MARYSVILLE WASHINGTON EST. 1891

PLANNING COMMISSION MEETING
TUESDAY, JULY 14, 2026 — 6:30 PM
501 DELTA AVENUE
MARYSVILLE, WA 98270

AGENDA

The Planning Commission meeting is a hybrid meeting which you are welcome to attend in person or via Teams. Anyone wishing to provide verbal public comment is encouraged to pre-register by contacting the Staff Contact for the agenda item outlined above the day prior to the meeting. Those providing verbal public comment will need to provide their name, address, e-mail and phone number for the public record.

To listen to the meeting without providing public comment:
Join: https://teams.microsoft.com/meet/258075646844112?p=gQgycc6WgFuZUYf5dk
Meeting ID: 258 075 646 844 112
Passcode: qW282A5B

Call to Order

Roll Call

Approval Of Minutes

1. Draft Planning Commission Minutes 6/23/2026

Audience Participation (for topics not on the agenda)

Public Hearing

New Business

Sign Code Variance Amendment
Recommended Motion: I move to set a Public Hearing date for the Sign Code Variance Amendment.

Critical Areas Ordinance Update
Recommended Motion: I move to set a Public Hearing date for the Critical Areas Ordinance amendments.

116th Street Master Plan Repeal
Recommended Motion: I move to set a Public Hearing to consider the 116th Street Master Plan Repeal.

Director's Comments

Adjournment

Next Meeting

July 28, 2026

Special Accommodations: The City of Marysville strives to provide accessible meetings for people with disabilities. Please contact the City Clerk's office at (360) 363-8000 or 1-800-833-6384 (Voice Relay), 1-800-833-6388 (TDD Relay) two business days prior to the meeting date if any special accommodations are needed for this meeting.

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PLANNING COMMISSION MEETING
TUESDAY, JUNE 23, 2026 — 6:30 PM
501 DELTA AVENUE
MARYSVILLE, WA 98270

MINUTES

Call to Order

Chair Leifer called the meeting to order at 6:30 p.m., noting the absence of Commissioner Jerry Andes and Shannon Jordon.

Roll Call

Present:

Commission: Chair Stephen Leifer, Vice Chair Brandon Whitaker, Commissioner Terri Jones, Commissioner John Ray, and Commissioner Raymond Miller

Staff: Interim CD Director Angela Gemmer

Absent: Commissioner Jerry Andes, Commissioner Shannon Jordan

Approval Of Minutes

May 12, 2026: A motion was made and seconded by the Commissioners to approve the meeting.

Concern was expressed by the Commissioners regarding the brevity and transparency of the new minute-taking style. The Legal Department will attend a future meeting to provide more insight.

Audience Participation (for topics not on the agenda)

Public Hearing

New Business

Critical Areas Ordinance Update

Angela Gemmer, Interim CD Director, introduced the Critical Areas Ordinance Update.

Commissioners asked questions.

Middle Housing Parking Study

Angela Gemmer, Interim CD Director, introduced the Middle Housing Parking Study.

No questions from Comissoners.

Director's Comments

Departure of Mike Snook, former Building Official, and Jordan Sanchez, former Assistant Building Official.

Adjournment

The meeting ended at 7:40.

Next Meeting

July 14, 2026

Agenda Bill

AGENDA ITEM NO. 1.

DATE: July 14, 2026

SUBMITTED BY: Angela Gemmer, Planning Manager

PRESENTED BY: Angela Gemmer, Planning Manager

ITEM TYPE: Discussion Item

AGENDA SECTION: New Business

SUBJECT:
Sign Code Variance Amendment

SUGGESTED ACTION:
Recommended Motion: I move to set a Public Hearing date for the Sign Code Variance Amendment.

SUMMARY:
MMC Chapter 22C.160 Signs, contains provisions for sign variance. A sign variance is a deviation that an applicant can request when there are unique site circumstances that merit relief from the general sign code provisions. Currently, MMC 22C.160.300, Variances, of the sign code includes a variance criterion that does not allow a variance to be granted to increase the number of signs allowed on a property. One key circumstance where an additional sign may be appropriate to provide is for large commercial properties (over 2 acres) or multi-occupancy complexes (i.e., a commercial complex serving multiple tenants) when the site is visible from multiple streets or unique site circumstances exist. The variance criteria in the sign code are proposed to be amended to allow a variance for the number of signs in these circumstances.

Staff respectfully requests that the Planning Commission review the proposed amendment, ask questions, and then set a Public Hearing date to consider the proposed Sign Code Variance Amendment.

ATTACHMENTS:
Sign Code Draft Variance Amendment

22C.160.300 Variances

Any person may apply for a variance from the requirements of this chapter. Sign variances shall be processed by the hearing examiner pursuant to the procedure set forth in Chapter 22G.060 MMC. Variance applications shall be processed pursuant to the review procedures outlined in Chapter 22G.010 MMC. A fee will be charged based on processing costs as provided for in Chapter 22G.030 MMC. In making any decision on a variance application, the permit authority must adopt findings of fact and conclusions based on those findings that address whether or not the application meets the following criteria for approval:

(1) The variance does not conflict with the purpose and intent of the sign regulations;

(2) The variance shall not constitute a grant of special privilege inconsistent with the limitation upon signage of other properties that have had to conform to the provisions of this chapter;

(3) There are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that are not contemplated or provided for by this chapter;

(4) The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated; and

(5) The granting of such variance would not ~~increase the number of signs allowed by this chapter or that would~~ allow a type of sign that is prohibited by this chapter.

(6) The granting of such variance would not increase the number of signs allowed by this chapter; provided that, for large commercial sites (over two acres) or multi-occupancy complexes, a variance may be granted for one additional sign if the site is visible from multiple roadways or other unique site circumstances exist.

Conditions may be imposed upon the application as deemed necessary to ensure compatibility with this chapter.

MARYSVILLE WASHINGTON EST. 1891

Agenda Bill

AGENDA ITEM NO. 2.

DATE: July 14, 2026

SUBMITTED BY: Angela Gemmer, Planning Manager

PRESENTED BY: Angela Gemmer, Planning Manager

ITEM TYPE: Discussion Item

AGENDA SECTION: New Business

SUBJECT:
Critical Areas Ordinance Update

SUGGESTED ACTION:
Recommended Motion: I move to set a Public Hearing date for the Critical Areas Ordinance amendments.

SUMMARY:
The Washington State Growth Management Act (GMA) requires that all cities and counties designate and protect critical areas - including wetlands, fish and wildlife habitat conservation areas, frequently flooded areas, geologically hazardous areas, and critical aquifer recharge areas using Best Available Science (BAS). The City's critical areas regulation are required to be updated every 10 years. Attached is a draft of the Critical Areas Ordinance. Staff respectfully requests the Planning Commission's review, comments, and questions. If there are no major concerns with the proposed Critical Areas Ordinance amendments, staff respectfully requests that a Public Hearing be set to consider the proposed amendments.

ATTACHMENTS:
DRAFT Critical Areas Ordinance Amendments , Memo re Critical Areas Ordinance Update

22A.020.070 "F" definitions. "Fish and wildlife habitat conservation areas" are areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges, breeding habitat, winter range, and movement corridors; and areas with high relative population density or species richness. Counties and cities may also designate locally important habitats and species.

Chapter 22E.010
CRITICAL AREAS MANAGEMENT

Sections:

Article I. General Introduction

Article II. Wetlands

Article III. Fish and Wildlife Habitat Areas

Article I. General Introduction

22E.010.010 General purpose and intent.

(1) The city of Marysville finds that critical areas perform many important biological and physical functions that benefit the city of Marysville and its residents, with the exception of geologic hazard areas which may pose a threat to human safety or to public and private property. Specifically, the functions they perform include but are not limited to the following by type:

(a) Wetlands. Helping to maintain water quality; storing and conveying storm water and flood water; recharging ground water; providing important fish and wildlife habitat; and serving as areas for recreation, education and scientific study and aesthetic appreciation; ~~and~~

(b) Fish and Wildlife Habitat Areas. Maintaining species diversity and genetic diversity; providing opportunities for food, cover, nesting, breeding and movement for fish and wildlife; serving as areas for recreation, education, and scientific study and aesthetic appreciation; helping to maintain air and water quality; controlling erosion; and providing neighborhood separation and visual diversity within urban areas~~.~~; and

(c) Geologic Hazard Areas. Providing variation in topography, vegetative buffers, and visual relief;

(d) Frequently flood areas; and

(e) Critical aquifer recharge areas.

In addition, certain portions of the city of Marysville are characterized by geologic hazards that pose a risk to public and private property, to human life and safety and to the natural systems that make up the environment of the city of Marysville. These lands are affected by natural processes that make them susceptible to landslides, seismic activity and severe erosion. Protection of critical areas and regulation of geologic hazards are, therefore, necessary to protect the public health, safety and general welfare.

(2) These regulations of the city of Marysville critical areas ordinance contain standards, guidelines, criteria and requirements intended to identify, analyze and mitigate potential impacts to the city of Marysville's critical areas and to enhance and restore them where possible. The intent of these regulations is to avoid impacts where such avoidance is feasible and reasonable. In appropriate circumstances, impacts to critical areas resulting from regulated activities may be minimized, rectified, reduced or compensated for, consistent with the requirements of these regulations. The city of Marysville's overall goal shall be to protect the functions and values of critical areas and protect the people, public and private property, and natural ecosystems.

(3) It is the further intent of these regulations to:

(a) Implement the goals and policies of the city of Marysville comprehensive plan, including those pertaining to natural features and environmental protection; aesthetics and community character; providing adequate housing and infrastructure; providing opportunities for economic development; creating a balanced transportation system; ensuring adequate public facilities; and achieving a mix of land use types and densities consistent with the city of Marysville's land use plan;

(b) Serve as a basis for exercise of the city of Marysville's substantive authority under the State Environmental Policy Act (SEPA) and the city of Marysville's SEPA rules;

(c) Comply with the requirements of the Growth Management Act (Chapter 36.70A RCW) and its implementing rules, and through the application of the best available science, in accordance with WAC 365-195-900 through 365-195-925, and in consultation with state and federal agencies and other qualified professionals;

(d) Coordinate environmental review and permitting of proposals to avoid duplication and delay.

(4) The city of Marysville further finds that Snohomish County has identified and mapped some portions of the city of Marysville based on topographic, geologic, hydrologic, and habitat characteristics where the conditions indicate that critical areas are believed to exist. There is, however, a need for additional study and mapping to verify that such conditions do, in fact, prevail and to identify other areas that are potentially geologic hazards. Such mapping will enable the city of Marysville to provide notice to the public of the potential presence of critical areas or the risks associated with developing lands subject to geologic hazards. However, the boundaries of the critical areas and geologic hazard areas displayed on these maps are approximate and are not intended to be used for individual site assessment. Where differences occur between what is illustrated on these maps and site conditions, the actual presence or absence of environmentally critical areas or geologic hazard areas on the site shall control. (Ord. 2852 § 10 (Exh. A), 2011).

22E.010.020 General applicability of these regulations.

(1) The provisions of these regulations shall apply to any activity that potentially affects critical areas or their established buffers unless otherwise exempt. Any action taken pursuant to this title shall result in equivalent or greater functions and values of the critical areas associated with the proposed action, as determined by the best available science and as provided in this chapter. All actions and developments shall be designed and constructed in accordance with the priority sequencing outlined in MMC 22E.010.110 and 22E.010.230 to avoid, minimize, and restore all adverse impacts. Applicants must first demonstrate an inability to avoid or reduce impacts before restoration and compensation of impacts will be allowed. No activity or use shall be allowed that results in a net loss of the functions and values of critical areas unless otherwise permitted by a reasonable use determination under MMC 22E.010.410.

(2) To avoid duplication, the following permits and approvals shall be subject to and coordinated with the requirements of these regulations: clearing and grading; subdivision or short subdivision; building permit; planned unit development; shoreline substantial development; variance; conditional use permit; other permits leading to the development or alteration of land; and rezones and other nonproject actions if not combined with another development permit. (Ord. 2852 § 10 (Exh. A), 2011).

22E.010.030 General relationship of regulation of one type of critical area protection to other regulations.

These regulations shall apply as an overlay and in addition to zoning, land use and other regulations, including critical areas regulations, established by the city of Marysville.

(1) Areas characterized as a critical area may also be subject to other regulations established by this chapter due to the overlap or multiple functions of some critical areas. For example, some landslide hazard areas (e.g., steep slopes) adjacent to wetlands may be regulated by buffering requirements according to the wetland management provisions of this chapter. Also, wetlands, for example, may be defined and regulated according to the wetland and habitat management provisions of this chapter. In the event of any conflict between regulations for particular critical areas in this chapter, those regulations which provide greater protection to environmentally critical areas shall apply.

(2) These critical area regulations shall apply as an overlay and in addition to zoning, land use, and other regulations established by the city of Marysville. In the event of any conflict between these regulations and any other regulations of the city of Marysville, the regulations which provide greater protection to environmentally critical areas shall apply.

(3) Compliance with the provisions of this title does not constitute compliance with other federal, state, and local regulations and permit requirements that may be required. The applicant is responsible for complying with these requirements, apart from the process established in this title. (Ord. 2852 § 10 (Exh. A), 2011).

22E.010.040 Best available science.

(1) Criteria for Best Available Science. The best available science is that scientific information applicable to the critical area prepared by local, state or federal natural resource agencies, a qualified scientific professional, or a team of qualified scientific professionals that is consistent with criteria established in WAC 365-195-900 through 365-195-925, as amended.

(2) Protection of Functions and Value and Fish Usage. Critical area studies and decisions to alter critical areas shall rely on the best available science to protect the functions and values of critical areas and must give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fish and their habitat, such as salmon and bull trout.

(3) Lack of Scientific Information. Where there is an absence of valid scientific information or incomplete scientific information relating to a critical area leading to uncertainty about the risk to critical area function or permitting an alteration of or impact to the critical area, the city shall:

(a) Take a “precautionary or no-risk approach” that strictly limits development and land use activities until the uncertainty is sufficiently resolved; and

(b) Require application of an effective adaptive management program that relies on scientific methods to evaluate how well regulatory and nonregulatory actions protect the critical area. An adaptive management program is a formal and deliberative scientific approach to taking action and obtaining information in the face of uncertainty. To effectively implement an adaptive management program, the city hereby commits to:

(i) Address funding for the research component of the adaptive management program;

(ii) Change course based on the results and interpretation of new information that resolves uncertainties; and

(iii) Commit to the appropriate timeframe and scale necessary to reliably evaluate regulatory and nonregulatory actions affecting protection of critical areas and anadromous fisheries. (Ord. 2852 § 10 (Exh. A), 2011).

Article II. Wetlands

22E.010.050 Applicability to wetlands.

(1) See MMC 22E.010.020 for general applicability.

(2) Nonproject actions such as rezones shall be required to perform a wetland determination as defined by these regulations. (Ord. 2852 § 10 (Exh. A), 2011).

22E.010.060 Wetland rating and classification.

(1) Classification and Delineation. The classification and delineation of wetlands shall be determined by using the current approved federal wetland delineation manual and the applicable regional supplements.

   (a) Wetland delineations are valid for five (5) years from the date that the delineation is confirmed by the City.

(2) Classification. Wetlands shall be classified as Category I, II, III, or IV using the Washington State Department of Ecology's Wetland Rating System for Western Washington: ~~,~~ 2014 Update Version 2.0, Publication No. ~~14-06-029~~ 23-06-009, or as amended hereafter. ~~Wetland delineations shall be determined by using the current approved federal wetland delineation manual and applicable regional supplements.~~

(2) Sources used to identify designated wetlands include, but are not limited to:

(a) United States Department of the Interior, Fish and Wildlife Service, National Wetlands Inventory.

(b) Areas identified as hydric soils, soils with significant soil inclusions and “wet spots” with the United States Department of Agriculture/Soil Conservation Service Soil Survey for Snohomish County.

(c) Washington State Department of Natural Resources, Geographic Information System, Hydrography and Soils Survey Layers.

(d) City of Marysville critical areas inventory maps. (Ord. 3073 § 1, 2017; Ord. 2852 § 10 (Exh. A), 2011).

22E.010.070 Regulated activities in wetlands.

The following activities within a wetland and its associated buffer, or outside a wetland or buffer but potentially affecting the wetland or buffer, shall be regulated pursuant to the standards of this chapter:

(1) Removing, excavating, disturbing or dredging soil, sand, gravel, minerals, organic matter or materials of any kind;

(2) Dumping, discharging or filling with any material;

(3) Draining, flooding or disturbing the water level or water table;

(4) Driving pilings or placing obstructions;

(5) Constructing, reconstructing, demolishing or altering the size of any structure or infrastructure;

(6) Construction of any on-site sewage disposal system, or other underground facilities, except exempted activities;

(7) Destroying or altering vegetation through clearing, harvesting, shading or planting vegetation that would alter the character of a wetland;

(8) Activities that result in significant changes in water temperature, physical or chemical characteristics of wetland water sources, including water quantity and quality, soil flow, or natural contours, and pollutants;

(9) Any other activity potentially affecting a wetland or wetland buffer not otherwise exempt from the provisions of this chapter; and

(10) Work to maintain wetlands intentionally created from nonwetland areas as mitigation for wetland impacts. (Ord. 2852 § 10 (Exh. A), 2011).

22E.010.080 Exemptions to wetland regulations.

(1) See MMC 22E.010.320 for general exemptions to all critical areas.

(2) The following activities shall be exempt from the provisions of this chapter related to wetlands and their buffers, provided they are conducted using best management practices on wetlands:

(a) Activities involving artificially created wetlands intentionally created from nonwetland sites, including but not limited to grass-lined swales, irrigation and drainage ditches, detention facilities, and landscape features, except wetlands created as mitigation.

(b) Work in wetlands created after July 1, 1990, that were unintentionally created as a result of road, street, or highway construction.

(c) In addition, the director may waive compliance with wetland buffer and compensation requirements for the fill of a Class IV wetland no greater than one-tenth of an acre in size if all the following criteria are met:

(i) The wetland is not contiguous with a freshwater or estuarine system and is not considered part of a mosaic wetland complex;

(ii) Standing water is not present in sufficient amounts to support breeding amphibians;

(iii) Species listed as federal endangered, threatened, and candidate species, or listed by the state as endangered, threatened, and sensitive species, or essential habitat for those species, are not present;

(iv) Some form of mitigation is provided for the hydrologic and water quality functions; for example, storm water treatment or landscaping or other mitigation; and

(v) A wetland assessment prepared by a qualified professional, demonstrating the waiver criteria are met.

(vi) The determination to waive requirements shall be reviewed through the city's SEPA review process as established in Chapter 22E.030 MMC.

(d) Restoration including invasive species removal and planting of native plants that would otherwise not require a permit may be approved on a case-by-case basis.

(3) Notwithstanding the exemption provided by MMC 22E.010.320 and by this chapter, any otherwise exempt activities occurring in or near wetlands shall comply with the intent of these

standards and shall consider on-site alternatives that avoid or minimize potential wetland impacts. (Ord. 2852 § 10 (Exh. A), 2011).

22E.010.090 Wetland inventory maps.

The approximate location and extent of wetlands within the city of Marysville's planning area are shown on the critical areas maps adopted as part of this chapter. These maps shall be used as a general guide only for the assistance of property owners and the public; boundaries are generalized. The actual category, extent and boundaries of wetlands shall be determined in the field by a qualified scientific professional according to the procedures, definitions and criteria established by this chapter and Chapter 22A.020 MMC. In the event of any conflict between the wetland location or designation shown on the city of Marysville wetland areas maps and the criteria or standards of this chapter, the criteria and standards resulting from the field investigation shall control. (Ord. 2852 § 10 (Exh. A), 2011).

22E.010.100 Wetland buffer areas.

(1) The establishment of wetland buffer areas shall be required for all development proposals and activities adjacent to wetlands to protect the integrity, function and value of the wetland. Buffers shall consist of an undisturbed area of native vegetation established to protect the functions and values of the wetland. Buffers shall be determined in conjunction with considerations of wetland category and quality, approved wetland alterations and required mitigation measures. Buffers are not intended to be established or to function independently of the wetland they are established to protect; the establishment of a buffer shall not operate to prevent a use or activity that would otherwise be permitted, as set forth in MMC 22E.010.080, subsections (7) and (8) of this section, and MMC 22E.010.320, in the wetland subject to mitigation.

(2) Buffers shall be measured from the wetland edge as delineated and marked in the field using the wetland delineation methods defined in Chapter 22A.020 MMC. Required buffer widths shall reflect the sensitivity of the wetland and its category and intensity of human activity proposed to be conducted near the wetland.

(3) Standard buffer widths assume that the buffer is vegetated with a native plant community appropriate for the ecoregion. If the existing buffer is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, the buffer shall either be planted to create the appropriate plant community or the buffer shall be widened to ensure that adequate buffer functions are provided.

(4) Where existing buffer area plantings provide minimal vegetative cover and cannot provide the minimum water quality or habitat functions, buffer enhancement shall be required. Where buffer enhancement is required, a plan shall be prepared that includes plant densities not less than five feet on center for shrubs and 10 feet on center for trees. Monitoring and maintenance of plants shall be required in accordance with MMC 22E.010.160, Wetland monitoring program

and contingency plan. Existing buffer vegetation is considered “inadequate” and will require enhancement through additional native plantings and removal of nonnative plants when:

(a) Nonnative or invasive plant species provide the dominant cover;

(b) Vegetation is lacking due to disturbance, and wetland resources could be adversely affected; or

(c) Enhancement plantings in the buffer could significantly improve buffer functions.

(5)~~(4)~~ The following buffer widths are established as minimum targets. All buffer widths shall be measured from the wetland boundary as surveyed in the field. If, according to the buffer mitigation plan, the buffer is not sufficient to protect the wetland, the city shall require larger buffers where it is necessary to protect wetland functions based on site-specific characteristics. As an alternative to the buffer width being based on wetland category, the buffer width for Category I wetlands may be established according to the “Buffer Alternative 3” methodology contained in the Department of Ecology’s document titled “Freshwater Wetlands in Washington State, Volume 2: Managing and Protecting Wetlands, Appendix 8C.” Buffer Alternative 3 establishes buffer widths based on wetland category, intensity of impacts, and wetland functions or special characteristics.

Standard Wetland Buffer Widths without General Mitigation Measures

Wetland Category	**Wetland Type**	**Buffer Widths (feet)**		
		Habitat Function Scores		
		3 -5	6 – 7	8 – 9
I	All including forested except those listed below.	100	150	300
I	Bogs	250	300	
I	Ebey Slough	200		
	North and south shore of Ebey Slough between the western city limits, at approximately I-5 and 47th Avenue NE	50		
II	All except estuarine	100	150	300

II	Estuarine	150		
III		80	150	300
IV		50		

Reduced Wetland Buffers when General Mitigation Measures are Applied

Wetland Category	Wetland Type	Buffer Widths (feet)		
		Habitat Function Scores		
I	All including forested except those listed below.	75	110	225
I	Bogs	190	225	
I	Ebey Slough	75	100	
	North and south shore of Ebey Slough between the western city limits at approximately I-5 and 47th Avenue NE	25		
II	All except estuarine	75	100	225
II	Estuarine	75	100	
III		60	100	225
IV		40		

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Table 2: General Mitigation Measures

Example of Disturbance	Activities and Uses That Cause Disturbances	Examples of Impact Minimization Measures
Light	• Parking lots	• Direct lights away from wetlands and buffers

	• Commercial/industrial uses • Residential uses • Recreation (e.g., athletic fields) • Agricultural buildings	• Only use lighting when and where necessary for public safety • Motion-activated lighting • Use of full cut-off shields • Dim light to lowest acceptable intensity • Warmer lighting temperatures (< 3,000K)
Noise	• Commercial/industrial uses • Residential uses • Recreation (e.g., athletic fields) • Agriculture	• Locate noise-generating activity away from wetlands and buffers • Construct fencing and/or install dense landscape screening between noise sources and critical area
Toxic Runoff	• Parking lots • Roads • Commercial/industrial uses • Residential uses • Application of pesticides • Landscaping • Agriculture	• Route all new, untreated runoff away from wetlands and buffers while ensuring wetland is not dewatered • Establish covenants limiting use of pesticides within 150 feet of wetlands • Apply integrated pest management (These examples are not necessarily adequate for minimizing toxic runoff if threatened or endangered species are present at the site.)
Stormwater Runoff	• Parking lots • Roads • Commercial/industrial uses • Residential uses • Recreation • Landscaping/lawns • Other impermeable surfaces, compacted soils, etc.	• Retrofit stormwater detention and treatment for roads and existing adjacent developments • Prevent channelized or sheet flow from lawns that directly enter buffers • Infiltrate or treat, detain, and disperse new runoff from impervious surfaces and lawns • Retain native vegetation elsewhere in the property

Pets and Human Disturbance	• Residential uses • Recreation	• Install privacy fencing • Plant dense native vegetation to delineate buffer edge and to discourage disturbance • Place wetlands and buffers in a separate tract • Install signage along wetland buffer edge
Dust	• Tilled fields • Roads	• Use best management practices to control dust

~~Wetland Buffer Widths~~

~~Wetland Category~~	~~Buffer Width~~
~~Category I~~	~~125 feet~~
~~Ebey Slough~~	~~100 feet~~
~~North and south shore of Ebey Slough between the western city limits, at approximately I-5 and 47th Avenue NE~~	~~25 feet~~
~~Category II~~	~~100 feet~~
~~Category III~~	~~75 feet~~
~~Category IV~~	~~35 feet~~

~~(5)~~(6) Buffer widths may be modified by averaging buffer widths as set forth herein:

(a) Buffer width averaging shall be allowed only where the applicant demonstrates to the community development department that the averaging will not impair or reduce the habitat, water quality purification and enhancement, storm water detention, ground water recharge, shoreline protection and erosion protection and other functions of the wetland and buffer, that lower-intensity land uses would be located adjacent to areas where buffer width is reduced, and that the total area contained within the buffer after averaging is no less than that contained within the standard buffer prior to averaging;

(b) Buffer reductions may be allowed for wetlands; provided, that the applicant demonstrates the proposal meets criteria in subsections (5)(b)(i) through (iii) and either (iv) or (v) of this section. Buffer width reduction proposals that meet the criteria as determined by the director shall be reduced by no more than 25 percent of the required buffer and shall not be less than 25 feet in width.

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(i) The buffer area meets buffer area planting requirements in subsection (3) of this section and MMC 22E.010.150 and has less than 15 percent slopes; and

(ii) A site-specific evaluation and documentation of buffer adequacy is based on consideration of the best available science as described in MMC 22E.010.040; and

(iii) Buffer width averaging as outlined in subsection (5)(a) of this section is not being utilized; and either

(iv) The subject property is separated from the wetland by preexisting, intervening, and lawfully created structures, public roads, or other substantial preexisting intervening improvements; and the intervening structures, public roads, or other substantial improvements are found to separate the subject upland property from the wetland due to their height or width, preventing or impairing the delivery of buffer functions to the wetland, in which cases the reduced buffer width shall reflect the buffer functions that can be delivered to the wetland; or

(v) The wetland scores four points or less for wildlife habitat in accordance with the rating system applied in MMC 22E.010.060, and mitigation is provided based on MMC 22E.010.150, 22E.010.370, and Table 2 of this section, when determined appropriate based on the evaluation criteria in subsection (5)(b)(ii) of this section.

~~Table 2. Mitigation Measures~~

~~**Disturbance**~~	~~**Activities That May Cause Disturbance**~~	~~**Measures to Minimize Impacts**~~
~~Lights~~	~~Parking lots, warehouses, manufacturing, high density residential~~	~~Direct lights away from wetland~~
~~Noise~~	~~Manufacturing, high density residential~~	~~Place activity away from wetland~~
~~Pets and Humans~~	~~Residential areas~~	~~Landscaping to delineate buffer edge and to discourage disturbance of wildlife by humans and pets~~
~~Dust~~	~~Tilled fields~~	~~Best management practices for dust control~~

(c) Notwithstanding the reductions permitted in subsections (5)(a) and (b) of this section, buffer widths shall not be reduced by more than 25 percent of the required buffer.

~~(6)~~(7) The buffer width stated in subsection ~~(4)~~(5) of this section ~~may~~ must be increased by 25 percent unless the increase is determined unnecessary by a qualified scientific professional and as reviewed and accepted by the community development director:

(a) When the qualified scientific professional determines, based upon a site-specific wetland analysis, that for Category III and IV wetlands the habitat value equals or exceeds five points, and for Category II wetlands the habitat value equals or exceeds eight points; or

(b) When the adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse wetland impacts; or

(c) When the standard buffer has minimal or degraded vegetative cover that cannot be improved through enhancement; or

(d) When the minimum buffer for a wetland extends into an area with a slope of greater than 25 percent, the buffer shall be the greater of:

(i) The minimum buffer for that particular wetland; or

(ii) Twenty-five feet beyond the point where the slope becomes 25 percent or less.

~~(7)~~(8)The community development director may authorize the following low impact uses and activities, provided they are consistent with the purpose and function of the wetland buffer and do not detract from its integrity: viewing platforms and interpretive signage; uses permitted within the buffer shall be located in the outer 25 percent of the buffer.

~~(8)~~(9) Trails and Open Space. For walkways and trails, and associated open space in critical buffers located on public property, or on private property where easements or agreements have been granted for such purposes, all of the following criteria shall be met:

(a) The trail, walkway, and associated open space shall be consistent with the comprehensive parks, recreation, and open space master plan. The city may allow private trails as part of the approval of a site plan, subdivision or other land use permit approvals.

(b) Trails and walkways shall be located in the outer 25 percent of the buffer, i.e., the portion of the buffer that is farther away from the critical area. Exceptions to this requirement may be made for trail segments connecting to existing trails where an alternate alignment is not practical and where public access points to water bodies are spaced periodically along the trail.

(c) Enhancement of the buffer area is required where trails are located in the buffer. Where enhancement of the buffer area adjacent to a trail is not feasible due to existing high quality vegetation, additional buffer area or other mitigation may be required.

(d) Trail widths shall be a maximum width of 10 feet for multi-purpose trails and 5 feet for recreational pathways. Trails shall be constructed of permeable materials; provided, that impervious materials may be allowed if pavement is required for handicapped or emergency access, or safety, or is a designated nonmotorized transportation route or makes a connection to an already dedicated trail, or reduces potential for other environmental impacts.

~~(9)~~(10) Utilities may be allowed in wetlands or wetland buffers if limited to the pipelines, cables, wires and support structures of utility facilities within utility corridors when the following standards are met:

(a) There is no alternative location with less adverse impact on the critical area and critical area buffer;

(b) New utility corridors are not located over habitat used for salmonid rearing or spawning or by a species listed in MMC 22E.010.170(1)(a) unless the department determines that there is no other feasible crossing site;

(c) To the maximum extent practical utility corridors are located so that:

(i) The width is minimized;

(ii) The removal of trees is minimized;

(iii) An additional, contiguous and undisturbed wetland buffer, equal in area to the disturbed critical area buffer area including any allowed maintenance roads, is provided to protect the wetland;

(d) To the maximum extent practical, access for maintenance is at limited access points into the critical area buffer rather than by a parallel maintenance road. If a parallel maintenance road is necessary, the following standards are met:

(i) To the maximum extent practical the width of the maintenance road is minimized and in no event greater than 15 feet; and

(ii) The location of the maintenance road is contiguous to the utility corridor on the side of the utility corridor farthest from the critical area;

(e) The utility corridor or facility will not adversely impact the overall wetland hydrology;

(f) The utility corridor serves multiple purposes and properties to the maximum extent practical;

(g) Bridges or other construction techniques that do not disturb the wetlands are used to the maximum extent practical;

(h) Bored, drilled or other trenchless crossing is laterally constructed under a wetland; provided, that the activity does not interrupt the ground water connection to the wetland or percolation of surface water down through the soil column. Specific studies by a hydrologist shall be conducted to determine whether the ground water connection to the wetland or percolation of surface water down through the soil column could be disturbed.

~~(10)~~(11) Storm water management facilities, such as biofiltration swales and dispersion facilities, may be located within the outer 25 percent of wetland buffers only if they will have no negative effect on the functions and purpose the buffers serve for the wetland or on the hydrologic conditions, hydrophytic vegetation, and substrate characteristics necessary to support existing and designated beneficial uses.

~~(11)~~(12) For subdivisions and short subdivisions, the applicable wetland and associated buffer requirements for any development or redevelopment of uses specifically identified in, and approved as part of, the original subdivision or short subdivision application shall be those requirements in effect at the time that the complete subdivision or short subdivision application was filed; provided, that for subdivisions this provision shall be limited to final plats reviewed and approved under Ordinance No. 1928, “Sensitive Areas,” adopted December 14, 1992, or as amended at the time of final plat approval. However, at the discretion of the community development director a buffer enhancement plan may be required in accordance with subsection (3) of this section if the wetland or buffer has become degraded or is currently not functioning or if the wetland and/or buffer may be negatively affected by the proposed new development.

~~(12)~~(13) Minor additions or alterations, such as decks and minor additions less than 120 square feet, interior remodels, or tenant improvements which have no impact on the wetland or wetland buffer, are exempt from the buffer enhancement requirements.

~~(13)~~(14) Required buffers shall not deny all reasonable use of property. A variance from buffer width requirements may be granted by the hearing examiner for the city of Marysville upon showing by the applicant that:

(a) There are special circumstances applicable to the subject property or to the intended use such as shape, topography, location or surroundings that do not apply generally to other properties and which support the granting of a variance from buffer width requirements; and

(b) Such buffer width variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other similarly situated property but which because of special circumstances is denied to the property in question; and

(c) The granting of such buffer width variance will not be materially detrimental to the public welfare or injurious to the property or improvement; and

(d) The granting of the buffer width variance will not materially affect the subject wetland.

(e) Best available science, as set forth in MMC 22E.010.040, shall be taken into consideration in the granting of a buffer width variance. (Ord. 3073 § 2, 2017; Ord. 2852 § 10 (Exh. A), 2011).

22E.010.110 Wetland alteration and mitigation.

(1) All adverse impacts to wetland functions and values shall be mitigated. Mitigation actions by an applicant or property owner shall occur in the following priority sequence:

(a) Avoiding the impact altogether by not taking a certain action or parts of actions;

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;

(c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

(d) Reducing or eliminating the impact over time by preservation and maintenance operations;

(e) Compensating for the impact by replacing or providing substitute resources or environments;

(f) Monitoring the impact and taking appropriate corrective measures.

(2) Where impacts cannot be avoided, the applicant or property owner shall seek to implement other appropriate mitigation actions in compliance with the intent, standards and criteria of this section. These shall include consideration of alternative site plans and building layouts or reductions in the density or scope of the proposal.

(3) Alteration of wetlands or their buffers may be permitted ~~by the community development department~~ subject to the following criteria:

(a) Category I Wetlands. Alterations of Category I wetlands shall be avoided, subject to the reasonable use provisions of these regulations.

(b) Category II Wetlands.

(i) Any proposed alteration and mitigation shall comply with requirements of this section, MMC 22E.010.120, and 22E.010.140 through 22E.010.160; and

(ii) No net loss of wetland function and value will occur due to the alteration.

(c) Category III and IV Wetlands.

(i) The proposed mitigation complies with the requirements of this section and MMC 22E.010.140 through 22E.010.160; and

(ii) Where enhancement is proposed, replacement ratios comply with the requirements of MMC 22E.010.120(3). (Ord. 2852 § 10 (Exh. A), 2011).

22E.010.120 Wetland mitigation standards and criteria.

(1) Location and Timing of Mitigation.

(a) Restoration, creation, or enhancement actions should be undertaken on or adjacent to the site, or where restoration or enhancement of a former wetland is proposed, within the same watershed. Replacement in-kind of the impacted wetland is preferred for creation, restoration, or enhancement actions. The city may accept or recommend restoration, creation, or enhancement which is off-site and/or out-of-kind, if the applicant can demonstrate that on-site or in-kind restoration, creation, or enhancement is infeasible due to constraints such as parcel size or wetland type or that a wetland of a different type or location is justified based on regional needs or functions;

(b) Whether occurring on-site or off-site, the mitigation project shall occur near an adequate water supply with a hydrologic connection to the wetland to ensure a successful wetlands development or restoration;

(c) Any agreed-upon proposal shall be completed before initiation of other permitted activities, unless a phased or concurrent schedule has been approved by the community development department;

(d) Wetland acreage replacement ratios shall be as specified in subsection (3) of this section.

(2) Mitigation Performance Standards.

(a) Adverse impacts to wetland functions and values shall be mitigated. Mitigation actions shall be implemented in the preferred sequence identified in MMC 22E.010.110(1). Proposals which include less preferred or compensatory mitigation shall demonstrate that:

(i) All feasible and reasonable measures will be taken to reduce impacts and losses to the original wetland;

(ii) No overall net loss will occur in wetland functions, values and acreage; and

(iii) The restored, created or enhanced wetland will be as persistent and sustainable as the wetland it replaces.

(3) Wetland Replacement Ratios.

(a) Where wetland alterations are permitted by this chapter, the applicant shall restore or create equivalent areas of wetlands in order to compensate for wetland losses. Equivalent areas shall be determined according to acreage, function, category, location, timing factors, and projected success of restoration or creation.

(b) Where wetland creation is proposed, all required buffers for the creation site shall be located on the proposed creation site. Properties adjacent to or abutting wetland creation projects shall not be responsible for providing any additional buffer requirements.

(c) The following acreage replacement ratios shall be used as targets. The community development department may vary these standards if the applicant can demonstrate and the community development department agrees that the variation will provide adequate compensation for lost wetland area, functions and values, or if other circumstances as determined by the community development department justify the variation:

Wetland Mitigation Ratios

Category and Type of Wetland Impacts	Reestablishment or Creation	Rehabilitation Only	Reestablishment or Creation (R/C) and Rehabilitation (RH)	Reestablishment or Creation (R/C) and Enhancement (E)	Enhancement Only
Category I Forested	6:1	12:1	1:1 R/C and 10:1 RH	1:1 R/C and 20:1 E	24:1
Category I Based on score for functions	4:1	8:1	1:1 R/C and 6:1 RH	1:1 R/C and 12:1 E	16:1
Category I Bog	Not considered possible	6:1 Rehabilitation of a bog	R/C Not considered possible	R/C Not considered possible	Case-by-case
Category I Estuarine	Case-by-case	6:1 Rehabilitation	Case-by-case	Case-by-case	Case-by-case
Category II Estuarine	Case-by-case	4:1 Rehabilitation of an estuarine	Case-by-case	Case-by-case	Case-by-case
All other category II	3:1	6:1	1:1 R/C and 4:1 RH	1:1 R/C and 8:1 E	12:1
All category III	2:1	4:1	1:1 R/C and 2:1 RH	1:1 R/C and 4:1 E	8:1

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All category IV	1.5:1	3:1	1:1 R/C and 1:1 RH	1:1 R/C and 2:1 E	6:1

Creation = The manipulation of the physical, chemical, or biological characteristics present to develop a wetland on an upland or deepwater site, where a wetland did not previously exist. Activities typically involve excavation of upland soils to elevation that will produce a wetland hydroperiod, create hydric soils, and support the growth of hydrophytic plant species. Establishment results in a gain in wetland acres.

Reestablishment = The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Activities could include removing fill material, plugging ditches, or breaking drain tiles. Activities could also involve breaching a dike to reconnect wetlands to a floodplain or return tidal influence to a wetland. Reestablishment results in a gain in wetland acres.

Rehabilitation = The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic function of a degraded wetland. Activities could involve breaching a dike or reconnecting wetland to a floodplain or returning tidal influence to a wetland. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres.

Enhancement = The manipulation of the physical, chemical or biological characteristics of a wetland site to heighten, intensify or improve functions or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention or habitat. Activities typically consist of planting vegetation, controlling nonnative or invasive species, modifying the site elevation or the proportion of open water to influence hydroperiods, or some combination of these. Enhancement results in a change in some wetland functions and can lead to a decline in other wetland functions, but does not result in a gain in wetland acres.

~~**Category and Type of Wetland**~~	~~**Re-Establishment or Creation**~~	~~**Rehabilitation**~~	~~**Re-Establishment or Creation (R/C) and Enhancement (E)**~~	~~**Enhancement Only**~~
~~Category I~~	-	-	-	-
~~Forested~~	~~6:1~~	~~12:1~~	~~1:1 R/C and 10:1 E~~	~~24:1~~

~~Based on Score for Functions~~	~~4:1~~	~~8:1~~	~~1:1 R/C and 6:1 E~~	~~16:1~~
~~Estuarine~~	~~Case by Case~~	~~6:1 Rehabilitation of an Estuarine Wetland~~	~~Case by Case~~	~~Case by Case~~
~~Bog~~	~~Irreplaceable – Avoidance Required~~	~~6:1 Rehabilitation of a Bog~~	~~Case by Case~~	~~Case by Case~~
~~Natural Heritage~~	~~Irreplaceable – Avoidance Required~~	~~6:1 Rehabilitation of a Natural Heritage Site~~	~~Case by Case~~	~~Case by Case~~
~~Category II~~	~~-~~	~~-~~	~~-~~	~~-~~
~~Estuarine~~	~~Case by Case~~	~~4:1~~	~~Case by Case~~	~~Case by Case~~
~~All Other~~	~~3:1~~	~~8:1~~	~~1:1 R/C and 4:1 E~~	~~12:1~~
~~Category III~~	~~2:1~~	~~4:1~~	~~1:1 R/C and 2:1 E~~	~~8:1~~
~~Category IV~~	~~1.5:1~~	~~3:1~~	~~1:1 R/C and 2:1 E~~	~~6:1~~

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~~Creation = The manipulation of the physical, chemical, or biological characteristics present to develop a wetland on an upland or deepwater site, where a wetland did not previously exist. Activities typically involve excavation of upland soils to elevation that will produce a wetland hydroperiod, create hydric soils, and support the growth of hydrophytic plant species. Establishment results in a gain in wetland acres.~~

~~Re-Establishment = The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Activities could include removing fill material, plugging ditches, or breaking drain tiles. Re-establishment results in a gain in wetland acres.~~

~~Rehabilitation = The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic function of a degraded wetland. Activities could involve breaching a dike or reconnecting wetland to a floodplain or returning tidal influence to a wetland. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres.~~

~~Enhancement = The manipulation of the physical, chemical or biological characteristics of a wetland site to heighten, intensify or improve functions or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention or habitat. Activities typically consist of planting vegetation, controlling nonnative or invasive species, modifying the site elevation or the proportion of open water to influence hydroperiods, or some combination of these. Enhancement results in a change in some wetland functions and can lead to a decline in other wetland functions, but does not result in a gain in wetland acres.~~

(d) The qualified scientific professional in the wetlands report may, where feasible, recommend that restored or created wetlands shall be a higher wetland category than the altered wetland.

(4) The community development director may increase the ratios under the following circumstances:

(a) Uncertainty exists as to the probable success of the proposed restoration or creation;

(b) A significant period of time will elapse between impact and replication of wetland functions;

(c) Proposed mitigation will result in a lower category of wetland or reduced functions relative to the wetland being impacted; or

(d) The impact was an unauthorized impact. (Ord. 2852 § 10 (Exh. A), 2011).

22E.010.130 ~~Wetland~~ Programmatic mitigation ~~banks~~.

Programmatic mitigation consists of approved third-party sponsors' mitigation such as mitigation banks and fee-in-lieu programs. Wetland mitigation banks are a site where wetlands are restored, created, enhanced or, in exceptional circumstances, preserved expressly for the purpose of providing compensatory mitigation in advance of authorized impacts to similar resources.

(1) Credits from a wetland bank may be approved for use as compensation for unavoidable impacts to wetlands when:

(a) The bank is certified under Chapter 173-700 WAC;

(b) The community development director determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and

(c) The proposed use of credits is consistent with the terms and conditions of the bank's certification.

(2) Replacement ratios for projects using bank credits shall be consistent with the terms and conditions of the bank's certification.

(3) Third-party mitigation credits shall be documented in a bank use plan that shows how credit needs were calculated.

~~(3)~~ (4) Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the bank's certification. In some cases, bank service areas may include portions of more than one adjacent drainage basin for specific wetland functions. (Ord. 2852 § 10 (Exh. A), 2011).

22E.010.140 Wetland mitigation plan requirements.

Where it is determined by the city that compensatory wetland mitigation is required or appropriate, a mitigation plan shall be prepared. The purpose of the plan is to prescribe mitigation to compensate for impacts to the wetland functions, values and acreage as a result of the proposed action. This plan shall consider the chemical, physical, and biological impacts on the wetland system using a recognized wetlands assessment methodology and best professional judgment. The mitigation plan shall be prepared in two phases, a preliminary phase and a detailed phase.

(1) Preliminary Plan – Standards and Criteria. The applicant shall prepare a preliminary mitigation plan for submission to the community development department at the time of application filing. The preliminary mitigation plan shall include the following components and shall be consistent with the standards in MMC 22E.010.120:

(a) A clear statement of the objectives of the mitigation. The goals of the mitigation plan should be stated in terms of the new wetland functions and values compared to the functions and values of the original wetland. Objectives should include qualitative and quantitative standards for success of the project, including:

(i) Hydrologic characteristics (water depths, water quality, hydroperiod/hydrocycle characteristics, flood storage capacity);

(ii) Vegetative characteristics (community types, species composition, density, and spacing);

(iii) Faunal characteristics; and

(iv) Final topographic elevations;

(b) An ecological assessment of the wetlands values and wetland buffers that will be lost as a result of the activities, and of the replacement wetlands and buffers, including but not limited to the following:

(i) Acreage of project;

(ii) Existing functions and values;

(iii) Sizes of wetlands, wetland buffers, and areas to be altered;

(iv) Vegetative characteristics, including community type, area coverage, species composition and density;

(v) Habitat type(s) to be enhanced, restored, or created;

(c) A statement of the location, elevation, and hydrology of the new site, including the following:

(i) Relationship of the project to the watershed and existing water bodies;

(ii) Topography of site using one-foot contour intervals;

(iii) Water level data, including depth and duration of seasonally high water table;

(iv) Water flow patterns;

(v) Estimated amounts of grading, filling and excavation, including a description of imported soils;

(vi) Water pollution mitigation measures during construction;

(vii) Aerial coverage of planted areas to open water areas (if any open water is to be present); and

(viii) Appropriate buffers;

~~(d) A conceptual planting plan.~~

~~(2) Prior to final development approval, a final plan consistent with the standards in MMC 22E.010.160 shall be submitted. In addition to information contained within the preliminary plan, the detailed plan will contain:~~

~~(a)~~ (d) A detailed planting plan, describing what will be planted, and where and when the planting will occur, as follows:

(i) Soils and substrate characteristics;

(ii) Specify substrate stockpiling techniques;

(iii) Planting instructions, including species, stock type and size, density or spacing of plants, and water and nutrient requirements; and

(iv) Dates for beginning and completion of mitigation project, and sequence of construction activities;

~~(b)~~ (e) A monitoring and maintenance plan, consistent with MMC 22E.010.160:

(i) Specify procedures for monitoring and site maintenance; and

(ii) Submit monitoring reports to the community development department as outlined in MMC 22E.010.160(2)(d)(i) through (vi); and

~~(b)~~ (f) A contingency plan, consistent with these regulations~~;~~.

(2) Prior to final development approval, the following shall be submitted:

~~(d)~~ (a) A detailed budget for implementation of the mitigation plan, including monitoring, maintenance and contingency phases; and

~~(e)~~ (b) A guarantee, in the form of a bond or other security device in a form acceptable to the city attorney, assuring that the work will be performed as planned and approved, consistent with MMC 22E.010.160(2). (Ord. 2852 § 10 (Exh. A), 2011).

22E.010.150 Performance standards for wetland mitigation planning.

(1) The following performance standards shall be incorporated into mitigation plans submitted to the city of Marysville:

(a) Use native plants (not introduced or foreign species);

(b) Use plants adaptable to a broad range of water depths;

(c) Plants should be commercially available or available from local sources;

(d) Plant species high in food and cover value for fish and wildlife;

(e) Plant mostly perennial species;

(f) Avoid committing significant areas of site to species that have questionable potential for successful establishment;

(g) Plant selection must be approved by a qualified scientific professional;

(h) Planting densities and placement of plants should be determined by the qualified scientific professional and shown on the design plans;

(i) The wetland (excluding the buffer area) should not contain more than 60 percent open water as measured at the seasonal high water mark;

(j) Minimum buffer widths as outlined in MMC 22E.010.100;

(k) The planting plan must be approved by the city's community development director or consultant;

(l) Stockpiling should be confined to upland areas and contract specifications should limit stockpile durations to less than four weeks;

(m) Planting instructions which describe proper placement, diversity, and spacing of seeds, tubers, bulbs, rhizomes, sprigs, plugs, and transplanted stock;

(n) Apply controlled-release fertilizer at the time of planting and afterward only as plant conditions warrant (determined during the monitoring process) and with consideration of runoff and a type that will minimize impacts beyond the area intended;

(o) Install an irrigation system, if necessary, for initial establishment period as determined by the planning director or their designated official;

(p) Buffers shall be surveyed, staked, and fenced prior to any construction work, including grading and clearing, that may take place on the site. Permanent fencing is required pursuant to MMC 22E.010.370;

(q) Temporary erosion and sedimentation controls, pursuant to an approved plan, shall be implemented during construction; and

(r) Construction specifications and methods must be approved by a qualified scientific professional and the community development department.

(2) The following additional standards shall apply to wetland creation sites:

(a) Water depth is not to exceed six and one-half feet (two meters);

(b) The grade or slope that water flows through the wetland is not to exceed six percent;

(c) Slopes within the wetland basin and the buffer zone should not be steeper than a three to one ratio (horizontal to vertical).

(3) On completion of construction, the wetland mitigation project must be signed off, to indicate that the construction has been completed as planned, by the applicant's qualified scientific professional and the community development department. (Ord. 2852 § 10 (Exh. A), 2011).

22E.010.160 Wetland monitoring program and contingency plan.

(1) A monitoring program shall be implemented to determine the success of the mitigation project and any necessary corrective actions. This program shall determine if the original goals and objectives are being met.

(2) A contingency plan shall be established for compensation in the event that the mitigation project is inadequate or fails. Security for performance in accordance with Chapter 22G.040 MMC is required for performance, monitoring and maintenance in accordance with the terms of the mitigation agreement. The security for performance shall be for a period of five years; however, the monitoring period may be extended, if needed, until project performance standards are met~~, but the community development department may agree to reduce the security in phases in proportion to work successfully completed over the duration of the security~~.

(a) During monitoring, use scientific procedures for establishing the success or failure of the project;

(b) For vegetation determinations, permanent sampling points shall be established;

(c) Vegetative success equals 80 percent survival of planted trees and shrubs and 80 percent cover of desirable understory or emergent species;

(d) Submit monitoring reports on the current status of the mitigation project to the community development department. The reports are to be prepared by a qualified scientific professional and reviewed by the community development department and should include monitoring information on wildlife, vegetation, water quality, water flow, storm water storage and conveyance, and existing or potential degradation, and shall be produced on the following schedule:

(i) At time of construction;

~~(ii) Thirty days after planting;~~

~~(iii) Early in the growing season of the first year;~~

(ii)~~(iv)~~ End of the growing season of first year;

(iii)~~(v)~~ Twice the second year; and

(iv)~~(vi)~~ Annually thereafter;

(e) Monitor for ~~between three and~~ five growing seasons; however, the monitoring period may be reduced to three years on minor projects if performance standards are fully met after three years~~, depending on the complexity of the wetland system~~. The time period will be determined and specified in writing prior to the implementation of the site plan. The monitoring period will start after an as-built report is submitted and approved by the City;

(f) If necessary, correct for failures in the mitigation project;

(g) Replace dead or undesirable vegetation with appropriate plantings, based on the approved planting plan or MMC 22E.010.150;

(h) Repair damages caused by erosion, settling or other geomorphological processes;

(i) Redesign mitigation project (if necessary) and implement the new design; and

(j) Correction procedures shall be approved by a qualified scientific professional and the community development department. (Ord. 2852 § 10 (Exh. A), 2011).

Article III. Fish and Wildlife Habitat Areas

22E.010.170 Fish and wildlife habitat conservation areas designated.

While not all of the below-listed critical habitat areas exist in the city of Marysville, these regulations provide for the protection of the following fish and wildlife habitat conservation areas:

(1) Primary fish and wildlife habitat conservation areas shall include the following:

(a) Habitats with federally designated endangered, threatened, and candidate species and state designated endangered, threatened, and sensitive species which have a primary association as defined in Chapter 22A.020 MMC. Federally designated endangered, threatened and candidate species are those fish and wildlife species identified by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service that are in danger of extinction or threatened to become endangered. The U.S. Fish and Wildlife Service and the National Marine Fisheries Service should be consulted for current listing status. State designated endangered, threatened, and sensitive species are those fish and wildlife species native to the state of Washington identified by the Washington State Department of Fish and Wildlife, that are in danger of extinction, threatened to become endangered, vulnerable, or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats. State designated endangered, threatened, and sensitive species are periodically recorded in WAC 232-12-014 (State Endangered Species) and 232-12-011 (State Threatened and Sensitive Species). The State Department of Fish and Wildlife maintains the most current listing and should be consulted for current listing status.

(b) State designated priority habitats and areas that are associated with state designated endangered, threatened, and sensitive species in subsection (1)(a) of this section. Priority habitats and species are considered to be priorities for conservation and management. Priority species require protective measures for their perpetuation due to their population status, sensitivity to habitat alteration, and/or recreational, commercial, or tribal importance. Priority habitats are those habitat types or elements with unique or significant value to a diverse assemblage of species. A priority habitat may consist of a unique vegetation type or dominant plant species, a described successional state, or a specific structural element. Priority habitats and species are identified by the Department of Fish and Wildlife.

(c) Naturally occurring ponds under 20 acres or not less than 0.50 acres (lakes greater than 20 acres are covered under shoreline regulations).

(d) Lakes, ponds, streams and rivers planted with game fish by a governmental or tribal entity.

(e) State natural area preserves and natural resource conservation areas.

(f) Areas of rare plant species and high quality ecosystems as documented by the State Department of Natural Resources Heritage Program.

(g) Land that provides essential connections between habitat blocks and open space and that is designated by the State Department of Fish and Wildlife as a priority habitat in association with state endangered, threatened, or sensitive species in subsection (1)(a) of this section.

(h) Streams as defined and classified in Chapter 22A.020 MMC.

(2) Habitats and species of local importance are those identified by the city, including but not limited to those habitats and species that, due to their population status or sensitivity to habitat manipulation, warrant protection. Habitats may include a seasonal range or habitat element with which a species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term.

(a) Designation Process. The city shall accept and consider nomination for habitat areas and species to be designated as locally important on an annual basis.

(b) Habitats and species to be designated shall exhibit at least one of the criteria in subsections (2)(b)(i) through (iii) of this section and shall meet criteria in subsections (2)(b)(iv) and (v) of this section.

(i) Local populations of native species are in danger of extirpation based on existing trends, including:

(A) Local populations of native species that are likely to become endangered; or

(B) Local populations of native species that are vulnerable or declining; or

(ii) The species or habitat has recreation, commercial, game, tribal, or other special value; or

(iii) Long-term persistence of a species is dependent on the protection, maintenance, and/or restoration of the nominated habitat; and

(iv) Protection by other county, state, or federal policies, laws, regulations, or nonregulatory tools is not adequate to prevent degradation of the species or habitat in the city; and

(v) Without protection, there is a likelihood that the species or habitat will be diminished over the long term.

(c) Areas nominated to protect a particular habitat or species must represent high-quality native habitat or habitat that either has a high potential to recover to a suitable condition and is of limited availability or provides landscape connectivity which contributes to the designated species or habitat's preservation.

(d) Habitats and species may be nominated for designation by any resident of Marysville.

(e) The petition to nominate an area or a species to this category shall contain all of the following:

(i) A completed SEPA environmental checklist;

(ii) A written statement using best available science to show that nomination criteria in subsections (2)(b) and (c) of this section are met;

(iii) A written proposal including specific and relevant protection regulations that meet the goals of this chapter. Management strategies must be supported by the best available science, and where restoration of habitat is proposed, a specific plan for restoration must be provided;

(iv) Demonstration of relevant, feasible management strategies that are effective and within the scope of this chapter;

(v) Provision of species habitat location(s) on a map that works in concert with other city maps;

(vi) An economic impact (cost/benefit) analysis of proposal;

(vii) Documentation of public notice methods that the petitioner(s) have used. Examples of reasonable methods are:

(A) Posting the property;

(B) Publishing a paid advertisement in a newspaper or newsletter of circulation in the general area of the proposal, where interested persons may review information on the proposal. Information in the notice must contain a description of the proposal, general location of the affected area and where comments on the proposal may be sent;

(C) Notification to public or private groups in the affected area that may have an interest in the petition;

(D) News media articles that have been published concerning the proposal;

(E) Notices placed at public buildings or bulletin boards in the affected area;

(F) Mailing of informational flyers to property owners within the affected area;

(viii) Signatures of all petitioners.

(f) The community development director shall determine whether the nomination proposal is complete and, if complete, shall evaluate it according to the characteristics enumerated in subsection (2)(b) of this section and make a recommendation to the planning commission based on those findings.

(g) The planning commission shall hold a public hearing for proposals found to be complete and make a recommendation to the city council based on the characteristics enumerated in subsection (2)(b) of this section.

(h) Following the recommendation of the planning commission, the city council may hold an additional public hearing and shall determine whether to designate a habitat or species of local importance.

(i) Approved nominations will be subject to the provisions of this title. (Ord. 2852 § 10 (Exh. A), 2011).

22E.010.180 Regulated activities in habitats.

The following activities within a habitat and its associated buffer as set forth in MMC 22E.010.220, or outside a habitat or buffer but with the potential of adversely affecting the habitat or buffer, shall be regulated pursuant to the standards of this chapter:

(1) Removing, excavating, disturbing or dredging soil, sand, gravel, minerals, organic matter or materials of any kind.

(2) Dumping, discharging or filling with any material.

(3) Draining, flooding or disturbing the water level or water table.

(4) Driving piling or placing obstructions.

(5) Constructing, reconstructing, demolishing or altering the size of any structure or infrastructure.

(6) Construction of any on-site sewage disposal system, or other underground facilities, except exempted activities.

(7) Destroying or altering habitat vegetation through clearing, harvesting, shading or planting vegetation that would alter the character of a habitat or buffer, the shade and protection for a stream, or that is a source of food or habitat for fish or game.

(8) Activities that result in significant changes in water temperature, physical or chemical characteristics of water sources, including water quantity and quality, soil flow, natural ground contours, or pollutants.

(9) Relocation of the natural course of the stream, or modification of the flow characteristics thereof.

(10) Any other activity potentially affecting a habitat or habitat buffer not otherwise exempt from the provisions of this chapter. (Ord. 2852 § 10 (Exh. A), 2011).

22E.010.190 Exemptions from fish and wildlife regulations.

(1) See MMC 22E.010.320 for general exemptions to all critical areas.

(2) The following activities shall be exempt from the provisions of this chapter related to fish and wildlife habitat provided they are conducted using best management practices:

> (a) Activities involving artificially created habitat, including but not limited to grass-lined swales, irrigation and drainage ditches, detention facilities such as ponds, and landscape features, except for habitat areas created as mitigation and artificially created habitats used by salmonid fish;
>
> (b) Prior to the effective date of the ordinance codified in this chapter, all commercial and industrial uses, developments, and activities which exist within the stream buffers shall be allowed to continue in existence, and to be repaired, maintained and remodeled as provided in Chapter 22C.100 MMC, Nonconforming Situations.

(3) No private or public entity shall undertake exempt activities as listed in this section prior to providing the city written notification of the entity's intent to proceed with an exempt activity. The city shall verbally confirm whether or not the activity is exempt and where needed provide written authorization within 30 days of receipt of the written notice.

(4) In case of any questions as to whether a particular activity is exempt under provisions of this section, the community development department's determination shall prevail and be determinative.

(5) Notwithstanding the exemption provided by this section, any otherwise exempt activities occurring in or near critical habitat areas shall comply with the intent of these standards and shall consider on-site alternatives that avoid or minimize potential habitat impacts. Exempt

activities shall use reasonable methods (i.e., best management practices) to avoid potential impacts to fish and wildlife habitat. (Ord. 2852 § 10 (Exh. A), 2011).

22E.010.200 Fish and wildlife habitat inventory maps.

(1) The approximate location and extent of habitat areas within the city of Marysville's planning area are shown on the maps adopted as part of this chapter. These maps shall be used as a general guide only for the assistance of property owners and other interested parties; boundaries are generalized. The actual type, extent and boundaries of habitat areas shall be determined by a qualified scientific professional according to the procedures, definitions and criteria established by this chapter. In the event of any conflict between the habitat location or type shown on the city's fish and wildlife conservation areas maps and the criteria or standards of this chapter, the criteria and standards resulting from the field investigation shall control.

(2) The following maps are hereby adopted for the purpose set forth in subsection (1) of this section:

(a) City of Marysville Fish and Wildlife Conservation Areas Map;

(b) Washington State Department of Fish and Wildlife Priority Habitat and Species Maps;

(c) Washington State Department of Natural Resources, Official Water Type Reference Maps, as amended;

(d) Washington State Department of Natural Resources Natural Heritage Program mapping data;

(e) Washington State Department of Natural Resources State Natural Area Preserves and Natural Resources Conservation Area Maps;

(f) Washington State Department of Health Annual Inventory of Shellfish Harvest Areas;

(g) Anadromous and resident salmonid distribution maps contained in the Habitat Limiting Factors Reports published by the Washington Conservation Commission;

(h) Washington State Department of Natural Resources Puget Sound Intertidal Habitat Inventory Maps; and

(i) Washington State Department of Natural Resources Shorezone Inventory or Northwest Straits Commission – Snohomish County Marine Resources Committee Inventory. (Ord. 2852 § 10 (Exh. A), 2011).

22E.010.210 Classification of fish and wildlife habitat areas.

(1) Streams. Streams shall be classified according to the stream type system as provided in WAC 222-16-030, Stream Classification System, as amended.

(a) Type S Stream. Those streams, within their ordinary high water mark, as inventoried as "shorelines of the state" under Chapter 90.58 RCW and the rules promulgated pursuant ~~thereto~~ to chapter 90.58 RCW, including periodically inundated areas of associated wetlands.

(b) Type F Stream. Those stream segments within the ordinary high water mark, including periodically inundated areas of their associated wetlands, ~~that are~~ not classified as Type S streams, and which are demonstrated or provisionally presumed to be used by salmonid fish. Stream segments which have a width of two feet or greater at the ordinary high water mark and have a gradient of 16 percent or less for basins less than or equal to 50 acres in size, or have a gradient of 20 percent or less for basins greater than 50 acres in size, are provisionally presumed to be used by salmonid fish. A provisional presumption of salmonid fish use may be refuted at the discretion of the community development director where any of the following conditions are met:

(i) It is demonstrated to the satisfaction of the city that the stream segment in question is upstream of a complete, permanent, natural fish passage barrier, above which no stream section exhibits perennial flow;

(ii) It is demonstrated to the satisfaction of the city that the stream segment in question has confirmed, long-term, naturally occurring water quality parameters incapable of supporting salmonid fish;

(iii) Sufficient information about a geomorphic region is available to support a departure from the characteristics described above for the presumption of salmonid fish use, as determined in consultation with the Washington State Department of Fish and Wildlife, the Department of Ecology, affected tribes, or others;

(iv) The Washington State Department of Fish and Wildlife has issued a hydraulic project approval pursuant to RCW 77.55.100, which includes a determination that the stream segment in question is not used by salmonid fish;

(v) No salmonid fish are discovered in the stream segment in question during a stream survey conducted according to the protocol provided in the Washington Forest Practices Board Manual, Section 13, Guidelines for Determining Fish Use for the Purpose of Typing Waters under WAC 222-16-031; provided, that no unnatural fish passage barriers have been present downstream of said stream segment over a period of at least two years.

(c) Type Np Stream. Those stream segments within the ordinary high water mark that are perennial nonfish habitat streams. Perennial streams are flowing waters that do not go dry any time of a year of normal rainfall and include the intermittent dry portions of the perennial channel below the uppermost point of perennial flow. ~~and are not Type S or Type F streams. However, for the purpose of classification, Type Np streams include intermittent dry portions of the channel below the uppermost point of perennial flow. If the uppermost point of perennial flow cannot be identified with simple, nontechnical observations (see Washington Forest Practices Board Manual, Section 23), then said point shall be determined by a qualified professional selected or approved by the city.~~

(d) Type Ns Stream. Those stream segments within the ordinary high water mark that are not Type S, Type F, or Type Np streams. These ~~include~~ are seasonal, nonfish habitat streams in which surface flow is not present for at least some portion of a year of normal rainfall ~~that~~ and are not located downstream from any Type Np stream ~~segment~~. Type Ns streams must be physically connected by an above-ground channel system to Type S, F, or Np streams. (Ord. 2852 § 10 (Exh. A), 2011).

22E.010.220 Fish and wildlife habitat buffer areas.

(1) The establishment of buffer areas shall be required for regulated activities in or adjacent to habitat areas. Buffers shall consist of an undisturbed area of native vegetation established to protect the integrity, functions and values of the affected habitat. Activities within buffers should not result in any net loss of the functions and values associated with streams and their buffers.

(a) The following buffer widths are established:

Streams	**Buffer**
Type S and Quilceda Creek	200 feet
Ebey Slough	100 feet
North and south shore of Ebey Slough between the western city limits, at approximately I-5 and 47th Avenue NE	25 feet
Type F	150 feet
Gissberg Twin Lakes	Lake setbacks correspond to City park boundaries
Type Np	100 feet
Type Ns	50 feet

~~Streams~~	~~Buffer~~
~~Type S~~ ~~Quilceda Creek~~ ~~Ebey Slough~~ ~~Except in the following location: north and south shore of Ebey Slough between the western city limits and 47th Ave. NE~~	~~200 feet~~ ~~100 feet~~ ~~25 feet~~
~~Type F~~ ~~Gissberg Twin Lakes~~	~~150 feet~~ ~~Lake setbacks correspond to county park boundaries~~
~~Type Np~~	~~100 feet~~
~~Type Ns~~	~~50 feet~~

(b) Federal, State, and Local Habitats and Species.

(i) Except for waters subject to subsection (1)(a) of this section, and bald eagles subject to subsection (1)(b)(ii) of this section, the establishment of buffer areas may be required for regulated activities in or adjacent to federal, state, and local species and habitat areas as designated pursuant to MMC 22E.010.170 and 22E.010.210. Buffers shall consist of an undisturbed area of native vegetation established to protect the integrity, functions and values of the affected habitat. Required buffer widths shall reflect the sensitivity of the habitat and the type and intensity of human activity proposed to be conducted nearby. Buffers shall be determined by the department based on information in the biological/habitat report, a habitat management plan approved by the Department of Fish and Wildlife supplemented by its own investigations, the intensity and design of the proposed use, and adjacent uses and activities. Buffers are not intended to be established or to function independently of the habitat they are established to protect. Buffers shall be measured from the edge of the habitat area.

(ii) Bald eagle habitat shall be protected pursuant to the Washington State Bald Eagle Protection Rules (WAC 232-12-292).

(2) Where existing buffer area plantings provide minimal vegetative cover and cannot provide the minimum water quality or habitat functions, buffer enhancement shall be required. Where buffer enhancement is required, a plan shall be prepared that includes plant densities that are not less than five feet on center for shrubs and 10 feet on center for trees. Monitoring and maintenance of plants shall be required in accordance with MMC 22E.010.260. Existing buffer

vegetation is considered “inadequate” and will require enhancement through additional native plantings and removal of nonnative plants when:

(a) Nonnative or invasive plant species provide the dominate cover;

(b) Vegetation is lacking due to disturbance and stream resources could be adversely affected; or

(c) Enhancement planting in the buffer could significantly improve buffer functions. If, according to the buffer enhancement plan, additional buffer mitigation is not sufficient to protect the habitat, the city shall require larger buffers where it is necessary to protect habitat functions based on site-specific characteristics.

(3) Measurement of Buffers.

(a) Stream Buffers. All buffers shall be measured from the ordinary high water mark as identified in the field or, if that cannot be determined, from the top of the bank. In braided channels and alluvial fans, the ordinary high water mark or the top of the bank as defined in MMC 22A.020.210 shall be determined so as to include the entire stream feature;

(b) Combination Buffers. Any stream adjoined by a wetland or other adjacent habitat area shall have the buffer which applies to the wetland or other habitat area unless the stream buffer requirements are more expansive.

(4) Buffer widths may be modified by averaging buffer widths as set forth herein:

(a) Buffer width averaging shall be allowed only where the applicant demonstrates to the community development department that the averaging will not impair or reduce habitat, water quality purification and enhancement, storm water detention, ground water recharge, shoreline protection and erosion protection and other functions of the stream and buffer, that lower intensity land uses would be located adjacent to areas where buffer width is reduced, and that the total area contained within the buffer after averaging is no less than that contained within the standard buffer prior to averaging;

(b) Notwithstanding the reductions permitted in subsection (4)(a) of this section, buffer widths shall not be reduced by more than 25 percent of the required buffer.

(5) The buffer width stated in subsection (1) of this section shall be increased in the following circumstances:

(a) When the adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse habitat impacts; or

(b) When the standard buffer has minimal or degraded vegetative cover that cannot be improved through enhancement; or

(c) When the minimum buffer for a habitat extends into an area with a slope of greater than 25 percent, the buffer shall be the greater of:

(i) The minimum buffer for that particular habitat; or

(ii) Twenty-five feet beyond the point where the slope becomes 25 percent or less.

(6) The community development director may authorize the following low impact uses and activities within the buffer depending on the sensitivity of the habitat involved, provided they are consistent with the purpose and function of the habitat buffer and do not detract from its integrity. To the extent reasonably practicable, examples of uses and activities which may be permitted in appropriate cases include pedestrian trails, viewing platforms, interpretive signage, utility easements and the installation of underground utilities pursuant to best management practices. Uses permitted within the buffer shall be located in the outer 25 percent of the buffer.

(7) Trails and Open Space. For walkways and trails, associated open space in critical buffers located on public property, or on private property where easements or agreements have been granted for such purposes all of the following criteria shall be met:

(a) The trail, walkway, and associated open space shall be consistent with the comprehensive parks, recreation, and open space master plan. The city may allow private trails as part of the approval of a site plan, subdivision or other land use permit approvals.

(b) Trails and walkways shall be located in the outer 25 percent of the buffer, i.e., the portion of the buffer that is farther away from the critical area. Exceptions to this requirement may be made for:

(i) Trail segments connecting to existing trails where an alternate alignment is not practical. Public access points to water bodies spaced periodically along the trail.

(c) Enhancement of the buffer area is required where trails are located in the buffer. Where enhancement of the buffer area adjacent to a trail is not feasible due to existing high quality vegetation, additional buffer area or other mitigation may be required.

(d) Trail widths shall be a maximum width of 10 feet for multi-purpose trails and 5 feet for recreational pathways. Trails shall be constructed of permeable materials; provided, that impervious materials may be allowed if pavement is required for handicapped or emergency access, or safety, or is a designated nonmotorized transportation route or makes a connection to an already dedicated trail, or reduces potential for other environmental impacts.

(8) Allowed Activity – Utilities in Streams. New utility lines and facilities may be permitted to cross water bodies in accordance with an approved supplemental stream/lake study, if they comply with the following criteria:

(a) Fish and wildlife habitat areas shall be avoided to the maximum extent possible; and

(b) The utility is designed consistent with one or more of the following methods:

(i) Installation shall be accomplished by boring beneath the scour depth and hyporheic zone of the water body and channel migration zone; or

(ii) The utilities shall cross at an angle greater than 60 degrees to the centerline of the channel in streams perpendicular to the channel centerline; or

(iii) Crossings shall be contained within the footprint of an existing road or utility crossing; and

(c) New utility routes shall avoid paralleling the stream or following a down-valley course near the channel; and

(d) The utility installation shall not increase or decrease the natural rate of shore migration or channel migration; and

(e) Seasonal work windows are determined and made a condition of approval; and

(f) Mitigation criteria of MMC 22E.010.240 are met.

(9) Storm water management facilities, such as biofiltration swales and dispersion facilities, may be located within the outer 25 percent of buffers only if they will have no negative effect on the functions and purpose the buffers serve for the fish and wildlife habitat areas. Storm water detention ponds shall not be allowed in fish and wildlife habitat areas or their required buffers.

(10) For subdivisions and short subdivisions, the applicable wetland and associated buffer requirements for any development or redevelopment of uses specifically identified in, and approved as part of, the original subdivision or short subdivision application shall be those requirements in effect at the time that the complete subdivision or short subdivision application was filed; provided, that for subdivisions this provision shall be limited to final plats reviewed and approved under Ordinance 1928, “Sensitive Areas,” adopted December 14, 1992, or as amended at the time of final plat approval. However, at the discretion of the community development director a buffer enhancement plan may be required in accordance with subsection (2) of this section if the wetland or buffer has become degraded or is currently not functioning or if the wetland and/or buffer may be negatively affected by the proposed new development.

(11) Minor additions or alterations such as decks and small additions less than 120 square feet, interior remodels, or tenant improvements which have no impact on the habitat or buffer shall be exempt from the buffer enhancement requirements.

(12) Required buffers shall not deny all reasonable use of property. A variance from buffer width requirements may be granted by the hearing examiner for alterations to Category I wetlands, complex matters as determined by the community development director, or as otherwise required by this code or by the community development director~~city of Marysville~~ upon a showing by the applicant that:

(a) There are special circumstances applicable to the subject property or to the intended use such as shape, topography, location or surroundings that do not apply generally to other properties and which support the granting of a variance from the buffer width requirements; and

(b) Such buffer width variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other similarly situated property but which because of special circumstances is denied to the property in question; and

(c) The granting of such buffer width variance will not be materially detrimental to the public welfare or injurious to the property or improvement; and

(d) The granting of the buffer width variance will not materially affect the subject habitat area; and

(e) If a variance application for stream buffers is merged with a pending shoreline development permit application, the applicant shall pay the city a single fee equal to the amount of the shoreline permit; and

(f) No variance from stream buffers shall be granted which is inconsistent with the policies of the Shoreline Management Act of the state of Washington and the master program of the city of Marysville.

(g) Best available science, as set forth in MMC 22E.010.040, shall be taken into consideration in the granting of a buffer width variance. (Ord. 2852 § 10 (Exh. A), 2011).

22E.010.230 Fish and wildlife habitat alteration and mitigation.

After careful consideration of the potential impacts and a determination that impacts are unavoidable, unavoidable impacts to streams, associated fish buffers and wildlife habitat not exempt under MMC 22E.010.190, granted a variance under MMC 22E.010.220, or meeting the criteria for a reasonable use exception in MMC 22E.010.410 shall be mitigated as follows:

(1) Adverse impacts to habitat functions and values shall be mitigated to the extent feasible and reasonable. Mitigation actions by an applicant or property owner shall occur in the following preferred sequence:

(a) Avoiding the impact altogether by not taking a certain action or parts of actions;

(b) Minimizing impacts by limiting the degree of magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;

(c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

(d) Reducing or eliminating the impact over time by preservation and maintenance operations;

(e) Compensating for the impact by replacing or providing substitute resources or environments;

(f) Monitoring the impact and taking appropriate corrective measures in accordance with MMC 22E.010.260.

(2) Where impacts cannot be avoided, the applicant or property owner shall implement other appropriate mitigation actions in compliance with the intent, standards and criteria of this section. In an individual case, these actions may include consideration of alternative site plans and layouts, reductions in the density or scope of the proposal, and implementation of the performance standards listed in MMC 22E.010.250.

(3) Alteration of habitats and their buffers may be permitted by the community development department subject to the following standards:

(a) Type S and F Streams. Alterations of Type S streams shall be avoided, subject to the reasonable use provisions of this chapter and conformance with the city of Marysville shoreline management master program. Access to the shoreline will be permitted for water-dependent and water-oriented uses subject to the mitigation sequence referred to in subsections (1) and (2) of this section;

(b) Type F, Np and Ns Streams. Alterations of Type F, Np and Ns streams may be permitted; provided, that the applicant mitigates adverse impacts consistent with the performance standards and other requirements of this chapter; and provided, that no overall net loss will occur in stream functions and fish habitat;

(c) Relocation of a stream may occur only when it is part of an approved mitigation or rehabilitation plan, and will result in equal or better habitat and water quality, and will not diminish the flow capacity of the stream. (Ord. 2852 § 10 (Exh. A), 2011).

22E.010.240 Fish and wildlife mitigation standards, criteria and plan requirements.

(1) Location and Timing of Mitigation.

(a) Mitigation shall be provided on-site, except where on-site mitigation is not scientifically feasible or practical due to physical features of the property. The burden of proof shall be on the applicant to demonstrate that mitigation cannot be provided on-site.

(b) When mitigation cannot be provided on-site, mitigation shall be provided in the immediate vicinity of and within the same watershed as the permitted activity on property owned or controlled by the applicant, where practical and beneficial to the fish and wildlife habitat resources. When possible, this means within the same watershed as the location of the proposed project.

(c) In-kind mitigation, as defined in Chapter 22A.020 MMC, shall be provided, except when the applicant demonstrates and the community development department concurs that greater functional and habitat value can be achieved through out-of-kind mitigation, as defined in Chapter 22A.020 MMC.

(d) Only when it is determined by the community development department that subsections (1)(a), (b), and (c) of this section are inappropriate or impractical shall off-site, out-of-kind mitigation be considered.

(e) Any agreed-upon proposal shall be completed before initiation of other permitted activities, unless a phased or concurrent schedule has been approved by the community development department. (Ord. 2852 § 10 (Exh. A), 2011).

22E.010.250 Fish and wildlife habitat performance standards and incentives.

(1) The habitat performance standards and criteria contained in this section shall be incorporated into plans submitted for regulated activities. It is recognized that in specific situations, all the listed standards may not apply or be feasible to implement or individual standards may conflict, in which case the standard(s) most protective of the environment shall apply.

(a) Consider habitat in site planning and design;

(b) Locate buildings and structures in a manner that preserves and minimizes adverse impacts to important habitat areas;

(c) Integrate retained habitat into open space and landscaping;

(d) Where possible, consolidate habitat and vegetated open space in contiguous blocks;

(e) Locate habitat contiguous to other habitat areas, open space or landscaped areas to contribute to a continuous system or corridor that provides connections to adjacent habitat areas and allows movement of wildlife;

(f) Use native species in any landscaping of disturbed or undeveloped areas and in any enhancement of habitat or buffers;

(g) Emphasize heterogeneity and structural diversity of vegetation in landscaping, and food-producing plants beneficial to wildlife and fish;

(h) Remove and control any noxious or undesirable species of plants and animals;

(i) Preserve significant trees and snags, preferably in groups, consistent with achieving the objectives of these standards;

(j) Buffers shall be surveyed, staked, and fenced with erosion control and/or clearing limits fencing prior to any construction work, including grading and clearing, that may take place on the site; and

(k) Temporary erosion and sedimentation controls, pursuant to an approved plan, shall be implemented during construction.

(2) A landscape plan shall be submitted consistent with the requirements, goals, and standards of this chapter. The plan shall reflect the report prepared pursuant to MMC 22E.010.330.

(3) As an incentive to encourage preservation of secondary and tertiary habitat, as those terms are defined in these regulations, the net amount of landscaping required by the city of Marysville may be reduced by 0.25 acres for each one acre of secondary or tertiary habitat and buffer preserved on the site; however, that amount cannot exceed 50 percent of the amount of required landscaping. The reduction shall be calculated on the basis of square feet of habitat preserved or enhanced and square feet of landscaping required. Habitat and habitat buffer that is enhanced by the applicant may also qualify for this reduction. Preservation of secondary or tertiary habitat shall be assured by the execution of an easement or other protective device acceptable to the city of Marysville. (Ord. 2852 § 10 (Exh. A), 2011).

22E.010.260 Fish and wildlife habitat monitoring program and contingency plan.

(1) A monitoring program shall be implemented to determine the success of the mitigation project and any necessary corrective actions. This program shall determine if the original goals and objectives are being met.

(2) A contingency plan shall be established for compensation in the event that the mitigation project is inadequate or fails. Security for performance in accordance with Chapter 22G.040 MMC is required for performance, monitoring and maintenance in accordance with the terms of the contingency plan. The security for performance shall be for a period of five years~~, but the community development director may agree to reduce the security in phases in proportion to work successfully completed over the duration of the security.~~; however, the monitoring period may be extended, if needed, until project performance standards are met.

(3) The monitoring program shall consist of the following:

(a) During monitoring, best available scientific procedures shall be used as the method of establishing the success or failure of the project;

(b) For vegetation determinations, permanent sampling points shall be established;

(c) For measurement purposes, vegetative success shall equal 80 percent survival of planted trees and shrubs and 80 percent cover of desirable understory or emergent species;

(d) Monitoring reports shall be submitted on the current status of the mitigation project to the community development department. The reports shall be prepared by a qualified scientific professional and reviewed by the city, shall to the extent applicable include monitoring information on wildlife, vegetation, water quality, water flow, storm water storage and conveyance, and existing or potential degradation, and shall be produced on the following schedule:

(i) At time of construction;

(ii) Thirty days after planting;

(iii) Early in the growing season of the first year;

(iv) End of the growing season of first year;

(v) Twice the second year; and

(vi) Annually thereafter;

(e) Monitoring shall occur over three, four, or five growing seasons, depending on the complexity of the fish and wildlife habitat system. The monitoring period will be determined by the community development department and specified in writing prior to the implementation of the site plan;

(f) The applicant shall, if necessary, correct for failures in the mitigation project;

(g) The applicant shall replace dead or undesirable vegetation with appropriate plantings, based on the approved planting plan or MMC 22E.010.150;

(h) The applicant shall repair damage caused by erosion, settling, or other geomorphological processes;

(i) Correction procedures shall be approved by a qualified scientific professional and the community development department; and

(j) In the event of failure of the mitigation project, the applicant shall redesign the project and implement the new design. (Ord. 2852 § 10 (Exh. A), 2011).

Article IV. Geologic Hazard Areas

22E.010.270 Applicability to geologic hazards.

(1) The provisions of this section shall apply to any activity that occurs in, on or within 300 feet of (as indicated on the geologic hazard maps), or potentially affects, a geologic hazard area subject to this chapter unless otherwise exempt. These activities may include, but are not limited to, the following:

(a) Removing, excavating, disturbing or dredging soil, sand, gravel, minerals, organic matter or materials of any kind;

(b) Dumping, discharging or filling with any material;

(c) Driving pilings or placing obstructions;

(d) Constructing, reconstructing, demolishing or altering the size of any structure or infrastructure;

(e) Construction of any on-site sewage disposal system, or other underground facilities, except exempted activities;

(f) Draining, flooding, or disturbing the water level or water table, or changing the flow of water through the site;

(g) Destroying or altering vegetation through clearing or harvesting; and

(h) Any other activity potentially affecting a geologic hazard area or its setback not otherwise exempt from the provisions of this section.

(2) To avoid duplication, the following permits and approvals shall be subject to and coordinated with the requirements of this section: clearing and grading; subdivision or short subdivision; building permit; planned unit development; shoreline substantial development; variance; conditional use permit; other permits leading to the development or alteration of land; and rezones. (Ord. 2852 § 10 (Exh. A), 2011).

22E.010.280 Geologic hazard inventory map.

The approximate location and extent of geologic hazard areas within the city of Marysville's planning area are shown on the critical areas maps adopted as part of this chapter. These maps should be used as a general guide only for the assistance of property owners and as information for the public. They are intended to indicate where potentially hazardous conditions are believed to exist. Boundaries are generalized; field investigation and analysis by a qualified scientific professional is required to confirm the actual presence or absence of a critical area. In the event of any conflict between the location, designation or classification of geologic hazard area shown on the city of Marysville's geologic hazard areas maps and criteria or standards of this chapter, the criteria and standards resulting from the field investigation shall prevail. (Ord. 2989 § 1, 2015; Ord. 2852 § 10 (Exh. A), 2011).

22E.010.290 Alteration of geologic hazard areas and development limitations.

(1) The city of Marysville may approve, condition or deny proposals as appropriate based on the degree to which significant risks posed by critical hazard areas to public and private property and to public health safety can be mitigated. The objective of mitigation measures shall be to render a site containing a critical geologic hazard site as safe as one not containing such hazard or to develop a structure that will tolerate the hazard. Enforceable guarantees shall be required where appropriate. Conditions may include limitations of proposed uses, modification of density, alteration of site layout and other appropriate changes to the proposal. Where potential impacts cannot be effectively mitigated, or where the risk to public health, safety and welfare, public or private property, or important natural resources is significant notwithstanding mitigation, the proposal shall be denied.

(2) Assurances required of the applicant and the qualified scientific professional for geologic hazard areas may at the discretion of the community development director include:

(a) A letter from the geotechnical engineer or geologist who prepared the required studies stating that the risk of damage from the proposal, both on-site and off-site, is minimal subject to the conditions set forth in the report, that the proposal will not increase the risk of occurrence of the geologic hazard, and that measures to eliminate or reduce risks have been incorporated into its recommendations; or

(b) A letter from the applicant, or the owner of the property if not the applicant, stating its understanding and acceptance of any risk of injury or damage associated with development of the site and agreeing to notify any future purchasers of the site, portions of the site, or structures located on the site of the geologic hazard; or

(c) A legally enforceable agreement, which shall be recorded as a covenant and noted on the face of the deed or plat, and executed in a form satisfactory to the city of Marysville, acknowledging that the site is located in a geologic hazard area; the risks associated with development of such site; and a waiver and release of any and all claims of the owner(s), their directors, employees, successors or assigns against the city of Marysville for any loss, damage or injury, whether direct or indirect, arising out of issuance of development permits for the proposal.

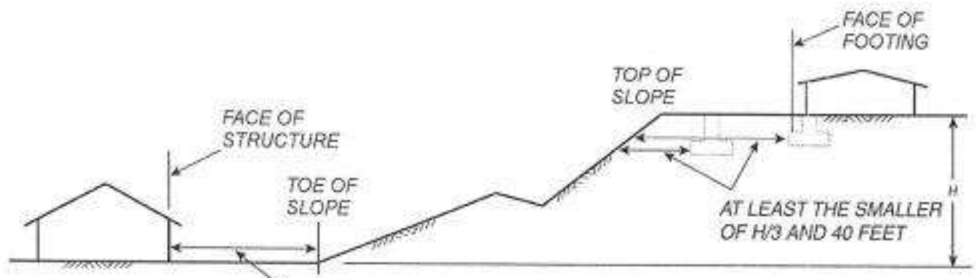
(3) When alteration of a geologic hazard area is approved, the city of Marysville at the discretion of the community development director and/or city engineer may require security for performance or security for maintenance in accordance with the standards of Chapter 22G.040 MMC. (Ord. 2852 § 10 (Exh. A), 2011).

22E.010.300 Setbacks from geologic hazards.

(1) A setback shall be established per a site specific geological hazard report and/or Chapter 18 of the International Building Code (IBC), or as amended from the edge of any geologic hazard area that is not approved for alteration pursuant to these regulations. The setback shall consist of an undisturbed area of natural vegetation; if the site has previously been disturbed, the setback area shall be revegetated pursuant to an approved planting plan.

(2) Required setbacks shall be approved by the community development director and/or city engineer, or his or her representative, and shall reflect the sensitivity of the geologic hazard area and the types and density of uses and activities proposed on or adjacent to the geologic hazard area. Established setbacks shall be measured from the horizontal plane from a vertical line established at the edge of the geologically hazardous area limits (both from top and toe of slope). The community development director or his or her representative shall consider the recommendations contained in any technical report prepared by the applicant’s geotechnical engineer. Building and structures shall be set back 10 feet from the edge of the setback.

(a) Setbacks for moderate to high landslide areas and moderate to high erosion areas shall be measured as recommended by the geotechnical report for the subject property, or as established in Chapter 18 of the International Building Code (IBC), or as amended, as follows:



For SI: 1 foot = 304.8 mm.

FIGURE 1808.7.1
FOUNDATION CLEARANCES FROM SLOPES

Formula:

1. Top of slope: Height of slope (H) divided by 3 plus 40 feet;

2. Toe of slope: Height of slope (H) divided by 2 plus 15 feet.

In the event that a specific setback buffer is not recommended in the geological studies, the setback buffer shall be based upon the standards set forth in Chapter 18 of the International Building Code (IBC), or as amended or as otherwise approved by the director.

(b) If the geological study recommends setback buffers that are less than the standard buffers that would result from application of Chapter 18 IBC, the specific rationale and basis for the reduced buffers shall be clearly articulated in the geological assessment.

(c) The city may require larger setback buffer widths under any of the following circumstances:

(i) The land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse impacts.

(ii) The area has a severe risk of slope failure or down slope stormwater drainage impacts.

(iii) The increased buffer is necessary to protect public health and safety and welfare based upon findings and recommendations of the geotechnical study. (Ord. 2989 § 2, 2015; Ord. 2852 § 10 (Exh. A), 2011).

22E.010.310 Geologic hazard performance standards.

(1) The following standards shall be implemented in all proposals occurring in or adjacent to geologic hazard areas:

(a) Geotechnical studies shall be prepared to identify and evaluate potential hazards and to formulate mitigation measures;

(b) Construction methods will reduce or not adversely affect geologic hazards;

(c) Site planning should minimize disruption of existing topography and natural vegetation;

(d) Disturbed areas should be replanted as soon as feasible pursuant to a previously approved landscape plan;

(e) Unless otherwise permitted as part of an approved alteration, the setback buffers required by this subsection shall be maintained in native vegetation to provide additional soil stability and erosion control. If the buffer area has been cleared, it shall be planted with native vegetation in conjunction with any proposed development activity;

(f) Use of retaining walls that allow maintenance of existing natural slope areas is preferred over graded slopes;

(g) Setbacks shall be surveyed, staked, and fenced with erosion control and/or clearing limits fencing prior to any construction work, including grading and clearing, that may take place on the site;

(h) Temporary erosion and sedimentation controls, pursuant to an approved plan, shall be implemented during construction;

(i) A master drainage plan should be prepared for large projects;

(j) Undevelopable geologic hazard areas larger than one-half acre should be placed in a separate tract;

(k) A monitoring program should be prepared for construction activities permitted in geologic hazard areas;

(l) Development shall not increase instability or create a hazard to the site or adjacent properties, or result in a significant increase in sedimentation or erosion;

(m) The proposal will not adversely impact other critical areas; and

(n) At the discretion of the community development director, peer review of geotechnical reports may be required prior to locating a critical facility within a geologic hazard area.

(2) Required setbacks shall not deny all reasonable use of property. A variance from setback width requirements may be granted by the city of Marysville upon a showing:

(a) There are special circumstances applicable to the subject property or to the intended use such as shape, topography, location or surroundings that do not apply generally to other properties and which support the granting of a variance from the setback requirements; and

(b) Such setback with variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other similarly situated property but which because of special circumstances is denied to the property in question; and

(c) The granting of such setback width variance will not be materially detrimental to the public welfare or injurious to the property or improvement. (Ord. 2989 § 3, 2015; Ord. 2852 § 10 (Exh. A), 2011).

Article V. General Information

22E.010.320 General exemptions.

The following activities shall be exempt from the provisions of this chapter provided they are conducted using best management practices:

(1) Existing and ongoing agricultural activities, as defined in Chapter 22A.020 MMC, and any lands designated long-term commercially significant agricultural lands;

(2) Maintenance, operation and reconstruction of existing roads, streets, utilities and associated structures; provided, that reconstruction of any structures may not increase the impervious area;

(3) Normal maintenance, repair and reconstruction of residential or commercial structures; provided, that reconstruction of any structures may not increase the previous floor area;

(4) Site investigative work and studies necessary for preparing land use applications, including soils tests, water quality studies, wildlife studies and similar tests and investigations; provided, that any disturbance of critical areas shall be the minimum necessary to carry out the work or studies;

(5) Educational activities, scientific research, and outdoor recreational activities that will not have a significant effect on the habitat area;

(6) Public agency emergency activities necessary to prevent an immediate threat to public health, safety or property;

(7) Prior to the effective date of the ordinance codified in this chapter, any of the following activities that have met all conditions of approval in a timely manner and are consistent with the reasonable use provisions of this chapter:

(a) Complete applications as defined by the appropriate ordinance or by city policy;

(b) Approved plats; and

(c) Development of legally created lots which have been recorded with Snohomish County, provided they were reviewed and approved under Ordinance No. 1928, “Sensitive Areas,” adopted December 14, 1992, or as amended at the time of final plat approval; and

(8) Minor activities not mentioned above and determined by the community development department to pose minimal risk to the public health, safety, general welfare and critical area functions. (Ord. 2852 § 10 (Exh. A), 2011).

22E.010.330 Permit process and application requirements.

(1) Preapplication Conference. All applicants are encouraged to meet with the community development director of the city of Marysville or his or her representative prior to submitting an application subject to these regulations. The purpose of this meeting shall be to discuss the city of Marysville’s critical areas requirements, process and procedures; to review any conceptual site plans prepared by the applicant; to discuss appropriate investigative techniques and methodology; to identify potential impacts and mitigation measures; and to familiarize the applicant with state and federal programs, particularly those pertaining to wetlands. Such conference shall be for the convenience of the applicant and any recommendations shall not be binding on the applicant or the city of Marysville.

(2) Application Requirements. The information required by this section should be coordinated with reporting requirements required by this section for any other critical areas located on the site.

(a) Prior to the issuance of a SEPA threshold determination for a proposal, a wetland determination, wetland delineation report, or fish and wildlife habitat report must be submitted to the city of Marysville for review upon request of the community development director due to inclusion of a portion or all of a site on the habitat or wetland inventory maps prepared by Snohomish County Tomorrow. The purpose of the report is to determine the extent and function of wetlands, and the extent, type, function and value of wildlife habitat on any site where regulated activities are proposed. The report will also be used by the city of Marysville to determine the appropriate wetland, or the sensitivity and appropriate classification of the habitat, appropriate buffering requirements, and potential impacts of proposed activities;

(b) In addition, wetland boundaries must be staked and flagged in the field by a qualified scientific professional employing the Washington State Wetlands Identification and Delineation Manual methodology. Field flagging must be distinguishable from other survey flagging on the site. The field flagging must be accompanied by a wetland delineation report;

(c) Applicants for activities within geologic hazard areas shall conduct technical studies to: evaluate the actual presence of geologic conditions giving rise to geologic hazards; determine the appropriate hazard category, according to the classification of potential hazards in these regulations; evaluate the safety and appropriateness of proposed activities; and recommend appropriate construction practices, monitoring programs and other mitigation measures required to ensure achievement of the purpose and intent of these regulations. The format of any required reports shall be determined by the city of Marysville;

(d) The report of any critical area shall include the following information:

(i) Vicinity map;

(ii) A map showing:

(A) Site boundary, property lines, and roads;

(B) Internal property lines, rights-of-way, easements, etc.;

(C) Existing physical features of the site including buildings, fences, and other structures, roads, parking lots, utilities, water bodies, etc.;

(D) Contours at the smallest readily available intervals, preferably at five-foot intervals; and

(E) For large (50 acres or larger) or complex projects with wetlands or habitat areas, an aerial photo with overlays displaying the site boundaries and wetland delineation or habitat area(s) may be required. Generally, an orthophotograph at a scale of one inch equals 400 feet or greater (such as one inch equals 200 feet) should be used. If an orthophotograph is not available, the center of a small scale (e.g., one inch equals 2,000 feet) aerial photograph enlarged to one inch equals 400 feet may be used;

(iii) The report for any critical area must describe:

(A) Locational information including legal description and address;

(B) All natural and manmade features within 150 feet of the site boundary;

(C) General site conditions including topography, acreage, and water bodies or wetlands; and

(D) Identification of any areas that have previously been disturbed or degraded by human activity or natural processes;

(e) In addition to the general report requirements, a report on wetlands shall include the following information:

(i) Delineated wetland boundary;

(ii) The wetland boundary must be accurately drawn at an appropriate engineering scale such that information shown is not cramped or illegible. The drawing shall be prepared by a surveyor. Generally, a scale of one foot equals 40 feet or greater (such as one inch equals 20 feet) should be used. Existing features must be distinguished from proposed features;

(iii) Site designated on the wetlands areas maps prepared for Snohomish County Tomorrow, July 1991;

(iv) Hydrologic mapping showing patterns of water movement into, through, and out of the site area;

(v) Location of all test holes and vegetation sample sites, numbered to correspond with flagging in the field and field data sheets;

(vi) Field data sheets from the federal manual, numbered to correspond with sample site locations as staked and flagged in the field; and describing:

(vii) Specific descriptions of plant communities, soils and hydrology;

(viii) A summary of existing wetland function and value; and

(ix) A summary of proposed wetland and buffer alterations, impacts, and the need for the alterations as proposed. Potential impacts may include but are not limited to loss of flood storage potential, loss of wildlife habitat, expected decreases in species diversity or quantity, changes in water quality, increases in human intrusion, and impacts on associated wetland or water resources.

If alteration of a Category I, II, III, or VI wetland is proposed, a wetland mitigation plan is required according to the standards of MMC 22E.010.150;

(f) In addition to the general report requirements, a report on fish and wildlife habitats shall include the following information. The level of detail contained in the report shall generally reflect the size and complexity of the proposal and the function and value of the habitat. The community development department may require field studies at the applicant’s expense in appropriate cases:

(i) A map of vegetative cover types, reflecting the general boundaries of different plant communities on the site;

(ii) A description of the species typically associated with the cover types, including an identification of any critical wildlife species that might be expected to be found;

(iii) The results of searches of DNB's Natural Heritage and WDFW's Nongame Data System databases, if available; and

(iv) Additional information on species occurrence available from the city of Marysville or Snohomish County; and describing:

(v) The layers, diversity and variety of habitat found on the site;

(vi) Identification of edges between habitat types and any species commonly associated with that habitat;

(vii) The location of any migration or movement corridors;

(viii) A narrative summary of existing habitat functions and values; and

(ix) A summary of proposed habitat and buffer alterations, impacts and mitigation. Potential impacts may include but are not limited to clearing of vegetation, fragmentation of wildlife habitat, expected decreases in species diversity or quantity, changes in water quality, increases in human intrusion, and impacts on wetlands or water resources;

(g) In addition to the general report requirements, a report on geologic hazards shall include the following information:

(i) A characterization of soils, geology and drainage;

(ii) A characterization of ground water conditions including the presence of any public or private wells in the immediate vicinity; and

(iii) An analysis of proposed clearing, grading and construction activities, including construction scheduling; potential direct and indirect, on-site and off-site impacts from the development; and proposed mitigation measures, including any special construction techniques, monitoring or inspection program, erosion or sedimentation programs (during and after construction), and surface water management controls.

In order to determine the geologic hazard classification project, applicants shall also include in their report to the city of Marysville a description prepared by a qualified scientific professional that reviews the site history and results of a surface reconnaissance. The purpose of these regulations is to require a level of study and analysis commensurate with potential risks associated with geologic hazards on particular sites and for particular proposals.

Depending on the particular geologic hazard, geologic, hydrologic, and topographic studies may be required. The appropriate report(s) and level of analysis shall be determined using the following guidelines:

(A) Moderate Landslide Hazard Areas.

1. Review site history and available information;

2. Conduct a surface reconnaissance of the site and adjacent areas; and

3. Conduct subsurface exploration if indicated by subsections (2)(g)(iii)(A)(1) and (2) of this section as determined by the applicant's qualified scientific professional and the city;

(B) High Landslide Hazard Areas.

1. Review site history and available information;

2. Conduct a surface reconnaissance of the site and adjacent areas;

3. Conduct subsurface exploration suitable to the site and proposal to assess geohydrologic conditions;

4. Recommend surface water management controls during construction and operation;

5. Proposed construction scheduling; and

6. Recommendations for site monitoring and inspection during construction;

(C) Very High Landslide Hazard Areas.

1. Development is prohibited in these areas;

(D) Moderate and High Erosion Hazard Areas.

1. Review site history and available information;

2. Conduct a surface reconnaissance of the site and adjacent areas; and

3. Identify surface water management, erosion and sediment controls appropriate to the site and proposal;

(E) Seismic Hazard Areas.

1. For one- and two-story single-family structures, conduct an evaluation of site response and liquefaction potential based on the performance of similar structures under similar foundation conditions; and

2. For all other proposals, conduct an evaluation of site response and liquefaction potential including sufficient subsurface exploration to provide a site coefficient (S) for use in the static lateral force procedure described in the International Building Code.

(3) Permit Process. This section is not intended to create a separate permit process for development proposals. To the extent possible, the city of Marysville shall consolidate and integrate the review and processing of critical area-related aspects of proposals with other land use and environmental considerations and approvals. (Ord. 2852 § 10 (Exh. A), 2011).

22E.010.340 Selection of qualified scientific professional and city review of report.

For the purposes of this chapter, qualified scientific professionals not licensed by the state of Washington for the activities they are to perform in evaluation of critical areas shall be reviewed by and their names appear on an approved list prepared by the city of Marysville.

(1) Biannually, the city shall advertise requests for qualifications for qualified scientific professionals for each area established by this chapter: wetlands, fish habitat areas/streams, wildlife habitat areas, and geologic hazard areas. The community development director shall establish a panel to review the firm and individual's qualifications and references. Each qualified scientific professional shall have completed at least a four-year degree program and meet the minimum requirements contained within Chapter 22A.020 MMC, Definitions. The panel shall recommend to the community development director the list of consultants, as selected by the panel, that are qualified to evaluate each type of critical area identified in this chapter. There shall be a minimum of 12 qualified scientific professionals for each of the three categories. The list shall be adopted within 60 days of the adoption of the ordinance codified in this chapter and 60 days of January 1st biannually thereafter.

(2) The adopted lists of qualified scientific professionals shall be available at the community development department.

(3) Reports meeting the criteria as required by this chapter, submitted by a qualified scientific professional included on the adopted list, should be accepted by the city of Marysville. However, the city retains the right to have a separate review of the reports, and at its discretion

may retain a qualified scientific professional at the city's expense to review and confirm the applicant's reports, studies, and plans. Applicants may choose to use other consultants which they feel meet the definition of qualified scientific professionals given; however, the city retains the right to have a separate review of their reports, and at its discretion may retain a qualified scientific professional at the applicant's expense to review and confirm the applicant's reports, studies, and plans. (Ord. 2852 § 10 (Exh. A), 2011).

22E.010.350 Land divisions.

All proposed divisions of land which include regulated critical areas shall comply with the following procedures and development standards:

(1) New lots shall contain at least one building site, including access, that is suitable for development and is not within the regulated critical area or its associated buffer or setback.

(2) A regulated critical area and its associated buffer or setback shall be placed in a separate tract on which development is prohibited, protected by execution of an easement given to the city of Marysville, or dedicated to the city of Marysville at the discretion of the city of Marysville. The location and limitations associated with the critical area and its associated buffer or setback shall be shown on the face of the deed or plat applicable to the property and shall be recorded with the Snohomish County auditor. (Ord. 2852 § 10 (Exh. A), 2011).

22E.010.360 On-site density transfer for critical areas.

(1) An owner of a residential site or property containing critical areas may be permitted to transfer the density attributable to the critical area and associated buffer area or setback to another noncritical portion of the same site or property, subject to the limitations of this section and other applicable regulations. In the case of streams, only the density attributable to the buffer may be transferred.

(2) Up to 100 percent of the density that could be achieved on the critical area and buffer portion of the site, excluding stream channels, can be transferred to the noncritical area portion, subject to:

(a) The density limitations of the underlying zone must be applied;

(b) Lots in the neighborhood residential zones, and single-family and middle housing in multifamily zones, are permitted to have 50 percent building coverage, 65 percent impervious coverage, a 4,000-square-foot minimum lot size, and a 40-foot lot width to accommodate the transfers in density;

(c) The noncritical, nonbuffer portion of the site is not constrained by another environmentally critical area regulated by this code.

(3) An on-site density transfer shall meet the requirements and follow the procedures of Chapter 22G.090 MMC, Subdivisions and Short Subdivisions. (Ord. 3366 § 100 (Exh. VVVV), 2025; Ord. 3352 § 103 (Exh. VVVV), 2025; Ord. 2852 § 10 (Exh. A), 2011).

22E.010.370 Fencing and signage requirements.

Wetland fencing and signage adjacent to a regulated wetland or stream corridor shall be required. Two-rail fencing shall be constructed with pressure treated posts and rails and cemented into the ground with either cedar or treated rails. Alternative materials may be used subject to approval by the city. Signs designating the presence of an environmentally sensitive area shall be posted along the buffer boundary. The signs shall be posted at a minimum rate of one every 100 lineal feet. (Ord. 2852 § 10 (Exh. A), 2011).

22E.010.380 Building setbacks.

Unless otherwise provided, buildings and other structures shall be set back a distance of 15 feet from the edges of all critical area buffers or from the edges of all critical areas, if no buffers are required. The following may be allowed in the building setback area:

(1) Landscaping;

(2) Uncovered decks;

(3) Building overhangs, if such overhangs do not extend more than 18 inches into the setback area; and

(4) Impervious ground surfaces, such as driveways and patios; provided, that such improvements may be subject to water quality regulations as adopted. (Ord. 2852 § 10 (Exh. A), 2011).

22E.010.390 General procedural provisions.

(1) Interpretation and Conflicts. Any question regarding interpretation of these regulations shall be resolved pursuant to the procedures set forth in Chapter 22G.060 MMC, relating to the hearing examiner.

(2) Appeals from Permit Decisions. Appeals from permit decisions shall be governed by the procedures set forth in Chapter 22G.060 MMC, relating to the hearing examiner. (Ord. 2852 § 10 (Exh. A), 2011).

22E.010.400 Penalties and enforcement.

Penalty and enforcement provided in this section shall not be deemed exclusive, and the city may pursue any remedy or relief it deems appropriate.

(1) Any person, firm, corporation, or association or any agent thereof who violates any of the provisions of this chapter shall be punishable as set forth in MMC 4.02.040(3)(g). It shall be a separate offense for each and every day or portion thereof during which any violation of any provisions of this chapter is committed.

(2) Any person, firm, corporation, or association or any agent thereof who violates any of the provisions of this chapter shall be liable for all damages to public or private property arising from such violation, including the cost of restoring the affected area to an equivalent or improved condition prior to the violation occurring. If an equivalent condition cannot be provided, the violator shall be subject to a fine in an amount equal to the value of the damage to the environmentally critical area, determined using best available methods of calculating the value of vegetation, land, and water resources.

(3) Restoration shall include, but not be limited to, the replacement of all improperly removed groundcover with species similar to those which were removed or other approved species such that the biological and habitat values will be replaced, improper fill removed, and slope stabilized. Studies by the qualified experts shall be submitted to determine the conditions which were likely to exist on the lot prior to the illegal alteration.

(4) Restoration shall also include installation and maintenance of interim and emergency erosion control measures until such time as the restored groundcover and vegetation reach sufficient maturation to function in compliance with the performance standards adopted by the city.

(5) The city shall stop work on any existing permits and halt the issuance of any or all future permits or approvals for any activity which violates the provisions of this chapter until the property is fully restored in compliance with this chapter and all penalties are paid.

(6) Notwithstanding the other provisions provided in this chapter, anything done contrary to the provisions of this chapter or the failure to comply with the provisions of this chapter shall be and the same is hereby declared to be a public nuisance.

The city is authorized to apply to any court of competent jurisdiction, for any such court, upon hearing and for cause shown, may grant a preliminary, temporary or permanent injunction restraining any person, firm, and/or corporation from violating any of the provisions of this chapter and compelling compliance with the provisions thereof. The violator shall comply with the injunction and pay all cost incurred by the city in seeking the injunction. (Ord. 2951 § 13, 2014; Ord. 2852 § 10 (Exh. A), 2011).

22E.010.410 General savings provisions – Reasonable use determination.

(1) The standards and regulations of this section are not intended, and shall not be construed or applied in a manner, to deny all reasonable economic use of private property. If an applicant demonstrates to the satisfaction of the city of Marysville that strict application of these standards and the utilization of cluster techniques, planned unit development, and transfer of development rights would deny all reasonable economic use of its property, development may be permitted subject to appropriate conditions, derived from this chapter, as determined by the community development director.

(2) An applicant for relief from strict application of these standards shall demonstrate the following:

(a) That no reasonable use with less impact on the critical area and buffer or setback is feasible and reasonable; and

(b) That there is no feasible and reasonable on-site alternative to the activities proposed, considering possible changes in site layout, reductions in density and similar factors; and

(c) That the proposed activities, as conditioned, will result in the minimum possible impacts to critical area and buffer or setback; and

(d) That all reasonable mitigation measures have been implemented or assured; and

(e) That all provisions of the city's regulations allowing density transfer on-site and off-site have been considered; and

(f) That the inability to derive reasonable economic use is not the result of the applicant's actions. (Ord. 2852 § 10 (Exh. A), 2011).

22E.010.420 No special duty created.

(1) It is the purpose of this chapter to provide for the health, welfare, and safety of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter. No provision or term used in this chapter is intended to impose any duty whatsoever upon the city or any of its officers, agents, or employees, for whom the implementation or enforcement of this chapter shall be discretionary and not mandatory.

(2) Nothing contained in this chapter is intended to be, nor shall be, construed to create or form the basis for any liability on the part of the city or its officers, agents, and employees for any injury or damage resulting from the failure of any premises to abate a nuisance or to comply with the provisions of this chapter or be a reason or a consequence of any inspection, notice or order, in connection with the implementation or enforcement of this chapter, or by reason of any action of the city related in any manner to enforcement of this chapter by its officers, agents or employees. (Ord. 2852 § 10 (Exh. A), 2011).

DRAFT

COMMUNITY DEVELOPMENT DEPARTMENT
501 Delta Avenue ◆ Marysville, WA 98270

MEMORANDUM

DATE: July 14, 2026

TO: Planning Commission

FROM: Angela Gemmer, Interim Community Development Director

SUBJECT: Critical Areas Ordinance Update

Exhibit 1: DRAFT Critical Areas Ordinance Amendments

With passage of the Growth Management Act (GMA), local jurisdictions throughout Washington State, including the City of Marysville (City), were required to develop policies and regulations to designate and protect critical areas. Critical areas are defined in the GMA and the Revised Code of Washington (RCW) 36.70A.030(5) to include wetlands, fish and wildlife habitat conservation areas, frequently flooded areas, critical aquifer recharge areas, and geologically hazardous areas. The GMA requires local jurisdictions to periodically review and evaluate their adopted critical areas policies and regulations.

The City's critical areas policies are currently contained in the Environmental Element chapter of the Marysville Comprehensive Plan (Comprehensive Plan). The City's critical areas regulations are currently codified in the Marysville Municipal Code (MMC), Title 22E, Chapter 22E.010 Critical Areas Management also referred to as the City's Critical Areas Ordinance (CAO).

An ongoing requirement of the GMA is for local jurisdictions to periodically review and evaluate their adopted critical areas policies and regulations. In accordance with the GMA, the City last completed a comprehensive update of its critical areas policies and regulations in 2004. The City's critical areas policies and regulations were required to be updated by December 31, 2025. This includes the requirement to review and incorporate best available science (BAS). Any deviations from science-based recommendations should be identified, assessed and explained (Washington Administrative Code [WAC] 365-195-915). In addition, jurisdictions are to give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries.

To aid in the CAO update effort, the City had Facet, a critical areas consultant, conduct a BAS review of the City's code. Staff is using this guidance to support the update of the CAO. **The following is an overview of key changes proposed to the CAO to ensure compliance with Washington State law and BAS.**

Wetlands

MMC 22E.010.010

The general purpose and intent section has been updated to reflect the various critical area types designated in State law: wetlands, fish and wildlife habitat conservation areas, geologically hazardous areas, frequently flood areas, and critical aquifer recharge areas.

MMC 22E.010.060

A heading has been added for "identification and delineation" which describes the delineation of wetland boundaries shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplement. A term (five years) for how long wetland delineations are valid for has been added. The current version of the wetland rating system for Washington State has been added along with the current Ecology publication number.

MMC 22E.010.080

The exemption from wetland regulations section is amended to indicate that restoration including invasive species removal and planting of native plants that would otherwise not require a permit may be approved on a case-by-case basis.

MMC 22E.010.100

The wetland buffer areas includes language that the standard buffer widths assume that the buffer is planted with native plans appropriate for the ecoregion. If the existing buffer is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform necessary functions, the buffer must be planted to provide an appropriate plant community of shall be widened to ensure that adequate buffer functions are provided.

The Department of Ecology provides three different approaches to establishing buffers:

Option 1 provides wetland buffers that are based on the Category of wetland (I – IV) and the habitat score assigned to the wetland. Category I and II wetlands with high habitat scores (between 8 and 9 points) have the greatest buffer, while Category V wetlands with low habitat scores have the smallest buffer. If the mitigation measures in Table 2 below are implemented and a habitat corridor is provided, then the buffers shown in Option 1, Table 1 may be used. If a habitat corridor and the mitigation measures in Table 2 are not implemented, than the buffers must be increased as shown in Table 3 below.

Option 2 establishes buffers based on the category of wetland and the adjacent land use with the most intensive land uses such as commercial, industrial, and most residential having the largest buffers and resource lands having the smallest buffers.

Option 3 establishes buffers based solely on the wetland category as shown in the table below.

Among these options, Option 1 appears to be best balance critical area protections, the sensitivity of the habitat, and preservation of land capacity so is recommended by staff and option reflected in the attached DRAFT code amendments.

Accompanying Option 1, the code is amended to include a more comprehensive list of mitigation measures (e.g., fencing off the critical area, directing lights away from the critical area, etc.) than was previously provided in code.

MMC 22E.010.100 is also amended to include stricter language for when buffer widths must be increased, and to clarify that trail widths should be 5 feet wide in most instances with 10 foot trails allowed for multi-purpose trails.

Option 1

Table 1. Wetland buffer width requirements, in feet, if Table 2 is implemented and a habitat corridor is provided

Category of wetland	Habitat score 3-5 points (corridor not required)	Habitat score 6-7 points	Habitat score 8-9 points	Buffer width based on special characteristics
Category I or II: Based on rating of wetland functions (and not listed below)	75	110	225	NA
Category I: Bogs and Wetlands of High Conservation Value	NA	NA	225	190
Category I: Interdunal	NA	NA	225	NA
Category I: Forested	75	110	225	NA
Category I: Estuarine and wetlands in coastal lagoons	NA	NA	NA	150
Category II: Interdunal	NA	NA	NA	110
Category II: Estuarine and wetlands in coastal lagoons	NA	NA	NA	110
Category III: All types except interdunal	60	110	225	NA
Category III: Interdunal	NA	NA	NA	60
Category IV: All types	40	40	40	NA

Table 2. Impact minimization measures

Examples of disturbance	Activities and uses that cause disturbances	Examples of measures to minimize impacts
Lights	• Parking lots • Commercial/Industrial • Residential • Recreation (e.g., athletic fields) • Agricultural buildings	• Direct lights away from wetland • Only use lighting where necessary for public safety and keep lights off when not needed • Use motion-activated lights • Use full cut-off filters to cover light bulbs and direct light only where needed • Limit use of blue-white colored lights in favor of red-amber hues • Use lower-intensity LED lighting • Dim light to the lowest acceptable intensity
Noise	• Commercial • Industrial • Recreation (e.g., athletic fields, bleachers, etc.) • Residential • Agriculture	• Locate activity that generates noise away from wetland • Construct a fence to reduce noise impacts on adjacent wetland and buffer • Plant a strip of dense shrub vegetation adjacent to wetland buffer
Toxic runoff	• Parking lots • Roads • Commercial/industrial • Residential areas • Application of pesticides • Landscaping • Agriculture	• Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered • Establish covenants limiting use of pesticides within 150 ft. of wetland • Apply integrated pest management (These examples are not necessarily adequate for minimizing toxic runoff if threatened or endangered species are present at the site.)
Examples of disturbance	Activities and uses that cause disturbances	Examples of measures to minimize impacts
Stormwater runoff	• Parking lots • Roads • Residential areas • Commercial/industrial • Recreation • Landscaping/lawns • Other impermeable surfaces, compacted soil, etc.	• Retrofit stormwater detention and treatment for roads and existing adjacent development • Prevent channelized or sheet flow from lawns that directly enters the buffer • Infiltrate or treat, detain, and disperse new runoff from impervious surfaces and lawns
Pets and human disturbance	• Residential areas • Recreation	• Use privacy fencing • Plant dense native vegetation to delineate buffer edge and to discourage disturbance • Place wetland and its buffer in a separate tract • Place signs around the wetland buffer every 50-200 ft., and for subdivisions place signs at the back of each residential lot • When platting new subdivisions, locate greenbelts, stormwater facilities, and other lower-intensity uses adjacent to wetland buffers
Dust	• Tilled fields • Roads	• Use best management practices to control dust

Table 3. Wetland buffer width requirements, in feet, for applicants not providing a habitat corridor or implementing measures in Table 2

Category of wetland	Habitat score 3-5 points	Habitat score 6-7 points	Habitat score 8-9 points	Buffer width based on special characteristics
Category I & II: Based on rating of wetland functions (and not listed below)	100	150	300	NA
Category I: Bogs and Wetlands of High Conservation Value	NA	NA	300	250
Category I: Interdunal	NA	NA	300	NA
Category I: Forested	100	150	300	NA
Category I: Estuarine and wetlands in coastal lagoons	NA	NA	NA	200
Category II: Interdunal	NA	NA	NA	150
Category II: Estuarine and wetlands in coastal lagoons	NA	NA	NA	150
Category III: All types except interdunal	80	150	300	NA
Category III: Interdunal	NA	NA	NA	80
Category IV	NA	NA	NA	50

Option 2

Table 1. Width of buffers, in feet, needed to protect wetlands from impacts of proposed land uses (used with Table 2)

Category of wetland	Land use with low impact*	Land use with moderate impact*	Land use with high impact*
I	150	225	300
II	150	225	300
III	75	110	150
IV	25	40	50

Level of impact from proposed land use	Types of land use
High	• Commercial • Urban • Industrial • Institutional • Mixed-use developments • Residential (more than 1 unit/acre) • Roads: federal and state highways, including on-ramps and exits, state routes, and other roads associated with high-impact land uses • Railroads • Agriculture with high-intensity activities (dairies, nurseries, greenhouses, growing and harvesting crops requiring annual tilling, raising and maintaining animals, etc.)

Level of impact from proposed land use	Types of land use
	• Open/recreational space with high-intensity uses (golf courses, ball fields, etc.) • Solar farms (utility scale)
Moderate	• Residential (1 unit/acre or less) • Roads: Forest Service roads and roads associated with moderate-impact land uses • Open/recreational space with moderate-intensity uses (parks with paved trails or playgrounds, biking, jogging, etc.) • Agriculture with moderate-intensity uses (orchards, hay fields, light or rotational grazing, etc.) • Utility corridor or right-of-way used by one or more utilities and including access/maintenance road • Wind farm
Low	• Natural resource lands (forestry/silviculture–cutting of trees only, not land clearing and removing stumps) • Open/recreational space with low-intensity uses (unpaved trails, hiking, birdwatching, etc.) • Utility corridor without a maintenance road and little or no vegetation management • Cell tower

Option 3

Table 1. Wetland buffer width requirements, in feet, based solely on wetland category

Category of wetland	Buffer width
I	300
II	300
III	150
IV	50

MMC 22E.010.120

This section is amended to provide ensure that wetland mitigation, re-creation, etc. ratios are clear and consistent with State requirements.

MMC 22E.010.130

This section is renamed from wetland mitigation banks to programmatic mitigation consistent with the more general term that is used for third-party sponsors' mitigation such as mitigation banks and fee-in-lieu programs. This section is also amended to indicate that documentation must be provided for how credit needs were calculated.

MMC 22E.010.140

Currently, wetland mitigation plans are a two phase mitigation plan that is proposed to be consolidated into a single phase for clarity and ease of administration.

MMC 22E.010.160

The wetland monitoring program and contingency plan section is amended to reduce the times when monitoring reports must be submitted and clarifies when adjustments to the monitoring period can be made.

Fish and Wildlife Habitat Areas

MMC 22E.010.210

This code section provides a description of the different stream types: Type S, Type F, Type Np, and Type Ns. The current definition of these stream types does not completely align with State law and are proposed to be amended to provide better alignment.

MMC 22E.010.220

The fish and wildlife habitat area buffers outlined in this section are not proposed to be changed; however, are now organized better in the table so that it is clear which buffer applies to each stream type.

This section is also amended to:

- Clarify that trail widths should be 5 feet wide in most instances with 10 foot trails allowed for multi-purpose trails; and

- Direct reasonable use buffer width variance to the Hearing Examiner for alterations to Category I wetlands, for complex matters as determined by the Community Development Director, and as otherwise required by code.

MMC 22E.010.260

The fish and wildlife habitat monitoring language is amended to eliminate a provision regarding reducing the security amount in proportion to the work completed and to note that the monitoring period may be extended if needed to ensure that project performance standards are met.

Geologic Hazard Areas

Changes to the geologic hazard areas section will be limited but are not reflected in the attached draft. The key changes anticipated are to:

- Cross-reference definitions; and
- To incorporate third-party peer review requirements in the geologic hazard areas alteration and setbacks sections.

General Information, Critical Aquifer Recharge Areas, and Frequently Flooded Areas

Limited changes are anticipated pertaining to the general information, critical aquifer recharge areas, and frequently flooded areas, which will be provided in the next draft.

Conclusion

Staff respectfully request that the Planning Commission review the DRAFT Critical Areas Ordinance amendments, ask questions, and provide feedback at the July 14th Planning Commission work session.

MARYSVILLE WASHINGTON

Agenda Bill

AGENDA ITEM NO. 3.

DATE: July 14, 2026

SUBMITTED BY: Angela Gemmer, Planning Manager

PRESENTED BY: Angela Gemmer, Planning Manager

ITEM TYPE: Discussion Item

AGENDA SECTION: New Business

SUBJECT:
116th Street Master Plan Repeal

SUGGESTED ACTION:
Recommended Motion: I move to set a Public Hearing to consider the 116th Street Master Plan Repeal.

SUMMARY:
The 116th Street Master Plan ("the Plan"), adopted on May 14, 2001, contains many provisions that have either already been implemented or are now obsolete. The Plan includes provisions for access and a road network, stormwater facilities, landscaping, and critical areas protection. Most of the access and road network, stormwater facilities, landscaping, and critical areas protection. Most of the access and road network requirements contained within the Plan were constructed prior to, or concurrent with, commercial development along 116th Street NE; however, some road network planning south of 116th Street NE will be retained and modified as appropriate. Similarly, stormwater facilities proposed within the Plan were previously constructed. Critical Areas provisions and certain landscaping provisions contemplated within the Plan currently differ from Marysville Municipal Code (MMC) requirements and were never implemented in the MMC.

Given that most of the 116th Street Master Plan is obsolete, repeal of the Plan is recommended; however, certain Comprehensive Plan maps will be amended to show the extension of 38th Drive NE southward to provide access to the remaining undeveloped land. At the work session, staff respectfully requests that the Planning

Commission review the materials, ask any questions, and then set a Public Hearing date to consider the 116th Street Master Plan Repeal.

ATTACHMENTS:

E001 - Land Use Application - CPA26-0002, E002 - Project Narrative - CPA26-0002, E003 - Environmental Checklist - CPA26-0002, E004 - Response Letter - CPA26-0002, E005 - Vicinity Map - CPA26-0002, E006 - Letter of Completeness - CPA26-0002, E007 - Affidavit of Publication - CPA26-0002, E008 - Technical Review Comments - CPA26-0002

MARYSVILLE COMMUNITY DEVELOPMENT EST. 1891

MASTER LAND USE PERMIT APPLICATION

Community Development Department ◆ 501 Delta Avenue ◆ Marysville, WA 98270
Office Hours: Mon - Fri 8:00 AM - 4:30 PM ◆ Phone: (360) 363-8000

SITE INFORMATION

SITE ADDRESS: Unknown	**APN(S):** 30050900302400
PROPOSED PROJECT NAME: 116th Street Master Plan Repeal	**SECTION, TOWNSHIP, & RANGE:** 09 30 05
LAND USE (ZONING) DESIGNATION: MU	**SHORELINE ENVIRONMENT:** N/A
WATER SUPPLY **Current:** None **Proposed:** Marysville	**SEWER SUPPLY** **Current:** None **Proposed:** Marysville

PRESENT USE OF PROPERTY:
Vacant, undeveloped property within 116th Street Master Plan Area

PRE-APPLICATION CONFERENCE HELD? ☐ **Yes, the City file # is** ____________ ☒ **No**

	PROPERTY OWNER	APPLICANT	PROJECT CONTACT
NAME	Debra Ricci	Joe Long @ Keystone Land, LLC.	David Toyer @ Toyer Strategic Advisors
ADDRESS	PO Box 502	13805 SMOKEY POINT BLVD #102	3705 Colby Ave, Suite 1
CITY, STATE, ZIP	Medina, WA 98029	Marysville, WA 98270	Everett, WA 98201
PHONE		425-268-6373	425-322-5226
E-MAIL	debra@debraricci.com	joe@cornerstonehomes.com	david@toyerstrategic.com

PROJECT INFORMATION

TYPE OF APPLICATION (Check all that apply):
*****Permit type has supplemental checklist that must be submitted with Master Land Use Permit Application***

- ☐ Annexation Request
- ☐ Binding Site Plan (Preliminary)**
- ☐ Boundary Line Adjustment**
- ☒ Comprehensive Plan Amendment**
- ☐ Conditional Use Permit**
- ☐ Critical Area Review
- ☐ Final Plat Review**
  - ☐ BSP
  - ☐ Short Plat
  - ☐ Major Subdivision
- ☐ Grading Permit
- ☐ Major Subdivision (Preliminary)**
- ☐ Modification**
  - ☐ Minor
  - ☐ Major
- ☐ Planned Residential Dev. (PRD)**
- ☐ Site Plan Review**
  - ☐ Commercial
  - ☐ Multifamily
- ☐ Short Plat (Preliminary)
- ☒ SEPA Environmental Review**
- ☐ Rezone
- ☐ Shoreline**
  - ☐ SDP Exemption
  - ☐ Substantial Dev. Permit
  - ☐ Conditional Use Permit
  - ☐ Variance
- ☐ Variance**
- ☐ Wireless Communication Facility**
- ☐ Other

LIST ANY OTHER PERMITS NEEDED (State/Federal):
N/A

DETAILED PROJECT DESCRIPTION:
Proposed comprehensive plan map and text amendment to repeal outdated 116th Street Master Plan.

I certify that I am the owner or owners authorized agent If acting as an authorized agent, I further certify that I am authorized to act as the Owners agent regarding the property at the above-referenced address for the purpose of filing applications for decision, permits, or review under the Unified Development Code and other applicable Marysville Municipal Codes and I have full power and authority to perform on behalf of the Owner all acts required to enable the City to process and review such applications.

I certify that the information on this application is true and correct and that the applicable requirements of the City of Marysville will be met. I grant permission for City employees, agents of the City and/or other agency officials to enter the subject property, if necessary, for the purpose of site inspection.

Debra Ricci — Feb 26, 2026

Owner/Owner's Authorized Agent **Date**

116th Street MP Land Use Application

Final Audit Report 2026-02-27

Created:	2026-02-26
By:	David Toyer (david@toyerstrategic.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAQbAgn9stZNnpHm0ycK4_KM_otrDOTsTs

"116th Street MP Land Use Application" History

Document created by David Toyer (david@toyerstrategic.com)
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Email viewed by Matthew Ricci (debra@debraricci.com)
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Document e-signed by Matthew Ricci (debra@debraricci.com)
Signature Date: 2026-02-27 - 6:18:09 AM GMT - Time Source: server

Agreement completed.
2026-02-27 - 6:18:09 AM GMT

Adobe Acrobat Sign

TOYER STRATEGIC ADVISORS, INC.
3705 COLBY AVE | SUITE 1
EVERETT, WA 98201
toyerstrategic.com

February 26, 2026

Ms. Angela Gemmer
Planning Manager
City of Marysville
501 Delta Ave
Marysville, WA 98270

COMPREHENSIVE PLAN AMENDMENT – REPEAL OF 116th STREET PLAN CHECKLIST

Dear Ms. Gemmer:

Enclosed you will find a submittal for a text and map amendment to the Comprehensive Plan. The proposed amendments are areawide and not site specific. Based on the checklist and conversations with the City, the following are being submitted:

APPLICATION SUBMITTAL MATERIALS

CHECKLIST ITEMS	
Land Use Application	☒
Comprehensive Plan Amendment Response Form	☒
Title Reports	*Not Applicable*
Vicinity Map	☒
Environmental Checklist	☒
Special Studies	*Not Applicable*
Application Fees	*Due After City Generates Invoice*

GENERAL APPLICATION NARRATIVE

The following narrative expands on the proposal summary provided in the Comprehensive Plan Amendment Form. Several changes in circumstance that warrant the repeal of the 116th Street Master Plan due to its obsolescence with current and future development activity, future land use, and housing needs of the city, and needed transportation infrastructure.

1. **Master Plan Restricts Needed Transportation Connectivity.** The preferred alternative selected for the 116th Street Master Plan specifically restricts the crossing of the West Fork of Quil Ceda Creek from the north-south transportation network serving the area west of the BNSF railway, east of Interstate 5, south of 116th Street NE, and north of 88th Street NE. This exclusion eliminates the ability to create a needed north-south corridor connecting 116th Street NE (to the north) and 88th Street NE (to the south). This restriction must be addressed because based on the following changed circumstances:

    a. Public Safety Needs**.** Creating a transportation network that establishes least two access points serving this area is critically needed to maintain adequate public safety for both existing residences in this area and any future development of vacant parcels. For example, the lack of a north-south transportation corridor currently directs all traffic from existing residential neighborhoods north of 88th Street south to a single access point at the intersection of 36th Street NE/88th Street NE (next to Chic-fil-A) which area continues to realize additional growth (proposed Burgermaster, etc.). This impacts police and fire response times, especially considering that such emergency services are coming from the east and can already be delayed by the rail crossing at State Ave & 88th Street NE.

b. Change in Public Opinion. The lack of a second access to serve current residents (and future growth) was a significant public concern raised during the land use approval of PA24-024 (the 59-lot Stevens PRD) and is the primary reason why the City has excluded vacant land north of Stevens PRD from the City's Middle Housing code.

c. Alternative Crossings Not Practical. The only potential alternative crossing of the West Fork of Quil Ceda Creek would be at the right-of-way of 103rd ST NE. While this may be a great third access point for the area, it would require significant investment in improvements to the existing 103rd ST NE and traffic flows would be limited by the rail crossing at 103rd ST NE and State Ave. Further, relying on this as an access point would increase traffic volumes west through existing neighborhoods as opposed to north through undeveloped areas.

2. **Plan Area Build Out & Future Collaboration**. Most of the master plan area along the 116th ST NE corridor has been developed with the master plan's intended commercial development and the primary intersection of 116th Street NE and 36th ST NE. Approximately 46% of the remaining developable portion of the master plan area (which lies to the south of 116th ST NE) is owned by the Tulalip Tribes. This is significant because while the city and Tribes are encouraged to collaborate in planning under GMA, it is not clear the degree to which the city's 2001 master plan involved such collaboration and, ultimately, the Tribe are not obligated by the master plan.

3. **Other Obsolete Buffer Requirements**. This 2001 master plan contains recommendations on critical areas and stream buffers that are similarly outdated and do not reflect current best available science. The City's existing critical areas ordinance and proper coordination between future developments in the master plan area and the Tulalip Tribes should be the preferred approach to ensuring appropriate protections, restoration, and enhancement of the West Fork of the Quil Ceda Creek.

In sum, the 116th Street Master Plan should be repealed and concurrent amendments made to the City's 2024 comprehensive plan to remove the area from maps and text as outlined in the accompanying form.

Thank you for your time and consideration. Should you have any questions, please do not hesitate to contact me at any time.

Sincerely,

David Toyer
President

SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization, or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for non-project proposals:

For non-project proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the SUPPLEMENTAL SHEET FOR NON-PROJECTS ACTION (PART D) Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements-that do not contribute meaningfully to the analysis of the proposal.

A. *Background*

1. Name of proposed project, if applicable:

116th Street Master Plan Repeal

2. Name of applicant:

Keystone Land, LLC

3. Address and phone number of applicant and contact person:

APPLICANT:
Keystone Land, LLC
Attn: Joe Long
13805 Smokey Point Blvd, #102
Marysville, WA 98270
425-268-6373
joe@cornerstonehomes.com

LAND USE CONSULTANT:
Toyer Strategic Advisors, Inc.
Attn: David Toyer, President
3705 Colby Ave, Ste 1
Everett, WA 98201
425-344-1523
david@toyerstrategic.com

4. Date checklist prepared:

February 26, 2026

5. Agency requesting checklist:

City of Marysville, WA

6. Proposed timing or schedule (including phasing, if applicable):

Application Submittal:	February 27, 2025
Initial Review & Evaluation by City:	TBD
SEPA Notice/Decision:	TBD
Planning Commission Review & Recommendation:	TBD
Final Decision by City Council:	TBD

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

No.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

SEPA Checklist *Prepared by Toyer Strategic Advisors, Inc.*

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

There are no other pending proposals or applications we are aware of that would directly affect the area.

10. List any government approvals or permits that will be needed for your proposal, if known.

SEPA Decision, City Council Approval of Comprehensive Plan Text and Map Amendments

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

The Applicant is seeking repeal of the 2001 “116th Street Master Plan” due to its obsolescence and conflict with the need for a north-south transportation corridor. This will involve concurrent amendments to the 2024 Marysville Comprehensive Plan to remove text and map references to the 116th Street Master Plan area.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

Section 9, Township 30, Range 05
Section 16, Township 30, Range 05

Map attached

B. *Environmental Elements*

1. *Earth*

a. General description of the site:

(circle one): Flat, rolling, hilly, steep slopes, mountainous, other_______________

b. What is the steepest slope on the site (approximate percent slope)?

33% to 40%

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them, and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

According to the City mapping, the area primarily consists of Loamy Sand and Fine Sandy Loam, as well as Loam in areas along the West Fork of the Quilceda Creek.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

Some of the areas around the West Fork of the Quilceda Creek are mapped by the City as high susceptibility for liquefaction.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

Not applicable. The subject proposal is a comprehensive plan map and text amendment and it does not propose grading or filling. Any future development in the area would be required to get a project specific SEPA, as required by WAC 197-11 and city code.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

No. The subject proposal is a non-project text and map amendment to the comprehensive plan.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

Not applicable. The subject proposal is a comprehensive plan map and text amendment and it does not propose grading or filling. Any future development in the area would be required to get a project specific SEPA, as required by WAC 197-11 and city code.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

None proposed.

2. *Air*

a. What types of emissions to the air would result from the proposal during construction. operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

Not applicable. The subject proposal is a comprehensive plan map and text amendment and it does not propose grading or filling. Any future development in the area would be required to get a project specific SEPA, as required by WAC 197-11 and city code.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

No.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

None proposed.

3. *Water*

a. Surface Water:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Yes, the West Fork of the Quilceda Creek and some isolated Freshwater Forested/Shrub Wetlands.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

Not applicable. The subject proposal is a comprehensive plan map and text amendment and it does not propose grading or filling. Any future development in the area would be required to get a project specific SEPA, as required by WAC 197-11 and city code.

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

Not applicable.

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No.

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

No.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No.

b. Ground Water:

1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? *Give* general description, purpose, and approximate quantities if known.

No.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

Not applicable.

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Not applicable.

2) Could waste materials enter ground or surface waters? If so, generally describe.

No.

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

No.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

None proposed.

4. *Plants*

a. Check the types of vegetation found on the site:

X__ deciduous tree: alder, maple, aspen, other
X__ evergreen tree: fir, cedar, pine, other
X__ shrubs
X__ grass
___ pasture
___ crop or grain
___ Orchards, vineyards, or other permanent crops.
X__ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
X__ water plants: water lily, eelgrass, milfoil, other
___ other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

None. The subject proposal is a comprehensive plan map an text amendment and it does not propose grading or filling. Any future development in the area would be required to get a project specific SEPA, as required by WAC 197-11 and city code.

c. List threatened and endangered species known to be on or near the site.

None that the Consultant is aware of.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

None proposed.

e. List all noxious weeds and invasive species known to be on or near the site.

None that consultant is aware of.

5. *Animals*

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.

Examples include:
birds: hawk, heron, eagle, **songbirds**, other: mammals: **deer**, bear, elk, beaver, other: rodents, coyotes
fish: bass, **salmon (Coho, Chum)**, **trout (Dolly Varden/Bull Trout**, herring, shellfish, other **Steelhead**

b. List any threatened and endangered species known to be on or near the site.

According to the Washington Department of Fish and Wildlife priority habitat and species mapping there are no threatened or endangered species on or near the site.

c. Is the site part of a migration route? If so, explain.

Yes. This site is generally located within the Pacific Flyway for migratory birds.

d. Proposed measures to preserve or enhance wildlife, if any:

None proposed.

e. List any invasive animal species known to be on or near the site.

No invasive animals are known to be on or near the site.

6. *Energy and Natural Resources*

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

None proposed. The subject proposal is a comprehensive plan map and text amendment and it does not propose grading or filling. Any future development in the area would be required to get a project specific SEPA, as required by WAC 197-11 and city code.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

No.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

None proposed.

7. Environmental Health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

No.

2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

None consultant is aware of.

3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

Not applicable.

4) Describe special emergency services that might be required.

None.

5) Proposed measures to reduce or control environmental health hazards, if any:

None proposed.

b. *Noise*

1)What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

Noise in the area is primarily generated from vehicle traffic on Interstate 5 (west), State Avenue (East), 116th ST NE (North) and BNSF Railway (East).

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other,)? Indi- cate what hours noise would come from the site.

None. The subject proposal is a comprehensive plan map a text amendment and it does not propose grading or filling. Any future development in the area would be required to get a project specific SEPA, as required by WAC 197-11 and city code.

3) Proposed measures to reduce or control noise impacts, if any:

None proposed

8. *Land and Shoreline Use*

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

Current use of the plan area includes commercial uses (retail, quick serve, hotel, etc.), mobile home park, residential homes on large lots and vacant land. Adjacent properties to the north are zoned Community Business and Neighborhood Residential R-4.5. Properties to the south are zoned Residential 4.5, and properties east of the railroad tracks are zoned General Commercial.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or non forest use?

No..

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how.

No.

c. Describe any structures on the site.

There are some existing residential and commercial structures located on properties within the plan area. They include big box retail, quick-serve and fast food restaurants, hotel, car wash, mobile homes, etc.

d. Will any structures be demolished? If so, what?

No.

e. What is the current zoning classification of the site?

Residential R-4.5
Multifamily Medium R-18
Community Business
Mixed Use

f. What is the current comprehensive plan designation of the site?

Residential R-4.5
Multifamily Medium R-18
Community Business
Mixed Use

g. If applicable, what is the current shoreline master program designation of the site?

Not applicable.

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

Yes. West Fork of the Quil Ceda Creek.

i. Approximately how many people would reside or work in the completed project?

Not applicable.

j. Approximately how many people would the completed project displace?

Not applicable.

k. Proposed measures to avoid or reduce displacement impacts, if any:

None proposed.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

The existing 116th Street Master Plan is over 25 years old and obsolete. Repealing the plan will improve compatibility with existing land use and zoning designations.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

Not applicable/none proposed.

9. *Housing*

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

None.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

None.

c. Proposed measures to reduce or control housing impacts, if any:

None proposed.

10. *Aesthetics*

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

Not applicable.

b. What views in the immediate vicinity would be altered or obstructed?

Not applicable.

c. Proposed measures to reduce or control aesthetic impacts, if any:

None proposed.

11. *Light and Glare*

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

Not applicable.

b. Could light or glare from the finished project be a safety hazard or interfere with views?

No.

c. What existing off-site sources of light or glare may affect your proposal?

There are some streetlights in or near the area, but no off-site sources of light or glare are anticipated to be affected by this proposal.

d. Proposed measures to reduce or control light and glare impacts, if any:

None proposed.

12. *Recreation*

a. What designated and informal recreational opportunities are in the immediate vicinity?

There are no designated or informal recreation opportunities in the immediate vicinity.

b. Would the proposed project displace any existing recreational uses? If so, describe.

No.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

None proposed.

13. *Historic and Cultural Preservation*

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.

The subject property has never been listed on any register.

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

There are five sites in the area DAHP indicates were determined to be ineligible as a historic property. There are nine additional sites that have been identified but no determination has been made. for The area is shown on DAHP's WISAARD site as having Moderate to Very High Risk Archaeological Resources and future surveys are recommended.

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

Evaluated the DAHP's WISAARD predictive model. Individual future development proposals will need to assess potential impacts at the time of applicable.

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

None proposed.

14. ***Transportation***

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

- 116th Street NE
- 36th Street NE
- 41st Street NE

b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

The nearest community transit bus stops are to the west (at Interstate 5) and east (on State Avenue).

c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

Not applicable.

d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle, or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

No. However, future development in the area will need to provide roads and other transportation and pedestrian improvements in accordance with city standards.

e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

Yes. The plan area is to the west of the BNSF railroad.

f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non passenger vehicles). What data or transportation models were used to make these estimates?

Not applicable. This is a non-project action to repeal an outdated master plan.

g. Will the proposal interfere with, affect, or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

No.

h. Proposed measures to reduce or control transportation impacts, if any:

None proposed.

15. *Public Services*

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

No.

b. Proposed measures to reduce or control direct impacts on public services, if any.

None proposed.

16. *Utilities*

a. Utilities currently available at the site:
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other. . .

Water, sewer, natural gas, electricity, telephone/fiber, and trash services are currently available at or near the 116th Street corridor and along 36th and 41st Streets to the site.

c. Describe the utilities that are proposed for the project, the utility providing the service. and the general construction activities on the site or in the immediate vicinity which might be needed.

None proposed.

Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: David K. Toyer

Name of signee: *David Toyer*

Position and Agency/Organization: *Toyer Strategic Advisors, Inc.*

Date Submitted: *February 27, 2026*


116th Vicinity Map
Map Generated On: 02/26/2026
116th ST Master Plan Area
PRIVATE DRIVE
PRIVATE DRIVE
PRIVATE DRIVE
PRIVATE DRIVE
STATE AVENUE
STATE AVENUE
INTERSTATE 5 NORTHEAST
INTERSTATE 5 NORTHEAST
INTERSTATE 5 OFFRAMP
INTERSTATE 5 ONRAMP
QUIL CEDA BOULEVARD

Supplemental for non-project actions (Help)_

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

   The proposed repeal of the outdated master plan will not be likely to increase discharges or produce noise. This action does not change the underlying land use or zoning designations.

   Proposed measures to avoid or reduce such increases are: None proposed.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

   The proposed repeal of the outdated master plan is not likely to affect plants, animals, fish or marine life as the City has critical areas and other regulations that apply.

   Proposed measures to protect or conserve plants, animals, fish, or marine life are: None proposed.

3. How would the proposal be likely to deplete energy or natural resources?

   The proposal is not likely to deplete energy resources or natural resources as it is the repeal of a master plan and it does not affect the underlying land use designations or zoning.

   Proposed measures to protect or conserve energy and natural resources are: None proposed. Any future development would be subject to applicable building and energy codes, which have recently been amended to include more stringent standards.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection, such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

   The proposed master plan repeal would not directly affect any environmentally sensitive areas or areas designated for government protection. Local critical areas regulations extend to all sensitive areas and are applicable regardless of the underlying zoning.

   Proposed measures to protect such resources or to avoid or reduce impacts are: None proposed.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

   The master plan repeal is intended to help address planning for a needed transportation corridor to ensure future development occurs as intended by the underlying land use designation and zoning.

   Proposed measures to avoid or reduce shoreline and land use impacts are: None proposed.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The proposed master plan repeal is not likely to increase demands on transportation or public services or utilities. The repeal of the plan will repeal a restriction that impacts the ability to provide two access points to the neighborhoods east of I-5 and west of State Avenue between 116th Street and 88th Street. This is essential to resolve long-term circulation concerns and adequate access to the area by emergency services. Any future site-specific development would be required to evaluate traffic, public services and utilities as part of a site-specific land use application.

Proposed measures to reduce or respond to such demand(s) are: None proposed.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

   The proposed repeal of the master plan is not anticipated to conflict with any local, state or federal laws or requirements for protection of the environment. Existing local, state and federal requirements would continue to apply.

COMPREHENSIVE PLAN MAP AMENDMENT RESPONSE FORM

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

SECTION A

SECTION A MUST BE COMPLETED FOR ALL REQUESTED COMPREHENSIVE PLAN MAP AMENDMENTS

Indicate Requested Amendment:	☐ **Land Use Map Designation** ☒ **Both Map and Text**

If a change to the written text is proposed, indicate Element, Section, and Policy Numbers.

Repeal of the entirety of the 2001 "116th Street Master Plan" due to obsolescence along with concurrent amendments to the 2024 Marysville Comprehensive Plan to remove text and map references to the 116th Street Master Plan area.

Property address, location or description.	N/A		**Size (acres)**	~170 acres

	Existing	Proposed		Existing	Proposed
Land Use Designation	MFM	MFM	**Zoning**	R-18	R-18

How does the Comprehensive Plan land use map designation you are seeking relate to the designation and use of surrounding properties? Provide a map with this information.

Direction	Land Use Designation	Current Zoning	Current Use of Property
North	CB	CB	Residential, commercial and vacant
South	SFH	R-4.5	Residential, commercial and vacant
East	GC	GC	Residential, commercial and vacant
West			Residential, commercial and vacant

SECTION B

SECTION B REQUIRES WRITTEN RESPONSES TO THE REZONE CRITERIA SET FORTH IN MMC 22G.010.440. PURSUANT TO MMC SECTION 22G.010.440, "A REZONE RECLASSIFICATION SHALL ONLY BE GRANTED IF THE APPLICANT DEMONSTRATES THAT THE PROPOSAL IS CONSISTENT WITH THE COMPREHENSIVE PLAN AND APPLICABLE FUNCTIONAL PLANS AND COMPLIES WITH THE FOLLOWING CRITERIA" SET FORTH BELOW.

There is a demonstrated need for additional zoning as the type proposed. Please describe.

Not applicable. The repeal of the Master Plan will not impact the underlying existing designations.

The zone reclassification is consistent and compatible with uses and zoning of the surrounding properties. Please describe.

Not applicable. Repeal of the Master Plan will not impact the existing uses and zoning.

There have been significant changes in the circumstances of the property to be rezoned or surrounding properties to warrant a change in classification. Please describe in detail.

Much of the 116th Street Master Plan Area (especially the corridor along 116th Street) has been developed, the plan is over 25 years old, future land use needs of the City have changed and the aggregation of ownership of the remaining undeveloped parcels is substantially different.

The property is practically and physically suited for the uses allowed in the proposed zone reclassification. Please describe.
Not applicable. The repeal of the Master Plan does not affect the zoning classifications.
SECTION C
SECTION C REQUIRES WRITTEN RESPONSES TO SUPPLEMENTAL QUESTIONS THAT ADDRESS THE NEED FOR, AND BENEFITS AND IMPACTS OF, THE PROPOSED LAND USE DESIGNATION CHANGE AND ASSOCIATED REZONE.
Does the proposed land use designation promote a more desirable land use pattern for the community as a whole? Will the proposed land use designation be in the long-term best interest of the community?
Repeal of the Master Plan will not affect the future land use pattern as it will not change the underlying zoning. The plan is approximately 25 years old and elements of the plan conflict with the ability to develop remaining land consistent with the existing zones established by the city.
What impacts would the proposed land use designation have on the current use of other properties in the vicinity, and what measures should be taken to ensure compatibility between the subject property and surrounding properties and uses?
There is no impact to the underlying land use designations of the properties in the Master Plan area.
Would the proposed land use designation create the need for, or cause direct or indirect pressure for, a change in the land use designations of surrounding properties? If so, would the change in the land use designations for surrounding properties be in the long-term best interests of the community?
No, the underlying land use designations will not change as a result of the repeal.
Describe the proposal's overall consistency with the 2024 Marysville Comprehensive Plan policies.
Consistent with Policies LU 1.4 as this is citizen initiated; LU 1.5 as this will support infill development in that area prior to UGA expansion; LU 1.9 as it preserves property rights; LU 3.4 as it will encourage infill development near the 116th Street corridor, Goal LU 5 as city has design standards in place for residential and commercial development and 116th master plan shouldn't conflict with residential design standards; Goal LU 7 and Policies LU 7.4 and LU 7.5 as it will support future residential development; Goal HS 1 and Policies LU HS 1.1, 1.2, 1.3, and 1.5 as it will encourage development of needed housing by removing conflicts between the old plan and current zoning and development standards; Goal HS 5 and Policy HS 5.1 as it will remove requirements that impact the cost of developing housing; and Policy T 2.6 as it will support future development that will facilitate needed transportation improvements.

SECTION D
SECTION D MUST BE COMPLETED WHEN A CHANGE TO THE TEXT OF THE COMPREHENSIVE PLAN IS NECESSARY IN ORDER TO SUPPORT THE PROPOSED CHANGE IN LAND USE DESIGNATION AND REZONE.
Indicate how the text of the Comprehensive Plan is proposed to be changed including the language that is proposed to be added or removed from the text.
At a minimum, repeal the 116th Street Master Plan in its entirety, amend the Land Use Element/Chapter of the comprehensive plan as follows: remove the master plan area from the map on page 33; remove references to the 116th Street Master Plan on pages 45 and 65; and delete page 66 or amend the text to remove specific reference to the 116th Street master plan.
Is the proposed change to the Comprehensive Plan text intended to be the basis for a change to existing City regulations, to create new regulations, or to eliminate existing regulations? If the answer is 'yes', which regulations would be impacted, or what type of new regulations are proposed?
No.
Describe in detail the circumstances that have changed since the adoption of the most recent Comprehensive Plan update in September 2015 that warrant the change to the Comprehensive Plan text which you are seeking.
Property ownership in the area has changed and some development/redevelopment of a portion of this master plan area may not occur as intended in this +25 year old plan.
Does the proposed change in policy promote a more desirable growth pattern or outcome for the community as a whole? Describe in detail.
This change will not affect the ultimate development of the subject area as the underlying land use designations, zoning and city design standards will continue to apply.
Is the proposed policy change consistent with, or does it conflict with, existing Comprehensive Plan policies or the policies of other plans? Explain in detail.
No.

I certify that I am the owner or owner's authorized agent. If acting as an authorized agent, I further certify that I am authorized to act as the Owners agent regarding the property at the above-referenced address for the purpose of filing applications for decision, permits, or review under the Unified Development Code, applicable Marysville Municipal Codes and Comprehensive Plan, and I have full power and authority to perform on behalf of the Owner all acts required to enable the City to process and review such applications.

I certify that the information on this form is true and correct and that the applicable requirements of the City of Marysville, RCW and the State Environmental Policy Act (SEPA) will be met. I grant permission for City employees, agents of the City and/or other agency officials to enter the subject property (if applicable), for the purpose of site inspection.

David K. Toyer (signature) — 02/27/2026

Owner or Owner's Authorized Agent **Date**

116th Vicinity Map

Map Generated On: 02/26/2026

Legend

Cadastral

Parcels

Aerial Imagery

Road Labels (white)

Aerial 2024

Red: Band_1

Green: Band_2

Blue: Band_3

0 400 800 ft

Scale 1 : 11000

All maps, data, and information set forth herein ("Data"), are for illustrative purposes only and are not to be considered an official citation to, or representation of, the Snohomish County Code. Amendments and updates to the Data, together with other applicable County Code provisions, may apply which are not depicted herein. Snohomish County makes no representation or warranty concerning the content, accuracy, currency, completeness or quality of the Data contained herein and expressly disclaims any warranty of merchantability or fitness for any particular purpose. All persons accessing or otherwise using this Data assume all responsibility for use thereof and agree to hold Snohomish County harmless from and against any damages, loss, claim or liability arising out of any error, defect or omission contained within said Data.

MARYSVILLE
WASHINGTON
EST. 1891

COMMUNITY DEVELOPMENT DEPARTMENT
501 Delta Avenue ◆ Marysville, WA 98270
360.363.8000

March 13, 2026

Joe Long
Keystone Lane, LLC
13805 Smokey Point Boulevard, #102
Marysville, WA 98271

David Toyer
Toyer Strategic Advisors
3705 Colby Avenue, Suite 1
Everett, WA 98201

Re: CPA26-0002 116TH Street Master Plan Repeal – Complete Application
Comprehensive Plan Amendment

Dear Joe and David,

The Community Development Department has reviewed the above-referenced application and determined the application **complete** on March 13, 2026. Any additional information/items that are needed will be requested after all associated departments and local agencies have had an opportunity to review the proposal.

If you have any questions regarding this application, please contact me at agemmer@marysvillewa.gov, or by phone at 360-363-8240.

Sincerely,

Angela Gemmer

Angela Gemmer
Planning Manager

Everett Daily Herald

Affidavit of Publication

State of Washington }
County of Snohomish } ss

Michael Gates being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of 'the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH1028504 NOA CPA26-0002 as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 03/26/2026 and ending on 03/26/2026 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is $113.64.

Subscribed and sworn before me on this 27th day of March, 2026.

Notary Public in and for the State of Washington.
COMM DEVEL - CITY OF MARYSVILLE | 88522148
STACY JONES

MARYSVILLE

CITY OF MARYSVILLE
NOTICE OF APPLICATION

File Number: CPA26-0002
Project Title: 116th Street Master Plan Repeal
Applicant: Joe Long
Keystone Land, LLC
13805 Smokey Point Boulevard, #102
Marysville, WA 98271
Project Contact: David Toyer
Toyer Strategic Advisors
3705 Colby Avenue, Ste. 1
Everett, WA 98201

Project Location: The 116th Street Master Plan Area is generally located south of 118th Place NE, west of State Avenue, north of 104th Street NE, and east of Interstate 5

Date of Completeness: March 13, 2026

NOTICE IS HEREBY GIVEN THAT AN APPLICATION WAS MADE FOR THE FOLLOWING PROPOSAL:

Request to repeal the 116th Street Master Plan, which was adopted on May 14, 2001, and contains many provisions that have either already been implemented or are obsolete. The 116th Street Master Plan includes provisions for access and a road network, stormwater facilities, landscaping, and critical areas protection. Most of the access and road network requirements contained within the 116th Street Master Plan were constructed prior to, or concurrent with, commercial development along 116th Street NE; however, certain road network requirements south of 116th Street NE may be retained or modified as appropriate. Similarly, stormwater facilities proposed within the 116th Street Master Plan were previously constructed. Critical areas provisions and certain landscaping provisions contemplated within the 116th Street Master Plan currently differ from Marysville Municipal Code (MMC) requirements and were never implemented in the MMC.

SEPA Review: Based on the submitted application and available information, the City anticipates issuing an (M)DNS for this proposal, and the optional (M)DNS process as specified in WAC 197-11-355 is being utilized. Consequently, this may be the only opportunity to comment on the environmental impacts of this proposal. This proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared. A copy of the subsequent SEPA threshold determination for the proposal may be obtained upon request. A decision on this application will be made within 120 days from the date of completeness.

Existing Environmental Documents: State Environmental Policy Act (SEPA) Environmental Checklist.

Public Comment Period: Written comments must be submitted to the contact person listed below by 5:00 PM on April 24, 2026.

Document Availability: To view application materials visit - https://publicportal.marysvillewa.gov/WebLink/

- Click on Planning Search link and enter File Number CPA26-0002 in the "CD - Project Number" field

ANY PERSON HAS THE RIGHT TO RECEIVE NOTICE, PARTICIPATE IN ANY HEARINGS, REQUEST A COPY OF THE FINAL DECISION AND APPEAL THE DECISION AS PROVIDED BY LAW.

For project information or to become a party of record, please contact:

Angela Gemmer, Planning Manager
360.363.8240 or agemmer@marysvillewa.gov
Published: March 26, 2026. EDH1028504

MARYSVILLE WASHINGTON EST. 1891

REQUEST FOR REVIEW COMMENTS

DATE: **4/21/2026**

TO: **Angela Gemmer, Planning Manager**

FROM: **Jesse L. Hannahs, P.E., City Traffic Engineer**

RE: **CPA 26-0002 – 116th ST Master Plan**

STATUS: **CORRECTIONS REQUIRED**

The following comments are provided following review of the provided materials for the proposed rescission of the 116th Street Master Plan.

1) Rescission would require establishment of proposal for planned public roadway network north of 88th ST NE, east of I-5, south of 116th ST NE and west of State Ave including both arterial and collector/residential roadways.
2) Of critical importance to area citizens/residents based upon past public meetings are emergency access (2nd access to neighborhoods), traffic congestion (as related to neighborhood access), maintaining neighborhood aesthetics and wildlife, maintaining traffic safety of low volume roadways and access to public utilities.
3) Providing secondary access could be challenging when accounting for presence of critical areas impeding access additions and when considering citizen/resident priorities, particularly maintaining low volume roadways given that providing additional access points would increase neighborhood connectivity potentially increasing neighborhood cut-through traffic.
4) If secondary access to neighborhoods is recommended, care should be taken to designate proposed roadway routes, including potential Quilceda Creek bridge alignments to provide circuitous connections that do not encourage significant neighborhood cut-through traffic volumes.
    a. Alternatively, secondary access could be considered to provide access only for emergency services with locked gate.
5) Given EDDS threshold for Arterial Roadway traffic volumes, designation of roadways as arterials is likely required if neighborhoods are connected when secondary access(es) are provided. Existing public roadways, specifically roadway network through existing neighborhood north of 88th ST NE, would likely be insufficient and pose a public safety risk considering potential traffic volumes and prevalence of private driveways without mitigating measures such as two-way left turn lanes, curb/gutter and/or non-invasive traffic calming measures such as speed radar signs, etc.

6) Property ownership of parcels, specifically south of 116th ST NE and east of Quilceda Creek could provide for challenges in construction of desirable roadway network.
7) Existing intersection of 41st DR NE & 116th ST NE, given proximity to BNSF railway and State Ave should strongly be considered for future full closure with rerouting on traffic fully to extension of 38th DR NE. At most a right-in and/or right-out only intersection should be considered with installation of hard channelization such as porkchop island and/or arterial c-curbing on eastbound right turn only lane line.
8) Roadway Connection Alternative Concepts:
    a. Extend 38th DR NE from existing southern terminus to south including Quilceda Creek bridge crossing and connection to 88th ST NE via 35th Ave NE. (Option preferred by Engineering Services & Community Development staff present for 4/15/2026 meeting)
    b. Extend 38th DR NE from existing southern terminus to south connecting into 104th ST NE west of State Ave. (Option would not enable establishment of secondary access to existing neighborhood north of 88th ST NE.)
    c. Extend 38th DR NE from existing southern terminus to south including Quilceda Creek bridge crossing and connection to 88th ST NE via 35th Ave NE and connect into 104th ST NE west of State Ave. (Option would provide for an alternative arterial roadway system with significant traffic cut-through of existing neighborhoods and necessitate signalization of the intersection of State Ave & 104th ST NE including BNSF railway signal interconnection.)
9) Roadway connection(s) requiring designation as arterial roadway(s) should be constructed per EDDS Standard Plan 3-201-003 or 3-201-005.
10) Given that secondary access into existing neighborhood(s) would not serve as significant roadway connection providing benefit to citywide transportation mobility but serve principally as a means to enable potential land development, any proposed roadway connections would not be recommended to be included within the Transportation Impact Fee (TIF) calculation and thus not subject to TIF credits for construction by developers.
11) Rescission of the 116th Street Master Plan would subsequently require an amendment to the Transportation Comprehensive Plan to provide necessary direction for implementation of the roadway network necessary to serve existing neighborhoods and future developments north of 88th ST NE, east of I-5, south of 116th ST NE and west of State Ave. Public input should be sought early and often during the process Transportation Comprehensive Plan Amendment process.