

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: January 12, 2015

AGENDA ITEM: Ordinance adopting amendments to Marysville Municipal Code Sections 22E.010.280; 22E.010.300 and 22E.010.310, related to setbacks from geologic hazard areas	AGENDA SECTION: New Business	
PREPARED BY: Cheryl Dungan, Senior Planner	APPROVED BY:	
ATTACHMENTS: 1. PC Recommendation, including: <ul style="list-style-type: none"> • Exhibit A - PC Recommended Ordinance • Exhibit B - DRAFT PC Public Hearing Minutes, 12/9/14 • Exhibit C - PC Workshop Minutes, 9/23/14 2. Memo to PC from Cheryl Dungan, dated 09/16/14 3. Adopting Ordinance	MAYOR	CAO
	BUDGET CODE:	
BUDGET CODE:		AMOUNT:

DESCRIPTION:

Due to the recent Oso landslide, city staff has been reviewing geologic hazard maps and the Geologic Hazard section of the City’s Critical Areas Ordinance (CAO) to see if the CAO needs to be updated. The review included review of LIDAR mapping to look for indications of previous historic landslides/soil movement, types of soils subject to failure located on or near steep slopes, liquefaction potential, and areas with high erosion potential. The Planning Commission has recommended approval of the proposed changes to the CAO, requiring structures to be setback as recommended by a geotechnical engineer or Chapter 18 of the International Building Code (IBC).

RECOMMENDED ACTION: Ordinance adopting amendments to Marysville Municipal Code Sections 22E.010.280; 22E.010.300(2) and 22E.010.310, related to setbacks from geologic hazard areas.
COUNCIL ACTION:



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

PC Recommendation - Geologic Hazards 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 and December 9, 2014, in review of amendments related to Critical Areas Management – Article IV 'Geologic Hazards' amending Marysville Municipal Code (MMC) Sections 22E.010.280; 22E.010.300(1); 22E.010.300(2); 22E.010.310(e) and amending MMC Section 22A.010.160 'General Administration', related to tracking amendments to the City's Uniform Development Code; 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 Geologic Hazards on September 23, 2014.
2. The proposed amendments were reviewed under the requirements of the State Environmental Policy Act, Ch. 43.21C RCW (SEPA) by issuing Addendum #23 to the final environmental impact state (FEIS) for the *2005 City of Marysville Comprehensive Plan*. It was determined that the addendum will not significantly change the analysis contained in the FEIS prepared in 2005 for the comprehensive plan, and will not identify new or significantly different environmental impact.
3. Community Development Staff submitted the DRAFT amendments related to Nonconforming Situations to the State of Washington Department of Commerce for 60-day review pursuant to RCW 36.70A.106. 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 and December 9, 2014.
5. No public comments were received on the DRAFT amendments related to Geologic Hazards.

CONCLUSION:

At the public hearing, which was continued to November 25, 2014 and December 9, 2014 the Planning Commission recommended adoption of the amendments related to Geologic Hazards, as reflected in the Ordinance attached hereto as **Exhibit A**, and as reflected in the Planning Commission Minutes attached hereto as **Exhibit(s) B and C**.

RECOMMENDATION:

Forwarded to City Council as a Recommendation of Approval of the development code amendments related to Geologic Hazards by the Marysville Planning Commission this 9th day of December, 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 CRITICAL AREAS MANAGEMENT – ARTICLE IV 'GEOLOGIC HAZARDS' AMENDING MARYSVILLE MUNICIPAL CODE (MMC) SECTIONS 22E.010.280; 22E.010.300(2); 22E.010.310(e) 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 23, 2014; and

WHEREAS, after providing notice to the public as required by law, on November 12, 2014, which was continued to November 25, 2014 and December 9, 2014, the Marysville Planning Commission held a Public Hearing on proposed amendments to the City's development regulations; and

EXHIBIT A

WHEREAS, on December 9, 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 sent 60-day review notice under RCW 36.70A.106 for the proposed development regulation revisions to the Washington State Department of Commerce on August 4, 2014, in compliance with the procedural requirement under RCW 36.70A.106; and

WHEREAS, the City complied with the requirements of the State Environmental Policy Act, Ch. 43.21C RCW, (SEPA) by issuing Addendum #23 to the final environmental impact statement (FEIS) for the *2005 City of Marysville Comprehensive Plan* for the proposed amendments to Title 22E MMC, and the addendum will not significantly change the analysis contained in the FEIS prepared in 2005 for the comprehensive plan, and will not identify new or significantly different environmental impacts; and

NOW, THEREFORE, the City Council of the City of Marysville, Washington do ordain as follows:

Section 1. MMC 22E.010.280 is hereby amended as follows:

22E.010.280 Geologic hazard inventory map.

The approximate location and extent of geologic hazard areas within the city of Marysville's planning area are shown on the critical areas maps adopted as part of this chapter. These maps should be used as a general guide only for the assistance of property owners and as information for the public. They are intended to indicate where potentially hazardous conditions are believed to exist. Boundaries are generalized; field investigation and analysis by a qualified scientific professional is required to confirm the actual presence or absence of a critical area. In the event of any conflict between the location, designation or classification of geologic hazard area shown on the ~~Snohomish County Tomorrow~~ City of Marysville's geologic hazard areas maps and criteria or standards of this chapter, the criteria and standards resulting from the field investigation shall prevail.

Section 2. MMC 22E.010.300 is hereby amended as follows:

22E.010.300 Setbacks from geologic hazards.

(1) A setback shall be established per a site specific geological hazard report and/or Chapter 18 of the International Building Code (IBC), or as amended from the edge of any geologic hazard area that is not approved for alteration pursuant to these regulations. The setback shall consist of an undisturbed area of natural vegetation; if the site has previously been disturbed, the setback area shall be revegetated pursuant to an approved planting plan.

(2) Required setbacks shall be approved ~~typically vary between 25 and 50 feet; the width of the setback, determined by the Community Development Director and/or City Engineer, or his or her representative, and shall reflect the sensitivity of the geologic hazard area and the types and density of uses and activities proposed on or adjacent to the geologic hazard area. In determining an appropriate setback width, be based upon information in a geotechnical assessment, and~~ Established setbacks shall be measured from the horizontal plane from a vertical line established at the edge of the geologically

EXHIBIT A

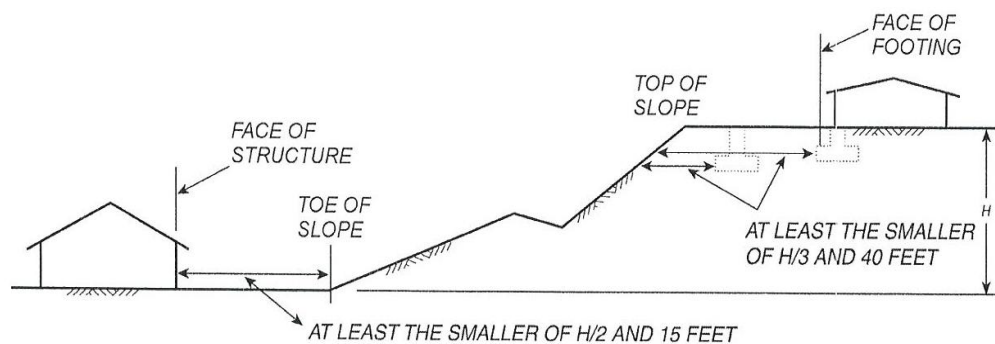
hazardous area limits (both from top and toe of slope). The community development director or his or her representative shall consider the recommendations contained in any technical report prepared by the applicant's geotechnical engineer. Building and structures shall be set back 10 feet from the edge of the setback.

(a) Setbacks for moderate to high landslide areas and moderate to high erosion areas shall be measured as recommended by the geotechnical report for the subject property, or as established in Chapter 18 of the International Building Code (IBC), or as amended, as follows:

(i) Critical landslide hazard areas: from the edge of the hazard area as identified in the geologic hazard report;

(ii) Critical recharge areas; from the edge of the recharge area as identified in the geologic hazard report;

(b) Setbacks may be reduced to a minimum of 10 feet when the applicant demonstrates through technical studies that the reduction will adequately protect the geologic hazard and the proposed development.



For SI: 1 foot = 304.8 mm.

FIGURE 1808.7.1
FOUNDATION CLEARANCES FROM SLOPES

Formula:

1. Top of slope: Height of slope (H) divided by 3 plus 40-feet;
2. Toe of slope: Height of slope (H) divided by 2 plus 15 feet.

In the event that a specific setback buffer is not recommended in the geological studies, the setback buffer shall be based upon the standards set forth in Chapter 18 of the International Building Code (IBC), or as amended or as otherwise approved by the Director.

(b) If the geological study recommends setback buffers that are less than the standard buffers that would result from application of Chapter 18 IBC, the specific rationale and basis for the reduced buffers shall be clearly articulated in the geological assessment.

(c) The city may require larger setback buffer widths under any of the following circumstances:

(i) The land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse impacts.

(ii) The area has a severe risk of slope failure or down slope stormwater drainage impacts.

(iii) The increased buffer is necessary to protect public health and safety and welfare based upon findings and recommendations of the geotechnical study.

Section 3. MMC 22E.010.310 is hereby amended as follows:

EXHIBIT A

22E.010.310 Geologic hazard performance standards.

(1) The following standards shall be implemented in all proposals occurring in or adjacent to geologic hazard areas:

(a) Geotechnical studies shall be prepared to identify and evaluate potential hazards and to formulate mitigation measures;

(b) Construction methods will reduce or not adversely affect geologic hazards;

(c) Site planning should minimize disruption of existing topography and natural vegetation;

(d) Disturbed areas should be replanted as soon as feasible pursuant to a previously approved landscape plan

(e) Unless otherwise permitted as part of an approved alteration, the setback buffers required by this subsection shall be maintained in native vegetation to provide additional soil stability and erosion control. If the buffer area has been cleared, it shall be planted with native vegetation in conjunction with any proposed development activity.

(e f) Use of retaining walls that allow maintenance of existing natural slope areas is preferred over graded slopes;

(f g) Setbacks shall be surveyed, staked, and fenced with erosion control and/or clearing limits fencing prior to any construction work, including grading and clearing, that may take place on the site;

(g h) Temporary erosion and sedimentation controls, pursuant to an approved plan, shall be implemented during construction;

(h i) A master drainage plan should be prepared for large projects;

(i j) Undevelopable geologic hazard areas larger than one-half acre should be placed in a separate tract;

(j k) A monitoring program should be prepared for construction activities permitted in geologic hazard areas; and

(k l) Development shall not increase instability or create a hazard to the site or adjacent properties, or result in a significant increase in sedimentation or erosion;

(l m) The proposal will not adversely impact other critical areas;

(m n) At the discretion of the community development director, peer review of geotechnical reports may be required prior to locating a critical facility within a geologic hazard area.

(2) Required setbacks shall not deny all reasonable use of property. A variance from setback width requirements may be granted by the city of Marysville upon a showing:

(a) There are special circumstances applicable to the subject property or to the intended use such as shape, topography, location or surroundings that do not apply generally to other properties and which support the granting of a variance from the setback requirements; and

(b) Such setback with variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other similarly situated property but which because of special circumstances is denied to the property in question; and

(c) The granting of such setback width variance will not be materially detrimental to the public welfare or injurious to the property or improvement.

Section 4. 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>
_____	Critical Areas Management – Geologic Hazards	_____, 2015”

Section 5. 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 6. 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: _____
CITY ATTORNEY

Date of Publication: _____

Effective Date: _____
(5 days after publication)

PLANNING
COMMISSION



DRAFT

MINUTES

December 9, 2014

7:00 p.m.

City Hall

CALL TO ORDER

Chair Leifer called the December 9, 2014 meeting to order at 7:00 p.m. noting the continued absence of Marvetta Toler and the fact that there was no one present in the audience.

Marysville

Chairman: Steve Leifer

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

Staff: Planning Manager Chris Holland, Associate Planner Angela Gemmer

Absent: Marvetta Toler

APPROVAL OF MINUTES

Tuesday, November 25, 2014

Commissioner Hoen clarified that he had seconded the motion in the middle of page 5 right above Pet Daycares and Kennels.

Commissioner Lebo noted that "catsare" should be corrected to "cats are".

Motion made by Commissioner Smith, seconded by Commissioner Andes, to approve the November 25 Meeting Minutes as corrected.

Commissioners Richards and Lebo abstained from the vote.

Motion passed unanimously (4-0).

AUDIENCE PARTICIPATION

None

OLD BUSINESS

Planning Commission Recommendations – Code Amendments (hearing closed)

Planning Manager Holland stated that the Planning Commission has already reviewed these items. Staff is now asking for authorization for signatures.

Chair Leifer referred to page 16 where it refers to a 10-year date until it sunsets. He asked for more information about when this is applicable. Planning Manager Holland explains that for plats and short plats the state legislature outlines how long the approvals are applicable for. This just aligns the City's code with state law.

Motion made by Commissioner Hoen, seconded by Commissioner Lebo, to approve this as presented. **Motion** passed unanimously (6-0).

PUBLIC HEARING – Continued

Geologic Hazards Code Amendments

Chair Leifer opened the hearing at 7:11 p.m.

Planning Manager Holland explained that due to the recent Oso landslide, staff has been reviewing the Geologic Hazards section of the City's Critical Areas Ordinance (CAO) and has proposed adopting setbacks as identified in the International Building Code (IBC).

Commissioner Andes recommended adding additional language to clarify the setbacks. Planning Manager Holland indicated he could add some verbiage to clarify that.

Chair Leifer referred to page 5, item N, and asked who would foot the bill in cases where peer review of geotechnical reports is required. Planning Manager Holland explained that the burden is on the applicant in the case that they don't use a pre-approved consultant.

Commissioner Lebo referred to item K on page 5 and asked who puts together the monitoring program. Planning Manager Holland explained that it would be the responsibility of the contractor.

Motion made by Commissioner Richards, seconded by Commissioner Andes, with the changes as recommended by commissioner Andes. **Motion** passed unanimously (6-0).

The hearing was closed at 7:27 p.m.

NEW BUSINESS

2015 Comprehensive Plan Amendment

- Environmental Element

Associate Planner explained that the majority of the revisions relate to changes to the Climate Change section. There are also some minor text changes such as updates to the names of agencies and entities, and updates to some of the critical areas maps. For example, more detail has been added to the Geologic Hazard Map to show different degrees of steepness; the Streams Map is being updated to make to have classifications that are more consistent with what is in the CAO; and the Wetlands Map is being updated to reflect any wetlands that have been delineated since 2005.

Commissioner Andes asked about the acronyms on the Streams Map. Associate Planner Gemmer went over the various stream classifications.

Chair Leifer referred to page 6-21, Air Quality Goals and Policies and noted that one of the goals refers to discouraging slash burning and the burning of yard waste. He expressed concern about this policy and asserted that burning is one of the most natural activities that occurs on the earth and is important for the remineralization of the soil. He acknowledged that there are certain times such as when there is a burn ban in effect that it would make sense to prohibit burning, but otherwise he thinks this is carrying things too far.

Associate Planner Gemmer thanked him for his comments and noted that the only changes proposed are those relating to climate change. She commented that burning in city limits is already generally prohibited except for a fire pit-type scenario for food preparation.

Ms. Gemmer commented that if everyone burned their waste there would be serious problems for air quality and human health. Chair Leifer discussed the importance of burning for destroying unwanted pests. He thinks a blanket policy prohibiting burning is not the right action. There was discussion about the pros and cons about burning. Ms. Gemmer thought that it was perhaps a state statute and not just a city policy. She offered to find out more about this.

- Economic Development Element

Planning Manager Holland distributed the updated Economic Development Element for the Commission's consideration. He noted that the Commission would be reviewing the Utilities Element and Public Facilities and Services Element on January 13. They could discuss this item as well at this time.

Ms. Gemmer explained that this Element provides the foundation for different strategies to move the City towards its economic goals. She reviewed the proposed changes as

outlined in the Memorandum dated December 4 contained in the Planning Commission's packet.

Chair Leifer asked for an update on the Manufacturing Industrial Center (MIC) designation efforts. Planning Manager Holland explained there was a meeting last week at PSRC. The Mayor of Arlington is really pushing for having PSRC change the parameters whereby you can be designated an MIC. It is in the City of Marysville's new Comprehensive Plan and has been included for designation within the County's Comprehensive Plan. PSRC ultimately has to approve it, and the City has to meet certain thresholds in order to be considered an industrial center. There is continuing lobbying going on that may be ultimately at the legislature next year.

Planning Manager Holland stated that he was informed today that Marvetta Toler would be replaced with a new commissioner in 2015. Hopefully this will happen in January.

Also, last night the Council reviewed the recommendation for Caretaker's Quarters and amended the Planning Commission's recommendation to not allow RV's in the LI and GI zones. They also approved the school districts' Capital Facilities Plans. On January 5 and 12, the Council will be reviewing all the recommendations for the other code amendments that the Planning Commission approved at its last meeting.

CITY COUNCIL AGENDA ITEMS AND MINUTES

ADJOURNMENT

Motion made by Commissioner Richards, seconded by Commissioner Lebo, to adjourn the meeting at 8:05 p.m. **Motion** passed unanimously.

NEXT MEETING:

January 13, 2015

Laurie Hugdahl, Recording Secretary

PLANNING COMMISSION



MINUTES

September 23, 2014

7:00 p.m.

City Hall

CALL TO ORDER

Chair Leifer called the September 23, 2014 meeting to order at 7:00 p.m. noting the excused absence of Roger Hoen and the continued absence of Marvetta Toler. He pointed out that there was no one in the audience.

Marysville

Chairman: Steve Leifer

Commissioners: Jerry Andes, Kelly Richards, Kay Smith, Steven Lebo

Staff: Planning Manager Chris Holland, Senior Planner Cheryl Dungan, Associate Planner Angela Gemmer

Absent: Roger Hoen, Marvetta Toler

APPROVAL OF MINUTES

September 9, 2014 Meeting Minutes

Motion made by Commissioner Smith, seconded by Commissioner Richards, to approve the September 9, 2014 Planning Commission Meeting Minutes as presented. **Motion** passed unanimously (5-0).

AUDIENCE PARTICIPATION

None

CITIZEN ADVISORY COMMITTEE FOR HOUSING AND COMMUNITY DEVELOPMENT – PC MEMBER

Planning Manager Holland solicited a volunteer to serve on the Citizen Advisory Committee for Housing and Community Development which is a committee that oversees the CDBG program. The committee serves as a recommending body to the Council. This would involve attending approximately 3-4 short meetings a year with additional meetings on years where the 6-Year Consolidated Plan has to be updated.

There was consensus to nominate Commissioner Roger Hoen (who was not in attendance). Planning Manager Holland stated he would contact Commissioner Hoen to see if he was available. Commissioner Lebo indicated he could do it if no one else was available.

NEW BUSINESS

- Code Amendments

Critical Areas – Geologic Hazard

Senior Planner Dungan stated that due to the recent Oso slide, staff has been reviewing Geologic Hazard code and maps of the City's Critical Areas Ordinance to see if updates are needed. Staff reviewed LIDAR mapping to look for indications of previous slides in Marysville and also looked at other jurisdictions' codes. She noted that LIDAR information for Oso shows significant events over time; however Marysville's slopes are less dramatic and short runs are shorter than in Oso. Staff does not feel there is the potential for an Oso-type slide, but there are some areas, especially along creeks and along Getchell hillside that fall into the category of steep slopes where there could be a potential for landslide and erosion and areas in the flood plain where there could be liquefaction.

Ms. Dungan reviewed proposed amendments to the map and code. Currently Marysville's Critical Areas Ordinance requires a 25-foot setback from the top of bank that can be reduced to 10 feet if a geotechnical expert recommends it. Everett and several other jurisdictions have adopted the International Building Code (IBC). Staff believes this has been very well vetted and is recommending that the City switch from the straight 25-foot setback to allowing a geotechnical expert to make a recommendation on a slope. If the geotechnical expert doesn't recommend a setback or the person doesn't hire a geotechnical engineer, the City would automatically use what is set forth in the IBC which sets setbacks from both the toe and the top of bank. The toe setback would be the length of the slope divided by two plus 15 feet. The top of the slope setback would be the smaller of the height of the slope divided by three or 40 feet. If the geotechnical report recommends buffers less than those established in the IBC, then the report must specifically list their rationale and basis for the reduced buffers.

Commissioner Andes pointed out that the people at the bottom of a slope are generally more affected than the people at the top. He asked why the setback at the bottom isn't a little further. Ms. Dungan explained that this is the IBC standard which has been well vetted through national and international experts on the subject.

Commissioner Andes asked about the picture of the second foundation. Ms. Dungan wasn't sure.

Chair Leifer summarized that with a geotechnical report there could theoretically be a zero foot setback. Ms. Dungan concurred. Chair Leifer thought that the recommendations made sense for people that want to spend the money and the resources for a site-specific review.

Ms. Dungan noted that a hearing would be set for November 12.

Commissioner Lebo asked how often they do these updates. Ms. Dungan replied this is the first time they have reviewed them since 1992, and there haven't been many changes. Commissioner Lebo noted that in areas where they take a lot of trees out things do change. Ms. Dungan concurred. She noted that is why staff would request a geotechnical report in hazardous areas. She stressed that this is putting a lot of the burden on the geotechnical expert who is writing the report to make the recommendation on the setback. Commissioner Lebo referred to the south side to the east side of Whiskey Ridge which is a sloped area with lots of trees gone. Ms. Dungan concurred and noted that most of the area has been developed based on the recommendations of geotechnical experts and with the City's requirement of the retention of vegetation on the steep slopes. Staff periodically looks at LIDAR to see if there are any concerns. In most cases if the vegetation remains the slope is protected.

SEPA Phase 2 Revisions

In 2012 the Planning Commission reviewed Phase 1 SEPA revisions, which were much more significant than the Phase 2 SEPA changes. The majority of these Phase 2 revisions were adopted by reference of SEPA with the exception of a couple places where some wording was changed or text was moved around. She summarized what the state legislature adopted in Phase 2 as well as the proposed staff recommended code amendments contained in the Commission's packet. There were no questions.

SEPA/Wireless Communication Facilities (WCF) Exemption

Senior Planner Dungan explained that there was an additional subsection added that lists wireless facilities that are categorically exempt and references the WAC and MMC as applicable. There were no questions.

School, traffic and park impact fee expenditures

Associate Planner Angela Gemmer explained that the state has increased the amount of time cities have to use the impact fees to ten years from six years. The City is recommending a similar change to be consistent with the state's requirements.

Chair Leifer commented that on one of these when it's collected is well-noted, but it's not so clear on the others. Ms. Gemmer replied that she had only included the portion of the code where the changes were occurring. She offered to bring back the full code sections to answer his question.

Chair Leifer referred to page 2 (item 3b at the top of the page) regarding when and how to grant a credit and noted that it seemed ambiguous. He asked why the owner would be eligible for a credit if the project didn't happen. Why did he pay it in the first place? Planning Manager Holland thought that this referred to situations where the owner might have paid in advance. He thought this might be clarified by looking at the entire code instead of just this portion. He offered to bring back the whole section. Planning Manager Holland also noticed that the "five years" in this section needs to be changed to "ten years". He commented they would search the section to see if there were any other spots where this needed to be changed.

Chair Leifer asked for clarification on School Impact Fees, item d. Planning Manager Holland explained that this was to avoid charging someone twice for impact fees when they pay for an actual capital facilities project identified in the district's capital facilities plan.

Chair Leifer asked how this fits in to the special exemptions on impact fees that apply until July of 2015. Planning Manager Holland explained that the exemptions would stay in place until they sunset in July of 2015.

Chair Leifer referred to real estate tax exemptions and said he was told that Quilceda Creek was exempted from real estate tax. Planning Manager Holland clarified that those units are not market rate. The exemption only works for affordable housing outside of the downtown area.

Sign Code

Associate Planner Gemmer reviewed proposed changes to the sign code:

1. Clarify that the base of freestanding signs are to be wrapped with decorative material.
2. The electronic portion of the sign could only be 30% of the sign that is actually constructed as opposed to 30% of the sign area that could potentially be built.
3. Clarify the nonconforming sign code provision.
4. Signs 12-foot tall or under would be required to monument signs with the exception of directional signs.

Chair Leifer referred to section 5 regarding streamers, pennants, and banners and asked if this would rule out temporary uses of those things. Ms. Gemmer replied that it would not. Those would be addressed in the Temporary Use section.

Commissioner Andes commented that A-board signs are all over the place and no one seems to be doing anything about it. He referred to one by K-Mart that advertises a shop on the other side of the street. He asked when the City would get around to enforcing the existing code. Planning Manager Holland stated that proactive enforcement has been a staffing problem. He commented that staff does regularly pick up A-board signs that do not comply with regulations. There is a conscious effort to not pick on commercial businesses, but if they are blocking the sidewalk or being a distraction to traffic staff will take action. He recommended that people email him if they notice signs that are a problem.

Commissioner Lebo asked about political campaign signs. Planning Manager Holland stated that there are very strict regulations about this, and the City can't touch them. Candidates are supposed to remove them when the campaign is over.

Billboards

Planning Manager Holland explained that Clear Channel has challenged the City's Ordinance to apply the amortization schedule to get rid of billboards. Staff has met with Clear Channel on numerous occasions to talk to them about what the City would like to see done. There are currently 25 billboards and 42 billboard faces in the City. The highest priority for removing billboards is in the downtown area, anywhere south of Grove. Highlights to proposed changes:

- If you install an electronic billboard you would need to remove five other billboards.
- No more than two faces would be allowed for electronic billboards.
- No new billboards unless they are electronic.
- Billboards would have to be available for public service announcements such as Amber Alerts and Strawberry Festival announcements.
- Billboards need to be spaced a minimum of 1000 feet apart.
- There is a 35-foot height limit.
- There is a 100-foot minimum setback from an intersection or a greater distance if other factors are involved that would be a public hazard.
- An electronic billboard would have a 10-foot property setback from the edge of the billboard and 15 feet from the foundation to the public right-of-way.
- There would be a setback of 100 feet from any residential zone
- Additional setbacks could apply for view corridors.
- The recommendation is 5,000 nits in daytime and 500 between sunset and sunrise. LEDs must also have dimming capabilities.
- The rate of changes would be allowed to change not more than once every 8 seconds.

Commissioner Andes commented that 288 square feet seems like a very large sign. Planning Manager Holland noted that it's not as big as it sounds. He offered to provide some pictures so the commissioners could see them in context.

There was discussion about some electronic signs around town and their levels of brightness.

Planning Manager Holland clarified that on Exhibit A the sending area would need to be extended up to include the whole State Avenue to Smokey Pt. Blvd. corridor and end the receiving area at 152nd South to 100th.

OLD BUSINESS

- Honey Bees

Associate Planner Gemmer responded to questions raised at the previous meeting and reviewed proposed amendments regarding beekeeping as contained in her Memo to Gloria Hirashima dated September 17, 2014 (in the Commission's packet).

Commissioner Richards asked how they could get people who are not registered to register. Ms. Gemmer said they could inform people of the requirements if they ask or if someone informs the City of an issue they can send a letter. In general, the philosophy of the City is to not intervene unless there is an issue with compliance that is brought to their attention.

Commissioner Lebo thought that two beehives on 5,000 square feet seems like too much. Ms. Gemmer explained that the beehives are pretty small boxes. She noted that these are suggestions based on other jurisdictions and research staff has done, but the Planning Commission could recommend changes.

Chair Leifer wondered how many bees there are per acre in a natural setting. Ms. Gemmer offered to try to find the answer to that. Chair Leifer wondered how the number of feral bees compares to the proposed allowable amount.

Commissioner Lebo commented that he has a friend who keeps bees and the queen bee occasionally escapes with the whole hive following her and the owner has to go retrieve them.

Planning Manager Holland stated this would be covered at the hearing.

Commissioner Lebo suggested inviting the Department of Agriculture to the hearing to stress the importance of registering hives.

- Kennels

Associate Planner Gemmer reviewed the proposed amendments regarding dog daycares and kennels as contained in her Memo to CAO Hirashima dated September 17, 2014.

Commissioner Lebo asked how staff perceives the enforcement of this. Ms. Gemmer stated that if there are any complaints staff would definitely enforce the code. She noted that there are two dog daycares in town and there haven't been any problems to date. Planning Manager Holland stated that the City also has decibel- measuring equipment that can be utilized if necessary.

NEXT MEETING – October 14

Planning Manager Holland stated that at the next meeting on October 14 the Planning Commission would be covering the Marysville housing profiles. A representative from Snohomish County Housing Authority, who staffs the Affordable Housing Alliance for Snohomish County, will be coming to that meeting.

The School District's capital facilities plans will also be presented at the next meeting. A representative from each district will be present to go over their plans.

Chair Leifer thanked staff for the information provided on Industrial Center areas.

CITY COUNCIL AGENDA ITEMS AND MINUTES

None

ADJOURNMENT

Motion made by Commissioner Richards, seconded by Commissioner Smith, to adjourn the meeting at 8:32 p.m. **Motion** passed unanimously (5-0).



Laurie Hugdahl, Recording Secretary



COMMUNITY DEVELOPMENT DEPARTMENT

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

Memorandum

To: Planning Commission
From: Cheryl Dungan, Senior Planner
Date: 09/16/14
Re: Geologic Hazard Area Comparison

Summary:

Due to the recent Oso landslide, city staff has been reviewing geologic hazard maps and the Geologic Hazard Section of the City's Critical Areas Ordinance (CAO) to see if the CAO needs to be updated. The review included review of LIDAR mapping to look for indications of previous historic landslides/soil movement, types of soils subject to failure located on or near steep slopes, liquefaction potential, and areas with high erosion potential. Staff also reviewed ordinances from other cities to see if Marysville's Code is comparable to other jurisdictions and/or needs amending.

Currently Marysville Municipal Code provides the following definitions related to geologic hazards:

"Geologic hazard areas" means lands or areas characterized by geologic, hydrologic and topographic conditions that render them susceptible to potentially significant or severe risk of landslides, erosion, or seismic activity.

"Landslide" means episodic downslope movement of a mass of soil or rock and includes snow avalanches.

"Landslide hazard areas" means areas that, due to a combination of slope inclination and relative soil permeability, are susceptible to varying degrees of risk of landsliding. Landslide hazard areas are classified as Classes I through IV based on the degree of risk as follows:

(1) Low Hazard. Areas with slopes of less than 15 percent.

(2) Moderate Hazard. Areas with slopes of between 15 and 40 percent and that are underlain by soils that consist largely of sand, gravel, bedrock or glacial till.

(3) High Hazard. Areas with slopes between 15 percent and 40 percent that are underlain by soils consisting largely of silt and clay, and all areas sloping more steeply than 40 percent.

(4) Very High Hazard. Areas with slopes over 40 percent and areas of known mappable landslide deposits.

“Erosion” means the wearing away of the earth’s surface as a result of the movement of wind, rain, water and other natural agents which mobilize and transport soil particles.

“Erosion hazard areas” means lands or areas that, based on a combination of slope inclination and the characteristics of the underlying soils, are susceptible to varying degrees of risk of erosion. Erosion hazard areas are classified as low hazard, moderate hazard and high hazard, based on the following criteria:

(1) Low Hazard. Areas sloping less than 15 percent.

(2) Moderate Hazard. Areas sloping between 15 and 40 percent and underlain by soils that consist predominantly of silt, clay, bedrock or glacial till.

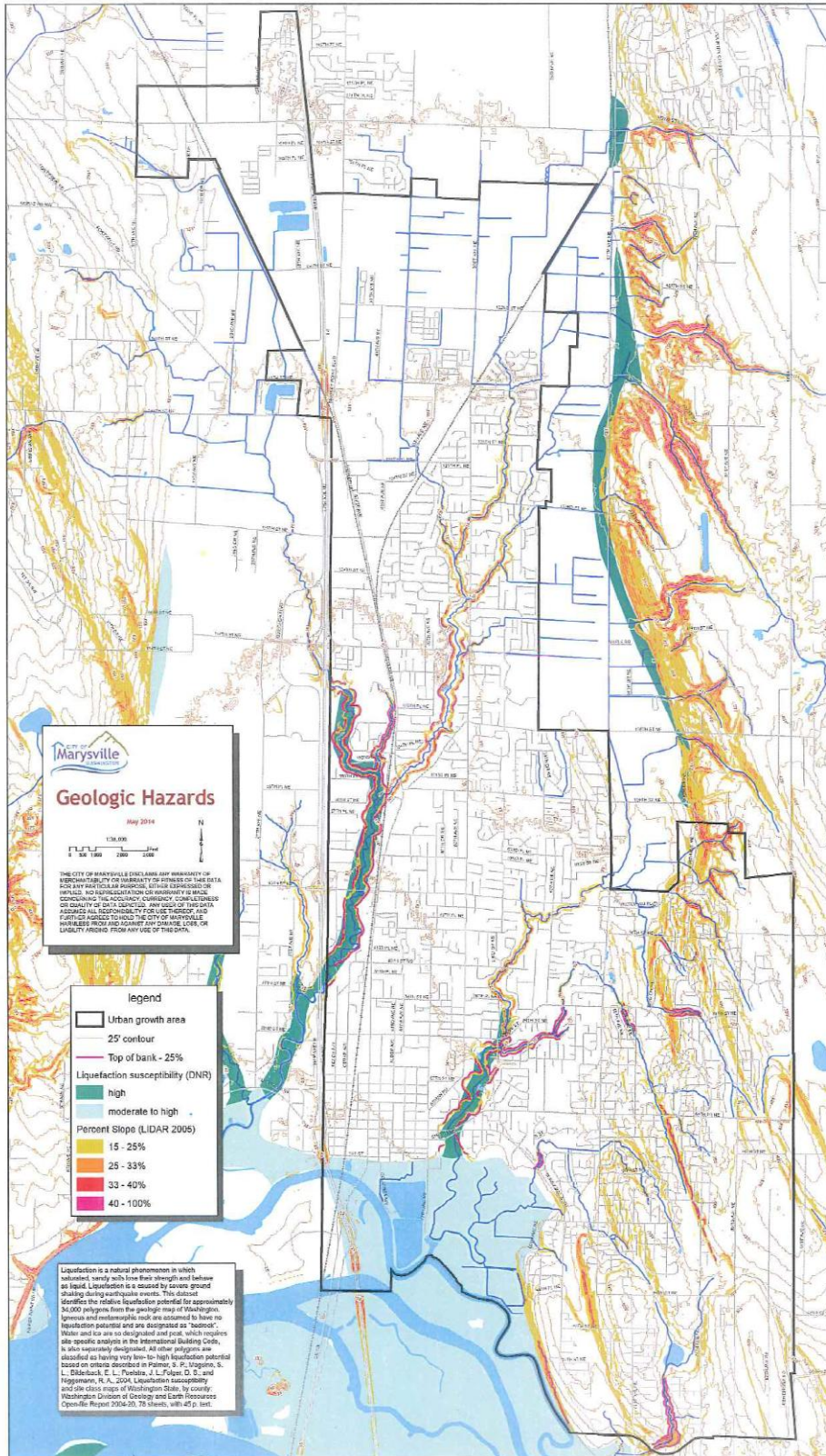
(3) High Hazard. Areas sloping between 15 and 40 percent that are underlain by soils consisting largely of sand and gravel, and all areas sloping more steeply than 40 percent.

“Seismic hazard areas” means areas that, due to a combination of soil and ground water conditions, are subject to severe risk of ground shaking, subsidence or liquefaction of soils during earthquakes. These areas are typically underlain by soft or loose saturated soils (such as alluvium), have a shallow ground water table and are typically located on the floors of river valleys. Seismic hazard areas are classified as follows:

(1) Low Hazard. Areas underlain by dense soils or bedrock.

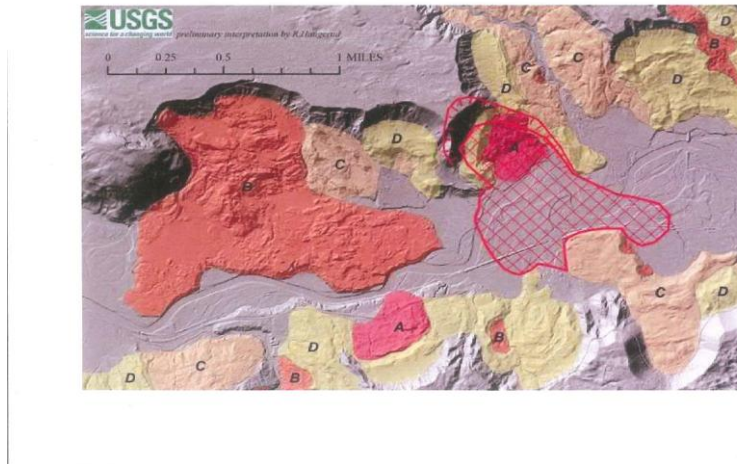
(2) High Hazard. Areas underlain by soft or loose saturated soils.

The following is a map of the “Geologic Hazard Areas’ identified within Marysville and the surrounding area:

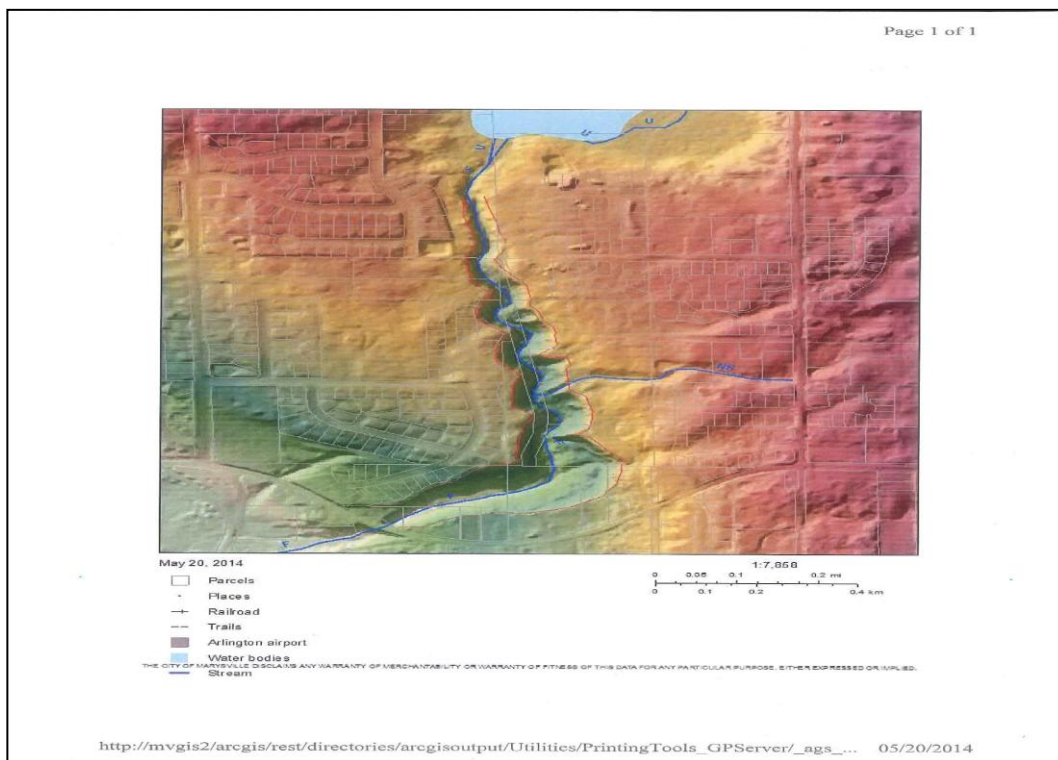


LIDAR Mapping Review:

To put the use of LIDAR in perspective in evaluating past geologic events in a particular area, the map below shows landslide activity in the area of the most recent Oso landslide event (shown in red hatching) compared to other landslides in the area that have occurred overtime.

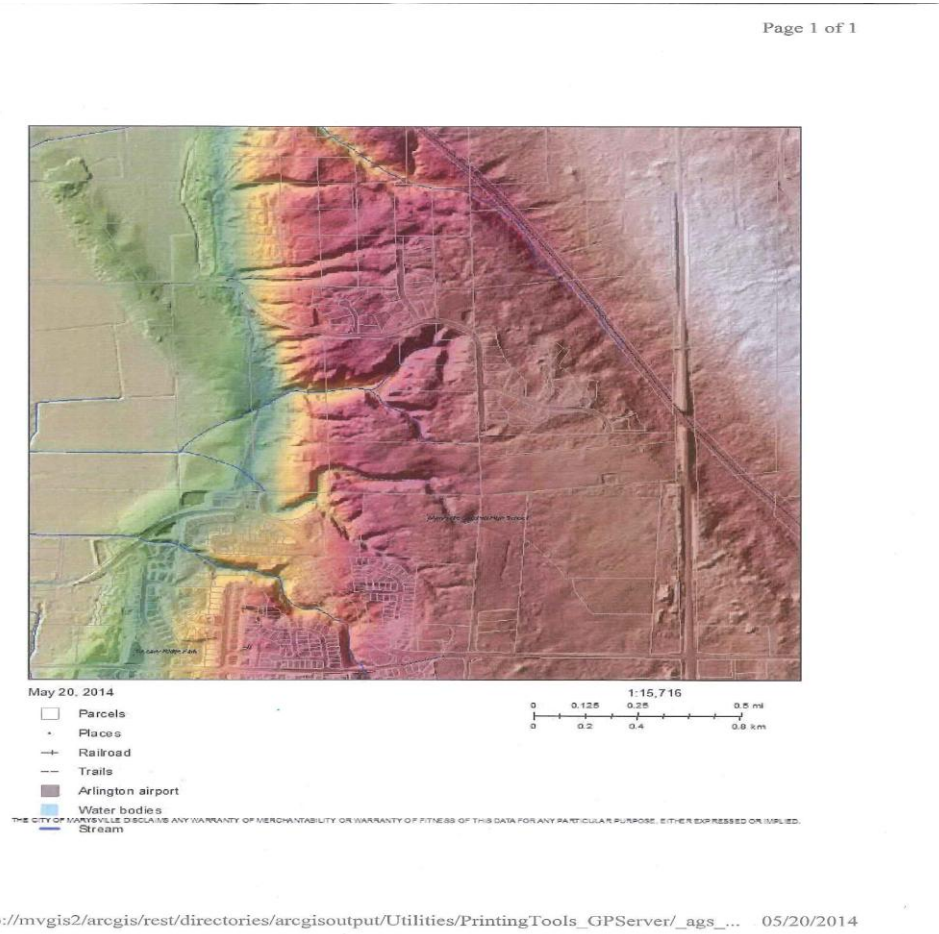


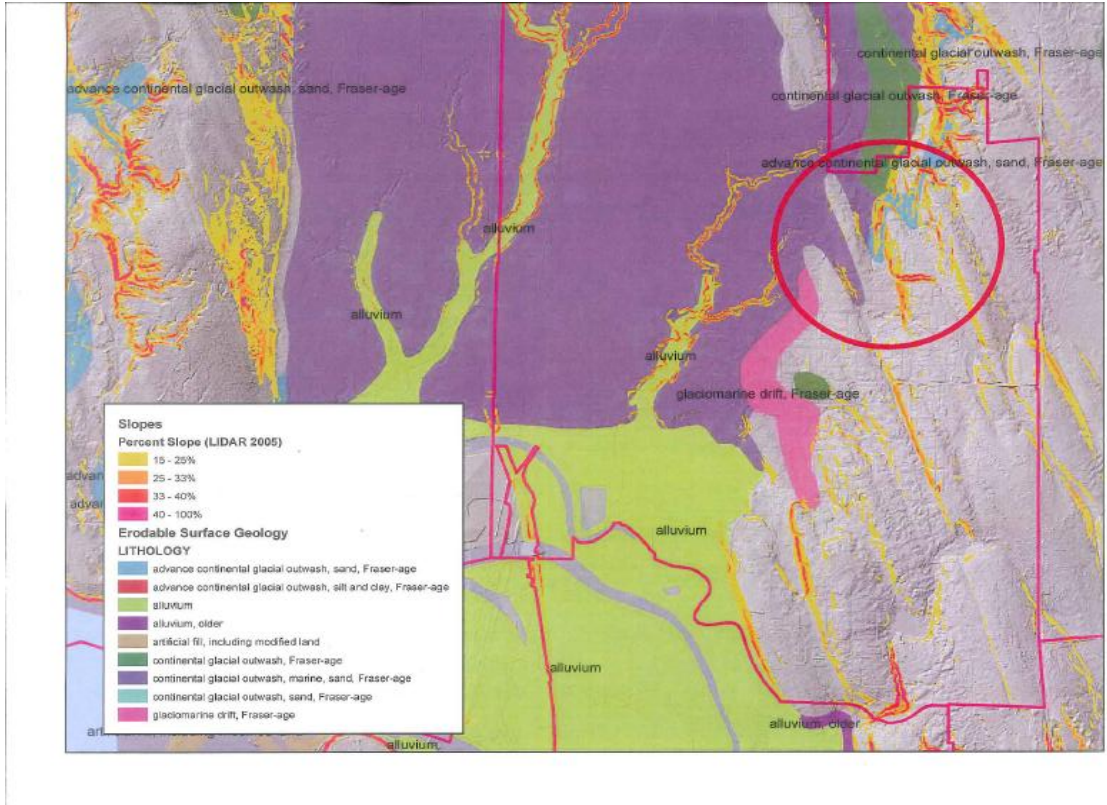
In Marysville the slopes are less dramatic and the slope runs shorter than in the Oso area. Review of the LIDAR of for Marysville show areas erosion has occurred within drainage features when combined with steeper topography. The LIDAR also shows areas of possible land slumping. Below is a LIDAR picture showing the King's Creek area south of the lake and north of Soper Hill Road which according to the Geologic Hazard Map shown in Figure 3 below identifies the area with slopes between 40-100% (high landslide potential).



Currently MMC requires a 25' setback from the top of bank (identified as where topography becomes 25 percent or greater). There is also a 150' buffer along King's Creek (a Type F stream) as well as specific wetland buffers when wetlands are identified as being present. When there are multiple critical areas occupying the same general space, MMC requires the greatest critical area buffer to apply to the site. The Geologic Hazard section of the code applies to any activity that occurs in, or within 300 feet (as indicated on the geologic hazard maps), or potentially affects, a geologic hazard area subject to the code.

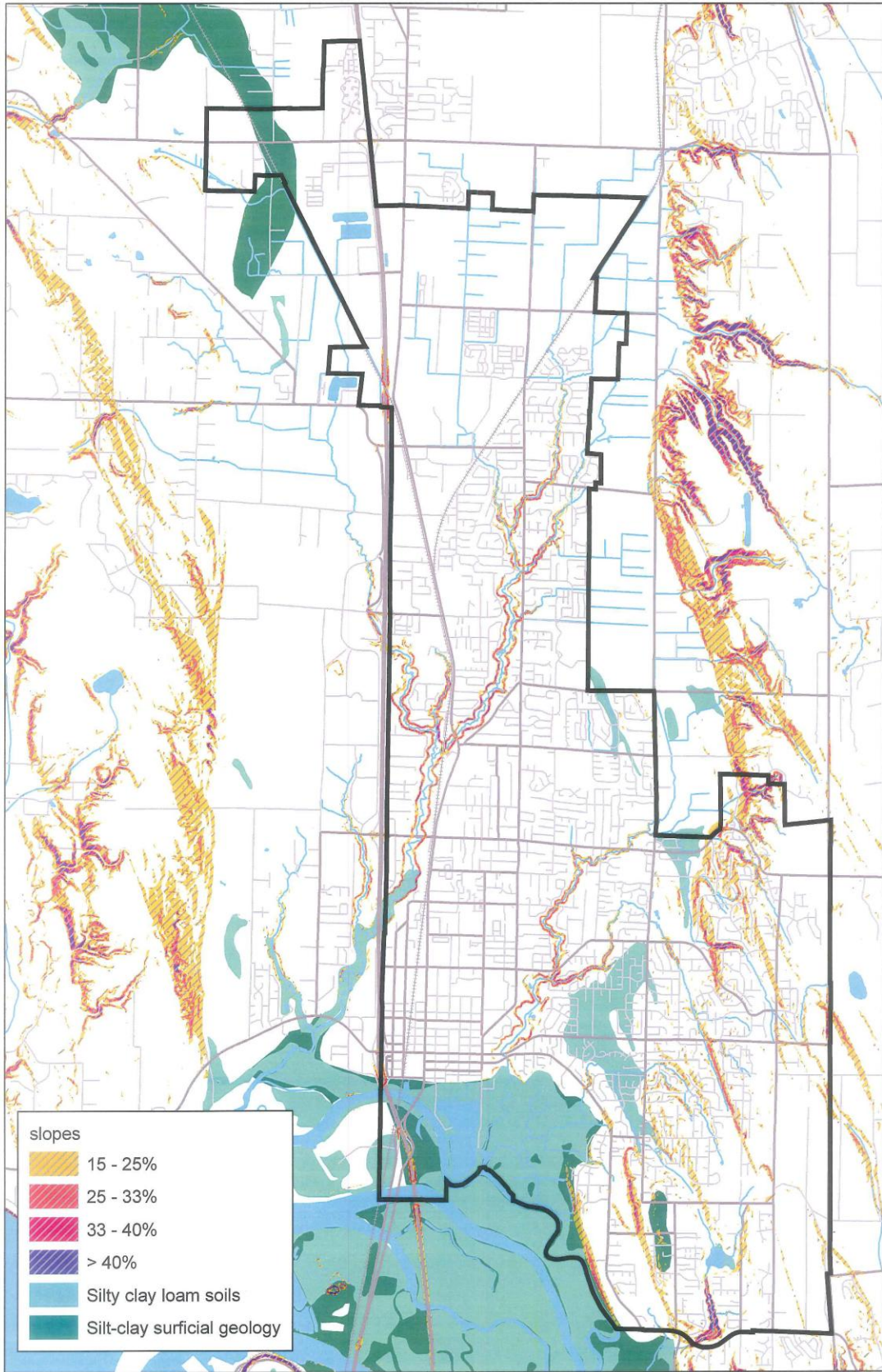
Below is the area just north of 84th Street NE and west of Highway 9 within the City of Marysville. The LIDAR picture show slopes ranging from 40 – 100% in this particular area of the Allen Creek drainage basin, the soils in this area are identified by Snohomish County as being highly erodable.





Other areas in the city with slopes ranging from 40-100% include the confluence of Allen and Munson Creek and the Quilceda Creek drainage basin. Within the bottom of these basins the soils consist of silty clay loams which have high liquefaction potential.

Other areas that contain silty clay loam soils and/or silty-clay surficial geology include the 100-year floodplain and areas north and east of Sunnyside Blvd. When combined with slopes greater than 15-40% a moderate risk of landslide potential exists, when slopes exceed 40% a high risk of landslide potential exists.



Geo-hazard Code Comparison

GEOLOGIC HAZARD AREAS	Marysville	Everett	Mukilteo	Snohomish County	Renton
Extent of Development Restrictions by jurisdiction	Requires geotech study for activities that occur within 300' of a geohazard area	Requires geotech study for activities that occur within 200' of a geohazard area	Requires georeport, or Single Family geo-letter for slopes greater than 40%, or if area has susceptible soils or other geohazards	Requires georeport if in hazard area or within required buffer for landslide or erosion hazard area	Requires georeports if on or within 50' of a geohazard area
Landslide/Erosion Hazard Buffer requirements	25' from top of bank for slopes greater than 25% or more, can be reduced to 10' w/geotech unless constrained with other Critical Areas	Buffers specified in IBC unless other buffers recommended by geotech; buffers may be reduced with geotech unless other CAs present; if geotech recommends buffers less than IBC, then justification for reduction is required.	Buffer based on geotech recommendation but can't be less 25' from top of bank unless on reasonable use lot, then per geotech recommendation can be reduced	Minimum top of bank setback equal to height of slope divided by 3 or min of 50' whichever is greater, same applies to toe of slope setback	50' foot buffer requirement on top, toe and sides of bank or as recommended by geotech
Hold Harmless Agreements/Covenants	CD Director can require: a letter from geotech stating risks are mitigated or minimal; or a letter from applicant/owner recognizing the risks and agreeing to notify future buyers; or require a legally enforceable recordable agreement/hol	Hold harmless agreement and Covenant recorded anytime geohazard is altered or setback is reduced	No code requirement and/or References	Requires final critical area maps to be recorded with Auditor's Office, may require bonding/insurance in specific instances	Hazard and buffer placed in NGPA/no build easement area

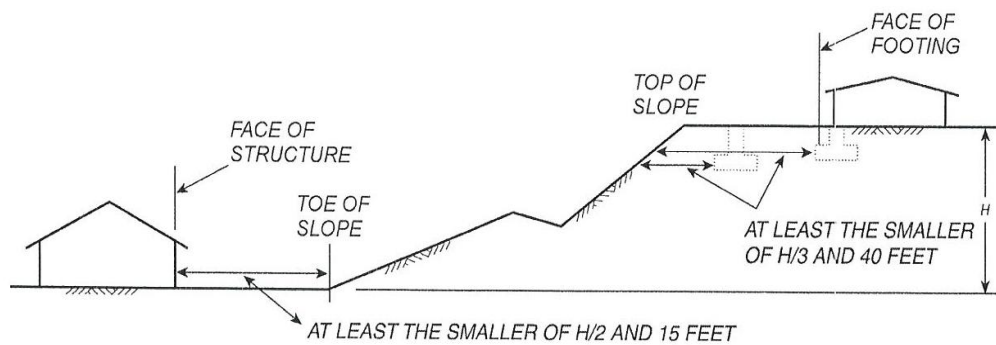
	d harmless document; and may require security performance or security maintenance bond.				
--	---	--	--	--	--

Summary:

The City of Marysville currently contains areas with known or suspected landslide hazard areas and a geotechnical report is required to be submitted if a project is located within 300' of a known and/or suspected geohazard area. Currently, the MMC requires a minimum 25' setback from top of bank for slopes greater than 25%; the setback may be reduced to 10' from top of bank upon recommendation of a geotechnical expert unless another critical area is present, then the critical with the greatest buffer width applies. The MMC currently has no specific setback from toe of bank, but does allow a geotechnical expert to recommend a specific setback if deemed necessary.

Recommendation:

Maintain the 300' requirement for geotechnical studies, adopt the setbacks for "top of bank" and "toe of bank" as established in the IBC (see figure below) or as specifically recommended in a geo tech report. If the report recommends buffers less than those established in the IBC, then the report must specifically list their rationale and basis for the reduced buffers.



For SI: 1 foot = 304.8 mm.

FIGURE 1808.7.1
FOUNDATION CLEARANCES FROM SLOPES

CITY OF MARYSVILLE
Marysville, Washington
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON RELATED TO CRITICAL AREAS MANAGEMENT – ARTICLE IV ‘GEOLOGIC HAZARDS’ AMENDING MARYSVILLE MUNICIPAL CODE (MMC) SECTIONS 22E.010.280; 22E.010.300(2); 22E.010.310(e) 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 23, 2014; and

WHEREAS, after providing notice to the public as required by law, on November 12, 2014, which was continued to November 25, 2014 and December 9, 2014, the Marysville Planning Commission held a Public Hearing on proposed amendments to the City's development regulations; and

WHEREAS, on December 9, 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 sent 60-day review notice under RCW 36.70A.106 for the proposed development regulation revisions to the Washington State Department of Commerce on August 4, 2014, in compliance with the procedural requirement under RCW 36.70A.106; and

WHEREAS, the City complied with the requirements of the State Environmental Policy Act, Ch. 43.21C RCW, (SEPA) by issuing Addendum #23 to the final environmental impact statement (FEIS) for the *2005 City of Marysville Comprehensive Plan* for the proposed amendments to Title 22E MMC, and the addendum will not significantly change the analysis contained in the FEIS prepared in 2005 for the comprehensive plan, and will not identify new or significantly different environmental impacts; and

NOW, THEREFORE, the City Council of the City of Marysville, Washington do ordain as follows:

Section 1. MMC 22E.010.280 is hereby amended as follows:

22E.010.280 Geologic hazard inventory map.

The approximate location and extent of geologic hazard areas within the city of Marysville's planning area are shown on the critical areas maps adopted as part of this chapter. These maps should be used as a general guide only for the assistance of property owners and as information for the public. They are intended to indicate where potentially hazardous conditions are believed to exist. Boundaries are generalized; field investigation and analysis by a qualified scientific professional is required to confirm the actual presence or absence of a critical area. In the event of any conflict between the location, designation or classification of geologic hazard area shown on the ~~Snohomish County Tomorrow~~ City of Marysville's geologic hazard areas maps and criteria or standards of this chapter, the criteria and standards resulting from the field investigation shall prevail.

Section 2. MMC 22E.010.300 is hereby amended as follows:

22E.010.300 Setbacks from geologic hazards.

(1) A setback shall be established per a site specific geological hazard report and/or Chapter 18 of the International Building Code (IBC), or as amended from the edge of any geologic hazard area that is not approved for alteration pursuant to these regulations. The setback shall consist of an undisturbed area of natural vegetation; if the site has previously been disturbed, the setback area shall be revegetated pursuant to an approved planting plan.

(2) Required setbacks shall be approved ~~typically vary between 25 and 50 feet; the width of the setback, determined by the Community Development Director and/or City Engineer, or his or her representative, and shall reflect the sensitivity of the geologic hazard area and the types and density of uses and activities proposed on or adjacent to the geologic hazard area. In determining an appropriate setback width, be based upon information in a geotechnical assessment, and~~ Established setbacks shall be measured from the horizontal plane from a vertical line established at the edge of the geologically

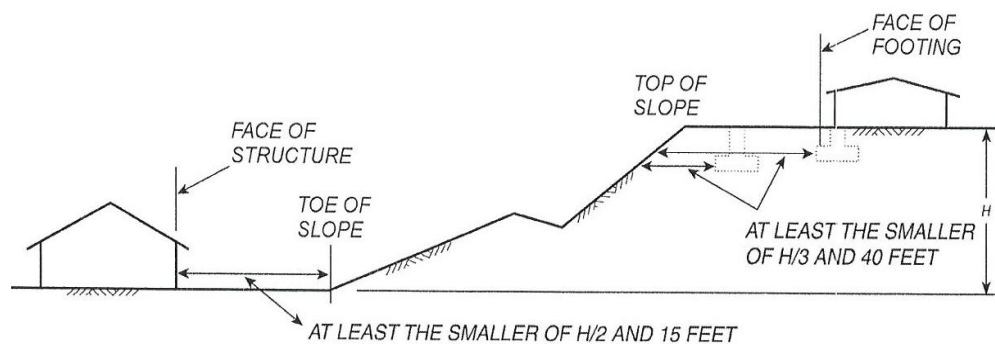
hazardous area limits (both from top and toe of slope). The community development director or his or her representative shall consider the recommendations contained in any technical report prepared by the applicant's geotechnical engineer. Building and structures shall be set back 10 feet from the edge of the setback.

(a) Setbacks for moderate to high landslide areas and moderate to high erosion areas shall be measured as recommended by the geotechnical report for the subject property, or as established in Chapter 18 of the International Building Code (IBC), or as amended, as follows:

(i) Critical landslide hazard areas: from the edge of the hazard area as identified in the geologic hazard report;

(ii) Critical recharge areas; from the edge of the recharge area as identified in the geologic hazard report;

(b) Setbacks may be reduced to a minimum of 10 feet when the applicant demonstrates through technical studies that the reduction will adequately protect the geologic hazard and the proposed development.



For SI: 1 foot = 304.8 mm.

FIGURE 1808.7.1
FOUNDATION CLEARANCES FROM SLOPES

Formula:

1. Top of slope: Height of slope (H) divided by 3 plus 40-feet;
2. Toe of slope: Height of slope (H) divided by 2 plus 15 feet.

In the event that a specific setback buffer is not recommended in the geological studies, the setback buffer shall be based upon the standards set forth in Chapter 18 of the International Building Code (IBC), or as amended or as otherwise approved by the Director.

(b) If the geological study recommends setback buffers that are less than the standard buffers that would result from application of Chapter 18 IBC, the specific rationale and basis for the reduced buffers shall be clearly articulated in the geological assessment.

(c) The city may require larger setback buffer widths under any of the following circumstances:

(i) The land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse impacts.

(ii) The area has a severe risk of slope failure or down slope stormwater drainage impacts.

(iii) The increased buffer is necessary to protect public health and safety and welfare based upon findings and recommendations of the geotechnical study.

Section 3. MMC 22E.010.310 is hereby amended as follows:

22E.010.310 Geologic hazard performance standards.

(1) The following standards shall be implemented in all proposals occurring in or adjacent to geologic hazard areas:

(a) Geotechnical studies shall be prepared to identify and evaluate potential hazards and to formulate mitigation measures;

(b) Construction methods will reduce or not adversely affect geologic hazards;

(c) Site planning should minimize disruption of existing topography and natural vegetation;

(d) Disturbed areas should be replanted as soon as feasible pursuant to a previously approved landscape plan

(e) Unless otherwise permitted as part of an approved alteration, the setback buffers required by this subsection shall be maintained in native vegetation to provide additional soil stability and erosion control. If the buffer area has been cleared, it shall be planted with native vegetation in conjunction with any proposed development activity.

(e f) Use of retaining walls that allow maintenance of existing natural slope areas is preferred over graded slopes;

(f g) Setbacks shall be surveyed, staked, and fenced with erosion control and/or clearing limits fencing prior to any construction work, including grading and clearing, that may take place on the site;

(g h) Temporary erosion and sedimentation controls, pursuant to an approved plan, shall be implemented during construction;

(h i) A master drainage plan should be prepared for large projects;

(i j) Undevelopable geologic hazard areas larger than one-half acre should be placed in a separate tract;

(j k) A monitoring program should be prepared for construction activities permitted in geologic hazard areas; and

(k l) Development shall not increase instability or create a hazard to the site or adjacent properties, or result in a significant increase in sedimentation or erosion;

(l m) The proposal will not adversely impact other critical areas;

(m n) At the discretion of the community development director, peer review of geotechnical reports may be required prior to locating a critical facility within a geologic hazard area.

(2) Required setbacks shall not deny all reasonable use of property. A variance from setback width requirements may be granted by the city of Marysville upon a showing:

(a) There are special circumstances applicable to the subject property or to the intended use such as shape, topography, location or surroundings that do not apply generally to other properties and which support the granting of a variance from the setback requirements; and

(b) Such setback with variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other similarly situated property but which because of special circumstances is denied to the property in question; and

(c) The granting of such setback width variance will not be materially detrimental to the public welfare or injurious to the property or improvement.

Section 4. 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:

