


**CITY OF MARYSVILLE AGENDA BILL**  
**EXECUTIVE SUMMARY FOR ACTION**

**CITY COUNCIL MEETING DATE: September 14, 2020**

<b>AGENDA ITEM:</b>	
An Ordinance to consider amendments to MMC 22A.020.180 related to the definition of Qualified Scientific Professionals.	
<b>PREPARED BY:</b>	<b>DIRECTOR APPROVAL:</b>
Angela Gemmer, Senior Planner	
<b>DEPARTMENT:</b>	
Community Development	
<b>ATTACHMENTS:</b>	
PC Recommendation dated 6/9/2020 PC Minutes dated 3/10/2020 and 6/9/2020 Adopting Ordinance	
<b>BUDGET CODE:</b>	<b>AMOUNT:</b>
N/A	N/A
<b>SUMMARY:</b>	

The Planning Commission (PC) held a public hearing on June 9, 2020 to review proposed amendments to Marysville Municipal Code Title 22, *Unified Development Code* specifically Section 22A.020.180, “Q” definitions – *Qualified Scientific Professional*. The current qualified scientific professional definition too loosely defines what constitutes a wetland professional which has resulted in the submittal of critical areas reports by professionals who are not always qualified to assess critical areas. The qualified scientific professional definition also does not adequately distinguish the credentials needed by fish and habitat professionals from those needed by wetland professionals. The proposed amendment is both to strengthen the requirements for qualified scientific professionals resulting in submittal of higher quality reports, and to differentiate the qualifications needed for wetland professionals from the qualifications needed for fish and fish habitat/stream professionals.

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

<b>RECOMMENDED ACTION:</b> Staff recommends that City Council affirm the Planning Commission’s recommendation and adopt the Qualified Scientific Professional Definition Amendment by Ordinance.
<b>RECOMMENDED MOTION:</b> I move to adopt the Qualified Scientific Professional Definition Amendment by Ordinance, and authorize the Mayor to sign said Ordinance.



**MARYSVILLE**  
**COMMUNITY**  
**DEVELOPMENT**

## **PC Recommendation – Qualified Scientific Professionals Definition Amendment**

The Planning Commission (PC) of the City of Marysville, having held a public hearing on June 9, 2020 in review of NON-PROJECT action amendments of the Marysville Municipal Code, proposing amendments to Section 22A.020.180, "Q" definitions. 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 Qualified Scientific Professionals Definition Code Amendment to the community on March 10, 2020.
2. The proposal was submitted to the State of Washington Department of Commerce for 14-day expedited review on March 17, 2020, in accordance with RCW 36.70A.106.
4. The PC held a public work session to review the NON-PROJECT action amendments proposing adoption of the NON-PROJECT action Qualified Scientific Professionals Definition Code Amendment as described above, on March 10, 2020.
5. The PC held a duly-advertised public hearing on June 9, 2020 and received testimony from city staff and the public.
6. At the public hearing, the PC reviewed and considered the Qualified Scientific Professionals Definition Code Amendment.

### **CONCLUSION:**

At the public hearing, held on June 9, 2020, the PC recommended **APPROVING** the Qualified Scientific Professionals

### **RECOMMENDATION:**

Forwarded to City Council as a Recommendation of **APPROVAL** of the NON-PROJECT action known as the Qualified Scientific Professionals Definition Code Amendment, an amendment to Marysville Municipal Code Section 22C.130.030, Table 1, this **June 9, 2020**.

By: \_\_\_\_\_

Stephen Leifer, Planning Commission Chair

(360) 363-8100

Community  
Development  
80 Columbia Avenue  
Marysville, WA 98270

**Planning  
Commission**



**1049 State Avenue  
Marysville, WA 98270**

## **Meeting Minutes**

**March 10, 2020**

### **Call to Order**

Chair Leifer called the meeting to order at 7:03 p.m. noting the excused absence of Commissioners Kay Smith and Tom Thetford.

### **Present:**

**Commission:** Chair Steve Leifer, Planning Commissioner Roger Hoen, Planning Commissioner Jerry Andes, Planning Commissioner Kristen Michal, Planning Commissioner Brandon Whitaker

**Staff:** Planning Manager Chris Holland, Senior Planner Cheryl Dungan, Senior Planner Angela Gemmer

**Excused:** Planning Commissioner Tom Thetford, Planning Commissioner Kay Smith

### **Minutes**

#### February 11, 2020 Planning Commission Minutes

**Motion to Approve** February 11, 2020 Planning Commission Minutes moved by Planning Commissioner Jerry Andes seconded by Planning Commissioner Kristen Michal.

**VOTE: Motion carried 4 - 0**

**AYES:** Planning Commissioner Roger Hoen, Planning Commissioner Jerry Andes, Planning Commissioner Kristen Michal, Planning Commissioner Steve Leifer

**ABSTAIN:** Planning Commissioner Brandon Whitaker

### **Election of Officers**

**Motion to Approve** the reappointment of Steve Leifer as Planning Commissioner Chair moved by Planning Commissioner Roger Hoen seconded by Planning Commissioner Jerry Andes.

**AYES: ALL**

**Motion to Approve** appointment of Jerry Andes as Planning Commission Vice Chair moved by Planning Commissioner Steve Leifer seconded by Planning Commissioner Brandon Whitaker.

**AYES: ALL**

### **Audience Participation**

None

### **Public Hearing**

#### Floodplain Management Code Amendments

- MMC Chapter 22A.020 Floodplain Definitions
- MMC Chapter 22E.020 Floodplain Management

Senior Planner Dungan reviewed the proposed changes. She noted that the majority of the changes come from the Washington State Model Flood Plain Ordinance for the City to remain in compliance with the National Flood Plain Insurance Program. Also, staff is recommending revising the language to be consistent with how density is calculated and also with the Comprehensive Plan to exclude residential development within the 100-year floodplain. Also, it is proposed that the Hearing Examiner hear the variances to the floodplain instead of City Council in order to be consistent with current regulations for all other land use actions. Staff is recommending that the Planning Commission forward City Council a recommendation of approval of the Development Code amendments.

Commissioner Whitaker asked if there has been an updated FIRM (Flood Insurance Rate Map) map for Marysville in 2020. Senior Planner Dungan replied that she just got proposed changes in the mail not too long ago. She did not see any changes in terms of the base flood elevation.

Chair Leifer asked about floodplain insurance requirements. Senior Planner Dungan explained that lenders require people to obtain floodplain insurance when they refinance or purchase if they fall within FEMA's floodplain map boundaries. People can request a letter of map amendment if they contest the designation. The City primarily relies on LIDAR information.

Chair Leifer opened the public hearing at 7:16 p.m. There were no members of the public present. The public comment portion of the public hearing was closed at 7:16 p.m.

**Motion to Approve** forwarding the proposed Floodplain Management Code Amendments to Council with a recommendation for approval moved by Planning Commissioner Roger Hoen seconded by Planning Commissioner Kristen Michal.

**AYES: ALL**

The hearing was closed at 7:18 p.m.

## **New Business**

Code Amendments

### MMC 22C.130.030-Table 1: Minimum Required Parking Spaces

Senior Planner Gemmer reviewed the proposed revisions which would provide a parking standard of 1.25 parking spaces per dwelling unit for studio apartments and provide clarification on both accessory dwelling unit and multiple-family parking standards. Commissioners asked clarification questions regarding the proposal.

**Motion to Approve** setting a public hearing on this Minimum Parking Spaces for April 14 moved by Planning Commissioner Brandon Whitaker seconded by Planning Commissioner Kristen Michal.

**AYES: ALL**

### MMC 22A.020.180 - "Q" definitions

Senior Planner Gemmer reviewed this item which would clarify the definition for Qualified Scientific Professional and differentiate the qualifications needed for wetland professionals from fish and fish habitat/stream professionals.

Commissioner Michal asked about impacts on developers who might need to hire more than one professional as a result of these amendments. Planning Manager Holland explained that this will have no impact on most people, but will clarify that people need to have their certification.

**Motion to Approve** setting a public hearing on "Q" definitions on April 14 moved by Planning Commissioner Jerry Andes seconded by Planning Commissioner Roger Hoen.

**AYES: ALL**

### MMC 22C.240.030 - Criteria for locating a recreational vehicle park

Senior Planner Gemmer reviewed this item which would clarify that all recreational vehicle parks are subject to the standards set forth in MMC Chapter 22C.240 and eliminate the obsolete reference in MMC Section 22C.240.030 to recreational vehicle parks being allowed in all zones within the city except single family and multiple family zones as this is inconsistent with the permitted uses matrices.

**Motion to Approve** setting a public hearing for Criteria for locating a recreational vehicle park for April 14 moved by Planning Commissioner Kristen Michal seconded by Planning Commissioner Brandon Whitaker.

**AYES: ALL**

## **"Tiny House" and "Tiny House with Wheels" Discussion**

Senior Planner Gemmer made a PowerPoint presentation regarding tiny houses and solicited Planning Commission comments on how these should be incorporated into the city.

Commissioner Michal asked if the City is expecting any type of mandates related to tiny houses. Planning Manager Holland explained that right now the City is just required to allow them in Mobile Home Parks. In the future they may be required to expand that.

Commissioner Hoen said he'd like to see requirements for play areas, sidewalks and pedestrian connections, and possible regulations on fences.

Commissioner Whitaker recommended elements that would produce pride in place.

Commissioner Michal asked about looking at models from other communities. Staff indicated they would look into that.

Commissioner Andes recommended not requiring curb, gutter and sidewalks to help keep down costs.

Chair Leifer noted that there has been an interest in doing this on church properties in some locations. Planning Manager Holland thought that this is a direction that the legislature is likely going to try to go. Chair Leifer commented that a commitment to set aside space for this type of housing says a lot about the city's desire to provide housing for all types of people.

There was discussion about impacts on tax assessments.

There appeared to be consensus to require sewer and water as an Accessory Dwelling Unit on an existing lot. In a community, there was a question if they had to have their own restroom facility or if it could be provided on site.


Commissioner Whitaker spoke in support of each unit having its own restroom and water hookups for a tiny home village, but as an ADU they might be able to share with the main home.

## **Adjournment**

**Motion to Adjourn** at 8:31 p.m. moved by Planning Commissioner Jerry Andes seconded by Planning Commissioner Brandon Whitaker.

**AYES: ALL**

**Next Meeting** - Tuesday, April 14, 2020 - 7 p.m.

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

**Planning  
Commission**



**1049 State Avenue  
Marysville, WA 98270**

**Meeting Minutes**

**June 9, 2020**

**Call to Order**

Chair Leifer called the meeting to order at 6:00 p.m. noting the resignation of Kay Smith and expressed appreciation for her faithful and conscientious service.

**Present:**

Commission: Chair Steve Leifer, Planning Commissioner Jerry Andes, Planning Commissioner Kristen Michal, Planning Commissioner Brandon Whitaker, Planning Commissioner Tom Thetford

Staff: Planning Manager Chris Holland, Senior Planner Angela Gemmer, Janis Lamoureux

Excused: Planning Commissioner Roger Hoen

**Minutes**

March 10, 2020 Planning Commission Minutes

**Motion** to approve March 10, 2020 Planning Commission Minutes moved by Planning Commissioner Jerry Andes seconded by Planning Commissioner Brandon Whitaker.

**VOTE: Motion carried 4 - 0**

**AYES:** Chair Leifer, Planning Commissioner Andes, Planning Commissioner Michal, Planning Commissioner Whitaker

**ABSTAIN:** Planning Commissioner Thetford

**Audience Participation**

None

**Public Hearing**

Hearing No. 1 - Amendment to MMC Chapter 22C.130.030, Table 1, Minimum required parking spaces.

The hearing was opened at 6:06 p.m. Senior Planner Gemmer reviewed this item. Commissioner Whitaker asked about the previous requirements. Senior Planner Gemmer reviewed those.

Chair Leifer solicited public comments. There were none.

**Motion** to forward the proposed amendment to the City Council with a recommendation for approval moved by Planning Commissioner Andes seconded by Planning Commissioner Thetford.

**AYES: ALL**

The hearing was closed at 6:15 p.m.

Hearing No. 2 - Amendment to "Qualified scientific professional" definition set forth in MMC Section 22A.020.180.

The hearing was opened at 6:15 p.m. Senior Planner Gemmer reviewed this item.

Commissioner Andes asked how many professionals have these credentials. Senior Planner Gemmer thought many people on the list would have this credential or could get it. Planning Manager Holland reviewed the reason for strengthening this definition.

Chair Leifer solicited public comments. There were none.

**Motion** to forward the proposed amendment to "Qualified scientific professional" definition set forth in MMC Section 22A.020.180. to the City Council with a recommendation for approval moved by Planning Commissioner Andes seconded by Planning Commissioner Whitaker.

**AYES: ALL**

The hearing was closed at 6:23 p.m.

Hearing No. 3 - Amendment to MMC Chapter 22C.230, Mobile Home Parks, MMC Sections 22C.010.060 and 22C.020.060, Permitted uses, and repeal of MMC Chapter 22C.240, Recreational Vehicle Parks.

The hearing was opened at 6:23 p.m. Senior Planner Gemmer reviewed this item.

Commissioner Whitaker expressed concern about the appearance of the multiple uses allowed in a mobile home park. Senior Planner Gemmer noted that all of these uses are currently allowed under state law. Planning Manager Holland noted that some mobile home parks have more restrictions, but not all of them.

Chair Leifer asked why RV parks wouldn't be allowed in the City. He commented on the need for people with RV's to have a place to stay in Marysville. Additionally, there is a large number of people who cannot afford traditional housing, and this could be an opportunity to provide affordable housing in the City. Planning Manager Holland



explained that it doesn't align with the uses that the PSRC wants to see within the Cascade Industrial Center, and there aren't any appropriate sites (10-15 acres). He noted that the uses are still allowed in existing parks. Chair Leifer then asked if a new mobile home park could be built with the expressed purpose of filling it completely with RV's. He raised a hypothetical example of such a development on property owned by Sayani north of 156th and west of Twin Lakes. Planning Manager Holland affirmed it would be allowed by going through the provisions of Title 22C.230 rather than 22C.240 with a Conditional Use Permit.

Chair Leifer solicited public comments. There were none.

**Motion** to forward the proposed amendment to MMC Chapter 22C.230, Mobile Home Parks, MMC Sections 22C.010.060 and 22C.020.060, Permitted uses, and repeal of MMC Chapter 22C.240, Recreational Vehicle Park to the City Council with a recommendation for approval moved by Planning Commissioner Andes seconded by Planning Commissioner Thetford.

**AYES: ALL**

The hearing was closed at 6:54 p.m.

## **Old Business**

### "Tiny house" and "tiny house with wheels" discussion

Senior Planner Gemmer reviewed this item giving various examples of tiny house regulations and solicited feedback.

Commissioner Andes asked about codes for tiny home communities for groups of people that choose this lifestyle. Senior Planner Gemmer replied that if the Planning Commission wanted to implement something like that in the community they could implement the current cottage housing code, but add provisions to limit the zones in which it is allowed and also limit the quantity. Planning Manager Holland asked the Planning Commission for their thoughts.

Commissioner Andes spoke in support of a pilot project if they could find someone to build it. Commissioner Thetford also spoke in support of doing a pilot project to see if it is the sort of thing they would even want to have in Marysville.

Commissioner Whitaker recommended requiring separate bathrooms since community restroom and shower facilities would be difficult during a pandemic situation. Commissioner Michal agreed with Commissioner Whitaker. She also liked the idea of a pilot project. She asked if there is anything pushing the City to do anything with tiny houses right now other than allowing them in mobile home parks. Planning Manager Holland spoke to the importance of having something on the books. He summarized the Planning Commission's desire to have some sort of pilot project with site specific development standards. Senior Planner Gemmer added that there has been a lot of interest from the community in tiny house codes.

Chair Leifer thought there would be a lot of people who would support this to help out the homeless, as well as people who don't want anything to do with it. He asked about the City's position about allowing use of the existing sewer on the 45 Road for a site out there. Planning Manager Holland replied that there is water out there, but not sewer. Per the GMA the City would not be allowed to have a connection outside of its Urban Growth Area boundary.

Planning Commissioner Holland stated that staff would see what changes to ADUs would be required and what changes might be needed for tiny homes.

### **Adjournment**

**Motion** to adjourn at 8:48 p.m. moved by Planning Commissioner Tom Thetford seconded by Planning Commissioner Brandon Whitaker.

**AYES: ALL**

**Next Meeting** – July 14

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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 AMENDING SECTIONS  
22A.010.160 AND 22A.020.180 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 a public meeting on March 10, 2020, the Planning Commission discussed proposed amendments to MMC Section 22A.020.180; and

WHEREAS, the City of Marysville submitted the proposed amendments to MMC Section 22A.020.180 to the Washington State Department of Commerce on March 17, 2020, as required by RCW 36.70A.106; and

WHEREAS, the proposed amendments to MMC Section 22A.020.180 are exempt from State Environmental Policy Act review under WAC 197-11-800(19);

WHEREAS, after providing notice to the public as required by law, the Marysville Planning Commission held a Public Hearing on June 9, 2020 regarding the proposed amendments to MMC Section 22A.020.180; and

WHEREAS, on June 9, 2020 the Planning Commission made a Recommendation to the City Council recommending the adoption of the proposed amendments to MMC Section 22A.020.180; and

WHEREAS, at a public meeting on September 14, 2020 the Marysville City Council reviewed and considered the Planning Commission's Recommendation and the proposed amendments to MMC Section 22A.020.180; and

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

Section 1. Required Findings. In accordance with MMC 22G.010.520, the following findings are made regarding the proposed amendments to MMC Section 22A.020.180 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 2. Section 22A.020.180, "Q" definitions, of MMC Chapter 22A.020, Definitions, is hereby amended to read as follows:

**22A.020.180 "Q" definitions.**

"Qualified scientific professional" means a person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise appropriate for the relevant critical area subject in accordance with WAC ~~365-195-905~~(4). A qualified professional must have obtained a B.S., ~~or~~ B.A., or equivalent degree as specified below ~~in biology, engineering, environmental studies, fisheries, geomorphology, or related field, and two years of related work experience, and have qualifications as follows:-~~

- (1) A qualified professional for ~~habitats or wetlands~~ must have a degree in biology, ~~environmental studies, natural resource management, ecology, or a related field; have two years of professional experience as a wetland biologist; and be certified as a Professional Wetland Scientist (PWS) and professional experience related to the subject species.~~
- (2) A qualified professional for fisheries or fish habitat must have:
  - (a) A degree in fisheries or aquatic ecology, and two years of professional experience as a fisheries biologist; or
  - (b) A degree in biology, environmental studies, natural resource management, ecology, or a related field; certification by the American Fisheries Society; and five years of professional experience as a fisheries biologist.
- ~~(2)~~ (3) A qualified professional for a geological hazard must be a professional engineer or geologist, licensed by the state of Washington, and have two years of professional experience as an engineer or geologist. (Ord. 2852 § 10 (Exh. A), 2011).

Section 3. 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>
_____	Qualified Scientific Professionals Amendment	_____, 2020"

Section 4. 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 5. 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 6. Effective Date. This ordinance shall become effective five days after the date of its publication by summary.

PASSED by the City Council and APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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)