



COMMUNITY DEVELOPMENT
80 Columbia Avenue ♦ Marysville, WA 98270
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PROGRAMMATIC SHORELINE SUBSTANTIAL DEVELOPMENT
EXEMPTION APPROVAL

File No.: PA 12-031

Reference Tax Account No: 30053300202700

Date of Report: August 24, 2012
Nature of Request: Programmatic SSDP Exemption

Applicant: City of Marysville
1049 State Ave
Marysville, WA 98270

Contact: Jeff Laycock
(360) 363- 8274

Location: 1326 1st Street
Marysville, WA 98270

Parcel Size: 4.73 acres

Current Zoning: Downtown Commercial/Waterfront Overlay

Comprehensive Plan Land Use Designation: Downtown Commercial/Waterfront Overlay

Shoreline Designation: High Intensity

Water Source: City of Marysville
Sewage Disposal: City of Marysville

STAFF RECOMMENDATION: APPROVE WITH CONDITIONS

I. EVALUATION:

A. Request

The applicant is requesting approval of a Programmatic Shoreline Substantial Development Permit Exemption for Geddes Marina maintenance and repairs. This facility was built prior to adoption of the 1972 Shoreline Management Act and as such no Shoreline Substantial Development Permit (SSDP) was ever issued for the facility and is thus considered a legal land use. While there is no formal SSDP approval for the existing marina, the City of Marysville regularly performs routine maintenance and repairs of the facilities under the requirements of the Shoreline Management Act (SMA). Therefore, the applicant is requesting the City approve a Programmatic Shoreline Substantial Development Permit Exemption for maintenance and repair of the existing facilities.

B. Purpose

The purpose of this approval is to streamline the City's shoreline exemption process for maintenance and repair of the existing Geddes Marina facility. Shoreline exemptions would include commonly performed, well-defined maintenance and repair projects at the Marina (Figure 1). These projects are necessary to keep the marina operating safely and efficiently, and to meet and/or maintain local, state, and federal code requirements.

This approval is only for the City of Marysville shoreline requirements at the Marina. An exemption from the substantial development permit is not an exemption from compliance with other applicable requirements of the Shoreline Permit and Enforcement Procedures (WAC 173-27), the Shoreline Management Act (RCW 90.58), the City of Marysville Shoreline Master Program, or from any other regulatory requirements. The City will apply for all other applicable city permits, such as but not limited to Building, Right-of-Way, and Noise Variance Permits where applicable.

D. Length of Exemption

This approval will be in effect for five (5) years (September 2012 - September 2017). Prior to expiration of this Programmatic Shoreline Exemption Approval, the applicant can request a renewal of the Programmatic Shoreline Exemption Approval.

E. Activities Covered Under Exemption

As allowed under WAC 173-27-040(b) the following activities fall under this Programmatic Shoreline Substantial Development Exemption:

- Normal maintenance or repair of existing structures which are damaged by accidents, fire, or the elements;
- Replacement of structures that cannot be repaired;
- Marina facility cleaning, painting, and general maintenance and repair;

F. Activities Not Covered Under Exemption

Any work which substantially expands the footprint of the existing facility or adds capacity to the existing facility is not covered under this programmatic exemption. Extensions to the existing docks and/or the covered moorage bays are also excluded from this exemption.

Changes are substantive if they materially alter the existing site conditions as outlined in chapter 173-27-100 WAC. Under the terms of this exemption, substantially means all of the following:

- Over water construction greater than five hundred square feet or ten percent from existing conditions, whichever is less;
- Ground area coverage and building height increases greater than ten percent from existing conditions, however all development shall meet the height, lot coverage, setback, or any other requirements of the Marysville Master Program;
- A change in use; and
- The project results in adverse environmental impacts.

G. Notification of Work

The applicant will notify the Community Development Department four (4) weeks prior to project commencement. For maintenance and repair projects where it is uncertain if this approval applies, the applicant will consult with the Community Development Department earlier than four (4) weeks. If there is an emergency repair at the marina, a shorter notice may be necessary. Notices will be placed at the marina and City Hall. An example notice is attached as Appendix A.

H. Shoreline Substantial Development exemptions included in this approval

Maintenance and repair projects for the marina are exempt from Shoreline Substantial Development Permits (SSDP) requirements. These exemptions are detailed in the following Washington Administrative Code (WAC):

- WAC 173-27-040 2(b) Shoreline management permit and enforcement procedures: developments exempt from substantial development permit requirement: "Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location,

and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment.”

In addition, marina maintenance and repair projects are exempt from the State Environmental Policy Act (SEPA). These exemptions are listed in Appendix B.

I. Determination of Facility Repair or Replacement

The City shall evaluate each maintenance and repair project on a case-by-case basis to determine the best and most efficient way to maintain the existing facilities. After careful consideration of the project and potential impacts, maintenance and repair projects should occur in the following order:

1. Repairing the existing facility;
2. Rehabilitating the existing facility;
3. Restoring the existing facility; or
4. Replacing the existing facility with a new facility comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, except the increased size may be allowed when necessary to comply with new safety standards.

II. ANTICIPATED MAINTENANCE AND REPAIR PROJECTS

Section 1: In- and Over-Water Structures

Anticipated repair activities. Repair/replacement of docks; repair and replacement of the piling supporting these structures and fenders protecting the piling; installation of piles to protect existing piling from further deterioration; repair/replacement of covered boat moorage slips; replacement and cross-bracing; redecking; All repair and/or replacement work shall be comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance. Piling replacement may take the form of partial replacement (stubbing) or complete replacement (pulling or clam shelling the broken or damaged pile). Painting, pressure washing, and rust removal are required activities to prevent corrosion and decay to timber and steel structures.

BMPs for Section 1 – Maintenance and Repair of In- and Over- Water Structures

The applicant will meet the appropriate permit conditions as required by the Department of Ecology, Corp of Engineers, and Department of Fish and Wildlife. While the activity is exempt from the Shoreline permitting requirements, nothing in the Programmatic Exemption limits the regulatory agencies from applying special conditions to protect the environment.

- Washington State Department of Ecology: Includes requirements to protect water quality, BMPs for concrete use, erosion control and spill prevention and reporting, and structure cleaning, washing and marine growth removal.
- Washington State Department of Fish and Wildlife HPAs: Include timing limitations to protect water quality, saltwater vegetation and juvenile salmonid migration.

- Contractors working on these repairs are required to have an approved Spill Prevention Control and Countermeasure plan, and appropriate spill equipment on site.

Section II: Buildings

Description. Marina buildings include buildings for boat storage/repair, storage sheds or containers, and all other accessory structures.

Anticipated repair activities. Repair, replacement (comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance), painting and washing and weatherproofing of the exterior of any or all of the building(s), including siding, roof, floor, windows, or doors.

BMPs for Section II - Buildings

BMP highlights that apply to building maintenance and repair include:

- Washington State Department of Ecology: includes requirements to protect water quality, erosion control and spill prevention and reporting, and terminal cleaning and washing.
- Contractors working on these repairs are required to have an approved Spill Prevention Control and Countermeasure plan, and appropriate spill equipment on site.

Section III: Maintenance and Repair of Marina Infrastructure and Equipment

Description: These facilities include all pipelines, meters, and associated structures necessary for the conveyance of sanitary sewage and water to operate the marina.

Anticipated repair activities. Repair/replacement of broken sewer/water lines; repair/replacement of exterior and interior fixtures such as toilets and sinks; and other repairs necessary to maintain sewer and water facilities. The work may include retrofit of the system with normal maintenance and repair criteria (e.g., of like size, shape, and configuration).

Stormwater Conveyance/Treatment Facilities

Description. Existing catch basins, stormwater conveyance lines and associated structures, stormwater treatment facilities.

Anticipated repair activities. Maintenance and repair of catch basins, stormwater conveyance lines and associated structures, stormwater treatment facilities. The work may include retrofit of the system within normal maintenance and repair criteria (e.g., of like size, shape, and configuration).

If new facilities are needed or capacity improvements are needed to repair a failing system, that work shall be evaluated separately under and exemption outside of the Programmatic Exemption.

Roads and Pedestrian Walkways

Description. All roads, pedestrian walkways, traffic lanes, and driveways in the marina area and right-of-way. Other elements include walkways/sidewalks and control gates.

Anticipated repair activities. Repaving, minor repairs/widening, painting lane lines and other directional markings and revising driveway to the parking lot(s) where all work is completed within existing impervious area and not capacity improvements are made.

Waste Management Facilities

Description. Containers for temporary storage of solid, hazardous and oily wastes and other waste management equipment.

Anticipated repair activities. Maintenance, repair and replacement of containers for temporary storage of solid, hazardous and oily wastes and other waste management equipment.

BMPs for Section III – Maintenance and Repair of Infrastructure and Equipment

BMP highlights that apply to infrastructure and equipment maintenance and repair may include, but it not limited to:

- Washington State Department of Ecology: Includes requirements to protect water quality, erosion control and spill prevention and reporting.
- Contractors/Crews working on these repairs are required to have an approved Spill Prevention Control and Countermeasure plan, and appropriate spill equipment on site.
- Repair and maintenance work shall not add any new impervious area to the existing facilities. If maintenance or repair work is necessary outside of existing impervious areas, the Community Development Director may allow such work if the applicant shows that the work has been designed to avoid wetlands, streams, and/or their buffers.

Contact Person: Cheryl Dungan
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(360) 363-8206 or cdungan@marysvillewa.gov

Responsible Official: Gloria Hirashima
Chief Administrative Officer/CD Director
1049 State Ave
Marysville, WA 98270

Date of Approval: October 17, 2012

Signature 
Gloria Hirashima, CAO/CD Director

Appendix A

EXAMPLE NOTICE

Notice of Maintenance and Repair at the Geddes Marina

The City of Marysville proposes to undertake a maintenance and repair project at the Mukilteo Ferry Terminal, under the Programmatic Shoreline Substantial Development Exemption Approval issued by the City of Marysville on October 17, 2012.

Proposed Work

The proposed work includes: repair/replacement of docks; repair and replacement of the piling supporting these structures and fenders protecting the piling; installation of piles to protect existing piling from further deterioration; repair/replacement of covered boat moorage slips; replacement and cross-bracing; redecking; All repair and/or replacement work shall be comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance. Piling replacement may take the form of partial replacement (stubbing) or complete replacement (pulling or clam shelling the broken or damaged pile). Painting, pressure washing, and rust removal are required activities to prevent corrosion and decay to timber and steel structures.

Project Timeline

The work will start after _____, and is estimated to last _____ weeks.

Evening Work

Some evening work may be necessary. Construction lighting will be used. There will be some evening construction noise. Every effort will be made to keep lighting use and noise to a minimum.

APPENDIX B

State Environmental Policy Act Exemptions

- WAC 197-11-800 State environmental policy act categorical exemptions (3) “repair, remodeling and maintenance activities:.
- Stormwater Conveyance/Treatment Facilities projects are SEPA exempt under WAC 197-11-800-2(c) “construction or installation of minor road and street improvements.... including installation of catch basins and culverts”.