


CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: November 12, 2019

AGENDA ITEM: PA19-014 – Binding Site Plan Amendments	AGENDA SECTION: New Business	
PREPARED BY: Angela Gemmer, Senior Planner	APPROVED BY: 	
ATTACHMENTS: 1. PC Minutes dated September 10 and 24, 2019 2. Adopting Ordinance <ul style="list-style-type: none"> · Exhibit A – PC Recommendation dated September 24, 2019 · Exhibit B – Binding Site Plan Amendments 	MAYOR	CAO
	BUDGET CODE:	AMOUNT:

DESCRIPTION:

The following are proposed amendments to Marysville Municipal Code (MMC) Chapter 22G.100, *Binding Site Plan*. A binding site plan is an alternative method of land division to a standard subdivision or short subdivision that is allowed under State law. The binding site plan is the process used to subdivide commercial and industrial land, and Planned Residential Developments (PRDs). The proposed amendments to this code consist of:

- Amending the final approval procedure to authorize the Mayor to sign the final binding site plan map. Recently the subdivision and short subdivision codes were amended to allow final subdivisions and short subdivisions to be processed administratively, and to authorize the Mayor to sign the final maps. Those amendments have made the final approval process quicker and more efficient, and has minimized the need for standalone easements and right-of-way dedication documents. The goal with the current amendments is to ensure consistency with the subdivision and short subdivision codes, and to make the final binding site plan process similarly efficient; and
- Amending the acknowledgements and certificates that are required on the final binding site plan map to align with those required for subdivisions.

The Planning Commission (PC) held a public workshop on September 10, 2019, and a duly advertised public hearing on September 24, 2019 to review the proposed Binding Site Plan code amendments. There was no public testimony provided at the public hearing. Following the public hearing, the PC made a motion to recommend the Binding Site Plan code amendments to Marysville City Council for adoption by Ordinance.

RECOMMENDED ACTION: Affirm the Planning Commission’s recommendation and adopt the Binding Site Plan code amendments by Ordinance.
COUNCIL ACTION:

PLANNING COMMISSION



MINUTES

September 10, 2019

7:00 p.m.

City Hall

CALL TO ORDER

Chair Leifer called the September 10, 2019 meeting to order at 7:00 p.m.

Marysville

Chairman: Steve Leifer

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

Staff: Senior Planner Angela Gemmer

Absent: Jerry Andes, Kelly Richards

APPROVAL OF MINUTES

June 11, 2019

Motion made by Commissioner Hoen, seconded by Commissioner Smith, to approve the June 11, 2019 Meeting Minutes as amended. **Motion** passed unanimously (5-0).

AUDIENCE PARTICIPATION

None

NEW BUSINESS

- A. MMC Section 22C.020.060, Permitted Uses – amendments requested by Puget Sound Regional Council (PSRC) for Light Industrial (LI) zoning within Cascade Industrial Center (CIC)

Senior Planner Gemmer reviewed the proposed changes as requested by PSRC. She explained that PSRC's concern was that the LI zoning allows for too many uses which are inconsistent with their goal of preserving industrial land in regional centers. As a

result, the City committed to considering limiting certain non-industrial uses within the LI zone. Some proposed changes would be:

- Limitations on hotels and motels to make sure they are not in conflict with Arlington Airport flight paths
- Limiting some uses such as dry cleaning, pet daycares, etc. to location along the Smokey Point Blvd./State Avenue corridor
- Eliminating the BP zoning designation
- Prohibiting convalescent/retirement, residential care facilities, and self-storage uses within the General Commercial zone

There was some discussion about the reason for the amendment to the hotel/motel provisions.

Chair Leifer commented that he agrees with the basics and the percentages as outlined in CAO Hirashima's letter to the PSRC.

Motion made by Commissioner Thetford, seconded by Commissioner Smith, to set this for a public hearing at the next meeting. **Motion** passed unanimously.

B. MMC Chapter 226.100, Binding Site Plan (BSP)

Senior Planner Gemmer reviewed this item which would amend the final approval procedure to authorize the Mayor to sign the final binding site plan map, and amend the acknowledgements and certificates that are required on the final binding site plan map to align with those required for subdivisions and short subdivisions.

Motion made by Commissioner Whitaker, seconded by Commissioner Thetford, to set this for a public hearing at the next meeting. **Motion** passed unanimously.

C. MMC Chapter 226.080, Planned Residential Development (PRD)

Senior Planner Gemmer reviewed the proposed amendments to PRDs. The amendments would clarify:

- The specific underlying land use actions that a PRD can be processed with;
- That Mixed Use and multi-family zoned properties using the PRD process are not subject to a minimum lot size; and
- The improvements needed within the required open space, and clearly establish the minimum expectation for improvements within open spaces.

An amendment to the residential permitted uses matrices footnote is also proposed to indicate that multiple single-family residences on a single lot are only permissible within a cottage housing development or for accessory dwelling units.

Chair Leifer noted that there is a separate code for cottage housing concept, but this verbiage implies that it is a part of the PRD ordinance. Senior Planner Gemmer clarified that the footnote only states that "no more than one single-family detached or duplex

dwelling unit is allowed per lot except in cottage housing developments that are developed with all cottages located on a common lot or Accessory Dwelling Units.” There won’t be any reference to PRD’s in the footnote.

Commissioner Whitaker asked approximately how many PRD’s have been permitted in the last five years. Senior Planner Gemmer replied that most of the subdivisions in the Sunnyside/Whiskey Ridge area are PRD’s. She indicated she would bring back more details about the numbers.

Chair Leifer referred to item 4(d) under 22G.080.100 Open Spaces on the last page and expressed concern about the subjective nature of the size of the trails. Senior Planner Gemmer commented that for private trails the requirement would be 5-foot paved trails unless there is a circumstance where gravel makes more sense. For regional trails she has seen up to 8 feet in width. She indicated she could bring back more specific numbers about the widest trail which could be expected. Chair Leifer also suggested that there should be a credit given to developers who do more than what is considered normal. Senior Planner Gemmer explained that residential density incentives are presently available by code when a developer goes above and beyond on the park improvements or provides surplus park area.

Motion made by Commissioner Thetford, seconded by Commissioner Whitaker, to set this for a public hearing at the next meeting. **Motion** passed unanimously.

Other discussion:

There was some discussion about modifications to the townhome provisions that may be proposed in the future.

CITY COUNCIL AGENDA ITEMS AND MINUTES

ADJOURNMENT

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

NEXT MEETING:

September 24, 2019



Laurie Hugdahl, Recording Secretary

DRAFT

PLANNING
COMMISSION



MINUTES

September 24, 2019

7:00 p.m.

City Hall

CALL TO ORDER

Chair Leifer called the September 24, 2019 meeting to order at 7:00 p.m.

Roll Call

Chairman: Steve Leifer

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

Staff: Senior Planner Angela Gemmer

Absent: Kelly Richards (excused)

APPROVAL OF MINUTES

September 10, 2019

Motion made by Commissioner Smith, seconded by Commissioner Thetford, to approve the September 10, 2019 Meeting Minutes as presented. **Motion** passed unanimously (6-0).

AUDIENCE PARTICIPATION

None

NEW BUSINESS

None

PUBLIC HEARING – CODE AMENDMENTS

Senior Planner Gemmer reviewed the following code amendments which were presented at the September 10, 2019 Planning Commission meeting. Staff is requesting approval of the amendments with a recommendation for approval to the City Council.

a) **MMC Section 22C.020.060, Permitted Uses – amendments requested by Puget Sound Regional Council (PSRC) for Light Industrial (LI) zoning within Cascade Industrial Center (CIC)**

Senior Planner Gemmer summarized the code amendments as presented at the September 10, 2019 meeting.

The public hearing for this item was opened at 7:05 p.m. Seeing no public comments, the public testimony portion of the public hearing was closed at 7:05 p.m.

Commission deliberation: None

Motion made by Commissioner Thetford, seconded by Commissioner Smith, to forward this item to City Council with a recommendation of approval. **Motion** passed unanimously.

The public hearing for this item was closed at 7:07 p.m.

b) **MMC Chapter 22G.100, Binding Site Plan (BSP)**

Senior Planner Gemmer summarized the code amendments as presented at the September 10, 2019 meeting.

Senior Planner Gemmer also responded to Commissioner Whitaker's inquiry at a previous meeting about the number of Planned Residential Developments (PRDS) that were permitted in the City in the last five years. She reported that from 2014-2019 there have been 14 PRDs.

The public hearing for this item was opened at 7:10 p.m. Seeing no public comments, the public testimony portion of the public hearing was closed at 7:10 p.m.

Commission deliberation:

Commissioner Andes referred to the *Certificates* page and the *Acknowledgement* page and noted one scrivener's error on each page. Commissioner Gemmer indicated those would be corrected.

Motion made by Commissioner Andes, seconded by Commissioner Smith, to forward this item to City Council with a recommendation of approval. **Motion** passed unanimously.

The public hearing for this item was closed at 7:12 p.m.

c) MMC Chapter 22G.080, Planned Residential Development (PRD) amendments

Senior Planner Gemmer summarized the code amendments as presented at the September 10, 2019 meeting.

The public hearing for this item was opened at 7:14 p.m. Seeing no public comments, the public testimony portion of the public hearing was closed at 7:14 p.m.

Commission deliberation:

Commissioner Whitaker asked if the impetus for these corrections was requests from the development community or staff corrections. Senior Planner Gemmer explained that it was a combination of both. She reviewed how these had been handled in the past.

Chair Leifer asked if there are any cottage housing proposals in the pipeline. Senior Planner Gemmer replied that there was just the one in the Sunnyside area that was discussed at the Planning Commission previously.

Motion made by Commissioner Thetford, seconded by Commissioner Smith, to forward this item to City Council with a recommendation of approval. **Motion** passed unanimously.

The public hearing was closed at 7:20 p.m.

CITY COUNCIL AGENDA ITEMS AND MINUTES

GENERAL DISCUSSION

Commissioner Andes referred to a map of the Arlington Airport Districts and Zones which had been distributed by staff and asked for clarification of the zones. Senior Planner Gemmer provided a brief explanation of the zones, and indicated that additional information is contained in the Arlington's Airport Master Plan.

Commissioner Whitaker asked if there has been only offers on the Public Works property. Senior Planner Gemmer indicated she wasn't aware of anything, but would check to see if there were any updates.

Commissioner Hoen commented that there was a good article in the Seattle Times this week about the positive advantages of cottage housing developments. Specifically, these developments create a neighborhood and sense of community. He is looking forward to seeing more of this kind of development.

ADJOURNMENT

Motion made by Commissioner Whitaker, seconded by Commissioner Smith, to adjourn the meeting at 7:31 p.m. **Motion** passed unanimously.

NEXT MEETING:

October 8, 2019

Laurie Hugdahl, Recording Secretary

CITY OF MARYSVILLE
Marysville, Washington
ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON, UPDATING
THE CITY'S DEVELOPMENT REGULATIONS AND AMENDING SECTIONS
22G.100.050, 22G.100.150, AND 22G.100.180 OF CHAPTER 22G.100,
BINDING SITE PLAN, OF THE MARYSVILLE MUNICIPAL CODE.**

WHEREAS, the State Growth Management Act, Chapter 36.70A RCW mandates that cities periodically review and amend development regulations, including zoning ordinances and official controls; and

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

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

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

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

WHEREAS, during public meetings on September 10 and 24, 2019, the Planning Commission discussed proposed amendments to MMC Sections 22G.100.050, *Applicability*, 22G.100.150, *Binding site plan – Acknowledgements and certifications*, and 22G.100.180, *Approval procedure*; and

WHEREAS, the City of Marysville has submitted the proposed development regulation revisions to the Washington State Department of Commerce on September 10, 2019, as required by RCW 36.70A.106; and

WHEREAS, after providing notice to the public as required by law, on September 24, 2019, the Marysville Planning Commission held a Public Hearing on the proposed amendments to the City's development regulations; and

WHEREAS, on September 24, 2019 the Planning Commission made a Recommendation to the City Council recommending the adoption of the proposed amendments to MMC Sections 22G.100.050, *Applicability*, 22G.100.150, *Binding site plan – Acknowledgements and certifications*, and 22G.100.180, *Approval procedure*; and

WHEREAS, at a public meeting on November 12, 2019 the Marysville City Council reviewed and considered the Planning Commission's Recommendation and proposed amendments to the development regulations; and

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

Section 1. Approval of Planning Commission's Recommendation and Adoption of Findings and Conclusions. The Planning Commission's September 24, 2019 Recommendation regarding the proposed development regulation amendments, including the Findings and Conclusions contained therein, as set forth in the attached **Exhibit A**, is hereby adopted and incorporated herein by this reference.

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

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

Section 3. MMC Sections 22G.100.050, 22G.100.150, and 22G.100.180 of the Marysville Municipal Code are hereby amended as set forth in **Exhibit B** attached hereto.

Section 4. MMC Section 22A.010.160, *Amendments*, of the Marysville Municipal Code is hereby amended as follows by adding reference to this adopted ordinance in order to track amendments to the City's Unified Development Code:

"22A.010.160 Amendments.

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

<u>Ordinance</u>	<u>Title (description)</u>	<u>Effective Date</u>
_____	Binding Site Plan Amendments	_____, 2019"

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. Upon approval by the city attorney, the city clerk or the code reviser are authorized to make necessary corrections to this ordinance, including scrivener's errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections.

Section 7. 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 _____, 2019.

CITY OF MARYSVILLE

By: _____
JON NEHRING, MAYOR

Attest:

By: _____
TINA BROCK, DEPUTY CITY CLERK

Approved as to form:

By: _____
JON WALKER, CITY ATTORNEY

Date of Publication: _____

Effective Date: _____
(5 days after publication)

EXHIBIT A



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

PC Recommendation: Binding Site Plan Amendments

The Planning Commission (PC) of the City of Marysville, having held a public hearing on September 24, 2019 in review of NON-PROJECT action amendments of the Marysville Municipal Code, proposing amendments to Chapter 22G.100, *Binding Site Plans*. Having considered the exhibits and testimony presented, PC does hereby enter the following findings, conclusions and recommendation for consideration by the Marysville City Council:

FINDINGS:

1. The Community Development Department held a public meeting to introduce the NON-PROJECT action Binding Site Plan Code Amendments to the community on September 10, 2019.
2. The proposal was submitted to the State of Washington Department of Commerce for 14-day expedited review on September 10, 2019, in accordance with RCW 36.70A.106.
4. The PC held public work sessions to review the NON-PROJECT action amendments proposing adoption of the NON-PROJECT action Binding Site Plan Code Amendments as described above, on September 10 and 24, 2019.
5. The PC held a duly-advertised public hearing on September 24, 2019 and received testimony from city staff and the public.
6. At the public hearing, the PC reviewed and considered the Binding Site Plan Amendments.

CONCLUSION:

At the public hearing, held on September 24, 2019, the PC recommended **APPROVING** the Binding Site Plan Code Amendments.

RECOMMENDATION:

Forwarded to City Council as a Recommendation of **APPROVAL** of the NON-PROJECT action known as Binding Site Plan Code Amendments, an amendment to Marysville Municipal Code Chapter 22G.100, *Binding Site Plan*, this **September 24, 2019**.

By:



Stephen Leifer, Planning Commission Chair

EXHIBIT B

22G.100.050 Applicability.

Any person, firm, corporation or other entity which does not divide their property per the city's subdivision ordinance and seeks to divide ~~business~~, commercial, industrial, ~~recreation~~, public institutional or residential zoned land for the purpose of sale or transfer of ownership is required to apply for and complete a binding site plan as is required by this title.

22G.100.150 Binding site plan ~~—Certifications required—~~ Requirements. Acknowledgments and certifications.

~~(1) A certificate giving a full and correct description of the lands divided as they appear on the binding site plan, including a statement that the division has been made with the free consent and in accordance with the desires of the owners. If the binding site plan is subject to a dedication, the certificate or a separate written instrument shall also contain the dedication of all streets and other areas to the public, and an individual or individuals, religious society or societies or to any corporation, public or private, or other legal entity as shown on the binding site plan and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of the road. The certificate or instrument of dedication shall be signed and acknowledged before a notary public by all parties having any ownership interest in the land divided and recorded as part of the final binding site plan.~~

~~(2) A certification by a licensed surveyor, licensed in the state of Washington, that the binding site plan survey is accurate and conforms to the provisions of these regulations and state law.~~

~~(3) Certification by the community development director that the binding site plan conforms to all conditions of preliminary approval.~~

~~(4) Certification by the city engineer that the binding site plan conforms to survey data, layout of streets, alleys and rights-of-way, design of bridges, sewage and water systems, and all other public improvements.~~

~~(5) A certificate of approval prepared for the signature of the mayor (applicable to binding site plans reviewed through the public review process).~~

~~(6) Recording certificate for the county auditor.~~

Acknowledgments and certificates required by this title shall be in language substantially similar to that indicated in the following subsections:

(1) Dedications. The intention of the owner shall be evidenced by his presentation for filing of a final binding site plan 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 mortgage thereof, hereby declare this binding site plan 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 binding site plan 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 binding site plan 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 binding site plan, 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.

(2) 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)

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

(a) No further subdivision of any lot without resubmitting for formal binding site plan procedure.

(b) 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.

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

(4) Approvals.

(a) Examined and approved this _____ day of _____, 20__.

City Engineer, City of Marysville

(b) Examined and approved this _____ day of _____, 20__.

Community Development Director, City of Marysville

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

Mayor

Attest: City Clerk

(5) Certificates.

(a) I hereby certify that the binding site plan 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)

(b) 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

(c) 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.100.180 Approval procedure.

- (1) Applicants for final binding site plan approval shall file all required documents meeting all the requirements of this title with the city's community development department. The community development department shall review the final binding site plan and circulate it to other city departments to determine whether the requirements of this title and preliminary approval have been met.
- (2) To ensure all conditions have been met, the community development director and city engineer will determine whether the binding site plan proposed for final approval conforms to all terms of preliminary approval, and whether the binding site plan 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. ~~If the community development director and city engineer determine that the requirements are met, they shall approve the binding site plan.~~
- (3) If either the community development director or the city engineer determines that the requirements have not been met, the final binding site plan shall be returned to the applicant for modification, correction or other action as may be required for approval.

(4) If the community development director and city engineer determine that the conditions and requirements of this title have been met, the community development director, ~~and~~ city engineer, and the mayor shall inscribe and execute ~~their~~ the city's written approval on the face of the binding site plan.

~~(5) If the binding site plan was reviewed through the public review process, the binding site plan shall be subject to the final review process outlined in Chapter 22G.090 MMC, Article III, Final Subdivision Review.~~