


**CITY OF MARYSVILLE**

**EXECUTIVE SUMMARY FOR ACTION**

**CITY COUNCIL MEETING DATE: November 12, 2019**

|  |  |            |
|--|--|------------|
| <b>AGENDA ITEM:</b><br>PA19-014 – Residential Permitted Uses Amendment   | <b>AGENDA SECTION:</b><br>New Business   |            |
| <b>PREPARED BY:</b><br>Angela Gemmer, Senior Planner   | <b>APPROVED BY:</b><br> |            |
| <b>ATTACHMENTS:</b><br>1. PC Minutes dated September 10 and 24, 2019<br>2. Adopting Ordinance <ul style="list-style-type: none"> <li>· Exhibit A – PC Recommendation dated September 24, 2019</li> <li>· Exhibit B – Residential Permitted Uses Amendment</li> </ul> | <b>MAYOR</b>   | <b>CAO</b> |
|  |  |            |

**DESCRIPTION:**

Recently City Council adopted amendments to MMC Section 22C.010.280, *Cottage housing developments*. Cottage housing developments can either be developed with all cottages on a single lot or with cottages subdivided onto individual lots. The residential permitted uses matrices footnote is proposed to be amended to indicate that multiple single family residences on a single lot are only permissible within a cottage housing development or accessory dwelling units. Since single family residences within Planned Residential Developments (PRDs) are required to be subdivided onto individual lots, the current reference in this footnote to PRDs is proposed to be eliminated.

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 Residential Permitted Uses code amendments. There was no public testimony provided at the public hearing. Following the public hearing, the PC made a motion to recommend the Residential Permitted Uses code amendments to Marysville City Council for adoption by Ordinance.

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| <b>RECOMMENDED ACTION:</b><br>Affirm the Planning Commission’s recommendation and adopt the Residential Permitted Uses code amendments by Ordinance. |
| <b>COUNCIL ACTION:</b>   |

# 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

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Laurie Hugdahl, Recording Secretary



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

**AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON, UPDATING  
THE CITY'S DEVELOPMENT REGULATIONS AND AMENDINGS SECTIONS  
22C.010.060 AND 22C.010.070 OF CHAPTER 22C.010, RESIDENTIAL  
ZONES, 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 22C.010.060, *Permitted uses*, and 22C.010.070, *Permitted uses – Development conditions*; 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 22C.010.060, *Permitted uses*, and 22C.010.070, *Permitted uses – Development conditions*; 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 22C.010.060 and 22C.010.070 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> |
|------------------|--------------------------------------|-----------------------|
| _____            | Residential Permitted Uses Amendment | _____, 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: Planned Residential Development (PRD) 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.080, *Planned Residential Developments*. 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 Planned Residential Development 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 Planned Residential Development 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 Planned Residential Development Amendments.

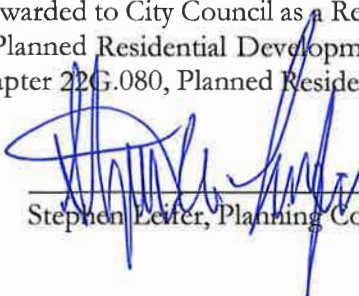
#### CONCLUSION:

At the public hearing, held on September 24, 2019, the PC recommended **APPROVING** the Planned Residential Development Code Amendments.

#### RECOMMENDATION:

Forwarded to City Council as a Recommendation of **APPROVAL** of the NON-PROJECT action known as Planned Residential Development Code Amendments, an amendment to Marysville Municipal Code Chapter 22G.080, Planned Residential Developments, this **September 24, 2019**.

By:

  
\_\_\_\_\_  
Stephen Leiter, Planning Commission Chair

**EXHIBIT B**

**22C.010.060 Permitted uses.**

| <b>Specific Land Use</b>                                    | <b>R-4.5</b> | <b>R-6.5</b> | <b>R-8</b> | <b>WR R-4-8</b> | <b>R-12</b> | <b>R-18</b> | <b>R-28</b> | <b>WR R-6-18</b> | <b>R-MHP</b> |
|---|--------------|--------------|------------|-----------------|-------------|-------------|-------------|------------------|--------------|
| <b>Residential Land Uses</b>                                |              |              |            |                 |             |             |             |                  |              |
| Dwelling Units, Types:                                      |              |              |            |                 |             |             |             |                  |              |
| Single detached (14)  | P11          | P11          | P11        | P11             | P11         | P11         | P11         | P11              | P43          |
| Cottage housing (14)  | C6           | C6           | C6         | C6              | C6          | C6          | C6          | C6               |              |
| Duplex (14)   | C8           | P8           | P8         | P8              | P           | P           | P           | P                |              |
| Townhouse   | P3           | P3           | P3         | P3              | P           | P           | P           | P                |              |
| Accessory Uses:   |              |              |            |                 |             |             |             |                  |              |
| Residential accessory uses (1), (9), (10), (14), (49), (50) | P            | P            | P          | P               | P           | P           | P           | P                | P            |

**22C.010.070 Permitted uses – Development conditions.**

(14) No more than one single-family detached or duplex dwelling is allowed per lot except in cottage housing developments that are developed with all cottages located on a common lot, in planned residential developments, through the provisions of Chapter 22G.080 MMC, using the binding site plan (BSP) process outlined in Chapter 22G.100 MMC, and designated on the face of the BSP, for multiple single-family detached dwellings on a single parcel; or and accessory dwelling units through the provisions of Chapter 22C.180 MMC.