



SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT & FLOODPLAIN DEVELOPMENT PERMIT APPROVAL

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

PROJECT INFORMATION						
Project Title	Geddes Marina – Phase 2 Remediation (GMP2R)		Date of Report	March 7, 2024		
File Number	PA22001		Application Materials	GMP2R Exhibits		
Administrative Recommendation	Approve the Shoreline Substantial Development and Floodplain Development permits for fill of the former Geddes Marina and installation of a stormwater outfall for the recently constructed Downtown Regional Stormwater Facility (File No. PA21010).					
BACKGROUND SUMMARY						
Applicant	City of Marysville – Public Works Department					
Request	Shoreline Substantial Development Permit and Floodplain Development Permit Approval for Geddes Marina – Phase 2 Remediation, which includes capping the former boat basin and outlet channel to an elevation above the ordinary high water mark. The project also includes rerouting the City’s downtown stormwater conveyance system via a conveyance pipeline and energy dissipation structure to the revised channel location along the western edge of the Geddes Marina site. The conveyance channel will discharge to Ebey Slough near the southwest corner of the site.					
SEPA Status	SEPA MDNS issued October 16, 2023. Appeal period expired October 30, 2023.					
Site Address	1304 & 1326 First Street		APN(s)	30053300202700		
Legal Description	See Title Report (Exhibit 004)		Section	33	Township	30N Range 05E
Comprehensive Plan	DC	Zoning	DC	Shoreline Environment		Aquatic, Aquatic Urban, High-Intensity
Water Supply	Current	Proposed		Sewer Supply	Current	Proposed
	N/A	N/A			N/A	N/A
Present Use of Property	Downtown Stormwater Treatment Facility and former Geddes Marina.					
REVIEWING AGENCIES						
Marysville	Local Agencies & Districts		State & Federal		County	Other
<input checked="" type="checkbox"/> Building <input checked="" type="checkbox"/> Fire District <input checked="" type="checkbox"/> Dev. Services <input checked="" type="checkbox"/> Parks <input checked="" type="checkbox"/> Planning <input checked="" type="checkbox"/> Public Works	<input type="checkbox"/> Arlington (city) <input type="checkbox"/> Everett (city) <input type="checkbox"/> Lake Stevens (city)		<input checked="" type="checkbox"/> US Corps of Eng. <input checked="" type="checkbox"/> BNSF <input checked="" type="checkbox"/> DAHP <input checked="" type="checkbox"/> DOE <input checked="" type="checkbox"/> WDFW <input checked="" type="checkbox"/> WUTC		<input checked="" type="checkbox"/> Health District <input type="checkbox"/> Planning <input type="checkbox"/> Public Works - Land Development <input type="checkbox"/> Public Works	<input checked="" type="checkbox"/> Stillaguamish Tribe <input checked="" type="checkbox"/> Tulalip Tribes
ACTION						
<input checked="" type="checkbox"/> Administrative	<input type="checkbox"/> City Council	<input type="checkbox"/> Quasi-Judicial	<input type="checkbox"/> Planning Commission			
Date of Action	March 7, 2024	<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied	<input type="checkbox"/> Continued		
STAFF						
Name Chris Holland	Title Planning Manager	Phone 360.363.8207	E-mail cholland@marysvillewa.gov			

SURROUNDING USES

	Comprehensive Plan	Zoning	Land Use
Site	Downtown Core	DC	Downtown Stormwater Treatment Facility and former Geddes Marina
North	Downtown Core	DC	Marysville Town Center Mall
East	Downtown Core	DC	Ebey Waterfront Park
South	N/A	N/A	Ebey Slough
West	Downtown Core	DC	BNSF Railway and former Welco Lumber Site

Vicinity Map



1.0 FINDINGS AND CONCLUSIONS

1. Description of Proposal

The City of Marysville Public Works Department, applicant, has requested Shoreline Substantial Development Permit and Floodplain Development Permit Approval in order to complete the Geddes Marina – Phase 2 Remediation and to construct the downtown stormwater conveyance system.

The remediation component of the project caps the former boat basin and outlet channel to an elevation above the ordinary high water mark. The downtown stormwater conveyance system includes a conveyance pipeline and energy dissipation structure, as well as moving the channel from its current location to the western edge of the site. The conveyance channel will discharge into Ebey Slough near the southwest corner of the site. Onsite critical areas restoration is also proposed.

The project is within three shoreline designations:

- a. Aquatic: Shoreland areas waterward of the ordinary high water mark (OHWM). The former marina boat basin is within the Aquatic environment.
- b. Aquatic Urban: Areas waterward from the OHWM on the north side of Ebey Slough a maximum of 175 feet, or to the edge of navigable water, whichever comes first. The proposed stormwater discharge point and Wetland B restoration are within the Aquatic Urban environment.
- c. High Intensity: All shorelands landward of the OHWM on the north side of Ebey Slough between the western city limits and eastern boundary of the Marysville Waste Treatment Plant.

Each component of the proposed project is permitted within the three identified shoreline environments, as outlined in Section 8 below.

2. Project History

An application was filed on January 5, 2022, and was deemed complete on January 13, 2022. Notice was provided in accordance with [MMC 22G.010.090](#), *Notice of development application*. No comments were received from the public, and all agency comments are described in Section 9 below.

Early analysis and planning for the remediation component of this project began over 10 years ago. Exhibits E016 – E021 were produced between 2010 and 2015, including environmental analysis and alternative remediation options.

3. Site Location

The subject property is located at 1304 and 1326 First Street within the City of Marysville, south of First Street, west of State Avenue, and east of the Burlington Northern Santa Fe railroad right-of-way. The property is identified by Assessor's Parcel Numbers 30053300202700, 30053300202500, 30053300202900, and 30053300203100.

4. Site Description

The project site consists of 5.07 acres that are generally flat with a slight slope south towards Ebey Slough. The former Geddes Marina is centrally located on the site with a wetland along the perimeter of the lagoon, and a wetland along Ebey Slough (see Section 5 below for further detail). The upland areas of the site are primarily compacted gravel with weeds and non-native grasses.

According to the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS), on-site soils primarily consist of Ragnar fine sandy loam with an area of Puget silty clay loam along Ebey Slough. In the past, the site was filled with a mix of dredged sediment; natural wood, root, grass inclusions; and industrial woodchips and sawdust.

5. **Critical Areas**

According to the *Critical Areas Report and Mitigation Plan*, prepared by Parametrix dated December 2021, there are three Category II wetlands (Wetlands A, B, and C), and one Type S stream (Ebey Slough) within the study area.

Wetland A is located off-site to the east of the Ebey Waterfront Park boat launch. Wetlands B and C are on the subject property. Wetland B is over an acre with approximately 0.48 acres of the wetland within the study area, and is located along the project's southern property line bordering Ebey Slough, west of the Ebey Waterfront Park boat launch, and east of I-5. Wetland C is approximately two acres, and surrounds the former Geddes Marina.

The application proposes temporary and permanent impacts to Wetland B and permanent impacts to Wetland C. The applicant is proposing a combination of on-site restoration and off-site wetland bank credits to mitigate all impacts to Wetlands B and C. Exhibit E008 provides a detailed analysis of the on-site wetlands, permanent and temporary impacts, mitigation sequencing and includes a copy of the March 2013 *Advanced Wetland Mitigation Agreement for the City of Marysville, Washington*, which includes the site.

6. **SEPA**

A State Environmental Policy Act (SEPA) Mitigated Determination of Non-Significance (MDNS) was issued on October 16, 2023. The appeal period expired October 30, 2023. No appeals were filed.

7. **Floodplain Permit**

Approximately 23,500 cubic yards of fill will be placed within the Riparian Buffer Zone (RBZ) and 100-year floodplain; therefore, the project is subject to the floodplain development standards set forth in [MMC Chapter 22E.020, Floodplain Management](#). The applicant has submitted a Floodplain Development Permit Application and checklist for review to ensure consistency of the project with the National Marine Fisheries' Biological Opinion (NMFS BiOp).

A Floodplain and Zero-Rise Analysis was prepared by Parametrix, dated November 2, 2023, which determined that the water level of the tide at and downstream of the site will control the flood level at the site. Consequently, the site will comply with the zero rise requirements.

8. **Shoreline Permit**

The proposed Geddes Marina – Phase 2 Remediation and downtown stormwater conveyance system is located within 200 feet of Ebey Slough; therefore, the proposed improvements are subject to the City of Marysville – *Shoreline Master Program* (SMP).

As noted in Section 1 above, the proposed remediation project is located within three shoreline designations, including Aquatic, Aquatic Urban and High Intensity. Each component of the proposed remediation project is permitted within these three shoreline environments. The proposed remediation and subsequent use of the property will be

consistent with the pertinent policies outlined in the City's *SMP*. Below are the *SMP* goals and policies that pertain to the subject proposal:

Chapter 4, Section B.1 – Universally Applicable Policies and Regulations

Regulation c.2: All new shoreline modifications must be in support of an allowable shoreline use that conforms to the provisions of this master program. Except as otherwise noted, all shoreline modifications not associated with a legally existing or an approved shoreline use are prohibited.

Applicant Response: The Shoreline Environment designation for the site is High-Intensity (also Aquatic and Aquatic Urban). Fills and Utilities are a permitted use in this designation, provided that there is "no other feasible route or location." The remediation work and associated stormwater conveyance facility must be located within shoreline jurisdiction because the Geddes Marina site is physically located entirely within the shoreline zone. The facility also requires an outfall to Ebey Slough. The project complies with the policies, regulations of the City's *SMP* Chapter 4.B.1.

Chapter 4, Section B.3 – Critical Areas

Regulation: The Marysville Critical Areas Regulations, as codified in [MMC Chapter 22E.010](#) (dated May 2, 2005, Ordinance No. 2571 and amending Ordinance 3073, dated December 11, 2017), are herein incorporated into this master program except as noted.

Applicant Response: The City's critical areas regulations ([MMC Chapter 22E.010](#)) are incorporated into the *SMP* by reference. Project compliance with the City's critical areas regulations is documented in the project's Critical Areas Report (E008). The project complies with the policies, regulations of the City's *SMP* Chapter 4.B.3.

Chapter 4, Section B.4 – Environmental Impacts

Policy b.2: All significant adverse impacts to the shoreline should be avoided or, if that is not possible, minimized to the extent feasible.

Regulation c.1: All project proposals, including those for which a shoreline permit is not required, shall comply with Chapter 43.21C RCW, the Washington State Environmental Policy Act.

Regulation c.5: All shoreline development shall be located and constructed to avoid significant adverse impacts to human health and safety.

Applicant Response: An Environmental Checklist was completed for the proposed project to meet the requirements of the State Environmental Policy Act and the City issued a Determination of Non-Significance for the project in 2017. The project description and design details were reviewed, and a revised and updated checklist was prepared for submittal with the shoreline permit application. The updated project is materially consistent with the project described in the 2017 DNS. The primary revisions and updates to the SEPA checklist were related to design refinements implemented between the initial feasibility assessment conducted in 2016 and final design initiated in 2021. The project is not anticipated to result in significant adverse ecological impacts or significant adverse impacts to human health safety. The project complies with the policies, regulations of the City's *SMP* Chapter 4.B.4.

Chapter 4, Section B.5 – Flood Hazard Reduction and River Corridor Management

Policy b.1: Implement a comprehensive program to manage the City's riparian corridors that integrates City ordinances and activities (*see SMP for comprehensive list of applicable provisions*).

Policy b.2: In regulating development on shorelines within SMA jurisdiction, endeavor to achieve the health, ecological, and other objectives cited in this policy (see *SMP for comprehensive list of health, ecological, and other objectives*).

Applicant Response: A floodplain permit application and floodplain ESA checklist were prepared and submitted for the project to meet the City's floodplain development regulations. The project does not involve the construction of any flood control facilities. The project does not involve any bank stabilization. The project will not result in an increase in impervious surfaces. The project will not require new structures.

The project will fill the former marina basin and fill will be placed within the floodplain. The project will result in a net fill volume of 23,500 CY of fill in the FEMA-mapped floodplain; however, the floodplain is associated with a tidal waterbody and the project will not increase the flood elevation or increase the flood hazard on the site or adjoining or upstream properties. After construction, all disturbed and un-developed areas within 25-feet of the ordinary high water line of Ebey Slough will be restored with native vegetation. Remaining areas will be seeded with grass. The project complies with the policies, regulations of the City's SMP Chapter 4.B.5.

Chapter 4, Section B.7 – Public Access

Policy b.7: Opportunities for public access should be identified on publicly owned shorelines. Public access afforded by shoreline street ends, public utilities and rights-of-way should be preserved, maintained and enhanced.

Policy b.8: The Ebey Waterfront Trail and, where applicable, the City's Parks and Recreation Plan should be implemented to provide a continuous waterfront multi-purpose trail from the City's Waterfront Park to the east and north (*abridged*).

Applicant Response: The proposed project has been developed and designed in coordination with the proposed Ebey Waterfront Park Expansion project. Following completion of the project, the public will have access to the site including access to additional areas of shoreline which are presently unavailable for public use due to sediment contamination within the former marina basin. The project complies with the policies, regulations of the City's SMP Chapter 4.B.7.

Chapter 4, Section B.8 – Shorelines of State-Wide Significance

Policy b.1: Recognize and protect the state-wide interest over local interest.

Policy b.2: Preserve the natural character of the shoreline.

Policy b.3: Result in long-term over short-term benefit.

Policy b.4: Protect the resources and ecology of the shoreline.

Policy b.5: Increase public access to publicly owned areas of the shoreline.

Applicant Response: Within the City, Ebey Slough is designated as a Shoreline of State-Wide Significance. This designation means the City gives preference to uses which favor long-range goals and support the overall public interest. As specified in the SMP, these goals include protecting the state-wide interest over local interest, preserving the natural character of the shoreline, prioritizing long-term over short-term benefit, protecting shoreline ecology, and increasing public access to public shorelines. Overall, the project will improve the water quality of stormwater runoff to Ebey Slough and remediate a known source of sediment contamination, while also enhancing public access to a public shoreline. The project complies with the policies, regulations of the City's SMP Chapter 4.B.8.

Chapter 5, Section B.4 – Fill

Policy b.2: Shoreline fill should be designed and located so there will be no significant ecological impacts and no alteration of local currents, surface water drainage, or flood waters which would result in a hazard to adjacent life, property, and natural resource systems.

Regulation c.4: Fills are prohibited in flood plains except where it can be clearly demonstrated that the hydrologic characteristics and flood storage capacity will not be altered to increase flood hazard or other damage to life or property.

Regulation c.5: Fill shall be permitted only where it is demonstrated that the proposed action will not:

- a. Result in significant ecological damage to water quality, fish, shellfish, and/or wildlife habitat; or
- b. Adversely alter natural drainage and circulation patterns, currents, river and tidal flows or significantly reduce flood water capacities.

Applicant Response: The project will result in fills in wetlands, waterward of the ordinary high water mark and as required to implement the remediation action within the former marina basin. The purpose of the fill is to isolate areas of impacted sediments from areas containing fish, shellfish, or wildlife habitat. The project will result in fill in a designated floodplain as described in the response to SMP Chapter 4.B.5 (above). The project will result in a net fill volume of 23,500 CY within the FEMA-mapped floodplain; however, the floodplain is associated with a tidal waterbody and the project will not increase the flood elevation or increase the flood hazard on the site or adjoining or upstream properties. The project complies with the policies, regulations of the City's SMP Chapter 5.B.4.

Chapter 6, Section B.7 – Recreational Development

Regulation c.3: When restoration and/or public access plans indicate opportunities exist, the City may require that those opportunities are either implemented as part of the development project or that the project design be altered so that those opportunities are not diminished.

Applicant Response: The proposed project will occur within an area of a proposed park expansion project; however, the project itself is not associated with Recreational Development. The project has been developed and designed in coordination with the proposed Ebey Waterfront Park Expansion project. The City will submit a separate shoreline permit application for the proposed park expansion projects that address the applicability of the park project to the SMP polices and regulations. The proposed project will not affect the ability of the park expansion project to comply with the City's SMP Chapter 6.B.7. The project complies with the policies, regulations of the City's SMP Chapter 6.B.7.

Chapter 6, Section B.10 – Utilities

Policy b.1: New utility facilities should be located so as not to require extensive shoreline protection works.

Policy b.2: Utility facilities and corridors should be located so as to protect scenic views. Whenever possible, such facilities should be placed underground or alongside or under bridges.

Policy b.3: Utility facilities and rights-of-way should be designed to preserve the natural landscape and to minimize conflicts with present and planned land uses.

Applicant Response: The proposed project is designed to avoid the need for shoreline protection works, is located as to not interfere with scenic views, and is designed to be compatible with the City's future Ebey Waterfront Park Expansion Project. As stated above, the facility must be located within shoreline jurisdiction because the proposed location of the former Geddes Marina and the project also requires an outfall to Ebey Slough. No woody shoreline vegetation will be removed because of construction, and all disturbed areas outside of the project footprint will be restored or reseeded following construction. The project complies with the policies, regulations of the City's SMP Chapter 6.B.10.

9. **Agency Comments:** A *Request for Review* for the proposed remediation project was sent to Local, County, State, and Federal Agencies and Districts. Comments were received from the Washington State Department of Ecology, including Doug Gresham, Stephanie Barney and David Radabaugh, The Tulalip Tribes, and Snohomish County PUD, as summarized below:

- a. *Department of Ecology Northwest Regional Office (DOE):* Doug Gresham, in an email dated January 14, 2022, provided notice that the property contains Waters of the State and outlines the applicable Federal and State requirements, including a JARPA permit.
- b. *DOE Shorelands:* Stephanie Barney, in an email dated February 2, 2022, raised concerns regarding the proposed fill. Alternatives were provided to address this issue: complete a hydraulic and hydrological analysis, demonstrate no part of the development is within the floodway, or review the project to eliminate the fill and/or grading within the floodway.

Staff Comment: On November 24, 2023, the City provided an e-mail response to Ms. Barney (Exhibit 035), as there appeared to be some confusion on the scope of work for the remediation project. Staff provided a clearer scope of work, as well as responses to the public comments received from the US Army Corps of Engineers Joint Public Notice for Permit (Exhibit 031). Ms. Barney, subsequently contacted the City by phone and stated that the comments provided had been adequately addressed.

- c. *The Tulalip Tribes:* In an email dated February 1, 2021, Todd Gray, Environmental Protection Ecologist with the Tulalip Tribes Natural Resources Department, stated the project generally looks good, but provided comments requesting the appropriate buffer widths be maintained. Questions were also provided regarding the woody debris and plants proposed within the terrestrial and aquatic habitats.

Staff Comment: As conditioned herein, prior to civil construction plan approval and grading permit issuance, a FINAL Shoreline Restoration, Enhancement and Maintenance Plan shall be submitted and approved by the Community Development Department. The plan will be routed to The Tulalip Tribes, for review, once received.

- d. *PUD No. 1:* a letter was received on January 27, 2022, informing the agency of existing PUD infrastructure and providing minimum clearance requirements. The letter also informs the city that any modifications or relocation of PUD infrastructure will be at the applicant's expense.

10. **Application Review:** [MMC 22G.010.140\(3\)](#) requires the city to determine whether or not the project is consistent with the following items described in the applicable plans and regulations:

- a. Type of land use permitted at the site, including uses that may be allowed under certain circumstances, such as planned residential development and conditional uses, if the criteria for their approval have been satisfied.

Staff Comment: The site is zoned Downtown Core (DC). The remediation project is to fill the former Geddes Marina and provide an open ditched outfall for the Downtown Stormwater Detention Facility that was recent constructed. The filled area will be used as an extension of the existing Ebey Waterfront Park. Parks are a permitted use in the DC zone.

- b. Density of residential development in urban growth areas.

Staff Comment: N/A

- c. Availability and adequacy of public facilities identified in the Comprehensive Plan.

Staff Comment: The Comprehensive Plan designation for the subject property is Downtown Core. The proposed development and subsequent use of the property will be consistent with the pertinent development policies outlined in the Marysville Comprehensive Plan as conditioned herein.

- d. Development Standards.

Staff Comment: As noted above, the remediation site is zoned DC. The proposed use of the site is a public stormwater conveyance and future extension of the Ebey Waterfront Park is permitted in the DC zone pursuant to [MMC 22C.080.120\(2\)](#). No specific development standards apply to this proposal.

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

2.0 DECISION

Based on the foregoing findings and conclusions, review of the environmental documents submitted by the applicant, and the City's regulatory authority to implement the policies, standards, and regulations of the Comprehensive Plan, Marysville Municipal Code, and Shoreline Master Program, the Community Development Director hereby grants **Administrative Shoreline Substantial Development Permit and Floodplain Development Permit Approval** for the Geddes Marina – Phase 2 Remediation subject to the following conditions:

1. The applicant must complete all proposed improvements within five (5) years following the date of this approval after which time this Shoreline Substantial Development Permit expires.
2. Prior to civil construction plan approval and grading permit issuance, a FINAL Geotechnical Engineering Study shall be prepared. The applicant/contractor shall strictly adhere to the requirements outlined in the Conclusions and Recommendations Section of the FINAL Geotechnical Engineering Study.
3. Prior to civil construction plan approval and grading permit issuance, a FINAL Shoreline Restoration, Enhancement and Maintenance Plan shall be submitted and approved by the Community Development Department.
4. Pursuant to [MMC 22E.010.100](#) (3), a FINAL Critical Areas Enhancement, Monitoring and Maintenance Plan, designed in accordance with [MMC 22E.010.160](#), shall be submitted and approved by the Community Development Department, prior to civil construction plan approval and grading permit issuance.
5. Prior to civil construction plan approval and grading permit issuance, the applicant shall be required to have the proposed wetland mitigation credits certified by the US Corps of Engineers for the permanent critical areas impacts, in accordance with the Advance Wetland Mitigation Agreement.

6. The project is subject to the two (2) conditions of the State Environmental Policy Act (SEPA) Mitigated Determination of Significance (MDNS) issued on October 16, 2023 (Exhibit 025), as follows:

- a. Consistent with the *Cultural Resources Survey* prepared by Robert Kopperl, Ph.D., R.P.A. dated March 6, 2019, archaeological monitoring should occur for any project component within the overall project area entailing anticipated ground disturbance below the depth of fill. The archaeological monitoring should be conducted by a professional archaeologist under an agreed upon Monitoring and Discovery Plan with clear protocols to follow in the event of the discovery of archaeological material or human remains. An Inadvertent Discovery Plan (IDP) should be prepared, implemented, and followed in the event of discovery of archaeological material or human remains while a monitor is not present for any element of project construction.

If at any time during construction archaeological resources are observed on the project site, work shall be temporarily suspended at the location of discovery and a professional archaeologist should document and assess the discovery. The Department of Archaeology and Historic Preservation (DAHP) and all concerned tribes shall be contacted for any issues involving Native American sites. If project activities expose human remains, either in the form of burials or isolated bones or teeth, or other mortuary items, work in that area shall be stopped immediately. Local law enforcement, DAHP, and affected tribes shall be immediately contacted. No additional excavation may be undertaken until a process has been agreed upon by these parties, and no exposed human remains should be left unattended.

- b. Prior to any ground disturbing activities or vegetation removal, the applicant shall obtain all necessary State and Federal authorizations for the proposed direct permanent and temporary wetland impacts.

Prepared by: *Chris*

Reviewed by: *Angela*

This **Shoreline Substantial Development Permit** is issued pursuant to [MMC 22G.010.160\(1\)\(b\)](#). Administrative decisions may be appealed to the Hearing Examiner in accordance with [MMC Chapter 22G.010, Article VIII, Appeals](#), and [MMC Chapter 22G.060, Hearing Examiner](#). Appeals must be filed within twenty-one (21) calendar days of the date of the *Administrative Shoreline Substantial Development Permit Approval*.

Signature:  **Date:** March 7, 2024
Haylie Miller, CD Director

The above decision, including conditions of approval, are subject to change if the proposed phasing parameters, land uses or any other information provided by the applicant or their authorized representatives proves inaccurate.