

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: November 12, 2013

AGENDA ITEM: PA 12-025 Code amendment to Section 22E.030.090 – “Categorical Exemption, threshold determinations, and enforcement of mitigating measures”	AGENDA SECTION: New Business	
PREPARED BY: Cheryl Dungan, Senior Planner	APPROVED BY:	
ATTACHMENTS: <ol style="list-style-type: none"> 1. Draft Ordinance 2. Memo to PC from Cheryl Dungan dated October 14, 2013 3. PC Recommendation 4. PC Minutes dated 10-22-2013 	MAYOR	CAO
	BUDGET CODE:	

DESCRIPTION:

The attached draft amendments propose broader SEPA “Flexible” Categorical Exemptions as provided in WAC 197-11-800. The revised WAC allows cities planning under GMA to adopt ‘flexible’ maximum thresholds provided it can be demonstrated that existing plans, codes, and policies are already in place to mitigate potential negative environmental impacts for smaller projects. As DOE concluded, and staff concurs, minor new construction less than the proposed maximum exemption levels has a relatively low chance of significant impact when appropriate mitigations are provided in the rules and regulations implemented through the permit process.

The proposed amendments will help strengthen Marysville’s economic base, by eliminating procedural redundancies and help make the permit process more predictable, timely, and competitive.

Attached is a staff summary of the proposed ordinance.

RECOMMENDED ACTION: Planning staff recommends the Council affirm the PC’s recommendation to adopt the proposed revisions to MMC 22E.030.090 as proposed.

COUNCIL ACTION:

CITY OF MARYSVILLE
Marysville, Washington

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON RELATED TO TITLE 22 (THE UNIFORM DEVELOPMENT CODE) OF THE MARYSVILLE MUNICIPAL CODE (MMC) AND TO THE ADOPTION OF MAXIMUM STATE ENVIRONMENTAL POLICY ACT (SEPA) FLEXIBLE CATEGORICAL EXEMPTION THRESHOLDS AS PROVIDED IN WAC 197-11-800; AMENDING MMC 22E.030.090 CATEGORICAL EXEMPTIONS, THRESHOLD DETERMINATIONS, AND ENFORCEMENT OF MITIGATING MEASURES

WHEREAS, the City Council of the City of Marysville does find that from time to time it is necessary and appropriate to review and revise provisions of the City's Uniform Development Code (Title 22 MMC); and

WHEREAS, following a comprehensive review of the above-referenced City codes by City staff, the Marysville Planning Commission held public workshop on September 24, 2013; and

WHEREAS, after providing notice to the public as required by law, on October 22, 2013 the Marysville Planning Commission held a public hearing on proposed changes to the Uniform Development Code and received public input and comment on said proposed revisions; and

WHEREAS, this action is exempt from environmental review pursuant to WAC 197-11-800(19) and no SEPA Threshold Determination was issued; and

WHEREAS, the proposed amendments were submitted to affected tribes, agencies with expertise, affected jurisdictions, the department of ecology, and the public on September 27, 2013 for comment pursuant to WAC 197-11-800(1)(c)(iii); and

WHEREAS, no substantive comments were received from the state agencies or the Department of Ecology; and

WHEREAS, the Council finds that project-level public comment opportunities are provided for proposals included in these increased exemption levels in Chapter 22E.030 MMC; and

WHEREAS, the Council finds that the requirements for environmental analysis, protection and mitigation have been adequately addressed for the development exempted; and

WHEREAS, at a workshop on November 4, 2013 and a public meeting on November 12, 2013 the Marysville City Council reviewed and considered the amendments to the Uniform Development Code proposed by the Maryville Planning Commission;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MARYSVILLE, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Amending Section 22E.030.090 Categorical exemptions, threshold determinations, and enforcement of mitigating measures to read as follows:

The city of Marysville adopts WAC 197-11-300 through 197-11-390, 197-11-800 through 197-11-890, and 197-11-908 as now existing or hereinafter amended, by reference, subject to the following:

ORDINANCE - 1
R-MHP Ordinance

(1) Establishment of Flexible Thresholds for Categorically Exempt Actions. The following exempt threshold levels are hereby established pursuant to WAC 197-11-800(1)(d) :

(a) The construction or location of any single-family residential structures of less than or equal to 30 dwelling units;

(b) The construction or location of any multi-family residential structures of less than or equal to 60 dwelling units.

(c) The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering less than or equal to 40,000 square feet, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feed lots;

(c) The construction of an office, school, commercial recreational, service or storage building with less than or equal to 30,000 square feet of gross floor area, and with associated parking facilities and/or independent parking facilities designed for less than or equal to 90 automobiles;

(e) Any landfill or excavation of less than or equal to 1,000 cubic yards throughout the total lifetime of the fill or excavation; and any fill or excavation classified as a Class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder.

(2) Categorical exemptions without flexible thresholds

The following proposed actions that do not have flexible thresholds are categorically exempt from threshold determination and EIS requirements, subject to the rules and limitations on categorical exemptions contained in 197-11-305 WAC.

(a) Actions listed in Chapter 197-11-800, Sections 2-24 WAC.

(3) Environmentally Critical Areas. The Marysville shoreline environments map and the critical areas maps adopted pursuant to this Title 22E designate the location of environmentally sensitive areas within the city and are adopted by reference. For each environmentally sensitive area, the exemptions within WAC 197-11-800 that are inapplicable for the area are (1), (2)(d), (2)(e), (6)(a) and (24)(a) through (g). Unidentified exemptions shall continue to apply within environmentally sensitive areas of the city.

(a) Lands Covered by Water. Certain exemptions do not apply on lands covered by water, and this remains true regardless of whether or not lands covered by water are mapped.

(b) Treatment. The city shall treat proposals located wholly or partially within an environmentally critical area no differently than other proposals under this chapter, making a threshold determination for all such proposals. The city shall not automatically require an

ORDINANCE - 2

R-MIP Ordinance

EIS for a proposal merely because it is proposed for location in an environmentally critical area.

(3) Responsibility for Determination of Categorical Exempt Status. The determination of whether a proposal is categorically exempt shall be made by the responsible official.

(4) Mitigation Measures. Modifications to a SEPA checklist or other environmental documentation that result in substantive mitigating measures shall follow one of the following processes:

(a) The responsible official may notify the applicant of the requested modifications to the proposal and identify the concerns regarding unmitigated impacts. The applicant may elect to revise or modify the environmental checklist, application, or supporting documentation. The modifications may include different mitigation measures than those requested by the responsible official; however, acceptance of the proposed measures is subject to subsequent review and approval by the responsible official.

(b) The responsible official may make a mitigated determination of nonsignificance (MDNS), identifying mitigating measures. The MDNS may be appealed by the applicant pursuant to MMC [22E.030.180](#).

(c) The responsible official may identify mitigating measures in a letter and mail that letter to the applicant. In writing, the applicant may acknowledge acceptance of these measures as mitigating conditions. The acknowledgement shall be incorporated into the application packet as supporting environmental documentation or as an addendum to the environmental checklist.

Section 2. Severability.

If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase or this ordinance.

Section 3. Effective Date.

This ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

PASSED by the City Council and **APPROVED** by the Mayor this _____ day of _____, 2013.

CITY OF MARYSVILLE

By: _____
JON NEHRING, MAYOR

Attest:

By: _____
CITY CLERK

Approved as to form:

By: _____
GRANT K. WEED, CITY ATTORNEY

Date of Publication: _____

Effective Date: _____
(5 days after publication)



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

MEMORANDUM

DATE: October 14, 2013
TO: Planning Commission
FROM: Cheryl Dungan, Senior Planner
RE: Summary of SEPA 'Draft' Flexible Threshold Categorical Amendments

Background:

The State Environmental Policy Act (SEPA) was adopted in 1971 to provide regulatory framework to provide state and local agencies a way to address environmental issues. No substantive reforms to SEPA have been enacted in the past 41 years. The Washington State Legislature adopted SB 6406 during the last legislative session that made changes to the current SEPA thresholds. Phase 1 of the changes took effect on January 31, 2013.

In ESSB 6406 the state legislature directed that the Department of Ecology (DOE) evaluate the rule-based categorical exemptions in WAC 197-11 (SEPA Rules). The bill established two phases of rule making that included:

1. Increase the rule-based categorical exemptions to Chapter 43.21C RCW found in WAC 197-11-800 and
2. Update the environmental checklist. The environmental checklist is a standardized tool that possesses questions regarding a proposals effect on elements of the environment. Staff uses the response to questions to evaluate the proposal against the mitigations provided in adopted regulations.

Phase 1 took effect on January 31, 2013. The new thresholds must be formally adopted before the City can utilize them. The purpose of the revised rule is to create higher levels of flexibility for cities, counties, and agencies to exempt minor new construction.

Phase 2 of the rule-making to update the environmental checklist is scheduled to take effect in January of 2014.

SEPA provides a framework to condition or deny a proposal when mitigations are not provided for in policies adopted by the City and incorporated into regulations, plans, or codes. The environmental review process in SEPA is designed to work with other regulations to provide a comprehensive review of a proposal. Most regulations focus on particular aspects of a proposal, while SEPA requires the identification and evaluation of probable significant impacts for all elements of the environment. Combining the review processes of SEPA and other laws reduces duplication and delay by combining study

needs, comment periods and public notices, and allowing agencies, applicants, and the public to consider all aspects of a proposal at the same time.

The City's environmental procedures have built in redundancies given that the City's current thresholds are below the level mitigations provided in local, state, and federal regulations.

To support the City's goal to strengthen Marysville's economic base, procedural redundancies should be eliminated. By implementing efforts to make the permit process predictable, timely, and competitive efficiencies are achieved in the permit process that will provide for a more focused review of proposals.

The state legislature has provided agencies the flexibility to evaluate local environmental procedures. By raising the thresholds for environmental review of minor new construction the City can reduce the redundancies created by the current procedures.

Many categorical exemptions use size criteria to determine if a proposal is exempt. Perhaps the most commonly used categorical exemption based on size criteria is for "minor new construction". Projects are determined to be minor new construction if quantities fall below certain levels for grading, number of parking stalls, number of dwelling units and gross floor area for commercial and industrial projects. The SEPA rules set a minimum level requiring all municipalities to exempt the project if it falls below that minimum level. The SEPA rules also set maximum levels providing municipalities with the option of adopting a level above the minimum and below the maximum. These are called flexible thresholds.

City's such as Marysville planning under GMA, were provided the most flexibility. This is the basis for the staff's recommendation.

As DOE concluded, and staff concurs, minor new construction less than the exemption level has a relatively low chance of significant impact when appropriate mitigations are provided in the rules and regulations implemented through the permit process. Given the extensive investment that the City is making and will continue to make in comprehensive plans and development regulations it is staff's belief that the local, state, and federal regulations employed during the City's environmental review process provide the appropriate level of mitigation for the impacts of development at or below the proposed thresholds for minor new construction as proposed below.

Flexible Thresholds:

Increase the Minor New Construction Thresholds

Marysville's SEPA regulations are located in Chapter **22E.030** MMC. Staff at this time is recommending that Planning Commission consider setting the maximum level allowed by the new SEPA rules.

The following table illustrates the current and proposed flexible thresholds, with the levels in the gray column the recommended levels to adopt.

Project Type	WAC 197-11-800(1)		Current City Thresholds	
	Minimum	Maximum	Existing	Proposed
Single Family Residential (# of lots)	4	30	9	30
Multi-Family (# of units)	4	60	9	60
Agricultural (Sq. Ft.)	10,000	40,000	10,000	40,000
Commercial/Industrial Buildings (gross floor area in sq. ft.)	4,000	30,000	12,000	30,000
Parking Lots (number of parking stalls)	20	90	40	90
Grading (cubic yards cut and fill)	100	1,000	500	1,000
Electric Utility Lines				

Proposed Code Amendment

22E.030.090 Categorical exemptions, threshold determinations, and enforcement of mitigating measures.

The city of Marysville adopts WAC 197-11-300 through 197-11-390, 197-11-800 through 197-11-890, and 197-11-908 as now existing or hereinafter amended, by reference, subject to the following:

(1) Establishment of **Flexible** Thresholds for Categorically Exempt Actions. The following exempt threshold levels are hereby established pursuant to WAC 197-11-800(1)(~~d~~e) **for the exemptions in WAC 197-11-800(1)(b)**:

(a) The construction or location of any **single-family** residential structures of less than or equal to ~~nine~~ **30** dwelling units;

(b) The construction or location of any multi-family residential structures of less than or equal to 60 dwelling units.

~~(c)~~ The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering

less than or equal to ~~14~~40,000 square feet, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feed lots;

(c) The construction of an office, school, commercial recreational, service or storage building with less than or equal to ~~1230~~1,230,000 square feet of gross floor area, and with associated parking facilities and/or independent parking facilities designed for less than or equal to ~~40~~ 90 automobiles;

~~(d) The construction of a parking lot designed for less than or equal to 40 automobiles;~~

(e) Any landfill or excavation of less than or equal to ~~5~~1,000 cubic yards throughout the total lifetime of the fill or excavation; and any fill or excavation classified as a Class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder.

(2) Categorical exemptions without flexible thresholds

The following proposed actions that do not have flexible thresholds are categorically exempt from threshold determination and EIS requirements, subject to the rules and limitations on categorical exemptions contained in 197-11-305 WAC.

(a) Actions listed in Chapter 197-11-800, Sections 2-24 WAC.

~~(2)~~(3) Environmentally Critical Areas. The Marysville shoreline environments map and the critical areas maps adopted pursuant to this Title 22E designate the location of environmentally sensitive areas within the city and are adopted by reference. For each environmentally sensitive area, the exemptions within WAC 197-11-800 that are inapplicable for the area are (1), (2)(d), (2)(e), (6)(a) and (24)(a) through (g). Unidentified exemptions shall continue to apply within environmentally sensitive areas of the city.

(a) Lands Covered by Water. Certain exemptions do not apply on lands covered by water, and this remains true regardless of whether or not lands covered by water are mapped.

(b) Treatment. The city shall treat proposals located wholly or partially within an environmentally critical area no differently than other proposals under this chapter, making a threshold determination for all such proposals. The city shall not automatically require an EIS for a proposal merely because it is proposed for location in an environmentally critical area.

(3) Responsibility for Determination of Categorical Exempt Status. The determination of whether a proposal is categorically exempt shall be made by the responsible official.

(4) Mitigation Measures. Modifications to a SEPA checklist or other environmental documentation that result in substantive mitigating measures shall follow one of the following processes:

(a) The responsible official may notify the applicant of the requested modifications to the proposal and identify the concerns regarding unmitigated impacts. The applicant may elect to revise or modify the environmental checklist, application, or supporting documentation. The modifications may include different mitigation measures than those requested by the responsible official; however, acceptance of the proposed measures is subject to subsequent review and approval by the responsible official.

(b) The responsible official may make a mitigated determination of nonsignificance (MDNS), identifying mitigating measures. The MDNS may be appealed by the applicant pursuant to MMC [22E.030.180](#).

(c) The responsible official may identify mitigating measures in a letter and mail that letter to the applicant. In writing, the applicant may acknowledge acceptance of these measures as mitigating conditions. The acknowledgement shall be incorporated into the application packet as supporting environmental documentation or as an addendum to the environmental checklist.

Recommendation:

The minimum twenty-one day notice to affected tribes, agencies with expertise, affected jurisdictions, DOE, and the public and provide opportunity to comment was provided. To date, no comments have been received. **Staff is recommending the Planning Commission forward the proposed changes to 22E.030 MMC to City Council with a recommendation of approval.**

EXHIBIT A

Impact Summary

Below is a summary of SEPA conditions for PA files between 2005 and 2008 that would fall within the maximum exemption thresholds listed above:

Impact of increasing SEPA Exemption Thresholds

File #	Project Name	# of Residential Lots/Units	Commercial Sq. Ft.	Conditions
PA 05005	Kenley	29 lots		County traffic mitigation fees; Extension of internal plat road to property line for future road connection
PA 05014	Emerald Hills Estates Div 4	14 unit MHP expansion		County traffic mitigation fees
PA 05043	Shadow Brook	12 lots		County traffic mitigation fees
PA 05046	Borseth Storage Bldg		17,000 SF	County traffic mitigation fees
PA 05057	Robinson Lane	30 units		County traffic mitigation fees; (septic & well abandonment – required in WAC)
PA 06009	Acro Machining		30,000 SF	County traffic mitigation fees
PA 06039	Brickyard Commons	19 units		County traffic mitigation fees; Record emergency access/utility easement through adjoining property or provide on-site turnaround
PA 06042	Beach Ave	12 units		County traffic mitigation fees
PA 06088	Ironwood Court	27 lots		County traffic mitigation fees; Conditioned to meet WR Master

				Plan requirements prior to its adoption; Restrict access onto 87 th (EDDS requirement)
PA 07004	Warehouse Bldg		26,000 SF	County traffic mitigation fees;
File #	Project Name	# of Residential Lots/Units	Commercial Sq. Ft.	Conditions
PA 07004 (cont)	Warehouse		26,000 SF	Extension of 41 st Ave to property boundary or agreement w/City to allow purchase of ROW w/in 3 yrs
PA 07021	Deer Acres PPL	25 lots		County traffic mitigation fees; Demonstrate no off-site drainage impacts to neighboring property (DOE Manual);
PA 07027	Sunset on the Bay PPL	12 lots		County traffic mitigation fees; Meet recommendations in geotech report; Off-site lane widening and construction of walkway; Required development of traffic control plan and implementation of recommendations if identified (EDDS)
PA 07037	Twin Lakes		23,000 SF	County traffic

	Commercial Site Plan		retail	mitigation fees; WSDOT traffic mitigation fees; proportionate share to off-site signal
PA 07053	Madison Commercial Site Plan		15,000 SF retail	Contaminated soil cleanup plan & removal & proper soil disposal; County traffic mitigation fees; WSDOT traffic mitigation fees;
File #	Project Name	# of Residential Lots/Units	Commercial Sq. Ft.	Conditions
PA 07053 (cont)	Madison Commercial Site Plan		15,000 SF retail	modification of curb & signage to allow proper fuel truck movements through intersection
PA 07057	Multi-family Site Plan	5 units		County traffic mitigation fees; Parking in garages only/no storage; Record joint access easement w/adjoining parcel to allow future combined access point; meet geotech recommendations; painting of curbs to maintain/identify 'no parking fire lane'
PA 07061	Multi-family site plan	12 units		Record joint access easement between parcels; County traffic mitigation fees;

PA 08010	Typolt PPL	23 lots		County traffic mitigation fees; Comply with WR Plan; Follow geotech recommendations; Well/septic id and protection and/or abandonment; Proportionate share intersection improvements at 83 rd /SR 528
File #	Project Name	# of Residential Lots/Units	Commercial Sq. Ft.	Conditions
PA 08013	Tran Commercial Site Plan		17,145 SF retail 4,080 restaurant	County traffic mitigation fees; Comply with WR Plan; Follow geotech recommendations; dedication of ROW
PA 08014	Frontier Commercial Site Plan		15,000 SF	County traffic mitigation fees; Follow geotech recommendations; Undergrounding of power
PA 08026	English Acres PPL	11 lots		County traffic mitigation fees; Restripe portion of State Ave to address potential safety concern; Well/septic id and protection and/or abandonment;

With the exception of the collection of county and WSDOT traffic mitigation fees, the majority of conditions are covered by existing city code or state law, including the

requirements for off-site traffic improvements when deemed necessary for public health & safety. The SEPA revisions allow jurisdictions to adopt standards that fall anywhere within the range of the minimum and maximum exemption levels.



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

PC Recommendation – Adoption of SEPA Flexible Categorical Exemptions

The Planning Commission (PC) of the City of Marysville, having held a public hearing to review the following NON-PROJECT action code revision(s) to: the MMC and to the adoption of Maximum State Environmental Policy Act (SEPA) Flexible Categorical Exemption Thresholds as provided in WAC 197-11-800; amending MMC 22E.030.090 Categorical Exemptions, threshold determination and enforcement of mitigating measures and a workshop on September 24, 2013 and having considered the exhibits and testimony presented does hereby enter the following findings, conclusions and recommendation for consideration by the Marysville City Council:

FINDINGS:

Following a comprehensive review of the above-referenced City codes by City staff, the Marysville Planning Commission held public workshop on September 24, 2013; and

After providing notice to the public as required by law, on October 22, 2013 the Marysville Planning Commission held a public hearing on proposed changes to the Uniform Development Code and received public input and comment on said proposed revisions; and

This action is exempt from environmental review pursuant to WAC 197-11-800(19) and no SEPA Threshold Determination was issued; and

the proposed amendments were submitted to affected tribes, agencies with expertise, affected jurisdictions, the department of ecology, and the public on September 27, 2013 for comment pursuant to WAC 197-11-800(1)(c)(iii); and

No substantive comments were received from the state agencies or the Department of Ecology; and

Project-level public comment opportunities are provided for proposals included in these increased exemption levels in Chapter 22E.030 MMC; and

The requirements for environmental analysis, protection and mitigation have been adequately addressed for the development exempted; and

CONCLUSIONS:

At the public hearing, held on October 22nd, 2013, the PC recommended adoption of the NON-PROJECT code revisions as reflected in the PC minutes attached hereto as **Exhibit A**.

RECOMMENDATION:

Forwarded to the City Council as a Recommendation of Approval of the NON-PROJECT action code revisions to: the MMC and to the adoption of Maximum State Environmental Policy Act (SEPA) Flexible Categorical Exemption Thresholds as provided in WAC 197-11-800; amending MMC 22E.030.090 Categorical Exemptions by the City of Marysville Planning Commission this 22nd day of October, 2013.

By: _____

Steve Lelfer, Planning Commission Chair

DRAFT

PLANNING
COMMISSION



MINUTES

October 22, 2013

7:00 p.m.

City Hall

CALL TO ORDER

Chair Leifer called the October 22, 2013 meeting to order at 7:00 p.m. noting the excused absences of Marvetta Toler and Kelly Richards. He also pointed out that there was no one present in the audience.

Marysville

Chairman: Steve Leifer

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

Staff: Senior Planner Cheryl Dungan,

Absent: Kelly Richards, Marvetta Toler

APPROVAL OF MINUTES

September 24, 2013

Commissioner Smith pointed out that her last name needs to be corrected on page 1 under *Approval of Minutes* from Kay Toler to Kay **Smith**.

Motion made by Commissioner Richards, seconded by Commissioner Lebo, to approve the September 24, 2013 Meeting Minutes as amended. **Motion** passed unanimously (5-0).

AUDIENCE PARTICIPATION

None

PUBLIC HEARINGS

None

SEPA 'Draft' Flexible Threshold Categorical Amendments

The hearing was opened at 7:02 p.m.

Senior Planner Cheryl Dungan stated that the City is proposing to adopt the maximum allowed threshold limits allowed by state. She reviewed the proposed limits as listed in the Commission packet.

Commissioner Hoen said he read in the paper that some town was stimulating growth and the economy by cutting down on the number of permits needed. Senior Planner Dungan noted that Marysville has done that where possible, but some permits are more complicated and need more review than others. The City has moved toward issuing simple permits where possible. She agreed that it does make people happy when they can get their permits more quickly.

Commissioner Andes asked why they decided to make the rules looser. Senior Planner Dungan reviewed the history of this. She said the State legislature passed regulations ordering the Department of Ecology to raise the threshold because under the Growth Management Act (GMA) cities have been required to adopt critical area ordinances using best available science and other regulations that didn't exist when SEPA was written back in 1976. Staff no longer has to condition as many projects because there are now rules. In that way the legislature saw that there was no longer a need for a lot of the smaller projects to go under that review.

Chair Leifer commended staff for their analysis of the situation and for their take on the standards.

The hearing was closed at 7:08 p.m.

Motion made by Commissioner Hoen, seconded by Commissioner Smith, to forward this to the Council with a recommendation for approval. **Motion** passed unanimously (5-0).

NEW BUSINESS

SB5105 - Briefing

Senior Planner Dungan explained that the governor signed Senate Bill 5105 regulating sex offender housing. When the state provides vouchers to newly released inmates they also are required to notify local jurisdictions of their release. If there are two or more residents that receive vouchers within a house they have to notify the city that new sex offender housing is coming in. The Planning Commission packet contains a summary of the bill and a draft plan of how Senate Bill 5105 will be implemented by setting up contacts with the Department of Corrections. The packet also contains a map and listing of all the social services so the City can contest if they think that too many social services are being placed in one area. The City is proposing business licensing for housing with more than two residents. This would be a way to start tracking who is

renting and if they have been approved by the Department of Corrections for offender housing. It also enables the City to do inspections, triggers code enforcement issues, etc.

Chair Leifer asked if having one of these homes in an area could prohibit someone else from opening other types of housing. Senior Planner Dungan did not think it would. The regulations apply only to the offenders who are being released and receiving state money for housing from the Department of Corrections.

Senior Planner Dungan noted that this also encourages offenders to go to smaller group homes. The Department of Corrections is required to have smaller homes with between two and eight residents as preferred housing instead of the larger congregations of more than eight offenders living in homes. She emphasized that Gloria Hirashima worked hard on Senate Bill 5105, and Marysville was instrumental in getting it passed.

COMMENTS FROM COMMISSIONERS

Commissioner Hoen asked if review of the marijuana issue would be coming to the Planning Commission. Senior Planner Dungan affirmed that it would be coming soon. A committee will be formed to discuss the issue as well. There was general discussion about the status of this matter and issues related to conflicting state and federal laws.

CITY COUNCIL AGENDA ITEMS AND MINUTES

ADJOURNMENT

Motion made by Commissioner Smith, seconded by Commissioner Andes, to adjourn at 7:30 p.m. **Motion** passed unanimously (5-0).

NEXT MEETING: November 26, 2013

Laurie Hugdahl, Recording Secretary