

**CITY OF MARYSVILLE**

**EXECUTIVE SUMMARY FOR ACTION**

**CITY COUNCIL MEETING DATE: May 8, 2017**

<b>AGENDA ITEM:</b> PA17-013 – Code Clean-up Amendments	<b>AGENDA SECTION:</b> New Business	
<b>PREPARED BY:</b> Angela Gemmer, Senior Planner	<b>APPROVED BY:</b>	
<b>ATTACHMENTS:</b> 1. Memo to Planning Commission dated 4/11/17 2. PC Minutes dated 3/14/17, 3/28/17 and 4/11/17 3. Adopting Ordinance 4. Email from MBA in support of amendments dated 3/28/17 5. Letter from Gloria Hirashima, CAO to MBA dated	<b>MAYOR</b>	<b>CAO</b>
	<b>BUDGET CODE:</b>	
<b>BUDGET CODE:</b>		<b>AMOUNT:</b>

**DESCRIPTION:**

The Planning Commission (PC) held a public hearing on April 11, 2017 to review proposed amendments to Marysville Municipal Code Title 22, *Unified Development Code*. The proposed amendments are responsive to concerns raised by the Master Builders Association, developers of senior communities, and a prospective local business. The amendments include: a) a change to the net project area definition to allow for a flat 20 percent deduction for access areas and right-of-way when calculating residential density; b) a residential height deviation to allow for taller homes on sloped lots in single family zones; c) an increase to residential building coverage and impervious surface coverage in single family zones; d) an amendment to the permitted uses matrices to allow taxi stands and automotive rental/leasing in industrial zones consistent with the treatment of other motor vehicle related uses; and e) elimination of the mandate to provide low income housing in Master Planned Senior Communities.

The PC received testimony from staff and other interested parties at the public hearing following public notice. The PC made a motion to recommend the proposed amendments to City Council for adoption by ordinance.

<b>RECOMMENDED ACTION:</b> Affirm the Planning Commission’s recommendation and adopt the code clean-up amendments by Ordinance.
<b>COUNCIL ACTION:</b>



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

## MEMORANDUM

**DATE:** April 11, 2017  
**TO:** Planning Commission  
**FROM:** Angela Gemmer, Senior Planner  
**RE:** 2017 Code Amendments  
**CC:** Dave Koenig, Community Development Director  
Chris Holland, Planning Manager  
Cheryl Dungan, Senior Planner  
Amy Hess, Associate Planner

The following are proposed code amendments responsive to concerns presented to City staff by the Snohomish County Master Builders Association (MBA), a business owner looking to relocate to the City of Marysville, and developers of senior living communities. Among the code amendments outlined in this memo is a new amendment pertaining to Master Planned Senior Communities (MPSCs) that is responsive to concerns raised by prospective developers of MPSCs. Additional information on this amendment is presented under Code Amendment 5 below.

### Code Amendment 1 – Net Project Area Revision

Within the City, the allowable density for residential projects is determined by using a net project area calculation which consists of deducting several items from a property's gross acreage. Among the items deducted from the gross project area are itemized deductions for right-of-way, private roads, access easements, and panhandles. The feedback from MBA is that the current calculation is cumbersome. In order to streamline the calculation, the definition of net project area is proposed to be amended to give developers the option of either making an itemized deduction of right-of-way, private roads, access easements, and panhandles from the gross density, or the alternative of taking a straight 20% deduction for these access areas. This proposed change would read as follows:

#### **22A.020.150 "N" definitions.**

"Net project area" means the gross project area minus, ~~floodplains, utility easements 30 feet wide or greater, publicly owned community facility land and right of way, storm water detention facility tracts or easements (unless underground and usable for recreation), private roads or access easements, panhandles, and nontransferable critical areas (e.g., stream channels) per MMC [22E.010.360](#). If storm water detention areas are designed and constructed to meet low impact development standards, 50 percent of the area used for detention may be counted as net project area.;~~

(1) ~~floodplains;~~

(2) ~~nontransferable critical areas (e.g., stream channels) per MMC [22E.010.360](#);~~

- (3) utility easements 30 feet wide or greater;
- (4) publicly owned community facility land;
- (5) storm water detention facility tracts or easements (unless underground and usable for recreation);. If storm water detention areas are designed and constructed to meet low impact development standards, 50 percent of the area used for detention may be counted as net project area; and
- (6) right-of-way, private roads, access easements, and panhandles. As an alternative to an itemized deduction, the developer may elect to take a flat 20% deduction from the gross project area for right-of-way, private roads, access easements, and panhandles.

## **Code Amendment 2 – Residential Daylight Basement Administrative Deviation**

The City’s current method for calculating the height of residences generally consists of taking the four planes of the structure from the finished grade to the highest point of the roof, and then averaging the height of the four planes. The following code definitions guide the calculation of building height:

### **22A.020.030 “B” definitions.**

“Base elevation” means the average elevation of the approved topography of a parcel at the midpoint on each of the four sides of the smallest rectangle which will enclose the proposed structure, excluding all eaves and decks. The approved topography of a parcel is the natural topography of a parcel or the topographic conditions approved by the city prior to August 10, 1969, or as approved by a subdivision, short subdivision, binding site plan, shoreline substantial development permit, filling and grading permit or SEPA environmental review issued after August 10, 1969. An approved benchmark will establish the relative elevation of the four points used to establish the base elevation.

“Building height” means the vertical distance from the base elevation of a building to the highest point of the roof, exclusive of building appurtenances.

In the single family residential zones of R-4.5, R-6.5, R-8, and WR-R-4-8 the height is limited to 30 feet tall. Concerns were raised by MBA that on sloped lots, the current method for calculating height does not always allow for a daylight basement. A daylight basement is a part of the house which is open to the backyard and is livable space which results in the house being three stories on at least one side.

At the March 14, 2017 PC meeting, an administrative deviation was proposed that would have, on a case-by-case basis, allowed for an increase in the height above the base height limit in order to accommodate a daylight basement. Concerns were expressed by the building community that predictability is needed on the height allowance, and that an administrative deviation may be inconsistently applied. In response to these concerns, an amendment is proposed that would allow the base height for the principal dwelling to be increased to 35 feet on lots that have a 10 percent or greater slope within the building’s footprint in order to accommodate a daylight basement or garage. The proposed amendment would read as follows:

**22C.010.080 Densities and dimensions.** 

(1) Interpretation of Table.

(a) Subsection (2) of this section contains general density and dimension standards for the various zones and limitations specific to a particular zone(s). Additional rules and exceptions, and methodology, are set forth in MMC [22C.010.100](#) through [22C.010.250](#).

(b) The density and dimension table is arranged in a matrix format and is delineated into the residential use categories.

(c) Development standards are listed down the left side of the table, and the zones are listed at the top. The matrix cells contain the minimum dimensional requirements of the zone. The parenthetical numbers in the matrix identify specific requirements applicable either to a specific use or zone set forth in MMC [22C.010.090](#). A blank box indicates that there are no specific requirements. If more than one standard appears in a cell, each standard will be subject to any applicable parenthetical footnote following the standard.

(2) General Densities and Dimension Standards.

	<b>R-4.5</b>	<b>R-6.5</b>	<b>R-8</b>	<b>WR-R-4-8 (16) (17)</b>	<b>R-12 (13)</b>	<b>R-18 (13)</b>	<b>R-28 (13)</b>	<b>WR-R-6-18 (13)(16) (17)</b>
Density: Dwelling unit/acre (6)	4.5 du/ac	6.5 du/ac	8 du/ac	4.5 du/ac	12 du/ac	18 du/ac	28 du/ac	6 du/ac (detached sf) 10 du/ac (attached multifamily)
Maximum density: Dwelling unit/acre (1)	-	-	-	8 du/ac	18 du/ac	27 du/ac	36 du/ac	18 du/ac
Minimum street setback (3) (15)	20 ft (8)	20 ft (8)	20 ft (8)	20 ft (8)	20 ft	25 ft	25 ft	20 ft
Minimum side yard setback (3)	5 ft (10)	5 ft (10)	5 ft (10)	5 ft (10, 11, 12)	10 ft (10, 11, 12)	10 ft (10, 11, 12)	10 ft (10)	10 ft (10, 11, 12)
Minimum rear yard setback (3)	20 ft	20 ft	20 ft	20 ft	25 ft	25 ft	25 ft	25 ft
Base height	30 ft (18)	30 ft (18)	30 ft (18)	30 ft (18)	35 ft (4)	45 ft (4)	45 ft (4)	35 ft (4)
Maximum building coverage: Percentage (5)	40%	40%	50%	50%	50%	50%	50%	40%
Maximum impervious surface: Percentage (5)	45%	45%	50%	50%	70%	70%	75%	70%
Minimum lot area	5,000 sq ft	5,000 sq ft	4,000 sq ft	5,000 sq ft	-	-	-	-

Minimum lot area for duplexes (2)	12,500 sq ft	7,200 sq ft	7,200 sq ft	7,200 sq ft	-	-	-	-
Minimum lot width (3)	60 ft	50 ft	40 ft	40 ft	70 ft	70 ft	70 ft	70 ft
Minimum lot frontage on cul-de-sac, sharp curve, or panhandle (14)	20 ft	20 ft	20 ft	20 ft	-	-	-	-

**22C.010.090 Densities and dimensions – Development conditions.** 

(1) Maximum Density – Dwelling Unit/Acre.

(a) The maximum density for R-12, R-18, R-28, WR-R-4-8 and WR-R-6-18 zones may be achieved only through the application of residential density incentive provisions outlined in Chapter [22C.090](#) MMC.

(b) The maximum net density for the single-family zones is the same as the base density; provided, that for PRD developments the maximum density may be increased by up to 20 percent through the application of residential density incentive provisions outlined in Chapter [22C.090](#) MMC.

(2) The minimum lot sizes for duplexes apply to lots or parcels which existed on or before the effective date of the ordinance codified in this chapter. All new duplex lots created through the subdivision or short subdivision process shall be a minimum of 7,200 square feet in size, must include a “duplex disclosure,” and comply with the density requirements of the comprehensive plan (six units per acre for the R-4.5 zone and eight units per acre for the R-6.5, R-8, and WR-R-4-8 zones).

(3) These standards may be modified under the provisions for zero lot line and townhome developments.

(4) Base Height.

(a) Height limits may be increased when portions of the structure which exceed the base height limit provide one additional foot of street and interior setback beyond the required setback for each foot above the base height limit; provided, that the maximum height may not exceed 60 feet.

(b) Multiple-family developments, located outside of Planning Area 1, abutting or adjacent to areas zoned as single-family, or areas identified in the comprehensive plan as single-family, may have no more floors than the adjacent single-family dwellings, when single-family is the predominant adjacent land use.

(5) Applies to Each Individual Lot. Building coverage and impervious surface area standards for:

(a) Regional uses shall be established at the time of permit review; or

(b) Nonresidential uses in residential zones shall comply with MMC [22C.010.250](#).

(6) Density – Dwelling Unit/Acre.

(a) The densities listed for the single-family zones (R-4.5, R-6.5, R-8) and single-family development in the Whiskey Ridge zones (WR-R-4-8, WR-R-6-18) are maximum net densities.

(b) Mobile home parks shall be allowed a maximum density of eight dwelling units per acre, unless located in the R-4.5 or R-6.5 zones, in which case they are limited to the density of the underlying zone.

(7) The standards of the R-4.5 zone shall apply if a lot is less than 15,000 square feet in area.

(8) On a case-by-case basis, the street setback may be reduced to 10 feet; provided, that at least 20 linear feet of driveway are provided between any garage, carport, or other fenced parking area and the street property line, or the lot takes access from an alley. The linear

distance shall be measured in a straight line from the nearest point of the garage, carport or fenced area to the access point at the street property line. In the case of platted lots, no more than two consecutive lots may be reduced to 10 feet.

(9) Residences shall have a setback of at least 50 feet from any property line if adjoining an agricultural zone either within or outside the city limits.

(10) For townhomes or apartment developments, the setback shall be the greater of:

(a) Twenty feet along any property line abutting R-4.5 through R-8, and WR-R-4-8 zones; or

(b) The average setback of the R-4.5 through R-8 zoned and platted single-family detached dwelling units from the common property line separating said dwelling units from the adjacent townhome or apartment development, provided the required setback applied to said development shall not exceed 60 feet. The setback shall be measured from said property line to the closest point of each single-family detached dwelling unit, excluding projections allowed per MMC [22C.010.210](#) and accessory structures existing at the time the townhome or apartment development receives approval by the city.

(11) Townhome setbacks are reduced to zero on an interior side yard setback where the units have a common wall for zero lot line developments.

(12) Townhome setbacks are reduced to five feet on side yard setbacks provided the buildings meet a 10-foot separation between structures.

(13) Single-family detached units on individual lots within the R-12 through R-28, and WR-R-6-18 zones shall utilize the dimensional requirements of the R-8 zone, except the base density.

(14) Provided that the front yard setback shall be established as the point at which the lot meets the minimum width requirements. On a case-by-case basis, the street setback may be reduced to the minimum of 20 feet; provided, that the portion of the structure closest to the street is part of the "living area," to avoid having the garage become the predominant feature on the lot.

(15) Subject to MMC [22A.020.130](#), subsection (1)(a) of the definition of "lot lines."

(16) Required landscaping setbacks for developments on the north side of Soper Hill Road are 25 feet from the edge of sidewalk.

(17) Projects with split zoning (two or more distinct land use zones) may propose a master site plan to density average at the zone edge or modify the zone boundaries using topography, access, critical areas, or other site characteristics in order to provide a more effective transition between land uses and zones. Approval is at the discretion of the community development director.

(18) In order to accommodate a daylight basement or garage, the base height for the principal dwelling may be increased to 35 feet on lots with a 10 percent or greater slope within the building's footprint.

### **Code Amendment 3 – Increase in SFR Building & Impervious Surface Coverage**

The MBA raised concerns that the City's current lot coverage and impervious surface standards are too restrictive in the single family residential zones of R-4.5, R-6.5, R-8, and WR-R-4-8 which limits the types of homes that can be constructed. In order to address this concern, the allowable building coverage in the R-4.5 and R-6.5 zones is proposed to be increased from 35 to 40 percent, and the impervious surface coverage for new developments is proposed to be increased from 45 to 50 percent. In the R-8 and WR-R-4-8 zones, the impervious surface coverages are proposed to be increased from 50 to 65 percent. The higher building coverages would apply to all lots while the higher impervious surface coverages would apply to new land use applications, or currently pending applications that have not yet begun construction and can propose a minor modification in order to amend their stormwater

facilities in order to accommodate the additional impervious surface. Concerns that were previously expressed by the building community regarding allowing higher coverages on lots between 4,000 and 5,000 square feet, or omitting building coverage allowances altogether, have been withdrawn. The proposed amendment would read as follows:

**22C.010.080 Densities and dimensions.** 

(1) Interpretation of Table.

(a) Subsection (2) of this section contains general density and dimension standards for the various zones and limitations specific to a particular zone(s). Additional rules and exceptions, and methodology, are set forth in MMC [22C.010.100](#) through [22C.010.250](#).

(b) The density and dimension table is arranged in a matrix format and is delineated into the residential use categories.

(c) Development standards are listed down the left side of the table, and the zones are listed at the top. The matrix cells contain the minimum dimensional requirements of the zone. The parenthetical numbers in the matrix identify specific requirements applicable either to a specific use or zone set forth in MMC [22C.010.090](#). A blank box indicates that there are no specific requirements. If more than one standard appears in a cell, each standard will be subject to any applicable parenthetical footnote following the standard.

(2) General Densities and Dimension Standards.

	<b>R-4.5</b>	<b>R-6.5</b>	<b>R-8</b>	<b>WR-R-4-8 (16) (17)</b>	<b>R-12 (13)</b>	<b>R-18 (13)</b>	<b>R-28 (13)</b>	<b>WR-R-6-18 (13)(16) (17)</b>
Density: Dwelling unit/acre (6)	4.5 du/ac	6.5 du/ac	8 du/ac	4.5 du/ac	12 du/ac	18 du/ac	28 du/ac	6 du/ac (detached sf) 10 du/ac (attached multifamily)
Maximum density: Dwelling unit/acre (1)	-	-	-	8 du/ac	18 du/ac	27 du/ac	36 du/ac	18 du/ac
Minimum street setback (3) (15)	20 ft (8)	20 ft (8)	20 ft (8)	20 ft (8)	20 ft	25 ft	25 ft	20 ft
Minimum side yard setback (3)	5 ft (10)	5 ft (10)	5 ft (10)	5 ft (10, 11, 12)	10 ft (10, 11, 12)	10 ft (10, 11, 12)	10 ft (10)	10 ft (10, 11, 12)
Minimum rear yard setback (3)	20 ft	20 ft	20 ft	20 ft	25 ft	25 ft	25 ft	25 ft
Base height	30 ft	30 ft	30 ft	30 ft	35 ft (4)	45 ft (4)	45 ft (4)	35 ft (4)
Maximum building coverage: Percentage (5)	<del>35%</del> 40%	<del>35%</del> 40%	50%	50%	50%	50%	50%	40%
Maximum impervious surface: Percentage (5)	45%; <u>50%</u>	45%; <u>50%</u>	50%; <u>65%</u>	50%; <u>65%</u>	70%	70%	75%	70%

Minimum lot area	5,000 sq ft	5,000 sq ft	4,000 sq ft	5,000 sq ft	-	-	-	-
Minimum lot area for duplexes (2)	12,500 sq ft	7,200 sq ft	7,200 sq ft	7,200 sq ft	-	-	-	-
Minimum lot width (3)	60 ft	50 ft	40 ft	40 ft	70 ft	70 ft	70 ft	70 ft
Minimum lot frontage on cul-de-sac, sharp curve, or panhandle (14)	20 ft	20 ft	20 ft	20 ft	-	-	-	-

**22C.010.090 Densities and dimensions – Development conditions.** 

(1) Maximum Density – Dwelling Unit/Acre.

(a) The maximum density for R-12, R-18, R-28, WR-R-4-8 and WR-R-6-18 zones may be achieved only through the application of residential density incentive provisions outlined in Chapter [22C.090](#) MMC.

(b) The maximum net density for the single-family zones is the same as the base density; provided, that for PRD developments the maximum density may be increased by up to 20 percent through the application of residential density incentive provisions outlined in Chapter [22C.090](#) MMC.

(2) The minimum lot sizes for duplexes apply to lots or parcels which existed on or before the effective date of the ordinance codified in this chapter. All new duplex lots created through the subdivision or short subdivision process shall be a minimum of 7,200 square feet in size, must include a “duplex disclosure,” and comply with the density requirements of the comprehensive plan (six units per acre for the R-4.5 zone and eight units per acre for the R-6.5, R-8, and WR-R-4-8 zones).

(3) These standards may be modified under the provisions for zero lot line and townhome developments.

(4) Base Height.

(a) Height limits may be increased when portions of the structure which exceed the base height limit provide one additional foot of street and interior setback beyond the required setback for each foot above the base height limit; provided, that the maximum height may not exceed 60 feet.

(b) Multiple-family developments, located outside of Planning Area 1, abutting or adjacent to areas zoned as single-family, or areas identified in the comprehensive plan as single-family, may have no more floors than the adjacent single-family dwellings, when single-family is the predominant adjacent land use.

(5) Applies to Each Individual Lot.

(a) The higher percentages of impervious surface coverage apply to complete land use applications submitted on or after the effective date of Ordinance adopted \_\_\_\_\_, 2017; provided, however, in the case of approved development applications that have not yet started construction, an applicant may file for a minor revision to the approved land use application in accordance with MMC 22G.010.260.

(b) Building coverage and impervious surface area standards for:

(i)(a) Regional uses shall be established at the time of permit review; or

(ii)(b) Nonresidential uses in residential zones shall comply with MMC [22C.010.250](#).

(6) Density – Dwelling Unit/Acre.



- (a) The densities listed for the single-family zones (R-4.5, R-6.5, R-8) and single-family development in the Whiskey Ridge zones (WR-R-4-8, WR-R-6-18) are maximum net densities.
- (b) Mobile home parks shall be allowed a maximum density of eight dwelling units per acre, unless located in the R-4.5 or R-6.5 zones, in which case they are limited to the density of the underlying zone.
- (7) The standards of the R-4.5 zone shall apply if a lot is less than 15,000 square feet in area.
- (8) On a case-by-case basis, the street setback may be reduced to 10 feet; provided, that at least 20 linear feet of driveway are provided between any garage, carport, or other fenced parking area and the street property line, or the lot takes access from an alley. The linear distance shall be measured in a straight line from the nearest point of the garage, carport or fenced area to the access point at the street property line. In the case of platted lots, no more than two consecutive lots may be reduced to 10 feet.
- (9) Residences shall have a setback of at least 50 feet from any property line if adjoining an agricultural zone either within or outside the city limits.
- (10) For townhomes or apartment developments, the setback shall be the greater of:
  - (a) Twenty feet along any property line abutting R-4.5 through R-8, and WR-R-4-8 zones; or
  - (b) The average setback of the R-4.5 through R-8 zoned and platted single-family detached dwelling units from the common property line separating said dwelling units from the adjacent townhome or apartment development, provided the required setback applied to said development shall not exceed 60 feet. The setback shall be measured from said property line to the closest point of each single-family detached dwelling unit, excluding projections allowed per MMC [22C.010.210](#) and accessory structures existing at the time the townhome or apartment development receives approval by the city.
- (11) Townhome setbacks are reduced to zero on an interior side yard setback where the units have a common wall for zero lot line developments.
- (12) Townhome setbacks are reduced to five feet on side yard setbacks provided the buildings meet a 10-foot separation between structures.
- (13) Single-family detached units on individual lots within the R-12 through R-28, and WR-R-6-18 zones shall utilize the dimensional requirements of the R-8 zone, except the base density.
- (14) Provided that the front yard setback shall be established as the point at which the lot meets the minimum width requirements. On a case-by-case basis, the street setback may be reduced to the minimum of 20 feet; provided, that the portion of the structure closest to the street is part of the "living area," to avoid having the garage become the predominant feature on the lot.
- (15) Subject to MMC [22A.020.130](#), subsection (1)(a) of the definition of "lot lines."
- (16) Required landscaping setbacks for developments on the north side of Soper Hill Road are 25 feet from the edge of sidewalk.
- (17) Projects with split zoning (two or more distinct land use zones) may propose a master site plan to density average at the zone edge or modify the zone boundaries using topography, access, critical areas, or other site characteristics in order to provide a more effective transition between land uses and zones. Approval is at the discretion of the community development director.

**Code Amendment 4 – Taxi stand, and automotive rental/leasing permitted uses amendment**

A business owner that is interested in relocating their transportation company to Marysville expressed concerns that the general land use category 'taxi stands', under which their use is

classified, is too restrictive making it difficult to find a suitable property to relocate to. Reviewing the permitted uses matrices, the uses 'taxi stands' and 'automotive rental and leasing' are presently allowed in fewer zones than most other transportation and motor vehicle related uses. An amendment is proposed to expand the permissible zones for uses classified as 'taxi stands' to include the Light Industrial and General Industrial zones, and 'automotive rental and leasing' to include the General Industrial zone. The proposed amendment would read as follows:

**22C.020.060 Permitted uses.**

Specific Land Use	NB	CB (63)	GC	DC	MU (63)	BP	LI	GI	REC	P/I
<b>Business Services:</b>										
Taxi stands		P	P				<u>P</u>	<u>P</u>		
Automotive rental and leasing			P				P	<u>P</u>		

**Code Amendment 5 – Master Planned Senior Communities – amendment to eliminate low income housing units requirements**

The City’s Master Planned Senior Communities (MPSC) ordinance was adopted in December 2009. A “Master planned senior community” is a site developed with a master plan that incorporates a range of care options for senior citizens or disabled persons, including but not limited to, independent senior housing, senior assisted living, and nursing homes. The proposed development must offer a continuum of care that offers varying degrees of assistance for individuals, as they are needed. The community must include an integration of residential living units or beds, recreation, congregate dining, and on-site medical facilities/services.

The current MPSC ordinance requires that “at least 10 percent of the total dwelling units developed shall be available at affordable housing costs and occupied by low income households.” The MPSC defines “affordable housing” as total housing costs, including basic utilities and any common charges and/or maintenance fees, that do not exceed 30 percent of the designated income limit for the housing unit.

For rental housing, affordable units must be permanently priced and occupied by households with a total household income at or below 50 percent of the Snohomish County median family income, adjusted for family size. For a single person, this is annual income of \$31,650.00. Thirty percent of this median income is \$9,495.00 per year which works out to rent of \$791.25 per month. A recent search of one bedroom apartments in Marysville indicates that rents range from \$962.00 (tax credit project targeted to 60% of median income) to \$1,544.00 per month plus fees/utilities depending on the units. Given this information, the affordable housing requirements that are presently outlined in the MPSC ordinance results in the property owner providing a deep subsidy in order to develop a MPSC. The feedback that the Community Development has received from developers interested in pursuing a MPSC is that the affordability requirement makes it infeasible to develop a MPSC. To enable MPSC to be built, the affordability requirements outlined in the MPSC are proposed to be eliminated. The code amendment would read as follows:

### **22C.220.060 Required elements of master planned senior community site plan and application.**

All MPSCs shall be subject to site plan approval as provided in this chapter. The following are minimum requirements for the site plan and supplemental application materials:

- (1) A site plan drawing, showing property dimensions and boundaries, existing and proposed topography, critical areas, proposed access to the site, size and shape of all building sites and lots, and location of all building pads and open space areas;
- (2) A written explanation of the desired age restriction for the community;
- (3) Calculation of total project land area and net project density;
- (4) The total number of proposed dwelling units/beds and a description of the housing type for each such unit;
- (5) Existing development within 200 feet of the site;
- (6) The existing edge and width of pavement of any adjacent roadways and all proposed internal streets, off-street parking facilities, driveway approaches, curbing, sidewalks or walkways, street channelization and type of surfaces;
- (7) Landscaping plan, including plant locations and species size at planting, together with location and typical side view of perimeter fencing or berms, if any;
- (8) Plans for all attached dwellings, multiple-family dwellings and assisted living and nursing facilities, and related improvements, to a scale of not less than one inch to 50 feet, showing typical plot plans for each such building, including location of building entrance, driveway, parking, fencing and site screening, and typical elevations of each type of building, including identification of exterior building materials, and roof treatment;
- (9) Plans for signing and lighting, including typical side view of entrance treatment and entrance signs;
- (10) The location of all solid waste collection points, proposed meter locations, water mains, valves, fire hydrants, sewer mains, laterals, manholes, pump stations, and other appurtenances;
- (11) Conceptual drainage plans demonstrating feasibility of the proposed facilities;
- (12) Project staging or phases, if any;
- (13) Draft restrictive covenants including provisions to address enforcement of age restrictions, ~~affordability requirements~~, parking, ongoing maintenance of open space, recreation facilities and common areas;
- (14) Design analysis to demonstrate the relationship of the development to surrounding land uses, with cross sections, renderings or elevation drawings showing the scale and character of the development;
- (15) Descriptions of the design features and general size and layout of the proposed dwellings to demonstrate their appropriateness for the age-restricted population. The material submitted must indicate how the use of universal design features will make individual dwelling units adaptable to persons with mobility or functional limitations and how the design will provide accessible routes between parking area, sidewalks, dwelling units, and common areas; and
- (16) Such additional information as the city may deem necessary. (Ord. 2852 § 10 (Exh. A), 2011).

### **~~22C.220.070 Affordability—Low income housing units.~~**

~~(1) Covenant and Duration. An agreement in a form approved by the city must be recorded on the property requiring affordable dwelling units which are provided under the provisions of this section to remain as affordable housing for the life of the project. The agreement shall also specify aspects of renter and/or buyer eligibility, rent and/or sales price levels and requirements for reporting to the city or authorized housing agency and shall be recorded at final approval. This agreement shall be a covenant running with the land, binding on the assigns, heirs and successors of the applicant.~~

~~(2) Affordability Criteria.~~

~~(a) At least 10 percent of the total dwelling units developed shall be available at affordable housing costs and occupied by low income households, as defined in subsection (2)(b) of this section. This applies to both rental and ownership projects.~~

~~(b) For the purposes of this chapter, "affordable housing" is defined as rental or ownership housing having total housing costs, including basic utilities and any common charges and/or maintenance fees, that do not exceed 30 percent of the designated income limit for the housing unit.~~

~~(c) Rental Housing Unit. Affordable rental units shall be permanently priced and occupied by households with a total household income at or below 50 percent of the Snohomish County median family income, adjusted for family size, as reported annually by the U.S. Department of Housing and Urban Development.~~

~~(d) Ownership Housing Unit. Affordable ownership units shall be reserved for income and asset qualified home buyers with a total household income at or below 80 percent of the Snohomish County median family income, adjusted for family size, as reported annually by the U.S. Department of Housing and Urban Development. Affordable ownership units shall be limited to owner occupied housing, with prices restricted to same income group, based on current underwriting ratios and other lending standards.~~

~~Underwriting is based on the projected mortgage for which a family with a maximum income of 80 percent of the median family income can qualify, plus related housing costs. Housing costs to be included in the calculation for the sales price include the expected principal and interest on the mortgage loan, property taxes, homeowners insurance (PITI), and any common charges, homeowners' association fees and/or maintenance fees.~~

~~(e) Required affordable housing shall be provided in a range of sizes comparable to other units within the development and, to the extent practicable, the number of bedrooms in the affordable units must be in the same proportion as the number of bedrooms in units within the entire development. The affordable units shall generally be distributed throughout the development and have substantially the same functionality as other units in the development. (Ord. 2898 § 16, 2012; Ord. 2852 § 10 (Exh. A), 2011).~~

Staff respectfully requests the Planning Commission make a recommendation of approval of the 2017 code amendments to City Council for adoption by Ordinance.

PLANNING  
COMMISSION



MINUTES

March 14, 2017

7:00 p.m.

City Hall

**CALL TO ORDER**

Chair Leifer called the March 14, 2017 meeting to order at 7:00 p.m.

Marysville

**Chairman:** Steve Leifer

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

**Staff:** Planning Manager Chris Holland, Community Development Director Dave Koenig, Senior Planner Angela Gemmer

**Absent:** None

**APPROVAL OF MINUTES**

February 14, 2017

Commissioner Hoen asked to include a concern he had raised under Staff Comments (page 4) as follows:

*Commissioner Hoen raised a concern about artists being allowed to sell their art from their home. Director Koenig clarified that if you make something at home you can sell it at home, and staff's understanding is that this includes art.*

**Motion** made by Commissioner Richards, seconded by Commissioner Smith, to approve the February 14, 2017 Meeting Minutes as amended. **Motion** passed unanimously (7-0).

**AUDIENCE PARTICIPATION**

None

## CODE AMENDMENTS

Senior Planner Gemmer explained that recently Master Builders Association of King and Snohomish County had approached the City with some concerns about existing development regulations. A wide variety of topics was outlined more fully in a letter sent by CAO Hirashima in response to the concerns that were presented. She reviewed three of those concerns for which staff is proposing amendments.

### Code Amendment 1: Net Project Area Definition

What is being proposed is a reorganization of the existing net project area calculation to make it a little clearer in its reading and to allow developers to either do the current itemized deduction, or the alternative of taking a flat 20% deduction for right-of-way, private roads, access easements, and panhandles. She explained that no concerns were submitted related to this item. There were no comments or questions.

### Code Amendment 2: Administrative Residential Height Deviation (daylight basement)

Senior Planner Gemmer reviewed the current code and explained that the proposal is to have an administrative variance to the single family building height limit that is considered on a case-by-case basis.

Concerns were received from local developers as well as the MBA on the proposed amendment due to the potential for uneven application of the standard and lack of predictability for developing a site. Staff feels that this is a reasonable approach to look at on a case-by-case basis and afford relief where it is warranted.

Chair Leifer commented that there appears to be great concern on this item by developers. He asked why this amendment came about as opposed to what seems to be a cut and dry approach which was proposed by Gloria Hirashima in a letter to MBA. Senior Planner Gemmer explained that the proposed fix was the same as the flexibility already afforded in the current code. Chair Leifer asked what the developers' main concern was. Senior Planner Gemmer replied that the developers are mainly concerned with predictability and uniform application of the provision. Director Koenig commented that predictability is always a concern from the side of the developers. He explained that there are a lot of situations out in the field that can't be predicted by the code. He noted that a combination of predictability and flexibility might be a possibility. Chair Leifer expressed concern about the proposal given the comments received from MBA. He indicated that a combination approach might be the way to go. Director Koenig offered to provide some new language at the next meeting.

Commissioner Andes asked for clarification about the calculations. Planning Manager Holland explained that they don't want to amend the current height calculation requirements, but want to allow deviations under certain circumstances. Director Koenig explained that the goal for developers is to have a daylight basement. The concern was that on some of the site's they could not get enough height using the current formula to get a daylight basement. They want to have three stories on the downhill slope.

Commissioner Richards asked about making the height standard from the front of the house. Director Koenig explained that it could result in a very tall house on the backside. This is why the height is done on an average. Ms. Gemmer agreed that there is a balance they are trying to strike. There are instances where a taller house would be more appropriate which is why staff is proposing to review height on a case-by-case basis.

Commissioner Whitaker asked how long the current codes have been in place. He also asked if there have been other requests to amend them. Planning Manager Holland explained that they were amended in 2009 when they went from 35 to 30 feet in order to be more consistent with the county. Director Koenig commented that 30 feet isn't an issue on flat lots; it's the desire to have a daylight basement on sloped lots that is the issue.

Chair Leifer asked how complicated the calculations are. Senior Planner Gemmer replied that they are pretty straight forward. Director Koenig commented that Marysville's calculations are simpler than Mercer Island, which is what MBA is proposing Marysville adopt. There was discussion about the difference between various codes. Director Koenig summarized that staff would bring back a revision to accommodate the basements.

Commissioner Hoen asked about a specific stormwater utility fee to homeowners in his neighborhood related to how much of their property is impermeable, and why there would be a stormwater management fee when no stormwater on this street goes into the Marysville stormwater system. Planning Manager Holland offered to get someone from Public Works – Water Resources to contact with him to answer his questions.

### Code Amendment 3: Building and Impervious Surface Area Coverage

Senior Planner Gemmer explained that the City received comments that the current code is too restrictive. As a result, staff is proposing increases in the medium density and high density single family zones. The proposal would bring building coverage up to 40% and impervious surface up to 50% in the R-4.5 and R-6.5 zones and impervious surface coverages to 65% in the R-8 and WR-R-4-8 zones. In response to the proposal, comments were that it was still too restrictive and the request was to enable 60% building coverage on lots that were under 5,000 square feet. Senior Planner Gemmer explained an additional increase in impervious surface could not be accomplished due to existing setbacks without proposing a Planned Residential Development which allows increased lot coverage and other modifications such as reduced setbacks.

Chair Leifer invited members of the public who had written the letters to provide comments:

David Toyer, Toyer Strategic Consulting, 3705 Colby Avenue, Suite 3, Everett, WA 98201, commented that Marysville has both an impervious surface standard and a building coverage standard whereas most communities have one or the other. He

recommended eliminating the building coverage standard and just using the impervious surface standard with the setbacks.

Chair Leifer asked Mr. Toyer what part of the matrix he would change. Mr. Toyer replied he would just eliminate the building coverage standard. Chair Leifer asked staff what the downside of that would be. Director Koenig commented that depending on the size of the lots it would be more complicated. Right now the subdivisions are designed to a certain percentage of impervious surface area. Building coverage is another layer of impervious surface.

Mr. Toyer commented that setbacks to enforce the desired amenity elements for a lot and impervious surface requirements are critical, but building coverage is not as important. Director Koenig commented that the only place they are in disagreement is related to building coverage on smaller lots from 4,000 - 5,000 square feet. Mr. Toyer agreed, but noted that they are in support of letting builders utilize the building envelope inside the setbacks.

Patrick McCourt, Land Pro Group, 10515 20<sup>th</sup> Street SE, Lake Stevens, 98258, thanked staff for their work on this. He discussed some scenarios they have dealt with and developers' frustration with the ability to get square footage on properties.

Commissioner Andes asked how Bothell is addressing those issues. Mr. McCourt explained that what is driving people north is the extremely high cost of homes further south. He commented that in Bothell the average home price is about \$650,000.

Chair Leifer asked Mr. McCourt if he agreed with Mr. Toyer about the matrix. Mr. McCourt recommended a little more work on this to allow developers to get more coverage.

Angie Sievers, Snohomish County Master Builders Association, 335 – 116<sup>th</sup> Avenue SE, Bellevue, WA 98004, commented that Gloria's letter dated December 20 captures the variety of items that she has encountered in her time with Master Builders. The issues with cost and predictability are the reasons that many developers are looking past Marysville for developments. She encouraged the City to look at its priorities in light of the big picture and the market. She commented on the amazing opportunity for development in Marysville. The investment in the dirt work and the land requires some predictability.

Commissioner Hoen asked about the average home price in Marysville. Ms. Sievers indicated they could bring that information back.

Chair Leifer asked Ms. Sievers what all-in square footage price she thinks is appropriate for the market in Marysville. Ms. Sievers indicated she could ask some developers and come back with an average.



Mr. McCourt disclosed that he is a member of and past president of MBA. He responded to Chair Leifer's earlier question and commented that Lakes Stevens' all-in price is \$180 per square foot.

Commissioner Hoen asked if the building material price would be the same from one community to another. Mr. McCourt explained that development costs change depending on the lots.

Mr. McCourt stated that they would bring numbers back to the next meeting. Director Koenig stated they would continue to work on staff's proposal.

Commissioner Andes recommended removing the building coverage criteria for lots 5,000 square feet and less.

#### Permitted Uses – Taxi Stands and Automotive Rental/Leasing

Senior Planner Gemmer explained that the last amendment would align the zones in which taxi stands and automotive rental/leasing uses are permitted in with other automotive-related uses in the permitted uses matrices.

#### **DEVELOPER MEETING POWERPOINT PRESENTATION**

Director Koenig noted there was a recent meeting with developers where a team from the City made a presentation to developers. He presented a modified version of that PowerPoint presentation to bring everyone up to date on projects the city is working on including city transportation projects, Connecting Washington projects, city utility projects, and other city projects such as the MIC (Manufacturing Industrial Center).

Questions about details of specific projects were asked and answered. The Commission thanked staff for the presentation.

Commissioner Smith asked where the sales tax issue with Tulalip stands. Director Koenig replied it is being litigated at this point.

#### **CITY COUNCIL AGENDA ITEMS AND MINUTES**

#### **ADJOURNMENT**

**Motion** made by Commissioner Richards, seconded by Commissioner Whitaker, to adjourn the meeting at 8:52 p.m. **Motion** passed unanimously.

#### **NEXT MEETING:**

March 28, 2017

  
\_\_\_\_\_  
Laurie Hugdahl, Recording Secretary

# PLANNING COMMISSION



# MINUTES

**March 28, 2017**

**7:00 p.m.**

**City Hall**

## **CALL TO ORDER**

Chair Leifer called the March 28, 2017 meeting to order at 7:00 p.m.

### Marysville

**Chairman:** Steve Leifer

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

**Staff:** Community Development Director Dave Koenig, Senior Planner Gemmer

**Absent:** None

## **APPROVAL OF MINUTES**

### March 14, 2017

Commissioner Hoen referred to the 4<sup>th</sup> paragraph on page 3 where he had asked about the stormwater utility fees. He clarified that no stormwater goes into the city stormwater at all; it all goes into underground French drains. His question was about why there would be a stormwater management fee when no stormwater on this street goes into the Marysville stormwater system. Director Koenig stated that staff would follow up on this.

Commissioner Smith stated that when she was annexed she asked about this. She was told that it was because she lives in the city and drives on the streets where there is stormwater.

**Motion** made by Commissioner Smith, seconded by Commissioner Richards, to approve the March 14, 2017 Meeting Minutes as amended. **Motion** passed unanimously (7-0).

## AUDIENCE PARTICIPATION

None

## NEW BUSINESS

Senior Planner Gemmer explained that since the last Planning Commission meeting staff has met with the building community on their concerns. At this time, the concerns pertaining to building impervious coverage are adequately addressed with the amendment proposed. On Code Amendment 2, pertaining to building height, staff proposed a 5-foot height increase on lots that have a 5% building slope within the building envelope. After this amendment was provided to the building community, there was further discussion with developers so staff is now recommending a 10% slope threshold which appears to be more appropriate and would enable daylight basements on steeper slope lots. She stated that Toyer Strategic Management provided a letter expressing concern that the amendment may not adequately meet his client's needs.

Commissioner Richards asked for clarification that on Paragraph 18 in the Proposed Code amendment 2, 5% would become 10%. Senior Gemmer affirmed that the 5% would become 10%.

Staff is recommending going forward with an April 11 hearing date.

Commissioner Whitaker asked about the impact of this on staff. Senior Planner Gemmer replied impacts should be minimal and that it should be fairly easy to administer.

Chair Leifer asked about Toyer Strategic Management's concern about the depth of the lot. Senior Planner Gemmer explained that the concern might be that you wouldn't get enough slope within the building footprint; however, the City's concern is that you could have the grade change over the length of the lot, but it might not be where the house is constructed. The building footprint is used so they are actually addressing the problem of how to allow daylight basements on sloped lots without allowing height increases on lots that are essentially flat but have a slope on a portion of the lot where the house isn't being built. The 150-foot threshold is also problematic because some of the lots with steep slopes are actually longer than 150 feet, and adding the 150 foot cap would prevent those lots from benefiting from these provisions.

Director Koenig stated that the intent is to allow for a house on a sloped lot in order to get a daylight basement. Staff is suggesting that the base elevation be calculated where the house is being built. If it's on the sloped part of the lot they get the benefit of a higher height so they can put a daylight basement in.

Commissioner Andes asked at what stage in the process this is approved. Director Koenig stated it would be at the building permit stage.

Chair Leifer referred to Code Amendment 2, the first paragraph, and asked if this implies that there are records that can be referred back to. Senior Planner Gemmer thought that this reference was to the Subdivision Act. Chair Leifer asked if developers could reshape the topography in order to achieve the daylight basement option. Director Koenig indicated that they could. Senior Planner Gemmer commented that there is language in the code stating that to the extent feasible you are supposed to retain the natural topography. She added that the code is referring to the fact that if there was grading that was approved prior to the Subdivision Act the City will honor it. Chair Leifer asked if a builder can go in after the site plan has been approved and do reshaping. Director Koenig explained that permits would need to be obtained for certain situations.

Senior Planner Gemmer continued to review the proposed amendments.

A. Net Project Area Definition

Senior Planner Gemmer reviewed this item and summarized that this would allow the developer to take a straight 20% deduction for access areas to make the calculation less onerous, and also a bit more predictable for developers.

B. Residential Height Deviation (daylight basements)

This was discussed above.

C. Building and Impervious Surface Area Coverage

This pertains to an increase in building coverage and impervious surface coverage. The concern of the building community was that the City's standard was too restrictive and isn't enabling them to build the product that they would like to build on lots that are available to build on. Modest increases in the building coverage in the R4.5 and 6.5 zones are proposed to increase allowable building coverage by 5%. A 5% increase in impervious surface coverage for single family medium and high density zones, and a 15% increase in impervious surface coverage for the single family high density small lot and Whiskey Ridge 4-8 zones is proposed to provide more flexibility. This would apply to projects moving forward, or projects that are currently under review that can amend their stormwater facilities to accommodate additional impervious surface.

D. Permitted Uses – Taxi Stands and Automotive Rental/Leasing

This would open up the zones in which taxi stands are allowed in order to include the light industrial and general industrial zones and to allow automotive rental and leasing uses in the general industrial zones. The goal is to synchronize the zones in which automotive-related uses can be pursued with the rest of the automotive-related uses outlined in the permitted uses matrices.

Chair Leifer asked what a taxi stand is. Senior Planner Gemmer explained that a taxi stand is where taxis are stored and dispatched from.

David Toyer, Toyer Strategic Consulting, 3705 Colby, Suite 3, Everett, WA, explained that the 10% slope proposal as described by Senior Planner Gemmer would be acceptable. He reviewed some example plans of homes with daylight basements to show how the proposed code would work with the averaging of all four sides and with the 35-foot allowance. He explained that their concern was to enable the builders to provide some diversity while still meeting the requirements. He spoke in support of the proposed amendments with the change to 10% for Code Amendment 2 relating to Residential Height Deviation as discussed.

Angie Sievers, Master Builders of King and Snohomish County, 335 – 116<sup>th</sup> Avenue SE, Bellevue, WA 98004, thanked staff for their cooperation and work on this. Regarding the daylight basement, she spoke in support of the proposed amendments (with the change to 10% slope).

Chair Leifer asked Mr. McCourt about some information he had indicated he would provide at the last meeting.

Patrick McCourt, Land Pro Group, 10515 - 20<sup>th</sup> Street SE, Lake Stevens, 98258, explained that he had secured four separate general contracting bids for a project that is 100% approved with permits in the Lake Stevens area. There is a project that is not 100% approved in Marysville that they have put out to bid. The bids are due next Tuesday in anticipation of coming to the Planning Commission meeting on April 11 where he will provide all that information to the Planning Commission. This will enable the Planning Commission to compare actual costs for the projects.

Chair Leifer asked if the roundabouts on those are put on as a frontage improvement in addition to the mitigation fee. Mr. McCourt replied that they are in addition to the mitigation fee. He added that they are actually offsite.

Chair Leifer asked about low impact development. Mr. McCourt explained that the majority of the ridge area is saturated with clays which don't percolate. Consequently LID doesn't work there because it doesn't drain. Director Koenig replied that staff is still working through the details. In areas where drainage ponds can be used LID would not necessarily have to happen. It's being addressed on a site-by-site basis. Chair Leifer commented on the dilemma and costs of determining if LID will work or not.

Mr. McCourt added that they submitted an application in Lake Stevens in February 2017. They were required to comply with the conditions of the most recent DOE Stormwater Manual which required them to go through a sequencing process to demonstrate where LID will or will not work for the site. In order to accomplish that they brought a drilling rig onto the property which created its own set of problems because of the tracks and ruts it created. Some could consider that grading if they turned up more than 50 yards of dirt. He reviewed the sequencing process in the DOE Manual. He noted that the cost of drilling six holes was almost \$20,000 which ended up showing that there was no infiltration.

Chair Leifer discussed more concerns related to the feasibility of infiltration and summarized that this is an issue that needs to be looked at in detail. Mr. McCourt discussed work done by Terra Associates which raised the issue of groundwater seepage affecting those downstream.

There was consensus to move these items forward to a public hearing on April 11.

### **CITY COUNCIL AGENDA ITEMS AND MINUTES**


Director Koenig reported that the City Council approved the Lakewood Neighborhood Plan as presented to them and the Capital Facilities Plan. They will take action on the various amendments which included the flagpole at the next Council meeting. The Council wanted some more information on height and are potentially interested in lowering the height in residential zones to 25'. He thanked the Planning Commission for their hard work.

### **ADJOURNMENT**

**Motion** made by Commissioner Richards, seconded by Commissioner Andes, to adjourn the meeting at 8:01 p.m. **Motion** passed unanimously.

### **NEXT MEETING:**

April 11, 2017

  
\_\_\_\_\_  
Laurie Hugdahl, Recording Secretary

*DRAFT*

PLANNING  
COMMISSION



MINUTES

April 11, 2017

7:00 p.m.

City Hall

**CALL TO ORDER**

Chair Leifer called the April 11, 2017 meeting to order at 7:00 p.m. noting the excused absences of Commissioner Whitaker and Thetford.

Marysville

**Chairman:** Steve Leifer

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

**Staff:** Community Development Director Dave Koenig, Senior Planner Angela Gemmer

**Absent:** Tom Thetford, Brandon Whitaker

**APPROVAL OF MINUTES**

March 28, 2017

**Motion** made by Commissioner Richards, seconded by Commissioner Smith, to approve the March 28, 2017 Meeting Minutes. **Motion** passed unanimously (5-0)

**AUDIENCE PARTICIPATION**

None

**NEW BUSINESS**

- A. Planned Master Senior Communities – elimination of low income housing requirements

Senior Planner Gemmer explained that this is a proposed amendment to the Senior Communities Master Plan. The current code requires that at least 10 percent of the total dwelling units be available at affordable housing costs and occupied by low income

households. She explained that the potential developers have indicated that the restriction is making developments infeasible. The proposal would eliminate the affordable housing restriction and retain all other aspects of the code. Director Koenig clarified that the rents they looked at were new construction as this is what would be comparable to the new developments.

Chair Leifer asked about the option for a vacation from real estate taxes for ten years. Senior Gemmer commented that certain affordable housing projects took advantage of that. Director Koenig added that by state law a city can exempt property taxes for multiple family housing developments on the building, not on the land, for ten years.

Commissioner Hoen asked if this would eliminate affordable housing requirements for senior communities. Senior Planner Gemmer commented that the affordable housing requirement is specific to Master Planned Senior Communities and is not a requirement of senior communities in general. The proposed amendment would eliminate the requirement for low income units in Master Planned Senior Communities because that requirement is making these developments infeasible.

Commissioner Richards asked if other cities have the low income requirement of 10%. Director Koenig replied that he was not aware of any that are targeted specifically toward senior facilities.

## **PUBLIC HEARING**

Senior Planner Gemmer reviewed these items as described in the Memo to the Planning Commission dated April 6, 2017.

- A. Net Project Area Definition
- B. Residential Height Deviation (daylight basements)
- C. Building and Impervious Surface Area Coverage
- D. Permitted Uses – Taxi Stands and Automotive Rental/Leasing
- E. Master Planned Senior Communities – elimination of low income housing requirements

Commissioner Hoen asked what the Fire Department's position is on side yard setbacks. Senior Planner Gemmer explained that typically they require a 5-foot building setback from property lines and a 10-foot structure separation. The Nuisance Code also talks about where to place large objects like RVs and boats so they don't impede fire access. On multifamily projects, fire clearance on certain sides of the building may be reduced to about 8 feet for ladder access. This wouldn't allow a truck, but it would allow a ladder.



## Public Comments:

Angie Sievers, Master Builders of King and Snohomish County, 335 - 116<sup>th</sup> Avenue SE, Bellevue, spoke on behalf of Master Builders. She thanked staff and the Planning Commission for their careful deliberation and for finding ways that they can work together. She spoke in support of amendments A, B, and C as drafted.

David Toyer, Toyer Strategic Consulting, 3705 Colby Avenue, Suite 3, Everett, spoke on behalf of some landowners in Marysville and a developer. He spoke in support of net project area, building height and impervious surface amendments. In regards specifically to the building heights amendments he explained that this would allow for daylight basements in slope challenged areas such as the Whiskey Ridge area. He is confident that the proposed amendments will work. Specific to the impervious surface requirements and the move to 65%, adding additional impervious surface is really only a challenge of whether or not you can design the detention systems in order to accommodate that and abide by the drainage standards that are set.

Chair Leifer asked him if he was in support of the 10% slope requirement. Mr. Toyer replied that he is. He discussed how he contacted his builders to create various housing product scenarios, and they all seemed to work.

Commissioner Hoen asked if there is a variance process available for unique situations. Senior Planner Gemmer replied that there is not an administrative variance. An earlier draft had an administrative process that was discretionary. The development community expressed a desire to see something specific, so a specific standard was drafted in response to developers' concerns about predictability.

Brad Thompson, 6914 – 57<sup>th</sup> Street NE, Marysville, referred to the Master Plan Community and asked about the justification for the low income requirement when the code was written. He also asked about the need for low income housing and if this is the right amount. He wondered if it is really appropriate to strike the whole thing. If it's not needed he is okay with getting rid of it, but not if there is a need. He suggested that if there is a need they could make it more accommodating for those that want to develop.

Director Koenig commented that at the time this was written they thought that it had the potential of working, but a financial analysis was not done. There is definitely a need in the community for affordable housing. He reviewed ways that some of these are happening such as tax credits, subsidies, etc. CAO Hirashima and he had discussed that the 10% requirement is not working and is prohibiting development. He explained that staff did not do any financial analyses to determine if a lower amount would be feasible for developers.

John Eld, Bonaventure Senior Living, 3425 Boon Road, Salem, Oregon, thanked the City for consideration of this item. He stated that they are a developer of senior communities. He stated they are interested in coming to Marysville to do one of these developments. Their current model is roughly 160 units, 72 of which are independent

living, roughly 60 are assisted living, and 28 are memory care. They are negotiating with a landowner in Marysville to purchase property to move forward with a project. He clarified that one of the major problems with the way the affordability standard is currently worded is that it talks about rent having to be at a certain level. This is fine for some units, but for some other units the rates include a lot more than just rent. They have done many developments and have never come across an affordability requirement, although some places have affordability incentives. Additionally, the current requirement runs forever. Finding the right residents for those units can be difficult. He noted that there are things in place such as Medicaid contracts that provide subsidies for residents that don't have enough funds. He thanked staff and spoke in support of the proposed amendments.

Chair Leifer asked his opinion about reducing the 10% requirement to a lower requirement. Mr. Eld commented that there are already alternatives in place that sufficiently provide enough supply for those residents that it doesn't need to be a mandatory requirement for a community like this.

Seeing no further comments, the hearing was closed at 7:52 p.m.

Commissioner Andes spoke in support of the proposed amendments.

Commissioner Richards commented that this sounds good for developers, but asked if this is protecting the citizens. Senior Planner Gemmer noted that the changes were relatively modest and that the goal was to balance the needs to the community and the concerns of the development community. She noted that compared to some other jurisdictions the City's regulations are presently more restrictive in these areas. She noted that in certain areas like the residential density calculation, the current code was sometimes inequitable. This amendment had the potential to correct some of that.

Chair Leifer commented that his concern is how the needs of low income individuals get met and what the best way is to do it. He asked what the likelihood is of a low income facility being built in Marysville. Director Koenig commented that one example of a low income facility is Vintage which is 197 units targeted at 60% of median income. This is a tax credit project. Housing Hope is 50 units and is another example of very low income housing at Twin Lakes. Because it's the lowest income the City Council passed an ordinance that would reduce traffic impact fees by 50% for that development. He commented that affordable housing is a very complicated issue. There are a number of different product types, but it also depends on the market. He discussed examples of low income developments in other jurisdictions.

Chair Leifer asked what the most efficient way is to provide affordable housing. Director Koenig replied that most developers don't want to do the paperwork required for property tax exemptions even though it is available. Most developers who take advantage of it opt for the 8 years instead of 12 years. He commented that the private sector tends to stay away from those sorts of requirements.

Commissioner Richards commented that if there isn't a good reason to keep it in the code they should get rid of it.

Chair Leifer suggested that from a business standpoint it might be better to build projects that are strictly low income rather than trying to mix them up.

Commissioner Hoen commented that the result of not having to spread the cost on the dedicated low income portion of development effectively lowers the cost of those units. To him that appears to be a developer advantage. He asked if they are also able to get impact fee reductions or tax breaks related to low income development. Director Koenig replied that the property tax exemptions can be done in certain areas of the City for market rate housing. This is done to encourage development in areas where the City wants it.

*Motion made by Commissioner Richards, seconded by Commissioner Smith, to recommend approval of all five amendments. Motion passed unanimously (5-0).*

Seeing no further comments, the public hearing was closed at 8:12 p.m.

Angie Sievers referred to earlier discussions about land development costs and the market. She reviewed the Realtors' Market Activity Report. The estimated median home value in Marysville as of March 27, 2017 was \$305,000 for existing and new homes which is up 10.1% from a year prior. There is a significant trend toward fewer new homes in the market. For new homes built in Marysville in 2016, median sales prices were \$404,990. Everett was \$459,950. Lake Stevens was \$377,257. Monroe \$529,990. She thanked the Planning Commission for their consideration of the topics discussed tonight.

Director Koenig commented that the City Council approved amendments that the Planning Commission sent forward to them with a change in the height of poles in residential areas. On lots under 40,000 square feet the poles can be 25 feet. On larger lots they can be 35 feet tall with a setback equal to the height of the pole. He thanked the Planning Commission for their efforts.

## **CITY COUNCIL AGENDA ITEMS AND MINUTES**

### **ADJOURNMENT**

**Motion** made by Commissioner Richards, seconded by Commissioner Smith, to adjourn the meeting at 8:17 p.m. **Motion** passed unanimously.

### **NEXT MEETING:**

April 25, 2017

*DRAFT*

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Laurie Hugdahl, Recording Secretary

**CITY OF MARYSVILLE**  
**Marysville, Washington**  
**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON, UPDATING THE CITY'S DEVELOPMENT REGULATIONS, AMENDING SECTIONS 22A.020.150, 22C.010.080, 22C.010.090, 22C.020.060, 22C.220.060, AND 22A.010.160 OF THE MARYSVILLE MUNICIPAL CODE, AND REPEALING SECTION 22C.220.070 OF THE MARYSVILLE MUNICIPAL CODE.**

WHEREAS, the State Growth Management Act, Chapter 36.70A RCW mandates that cities periodically review and amend development regulations, including 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, during public meetings on March 14, 2017, March 28, 2017, and April 11, 2017, the Planning Commission discussed proposed amendments to MMC Sections 22A.020.150, 22C.010.080, 22C.010.090, 22C.020.060, 22C.220.060, and 22C.220.070; and

WHEREAS, the City of Marysville has submitted the proposed development regulation revisions to the Washington State Department of Commerce on March 24, 2017, as required by 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);

WHEREAS, after providing notice to the public as required by law, on April 11, 2017, the Marysville Planning Commission held a Public Hearing on the proposed amendments to the City's development regulations; and

WHEREAS, on April 11, 2017 the Planning Commission made a Recommendation to the City Council recommending the adoption of the proposed amendments to MMC Sections 22A.020.150, 22C.010.080, 22C.010.090, 22C.020.060, 22C.220.060, and 22C.220.070; and

WHEREAS, at a public meeting on May 8, 2017 the Marysville City Council reviewed and considered the Planning Commission's Recommendation and proposed amendments to the development regulations; and

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

Section 1. Approval of Planning Commission's Recommendation and Adoption of Findings and Conclusions. The Planning Commission's April 11, 2017 Recommendation regarding the proposed development regulation amendments, including the Findings and Conclusions contained therein, as set forth in the attached **Exhibit "A"**, is hereby adopted and incorporated herein by this reference.

Section 2. Required Findings. In accordance with MMC 22G.010.520, the following findings are made regarding the development regulation amendments which comprise this ordinance:

- (1) The amendments are consistent with the purposes of the comprehensive plan; and
- (2) The amendments are consistent with the purpose of Title 22 MMC; and
- (3) There have been significant changes in the circumstances to warrant a change; and
- (4) The benefit or cost to the public health, safety, and welfare is sufficient to warrant the action.

Section 3. The definition of "Net project area" as contained in Section 22A.020.150, "N" definitions, of the Marysville Municipal Code is hereby amended to read as follows:

~~"Net project area" means the gross project area minus, floodplains, utility easements 30 feet wide or greater, publicly owned community facility land and right-of-way, storm water detention facility tracts or easements (unless underground and usable for recreation), private roads or access easements, panhandles, and nontransferable critical areas (e.g., stream channels) per MMC [22E.010.360](#). If storm water detention areas are designed and constructed to meet low impact development standards, 50 percent of the area used for detention may be counted as net project area.;~~

- ~~(1) floodplains;~~
- ~~(2) nontransferable critical areas (e.g., stream channels) per MMC [22E.010.360](#);~~
- ~~(3) utility easements 30 feet wide or greater;~~
- ~~(4) publicly owned community facility land;~~
- ~~(5) stormwater detention facility tracts or easements (unless underground and usable for recreation);. If stormwater detention areas are designed and constructed to meet low impact development standards, 50 percent of the area used for detention may be counted as net project area; and~~
- ~~(6) right-of-way, private roads, access easements, and panhandles. As an alternative to an itemized deduction, the developer may elect to take a flat 20% deduction from the gross project area for right-of-way, private roads, access easements, and panhandles.~~

Section 4. Section 22C.010.080, Densities and dimensions, of the Marysville Municipal Code is hereby amended to read as follows:

(1) Interpretation of Table.

(a) Subsection (2) of this section contains general density and dimension standards for the various zones and limitations specific to a particular zone(s). Additional rules and exceptions, and methodology, are set forth in MMC [22C.010.100](#) through [22C.010.250](#).

(b) The density and dimension table is arranged in a matrix format and is delineated into the residential use categories.

(c) Development standards are listed down the left side of the table, and the zones are listed at the top. The matrix cells contain the minimum dimensional requirements of the zone. The parenthetical numbers in the matrix identify specific requirements

applicable either to a specific use or zone set forth in MMC [22C.010.090](#). A blank box indicates that there are no specific requirements. If more than one standard appears in a cell, each standard will be subject to any applicable parenthetical footnote following the standard.

(2) General Densities and Dimension Standards.

	<b>R-4.5</b>	<b>R-6.5</b>	<b>R-8</b>	<b>WR-R-4-8 (16) (17)</b>	<b>R-12 (13)</b>	<b>R-18 (13)</b>	<b>R-28 (13)</b>	<b>WR-R-6-18 (13)(16) (17)</b>
Density: Dwelling unit/acre (6)	4.5 du/ac	6.5 du/ac	8 du/ac	4.5 du/ac	12 du/ac	18 du/ac	28 du/ac	6 du/ac (detached sf) 10 du/ac (attached multifamily)
Maximum density: Dwelling unit/acre (1)	–	–	–	8 du/ac	18 du/ac	27 du/ac	36 du/ac	18 du/ac
Minimum street setback (3) (15)	20 ft (8)	20 ft (8)	20 ft (8)	20 ft (8)	20 ft	25 ft	25 ft	20 ft
Minimum side yard setback (3)	5 ft (10)	5 ft (10)	5 ft (10)	5 ft (10, 11, 12)	10 ft (10, 11, 12)	10 ft (10, 11, 12)	10 ft (10)	10 ft (10, 11, 12)
Minimum rear yard setback (3)	20 ft	20 ft	20 ft	20 ft	25 ft	25 ft	25 ft	25 ft
Base height	30 ft (18)	30 ft (18)	30 ft (18)	30 ft (18)	35 ft (4)	45 ft (4)	45 ft (4)	35 ft (4)
Maximum building coverage: Percentage (5)	<del>35%</del> 40%	<del>35%</del> 40%	50%	50%	50%	50%	50%	40%
Maximum impervious surface: Percentage (5)	45% <sub>↓</sub> 50%	45% <sub>↓</sub> 50%	50% <sub>↓</sub> 65%	50% <sub>↓</sub> 65%	70%	70%	75%	70%
Minimum lot area	5,000 sq ft	5,000 sq ft	4,000 sq ft	5,000 sq ft	–	–	–	–
Minimum lot area for duplexes (2)	12,500 sq ft	7,200 sq ft	7,200 sq ft	7,200 sq ft	–	–	–	–
Minimum lot width (3)	60 ft	50 ft	40 ft	40 ft	70 ft	70 ft	70 ft	70 ft
Minimum lot frontage on cul-de-sac, sharp curve, or panhandle (14)	20 ft	20 ft	20 ft	20 ft	–	–	–	–

Section 5. Section 22C.010.090, Densities and dimensions – Development conditions, of the Marysville Municipal Code is hereby amended to read as follows:

- (1) Maximum Density – Dwelling Unit/Acre.
  - (a) The maximum density for R-12, R-18, R-28, WR-R-4-8 and WR-R-6-18 zones may be achieved only through the application of residential density incentive provisions outlined in Chapter [22C.090](#) MMC.
  - (b) The maximum net density for the single-family zones is the same as the base density; provided, that for PRD developments the maximum density may be increased by up to 20 percent through the application of residential density incentive provisions outlined in Chapter [22C.090](#) MMC.
- (2) The minimum lot sizes for duplexes apply to lots or parcels which existed on or before the effective date of the ordinance codified in this chapter. All new duplex lots created through the subdivision or short subdivision process shall be a minimum of 7,200 square feet in size, must include a “duplex disclosure,” and comply with the density requirements of the comprehensive plan (six units per acre for the R-4.5 zone and eight units per acre for the R-6.5, R-8, and WR-R-4-8 zones).
- (3) These standards may be modified under the provisions for zero lot line and townhome developments.
- (4) Base Height.
  - (a) Height limits may be increased when portions of the structure which exceed the base height limit provide one additional foot of street and interior setback beyond the required setback for each foot above the base height limit; provided, that the maximum height may not exceed 60 feet.
  - (b) Multiple-family developments, located outside of Planning Area 1, abutting or adjacent to areas zoned as single-family, or areas identified in the comprehensive plan as single-family, may have no more floors than the adjacent single-family dwellings, when single-family is the predominant adjacent land use.
- (5) Applies to Each Individual Lot.
  - (a) The higher percentages of impervious surface coverage apply to complete land use applications submitted on or after the effective date of Ordinance adopted \_\_\_\_\_, 2017; provided, however, in the case of approved development applications that have not yet started construction, an applicant may file for a minor revision to the approved land use application in accordance with MMC 22G.010.260.
  - (b) Building coverage and impervious surface area standards for:
    - ~~(i)(a)~~ Regional uses shall be established at the time of permit review; or
    - ~~(ii)(b)~~ Nonresidential uses in residential zones shall comply with MMC [22C.010.250](#).
- (6) Density – Dwelling Unit/Acre.
  - (a) The densities listed for the single-family zones (R-4.5, R-6.5, R-8) and single-family development in the Whiskey Ridge zones (WR-R-4-8, WR-R-6-18) are maximum net densities.
  - (b) Mobile home parks shall be allowed a maximum density of eight dwelling units per acre, unless located in the R-4.5 or R-6.5 zones, in which case they are limited to the density of the underlying zone.
- (7) The standards of the R-4.5 zone shall apply if a lot is less than 15,000 square feet in area.
- (8) On a case-by-case basis, the street setback may be reduced to 10 feet; provided, that at least 20 linear feet of driveway are provided between any garage, carport, or other fenced parking area and the street property line, or the lot takes access from an alley. The linear distance shall be measured in a straight line from the nearest point of the garage, carport or fenced area to the access point at the street property line. In the case of platted lots, no more than two consecutive lots may be reduced to 10 feet.
- (9) Residences shall have a setback of at least 50 feet from any property line if adjoining an agricultural zone either within or outside the city limits.
- (10) For townhomes or apartment developments, the setback shall be the greater of:



- (a) Twenty feet along any property line abutting R-4.5 through R-8, and WR-R-4-8 zones; or
- (b) The average setback of the R-4.5 through R-8 zoned and platted single-family detached dwelling units from the common property line separating said dwelling units from the adjacent townhome or apartment development, provided the required setback applied to said development shall not exceed 60 feet. The setback shall be measured from said property line to the closest point of each single-family detached dwelling unit, excluding projections allowed per MMC [22C.010.210](#) and accessory structures existing at the time the townhome or apartment development receives approval by the city.

- (11) Townhome setbacks are reduced to zero on an interior side yard setback where the units have a common wall for zero lot line developments.
- (12) Townhome setbacks are reduced to five feet on side yard setbacks provided the buildings meet a 10-foot separation between structures.
- (13) Single-family detached units on individual lots within the R-12 through R-28, and WR-R-6-18 zones shall utilize the dimensional requirements of the R-8 zone, except the base density.
- (14) Provided that the front yard setback shall be established as the point at which the lot meets the minimum width requirements. On a case-by-case basis, the street setback may be reduced to the minimum of 20 feet; provided, that the portion of the structure closest to the street is part of the "living area," to avoid having the garage become the predominant feature on the lot.
- (15) Subject to MMC [22A.020.130](#), subsection (1)(a) of the definition of "lot lines."
- (16) Required landscaping setbacks for developments on the north side of Soper Hill Road are 25 feet from the edge of sidewalk.
- (17) Projects with split zoning (two or more distinct land use zones) may propose a master site plan to density average at the zone edge or modify the zone boundaries using topography, access, critical areas, or other site characteristics in order to provide a more effective transition between land uses and zones. Approval is at the discretion of the community development director.
- (18) In order to accommodate a daylight basement or garage, the base height for the principal dwelling may be increased to 35 feet on lots with a 10 percent or greater slope within the building's footprint.

Section 6. Section 22C.020.060, Permitted uses, of the Marysville Municipal Code is hereby amended to read as follows:

Specific Land Use	NB	CB (63)	GC	DC	MU (63)	BP	LI	GI	REC	P/I
<b>Residential Land Uses</b>										
<b>Dwelling Units, Types:</b>										
Townhouse				P6	P					
Multiple-family	C4	P4, C5	P4, C5	P4, P6	P					
Mobile home	P7	P7	P7	P7	P7	P7	P7	P7		
Senior citizen assisted	P				C					P
Caretaker's quarters (3)	P	P	P	P	P	P	P	P	P	P

Specific Land Use	NB	CB (63)	GC	DC	MU (63)	BP	LI	GI	REC	P/I
<b>Group Residences:</b>										
Adult family home	P	P	P	P	P	P70	P70	P70	P70	P
Convalescent, nursing, retirement	C	P	P	P	P					P
Residential care facility	P	P	P	P	P	P70	P70	P70	P70	P
Master planned senior community (10)					C					C
<b>Accessory Uses:</b>										
Home occupation (2)	P8	P8, P9	P8, P9	P8, P9	P8, P9	P9	P9	P9		
<b>Temporary Lodging:</b>										
Hotel/motel	P	P	P	P	P	P	P			
Bed and breakfast guesthouse (1)										
Bed and breakfast inn (1)	P	P	P							
<b>Recreation/Cultural Land Uses</b>										
<b>Park/Recreation:</b>										
Park	P11	P	P	P	P	P	P	P	P11	P
Marina				P				P	C	P
Dock and boathouse, private, noncommercial				P				P	P16	P
Recreational vehicle park			C12				C12		C	P
Boat launch, commercial or public				P				P		P
Boat launch, noncommercial or private				P				P	P17	P
Community center	P	P	P	P	P	P	P	P	P	P
<b>Amusement/Entertainment:</b>										

Specific Land Use	NB	CB (63)	GC	DC	MU (63)	BP	LI	GI	REC	P/I
Theater		P	P	P	P					
Theater, drive-in			C							
Amusement and recreation services		P18	P18	P18	P19	P	P	C		
Sports club	P	P	P	P	P	P	P	P		
Golf facility (13)		P	P			P	P	P	C	
Shooting range (14)			P15			P15	P15			
Outdoor performance center			C				C		C	C
Riding academy						P	P		C	
<b>Cultural:</b>										
Library, museum and art gallery	P	P	P	P	P	P	P	P	C	P
Church, synagogue and temple	P	P	P	P	P	P	P	P		P
Dancing, music and art center		P	P	P	P				C	P
<b>General Services Land Uses</b>										
<b>Personal Services:</b>										
General personal service	P	P	P	P	P	P	P	P		
Dry cleaning plant		P					P	P		
Dry cleaning pick-up station and retail service	P	P	P	P	P25		P	P		
Funeral home/crematory		P	P	P	P26	P	P	P		
Cemetery, columbarium or mausoleum	P24	P24	P24 C20			P	P	P		
Day care I	P70	P70	P70	P70	P70	P70	P21, 70	P70	P70	P70

Specific Land Use	NB	CB (63)	GC	DC	MU (63)	BP	LI	GI	REC	P/I
Day care II	P	P	P	P	P	P21	P21			
Veterinary clinic	P	P	P	P	P	P	P	P		
Automotive repair and service	P22	C, P28	P			P	P	P		
Electric vehicle (EV) charging station (64)	P	P	P	P	P	P	P	P	P	P
EV rapid charging station (65), (66)	P	P	P	P67	P67		P	P		
EV battery exchange station			P				P	P		
Miscellaneous repair		P	P				P	P		
Social services		P	P	P	P					P
Kennel, commercial and exhibitor/breeding (71)		P	P			C	P	P		
Pet daycare (71), (72)		P	P	P	P	P	P	P		
Civic, social and fraternal association		P	P	P	C	P		P		P
Club (community, country, yacht, etc.)						P		P		P
<b>Health Services:</b>										
Medical/dental clinic	P	P	P	P	P					P
Hospital		P	P	P	C					C
Miscellaneous health	P68	P68	P68	P68	P68					P68
<b>Education Services:</b>										
Elementary, middle/junior high, and senior high (including public, private and parochial)		C	C	C	C		P	C		C
Commercial school	P	P		P	P27					C
School district support facility	C	P	P	P	P		P	P		P

Specific Land Use	NB	CB (63)	GC	DC	MU (63)	BP	LI	GI	REC	P/I
Vocational school		P	P	P	P27					P
<b>Government/Business Service Land Uses</b>										
<b>Government Services:</b>										
Public agency office	P	P	P	P	P	P	P	P		P
Public utility yard			P				P			P
Public safety facilities, including police and fire	P29	P	P	P	P		P			P
Utility facility	P	P	P		C	P	P	P		P
Private storm water management facility	P	P	P	P	P	P	P	P		P
Public storm water management facility	P	P	P	P	P	P	P	P		P
<b>Business Services:</b>										
Contractors' office and storage yard			P30	P30	P30		P	P		
Interim recycling facility		P23	P23				P			P
Taxi stands		P	P				P	P		
Trucking and courier service		P31	P31				P	P		
Warehousing and wholesale trade			P			P	P	P		
Mini-storage (36)			P			P	P	P		
Freight and cargo service			P			P	P	P		
Cold storage warehousing							P	P		
General business service and office	P	P	P	P	P30	P	P	P		
Commercial vehicle storage						P	P	P		
Professional office	P	P	P	P	P	P	P			

Specific Land Use	NB	CB (63)	GC	DC	MU (63)	BP	LI	GI	REC	P/I
Miscellaneous equipment rental		P30, 37	C38		P30, 37		P	P		
Automotive rental and leasing			P				P	P		
Automotive parking	P	P	P	P	P	P	P	P		
Research, development and testing			P			P	P	P		
Heavy equipment and truck repair							P	P		
Automobile holding yard			C				P	P		
Commercial/industrial accessory uses	P39, 40	P39	P39	P39, 40	P39, 40	P	P	P		
Adult facility								P33		
Factory-built commercial building (35)	P	P	P	P		P	P	P		
Wireless communication facility (32)	P, C	P, C	P, C	P, C	P, C	P, C	P, C	P, C		P, C
<b>State-Licensed Marijuana Facilities:</b>										
Marijuana cooperative (69)										
Marijuana processing facility – Indoor only (69)										
Marijuana production facility – Indoor only (69)										
Marijuana retail facility (69)										
<b>Retail/Wholesale Land Uses</b>										
Building, hardware and garden materials	P47	P	P	P	P47		P	P		
Forest products sales		P	P				P			
Department and variety stores	P	P	P	P	P		P			

Specific Land Use	NB	CB (63)	GC	DC	MU (63)	BP	LI	GI	REC	P/I
Food stores	P	P	P	P	P45		P			
Agricultural crop sales		P	P		C		P			
Storage/retail sales, livestock feed							P	P		
Motor vehicle and boat dealers		P	P				P	P		
Motorcycle dealers		C	P	P49			P	P		
Gasoline service stations	P	P	P	P			P	P		
Eating and drinking places	P41	P	P	P	P46	P	P	P		
Drug stores	P	P	P	P	P		P	P		
Liquor stores		P	P							
Used goods: antiques/secondhand shops		P	P	P	P					
Sporting goods and related stores		P	P	P	P					
Book, stationery, video and art supply stores	P	P	P	P	P					
Jewelry stores		P	P	P	P					
Hobby, toy, game shops	P	P	P	P	P					
Photographic and electronic shops	P	P	P	P	P					
Fabric and craft shops	P	P	P	P	P					
Fuel dealers			P43			P43	P43	P43		
Florist shops	P	P	P	P	P					
Pet shops	P	P	P	P	P					
Tire stores		P	P	P			P	P		
Bulk retail		P	P				P			
Auction houses			P42				P			

Specific Land Use	NB	CB	GC	DC	MU	BP	LI	GI	REC	P/I
		(63)			(63)					
Truck and heavy equipment dealers							P	P		
Mobile home and RV dealers			C				P	P		
Retail stores similar to those otherwise named on this list	P	P	P	P	P48	P44	P44	P44		
Automobile wrecking yards							C	P		
<b>Manufacturing Land Uses</b>										
Food and kindred products		P50, 52	P50				P50	P		
Winery/brewery		P53	P	P53	P53		P	P		
Textile mill products							P	P		
Apparel and other textile products			C				P	P		
Wood products, except furniture			P				P	P		
Furniture and fixtures			P				P	P		
Paper and allied products							P	P		
Printing and publishing	P51	P51	P		P51	P	P	P		
Chemicals and allied products							C	C		
Petroleum refining and related industries							C	C		
Rubber and misc. plastics products							P	P		
Leather and leather goods							C	C		
Stone, clay, glass and concrete products							P	P		
Primary metal industries							C	P		
Fabricated metal products			C			P	P	P		
Industrial and commercial machinery							C	P		



<b>Specific Land Use</b>	<b>NB</b>	<b>CB (63)</b>	<b>GC</b>	<b>DC</b>	<b>MU (63)</b>	<b>BP</b>	<b>LI</b>	<b>GI</b>	<b>REC</b>	<b>P/I</b>
Heavy machinery and equipment							C	P		
Computer and office equipment			C				P			
Electronic and other electric equipment			C				P			
Railroad equipment							C	P		
Miscellaneous light manufacturing				P54			P	P		
Motor vehicle and bicycle manufacturing							C	P		
Aircraft, ship and boat building							C	P		
Tire retreading							C	P		
Movie production/distribution			P				P			
<b>Resource Land Uses</b>										
<b>Agriculture:</b>										
Growing and harvesting crops						P	P	P	P	
Raising livestock and small animals						P	P	P	P	
Greenhouse or nursery, wholesale and retail			P			P	P	P	C	
Farm product processing							P	P		
<b>Forestry:</b>										
Growing and harvesting forest products							P			
Forest research							P			
Wood waste recycling and storage							C	C		
<b>Fish and Wildlife Management:</b>										
Hatchery/fish preserve (55)						P	P	P	C	
Aquaculture (55)							P	P	C	

Specific Land Use	NB	CB (63)	GC	DC	MU (63)	BP	LI	GI	REC	P/I
Wildlife shelters	C	C							P	
<b>Mineral:</b>										
Processing of minerals							P	P		
Asphalt paving mixtures and block							P	P		
<b>Regional Land Uses</b>										
Jail		C	C			C	C			
Regional storm water management facility		C	C	C		C	C	C		P
Public agency animal control facility			C				P	P		C
Public agency training facility		C56	C56		C56		C57			C57
Nonhydroelectric generation facility	C	C	C				C	C		C
Energy resource recovery facility							C			
Soil recycling/incineration facility							C	C		
Solid waste recycling								C		C
Transfer station							C	C		C
Wastewater treatment facility						C	C	C		C
Transit bus base			C				P			C
Transit park and pool lot	P	P	P	P	P	P	P	P		P
Transit park and ride lot	P	P	P	P	P	P	P	P		C
School bus base	C	C	C				P			C58
Racetrack	C59	C59	C				P			
Fairground						P	P	P		C
Zoo/wildlife exhibit		C	C							C

Specific Land Use	NB	CB	GC	DC	MU	BP	LI	GI	REC	P/I
		(63)			(63)					
Stadium/arena			C				C	P		C
College/university	C	P	P	P	P	P	P	P		C
Secure community transition facility								C60		
Opiate substitution treatment program facilities		P61, 62	P61, 62	P61, 62			P62	P62		

Section 7. Section 22C.220.060, Required elements of master planned senior community site plan and application, of the Marysville Municipal Code is hereby amended to read as follows:

All MPSCs shall be subject to site plan approval as provided in this chapter. The following are minimum requirements for the site plan and supplemental application materials:

- (1) A site plan drawing, showing property dimensions and boundaries, existing and proposed topography, critical areas, proposed access to the site, size and shape of all building sites and lots, and location of all building pads and open space areas;
- (2) A written explanation of the desired age restriction for the community;
- (3) Calculation of total project land area and net project density;
- (4) The total number of proposed dwelling units/beds and a description of the housing type for each such unit;
- (5) Existing development within 200 feet of the site;
- (6) The existing edge and width of pavement of any adjacent roadways and all proposed internal streets, off-street parking facilities, driveway approaches, curbing, sidewalks or walkways, street channelization and type of surfaces;
- (7) Landscaping plan, including plant locations and species size at planting, together with location and typical side view of perimeter fencing or berms, if any;
- (8) Plans for all attached dwellings, multiple-family dwellings and assisted living and nursing facilities, and related improvements, to a scale of not less than one inch to 50 feet, showing typical plot plans for each such building, including location of building entrance, driveway, parking, fencing and site screening, and typical elevations of each type of building, including identification of exterior building materials, and roof treatment;
- (9) Plans for signing and lighting, including typical side view of entrance treatment and entrance signs;
- (10) The location of all solid waste collection points, proposed meter locations, water mains, valves, fire hydrants, sewer mains, laterals, manholes, pump stations, and other appurtenances;
- (11) Conceptual drainage plans demonstrating feasibility of the proposed facilities;
- (12) Project staging or phases, if any;
- (13) Draft restrictive covenants including provisions to address enforcement of age restrictions, ~~affordability requirements~~, parking, ongoing maintenance of open space, recreation facilities and common areas;
- (14) Design analysis to demonstrate the relationship of the development to surrounding land uses, with cross sections, renderings or elevation drawings showing the scale and character of the development;
- (15) Descriptions of the design features and general size and layout of the proposed dwellings to demonstrate their appropriateness for the age-restricted population. The material submitted must indicate how the use of universal design features will make individual dwelling units adaptable to

persons with mobility or functional limitations and how the design will provide accessible routes between parking area, sidewalks, dwelling units, and common areas; and  
(16) Such additional information as the city may deem necessary.

Section 8. Section 22C.220.070, Affordability – Low income housing units, of the Marysville Municipal Code is hereby repealed in its entirety:

**~~22C.220.070 Affordability – Low income housing units.~~**

~~(1) Covenant and Duration. An agreement in a form approved by the city must be recorded on the property requiring affordable dwelling units which are provided under the provisions of this section to remain as affordable housing for the life of the project. The agreement shall also specify aspects of renter and/or buyer eligibility, rent and/or sales price levels and requirements for reporting to the city or authorized housing agency and shall be recorded at final approval. This agreement shall be a covenant running with the land, binding on the assigns, heirs and successors of the applicant.~~

~~(2) Affordability Criteria:~~

~~(a) At least 10 percent of the total dwelling units developed shall be available at affordable housing costs and occupied by low-income households, as defined in subsection (2)(b) of this section. This applies to both rental and ownership projects.~~

~~(b) For the purposes of this chapter, “affordable housing” is defined as rental or ownership housing having total housing costs, including basic utilities and any common charges and/or maintenance fees, that do not exceed 30 percent of the designated income limit for the housing unit.~~

~~(c) Rental Housing Unit. Affordable rental units shall be permanently priced and occupied by households with a total household income at or below 50 percent of the Snohomish County median family income, adjusted for family size, as reported annually by the U.S. Department of Housing and Urban Development.~~

~~(d) Ownership Housing Unit. Affordable ownership units shall be reserved for income- and asset-qualified home buyers with a total household income at or below 80 percent of the Snohomish County median family income, adjusted for family size, as reported annually by the U.S. Department of Housing and Urban Development. Affordable ownership units shall be limited to owner-occupied housing, with prices restricted to same income group, based on current underwriting ratios and other lending standards.~~

~~Underwriting is based on the projected mortgage for which a family with a maximum income of 80 percent of the median family income can qualify, plus related housing costs. Housing costs to be included in the calculation for the sales price include the expected principal and interest on the mortgage loan, property taxes, homeowners insurance (PITI), and any common charges, homeowners’ association fees and/or maintenance fees.~~

~~(e) Required affordable housing shall be provided in a range of sizes comparable to other units within the development and, to the extent practicable, the number of bedrooms in the affordable units must be in the same proportion as the number of bedrooms in units within the entire development. The affordable units shall generally be distributed throughout the development and have substantially the same functionality as other units in the development. (Ord. 2898 § 16, 2012; Ord. 2852 § 10 (Exh. A), 2011).~~

Section 9. Section 22A.010.160, Amendments, of the Marysville Municipal Code is hereby amended as follows by adding reference to this adopted ordinance in order to track amendments to the City’s Unified Development Code:

**“22A.010.160 Amendments.**

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

<u>Ordinance</u>	<u>Title (description)</u>	<u>Effective Date</u>
------------------	----------------------------	-----------------------

\_\_\_\_\_ 2017 Code Clean-Up Amendments \_\_\_\_\_, 2017"

Section 10. 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 11. 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 \_\_\_\_\_, 2017.

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)

Hi Gloria,

Thank you for the engagement of your staff in this process of finding common ground over the past few weeks.

Regarding the language provided in the letter David Toyer sent just yesterday, MBA members have concern.

I gather from the meetings we have had with the city there is concern that remains around unintentional use of this provision. Our intention is to bring a solution that satisfies staff and builders concerns to the Commissioners.

The consensus among MBA builders is the proposed language by Toyer Strategic would bring unnecessary confusion to the ability to develop daylight basements on challenging topography.

Alternatively, the MBA proposes increasing the building footprint slope to a minimum of 10% as a requirement for an increase max average building height to 35 feet.

I'm available either by email or phone today at your convenience.

Thank you for your willingness to work together to identify language that allows for daylight basements on steep hillsides in the Marysville community.

Sincerely,  
Angie Sievers

425-247-9290

Sent from my iPhone

Begin forwarded message:

**From:** David Toyer <[david@toyerstrategic.com](mailto:david@toyerstrategic.com)>

**Date:** March 27, 2017 at 12:23:56 PM PDT

**To:** David Koenig <[dkoenig@marysvillewa.gov](mailto:dkoenig@marysvillewa.gov)>, Angela Gemmer <[agemmer@marysvillewa.gov](mailto:agemmer@marysvillewa.gov)>, Cheryl Dungan <[CDungan@marysvillewa.gov](mailto:CDungan@marysvillewa.gov)>, "Chris Holland" <[CHolland@marysvillewa.gov](mailto:CHolland@marysvillewa.gov)>, "ghirashima@marysvillewa.gov" <[ghirashima@marysvillewa.gov](mailto:ghirashima@marysvillewa.gov)>, Angie Sievers <[asievers@mbaks.com](mailto:asievers@mbaks.com)>

**Cc:** Patrick McCourt <[pmccourt@landprogrp.com](mailto:pmccourt@landprogrp.com)>

**Subject:** PC Comment Letter

Angela and Dave,

Attached please find a comment letter to the PC addressing the most current language proposed by staff.

Thank you again for your assistance.

Very Sincerely,

**David Toyer**

Principal/Founder

P. 425-344-1523

E. [david@toyerstrategic.com](mailto:david@toyerstrategic.com)

[www.toyerstrategic.com](http://www.toyerstrategic.com)



**TOYER STRATEGIC CONSULTING**  
NAVIGATE OPPORTUNITY

March 27, 2017

Marysville Planning Commission  
City of Marysville  
80 Columbia Avenue  
Marysville, WA 98270

**RE: STAFF REPORT COMMENTS**

Dear Commissioners:

Thank you for the opportunity to provide public comments. This comment letter is a follow up to the letter we submitted on March 17<sup>th</sup>. In that letter, we advocated that in cases where the slope of the lot from the front to the rear was greater than 5%, the City should allow a 35-foot building average height limit instead of a 30-foot limit.

In the most recent staff report to the Planning Commission, staff has recommended a standard that is similar, but different than what we suggested. Their proposed change allows that in cases where there is a 5% or greater slope over the length of the building footprint the additional height would be allowed. Building footprint in this scenario is the length of the foundation.

We do not believe this solves the challenges the building industry has in developing homes on more challenging lots. While we understand that staff is concerned that a 5% slope over a very deep lot might allow for a taller home on a lot that is reality is not that sloped, we are concerned the fix proposed by staff will not sufficiently address the challenges the industry is experiencing. Therefore, we propose an alternative for the Commission's consideration. This version of the amendment would ensure the flexibility the industry needs, while acknowledging the staff concern.

**Allow a 35-foot average building height on those lots with a slope of 5% or greater plus a lot depth equal to or less than 150 feet.**

Making this adjustment will ensure that daylight basement and pull-under floor plans can be successfully produced in areas with challenging topography.

Our company appreciates the opportunity to work with the commissioners and staff. Please let me know if you have any additional questions or concerns that we may be able to address.

Very Sincerely,

---

TOYER STRATEGIC CONSULTING  
DAVID K. TOYER, FOUNDER



**CC:**

**City of Marysville:**

Dave Koenig, Director of Community Development

Chris Holland, Planning Manager

Angela Gemmer, Senior Planner

Cheryl Dungan, Senior Planner

Amy Hess, Associate Planner

Gloria Hirashima, City Administrator

**Master Builders Association**

Angie Sievers, Snohomish County Manager



**EXECUTIVE DEPARTMENT**  
1049 State Avenue ♦ Marysville, WA 98270  
(360) 363-8100 ♦ (360) 651-5099 FAX

December 20, 2016

Angie Sievers  
Snohomish County Master Builder's  
335-116<sup>th</sup> Avenue SE  
Bellevue, WA 98004

Subject: Builder/Developer meeting on 12/6/16

Dear Angie,

In follow up to our meeting, I wanted to summarize the status of several items that were discussed that afternoon. Many of these items are under review, or underway in the various departments (Public Works, Community Development, Fire).

a. Road Issues

(1) Road - Private road access

This issue was raised over the past two years by MBA as a concern. We understood that the basis of this concern is primarily cost-driven as public road ROW and sidewalks consume buildable area and drive construction costs through the road and stormwater improvements. CD convened at least 3 meetings with local developers to discuss the issue and reviewed various codes of local jurisdictions (Snohomish County, Everett, MLT) as potential examples of reduced standards. Staff did not support overall changes to our public or private road standards on that basis. City staff were willing to look at alternate standards in a redevelopment scenario (small sites) as that was identified as an example of where our standards could impede the city's goal of promoting redevelopment of smaller parcels. The reports that I received from CD staff, were that they held two meetings with developers in follow up to the initial MBA request, and that examples of projects which used the standards which the developers desired were not provided. The desire by CD staff was to see how the standards worked in actual projects and the experience of other communities in allowing such standards. As a result, CD staff indicates that this issue was dropped due to inaction by MBA and the development community. Staff was not initially supportive of a proposed change to road standards, and the lack of follow up suggests that this is not a priority of the development community either.

In addition, the issue of inadequate road widths and lack of on-street parking due to narrow road widths was identified by City Council, City Traffic Safety Committee and community members this past spring as a concern and staff reviewed/responded to those issues by recommending the codes and standards be maintained (as opposed to increased parking ratios and infrastructure standards). In balancing the needs of community members and elected officials with development cost concerns, it appears that this issue is not a strong candidate for current revisions. Staff would not be recommending or advocating a change, and there is no indication that our elected officials would support reducing road standards at this time. As a result, our formal response to your inquiry is that this is not a review priority at this time and it is not a productive use of staff time to continue to convene meetings and discussions rehashing the same concern. While we are always open to “new information”, I am not aware of any new information that has been made available to the City staff on this subject since the original topic was raised by MBA two years ago.

(2) Complete Streets/PRD/Right of way

It is my understanding that this item is basically the same as item 2 above. MBA indicated a desire to have the city allow reduced road standards (in some cases narrower ROW, no sidewalks, etc.) in subdivisions. This would enable more private roads or reduced public road standards. Our answer to this is the same as in item 2 above that we do not support wholesale changes to current standards. I should clarify however that staff is willing to review situations on a site-by-site basis. We recognize that site conditions may warrant alternative standards, and staff is willing to conduct a variance review if needed.

Public Streets through Fee Simple Townhome projects.

It is my understanding that this item is similar to items 2 and 3 above. The MBA indicated a desire to reduce public road standards currently required in fee simple townhome projects and potentially allow private roads with a reduced standard. We reviewed Everett, MLT and Snohomish County codes in response to this earlier request. Our answer is the same as in item 2 above.

b. Fire and Water Pressure Issues

(1) Water Pressure – update on 83<sup>rd</sup> Street booster pump station.

You inquired about status on the 83<sup>rd</sup> Street booster pump. To recap the situation – an area around 83<sup>rd</sup> Avenue NE was identified through recent modelling efforts as being substandard for domestic water pressure for new developments. During development review, it was identified that a new booster pump was necessary to serve the area. After discussion last August on whether this should proceed through a private development LID project (which was the original concept), or public capital project, the city determined that it would take over project management and construction to address the situation and facilitate development in progress that are dependent on the new pump station. We updated the MBA on this decision in our August 2017 meeting, and provided an estimate of September 2017 as a potential

completion date. We also emphasized that with the City's decision to assume the capital project; cooperation of the development community through assistance on a location for the pump station was critical to maintaining schedule.

Since that time, the City has proceeded with design of the new station and has been working with a local developer to locate the pump station. Staff has reported that a site has been identified within one of the plats under development (Autumn Meadows), but that an agreement must be reached on construction of the booster pump. Engineering staff reports that design, permitting, site location and agreement, are all moving along with the goal of purchasing equipment to install for operation by late summer of 2017. The schedule is contingent upon the plat construction as the pump will be located adjacent to the plat detention facility, which must be sequenced prior to the booster pump installation. Based on discussions with the plat developer, we do anticipate staying on the September 2017 timeline.

### (2) Exemption for Fire Sprinkler Requirement on Plats with Future Connectivity

This issue was raised regarding sprinkler requirements for new subdivisions. A particular concern was identified for the plat of Hannah's Vista. I met with employees of the Marysville Fire District (MFD) - Fire Marshal Maloney and Fire Chief McFalls last week to review the situation and understand the interpretation of fire codes relating to new subdivisions.

MFD is the fire agency that provides service and fire code review for the City of Marysville. The City and MFD closely coordinate to review and serve new development needs in our growing community. In the case of plats, where there are more than 30 dwelling units on a dead-end (cul de sac) and access from two directions cannot be assured, then sprinklers are likely to be required. If a situation arises, where there is over 30 lots and only one access into the development, then the fire official reviews the connections and identifies the at-risk lots. In reviewing a specific plat scenario with the fire officials (Hannah's Vista), this does not mean that all lots within the plat will need to have sprinklers. Instead, the fire marshal generally does a site-by-site review to determine the lots at greatest risk for fire safety. In the case of Hannah's Vista, MFD identified 6 of the 39 lots that would need to have sprinklers installed. While this plat does show a future connection, the adjacent property is not under development review so there is no specific timeline for the connection to be made. As a result, the fire official did not consider the connection in his review of the required sprinklers.

We have reviewed/responded to the question of whether plat phasing would constitute certainty on a future connection. The answer is yes, we do consider the future connection in this review if the project is part of an approved subdivision, with project phasing identified. In the case of road connections being shown as part of a larger plat phasing, the city and MFD recognizes this as a future development connection.

### (3) General Comment on sprinklers in single family dwellings-

There are situations that would necessitate installation of fire sprinklers in single family homes. Among these situations are limited road access as described above in MBA Summary\_122016

#2, and three story homes (including daylight basements). When a residential structure (one and two family) exceeds 3,600 square feet it is required to meet fire flow of 1,500 gallons per minute. In cases where this pressure cannot be achieved, the homes are required to install sprinklers in order to allow a reduced fire flow of 500-1000 GPM. City staff has heard the concerns from developers relating to costs of the sprinkler systems. Staff is currently working to obtain information concerning contractor costs of sprinkler installation as we understand costs are variable depending on the installer. Also, City staff is supportive of reducing the meter costs for installation of a sprinkler and we will be proposing a fee reduction to address this.

(4) 83rd Avenue Water Main

In August 2016, the city also determined that the 83rd Avenue water main capital project would be moved up in the current schedule based on concerns relating to current development and fire officials that this high-growth and densely planned area had inadequate water pressures for fire service, the City prioritized this for a June 2017 completion. The project involves installation of 7000 lf of 12-inch water main (currently 8 inch) from Soper Hill Road to north of Sunnyside School Road. It will provide a minimum 1000 gpm at 20psi residual for the residential zone along 83rd Avenue NE. As we noted at the MBA meeting in August, the City does not install all planned capital projects –some are identified for developer installation and others for public construction.

c. Environmental

(1) Bio-retention credits

As described at the 12/6/17 meeting, this issue relates to credit for land devoted to bioretention swales. The developers present asked if the city would consider changing the calculation of net area to include land for swales, which they argued could be usable area as they were not generally inundated with water. City staff will review this item, concurrent with the review of item 2 below (over the next 3 months) to see if any action should be recommended to the review and legislative bodies as it would entail a code change.

(2) Buffer reduction credits for wetland/buffer restoration enhancements.

Staff has reviewed the CAO codes and compared the treatment of buffer restoration reductions to other jurisdictions. It is my understanding that this issue is handled in various ways by jurisdictions. At a CD staff level, there has not been interest in opening up these standards. I think it warrants further review and discussion, so will be reviewing this item with the department over the next 3 months, concurrent with the bioswale issue above.

- (3) Issue of gross versus net density on subdivisions (counting of road right of way). Developers indicated at our 8/24/17 meeting that the City's method of calculation was cumbersome and required onerous calculations in order to determine lot yield.

CD staff surveyed communities to review how other communities calculated net density for the purposes of lot yield in plats. They also reviewed recent plats in Marysville to see net versus actual density and lot yields. Staff is recommending a change to the code to allow the option of the developer using the option of either deducting actual right-of-way, access easements, and private roads from the net density or an alternative of a straight 20% deduction for these access areas. This code change will be moved forward next year.

#### d. Development Regulations

##### (1) Daylight Basement Height Restrictions

CD staff reviewed the way building heights are calculated in the MMC. The problem identified is that on sloped lots the current way to calculate height at times does not allow for a daylight basement. A daylight basement is a part of the house which is open to the backyard and is livable space so the house ends up being three stories on at least one side. The building height in single family zones R 4.5, 6.5, 8 is 30 feet and when you calculate the average height of the four sides of the building it can go over the height requirement on sloped lots. Staff is recommending that the code be revised to allow for two stories and up to 25 feet height for the uphill side of the home, at the entrance to the home, facing the street. Then up to ten feet of height for a daylight basement on the backside for a total of 35 feet of height on the side of the house facing away from the street. This is seen as a reasonable approach to allow the daylight basements on sloped lots when they face the backyard. This code change is anticipated to be sent to Planning Commission early next year.

##### (2) Retaining wall and rockery requirements

Retaining walls and rockeries which are taller than four feet which are visible from the street or adjacent property are to be terraced so that no individual segment is taller than four feet; provided that where adjacent properties are not adversely affected or the retaining wall is minor in nature, the community development director may reduce or waive these standards (MMC 22D.050.030(4)(e)). The MMC provides flexibility and gives administrative discretion to the CD director to reduce or waive standards in many situations. The focus of the code is on external impact to adjacent properties. This seems like an appropriate code standard to give consideration to external properties that are affected by the development. This code was specifically constructed after situations arose where developments were not considerate of adjoining properties and subsequently created walled developments, leaving the

adjacent property owners in a hole, or with potential for drainage and grade issues as a result of the adjacent development next to their property. The City had little recourse to correct these situations given the lack of code direction or standards controlling it. As a result, this section was created to solve an ongoing problem. Staff believes there is adequate discretion provided in the current code to enable reduction or waiver of the section if it can be shown that adjacent properties are not adversely affected.

(3) Utility Undergrounding

This issue will take more significant review as it involves looking at entire corridors as a decision cannot be made on undergrounding parcel by parcel (as was suggested by some at the MBA meeting). Power lines must be assessed, involving cost discussions with PUD as well as considerations of overall aesthetic impact to developing areas within the City. We will commit to reviewing this item in 2017.

(4) LID and NPDES update

As discussed at the meeting, we are updating our stormwater standards in accordance with our NPDES requirements in 2017. Staff will continue to review situations where LID works or doesn't work with practical considerations in mind. As recommended by staff, hiring of a good geotech to evaluate soil considerations will expedite reviews. City staff are always open to feedback relating to implementation of new standards or codes, so if concerns arise through administration of these standards, please feel free to bring them to our attention so we can try to address the situation, whether by a code revision or an interpretation.

I have tried to summarize the City's review/response on topics discussed at the 8/24 and 12/6/16 meetings. Thank you very much for bringing these issues to our attention. Please let me know if you have any questions. Have a great holiday season!

Sincerely,



Gloria Hirashima

Chief Administrative Officer

cc: Kevin Nielsen, PW Director  
Jeff Laycock, City Engineer  
Dave Koenig, CD Director  
Tom Maloney, Fire Marshal  
Martin McFalls, Fire Chief  
Mayor Nehring

MBA Summary\_122016