

CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: September 12, 2016

AGENDA ITEM: Ordinance adopting amendments to the Marysville Municipal Code related to the expiration of subdivisions, short subdivisions and binding site plans.	
PREPARED BY: Chris Holland, Planning Manager	DIRECTOR APPROVAL:
DEPARTMENT: Community Development	
ATTACHMENTS: <ol style="list-style-type: none">1. PC Recommendation, including:<ul style="list-style-type: none">. Exhibit A – Recommended Amendments. Exhibit B – PC Public Hearing DRAFT Minutes 07.26.162. PC Workshop Minutes 07.12.163. Public Comments from Angie Sievers, Master Builders Association, dated 07.08.164. Notice of proposed 2-year time extension of subdivision / short plat expiration date5. Adopting Ordinance6. MMC 22G.010.260 <i>Minor revisions to approved development applications</i>	
BUDGET CODE:	AMOUNT:
SUMMARY:	

On June 14, 2016 the Community Development Director sent notice to property owners, developers and interested parties requesting comments on a proposed amendment to the Marysville Municipal Code related to extension of subdivisions and short subdivision. Staff received one formal comment letter from Master Builders Association of King and Snohomish County in support of the amendment. Staff also had conversations on the phone and over the counter with a number of interested parties who supported the proposed code amendments.

The proposed amendments would allow an administrative extension for subdivisions and short subdivisions for up to two years. In order to have the extension approved, the development would be required to comply with the Marysville Municipal Code (MMC) standards at the time of the extension request, or must be able to meet MMC standards using the minor amendment process in MMC 22G.010.260.

The Planning Commission held a public workshop on July 12, 2016 to review the proposed amendments and requested staff amend the extension to include binding site plans. On July 26, 2016 the Planning Commission held a duly advertised public hearing and recommended City Council approve the code amendments, as reflected in the attached Planning Commission Recommendation.

RECOMMENDED ACTION: Affirm the Planning Commission's recommendation adopting amendments to the Marysville Municipal Code related to expiration of subdivisions, short subdivisions and binding site plans.
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COMMUNITY DEVELOPMENT DEPARTMENT
80 Columbia Avenue ♦ Marysville, WA 98270
(360) 363-8100 ♦ (360) 651-5099 FAX

PC Recommendation - Subdivision, Short Subdivision and BSP Terms

The Planning Commission of the City of Marysville, having held a public hearing on July 26, 2016, in review of amendments relating to the expiration of subdivisions, short subdivisions and binding site plans, amending Marysville Municipal Code (MMC) Sections 22G.090.170, 22G.090.380 and 22G.100.120, 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 the expiration of subdivisions, short subdivisions and binding site plans on July, 12, 2016.
2. The proposed amendment to the City's development regulations is exempt from State Environmental Policy Act review under WAC 197-11-800(19).
3. Community Development Staff submitted the DRAFT amendments relating to the expiration of subdivisions, short subdivisions and binding site plans to the State of Washington Department of Commerce for expedited review pursuant to RCW 36.70A.106(3)(b).
4. The Community Development Department received a letter from the State of Washington Department of Commerce acknowledging receipt of the DRAFT amendments relating to the expiration of subdivisions, short subdivisions and binding site plans on July 7, 2016 and processed with the material ID #22601. No comments were received from State Agencies
5. The Planning Commission held a duly-advertised public hearing on July 26, 2016.
6. One letter was received from Master Buildings Association, dated July 8, 2016, in support of the DRAFT amendments related to the expiration of subdivisions, short subdivisions and binding site plans. No other written comments were received.

CONCLUSION:

At the public hearing, the Planning Commission recommended adoption of the amendments relating to the expiration of subdivisions, short subdivisions and binding site plans, as reflected in the Amendments attached hereto as **Exhibit A**, and as reflected in the Planning Commission Minutes, dated July 26, 2016, attached hereto as **Exhibit B**.

RECOMMENDATION:

Forwarded to City Council as a Recommendation of Approval of the development code amendments relating to the production, processing, and distribution of marijuana, by the Marysville Planning Commission this 26th day of July, 2016.

By: _____

Steve Leifer, Planning Commission Chair

EXHIBIT A

Section 1. Amendment of Municipal Code. MMC Section 22G.090.170, entitled "Preliminary and final subdivision approval – Terms," is hereby amended as follows:

22G.090.170 Preliminary and final subdivision approval – Terms.

(1) Preliminary plats of any proposed subdivision and dedication shall be approved, disapproved, or returned to the applicant for modification or correction within 90 days from the date of filing a complete application unless the applicant consents to an extension of such time period or the 90-day limitation is extended to include up to 21 days as specified under RCW 58.17.095(3); provided, that if an environmental impact statement is required as provided in RCW 43.21C.030, the 90-day period shall not include the time spent preparing and circulating the environmental impact statement.

(2) Final subdivisions shall be approved, disapproved, or returned to the applicant within 30 days from the date of filing thereof, unless the applicant consents to an extension of such time period.

(3) Final subdivision approval must be acquired in accordance with RCW 58.17.140, as follows:

(a) Within five years of the date of preliminary approval, if the date of preliminary approval is on or after January 1, 2015. ~~An extension may be granted by the community development director for up to two years if the applicant has attempted in good faith to submit the final plat within the five year time period; provided, however, the applicant must file a written request with the community development director requesting the extension at least 30 days before expiration of the five year period.~~

(b) Within seven years of the date of preliminary approval, if the date of preliminary approval is on or before December 31, 2014.

(c) Within ~~10~~ten years of the date of preliminary approval, if the project is not subject to requirements adopted under Chapter 90.58 RCW and the date of preliminary plat approval is on or before December 31, 2007.

(d) An extension may be granted by the community development director for up to two years if the applicant has attempted in good faith to submit the final plat under (a) through (c) above and has filed a written request with the community development director requesting the extension at least 30 days before the expiration date. The subdivision must meet Marysville Municipal Code standards at the time of the extension request or must be able to meet Marysville Municipal Code standards using the minor amendment process in MMC 22G.010.260.

(4) If final subdivision approval is not obtained within the time frames outlined in subsection (3) of this section, the preliminary subdivision approval is void.

Section 2. Amendment of Municipal Code. MMC Section 22G.090.380, entitled "Preliminary and final short subdivision approval - Terms," is hereby amended as follows:

22G.090.380 Preliminary and final short subdivision approval – Terms.

(1) Preliminary short subdivisions and dedication shall be approved, disapproved, or returned to the applicant for modification or correction within 90 days from the date of filing a complete application unless the applicant consents to an extension of such time period or the 90-day limitation is extended to include up to 21 days as specified under RCW 58.17.095(3); provided, that if an environmental impact statement is required as provided in RCW 43.21C.030, the 90-day period shall not include the time spent preparing and circulating the environmental impact statement.

EXHIBIT A

(2) Final short subdivisions shall be approved, disapproved, or returned to the applicant within 30 days from the date of filing thereof, unless the applicant consents to an extension of such time period.

(3) Final short subdivision approval must be acquired in accordance with RCW 58.17.140, as follows:

(a) ~~Within five years of the date of preliminary approval, if the date of preliminary approval is on or after January 1, 2015. An extension may be granted by the community development director for one year if the applicant has attempted in good faith to submit the final plat within the five year time period; provided, however, the applicant must file a written request with the community development director requesting the extension at least 30 days before expiration of the five year period.~~

(b) Within seven years of the date of preliminary approval, if the date of preliminary approval is on or before December 31, 2014.

(c) Within ~~10~~ten years of the date of preliminary approval, if the project is not subject to requirements adopted under Chapter 90.58 RCW and the date of preliminary plat approval is on or before December 31, 2007.

(d) An extension may be granted by the community development director for up to two years if the applicant has attempted in good faith to submit the final short plat under (a) through (c) above and has filed a written request with the community development director requesting the extension at least 30 days before the expiration date. The short plat must meet Marysville Municipal Code standards at the time of the extension request or must be able to meet Marysville Municipal Code standards using the minor amendment process in MMC 22G.010.260.

(4) If final short subdivision approval is not obtained within the time frames outlined in subsection (3) of this section, the preliminary subdivision approval is void.

Section 3. Amendment of Municipal Code. MMC Section 22G.100.120, entitled "Final binding site plan approval - Term," is hereby amended as follows:

22G.100.120 Final binding site plan approval – Term.

~~The applicant must complete all conditions of preliminary approval within five years following the date of preliminary approval, after which the preliminary approval is void. An extension may be granted by the community development director for one year if the applicant has attempted in good faith to complete the requirements of preliminary approval within the original time period; provided, however, the applicant must file a written request with the community development director requesting the extension at least 30 days prior to the expiration of the original time period.~~

~~Exception: For binding site plans which obtained preliminary binding site plan approval on or before December 31, 2007, and are not subject to the requirements adopted under Chapter [90.58](#) RCW, a final binding site plan meeting all requirements of this chapter shall be submitted for approval within nine years of the date of preliminary binding site plan approval pursuant to RCW [58.17.140](#). For binding site plans which obtained preliminary binding site plan approval between January 1, 2008, and December 31, 2014, a final binding site plan meeting all requirements of this chapter shall be submitted for approval within seven years of the date of preliminary binding site plan approval pursuant to RCW [58.17.140](#). An extension may be granted by the community development director for up to two years on binding site plans which received preliminary binding site plan approval between January 1, 2008, and December 31, 2014, if the applicant has attempted~~

EXHIBIT A

~~in good faith to submit the final binding site plan within the seven-year time period; provided, however, the applicant must file a written request with the community development director requesting the extension at least 30 days before expiration of the seven-year period.~~

~~(1) Final binding site plan approval must be acquired in accordance with RCW 58.17.140, as follows:~~

~~(a) Within five years of the date of preliminary approval, if the date of preliminary approval is on or after January 1, 2015.~~

~~(b) Within seven years of the date of preliminary approval, if the date of preliminary approval is on or before December 31, 2014.~~

~~(c) Within ten years of the date of preliminary approval, if the project is not subject to the requirements adopted under Chapter 90.58 RCW and the date of preliminary approval is on or before December 31, 2007.~~

~~(d) An extension may be granted by the community development director for up to two years if the applicant has attempted in good faith to submit the final binding site plan under (a) through (c) above and has filed a written request with the community development director requesting the extension at least 30 days before the expiration date. The binding site plan must meet Marysville Municipal Code standards at the time of the extension request or must be able to meet Marysville Municipal Code standards using the minor amendment process in MMC 22G.010.260.~~

~~(2) If final binding site plan approval is not obtained within the time frames outlined in subsection (1) of this section, the preliminary binding site plan is void.~~

PLANNING
COMMISSION



MINUTES

July 26, 2016

7:00 p.m.

City Hall

CALL TO ORDER

Chair Leifer called the July 26, 2016 meeting to order at 7:00 p.m. noting the presence of one person in the audience.

Marysville

Chairman: Steve Leifer

Commissioners: Jerry Andes, Kay Smith, Brandon Whitaker

Staff: Community Development Director Dave Koenig

Absent: Roger Hoen, Kelly Richards, Tom Thetford

Chair Leifer noted the excused absence of Commissioners Hoen, Richards, and Thetford.

APPROVAL OF MINUTES

July 12 Meeting Minutes

Motion made by Commissioner Smith, seconded by Commissioner Whitaker, to approve the Tuesday, July 12 Meeting Minutes. **Motion** passed unanimously (3-0) with Commissioner Andes abstaining.

AUDIENCE PARTICIPATION

None

PUBLIC HEARING

Subdivision, Short Subdivision and BSP Terms – Code Amendment

Chair Leifer opened the public hearing at 7:04 p.m.

Community Development Director Koenig explained that after the last meeting staff added the Binding Site Plan (BSP) language to that part of the code per Planning Commission comments. This would extend the life of the subdivision short plat or Binding Site Plan for up to two years for those people who request it beyond the current expiration date.

Chair Leifer expressed appreciation for the change.

Director Koenig added that there was a letter submitted on July 8, 2016 by Angie Sievers who represents Masters Builders Association of King and Snohomish County in support of the code amendment.

Chair Leifer spoke in support of the code amendment. He noted that staff has done a great job of defining the issues, and he feels completely comfortable with it. There appeared to be consensus.

Public Testimony:

Gary Wright, 5533 Parkside Drive, Marysville, WA 98270, Real Estate Broker, spoke in support of the proposed ordinance. He feels it makes a lot of sense. He stated he agrees with the letter that Master Builders wrote. He commented that there are not many lots in Marysville so he thinks there is a need for this. He thinks it is a matter of fairness for developers who got caught in the market downturn. Also, he believes this is compatible with the work that the Council and the Mayor have done in conjunction with Arlington in attempting to create an opportunity for expansion of jobs in the Marysville-Arlington community. It makes sense for there to be housing available where the jobs are.

Motion made by Commissioner Whitaker, seconded by Commissioner Smith, to approve this Ordinance and pass it on to the Council. **Motion** passed unanimously (4-0).

Seeing no further comments, the public hearing was closed at 7:15 p.m.

CITY COUNCIL AGENDA ITEMS AND MINUTES

Director Koenig had the following comments:

- Code enforcement has been in the news quite a lot recently. The City Council passed an ordinance that gives the City enforcement authority now in backyards where they didn't have that before to address junk and trash. Council looked at this issue over several meetings. They were concerned about the balance between enforcement on nuisances and property rights.
- Council approved doing a market study for the Arlington-Marysville Manufacturing Industrial Center. Community Attributes was hired as a consultant and was jointly funded by Arlington and Marysville. They are working at getting

the Manufacturing Industrial Center (MIC) recognized by the Puget Sound Regional Council as an MIC so it is part of the Regional Council's mapping system. He was elected by Snohomish County Cities to represent Snohomish County on a committee that is reviewing that matter.

Chair Leifer thought there had already been some sort of designation at the county level. Director Koenig affirmed that they have the local recognition, but they do not have the PSRC recognition. Snohomish County has criteria for local designation of a MIC as a capacity through zoning and such where it can accommodate at least 20,000 jobs. Arlington-Marysville MIC meets the criteria of over 20,000 job potential. There are over 6,000 jobs right now. PSRC also has the criteria that you have to have over 10,000 jobs. They will be making suggestions about how to amend that to allow for the Arlington-Marysville MIC to be recognized. At the local level each county has different criteria for what a MIC standard is. In King County the requirement is 10,000 job capacity, and in Pierce County it's 7,500 capacity and being within one mile of I-5. Currently there is just one MIC in Snohomish County, and that is the Southwest Everett one which has almost 50,000 jobs.

- The next meeting for the Planning Commission will be on September 13.

Chair Leifer asked when the Lakewood Master Plan hearing would be. Director Koenig said the goal is to bring it back to the Commission in September for a public hearing. Some comments were received on the transportation system there so those have been reviewed by staff and will be incorporated. Chair Leifer commented that they might need another workshop if there is new information for the Commission to consider. He stated he also has some thoughts on the road network up there. Director Koenig indicated they could have another workshop if the Commission wishes. Staff can bring back some options for the Commission. Chair Leifer thought that would be a good idea. Director Koenig reviewed new development in the area including Hobby Lobby, the Behavioral Health Hospital, Triple T warehouse, Outback Steakhouse, and Bonefish Grill.

Chair Leifer asked what is happening on the south side of 116th. Director Koenig explained that the triangle property to the east will be a Hilton 5-story suite hotel. To the west of that, 38th Street will be extended back and tie in to the Tulalip Tribes property. There will be a medical facility, Sonic, and some other commercial places. He discussed the difficult conditions associated with that property and how they were dealing with that. Chair Leifer discussed a property on 116th south of the old gas station that he thought was going to have a hotel on it too. Director Koenig wasn't aware of that project, but indicated he could look into it.

ADJOURNMENT

Motion made by Commissioner Smith, seconded by Commissioner Whitaker, to adjourn the meeting at 7:37 p.m. **Motion** passed unanimously.

NEXT MEETING

September 13, 2016

Laurie Hugdahl, Recording Secretary

PLANNING COMMISSION



MINUTES

July 12, 2016

7:00 p.m.

City Hall

CALL TO ORDER

Chair Leifer called the July 12, 2016 meeting to order at 7:00 p.m.

Marysville

Chairman: Steve Leifer

Commissioners: Roger Hoen, Kay Smith, Tom Thetford, Brandon Whitaker

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

Absent: Jerry Andes, Kelly Richards

Chair Leifer noted the excused absence of Jerry Andes and Kelly Richards.

APPROVAL OF MINUTES

June 14 Meeting Minutes

Commissioner Whitaker referred to the first sentence on the last paragraph of page 4 and stated that his last name should have just one "T."

Chair Leifer referred to page 2 and noted there was also discussion at the meeting about how one of the lots couldn't be any larger than what was required. Planning Manager Holland suggested that they could change *minimum* to **maximum** on the 4th line of the 1st paragraph to reflect this discussion.

Motion made by Commissioner Smith, seconded by Commissioner Thetford, to approve the Tuesday, June 14 Meeting Minutes with the amendments as noted above on pages 2 and 4. **Motion** passed unanimously (5-0).

AUDIENCE PARTICIPATION

Gary Wright stated he was interested in commenting on the extension of preliminary plat approvals. Chair Leifer explained there would be a public hearing on July 26 where the Planning Commission would take public testimony. Mr. Wright stated he would come back on July 26.

NEW BUSINESS

Subdivision Extension Code Amendment

Planning Manager Chris Holland referred to the letter in the Planning Commission's packet dated June 14 and stated it has been sent out to the subdivisions that have not expired and to stakeholder groups. The Master Builders originally sent the City a letter asking them to consider the amendment because the County had done it. They also sent a letter in support of the proposal. Additionally, there was an inquiry from a real estate agent, who has one of the plats that would expire late next year, indicating they were in favor of the proposed amendment.

Planning Manager Holland explained that in order to get the extension, the applicant would need to go through a minor amendment process. All the plats that have previously been approved through the city process would not have to lose lots because of any increase in critical areas buffers, as the buffer widths have not changed since 2005, and that the storm water provisions are basically the same as they were when the plats were originally approved. There are plats that staff expects would have required changes though. For example, plats within the Sunnyside/Whiskey subarea plan on an arterial would be required to have the homes' front sides on the road as required in the Master Plan. Many of the lots approved previously had their rear yards pointing out toward the arterial, but this change can be accomplished through the minor amendment process. Planning Manager Holland stated that there are not any county plats expected to come in for this type of amendment. There are two plats that will expire next year whose applicants' have indicated that the time extension would really help them out. There have been no negative comments to date. Director Koenig explained that the county's process was a little more complicated because it got into vesting.

Chair Leifer asked if there is any downside to this proposal from a city standpoint. Director Koenig stated that the only downside would be if the applicants didn't have to meet the standards for today, but that is being addressed.

Planning Manager Holland explained that plats approved prior to 2007 had ten years to be constructed and approved. Plats approved between 2007 and 2015 had seven years. Anything after 2015 had five years. After next year there won't be any plat extensions that result in a 12-year process because all the ones approved prior to 2007 will have expired.

Chair Leifer asked about the difference with vesting between Snohomish County and Marysville. Director Koenig noted the ordinance is very complicated. There was one

court case in Kirkland related to the question of if a Shoreline Master Program approval would vest a project, but the courts decided a project is vested when a building permit is issued. He commented that normally in Marysville, and most other places, vesting occurs when a building permit is issued. Planning Manager Holland added that vesting to the rules that are in place for your project happens at the time an application is determined to be complete. Director Koenig added that through a Development Agreement you can say what is agreed to and how long that is good for. This contract between a city and a contractor is another type of vesting. One issue is that the state said that stormwater couldn't be vested because the rules might change. However, this was challenged, and the court said that wasn't true because there is no timeframe in which you have to implement the federal standards.

Director Koenig summarized staff does not believe there is a downside to the proposed two-year time extension, but there is a benefit to property owners and developers who got caught up in the economic downturn. This would allow them to move ahead with projects that they designed, for the most part, under standards that are current to date.

Planning Manager Holland pointed out that vesting issues were fixed in the code last year so Marysville's code is current.

Director Koenig commented that this item will come to the Planning Commission for a public hearing at the next meeting, and staff will be asking for the Planning Commission's recommendation to the City Council.

CITY COUNCIL AGENDA ITEMS AND MINUTES

Director Koenig reported that the City Council approved the items recommended by the Planning Commission relating to unsewered subdivision of property with very little discussion last night.

Planning Manager Holland commented that there has been a lot of discussion about code enforcement in the City of Marysville. There were many public comments at the City Council meeting last night where Council took action on some public nuisance amendments which basically addressed trash in rear yards of homes.

Chair Leifer asked why the City doesn't offer extensions to commercial projects as well. Planning Manager Holland replied that the commercial and binding site plans are all five years with a one-year extension, but they could look into that. Chair Leifer thought that would be beneficial in certain situations. He asked if there was a reason that wouldn't be advisable. Planning Manager Holland stated when you adopt new plans like the Smokey Point Plan or the Lakewood Neighborhood Master Plan, the commercial projects that sit there for a long time can affect design standards and road connections.

Director Koenig added that single-family subdivision projects are much different than commercial properties as most commercial properties are done through binding site plans or boundary line adjustments and are done administratively. Chair Leifer asked where the Hearing Examiner fits into this process. Planning Manager Holland replied

that any appeals would go to the Hearing Examiner. Any appeal of a Hearing Examiner decision would go to Superior Court.

Chair Leifer referred to issues a group has with the County's charter review process. One of these is they don't want to see the County Council weigh in on land use decisions that a hearing examiner would get involved in. He asked if the Marysville City Council has anything similar to that in the City where the City Council would weigh in on land use measures. Planning Manager Holland stated that the City Council adopts the final ordinances and approves the Mayor to sign final plats that have met all the conditions of the hearing examiner.

Director Koenig explained that the County Council has a planning subcommittee on which all five members of the County Council serve. This is evidence that they all want to be part of the land use issues. They've decided to keep control of some of these issues; however, the way the charter review is set up in the County is that whatever comes out of the subcommittee automatically goes to a vote of the people.

Director Koenig informed the Planning Commission that there have been a couple ordinances that the Council has passed recently. One is requiring all houses to be hooked up to water and sewer. If they are not the City can post the property and say it's inhabitable. The City has shut down four problem houses (squatters, drugs) since this passed. The other one is the backyard nuisance ordinance that Planning Manager Holland referred to earlier which allows the City to do something about trash in people's backyards.

ADJOURNMENT

Motion made by Commissioner Smith, seconded by Commissioner Thetford, to adjourn the meeting at 7:43 p.m. **Motion** passed unanimously.

NEXT MEETING:

July 26, 2016


Chris Holland, Planning Manager for:
Laurie Hugdahl, Recording Secretary



335 116th Avenue SE | Bellevue, Washington 98004
t: 425.451.7920 f: 425.646.5985 | masterbuildersinfo.com

July 8, 2016

City of Marysville
Marysville Planning Commission
1049 State Avenue
Marysville, WA 98270

Re: DRAFT Subdivision Extension Code Amendment

Dear Planning Commissioners:

On behalf of the nearly 2,800 member companies of the Master Builders Association of King and Snohomish Counties (MBA), I would like to thank you for your support on the proposed recommendation to extend approval of short plats and subdivisions submitted in 2005 or later as described in a letter dated June 14, 2016.

By providing an extension to the existing approved projects as described in the letter and attachment: Proposed two-year time extension to subdivision / short plat expiration date, and DRAFT subdivision code amendment, Marysville will further the City's goal to encourage economic development and new vitality, while also keeping housing affordable.

The City's ability to capitalize on previously reviewed and approved projects encourages new development, jobs, and the tax revenue it brings, with minimal utilization of staff resources or additional fees incurred by builders.

The MBA appreciates this opportunity to comment on the proposed extension and we thank you for your proactive approach.

Please feel free to contact me with any questions you might, asievers@mbaks.com or 425.247.9290.

Sincerely,

Angie Sievers
Snohomish County External Relations and Governmental Affairs

cc: Dave Koenig, Community Development Director



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

June 14, 2016

Subject: Proposed two-year time extension of subdivision / short plat expiration date

Dear property owner / person of interest:

The City of Marysville is looking at extending by two years the time for subdivisions to be constructed and approved as final subdivisions. We are contacting you so you are aware of this effort and for you to provide your thoughts. Your comments are important to us.

The concept is to extend the time frame for subdivisions and short plats which meet current City of Marysville standards, either as is, or through a minor amendment process. In a quick review of the subdivisions and short plats approved by the City of Marysville, we believe the proposed language would benefit these projects.

Since 2005, the City of Marysville has not changed its critical areas ordinance provisions, so subdivisions and short plats approved since that time would meet these standards. The subdivision and short plat processes have not changed since 2005.

I have attached the initial proposed language for your review and comment. We plan on a workshop with the Marysville Planning Commission in July. Your comments by July 8, 2016, would be helpful.

If you have any comments regarding this proposal, or technical questions about our subdivision process and codes please contact Chris Holland, Planning Manager @ 360-363-8207 or cholland@marysvillewa.gov

Thank you in advance for your time and comments.


Dave Koenig
Community Development Director

Attached: DRAFT Subdivision Extension Code Amendment

CITY OF MARYSVILLE
Marysville, Washington
ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON,
RELATING TO THE EXPIRATION OF SUBDIVISIONS, SHORT
SUBDIVISIONS AND BINDING SITE PLANS, AMENDING SECTIONS
22G.090.170, 22G.090.380, 22G.100.120 AND 22A.010.160 OF THE
MARYSVILLE MUNICIPAL CODE.**

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 Community Development Department sent notice of the proposed code amendment to property owners, applicants and persons of interest, on June 14, 2016, seeking comments to be returned, no later than July 8, 2016; and

WHEREAS, The Community Development Department received one written comment regarding the proposed code amendment;

WHEREAS, the Planning Commission discussed the above-referenced amendment during a public meeting held on July 12, 2016; and

WHEREAS, on July 26, 2016, the Marysville Planning Commission held a duly-advertised public hearing; and

WHEREAS, On July 26, 2016, the Marysville Planning Commission recommended City Council adopt the proposed amendments to the City's development regulations; and

WHEREAS, at a public meeting on September 12, 2016, the Marysville City Council reviewed and considered the Marysville Planning Commission's Recommendation and proposed amendments to the City's development regulations; and

WHEREAS, the City of Marysville has submitted the proposed development regulation revisions to the Washington State Department of Commerce on July 6, 2016, seeking expedited review under RCW 36.70A.160(3)(b) in compliance with the procedural requirement under RCW 36.70A.106; and

WHEREAS, the amendments to the development regulations are exempt from State Environmental Policy Act review under WAC 197-11-800(19);

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

Section 1. Amendment of Municipal Code. MMC Section 22G.090.170, entitled "Preliminary and final subdivision approval – Terms," is hereby amended as follows:

22G.090.170 Preliminary and final subdivision approval – Terms.

(1) Preliminary plats of any proposed subdivision and dedication shall be approved, disapproved, or returned to the applicant for modification or correction within 90 days from the date of filing a complete application unless the applicant consents to an extension of such time period or the 90-day limitation is extended to include up to 21 days as specified under RCW 58.17.095(3); provided, that if an environmental impact statement is required as provided in RCW 43.21C.030, the 90-day period shall not include the time spent preparing and circulating the environmental impact statement.

(2) Final subdivisions shall be approved, disapproved, or returned to the applicant within 30 days from the date of filing thereof, unless the applicant consents to an extension of such time period.

(3) Final subdivision approval must be acquired in accordance with RCW 58.17.140, as follows:

(a) Within five years of the date of preliminary approval, if the date of preliminary approval is on or after January 1, 2015. ~~An extension may be granted by the community development director for up to two years if the applicant has attempted in good faith to submit the final plat within the five year time period; provided, however, the applicant must file a written request with the community development director requesting the extension at least 30 days before expiration of the five year period.~~

(b) Within seven years of the date of preliminary approval, if the date of preliminary approval is on or before December 31, 2014.

(c) Within ~~ten~~ years of the date of preliminary approval, if the project is not subject to requirements adopted under Chapter 90.58 RCW and the date of preliminary plat approval is on or before December 31, 2007.

(d) An extension may be granted by the community development director for up to two years if the applicant has attempted in good faith to submit the final plat under (a) through (c) above and has filed a written request with the community development director requesting the extension at least 30 days before the expiration date. The subdivision must meet Marysville Municipal Code standards at the time of

the extension request or must be able to meet Marysville Municipal Code standards using the minor amendment process in MMC 22G.010.260.

(4) If final subdivision approval is not obtained within the time frames outlined in subsection (3) of this section, the preliminary subdivision approval is void.

Section 2. Amendment of Municipal Code. MMC Section 22G.090.380, entitled "Preliminary and final short subdivision approval - Terms," is hereby amended as follows:

22G.090.380 Preliminary and final short subdivision approval – Terms.

(1) Preliminary short subdivisions and dedication shall be approved, disapproved, or returned to the applicant for modification or correction within 90 days from the date of filing a complete application unless the applicant consents to an extension of such time period or the 90-day limitation is extended to include up to 21 days as specified under RCW 58.17.095(3); provided, that if an environmental impact statement is required as provided in RCW 43.21C.030, the 90-day period shall not include the time spent preparing and circulating the environmental impact statement.

(2) Final short subdivisions shall be approved, disapproved, or returned to the applicant within 30 days from the date of filing thereof, unless the applicant consents to an extension of such time period.

(3) Final short subdivision approval must be acquired in accordance with RCW 58.17.140, as follows:

(a) Within five years of the date of preliminary approval, if the date of preliminary approval is on or after January 1, 2015. ~~An extension may be granted by the community development director for one year if the applicant has attempted in good faith to submit the final plat within the five year time period; provided, however, the applicant must file a written request with the community development director requesting the extension at least 30 days before expiration of the five year period.~~

(b) Within seven years of the date of preliminary approval, if the date of preliminary approval is on or before December 31, 2014.

(c) Within ~~ten~~ years of the date of preliminary approval, if the project is not subject to requirements adopted under Chapter 90.58 RCW and the date of preliminary plat approval is on or before December 31, 2007.

(d) An extension may be granted by the community development director for up to two years if the applicant has attempted in good faith to submit the final short plat under (a) through (c) above and has filed a written request with the community development director requesting the extension at least 30 days before the expiration date. The short plat must meet Marysville Municipal Code standards at the time of the extension request or must be able to meet Marysville Municipal Code standards using the minor amendment process in MMC 22G.010.260.

(4) If final short subdivision approval is not obtained within the time frames outlined in subsection (3) of this section, the preliminary subdivision approval is void.

Section 3. Amendment of Municipal Code. MMC Section 22G.100.120, entitled "Final binding site plan approval - Term," is hereby amended as follows:

22G.100.120 Final binding site plan approval – Term.

~~The applicant must complete all conditions of preliminary approval within five years following the date of preliminary approval, after which the preliminary approval is void. An extension may be granted by the community development director for one year if the applicant has attempted in good faith to complete the requirements of preliminary approval within the original time period; provided, however, the applicant must file a written request with the community development director requesting the extension at least 30 days prior to the expiration of the original time period.~~

~~Exception: For binding site plans which obtained preliminary binding site plan approval on or before December 31, 2007, and are not subject to the requirements adopted~~

~~under Chapter 90.58 RCW, a final binding site plan meeting all requirements of this chapter shall be submitted for approval within nine years of the date of preliminary binding site plan approval pursuant to RCW 58.17.140. For binding site plans which obtained preliminary binding site plan approval between January 1, 2008, and December 31, 2014, a final binding site plan meeting all requirements of this chapter shall be submitted for approval within seven years of the date of preliminary binding site plan approval pursuant to RCW 58.17.140. An extension may be granted by the community development director for up to two years on binding site plans which received preliminary binding site plan approval between January 1, 2008, and December 31, 2014, if the applicant has attempted in good faith to submit the final binding site plan within the seven-year time period; provided, however, the applicant must file a written request with the community development director requesting the extension at least 30 days before expiration of the seven-year period.~~

(1) Final binding site plan approval must be acquired in accordance with RCW 58.17.140, as follows:

(a) Within five years of the date of preliminary approval, if the date of preliminary approval is on or after January 1, 2015.

(b) Within seven years of the date of preliminary approval, if the date of preliminary approval is on or before December 31, 2014.

(c) Within ten years of the date of preliminary approval, if the project is not subject to the requirements adopted under Chapter 90.58 RCW and the date of preliminary approval is on or before December 31, 2007.

(d) An extension may be granted by the community development director for up to two years if the applicant has attempted in good faith to submit the final binding site plan under (a) through (c) above and has filed a written request with the community development director requesting the extension at least 30 days before the expiration date. The binding site plan must meet Marysville Municipal Code standards at the time of the extension request or must be able to meet Marysville Municipal Code standards using the minor amendment process in MMC 22G.010.260.

(2) If final binding site plan approval is not obtained within the time frames outlined in subsection (1) of this section, the preliminary binding site plan is void.

Section 4. Amendment of Municipal Code. MMC Section 22A.010.160, entitled "Amendments," is hereby amended as follows by adding reference to this adopted ordinance in order to track amendments to the City's Unified Development Code (all unchanged provisions of MMC 22A.010.160 remain unchanged and in effect):

"22A.010.160 Amendments.

The following amendments have been made to the UDC subsequent to its adoption:

<u>Ordinance</u>	<u>Title (description)</u>	<u>Effective Date</u>
_____	Subdivision, Short Subdivision and BSP Terms	_____, 2016"

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 _____, 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)

22G.010.260 Minor revisions to approved development applications.

The purpose and intent of this section is to provide an administrative process for minor revisions to approved development applications. For the purposes of this section, approved development applications shall include preliminary approval for subdivisions and short subdivisions and final approval prior to construction for all other development applications.

(1) A minor revision to an approved residential development application is limited to the following when compared to the original development application; provided, that there shall be no change in the proposed type of development or use:

(a) Short subdivisions shall be limited to no more than one additional lot, provided the maximum number of lots allowed in a short subdivision is not exceeded.

(b) Subdivisions, single-family detached unit developments, cottage housing, townhomes and multiple-family developments shall be limited to the lesser of:

(i) A 10 percent increase in the number of lots or units; or

(ii) An additional 10 lots or units, provided the additional/lots units will not cause the project to exceed the maximum categorical exemption threshold level established in MMC [22E.030.090](#).

(c) A reduction in the number of lots or units.

(d) A change in access points may be allowed when combined with subsection (1)(a) or (b) of this section or as a standalone minor revision; provided, that it does not change the trip distribution. No change in access points that changes the trip distribution can be approved as a minor revision.

(e) A change to the project boundaries required to address surveying errors or other issues with the boundaries of the approved development application; provided, that the number of lots or units cannot be increased above the number that could be approved as a minor revision to the original approved development application on the original project site before any boundary changes.

(f) A change to the internal lot lines that does not increase lot or unit count beyond the amount allowed for a minor revision.

(g) A change in the aggregate area of designated open space that does not decrease the amount of designated open space by more than 10 percent. Under no circumstances shall the quality or amount of designated open space be decreased to an amount that is less than that required by code.

(h) A change not addressed by the criteria in subsections (1)(a) through (g) of this section which does not substantially alter the character of the approved development application or site plan and prior approval.

(2) A minor revision to an approved nonresidential development application is limited to the following when compared to the original development application; provided, that there is no change in the proposed type of development or use or no more than a 10 percent increase in trip generation:

(a) A utility structure shall be limited to no more than a 400-square-foot increase in the gross floor area.

(b) All other structures shall be limited to no more than a 10 percent increase in the gross floor area.

(c) A change in access points when combined with subsection (2)(a) or (b) of this section or as a standalone minor revision.

(d) A change which does not substantially alter the character of the approved development application or site plan and prior approval.

(3) A minor revision may be approved subject to the following:

(a) An application for a minor revision shall be submitted on forms approved by the community development department. An application for a minor revision shall not be accepted if a variance is required to accomplish the change to the approved development.

(b) An application for a minor revision shall be accompanied by any fees specified in Chapter [22G.030](#) MMC.

(c) An application for a minor revision shall require notification of the relevant city departments and agencies.

(d) An application for a minor revision shall be subject to the development regulations in effect as of the date the original development application was determined to be complete.

(e) The director shall grant approval of the request for a minor revision if it is determined that the minor revision does not substantially alter:

- (i) The previous approval of the development application;
- (ii) The final conditions of approval; or
- (iii) The public health, safety and welfare.

(f) A minor revision shall be properly documented as a part of the records for the approved development application.

(g) A minor revision does not extend the life or term of the development application approval and concurrency determination, which shall run from the original date of:

- (i) Preliminary approval for subdivisions or short subdivisions; or
- (ii) Approval for all other development applications.

(4) The final determination of what constitutes a minor revision shall be made by the community development director. (Ord. 2981 § 5, 2015; Ord. 2852 § 10 (Exh. A), 2011).

22G.010.270 Major revisions to approved residential development applications.

The purpose and intent of this section is to provide a process for major revisions to approved residential development applications. Residential development applications shall include short subdivisions, subdivisions, single-family detached unit developments, cottage housing, townhomes and multiple-family developments. For the purposes of this section, approved residential development applications shall include preliminary approval for subdivisions and short subdivisions and final approval prior to construction for all other residential development applications.

(1) A major revision to an approved residential development application is limited to the following when compared to the original development application, provided there is no change in the proposed type of development or use:

(a) Subdivisions, single-family detached unit developments, cottage housing, townhomes and multiple-family developments shall be limited to the lesser of:

- (i) A 20 percent increase in the number of lots or units; or
- (ii) An additional 20 lots or units.

(b) A change in access points, when combined with subsection (1)(a) of this section.

(c) A change to the project boundaries required to address surveying errors or other issues with the boundaries of the approved development application; provided, that the number of lots or units cannot be increased above the number that could be approved as a minor revision to the original approved development application on the original project site before any boundary changes.

(d) A change to the internal lot lines when combined with another criteria in subsection (1) of this section that does not increase lot or unit count beyond the amount allowed for a major revision.

(e) A change in the aggregate area of designated open space beyond that allowed as a minor revision; provided, that the decrease will not result in an amount that is less than that required by code.

(f) A change not addressed by the criteria in subsections (1)(a) through (e) of this section which does not substantially alter the character of the approved development application or site plan and prior approval.

(2) A major revision shall require processing through the same process as a new development application subject to the following:

(a) An application for a major revision shall be submitted on forms approved by the department. An application for a major revision shall not be accepted if a variance is required to accomplish the change to the approved development.

(b) An application for a major revision shall be accompanied by any fees specified in Chapter [22G.030](#) MMC.

(c) An application for a major revision shall require public notice pursuant to MMC [22G.010.090](#).

(d) An application for a major revision shall be subject to the development regulations in effect as of the date the original development application was determined to be complete.

(e) The community development director or the hearing examiner shall grant approval of the major revision if it is determined that the major revision does not substantially alter:

(i) The previous approval of the development application;

(ii) The final conditions of approval; or

(iii) The public health, safety and welfare.

(f) A major revision shall be properly documented as a part of the records for the approved development application.

(g) A major revision does not extend the life or term of the development application approval and concurrency determination, which shall run from the original date of:

(i) Preliminary approval for subdivisions or short subdivisions; or

(ii) Approval for all other residential development applications.

(3) The final determination of what constitutes a major revision shall be made by the community development director. (Ord. 2981 § 6, 2015).