWER OPERATION	88.65
	HD FOWLER COMPANY	QUICK JOINT ADAPTERS	WATER/SEWER OPERATION	99.03
	HD FOWLER COMPANY	ADAPTERS AND COUPLINGS	WATER/SEWER OPERATION	152.49
	HD FOWLER COMPANY	ADAPTERS AND BRASS HARDWARE	WATER/SEWER OPERATION	164.90
	HD FOWLER COMPANY	METER VALVES	WATER/SEWER OPERATION	170.96
	HD FOWLER COMPANY		WATER/SEWER OPERATION	184.22
	HD FOWLER COMPANY	ADAPTERS	WATER SERVICES	199.65
	HD FOWLER COMPANY	VALVES W/LOCK WINGS	WATER/SEWER OPERATION	288.97
	HD FOWLER COMPANY	ELL COUPLINGS AND SWIVELS	WATER/SEWER OPERATION	297.50
	HD FOWLER COMPANY	MARKING PAINT, WRENCH AND MARK	ER&R	481.58
	HD FOWLER COMPANY	RESETTERS	WATER/SEWER OPERATION	519.33
	HD FOWLER COMPANY		WATER/SEWER OPERATION	592.52
	HD FOWLER COMPANY	METER SETTER	WATER/SEWER OPERATION	849.70
96909	HD SUPPLY WATERWORKS	HYDRANT	WATER CAPITAL PROJECTS	2,081.62
96910	HE MITCHELL CO	TAILPIECES AND SPRINGS	MAINT OF GENL PLANT	733.77
96911	HERTZ EQUIPMENT RENT	GENIE LIFT RENTAL	GMA-PARKS	2,138.46
96912	HOME DEPOT	BLINDS	PARK & RECREATION FAC	24.99
96913	IMSA	IMSA MEMBERSHIP-HANNAHS, J	TRANSPORTATION MANAGEN	75.00
96914	INTERSTATE AUTO PART	HEADLAMPS	ER&R	56.18
	INTERSTATE AUTO PART	HEADLAMPS AND WORK LIGHTS	ER&R	419.95
96915	KEEFE, RYAN M	REIMBURSE WW OPERATOR EXAM AND	UTIL ADMIN	180.00

**CITY OF MARYSVILLE
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<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
96916	KINDLER, CATHY	REFUND CLASS FEES	PARKS-RECREATION	19.33
96917	KMD ARCHITECTS	PROFESSIONAL SERVICES	FACILITY REPLACEMENT	18,347.50
96918	KROHNE INC	FLOW METER VERIFICATIONS	WASTE WATER TREATMENT F	1,568.64
96919	LAFLORE, JOHN & CHER	UB 766201000000 6201 73RD AVE	WATER/SEWER OPERATION	5.94
96920	LASSITER, AMANDA	REFUND CLASS FEES	PARKS-RECREATION	70.00
96921	LAW, LYMAN, DANIEL, KAM LAW, LYMAN, DANIEL, KAM	LEGAL SERVICE	NON-DEPARTMENTAL	35.88
96922	LES SCHWAB TIRE CTR LES SCHWAB TIRE CTR LES SCHWAB TIRE CTR	TIRES DRIVE AXLE TIRES TIRES (4)	WASTE WATER TREATMENT F EQUIPMENT RENTAL ER&R	107.62 65.28 1,162.34
96923	LEXIPOL LLC	POLICY RENEWAL	EQUIPMENT RENTAL	1,623.20
96924	LIND ELECTRONICS INC LIND ELECTRONICS INC	POWER SUPPLIES	POLICE ADMINISTRATION ER&R	3,200.00 -18.65
96925	LINKS TURF SUPPLY	GLOVES	EQUIPMENT RENTAL	230.55
96926	LOGIN/IACP NET	IACP RENEWAL DUES	MAINTENANCE	70.18
96927	LOLKEMA, JILL	JURY DUTY	POLICE INVESTIGATION	1,100.00
96928	LOWES HIW INC LOWES HIW INC LOWES HIW INC LOWES HIW INC	DOOR SWEEP CONCRETE AND BIT LIGHTING & SUPPLIES HYDRANT SUPPLIES	COURTS MAINT OF GENL PLANT WATER DIST MAINS PARK & RECREATION FAC	13.92 9.40 25.63 46.70
96929	LX CONSTRUCTION LX CONSTRUCTION	HYDRANT METER DEPOSIT REFUND	HYDRANTS WATER-UTILITIES/ENVIRONM WATER/SEWER OPERATION	241.78 -15.75 1,150.00
96930	MACKIE, TRACEY MACKIE, TRACEY MACKIE, TRACEY	INSTRUCTOR SERVICES	COMMUNITY CENTER COMMUNITY CENTER COMMUNITY CENTER	102.00 593.35 600.02
96931	MALLORY SAFETY	HARNESSES	PARK & RECREATION FAC	902.59
96932	MARYSVILLE PRINTING MARYSVILLE PRINTING	RELOCATION SIGNS-KBCC STATEMENT PRINTING	COMMUNITY CENTER POLICE PATROL	44.98 467.79
96933	MARYSVILLE, CITY OF MARYSVILLE, CITY OF MARYSVILLE, CITY OF MARYSVILLE, CITY OF MARYSVILLE, CITY OF MARYSVILLE, CITY OF MARYSVILLE, CITY OF MARYSVILLE, CITY OF MARYSVILLE, CITY OF MARYSVILLE, CITY OF MARYSVILLE, CITY OF MARYSVILLE, CITY OF MARYSVILLE, CITY OF	UTILITY SERVICE-5300 SUNNYSIDE UTILITY SERVICE-6915 ARMAR RD UTILITY SERVICE-5315 64TH ST N UTILITY SERVICE-6915 ARMAR RD UTILITY SERVICE-6120 GROVE ST UTILITY SERVICE-1635 GROVE ST UTILITY SERVICE-6915 ARMAR RD	SEWER LIFT STATION PARK & RECREATION FAC PARK & RECREATION FAC PARK & RECREATION FAC PARK & RECREATION FAC PARK & RECREATION FAC PARK & RECREATION FAC PARK & RECREATION FAC PARK & RECREATION FAC LIBRARY-GENL PUBLIC SAFETY BLDG. PARK & RECREATION FAC	53.41 132.96 172.00 172.00 250.46 256.21 756.17 876.98 957.48 2,566.89 3,191.03
96934	MATHERN, BARBARA	JURY DUTY	COURTS	12.80
96935	MCCORMACK, KATHY	RENTAL DEPOSIT REFUND	GENERAL FUND	200.00
96936	MCKINNEY, WALTER	LEOFF 1 REIMBURSEMENT	POLICE ADMINISTRATION	971.28
96937	MCLOUGHLIN & EARDLEY MCLOUGHLIN & EARDLEY MCLOUGHLIN & EARDLEY MCLOUGHLIN & EARDLEY MCLOUGHLIN & EARDLEY MCLOUGHLIN & EARDLEY MCLOUGHLIN & EARDLEY MCLOUGHLIN & EARDLEY MCLOUGHLIN & EARDLEY MCLOUGHLIN & EARDLEY MCLOUGHLIN & EARDLEY MCLOUGHLIN & EARDLEY MCLOUGHLIN & EARDLEY MCLOUGHLIN & EARDLEY MCLOUGHLIN & EARDLEY MCLOUGHLIN & EARDLEY MCLOUGHLIN & EARDLEY	STROBE POWER SUPPLIES, FLASHER MOUNTS SIREN SPEAKERS AND BULBS LED LIGHT BARS GUN LOCKS MAP LIGHTS GUN LOCKS LED LIGHT BARS SIREN SPEAKERS AND BULBS MOUNTS STROBE POWER SUPPLIES, FLASHER	ER&R ER&R ER&R ER&R ER&R ER&R ER&R EQUIPMENT RENTAL EQUIPMENT RENTAL EQUIPMENT RENTAL EQUIPMENT RENTAL EQUIPMENT RENTAL EQUIPMENT RENTAL EQUIPMENT RENTAL EQUIPMENT RENTAL EQUIPMENT RENTAL	-116.90 -105.87 -82.72 -30.95 -30.82 -18.12 -7.74 95.64 224.00 381.08 382.66 1,022.70 1,309.00 1,445.30
96938	MILLER, KATIE MARIE MILLER, KATIE MARIE	RENTAL DEPOSIT AND FEE REFUND	PARKS-RECREATION GENERAL FUND	50.00 100.00
96939	MIRANDA, TONYA MIRANDA, TONYA MIRANDA, TONYA	INSTRUCTOR SERVICES	RECREATION SERVICES RECREATION SERVICES RECREATION SERVICES	54.00 72.00 144.00

**CITY OF MARYSVILLE
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<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
96939	MIRANDA, TONYA	INSTRUCTOR SERVICES	RECREATION SERVICES	612.00
96940	MODULAR SPACE	TRAILER RENTAL	WASTE WATER TREATMENT F	92.64
	MODULAR SPACE		STORM DRAINAGE	92.65
	MODULAR SPACE		WATER QUAL TREATMENT	92.65
96941	MOORE, BRENDA	JURY DUTY	COURTS	19.00
96942	MOORE, SARAH		COURTS	17.84
96943	MOTOROLA	PATROL CAR OUTFITTING EQUIPMEN	EQUIPMENT RENTAL	6,734.17
96944	NORTH COAST ELECTRIC	COMPACT LOGIX SOFTWARE	WATER CAPITAL PROJECTS	3,835.20
96945	NORTH COUNTY OUTLOOK	ADVERTISING	COMMUNITY CENTER	98.00
96946	NORTHEND EXCAVATING	PAY ESTIMATE #1	CITY STREETS	-1,043.00
	NORTHEND EXCAVATING		SIDEWALKS CONSTRUCTION	20,860.02
96947	NUNNALLY, SANDRA	JURY DUTY	COURTS	11.12
96948	OAKES, MICHELLE	RENTAL DEPOSIT REFUND	GENERAL FUND	100.00
96949	OBOM CONSTRUCTION	PW REMODEL LABOR HOURS	CAPITAL OUTLAY	8,831.84
96950	OFFICE DEPOT	OFFICE SUPPLIES	UTIL ADMIN	2.65
	OFFICE DEPOT		ENGR-GENL	2.66
	OFFICE DEPOT		STORM DRAINAGE	15.21
	OFFICE DEPOT		ENGR-GENL	17.40
	OFFICE DEPOT		OFFICE OPERATIONS	22.96
	OFFICE DEPOT		UTIL ADMIN	23.93
	OFFICE DEPOT		STORM DRAINAGE	23.93
	OFFICE DEPOT		ENGR-GENL	28.25
	OFFICE DEPOT		STORM DRAINAGE	47.69
	OFFICE DEPOT		UTIL ADMIN	88.28
	OFFICE DEPOT		POLICE INVESTIGATION	98.28
	OFFICE DEPOT		OFFICE OPERATIONS	99.40
	OFFICE DEPOT		EQUIPMENT RENTAL	167.23
	OFFICE DEPOT		OFFICE OPERATIONS	203.68
	OFFICE DEPOT		OFFICE OPERATIONS	263.28
96951	OWEN EQUIPMENT	SWIVEL JOINTS	ER&R	1,620.24
96952	PACIFIC POWER PROD	SEAT COVERS	MAINTENANCE	269.06
96953	PARTS STORE, THE	CORE REFUND	EQUIPMENT RENTAL	-96.72
	PARTS STORE, THE	THREAD ROD	EQUIPMENT RENTAL	3.32
	PARTS STORE, THE	TUBING, PIPE AND UBOLT	EQUIPMENT RENTAL	31.02
	PARTS STORE, THE	HARMONIC BALANCER	EQUIPMENT RENTAL	77.81
	PARTS STORE, THE	BATTERY AND CABLE	EQUIPMENT RENTAL	103.38
	PARTS STORE, THE	FILTERS, WORKLIGHTS, GLASS CLE	ER&R	154.54
	PARTS STORE, THE	SEAL, GEAR ASSY, BELT AND CRAN	EQUIPMENT RENTAL	365.86
96954	PEACE OF MIND	MINUTE TAKING SERVICE	GENL GVRNMNT SERVICES	21.70
	PEACE OF MIND		CITY CLERK	136.40
	PEACE OF MIND		CITY CLERK	186.00
96955	PETTY CASH- FINANCE	MEETING AND WORKSHOP EXPENSES	CITY CLERK	18.00
	PETTY CASH- FINANCE		CITY COUNCIL	112.82
96956	PETTY CASH- PW	PARKING FEE, LUNCH, BATTERIES	STORM DRAINAGE	8.69
	PETTY CASH- PW		GMA - STREET	14.00
	PETTY CASH- PW		EQUIPMENT RENTAL	32.75
	PETTY CASH- PW		EQUIPMENT RENTAL	32.75
	PETTY CASH- PW		UTIL ADMIN	33.71
	PETTY CASH- PW		EQUIPMENT RENTAL	65.50
96957	PIGSKIN UNIFORMS	JUMPSUITS-CARLILE AND OZMENT	POLICE PATROL	954.70
96958	PILCHUCK RENTALS	SCAFFOLDING RENTAL	GMA-PARKS	496.13
96959	PLATT ELECTRIC	BLADE, HARDWARE AND BULBS	FACILITY MAINTENANCE	19.18
	PLATT ELECTRIC		PUBLIC SAFETY BLDG.	94.56
	PLATT ELECTRIC	MOUNTING KITS	WATER FILTRATION PLANT	421.06
	PLATT ELECTRIC	BLADE, HARDWARE AND BULBS	MAINTENANCE	627.31
	PLATT ELECTRIC	ELECTRICAL DISTRIBUTION EQUIPM	WATER FILTRATION PLANT	2,969.33
96960	POELLOT, ELAINE	JURY DUTY	COURTS	12.24
96961	PREFERRED ELECTRIC	ELECTRICAL REPAIR-JENNINGS PAR	PARK & RECREATION FAC	462.40
	PREFERRED ELECTRIC	ELECTRICAL SUPPLIES AND REPAIR	WASTE WATER TREATMENT F	859.19
96962	PUD	ACCT #2011-4209-8	PARK & RECREATION FAC	16.07
	PUD	ACCT #2023-4068-3	PARK & RECREATION FAC	16.87

**CITY OF MARYSVILLE
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<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
96962	PUD	ACCT #2051-3624-5	SEWER LIFT STATION	30.24
	PUD	ACCT #2024-6103-4	UTIL ADMIN	31.50
	PUD	ACCT #2051-9537-3	PARK & RECREATION FAC	33.08
	PUD	ACCT #2020-3113-4	PUMPING PLANT	33.39
	PUD	ACCT #2016-6804-3	PARK & RECREATION FAC	42.50
	PUD	ACCT #2024-7643-8	SEWER LIFT STATION	52.24
	PUD	ACCT #2027-9465-7	TRANSPORTATION MANAGEM	77.99
	PUD	ACCT #2035-6975-1	STORM DRAINAGE	84.35
	PUD	ACCT #2024-9948-9	COMMUNITY EVENTS	87.93
	PUD	ACCT #2035-0002-0	STREET LIGHTING	100.84
	PUD	ACCT #2035-1961-6	NON-DEPARTMENTAL	106.62
	PUD	ACCT #2000-6146-3	PARK & RECREATION FAC	108.61
	PUD	ACCT #2025-2469-0	PUMPING PLANT	116.47
	PUD	ACCT #2023-0330-1	SEWER LIFT STATION	127.58
	PUD	ACCT #2022-8858-5	TRANSPORTATION MANAGEM	131.82
	PUD	ACCT #2020-1258-9	PARK & RECREATION FAC	161.25
	PUD	ACCT #2005-7184-2	TRANSPORTATION MANAGEM	165.41
	PUD	ACCT #2020-1181-3	PUMPING PLANT	181.87
	PUD	ACCT #2000-8403-6	TRANSPORTATION MANAGEM	204.06
	PUD	ACCT #2019-0963-7	SEWER LIFT STATION	237.74
	PUD	ACCT #2052-3773-8	TRAFFIC CONTROL DEVICES	273.14
	PUD	ACCT #2024-2648-2	PUBLIC SAFETY BLDG.	274.28
	PUD	ACCT #2052-3927-0	TRAFFIC CONTROL DEVICES	293.91
	PUD	ACCT #2012-2506-7	PARK & RECREATION FAC	308.07
	PUD	ACCT #2013-4666-5	SEWER LIFT STATION	391.88
	PUD	ACCT #2006-2538-2	SEWER LIFT STATION	498.95
	PUD	ACCT #2012-4769-9	STREET LIGHTING	690.14
	PUD	ACCT #2032-2345-8	PARK & RECREATION FAC	742.88
	PUD	ACCT #2000-7044-9	TRANSPORTATION MANAGEM	1,032.01
	PUD	ACCT #2023-0972-0	TRAFFIC CONTROL DEVICES	1,046.38
	PUD	ACCT #2004-7954-1	COMMUNITY CENTER	1,177.67
	PUD	ACCT #2011-4725-3	PUMPING PLANT	1,391.98
	PUD	ACCT #2008-2454-8	MAINT OF GENL PLANT	1,419.09
	PUD	ACCT #2003-0347-7	WATER FILTRATION PLANT	1,973.31
	PUD	ACCT #2014-6303-1	PUBLIC SAFETY BLDG.	3,814.29
	PUD	ACCT #2015-7792-1	PUMPING PLANT	4,007.04
	PUD	ACCT #2020-0499-0	LIBRARY-GENL	5,011.72
	PUD	ACCT #2020-7500-8	WASTE WATER TREATMENT F	7,489.79
	PUD	ACCT #2014-2063-5	WASTE WATER TREATMENT F	12,914.79
	PUD	ACCT #2017-2118-0	WASTE WATER TREATMENT F	17,214.12
96963	PUGET SOUND ENERGY	ACCT #400000581126	MAINT OF GENL PLANT	7.07
96964	RANSOM, SCOTT & JENN	UB 751159410001 7702 57TH ST N	WATER/SEWER OPERATION	29.75
96965	RICOH USA, INC.	PS PATROL PRINTER	POLICE PATROL	357.95
96966	RIDGE @ ROCKCREEK	RENTAL DEPOSIT REFUND	GENERAL FUND	100.00
96967	ROY ROBINSON	SENSOR CREDIT	EQUIPMENT RENTAL	-77.58
	ROY ROBINSON	SENSOR	EQUIPMENT RENTAL	77.58
	ROY ROBINSON		EQUIPMENT RENTAL	77.73
96968	SCORE	INMATE HOUSING-NOV 2014	DETENTION & CORRECTION	31,465.00
96969	SENTINEL OFFENDER SE	ELEC HOME MONITORING-NOV 2014	DETENTION & CORRECTION	1,410.65
96970	SETINA MFG CO INC	PARTITIONS	EQUIPMENT RENTAL	1,344.22
96971	SHANKLE, CRAIG	INSTRUCTOR SERVICES	COMMUNITY CENTER	44.00
	SHANKLE, CRAIG		COMMUNITY CENTER	100.00
96972	SMITH, TAMAR	JURY DUTY	COURTS	14.14
96973	SNAP-ON INCORPORATED	TIRE MACHINE INSTALLED 11/21/1	EQUIPMENT RENTAL	14,488.29
96974	SNO CO TOURISM BURE	RENTAL DEPOSIT REFUND	GENERAL FUND	100.00
96975	SOUND PUBLISHING	LEGAL AD	GMA - STREET	45.44
96976	SOUND SAFETY	TSHIRTS AND SCREEN PRINTING	ER&R	456.59
96977	SOUTHARD, BENJERMAN	UB 212380000000 4902 130TH PL	WATER/SEWER OPERATION	16.32
96978	SRV CONSTRUCTION	PAY ESTIMATE #3	GMA-STREET	-11,012.29
	SRV CONSTRUCTION		UTILITY CONSTRUCTION	-237.50
	SRV CONSTRUCTION		WATER CAPITAL PROJECTS	5,168.00

**CITY OF MARYSVILLE
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<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
96978	SRV CONSTRUCTION	PAY ESTIMATE #3	GMA - STREET	220,245.72
96979	STAPLES STAPLES	OFFICE SUPPLIES	LEGAL - PROSECUTION	67.94
96980	STEPS TOWARDS INDEPE	RENTAL DEPOSIT REFUND	CITY CLERK	76.15
96981	STRAWBERRY LANES	INSTRUCTOR SERVICES	GENERAL FUND	100.00
96982	SWICK-LAFAVE, JULIE	REIMBURSE JAIL SUPPLIES	RECREATION SERVICES	269.50
96983	TACOMA SCREW PRODUCT TACOMA SCREW PRODUCT	HARDWARE CREDIT HARDWARE	DETENTION & CORRECTION	73.94
96984	TIPPRO LLC	UB 849000283001 8007 66TH DR N	EQUIPMENT RENTAL	-217.83
96985	TORGERSON, LAURA	RENTAL DEPOSIT REFUND	EQUIPMENT RENTAL	320.75
96986	TORREY, JAMES & DEBO	UB 980611100001 6111 51ST ST N	WATER/SEWER OPERATION	108.83
96987	UNITED PARCEL SERVIC UNITED PARCEL SERVIC	SHIPPING EXPENSE	GENERAL FUND	100.00
96988	UNRUH, SHARON	JURY DUTY	WATER/SEWER OPERATION	41.69
96989	VINYL SIGNS & BANNER	HOLIDAY SIGNS	WATER SERVICES	59.96
96990	VITOVICH, AMANDA	JURY DUTY	POLICE PATROL	295.01
96991	VIVERITO, ELISE	RENTAL DEPOSIT REFUND	COURTS	13.36
96992	WAGWORKS	FLEX PLAN FEES	COMMUNITY EVENTS	108.80
96993	WALTERS, SANDRA	JURY DUTY	COURTS	14.48
96994	WEST COAST EXCAVATIN WEST COAST EXCAVATIN	HYDRANT METER DEPOSIT REFUND	GENERAL FUND	100.00
96995	WEST PAYMENT CENTER	WEST INFORMATION CHARGES	PERSONNEL ADMINISTRATIO	60.00
96996	WHITE CAP CONSTRUCT WHITE CAP CONSTRUCT	FIRE HOSE NOZZLES	COURTS	13.16
96997	WIDE FORMAT COMPANY	MAINTENANCE AGREEMENT KIP PRIN	WATER-UTILITIES/ENVIRONM	-12.60
96998	WINFIELD SOLUTIONS WINFIELD SOLUTIONS	TURFCIDE	WATER/SEWER OPERATION	1,150.00
96999	WITHOUT BORDERS	INSTRUCTOR SERVICES	POLICE INVESTIGATION	205.12
97000	WWGCSA	PESTICIDE RECERTIFICATION (2)	STORM DRAINAGE	61.77
97001	XPEDITER TECH XPEDITER TECH	SOFTWARE LICENSES	SEWER MAIN COLLECTION	61.78
97002	YAKIMA COUNTY DOC	INMATE HOUSING-NOV 2014	UTIL ADMIN	106.62
			MAINTENANCE	481.07
			MAINTENANCE	1,000.00
			RECREATION SERVICES	409.50
			MAINTENANCE	450.00
			GENERAL FUND	-241.56
			PROPERTY TASK FORCE	2,986.56
			DETENTION & CORRECTION	14,306.09

WARRANT TOTAL:

649,690.69

REASON FOR VOIDS:

UNCLAIMED PROPERTY
 INITIATOR ERROR
 WRONG VENDOR
 CHECK LOST/DAMAGED IN MAIL

CHECK # 89356	CHECK LOST	(100.00)
CHECK # 94638	CHECK LOST	(100.00)
CHECK # 96757	INITIATOR ERROR	(882.00)
CHECK # 96801	INITIATOR ERROR	(100.00)

648,508.69

Index #6

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: January 12, 2015

AGENDA ITEM: Payroll	AGENDA SECTION:	
PREPARED BY: Sandy Langdon, Finance Director	AGENDA NUMBER:	
ATTACHMENTS: Blanket Certification	APPROVED BY:	
	MAYOR	CAO
BUDGET CODE:	AMOUNT:	

RECOMMENDED ACTION:

The Finance and Executive Departments recommend City Council approve the December 19, 2014 payroll in the amount \$1,252,324.62 Check No.'s 28457 through 28498.


COUNCIL ACTION:

Index #7

CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: January 12, 2014

AGENDA ITEM: Fuel Tax Grant Distribution Agreement between the City and the Transportation Improvement Board for the Grove Street Sidewalk Improvements from State Avenue to Cedar Avenue	
PREPARED BY: Jeff Laycock, Project Manager	DIRECTOR APPROVAL: 
DEPARTMENT: Engineering	
ATTACHMENTS: Fuel Tax Grant Distribution Agreement including Project Funding Status Form Vicinity Map	
BUDGET CODE: N/A	AMOUNT: N/A

SUMMARY:

The City of Marysville was awarded \$136,749 in grant funds under the 2014 Urban Sidewalk Program from the Transportation Improvement Board (TIB) for sidewalk improvements on Grove Street from State Avenue to Cedar Avenue. The project will construct the remaining sidewalk gaps on both sides of Grove Street. This project is listed on the Transportation Benefit District's 10-year project list.

The total project cost is estimated at \$447,772. The grant will fund eighty-percent of the sidewalk improvement, design and construction engineering only. The grant funds do not pay for any right-of-way acquisition, roadway widening, pavement resurfacing and channelization, which are all included in the total project cost estimate. Therefore, the total estimated cost to the City is \$311,023, of which staff anticipate will be funded by the Transportation Benefit District.

The funds are administered through the TIB and require the City to enter into an agreement with the TIB in order to obligate funding for the project. Attached to this agenda is a copy of the Fuel Tax Grant Distribution Agreement to be executed by the Mayor.

RECOMMENDED ACTION:
Staff recommends that Council authorize the Mayor to sign and execute the Fuel Tax Grant Distribution Agreement with the Transportation Improvement Board thereby securing funding for the Grove Street Sidewalk Improvements Project from State Avenue to Cedar Avenue.



City of Marysville
P-P-143(P02)-1
Grove Street
Cedar Avenue to State Avenue

STATE OF WASHINGTON
TRANSPORTATION IMPROVEMENT BOARD
AND
City of Marysville
AGREEMENT

THIS GRANT AGREEMENT (hereinafter "Agreement") for the Grove Street, Cedar Avenue NE to State Avenue (hereinafter "Project") is entered into by the WASHINGTON STATE TRANSPORTATION IMPROVEMENT BOARD (hereinafter "TIB") and City of Marysville, a political subdivision of the State of Washington (hereinafter "RECIPIENT").

1.0 PURPOSE

TIB hereby grants funds in the amount of \$136,749 for the project specified above, pursuant to terms contained in the RECIPIENT'S Grant Application, supporting documentation, chapter 47.26 RCW, title 479 WAC, and the terms and conditions listed below.

2.0 SCOPE AND BUDGET

The Project Scope and Budget are initially described in RECIPIENT'S Grant Application and incorporated by reference into this Agreement. Scope and Budget will be further developed and refined, but not substantially altered during the Design, Bid Authorization and Construction Phases. Any material alterations to the original Project Scope or Budget as initially described in the Grant Application must be authorized by TIB in advance by written amendment.

3.0 PROJECT DOCUMENTATION

TIB requires RECIPIENT to make reasonable progress and submit timely Project documentation as applicable throughout the Project. Upon RECIPIENT'S submission of each Project document to TIB, the terms contained in the document will be incorporated by reference into the Agreement. Required documents include, but are not limited to the following:

- a) Project Funding Status Form
- b) Bid Authorization Form with plans and engineers estimate
- c) Award Updated Cost Estimate
- d) Bid Tabulations
- e) Contract Completion Updated Cost Estimate with final summary of quantities
- f) Project Accounting History

4.0 BILLING AND PAYMENT

The local agency shall submit progress billings as project costs are incurred to enable TIB to maintain accurate budgeting and fund management. Payment requests may be submitted as often as the RECIPIENT deems necessary, but shall be submitted at least quarterly if billable



amounts are greater than \$50,000. If progress billings are not submitted, large payments may be delayed or scheduled in a payment plan.

5.0 TERM OF AGREEMENT

This Agreement shall be effective upon execution by TIB and shall continue through closeout of the grant or until terminated as provided herein, but shall not exceed 10 years unless amended by the Parties.

6.0 AMENDMENTS

This Agreement may be amended by mutual agreement of the Parties. Such amendments shall not be binding unless they are in writing and signed by persons authorized to bind each of the Parties.

7.0 ASSIGNMENT

The RECIPIENT shall not assign or transfer its rights, benefits, or obligations under this Agreement without the prior written consent of TIB. The RECIPIENT is deemed to consent to assignment of this Agreement by TIB to a successor entity. Such consent shall not constitute a waiver of the RECIPIENT's other rights under this Agreement.

8.0 GOVERNANCE & VENUE

This Agreement shall be construed and interpreted in accordance with the laws of the state of Washington and venue of any action brought hereunder shall be in the Superior Court for Thurston County.

9.0 DEFAULT AND TERMINATION

9.1 NON-COMPLIANCE

- a) In the event TIB determines, in its sole discretion, the RECIPIENT has failed to comply with the terms and conditions of this Agreement, TIB shall notify the RECIPIENT, in writing, of the non-compliance.
- b) In response to the notice, RECIPIENT shall provide a written response within 10 business days of receipt of TIB's notice of non-compliance, which should include either a detailed plan to correct the non-compliance, a request to amend the Project, or a denial accompanied by supporting details.
- c) TIB will provide 30 days for RECIPIENT to make reasonable progress toward compliance pursuant to its plan to correct or implement its amendment to the Project.
- d) Should RECIPIENT dispute non-compliance, TIB will investigate the dispute and may withhold further payments or prohibit the RECIPIENT from incurring additional reimbursable costs during the investigation.

9.2 DEFAULT

RECIPIENT may be considered in default if TIB determines, in its sole discretion, that:



- a) RECIPIENT is not making reasonable progress toward correction and compliance.
- b) TIB denies the RECIPIENT's request to amend the Project.
- c) After investigation TIB confirms RECIPIENT'S non-compliance.

TIB reserves the right to order RECIPIENT to immediately stop work on the Project and TIB may stop Project payments until the requested corrections have been made or the Agreement has been terminated.

9.3 TERMINATION

- a) In the event of default by the RECIPIENT as determined pursuant to Section 9.2, TIB shall serve RECIPIENT with a written notice of termination of this Agreement, which shall be served in person, by email or by certified letter. Upon service of notice of termination, the RECIPIENT shall immediately stop work and/or take such action as may be directed by TIB.
- b) In the event of default and/or termination by either PARTY, the RECIPIENT may be liable for damages as authorized by law including, but not limited to, repayment of grant funds.
- c) The rights and remedies of TIB provided in the AGREEMENT are not exclusive and are in addition to any other rights and remedies provided by law.

9.4 TERMINATION FOR NECESSITY

TIB may, with ten (10) days written notice, terminate this Agreement, in whole or in part, because funds are no longer available for the purpose of meeting TIB's obligations. If this Agreement is so terminated, TIB shall be liable only for payment required under this Agreement for performance rendered or costs incurred prior to the effective date of termination.

10.0 USE OF TIB GRANT FUNDS

TIB grant funds come from Motor Vehicle Fuel Tax revenue. Any use of these funds for anything other than highway or roadway system improvements is prohibited and shall subject the RECIPIENT to the terms, conditions and remedies set forth in Section 9. If Right of Way is purchased using TIB funds, and some or all of the Right of Way is subsequently sold, proceeds from the sale must be deposited into the RECIPIENT's motor vehicle fund and used for a motor vehicle purpose.

11.0 INCREASE OR DECREASE IN TIB GRANT FUNDS

At Bid Award and Contract Completion, RECIPIENT may request an increase in the TIB funds for the specific project. Requests must be made in writing and will be considered by TIB and awarded at the sole discretion of TIB. All increase requests must be made pursuant to WAC 479-05-202 and/or WAC 479-01-060. If an increase is denied, the recipient shall be liable for costs incurred in excess of the grant amount. In the event that final costs related to the specific project are less than the initial grant award, TIB funds will be decreased and/or refunded to TIB in a manner that maintains the original ratio between TIB funds and total project costs.



12.0 INDEPENDENT CAPACITY

The RECIPIENT shall be deemed an independent contractor for all purposes and the employees of the RECIPIENT or any of its contractors, subcontractors, and employees thereof shall not in any manner be deemed employees of TIB.

13.0 INDEMNIFICATION AND HOLD HARMLESS

The PARTIES agree to the following:

Each of the PARTIES, shall protect, defend, indemnify, and save harmless the other PARTY, its officers, officials, employees, and agents, while acting within the scope of their employment as such, from any and all costs, claims, judgment, and/or awards of damages, arising out of, or in any way resulting from, that PARTY's own negligent acts or omissions which may arise in connection with its performance under this Agreement. No PARTY will be required to indemnify, defend, or save harmless the other PARTY if the claim, suit, or action for injuries, death, or damages is caused by the sole negligence of the other PARTY. Where such claims, suits, or actions result from the concurrent negligence of the PARTIES, the indemnity provisions provided herein shall be valid and enforceable only to the extent of a PARTY's own negligence. Each of the PARTIES agrees that its obligations under this subparagraph extend to any claim, demand and/or cause of action brought by, or on behalf of, any of its employees or agents. For this purpose, each of the PARTIES, by mutual negotiation, hereby waives, with respect to the other PARTY only, any immunity that would otherwise be available to it against such claims under the Industrial Insurance provision of Title 51 RCW. In any action to enforce the provisions of the Section, the prevailing PARTY shall be entitled to recover its reasonable attorney's fees and costs incurred from the other PARTY. The obligations of this Section shall survive termination of this Agreement.

14.0 DISPUTE RESOLUTION

- a) The PARTIES shall make good faith efforts to quickly and collaboratively resolve any dispute arising under or in connection with this AGREEMENT. The dispute resolution process outlined in this Section applies to disputes arising under or in connection with the terms of this AGREEMENT.
- b) Informal Resolution. The PARTIES shall use their best efforts to resolve disputes promptly and at the lowest organizational level.
- c) In the event that the PARTIES are unable to resolve the dispute, the PARTIES shall submit the matter to non-binding mediation facilitated by a mutually agreed upon mediator. The PARTIES shall share equally in the cost of the mediator.
- d) Each PARTY agrees to compromise to the fullest extent possible in resolving the dispute in order to avoid delays or additional incurred cost to the Project.
- e) The PARTIES agree that they shall have no right to seek relief in a court of law until and unless the Dispute Resolution process has been exhausted.



15.0 ENTIRE AGREEMENT

This Agreement, together with the RECIPIENT'S Grant Application, the provisions of chapter 47.26 Revised Code of Washington, the provisions of title 479 Washington Administrative Code, and TIB Policies, constitutes the entire agreement between the PARTIES and supersedes all previous written or oral agreements between the PARTIES.

16.0 RECORDS MAINTENANCE

The RECIPIENT shall maintain books, records, documents, data and other evidence relating to this Agreement and performance of the services described herein, including but not limited to accounting procedures and practices which sufficiently and properly reflect all direct and indirect costs of any nature expended in the performance of this Agreement. RECIPIENT shall retain such records for a period of six years following the date of final payment. At no additional cost, these records, including materials generated under the Agreement shall be subject at all reasonable times to inspection, review or audit by TIB personnel duly authorized by TIB, the Office of the State Auditor, and federal and state officials so authorized by law, regulation or agreement.

If any litigation, claim or audit is started before the expiration of the six (6) year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved.

Approved as to Form
Attorney General

By:

Signature on file

Guy Bowman
Assistant Attorney General

Lead Agency

Transportation Improvement Board

Mayor Date

Executive Director Date

Jon Nehring, Mayor

Print Name

Print Name



**Transportation Improvement Board
Project Funding Status Form**

Agency: **MARYSVILLE**
 Project Name: Grove Street
 Cedar Avenue NE to State Avenue

TIB Project Number: **P-P-143(P02)-1**

Verify the information below and revise if necessary.

Return to:
 Transportation Improvement Board
 PO Box 40901
 Olympia, WA 98504-0901

PROJECT SCHEDULE

	Target Dates
Construction Approval Date	May 2016
Contract Bid Award	Jun 2016
Contract Completion	Dec 2016

PROJECT FUNDING PARTNERS

List additional funding partners and amount.

Funding Partners	Amount	Revised Funding
MARYSVILLE	45,583	
WSDOT	0	
TOTAL LOCAL FUNDS	45,583	

Signatures are required from two different agency officials. Return the originally signed form to the TIB office.

Mayor or Public Works Director

 Signature
 Jon Nehring

 Printed or Typed Name

 Date
 Mayor

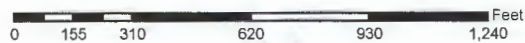
 Title



Grove Street (Cedar - State)

Vicinity Map

- Project Area
- Parcels
- School
- Railroad



Printed: April, 2014

Item 7 - 8



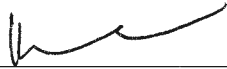
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Index #8

CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: January 12, 2015

AGENDA ITEM: Interlocal Agreement between Snohomish County and the City of Marysville for participation in the County's Annual Overlay Program	
PREPARED BY: Jeff Laycock, Project Manager	DIRECTOR APPROVAL: 
DEPARTMENT: Engineering	
ATTACHMENTS: Interlocal Agreement	
BUDGET CODE: N/A	AMOUNT: N/A

SUMMARY:

Snohomish County provides the opportunity for cities to participate in their annual Overlay Program. Other cities that participate in the County's program include Mukilteo, Mill Creek, Monroe and Edmonds.

This year the County will be including Ultra Thin Bonded Wearing Course as part of their program. An Ultra Thin Bonded Wearing Course is essentially a thin asphalt overlay (3/4" thickness) combined with an asphalt emulsion that achieves the desired look of a normal asphalt overlay with a preventative treatment that lasts up to 12-years. This type of pavement preservation treatment is applied to streets that would normally qualify for an overlay. The cost of this type of treatment is typically less than half the cost of a traditional overlay. Therefore, the City will be able to pave and maintain more of its streets. By maintaining more of our streets within our roadway network, we prevent further deterioration of the asphalt which can quickly lead to increased costs including full roadway reconstruction.

The City anticipates participating in the County's program for 2015 in order to construct an Ultra Thin Bonded Wearing Course on Sunnyside Blvd from east of 47th Ave NE to 52nd St NE. This street segment is listed on the Transportation Benefit District's 10-year program. The actual limits of this project will likely change as staff review the project in detail. It is estimated that the City could spend up to \$500,000.00 towards the Ultra Thin Bonded Wearing Course treatment in 2015. The remainder of funds available for the City's 2015 Pavement Preservation Program will be used towards overlays. The overlay projects will be designed, bid out and managed with City staff, not as part of the County's Overlay Program.

The Interlocal Agreement with Snohomish County is required in order for the City to participate in the County's Overlay Program. The agreement is in effect for 10-years, so staff have the option to continue to participate each year over the course of the agreement.

RECOMMENDED ACTION:

Staff recommends that Council authorize the Mayor to sign and execute the Interlocal Agreement with Snohomish County for participation in County's Overlay Program.

**INTERLOCAL AGREEMENT FOR OVERLAY IMPROVEMENTS
WITHIN THE CITY OF MARYSVILLE**

This INTERLOCAL AGREEMENT FOR OVERLAY IMPROVEMENTS WITHIN THE CITY OF MARYSVILLE (this "Agreement"), is made and entered into this ____ day of _____, 2015, by and between SNOHOMISH COUNTY, a political subdivision of the State of Washington (the "County"), and the CITY OF MARYSVILLE, a Washington municipal corporation (the "City") pursuant to the Interlocal Cooperation Act, Chapter 39.34 RCW.

RECITALS

A. The County performs asphalt paving work (including but not limited to design, engineering, placement of hot mix asphalt, road grinding, traffic control, road pulverization, and other paving related work) every year at various locations throughout the County (the "Overlay Program"). Pursuant to this Agreement, the City has the option of including its own asphalt paving projects (the "City's Projects") in the Overlay Program each year.

B. For purposes of this Agreement, planning and design activities performed by the County with respect to the City's Projects shall be referred to as the "Design Services." For purposes of this Agreement, construction and installation activities performed by the County with respect to the City's Projects shall be referred to as the "Construction Services." Together, the Design Services and the Construction Services may be referred to in this Agreement as the "Services."

C. The County and the City agree that it will be more efficient and mutually beneficial for the County and the City to work together cooperatively in coordinating, designing, and constructing the City's Projects, which will be defined as set forth in Section 3 below.

D. To that end, the County and the City desire for the County to be the entity responsible for the overall planning, design and construction of the City's Projects. The County and the City anticipate that the City's Projects will be completed by October 1 of each year; however, the Overlay Program will remain open until June 1 of each following year throughout the duration of this Agreement as provided in Section 2 below.

E. In exchange for the Services provided by the County, the City shall reimburse the County its actual costs incurred in performing the same, including time, labor, equipment, materials, and administrative overhead, all as more fully described in this Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the respective agreements set forth below and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the County and the City agree as follows:

1. Requirements of Interlocal Cooperation Act

1.1 Purpose of Agreement. This Agreement is authorized by and entered into pursuant to the Interlocal Cooperation Act, Chapter 39.34 RCW. The purpose and intent of this Agreement is for the County and the City to work together efficiently and effectively to accomplish the City's Projects. This Agreement establishes the County as the entity responsible for all aspects of the City's Projects planning, design, and construction. The City shall cooperate with the County to the extent reasonably necessary for accomplishing the City's Projects, and shall reimburse the County for the County's actual costs incurred in performing the Design Services and the Construction Services.

1.2 No Separate Entity Necessary. The parties agree that no separate legal or administrative entities are necessary to carry out this Agreement.

1.3 Ownership of Property. Except as expressly provided to the contrary in this Agreement, any real or personal property used or acquired by either party in connection with its performance under this Agreement will remain the sole property of such party, and the other party shall have no interest therein.

1.4 Administrators. Each party to this Agreement shall designate an individual (an "Administrator"), who may be designated by title or position, to oversee and administer such party's participation in this Agreement. The parties' initial Administrators shall be the following individuals:

County's Initial Administrator:

Owen Carter, County Engineer
Snohomish County DPW
3000 Rockefeller Avenue M/S 607
Everett, Washington 98201

City's Initial Administrator:

Kevin Nelson, PW Director
City of Marysville Public Works
80 Columbia Avenue
Marysville WA 98270

Either party may change its Administrator at any time by delivering written notice of such party's new Administrator to the other party.

2. Effective Date and Duration

As provided by RCW 39.34.040, this Agreement shall not take effect unless and until it (i) has been duly executed by both parties, and (ii) either filed with the County Auditor or posted on the County's Interlocal Agreements website. This Agreement shall remain in effect through June 14, 2025, unless earlier terminated pursuant to the provisions of Section 11 below.

3. Scope and Definition of City's Projects.

3.1 Process for Determining City's Projects. Upon execution of this

Agreement and on the anniversary date of execution each year thereafter, the City shall (1) provide the County a Statement of Intent indicating the amount of funds it has available for its City's Projects for that year, including the source of such funds, and (2) prepare and submit to the County a prioritized list of projects that the City proposes for inclusion that year in the City's Projects. For each project on the list the City shall include the route, beginning and ending termini, and a detailed description of the type of work required. The City shall not submit any projects for which the City's cost for design, right-of-way acquisition, or construction are reimbursable with Federal funds or Federal grants.

Upon receipt by the County of the City's Statement of Intent and list of prioritized projects each year, the County shall review and design the same to ensure that the City's available funds are sufficient to cover the estimated costs of the listed projects. The parties shall cooperate to make a final determination as to which projects to include in the City's Projects for that year, including a determination as to a Final Estimated Cost, which shall be reflected in an Addendum to this Agreement. The Final Estimated Cost will include (1) a total of all estimated materials at the County's estimated bid price (hereinafter referred to as "Materials Estimate"), and (2) a charge of 15% of the Materials Estimate for the cost of engineering work performed by the County on the City's behalf (hereinafter referred to as "Engineering Estimate").

3.2 Changes by the City to City's Projects. After the parties have made a final determination of the City's Projects for that year, the City may request either (1) that additional projects be added to the City's Projects or, (2) that certain projects be eliminated where the actual costs will exceed the estimated costs for specific projects or where unexpected City budget constraints occur.

3.2.1 Additional Projects. Where the City wishes to add projects as provided in this Section 3.2, it may do so by submitting a written change order outlining (1) how much in funds it has available for the additional work, and (2) a description of the work, including the route, beginning and ending termini, and a detailed description of the type of work required. The County may, in its sole discretion, accept or reject the change order. The City shall be liable for all increases in cost, if any, which may be incurred by additions to the City's Projects.

3.2.2 Elimination of Projects. Where the City wishes to eliminate projects as provided in this Section 3.2, it may do so by providing 30 days' written notice of the same to the County's Administrator. The City shall be liable for all costs associated with the elimination of a specific project, including but not limited to clean-up and striping costs and any non-cancelable costs, which will be billed to the City as described in Section 6 below.

3.3 Changes by the County to the City's Projects. After the parties have made a final determination of the City's Projects for that year, the County shall provide the City with written notification of any changes to the City's Projects required by the County when such changes will substantially alter the nature of the City's Projects or the City's

estimated costs. The County shall obtain the City's written approval to any such changes before implementing them.

3.4 Authority of Administrators. By entering into this Agreement and upon it becoming effective as described in Section 2 above, both parties authorize their respective Administrators to accept, deny, and negotiate the Addendums described in Section 3.1 above as well as any addition, elimination, or change to the City's Projects as described in this Section 3, including any associated increase, decrease, or other change to the costs of the City's Projects.

4. Services Provided by County

4.1 Lead Agency. The County shall serve as the lead agency for the City's Projects.

4.2 Design Services. The County shall perform for the City the "Design Services," as that term is defined in Recital B above; namely, all necessary planning and design activities for the City's Projects. The County shall solely determine the schedule for the Design Services. The County will provide the City with a full and complete copy of the construction design plans for the City's Projects. The City may request changes to the construction design plans by submitting a written request to the County, which the County shall accommodate to the extent the requested changes are feasible. The County shall segregate the costs of the Design Services from the total costs of designing the entire Overlay Program each year.

4.3 Construction Services. The County shall perform for the City the "Construction Services," as that term is defined in Recital B; namely, construction activities for the City's Projects. The County shall solely determine the schedule for the Construction Services. Except where required by law, the County shall not be responsible for providing any notification (e.g. flyers, etc.) regarding the Construction Services to residents, businesses, or other third parties that will or may be affected by the City's Projects. The County shall segregate the costs of the Construction Services from the total costs of constructing the entire Overlay Program each year.

4.4 Quality of Services. The Services performed by the County under this Agreement shall adhere to the standards set forth in the Standard Specifications for Road, Bridge, and Municipal Construction manual, Construction manual, and Local Agency Guidelines manual, all published by the Washington State Department of Transportation. The City may, at its sole expense, furnish an inspector to review the City's Projects. The City's inspector may communicate with the County and the County's Administrator. The City's inspector shall not communicate, directly or indirectly, with any contractor or subcontractor hired by the County as described in Sections 4.6 and 4.7 below.

4.5 Preconstruction Meeting. Each year, prior to the performance of any Construction Services, the County shall schedule a preconstruction meeting which the City's Administrator or their designee shall attend.

4.6 Independent Contractor. The County will perform all Services under this Agreement as an independent contractor and not as an agent, employee, or servant of the City. The County has the express right to direct and control the County's activities in providing the agreed Services in accordance with the specifications set out in this Agreement. The City shall only have the right to ensure performance.

4.7 Sub-Contracting. The County may, in its sole discretion, hire one or more contractors and/or sub-contractors to perform some or all of the Services. In hiring a contractor and/or subcontractor, the County shall contract through a competitive bidding process each year. The bid packet shall identify by line item the cost for the City's Projects separately from the rest of the Overlay Program costs for that year. The bid packet shall be posted online with the Builders Exchange of Washington at <<http://www.bxwa.com/>> and solicitation notices shall be published in The Everett Herald and Daily Journal of Commerce. After bidding closes for that year, the County shall provide to the City a dated, verified copy of the bid tabulations which correspond to the City's Projects, including an estimate of construction costs for the City's Projects.

5. Cooperation by City

5.1 Covenant to Cooperate. The City covenants to the County that it shall cooperate with the County in accomplishing the City's Projects. The City shall make its personnel, including but not limited to its Public Works Department staff, available to the County at reasonable times and upon reasonable advance notice, for purposes of facilitating the County's performance of the Services.

5.2 Grant of Access. The City certifies to the County that the City owns the real property or right-of-ways upon which the City's Projects are located and additional real property or right-of-ways are not needed for the City's Projects. The City further grants to the County, for the purpose of performing Services pursuant to this Agreement, permission and right-of-entry on, over, under, above and through real property owned by the City and those City rights-of-way and WSDOT rights-of-way that the City is responsible for maintaining that are necessary or convenient for the County to access in performing the Services.

5.3 Coordination with WSDOT and Utilities. Should, in providing the Services, it become necessary or convenient for the County to enter in, on, over, under or above a right-of-way owned by WSDOT or any utility or impact any equipment owned by WSDOT or any utility, the County shall notify the City, and the City shall cooperate in the County's efforts to coordinate with WSDOT and/or the utility to obtain any required approvals and/or permits authorizing such activity.

5.4 Permitting. Prior to April 1 of each year, the City shall obtain and provide to the County copies of all permits necessary for the Project.

6. Payment by City

6.1 Actual Costs. The County shall be reimbursed in full by the City for the actual costs of the Services provided by the County on a time and materials basis plus an administrative overhead charge as described in Section 6.2 below. The County agrees that only those costs directly allocable to the Services under generally accepted accounting procedures will be charged to the City.

6.2 Administrative Overhead. For the purpose of fixing the compensation to be paid by the City to the County for the Services, it is agreed that there shall be included in each billing, to cover administrative costs, an amount not to exceed the County administrative rate. This rate is currently set at 15% of the total labor cost to the County for those County employees performing Services for the City under this Agreement. The administrative rate is not included in charges for materials, equipment or payments to contractors or subcontractors.

6.3 Contract Maximum. The maximum amount payable each year to the County from the City under this Agreement is the Final Estimated Cost described in Section 3.1 above plus an additional contingency charge of 10 percent of the Materials Estimate. The County shall not undertake work on the City's Projects when such work is expected to exceed this Contract Maximum absent first obtaining written approval from the City.

6.4 Invoicing and Payment. The County shall invoice the City or its designee for all Services performed by the County. The City shall remain liable for complete and timely payment of all amounts invoiced. Invoices may be sent monthly, quarterly or on any other schedule that is mutually convenient to the parties. The County shall include in each invoice documentation of all costs for labor, materials and equipment included in the invoice. Unless the City delivers written notice to the County disputing the amount of a particular invoice, the City shall make payment on all invoices submitted by the County within thirty (30) days of the invoice date. Amounts not paid within 30 days of the invoice date shall thereafter accrue interest at a rate of twelve percent per annum or one percent per month.

7. Indemnification/Hold Harmless

7.1 County's Indemnification of City. The County shall indemnify, defend and hold the City harmless from and against all liabilities, suits, losses, costs, damages, claims, expenses, penalties or charges, including, without limitation, reasonable attorneys' fees and disbursements, that the City may incur or pay out by reason of: (i) any accidents, damages or injuries to persons or property occurring in, on, about or around the City's Projects due to or arising out of the County's performance of Services pursuant to this Agreement, but only to the extent such accidents, damages or injuries are due to any negligent or wrongful act or omission of the County; or (ii) any breach or Default (as such term is defined in Section 10.1 below) by the County under this Agreement.

7.2 City's Indemnification of County. The City shall indemnify, defend and hold the County harmless from and against all liabilities, suits, losses, costs, damages, claims, expenses, penalties or charges, including, without limitation, reasonable attorneys' fees and disbursements, that the County may incur or pay out by reason of: (i) any accidents, damages or injuries to persons or property occurring in, on or around the City's Projects during the term of this Agreement, but only to the extent the same are caused by any negligent or wrongful act of the City; or (ii) any breach or Default (as such term is defined in Section 10.1 below) of the City under this Agreement.

7.3 Waiver of Immunity Under Industrial Insurance Act. The indemnification provisions of Section 7.1 and Section 7.2 above are specifically intended to constitute a waiver of each party's immunity under Washington's Industrial Insurance Act, Title 51 RCW, as respects the other party only, and only to the extent necessary to provide the indemnified party with a full and complete indemnity of claims made by the indemnitor's employees. The parties acknowledge that these provisions were specifically negotiated and agreed upon by them.

7.4 Survival. The provisions of this Section 7 shall survive the expiration or earlier termination of this Agreement.

8. Insurance

Each Party shall maintain its own insurance and/or self-insurance for its liabilities from damage to property and/or injuries to persons arising out of its activities associated with this Agreement as it deems reasonably appropriate and prudent. The maintenance of, or lack thereof of insurance and/or self insurance shall not limit the liability of the indemnifying part to the indemnified party(s).

9. Compliance with Laws

In the performance of its obligations under this Agreement, each party shall comply with all applicable federal, state, and local laws, rules and regulations.

10. Default and Remedies

10.1 Default. If either the County or the City fails to perform any act or obligation required to be performed by it hereunder, the other party shall deliver written notice of such failure to the non-performing party. The non-performing party shall have thirty (30) days after its receipt of such notice in which to correct its failure to perform the act or obligation at issue, after which time it shall be in default ("Default") under this Agreement; provided, however, that if the non-performance is of a type that could not reasonably be cured within said thirty (30) day period, then the non-performing party shall not be in Default if it commences cure within said thirty (30) day period and thereafter diligently pursues cure to completion.

10.2 Remedies. In the event of a party's Default under this Agreement, then after giving notice and an opportunity to cure pursuant to Section 10.1 above, the non-Defaulting party shall have the right to exercise any or all rights and remedies available to it in law or equity.

11. Early Termination

11.1 30 Days' Notice. Except as provided in Section 11.2 below, either party may terminate this Agreement at any time, with or without cause, upon not less than thirty (30) days advance written notice to the other party. The termination notice shall specify the date on which the Agreement shall terminate.

11.2 Lack of Funding. This Agreement is contingent upon governmental funding and local legislative appropriations. In the event that funding from any source is withdrawn, reduced, limited, or not appropriated after the effective date of this Agreement, this Agreement may be terminated by either party immediately by delivering written notice to the other party. The termination notice shall specify the date on which the Agreement shall terminate.

11.3 Calculation of Costs Due Upon Early Termination. Upon early termination of this Agreement as provided in this Section 11, the City shall pay the County for all Services performed up to the date of termination, as well as the costs of any and all non-cancelable obligations. The County shall notify the City within thirty (30) days of the date of termination of all remaining costs including non-cancelable costs. Termination costs charged to the City shall not exceed the actual costs incurred as a result of early termination. No payment shall be made by the City for any expense incurred or Services performed following the effective date of termination unless authorized in writing by the City.

12. Notices

All notices required to be given by any party to the other party under this Agreement shall be in writing and shall be delivered either in person, by United States mail, or by electronic mail (email) to the applicable Administrator or the Administrator's designee. Notice delivered in person shall be deemed given when accepted by the recipient. Notice by United States mail shall be deemed given as of the date the same is deposited in the United States mail, postage prepaid, and addressed to the Administrator, or their designee, at the addresses set forth in Section 1.4 of this Agreement. Notice delivered by email shall be deemed given as of the date and time received by the recipient.

13. Miscellaneous

13.1 Entire Agreement; Amendment. This Agreement constitutes the entire agreement between the parties regarding the subject matter hereof, and supersedes any and all prior oral or written agreements between the parties regarding the subject matter

contained herein. Except as otherwise provided in Section 3 above, this Agreement may not be modified or amended in any manner except by a written document signed by the party against whom such modification is sought to be enforced.

13.2 Conflicts between Attachments and Text. Should any conflicts exist between any attached exhibit or schedule and the text or main body of this Agreement, the text or main body of this Agreement shall prevail.

13.3 Governing Law and Venue. This Agreement shall be governed by and enforced in accordance with the laws of the State of Washington. The venue of any action arising out of this Agreement shall be in the Superior Court of the State of Washington, in and for Snohomish County. In the event that a lawsuit is instituted to enforce any provision of this Agreement, the prevailing party shall be entitled to recover all costs of such a lawsuit, including reasonable attorney's fees.

13.4 Interpretation. This Agreement and each of the terms and provisions of it are deemed to have been explicitly negotiated by the parties, and the language in all parts of this Agreement shall, in all cases, be construed according to its fair meaning and not strictly for or against either of the parties hereto. The captions and headings in this Agreement are used only for convenience and are not intended to affect the interpretation of the provisions of this Agreement. This Agreement shall be construed so that wherever applicable the use of the singular number shall include the plural number, and vice versa, and the use of any gender shall be applicable to all genders.

13.5 Severability. If any provision of this Agreement or the application thereof to any person or circumstance shall, for any reason and to any extent, be found invalid or unenforceable, the remainder of this Agreement and the application of that provision to other persons or circumstances shall not be affected thereby, but shall instead continue in full force and effect, to the extent permitted by law.

13.6 No Waiver. A party's forbearance or delay in exercising any right or remedy with respect to a Default by the other party under this Agreement shall not constitute a waiver of the Default at issue. Nor shall a waiver by either party of any particular Default constitute a waiver of any other Default or any similar future Default.

13.7 No Assignment. This Agreement shall not be assigned, either in whole or in part, by either party without the express written consent of the other party, which may be granted or withheld in such party's sole discretion. Any attempt to assign this Agreement in violation of the preceding sentence shall be null and void and shall constitute a Default under this Agreement.

13.8 Warranty of Authority. Each of the signatories hereto warrants and represents that he or she is competent and authorized to enter into this Agreement on behalf of the party for whom he or she purports to sign this Agreement.

13.9 No Joint Venture. Nothing contained in this Agreement shall be construed as creating any type or manner of partnership, joint venture or other joint enterprise between the parties.

13.10 No Third Party Beneficiaries. This Agreement and each and every provision hereof is for the sole benefit of the City and the County. No other persons or parties shall be deemed to have any rights in, under or to this Agreement.

13.11 Execution in Counterparts. This Agreement may be executed in two or more counterparts, each of which shall constitute an original and all of which shall constitute one and the same agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

COUNTY:

CITY:

Snohomish County, a political subdivision of the State of Washington

The City of Marysville, a Washington municipal corporation

By _____
Name: John Lovick
Title: County Executive

By _____
Name: Jon Nehring
Title: Mayor

Approved as to Form:

Approved as to Form:

Deputy Prosecuting Attorney

City Attorney


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Index #9

CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: January 12, 2015

AGENDA ITEM: SR 528 and 53 rd Ave NE Intersection Improvements LAG Supplement #1	
PREPARED BY: Ryan Morrison, Project Engineer	DIRECTOR APPROVAL: 
DEPARTMENT: Public Works, Engineering	
ATTACHMENTS: Local Agency Agreement Supplement	
BUDGET CODE: 30500030.563000, R0902	AMOUNT: \$12,000

SUMMARY:

On September 9, 2013 Council awarded the SR 528 and 53rd Ave NE Intersection Improvement project to Transportation Systems, Inc. to install a new traffic signal at the intersection and make modifications to the Jennings Park entrance.

The City's Local Agency Agreement with WSDOT for this project included an estimated cost of \$2,500 for them to review Plans, submittals, materials, Channelization and project inspection. This amount was lower than the amount required to perform this work and additional WSDOT costs were accrued resulting in the need for a Supplemental Agreement to adjust estimated costs to actual costs. The additional WSDOT costs are estimated to not exceed \$12,000.

RECOMMENDED ACTION:

Staff recommends that Council authorize the Mayor to sign and execute the Local Agency Agreement Supplement #1 with WSDOT in the amount of \$12,000.



Agency City of Marysville		Supplement Number 1
Federal Aid Project Number STPUL 9931 (014)	Agreement Number LA-8101	CFDA No. 20.205 (Catalog of Federal Domestic Assistance)

The Local Agency requests to supplement the agreement entered into and executed on June 5, 2013

All provisions in the basic agreement remain in effect except as modified by this supplement.

The changes to the agreement are as follows:

Project Description

Name 53rd Ave NE / SR 528 Intersection Length N/A

Termini N/A

Description of Work No Change

Additional work includes the removal and replacement of five ADA ramps and the addition and installation of two Pedestrian Push Button poles.

Reason for Supplement

Increase Construction funding for State. Additional WSDOT review and inspection was required due to the addition of replacing the ADA ramps at all four corners of the intersection and the two PPB poles.

Does this change require additional Right of Way or Easements? Yes No Advertisement Date: _____

Type of Work	Estimate of Funding				
	(1) Previous Agreement/Suppl.	(2) Supplement	(3) Estimated Total Project Funds	(4) Estimated Agency Funds	(5) Estimated Federal Funds
PE					
_____ % a. Agency					
b. Other					
c. Other					
Federal Aid Participation Ratio for PE d. State					
e. Total PE Cost Estimate (a+b+c+d)					
Right of Way					
_____ % f. Agency					
g. Other					
Federal Aid Participation Ratio for RW h. Other					
i. State					
j. Total RW Cost Estimate (f+g+h+i)					
Construction					
k. Contract	\$260,116		\$260,116	\$35,116	\$225,000
l. Other Contract (non-partic.)	\$14,884		\$14,884	\$14,884	
_____ % m. Other					
n. Other					
Federal Aid Participation Ratio for CN o. Agency (non-participation)	\$10,000		\$10,000	\$10,000	
p. State (non-participation)	\$2,500	\$12,000	\$14,500	\$14,500	
q. Total CN Cost Estimate (k+l+m+n+o+p)	\$287,500	\$12,000	\$299,500	\$74,500	\$225,000
r. Total Project Cost Estimate (e+j+q)	\$287,500	\$12,000	\$299,500	\$74,500	\$225,000

The Local Agency further stipulates that pursuant to said Title 23, regulations and policies and procedures, and as a condition to payment of the Federal funds obligated, it accepts and will comply with the applicable provisions.

Agency Official

Washington State Department of Transportation

By _____

By _____

Title Mayor

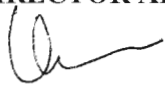
Director of Local Programs

Date Executed _____

Index #10

CITY OF MARYSVILLE AGENDA BILL
EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: January 12, 2015

AGENDA ITEM: Police Evidence Building Expansion	
PREPARED BY: Adam Benton, Fleet & Facilities Manager	DIRECTOR APPROVAL: 
DEPARTMENT: Public Works, Facilities	
ATTACHMENTS: Notice of Physical Completion Letter	
BUDGET CODE: 00105830.548000.1437	AMOUNT: N/A

SUMMARY:

The Police Evidence Building Expansion project added approximately 3,100 square feet of storage space to the existing evidence storage building. The addition addressed the need for additional covered and secured storage, including the storage of evidence for ongoing court cases, stolen property and vehicles involved in crimes.

City Council awarded the project to Obom Construction on February 11, 2014 in the amount of \$103,930.20. The project was completed at a cost of \$103,930.20.

Work performed under this contract was inspected by City staff. The work was found to be physically complete in accordance with the approved plans and specifications. Staff recommends Council's acceptance of the project for closeout.

RECOMMENDED ACTION:

Staff recommends that Council authorize the Mayor to accept the Police Evidence Building Expansion project, starting the 60-day lien filing period for project closeout.



PUBLIC WORKS
Kevin Nielsen, *Director*

80 Columbia Avenue
Marysville, Washington 98270
Phone (360) 363-8100
Fax (360) 363-8284

June 25th, 2014

Mark Obom
Obom Construction
2802 Hoyt Ave. #502
Everett, WA 98201

Subject: COM Police Evidence Building Expansion – Notice of Physical Completion

Dear Mark,

This project was considered physically complete as of Wednesday, June 25th, 2014. This notification does not constitute completion, or final acceptance by the City per Section 5.g of the Contract.

Recommendation for Final Acceptance will be sent to the City Council for approval at the January 12th, 2015 council meeting. This date of final acceptance shall start the sixty (60) day lien period for the release of your retainage upon receipt of the following.

1. Affidavit of Wages Paid (to be submitted by Obom Construction to the City)
2. Certificate of Release from the Department of Revenue
3. Certificate of Release from the Employment Security Department
4. Certificate of Release from the Department of L&I

It has been a pleasure working with you on this project. I look forward to working with you on future projects.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Benton".

Adam Benton
Fleet & Facilities Manager

Index #11

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: January 12, 2015

AGENDA ITEM: Resolution scheduling a Public Hearing on February 9, 2015, for consideration of vacating a portion of 25 th Avenue NE and an existing stormwater detention pond, as part of construction of the Lakewood Station Binding Site Plan.	AGENDA SECTION: New Business	
PREPARED BY: Chris Holland, Planning Manager	APPROVED BY:	
ATTACHMENTS: 1. Petition for Vacation of 25 th Avenue NE, including: <ul style="list-style-type: none"> • Exhibit A – AERO Construction Co. Bid • Exhibit B – Legal Description – 25th Avenue NE • Exhibit C – 25th Avenue NE Vacation Depiction • Exhibit D – Legal Description – Pond Area • Exhibit E – Pond Area Vacation Depiction • Exhibit F – Lakewood Station Preliminary Site Plan • Exhibit G – Future ROW Dedication for realigned roadway 2. Memo from Chris Holland, Planning Manager, 12/23/14 3. Staff Comments 4. Chapter 12.32 MMC, <i>Vacation of Streets and Alleys</i> 5. Resolution	MAYOR	CAO
	AMOUNT:	
BUDGET CODE:	AMOUNT:	

DESCRIPTION:

The Community Development Department (CD) received a petition from Smokey Point Commercial, LLC (applicant), proposing to vacate a portion of 25th Avenue NE and an existing stormwater detention pond, located north of 172nd Street NE (SR 531), in conjunction with the construction of the Lakewood Station Binding Site Plan. The petition submitted represents 100% of the ownership of the properties fronting the proposed vacated portion of 25th Avenue NE and the stormwater detention pond.

Rather than compensating the City for the vacated portion of 25th Avenue NE and the stormwater detention pond, the applicant is proposing to construct a new public roadway, realigning 25th Avenue NE to the west to a mini roundabout (RAB) and constructing a full RAB at 172nd Street NE (SR 531) that would provide improved access onto the state highway (see **Exhibit F**).

After reviewing the proposal, Staff is recommending Council waive compensation, as proposed, based on the information provided by the applicant, and the factors outlined in the attached memo from Chris Holland, Planning Manager, dated December 23, 2014.

RECOMMENDED ACTION:

Approve the Resolution establishing a public hearing date of February 9, 2015 to consider the proposed vacation of 25th Avenue NE and the existing stormwater pond and the request to waive compensation for said vacation.

COUNCIL ACTION:

PETITION FOR VACATION OF STREET

1. See attached Legal Descriptions for areas to be vacated and areas to be dedicated to the City of Marysville.
2. Smokey Point Commercial, LLC and Smokey Point Apartments, LLC are the owner of 100% of all property abutting 25th Ave NE. Both entities have the same ownership.
3. Vacation of 25th Ave. NE will meet the following criteria:
 - a. It will provide a public benefit

Response: At the Lakewood Station Binding Site Plan public hearing, Washington State Department of Transportation (WSDOT) testified that a signal or roundabout (RAB) would not be allowed to be installed at the intersection of 172nd Street NE (SR 531) and 25th Avenue NE, due to its close proximity to the signalized intersection of 27th Avenue NE. Based on this testimony, our team has been working closely with WSDOT to revise the current intersection in order to relocate this intersection west to a new intersection (23rd Avenue NE) and construct a RAB, which would comply with WSDOT spacing standards on a State Highway (SR 531). The relocation of 25th Avenue NE from its current configuration to a RAB located at 23rd Avenue NE, will provide a public benefit by allowing existing residents, future residents and patrons of the proposed commercial development improved access to 172nd Street NE (SR 531).. In addition, it opens up the opportunity for more commercial opportunities and tenant prospects because of the increased access to 172nd Street NE (SR 531), which would benefit the public through increased tax revenue to the City of Marysville..

- b. It will not adversely affect the street pattern of circulation of the immediate area of the community as a whole.

Response: There will be no adverse affect to the local traffic circulation. In fact, the overall design of the new RAB at 23rd Avenue NE will drastically improve the current street pattern and circulation. The ability to access 172nd Street NE (SR 531) with a new RAB will greatly enhance the safety for those currently using 25th Ave NE. Since WSDOT was not in favor of allowing either a signalized intersection, nor a RAB, at the current 25th Ave and 172nd Street NE intersection, the new 23rd Ave location will be utilized to drastically improve the ability for the neighborhoods to the north on 25th Ave to take a east-bound turning movement.

- c. The public need will not be adversely affected.

Response: There will be no adverse affect to the public with the proposed vacation and dedication, as proposed.

In addition, construction and dedication of the roadway sections of 23rd Avenue NE, 174th Street NE, and the RAB will be at the developer's expense. The estimated cost to construct the proposed improvements is approximately \$551,753, based on a three (3) lane roadway section including two travel lanes, a center turn lane, curbs, gutters and sidewalks, and the RAB. The new dedicated and improved length of roadway will be 1,717 lineal feet. In addition to the roadway improvement will be the half-street dedication and improvement of 176th Street NE at the north end of the Phase 1 Apartments. The new dedicated and improved length or roadway will be 631 lineal feet, at an estimated cost of \$101,850. This would be in comparison to the cost of the vacated right-of-way, which is approximately 1,285 lineal feet and an estimated cost of \$224,938.

- d. The street is not contemplated or needed for future public use.

Response: The area to be vacated will be replaced by an amount of area greater than what is being vacated and will provide the same public use as its current configuration with improved access to 172nd Street NE (SR 531).

- e. No abutting owner will become landlocked or have his access substantially impaired.


Response: No abutting owner will become landlocked or have his or her access substantially impaired. Smokey Point Commercial, LLC and Smokey Point Apartments, LLC owns all abutting property along the reconfigured roadway.

4. Smokey Point Commercial, LLC and Smokey Point Apartments, LLC, hereby agrees to pay all fees and charges required by Chapter 12.32 MMC relating to vacation of street(s).

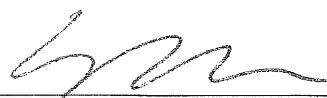
Pond Area: The current detention pond located at the corner of 25th Avenue NE 172nd Street NE (SR 531) is being requested for vacation, in addition to the above reference road areas. The current use and function of the pond will be replaced per the civil plans prepared by Omega Engineering and approved by the City of Marysville Community Development Department. These approvals are being issued through the Binding Site Plan and Building Permit process.

Dated October 8, 2014

Smokey Point Commercial, LLC

By: 
Steven J. Malsam, Manager

Smokey Point Apartments, LLC

By: 
Steven J. Malsam, Manager

Land Area Requested to be Vacated

25th Ave NE 76,887 sq.ft.

Pond Area: 10,455 sq.ft. Total Area: to be vacated: 87,342 sq.ft.

Land Area Proposed to be dedicated to the City of Marysville

25th Ave NE 88,733 sq.ft.

Additional area to be dedicated to WSDOT along 172nd St. NE (TBD – Plans currently under review by WSDOT)

All these areas are shown on the attached drawings.

EXHIBIT A

AERO Construction Co.

3827 Bickford Avenue,
P.O. Box 295
Snohomish, WA. 98290
Phone 425-334-2475
Fax 425-397-6196

September 10, 2014

Smokey Point Commercial LLC

Attention: Ed Babbitt

Re: Smokey Point Commercial - Roadway Improvements Budget

Aero Job Number 511

Description	Quantity	Unit	Price	Subtotal	Notes
New 25th Ave NE Through 174th Street NE, including 23rd Ave. NE to North side of 172nd					
Fine Grade Curbs	4,145.00	LF	3.40	14,093.00	
18" Vertical Curb & Gutter	3,050.00	LF	15.00	45,750.00	
22" Roundabout Type 1 Rolled Curb	215.00	LF	24.00	5,160.00	
18" Roundabout Type 2 Rolled Curb	880.00	LF	18.00	15,840.00	
Perpendicular Curb Ramps	10.00	EA	1,200.00	12,000.00	
Parallel Curb Ramps	8.00	EA	900.00	7,200.00	
Fine Grade Walks, Aprons and Islands	22,945.00	SF	0.50	11,472.50	
5'x4" Double Ribbon Sidewalk	15,300.00	SF	6.00	91,800.00	
5'x6" Stamped Concrete Apron	1,400.00	SF	11.40	15,960.00	Outside Roundabout
6" Stamped Concrete Crosswalk	530.00	SF	11.40	6,042.00	
6" Stamped Concrete Roundabout Islands	5,715.00	SF	11.40	65,151.00	
3" Depth Crushed Rock at Concrete Improvements	460.00	TON	26.65	12,259.00	
Fine Grade Asphalt	65,925.00	SF	0.20	13,185.00	
2" Class B Asphalt	7,325.00	SY	9.75	71,418.75	
4" ATB Asphalt	7,325.00	SY	15.25	111,706.25	
3" Depth Crushed Rock at Asphalt Improvements	1,040.00	TON	26.65	27,716.00	
Channelization and Signage	1.00	LS	25,000.00	25,000.00	
Total New Road Improvements				551,753.50	Tax Not Included

Existing 25th Ave NE					
Fine Grade Curbs	1,353.00	LF	3.40	4,600.20	
18" Vertical Curb & Gutter	1,353.00	LF	15.00	20,295.00	
Fine Grade Walks	6,765.00	SF	0.50	3,382.50	
4" Sidewalk	6,765.00	SF	6.00	40,590.00	
3" Depth Crushed Rock at Concrete Improvements	140.00	TON	26.65	3,731.00	
Fine Grade Asphalt	46,260.00	SF	0.20	9,252.00	
2" Class B Asphalt	5,140.00	SY	9.75	50,115.00	
4" ATB Asphalt	5,140.00	SY	15.25	78,385.00	
3" Depth Crushed Rock at Asphalt Improvements	720.00	TON	26.65	19,188.00	
Total Existing Road Improvements				224,938.50	Tax Not Included

Bid Notes: This proposal is budgetary only at this time.
This proposal does not include traffic control.

**25TH AVENUE NE VACATION
LEGAL DESCRIPTION**

THE EAST 30.00 FEET OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M.;
EXCEPT THE SOUTH 30.00 FEET THEREOF.

TOGETHER WITH THE WEST 30.00 FEET OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M.;
EXCEPT THE SOUTH 40.00 FEET THEREOF.

TOGETHER WITH THE FOLLOWING DESCRIBED TRACT OF LAND:
COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 20;
THENCE SOUTH 89°03'37" WEST ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER 356.18 FEET;
THENCE NORTH 00°56'23" WEST 40.00 FEET TO THE NORTH LINE OF A TRACT OF LAND CONVEYED TO THE STATE OF WASHINGTON BY WARRANTY DEED RECORDED UNDER AUDITOR'S FILE NUMBER 200101290045, RECORDS OF SNOHOMISH COUNTY, WASHINGTON;
THENCE SOUTH 89°03'37" WEST ALONG SAID NORTH LINE 253.14 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET, THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION;
THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 91°44'11" AN ARC DISTANCE OF 32.02 FEET TO A POINT ON THE EAST RIGHT OF WAY OF 25TH AVENUE NE;
THENCE SOUTH 00°47'48" WEST ALONG SAID EAST RIGHT OF WAY 20.62 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 40.00 FEET OF SAID SOUTHWEST QUARTER;
THENCE NORTH 89°03'37" EAST ALONG SAID NORTH LINE 20.62 FEET TO THE POINT OF BEGINNING.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

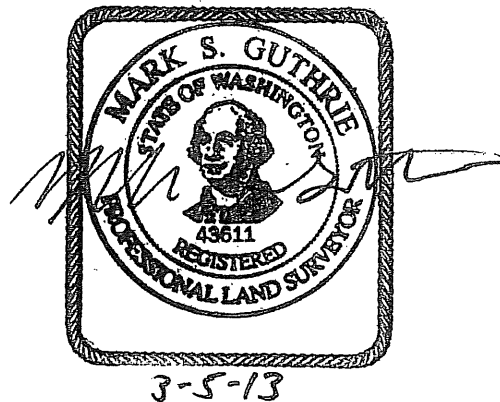
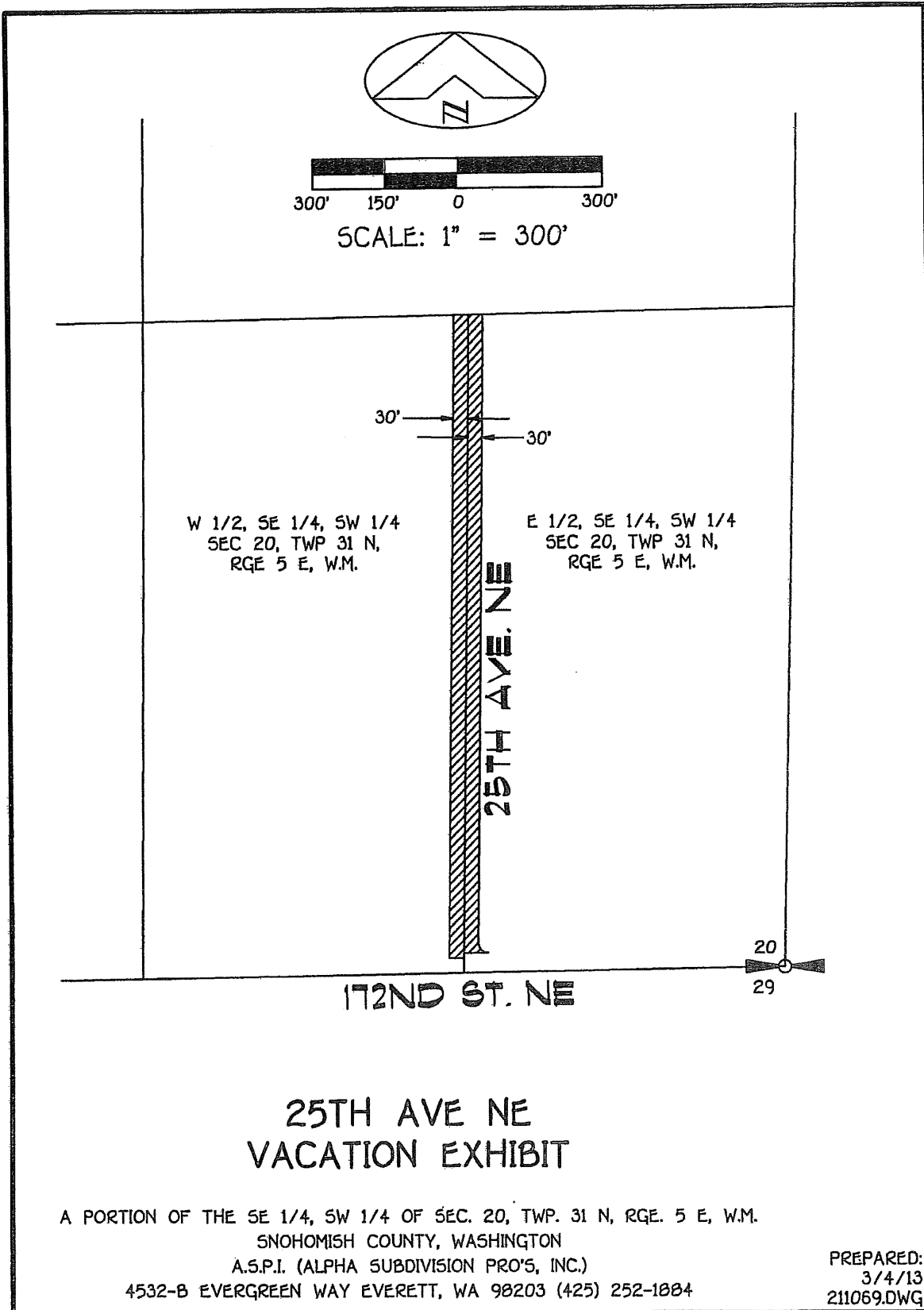


EXHIBIT C



25TH AVE NE VACATION EXHIBIT

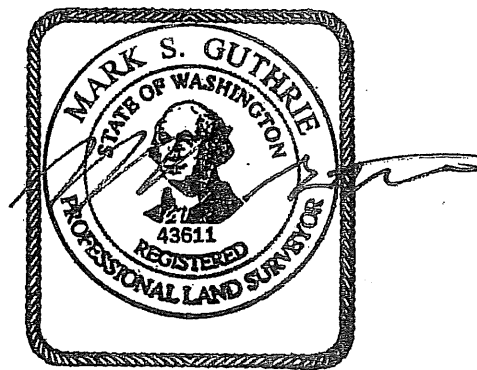
A PORTION OF THE SE 1/4, SW 1/4 OF SEC. 20, TWP. 31 N, RGE. 5 E, W.M.
SNOHOMISH COUNTY, WASHINGTON
A.S.P.I. (ALPHA SUBDIVISION PRO'S, INC.)
4532-B EVERGREEN WAY EVERETT, WA 98203 (425) 252-1884

PREPARED:
3/4/13
211069.DWG

POND AREA VACATION
LEGAL DESCRIPTION

THE NORTH 110 FEET OF THE SOUTH 140 FEET OF THE WEST 110 FEET OF THE EAST 140 FEET OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M., AS CONVEYED TO SNOHOMISH COUNTY BY INSTRUMENT RECORDED UNDER AUDITOR'S FILE NUMBER 9304070110, RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.



3-5-13

EXHIBIT E

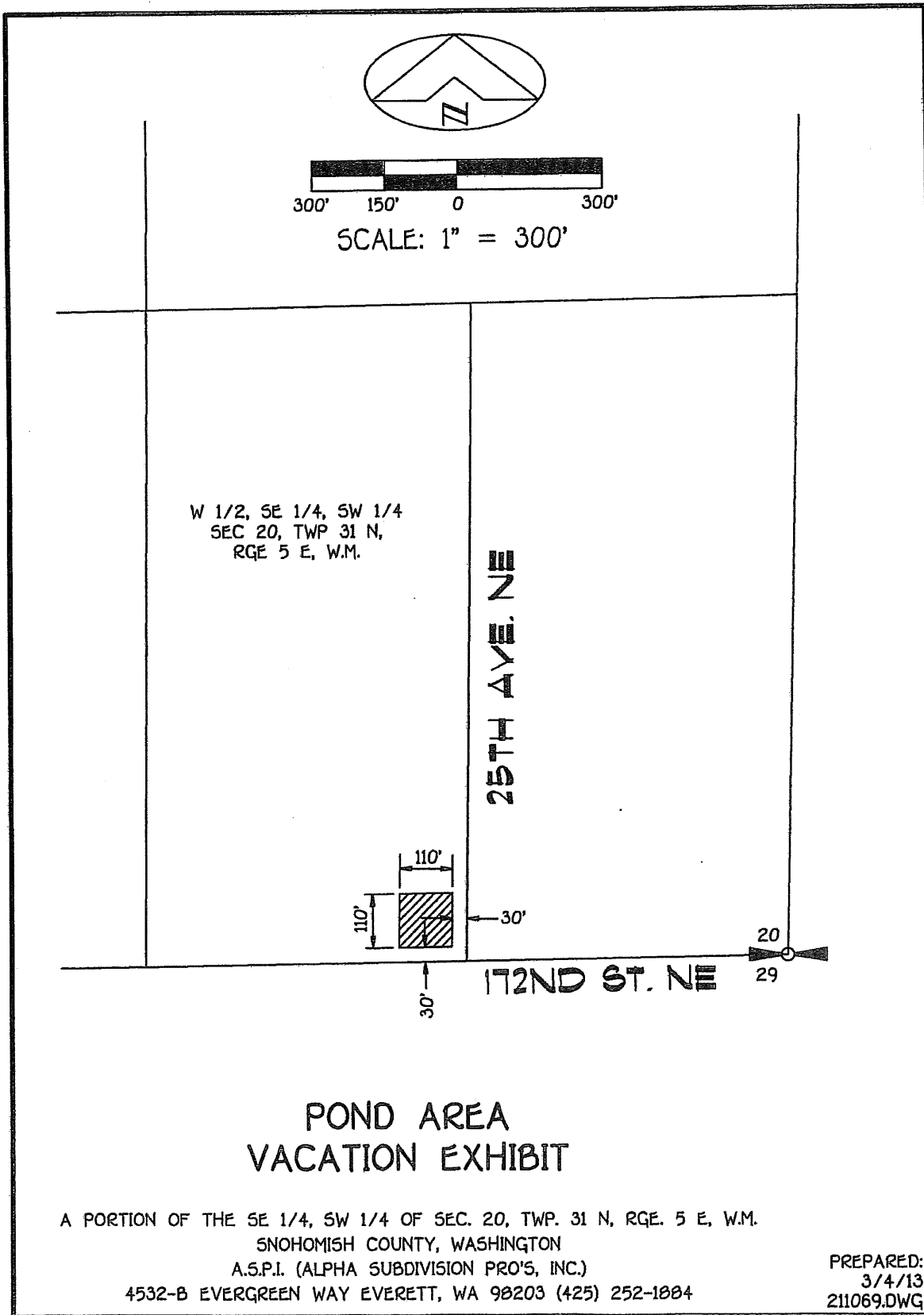
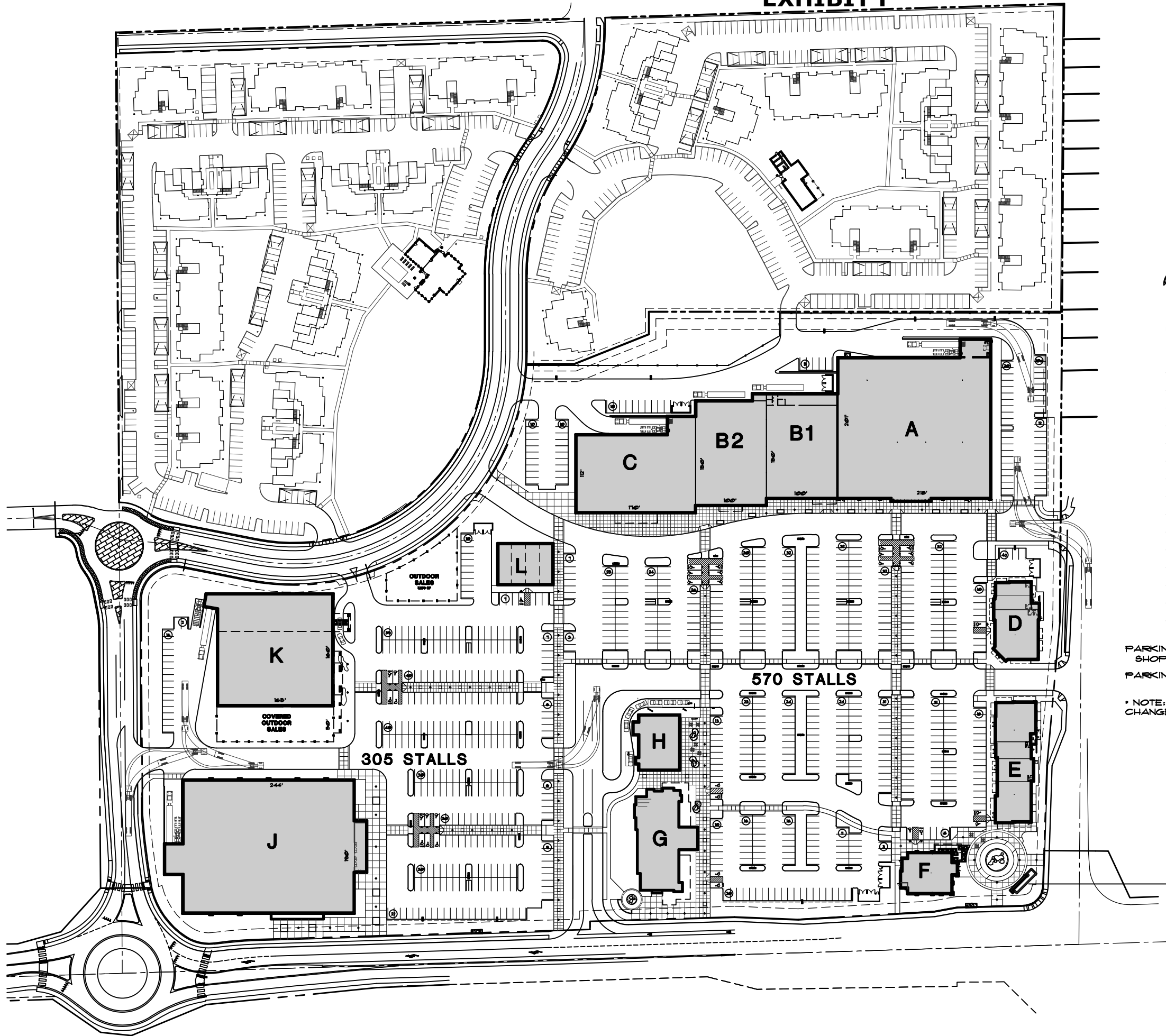


EXHIBIT F



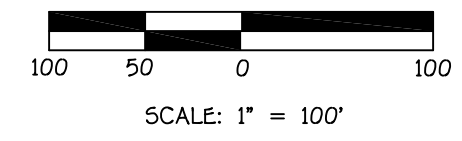
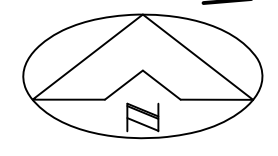
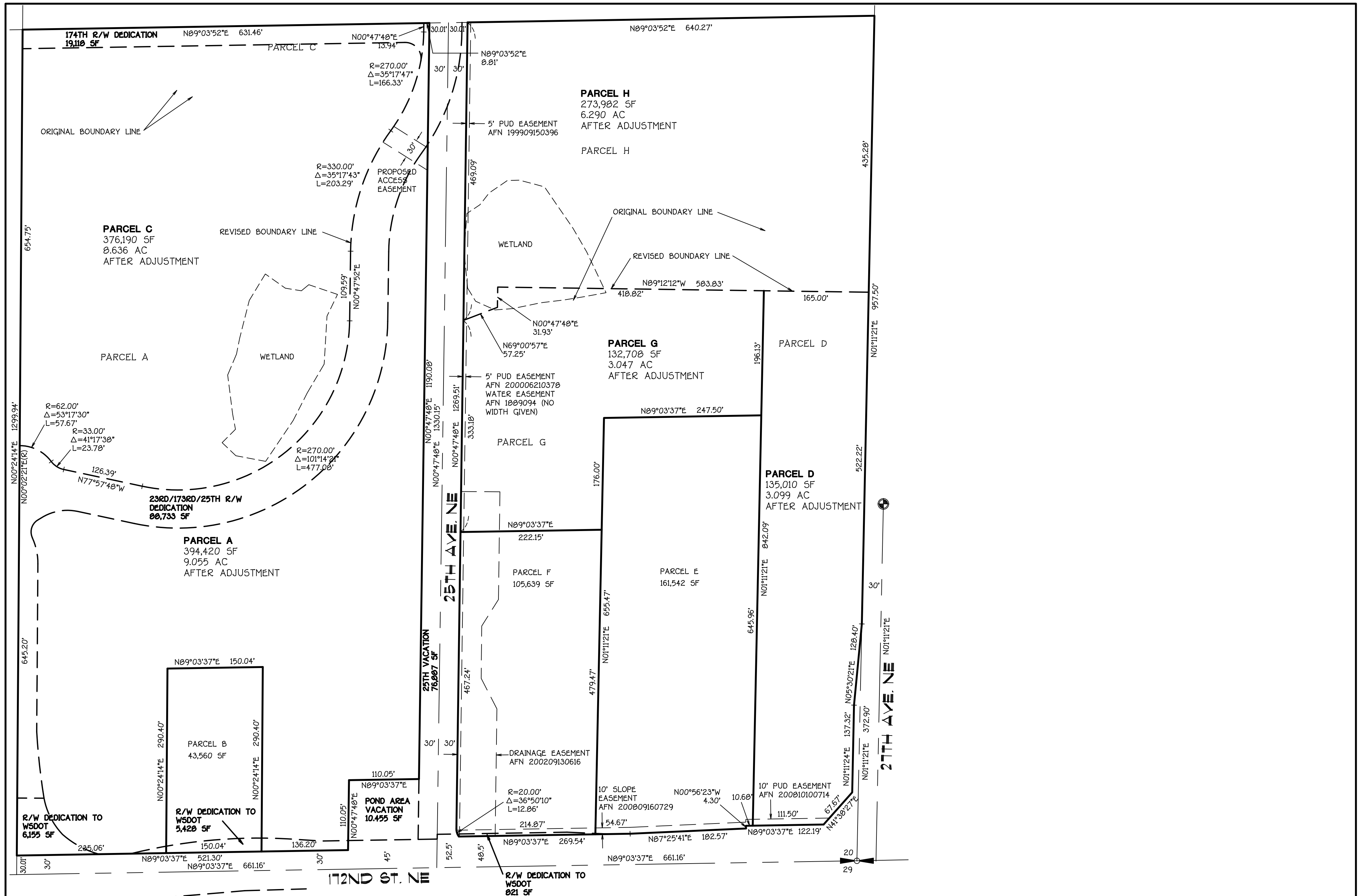
PRELIMINARY SITE PLAN
 SCALE: 1"=50'-0" 10-8-14

PROJECT DATA

LABEL	BUILDING FOOTPRINT	BUILDING USE
A	45,000 SF	RETAIL ANCHOR
B1	15,000 SF	RETAIL ANCHOR
B2	15,000 SF	RETAIL ANCHOR
C	20,000 SF	RETAIL ANCHOR
D	6,615 SF	RETAIL SHOPS
E	9,285 SF	RETAIL SHOPS
F	4,500 SF	RESTAURANT
G	9,575 SF	RESTAURANT
H	4,800 SF	RETAIL SHOPS
J	49,000 SF	RETAIL ANCHOR
K	26,800 SF	RETAIL ANCHOR
	8,250 SF	COVERED SALES
	7,000 SF	OUTDOOR SALES
L	5,000 SF	RETAIL SHOPS
TOTAL	225,825 SF	

PARKING REQUIRED:
 SHOPPING CENTER: * 218,825 SF @ 1/ 250 SF = 875 STALLS
 PARKING PROVIDED: 875 STALLS (1/ 250 SF)

* NOTE: ALL USES ARE PROPOSED AND SUBJECT TO CHANGE



A.S.P.I.
LAND SURVEYING
AND
PLANNING

4532-B EVERGREEN WAY
EVERETT, WA 98203
(425) 252-1884

AREA EXHIBIT	
A PORTION OF THE SE 1/4, SW 1/4 OF SEC. 20, TWP. 31 N, RGE. 5 E, W.M. CITY OF MARYSVILLE SNOHOMISH COUNTY, WASHINGTON	
PREP: 6/12/2014	REV:
HCP	M5G
1 OF 1	211069



COMMUNITY DEVELOPMENT DEPARTMENT
 80 Columbia Avenue ♦ Marysville, WA 98270
 (360) 651-5100 ♦ (360) 651-5099 FAX

MEMORANDUM

DATE: December 23, 2014
TO: Marysville City Council
FROM: Chris Holland, Planning Manager
RE: Lakewood Station – 25th Avenue NE and Stormwater Detention Pond Vacation
CC: Gloria Hirashima, CAO/CD Director
 Kevin Nielsen, PE, PW Director

The Community Development Department (CD) received a petition from Smokey Point Commercial, LLC, (applicant) proposing to vacate a portion of 25th Avenue NE and an existing stormwater detention pond, located north of 172nd Street NE (SR 531), in conjunction with the construction of the Lakewood Station Binding Site Plan. The petition submitted represents 100% of the ownership of the properties fronting the proposed vacated portion of 25th Avenue NE and the stormwater detention pond.

Rather than compensating the City for the vacated portion of 25th Avenue NE and the stormwater detention pond, the applicant is proposing to construct a new public roadway, realigning 25th Avenue NE to the west to a mini roundabout (RAB) and constructing a full RAB at 172nd Street NE (SR 531) that would provide improved access onto the state highway. The applicant is also proposing to collect and treat stormwater, associated with the vacated stormwater detention pond, in accordance with the 2005 Stormwater Management Manual for Western Washington and MMC Title 14 *Water and Sewers*.

Marysville Municipal Code (MMC) 12.32.020(2) provides guidance for compensation of vacated area, and includes the following language:

“When the vacation is initiated by the city of Marysville, or the city council deems it in the best interest of the city of Marysville, the council may waive all or any portion of such compensation. At the time the city council initially has the petition before it in order to set the matter for public hearing by resolution the city council shall consider the reports of the city engineer and/or the city planner and shall determine whether or not it will require that the city be compensated as a condition of vacation.”

In all cases where Council requires compensation for vacated right-of-way, an appraisal of the right-of-way is required to be made. One of the options identified in MMC 12.32.050, is to obtain the assessed value of comparable abutting properties from the records of the Snohomish County Assessor. CD obtained the 2015 Snohomish County assessed value(s) of the comparable abutting properties, and calculated the total assessed value of the proposed vacation at approximately \$591,305.34, based on an average assessed value of \$6.77 per SF.

APN	OWNER	ACREAGE	SF	ASSESSED VALUE	ASSESSED VALUE PER SF
31052000302400	SMOKEY POINT COMMERCIAL LLC	16.89	735,728	\$4,396,100	\$5.98
31052000304600	SMOKEY POINT COMMERCIAL LLC	1	43,560	\$304,900	\$7.00
31052000303600	SMOKEY POINT COMMERCIAL LLC	0.93	40,511	\$283,600	\$7.00
31052000302900	SMOKEY POINT COMMERCIAL LLC	2.7	117,612	\$822,500	\$6.99
31052000302800	SMOKEY POINT COMMERCIAL LLC	3.88	169,013	\$1,185,000	\$7.01
31052000302600	SMOKEY POINT COMMERCIAL LLC	4.7	204,732	\$1,432,900	\$7.00
31052000302500	SMOKEY POINT COMMERCIAL LLC	2.9	126,324	\$884,300	\$7.00
31052000302700	SMOKEY POINT COMMERCIAL LLC	4.7	204,732	\$1,273,100	\$6.22
AVERAGED ASSESSED VALUE PER SF FRONTING 25TH AVENUE NE					\$6.77
TOTAL ASSESSED VALUE FOR VACATED ROW (87,342 SF x \$6.77)					\$591,305.34

Another option outlined in MMC 12.32.050 is to require the applicant to obtain a professional appraisal stating the fair market value of the right-of-way proposed for vacation. Recently, the City of Marysville purchased property for the State Avenue Improvement Project (116th Street NE to 136th Street NE) at approximately \$10.00+/- per square foot. Based on the rate the City paid for acquisition of property for this improvement project, the total assessed value of the proposed right-of-way vacation would be approximately \$873,420.00. Therefore, it can be assumed that the value of the property proposed to be vacated would be somewhere between \$591,305.34 and \$873,420.00.

After reviewing the proposal, CD is recommending Council waive compensation, as proposed by the applicant, based on the following factors:

- At the public hearing for the Lakewood Station Binding Site Plan, Washington State Department of Transportation (WSDOT) testified that a signal or a RAB would not be allowed to be installed at the intersection of 172nd Street NE (SR 531) and 25th Avenue NE, due to its close proximity to the signalized intersection of 27th Avenue NE to the east. WSDOT however, does support construction of a RAB further west at approximately the 2300 Block.
- The relocation of 25th Avenue NE, west to a RAB located at 23rd Avenue NE, will provide a public benefit by allowing existing residents, future residents and patrons of the proposed commercial development improved access to 172nd Street NE (SR 531). Currently, 25th Avenue NE is a non-signalized intersection which makes it difficult to make left turns during the AM and PM peak hours.
- Vacating 25th Avenue NE and the stormwater detention pond provides an opportunity for commercial development that would otherwise be difficult due to access restrictions required by WSDOT, which would benefit the public through increased tax revenue to the City of Marysville.
- The applicant is proposing to construct and dedicate a new roadway alignment, to a public standard; including sidewalks, planter strips and decorative lighting, at no cost to the public. The cost for constructing the road, **not including** the RAB at 172nd Street NE (SR 531), decorative lighting and landscaping is approximately \$776,692.00.

- . The dedication of new public right-of-way is approximately 86,733 SF, **not including** dedication of right-of-way for the construction of the RAB and frontage improvements on 172nd Street NE (SR 531). The applicant has requested 87,342 SF of existing right-of-way be vacated.

At the time the Council initially has the petition before it in order to set the matter for public hearing by resolution, the Council shall consider the reports of the City Engineer and/or the Community Development Director shall determine whether or not it will require that the City be compensated as a condition of the vacation.

A resolution has been prepared establishing February 9, 2015 as the date upon which a public hearing shall be held before City Council to consider vacation of a portion of 25th Avenue NE, and the existing stormwater detention pond.



REQUEST FOR REVIEW

Community Development Department ♦ 80 Columbia Avenue ♦ Marysville, WA 98270
 (360) 363-8100 ♦ (360) 651-5099 FAX ♦ Office Hours: Mon - Fri 7:30 AM - 4:00 PM

PROJECT INFORMATION									
File Number	PA 12014			Date Sent	10.09.14		Please Return by	10.20.14	
Project Title	Lakewood Station - 25 th Avenue NE and Pond Vacation			Related File Number(s)					
Project Description	Vacation of 25 th Avenue NE and the existing stormwater pond located on the northwest corner of 25 th Avenue NE and 172 nd Street NE.								
BACKGROUND SUMMARY									
Owner/Applicant	Smokey Point Commercial, LLC								
Site Address	2403 & 2609 172 nd Street NE; 17526 25 th Avenue NE			APN(s)	31052000302400, 31052000304600, 31052000303600, 31052000302600, 31052000302800, 31052000302900, 31052000302500, 31052000302700				
Acreage (SF)	N/A			Section	20	Township	31N	Range	05E
Comprehensive Plan	MU, GC	Zoning	MU, GC	Shoreline Environment			N/A		
REVIEWING AGENCIES									
Marysville	Local Agencies & Districts			State & Federal		County		Other	
<input type="checkbox"/> Building <input checked="" type="checkbox"/> Fire District <input type="checkbox"/> LD (Anne Miller) <input type="checkbox"/> LD (Deryl Taylor) <input checked="" type="checkbox"/> LD (Shawn Smith) <input type="checkbox"/> Parks <input checked="" type="checkbox"/> Police <input checked="" type="checkbox"/> Public Works (John Cowling) <input checked="" type="checkbox"/> Public Works (Kari Chennault) <input type="checkbox"/> Public Works (Karen Latimer) <input type="checkbox"/> Public Works (Jesse Hannahs) <input type="checkbox"/>	<input type="checkbox"/> Arlington (city) <input type="checkbox"/> Arlington Airport <input type="checkbox"/> Community Transit <input type="checkbox"/> Everett (city) <input type="checkbox"/> Frontier <input type="checkbox"/> Lake Stevens (city) <input type="checkbox"/> Lake Stevens SD 4 <input type="checkbox"/> Lakewood SD 306 <input type="checkbox"/> Marysville SD 25 <input type="checkbox"/> PUD No. 1 (electric) <input type="checkbox"/> PUD No. 1 (water) <input type="checkbox"/> <input type="checkbox"/>			<input type="checkbox"/> US Army Corps of Engineers <input type="checkbox"/> BNSF <input type="checkbox"/> DOE (Bellevue) <input type="checkbox"/> DOE (Olympia - Env. Review) <input type="checkbox"/> DOE (SEPA - Greta Stough) <input type="checkbox"/> DOE (Shorelands - G, Tallent) <input type="checkbox"/> WDFW <input type="checkbox"/> WSDOT <input type="checkbox"/> WUTC <input type="checkbox"/> <input type="checkbox"/>		<input type="checkbox"/> Health District <input type="checkbox"/> Planning <input type="checkbox"/> Public Works - Land Development <input type="checkbox"/> Public Works <input type="checkbox"/> <input type="checkbox"/>		<input type="checkbox"/> Olympic Pipeline <input type="checkbox"/> Puget Sound Energy <input type="checkbox"/> Stillaguamish Tribe <input type="checkbox"/> Tulalip Tribes <input type="checkbox"/> <input type="checkbox"/>	
PROJECT MANAGER									
Name Chris Holland		Title Planning Manager		Phone 360.363.8207		E-mail cholland@marysvillewa.gov			

The City of Marysville Community Development Department is reviewing this application and encourages other affected agencies, departments, community groups and municipalities to respond. Your comments will assist the City's evaluation of this application. Furthermore, you will become a Party of Record to this case if you submit a response with your name and address. We highly recommend that you send your comments on letterhead. Without a full name and address, you will not be considered a Party of Record. You may e-mail, fax or send via regular mail your comments to this project manager listed above.

If you have no comments, please check the box below, sign and return this form to the project manager.

NO COMMENTS Signature: _____ Date: _____

ATTACHED Title: _____ Agency: _____

Chris Holland

From: John Cowling
Sent: Monday, October 13, 2014 2:12 PM
To: Chris Holland
Cc: Janis Lamoureux
Subject: RE: Lakewood Station - 25th Ave Street Vacation

Engineering has reviewed the construction estimates and have found them to be within reason.

Thanks.

John A. Cowling, P.E.**Assistant City Engineer**

City of Marysville | 80 Columbia Ave, Marysville, WA 98270
Direct Line (360) 363-8281 | Fax (360) 363-8284

From: Chris Holland
Sent: Thursday, October 09, 2014 9:42 AM
To: John Cowling
Cc: Janis Lamoureux
Subject: Lakewood Station - 25th Ave Street Vacation

John-

You will be receiving and RFR for the 25th Avenue Street Vacation for Lakewood Station. In the materials there are construction estimates and estimates of existing value of 25th Avenue. Can you please make sure that your staff reviews these numbers and provides responses to this? I would like to know if the applicant needs to adjust, prior to bringing to Council on November 3rd.

I've also attached all of the materials electronically, but you will be receiving paper copies.

Thank you,

Chris Holland | Planning Manager

CITY OF MARYSVILLE

Community Development Department
80 Columbia Avenue
Marysville, WA 98270

360-363-8100 Office
360-363-8207 Direct Line
360-651-5099 Fax

cholland@marysvillewa.gov
<http://marysvillewa.gov>



PUBLIC WORKS
Kevin Nielsen, *Director*

80 Columbia Avenue
Marysville, Washington 98270
Phone (360) 363-8100
Fax (360) 363-8284
ci.marysville.wa.us

MEMORANDUM

To: Chris Holland

Fr: Brenda Donaldson

Re: PA12-014

Date: October 22, 2014

Engineering Department Comments:

Utilities – No comments.

- Ryan Morrison

Transportation – No comments.

- Jesse Hannahs



REQUEST FOR REVIEW

Community Development Department ♦ 80 Columbia Avenue ♦ Marysville, WA 98270
 (360) 363-8100 ♦ (360) 651-5099 FAX ♦ Office Hours: Mon - Fri 7:30 AM - 4:00 PM

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Comprehensive Plan	MU, GC	Zoning	MU, GC	Shoreline Environment			N/A		
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Marysville	Local Agencies & Districts			State & Federal		County		Other	
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PROJECT MANAGER									
Name Chris Holland		Title Planning Manager		Phone 360.363.8207		E-mail cholland@marysvillewa.gov			

The City of Marysville Community Development Department is reviewing this application and encourages other affected agencies, departments, community groups and municipalities to respond. Your comments will assist the City's evaluation of this application. Furthermore, you will become a Party of Record to this case if you submit a response with your name and address. We highly recommend that you send your comments on letterhead. Without a full name and address, you will not be considered a Party of Record. You may e-mail, fax or send via regular mail your comments to this project manager listed above.

If you have no comments, please check the box below, sign and return this form to the project manager.

NO COMMENTS **Signature:** **Date:** 12/23/14
 ATTACHED **Title:** _____ **Agency:** _____



REQUEST FOR REVIEW

Community Development Department ♦ 80 Columbia Avenue ♦ Marysville, WA 98270
 (360) 363-8100 ♦ (360) 651-5099 FAX ♦ Office Hours: Mon - Fri 7:30 AM - 4:00 PM

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PROJECT MANAGER			
Name Chris Holland	Title Planning Manager	Phone 360.363.8207	E-mail cholland@marysvillewa.gov

The City of Marysville Community Development Department is reviewing this application and encourages other affected agencies, departments, community groups and municipalities to respond. Your comments will assist the City's evaluation of this application. Furthermore, you will become a Party of Record to this case if you submit a response with your name and address. We highly recommend that you send your comments on letterhead. Without a full name and address, you will not be considered a Party of Record. You may e-mail, fax or send via regular mail your comments to this project manager listed above.

If you have no comments, please check the box below, sign and return this form to the project manager.

NO COMMENTS Signature: M. A. [Signature] Date: 10/20/14
 ATTACHED Title: surface water Specialist Agency: WR - City of Marysville



MARYSVILLE POLICE DEPARTMENT



MEMORANDUM

DATE: October 23, 2014
TO: Chris Holland, Community Development Dept.
FROM: Larry Buell, Lieutenant *LJB*
RE: PA 12014

I have reviewed the application for the vacation of the Lakewood Station – 25th Ave NE and the existing storm water pond located on the northeast corner of 25th Ave NE and 172nd St NE

The Police Department has no issues at this time.

Feel free to contact me at 360.363.8328 if you have any questions.

1635 Grove Street, Marysville, Washington 98270
360-363-8300



REQUEST FOR REVIEW

Community Development Department ♦ 80 Columbia Avenue ♦ Marysville, WA 98270
 (360) 363-8100 ♦ (360) 651-5099 FAX ♦ Office Hours: Mon - Fri 7:30 AM - 4:00 PM

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PROJECT MANAGER									
Name	Chris Holland			Title	Planning Manager		Phone	360.363.8207	
				E-mail	cholland@marysvillewa.gov				

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If you have no comments, please check the box below, sign and return this form to the project manager.

NO COMMENTS Signature: D. Van B... Date: 10-21-14
 ATTACHED Title: Asst. F.M. Agency: MFD

Chapter 12.32 VACATION OF STREETS AND ALLEYS

Sections:

12.32.010	Petition – Filing.
12.32.020	Petition – Scheduling for public hearing – Compensation for vacated area.
12.32.030	Notice of public hearing.
12.32.040	Survey requirements.
12.32.050	Appraisal.
12.32.060	Criteria for council decision.
12.32.070	Authorized by ordinance.
12.32.080	Notice to auditor and assessor.
12.32.090	Use of proceeds of vacation.

12.32.010 Petition – Filing.

The owners of an interest in any real estate abutting upon any street or alley who may desire to vacate the street or alley, or any part thereof, may petition the city council for the vacation of such street or alley, or any part thereof, in the manner provided in this chapter and pursuant to Chapter [35.79](#) RCW, or the city council may itself initiate, by resolution, such vacation procedure. The petition shall be on such form as may be prescribed by the city and shall contain a full and correct description of the property sought to be vacated. A petition shall be signed by the owners of more than two-thirds of the property abutting upon the part of the street or alley sought to be vacated.

The petition shall be filed with the city clerk, and the petitioners shall pay fees as set forth in MMC [14.07.005](#). (Ord. 2106 § 9, 1996; Ord. 1271, 1983; Ord. 948 § 1, 1977).

12.32.020 Petition – Scheduling for public hearing – Compensation for vacated area.

(1) Upon receiving a petition or the vacation of a city street or alley, the city clerk shall place the matter upon the agenda of the city council at a regular meeting to be held not fewer than 10, nor more than 30 days, from the date the petition is filed with the city clerk. The city clerk shall notify the petitioners in writing of the date the matter shall come before the city council. The city clerk shall then notify the city engineer and the compliance officer/planner of the petition and the date when the matter will be before the city council, and said officials shall prepare reports relating to the same.

(2) The city council may require the petitioners to compensate the city of Marysville:

(a) Where the street or alley has been part of a dedicated public right-of-way for 25 years or more, an amount that does not exceed the full appraised value of the area vacated;

(b) Where the street or alley has not been part of a dedicated public right-of-way for 25 years or more an amount which equals one-half of the appraised value of the area vacated.

When the vacation is initiated by the city of Marysville, or the city council deems it in the best interest of the city of Marysville, the council may waive all or any portion of such compensation. At the time the city council initially has the petition before it in order to set the matter for public hearing by resolution, the city council shall consider the reports of the city engineer and/or the city planner shall determine whether or not it will require that the city be compensated as a condition of the vacation.

(3) The city council shall, by resolution, fix the time for the hearing of such petition, which time shall not be more than 60 days, nor fewer than 20 days after the passage of such resolution. (Ord. 2396 § 1, 2001; Ord. 948 § 2, 1977).

12.32.030 Notice of public hearing.

(1) On the passage of the resolution provided for in MMC [12.32.020](#), the city clerk shall give 20 days' notice of the pendency of the petition by a written notice posted in three of the most public places in the city and a like notice in conspicuous place on the street or alley sought to be vacated. The notice shall contain a statement that a petition has been filed to vacate the street or alley described in the notice, together with a statement of the time and place fixed for the hearing of the petition.

(2) In all cases where the proceeding is initiated by resolution of the city without a petition having been signed by the owners of more than two-thirds of the property abutting upon the part of the street or alley sought to be vacated, in addition to notice required in subsection (1) of this section, there shall be given by mail, at least 15 days before the date fixed for the hearing, a similar notice to the owners or reputed owners of all lots, tracts or parcels of land or other property abutting upon any street or alley, or any part thereof, sought to be vacated, as shown on the rolls of the county treasurer, directed to the addresses thereon shown. Failure to send notice by mail to any such property owner where the current address of such property owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed street vacation. (Ord. 948 § 3, 1977).

12.32.040 Survey requirements.

It shall be the duty of the city engineer to determine whether or not the location and legal description of the street or alley proposed for vacation are sufficiently known to the city so that an accurate legal description of the proposed vacation can be known with certainty. If the city engineer determines that these matters are not known or are not accurately known, then the city shall notify the petitioners of the necessity of having an accurate, professional survey of the property proposed for vacation within the boundaries of the proposed vacation marked upon the ground with an accurate legal description of the proposed vacation to be furnished to the city. The city shall not proceed further upon the vacation petition until such a survey has been done and legal description has been received. (Ord. 948 § 4, 1977).

12.32.050 Appraisal.

In all cases where the city council requires compensation for the vacated right-of-way, an appraisal of the right-of-way proposed for vacation shall be made by one or more of the following methods:

(1) The assessed value of comparable abutting property shall be obtained from the records of the Snohomish County assessor. The average of said values, on a square foot basis, shall be applied to the right-of-way which is proposed for vacation.

(2) The petitioner shall be required to submit a report of a professional appraiser to the city, stating the fair market value of the right-of-way proposed for vacation.

(3) The city shall obtain a report from one or more professional appraisers stating the fair market value of the right-of-way proposed for vacation. The cost of said report or reports shall be paid by the petitioner prior to the time of the public hearing. (Ord. 2321 § 1, 2000; Ord. 1170, 1981; Ord. 948 § 5, 1977).

12.32.060 Criteria for council decision.

(1) The city council shall not vacate any street, alley or any parts thereof if any portion thereof abuts any body of salt or fresh water unless such vacation is sought to enable the city or state to acquire the property for port purposes, boat moorage or launching sites, park, viewpoint, recreational or educational purposes or other public uses. This provision shall not apply to industrial-zoned property.

(2) The city council shall use the following criteria for deciding upon the petition:

- (a) The vacation will provide a public benefit, and/or will be for a public purpose;
- (b) The right-of-way vacation shall not adversely affect the street pattern or circulation of the immediate area or the community as a whole;
- (c) The public need shall not be adversely affected;
- (d) The right-of-way is not contemplated or needed for future public use;
- (e) No abutting owner will become landlocked or his access will not be substantially impaired; i.e., there must be an alternative mode of ingress and egress, even if less convenient; provided that the city council may, at the time of its public hearing, determine that the city may retain an easement or right to exercise and grant easements in respect to the vacated land for the construction, repair, and maintenance of public utilities and services.

(3) The city council will, at the time of the public hearing, determine the amount of compensation to be paid to the city by the petitioners as a condition of the vacation, which amount shall not exceed one-half of the appraised value of the area to be vacated; except, that in the event the subject property or portions thereof were acquired at public expense, the city may require compensation in an amount equal to the full appraised value of the area to be vacated. (Ord. 1452, 1986; Ord. 948 § 6, 1977).

12.32.070 Authorized by ordinance.

If the city council determines to grant the petition provided for in MMC [12.32.010](#), or any part thereof, the council shall authorize by ordinance the vacation of such street or alley, or any part thereof. Such ordinance may provide for the retention by the city of all easements or rights in respect to the vacated land for the construction or repair and maintenance of public utilities and services. If the city council determines that compensation shall be paid as a condition of the vacation, then the ordinance shall not be published or become effective until the compensation has been paid by the petitioners. (Ord. 948 § 7, 1977).

12.32.080 Notice to auditor and assessor.

A certified copy of the ordinance vacating any street or alley, or part thereof, shall be filed by the city clerk with the Snohomish County auditor's office and with the Snohomish County assessor's office. (Ord. 948 § 8, 1977).

12.32.090 Use of proceeds of vacation.

One-half of the revenue received by the city as compensation for area vacated, under this chapter, shall be dedicated to the acquisition, improvement, development, and related maintenance of public open space or transportation capital projects within the city. (Ord. 2396 § 2, 2001).

CITY OF MARYSVILLE
Marysville, Washington
RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF MARYSVILLE ESTABLISHING FEBRUARY 9, 2015 AS THE DATE UPON WHICH A HEARING SHALL BE HELD BEFORE THE MARYSVILLE CITY COUNCIL TO CONSIDER VACATION OF A PORTION OF 25th AVENUE NE, AND A STORMWATER DETENTION POND, LOCATED NORTH OF 172nd STREET NE (SR 531) IN THE CITY OF MARYSVILLE, AND CONSIDER WAIVING COMPENSATION FOR SAID VACATION.

WHEREAS, Smokey Point Commercial, LLC, petitioned the City of Marysville to vacate a portion of 25th Avenue NE and an existing stormwater detention pond, north of 172nd Street NE (SR 531), in the City of Marysville; and

WHEREAS, on January 12, 2015, the Marysville City Council considered the petition and directed staff to schedule a public hearing pursuant to Chapter 12.32 of the Marysville Municipal Code; NOW, THEREFORE,

BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF MARYSVILLE, WASHINGTON, AS FOLLOWS:

Section 1. Pursuant to RCW 35.79.010, incorporated by reference in RCW 35A.47.020, and pursuant to Marysville Municipal Code Section 12.32.020, **February 9, 2015** shall be and hereby is established as the time at which the City Council of the City of Marysville shall hold a public hearing at the Marysville City Hall at 7:00 PM or such later hour as is available, to consider the right-of-way vacation petition of Smokey Point Commercial, LLC, requesting vacation of a portion of 25th Avenue NE and an existing stormwater detention pond, generally located north of 172nd Street NE (SR 531), which is legally described in **Exhibits A & C** and depicted in **Exhibits B & D**, attached hereto.

Section 2. Pursuant to Marysville Municipal Code Section 12.32.020, when the vacation is initiated by the City of Marysville, or the City Council deems it in the best interest of the City of Marysville, the Council may waive all or any portion of such compensation. At the time the Council initially has the petition before it in order to set the matter for public hearing by resolution, the Council shall consider the reports of the City Engineer and/or the Community Development Director shall determine whether or not it will require that the City be compensated as a condition of the vacation.

Section 3. The City Engineer and Community Development Director have recommended the Council waive all compensation of the vacated right-of-way and stormwater detention pond, based on the following factors:

(a) At the public hearing for the Lakewood Station Binding Site Plan, Washington State Department of Transportation (WSDOT) testified that a signal or a RAB would not be allowed to be installed at the intersection of 172nd Street NE (SR 531) and 25th Avenue NE, due to its close proximity to the signalized intersection of 27th Avenue NE to the east. WSDOT however, does support construction of a RAB further west at approximately the 2300 Block.

(b) The relocation of 25th Avenue NE, west to a RAB located at 23rd Avenue NE, will provide a public benefit by allowing existing residents, future residents and patrons of the proposed commercial development improved access to 172nd Street NE (SR 531). Currently, 25th Avenue NE is a non-signalized intersection which makes it difficult to make left turns during the AM and PM peak hours.

(c) Vacating 25th Avenue NE and the stormwater detention pond provides an opportunity for commercial development that would otherwise be difficult due to access restrictions required by WSDOT, which would benefit the public through increased tax revenue to the City of Marysville.

(d) The applicant is proposing to construct and dedicate a new roadway alignment, to a public standard; including sidewalks, planter strips and decorative lighting, at no cost to the public. The cost for constructing the road, **not including** the RAB at 172nd Street NE (SR 531), decorative lighting and landscaping is approximately \$776,692.00.

(e) The dedication of new public right-of-way is approximately 86,733 SF, **not including** dedication of right-of-way for the construction of the RAB and frontage improvements on 172nd Street NE (SR 531). The applicant has requested 87,342 SF of existing right-of-way be vacated.

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 2015.

CITY OF MARYSVILLE

By: _____
JON NEHRING, MAYOR

Attest:

By: _____
APRIL O'BRIEN, DEPUTY CITY CLERK

Approved as to form:

By: _____
CITY ATTORNEY

Date of Publication: _____

Effective Date: _____
(5 days after publication)

EXHIBIT A

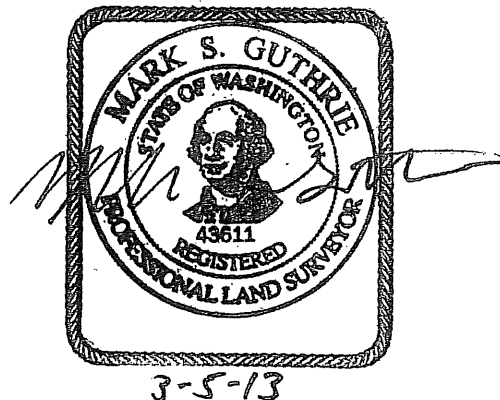
25TH AVENUE NE VACATION LEGAL DESCRIPTION

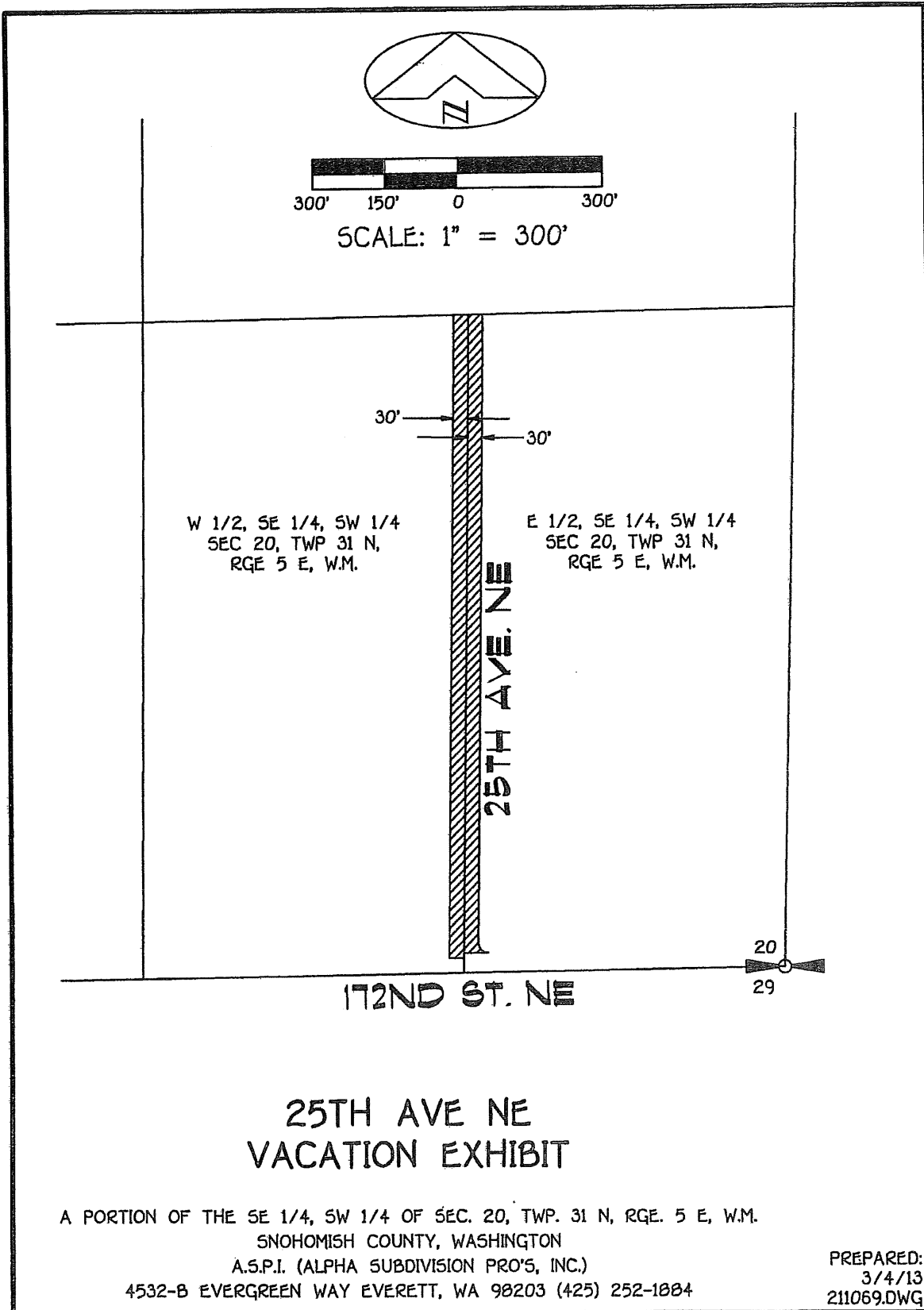
THE EAST 30.00 FEET OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M.;
EXCEPT THE SOUTH 30.00 FEET THEREOF.

TOGETHER WITH THE WEST 30.00 FEET OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M.;
EXCEPT THE SOUTH 40.00 FEET THEREOF.

TOGETHER WITH THE FOLLOWING DESCRIBED TRACT OF LAND:
COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 20;
THENCE SOUTH 89°03'37" WEST ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER 356.18 FEET;
THENCE NORTH 00°56'23" WEST 40.00 FEET TO THE NORTH LINE OF A TRACT OF LAND CONVEYED TO THE STATE OF WASHINGTON BY WARRANTY DEED RECORDED UNDER AUDITOR'S FILE NUMBER 200101290045, RECORDS OF SNOHOMISH COUNTY, WASHINGTON;
THENCE SOUTH 89°03'37" WEST ALONG SAID NORTH LINE 253.14 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET, THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION;
THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 91°44'11" AN ARC DISTANCE OF 32.02 FEET TO A POINT ON THE EAST RIGHT OF WAY OF 25TH AVENUE NE;
THENCE SOUTH 00°47'48" WEST ALONG SAID EAST RIGHT OF WAY 20.62 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 40.00 FEET OF SAID SOUTHWEST QUARTER;
THENCE NORTH 89°03'37" EAST ALONG SAID NORTH LINE 20.62 FEET TO THE POINT OF BEGINNING.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

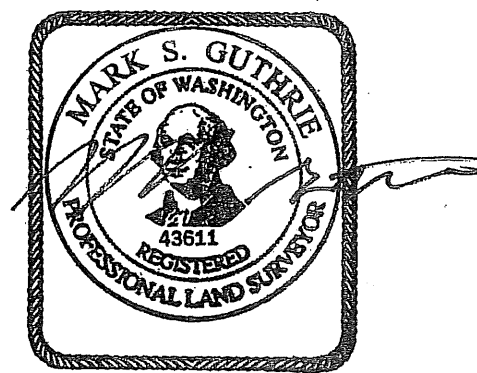




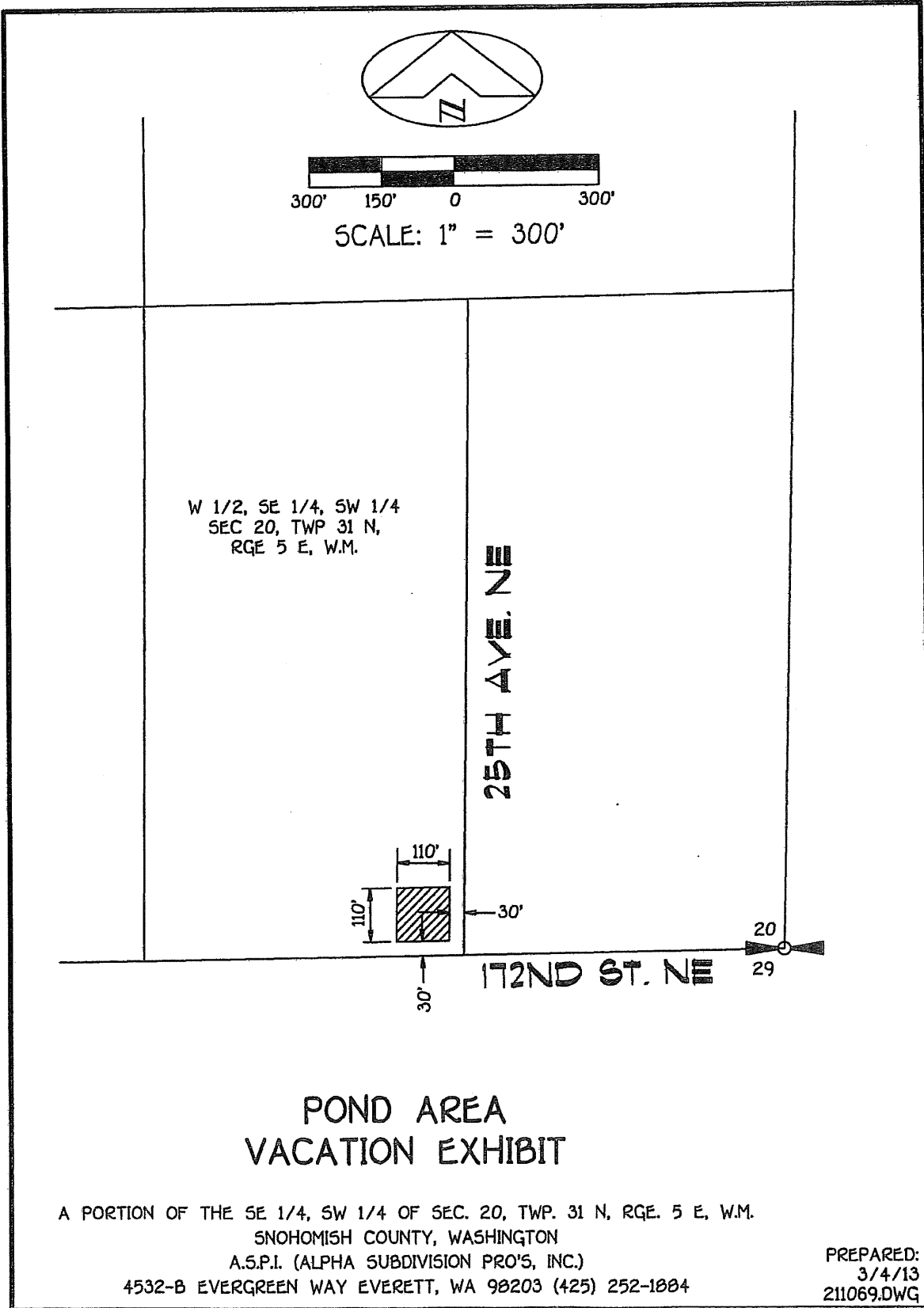
POND AREA VACATION
LEGAL DESCRIPTION

THE NORTH 110 FEET OF THE SOUTH 140 FEET OF THE WEST 110 FEET OF THE EAST 140 FEET OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M., AS CONVEYED TO SNOHOMISH COUNTY BY INSTRUMENT RECORDED UNDER AUDITOR'S FILE NUMBER 9304070110, RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.



3-5-13



Index #12

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: January 12, 2014

AGENDA ITEM: Ordinance adopting amendments to the Marysville Municipal Code related to Master Planned Senior Communities and repealing Ordinance No. 2969 and terminating the moratorium on the filing, receipt and processing of applications for Master Planned Senior Communities	AGENDA SECTION: New Business	
PREPARED BY: Chris Holland, Planning Manager	APPROVED BY:	
ATTACHMENTS: 1. PC Recommendation, including: <ul style="list-style-type: none"> · Exhibit A – PC Recommended Ordinance · Exhibit B – PC Public Hearing Minutes, November 12, 2014 · Exhibit C – PC Workshop Minutes, September 9, 2014 · Exhibit D – Written public comments 2. Adopting Ordinance	MAYOR	CAO

DESCRIPTION:

Ordinance No. 2969 was adopted by Council on September 8, 2014 establishing a 6-month moratorium on the filing, receipt and processing of applications for all permits and development plan approvals, for Master Planned Senior Communities pursuant to Marysville Municipal Code (MMC) Chapter 22C.220. A public hearing was held before Marysville City Council on October 27, 2014, related to Ordinance No. 2969. At the public hearing, Council upheld Ordinance No. 2969 continuing the 6-month moratorium, allowing the Planning Commission to review proposed amendments to the City's Unified Development Code and make a formal recommendation to City Council related to MMC Chapter 22C.220.

The Planning Commission held a public work session on September 9, 2014 and a duly advertised public hearing on November 12, 2014. Having considered all of the exhibits and testimony presented, the Planning Commission has recommended adoption of amendments to MMC 22C.020.060, proposing to remove Master Planned Senior Communities as a permitted use in the Neighborhood Business (NB), Community Business (CB), General Commercial (GC) and Downtown Commercial (DC) zones.

Exhibit A - PC Recommended Ordinance has been amended to include language terminating and repealing Ordinance 2969. These changes are reflected in the attached Adopting Ordinance.

RECOMMENDED ACTION:

Affirm the Planning Commission's recommendation adopting amendments to Marysville Municipal Code 22C.020.060, proposing to remove Master Planned Senior Communities as a permitted use in the Neighborhood Business (NB), Community Business (CB), General Commercial (GC) and Downtown Commercial (DC) zones, and terminating and repealing Ordinance 2969.

COUNCIL ACTION:



COMMUNITY DEVELOPMENT DEPARTMENT
 80 Columbia Avenue ♦ Marysville, WA 98270
 (360) 363-8100 ♦ (360) 651-5099 FAX

PC Recommendation - Master Planned Senior Communities

The Planning Commission of the City of Marysville, having held a public hearing on November 12, 2014, in review of amendments related to Master Planned Senior Communities by amending Marysville Municipal Code (MMC) Section 22C.020.060 *Permitted Uses*, and having considered the exhibits and testimony presented, does hereby enter the following findings, conclusions and recommendation for consideration by Marysville City Council:

FINDINGS:

1. The Planning Commission held a public work session to review amendments related to Master Planned Senior Communities on September 9, 2014.
2. The proposed amendment to the City's development regulations is exempt from State Environmental Policy Act review under WAC 197-11-800(19).
3. Community Development Staff submitted the DRAFT amendments related to Master Planned Senior Communities to the State of Washington Department of Commerce for expedited review pursuant to RCW 36.70A.106(3)(b). No comments were received from State Agencies.
4. The Planning Commission held a duly-advertised public hearing on November 12, 2014. Public comments received at the public hearing are reflected in the Planning Commission minutes, dated November 12, 2014, attached hereto as **Exhibit B**.
5. Written public comments were received prior to the public hearing, and are attached hereto as **Exhibit D**.

CONCLUSION:

At the public hearing held on November 12, 2014, the Planning Commission recommended adoption of the amendments related to Master Planned Senior Communities, as reflected in the Ordinance attached hereto as **Exhibit A**, and as reflected in the Planning Commission Minutes attached hereto as **Exhibit(s) B & C**.

RECOMMENDATION:

Forwarded to City Council as a Recommendation of Approval of the development code amendments related to Master Planned Senior Communities by the Marysville Planning Commission this 12th day of November, 2014.

By:


 Steve Leifer, Planning Commission Chair

EXHIBIT A

CITY OF MARYSVILLE Marysville, Washington ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON RELATED TO MASTER PLANNED SENIOR COMMUNITIES BY AMENDING MARYSVILLE MUNICIPAL CODE (MMC) SECTION 22C.020.060 PERMITTED USES; AND AMENDING MMC SECTION 22A.010.160 GENERAL ADMINISTRATION, RELATED TO TRACKING AMENDMENTS TO THE CITY'S UNIFORM DEVELOPMENT CODE; PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the State Growth Management Act, RCW Chapter 36.70A mandates that cities periodically review and amend development regulations which include but are not limited to zoning ordinances and official controls; and

WHEREAS, RCW 36.70A.106 requires the processing of amendments to the City's development regulations in the same manner as the original adoption of the City's comprehensive plan and development regulations; and

WHEREAS, the State Growth Management Act requires notice and broad public participation when adopting or amending the City's comprehensive plan and development regulations; and

WHEREAS, the City, in reviewing and amending its development regulations has complied with the notice, public participation and processing requirements established by the Growth Management Act, as more fully described below; and

WHEREAS, the City Council of the City of Marysville finds that from time to time it is necessary and appropriate to review and revise provisions of the City's municipal code and development code (MMC Title 22); and

WHEREAS, the development code amendment is consistent with the following required findings of MMC 22G.010.500:

- (1) The amendment is consistent with the purposes of the comprehensive plan;
- (2) The amendment is consistent with the purpose of this title;
- (3) There have been significant changes in the circumstances to warrant a change;
- (4) The benefit or cost to the public health, safety and welfare is sufficient to warrant the action.

WHEREAS, the Planning Commission discussed the above-referenced amendment during a public meeting held on September 9, 2014; and

WHEREAS, after providing notice to the public as required by law, on November 12, 2014, the Marysville Planning Commission held a Public Hearing on proposed amendments to the City's development regulations; and

EXHIBIT A

WHEREAS, on November 12, 2014, the Marysville Planning Commission made a Recommendation to the City Council recommending the adoption of the proposed amendments to the City’s development regulations; and

WHEREAS, at a public meeting on January 12, 2015, , the Marysville City Council reviewed and considered the Marysville Planning Commission’s Recommendation and proposed amendments to the City’s development regulations; and

WHEREAS, the City of Marysville has submitted the proposed development regulation revisions to the Washington State Department of Commerce on September 12, 2014, seeking expedited review under RCW 36.70A.160(3)(b) in compliance with the procedural requirement under RCW 36.70A.106; and

WHEREAS, the amendments to the development regulations are exempt from State Environmental Policy Act review under WAC 197-11-800(19);

NOW, THEREFORE, the City Council of the City of Marysville, Washington do ordain as follows:

Section 1. MMC 22C.020.060 is hereby amended as follows:

Residential land uses										
Specific Land Use	NB	CB (63)	GC	DC	MU (63)	BP	LI	GI	REC	P/I
Group Residences:										
Master planned senior community (10)	€	€	€	€	C					C

Section 2. MMC 22A.010.160, Amendments, of MMC Chapter 22A.010, General Administration, is hereby amended as follows by adding reference to this adopted ordinance in order to track amendments to the City’s Unified Development Code:

“22A.010.160 Amendments.

The following amendments have been made to the UDC subsequent to its adoption:

<u>Ordinance</u>	<u>Title (description)</u>	<u>Effective Date</u>
_____	Master Planned Senior Communities	_____, 2015”

Section 3. 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 4. 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 _____, 2015.

EXHIBIT A

CITY OF MARYSVILLE

By: _____
JON NEHRING, MAYOR

Attest:

By: _____
APRIL O'BRIEN, DEPUTY CITY CLERK

Approved as to form:

By: _____
GRANT K. WEED, CITY ATTORNEY

Date of Publication: _____

Effective Date: _____
(5 days after publication)

PLANNING
COMMISSION



MINUTES

November 12, 2014

7:00 p.m.

City Hall

CALL TO ORDER

Chair Leifer called the November 12, 2014 meeting to order at 7:02 p.m. noting the excused absence of Commissioner Kelly Richards and the ongoing absence of Commissioner Marvetta Toler. He also noted the presence of several people in the audience, including the representatives of the various school districts.

Marysville

Chairman: Steve Leifer

Commissioners: Roger Hoen, Jerry Andes, Kay Smith, Steven Lebo

Staff: Planning Manager Chris Holland, Associate Planner Angela Gemmer

Absent: Kelly Richards, Marvetta Toler

APPROVAL OF MINUTES

October 28, 2014

Commissioner Smith referred to the first full paragraph on page 3 and noted that *Commissioner Richards* should be corrected to *Commissioner **Smith***. Also, at the bottom of the first page, the motion was made by Commissioner **Andes**, and not Commissioner *Richards*.

Motion made by Commissioner Smith, seconded by Commissioner Andes, to approve the October 28 Meeting Minutes as amended. **Motion** passed unanimously (5-0).

AUDIENCE PARTICIPATION

None

PUBLIC HEARING(s):

- School District's Capital Facilities Plans

Ms. Gemmer explained that in order to collect school impact fees each school district must prepare a Capital Facilities Plan which must be adopted by City Council as a sub element of the Comprehensive Plan. The three things that the City must look at are: whether the Capital Facilities Plan is consistent with the Growth Management Act and state law; whether they have calculated the school impact fees in accordance with the provisions in the Marysville Municipal Code; and whether the Capital Facilities Plan has been adopted by the respective school districts. Staff has reviewed these elements and finds each plan consistent with these requirements. Ms. Gemmer summarized the proposed impact fee changes for each of the districts.

Chair Leifer opened the public hearing at 7:07 p.m.

Jim Baker, Marysville School District, stated that the Marysville School District has updated its Capital Facilities Plan as required. They feel they are fully compliant with the law. In updating the materials, they found a sharp decrease in its student generation rates in the multi-family category thereby reducing its rate by nearly 60%. He stated that they are concerned about short-term and long-term overcrowding in the district as the result of additional funding for the state for lower class sizes as well as the state implementing funding full day instruction for kindergarten. The District is seeing a slow, but steady return of enrollment rates.

Robb Stanton, Lake Stevens School District, stated that growth has increased, but fees also have declined in Lake Stevens.

Devlin Piplic, Lakewood School District, stated that Lakewood has a new high school being constructed and is in the design phase right now. The enrollment is steady, but impact fees will be going up.

Commissioner Hoen said he is hearing conflicting opinions about the likelihood that the new funding for reduced class sizes will actually be accomplished. He asked for comments on this. Mr. Baker provided his personal opinion that even though the legislation has been passed, it has yet to be earmarked. Until this is done, there are a lot of unknowns.

Chair Leifer solicited public comment. There was none.

Motion made by Commissioner Smith, seconded by Commissioner Lebo, to recommend the Capital Facilities Plans for adoption by the City Council. **Motion** passed unanimously (5-0).

The public hearing was closed at 7:19 p.m.

- Caretaker's Quarters code amendment (continued)

The public hearing was opened at 7:19 p.m.

Planning Manager Holland summarized staff's recommendation and the changes requested by the Planning Commission at the public workshop, including the fact that Staff does not support allowing temporary structures for caretaker's quarters. Additionally, allowing temporary structures in all zones, would mean that several sections of the development code would be required to be amended, including permitted uses and camping. Staff is not recommending any additional changes to the DRAFT Ordinance. He reviewed options available to the Planning Commission.

Chair Leifer stated there is a difference of opinion between staff and the majority of the commissioners. He said he would like to have more discussion on this item. He said he checked with the City of Everett about their regulations and was told that from a zoning standpoint they have no restrictions on RVs, in Light Industrial zones. They allow caretakers/watchmen's quarters outright. There is some question about whether or not the building department might get involved regarding the quality. He referred to specific businesses around the community where the site does not allow for a modular unit to be built without taking away from required parking space or causing other issues. He commented that when they were talking about this issue before he assumed that the water and sewer connections would be accessory to the main structure and they wouldn't bear a capital improvement fee. He asked if this was accurate. Planning Manager Holland stated they would be required hook up to water and sewer and pay the applicable capital improvement charges. Commissioner Leifer stated that if the RV option is not possible, the modular unit with the fee schedule described by Planning Manager Holland is probably reasonable, but he thinks this will be problematic for many businesses. He said he understands what the concerns are, but recommended working with the owners to work out compliance with regulations. Planning Manager Holland stated that the Planning Commission has the option of recommending allowance of temporary structures to be utilized as caretaker's quarters. Staff has concerns about aesthetics, community vision, and enforcement. Chair Leifer clarified that he is only talking about allowing these in industrial zones. He commented that large auto dealerships that are generally in a better position to be able to afford a modular structure. Smaller businesses are often not in a financial position to be able to do that. Limiting this to an industrial zone would be logical and would address aesthetic concerns throughout the city.

Commissioner Hoen asked if it would even qualify as a caretaker's residence if the RV came in at night and left in the morning. Planning Manager Holland noted that this is part of the enforcement issue he was referring to. It might not fall under the Caretaker's Quarters portion of the code, but it would fall under the Camping section.

Commissioner Andes asked how many calls Code Enforcement gets on this issue. Planning Manager Holland noted that they get camping calls weekly; usually these are at Wal-Mart or in residential areas, but occasionally in industrial zones. Commissioner Andes asked if the ones in industrial zones have any connection with the building they are parking by. Planning Manager Holland said that is a matter of opinion. Sometimes they say that is what they are doing, but there are no sanitary conditions for them so code enforcement tells them they need to move. He added that it always comes from a neighbor complaint; code enforcement is not driving around looking for these. Commissioner Hoen said he thought Wal-Mart offered free overnight parking. Planning Manager Holland noted that they do, but camping is not allowed in the City of Marysville.

Commissioner Lebo expressed concern about the issue of permanent utilities being required for a motor home being used as a caretaker's facility. He asked: If it is not anchored down or attached by water or sewer is there a time limit to how long they can be there? Planning Manager Holland said they are currently not allowed at all.

Commissioner Andes pointed out there seems to be more of an issue with these in residential areas rather than industrial zones. Planning Manager Holland replied they are not allowed in either zone, but they get more calls on residential ones because generally there are more residents viewing the activity. Commissioner Andes commented on the value of having mobile homes performing surveillance for businesses and potentially preventing some of the theft.

Chair Leifer recommended making a rule that there is an option available to property owners to protect their investment with an onsite watchman who might stay in an RV. They could then address the issues that might arise with this such as requiring self-contained water and sewer. They could also set a standard on age or quality of the RV to address aesthetic concerns. Any adverse conditions that arise in the community could be addressed directly with the owner of the property and potential fees. He thinks any negative issues would be outweighed by preventing the hundreds of thousands of dollars of theft that occurs regularly in the community. He doesn't think the option for property owners to protect their stuff should be eliminated because the City is concerned about potential issues that could be regulated.

Chair Leifer solicited public comment on this issue. There was none.

Commissioner Hoen suggested limiting this to a business size. He would like to see some kind of research regarding possible restrictions and regulations related to this. He thinks the City needs to support small business.

Planning Manager Holland suggested that the Commission could add something like the following to item H: *Temporary structures and RVs are allowed in industrial zones subject to the following restrictions . . .*

Chair Leifer suggested that they also update definitions to add that a "Caretaker's Quarters" means a dwelling unit **or an RV or other temporary structure** which is accessory to a permitted commercial institutional use.

Commissioner Hoen asked if this really needs to fall under Caretaker's Quarters or if it could fall under something regarding security. Chair Leifer thought they were synonymous.

Commissioner Hoen said he doesn't think this should be available to large industry. It should somehow be available only to small businesses. Commissioner Andes disagreed, noting that larger businesses have more assets they need to protect.

Chair Leifer summarized that they are recommending adding an item under Section 2 under 2(h)(v) stating that:

RV or temporary structures are allowed in the Light Industrial or General Industrial zones subject to the following conditions:

- a. The RV needs to be self-contained.*
- b. The RV needs to be legally licensed.*
- c. The RV needs to be operable and well-maintained.*
- d. Non-compliance with these conditions shall be subject to enforcement procedures in MMC Title 4.*

Chair Leifer stated they are also recommending amending the definitions to clarify that "Caretaker's Quarters" means a dwelling unit **or an RV or other temporary structure** in accordance with (h)(v).

Commissioner Leifer referred to section J and noted that this section would already allow the Planning Manager wiggle room if necessary. Planning Manager Holland explained that this refers to items that are not already addressed in the temporary use code.

Motion made by Commissioner Hoen, seconded by Commissioner Smith, to recommend staff redraft the Ordinance to include the definition of caretakers quarters to include RV or other temporary structures and add a section item (h)(v) to include RVs with the conditions as outlined above. **Motion** passed unanimously (5-0).

The hearing was closed at 8:17 p.m.

- Code Amendments

Chair Leifer opened the hearing at 8:18 p.m.

-Master Planned Senior Communities

Planning Manager Holland explained that Council adopted Ordinance 2969 on September 8 establishing a 6-month moratorium for Master Planned Senior Communities. This was in relation to some inquiries staff received regarding establishment of affordable housing tax exempt development within the City in a Community Business zone. Once that inquiry was received staff looked closely at the zones that these Master Planned Senior Communities are allowed in and also looked at the Comprehensive Plan to see if there is anything that would allow these types of facilities. Staff is proposing an ordinance which would take out the allowance for Master Planned Senior Communities in the NB (Neighborhood Business), CB (Community Business), GC (General Commercial) and DC (Downtown Commercial) zones which is aligned with the allowances in the Comprehensive Plan. They would still be allowed in the Mixed Use and Public Institutional zones.

Public Testimony:

Rune Harkestad, 500 NE 108th Ave, Ste #2400, Bellevue, WA 98004, stated he was opposed to removing senior housing from the CB Zone. He is a commercial real estate broker currently listing about nine acres of property on 116th Street all zoned Community Business. He had an inquiry from a developer interested in doing Master Planned Senior Housing. Over the roughly nine acres, he would have developed about three acres for 250 units of senior housing. This would be an extremely high utilization of the land. He commented on the loss of the tax revenue as a driver for the City's decision, but stated he thinks this development would spearhead additional commercial development. He noted that the fees in the City are directly tied to the number of units. For 250 units, the developer is assuming that fees will be several million dollars for the number of units he is proposing. Senior housing is an asset to other commercial uses and shares in the cost of impacts to the community. He doesn't think Master Planned Senior Housing should be seen as a competition to commercial development. He stated that the trend in the Puget Sound is higher density and better efficiency of land use as well as integrating senior housing with services in the community. He encouraged the Commission to continue to allow the senior housing in the CB zones.

Chair Leifer asked what the height requirement would need to be to get 250 units on three acres. Planning Manager Holland stated there is a 55-foot height limit in the CB zone, no maximum density, and 85% maximum impervious surface coverage. There was discussion about the likelihood of getting numbers this high. Mr. Harkestad commented that the Master Planned Senior Community allows developers to get to a density that makes sense.

Commissioner Hoen asked what density the developer feels they need to achieve per acre. Mr. Harkestad noted that they need to get to at least 180 units on nine acres for it to make sense.

Planning Manager Holland stated Commercial Business and General Commercial zones are the highest and greatest retail zones within the City. The goal is not to get housing within commercial zones, nor is it even essentially allowed within the Comprehensive Plan. Mr. Harkestad commented that the incentives don't add up to a substantial number. He noted that commercial in the back would be impossible to lease. Their proposal is to have a solely residential building in the back with commercial in the front. He thinks housing is the highest and best use for the back portion of that property. He doesn't think Master Planned Senior Communities are the deterrent to development of this area.

Commissioner Hoen asked where the road goes. Mr. Harkestad replied that there would be a requirement to build the road out at the signal, curve the road over to the Tribal property where the City has right-of-way similar to what was done on the north side. Planning Manager Holland explained that the signal that has been installed on 116th Street impacts the necessary alignment.

Ron Barkly, 3724 – 116th Street NE, Marysville, WA, also stated he is opposed to removing senior housing from the CB zone. He noted that the properties next to and behind his property are not going to do anything for several generations. He thinks there are opportunities here for development. He agrees that requiring commercial below senior housing would be disruptive to senior housing. He recommended a quiet four-story residential building in back with commercial in the front.

Commissioner Hoen noted that there has been a problem with homeless people camping in the area behind that property. Mr. Barkly concurred and noted that their property is secured with a chain link fence.

Chair Leifer referred to the White-Leasure development on the north side of 116th noting that the depth seems the same, but they have managed to fill it up with commercial. He wondered why the Barkly's wouldn't be able to do the same. Mr. Barkly wasn't sure. Mr. Barkly commented that he has been trying to sell this property for 10 years and it hasn't been deemed feasible. White-Leasure gave up on it after 8 years.

Commissioner Lebo said he was amazed they could get 250 units on three acres.

Mr. Harkestad commented that the White-Leasure property is 30 acres and they have the full frontage of 116th. This is a totally different configuration. He noted that the 55-foot height really helps. He doesn't see the harm in leaving the senior housing component in the code. If that is gone, it won't be a viable project for the developer.

Staff's recommendation is to not have all commercial and retail zones get eaten up by residential Master Planned Senior Communities that would require no commercial development.

Discussion:

Commissioner Andes agreed with staff that he hates to see land set aside for certain land uses and then being eaten up by an undesirable use.

Commissioner Hoen agreed with hanging onto Marysville's long-term plans rather than changing it.

Commissioner Smith concurred.

Commissioner Lebo agreed that they need to stick with the zoning plan.

Carol Barkly commented that they have had generations of people on this property. She and her husband are aging and have a lot of land to manage. They feel that senior housing would be ideal in the back because of the quiet and the beauty back there. She noted their taxes are \$40,000 a year just on the acreage. She urged the Commissioners to come out and see the property to see the potential. They are confident that the commercial on the front part will fill up.

Chair Leifer asked how many parcels this is. Mr. Barkly said that it is 14 parcels owned by him and his son. Chair Leifer commented that there are boundary line adjustments. He asked about developing it in chunks. Ms. Barkly explained that it is a complicated situation. She discussed issues associated with this.

Ron Barkly asserted that the emergency moratorium was spearheaded to shut down this specific project.

Commissioner Andes acknowledged that it is sad to see properties zoned for commercial use and the County taxing them so heavily without any exemptions.

Motion made by Commissioner Andes, seconded by Commissioner Hoen, to pass this on to Council as presented for their consideration. **Motion** passed unanimously (5-0).

There was consensus to continue the remainder of the agenda to the next meeting.

-Legislative Enactment Amendments

-Nonconforming Situations

-Sign Code

-Beekeeping

-Pet Daycares and Kennels

- School, Traffic and Park Impact Fees
- Geologic Hazards
- State Environmental Policy Act
- Wireless Communication Facilities

OLD BUSINESS

CITY COUNCIL AGENDA ITEMS AND MINUTES


ADJOURNMENT

Motion made by Commissioner Smith, seconded by Commissioner Lebo, to adjourn the meeting at 9:37 p.m. **Motion** passed unanimously.

NEXT MEETING:

November 25, 2014

- 2015 Comp Plan Update
Economic Development Element
Environmental Element



Laurie Hugdahl, Recording Secretary

PLANNING
COMMISSION



MINUTES

September 9, 2014

7:00 p.m.

City Hall

CALL TO ORDER

Chair Leifer called the September, 2014 meeting to order at 7:00 p.m. noting no one in the audience and the excused absence of Roger Hoen and the continuing absence of Marvetta Toler.

Marysville

Chairman: Steve Leifer

Commissioners: Jerry Andes, Kay Smith, Steven Lebo, Kelly Richards

Staff: Planning Manager Chris Holland, Associate Planner Angela Gemmer

Absent: Roger Hoen, Marvetta Toler

APPROVAL OF MINUTES

July 8, 2014

Motion made by Commissioner Andes, seconded by Commissioner Richards, to approve the July 8, 2014 Meeting Minutes. **Motion** passed unanimously (5-0).

AUDIENCE PARTICIPATION

None

NEW BUSINESS

WCIA Audit Code Amendments

Planning Manager Holland explained that the City passed the WCIA Land Use Audit, but the auditors pointed out some deficiencies based on new state laws and other factors regarding: Group Homes, Adult Family Homes and Daycare 1; Subdivision

Deadlines; and Vesting. Additionally staff has been receiving a lot of questions about issues related to proposed minor and major amendments to the site plans, binding site plans, short plats and subdivisions.

- Group Homes, Adult Family Homes and Daycare 1

Associate Planner Angela Gemmer explained that staff is proposing changes to the permitted uses matrices. Under state law, the City cannot treat Adult Family Homes differently than other sorts of single-family residences. The code would be amended to allow Adult Family Homes if there are existing single family residences in all commercial zones. A new single family residence would not be allowed, but if there is an existing single family residence, this amendment would enable people to pursue an Adult Family Home. Similarly, state law requires that family daycares be allowed in all zones. The code is proposed to be amended to allow Daycare 1 within commercial zones. The other change being proposed is to allow Residential Care Facilities if an existing single-family residence is in a commercial zone. With those amendments the City's code would be in compliance with the state requirement to allow Daycare 1's and adult family homes within all zones.

- Subdivision Deadlines

Planning Manager Holland discussed the changes regarding this over the years. The proposed changes would bring the City in alignment with the state RCW by amending the subdivision approval terms and short subdivision approval terms to match what is included in the RCW. This means 90 days to be approved or returned to the applicant for modifications or corrections. A final subdivision has to be approved within five years if approved after January 1, 2015. The applicant would have seven years to have a final subdivision or short subdivision if it received preliminary approval before December 31, 2014 or ten years if it received preliminary approval before December 31, 2007. The City has always treated the subdivisions and short subdivisions per the RCWs, but this would codify it for clarification.

Chair Leifer asked if the response time was 60 days or 120 days before this. Planning Manager Holland replied that it was 60 days in the City's code for short subdivisions, and 90 days for the rest. He acknowledged that the RCW is confusing. Generally, the City's response time is about three weeks. General discussion about response times followed.

Commissioner Andes asked about the possibility for extensions. Planning Manager Holland indicated that there is still a provision for a one-year extension from the Community Development Director.

Chair Leifer asked how these provisions work with the special extensions for civil construction plans that were given during the economic downturn. Planning Manager Holland explained that in the Engineering section of the code it states that your approval is good for as long as the project approval is good.

- Vesting

Planning Manager Holland commented that the current vesting language is substandard, and the auditor provided examples of better vesting language. Staff is proposing to eliminate the entire current vesting section and replace it with a new section. Planning Manager Holland reviewed the proposed vesting language consisting of Purpose, Applicability, Vesting of Applications, Duration of Vesting, and Waiver of Vesting. He emphasized that vesting does not apply to processes.

- Minor and Major Amendments

Staff is proposing the following changes. A minor amendment for a short subdivision would mean not more than one additional lot. For subdivisions, single-family detached units, cottage housing, townhomes, and multi-family developments, a minor amendment would be the lesser of a 10 percent increase in the number of lots or units or an additional 10 lots or units; a reduction in the number of lots or units; a change in access points; a change in project boundaries required to address surveying errors or other issues; a change to the internal lot lines that does not increase lot or unit count beyond the amount allowed; a change in the aggregate areas of designated open space that would decrease the amount by more than 10 percent; or a change not addressed above that does not substantially alter the character of the approved development application or site plan and prior approval.

Commissioner Andes commented that if you go from a vault to a pond, but you give up a lot or two to get the open space back to where it should have been it shouldn't be a major modification. Chris Holland concurred.

Planning Manager Holland explained that a major revision for a subdivision would be the lesser of a 20% increase in the number of lots or units or an additional 20 lots or units; a change in the project boundaries; a change in lot lines, a change in the aggregate area of designated open space beyond what is allowed as a minor revision; and a change not addressed above. Proposed increases to fees related to associated costs were also reviewed (page 8 of 8 in the Commission Packet in the WCIA Audit section). The fees are based on the amount of scrutiny required for a major amendment.

There were no questions or concerns raised.

Master Planned Senior Communities

Planning Manager Holland explained that staff recently received a request to do a Master Planned Senior Community in a Community Business zone. The Master Plan provides for a variety of housing and care options for senior citizens including independent senior housing, assisted living, nursing care, recreation, dining, and onsite medical facilities. The City does not see commercial zones as the most desirable zone

for these types of facilities. The City Council recently set a public hearing to enact a moratorium to not allow Master Planned Senior Communities in commercial zones for a period of 6-months. He pointed out that the General Description, Criteria, and Standards for those zones is also included in the packet. Staff is proposing to remove these types of business from the Permitted Uses in the NB, CB, GC and DC zones. Master Planned Senior Communities would continue to be allowed in the Mixed Use and Public Institutional zones. They would also continue to be permitted in all residential zones upon obtaining a Conditional Use Permit.

Honey Bees

Associate Planner Angela Gemmer explained that recently the City Council had received concerns related to beekeeping and has asked the Planning Commission to review this matter. She presented a memo regarding basic information on bees and comparative best management practices policies to promote compatibility with residential uses. She summarized that backyard beekeeping is something that can be compatible with adjacent residential uses if proper management uses are in place. Presently there are no regulations pertaining to bees. Staff is proposing some basic regulations to ensure that the use would be compatible with adjacent properties.

Commissioner Richards asked if a license is required for beekeeping in Marysville. Associate Planner Gemmer commented that beekeepers are supposed to register their hives with the state, but there are currently no regulations in the City regarding beekeeping. Ms. Gemmer thought the information regarding hives could be obtained from the Department of Agriculture. The proposed regulations would be useful in the event that any issues arise.

Commissioner Andes commented that the two hives on a lot under 5,000 square feet seems like too much. He recommended a minimum lot size of about 5,000 square feet. Planning Manager Holland said he didn't think there would be many folks with beehives in urban developments because of the lack of foraging opportunities. He thought there would be more beehives next to NGPA areas where they can actually thrive. Ms. Gemmer commented that beekeeping is a complicated endeavor and people who pursue it are pretty serious about it. Planning Manager Holland offered to bring back some minimum lot size alternatives.

Chair Leifer commented that it was interesting comparing what other communities allow.

Kennels

Associate Planner Gemmer explained that staff has become aware that the existing code regarding dog daycares and kennels is somewhat restrictive. Staff wants to make sure they are compatible with adjacent uses while perhaps allowing them to occur in smaller areas.

Chair Leifer asked if the five-acre minimum lot size was exclusively for the dog kennel or if other uses could be done on the property. Associate Planner Gemmer replied that

the code is not clear on that point. Chair Leifer wondered if it was economically feasible for a dog kennel operation to set aside five acres of industrial property to operate. He commented that it might be possible to have the dog kennel in the center of the five acres with other uses around the edges of the property as a noise buffer.

Ms. Gemmer commented that it appeared most kennel operators had a hard time finding a five-acre piece of property. She explained that staff is hoping to make the code more flexible to allow uses in existing structures if proper measures are taken regarding noise and other issues. Staff is proposing eliminating the five-acre threshold for kennels, allowing dog day cares as its own use in the code but no longer allowing it in the Neighborhood Business zones; restricting dog daycares to indoors in general with outdoor runs; and including a general provision to comply with the WAC in terms of noise, etc. Staff will be coming back to discuss this more.

COMMISSIONER COMMENTS

Chair Leifer asked if the state's 10-year tax exemption for multifamily can only be used for affordable housing or if it can be used for market rate housing. Planning Manager Holland stated that the only way you get the tax exemption market rent apartments is if the City adopts a provision allowing a tax exemption. The only area the City currently allows it is in the downtown. There is a formula requiring a certain percentage of affordable units. For state and federal tax exemptions it could not be a market rate unit unless it was located downtown.

CITY COUNCIL AGENDA ITEMS AND MINUTES

ADJOURNMENT

Motion made by Commissioner Richards, seconded by Commissioner Lebo, to adjourn the meeting at 8:16 p.m. **Motion** passed unanimously.

NEXT MEETING:

September 23, 2014

 FOR:

Laurie Hugdahl, Recording Secretary

Chris Holland

From: Rune Harkestad [runeh@kiddermathews.com]
Sent: Wednesday, October 15, 2014 9:20 AM
To: Gloria Hirashima; Chris Holland
Subject: Barkly Property - 116th St.
Attachments: 10.09.2014 Marysville Prelim Site Plan revis.pdf

Gloria and Chris,

Please see attached site plan which is an attempt to lay out the Barkly Property maximizing commercial use, include senior housing under current zoning, and lay out the South bound road through the Barkly Property per the standards outlined in Chris' e-mail August 28th. The site plan is problematic on many levels.

- 1. The road - for an 8 acre development, the 60' road, in its shown configuration, consumes a disproportionate amount of property and because of its curvy configuration, makes for less efficient use of property on both sides of the road. With no immediate plans for continuing the road on the Tribe's Property, it would dead end in a somewhat awkward manner as well.
2. Cost - When I took on the assignment to sell the Barkly Property, I figured the front 1/3 to be worth approx.. \$20/ft and the back \$10/ft. Blended around \$13/ft for the Property, which is about the same as assessed value. Some rough math, the added road (and unusable areas) consumes about \$30,000 sf of land, add to it the cost of the road (estimate \$500/linear foot) and the road as shown adds somewhere around 3/4 Million Dollars to the project, with no relief on mitigation fees or compensation for ROW. This is an undue burden on the Barkly Property.
3. Use of Property - The South half of the Property is perfectly situated for senior housing, however, not for commercial. The code requires commercial on the ground floor for this to be allowed and the site plan is drawn as such. Based on my 20 year experience, ground floor commercial in a location as shown is completely un-leasable and would result in empty space and added cost, if ever built.

Bottom line here is that the combination of the required roadway and the requirement of ground floor commercial to allow for multi-family on the South half of the Property renders a substantial portion of the Barkly Property unviable for development. As you may be aware, The Barklys are behind on their property taxes and at this point, desperately trying to hang on to its property. I have worked with many developers over the years and I cannot find a developer who can make sense of the Barkly Property given the current restrictions and requirements.

I strongly believe that a combination of mulit-family housing and commercial is the highest and best use of the Property but at this time, the developer who has the Barkly Property under contract cannot come up with an economically viable plan for the Property. Changing the road configuration to what was initially proposed by the developer's architect, Charlie Morgan (tie off with a 90 degree stub to the Tribe Property) would resolve some of the problems, or at a minimum, allow for ROW compensation for the road as shown. The Moratorium on the Master Planned Senior Housing is another topic which we will speak to at the Hearing on the 27th but continuing to allow for Master Planned Senior Housing sure would make the Barkly Property more viable for development.

Any comments or suggestions you may have are greatly appreciated by the Barklys and myself.

Sincerely,

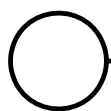
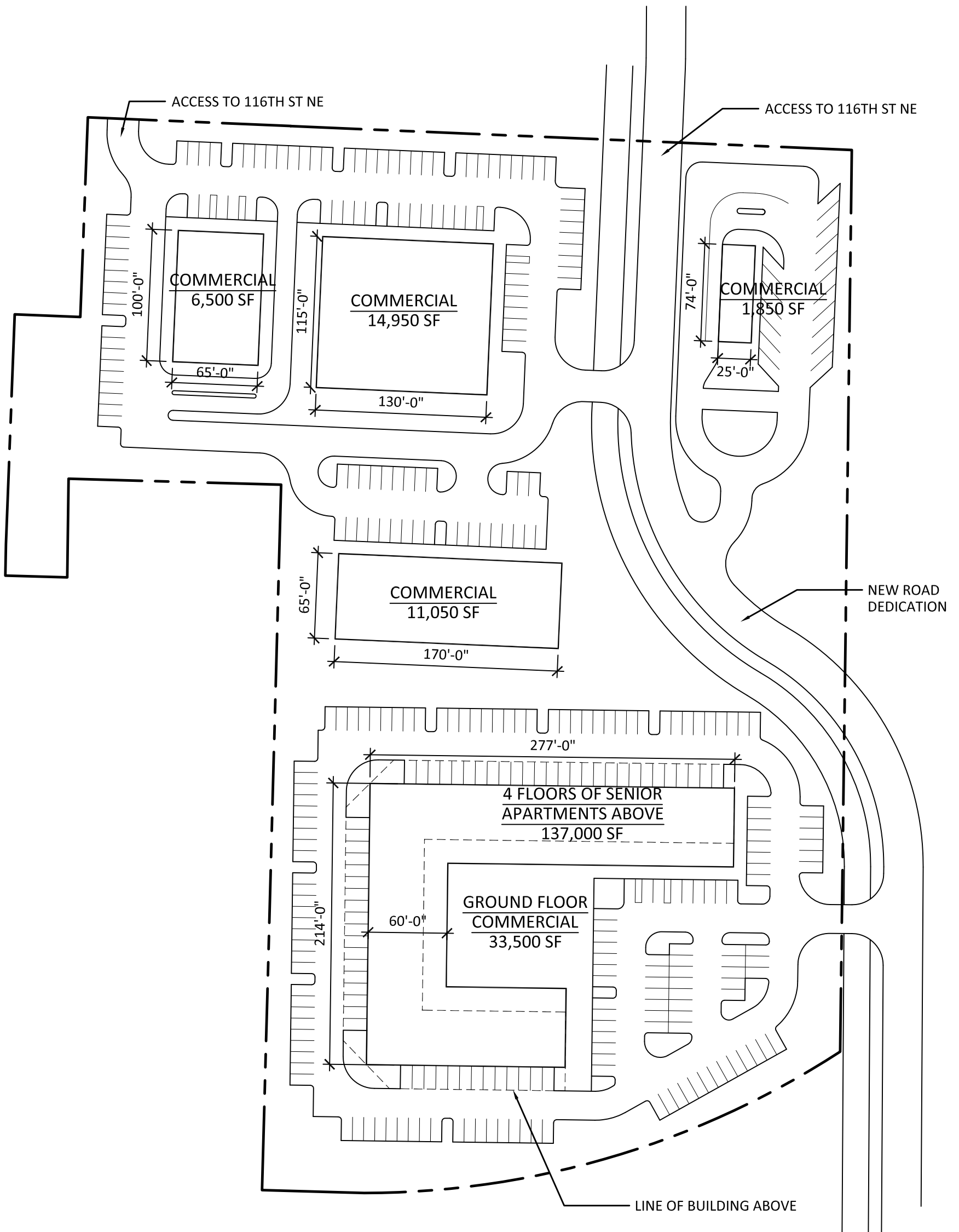
Rune Harkestad
Vice President
KIDDER MATHEWS
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T 425.450.1162 | F 425.451.3058 | C 425.577.8556
runeh@kiddermathews.com | kiddermathews.com



EXHIBIT D

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BARKLY PROPERTY - SITE PLAN

SCALE: 1" = 80'-0"



CITY OF MARYSVILLE
Marysville, Washington
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON RELATED TO MASTER PLANNED SENIOR COMMUNITIES BY AMENDING MARYSVILLE MUNICIPAL CODE (MMC) SECTION 22C.020.060 PERMITTED USES; AND AMENDING MMC SECTION 22A.010.160 GENERAL ADMINISTRATION, RELATED TO TRACKING AMENDMENTS TO THE CITY'S UNIFORM DEVELOPMENT CODE; REPEALING ORDINANCE 2969 AND TERMINATING THE MORATORIUM ESTABLISHED THEREIN; AND PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the State Growth Management Act, RCW Chapter 36.70A mandates that cities periodically review and amend development regulations which include but are not limited to zoning ordinances and official controls; and

WHEREAS, RCW 36.70A.106 requires the processing of amendments to the City's development regulations in the same manner as the original adoption of the City's comprehensive plan and development regulations; and

WHEREAS, the State Growth Management Act requires notice and broad public participation when adopting or amending the City's comprehensive plan and development regulations; and

WHEREAS, the City, in reviewing and amending its development regulations has complied with the notice, public participation and processing requirements established by the Growth Management Act, as more fully described below; and

WHEREAS, the City Council of the City of Marysville finds that from time to time it is necessary and appropriate to review and revise provisions of the City's municipal code and development code (MMC Title 22); and

WHEREAS, the development code amendment is consistent with the following required findings of MMC 22G.010.500:

- (1) The amendment is consistent with the purposes of the comprehensive plan;
- (2) The amendment is consistent with the purpose of this title;
- (3) There have been significant changes in the circumstances to warrant a change;
- (4) The benefit or cost to the public health, safety and welfare is sufficient to warrant the action.

WHEREAS, the Planning Commission discussed the above-referenced amendment during a public meeting held on September 9, 2014; and

WHEREAS, after providing notice to the public as required by law, on November 12, 2014, the Marysville Planning Commission held a Public Hearing on proposed amendments to the City's development regulations; and

WHEREAS, on November 12, 2014, the Marysville Planning Commission made a Recommendation to the City Council recommending the adoption of the proposed amendments to the City's development regulations; and

WHEREAS, at a public meeting on January 12, 2014, , the Marysville City Council reviewed and considered the Marysville Planning Commission's Recommendation and proposed amendments to the City's development regulations; and

WHEREAS, the City of Marysville has submitted the proposed development regulation revisions to the Washington State Department of Commerce on September 12, 2014, seeking expedited review under RCW 36.70A.160(3)(b) in compliance with the procedural requirement under RCW 36.70A.106; and

WHEREAS, the amendments to the development regulations are exempt from State Environmental Policy Act review under WAC 197-11-800(19);

WHEREAS, Ordinance No. 2969 adopted on September 8, 2014, established a moratorium on the filing, receipt and processing of applications under MMC 22C.220 for Master Planned Senior Communities; and

WHEREAS, the research contemplated by Ordinance No. 2969 has now been completed, and regulations for Master Planned Senior Communities amended in this ordinance, eliminating the need for the moratorium; and

WHEREAS, the moratorium established by Ordinance 2969 should be terminated and Ordinance No. 2969 should be repealed in its entirety;

NOW, THEREFORE, the City Council of the City of Marysville, Washington do ordain as follows:

Section 1. MMC 22C.020.060 is hereby amended as follows. (All other provisions of MMC 22C.020.060 remain in effect and unchanged):

Residential land uses										
Specific Land Use	NB	CB (63)	GC	DC	MU (63)	BP	LI	GI	REC	P/I
Group Residences:										
Master planned senior community (10)	€	€	€	€	C					C

Section 2. The moratorium on the filing, receipt and processing of applications for Master Planned Senior Communities established by Ordinance No. 2969 is hereby terminated, and said ordinance is hereby repealed in its entirety.

Section 3. MMC 22A.010.160, Amendments, of MMC Chapter 22A.010, General Administration, is hereby amended as follows by adding reference to this adopted ordinance in order to track amendments to the City's Unified Development Code:

"22A.010.160 Amendments.

The following amendments have been made to the UDC subsequent to its adoption:

<u>Ordinance</u>	<u>Title (description)</u>	<u>Effective Date</u>
_____	Master Planned Senior Communities	_____, 2014"

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. 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 _____, 2014.

CITY OF MARYSVILLE

By: _____
 JON NEHRING, MAYOR

Attest:

By: _____
 APRIL O'BRIEN, DEPUTY CITY CLERK

Approved as to form:

By: _____
 CITY ATTORNEY

Date of Publication: _____

Effective Date: _____
 (5 days after publication)

Index #13

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: January 12, 2014

AGENDA ITEM: Ordinance adopting amendments to the Marysville Municipal Code Title 22 <i>Unified Development Code</i> , related to enactments adopted by the Washington State Legislature	AGENDA SECTION: New Business	
PREPARED BY: Chris Holland, Planning Manager	APPROVED BY:	
ATTACHMENTS: 1. PC Recommendation, including: <ul style="list-style-type: none"> . Exhibit A – PC Recommended Ordinance . Exhibit B – PC Public Hearing Minutes, November 25, 2014 . Exhibit C – PC Workshop Minutes, September 9, 2014 2. Adopting Ordinance	MAYOR	CAO
	BUDGET CODE:	AMOUNT:

DESCRIPTION:

The Washington Cities Insurance Authority (WCIA) conducted a Land Use Liability Audit of the City of Marysville in 2014. The City passed the land use audit, however, a few deficiencies related to legislative enactments governing group homes/adult family homes, daycares, deadlines for the approval, disapproval or return to the applicant of preliminary or final subdivisions, vesting and determining what constitutes a minor and major amendment to site plans, binding site plans, short plats and subdivisions.

The Planning Commission held a public work session on September 9, 2014 and a duly advertised public hearing on November 12, 2014, which was continued to November 25, 2014. No public comments were received prior to or at the public hearing. Having considered all of the exhibits and testimony presented, the Planning Commission has recommended adoption of amendments to the Marysville Municipal Code Title 22 *Unified Development Code*, related to enactments adopted by the Washington State Legislature.

RECOMMENDED ACTION:

Affirm the Planning Commission’s recommendation adopting amendments to Marysville Municipal Code Title 22 *Unified Development Code*, related to enactments adopted by the Washington State Legislature.

COUNCIL ACTION:



COMMUNITY DEVELOPMENT DEPARTMENT
 80 Columbia Avenue ♦ Marysville, WA 98270
 (360) 363-8100 ♦ (360) 651-5099 FAX

PC Recommendation - Legislative Enactment Code Amendments

The Planning Commission of the City of Marysville, having held a public hearing on November 12, 2014, which was continued to November 25, 2014, in review of amendments to the Marysville Municipal Code related to enactments adopted by the Washington State Legislature, including group homes, adult family homes, daycares, deadlines for the approval, disapproval or return to the applicant of preliminary or final subdivision applications, vesting, and minor and major amendments, and having considered the exhibits and testimony presented, does hereby enter the following findings, conclusions and recommendation for consideration by Marysville City Council:

FINDINGS:

1. The Planning Commission held a public work session to review amendments related to enactments adopted by the Washington State Legislature on September 9, 2014.
2. The proposed amendment to the City's development regulations is exempt from State Environmental Policy Act review under WAC 197-11-800(19).
3. Community Development Staff submitted the DRAFT amendments related to enactments adopted by the Washington State Legislature to the State of Washington Department of Commerce for expedited review pursuant to RCW 36.70A.106(3)(b). No comments were received from State Agencies.
4. The Planning Commission held a duly-advertised public hearing on November 12, 2014, which was continued to November 25, 2014.
5. No public comments were received on the DRAFT amendments related to enactments adopted by the Washington State Legislature.

CONCLUSION:

At the public hearing, which was continued to November 25, 2014, the Planning Commission recommended adoption of the amendments related to enactments adopted by the Washington State Legislature, as reflected in the Ordinance attached hereto as **Exhibit A**, and as reflected in the Planning Commission Minutes attached hereto as **Exhibit(s) B & C**.

RECOMMENDATION:

Forwarded to City Council as a Recommendation of Approval of the development code amendments related to enactments adopted by the Washington State Legislature by the Marysville Planning Commission this 25th day of November, 2014.

By: _____

Steve Leifer, Planning Commission Chair

EXHIBIT A

CITY OF MARYSVILLE
Marysville, Washington
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON RELATED TO ENACTMENTS ADOPTED BY THE WASHINGTON STATE LEGISLATURE BY AMENDING MARYSVILLE MUNICIPAL CODE (MMC) SECTIONS 22C.020.060 PERMITTED USES; 22C.010.070 PERMITTED USES – DEVELOPMENT CONDITIONS; 22G.010.150 ADMINISTRATIVE APPROVALS WITHOUT NOTICE; 22G.010.250 VESTING; 22G.010.260 MINOR REVISIONS TO APPROVED DEVELOPMENT APPLICATIONS; 22G.010.270 MAJOR REVISIONS TO APPROVED RESIDENTIAL DEVELOPMENT APPLICATIONS; 22G.010.280 REVISIONS NOT DEFINED AS MINOR OR MAJOR; 22G.010.290 SUPPLEMENTAL INFORMATION; 22G.010.300 OATH OF ACCURACY; 22G.010.310 LIMITATIONS ON REFILEING OF APPLICATIONS; 22G.010.320 CODE COMPLIANCE REVIEW – ACTIONS SUBJECT TO REVIEW; 22G.010.330 DECISIONS AND APPEALS; 22G.010.340 ACTIONS SUBJECT TO REVIEW; 22G.010.350 NOTICE REQUIREMENTS AND COMMENT PERIOD; 22G.010.360 DECISION OR PUBLIC HEARING REQUIRED; 22G.010.370 ADDITIONAL REQUIREMENTS PRIOR TO HEARING; 22G.010.380 DECISION REGARDING PROPOSAL; 22G.010.390 TIME LIMITATIONS; 22G.010.400 PURPOSE; 22G.010.410 TEMPORARY USE PERMIT; 22G.010.420 VARIANCE; 22G.010.430 CONDITIONAL USE PERMIT; 22G.010.440 REZONE CRITERIA; 22G.010.450 REZONE AND REVIEW PROCEDURES; 22G.010.460 HOME OCCUPATION PERMIT; 22G.010.470 CONTINUING JURISDICTION; 22G.010.480 CANCELLATION OF DECISIONS; 22G.010.490 TRANSFER OF OWNERSHIP; 22G.010.500 PURPOSE; 22G.010.510 AUTHORITY AND APPLICATION; 22G.010.520 REQUIRED FINDINGS; 22G.010.530 BURDEN OF PROOF; 22G.010.540 APPEAL PROCESS – GENERAL DESCRIPTION; 22G.010.550 APPEAL OF ADMINISTRATIVE INTERPRETATIONS AND APPROVALS; 22G.010.560 JUDICIAL APPEAL; 22G.030.020 GENERAL FEE STRUCTURE; 22G.090.170 PRELIMINARY AND FINAL SUBDIVISION APPROVAL – TERMS; 22G.090.185 REVISIONS AFTER PRELIMINARY SUBDIVISION APPROVAL; REPEALING 22G.090.280; AMENDING SECTION 22G.090.380 PRELIMINARY AND FINAL SHORT SUBDIVISION APPROVAL – TERMS; AND CREATING NEW SECTIONS 22G.090.385 REVISIONS AFTER PRELIMINARY SHORT SUBDIVISION APPROVAL; 22G.100.125 REVISIONS; 22G.120.390 REVISION OF THE OFFICIAL SITE PLAN; AND AMENDING MMC SECTION 22A.010.160 GENERAL ADMINISTRATION, RELATED TO TRACKING AMENDMENTS TO THE CITY’S UNIFORM DEVELOPMENT CODE; PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the State Growth Management Act, RCW Chapter 36.70A mandates that cities periodically review and amend development regulations which include but are not limited to zoning ordinances and official controls; and

EXHIBIT A

WHEREAS, RCW 36.70A.106 requires the processing of amendments to the City's development regulations in the same manner as the original adoption of the City's comprehensive plan and development regulations; and

WHEREAS, the State Growth Management Act requires notice and broad public participation when adopting or amending the City's comprehensive plan and development regulations; and

WHEREAS, the City, in reviewing and amending its development regulations has complied with the notice, public participation and processing requirements established by the Growth Management Act, as more fully described below; and

WHEREAS, the City Council of the City of Marysville finds that from time to time it is necessary and appropriate to review and revise provisions of the City's municipal code and development code (MMC Title 22); and

WHEREAS, the development code amendment is consistent with the following required findings of MMC 22G.010.500:

- (1) The amendment is consistent with the purposes of the comprehensive plan;
- (2) The amendment is consistent with the purpose of this title;
- (3) There have been significant changes in the circumstances to warrant a change;
- (4) The benefit or cost to the public health, safety and welfare is sufficient to warrant the action.

WHEREAS, the Planning Commission discussed the above-referenced amendment during a public meeting held on September 9, 2014; and

WHEREAS, on November 12, 2014, the Marysville Planning Commission held a duly-advertised public hearing, which was continued to November 25, 2014; and

WHEREAS, On November 25, 2014, at the continued public hearing, the Marysville Planning Commission made a recommendation to the City Council recommending the adoption of the proposed amendments to the City's development regulations; and

WHEREAS, at a public meeting on January 12, 2015, , the Marysville City Council reviewed and considered the Marysville Planning Commission's Recommendation and proposed amendments to the City's development regulations; and

WHEREAS, the City of Marysville has submitted the proposed development regulation revisions to the Washington State Department of Commerce on September 12, 2014, seeking expedited review under RCW 36.70A.160(3)(b) in compliance with the procedural requirement under RCW 36.70A.106; and

WHEREAS, the amendments to the development regulations are exempt from State Environmental Policy Act review under WAC 197-11-800(19);

NOW, THEREFORE, the City Council of the City of Marysville, Washington do ordain as follows:

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Section 1. MMC 22C.020.060 is hereby amended as follows:

Residential land uses										
Specific Land Use	NB	CB (63)	GC	DC	MU (63)	BP	LI	GI	REC	P/I
Group Residences:										
Adult family home	P	P	P	P	P	P(70)	P(70)	P(70)	P(70)	P
Residential care facility	P	P	P	P	P	P(70)	P(70)	P(70)	P(70)	P
Personal Services:										
Day care I	P(70)	P(70)	P(70)	P(70)	P(70)	P(70)	P(21)(70)	P(70)	P(70)	P(70)

Section 2. MMC 22C.020.070 is hereby amended as follows. (All other provisions of MMC 22C.020.070 remain in effect and unchanged):

(70) Permitted within existing legal non-conforming single-family residences.

Section 3. MMC 22G.010.150 is hereby amended as follows:

22G.010.150 Administrative approvals without notice.

(1) The director may approve, approve with conditions, or deny the following without notice:

- (a) Boundary line adjustments;
 - (b) Extension of time for approval;
 - (c) Minor amendments or modifications to approved developments or permits in accordance with MMC 22G.010.260. Minor amendments are those which may affect the precise dimensions or location of buildings, accessory structures and driveways, but do not:
 - ~~(i) Affect overall project character;~~
 - ~~(ii) Increase the number of lots, dwelling units, or density; or~~
 - ~~(iii) Decrease the quality or amount of open space;~~
 - (d) Home occupations;
 - (e) Critical areas management determinations made by the community development director pursuant to Chapter 22E.010 MMC;
 - (f) Bed and breakfast permits;
 - (g) Accessory dwelling units;
 - (h) Site plan with commercial, industrial, institutional (e.g., church, school) or multiple-family building permit if permitted outright;
 - (i) Site plan with administrative conditional use permit;
- (2) Director's decisions under this section shall be final on the date issued.

Section 4. MMC 22G.010.250 is replaced in its entirety to read as follows:

22G.010.250 Vesting.

- ~~(1) Only a complete application for a conditional use permit shall be considered under zoning and other land use control ordinances in effect as of the date of submittal.~~
- ~~(2) Supplemental information required after acceptance and vesting of a complete application shall not affect the validity of the vesting for such application.~~
- ~~(3) Vesting of an application does not vest any subsequently required permits, nor does it affect the requirements for vesting of subsequent permits or approvals.~~

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~~(4) This section vests only conditional use permits. Vesting for other development permits shall be governed by other applicable titles. No rights shall vest by virtue of any application for a zone reclassification.~~

~~(1) Purpose. The purpose of this section is to implement plan policies and state laws that provide for vesting. This section is intended to provide property owners, permit applicants, and the general public assurance that regulations for project development will remain consistent during the lifetime of the application. The section also establishes time limitations on vesting for permit approvals and clarifies that once those time limitations expire, all current development regulations and current land use controls apply.~~

~~(2) Applicability. This section applies to complete applications and permit approvals required by the City of Marysville pursuant to Title 22 MMC, including and limited to, land use permits, preliminary subdivisions, final subdivisions, short subdivisions, binding site plans, conditional use permits, shoreline development permits and any other land use permit application that is determined by Washington State law to be subject to the Vested Rights Doctrine. Vesting of building permit applications are governed by the rules of RCW 19.27.095 and Title 16 MMC.~~

~~(3) Vesting of Applications.~~

~~(a) An application described in subsection (2) shall be reviewed for consistency with the applicable development regulations in effect on the date the application is deemed complete.~~

~~(b) An application described in subsection (2) shall be reviewed for consistency with the construction and utility standards in effect on the date the separate application for a construction or utility permit is deemed complete. An applicant may submit a separate construction or utility permit application simultaneously with any application described in subsection (2) to vest for a construction or utility standard. The application or approval of a construction or utility permit or the payment of connection charges or administrative fees to a public utility does not constitute a binding agreement for service and shall not establish a vesting date for development regulations used in the review of applications described in subsection (2).~~

~~(c) An application described in subsection (2) utilizing vested rights shall be subject to all development regulations in effect on the vesting date.~~

~~(d) An application described in subsection (2) that is deemed complete is vested for the specific use, density, and physical development that is identified in the application submittal.~~

~~(e) Applications submitted pursuant to Title 22 MMC that are not listed in subsection (2) shall be governed by those standards which apply to said application. These applications shall not vest for any additional development regulations.~~

~~(f) The property owner is responsible for monitoring the time limitations and review deadlines for the application. The City shall not be responsible for maintaining a valid application. If the application expires, a new application may be filed with the Community Development Department, but shall be subject to the development regulations in effect on the date of the new application.~~

~~(4) Duration of Vesting.~~

~~(a) Land Use Permits. The development of an approved land use permit shall be governed by the terms of approval of the permit unless the legislative body finds that a change in conditions creates a serious threat to the public health, safety or welfare.~~

~~(b) Preliminary Subdivision. Development of an approved preliminary subdivision shall be based on the controls contained in the Hearing Examiner's decision. A final subdivision meeting all of the requirements of the preliminary subdivision approval shall be submitted within the time period specified in MMC 22G.090.170 and RCW 58.17.140. Any extension of time beyond the time period specified in MMC 22G.090.170 and RCW 58.17.140 may contain additional or altered conditions and requirements based on current development regulations and other land use controls.~~

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(c) Land Use Permits Associated with a Preliminary Subdivision. Land Use Permit applications, such as Planned Residential Development applications that are approved as a companion to a preliminary subdivision application shall remain valid for the duration of the preliminary and final subdivision as provided in subsections (b) and (d) of this section.

(d) Final Subdivision. The lots in a final subdivision may be developed by the terms of approval of the final subdivision, and the development regulations in effect at the time the preliminary subdivision application was deemed complete for a period as specified in RCW 58.17.170 unless the legislative body finds that a change in conditions creates a serious threat to the public health, safety or welfare.

(e) Short Subdivision. The lots in a short subdivision may be developed by the terms and conditions of approval, and the development regulations in effect at the time the application was deemed complete for a period specified in RCW 58.17.170 unless the legislative body finds that a change in conditions creates a serious threat to the public health, safety or welfare.

(f) Binding Site Plan. The lots in a Binding Site Plan may be developed by the terms of approval of the Binding Site Plan, and the development regulations in effect at the time the application was deemed complete unless the legislative body finds that a change in conditions creates a serious threat to the public health, safety or welfare.

(g) All approvals described in this section shall be vested for the specific use, density, and physical development that is identified in the permit approval.

(h) Sign Permit. A sign permit shall expire if the permit is not exercised within one year of its issuance. No extensions of the expiration date shall be permitted.

(5) Waiver of Vesting. A property owner may voluntarily waive vested rights at any time during the processing of an application by delivering a written and signed waiver to the Director stating that the property owner agrees to comply with all development regulations in effect on the date of delivery of the waiver. Any change to the application is subject to the modification criteria described in MMC 22G.010.260 and 22G.010.270 and may require revised public notice and/or additional review fees.

Section 5. MMC 22G.010.260 is hereby amended as follows:

22G.010.260 Modifications to proposal-Minor revisions to approved development applications.

~~(1) Modifications to an application required by the city shall not be deemed a new application.~~

~~(2) An applicant requested modification occurring either before or after issuance of the permit shall be deemed a new application for the purpose of vesting when such modification would result in a substantial increase in a project's impact as determined by the department. Such substantially increased impact may include increases in residential density or traffic generation or a greater than 10 percent increase in building square footage.~~

The purpose and intent of this section is to provide an administrative process for minor revisions to approved development applications. For the purposes of this section, approved development applications shall include preliminary approval for subdivisions and short subdivisions and final approval prior to construction for all other development applications.

(1) A minor revision to an approved residential development application is limited to the following when compared to the original development application, provided that there shall be no change in the proposed type of development or use:

(a) Short subdivisions shall be limited to no more than one additional lot, provided the maximum number of lots allowed in a short subdivision is not exceeded.

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(b) Subdivisions, single-family detached unit developments, cottage housing, townhomes and multiple-family developments shall be limited to the lesser of:

(i) A 10 percent increase in the number of lots or units; or

(ii) An additional 10 lots or units, provided the additional/lots units

will not cause the project to exceed the maximum categorical exemption threshold level established in MMC 22E.030.090.

(c) A reduction in the number of lots or units.

(d) A change in access points may be allowed when combined with subsection (1)(a) or (b) of this section or as a standalone minor revision provided that it does not change the trip distribution. No change in access points that changes the trip distribution can be approved as a minor revision.

(e) A change to the project boundaries required to address surveying errors or other issues with the boundaries of the approved development application, provided that the number of lots or units cannot be increased above the number that could be approved as a minor revision to the original approved development application on the original project site before any boundary changes.

(f) A change to the internal lot lines that does not increase lot or unit count beyond the amount allowed for a minor revision.

(g) A change in the aggregate area of designated open space that does not decrease the amount of designated open space by more than ten percent. Under no circumstances shall the quality or amount of designated open space be decreased to an amount that is less than that required by code.

(h) A change not addressed by the criteria in subsections (1)(a) through (g) of this section which does not substantially alter the character of the approved development application or site plan and prior approval.

(2) A minor revision to an approved nonresidential development application is limited to the following when compared to the original development application, provided that there is no change in the proposed type of development or use or no more than a 10 percent increase in trip generation:

(a) A utility structure shall be limited to no more than a 400-square-foot increase in the gross floor area.

(b) All other structures shall be limited to no more than a 10 percent increase in the gross floor area.

(c) A change in access points when combined with subsection (2)(a) or (b) of this section or as a standalone minor revision.

(d) A change which does not substantially alter the character of the approved development application or site plan and prior approval.

(3) A minor revision may be approved subject to the following:

(a) An application for a minor revision shall be submitted on forms approved by the community development department. An application for a minor revision shall not be accepted if a variance is required to accomplish the change to the approved development.

(b) An application for a minor revision shall be accompanied by any fees specified in Chapter 22G.030 MMC.

(c) An application for a minor revision shall require notification of the relevant city departments and agencies.

(d) An application for a minor revision shall be subject to the development regulations in effect as of the date the original development application was determined to be complete.

(e) The director shall grant approval of the request for a minor revision if it is determined that the minor revision does not substantially alter:

(i) The previous approval of the development application;

(ii) The final conditions of approval; or

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- (iii) The public health, safety and welfare.
- (f) A minor revision shall be properly documented as a part of the records for the approved development application.
- (g) A minor revision does not extend the life or term of the development application approval and concurrency determination, which shall run from the original date of:
 - (i) Preliminary approval for subdivisions or short subdivisions; or
 - (ii) Approval for all other development applications.
- (4) The final determination of what constitutes a minor revision shall be made by the Community Development Director.

Section 6. MMC 22G.010.270 is replaced in its entirety to read as follows:

22G.010.270 Major revisions to approved residential development applications.

The purpose and intent of this section is to provide a process for major revisions to approved residential development applications. Residential development applications shall include short subdivisions, subdivisions, single family detached unit developments, cottage housing, townhomes and multiple family developments. For the purposes of this section, approved residential development applications shall include preliminary approval for subdivisions and short subdivisions and final approval prior to construction for all other residential development applications.

(1) A major revision to an approved residential development application is limited to the following when compared to the original development application, provided there is no change in the proposed type of development or use:

(a) Subdivisions, single family detached unit developments, cottage housing, townhomes and multiple family developments shall be limited to the lesser of:

- (i) A 20 percent increase in the number of lots or units; or
- (ii) An additional 20 lots or units.

(b) A change in access points, when combined with subsection (1)(a) of this section.

(c) A change to the project boundaries required to address surveying errors or other issues with the boundaries of the approved development application, provided that the number of lots or units cannot be increased above the number that could be approved as a minor revision to the original approved development application on the original project site before any boundary changes.

(d) A change to the internal lot lines when combined with another criteria in subsection (1) of this section that does not increase lot or unit count beyond the amount allowed for a major revision.

(e) A change in the aggregate area of designated open space beyond that allowed as a minor revision, provided that the decrease will not result in an amount that is less than that required by code.

(f) A change not addressed by the criteria in subsections (1)(a) through (e) of this section which does not substantially alter the character of the approved development application or site plan and prior approval.

(3) A major revision shall require processing through the same process as a new development application subject to the following:

(a) An application for a major revision shall be submitted on forms approved by the department. An application for a major revision shall not be accepted if a variance is required to accomplish the change to the approved development.

(b) An application for a major revision shall be accompanied by any fees specified in Chapter 22G.030 MMC.

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(c) An application for a major revision shall require public notice pursuant to MMC 22G.010.090.

(d) An application for a major revision shall be subject to the development regulations in effect as of the date the original development application was determined to be complete.

(e) The Community Development Director or the Hearing Examiner shall grant approval of the major revision if it is determined that the major revision does not substantially alter:

(i) The previous approval of the development application;

(ii) The final conditions of approval; or

(iii) The public health, safety and welfare.

(f) A major revision shall be properly documented as a part of the records for the approved development application.

(g) A major revision does not extend the life or term of the development application approval and concurrency determination, which shall run from the original date of:

(i) Preliminary approval for subdivisions or short subdivisions; or

(ii) Approval for all other residential development applications.

(4) The final determination of what constitutes a major revision shall be made by the Community Development Director.

Section 7. MMC 22G.010.280 is replaced in its entirety to read as follows:

22G.010.280 Revisions not defined as minor or major.

Any proposed revision to an approved development application that does not meet the criteria in MMC 22G.010.260 or MMC 22G.010.270 shall require a new development application and a new completeness determination. The new application shall conform to the development regulations which are in effect at the time the new development application is determined complete.

Section 8. MMC 22G.010.270 is renumbered to read as follows. (All other provisions of MMC 22G.010.270 remain in effect and unchanged):

22G.010.270~~290~~ Supplemental information.

Section 9. MMC 22G.010.280 is renumbered to read as follows. (All other provisions of MMC 22G.010.280 remain in effect and unchanged):

22G.010.280~~300~~ Oath of accuracy.

Section 10. MMC 22G.010.290 is renumbered to read as follows. (All other provisions of MMC 22G.010.290 remain in effect and unchanged):

22G.010.290~~310~~ Limitations on refiling of applications.

Section 11. MMC 22G.010.300 is renumbered to read as follows. (All other provisions of MMC 22G.010.300 remain in effect and unchanged):

22G.010.300~~320~~ Code compliance review – Actions subject to review.

Section 12. MMC 22G.010.310 is renumbered to read as follows. (All other provisions of MMC 22G.010.310 remain in effect and unchanged):

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22G.010.310330 Decisions and appeals.

Section 13. MMC 22G.010.320 is renumbered to read as follows. (All other provisions of MMC 22G.010.320 remain in effect and unchanged):

22G.010.320340 Actions subject to review.

Section 14. MMC 22G.010.330 is renumbered to read as follows. (All other provisions of MMC 22G.010.330 remain in effect and unchanged):

22G.010.330350 Notice requirements and comment period.

Section 15. MMC 22G.010.340 is hereby amended as follows:

22G.010.340360 Decision or public hearing required.

Following the comment period provided in MMC 22G.010.330350, the community development director shall:

- (1) Review the information in the record and render a decision pursuant to MMC 22G.010.360380; or
- (2) Forward the application to the hearing examiner for public hearing, if:
 - (a) Adverse comments are received from at least five persons or agencies during the comment period which are relevant to the decision criteria of Article VI of this chapter, or state specific reasons why a hearing should be held; or
 - (b) The community development director determines that a hearing is necessary to address issues of vague, conflicting or inadequate information, or issues of public significance.

Section 16. MMC 22G.010.350 is renumbered to read as follows. (All other provisions of MMC 22G.010.350 remain in effect and unchanged):

22G.010.350370 Additional requirements prior to hearing.

Section 17. MMC 22G.010.360 is hereby amended as follows:

22G.010.360380 Decision regarding proposal.

Decisions regarding the approval or denial of proposals subject to community development director review pursuant to MMC 22G.010.320340 shall be based upon compliance with the required showings of Article VI of this chapter, Land Use Application – Decision Criteria.

Section 18. MMC 22G.010.370 is hereby amended as follows:

22G.010.370390 Time limitations.

Permit approvals which are subject to review per MMC 22G.010.320340 shall have a time limit of two years from issuance or date of the final appeal decision, whichever is applicable, in which any required conditions of approval must be met; however, conditional use approval for schools shall have a time limit of five years. The time limit may be extended one additional year by the community development director or the hearing examiner if the applicant provides written justification prior to the expiration of the time limit. For the purpose of this chapter, "issuance or date" shall be the date the permit is issued or date upon which the hearing examiner's decision is issued on an appeal of a permit, whichever is later. A permit is effective indefinitely once any required conditions of approval have been met.

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Exception: Effective until December 31, 2011, a one-time, 36-month time extension, less any previously approved one-year extension, may be granted by the community development director for any unexpired conditional use permit approved prior to December 31, 2009, if the applicant or successor:

- (1) Files with the community development director a sworn and notarized declaration that final conditional use permit approval will be delayed as a result of adverse market conditions and an inability of the applicant to secure financing; and
- (2) Is current on all invoices for work performed by the department on the conditional use permit review.

Section 19. MMC 22G.010.380 is renumbered to read as follows. (All other provisions of MMC 22G.010.30 remain in effect and unchanged):

22G.010.380400 Purpose.

Section 20. MMC 22G.010.390 is renumbered to read as follows. (All other provisions of MMC 22G.010.390 remain in effect and unchanged):

22G.010.390410 Temporary use permit.

Section 21. MMC 22G.010.400 is renumbered to read as follows. (All other provisions of MMC 22G.010.400 remain in effect and unchanged):

22G.010.400420 Variance.

Section 22. MMC 22G.010.410 is renumbered to read as follows. (All other provisions of MMC 22G.010.410 remain in effect and unchanged):

22G.010.410430 Conditional use permit.

Section 23. MMC 22G.010.420 is renumbered to read as follows. (All other provisions of MMC 22G.010.420 remain in effect and unchanged):

22G.010.420440 Rezone criteria.

Section 24. MMC 22G.010.430 is renumbered to read as follows. (All other provisions of MMC 22G.010.430 remain in effect and unchanged):

22G.010.430450 Rezone and review procedures.

Section 25. MMC 22G.010.440 is renumbered to read as follows. (All other provisions of MMC 22G.010.440 remain in effect and unchanged):

22G.010.440460 Home occupation permit.

Section 26. MMC 22G.010.450 is hereby amended as follows:

22G.010.450470 Continuing jurisdiction.

The hearing examiner shall retain continuing jurisdiction over all variances and conditional use permits. Upon a petition being filed by any person with a substantial and direct interest in a variance or conditional use permit, or by any public official, alleging that a condition has been violated or that modifications to the variance or conditional use permit are necessary, the hearing examiner may call a public hearing for the purpose of reviewing

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that variance or conditional use permit. Notice of the public hearing shall be as provided in accordance with MMC 22G.010.110. Immediately upon a petition for review being accepted by the hearing examiner, the community development director may, for good cause shown, issue a stop work order to temporarily stay the force and effect of all or any part of the variance or conditional use permit in question until such time as the review is finally adjudicated. Following a hearing the hearing examiner may reaffirm, modify or rescind all or any part of the variance or conditional use permit being reviewed. Appeal of the hearing examiner decision shall be to the superior court pursuant to MMC 226.010.540560.

Section 27. MMC 22G.010.460 is renumbered to read as follows. (All other provisions of MMC 22G.010.460 remain in effect and unchanged):

22G.010.460480 Cancellation of decisions.

Section 28. MMC 22G.010.470 is renumbered to read as follows. (All other provisions of MMC 22G.010.470 remain in effect and unchanged):

22G.010.470490 Transfer of ownership.

Section 29. MMC 22G.010.480 is renumbered to read as follows. (All other provisions of MMC 22G.010.480 remain in effect and unchanged):

22G.010.480500 Purpose.

Section 30. MMC 22G.010.490 is renumbered to read as follows. (All other provisions of MMC 22G.010.490 remain in effect and unchanged):

22G.010.490510 Authority and application.

Section 31. MMC 22G.010.500 is renumbered to read as follows. (All other provisions of MMC 22G.010.500 remain in effect and unchanged):

22G.010.500520 Required findings.

Section 32. MMC 22G.010.510 is hereby amended as follows:

22G.010.510530 Burden of proof.

The applicant must demonstrate that the proposed amendment meets the conditions of the required findings in MMC 22G.010.500520.

Section 33. MMC 22G.010.520 is hereby amended as follows:

22G.010.520540 Appeal process – General description.

(1) Only a single open record hearing will be held on any development project permit application. Administrative decisions are appealable to the hearing examiner. The hearing examiner will conduct a public hearing in which public testimony and new information may be presented (open record hearing).

(2) Appeals of hearing examiner's decisions shall be made to superior court as provided in MMC 226.010.540560.

Section 34. MMC 22G.010.530 is renumbered to read as follows. (All other provisions of MMC 22G.010.530 remain in effect and unchanged):

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22G.010.530550 Appeal of administrative interpretations and approvals.

Section 35. MMC 22G.010.540 is renumbered to read as follows. (All other provisions of MMC 22G.010.540 remain in effect and unchanged):

22G.010.540560 Judicial appeal.

Section 36. MMC 22G.030.020 is hereby amended as follows:

22G.030.020 General fee structure.

The community development department is authorized to charge and collect the following fees:

Type of Activity	Fee
Land Use Review Fees	
Administrative approval (bed and breakfast, accessory dwelling unit, or similar request)	\$250.00
Annexation:	
Under 10 acres	\$250.00
Over 10 acres	\$750.00
Appeals (quasi-judicial):	
For activity that requires a hearing for the primary project action	\$250.00
For activity that would not have required a hearing for the primary action	\$500.00
Appeals (administrative)	\$250.00
Boundary line adjustment (up to two lots)	\$500.00
Comprehensive plan amendment:	
Map amendment with rezone (under 5 acres)	\$2,500
Map amendment with rezone (over 5 acres)	\$5,000
Text amendment	\$500.00
Conditional use permit (administrative):	
Residential	\$1,000 + \$100.00 for each unit
Group residence or communication facility	\$2,500
Commercial (including RV park, churches)	\$3,500
Conditional use permit (public hearing)	Administrative fee + \$1,500
Critical areas review:	
Under 0.50 acre	\$250.00
0.51 – 2 acres	\$500.00 (+ peer review costs if applicable)
2.01 – 10 acres	\$1,500 (+ peer review costs if applicable)
10.01 – 20 acres	\$2,500 (+ peer review costs if applicable)

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20.01 – 50 acres	\$3,500 (+ peer review costs if applicable)
50.01+ acres	\$5,000 (+ peer review costs if applicable)
EIS preparation and review	All direct, indirect costs and materials (\$135.00/hour for staff time)
Home occupation (administrative approval)	\$50.00
Lot status determination:	
Readily verifiable with documents submitted by applicant	\$50.00
Requires research and detailed document evaluation and confirmation	\$200.00
Minor modifications (to subdivision, site plan)	\$350.00
<u>Modifications:</u>	
<u>Minor</u>	<u>\$500.00</u>
<u>Major</u>	<u>\$500.00 or thirty-percent (30%) of the applicable land use review fee, whichever is greater (excludes any lot or unit fee)</u>
Miscellaneous reviews not otherwise listed	\$120.00/hour
Preapplication review fee	\$350.00 (fee will be credited upon application submittal if filed within 90 days of the preapplication meeting)
Rezoning:	
Commercial (plus site plan charges if combined with project level review)	\$2,500
PRD and mixed use overlay (plus site plan or subdivision charges)	\$2,500
SEPA checklist:	
Residential (1 – 9 lots or dwelling units)	\$350.00
Residential (10 – 20 lots or dwelling units)	\$500.00
Residential (21 – 100 lots)	\$1,000
Residential (greater than 100 lots or units)	\$1,500
Commercial/industrial (0 – 2 acres)	\$350.00
Commercial/industrial (2 – 20 acres)	\$750.00
Commercial/industrial (greater than 20 acres)	\$1,500
Shoreline permit (administrative review)	\$1,000
Shoreline permit, shoreline conditional use permit, or shoreline variance permit with public hearing	\$5,000
Site plan review (commercial, multifamily, PRD, master plan):	
Under 0.50 acre	\$500.00 + \$50.00/lot or unit
0.51 – 2 acres	\$750.00 + \$50.00/lot or unit

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2.01 – 10 acres	\$2,000 + \$50.00/lot or unit
10.01 – 20 acres	\$5,000 + \$45.00/lot or unit
20.01+ acres	\$7,500 + \$40.00/lot or unit
Site/subdivision plan review (with utility availability for county projects):	
Under 0.50 acre	\$500.00
0.51 – 2 acres	\$750.00
2.01 – 10 acres	\$2,000
10.01+ acres	\$5,000
Subdivisions:	
Preliminary binding site plan (commercial, industrial)	\$5,000 + \$100.00/lot or unit
Preliminary plat	\$5,000 + \$100.00/lot or unit
Preliminary short plat	\$3,000 + \$100.00/lot or unit
Final binding site plan, plat or short plat	\$1,000 + \$100.00/lot or unit
Subdivision <u>time extension</u> requests (time extension, amendment)	\$200.00
Temporary use permit	\$50.00
Transitory accommodations permit	\$500.00
Variance (quasi-judicial decision – zoning, utility)	\$500.00
Zoning code text amendment	\$500.00
Fast-track overtime (when authorized by both the department and applicant, for project reviews prioritized on overtime basis)	\$165.00/hour for overtime worked, in addition to regular project review fees
Engineering Review and Construction Inspection Fees	
Engineering construction plan review:	
Residential (full plan sets – roads, drainage, utilities)	\$225.00/lot or unit (for duplex or condominium projects), \$2,000 minimum for first two reviews, \$120.00/hour for each subsequent review
Residential (partial construction review – i.e., utilities, grading)	\$100.00/lot or unit (for duplex or condominium projects), \$1,000 minimum for first two reviews
Multiple residential/commercial/industrial	\$250.00 administrative base fee + \$135.00/hour
Engineering, design and development standards modifications/variances (administrative)	\$250.00
Miscellaneous reviews not otherwise listed, and hourly rate from January 1, 2005, for projects initiated prior to 2005 (prior rates charged for hours worked prior to 2005)	\$120.00/hour
Fast-track overtime (when authorized by both the department and applicant, for project reviews)	\$165.00/hour for overtime worked, in addition to regular project review

EXHIBIT A

prioritized on overtime basis)	fees
Construction Inspection Fees	
Security for performance/security for maintenance fee	\$20.00/lot or unit, with a minimum amount being \$250.00
Inspection for water, sewer, storm, street improvements associated with approved residential construction plans	\$250.00/lot or unit (for duplex or condominium projects), \$2,000 minimum
Inspection for utilities only (residential)	\$100.00/lot or unit (for duplex or condominium projects), \$1,000 minimum
Multiple residential/commercial/industrial	\$250.00 administrative base fee + \$135.00/hour
Right-of-way permit	\$250.00
Miscellaneous reviews and inspections not otherwise listed, and hourly rate from January 2005 for projects initiated prior to 2005 (prior rates charged for hours worked prior to 2005)	\$120.00/hour
Fast-track overtime (when authorized by both the department and applicant, for project reviews and inspections prioritized on overtime basis)	\$165.00/hour for overtime worked, in addition to regular project inspection fees
Impact Fee Administration Charge	
School impact fee administrative charge	\$50.00/single-family or duplex, or \$100.00/apartment building

Section 37. MMC 22G.090.170 is replaced in its entirety to read as follows:

22G.090.170 Preliminary and final subdivision approval – Terms.

(1) Preliminary plats of any proposed subdivision and dedication shall be approved, disapproved, or returned to the applicant for modification or correction within ninety (90) days from the date of filing a complete application unless the applicant consents to an extension of such time period or the 90-day limitation is extended to include up to twenty-one (21) days as specified under RCW 58.17.095(3); provided, that if an environmental impact statement is required as provided in RCW 43.21C.030, the 90-day period shall not include the time spent preparing and circulating the environmental impact statement.

(2) Final subdivisions shall be approved, disapproved, or returned to the applicant within thirty (30) days from the date of filing thereof, unless the applicant consents to an extension of such time period.

(3) Final subdivision approval must be acquired in accordance with RCW 58.17.140, as follows:

(a) Within five (5) years of the date of preliminary approval, if the date of preliminary approval is on or after January 1, 2015. An extension may be granted by the community development director for one year if the applicant has attempted in good faith to submit the final plat within the five-year time period; provided, however, the applicant must file a written request with the community development director requesting the extension at least 30 days before expiration of the five-year period.

(b) Within seven (7) years of the date of preliminary approval, if the date of preliminary approval is on or before December 31, 2014.

EXHIBIT A

(c) Within ten (10) years of the date of preliminary approval, if the project is not subject to requirements adopted under Chapter 90.58 RCW and the date of preliminary plat approval is on or before December 31, 2007.

(4) If final subdivision approval is not obtained within the timeframes outlined in subsection (3) of this section, the preliminary subdivision approval is void.

Section 38. MMC 22G.090.185 is hereby created as follows:

22G.090.185 Revisions after preliminary subdivision approval.

Revisions of approved preliminary subdivisions prior to installation of improvements and recording of the final subdivision shall be processed pursuant to MMC 22G.010.260 or 22G.010.270.

Section 39. MMC 22G.090.280 is hereby repealed in its entirety and marked as reserved, as follows:

22G.090.280 Time limits for action. (Reserved)

~~Final subdivisions shall be approved, disapproved or returned to the applicant within 30 calendar days from date of filing the final subdivision for approval by the city council, unless the applicant consents to an extension of such time period in writing. The 30 day time period shall not commence to run until the applicant files with the city all required final subdivision documents completed to the satisfaction of the city.~~

Section 40. MMC 22G.090.380 is hereby amended as follows:

22G.090.380 Preliminary and final short subdivision approval – Terms.

(1) ~~Approval Within 60 Calendar Days. Preliminary short subdivisions shall be approved, disapproved or returned to the applicant within 60 calendar days from the date of filing a complete application, unless the applicant consents to a written extension of such time period; provided, that if an environmental impact statement is required as provided in RCW 43.21C.030, the time period shall not include the time spent preparing and circulating the EIS.~~ Preliminary short subdivisions and dedication shall be approved, disapproved, or returned to the applicant for modification or correction within ninety (90) days from the date of filing a complete application unless the applicant consents to an extension of such time period or the 90-day limitation is extended to include up to twenty-one (21) days as specified under RCW 58.17.095(3); provided, that if an environmental impact statement is required as provided in RCW 43.21C.030, the 90-day period shall not include the time spent preparing and circulating the environmental impact statement.

(2) Final short subdivisions shall be approved, disapproved, or returned to the applicant within thirty (30) days from the date of filing thereof, unless the applicant consents to an extension of such time period.

(2) ~~Limitation on Approval. Final short subdivision approval must be acquired within five years of preliminary approval, after which time the preliminary short subdivision approval is void. The five year time frame shall commence from the effective date of the decision approving the short subdivision. An extension may be granted by the community development director for one year if the applicant has attempted in good faith to submit the final short plat within the five year time period; provided, however, the applicant must file a written request with the community development director requesting the extension at least 30 days before expiration of the five year period.~~

~~Exception: For short plats which obtained preliminary short plat approval on or before December 31, 2007, and are not subject to the requirements adopted under Chapter 90.58 RCW, a final short plat meeting all requirements of this chapter shall be submitted for approval within nine years of the date of preliminary short plat approval pursuant to RCW~~

EXHIBIT A

~~58.17.140. For short plats which obtained preliminary short plat approval between January 1, 2008, and December 31, 2014, a final short plat meeting all requirements of this chapter shall be submitted for approval within seven years of the date of preliminary short plat approval pursuant to RCW 58.17.140. An extension may be granted by the community development director for up to two years on short plats which received preliminary short plat approval between January 1, 2008, and December 31, 2014, if the applicant has attempted in good faith to submit the final short subdivision within the seven year time period; provided, however, the applicant must file a written request with the community development director requesting the extension at least 30 days before expiration of the seven year period. (Ord. 2894 § 4, 2012; Ord. 2852 § 10 (Ex. A), 2011).~~

(3) Final short subdivision approval must be acquired in accordance with RCW 58.17.140, as follows:

(a) Within five (5) years of the date of preliminary approval, if the date of preliminary approval is on or after January 1, 2015. An extension may be granted by the community development director for one year if the applicant has attempted in good faith to submit the final plat within the five-year time period; provided, however, the applicant must file a written request with the community development director requesting the extension at least 30 days before expiration of the five-year period.

(b) Within seven (7) years of the date of preliminary approval, if the date of preliminary approval is on or before December 31, 2014.

(c) Within ten (10) years of the date of preliminary approval, if the project is not subject to requirements adopted under Chapter 90.58 RCW and the date of preliminary plat approval is on or before December 31, 2007.

(4) If final short subdivision approval is not obtained within the timeframes outlined in subsection (3) of this section, the preliminary subdivision approval is void.

Section 41. MMC 22G.090.385 is hereby created as follows:

22G.090.385 Revisions after preliminary short subdivision approval.

Revisions of approved preliminary short subdivisions prior to installation of improvements and recording of the final short subdivision shall be processed pursuant to MMC 22G.010.260 or 22G.010.270.

Section 42. MMC 22G.100.125 is hereby created as follows:

22G.100.125 Revisions.

Revisions to an approved binding site plan shall be processed pursuant to MMC 22G.010.260 or 22G.010.270.

Section 43. MMC 22G.120.390 is hereby created as follows:

22G.120.390 Revision of the official site plan.

Revisions to an approved official site plan shall be processed pursuant to MMC 22G.010.260 or 22G.010.270.

Section 44. MMC 22A.010.160, Amendments, of MMC Chapter 22A.010, General Administration, is hereby amended as follows by adding reference to this adopted ordinance in order to track amendments to the City's Unified Development Code:

"22A.010.160 Amendments.

The following amendments have been made to the UDC subsequent to its adoption:

EXHIBIT A

<u>Ordinance</u>	<u>Title (description)</u>	<u>Effective Date</u>
_____	Legislative Enactments	_____, 2015"

Section 45. 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 46. 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 _____, 2015.

CITY OF MARYSVILLE

By: _____
JON NEHRING, MAYOR

Attest:

By: _____
APRIL O'BRIEN, DEPUTY CITY CLERK

Approved as to form:

By: _____
GRANT K. WEED, CITY ATTORNEY

Date of Publication: _____

Effective Date: _____
(5 days after publication)

PLANNING COMMISSION



MINUTES

November 25, 2014

7:00 p.m.

City Hall

CALL TO ORDER

Chair Leifer called the November 25, 2014 meeting to order at 7:00 p.m. noting excused absence of Commissioners Lebo and Richards and the continuing absence of Commissioner Marvetta Toler. He noted that there was no one in the audience.

Marysville

Chairman: Steve Leifer

Commissioners: Roger Hoen, Jerry Andes, Kay Smith,

Staff: Planning Manager Chris Holland
Associate Planner Angela Gemmer

Absent: Steven Lebo, Kelly Richards, Marvetta Toler

APPROVAL OF MINUTES

Motion made by Commissioner Smith, seconded by Commissioner Andes, to approve the November 12, 2014 Meeting Minutes. **Motion** passed unanimously (4-0).

AUDIENCE PARTICIPATION

None

OLD BUSINESS

- Code Amendments
- Caretaker's Quarters (hearing closed)

Planning Manager Holland presented the revised draft ordinance as discussed at the last meeting. He asked if what was reflected in the revised draft ordinance is indicative of what the Planning Commission had recommended. He pointed out that in the Definitions section the Commission had talked about recreational vehicles or other temporary structures being included. He noted that if you read what a recreational vehicle entails it also includes, but is not limited to campers, motor homes, and travel

trailers. Tents are excluded. In the GI and LI zones other temporary structures, such as Pacific Mobile construction trailers, would also be permitted because there are no design regulations. He solicited Commission comments on the revised draft ordinance.

Chair Leifer commented that the proposed draft ordinance is consistent with his recollection of the Commission's discussion. He agrees that the exclusion of other temporary structures makes sense.

Commissioner Hoen commented that they had also discussed looking into a limitation based on the size of the business. Planning Manager Holland agreed and said it had been included in the minutes, but noted that the recommendation from the Commission had not included that. Commissioner Hoen asked if staff sees any unintended consequences of allowing recreational vehicles as caretaker's quarters. Planning Manager Holland stated that staff does not support the Planning Commission's position and believes that there would be consequences for allowing recreational vehicles as caretaker's quarters.

Chair Leifer clarified his discussion with a staff member from the City of Everett which he had referred to at the last meeting. Since the last meeting, he spoke with other staff members who had a different opinion about the way the code would be interpreted, and they would not allow recreational vehicles as caretaker's quarters.

Motion made by Commissioner Andes, seconded by Commissioner Smith, to have Chair Leifer sign the Planning Commission Recommendation, which includes the revised ordinance allowing recreational vehicles as caretaker's quarters, and forward it to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

PUBLIC HEARING

Chair Leifer reopened the public hearing at 7:12 p.m.

Code Amendments:

- **Legislative Enactment Amendments**

Planning Manager Holland noted that the City got audited by the Washington Cities Insurance Authority (WCIA) this year and one of the focuses was for land use. The City passed, but WCIA pointed out a few deficiencies related to group and adult family homes. Case law states those can't be prohibited from any zone. This ordinance addresses that by permitting those uses in all zones. Also deadlines for approvals have been amended for binding site plans, subdivisions, short subdivisions, etc. Vesting regulations were also amended. Finally, the Code now clarifies what constitutes minor and major amendments for land use actions.

Commissioner Andes asked how the fees were determined. Planning Manager Holland stated that they were based on a fee study done several years ago by looking at other jurisdictions and analyzing staff time for reviews. The only proposed change to the fee

schedule was based on the minor/major amendments modifications. The fee for minor amendments was increased to more accurately reflect the amount of staff time these reviews take.

Chair Leifer asked about extension periods on short plats. Planning Manager Holland explained that short plats and plats are governed by state law. He then reviewed timelines associated with plats and the commercial, or multi-family, site plan extension regulations.

Commissioner Andes asked if you have to prove you are making progress in the five-year period in order to get the one-year extension. Planning Manager Holland affirmed that you do have to show that you have attempted in good faith to submit the final plat within the five-year period.

Chair Leifer said he would have to recuse himself from any voting on this code amendment because he has an issue related to this. He asked what staff's position would be on any further movement on some of the stuff that is still sitting out there that has run out of time. Planning Manager Holland stated there are no proposed changes to commercial and multi-family site plan reviews. He summarized that if they were approved prior to when the Unified Development Code was adopted in 2012 they probably wouldn't be up to the design standards that are in place now. Chair Leifer asked if redesign of those projects would require all new submittal fees. Planning Manager Holland explained that if you had an approved civil construction plans and were approved under the 2005 DOE Stormwater Management Manual you likely wouldn't have to do an amendment. It would just be a matter of resubmitting the same thing and having an engineer stamp them so hopefully it wouldn't be a very big cost burden to the applicant.

Motion made by Commissioner Andes, seconded by Commissioner Smith, to approve this and forward to the Council with a recommendation for approval. **Motion** passed unanimously.

- **Nonconforming Situations**

Planning Manager Holland stated that staff is proposing to eliminate the CUP process and make this administrative which would reduce the cost. Instead, a building permit and site plan submittal showing setbacks would be required. He reviewed the proposed changes which would save costs and staff time.

Motion made by Commissioner Smith, seconded by Commissioner Andes, to approve the Nonconforming code amendments and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **Sign Code**

Angela Gemmer reviewed the four proposed Sign code amendments:

1. Require that signs that are freestanding and under 12-feet be monument-style signs.
2. Clarify the provision that requires that the structural posts of freestanding signs have decorative materials encasing them.
3. Clarify the intent for the changeable copy portion of the sign so it is limited to 30% of the sign area that is actually constructed.
4. Clarify the non-conforming sign provisions to indicate that converting them to an electronic changeable copy sign is not what the reface provision is intended to allow.

Commissioner Andes asked for clarification about the last one. Ms. Gemmer explained that if the sign meets the City's current design standards then you can convert whatever portion is allowable to an electronic changeable copy sign. Otherwise, you would need to retrofit the freestanding sign to meet the current sign code first. Planning Manager Holland commented that this has happened in a lot of the redevelopment of areas like the gas station on 4th Street.

Motion made by Commissioner Smith, seconded by Commissioner Hoen, to approve the sign code amendments and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **Beekeeping**

Ms. Gemmer reviewed two draft alternative ordinances on beekeeping with the following proposed changes:

- Allow a temporary 30-day doubling of the number of hives allowed in order to avoid swarming and other nuisance conditions
- Allow five migratory hives for agricultural purposes. A three-acre site would be allowed 15 hives. Thereafter you could have an additional five hives per acre.

Alternative 1 allows two hives on lots that are less than 10,000 square feet. Alternative 2 would not allow hives on lots less than 3,500 square feet, but would allow two hives on lots over 3,500 square feet up to 10,000 square feet.

Commissioner Andes expressed concern about having hives on small lots at all. 3,500 square feet seems too small to him. Even 5,000 square feet seems too small. He stated that the City needs to protect the public and not the bees.

Commissioner Hoen asked about lot sizes in the City. Planning Manager Holland reviewed these and explained that the size is based on the type of development. As far as building coverage is concerned, in no case can you ever go over 50% of the lot size for your building coverage.

Commissioner Smith concurred with Commissioner Andes.

Commissioner Hoen noted that according to the beekeepers the bees are foraging a mile away anyway. He was not sure what the size breaking point should be. He wondered how they would tell the difference between temporary and permanent hives.

Ms. Gemmer noted that the intent of the code is that this would be complaint-driven similar to the way chickens, dogs, or cats are handled.

There was discussion about approving Alternative 2, but amending the minimum from 3,500 to 5,000 square feet.

Motion made by Commissioner Andes, seconded by Commissioner Hoen, to approve Alternative 2 with the replacement in item 1(i) of 3,500 to 5,000 and (ii) 5,001 to 10,000 and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **Pet Daycares and Kennels**

Ms. Gemmer explained that the proposed code would create a specific use category for pet daycares and continue to allow them in all the zones they are presently allowed except in the Mixed Use zone. Also, the definition for dog kennels is proposed to be amended to eliminate the five-acre threshold to enable dog kennels to site in zones where they would be compatible. Additionally, there are new provisions to the dog daycare and kennel and similar facilities that pertain to health and sanitary conditions that are found in most jurisdictions. There is also a provision to implement setbacks from residences for dog kennels, a provision that dog kennels and daycares comply with the Washington Administrative Code in terms of how much noise is able to be emitted, and different provisions to address noise if noise limits are exceeded.

Chair Leifer asked how the noise levels are measured. Ms. Gemmer explained that it goes by decibels and can be measured with noise equipment. She reviewed the different classes and explained that each zone has a maximum amount of decibels that can be emitted in daytime and nighttime hours.

Commissioner Andes asked about the people who wanted to do a dog shelter in the old Sears building. He noted that would be a good place for a dog kennel. Ms. Gemmer concurred and indicated she would contact them if this code is approved.

Motion made by Commissioner Hoen, seconded by Commissioner Andes, to approve the Pet Daycare and Kennel amendments as presented and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **School, Traffic and Park Impact Fees**

Associate Planner Gemmer explained that the School, Traffic, and Park Impact Fee amendment would increase the term under which the fees collected may be expended from six years to ten years as required by state law.

Motion made by Commissioner Andes, seconded by Commissioner Smith, to approve the amendments regarding School, Traffic, and Park Impact Fees and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **State Environmental Policy Act**

Planning Manager Holland reviewed the proposed changes which would bring the City's code in compliance with the Phase 2 amendments.

Motion made by Commissioner Andes, seconded by Commissioner Hoen, to approve this and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **Wireless Communication Facilities**

Planning Manager Holland stated that this is also related to SEPA review. There were some FCC laws enacted regarding existing wireless communication facilities. Based on that, the state put in an exemption for wireless communication facilities. The proposed amendment would specifically state that in the ordinance to be in compliance with state law.

Chair Leifer asked if there are provisions about locating wireless facility towers. Planning Manager Holland reviewed these.

Motion made by Commissioner Andes, seconded by Commissioner Hoen, to approve this and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

The public hearing was closed at 8:10 p.m.

CITY COUNCIL AGENDA ITEMS AND MINUTES

ADJOURNMENT

Motion made by Commissioner Smith, seconded by Commissioner Andes, to adjourn the meeting at 8:11 p.m. **Motion** passed unanimously.

NEXT MEETING:

December 9, 2014



Laurie Hugdahl, Recording Secretary

PLANNING
COMMISSION



MINUTES

September 9, 2014

7:00 p.m.

City Hall

CALL TO ORDER

Chair Leifer called the September, 2014 meeting to order at 7:00 p.m. noting no one in the audience and the excused absence of Roger Hoen and the continuing absence of Marvetta Toler.

Marysville

Chairman: Steve Leifer

Commissioners: Jerry Andes, Kay Smith, Steven Lebo, Kelly Richards

Staff: Planning Manager Chris Holland, Associate Planner Angela Gemmer

Absent: Roger Hoen, Marvetta Toler

APPROVAL OF MINUTES

July 8, 2014

Motion made by Commissioner Andes, seconded by Commissioner Richards, to approve the July 8, 2014 Meeting Minutes. **Motion** passed unanimously (5-0).

AUDIENCE PARTICIPATION

None

NEW BUSINESS

WCIA Audit Code Amendments

Planning Manager Holland explained that the City passed the WCIA Land Use Audit, but the auditors pointed out some deficiencies based on new state laws and other factors regarding: Group Homes, Adult Family Homes and Daycare 1; Subdivision

Deadlines; and Vesting. Additionally staff has been receiving a lot of questions about issues related to proposed minor and major amendments to the site plans, binding site plans, short plats and subdivisions.

- Group Homes, Adult Family Homes and Daycare 1

Associate Planner Angela Gemmer explained that staff is proposing changes to the permitted uses matrices. Under state law, the City cannot treat Adult Family Homes differently than other sorts of single-family residences. The code would be amended to allow Adult Family Homes if there are existing single family residences in all commercial zones. A new single family residence would not be allowed, but if there is an existing single family residence, this amendment would enable people to pursue an Adult Family Home. Similarly, state law requires that family daycares be allowed in all zones. The code is proposed to be amended to allow Daycare 1 within commercial zones. The other change being proposed is to allow Residential Care Facilities if an existing single-family residence is in a commercial zone. With those amendments the City's code would be in compliance with the state requirement to allow Daycare 1's and adult family homes within all zones.

- Subdivision Deadlines

Planning Manager Holland discussed the changes regarding this over the years. The proposed changes would bring the City in alignment with the state RCW by amending the subdivision approval terms and short subdivision approval terms to match what is included in the RCW. This means 90 days to be approved or returned to the applicant for modifications or corrections. A final subdivision has to be approved within five years if approved after January 1, 2015. The applicant would have seven years to have a final subdivision or short subdivision if it received preliminary approval before December 31, 2014 or ten years if it received preliminary approval before December 31, 2007. The City has always treated the subdivisions and short subdivisions per the RCWs, but this would codify it for clarification.

Chair Leifer asked if the response time was 60 days or 120 days before this. Planning Manager Holland replied that it was 60 days in the City's code for short subdivisions, and 90 days for the rest. He acknowledged that the RCW is confusing. Generally, the City's response time is about three weeks. General discussion about response times followed.

Commissioner Andes asked about the possibility for extensions. Planning Manager Holland indicated that there is still a provision for a one-year extension from the Community Development Director.

Chair Leifer asked how these provisions work with the special extensions for civil construction plans that were given during the economic downturn. Planning Manager Holland explained that in the Engineering section of the code it states that your approval is good for as long as the project approval is good.

- Vesting

Planning Manager Holland commented that the current vesting language is substandard, and the auditor provided examples of better vesting language. Staff is proposing to eliminate the entire current vesting section and replace it with a new section. Planning Manager Holland reviewed the proposed vesting language consisting of Purpose, Applicability, Vesting of Applications, Duration of Vesting, and Waiver of Vesting. He emphasized that vesting does not apply to processes.

- Minor and Major Amendments

Staff is proposing the following changes. A minor amendment for a short subdivision would mean not more than one additional lot. For subdivisions, single-family detached units, cottage housing, townhomes, and multi-family developments, a minor amendment would be the lesser of a 10 percent increase in the number of lots or units or an additional 10 lots or units; a reduction in the number of lots or units; a change in access points; a change in project boundaries required to address surveying errors or other issues; a change to the internal lot lines that does not increase lot or unit count beyond the amount allowed; a change in the aggregate areas of designated open space that would decrease the amount by more than 10 percent; or a change not addressed above that does not substantially alter the character of the approved development application or site plan and prior approval.

Commissioner Andes commented that if you go from a vault to a pond, but you give up a lot or two to get the open space back to where it should have been it shouldn't be a major modification. Chris Holland concurred.

Planning Manager Holland explained that a major revision for a subdivision would be the lesser of a 20% increase in the number of lots or units or an additional 20 lots or units; a change in the project boundaries; a change in lot lines, a change in the aggregate area of designated open space beyond what is allowed as a minor revision; and a change not addressed above. Proposed increases to fees related to associated costs were also reviewed (page 8 of 8 in the Commission Packet in the WCIA Audit section). The fees are based on the amount of scrutiny required for a major amendment.

There were no questions or concerns raised.

Master Planned Senior Communities

Planning Manager Holland explained that staff recently received a request to do a Master Planned Senior Community in a Community Business zone. The Master Plan provides for a variety of housing and care options for senior citizens including independent senior housing, assisted living, nursing care, recreation, dining, and onsite medical facilities. The City does not see commercial zones as the most desirable zone

for these types of facilities. The City Council recently set a public hearing to enact a moratorium to not allow Master Planned Senior Communities in commercial zones for a period of 6-months. He pointed out that the General Description, Criteria, and Standards for those zones is also included in the packet. Staff is proposing to remove these types of business from the Permitted Uses in the NB, CB, GC and DC zones. Master Planned Senior Communities would continue to be allowed in the Mixed Use and Public Institutional zones. They would also continue to be permitted in all residential zones upon obtaining a Conditional Use Permit.

Honey Bees

Associate Planner Angela Gemmer explained that recently the City Council had received concerns related to beekeeping and has asked the Planning Commission to review this matter. She presented a memo regarding basic information on bees and comparative best management practices policies to promote compatibility with residential uses. She summarized that backyard beekeeping is something that can be compatible with adjacent residential uses if proper management uses are in place. Presently there are no regulations pertaining to bees. Staff is proposing some basic regulations to ensure that the use would be compatible with adjacent properties.

Commissioner Richards asked if a license is required for beekeeping in Marysville. Associate Planner Gemmer commented that beekeepers are supposed to register their hives with the state, but there are currently no regulations in the City regarding beekeeping. Ms. Gemmer thought the information regarding hives could be obtained from the Department of Agriculture. The proposed regulations would be useful in the event that any issues arise.

Commissioner Andes commented that the two hives on a lot under 5,000 square feet seems like too much. He recommended a minimum lot size of about 5,000 square feet. Planning Manager Holland said he didn't think there would be many folks with beehives in urban developments because of the lack of foraging opportunities. He thought there would be more beehives next to NGPA areas where they can actually thrive. Ms. Gemmer commented that beekeeping is a complicated endeavor and people who pursue it are pretty serious about it. Planning Manager Holland offered to bring back some minimum lot size alternatives.

Chair Leifer commented that it was interesting comparing what other communities allow.

Kennels

Associate Planner Gemmer explained that staff has become aware that the existing code regarding dog daycares and kennels is somewhat restrictive. Staff wants to make sure they are compatible with adjacent uses while perhaps allowing them to occur in smaller areas.

Chair Leifer asked if the five-acre minimum lot size was exclusively for the dog kennel or if other uses could be done on the property. Associate Planner Gemmer replied that

the code is not clear on that point. Chair Leifer wondered if it was economically feasible for a dog kennel operation to set aside five acres of industrial property to operate. He commented that it might be possible to have the dog kennel in the center of the five acres with other uses around the edges of the property as a noise buffer.

Ms. Gemmer commented that it appeared most kennel operators had a hard time finding a five-acre piece of property. She explained that staff is hoping to make the code more flexible to allow uses in existing structures if proper measures are taken regarding noise and other issues. Staff is proposing eliminating the five-acre threshold for kennels, allowing dog day cares as its own use in the code but no longer allowing it in the Neighborhood Business zones; restricting dog daycares to indoors in general with outdoor runs; and including a general provision to comply with the WAC in terms of noise, etc. Staff will be coming back to discuss this more.

COMMISSIONER COMMENTS

Chair Leifer asked if the state's 10-year tax exemption for multifamily can only be used for affordable housing or if it can be used for market rate housing. Planning Manager Holland stated that the only way you get the tax exemption market rent apartments is if the City adopts a provision allowing a tax exemption. The only area the City currently allows it is in the downtown. There is a formula requiring a certain percentage of affordable units. For state and federal tax exemptions it could not be a market rate unit unless it was located downtown.

CITY COUNCIL AGENDA ITEMS AND MINUTES

ADJOURNMENT

Motion made by Commissioner Richards, seconded by Commissioner Lebo, to adjourn the meeting at 8:16 p.m. **Motion** passed unanimously.

NEXT MEETING:

September 23, 2014



Laurie Hugdahl, Recording Secretary

CITY OF MARYSVILLE
Marysville, Washington
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON RELATED TO ENACTMENTS ADOPTED BY THE WASHINGTON STATE LEGISLATURE BY AMENDING MARYSVILLE MUNICIPAL CODE (MMC) SECTIONS 22C.020.060 PERMITTED USES; 22C.010.070 PERMITTED USES – DEVELOPMENT CONDITIONS; 22G.010.150 ADMINISTRATIVE APPROVALS WITHOUT NOTICE; 22G.010.250 VESTING; 22G.010.260 MINOR REVISIONS TO APPROVED DEVELOPMENT APPLICATIONS; 22G.010.270 MAJOR REVISIONS TO APPROVED RESIDENTIAL DEVELOPMENT APPLICATIONS; 22G.010.280 REVISIONS NOT DEFINED AS MINOR OR MAJOR; 22G.010.290 SUPPLEMENTAL INFORMATION; 22G.010.300 OATH OF ACCURACY; 22G.010.310 LIMITATIONS ON REFILEING OF APPLICATIONS; 22G.010.320 CODE COMPLIANCE REVIEW – ACTIONS SUBJECT TO REVIEW; 22G.010.330 DECISIONS AND APPEALS; 22G.010.340 ACTIONS SUBJECT TO REVIEW; 22G.010.350 NOTICE REQUIREMENTS AND COMMENT PERIOD; 22G.010.360 DECISION OR PUBLIC HEARING REQUIRED; 22G.010.370 ADDITIONAL REQUIREMENTS PRIOR TO HEARING; 22G.010.380 DECISION REGARDING PROPOSAL; 22G.010.390 TIME LIMITATIONS; 22G.010.400 PURPOSE; 22G.010.410 TEMPORARY USE PERMIT; 22G.010.420 VARIANCE; 22G.010.430 CONDITIONAL USE PERMIT; 22G.010.440 REZONE CRITERIA; 22G.010.450 REZONE AND REVIEW PROCEDURES; 22G.010.460 HOME OCCUPATION PERMIT; 22G.010.470 CONTINUING JURISDICTION; 22G.010.480 CANCELLATION OF DECISIONS; 22G.010.490 TRANSFER OF OWNERSHIP; 22G.010.500 PURPOSE; 22G.010.510 AUTHORITY AND APPLICATION; 22G.010.520 REQUIRED FINDINGS; 22G.010.530 BURDEN OF PROOF; 22G.010.540 APPEAL PROCESS – GENERAL DESCRIPTION; 22G.010.550 APPEAL OF ADMINISTRATIVE INTERPRETATIONS AND APPROVALS; 22G.010.560 JUDICIAL APPEAL; 22G.030.020 GENERAL FEE STRUCTURE; 22G.090.170 PRELIMINARY AND FINAL SUBDIVISION APPROVAL – TERMS; 22G.090.185 REVISIONS AFTER PRELIMINARY SUBDIVISION APPROVAL; REPEALING 22G.090.280; AMENDING SECTION 22G.090.380 PRELIMINARY AND FINAL SHORT SUBDIVISION APPROVAL – TERMS; AND CREATING NEW SECTIONS 22G.090.385 REVISIONS AFTER PRELIMINARY SHORT SUBDIVISION APPROVAL; 22G.100.125 REVISIONS; 22G.120.390 REVISION OF THE OFFICIAL SITE PLAN; AND AMENDING MMC SECTION 22A.010.160 GENERAL ADMINISTRATION, RELATED TO TRACKING AMENDMENTS TO THE CITY’S UNIFORM DEVELOPMENT CODE; PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the State Growth Management Act, RCW Chapter 36.70A mandates that cities periodically review and amend development regulations which include but are not limited to zoning ordinances and official controls; and

WHEREAS, RCW 36.70A.106 requires the processing of amendments to the City's development regulations in the same manner as the original adoption of the City's comprehensive plan and development regulations; and

WHEREAS, the State Growth Management Act requires notice and broad public participation when adopting or amending the City's comprehensive plan and development regulations; and

WHEREAS, the City, in reviewing and amending its development regulations has complied with the notice, public participation and processing requirements established by the Growth Management Act, as more fully described below; and

WHEREAS, the City Council of the City of Marysville finds that from time to time it is necessary and appropriate to review and revise provisions of the City's municipal code and development code (MMC Title 22); and

WHEREAS, the development code amendment is consistent with the following required findings of MMC 22G.010.500:

- (1) The amendment is consistent with the purposes of the comprehensive plan;
- (2) The amendment is consistent with the purpose of this title;
- (3) There have been significant changes in the circumstances to warrant a change;
- (4) The benefit or cost to the public health, safety and welfare is sufficient to warrant the action.

WHEREAS, the Planning Commission discussed the above-referenced amendment during a public meeting held on September 9, 2014; and

WHEREAS, on November 12, 2014, the Marysville Planning Commission held a duly-advertised public hearing, which was continued to November 25, 2014; and

WHEREAS, On November 25, 2014, at the continued public hearing, the Marysville Planning Commission made a recommendation to the City Council recommending the adoption of the proposed amendments to the City's development regulations; and

WHEREAS, at a public meeting on January 12, 2015, , the Marysville City Council reviewed and considered the Marysville Planning Commission's Recommendation and proposed amendments to the City's development regulations; and

WHEREAS, the City of Marysville has submitted the proposed development regulation revisions to the Washington State Department of Commerce on September 12, 2014, seeking expedited review under RCW 36.70A.160(3)(b) in compliance with the procedural requirement under RCW 36.70A.106; and

WHEREAS, the amendments to the development regulations are exempt from State Environmental Policy Act review under WAC 197-11-800(19);

NOW, THEREFORE, the City Council of the City of Marysville, Washington do ordain as follows:

Section 1. MMC 22C.020.060 is hereby amended as follows:

Residential land uses										
Specific Land Use	NB	CB (63)	GC	DC	MU (63)	BP	LI	GI	REC	P/I
Group Residences:										
Adult family home	P	P	P	P	P	P(70)	P(70)	P(70)	P(70)	P
Residential care facility	P	P	P	P	P	P(70)	P(70)	P(70)	P(70)	P
Personal Services:										
Day care I	P(70)	P(70)	P(70)	P(70)	P(70)	P(70)	P(21)(70)	P(70)	P(70)	P(70)

Section 2. MMC 22C.020.070 is hereby amended as follows. (All other provisions of MMC 22C.020.070 remain in effect and unchanged):

(70) Permitted within existing legal non-conforming single-family residences.

Section 3. MMC 22G.010.150 is hereby amended as follows:

22G.010.150 Administrative approvals without notice.

(1) The director may approve, approve with conditions, or deny the following without notice:

- (a) Boundary line adjustments;
- (b) Extension of time for approval;
- (c) Minor amendments or modifications to approved developments or permits in accordance with MMC 22G.010.260. Minor amendments are those which may affect the precise dimensions or location of buildings, accessory structures and driveways, but do not:

- (i) ~~Affect overall project character;~~
 - (ii) ~~Increase the number of lots, dwelling units, or density; or~~
 - (iii) ~~Decrease the quality or amount of open space;~~
 - (d) Home occupations;
 - (e) Critical areas management determinations made by the community development director pursuant to Chapter 22E.010 MMC;
 - (f) Bed and breakfast permits;
 - (g) Accessory dwelling units;
 - (h) Site plan with commercial, industrial, institutional (e.g., church, school) or multiple-family building permit if permitted outright;
 - (i) Site plan with administrative conditional use permit;
- (2) Director's decisions under this section shall be final on the date issued.

Section 4. MMC 22G.010.250 is replaced in its entirety to read as follows:

22G.010.250 Vesting.

~~(1) Only a complete application for a conditional use permit shall be considered under zoning and other land use control ordinances in effect as of the date of submittal.~~

~~(2) Supplemental information required after acceptance and vesting of a complete application shall not affect the validity of the vesting for such application.~~

~~(3) Vesting of an application does not vest any subsequently required permits, nor does it affect the requirements for vesting of subsequent permits or approvals.~~

~~(4) This section vests only conditional use permits. Vesting for other development permits shall be governed by other applicable titles. No rights shall vest by virtue of any application for a zone reclassification.~~

~~(1) Purpose. The purpose of this section is to implement plan policies and state laws that provide for vesting. This section is intended to provide property owners, permit applicants, and the general public assurance that regulations for project development will remain consistent during the lifetime of the application. The section also establishes time limitations on vesting for permit approvals and clarifies that once those time limitations expire, all current development regulations and current land use controls apply.~~

~~(2) Applicability. This section applies to complete applications and permit approvals required by the City of Marysville pursuant to Title 22 MMC, including and limited to, land use permits, preliminary subdivisions, final subdivisions, short subdivisions, binding site plans, conditional use permits, shoreline development permits and any other land use permit application that is determined by Washington State law to be subject to the Vested Rights Doctrine. Vesting of building permit applications are governed by the rules of RCW 19.27.095 and Title 16 MMC.~~

~~(3) Vesting of Applications.~~

~~(a) An application described in subsection (2) shall be reviewed for consistency with the applicable development regulations in effect on the date the application is deemed complete.~~

~~(b) An application described in subsection (2) shall be reviewed for consistency with the construction and utility standards in effect on the date the separate application for a construction or utility permit is deemed complete. An applicant may submit a separate construction or utility permit application simultaneously with any application described in subsection (2) to vest for a construction or utility standard. The application or approval of a construction or utility permit or the payment of connection charges or administrative fees to a public utility does not constitute a binding agreement for service and shall not establish a vesting date for development regulations used in the review of applications described in subsection (2).~~

~~(c) An application described in subsection (2) utilizing vested rights shall be subject to all development regulations in effect on the vesting date.~~

~~(d) An application described in subsection (2) that is deemed complete is vested for the specific use, density, and physical development that is identified in the application submittal.~~

~~(e) Applications submitted pursuant to Title 22 MMC that are not listed in subsection (2) shall be governed by those standards which apply to said application. These applications shall not vest for any additional development regulations.~~

~~(f) The property owner is responsible for monitoring the time limitations and review deadlines for the application. The City shall not be responsible for maintaining a valid application. If the application expires, a new application may be filed with the Community Development Department, but shall be subject to the development regulations in effect on the date of the new application.~~

~~(4) Duration of Vesting.~~

~~(a) Land Use Permits. The development of an approved land use permit shall be governed by the terms of approval of the permit unless the legislative body finds that a change in conditions creates a serious threat to the public health, safety or welfare.~~

~~(b) Preliminary Subdivision. Development of an approved preliminary subdivision shall be based on the controls contained in the Hearing Examiner's decision. A final subdivision meeting all of the requirements of the preliminary subdivision approval shall be submitted within the time period specified in MMC 22G.090.170 and RCW 58.17.140. Any extension of time beyond the time period specified in MMC 22G.090.170 and RCW 58.17.140 may contain additional or altered conditions and requirements based on current development regulations and other land use controls.~~

(c) Land Use Permits Associated with a Preliminary Subdivision. Land Use Permit applications, such as Planned Residential Development applications that are approved as a companion to a preliminary subdivision application shall remain valid for the duration of the preliminary and final subdivision as provided in subsections (b) and (d) of this section.

(d) Final Subdivision. The lots in a final subdivision may be developed by the terms of approval of the final subdivision, and the development regulations in effect at the time the preliminary subdivision application was deemed complete for a period as specified in RCW 58.17.170 unless the legislative body finds that a change in conditions creates a serious threat to the public health, safety or welfare.

(e) Short Subdivision. The lots in a short subdivision may be developed by the terms and conditions of approval, and the development regulations in effect at the time the application was deemed complete for a period specified in RCW 58.17.170 unless the legislative body finds that a change in conditions creates a serious threat to the public health, safety or welfare.

(f) Binding Site Plan. The lots in a Binding Site Plan may be developed by the terms of approval of the Binding Site Plan, and the development regulations in effect at the time the application was deemed complete unless the legislative body finds that a change in conditions creates a serious threat to the public health, safety or welfare.

(g) All approvals described in this section shall be vested for the specific use, density, and physical development that is identified in the permit approval.

(h) Sign Permit. A sign permit shall expire if the permit is not exercised within one year of its issuance. No extensions of the expiration date shall be permitted.

(5) Waiver of Vesting. A property owner may voluntarily waive vested rights at any time during the processing of an application by delivering a written and signed waiver to the Director stating that the property owner agrees to comply with all development regulations in effect on the date of delivery of the waiver. Any change to the application is subject to the modification criteria described in MMC 22G.010.260 and 22G.010.270 and may require revised public notice and/or additional review fees.

Section 5. MMC 22G.010.260 is hereby amended as follows:

22G.010.260 Modifications to proposal-Minor revisions to approved development applications.

~~(1) Modifications to an application required by the city shall not be deemed a new application.~~

~~(2) An applicant requested modification occurring either before or after issuance of the permit shall be deemed a new application for the purpose of vesting when such modification would result in a substantial increase in a project's impact as determined by the department. Such substantially increased impact may include increases in residential density or traffic generation or a greater than 10 percent increase in building square footage.~~

The purpose and intent of this section is to provide an administrative process for minor revisions to approved development applications. For the purposes of this section, approved development applications shall include preliminary approval for subdivisions and short subdivisions and final approval prior to construction for all other development applications.

(1) A minor revision to an approved residential development application is limited to the following when compared to the original development application, provided that there shall be no change in the proposed type of development or use:

(a) Short subdivisions shall be limited to no more than one additional lot, provided the maximum number of lots allowed in a short subdivision is not exceeded.

(b) Subdivisions, single-family detached unit developments, cottage housing, townhomes and multiple-family developments shall be limited to the lesser of:

(i) A 10 percent increase in the number of lots or units; or

(ii) An additional 10 lots or units, provided the additional/lots units

will not cause the project to exceed the maximum categorical exemption threshold level established in MMC 22E.030.090.

(c) A reduction in the number of lots or units.

(d) A change in access points may be allowed when combined with subsection (1)(a) or (b) of this section or as a standalone minor revision provided that it does not change the trip distribution. No change in access points that changes the trip distribution can be approved as a minor revision.

(e) A change to the project boundaries required to address surveying errors or other issues with the boundaries of the approved development application, provided that the number of lots or units cannot be increased above the number that could be approved as a minor revision to the original approved development application on the original project site before any boundary changes.

(f) A change to the internal lot lines that does not increase lot or unit count beyond the amount allowed for a minor revision.

(g) A change in the aggregate area of designated open space that does not decrease the amount of designated open space by more than ten percent. Under no circumstances shall the quality or amount of designated open space be decreased to an amount that is less than that required by code.

(h) A change not addressed by the criteria in subsections (1)(a) through (g) of this section which does not substantially alter the character of the approved development application or site plan and prior approval.

(2) A minor revision to an approved nonresidential development application is limited to the following when compared to the original development application, provided that there is no change in the proposed type of development or use or no more than a 10 percent increase in trip generation:

(a) A utility structure shall be limited to no more than a 400-square-foot increase in the gross floor area.

(b) All other structures shall be limited to no more than a 10 percent increase in the gross floor area.

(c) A change in access points when combined with subsection (2)(a) or (b) of this section or as a standalone minor revision.

(d) A change which does not substantially alter the character of the approved development application or site plan and prior approval.

(3) A minor revision may be approved subject to the following:

(a) An application for a minor revision shall be submitted on forms approved by the community development department. An application for a minor revision shall not be accepted if a variance is required to accomplish the change to the approved development.

(b) An application for a minor revision shall be accompanied by any fees specified in Chapter 22G.030 MMC.

(c) An application for a minor revision shall require notification of the relevant city departments and agencies.

(d) An application for a minor revision shall be subject to the development regulations in effect as of the date the original development application was determined to be complete.

(e) The director shall grant approval of the request for a minor revision if it is determined that the minor revision does not substantially alter:

(i) The previous approval of the development application;

(ii) The final conditions of approval; or

- (iii) The public health, safety and welfare.
- (f) A minor revision shall be properly documented as a part of the records for the approved development application.
- (g) A minor revision does not extend the life or term of the development application approval and concurrency determination, which shall run from the original date of:
 - (i) Preliminary approval for subdivisions or short subdivisions; or
 - (ii) Approval for all other development applications.
- (4) The final determination of what constitutes a minor revision shall be made by the Community Development Director.

Section 6. MMC 22G.010.270 is replaced in its entirety to read as follows:

22G.010.270 Major revisions to approved residential development applications.

The purpose and intent of this section is to provide a process for major revisions to approved residential development applications. Residential development applications shall include short subdivisions, subdivisions, single family detached unit developments, cottage housing, townhomes and multiple family developments. For the purposes of this section, approved residential development applications shall include preliminary approval for subdivisions and short subdivisions and final approval prior to construction for all other residential development applications.

(1) A major revision to an approved residential development application is limited to the following when compared to the original development application, provided there is no change in the proposed type of development or use:

(a) Subdivisions, single family detached unit developments, cottage housing, townhomes and multiple family developments shall be limited to the lesser of:

- (i) A 20 percent increase in the number of lots or units; or
- (ii) An additional 20 lots or units.

(b) A change in access points, when combined with subsection (1)(a) of this section.

(c) A change to the project boundaries required to address surveying errors or other issues with the boundaries of the approved development application, provided that the number of lots or units cannot be increased above the number that could be approved as a minor revision to the original approved development application on the original project site before any boundary changes.

(d) A change to the internal lot lines when combined with another criteria in subsection (1) of this section that does not increase lot or unit count beyond the amount allowed for a major revision.

(e) A change in the aggregate area of designated open space beyond that allowed as a minor revision, provided that the decrease will not result in an amount that is less than that required by code.

(f) A change not addressed by the criteria in subsections (1)(a) through (e) of this section which does not substantially alter the character of the approved development application or site plan and prior approval.

(3) A major revision shall require processing through the same process as a new development application subject to the following:

(a) An application for a major revision shall be submitted on forms approved by the department. An application for a major revision shall not be accepted if a variance is required to accomplish the change to the approved development.

(b) An application for a major revision shall be accompanied by any fees specified in Chapter 22G.030 MMC.

(c) An application for a major revision shall require public notice pursuant to MMC 22G.010.090.

(d) An application for a major revision shall be subject to the development regulations in effect as of the date the original development application was determined to be complete.

(e) The Community Development Director or the Hearing Examiner shall grant approval of the major revision if it is determined that the major revision does not substantially alter:

(i) The previous approval of the development application;

(ii) The final conditions of approval; or

(iii) The public health, safety and welfare.

(f) A major revision shall be properly documented as a part of the records for the approved development application.

(g) A major revision does not extend the life or term of the development application approval and concurrency determination, which shall run from the original date of:

(i) Preliminary approval for subdivisions or short subdivisions; or

(ii) Approval for all other residential development applications.

(4) The final determination of what constitutes a major revision shall be made by the Community Development Director.

Section 7. MMC 22G.010.280 is replaced in its entirety to read as follows:

22G.010.280 Revisions not defined as minor or major.

Any proposed revision to an approved development application that does not meet the criteria in MMC 22G.010.260 or MMC 22G.010.270 shall require a new development application and a new completeness determination. The new application shall conform to the development regulations which are in effect at the time the new development application is determined complete.

Section 8. MMC 22G.010.270 is renumbered to read as follows. (All other provisions of MMC 22G.010.270 remain in effect and unchanged):

22G.010.270 Supplemental information.

Section 9. MMC 22G.010.280 is renumbered to read as follows. (All other provisions of MMC 22G.010.280 remain in effect and unchanged):

22G.010.280 Oath of accuracy.

Section 10. MMC 22G.010.290 is renumbered to read as follows. (All other provisions of MMC 22G.010.290 remain in effect and unchanged):

22G.010.290 Limitations on refile of applications.

Section 11. MMC 22G.010.300 is renumbered to read as follows. (All other provisions of MMC 22G.010.300 remain in effect and unchanged):

22G.010.300 Code compliance review – Actions subject to review.

Section 12. MMC 22G.010.310 is renumbered to read as follows. (All other provisions of MMC 22G.010.310 remain in effect and unchanged):

22G.010.310330 Decisions and appeals.

Section 13. MMC 22G.010.320 is renumbered to read as follows. (All other provisions of MMC 22G.010.320 remain in effect and unchanged):

22G.010.320340 Actions subject to review.

Section 14. MMC 22G.010.330 is renumbered to read as follows. (All other provisions of MMC 22G.010.330 remain in effect and unchanged):

22G.010.330350 Notice requirements and comment period.

Section 15. MMC 22G.010.340 is hereby amended as follows:

22G.010.340360 Decision or public hearing required.

Following the comment period provided in MMC 22G.010.330350, the community development director shall:

- (1) Review the information in the record and render a decision pursuant to MMC 22G.010.360380; or
- (2) Forward the application to the hearing examiner for public hearing, if:
 - (a) Adverse comments are received from at least five persons or agencies during the comment period which are relevant to the decision criteria of Article VI of this chapter, or state specific reasons why a hearing should be held; or
 - (b) The community development director determines that a hearing is necessary to address issues of vague, conflicting or inadequate information, or issues of public significance.

Section 16. MMC 22G.010.350 is renumbered to read as follows. (All other provisions of MMC 22G.010.350 remain in effect and unchanged):

22G.010.350370 Additional requirements prior to hearing.

Section 17. MMC 22G.010.360 is hereby amended as follows:

22G.010.360380 Decision regarding proposal.

Decisions regarding the approval or denial of proposals subject to community development director review pursuant to MMC 22G.010.320340 shall be based upon compliance with the required showings of Article VI of this chapter, Land Use Application – Decision Criteria.

Section 18. MMC 22G.010.370 is hereby amended as follows:

22G.010.370390 Time limitations.

Permit approvals which are subject to review per MMC 22G.010.320340 shall have a time limit of two years from issuance or date of the final appeal decision, whichever is applicable, in which any required conditions of approval must be met; however, conditional use approval for schools shall have a time limit of five years. The time limit may be extended one additional year by the community development director or the hearing examiner if the applicant provides written justification prior to the expiration of the time limit. For the purpose of this chapter, "issuance or date" shall be the date the permit is issued or date upon which the hearing examiner's decision is issued on an appeal of a permit, whichever is later. A permit is effective indefinitely once any required conditions of approval have been met.

Exception: Effective until December 31, 2011, a one-time, 36-month time extension, less any previously approved one-year extension, may be granted by the community development director for any unexpired conditional use permit approved prior to December 31, 2009, if the applicant or successor:

- (1) Files with the community development director a sworn and notarized declaration that final conditional use permit approval will be delayed as a result of adverse market conditions and an inability of the applicant to secure financing; and
- (2) Is current on all invoices for work performed by the department on the conditional use permit review.

Section 19. MMC 22G.010.380 is renumbered to read as follows. (All other provisions of MMC 22G.010.30 remain in effect and unchanged):

22G.010.380400 Purpose.

Section 20. MMC 22G.010.390 is renumbered to read as follows. (All other provisions of MMC 22G.010.390 remain in effect and unchanged):

22G.010.390410 Temporary use permit.

Section 21. MMC 22G.010.400 is renumbered to read as follows. (All other provisions of MMC 22G.010.400 remain in effect and unchanged):

22G.010.400420 Variance.

Section 22. MMC 22G.010.410 is renumbered to read as follows. (All other provisions of MMC 22G.010.410 remain in effect and unchanged):

22G.010.410430 Conditional use permit.

Section 23. MMC 22G.010.420 is renumbered to read as follows. (All other provisions of MMC 22G.010.420 remain in effect and unchanged):

22G.010.420440 Rezone criteria.

Section 24. MMC 22G.010.430 is renumbered to read as follows. (All other provisions of MMC 22G.010.430 remain in effect and unchanged):

22G.010.430450 Rezone and review procedures.

Section 25. MMC 22G.010.440 is renumbered to read as follows. (All other provisions of MMC 22G.010.440 remain in effect and unchanged):

22G.010.440460 Home occupation permit.

Section 26. MMC 22G.010.450 is hereby amended as follows:

22G.010.450470 Continuing jurisdiction.

The hearing examiner shall retain continuing jurisdiction over all variances and conditional use permits. Upon a petition being filed by any person with a substantial and direct interest in a variance or conditional use permit, or by any public official, alleging that a condition has been violated or that modifications to the variance or conditional use permit are necessary, the hearing examiner may call a public hearing for the purpose of reviewing

that variance or conditional use permit. Notice of the public hearing shall be as provided in accordance with MMC 22G.010.110. Immediately upon a petition for review being accepted by the hearing examiner, the community development director may, for good cause shown, issue a stop work order to temporarily stay the force and effect of all or any part of the variance or conditional use permit in question until such time as the review is finally adjudicated. Following a hearing the hearing examiner may reaffirm, modify or rescind all or any part of the variance or conditional use permit being reviewed. Appeal of the hearing examiner decision shall be to the superior court pursuant to MMC 226.010.540~~560~~.

Section 27. MMC 22G.010.460 is renumbered to read as follows. (All other provisions of MMC 22G.010.460 remain in effect and unchanged):

22G.010.460~~480~~ Cancellation of decisions.

Section 28. MMC 22G.010.470 is renumbered to read as follows. (All other provisions of MMC 22G.010.470 remain in effect and unchanged):

22G.010.470~~490~~ Transfer of ownership.

Section 29. MMC 22G.010.480 is renumbered to read as follows. (All other provisions of MMC 22G.010.480 remain in effect and unchanged):

22G.010.480~~500~~ Purpose.

Section 30. MMC 22G.010.490 is renumbered to read as follows. (All other provisions of MMC 22G.010.490 remain in effect and unchanged):

22G.010.490~~510~~ Authority and application.

Section 31. MMC 22G.010.500 is renumbered to read as follows. (All other provisions of MMC 22G.010.500 remain in effect and unchanged):

22G.010.500~~520~~ Required findings.

Section 32. MMC 22G.010.510 is hereby amended as follows:

22G.010.510~~530~~ Burden of proof.

The applicant must demonstrate that the proposed amendment meets the conditions of the required findings in MMC 22G.010.500~~520~~.

Section 33. MMC 22G.010.520 is hereby amended as follows:

22G.010.520~~540~~ Appeal process – General description.

(1) Only a single open record hearing will be held on any development project permit application. Administrative decisions are appealable to the hearing examiner. The hearing examiner will conduct a public hearing in which public testimony and new information may be presented (open record hearing).

(2) Appeals of hearing examiner's decisions shall be made to superior court as provided in MMC 226.010.540~~560~~.

Section 34. MMC 22G.010.530 is renumbered to read as follows. (All other provisions of MMC 22G.010.530 remain in effect and unchanged):

22G.010.530550 Appeal of administrative interpretations and approvals.

Section 35. MMC 22G.010.540 is renumbered to read as follows. (All other provisions of MMC 22G.010.540 remain in effect and unchanged):

22G.010.540560 Judicial appeal.

Section 36. MMC 22G.030.020 is hereby amended as follows:

22G.030.020 General fee structure.

The community development department is authorized to charge and collect the following fees:

Type of Activity	Fee
Land Use Review Fees	
Administrative approval (bed and breakfast, accessory dwelling unit, or similar request)	\$250.00
Annexation:	
Under 10 acres	\$250.00
Over 10 acres	\$750.00
Appeals (quasi-judicial):	
For activity that requires a hearing for the primary project action	\$250.00
For activity that would not have required a hearing for the primary action	\$500.00
Appeals (administrative)	\$250.00
Boundary line adjustment (up to two lots)	\$500.00
Comprehensive plan amendment:	
Map amendment with rezone (under 5 acres)	\$2,500
Map amendment with rezone (over 5 acres)	\$5,000
Text amendment	\$500.00
Conditional use permit (administrative):	
Residential	\$1,000 + \$100.00 for each unit
Group residence or communication facility	\$2,500
Commercial (including RV park, churches)	\$3,500
Conditional use permit (public hearing)	Administrative fee + \$1,500
Critical areas review:	
Under 0.50 acre	\$250.00
0.51 – 2 acres	\$500.00 (+ peer review costs if applicable)
2.01 – 10 acres	\$1,500 (+ peer review costs if applicable)
10.01 – 20 acres	\$2,500 (+ peer review costs if applicable)

20.01 – 50 acres	\$3,500 (+ peer review costs if applicable)
50.01+ acres	\$5,000 (+ peer review costs if applicable)
EIS preparation and review	All direct, indirect costs and materials (\$135.00/hour for staff time)
Home occupation (administrative approval)	\$50.00
Lot status determination:	
Readily verifiable with documents submitted by applicant	\$50.00
Requires research and detailed document evaluation and confirmation	\$200.00
Minor modifications (to subdivision, site plan) <u>Modifications:</u>	\$350.00
<u>Minor</u>	<u>\$500.00</u>
<u>Major</u>	<u>\$500.00 or thirty-percent (30%) of the applicable land use review fee, whichever is greater (excludes any lot or unit fee)</u>
Miscellaneous reviews not otherwise listed	\$120.00/hour
Preapplication review fee	\$350.00 (fee will be credited upon application submittal if filed within 90 days of the preapplication meeting)
Rezoning:	
Commercial (plus site plan charges if combined with project level review)	\$2,500
PRD and mixed use overlay (plus site plan or subdivision charges)	\$2,500
SEPA checklist:	
Residential (1 – 9 lots or dwelling units)	\$350.00
Residential (10 – 20 lots or dwelling units)	\$500.00
Residential (21 – 100 lots)	\$1,000
Residential (greater than 100 lots or units)	\$1,500
Commercial/industrial (0 – 2 acres)	\$350.00
Commercial/industrial (2 – 20 acres)	\$750.00
Commercial/industrial (greater than 20 acres)	\$1,500
Shoreline permit (administrative review)	\$1,000
Shoreline permit, shoreline conditional use permit, or shoreline variance permit with public hearing	\$5,000
Site plan review (commercial, multifamily, PRD, master plan):	
Under 0.50 acre	\$500.00 + \$50.00/lot or unit
0.51 – 2 acres	\$750.00 + \$50.00/lot or unit

2.01 – 10 acres	\$2,000 + \$50.00/lot or unit
10.01 – 20 acres	\$5,000 + \$45.00/lot or unit
20.01+ acres	\$7,500 + \$40.00/lot or unit
Site/subdivision plan review (with utility availability for county projects):	
Under 0.50 acre	\$500.00
0.51 – 2 acres	\$750.00
2.01 – 10 acres	\$2,000
10.01+ acres	\$5,000
Subdivisions:	
Preliminary binding site plan (commercial, industrial)	\$5,000 + \$100.00/lot or unit
Preliminary plat	\$5,000 + \$100.00/lot or unit
Preliminary short plat	\$3,000 + \$100.00/lot or unit
Final binding site plan, plat or short plat	\$1,000 + \$100.00/lot or unit
Subdivision <u>time extension</u> requests (time extension, amendment)	\$200.00
Temporary use permit	\$50.00
Transitory accommodations permit	\$500.00
Variance (quasi-judicial decision – zoning, utility)	\$500.00
Zoning code text amendment	\$500.00
Fast-track overtime (when authorized by both the department and applicant, for project reviews prioritized on overtime basis)	\$165.00/hour for overtime worked, in addition to regular project review fees
Engineering Review and Construction Inspection Fees	
Engineering construction plan review:	
Residential (full plan sets – roads, drainage, utilities)	\$225.00/lot or unit (for duplex or condominium projects), \$2,000 minimum for first two reviews, \$120.00/hour for each subsequent review
Residential (partial construction review – i.e., utilities, grading)	\$100.00/lot or unit (for duplex or condominium projects), \$1,000 minimum for first two reviews
Multiple residential/commercial/industrial	\$250.00 administrative base fee + \$135.00/hour
Engineering, design and development standards modifications/variances (administrative)	\$250.00
Miscellaneous reviews not otherwise listed, and hourly rate from January 1, 2005, for projects initiated prior to 2005 (prior rates charged for hours worked prior to 2005)	\$120.00/hour
Fast-track overtime (when authorized by both the department and applicant, for project reviews)	\$165.00/hour for overtime worked, in addition to regular project review

prioritized on overtime basis)	fees
Construction Inspection Fees	
Security for performance/security for maintenance fee	\$20.00/lot or unit, with a minimum amount being \$250.00
Inspection for water, sewer, storm, street improvements associated with approved residential construction plans	\$250.00/lot or unit (for duplex or condominium projects), \$2,000 minimum
Inspection for utilities only (residential)	\$100.00/lot or unit (for duplex or condominium projects), \$1,000 minimum
Multiple residential/commercial/industrial	\$250.00 administrative base fee + \$135.00/hour
Right-of-way permit	\$250.00
Miscellaneous reviews and inspections not otherwise listed, and hourly rate from January 2005 for projects initiated prior to 2005 (prior rates charged for hours worked prior to 2005)	\$120.00/hour
Fast-track overtime (when authorized by both the department and applicant, for project reviews and inspections prioritized on overtime basis)	\$165.00/hour for overtime worked, in addition to regular project inspection fees
Impact Fee Administration Charge	
School impact fee administrative charge	\$50.00/single-family or duplex, or \$100.00/apartment building

Section 37. MMC 22G.090.170 is replaced in its entirety to read as follows:

22G.090.170 Preliminary and final subdivision approval – Terms.

(1) Preliminary plats of any proposed subdivision and dedication shall be approved, disapproved, or returned to the applicant for modification or correction within ninety (90) days from the date of filing a complete application unless the applicant consents to an extension of such time period or the 90-day limitation is extended to include up to twenty-one (21) days as specified under RCW 58.17.095(3); provided, that if an environmental impact statement is required as provided in RCW 43.21C.030, the 90-day period shall not include the time spent preparing and circulating the environmental impact statement.

(2) Final subdivisions shall be approved, disapproved, or returned to the applicant within thirty (30) days from the date of filing thereof, unless the applicant consents to an extension of such time period.

(3) Final subdivision approval must be acquired in accordance with RCW 58.17.140, as follows:

(a) Within five (5) years of the date of preliminary approval, if the date of preliminary approval is on or after January 1, 2015. An extension may be granted by the community development director for one year if the applicant has attempted in good faith to submit the final plat within the five-year time period; provided, however, the applicant must file a written request with the community development director requesting the extension at least 30 days before expiration of the five-year period.

(b) Within seven (7) years of the date of preliminary approval, if the date of preliminary approval is on or before December 31, 2014.

(c) Within ten (10) years of the date of preliminary approval, if the project is not subject to requirements adopted under Chapter 90.58 RCW and the date of preliminary plat approval is on or before December 31, 2007.

(4) If final subdivision approval is not obtained within the timeframes outlined in subsection (3) of this section, the preliminary subdivision approval is void.

Section 38. MMC 22G.090.185 is hereby created as follows:

22G.090.185 Revisions after preliminary subdivision approval.

Revisions of approved preliminary subdivisions prior to installation of improvements and recording of the final subdivision shall be processed pursuant to MMC 22G.010.260 or 22G.010.270.

Section 39. MMC 22G.090.280 is hereby repealed in its entirety and marked as reserved, as follows:

22G.090.280 Time limits for action. (Reserved)

~~Final subdivisions shall be approved, disapproved or returned to the applicant within 30 calendar days from date of filing the final subdivision for approval by the city council, unless the applicant consents to an extension of such time period in writing. The 30 day time period shall not commence to run until the applicant files with the city all required final subdivision documents completed to the satisfaction of the city.~~

Section 40. MMC 22G.090.380 is hereby amended as follows:

22G.090.380 Preliminary and final short subdivision approval – Terms.

(1) ~~Approval Within 60 Calendar Days. Preliminary short subdivisions shall be approved, disapproved or returned to the applicant within 60 calendar days from the date of filing a complete application, unless the applicant consents to a written extension of such time period; provided, that if an environmental impact statement is required as provided in RCW 43.21C.030, the time period shall not include the time spent preparing and circulating the EIS.~~ Preliminary short subdivisions and dedication shall be approved, disapproved, or returned to the applicant for modification or correction within ninety (90) days from the date of filing a complete application unless the applicant consents to an extension of such time period or the 90-day limitation is extended to include up to twenty-one (21) days as specified under RCW 58.17.095(3); provided, that if an environmental impact statement is required as provided in RCW 43.21C.030, the 90-day period shall not include the time spent preparing and circulating the environmental impact statement.

(2) Final short subdivisions shall be approved, disapproved, or returned to the applicant within thirty (30) days from the date of filing thereof, unless the applicant consents to an extension of such time period.

(2) ~~Limitation on Approval. Final short subdivision approval must be acquired within five years of preliminary approval, after which time the preliminary short subdivision approval is void. The five year time frame shall commence from the effective date of the decision approving the short subdivision. An extension may be granted by the community development director for one year if the applicant has attempted in good faith to submit the final short plat within the five year time period; provided, however, the applicant must file a written request with the community development director requesting the extension at least 30 days before expiration of the five year period.~~

~~Exception: For short plats which obtained preliminary short plat approval on or before December 31, 2007, and are not subject to the requirements adopted under Chapter 90.58 RCW, a final short plat meeting all requirements of this chapter shall be submitted for approval within nine years of the date of preliminary short plat approval pursuant to RCW~~

~~58.17.140. For short plats which obtained preliminary short plat approval between January 1, 2008, and December 31, 2014, a final short plat meeting all requirements of this chapter shall be submitted for approval within seven years of the date of preliminary short plat approval pursuant to RCW 58.17.140. An extension may be granted by the community development director for up to two years on short plats which received preliminary short plat approval between January 1, 2008, and December 31, 2014, if the applicant has attempted in good faith to submit the final short subdivision within the seven year time period; provided, however, the applicant must file a written request with the community development director requesting the extension at least 30 days before expiration of the seven year period. (Ord. 2894 § 4, 2012; Ord. 2852 § 10 (Ex. A), 2011).~~

(3) Final short subdivision approval must be acquired in accordance with RCW 58.17.140, as follows:

(a) Within five (5) years of the date of preliminary approval, if the date of preliminary approval is on or after January 1, 2015. An extension may be granted by the community development director for one year if the applicant has attempted in good faith to submit the final plat within the five-year time period; provided, however, the applicant must file a written request with the community development director requesting the extension at least 30 days before expiration of the five-year period.

(b) Within seven (7) years of the date of preliminary approval, if the date of preliminary approval is on or before December 31, 2014.

(c) Within ten (10) years of the date of preliminary approval, if the project is not subject to requirements adopted under Chapter 90.58 RCW and the date of preliminary plat approval is on or before December 31, 2007.

(4) If final short subdivision approval is not obtained within the timeframes outlined in subsection (3) of this section, the preliminary subdivision approval is void.

Section 41. MMC 22G.090.385 is hereby created as follows:

22G.090.385 Revisions after preliminary short subdivision approval.

Revisions of approved preliminary short subdivisions prior to installation of improvements and recording of the final short subdivision shall be processed pursuant to MMC 22G.010.260 or 22G.010.270.

Section 42. MMC 22G.100.125 is hereby created as follows:

22G.100.125 Revisions.

Revisions to an approved binding site plan shall be processed pursuant to MMC 22G.010.260 or 22G.010.270.

Section 43. MMC 22G.120.390 is hereby created as follows:

22G.120.390 Revision of the official site plan.

Revisions to an approved official site plan shall be processed pursuant to MMC 22G.010.260 or 22G.010.270.

Section 44. MMC 22A.010.160, Amendments, of MMC Chapter 22A.010, General Administration, is hereby amended as follows by adding reference to this adopted ordinance in order to track amendments to the City's Unified Development Code:

"22A.010.160 Amendments.

The following amendments have been made to the UDC subsequent to its adoption:

<u>Ordinance</u>	<u>Title (description)</u>	<u>Effective Date</u>
_____	Legislative Enactments	_____, 2015"

Section 45. 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 46. 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 _____, 2015.

CITY OF MARYSVILLE

By: _____
JON NEHRING, MAYOR

Attest:

By: _____
APRIL O'BRIEN, DEPUTY CITY CLERK

Approved as to form:

By: _____
CITY ATTORNEY

Date of Publication: _____

Effective Date: _____
(5 days after publication)

Index #14

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: January 12, 2014

AGENDA ITEM: Ordinance adopting amendments to the Marysville Municipal Code Chapter 22C.100 MMC <i>Nonconforming Situations</i>	AGENDA SECTION: New Business	
PREPARED BY: Chris Holland, Planning Manager	APPROVED BY:	
ATTACHMENTS: 1. PC Recommendation, including: <ul style="list-style-type: none"> • Exhibit A – PC Recommended Ordinance • Exhibit B – PC Public Hearing Minutes, November 25, 2014 • Exhibit C – PC Workshop Minutes, July 8, 2014 2. Adopting Ordinance	MAYOR	CAO
BUDGET CODE:	AMOUNT:	

DESCRIPTION:

The current provisions outlined in Chapter 22C.100 MMC *Nonconforming Situations*, requires an applicant to obtain a conditional use permit in order to rebuild a nonconforming single-family residence that has been voluntarily or accidentally destroyed, demolished or damaged, or allowed to deteriorate, to the extent where restoration costs would exceed 75 percent of the assessed value of the structure in Non-Residential zones. The cost to obtain an administrative conditional use permit is \$1,000 and can take a minimum of 30-days to process due to public notification requirements. The proposed code amendment to MMC 22C.100.030(3) would eliminate obtaining a conditional use permit and \$1,000 processing fee.

Additionally, MMC 22C.100.040(3) requires an applicant obtain a conditional use permit in order to expand a nonconforming residential use or to construct an accessory structure, such as a garage or shed, in a Non-Residential zone. The cost to obtain an administrative conditional use permit is \$3,500 in a Non-Residential zone and can take a minimum of 30-days to process due to public notification requirements. The proposed code amendment outlined to MMC 22C.100.040(3) would eliminate obtaining a conditional use permit and \$3,500 processing fee.

The Planning Commission held a public work session on July 8, 2014 and a duly advertised public hearing on November 12, 2014, which was continued to November 25, 2014. No public comments were received prior to or at the public hearing. Having considered all of the exhibits and testimony presented, the Planning Commission has recommended adoption of amendments to the MMC Sections 22C.100.030(3) and 22C.100.040(3), as reflected in the attached PC Recommendation.

RECOMMENDED ACTION:

Affirm the Planning Commission's recommendation adopting amendments to Marysville Municipal Code Sections 22C.100.030(3) and 22C.100.040(3), eliminating the need to obtain a conditional use permit in order to expand an existing non-conforming residential use in Non-Residential Zones and eliminating the conditional use permit processing fees.

COUNCIL ACTION:



COMMUNITY DEVELOPMENT DEPARTMENT
 80 Columbia Avenue ♦ Marysville, WA 98270
 (360) 363-8100 ♦ (360) 651-5099 FAX

PC Recommendation - Nonconforming Situations Code Amendment

The Planning Commission of the City of Marysville, having held a public hearing on November 12, 2014, which was continued to November 25, 2014, in review of amendments related to Nonconforming Situations by amending Marysville Municipal Code (MMC) Sections 22C.100.030(3) and 22C.100.040(3), and having considered the exhibits and testimony presented, does hereby enter the following findings, conclusions and recommendation for consideration by Marysville City Council:

FINDINGS:

1. The Planning Commission held a public work session to review amendments related to Nonconforming Situations on July 8, 2014.
2. The proposed amendment to the City's development regulations is exempt from State Environmental Policy Act review under WAC 197-11-800(19).
3. Community Development Staff submitted the DRAFT amendments related to Nonconforming Situations to the State of Washington Department of Commerce for expedited review pursuant to RCW 36.70A.106(3)(b). No comments were received from State Agencies.
4. The Planning Commission held a duly-advertised public hearing on November 12, 2014, which was continued to November 25, 2014.
5. No public comments were received on the DRAFT amendments related to Nonconforming Situations.

CONCLUSION:

At the public hearing, which was continued to November 25, 2014, the Planning Commission recommended adoption of the amendments related to Nonconforming Situations, as reflected in the Ordinance attached hereto as **Exhibit A**, and as reflected in the Planning Commission Minutes attached hereto as **Exhibit(s) B & C**.

RECOMMENDATION:

Forwarded to City Council as a Recommendation of Approval of the development code amendments related to Nonconforming Situations by the Marysville Planning Commission this 25th day of November, 2014.

By: _____

Steve Leifer, Planning Commission Chair

EXHIBIT A

CITY OF MARYSVILLE
Marysville, Washington
ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON
 RELATED TO NONCONFORMING SITUATIONS AMENDING MARYSVILLE
 MUNICIPAL CODE (MMC) SECTIONS 22C.100.030(3) AND MMC
 22C.100.040(3); AND AMENDING MMC SECTION 22A.010.160
 GENERAL ADMINISTRATION, RELATED TO TRACKING AMENDMENTS
 TO THE CITY'S UNIFORM DEVELOPMENT CODE; PROVIDING FOR
 SEVERABILITY AND EFFECTIVE DATE.**

WHEREAS, the State Growth Management Act, RCW Chapter 36.70A mandates that cities periodically review and amend development regulations which include but are not limited to zoning ordinances and official controls; and

WHEREAS, RCW 36.70A.106 requires the processing of amendments to the City's development regulations in the same manner as the original adoption of the City's comprehensive plan and development regulations; and

WHEREAS, the State Growth Management Act requires notice and broad public participation when adopting or amending the City's comprehensive plan and development regulations; and

WHEREAS, the City, in reviewing and amending its development regulations has complied with the notice, public participation and processing requirements established by the Growth Management Act, as more fully described below; and

WHEREAS, the City Council of the City of Marysville finds that from time to time it is necessary and appropriate to review and revise provisions of the City's municipal code and development code (MMC Title 22); and

WHEREAS, the development code amendment is consistent with the following required findings of MMC 22G.010.500:

- (1) The amendment is consistent with the purposes of the comprehensive plan;
- (2) The amendment is consistent with the purpose of this title;
- (3) There have been significant changes in the circumstances to warrant a change;
- (4) The benefit or cost to the public health, safety and welfare is sufficient to warrant the action.

WHEREAS, the Planning Commission discussed the above-referenced amendment during a public meeting held on July 8, 2014; and

WHEREAS, on November 12, 2014, the Marysville Planning Commission held a duly-advertised public hearing, which was continued to November 25, 2014; and

EXHIBIT A

WHEREAS, On November 25, 2014, at the continued public hearing, the Marysville Planning Commission made a recommendation to the City Council recommending the adoption of the proposed amendments to the City's development regulations; and

WHEREAS, at a public meeting on January 12, 2015, the Marysville City Council reviewed and considered the Marysville Planning Commission's Recommendation and proposed amendments to the City's development regulations; and

WHEREAS, the City of Marysville has submitted the proposed development regulation revisions to the Washington State Department of Commerce on September 29, 2014, seeking expedited review under RCW 36.70A.160(3)(b) in compliance with the procedural requirement under RCW 36.70A.106; and

WHEREAS, the amendments to the development regulations are exempt from State Environmental Policy Act review under WAC 197-11-800(19);

NOW, THEREFORE, the City Council of the City of Marysville, Washington do ordain as follows:

Section 1. MMC 22C.100.030(3) is hereby amended as follows:

(3) A nonconforming structure which is voluntarily or accidentally destroyed, demolished or damaged, or allowed to deteriorate, to the extent where restoration costs would exceed 75 percent of the assessed value of the structure, may be restored and rebuilt only if the structure, in its entirety, is brought into conformity with the then-current bulk and dimensional requirements of the zone in which it is located; provided, that a single-family residence with nonconforming status in a residential zone may be restored and rebuilt to any extent as long as it does not increase the pre-existing degree of nonconformance; provided, a single-family residence with nonconforming status in zones other than residential may be restored and rebuilt to any extent on the original footprint of the structure's foundation so long as it does not increase the pre-existing degree of nonconformance, ~~upon obtaining a conditional use permit pursuant to this chapter.~~

Section 2. MMC 22C.100.040(3) is hereby amended as follows:

(3) A nonconforming use may be expanded upon the granting of a conditional use permit as provided in this chapter; provided, that such expansion of a nonconforming use shall not increase the land area devoted to the nonconforming use by more than 150 percent of that in use at the effective date of the nonconformance; provided also, that a conditional use permit shall not be required for enlargement of a single family residence in non-residential zones subject to the limitations set forth in MMC 22C.100.030(2), or for construction of an accessory structure such as a garage or shed, provided that the expansion or new structure is sited on the property so as not to preclude conversion of the property to a future, nonresidential use.

Section 3. MMC 22A.010.160, Amendments, of MMC Chapter 22A.010, General Administration, is hereby amended as follows by adding reference to this adopted ordinance in order to track amendments to the City's Unified Development Code:

"22A.010.160 Amendments.

The following amendments have been made to the UDC subsequent to its adoption:

EXHIBIT A

<u>Ordinance</u>	<u>Title (description)</u>	<u>Effective Date</u>
_____	Nonconforming Situations	_____, 2015"

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 4. 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 _____, 2015.

CITY OF MARYSVILLE

By: _____
JON NEHRING, MAYOR

Attest:

By: _____
APRIL O'BRIEN, DEPUTY CITY CLERK

Approved as to form:

By: _____
GRANT K. WEED, CITY ATTORNEY

Date of Publication: _____

Effective Date: _____
(5 days after publication)

PLANNING COMMISSION



MINUTES

November 25, 2014

7:00 p.m.

City Hall

CALL TO ORDER

Chair Leifer called the November 25, 2014 meeting to order at 7:00 p.m. noting excused absence of Commissioners Lebo and Richards and the continuing absence of Commissioner Marvetta Toler. He noted that there was no one in the audience.

Marysville

Chairman: Steve Leifer

Commissioners: Roger Hoen, Jerry Andes, Kay Smith,

Staff: Planning Manager Chris Holland
Associate Planner Angela Gemmer

Absent: Steven Lebo, Kelly Richards, Marvetta Toler

APPROVAL OF MINUTES

Motion made by Commissioner Smith, seconded by Commissioner Andes, to approve the November 12, 2014 Meeting Minutes. **Motion** passed unanimously (4-0).

AUDIENCE PARTICIPATION

None

OLD BUSINESS

- Code Amendments
- Caretaker's Quarters (hearing closed)

Planning Manager Holland presented the revised draft ordinance as discussed at the last meeting. He asked if what was reflected in the revised draft ordinance is indicative of what the Planning Commission had recommended. He pointed out that in the Definitions section the Commission had talked about recreational vehicles or other temporary structures being included. He noted that if you read what a recreational vehicle entails it also includes, but is not limited to campers, motor homes, and travel

trailers. Tents are excluded. In the GI and LI zones other temporary structures, such as Pacific Mobile construction trailers, would also be permitted because there are no design regulations. He solicited Commission comments on the revised draft ordinance.

Chair Leifer commented that the proposed draft ordinance is consistent with his recollection of the Commission's discussion. He agrees that the exclusion of other temporary structures makes sense.

Commissioner Hoen commented that they had also discussed looking into a limitation based on the size of the business. Planning Manager Holland agreed and said it had been included in the minutes, but noted that the recommendation from the Commission had not included that. Commissioner Hoen asked if staff sees any unintended consequences of allowing recreational vehicles as caretaker's quarters. Planning Manager Holland stated that staff does not support the Planning Commission's position and believes that there would be consequences for allowing recreational vehicles as caretaker's quarters.

Chair Leifer clarified his discussion with a staff member from the City of Everett which he had referred to at the last meeting. Since the last meeting, he spoke with other staff members who had a different opinion about the way the code would be interpreted, and they would not allow recreational vehicles as caretaker's quarters.

Motion made by Commissioner Andes, seconded by Commissioner Smith, to have Chair Leifer sign the Planning Commission Recommendation, which includes the revised ordinance allowing recreational vehicles as caretaker's quarters, and forward it to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

PUBLIC HEARING

Chair Leifer reopened the public hearing at 7:12 p.m.

Code Amendments:

- **Legislative Enactment Amendments**

Planning Manager Holland noted that the City got audited by the Washington Cities Insurance Authority (WCIA) this year and one of the focuses was for land use. The City passed, but WCIA pointed out a few deficiencies related to group and adult family homes. Case law states those can't be prohibited from any zone. This ordinance addresses that by permitting those uses in all zones. Also deadlines for approvals have been amended for binding site plans, subdivisions, short subdivisions, etc. Vesting regulations were also amended. Finally, the Code now clarifies what constitutes minor and major amendments for land use actions.

Commissioner Andes asked how the fees were determined. Planning Manager Holland stated that they were based on a fee study done several years ago by looking at other jurisdictions and analyzing staff time for reviews. The only proposed change to the fee

schedule was based on the minor/major amendments modifications. The fee for minor amendments was increased to more accurately reflect the amount of staff time these reviews take.

Chair Leifer asked about extension periods on short plats. Planning Manager Holland explained that short plats and plats are governed by state law. He then reviewed timelines associated with plats and the commercial, or multi-family, site plan extension regulations.

Commissioner Andes asked if you have to prove you are making progress in the five-year period in order to get the one-year extension. Planning Manager Holland affirmed that you do have to show that you have attempted in good faith to submit the final plat within the five-year period.

Chair Leifer said he would have to recuse himself from any voting on this code amendment because he has an issue related to this. He asked what staff's position would be on any further movement on some of the stuff that is still sitting out there that has run out of time. Planning Manager Holland stated there are no proposed changes to commercial and multi-family site plan reviews. He summarized that if they were approved prior to when the Unified Development Code was adopted in 2012 they probably wouldn't be up to the design standards that are in place now. Chair Leifer asked if redesign of those projects would require all new submittal fees. Planning Manager Holland explained that if you had an approved civil construction plans and were approved under the 2005 DOE Stormwater Management Manual you likely wouldn't have to do an amendment. It would just be a matter of resubmitting the same thing and having an engineer stamp them so hopefully it wouldn't be a very big cost burden to the applicant.

Motion made by Commissioner Andes, seconded by Commissioner Smith, to approve this and forward to the Council with a recommendation for approval. **Motion** passed unanimously.

- **Nonconforming Situations**

Planning Manager Holland stated that staff is proposing to eliminate the CUP process and make this administrative which would reduce the cost. Instead, a building permit and site plan submittal showing setbacks would be required. He reviewed the proposed changes which would save costs and staff time.

Motion made by Commissioner Smith, seconded by Commissioner Andes, to approve the Nonconforming code amendments and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **Sign Code**

Angela Gemmer reviewed the four proposed Sign code amendments:

1. Require that signs that are freestanding and under 12-feet be monument-style signs.
2. Clarify the provision that requires that the structural posts of freestanding signs have decorative materials encasing them.
3. Clarify the intent for the changeable copy portion of the sign so it is limited to 30% of the sign area that is actually constructed.
4. Clarify the non-conforming sign provisions to indicate that converting them to an electronic changeable copy sign is not what the reface provision is intended to allow.

Commissioner Andes asked for clarification about the last one. Ms. Gemmer explained that if the sign meets the City's current design standards then you can convert whatever portion is allowable to an electronic changeable copy sign. Otherwise, you would need to retrofit the freestanding sign to meet the current sign code first. Planning Manager Holland commented that this has happened in a lot of the redevelopment of areas like the gas station on 4th Street.

Motion made by Commissioner Smith, seconded by Commissioner Hoen, to approve the sign code amendments and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **Beekeeping**

Ms. Gemmer reviewed two draft alternative ordinances on beekeeping with the following proposed changes:

- Allow a temporary 30-day doubling of the number of hives allowed in order to avoid swarming and other nuisance conditions
- Allow five migratory hives for agricultural purposes. A three-acre site would be allowed 15 hives. Thereafter you could have an additional five hives per acre.

Alternative 1 allows two hives on lots that are less than 10,000 square feet. Alternative 2 would not allow hives on lots less than 3,500 square feet, but would allow two hives on lots over 3,500 square feet up to 10,000 square feet.

Commissioner Andes expressed concern about having hives on small lots at all. 3,500 square feet seems too small to him. Even 5,000 square feet seems too small. He stated that the City needs to protect the public and not the bees.

Commissioner Hoen asked about lot sizes in the City. Planning Manager Holland reviewed these and explained that the size is based on the type of development. As far as building coverage is concerned, in no case can you ever go over 50% of the lot size for your building coverage.

Commissioner Smith concurred with Commissioner Andes.

Commissioner Hoen noted that according to the beekeepers the bees are foraging a mile away anyway. He was not sure what the size breaking point should be. He wondered how they would tell the difference between temporary and permanent hives.

Ms. Gemmer noted that the intent of the code is that this would be complaint-driven similar to the way chickens, dogs, or cats are handled.

There was discussion about approving Alternative 2, but amending the minimum from 3,500 to 5,000 square feet.

Motion made by Commissioner Andes, seconded by Commissioner Hoen, to approve Alternative 2 with the replacement in item 1(i) of 3,500 to 5,000 and (ii) 5,001 to 10,000 and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **Pet Daycares and Kennels**

Ms. Gemmer explained that the proposed code would create a specific use category for pet daycares and continue to allow them in all the zones they are presently allowed except in the Mixed Use zone. Also, the definition for dog kennels is proposed to be amended to eliminate the five-acre threshold to enable dog kennels to site in zones where they would be compatible. Additionally, there are new provisions to the dog daycare and kennel and similar facilities that pertain to health and sanitary conditions that are found in most jurisdictions. There is also a provision to implement setbacks from residences for dog kennels, a provision that dog kennels and daycares comply with the Washington Administrative Code in terms of how much noise is able to be emitted, and different provisions to address noise if noise limits are exceeded.

Chair Leifer asked how the noise levels are measured. Ms. Gemmer explained that it goes by decibels and can be measured with noise equipment. She reviewed the different classes and explained that each zone has a maximum amount of decibels that can be emitted in daytime and nighttime hours.

Commissioner Andes asked about the people who wanted to do a dog shelter in the old Sears building. He noted that would be a good place for a dog kennel. Ms. Gemmer concurred and indicated she would contact them if this code is approved.

Motion made by Commissioner Hoen, seconded by Commissioner Andes, to approve the Pet Daycare and Kennel amendments as presented and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **School, Traffic and Park Impact Fees**

Associate Planner Gemmer explained that the School, Traffic, and Park Impact Fee amendment would increase the term under which the fees collected may be expended from six years to ten years as required by state law.

Motion made by Commissioner Andes, seconded by Commissioner Smith, to approve the amendments regarding School, Traffic, and Park Impact Fees and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **State Environmental Policy Act**

Planning Manager Holland reviewed the proposed changes which would bring the City's code in compliance with the Phase 2 amendments.

Motion made by Commissioner Andes, seconded by Commissioner Hoen, to approve this and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **Wireless Communication Facilities**

Planning Manager Holland stated that this is also related to SEPA review. There were some FCC laws enacted regarding existing wireless communication facilities. Based on that, the state put in an exemption for wireless communication facilities. The proposed amendment would specifically state that in the ordinance to be in compliance with state law.

Chair Leifer asked if there are provisions about locating wireless facility towers. Planning Manager Holland reviewed these.

Motion made by Commissioner Andes, seconded by Commissioner Hoen, to approve this and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

The public hearing was closed at 8:10 p.m.

CITY COUNCIL AGENDA ITEMS AND MINUTES

ADJOURNMENT

Motion made by Commissioner Smith, seconded by Commissioner Andes, to adjourn the meeting at 8:11 p.m. **Motion** passed unanimously.

NEXT MEETING:

December 9, 2014



Laurie Hugdahl, Recording Secretary

**PLANNING
COMMISSION**



MINUTES

July 8, 2014

7:00 p.m.

City Hall

CALL TO ORDER

Chair Leifer called the July 8, 2014 meeting to order at 7:00 p.m. noting the excused absence of Steven Lebo and the absence of Marvetta Toler.

Marysville

Chairman: Steve Leifer

Commissioners: Roger Hoen, Jerry Andes, Kay Smith, Kelly Richards

Staff: Planning Manager Chris Holland, Chief Administrative Officer Gloria Hirashima, Recording Secretary Laurie Hugdahl

Absent: Steven Lebo, Marvetta Toler

APPROVAL OF MINUTES

April 8, 2014 Minutes

Motion made by Commissioner Kay Smith, seconded by Commissioner Kelly Richards, to approve the April 8 Meeting Minutes.

Chair Leifer explained that the missing section in his comments on page one should refer to the area just east of 39th and in close proximity to the Sheriff's Office.

Motion passed unanimously (5-0) to approve the minutes as amended.

AUDIENCE PARTICIPATION

None

NEW BUSINESS

- **Non-Residential Uses in Residential Zones Signage**

Planning Manager Holland explained that the Planning Commission asked staff to look at signage allowances for non-residential uses in residential zones. Staff looked at some other cities to get an idea of what they are doing. He summarized the findings as contained in the Memorandum in the Planning Commission packet. Staff is not recommending any changes at this time. The current sign allowances ensure compatibility with the surrounding residential neighborhoods.

Commissioner Richards pointed out that most of the schools' signs right now are non-compliant. Mr. Holland reviewed examples of how the code has been applied to businesses and other organizations around the City. If someone wants to retrofit to a digital sign, it would need to be brought into compliance. Planning Manager Holland explained that there is a CUP process to go through to allow for additional height and sign area.

Commissioner Hoen asked what the fee for the CUP is. Planning Manager Holland replied that it is \$350 to cover administrative costs.

- **Non-Conforming Uses Code Amendment**

Planning Manager Holland reviewed this item as contained in the Planning Commission packet. The proposed code amendment would make the expansion of a residential use and construction of an accessory structure in a non-residential zone administrative.

There was consensus among the Planning Commission that this was a good idea.

- **Caretaker's Quarters Code Amendment**

Planning Manager Holland stated that there was recently a code enforcement issue where a single family residence converted to an office use. It had since been occupied recently by anywhere from 6 to 9 occupants in the office space. Staff issued a permanent enforcement order because once you go from a residential use to a commercial use you can't go back to a residential use. The permanent enforcement order was appealed. The Hearing Examiner upheld the order, but there was a finding highlighting an area that staff needed to address in the future. Based on the finding in the decision by the HE staff recommended adding a definition for a caretaker quarters and making it a requirement to get a temporary use permit

Chair Leifer referred to the "C" definitions paragraph and asked why the caretaker's quarters is required to be in the same structure as the business. He has often seen them on the same property, but not necessarily in the same building. He thought this was too restrictive. Planning Manager Holland indicated that section could be removed.

Commissioner Richards referred to *Findings* on page 6 and asked if the particular situation referred to by Planning Manager Holland could have been avoided if the property had been set up as a Hotel/Motel or a Bed and Breakfast. Planning Manager Holland acknowledged that it would be allowed, but it would not have fit in with their organizational setup.

Planning Manager Holland referred to page 2, item (g) of the Memo regarding requirements and stated he would like to add that approval of the owner would be required.

Chair Leifer asked why watchmen's and caretaker's quarters had been stricken as an exempted use. He thinks they should actually be encouraged on industrial property. Planning Manager Holland explained that they were just proposing removing the exemption and requiring a temporary use permit. Chair Leifer asked if "structure" would include an RV. Planning Manager Holland replied that typically they have not allowed any occupancy of an RV or any temporary structure on any commercial or industrial use. Chair Leifer commented that this could prevent a lot of vandalism. He cited several examples of businesses that have been vandalized or burglarized and stated that a lot of theft could have been prevented if someone in an RV was there protecting their goods. He doesn't think anyone in the area would be opposed to that. Planning Manager Holland suggested that the business could add some type of a structure to a site. CAO Hirashima commented that allowing RVs would create a huge loophole although she could understand the reasoning and justification for it in the situations described by Chair Leifer in providing security.

Chair Leifer thought there might be some kind of middle ground. He commented that an Industrial zone is a little different situation than General Commercial zone. He thought there could be a way of regulating this so that it didn't get taken advantage of. He stressed that 100's of 1000's of dollars have been lost due to theft in these places, and the police department is not able to stay on top of these things. Commissioner Richards pointed out that the way around this problem would be for the business to build a one-room structure to live in. Commissioner Andes noted that it might not be possible on all property. CAO Hirashima and Planning Manager Holland explained that a loophole allowing RVs would raise issues regarding storage, garbage, sewer, etc. in addition to aesthetic issues.

Chair Leifer asked staff what alternative solution they would suggest for companies who want to protect their assets. CAO Hirashima thought that provisions like they have brought tonight which allow caretaker quarters would be one solution. Planning Manager Holland added that if the company brought in a Pacific Mobile trailer, tied it down, and got utilities (sewer and water) a caretaker would be allowed to stay in it. Chair Leifer thought this could be an acceptable alternative.

Commissioner Richards noted there are two 13's in Section 3.

Planning Manager Holland noted that this would come back for a public hearing in September along with some other items.

- **Snohomish County and Cities Permit Statistics (PowerPoint)**

CAO Hirashima reviewed the year 2010 in housing units permitted on a city-by-city basis where Marysville had quite a bit of activity. In 2011 and 2012 Marysville still had a high volume of residential permits relative to other cities. In 2013, Marysville had an even higher number of permits relative to other cities. In 2010-2013 Marysville had 1473 units permitted. The next closest city was Everett at 723. In 2010-2013 the total housing units permitted by city and unincorporated north Snohomish County. CAO Hirashima summarized that most of the development in the UGA has occurred in the unincorporated Snohomish County in the south and in Marysville in the north. She reviewed data showing the trend toward more multifamily development starting in 2011. In 2010 it was predominantly single family development, but by 2013 it was predominantly multifamily. There was discussion about the lot shortages in single family.

CAO Hirashima reviewed the total UGA comparison of development in 2010-2013 by housing unit type. In the southwest area it was about 40% multifamily. Other UGA areas were about 75% single family. Marysville is much more similar to the southwest UGA area at about 40% multifamily. She stressed that Marysville has a very small Community Development staff who is working very hard. She believes Marysville will continue to be a big place for growth to occur in the coming years.

Commissioner Hoen noted that the freeway signs for Marysville are lacking. CAO Hirashima concurred and suggested they look into that with WSDOT.

OLD BUSINESS

- **Industrial Park Design Standards Photos (PowerPoint)**

Planning Manager Holland gave a PowerPoint presentation showing photos taken during a tour of industrial park design standards in Southwest Everett. The intent of the tour was to show what can be done as it relates to the Smokey Point Master Plan Design Standards.

Chair Leifer asked about the acreage and the jobs numbers. CAO Hirashima indicated staff could provide that at the next meeting.

Highlights of the designs shown included:

- Tree-lined streets, heavily buffered
- Wide landscape buffers (30-foot) between parking lot and street
- Quality design standards
- Landscaped entryways
- Screening of service areas
- Blank wall treatment – trees, add-ons, awnings, windows
- Windows and modulation

- Change in building materials and modulation – metal awnings
- New development continues

Commissioner Hoen asked who benefits from the setbacks, landscaping, and attractiveness of the buildings in an industrial area. CAO Hirashima said it is an image thing for the businesses and plays into the quality of the businesses the city can attract. Everett planned to be a top quality city and set up very strict standards 25 or 30 years ago anticipating the type of businesses they wanted to attract. Now it is a very successful area with high-density employment. CAO Hirashima summarized that hopefully the Planning Commission will see something like this as the product of all their hard work and planning.

OTHER

CAO Hirashima gave an update on the extremely popular new spray park. She noted that the City is looking into adding more parking.

CITY COUNCIL AGENDA ITEMS AND MINUTES

None

ADJOURNMENT

Motion made by Commissioner Richards, seconded by Commissioner Richards, to adjourn the meeting at 8:45 p.m. **Motion** passed unanimously.

NEXT MEETING:

July 22, 2014



Laurie Hugdahl, Recording Secretary

CITY OF MARYSVILLE
Marysville, Washington
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON RELATED TO NONCONFORMING SITUATIONS AMENDING MARYSVILLE MUNICIPAL CODE (MMC) SECTIONS 22C.100.030(3) AND MMC 22C.100.040(3); AND AMENDING MMC SECTION 22A.010.160 GENERAL ADMINISTRATION, RELATED TO TRACKING AMENDMENTS TO THE CITY'S UNIFORM DEVELOPMENT CODE; PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the State Growth Management Act, RCW Chapter 36.70A mandates that cities periodically review and amend development regulations which include but are not limited to zoning ordinances and official controls; and

WHEREAS, RCW 36.70A.106 requires the processing of amendments to the City's development regulations in the same manner as the original adoption of the City's comprehensive plan and development regulations; and

WHEREAS, the State Growth Management Act requires notice and broad public participation when adopting or amending the City's comprehensive plan and development regulations; and

WHEREAS, the City, in reviewing and amending its development regulations has complied with the notice, public participation and processing requirements established by the Growth Management Act, as more fully described below; and

WHEREAS, the City Council of the City of Marysville finds that from time to time it is necessary and appropriate to review and revise provisions of the City's municipal code and development code (MMC Title 22); and

WHEREAS, the development code amendment is consistent with the following required findings of MMC 22G.010.500:

- (1) The amendment is consistent with the purposes of the comprehensive plan;
- (2) The amendment is consistent with the purpose of this title;
- (3) There have been significant changes in the circumstances to warrant a change;
- (4) The benefit or cost to the public health, safety and welfare is sufficient to warrant the action.

WHEREAS, the Planning Commission discussed the above-referenced amendment during a public meeting held on July 8, 2014; and

WHEREAS, on November 12, 2014, the Marysville Planning Commission held a duly-advertised public hearing, which was continued to November 25, 2014; and

WHEREAS, On November 25, 2014, at the continued public hearing, the Marysville Planning Commission made a recommendation to the City Council recommending the adoption of the proposed amendments to the City's development regulations; and

WHEREAS, at a public meeting on January 12, 2015, the Marysville City Council reviewed and considered the Marysville Planning Commission's Recommendation and proposed amendments to the City's development regulations; and

WHEREAS, the City of Marysville has submitted the proposed development regulation revisions to the Washington State Department of Commerce on September 29, 2014, seeking expedited review under RCW 36.70A.160(3)(b) in compliance with the procedural requirement under RCW 36.70A.106; and

WHEREAS, the amendments to the development regulations are exempt from State Environmental Policy Act review under WAC 197-11-800(19);

NOW, THEREFORE, the City Council of the City of Marysville, Washington do ordain as follows:

Section 1. MMC 22C.100.030(3) is hereby amended as follows:

(3) A nonconforming structure which is voluntarily or accidentally destroyed, demolished or damaged, or allowed to deteriorate, to the extent where restoration costs would exceed 75 percent of the assessed value of the structure, may be restored and rebuilt only if the structure, in its entirety, is brought into conformity with the then-current bulk and dimensional requirements of the zone in which it is located; provided, that a single-family residence with nonconforming status in a residential zone may be restored and rebuilt to any extent as long as it does not increase the pre-existing degree of nonconformance; provided, a single-family residence with nonconforming status in zones other than residential may be restored and rebuilt to any extent on the original footprint of the structure's foundation so long as it does not increase the pre-existing degree of nonconformance, ~~upon obtaining a conditional use permit pursuant to this chapter.~~

Section 2. MMC 22C.100.040(3) is hereby amended as follows:

(3) A nonconforming use may be expanded upon the granting of a conditional use permit as provided in this chapter; provided, that such expansion of a nonconforming use shall not increase the land area devoted to the nonconforming use by more than 150 percent of that in use at the effective date of the nonconformance; provided also, that a conditional use permit shall not be required for enlargement of a single family residence in non-residential zones subject to the limitations set forth in MMC 22C.100.030(2), or for construction of an accessory structure such as a garage or shed, provided that the expansion or new structure is sited on the property so as not to preclude conversion of the property to a future, nonresidential use.

Section 3. MMC 22A.010.160, Amendments, of MMC Chapter 22A.010, General Administration, is hereby amended as follows by adding reference to this adopted ordinance in order to track amendments to the City's Unified Development Code:

"22A.010.160 Amendments.

The following amendments have been made to the UDC subsequent to its adoption:

<u>Ordinance</u>	<u>Title (description)</u>	<u>Effective Date</u>
_____	Nonconforming Situations	_____, 2015"

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 4. 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 _____, 2015.

CITY OF MARYSVILLE

By: _____
JON NEHRING, MAYOR

Attest:

By: _____
APRIL O'BRIEN, DEPUTY CITY CLERK

Approved as to form:

By: _____
CITY ATTORNEY

Date of Publication: _____

Effective Date: _____
(5 days after publication)

Index #15

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: January 12, 2014

AGENDA ITEM: Ordinance adopting amendments to the Marysville Municipal Code Chapter 22C.160, <i>Sign Code</i>	AGENDA SECTION: New Business	
PREPARED BY: Chris Holland, Planning Manager	APPROVED BY:	
ATTACHMENTS: 1. PC Recommendation, including: <ul style="list-style-type: none"> • Exhibit A – PC Recommended Ordinance • Exhibit B – PC Public Hearing Minutes, November 25, 2014 • Exhibit C – PC Workshop Minutes, September 23, 2014 2. Adopting Ordinance	MAYOR	CAO
	BUDGET CODE:	
BUDGET CODE:		AMOUNT:

DESCRIPTION:

The intent of some of the provisions outlined in Marysville Municipal Code (MMC) Chapter 22C.160 MMC *Sign Code* are not clear and have been misinterpreted by applicant's. The following sections of the *Sign Code* are proposed to be amended in order to provide better clarification of the intent of the current standards:

1. The "Monument sign" definition in MMC 22A.020.140 is proposed to be modified to limit permanent signs that are 12-feet tall and under to comply with the monument sign standards.
2. The intent of MMC 22C.160.170(10) is for the structural posts of freestanding signs to be enclosed with decorative materials rather than being exposed metal or wood posts. However, as written this provision is often interpreted by customers as just applying to the base, which is not the intent.
3. The intent of MMC 22C.160.180(5) is for the changeable copy of a sign to be limited to thirty-percent (30%) of the sign face/cabinet which is actually constructed, not the total sign area which could be constructed.
4. The intent of MMC 22C.160.240(1)(b) is to limit changing the copy (advertising) within legal nonconforming signs to fixed copy not retrofitting to allow electronic message centers; additional language is proposed to make the intent of this code clearer.

The Planning Commission held a public work session on September 23, 2014 and a duly advertised public hearing on November 12, 2014, which was continued to November 25, 2014. No public comments were received prior to, or at the public hearing. Having considered all of the exhibits and testimony presented, the Planning Commission has recommended adoption of amendments to the MMC Chapter 22C.160, *Sign Code*, as reflected in the attached PC Recommendation.

RECOMMENDED ACTION:

Affirm the Planning Commission's recommendation adopting amendments to Marysville Municipal Code Sections 22A.020.140 "Monument Sign" definition; 22C.160.170(10) Development Standards – Freestanding Signs; 22C.160.180(5) Development Standards – Electronic Message, Animated and Changeable Copy Signs, and 22C.160.240(1)(b) Nonconforming Signs.

COUNCIL ACTION:



COMMUNITY DEVELOPMENT DEPARTMENT
 80 Columbia Avenue ♦ Marysville, WA 98270
 (360) 363-8100 ♦ (360) 651-5099 FAX

PC Recommendation - Sign Code Amendment

The Planning Commission of the City of Marysville, having held a public hearing on November 12, 2014, which was continued to November 25, 2014, in review of amendments related to the Sign Code by amending Marysville Municipal Code (MMC) Sections 22A.020.140 "Monument Sign" definition; 22C.160.170(10) Development Standards – Freestanding Signs; 22C.160.180(5) Development Standards – Electronic Message, Animated and Changeable Copy Signs; 22C.160.240(1)(b) Nonconforming Signs, and having considered the exhibits and testimony presented, does hereby enter the following findings, conclusions and recommendation for consideration by Marysville City Council:

FINDINGS:

1. The Planning Commission held a public work session to review amendments related to the Sign Code on September 23, 2014.
2. The proposed amendment to the City's development regulations is exempt from State Environmental Policy Act review under WAC 197-11-800(19).
3. Community Development Staff submitted the DRAFT amendments related to the Sign Code to the State of Washington Department of Commerce for expedited review pursuant to RCW 36.70A.106(3)(b). No comments were received from State Agencies.
4. The Planning Commission held a duly-advertised public hearing on November 12, 2014, which was continued to November 25, 2014.
5. No public comments were received on the DRAFT amendments to the Sign Code.

CONCLUSION:

At the public hearing, which was continued to November 25, 2014, the Planning Commission recommended adoption of the amendments related to the Sign Code, as reflected in the Ordinance attached hereto as **Exhibit A**, and as reflected in the Planning Commission Minutes attached hereto as **Exhibit(s) B & C**.

RECOMMENDATION:

Forwarded to City Council as a Recommendation of Approval of the development code amendments related to the Sign Code by the Marysville Planning Commission this 25th day of November, 2014.

By: _____

Steve Leifer, Planning Commission Chair

EXHIBIT A

CITY OF MARYSVILLE
Marysville, Washington
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON RELATED TO DEFINITIONS AND THE SIGN CODE AMENDING MARYSVILLE MUNICIPAL CODE (MMC) SECTIONS 22A.020.140 "MONUMENT SIGN" DEFINITION; 22C.160.170(10) DEVELOPMENT STANDARDS – FREESTANDING SIGNS; 22C.160.180(5) DEVELOPMENT STANDARDS – ELECTRONIC MESSAGE, ANIMATED AND CHANGEABLE COPY SIGNS; 22C.160.240(1)(b) NONCONFORMING SIGNS; AND AMENDING MMC SECTION 22A.010.160 GENERAL ADMINISTRATION, RELATED TO TRACKING AMENDMENTS TO THE CITY'S UNIFORM DEVELOPMENT CODE; PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the State Growth Management Act, RCW Chapter 36.70A mandates that cities periodically review and amend development regulations which include but are not limited to zoning ordinances and official controls; and

WHEREAS, RCW 36.70A.106 requires the processing of amendments to the City's development regulations in the same manner as the original adoption of the City's comprehensive plan and development regulations; and

WHEREAS, the State Growth Management Act requires notice and broad public participation when adopting or amending the City's comprehensive plan and development regulations; and

WHEREAS, the City, in reviewing and amending its development regulations has complied with the notice, public participation and processing requirements established by the Growth Management Act, as more fully described below; and

WHEREAS, the City Council of the City of Marysville finds that from time to time it is necessary and appropriate to review and revise provisions of the City's municipal code and development code (MMC Title 22); and

WHEREAS, the development code amendment is consistent with the following required findings of MMC 22G.010.500:

- (1) The amendment is consistent with the purposes of the comprehensive plan;
- (2) The amendment is consistent with the purpose of this title;
- (3) There have been significant changes in the circumstances to warrant a change;
- (4) The benefit or cost to the public health, safety and welfare is sufficient to warrant the action.

WHEREAS, the Planning Commission discussed the above-referenced amendment during a public meeting held on September 23, 2014; and

EXHIBIT A

WHEREAS, on November 12, 2014, the Marysville Planning Commission held a duly-advertised public hearing, which was continued to November 25, 2014; and

WHEREAS, On November 25, 2014, at the continued public hearing, the Marysville Planning Commission made a recommendation to the City Council recommending the adoption of the proposed amendments to the City's development regulations; and

WHEREAS, at a public meeting on January 12, 2015, the Marysville City Council reviewed and considered the Marysville Planning Commission's Recommendation and proposed amendments to the City's development regulations; and

WHEREAS, the City of Marysville has submitted the proposed development regulation revisions to the Washington State Department of Commerce on September 24, 2014, seeking expedited review under RCW 36.70A.160(3)(b) in compliance with the procedural requirement under RCW 36.70A.106; and

WHEREAS, the amendments to the development regulations are exempt from State Environmental Policy Act review under WAC 197-11-800(19);

NOW, THEREFORE, the City Council of the City of Marysville, Washington do ordain as follows:

Section 1. The "Monument sign" definition outlined in MMC 22A.020.140 "M" definitions is hereby amended as follows:

"Monument sign" means a freestanding sign that is attached directly to the ground with a decorative base made of wood, masonry or other similar material. Monument signs may have posts comprised of wood, masonry, or metal so long as the posts are completely surrounded by the decorative base. The width of the top of the sign structure can be no more than 120 percent of the width of the base. Monument signs shall not exceed 12 feet in height, and any permanent freestanding sign 12 feet in height or shorter shall be considered a monument sign except that this definition shall not apply to directional signs.

Section 2. MMC 22C.160.170(10) is hereby amended as follows:

(10) The base of a freestanding sign and all pole or pylon sign supports shall be constructed of landscape materials, such as brick, stucco, stonework, textured wood, tile ~~or~~, textured concrete, or other quality materials as approved by the director, and shall be harmonious with the character of the primary structure. This limitation does not apply to structural elements that are an integral part of the overall design such as decorative metal or wood.

Section 3. MMC 22C.160.180(5) is hereby amended as follows:

(5) Electronic message and changeable copy signs shall not exceed 30 percent of the allowable sign area.

Section 4. MMC 22C.160.240(1)(b) is hereby amended as follows:

(b) A sign is relocated, altered, replaced, or changed in any way, including the sign structure or conversion of fixed copy to an electronic message center. This provision does not include a change in the face of the sign or advertising copy.

EXHIBIT A

Section 5. MMC 22A.010.160, Amendments, of MMC Chapter 22A.010, General Administration, is hereby amended as follows by adding reference to this adopted ordinance in order to track amendments to the City’s Unified Development Code:

“22A.010.160 Amendments.

The following amendments have been made to the UDC subsequent to its adoption:

<u>Ordinance</u>	<u>Title (description)</u>	<u>Effective Date</u>
_____	Sign Code	_____, 2015”

Section 6. 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 7. 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 _____, 2015.

CITY OF MARYSVILLE

By: _____
JON NEHRING, MAYOR

Attest:

By: _____
APRIL O’BRIEN, DEPUTY CITY CLERK

Approved as to form:

By: _____
GRANT K. WEED, CITY ATTORNEY

Date of Publication: _____

Effective Date: _____
(5 days after publication)

PLANNING COMMISSION



MINUTES

November 25, 2014

7:00 p.m.

City Hall

CALL TO ORDER

Chair Leifer called the November 25, 2014 meeting to order at 7:00 p.m. noting excused absence of Commissioners Lebo and Richards and the continuing absence of Commissioner Marvetta Toler. He noted that there was no one in the audience.

Marysville

Chairman: Steve Leifer

Commissioners: Roger Hoen, Jerry Andes, Kay Smith,

Staff: Planning Manager Chris Holland
Associate Planner Angela Gemmer

Absent: Steven Lebo, Kelly Richards, Marvetta Toler

APPROVAL OF MINUTES

Motion made by Commissioner Smith, seconded by Commissioner Andes, to approve the November 12, 2014 Meeting Minutes. **Motion** passed unanimously (4-0).

AUDIENCE PARTICIPATION

None

OLD BUSINESS

- Code Amendments
- Caretaker's Quarters (hearing closed)

Planning Manager Holland presented the revised draft ordinance as discussed at the last meeting. He asked if what was reflected in the revised draft ordinance is indicative of what the Planning Commission had recommended. He pointed out that in the Definitions section the Commission had talked about recreational vehicles or other temporary structures being included. He noted that if you read what a recreational vehicle entails it also includes, but is not limited to campers, motor homes, and travel

trailers. Tents are excluded. In the GI and LI zones other temporary structures, such as Pacific Mobile construction trailers, would also be permitted because there are no design regulations. He solicited Commission comments on the revised draft ordinance.

Chair Leifer commented that the proposed draft ordinance is consistent with his recollection of the Commission's discussion. He agrees that the exclusion of other temporary structures makes sense.

Commissioner Hoen commented that they had also discussed looking into a limitation based on the size of the business. Planning Manager Holland agreed and said it had been included in the minutes, but noted that the recommendation from the Commission had not included that. Commissioner Hoen asked if staff sees any unintended consequences of allowing recreational vehicles as caretaker's quarters. Planning Manager Holland stated that staff does not support the Planning Commission's position and believes that there would be consequences for allowing recreational vehicles as caretaker's quarters.

Chair Leifer clarified his discussion with a staff member from the City of Everett which he had referred to at the last meeting. Since the last meeting, he spoke with other staff members who had a different opinion about the way the code would be interpreted, and they would not allow recreational vehicles as caretaker's quarters.

Motion made by Commissioner Andes, seconded by Commissioner Smith, to have Chair Leifer sign the Planning Commission Recommendation, which includes the revised ordinance allowing recreational vehicles as caretaker's quarters, and forward it to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

PUBLIC HEARING

Chair Leifer reopened the public hearing at 7:12 p.m.

Code Amendments:

- **Legislative Enactment Amendments**

Planning Manager Holland noted that the City got audited by the Washington Cities Insurance Authority (WCIA) this year and one of the focuses was for land use. The City passed, but WCIA pointed out a few deficiencies related to group and adult family homes. Case law states those can't be prohibited from any zone. This ordinance addresses that by permitting those uses in all zones. Also deadlines for approvals have been amended for binding site plans, subdivisions, short subdivisions, etc. Vesting regulations were also amended. Finally, the Code now clarifies what constitutes minor and major amendments for land use actions.

Commissioner Andes asked how the fees were determined. Planning Manager Holland stated that they were based on a fee study done several years ago by looking at other jurisdictions and analyzing staff time for reviews. The only proposed change to the fee

schedule was based on the minor/major amendments modifications. The fee for minor amendments was increased to more accurately reflect the amount of staff time these reviews take.

Chair Leifer asked about extension periods on short plats. Planning Manager Holland explained that short plats and plats are governed by state law. He then reviewed timelines associated with plats and the commercial, or multi-family, site plan extension regulations.

Commissioner Andes asked if you have to prove you are making progress in the five-year period in order to get the one-year extension. Planning Manager Holland affirmed that you do have to show that you have attempted in good faith to submit the final plat within the five-year period.

Chair Leifer said he would have to recuse himself from any voting on this code amendment because he has an issue related to this. He asked what staff's position would be on any further movement on some of the stuff that is still sitting out there that has run out of time. Planning Manager Holland stated there are no proposed changes to commercial and multi-family site plan reviews. He summarized that if they were approved prior to when the Unified Development Code was adopted in 2012 they probably wouldn't be up to the design standards that are in place now. Chair Leifer asked if redesign of those projects would require all new submittal fees. Planning Manager Holland explained that if you had an approved civil construction plans and were approved under the 2005 DOE Stormwater Management Manual you likely wouldn't have to do an amendment. It would just be a matter of resubmitting the same thing and having an engineer stamp them so hopefully it wouldn't be a very big cost burden to the applicant.

Motion made by Commissioner Andes, seconded by Commissioner Smith, to approve this and forward to the Council with a recommendation for approval. **Motion** passed unanimously.

- **Nonconforming Situations**

Planning Manager Holland stated that staff is proposing to eliminate the CUP process and make this administrative which would reduce the cost. Instead, a building permit and site plan submittal showing setbacks would be required. He reviewed the proposed changes which would save costs and staff time.

Motion made by Commissioner Smith, seconded by Commissioner Andes, to approve the Nonconforming code amendments and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **Sign Code**

Angela Gemmer reviewed the four proposed Sign code amendments:

1. Require that signs that are freestanding and under 12-feet be monument-style signs.
2. Clarify the provision that requires that the structural posts of freestanding signs have decorative materials encasing them.
3. Clarify the intent for the changeable copy portion of the sign so it is limited to 30% of the sign area that is actually constructed.
4. Clarify the non-conforming sign provisions to indicate that converting them to an electronic changeable copy sign is not what the reface provision is intended to allow.

Commissioner Andes asked for clarification about the last one. Ms. Gemmer explained that if the sign meets the City's current design standards then you can convert whatever portion is allowable to an electronic changeable copy sign. Otherwise, you would need to retrofit the freestanding sign to meet the current sign code first. Planning Manager Holland commented that this has happened in a lot of the redevelopment of areas like the gas station on 4th Street.

Motion made by Commissioner Smith, seconded by Commissioner Hoen, to approve the sign code amendments and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **Beekeeping**

Ms. Gemmer reviewed two draft alternative ordinances on beekeeping with the following proposed changes:

- Allow a temporary 30-day doubling of the number of hives allowed in order to avoid swarming and other nuisance conditions
- Allow five migratory hives for agricultural purposes. A three-acre site would be allowed 15 hives. Thereafter you could have an additional five hives per acre.

Alternative 1 allows two hives on lots that are less than 10,000 square feet. Alternative 2 would not allow hives on lots less than 3,500 square feet, but would allow two hives on lots over 3,500 square feet up to 10,000 square feet.

Commissioner Andes expressed concern about having hives on small lots at all. 3,500 square feet seems too small to him. Even 5,000 square feet seems too small. He stated that the City needs to protect the public and not the bees.

Commissioner Hoen asked about lot sizes in the City. Planning Manager Holland reviewed these and explained that the size is based on the type of development. As far as building coverage is concerned, in no case can you ever go over 50% of the lot size for your building coverage.

Commissioner Smith concurred with Commissioner Andes.

Commissioner Hoen noted that according to the beekeepers the bees are foraging a mile away anyway. He was not sure what the size breaking point should be. He wondered how they would tell the difference between temporary and permanent hives.

Ms. Gemmer noted that the intent of the code is that this would be complaint-driven similar to the way chickens, dogs, or cats are handled.

There was discussion about approving Alternative 2, but amending the minimum from 3,500 to 5,000 square feet.

Motion made by Commissioner Andes, seconded by Commissioner Hoen, to approve Alternative 2 with the replacement in item 1(i) of 3,500 to 5,000 and (ii) 5,001 to 10,000 and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **Pet Daycares and Kennels**

Ms. Gemmer explained that the proposed code would create a specific use category for pet daycares and continue to allow them in all the zones they are presently allowed except in the Mixed Use zone. Also, the definition for dog kennels is proposed to be amended to eliminate the five-acre threshold to enable dog kennels to site in zones where they would be compatible. Additionally, there are new provisions to the dog daycare and kennel and similar facilities that pertain to health and sanitary conditions that are found in most jurisdictions. There is also a provision to implement setbacks from residences for dog kennels, a provision that dog kennels and daycares comply with the Washington Administrative Code in terms of how much noise is able to be emitted, and different provisions to address noise if noise limits are exceeded.

Chair Leifer asked how the noise levels are measured. Ms. Gemmer explained that it goes by decibels and can be measured with noise equipment. She reviewed the different classes and explained that each zone has a maximum amount of decibels that can be emitted in daytime and nighttime hours.

Commissioner Andes asked about the people who wanted to do a dog shelter in the old Sears building. He noted that would be a good place for a dog kennel. Ms. Gemmer concurred and indicated she would contact them if this code is approved.

Motion made by Commissioner Hoen, seconded by Commissioner Andes, to approve the Pet Daycare and Kennel amendments as presented and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **School, Traffic and Park Impact Fees**

Associate Planner Gemmer explained that the School, Traffic, and Park Impact Fee amendment would increase the term under which the fees collected may be expended from six years to ten years as required by state law.

Motion made by Commissioner Andes, seconded by Commissioner Smith, to approve the amendments regarding School, Traffic, and Park Impact Fees and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **State Environmental Policy Act**

Planning Manager Holland reviewed the proposed changes which would bring the City's code in compliance with the Phase 2 amendments.

Motion made by Commissioner Andes, seconded by Commissioner Hoen, to approve this and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **Wireless Communication Facilities**

Planning Manager Holland stated that this is also related to SEPA review. There were some FCC laws enacted regarding existing wireless communication facilities. Based on that, the state put in an exemption for wireless communication facilities. The proposed amendment would specifically state that in the ordinance to be in compliance with state law.

Chair Leifer asked if there are provisions about locating wireless facility towers. Planning Manager Holland reviewed these.

Motion made by Commissioner Andes, seconded by Commissioner Hoen, to approve this and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

The public hearing was closed at 8:10 p.m.

CITY COUNCIL AGENDA ITEMS AND MINUTES

ADJOURNMENT

Motion made by Commissioner Smith, seconded by Commissioner Andes, to adjourn the meeting at 8:11 p.m. **Motion** passed unanimously.

NEXT MEETING:

December 9, 2014



Laurie Hugdahl, Recording Secretary

PLANNING
COMMISSION



MINUTES

September 23, 2014

7:00 p.m.

City Hall

CALL TO ORDER

Chair Leifer called the September 23, 2014 meeting to order at 7:00 p.m. noting the excused absence of Roger Hoen and the continued absence of Marvetta Toler. He pointed out that there was no one in the audience.

Marysville

Chairman: Steve Leifer

Commissioners: Jerry Andes, Kelly Richards, Kay Smith, Steven Lebo

Staff: Planning Manager Chris Holland, Senior Planner Cheryl Dungan, Associate Planner Angela Gemmer

Absent: Roger Hoen, Marvetta Toler

APPROVAL OF MINUTES

September 9, 2014 Meeting Minutes

Motion made by Commissioner Smith, seconded by Commissioner Richards, to approve the September 9, 2014 Planning Commission Meeting Minutes as presented. **Motion** passed unanimously (5-0).

AUDIENCE PARTICIPATION

None

CITIZEN ADVISORY COMMITTEE FOR HOUSING AND COMMUNITY DEVELOPMENT – PC MEMBER

Planning Manager Holland solicited a volunteer to serve on the Citizen Advisory Committee for Housing and Community Development which is a committee that oversees the CDBG program. The committee serves as a recommending body to the Council. This would involve attending approximately 3-4 short meetings a year with additional meetings on years where the 6-Year Consolidated Plan has to be updated.

There was consensus to nominate Commissioner Roger Hoen (who was not in attendance). Planning Manager Holland stated he would contact Commissioner Hoen to see if he was available. Commissioner Lebo indicated he could do it if no one else was available.

NEW BUSINESS

- Code Amendments

Critical Areas – Geologic Hazard

Senior Planner Dungan stated that due to the recent Oso slide, staff has been reviewing Geologic Hazard code and maps of the City's Critical Areas Ordinance to see if updates are needed. Staff reviewed LIDAR mapping to look for indications of previous slides in Marysville and also looked at other jurisdictions' codes. She noted that LIDAR information for Oso shows significant events over time; however Marysville's slopes are less dramatic and short runs are shorter than in Oso. Staff does not feel there is the potential for an Oso-type slide, but there are some areas, especially along creeks and along Getchell hillside that fall into the category of steep slopes where there could be a potential for landslide and erosion and areas in the flood plain where there could be liquefaction.

Ms. Dungan reviewed proposed amendments to the map and code. Currently Marysville's Critical Areas Ordinance requires a 25-foot setback from the top of bank that can be reduced to 10 feet if a geotechnical expert recommends it. Everett and several other jurisdictions have adopted the International Building Code (IBC). Staff believes this has been very well vetted and is recommending that the City switch from the straight 25-foot setback to allowing a geotechnical expert to make a recommendation on a slope. If the geotechnical expert doesn't recommend a setback or the person doesn't hire a geotechnical engineer, the City would automatically use what is set forth in the IBC which sets setbacks from both the toe and the top of bank. The toe setback would be the length of the slope divided by two plus 15 feet. The top of the slope setback would be the smaller of the height of the slope divided by three or 40 feet. If the geotechnical report recommends buffers less than those established in the IBC, then the report must specifically list their rationale and basis for the reduced buffers.

Commissioner Andes pointed out that the people at the bottom of a slope are generally more affected than the people at the top. He asked why the setback at the bottom isn't a little further. Ms. Dungan explained that this is the IBC standard which has been well vetted through national and international experts on the subject.

Commissioner Andes asked about the picture of the second foundation. Ms. Dungan wasn't sure.

Chair Leifer summarized that with a geotechnical report there could theoretically be a zero foot setback. Ms. Dungan concurred. Chair Leifer thought that the recommendations made sense for people that want to spend the money and the resources for a site-specific review.

Ms. Dungan noted that a hearing would be set for November 12.

Commissioner Lebo asked how often they do these updates. Ms. Dungan replied this is the first time they have reviewed them since 1992, and there haven't been many changes. Commissioner Lebo noted that in areas where they take a lot of trees out things do change. Ms. Dungan concurred. She noted that is why staff would request a geotechnical report in hazardous areas. She stressed that this is putting a lot of the burden on the geotechnical expert who is writing the report to make the recommendation on the setback. Commissioner Lebo referred to the south side to the east side of Whiskey Ridge which is a sloped area with lots of trees gone. Ms. Dungan concurred and noted that most of the area has been developed based on the recommendations of geotechnical experts and with the City's requirement of the retention of vegetation on the steep slopes. Staff periodically looks at LIDAR to see if there are any concerns. In most cases if the vegetation remains the slope is protected.

SEPA Phase 2 Revisions

In 2012 the Planning Commission reviewed Phase 1 SEPA revisions, which were much more significant than the Phase 2 SEPA changes. The majority of these Phase 2 revisions were adopted by reference of SEPA with the exception of a couple places where some wording was changed or text was moved around. She summarized what the state legislature adopted in Phase 2 as well as the proposed staff recommended code amendments contained in the Commission's packet. There were no questions.

SEPA/Wireless Communication Facilities (WCF) Exemption

Senior Planner Dungan explained that there was an additional subsection added that lists wireless facilities that are categorically exempt and references the WAC and MMC as applicable. There were no questions.

School, traffic and park impact fee expenditures

Associate Planner Angela Gemmer explained that the state has increased the amount of time cities have to use the impact fees to ten years from six years. The City is recommending a similar change to be consistent with the state's requirements.

Chair Leifer commented that on one of these when it's collected is well-noted, but it's not so clear on the others. Ms. Gemmer replied that she had only included the portion of the code where the changes were occurring. She offered to bring back the full code sections to answer his question.

Chair Leifer referred to page 2 (item 3b at the top of the page) regarding when and how to grant a credit and noted that it seemed ambiguous. He asked why the owner would be eligible for a credit if the project didn't happen. Why did he pay it in the first place? Planning Manager Holland thought that this referred to situations where the owner might have paid in advance. He thought this might be clarified by looking at the entire code instead of just this portion. He offered to bring back the whole section. Planning Manager Holland also noticed that the "five years" in this section needs to be changed to "ten years". He commented they would search the section to see if there were any other spots where this needed to be changed.

Chair Leifer asked for clarification on School Impact Fees, item d. Planning Manager Holland explained that this was to avoid charging someone twice for impact fees when they pay for an actual capital facilities project identified in the district's capital facilities plan.

Chair Leifer asked how this fits in to the special exemptions on impact fees that apply until July of 2015. Planning Manager Holland explained that the exemptions would stay in place until they sunset in July of 2015.

Chair Leifer referred to real estate tax exemptions and said he was told that Quilceda Creek was exempted from real estate tax. Planning Manager Holland clarified that those units are not market rate. The exemption only works for affordable housing outside of the downtown area.

Sign Code

Associate Planner Gemmer reviewed proposed changes to the sign code:

1. Clarify that the base of freestanding signs are to be wrapped with decorative material.
2. The electronic portion of the sign could only be 30% of the sign that is actually constructed as opposed to 30% of the sign area that could potentially be built.
3. Clarify the nonconforming sign code provision.
4. Signs 12-foot tall or under would be required to monument signs with the exception of directional signs.

Chair Leifer referred to section 5 regarding streamers, pennants, and banners and asked if this would rule out temporary uses of those things. Ms. Gemmer replied that it would not. Those would be addressed in the Temporary Use section.

Commissioner Andes commented that A-board signs are all over the place and no one seems to be doing anything about it. He referred to one by K-Mart that advertises a shop on the other side of the street. He asked when the City would get around to enforcing the existing code. Planning Manager Holland stated that proactive enforcement has been a staffing problem. He commented that staff does regularly pick up A-board signs that do not comply with regulations. There is a conscious effort to not pick on commercial businesses, but if they are blocking the sidewalk or being a distraction to traffic staff will take action. He recommended that people email him if they notice signs that are a problem.

Commissioner Lebo asked about political campaign signs. Planning Manager Holland stated that there are very strict regulations about this, and the City can't touch them. Candidates are supposed to remove them when the campaign is over.

Billboards

Planning Manager Holland explained that Clear Channel has challenged the City's Ordinance to apply the amortization schedule to get rid of billboards. Staff has met with Clear Channel on numerous occasions to talk to them about what the City would like to see done. There are currently 25 billboards and 42 billboard faces in the City. The highest priority for removing billboards is in the downtown area, anywhere south of Grove. Highlights to proposed changes:

- If you install an electronic billboard you would need to remove five other billboards.
- No more than two faces would be allowed for electronic billboards.
- No new billboards unless they are electronic.
- Billboards would have to be available for public service announcements such as Amber Alerts and Strawberry Festival announcements.
- Billboards need to be spaced a minimum of 1000 feet apart.
- There is a 35-foot height limit.
- There is a 100-foot minimum setback from an intersection or a greater distance if other factors are involved that would be a public hazard.
- An electronic billboard would have a 10-foot property setback from the edge of the billboard and 15 feet from the foundation to the public right-of-way.
- There would be a setback of 100 feet from any residential zone
- Additional setbacks could apply for view corridors.
- The recommendation is 5,000 nits in daytime and 500 between sunset and sunrise. LEDs must also have dimming capabilities.
- The rate of changes would be allowed to change not more than once every 8 seconds.

Commissioner Andes commented that 288 square feet seems like a very large sign. Planning Manager Holland noted that it's not as big as it sounds. He offered to provide some pictures so the commissioners could see them in context.

There was discussion about some electronic signs around town and their levels of brightness.

Planning Manager Holland clarified that on Exhibit A the sending area would need to be extended up to include the whole State Avenue to Smokey Pt. Blvd. corridor and end the receiving area at 152nd South to 100th.

OLD BUSINESS

- Honey Bees

Associate Planner Gemmer responded to questions raised at the previous meeting and reviewed proposed amendments regarding beekeeping as contained in her Memo to Gloria Hirashima dated September 17, 2014 (in the Commission's packet).

Commissioner Richards asked how they could get people who are not registered to register. Ms. Gemmer said they could inform people of the requirements if they ask or if someone informs the City of an issue they can send a letter. In general, the philosophy of the City is to not intervene unless there is an issue with compliance that is brought to their attention.

Commissioner Lebo thought that two beehives on 5,000 square feet seems like too much. Ms. Gemmer explained that the beehives are pretty small boxes. She noted that these are suggestions based on other jurisdictions and research staff has done, but the Planning Commission could recommend changes.

Chair Leifer wondered how many bees there are per acre in a natural setting. Ms. Gemmer offered to try to find the answer to that. Chair Leifer wondered how the number of feral bees compares to the proposed allowable amount.

Commissioner Lebo commented that he has a friend who keeps bees and the queen bee occasionally escapes with the whole hive following her and the owner has to go retrieve them.

Planning Manager Holland stated this would be covered at the hearing.

Commissioner Lebo suggested inviting the Department of Agriculture to the hearing to stress the importance of registering hives.

- Kennels

Associate Planner Gemmer reviewed the proposed amendments regarding dog daycares and kennels as contained in her Memo to CAO Hirashima dated September 17, 2014.

Commissioner Lebo asked how staff perceives the enforcement of this. Ms. Gemmer stated that if there are any complaints staff would definitely enforce the code. She noted that there are two dog daycares in town and there haven't been any problems to date. Planning Manager Holland stated that the City also has decibel- measuring equipment that can be utilized if necessary.

NEXT MEETING – October 14

Planning Manager Holland stated that at the next meeting on October 14 the Planning Commission would be covering the Marysville housing profiles. A representative from Snohomish County Housing Authority, who staffs the Affordable Housing Alliance for Snohomish County, will be coming to that meeting.

The School District's capital facilities plans will also be presented at the next meeting. A representative from each district will be present to go over their plans.

Chair Leifer thanked staff for the information provided on Industrial Center areas.

CITY COUNCIL AGENDA ITEMS AND MINUTES

None

ADJOURNMENT

Motion made by Commissioner Richards, seconded by Commissioner Smith, to adjourn the meeting at 8:32 p.m. **Motion** passed unanimously (5-0).



Laurie Hugdahl, Recording Secretary

CITY OF MARYSVILLE
Marysville, Washington
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON RELATED TO DEFINITIONS AND THE SIGN CODE AMENDING MARYSVILLE MUNICIPAL CODE (MMC) SECTIONS 22A.020.140 "MONUMENT SIGN" DEFINITION; 22C.160.170(10) DEVELOPMENT STANDARDS – FREESTANDING SIGNS; 22C.160.180(5) DEVELOPMENT STANDARDS – ELECTRONIC MESSAGE, ANIMATED AND CHANGEABLE COPY SIGNS; 22C.160.240(1)(b) NONCONFORMING SIGNS; AND AMENDING MMC SECTION 22A.010.160 GENERAL ADMINISTRATION, RELATED TO TRACKING AMENDMENTS TO THE CITY'S UNIFORM DEVELOPMENT CODE; PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the State Growth Management Act, RCW Chapter 36.70A mandates that cities periodically review and amend development regulations which include but are not limited to zoning ordinances and official controls; and

WHEREAS, RCW 36.70A.106 requires the processing of amendments to the City's development regulations in the same manner as the original adoption of the City's comprehensive plan and development regulations; and

WHEREAS, the State Growth Management Act requires notice and broad public participation when adopting or amending the City's comprehensive plan and development regulations; and

WHEREAS, the City, in reviewing and amending its development regulations has complied with the notice, public participation and processing requirements established by the Growth Management Act, as more fully described below; and

WHEREAS, the City Council of the City of Marysville finds that from time to time it is necessary and appropriate to review and revise provisions of the City's municipal code and development code (MMC Title 22); and

WHEREAS, the development code amendment is consistent with the following required findings of MMC 22G.010.500:

- (1) The amendment is consistent with the purposes of the comprehensive plan;
- (2) The amendment is consistent with the purpose of this title;
- (3) There have been significant changes in the circumstances to warrant a change;
- (4) The benefit or cost to the public health, safety and welfare is sufficient to warrant the action.

WHEREAS, the Planning Commission discussed the above-referenced amendment during a public meeting held on September 23, 2014; and

WHEREAS, on November 12, 2014, the Marysville Planning Commission held a duly-advertised public hearing, which was continued to November 25, 2014; and

WHEREAS, On November 25, 2014, at the continued public hearing, the Marysville Planning Commission made a recommendation to the City Council recommending the adoption of the proposed amendments to the City's development regulations; and

WHEREAS, at a public meeting on January 12, 2015, the Marysville City Council reviewed and considered the Marysville Planning Commission's Recommendation and proposed amendments to the City's development regulations; and

WHEREAS, the City of Marysville has submitted the proposed development regulation revisions to the Washington State Department of Commerce on September 24, 2014, seeking expedited review under RCW 36.70A.160(3)(b) in compliance with the procedural requirement under RCW 36.70A.106; and

WHEREAS, the amendments to the development regulations are exempt from State Environmental Policy Act review under WAC 197-11-800(19);

NOW, THEREFORE, the City Council of the City of Marysville, Washington do ordain as follows:

Section 1. The "Monument sign" definition outlined in MMC 22A.020.140 "M" definitions is hereby amended as follows:

"Monument sign" means a freestanding sign that is attached directly to the ground with a decorative base made of wood, masonry or other similar material. Monument signs may have posts comprised of wood, masonry, or metal so long as the posts are completely surrounded by the decorative base. The width of the top of the sign structure can be no more than 120 percent of the width of the base. Monument signs shall not exceed 12 feet in height, and any permanent freestanding sign 12 feet in height or shorter shall be considered a monument sign except that this definition shall not apply to directional signs.

Section 2. MMC 22C.160.170(10) is hereby amended as follows:

(10) The base of a freestanding sign and all pole or pylon sign supports shall be constructed of landscape materials, such as brick, stucco, stonework, textured wood, tile ~~or~~, textured concrete, or other quality materials as approved by the director, and shall be harmonious with the character of the primary structure. This limitation does not apply to structural elements that are an integral part of the overall design such as decorative metal or wood.

Section 3. MMC 22C.160.180(5) is hereby amended as follows:

(5) Electronic message and changeable copy signs shall not exceed 30 percent of the allowable sign area.

Section 4. MMC 22C.160.240(1)(b) is hereby amended as follows:

(b) A sign is relocated, altered, replaced, or changed in any way, including the sign structure or conversion of fixed copy to an electronic message center. This provision does not include a change in the face of the sign or advertising copy.

Section 5. MMC 22A.010.160, Amendments, of MMC Chapter 22A.010, General Administration, is hereby amended as follows by adding reference to this adopted ordinance in order to track amendments to the City’s Unified Development Code:

“22A.010.160 Amendments.

The following amendments have been made to the UDC subsequent to its adoption:

<u>Ordinance</u>	<u>Title (description)</u>	<u>Effective Date</u>
_____	Sign Code	_____, 2015”

Section 6. 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 7. 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 _____, 2015.

CITY OF MARYSVILLE

By: _____
JON NEHRING, MAYOR

Attest:

By: _____
APRIL O’BRIEN, DEPUTY CITY CLERK

Approved as to form:

By: _____
CITY ATTORNEY

Date of Publication: _____

Effective Date: _____
(5 days after publication)

Index #16

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: January 12, 2015

AGENDA ITEM Ordinance adopting amendments to Marysville Municipal Code Chapter 10.04 <i>Animal Control</i> , adding a new Section 10.04.335, related to beekeeping	AGENDA SECTION: New Business	
PREPARED BY: Angela Gemmer, Associate Planner	APPROVED BY:	
ATTACHMENTS: 1. PC Recommendation, including: <ul style="list-style-type: none"> • Exhibit A – PC Recommended Ordinance • Exhibit B – PC Public Hearing Minutes, November 25 • Exhibit C – PC Workshop Minutes, October 28 • Exhibit D – PC Workshop Minutes, September 23 • Exhibit E – PC Workshop Minutes, September 9 • Exhibit F – Written Public Comments 2. Adopting Ordinance	MAYOR	CAO
	BUDGET CODE:	
DESCRIPTION:		

The Planning Commission (PC) held public workshops on September 9, September 23, and October 28, 2014, and a duly advertised public hearing on November 25, 2014 to review proposed amendments to the Marysville Municipal Code (MMC) Chapter 10.04 *Animal Control*, adding a new Section 10.04.335, related to beekeeping. The proposed amendments propose regulations including, but not limited to, prohibiting beekeeping on lots that are 5,000 square feet or less; allowing a specified number of hives per lot for lots greater than 5,000 square feet; providing for five hives per acre for agricultural uses on properties that are four acres or larger; and other standards such as hive setbacks or fencing adjacent to hives so that bee movements do not impact neighboring residential uses. Local beekeepers attended a workshop and their feedback resulted in changes to the proposed ordinance such as an allowance for a temporary (30-day) increase in the number of hives to enable proper hive management, and the agricultural exemption noted above.

The Planning Commission received testimony from property owners, staff and other interested parties at the public hearing, following public notice. The PC made a motion to recommend the proposed amendments to Marysville City Council for adoption by ordinance.

RECOMMENDED ACTION:

Affirm the Planning Commission's Recommendation adopting amendment to Marysville Municipal Code Chapter 10.04 *Animal Control*, adding a new Section 10.04.335, related to beekeeping.

COUNCIL ACTION:



COMMUNITY DEVELOPMENT DEPARTMENT
 80 Columbia Avenue ♦ Marysville, WA 98270
 (360) 363-8100 ♦ (360) 651-5099 FAX

PC Recommendation - Beekeeping

The Planning Commission of the City of Marysville, having held a public hearing on November 12, 2014, which was continued to November 25, 2014, in review of amendments related to Beekeeping by amending Marysville Municipal Code (MMC) Chapter 10.04 *Animal Control* by adding a new Section MMC 10.04.335 *Beekeeping*, and having considered the exhibits and testimony presented, does hereby enter the following findings, conclusions and recommendation for consideration by Marysville City Council:

FINDINGS:

1. The Planning Commission held public work sessions to review amendments related to Beekeeping on September 9, September 23, and October 28, 2014.
2. The proposed amendment to MMC Chapter 10.04 *Animal Control* is exempt from State Environmental Policy Act review under WAC 197-11-800(19).
3. The Planning Commission held a duly-advertised public hearing on November 12, 2014, which was continued to November 25, 2014. No public comments were received at the public hearing.
4. Written public comments were received prior to the public hearing, and are attached hereto as **Exhibit F**.

CONCLUSION:

At the public hearing, held on November 12, 2014, which was continued to November 25, 2014, the Planning Commission recommended adoption of amendment to MMC Chapter 10.04 *Animal Control* adding a new Section MMC 10.04.335 *Beekeeping*, as reflected in the Ordinance attached hereto as **Exhibit A**, and as reflected in the Planning Commission Minutes attached hereto as **Exhibit(s) B, C, D & E**.

RECOMMENDATION:

Forwarded to City Council as a Recommendation of Approval of the amendment to MMC Chapter 10.04 *Animal Control* adding a new Section MMC 10.04.335 *Beekeeping* by the Marysville Planning Commission this 25th day of November, 2014.

By: _____

Steve Laifer, Planning Commission Chair

EXHIBIT A

CITY OF MARYSVILLE Marysville, Washington ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON, RELATING TO THE CITY'S ANIMAL CONTROL REGULATIONS; AND ADDING A NEW SECTION 10.04.335 BEEKEEPING TO MMC CHAPTER 10.04 ANIMAL CONTROL.

WHEREAS, the City Council of the City of Marysville finds that from time to time it is necessary and appropriate to review and revise provisions of the City's municipal code; and

WHEREAS, during public meetings on September 9, 2014, September 23, 2014, October 28, 2014, and November 25, 2014, the Planning Commission discussed proposed amendments to add a new Section MMC 10.04.335 regarding beekeeping to the animal control regulations contained in MMC Chapter 10.04; and

WHEREAS, on November 12, 2014, the Marysville Planning Commission held a duly-advertised public hearing, which was continued to November 25, 2014; and

WHEREAS, on November 25, 2014 the Planning Commission made a Recommendation to the City Council recommending adoption of a new Section MMC 10.04.335 regarding beekeeping to the animal control regulations contained in MMC Chapter 10.04; and

WHEREAS, at a public meeting on January 12, 2015 the Marysville City Council reviewed and considered the Planning Commission's Recommendation and proposed addition of MMC 10.04.335 regarding beekeeping to the animal control regulations contained in MMC Chapter 10.04; and

WHEREAS, the City Council finds that it is in the best interest of the community to adopt MMC Section 10.04.335 regulating beekeeping;

NOW, THEREFORE, the City Council of the City of Marysville, Washington do ordain as follows:

Section 1. Approval of Planning Commission's Recommendation and Adoption of Findings and Conclusions. The Planning Commission's November 25, 2014 Recommendation regarding the proposed development regulation revisions and the adoption of a new MMC Section 10.04.335 regarding beekeeping to the animal control regulations contained in MMC Chapter 10.04, including the Findings and Conclusions contained therein, as set forth in the attached Exhibit "A", is hereby adopted and incorporated herein by this reference.

Section 2. MMC Chapter 10.04, Animal Control, is hereby amended by adopting new MMC Section 10.04.335, Beekeeping, to read as follows:

10.04.335 Beekeeping.

Beekeeping shall be permitted subject to the following:

(1) Beehives are permitted in any zone, subject to the following conditions and limitations:

(a) Hives are prohibited on lots that are 5,000 square feet or less;

EXHIBIT A

(b) Two hives on lots between 5,001 and 10,000 square feet;

(c) Five hives on lots between 10,001 and 35,000 square feet;

(d) Fifteen hives on lots over 35,000 square feet; and

(e) The hive limitations outlined in subsections (a)-(d) apply to agricultural uses on lots less than four acres in size. Agricultural uses on lots that are four acres or larger are permitted to have five hives per acre.

(f) The limits on hives outlined in subsections (a)-(e) above may be temporarily increased by 100 percent for a period not to exceed 30 days for the purpose of "splits" (making two hives from an existing hive), or to avoid swarming.

(2) Hives must be set back at least 25 feet from each property line with the following exceptions:

(a) The setback for hives may be reduced to 5 feet from each property line if:

(i) Hives are situated eight feet or more above the adjacent ground level; or

(ii) Hives are less than six feet above the adjacent ground and are behind a solid fence or hedge which is at least six feet in height and parallel to any property within 25 feet of the hives and extending at least 20 feet beyond the hive in both directions.

(iii) Hives abutting a Native Growth Protection Area (NGPA) or open space tract not intended for recreation may be located up to the property line.

(3) Colonies shall be maintained in movable frame hives with a maximum of one colony per hive;

(4) Adequate space shall be provided in each hive to prevent overcrowding and minimize swarming;

(5) Colonies shall be requeened annually, or any time following swarming or aggressive behavior, with a queen of suitable docile strain;

(6) All colonies shall be registered with the Washington State Department of Agriculture in accordance with RCW 15.60 and 15.62; and

(7) Abandoned colonies, diseased bees, or bees living in trees, buildings, or any other space except in movable-frame hives shall constitute a public nuisance, and shall be abated as set forth in Chapter 6.24 MMC, Public Nuisances.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or work 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 4. 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 _____, 2015.

EXHIBIT A

CITY OF MARYSVILLE

By: _____
JON NEHRING, MAYOR

Attest:

By: _____
APRIL O'BRIEN, DEPUTY CITY CLERK

Approved as to form:

By: _____
GRANT K. WEED, CITY ATTORNEY

Date of Publication: _____

Effective Date: _____
(5 days after publication)

PLANNING
COMMISSION



MINUTES

November 25, 2014

7:00 p.m.

City Hall

CALL TO ORDER

Chair Leifer called the November 25, 2014 meeting to order at 7:00 p.m. noting excused absence of Commissioners Lebo and Richards and the continuing absence of Commissioner Marvetta Toler. He noted that there was no one in the audience.

Marysville

- Chairman:** Steve Leifer
- Commissioners:** Roger Hoen, Jerry Andes, Kay Smith,
- Staff:** Planning Manager Chris Holland
Associate Planner Angela Gemmer
- Absent:** Steven Lebo, Kelly Richards, Marvetta Toler

APPROVAL OF MINUTES

Motion made by Commissioner Smith, seconded by Commissioner Andes, to approve the November 12, 2014 Meeting Minutes. **Motion** passed unanimously (4-0).

AUDIENCE PARTICIPATION

None

OLD BUSINESS

- Code Amendments
- Caretaker's Quarters (hearing closed)

Planning Manager Holland presented the revised draft ordinance as discussed at the last meeting. He asked if what was reflected in the revised draft ordinance is indicative of what the Planning Commission had recommended. He pointed out that in the Definitions section the Commission had talked about recreational vehicles or other temporary structures being included. He noted that if you read what a recreational vehicle entails it also includes, but is not limited to campers, motor homes, and travel

trailers. Tents are excluded. In the GI and LI zones other temporary structures, such as Pacific Mobile construction trailers, would also be permitted because there are no design regulations. He solicited Commission comments on the revised draft ordinance.

Chair Leifer commented that the proposed draft ordinance is consistent with his recollection of the Commission's discussion. He agrees that the exclusion of other temporary structures makes sense.

Commissioner Hoen commented that they had also discussed looking into a limitation based on the size of the business. Planning Manager Holland agreed and said it had been included in the minutes, but noted that the recommendation from the Commission had not included that. Commissioner Hoen asked if staff sees any unintended consequences of allowing recreational vehicles as caretaker's quarters. Planning Manager Holland stated that staff does not support the Planning Commission's position and believes that there would be consequences for allowing recreational vehicles as caretaker's quarters.

Chair Leifer clarified his discussion with a staff member from the City of Everett which he had referred to at the last meeting. Since the last meeting, he spoke with other staff members who had a different opinion about the way the code would be interpreted, and they would not allow recreational vehicles as caretaker's quarters.

Motion made by Commissioner Andes, seconded by Commissioner Smith, to have Chair Leifer sign the Planning Commission Recommendation, which includes the revised ordinance allowing recreational vehicles as caretaker's quarters, and forward it to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

PUBLIC HEARING

Chair Leifer reopened the public hearing at 7:12 p.m.

Code Amendments:

- **Legislative Enactment Amendments**

Planning Manager Holland noted that the City got audited by the Washington Cities Insurance Authority (WCIA) this year and one of the focuses was for land use. The City passed, but WCIA pointed out a few deficiencies related to group and adult family homes. Case law states those can't be prohibited from any zone. This ordinance addresses that by permitting those uses in all zones. Also deadlines for approvals have been amended for binding site plans, subdivisions, short subdivisions, etc. Vesting regulations were also amended. Finally, the Code now clarifies what constitutes minor and major amendments for land use actions.

Commissioner Andes asked how the fees were determined. Planning Manager Holland stated that they were based on a fee study done several years ago by looking at other jurisdictions and analyzing staff time for reviews. The only proposed change to the fee

schedule was based on the minor/major amendments modifications. The fee for minor amendments was increased to more accurately reflect the amount of staff time these reviews take.

Chair Leifer asked about extension periods on short plats. Planning Manager Holland explained that short plats and plats are governed by state law. He then reviewed timelines associated with plats and the commercial, or multi-family, site plan extension regulations.

Commissioner Andes asked if you have to prove you are making progress in the five-year period in order to get the one-year extension. Planning Manager Holland affirmed that you do have to show that you have attempted in good faith to submit the final plat within the five-year period.

Chair Leifer said he would have to recuse himself from any voting on this code amendment because he has an issue related to this. He asked what staff's position would be on any further movement on some of the stuff that is still sitting out there that has run out of time. Planning Manager Holland stated there are no proposed changes to commercial and multi-family site plan reviews. He summarized that if they were approved prior to when the Unified Development Code was adopted in 2012 they probably wouldn't be up to the design standards that are in place now. Chair Leifer asked if redesign of those projects would require all new submittal fees. Planning Manager Holland explained that if you had an approved civil construction plans and were approved under the 2005 DOE Stormwater Management Manual you likely wouldn't have to do an amendment. It would just be a matter of resubmitting the same thing and having an engineer stamp them so hopefully it wouldn't be a very big cost burden to the applicant.

Motion made by Commissioner Andes, seconded by Commissioner Smith, to approve this and forward to the Council with a recommendation for approval. **Motion** passed unanimously.

- **Nonconforming Situations**

Planning Manager Holland stated that staff is proposing to eliminate the CUP process and make this administrative which would reduce the cost. Instead, a building permit and site plan submittal showing setbacks would be required. He reviewed the proposed changes which would save costs and staff time.

Motion made by Commissioner Smith, seconded by Commissioner Andes, to approve the Nonconforming code amendments and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **Sign Code**

Angela Gemmer reviewed the four proposed Sign code amendments:

1. Require that signs that are freestanding and under 12-feet be monument-style signs.
2. Clarify the provision that requires that the structural posts of freestanding signs have decorative materials encasing them.
3. Clarify the intent for the changeable copy portion of the sign so it is limited to 30% of the sign area that is actually constructed.
4. Clarify the non-conforming sign provisions to indicate that converting them to an electronic changeable copy sign is not what the reface provision is intended to allow.

Commissioner Andes asked for clarification about the last one. Ms. Gemmer explained that if the sign meets the City's current design standards then you can convert whatever portion is allowable to an electronic changeable copy sign. Otherwise, you would need to retrofit the freestanding sign to meet the current sign code first. Planning Manager Holland commented that this has happened in a lot of the redevelopment of areas like the gas station on 4th Street.

Motion made by Commissioner Smith, seconded by Commissioner Hoen, to approve the sign code amendments and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **Beekeeping**

Ms. Gemmer reviewed two draft alternative ordinances on beekeeping with the following proposed changes:

- Allow a temporary 30-day doubling of the number of hives allowed in order to avoid swarming and other nuisance conditions
- Allow five migratory hives for agricultural purposes. A three-acre site would be allowed 15 hives. Thereafter you could have an additional five hives per acre.

Alternative 1 allows two hives on lots that are less than 10,000 square feet. Alternative 2 would not allow hives on lots less than 3,500 square feet, but would allow two hives on lots over 3,500 square feet up to 10,000 square feet.

Commissioner Andes expressed concern about having hives on small lots at all. 3,500 square feet seems too small to him. Even 5,000 square feet seems too small. He stated that the City needs to protect the public and not the bees.

Commissioner Hoen asked about lot sizes in the City. Planning Manager Holland reviewed these and explained that the size is based on the type of development. As far as building coverage is concerned, in no case can you ever go over 50% of the lot size for your building coverage.

Commissioner Smith concurred with Commissioner Andes.

Commissioner Hoen noted that according to the beekeepers the bees are foraging a mile away anyway. He was not sure what the size breaking point should be. He wondered how they would tell the difference between temporary and permanent hives.

Ms. Gemmer noted that the intent of the code is that this would be complaint-driven similar to the way chickens, dogs, or cats are handled.

There was discussion about approving Alternative 2, but amending the minimum from 3,500 to 5,000 square feet.

Motion made by Commissioner Andes, seconded by Commissioner Hoen, to approve Alternative 2 with the replacement in item 1(i) of 3,500 to 5,000 and (ii) 5,001 to 10,000 and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **Pet Daycares and Kennels**

Ms. Gemmer explained that the proposed code would create a specific use category for pet daycares and continue to allow them in all the zones they are presently allowed except in the Mixed Use zone. Also, the definition for dog kennels is proposed to be amended to eliminate the five-acre threshold to enable dog kennels to site in zones where they would be compatible. Additionally, there are new provisions to the dog daycare and kennel and similar facilities that pertain to health and sanitary conditions that are found in most jurisdictions. There is also a provision to implement setbacks from residences for dog kennels, a provision that dog kennels and daycares comply with the Washington Administrative Code in terms of how much noise is able to be emitted, and different provisions to address noise if noise limits are exceeded.

Chair Leifer asked how the noise levels are measured. Ms. Gemmer explained that it goes by decibels and can be measured with noise equipment. She reviewed the different classes and explained that each zone has a maximum amount of decibels that can be emitted in daytime and nighttime hours.

Commissioner Andes asked about the people who wanted to do a dog shelter in the old Sears building. He noted that would be a good place for a dog kennel. Ms. Gemmer concurred and indicated she would contact them if this code is approved.

Motion made by Commissioner Hoen, seconded by Commissioner Andes, to approve the Pet Daycare and Kennel amendments as presented and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **School, Traffic and Park Impact Fees**

Associate Planner Gemmer explained that the School, Traffic, and Park Impact Fee amendment would increase the term under which the fees collected may be expended from six years to ten years as required by state law.

Motion made by Commissioner Andes, seconded by Commissioner Smith, to approve the amendments regarding School, Traffic, and Park Impact Fees and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **State Environmental Policy Act**

Planning Manager Holland reviewed the proposed changes which would bring the City's code in compliance with the Phase 2 amendments.

Motion made by Commissioner Andes, seconded by Commissioner Hoen, to approve this and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **Wireless Communication Facilities**

Planning Manager Holland stated that this is also related to SEPA review. There were some FCC laws enacted regarding existing wireless communication facilities. Based on that, the state put in an exemption for wireless communication facilities. The proposed amendment would specifically state that in the ordinance to be in compliance with state law.

Chair Leifer asked if there are provisions about locating wireless facility towers. Planning Manager Holland reviewed these.

Motion made by Commissioner Andes, seconded by Commissioner Hoen, to approve this and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

The public hearing was closed at 8:10 p.m.

CITY COUNCIL AGENDA ITEMS AND MINUTES

ADJOURNMENT

Motion made by Commissioner Smith, seconded by Commissioner Andes, to adjourn the meeting at 8:11 p.m. **Motion** passed unanimously.

NEXT MEETING:

December 9, 2014



Laurie Hugdahl, Recording Secretary

PLANNING
COMMISSION



MINUTES

October 28, 2014

7:00 p.m.

City Hall

CALL TO ORDER

Chair Leifer called the October 28, 2014 meeting to order at 7:00 p.m. noting the excused absences of Commissioners Lebo and Richards and the ongoing absence of Marvetta Toler. He also noted the presence of several audience members. Chair Leifer requested a moment of silence for the victims and those hurting as a result of the shooting at Marysville-Pilchuck High School last week.

Marysville

- Chairman:** Steve Leifer
- Commissioners:** Roger Hoen, Jerry Andes, Kay Smith,
- Staff:** Angela Gemmer
- Absent:** Steven Lebo, Kelly Richards, Marvetta Toler

APPROVAL OF MINUTES

October 14, 2014

Chair Leifer referred to page 4 of 8, paragraph 2, and noted it should be *Lakewood school area* instead of Lake Stevens. He also noted that on page 7, the second to last paragraph, the word *not* should be removed.

Commissioner Smith noted she would be abstaining from the vote as she was absent from the meeting.

Motion made by Commissioner Andes, seconded by Commissioner Hoen, to approve the October 14 Meeting Minutes as amended. **Motion** passed unanimously.

Public Hearing

- Caretaker's Quarters code amendment

The public hearing was opened at 7:04

Angela Gemmer introduced this item and reviewed the proposed Ordinance regarding Caretaker's Quarters.

Commissioner Andes asked if this would still disallow mobile homes in all cases. Ms. Gemmer explained that in the Light Industrial and General Industrial zones a manufactured home would be possible. There is a provision for a job shack or temporary structure for construction situations or if you are caring for an invalid family member. You would have to anchor it per the manufacturer's specifications but it wouldn't have to meet design requirements in Light Industrial or General Industrial zones. In other commercial zones there are design standards that would apply.

Commissioner Andes expressed concern about the extra cost associated with this. He referred to the new car dealerships and said he has seen a motor home that appears to be used strictly for surveillance and monitoring the automobiles when the place is closed. It seems to him like the regulations should be part of the permit process to inform businesses that they will have to provide space for something specific to caretaking because they don't have room in their buildings for somebody to stay and live permanently. Ms. Gemmer agreed that this might be a good thing to bring up to applicants. Not everyone wants someone onsite for that purpose, but if you are going to have someone, there are specific requirements. Ms. Gemmer offered to table this item and bring it back with more clarification on that.

Commissioner Hoen asked for clarification. Ms. Gemmer noted that if you are constructing a personal residence or developing a subdivision you can have a job shack.

Commissioner Andes expressed concern about this being a burden to business owners to have to attach something to the ground to protect their inventory. He thought they should allow someone to pull in temporarily to watch over things.

Chair Leifer reiterated that he is thoroughly supportive of allowing someone to stay in a decent RV to watch over the wares and the treasures of businesses in this community that so often have been vandalized over and over again. The police are just not able to stop it. For the most part these crimes just go unabated and the losses mount up for businesses. For some businesses this equates to hundreds of thousands of dollars in losses. It bothers him that the City is so concerned about problems that *might* come up as a result of allowing that situation to take place when there are other ways of dealing with abuse of the situation. He thinks that the City should be more flexible and not require hooking up to water and sewer and other construction costs just to have someone come onto the site. He noted that a lot of times a roving RV is a much more effective way to secure the site anyway. He summarized that this is not a fair analysis of

the situation, but it appears that staff is adamant about it. Perhaps going forward as things change they can take another look at it.

Commissioner Smith strongly agreed with Chair Leifer. There was a time when she was in the same position as a small business owner where things were being stolen because there was nobody there to protect them. She can't understand why the City can't help the small business person or even the big businesses and would disregard that situation.

Ms. Gemmer said she'd be happy to table this matter for further discussion. She stated she would take these concerns back to staff to see if something needs to be reworked. She pointed out that today a camper or RV is not allowed so that part is not changing with this proposal. The intent of this amendment is so that existing structures in commercial zones that have been abandoned for residential purposes are not reestablished for caretaking quarters. It sounds like there are two different concerns. The objective of staff is to prevent the circumvention of the caretaker's quarter's provisions. The concern brought up by the Planning Commission, regarding the type of structure being too stringent, is not proposed to be changed with this amendment. She thought it might be appropriate for Planning Manager Chris Holland to address that matter with the Planning Commission.

Commissioner Hoen asked if there has been research of other jurisdictions about their codes regarding caretaker's quarters. Ms. Gemmer stated she had researched this in the past and there is not a lot to compare to. She offered to look into it again.

Commissioner Andes said it seems like two separate issues. He is supportive of the residential property portion of the code, but has serious concerns about the manufactured home requirements issue.

Chair Leifer commented that it's not totally separate because RVs would still be precluded under this ordinance. Ms. Gemmer replied that this might actually be a building code issue. Chair Leifer commented that refers to the use of job shacks and that sort of things on job sites that are under construction. The subject is on the table, but it doesn't allow it for any other situation other than that. That apparently negates the option to utilize them. Ms. Gemmer agreed that the Temporary Use code explicitly states what the use and purpose is. There is a provision for the Community Development Director to authorize additional temporary uses not listed specifically; However, if something is specifically listed that is the provision that would be used.

Chair Leifer commented that the consensus of the Planning Commission members present tonight appears to be that it would be beneficial to allow RVs. He noted that there appears to be a disagreement between what the Planning Commission believes is best and what the staff wants. Ms. Gemmer stated she would take these concerns back to Planning Manager Chris Holland.

Commissioner Hoen commented that it seems like there is an overriding concern about unintended consequences of this. It appears that the objective of staff is to avoid the

unintended consequence of somebody moving his family onto a commercial site as opposed to allowing someone to do his job.

Ms. Gemmer stated that the permanence issue is not changing. Today, with a footnote in the permitted uses matrices, an RV or camper trailer would not be allowed to be utilized for a caretaker's quarters. The concern raised by the Planning Commission is status quo. The intent of the proposal is to prevent something that is not truly a caretaker's quarters from being established in a commercial zone.

Commissioner Andes asked what staff thinks the car dealers are going to say when the City sends the code enforcement officer out there to say they have to remove their motor home. He doesn't think they will comply because they have millions of dollars of inventory they need to protect.

Chair Leifer wondered who in the world is driving around worrying about whether there is an RV parked on some industrial site or a commercial lot. Ms. Gemmer thought it was mainly complaint driven. Chair Leifer stated he is totally against the direction this is going.

Commissioner Andes said he would like to see more work done on this particular issue and to bring it back for more discussion. He stressed that business owners need to be able to protect their assets by having someone on site to monitor things.

Motion made by Commissioner Andes, seconded by Commissioner Smith, to bring this back for reconsideration. **Motion** passed unanimously.

Commissioner Hoen said he is familiar with someone who has a pretty sophisticated camera/alarm system that detects motion and calls his house. This seems to be cost effective for mid-range businesses.

The hearing was closed at 7:30 p.m.

Old Business

- Bees

Commissioner Smith pointed out a typo in the memo where *aviary* was mistakenly used instead of *apiary*.

Jeff Thompson, Mr. Thompson, President, Northwest District Beekeepers Association gave a presentation on beekeeping to the Planning Commission. The purpose of the NW Beekeepers is to encourage people to become beekeepers and assist them in being good beekeepers. He is also a master gardener.

He expressed concern about the proposed ordinance's focus on lot size. He noted that when addressing new beekeepers they always encourage them to start with two hives to balance things out and to help prevent swarming. Beekeepers don't want hives that

swarm because it ruins honey production. Beekeepers have a responsibility as well as an economic incentive to keep their hives from swarming. A lot of things in the ordinance are things that could be considered good beekeeping practices and he has no issue with them. However, having one hive makes it very difficult. He explained that honeybees don't even exist in the wild anymore. He noted that bees only swarm when they are too crowded or when they are looking for something they don't have. He commented that sometimes people don't know the difference between honeybees and yellow jackets. He addressed concerns about deaths related to bee stings. He explained that more than half of the people who died (2500 people) of anaphylactic reactions in the last 21 years died as a result of prescription medication not bees. The real problem is very small. Bees are not a major cause of death. Most beekeepers are very responsible people.

Regarding lot size requirements, he stated that Marysville's proposal is the most restrictive he has seen. He thinks they are doing citizens a disservice with this. Bees are one of the most fascinating, most studied insects in the world. He encouraged the City to allow more hives per lot.

Chair Leifer asked what an Africanized bee is. Mr. Johnson explained that Africanized bees are a type of bees that came from Africa and originally came to this country for research purposes and escaped to the wild. When they attack, Africanized bees (or killer bees) attack a person in a large hive or swarm instead of individually as honeybees do. Beekeepers don't want them.

Chair Leifer asked how many bees exist in nature in a certain area. Mr. Johnson explained that specific crops like almonds, only the honey bee can pollinate it. The more pollinators you get the higher the production. Apples can be pollinated by mason bees or honeybees. Regarding a background number of honeybees in a community he said he didn't have a good answer on that. Chair Leifer wondered how many bees a farmer would need to pollinate their crops.

Dan Hall, 5325 77th Place NE, Marysville, WA 98270, explained that there is no specific number. It varies from crop to crop.

Chair Leifer commented that if they can't come up with a certain number of bees that it takes to pollinate a certain amount of crops, agricultural uses should be exempt from these regulations. Mr. Hall explained that farmers aren't going to want to pay for more bees than they need so it's sort of self-limiting. He agrees that an agricultural exemption makes perfect sense because that's not where the concern is anyway. You don't want to limit farmers from getting the pollination they need. He added that one reason honeybees are used for crops is because they are movable from crop to crop. You can't do that with other kinds of bees.

Mr. Hall stated this is his fourth year keeping bees. He agrees that having some parameters is a very good thing, but he hopes it won't be detrimental to the hobbyist beekeeper. He noted that having two hives gives beekeepers the ability to manage those hives and see the growth. Regarding a number of bees per beehive, he

commented on the changes that a beehive undergoes throughout the year. By the end of July or August the hive is huge compared to the size it is in February. Also, trying to limit a hive to try to limit the number of bees in a specific neighborhood doesn't make sense because they will forage 2 to 5 miles away. Bees only swarm when they run out of space. Beekeepers manage the hives to avoid that. Limiting the hives to only one per lot is not doing anyone a favor. He recommended having a minimum amount of two hives instead of one.

Larry Brainard, 829 Dayton Street, Edmonds, WA stated he has been a beekeeper for about five years. He has 65 hives on many lots that he manages full time. He acknowledged that they need to do the right thing for communities, but wondered if square footage is the appropriate way to regulate this. He suggested looking at courses offered by Washington State Beekeepers Association and the Master Beekeepers at different levels. In addition to all other aspects of study, taking an apprentice course is really important. Good beekeeping also requires good communication with neighbors because the forage area of a colony is about 1 to 4 miles from the hive. One of the factors for bee colony health is the availability of the forage area.

Mr. Hall explained that this is self-regulating because the area has to be able to support the hives. He stated that the one change he would recommend is changing the limit of one hive to a minimum of two hives.

Mr. Johnson concurred that the limitation of one hive would preclude anyone from really being a good beekeeper. There was discussion about how beekeepers sometimes separate a hive into two to address growth. Regarding annual requeening, Mr. Johnson noted that this is very important. He requeens his hives every year to prevent swarming. Conscientious beekeepers do this as needed to prevent swarming. Mr. Hall commented on the misconception about what a bee is and what a honeybee is in particular. People don't understand that if it's coming out of a paper nest it's not a honeybee. Honeybees travel to a home such as a hole in a tree; they don't make a home. He noted that the honeybee can't survive without humans in this climate. Mr. Brainard noted that beekeepers are beneficial to a community because they will go out and collect bee swarms from other people's property. In principle, the more beekeepers you have the more availability of beekeepers you have to control swarms in a community.

Teresa Jorgenson, 7032 66th Drive NE, Marysville, WA 98270, spoke to the benefit of beekeepers in the community. Her daughter was able to identify yellow jackets for a neighbor who then knew how to deal with them. This has been a great family project for her and her daughter.

Chair Leifer suggested changing the ordinance by going from one to two hives on lots less than or equal to 5,000 square feet and an added provision that would exempt all agricultural uses from the regulations.

Mr. Hall thought it was a good compromise. Mr. Johnson agreed, but noted that sometimes there is a need to have an extra hive to prevent swarm prevention. He said

he saw another ordinance that allowed temporary hives for 30 days when hives need to be expanded temporarily. He spoke to the importance of allowing flexibility.

There was discussion about the need for community education on this topic. Mr. Johnson noted that most beekeepers are very responsible. He also spoke to the importance of encouraging good beekeeping habits. Mr. Brainard commented that 9 times out of 10 the stings are not from honeybees, but from yellow jackets or hornets.

Mr. Brainard discussed Africanized bees or killer bees and why they are not a threat to this area. There was also discussion about the international black market honey business.

Mr. Johnson offered to assist staff in crafting some language

Motion by Commissioner Hoen, seconded by Commissioner Andes, to direct staff to address issues related to:

- Minimum of two hives
- Lot sizes
- Provision for temporary increase to avoid swarming issues
- Consideration of exclusion legitimate agricultural uses

Motion passed unanimously (4-0).

The Commission thanked the beekeepers for coming in to share the information.


CITY COUNCIL AGENDA ITEMS AND MINUTES

ADJOURNMENT

Motion made by Commissioner Hoen, seconded by Commissioner Smith, to adjourn the meeting at 9:15 p.m. **Motion** passed unanimously.

NEXT MEETING:

November 12, 2014



Angela Gemmer, Associate Planner
for Laurie Hugdahl, Recording Secretary

PLANNING
COMMISSION



MINUTES

September 23, 2014

7:00 p.m.

City Hall

CALL TO ORDER

Chair Leifer called the September 23, 2014 meeting to order at 7:00 p.m. noting the excused absence of Roger Hoen and the continued absence of Marvetta Toler. He pointed out that there was no one in the audience.

Marysville

Chairman: Steve Leifer

Commissioners: Jerry Andes, Kelly Richards, Kay Smith, Steven Lebo

Staff: Planning Manager Chris Holland, Senior Planner Cheryl Dungan, Associate Planner Angela Gemmer

Absent: Roger Hoen, Marvetta Toler

APPROVAL OF MINUTES

September 9, 2014 Meeting Minutes

Motion made by Commissioner Smith, seconded by Commissioner Richards, to approve the September 9, 2014 Planning Commission Meeting Minutes as presented. **Motion** passed unanimously (5-0).

AUDIENCE PARTICIPATION

None

CITIZEN ADVISORY COMMITTEE FOR HOUSING AND COMMUNITY DEVELOPMENT – PC MEMBER

Planning Manager Holland solicited a volunteer to serve on the Citizen Advisory Committee for Housing and Community Development which is a committee that oversees the CDBG program. The committee serves as a recommending body to the Council. This would involve attending approximately 3-4 short meetings a year with additional meetings on years where the 6-Year Consolidated Plan has to be updated.

There was consensus to nominate Commissioner Roger Hoen (who was not in attendance). Planning Manager Holland stated he would contact Commissioner Hoen to see if he was available. Commissioner Lebo indicated he could do it if no one else was available.

NEW BUSINESS

- Code Amendments

Critical Areas – Geologic Hazard

Senior Planner Dungan stated that due to the recent Oso slide, staff has been reviewing Geologic Hazard code and maps of the City's Critical Areas Ordinance to see if updates are needed. Staff reviewed LIDAR mapping to look for indications of previous slides in Marysville and also looked at other jurisdictions' codes. She noted that LIDAR information for Oso shows significant events over time; however Marysville's slopes are less dramatic and short runs are shorter than in Oso. Staff does not feel there is the potential for an Oso-type slide, but there are some areas, especially along creeks and along Getchell hillside that fall into the category of steep slopes where there could be a potential for landslide and erosion and areas in the flood plain where there could be liquefaction.

Ms. Dungan reviewed proposed amendments to the map and code. Currently Marysville's Critical Areas Ordinance requires a 25-foot setback from the top of bank that can be reduced to 10 feet if a geotechnical expert recommends it. Everett and several other jurisdictions have adopted the International Building Code (IBC). Staff believes this has been very well vetted and is recommending that the City switch from the straight 25-foot setback to allowing a geotechnical expert to make a recommendation on a slope. If the geotechnical expert doesn't recommend a setback or the person doesn't hire a geotechnical engineer, the City would automatically use what is set forth in the IBC which sets setbacks from both the toe and the top of bank. The toe setback would be the length of the slope divided by two plus 15 feet. The top of the slope setback would be the smaller of the height of the slope divided by three or 40 feet. If the geotechnical report recommends buffers less than those established in the IBC, then the report must specifically list their rationale and basis for the reduced buffers.

Commissioner Andes pointed out that the people at the bottom of a slope are generally more affected than the people at the top. He asked why the setback at the bottom isn't a little further. Ms. Dungan explained that this is the IBC standard which has been well vetted through national and international experts on the subject.

Commissioner Andes asked about the picture of the second foundation. Ms. Dungan wasn't sure.

Chair Leifer summarized that with a geotechnical report there could theoretically be a zero foot setback. Ms. Dungan concurred. Chair Leifer thought that the recommendations made sense for people that want to spend the money and the resources for a site-specific review.

Ms. Dungan noted that a hearing would be set for November 12.

Commissioner Lebo asked how often they do these updates. Ms. Dungan replied this is the first time they have reviewed them since 1992, and there haven't been many changes. Commissioner Lebo noted that in areas where they take a lot of trees out things do change. Ms. Dungan concurred. She noted that is why staff would request a geotechnical report in hazardous areas. She stressed that this is putting a lot of the burden on the geotechnical expert who is writing the report to make the recommendation on the setback. Commissioner Lebo referred to the south side to the east side of Whiskey Ridge which is a sloped area with lots of trees gone. Ms. Dungan concurred and noted that most of the area has been developed based on the recommendations of geotechnical experts and with the City's requirement of the retention of vegetation on the steep slopes. Staff periodically looks at LIDAR to see if there are any concerns. In most cases if the vegetation remains the slope is protected.

SEPA Phase 2 Revisions

In 2012 the Planning Commission reviewed Phase 1 SEPA revisions, which were much more significant than the Phase 2 SEPA changes. The majority of these Phase 2 revisions were adopted by reference of SEPA with the exception of a couple places where some wording was changed or text was moved around. She summarized what the state legislature adopted in Phase 2 as well as the proposed staff recommended code amendments contained in the Commission's packet. There were no questions.

SEPA/Wireless Communication Facilities (WCF) Exemption

Senior Planner Dungan explained that there was an additional subsection added that lists wireless facilities that are categorically exempt and references the WAC and MMC as applicable. There were no questions.

School, traffic and park impact fee expenditures

Associate Planner Angela Gemmer explained that the state has increased the amount of time cities have to use the impact fees to ten years from six years. The City is recommending a similar change to be consistent with the state's requirements.

Chair Leifer commented that on one of these when it's collected is well-noted, but it's not so clear on the others. Ms. Gemmer replied that she had only included the portion of the code where the changes were occurring. She offered to bring back the full code sections to answer his question.

Chair Leifer referred to page 2 (item 3b at the top of the page) regarding when and how to grant a credit and noted that it seemed ambiguous. He asked why the owner would be eligible for a credit if the project didn't happen. Why did he pay it in the first place? Planning Manager Holland thought that this referred to situations where the owner might have paid in advance. He thought this might be clarified by looking at the entire code instead of just this portion. He offered to bring back the whole section. Planning Manager Holland also noticed that the "five years" in this section needs to be changed to "ten years". He commented they would search the section to see if there were any other spots where this needed to be changed.

Chair Leifer asked for clarification on School Impact Fees, item d. Planning Manager Holland explained that this was to avoid charging someone twice for impact fees when they pay for an actual capital facilities project identified in the district's capital facilities plan.

Chair Leifer asked how this fits in to the special exemptions on impact fees that apply until July of 2015. Planning Manager Holland explained that the exemptions would stay in place until they sunset in July of 2015.

Chair Leifer referred to real estate tax exemptions and said he was told that Quilceda Creek was exempted from real estate tax. Planning Manager Holland clarified that those units are not market rate. The exemption only works for affordable housing outside of the downtown area.

Sign Code

Associate Planner Gemmer reviewed proposed changes to the sign code:

1. Clarify that the base of freestanding signs are to be wrapped with decorative material.
2. The electronic portion of the sign could only be 30% of the sign that is actually constructed as opposed to 30% of the sign area that could potentially be built.
3. Clarify the nonconforming sign code provision.
4. Signs 12-foot tall or under would be required to monument signs with the exception of directional signs.

Chair Leifer referred to section 5 regarding streamers, pennants, and banners and asked if this would rule out temporary uses of those things. Ms. Gemmer replied that it would not. Those would be addressed in the Temporary Use section.

Commissioner Andes commented that A-board signs are all over the place and no one seems to be doing anything about it. He referred to one by K-Mart that advertises a shop on the other side of the street. He asked when the City would get around to enforcing the existing code. Planning Manager Holland stated that proactive enforcement has been a staffing problem. He commented that staff does regularly pick up A-board signs that do not comply with regulations. There is a conscious effort to not pick on commercial businesses, but if they are blocking the sidewalk or being a distraction to traffic staff will take action. He recommended that people email him if they notice signs that are a problem.

Commissioner Lebo asked about political campaign signs. Planning Manager Holland stated that there are very strict regulations about this, and the City can't touch them. Candidates are supposed to remove them when the campaign is over.

Billboards

Planning Manager Holland explained that Clear Channel has challenged the City's Ordinance to apply the amortization schedule to get rid of billboards. Staff has met with Clear Channel on numerous occasions to talk to them about what the City would like to see done. There are currently 25 billboards and 42 billboard faces in the City. The highest priority for removing billboards is in the downtown area, anywhere south of Grove. Highlights to proposed changes:

- If you install an electronic billboard you would need to remove five other billboards.
- No more than two faces would be allowed for electronic billboards.
- No new billboards unless they are electronic.
- Billboards would have to be available for public service announcements such as Amber Alerts and Strawberry Festival announcements.
- Billboards need to be spaced a minimum of 1000 feet apart.
- There is a 35-foot height limit.
- There is a 100-foot minimum setback from an intersection or a greater distance if other factors are involved that would be a public hazard.
- An electronic billboard would have a 10-foot property setback from the edge of the billboard and 15 feet from the foundation to the public right-of-way.
- There would be a setback of 100 feet from any residential zone
- Additional setbacks could apply for view corridors.
- The recommendation is 5,000 nits in daytime and 500 between sunset and sunrise. LEDs must also have dimming capabilities.
- The rate of changes would be allowed to change not more than once every 8 seconds.

Commissioner Andes commented that 288 square feet seems like a very large sign. Planning Manager Holland noted that it's not as big as it sounds. He offered to provide some pictures so the commissioners could see them in context.

There was discussion about some electronic signs around town and their levels of brightness.

Planning Manager Holland clarified that on Exhibit A the sending area would need to be extended up to include the whole State Avenue to Smokey Pt. Blvd. corridor and end the receiving area at 152nd South to 100th.

OLD BUSINESS

- Honey Bees

Associate Planner Gemmer responded to questions raised at the previous meeting and reviewed proposed amendments regarding beekeeping as contained in her Memo to Gloria Hirashima dated September 17, 2014 (in the Commission's packet).

Commissioner Richards asked how they could get people who are not registered to register. Ms. Gemmer said they could inform people of the requirements if they ask or if someone informs the City of an issue they can send a letter. In general, the philosophy of the City is to not intervene unless there is an issue with compliance that is brought to their attention.

Commissioner Lebo thought that two beehives on 5,000 square feet seems like too much. Ms. Gemmer explained that the beehives are pretty small boxes. She noted that these are suggestions based on other jurisdictions and research staff has done, but the Planning Commission could recommend changes.

Chair Leifer wondered how many bees there are per acre in a natural setting. Ms. Gemmer offered to try to find the answer to that. Chair Leifer wondered how the number of feral bees compares to the proposed allowable amount.

Commissioner Lebo commented that he has a friend who keeps bees and the queen bee occasionally escapes with the whole hive following her and the owner has to go retrieve them.

Planning Manager Holland stated this would be covered at the hearing.

Commissioner Lebo suggested inviting the Department of Agriculture to the hearing to stress the importance of registering hives.

- Kennels

Associate Planner Gemmer reviewed the proposed amendments regarding dog daycares and kennels as contained in her Memo to CAO Hirashima dated September 17, 2014.

Commissioner Lebo asked how staff perceives the enforcement of this. Ms. Gemmer stated that if there are any complaints staff would definitely enforce the code. She noted that there are two dog daycares in town and there haven't been any problems to date. Planning Manager Holland stated that the City also has decibel- measuring equipment that can be utilized if necessary.

NEXT MEETING – October 14

Planning Manager Holland stated that at the next meeting on October 14 the Planning Commission would be covering the Marysville housing profiles. A representative from Snohomish County Housing Authority, who staffs the Affordable Housing Alliance for Snohomish County, will be coming to that meeting.

The School District's capital facilities plans will also be presented at the next meeting. A representative from each district will be present to go over their plans.

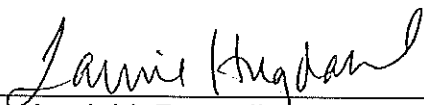
Chair Leifer thanked staff for the information provided on Industrial Center areas.

CITY COUNCIL AGENDA ITEMS AND MINUTES

None

ADJOURNMENT

Motion made by Commissioner Richards, seconded by Commissioner Smith, to adjourn the meeting at 8:32 p.m. **Motion** passed unanimously (5-0).



Laurie Hugdahl, Recording Secretary

PLANNING
COMMISSION



MINUTES

September 9, 2014

7:00 p.m.

City Hall

CALL TO ORDER

Chair Leifer called the September, 2014 meeting to order at 7:00 p.m. noting no one in the audience and the excused absence of Roger Hoen and the continuing absence of Marvetta Toler.

Marysville

Chairman: Steve Leifer

Commissioners: Jerry Andes, Kay Smith, Steven Lebo, Kelly Richards

Staff: Planning Manager Chris Holland, Associate Planner Angela Gemmer

Absent: Roger Hoen, Marvetta Toler

APPROVAL OF MINUTES

July 8, 2014

Motion made by Commissioner Andes, seconded by Commissioner Richards, to approve the July 8, 2014 Meeting Minutes. **Motion** passed unanimously (5-0).

AUDIENCE PARTICIPATION

None

NEW BUSINESS

WCIA Audit Code Amendments

Planning Manager Holland explained that the City passed the WCIA Land Use Audit, but the auditors pointed out some deficiencies based on new state laws and other factors regarding: Group Homes, Adult Family Homes and Daycare 1; Subdivision

Deadlines; and Vesting. Additionally staff has been receiving a lot of questions about issues related to proposed minor and major amendments to the site plans, binding site plans, short plats and subdivisions.

- Group Homes, Adult Family Homes and Daycare 1

Associate Planner Angela Gemmer explained that staff is proposing changes to the permitted uses matrices. Under state law, the City cannot treat Adult Family Homes differently than other sorts of single-family residences. The code would be amended to allow Adult Family Homes if there are existing single family residences in all commercial zones. A new single family residence would not be allowed, but if there is an existing single family residence, this amendment would enable people to pursue an Adult Family Home. Similarly, state law requires that family daycares be allowed in all zones. The code is proposed to be amended to allow Daycare 1 within commercial zones. The other change being proposed is to allow Residential Care Facilities if an existing single-family residence is in a commercial zone. With those amendments the City's code would be in compliance with the state requirement to allow Daycare 1's and adult family homes within all zones.

- Subdivision Deadlines

Planning Manager Holland discussed the changes regarding this over the years. The proposed changes would bring the City in alignment with the state RCW by amending the subdivision approval terms and short subdivision approval terms to match what is included in the RCW. This means 90 days to be approved or returned to the applicant for modifications or corrections. A final subdivision has to be approved within five years if approved after January 1, 2015. The applicant would have seven years to have a final subdivision or short subdivision if it received preliminary approval before December 31, 2014 or ten years if it received preliminary approval before December 31, 2007. The City has always treated the subdivisions and short subdivisions per the RCWs, but this would codify it for clarification.

Chair Leifer asked if the response time was 60 days or 120 days before this. Planning Manager Holland replied that it was 60 days in the City's code for short subdivisions, and 90 days for the rest. He acknowledged that the RCW is confusing. Generally, the City's response time is about three weeks. General discussion about response times followed.

Commissioner Andes asked about the possibility for extensions. Planning Manager Holland indicated that there is still a provision for a one-year extension from the Community Development Director.

Chair Leifer asked how these provisions work with the special extensions for civil construction plans that were given during the economic downturn. Planning Manager Holland explained that in the Engineering section of the code it states that your approval is good for as long as the project approval is good.

- Vesting

Planning Manager Holland commented that the current vesting language is substandard, and the auditor provided examples of better vesting language. Staff is proposing to eliminate the entire current vesting section and replace it with a new section. Planning Manager Holland reviewed the proposed vesting language consisting of Purpose, Applicability, Vesting of Applications, Duration of Vesting, and Waiver of Vesting. He emphasized that vesting does not apply to processes.

- Minor and Major Amendments

Staff is proposing the following changes. A minor amendment for a short subdivision would mean not more than one additional lot. For subdivisions, single-family detached units, cottage housing, townhomes, and multi-family developments, a minor amendment would be the lesser of a 10 percent increase in the number of lots or units or an additional 10 lots or units; a reduction in the number of lots or units; a change in access points; a change in project boundaries required to address surveying errors or other issues; a change to the internal lot lines that does not increase lot or unit count beyond the amount allowed; a change in the aggregate areas of designated open space that would decrease the amount by more than 10 percent; or a change not addressed above that does not substantially alter the character of the approved development application or site plan and prior approval.

Commissioner Andes commented that if you go from a vault to a pond, but you give up a lot or two to get the open space back to where it should have been it shouldn't be a major modification. Chris Holland concurred.

Planning Manager Holland explained that a major revision for a subdivision would be the lesser of a 20% increase in the number of lots or units or an additional 20 lots or units; a change in the project boundaries; a change in lot lines, a change in the aggregate area of designated open space beyond what is allowed as a minor revision; and a change not addressed above. Proposed increases to fees related to associated costs were also reviewed (page 8 of 8 in the Commission Packet in the WCIA Audit section). The fees are based on the amount of scrutiny required for a major amendment.

There were no questions or concerns raised.

Master Planned Senior Communities

Planning Manager Holland explained that staff recently received a request to do a Master Planned Senior Community in a Community Business zone. The Master Plan provides for a variety of housing and care options for senior citizens including independent senior housing, assisted living, nursing care, recreation, dining, and onsite medical facilities. The City does not see commercial zones as the most desirable zone

for these types of facilities. The City Council recently set a public hearing to enact a moratorium to not allow Master Planned Senior Communities in commercial zones for a period of 6-months. He pointed out that the General Description, Criteria, and Standards for those zones is also included in the packet. Staff is proposing to remove these types of business from the Permitted Uses in the NB, CB, GC and DC zones. Master Planned Senior Communities would continue to be allowed in the Mixed Use and Public Institutional zones. They would also continue to be permitted in all residential zones upon obtaining a Conditional Use Permit.

Honey Bees

Associate Planner Angela Gemmer explained that recently the City Council had received concerns related to beekeeping and has asked the Planning Commission to review this matter. She presented a memo regarding basic information on bees and comparative best management practices policies to promote compatibility with residential uses. She summarized that backyard beekeeping is something that can be compatible with adjacent residential uses if proper management uses are in place. Presently there are no regulations pertaining to bees. Staff is proposing some basic regulations to ensure that the use would be compatible with adjacent properties.

Commissioner Richards asked if a license is required for beekeeping in Marysville. Associate Planner Gemmer commented that beekeepers are supposed to register their hives with the state, but there are currently no regulations in the City regarding beekeeping. Ms. Gemmer thought the information regarding hives could be obtained from the Department of Agriculture. The proposed regulations would be useful in the event that any issues arise.

Commissioner Andes commented that the two hives on a lot under 5,000 square feet seems like too much. He recommended a minimum lot size of about 5,000 square feet. Planning Manager Holland said he didn't think there would be many folks with beehives in urban developments because of the lack of foraging opportunities. He thought there would be more beehives next to NGPA areas where they can actually thrive. Ms. Gemmer commented that beekeeping is a complicated endeavor and people who pursue it are pretty serious about it. Planning Manager Holland offered to bring back some minimum lot size alternatives.

Chair Leifer commented that it was interesting comparing what other communities allow.

Kennels

Associate Planner Gemmer explained that staff has become aware that the existing code regarding dog daycares and kennels is somewhat restrictive. Staff wants to make sure they are compatible with adjacent uses while perhaps allowing them to occur in smaller areas.

Chair Leifer asked if the five-acre minimum lot size was exclusively for the dog kennel or if other uses could be done on the property. Associate Planner Gemmer replied that

the code is not clear on that point. Chair Leifer wondered if it was economically feasible for a dog kennel operation to set aside five acres of industrial property to operate. He commented that it might be possible to have the dog kennel in the center of the five acres with other uses around the edges of the property as a noise buffer.

Ms. Gemmer commented that it appeared most kennel operators had a hard time finding a five-acre piece of property. She explained that staff is hoping to make the code more flexible to allow uses in existing structures if proper measures are taken regarding noise and other issues. Staff is proposing eliminating the five-acre threshold for kennels, allowing dog day cares as its own use in the code but no longer allowing it in the Neighborhood Business zones; restricting dog daycares to indoors in general with outdoor runs; and including a general provision to comply with the WAC in terms of noise, etc. Staff will be coming back to discuss this more.

COMMISSIONER COMMENTS

Chair Leifer asked if the state's 10-year tax exemption for multifamily can only be used for affordable housing or if it can be used for market rate housing. Planning Manager Holland stated that the only way you get the tax exemption market rent apartments is if the City adopts a provision allowing a tax exemption. The only area the City currently allows it is in the downtown. There is a formula requiring a certain percentage of affordable units. For state and federal tax exemptions it could not be a market rate unit unless it was located downtown.

CITY COUNCIL AGENDA ITEMS AND MINUTES

ADJOURNMENT

Motion made by Commissioner Richards, seconded by Commissioner Lebo, to adjourn the meeting at 8:16 p.m. **Motion** passed unanimously.

NEXT MEETING:

September 23, 2014



Laurie Hugdahl, Recording Secretary

Angela Gemmer

From: Jeff Thompson [poohfuff@aol.com]
Sent: Tuesday, November 04, 2014 12:53 PM
To: Angela Gemmer
Subject: Re: Marysville bee regulations-revisions

Hi Angela:

I think you might re-write the agricultural exemption. From the Winkikipedia link I sent, looks like the **MAXIMUM** number of hives for pollination is 4/acre. If you want to stipulate that for any agricultural exemption, up to 4 hives per lot, and then 4 hives/acre would be allowed, I think that would make everyone happy. Since allowing for splits (making one or more hives out of a single large hive) as a necessary tool to prevent swarming, splits should be allowed up to 30 days. Therefore, I think allowing one "split" for every allowed hive for a period not exceeding 30 days would be a good idea.

If you want me to attend the next meeting, let me know.

Jeff

-----Original Message-----

From: Angela Gemmer <agemmer@marysvillewa.gov>
To: Jeff Thompson <poohfuff@aol.com>
Sent: Tue, Nov 4, 2014 12:31 pm
Subject: RE: Marysville bee regulations-revisions

Hi Jeff,

Thank you again for these recommendations. We're incorporating these recommendations in a revised draft ordinance that we're taking back to Planning Commission on November 12th. With the 30 day exception which allows for a temporary doubling of hives, was the intent to have that apply to lots that have hives for agricultural purposes as well?

Thank you!

Angela Gemmer, Associate Planner
Community Development Department
City of Marysville
80 Columbia Avenue
Marysville, WA 98270

ph. 360.363.8240
fax 360.651.5099

From: Jeff Thompson [mailto:poohfuff@aol.com]
Sent: Wednesday, October 29, 2014 10:34 AM
To: Angela Gemmer
Subject: Re: Marysville bee regulations-revisions

EXHIBIT F

269

Good morning. I have attached a word file with suggested corrections included. New wordage is underlined, old has a strike through it.

I researched pollination and agricultural needs of our crops. Most if not all, require 6 or less hives per acre (Source Winkipedia: http://en.wikipedia.org/wiki/Pollination_management) Since the proposed regulations allow 15 hives on 35,000 square feet, and since an acre is about 43,560 sq. ft., I think the concerns over not limiting farmers adequate pollination is probably moot. FYI, migratory hives are moved on pallets of 6 hives to the pallet, which is why I wrote in 6 as the selected number of hives. A very good thought and consideration by the commissioners.

I struck out the "breeder raised" queens, as this is ambiguous, and not necessarily assurance of a more docile queen and by extension-a more docile hive.

Let me know if there is anything else I can do to help. or if the commissioners would like me to attend the next time this is discussed.

See what you think:

-----Original Message-----

From: Angela Gemmer <agemmer@marysvillewa.gov>
To: Jeff Thompson <poohfuff@aol.com>
Sent: Wed, Oct 22, 2014 3:40 pm
Subject: RE: Marysville bee regulations

Jeff,

Thank you very much for getting back to me! I appreciate it. The meeting will be on Tuesday, October 28th at 7:00 pm at 1049 State Avenue 2nd Floor (it'll be the open room to the slight left across from the top of the stairs). We look forward to learning more from you.

Thank you!

Angela Gemmer, Associate Planner
Community Development Department
City of Marysville
80 Columbia Avenue
Marysville, WA 98270

ph. 360.363.8240
fax 360.651.5099

From: Jeff Thompson [<mailto:poohfuff@aol.com>]
Sent: Wednesday, October 22, 2014 2:13 PM
To: Angela Gemmer
Subject: Re: Marysville bee regulations

Angela:

You bet. I will be present, and may have one or two more.

I have been doing some research, have talked with the WSBA President, and Jim Tunnell the proprietor of Beez Neez Apiary (our local bee supply store) in Snohomish. I have also found a summary of other cities regulations on the PSBA (King County) website, which I will forward to you. Most of it I am sure you have seen, but they all address the issue of lot size/hive numbers...some very loosely, some more tightly. I hope if you think it helpful, to have you make a slide or print it or whatever you think most beneficial.

I do need the location, and will pass it along to the others.

Link to PSBA info: <http://www.pugetsoundbees.org/beekeeping-laws/>

I'm looking forward to be part of the process.

Jeff

-----Original Message-----

From: Angela Gemmer <agemmer@marysvillewa.gov>

To: Jeff Thompson <poohfuff@aol.com>

Sent: Wed, Oct 22, 2014 1:49 pm

Subject: FW: Marysville bee regulations

Hi Jeff,

Just checking to see if someone from your organization will be available to give a brief presentation on Tuesday, October 28th at 7:00 pm. If you could please let me know as soon as possible that would be greatly appreciated.

Thank you!

Angela Gemmer, Associate Planner
Community Development Department
City of Marysville
80 Columbia Avenue
Marysville, WA 98270

ph. 360.363.8240
fax 360.651.5099

From: Angela Gemmer
Sent: Friday, October 10, 2014 1:57 PM
To: 'Jeff Thompson'
Subject: RE: Marysville bee regulations

Hi Jeff,

If someone is available from your organization to provide a brief presentation on bees on Tuesday, October 28th at 7:00 pm, that would be great. That would give our Planning Commission an opportunity to learn more about bees from the beekeeping community prior to a public hearing. Planning Commission is held in the Council Chambers on the 2nd floor of City Hall at 1049 State Avenue, Marysville. We would place the person from your organization on the agenda first. Could you please let me know if this will work when you get a chance. Thank you for your consideration.

Thank you!

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80 Columbia Avenue
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Angela Gemmer

From: Jeff Thompson [poohfuff@aol.com]
Sent: Wednesday, October 29, 2014 10:34 AM
To: Angela Gemmer
Subject: Re: Marysville bee regulations-revisions
Attachments: ammended_Marysville_beehive_zoning.docx

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Marysville, WA 98270

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fax 360.651.5099

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Sent: Friday, October 10, 2014 1:57 PM
To: 'Jeff Thompson'
Subject: RE: Marysville bee regulations

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EXHIBIT F

273

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Thank you!

Angela Gemmer, Associate Planner
Community Development Department
City of Marysville
80 Columbia Avenue
Marysville, WA 98270

ph. 360.363.8240

10.04.335 Beekeeping.

Beekeeping shall be permitted subject to the following:

1. Beehives are limited to:

- (i) ~~One hive on lots less than or equal to 5,000 square feet;~~
- (ii) ~~Two hives on lots between 5,001 and~~ less than or equal to 10,000 square feet;
- (iii) Five hives on lots between 10,001 and 35,000 square feet; and
- (iv) Fifteen hives on lots over 35,000 square feet.

Exceptions:

(i) These limits on number of hives per area may be temporarily up to a period of 30 days, increased by 100% for the purpose of "splits" (making two smaller hives from one existing hive) or to avoid swarming.

(ii) For crop pollination by migratory bee hives, up to 6 hives per acre are allowed.

2. Hives must be set back at least 25 feet from each property line with the following

exceptions:

(i) The setback for hives may be reduced to 5 feet from each property line if: a) Hives are situated eight feet or more above the adjacent ground

level; or

b) Hives are less than six feet above the adjacent ground and are behind

a solid fence or hedge which is at least six feet in height and parallel

to any property within 25 feet of the hives and extending at least 20

feet beyond the hive in both directions.

(ii) Hives abutting a Native Growth Protection Area (NGPA) or open space tract not intended for recreation may be located up to the property line.

3. Colonies shall be maintained in movable frame hives with a maximum of one colony per hive;

4. Adequate space shall be provided in each hive to prevent overcrowding and minimize swarming;

5. Colonies shall be requeened annually, or any time following swarming or aggressive behavior, with a ~~breeder-raised~~ queen of suitable docile strain;

6. All colonies shall be registered with the Washington State Department of Agriculture;
and

7. Abandoned colonies, diseased bees, or bees living in trees, buildings, or any other space except in movable-frame hives shall constitute a public nuisance, and shall be abated as set forth in Chapter 6.24 MMC, Public Nuisances.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or work of this ordinance should be held to be invalid or unconstitutional by

CITY OF MARYSVILLE
Marysville, Washington
ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON,
RELATING TO THE CITY'S ANIMAL CONTROL REGULATIONS; AND
ADDING A NEW SECTION 10.04.335 BEEKEEPING TO MMC CHAPTER
10.04 ANIMAL CONTROL.**

WHEREAS, the City Council of the City of Marysville finds that from time to time it is necessary and appropriate to review and revise provisions of the City's municipal code; and

WHEREAS, during public meetings on September 9, 2014, September 23, 2014, October 28, 2014, and November 25, 2014, the Planning Commission discussed proposed amendments to add a new Section MMC 10.04.335 regarding beekeeping to the animal control regulations contained in MMC Chapter 10.04; and

WHEREAS, on November 12, 2014, the Marysville Planning Commission held a duly-advertised public hearing, which was continued to November 25, 2014; and

WHEREAS, on November 25, 2014 the Planning Commission made a Recommendation to the City Council recommending adoption of a new Section MMC 10.04.335 regarding beekeeping to the animal control regulations contained in MMC Chapter 10.04; and

WHEREAS, at a public meeting on January 12, 2015 the Marysville City Council reviewed and considered the Planning Commission's Recommendation and proposed addition of MMC 10.04.335 regarding beekeeping to the animal control regulations contained in MMC Chapter 10.04; and

WHEREAS, the City Council finds that it is in the best interest of the community to adopt MMC Section 10.04.335 regulating beekeeping;

NOW, THEREFORE, the City Council of the City of Marysville, Washington do ordain as follows:

Section 1. Approval of Planning Commission's Recommendation and Adoption of Findings and Conclusions. The Planning Commission's November 25, 2014 Recommendation regarding the proposed development regulation revisions and the adoption of a new MMC Section 10.04.335 regarding beekeeping to the animal control regulations contained in MMC Chapter 10.04, including the Findings and Conclusions contained therein, as set forth in the attached Exhibit "A", is hereby adopted and incorporated herein by this reference.

Section 2. MMC Chapter 10.04, Animal Control, is hereby amended by adopting new MMC Section 10.04.335, Beekeeping, to read as follows:

10.04.335 Beekeeping.

Beekeeping shall be permitted subject to the following:

(1) Beehives are permitted in any zone, subject to the following conditions and limitations:

(a) Hives are prohibited on lots that are 5,000 square feet or less;

(b) Two hives on lots between 5,001 and 10,000 square feet;

(c) Five hives on lots between 10,001 and 35,000 square feet;

(d) Fifteen hives on lots over 35,000 square feet; and

(e) The hive limitations outlined in subsections (a)-(d) apply to agricultural uses on lots less than four acres in size. Agricultural uses on lots that are four acres or larger are permitted to have five hives per acre.

(f) The limits on hives outlined in subsections (a)-(e) above may be temporarily increased by 100 percent for a period not to exceed 30 days for the purpose of "splits" (making two hives from an existing hive), or to avoid swarming.

(2) Hives must be set back at least 25 feet from each property line with the following exceptions:

(a) The setback for hives may be reduced to 5 feet from each property line if:

(i) Hives are situated eight feet or more above the adjacent ground level; or

(ii) Hives are less than six feet above the adjacent ground and are behind a solid fence or hedge which is at least six feet in height and parallel to any property within 25 feet of the hives and extending at least 20 feet beyond the hive in both directions.

(iii) Hives abutting a Native Growth Protection Area (NGPA) or open space tract not intended for recreation may be located up to the property line.

(3) Colonies shall be maintained in movable frame hives with a maximum of one colony per hive;

(4) Adequate space shall be provided in each hive to prevent overcrowding and minimize swarming;

(5) Colonies shall be requeened annually, or any time following swarming or aggressive behavior, with a queen of suitable docile strain;

(6) All colonies shall be registered with the Washington State Department of Agriculture in accordance with RCW 15.60 and 15.62; and

(7) Abandoned colonies, diseased bees, or bees living in trees, buildings, or any other space except in movable-frame hives shall constitute a public nuisance, and shall be abated as set forth in Chapter 6.24 MMC, Public Nuisances.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or work 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 4. 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 _____, 2015.

CITY OF MARYSVILLE

By: _____
JON NEHRING, MAYOR

Attest:

By: _____
APRIL O'BRIEN, DEPUTY CITY CLERK

Approved as to form:

By: _____
CITY ATTORNEY

Date of Publication: _____

Effective Date: _____
(5 days after publication)

Index #17

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: January 12, 2015

AGENDA ITEM: Ordinance adopting amendments to the Marysville Municipal Code Chapter 10.04 <i>Animal Control</i> and Title 22 <i>Unified Development Code</i> , related to pet daycares and kennels.	AGENDA SECTION: New Business	
PREPARED BY: Angela Gemmer, Associate Planner	APPROVED BY:	
ATTACHMENTS: 1. PC Recommendation, including: <ul style="list-style-type: none"> • Exhibit A – PC Recommended Ordinance • Exhibit B – PC Public Hearing Minutes, November 25 • Exhibit C – PC Workshop Minutes, September 23 • Exhibit D – PC Workshop Minutes, September 9 2. Adopting Ordinance	MAYOR	CAO
	BUDGET CODE:	

DESCRIPTION:

The Planning Commission (PC) held public workshops on September 9 and September 23, 2014, and a duly advertised public hearing on November 25, 2014 to review proposed amendments to the Marysville Municipal Code Chapter 10.04 *Animal Control* and Title 22 *Unified Development Code* pertaining to dog daycares and kennels. Presently, the City allows dog daycares as a general personal service in all commercial zones except Public-Institutional and Recreation while commercial dog kennels are restricted to minimum five acre sites in the Community Business, General Commercial, Light Industrial, and General Industrial zones. Proposed amendments include, but are not limited to, the following:

- Creation of a classification for pet daycares in the permitted uses matrices;
- Elimination of the five acre minimum lot size requirement for kennels; and
- Incorporation of additional provisions for kennels, pet daycares, and similar facilities in order to:
 - Ensure healthful and sanitary conditions;
 - Require setbacks from residences; and
 - Implement mitigation measures if noise from the facilities does not comply with the standards set forth in the Washington Administrative Code (WAC).

The PC received testimony from property owners, staff and other interested parties at the public hearing, following public notice. The PC made a motion to recommend the proposed amendments to Marysville City Council for adoption by ordinance.

RECOMMENDED ACTION: Affirm the Planning Commission’s Recommendation and adopt amendments Chapter 10.04 <i>Animal Control</i> and Title 22 <i>Unified Development Code</i> pertaining to dog daycares and kennels.
COUNCIL ACTION:



COMMUNITY DEVELOPMENT DEPARTMENT
 80 Columbia Avenue ♦ Marysville, WA 98270
 (360) 363-8100 ♦ (360) 651-5099 FAX

PC Recommendation - Pet Daycares and Kennels

The Planning Commission of the City of Marysville, having held a public hearing on November 12, 2014, which was continued to November 25, 2014, in review of amendments related to Pet Daycares and Kennels by amending Marysville Municipal Code (MMC) Sections 10.04.460 *Commercial Kennels and Pet Shops – General Conditions*; 22A.020.120 "*K*" *Definitions*; 22A.020.170 "*P*" *Definitions*; 22C.020.060 *Permitted Uses*; and 22C.020.070 *Permitted Uses – Development Conditions*, and having considered the exhibits and testimony presented, does hereby enter the following findings, conclusions and recommendation for consideration by Marysville City Council:

FINDINGS:

1. The Planning Commission held a public work session to review amendments related to Pet Daycares and Kennels on September 9, 2014 and September 23, 2014.
2. The proposed amendment to the City's development regulations is exempt from State Environmental Policy Act review under WAC 197-11-800(19).
3. Community Development Staff submitted the DRAFT amendments related to Caretaker's Quarters to the State of Washington Department of Commerce for expedited review pursuant to RCW 36.70A.106(3)(b). No comments were received from State Agencies.
4. The Planning Commission held a duly-advertised public hearing on November 12, 2014, which was continued to November 25, 2014.
5. No public comments were received on the DRAFT amendments related to Pet Daycares and Kennels.

CONCLUSION:

At the public hearing, which was continued to November 25, 2014, the Planning Commission recommended adoption of the development code amendments related to Pet Daycares and Kennels, as reflected in the Ordinance attached hereto as **Exhibit A**, as reflected in the PC minutes attached hereto as **Exhibit(s) B, C, & D**.

RECOMMENDATION:

Forwarded to City Council as a Recommendation of Approval of the development code amendments related to Pet Daycares and Kennels by the Marysville Planning Commission this 25th day of November, 2014.

By: _____

Steve Leifer, Planning Commission Chair

EXHIBIT A

CITY OF MARYSVILLE Marysville, Washington

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON, AMENDING MARYSVILLE MUNICIPAL CODE (MMC) SECTIONS 10.04.460 REGARDING COMMERCIAL KENNELS AND PET SHOPS – GENERAL CONDITIONS; MMC 22A.020.120 BY AMENDING THE DEFINITION FOR “KENNEL, COMMERCIAL”; MMC 22A.020.170 BY ADDING A DEFINITION FOR “PET DAYCARE”; MMC 22C.020.060 REGARDING TABLE OF PERMITTED USES; MMC 22C.020.070 REGARDING PERMITTED USES – DEVELOPMENT CONDITIONS; AND AMENDING MMC 22A.010.160 REGARDING GENERAL ADMINISTRATION, RELATED TO TRACKING AMENDMENTS TO THE CITY’S UNIFIED DEVELOPMENT CODE.

WHEREAS, the State Growth Management Act, RCW Chapter 36.70A mandates that cities periodically review and amend development regulations which include but are not limited to zoning ordinances and official controls; and

WHEREAS, RCW 36.70A.106 requires the processing of amendments to the City's development regulations in the same manner as the original adoption of the City's comprehensive plan and development regulations; and

WHEREAS, the State Growth Management Act requires notice and broad public participation when adopting or amending the City's comprehensive plan and development regulations; and

WHEREAS, the City, in reviewing and amending its development regulations has complied with the notice, public participation and processing requirements established by the Growth Management Act, as more fully described below; and

WHEREAS, the City Council of the City of Marysville finds that from time to time it is necessary and appropriate to review and revise provisions of the City’s municipal code and development code (MMC Title 22); and

WHEREAS, the development code amendment is consistent with the following required findings of MMC 22G.010.500:

- (1) The amendment is consistent with the purposes of the comprehensive plan;
- (2) The amendment is consistent with the purpose of this title;
- (3) There have been significant changes in the circumstances to warrant a change;
- (4) The benefit or cost to the public health, safety and welfare is sufficient to warrant the action.

WHEREAS, during public meetings on September 9, 2014 and September 23, 2014, the Planning Commission discussed proposed amendments to MMC 10.04.460, 22A.020.120, 22A.020.170, 22C.020.060, 22C.020.070, and 22A.010.160; and

EXHIBIT A

WHEREAS, after providing notice to the public as required by law, on November 12, 2014, the Marysville Planning Commission held a Public Hearing on proposed amendments to the City's development regulations which was continued to November 25, 2014; and

WHEREAS, on November 25, 2014, at the continued public hearing, the Planning Commission made a Recommendation to the City Council recommending the adoption of proposed amendments to MMC Sections 10.04.460, 22A.020.120, 22A.020.170, 22C.020.060, 22C.020.070, and 22A.010.160; and

WHEREAS, at a public meeting on January 12, 2015 the Marysville City Council reviewed and considered the Planning Commission's Recommendation and proposed amendments to MMC Sections 10.04.460, 22A.020.120, 22A.020.170, 22C.020.060, 22C.020.070, and 22A.010.160; and

WHEREAS, the City of Marysville has submitted the proposed development regulation revisions to the Washington State Department of Commerce on September 17, 2014, as required by RCW 36.70A.106; and

WHEREAS, the amendments to the development regulations are exempt from State Environmental Policy Act review under WAC 197-11-800(19);

WHEREAS, the City Council finds that it is in the best interest of the community to adopt these amendments;

NOW, THEREFORE, the City Council of the City of Marysville, Washington do ordain as follows:

Section 1. Approval of Planning Commission's Recommendation and Adoption of Findings and Conclusions. The Planning Commission's November 25, 2014 Recommendation regarding the proposed development regulation revisions, including the Findings and Conclusions contained therein, as set forth in the attached **Exhibit "A"**, is hereby adopted and incorporated herein by this reference.

Section 2. MMC 10.04.460, Commercial kennels and pet shops – General conditions, is hereby amended to read as follows:

10.04.460 Commercial kennels, animal shelters, pet daycares, and pet shops – General conditions.

Commercial kennels, animal shelters, pet daycares, and pet shops shall meet the following conditions:

(1) Animal housing facilities shall be provided the animals and shall be structurally sound and shall be maintained in good repair; shall be designed so as to protect the animals from injury and restrict the entrance of other animals. In addition, each animal housed in any animal shelter, commercial kennel, pet daycare, or pet shop or enclosure therein shall be provided with adequate floor space to allow each animal to turn about freely and to easily stand, sit, and lie in a comfortable normal position.

(2) Electrical power shall be supplied in conformance with applicable electrical codes adequate to supply heating and lighting as may be required by this chapter.

(3) Indoor facilities must comply with the following:

(a) Be heated or cooled to protect the animals from temperatures to which they are not acclimated;

EXHIBIT A

(b) Provide adequate ventilation for the health of the animals and to remove foul odors;

(c) Interior walls, ceilings, and floors must be sealed and resistant to absorption of moisture or odors;

(d) Flooring must be an impervious surface that can be sanitized; and

(e) Suitable drainage must be provided to eliminate excess water.

(4) Outdoor facilities must comply with the following:

(a) Shelter from the elements must be provided;

(b) Suitable drainage must be constructed to prevent an accumulation of water, mud, debris, etc. and to enable proper cleaning of the facilities; and

(c) Walls or fences to contain animals and prevent entry of other animals must be provided.

~~(35)~~ Water shall be supplied at sufficient pressure and quantity to clean indoor housing facilities and enclosures of debris and excreta.

~~(46)~~ Suitable food and bedding shall be provided and stored in facilities adequate to provide protection against infestation or contamination by insects or rodents. Refrigeration shall be provided for the protection of perishable foods.

~~(57)~~ Provision shall be made for the removal and disposal of animal and food wastes, bedding, dead animals and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors, and disease hazards.

~~(68)~~ Washroom facilities, including sinks and toilets, with hot and cold water, shall be conveniently available to maintain cleanliness among animal caretakers and for the purpose of washing utensils and equipment.

~~(79)~~ Sick, diseased or injured animals shall be separated from those appearing healthy and normal and if for sale, shall be removed from display and sale and kept in isolation quarters with adequate ventilation to keep from contaminating well animals.

~~(810)~~ There shall be an employee or keeper on duty at all times during hours any store or facility is open whose responsibility shall be the care and supervision of the animals in that shop or department held for care, sale or display.

~~(911)~~ An employee, keeper or owner shall make provision to feed, water and do the necessary cleaning of animals on days the store or establishment is closed.

~~(1012)~~ No person, persons, association, firm or corporation shall misrepresent an animal to a consumer in any way.

~~(1113)~~ No person, persons, associations, firm or corporation shall knowingly sell a sick or injured animal.

~~(1214)~~ Animals which are caged, closely confined or restrained shall be permitted daily, and for an appropriate length of time, as determined by their size, age and species, to exercise in a yard or area suitable for that purpose.

(15) Noise levels shall comply with the standards set forth in Chapter 173-60 Washington Administrative Code (WAC). If noise levels exceed these standards, mitigation measures such as, but not limited to, soundproofing of buildings or outdoor facilities, prohibiting overnight boarding, restricting outdoor access, limiting the number of animals receiving care, separating animals into different groups, etc. shall be implemented in order to achieve compliance with the noise standards set forth in WAC 173-60-040.

(16) Animal facilities (indoor and outdoor) must maintain a 25 foot setback to any neighboring structure used for human habitation located in a nonresidential zone, and a 100 foot setback to any neighboring structure used for human habitation located in a residential zone.

EXHIBIT A

Section 3. MMC 22A.020.120, "K" definitions, Definitions, is hereby amended by amending the definition below to read as follows:

22A.020.120 "K" definitions.

"Kennel, commercial" means any lot or unit of adjoining lots in the city on which a total of more than four dogs and/or cats, or a combination of the same, over three months of age are kept and/or maintained for board, propagation, training or treatment. ~~Such kennel must be established on a minimum of five acres; provided, that~~ The term "commercial kennel" shall not apply to legally established commercial enterprises which operate exclusively as veterinary hospitals or clinics, pet stores, pet daycares, or grooming parlors.

Section 4. MMC 22A.020.170, "P" definitions, is hereby amended by adopting a new definition which shall read as follows:

22A.020.170 "P" definitions.

"Pet daycare" means any commercial facility where four or more dogs, or other pet animals, are left by their owners during the daytime for periods of supervised social interaction in play groups with other animals of the same species. Supervised social interaction occurs during the majority of the time the pets are at the facility.

Section 5. MMC 22C.020.060, Permitted uses table is hereby amended as follows. (All other provisions of MMC 22C.020.060 remain in effect and unchanged):

22C.020.060 Permitted uses.

General Services Land Uses										
Specific Land Use	NB	CB (63)	GC	DC	MU (63)	BP	LI	GI	REC	P/I
Personal Services:										
Kennel, commercial and exhibitor/breeding (70)		P	P			C	P	P		
Pet daycare (70), (71)		P	P	P	P	P	P	P		

Section 6. MMC 22C.020.070, Permitted uses – Development conditions, is hereby amended by adding the following subsections (70) and (71) which shall read as follows. (All other provisions of MMC 22C.020.070 remain in effect and unchanged):

22C.020.070 Permitted uses – Development conditions.

(70) Subject to the requirements set forth in MMC Section 10.04.460.

(71) Pet daycares are restricted to indoor facilities with limited, supervised access to an outdoor fenced yard. Overnight boarding may be permitted as a limited, incidental use. Both outdoor access and overnight boarding privileges may be revoked or modified if the facility is not able to comply with the noise standards set forth in the WAC 173-60-040.

EXHIBIT A

Section 7. MMC 22A.010.160, Amendments, is hereby amended as follows by adding reference to this adopted ordinance in order to track amendments to the City's Unified Development Code:

"22A.010.160 Amendments.

The following amendments have been made to the UDC subsequent to its adoption:

<u>Ordinance</u>	<u>Title (description)</u>	<u>Effective Date</u>
_____	Pet Daycares and Kennels	_____, 2015"

Section 8. Severability. If any section, subsection, sentence, clause, phrase or work 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 9. 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 _____, 2015.

CITY OF MARYSVILLE

By: _____
JON NEHRING, MAYOR

Attest:

By: _____
CITY CLERK

Approved as to form:

By: _____
GRANT K. WEED, CITY ATTORNEY

Date of Publication: _____

Effective Date: _____
(5 days after publication)



November 25, 2014

7:00 p.m.

City Hall

CALL TO ORDER

Chair Leifer called the November 25, 2014 meeting to order at 7:00 p.m. noting excused absence of Commissioners Lebo and Richards and the continuing absence of Commissioner Marvetta Toler. He noted that there was no one in the audience.

Marysville

- Chairman:** Steve Leifer
- Commissioners:** Roger Hoen, Jerry Andes, Kay Smith,
- Staff:** Planning Manager Chris Holland
Associate Planner Angela Gemmer
- Absent:** Steven Lebo, Kelly Richards, Marvetta Toler

APPROVAL OF MINUTES

Motion made by Commissioner Smith, seconded by Commissioner Andes, to approve the November 12, 2014 Meeting Minutes. **Motion** passed unanimously (4-0).

AUDIENCE PARTICIPATION

None

OLD BUSINESS

- Code Amendments
- Caretaker’s Quarters (hearing closed)

Planning Manager Holland presented the revised draft ordinance as discussed at the last meeting. He asked if what was reflected in the revised draft ordinance is indicative of what the Planning Commission had recommended. He pointed out that in the Definitions section the Commission had talked about recreational vehicles or other temporary structures being included. He noted that if you read what a recreational vehicle entails it also includes, but is not limited to campers, motor homes, and travel

trailers. Tents are excluded. In the GI and LI zones other temporary structures, such as Pacific Mobile construction trailers, would also be permitted because there are no design regulations. He solicited Commission comments on the revised draft ordinance.

Chair Leifer commented that the proposed draft ordinance is consistent with his recollection of the Commission's discussion. He agrees that the exclusion of other temporary structures makes sense.

Commissioner Hoen commented that they had also discussed looking into a limitation based on the size of the business. Planning Manager Holland agreed and said it had been included in the minutes, but noted that the recommendation from the Commission had not included that. Commissioner Hoen asked if staff sees any unintended consequences of allowing recreational vehicles as caretaker's quarters. Planning Manager Holland stated that staff does not support the Planning Commission's position and believes that there would be consequences for allowing recreational vehicles as caretaker's quarters.

Chair Leifer clarified his discussion with a staff member from the City of Everett which he had referred to at the last meeting. Since the last meeting, he spoke with other staff members who had a different opinion about the way the code would be interpreted, and they would not allow recreational vehicles as caretaker's quarters.

Motion made by Commissioner Andes, seconded by Commissioner Smith, to have Chair Leifer sign the Planning Commission Recommendation, which includes the revised ordinance allowing recreational vehicles as caretaker's quarters, and forward it to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

PUBLIC HEARING

Chair Leifer reopened the public hearing at 7:12 p.m.

Code Amendments:

- **Legislative Enactment Amendments**

Planning Manager Holland noted that the City got audited by the Washington Cities Insurance Authority (WCIA) this year and one of the focuses was for land use. The City passed, but WCIA pointed out a few deficiencies related to group and adult family homes. Case law states those can't be prohibited from any zone. This ordinance addresses that by permitting those uses in all zones. Also deadlines for approvals have been amended for binding site plans, subdivisions, short subdivisions, etc. Vesting regulations were also amended. Finally, the Code now clarifies what constitutes minor and major amendments for land use actions.

Commissioner Andes asked how the fees were determined. Planning Manager Holland stated that they were based on a fee study done several years ago by looking at other jurisdictions and analyzing staff time for reviews. The only proposed change to the fee

schedule was based on the minor/major amendments modifications. The fee for minor amendments was increased to more accurately reflect the amount of staff time these reviews take.

Chair Leifer asked about extension periods on short plats. Planning Manager Holland explained that short plats and plats are governed by state law. He then reviewed timelines associated with plats and the commercial, or multi-family, site plan extension regulations.

Commissioner Andes asked if you have to prove you are making progress in the five-year period in order to get the one-year extension. Planning Manager Holland affirmed that you do have to show that you have attempted in good faith to submit the final plat within the five-year period.

Chair Leifer said he would have to recuse himself from any voting on this code amendment because he has an issue related to this. He asked what staff's position would be on any further movement on some of the stuff that is still sitting out there that has run out of time. Planning Manager Holland stated there are no proposed changes to commercial and multi-family site plan reviews. He summarized that if they were approved prior to when the Unified Development Code was adopted in 2012 they probably wouldn't be up to the design standards that are in place now. Chair Leifer asked if redesign of those projects would require all new submittal fees. Planning Manager Holland explained that if you had an approved civil construction plans and were approved under the 2005 DOE Stormwater Management Manual you likely wouldn't have to do an amendment. It would just be a matter of resubmitting the same thing and having an engineer stamp them so hopefully it wouldn't be a very big cost burden to the applicant.

Motion made by Commissioner Andes, seconded by Commissioner Smith, to approve this and forward to the Council with a recommendation for approval. **Motion** passed unanimously.

- **Nonconforming Situations**

Planning Manager Holland stated that staff is proposing to eliminate the CUP process and make this administrative which would reduce the cost. Instead, a building permit and site plan submittal showing setbacks would be required. He reviewed the proposed changes which would save costs and staff time.

Motion made by Commissioner Smith, seconded by Commissioner Andes, to approve the Nonconforming code amendments and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **Sign Code**

Angela Gemmer reviewed the four proposed Sign code amendments:

1. Require that signs that are freestanding and under 12-feet be monument-style signs.
2. Clarify the provision that requires that the structural posts of freestanding signs have decorative materials encasing them.
3. Clarify the intent for the changeable copy portion of the sign so it is limited to 30% of the sign area that is actually constructed.
4. Clarify the non-conforming sign provisions to indicate that converting them to an electronic changeable copy sign is not what the reface provision is intended to allow.

Commissioner Andes asked for clarification about the last one. Ms. Gemmer explained that if the sign meets the City's current design standards then you can convert whatever portion is allowable to an electronic changeable copy sign. Otherwise, you would need to retrofit the freestanding sign to meet the current sign code first. Planning Manager Holland commented that this has happened in a lot of the redevelopment of areas like the gas station on 4th Street.

Motion made by Commissioner Smith, seconded by Commissioner Hoen, to approve the sign code amendments and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **Beekeeping**

Ms. Gemmer reviewed two draft alternative ordinances on beekeeping with the following proposed changes:

- Allow a temporary 30-day doubling of the number of hives allowed in order to avoid swarming and other nuisance conditions
- Allow five migratory hives for agricultural purposes. A three-acre site would be allowed 15 hives. Thereafter you could have an additional five hives per acre.

Alternative 1 allows two hives on lots that are less than 10,000 square feet. Alternative 2 would not allow hives on lots less than 3,500 square feet, but would allow two hives on lots over 3,500 square feet up to 10,000 square feet.

Commissioner Andes expressed concern about having hives on small lots at all. 3,500 square feet seems too small to him. Even 5,000 square feet seems too small. He stated that the City needs to protect the public and not the bees.

Commissioner Hoen asked about lot sizes in the City. Planning Manager Holland reviewed these and explained that the size is based on the type of development. As far as building coverage is concerned, in no case can you ever go over 50% of the lot size for your building coverage.

Commissioner Smith concurred with Commissioner Andes.

Commissioner Hoen noted that according to the beekeepers the bees are foraging a mile away anyway. He was not sure what the size breaking point should be. He wondered how they would tell the difference between temporary and permanent hives.

Ms. Gemmer noted that the intent of the code is that this would be complaint-driven similar to the way chickens, dogs, or cats are handled.

There was discussion about approving Alternative 2, but amending the minimum from 3,500 to 5,000 square feet.

Motion made by Commissioner Andes, seconded by Commissioner Hoen, to approve Alternative 2 with the replacement in item 1(i) of 3,500 to 5,000 and (ii) 5,001 to 10,000 and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **Pet Daycares and Kennels**

Ms. Gemmer explained that the proposed code would create a specific use category for pet daycares and continue to allow them in all the zones they are presently allowed except in the Mixed Use zone. Also, the definition for dog kennels is proposed to be amended to eliminate the five-acre threshold to enable dog kennels to site in zones where they would be compatible. Additionally, there are new provisions to the dog daycare and kennel and similar facilities that pertain to health and sanitary conditions that are found in most jurisdictions. There is also a provision to implement setbacks from residences for dog kennels, a provision that dog kennels and daycares comply with the Washington Administrative Code in terms of how much noise is able to be emitted, and different provisions to address noise if noise limits are exceeded.

Chair Leifer asked how the noise levels are measured. Ms. Gemmer explained that it goes by decibels and can be measured with noise equipment. She reviewed the different classes and explained that each zone has a maximum amount of decibels that can be emitted in daytime and nighttime hours.

Commissioner Andes asked about the people who wanted to do a dog shelter in the old Sears building. He noted that would be a good place for a dog kennel. Ms. Gemmer concurred and indicated she would contact them if this code is approved.

Motion made by Commissioner Hoen, seconded by Commissioner Andes, to approve the Pet Daycare and Kennel amendments as presented and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **School, Traffic and Park Impact Fees**

Associate Planner Gemmer explained that the School, Traffic, and Park Impact Fee amendment would increase the term under which the fees collected may be expended from six years to ten years as required by state law.

Motion made by Commissioner Andes, seconded by Commissioner Smith, to approve the amendments regarding School, Traffic, and Park Impact Fees and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **State Environmental Policy Act**

Planning Manager Holland reviewed the proposed changes which would bring the City's code in compliance with the Phase 2 amendments.

Motion made by Commissioner Andes, seconded by Commissioner Hoen, to approve this and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **Wireless Communication Facilities**

Planning Manager Holland stated that this is also related to SEPA review. There were some FCC laws enacted regarding existing wireless communication facilities. Based on that, the state put in an exemption for wireless communication facilities. The proposed amendment would specifically state that in the ordinance to be in compliance with state law.

Chair Leifer asked if there are provisions about locating wireless facility towers. Planning Manager Holland reviewed these.

Motion made by Commissioner Andes, seconded by Commissioner Hoen, to approve this and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

The public hearing was closed at 8:10 p.m.

CITY COUNCIL AGENDA ITEMS AND MINUTES

ADJOURNMENT

Motion made by Commissioner Smith, seconded by Commissioner Andes, to adjourn the meeting at 8:11 p.m. **Motion** passed unanimously.

NEXT MEETING:

December 9, 2014



Laurie Hugdahl, Recording Secretary

PLANNING
COMMISSION



MINUTES

September 23, 2014

7:00 p.m.

City Hall

CALL TO ORDER

Chair Leifer called the September 23, 2014 meeting to order at 7:00 p.m. noting the excused absence of Roger Hoen and the continued absence of Marvetta Toler. He pointed out that there was no one in the audience.

Marysville

Chairman: Steve Leifer

Commissioners: Jerry Andes, Kelly Richards, Kay Smith, Steven Lebo

Staff: Planning Manager Chris Holland, Senior Planner Cheryl Dungan, Associate Planner Angela Gemmer

Absent: Roger Hoen, Marvetta Toler

APPROVAL OF MINUTES

September 9, 2014 Meeting Minutes

Motion made by Commissioner Smith, seconded by Commissioner Richards, to approve the September 9, 2014 Planning Commission Meeting Minutes as presented. **Motion** passed unanimously (5-0).

AUDIENCE PARTICIPATION

None

CITIZEN ADVISORY COMMITTEE FOR HOUSING AND COMMUNITY DEVELOPMENT – PC MEMBER

Planning Manager Holland solicited a volunteer to serve on the Citizen Advisory Committee for Housing and Community Development which is a committee that oversees the CDBG program. The committee serves as a recommending body to the Council. This would involve attending approximately 3-4 short meetings a year with additional meetings on years where the 6-Year Consolidated Plan has to be updated.

There was consensus to nominate Commissioner Roger Hoen (who was not in attendance). Planning Manager Holland stated he would contact Commissioner Hoen to see if he was available. Commissioner Lebo indicated he could do it if no one else was available.

NEW BUSINESS

- Code Amendments

Critical Areas – Geologic Hazard

Senior Planner Dungan stated that due to the recent Oso slide, staff has been reviewing Geologic Hazard code and maps of the City's Critical Areas Ordinance to see if updates are needed. Staff reviewed LIDAR mapping to look for indications of previous slides in Marysville and also looked at other jurisdictions' codes. She noted that LIDAR information for Oso shows significant events over time; however Marysville's slopes are less dramatic and short runs are shorter than in Oso. Staff does not feel there is the potential for an Oso-type slide, but there are some areas, especially along creeks and along Getchell hillside that fall into the category of steep slopes where there could be a potential for landslide and erosion and areas in the flood plain where there could be liquefaction.

Ms. Dungan reviewed proposed amendments to the map and code. Currently Marysville's Critical Areas Ordinance requires a 25-foot setback from the top of bank that can be reduced to 10 feet if a geotechnical expert recommends it. Everett and several other jurisdictions have adopted the International Building Code (IBC). Staff believes this has been very well vetted and is recommending that the City switch from the straight 25-foot setback to allowing a geotechnical expert to make a recommendation on a slope. If the geotechnical expert doesn't recommend a setback or the person doesn't hire a geotechnical engineer, the City would automatically use what is set forth in the IBC which sets setbacks from both the toe and the top of bank. The toe setback would be the length of the slope divided by two plus 15 feet. The top of the slope setback would be the smaller of the height of the slope divided by three or 40 feet. If the geotechnical report recommends buffers less than those established in the IBC, then the report must specifically list their rationale and basis for the reduced buffers.

Commissioner Andes pointed out that the people at the bottom of a slope are generally more affected than the people at the top. He asked why the setback at the bottom isn't a little further. Ms. Dungan explained that this is the IBC standard which has been well vetted through national and international experts on the subject.

Commissioner Andes asked about the picture of the second foundation. Ms. Dungan wasn't sure.

Chair Leifer summarized that with a geotechnical report there could theoretically be a zero foot setback. Ms. Dungan concurred. Chair Leifer thought that the recommendations made sense for people that want to spend the money and the resources for a site-specific review.

Ms. Dungan noted that a hearing would be set for November 12.

Commissioner Lebo asked how often they do these updates. Ms. Dungan replied this is the first time they have reviewed them since 1992, and there haven't been many changes. Commissioner Lebo noted that in areas where they take a lot of trees out things do change. Ms. Dungan concurred. She noted that is why staff would request a geotechnical report in hazardous areas. She stressed that this is putting a lot of the burden on the geotechnical expert who is writing the report to make the recommendation on the setback. Commissioner Lebo referred to the south side to the east side of Whiskey Ridge which is a sloped area with lots of trees gone. Ms. Dungan concurred and noted that most of the area has been developed based on the recommendations of geotechnical experts and with the City's requirement of the retention of vegetation on the steep slopes. Staff periodically looks at LIDAR to see if there are any concerns. In most cases if the vegetation remains the slope is protected.

SEPA Phase 2 Revisions

In 2012 the Planning Commission reviewed Phase 1 SEPA revisions, which were much more significant than the Phase 2 SEPA changes. The majority of these Phase 2 revisions were adopted by reference of SEPA with the exception of a couple places where some wording was changed or text was moved around. She summarized what the state legislature adopted in Phase 2 as well as the proposed staff recommended code amendments contained in the Commission's packet. There were no questions.

SEPA/Wireless Communication Facilities (WCF) Exemption

Senior Planner Dungan explained that there was an additional subsection added that lists wireless facilities that are categorically exempt and references the WAC and MMC as applicable. There were no questions.

School, traffic and park impact fee expenditures

Associate Planner Angela Gemmer explained that the state has increased the amount of time cities have to use the impact fees to ten years from six years. The City is recommending a similar change to be consistent with the state's requirements.

Chair Leifer commented that on one of these when it's collected is well-noted, but it's not so clear on the others. Ms. Gemmer replied that she had only included the portion of the code where the changes were occurring. She offered to bring back the full code sections to answer his question.

Chair Leifer referred to page 2 (item 3b at the top of the page) regarding when and how to grant a credit and noted that it seemed ambiguous. He asked why the owner would be eligible for a credit if the project didn't happen. Why did he pay it in the first place? Planning Manager Holland thought that this referred to situations where the owner might have paid in advance. He thought this might be clarified by looking at the entire code instead of just this portion. He offered to bring back the whole section. Planning Manager Holland also noticed that the "five years" in this section needs to be changed to "ten years". He commented they would search the section to see if there were any other spots where this needed to be changed.

Chair Leifer asked for clarification on School Impact Fees, item d. Planning Manager Holland explained that this was to avoid charging someone twice for impact fees when they pay for an actual capital facilities project identified in the district's capital facilities plan.

Chair Leifer asked how this fits in to the special exemptions on impact fees that apply until July of 2015. Planning Manager Holland explained that the exemptions would stay in place until they sunset in July of 2015.

Chair Leifer referred to real estate tax exemptions and said he was told that Quilceda Creek was exempted from real estate tax. Planning Manager Holland clarified that those units are not market rate. The exemption only works for affordable housing outside of the downtown area.

Sign Code

Associate Planner Gemmer reviewed proposed changes to the sign code:

1. Clarify that the base of freestanding signs are to be wrapped with decorative material.
2. The electronic portion of the sign could only be 30% of the sign that is actually constructed as opposed to 30% of the sign area that could potentially be built.
3. Clarify the nonconforming sign code provision.
4. Signs 12-foot tall or under would be required to monument signs with the exception of directional signs.

Chair Leifer referred to section 5 regarding streamers, pennants, and banners and asked if this would rule out temporary uses of those things. Ms. Gemmer replied that it would not. Those would be addressed in the Temporary Use section.

Commissioner Andes commented that A-board signs are all over the place and no one seems to be doing anything about it. He referred to one by K-Mart that advertises a shop on the other side of the street. He asked when the City would get around to enforcing the existing code. Planning Manager Holland stated that proactive enforcement has been a staffing problem. He commented that staff does regularly pick up A-board signs that do not comply with regulations. There is a conscious effort to not pick on commercial businesses, but if they are blocking the sidewalk or being a distraction to traffic staff will take action. He recommended that people email him if they notice signs that are a problem.

Commissioner Lebo asked about political campaign signs. Planning Manager Holland stated that there are very strict regulations about this, and the City can't touch them. Candidates are supposed to remove them when the campaign is over.

Billboards

Planning Manager Holland explained that Clear Channel has challenged the City's Ordinance to apply the amortization schedule to get rid of billboards. Staff has met with Clear Channel on numerous occasions to talk to them about what the City would like to see done. There are currently 25 billboards and 42 billboard faces in the City. The highest priority for removing billboards is in the downtown area, anywhere south of Grove. Highlights to proposed changes:

- If you install an electronic billboard you would need to remove five other billboards.
- No more than two faces would be allowed for electronic billboards.
- No new billboards unless they are electronic.
- Billboards would have to be available for public service announcements such as Amber Alerts and Strawberry Festival announcements.
- Billboards need to be spaced a minimum of 1000 feet apart.
- There is a 35-foot height limit.
- There is a 100-foot minimum setback from an intersection or a greater distance if other factors are involved that would be a public hazard.
- An electronic billboard would have a 10-foot property setback from the edge of the billboard and 15 feet from the foundation to the public right-of-way.
- There would be a setback of 100 feet from any residential zone
- Additional setbacks could apply for view corridors.
- The recommendation is 5,000 nits in daytime and 500 between sunset and sunrise. LEDs must also have dimming capabilities.
- The rate of changes would be allowed to change not more than once every 8 seconds.

Commissioner Andes commented that 288 square feet seems like a very large sign. Planning Manager Holland noted that it's not as big as it sounds. He offered to provide some pictures so the commissioners could see them in context.

There was discussion about some electronic signs around town and their levels of brightness.

Planning Manager Holland clarified that on Exhibit A the sending area would need to be extended up to include the whole State Avenue to Smokey Pt. Blvd. corridor and end the receiving area at 152nd South to 100th.

OLD BUSINESS

- Honey Bees

Associate Planner Gemmer responded to questions raised at the previous meeting and reviewed proposed amendments regarding beekeeping as contained in her Memo to Gloria Hirashima dated September 17, 2014 (in the Commission's packet).

Commissioner Richards asked how they could get people who are not registered to register. Ms. Gemmer said they could inform people of the requirements if they ask or if someone informs the City of an issue they can send a letter. In general, the philosophy of the City is to not intervene unless there is an issue with compliance that is brought to their attention.

Commissioner Lebo thought that two beehives on 5,000 square feet seems like too much. Ms. Gemmer explained that the beehives are pretty small boxes. She noted that these are suggestions based on other jurisdictions and research staff has done, but the Planning Commission could recommend changes.

Chair Leifer wondered how many bees there are per acre in a natural setting. Ms. Gemmer offered to try to find the answer to that. Chair Leifer wondered how the number of feral bees compares to the proposed allowable amount.

Commissioner Lebo commented that he has a friend who keeps bees and the queen bee occasionally escapes with the whole hive following her and the owner has to go retrieve them.

Planning Manager Holland stated this would be covered at the hearing.

Commissioner Lebo suggested inviting the Department of Agriculture to the hearing to stress the importance of registering hives.

- Kennels

Associate Planner Gemmer reviewed the proposed amendments regarding dog daycares and kennels as contained in her Memo to CAO Hirashima dated September 17, 2014.

Commissioner Lebo asked how staff perceives the enforcement of this. Ms. Gemmer stated that if there are any complaints staff would definitely enforce the code. She noted that there are two dog daycares in town and there haven't been any problems to date. Planning Manager Holland stated that the City also has decibel- measuring equipment that can be utilized if necessary.

NEXT MEETING – October 14

Planning Manager Holland stated that at the next meeting on October 14 the Planning Commission would be covering the Marysville housing profiles. A representative from Snohomish County Housing Authority, who staffs the Affordable Housing Alliance for Snohomish County, will be coming to that meeting.

The School District's capital facilities plans will also be presented at the next meeting. A representative from each district will be present to go over their plans.

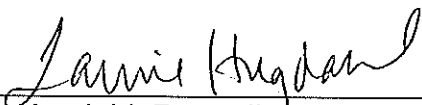
Chair Leifer thanked staff for the information provided on Industrial Center areas.

CITY COUNCIL AGENDA ITEMS AND MINUTES

None

ADJOURNMENT

Motion made by Commissioner Richards, seconded by Commissioner Smith, to adjourn the meeting at 8:32 p.m. **Motion** passed unanimously (5-0).



Laurie Hugdahl, Recording Secretary

PLANNING
COMMISSION



MINUTES

September 9, 2014

7:00 p.m.

City Hall

CALL TO ORDER

Chair Leifer called the September, 2014 meeting to order at 7:00 p.m. noting no one in the audience and the excused absence of Roger Hoen and the continuing absence of Marvetta Toler.

Marysville

Chairman: Steve Leifer

Commissioners: Jerry Andes, Kay Smith, Steven Lebo, Kelly Richards

Staff: Planning Manager Chris Holland, Associate Planner Angela Gemmer

Absent: Roger Hoen, Marvetta Toler

APPROVAL OF MINUTES

July 8, 2014

Motion made by Commissioner Andes, seconded by Commissioner Richards, to approve the July 8, 2014 Meeting Minutes. **Motion** passed unanimously (5-0).

AUDIENCE PARTICIPATION

None

NEW BUSINESS

WCIA Audit Code Amendments

Planning Manager Holland explained that the City passed the WCIA Land Use Audit, but the auditors pointed out some deficiencies based on new state laws and other factors regarding: Group Homes, Adult Family Homes and Daycare 1; Subdivision

Deadlines; and Vesting. Additionally staff has been receiving a lot of questions about issues related to proposed minor and major amendments to the site plans, binding site plans, short plats and subdivisions.

- Group Homes, Adult Family Homes and Daycare 1

Associate Planner Angela Gemmer explained that staff is proposing changes to the permitted uses matrices. Under state law, the City cannot treat Adult Family Homes differently than other sorts of single-family residences. The code would be amended to allow Adult Family Homes if there are existing single family residences in all commercial zones. A new single family residence would not be allowed, but if there is an existing single family residence, this amendment would enable people to pursue an Adult Family Home. Similarly, state law requires that family daycares be allowed in all zones. The code is proposed to be amended to allow Daycare 1 within commercial zones. The other change being proposed is to allow Residential Care Facilities if an existing single-family residence is in a commercial zone. With those amendments the City's code would be in compliance with the state requirement to allow Daycare 1's and adult family homes within all zones.

- Subdivision Deadlines

Planning Manager Holland discussed the changes regarding this over the years. The proposed changes would bring the City in alignment with the state RCW by amending the subdivision approval terms and short subdivision approval terms to match what is included in the RCW. This means 90 days to be approved or returned to the applicant for modifications or corrections. A final subdivision has to be approved within five years if approved after January 1, 2015. The applicant would have seven years to have a final subdivision or short subdivision if it received preliminary approval before December 31, 2014 or ten years if it received preliminary approval before December 31, 2007. The City has always treated the subdivisions and short subdivisions per the RCWs, but this would codify it for clarification.

Chair Leifer asked if the response time was 60 days or 120 days before this. Planning Manager Holland replied that it was 60 days in the City's code for short subdivisions, and 90 days for the rest. He acknowledged that the RCW is confusing. Generally, the City's response time is about three weeks. General discussion about response times followed.

Commissioner Andes asked about the possibility for extensions. Planning Manager Holland indicated that there is still a provision for a one-year extension from the Community Development Director.

Chair Leifer asked how these provisions work with the special extensions for civil construction plans that were given during the economic downturn. Planning Manager Holland explained that in the Engineering section of the code it states that your approval is good for as long as the project approval is good.

- Vesting

Planning Manager Holland commented that the current vesting language is substandard, and the auditor provided examples of better vesting language. Staff is proposing to eliminate the entire current vesting section and replace it with a new section. Planning Manager Holland reviewed the proposed vesting language consisting of Purpose, Applicability, Vesting of Applications, Duration of Vesting, and Waiver of Vesting. He emphasized that vesting does not apply to processes.

- Minor and Major Amendments

Staff is proposing the following changes. A minor amendment for a short subdivision would mean not more than one additional lot. For subdivisions, single-family detached units, cottage housing, townhomes, and multi-family developments, a minor amendment would be the lesser of a 10 percent increase in the number of lots or units or an additional 10 lots or units; a reduction in the number of lots or units; a change in access points; a change in project boundaries required to address surveying errors or other issues; a change to the internal lot lines that does not increase lot or unit count beyond the amount allowed; a change in the aggregate areas of designated open space that would decrease the amount by more than 10 percent; or a change not addressed above that does not substantially alter the character of the approved development application or site plan and prior approval.

Commissioner Andes commented that if you go from a vault to a pond, but you give up a lot or two to get the open space back to where it should have been it shouldn't be a major modification. Chris Holland concurred.

Planning Manager Holland explained that a major revision for a subdivision would be the lesser of a 20% increase in the number of lots or units or an additional 20 lots or units; a change in the project boundaries; a change in lot lines, a change in the aggregate area of designated open space beyond what is allowed as a minor revision; and a change not addressed above. Proposed increases to fees related to associated costs were also reviewed (page 8 of 8 in the Commission Packet in the WCIA Audit section). The fees are based on the amount of scrutiny required for a major amendment.

There were no questions or concerns raised.

Master Planned Senior Communities

Planning Manager Holland explained that staff recently received a request to do a Master Planned Senior Community in a Community Business zone. The Master Plan provides for a variety of housing and care options for senior citizens including independent senior housing, assisted living, nursing care, recreation, dining, and onsite medical facilities. The City does not see commercial zones as the most desirable zone

for these types of facilities. The City Council recently set a public hearing to enact a moratorium to not allow Master Planned Senior Communities in commercial zones for a period of 6-months. He pointed out that the General Description, Criteria, and Standards for those zones is also included in the packet. Staff is proposing to remove these types of business from the Permitted Uses in the NB, CB, GC and DC zones. Master Planned Senior Communities would continue to be allowed in the Mixed Use and Public Institutional zones. They would also continue to be permitted in all residential zones upon obtaining a Conditional Use Permit.

Honey Bees

Associate Planner Angela Gemmer explained that recently the City Council had received concerns related to beekeeping and has asked the Planning Commission to review this matter. She presented a memo regarding basic information on bees and comparative best management practices policies to promote compatibility with residential uses. She summarized that backyard beekeeping is something that can be compatible with adjacent residential uses if proper management uses are in place. Presently there are no regulations pertaining to bees. Staff is proposing some basic regulations to ensure that the use would be compatible with adjacent properties.

Commissioner Richards asked if a license is required for beekeeping in Marysville. Associate Planner Gemmer commented that beekeepers are supposed to register their hives with the state, but there are currently no regulations in the City regarding beekeeping. Ms. Gemmer thought the information regarding hives could be obtained from the Department of Agriculture. The proposed regulations would be useful in the event that any issues arise.

Commissioner Andes commented that the two hives on a lot under 5,000 square feet seems like too much. He recommended a minimum lot size of about 5,000 square feet. Planning Manager Holland said he didn't think there would be many folks with beehives in urban developments because of the lack of foraging opportunities. He thought there would be more beehives next to NGPA areas where they can actually thrive. Ms. Gemmer commented that beekeeping is a complicated endeavor and people who pursue it are pretty serious about it. Planning Manager Holland offered to bring back some minimum lot size alternatives.

Chair Leifer commented that it was interesting comparing what other communities allow.

Kennels

Associate Planner Gemmer explained that staff has become aware that the existing code regarding dog daycares and kennels is somewhat restrictive. Staff wants to make sure they are compatible with adjacent uses while perhaps allowing them to occur in smaller areas.

Chair Leifer asked if the five-acre minimum lot size was exclusively for the dog kennel or if other uses could be done on the property. Associate Planner Gemmer replied that

the code is not clear on that point. Chair Leifer wondered if it was economically feasible for a dog kennel operation to set aside five acres of industrial property to operate. He commented that it might be possible to have the dog kennel in the center of the five acres with other uses around the edges of the property as a noise buffer.

Ms. Gemmer commented that it appeared most kennel operators had a hard time finding a five-acre piece of property. She explained that staff is hoping to make the code more flexible to allow uses in existing structures if proper measures are taken regarding noise and other issues. Staff is proposing eliminating the five-acre threshold for kennels, allowing dog day cares as its own use in the code but no longer allowing it in the Neighborhood Business zones; restricting dog daycares to indoors in general with outdoor runs; and including a general provision to comply with the WAC in terms of noise, etc. Staff will be coming back to discuss this more.

COMMISSIONER COMMENTS

Chair Leifer asked if the state's 10-year tax exemption for multifamily can only be used for affordable housing or if it can be used for market rate housing. Planning Manager Holland stated that the only way you get the tax exemption market rent apartments is if the City adopts a provision allowing a tax exemption. The only area the City currently allows it is in the downtown. There is a formula requiring a certain percentage of affordable units. For state and federal tax exemptions it could not be a market rate unit unless it was located downtown.

CITY COUNCIL AGENDA ITEMS AND MINUTES

ADJOURNMENT

Motion made by Commissioner Richards, seconded by Commissioner Lebo, to adjourn the meeting at 8:16 p.m. **Motion** passed unanimously.

NEXT MEETING:

September 23, 2014



Laurie Hugdahl, Recording Secretary

CITY OF MARYSVILLE
Marysville, Washington
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON, AMENDING MARYSVILLE MUNICIPAL CODE (MMC) SECTIONS 10.04.460 REGARDING COMMERCIAL KENNELS AND PET SHOPS – GENERAL CONDITIONS; MMC 22A.020.120 BY AMENDING THE DEFINITION FOR “KENNEL, COMMERCIAL”; MMC 22A.020.170 BY ADDING A DEFINITION FOR “PET DAYCARE”; MMC 22C.020.060 REGARDING TABLE OF PERMITTED USES; MMC 22C.020.070 REGARDING PERMITTED USES – DEVELOPMENT CONDITIONS; AND AMENDING MMC 22A.010.160 REGARDING GENERAL ADMINISTRATION, RELATED TO TRACKING AMENDMENTS TO THE CITY’S UNIFIED DEVELOPMENT CODE.

WHEREAS, the State Growth Management Act, RCW Chapter 36.70A mandates that cities periodically review and amend development regulations which include but are not limited to zoning ordinances and official controls; and

WHEREAS, RCW 36.70A.106 requires the processing of amendments to the City's development regulations in the same manner as the original adoption of the City's comprehensive plan and development regulations; and

WHEREAS, the State Growth Management Act requires notice and broad public participation when adopting or amending the City's comprehensive plan and development regulations; and

WHEREAS, the City, in reviewing and amending its development regulations has complied with the notice, public participation and processing requirements established by the Growth Management Act, as more fully described below; and

WHEREAS, the City Council of the City of Marysville finds that from time to time it is necessary and appropriate to review and revise provisions of the City’s municipal code and development code (MMC Title 22); and

WHEREAS, the development code amendment is consistent with the following required findings of MMC 22G.010.500:

- (1) The amendment is consistent with the purposes of the comprehensive plan;
- (2) The amendment is consistent with the purpose of this title;
- (3) There have been significant changes in the circumstances to warrant a change;
- (4) The benefit or cost to the public health, safety and welfare is sufficient to warrant the action.

WHEREAS, during public meetings on September 9, 2014 and September 23, 2014, the Planning Commission discussed proposed amendments to MMC 10.04.460, 22A.020.120, 22A.020.170, 22C.020.060, 22C.020.070, and 22A.010.160; and

WHEREAS, after providing notice to the public as required by law, on November 12, 2014, the Marysville Planning Commission held a Public Hearing on proposed amendments to the City's development regulations which was continued to November 25, 2014; and

WHEREAS, on November 25, 2014, at the continued public hearing, the Planning Commission made a Recommendation to the City Council recommending the adoption of proposed amendments to MMC Sections 10.04.460, 22A.020.120, 22A.020.170, 22C.020.060, 22C.020.070, and 22A.010.160; and

WHEREAS, at a public meeting on January 12, 2015 the Marysville City Council reviewed and considered the Planning Commission's Recommendation and proposed amendments to MMC Sections 10.04.460, 22A.020.120, 22A.020.170, 22C.020.060, 22C.020.070, and 22A.010.160; and

WHEREAS, the City of Marysville has submitted the proposed development regulation revisions to the Washington State Department of Commerce on September 17, 2014, as required by RCW 36.70A.106; and

WHEREAS, the amendments to the development regulations are exempt from State Environmental Policy Act review under WAC 197-11-800(19);

WHEREAS, the City Council finds that it is in the best interest of the community to adopt these amendments;

NOW, THEREFORE, the City Council of the City of Marysville, Washington do ordain as follows:

Section 1. Approval of Planning Commission's Recommendation and Adoption of Findings and Conclusions. The Planning Commission's November 25, 2014 Recommendation regarding the proposed development regulation revisions, including the Findings and Conclusions contained therein, as set forth in the attached **Exhibit "A"**, is hereby adopted and incorporated herein by this reference.

Section 2. MMC 10.04.460, Commercial kennels and pet shops – General conditions, is hereby amended to read as follows:

10.04.460 Commercial kennels, animal shelters, pet daycares, and pet shops – General conditions.

Commercial kennels, animal shelters, pet daycares, and pet shops shall meet the following conditions:

(1) Animal housing facilities shall be provided the animals and shall be structurally sound and shall be maintained in good repair; shall be designed so as to protect the animals from injury and restrict the entrance of other animals. In addition, each animal housed in any animal shelter, commercial kennel, pet daycare, or pet shop or enclosure therein shall be provided with adequate floor space to allow each animal to turn about freely and to easily stand, sit, and lie in a comfortable normal position.

(2) Electrical power shall be supplied in conformance with applicable electrical codes adequate to supply heating and lighting as may be required by this chapter.

(3) Indoor facilities must comply with the following:

(a) Be heated or cooled to protect the animals from temperatures to which they are not acclimated;

(b) Provide adequate ventilation for the health of the animals and to remove foul odors;

(c) Interior walls, ceilings, and floors must be sealed and resistant to absorption of moisture or odors;

(d) Flooring must be an impervious surface that can be sanitized; and

(e) Suitable drainage must be provided to eliminate excess water.

(4) Outdoor facilities must comply with the following:

(a) Shelter from the elements must be provided;

(b) Suitable drainage must be constructed to prevent an accumulation of water, mud, debris, etc. and to enable proper cleaning of the facilities; and

(c) Walls or fences to contain animals and prevent entry of other animals must be provided.

~~(35)~~ Water shall be supplied at sufficient pressure and quantity to clean indoor housing facilities and enclosures of debris and excreta.

~~(46)~~ Suitable food and bedding shall be provided and stored in facilities adequate to provide protection against infestation or contamination by insects or rodents. Refrigeration shall be provided for the protection of perishable foods.

~~(57)~~ Provision shall be made for the removal and disposal of animal and food wastes, bedding, dead animals and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors, and disease hazards.

~~(68)~~ Washroom facilities, including sinks and toilets, with hot and cold water, shall be conveniently available to maintain cleanliness among animal caretakers and for the purpose of washing utensils and equipment.

~~(79)~~ Sick, diseased or injured animals shall be separated from those appearing healthy and normal and if for sale, shall be removed from display and sale and kept in isolation quarters with adequate ventilation to keep from contaminating well animals.

~~(810)~~ There shall be an employee or keeper on duty at all times during hours any store or facility is open whose responsibility shall be the care and supervision of the animals in that shop or department held for care, sale or display.

~~(911)~~ An employee, keeper or owner shall make provision to feed, water and do the necessary cleaning of animals on days the store or establishment is closed.

~~(1012)~~ No person, persons, association, firm or corporation shall misrepresent an animal to a consumer in any way.

~~(1113)~~ No person, persons, associations, firm or corporation shall knowingly sell a sick or injured animal.

~~(1214)~~ Animals which are caged, closely confined or restrained shall be permitted daily, and for an appropriate length of time, as determined by their size, age and species, to exercise in a yard or area suitable for that purpose.

(15) Noise levels shall comply with the standards set forth in Chapter 173-60 Washington Administrative Code (WAC). If noise levels exceed these standards, mitigation measures such as, but not limited to, soundproofing of buildings or outdoor facilities, prohibiting overnight boarding, restricting outdoor access, limiting the number of animals receiving care, separating animals into different groups, etc. shall be implemented in order to achieve compliance with the noise standards set forth in WAC 173-60-040.

(16) Animal facilities (indoor and outdoor) must maintain a 25 foot setback to any neighboring structure used for human habitation located in a nonresidential zone, and a 100 foot setback to any neighboring structure used for human habitation located in a residential zone.

Section 3. MMC 22A.020.120, "K" definitions, Definitions, is hereby amended by amending the definition below to read as follows:

22A.020.120 "K" definitions.

"Kennel, commercial" means any lot or unit of adjoining lots in the city on which a total of more than four dogs and/or cats, or a combination of the same, over three months of age are kept and/or maintained for board, propagation, training or treatment. ~~Such kennel must be established on a minimum of five acres; provided, that~~ The term "commercial kennel" shall not apply to legally established commercial enterprises which operate exclusively as veterinary hospitals or clinics, pet stores, pet daycares, or grooming parlors.

Section 4. MMC 22A.020.170, "P" definitions, is hereby amended by adopting a new definition which shall read as follows:

22A.020.170 "P" definitions.

"Pet daycare" means any commercial facility where four or more dogs, or other pet animals, are left by their owners during the daytime for periods of supervised social interaction in play groups with other animals of the same species. Supervised social interaction occurs during the majority of the time the pets are at the facility.

Section 5. MMC 22C.020.060, Permitted uses table is hereby amended as follows. (All other provisions of MMC 22C.020.060 remain in effect and unchanged):

22C.020.060 Permitted uses.

General Services Land Uses										
Specific Land Use	NB	CB (63)	GC	DC	MU (63)	BP	LI	GI	REC	P/I
Personal Services:										
Kennel, commercial and exhibitor/breeding (70)		P	P			C	P	P		
Pet daycare (70), (71)		P	P	P	P	P	P	P		

Section 6. MMC 22C.020.070, Permitted uses – Development conditions, is hereby amended by adding the following subsections (70) and (71) which shall read as follows. (All other provisions of MMC 22C.020.070 remain in effect and unchanged):

22C.020.070 Permitted uses – Development conditions.

(70) Subject to the requirements set forth in MMC Section 10.04.460.

(71) Pet daycares are restricted to indoor facilities with limited, supervised access to an outdoor fenced yard. Overnight boarding may be permitted as a limited, incidental use. Both outdoor access and overnight boarding privileges may be revoked or modified if the facility is not able to comply with the noise standards set forth in the WAC 173-60-040.

Section 7. MMC 22A.010.160, Amendments, is hereby amended as follows by adding reference to this adopted ordinance in order to track amendments to the City's Unified Development Code:

"22A.010.160 Amendments.

The following amendments have been made to the UDC subsequent to its adoption:

<u>Ordinance</u>	<u>Title (description)</u>	<u>Effective Date</u>
_____	Pet Daycares and Kennels	_____, 2015"

Section 8. Severability. If any section, subsection, sentence, clause, phrase or work 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 9. 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 _____, 2015.

CITY OF MARYSVILLE

By: _____
JON NEHRING, MAYOR

Attest:

By: _____
CITY CLERK

Approved as to form:

By: _____
CITY ATTORNEY

Date of Publication: _____

Effective Date: _____
(5 days after publication)

Index #18

CITY OF MARYSVILLE
EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: January 12, 2015

AGENDA ITEM: Ordinance adopting amendments to the Marysville Municipal Code Title 22D <i>City-Wide Standards</i> increasing the time during which park, school, and traffic impact fees may be expended from six years to 10 years.	AGENDA SECTION: New Business	
PREPARED BY: Angela Gemmer, Associate Planner	APPROVED BY:	
ATTACHMENTS: 1. PC Recommendation, including: <ul style="list-style-type: none"> • Exhibit A – PC Recommended Ordinance • Exhibit B – PC Public Hearing Minutes, November 25 • Exhibit C – PC Workshop Minutes, September 23 2. Adopting Ordinance	MAYOR	CAO

DESCRIPTION:

The Planning Commission (PC) held a public workshop on September 23, 2014, and a duly advertised public hearing on November 25, 2014 to review proposed amendments to Marysville Municipal Code Chapters 22D.020 – *Parks, Recreation, Open Space and Trails Impacts Fees and Mitigation*, 22D.030 – *Traffic Impact Fees and Mitigation*, and 22D.040 – *School Impact Fees and Mitigation*. Presently, State law has been amended to increase the time during which park, school, and traffic impact fees may be expended from six years to 10 years. The proposed amendments are to update the park, school, and traffic impact fee codes to be consistent with this requirement.

The PC received testimony from property owners, staff and other interested parties at the public hearing, following public notice. The PC made a motion to recommend the proposed amendments to Marysville City Council for adoption by ordinance.

RECOMMENDED ACTION:

Affirm the Planning Commission’s Recommendation and adopt amendments to MMC Title 22D *City-Wide Standards* increasing the time during which park, school, and traffic impact fees may be expended from six years to 10 years.

COUNCIL ACTION:



COMMUNITY DEVELOPMENT DEPARTMENT
 80 Columbia Avenue ♦ Marysville, WA 98270
 (360) 363-8100 ♦ (360) 651-5099 FAX

PC Recommendation - Term for Impact Fee Expenditures

The Planning Commission of the City of Marysville, having held a public hearing on November 12, 2014, which was continued to November 25, 2014, in review of amendments related to the Term for Impact Fee Expenditures by amending Marysville Municipal Code (MMC) Sections 22D.020.090(5); 22D.020.100; 22D.040.050; 22D.040.060; and 22D.030.070, and having considered the exhibits and testimony presented, does hereby enter the following findings, conclusions and recommendation for consideration by Marysville City Council:

FINDINGS:

1. The Planning Commission held a public work session to review amendments related to the Term for Impact Fee Expenditure on September 23, 2014.
2. The proposed amendment to the City's development regulations is exempt from State Environmental Policy Act review under WAC 197-11-800(19).
3. Community Development Staff submitted the DRAFT amendments related to Term for Impact Fee Expenditures to the State of Washington Department of Commerce for expedited review pursuant to RCW 36.70A.106(3)(b). No comments were received from State Agencies.
4. The Planning Commission held a duly-advertised public hearing on November 12, 2014, which was continued to November 25, 2014.
5. No public comments were received on the DRAFT amendments related to Term for Impact Fee Expenditures.

CONCLUSION:

At the public hearing, held on November 25, 2014, the Planning Commission recommended adoption of the development code amendments related to the Term for Impact Fee Expenditures, as reflected in the Ordinance attached hereto as **Exhibit A**, as reflected in the PC minutes attached hereto as **Exhibit(s) B & C**.

RECOMMENDATION:

Forwarded to City Council as a Recommendation of Approval of the development code amendments related to Term for Impact Fee Expenditures by the Marysville Planning Commission this 25th day of November, 2014.

By:  _____
 Steve Lefter, Planning Commission Chair

EXHIBIT A

CITY OF MARYSVILLE
Marysville, Washington
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON, AMENDING MMC 22D.020.090(5); MMC 22D.020.100 REGARDING PARKS, RECREATION, OPEN SPACE AND TRAIL IMPACT FEES AND MITIGATION; MMC 22D.040.050; MMC 22D.040.60 REGARDING SCHOOL IMPACT FEES AND MITIGATION; MMC 22D.030.070 REGARDING TRAFFIC IMPACT FEES AND MITIGATION; MMC 22A.010.160 REGARDING GENERAL ADMINISTRATION, RELATED TO TRACKING AMENDMENTS TO THE CITY'S UNIFIED DEVELOPMENT CODE; PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the State Growth Management Act, RCW Chapter 36.70A mandates that cities periodically review and amend development regulations which include but are not limited to zoning ordinances and official controls; and

WHEREAS, RCW 36.70A.106 requires the processing of amendments to the City's development regulations in the same manner as the original adoption of the City's comprehensive plan and development regulations; and

WHEREAS, the State Growth Management Act requires notice and broad public participation when adopting or amending the City's comprehensive plan and development regulations; and

WHEREAS, the City, in reviewing and amending its development regulations has complied with the notice, public participation and processing requirements established by the Growth Management Act, as more fully described below; and

WHEREAS, the City Council of the City of Marysville finds that from time to time it is necessary and appropriate to review and revise provisions of the City's municipal code and development code (MMC Title 22); and

WHEREAS, the development code amendments herein are consistent with the following required findings of MMC 22G.010.500:

- (1) The amendment is consistent with the purposes of the comprehensive plan;
- (2) The amendment is consistent with the purpose of this title;
- (3) There have been significant changes in the circumstances to warrant a change;
- (4) The benefit or cost to the public health, safety and welfare is sufficient to warrant the action.

WHEREAS, the Planning Commission discussed the above-referenced amendments during a public meeting held on September 23, 2014; and

EXHIBIT A

WHEREAS, after providing notice to the public as required by law, on November 12, 2014, the Marysville Planning Commission held a Public Hearing on proposed amendments to the City's development regulations which was continued to November 25, 2014; and

WHEREAS, on November 25, 2014, at the continued public hearing, the Marysville Planning Commission made a Recommendation to the City Council recommending the adoption of the proposed amendments to the City's development regulations; and

WHEREAS, at a public meeting on January 12, 2015, the Marysville City Council reviewed and considered the Marysville Planning Commission's Recommendation and proposed amendments to the City's development regulations; and

WHEREAS, the City of Marysville has submitted the proposed development regulation revisions to the Washington State Department of Commerce on September 24, 2014, seeking expedited review under RCW 36.70A.160(3)(b) in compliance with the procedural requirements of RCW 36.70A.106; and

WHEREAS, the amendments to the development regulations are exempt from State Environmental Policy Act review under WAC 197-11-800(19);

NOW, THEREFORE, the City Council of the City of Marysville, Washington do ordain as follows:

Section 1. MMC 22D.020.090(5), is hereby amended to read as follows. (All other provisions of MMC 22D.020.090 remain in effect and unchanged):

(5) Impact fees shall be expended or encumbered for a permissible use within ~~six~~ ten years of the date they are received by the city of Marysville finance department unless the city council makes written findings that there exists an extraordinary and compelling reason for fees to be held longer than ~~six~~ ten years.

Section 2. MMC 22D.020.100(2)(a), is hereby amended to read as follows. (All other provisions of MMC 22D.020.100 remain in effect and unchanged):

(2) Refunds of Unencumbered Impact Fees.

(a) The current owner of property on which impact fees have been paid may apply for and receive a refund of these fees if the impact fees have not been expended or encumbered within the time limits in MMC 22D.020.090(5) unless the city council has extended the ~~six~~ ten year period by finding that there is an extraordinary and compelling reason to hold such fees for a longer period. Refunds of impact fees under this subsection (2) shall include any interest earned on the impact fees by the city. In determining whether impact fees have been encumbered, impact fees shall be considered encumbered on a first-in, first-out basis.

Section 3. MMC 22D.040.050(4)(b), is hereby amended to read as follows. (All other provisions of MMC 22D.040.050 remain in effect and unchanged):

(4) Impact Fee Limitations.

(b) School impact fees must be expended or encumbered for a permissible use within ~~six~~ ten years of receipt by the district.

Section 4. MMC 22D.040.060(4)(a), is hereby amended to read as follows. (All other provisions of MMC 22D.040.060 remain in effect and unchanged):

EXHIBIT A

(4) Refunds.

(a) School impact fees not spent or encumbered within ~~six~~ ten years after they were collected shall, upon receipt of a proper and accurate claim, be refunded, together with interest, to the then current owner of the property. In determining whether school impact fees have been encumbered, impact fees shall be considered encumbered on a first-in, first-out basis. At least annually, the city, based on the annual report received from each district pursuant to subsection (2)(d) of this section, shall give notice to the last known address of potential claimants of any funds, if any, that it has collected that have not been spent or encumbered. The notice will state that any persons entitled to such refunds may make claims.

Section 5. MMC 22D.030.070(9)(a)(iv), is hereby amended to read as follows. (All other provisions of MMC 22D.030.070 remain in effect and unchanged):

(9) Administration of Traffic Impact Fees.

(a) Any traffic impact fees made pursuant to this title shall be subject to the following provisions:

(iv) The fee payer may receive a refund of such fees if the city fails to expend or encumber the impact fees within ~~six~~ ten years of when the fees were paid, or other such period of time established pursuant to RCW 82.02.070(3), on transportation facilities intended to benefit the development for which the traffic impact fees were paid, unless the city council finds that there exists an extraordinary and compelling reason for fees to be held longer than ~~six~~ ten years. These findings shall be set forth in writing and approved by the city council. In determining whether traffic impact fees have been encumbered, impact fees shall be considered encumbered on a first-in/first-out basis. The city shall notify potential claimants by first class mail deposited with the United States Postal Service at the last known address of claimants.

Section 6. MMC 22A.010.160, Amendments, General Administration, is hereby amended as follows by adding reference to this adopted ordinance in order to track amendments to the City’s Unified Development Code:

“22A.010.160 Amendments.

The following amendments have been made to the UDC subsequent to its adoption:

<u>Ordinance</u>	<u>Title (description)</u>	<u>Effective Date</u>
_____	Term for Expending Impact Fees	_____, 2015”

Section 7. 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 8. Effective Date. This ordinance shall become effective five days after the date of its publication by summary.

EXHIBIT A

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 2015.

CITY OF MARYSVILLE

By: _____
JON NEHRING, MAYOR

Attest:

By: _____
APRIL O'BRIEN, DEPUTY CITY CLERK

Approved as to form:

By: _____
GRANT K. WEED, CITY ATTORNEY

Date of Publication: _____

Effective Date: _____
(5 days after publication)

PLANNING
COMMISSION



MINUTES

November 25, 2014

7:00 p.m.

City Hall

CALL TO ORDER

Chair Leifer called the November 25, 2014 meeting to order at 7:00 p.m. noting excused absence of Commissioners Lebo and Richards and the continuing absence of Commissioner Marvetta Toler. He noted that there was no one in the audience.

Marysville

Chairman: Steve Leifer

Commissioners: Roger Hoen, Jerry Andes, Kay Smith,

Staff: Planning Manager Chris Holland
Associate Planner Angela Gemmer

Absent: Steven Lebo, Kelly Richards, Marvetta Toler

APPROVAL OF MINUTES

Motion made by Commissioner Smith, seconded by Commissioner Andes, to approve the November 12, 2014 Meeting Minutes. **Motion** passed unanimously (4-0).

AUDIENCE PARTICIPATION

None

OLD BUSINESS

- Code Amendments
- Caretaker's Quarters (hearing closed)

Planning Manager Holland presented the revised draft ordinance as discussed at the last meeting. He asked if what was reflected in the revised draft ordinance is indicative of what the Planning Commission had recommended. He pointed out that in the Definitions section the Commission had talked about recreational vehicles or other temporary structures being included. He noted that if you read what a recreational vehicle entails it also includes, but is not limited to campers, motor homes, and travel

trailers. Tents are excluded. In the GI and LI zones other temporary structures, such as Pacific Mobile construction trailers, would also be permitted because there are no design regulations. He solicited Commission comments on the revised draft ordinance.

Chair Leifer commented that the proposed draft ordinance is consistent with his recollection of the Commission's discussion. He agrees that the exclusion of other temporary structures makes sense.

Commissioner Hoen commented that they had also discussed looking into a limitation based on the size of the business. Planning Manager Holland agreed and said it had been included in the minutes, but noted that the recommendation from the Commission had not included that. Commissioner Hoen asked if staff sees any unintended consequences of allowing recreational vehicles as caretaker's quarters. Planning Manager Holland stated that staff does not support the Planning Commission's position and believes that there would be consequences for allowing recreational vehicles as caretaker's quarters.

Chair Leifer clarified his discussion with a staff member from the City of Everett which he had referred to at the last meeting. Since the last meeting, he spoke with other staff members who had a different opinion about the way the code would be interpreted, and they would not allow recreational vehicles as caretaker's quarters.

Motion made by Commissioner Andes, seconded by Commissioner Smith, to have Chair Leifer sign the Planning Commission Recommendation, which includes the revised ordinance allowing recreational vehicles as caretaker's quarters, and forward it to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

PUBLIC HEARING

Chair Leifer reopened the public hearing at 7:12 p.m.

Code Amendments:

- **Legislative Enactment Amendments**

Planning Manager Holland noted that the City got audited by the Washington Cities Insurance Authority (WCIA) this year and one of the focuses was for land use. The City passed, but WCIA pointed out a few deficiencies related to group and adult family homes. Case law states those can't be prohibited from any zone. This ordinance addresses that by permitting those uses in all zones. Also deadlines for approvals have been amended for binding site plans, subdivisions, short subdivisions, etc. Vesting regulations were also amended. Finally, the Code now clarifies what constitutes minor and major amendments for land use actions.

Commissioner Andes asked how the fees were determined. Planning Manager Holland stated that they were based on a fee study done several years ago by looking at other jurisdictions and analyzing staff time for reviews. The only proposed change to the fee

schedule was based on the minor/major amendments modifications. The fee for minor amendments was increased to more accurately reflect the amount of staff time these reviews take.

Chair Leifer asked about extension periods on short plats. Planning Manager Holland explained that short plats and plats are governed by state law. He then reviewed timelines associated with plats and the commercial, or multi-family, site plan extension regulations.

Commissioner Andes asked if you have to prove you are making progress in the five-year period in order to get the one-year extension. Planning Manager Holland affirmed that you do have to show that you have attempted in good faith to submit the final plat within the five-year period.

Chair Leifer said he would have to recuse himself from any voting on this code amendment because he has an issue related to this. He asked what staff's position would be on any further movement on some of the stuff that is still sitting out there that has run out of time. Planning Manager Holland stated there are no proposed changes to commercial and multi-family site plan reviews. He summarized that if they were approved prior to when the Unified Development Code was adopted in 2012 they probably wouldn't be up to the design standards that are in place now. Chair Leifer asked if redesign of those projects would require all new submittal fees. Planning Manager Holland explained that if you had an approved civil construction plans and were approved under the 2005 DOE Stormwater Management Manual you likely wouldn't have to do an amendment. It would just be a matter of resubmitting the same thing and having an engineer stamp them so hopefully it wouldn't be a very big cost burden to the applicant.

Motion made by Commissioner Andes, seconded by Commissioner Smith, to approve this and forward to the Council with a recommendation for approval. **Motion** passed unanimously.

- **Nonconforming Situations**

Planning Manager Holland stated that staff is proposing to eliminate the CUP process and make this administrative which would reduce the cost. Instead, a building permit and site plan submittal showing setbacks would be required. He reviewed the proposed changes which would save costs and staff time.

Motion made by Commissioner Smith, seconded by Commissioner Andes, to approve the Nonconforming code amendments and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **Sign Code**

Angela Gemmer reviewed the four proposed Sign code amendments:

1. Require that signs that are freestanding and under 12-feet be monument-style signs.
2. Clarify the provision that requires that the structural posts of freestanding signs have decorative materials encasing them.
3. Clarify the intent for the changeable copy portion of the sign so it is limited to 30% of the sign area that is actually constructed.
4. Clarify the non-conforming sign provisions to indicate that converting them to an electronic changeable copy sign is not what the reface provision is intended to allow.

Commissioner Andes asked for clarification about the last one. Ms. Gemmer explained that if the sign meets the City's current design standards then you can convert whatever portion is allowable to an electronic changeable copy sign. Otherwise, you would need to retrofit the freestanding sign to meet the current sign code first. Planning Manager Holland commented that this has happened in a lot of the redevelopment of areas like the gas station on 4th Street.

Motion made by Commissioner Smith, seconded by Commissioner Hoen, to approve the sign code amendments and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **Beekeeping**

Ms. Gemmer reviewed two draft alternative ordinances on beekeeping with the following proposed changes:

- Allow a temporary 30-day doubling of the number of hives allowed in order to avoid swarming and other nuisance conditions
- Allow five migratory hives for agricultural purposes. A three-acre site would be allowed 15 hives. Thereafter you could have an additional five hives per acre.

Alternative 1 allows two hives on lots that are less than 10,000 square feet. Alternative 2 would not allow hives on lots less than 3,500 square feet, but would allow two hives on lots over 3,500 square feet up to 10,000 square feet.

Commissioner Andes expressed concern about having hives on small lots at all. 3,500 square feet seems too small to him. Even 5,000 square feet seems too small. He stated that the City needs to protect the public and not the bees.

Commissioner Hoen asked about lot sizes in the City. Planning Manager Holland reviewed these and explained that the size is based on the type of development. As far as building coverage is concerned, in no case can you ever go over 50% of the lot size for your building coverage.

Commissioner Smith concurred with Commissioner Andes.

Commissioner Hoen noted that according to the beekeepers the bees are foraging a mile away anyway. He was not sure what the size breaking point should be. He wondered how they would tell the difference between temporary and permanent hives.

Ms. Gemmer noted that the intent of the code is that this would be complaint-driven similar to the way chickens, dogs, or cats are handled.

There was discussion about approving Alternative 2, but amending the minimum from 3,500 to 5,000 square feet.

Motion made by Commissioner Andes, seconded by Commissioner Hoen, to approve Alternative 2 with the replacement in item 1(i) of 3,500 to 5,000 and (ii) 5,001 to 10,000 and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **Pet Daycares and Kennels**

Ms. Gemmer explained that the proposed code would create a specific use category for pet daycares and continue to allow them in all the zones they are presently allowed except in the Mixed Use zone. Also, the definition for dog kennels is proposed to be amended to eliminate the five-acre threshold to enable dog kennels to site in zones where they would be compatible. Additionally, there are new provisions to the dog daycare and kennel and similar facilities that pertain to health and sanitary conditions that are found in most jurisdictions. There is also a provision to implement setbacks from residences for dog kennels, a provision that dog kennels and daycares comply with the Washington Administrative Code in terms of how much noise is able to be emitted, and different provisions to address noise if noise limits are exceeded.

Chair Leifer asked how the noise levels are measured. Ms. Gemmer explained that it goes by decibels and can be measured with noise equipment. She reviewed the different classes and explained that each zone has a maximum amount of decibels that can be emitted in daytime and nighttime hours.

Commissioner Andes asked about the people who wanted to do a dog shelter in the old Sears building. He noted that would be a good place for a dog kennel. Ms. Gemmer concurred and indicated she would contact them if this code is approved.

Motion made by Commissioner Hoen, seconded by Commissioner Andes, to approve the Pet Daycare and Kennel amendments as presented and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **School, Traffic and Park Impact Fees**

Associate Planner Gemmer explained that the School, Traffic, and Park Impact Fee amendment would increase the term under which the fees collected may be expended from six years to ten years as required by state law.

Motion made by Commissioner Andes, seconded by Commissioner Smith, to approve the amendments regarding School, Traffic, and Park Impact Fees and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **State Environmental Policy Act**

Planning Manager Holland reviewed the proposed changes which would bring the City's code in compliance with the Phase 2 amendments.

Motion made by Commissioner Andes, seconded by Commissioner Hoen, to approve this and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **Wireless Communication Facilities**

Planning Manager Holland stated that this is also related to SEPA review. There were some FCC laws enacted regarding existing wireless communication facilities. Based on that, the state put in an exemption for wireless communication facilities. The proposed amendment would specifically state that in the ordinance to be in compliance with state law.

Chair Leifer asked if there are provisions about locating wireless facility towers. Planning Manager Holland reviewed these.

Motion made by Commissioner Andes, seconded by Commissioner Hoen, to approve this and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

The public hearing was closed at 8:10 p.m.

CITY COUNCIL AGENDA ITEMS AND MINUTES

ADJOURNMENT

Motion made by Commissioner Smith, seconded by Commissioner Andes, to adjourn the meeting at 8:11 p.m. **Motion** passed unanimously.

NEXT MEETING:

December 9, 2014



Laurie Hugdahl, Recording Secretary

PLANNING
COMMISSION



MINUTES

September 23, 2014

7:00 p.m.

City Hall

CALL TO ORDER

Chair Leifer called the September 23, 2014 meeting to order at 7:00 p.m. noting the excused absence of Roger Hoen and the continued absence of Marvetta Toler. He pointed out that there was no one in the audience.

Marysville

Chairman: Steve Leifer

Commissioners: Jerry Andes, Kelly Richards, Kay Smith, Steven Lebo

Staff: Planning Manager Chris Holland, Senior Planner Cheryl Dungan, Associate Planner Angela Gemmer

Absent: Roger Hoen, Marvetta Toler

APPROVAL OF MINUTES

September 9, 2014 Meeting Minutes

Motion made by Commissioner Smith, seconded by Commissioner Richards, to approve the September 9, 2014 Planning Commission Meeting Minutes as presented. **Motion** passed unanimously (5-0).

AUDIENCE PARTICIPATION

None

CITIZEN ADVISORY COMMITTEE FOR HOUSING AND COMMUNITY DEVELOPMENT – PC MEMBER

Planning Manager Holland solicited a volunteer to serve on the Citizen Advisory Committee for Housing and Community Development which is a committee that oversees the CDBG program. The committee serves as a recommending body to the Council. This would involve attending approximately 3-4 short meetings a year with additional meetings on years where the 6-Year Consolidated Plan has to be updated.

There was consensus to nominate Commissioner Roger Hoen (who was not in attendance). Planning Manager Holland stated he would contact Commissioner Hoen to see if he was available. Commissioner Lebo indicated he could do it if no one else was available.

NEW BUSINESS

- Code Amendments

Critical Areas – Geologic Hazard

Senior Planner Dungan stated that due to the recent Oso slide, staff has been reviewing Geologic Hazard code and maps of the City's Critical Areas Ordinance to see if updates are needed. Staff reviewed LIDAR mapping to look for indications of previous slides in Marysville and also looked at other jurisdictions' codes. She noted that LIDAR information for Oso shows significant events over time; however Marysville's slopes are less dramatic and short runs are shorter than in Oso. Staff does not feel there is the potential for an Oso-type slide, but there are some areas, especially along creeks and along Getchell hillside that fall into the category of steep slopes where there could be a potential for landslide and erosion and areas in the flood plain where there could be liquefaction.

Ms. Dungan reviewed proposed amendments to the map and code. Currently Marysville's Critical Areas Ordinance requires a 25-foot setback from the top of bank that can be reduced to 10 feet if a geotechnical expert recommends it. Everett and several other jurisdictions have adopted the International Building Code (IBC). Staff believes this has been very well vetted and is recommending that the City switch from the straight 25-foot setback to allowing a geotechnical expert to make a recommendation on a slope. If the geotechnical expert doesn't recommend a setback or the person doesn't hire a geotechnical engineer, the City would automatically use what is set forth in the IBC which sets setbacks from both the toe and the top of bank. The toe setback would be the length of the slope divided by two plus 15 feet. The top of the slope setback would be the smaller of the height of the slope divided by three or 40 feet. If the geotechnical report recommends buffers less than those established in the IBC, then the report must specifically list their rationale and basis for the reduced buffers.

Commissioner Andes pointed out that the people at the bottom of a slope are generally more affected than the people at the top. He asked why the setback at the bottom isn't a little further. Ms. Dungan explained that this is the IBC standard which has been well vetted through national and international experts on the subject.

Commissioner Andes asked about the picture of the second foundation. Ms. Dungan wasn't sure.

Chair Leifer summarized that with a geotechnical report there could theoretically be a zero foot setback. Ms. Dungan concurred. Chair Leifer thought that the recommendations made sense for people that want to spend the money and the resources for a site-specific review.

Ms. Dungan noted that a hearing would be set for November 12.

Commissioner Lebo asked how often they do these updates. Ms. Dungan replied this is the first time they have reviewed them since 1992, and there haven't been many changes. Commissioner Lebo noted that in areas where they take a lot of trees out things do change. Ms. Dungan concurred. She noted that is why staff would request a geotechnical report in hazardous areas. She stressed that this is putting a lot of the burden on the geotechnical expert who is writing the report to make the recommendation on the setback. Commissioner Lebo referred to the south side to the east side of Whiskey Ridge which is a sloped area with lots of trees gone. Ms. Dungan concurred and noted that most of the area has been developed based on the recommendations of geotechnical experts and with the City's requirement of the retention of vegetation on the steep slopes. Staff periodically looks at LIDAR to see if there are any concerns. In most cases if the vegetation remains the slope is protected.

SEPA Phase 2 Revisions

In 2012 the Planning Commission reviewed Phase 1 SEPA revisions, which were much more significant than the Phase 2 SEPA changes. The majority of these Phase 2 revisions were adopted by reference of SEPA with the exception of a couple places where some wording was changed or text was moved around. She summarized what the state legislature adopted in Phase 2 as well as the proposed staff recommended code amendments contained in the Commission's packet. There were no questions.

SEPA/Wireless Communication Facilities (WCF) Exemption

Senior Planner Dungan explained that there was an additional subsection added that lists wireless facilities that are categorically exempt and references the WAC and MMC as applicable. There were no questions.

School, traffic and park impact fee expenditures

Associate Planner Angela Gemmer explained that the state has increased the amount of time cities have to use the impact fees to ten years from six years. The City is recommending a similar change to be consistent with the state's requirements.

Chair Leifer commented that on one of these when it's collected is well-noted, but it's not so clear on the others. Ms. Gemmer replied that she had only included the portion of the code where the changes were occurring. She offered to bring back the full code sections to answer his question.

Chair Leifer referred to page 2 (item 3b at the top of the page) regarding when and how to grant a credit and noted that it seemed ambiguous. He asked why the owner would be eligible for a credit if the project didn't happen. Why did he pay it in the first place? Planning Manager Holland thought that this referred to situations where the owner might have paid in advance. He thought this might be clarified by looking at the entire code instead of just this portion. He offered to bring back the whole section. Planning Manager Holland also noticed that the "five years" in this section needs to be changed to "ten years". He commented they would search the section to see if there were any other spots where this needed to be changed.

Chair Leifer asked for clarification on School Impact Fees, item d. Planning Manager Holland explained that this was to avoid charging someone twice for impact fees when they pay for an actual capital facilities project identified in the district's capital facilities plan.

Chair Leifer asked how this fits in to the special exemptions on impact fees that apply until July of 2015. Planning Manager Holland explained that the exemptions would stay in place until they sunset in July of 2015.

Chair Leifer referred to real estate tax exemptions and said he was told that Quilceda Creek was exempted from real estate tax. Planning Manager Holland clarified that those units are not market rate. The exemption only works for affordable housing outside of the downtown area.

Sign Code

Associate Planner Gemmer reviewed proposed changes to the sign code:

1. Clarify that the base of freestanding signs are to be wrapped with decorative material.
2. The electronic portion of the sign could only be 30% of the sign that is actually constructed as opposed to 30% of the sign area that could potentially be built.
3. Clarify the nonconforming sign code provision.
4. Signs 12-foot tall or under would be required to monument signs with the exception of directional signs.

Chair Leifer referred to section 5 regarding streamers, pennants, and banners and asked if this would rule out temporary uses of those things. Ms. Gemmer replied that it would not. Those would be addressed in the Temporary Use section.

Commissioner Andes commented that A-board signs are all over the place and no one seems to be doing anything about it. He referred to one by K-Mart that advertises a shop on the other side of the street. He asked when the City would get around to enforcing the existing code. Planning Manager Holland stated that proactive enforcement has been a staffing problem. He commented that staff does regularly pick up A-board signs that do not comply with regulations. There is a conscious effort to not pick on commercial businesses, but if they are blocking the sidewalk or being a distraction to traffic staff will take action. He recommended that people email him if they notice signs that are a problem.

Commissioner Lebo asked about political campaign signs. Planning Manager Holland stated that there are very strict regulations about this, and the City can't touch them. Candidates are supposed to remove them when the campaign is over.

Billboards

Planning Manager Holland explained that Clear Channel has challenged the City's Ordinance to apply the amortization schedule to get rid of billboards. Staff has met with Clear Channel on numerous occasions to talk to them about what the City would like to see done. There are currently 25 billboards and 42 billboard faces in the City. The highest priority for removing billboards is in the downtown area, anywhere south of Grove. Highlights to proposed changes:

- If you install an electronic billboard you would need to remove five other billboards.
- No more than two faces would be allowed for electronic billboards.
- No new billboards unless they are electronic.
- Billboards would have to be available for public service announcements such as Amber Alerts and Strawberry Festival announcements.
- Billboards need to be spaced a minimum of 1000 feet apart.
- There is a 35-foot height limit.
- There is a 100-foot minimum setback from an intersection or a greater distance if other factors are involved that would be a public hazard.
- An electronic billboard would have a 10-foot property setback from the edge of the billboard and 15 feet from the foundation to the public right-of-way.
- There would be a setback of 100 feet from any residential zone
- Additional setbacks could apply for view corridors.
- The recommendation is 5,000 nits in daytime and 500 between sunset and sunrise. LEDs must also have dimming capabilities.
- The rate of changes would be allowed to change not more than once every 8 seconds.

Commissioner Andes commented that 288 square feet seems like a very large sign. Planning Manager Holland noted that it's not as big as it sounds. He offered to provide some pictures so the commissioners could see them in context.

There was discussion about some electronic signs around town and their levels of brightness.

Planning Manager Holland clarified that on Exhibit A the sending area would need to be extended up to include the whole State Avenue to Smokey Pt. Blvd. corridor and end the receiving area at 152nd South to 100th.

OLD BUSINESS

- Honey Bees

Associate Planner Gemmer responded to questions raised at the previous meeting and reviewed proposed amendments regarding beekeeping as contained in her Memo to Gloria Hirashima dated September 17, 2014 (in the Commission's packet).

Commissioner Richards asked how they could get people who are not registered to register. Ms. Gemmer said they could inform people of the requirements if they ask or if someone informs the City of an issue they can send a letter. In general, the philosophy of the City is to not intervene unless there is an issue with compliance that is brought to their attention.

Commissioner Lebo thought that two beehives on 5,000 square feet seems like too much. Ms. Gemmer explained that the beehives are pretty small boxes. She noted that these are suggestions based on other jurisdictions and research staff has done, but the Planning Commission could recommend changes.

Chair Leifer wondered how many bees there are per acre in a natural setting. Ms. Gemmer offered to try to find the answer to that. Chair Leifer wondered how the number of feral bees compares to the proposed allowable amount.

Commissioner Lebo commented that he has a friend who keeps bees and the queen bee occasionally escapes with the whole hive following her and the owner has to go retrieve them.

Planning Manager Holland stated this would be covered at the hearing.

Commissioner Lebo suggested inviting the Department of Agriculture to the hearing to stress the importance of registering hives.

- Kennels

Associate Planner Gemmer reviewed the proposed amendments regarding dog daycares and kennels as contained in her Memo to CAO Hirashima dated September 17, 2014.

Commissioner Lebo asked how staff perceives the enforcement of this. Ms. Gemmer stated that if there are any complaints staff would definitely enforce the code. She noted that there are two dog daycares in town and there haven't been any problems to date. Planning Manager Holland stated that the City also has decibel- measuring equipment that can be utilized if necessary.

NEXT MEETING – October 14

Planning Manager Holland stated that at the next meeting on October 14 the Planning Commission would be covering the Marysville housing profiles. A representative from Snohomish County Housing Authority, who staffs the Affordable Housing Alliance for Snohomish County, will be coming to that meeting.

The School District's capital facilities plans will also be presented at the next meeting. A representative from each district will be present to go over their plans.

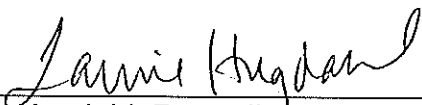
Chair Leifer thanked staff for the information provided on Industrial Center areas.

CITY COUNCIL AGENDA ITEMS AND MINUTES

None

ADJOURNMENT

Motion made by Commissioner Richards, seconded by Commissioner Smith, to adjourn the meeting at 8:32 p.m. **Motion** passed unanimously (5-0).



Laurie Hugdahl, Recording Secretary

CITY OF MARYSVILLE
Marysville, Washington
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON, AMENDING MMC 22D.020.090(5); MMC 22D.020.100 REGARDING PARKS, RECREATION, OPEN SPACE AND TRAIL IMPACT FEES AND MITIGATION; MMC 22D.040.050; MMC 22D.040.60 REGARDING SCHOOL IMPACT FEES AND MITIGATION; MMC 22D.030.070 REGARDING TRAFFIC IMPACT FEES AND MITIGATION; MMC 22A.010.160 REGARDING GENERAL ADMINISTRATION, RELATED TO TRACKING AMENDMENTS TO THE CITY'S UNIFIED DEVELOPMENT CODE; PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the State Growth Management Act, RCW Chapter 36.70A mandates that cities periodically review and amend development regulations which include but are not limited to zoning ordinances and official controls; and

WHEREAS, RCW 36.70A.106 requires the processing of amendments to the City's development regulations in the same manner as the original adoption of the City's comprehensive plan and development regulations; and

WHEREAS, the State Growth Management Act requires notice and broad public participation when adopting or amending the City's comprehensive plan and development regulations; and

WHEREAS, the City, in reviewing and amending its development regulations has complied with the notice, public participation and processing requirements established by the Growth Management Act, as more fully described below; and

WHEREAS, the City Council of the City of Marysville finds that from time to time it is necessary and appropriate to review and revise provisions of the City's municipal code and development code (MMC Title 22); and

WHEREAS, the development code amendments herein are consistent with the following required findings of MMC 22G.010.500:

- (1) The amendment is consistent with the purposes of the comprehensive plan;
- (2) The amendment is consistent with the purpose of this title;
- (3) There have been significant changes in the circumstances to warrant a change;
- (4) The benefit or cost to the public health, safety and welfare is sufficient to warrant the action.

WHEREAS, the Planning Commission discussed the above-referenced amendments during a public meeting held on September 23, 2014; and

WHEREAS, after providing notice to the public as required by law, on November 12, 2014, the Marysville Planning Commission held a Public Hearing on proposed amendments to the City's development regulations which was continued to November 25, 2014; and

WHEREAS, on November 25, 2014, at the continued public hearing, the Marysville Planning Commission made a Recommendation to the City Council recommending the adoption of the proposed amendments to the City's development regulations; and

WHEREAS, at a public meeting on January 12, 2015, the Marysville City Council reviewed and considered the Marysville Planning Commission's Recommendation and proposed amendments to the City's development regulations; and

WHEREAS, the City of Marysville has submitted the proposed development regulation revisions to the Washington State Department of Commerce on September 24, 2014, seeking expedited review under RCW 36.70A.160(3)(b) in compliance with the procedural requirements of RCW 36.70A.106; and

WHEREAS, the amendments to the development regulations are exempt from State Environmental Policy Act review under WAC 197-11-800(19);

NOW, THEREFORE, the City Council of the City of Marysville, Washington do ordain as follows:

Section 1. MMC 22D.020.090(5), is hereby amended to read as follows. (All other provisions of MMC 22D.020.090 remain in effect and unchanged):

(5) Impact fees shall be expended or encumbered for a permissible use within ~~six~~ ten years of the date they are received by the city of Marysville finance department unless the city council makes written findings that there exists an extraordinary and compelling reason for fees to be held longer than ~~six~~ ten years.

Section 2. MMC 22D.020.100(2)(a), is hereby amended to read as follows. (All other provisions of MMC 22D.020.100 remain in effect and unchanged):

(2) Refunds of Unencumbered Impact Fees.

(a) The current owner of property on which impact fees have been paid may apply for and receive a refund of these fees if the impact fees have not been expended or encumbered within the time limits in MMC 22D.020.090(5) unless the city council has extended the ~~six~~ ten year period by finding that there is an extraordinary and compelling reason to hold such fees for a longer period. Refunds of impact fees under this subsection (2) shall include any interest earned on the impact fees by the city. In determining whether impact fees have been encumbered, impact fees shall be considered encumbered on a first-in, first-out basis.

Section 3. MMC 22D.040.050(4)(b), is hereby amended to read as follows. (All other provisions of MMC 22D.040.050 remain in effect and unchanged):

(4) Impact Fee Limitations.

(b) School impact fees must be expended or encumbered for a permissible use within ~~six~~ ten years of receipt by the district.

Section 4. MMC 22D.040.060(4)(a), is hereby amended to read as follows. (All other provisions of MMC 22D.040.060 remain in effect and unchanged):

(4) Refunds.

(a) School impact fees not spent or encumbered within ~~six~~ ten years after they were collected shall, upon receipt of a proper and accurate claim, be refunded, together with interest, to the then current owner of the property. In determining whether school impact fees have been encumbered, impact fees shall be considered encumbered on a first-in, first-out basis. At least annually, the city, based on the annual report received from each district pursuant to subsection (2)(d) of this section, shall give notice to the last known address of potential claimants of any funds, if any, that it has collected that have not been spent or encumbered. The notice will state that any persons entitled to such refunds may make claims.

Section 5. MMC 22D.030.070(9)(a)(iv), is hereby amended to read as follows. (All other provisions of MMC 22D.030.070 remain in effect and unchanged):

(9) Administration of Traffic Impact Fees.

(a) Any traffic impact fees made pursuant to this title shall be subject to the following provisions:

(iv) The fee payer may receive a refund of such fees if the city fails to expend or encumber the impact fees within ~~six~~ ten years of when the fees were paid, or other such period of time established pursuant to RCW 82.02.070(3), on transportation facilities intended to benefit the development for which the traffic impact fees were paid, unless the city council finds that there exists an extraordinary and compelling reason for fees to be held longer than ~~six~~ ten years. These findings shall be set forth in writing and approved by the city council. In determining whether traffic impact fees have been encumbered, impact fees shall be considered encumbered on a first-in/first-out basis. The city shall notify potential claimants by first class mail deposited with the United States Postal Service at the last known address of claimants.

Section 6. MMC 22A.010.160, Amendments, General Administration, is hereby amended as follows by adding reference to this adopted ordinance in order to track amendments to the City’s Unified Development Code:

“22A.010.160 Amendments.

The following amendments have been made to the UDC subsequent to its adoption:

<u>Ordinance</u>	<u>Title (description)</u>	<u>Effective Date</u>
_____	Term for Expending Impact Fees	_____, 2015”

Section 7. 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 8. 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 _____, 2015.

CITY OF MARYSVILLE

By: _____
JON NEHRING, MAYOR

Attest:

By: _____
APRIL O'BRIEN, DEPUTY CITY CLERK

Approved as to form:

By: _____
CITY ATTORNEY

Date of Publication: _____

Effective Date: _____
(5 days after publication)

Index #19

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: January 12, 2015

AGENDA ITEM: Ordinance adopting amendments to Marysville Municipal Code Chapter 22E.030 <i>State Environmental Policy Act</i> , related to Senate Bill 6406	AGENDA SECTION: New Business	
PREPARED BY: Cheryl Dungan, Senior Planner	APPROVED BY:	
ATTACHMENTS: 1. PC Recommendation, including: <ul style="list-style-type: none"> • Exhibit A - PC Recommended Ordinance • Exhibit B - PC Public Hearing Minutes, 11/25/14 • Exhibit C - PC Workshop Minutes, 9/23/14 2. Memo to PC dated August 25, 2014 3. Adopting Ordinance	MAYOR	CAO
	BUDGET CODE:	
AMOUNT:		

DESCRIPTION:

The Washington State Legislature adopted SB 6406 during the 2012 legislative session that made changes to the current SEPA thresholds. Phase 1 of the changes took effect on January 31, 2013, which the City adopted by Ordinance 2939 on November 12, 2013. Phase 2 of the changes took effect in June of 2014. The Draft Ordinance addresses minor changes in wording/rephrasing of the SEPA legislation to make the language more concise and easier to understand. The majority of changes in the Phase 2 SEPA revisions require no action by the City since the City adopted by reference Chapter 43.21C RCW ‘SEPA Procedures’ and Chapter 197-11 WAC ‘SEPA Rules’ as adopted or otherwise amended.

The proposed amendments bring the City of Marysville’s SEPA regulations into conformance with newly adopted SEPA language.

RECOMMENDED ACTION: Affirm the Planning Commission’s Recommendation adopting amendments to Marysville Municipal Code Chapter 22E.030 <i>State Environmental Policy Act</i> , related to Senate Bill 6406.
COUNCIL ACTION:



COMMUNITY DEVELOPMENT DEPARTMENT
 80 Columbia Avenue ♦ Marysville, WA 98270
 (360) 363-8100 ♦ (360) 651-5099 FAX

PC Recommendation - SEPA Phase 2 Code Amendments

The Planning Commission of the City of Marysville, having held a public hearing on November 12, 2014, which was continued to November 25, 2014, in review of amendments related to the State Environmental Policy Act (SEPA) by amending Marysville Municipal Code (MMC) Sections 22E.030.090(2)(a - e) and 22E.030.090(3 - 7), and having considered the exhibits and testimony presented, does hereby enter the following findings, conclusions and recommendation for consideration by Marysville City Council:

FINDINGS:

1. The Planning Commission held a public work session to review amendments related to the SEPA Code on September 23, 2014.
2. The proposed amendment to the City's development regulations is exempt from State Environmental Policy Act review under WAC 197-11-800(19).
3. Community Development Staff submitted the DRAFT amendments related to the SEPA Code to the State of Washington Department of Commerce for expedited review pursuant to RCW 36.70A.106(3)(b). No comments were received from State Agencies.
4. The Planning Commission held a duly-advertised public hearing on November 12, 2014, which was continued to November 25, 2014.
5. No public comments were received on the DRAFT amendments to the SEPA Code.

CONCLUSION:

At the public hearing, which was continued to November 25, 2014, the Planning Commission recommended adoption of the amendments related to the SEPA Code, as reflected in the Ordinance attached hereto as **Exhibit A**, and as reflected in the Planning Commission Minutes attached hereto as **Exhibit(s) B & C**.

RECOMMENDATION:

Forwarded to City Council as a Recommendation of Approval of the development code amendments related to the SEPA Code by the Marysville Planning Commission this 25th day of November, 2014.

By: _____

Steve Leifer, Planning Commission Chair

EXHIBIT A

CITY OF MARYSVILLE
Marysville, Washington
ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON
 RELATED TO THE STATE ENVIRONMENTAL POLICY ACT (SEPA)
 AMMENDING MARYSVILLE MUNICIPAL CODE (MMC) SECTION
 22E.030.090; AND AMENDING MMC SECTION 22A.010.160 GENERAL
 ADMINISTRATION, RELATED TO TRACKING AMENDMENTS TO THE
 CITY'S UNIFORM DEVELOPMENT CODE; PROVIDING FOR
 SEVERABILITY AND EFFECTIVE DATE.**

WHEREAS, the State Growth Management Act, RCW Chapter 36.70A mandates that cities periodically review and amend development regulations which include but are not limited to zoning ordinances and official controls; and

WHEREAS, RCW 36.70A.106 requires the processing of amendments to the City's development regulations in the same manner as the original adoption of the City's comprehensive plan and development regulations; and

WHEREAS, the State Growth Management Act requires notice and broad public participation when adopting or amending the City's comprehensive plan and development regulations; and

WHEREAS, the City, in reviewing and amending its development regulations has complied with the notice, public participation and processing requirements established by the Growth Management Act, as more fully described below; and

WHEREAS, the City Council of the City of Marysville finds that from time to time it is necessary and appropriate to review and revise provisions of the City's municipal code and development code (MMC Title 22); and

WHEREAS, the development code amendment is consistent with the following required findings of MMC 22G.010.500:

- (1) The amendment is consistent with the purposes of the comprehensive plan;
- (2) The amendment is consistent with the purpose of this title;
- (3) There have been significant changes in the circumstances to warrant a change;
- (4) The benefit or cost to the public health, safety and welfare is sufficient to warrant the action.

WHEREAS, the Planning Commission discussed the above-referenced amendment during a public meeting held on September 23, 2014; and

WHEREAS, on November 12, 2014, the Marysville Planning Commission held a duly-advertised public hearing, which was continued to November 25, 2014; and

EXHIBIT A

WHEREAS, On November 25, 2014, at the continued public hearing, the Marysville Planning Commission made a recommendation to the City Council recommending the adoption of the proposed amendments to the City's development regulations; and

WHEREAS, at a public meeting on January 12, 2015, the Marysville City Council reviewed and considered the Marysville Planning Commission's Recommendation and proposed amendments to the City's development regulations; and

WHEREAS, the City of Marysville received expedited review under RCW 36.70A.106(3)(b) for the proposed development regulation revisions from the Washington State Department of Commerce on September 9, 2014, in compliance with the procedural requirement under RCW 36.70A.106; and

WHEREAS, the amendments to the development regulations are exempt from State Environmental Policy Act review under WAC 197-11-800(19);

NOW, THEREFORE, the City Council of the City of Marysville, Washington do ordain as follows:

Section 1. MMC 22E.030.090, is hereby added as follows:

22E.030.090 Categorical exemptions, threshold determinations, and enforcement of mitigating measures.

The city of Marysville adopts WAC 197-11-300 through 197-11-390, 197-11-800 through 197-11-890, and 197-11-908 as now existing or hereinafter amended, by reference, subject to the following:

(1) Establishment of Flexible Thresholds for Categorically Exempt Actions. The following exempt threshold levels are hereby established pursuant to WAC 197-11-800(1)(d):

(a) The construction or location of any single-family residential structures of less than or equal to 30 dwelling units;

(b) The construction or location of any multifamily residential structures of less than or equal to 60 dwelling units;

(c) The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering less than or equal to 40,000 square feet, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feed lots;

(d) The construction of an office, school, commercial recreational, service or storage building with less than or equal to 30,000 square feet of gross floor area, and with associated parking facilities and/or independent parking facilities designed for less than or equal to 90 automobiles;

(e) Any landfill or excavation of less than or equal to 1,000 cubic yards throughout the total lifetime of the fill or excavation; and any fill or excavation classified as a Class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder.

(2) The exemptions in this subsection apply except when the project:

(a) Is undertaken wholly or partly on lands covered by water and this remains true whether lands covered by water are mapped;

(b) Requires a license governing discharges to water that is not exempt under RCW 43.21C.0383;

(c) Requires a license governing emissions to air that is not exempt under RCW 43.21C.0381 or WAC 197-11-800 (7) or (8); or

EXHIBIT A

(d) Requires a land use decision that is not exempt under WAC 197-11-800(6).

(e) A series of exempt actions that are physically or functionally related to each other, and that together may have a probable significant adverse environmental impact in the judgment of the Director/Agency with jurisdiction may be subject to SEPA

~~(23)~~ Categorical Exemptions without Flexible Thresholds. The following proposed actions that do not have flexible thresholds are categorically exempt from threshold determination and EIS requirements, subject to the rules and limitations on categorical exemptions contained in WAC 197-11-305:

(a) Actions listed in WAC 197-11-800(2) through ~~(24)~~~~26~~.

~~(34)~~ Environmentally Critical Areas. The Marysville shoreline environments map and the critical areas maps adopted pursuant to this title designate the location of environmentally sensitive areas within the city and are adopted by reference. For each environmentally sensitive area, the exemptions within WAC 197-11-800 that are inapplicable for the area are (1), (2)(d), (2)(e), (6)(a) and ~~(24)~~(a) through (g). Unidentified exemptions shall continue to apply within environmentally sensitive areas of the city.

(a) Lands Covered by Water. Certain exemptions do not apply on lands covered by water, and this remains true regardless of whether or not lands covered by water are mapped.

(b) Treatment. The city shall treat proposals located wholly or partially within an environmentally critical area no differently than other proposals under this chapter, making a threshold determination for all such proposals. The city shall not automatically require an EIS for a proposal merely because it is proposed for location in an environmentally critical area.

~~(45)~~ Responsibility for Determination of Categorical Exempt Status. The determination of whether a proposal is categorically exempt shall be made by the responsible official.

~~(56)~~ Mitigation Measures. Modifications to a SEPA checklist or other environmental documentation that result in substantive mitigating measures shall follow one of the following processes:

(a) The responsible official may notify the applicant of the requested modifications to the proposal and identify the concerns regarding unmitigated impacts. The applicant may elect to revise or modify the environmental checklist, application, or supporting documentation. The modifications may include different mitigation measures than those requested by the responsible official; however, acceptance of the proposed measures is subject to subsequent review and approval by the responsible official.

(b) The responsible official may make a mitigated determination of nonsignificance (MDNS), identifying mitigating measures. The MDNS may be appealed by the applicant pursuant to MMC 22E.030.180.

(c) The responsible official may identify mitigating measures in a letter and mail that letter to the applicant. In writing, the applicant may acknowledge acceptance of these measures as mitigating conditions. The acknowledgement shall be incorporated into the application packet as supporting environmental documentation or as an addendum to the environmental checklist.

~~(67)~~ Enforcing Mitigation Measures. Pursuant to WAC 197-11-350(7), the city hereby adopts the following procedures for the enforcement of mitigation measures:

(a) Incorporation of Representations Made by Applicant into MDNS or DNS and Approval. Representations made in the environmental checklist and supporting documentation shall be considered as the foundation of any decision or recommendation of approval of the action. As such, the responsible official relies on this documentation in making a decision on a proposal. Unless specifically revised by the responsible official or

EXHIBIT A

applicant, those statements, representations, and mitigating measures contained in the environmental checklist, application, and supporting documentation shall be considered material conditions of any approval. Mitigating measures shall only be included on a DNS under the following circumstances:

(i) When the UDC does not provide adequate regulations to mitigate for an identified impact, and when any one of the following circumstances or combination of circumstances exists:

(A) When such conditions are not specifically written in the environmental checklist, application, or supporting information; or

(B) When the responsible official determines that the proposed conditions or representations contained within that information do not adequately address impacts from a proposal.

(b) Modifications to a Proposal – Responsible Official May Withdraw Threshold Determination. If, at any time, the proposal or proposed mitigation measures are substantially changed, or if proposed mitigation measures are withdrawn, then the responsible official shall review the threshold determination and, if necessary, may withdraw the threshold determination and issue a revised determination, including a determination of significance (DS), as deemed appropriate.

(c) Enforcement of Mitigation Measures. Mitigation measures that are identified in an environmental checklist, development application, supporting documentation, an EIS or an MDNS shall be considered material conditions of the permit or approval that is issued by the reviewing department. As such, failure to comply with these measures may be enforceable through the enforcement provisions that regulate the proposal.

Section 2. MMC 22A.010.160, Amendments, of MMC Chapter 22A.010, General Administration, is hereby amended as follows by adding reference to this adopted ordinance in order to track amendments to the City’s Unified Development Code:

“22A.010.160 Amendments.

The following amendments have been made to the UDC subsequent to its adoption:

<u>Ordinance</u>	<u>Title (description)</u>	<u>Effective Date</u>
_____	State Environmental Policy Act (SEPA)	_____, 2015”

Section 3. 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 4. 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 _____, 2015.

EXHIBIT A

CITY OF MARYSVILLE

By: _____
JON NEHRING, MAYOR

Attest:

By: _____
APRIL O'BRIEN, DEPUTY CITY CLERK

Approved as to form:

By: _____
GRANT K. WEED, CITY ATTORNEY

Date of Publication: _____

Effective Date: _____
(5 days after publication)

PLANNING COMMISSION



MINUTES

November 25, 2014

7:00 p.m.

City Hall

CALL TO ORDER

Chair Leifer called the November 25, 2014 meeting to order at 7:00 p.m. noting excused absence of Commissioners Lebo and Richards and the continuing absence of Commissioner Marvetta Toler. He noted that there was no one in the audience.

Marysville

Chairman: Steve Leifer

Commissioners: Roger Hoen, Jerry Andes, Kay Smith,

Staff: Planning Manager Chris Holland
Associate Planner Angela Gemmer

Absent: Steven Lebo, Kelly Richards, Marvetta Toler

APPROVAL OF MINUTES

Motion made by Commissioner Smith, seconded by Commissioner Andes, to approve the November 12, 2014 Meeting Minutes. **Motion** passed unanimously (4-0).

AUDIENCE PARTICIPATION

None

OLD BUSINESS

- Code Amendments
- Caretaker's Quarters (hearing closed)

Planning Manager Holland presented the revised draft ordinance as discussed at the last meeting. He asked if what was reflected in the revised draft ordinance is indicative of what the Planning Commission had recommended. He pointed out that in the Definitions section the Commission had talked about recreational vehicles or other temporary structures being included. He noted that if you read what a recreational vehicle entails it also includes, but is not limited to campers, motor homes, and travel

trailers. Tents are excluded. In the GI and LI zones other temporary structures, such as Pacific Mobile construction trailers, would also be permitted because there are no design regulations. He solicited Commission comments on the revised draft ordinance.

Chair Leifer commented that the proposed draft ordinance is consistent with his recollection of the Commission's discussion. He agrees that the exclusion of other temporary structures makes sense.

Commissioner Hoen commented that they had also discussed looking into a limitation based on the size of the business. Planning Manager Holland agreed and said it had been included in the minutes, but noted that the recommendation from the Commission had not included that. Commissioner Hoen asked if staff sees any unintended consequences of allowing recreational vehicles as caretaker's quarters. Planning Manager Holland stated that staff does not support the Planning Commission's position and believes that there would be consequences for allowing recreational vehicles as caretaker's quarters.

Chair Leifer clarified his discussion with a staff member from the City of Everett which he had referred to at the last meeting. Since the last meeting, he spoke with other staff members who had a different opinion about the way the code would be interpreted, and they would not allow recreational vehicles as caretaker's quarters.

Motion made by Commissioner Andes, seconded by Commissioner Smith, to have Chair Leifer sign the Planning Commission Recommendation, which includes the revised ordinance allowing recreational vehicles as caretaker's quarters, and forward it to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

PUBLIC HEARING

Chair Leifer reopened the public hearing at 7:12 p.m.

Code Amendments:

- **Legislative Enactment Amendments**

Planning Manager Holland noted that the City got audited by the Washington Cities Insurance Authority (WCIA) this year and one of the focuses was for land use. The City passed, but WCIA pointed out a few deficiencies related to group and adult family homes. Case law states those can't be prohibited from any zone. This ordinance addresses that by permitting those uses in all zones. Also deadlines for approvals have been amended for binding site plans, subdivisions, short subdivisions, etc. Vesting regulations were also amended. Finally, the Code now clarifies what constitutes minor and major amendments for land use actions.

Commissioner Andes asked how the fees were determined. Planning Manager Holland stated that they were based on a fee study done several years ago by looking at other jurisdictions and analyzing staff time for reviews. The only proposed change to the fee

schedule was based on the minor/major amendments modifications. The fee for minor amendments was increased to more accurately reflect the amount of staff time these reviews take.

Chair Leifer asked about extension periods on short plats. Planning Manager Holland explained that short plats and plats are governed by state law. He then reviewed timelines associated with plats and the commercial, or multi-family, site plan extension regulations.

Commissioner Andes asked if you have to prove you are making progress in the five-year period in order to get the one-year extension. Planning Manager Holland affirmed that you do have to show that you have attempted in good faith to submit the final plat within the five-year period.

Chair Leifer said he would have to recuse himself from any voting on this code amendment because he has an issue related to this. He asked what staff's position would be on any further movement on some of the stuff that is still sitting out there that has run out of time. Planning Manager Holland stated there are no proposed changes to commercial and multi-family site plan reviews. He summarized that if they were approved prior to when the Unified Development Code was adopted in 2012 they probably wouldn't be up to the design standards that are in place now. Chair Leifer asked if redesign of those projects would require all new submittal fees. Planning Manager Holland explained that if you had an approved civil construction plans and were approved under the 2005 DOE Stormwater Management Manual you likely wouldn't have to do an amendment. It would just be a matter of resubmitting the same thing and having an engineer stamp them so hopefully it wouldn't be a very big cost burden to the applicant.

Motion made by Commissioner Andes, seconded by Commissioner Smith, to approve this and forward to the Council with a recommendation for approval. **Motion** passed unanimously.

- **Nonconforming Situations**

Planning Manager Holland stated that staff is proposing to eliminate the CUP process and make this administrative which would reduce the cost. Instead, a building permit and site plan submittal showing setbacks would be required. He reviewed the proposed changes which would save costs and staff time.

Motion made by Commissioner Smith, seconded by Commissioner Andes, to approve the Nonconforming code amendments and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **Sign Code**

Angela Gemmer reviewed the four proposed Sign code amendments:

1. Require that signs that are freestanding and under 12-feet be monument-style signs.
2. Clarify the provision that requires that the structural posts of freestanding signs have decorative materials encasing them.
3. Clarify the intent for the changeable copy portion of the sign so it is limited to 30% of the sign area that is actually constructed.
4. Clarify the non-conforming sign provisions to indicate that converting them to an electronic changeable copy sign is not what the reface provision is intended to allow.

Commissioner Andes asked for clarification about the last one. Ms. Gemmer explained that if the sign meets the City's current design standards then you can convert whatever portion is allowable to an electronic changeable copy sign. Otherwise, you would need to retrofit the freestanding sign to meet the current sign code first. Planning Manager Holland commented that this has happened in a lot of the redevelopment of areas like the gas station on 4th Street.

Motion made by Commissioner Smith, seconded by Commissioner Hoen, to approve the sign code amendments and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **Beekeeping**

Ms. Gemmer reviewed two draft alternative ordinances on beekeeping with the following proposed changes:

- Allow a temporary 30-day doubling of the number of hives allowed in order to avoid swarming and other nuisance conditions
- Allow five migratory hives for agricultural purposes. A three-acre site would be allowed 15 hives. Thereafter you could have an additional five hives per acre.

Alternative 1 allows two hives on lots that are less than 10,000 square feet. Alternative 2 would not allow hives on lots less than 3,500 square feet, but would allow two hives on lots over 3,500 square feet up to 10,000 square feet.

Commissioner Andes expressed concern about having hives on small lots at all. 3,500 square feet seems too small to him. Even 5,000 square feet seems too small. He stated that the City needs to protect the public and not the bees.

Commissioner Hoen asked about lot sizes in the City. Planning Manager Holland reviewed these and explained that the size is based on the type of development. As far as building coverage is concerned, in no case can you ever go over 50% of the lot size for your building coverage.

Commissioner Smith concurred with Commissioner Andes.

Commissioner Hoen noted that according to the beekeepers the bees are foraging a mile away anyway. He was not sure what the size breaking point should be. He wondered how they would tell the difference between temporary and permanent hives.

Ms. Gemmer noted that the intent of the code is that this would be complaint-driven similar to the way chickens, dogs, or cats are handled.

There was discussion about approving Alternative 2, but amending the minimum from 3,500 to 5,000 square feet.

Motion made by Commissioner Andes, seconded by Commissioner Hoen, to approve Alternative 2 with the replacement in item 1(i) of 3,500 to 5,000 and (ii) 5,001 to 10,000 and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **Pet Daycares and Kennels**

Ms. Gemmer explained that the proposed code would create a specific use category for pet daycares and continue to allow them in all the zones they are presently allowed except in the Mixed Use zone. Also, the definition for dog kennels is proposed to be amended to eliminate the five-acre threshold to enable dog kennels to site in zones where they would be compatible. Additionally, there are new provisions to the dog daycare and kennel and similar facilities that pertain to health and sanitary conditions that are found in most jurisdictions. There is also a provision to implement setbacks from residences for dog kennels, a provision that dog kennels and daycares comply with the Washington Administrative Code in terms of how much noise is able to be emitted, and different provisions to address noise if noise limits are exceeded.

Chair Leifer asked how the noise levels are measured. Ms. Gemmer explained that it goes by decibels and can be measured with noise equipment. She reviewed the different classes and explained that each zone has a maximum amount of decibels that can be emitted in daytime and nighttime hours.

Commissioner Andes asked about the people who wanted to do a dog shelter in the old Sears building. He noted that would be a good place for a dog kennel. Ms. Gemmer concurred and indicated she would contact them if this code is approved.

Motion made by Commissioner Hoen, seconded by Commissioner Andes, to approve the Pet Daycare and Kennel amendments as presented and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **School, Traffic and Park Impact Fees**

Associate Planner Gemmer explained that the School, Traffic, and Park Impact Fee amendment would increase the term under which the fees collected may be expended from six years to ten years as required by state law.

Motion made by Commissioner Andes, seconded by Commissioner Smith, to approve the amendments regarding School, Traffic, and Park Impact Fees and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **State Environmental Policy Act**

Planning Manager Holland reviewed the proposed changes which would bring the City's code in compliance with the Phase 2 amendments.

Motion made by Commissioner Andes, seconded by Commissioner Hoen, to approve this and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **Wireless Communication Facilities**

Planning Manager Holland stated that this is also related to SEPA review. There were some FCC laws enacted regarding existing wireless communication facilities. Based on that, the state put in an exemption for wireless communication facilities. The proposed amendment would specifically state that in the ordinance to be in compliance with state law.

Chair Leifer asked if there are provisions about locating wireless facility towers. Planning Manager Holland reviewed these.

Motion made by Commissioner Andes, seconded by Commissioner Hoen, to approve this and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

The public hearing was closed at 8:10 p.m.

CITY COUNCIL AGENDA ITEMS AND MINUTES

ADJOURNMENT

Motion made by Commissioner Smith, seconded by Commissioner Andes, to adjourn the meeting at 8:11 p.m. **Motion** passed unanimously.

NEXT MEETING:

December 9, 2014



Laurie Hugdahl, Recording Secretary

PLANNING
COMMISSION



MINUTES

September 23, 2014

7:00 p.m.

City Hall

CALL TO ORDER

Chair Leifer called the September 23, 2014 meeting to order at 7:00 p.m. noting the excused absence of Roger Hoen and the continued absence of Marvetta Toler. He pointed out that there was no one in the audience.

Marysville

Chairman: Steve Leifer

Commissioners: Jerry Andes, Kelly Richards, Kay Smith, Steven Lebo

Staff: Planning Manager Chris Holland, Senior Planner Cheryl Dungan, Associate Planner Angela Gemmer

Absent: Roger Hoen, Marvetta Toler

APPROVAL OF MINUTES

September 9, 2014 Meeting Minutes

Motion made by Commissioner Smith, seconded by Commissioner Richards, to approve the September 9, 2014 Planning Commission Meeting Minutes as presented. **Motion** passed unanimously (5-0).

AUDIENCE PARTICIPATION

None

CITIZEN ADVISORY COMMITTEE FOR HOUSING AND COMMUNITY DEVELOPMENT – PC MEMBER

Planning Manager Holland solicited a volunteer to serve on the Citizen Advisory Committee for Housing and Community Development which is a committee that oversees the CDBG program. The committee serves as a recommending body to the Council. This would involve attending approximately 3-4 short meetings a year with additional meetings on years where the 6-Year Consolidated Plan has to be updated.

There was consensus to nominate Commissioner Roger Hoen (who was not in attendance). Planning Manager Holland stated he would contact Commissioner Hoen to see if he was available. Commissioner Lebo indicated he could do it if no one else was available.

NEW BUSINESS

- Code Amendments

Critical Areas – Geologic Hazard

Senior Planner Dungan stated that due to the recent Oso slide, staff has been reviewing Geologic Hazard code and maps of the City's Critical Areas Ordinance to see if updates are needed. Staff reviewed LIDAR mapping to look for indications of previous slides in Marysville and also looked at other jurisdictions' codes. She noted that LIDAR information for Oso shows significant events over time; however Marysville's slopes are less dramatic and short runs are shorter than in Oso. Staff does not feel there is the potential for an Oso-type slide, but there are some areas, especially along creeks and along Getchell hillside that fall into the category of steep slopes where there could be a potential for landslide and erosion and areas in the flood plain where there could be liquefaction.

Ms. Dungan reviewed proposed amendments to the map and code. Currently Marysville's Critical Areas Ordinance requires a 25-foot setback from the top of bank that can be reduced to 10 feet if a geotechnical expert recommends it. Everett and several other jurisdictions have adopted the International Building Code (IBC). Staff believes this has been very well vetted and is recommending that the City switch from the straight 25-foot setback to allowing a geotechnical expert to make a recommendation on a slope. If the geotechnical expert doesn't recommend a setback or the person doesn't hire a geotechnical engineer, the City would automatically use what is set forth in the IBC which sets setbacks from both the toe and the top of bank. The toe setback would be the length of the slope divided by two plus 15 feet. The top of the slope setback would be the smaller of the height of the slope divided by three or 40 feet. If the geotechnical report recommends buffers less than those established in the IBC, then the report must specifically list their rationale and basis for the reduced buffers.

Commissioner Andes pointed out that the people at the bottom of a slope are generally more affected than the people at the top. He asked why the setback at the bottom isn't a little further. Ms. Dungan explained that this is the IBC standard which has been well vetted through national and international experts on the subject.

Commissioner Andes asked about the picture of the second foundation. Ms. Dungan wasn't sure.

Chair Leifer summarized that with a geotechnical report there could theoretically be a zero foot setback. Ms. Dungan concurred. Chair Leifer thought that the recommendations made sense for people that want to spend the money and the resources for a site-specific review.

Ms. Dungan noted that a hearing would be set for November 12.

Commissioner Lebo asked how often they do these updates. Ms. Dungan replied this is the first time they have reviewed them since 1992, and there haven't been many changes. Commissioner Lebo noted that in areas where they take a lot of trees out things do change. Ms. Dungan concurred. She noted that is why staff would request a geotechnical report in hazardous areas. She stressed that this is putting a lot of the burden on the geotechnical expert who is writing the report to make the recommendation on the setback. Commissioner Lebo referred to the south side to the east side of Whiskey Ridge which is a sloped area with lots of trees gone. Ms. Dungan concurred and noted that most of the area has been developed based on the recommendations of geotechnical experts and with the City's requirement of the retention of vegetation on the steep slopes. Staff periodically looks at LIDAR to see if there are any concerns. In most cases if the vegetation remains the slope is protected.

SEPA Phase 2 Revisions

In 2012 the Planning Commission reviewed Phase 1 SEPA revisions, which were much more significant than the Phase 2 SEPA changes. The majority of these Phase 2 revisions were adopted by reference of SEPA with the exception of a couple places where some wording was changed or text was moved around. She summarized what the state legislature adopted in Phase 2 as well as the proposed staff recommended code amendments contained in the Commission's packet. There were no questions.

SEPA/Wireless Communication Facilities (WCF) Exemption

Senior Planner Dungan explained that there was an additional subsection added that lists wireless facilities that are categorically exempt and references the WAC and MMC as applicable. There were no questions.

School, traffic and park impact fee expenditures

Associate Planner Angela Gemmer explained that the state has increased the amount of time cities have to use the impact fees to ten years from six years. The City is recommending a similar change to be consistent with the state's requirements.

Chair Leifer commented that on one of these when it's collected is well-noted, but it's not so clear on the others. Ms. Gemmer replied that she had only included the portion of the code where the changes were occurring. She offered to bring back the full code sections to answer his question.

Chair Leifer referred to page 2 (item 3b at the top of the page) regarding when and how to grant a credit and noted that it seemed ambiguous. He asked why the owner would be eligible for a credit if the project didn't happen. Why did he pay it in the first place? Planning Manager Holland thought that this referred to situations where the owner might have paid in advance. He thought this might be clarified by looking at the entire code instead of just this portion. He offered to bring back the whole section. Planning Manager Holland also noticed that the "five years" in this section needs to be changed to "ten years". He commented they would search the section to see if there were any other spots where this needed to be changed.

Chair Leifer asked for clarification on School Impact Fees, item d. Planning Manager Holland explained that this was to avoid charging someone twice for impact fees when they pay for an actual capital facilities project identified in the district's capital facilities plan.

Chair Leifer asked how this fits in to the special exemptions on impact fees that apply until July of 2015. Planning Manager Holland explained that the exemptions would stay in place until they sunset in July of 2015.

Chair Leifer referred to real estate tax exemptions and said he was told that Quilceda Creek was exempted from real estate tax. Planning Manager Holland clarified that those units are not market rate. The exemption only works for affordable housing outside of the downtown area.

Sign Code

Associate Planner Gemmer reviewed proposed changes to the sign code:

1. Clarify that the base of freestanding signs are to be wrapped with decorative material.
2. The electronic portion of the sign could only be 30% of the sign that is actually constructed as opposed to 30% of the sign area that could potentially be built.
3. Clarify the nonconforming sign code provision.
4. Signs 12-foot tall or under would be required to monument signs with the exception of directional signs.

Chair Leifer referred to section 5 regarding streamers, pennants, and banners and asked if this would rule out temporary uses of those things. Ms. Gemmer replied that it would not. Those would be addressed in the Temporary Use section.

Commissioner Andes commented that A-board signs are all over the place and no one seems to be doing anything about it. He referred to one by K-Mart that advertises a shop on the other side of the street. He asked when the City would get around to enforcing the existing code. Planning Manager Holland stated that proactive enforcement has been a staffing problem. He commented that staff does regularly pick up A-board signs that do not comply with regulations. There is a conscious effort to not pick on commercial businesses, but if they are blocking the sidewalk or being a distraction to traffic staff will take action. He recommended that people email him if they notice signs that are a problem.

Commissioner Lebo asked about political campaign signs. Planning Manager Holland stated that there are very strict regulations about this, and the City can't touch them. Candidates are supposed to remove them when the campaign is over.

Billboards

Planning Manager Holland explained that Clear Channel has challenged the City's Ordinance to apply the amortization schedule to get rid of billboards. Staff has met with Clear Channel on numerous occasions to talk to them about what the City would like to see done. There are currently 25 billboards and 42 billboard faces in the City. The highest priority for removing billboards is in the downtown area, anywhere south of Grove. Highlights to proposed changes:

- If you install an electronic billboard you would need to remove five other billboards.
- No more than two faces would be allowed for electronic billboards.
- No new billboards unless they are electronic.
- Billboards would have to be available for public service announcements such as Amber Alerts and Strawberry Festival announcements.
- Billboards need to be spaced a minimum of 1000 feet apart.
- There is a 35-foot height limit.
- There is a 100-foot minimum setback from an intersection or a greater distance if other factors are involved that would be a public hazard.
- An electronic billboard would have a 10-foot property setback from the edge of the billboard and 15 feet from the foundation to the public right-of-way.
- There would be a setback of 100 feet from any residential zone
- Additional setbacks could apply for view corridors.
- The recommendation is 5,000 nits in daytime and 500 between sunset and sunrise. LEDs must also have dimming capabilities.
- The rate of changes would be allowed to change not more than once every 8 seconds.

Commissioner Andes commented that 288 square feet seems like a very large sign. Planning Manager Holland noted that it's not as big as it sounds. He offered to provide some pictures so the commissioners could see them in context.

There was discussion about some electronic signs around town and their levels of brightness.

Planning Manager Holland clarified that on Exhibit A the sending area would need to be extended up to include the whole State Avenue to Smokey Pt. Blvd. corridor and end the receiving area at 152nd South to 100th.

OLD BUSINESS

- Honey Bees

Associate Planner Gemmer responded to questions raised at the previous meeting and reviewed proposed amendments regarding beekeeping as contained in her Memo to Gloria Hirashima dated September 17, 2014 (in the Commission's packet).

Commissioner Richards asked how they could get people who are not registered to register. Ms. Gemmer said they could inform people of the requirements if they ask or if someone informs the City of an issue they can send a letter. In general, the philosophy of the City is to not intervene unless there is an issue with compliance that is brought to their attention.

Commissioner Lebo thought that two beehives on 5,000 square feet seems like too much. Ms. Gemmer explained that the beehives are pretty small boxes. She noted that these are suggestions based on other jurisdictions and research staff has done, but the Planning Commission could recommend changes.

Chair Leifer wondered how many bees there are per acre in a natural setting. Ms. Gemmer offered to try to find the answer to that. Chair Leifer wondered how the number of feral bees compares to the proposed allowable amount.

Commissioner Lebo commented that he has a friend who keeps bees and the queen bee occasionally escapes with the whole hive following her and the owner has to go retrieve them.

Planning Manager Holland stated this would be covered at the hearing.

Commissioner Lebo suggested inviting the Department of Agriculture to the hearing to stress the importance of registering hives.

- Kennels

Associate Planner Gemmer reviewed the proposed amendments regarding dog daycares and kennels as contained in her Memo to CAO Hirashima dated September 17, 2014.

Commissioner Lebo asked how staff perceives the enforcement of this. Ms. Gemmer stated that if there are any complaints staff would definitely enforce the code. She noted that there are two dog daycares in town and there haven't been any problems to date. Planning Manager Holland stated that the City also has decibel- measuring equipment that can be utilized if necessary.

NEXT MEETING – October 14

Planning Manager Holland stated that at the next meeting on October 14 the Planning Commission would be covering the Marysville housing profiles. A representative from Snohomish County Housing Authority, who staffs the Affordable Housing Alliance for Snohomish County, will be coming to that meeting.

The School District's capital facilities plans will also be presented at the next meeting. A representative from each district will be present to go over their plans.

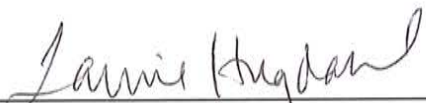
Chair Leifer thanked staff for the information provided on Industrial Center areas.

CITY COUNCIL AGENDA ITEMS AND MINUTES

None

ADJOURNMENT

Motion made by Commissioner Richards, seconded by Commissioner Smith, to adjourn the meeting at 8:32 p.m. **Motion** passed unanimously (5-0).



Laurie Hugdahl, Recording Secretary



COMMUNITY DEVELOPMENT DEPARTMENT
 80 Columbia Avenue ♦ Marysville, WA 98270
 (360) 363-8100 ♦ (360) 651-5099 FAX

MEMORANDUM

DATE: August 25, 2014
TO: Planning Commission
FROM: Cheryl Dungan, Senior Planner
RE: Phase 2 - Summary of SEPA 'Draft' Flexible Threshold Categorical Amendments

The State Environmental Policy Act (SEPA) was adopted in 1971 when the nation’s awareness of environmental problems was emerging. Many laws and procedures for environmental protection, land use planning, and infrastructure provisions have been implemented since SEPA was first adopted.

The Washington State Legislature adopted SB 6406 during the 2012 legislative session that made changes to the current SEPA thresholds. Phase 1 of the changes took effect on January 31, 2013, which the City adopted by Ordinance 2939 on November 12, 2013. Phase 2 of the changes took effect in June of 2014. Below is a summary of what the state legislature adopted in Phase 2 as well as a summary of proposed staff recommended code amendments. As you will see in the chart below, the majority of changes require no action by the City since the City adopted by reference in 22E.030 Chapter 43.21C RCW ‘SEPA Procedures’ and Chapter 197-11 WAC ‘SEPA Rules’ as adopted or otherwise amended.

WAC Section	Description of Change	Recommended changes to MMC 22E.030
197-11-610	Added a clarification that a NEPA environmental assessment is to support a determination not replace it.	None – changes adopted by reference
197-11-800(1)(a)	Reorganized the section ease of reading. Also, rezones are now covered under 800(6)	Amended MMC 22E.030.090(2)(a-e) to reflect clarified language; removed similar language from 22E.030.090.(4)(a-b); and renumbered section

WAC Section	Description of Change	Recommended changes to MMC 22E.030
197-11-800 (1)(c)(ii)	Provided clarification that notice is to include public, affected tribes and agencies.	None – changes adopted by reference
197-11-800 (1)(c)(iii)	For clarification - identified "agency" instead of "local government."	None – changes adopted by reference
197-11-800 (1)(c)(iv)	Section has been reworded and clarification added to address cultural resource concerns, the intent remains the same.	None – changes adopted by reference
197-11-800 (2)(a)(i)-(iv)	Reorganized the beginning of WAC 197-11-800(2) and corrected a typographical error – intent is the same.	None – changes adopted by reference
197-11-800(26)	Section was moved from WAC 197-11-860 to 197-11-800(26). If left in WAC 197-11-860 the exemption would not be applicable to the permits issued by other agencies for WSDOT repair, replace or retrofit projects. This was moved to clarify intent - certain WSDOT projects are intended to be exempt from SEPA.	Amended 22E.030.090(2)(a) – 'Categorical Exemptions, threshold determinations, and enforcement of mitigating measures' to reflect section relocation
197-11-800 (2)(h)	Added "total" to capacity for clarity.	None – changes adopted by reference
197-11-800(5)	Improved clarity of section in response to comments. The intent of this section is to exempt the sale of public property from SEPA only if the property is	None – changes adopted by reference

WAC Section	Description of Change	Recommended changes to MMC 22E.030
	not specifically designated and authorized for public use.	
197-11-800(6)	There was confusion from stakeholders about ecology's intent. Changes have been made in response to add clarity and also identify that boundary line adjustments are exempt from SEPA.	None – changes adopted by reference
197-11-830	Clarified in response to comments – the intent is to exempt the sale of rock from Washington department of natural resources (DNR) rock pits regulated under a forest practices permit.	None – changes adopted by reference
197-11-860	Moved language in this section to WAC 197-11-800(26).	Amended 22E.030.090(2)(a)(26) – 'Categorical Exemptions, threshold determinations, and enforcement of mitigating measures' to reflect section relocation
197-11-875(19)	Technical correction - added in the "pollution control hearings board" which replaced the "forest practices appeals board."	None – changes adopted by reference
197-11-936	Clarified section and inserted "local agency" instead of "county/city" as other types of local governments (ports, special districts, etc...) can be lead agency.	None – changes adopted by reference
197-11-938(12)	Technical correction – section should refer to	None – changes adopted by

WAC Section	Description of Change	Recommended changes to MMC 22E.030
	department of health for uranium milling, not department of social and health services.	reference
197-11-960	Provided corrections and clarifications to questions on the checklist in response to comments. No new questions or topics have been added.	None – changes adopted by reference

RECOMMENDATION: Review the proposed changes and set public hearing date for November 12, 2014.

CITY OF MARYSVILLE
Marysville, Washington
ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON
RELATED TO THE STATE ENVIRONMENTAL POLICY ACT (SEPA)
AMMENDING MARYSVILLE MUNICIPAL CODE (MMC) SECTION
22E.030.090; AND AMENDING MMC SECTION 22A.010.160 GENERAL
ADMINISTRATION, RELATED TO TRACKING AMENDMENTS TO THE
CITY'S UNIFORM DEVELOPMENT CODE; PROVIDING FOR
SEVERABILITY AND EFFECTIVE DATE.**

WHEREAS, the State Growth Management Act, RCW Chapter 36.70A mandates that cities periodically review and amend development regulations which include but are not limited to zoning ordinances and official controls; and

WHEREAS, RCW 36.70A.106 requires the processing of amendments to the City's development regulations in the same manner as the original adoption of the City's comprehensive plan and development regulations; and

WHEREAS, the State Growth Management Act requires notice and broad public participation when adopting or amending the City's comprehensive plan and development regulations; and

WHEREAS, the City, in reviewing and amending its development regulations has complied with the notice, public participation and processing requirements established by the Growth Management Act, as more fully described below; and

WHEREAS, the City Council of the City of Marysville finds that from time to time it is necessary and appropriate to review and revise provisions of the City's municipal code and development code (MMC Title 22); and

WHEREAS, the development code amendment is consistent with the following required findings of MMC 22G.010.500:

- (1) The amendment is consistent with the purposes of the comprehensive plan;
- (2) The amendment is consistent with the purpose of this title;
- (3) There have been significant changes in the circumstances to warrant a change;
- (4) The benefit or cost to the public health, safety and welfare is sufficient to warrant the action.

WHEREAS, the Planning Commission discussed the above-referenced amendment during a public meeting held on September 23, 2014; and

WHEREAS, on November 12, 2014, the Marysville Planning Commission held a duly-advertised public hearing, which was continued to November 25, 2014; and

WHEREAS, On November 25, 2014, at the continued public hearing, the Marysville Planning Commission made a recommendation to the City Council recommending the adoption of the proposed amendments to the City's development regulations; and

WHEREAS, at a public meeting on January 12, 2015, the Marysville City Council reviewed and considered the Marysville Planning Commission's Recommendation and proposed amendments to the City's development regulations; and

WHEREAS, the City of Marysville received expedited review under RCW 36.70A.106(3)(b) for the proposed development regulation revisions from the Washington State Department of Commerce on September 9, 2014, in compliance with the procedural requirement under RCW 36.70A.106; and

WHEREAS, the amendments to the development regulations are exempt from State Environmental Policy Act review under WAC 197-11-800(19);

NOW, THEREFORE, the City Council of the City of Marysville, Washington do ordain as follows:

Section 1. MMC 22E.030.090, is hereby added as follows:

22E.030.090 Categorical exemptions, threshold determinations, and enforcement of mitigating measures.

The city of Marysville adopts WAC 197-11-300 through 197-11-390, 197-11-800 through 197-11-890, and 197-11-908 as now existing or hereinafter amended, by reference, subject to the following:

(1) Establishment of Flexible Thresholds for Categorically Exempt Actions. The following exempt threshold levels are hereby established pursuant to WAC 197-11-800(1)(d):

(a) The construction or location of any single-family residential structures of less than or equal to 30 dwelling units;

(b) The construction or location of any multifamily residential structures of less than or equal to 60 dwelling units;

(c) The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering less than or equal to 40,000 square feet, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feed lots;

(d) The construction of an office, school, commercial recreational, service or storage building with less than or equal to 30,000 square feet of gross floor area, and with associated parking facilities and/or independent parking facilities designed for less than or equal to 90 automobiles;

(e) Any landfill or excavation of less than or equal to 1,000 cubic yards throughout the total lifetime of the fill or excavation; and any fill or excavation classified as a Class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder.

(2) The exemptions in this subsection apply except when the project:

(a) Is undertaken wholly or partly on lands covered by water and this remains true whether lands covered by water are mapped;

(b) Requires a license governing discharges to water that is not exempt under RCW 43.21C.0383;

(c) Requires a license governing emissions to air that is not exempt under RCW 43.21C.0381 or WAC 197-11-800 (7) or (8); or

(d) Requires a land use decision that is not exempt under WAC 197-11-800(6).

(e) A series of exempt actions that are physically or functionally related to each other, and that together may have a probable significant adverse environmental impact in the judgment of the Director/Agency with jurisdiction may be subject to SEPA

~~(23)~~ (23) Categorical Exemptions without Flexible Thresholds. The following proposed actions that do not have flexible thresholds are categorically exempt from threshold determination and EIS requirements, subject to the rules and limitations on categorical exemptions contained in WAC 197-11-305:

(a) Actions listed in WAC 197-11-800(2) through ~~(2426)~~.

~~(34)~~ (34) Environmentally Critical Areas. The Marysville shoreline environments map and the critical areas maps adopted pursuant to this title designate the location of environmentally sensitive areas within the city and are adopted by reference. For each environmentally sensitive area, the exemptions within WAC 197-11-800 that are inapplicable for the area are (1), (2)(d), (2)(e), (6)(a) and (24)(a) through (g). Unidentified exemptions shall continue to apply within environmentally sensitive areas of the city.

(a) Lands Covered by Water. Certain exemptions do not apply on lands covered by water, and this remains true regardless of whether or not lands covered by water are mapped.

(b) Treatment. The city shall treat proposals located wholly or partially within an environmentally critical area no differently than other proposals under this chapter, making a threshold determination for all such proposals. The city shall not automatically require an EIS for a proposal merely because it is proposed for location in an environmentally critical area.

~~(45)~~ (45) Responsibility for Determination of Categorical Exempt Status. The determination of whether a proposal is categorically exempt shall be made by the responsible official.

~~(56)~~ (56) Mitigation Measures. Modifications to a SEPA checklist or other environmental documentation that result in substantive mitigating measures shall follow one of the following processes:

(a) The responsible official may notify the applicant of the requested modifications to the proposal and identify the concerns regarding unmitigated impacts. The applicant may elect to revise or modify the environmental checklist, application, or supporting documentation. The modifications may include different mitigation measures than those requested by the responsible official; however, acceptance of the proposed measures is subject to subsequent review and approval by the responsible official.

(b) The responsible official may make a mitigated determination of nonsignificance (MDNS), identifying mitigating measures. The MDNS may be appealed by the applicant pursuant to MMC 22E.030.180.

(c) The responsible official may identify mitigating measures in a letter and mail that letter to the applicant. In writing, the applicant may acknowledge acceptance of these measures as mitigating conditions. The acknowledgement shall be incorporated into the application packet as supporting environmental documentation or as an addendum to the environmental checklist.

~~(67)~~ (67) Enforcing Mitigation Measures. Pursuant to WAC 197-11-350(7), the city hereby adopts the following procedures for the enforcement of mitigation measures:

(a) Incorporation of Representations Made by Applicant into MDNS or DNS and Approval. Representations made in the environmental checklist and supporting documentation shall be considered as the foundation of any decision or recommendation of approval of the action. As such, the responsible official relies on this documentation in making a decision on a proposal. Unless specifically revised by the responsible official or

applicant, those statements, representations, and mitigating measures contained in the environmental checklist, application, and supporting documentation shall be considered material conditions of any approval. Mitigating measures shall only be included on a DNS under the following circumstances:

(i) When the UDC does not provide adequate regulations to mitigate for an identified impact, and when any one of the following circumstances or combination of circumstances exists:

(A) When such conditions are not specifically written in the environmental checklist, application, or supporting information; or

(B) When the responsible official determines that the proposed conditions or representations contained within that information do not adequately address impacts from a proposal.

(b) Modifications to a Proposal – Responsible Official May Withdraw Threshold Determination. If, at any time, the proposal or proposed mitigation measures are substantially changed, or if proposed mitigation measures are withdrawn, then the responsible official shall review the threshold determination and, if necessary, may withdraw the threshold determination and issue a revised determination, including a determination of significance (DS), as deemed appropriate.

(c) Enforcement of Mitigation Measures. Mitigation measures that are identified in an environmental checklist, development application, supporting documentation, an EIS or an MDNS shall be considered material conditions of the permit or approval that is issued by the reviewing department. As such, failure to comply with these measures may be enforceable through the enforcement provisions that regulate the proposal.

Section 2. MMC 22A.010.160, Amendments, of MMC Chapter 22A.010, General Administration, is hereby amended as follows by adding reference to this adopted ordinance in order to track amendments to the City’s Unified Development Code:

“22A.010.160 Amendments.

The following amendments have been made to the UDC subsequent to its adoption:

<u>Ordinance</u>	<u>Title (description)</u>	<u>Effective Date</u>
_____	State Environmental Policy Act (SEPA)	_____, 2015”

Section 3. 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 4. 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 _____, 2015.

CITY OF MARYSVILLE

By: _____
JON NEHRING, MAYOR

Attest:

By: _____
APRIL O'BRIEN, DEPUTY CITY CLERK

Approved as to form:

By: _____
CITY ATTORNEY

Date of Publication: _____

Effective Date: _____
(5 days after publication)

Index #20

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: January 12, 2015

AGENDA ITEM: Ordinance adopting amendments to Marysville Municipal Code Section 22C.250.030(7), related to Wireless Communication Facilities State Environmental Policy Act Exemptions	AGENDA SECTION: New Business	
PREPARED BY: Cheryl Dungan, Senior Planner	APPROVED BY:	
ATTACHMENTS: 1. PC Recommendation, including: <ul style="list-style-type: none"> • Exhibit A - PC Recommended Ordinance • Exhibit B - PC Public Hearing Minutes, 11/25/14 • Exhibit C - PC Workshop Minutes, 9/23/14 2. Adopting Ordinance	MAYOR	CAO

DESCRIPTION:

The Draft Ordinance addresses minor changes to the Wireless Facilities Code to reflect Phase 2 SEPA revisions. The proposed amendments bring the City of Marysville’s Wireless Communication Facilities regulations into conformance with newly adopted State Environmental Policy Act language.

RECOMMENDED ACTION: Affirm the Planning Commission’s Recommendation and adopt amendments to Marysville Municipal Code Section 22C.250.030(7), related to Wireless Communication Facilities State Environmental Policy Act exemptions.
COUNCIL ACTION:



COMMUNITY DEVELOPMENT DEPARTMENT
 80 Columbia Avenue ♦ Marysville, WA 98270
 (360) 363-8100 ♦ (360) 651-5099 FAX

PC Recommendation - Wireless Communication Facilities

The Planning Commission of the City of Marysville, having held a public hearing on November 12, 2014, which was continued to November 25, 2014, in review of amendments related to Wireless Communication Facilities by amending the Marysville Municipal Code (MMC), creating a new subsection MMC 22C.250.030(7), and having considered the exhibits and testimony presented, does hereby enter the following findings, conclusions and recommendation for consideration by Marysville City Council:

FINDINGS:

1. The Planning Commission held a public work session to review amendments related to Wireless Communication Facilities on September 23, 2014.
2. The proposed amendment to the City's development regulations is exempt from State Environmental Policy Act review under WAC 197-11-800(19).
3. Community Development Staff submitted the DRAFT amendments related to Wireless Communication Facilities to the State of Washington Department of Commerce for expedited review pursuant to RCW 36.70A.106(3)(b). No comments were received from State Agencies.
4. The Planning Commission held a duly-advertised public hearing on November 12, 2014, which was continued to November 25, 2014.
5. No public comments were received on the DRAFT amendments to Wireless Communication Facilities.

CONCLUSION:

At the public hearing, which was continued to November 25, 2014, the Planning Commission recommended adoption of the amendments related to Wireless Communication Facilities, as reflected in the Ordinance attached hereto as **Exhibit A**, and as reflected in the Planning Commission Minutes attached hereto as **Exhibit(s) B & C**.

RECOMMENDATION:

Forwarded to City Council as a Recommendation of Approval of the development code amendments related to Wireless Communication Facilities by the Marysville Planning Commission this 25th day of November, 2014.

By: _____

Steve Leifer, Planning Commission Chair

EXHIBIT A

CITY OF MARYSVILLE
Marysville, Washington
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON RELATED TO WIRELESS COMMUNICATION FACILITIES (WCF) AMENDING MARYSVILLE MUNICIPAL CODE (MMC) SECTION 22C.250.030 ADDING SUBSECTION (7) RELATED TO WCF SEPA EXEMPTIONS; AND AMENDING MMC SECTION 22A.010.160 GENERAL ADMINISTRATION, RELATED TO TRACKING AMENDMENTS TO THE CITY'S UNIFORM DEVELOPMENT CODE; PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the State Growth Management Act, RCW Chapter 36.70A mandates that cities periodically review and amend development regulations which include but are not limited to zoning ordinances and official controls; and

WHEREAS, RCW 36.70A.106 requires the processing of amendments to the City's development regulations in the same manner as the original adoption of the City's comprehensive plan and development regulations; and

WHEREAS, the State Growth Management Act requires notice and broad public participation when adopting or amending the City's comprehensive plan and development regulations; and

WHEREAS, the City, in reviewing and amending its development regulations has complied with the notice, public participation and processing requirements established by the Growth Management Act, as more fully described below; and

WHEREAS, the City Council of the City of Marysville finds that from time to time it is necessary and appropriate to review and revise provisions of the City's municipal code and development code (MMC Title 22); and

WHEREAS, the development code amendment is consistent with the following required findings of MMC 22G.010.500:

- (1) The amendment is consistent with the purposes of the comprehensive plan;
- (2) The amendment is consistent with the purpose of this title;
- (3) There have been significant changes in the circumstances to warrant a change;
- (4) The benefit or cost to the public health, safety and welfare is sufficient to warrant the action.

WHEREAS, the Planning Commission discussed the above-referenced amendment during a public meeting held on September 23, 2014; and

WHEREAS, on November 12, 2014, the Marysville Planning Commission held a duly-advertised public hearing, which was continued to November 25, 2014; and

EXHIBIT A

WHEREAS, On November 25, 2014, at the continued public hearing, the Marysville Planning Commission made a recommendation to the City Council recommending the adoption of the proposed amendments to the City’s development regulations; and

WHEREAS, at a public meeting on January 12, 2015, the Marysville City Council reviewed and considered the Marysville Planning Commission’s Recommendation and proposed amendments to the City’s development regulations; and

WHEREAS, the City of Marysville received expedited review under RCW 36.70A.106(3)(b) for the proposed development regulation revisions from the Washington State Department of Commerce on September 10, 2014, in compliance with the procedural requirement under RCW 36.70A.106; and

WHEREAS, the amendments to the development regulations are exempt from State Environmental Policy Act review under WAC 197-11-800(19);

NOW, THEREFORE, the City Council of the City of Marysville, Washington do ordain as follows:

Section 1. MMC 22C.250.030, is hereby amended to add a new subsection (7) as follows. (All other provisions of MMC 22C.250.030 remain in effect and unchanged):

(7) The siting of wireless service facilities are categorically exempt from the State Environmental Policy Act (SEPA) if the proposed facilities meet the requirements established in WAC 197-11-800(25) and MMC 22E.030.090(3)(a) as adopted or otherwise amended.

Section 2. MMC 22A.010.160, Amendments, of MMC Chapter 22A.010, General Administration, is hereby amended as follows by adding reference to this adopted ordinance in order to track amendments to the City’s Unified Development Code:

“22A.010.160 Amendments.

The following amendments have been made to the UDC subsequent to its adoption:

<u>Ordinance</u>	<u>Title (description)</u>	<u>Effective Date</u>
_____	State Environmental Policy Act (SEPA)	_____, 2015”

Section 3. 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 4. 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 _____, 2015.

EXHIBIT A

CITY OF MARYSVILLE

By: _____
JON NEHRING, MAYOR

Attest:

By: _____
APRIL O'BRIEN, DEPUTY CITY CLERK

Approved as to form:

By: _____
GRANT K. WEED, CITY ATTORNEY

Date of Publication: _____

Effective Date: _____
(5 days after publication)

PLANNING COMMISSION



MINUTES

November 25, 2014

7:00 p.m.

City Hall

CALL TO ORDER

Chair Leifer called the November 25, 2014 meeting to order at 7:00 p.m. noting excused absence of Commissioners Lebo and Richards and the continuing absence of Commissioner Marvetta Toler. He noted that there was no one in the audience.

Marysville

Chairman: Steve Leifer

Commissioners: Roger Hoen, Jerry Andes, Kay Smith,

Staff: Planning Manager Chris Holland
Associate Planner Angela Gemmer

Absent: Steven Lebo, Kelly Richards, Marvetta Toler

APPROVAL OF MINUTES

Motion made by Commissioner Smith, seconded by Commissioner Andes, to approve the November 12, 2014 Meeting Minutes. **Motion** passed unanimously (4-0).

AUDIENCE PARTICIPATION

None

OLD BUSINESS

- Code Amendments
- Caretaker's Quarters (hearing closed)

Planning Manager Holland presented the revised draft ordinance as discussed at the last meeting. He asked if what was reflected in the revised draft ordinance is indicative of what the Planning Commission had recommended. He pointed out that in the Definitions section the Commission had talked about recreational vehicles or other temporary structures being included. He noted that if you read what a recreational vehicle entails it also includes, but is not limited to campers, motor homes, and travel

trailers. Tents are excluded. In the GI and LI zones other temporary structures, such as Pacific Mobile construction trailers, would also be permitted because there are no design regulations. He solicited Commission comments on the revised draft ordinance.

Chair Leifer commented that the proposed draft ordinance is consistent with his recollection of the Commission's discussion. He agrees that the exclusion of other temporary structures makes sense.

Commissioner Hoen commented that they had also discussed looking into a limitation based on the size of the business. Planning Manager Holland agreed and said it had been included in the minutes, but noted that the recommendation from the Commission had not included that. Commissioner Hoen asked if staff sees any unintended consequences of allowing recreational vehicles as caretaker's quarters. Planning Manager Holland stated that staff does not support the Planning Commission's position and believes that there would be consequences for allowing recreational vehicles as caretaker's quarters.

Chair Leifer clarified his discussion with a staff member from the City of Everett which he had referred to at the last meeting. Since the last meeting, he spoke with other staff members who had a different opinion about the way the code would be interpreted, and they would not allow recreational vehicles as caretaker's quarters.

Motion made by Commissioner Andes, seconded by Commissioner Smith, to have Chair Leifer sign the Planning Commission Recommendation, which includes the revised ordinance allowing recreational vehicles as caretaker's quarters, and forward it to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

PUBLIC HEARING

Chair Leifer reopened the public hearing at 7:12 p.m.

Code Amendments:

- **Legislative Enactment Amendments**

Planning Manager Holland noted that the City got audited by the Washington Cities Insurance Authority (WCIA) this year and one of the focuses was for land use. The City passed, but WCIA pointed out a few deficiencies related to group and adult family homes. Case law states those can't be prohibited from any zone. This ordinance addresses that by permitting those uses in all zones. Also deadlines for approvals have been amended for binding site plans, subdivisions, short subdivisions, etc. Vesting regulations were also amended. Finally, the Code now clarifies what constitutes minor and major amendments for land use actions.

Commissioner Andes asked how the fees were determined. Planning Manager Holland stated that they were based on a fee study done several years ago by looking at other jurisdictions and analyzing staff time for reviews. The only proposed change to the fee

schedule was based on the minor/major amendments modifications. The fee for minor amendments was increased to more accurately reflect the amount of staff time these reviews take.

Chair Leifer asked about extension periods on short plats. Planning Manager Holland explained that short plats and plats are governed by state law. He then reviewed timelines associated with plats and the commercial, or multi-family, site plan extension regulations.

Commissioner Andes asked if you have to prove you are making progress in the five-year period in order to get the one-year extension. Planning Manager Holland affirmed that you do have to show that you have attempted in good faith to submit the final plat within the five-year period.

Chair Leifer said he would have to recuse himself from any voting on this code amendment because he has an issue related to this. He asked what staff's position would be on any further movement on some of the stuff that is still sitting out there that has run out of time. Planning Manager Holland stated there are no proposed changes to commercial and multi-family site plan reviews. He summarized that if they were approved prior to when the Unified Development Code was adopted in 2012 they probably wouldn't be up to the design standards that are in place now. Chair Leifer asked if redesign of those projects would require all new submittal fees. Planning Manager Holland explained that if you had an approved civil construction plans and were approved under the 2005 DOE Stormwater Management Manual you likely wouldn't have to do an amendment. It would just be a matter of resubmitting the same thing and having an engineer stamp them so hopefully it wouldn't be a very big cost burden to the applicant.

Motion made by Commissioner Andes, seconded by Commissioner Smith, to approve this and forward to the Council with a recommendation for approval. **Motion** passed unanimously.

- **Nonconforming Situations**

Planning Manager Holland stated that staff is proposing to eliminate the CUP process and make this administrative which would reduce the cost. Instead, a building permit and site plan submittal showing setbacks would be required. He reviewed the proposed changes which would save costs and staff time.

Motion made by Commissioner Smith, seconded by Commissioner Andes, to approve the Nonconforming code amendments and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **Sign Code**

Angela Gemmer reviewed the four proposed Sign code amendments:

1. Require that signs that are freestanding and under 12-feet be monument-style signs.
2. Clarify the provision that requires that the structural posts of freestanding signs have decorative materials encasing them.
3. Clarify the intent for the changeable copy portion of the sign so it is limited to 30% of the sign area that is actually constructed.
4. Clarify the non-conforming sign provisions to indicate that converting them to an electronic changeable copy sign is not what the reface provision is intended to allow.

Commissioner Andes asked for clarification about the last one. Ms. Gemmer explained that if the sign meets the City's current design standards then you can convert whatever portion is allowable to an electronic changeable copy sign. Otherwise, you would need to retrofit the freestanding sign to meet the current sign code first. Planning Manager Holland commented that this has happened in a lot of the redevelopment of areas like the gas station on 4th Street.

Motion made by Commissioner Smith, seconded by Commissioner Hoen, to approve the sign code amendments and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **Beekeeping**

Ms. Gemmer reviewed two draft alternative ordinances on beekeeping with the following proposed changes:

- Allow a temporary 30-day doubling of the number of hives allowed in order to avoid swarming and other nuisance conditions
- Allow five migratory hives for agricultural purposes. A three-acre site would be allowed 15 hives. Thereafter you could have an additional five hives per acre.

Alternative 1 allows two hives on lots that are less than 10,000 square feet. Alternative 2 would not allow hives on lots less than 3,500 square feet, but would allow two hives on lots over 3,500 square feet up to 10,000 square feet.

Commissioner Andes expressed concern about having hives on small lots at all. 3,500 square feet seems too small to him. Even 5,000 square feet seems too small. He stated that the City needs to protect the public and not the bees.

Commissioner Hoen asked about lot sizes in the City. Planning Manager Holland reviewed these and explained that the size is based on the type of development. As far as building coverage is concerned, in no case can you ever go over 50% of the lot size for your building coverage.

Commissioner Smith concurred with Commissioner Andes.

Commissioner Hoen noted that according to the beekeepers the bees are foraging a mile away anyway. He was not sure what the size breaking point should be. He wondered how they would tell the difference between temporary and permanent hives.

Ms. Gemmer noted that the intent of the code is that this would be complaint-driven similar to the way chickens, dogs, or cats are handled.

There was discussion about approving Alternative 2, but amending the minimum from 3,500 to 5,000 square feet.

Motion made by Commissioner Andes, seconded by Commissioner Hoen, to approve Alternative 2 with the replacement in item 1(i) of 3,500 to 5,000 and (ii) 5,001 to 10,000 and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **Pet Daycares and Kennels**

Ms. Gemmer explained that the proposed code would create a specific use category for pet daycares and continue to allow them in all the zones they are presently allowed except in the Mixed Use zone. Also, the definition for dog kennels is proposed to be amended to eliminate the five-acre threshold to enable dog kennels to site in zones where they would be compatible. Additionally, there are new provisions to the dog daycare and kennel and similar facilities that pertain to health and sanitary conditions that are found in most jurisdictions. There is also a provision to implement setbacks from residences for dog kennels, a provision that dog kennels and daycares comply with the Washington Administrative Code in terms of how much noise is able to be emitted, and different provisions to address noise if noise limits are exceeded.

Chair Leifer asked how the noise levels are measured. Ms. Gemmer explained that it goes by decibels and can be measured with noise equipment. She reviewed the different classes and explained that each zone has a maximum amount of decibels that can be emitted in daytime and nighttime hours.

Commissioner Andes asked about the people who wanted to do a dog shelter in the old Sears building. He noted that would be a good place for a dog kennel. Ms. Gemmer concurred and indicated she would contact them if this code is approved.

Motion made by Commissioner Hoen, seconded by Commissioner Andes, to approve the Pet Daycare and Kennel amendments as presented and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **School, Traffic and Park Impact Fees**

Associate Planner Gemmer explained that the School, Traffic, and Park Impact Fee amendment would increase the term under which the fees collected may be expended from six years to ten years as required by state law.

Motion made by Commissioner Andes, seconded by Commissioner Smith, to approve the amendments regarding School, Traffic, and Park Impact Fees and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **State Environmental Policy Act**

Planning Manager Holland reviewed the proposed changes which would bring the City's code in compliance with the Phase 2 amendments.

Motion made by Commissioner Andes, seconded by Commissioner Hoen, to approve this and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **Wireless Communication Facilities**

Planning Manager Holland stated that this is also related to SEPA review. There were some FCC laws enacted regarding existing wireless communication facilities. Based on that, the state put in an exemption for wireless communication facilities. The proposed amendment would specifically state that in the ordinance to be in compliance with state law.

Chair Leifer asked if there are provisions about locating wireless facility towers. Planning Manager Holland reviewed these.

Motion made by Commissioner Andes, seconded by Commissioner Hoen, to approve this and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

The public hearing was closed at 8:10 p.m.

CITY COUNCIL AGENDA ITEMS AND MINUTES

ADJOURNMENT

Motion made by Commissioner Smith, seconded by Commissioner Andes, to adjourn the meeting at 8:11 p.m. **Motion** passed unanimously.

NEXT MEETING:

December 9, 2014



Laurie Hugdahl, Recording Secretary

PLANNING
COMMISSION



MINUTES

September 23, 2014

7:00 p.m.

City Hall

CALL TO ORDER

Chair Leifer called the September 23, 2014 meeting to order at 7:00 p.m. noting the excused absence of Roger Hoen and the continued absence of Marvetta Toler. He pointed out that there was no one in the audience.

Marysville

Chairman: Steve Leifer

Commissioners: Jerry Andes, Kelly Richards, Kay Smith, Steven Lebo

Staff: Planning Manager Chris Holland, Senior Planner Cheryl Dungan, Associate Planner Angela Gemmer

Absent: Roger Hoen, Marvetta Toler

APPROVAL OF MINUTES

September 9, 2014 Meeting Minutes

Motion made by Commissioner Smith, seconded by Commissioner Richards, to approve the September 9, 2014 Planning Commission Meeting Minutes as presented. **Motion** passed unanimously (5-0).

AUDIENCE PARTICIPATION

None

CITIZEN ADVISORY COMMITTEE FOR HOUSING AND COMMUNITY DEVELOPMENT – PC MEMBER

Planning Manager Holland solicited a volunteer to serve on the Citizen Advisory Committee for Housing and Community Development which is a committee that oversees the CDBG program. The committee serves as a recommending body to the Council. This would involve attending approximately 3-4 short meetings a year with additional meetings on years where the 6-Year Consolidated Plan has to be updated.

There was consensus to nominate Commissioner Roger Hoen (who was not in attendance). Planning Manager Holland stated he would contact Commissioner Hoen to see if he was available. Commissioner Lebo indicated he could do it if no one else was available.

NEW BUSINESS

- Code Amendments

Critical Areas – Geologic Hazard

Senior Planner Dungan stated that due to the recent Oso slide, staff has been reviewing Geologic Hazard code and maps of the City's Critical Areas Ordinance to see if updates are needed. Staff reviewed LIDAR mapping to look for indications of previous slides in Marysville and also looked at other jurisdictions' codes. She noted that LIDAR information for Oso shows significant events over time; however Marysville's slopes are less dramatic and short runs are shorter than in Oso. Staff does not feel there is the potential for an Oso-type slide, but there are some areas, especially along creeks and along Getchell hillside that fall into the category of steep slopes where there could be a potential for landslide and erosion and areas in the flood plain where there could be liquefaction.

Ms. Dungan reviewed proposed amendments to the map and code. Currently Marysville's Critical Areas Ordinance requires a 25-foot setback from the top of bank that can be reduced to 10 feet if a geotechnical expert recommends it. Everett and several other jurisdictions have adopted the International Building Code (IBC). Staff believes this has been very well vetted and is recommending that the City switch from the straight 25-foot setback to allowing a geotechnical expert to make a recommendation on a slope. If the geotechnical expert doesn't recommend a setback or the person doesn't hire a geotechnical engineer, the City would automatically use what is set forth in the IBC which sets setbacks from both the toe and the top of bank. The toe setback would be the length of the slope divided by two plus 15 feet. The top of the slope setback would be the smaller of the height of the slope divided by three or 40 feet. If the geotechnical report recommends buffers less than those established in the IBC, then the report must specifically list their rationale and basis for the reduced buffers.

Commissioner Andes pointed out that the people at the bottom of a slope are generally more affected than the people at the top. He asked why the setback at the bottom isn't a little further. Ms. Dungan explained that this is the IBC standard which has been well vetted through national and international experts on the subject.

Commissioner Andes asked about the picture of the second foundation. Ms. Dungan wasn't sure.

Chair Leifer summarized that with a geotechnical report there could theoretically be a zero foot setback. Ms. Dungan concurred. Chair Leifer thought that the recommendations made sense for people that want to spend the money and the resources for a site-specific review.

Ms. Dungan noted that a hearing would be set for November 12.

Commissioner Lebo asked how often they do these updates. Ms. Dungan replied this is the first time they have reviewed them since 1992, and there haven't been many changes. Commissioner Lebo noted that in areas where they take a lot of trees out things do change. Ms. Dungan concurred. She noted that is why staff would request a geotechnical report in hazardous areas. She stressed that this is putting a lot of the burden on the geotechnical expert who is writing the report to make the recommendation on the setback. Commissioner Lebo referred to the south side to the east side of Whiskey Ridge which is a sloped area with lots of trees gone. Ms. Dungan concurred and noted that most of the area has been developed based on the recommendations of geotechnical experts and with the City's requirement of the retention of vegetation on the steep slopes. Staff periodically looks at LIDAR to see if there are any concerns. In most cases if the vegetation remains the slope is protected.

SEPA Phase 2 Revisions

In 2012 the Planning Commission reviewed Phase 1 SEPA revisions, which were much more significant than the Phase 2 SEPA changes. The majority of these Phase 2 revisions were adopted by reference of SEPA with the exception of a couple places where some wording was changed or text was moved around. She summarized what the state legislature adopted in Phase 2 as well as the proposed staff recommended code amendments contained in the Commission's packet. There were no questions.

SEPA/Wireless Communication Facilities (WCF) Exemption

Senior Planner Dungan explained that there was an additional subsection added that lists wireless facilities that are categorically exempt and references the WAC and MMC as applicable. There were no questions.

School, traffic and park impact fee expenditures

Associate Planner Angela Gemmer explained that the state has increased the amount of time cities have to use the impact fees to ten years from six years. The City is recommending a similar change to be consistent with the state's requirements.

Chair Leifer commented that on one of these when it's collected is well-noted, but it's not so clear on the others. Ms. Gemmer replied that she had only included the portion of the code where the changes were occurring. She offered to bring back the full code sections to answer his question.

Chair Leifer referred to page 2 (item 3b at the top of the page) regarding when and how to grant a credit and noted that it seemed ambiguous. He asked why the owner would be eligible for a credit if the project didn't happen. Why did he pay it in the first place? Planning Manager Holland thought that this referred to situations where the owner might have paid in advance. He thought this might be clarified by looking at the entire code instead of just this portion. He offered to bring back the whole section. Planning Manager Holland also noticed that the "five years" in this section needs to be changed to "ten years". He commented they would search the section to see if there were any other spots where this needed to be changed.

Chair Leifer asked for clarification on School Impact Fees, item d. Planning Manager Holland explained that this was to avoid charging someone twice for impact fees when they pay for an actual capital facilities project identified in the district's capital facilities plan.

Chair Leifer asked how this fits in to the special exemptions on impact fees that apply until July of 2015. Planning Manager Holland explained that the exemptions would stay in place until they sunset in July of 2015.

Chair Leifer referred to real estate tax exemptions and said he was told that Quilceda Creek was exempted from real estate tax. Planning Manager Holland clarified that those units are not market rate. The exemption only works for affordable housing outside of the downtown area.

Sign Code

Associate Planner Gemmer reviewed proposed changes to the sign code:

1. Clarify that the base of freestanding signs are to be wrapped with decorative material.
2. The electronic portion of the sign could only be 30% of the sign that is actually constructed as opposed to 30% of the sign area that could potentially be built.
3. Clarify the nonconforming sign code provision.
4. Signs 12-foot tall or under would be required to monument signs with the exception of directional signs.

Chair Leifer referred to section 5 regarding streamers, pennants, and banners and asked if this would rule out temporary uses of those things. Ms. Gemmer replied that it would not. Those would be addressed in the Temporary Use section.

Commissioner Andes commented that A-board signs are all over the place and no one seems to be doing anything about it. He referred to one by K-Mart that advertises a shop on the other side of the street. He asked when the City would get around to enforcing the existing code. Planning Manager Holland stated that proactive enforcement has been a staffing problem. He commented that staff does regularly pick up A-board signs that do not comply with regulations. There is a conscious effort to not pick on commercial businesses, but if they are blocking the sidewalk or being a distraction to traffic staff will take action. He recommended that people email him if they notice signs that are a problem.

Commissioner Lebo asked about political campaign signs. Planning Manager Holland stated that there are very strict regulations about this, and the City can't touch them. Candidates are supposed to remove them when the campaign is over.

Billboards

Planning Manager Holland explained that Clear Channel has challenged the City's Ordinance to apply the amortization schedule to get rid of billboards. Staff has met with Clear Channel on numerous occasions to talk to them about what the City would like to see done. There are currently 25 billboards and 42 billboard faces in the City. The highest priority for removing billboards is in the downtown area, anywhere south of Grove. Highlights to proposed changes:

- If you install an electronic billboard you would need to remove five other billboards.
- No more than two faces would be allowed for electronic billboards.
- No new billboards unless they are electronic.
- Billboards would have to be available for public service announcements such as Amber Alerts and Strawberry Festival announcements.
- Billboards need to be spaced a minimum of 1000 feet apart.
- There is a 35-foot height limit.
- There is a 100-foot minimum setback from an intersection or a greater distance if other factors are involved that would be a public hazard.
- An electronic billboard would have a 10-foot property setback from the edge of the billboard and 15 feet from the foundation to the public right-of-way.
- There would be a setback of 100 feet from any residential zone
- Additional setbacks could apply for view corridors.
- The recommendation is 5,000 nits in daytime and 500 between sunset and sunrise. LEDs must also have dimming capabilities.
- The rate of changes would be allowed to change not more than once every 8 seconds.

Commissioner Andes commented that 288 square feet seems like a very large sign. Planning Manager Holland noted that it's not as big as it sounds. He offered to provide some pictures so the commissioners could see them in context.

There was discussion about some electronic signs around town and their levels of brightness.

Planning Manager Holland clarified that on Exhibit A the sending area would need to be extended up to include the whole State Avenue to Smokey Pt. Blvd. corridor and end the receiving area at 152nd South to 100th.

OLD BUSINESS

- Honey Bees

Associate Planner Gemmer responded to questions raised at the previous meeting and reviewed proposed amendments regarding beekeeping as contained in her Memo to Gloria Hirashima dated September 17, 2014 (in the Commission's packet).

Commissioner Richards asked how they could get people who are not registered to register. Ms. Gemmer said they could inform people of the requirements if they ask or if someone informs the City of an issue they can send a letter. In general, the philosophy of the City is to not intervene unless there is an issue with compliance that is brought to their attention.

Commissioner Lebo thought that two beehives on 5,000 square feet seems like too much. Ms. Gemmer explained that the beehives are pretty small boxes. She noted that these are suggestions based on other jurisdictions and research staff has done, but the Planning Commission could recommend changes.

Chair Leifer wondered how many bees there are per acre in a natural setting. Ms. Gemmer offered to try to find the answer to that. Chair Leifer wondered how the number of feral bees compares to the proposed allowable amount.

Commissioner Lebo commented that he has a friend who keeps bees and the queen bee occasionally escapes with the whole hive following her and the owner has to go retrieve them.

Planning Manager Holland stated this would be covered at the hearing.

Commissioner Lebo suggested inviting the Department of Agriculture to the hearing to stress the importance of registering hives.

- Kennels

Associate Planner Gemmer reviewed the proposed amendments regarding dog daycares and kennels as contained in her Memo to CAO Hirashima dated September 17, 2014.

Commissioner Lebo asked how staff perceives the enforcement of this. Ms. Gemmer stated that if there are any complaints staff would definitely enforce the code. She noted that there are two dog daycares in town and there haven't been any problems to date. Planning Manager Holland stated that the City also has decibel- measuring equipment that can be utilized if necessary.

NEXT MEETING – October 14

Planning Manager Holland stated that at the next meeting on October 14 the Planning Commission would be covering the Marysville housing profiles. A representative from Snohomish County Housing Authority, who staffs the Affordable Housing Alliance for Snohomish County, will be coming to that meeting.

The School District's capital facilities plans will also be presented at the next meeting. A representative from each district will be present to go over their plans.

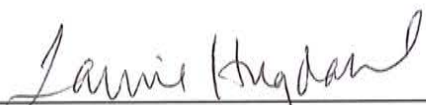
Chair Leifer thanked staff for the information provided on Industrial Center areas.

CITY COUNCIL AGENDA ITEMS AND MINUTES

None

ADJOURNMENT

Motion made by Commissioner Richards, seconded by Commissioner Smith, to adjourn the meeting at 8:32 p.m. **Motion** passed unanimously (5-0).



Laurie Hugdahl, Recording Secretary

CITY OF MARYSVILLE
Marysville, Washington
ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON
RELATED TO WIRELESS COMMUNICATION FACILITIES (WCF)
AMENDING MARYSVILLE MUNICIPAL CODE (MMC) SECTION
22C.250.030 ADDING SUBSECTION (7) RELATED TO WCF SEPA
EXEMPTIONS; AND AMENDING MMC SECTION 22A.010.160 GENERAL
ADMINISTRATION, RELATED TO TRACKING AMENDMENTS TO THE
CITY'S UNIFORM DEVELOPMENT CODE; PROVIDING FOR
SEVERABILITY AND EFFECTIVE DATE.**

WHEREAS, the State Growth Management Act, RCW Chapter 36.70A mandates that cities periodically review and amend development regulations which include but are not limited to zoning ordinances and official controls; and

WHEREAS, RCW 36.70A.106 requires the processing of amendments to the City's development regulations in the same manner as the original adoption of the City's comprehensive plan and development regulations; and

WHEREAS, the State Growth Management Act requires notice and broad public participation when adopting or amending the City's comprehensive plan and development regulations; and

WHEREAS, the City, in reviewing and amending its development regulations has complied with the notice, public participation and processing requirements established by the Growth Management Act, as more fully described below; and

WHEREAS, the City Council of the City of Marysville finds that from time to time it is necessary and appropriate to review and revise provisions of the City's municipal code and development code (MMC Title 22); and

WHEREAS, the development code amendment is consistent with the following required findings of MMC 22G.010.500:

- (1) The amendment is consistent with the purposes of the comprehensive plan;
- (2) The amendment is consistent with the purpose of this title;
- (3) There have been significant changes in the circumstances to warrant a change;
- (4) The benefit or cost to the public health, safety and welfare is sufficient to warrant the action.

WHEREAS, the Planning Commission discussed the above-referenced amendment during a public meeting held on September 23, 2014; and

WHEREAS, on November 12, 2014, the Marysville Planning Commission held a duly-advertised public hearing, which was continued to November 25, 2014; and

WHEREAS, On November 25, 2014, at the continued public hearing, the Marysville Planning Commission made a recommendation to the City Council recommending the adoption of the proposed amendments to the City’s development regulations; and

WHEREAS, at a public meeting on January 12, 2015, the Marysville City Council reviewed and considered the Marysville Planning Commission’s Recommendation and proposed amendments to the City’s development regulations; and

WHEREAS, the City of Marysville received expedited review under RCW 36.70A.106(3)(b) for the proposed development regulation revisions from the Washington State Department of Commerce on September 10, 2014, in compliance with the procedural requirement under RCW 36.70A.106; and

WHEREAS, the amendments to the development regulations are exempt from State Environmental Policy Act review under WAC 197-11-800(19);

NOW, THEREFORE, the City Council of the City of Marysville, Washington do ordain as follows:

Section 1. MMC 22C.250.030, is hereby amended to add a new subsection (7) as follows. (All other provisions of MMC 22C.250.030 remain in effect and unchanged):

(7) The siting of wireless service facilities are categorically exempt from the State Environmental Policy Act (SEPA) if the proposed facilities meet the requirements established in WAC 197-11-800(25) and MMC 22E.030.090(3)(a) as adopted or otherwise amended.

Section 2. MMC 22A.010.160, Amendments, of MMC Chapter 22A.010, General Administration, is hereby amended as follows by adding reference to this adopted ordinance in order to track amendments to the City’s Unified Development Code:

“22A.010.160 Amendments.

The following amendments have been made to the UDC subsequent to its adoption:

<u>Ordinance</u>	<u>Title (description)</u>	<u>Effective Date</u>
_____	State Environmental Policy Act (SEPA)	_____, 2015”

Section 3. 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 4. 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 _____, 2015.

CITY OF MARYSVILLE

By: _____
JON NEHRING, MAYOR

Attest:

By: _____
APRIL O'BRIEN, DEPUTY CITY CLERK

Approved as to form:

By: _____
CITY ATTORNEY

Date of Publication: _____

Effective Date: _____
(5 days after publication)

Index #21

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: January 12, 2015

AGENDA ITEM: Ordinance adopting amendments to Marysville Municipal Code Sections 22E.010.280; 22E.010.300 and 22E.010.310, related to setbacks from geologic hazard areas	AGENDA SECTION: New Business	
PREPARED BY: Cheryl Dungan, Senior Planner	APPROVED BY:	
ATTACHMENTS: 1. PC Recommendation, including: <ul style="list-style-type: none"> • Exhibit A - PC Recommended Ordinance • Exhibit B - DRAFT PC Public Hearing Minutes, 12/9/14 • Exhibit C - PC Workshop Minutes, 9/23/14 2. Memo to PC from Cheryl Dungan, dated 09/16/14 3. Adopting Ordinance	MAYOR	CAO

DESCRIPTION:

Due to the recent Oso landslide, city staff has been reviewing geologic hazard maps and the Geologic Hazard section of the City’s Critical Areas Ordinance (CAO) to see if the CAO needs to be updated. The review included review of LIDAR mapping to look for indications of previous historic landslides/soil movement, types of soils subject to failure located on or near steep slopes, liquefaction potential, and areas with high erosion potential. The Planning Commission has recommended approval of the proposed changes to the CAO, requiring structures to be setback as recommended by a geotechnical engineer or Chapter 18 of the International Building Code (IBC).

RECOMMENDED ACTION: Ordinance adopting amendments to Marysville Municipal Code Sections 22E.010.280; 22E.010.300(2) and 22E.010.310, related to setbacks from geologic hazard areas.
COUNCIL ACTION:



COMMUNITY DEVELOPMENT DEPARTMENT
 80 Columbia Avenue ♦ Marysville, WA 98270
 (360) 363-8100 ♦ (360) 651-5099 FAX

PC Recommendation - Geologic Hazards Code Amendment

The Planning Commission of the City of Marysville, having held a public hearing on November 12, 2014, which was continued to November 25, 2014 and December 9, 2014, in review of amendments related to Critical Areas Management – Article IV 'Geologic Hazards' amending Marysville Municipal Code (MMC) Sections 22E.010.280; 22E.010.300(1); 22E.010.300(2); 22E.010.310(e) and amending MMC Section 22A.010.160 'General Administration', related to tracking amendments to the City's Uniform Development Code; and having considered the exhibits and testimony presented, does hereby enter the following findings, conclusions and recommendation for consideration by Marysville City Council:

FINDINGS:

1. The Planning Commission held a public work session to review amendments related to Geologic Hazards on September 23, 2014.
2. The proposed amendments were reviewed under the requirements of the State Environmental Policy Act, Ch. 43.21C RCW (SEPA) by issuing Addendum #23 to the final environmental impact state (FEIS) for the *2005 City of Marysville Comprehensive Plan*. It was determined that the addendum will not significantly change the analysis contained in the FEIS prepared in 2005 for the comprehensive plan, and will not identify new or significantly different environmental impact.
3. Community Development Staff submitted the DRAFT amendments related to Nonconforming Situations to the State of Washington Department of Commerce for 60-day review pursuant to RCW 36.70A.106. No comments were received from State Agencies.
4. The Planning Commission held a duly-advertised public hearing on November 12, 2014, which was continued to November 25, 2014 and December 9, 2014.
5. No public comments were received on the DRAFT amendments related to Geologic Hazards.

CONCLUSION:

At the public hearing, which was continued to November 25, 2014 and December 9, 2014 the Planning Commission recommended adoption of the amendments related to Geologic Hazards, as reflected in the Ordinance attached hereto as **Exhibit A**, and as reflected in the Planning Commission Minutes attached hereto as **Exhibit(s) B and C**.

RECOMMENDATION:

Forwarded to City Council as a Recommendation of Approval of the development code amendments related to Geologic Hazards by the Marysville Planning Commission this 9th day of December, 2014.

By:


 Steve Leifer, Planning Commission Chair

EXHIBIT A

CITY OF MARYSVILLE Marysville, Washington ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON RELATED TO CRITICAL AREAS MANAGEMENT – ARTICLE IV 'GEOLOGIC HAZARDS' AMENDING MARYSVILLE MUNICIPAL CODE (MMC) SECTIONS 22E.010.280; 22E.010.300(2); 22E.010.310(e) AND AMENDING MMC SECTION 22A.010.160 GENERAL ADMINISTRATION, RELATED TO TRACKING AMENDMENTS TO THE CITY'S UNIFORM DEVELOPMENT CODE; PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the State Growth Management Act, RCW Chapter 36.70A mandates that cities periodically review and amend development regulations which include but are not limited to zoning ordinances and official controls; and

WHEREAS, RCW 36.70A.106 requires the processing of amendments to the City's development regulations in the same manner as the original adoption of the City's comprehensive plan and development regulations; and

WHEREAS, the State Growth Management Act requires notice and broad public participation when adopting or amending the City's comprehensive plan and development regulations; and

WHEREAS, the City, in reviewing and amending its development regulations has complied with the notice, public participation and processing requirements established by the Growth Management Act, as more fully described below; and

WHEREAS, the City Council of the City of Marysville finds that from time to time it is necessary and appropriate to review and revise provisions of the City's municipal code and development code (MMC Title 22); and

WHEREAS, the development code amendment is consistent with the following required findings of MMC 22G.010.500:

- (1) The amendment is consistent with the purposes of the comprehensive plan;
- (2) The amendment is consistent with the purpose of this title;
- (3) There have been significant changes in the circumstances to warrant a change;
- (4) The benefit or cost to the public health, safety and welfare is sufficient to warrant the action.

WHEREAS, the Planning Commission discussed the above-referenced amendment during a public meeting held on September 23, 2014; and

WHEREAS, after providing notice to the public as required by law, on November 12, 2014, which was continued to November 25, 2014 and December 9, 2014, the Marysville Planning Commission held a Public Hearing on proposed amendments to the City's development regulations; and

EXHIBIT A

WHEREAS, on December 9, 2014, the Marysville Planning Commission made a Recommendation to the City Council recommending the adoption of the proposed amendments to the City's development regulations; and

WHEREAS, at a public meeting on January 12, 2015, the Marysville City Council reviewed and considered the Marysville Planning Commission's Recommendation and proposed amendments to the City's development regulations; and

WHEREAS, the City of Marysville sent 60-day review notice under RCW 36.70A.106 for the proposed development regulation revisions to the Washington State Department of Commerce on August 4, 2014, in compliance with the procedural requirement under RCW 36.70A.106; and

WHEREAS, the City complied with the requirements of the State Environmental Policy Act, Ch. 43.21C RCW, (SEPA) by issuing Addendum #23 to the final environmental impact statement (FEIS) for the *2005 City of Marysville Comprehensive Plan* for the proposed amendments to Title 22E MMC, and the addendum will not significantly change the analysis contained in the FEIS prepared in 2005 for the comprehensive plan, and will not identify new or significantly different environmental impacts; and

NOW, THEREFORE, the City Council of the City of Marysville, Washington do ordain as follows:

Section 1. MMC 22E.010.280 is hereby amended as follows:

22E.010.280 Geologic hazard inventory map.

The approximate location and extent of geologic hazard areas within the city of Marysville's planning area are shown on the critical areas maps adopted as part of this chapter. These maps should be used as a general guide only for the assistance of property owners and as information for the public. They are intended to indicate where potentially hazardous conditions are believed to exist. Boundaries are generalized; field investigation and analysis by a qualified scientific professional is required to confirm the actual presence or absence of a critical area. In the event of any conflict between the location, designation or classification of geologic hazard area shown on the ~~Snohomish County Tomorrow~~ City of Marysville's geologic hazard areas maps and criteria or standards of this chapter, the criteria and standards resulting from the field investigation shall prevail.

Section 2. MMC 22E.010.300 is hereby amended as follows:

22E.010.300 Setbacks from geologic hazards.

(1) A setback shall be established per a site specific geological hazard report and/or Chapter 18 of the International Building Code (IBC), or as amended from the edge of any geologic hazard area that is not approved for alteration pursuant to these regulations. The setback shall consist of an undisturbed area of natural vegetation; if the site has previously been disturbed, the setback area shall be revegetated pursuant to an approved planting plan.

(2) Required setbacks shall be approved ~~typically vary between 25 and 50 feet; the width of the setback, determined by the Community Development Director and/or City Engineer, or his or her representative, and shall reflect the sensitivity of the geologic hazard area and the types and density of uses and activities proposed on or adjacent to the geologic hazard area. In determining an appropriate setback width, be based upon information in a geotechnical assessment, and~~ Established setbacks shall be measured from the horizontal plane from a vertical line established at the edge of the geologically

EXHIBIT A

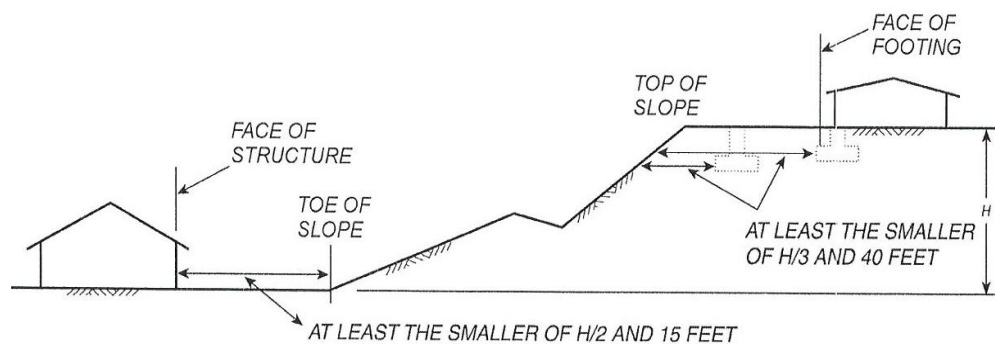
hazardous area limits (both from top and toe of slope). The community development director or his or her representative shall consider the recommendations contained in any technical report prepared by the applicant's geotechnical engineer. Building and structures shall be set back 10 feet from the edge of the setback.

(a) Setbacks for moderate to high landslide areas and moderate to high erosion areas shall be measured as recommended by the geotechnical report for the subject property, or as established in Chapter 18 of the International Building Code (IBC), or as amended, as follows:

(i) Critical landslide hazard areas: from the edge of the hazard area as identified in the geologic hazard report;

(ii) Critical recharge areas; from the edge of the recharge area as identified in the geologic hazard report;

(b) Setbacks may be reduced to a minimum of 10 feet when the applicant demonstrates through technical studies that the reduction will adequately protect the geologic hazard and the proposed development.



For SI: 1 foot = 304.8 mm.

FIGURE 1808.7.1
FOUNDATION CLEARANCES FROM SLOPES

Formula:

1. Top of slope: Height of slope (H) divided by 3 plus 40-feet;
2. Toe of slope: Height of slope (H) divided by 2 plus 15 feet.

In the event that a specific setback buffer is not recommended in the geological studies, the setback buffer shall be based upon the standards set forth in Chapter 18 of the International Building Code (IBC), or as amended or as otherwise approved by the Director.

(b) If the geological study recommends setback buffers that are less than the standard buffers that would result from application of Chapter 18 IBC, the specific rationale and basis for the reduced buffers shall be clearly articulated in the geological assessment.

(c) The city may require larger setback buffer widths under any of the following circumstances:

(i) The land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse impacts.

(ii) The area has a severe risk of slope failure or down slope stormwater drainage impacts.

(iii) The increased buffer is necessary to protect public health and safety and welfare based upon findings and recommendations of the geotechnical study.

Section 3. MMC 22E.010.310 is hereby amended as follows:

EXHIBIT A

22E.010.310 Geologic hazard performance standards.

(1) The following standards shall be implemented in all proposals occurring in or adjacent to geologic hazard areas:

(a) Geotechnical studies shall be prepared to identify and evaluate potential hazards and to formulate mitigation measures;

(b) Construction methods will reduce or not adversely affect geologic hazards;

(c) Site planning should minimize disruption of existing topography and natural vegetation;

(d) Disturbed areas should be replanted as soon as feasible pursuant to a previously approved landscape plan

(e) Unless otherwise permitted as part of an approved alteration, the setback buffers required by this subsection shall be maintained in native vegetation to provide additional soil stability and erosion control. If the buffer area has been cleared, it shall be planted with native vegetation in conjunction with any proposed development activity.

(e f) Use of retaining walls that allow maintenance of existing natural slope areas is preferred over graded slopes;

(f g) Setbacks shall be surveyed, staked, and fenced with erosion control and/or clearing limits fencing prior to any construction work, including grading and clearing, that may take place on the site;

(g h) Temporary erosion and sedimentation controls, pursuant to an approved plan, shall be implemented during construction;

(h i) A master drainage plan should be prepared for large projects;

(i j) Undevelopable geologic hazard areas larger than one-half acre should be placed in a separate tract;

(j k) A monitoring program should be prepared for construction activities permitted in geologic hazard areas; and

(k l) Development shall not increase instability or create a hazard to the site or adjacent properties, or result in a significant increase in sedimentation or erosion;

(l m) The proposal will not adversely impact other critical areas;

(m n) At the discretion of the community development director, peer review of geotechnical reports may be required prior to locating a critical facility within a geologic hazard area.

(2) Required setbacks shall not deny all reasonable use of property. A variance from setback width requirements may be granted by the city of Marysville upon a showing:

(a) There are special circumstances applicable to the subject property or to the intended use such as shape, topography, location or surroundings that do not apply generally to other properties and which support the granting of a variance from the setback requirements; and

(b) Such setback with variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other similarly situated property but which because of special circumstances is denied to the property in question; and

(c) The granting of such setback width variance will not be materially detrimental to the public welfare or injurious to the property or improvement.

Section 4. MMC 22A.010.160, Amendments, of MMC Chapter 22A.010, General Administration, is hereby amended as follows by adding reference to this adopted ordinance in order to track amendments to the City's Unified Development Code:

"22A.010.160 Amendments.

The following amendments have been made to the UDC subsequent to its adoption:

EXHIBIT A

<u>Ordinance</u>	<u>Title (description)</u>	<u>Effective Date</u>
_____	Critical Areas Management – Geologic Hazards	_____, 2015"

Section 5. 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 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 _____, 2015.

CITY OF MARYSVILLE

By: _____
JON NEHRING, MAYOR

Attest:

By: _____
APRIL O'BRIEN, DEPUTY CITY CLERK

Approved as to form:

By: _____
CITY ATTORNEY

Date of Publication: _____

Effective Date: _____
(5 days after publication)

*DRAFT*PLANNING
COMMISSIONMINUTES

December 9, 2014

7:00 p.m.

City Hall

CALL TO ORDER

Chair Leifer called the December 9, 2014 meeting to order at 7:00 p.m. noting the continued absence of Marvetta Toler and the fact that there was no one present in the audience.

Marysville

Chairman: Steve Leifer

Commissioners: Roger Hoen, Jerry Andes, Kay Smith, Steven Lebo, Kelly Richards

Staff: Planning Manager Chris Holland, Associate Planner Angela Gemmer

Absent: Marvetta Toler

APPROVAL OF MINUTESTuesday, November 25, 2014

Commissioner Hoen clarified that he had seconded the motion in the middle of page 5 right above Pet Daycares and Kennels.

Commissioner Lebo noted that "catsare" should be corrected to "cats are".

Motion made by Commissioner Smith, seconded by Commissioner Andes, to approve the November 25 Meeting Minutes as corrected.

Commissioners Richards and Lebo abstained from the vote.

Motion passed unanimously (4-0).

AUDIENCE PARTICIPATION

None

OLD BUSINESS

Planning Commission Recommendations – Code Amendments (hearing closed)

Planning Manager Holland stated that the Planning Commission has already reviewed these items. Staff is now asking for authorization for signatures.

Chair Leifer referred to page 16 where it refers to a 10-year date until it sunsets. He asked for more information about when this is applicable. Planning Manager Holland explains that for plats and short plats the state legislature outlines how long the approvals are applicable for. This just aligns the City's code with state law.

Motion made by Commissioner Hoen, seconded by Commissioner Lebo, to approve this as presented. **Motion** passed unanimously (6-0).

PUBLIC HEARING – Continued

Geologic Hazards Code Amendments

Chair Leifer opened the hearing at 7:11 p.m.

Planning Manager Holland explained that due to the recent Oso landslide, staff has been reviewing the Geologic Hazards section of the City's Critical Areas Ordinance (CAO) and has proposed adopting setbacks as identified in the International Building Code (IBC).

Commissioner Andes recommended adding additional language to clarify the setbacks. Planning Manager Holland indicated he could add some verbiage to clarify that.

Chair Leifer referred to page 5, item N, and asked who would foot the bill in cases where peer review of geotechnical reports is required. Planning Manager Holland explained that the burden is on the applicant in the case that they don't use a pre-approved consultant.

Commissioner Lebo referred to item K on page 5 and asked who puts together the monitoring program. Planning Manager Holland explained that it would be the responsibility of the contractor.

Motion made by Commissioner Richards, seconded by Commissioner Andes, with the changes as recommended by commissioner Andes. **Motion** passed unanimously (6-0).

The hearing was closed at 7:27 p.m.

NEW BUSINESS

2015 Comprehensive Plan Amendment

- Environmental Element

Associate Planner explained that the majority of the revisions relate to changes to the Climate Change section. There are also some minor text changes such as updates to the names of agencies and entities, and updates to some of the critical areas maps. For example, more detail has been added to the Geologic Hazard Map to show different degrees of steepness; the Streams Map is being updated to make to have classifications that are more consistent with what is in the CAO; and the Wetlands Map is being updated to reflect any wetlands that have been delineated since 2005.

Commissioner Andes asked about the acronyms on the Streams Map. Associate Planner Gemmer went over the various stream classifications.

Chair Leifer referred to page 6-21, Air Quality Goals and Policies and noted that one of the goals refers to discouraging slash burning and the burning of yard waste. He expressed concern about this policy and asserted that burning is one of the most natural activities that occurs on the earth and is important for the remineralization of the soil. He acknowledged that there are certain times such as when there is a burn ban in effect that it would make sense to prohibit burning, but otherwise he thinks this is carrying things too far.

Associate Planner Gemmer thanked him for his comments and noted that the only changes proposed are those relating to climate change. She commented that burning in city limits is already generally prohibited except for a fire pit-type scenario for food preparation.

Ms. Gemmer commented that if everyone burned their waste there would be serious problems for air quality and human health. Chair Leifer discussed the importance of burning for destroying unwanted pests. He thinks a blanket policy prohibiting burning is not the right action. There was discussion about the pros and cons about burning. Ms. Gemmer thought that it was perhaps a state statute and not just a city policy. She offered to find out more about this.

- Economic Development Element

Planning Manager Holland distributed the updated Economic Development Element for the Commission's consideration. He noted that the Commission would be reviewing the Utilities Element and Public Facilities and Services Element on January 13. They could discuss this item as well at this time.

Ms. Gemmer explained that this Element provides the foundation for different strategies to move the City towards its economic goals. She reviewed the proposed changes as

DRAFT

outlined in the Memorandum dated December 4 contained in the Planning Commission's packet.

Chair Leifer asked for an update on the Manufacturing Industrial Center (MIC) designation efforts. Planning Manager Holland explained there was a meeting last week at PSRC. The Mayor of Arlington is really pushing for having PSRC change the parameters whereby you can be designated an MIC. It is in the City of Marysville's new Comprehensive Plan and has been included for designation within the County's Comprehensive Plan. PSRC ultimately has to approve it, and the City has to meet certain thresholds in order to be considered an industrial center. There is continuing lobbying going on that may be ultimately at the legislature next year.

Planning Manager Holland stated that he was informed today that Marvetta Toler would be replaced with a new commissioner in 2015. Hopefully this will happen in January.

Also, last night the Council reviewed the recommendation for Caretaker's Quarters and amended the Planning Commission's recommendation to not allow RV's in the LI and GI zones. They also approved the school districts' Capital Facilities Plans. On January 5 and 12, the Council will be reviewing all the recommendations for the other code amendments that the Planning Commission approved at its last meeting.

CITY COUNCIL AGENDA ITEMS AND MINUTES

ADJOURNMENT

Motion made by Commissioner Richards, seconded by Commissioner Lebo, to adjourn the meeting at 8:05 p.m. **Motion** passed unanimously.

NEXT MEETING:

January 13, 2015

Laurie Hugdahl, Recording Secretary

PLANNING COMMISSION



MINUTES

September 23, 2014

7:00 p.m.

City Hall

CALL TO ORDER

Chair Leifer called the September 23, 2014 meeting to order at 7:00 p.m. noting the excused absence of Roger Hoen and the continued absence of Marvetta Toler. He pointed out that there was no one in the audience.

Marysville

Chairman: Steve Leifer

Commissioners: Jerry Andes, Kelly Richards, Kay Smith, Steven Lebo

Staff: Planning Manager Chris Holland, Senior Planner Cheryl Dungan, Associate Planner Angela Gemmer

Absent: Roger Hoen, Marvetta Toler

APPROVAL OF MINUTES

September 9, 2014 Meeting Minutes

Motion made by Commissioner Smith, seconded by Commissioner Richards, to approve the September 9, 2014 Planning Commission Meeting Minutes as presented. **Motion** passed unanimously (5-0).

AUDIENCE PARTICIPATION

None

CITIZEN ADVISORY COMMITTEE FOR HOUSING AND COMMUNITY DEVELOPMENT – PC MEMBER

Planning Manager Holland solicited a volunteer to serve on the Citizen Advisory Committee for Housing and Community Development which is a committee that oversees the CDBG program. The committee serves as a recommending body to the Council. This would involve attending approximately 3-4 short meetings a year with additional meetings on years where the 6-Year Consolidated Plan has to be updated.

There was consensus to nominate Commissioner Roger Hoen (who was not in attendance). Planning Manager Holland stated he would contact Commissioner Hoen to see if he was available. Commissioner Lebo indicated he could do it if no one else was available.

NEW BUSINESS

- Code Amendments

Critical Areas – Geologic Hazard

Senior Planner Dungan stated that due to the recent Oso slide, staff has been reviewing Geologic Hazard code and maps of the City's Critical Areas Ordinance to see if updates are needed. Staff reviewed LIDAR mapping to look for indications of previous slides in Marysville and also looked at other jurisdictions' codes. She noted that LIDAR information for Oso shows significant events over time; however Marysville's slopes are less dramatic and short runs are shorter than in Oso. Staff does not feel there is the potential for an Oso-type slide, but there are some areas, especially along creeks and along Getchell hillside that fall into the category of steep slopes where there could be a potential for landslide and erosion and areas in the flood plain where there could be liquefaction.

Ms. Dungan reviewed proposed amendments to the map and code. Currently Marysville's Critical Areas Ordinance requires a 25-foot setback from the top of bank that can be reduced to 10 feet if a geotechnical expert recommends it. Everett and several other jurisdictions have adopted the International Building Code (IBC). Staff believes this has been very well vetted and is recommending that the City switch from the straight 25-foot setback to allowing a geotechnical expert to make a recommendation on a slope. If the geotechnical expert doesn't recommend a setback or the person doesn't hire a geotechnical engineer, the City would automatically use what is set forth in the IBC which sets setbacks from both the toe and the top of bank. The toe setback would be the length of the slope divided by two plus 15 feet. The top of the slope setback would be the smaller of the height of the slope divided by three or 40 feet. If the geotechnical report recommends buffers less than those established in the IBC, then the report must specifically list their rationale and basis for the reduced buffers.

Commissioner Andes pointed out that the people at the bottom of a slope are generally more affected than the people at the top. He asked why the setback at the bottom isn't a little further. Ms. Dungan explained that this is the IBC standard which has been well vetted through national and international experts on the subject.

Commissioner Andes asked about the picture of the second foundation. Ms. Dungan wasn't sure.

Chair Leifer summarized that with a geotechnical report there could theoretically be a zero foot setback. Ms. Dungan concurred. Chair Leifer thought that the recommendations made sense for people that want to spend the money and the resources for a site-specific review.

Ms. Dungan noted that a hearing would be set for November 12.

Commissioner Lebo asked how often they do these updates. Ms. Dungan replied this is the first time they have reviewed them since 1992, and there haven't been many changes. Commissioner Lebo noted that in areas where they take a lot of trees out things do change. Ms. Dungan concurred. She noted that is why staff would request a geotechnical report in hazardous areas. She stressed that this is putting a lot of the burden on the geotechnical expert who is writing the report to make the recommendation on the setback. Commissioner Lebo referred to the south side to the east side of Whiskey Ridge which is a sloped area with lots of trees gone. Ms. Dungan concurred and noted that most of the area has been developed based on the recommendations of geotechnical experts and with the City's requirement of the retention of vegetation on the steep slopes. Staff periodically looks at LIDAR to see if there are any concerns. In most cases if the vegetation remains the slope is protected.

SEPA Phase 2 Revisions

In 2012 the Planning Commission reviewed Phase 1 SEPA revisions, which were much more significant than the Phase 2 SEPA changes. The majority of these Phase 2 revisions were adopted by reference of SEPA with the exception of a couple places where some wording was changed or text was moved around. She summarized what the state legislature adopted in Phase 2 as well as the proposed staff recommended code amendments contained in the Commission's packet. There were no questions.

SEPA/Wireless Communication Facilities (WCF) Exemption

Senior Planner Dungan explained that there was an additional subsection added that lists wireless facilities that are categorically exempt and references the WAC and MMC as applicable. There were no questions.

School, traffic and park impact fee expenditures

Associate Planner Angela Gemmer explained that the state has increased the amount of time cities have to use the impact fees to ten years from six years. The City is recommending a similar change to be consistent with the state's requirements.

Chair Leifer commented that on one of these when it's collected is well-noted, but it's not so clear on the others. Ms. Gemmer replied that she had only included the portion of the code where the changes were occurring. She offered to bring back the full code sections to answer his question.

Chair Leifer referred to page 2 (item 3b at the top of the page) regarding when and how to grant a credit and noted that it seemed ambiguous. He asked why the owner would be eligible for a credit if the project didn't happen. Why did he pay it in the first place? Planning Manager Holland thought that this referred to situations where the owner might have paid in advance. He thought this might be clarified by looking at the entire code instead of just this portion. He offered to bring back the whole section. Planning Manager Holland also noticed that the "five years" in this section needs to be changed to "ten years". He commented they would search the section to see if there were any other spots where this needed to be changed.

Chair Leifer asked for clarification on School Impact Fees, item d. Planning Manager Holland explained that this was to avoid charging someone twice for impact fees when they pay for an actual capital facilities project identified in the district's capital facilities plan.

Chair Leifer asked how this fits in to the special exemptions on impact fees that apply until July of 2015. Planning Manager Holland explained that the exemptions would stay in place until they sunset in July of 2015.

Chair Leifer referred to real estate tax exemptions and said he was told that Quilceda Creek was exempted from real estate tax. Planning Manager Holland clarified that those units are not market rate. The exemption only works for affordable housing outside of the downtown area.

Sign Code

Associate Planner Gemmer reviewed proposed changes to the sign code:

1. Clarify that the base of freestanding signs are to be wrapped with decorative material.
2. The electronic portion of the sign could only be 30% of the sign that is actually constructed as opposed to 30% of the sign area that could potentially be built.
3. Clarify the nonconforming sign code provision.
4. Signs 12-foot tall or under would be required to monument signs with the exception of directional signs.

Chair Leifer referred to section 5 regarding streamers, pennants, and banners and asked if this would rule out temporary uses of those things. Ms. Gemmer replied that it would not. Those would be addressed in the Temporary Use section.

Commissioner Andes commented that A-board signs are all over the place and no one seems to be doing anything about it. He referred to one by K-Mart that advertises a shop on the other side of the street. He asked when the City would get around to enforcing the existing code. Planning Manager Holland stated that proactive enforcement has been a staffing problem. He commented that staff does regularly pick up A-board signs that do not comply with regulations. There is a conscious effort to not pick on commercial businesses, but if they are blocking the sidewalk or being a distraction to traffic staff will take action. He recommended that people email him if they notice signs that are a problem.

Commissioner Lebo asked about political campaign signs. Planning Manager Holland stated that there are very strict regulations about this, and the City can't touch them. Candidates are supposed to remove them when the campaign is over.

Billboards

Planning Manager Holland explained that Clear Channel has challenged the City's Ordinance to apply the amortization schedule to get rid of billboards. Staff has met with Clear Channel on numerous occasions to talk to them about what the City would like to see done. There are currently 25 billboards and 42 billboard faces in the City. The highest priority for removing billboards is in the downtown area, anywhere south of Grove. Highlights to proposed changes:

- If you install an electronic billboard you would need to remove five other billboards.
- No more than two faces would be allowed for electronic billboards.
- No new billboards unless they are electronic.
- Billboards would have to be available for public service announcements such as Amber Alerts and Strawberry Festival announcements.
- Billboards need to be spaced a minimum of 1000 feet apart.
- There is a 35-foot height limit.
- There is a 100-foot minimum setback from an intersection or a greater distance if other factors are involved that would be a public hazard.
- An electronic billboard would have a 10-foot property setback from the edge of the billboard and 15 feet from the foundation to the public right-of-way.
- There would be a setback of 100 feet from any residential zone
- Additional setbacks could apply for view corridors.
- The recommendation is 5,000 nits in daytime and 500 between sunset and sunrise. LEDs must also have dimming capabilities.
- The rate of changes would be allowed to change not more than once every 8 seconds.

Commissioner Andes commented that 288 square feet seems like a very large sign. Planning Manager Holland noted that it's not as big as it sounds. He offered to provide some pictures so the commissioners could see them in context.

There was discussion about some electronic signs around town and their levels of brightness.

Planning Manager Holland clarified that on Exhibit A the sending area would need to be extended up to include the whole State Avenue to Smokey Pt. Blvd. corridor and end the receiving area at 152nd South to 100th.

OLD BUSINESS

- Honey Bees

Associate Planner Gemmer responded to questions raised at the previous meeting and reviewed proposed amendments regarding beekeeping as contained in her Memo to Gloria Hirashima dated September 17, 2014 (in the Commission's packet).

Commissioner Richards asked how they could get people who are not registered to register. Ms. Gemmer said they could inform people of the requirements if they ask or if someone informs the City of an issue they can send a letter. In general, the philosophy of the City is to not intervene unless there is an issue with compliance that is brought to their attention.

Commissioner Lebo thought that two beehives on 5,000 square feet seems like too much. Ms. Gemmer explained that the beehives are pretty small boxes. She noted that these are suggestions based on other jurisdictions and research staff has done, but the Planning Commission could recommend changes.

Chair Leifer wondered how many bees there are per acre in a natural setting. Ms. Gemmer offered to try to find the answer to that. Chair Leifer wondered how the number of feral bees compares to the proposed allowable amount.

Commissioner Lebo commented that he has a friend who keeps bees and the queen bee occasionally escapes with the whole hive following her and the owner has to go retrieve them.

Planning Manager Holland stated this would be covered at the hearing.

Commissioner Lebo suggested inviting the Department of Agriculture to the hearing to stress the importance of registering hives.

- Kennels

Associate Planner Gemmer reviewed the proposed amendments regarding dog daycares and kennels as contained in her Memo to CAO Hirashima dated September 17, 2014.

Commissioner Lebo asked how staff perceives the enforcement of this. Ms. Gemmer stated that if there are any complaints staff would definitely enforce the code. She noted that there are two dog daycares in town and there haven't been any problems to date. Planning Manager Holland stated that the City also has decibel- measuring equipment that can be utilized if necessary.

NEXT MEETING – October 14

Planning Manager Holland stated that at the next meeting on October 14 the Planning Commission would be covering the Marysville housing profiles. A representative from Snohomish County Housing Authority, who staffs the Affordable Housing Alliance for Snohomish County, will be coming to that meeting.

The School District's capital facilities plans will also be presented at the next meeting. A representative from each district will be present to go over their plans.

Chair Leifer thanked staff for the information provided on Industrial Center areas.

CITY COUNCIL AGENDA ITEMS AND MINUTES

None

ADJOURNMENT

Motion made by Commissioner Richards, seconded by Commissioner Smith, to adjourn the meeting at 8:32 p.m. **Motion** passed unanimously (5-0).



 Laurie Hugdahl, Recording Secretary



COMMUNITY DEVELOPMENT DEPARTMENT

80 Columbia Avenue ♦ Marysville, WA 98270
 (360) 363-8100 ♦ (360) 651-5099 FAX

Memorandum

To: Planning Commission
From: Cheryl Dungan, Senior Planner
Date: 09/16/14
Re: Geologic Hazard Area Comparison

Summary:

Due to the recent Oso landslide, city staff has been reviewing geologic hazard maps and the Geologic Hazard Section of the City's Critical Areas Ordinance (CAO) to see if the CAO needs to be updated. The review included review of LIDAR mapping to look for indications of previous historic landslides/soil movement, types of soils subject to failure located on or near steep slopes, liquefaction potential, and areas with high erosion potential. Staff also reviewed ordinances from other cities to see if Marysville's Code is comparable to other jurisdictions and/or needs amending.

Currently Marysville Municipal Code provides the following definitions related to geologic hazards:

"Geologic hazard areas" means lands or areas characterized by geologic, hydrologic and topographic conditions that render them susceptible to potentially significant or severe risk of landslides, erosion, or seismic activity.

"Landslide" means episodic downslope movement of a mass of soil or rock and includes snow avalanches.

"Landslide hazard areas" means areas that, due to a combination of slope inclination and relative soil permeability, are susceptible to varying degrees of risk of landsliding. Landslide hazard areas are classified as Classes I through IV based on the degree of risk as follows:

(1) Low Hazard. Areas with slopes of less than 15 percent.

(2) Moderate Hazard. Areas with slopes of between 15 and 40 percent and that are underlain by soils that consist largely of sand, gravel, bedrock or glacial till.

(3) High Hazard. Areas with slopes between 15 percent and 40 percent that are underlain by soils consisting largely of silt and clay, and all areas sloping more steeply than 40 percent.

(4) Very High Hazard. Areas with slopes over 40 percent and areas of known mappable landslide deposits.

“Erosion” means the wearing away of the earth’s surface as a result of the movement of wind, rain, water and other natural agents which mobilize and transport soil particles.

“Erosion hazard areas” means lands or areas that, based on a combination of slope inclination and the characteristics of the underlying soils, are susceptible to varying degrees of risk of erosion. Erosion hazard areas are classified as low hazard, moderate hazard and high hazard, based on the following criteria:

(1) Low Hazard. Areas sloping less than 15 percent.

(2) Moderate Hazard. Areas sloping between 15 and 40 percent and underlain by soils that consist predominantly of silt, clay, bedrock or glacial till.

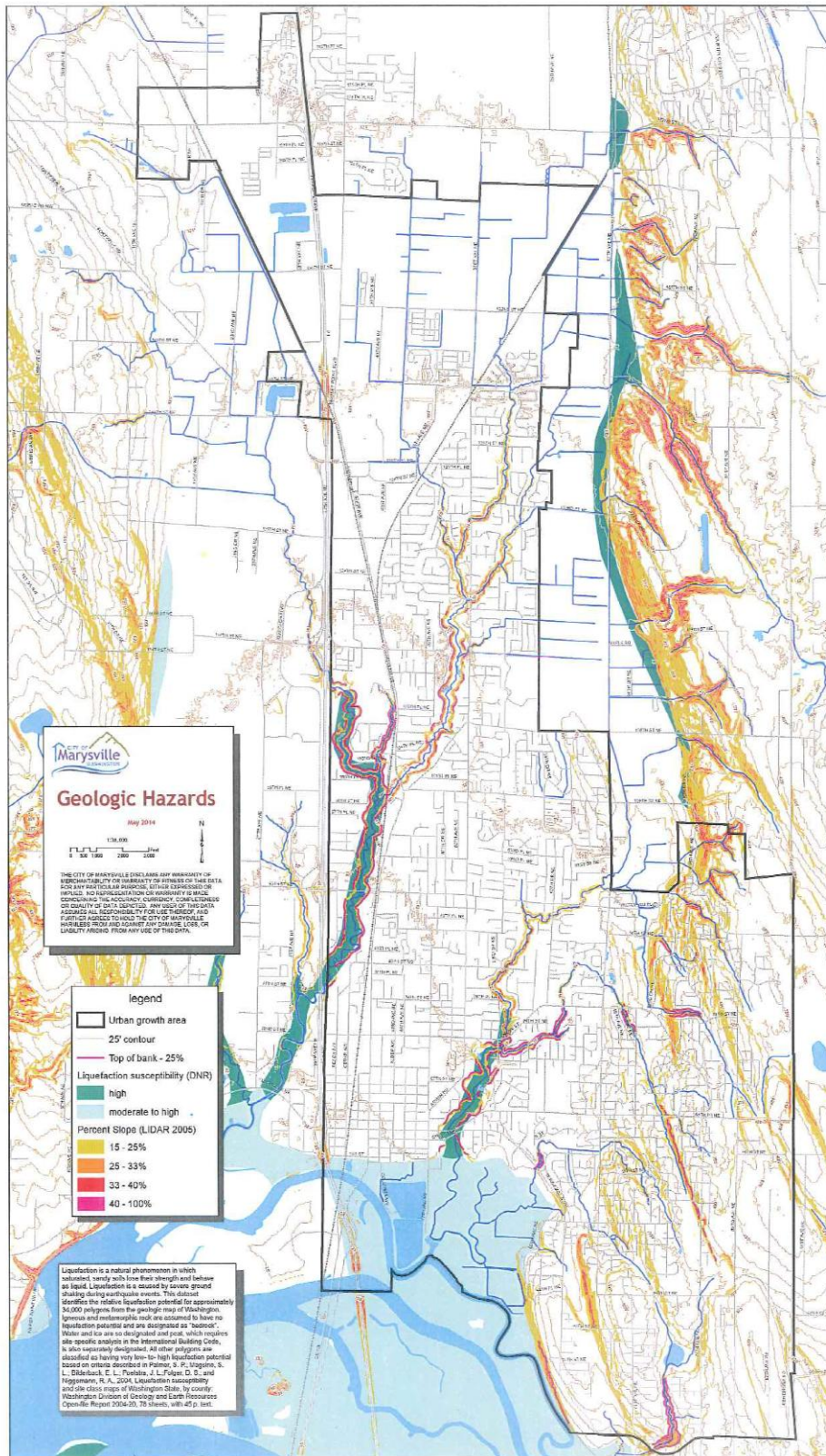
(3) High Hazard. Areas sloping between 15 and 40 percent that are underlain by soils consisting largely of sand and gravel, and all areas sloping more steeply than 40 percent.

“Seismic hazard areas” means areas that, due to a combination of soil and ground water conditions, are subject to severe risk of ground shaking, subsidence or liquefaction of soils during earthquakes. These areas are typically underlain by soft or loose saturated soils (such as alluvium), have a shallow ground water table and are typically located on the floors of river valleys. Seismic hazard areas are classified as follows:

(1) Low Hazard. Areas underlain by dense soils or bedrock.

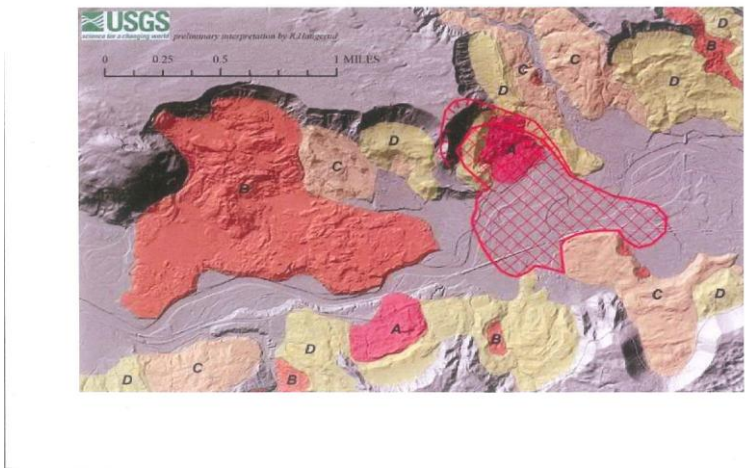
(2) High Hazard. Areas underlain by soft or loose saturated soils.

The following is a map of the “Geologic Hazard Areas’ identified within Marysville and the surrounding area:

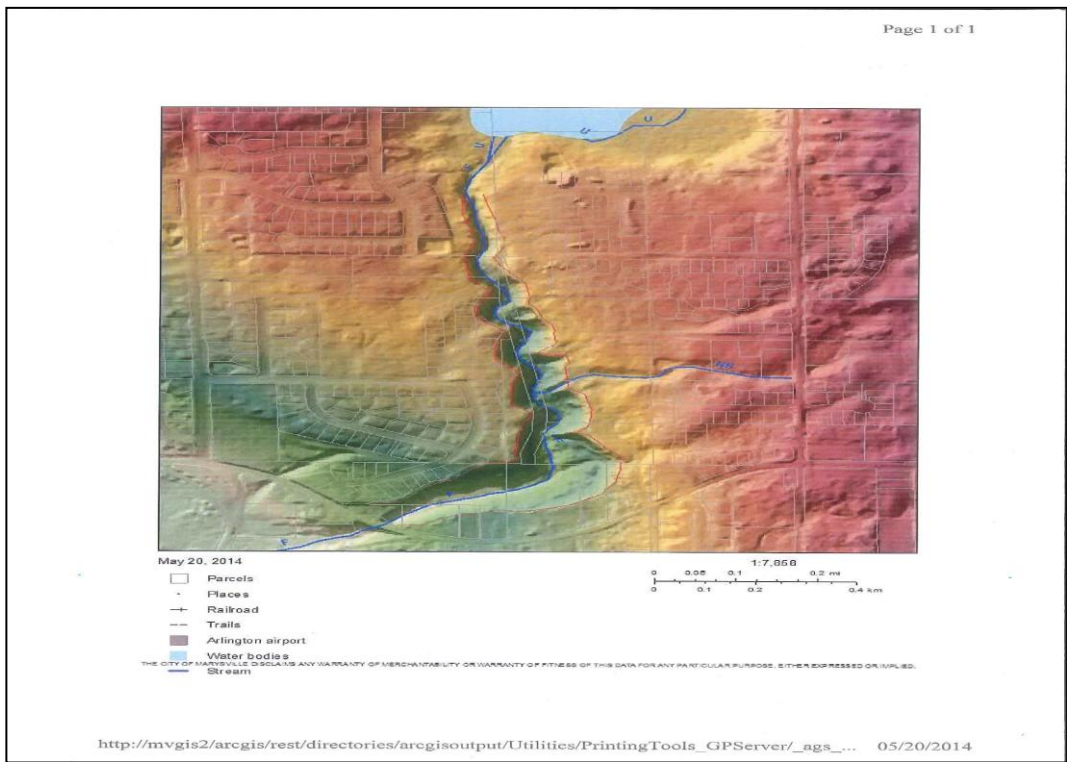


LIDAR Mapping Review:

To put the use of LIDAR in perspective in evaluating past geologic events in a particular area, the map below shows landslide activity in the area of the most recent Oso landslide event (shown in red hatching) compared to other landslides in the area that have occurred overtime.

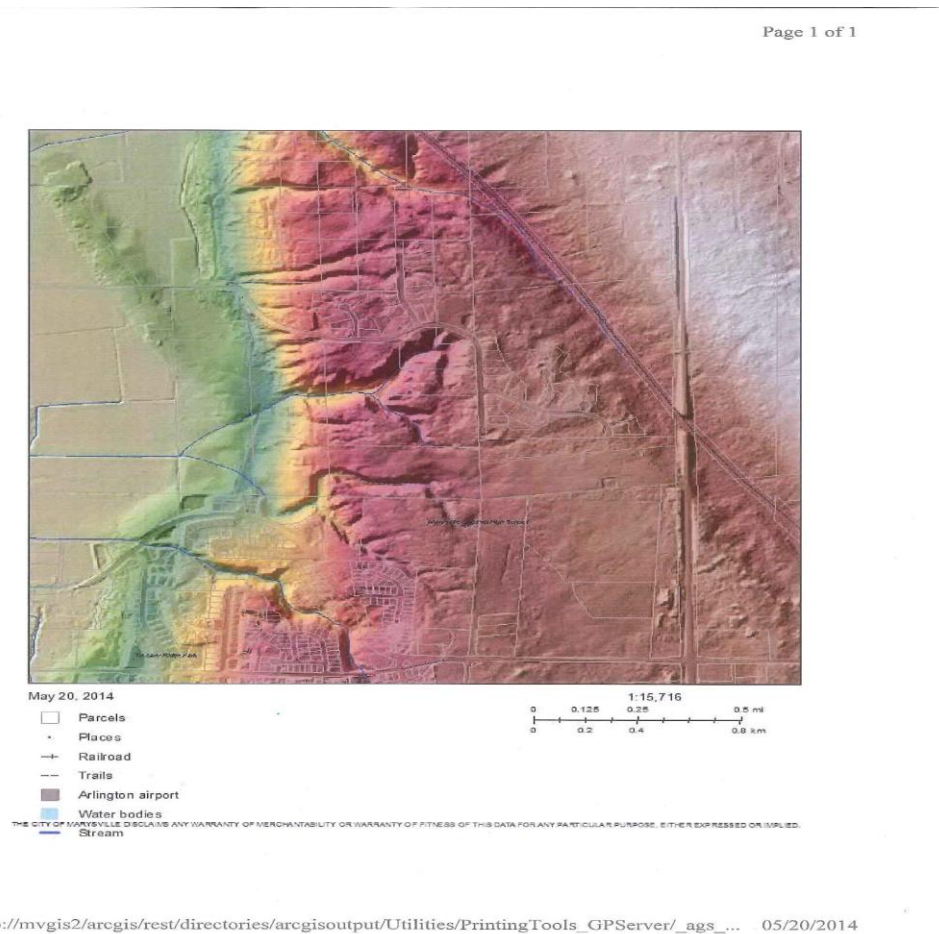


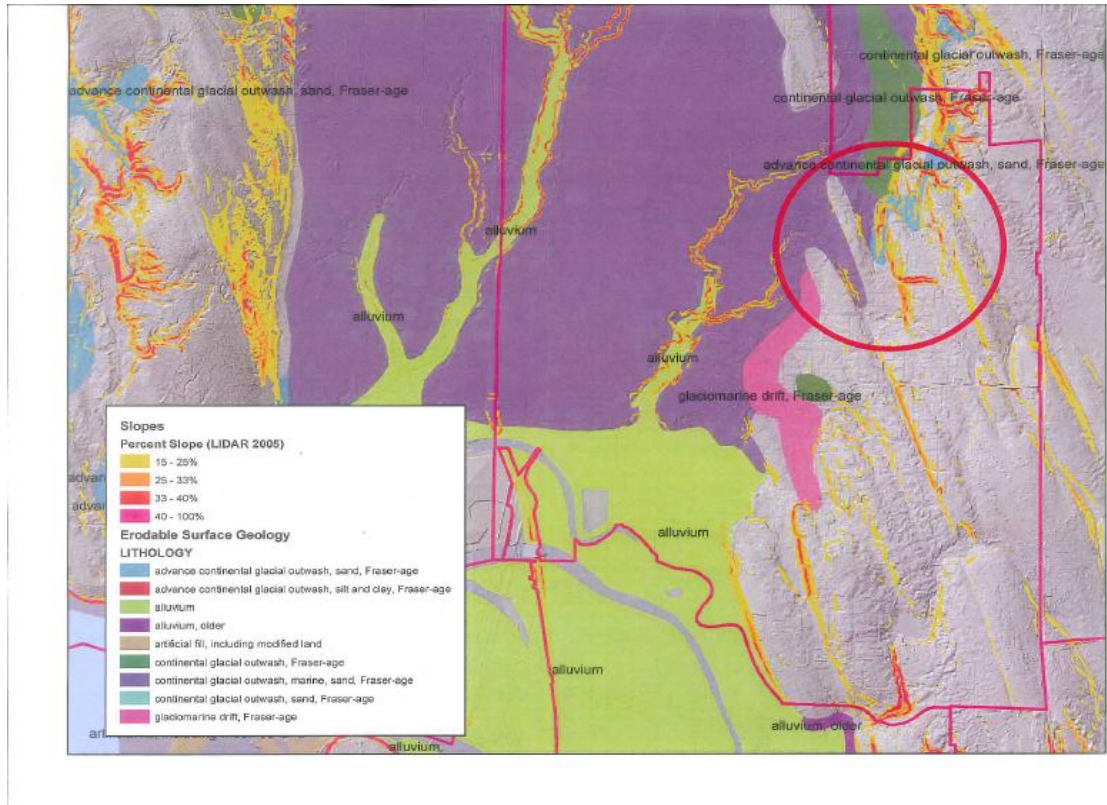
In Marysville the slopes are less dramatic and the slope runs shorter than in the Oso area. Review of the LIDAR of for Marysville show areas erosion has occurred within drainage features when combined with steeper topography. The LIDAR also shows areas of possible land slumping. Below is a LIDAR picture showing the King’s Creek area south of the lake and north of Soper Hill Road which according to the Geologic Hazard Map shown in Figure 3 below identifies the area with slopes between 40-100% (high landslide potential).



Currently MMC requires a 25' setback from the top of bank (identified as where topography becomes 25 percent or greater). There is also a 150' buffer along King's Creek (a Type F stream) as well as specific wetland buffers when wetlands are identified as being present. When there are multiple critical areas occupying the same general space, MMC requires the greatest critical area buffer to apply to the site. The Geologic Hazard section of the code applies to any activity that occurs in, or within 300 feet (as indicated on the geologic hazard maps), or potentially affects, a geologic hazard area subject to the code.

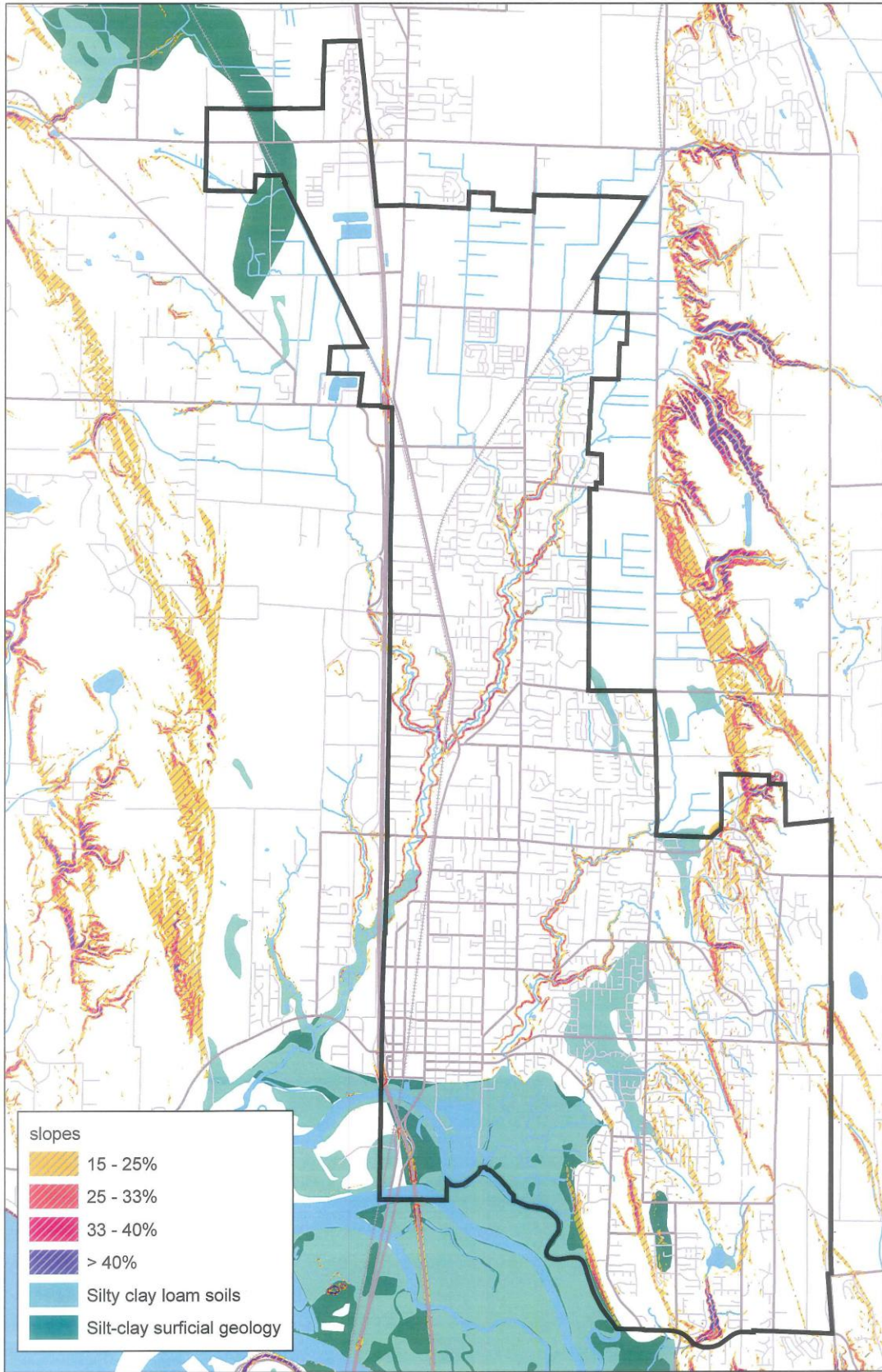
Below is the area just north of 84th Street NE and west of Highway 9 within the City of Marysville. The LIDAR picture show slopes ranging from 40 – 100% in this particular area of the Allen Creek drainage basin, the soils in this area are identified by Snohomish County as being highly erodable.





Other areas in the city with slopes ranging from 40-100% include the confluence of Allen and Munson Creek and the Quilceda Creek drainage basin. Within the bottom of these basins the soils consist of silty clay loams which have high liquefaction potential.

Other areas that contain silty clay loam soils and/or silty-clay surficial geology include the 100-year floodplain and areas north and east of Sunnyside Blvd. When combined with slopes greater than 15-40% a moderate risk of landslide potential exists, when slopes exceed 40% a high risk of landslide potential exists.



Geo-hazard Code Comparison

GEOLOGIC HAZARD AREAS	Marysville	Everett	Mukilteo	Snohomish County	Renton
Extent of Development Restrictions by jurisdiction	Requires geotech study for activities that occur within 300' of a geohazard area	Requires geotech study for activities that occur within 200' of a geohazard area	Requires georeport, or Single Family geo-letter for slopes greater than 40%, or if area has susceptible soils or other geohazards	Requires georeport if in hazard area or within required buffer for landslide or erosion hazard area	Requires georeports if on or within 50' of a geohazard area
Landslide/Erosion Hazard Buffer requirements	25' from top of bank for slopes greater than 25% or more, can be reduced to 10' w/geotech unless constrained with other Critical Areas	Buffers specified in IBC unless other buffers recommended by geotech; buffers may be reduced with geotech unless other CAs present; if geotech recommends buffers less than IBC, then justification for reduction is required.	Buffer based on geotech recommendation but can't be less 25' from top of bank unless on reasonable use lot, then per geotech recommendation can be reduced	Minimum top of bank setback equal to height of slope divided by 3 or min of 50' whichever is greater, same applies to toe of slope setback	50' foot buffer requirement on top, toe and sides of bank or as recommended by geotech
Hold Harmless Agreements/Covenants	CD Director can require: a letter from geotech stating risks are mitigated or minimal; or a letter from applicant/owner recognizing the risks and agreeing to notify future buyers; or require a legally enforceable recordable agreement/hol	Hold harmless agreement and Covenant recorded anytime geohazard is altered or setback is reduced	No code requirement and/or References	Requires final critical area maps to be recorded with Auditor's Office, may require bonding/insurance in specific instances	Hazard and buffer placed in NGPA/no build easement area

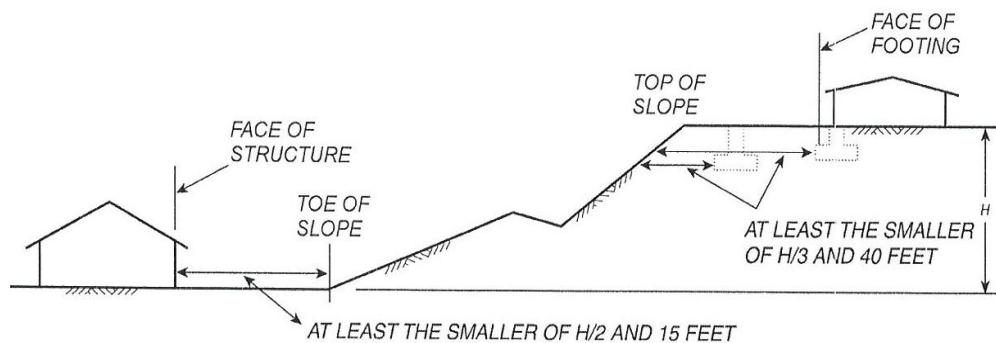
	<p>d harmless document; and may require security performance or security maintenance bond.</p>				
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Summary:

The City of Marysville currently contains areas with known or suspected landslide hazard areas and a geotechnical report is required to be submitted if a project is located within 300' of a known and/or suspected geohazard area. Currently, the MMC requires a minimum 25' setback from top of bank for slopes greater than 25%; the setback may be reduced to 10' from top of bank upon recommendation of a geotechnical expert unless another critical area is present, then the critical with the greatest buffer width applies. The MMC currently has no specific setback from toe of bank, but does allow a geotechnical expert to recommend a specific setback if deemed necessary.

Recommendation:

Maintain the 300' requirement for geotechnical studies, adopt the setbacks for "top of bank" and "toe of bank" as established in the IBC (see figure below) or as specifically recommended in a geo tech report. If the report recommends buffers less than those established in the IBC, then the report must specifically list their rationale and basis for the reduced buffers.



For SI: 1 foot = 304.8 mm.

FIGURE 1808.7.1
FOUNDATION CLEARANCES FROM SLOPES

CITY OF MARYSVILLE
Marysville, Washington
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON RELATED TO CRITICAL AREAS MANAGEMENT – ARTICLE IV ‘GEOLOGIC HAZARDS’ AMENDING MARYSVILLE MUNICIPAL CODE (MMC) SECTIONS 22E.010.280; 22E.010.300(2); 22E.010.310(e) AND AMENDING MMC SECTION 22A.010.160 GENERAL ADMINISTRATION, RELATED TO TRACKING AMENDMENTS TO THE CITY’S UNIFORM DEVELOPMENT CODE; PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the State Growth Management Act, RCW Chapter 36.70A mandates that cities periodically review and amend development regulations which include but are not limited to zoning ordinances and official controls; and

WHEREAS, RCW 36.70A.106 requires the processing of amendments to the City's development regulations in the same manner as the original adoption of the City's comprehensive plan and development regulations; and

WHEREAS, the State Growth Management Act requires notice and broad public participation when adopting or amending the City's comprehensive plan and development regulations; and

WHEREAS, the City, in reviewing and amending its development regulations has complied with the notice, public participation and processing requirements established by the Growth Management Act, as more fully described below; and

WHEREAS, the City Council of the City of Marysville finds that from time to time it is necessary and appropriate to review and revise provisions of the City’s municipal code and development code (MMC Title 22); and

WHEREAS, the development code amendment is consistent with the following required findings of MMC 22G.010.500:

- (1) The amendment is consistent with the purposes of the comprehensive plan;
- (2) The amendment is consistent with the purpose of this title;
- (3) There have been significant changes in the circumstances to warrant a change;
- (4) The benefit or cost to the public health, safety and welfare is sufficient to warrant the action.

WHEREAS, the Planning Commission discussed the above-referenced amendment during a public meeting held on September 23, 2014; and

WHEREAS, after providing notice to the public as required by law, on November 12, 2014, which was continued to November 25, 2014 and December 9, 2014, the Marysville Planning Commission held a Public Hearing on proposed amendments to the City's development regulations; and

WHEREAS, on December 9, 2014, the Marysville Planning Commission made a Recommendation to the City Council recommending the adoption of the proposed amendments to the City's development regulations; and

WHEREAS, at a public meeting on January 12, 2015, the Marysville City Council reviewed and considered the Marysville Planning Commission's Recommendation and proposed amendments to the City's development regulations; and

WHEREAS, the City of Marysville sent 60-day review notice under RCW 36.70A.106 for the proposed development regulation revisions to the Washington State Department of Commerce on August 4, 2014, in compliance with the procedural requirement under RCW 36.70A.106; and

WHEREAS, the City complied with the requirements of the State Environmental Policy Act, Ch. 43.21C RCW, (SEPA) by issuing Addendum #23 to the final environmental impact statement (FEIS) for the *2005 City of Marysville Comprehensive Plan* for the proposed amendments to Title 22E MMC, and the addendum will not significantly change the analysis contained in the FEIS prepared in 2005 for the comprehensive plan, and will not identify new or significantly different environmental impacts; and

NOW, THEREFORE, the City Council of the City of Marysville, Washington do ordain as follows:

Section 1. MMC 22E.010.280 is hereby amended as follows:

22E.010.280 Geologic hazard inventory map.

The approximate location and extent of geologic hazard areas within the city of Marysville's planning area are shown on the critical areas maps adopted as part of this chapter. These maps should be used as a general guide only for the assistance of property owners and as information for the public. They are intended to indicate where potentially hazardous conditions are believed to exist. Boundaries are generalized; field investigation and analysis by a qualified scientific professional is required to confirm the actual presence or absence of a critical area. In the event of any conflict between the location, designation or classification of geologic hazard area shown on the ~~Snohomish County Tomorrow~~ City of Marysville's geologic hazard areas maps and criteria or standards of this chapter, the criteria and standards resulting from the field investigation shall prevail.

Section 2. MMC 22E.010.300 is hereby amended as follows:

22E.010.300 Setbacks from geologic hazards.

(1) A setback shall be established per a site specific geological hazard report and/or Chapter 18 of the International Building Code (IBC), or as amended from the edge of any geologic hazard area that is not approved for alteration pursuant to these regulations. The setback shall consist of an undisturbed area of natural vegetation; if the site has previously been disturbed, the setback area shall be revegetated pursuant to an approved planting plan.

(2) Required setbacks shall be approved ~~typically vary between 25 and 50 feet; the width of the setback, determined by the Community Development Director and/or City Engineer, or his or her representative, and shall reflect the sensitivity of the geologic hazard area and the types and density of uses and activities proposed on or adjacent to the geologic hazard area. In determining an appropriate setback width, be based upon information in a geotechnical assessment, and~~ Established setbacks shall be measured from the horizontal plane from a vertical line established at the edge of the geologically

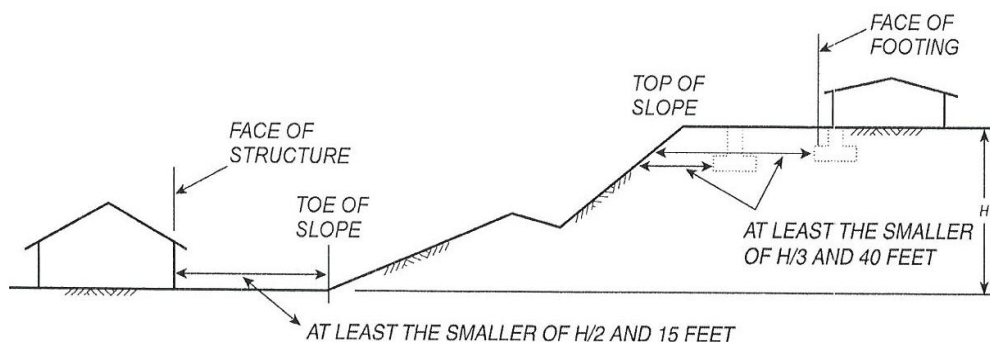
hazardous area limits (both from top and toe of slope). The community development director or his or her representative shall consider the recommendations contained in any technical report prepared by the applicant's geotechnical engineer. Building and structures shall be set back 10 feet from the edge of the setback.

(a) Setbacks for moderate to high landslide areas and moderate to high erosion areas shall be measured as recommended by the geotechnical report for the subject property, or as established in Chapter 18 of the International Building Code (IBC), or as amended, as follows:

(i) Critical landslide hazard areas: from the edge of the hazard area as identified in the geologic hazard report;

(ii) Critical recharge areas; from the edge of the recharge area as identified in the geologic hazard report;

(b) Setbacks may be reduced to a minimum of 10 feet when the applicant demonstrates through technical studies that the reduction will adequately protect the geologic hazard and the proposed development.



For SI: 1 foot = 304.8 mm.

FIGURE 1808.7.1
FOUNDATION CLEARANCES FROM SLOPES

Formula:

1. Top of slope: Height of slope (H) divided by 3 plus 40-feet;
2. Toe of slope: Height of slope (H) divided by 2 plus 15 feet.

In the event that a specific setback buffer is not recommended in the geological studies, the setback buffer shall be based upon the standards set forth in Chapter 18 of the International Building Code (IBC), or as amended or as otherwise approved by the Director.

(b) If the geological study recommends setback buffers that are less than the standard buffers that would result from application of Chapter 18 IBC, the specific rationale and basis for the reduced buffers shall be clearly articulated in the geological assessment.

(c) The city may require larger setback buffer widths under any of the following circumstances:

(i) The land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse impacts.

(ii) The area has a severe risk of slope failure or down slope stormwater drainage impacts.

(iii) The increased buffer is necessary to protect public health and safety and welfare based upon findings and recommendations of the geotechnical study.

Section 3. MMC 22E.010.310 is hereby amended as follows:

22E.010.310 Geologic hazard performance standards.

(1) The following standards shall be implemented in all proposals occurring in or adjacent to geologic hazard areas:

(a) Geotechnical studies shall be prepared to identify and evaluate potential hazards and to formulate mitigation measures;

(b) Construction methods will reduce or not adversely affect geologic hazards;

(c) Site planning should minimize disruption of existing topography and natural vegetation;

(d) Disturbed areas should be replanted as soon as feasible pursuant to a previously approved landscape plan

(e) Unless otherwise permitted as part of an approved alteration, the setback buffers required by this subsection shall be maintained in native vegetation to provide additional soil stability and erosion control. If the buffer area has been cleared, it shall be planted with native vegetation in conjunction with any proposed development activity.

(e f) Use of retaining walls that allow maintenance of existing natural slope areas is preferred over graded slopes;

(f g) Setbacks shall be surveyed, staked, and fenced with erosion control and/or clearing limits fencing prior to any construction work, including grading and clearing, that may take place on the site;

(g h) Temporary erosion and sedimentation controls, pursuant to an approved plan, shall be implemented during construction;

(h i) A master drainage plan should be prepared for large projects;

(i j) Undevelopable geologic hazard areas larger than one-half acre should be placed in a separate tract;

(j k) A monitoring program should be prepared for construction activities permitted in geologic hazard areas; and

(k l) Development shall not increase instability or create a hazard to the site or adjacent properties, or result in a significant increase in sedimentation or erosion;

(l m) The proposal will not adversely impact other critical areas;

(m n) At the discretion of the community development director, peer review of geotechnical reports may be required prior to locating a critical facility within a geologic hazard area.

(2) Required setbacks shall not deny all reasonable use of property. A variance from setback width requirements may be granted by the city of Marysville upon a showing:

(a) There are special circumstances applicable to the subject property or to the intended use such as shape, topography, location or surroundings that do not apply generally to other properties and which support the granting of a variance from the setback requirements; and

(b) Such setback with variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other similarly situated property but which because of special circumstances is denied to the property in question; and

(c) The granting of such setback width variance will not be materially detrimental to the public welfare or injurious to the property or improvement.

Section 4. MMC 22A.010.160, Amendments, of MMC Chapter 22A.010, General Administration, is hereby amended as follows by adding reference to this adopted ordinance in order to track amendments to the City's Unified Development Code:

"22A.010.160 Amendments.

The following amendments have been made to the UDC subsequent to its adoption:

<u>Ordinance</u>	<u>Title (description)</u>	<u>Effective Date</u>
_____	Critical Areas Management – Geologic Hazards	_____, 2015”

Section 5. 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 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 _____, 2015.

CITY OF MARYSVILLE

By: _____
 JON NEHRING, MAYOR

Attest:

By: _____
 APRIL O'BRIEN, DEPUTY CITY CLERK

Approved as to form:

By: _____
 CITY ATTORNEY

Date of Publication: _____

Effective Date: _____
 (5 days after publication)

Index #27

CITY OF MARYSVILLE AGENDA BILL
EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: 1/12/15

AGENDA ITEM: Professional Services Agreement between City of Marysville and Summit Law Group	
PREPARED BY: Gloria Hirashima, Chief Administrative Officer	DIRECTOR APPROVAL:
DEPARTMENT: Executive	
ATTACHMENTS: Proposed Agreement for Special Counsel Legal Services	
BUDGET CODE:	AMOUNT:

SUMMARY:

The proposed agreement establishes a professional services agreement between the City and Summit Law Group for special counsel services related to personnel and labor negotiation and related matters. Marysville has utilized the services of Summit Law since 2011. This agreement would provide for continued special counsel in 2015. Summit Law is an experienced firm specializing in public sector employment law. They provide discounted rates for public sector clients.

RECOMMENDED ACTION:
Staff recommends that City Council approve the Special Counsel Legal Services with Summit Law Group.

AGREEMENT FOR SPECIAL COUNSEL LEGAL SERVICES

THIS AGREEMENT (hereinafter "Agreement") is entered into the date last below written between the City of Marysville, Washington, a municipal corporation (hereinafter the "City"), and Summit Law Group (hereinafter the "Summit Law Group").

WHEREAS, the City desires to use Summit Law Group for Special Counsel services on an as-needed basis, and Summit Law Group is willing to do so in accordance with terms and conditions of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, promises, and agreements set forth herein, it is agreed by and between the City and Summit Law Group as follows:

I. Legal Services.

A. Summit Law Group will provide the City with legal services related to personnel and labor negotiation and related matters as requested by the City.

B. Summit Law Group will use its best efforts to perform the City's legal matters promptly and efficiently according to the highest legal and ethical standards.

II. Fees.

A. The City shall pay Summit Law Group, as sole compensation for the services performed under this Agreement, such sums of money as are arrived at by computing the actual number of hours expended in the performance of this Agreement and multiplying such total hours by the hourly rates shown in Attachment A.

B. The City shall reimburse Summit Law Group for out-of-pocket expenses that are not normally included within the fee for professional services, including copying charges by third party vendors and messenger services. Summit Law Group will not charge for long distance telephone calls or copying performed in-house.

C. Summit Law Group should submit billings by the 15th day of each month. The billing statements shall reflect services rendered in increments of one-tenth of an hour. The billing statements shall state for each date services were performed a brief summary of the services provided, the timekeepers who provided the services, the number of hours, or fractions of hours, spent and expenses and disbursements in detail.

D. Bruce Schroeder will have overall responsibility for Summit Law Group under this Agreement.

E. Summit Law Group and the assigned attorney have been retained because of their expertise. The City should not be billed for general legal or technical research necessary to educate staff or less experienced attorneys in the firm without advance City approval. The

City shall not be billed for time spent in preparing or reviewing the firm's billings to the City or in internal firm quality control procedures. Summit Law Group will keep the City fully informed of time used for conferences, telephone calls, drafting documents, research, court time, and necessary travel time.

F. The City shall make payment when it is fully satisfied with the services performed for the previous month. Payments shall be made through the City's ordinary payment process and shall be considered timely if made within thirty (30) calendar days of actual receipt of a properly completed billing. All payments shall be subject to adjustment for any amounts, upon audit or otherwise, determined to have been improperly billed.

III. Interaction with City.

A. Summit Law Group will keep the City well informed of the legal matters it handles on the City's behalf. Summit Law Group will send the City copies of all material papers coming in or going out of its offices to or from third parties. Summit Law Group, at such times and in such form as the Chief Administrative Officer may require, shall furnish the City with periodic reports pertaining to the work and services undertaken pursuant to this Agreement. The City's files at Summit Law Group and its progress shall be open to the City for inspection at any time, and the City's files shall be the property of the City.

B. The Chief Administrative Officer should be given advance notice of any significant decisions in order to be able to participate fully in making such decisions.

IV. Independent Contractor Status.

A. Summit Law Group shall serve as an attorney for the City and shall at all times perform its duties and responsibilities and carry out all services as an independent contractor.

B. Summit Law Group, at its sole expense, shall obtain and keep in force any and all necessary licenses, permits and tax certificates. Summit Law Group shall maintain all necessary insurance to protect it from losses and claims which may arise out of or from performance of duties related to this Agreement, including Worker's Compensation and professional liability insurance.

C. Summit Law Group shall be solely responsible for compensating its employees and for paying all related taxes, deductions, and assessments, including but not limited to, federal income tax, FICA, social security tax, assessments for unemployment and industrial injury, and other deductions from income which may be required by law or assessed against either party as a result of this Agreement. In the event the City is assessed such a tax or assessment as a result of this Agreement, Summit Law Group shall pay the same before it becomes due.

V. Suspension or Termination.

The City may suspend or terminate the performance of services under this Agreement by written notice to Summit Law Group, in whole, or from time to time in part, at the City's discretion. Upon termination, the City will pay Summit Law Group for all outstanding work completed prior to termination, together with any agreed reasonable services necessary to complete any work outstanding at the time of termination which the City requests be completed prior to termination.

VI. Nondiscrimination.

A. Summit Law Group shall, in all hiring or employment made possible or resulting from this Agreement, take affirmative action to ensure that there shall be no unlawful discrimination against any employee or applicant for employment because of sex, race, age, color, creed, national origin, marital status or the presence of any sensory, mental or physical handicap, unless based upon a bona fide occupational qualification, and this requirement shall apply to but not be limited to the following: employment, advertising, layoff or termination, rates of pay or other forms of compensation and selection for training, including apprenticeship.

B. No person shall be denied or subjected to discrimination in receipt of the benefit of any services or activities made possible by or resulting from this Agreement on the grounds of sex, race, color, creed, national origin, age except minimum age and retirement provisions, marital status, or the presence of any sensory, mental or physical handicap.

VII. Hold Harmless/Indemnification.

A. Summit Law Group agrees to protect, defend, indemnify, and hold harmless the City, its elected officials, officers, employees and agents from any and all claims, demands, losses, liens, liabilities, penalties, fines, lawsuits, and other proceedings and all judgments, awards, costs and expenses (including reasonable attorneys' fees and disbursements) caused by or occurring by reason of any negligent act, error and/or omission of Summit Law Group, its officers, employees, and/or agents, arising out of or in connection with the performance or non-performance of the services, duties, and obligations required of Summit Law Group under this Agreement.

B. In the event that both Summit Law Group and the City are both negligent, then Summit Law Group's liability for indemnification of the City shall be limited to the contributory negligence for any resulting suits, actions, claims, liability, damages, judgments, costs and expenses (including reasonable attorney's fees and disbursements) that can be apportioned to Summit Law Group, its officers, employees, and agents.

C. Nothing contained in this Section or this Agreement shall be construed to create a liability or a right of indemnification in any third party.

D. The provisions of this Section shall survive the expiration or termination of this Agreement with respect to any event occurring prior to such expiration or termination.

VIII. Insurance.

a. **Minimum Limits of Insurance.** Summit Law Group shall, before commencing work under this Agreement, file with the City certificates of insurance coverage to be kept in force continuously during this Agreement, and during all work performed pursuant to all short form agreements, in a form acceptable to the City. Summit Law Group shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Summit Law Group, its agents, representatives or employees. Said certificates shall name the City, its officers, agents, employees and elected officials, as an additional named insured with respect to all coverages except professional liability insurance and L & I. The minimum insurance requirements shall be as follows:

(1) Comprehensive General Liability. \$1,000,000 combined single limit per occurrence for bodily injury, personal injury and property damage; \$2,000,000 general aggregate. Commercial General Liability insurance shall be written on Insurance Services Office (ISO) occurrence form CG 00 01 and shall cover liability arising from premises, operations, independent contractors and personal injury and advertising injury. The City shall be named as an insured under Summit Law Group's Commercial General Liability insurance policy with respect to the work performed for the City.

(2) Automobile Liability. \$300,000 combined single limit per accident for bodily injury and property damage; Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on ISO form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage.

(3) Workers' Compensation. Workers' compensation limits as required by the Workers' Compensation Act of Washington;

(4) Errors and Omissions Liability. \$1,000,000 per occurrence and as an annual aggregate.

b. **Acceptability of Insurers.** Insurance to be provided by Consultant shall be with an A.M. Bests rating of no less than A:VII, or if not rated by Bests, with minimum surpluses the equivalent of Bests' VII rating.

c. **Verification of Coverage.** In signing this Agreement, Summit Law Group is acknowledging and representing that required insurance is active and current.

d. **Primary Insurance.** Summit Law Group's insurance coverage shall be primary insurance as respects the City. Any insurance, self-insurance, or insurance pool coverage maintained by the City shall be excess of Summit Law Group's insurance and shall not contribute with it.

e. **No Limitation.** Summit Law Group's maintenance of insurance as required by this Agreement shall not be construed to limit the liability of Summit Law Group to the coverage provided by such insurance or otherwise limit the recourse to any remedy available at law or in equity.

f. **Occurrence Basis.** Unless approved by the City, all insurance policies shall be written on an "Occurrence" policy as opposed to a "Claims-made" policy. The City may require an extended reporting endorsement on any approved "Claims-made" policy.

IX. Conflict of Interest.

Summit Law Group agrees not to perform professional services for other clients where a conflict of interest or ethical violation as defined in the Rules of Professional Conduct for attorneys may exist, except as otherwise agreed to in writing by the City.

X. Compliance with Law.

Summit Law Group agrees to perform all services under and pursuant to this Agreement in full compliance with any and all applicable laws, rules, and regulations adopted or promulgated by any governmental agency or regulatory body, whether federal, state, local, or otherwise.

XI. Severability.

If any portion of this Agreement is changed per mutual agreement or any portion is held invalid, the remainder of the Agreement shall remain in full force and effect.

XII. Non-Waiver.

A waiver by either party hereto of a breach by the other party hereto of any covenant or condition of this Agreement shall not impair the right of the party not in default to avail itself of any subsequent breach thereof. Leniency, delay or failure of either party to insist upon strict performance of any agreement, covenant or condition of this Agreement, or to exercise any right herein given in any one or more instances, shall not be construed as a waiver or relinquishment of any such agreement, covenant, condition or right.

XIII. Extent of Agreement/Modification.

This Agreement, together with all attachments and addenda, represents the entire and integrated agreement between the parties hereto and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may be amended, modified or added to only by written instrument properly signed by both parties hereto.

XIV. Notice.

Notice pursuant to this Agreement shall be given in writing to Bruce Schroeder Summit Law Group, LLP, 315 Fifth Avenue South, Suite 1000, Seattle, WA 98104 at Summit Law Group and to Gloria Hirashima, CAO, City of Marysville, City Hall 1049 State Avenue, Marysville, Washington 98270, or at such other persons and/or addresses as the Summit Law Group and/or the City may designate.

XV. Governing Law.

This Agreement shall be governed by and construed in accordance with the laws of the State of Washington.

XVI. Venue.

The venue for any action to enforce or interpret this Agreement shall lie in the Superior Court of Washington for Snohomish County, Washington.

XVII. Counterparts.

This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same Agreement.

XVIII. Time of Performance.

This Agreement shall commence on January 1, 2015 and end December 31, 2015. Extension of the services contract will be by written agreement, signed by both parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the dates written below:

SUMMIT LAW GROUP, LLP

CITY OF MARYSVILLE

By: _____
Bruce Schroeder

By: _____
Jon Nehring, Mayor

Date: _____

Date: _____

Index #22

CITY OF MARYSVILLE AGENDA BILL
EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: 1/12/15

AGENDA ITEM: Legal Agreement between City of Marysville and Weed, Graafstra and Benson, Inc., P.S.	
PREPARED BY: Gloria Hirashima, Chief Administrative Officer	DIRECTOR APPROVAL:
DEPARTMENT: Executive	
ATTACHMENTS: Letters and Proposed Agreement	
BUDGET CODE:	AMOUNT:

SUMMARY:

The proposed agreement for legal services provides for Weed, Graafstra and Benson, Inc. P.S. to perform legal services for the City of Marysville on an hourly basis. The firm has provided legal services to the city for over 30 years. The City has relied on their office for legal services, as well as for acting as Marysville’s City Attorney. Their office will continue to provides services during the transition for a wide variety of projects and files. The proposed agreement runs through December 31, 2014. As we complete staffing of the in-house legal office, some of these services and projects will be transferred to internal employees. The City Attorney will assess workload and project transition over the next several months.

RECOMMENDED ACTION: Staff recommends that City Council approve the Legal Services agreement with Weed, Graafstra and Benson, Inc., P.S.

AGREEMENT FOR LEGAL SERVICES

I - PARTIES/EMPLOYMENT

The CITY OF MARYSVILLE (hereinafter "CITY") agrees to retain the law firm of WEED, GRAAFSTRA AND BENSON, INC., P.S., and said law firm (hereinafter "ATTORNEY") agrees to serve as outside legal counsel on the terms and conditions stated below.

II - QUALITY OF SERVICES

The ATTORNEY shall perform legal services as requested by the Mayor, Chief Administrative Officer and/or City Attorney in a capable and efficient manner, and in accordance with the professional and ethical standards of the Washington State Bar Association.

III - COMPENSATION

A. Basic Services: Except as otherwise provided herein, Attorney services shall be charged at the rate of \$195.00 per hour.

B. Additional Services: The CITY shall pay the ATTORNEY for services performed by a paralegal at the rate of \$140.00 per hour.

C. Litigation. The CITY shall pay the ATTORNEY for all superior court and appellate court litigation and all administrative hearings of a quasi-judicial nature at the rate of \$205.00 per hour.

D. Time Records. In order to determine appropriate compensation, the ATTORNEY shall maintain accurate time records, copies of which shall be made available to the CITY.

E. Time for Payment. The CITY shall pay all compensation provided herein to the ATTORNEY on a monthly basis, and within 30 days of the date on which each billing statement is received.

IV - REIMBURSEMENT

In addition to compensation for the legal services specified above, the CITY shall reimburse the ATTORNEY for direct expenses incurred, and costs advanced, including but not limited to court costs, filing fees, witness fees, recording fees, copying expenses at cost, long distance phone call. However, ordinary law office operating expenses, such as rent and secretarial services, shall not be compensated or reimbursed.

V - INSURANCE COVERAGE

The Attorney shall provide errors and omissions and malpractice coverage with limits of not less than one million (\$1,000,000) dollars coverage and shall indemnify and hold the City, its officers, agents, employees and elected officials harmless from all claims arising out of the sole negligence of the Attorney.

VI - EFFECTIVE DATE AND DURATION

This contract shall take effect on and after January 1, 2015 and shall continue indefinitely until terminated or renegotiated by either party upon 60 days' written notice.

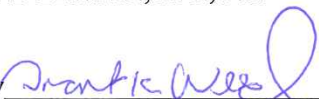
VII - TERMINATION OF PRIOR AGREEMENT

The City Attorney Retainer Agreement dated December 10, 2012 for the years 2013 through 2015 is hereby terminated effective December 31, 2014.

DATED this _____ day of _____, 2015.

WEED, GRAAFSTRA
AND BENSON, INC., P.S.

CITY OF MARYSVILLE

By  _____
GRANT K. WEED, PRESIDENT

By _____
JON NEHRING, MAYOR

ATTEST:

By _____
SANDY LANGDON, CITY CLERK

Index #23

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: January 12, 2015

AGENDA ITEM: Reappointment to the Library Board	AGENDA SECTION: Mayor's Business	
PREPARED BY: April O'Brien, Deputy City Clerk	AGENDA NUMBER:	
ATTACHMENTS: Reappointment Form	APPROVED BY:	
	MAYOR	CAO
BUDGET CODE:	AMOUNT:	

Summary:

Mayor Nehring is requesting the reappointment of B.J. Guillot, serving until January 1, 2020.

RECOMMENDED ACTION: Mayor Nehring recommends the City Council confirm the reappointment of B.J. Guillot to the Marysville Library Board.
COUNCIL ACTION:

Office of the Mayor
Jon Nehring
 1049 State Avenue
 Marysville, WA 98270
 Phone: 360-363-8000
 Fax: 360-651-5033
 marysvillewa.gov

APPOINTMENT

I, Jon Nehring, duly elected and acting Mayor of the City of Marysville, do hereby reappoint B.J. Guillot as a member of the **MARYSVILLE LIBRARY BOARD** of the City of Marysville, pursuant to the provisions of the Marysville Municipal Code 2.08.010; dated this 12 day of January, 2015.

M A Y O R

I do swear and affirm I will perform the duties assigned to me as a member of the **MARYSVILLE LIBRARY BOARD** of the City of Marysville in the manner required by law.

Dated this 12 day of January, 2015.

B.J. GUILLOT

This term of appointment expires the 1 day of January, 2020.

Index #24

CITY OF MARYSVILLE
EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: January 12, 2015

AGENDA ITEM: Appointment to the Marysville Disability Board	AGENDA SECTION: Mayor's Business	
PREPARED BY: April O'Brien, Deputy City Clerk	AGENDA NUMBER:	
ATTACHMENTS: Appointment Forms	APPROVED BY:	
	MAYOR	CAO
BUDGET CODE:	AMOUNT:	

Summary:

Mayor Nehring is requesting the reappointment of Donna Wright and Jeff Vaughan to the LEOFF I Disability Board.

RECOMMENDED ACTION: Mayor Nehring recommends the City Council confirm the reappointment of Donna Wright and Jeff Vaughan to the LEOFF I Disability Board serving until December 31, 2016.
COUNCIL ACTION:

Office of the Mayor
Jon Nehring
1049 State Avenue
Marysville, WA 98270
Phone: 360-363-8000
Fax: 360-651-5033
marysvillewa.gov

APPOINTMENT

I, JON NEHRING, duly elected and acting Mayor of the City of Marysville, do hereby reappoint DONNA WRIGHT as a member of the MARYSVILLE DISABILITY BOARD for the LEOFF I Member of the City of Marysville, pursuant to the provisions of the RCW 41.26.110; dated this 12 day of January, 2015.

M A Y O R

I do swear and affirm I will perform the duties assigned to me as a member of the MARYSVILLE DISABILITY BOARD of the City of Marysville in the manner required by law.

Dated this 12 day of January, 2015

DONNA WRIGHT

This term of reappointment expires the 31 day of December, 2016.

Office of the Mayor
Jon Nehring
1049 State Avenue
Marysville, WA 98270
Phone: 360-363-8000
Fax: 360-651-5033
marysvillewa.gov

APPOINTMENT

I, JON NEHRING, duly elected and acting Mayor of the City of Marysville, do hereby reappoint JEFF VAUGHAN as a member of the MARYSVILLE DISABILITY BOARD for the LEOFF I Member of the City of Marysville, pursuant to the provisions of the RCW 41.26.110; dated this 12 day of January, 2015.

M A Y O R

I do swear and affirm I will perform the duties assigned to me as a member of the MARYSVILLE DISABILITY BOARD of the City of Marysville in the manner required by law.

Dated this 12 day of January, 2015

JEFF VAUGHAN

This term of reappointment expires the 31 day of December, 2016.

Index #25

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: September 9, 2013

AGENDA ITEM: Payroll	AGENDA SECTION:	
PREPARED BY: Sandy Langdon, Finance Director	AGENDA NUMBER:	
ATTACHMENTS: Blanket Certification	APPROVED BY:	
	MAYOR	CAO
BUDGET CODE:	AMOUNT:	

RECOMMENDED ACTION:

The Finance and Executive Departments recommend City Council approve the September 5, 2013 payroll in the amount \$1,445,321.30 Check No.'s 26943 through 26989.

COUNCIL ACTION:

CITY OF MARYSVILLE
EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: January 12, 2015

AGENDA ITEM: Appointment to the Marysville Parks and Recreation Board	AGENDA SECTION: Mayor's Business	
PREPARED BY: April O'Brien, Deputy City Clerk	AGENDA NUMBER:	
ATTACHMENTS: Appointment Form	APPROVED BY:	
	MAYOR	CAO
BUDGET CODE:	AMOUNT:	

Summary:

Mayor Nehring is requesting the reappointment Mike Leighan to the Marysville Parks and Recreation Board.

RECOMMENDED ACTION: Mayor Nehring recommends the City Council confirm the reappointment of Mike Leighan to the Marysville Parks and Recreation Board serving until February 28, 2018.
COUNCIL ACTION:

Office of the Mayor
Jon Nehring
1049 State Avenue
Marysville, WA 98020
Phone: 360-363-8000
Fax: 360-651-5033
marysvillewa.gov

APPOINTMENT

I, Jon Nehring, duly elected and acting Mayor of the City of Marysville, do hereby reappoint Mike Leighan as a member of the MARYSVILLE PARKS AND RECREATION BOARD of the City of Marysville, pursuant to the provisions of the Marysville Municipal Code 2.20.030 dated this 12 day of January, 2015.

M A Y O R

I do swear and affirm I will perform the duties assigned to me as a member of the MARYSVILLE PARKS AND RECREATION BOARD of the City of Marysville in the manner required by law.

Dated this 12 day of January, 2015

MIKE LEIGHAN

This term of appointment expires the 28 day of February, 2018.

Index #26

**OFFICE OF THE MAYOR****Jon Nehring**

1049 State Avenue
Marysville, Washington 98270
Phone: (360) 363-8000
Fax: (360) 651-5033
marysvillewa.gov

January 5, 2015

Gary Goldbaum, MD, MPH
Health Officer & Director
Snohomish Health District
3020 Rucker Avenue, Suite 306
Everett, WA 98201-3900

RE: Annual Certification of Board of Health Representative

Dear Dr. Goldbaum:

This letter is to inform you that on January 5, 2015, the Marysville City Council affirmed the Mayor's re-appointment of Donna Wright to represent the City of Marysville on the Snohomish Health District Board of Health.

Donna has proven herself to be a great representative for the City of Marysville. We are confident that she will continue to do so in the coming year. Should you have any questions regarding her appointment, please do not hesitate to contact the City Clerk's office at 360.363.8000.

Sincerely,

Jon Nehring
Mayor

cc: April O'Brien, Deputy City Clerk
Councilmember Donna Wright



Administration Division

December 10, 2014

Mayor Jon Nehring
 City of Marysville
 1049 State Avenue
 Marysville, WA 98270

RECEIVED

DEC 12 2014

CITY OF MARYSVILLE
EXECUTIVE DEPARTMENT

Re: Annual Certification of Board of Health Representative

Dear Mayor Nehring:

I'm requesting your help in certifying your city's representative to the Snohomish County Board of Health.

The Snohomish Health District Board of Health is composed of the five Snohomish County Council members and ten representatives from the incorporated cities within Snohomish County. Per the Health District Charter:

- (a) *The largest city within each County Council District shall appoint a Board of Health representative in accordance with each city's procedure for making such appointments. The representative appointed shall be certified annually by the mayor or city manager as properly appointed in a letter to the Health District.*
- (b) *Cities and towns other than the largest within each County Council District jointly shall select a single representative by a method of their choosing. This representative shall be jointly certified annually by the mayors or city managers as properly appointed in a letter to the Health District.*

Marysville is the largest city in District 1 and thus selects its own representative. The current representative for your city on the Board of Health is Councilmember Donna Wright, City of Marysville.

The first 2015 meeting of the Board will occur on January 13, 2015, at which time the Board will elect its officers. In order to be in compliance with the Health District Charter, I request a letter from your city by January 8, 2015, signed by the mayor or city manager, certifying your representative to the Board of Health for 2015.

I believe that participation on the Board has proved and will continue to prove highly rewarding for members. If you have any questions, please call me at (425) 339-5210.

Sincerely,

Gary Goldbaum, MD, MPH
 Health Officer & Director

GG/lo

c: Councilmember Donna Wright
 President, Marysville City Council