



# MARYSVILLE

WASHINGTON

PLANNING COMMISSION MEETING  
TUESDAY, MARCH 11, 2025 – 6:30 PM  
501 DELTA AVENUE  
MARYSVILLE, WA 98270

## AGENDA

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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.

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## CALL TO ORDER

### 1. ROLL CALL

### 2. APPROVAL OF MINUTES

#### 2.1 February 11, 2025 Planning Commission Minutes

Suggested motion: I move to approve the February 11, 2025 Planning Commission minutes.

[February 11, 2025 Planning Commission minutes](#)

### 3. AUDIENCE PARTICIPATION *(for topics not on the agenda)*

### 4. OLD BUSINESS

#### 4.1 Garage sale clean-up code amendments

Suggested motion: I move to recommend approval of the garage sale clean-up code

amendments to City Council for adoption by ordinance.

[Garage Sale Code Amendment](#)

- 4.2 Middle Housing Follow-up Discussion  
Discussion only; no suggested action at this time.  
[Middle Housing memo - second discussion](#)

## 5. NEW BUSINESS

- 5.1 Forest Practice Application Process: an amendment to [MMC Chapter 22D.050 Clearing, Grading, Filling, and Erosion Control](#)

Suggested motion: I move to set a Public Hearing date for the Forest Practice Application Process for March 25, 2025.

[PC Intro Memo](#)

[DRAFT Proposed Amendment](#)

## 6. DIRECTOR'S COMMENTS

## 7. ADJOURNMENT

## 8. NEXT MEETING - March 25, 2025

## [CITY COUNCIL AGENDA ITEMS AND MINUTES](#)

**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.**



# Agenda Bill

## PLANNING COMMISSION AGENDA ITEM REPORT

**DATE:** March 11, 2025

**SUBMITTED BY:** Angela Gemmer, Community Development

**ITEM TYPE:** Minutes

**AGENDA SECTION:** **APPROVAL OF MINUTES**

**SUBJECT:** February 11, 2025 Planning Commission Minutes

**SUGGESTED ACTION:** Suggested motion: I move to approve the February 11, 2025 Planning Commission minutes.

**SUMMARY:** See attached minutes for review and approval.

**ATTACHMENTS:**  
[February 11, 2025 Planning Commission minutes](#)

**Community  
Development**



**501 Delta Ave  
Marysville, WA 98270**

**Planning  
Commission  
February 11, 2025**

**CALL TO ORDER**

The meeting was called to order by Chair Steve Leifer. He welcomed new commissioner John Ray who introduced himself.

**1) ROLL CALL**

Present:

Commission: Chair Stephen Leifer, Vice Chair Brandon Whitaker, Commissioner Gary Kemp, Commissioner Jerry Andes, Commissioner Shanon Jordan, Commissioner Raymond Miller, Commissioner John Ray

Staff: Community Development Director Haylie Miller, Principal Planner Angela Gemmer, Planning Technician Emily Tsan

**2) APPROVAL OF MINUTES**

**2.1 Approval of December 10, 2024 Minutes**

**December 10, 2024 PC Meeting Minutes**

**Motion** to approve the December 10, 2024 Planning Commission meeting minutes as presented moved by Commissioner Raymond Miller seconded by Commissioner Jerry Andes.

**AYES: ALL**

**3) AUDIENCE PARTICIPATION**

None

**4) OLD BUSINESS**

None

## 5) NEW BUSINESS

### 5.1 Annual election of Chairperson

Commissioner Andes nominated Steve Leifer as Chair. There were no other nominations.

**Motion** to elect Steve Leifer as Planning Commission Chairperson moved by Commissioner Jerry Andes seconded by Commissioner Gary Kemp.

**AYES: ALL**

Commissioner Kemp nominated Brandon Whitaker as Vice Chair. There were no other nominations.

**Motion** to elect Brandon Whitaker as Planning Commission Vice Chair moved by Commissioner Gary Kemp seconded by Commissioner Jerry Andes.

**AYES: ALL**

### 5.2 Garage sale clean-up code amendments

#### Garage sale clean-up amendments

Planning Technician Emily Tsan reviewed proposed revisions to the development conditions pertaining to garage sales in the MMC. This would make it clear that garage sale signs are subject to the temporary sign code, and also clean up confusing language to make it clear that garage sales are an allowed residential use if they comply with the code section.

Commissioner Whitaker asked if a limit of two garage sales per year is typical. Ms. Gemmer explained it is a longstanding provision in the City. There was some discussion about enforcement and how it plays out in multifamily developments.

**Motion** to schedule a Public Hearing for the garage sale clean-up code amendments moved by Commissioner Raymond Miller seconded by Commissioner Jerry Andes.

**AYES: ALL**

### 5.3 Middle Housing - State House Bill 1110

Principal Planner Angela Gemmer made a presentation regarding Middle Housing - State House Bill 1110. She reviewed major middle housing requirements.

- Clarification questions and answers followed regarding density, affordable units, height limits, stormwater standards, and utilities.
- Commissioner Jordan raised a concern about the expense of developers' required improvements not making it "affordable" housing anymore.
- Commissioner Ray wondered why anyone would designate a unit as affordable when it would have to stay that way for 50 years.

- There was some discussion about the drawbacks of the affordable housing designation.
- Commissioner Miller commented on the use of the term "mixed use" housing instead of "low income" housing to protect privacy.

Ms. Gemmer continued to review items for policy consideration:

Unit Types: The City must allow six of the nine possible types of middle housing.

Concerns were raised by several commissioners about the high costs involved for developers in doing frontage improvements, drainage, sewer, and potentially undergrounding utilities. Ms. Gemmer noted there is a threshold involved for undergrounding. She did not think the expectation of undergrounding was likely in an infill situation. Other requirements would be equivalent to single family home requirements. Chair Leifer questioned the wisdom of requiring frontage improvements in areas where no other frontage improvements exist. Ms. Gemmer discussed existing potential exceptions for frontage improvements. Commissioner Ray brought up the RDI funds and asked what they would be used for. Director Miller explained they were generally earmarked for Public Works capital projects.

Vice Chair Whitaker commented that the middle housing development seems like it will be mostly market-driven at this point. He wondered if there would be any potential penalties from the State for cities that do not reach a certain amount of middle housing. Ms. Gemmer explained there is no prescribed amount of middle housing that jurisdictions are required to meet. They simply have to allow it.

Parking: The statute limits parking within 1/2 mile walking distance of a major transit stop. On lots under 6,000 square feet the City is allowed to have one space per unit. On lots over 6,000 square feet the City is allowed to have two spaces per unit. The City will try to make the case that Marysville should have more parking for safety.

Vehicle Access, carports, garages, and driveway: Ms. Gemmer reviewed potential layouts and stressed that design review is an important aspect of the standards that will be brought forward.

Discussion Questions:

*Question 1: Should multiple single family residences be allowed on a lot?*

There was discussion about the implications of various configurations and parts of the statute that are unclear. Commissioner Kemp asked about the minimum lot size for someone to be able to build two middle housing units. Ms. Gemmer reviewed current lot sizes and explained staff is still working out the recommendation. There was significant discussion about scenarios for potential future subdivision of lots including short plats or unit lot subdivisions which will result in much higher densities. Chair Leifer thought bulk and dimension standards would ultimately be the limiting factor.

Concerns were raised about no parking being required within 1/4 mile of a transit station and limited parking resulting in spillover into the streets. Other commissioners agreed that cars represent freedom and adequate parking is important. Staff agreed that parking is a concern.

Commissioner Jordan felt that the decision of one or two houses should be left up to the owner/developer. There was consensus that it should be flexible. Because of the costs, it is not likely to happen often. Commissioner Miller stressed that developers will only build if it is profitable for them.

*Question 2: If a lot is both within 1/4 mile of a major transit stop and one affordable housing unit is provided, should six units be allowed on the lot instead of four units?*

Commissioner Miller wondered about housing units for disabled individuals. Ms. Gemmer explained that the units would follow the IRC requirements regarding disabled accessibility.

Chair Leifer reiterated that if any of this is going to happen it will be by a developer who is trying to make a profit. He thought if they are going to allow four units in a single family neighborhood, six doesn't make much difference, from the perspective of single-family residential areas. He stressed that he was not necessarily advocating for it, but six would allow the developments to pencil better for developers to create more affordable housing.

Ms. Gemmer added that the area around the likely SWIFT station that they are talking about north of 104th on 51st Avenue is currently one of the lowest density single family neighborhoods in the city. Chair Leifer expressed frustration about the community subsidizing mass transit and the development requirements around transit stations when very few people in the area even ride it.

Commissioner Andes raised concerns about people with disabilities who live within a quarter mile of transit stops on 51st where there are no sidewalks. Ms. Gemmer explained that they might need to solicit grants, or have Community Transit make improvements, or potentially have gaps until improvements happen.

Most commissioners felt strongly that four units was more desirable. Commissioner Jordan noted that that six units would be required by the State in 2030 anyway; maybe it was better to go ahead and allow it now.

Commissioner Jordan asked about available right of way near transit stops on 51st. Ms. Gemmer thought there was sufficient right of way there to make improvements. Commissioner Jordan noted that even with the housing bills, there aren't any lots to build on. How are the improvements going to get made for handicapped individuals? Ms. Gemmer noted they don't have the answers to that now.

Commissioner Ray asked if the City has the ability to put limitations on developers as to the type of housing they build (such as age limitations). Ms. Gemmer did not think the City was able to put an age limit on it.

*Question 3: Under HB 1337, cities have the option of allowing: a) an SFR plus two ADUs or a duplex on a lot, or b) a duplex plus ADUs on a lot. Which approach is preferred?*

Some commissioners did not like either choice. There were questions about where they would put the cars. Ms. Gemmer noted there is a lot of uncertainty.

Preferences:

- Miller - A
- Jordan - A
- Ray - A
- Andes - neither
- Kemp - A
- Leifer - A - Assuming that one of these would be a single family residence, there might be more control over what goes on with the rental housing.
- Whitaker - A

Ms. Gemmer noted that HB 1337 eliminates the owner occupancy requirement, so they can all be rentals.

*Question 4: Currently ADUs must meet a 20-foot rear yard setback. Should the rear yard setback for ADUs be reduced to 10 to 15 feet to enable infill?*

- Ray - 20 feet
- Andes - 10-15 feet
- Leifer - He'd rather not have any extra housing on single family lots, but they are being forced into it. Since this is the case, he thinks they need to reduce the setbacks.
- Kemp - He thought they would have to reduce the setbacks to allow one or two ADUs.
- Whitaker - He supported reducing setbacks to 10-15 feet
- Miller - 10-15 feet to allow more places for people to live.
- Jordan - 10-15 feet

*Question 5: A continuum of different setbacks and dimensional standards is possible ranging from statutory compliance only to adopting Commerce's suggested Middle Housing Ordinance. Which option is preferred?*

Commissioner Ray was supportive of statutory compliance only. Commissioner Jordan commented that in addition to parking concerns, he is concerned in general about adding so much impervious surface to the area and the impacts on stormwater drainage. Commissioner Ray noted that if there is not enough runoff, people who have

wells also run the risk of wells running dry. The more open space they have, the more it can infiltrate. Commissioner Ray expressed great frustration about all of the requirements and the impacts on communities. Commissioner Jordan agreed, but noted it is coming, and they need to plan. Chair Leifer commented that infiltration is the best method if it is possible. If you have to do something else, you end up building some sort of storage device that will only allow you to release limited amounts. He agreed that they would need to allow moderate level of flexibility. There was agreement that they would need to allow moderate level of flexibility.

*Question 6: Currently the size of buildings is regulated based on a combination of lot coverage factors, setbacks, and height. Floor area ratio (FAR) is an alternative that regulates the size of based on a ratio of floor area/lot size. Should FAR be explored?*

There was discussion about the pros and cons of each. There was consensus to keep things as they are for now.

Ms. Gemmer noted that staff would probably be coming back with more changes because of what they have recently learned from Commerce.

### **Middle Housing memo and DRAFT amendments**

#### **6) DIRECTOR'S COMMENTS**

Welcome to Commissioner Ray and thanks to everyone for the input.

#### **7) ADJOURNMENT**

**Motion** to adjourn the meeting at 8:37 p.m. moved by Commissioner Raymond Miller seconded by Commissioner Gary Kemp.

**AYES: ALL**

The meeting was adjourned at 8:37 p.m.

#### **8) NEXT MEETING - February 25, 2025**



# Agenda Bill

## PLANNING COMMISSION AGENDA ITEM REPORT

**DATE:** March 11, 2025

**SUBMITTED BY:** Emily Tsan, Community Development

**ITEM TYPE:** Public Hearing

**AGENDA SECTION:** **OLD BUSINESS**

**SUBJECT:** Garage sale clean-up code amendments

**SUGGESTED ACTION:** Suggested motion: I move to recommend approval of the garage sale clean-up code amendments to City Council for adoption by ordinance.

**SUMMARY:** See attached memo.

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**ATTACHMENTS:**  
[Garage Sale Code Amendment](#)

## MEMORANDUM

**DATE:** March 11, 2025  
**TO:** Planning Commission  
**FROM:** Emily Tsan, Planning Technician  
**RE:** Code Amendment Draft: MMC Chapter 22C.010.070(9)  
**CC:** Haylie Miller, Community Development Director  
Chris Holland, Planning Manager  
Angela Gemmer, Principal Planner

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Staff propose revisions to the development conditions pertaining to garage sales in Marysville Municipal Code (MMC) Section 22C.010.070(9). In 2023, City regulations were updated to provide consistent regulations for all temporary signs. The existing provisions (below) related to garage sale signs are inconsistent with the temporary sign regulations and are proposed to be removed. A reference has been added to direct applicants to the temporary sign regulations. Additional amendments are proposed to: 1) ensure that the language about how frequent and long a garage sale can be matches the allowances in the temporary use code (MMC 22C.110.030(7)), and 2) to clarify that a garage sale is a compliant residential use if all city regulations are followed.

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

*(9) A garage sale shall comply with the following standards:*

*~~(a) No residential premises shall have more than two such sales per year and no such sale shall continue for more than six days within a 15-day period. Garage sales shall operate not more than three days in the same week and not more than twice in the same calendar year.~~*

*~~(b) Signs advertising such sales. Garage sale signs are subject to the standards in MMC 22C.160.260. shall not be attached to any public structures, signs or traffic control devices, nor to any utility poles. All such signs shall be removed 24 hours after the sale is completed.~~*

*~~A garage sale complying with the above conditions shall be considered as being is an allowed residential accessory use to all residential land uses. A garage sale violating one or more of the above conditions shall be considered as being is a commercial use and will be disallowed unless the use is permitted in the zone, and the use #complies with all applicable code requirements affecting commercial uses~~*

Staff respectfully requests that Planning Commission review the proposed code amendment and make a recommendation of approval of the proposed amendments to City Council at the Public Hearing on March 11<sup>th</sup>.

If you have any questions, please contact me at 360.363.8220 or by e-mail at [etsan@marysvillewa.gov](mailto:etsan@marysvillewa.gov).



# Agenda Bill

## PLANNING COMMISSION AGENDA ITEM REPORT

**DATE:** March 11, 2025

**SUBMITTED BY:** Angela Gemmer, Community Development

**ITEM TYPE:** Discussion Item

**AGENDA SECTION:** **OLD BUSINESS**

**SUBJECT:** Middle Housing Follow-up Discussion

**SUGGESTED ACTION:** Discussion only; no suggested action at this time.

**SUMMARY:** See attached memo.

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**ATTACHMENTS:**  
[Middle Housing memo - second discussion](#)

## MEMORANDUM

**DATE:** March 11, 2025  
**TO:** Planning Commission  
**FROM:** Angela Gemmer, Principal Planner  
**SUBJECT:** Middle Housing Second Discussion  
**ECC:** Haylie Miller, Community Development Director  
Chris Holland, Planning Manager  
**Exhibit 1:** [Tier 1 and 2 Cities Middle Housing Model Ordinance](#)  
**Exhibit 2:** [Middle Housing User Guide](#)

### Introduction

At the February 11<sup>th</sup> Planning Commission work session, staff reintroduced Washington State's [House Bill \(HB\) 1110](#) (i.e. Middle Housing bill) to Planning Commission. Staff provided an overview of: what Middle Housing is, what HB 1110 requires, examples of Middle Housing that is currently within the City, and potential benefits of Middle Housing.<sup>1</sup> Staff also sought direction from the Planning Commission on several Middle Housing topics that allow for local discretion.

At the March 11<sup>th</sup> work session, staff will provide an overview of:

- What we heard from Planning Commission at the February 11<sup>th</sup> work session;
- How staff proposes to address Planning Commission's direction;
- The City's current subdivision and Planned Residential Development (PRD) requirements. The purpose for this is twofold:
  - To provide Planning Commission with a solid understanding of the density and dimensional standards and other requirements that apply to each development type; and
  - To demonstrate how staff aims to balance the impacts of Middle Housing on existing neighborhoods and the overall community with Planning Commission's support for moderate flexibility on dimensional standards by using the existing subdivision and PRD requirements.
- Key takeaways from the community survey on Middle Housing.

### **Middle Housing Discussion Items: Summary of Planning Commission's Direction and Staff's Approach to Address**

The various Middle Housing topics that Planning Commission provided direction on at the February 11<sup>th</sup> work session are summarized below along with staff's proposed approach to address this

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<sup>1</sup> The materials presented at the February 11<sup>th</sup> Planning Commission work session are available in the 'Archived Events' section of the webpage located [here](#).

direction. One additional question is provided, which is based on the community survey on Middle Housing.

1. The Middle Housing statute requires that cities allow multiple Middle Housing units per lot up to the allowed density; however, are **not** required to allow multiple single family residences per lot. Should multiple single family residences be allowed on a lot?

**Planning Commission Direction:** While there was concern about sufficient parking, there was generally consensus from Planning Commission that it should be left open to the applicant whether to build more than one single family residence on a lot.

**Staff Proposed Approach:** Since the Planning Commission work session, staff received further insight on whether the City must allow a single family residence plus a duplex on the same lot. It is our current understanding that the City likely would not need to. Given that this likely is not required, and that considerable concern has been expressed by the community regarding preserving community and neighborhood character, staff respectfully recommends only allowing one single family residence per lot.

2. As noted above, Tier 2 cities must allow 4 units per lot when the lot is within ¼ mile of a major transit stop, or when 1 affordable housing unit is provided. If a residential lot is within ¼ mile of a major transit stop **and** provides 1 affordable housing unit, the City has the option to allow 6 units per lot. Should 6 units be allowed in those instances instead of 4 units?

**Planning Commission Direction:** Overall, Planning Commission recommended not allowing 6 units per lot when a lot is both within ¼ mile of a major transit stop and provides 1 affordable housing unit. Planning Commission recommended waiting until the City is required to allow 6 units per lot (estimated in 2030), which is one year after SWIFT Bus Rapid Transit is expected to arrive in the City.

**Staff Proposed Approach:** Staff will draft the code to allow only the required 4 units per lot when a lot is both within ¼ mile of a major transit stop and provides 1 affordable housing unit.

3. Under House Bill 1337, cities have the option of allowing: a) a single family residence plus two accessory dwelling units on a lot, or b) also allowing accessory dwelling units accessory to a duplex. Which approach is preferred?

**Planning Commission Direction:** Planning Commission recommended allowing a single family residence plus two accessory dwelling units on each lot, but did not recommend allowing a duplex plus accessory dwelling units on a lot.

**Staff Proposed Approach:** Staff is proposing to amend the code to only allow accessory dwelling units that are accessory to a single family residence on a lot consistent with the direction of Planning Commission. It should be noted that where four (4) units are allowed per lot, a duplex plus two accessory dwelling units would be allowed.

4. Currently accessory dwelling units (ADUs) are required to have a 20-foot rear yard setback. Should the rear yard setbacks be reduced to 10 or 15 feet to enable infill?

**Planning Commission Direction:** Most Planning Commissioners recommended a modest reduction in the rear yard setback to 10 to 15 feet.

**Staff Proposed Approach:** Staff proposes amending the code to allow for a 10-foot setback for one-story structures, and a 15-foot setback for two-story structures.

5. Potential dimensional standards for Middle Housing can range from statutory compliance only (i.e. conservative approach that largely retains existing standards) to encouraging Middle Housing by adopting the recommended Commerce Middle Housing Model Ordinance provisions (i.e. more flexible standards).

**Planning Commission Direction:** Planning Commission generally recommended allowing a moderate amount of flexibility.

**Staff Proposed Approach:** Staff proposes to retain the existing dimensional requirements for standard subdivisions and allow applicants to pursue more flexible standards for Middle Housing via the Planned Residential Development (PRD) code. Below is a brief summary of the current differences between standard subdivisions and Planned Residential Developments (PRDs). Staff will provide an overview of this at the March 11<sup>th</sup> Planning Commission work session.

	<b>General Single Family Residential Standards</b>	<b>Planned Residential Development (PRD) Standards</b>
<b>Density: Dwelling unit/acre</b>	4.5 to 8 du/ac	5.4 to 9.6 du/acre with Residential Density Incentives (RDI)
<b>Minimum street setback</b>	20 ft (living space down to 10 ft on case-by-case basis)	10 ft (7 ft for porches)
<b>Minimum side yard setback</b>	5 ft	5 ft (10 ft structure separation when no lot line)
<b>Minimum rear yard setback</b>	20 ft	10 ft (0 ft if alley loaded)
<b>Base height</b>	30 ft; 35 ft with 10% slope in area of building foundation	30 ft; 35 ft with 10% slope in area of building foundation
<b>Maximum building coverage: Percentage</b>	40 – 50 %	None
<b>Maximum impervious surface: Percentage</b>	45 – 65%	70%
<b>Minimum lot area</b>	4,000 – 5,000 sq ft	3,500 sq ft (2,000 sq ft for attached single family)
<b>Minimum lot area for duplexes</b>	7,200 to 12,500 sq ft	5,250 sq ft
<b>Minimum lot width</b>	40 – 60 ft	30 ft
<b>Minimum lot frontage on cul-de-sac, sharp curve, or panhandle</b>	20 ft	20 ft
<b>Access requirements</b>	Standard road improvements	Modified PRD road improvements. At least 25% of the houses on lots under 5,000 sq ft must also provide shared or single car driveways, or either alley or auto court access
<b>Open space requirements</b>	None, except on really large subdivisions	Yes, equal to 15% of the net project area. 35% must be active; 65% may be passive or critical areas.
<b>Supplemental site design standards</b>	None	Yes, must implement two or more design criteria that exceed basic code requirements. Possible options are reducing impervious surface, quality design and placement of structures, perimeter design, and open space.

- Currently the size of buildings is regulated based on a combination of building coverage, impervious coverage, setbacks, and height limitations. Floor area ratio (FAR) is an alternative that regulates the size of buildings based on a ratio of building floor area to lot size. Should FAR be explored?

**Planning Commission Direction:** Planning Commission recommended retaining current dimensional approaches and not pursuing FAR at this time.

**Staff Proposed Approach:** Staff will continue with the current dimensional approach to regulating building size.

7. Jurisdictions in Washington State are required to allow at least **six** of the nine Middle Housing types listed below.<sup>2</sup>

[Duplexes](#)

[Triplexes](#)

[Fourplexes](#)

[Fiveplexes](#)

[Sixplexes](#)

[Townhouses](#)

[Stacked flats](#)

[Courtyard apartments](#)

[Cottage housing](#)

Respondents on the Middle Housing survey indicated that strongest preference for cottage housing, townhouses, triplexes, duplexes, courtyard apartments, and fourplexes. The runner up was stacked flats.

**Question for Planning Commission:** Are the six Middle Housing types identified as preferred in the public survey also preferred by Planning Commission?

At the March 11<sup>th</sup> Planning Commission work session, staff will provide an overview of the items detailed above and requests further direction. Staff anticipates presenting a package of code amendments to the Planning Commission at the March 25<sup>th</sup> Planning Commission work session.

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<sup>2</sup> Please note that the examples linked above are to provide visual representation and general insight on Middle Housing. Specific local standards and architectural appearance will differ.



# Agenda Bill

## PLANNING COMMISSION AGENDA ITEM REPORT

**DATE:** March 11, 2025

**SUBMITTED BY:** Emily Morgan, Community Development

**ITEM TYPE:** Discussion Item

**AGENDA SECTION:** **NEW BUSINESS**

**SUBJECT:** Forest Practice Application Process: an amendment to *MMC Chapter 22D.050 Clearing, Grading, Filling, and Erosion Control*

**SUGGESTED ACTION:** Suggested motion: I move to set a Public Hearing date for the Forest Practice Application Process for March 25, 2025.

**SUMMARY:** See attached memo and amendments.

**ATTACHMENTS:**  
[PC Intro Memo](#)  
[DRAFT Proposed Amendment](#)

## MEMORANDUM

**DATE:** March 11, 2025  
**TO:** Planning Commission  
**FROM:** Emily Morgan, Senior Planner  
**RE:** Forest Practices Permits - CA 24-006  
**ATTACHED:** DRAFT Amendment to [MMC Chapter 22D.050 Clearing, Grading, Filling, and Erosion Control](#)

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### SUMMARY OF AMENDMENT

The City of Marysville is looking to adopt a similar process to other cities (Lake Stevens, Arlington, Mukilteo) where Class IV Forest Practice Applications (FPAs) are reviewed and issued by Community Development, rather than Washington State Department of Natural Resources (DNR).

Class IV FPAs are a permit that is required to be issued by DNR where sites are proposed to be cleared of trees. There are varying thresholds as to when these permits are required, but the most common occurrence triggering the need for a FPA permit is selling any harvested timber or harvesting 5,000 board feet or more of timber for personal use (i.e. firewood, fence posts, etc.)

Determining when an FPA is being triggered is often an area of frustration for both staff and the applicant. The confusion often arises because some projects are [categorically exempt](#) from SEPA review at the local level, however, SEPA review is required for obtaining certain permits, like the Class IV FPA permit. This is creating permitting delays as “after the fact” SEPA determinations are required to be completed to comply with DNR requirements, even though the project has already been determined as categorically exempt and preliminary approval has been issued.

By adopting the FPA permit process in the Marysville Municipal Code (MMC) would allow City staff to continue to find pathways that would streamline the permitting process. Additionally, offering the FPA permit review in-house would alleviate additional permit reviews/delays from other state agencies.

### PROPOSED STAFF RECOMMENDATION

Planning Staff will present the DRAFT Amendment on March 11, 2025, at the Planning Commission Workshop and request the Planning Commission set a public hearing date for the proposed amendment on March 25, 2025.

### **MMC 22D.050.025 Forest Practices**

- (1) The purpose of this section is to assume regulatory authority from the Washington Department of Natural Resources over certain forest practices as permitted by Washington State law and pursuant to Chapter 76.09 RCW and Chapter 222-20 WAC. This section ensures that the forest practices described in the following subsections occur in compliance with the Marysville Comprehensive Plan, the Marysville Shoreline Master Program and the regulations of this title.
- (2) The definitions contained in RCW 76.09.020 of the Forest Practices Act and in WAC 222-16-010 and 222-16-050 of the Forest Practices Act's implementing regulations shall apply to all terms used in this chapter; provided, that the definitions contained in MMC Title 22A shall be applicable where not in conflict with the above-referenced Forest Practices Act and the Forest Practices Act's implementing regulations. In the event of any conflict between the definitions, the definitions in Chapter 222-16 WAC shall prevail.
- (3) This chapter shall apply to Class IV - General and special forest practices as defined by WAC 222-16-050 for the purpose of conversion to nonforestry use.
- (4) The following activities are exempt from the requirements of this chapter when located outside of critical areas and their buffers:
  - (a) Class I, II, and III forest practices regulated exclusively by the Washington State Department of Natural Resources pursuant to Chapter 76.09 RCW;
  - (b) The removal of less than 5,000 board feet (about 1 log truck load) of timber (including live, dead, and down material) for personal use in any 12-month period (includes firewood, fence posts, etc.);
  - (c) The removal of trees which have been grown to be sold as Christmas trees or used in landscaping such as trees sold by commercial nurseries;
  - (d) The abatement of an emergency, such as the removal of trees necessary to protect the safety of persons or property from clear and imminent danger;
  - (e) Landscape maintenance or pruning which does not impair the health or survival of trees required to be retained or planted pursuant to this chapter; and
  - (f) The removal of trees in the public right-of-way as required by the City Engineer for the purpose of public safety or for the maintenance of existing public roads and existing facilities, consistent with Chapter 76.09 RCW.
- (5) A Class IV-General Forest Practices permit shall follow the procedures established in Chapter 22G.010.160 Administrative approvals subject to notice process and be required for those forest practices described in WAC 222-16-050 (1) and (2). A forest practices application shall include the following submittal items:
  - (a) A completed State Environmental Policy Act checklist;
  - (b) Written verification from the Washington State Department of Natural Resources that the subject site is not and has not been subject to a notice of conversion to nonforestry use under RCW 76.09.090 during the six-year period prior to submission of the permit application;
  - (c) A title report as proof that the parcel is not currently subject to a six-year development moratorium. If the property is subject to a six-year development moratorium, the

- application will not be accepted until the end of the moratorium or until the moratorium has been lifted;
- (d) A narrative of the project that describes the existing site conditions and development goals of the proposed work by including:
    - (i) Specific work to be accomplished;
    - (ii) A time schedule for land clearing activities;
    - (iii) Type of equipment to be used;
    - (iv) Measures proposed to protect the site and adjacent properties from potential adverse impacts; and
    - (v) The estimated quantities/area of work involved.
  - (e) A critical areas report identifying wetlands, streams and their associated buffers, if applicable;
  - (f) A drainage and stormwater report, if applicable;
  - (g) A geotechnical and soils report, if applicable;
  - (h) A site plan of the subject property that meets the requirements of Section 22G.120.060(3);
  - (i) Any other materials required by the Community Development Director; and
  - (j) Application fee as established in MMC 22G.030.
- (6) To improve the administration of the forest excise tax created by Chapter 84.33 RCW, the City will report permit information to the Department of Revenue for all approved forest practices permits no later than 60 days after the date the permit was approved. Such notification shall include the following information:
- (a) Landowner's legal name, address, and telephone number;
  - (b) Decision date of permit; and
  - (c) Parcel number and legal description (section, township, and range) of the subject site.
- (7) The Hearing Examiner may consider the removal of a six-year development moratorium established pursuant to Chapter 76.09 RCW when the applicant strictly meets the following requirements:
- (a) Any property owner subject to a moratorium may request a release from the six-year moratorium by filing an application with the Community Development Department for a hearing before the Hearing Examiner.
  - (b) Following such request, the Community Development Department shall set a date for an open record public hearing pursuant to the requirements of Chapter 22G.010 for permits before the Hearing Examiner.
  - (c) The Hearing Examiner shall consider the removal of a development moratorium established pursuant to this chapter when the following criteria are strictly met:
    - (i) The proponent submits an application for removal of the moratorium; and

- (ii) The proponent proposes corrective actions to bring the violation into compliance with this chapter and mitigate any existing damage through the submittal of a reforestation plan or mitigation plan, prepared by a qualified professional consistent with Chapter 22E.010.
- (d) Hearing Examiner Authority.
  - (i) The Hearing Examiner shall review requests for removal of a development moratorium, any comments received, and applicable City regulations or policies and may inspect the property before rendering a decision.
  - (ii) The Hearing Examiner may approve the request to remove a development moratorium, approve the request with conditions, require modification of the proposal to strictly comply with specified requirements or local conditions, or deny the request if it fails to comply with requirements of this chapter.
- (e) Required Written Findings and Determinations. The Hearing Examiner will address the following items as written findings and determinations before issuing a decision:
  - (i) The removal of the six-year development moratorium will not be detrimental to public health, safety, and general welfare.
  - (ii) The removal of the six-year development moratorium will not be injurious to the property or improvements adjacent to the proposal.
  - (iii) The removal of the six-year development moratorium will not result in significant adverse environmental impacts.
  - (iv) The removal of the six-year development moratorium is consistent and compatible with the goals, objectives, and policies of the Comprehensive Plan and the provisions of this chapter and other applicable municipal codes.