

CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: December 11, 2017

AGENDA ITEM:	
Amendments to MMC Chapter 22G.090 <i>Subdivisions and Short Subdivisions</i> , related to amendments to RCW 58.17.100 authorizing local legislative authorities to delegate final plat approval to administrative personnel.	
PREPARED BY:	DIRECTOR APPROVAL:
Chris Holland, Planning Manager	
DEPARTMENT:	
Community Development	
ATTACHMENTS:	
1. PC Recommendation, including: <ul style="list-style-type: none">. Exhibit A – Recommended Amendments. Exhibit B – PC Public Hearing DRAFT Minutes 11.14.17	
2. Public Comments	
3. Senate Bill 5674	
4. Adopting Ordinance	
BUDGET CODE:	AMOUNT:
SUMMARY:	

The Washington State Legislature passed Senate Bill 5674 amending RCW 58.17.100 to authorize local legislative authorities to delegate final plat approval to administrative personnel. Final plat approval is in the nature of a ministerial, non-discretionary process; that is, if the applicant meets the terms of preliminary approval and the plan conforms with state law and local ordinance, final approval must be granted.

Under current provisions of the Marysville Municipal Code (MMC), when the community development director and city engineer certify the plat has met all conditions of preliminary approval it is sent to City Council for final approval. Delegating final plat approval to the community development director and city engineer would make the process more efficient and expedite the approval of final plats meeting all legal requirements.

The Marysville Planning Commission held a public hearing on November 14, 2017 to consider amendments to MMC Chapter 22G.090, *Subdivisions and Short Subdivisions*. At the public hearing the Planning Commission recommended City Council approve the amendments as reflected in the Recommendation and Adopting Ordinance, attached hereto.

RECOMMENDED ACTION:
Affirm the Planning Commission's recommendation adopting amendments to the Marysville Municipal Code Chapter 22G.090 <i>Subdivisions and Short Subdivisions</i> .



PC Recommendation - SB 5674 Final Subdivision Review

The Planning Commission of the City of Marysville, having held a public hearing on November 14, 2017, in review of amendments to MMC Chapter 22G.090 *Subdivisions and Short Subdivisions*, relating to an administrative approval process for final subdivisions, rather than having to be reviewed by City Council, and having considered the exhibits and testimony presented, does hereby enter the following findings, conclusions and recommendation for consideration by Marysville City Council:

FINDINGS:

1. The administrative review process for subdivisions was approved by the Washington Legislature in the passing of Senate Bill 5674.
2. The proposed amendment to the City's development regulations is exempt from State Environmental Policy Act review under WAC 197-11-800(19).
3. Community Development Staff submitted the DRAFT amendments to MMC Chapter 22G.090 *Subdivisions and Short Subdivisions*, relating to an administrative approval process for final subdivisions, to the State of Washington Department of Commerce for expedited review pursuant to RCW 36.70A.106(3)(b).
4. The Community Development Department received a letter from the State of Washington Department of Commerce acknowledging receipt of the DRAFT amendments to MMC Chapter 22G.090 *Subdivisions and Short Subdivisions*, relating to an administrative approval process for final subdivisions, on October 31, 2017 and processed with the material ID #24303. No comments were received from State Agencies.
5. The Planning Commission held a duly-advertised public hearing on November 14, 2017.
6. No public comments were received on the DRAFT amendments to MMC 22G.090 *Subdivisions and Short Subdivisions* relating to an administrative approval process for final subdivisions.

CONCLUSION:

At the public hearing, the Planning Commission recommended adoption of the amendments to MMC Chapter 22G.090 *Subdivisions and Short Subdivisions*, relating to an administrative approval process for final subdivisions attached hereto as **Exhibit A**, and as reflected in the Planning Commission Minutes, dated November 14, 2017, attached hereto as **Exhibit B**.

RECOMMENDATION:

Forwarded to City Council as a Recommendation of Approval of the development code amendments to MMC Chapter 22G.090 *Subdivisions and Short Subdivisions*, relating to an administrative approval process for final subdivisions, by the Marysville Planning Commission this 14th day of November, 2017.

By:



Steve Leifer, Planning Commission Chair

EXHIBIT A

22G.090.160 Approval of preliminary subdivision – Effect.

Approval of the preliminary subdivision shall constitute authorization for the applicant to develop the subdivision facilities and improvements as required in the approved preliminary subdivision. Development shall be in strict accordance with the plans and specifications as approved by the public works department and shall be subject to any conditions imposed by the hearing examiner ~~and city council.~~

22G.090.260 Review process – Action by city staff.

(1) Applicants for final subdivision approval shall file their final plats meeting all the requirements of Chapter 58.17 RCW and this title with the city's community development department. The community development department shall review the final plat and circulate it to other city departments to determine whether the requirements of this title have been met.

(2) The community development director and city engineer shall determine whether requirements of this title have been met. If the requirements have been met, they shall certify that the proposed final plat meets the requirements of Chapter 58.17 RCW and this title, ~~and forward a complete copy of the proposed plat to the city council.~~

(3) If either the community development director or the city engineer determines that the requirements of this title have not been met, the final plat shall be returned to the applicant for modification, correction or other action as may be required for approval; ~~provided, that the final plat shall be forwarded to the city council together with the determinations of the community development director and the city engineer, upon written request of the applicant.~~

(4) Pursuant to the requirements of RCW 58.17.150, neither the community development director nor the city engineer shall modify the requirements made in the hearing examiner approval of the preliminary plat when approving ~~making recommendations on~~ the final plat without the consent of the applicant, except as provided in Chapter 58.17 RCW.

22G.090.270 Review process – ~~Action by city council~~ Final approval.

(1) ~~For the purpose of~~ To ensure all conditions have been met, the community development director and city engineer ~~city council shall will~~ determine, ~~at a public meeting,~~ whether the subdivision proposed for final subdivision approval conforms to all terms of preliminary approval, and whether the subdivision meets the requirements of this title, applicable state laws and all other local ordinances adopted by the city which were in effect at the time of preliminary approval.

(2) If the conditions have been met, the ~~city council shall authorize the mayor to will~~ inscribe and execute ~~their~~ the city's written approval on the face of the plat map. If the community development director and city engineer ~~city council~~ disapproves the plat, it will be returned to the applicant with reasons for denial and conditions for compliance.

22G.090.290 Filing original plat and copies.

When the community development director and city engineer ~~city council~~ finds that the subdivision proposed for final approval has met all the conditions of final approval, then the applicant shall give the original plat of said final subdivision for recording to the Snohomish County auditor. The applicant will also furnish the city with one reproducible Mylar copy of the recorded plat and one paper copy will be filed with the Snohomish County auditor.

22G.090.400 Final submittal – Short plat.

The final short plat drawings shall be on Mylar drafting film having the dimensions of 18 inches by 24 inches. Information required shall include:

(1) The date, north arrow, and appropriate engineering scale as approved by the community development department (e.g., one inch equals 20 feet; one inch equals 30 feet; one inch equals 40 feet; one inch equals 50 feet; one inch equals 60 feet);

EXHIBIT A

- (2) Boundary lines, right-of-way for streets, easements, and property lines of lots and other sites with accurate bearings, dimensions or angles and arcs, and of all curve data;
- (3) Names and right-of-way widths of all streets within the short subdivision and immediately adjacent to the subdivision. Street names will be consistent with the names of existing adjacent streets;
- (4) Number of each lot consecutively;
- (5) Reference to private covenants or special plat restrictions, either to be filed separately or on the face of the plat;
- (6) Zoning setback lines, building sites when required by the city;
- (7) Existing structures, all setbacks, and all encroachments;
- (8) Location, dimensions and purpose of any easements;
- (9) Location and description of monuments and lot corners set and found;
- (10) Primary control points, and datum elevations if applicable, approved by the public works department. Descriptions and ties to all control points will be shown with dimensions, angles and bearings;
- (11) The final short plat will also contain the following:
 - (a) Dedications. The intention of the owner shall be evidenced by his presentation for filing of a final short plat clearly showing the dedication thereof and bearing the following certificate signed by all real parties of interest:

Know all men by these presents that _____ the undersigned owner(s), in fee simple of the land hereby platted, and _____, the mortgagee thereof, hereby declare this short plat and dedicate to the use of the public forever all streets, avenues, places and sewer easements or whatever public property there is shown on the short plat and the use for any and all public purposes not inconsistent with the use thereof for public highway purposes. Also, the right to make all necessary slopes for cuts and fills upon lots, blocks, tracts, etc. shown on this short plat in the reasonable original grading of all the streets, avenues, places, etc. shown hereon. Also, the right to drain all streets over and across any lot or lots where water might take a natural course after the street or streets are graded. Also, all claims for damage against any governmental authority are waived which may be occasioned to the adjacent land by the established construction, drainage, and maintenance of said roads.

Following original reasonable grading of the roads and ways hereon, no drainage waters on any lot or lots shall be diverted or blocked from their natural course so as to discharge upon any public road rights-of-way to hamper proper road drainage. The owner of any lot or lots, prior to making any alteration in the drainage system after the recording of the short plat, must make application to and receive approval from the director of the department of public works for said alteration. Any enclosing of drainage waters in culverts or drains or rerouting thereof across any lot as may be undertaken by or for the owner of any lot shall be done by and at the expense of such owner.

IN WITNESS WHEREOF we set our hands and seals this ____ day of _____, 20__.

In the event that a waiver of right of direct access is included, then the certificate shall contain substantially the following additional language:

EXHIBIT A

That said dedication to the public shall in no way be construed to permit a right of direct access to _____ street from lots numbered ____ nor shall the city of Marysville or any other local governmental agency ever be required to grant a permit to build or construct an access of approach to said street from said lots.

(b) Acknowledgment.

STATE OF WASHINGTON)
: ss.
COUNTY OF SNOHOMISH)

This is to certify that on this ____ day of ____, 20__, before me, the undersigned, a notary public, personally appeared _____, to me known to be the person(s) who executed the foregoing dedication and acknowledgment to me that _____ signed the same as _____ free and voluntary act and deed for the uses and purposes therein mentioned.

Witness my hand and official seal the day and year first above-written.

NOTARY PUBLIC in and for the State of Washington, residing at

(Seal)

(c) Restrictions. The following restrictions shall show on the face of the final short plat:

(i) No further subdivision of any lot without resubmitting for formal plat or revised short plat consistent with Title 22 of the Marysville Municipal Code.

(ii) The sale or lease of less than a whole lot in any subdivision platted and filed under Title 22 of the Marysville Municipal Code is expressly prohibited except in compliance with Title 22 of the Marysville Municipal Code.

(iii) The following shall be required when the short plat contains a private road:

The cost of construction and maintaining all roads not herein dedicated as public roads shall be the obligation of all of the owners and the obligation to maintain shall be concurrently the obligation of any corporation in which title of the roads and streets may be held. In the event that the owners of any lots served by the roads or streets of this short plat shall petition the council to include these roads or streets in the public road system, the petitioners shall be obligated to bring the same to city road standards applicable at the time of petition in all respects, including dedication of rights-of-way, prior to acceptance by the city.

(iv) All landscaped areas in public rights-of-way shall be maintained by the developer and his successor(s) and may be reduced or eliminated if deemed necessary for or detrimental to city road purposes.

(v) The location and height of all fences and other obstructions within an easement as dedicated on this plat shall be subject to the approval of the Director of Public Works or his designee.

(d) Approvals.

EXHIBIT A

(i) Examined and approved this ____ day of ____, 20__.

City Engineer, City of Marysville

(ii) Examined and approved this ____ day of ____, 20__.

Community Development Director,
City of Marysville

(iii) Examined, found to be in conformity with applicable zoning and other land use controls, and approved this _____ day of _____, 20__.

Mayor Attest: City Clerk

(e) Certificates.

(i) I hereby certify that the short plat of ____ is based upon an actual survey and subdivision of Section ____, Township ____ North, Range ____ EWM as required by the state statutes; that the distances, courses and angles are shown thereon correctly; that the monuments shall be set and lot and block corners shall be staked correctly on the ground, that I fully complied with the provisions of the state and local statutes and regulations governing platting.

Licensed Land Surveyor

(Seal)

(ii) I hereby certify that all state and county taxes heretofore levied against the property described herein, according to the books and records of my office, have been fully paid and discharged, including ____ taxes.

Treasurer, Snohomish County

(iii) Filed for record at the request of ____ this ____ day of ____, 20__, at ____ minutes past __m, and recorded in Vol. __ of Plats, page __, records of Snohomish County, Washington.

Auditor, Snohomish County

22G.090.480 Final approval – Procedure.

(1) To ensure all conditions have been met, The the community development director and city engineer/public works director shall will determine that whether the short subdivision proposed for final approval conforms to all the terms of preliminary approval, and that whether the short subdivision meets the requirements of this title, applicable state laws and all other local ordinances adopted by the city which were in effect at the time of preliminary approval.

(2) If the conditions have been met, the community development director and public works director/mayor shall will inscribe and execute their the city's written approval on the face of the short plat map. If the community development director and city engineer disapprove the short plat, it will be returned to the applicant with reasons for denial and conditions for compliance.

EXHIBIT B

DRAFT

PLANNING
COMMISSION



MINUTES

November 14, 2017

7:00 p.m.

City Hall

CALL TO ORDER

Chair Leifer called the November 14, 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, Planning Manager Chris Holland, Senior Planner Angela Gemmer

Absent: None

APPROVAL OF MINUTES

September 12, 2017

Motion made by Commissioner Smith, seconded by Commissioner Richards, to approve the September 12, 2017 Meeting Minutes.

Commissioner Hoen submitted a paragraph to replace his comments in the first full paragraph of page 2 of the minutes from September 12, 2017 meeting.

Motion passed unanimously to approve the minutes as amended (7-0).

AUDIENCE PARTICIPATION

None

PUBLIC HEARING

EXHIBIT B

DRAFT

- A. Code Amendment – MMC Section 22E.010.100(5)(b) proposing to allow Category I and II wetlands to pursue a 25 percent buffer reduction if the specific criteria in MMC Section 22E.010.100(5)(b) are met. Minor amendments are also proposed in order to refer to the most current manuals, forms and scoring system when evaluating wetlands.

The hearing was opened at 7:04 p.m.

Staff Presentation: Senior Planner Gemmer reviewed the proposed amendments which are a cleanup to the Critical Areas Code. The one substantive change would be to allow wetland buffer reductions for Category I and II wetlands when the current requirements in code for buffer reductions are met. There are additional updates to reference the current publication that DOE uses for their wetland rating system for Western Washington which the City is already required to use. She reviewed Ecology's wetland category and function score conversion tables. She explained there is an additional change that is proposed to reorganize the wetland buffer table in Section 22E.010.100(4) to enhance clarity.

Public Testimony:

Merle Ash, 18820 3rd Avenue NE, Arlington, WA, expressed concern about the proposed changes and the inability of developers to get scores under 5 with the state's new scoring system. He stated that developers in other jurisdictions in Snohomish County where this has already been implemented have had a lot of problems. In order to get the standard buffer under the old system, as per the table in the Critical Area Ordinance, you have a score under 20. Under the new system, in order to get the standard buffer you have to score less than 5 for the habitat score. Several projects scored well under the old system, but scored 5's and 6's on the new system. He expressed concerns about discrepancies between the two systems and the potential requirement for increased buffers as a result. Most of the consultants they have worked with say they rarely, if ever, have gotten habitat scores under 5.

Angie Sievers, Master Builders of King and Snohomish County, 335 – 116th Avenue SE, Bellevue, WA 98004, thanked the Planning Commission for taking the time to review this very technical information. She stated that all three amendments tonight were requests from the building community to help incentivize development in Marysville. She concurred with Mr. Ash's concerns and asked that the Commission consider the impacts of this very carefully. She agreed that it is nearly impossible to get a score of 4 and relayed an example of how this would play out on real projects. She requested that staff take another look at this. She noted that Master Builders is also working with the legislature to help them understand the impacts.

Senior Planner Gemmer clarified that while these score changes aren't codified, Marysville's code already requires that the State's most current revised manual be used so this is how the code is being applied. The code states that, ". . . wetlands shall be classified using Ecology's current Wetland Rating System for Western Washington or as amended hereafter." Planning Manager Holland concurred and noted that the only

EXHIBIT B

DRAFT

substantial change being proposed is for the reductions for the Category I and II wetlands.

Chair Leifer recalled from previous discussions that the cities' hands are pretty much tied on this issue. Planning Manager Holland agreed that their hands are tied unless each individual community wants to go out and hire a consultant, do a Best Available Science study, rework their entire code, and have Ecology approve it. This would be very costly and time consuming.

Chair Leifer asked about the history on this and what efforts are being made at the state level with the legislature to make some changes. Planning Manager Holland replied that staff hasn't noticed a change in application of the scores across the city based on the new rating form. He reviewed the reasoning for the proposed change to allow reductions to Category I and II wetland buffers which is the only substantive change being proposed tonight. The other change is just to address outdated language.

Angie Sievers addressed the question about what is being done at the state level and explained that Master Builders has been in conversations with DOE. Next week they are meeting with state legislators because there are some projects in the south part of the region that are being severely restricted by this. She agrees that this would only impact specific projects. She discussed how this would impact buildable lands and growth potential in the City. She pointed out that there are some other cities that are not formally adopting the updated regulations.

Chair Leifer asked staff's opinion on postponing action on this. Planning Manager Holland stated that it would be fine. Category 1 and 2 wetlands would just stay as they are and the code will continue to function as it has since 2005. Chair Leifer asked Ms. Sievers if her opinion is that they should postpone action. She expressed concern about adopting the updated regulations. Director Koenig reiterated that the City's code already adopts the most current version; this just makes it clearer.

Chair Leifer asked Mr. Ash to explain again why staff should not move forward with this. Merle Ash clarified that they are in support of adopting the manual, but not of changing the classification of wetlands themselves. The developers' main concern is with the requirement for wildlife habitat scores of 4 or less in order to get standard buffers.

Chair Leifer asked staff how they could accomplish changing the numbers without breaching the intent of the code. Senior Planner Gemmer explained that they can't just change numbers from what the DOE Manual requires. Any proposed changes have to be based on Best Available Science and would require a thorough study. She explained that Marysville has very conservative and predictable wetland buffers compared to other jurisdictions.

Chair Leifer solicited feedback from other commissioners.

- Commissioner Thetford spoke to concerns, but noted that Ecology is the one who would need to make changes.

EXHIBIT B

DRAFT

- Commissioner Whitaker spoke in support of moving forward with what staff is proposing. He noted that they could always review this in the future if needed.
- Commissioner Smith concurred.
- Commissioner Richards commended staff's work and noted that Ecology has told them what they have to do. This would align the City's regulations with what they have to do anyway.
- Commissioner Andes expressed frustration about the situation, but indicated that their hands are tied.
- Commissioner Hoen spoke in support of approving this as recommended by staff and then letting the City Council address any concerns they might have.

Motion made by Commissioner Richards, seconded by Commissioner Whitaker, to move the amendments forward as presented. **Motion** passed unanimously (7-0).

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

- B. Code Amendment – MMC Chapter 22C.090 Residential Density Incentives, including bonus allowances for contributions towards an identified capital improvement, energy conservation, critical areas buffer enhancement and clarifying the administrative review process.

The hearing was opened at 8:10 p.m.

Staff Presentation: Planning Manager Holland reviewed the proposed amendments which would add an RDI for contribution to identified capital improvement projects, reorganize Section 7(b) and 7(c) for clarification purposes, update Section 8 to add LEED evergreen standards and built-green units, and add a new Section 11 providing for a bonus for critical areas buffer enhancements. The City received comments from Master Builders related to energy conservation. What staff has proposed is a .20 bonus unit per certified unit. Master Builders has asked for a .25 or .33 bonus unit per unit constructed. Planning Manager Holland noted that staff has already increased it 100% from .10 to .20. Another comment received was related to critical areas buffer enhancement. Master Builders has requested a bonus unit per quarter acre or half acre instead of staff's recommendation of one bonus unit per acre of buffer enhancements. He reviewed examples of what this would look like for a project.

Chair Leifer asked if staff has any data about what the cost to enhance an acre of wetland might be. Senior Planner Gemmer replied it was in a packet a couple meetings ago. Planning Manager Holland explained that more than the cost of the actual enhancement, the concerns related to the increased costs due to the requirement for five years of maintenance and monitoring.

Commissioner Richards referred to number 8 and asked about inserting language related to "other energy efficient unit as approved by the director." Planning Manager Holland noted that it is already required, but this might clarify it.

EXHIBIT B

DRAFT

Public Testimony:

Angie Sievers, Master Builders of King and Snohomish County, 335 – 116th Avenue SE, Bellevue, WA 98004, commended staff's work on this. She expressed concerns about the costs to developers to update degraded buffers and maintain them long-term. She spoke in support of Master Builders request to increase bonus units per acre in order to incentivize builders in Marysville to build green.

Merle Ash, 18820 3rd Avenue NE, Arlington, WA, commended staff for their work. He feels it works really well with Planned Residential Developments. He would like to see this applied to a half acre instead of an acre to due costs.

Planning Manager Holland reviewed staff's justification for the one acre size, but indicated that the Commission could modify this if desired.

The public testimony portion of the hearing was closed at 8:35 p.m.

Motion made by Commissioner Thetford, seconded by Commissioner Andes, to amend verbiage on item 11, Critical Areas Buffer Enhancement, from one bonus unit per one acre of buffer enhancement to two bonus unit per acre and an amendment to the energy conservation Section 8 to include "or equivalent energy efficient unit as approved by the director." **Motion** failed 2-5.

Motion made by Commissioner Richards, seconded by Commissioner Hoen, to forward this to City Council with an amendment to the energy conservation Section 8 to include ". . . or equivalent energy efficient unit as approved by the director." **Motion** passed unanimously.

The hearing was closed at 8:46 p.m.

- C.** Code Amendment – MMC Chapter 22G.090 Subdivisions and Short Subdivisions delegating final plat approval authority to the Community Development Director and City Engineer in compliance with Senate Bill 5674, which amended RCW 58.17.100, 58.17.170 and 58.17.190.

The hearing was opened at 8:46 p.m.

Staff Presentation: Planning Manager Holland explained that the legislature passed amendments to the subdivision law which would make final plat review an administrative process rather than going to City Council. This would save a tremendous amount of time for the developers and would streamline the process.

Public Testimony:

Angie Sievers, Master Builders of King and Snohomish County, 335 – 116th Avenue SE, Bellevue, WA 98004, spoke in support of this amendment.

EXHIBIT B

DRAFT

Merle Ash, 18820 3rd Avenue NE, Arlington, WA, also spoke in support of this item.

Motion made by Commissioner Richards, seconded by Commissioner Andes, to forward this to City Council. **Motion** passed unanimously (7-0).

The hearing was closed at 8:53 p.m.

Director Koenig thanked Angie Sievers and Merle Ash for their efforts in working with staff on the proposed amendments tonight.

NEW BUSINESS

- Code Amendment – Miscellaneous Light Manufacturing Uses proposed to be a permitted use in the General Commercial (GC) Zone.

Director Koenig introduced this item and noted that it would be coming back to the Commission for review.

CITY COUNCIL AGENDA ITEMS AND MINUTES

ADJOURNMENT

Motion made by Commissioner Richards, seconded by Commissioner Whitaker, to adjourn the meeting at 9:02 p.m. **Motion** passed unanimously.

NEXT MEETING: TBD

Laurie Hugdahl, Recording Secretary



November 29, 2017

The Honorable Jon Nehring
Marysville City Council
1049 State Avenue
Marysville, WA 98270

RE: Proposed Amendments for Critical Areas, Residential Density Incentives, and Administrative Approval of Final Plat or Subdivisions

Dear Mayor Nehring, and Councilmembers:

Thank you for the opportunity to provide comment on the proposed amendments for critical areas, residential density incentives, and the administrative approval of final plat or subdivisions. On behalf of more than 2,900 member companies of the Master Builders Association King and Snohomish County (MBA), our members have a deep understanding of bringing affordable options to the new home market. We applaud those jurisdictions that recognize the need for innovative solutions and create predictability and certainty for home builders and consumers alike.

Jurisdictions are required to regularly update their critical areas ordinances, however, those that have updated to the most current Ecology guidelines have also experienced an unintentional reduction in commercial and residential capacity. Marysville's proposed critical areas amendment was reviewed by MBA members who expressed great concern about its current form. We encourage the City to be mindful in order to protect its valuable, diminishing supply of buildable lands.

Members of the MBA support code amendments to include all wetland categories for buffer enhancement incentives. This also requires amendments to update an additional section 22E.010.100(5) and (6), where MBA consultants have experienced it to be near impossible to achieve a wetland buffer habitat value of less than 5 points throughout all jurisdictions. The language proposed in MMC Section 22E.010.100(6) Option C, addresses this problem which would otherwise trigger an automatic 25% buffer width increase on all projects. The MBA supports the adoption of Option C relative to this code section.

The MBA has been working with Marysville to develop residential density incentives intended to create desirable public benefits including capital improvements, environmental or green building, and benefit for wetland buffer enhancement. The proposed language for capital improvements and environmental development incentives appear to be valuable given current market conditions.



In the City of Marysville many development sites have degraded buffers where buffer enhancement is desirable, and subsequently incurred costs are passed on to homebuyers. These costs include not only the initial capital expense, but also additional dollars associated with the monitoring and bonding of these required site improvements. The MBA has expressed a desire for an incentive to partially offset the cost of these improvements at one density bonus per ½ acre of buffer enhancement. This is proportionate to the total cost, including capital, monitoring, and bonding project investments and would encourage investment in environmental improvements.

The final amendment being considered, would delegate approval of final plat or subdivisions to the Community Development Director and Public Works Director as is current process for final approval of short subdivisions. Revision to Marysville RCW 58.17.100, 58.17.170, and 58.17.190 would be consistent with Senate Bill 5674, where local jurisdictions have the option to adopt the provision. This change would preserve current opportunities for public comment, reduce burden on staff in preparing for council hearing, and reduce incurred project costs waiting weeks for council approval. Other jurisdictions that have adopted this legislation are Snohomish County and Lynnwood, and the MBA strongly encourages the Council to adopt the proposed language.

The amendments brought before you represent a significant amount of work and collaboration on behalf of your city staff and the development community. The MBA is sincerely appreciative for the opportunity to collaborate with the City of Marysville on solutions that benefit all interests.

Thank you for your consideration. If you have any questions, please feel free to contact me at asievers@mbaks.com or (425) 460-8204.

Sincerely,

Angie Sievers
Snohomish County Manager
Master Builders Association of King and Snohomish Counties

cc: Gloria Hirashima, City Administrator; Dave Koenig, Community Development Director; Angela Gemmer, Senior Planner; Chris Holland, Planning Manager

CERTIFICATION OF ENROLLMENT

SENATE BILL 5674

Chapter 161, Laws of 2017

65th Legislature
2017 Regular Session

LAND SUBDIVISIONS--FINAL PLAT APPROVAL--DELEGATION

EFFECTIVE DATE: 7/23/2017

Passed by the Senate March 3, 2017
Yeas 44 Nays 0

CYRUS HABIB

President of the Senate

Passed by the House April 12, 2017
Yeas 55 Nays 43

FRANK CHOPP

Speaker of the House of Representatives

Approved April 27, 2017 11:21 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5674** as passed by Senate and the House of Representatives on the dates hereon set forth.

HUNTER G. GOODMAN

Secretary

FILED

April 27, 2017

**Secretary of State
State of Washington**

SENATE BILL 5674

Passed Legislature - 2017 Regular Session

State of Washington

65th Legislature

2017 Regular Session

By Senators Palumbo and Fain

Read first time 02/02/17. Referred to Committee on Local Government.

1 AN ACT Relating to the final approval of subdivisions of land;
2 and amending RCW 58.17.100, 58.17.170, and 58.17.190.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 58.17.100 and 1995 c 347 s 428 are each amended to
5 read as follows:

6 If a city, town or county has established a planning commission
7 or planning agency in accordance with state law or local charter,
8 such commission or agency shall review all preliminary plats and make
9 recommendations thereon to the city, town or county legislative body
10 to assure conformance of the proposed subdivision to the general
11 purposes of the comprehensive plan and to planning standards and
12 specifications as adopted by the city, town or county. Reports of the
13 planning commission or agency shall be advisory only: PROVIDED, That
14 the legislative body of the city, town or county may, by ordinance,
15 assign to such commission or agency, or any department official or
16 group of officials, such administrative functions, powers and duties
17 as may be appropriate, including the holding of hearings, and
18 recommendations for approval or disapproval of preliminary plats of
19 proposed subdivisions.

20 Such recommendation shall be submitted to the legislative body
21 not later than fourteen days following action by the hearing body.

1 Upon receipt of the recommendation on any preliminary plat the
2 legislative body shall at its next public meeting set the date for
3 the public meeting where it shall consider the recommendations of the
4 hearing body and may adopt or reject the recommendations of such
5 hearing body based on the record established at the public hearing.
6 If, after considering the matter at a public meeting, the legislative
7 body deems a change in the planning commission's or planning agency's
8 recommendation approving or disapproving any preliminary plat is
9 necessary, the legislative body shall adopt its own recommendations
10 and approve or disapprove the preliminary plat.

11 Every decision or recommendation made under this section shall be
12 in writing and shall include findings of fact and conclusions to
13 support the decision or recommendation.

14 A record of all public meetings and public hearings shall be kept
15 by the appropriate city, town or county authority and shall be open
16 to public inspection.

17 Sole authority to (~~approve final plats, and to~~) adopt or amend
18 platting ordinances shall reside in the legislative bodies. The
19 legislative authorities of cities, towns, and counties may by
20 ordinance delegate final plat approval to an established planning
21 commission or agency, or to such other administrative personnel in
22 accordance with state law or local charter.

23 **Sec. 2.** RCW 58.17.170 and 2013 c 16 s 2 are each amended to read
24 as follows:

25 (1) When the legislative body of the city, town, or county, or
26 such other agency as authorized by RCW 58.17.100, finds that the
27 subdivision proposed for final plat approval conforms to all terms of
28 the preliminary plat approval, and that said subdivision meets the
29 requirements of this chapter, other applicable state laws, and any
30 local ordinances adopted under this chapter which were in effect at
31 the time of preliminary plat approval, it shall suitably inscribe and
32 execute its written approval on the face of the plat. The original of
33 said final plat shall be filed for record with the county auditor.
34 One reproducible copy shall be furnished to the city, town, or county
35 engineer. One paper copy shall be filed with the county assessor.
36 Paper copies shall be provided to such other agencies as may be
37 required by ordinance.

38 (2)(a) Except as provided by (b) of this subsection, any lots in
39 a final plat filed for record shall be a valid land use

1 notwithstanding any change in zoning laws for a period of seven years
2 from the date of filing if the date of filing is on or before
3 December 31, 2014, and for a period of five years from the date of
4 filing if the date of filing is on or after January 1, 2015.

5 (b) Any lots in a final plat filed for record shall be a valid
6 land use notwithstanding any change in zoning laws for a period of
7 ten years from the date of filing if the project is not subject to
8 requirements adopted under chapter 90.58 RCW and the date of filing
9 is on or before December 31, 2007.

10 (3)(a) Except as provided by (b) of this subsection, a
11 subdivision shall be governed by the terms of approval of the final
12 plat, and the statutes, ordinances, and regulations in effect at the
13 time of approval under RCW 58.17.150 (1) and (3) for a period of
14 seven years after final plat approval if the date of final plat
15 approval is on or before December 31, 2014, and for a period of five
16 years after final plat approval if the date of final plat approval is
17 on or after January 1, 2015, unless the legislative body finds that a
18 change in conditions creates a serious threat to the public health or
19 safety in the subdivision.

20 (b) A subdivision shall be governed by the terms of approval of
21 the final plat, and the statutes, ordinances, and regulations in
22 effect at the time of approval under RCW 58.17.150 (1) and (3) for a
23 period of ten years after final plat approval if the project is not
24 subject to requirements adopted under chapter 90.58 RCW and the date
25 of final plat approval is on or before December 31, 2007, unless the
26 legislative body finds that a change in conditions creates a serious
27 threat to the public health or safety in the subdivision.

28 **Sec. 3.** RCW 58.17.190 and 1969 ex.s. c 271 s 19 are each amended
29 to read as follows:

30 The county auditor shall refuse to accept any plat for filing
31 until approval of the plat has been given by the appropriate
32 legislative body, or such other agency as authorized by RCW
33 58.17.100. Should a plat or dedication be filed without such
34 approval, the prosecuting attorney of the county in which the plat is
35 filed shall apply for a writ of mandate in the name of and on behalf
36 of the legislative body required to approve same, directing the
37 auditor and assessor to remove from their files or records the
38 unapproved plat, or dedication of record.

Passed by the Senate March 3, 2017.
Passed by the House April 12, 2017.
Approved by the Governor April 27, 2017.
Filed in Office of Secretary of State April 27, 2017.

--- END ---

CITY OF MARYSVILLE
Marysville, Washington
ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON,
RELATING TO ADMINISTRATIVE REVIEW OF FINAL SUBDIVISIONS
AND SHORT SUBDIVISIONS, AMENDING SECTIONS 22G.090.160,
22G.090.260, 22G.090.270, 22G.090.290, 22G.090.400 AND
22G.090.480 OF THE MARYSVILLE MUNICIPAL CODE.**

WHEREAS, the Legislature amended RCW 58.17.100 to authorize local legislative authorities to delegate final plat approval to administrative personnel; and

WHEREAS, final plat approval is in the nature of a ministerial, non-discretionary process; that is, if the applicant meets the terms of preliminary approval and the plan conforms with state law and local ordinances, final approval must be granted; and

WHEREAS, under the current municipal code, the director of the community development department and the city engineer must review the final plat and certify whether it meets legal requirements; and

WHEREAS, after the plat is certified by the community development director and city engineer, the City Council must approve the final plat; and

WHEREAS, delegating final plat approval to the director of the community development and the city engineer will make the process more efficient and expedite the approval of final plats meeting all legal requirements.

WHEREAS, the State Growth Management Act, RCW Chapter 36.70A mandates that cities periodically review and amend development regulations which include but are not limited to zoning ordinances and official controls; and

WHEREAS, RCW 36.70A.106 requires the processing of amendments to the City's development regulations in the same manner as the original adoption of the City's comprehensive plan and development regulations; and

WHEREAS, the State Growth Management Act requires notice and broad public participation when adopting or amending the City's comprehensive plan and development regulations; and

WHEREAS, the City, in reviewing and amending its development regulations has complied with the notice, public participation and processing requirements established by the Growth Management Act, as more fully described below; and

WHEREAS, the City Council of the City of Marysville finds that from time to time it is necessary and appropriate to review and revise provisions of the City's municipal code and development code (MMC Title 22); and

WHEREAS, the development code amendment is consistent with the following required findings of MMC 22G.010.500:

- (1) The amendment is consistent with the purposes of the comprehensive plan;

- (2) The amendment is consistent with the purpose of this title;
- (3) There have been significant changes in the circumstances to warrant a change;
- (4) The benefit or cost to the public health, safety and welfare is sufficient to warrant the action.

WHEREAS, on November 14, 2017, the Marysville Planning Commission held a duly-advertised public hearing; and

WHEREAS, on November 14, 2017, the Marysville Planning Commission recommended City Council adopt the proposed amendments to the City's development regulations; and

WHEREAS, at a public meeting on December 11, 2017, the Marysville City Council reviewed and considered the Marysville Planning Commission's Recommendation and proposed amendments to the City's development regulations; and

WHEREAS, the City of Marysville has submitted the proposed development regulation revisions to the Washington State Department of Commerce on October 31, 2017, seeking expedited review under RCW 36.70A.160(3)(b) in compliance with the procedural requirement under RCW 36.70A.106; and

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

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

Section 1. Amendment of Municipal Code. MMC Section 22G.090.160, entitled "Approval of preliminary subdivisions - Effect," is hereby amended as follows:

22G.090.160 Approval of preliminary subdivision – Effect.

Approval of the preliminary subdivision shall constitute authorization for the applicant to develop the subdivision facilities and improvements as required in the approved preliminary subdivision. Development shall be in strict accordance with the plans and specifications as approved by the public works department and shall be subject to any conditions imposed by the hearing examiner ~~and city council.~~

Section 2. Amendment of Municipal Code. MMC Section 22G.090.260, entitled "Review process – Action by city staff," is hereby amended as follows:

22G.090.260 Review process – Action by city staff.

(1) Applicants for final subdivision approval shall file their final plats meeting all the requirements of Chapter 58.17 RCW and this title with the city's community development department. The community development department shall review the final plat and circulate it to other city departments to determine whether the requirements of this title have been met.

(2) The community development director and city engineer shall determine whether requirements of this title have been met. If the requirements have been met, they shall certify that the proposed final plat meets the requirements of Chapter 58.17 RCW and this title, ~~and forward a complete copy of the proposed plat to the city council.~~

(3) If either the community development director or the city engineer determines that the requirements of this title have not been met, the final plat shall be returned to

the applicant for modification, correction or other action as may be required for approval; ~~provided, that the final plat shall be forwarded to the city council together with the determinations of the community development director and the city engineer, upon written request of the applicant.~~

(4) Pursuant to the requirements of RCW 58.17.150, neither the community development director nor the city engineer shall modify the requirements made in the hearing examiner approval of the preliminary plat when approving ~~making~~ recommendations on the final plat without the consent of the applicant, except as provided in Chapter 58.17 RCW.

Section 3. Amendment of Municipal Code. MMC Section 22G.090.270, entitled "Review process – Action by city council," is hereby amended as follows:

22G.090.270 Review process – Action by city council Final approval.

(1) ~~For the purpose of~~To ensure all conditions have been met, the community development director and city engineer ~~city council shall will~~ determine, ~~at a public meeting,~~ whether the subdivision proposed for final subdivision approval conforms to all terms of preliminary approval, and whether the subdivision meets the requirements of this title, applicable state laws and all other local ordinances adopted by the city which were in effect at the time of preliminary approval.

(2) If the conditions have been met, the ~~city council shall authorize the mayor to~~ will inscribe and execute ~~their~~ the city's written approval on the face of the plat map. If the community development director and city engineer ~~city council~~ disapproves the plat, it will be returned to the applicant with reasons for denial and conditions for compliance.

Section 4. Amendment of Municipal Code. MMC Section 22G.090.290, entitled "Filing original plat and copies," is hereby amended as follows:

22G.090.290 Filing original plat and copies.

When the community development director and city engineer ~~city council~~ finds that the subdivision proposed for final approval has met all the conditions of final approval, then the applicant shall give the original plat of said final subdivision for recording to the Snohomish County auditor. The applicant will also furnish the city with one reproducible Mylar copy of the recorded plat and one paper copy will be filed with the Snohomish County auditor.

Section 5. Amendment of Municipal Code. MMC Section 22G.090.400, entitled "Final submittal – Short plat," is hereby amended as follows:

22G.090.400 Final submittal – Short plat.

The final short plat drawings shall be on Mylar drafting film having the dimensions of 18 inches by 24 inches. Information required shall include:

(1) The date, north arrow, and appropriate engineering scale as approved by the community development department (e.g., one inch equals 20 feet; one inch equals 30 feet; one inch equals 40 feet; one inch equals 50 feet; one inch equals 60 feet);

(2) Boundary lines, right-of-way for streets, easements, and property lines of lots and other sites with accurate bearings, dimensions or angles and arcs, and of all curve data;

(3) Names and right-of-way widths of all streets within the short subdivision and immediately adjacent to the subdivision. Street names will be consistent with the names of existing adjacent streets;

(4) Number of each lot consecutively;

(5) Reference to private covenants or special plat restrictions, either to be filed separately or on the face of the plat;

- (6) Zoning setback lines, building sites when required by the city;
- (7) Existing structures, all setbacks, and all encroachments;
- (8) Location, dimensions and purpose of any easements;
- (9) Location and description of monuments and lot corners set and found;
- (10) Primary control points, and datum elevations if applicable, approved by the public works department. Descriptions and ties to all control points will be shown with dimensions, angles and bearings;
- (11) The final short plat will also contain the following:
 - (a) Dedications. The intention of the owner shall be evidenced by his presentation for filing of a final short plat clearly showing the dedication thereof and bearing the following certificate signed by all real parties of interest:

Know all men by these presents that _____ the undersigned owner(s), in fee simple of the land hereby platted, and _____, the mortgagee thereof, hereby declare this short plat and dedicate to the use of the public forever all streets, avenues, places and sewer easements or whatever public property there is shown on the short plat and the use for any and all public purposes not inconsistent with the use thereof for public highway purposes. Also, the right to make all necessary slopes for cuts and fills upon lots, blocks, tracts, etc. shown on this short plat in the reasonable original grading of all the streets, avenues, places, etc. shown hereon. Also, the right to drain all streets over and across any lot or lots where water might take a natural course after the street or streets are graded. Also, all claims for damage against any governmental authority are waived which may be occasioned to the adjacent land by the established construction, drainage, and maintenance of said roads.

Following original reasonable grading of the roads and ways hereon, no drainage waters on any lot or lots shall be diverted or blocked from their natural course so as to discharge upon any public road rights-of-way to hamper proper road drainage. The owner of any lot or lots, prior to making any alteration in the drainage system after the recording of the short plat, must make application to and receive approval from the director of the department of public works for said alteration. Any enclosing of drainage waters in culverts or drains or rerouting thereof across any lot as may be undertaken by or for the owner of any lot shall be done by and at the expense of such owner.

IN WITNESS WHEREOF we set our hands and seals this ____ day of _____, 20__.

In the event that a waiver of right of direct access is included, then the certificate shall contain substantially the following additional language:

That said dedication to the public shall in no way be construed to permit a right of direct access to _____ street from lots numbered ____ nor shall the city of Marysville or any other local governmental agency ever be required to grant a permit to build or construct an access of approach to said street from said lots.

(b) Acknowledgment.

STATE OF WASHINGTON)
 : ss.
 COUNTY OF SNOHOMISH)

This is to certify that on this ____ day of ____, 20__, before me, the undersigned, a notary public, personally appeared _____, to me known to be the person(s) who executed the foregoing dedication and acknowledgment to me that _____ signed the same as _____ free and voluntary act and deed for the uses and purposes therein mentioned.

Witness my hand and official seal the day and year first above-written.

NOTARY PUBLIC in and for the State of Washington, residing at

(Seal)

(c) Restrictions. The following restrictions shall show on the face of the final short plat:

(i) No further subdivision of any lot without resubmitting for formal plat or revised short plat consistent with Title 22 of the Marysville Municipal Code.

(ii) The sale or lease of less than a whole lot in any subdivision platted and filed under Title 22 of the Marysville Municipal Code is expressly prohibited except in compliance with Title 22 of the Marysville Municipal Code.

(iii) The following shall be required when the short plat contains a private road:

The cost of construction and maintaining all roads not herein dedicated as public roads shall be the obligation of all of the owners and the obligation to maintain shall be concurrently the obligation of any corporation in which title of the roads and streets may be held. In the event that the owners of any lots served by the roads or streets of this short plat shall petition the council to include these roads or streets in the public road system, the petitioners shall be obligated to bring the same to city road standards applicable at the time of petition in all respects, including dedication of rights-of-way, prior to acceptance by the city.

(iv) All landscaped areas in public rights-of-way shall be maintained by the developer and his successor(s) and may be reduced or eliminated if deemed necessary for or detrimental to city road purposes.

(v) The location and height of all fences and other obstructions within an easement as dedicated on this plat shall be subject to the approval of the Director of Public Works or his designee.

(d) Approvals.

(i) Examined and approved this ____ day of ____, 20__.

City Engineer, City of Marysville

(ii) Examined and approved this ____ day of ____, 20__.

Community Development Director, City of Marysville

(iii) Examined, found to be in conformity with applicable zoning and other land use controls, and approved this _____ day of _____, 20__.

Mayor Attest: City Clerk

(e) Certificates.

(i) I hereby certify that the short plat of _____ is based upon an actual survey and subdivision of Section ____, Township ____ North, Range ____ EWM as required by the state statutes; that the distances, courses and angles are shown thereon correctly; that the monuments shall be set and lot and block corners shall be staked correctly on the ground, that I fully complied with the provisions of the state and local statutes and regulations governing platting.

Licensed Land Surveyor
(Seal)

(ii) I hereby certify that all state and county taxes heretofore levied against the property described herein, according to the books and records of my office, have been fully paid and discharged, including ____ taxes.

Treasurer, Snohomish County

(iii) Filed for record at the request of _____ this ____ day of ____, 20__, at ____ minutes past __m, and recorded in Vol. __ of Plats, page __, records of Snohomish County, Washington.

Auditor, Snohomish County

Section 6. Amendment of Municipal Code. MMC Section 22G.090.480, entitled "Final approval - Procedure," is hereby amended as follows:

22G.090.480 Final approval – Procedure.

(1) ~~To ensure all conditions have been met, The the community development director and city engineer/public works director shall will determine that whether~~ the short subdivision proposed for final approval conforms to all the terms of preliminary approval, and ~~that whether~~ the short subdivision meets the requirements of this title, applicable state laws and all other local ordinances adopted by the city which were in effect at the time of preliminary approval.

(2) ~~If the conditions have been met, the community development director and public works director/mayor shall will inscribe and execute theirthe city’s written approval on the face of the short plat map. If the community development director and city engineer disapprove the short plat, it will be returned to the applicant with reasons for denial and conditions for compliance.~~

Section 7. Amendment of Municipal Code. MMC Section 22A.010.160, entitled "Amendments," is hereby amended as follows by adding reference to this adopted ordinance in order to track amendments to the City’s Unified Development Code (all unchanged provisions of MMC 22A.010.160 remain unchanged and in effect):

22A.010.160 Amendments.

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

<u>Ordinance</u>	<u>Title (description)</u>	<u>Effective Date</u>
_____	Final Subdivision – Administrative Approval	_____, 2017"

Section 5. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

Section 6. Effective Date. This ordinance shall become effective five days after the date of its publication by summary.

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 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)