


CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: June 13, 2022

AGENDA ITEM:	
Consider Planning Commission’s recommendation related to code amendments proposed for MMC Chapter 22.090, <i>Residential Density Incentives</i> .	
PREPARED BY:	DIRECTOR APPROVAL:
Haylie Miller, Community Development Director	
DEPARTMENT:	
Community Development	
ATTACHMENTS:	
<ol style="list-style-type: none"> 1. Memorandum – City Council 06-06-22 2. Proposed Code change 3. RDI Comment #1 4. Planning Commission Recommendation 5. Planning Commission Meeting Minutes – 03-22-22 & 04-26-22 6. Adopting Ordinance (will be provided at the 06.13.22 meeting) 	
BUDGET CODE:	AMOUNT:
N/A	N/A
<p>SUMMARY: The City of Marysville regularly updates development standards to address changing needs and to maintain compliance with changes in Washington State (State) laws. During the last several years, the State has revised development codes related to stormwater management and the International Energy Code. During 2020 and 2021, the City received requests for clarification and inquiries relating to various sections within Marysville Municipal Code Chapter 22C.090, <i>Residential Density Incentives</i> (RDI).</p> <p>The proposed amendments provide clarity and address changes to adopted State and City regulations related to stormwater management requirements and 2018 International Electrical Code along with other areas requiring clarification and/or modifications.</p>	
<p>RECOMMENDED ACTION: Uphold the Planning Commission recommendation of approval.</p> <p>RECOMMENDED MOTION: Move to adopt Ordinance No. _____, approving amendments related to code amendments proposed for MMC Chapter 22.090, <i>Residential Density Incentives</i>.</p>	



MARYSVILLE
COMMUNITY
DEVELOPMENT

MEMORANDUM

TO: City Council

FROM: Haylie Miller, Community Development Director

DATE: June 13, 2022

SUBJECT: Code Amendments for Residential Density Incentives, MMC 22C.090

CC: Gloria Hirashima, Chief Administrative Officer
Chris Holland, Planning Manager
Angela Gemmer, Senior Long Range Planner

Background Information: The City of Marysville regularly updates development standards to address changing needs and to maintain compliance with changes in Washington State (State) laws. During the last several years, the State has revised development codes related to stormwater management and the International Energy Code. During 2020 and 2021, the City also received requests for clarification and inquiries relating to various sections within Marysville Municipal Code Chapter 22C.090, Residential Density Incentives (RDI). Specific questions and clarifications include:

- What credits are available when using public benefit 9(a) *Low impact development*, with changes to the City's minimum stormwater management requirements?
- When is payment required when using public benefit 3(a) *Community image and identity*?
- What is the minimum rating the City requires for the *Built Green* program under public benefit 8(a) *Energy conservation*?

History of the RDI regulations in Marysville: The City adopted the original RDI regulations in 2003 by Ordinance 2481. This code was adopted to encourage higher density developments within the R-12 and R-28 residential zoning designations, while ensuring said developments provided public benefits by exceeding the basic development requirements. The original code established six eligible public benefit categories and associated bonus lot calculations. The original eligible categories were affordable housing; open space, trails and parks; historic preservation; location/mixed-use; storm drainage facilities; and project design.

The RDI standards have been amended three times since 2003:

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Community
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80 Columbia Avenue
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- 2011 with the adoption of Title 22 Unified Development Code. The amendments include:
 - a. Revised the purpose statement and zones allowing an increase in residential development densities.
 - b. Revised benefit category 2 from “Open space, trails and parks” to “Public Facilities,” and added to the eligible public benefit options.
 - c. Established three new eligible public benefit categories: Community Image and Identity; Energy Conservation; Low Impact Development; and Pedestrian Connections and Walkability.
 - d. Established a section providing rules to calculate the total number of permitted dwelling units.
 - e. Established review processes for projects (subdivisions and site plans) that include RDI to achieve maximum densities.
 - f. Established a section allowing for minor revisions to a project that includes RDI public benefits.
 - g. Established a section clarifying how RDI public benefits are incorporated with underlying zoning development standards.

- 2017 the following changes were approved:
 - a. Eliminated the annual requirement to review and revise the affordable housing parameters.
 - b. Revised the Community Image and Identity public benefit from specific projects to a flat rate of \$15,000 per bonus lot.
 - c. A minor revision to public benefit 9(b) – retention or creation of perimeter buffer (with landscaping) and the addition of option 7(c) – the installation of perimeter fencing or landscaping.
 - d. Revised the Energy Conservation public benefit from “Energy Star” homes to compliance with a broader range of programs, including Leadership in Energy and Environmental Design (LEED), Evergreen Sustainable Development Standards (ESDS), Built Green, or other equivalent program.
 - e. Established a new public benefit category: Critical Area Buffer Enhancement.
 - f. Minor revision to the review process, accounting for administrative approvals.

- In 2021, minor amendments were approved to reflect the adoption of the 2021 Downtown Master Plan amendments.

Proposed Amendments: The proposed amendments provide clarity and address changes to adopted State and City regulations related to stormwater management requirements and 2018 International Electrical Code along with other areas requiring clarification. Staff is proposing the following amendments.

1. Include a clause to specify the City does not permit overlapping public benefits. For example, the City does not allow a developer to receive credit for using RDI 7b (retention or creation of perimeter buffer) and RDI 7c (installation of perimeter fencing or landscaping) along the same lineal footage.
2. Specify when public benefits are required to be completed. Include this information in MMC Section 22C.090.080.
3. Adjust the per bonus unit monetary contribution towards an identified capital improvement project, including, but not limited to, parks, roadways, gateway sign, etc. Clarify that bonus units may only be claimed in whole numbers or 0.5 bonus unit increments.
4. Allow for perimeter fencing visible to the public right-of-way be eligible for bonus points. This will promote continuity with fence materials visible from the public right-of-way.
5. Add enhanced entry landscaping as an RDI option.
6. Re-title and provide specifications for public benefit 8a – Energy conversation. Community Development has been working with the Master Builders Association (MBA) of King and Snohomish Counties’ Built Green Program Coordinator to address recent questions relating to this option.
7. Remove the following eligible public benefit options:
 - 9 – Low impact development. The City has adopted the 2012 Stormwater Management Manual for Western Washington (SMMWW), as amended in 2014. This manual requires all projects use low impact development (LID) techniques, when feasible. This benefit no longer exceeds the minimum development requirements. The City anticipates adopting the 2019 SMMWW in June 2022. The new manual also requires the use of LID.
 - 10 – Pedestrian connections and walkability. It has been difficult for the City to implement this option and find good projects that meet the intent of the public benefit. These are off-site improvements focused to fill in gaps around downtown. Applicants that have proposed to utilize this benefit ended up running into obstacles related to necessary right-of-way, utility relocation (both overhead and underground), stormwater improvements, etc. The money collected for capital

projects can be utilized to complete these improvements, without burdening the applicant.

8. Provide more details for Green Building projects within MMC Section 22C.090.060 Review process. This includes what information is required at each stage of the development: preliminary approval, final approval and building permits.
9. At the request of the MBA (Exhibit 3), staff proposes to require LEED Gold status for new construction as shown in the proposed code change (Exhibit 1).
10. Establish an enforcement clause.

**Chapter 22C.090
RESIDENTIAL DENSITY INCENTIVES**

Sections:

- [22C.090.010 Purpose.](#)
- [22C.090.020 Permitted locations of residential density incentives.](#)
- [22C.090.030 Public benefits and density incentives.](#)
- [22C.090.040 Density bonus recreation features.](#)
- [22C.090.050 Rules for calculating total permitted dwelling units.](#)
- [22C.090.060 Review process.](#)
- [22C.090.070 Minor adjustments in final site plans.](#)
- [22C.090.080 Applicability of development standards.](#)
- [22C.090.090 Enforcement.](#)

22C.090.010 Purpose.

The purpose of this chapter is to provide density incentives to developers of residential lands in exchange for public benefits to help achieve comprehensive plan goals of creation of quality places and livable neighborhoods, affordable housing, open space protection, historic preservation, energy conservation, and environmentally responsible design by:

- (1) Defining in quantified terms the public benefits that can be used to earn density incentives;
- (2) Providing rules and formulae for computing density incentives earned by each benefit;
- (3) Providing a method to realize the development potential of sites containing unique features of size, topography, environmental features or shape; and
- (4) Providing a review process to allow evaluation of proposed density increases and the public benefits offered to earn them, and to give the public opportunities to review and comment.

22C.090.020 Permitted locations of residential density incentives.

Residential density incentives (RDI) shall be used only on sites served by public sewers and only in the following zones:

- (1) In R-12 through R-28 zones;
- (2) Planned residential developments;
- (3) In MU, CB, ~~and~~ GC ~~and DC~~ zones;
- (4) SF, MF, and MU zones within the Whiskey Ridge master plan; and
- (5) DC, MS, F, ~~FR~~, MMF, MH1, MH2 zones within the downtown master plan.

22C.090.030 Public benefits and density incentives.

(1) The public benefits eligible to earn increased densities, and the maximum incentive to be earned by each benefit, are set forth in subsection (4) of this section. The density incentive is expressed as additional bonus dwelling units (or fractions of dwelling units) earned per amount of public benefit provided. Where a range is specified, the earned credit will be determined by the community development director during project review.

(2) Bonus dwelling units may be earned through any combination of the listed public benefits. Substantially similar benefits cannot be applied to the same area or improvement type within a development, unless approved by the Director.

(3) Residential developments ~~in R-12 through R-28 zones~~ with property-specific development standards requiring any public benefit enumerated in this chapter shall be eligible to earn bonus dwelling units as set forth in subsection (4) of this section when the public benefits provided exceed the basic development standards of this title. When a development is located in a special overlay district, bonus units may be earned if the development provides public benefits exceeding corresponding standards of the special district.

(4) The following are the public benefits eligible to earn density incentives through RDI review:

Benefit	Density Incentive
<p>1. Affordable Housing</p> <p>a. Benefit units consisting of rental housing permanently priced to serve nonelderly low-income households (i.e., no greater than 30 percent of gross income for household at or below 50 percent of Snohomish County median income, adjusted for household size).</p> <p>A covenant on the site that specifies the income level being served, rent levels and requirements for reporting to the city shall be recorded at final approval.</p>	<p>1.5 bonus units per benefit, up to a maximum of 30 low-income units per five acres of site area; projects on sites of less than five acres shall be limited to 30 low-income units.</p>
<p>b. Benefit units consisting of rental housing designed and permanently priced to serve low-income senior citizens (i.e., no greater than 30 percent of gross income for one- or two-person households, one member of which is 62 years of age or older, with incomes at or below 50 percent of Snohomish County median income, adjusted for household size).</p> <p>A covenant on the site that specifies the income level being served, rent levels and requirements for reporting to the city of Marysville shall be recorded at final approval.</p>	<p>1.5 bonus units per benefit, up to a maximum of 60 low-income units per five acres of site area; projects on sites of less than five acres shall be limited to 60 low-income units.</p>

Benefit	Density Incentive
c. Benefit units consisting of mobile home park space or pad reserved for the relocation of an insignia or noninsignia mobile home that has been or will be displaced due to closure of a mobile home park located in the city of Marysville.	1.0 bonus unit per benefit unit.
<p>2. Public Facilities (Schools, Public Buildings or Offices, Trails and Active Parks)</p> <p>a. Dedication of public facilities site or trail right-of-way meeting city of Marysville or agency location and size standards for the proposed facility type.</p>	10 bonus units per usable acre of public facility land or one-quarter mile of trail exceeding the minimum requirements outlined in other sections of this title.
b. Improvement of dedicated public facility site to city of Marysville standards for the proposed facility type.	2 – 10 (range dependent on facility improvements) bonus units per acre of improvement. If the applicant is dedicating the site of the improvements, the bonus units earned by improvements shall be added to the bonus units earned by the dedication.
c. Improvement of dedicated trail segment to city of Marysville standards.	1.8 bonus units per one-quarter mile of trail constructed to city standard for pedestrian trails; or 2.5 bonus units per one-quarter mile of trail constructed to city standard for multipurpose trails (pedestrian/bicycle/equestrian). Shorter segments shall be awarded bonus units on a pro rata basis. If the applicant is dedicating the site of the improvements, the bonus units earned by improvements shall be added to the bonus units earned by the dedication.
d. Dedication of open space, meeting city of Marysville acquisition standards, to the city, county or a qualified public or private organization such as a nature conservancy.	2 bonus units per acre of open space.
<p>3. Community Image and Identity</p> <p>a. Contribution towards an identified capital improvement project, including, but not limited to, parks, roadways, <u>bicycle facilities, pedestrian facilities, multi-use trails, utilities</u>, gateway sign, etc.</p>	\$15,000-25,000 per bonus unit. <u>Bonus units may only be claimed in whole numbers or 0.5 bonus unit increments.</u>
4. Historic Preservation	

Benefit	Density Incentive
a. Dedication of a site containing an historic landmark to the city of Marysville or a qualifying nonprofit organization capable of restoring and/or maintaining the premises to standards set by Washington State Office of Archaeology and Historic Preservation.	0.5 bonus unit per acre of historic site.
b. Restoration of a site or structure designated as an historic landmark.	0.5 bonus unit per acre of site or 1,000 square feet of floor area of building restored.
5. Locational/Mixed Use a. Developments located within one-quarter mile of transit routes, and within one mile of fire and police stations, medical, shopping, and other community services.	5 percent increase above the base density of the zone.
b. Mixed use developments over one acre in size having a combination of commercial and residential uses.	10 percent increase above the base density of the zone.
6. Storm Drainage Facilities Dual use retention/detention facilities. a. Developments that incorporate active recreation facilities that utilize the storm water facility tract.	5 bonus units per acre of the storm water facility tract used for active recreation.
b. Developments that incorporate passive recreation facilities that utilize the storm water facility tract.	2 bonus units per acre of the storm water facility tract used for passive recreation.
7. Project Design a. Preservation of substantial overstory vegetation (not included within a required NGPA). No increase in permitted density shall be permitted for sites that have been cleared of evergreen trees within two years prior to the date of application for PRD -land use approval. Density increases granted which were based upon preservation of existing trees shall be forfeited if such trees are removed between the time of preliminary and final approval and issuance of building permits.	5 percent increase above the base density of the zone.
b. Retention or creation of a perimeter buffer, composed of existing trees and vegetation, or additional plantings, in	1 bonus unit per 500 lineal feet of perimeter buffer retained, enhanced or created (when not otherwise required by city code).

Benefit	Density Incentive
order to improve design or compatibility between neighboring land uses.	
c. Installation of perimeter fencing or landscaping, <u>visible from the public right of way</u> , in order to improve design or compatibility between neighboring land uses.	1 bonus unit per 500 lineal feet of perimeter fencing or landscaping installed (when not otherwise required by code).
d. Project area assembly involving 20 acres or more, incorporating a mixture of housing types (detached/attached) and densities.	10 percent increase above the base density of the zone.
e. Private park and open space facilities integrated into project design.	5 bonus units per improved acre of park and open space area. Ongoing facility maintenance provisions are required as part of RDI approval.
<u>f. Enhanced Entry Landscaping</u>	<u>1 bonus unit per 2,500 sf of additional enhanced entry landscaped area (when not otherwise required by code). A minimum of 1,000 sf of entry landscaping of exceptional, outstanding or unique design, as determined by the director must be provided in order to qualify for this benefit.</u>
<u>8. Energy Conservation-Green Building</u> a. Construction of a certified Leader in Energy and Environmental Design (LEED) <u>Gold or better rating</u> , Evergreen Sustainable Development Standard (ESDS), Built Green <u>4-Star or better rating</u> , or other equivalent certified energy efficient unit as approved by the director. <u>Certification due 120 days after final building inspections granted, or a Certificate of Occupancy is issued.</u>	0.20 bonus unit for each certified unit constructed.
9. Low Impact Development (LID) a. Integration of LID measures in project design and stormwater facility construction.	- 5—10 percent increase over base density (range dependent on degree of LID integration in project design and construction).
10. Pedestrian Connections and Walkability	

Benefit	Density Incentive
a. Construction of an identified pedestrian/bicycle deficiency (per city of Marysville improvement plan). Improvements may consist of paved shoulder, sidewalk or detached path or walkway depending on adjoining conditions.	1 bonus unit per 75 lineal feet of frontage improvement (curb, gutter, sidewalks) on minor arterial streets. (Fee in lieu of improvement at \$15,000 per bonus unit.) 1 bonus unit per 100 lineal feet of frontage improvement (curb, gutter, sidewalks) on neighborhood collector or collector arterial streets. 1 bonus unit per 300 lineal feet of walkway improvement (7-foot paved shoulder or walkway). (Rate may be increased if additional right-of-way is required.)
119. Critical Areas Buffer Enhancement a. Enhancement of a degraded critical areas buffer, in accordance with Chapter <u>22E.010</u> MMC, Critical Areas Management.	- 1 bonus unit per acre of buffer enhancement in excess of what is required by Chapter <u>22E.010</u> MMC.

(5) All benefits shall be completed prior to final subdivision, short subdivision, or binding site plan being recorded, or prior to granting a Certificate of Occupancy, unless otherwise specified in MMC Section 22C.090.030(4).

(Ord. 3074 § 1, 2017; Ord. 2852 § 10 (Exh. A), 2011).

22C.090.040 Density bonus recreation features.

To qualify as bonus units, the recreational amenities listed in this section must be provided in excess of the recreational amenities otherwise required in the MMC for the development.

(1) Active recreation features qualifying for a density bonus shall include one or more of the following:

- (a) Multipurpose sport court;
- (b) Basketball court;
- (c) Tennis court;
- (d) Tot lot with play equipment (soft surface);
- (e) Any other active recreation use approved by the director.

(2) Passive recreation qualifying for density bonus shall include one or more of the following:

- (a) Open play areas;
- (b) Pedestrian or bicycle paths;

- (c) Picnic areas with tables and benches;
 - (d) Gazebos, benches and other resident gathering areas;
 - (e) Community gardens;
 - (f) Nature interpretive areas;
 - (g) Waterfalls, fountains, streams;
 - (h) Any other passive recreation use approved by the director.
- (3) Design in ponds as dual use storm water retention/detention and/or recreation facilities.
- (a) The facility ~~should~~ **shall** be designed with emphasis as a recreation area, not a storm water control structure. The majority of the storm water retention/detention tract shall be designed as usable open recreation area.
 - (b) Control structures shall not be prominently placed. Care should be taken to blend them into the perimeter of the recreation area.
 - (c) The number of accesses shall be minimized, and the accesses should be paved or designed to serve as both an access and an amenity. For example, an access could be painted to allow for hopscotch or other recreational activities.**
 - ~~(c)~~ **(d)** Ponds used as recreation areas shall have a curvilinear design with a shallow water safety bench.

22C.090.050 Rules for calculating total permitted dwelling units.

The total dwelling units permitted through RDI review shall be calculated using the following steps:

- (1) Calculate the number of dwellings permitted by the base density of the site in accordance with Chapters [22C.010](#) and [22C.020](#) MMC;
- (2) Calculate the total number of bonus dwelling units earned by providing the public benefits listed in MMC [22C.090.030](#);
- (3) Add the number of bonus dwelling units earned to the number of dwelling units permitted by the base density;
- (4) Round fractional dwelling units down to the nearest whole number; and
- (5) On sites with more than one zone or zone density, the maximum density shall be calculated for the site area of each zone. Bonus units may be reallocated within the zone in the same manner set forth for base units in MMC [22C.010.230](#) and [22C.020.200](#).

22C.090.060 Review process.

(1) All RDI proposals shall be reviewed concurrently with a primary proposal to consider the proposed site plan and methods used to earn extra density as follows:

(a) For the purpose of this section, a primary proposal is defined as a proposed rezone, subdivision or short subdivision, binding site plan, or site plan review;

(b) When the primary proposal requires a public hearing, the public hearing on the primary proposal shall serve as the hearing on the RDI proposal, and the reviewing authority shall make a consolidated decision on the proposed development and use of RDI;

(c) When the primary proposal does not require a public hearing under this title, the director shall administratively make a consolidated decision on the proposed development and use of RDI; and

(d) The notice for the RDI proposal also shall include the development's proposed density and a general description of the public benefits offered to earn extra density.

(2) RDI applications ~~which~~ ~~that~~ propose to earn bonus units by dedicating real property or public facilities shall include a letter from the applicable receiving agency certifying that the proposed dedication qualifies for the density incentive and will be accepted by the agency or other qualifying organization. The city of Marysville shall also approve all proposals prior to granting density incentives to the project. The proposal must meet the intent of the RDI chapter and be consistent with the city of Marysville comprehensive plan.

(3) The following are required for RDI applications that propose to earn bonus units using Green Building techniques:

(a) At time of preliminary land use (subdivision, short subdivision, binding site plan or site plan) application, the applicant shall:

(i) Identify the Green Building program being used, and the name of the third-party reviewer, if applicable;

(ii) Identify the lots that will use the Green Building techniques; and

(iii) Provide a completed draft Green Building program (e.g. Built Green) checklist identifying the Green Building techniques to be used.

(b) At time of building permit application, the applicant shall:

(i) Check the "Green Building" box on the Combined Building Permit Application;

(ii) Provide the name of the Green Building program being used, and the name of the third-party reviewer, if applicable; and

(iii) Provide a completed Green Building program checklist identifying the Green Building techniques to be used with each house model.

(c) Within 120 days of final building inspections being granted, or a Certificate of Occupancy being issued, the applicant shall provide the City with a copy of the Green Building Certification.

22C.090.070 Minor adjustments in final site plans.

When issuing building permits in an approved RDI development, the department may allow minor adjustments in the approved site plan involving the location or dimensions of buildings or landscaping, provided such adjustments shall not:

- (1) Increase the number of dwelling units;
- (2) Decrease the amount of perimeter landscaping (if any);
- (3) Decrease residential parking facilities (unless the number of dwelling units is decreased);
- (4) Locate structures closer to any site boundary line; or
- (5) Change the locations of any points of ingress and egress to the site.

22C.090.080 ~~Applicability of development standards~~ Timing.

Timing of RDI public benefit payment, covenant recording, dedication, and/or improvements are specified in the eligible public benefits table, MMC 22C.090.030 (4), or MMC 22C.090.030 (5). Public benefits cannot be deferred or bonded. When extenuating circumstances exist, and on a case-by-case basis, the Community Development Director may provide flexibility for the completion of a public benefit.

~~(1) RDI developments shall comply with dimensional standards of the zone with a base density most closely comparable to the total approved density of the RDI development.~~

~~(2) RDI developments in the R-12 through R-28 zones and the mixed-use zone shall be landscaped in accordance with Chapter 22C.120 MMC.~~

~~(3) RDI developments shall provide parking as follows:~~

~~(a) Projects with 100 percent affordable housing shall provide one off-street parking space per unit. The community development director may require additional parking, up to the maximum standards for attached dwelling units, which may be provided in common parking areas.~~

~~(b) All other RDI proposals shall provide parking consistent with Chapter 22C.130 MMC.~~

~~(4) RDI developments shall provide on-site recreation space at the levels required in MMC 22C.010.320 and 22C.020.270.~~

22C.090.090 Enforcement.

In the event the approved residential density option is no longer feasible or cannot be achieved prior to final subdivision, short subdivision, or binding site plan being recorded, or prior to issuance of a Certificate of Occupancy, the project proponent shall be required to choose a new benefit from the benefit options outlined in MMC 22C.090.030 (4) in order to achieve the density bonus lot or unit, or the bonus lot or unit shall be forfeited.

Haylie Miller

From: Dylan Sluder <dsluder@mbaks.com>
Sent: Tuesday, April 5, 2022 2:02 PM
To: Haylie Miller
Subject: [External!] Built Green RDI Feedback

External Email Warning! Use caution before clicking links or opening attachments.

Hi Haylie,

I hope you are doing well and having a good week. I passed the RDI draft along to our Built Green team for feedback from their perspective, and I wanted to share their thoughts and concerns. Below is the email I received from them:

Hi Dylan,

I have a significant issue with the amendment for item 8. They are allowing LEED-Silver as equivalent to Built Green 4-star. LEED-Gold is practically code minimum in WA, LEED-Silver is lower performing than LEED-Gold. Built Green 4-star was already far superior to LEED-Gold, and with our changes in 2021 the performance we require is even more substantial to LEED-Gold than it previously was. We need to request they at least use LEED-gold to provide some flexibility and fairness to the incentive. We are happy to provide them a report from City of Shoreline that can help explain this and talk with them again further on this issue.

Also what is a 0.20 bonus unit mean? Is that valuable to our builders in that market? I see they get an order of magnitude more for just making their landscaping prettier (see 7f). Would this effectively only be directed to production builders, but not very valuable for smaller builders building on smaller parcels?

Also could 8 be combined with the mixed use RDI (5a and 5b)? Because combining TOD with green building is a very attractive combination for many developers and tenants in those zones.

As for the enforcement timeline of receiving the green building certification within 90 days of CO, that is very tight. Most verifiers do not submit their projects to Built Green for certification until at least 60-90 days after CO, then it typically takes Built Green about 30 days to complete its review and issue the certification. That timeline does not account for any issues with verification delays or certification delays in the case I have to request more information or corrections. I would request they increase this to 180 so it is consistent with other jurisdictions. If they have concerns about this we can talk to them further about the process as well.

I wanted to make sure to provide you with this information. Obviously, the issue with LEED and fairness needs to be discussed likely, and also the timeline issue they pointed out could be a big deal. Some of these other questions I think fall on me to try and answer but I wanted you aware of them.

I am happy to chat with you more if needed or connect you with Sonja on the BG team.

Thanks again for your work and openness to discussing these matters.

Best,

Dylan



Dylan Sluder | Snohomish County Manager

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COMMUNITY DEVELOPMENT DEPARTMENT
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PC Recommendation - Residential Density Incentives

The Planning Commission of the City of Marysville, having held a public hearing on April 26, 2022, in review of amendments to Marysville Municipal Code Chapter 22C.090 Residential Density Incentives, and having considered the exhibits and testimony presented, does hereby enter the following findings, conclusions and recommendation for consideration by Marysville City Council:

FINDINGS:

1. The Planning Commission held a public work session in review of the proposed changes to MMC Chapter 22C.090 on March 22, 2022.
2. The proposed amendment to MMC Chapter 22C.090 is exempt from State Environmental Policy Act review under WAC 197-11-800(19).
3. Community Development Staff submitted the DRAFT amendments relating to the proposed changes to MMC Chapter 22C.090 for expedited review pursuant to RCW 36.70A.106(3)(b).
4. The Community Development Department received a letter from the DOC acknowledging receipt of the DRAFT amendments related to MMC Chapter 22C.090 on March 29, 2022 and processed with Submittal ID 2022-S-3815. No comments were received from State Agencies.
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 April 26, 2022.

CONCLUSION:

At the public hearing, the Planning Commission recommended approval of the changes proposed to MMC Chapter 22C.090.

RECOMMENDATION:

Forwarded to City Council as a recommendation to approve the proposed changes to MMC Chapter 22C.090 by the Marysville Planning Commission this 26th day of April, 2022.

By: _____
Steve Leifer, Planning Commission Chair

Planning Commission



1049 State Avenue
Marysville, WA 98270

**Meeting Minutes
March 22, 2022**

CALL TO ORDER / ROLL CALL

Chair Leifer called the March 22, 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 Kristen Michal, Commissioner Brandon Whitaker, Commissioner Tom Thetford

Excused: Commissioner Sunshine Kapus

Staff: Planning Manager Chris Holland, Community Development Director Haylie Miller, Storm & Sewer Supervisor Matthew Eyer, Assistant Planner Mara Wiltshire

Commissioner Hoen reported how his daughter in Denmark recently helped a Ukrainian family who had fled to Poland.

APPROVAL OF MINUTES

February 22, 2022 Planning Commission Minutes

Vice Chair Andes noted that under roll call regarding excused absences it says Steve Andes. This should be corrected to "Jerry" Andes.

Motion to approve minutes as corrected moved by Commissioner Andes, seconded by Commissioner Whitaker.

AYES: ALL with Commissioner Thetford abstaining.

AUDIENCE PARTICIPATION

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

NEW BUSINESS

1. Code Amendment – 2019 Stormwater Management Manual for Western Washington

Storm & Sewer Supervisor Matt Eyer reviewed this proposal to amend several code sections as outlined in the memorandum in the Planning Commission's packet. The amendments will adjust for the new 2019 Stormwater Management Manual for Western Washington which is the manual for design guidelines for development.

Vice Chair Andes asked how these amendments will affect the areas in town that are being filled and raised six or seven feet. Mr. Eyer explained that any project underway now would not be affected. The groundwater separation requirements and the subsequent design decisions made on those developments would not change. Most of the changes are revised text to eliminate redundancy or fix typos.

Commissioner Whitaker asked if this code has been challenging in general for the development community to meet the requirements. Mr. Eyer replied that the standards for western Washington are similar regardless of the city or county so the challenges are similar throughout the region. Planning Manager Holland added that different parts of the city have different impacts and challenges because of differences in the depth of the groundwater.

Chair Leifer referred to regulations regarding soil amendments and the shortened season for work which make sense in some parts of the city, but not so much in others. His understanding was that developers could submit their own ideas as long as they didn't undermine any of the basic principles. He asked about any opportunities for greater flexibility. Mr. Eyer explained there is inherent flexibility. The code just gives measures that can be taken if there are issues that need to be addressed. His understanding is that the flexibility is used out in the field.

Planning Manager Holland noted that there is also director discretion in the code. He can't think of any sites that have not been allowed to implement certain erosion control measures to continue to work throughout the winter. He added that 2021-2022 was a very difficult year with all the development activity in Marysville, but the City works very closely with the development community to ensure they can continue to work as much as possible.

Chair Leifer referred to previous discussions about fill and depths and the extreme impacts on the environment of having to haul all this fill around. He asked if staff had had an opportunity to discuss this further. Mr. Eyer replied they have discussed this, but it is a specific requirement of the current manual and the 2019 manual. To some extent it is a design decision that the courts have taken in terms of the desire to infiltrate.

Sometimes there is flexibility as long as it meets the requirements. In general, staff has not seen any way around separation requirements.

Mr. Eyer commented that this design manual is being pushed out through cities' NPDES permits. Chair Leifer reviewed his concern about DOE raising their standard for separation to five feet. He asked why the City couldn't knock off two feet with the mounding analysis and go to three similar to what they did when the requirement was three feet. Mr. Eyer explained how the elevation changes came about. He reviewed how LID went from an incentive option to a requirement. He is not aware of a way to revise this in the manual.

Chair Leifer commented that he will continue to advocate for things that will save money for the consumers and business owners in the community. He believes that the City will be at a disadvantage in competing with neighboring jurisdictions due to the level of the groundwater in certain areas and the separation requirements.

Planning Manager Holland commented that staff intends to bring the amendments back for a public hearing at the second hearing in April.

Motion to schedule this item for a hearing in April moved by Vice Chair Andes, seconded by Commissioner Thetford.

AYES: ALL

2. Code Amendment for Residential Density Incentives (RDI)

Director Miller explained the RDI chapter was adopted in 2003 in order to provide density incentives to developers in residential zones in exchange for benefits that help achieve Comprehensive Plan goals and meet other criteria of livable neighborhoods and elevated standards. She explained reasons for the amendments and noted that some things that used to be incentive are now state requirements.

Proposed updates:

- Include a clause to specify the City does not permit overlapping public benefits. - Substantially similar benefits can't be used for two different categories.
- Specify when public benefits are required.
- Increase the amount for contribution toward a project to \$25,000 per unit to adjust for inflation.
- Remove the historic preservation benefit. There is only one historic building (the Opera House) in Marysville. – Staff does not think this will be used.
- Remove perimeter fencing or landscaping requirement in order to improve design or compatibility between neighboring land uses. – It appears that a lot of applicants are installing a perimeter fence anyway. The intent of this code is to elevate development in order to get additional density.
- Added option for enhanced entry landscaping into a development.
- Assigned ratings for different energy conservation guidelines in the code.

- Remove low impact development for storm since it is an outright code requirement now. Staff has not proposed an elevated standard for storm.
- Remove benefit for pedestrian connections and walkability. – All developers who looked into this ended up paying the fee instead.
- Remove critical areas buffer enhancement credit because it is rarely used.
- Other clarification/administrative changes.

Discussion:

Chair Leifer asked for more information about amendment 7 as listed in the staff memo (Benefit 8) regarding energy conservation and the discussion with Master Builders and Snohomish Counties Built Green Program to address recent questions. Director Miller explained that originally this code was exceeding what the building code already required. Since that time there was a building code update that further elevates requirements for homes' energy efficiencies so that standard became obsolete. She explained they have discussed with Master Builders and Built Green about what appropriate categories should be assigned for Built Green and LEED. These have been adjusted.

Commissioner Whitaker asked where the monetary contribution toward a project goes. Director Miller explained it would go into a fund to be used for a road, pedestrian, parks, or some other type of project that would be a benefit to the public. Planning Manager Holland further explained it would go to a capital project that was slightly underfunded or to meet grant matching needs. Commissioner Whitaker asked if it would need to go to a project that would help density. Planning Manager Holland replied that it would not necessarily go to anything that would help density, but it will go to items that are identified in elements of the Comprehensive Plan.

Commissioner Whitaker referred to the last bullet on amendment number 8 which would remove the option for pedestrian connections and walkability. He expressed concern about removing a tool that could help the City further improve density. Planning Manager Holland explained that it became so challenging for developers that it makes more sense to have the monetary contributions go toward capital projects to make an actual improvement.

Commissioner Michal asked how removing the historical preservation benefit might impact some of the more historic structures that are downtown. Director Miller explained that staff was interpreting this as historic landmarks as classified by the Department of Archaeology and Historic Preservation. She commented they could leave it in and with language clarifying that it could refer to something that is a historic landmark or as so designated by the City as determined by the Historic Society or some other group.

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meet the definition of “historic” throughout the County, but many aren’t on an official list with the Washington State Department of Archeology and Historic Preservation.

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There was consensus to move this to a public hearing in April.

C. Sunnyside/Whiskey Ridge Design Standard

Planning Manager Holland explained there is some commercial development occurring down in the Soper Hill/Highway 9 area. As sewer gets extended there will be more development in the area. He noted that the sign codes that were adopted specifically for this area are very restrictive. Staff feels that they should be repealed and replaced with the existing sign code which has been updated frequently and seems to work for most development. Staff would also like to move the design regulations for this area into the municipal code.

Commissioner Whitaker asked for clarification about the areas that would be affected by the proposed changes to the sign regulations. Chair Holland clarified it would only affect development along SR9 and the 87th Avenue NE corridor that are zoned mixed use and commercial as well as a small area where there is a break in access for Highway 92.

There was consensus to bring this back for a public hearing.

Planning Manager Holland informed the Planning Commission of staffing changes. Senior Planner Kate Tourtellot has moved on the City of Monroe. Planning Technician Mara Wiltshire is also leaving for Snohomish County PDS.

ADJOURNMENT

Motion to adjourn at 7:11 p.m. moved by Commissioner Whitaker seconded by Commissioner Michal.

AYES: ALL

Laurie Hugdahl, Recording Secretary

Planning Commission



1049 State Avenue
Marysville, WA 98270

**Meeting Minutes
March 22, 2022**

CALL TO ORDER / ROLL CALL

Chair Leifer called the March 22, 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 Kristen Michal, Commissioner Brandon Whitaker, Commissioner Tom Thetford

Excused: Commissioner Sunshine Kapus

Staff: Planning Manager Chris Holland, Community Development Director Haylie Miller, Storm & Sewer Supervisor Matthew Eyer, Assistant Planner Mara Wiltshire

Commissioner Hoen reported how his daughter in Denmark recently helped a Ukrainian family who had fled to Poland.

APPROVAL OF MINUTES

February 22, 2022 Planning Commission Minutes

Vice Chair Andes noted that under roll call regarding excused absences it says Steve Andes. This should be corrected to "Jerry" Andes.

Motion to approve minutes as corrected moved by Commissioner Andes, seconded by Commissioner Whitaker.

AYES: ALL with Commissioner Thetford abstaining.

AUDIENCE PARTICIPATION

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

NEW BUSINESS

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