

CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: November 13, 2018

AGENDA ITEM:	
Amendments to the Marysville Municipal Code related to duplex and townhome definitions, base height in the General Commercial zone and notice timeframes.	
PREPARED BY:	DIRECTOR APPROVAL:
Chris Holland, Planning Manager	
DEPARTMENT:	
Community Development	
ATTACHMENTS:	
<ol style="list-style-type: none"> 1. PC Recommendation with attachments <ul style="list-style-type: none"> . Exhibit A – Code Amendments . Exhibit B – PC Workshop Minutes 09.11.18 . Exhibit C – PC Public Hearing Minutes 09.24.18 . Exhibit D – PC Continued Public Hearing Minutes 10.09.18 2. Adopting Ordinance 	
BUDGET CODE:	AMOUNT:
SUMMARY:	

The Marysville Planning Commission held a duly-advertised public hearing on September 25, 2018, which was continued to October 9, 2018, and recommend *approval* of the code amendments related to duplex and townhome definitions, base height in the General Commercial zone and notice timeframes.

The amendments to the duplex and townhome definitions are proposed to be consistent with the definitions outlined in the International Building and International Residential Codes. Staff has consistently required duplex and townhome units to be attached from the foundation to the roof, rather than being attached via a breezeway or storage area. The amendment will clarify to the developer and design professional, how these units are required to be designed.

Heights limits within the Downtown Master Plan Area (DMPA) vary from 35’ in the General Commercial (GC) zone, 85’ in the Downtown Commercial (DC) zone and 65’ in the Mixed Use (MU) zone. The proposed amendment would increase the height limit to 85’ in the GC zone within the DMPA (only) to be consistent with the vision outlined in the Downtown Master Plan.

The last amendment is proposed to fix inconsistencies within the code related to appeal timeframes, and with whom an appeal should be filed.

RECOMMENDED ACTION:
Affirm the Planning Commission’s recommendation adopting amendments to the Marysville Municipal Code Sections 22A.020.050, 22A.020.210, 22C.020.080, 22C.020.090, 22G.010.100, 22G.010.160 and 22G.010.350, related to duplex and townhome definitions, base height in the General Commercial zone and notice timeframes.



PC Recommendation - Definitions, Base Height and Appeal Timeframes

The Planning Commission of the City of Marysville, having held a public hearing on September 25, 2018, in review of amendments to Sections 22A.020.050, 22A.020.210, 22C.020.080, 22C.020.090, 22G.010.100, 22G.010.160 and 22G.010.350 of the Marysville Municipal Code (MMC), relating to duplex and townhome definitions, base height within the General Commercial (GC) zone and appeal timeframes, and having considered the exhibits and testimony presented, does hereby enter the following findings, conclusions and recommendation for consideration by Marysville City Council:

FINDINGS:

1. The Planning Commission held a public work session to review amendments to MMC Sections 22A.020.050, 22A.020.210, 22C.020.080, 22C.020.090, 22G.010.100, 22G.010.160 and 22G.010.350, on September 11, 2018, as reflected in the minutes, attached hereto as **Exhibit B**.
2. The proposed amendment to the City's development regulations are exempt from State Environmental Policy Act review under WAC 197-11-800(19).
3. Community Development Staff submitted the DRAFT amendments to MMC Sections 22A.020.050, 22A.020.210, 22C.020.080, 22C.020.090, 22G.010.100, 22G.010.160 and 22G.010.350, 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 letters from the State of Washington Department of Commerce acknowledging receipt of the DRAFT amendments and that they are being processed under Material ID No.'s 25241 & 25252. No comments were received from State Agencies.
5. The Planning Commission held a duly-advertised public hearing on September 25, 2018. The Planning Commission expressed concerns related to off-street parking for the proposed civic campus and elected to continue the public hearing to October 9, 2018, as reflected in the minutes, dated September 25, 2018, attached hereto as **Exhibit C**.
6. No public comments were received on the DRAFT amendments.

CONCLUSION:

At the continued public hearing, the Planning Commission recommended adoption of the amendments to MMC Sections 22A.020.050, 22A.020.210, 22C.020.080, 22C.020.090, 22G.010.100, 22G.010.160 and 22G.010.350, attached hereto as **Exhibit A**, and as reflected in the minutes, dated October 9, 2018, attached hereto as **Exhibit D**.

RECOMMENDATION:

Forwarded to City Council as a Recommendation of Approval of the development code amendments to MMC Sections 22A.020.050, 22A.020.210, 22C.020.080, 22C.020.090, 22G.010.100, 22G.010.160 and 22G.010.350, by the Marysville Planning Commission this 25th day of September, 2018.

By:

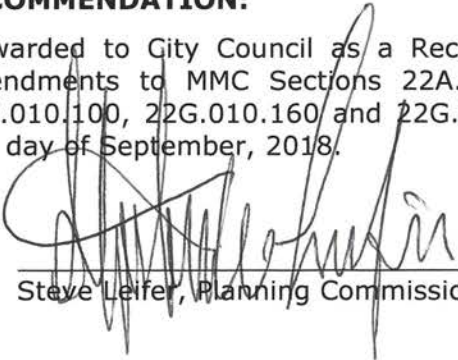

Steve Leifer, Planning Commission Chair

EXHIBIT A

Section 1. Amendment of Municipal Code. MMC Section 22A.020.050, entitled “D” definitions, is hereby amended as follows:

22A.020.050 “D” definitions.

“Duplex” means a building that contains two primary dwelling units ~~on one lot~~. The units must share a common wall with the adjacent unit that extends from foundation to roof, or a common floor/ceiling.

Section 2. Amendment of Municipal Code. MMC Section 22A.020.210, entitled “T” definitions, is hereby amended as follows:

22A.020.210 “T” definitions.

“Townhouse” means a ~~one~~single-family dwelling unit constructed in a row of at least three such units in which each unit: has a shared common wall with the adjacent unit that extends from foundation to roof; is separated from any other unit by one or more vertical common fire-resistant walls; has its own front and rear access to the outside; and has no unit ~~is~~ located over another unit., ~~and each unit is separated from any other unit by one or more vertical common fire-resistant walls.~~

Section 3. Amendment of Municipal Code. MMC Section 22C.020.080, entitled “Densities and dimensions,” is hereby amended as follows:

22C.020.080 Densities and dimensions.

(1) Interpretation of Tables.

(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.020.090.

(b) The density and dimension table is arranged in a matrix format and is delineated into the commercial, industrial, recreation and public institutional 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. 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 set forth in MMC 22C.020.090.

(2) General Densities and Dimension Standards.

Standards	NB	CB	GC	DC	MU (12)	LI	GI	BP	REC	P/I	WR- MU (15)	WR- CB (15)
Base density: Dwelling unit/acre	(18)	12	12	12	28 (1)	-	-	-	-	-	12	-
Maximum density: Dwelling unit/acre	-	None (13)	None (13)	None	34 (2)	-	-	-	-	-	18 (13)	-
Minimum street setback (3)	20 feet	None (7)	None (7)	None (7)	None (7, 8)	None (7)	None (7)	None (7)	20 feet	None (7, 8)	None (7, 8, 14)	None (7, 14)

EXHIBIT A

Standards	NB	CB	GC	DC	MU (12)	LI	GI	BP	REC	P/I	WR- MU (15)	WR- CB (15)
Minimum interior setback	10 feet (side) 20 feet (rear)	None (4)	None (4)	None (4)	5 feet (9)	None (4) 50 feet (5)	None (4) 50 feet (5)	-	None (4)	None (4)	5 feet (9, 16, 17)	None (4)
Base height (6)	25 feet	55 feet	35 feet, 85 feet <u>(19)</u>	85 feet	45 feet, 65 feet (10)	65 feet	65 feet	45 feet	35 feet	45 feet	45 feet	55 feet
Maximum impervious surface: Percentage	75%	85%	85%	85%	85%, 75% (11)	85%	85%	75%	35%	75%	85%, 75% (11)	85%

Section 4. Amendment of Municipal Code. MMC Section 22C.020.090, entitled "Densities and dimensions – Development conditions," is hereby amended as follows:

22C.020.090 Densities and dimensions – Development conditions.

- (1) These densities are allowed only through the application of mixed use development standards.
- (2) These densities may only be achieved in the downtown portion of Planning Area 1 through the application of residential density incentives. See Chapter [22C.090](#) MMC.
- (3) Gas station pump islands shall be placed no closer than 25 feet to street front lines. Pump island canopies shall be placed no closer than 15 feet to street front lines.
- (4) A 25-foot setback is required on property lines adjoining residentially designated property.
- (5) A 50-foot setback only required on property lines adjoining residentially designated property for industrial uses established by conditional use permits, otherwise no specific interior setback requirement.
- (6) Height limits may be increased when portions of the structure or building 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.
- (7) Subject to sight distance review at driveways and street intersections.
- (8) A 20-foot setback is required for multiple-family structures outside of the downtown portion of Planning Area 1.
- (9) A 15-foot setback is required for (a) commercial or multiple-family structures on property lines adjoining single-family residentially designated property, and (b) a rear yard of a multi-story residential structure, otherwise no specific interior setback requirement. Interior setbacks may be reduced where features such as critical area(s) and buffer(s), public/private right-of-way or access easements, or other conditions provide a comparable setback or separation from adjoining uses.
- (10) The 65-foot base height applies only to the downtown portion of Planning Area 1. The 45-foot base height applies to the southeast sector of the downtown vision plan area, as incorporated into the city of Marysville comprehensive plan.
- (11) The 85 percent impervious surface percentage applies to commercial developments, and the 75 percent rate applies to multiple-family developments.

EXHIBIT A

(12) Reduced building setbacks and height requirements may be approved on a case-by-case basis to provide flexibility for innovative development plans; provided, that variance requests which are greater than 10 percent of the required setback shall be considered by the hearing examiner.

(13) Subject to the application of the residential density incentive requirements of Chapter [22C.090](#) MMC.

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

(15) Projects with split zoning (two or more distinct land use zones) may propose a site plan to density average or adjust the zone boundaries using topography, access, critical areas, or other site characteristics in order to provide a more effective transition.

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

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

(18) There is no minimum or maximum density for this zone. Residential units are permitted if located above a ground-level commercial use.

(19) The 85-foot base height applies only within the boundaries of the Downtown Master Plan area, bounded by 8th Street to the north, Ebey Slough to the south, Alder Avenue to the east, and Interstate 5 to the west.

Section 5. Amendment of Municipal Code. MMC Section 22G.010.100, entitled "Notice of administrative approvals," is hereby amended as follows:

22G.010.100 Notice of administrative approvals.

Notice of administrative approvals subject to notice under MMC 22G.010.160 shall be made as follows:

(1) Notification of Preliminary Approval. The director shall notify the adjacent property owners of his intent to grant approval. Notification shall be made by mail only.

(2) The notice shall include:

(a) A description of the preliminary approval granted, including any conditions of approval;

(b) A place where further information may be obtained;

(c) A statement that final approval will be granted unless an appeal requesting a public hearing is filed with the ~~city clerk~~ [community development](#) director within ~~15~~ [14](#) days of the date of the notice.

Section 6. Amendment of Municipal Code. MMC Section 22G.010.160, entitled "Administrative approvals subject to notice," is hereby amended as follows:

22G.010.160 Administrative approvals subject to notice.

(1) The director may grant preliminary approval or approval with conditions, or may deny the following actions subject to the notice and appeal requirements of this section:

(a) Short subdivisions;

(b) Shoreline permits for substantial developments;

(c) Conditional use permits;

(d) Binding site plans;

(e) Master plan for properties under ownership or contract of applicant(s).

(2) Final Administrative Approvals. Preliminary approvals under this section shall become final subject to the following:

EXHIBIT A

(a) If no appeal is submitted, the preliminary approval becomes final at the expiration of the ~~15~~ 14-day notice period.

(b) If a written notice of appeal is received within the specified appeal periods, the matter will be referred to the hearing examiner for an open record public hearing.

Section 7. Amendment of Municipal Code. MMC Section 22G.010.350, entitled "Notice requirements and comment period," is hereby amended as follows:

22G.010.350 Notice requirements and comment period.

(1) The department shall provide published, posted and mailed notice pursuant to Article II of this chapter, Public Notice Requirements, for all applications subject to community development director review.

(2) Written comments and materials regarding applications subject to community development director review procedures shall be submitted within ~~15 days of the date of published notice or the posting date, whichever is later.~~ the public comment period established pursuant to MMC 22G.010.090, Notice of development application.

EXHIBIT B

PLANNING
COMMISSION



MINUTES

September 11, 2018

7:00 p.m.

City Hall

CALL TO ORDER

Chair Leifer called the September 11, 2018 meeting to order at 7:00 p.m. A moment of silence was observed on behalf of the anniversary of 9/11.

Marysville

Chairman: Steve Leifer

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

Staff: Planning Manager Chris Holland

Absent: None

APPROVAL OF MINUTES

July 10, 2018

Motion made by Commissioner Smith, seconded by Commissioner Thetford, to approve the July 10, 2018 Meeting Minutes as presented. **Motion** passed (6-0) with Commissioner Richards abstaining.

AUDIENCE PARTICIPATION

None

EXHIBIT B

NEW BUSINESS

A. GC Height Increase within the Downtown Master Plan Amendment

Planning Manager Holland stated this is related to a height increase in the General Commercial zone. The proposal is to increase the height in the General Commercial zone within the downtown master plan area to 85 feet.

Commissioner Hoen asked how they decided on 85 feet. Planning Manager Holland explained that the first floor is generally 14 feet and then 10 feet on the upper floors. This would provide for larger retail space on the bottom floor with residential up above.

Commissioner Whitaker asked if there is a demand for 85-foot buildings in the area. Planning Manager Holland replied that there isn't currently, but the hope is that there will be in the future as development continues.

B. Land Use Application Procedures Amendments

This would correct an inconsistency in the code and clarify procedures.

C. 2018 Code Amendment – Townhouse and Duplex Definitions

Planning Manager Holland explained that the amendment is to get duplex and townhome definition to match, as defined in the International Building and Residential Codes (IBC & IRC).

CITY COUNCIL AGENDA ITEMS AND MINUTES

Planning Manager Holland reported that the bond went out today for the proposed civic campus and came back in with favorable results. He attended the Mayor's coffee klatch on Monday where there was a lot of good discussion. It looks like the City will be going out to bid for the civic campus early next year. He discussed generally how the phasing and the funding for this project would work and answered questions about the project. Concerns were expressed by the commissioners about whether or not there would be adequate parking.

Planning Manager Holland also reported that the City is in the permitting phase for the 1st Street bypass.

Commissioner Hoen asked about the status of the hotel on 116th. Planning Manager Holland explained it was supposed to close to a new party, but it does not appear that that has occurred to date. He gave an update on other properties in the city.

Staff is still having discussions with people about potential projects in the Manufacturing Industrial Center. He thinks they will see some construction up there in the next year.

EXHIBIT B

ADJOURNMENT

Motion made by Commissioner Richards, seconded by Commissioner Whitaker, to adjourn the meeting at 7:38 p.m. **Motion** passed unanimously.

NEXT MEETING:

September 25, 2018



Angela Gemmer, Senior Planner, for
Laurie Hugdahl, Recording Secretary

EXHIBIT C

PLANNING
COMMISSION



MINUTES

September 25, 2018

7:00 p.m.

City Hall

CALL TO ORDER

Chair Leifer called the September 25, 2018 meeting to order at 7:00 p.m. noting that there was no one in the audience.

Marysville

Chairman: Steve Leifer

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

Staff: Senior Planner Angela Gemmer

Absent: None

APPROVAL OF MINUTES

September 11, 2018

Motion made by Commissioner Richards, seconded by Commissioner Andes, to approve the September 11, 2018 Meeting Minutes as presented. **Motion** passed unanimously.

AUDIENCE PARTICIPATION

None

PUBLIC HEARING – CODE AMENDMENTS

The public hearing was opened at 7:01 p.m.

Senior Planner Angela Gemmer reviewed the following proposed amendments.

A. Duplex and townhome definitions;

EXHIBIT C

This would amend the definition of duplex to align better with how that use is defined in the International Residential Code. The primary change would clarify the degree of attachment between adjacent units of a duplex. The next amendment would amend the definition of townhouse, which is three or more units connected with a fire-resistant wall, each with a front and back door, to clarify the degree of attachment between units to align better with the International Residential Code.

There were no comments or questions regarding these amendments.

B. Base height increase in the General Commercial (GC) zone within the Downtown Master Plan Area; and

This would allow an increase in the height in the General Commercial Zone to 85 feet within the Downtown Master Plan Area, generally south of 8th Street.

Commissioner Richards stated he was okay with the increased height, but concerned about having adequate parking. He thought the City should set a positive example with this matter by ensuring there is sufficient parking. Ms. Gemmer replied that the underlying land use code governs parking, and her understanding was that it would be provided per code requirements. She stated that she would pass along his concerns to the project manager. Commissioner Richards expressed concern that it still would not be enough and stated he would not be comfortable approving this height amendment until he is satisfied there will be enough parking.

Commissioner Thetford asked staff about the actual parking requirements for this facility. Ms. Gemmer explained that it differs per use. She stated that the code requires one parking space per 400 square feet of gross floor area for professional office uses. There are some provisions to allow for reductions or waivers in certain circumstances such as where there are alternatives to automobiles. She reiterated that typically every project constructed is required to demonstrate that they meet the parking requirements in code.

Commissioner Whitaker expressed concern about the lack of demand for 85-foot heights, and stated he would not be comfortable voting in support of that increase.

Commissioner Hoen commented that it was noted last week by staff that the water park creates more parking need than there exists already. This additional use in that area would be competing with that limited space and would amplify the issue.

Chair Leifer asked if there has been any interest by private developers for this kind of development. Ms. Gemmer replied that there is one developer who wants to do a true mixed use development behind Taco Bell.

There was consensus to continue the hearing to the next meeting and to note that the Planning Commission generally has concerns about adequate parking. There was a

EXHIBIT C

request for an explanation of what the City is expecting for parking and a better explanation of what the built out environment will look like.

Ms. Gemmer reiterated that parking would be addressed per code and is addressed in a separate section of the code. Chair Leifer acknowledged that, but stated that the condition of additional height bears upon the parking aspect in the minds of the commissioners.

C. Appeal timeframes

Ms. Gemmer explained that these amendments would synchronize the appeal timelines within the codes related to land use procedures.

There were no comments or questions related to these amendments.

Motion made by Commissioner Richards, seconded by Commissioner Whitaker, to continue the hearing to the next meeting. **Motion** passed unanimously.

OLD BUSINESS – Comprehensive Plan Amendments

A. Washington Trucking Site – General Industrial (GI) to Downtown Commercial (DC)

The proposal is to redesignate this site from General Industrial to Downtown Commercial and Open. With the new interchange this will be the new gateway to the city so the site would afford redevelopment opportunities and make a good first impression for the city.

Commissioner Leifer asked what was driving this change. Ms. Gemmer thought this was staff-initiated, but there may have been some discussion with the Washington Trucking owners. He wondered why, with environmental constraints, Washington Trucking would want to zone themselves Downtown Commercial when the site would likely remain as open space. He questioned whether or not the type of development envisioned could ever get off the ground due to environmental issues. He thought that using it as open space might be a possibility. Ms. Gemmer indicated she would find out more about the history and what discussions may have occurred related to this.

Commissioner Hoen recalled from the previous meeting that staff had envisioned this as the gateway to the city and felt it should be zoned for something compatible as an entrance to the city. Ms. Gemmer concurred. She noted that Downtown Commercial would allow for general personal services, retail, offices, etc. It is not necessarily residential that would occur there.

Commissioner Andes expressed concern about the difficult access to this property. Ms. Gemmer indicated she would check with the traffic engineer to find out more about plans for this.

EXHIBIT C

B. Public Works/Community Development Site – GI and R-18 to Mixed Use

Commissioner Whitaker expressed concern about changing from General Industrial and R-18 to Mixed Use on this site due to the proximity to the sewage treatment plant and the associated odor. Ms. Gemmer explained that the zoning would be flexible and would allow for commercial, multifamily, or a combination of the two; it would also be market-driven.

CITY COUNCIL AGENDA ITEMS AND MINUTES

None

ADJOURNMENT

Motion made by Commissioner Richards, seconded by Commissioner Smith, to adjourn the meeting at 7:35 p.m. **Motion** passed unanimously.

NEXT MEETING:

October 9, 2018



Chris Holland, Planning Manager for
Laurie Hugdahl, Recording Secretary

EXHIBIT D

**PLANNING
COMMISSION**



MINUTES

October 9, 2018

7:00 p.m.

City Hall

CALL TO ORDER

Chair Leifer called the October 9, 2018 meeting to order at 7:00 p.m.

Marysville

Chairman: Steve Leifer

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

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

Absent: Tom Thetford (excused)

APPROVAL OF MINUTES

September 25, 2018

Chair Leifer referred to Old Business, Item A, and clarified his comment regarding the Washington Trucking site. He emphasized he did not mean to suggest it should be open space. He wondered why Washington Trucking would want this particular type of zoning knowing that with the environmental issues out there it might just be putting it into open space.

Motion made by Commissioner Smith, seconded by Commissioner Richards, to approve the September 25, 2018 Meeting Minutes as corrected. **Motion** passed unanimously.

AUDIENCE PARTICIPATION

None

2018 – 2023 SCHOOL DISTRICTS CAPITAL FACILITIES PLAN

EXHIBIT D

Senior Planner Angela Gemmer introduced this item, reviewed the three criteria that school district capital facilities plans must meet, and commented that staff has found that the plans for the three school districts meet all three criteria.

A. Lake Stevens School District No. 4

Reid Shockey, Shockey Planning Group, 2716 Colby Avenue, Everett, explained how the six-year capital facilities plans are developed. He reviewed the numbers for the Lake Stevens School District as contained in their Capital Facilities Plan. There is significant growth occurring and capacity is always an issue. There was discussion in general about how student generation rates are determined.

B. Marysville School District No. 25

Denise Stiffarm, Pacifica Law Group, reviewed Marysville School District's Capital Facilities Plan. Marysville has a unique situation because student generation rates have gone down. This has resulted in school impact fees of zero even though they will probably need capacity for the younger grades in the future. The District has continued to prepare a Capital Facilities Plan so they will be prepared if conditions change in the future.

Commissioner Richards expressed concern about Marysville School District shrinking class sizes which has resulted in a shortage of classrooms and space. Ms. Stiffarm concurred and explained it is the result of state K-3 mandates related to reduced size classes. There are now a lot of portables in the district. The last bond proposal failed, but probably would have addressed this problem.

Mr. Shockey added that in the Everett School District the mandates have resulted in the need for the equivalent of four and a half additional elementary schools.

Commissioner Whitaker asked if Marysville is only looking to purchase additional portables as needed. Ms. Stiffarm confirmed this and noted it was because the bond had failed. The Plan could be updated if anything changes.

C. Lakewood School District No. 306

Ms. Stiffarm said that Lakewood's Plan looks similar to the one they presented two years ago because they have continued to grow steadily. The project included in their impact fee calculation is the recently completed high school project which is where there is an identified need for capacity. The district plans to continue to monitor enrollment growth, watch as new development happens, and update the plan with projects as they move forward.

Dale Leach, Lakewood School District, expressed appreciation that the District passed a bond when they did which enabled them to accomplish some needed projects. He reviewed growth projection numbers as contained in their Capital Facilities Plan in the Commission's packet. The District is projected to be the largest it has ever been in the next four years.

EXHIBIT D

Chair Leifer asked if all the apartment population had been factored in. Mr. Leach indicated that it had and the District will continue to monitor that closely.

Chair Leifer asked about the different methods used by school districts to develop their enrollments. Mr. Shockey explained that the districts can decide between the OSPI method and the ratio method where they track the percentage of the overall population that is students. The teaching station method is used to determine construction needs. Ms. Stiffarm added that all three school districts are using teaching stations to determine capacity.

Chair Leifer expressed concern that the projection of 300+ students in the next six years by Lakewood is too low. Mr. Leach thought that it may be low in the future, but right now it is accurate. They are meeting regularly with city and county planners to find out what is in the pipeline. Planning Manager Chris Holland concurred that there are capacity limitations in the Lakewood area. This may change in two years, but will likely change in four years.

Commissioner Whitaker thought it was interesting that they are looking at decreasing enrollments in Marysville even with the boom in development in the south end. Ms. Stiffarm agreed and added that it is difficult to understand. Planning Manager Holland clarified that 90% of the home construction in Marysville right now is actually in the Lake Stevens School District.

There was general consensus by the Planning Commission to recommend consideration of the matter at a public hearing on October 23.

MMC Chapter 22C.130 Parking and Loading

Planning Manager Holland commented that any new development would be required to meet parking standards. He explained that government buildings require 1 parking stall per 400 square feet which is the same ratio required for business and professional offices. There aren't any specific parking requirements for courts, jail or public safety buildings in the code but it is known what the existing use is, and that would be factored into the requirements.

Commissioner Richards asked staff if there is sufficient parking in the civic center area right now. Planning Manager Holland replied that is not known yet because nothing has been submitted, but it will definitely meet code. He believes that the code requirements are sufficient. When the City adopted a Downtown Master Plan they did an Environmental Impact Statement (EIS) that made recommendations to mitigate environmental impacts for a civic campus at this location. Additional environmental analysis will be done for any site-specific development, including traffic impacts. He reiterated that height limits are a separate issue from parking requirements. Parking needs are looked at on a development by development basis to ensure it meets code. The City has never had an issue with the 1 to 400 square foot ratio. Director Koenig replied that on-street parking is not part of the City's plans. It has always been the City's intention to provide off-street parking.

EXHIBIT D

Commissioner Hoen commented that the parking around the spray park is already inadequate. He expressed concern that the general population would be inclined to use civic center parking spaces. Staff assured the Commission that parking would be managed and the City would be responsive. There was general discussion about plans for the civic center.

Director Koenig commented that based on feedback from businesses in the MIC there appears to be too much parking required for warehouse and industrial buildings. He indicated that staff will bring back some more information about this to the Planning Commission.

Chair Leifer stated he did not have concerns personally about the height issue proposed in the downtown area, but to address the concerns raised by other commissioners it is critical to control who can park where.

PUBLIC HEARING – CODE AMENDMENTS (continued)

Chair Leifer noted at 8:02 p.m. that this is a continuance of the public hearing from the September 25 meeting related to three proposed code amendments. There was no one in the audience and therefore no public testimony. Planning Manager Holland reviewed the three proposed amendments. He stated that staff's recommendation is for the Planning Commission to forward it on to City Council.

- A. Duplex and townhome definitions;
- B. Base height increase in the General Commercial (GC) zone within the Downtown Master Plan Area; and
- C. Appeal timeframes.

Commissioner Leifer expressed concern about the height issue in the downtown area, but commented that controlling who can park where is critical to this working.

Motion made by Commissioner Hoen, seconded by Commissioner Andes, to forward this on to City Council with a recommendation for approval. **Motion** passed (4-1-1) with Commissioners Hoen, Andes, Smith, and Leifer voting in favor, Commissioner Whitaker voting against the motion, and Commissioner Richards abstaining.

Motion made by Commissioner Richards, seconded by Commissioner Andes, to close the hearing at 8:09 p.m. **Motion** passed unanimously.

NEW BUSINESS

- A. Planned Connector Road Revisions

Senior Planner Gemmer reviewed proposed connector road revisions:

EXHIBIT D

- 53rd Avenue NE – designate as a collector arterial
- 40th Avenue NE – eliminate collector (39th Avenue provides needed connection)
- 59th Drive NE designate connector from Glein to Peterson-Sears
- Various connectors south of 40th Street NE from 79th Avenue NE to 80th Avenue NE
- Various connectors from 49th Street NE to 60th Street NE between 79th Avenue NE and to Highway 9

Commissioner Whitaker asked about the implications of 53rd Avenue being designated as a collector arterial. Senior Planner Gemmer explained that no improvements are contemplated at this time; however, it impacts what standards apply to the road. It also allows the City to seek grant funding.

OTHER

Senior Planner Gemmer reviewed the proposed rezone of the Washington Trucking site from General Industrial to Downtown Commercial noting that concerns had been raised related to site access and site contamination. She explained that with the last permit access was only restricted southbound on 529 where you take a left hand turn, cross over 529 and go eastbound into the site. All other turning movements were allowed. In preliminary discussions with Public Works staff, similar restrictions on turning movements are expected in the event that the property were developed with a use that is allowed in the downtown commercial zone; however, access for any new use would be subject to review and approval by WSDOT and the City. Access to the site will actually be improved with the interchange. Regarding site contamination, two different environmental assessments have been done. Hydrocarbon contaminants were found, and any use of the site will require environmental cleanup and remediation depending on the intended use of the sites.

Director Koenig gave an update on permit activity in the City.

CITY COUNCIL AGENDA ITEMS AND MINUTES

ADJOURNMENT

Motion made by Commissioner Richards, seconded by Commissioner Whitaker, to adjourn the meeting at 8:46 p.m. **Motion** passed unanimously.

NEXT MEETING:

October 23, 2018


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

CITY OF MARYSVILLE
Marysville, Washington
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON, RELATING TO DUPLEX AND TOWNHOME DEFINITIONS, BASE HEIGHT IN THE GENERAL COMMERCIAL ZONE AND NOTICE TIMEFRAMES AMENDING SECTIONS 22A.020.050, 22A.020.210, 22C.020.080, 22C.020.090, 22G.010.100, 22G.010.160 AND 22G.010.350 OF THE MARYSVILLE MUNICIPAL CODE.

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

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

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

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

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

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

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

WHEREAS, the Planning Commission discussed the above-referenced amendment during a public meeting held on September 11, 2018; and

WHEREAS, on September 25, 2018, the Marysville Planning Commission held a duly-advertised public hearing, which was continued to October 9, 2018; and

WHEREAS, On October 9, 2018, the Marysville Planning Commission recommended City Council adopt the proposed amendments to the City's development regulations; and

WHEREAS, at a public meeting on November 13, 2018, 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 August 31, 2018 (Material ID 25241) and September 11, 2018 (Material ID 25252), 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 22A.020.050, entitled "D" definitions, is hereby amended as follows:

22A.020.050 "D" definitions.

"Duplex" means a building that contains two primary dwelling units ~~on one lot~~. The units must share a common wall with the adjacent unit that extends from foundation to roof, or a common floor/ceiling.

Section 2. Amendment of Municipal Code. MMC Section 22A.020.210, entitled "T" definitions, is hereby amended as follows:

22A.020.210 "T" definitions.

"Townhouse" means a ~~one~~single-family dwelling unit constructed in a row of at least three such units in which each unit: has a shared common wall with the adjacent unit that extends from foundation to roof; is separated from any other unit by one or more vertical common fire-resistant walls; has its own front and rear access to the outside; and has no unit ~~is~~ located over another unit. ~~and each unit is separated from any other unit by one or more vertical common fire-resistant walls.~~

Section 3. Amendment of Municipal Code. MMC Section 22C.020.080, entitled "Densities and dimensions," is hereby amended as follows:

22C.020.080 Densities and dimensions.

(1) Interpretation of Tables.

(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.020.090.

(b) The density and dimension table is arranged in a matrix format and is delineated into the commercial, industrial, recreation and public institutional 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. 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 set forth in MMC 22C.020.090.

(2) General Densities and Dimension Standards.

Standards	NB	CB	GC	DC	MU (12)	LI	GI	BP	REC	P/I	WR- MU (15)	WR- CB (15)
Base density: Dwelling unit/acre	(18)	12	12	12	28 (1)	-	-	-	-	-	12	-
Maximum density: Dwelling unit/acre	-	None (13)	None (13)	None	34 (2)	-	-	-	-	-	18 (13)	-
Minimum street setback (3)	20 feet	None (7)	None (7)	None (7)	None (7, 8)	None (7)	None (7)	None (7)	20 feet	None (7, 8)	None (7, 8, 14)	None (7, 14)
Minimum interior setback	10 feet (side) 20 feet (rear)	None (4)	None (4)	None (4)	5 feet (9)	None (4) 50 feet (5)	None (4) 50 feet (5)	-	None (4)	None (4)	5 feet (9, 16, 17)	None (4)
Base height (6)	25 feet	55 feet	35 feet, 85 feet (19)	85 feet	45 feet, 65 feet (10)	65 feet	65 feet	45 feet	35 feet	45 feet	45 feet	55 feet
Maximum impervious surface: Percentage	75%	85%	85%	85%	85%, 75% (11)	85%	85%	75%	35%	75%	85%, 75% (11)	85%

Section 4. Amendment of Municipal Code. MMC Section 22C.020.090, entitled “Densities and dimensions – Development conditions,” is hereby amended as follows:

22C.020.090 Densities and dimensions – Development conditions.

- (1) These densities are allowed only through the application of mixed use development standards.
- (2) These densities may only be achieved in the downtown portion of Planning Area 1 through the application of residential density incentives. See Chapter [22C.090](#) MMC.
- (3) Gas station pump islands shall be placed no closer than 25 feet to street front lines. Pump island canopies shall be placed no closer than 15 feet to street front lines.
- (4) A 25-foot setback is required on property lines adjoining residentially designated property.
- (5) A 50-foot setback only required on property lines adjoining residentially designated property for industrial uses established by conditional use permits, otherwise no specific interior setback requirement.
- (6) Height limits may be increased when portions of the structure or building 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.
- (7) Subject to sight distance review at driveways and street intersections.

(8) A 20-foot setback is required for multiple-family structures outside of the downtown portion of Planning Area 1.

(9) A 15-foot setback is required for (a) commercial or multiple-family structures on property lines adjoining single-family residentially designated property, and (b) a rear yard of a multi-story residential structure, otherwise no specific interior setback requirement. Interior setbacks may be reduced where features such as critical area(s) and buffer(s), public/private right-of-way or access easements, or other conditions provide a comparable setback or separation from adjoining uses.

(10) The 65-foot base height applies only to the downtown portion of Planning Area 1. The 45-foot base height applies to the southeast sector of the downtown vision plan area, as incorporated into the city of Marysville comprehensive plan.

(11) The 85 percent impervious surface percentage applies to commercial developments, and the 75 percent rate applies to multiple-family developments.

(12) Reduced building setbacks and height requirements may be approved on a case-by-case basis to provide flexibility for innovative development plans; provided, that variance requests which are greater than 10 percent of the required setback shall be considered by the hearing examiner.

(13) Subject to the application of the residential density incentive requirements of Chapter [22C.090](#) MMC.

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

(15) Projects with split zoning (two or more distinct land use zones) may propose a site plan to density average or adjust the zone boundaries using topography, access, critical areas, or other site characteristics in order to provide a more effective transition.

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

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

(18) There is no minimum or maximum density for this zone. Residential units are permitted if located above a ground-level commercial use.

(19) The 85-foot base height applies only within the boundaries of the Downtown Master Plan area, bounded by 8th Street to the north, Ebey Slough to the south, Alder Avenue to the east, and Interstate 5 to the west.

Section 5. Amendment of Municipal Code. MMC Section 22G.010.100, entitled "Notice of administrative approvals," is hereby amended as follows:

22G.010.100 Notice of administrative approvals.

Notice of administrative approvals subject to notice under MMC 22G.010.160 shall be made as follows:

(1) Notification of Preliminary Approval. The director shall notify the adjacent property owners of his intent to grant approval. Notification shall be made by mail only.

(2) The notice shall include:

(a) A description of the preliminary approval granted, including any conditions of approval;

(b) A place where further information may be obtained;

(c) A statement that final approval will be granted unless an appeal requesting a public hearing is filed with the ~~city clerk~~ [community development](#) director within ~~15~~ [14](#) days of the date of the notice.

Section 6. Amendment of Municipal Code. MMC Section 22G.010.160, entitled "Administrative approvals subject to notice," is hereby amended as follows:

22G.010.160 Administrative approvals subject to notice.

(1) The director may grant preliminary approval or approval with conditions, or may deny the following actions subject to the notice and appeal requirements of this section:

- (a) Short subdivisions;
- (b) Shoreline permits for substantial developments;
- (c) Conditional use permits;
- (d) Binding site plans;
- (e) Master plan for properties under ownership or contract of applicant(s).

(2) Final Administrative Approvals. Preliminary approvals under this section shall become final subject to the following:

- (a) If no appeal is submitted, the preliminary approval becomes final at the expiration of the ~~15~~ 14-day notice period.
- (b) If a written notice of appeal is received within the specified appeal periods, the matter will be referred to the hearing examiner for an open record public hearing.

Section 7. Amendment of Municipal Code. MMC Section 22G.010.350, entitled "Notice requirements and comment period," is hereby amended as follows:

22G.010.350 Notice requirements and comment period.

(1) The department shall provide published, posted and mailed notice pursuant to Article II of this chapter, Public Notice Requirements, for all applications subject to community development director review.

(2) Written comments and materials regarding applications subject to community development director review procedures shall be submitted within ~~15 days of the date of published notice or the posting date, whichever is later.~~ the public comment period established pursuant to MMC 22G.010.090, Notice of development application.

Section 11. 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>
_____	Definitions, Base Height and Notice Timeframes	_____, 2018"

Section 12. 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 13. 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 _____, 2018.

CITY OF MARYSVILLE

By: _____
JON NEHRING, MAYOR

Attest:

By: _____
DEPUTY CITY CLERK

Approved as to form:

By: _____
JON WALKER, CITY ATTORNEY

Date of Publication: _____

Effective Date: _____
(5 days after publication)