

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: January 12, 2014

AGENDA ITEM: Ordinance adopting amendments to the Marysville Municipal Code Chapter 22C.100 MMC <i>Nonconforming Situations</i>	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 25, 2014 · Exhibit C – PC Workshop Minutes, July 8, 2014 2. Adopting Ordinance	MAYOR	CAO

DESCRIPTION:

The current provisions outlined in Chapter 22C.100 MMC *Nonconforming Situations*, requires an applicant to obtain a conditional use permit in order to rebuild a nonconforming single-family residence that has been voluntarily or accidentally destroyed, demolished or damaged, or allowed to deteriorate, to the extent where restoration costs would exceed 75 percent of the assessed value of the structure in Non-Residential zones. The cost to obtain an administrative conditional use permit is \$1,000 and can take a minimum of 30-days to process due to public notification requirements. The proposed code amendment to MMC 22C.100.030(3) would eliminate obtaining a conditional use permit and \$1,000 processing fee.

Additionally, MMC 22C.100.040(3) requires an applicant obtain a conditional use permit in order to expand a nonconforming residential use or to construct an accessory structure, such as a garage or shed, in a Non-Residential zone. The cost to obtain an administrative conditional use permit is \$3,500 in a Non-Residential zone and can take a minimum of 30-days to process due to public notification requirements. The proposed code amendment outlined to MMC 22C.100.040(3) would eliminate obtaining a conditional use permit and \$3,500 processing fee.

The Planning Commission held a public work session on July 8, 2014 and a duly advertised public hearing on November 12, 2014, which was continued to November 25, 2014. No public comments were received prior to or at the public hearing. Having considered all of the exhibits and testimony presented, the Planning Commission has recommended adoption of amendments to the MMC Sections 22C.100.030(3) and 22C.100.040(3), as reflected in the attached PC Recommendation.

RECOMMENDED ACTION:

Affirm the Planning Commission’s recommendation adopting amendments to Marysville Municipal Code Sections 22C.100.030(3) and 22C.100.040(3), eliminating the need to obtain a conditional use permit in order to expand an existing non-conforming residential use in Non-Residential Zones and eliminating the conditional use permit processing fees.

COUNCIL ACTION:

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

PC Recommendation - Nonconforming Situations Code Amendment

The Planning Commission of the City of Marysville, having held a public hearing on November 12, 2014, which was continued to November 25, 2014, in review of amendments related to Nonconforming Situations by amending Marysville Municipal Code (MMC) Sections 22C.100.030(3) and 22C.100.040(3), 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 Nonconforming Situations on July 8, 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 Nonconforming Situations 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, which was continued to November 25, 2014.
5. No public comments were received on the DRAFT amendments related to Nonconforming Situations.

CONCLUSION:

At the public hearing, which was continued to November 25, 2014, the Planning Commission recommended adoption of the amendments related to Nonconforming Situations, 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 Nonconforming Situations by the Marysville Planning Commission this 25th day of November, 2014.

By:

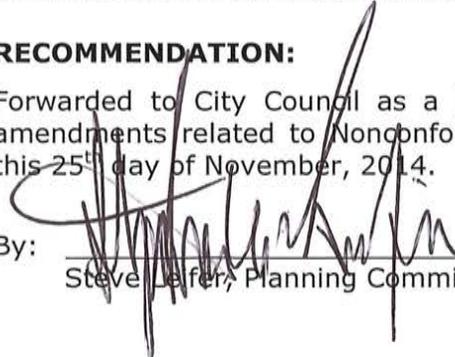

Steve Leifer, Planning Commission Chair

EXHIBIT A

**CITY OF MARYSVILLE
Marysville, Washington
ORDINANCE NO. _____**

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON RELATED TO NONCONFORMING SITUATIONS AMENDING MARYSVILLE MUNICIPAL CODE (MMC) SECTIONS 22C.100.030(3) AND MMC 22C.100.040(3); 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 July 8, 2014; and

WHEREAS, on November 12, 2014, the Marysville Planning Commission held a duly-advertised public hearing, which was continued to November 25, 2014; and

EXHIBIT A

WHEREAS, On November 25, 2014, at the continued public hearing, 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 29, 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.100.030(3) is hereby amended as follows:

(3) A nonconforming structure which is voluntarily or accidentally destroyed, demolished or damaged, or allowed to deteriorate, to the extent where restoration costs would exceed 75 percent of the assessed value of the structure, may be restored and rebuilt only if the structure, in its entirety, is brought into conformity with the then-current bulk and dimensional requirements of the zone in which it is located; provided, that a single-family residence with nonconforming status in a residential zone may be restored and rebuilt to any extent as long as it does not increase the pre-existing degree of nonconformance; provided, a single-family residence with nonconforming status in zones other than residential may be restored and rebuilt to any extent on the original footprint of the structure's foundation so long as it does not increase the pre-existing degree of nonconformance, ~~upon obtaining a conditional use permit pursuant to this chapter.~~

Section 2. MMC 22C.100.040(3) is hereby amended as follows:

(3) A nonconforming use may be expanded upon the granting of a conditional use permit as provided in this chapter; provided, that such expansion of a nonconforming use shall not increase the land area devoted to the nonconforming use by more than 150 percent of that in use at the effective date of the nonconformance; provided also, that a conditional use permit shall not be required for enlargement of a single family residence in non-residential zones subject to the limitations set forth in MMC 22C.100.030(2), or for construction of an accessory structure such as a garage or shed, provided that the expansion or new structure is sited on the property so as not to preclude conversion of the property to a future, nonresidential use.

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:

EXHIBIT A

<u>Ordinance</u>	<u>Title (description)</u>	<u>Effective Date</u>
_____	Nonconforming Situations	_____, 2015"

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 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.

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 25, 2014

7:00 p.m.

City Hall

CALL TO ORDER

Chair Leifer called the November 25, 2014 meeting to order at 7:00 p.m. noting excused absence of Commissioners Lebo and Richards and the continuing absence of Commissioner Marvetta Toler. He noted that there was no one in the audience.

Marysville

Chairman: Steve Leifer

Commissioners: Roger Hoen, Jerry Andes, Kay Smith,

Staff: Planning Manager Chris Holland
Associate Planner Angela Gemmer

Absent: Steven Lebo, Kelly Richards, Marvetta Toler

APPROVAL OF MINUTES

Motion made by Commissioner Smith, seconded by Commissioner Andes, to approve the November 12, 2014 Meeting Minutes. **Motion** passed unanimously (4-0).

AUDIENCE PARTICIPATION

None

OLD BUSINESS

- Code Amendments
- Caretaker's Quarters (hearing closed)

Planning Manager Holland presented the revised draft ordinance as discussed at the last meeting. He asked if what was reflected in the revised draft ordinance is indicative of what the Planning Commission had recommended. He pointed out that in the Definitions section the Commission had talked about recreational vehicles or other temporary structures being included. He noted that if you read what a recreational vehicle entails it also includes, but is not limited to campers, motor homes, and travel

EXHIBIT B

trailers. Tents are excluded. In the GI and LI zones other temporary structures, such as Pacific Mobile construction trailers, would also be permitted because there are no design regulations. He solicited Commission comments on the revised draft ordinance.

Chair Leifer commented that the proposed draft ordinance is consistent with his recollection of the Commission's discussion. He agrees that the exclusion of other temporary structures makes sense.

Commissioner Hoen commented that they had also discussed looking into a limitation based on the size of the business. Planning Manager Holland agreed and said it had been included in the minutes, but noted that the recommendation from the Commission had not included that. Commissioner Hoen asked if staff sees any unintended consequences of allowing recreational vehicles as caretaker's quarters. Planning Manager Holland stated that staff does not support the Planning Commission's position and believes that there would be consequences for allowing recreational vehicles as caretaker's quarters.

Chair Leifer clarified his discussion with a staff member from the City of Everett which he had referred to at the last meeting. Since the last meeting, he spoke with other staff members who had a different opinion about the way the code would be interpreted, and they would not allow recreational vehicles as caretaker's quarters.

Motion made by Commissioner Andes, seconded by Commissioner Smith, to have Chair Leifer sign the Planning Commission Recommendation, which includes the revised ordinance allowing recreational vehicles as caretaker's quarters, and forward it to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

PUBLIC HEARING

Chair Leifer reopened the public hearing at 7:12 p.m.

Code Amendments:

- **Legislative Enactment Amendments**

Planning Manager Holland noted that the City got audited by the Washington Cities Insurance Authority (WCIA) this year and one of the focuses was for land use. The City passed, but WCIA pointed out a few deficiencies related to group and adult family homes. Case law states those can't be prohibited from any zone. This ordinance addresses that by permitting those uses in all zones. Also deadlines for approvals have been amended for binding site plans, subdivisions, short subdivisions, etc. Vesting regulations were also amended. Finally, the Code now clarifies what constitutes minor and major amendments for land use actions.

Commissioner Andes asked how the fees were determined. Planning Manager Holland stated that they were based on a fee study done several years ago by looking at other jurisdictions and analyzing staff time for reviews. The only proposed change to the fee

EXHIBIT B

schedule was based on the minor/major amendments modifications. The fee for minor amendments was increased to more accurately reflect the amount of staff time these reviews take.

Chair Leifer asked about extension periods on short plats. Planning Manager Holland explained that short plats and plats are governed by state law. He then reviewed timelines associated with plats and the commercial, or multi-family, site plan extension regulations.

Commissioner Andes asked if you have to prove you are making progress in the five-year period in order to get the one-year extension. Planning Manager Holland affirmed that you do have to show that you have attempted in good faith to submit the final plat within the five-year period.

Chair Leifer said he would have to recuse himself from any voting on this code amendment because he has an issue related to this. He asked what staff's position would be on any further movement on some of the stuff that is still sitting out there that has run out of time. Planning Manager Holland stated there are no proposed changes to commercial and multi-family site plan reviews. He summarized that if they were approved prior to when the Unified Development Code was adopted in 2012 they probably wouldn't be up to the design standards that are in place now. Chair Leifer asked if redesign of those projects would require all new submittal fees. Planning Manager Holland explained that if you had an approved civil construction plans and were approved under the 2005 DOE Stormwater Management Manual you likely wouldn't have to do an amendment. It would just be a matter of resubmitting the same thing and having an engineer stamp them so hopefully it wouldn't be a very big cost burden to the applicant.

Motion made by Commissioner Andes, seconded by Commissioner Smith, to approve this and forward to the Council with a recommendation for approval. **Motion** passed unanimously.

- **Nonconforming Situations**

Planning Manager Holland stated that staff is proposing to eliminate the CUP process and make this administrative which would reduce the cost. Instead, a building permit and site plan submittal showing setbacks would be required. He reviewed the proposed changes which would save costs and staff time.

Motion made by Commissioner Smith, seconded by Commissioner Andes, to approve the Nonconforming code amendments and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **Sign Code**

Angela Gemmer reviewed the four proposed Sign code amendments:

EXHIBIT B

1. Require that signs that are freestanding and under 12-feet be monument-style signs.
2. Clarify the provision that requires that the structural posts of freestanding signs have decorative materials encasing them.
3. Clarify the intent for the changeable copy portion of the sign so it is limited to 30% of the sign area that is actually constructed.
4. Clarify the non-conforming sign provisions to indicate that converting them to an electronic changeable copy sign is not what the reface provision is intended to allow.

Commissioner Andes asked for clarification about the last one. Ms. Gemmer explained that if the sign meets the City's current design standards then you can convert whatever portion is allowable to an electronic changeable copy sign. Otherwise, you would need to retrofit the freestanding sign to meet the current sign code first. Planning Manager Holland commented that this has happened in a lot of the redevelopment of areas like the gas station on 4th Street.

Motion made by Commissioner Smith, seconded by Commissioner Hoen, to approve the sign code amendments and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **Beekeeping**

Ms. Gemmer reviewed two draft alternative ordinances on beekeeping with the following proposed changes:

- Allow a temporary 30-day doubling of the number of hives allowed in order to avoid swarming and other nuisance conditions
- Allow five migratory hives for agricultural purposes. A three-acre site would be allowed 15 hives. Thereafter you could have an additional five hives per acre.

Alternative 1 allows two hives on lots that are less than 10,000 square feet. Alternative 2 would not allow hives on lots less than 3,500 square feet, but would allow two hives on lots over 3,500 square feet up to 10,000 square feet.

Commissioner Andes expressed concern about having hives on small lots at all. 3,500 square feet seems too small to him. Even 5,000 square feet seems too small. He stated that the City needs to protect the public and not the bees.

Commissioner Hoen asked about lot sizes in the City. Planning Manager Holland reviewed these and explained that the size is based on the type of development. As far as building coverage is concerned, in no case can you ever go over 50% of the lot size for your building coverage.

Commissioner Smith concurred with Commissioner Andes.

EXHIBIT B

Commissioner Hoen noted that according to the beekeepers the bees are foraging a mile away anyway. He was not sure what the size breaking point should be. He wondered how they would tell the difference between temporary and permanent hives.

Ms. Gemmer noted that the intent of the code is that this would be complaint-driven similar to the way chickens, dogs, or cats are handled.

There was discussion about approving Alternative 2, but amending the minimum from 3,500 to 5,000 square feet.

Motion made by Commissioner Andes, seconded by Commissioner Hoen, to approve Alternative 2 with the replacement in item 1(i) of 3,500 to 5,000 and (ii) 5,001 to 10,000 and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **Pet Daycares and Kennels**

Ms. Gemmer explained that the proposed code would create a specific use category for pet daycares and continue to allow them in all the zones they are presently allowed except in the Mixed Use zone. Also, the definition for dog kennels is proposed to be amended to eliminate the five-acre threshold to enable dog kennels to site in zones where they would be compatible. Additionally, there are new provisions to the dog daycare and kennel and similar facilities that pertain to health and sanitary conditions that are found in most jurisdictions. There is also a provision to implement setbacks from residences for dog kennels, a provision that dog kennels and daycares comply with the Washington Administrative Code in terms of how much noise is able to be emitted, and different provisions to address noise if noise limits are exceeded.

Chair Leifer asked how the noise levels are measured. Ms. Gemmer explained that it goes by decibels and can be measured with noise equipment. She reviewed the different classes and explained that each zone has a maximum amount of decibels that can be emitted in daytime and nighttime hours.

Commissioner Andes asked about the people who wanted to do a dog shelter in the old Sears building. He noted that would be a good place for a dog kennel. Ms. Gemmer concurred and indicated she would contact them if this code is approved.

Motion made by Commissioner Hoen, seconded by Commissioner Andes, to approve the Pet Daycare and Kennel amendments as presented and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **School, Traffic and Park Impact Fees**

Associate Planner Gemmer explained that the School, Traffic, and Park Impact Fee amendment would increase the term under which the fees collected may be expended from six years to ten years as required by state law.

EXHIBIT B

Motion made by Commissioner Andes, seconded by Commissioner Smith, to approve the amendments regarding School, Traffic, and Park Impact Fees and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **State Environmental Policy Act**

Planning Manager Holland reviewed the proposed changes which would bring the City's code in compliance with the Phase 2 amendments.

Motion made by Commissioner Andes, seconded by Commissioner Hoen, to approve this and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **Wireless Communication Facilities**

Planning Manager Holland stated that this is also related to SEPA review. There were some FCC laws enacted regarding existing wireless communication facilities. Based on that, the state put in an exemption for wireless communication facilities. The proposed amendment would specifically state that in the ordinance to be in compliance with state law.

Chair Leifer asked if there are provisions about locating wireless facility towers. Planning Manager Holland reviewed these.

Motion made by Commissioner Andes, seconded by Commissioner Hoen, to approve this and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

The public hearing was closed at 8:10 p.m.

CITY COUNCIL AGENDA ITEMS AND MINUTES

ADJOURNMENT

Motion made by Commissioner Smith, seconded by Commissioner Andes, to adjourn the meeting at 8:11 p.m. **Motion** passed unanimously.

NEXT MEETING:

December 9, 2014



Laurie Hugdahl, Recording Secretary

EXHIBIT C

PLANNING COMMISSION



MINUTES

July 8, 2014

7:00 p.m.

City Hall

CALL TO ORDER

Chair Leifer called the July 8, 2014 meeting to order at 7:00 p.m. noting the excused absence of Steven Lebo and the absence of Marvetta Toler.

Marysville

Chairman: Steve Leifer

Commissioners: Roger Hoen, Jerry Andes, Kay Smith, Kelly Richards

Staff: Planning Manager Chris Holland, Chief Administrative Officer Gloria Hirashima, Recording Secretary Laurie Hugdahl

Absent: Steven Lebo, Marvetta Toler

APPROVAL OF MINUTES

April 8, 2014 Minutes

Motion made by Commissioner Kay Smith, seconded by Commissioner Kelly Richards, to approve the April 8 Meeting Minutes.

Chair Leifer explained that the missing section in his comments on page one should refer to the area just east of 39th and in close proximity to the Sheriff's Office.

Motion passed unanimously (5-0) to approve the minutes as amended.

AUDIENCE PARTICIPATION

None

EXHIBIT C

NEW BUSINESS

- **Non-Residential Uses in Residential Zones Signage**

Planning Manager Holland explained that the Planning Commission asked staff to look at signage allowances for non-residential uses in residential zones. Staff looked at some other cities to get an idea of what they are doing. He summarized the findings as contained in the Memorandum in the Planning Commission packet. Staff is not recommending any changes at this time. The current sign allowances ensure compatibility with the surrounding residential neighborhoods.

Commissioner Richards pointed out that most of the schools' signs right now are non-compliant. Mr. Holland reviewed examples of how the code has been applied to businesses and other organizations around the City. If someone wants to retrofit to a digital sign, it would need to be brought into compliance. Planning Manager Holland explained that there is a CUP process to go through to allow for additional height and sign area.

Commissioner Hoen asked what the fee for the CUP is. Planning Manager Holland replied that it is \$350 to cover administrative costs.

- **Non-Conforming Uses Code Amendment**

Planning Manager Holland reviewed this item as contained in the Planning Commission packet. The proposed code amendment would make the expansion of a residential use and construction of an accessory structure in a non-residential zone administrative.

There was consensus among the Planning Commission that this was a good idea.

- **Caretaker's Quarters Code Amendment**

Planning Manager Holland stated that there was recently a code enforcement issue where a single family residence converted to an office use. It had since been occupied recently by anywhere from 6 to 9 occupants in the office space. Staff issued a permanent enforcement order because once you go from a residential use to a commercial use you can't go back to a residential use. The permanent enforcement order was appealed. The Hearing Examiner upheld the order, but there was a finding highlighting an area that staff needed to address in the future. Based on the finding in the decision by the HE staff recommended adding a definition for a caretaker quarters and making it a requirement to get a temporary use permit

Chair Leifer referred to the "C" definitions paragraph and asked why the caretaker's quarters is required to be in the same structure as the business. He has often seen them on the same property, but not necessarily in the same building. He thought this was too restrictive. Planning Manager Holland indicated that section could be removed.

EXHIBIT C

Commissioner Richards referred to *Findings* on page 6 and asked if the particular situation referred to by Planning Manager Holland could have been avoided if the property had been set up as a Hotel/Motel or a Bed and Breakfast. Planning Manager Holland acknowledged that it would be allowed, but it would not have fit in with their organizational setup.

Planning Manager Holland referred to page 2, item (g) of the Memo regarding requirements and stated he would like to add that approval of the owner would be required.

Chair Leifer asked why watchmen's and caretaker's quarters had been stricken as an exempted use. He thinks they should actually be encouraged on industrial property. Planning Manager Holland explained that they were just proposing removing the exemption and requiring a temporary use permit. Chair Leifer asked if "structure" would include an RV. Planning Manager Holland replied that typically they have not allowed any occupancy of an RV or any temporary structure on any commercial or industrial use. Chair Leifer commented that this could prevent a lot of vandalism. He cited several examples of businesses that have been vandalized or burglarized and stated that a lot of theft could have been prevented if someone in an RV was there protecting their goods. He doesn't think anyone in the area would be opposed to that. Planning Manager Holland suggested that the business could add some type of a structure to a site. CAO Hirashima commented that allowing RVs would create a huge loophole although she could understand the reasoning and justification for it in the situations described by Chair Leifer in providing security.

Chair Leifer thought there might be some kind of middle ground. He commented that an Industrial zone is a little different situation than General Commercial zone. He thought there could be a way of regulating this so that it didn't get taken advantage of. He stressed that 100's of 1000's of dollars have been lost due to theft in these places, and the police department is not able to stay on top of these things. Commissioner Richards pointed out that the way around this problem would be for the business to build a one-room structure to live in. Commissioner Andes noted that it might not be possible on all property. CAO Hirashima and Planning Manager Holland explained that a loophole allowing RVs would raise issues regarding storage, garbage, sewer, etc. in addition to aesthetic issues.

Chair Leifer asked staff what alternative solution they would suggest for companies who want to protect their assets. CAO Hirashima thought that provisions like they have brought tonight which allow caretaker quarters would be one solution. Planning Manager Holland added that if the company brought in a Pacific Mobile trailer, tied it down, and got utilities (sewer and water) a caretaker would be allowed to stay in it. Chair Leifer thought this could be an acceptable alternative.

Commissioner Richards noted there are two 13's in Section 3.

Planning Manager Holland noted that this would come back for a public hearing in September along with some other items.

EXHIBIT C

- **Snohomish County and Cities Permit Statistics (PowerPoint)**

CAO Hirashima reviewed the year 2010 in housing units permitted on a city-by-city basis where Marysville had quite a bit of activity. In 2011 and 2012 Marysville still had a high volume of residential permits relative to other cities. In 2013, Marysville had an even higher number of permits relative to other cities. In 2010-2013 Marysville had 1473 units permitted. The next closest city was Everett at 723. In 2010-2013 the total housing units permitted by city and unincorporated north Snohomish County. CAO Hirashima summarized that most of the development in the UGA has occurred in the unincorporated Snohomish County in the south and in Marysville in the north. She reviewed data showing the trend toward more multifamily development starting in 2011. In 2010 it was predominantly single family development, but by 2013 it was predominantly multifamily. There was discussion about the lot shortages in single family.

CAO Hirashima reviewed the total UGA comparison of development in 2010-2013 by housing unit type. In the southwest area it was about 40% multifamily. Other UGA areas were about 75% single family. Marysville is much more similar to the southwest UGA area at about 40% multifamily. She stressed that Marysville has a very small Community Development staff who is working very hard. She believes Marysville will continue to be a big place for growth to occur in the coming years.

Commissioner Hoen noted that the freeway signs for Marysville are lacking. CAO Hirashima concurred and suggested they look into that with WSDOT.

OLD BUSINESS

- **Industrial Park Design Standards Photos (PowerPoint)**

Planning Manager Holland gave a PowerPoint presentation showing photos taken during a tour of industrial park design standards in Southwest Everett. The intent of the tour was to show what can be done as it relates to the Smokey Point Master Plan Design Standards.

Chair Leifer asked about the acreage and the jobs numbers. CAO Hirashima indicated staff could provide that at the next meeting.

Highlights of the designs shown included:

- Tree-lined streets, heavily buffered
- Wide landscape buffers (30-foot) between parking lot and street
- Quality design standards
- Landscaped entryways
- Screening of service areas
- Blank wall treatment – trees, add-ons, awnings, windows
- Windows and modulation

EXHIBIT C

- Change in building materials and modulation – metal awnings
- New development continues

Commissioner Hoen asked who benefits from the setbacks, landscaping, and attractiveness of the buildings in an industrial area. CAO Hirashima said it is an image thing for the businesses and plays into the quality of the businesses the city can attract. Everett planned to be a top quality city and set up very strict standards 25 or 30 years ago anticipating the type of businesses they wanted to attract. Now it is a very successful area with high-density employment. CAO Hirashima summarized that hopefully the Planning Commission will see something like this as the product of all their hard work and planning.

OTHER

CAO Hirashima gave an update on the extremely popular new spray park. She noted that the City is looking into adding more parking.

CITY COUNCIL AGENDA ITEMS AND MINUTES

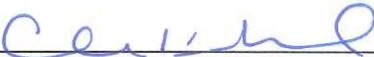
None

ADJOURNMENT

Motion made by Commissioner Richards, seconded by Commissioner Richards, to adjourn the meeting at 8:45 p.m. **Motion** passed unanimously.

NEXT MEETING:

July 22, 2014



Laurie Hugdahl, Recording Secretary

CITY OF MARYSVILLE
Marysville, Washington
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON RELATED TO NONCONFORMING SITUATIONS AMENDING MARYSVILLE MUNICIPAL CODE (MMC) SECTIONS 22C.100.030(3) AND MMC 22C.100.040(3); 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 July 8, 2014; and

WHEREAS, on November 12, 2014, the Marysville Planning Commission held a duly-advertised public hearing, which was continued to November 25, 2014; and

WHEREAS, On November 25, 2014, at the continued public hearing, 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 29, 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.100.030(3) is hereby amended as follows:

(3) A nonconforming structure which is voluntarily or accidentally destroyed, demolished or damaged, or allowed to deteriorate, to the extent where restoration costs would exceed 75 percent of the assessed value of the structure, may be restored and rebuilt only if the structure, in its entirety, is brought into conformity with the then-current bulk and dimensional requirements of the zone in which it is located; provided, that a single-family residence with nonconforming status in a residential zone may be restored and rebuilt to any extent as long as it does not increase the pre-existing degree of nonconformance; provided, a single-family residence with nonconforming status in zones other than residential may be restored and rebuilt to any extent on the original footprint of the structure's foundation so long as it does not increase the pre-existing degree of nonconformance, ~~upon obtaining a conditional use permit pursuant to this chapter.~~

Section 2. MMC 22C.100.040(3) is hereby amended as follows:

(3) A nonconforming use may be expanded upon the granting of a conditional use permit as provided in this chapter; provided, that such expansion of a nonconforming use shall not increase the land area devoted to the nonconforming use by more than 150 percent of that in use at the effective date of the nonconformance; provided also, that a conditional use permit shall not be required for enlargement of a single family residence in non-residential zones subject to the limitations set forth in MMC 22C.100.030(2), or for construction of an accessory structure such as a garage or shed, provided that the expansion or new structure is sited on the property so as not to preclude conversion of the property to a future, nonresidential use.

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:

