

CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: July 11, 2016

AGENDA ITEM: Ordinance adopting amendments to the Marysville Municipal Code Section 14.01.050 related to exemptions from extending sewer to any new land division located greater than 200 feet from a sewer main and the maximum lot size for the proposed land division.	
PREPARED BY: Chris Holland, Planning Manager	DIRECTOR APPROVAL:
DEPARTMENT: Community Development	
ATTACHMENTS: 1. PC Recommendation, including: <ul style="list-style-type: none">. Exhibit A – Recommended Amendments. Exhibit B – PC Public Hearing DRAFT Minutes 06.14.16	
2. PC Workshop Minutes 03.08.16	
3. Adopting Ordinance	
BUDGET CODE:	AMOUNT:
SUMMARY:	

MMC 14.01.050 *Sewer connection required*, requires sewer to be extended for any new land division, including but not limited to subdivisions, short subdivisions, and binding site plans if located within 200' of an existing sewer main. Beyond the 200' threshold, the owner/developer shall be required to extend the sewer to all occupied structures regardless of distance unless located within an unsewered urban enclave, or the land division proposes creation of no more than two lots. When two lots are proposed they must be able to have sewers in the future and be developed at urban densities with one of the proposed lots no larger than the minimum lot size necessary to accommodate on-site sewage treatment system required by the Snohomish Health District.

Community Development staff have been approached by property owners who have stated that the provision is problematic. What this provision requires is that one of the lots in the two lot land division can be no greater than 12,500 SF in size, which is the minimum lot size allowed by Snohomish Health District for construction of single-family residence on septic.

The intent of this provision is to ensure properties can develop at urban densities when sewer becomes available. However, in some instances this is not realistic, due to the location of existing single-family residences or other accessory structures on acreage parcel. The Planning Commission has recommended an amendment to MMC 14.01.050 that on a case-by-case-basis; the director may approve lots larger than 12,500 SF.

RECOMMENDED ACTION: Affirm the Planning Commission's recommendation adopting amendments to Marysville Municipal Code 14.01.050 related to exemptions from extending sewer to any new land division located greater than 200 feet from a sewer main and the maximum lot size for the proposed land division.



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

PC Recommendation - Sewer Connection Required

The Planning Commission of the City of Marysville, having held a public hearing on June 14, 2016, in review of amendments relating to exemptions from extending sewer to any new land division located greater than 200 feet from a sewer main and the maximum lot size for the proposed land division by amending Marysville Municipal Code (MMC) Section 14.01.050, 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 relating to exemptions from extending sewer to any new land division located greater than 200 feet from a sewer main and the maximum lot size for the proposed land division by amending MMC 14.01.050 on March 8, 2016.
2. The proposed amendments to MMC 14.01.050 is exempt from State Environmental Policy Act review under WAC 197-11-800(19).
3. The Planning Commission held a duly-advertised public hearing on June 14, 2016.
4. No public comments were received on the DRAFT amendment relating to exemptions from extending sewer to any new land division located greater than 200 feet from a sewer main and the maximum lot size for the proposed land division, prior to the public hearing.

CONCLUSION:

At the public hearing, the Planning Commission recommended adoption of the amendments relating to exemptions from extending sewer to any new land division located greater than 200 feet from a sewer main and the maximum lot size for the proposed land division by amending MMC 14.01.050, as reflected in the Amendments attached hereto as **Exhibit A**, and as reflected in the Planning Commission Minutes, dated June 14, 2016, attached hereto as **Exhibit B**.

RECOMMENDATION:

Forwarded to City Council as a Recommendation of Approval of the amendments to MMC 14.01.050 relating to exemptions from extending sewer to any new land division located greater than 200 feet from a sewer main and the maximum lot size for the proposed land division by the Marysville Planning Commission this 14th day of June, 2016.

By: _____

Steve Leifer, Planning Commission Chair

EXHIBIT A

Section 1. 14.01.050 Sewer connection required.

(1) The owner of any property within the city limits which is not connected to city sewer service shall be required to extend the sewer utility line which is within 200 feet of the structure to be served, as measured along the usual or most feasible route of access, and to connect to the same for all occupied structures on the property under any of the following circumstances:

(a) Upon construction of a building or structure which is designed for occupancy;
or

(b) Upon construction of any additions, alterations or repairs within any 12-month period which exceed 50 percent of the value of an existing building or structure which is designed for occupancy; or

(c) Upon any change in the occupancy classification of an existing building or structure on the property; or

(d) Upon the failure of the on-site sewage disposal system on the property; or

(e) As a condition of approval for any new land division, including but not limited to subdivision, short subdivision, and binding site plan. In the case of new land divisions, the 200-foot threshold shall apply. Beyond the 200-foot threshold, the owner shall be required to extend the sewer utility line to all occupied structures regardless of distance unless one of the following exceptions applies:

(i) The proposed subdivision is within an unsewered urban enclave which is defined as an area within an urban growth area in which, in the opinion of the director, connection to public sewer is not economically or technically feasible due to manmade or natural barriers although public sewer may have been extended near such area, and for which the city has certified that it cannot reasonably provide sewer service because of such barriers.

(ii) The land division application proposes creation of no more than two lots and in addition meets each of the following conditions:

(A) The design for the land division includes specific provisions for future accommodation of public sewers in a manner which will allow for future development at appropriate urban densities. The director may require dry sewers and side sewer stub outs;

(B) The land division is configured in a manner which, in the opinion of the director, provides reasonable assurance that subsequent redevelopment will be at minimum or greater than minimum urban densities as outlined in the city's comprehensive plan when sewer becomes available;

(C) One of the proposed new lots is no larger than the minimum lot size necessary to accommodate an on-site sewage treatment system with the reserve area required by the Snohomish Health District; however, on a case-by-case basis, the director may approve lots larger than the minimum lot size necessary to accommodate an on-site sewage treatment system with the reserve area required by the Snohomish Health District, if in the determination of the director the applicant meets the intent of subsections (A) & (B) of this section; and

(D) The director includes as a condition of approval a prohibition of further subdivision or short subdivision of the property until public sewer becomes available.

(2) Approval of any land division application utilizing the exception in subsection (1) of this section is contingent upon submittal of a legally binding agreement with the city, which must be recorded with the property records of Snohomish County and in a form acceptable to the director, in which the property owner and successors in interest agree to participate without protest in any sewer local improvement district (LID) or utility local improvement district (ULID), including agreement to pay any connection fees and monthly charges assessed by the city, LID or ULID. Nothing in this section shall be construed to limit the ability of the applicant or any successor in interest to challenge the amount of any assessment.

EXHIBIT A

(3) The owner of any property outside of the city limits, but within the utility service area, which is connected to public water service as required in MMC 14.01.040(1) shall be required to extend the city's sanitary sewer and connect to the same for all occupied structures on the property only if such structures, or any of them, are within 200 feet of the existing sanitary sewer, as measured along the usual and most feasible route of access, and only under the following circumstances:

(a) Upon construction of a building or structure which is designed for occupancy;
or

(b) Upon construction of any additions, alterations or repairs within any 12-month period which exceed 50 percent of the value of an existing building or structure which is designed for occupancy; or

(c) Upon any change in the occupancy classification of an existing building or structure on the property; or

(d) Upon the failure of the on-site sewage disposal system on the property; or

(e) As a condition of approval for any new land division, including but not limited to subdivision, short subdivision, and binding site plan. In the case of new land divisions, the 200-foot threshold shall apply. Beyond the 200-foot threshold, the owner shall be required to extend the sewer utility line to all occupied structures regardless of distance unless one of the following exceptions applies:

(i) The proposed subdivision is within an unsewered urban enclave which is defined as an area within an urban growth area in which, in the opinion of the director, connection to public sewer is not economically or technically feasible due to manmade or natural barriers although public sewer may have been extended near such area, and for which the city has certified that it cannot reasonably provide sewer service because of such barriers.

(ii) The land division application proposes creation of no more than two lots and in addition meets each of the following conditions:

(A) The design for the land division includes specific provisions for future accommodation of public sewers in a manner which will allow for future development at appropriate urban densities. The director may require dry sewers and side sewer stub outs;

(B) The land division is configured in a manner which, in the opinion of the director, provides reasonable assurance that subsequent redevelopment will be at minimum or greater than minimum urban densities as outlined in the city's comprehensive plan when sewer becomes available;

(C) One of the proposed new lots is no larger than the minimum lot size necessary to accommodate an on-site sewage treatment system with the reserve area required by the Snohomish Health District; however, on a case-by-case basis, the director may approve lots larger than the minimum lot size necessary to accommodate an on-site sewage treatment system with the reserve area required by the Snohomish Health District, if in the determination of the director the applicant meets the intent of subsections (A) & (B) of this section; and

(D) The director includes as a condition of approval a prohibition of further subdivision or short subdivision of the property until public sewer becomes available.

(4) Approval of any building permit or land division application utilizing the exception in subsection (3) of this section is contingent upon submittal of a legally binding agreement with the city, which must be recorded with the property records of Snohomish County and in a form acceptable to the director, in which the property owner and successors in interest agree to participate without protest in any sewer local improvement district (LID) or utility local improvement district (ULID), including agreement to pay any connection fees and monthly charges assessed by the city, LID or ULID. Nothing in this section shall be construed to limit the ability of the applicant or any successor in interest to challenge the amount of any assessment.

EXHIBIT A

(5) Approval of any building permit or land division approval utilizing the exception in subsection (3) of this section is contingent upon submittal of a legally binding annexation agreement as established in MMC 14.32.040(2). The annexation agreement must be recorded with the property records of the Snohomish County and in a form acceptable to the director, in which the property owner and all successors in interest agree to annexation of the property to the city when proposed.

(6) The city land use hearing examiner shall have the authority to grant variances from subsections (1) and (3) of this section. Applications for such variances shall be filed, in writing with the director, together with a filing fee of \$200.00. The applicant shall be given 10 days' notice of the date on which the hearing examiner shall consider the variance. The hearing examiner is authorized to issue such variances only if it is found that a literal enforcement of this chapter would cause practical difficulties or unnecessary hardships. No such variance shall be authorized unless the examiner finds that all of the following facts and conditions exist:

(a) That there are exceptional or extraordinary circumstances or conditions applying to the subject property or as to the intended use thereof that do not apply generally to other properties in the same vicinity;

(b) That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity;

(c) That the authorization of such variance will not be materially detrimental to the public interest, welfare of the environment;

(d) That the granting of such variance will not be inconsistent with the long-range plans of the city utility system, or jeopardize utility availability for properties within city limits;

(e) That the granting of such variances will not conflict with the city's annexation policies as adopted by resolution.

PLANNING
COMMISSION



MINUTES

June 14, 2016

7:00 p.m.

City Hall

CALL TO ORDER

Chair Leifer called the June 14, 2016 meeting to order at 7:00 p.m. and noted that there was no one in the audience.

Marysville

Chairman: Steve Leifer

Commissioners: Roger Hoen, Jerry Andes, Kay Smith, Kelly Richards, Tom Thetford, Brandon Whitaker

Staff: Planning Manager Chris Holland, Community Development Director Dave Koenig

Absent: None

APPROVAL OF MINUTES

May 24, 2016

Chair Leifer had the following corrections:

Page 1, under Call to Order, “. . . ~~absence~~ **audience.**”

Page 3, “. . . would be included along as ~~well~~ with the other narrative.”

Page 4, 3rd paragraph, 2nd sentence, “. . . gets its enabling ~~legislature~~ **legislation** from the State.”

Commissioner Richards requested that his absence be noted as excused since he had called in ahead of time.

Motion made by Commissioner Smith, seconded by Commissioner Andes, to approve the May 24, 2016 Meeting Minutes as amended. **Motion** passed (6-0) with Commissioner Richards abstaining as he was absent at the May 24 meeting.

PUBLIC HEARINGCode Amendment – MMC 14-01.050 Sewer Connection Required

Chris Holland stated that the City has gotten comments from property owners down in the south end regarding sewer not being available for some of the large lots there. Currently the code requires that if you are more than 200 feet away from sewer you can do a short plat, but you are required to have one of the lots a minimum of 12,500 square feet or the minimum square footage that it would take for a septic system. The City has received comments saying this is problematic because of the layout of certain lots. Staff is proposing language that would allow the director to approve lots larger than 12,500 square feet on a case-by-case basis based on site conditions, but the applicant would still need to comply with the other regulations.

Director Koenig explained how this provides flexibility for people depending on where their houses are situated on the property. He reiterated that applicants still have to show that the property can be subdivided and go through the short plat process.

Chair Leifer asked about if the reason for the size restriction is to maximize the density for infill. Planning Manager Holland affirmed that it is. Chair Leifer asked if the City requires the property owners in other zones to limit the size of a lot so that they don't put in less than that number of lots on an acre (for example, 6.5 lots/acre in 6.5 zoning). Director Holland responded that they do not.

The public hearing was opened at 7:18 p.m. Seeing no one present in the audience and no comments, the hearing was closed at 7:18 p.m.

Motion made by Commissioner Richards, seconded by Commissioner Smith, to recommend that this be forwarded to Council. **Motion** passed unanimously (7-0).

AUDIENCE PARTICIPATION

None

HOUSING 101 PRESENTATIONKristina Gallant, Alliance for Housing Affordability

Ms. Gallant explained she is a planner and an advocate for housing as an important issue. She discussed why housing is important and reviewed some of the challenges associated with homelessness. She noted that "affordable" means different things to different people. She explained the concept of cost burden where a household shouldn't spend more than 30% of its income on rent or home ownership. Severe cost burden is where a household spends more than 50% of its income on rent or home ownership. She reviewed the housing continuum and different types of housing available to people at different income levels. The income distribution in Marysville is similar to Snohomish County in general.

People: 55% of Marysville renter households earn less than the minimum income needed to pay the median rent, and 25% of Marysville homeowners earn less than what is required to buy the median home. In Marysville, the portion of renters has been stable since 2010. Ms. Gallant reviewed example household scenarios and how they have been helped with a Housing Choice Voucher.

Properties: Ms. Gallant reviewed who provides different kinds of housing for different income levels. There are two major types of housing assistance – subsidized or workforce. Subsidized housing refers to ongoing subsidies serving the lowest income households. Workforce is where rents are set at an affordable level typically serving people earning around 50% of the median income. There are a lot of providers providing both of those types of housing.

She discussed barriers for housing providers getting into the affordable housing scene. Challenges include: federal funding, limitations in grant requirements, risks in grant timing, fewer local funding sources, competition with neighboring counties, and local capacity limits. Although a lot of the activity that influences housing affordability happens at the state and federal level, there are important things that happen at the local level. Some of those include minimizing development barriers, matching housing needs, expanding assisted housing supply, and preserving assets. Ms. Gallant noted that www.housingallies.org is the Housing Alliance website where people can go for more information.

Questions/Comments:

Chair Leifer referred to a slide that represented some of the funding benefits that went along with projects such as tax exemption. He asked if this only applies to projects that are identified as “affordable.” Ms. Gallant replied that it does. She explained that it is determined by income and not by cost burden. She noted that most affordable housing projects in Snohomish County put a cutoff at around 50% of median income. Chair Leifer asked who determines whether a project is eligible for the 4% tax credits. Ms. Gallant replied that whoever has the money makes those decisions. For the 4% tax credit, the feds set the amount of tax credit by state with basic requirements, and then each state adds more requirements on how you can qualify for the state credits.

Director Koenig stated that the State Housing Finance Commission is the organization that allocates the tax credits which can be 4 or 6%. The lower the income target you have the higher the number of points you get. Chair Leifer asked if the local municipality has any input. Director Koenig noted that there is usually a letter sent to the Mayor asking for comment if it’s in the jurisdiction. They also ask if the project is allowed by zoning, and if it’s consistent with the consolidated plan that the city puts together.

Ms. Gallant noted that Snohomish County hasn’t been performing as well with some of the more competitive funding sources. It seems to be explained partially by some policies that are more challenging for Snohomish County in particular. The Alliance has

been talking to them about an arbitrarily high minimum requirement for what counts as a local funding commitment in order to get points compared to some of the other counties.

Director Koenig discussed the concept of “over-housing” in public housing versus Section 8 vouchers.

Chair Leifer asked if the local jurisdiction has the authority to give a thumbs-up or a thumbs-down to any of the funding sources. He noted that the City of Marysville has limited where the 10-year property tax credit can be used in the City. Chair Holland affirmed that it has been enacted for the downtown area where the City wants to encourage that kind of development. Director Koenig reviewed an example of how Everett handled their tax credit regulations to get the development they wanted.

Commissioner Richards asked about plans for affordable housing in Marysville. Planning Manager Holland explained there are three affordable housing projects that have been built in Marysville over the last four years that received tax credits. Those are the Quilceda Creek Apartments, Villas, and a Vintage housing project. The City is working on a house with the Everett Gospel Mission on a pilot program to work with homeless individuals who are transitioning into housing. Director Koenig noted that Housing Hope is proposing a 50-unit project north of Twin Lake Park. Planning Manager Holland added that there was one subdivision in the City built several years ago that took advantage of incentives so they were able to get more lots in their subdivision by providing some affordable rent/ownership housing. Director Koenig also commented that Habitat for Humanity has been active in Marysville and has a project in the works now.

Chair Leifer referred to the subdivisions that took advantage of incentives and asked if those houses have to be sold in perpetuity to buyers who qualify with the median income. Planning Manager Holland affirmed that they do. Director Koenig added that Habitat for Humanity homes also have a cap on what people can earn in equity so the homes can be affordable to the next homeowner. There was discussion about the interaction between income levels, subsidies, cost burdens, and personal choices.

Commissioner Hoen said he thought from prior discussions that Marysville had a higher-than-average number of low income households. Ms. Gallant wasn't sure off the top of her head, but noted that Marysville does have a lower median income than other places.

Commissioner Hoen brought up the conflict of interest between the City's need for low income housing and its need for a better tax base. Ms. Gallant acknowledged that it is a question of balance.

Commissioner Whittaker asked what the disadvantages are that Snohomish County has versus King County when it comes to funding. Ms. Gallant replied that there is a *lot* more available money in King County. Some funding sources have separate pools for King County, which can make it easier for builders in King County. Commissioner Richards asked where King County gets its money. Director Koenig replied that King

County has increased property taxes in order to build housing. They use that to get matching funding. They also get more federal funding because of the size of the city. Additionally, the Finance Commission allocates higher costs per unit to projects built in King County than those built in Snohomish County even though construction costs are essentially the same.

CITY COUNCIL AGENDA ITEMS AND MINUTES

ADJOURNMENT

Motion made by Commissioner Richards, seconded by Commissioner Andes, to adjourn the meeting at 8:30 p.m. **Motion** passed unanimously.

NEXT MEETING: June 28, 2016

Laurie Hugdahl, Recording Secretary

PLANNING COMMISSION



MINUTES

March 8, 2016

7:00 p.m.

City Hall

CALL TO ORDER

Chair Leifer called the March 8, 2016 meeting to order at 7:00 p.m. noting there was no one in the audience.

Marysville

Chairman: Steve Leifer

Commissioners Present: Roger Hoen, Jerry Andes, Kay Smith, Kelly Richards, Tom Thetford

Commissioners Absent: Steven Lebo

Staff: Planning Manager Chris Holland; Community Development Director Dave Koenig; Parks, Recreation, and Cultural Arts Director Jim Ballew

APPROVAL OF MINUTES

Tuesday, October 13, 2015

Commissioner Hoen stated he would be abstaining from the vote as he wasn't at the October 13 meeting.

Motion made by Commissioner Smith, seconded by Commissioner Richards, to approve the October 13, 2015 Meeting Minutes as presented. **Motion** passed (5-0) with Commissioner Hoen abstaining.

AUDIENCE PARTICIPATION

None

NEW BUSINESS

A. Chairman and Vice Chairman Nominations

Motion made by Commissioner Smith, seconded by Commissioner Richards, to continue with Steve Leifer as Chair and Jerry Andes as Vice Chair. **Motion** passed unanimously (6-0).

B. Waterfront Park and Ebey Waterfront Trail DRAFT Plan

Parks, Recreation, and Cultural Arts Director Jim Ballew commented that the City received a grant from the Recreation Conservation Office and will be pursuing development of the first phase of the Ebey Waterfront Trail which will allow access to the Qwuloolt restoration site. This will be happening in the next year. As a result of that the City will be focusing on a plan to develop a year-round park environment with recreational opportunities throughout and surrounding the Qwuloolt restoration area including public access, continuation of trails, and development of the City's waterfront. The City contracted with a landscape architect out of Portland, Oregon who has a history of doing some unique, key projects for Portland, Oregon; Vancouver, Washington; and Bend, Oregon.

Topics covered included the Qwuloolt restoration site and the trails around it as well as the downtown waterfront area parks plan:

- Olympic View Park Concept Plan – This includes ADA trail access, light watercraft vehicular drop off, play area and restroom, a parking area, breach overlook, light watercraft launch and an optional boardwalk.
- Harbor View Park – The focus here will be to create more parking, move the playground, and create more open space and community shelters.
- Trail with Sunnyside Boulevard Section – This is a trail with a natural scenic outlook.
- Crane/Rose Properties Concept Plan – This property was acquired through a Conservation Futures Grant. It is a great opportunity to connect to Jennings Park and would provide a boardwalk/loop within the trail system. There is an opportunity to build a picnic area, an outlook lab, and potential education center. There is a potential opportunity to connect the trail with bridging to Sunnyside Blvd.
- Ebey Waterfront Trail – There is a possibility of a tied arch bridge and a boardwalk, interpretive features, shade structures, overlook, outdoor classroom/picnic area, and light watercraft mooring. Ideas to mask the wastewater treatment plant from the trail include: an artisan chain link, a welded wire mesh fence, or vines on a chain link fence. Commissioner Thetford asked if there are plans to reach to the other side of the breach. Director Ballew replied that there are not because it is a living breach, the Tribes and the Corps of Engineers are not interested, and it would be very expensive. Staff is also proposing an overwater fishing platform. Options for getting back to the waterfront park are being considered such as access underneath the bridge.

Phases of the trails throughout the restoration site include:

1. Western Breach
2. Olympic View Park
3. Levee Trail
4. Sunnyside Blvd
5. Crane Property
6. Harbor View Park Improvements

There is a focus on ecotourism in this area with the opportunity to become a destination spot for water sports. Ideas for uses include: a light watercraft center, paddling and adaptive paddling, traditional fishing and nets; and decks, docks, and pilings to provide shoreline public access. There is currently a pond at the waterfront park. The design under consideration would include: waterfront boardwalk, kayak rental, overlook of tidal gate, boardwalk promenade and event space, flexible lawn space, event lawn for stage and hillside amphitheater, modified boat basin for light watercraft casting, light watercraft center and flexible community event space, masking of railroad corridor, light watercraft launch with universal accessibility, floating deck, floating picnicking and/or concessions, potential farmers market location, sculptural play area, stormwater treatment with interpretive outlook, boat basin overlook, picnic area, a water feature, and a waterfront trail connection. Examples of potential designs for a light waterfront center were shown. Commissioner Richards asked if staff had considered a restaurant in the waterfront center. Director Ballew explained a restaurant had been considered in a different area. The cost for the waterfront park is coming in at \$20 million. The trail system is coming in at \$11-12 million. Discussion of final plans will be coming soon.

Comments and Questions:

Commissioner Hoen asked if handicapped access is being considered. Director Ballew affirmed that there is a strong emphasis on ADA access throughout the design. Commissioner Hoen asked if canoes would be able to be into the restoration site area. Director Ballew replied it is possible, but challenging due to the tides. The Tribes appear to be fine with non-motorized boats, but not motorized boats. He explained that the Qwuloolt restoration project is unique because it is a Tribal project, but it is in city limits. Commissioner Hoen asked if the Nisqually boardwalk was a tribal or state project. Community Development Director Koenig explained that Nisqually was a combination of partnerships.

Chair Leifer asked what the annual park impact fees are per year. Director Ballew replied it averages between \$160,000 and \$210,000 per year. He discussed possible grant opportunities throughout the state.

Commissioner Thetford asked if it would be possible to phase the marina/boathouse area. Director Ballew thought it was possible and noted that could help with funding.

Commissioner Hoen asked if the mitigation against the Marysville shopping center is part of this. Director Ballew replied it is not.

C. Code Amendment – MMC 14.01.050 Sewer connection required

Planning Manager Chris Holland explained that in the sewer code you are required to extend sewer when you are located within 200 feet of a sewer line. When you are over 200 feet you do not have to connect if certain criteria apply. Staff is proposing two options:

- Option 1: Amend subsection (C) so that on a case-by-case basis, the director may approve lots larger than the minimum lot size necessary to accommodate an on-site sewage treatment system with the reserve area required by Snohomish Health District, if in the determination of the director the applicant meets the intent of subsections (A) & (B) of this section.
- Option 2: Eliminate subsection (C) in its entirety.

Community Development staff does not have a recommendation on the two options at this time.

Chair Leifer asked about the reason for the 12,500 lot size. Planning Manager Holland replied it was to provide for maximization of the land.

Commissioner Thetford asked if the Health District would make the determination on suitable soils. Planning Manager Holland replied that they would. Commissioner Thetford suggested just including the minimum size and the proviso that sizing constraints have to be accommodated. Planning Manager Holland thought it already said that. Community Development Director Koenig explained there have been some situations that have come up which is why this is an issue.

Chair Leifer stated he would like to have time to review this before discussing it further. Chris Holland indicated he might be able to provide the audio from the 2009 meeting where this was discussed for the Commission's information. There was consensus to put this on the agenda for the next meeting for discussion purposes.

OLD BUSINESS

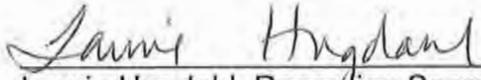
CITY COUNCIL AGENDA ITEMS AND MINUTES

NEXT MEETING – March 22, 2016

- A. State Avenue Corridor Subarea Plan
- B. Lakewood Neighborhood Master Plan

ADJOURNMENT

Motion made by Commissioner Richards, seconded by Commissioner Thetford, to adjourn the meeting at 8:15 p.m. **Motion** passed unanimously (6-0).



Laurie Hugdahl, Recording Secretary

CITY OF MARYSVILLE
Marysville, Washington
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON, RELATING TO EXEMPTIONS FROM EXTENDING SEWER TO ANY NEW LAND DIVISION LOCATED GREATER THAN 200 FEET FROM A SEWER MAIN AND THE MAXIMUM LOT SIZE FOR THE PROPOSED LAND DIVISION BY AMENDING SECTION 14.01.050 OF THE MARYSVILLE MUNICIPAL CODE.

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

WHEREAS, during public meetings on March 8, 2016, the Planning Commission discussed proposed amendments to MMC 14.01.050 relating to exemptions from extending sewer to any new land division located greater than 200 feet from a sewer main and the maximum lot size from the proposed land division; and

WHEREAS, on June 14, 2016 the Planning Commission held a duly-advertised public hearing; and

WHEREAS, on June 14, 2016 the Planning Commission made a Recommendation to City Council recommending amendments to MMC 14.01.050 relating to exemptions from extending sewer to any new land division located greater than 200 feet from a sewer main and the maximum lot size from the proposed land division; and

WHEREAS, at a public meeting on July 11, 2016 the Marysville City Council reviewed and considered the Planning Commission’s Recommendation and proposed amendments to MMC 14.01.050 relating to exemptions from extending sewer to any new land division located greater than 200 feet from a sewer main and the maximum lot size from the proposed land division; and

WHEREAS, the Marysville City Council finds that it is in the best interest of the community to adopt amendments to MMC 14.01.050 relating to exemptions from extending sewer to any new land division located greater than 200 feet from a sewer main and the maximum lot size from the proposed land division;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MARYSVILLE AS FOLLOWS:

Section 1. Amendment of Municipal Code. MMC Section 14.01.050, entitled “Sewer connection required,” is hereby amended as follows:

14.01.050 Sewer connection required.

(1) The owner of any property within the city limits which is not connected to city sewer service shall be required to extend the sewer utility line which is within 200 feet of the structure to be served, as measured along the usual or most feasible route of access, and to connect to the same for all occupied structures on the property under any of the following circumstances:

(a) Upon construction of a building or structure which is designed for occupancy; or

(b) Upon construction of any additions, alterations or repairs within any 12-month period which exceed 50 percent of the value of an existing building or structure which is designed for occupancy; or

(c) Upon any change in the occupancy classification of an existing building or structure on the property; or

(d) Upon the failure of the on-site sewage disposal system on the property;
or

(e) As a condition of approval for any new land division, including but not limited to subdivision, short subdivision, and binding site plan. In the case of new land divisions, the 200-foot threshold shall apply. Beyond the 200-foot threshold, the owner shall be required to extend the sewer utility line to all occupied structures regardless of distance unless one of the following exceptions applies:

(i) The proposed subdivision is within an unsewered urban enclave which is defined as an area within an urban growth area in which, in the opinion of the director, connection to public sewer is not economically or technically feasible due to manmade or natural barriers although public sewer may have been extended near such area, and for which the city has certified that it cannot reasonably provide sewer service because of such barriers.

(ii) The land division application proposes creation of no more than two lots and in addition meets each of the following conditions:

(A) The design for the land division includes specific provisions for future accommodation of public sewers in a manner which will allow for future development at appropriate urban densities. The director may require dry sewers and side sewer stub outs;

(B) The land division is configured in a manner which, in the opinion of the director, provides reasonable assurance that subsequent redevelopment will be at minimum or greater than minimum urban densities as outlined in the city's comprehensive plan when sewer becomes available;

(C) One of the proposed new lots is no larger than the minimum lot size necessary to accommodate an on-site sewage treatment system with the reserve area required by the Snohomish Health District; however, on a case-by-case basis, the director may approve lots larger than the minimum lot size necessary to accommodate an on-site sewage treatment system with the reserve area required by the Snohomish Health District, if in the determination of the director the applicant meets the intent of subsections (A) & (B) of this section; and

(D) The director includes as a condition of approval a prohibition of further subdivision or short subdivision of the property until public sewer becomes available.

(2) Approval of any land division application utilizing the exception in subsection (1) of this section is contingent upon submittal of a legally binding agreement with the city, which must be recorded with the property records of Snohomish County and in a form acceptable to the director, in which the property owner and successors in interest agree to participate without protest in any sewer local improvement district (LID) or utility local improvement district (ULID), including agreement to pay any connection fees and monthly charges assessed by the city, LID or ULID. Nothing in this section shall be construed to limit the ability of the applicant or any successor in interest to challenge the amount of any assessment.

(3) The owner of any property outside of the city limits, but within the utility service area, which is connected to public water service as required in MMC 14.01.040(1) shall be required to extend the city's sanitary sewer and connect to the same for all occupied structures on the property only if such structures, or any of them, are within 200 feet of the existing sanitary sewer, as measured along the usual and most feasible route of access, and only under the following circumstances:

(a) Upon construction of a building or structure which is designed for occupancy; or

(b) Upon construction of any additions, alterations or repairs within any 12-month period which exceed 50 percent of the value of an existing building or structure which is designed for occupancy; or

(c) Upon any change in the occupancy classification of an existing building or structure on the property; or

(d) Upon the failure of the on-site sewage disposal system on the property; or

(e) As a condition of approval for any new land division, including but not limited to subdivision, short subdivision, and binding site plan. In the case of new land divisions, the 200-foot threshold shall apply. Beyond the 200-foot threshold, the owner shall be required to extend the sewer utility line to all occupied structures regardless of distance unless one of the following exceptions applies:

(i) The proposed subdivision is within an unsewered urban enclave which is defined as an area within an urban growth area in which, in the opinion of the director, connection to public sewer is not economically or technically feasible due to manmade or natural barriers although public sewer may have been extended near such area, and for which the city has certified that it cannot reasonably provide sewer service because of such barriers.

(ii) The land division application proposes creation of no more than two lots and in addition meets each of the following conditions:

(A) The design for the land division includes specific provisions for future accommodation of public sewers in a manner which will allow for future development at appropriate urban densities. The director may require dry sewers and side sewer stub outs;

(B) The land division is configured in a manner which, in the opinion of the director, provides reasonable assurance that subsequent redevelopment will be at minimum or greater than minimum urban densities as outlined in the city's comprehensive plan when sewer becomes available;

(C) One of the proposed new lots is no larger than the minimum lot size necessary to accommodate an on-site sewage treatment system with the reserve area required by the Snohomish Health District; however, on a case-by-case basis, the director may approve lots larger than the minimum lot size necessary to accommodate an on-site sewage treatment system with the reserve area required by the Snohomish Health District, if in the determination of the director the applicant meets the intent of subsections (A) & (B) of this section; and

(D) The director includes as a condition of approval a prohibition of further subdivision or short subdivision of the property until public sewer becomes available.

(4) Approval of any building permit or land division application utilizing the exception in subsection (3) of this section is contingent upon submittal of a legally binding agreement with the city, which must be recorded with the property records of Snohomish County and in a form acceptable to the director, in which the property owner and successors in interest agree to participate without protest in any sewer local improvement district (LID) or utility local improvement district (ULID), including agreement to pay any connection fees and monthly charges assessed by the city, LID or ULID. Nothing in this section shall be construed to limit the ability of the applicant or any successor in interest to challenge the amount of any assessment.

(5) Approval of any building permit or land division approval utilizing the exception in subsection (3) of this section is contingent upon submittal of a legally binding annexation agreement as established in MMC 14.32.040(2). The annexation agreement must be recorded with the property records of the Snohomish County and in a form acceptable to the director,

in which the property owner and all successors in interest agree to annexation of the property to the city when proposed.

(6) The city land use hearing examiner shall have the authority to grant variances from subsections (1) and (3) of this section. Applications for such variances shall be filed, in writing with the director, together with a filing fee of \$200.00. The applicant shall be given 10 days' notice of the date on which the hearing examiner shall consider the variance. The hearing examiner is authorized to issue such variances only if it is found that a literal enforcement of this chapter would cause practical difficulties or unnecessary hardships. No such variance shall be authorized unless the examiner finds that all of the following facts and conditions exist:

(a) That there are exceptional or extraordinary circumstances or conditions applying to the subject property or as to the intended use thereof that do not apply generally to other properties in the same vicinity;

(b) That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity;

(c) That the authorization of such variance will not be materially detrimental to the public interest, welfare of the environment;

(d) That the granting of such variance will not be inconsistent with the long-range plans of the city utility system, or jeopardize utility availability for properties within city limits;

(e) That the granting of such variances will not conflict with the city's annexation policies as adopted by resolution.

Section 2. 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 3. 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 _____, 2016.

CITY OF MARYSVILLE

By: _____
JON NEHRING, MAYOR

Attest:

By: _____
APRIL O'BRIEN, DEPUTY CITY CLERK

Approved as to form:

By: _____
JON WALKER, CITY ATTORNEY

Date of Publication: _____

Effective Date: _____
(5 days after publication)