


CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: March 7, 2022

AGENDA ITEM:	
Cascade Business Park – Comprehensive Plan Map Amendment (PA21001)	
PREPARED BY:	DIRECTOR APPROVAL:
Chris Holland, Planning Manager	
DEPARTMENT:	
Community Development	
ATTACHMENTS:	
1. PC Minutes (06.22.21, 12.14.21 & 01.25.22) 2. PC Recommendation 3. Ordinance	
BUDGET CODE:	AMOUNT:
N/A	N/A
SUMMARY:	

A NON-PROJECT Action *Citizen Initiated* Comprehensive Plan Map Amendment and Concurrent Rezone, known as “Cascade Business Park,” was submitted for review as part of the 2021 Comprehensive Plan Amendment Docket.

The applicant (NP Arlington MIC Industrial LLC) is proposing to change the land use designation and concurrently rezone approximately 10.18 acres from Medium-Density, Single-family (R-4.5) to Light Industrial (LI). The NON-PROJECT Action amendment and rezone site is located on the east side of 51st Avenue NE between the 14600 and 14800 Block, and is identified as APN 31053400300300.

The Planning Commission held a public hearing on January 25, 2022 and received testimony from property owners, staff and interested citizens following public notice. The Planning Commission made a motion to forward the NON-PROJECT Action Comprehensive Plan Map Amendment and Concurrent Rezone, as presented, subject to one condition outlined in the Staff Recommendation, attached to the Ordinance as **Exhibit B**, to Marysville City Council for adoption by ordinance.

RECOMMENDED ACTION: Affirm the Planning Commission Recommendation, adopting the proposed NON-PROJECT Action Comprehensive Plan Map Amendment and Concurrent Rezone, known as Cascade Business Park, subject to the condition outlined in the Staff Recommendation attached to the Ordinance as Exhibit B .
RECOMMENDED MOTION: Move to adopt Ordinance No. ____, approving the NON-PROJECT Action Comprehensive Plan Map Amendment and Concurrent Rezone, known as Cascade Business Park.

Planning Commission



1049 State Avenue
Marysville, WA 98270

**Meeting Minutes
June 22, 2021**

CALL TO ORDER / ROLL CALL

Chair Leifer called the June 22, 2021 Planning Commission meeting to order via Zoom at 5:00 p.m. Planning Manager Chris Holland called the roll.

Present:

Commissioner: Chair Steve Leifer, Commissioner Kristen Michal, Commissioner Roger Hoen, Commissioner Brandon Whitaker, Commissioner Tom Thetford

Absent: Vice Chair Jerry Andes

Staff: Planning Manager Chris Holland, Community Development Director Haylie Miller, Project Specialist Janis Lamoureux

APPROVAL OF MINUTES

June 8, 2021 Planning Commission Minutes

Commissioner Hoen stated he would be abstaining because he wasn't at the June 8 meeting.

Motion to approve the June 8, 2021 Planning Commission Minutes moved by Commissioner Thetford seconded by Commissioner Whitaker.

VOTE: Motion Carried 4-0

AYES: LEIFER, MICHAL, WHITAKER, THETFORD

ABSTAIN: HOEN

AUDIENCE PARTICIPATION

Chair Leifer solicited audience participation on items not on the agenda. There were no comments.

COMMUNITY MEETING

Downtown Master Plan Planned Action

Planning Manager Holland showed a map of the Downtown Master Plan study area and reviewed the boundaries. He explained that as part of adopting a Planned Action the City is required to have a community meeting. Notice was required to be provided to all affected federally recognized tribal governments and agencies with jurisdiction over the future development anticipated for the planned action.

Planning Manager Holland reviewed the framework of the action alternative:

- Town Center infill and redevelopment
- 3rd/2nd Street Old Town small business support and public realm improvements
- Improve State Avenue and 4th Street streetscape/appearance
- Waterfront redevelopment
- Civic Center hub and area redevelopment
- Historic 3rd Street neighborhood housing opportunities in historic form
- Asbery Neighborhood School redevelopment, neighborhood infill, and amenity improvements
- Liberty Neighborhood infill and midblock connections
- North State Avenue/Grove Street redevelopment and midblock connections
- BNSF Sliver and Beach Avenue Neighborhood flexible uses
- Multimodal pedestrian/bicycle facilities

Planning Manager Holland reviewed the action alternative map and the proposed land use alternatives. The land use alternative includes new zones paired with streetfront designations and design standards. The impacts and mitigation measures that were analyzed in the Supplemental Environmental Impact Statements (SEIS) included surface water and water resources, land and shoreline use and aesthetics, socioeconomics, transportation, public service utilities. He reviewed next steps and solicited comments and informed the Commission that everything needs to be adopted by October 15.

Commissioner Whitaker asked how many comments the City has received on the draft plan. Planning Manager Holland replied that there have not been many. A lot of the comments were received in the initial online survey, and most of those have already been addressed in the draft plan.

Chair Leifer asked for more detail about the flex zone. Planning Manager Holland reviewed the uses that are allowed in this zone.

Commissioner Whitaker asked for more information about the Liberty infill element. Planning Manager Holland replied that there are several larger lots that would be available for more flexibility; for example, a triplex behind an existing house.

Planning Manager Holland commented on the need to have a meeting in August in order to meet the October 15 deadline and asked about any potential conflicts. Commissioner Whitaker indicated he would not be available the third week. No other conflicts were noted. There was general availability on Mondays and Tuesdays.

COMPREHENSIVE PLAN MAP AMENDMENT

Cascade Business Park

Planning Manager Holland introduced this item. He shared a map of the Cascade Business Park and discussed a proposed Comprehensive Plan Amendment related to rezone of a parcel at the south end for future industrial development. The parcel is currently in the Cascade Business Park, but outside the Cascade Industrial Center. The current designation is residential 4.5 single family medium and this map amendment would change the parcel to light industrial. Staff does not have a recommendation for this application yet.

Commissioners asked clarification questions about the location and the zoning.

Chair Leifer asked if there is any news about expansion of the GMA boundaries. Planning Manager Holland replied that the Buildable Lands Report has been recommended for approval by Snohomish County Tomorrow. If it gets approved, the County Council will have to allocate population to cities. That will give the City the opportunity to go through the reasonable use process to see if they can fit the employment and population capacity based on those numbers. Staff is anticipating getting those numbers in September and then doing the analysis.

Commissioner Whitaker asked if this property was pursued by earlier developers. Planning Manager Holland replied there has been nothing in the last 20 years or so; it has only been farmed.

Commissioner Hoen asked if there are any updates to the need for increased capacity on 51st Street. Planning Manager Holland replied that Arlington and Marysville just entered into an agreement with Transpo, a traffic engineering firm, to look at the road network up there to ensure the roads will support development.

Peter Condyles stated that the public meeting notice will be provided to the Planning Commission as soon as it is available.

Planning Manager Holland introduced Thane Smith of NorthPoint who is the applicant of the amendment under discussion. Mr. Smith briefly discussed plans for the parcel and the Cascade Business Park. He explained the developer is currently in the process realigning and relocating Edgecomb Creek as part of their habitat restoration project. Chair Leifer asked if there is a projected timeline for completion of the entire proposed project. Mr. Smith explained they will be building one spec building over the next year or so. They are also marketing the property. Once Edgecomb Creek is relocated they

expect there will be several build-to-suit projects as well. The developer has been working closely with the Tribes' and other agencies to ensure that the relocation and restoration of the stream and the culvert is done to their satisfaction. The developer expects that the whole project will be built out in six to ten years.

Other:

Community Development Director Miller gave an update on topics discussed with City Council recently:

- Residents of Berrywood have raised concerns about impacts of the Holbrook subdivision development which will be going to the Hearing Examiner. Some councilmembers have expressed concern about being left out of the loop in development issues so staff will be using the Economic Development Committee for some items in order to keep Council apprised earlier in the process.
- 4th of July has been a big topic. No fireworks are allowed in city limits, and police will be enforcing the law.
- A pallet shelter is being proposed at 83rd and 528 in the church parking lot. This is considered a transitory accommodation use which is allowed for 90 days. Some of the neighbors are not happy. This is a pilot program, and is a different kind of homeless shelter. People are heavily screened and there will be someone on site 24/7 monitoring it. They are potentially wanting to allow this as a permanent use so it may be coming to the Planning Commission in the next six months or so. Council is also very interested in this topic.
- The 6-Year Transportation Improvement Program was adopted by Council.
- City Council wants to look at the notification rules and the possibility of extending the notification area for some projects.

Commissioner Hoen asked if there is an update on the open Planning Commission position. Director Miller replied that the applications are still being reviewed.

ADJOURNMENT

Motion to adjourn at 6:05 p.m. moved by Commissioner Whitaker seconded by Commissioner Hoen.

AYES: ALL

Chris Holland

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

Next Meeting – July 13, 2021

Planning Commission



1049 State Avenue
Marysville, WA 98270

**Meeting Minutes
December 14, 2021**

CALL TO ORDER / ROLL CALL

Chair Leifer called the December 14, 2021 Planning Commission meeting to order via Zoom at 6:00 p.m. Planning Manager Chris Holland called the roll.

Present:

Commissioner: Chair Steve Leifer, Vice Chair Jerry Andes, Commissioner Roger Hoen, Commissioner Sunshine Kapus, Commissioner Kristen Michal, Commissioner Brandon Whitaker¹

Excused: Commissioner Tom Thetford

Staff: Planning Manager Chris Holland, Community Development Director Haylie Miller, Senior Planner Kate Tourtellot

APPROVAL OF MINUTES

November 23, 2021 Planning Commission Minutes

Motion made by Commissioner Kapus, seconded by Commissioner Michal, to approve the November 23, 2021 Planning Commission meeting minutes as presented. **Motion** passed with Commissioner Andes abstaining.

AUDIENCE PARTICIPATION

None.

PUBLIC HEARING

A. Food Truck Regulations

¹ Commissioner Whitaker arrived a few minutes late with advance notice.

Director Miller made the staff presentation regarding food truck regulations. Staff has attempted to solicit feedback from restaurant owners with little response. Regarding requiring food trucks to locate a certain distance away from restaurants, some restaurant owners did request a distance of three blocks to 3000 feet away from restaurants. Staff reviewed how this would play out and is proposing a 100-foot buffer from restaurants and that food trucks would not be allowed in the city right-of-way (in streets or parked in front of business). They may be allowed as part of a special event permit, and they may be allowed on city-owned property. They may also be located on private property but would be prohibited in residential zones. Staff is recommending a buffer area between food trucks and restaurants in lieu of needing to provide notice to restaurant owners. Staff is recommending approval of the proposed regulations.

Commissioner Andes asked for clarification about the site plan. Director Miller explained there is generally already a site plan if they are locating where there is an existing business. Staff can be flexible if needed. Wherever they locate they should have written permission from the property owner.

Commissioner Andes referred to Town Center Mall where they have had some difficulty getting in touch with the owner and asked who a food truck would need to get permission from in the case of an out-of-town owner. Director Miller replied that they would need to get ahold of the owner somehow.

Commissioner Andes asked about parking regulations for food trucks in residential areas. Planning Manager Holland explained that it would be like storing an RV in the side yard or a rear yard.

Chair Leifer referred to the Town Center and noted there is a lot of empty parking places which could be a good location for a food truck. He asked about the parking restrictions in the code. Director Miller explained they just could not dip into the minimum required parking amount. Planning Manager Holland noted that there is an opportunity to work with the property owner and other leaseholders there to use the parking lot. This has been successfully done by others on occasion.

Commissioner Hoen asked what would happen if a new brick and mortar restaurant wanted to open in a location where a food truck was currently operating successfully. Director Miller stated she could write something into the code to indicate that if the food truck is there first, they would be allowed to stay. She will clarify that they must be located 100 feet from *existing* establishments.

Chair Leifer referred to where these would be allowed and expressed concern about construction sites having regular daily access to food trucks for the construction workers until the project is over. Director Miller explained that would be allowed per the current temporary use regulations.

Commissioner Michal requested clarity in the verbiage for General Regulations, number 5, about not wanting customers to congregate. Director Miller suggested the following edited version which Commissioner Michal thought was better:

Mobile food vendors shall not obstruct sidewalks, streets, access points, fire lanes, or parking lot circulation by either the location of the mobile food vending unit or its accessories.

The public hearing was opened at 6:32 p.m. Public testimony was solicited. There was none.

Motion made by Commissioner Whitaker, seconded by Commissioner Michal, to close the public hearing at 6:33 p.m. **Motion** passed.

Motion made by Commissioner Andes, seconded by Commissioner Whitaker, to make a recommendation of approval to City Council regarding the food truck regulations as presented by staff. **Motion** passed.

B. Accessory Dwelling Units

Senior Planner Tourtellot reviewed the proposed changes to regulations regarding Accessory Dwelling Units. The only change made since the last meeting was to remove the 1000 square feet and just leave the maximum size at 50%.

Staff received two comment letters which were sent to the Planning Commission. One letter was from Dave who wanted to know how this is being done equitably when there are different sized homes and lots around the city.

The second comment was by the master Builders Association who said they would like to see 1000 square feet be allowed for any ADU regardless of the primary dwelling unit or the lot size. They would also like to see all the parking requirements removed regardless of if it is with one quarter mile of a major transit stop or not.

Chair Leifer brought up the situation where there might be a reversal of the primary home becoming the ADU if you build a larger home on the same lot as a small existing home. Senior Planner Tourtellot explained that would be allowed. She pointed out that the 50% maximum is not based on the existing structure. There is another section in the code that addresses this. Planning Manager Holland explained that the new home would need to be twice as big as the existing one in the reversed scenario. Chair Leifer commented that if you build a larger structure there is a little bit of a penalty in that you would have to do frontage improvements. Planning Manager Holland agreed that this is generally true.

The public hearing was opened at 6:46 p.m.

Public Testimony:

Dylan Sluder, Master Builders Association, requested that flexibility be added within the square footage. He suggested using the 50% FAR or up to 1000 feet. They are also suggesting the removal of parking requirements because oftentimes these units don't have a lot of cars. He thanked staff and the Planning Commission for all their work.

Motion made by Commissioner Kapus, seconded by Commissioner Andes, to close the public hearing at 6:48 p.m. **Motion** passed.

Motion made by Commissioner Whitaker, seconded by Commissioner Michal, to recommend approval of the ADU regulations as proposed by staff to City Council. **Motion** passed.

C. Emergency Housing and Shelters

Director Miller summarized this item which has been reviewed by the Planning Commission over multiple meetings. She reviewed the proposed regulations. Staff is recommending approval.

The public hearing was opened at 7:00 p.m. There were no comments.

Motion made by Commissioner Andes, seconded by Commissioner Michal, to close the public hearing at 7:02 p.m. **Motion** passed.

Motion made by Commissioner Whitaker, seconded by Commissioner Andes, to recommend the Emergency Housing and Shelters regulations for approval to City Council. **Motion** passed.

OLD BUSINESS

A. Cascade Business Park – Comp Plan Map Amendment and Rezone

Planning Manager Holland reviewed this Comprehensive Plan Map Amendment and Rezone request which was submitted by Cascade Business Park. Through their review and approval process of a large binding site plan, it was an oversight that they had purchased this residential-zoned property that was included in the application. They chose to submit a Comprehensive Plan Map Amendment and concurrent rezone as part of the 2021 docket process. They do not have any development applications in for this site currently. They are just looking to get the site redesignated at this time. Staff issued a SEPA threshold determination of non-significance on November 29, 2021. There were no mitigation measures associated with that because they were covered in original application for the binding site plan. Staff will be recommending approval with a condition that the right-of-way located along 51st Avenue be dedicated as per code. Staff is recommending that a public hearing will be scheduled for January 11, 2022. There was general discussion about buildable land left in the city.


Motion made by Commissioner Kapus, seconded by Commissioner Andes, to schedule this item for a public hearing on January 11, 2022. **Motion** passed.

ADJOURNMENT

Planning Manager Holland announced that the City has hired a new Associate Planner who will start on January 3.

Motion to adjourn at 7:18 p.m. moved by Commissioner Whitaker, seconded by Commissioner Kapus. **Motion** passed.

AYES: ALL



Laurie Huggdahl, Recording Secretary

Next Meeting – January 11, 2022

Planning Commission



1049 State Avenue
Marysville, WA 98270

**Meeting Minutes
January 25, 2022**

CALL TO ORDER / ROLL CALL

Chair Leifer called the January 25, 2022 Planning Commission meeting to order via Zoom at 6:00 p.m. Planning Manager Chris Holland called the roll.

Present:

Commissioner: Chair Steve Leifer, Vice Chair Jerry Andes, Commissioner Roger Hoen, Commissioner Sunshine Kapus, Commissioner Kristen Michal, Commissioner Brandon Whitaker

Excused: Commissioner Tom Thetford

Staff: Community Development Director Haylie Miller, Planning Manager Chris Holland, Planning Technician Mara Wiltshire

APPROVAL OF MINUTES

December 14, 2021 Planning Commission Minutes

Motion made by Commissioner Kapus, seconded by Commissioner Whitaker, to approve the minutes of the December 14, 2021 Planning Commission Meeting Minutes as presented.

AYES: ALL

AUDIENCE PARTICIPATION

Chair Leifer solicited audience participation on items not on the agenda. There were no comments.

ELECTIONS

Nomination and Election of Planning Commission Chair for 2022

Motion made by Commissioner Hoen to nominate Steve Leifer for Chair. Commissioner Whitaker seconded the motion.

AYES: ALL

Nomination and Election of Planning Commission Vice-Chair for 2022.

Motion made by Commissioner Andes to nominate Brandon Whitaker for Chair. Commissioner Kapus seconded the motion.

AYES: ALL

PUBLIC HEARING

Cascade Business Park Comp Plan Map Amendment and Concurrent Rezone

Staff Presentation:

Planning Manager Holland gave an overview of the proposal. No comments have been received from the public on this project. Comments were received from the Tulalip Tribes but they were related to the Project Action Binding Site Plan and not the NON-Project Action Comp Plan Amendment and Rezone. Staff has identified how the proposal complies with the Comprehensive Plan policies. Staff is recommending approval subject to one condition related to dedication of public right-of-way along the frontage of 51st Avenue NE.

Chair Leifer asked about the timeline for the planned construction of their project. Planning Manager Holland deferred to the applicant, noting he could review this during his testimony.

Vice Chair Whitaker asked how long this property had been zoned medium density single family residential before this project came into play. Planning Manager Holland explained it was annexed into the city in 2009.

Public Hearing:

The hearing was opened at 6:12 p.m.

Applicant Presentation:

Thane Smith thanked staff and the Planning Commission for their hard work. Regarding the timeline, he explained that the development would be built out over a period of four years; however, the Edgecomb Creek relocation project has taken longer than expected due to rainy weather. They are also working on entitling a couple buildings associated with this project in Arlington. The applicant is very optimistic and believes the project will be a positive addition to the city. He reviewed the background on this project and the request to rezone this property.

Chair Leifer asked about the type of construction which will be used. Mr. Smith replied they only use Class A Concrete Tilt Up construction. Chair Leifer asked about the bay height. Mr. Smith replied they will be between 36- and 40-feet clear height.

Ben Mahain, 6010 West Amelia Earhart Drive, Salt Lake City, Utah, commented they are excited to get this project going to bring some good jobs to the area.

Commissioner Kapus asked if they have any tenants for any of the properties yet. Ben replied they have been in talks with a couple tenants for the first building.

Chair Leifer asked if they have any idea what interest rates might do to the project. Mr. Smith replied they have a capital partner, and this is a zero-debt project. Interest rates should not impact the construction, but it may impact the tenants.

Vice Chair Whitaker asked if signed leases need to be completed to move ahead with design and construction. Mr. Smith replied they can do it both ways – speculative construction or build to suit.

Public Testimony: Public comments were solicited. There were none.

Commissioner Hoen asked if 51st would be impacted by this project. Planning Manager Holland replied that it would not be impacted. He clarified that this is a NON-Project Action with no construction associated with it.

Motion made by Commissioner Michal, seconded by Commissioner Andes, to close the hearing at 6:30 p.m.

AYES: ALL

Discussion

Motion made by Commissioner Andes, seconded by Commissioner Kapus, to forward the Cascade Business Park Comp Plan Map Amendment and Concurrent Rezone to City Council with a recommendation for approval.

AYES: ALL

NEW BUSINESS

Code Amendment – Remove Requirements to Provide Mylar Copies of Plans

Director Miller explained staff is proposing the eliminate the requirement for applicants to provide mylar copies to the city. The City has moved to paperless applications.

Motion made by Commissioner Kapus, seconded by Commissioner Whitaker to approve sending this on to the next public hearing.

AYES: ALL

Commissioner Comments:

Commissioner Andes asked when the bridge across Quilceda Creek would be done. Planning Manager Holland indicated he would look into that and bring information back to the Commission.

Chair Leifer asked about staking he noticed up by the furniture store. Planning Manager Holland explained they are acquiring right-of-way and then will go through the permitting process. He will double check on the dates on this and get back to the Commission with that information.

Commissioner Hoen asked about a preliminary project putting in gas line on State Avenue between 104th and 116th. Planning Manager Holland said he would also look into this.

Vice Chair Whitaker asked about the status on the new city hall and what will happen with the old city hall building. Planning Manager Holland replied that the existing city hall building is under contract for purchase. The proposed tenant has not submitted for their preliminary application yet. He expects it to be demolish and rebuild at that location.

Planning Manager Holland commented that they have received a lot of inquiries for infill development within the new Downtown Master Plan area. As a result, they are seeing areas in the code that need to be cleaned up. Staff is compiling these proposed amendments and plans to bring them to the Planning Commission soon.

Chair Leifer asked if there has been any interest in ADU projects. Planning Manager Holland commented they get a couple inquiries a day. He expects that there will be several constructed this year.

Director Miller explained all the ordinances – food trucks, emergency housing and ADUs - that the Planning Commission passed on to the City Council were approved. The only change was the City Council wanted to keep the owner occupancy requirement for the ADUs.

ADJOURNMENT

Motion to adjourn at 6:45 p.m. moved by Commissioner Michal, seconded by Vice Chair Whitaker.

AYES: ALL

Chris Holland

Chris Holland, Planning Manager for
Laurie Hugdahl, Recording Secretary

Next Meeting – February 15

PC Recommendation - Cascade Business Park Comp. Plan Map Amendment

The Planning Commission of the City of Marysville, having held a public hearing on January 11, 2022, in review of a NON-PROJECT Action citizen-initiated Comprehensive Plan Map Amendment and Concurrent Rezone of a 10.18 acre parcel of property from Medium-density, Single-family (R-4.5) to Light Industrial (LI) as part of the 2021 Comprehensive Plan Docket; and having considered the exhibits and testimony presented, does hereby enter the following findings, conclusion and recommendation for consideration by Marysville City Council:

FINDINGS:

1. The Planning Commission held public work sessions in review of the NON-PROJECT Action citizen-initiated Comprehensive Plan Map Amendment and Concurrent Rezone on June 22, 2021 and December 14, 2021.
2. A SEPA NON-Project Action environmental checklist for the proposal was completed by the applicant and a Determination of Non-Significance was issued on November 29, 2021. A fourteen (14) day public comment and appeal period expired on December 13, 2021. No appeal was filed.
3. The Community Development Department provided 60-day notice of the proposal to state agencies via the Washington State Department of Commerce (DOC) on November 30, 2021 and it was processed by DOC with Submittal ID 2021-S-3435. As of the date of this staff recommendation, no comments have been received from state agencies.
4. Public Notice of the Public Hearing was provided in accordance with MMC 22G.020.060, including publication in the Everett Herald on December 28, 2021, scheduling a public hearing on January 25, 2022 at 6PM. Two signs were posted on the subject property, and the public hearing notice was mailed to property owners located within 300 feet of the subject property, posted at the Marysville and Lakewood Post Offices, on Channel 21 and the city's website.
5. The Planning Commission was provided public comments received throughout the review process and took into consideration testimony received from staff and the public at the duly-advertised public hearing held on January 25, 2022.

CONCLUSION:

At the public hearing, the Planning Commission recommended adoption of the NON-PROJECT Action citizen-initiated Comprehensive Plan Map Amendment and Concurrent Rezone of a 10.18 acre parcel of property from Medium-density, Single-family (R-4.5) to Light Industrial (LI) as part of the 2021 Comprehensive Plan Docket, subject to one (1) condition contained in Section 2.0 of the Staff Recommendation.

RECOMMENDATION:

Forwarded to City Council as a Recommendation of Approval of the NON-PROJECT Action citizen-initiated Comprehensive Plan Map Amendment and Concurrent Rezone, by the Marysville Planning Commission this 25th day of January, 2022.

By:



Planning Commission Chair

CITY OF MARYSVILLE
Marysville, Washington

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON RELATING TO THE MARYSVILLE GROWTH MANAGEMENT COMPREHENSIVE PLAN, ORDINANCE NO. 3000, AND THE CITY'S OFFICIAL ZONING MAP, ORDINANCE NO. 2852, AS PREVIOUSLY AMENDED, AND THE CITY'S UNIFIED DEVELOPMENT CODE (MMC TITLE 22); AND APPROVING THE 2021 CITIZEN INITIATED COMPREHENSIVE PLAN AMENDMENT REQUEST (CASCADE BUSINESS PARK), WHICH AMENDS THE COMPREHENSIVE PLAN'S LAND USE MAP DESIGNATION FOR PROPERTY LOCATED ON THE EAST SIDE OF 51ST AVENUE NE BETWEEN THE 14600 AND 14800 BLOCK, AND REZONES SAID PROPERTY FROM MEDIUM-DENSITY, SINGLE-FAMILY (R-4.5) TO LIGHT INDUSTRIAL (LI), PURSUANT TO THE CITY'S 2021 ANNUAL COMPREHENSIVE PLAN AMENDMENT AND UPDATE PROCESS.

WHEREAS, on September 15, 2015 the Marysville City Council enacted Ordinance No. 3000 adopting an updated Growth Management Comprehensive Plan ("Comprehensive Plan") for the City of Marysville; and

WHEREAS, the Growth Management Act allows jurisdictions to amend comprehensive plans once a year, except in those situations enumerated in RCW 36.70A.130(2)(a); and

WHEREAS, on January 27, 1997 the Marysville City Council adopted Resolution No. 1839, providing for procedures for annual amendment and update of the City's Comprehensive Plan; and

WHEREAS, on February 14, 2011 the Marysville City Council adopted Ordinance No. 2852, adding Chapter 22G.020 to the Marysville Municipal Code (MMC) entitled "Procedures For Legislative Actions" which establishes procedures for processing and review of legislative actions relating to amendments or revision to the Comprehensive Plan and Development Regulations; and

WHEREAS, the 2021 Comprehensive Plan amendments include a Citizen Initiated Amendment Request (Cascade Business Park), which proposes to revise the Comprehensive Plan's Land Use Map designation for properties depicted in the attached **Exhibit A**, which is located on the east side of 51st Avenue NE between the 14600 and 14800 Block, and to rezone said property, from Medium-Density, Single-family (R-4.5) to Light Industrial (LI); and

WHEREAS, on November 29, 2021, the City issued a State Environment Policy Act Threshold Determination of Non-significance (DNS), which addresses the environmental impacts of the Citizen Initiated Amendment Request (Cascade Business Park), a non-project proposal; and

WHEREAS, the City has submitted the proposed 2021 Comprehensive Plan Land Use Map and Official Zoning Map amendments to the State of Washington Department of Commerce for 60-day review in accordance with RCW 36.70A.106, which was assigned Submittal ID 2021-S-3435; and

WHEREAS, the Marysville Planning Commission, after review of the proposed 2021 Comprehensive Plan Land Use Map and Official Zoning Map amendment, held public workshops on June 22, 2021 and December 14, 2021, and held a public hearing on January 11, 2022, and received testimony from property owners, staff and other interested parties following public notice; and

WHEREAS, the Planning Commission prepared and provided its written recommendation that said proposed amendment be approved by the Marysville City Council; and

WHEREAS, on March 14, 2022 the Marysville City Council reviewed the Planning Commission's recommendation relating to the proposed 2021 Comprehensive Plan Land Use Map and Official Zoning Map amendments;

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

Section 1. With regards to the proposed rezone of the properties depicted in the attached **Exhibit A** (which are located on the east side of 51st Avenue NE between the 14600 and 14800 Block) from Medium-Density, Single-family (R-4.5) to Light Industrial (LI), the Council hereby finds:

1. There is a demonstrated need for additional zoning as the type proposed;
2. The zone reclassification is consistent and compatible with uses and zoning of the surrounding properties;
3. There have been significant changes in the circumstances of the properties to be rezoned or surrounding properties to warrant a change in classification; and
4. The properties are practically and physically suited for the uses allowed in the proposed zone reclassification.

Section 2. The City Council hereby finds the revisions to the Comprehensive Plan's Land Use Map resulting from the 2021 Citizen Initialed Amendment Request (Cascade Business Park) are:

1. Consistent with the City's Comprehensive Plan and Zoning Code;
2. Consistent with the State Growth Management Act and the State Environmental Policy Act;
3. Warranted by significant changes in circumstances; and
4. Warranted by sufficient benefit or cost to the public health, safety, and welfare.

Section 3. Amending the City of Marysville Comprehensive Plan. The City Council hereby amends the Marysville Growth Management Comprehensive Plan and Ordinance No. 3000, as previously amended, by adopting the 2021 Citizen Initiated Amendment Request (Cascade Business Park), which amends the land use designation for the properties depicted in the attached and incorporated **Exhibit A**, which is located on the east side of 51st Avenue NE between the 14600 and 14800 Block, from Medium-Density, Single-family (R-4.5) to Light Industrial (LI) and amends Figure 4-2 of the Land Use Element. This amendment is subject to the condition set forth in Section 2 of the attached and incorporated **Exhibit B**. This amendment shall be included with the Comprehensive Plan filed in the office of the City Clerk and shall be available for public inspection.

Section 4. Amending the City’s Official Zoning Map and MMC Title 22 Unified Development Code. The City Council hereby amends the City’s Official Zoning Map, Ordinance No. 2852, as previously amended, and the City’s Unified Development Code MMC Title 22, by adopting the 2021 Citizen Initiated Amendment Request (Cascade Business Park), which rezones the properties depicted in the attached **Exhibit A** from R-4.5 (Medium-Density, Single-family) to LI (Light Industrial). This amendment is subject to the condition set forth in Section 2 of the attached **Exhibit B**. This amendment shall be attested by the signature of the Mayor and City Clerk, with the seal of the municipality affixed, shall be included with the Official Zoning Map on file in the office of the City Clerk, and shall be available for public inspection.

Section 5. 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>
_____	Cascade Business Park – Zoning Map Amendment	_____, 2022”

Section 6. 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 7. Corrections. 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 8. 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 _____, 2022.

CITY OF MARYSVILLE

By: _____
JON NEHRING, MAYOR

Attest:

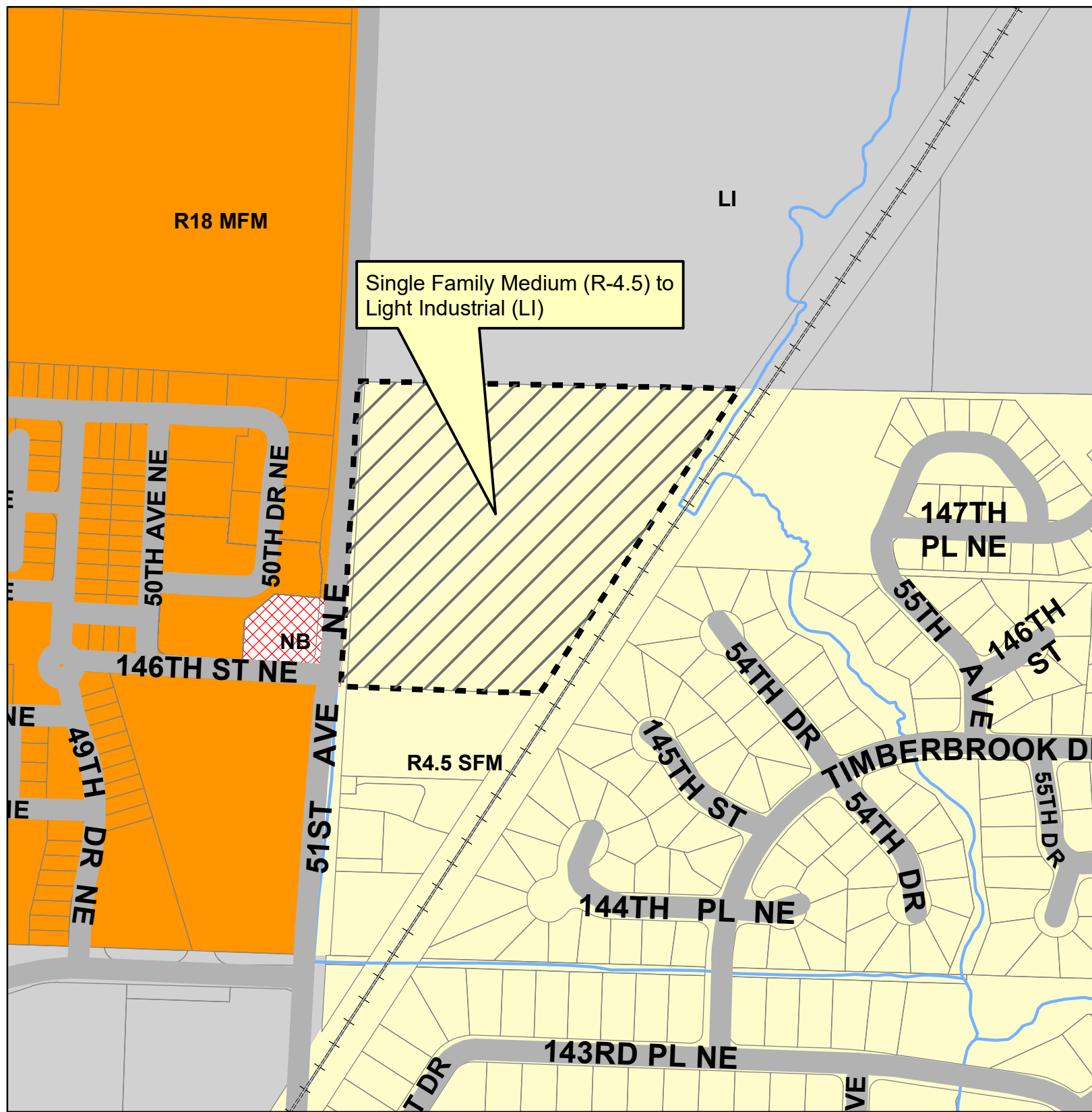
By: _____
CITY CLERK

Approved as to form:

By: _____
JON WALKER, CITY ATTORNEY

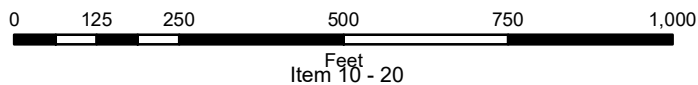
Date of Publication: _____

Effective Date: _____



Cascade Business Park Comp Plan Map Amendment

- | | | | |
|-----------------------|---------------------------|----------------|----------|
| Neighborhood Business | R18 Multi-Family Medium | Amendment Area | |
| Light Industrial | R4.5 Single Family Medium | | Railroad |



Map Plotted: December 2021

CD21-14.mxd

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MARYSVILLE
WASHINGTON

STAFF REPORT - Cascade Business Park Comp. Plan Map Amendment

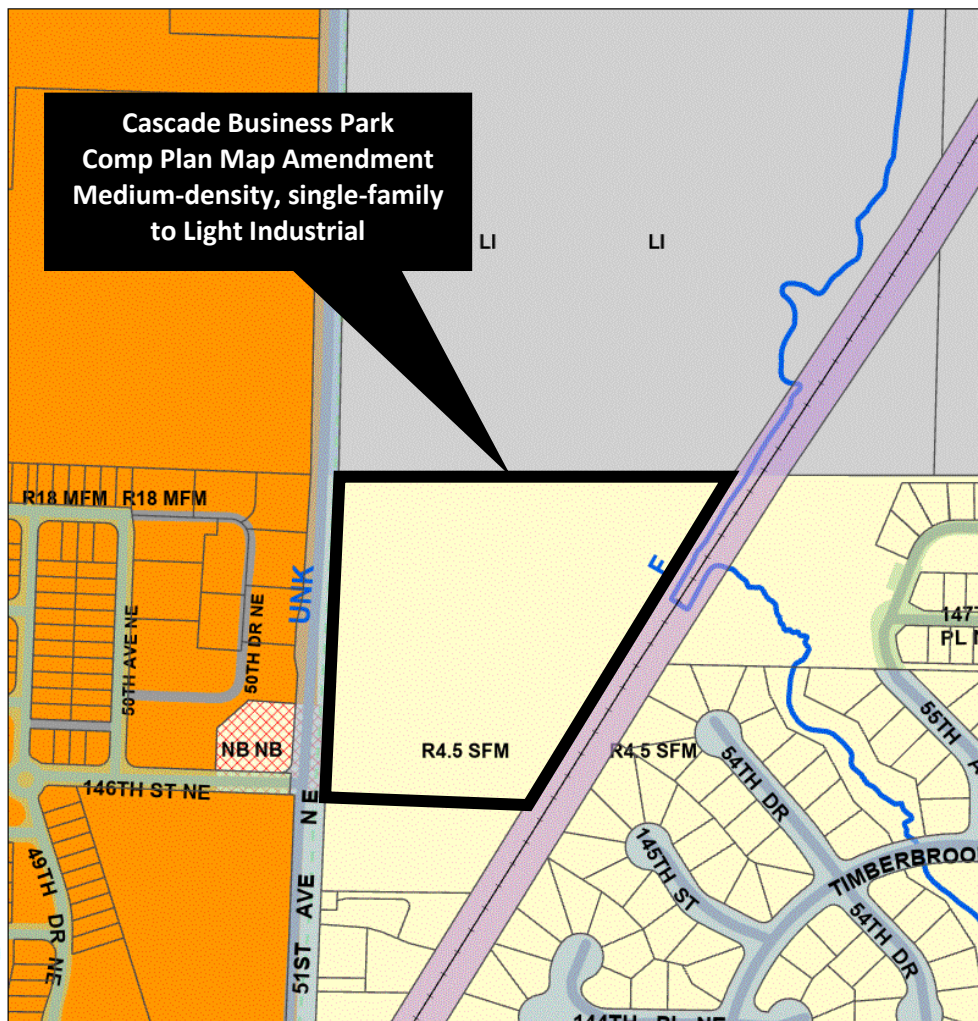
Community Development Department ♦ 80 Columbia Avenue ♦ Marysville, WA 98270
 (360) 363-8100 ♦ (360) 651-5099 FAX ♦ Office Hours: Mon - Fri 7:30 AM - 4:00 PM

PROJECT INFORMATION										
Project Title	Cascade Business Park – Comprehensive Plan Map Amendment			Date of Report	January 19, 2022					
File Number	PA21-001			Attachments	See Section 3.0 for links to Exhibits					
Administrative Recommendation	Approve the NON-PROJECT ACTION citizen-initiated Comprehensive Plan Map Amendment and Concurrent Rezone of a 10.18 acre parcel of property from Medium-density, Single-family (R-4.5) to Light Industrial (LI), subject to the condition outlined in Section 2.0.									
BACKGROUND SUMMARY										
Applicant	NP Arlington MIC Industrial, LLC									
Request	The applicant is requesting approval of a NON-PROJECT ACTION citizen-initiated Comprehensive Plan Map Amendment and Concurrent Rezone of a 10.18 acre parcel of property from Medium-density, Single-family (R-4.5) to Light Industrial (LI).									
SEPA Status	A SEPA Determination of Non-Significance was issued on November 29, 2021. The appeal period expired December 13, 2021; no appeals were filed.									
Location	East side of 51 st Avenue NE between the 14600 and 14800 Block			APN(s)	31053400300300					
Acreage (SF)	10.18 acres (443,440 SF)			Section	34	Township	31N	Range	05E	
Comprehensive Plan	SFM	Zoning	R-4.5	Shoreline Environment			N/A			
Water Supply	Current		Proposed		Sewer Supply	Current		Proposed		
	None		None			None		None		
Present Use of Property	Vacant farmland									
REVIEWING AGENCIES										
Marysville	Local Agencies & Districts		State & Federal			County		Other		
<input type="checkbox"/> Building <input type="checkbox"/> Fire District <input checked="" type="checkbox"/> Engineering Services <input type="checkbox"/> Parks <input checked="" type="checkbox"/> Planning <input type="checkbox"/> Police <input checked="" type="checkbox"/> Public Works	<input checked="" type="checkbox"/> Arlington (city) <input type="checkbox"/> Arlington Airport <input type="checkbox"/> Community Transit <input type="checkbox"/> Frontier <input type="checkbox"/> Lake Stevens (city) <input type="checkbox"/> PUD No. 1		<input type="checkbox"/> BNSF <input checked="" type="checkbox"/> COMMERCE <input checked="" type="checkbox"/> DAHP <input checked="" type="checkbox"/> DOE <input type="checkbox"/> US Army Corp of Engineers <input type="checkbox"/> WDFW <input type="checkbox"/> WSDOT			<input type="checkbox"/> Health District <input checked="" type="checkbox"/> Planning <input type="checkbox"/> Public Works - Land Development <input type="checkbox"/> Public Works <input type="checkbox"/> <input type="checkbox"/>		<input type="checkbox"/> Puget Sound Clean Air <input type="checkbox"/> Puget Sound Energy <input checked="" type="checkbox"/> Stillaguamish Tribe <input checked="" type="checkbox"/> Tulalip Tribes		
ACTION										
<input type="checkbox"/> Administrative <input type="checkbox"/> City Council <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Planning Commission										
Date of Action	January 25, 2022			<input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Continued						
STAFF CONTACT										
Name	Chris Holland		Title	Planning Manager		Phone	360.363.8207		E-mail	cholland@marysvillewa.gov

SURROUNDING USES

	Comprehensive Plan	Zoning	Land Use
Site	Medium-density, Single-family	R-4.5	Vacant farmland
North	Light Industrial	LI	Vacant farmland and farm house
East	Medium-density, Single-family	R-4.5	BNSF Railway and Timberbrook single-family subdivision
South	Medium-density, Single-family	R-4.5	Emmanuel Baptist Church
West	Medium-density, Multi-family	R-18	McKendree Park Condominium Community

Vicinity Map



- | | | | |
|-----------------------|-------------------------|---------------------------------|---------------------------|
| General Commercial | 88 - Mixed Use | R12 Multi-Family Low | R4.5 Single Family Medium |
| Downtown Commercial | General Industrial | R6-18 Multi-Family Low | Public-Institutional |
| Community Business | Light Industrial | R8 Single Family High Small Lot | Recreation |
| Neighborhood Business | R28 Multi-Family High | R6.5 Single Family High | Open |
| Mixed Use | R18 Multi-Family Medium | R4-8 Single Family High | |

1.0 FINDINGS AND CONCLUSIONS

- 1. **Proposal:** The owner, NP Arlington MIC Industrial, LLC, requests an amendment to the City of Marysville Comprehensive Plan Land Use Map and to the Zoning Map. The 10.18 acre site is located on the east side of 51st Avenue NE between the 14600 and 14800 Block and is identified as Assessor Parcel Number (APN) 31053400300300. The proposal is to change the land use designation from Single-family, Medium Density to Light Industrial and the zoning from LI to R-4.5. The property is currently vacant farmland.

A separate PROJECT-ACTION Preliminary Binding Site Plan was approved for the applicant, which included subdividing approximately 311 acres into eleven (11) lots and construction of seven (7) new industrial buildings, totaling approximately 2,915,303 SF (See File No. PA21-006).

- 2. **Process:** The request is part of the annual comprehensive plan docket process identified by project number PA21-001 with the required review process specified in WAC 365-169-640 *Comprehensive Plan Amendment Procedures* and Marysville Municipal Code (MMC) Chapter 22G.020, *Procedures for Legislative Actions*.

- 3. **Public Notice:** The applicant filed the docket request on June 16, 2021 and public notice was provided in accordance with MMC 22G.010.090. Subsequent to providing public notice, the applicant held a public meeting via Zoom on July 19, 2021 at 5PM. The only attendees were the applicant, applicant representatives and Marysville city staff. No members from the public or other agencies attended the public meeting.

Public Notice of the Public Hearing before the Planning Commission was provided in accordance with MMC 22G.020.060, including publication in the Everett Herald on December 28, 2021, scheduling a public hearing before the PC on January 11, 2022 at 6PM. Two signs were posted on the subject property, and the public hearing notice was mailed to property owners located within 300 feet of the subject property, posted at the Marysville and Lakewood Post Offices, on Channel 21 and the city’s website.

- 4. **Interjurisdictional Coordination:** Staff provided 60-day notice of the proposal to state agencies via the Washington State Department of Commerce (DOC) on November 30, 2021 and it was processed by DOC with Submittal ID 2021-S-3435. As of the date of this staff recommendation, no comments have been received from state agencies.

- 5. **State Environmental Policy Act (SEPA):** A SEPA NON-Project Action environmental checklist for the proposal was completed by the applicant and a Determination of Non-Significance was issued on November 29, 2021. A fourteen (14) day public comment and appeal period expired on December 13, 2021. No appeal was filed.

- 6. **Public Comment:** One public comment was received from The Tulalip Tribes – Natural Resources Department, dated December 8, 2021, regarding stormwater treatment and protection of critical areas for the PROJECT Action Cascade Industrial Park Binding Site Plan, which included subdividing approximately 311 acres into eleven (11) lots and construction of seven (7) new industrial buildings, totaling approximately 2,915,303 SF. The Binding Site Plan received preliminary approval on May 12, 2021.

No public or agency comments were received on the NON-PROJECT Action Comprehensive Plan Map Amendment and Concurrent Rezone.

- 7. **Analysis and Criteria:** On January 29, 2021 a Project Action application was filed with the City of Marysville requesting approval of a Binding Site Plan (BSP), subdividing approximately 311-acres into 11 lots and construction of 7 new industrial buildings,

totaling approximately 2,915,303 SF. The applicant also proposed to fill a number of regulated wetlands and relocate Edgecomb Creek along the west boundary of the existing BNSF Railway within Tract 998. The Preliminary BSP was approved on May 12, 2021.

The Comprehensive Plan designation for the majority of the Project Action application is Light Industrial (LI) with the exception of APN 31053400300300, which is designated as Single-family, Medium-density (R-4.5). Industrial uses are not permitted in the R-4.5 zone. In order to develop this parcel with industrial uses, a Comprehensive Plan Map amendment and concurrent rezone is required to be reviewed by the Planning Commission and approved by Marysville City Council.

The proposed map amendments have been evaluated for consistency with the GMA Planning Goals outlined in RCW 36.70A.020 that encourages development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

The proposed map amendments would implement the following City of Marysville Comprehensive Plan Policies:

Land Use Policy LU-4: Encourage growth that will transform Marysville from a residentially dominated community to one that provides a balanced, though not equal, proportion of both residences and employment. This will include the Marysville-Arlington Manufacturing Industrial Center (MIC) and the Smokey Point Master Plan Area as a major employment center.

Land Use Policy LU-5: Encourage citizen participation in all decisions affecting growth in the community.

Land Use Policy LU-9: Encourage a harmonious blend of opportunities for living, working, and culture for the residents of Marysville through planned retention and enhancement of its natural amenities; by judicious control of residential, commercial, and industrial development; and by recognition of the City's role in the region.

Industrial Land Use Policy LU-163: Limit industrial development to Urban Growth Areas.

Industrial Land Use Policy LU-164: Urban level facilities and services must be provided prior to, or concurrent with, development to mitigate the subsequent impacts of industrial developments. These services, include, but are not limited to, sanitary and storm sewers, water, police and fire protection, and roadways.

Industrial Land Use Policy LU-165: Encourage the availability of local employment opportunities by fostering the retention and development of long-term working or trading activities that create or add value to the community.

Industrial Land Use Policy LU-167: Locate industrial development in compact, well-defined centers within Urban Growth Areas.

Industrial Land Use Policy LU-168: Require that industrial development sites have good access, adequate public facilities and services, suitable topography and soils, and minimum impact on residential areas.

Industrial Land Use Policy LU-169: Minimize the impact of industrial developments on adjacent land uses through appropriate landscaping, screening, buffers, graduated land use intensity, and similar methods.

Industrial Land Use Policy LU-175: Support the development and growth of the Marysville-Smokey Point MIC by supporting a concentrated manufacturing and industrial base and by planning for future growth and infrastructure improvements.

Economic Development Policy ED-1: Through its plans, regulations, infrastructure investments, and public services encourage more manufacturing, wholesale, retail, warehouse, distribution, assembling, processing, producer's services, office-using and high technology firms to locate within Marysville.

Economic Development Policy ED-4: Separate and buffer newer commercial and industrial areas from residential areas.

Economic Development Policy ED-4: Separate and buffer newer commercial and industrial areas from residential areas.

The proposed Comprehensive Plan Map Amendment from Single-family, Medium Density to Light Industrial and Concurrent Rezone from LI to R-4.5 is supported by the Comprehensive Plan Policies outlined above and would be compatible with the PROJECT Action Cascade Industrial Park BSP. Additionally, the proposed map amendment and concurrent rezone is compatible with and mitigates any adverse impacts upon existing or anticipate land uses in the immediate vicinity.

2.0 STAFF RECOMMENDATION

Staff recommends the Planning Commission hold a public hearing on the annual docket request on ***Tuesday, January 11, 2022 at 6:00PM***. Following the public hearing, and subject to change based on testimony heard, Staff recommends the Planning Commission forward a recommendation of **APPROVAL** to Marysville City Council, amending the Comprehensive Plan Map from Single-family, Medium Density to Light Industrial and the zoning from LI to R-4.5, subject to the following condition:

The applicant shall be required to dedicate right-of-way for the ultimate design width of 51st Avenue NE, as approved by the City Engineer, pursuant to MMC 12.02A.110(1)(d).

3.0 EXHIBITS

The following Exhibits can be accessed electronically via the links provided in the exhibit headers below. Exhibits 1 through 15 are for the NON-PROJECT Action Comprehensive Plan Amendment Request. Exhibits 16 through 26 are part of the PROJECT Action Binding Site Plan and are for informational purposes and to show the proposed future development of Cascade Business Park.

Cascade Business Park NON-PROJECT Action Comp. Plan Amendment Exhibits

- Exhibit 1: Land Use Application
- Exhibit 2: Comprehensive Plan Map Amendment Response Form
- Exhibit 3: Legal Description
- Exhibit 4: Vicinity Map
- Exhibit 5: Land Use Map
- Exhibit 6: Cascade Business Park PROJECT Action Parcels
- Exhibit 7: SEPA Checklist
- Exhibit 8: Title Report
- Exhibit 9: SEPA DNS

- Exhibit 10: Department of Commerce Acknowledgement Letter
- Exhibit 11: Tulalip Tribes Comment Letter
- Exhibit 12: Notice of Public Hearing
- Exhibit 13: Applicant's response to Tulalip Tribes Comment Letter
- Exhibit 14: Staff Recommendation
- Exhibit 15: DRAFT PC Recommendation

Cascade Business Park PROJECT Action Binding Site Plan Exhibits

- Exhibit 16: Geotechnical Report
- Exhibit 17: Cultural Resources Assessment
- Exhibit 18: Noise Study
- Exhibit 19: Critical Areas Assessment Report
- Exhibit 20: Critical Areas Mitigation Plan
- Exhibit 21: Traffic Impact Analysis
- Exhibit 22: Traffic Impact – Phase Analysis
- Exhibit 23: Preliminary Binding Site Plan
- Exhibit 24: Full Binding Site Plan Set
- Exhibit 25: SEPA MDNS
- Exhibit 26: Binding Site Plan Approval