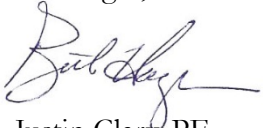





MEMORANDUM

To: Shawn Smith, PE Date: June 9, 2015
From: Bill Hager, Senior Planner Project: 0689.01.03

Justin Clary, PE

RE: Regulatory Review
Former Geddes Marina Property, Marysville, Washington

Adoption of the Marysville Downtown Plan (the Plan) (2009), Programmatic Environmental Impact Statement (EIS) (2009), and corresponding Marysville Municipal Code (MMD) updates (2011) has positioned the former Geddes Marina property (the Property) for redevelopment. However, the Shoreline Master Program (SMP) (2006) severely limits development on the property for non-water-dependent uses.

Summary: Two major factors impact redevelopment of the Property:

1. The central presence of the lagoon, together with the 70-foot shoreline setback requirement for new non-water-dependent uses and associated parking, severely limits the extent of possible vertical redevelopment.
2. The close proximity and inherent noise of the Burlington Northern Santa Fe railway mainline adjacent to the western border of the Property is problematic for development, especially residential and office uses.

I. Background Information:

The Property:

- Lies within the boundaries of the Downtown Planning area (adopted 2009). This is important in that the programmatic EIS prepared for the Plan streamlines state environmental policy act review for project development found consistent with the Plan's guidelines. The Plan contains many development recommendations pertaining to the Property.

- Is zoned “downtown commercial” (DC) with a “waterfront overlay.” The zone permits a myriad of uses, including retail and service uses, offices, eating establishments, hotels, marinas, and townhouses, individually on separate lots or as part of a mixed-use development. Multifamily residential uses are permitted as part of a mixed-use development only when above a ground-floor commercial use. The intent of the waterfront overlay is to encourage mixed-use development. The Marysville SMP designation for the same area requires that non-water-dependent uses be set back 70 feet. This setback discretionary to the Planning Director and may be reduced to 40 feet for mixed use development that includes a marina or water dependent recreational facilities.
- Is subject to zoning standards (MMC 22C.020) is generous in nature, but requires compliance with design criteria [MMC 22C.080, adopted 2009]).
- Is within the boundaries of the following critical areas:
 - Shorelines (SMP adopted 2006). SMP regulations are more restrictive than the general MMC.
 - Geologic Hazard Area.
 - 100-Year Flood Zone.

II. Summary of Regulations

Regulatory	Salient Points	Implication
Downtown Plan	<ul style="list-style-type: none"> • Recommends small retail along First Street and three- to five-story, mixed use along the east side with structured parking. • The Capital Improvement Program recommends that the city improve First Street to spur development. • Recommends that “Lost Creek” be daylighted north from the basin. 	<ul style="list-style-type: none"> • Difficult to site in compliance with SMP regulations unless in conjunction with a marina or water dependent recreational facility.
DC Zone	<ul style="list-style-type: none"> • Uses not permitted include heavy manufacturing, recreational vehicle parks, liquor stores, and senior-assisted housing. • Light manufacturing is permitted and breweries may be permitted as part of a retail operation or with limited outside impact. • Multifamily residential is not permitted as a stand-alone use. 	<ul style="list-style-type: none"> • Specific uses should be reviewed relative to this summary.

Regulatory	Salient Points	Implication
Zone Standards	<ul style="list-style-type: none"> • No minimum street or side setbacks required. • Height limit: 85 feet. • Maximum impervious surfacing 85 percent for commercial and mixed use. • Seventy-five percent impervious surfacing maximum for multifamily residential as a stand-alone use. • Nonconforming structures may be increased in floor area up to 100 percent if nonconformity is not increased (MMC 22c100.010). • Nonconforming structures, if abandoned for 12 consecutive months, lose status (MMC 22c100.030). 	<ul style="list-style-type: none"> • Setbacks adjacent to street corners may be required for vehicular sight distance. • Regulations allow for approximately six-story development. • Existing buildings, if abandoned for more than 12 months, lose nonconforming status.
Design Standards	<ul style="list-style-type: none"> • Crime-prevention criteria must be met for commercial development. • Commercial and mixed uses must be street-oriented (doors and windows). • Commercial and mixed-use sites of over 2 acres must create pedestrian focal points, with limited parking along the street. • Numerous design components. 	<ul style="list-style-type: none"> • Development plot plan should be submitted before detailed design. • The Plan envisions redevelopment of the commercial area immediately north of First Street. • Until the mall is renovated, new construction on the north side of the Property will be oriented toward the back wall of the mall.

Regulatory	Salient Points	Implication
Shoreline Jurisdiction	<ul style="list-style-type: none"> • Ebey Slough—statewide significant water body. • Property landward of the ordinary high-water mark (OHWM) is designated “High Intensity.” • The area water ward of the OHWM is designated “aquatic.” • Non-water-dependent commercial and industrial uses are conditionally allowed (conditional use permit) as part of mixed use development. • Seventy-foot shoreline setback for non-water-dependent buildings. • Fifty-foot vegetative buffer where there is no building. • Parking must be landward of building and at least 70 feet from shoreline. • Building setbacks may be reduced to 40 feet for mixed use projects in conjunction with a marina or water dependent recreational use. • Filling or dredging of lagoon, if not part of the cleanup remedy, requires conditional use approval and is discouraged. • Public access trail is required for non-water-dependent uses. • Shoreline restoration should be expected in areas not adverse to development. • Revegetation of the setback buffer is required. 	<ul style="list-style-type: none"> • A shoreline permit is required for most development within 200 feet. • With small site dimensions and shoreline regulations, structured parking should be expected. • Chap 3 B. c. states that in Aquatic designations, “New over water structures should be prohibited except for water dependent uses, public access or ecological restoration.”
100 Year Flood Plain	<ul style="list-style-type: none"> • Requires analysis and site and/or building alterations. • High groundwater is expected. 	<ul style="list-style-type: none"> • Check Local Flood Plain Management Ordinance. • Limits use of low-impact development stormwater techniques.
Geologic/Soil Limitations	<ul style="list-style-type: none"> • Moderate to high hazard. • Sandy soil. 	<ul style="list-style-type: none"> • A geotechnical engineer should assess structural soil conditions.

Key Regulatory Constraints

- Shoreline Building and Parking Setback (for non-water-dependent uses): 70 feet from OHWM
- Height: 85 feet maximum (five to six floors). Shoreline—65 feet maximum
- Lot coverage: 85 percent (mixed use)

Marysville Required Parking

(Unless reductions are approved by the director)

Apartment (1 bedroom)	1.5 per unit
Retail	1/600 gross floor area (g.f.a.)
Office	1/400 g.f.a.
Restaurant	1/200 g.f.a.

III. Development Alternatives and Buildable Area Analysis

Alternative 1: Retain Existing Lagoon.

Alternative 2: Partially Fill Lagoon/Convert to Stream.

Alternative 3: Fill Existing Lagoon. Pipe stormwater to Ebey Slough.

Cleanup Alternative	Pond Condition	Regulatory	Uses
1. Excavation of Lagoon sediment	Maintains navigability	SMP unchanged. <ul style="list-style-type: none"> • 70 foot setback required for non-water-dependent uses. • Reduction to 40 foot setback possible if part of a mixed use development proposed in conjunction with a marina or water dependent recreational facility. 	Water-dependent or Park / Open space
2. Cap	Non-Navigable	SMP setbacks could possibly be adjusted for more use.	Parks/ Open Space; minimal development
3. Fill Lagoon	Piped to Ebey Slough	SMP could be amended to exclude area.	Full use

Cleanup Alternative	Site Area Acreage/sq. ft.	Water Area Acreage/sq. ft.	Usable Area Acreage/sq. ft. (for non-water-dependent uses)	Site Usable Area %
Retain Lagoon	4.98 / 216,929	1.99 / 86,684	0.69 / 3,146	1.45%
Partial Fill	4.98 / 216,929	0.64 / 27,878	2.04 / 88,862	41%
Fill Lagoon	4.98 / 216,929	0.21 / 9,148	3.96 / 172,498	79.5%

Land Use Implications of Cleanup Alternatives

Alternative 1. Existing Lagoon is Retained.

The existing lagoon area would either be dredged (to accommodate water-dependent uses) or capped.



Land Use Implications:

- Restricts site reuse to park and recreational uses.
- 1.45% of site is usable for non-water-dependent building construction.

Alternative 2. Partial Fill of Lagoon.

The Property's water area is converted to a stream feature through partial fill/realignment of the lagoon.

Land Use Implications

- Increases permitting timeline and complexity.
- Increases developable area for non-water-dependent uses to 2.04 acres or 41 percent of the Property.
- The west side remains impractical for construction because of the shoreline setback.
- The east side is large enough for limited building construction.
- With building oriented toward the creek, surface parking maybe be considered "upland" and therefore more economical.
- Upstream water quality facilities would be required.



Alternative 3. Lagoon Area is Filled.

The lagoon area is filled and the water is enclosed and piped directly to Ebey Slough.

Land Use Implications

- Increases permit complexity and timeline.
- Maximizes site development.
(almost 80% usable)
- On-site water quality could be provided in parking areas.

