

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)

EXHIBIT B

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

EXHIBIT B

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.

EXHIBIT B

- 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.

EXHIBIT B

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 . . .*

EXHIBIT B

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

EXHIBIT B

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.

EXHIBIT B

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.

EXHIBIT B

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

EXHIBIT B

- 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

EXHIBIT C

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

EXHIBIT C

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.

EXHIBIT C

- 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

EXHIBIT C

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

EXHIBIT C

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

EXHIBIT D

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 ¼ 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
500 108th Ave NE, Suite 2400, Bellevue, WA 98004
T 425.450.1162 | **F** 425.451.3058 | **C** 425.577.8556
runeh@kiddermathews.com | kiddermathews.com

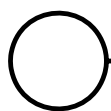
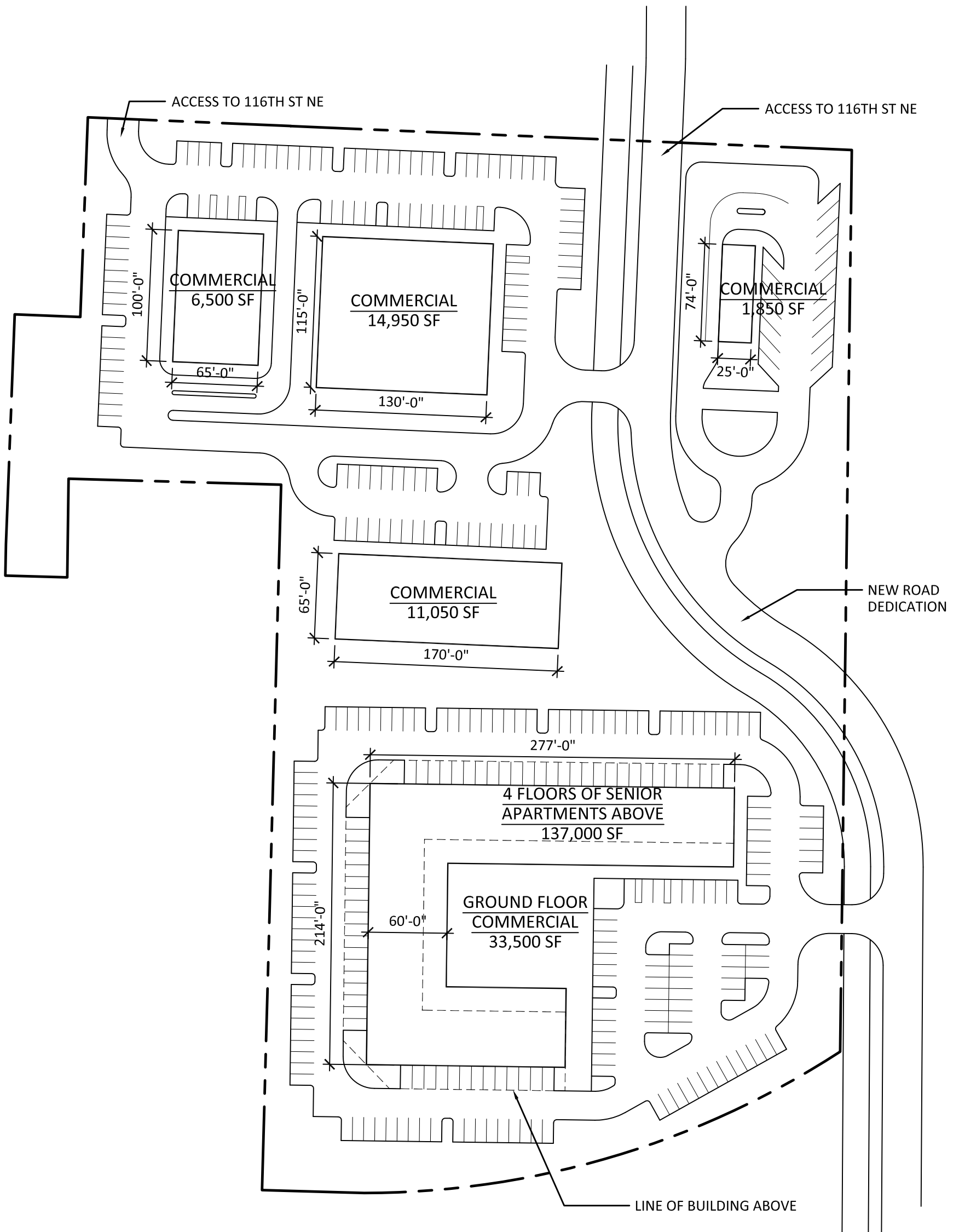


EXHIBIT D

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EXHIBIT D



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)