

Marysville City Council Work Session

October 4, 2021

7:00 p.m.

City Hall

PUBLIC NOTICE:

Pursuant to Governor Inslee’s Proclamation 20-28, in an effort to curtail the spread of the COVID-19 virus, City Council Meetings and Work Sessions will take place by teleconference. Councilmembers and members of the public will not attend in person.

To listen to the meeting without providing public comment:

Join Zoom Meeting

<https://zoom.us/j/92977133971>

Or

Dial by your location

1-888-475-4499 US Toll-free

Meeting ID: 929 7713 3971

Call to Order

Pledge of Allegiance

Roll Call

Approval of the Agenda

Presentations

A. Proclamation: Declaring October 2021 Domestic Violence Awareness Month

Discussion Items

Approval of Minutes *(Written Comment Only Accepted from Audience.)*

Consent

- 1. Approval of the September 22, 2021 Claims in the Amount of \$1,226,348.98 Paid by EFT Transactions and Check Numbers 150601 through 150739
- 2. Approval of the September 29, 2021 Claims in the Amount of \$2,993,155.86 Paid by EFT Transactions and Check Numbers 150740 through 150809

Review Bids

Public Hearings

- 3. Consider an **Ordinance** Amending Title 22 of the Marysville Municipal Code by Amending Sections 22A.020.060, 22C.010.060, 22C.010.070, 22C.020.060, 22C.020.070, 22C.080.120; 22C.080.130, Establishing a New Chapter 22C.280,

Work Sessions are for City Council study and orientation – Public Input will be received at the October 11, 2021 City Council meeting.

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Enhanced Services Facilities; and Repealing Ordinance 3182, Which Renewed the Moratorium of Ordinance 3168 (**Public Hearing to be held October 11, 2021**)

New Business

4. Consider the Easement Amendment for Project Roxy
5. Consider the Interagency Agreement with Washington Traffic Safety Commission for Participation in the Target Zero Task Force and Related Grant Funding
6. Consider an **Ordinance** Amending Title 22 of the Marysville Municipal Code by Amending Section 22A.010.070 and Adding New Code Sections 22A.010.075, 22C.010.055, 22C.020.055, 22C.010.075 AND 22C.020.075, Administration of the Unified Development Code (UDC)
7. Consider an **Ordinance** Adopting RCW 9.61.260, Cyberstalking, by Reference
8. Consider an **Ordinance** Amending Chapter 6.56 of the Marysville Municipal Code to Add a Crime of Exposing a Minor Child to Domestic Violence and Providing for a Non-merger of Domestic Violence Crimes
9. Consider an **Ordinance** Amending the 2021-2022 Biennial Budget and Providing for the Increase of Certain Expenditure Items as Budgeted for in Ordinance No. 3160

Legal**Mayor's Business****Staff Business****Call on Councilmembers and Committee Reports****Adjournment/Recess****Executive Session**

- A. Litigation
- B. Personnel
- C. Real Estate

Reconvene**Adjournment**

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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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A



PROCLAMATION

Declaring October 2021 as Domestic Violence Awareness Month in Marysville

WHEREAS, domestic violence is widespread and affects more than 4 million Americans each year, both women and men, of every race, religion, culture, status and income level; and

WHEREAS, in the United States, one in three women and one in four men have experienced some form of physical violence from an intimate partner; and

WHEREAS, domestic violence costs the nation billions of dollars annually in medical expenses, police and court costs, shelters, foster care, sick leave, absenteeism and non-productivity; and

WHEREAS, about 28% of women in Washington state face stalking victimization in their lifetime; and

WHEREAS, Marysville Police respond to an average of 85 domestic violence calls per month, and the number of local domestic violence cases in 2021 to date is 11% higher than it was last year; and

WHEREAS, Domestic Violence Services, a non-profit organization serving Snohomish County since 1976, provides emergency shelter and comprehensive, confidential services to all victims of domestic abuse, and is available 24/7 by calling 425-25-ABUSE; and

WHEREAS, local community service agencies, volunteer organizations and churches are joining DVS Snohomish County and the City of Marysville, Police Department and Fire District to help educate our community and let victims and families know that we care.

NOW, THEREFORE I, JON NEHRING, MAYOR, on behalf of the City Council and our community, do hereby proclaim October 2021 as

DOMESTIC VIOLENCE AWARENESS MONTH

in the City of Marysville. I encourage all residents to help #BreakTheSilence and to learn more about domestic violence and resources available for victims and families.

Under my hand and seal this fourth day of October, 2021.

THE CITY OF MARYSVILLE

Jon Nehring, Mayor

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CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: OCTOBER 11, 2021

AGENDA ITEM: Claims	AGENDA SECTION:	
PREPARED BY: Sandy Langdon, Finance Director	AGENDA NUMBER:	
ATTACHMENTS: Claims Listings	APPROVED BY:	
	MAYOR	CAO
BUDGET CODE:	AMOUNT:	

Please see attached.

RECOMMENDED ACTION:

The Finance and Executive Departments recommend City Council approve the September 22, 2021 claims in the amount of \$1,226,348.98 paid by EFT transactions and Check No.'s 150601 through 150739.

COUNCIL ACTION:

BLANKET CERTIFICATION
CLAIMS
FOR
PERIOD-9

I, THE UNDERSIGNED, DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE MATERIALS HAVE BEEN FURNISHED, THE SERVICES RENDERED OR THE LABOR PERFORMED AS DESCRIBED HEREIN AND THAT THE **CLAIMS** IN THE AMOUNT OF **\$1,226,348.98 PAID BY EFT TRANSACTIONS AND CHECK NO.'S 150601 THROUGH 150739**, THE CITY OF MARYSVILLE, AND THAT I AM AUTHORIZED TO AUTHENTICATE AND TO CERTIFY SAID CLAIMS.

AUDITING OFFICER DATE

MAYOR DATE

WE, THE UNDERSIGNED COUNCIL MEMBERS OF MARYSVILLE, WASHINGTON DO HEREBY APPROVE FOR PAYMENT THE ABOVE MENTIONED **CLAIMS** ON THIS **11th DAY OF OCTOBER 2021.**

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

CITY OF MARYSVILLE
INVOICE LIST
 FOR INVOICES FROM 9/22/2021 TO 9/22/2021

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
150601	BENEFIT COORDINATORS	OCT 2021 PREMIUMS	MEDICAL CLAIMS	133,504.39
150602	LICENSING, DEPT OF	FIREARMS	INTERGOVERNMENTAL	84.00
	LICENSING, DEPT OF		INTERGOVERNMENTAL	828.00
	LICENSING, DEPT OF		INTERGOVERNMENTAL	1,026.00
150603	ACCURATE ELECTRIC	INSTALLATION OF REPLACEMENT CAMERA	OFFICE OPERATIONS	1,843.89
150604	ALLAN, RICHARD & SUSAN	UB REFUND	WATER/SEWER OPERATION	31.15
150605	ALPINE PRODUCTS INC	WHITE EXTRUDE THERMO	TRAFFIC CONTROL DEVICES	10,186.31
150606	AMAZON CAPITAL	DRY EASE MARKERS	GENERAL	29.45
	AMAZON CAPITAL	INMATE MEALS	POLICE INVESTIGATION	62.16
	AMAZON CAPITAL	OFFICE SUPPLIES	POLICE INVESTIGATION	154.52
	AMAZON CAPITAL	VACUUM CLEANER	DETENTION & CORRECTION	185.80
	AMAZON CAPITAL	OFFICE SUPPLIES	POLICE INVESTIGATION	277.62
	AMAZON CAPITAL	AIR PURIFIER	POLICE INVESTIGATION	437.33
	AMAZON CAPITAL	AIR PURIFIERS	EXECUTIVE ADMIN	545.41
	AMAZON CAPITAL		EXECUTIVE ADMIN	1,090.82
	AMAZON CAPITAL	FORD TRUCK BED STORAGE #V024	WATER QUAL TREATMENT	1,475.54
150607	ANIMAL SERVICES	ANIMAL TRANSPORTATION	COMMUNITY SERVICES UNIT	245.15
150608	ANNIS, KENNETH & COL	UB REFUND	WATER/SEWER OPERATION	152.26
150609	ANTRAM, RYAN		WATER/SEWER OPERATION	31.24
150610	AUSTIN ELECTRIC	REFUND ELECTRICAL PERMIT	COMMUNITY DEVELOPMENT	50.00
150611	BANK OF AMERICA	REGISTRATION/ADVERTISING	PERSONNEL ADMINISTRATION	45.00
	BANK OF AMERICA		SOLID WASTE OPERATIONS	45.00
150612	BANK OF AMERICA	REGISTRATIONS	OFFICE OPERATIONS	50.00
	BANK OF AMERICA		POLICE TRAINING-FIREARMS	600.00
150613	BANK OF AMERICA	TRAVEL/SUPPLIES	WATER/SEWER OPERATION	-15.89
	BANK OF AMERICA		UTIL ADMIN	26.66
	BANK OF AMERICA		SOLID WASTE OPERATIONS	49.95
	BANK OF AMERICA		UTIL ADMIN	186.79
	BANK OF AMERICA		UTIL ADMIN	536.64
150614	BANK OF AMERICA	EMBEDDED SOCIAL WORKER	EMBEDDED SOCIAL WORKER	1,040.26
150615	BANK OF AMERICA	ADVERTISING/MVP DINNER	GENERAL FUND	-9.27
	BANK OF AMERICA		POLICE ADMINISTRATION	108.90
	BANK OF AMERICA		DETENTION & CORRECTION	486.39
	BANK OF AMERICA		POLICE ADMINISTRATION	490.29
	BANK OF AMERICA		POLICE ADMINISTRATION	1,540.77
150616	BAVERY, KARINA	UB REFUND	WATER/SEWER OPERATION	46.32
150617	BAZE, CHARITY		WATER/SEWER OPERATION	213.48
150618	BICKFORD FORD	RIGHT SIDE MIRROR, TURN SIGNAL #J050	EQUIPMENT RENTAL	106.61
150619	BILLING DOCUMENT SPE	TRANSACTION FEES - AUGUST	UTILITY BILLING	2,386.49
	BILLING DOCUMENT SPE	BILL PRINTING 8/19-8/30/21	UTILITY BILLING	4,290.84
150620	BILLS BLUEPRINT INC	CREDIT WRONG TAX RATE	GENL GVRNMNT SERVICES	-27.00
	BILLS BLUEPRINT INC	BOND WITH STAPLE BINDING	GENL GVRNMNT SERVICES	27.00
	BILLS BLUEPRINT INC		GENL GVRNMNT SERVICES	27.12
150621	BOMAR, RICK	INSTRUCTOR SERVICE	RECREATION SERVICES	246.75
150622	BROOKS, DIANE E		RECREATION SERVICES	96.00
	BROOKS, DIANE E		RECREATION SERVICES	168.00
	BROOKS, DIANE E		RECREATION SERVICES	204.00
	BROOKS, DIANE E		RECREATION SERVICES	294.00
	BROOKS, DIANE E		RECREATION SERVICES	318.00
150623	CARUSO, BARBARA	UB REFUND	GARBAGE	138.08
150624	CENTRAL WELDING SUPP	PADLOCK	ER&R	250.24
	CENTRAL WELDING SUPP	COMBO PAD LOCK	ER&R	278.98
	CENTRAL WELDING SUPP	GLOVES, PADLOCK	ER&R	401.75
150625	CETINA, MARTHA	REFUND NATURAL CLEANSERS	PARKS-RECREATION	10.00
150626	CHAPTER 13 TRUSTEE O		GARBAGE	28.86
150627	COMCAST	ACCT #8498310020341322	COMPUTER SERVICES	323.27
150628	COPIERS NORTHWEST	CANON PRINTER/COPIER	PROPERTY TASK FORCE	44.11
	COPIERS NORTHWEST		GENERAL	69.89

**CITY OF MARYSVILLE
 INVOICE LIST**

FOR INVOICES FROM 9/22/2021 TO 9/22/2021

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
150628	COPIERS NORTHWEST	CANON PRINTER/COPIER	LEGAL - PROSECUTION	106.53
	COPIERS NORTHWEST		PROBATION	147.85
	COPIERS NORTHWEST		WASTE WATER TREATMENT	152.62
	COPIERS NORTHWEST		EXECUTIVE ADMIN	159.33
	COPIERS NORTHWEST		ENGR-GENL	160.48
	COPIERS NORTHWEST		UTILITY BILLING	171.60
	COPIERS NORTHWEST		CITY CLERK	191.40
	COPIERS NORTHWEST		FINANCE-GENL	191.40
	COPIERS NORTHWEST		DETENTION & CORRECTION	244.67
	COPIERS NORTHWEST		MUNICIPAL COURTS	260.64
	COPIERS NORTHWEST		POLICE INVESTIGATION	265.77
	COPIERS NORTHWEST		POLICE PATROL	286.08
	COPIERS NORTHWEST		PERSONNEL ADMINISTRATION	327.22
	COPIERS NORTHWEST		PARK & RECREATION FAC	347.26
	COPIERS NORTHWEST		UTIL ADMIN	349.72
	COPIERS NORTHWEST		COMMUNITY	477.46
	COPIERS NORTHWEST		OFFICE OPERATIONS	665.73
150629	CORE & MAIN LP	TAPED CAP, RESTRAINERS	WATER SERVICES	605.59
	CORE & MAIN LP	PLUMBING SUPPLIES	WATER DIST MAINS	1,040.74
	CORE & MAIN LP	METER BOX	WATER SERVICE INSTALL	1,461.63
150630	CRYSTAL SPRINGS	BOTTLE RETURN WATER COOLER	COMMUNITY	-8.41
	CRYSTAL SPRINGS	WATER COOLER RENTAL	COMMUNITY	38.83
150631	DADE, EMILY & GARY	UB REFUND	GARBAGE	250.18
150632	DAVIS, B	UB REFUND	GARBAGE	25.00
150633	DAVIS, SUSAN		GARBAGE	107.13
150634	DIAMOND BLADE WAREHO	PRO SERIES	SIDEWALK MAINTENANCE	324.59
	DIAMOND BLADE WAREHO	SUPER G SUPREME	SIDEWALK MAINTENANCE	2,947.23
150635	DICKS TOWING	TOWING	POLICE PATROL	77.47
	DICKS TOWING		POLICE PATROL	77.47
	DICKS TOWING		POLICE PATROL	77.47
	DICKS TOWING		POLICE PATROL	77.47
	DICKS TOWING		POLICE PATROL	77.47
	DICKS TOWING		POLICE PATROL	77.47
	DICKS TOWING		POLICE PATROL	77.47
	DICKS TOWING	TOWING 21-44555	POLICE PATROL	154.93
150636	DOSIMETRY REMOTE	REFUND BUSINESS LICENSE	GENL FUND BUS LIC &	65.00
150637	E&E LUMBER	FASTENERS	WATER QUAL TREATMENT	10.41
	E&E LUMBER	WOOSTER TRAY LINER	ROADSIDE VEGETATION	11.28
	E&E LUMBER	STAKES, BOX OF NAILS	WASTE WATER TREATMENT	37.83
	E&E LUMBER	PIPE ADAPTER, REDI MIX	WASTE WATER TREATMENT	38.70
150638	EAGLE FENCE	CHAIN LINK, GAGE POSTS	SOURCE OF SUPPLY	885.33
150639	EVERETT, CITY TREAS	WATER FILTRATION SERVICE 7/30-8/31/21	SOURCE OF SUPPLY	392,970.19
150640	FASTSIGNS	ALUMINUM SIGN	PARK & RECREATION FAC	236.64
150641	GALBRETH, BARBARA	UB REFUND	WATER/SEWER OPERATION	439.00
150642	GALLS, LLC	UNIFORM	YOUTH SERVICES	109.25
150643	GAREY, CORY	UB REFUND	WATER/SEWER OPERATION	112.98
150644	GAY, TRAVIS		WATER/SEWER OPERATION	25.00
150645	GEOTEST SERVICES INC	TESTING PERIOD ENDING 8/29/21	GMA-PARKS	1,871.00
150646	GOOD, DIANA	REFUND NATURAL CLEANSERS	PARKS-RECREATION	10.00
150647	GRAINGER	REFLECTIVE LABEL NUMBERS	WASTE WATER TREATMENT	26.30
150648	GRAY AND OSBORNE	PROFESSIONAL SERVICE	SURFACE WATER CAPITAL	1,677.09
150649	GREEN, EDWARD & CARO	UB REFUND	GARBAGE	51.03
150650	GRIFFEN, CHRIS	PROFESSIONAL SERVICE	PUBLIC DEFENSE	187.50
	GRIFFEN, CHRIS		PUBLIC DEFENSE	300.00
150651	GUARDIAN RFID	JAIL TAGS AND LICENSE	GENERAL FUND	-104.59
	GUARDIAN RFID		DETENTION & CORRECTION	1,096.25
	GUARDIAN RFID		DETENTION & CORRECTION	1,304.13
	GUARDIAN RFID		DETENTION & CORRECTION	2,638.75

**CITY OF MARYSVILLE
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<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
150652	HA, ELIZABETH JEAN	INSTRUCTOR SERVICE	RECREATION SERVICES	273.00
	HA, ELIZABETH JEAN		RECREATION SERVICES	831.60
	HA, ELIZABETH JEAN		RECREATION SERVICES	891.00
150653	HAARSTAD, GENEVA	UB REFUND	WATER/SEWER OPERATION	20.78
150654	HACH COMPANY	ALKALINE CYANIDE	WATER FILTRATION PLANT	24.65
	HACH COMPANY	CHLORINE	WATER FILTRATION PLANT	29.83
	HACH COMPANY	BUFFER	WATER FILTRATION PLANT	208.60
	HACH COMPANY	STABLCAL VIAL	WATER FILTRATION PLANT	383.65
150655	HANNAH, TROY	UB REFUND	WATER/SEWER OPERATION	7.97
150656	HASSETT, TIM & SEASH		WATER/SEWER OPERATION	0.22
	HASSETT, TIM & SEASH		GARBAGE	341.70
150657	HD FOWLER COMPANY	METER BOX CONCRETE LIDS	WATER SERVICES	241.54
	HD FOWLER COMPANY	STAINLESS STEEL SAMPLING STATIONS	WATER DIST MAINS	2,065.56
150658	HOME DEPOT USA	TRASH LINERS	CUSTODIAL SERVICES	131.25
	HOME DEPOT USA	HAND SOAP REFILLS	CUSTODIAL SERVICES	372.17
150659	INTERSTATE BATTERY	INTERSTATE GROUP BATTERIES	ER&R	249.99
150660	J.A. BRENNAN ASSOC	PROFESSIONAL SERVICE	GMA-PARKS	5,352.75
150661	KENWORTH NORTHWEST	RELAY VALVE #J042	EQUIPMENT RENTAL	104.60
150662	KHUU, TOM & MINA	UB REFUND	WATER/SEWER OPERATION	79.68
150663	KNOX COMPANY	KNOX LOCKBOX	WATER QUAL TREATMENT	687.50
150664	LAKE STEVENS SCHOOL	MITIGATION FEES LAKE STEVENS SCHOOL	SCHOOL MITIGATION FEES	138,737.00
	LAKE STEVENS SCHOOL	MITIGATION FEES	SCHOOL MITIGATION FEES	214,912.00
150665	LAKEWOOD SCHOOL DIST	MITIGATION FEES LAKEWOOD SCHOOL	SCHOOL MITIGATION FEES	21,396.00
150666	LEE, CHUNG	UB REFUND	WATER/SEWER OPERATION	150.47
150667	LENNAR NORTHWEST INC	UB REFUND	WATER/SEWER OPERATION	208.64
150668	LES SCHWAB TIRE CTR	REPAIR REAR FLAT TIRE	EQUIPMENT RENTAL	40.44
150669	MALLAHAN, MARK	MEAL REIMBURSEMENT	WATER DIST MAINS	20.00
150670	MARYSVILLE PRINTING	BUSINESS CARDS	FACILITY MAINTENANCE	149.12
	MARYSVILLE PRINTING		PARK & RECREATION FAC	255.59
	MARYSVILLE PRINTING		TRANSPORTATION	255.59
	MARYSVILLE PRINTING		GENERAL	362.07
	MARYSVILLE PRINTING	PRINTING SERVICES	POLICE PATROL	367.90
	MARYSVILLE PRINTING	BUSINESS CARDS	UTIL ADMIN	575.01
150671	MCGRATH, JORDAN & AL	UB REFUND	WATER/SEWER OPERATION	20.60
150672	MCPMAHON, PEGGY		WATER/SEWER OPERATION	159.30
150673	MCWETHY, LUCAS	PROFESSIONAL SERVICE	PUBLIC DEFENSE	225.00
150674	MILES SAND & GRAVEL	SAND	PARK & RECREATION FAC	700.70
	MILES SAND & GRAVEL		PARK & RECREATION FAC	1,410.67
150675	MOTOR TRUCKS	BREATHER FILTER HOSE #J031	EQUIPMENT RENTAL	47.86
	MOTOR TRUCKS	AIR BRAKE SLACK ADJUSTER	ER&R	260.88
	MOTOR TRUCKS		ER&R	520.44
	MOTOR TRUCKS	CRANKCASE BREATHER HOUSING #J031	EQUIPMENT RENTAL	683.66
150676	MOTOROLA	RADIO JACKS	POLICE PATROL	200.11
150677	NAPA AUTO PARTS	RETURNED GLASS SCRAPERS	EQUIPMENT RENTAL	-371.58
	NAPA AUTO PARTS	BLUE DEF RETURN - CREDIT	SEWER MAIN COLLECTION	-27.68
	NAPA AUTO PARTS		STORM DRAINAGE	-27.67
	NAPA AUTO PARTS	TOGGLE SWITCH #J010	EQUIPMENT RENTAL	10.72
	NAPA AUTO PARTS	AIR FILTERS	ER&R	26.30
	NAPA AUTO PARTS	BLUE DEF	STORM DRAINAGE	27.67
	NAPA AUTO PARTS		SEWER MAIN COLLECTION	27.68
	NAPA AUTO PARTS	FUEL FILTER, SPARK PLUG WIRE SET	EQUIPMENT RENTAL	75.62
	NAPA AUTO PARTS	PERMATEX GLASS SCRAPERS	EQUIPMENT RENTAL	371.58
	NAPA AUTO PARTS	OIL, AIR, FUEL AND TRANS FILTERS	ER&R	441.70
	NAPA AUTO PARTS	OIL, AIR, FUEL FILTERS	ER&R	1,025.86
150678	NC MACHINERY COMPANY	DOZER RENTAL	SEWER MAIN COLLECTION	1,828.47
150679	NEJAD, VIOLA	UB REFUND	WATER/SEWER OPERATION	110.18
150680	NORTH COAST ELECTRIC	BATTERY REPLACEMENT	SEWER LIFT STATION	164.28
150681	NORTHSTAR CHEMICAL	SODIUM HYPOCHLORITE	WASTE WATER TREATMENT	3,094.06

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<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
150682	NURNBERG SCIENTIFIC	BUFFER PACKET	WATER FILTRATION PLANT	444.81
	NURNBERG SCIENTIFIC	ROSS ELECTRODE	WATER FILTRATION PLANT	610.11
150683	OFFICE DEPOT	OFFICE SUPPLIES	UTILITY BILLING	11.16
	OFFICE DEPOT		UTILITY BILLING	19.23
	OFFICE DEPOT		UTILITY BILLING	19.26
	OFFICE DEPOT		COMMUNITY	21.85
	OFFICE DEPOT	ENVELOPES	UTIL ADMIN	22.28
	OFFICE DEPOT	OFFICE SUPPLIES	UTILITY BILLING	25.57
	OFFICE DEPOT		COMMUNITY	39.34
	OFFICE DEPOT		PERSONNEL ADMINISTRATION	61.47
	OFFICE DEPOT	SUPPLIES	POLICE TRAINING-FIREARMS	61.90
	OFFICE DEPOT		OFFICE OPERATIONS	63.12
	OFFICE DEPOT		POLICE PATROL	64.86
	OFFICE DEPOT	OFFICE SUPPLIES	UTILITY BILLING	69.62
	OFFICE DEPOT	SUPPLIES	POLICE PATROL	73.41
	OFFICE DEPOT		POLICE PATROL	83.88
	OFFICE DEPOT		POLICE INVESTIGATION	100.34
	OFFICE DEPOT	OFFICE SUPPLIES	COMMUNITY	104.91
	OFFICE DEPOT	SUPPLIES	POLICE PATROL	108.17
	OFFICE DEPOT		POLICE PATROL	163.06
	OFFICE DEPOT		POLICE PATROL	227.79
	OFFICE DEPOT	BOXES	OFFICE OPERATIONS	263.88
150684	OLSEN, CORY & EUNICE	UB REFUND	WATER/SEWER OPERATION	21.04
150685	OREILLY AUTO PARTS	ENGINE OIL DIPSTICK	EQUIPMENT RENTAL	22.95
150686	OTAK	PROFESSIONAL SERVICE	GMA - STREET	14,716.16
	OTAK		GMA - STREET	15,913.42
150687	PACIFIC POWER BATTER	CORE CHARGE BATTERIES	SUNNYSIDE FILTRATION	159.02
	PACIFIC POWER BATTER		SEWER LIFT STATION	159.02
150688	PARR LUMBER CO	WOODEN STAKES	COMMUNITY	54.64
150689	PEACE OF MIND	9/7/21 COUNCIL MINUTES	CITY CLERK	105.40
	PEACE OF MIND	PLANNING COMMISSION MINUTES	COMMUNITY	108.80
150690	PGC INTERBAY LLC	PAYROLL REIMBURSEMENT	PRO-SHOP	11,930.04
	PGC INTERBAY LLC		MAINTENANCE	13,790.26
150691	PIN PEOPLE, THE	CHALLENGE COINS	GENERAL FUND	-172.98
	PIN PEOPLE, THE		POLICE ADMINISTRATION	2,032.98
150692	PLATT ELECTRIC	FIRST AID KIT, CRIMP TOOL	STREET LIGHTING	64.69
	PLATT ELECTRIC	GREEN LED EMERGENCY EXIT LIGHTS	OPERA HOUSE	113.17
150693	POLICE & SHERIFFS PR	ID CARDS	GENERAL FUND	-3.03
	POLICE & SHERIFFS PR		POLICE PATROL	17.79
	POLICE & SHERIFFS PR		OFFICE OPERATIONS	17.79
150694	POSTAL SERVICE	POSTAGE	OFFICE OPERATIONS	2,500.00
150695	POTTER, BRENT	MEAL FOR SHIFT EXTENSION	WATER DIST MAINS	20.00
150696	POTTERY NOOK, THE	INSTRUCTOR SERVICE	RECREATION SERVICES	30.00
	POTTERY NOOK, THE		RECREATION SERVICES	48.00
	POTTERY NOOK, THE		RECREATION SERVICES	48.00
	POTTERY NOOK, THE		RECREATION SERVICES	66.00
150697	PROTOCOL PLUMBING	MATERIAL & LABOR	PUBLIC SAFETY BLDG	229.53
150698	PUBLIC SAFETY PSYCHO	PRE-EMPLOYMENT	POLICE ADMINISTRATION	800.00
150699	PUD	ACCT #204259469	TRAFFIC CONTROL DEVICES	16.44
	PUD	ACCT #204260343	TRAFFIC CONTROL DEVICES	16.44
	PUD	ACCT #204262620	TRAFFIC CONTROL DEVICES	16.44
	PUD	ACCT #201346665	SEWER LIFT STATION	17.01
	PUD	ACCT #205195373	PARK & RECREATION FAC	17.01
	PUD	ACCT #223013277	AFFORDABLE HOUSING	17.81
	PUD	ACCT #202461026	MAINT OF GENL PLANT	18.14
	PUD	ACCT #202011813	PUMPING PLANT	22.79
	PUD	ACCT #200973956	SEWER LIFT STATION	23.35
	PUD	ACCT #200501617	TRANSPORTATION	23.59

**CITY OF MARYSVILLE
 INVOICE LIST**

FOR INVOICES FROM 9/22/2021 TO 9/22/2021

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
150699	PUD	ACCT #202524690	PUMPING PLANT	32.61
	PUD	ACCT #202294245	SEWER LIFT STATION	42.81
	PUD	ACCT #203500020	STREET LIGHTING	42.96
	PUD	ACCT #200448801	TRANSPORTATION	49.27
	PUD	ACCT #202303301	SEWER LIFT STATION	67.57
	PUD	ACCT #222664310	TRANSPORTATION	68.82
	PUD	ACCT #205237738	TRAFFIC CONTROL DEVICES	72.54
	PUD	ACCT #222664740	TRANSPORTATION	73.47
	PUD	ACCT #201628880	WASTE WATER TREATMENT	74.80
	PUD	ACCT #221115934	MAINT OF GENL PLANT	84.57
	PUD	DEERING WILDFLOWER ACRES	PARK & RECREATION FAC	85.12
	PUD	ACCT #205239270	TRAFFIC CONTROL DEVICES	85.74
	PUD	ACCT #220681340	STORM DRAINAGE	86.66
	PUD	ACCT #203291216	GENERAL	101.80
	PUD	ACCT #222663973	TRANSPORTATION	109.25
	PUD	ACCT #222025900	PUMPING PLANT	152.13
	PUD	ACCT #201909637	SEWER LIFT STATION	153.56
	PUD	ACCT #201675634	WASTE WATER TREATMENT	460.46
	PUD	ACCT #202177333	MAINT OF GENL PLANT	741.42
	PUD	ACCT #201587284	WASTE WATER TREATMENT	821.15
	PUD	ACCT #201639689	MAINT OF GENL PLANT	1,034.64
	PUD	ACCT #201617479	CITY HALL	1,195.09
	PUD	ACCT #200021871	COURT FACILITIES	1,202.68
150700	RAKHRA, JASBIR	UB REFUND	WATER/SEWER OPERATION	27.49
150701	REDFINNOW BORROWER L	UB REFUND	WATER/SEWER OPERATION	369.85
150702	RETIREMENT SYSTEMS	LATE FEE - LEOFF2	FINANCE-GENL	30.00
	RETIREMENT SYSTEMS	LATE FEE - PERS	FINANCE-GENL	30.00
	RETIREMENT SYSTEMS	LATE FEE - PSERS	FINANCE-GENL	30.00
150703	SAN DIEGO POLICE EQU	AMMO	POLICE TRAINING-FIREARMS	7,614.66
150704	SCHUELLER, KEN	UB REFUND	WATER/SEWER OPERATION	74.53
150705	SHEPARD, BETH		GARBAGE	398.97
150706	SHERWIN WILLIAMS	PAINTING SUPPLIES	PUBLIC SAFETY BLDG	276.91
150707	SHI INTERNATIONAL	ADOBE PRO LICENSE	OFFICE OPERATIONS	181.86
150708	SHRADER, MICHAELA	UB REFUND	WATER/SEWER OPERATION	151.36
150709	SISKUN POWER EQUIPME	BOWDEN CABLE	SMALL ENGINE SHOP	74.71
150710	SMOKEY POINT CONCRET	EXPANSION JOINT	SIDEWALK MAINTENANCE	695.98
150711	SNO CO TREASURER	JAIL HOUSING AUGUST	DETENTION & CORRECTION	105,604.14
150712	SNYDER, JEFF & LORI	UB REFUND	WATER/SEWER OPERATION	38.64
150713	SOLID WASTE SYSTEMS	HYDRAULIC TANK ASSEMBLY	EQUIPMENT RENTAL	3,307.40
150714	SOULE, TIM LYLE	UB REFUND	WATER/SEWER OPERATION	34.58
150715	SOUND PUBLISHING	PUBLICATION OF ORDINANCE 3189	CITY CLERK	32.20
150716	SOUND PUBLISHING	PUBLICATION OF ORDINANCE 3190	CITY CLERK	35.00
150717	SOUND PUBLISHING	PUBLISHING FINAL ACTION	GMA - STREET	134.40
150718	SOUND SAFETY	UNIFORM REPLACEMENT	GENERAL	45.35
	SOUND SAFETY		GENERAL	45.35
	SOUND SAFETY	GLOVES	DETENTION & CORRECTION	2,054.18
150719	SPRINGBROOK NURSERY	TOPSOIL	PARK & RECREATION FAC	37.73
	SPRINGBROOK NURSERY	GRAVEL	PARK & RECREATION FAC	114.26
	SPRINGBROOK NURSERY	WOOD DEBRIS	STORM DRAINAGE	120.00
	SPRINGBROOK NURSERY	TOPSOIL	PARK & RECREATION FAC	150.92
	SPRINGBROOK NURSERY	TREE HAUL OFF	STORM DRAINAGE	180.00
	SPRINGBROOK NURSERY	TOPSOIL	MAINTENANCE	188.65
	SPRINGBROOK NURSERY		MAINTENANCE	188.65
	SPRINGBROOK NURSERY		MAINTENANCE	188.65
	SPRINGBROOK NURSERY	WOOD DEBRIS	STORM DRAINAGE	276.00
150720	STECKLER, PETER	UB REFUND	WATER/SEWER OPERATION	17.32
150721	SUMMIT LAW GROUP	PROFESSIONAL SERVICE	PERSONNEL ADMINISTRATION	335.00
	SUMMIT LAW GROUP		PERSONNEL ADMINISTRATION	1,474.00

**CITY OF MARYSVILLE
 INVOICE LIST**

FOR INVOICES FROM 9/22/2021 TO 9/22/2021

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
150721	SUMMIT LAW GROUP	PROFESSIONAL SERVICE	PERSONNEL ADMINISTRATION	1,809.00
150722	THE ESTATE OF LEONID	UB REFUND	WATER/SEWER OPERATION	39.09
150723	THE RENTAL CONNECTIO	UB REFUND	WATER/SEWER OPERATION	97.56
150724	THOMPSON, DENNIS R	UB REFUND	WATER/SEWER OPERATION	103.87
150725	TOGERSON, RICHARD	UB REFUND	WATER/SEWER OPERATION	20.21
150726	UNITED PARCEL SERVIC	SHIPPING	POLICE PATROL	83.19
150727	UNITED SITE SERVICES	PORTABLE RESTROOM	PARK & RECREATION FAC	247.15
150728	USA BLUEBOOK	BOD BOTTLES	WASTE WATER TREATMENT	455.50
	USA BLUEBOOK	DEIONIZED WATER	WATER DIST MAINS	531.01
	USA BLUEBOOK	BOD BOTTLES	WASTE WATER TREATMENT	1,274.63
150729	VERNON, DANNY	PERFORMANCE AT OPERA HOUSE	OPERA HOUSE	2,400.00
150730	WATERS, STAN & DIANA	UB REFUND	WATER/SEWER OPERATION	31.84
150731	WEST PAYMENT CENTER	INVESTIGATIVE TOOL	POLICE INVESTIGATION	313.61
150732	WESTERN SYSTEMS	SOLAR PANEL	TRANSPORTATION	389.39
150733	WHATCOM COUNTY	MINI CHAIN	DETENTION & CORRECTION	10,718.00
150734	WHPACIFIC	PROFESSIONAL SERVICE	GMA - STREET	26,225.07
150735	WILLIAMS, ANNIE	UB REFUND	WATER/SEWER OPERATION	15.69
150736	ZIPLY FIBER	ACCT #3606588575	STORM DRAINAGE	66.46
	ZIPLY FIBER	ACCT #3606583136	MUNICIPAL COURTS	72.92
	ZIPLY FIBER	ACCT #3606582766	MUNICIPAL COURTS	88.18
150737	ZIPLY FIBER	ACCT #3606577495	STREET LIGHTING	53.06
150738	ZIPLY FIBER	PHONE SERVICE	PARK & RECREATION FAC	59.03
150739	ZIPLY FIBER	ACCT #3606583635	COMMUNITY	60.38
	ZIPLY FIBER		UTIL ADMIN	60.39

WARRANT TOTAL: 1,226,348.98

REASON FOR VOIDS:

INITIATOR ERROR

CHECK LOST/DAMAGED

WARRANT TOTAL: \$1,226,348.98

Index #2

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: OCTOBER 11, 2021

AGENDA ITEM: Claims	AGENDA SECTION:	
PREPARED BY: Sandy Langdon, Finance Director	AGENDA NUMBER:	
ATTACHMENTS: Claims Listings	APPROVED BY:	
	MAYOR	CAO
BUDGET CODE:	AMOUNT:	

Please see attached.

RECOMMENDED ACTION: The Finance and Executive Departments recommend City Council approve the September 29, 2021 claims in the amount of \$2,993,155.86 paid by EFT transactions and Check No.'s 150740 through 150809.
COUNCIL ACTION:

BLANKET CERTIFICATION
CLAIMS
FOR
PERIOD-9

I, THE UNDERSIGNED, DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE MATERIALS HAVE BEEN FURNISHED, THE SERVICES RENDERED OR THE LABOR PERFORMED AS DESCRIBED HEREIN AND THAT THE **CLAIMS** IN THE AMOUNT OF **\$2,993,155.86 PAID BY EFT TRANSACTIONS AND CHECK NO.'S 150740 THROUGH 150809**, THE CITY OF MARYSVILLE, AND THAT I AM AUTHORIZED TO AUTHENTICATE AND TO CERTIFY SAID CLAIMS.

AUDITING OFFICER

DATE

MAYOR

DATE

WE, THE UNDERSIGNED COUNCIL MEMBERS OF MARYSVILLE, WASHINGTON DO HEREBY APPROVE FOR PAYMENT THE ABOVE MENTIONED **CLAIMS** ON THIS **11th DAY OF OCTOBER 2021.**

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

**CITY OF MARYSVILLE
 INVOICE LIST
 FOR INVOICES FROM 9/29/2021 TO 9/29/2021**

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
150740	LYDIG CONSTRUCTION	CIVIC CENTER PAYMENT 20	CAPITAL EXPENDITURES	
150741	PREMERA BLUE CROSS	CLAIMS PAID 9/12 TO 9/18/21	MEDICAL CLAIMS	24,482.92
150742	US BANK	MARWAT14	ENTERPRISE D/S	455,400.00
150743	REVENUE, DEPT OF	TAXES FOR AUG 2021	GMA-PARKS	36.46
	REVENUE, DEPT OF		POLICE ADMINISTRATION	57.94
	REVENUE, DEPT OF		GENERAL FUND	161.33
	REVENUE, DEPT OF		INFORMATION SERVICES	176.47
	REVENUE, DEPT OF		GOLF ADMINISTRATION	1,270.57
	REVENUE, DEPT OF		STORM DRAINAGE	8,724.51
	REVENUE, DEPT OF		GOLF COURSE	24,925.16
	REVENUE, DEPT OF		SOLID WASTE OPERATIONS	37,294.52
	REVENUE, DEPT OF		UTIL ADMIN	100,047.85
150744	FIRST AMERICAN TITLE	ROW ACQUISITION CLOSING FUNDS	GMA - STREET	29,454.32
150745	PREMERA BLUE CROSS	CLAIMS PAID 9/19-9/25/21	MEDICAL CLAIMS	104,588.52
150746	ALLIED ELECTRONICS	ATC PHASE MONITOR	SEWER LIFT STATION	1,046.63
	ALLIED ELECTRONICS		SEWER LIFT STATION	1,584.16
150747	AMAZON CAPITAL	OFFICE SUPPLIES	FINANCE-GENL	138.80
150748	ANDERSON, KRISTEN	PROTEM SERVICE 9/13 & 9/14/21	MUNICIPAL COURTS	740.00
150749	ANTONELIS-LAPP,JEFFR	OUTDOOR SPEAKER	OPERA HOUSE	100.00
150750	ARAMARK UNIFORM	UNIFORM CLEANING	SMALL ENGINE SHOP	6.00
	ARAMARK UNIFORM		EQUIPMENT RENTAL	58.70
	ARAMARK UNIFORM	LINEN SERVICE	OPERA HOUSE	126.51
	ARAMARK UNIFORM		OPERA HOUSE	126.51
150751	BANK OF AMERICA	MAILING FEE, MEETING	COMMUNITY	28.00
	BANK OF AMERICA		COMMUNITY	464.99
150752	BANK OF AMERICA	TRAVEL, TRAINING, REFRESHMENTS	COMMUNITY SERVICES UNIT	55.00
	BANK OF AMERICA		POLICE TRAINING-FIREARMS	483.64
	BANK OF AMERICA		COMMUNITY SERVICES UNIT	662.34
	BANK OF AMERICA		POLICE PATROL	1,150.05
	BANK OF AMERICA		POLICE TRAINING-FIREARMS	5,773.00
150753	BAY ALARM COMPANY	FIRE MONITORING SERVICE FEE	COURT FACILITIES	150.70
150754	BICKFORD FORD	VEHICLE REPAIR PARTS #J015	EQUIPMENT RENTAL	177.50
150755	BOUFFIOU, VALERIE	PROTEM SERVICE 9/24/21	MUNICIPAL COURTS	185.00
150756	CHAMPION BOLT	NUTS, BOLTS AND WASHERS	WASTE WATER TREATMENT	148.29
150757	COOP SUPPLY	BALE OF STRAW, CABLE TIES	PARK & RECREATION FAC	30.58
150758	DIANE SCHNEIDER	INTERPRETER SERVICE	COURTS	150.00
	DIANE SCHNEIDER		COURTS	150.00
	DIANE SCHNEIDER		COURTS	150.00
	DIANE SCHNEIDER		COURTS	150.00
150759	DK SYSTEMS, INC.	LABOR	CITY HALL	35.52
	DK SYSTEMS, INC.	LABOR, DIVERSATECH PUMP	OPERA HOUSE	199.26
	DK SYSTEMS, INC.	STAT REPLACEMENT	WATER FILTRATION PLANT	355.18
150760	DOBBS PETERBILT	STEERING KING PIN REPLACEMENT #J024	EQUIPMENT RENTAL	10,554.73
150761	E&E LUMBER	LOCTITE	PARK & RECREATION FAC	11.52
	E&E LUMBER	FASTENERS	PARK & RECREATION FAC	60.99
150762	FLORIAN, ADRIAN	INTERPRETER SERVICE	COURTS	100.00
150763	FORSLOF, WALLACE	TUITION PAYMENT PROGRAM	POLICE TRAINING-FIREARMS	2,500.00
150764	GOVCONNECTION INC	MICROSOFT SURFACE PRO'S	CITY COUNCIL	7,952.91
150765	GRANITE CONST	HMA CEMENT	TRANSPORTATION	597.53
150766	GUNDERSON, JARL	LEOFF 1 MEDICARE REIMBURSEMENT	POLICE ADMINISTRATION	102.00
	GUNDERSON, JARL		POLICE ADMINISTRATION	297.00
150767	HARBOR FREIGHT TOOLS	PRESSURE WASHER	SMALL ENGINE SHOP	15.28
150768	HD FOWLER COMPANY	RED LOCATE FLAGS, SCREEN PRINT	ER&R	218.00
	HD FOWLER COMPANY	GAUGE	WATER DIST MAINS	362.65
150769	HOME DEPOT USA	WIRE BRUSH, KLEENEX, CABLE TIES	ER&R	115.39
150770	HOUSE OF UPHOLSTERY	RECOVER DRIVER'S SEAT ASSEMBLY #237	EQUIPMENT RENTAL	508.25
150771	HYLARIDES, LETTIE	INTERPRETER SERVICE	COURTS	100.00
	HYLARIDES, LETTIE		COURTS	112.50

**CITY OF MARYSVILLE
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150771	HYLARIDES, LETTIE	INTERPRETER SERVICE	COURTS	112.50
150772	INTERNAL REVENUE SVC	Q1 941 2021 PAYROLL	FINANCE-GENL	1.10
	INTERNAL REVENUE SVC		YOUTH SERVICES	30.00
150773	J. THAYER COMPANY	RUBBER BANDS, COPY PAPER, PENS	WATER DIST MAINS	192.18
150774	KAISER PERMANENTE	CDL EXAM	GENERAL	125.00
	KAISER PERMANENTE		SOLID WASTE OPERATIONS	125.00
	KAISER PERMANENTE		GENERAL	125.00
	KAISER PERMANENTE		PERSONNEL ADMINISTRATION	150.00
	KAISER PERMANENTE		PARK & RECREATION FAC	250.00
	KAISER PERMANENTE		PERSONNEL ADMINISTRATION	312.00
	KAISER PERMANENTE		GENERAL	375.00
	KAISER PERMANENTE		UTIL ADMIN	1,552.00
150775	LASTING IMPRESSIONS	UNIFORM BADGES	POLICE PATROL	1,428.55
150776	LEONARD, REMY	PROTEM SERVICE	MUNICIPAL COURTS	1,295.00
150777	LOGMEIN USA INC	LOG ME IN LICENSE RENEWALS	COMMUNITY CENTER	159.72
	LOGMEIN USA INC		PROBATION	159.72
	LOGMEIN USA INC		LEGAL-GENL	159.72
	LOGMEIN USA INC		COMPUTER SERVICES	319.42
150778	LOWES HIW INC	RETURNED WALL BLOCKS	PARK & RECREATION FAC	-80.06
	LOWES HIW INC	LANDSCAPE ITEMS	PARK & RECREATION FAC	336.01
150779	MALAKOOTI TRANSLATIN	INTERPRETER SERVICE	COURTS	110.00
	MALAKOOTI TRANSLATIN		COURTS	110.00
150780	MARYSVILLE PRINTING	WINDOW ENVELOPES	FINANCE-GENL	643.43
150781	MARYSVILLE, CITY OF	UTILITIES AT 4123 71ST ST NE	SUNNYSIDE FILTRATION	115.04
	MARYSVILLE, CITY OF	UTILITIES AT 4202 59TH DR NE	PARK & RECREATION FAC	206.91
	MARYSVILLE, CITY OF	UTILITIES AT 8501 SOPER HILL RD	NON-DEPARTMENTAL	237.56
	MARYSVILLE, CITY OF	UTILITIES AT 4020 71ST AVE NE	SUNNYSIDE FILTRATION	291.94
	MARYSVILLE, CITY OF	UTILITIES AT 4202 59TH DR NE	PARK & RECREATION FAC	933.47
	MARYSVILLE, CITY OF	UTILITIES AT 3907 82ND AVE NE	PARK & RECREATION FAC	1,207.25
150782	MOTOR TRUCKS	REPAIR TRANSMISSION LEAK #H008	EQUIPMENT RENTAL	1,810.94
150783	MOUNT, HERMAN	LEOFF 1 - MEDICARE PREMIUM	POLICE ADMINISTRATION	445.50
150784	OFFICE DEPOT	HIGHLIGHTERS	STORM DRAINAGE	13.05
	OFFICE DEPOT	OFFICE SUPPLIES	STORM DRAINAGE	134.81
150785	PEACE OF MIND	9/13 COUNCIL MEETING	CITY CLERK	85.00
150786	PETROCARD SYSTEMS	FUEL CONSUMED	ENGR-GENL	29.37
	PETROCARD SYSTEMS		DEVELOPMENT SERVICES	49.43
	PETROCARD SYSTEMS		COMPUTER SERVICES	56.42
	PETROCARD SYSTEMS		PURCHASING/CENTRAL	85.25
	PETROCARD SYSTEMS		STORM DRAINAGE	140.20
	PETROCARD SYSTEMS		FACILITY MAINTENANCE	199.77
	PETROCARD SYSTEMS		COMMUNITY	240.28
	PETROCARD SYSTEMS		PARK & RECREATION FAC	1,365.15
	PETROCARD SYSTEMS		GENERAL	2,606.33
	PETROCARD SYSTEMS		MAINT OF EQUIPMENT	4,439.69
	PETROCARD SYSTEMS		SOLID WASTE OPERATIONS	4,753.03
	PETROCARD SYSTEMS		POLICE PATROL	7,092.48
150787	PGC INTERBAY LLC	REIMBURSEMENT FOR GOLF COURSE	PRO-SHOP	15.59
	PGC INTERBAY LLC		MAINTENANCE	33.61
	PGC INTERBAY LLC		PRO-SHOP	49.28
	PGC INTERBAY LLC		MAINTENANCE	70.19
	PGC INTERBAY LLC		MAINTENANCE	81.50
	PGC INTERBAY LLC		PRO-SHOP	138.74
	PGC INTERBAY LLC		PRO-SHOP	151.44
	PGC INTERBAY LLC		MAINTENANCE	247.96
	PGC INTERBAY LLC		PRO-SHOP	249.00
	PGC INTERBAY LLC		MAINTENANCE	305.69
	PGC INTERBAY LLC		PRO-SHOP	657.79
	PGC INTERBAY LLC		PRO-SHOP	664.90

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150787	PGC INTERBAY LLC	REIMBURSEMENT FOR GOLF COURSE	MAINTENANCE	1,681.01
	PGC INTERBAY LLC		MAINTENANCE	2,015.57
	PGC INTERBAY LLC		MAINTENANCE	2,572.77
	PGC INTERBAY LLC		GOLF COURSE	3,171.80
150788	PLATT ELECTRIC	LIT EU2C M6	MAINT OF GENL PLANT	107.65
150789	PREMIER GOLF CENTERS	MANAGEMENT SERVICES	GOLF ADMINISTRATION	9,016.15
150790	PUD	ACCT #203569751	STORM DRAINAGE	8.51
	PUD	ACCT #205136245	SEWER LIFT STATION	14.31
	PUD	ACCT #202461034	UTIL ADMIN	14.58
	PUD	ACCT #202031134	PUMPING PLANT	15.45
	PUD	ACCT #201672136	SEWER LIFT STATION	22.43
	PUD	ACCT #201668043	PARK & RECREATION FAC	25.75
	PUD	ACCT #202499489	COMMUNITY EVENTS	27.79
	PUD	ACCT #200650745	TRANSPORTATION	28.14
	PUD	ACCT #202476438	SEWER LIFT STATION	31.43
	PUD	ACCT #202368551	PARK & RECREATION FAC	33.33
	PUD	ACCT #202694337	TRANSPORTATION	39.98
	PUD	ACCT #202794657	TRANSPORTATION	41.00
	PUD	PUD AT OLD EMISSIONS BLDG	PARK & RECREATION FAC	43.62
	PUD	ACCT #220792733	STREET LIGHTING	45.22
	PUD	ACCT #203005160	STREET LIGHTING	47.01
	PUD	ACCT #200827277	TRANSPORTATION	47.70
	PUD	ACCT #202426482	PUBLIC SAFETY BLDG	49.84
	PUD	ACCT #203430897	STREET LIGHTING	55.89
	PUD	ACCT #202143111	TRANSPORTATION	59.77
	PUD	ACCT #200571842	TRANSPORTATION	62.10
	PUD	ACCT #202368544	TRANSPORTATION	63.23
	PUD	ACCT #202288585	TRANSPORTATION	69.19
	PUD	ACCT #202000329	PARK & RECREATION FAC	71.40
	PUD	ACCT #202175956	TRAFFIC CONTROL DEVICES	73.62
	PUD	ACCT #203199732	TRANSPORTATION	81.86
	PUD	ACCT #203231006	TRANSPORTATION	82.16
	PUD	ACCT #202557450	STREET LIGHTING	82.82
	PUD	ACCT #202463543	SEWER LIFT STATION	83.40
	PUD	ACCT # 222772634	TRANSPORTATION	90.02
	PUD	ACCT #200790061	PARK & RECREATION FAC	104.20
	PUD	ACCT #200625382	SEWER LIFT STATION	111.24
	PUD	ACCT #220838882	TRAFFIC CONTROL DEVICES	126.19
	PUD	ACCT #203223458	PARK & RECREATION FAC	143.73
	PUD	ACCT #200084036	TRANSPORTATION	191.90
	PUD	ACCT #205419765	PUBLIC SAFETY BLDG	227.84
	PUD	ACCT #201247699	STREET LIGHTING	234.79
	PUD	ACCT #221192545	PUBLIC SAFETY BLDG	236.05
	PUD	ACCT #201021607	PARK & RECREATION FAC	247.58
	PUD	ACCT #202309720	TRAFFIC CONTROL DEVICES	248.90
	PUD	ACCT #204821227	TRAFFIC CONTROL DEVICES	271.98
	PUD	ACCT #200070449	TRANSPORTATION	280.84
	PUD	ACCT #201065281	PARK & RECREATION FAC	326.45
	PUD	ACCT #201147253	PUMPING PLANT	618.96
	PUD	ACCT #200586485	SEWER LIFT STATION	750.43
	PUD	ACCT #200223857	PARK & RECREATION FAC	858.53
	PUD	ACCT #200303477	WATER FILTRATION PLANT	893.74
	PUD	ACCT #200824548	MAINT OF GENL PLANT	1,404.98
	PUD	ACCT #201463031	PUBLIC SAFETY BLDG	3,205.58
	PUD	ACCT #221320088	SUNNYSIDE FILTRATION	3,220.19
	PUD	ACCT #201577921	PUMPING PLANT	6,203.19
	PUD	ACCT #201420635	WASTE WATER TREATMENT	7,313.30
	PUD	ACCT #202075008	WASTE WATER TREATMENT	11,604.84

**CITY OF MARYSVILLE
 INVOICE LIST**

FOR INVOICES FROM 9/29/2021 TO 9/29/2021

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
150790	PUD	ACCT #201721180	WASTE WATER TREATMENT	23,959.32
150791	ROBBINS, KAYLENE	CREDIT CAKE DECORATING	PARKS-RECREATION	10.00
150792	SHOTR, JILL ANNETTE	INTERPRETER SERVICE	COURTS	100.00
150793	SIGMAN, MICHAEL	LEOFF 1 MEDICARE PREMIUM	POLICE ADMINISTRATION	445.50
150794	SMITH, JASON	LUNCH	EXECUTIVE ADMIN	97.92
150795	SMOKEY POINT CONCRET	SAND, SNOW AND ICE SAND	SNOW & ICE REMOVAL	1,340.97
150796	SNO CO PUBLIC WORKS	SOLID WASTE FOR AUGUST 2021	SOLID WASTE OPERATIONS	175,028.00
150797	SOUND SAFETY	UNIFORM - GUNN	UTIL ADMIN	182.90
150798	SPRINGBROOK NURSERY	DUMP FEE 4 YARDS	STORM DRAINAGE	48.00
150799	STAPLES	INTERPRETER SERVICE	MUNICIPAL COURTS	23.15
	STAPLES		MUNICIPAL COURTS	42.07
	STAPLES	LYSOL, PENS, HIGHLIGHTERS	MUNICIPAL COURTS	61.79
150800	SUMMIT LAW GROUP	LABOR BARGAINING	PERSONNEL ADMINISTRATION	1,608.00
	SUMMIT LAW GROUP		PERSONNEL ADMINISTRATION	2,043.50
150801	TAYLOR, CHRIS	ART SUPPLIES	OPERA HOUSE	84.77
150802	UNDERHILL, JIM	CREDIT UNDERHILL EVENT	PARKS-RENTS & ROYALTIES	250.00
	UNDERHILL, JIM		GENERAL FUND	500.00
150803	UNITED RENTALS	CONTAINER RENTAL	COMMUNITY CENTER	109.30
150804	WAXIE SANITARY SUPPL	CLOROX CLEAN SPRAY	ER&R	84.55
150805	WAYNE'S AUTO DETAIL	CLEAN FIRE EXTINGUISHER DUST #P160	EQUIPMENT RENTAL	245.93
150806	ZIPLY FIBER	ACCT #3606512517	STREET LIGHTING	53.06
	ZIPLY FIBER	ACCT #3601970339	SEWER LIFT STATION	61.61
	ZIPLY FIBER	ACCT #3606583136	MUNICIPAL COURTS	72.92
	ZIPLY FIBER	ACCT# 3606515087	PARK & RECREATION FAC	86.70
	ZIPLY FIBER	ACCT #3606597667	OFFICE OPERATIONS	88.18
	ZIPLY FIBER	ACCT #3606519123	WATER FILTRATION PLANT	105.66
150807	ZIPLY FIBER	ACCT #3606577108	STREET LIGHTING	58.32
150808	ZIPLY FIBER	ACCT #3606594398	PUBLIC SAFETY BLDG	106.27
150809	ZIPLY FIBER	ACCT #3606534028	CITY HALL	108.24

WARRANT TOTAL: 2,993,155.86

REASON FOR VOIDS:

INITIATOR ERROR

CHECK LOST/DAMAGED

WARRANT TOTAL: \$2,993,155.86

Index #3

CITY OF MARYSVILLE AGENDA BILL
EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: October 4, 2021 Briefing, October 11, 2021 Public Hearing

AGENDA ITEM:	
Ordinance amending the Marysville Municipal Code (MMC) to: amend the definition of “enhanced services facilities;” allow “enhanced services facilities” as a permitted use in the Community Business, Downtown Core, Downtown Flex, General Commercial, and Mixed Use zones; add a new chapter 22C.280 MMC concerning “enhanced services facilities;” and repeal Ordinance No. 3168.	
PREPARED BY:	DIRECTOR APPROVAL:
Haylie Miller	<i>Haylie Miller</i> CD Director
DEPARTMENT:	
Community Development	
ATTACHMENTS:	<p>Attachment</p> <ol style="list-style-type: none"> 1. Memorandum from CD Staff <p>Memorandum Exhibits</p> <ol style="list-style-type: none"> 1. Ordinance recommended by the EDC 2. ESF Eligible Areas Map as recommended by the EDC as revised by Staff 3. Existing ESF information 4. ESF Eligible Areas Map as recommended by Planning Commission 5. Ordinance recommended by Planning Commission 6. Planning Commission meeting minutes combined
BUDGET CODE:	AMOUNT:
N/A	N/A
<p>SUMMARY: The City Council adopted Ordinance No. 3168 on November 23, 2020, establishing an interim regulation that prohibits the siting of Enhanced Services Facilities (ESFs) in Marysville while the City studies where such uses should be allowed. The Planning Commission held public meetings to discuss the matter on December 8, 2020, January 12, 2021 and February 9, 2021. On February 23, 2021, the Planning Commission held a public hearing and recommended amendments to City Council. City Council work sessions were held on May 3, 2021 and June 7, 2021, and Economic Development Committee meetings were held on May 10, 2021 and July 6, 2021, to review and modify the recommended amendments from the Planning Commission. The latest changes resulting from these meetings are summarized in the attached memorandum. The changes differ from the original Planning Commission recommendation and, therefore, require a public hearing prior to adoption.</p> <p>RECOMMENDED ACTION: Staff invites any questions or feedback on this matter. A public hearing has been scheduled on October 11, 2021 for City Council Action.</p> <p>RECOMMENDED MOTION: N/A. Public Hearing scheduled for October 11, 2021.</p>	



MARYSVILLE
COMMUNITY
DEVELOPMENT

MEMORANDUM

TO: Mayor Nehring
City Council

FROM: Haylie Miller, CD Director

CC: Gloria Hirashima, CAO
Chris Holland, Planning Manager

DATE: October 4, 2021

SUBJECT: Enhanced Services Facilities Text Amendments

EXHIBITS:

1. Ordinance recommended by the EDC
2. ESF Eligible Areas Map as recommended by the EDC
3. Existing ESF information
4. ESF Eligible Areas Map as recommended by Planning Commission
5. Ordinance recommended by Planning Commission
6. Planning Commission meeting minutes combined
7. Downtown Master Plan Zoning Changes

RECOMMENDATION:

Staff recommends that the City Council consider adoption of amendments to Marysville Municipal Code (MMC) Title 22C, related to Enhanced Services Facilities (ESFs) during a public hearing scheduled for October 11, 2021.

BACKGROUND - ENHANCED SERVICES FACILITIES

The following excerpts contain information that was provided to the Planning Commission concerning ESFs, and is intended to help the City Council better understand what ESFs are and how they are regulated. Additional information is included in this section as requested by the EDC.

1. What are Enhanced Services Facilities? Chapter 70.97 RCW provides for the licensing, operation and management of Enhanced Services Facilities in the State of Washington. RCW 70.97.010 defines the term "Enhanced Services Facility" as "a facility that provides support and services to persons for whom acute inpatient treatment is not medically necessary." Under State law, Enhanced Services Facilities serve up to sixteen individuals 18 years of age or older with either a mental disorder,¹ a substance use disorder,² co-occurring

¹ "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on an individual's cognitive or volitional functions. RCW 70.97.010(8).

² "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related

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Community
Development
80 Columbia Avenue
Marysville, WA 98270

mental disorder and substance use disorder, an organic or traumatic brain injury, or a cognitive impairment that results in symptoms or behaviors requiring supervision and support services. Enhanced Services Facilities are facilities in a residential setting where providers assume general responsibility for the safety and well-being of the residents.

A single-occupancy room, meals, laundry, supervision, behavior support services, activities, and varying levels of assistance with care are provided. Enhanced Services Facilities provide nursing care, specialized care for people with mental health issues, developmental disabilities, or dementia. The facility is licensed by the state. Statutory authority for Enhanced Services Facilities is in Chapter 70.97 RCW and regulatory authority is found in Chapter 388-107 WAC. DSHS is currently updating this chapter of the WAC.

2. Criteria for admission of residents to an ESF are:

- the person requires daily care by or under the supervision of a mental health professional or nurse; and assistance with three or more activities of daily living; and
- the person has a behavioral health disorder;³ an organic or traumatic brain injury; or a cognitive impairment that results in symptoms or behaviors requiring supervision and support services;
- the person has been assessed by the department (DSHS) to need the services provided in an enhanced services facility;
- the person has been assessed as medically and psychiatrically stable, but for other reasons requires supervision and behavioral support and must meet two or more of the following supplemental criteria outlined in RCW 70.97.030(4):
 - a. Is currently residing in a state mental hospital or psychiatric unit of a hospital and the hospital has found the person to be ready for discharge;
 - b. Has a history of an inability to remain medically or psychiatrically stable for more than six months;
 - c. Has exhibited serious challenging behaviors within the last year;
 - d. Has complex medication needs and an inability to manage these medications, which has affected their ability to live in the community;
 - e. Has a history of or likelihood of unsuccessful placements in other licensed long-term care facilities or a history of rejected applications for admission to other licensed facilities based on the person's behaviors, history, or needs;
 - f. Has a history of frequent or prolonged behavioral health disorder-related hospitalizations; or
 - g. Requires caregiving staff with training in providing behavioral supports to adults with challenging behaviors.

3. Why are we receiving inquiries about where an ESF can be located in Marysville? The State of Washington is moving patients out of State hospitals who are ready to be transitioned into the community. These individuals still require some level of support and the preferred model for those who

problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances. RCW 70.97.010(16).

³ "Behavioral health disorder" means either a mental disorder, a substance use disorder, or co-occurring mental disorder and substance use disorder. RCW 70.97.010(1).

do not require acute inpatient treatment is to live in an ESF. Funding is being provided by Medicare and the State of Washington for providers to build and operate ESFs.

The City has received questions from potential providers of such services about where an ESF may be located in Marysville. The Marysville Municipal Code regulates the location and development of other types of group residences, including “Senior Citizen Assisted” dwellings, “Adult Family Homes,” “Convalescent, Nursing or Retirement Homes,” “Master Planned Senior Communities” and “Residential Care Facilities.” However, the current zoning code does not provide a comparable land use category or definition for “Enhanced Services Facilities”, establish where such use may locate or provide associated development standards.

4. Other Communities - Assistance from Municipal Research Services Corporation: Since ESFs are a relatively new facility type under State law, staff has contacted Municipal Research Service Corporation (MRSC) to compile information about how other municipalities are regulating them. Staff has learned that very few communities specifically regulate ESFs. Some communities require substantial public process to allow an ESF to be sited, while others permit them in certain zones without a required public process.

5. Growth Management Act: State law includes “mental health facilities” as essential public facilities, and states: *No local comprehensive plan or development regulation may preclude the siting of essential public facilities.*

6. Understanding ESFs. In considering how to regulate the siting of ESFs in Marysville’s land use code, it is instructive to understand the size, space needs, and level of activity and traffic generated by a typical ESF. The following are some basic data about ESFs compiled through review of literature and communications with DSHS staff:

- Size – ESFs may house up to 16 residents. The average size of existing ESFs is approximately 6,500 square feet. That is roughly equivalent to an apartment building with four 3-bedroom apartment units.
- Number of employees - ESFs have a staff-to-resident ratio requirement of 1 staff for every 4 residents at all times, so a 16-bed ESF would have a minimum of 4 staff on-site 24/7.
- Employees and visitors - In addition to the staffing requirement of 1 staff for every 4 residents, there may be other visitors to the facility to provide a specific service such as physical therapy or behavior support services. ESFs have regular deliveries of food and supplies.
- Access - ESFs are not locked facilities and residents are free to come and go, unless they have an assessed need for support/assistance while in the community. In those cases, a staff person would accompany the resident into the community. The residents of an ESF are very similar to the residents of an Adult Family Home or an Assisted Living Facility.
- Outdoor open space - WAC 388-107-0890 requires outdoor space for resident use. There must be a fence or wall at least 72” high to provide privacy.

7. Management of ESFs. WAC 388-107 includes many requirements concerning the responsibility of the ESF facility management and staff concerning resident care. The State is in the process of updating this WAC. DSHS staff have provided the following information about responsibilities of ESF staff and management:

- Each resident will have an assessment of their specific needs, and the ESF will have a care plan for each individual resident.
- WAC 388-107-0300⁴ requires the ESF to not admit individuals who are unsafe to be in the community and to only admit those individuals the ESF can safely serve. Through the assessment process, only individuals who meet specific criteria can be considered for an ESF setting.
- Sometimes an ESF resident may need a short-term stay at an evaluation and treatment center or a crisis stabilization center, and there have been a few ESF residents who have had to return to the state hospital for a longer stay. If an ESF indicates it can no longer provide appropriate support and services to an ESF resident, DSHS (AL TSA/HCS) would assess what type of setting was needed to meet the resident's need -- and would then seek appropriate setting options for the individual.
- It is the responsibility of the ESF to determine if the specific needs of a resident can be met by the ESF or if the resident needs services beyond what the ESF is capable of providing. As a component of the plan of care, each ESF resident has a behavior support plan to assist the staff in recognizing signs of behavioral challenges and knowing how to respond. It is important to note that all staff working at an ESF are highly trained and must complete specific trainings (such as Mental Health Specialty and de-escalation) before working at the ESF.
- If an ESF resident is in crisis, the ESF would look to the local Designated Crisis Responders⁵ for immediate assistance so that the individual can be kept safe in a secured setting until an evaluation is completed and next steps are identified. The following are questions from Marysville staff, with answers from DSHS staff:
 - Can registered sex offenders live in an ESF? Yes, but the operator can choose to not allow RSOs. Local law enforcement conducts monthly check-ins with RSOs at their place of residence.
 - Can recovering drug and /or alcohol abusers live in an ESF? Yes. However, since residents are transitioning out of state hospitals where they are not able to access drugs or alcohol, residents will not be current users of drugs or alcohol.
 - Are ESFs a secure facility where residents are not permitted to come and go as they choose? ESFs are not secured. Residents of an ESF are allowed to come and go as they choose, for

⁴ The enhanced services facility must only admit or continue to provide services to a resident when:

(1) The department has determined that the individual is eligible for placement in an enhanced services facility.

(2) The facility can safely and appropriately meet the assessed needs and preferences of the resident:

(a) With available staff; and

(b) Through reasonable accommodation.

(3) Admitting the resident does not negatively affect the ability of the facility to:

(a) Meet the needs, and does not endanger the safety, of other residents and members of the community; or

(b) Safely evacuate all people in the facility during an emergency according to the approved fire safety and evacuation plans appropriate to the occupancy type of the building.

⁵ A designated crisis responder is a person appointed by the county and authorized to take a person with a behavioral health disorder into emergency detention and to institute civil commitment proceedings. RCW 71.05.153 *et seq.* This was previously known as a county designated mental health professional.

- medical treatment, to shop, work, or for other activities in the community, though some residents may need assistance with tasks outside the ESF.
- What type of treatment is provided for residents in an ESF? Residents of an ESF receive services such as bathing, administration of medication, laundry, meals, and similar non-medical treatment. Residents do not receive medical or psychiatric treatment in an ESF, as those services are provided off-site.

8. Existing ESFs. It is also helpful to review the experience of communities where ESFs have been established. There are just six ESFs that have been established in Washington. Four are new buildings, while two converted existing buildings to ESFs. Information about the facilities are provided in Exhibit 3 attached hereto.

LEGISLATIVE HISTORY AND NEXT STEPS:

ESFs amendments have been reviewed by the City for several months beginning in October 2020. There have been a total of four Planning Commission meetings, two City Council work sessions and two Economic Development Committee meetings held to review the proposed regulations for ESFs. The timeline on the following page summarizes the ESF legislative process to-date along with next steps.

ESF LEGISLATIVE PROCESS TIMELINE

<u>Date</u>	<u>Summary</u>
<i>November 23, 2020</i>	The City Council adopted Ordinance No. 3168, establishing an interim regulation that prohibits the siting of ESFs in Marysville while the City studies where such uses may be allowed.
<i>December 8, 2020</i>	The Planning Commission held a public meeting to discuss ESFs.
<i>January 12, 2021</i>	The Planning Commission held a second public meeting to discuss ESFs.
<i>February 9, 2021</i>	The Planning Commission held a third public meeting to discuss ESFs.
<i>February 23, 2021</i>	<p>The Planning Commission held a public hearing to consider regulations for ESFs and recommended approval of the amendments to the MMC to City Council. The Planning Commission recommended amendments that would:</p> <ol style="list-style-type: none"> 1. Allow ESFs as a conditional use (Public notice required, potential for Hearing Examiner hearing) in the R-18 and R-28 multi-family residential zones; 2. Allow ESFs as a permitted use in five commercial / mixed use zones; 3. Amend the definition of ESFs to match the definition used by the State in RCW 70.97.010; and 4. Establish a new set of regulations and requirements for ESFs in the Marysville Municipal Code that: <ul style="list-style-type: none"> • Require the proponent of an ESF to provide notice to contiguous property owners at least 15 days prior to filing a land use application with the City in order to allow the neighboring property owners to learn more about the facility and for the proponent to address any concerns in their application materials; • Require a detailed management plan that addresses issues of public safety, communication with neighbors, and facility management • Require the facility to accept only residents that are determined not to pose a risk to other residents and the public.
<i>May 3, 2021</i>	The Planning Commission recommendation was forwarded to the City Council to review at the May 2021 work session. The City Council decided to refer the subject to the Economic Development Committee (EDC) for further review. The discussion included questions about: whether the number of zones in which ESFs would be allowed was too many, the definition of ESF, and the state regulations governing ESFs.
<i>May 10, 2021</i>	The Economic Development Committee discussed the issues and asked staff to prepare an alternative set of regulations that differs from the Planning Commission

recommendation. The alternatives requested by the Committee differs from the Planning Commission recommendation as follows:

1. Would not allow ESFs in the R-18 and R-28 multi-family residential zones;
2. Would allow ESFs in the DC (Downtown Commercial), GC (General Commercial), CB (Community Business) and MU (Mixed Use) zones only on lots located within one-quarter mile of State Avenue or Smokey Point Boulevard;
3. In the DC, GC and CB zones, would allow an ESF only in a mixed use building in which the ESF is on a floor located above a permitted commercial use. Under the existing code for the DC, GC and CB zones, multi-family housing is the only use required to be so situated.
4. Require a quarter-mile separation between ESFs.

May 24, 2021

The City Council adopted Ordinance No. 3182, renewing for an additional six months the interim development regulations adopted by Ordinance No. 3186 that amended title 22A and 22C of the Marysville Municipal Code (MMC) by defining ESFs and specifying that ESFs are not permitted in any zoning district within the City; and declaring an emergency to exist. This ordinance is set to expire on November 24, 2021. Staff does not recommend this be extended any further.

June 7, 2021

The City Council noted during the Council work session that they were not ready to act on this item and that further discussion and vetting (specifically related to the areas where ESFs are permitted) should occur with the EDC.

July 6, 2021

The Economic Development Committee reviewed the proposed modifications to Title 22C and the location criteria for ESFs on July 6, 2021. The EDC requested additional information related to the six existing ESFs in Washington State (see Exhibit 3).

As directed by the EDC on July 6, staff updated the proposed ESF Map with the following changes as shown in Exhibit 2:

1. To remove ESFs located south of 8th Street and west of State from the previous ESF area map.
2. To remove all ESF areas south of 4th Street.
3. To include the remaining eastern area of the GC zone north of 152nd.
4. To move the ESF boundary to the west to align with I-5.
5. To potentially include a buffer from daycares and schools. Staff has added daycares to the map and is recommending a 300 foot buffer be applied as shown in Exhibit 2.

There are two maps that illustrate the locations where ESFs would be allowed under the recommendation of the Planning Commission (Exhibit 4⁶), and the alternative requested by the Economic Development Committee (Exhibit 2).

⁶ Exhibit 4 shows transit routes as well as the DC, GC, CB, MU, R-18 and R-28 zones, because in the R-18 and R-28 zones, a site is eligible only if located within one-quarter mile of a transit route. There are just a few parts of the R-18 and R-28 zones that are not located within one-quarter mile of a transit route.

The updated map (Exhibit 2) has a dashed green line that indicates areas located generally within one-quarter mile of State Avenue and Smokey Point Boulevard with exception of additional areas that expand west to I-5 and the remaining portion of the General Commercial (GC) zoning north of 152nd and west of 43rd Ave NE. Areas south 4th and south of 8th Street and State Avenue have been eliminated. The map shows only the DC, GC, CB and MU zone areas that are generally near the area within one-quarter mile of the above named streets. The dashed green line does not extend west of Interstate 5, though there is some land in the CB zone located west of I-5 within one-quarter mile. Staff's interpretation of the direction from the EDC was to keep the land area eligible for ESFs in proximity to State Avenue and Smokey Point Boulevard. This map does not include transit routes as removal of the R-18 and R-28 zones removes the one transit-route-related requirement recommended by the Planning Commission. Finally, the map also shows locations of schools and daycares. A 300 foot buffer around these uses has been applied and those areas have been removed from the ESF Map.

The proposed draft ordinance with changes as requested by the EDC and City Council is attached as Exhibit 1. The primary differences in the revised ordinance (as compared to Planning Commission's recommendation) is summarized as follows:

- Added a one-quarter mile minimum separation between ESFs
- ESFs in the DC, GC and CB zones are required to be located in a mixed use building, on a floor above a permitted ground floor commercial use (similar to what is required for multi-family units). This addition was requested by the EDC in order to treat ESFs similar to multi-family housing in these three zones. This standard does not apply in the MU zone.
- Removed ESFs from the R-18 and R-28 zones.
- The ESF area was substantially reduced in size.
- ESFs shall be located a certain distance from daycares or schools. Staff has suggested a 300 foot separation.
- ESFs are limited to 16 resident's total which is consistent with current state guidelines. This section was added by staff in case the State limit should ever increase.

September 7, 2021

Staff presented the memorandum and agenda bill to the City Council during the September 7, 2021 work session. Clarification was requested on map boundary changes and the new Downtown Master Plan zones. Changes have been incorporated into the ordinance and a Public Hearing date has been scheduled for the October 11, 2021 meeting.

October 11, 2021

Public Hearing date scheduled to formally consider approving the amendments to Marysville Municipal Code Title 22C, related to Enhanced Services Facilities.

Note, staff has updated the materials to reflect the new Downtown Master Plan zones as discussed during the September 7, 2021 Council meeting.

See Exhibit 7 for maps showing the newly adopted Downtown Master Plan zones. The zones established in the Downtown area (prior to the DMP update) that allowed for ESFs were General Commercial, Downtown Commercial and Mixed Use. The City Council approved the new Downtown Master Plan on September 27, 2021. The new DMP zones are now reflected on the ESF eligibility map (Exhibit 2) as summarized below:

DOWNTOWN ZONING CHANGES WITHIN THE PROPOSED ESF ELIGIBILITY AREA	
ZONES PRIOR TO DMP UPDATE	NEW ZONES PER DMP UPDATE
Downtown Commercial	Downtown Core
Mixed Use	Flex Residential Overlay
General Commercial	Flex

The new Downtown Core zone allows for similar uses as the prior Downtown Commercial zone. Staff recommends no changes to the ESF map.

The new Flex Residential Overlay area allows similar uses as the Mixed Use Zone. Staff does not recommend changes to the proposed ESF Map area or ESF code.

The new Flex zone (replacing the GC zone in the Downtown area) allows for commercial uses only and no residential uses. However, the zone does allow for Adult Family Homes and Residential Care Facilities. This differs from the GC zone which allowed for multifamily above the street level. Staff recommends that ESFs be permitted in the flex zone on the first level as shown in the attached ordinance.

The ESF area has been revised slightly since the September 7, 2021 City Council meeting. The properties that were located partially within the school buffers were *excluded* from ESF eligibility. The properties that intersected with the original ¼ mile boundary from State Avenue/Smokey Point Boulevard are included in the ESF area. The final map is attached as Exhibit 2.

RECOMENDATION: Staff asks that the City Council review the proposed revised ordinance (Exhibit 1) with the changes requested by the Economic Development Committee on July 7, 2021, and as modified after the September 7, 2021 Council meeting. A public hearing is scheduled for October 11, 2021 to consider the changes proposed.

EXHIBIT 1

CITY OF MARYSVILLE
WASHINGTON

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON, AMENDING TITLE 22 OF THE MARYSVILLE MUNICIPAL CODE BY AMENDING SECTIONS 22A.020.060, 22C.010.060, 22C.010.070, 22C.020.060, 22C.020.070, 22C.080.120; 22C.080.130, ESTABLISHING A NEW CHAPTER 22C.280, ENHANCED SERVICES FACILITIES; AND REPEALING ORDINANCE 3182, WHICH RENEWED THE MORATORIUM OF ORDINANCE 3168.

WHEREAS, the State Growth Management Act, Chapter 36.70A RCW mandates that cities periodically review and amend development regulations, including zoning ordinances and official controls; and

WHEREAS, RCW 36.70A.106 requires the processing of amendments to the City's development regulations in the same manner as the original adoption of the City's comprehensive plan and development regulations; and

WHEREAS, the State Growth Management Act requires notice and broad public participation when adopting or amending the City's comprehensive plan and development regulations; and

WHEREAS, the City, in reviewing and amending its development regulations has complied with the notice, public participation, and processing requirements established by the Growth Management Act, as more fully described below; and

WHEREAS, the City Council of the City of Marysville finds that from time to time it is necessary and appropriate to review and revise provisions of the City's municipal code and development code Marysville Municipal Code (MMC) Title 22; and

WHEREAS, the Marysville City Council adopted Ordinance No. 3168 on November 23, 2020, which adopted interim development regulations which established a definition for "Enhanced services facility" (ESF) and specified that "such facilities are not a permitted use in any zone in the City of Marysville; and

WHEREAS, the Marysville City Council adopted Ordinance No. 3168 on May 24, 2021, which renewed the interim development regulations of Ordinance 3168 for an additional six months; and

WHEREAS, city staff prepared proposed amendments to MMC Title 22, which comprised of (a) proposed amendments to MMC Sections 22A.020.060, 22C.010.060,

22C.010.070 and **(b)** a new MMC Chapter 22C.280 (collectively referred to as the “Initial Proposed Amendments”).

WHEREAS, the Initial Proposed Amendments were submitted to the State of Washington Department of Commerce for 60-day review on February 1, 2021, in accordance with RCW 36.70A.106; and

WHEREAS, the Planning Commission held public work sessions on December 8, 2020, January 12, 2021, and February 9, 2021, to review the Initial Proposed Amendments, including alternatives, and did hear and consider public comments; and

WHEREAS, the Planning Commission held a duly-advertised public hearing on February 23, 2021, and received testimony from City staff and the public; and

WHEREAS, at the public hearing, the Planning Commission reviewed and considered the Initial Proposed Amendments, and recommended that the City Council approve the Initial Proposed Amendments; and

WHEREAS, the Initial Proposed Amendments were reviewed under the State Environmental Policy Act; which review resulted in the issuance of a Determination of Non-Significance (DNS) on April 5, 2021; and

WHEREAS, the City Council reviewed the Initial Proposed Amendments at a work session on May 3, 2021, and referred the Initial Proposed Amendments to the Economic Development Committee for further review; and

WHEREAS, the Economic Development Committee reviewed the Initial Proposed Amendments at work sessions on May 10 and July 6, 2021; and

WHEREAS, the Economic Development Committee made certain recommendations with regards to the Initial Proposed Amendments, and these recommendations were incorporated into the underlying proposed amendments to MMC Sections 22A.020.060, 22C.010.060, 22C.010.070, 22C.020.060, 22C.020.070, and proposed new Chapter 22C.280 MMC, at work sessions on May 10 and July 6, 2021 (the “Revised Proposed Amendments”); and

WHEREAS, the City Council was briefed on the Revised Proposed Amendments at a work session on September 7, 2021; and

WHEREAS, the Revised Proposed Amendments were modified after the September 7, 2021 City Council meeting to include the Downtown Master Plan zones, and ESF regulations for each of the new zones, in MMC Sections 22C.080.120, 22C.080.130; and

WHEREAS, the City Council held a public hearing on October 11, 2021 to consider the Revised Proposed Amendments and the Downtown Master Plan changes

to MMC Sections 22C.080.120 and 22C.080.130.

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

Section 1. Required Findings. In accordance with MMC 22G.010.520, the following findings are made regarding the proposed amendments to MMC Title 22, which are comprised of **(a)** proposed amendments to MMC Sections 22A.020.060, 22C.010.060, 22C.020.060, 22C.010.070, 22C.020.070, 22C.080.120 and 22C.080.130 and **(b)** a proposed new MMC Chapter 22C.280, that are the subject of this ordinance:

- (1) The amendments are consistent with the purposes of the comprehensive plan;
- (2) The amendments are consistent with the purpose of Title 22 MMC;
- (3) There have been significant changes in the circumstances to warrant a change;
- (4) The benefit or cost to the public health, safety and welfare is sufficient to warrant the action.

Section 2. Section 22A.020.060, "E" definitions, of MMC Chapter 22A.020, Definitions, is hereby amended by replacing the definition for "Enhanced services facility" with the following definition. Those terms contained in MMC Chapter 22A.020, Definitions, that are not specifically amended as outlined below, shall remain in full force and effect.

~~"Enhanced services facility" means a facility that provides support and services to persons for whom acute inpatient treatment is not medically necessary and which typically serves individuals with either a mental disorder, a substance use disorder, or co-occurring mental disorder and substance use disorder. Such facilities shall be limited to a maximum 16-bed capacity and shall meet all of the regulatory and licensing requirements of the state of Washington per Chapter 70.97 RCW~~ means a facility that provides support and services to persons for whom acute inpatient treatment is not medically necessary.

Section 3. MMC Sections 22C.010.060, 22C.010.070, 22C.020.060, 22C.020.070, 22C.080.120 and 22C.080.130 are hereby amended as set forth in **Exhibit A** attached hereto.

Section 4. MMC Title 22C, Land Use Standards, are hereby amended by adopting a new MMC Chapter 22C.280, Enhanced Services Facilities, as set forth in **Exhibit B** attached hereto.

Section 5. Repeal of Ordinance No. 3182. Ordinance No. 3182 shall be repealed upon the effective date of this Ordinance.

Section 6. MMC Section 22A.010.160, Amendments, is hereby amended as follows by adding reference to this adopted ordinance in order to track amendments to the City’s Unified Development Code:

“22A.010.160 Amendments.

The following amendments have been made to the UDC subsequent to its adoption:

<u>Ordinance</u>	<u>Title (description)</u>	<u>Effective date</u>
_____	Enhanced Services Facilities	October __, 2021

Section 7. Severability. If any section, subsection, sentence, clause, phrase, or word of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or word of this Ordinance.

Section 8. Correction. Upon approval by the City Attorney, the City Clerk or the code reviser are authorized to make necessary corrections to this Ordinance, including scrivener’s errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections.

Section 9. Effective Date. This Ordinance shall become effective five days after the date of its publication by summary.

PASSED AND APPROVED by the Marysville City Council this 11th day of October, 2021.

CITY OF MARYSVILLE

Jon Nehring, Mayor

ATTEST:

By: _____
City Clerk

APPROVED AS TO FORM:

By: _____
Jon Walker, City Attorney

Date of Publication: _____

Effective Date: _____

EXHIBIT A

22C.010.060 Permitted uses.

Specific Land Use	R-4.5	R-6.5	R-8	WR R-4-8	R-12	R-18	R-28	WR R-6- 18	R- MHP
Residential Land Uses									
Dwelling Units, Types:									
Single detached (14)	P11	P11	P11	P11	P11	P11	P11	P11	P43
Model home	P30	P30	P30	P30	P30	P30	P30	P30	P30
Cottage housing (14)	C6	C6	C6	C6	C6	C6	C6	C6	
Duplex (14)	C8	P8	P8	P8	P	P	P	P	
Townhouse	P3	P3	P3	P3	P	P	P	P	
Multiple-family					P	P	P	P	
Mobile home	P12	P12	P12	P12	P12	P12	P12	P12	P12
Mobile/manufactured home park	P3	P3	P3		C	P	P		P45
Senior citizen assisted	C2	C2	C2	C2	C2	C2	C2	C2	C2
Factory-built	P7	P7	P7	P7	P7	P7	P7	P7	P7, 43
Recreational vehicle (44)	P	P	P	P	P	P	P	P	P
Tiny house or tiny house with wheels (51)	P	P	P	P	P	P	P	P	P
Group Residences:									
Adult family home	P	P	P	P	P	P	P	P	P
Convalescent, nursing, retirement	C2	C2	C2	C2	C2	C2	C2	C2	
Residential care facility	P	P	P	P	P	P	P	P	
Master planned senior community (15)	C	C	C	C	C	C	C	C	C
Accessory Uses:									
Residential accessory uses (1), (9), (10), (14), (49), (50)	P	P	P	P	P	P	P	P	P
Home occupation (5)	P	P	P	P	P13	P13	P13	P13	P
Temporary Lodging:									
Hotel/motel					P	P	P	P	
Bed and breakfast guesthouse (4)		C	C	C	P	P	P	P	

Specific Land Use	R-4.5	R-6.5	R-8	WR R-4-8	R-12	R-18	R-28	WR R-6- 18	R- MHP
Bed and breakfast inn (4)					P	P	P	P	
<u>Enhanced services facility</u>									
Recreation/Cultural Land Uses									
Park/Recreation:									
Park	P16	P16	P16	P16	P16	P16	P16	P16	P16
Community center	C	C	C	C	C	C	C	C	C
Amusement/Entertainment:									
Sports club					C	C	C	C	
Golf facility (17)	C	C	C	C	P	P	P	P	
Cultural:									
Library, museum and art gallery	C	C	C	C	C	C	C	C	C
Church, synagogue and temple	C	C	C	C	P	P	P	P	C
General Services Land Uses									
Personal Services:									
Funeral home/crematory	C18	C18	C18	C18	C18	C18	C18	C18	C18
Cemetery, columbarium or mausoleum	P24 C19	P24 C19	P24 C19	P24 C19	P24 C19	P24 C19	P24 C19	P24 C19	P24 C19
Day care I	P20	P20	P20	P20	P20	P20	P20	P20	P20
Day care II	C25	C25	C25	C25	C	C	C	C	C25
Stable	C	C	C	C					
Kennel or cattery, hobby	C	C	C	C	C	C	C	C	
Electric vehicle (EV) charging station (38), (39)	P	P	P	P	P	P	P	P	
EV rapid charging station (40), (41), (42)					P	P	P	P	
Health Services:									
Medical/dental clinic					C	C	C	C	
Supervised drug consumption facility									
Education Services:									
Elementary, middle/junior high, and senior high (including public, private and parochial)	C	C	C	C	C	C	C	C	C
Commercial school	C21	C21	C21	C21	C21	C21	C21	C21	
School district support facility	C23	C23	C23	C23	C23	C23	C23	C23	
Interim recycling facility	P22	P22	P22	P22	P22	P22	P22	P22	
Vocational school									
Government/Business Service Land Uses									
Government Services:									

Specific Land Use	R-4.5	R-6.5	R-8	WR R-4-8	R-12	R-18	R-28	WR R-6- 18	R- MHP
Public safety facilities, including police and fire	C26	C26	C26	C26	C26	C26	C26	C26	C26
Utility facility	P	P	P	P	P	P	P	P	P
Private storm water management facility	P	P	P	P	P	P	P	P	P
Public storm water management facility	P	P	P	P	P	P	P	P	P
Business Services:									
Self-service storage (31)					C27	C27	C27	C27	
Professional office					C	C	C	C	
Automotive parking	P29	P29	P29	P29	P29	P29	P29	P29	
Model house sales office	P47	P47	P47	P47					
Wireless communication facility (28)	P C	P C	P C	P C	P C	P C	P C	P C	P C
State-Licensed Marijuana Facilities:									
Marijuana cooperative (48)									
Marijuana processing facility – Indoor only (48)									
Marijuana production facility – Indoor only (48)									
Marijuana retail facility (48)									
Retail/Wholesale Land Uses									
Forest products sales	P32	P32	P32	P32					
Agricultural crop sales	P32	P32	P32	P32					
Resource Land Uses									
Agriculture:									
Growing and harvesting crops	P34	P34	P34	P34					
Raising livestock and small animals	P35	P35	P35	P35					
Forestry:									
Growing and harvesting forest products	P34	P34	P34	P34					
Fish and Wildlife Management:									
Hatchery/fish preserve (33)	C	C	C	C					
Aquaculture (33)	C	C	C	C					
Regional Land Uses									
Regional storm water management facility	C	C	C	C	C	C	C	C	C
Nonhydroelectric generation facility	C	C	C	C	C	C	C	C	C
Transit park and pool lot	P	P	P	P	P	P	P	P	
Transit park and ride lot	C	C	C	C	C	C	C	C	
School bus base	C36	C36	C36	C36	C36	C36	C36	C36	
Racetrack	C37	C37	C37	C37	C37	C37	C37	C37	

Specific Land Use	R-4.5	R-6.5	R-8	WR R-4-8	R-12	R-18	R-28	WR R-6- 18	R- MHP
College/university	C	C	C	C	C	C	C	C	

22C.010.070 Permitted uses – Development conditions.

- (1) Accessory dwelling units must comply with development standards in Chapter [22C.180](#) MMC. Accessory dwelling units in the MHP zone are only allowed on single lots of record containing one single-family detached dwelling.
- (2) Limited to three residents per the equivalent of each minimum lot size or dwelling units per acre allowed in the zone in which it is located.
- (3) Only as part of a planned residential development (PRD) proposal, and subject to the same density as the underlying zone.
- (4) Bed and breakfast guesthouses and inns are subject to the requirements and standards contained in Chapter [22C.210](#) MMC.
- (5) Home occupations are subject to the requirements and standards contained in Chapter [22C.190](#) MMC.
- (6) Subject to cottage housing provisions set forth in MMC [22C.010.280](#).
- (7) Factory-built dwelling units shall comply with the following standards:
- (a) A factory-built house must be inspected at least two times at the factory by the State Building Inspector during the construction process, and must receive an approval certifying that it meets all requirements of the International Building Code. At the building site, the city building official will conduct foundation, plumbing and final inspections.
 - (b) A factory-built house cannot be attached to a metal frame allowing it to be mobile. All such structures must be placed on a permanent foundation at the building site.
- (8) Permitted outright in the R-6.5, R-8, and WR-R-4-8 zones on minimum 7,200-square-foot lots. A conditional use permit is required for the R-4.5 zone, and the minimum lot size must be 12,500 square feet. Duplexes must comply with the comprehensive plan density requirements for the underlying land use designation.
- (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.
 - (b) Signs advertising such sales 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 an allowable accessory use to all residential land uses. A garage sale violating one or more of the above conditions shall be considered as being a commercial use and will be disallowed unless it complies with all requirements affecting commercial uses.

(10) Residential accessory structures must comply with development standards in Chapter [22C.180](#) MMC.

(11) Manufactured homes must:

(a) Be set on a permanent foundation, as specified by the manufacturer, enclosed with an approved concrete product from the bottom of the home to the ground which may be either load-bearing or decorative;

(b) Meet all design standards applicable to all other single-family homes in the neighborhood in which the manufactured home is to be located;

(c) Be no more than five years old, as evidenced by the date of manufacture recorded on the HUD data plate. An administrative variance to the requirement that a manufactured home be no more than five years old may be granted by the community development director only if the applicant demonstrates all of the following:

(i) The strict enforcement of the provisions of this title creates an unnecessary hardship to the property owner;

(ii) The proposed manufactured home is well maintained and does not present any health or safety hazards;

(iii) The variance is necessary or warranted because of the unique size, shape, topography, location, critical areas encumbrance, or other feature of the subject property;

(iv) The proposed manufactured home will be compatible with the neighborhood or area where it will be located;

(v) The subject property is otherwise deprived, by provisions of this title, of rights and privileges enjoyed by other properties in the vicinity and within an identical zone;

(vi) The need for the variance is not the result of deliberate actions of the applicant or property owner; and

(vii) The variance is the minimum necessary to grant relief to the applicant.

(12) Mobile homes are only allowed as a primary residence in existing mobile/manufactured home parks established prior to June 12, 2008, subject to the requirements of Chapter [22C.230](#) MMC, Mobile/Manufactured Home Parks.

(13) Home occupations are limited to home office uses in multifamily dwellings. No signage is permitted in townhouse or multifamily dwellings.

- (14) No more than one single-family detached or duplex dwelling is allowed per lot except in cottage housing developments that are developed with all cottages located on a common lot, and accessory dwelling units through the provisions of Chapter [22C.180](#) MMC.
- (15) Subject to Chapter [22C.220](#) MMC, Master Planned Senior Communities.
- (16) The following conditions and limitations shall apply, where appropriate:
- (a) Parks are permitted in residential and mixed use zones when reviewed as part of a subdivision, mobile/manufactured home park, or multiple-family development proposal; otherwise, a conditional use permit is required;
 - (b) Lighting for structures and fields shall be directed away from residential areas; and
 - (c) Structures or service yards shall maintain a minimum distance of 50 feet from property lines adjoining residential zones.
- (17) Golf facilities shall comply with the following:
- (a) Structures, driving ranges and lighted areas shall maintain a minimum distance of 50 feet from property lines adjoining residential zones.
 - (b) Restaurants are permitted as an accessory use to a golf course.
- (18) Only as an accessory to a cemetery.
- (19) Structures shall maintain a minimum distance of 100 feet from property lines adjoining residential zones.
- (20) Only as an accessory to residential use and subject to the criteria set forth in Chapter [22C.200](#) MMC.
- (21) Only as an accessory to residential use, provided:
- (a) Students are limited to 12 per one-hour session;
 - (b) All instruction must be within an enclosed structure; and
 - (c) Structures used for the school shall maintain a distance of 25 feet from property lines adjoining residential zones.
- (22) Limited to drop box facilities accessory to a public or community use such as a school, fire station or community center.
- (23) Only when adjacent to an existing or proposed school.
- (24) Limited to columbariums accessory to a church; provided, that existing required landscaping and parking are not reduced.

(25) Day care IIs must be located on sites larger than one-half acre and are subject to minimum standards identified in Chapter [22C.200](#) MMC for day care I facilities. Parking facilities and loading areas shall be located to the rear of buildings or be constructed in a manner consistent with the surrounding residential character. Evaluation of site suitability shall be reviewed through the conditional use permit process.

(26) Public safety facilities, including police and fire, shall comply with the following:

(a) All buildings and structures shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;

(b) Any buildings from which fire-fighting equipment emerges onto a street shall maintain a distance of 35 feet from such street.

(27) Accessory to an apartment development of at least 12 units, provided:

(a) The gross floor area in self-service storage shall not exceed 50 percent of the total gross floor area of the apartment dwellings on the site;

(b) All outdoor lights shall be deflected, shaded and focused away from all adjoining property;

(c) The use of the facility shall be limited to dead storage of household goods;

(d) No servicing or repair of motor vehicles, boats, trailers, lawn mowers or similar equipment;

(e) No outdoor storage or storage of flammable liquids, highly combustible or explosive materials or hazardous chemicals;

(f) No residential occupancy of the storage units;

(g) No business activity other than the rental of storage units to the apartment dwellings on the site; and

(h) A resident manager shall be required on the site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval.

(28) All WCFs and modifications to WCFs are subject to Chapter [22C.250](#) MMC including, but not limited to, the siting hierarchy, MMC [22C.250.060](#). WCFs may be a permitted use or a conditional use subject to MMC [22C.250.040](#).

(29) Limited to commuter parking facilities for users of transit, carpools or ride-share programs, provided:

(a) They are located on existing parking lots for churches, schools, or other permitted nonresidential uses which have excess capacity available during commuting hours; and

(b) The site is adjacent to a designated arterial that has been improved to a standard acceptable to the department.

(30) Model Homes.

(a) The community development director may approve construction of model homes subject to the following conditions:

- (i) No model home shall be constructed without the issuance of a building permit;
- (ii) In no event shall the total number of model homes in a preliminary subdivision be greater than nine;
- (iii) A hard-surfaced roadway to and abutting all model homes shall be constructed to standards determined by the city engineer or designee;
- (iv) Operational fire hydrant(s) must be available in accordance with the International Fire Code;
- (v) Submittal of a site plan, stamped by a registered civil engineer or licensed surveyor, delineating the location of each structure relative to existing and proposed utilities, lot lines, easements, roadways, topography and critical areas;
- (vi) Submittal of building permit applications for each of the proposed structures;
- (vii) Approval of water, sewer and storm sewer extension plans to serve the proposed structures; and
- (viii) Execution of an agreement with the city saving and holding it harmless from any damages, direct or indirect, as a result of the approval of the construction of model homes on the site.

(b) Prior to occupancy of any model home, the final plat of the subject subdivision shall be approved and recorded.

(31) Any outdoor storage areas are subject to the screening requirements of the landscape code.

(32) Subject to approval of a small farms overlay zone.

(33) May be further subject to the provisions of the Marysville shoreline master program.

(34) Only allowed in conjunction with the small farms overlay zone.

(35) Provided, that the property has received approval of a small farms overlay designation, or is larger than one acre in size.

(36) Only in conjunction with an existing or proposed school.

(37) Except racing of motorized vehicles.

(38) Level 1 and Level 2 charging only.

- (39) Allowed only as an accessory use to a principal outright permitted use or permitted conditional use.
- (40) The term “rapid” is used interchangeably with “Level 3” and “fast charging.”
- (41) Only “electric vehicle charging stations – restricted” as defined in Chapter [22A.020](#) MMC.
- (42) Rapid (Level 3) charging stations are required to be placed within a parking garage.
- (43) One single-family detached dwelling per existing single lot of record. Manufactured homes on single lots must meet the criteria outlined in subsection (11) of this section.
- (44) Recreational vehicles (RVs) are allowed as a primary residence in an established mobile/manufactured home park (MHP) subject to the requirements of Chapter [22C.230](#) MMC, Mobile/Manufactured Home Parks.
- (45) MHPs shall fulfill the requirements of Chapter [22C.230](#) MMC, Mobile/Manufactured Home Parks.
- (46) Reserved.
- (47) Model house sales offices are subject to the requirements of MMC [22C.110.030](#)(12).
- (48) No person or entity may produce, grow, manufacture, process, accept donations for, give away, or sell marijuana concentrates, marijuana-infused products, or usable marijuana within residential zones in the city. Provided, activities in strict compliance with RCW [69.51A.210](#) and [69.51A.260](#) are not a violation of the Marysville Municipal Code.
- (49) Shipping/cargo and similar storage containers are prohibited on lots within a platted subdivision and properties under one acre in size. Shipping/cargo and similar storage containers may be located on properties over one acre in size if located behind the primary residence, observe all setbacks applicable to an accessory structure, and are screened from public view.
- (50) Accessory structures may not be utilized as, or converted to, a dwelling unless the structure complies with the accessory dwelling unit standards outlined in MMC [22C.180.030](#).
- (51) Tiny houses or tiny houses with wheels are allowed as a primary residence in an established mobile/manufactured home park (MHP) subject to the requirements of Chapter [22C.230](#) MMC, Mobile/Manufactured Home Parks.
- ~~(52) Enhanced services facilities are prohibited in all residential zones as such are identified and adopted in this chapter.~~

22C.020.060 Permitted uses.

Specific Land Use	NB	CB	CB-WR	GC	MU (63)	LI	GI	REC	P/I
Dwelling Units, Types:									
Townhouse					P				
Multiple-family	C4	P4, C5		P4, C5	P				
Mobile home	P7	P7	P7	P7	P7	P7	P7		
Senior citizen assisted	P				C				P
Caretaker's quarters (3)	P	P	P	P	P	P	P	P	P
Group Residences:									
Adult family home (70)	P	P	P	P	P				P
Convalescent, nursing, retirement	C	P			P				P
Residential care facility	P	P			P	P70	P70	P70	P
Master planned senior community (10)					C				C
<u>Enhanced services facility (77)</u>		<u>P</u>		<u>P</u>	<u>P</u>				
Accessory Uses:									
Home occupation (2)	P8	P8, P9	P8, P9	P8, P9	P8, P9	P9	P9		
Temporary Lodging:									
Hotel/motel	P	P	P	P	P	P75			
Bed and breakfast guesthouse (1)									
Bed and breakfast inn (1)	P	P	P	P					
Park/Recreation:									
Park	P11	P	P	P	P	P	P	P11	P
Marina							P	C	P
Dock and boathouse, private, noncommercial							P	P16	P
Recreational vehicle park				C12		C12		C	P
Boat launch, commercial or public							P		P
Boat launch, noncommercial or private							P	P17	P
Community center	P	P	P	P	P	P	P	P	P
Amusement/Entertainment:									
Theater		P	P	P	P				
Theater, drive-in				C					

Specific Land Use	NB	CB	CB-WR	GC	MU (63)	LI	GI	REC	P/I
Amusement and recreation services		P18	P18	P18	P19	P	C		
Sports club	P	P	P	P	P	P	P		
Golf facility (13)		P	P	P		P	P	C	
Shooting range (14)				P15		P15			
Outdoor performance center				C		C		C	C
Riding academy						P		C	
Cultural:									
Library, museum and art gallery	P	P	P	P	P	P	P	C	P
Church, synagogue and temple	P	P	P	P	P	P	P		P
Dancing, music and art center		P	P	P	P			C	P
Personal Services:									
General personal service	P	P	P	P	P	P	P		
Dry cleaning plant		P	P			P	P		
Dry cleaning pick-up station and retail service	P	P	P	P	P25	P76	P		
Funeral home/crematory		P	P	P	P26	P76	P		
Cemetery, columbarium or mausoleum	P24	P24	P24	P24, C20		P	P		
Day care I	P70	P70	P70	P70	P70	P21, 70	P70	P70	P70
Day care II	P	P	P	P	P	P21			
Veterinary clinic	P	P	P	P	P	P76	P		
Automotive repair and service	P22	C, P28	C, P28	P		P	P		
Electric vehicle (EV) charging station (64)	P	P	P	P	P	P	P	P	P
EV rapid charging station (65), (66)	P	P	P	P	P67	P	P		
EV battery exchange station				P		P	P		
Miscellaneous repair		P	P	P		P	P		
Social services		P	P	P	P				P
Kennel, commercial and exhibitor/breeding (71)		P	P	P		P	P		
Pet daycare (71), (72)		P	P	P	P	P76	P		
Civic, social and fraternal association		P	P	P	C		P		P
Club (community, country, yacht, etc.)							P		P
Health Services:									
Medical/dental clinic	P	P	P	P	P				P
Hospital		P	P	P	C				C

Specific Land Use	NB	CB	CB-WR	GC	MU (63)	LI	GI	REC	P/I
Miscellaneous health	P68	P68	P68	P68	P68				P68
Supervised drug consumption facility									
Education Services:									
Elementary, middle/junior high, and senior high (including public, private and parochial)		C	C	C	C	P	C		C
Commercial school	P	P	P		P27				C
School district support facility	C	P	P	P	P	P	P		P
Vocational school		P	P	P	P27				P
Government Services:									
Public agency office	P	P	P	P	P	P	P		P
Public utility yard				P		P			P
Public safety facilities, including police and fire	P29	P	P	P	P	P			P
Utility facility	P	P	P	P	C	P	P		P
Private storm water management facility	P	P	P	P	P	P	P		P
Public storm water management facility	P	P	P	P	P	P	P		P
Business Services:									
Contractors' office and storage yard				P30	P30	P	P		
Interim recycling facility		P23	P23	P23		P			P
Taxi stands		P	P	P		P	P		
Trucking and courier service		P31	P31	P31		P	P		
Warehousing and wholesale trade				P		P	P		
Mini-storage (36)		C78		C78		P76	P		
Freight and cargo service				P		P	P		
Cold storage warehousing						P	P		
General business service and office	P	P	P	P	P30	P	P		
Commercial vehicle storage						P	P		
Professional office	P	P	P	P	P	P			
Miscellaneous equipment rental		P30, 37	P30, 37	C38	P30, 37	P	P		
Automotive rental and leasing				P		P	P		
Automotive parking	P	P	P	P	P	P	P		
Research, development and testing				P		P	P		
Heavy equipment and truck repair						P	P		
Automobile holding yard				C		P	P		

Specific Land Use	NB	CB	CB- WR	GC	MU (63)	LI	GI	REC	P/I
Commercial/industrial accessory uses (73)	P39, 40	P39	P39	P39	P39, 40	P	P		
Adult facility							P33		
Factory-built commercial building (35)	P	P	P	P		P	P		
Wireless communication facility (32)	P, C	P, C	P, C	P, C	P, C	P, C	P, C		P, C
Marijuana cooperative (69)									
Marijuana processing facility – Indoor only (69)									
Marijuana production facility – Indoor only (69)									
Marijuana retail facility (69)									
Building, hardware and garden materials	P47	P	P	P	P47	P76	P		
Forest products sales		P	P	P		P			
Department and variety stores	P	P	P	P	P	P76			
Food stores	P	P	P	P	P45	P76			
Agricultural crop sales		P	P	P	C	P76			
Storage/retail sales, livestock feed						P76	P		
Motor vehicle and boat dealers		P	P	P		P	P		
Motorcycle dealers		C	C	P		P	P		
Gasoline service stations	P	P	P	P		P76	P		
Eating and drinking places	P41	P	P	P	P46	P46	P		
Drugstores	P	P	P	P	P	P76	P		
Liquor stores		P	P	P					
Used goods: antiques/secondhand shops		P	P	P	P				
Sporting goods and related stores		P	P	P	P				
Book, stationery, video and art supply stores	P	P	P	P	P				
Jewelry stores		P	P	P	P				
Hobby, toy, game shops	P	P	P	P	P				
Photographic and electronic shops	P	P	P	P	P				
Fabric and craft shops	P	P	P	P	P				
Fuel dealers				P43		P43	P43		
Florist shops	P	P	P	P	P				
Pet shops	P	P	P	P	P				
Tire stores		P	P	P		P76	P		
Bulk retail		P	P	P		P76			

Specific Land Use	NB	CB	CB-WR	GC	MU (63)	LI	GI	REC	P/I
Auction houses				P42		P76			
Truck and heavy equipment dealers						P	P		
Mobile home and RV dealers				C		P	P		
Retail stores similar to those otherwise named on this list	P	P	P	P	P48	P44, 76	P44		
Automobile wrecking yards						C	P		
Food and kindred products		P50, 52	P50, 52	P50		P50	P		
Winery/brewery		P53	P53	P	P53	P	P		
Textile mill products						P	P		
Apparel and other textile products				C		P	P		
Wood products, except furniture				P		P	P		
Furniture and fixtures				P		P	P		
Paper and allied products						P	P		
Printing and publishing	P51	P51	P51	P	P51	P	P		
Chemicals and allied products						C	C		
Petroleum refining and related industries						C	C		
Rubber and misc. plastics products						P	P		
Leather and leather goods						C	C		
Stone, clay, glass and concrete products						P	P		
Primary metal industries						C	P		
Fabricated metal products				C		P	P		
Industrial and commercial machinery						C	P		
Heavy machinery and equipment						C	P		
Computer and office equipment				C		P			
Electronic and other electric equipment				C		P			
Railroad equipment						C	P		
Miscellaneous light manufacturing				P54, 74		P	P		
Motor vehicle and bicycle manufacturing						C	P		
Aircraft, ship and boat building						C	P		
Tire retreading						C	P		
Movie production/distribution				P		P			
Agriculture:									
Growing and harvesting crops						P	P	P	
Raising livestock and small animals						P	P	P	

Specific Land Use	NB	CB	CB-WR	GC	MU (63)	LI	GI	REC	P/I
Greenhouse or nursery, wholesale and retail				P		P	P	C	
Farm product processing						P	P		
Forestry:									
Growing and harvesting forest products						P			
Forest research						P			
Wood waste recycling and storage						C	C		
Fish and Wildlife Management:									
Hatchery/fish preserve (55)						P	P	C	
Aquaculture (55)						P	P	C	
Wildlife shelters	C	C	C					P	
Mineral:									
Processing of minerals						P	P		
Asphalt paving mixtures and block						P	P		
Jail		C	C	C		C			
Regional storm water management facility		C	C	C		C	C		P
Public agency animal control facility				C		P	P		C
Public agency training facility		C56	C56	C56	C56	C57			C57
Nonhydroelectric generation facility	C	C	C	C		C	C		C
Energy resource recovery facility						C			
Soil recycling/incineration facility						C	C		
Solid waste recycling							C		C
Transfer station						C	C		C
Wastewater treatment facility						C	C		C
Transit bus base				C		P			C
Transit park and pool lot	P	P	P	P	P	P	P		P
Transit park and ride lot	P	P	P	P	P	P	P		C
School bus base	C	C	C	C		P			C58
Racetrack	C59	C59	C59	C		P			
Fairground						P	P		C
Zoo/wildlife exhibit		C	C	C					C
Stadium/arena				C		C	P		C
College/university	C	P	P	P	P	P	P		C
Secure community transition facility							C60		
Opiate substitution treatment program		P61,	P61,	P61,		P62	P62		

Specific Land Use	NB	CB	CB-WR	GC	MU (63)	LI	GI	REC	P/I
facilities		62	62	62					

22C.020.070 Permitted uses – Development conditions.

- (1) Bed and breakfast guesthouses and inns are subject to the requirements and standards contained in Chapter [22C.210](#) MMC, Bed and Breakfasts.
- (2) Home occupations are subject to the requirements and standards contained in Chapter [22C.190](#) MMC, Home Occupations.
- (3) Limited to one dwelling unit for the purposes of providing on-site service and security of a commercial or industrial business. Caretaker’s quarters are subject to the provisions set forth in Chapter [22C.110](#) MMC, entitled “Temporary Uses.”
- (4) All units must be located above a street-level commercial use.
- (5) Twenty percent of the units, but no more than two total units, may be located on the street level of a commercial use, if conditional use permit approval is obtained and the units are designed exclusively for ADA accessibility. The street-level units shall be designed so that the units are not located on the street front and primary access is towards the rear of the building.
- (6) Reserved.
- (7) Manufactured homes, mobile homes, recreational vehicles, and tiny houses with wheels are only allowed in existing mobile/manufactured home parks.
- (8) Home occupations are limited to home office uses in multifamily dwellings. No signage is permitted in townhouse or multifamily dwellings.
- (9) Permitted in a legal nonconforming or conforming residential structure.
- (10) Subject to Chapter [22C.220](#) MMC, Master Planned Senior Communities.
- (11) The following conditions and limitations shall apply, where appropriate:
 - (a) Parks are permitted in residential and mixed use zones when reviewed as part of a subdivision or multiple-family development proposal; otherwise, a conditional use permit is required;
 - (b) Lighting for structures and fields shall be directed away from residential areas; and

(c) Structures or service yards shall maintain a minimum distance of 50 feet from property lines adjoining residential zones.

(12) Recreational vehicle parks are subject to the requirements and conditions of Chapter [22C.240](#) MMC.

(13) Golf Facility.

(a) Structures, driving ranges and lighted areas shall maintain a minimum distance of 50 feet from property lines adjoining residential zones.

(b) Restaurants are permitted as an accessory use to a golf course.

(14) Shooting Range.

(a) Structures and ranges shall maintain a minimum distance of 50 feet from property lines adjoining residential zones;

(b) Ranges shall be designed to prevent stray or ricocheting projectiles or pellets from leaving the property; and

(c) Site plans shall include safety features of the range; provisions for reducing noise produced on the firing line; and elevations of the range showing target area, backdrops or butts.

(15) Only in an enclosed building.

(16) Dock and Boathouse, Private, Noncommercial.

(a) The height of any covered over-water structure shall not exceed 20 feet as measured from the line of ordinary high water;

(b) The total roof area of covered, over-water structures shall not exceed 1,000 square feet;

(c) The entirety of such structures shall have not greater than 50 percent of the width of the lot at the natural shoreline upon which it is located;

(d) No over-water structure shall extend beyond the average length of all pre-existing over-water structures along the same shoreline and within 300 feet of the parcel on which proposed. Where no such pre-existing structures exist within 300 feet, the pier length shall not exceed 50 feet;

(e) Structures permitted hereunder shall not be used as a dwelling; and

(f) Covered structures are subject to a minimum setback of five feet from any side lot line or extension thereof. No setback from adjacent properties is required for any uncovered structure, and no setback from water is required for any structure permitted hereunder.

(17) Boat Launch, Noncommercial or Private.

(a) The city may regulate, among other factors, required launching depth, and length of docks and piers;

(b) Safety buoys shall be installed and maintained separating boating activities from other water-oriented recreation and uses where this is reasonably required for public safety, welfare and health; and

(c) All site improvements for boat launch facilities shall comply with all other requirements of the zone in which it is located.

(18) Excluding racetrack operation.

(19) Amusement and recreation services shall be a permitted use if they are located within an enclosed building, or a conditional use if located outside. In both instances they would be subject to the exclusion of a racetrack operation similar to other commercial zones.

(20) Structures shall maintain a minimum distance of 100 feet from property lines adjoining residential zones.

(21) Permitted as an accessory use; see MMC [22A.020.020](#), the definition of "Accessory use, commercial/industrial."

(22) Only as an accessory to a gasoline service station; see retail and wholesale permitted use table in MMC [22C.020.060](#).

(23) All processing and storage of material shall be within enclosed buildings and excluding yard waste processing.

(24) Limited to columbariums accessory to a church; provided, that existing required landscaping and parking are not reduced.

(25) Drive-through service windows in excess of one lane are prohibited in Planning Area 1.

(26) Limited to columbariums accessory to a church; provided, that existing required landscaping and parking are not reduced.

(27) All instruction must be within an enclosed structure.

(28) Car washes shall be permitted as an accessory use to a gasoline service station.

(29) Public Safety Facilities, Including Police and Fire.

(a) All buildings and structures shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;

(b) Any buildings from which fire-fighting equipment emerges onto a street shall maintain a distance of 35 feet from such street.

(30) Outdoor storage of materials or vehicles must be accessory to the primary building area and located to the rear of buildings. Outdoor storage is subject to an approved landscape plan that provides for effective screening of storage, so that it is not visible from public right-of-way or neighboring properties.

(31) Limited to self-service household moving truck or trailer rental accessory to a gasoline service station.

(32) All WCFs and modifications to WCFs are subject to Chapter [22C.250](#) MMC including but not limited to the siting hierarchy, MMC [22C.250.060](#). WCFs may be a permitted use or a CUP may be required subject to MMC [22C.250.040](#).

(33) Subject to the conditions and requirements listed in Chapter [22C.030](#) MMC.

(34) Reserved.

(35) A factory-built commercial building may be used for commercial purposes subject to the following requirements:

(a) A factory-built commercial building must be inspected at least two times at the factory by the State Building and Electrical Inspector during the construction process, and must receive a state approval stamp certifying that it meets all requirements of the International Building and Electrical Codes. At the building site, the city building official will conduct foundation, plumbing and final inspections; and

(b) A factory-built commercial building cannot be attached to a metal frame allowing it to be mobile. All structures must be placed on a permanent, poured-in-place foundation. The foundation shall be structurally engineered to meet the requirements set forth in Chapter 16 of the International Building Code.

(36) Mini-storage facilities are subject to the development standards outlined in Chapter [22C.170](#) MMC.

(37) Except heavy equipment.

(38) With outdoor storage and heavy equipment.

(39) Incidental assembly shall be permitted; provided, it is limited to less than 20 percent of the square footage of the site excluding parking.

(40) Light industrial uses may be permitted; provided, there is no outdoor storage of materials, products or vehicles.

(41) Excluding drinking places such as taverns and bars and adult entertainment facilities.

(42) Excluding vehicle and livestock auctions.

(43) If the total storage capacity exceeds 6,000 gallons, a conditional use permit is required.

- (44) The retail sale of products manufactured on site shall be permitted; provided, that not more than 20 percent of the constructed floor area in any such development may be devoted to such retail use.
- (45) Limited to 5,000 square feet or less.
- (46) Eating and Drinking Places.
- (a) Limited to 4,000 square feet or less.
 - (b) Drive-through service windows in excess of one lane are prohibited in Planning Area 1.
 - (c) Taverns, bars, lounges, etc., are required to obtain a conditional use permit in the mixed use zone.
- (47) Limited to hardware and garden supply stores.
- (48) Limited to convenience retail, such as video, and personal and household items.
- (49) Reserved.
- (50) Except slaughterhouses.
- (51) Limited to photocopying and printing services offered to the general public.
- (52) Limited to less than 10 employees.
- (53) In conjunction with an eating and drinking establishment.
- (54) Provided there is no outdoor storage and/or display of any materials, products or vehicles.
- (55) May be further subject to the provisions of city of Marysville shoreline management program.
- (56) Except weapons armories and outdoor shooting ranges.
- (57) Except outdoor shooting ranges.
- (58) Only in conjunction with an existing or proposed school.
- (59) Except racing of motorized vehicles.
- (60) Limited to land located along east side of 47th Avenue NE alignment, in the east half of the northeast quarter of Section 33, Township 30N, Range 5E, W.M., and in the northeast quarter of the southeast quarter of Section 33, Township 30N, Range 5E, W.M., and land located east side of SR 529, north of Steamboat Slough, south and west of Ebey Slough (a.k.a. TP No. 300533-002-004-00) and in the northwest and southwest quarters of Section 33, Township 30N, Range 5E, W.M., as identified in Exhibit A, attached to Ordinance No. 2452.

- (61) Opiate substitution treatment program facilities permitted within commercial zones are subject to Chapter [22G.070](#) MMC, Siting Process for Essential Public Facilities.
- (62) Opiate substitution treatment program facilities, as defined in MMC [22A.020.160](#), are subject to the standards set forth below:
- (a) Shall not be established within 300 feet of an existing school, public playground, public park, residential housing area, child-care facility, or actual place of regular worship established prior to the proposed treatment facility.
 - (b) Hours of operation shall be restricted to no earlier than 6:00 a.m. and no later than 7:00 p.m. daily.
 - (c) The owners and operators of the facility shall be required to take positive ongoing measures to preclude loitering in the vicinity of the facility.
- (63) Permitted uses include Whiskey Ridge zones.
- (64) Level 1 and Level 2 charging only.
- (65) The term “rapid” is used interchangeably with Level 3 and fast charging.
- (66) Rapid (Level 3) charging stations are required to comply with the design and landscaping standards outlined in MMC [22C.020.265](#).
- (67) Rapid (Level 3) charging stations are required to be placed within a parking garage.
- (68) Excepting “marijuana (cannabis) dispensaries,” “marijuana (cannabis) collective gardens,” and “marijuana cooperatives” as those terms are defined or described in this code and/or under state law; such facilities and/or uses are prohibited in all zoning districts of the city of Marysville.
- (69) No person or entity may produce, grow, manufacture, process, accept donations for, give away, or sell marijuana concentrates, marijuana-infused products, or usable marijuana within commercial, industrial, recreation, and public institution zones in the city. Provided, activities in strict compliance with RCW [69.51A.210](#) and [69.51A.260](#) are not a violation of the Marysville Municipal Code.
- (70) Permitted within existing legal nonconforming single-family residences.
- (71) Subject to the requirements set forth in MMC 10.04.460.*
- (72) Pet daycares are restricted to indoor facilities with limited, supervised access to an outdoor fenced yard. Overnight boarding may be permitted as a limited, incidental use. Both outdoor access and overnight boarding privileges may be revoked or modified if the facility is not able to comply with the noise standards set forth in WAC [173-60-040](#).*
- (73) Shipping/cargo and similar storage containers may be installed on commercial or industrial properties provided they are screened from public view pursuant to MMC [22C.120.160](#), Screening and impact abatement.

(74) Tanks, generators, and other machinery which does not generate nuisance noise may be located in the service/loading area. Truck service/loading areas shall not face the public street and shall be screened from the public street.

(75) Hotels/motels are prohibited within Arlington Airport Inner Safety Zones (ISZ) 2, 3, and 4. Hotel/motels that are proposed to locate within Arlington Airport Protection Subdistricts B and C shall be required to coordinate with the Arlington Municipal Airport to ensure that height, glare, and other aspects of the hotels/motels are compatible with air traffic and airport operations.

(76) Use limited to properties that have property frontage along State Avenue/Smokey Point Boulevard.

~~(77) Enhanced services facilities are prohibited in all commercial and industrial zones as such are identified and adopted in this chapter. Enhanced services facilities (ESFs) are permitted when the building is located within the area depicted in MMC 22C.280.050, Figure 1. In the GC and CB zones, ESFs shall be located in a building in which the ESF is located above a permitted ground floor commercial use. See MMC Chapter 22C.280 for enhanced services facility regulations.~~

22C.080.120 Uses permitted in downtown Marysville zones.

- (1) Interpretation of permitted use table. The permitted use table in this section determines whether a use is allowed in a zone. The name of the zone is located on the vertical column and the use is located on the horizontal row of these tables.
 - (a) Permitted use (P).
If the letter "P" appears in the box at the intersection of the column and the row, the use is permitted in the zone. These uses are allowed if they comply with the development standards and other standards of this chapter.
 - (b) Conditional use (C)
If the letter "C" appears in the box at the intersection of the column and the row, the use is allowed subject to the conditional use review process and approval criteria are stated in Chapter 22G.010 MMC, conditional use approval criteria for that use, the development standards and other standards of this chapter.
 - (c) Use not permitted ().
Where no symbol appears in the box at the intersection of the column and the row, the use is not permitted in that zone, except for certain temporary uses.
 - (d) For uses containing a superscript letter (X), refer to the applicable condition in the "Additional Provisions" column to the right.
 - (e) Additional provisions. The references, notes, and/or standards in the Additional Provisions column apply to all such permitted uses, except for those that apply to particular zones as noted in subsection (4) above.
 - (f) Unclassified uses. See MMC 22A.010.070.
- (2) Permitted use table. Table 22C.080.120 below provides the list of permitted uses in downtown Marysville zones.

Table 22C.080.120 Permitted use table for downtown Marysville zones.							
Table legend: P = Permitted use C = Conditional use No letter = Use not permitted							
Use Categories	DC	MS	F	MMF	MHI	MH2	Additional Provisions
Residential Uses							
Dwelling Units, Types							
Note: Residential uses are not allowed on the ground floor facing a designated Active ground floor block frontages (see MMC 22C.080.320). Lobbies for multifamily uses and live-work dwelling units are an exception, provided the units meet the standards in MMC 22C.080.320.							
Single detached							
Single detached, existing			P	P	P	P	Single detached dwelling must be in existence as of September 27, 2021.
Duplex					P	P	
Townhouse	P	P		P	P	P	
Multifamily	P	P		P		P	
Senior citizen assisted	P			P	C	C	
Group Residences							
Adult family home	P	P	P	P	P	P	Permitted within a single detached dwelling in existence as of September 27, 2021. Use is subject to obtaining a state license in accordance with Chapter 70.128 RCW
Home, rest, convalescent, or for the aged	P			P			
Residential care facilities	P	P	P	P	P	P	
<u>Enhanced services facilities</u>	<u>P</u>		<u>P</u>				<u>Enhanced services facilities are permitted within the areas depicted in MMC 22C.280.050, Figure 1.</u> <u>In the DC zone, enhanced services facilities shall be located above a permitted ground floor commercial use.</u> <u>See MMC Chapter 22C.280 for enhanced services facility regulations.</u>
Non-Residential Uses							

Table 22C.080.120 Permitted use table for downtown Marysville zones.							
<p><i>Table legend:</i> P = Permitted use C = Conditional use No letter = Use not permitted</p> <p>Use Categories</p>	DC	MS	F	MMF	MHI	MH2	Additional Provisions
Amusement and entertainment	P	P ^x	P				Operations shall be conducted entirely indoors ^x Excludes shooting ranges
Cultural, as listed below based on gross floor area (GFA):							
<10,000sf GFA	P	P	P	C	C	C	
10,000-20,000sf GFA	P	C	P	C	C	C	
>20,000sf GFA	P		P	C			
Dancing, music & art center	P	C ^x	P				^x Use conditionally permitted with 10,000-20,000sf GFA and prohibited over 20,000sf GFA
Day care, as listed below:							Day care uses include child and adult day care and are subject to all state licensing requirements
Day care I	P	P	P	P	P	P	^x Only as an accessory to residential use and subject to the criteria set forth in Chapter 22C.200 MMC
Day Care II	P	P	P	P ^x		P ^x	
Education services	P	P	P	C	C	C	
Electric vehicular charging station	P	P	P	P	P	P	
Electric vehicular battery exchange			P				
Essential public facilities	C	C	C	C	C	C	See Chapter 22G.070 for the siting process for essential public facilities
General service uses, except those listed below:	P	P	P				Operations shall be conducted entirely indoors
Small boat sales, rental and repair, equipment rentals, vehicle repair, commercial vehicle repair, car wash, mini-storage							

Table 22C.080.120 Permitted use table for downtown Marysville zones.							
<p><i>Table legend:</i> P = Permitted use C = Conditional use No letter = Use not permitted</p>							
Use Categories	DC	MS	F	MMF	MHI	MH2	Additional Provisions
Government services, except those listed below:	P	P	P	P	P	P	
Public safety facilities, including police and fire	C	C	C	C	C	C	All buildings shall maintain a 20' setback from adjoining residential zones. Any buildings from which fire-fighting equipment emerges onto a street shall maintain a distance of 35 feet from such street.
Health services, except as listed below:	P	P	P	P			
Hospital	C		C				
Heavy service uses, except those listed below			C				
Commercial vehicle storage, automotive rental and leasing							
Light industrial/manufacturing, except as listed below:	P		P				Operations shall be conducted entirely indoors
Artisan manufacturing	P	P	P				
Nursery	P×		P				× Retail only
Park, community center	P	P	P	P	P	P	
Personal services use	P	P	P				Operations shall be conducted entirely indoors
Professional office	P	P	P	P			
Marina, dock and boathouse – private and noncommercial, boat launch	P		P				
Retail uses, as listed below and based on gross floor area (GFA)/individual use:							Excludes retail uses with exterior sales and/or storage areas greater than 15,000sf GFA or occupying a greater area than the use's building.
<2,500sf GFA	P	P	P	P	C	C	
2,500-20,000sf GFA	P	P	P				

Table 22C.080.120 Permitted use table for downtown Marysville zones.							
<p><i>Table legend:</i> P = Permitted use C = Conditional use No letter = Use not permitted</p>							
Use Categories	DC	MS	F	MMF	MHI	MH2	Additional Provisions
20,001-50,000	P	C	P				
>50,000sf GFA	P	C	P				
Special retail sales uses:							
Eating & drinking places	P	P	P	C			
Gas station	P		P				
Heavy retail			C				
State licensed marijuana facilities							
Temporary lodging	P	P	P				
Temporary uses	See Chapter 22C.110 MMC						
Regional Uses							
Regional uses, except as listed below:							
College	P		P	C	C	C	
Transit park & pool lot	P		P	P	P	P	
Opiate substitution treatment program facilities	P		P				MMC 22C.080160
Jail	C		C				
Regional stormwater facility	C		C	C	C	C	
Public agency training facility	C		C				Except weapons armories and outdoor shooting ranges
Nonhydroelectric generation facility	C		C	C	C	C	
Accessory Uses							
Dwelling units, accessory					P	P	MMC 22C.180.030
Home occupations	P	P	P	P	P	P	Chapter 22C.190 MMC No signage is permitted in townhouse or multifamily buildings.

22C.080.130 Flex residential overlay zone uses.

In addition to use permissions of the Flex zone, the following residential uses are permitted in the Flex overlay zone:

- (1) **Single detached.** One single detached dwelling is allowed on existing lots. New subdivisions intended for single detached dwellings are prohibited.
- (2) **Duplex.**
- (3) **Townhouse.**
- (4) **Multifamily.**
- (5) **Adult family homes.** Use is subject to obtaining a state license in accordance with Chapter 70.128 RCW.
- (6) **Residential care facilities.**
- (7) Specialized senior housing is allowed subject to the conditional use review process and approval criteria are stated in Chapter 22G.010 MMC.
- (8) Accessory uses, including accessory dwelling units, home occupations, and uses accessory to principal uses.
- (9) Enhanced services facilities (ESFs) are permitted in the Flex residential overlay zone when located within the area depicted in MMC 22C.280.050, Figure I. See MMC Chapter 22C.280 for enhanced services facility regulations.

EXHIBIT B
Chapter 22C.280
Enhanced Services Facilities.

22C.280.010 Purpose. The purpose of this section is to:

1. Provide for a needed community service while ensuring that adequate public facilities are available to the residents of enhanced services facilities; and
2. Promote compatibility with surrounding land uses.

22C.280.020 Applicability. The standards in this section apply to any “enhanced services facility”, as defined in Chapter 22A.020 MMC.

22C.280.030 Notice Requirements. At least fifteen (15) days prior to filing an application with the City to establish an enhanced services facility, the owner and/or sponsor shall mail written notice to owners of contiguous properties and to the Community Development Department of their intention to establish the facility. The notice shall list the name and contact information for the owner or sponsor, in order to provide neighboring property owners the opportunity to contact them with questions, and include a description of the proposed facility, its location, and proposed number of residents. The owner or sponsor shall address questions or concerns from neighboring property owners to the extent possible in the management plan required by MMC 22C.280.040.

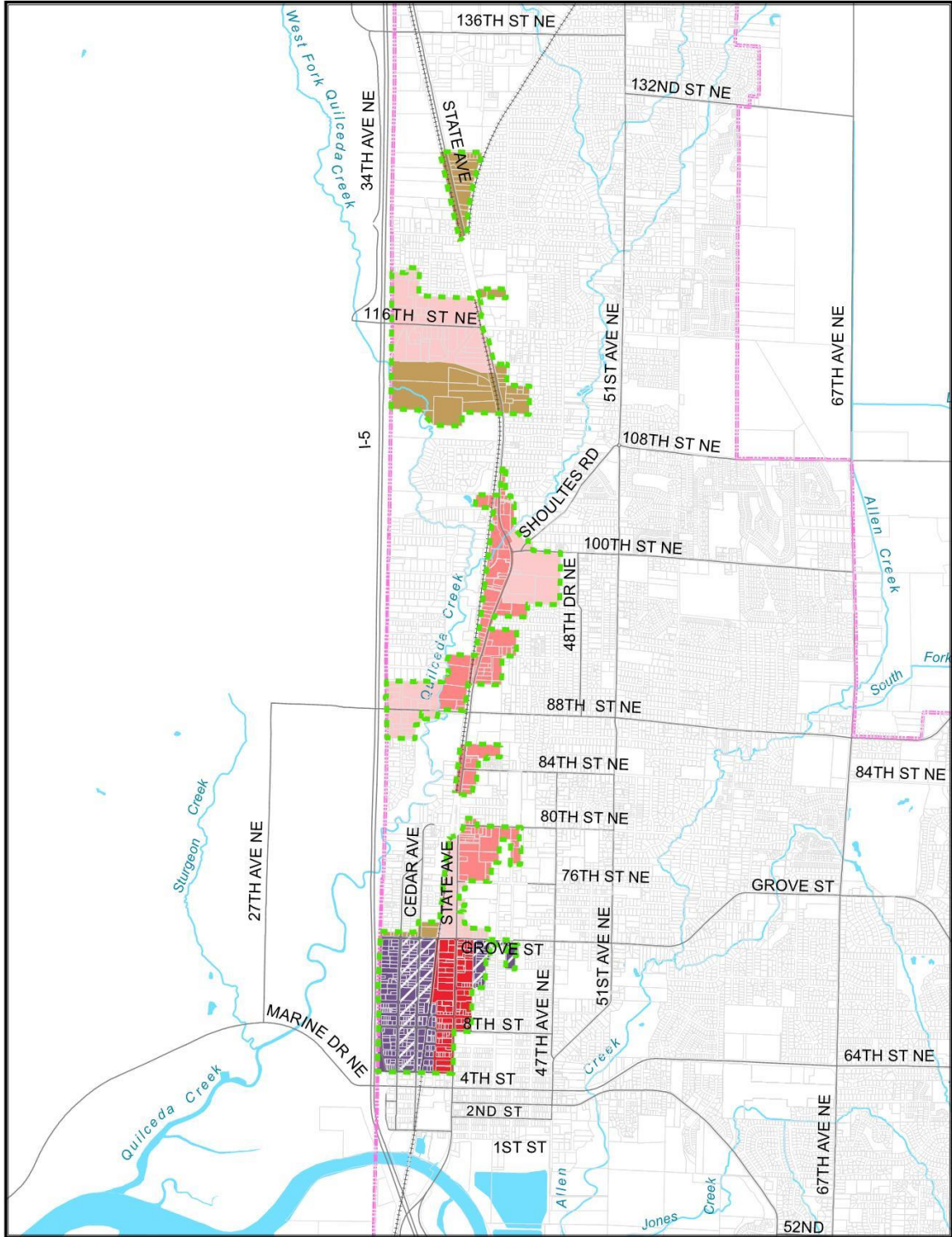
22C.280.040 Management Plan Required. The owner or sponsor of the facility shall provide the Community Development Director with a management plan for the facility addressing the following:

1. How the facility can appropriately meet the assessed needs of potential residents through appropriate staffing and best management practices;
2. Potential impacts on nearby residential uses and proposed methods to mitigate those impacts;
3. Facility management, including 24-hour contact information for persons responsible to resolve concerns pertaining to the facility, and procedures for updating neighbors with changes in contact information;
4. Staffing, supervision and security arrangements appropriate to the facility; and
5. A communications plan for providing information to the surrounding neighborhood.

22C.280.050 Location Criteria.

1. Figure 1 in this section identifies properties eligible for Enhanced Services Facilities.

Figure 1.



EST. 1891

MARYSVILLE
WASHINGTON

Plotted: September 2021

0 0.125 0.25 0.5
Miles

City of Marysville

Properties Eligible for Enhanced Services Facilities (ESFs)

<ul style="list-style-type: none"> Railroad Arterials ESF Eligible Area City Limits Parcels 	<p>New Zone DMP</p> <ul style="list-style-type: none"> Downtown Core Flex Flex Residential 	<p>Zoning</p> <ul style="list-style-type: none"> General Commercial Community Business Mixed Use
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NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING FROM THE CITY OF MARYSVILLE. THIS MAP IS PROVIDED AS A SERVICE TO THE PUBLIC AND IS NOT GUARANTEED. THE CITY OF MARYSVILLE IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS. THE CITY OF MARYSVILLE IS NOT PROVIDING ANY WARRANTIES, EXPRESS OR IMPLIED, REGARDING THE ACCURACY, COMPLETENESS, OR TIMELINESS OF THE INFORMATION PROVIDED ON THIS MAP. THE CITY OF MARYSVILLE IS NOT PROVIDING ANY WARRANTIES, EXPRESS OR IMPLIED, REGARDING THE ACCURACY, COMPLETENESS, OR TIMELINESS OF THE INFORMATION PROVIDED ON THIS MAP.

CD21-10.mxd

22C.280.060. Other Requirements.

1. The facility shall obtain all necessary licenses, certificates and approvals from state and federal agencies.
2. The facility shall serve only individuals who do not pose a direct threat and a significant risk to others, and who have been assessed as medically and psychiatrically stable.
3. No more than one enhanced services facility shall be permitted per site.
4. Enhanced services facilities shall be limited to not more than sixteen (16) residents.
5. No enhanced services facilities shall be located within one-quarter mile of any other.
6. No enhanced services facility shall be located within 300 feet of an existing daycare or school. Existing daycares or schools are those that were established on or prior to the effective date of Ordinance _____ adopted October _____, 2021.

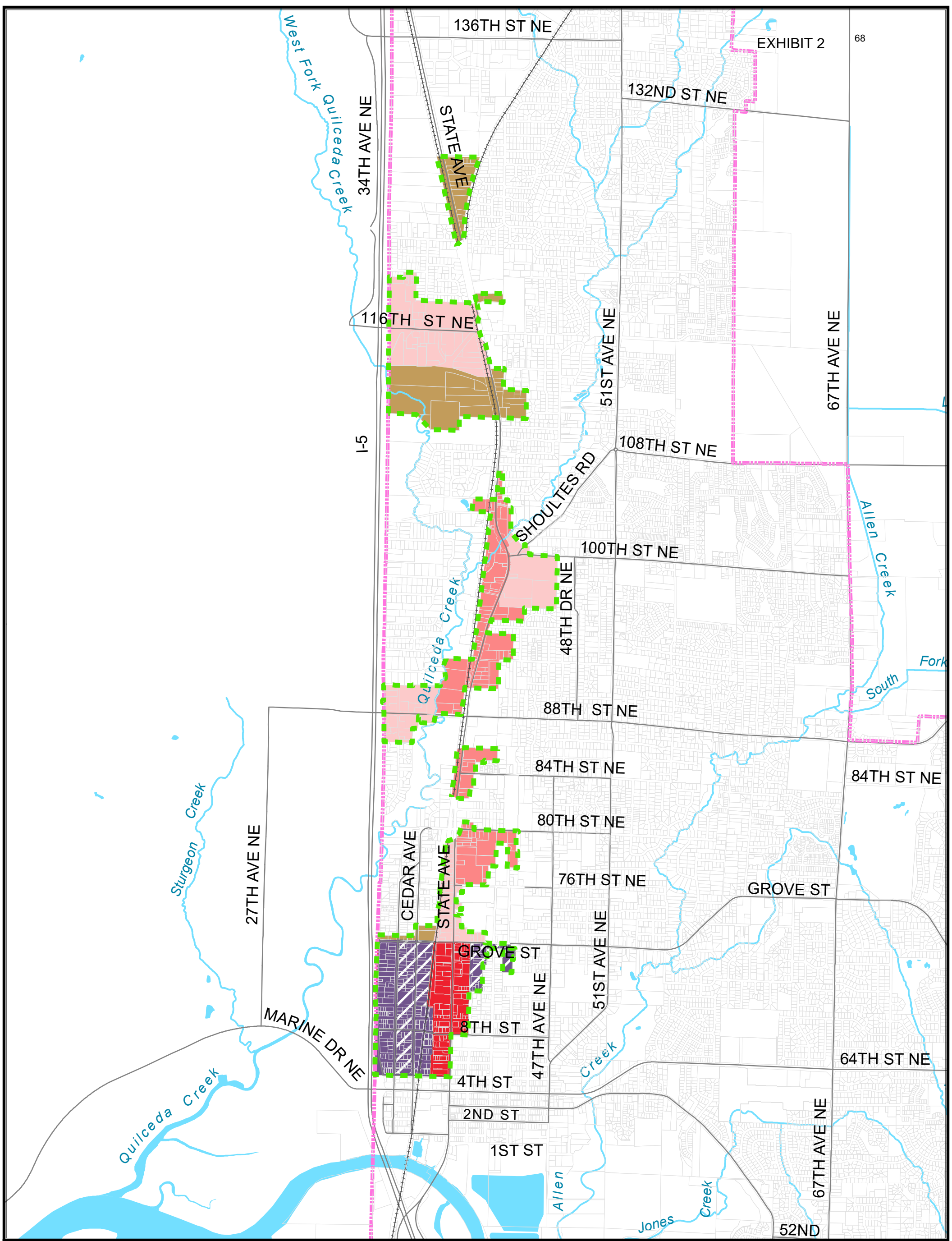


EXHIBIT 2

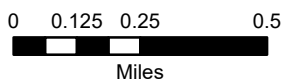
68

City of Marysville

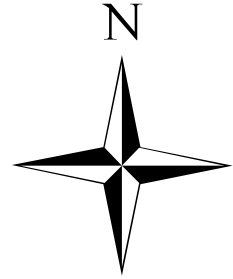
Properties Eligible for Enhanced Services Facilities (ESFs)



Plotted: September 2021



- | | | |
|---|---|---|
| <ul style="list-style-type: none"> Railroad Arterials ESF Eligible Area City Limits Parcels | <p>New Zone DMP</p> <ul style="list-style-type: none"> Downtown Core Flex Flex Residential | <p>Zoning</p> <ul style="list-style-type: none"> General Commercial Community Business Mixed Use |
|---|---|---|



THE CITY OF MARYSVILLE DISCLAIMS ANY WARRANTY OF MERCHANTABILITY OR WARRANTY OF FITNESS OF THE DATA FOR ANY PARTICULAR PURPOSE, EITHER EXPRESSED OR IMPLIED. NO REPRESENTATION OR WARRANTY IS MADE CONCERNING THE ACCURACY, CURRENCY, COMPLETENESS OR QUALITY OF DATA DEPICTED. ANY USER OF THIS DATA ASSUMES ALL RESPONSIBILITY FOR USE THEREOF, AND FURTHER AGREES TO HOLD THE CITY OF MARYSVILLE HARMLESS FROM AND AGAINST ANY DAMAGE, LOSS, OR LIABILITY ARISING FROM ANY USE OF THIS DATA.

Item 3 - 46

EXISTING ENHANCED SERVICES FACILITIES

There are six ESFs that have been established in Washington. Four are new buildings, while two converted existing buildings to Enhanced Services Facilities. Information about the facilities is provided below.

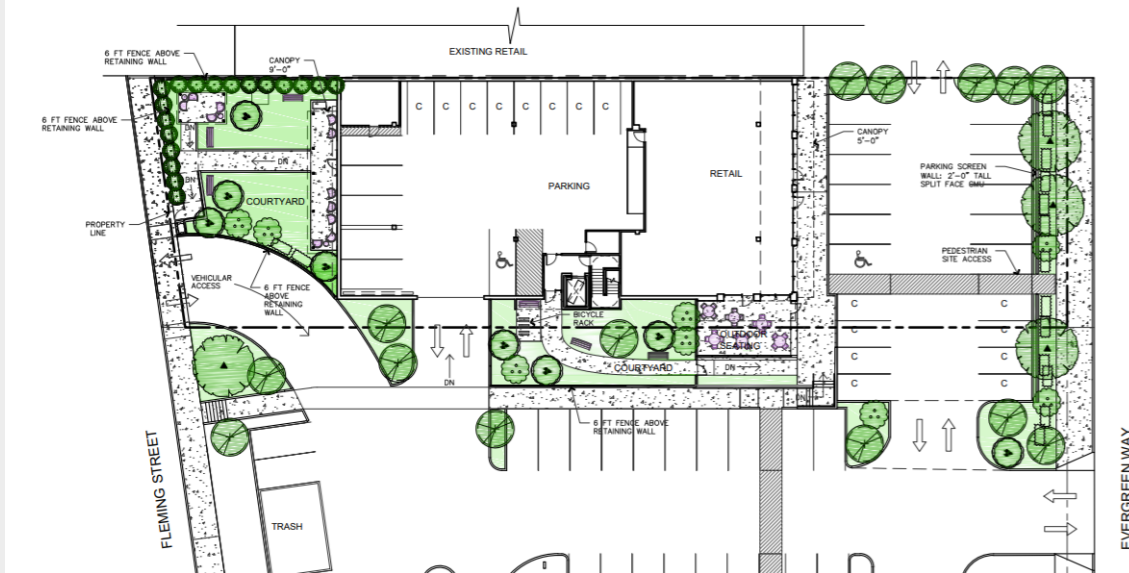
EVERETT ESF INFORMATION	
Location	6502 Evergreen Way, Everett, WA 98203
City/County	Located in City of Everett limits
Description	An ESF was built in the City of Everett, within a mixed use building located on Evergreen Way, which has ground floor retail space facing Evergreen Way, and the ESF on the second floor.
City Regulations subject to general group housing regulations.	
General	At the time it was permitted, Everett's zoning code did not have a use category for Enhanced Services Facility. The City issued an interpretation that the ESF was similar in nature to an assisted living facility, and, therefore, was permitted in the same way an assisted living facility is permitted in the commercial zone in which it is located. Everett has since adopted a new land use code that treats ESFs as a Group Residence, and allows up to 16-bed group residences in its three commercial and two multi-family zones, without any public notice or special review process.
Code Section	Group housing category 2 no specific ESF code
Number of residents	7-16
City Code Definition	State-licensed residential care facility designed to serve as the primary residence for seven to sixteen individuals and resident staff, which has shared living quarters without separate bathroom and/or kitchen facilities for each unit.
Special Zoning Requirements	N/A
Zones allowed	All urban residential, business, mixed use, light industrial.
Zones restricted	Residential, agricultural & heavy industrial.
Code modification date	2020
Current facilities	16 bed facility use permit filed under 'unlisted use determination' citing similarity to 'assisted living facility'
Police Data	Everett Police data indicate that the existing ESF, which opened in 2018, has had a low volume of calls for service, and fewer calls than other types of group residences. The Police Chief attributes the low impact on police services to the proactive ESF management.

Police Data	<p>There have been a total of 13 incidents where police reports were required since January 2019 – June 2021.</p> <table border="1"> <thead> <tr> <th data-bbox="499 305 1593 337">Count of Case Number</th> <th data-bbox="1593 305 1829 337">Column Labels</th> </tr> </thead> <tbody> <tr> <td data-bbox="499 337 1593 415">Cases at ESF Facilities</td> <td data-bbox="1593 337 1829 415">Everett ESF</td> </tr> <tr> <td data-bbox="499 415 1593 456">APS (Adult Protective Services)</td> <td data-bbox="1593 415 1829 456">8</td> </tr> <tr> <td data-bbox="499 456 1593 496">Assist Other Agency</td> <td data-bbox="1593 456 1829 496"></td> </tr> <tr> <td data-bbox="499 496 1593 537">BOOKED</td> <td data-bbox="1593 496 1829 537"></td> </tr> <tr> <td data-bbox="499 537 1593 578">BURGLARY</td> <td data-bbox="1593 537 1829 578">2</td> </tr> <tr> <td data-bbox="499 578 1593 618">COLLISION REPORT</td> <td data-bbox="1593 578 1829 618"></td> </tr> <tr> <td data-bbox="499 618 1593 659">CONTACT</td> <td data-bbox="1593 618 1829 659"></td> </tr> <tr> <td data-bbox="499 659 1593 699">CPS REFERRAL</td> <td data-bbox="1593 659 1829 699"></td> </tr> <tr> <td data-bbox="499 699 1593 740">CRISIS</td> <td data-bbox="1593 699 1829 740"></td> </tr> <tr> <td data-bbox="499 740 1593 781">DISORDERLY CONDUCT</td> <td data-bbox="1593 740 1829 781"></td> </tr> <tr> <td data-bbox="499 781 1593 821">DRUGS-POSSESS -- CONTROLLED SUBSTANCES POSSESSION</td> <td data-bbox="1593 781 1829 821"></td> </tr> <tr> <td data-bbox="499 821 1593 862">DV (Domestic Violence)</td> <td data-bbox="1593 821 1829 862"></td> </tr> <tr> <td data-bbox="499 862 1593 902">FRAUD/FORGERY/COUNTERFEITING -- FRAUD IMPROPERLY OBTAIN FINANCIAL INFO</td> <td data-bbox="1593 862 1829 902"></td> </tr> <tr> <td data-bbox="499 902 1593 943">HARASSMENT</td> <td data-bbox="1593 902 1829 943"></td> </tr> <tr> <td data-bbox="499 943 1593 984">INFO</td> <td data-bbox="1593 943 1829 984"></td> </tr> <tr> <td data-bbox="499 984 1593 1024">PERSONS-MENTAL</td> <td data-bbox="1593 984 1829 1024"></td> </tr> <tr> <td data-bbox="499 1024 1593 1065">PERSONS-MISSING</td> <td data-bbox="1593 1024 1829 1065">2</td> </tr> <tr> <td data-bbox="499 1065 1593 1105">PERSONS-RUNAWAY</td> <td data-bbox="1593 1065 1829 1105"></td> </tr> <tr> <td data-bbox="499 1105 1593 1146">PERSONS-SUICIDE ATTEMPT</td> <td data-bbox="1593 1105 1829 1146"></td> </tr> <tr> <td data-bbox="499 1146 1593 1187">PROP-LOST/FOUND</td> <td data-bbox="1593 1146 1829 1187"></td> </tr> <tr> <td data-bbox="499 1187 1593 1227">RESIDENTIAL CARE SERVICES</td> <td data-bbox="1593 1187 1829 1227"></td> </tr> <tr> <td data-bbox="499 1227 1593 1268">SEX OFFENSE</td> <td data-bbox="1593 1227 1829 1268"></td> </tr> <tr> <td data-bbox="499 1268 1593 1308">THREAT</td> <td data-bbox="1593 1268 1829 1308"></td> </tr> <tr> <td data-bbox="499 1308 1593 1349">TRAFFIC</td> <td data-bbox="1593 1308 1829 1349"></td> </tr> <tr> <td data-bbox="499 1349 1593 1390">TRESPASS</td> <td data-bbox="1593 1349 1829 1390"></td> </tr> <tr> <td data-bbox="499 1390 1593 1398">WELFARE CHECK</td> <td data-bbox="1593 1390 1829 1398"></td> </tr> </tbody> </table>	Count of Case Number	Column Labels	Cases at ESF Facilities	Everett ESF	APS (Adult Protective Services)	8	Assist Other Agency		BOOKED		BURGLARY	2	COLLISION REPORT		CONTACT		CPS REFERRAL		CRISIS		DISORDERLY CONDUCT		DRUGS-POSSESS -- CONTROLLED SUBSTANCES POSSESSION		DV (Domestic Violence)		FRAUD/FORGERY/COUNTERFEITING -- FRAUD IMPROPERLY OBTAIN FINANCIAL INFO		HARASSMENT		INFO		PERSONS-MENTAL		PERSONS-MISSING	2	PERSONS-RUNAWAY		PERSONS-SUICIDE ATTEMPT		PROP-LOST/FOUND		RESIDENTIAL CARE SERVICES		SEX OFFENSE		THREAT		TRAFFIC		TRESPASS		WELFARE CHECK	
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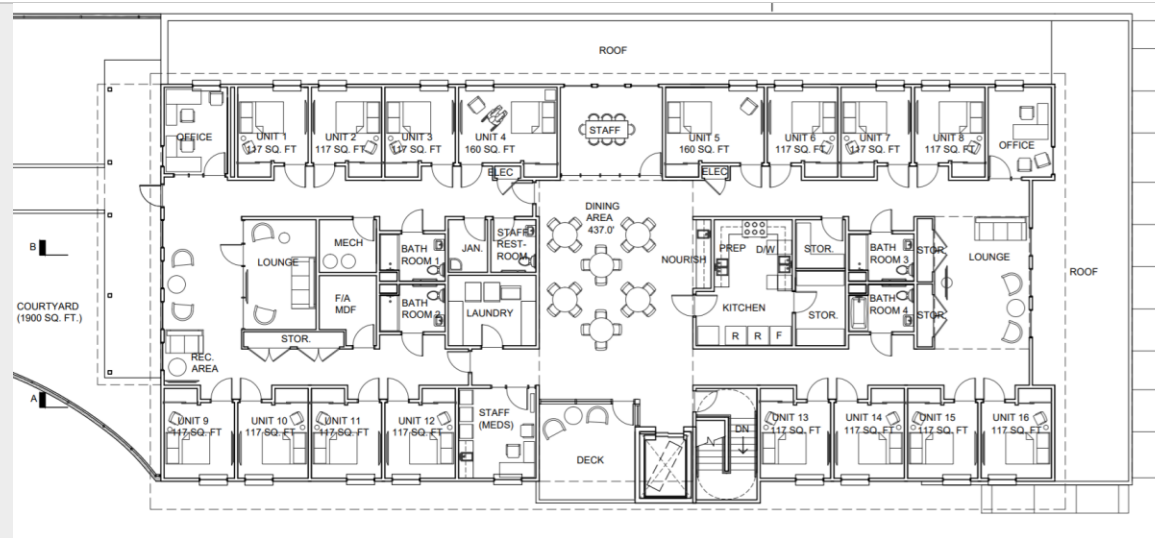
MALICIOUS MISCHIEF	1
Assault	
DEATH	
THEFT	
SUSPICIOUS	
THEFT OF MOTOR VEHICLE	
Grand Total	13

Photos

The ground floor level includes retail use facing Evergreen Way, and parking for ESF below the building. Upper floor contains single floor ESF with 7,006 square feet. Outdoor open space area is fenced for privacy of residents.



The floor plan for Enhanced Services Facility is 7,006 square feet with 16 beds.



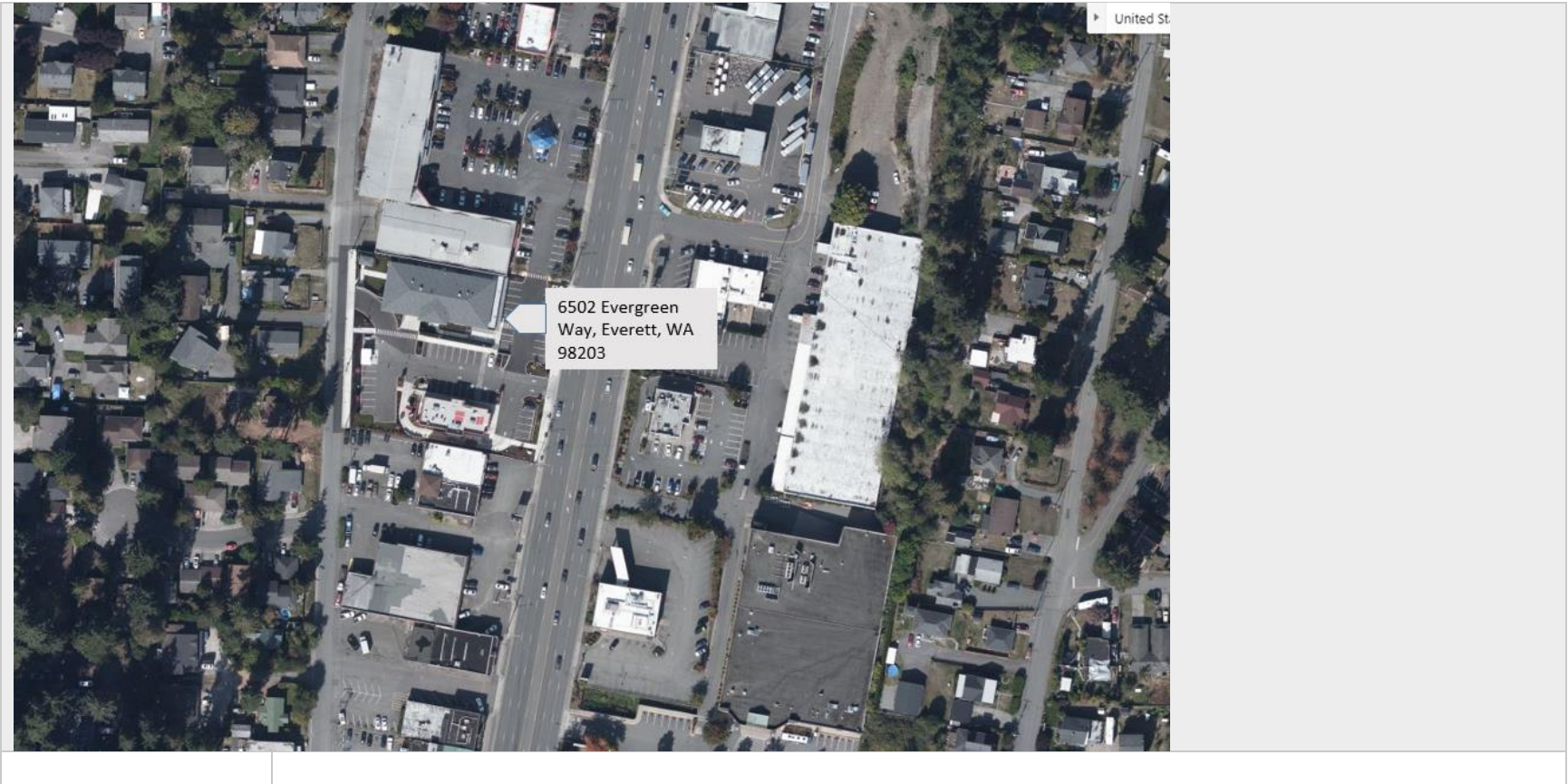
The photo below is the Fleming Street view of ESF in mixed use building, with ESF on upper floor, with below-building parking on ground floor, and retail fronting Evergreen Way.



There is a retail space on lower floor facing Evergreen Way, with ESF on upper floor behind retail use.



Aerial view



SUPREME LIVING LLC INFORMATION

Location	6604 Martin Way E, Olympia, WA 98516
City/County	Located in Thurston County, outside of City limits.
Description	<p>Please visit Residential Care Facility Supreme Living Olympia (supremelivingwa.com) for specific details related to this facility. The website also includes a “virtual tour” function that allows you to see the inside of the facility and “travel” through the building.</p> <p>According to the website, the first Olympia ESF is located in the north end of Olympia at 6604 Martin Way, on the bus line. It opened in February 2021. The facility has 15 single rooms on separate floors connected by an elevator, all with individual climate control. Each room has its own TV with basic cable, a bed, chair, laundry basket, garbage can and shelving. Internet is available throughout the building. There is a dining room capable of seating 15 people with mealtimes spread over an hour to allow for social distancing. The TV / Game room has individual seating and a 55-inch TV with available X-Box. The 2nd floor lounge has individual seating and a 45-inch TV. The family room is equipped with a resident telephone available 24-hours a day. This room is also available for private visits, virtual meetings, and small gatherings. The grounds are nicely manicured with exterior gates and a resident smoking area. A basketball hoop is located on the grounds to encourage outside physical activity.</p>
City Regulations	
General	Regulated as an Essential Public Facility. No specific ESF code.
Code Section	Essential Public Facilities no specific ESF code
Number of residents	N/A
Code Definition	<p>22.04.202 - Essential public facilities</p> <p>"Essential public facilities" means those public facilities that are typically difficult to site, such as airports, state education facilities, state or regional transportation facilities, solid waste handling facilities, secure community transition facilities, and inpatient facilities including substance abuse facilities, mental health facilities and group homes.</p>
Special Zoning Requirements	<p>22.56.260 - Essential public facilities siting process</p> <p>Essential public facilities identified as special uses in the zoning district shall be subject, at a minimum, to the following requirements -</p> <p>1. Essential public facilities classified as follows -</p> <p>b. Type Two. These are local or interlocal facilities serving or potentially affecting residents or property in more than one jurisdiction. They could include, but are not limited to, county jails, county landfills, community colleges, sewage</p>

	<p>treatment facilities, emergency communication towers and antennae, secure community transition facilities, and inpatient facilities (e.g., substance abuse facilities, mental health facilities, and group homes). (Note: Such facilities which would not have impacts beyond the jurisdiction in which they are proposed to be located would be Type Three facilities.)</p> <p>c. Type Three. These are facilities serving or potentially affecting only the jurisdiction in which they are proposed to be located.</p> <p>2. Provide early notification and involvement of affected citizens and jurisdictions as follows:</p> <p>a. Type One and Two facilities. At least ninety days before submitting an application for a Type One or Type Two essential public facility, the prospective applicant shall notify the affected public and jurisdictions of the general type and nature of the proposal, identify sites under consideration for accommodating the proposed facility, and identify opportunities to comment on the proposal. Applications for specific projects shall not be considered complete in the absence of proof of a published notice regarding the proposed project in a newspaper of general circulation in the affected area. This notice shall include the information described above and shall be published at least ninety days prior to the submission of the application.</p> <p>c. Type Three facilities. Type Three essential public facilities are subject to the county's standard notification requirements for special uses.</p>
Zones allowed	Special use permit: multi-family high density (MFH), mixed use (MU), neighborhood commercial (NC), general commercial (GC)
Zones restricted	All low density residential, all industrial.
Code modification date	2002
Current facilities	15 bed facility and another similar sized, ESF nearby under construction.
Police Data	There have been a total of 2 incidents where police reports were required since January 2019 – June 2021.

Cases at ESF Facilities	Supreme Living LLC
APS	
Assist Other Agency	1
BOOKED	
BURGLARY	
COLLISION REPORT	
CONTACT	
CPS REFERRAL	
CRISIS	
DISORDERLY CONDUCT	
DRUGS-POSSESS -- CONTROLLED SUBSTANCES POSSESSION	
DV	
FRAUD/FORGERY/COUNTERFEITING -- FRAUD IMPROPERLY OBTAIN FINANCIAL INFO	
HARASSMENT	
INFO	
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PERSONS-RUNAWAY	
PERSONS-SUICIDE ATTEMPT	
PROP-LOST/FOUND	
RESIDENTIAL CARE SERVICES	
SEX OFFENSE	
THREAT	
TRAFFIC	
TRESPASS	
WELFARE CHECK	
MALICIOUS MISCHIEF	
Assault	1
DEATH	

THEFT	
SUSPICIOUS	
THEFT OF MOTOR VEHICLE	
Grand Total	2

Photos

The photo below shows the existing 15-bed ESF facility.



Aerial view



Maybe

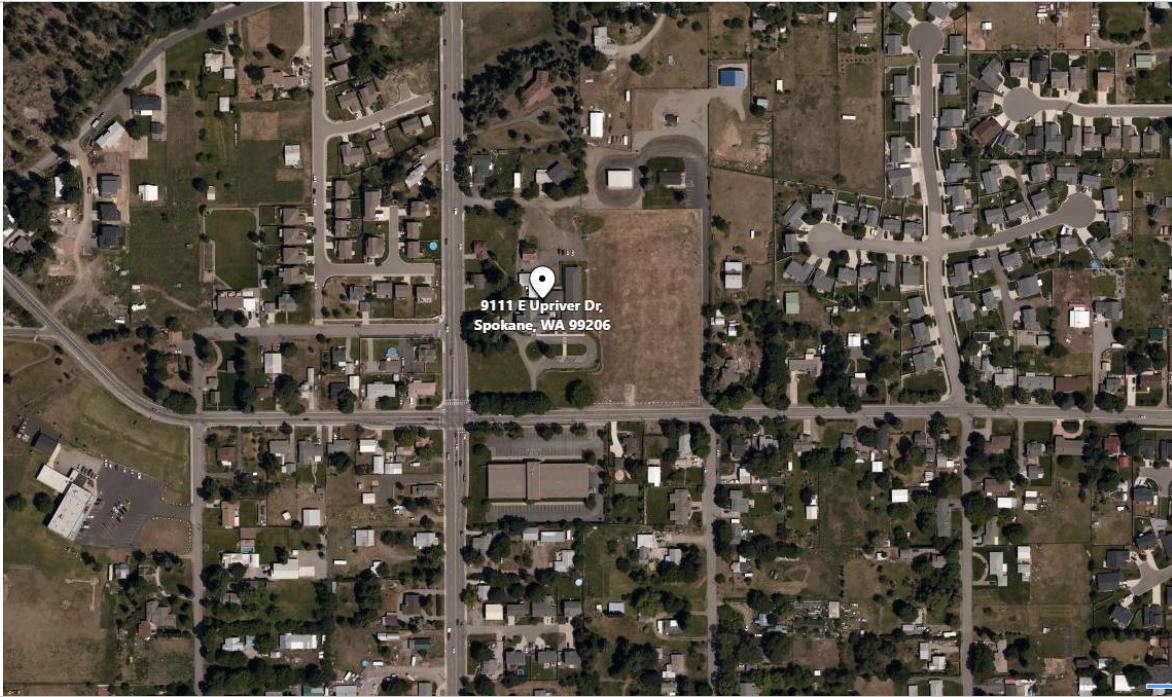
Upriver Place, LLC INFORMATION	
Location	9111 E Upriver Drive, Spokane, WA 99206
City/County	Located just north of City of Spokane Valley City limits in Spokane County
Description	According to the property manager, this facility is very small and contains eight beds total. This ESF is located within an existing Assisted Living Facility building (with 70 beds). The ESF contains a separate indoor and outdoor area for the ESF residents.
City Regulations	
General	The County regulates ESFs without a specific ESF code.
Code Section	Essential public facilities: community treatment facility no specific ESF code
Number of residents	Per State regulations.
City Code Definition	Community Treatment Facility: Any dwelling or place licensed, certified or authorized by state, federal or local authorities as a residence and treatment facility for children or adults with mental disabilities, alcoholism or drug abuse problems needing a supervised living arrangement and rehabilitation services on a short-term or long-term basis. Does not include detoxification centers, halfway house, crisis residential center or secure community transition facility. May include alcohol and/or drug abuse treatment facilities and adult treatment facilities.
Special Zoning Requirements	Community treatment facility (EPF) (LDR, LDR-P, MDR, HDR zones) a. In the Low Density Residential zone the facility shall be limited to 8 or fewer residents. b. In the Medium Density Residential and the High Density Residential zones the facility shall be limited to greater than 8 residents but no more than 20 residents. c. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under chapter 14.404.
Zones allowed	Residential & Rural Activity Center
Zones restricted	Special use permit: Multi-family high density (MFH), Mixed Use (MU), Neighborhood Commercial (NC), General Commercial (GC)

Code modification date	2020																																								
Current facilities	One, 8-bed facility within a larger Assisted Living Facility.																																								
Police Data	The property manager indicated the call volume is minimal and very few are generated from neighbors.																																								
Police Data	<p>There have been a total of 200 incidents where police reports were required since January 2019 – June 2021. Staff believes this data is extremely skewed for this location given that the ESF (with 8 beds) is located in an Assisted Living Facility (with 70 beds). The police data provided below for the entire building. Staff called the property manager to discuss the police calls for the ESF. The property manager did not know precisely what each call was for but estimated the ESF generates only 4-5 calls per year.</p> <table border="1"> <thead> <tr> <th>Cases at ESF Facilities</th> <th>Upriver Place Inc</th> </tr> </thead> <tbody> <tr> <td>APS</td> <td>33</td> </tr> <tr> <td>Assist Other Agency</td> <td>1</td> </tr> <tr> <td>BOOKED</td> <td>5</td> </tr> <tr> <td>BURGLARY</td> <td>1</td> </tr> <tr> <td>COLLISION REPORT</td> <td>1</td> </tr> <tr> <td>CONTACT</td> <td></td> </tr> <tr> <td>CPS REFERRAL</td> <td>2</td> </tr> <tr> <td>CRISIS</td> <td>3</td> </tr> <tr> <td>DISORDERLY CONDUCT</td> <td>2</td> </tr> <tr> <td>DRUGS-POSSESS -- CONTROLLED SUBSTANCES POSSESSION</td> <td></td> </tr> <tr> <td>DV</td> <td>5</td> </tr> <tr> <td>FRAUD/FORGERY/COUNTERFEITING -- FRAUD IMPROPERLY OBTAIN FINANCIAL INFO</td> <td>1</td> </tr> <tr> <td>HARASSMENT</td> <td>2</td> </tr> <tr> <td>INFO</td> <td>1</td> </tr> <tr> <td>PERSONS-MENTAL</td> <td>10</td> </tr> <tr> <td>PERSONS-MISSING</td> <td>68</td> </tr> <tr> <td>PERSONS-RUNAWAY</td> <td>1</td> </tr> <tr> <td>PERSONS-SUICIDE ATTEMPT</td> <td>3</td> </tr> <tr> <td>PROP-LOST/FOUND</td> <td>1</td> </tr> </tbody> </table>	Cases at ESF Facilities	Upriver Place Inc	APS	33	Assist Other Agency	1	BOOKED	5	BURGLARY	1	COLLISION REPORT	1	CONTACT		CPS REFERRAL	2	CRISIS	3	DISORDERLY CONDUCT	2	DRUGS-POSSESS -- CONTROLLED SUBSTANCES POSSESSION		DV	5	FRAUD/FORGERY/COUNTERFEITING -- FRAUD IMPROPERLY OBTAIN FINANCIAL INFO	1	HARASSMENT	2	INFO	1	PERSONS-MENTAL	10	PERSONS-MISSING	68	PERSONS-RUNAWAY	1	PERSONS-SUICIDE ATTEMPT	3	PROP-LOST/FOUND	1
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	RESIDENTIAL CARE SERVICES	13
	SEX OFFENSE	3
	THREAT	3
	TRAFFIC	2
	TRESPASS	3
	WELFARE CHECK	
	MALICIOUS MISCHIEF	2
	Assault	20
	DEATH	3
	THEFT	4
	SUSPICIOUS	6
	THEFT OF MOTOR VEHICLE	1
	Grand Total	200
Photos	This structure primarily serves as an Assisted Living Facility (ALF). The ESF "Upriver Place, LLC" is located in a unit within this ALF.	



Aerial view:



MAIN RESIDENTIAL CARE INFORMATION

Location	12019 E Main Ave, Spokane Valley, WA 99206
City/County	Within City of Spokane Valley City limits
Description	Not available.
City Regulations	
General	The City of Spokane Valley regulates ESFs as a group living use. There are two categories of group living based on size. The categories fall under group homes with 6 residents or less and group homes with greater than 6 and under 25 residents.
Code Section	GROUP LIVING: Community residential facilities (greater than 6 and under 25 residents) no specific ESF code
Number of residents	16 (consistent with State code)
City Code Definition	Group living, use category: Living facilities for groups of unrelated individuals that include at least one person residing on the site who is responsible for supervising, managing, monitoring, and/or providing care, training, or treatment of residents characterized by shared facilities for eating, hygiene, and/or recreation. Examples include dormitories, fraternities and sororities, assisted living facilities, nursing and convalescent homes, aggregate dwellings, and community residential facilities. Excludes detention and post-detention facilities.
Special Zoning Requirements	N/A
Zones allowed	Residential MFR, all mixed use
Zones restricted	All other residential, all commercial, all industrial
Code modification date	2016
Current facilities	1. 16 bed facility use permit filed under i-1 institutional, group home 2. Unknown capacity facility use permit filed under i-1 institutional, supervised environment
Police Data	There have been a total of 17 incidents where police reports were required since January 2019 – June 2021.

Cases at ESF Facilities	Main Residential Care
APS	8
Assist Other Agency	
BOOKED	
BURGLARY	1
COLLISION REPORT	
CONTACT	1
CPS REFERRAL	
CRISIS	
DISORDERLY CONDUCT	
DRUGS-POSSESS -- CONTROLLED SUBSTANCES POSSESSION	
DV	1
FRAUD/FORGERY/COUNTERFEITING -- FRAUD IMPROPERLY OBTAIN FINANCIAL INFO	
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PERSONS-SUICIDE ATTEMPT	
PROP-LOST/FOUND	
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SEX OFFENSE	
THREAT	
TRAFFIC	
TRESPASS	
WELFARE CHECK	
MALICIOUS MISCHIEF	
Assault	5
DEATH	

THEFT	
SUSPICIOUS	1
THEFT OF MOTOR VEHICLE	
Grand Total	17

Photos

Photo of the site from the Spokane County Assessor's page:

45164.0343

12019 E MAIN AVE



Aerial photo



UNIFIED RESIDENTIAL CARE INFORMATION

Location	122 N University Rd, Spokane Valley, WA 99206
City/County	Within City of Spokane Valley City limits
Description	Not available.
General	The City of Spokane Valley regulates ESFs as a group living use. There are two categories of group living based on size. The categories fall under group homes with 6 residents or less and group homes with greater than 6 and under 25 residents.
Code Section	The City of Spokane Valley regulates ESFs as a group living use. There are two categories of group living based on size. The categories fall under group homes with 6 residents or less and group homes with greater than 6 and under 25 residents.
Number of residents	16 (consistent with State code)
City Code Definition	Group living, use category: Living facilities for groups of unrelated individuals that include at least one person residing on the site who is responsible for supervising, managing, monitoring, and/or providing care, training, or treatment of residents characterized by shared facilities for eating, hygiene, and/or recreation. Examples include dormitories, fraternities and sororities, assisted living facilities, nursing and convalescent homes, aggregate dwellings, and community residential facilities. Excludes detention and post-detention facilities.
Special Zoning Requirements	N/A
Zones allowed	Residential MFR, all mixed use
Zones restricted	All other residential, all commercial, all industrial
Code modification date	2016

Current facilities	1. 16 bed facility use permit filed under i-1 institutional, group home 2. Unknown capacity facility use permit filed under i-1 institutional, supervised environment	
Police Data	There have been a total of 29 incidents where police reports were required since January 2019 – June 2021.	
	Cases at ESF Facilities	Unified Residential Care
APS		2
Assist Other Agency		
BOOKED		1
BURGLARY		1
COLLISION REPORT		
CONTACT		
CPS REFERRAL		
CRISIS		
DISORDERLY CONDUCT		
DRUGS-POSSESS -- CONTROLLED SUBSTANCES POSSESSION		1
DV		
FRAUD/FORGERY/COUNTERFEITING -- FRAUD IMPROPERLY OBTAIN FINANCIAL INFO		
HARASSMENT		1
INFO		
PERSONS-MENTAL		4
PERSONS-MISSING		8
PERSONS-RUNAWAY		
PERSONS-SUICIDE ATTEMPT		1
PROP-LOST/FOUND		1
RESIDENTIAL CARE SERVICES		
SEX OFFENSE		2
THREAT		
TRAFFIC		

TRESPASS	
WELFARE CHECK	1
MALICIOUS MISCHIEF	
Assault	3
DEATH	
THEFT	2
SUSPICIOUS	1
THEFT OF MOTOR VEHICLE	
Grand Total	29

Police Data

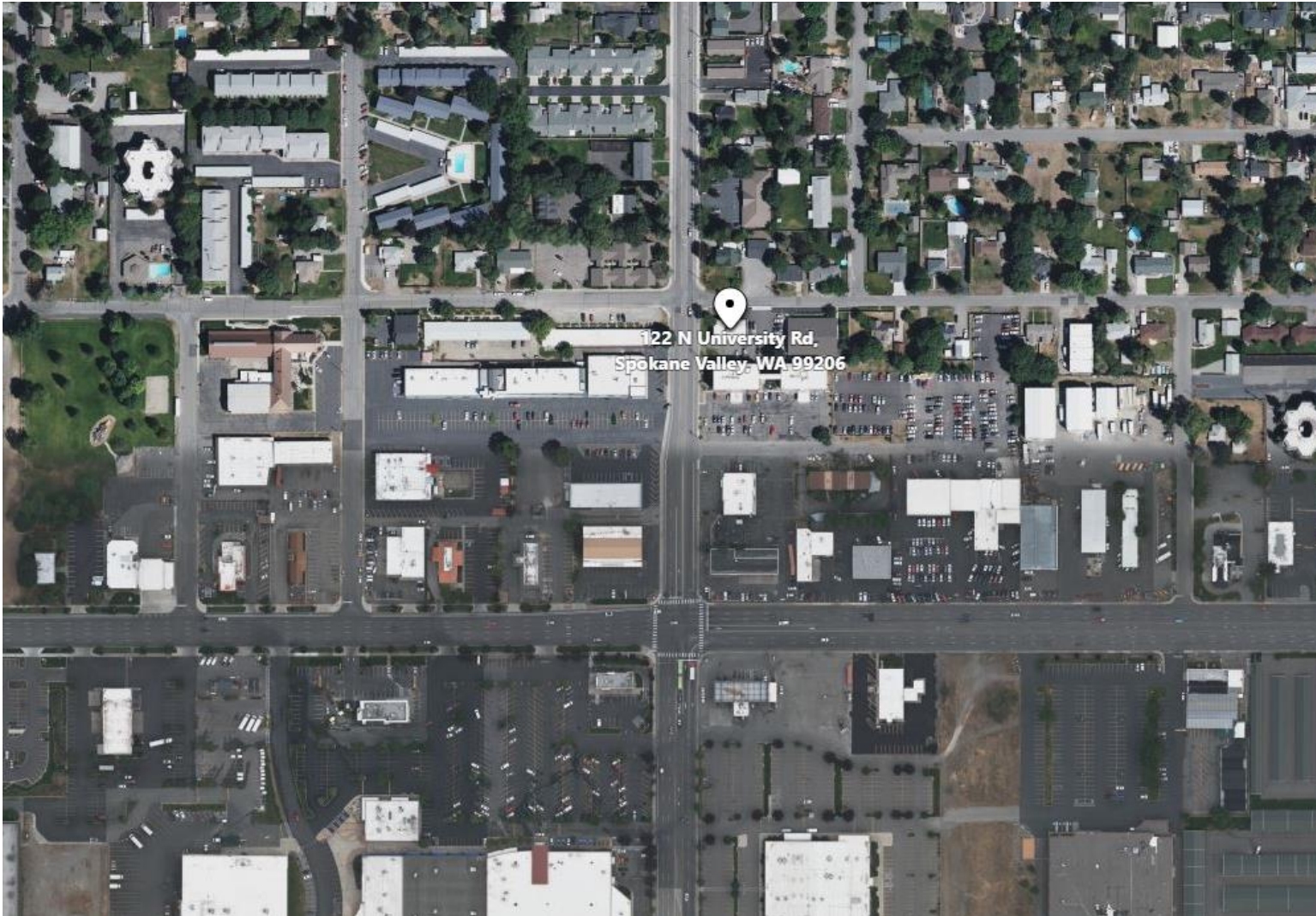
Photos

From the Spokane County Assessor site:

45163.0532
122 N UNIVERSITY RD



Aerial view



ORCHARD HIGHLANDS INFORMATION	
Location	9505 NE 116th Avenue, Vancouver, WA 98662
City/County	Clark County
Description	<p>The Orchards Highlands & Apple Tree website states, “Dedicated to helping residents living with mental illness by providing medical, physical, and mental health support for their daily lives, allowing them to grow and function to the best of their ability.” Facility features:</p> <ul style="list-style-type: none"> • Private resident rooms furnished with bed, dresser, large screen television and personal storage closet • 24-hour nursing and caregiver support • On-site mental health professional support 8-hours daily, on-call support 24-hours • Group therapy 5 times weekly • Meal service 3 times daily, with an a la carte menu and snacks • Activities, games and crafts • Person-centered care based on individual needs and preferences • Visiting medical provider who provides care on-site • Beautifully landscaped grounds with fountains and walkways for outdoor enjoyment • Designated smoking area • Close to bus line
County Regulations	
Code Section	N/A. The County has not formerly processed an application for an ESF. The existing ESF converted from a residential care facility (permitted by the County) to and ESF outside of the City process.
Number of residents	N/A
City Code Definition	N/A
Special Zoning Requirements	N/A
Zones allowed	N/A
Zones restricted	N/A

Code modification date	N/A	
Current facilities	One ESF facility.	
Police Data	There have been a total of 29 incidents where police reports were required since January 2019 – June 2021.	
	Cases at ESF Facilities	Orchards Highlands Enhanced Services Facility Inc.
	APS	
	Assist Other Agency	
	BOOKED	
	BURGLARY	
	COLLISION REPORT	
	CONTACT	
	CPS REFERRAL	
	CRISIS	
	DISORDERLY CONDUCT	
	DRUGS-POSSESS -- CONTROLLED SUBSTANCES POSSESSION	
	DV	
	FRAUD/FORGERY/COUNTERFEITING -- FRAUD IMPROPERLY OBTAIN FINANCIAL INFO	
	HARASSMENT	
	INFO	1
	PERSONS-MENTAL	1
	PERSONS-MISSING	
	PERSONS-RUNAWAY	
	PERSONS-SUICIDE ATTEMPT	
	PROP-LOST/FOUND	
	RESIDENTIAL CARE SERVICES	
	SEX OFFENSE	1
	THREAT	
	TRAFFIC	

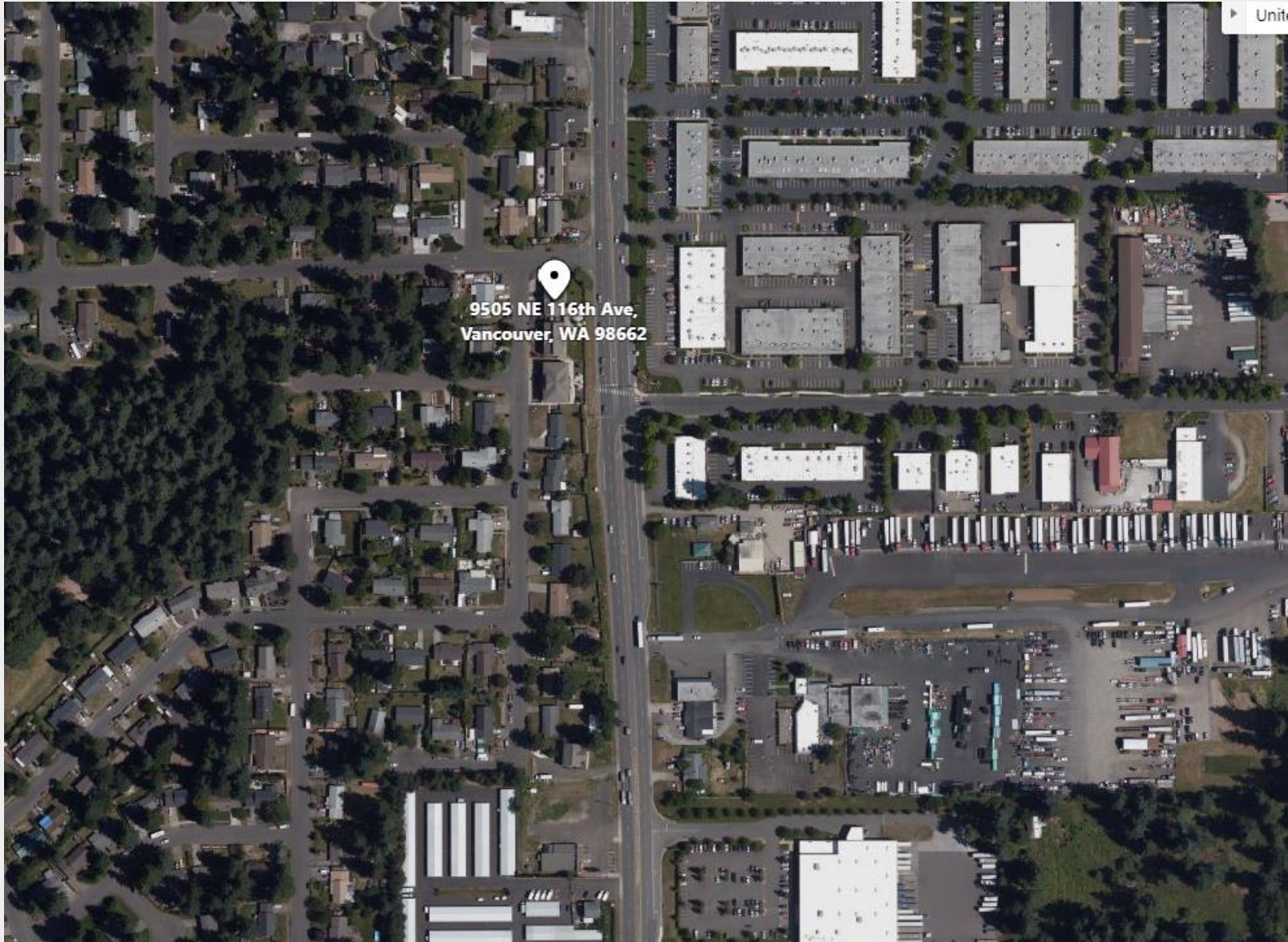
TRESPASS	
WELFARE CHECK	
MALICIOUS MISCHIEF	
Assault	1
DEATH	
THEFT	
SUSPICIOUS	
THEFT OF MOTOR VEHICLE	
Grand Total	4

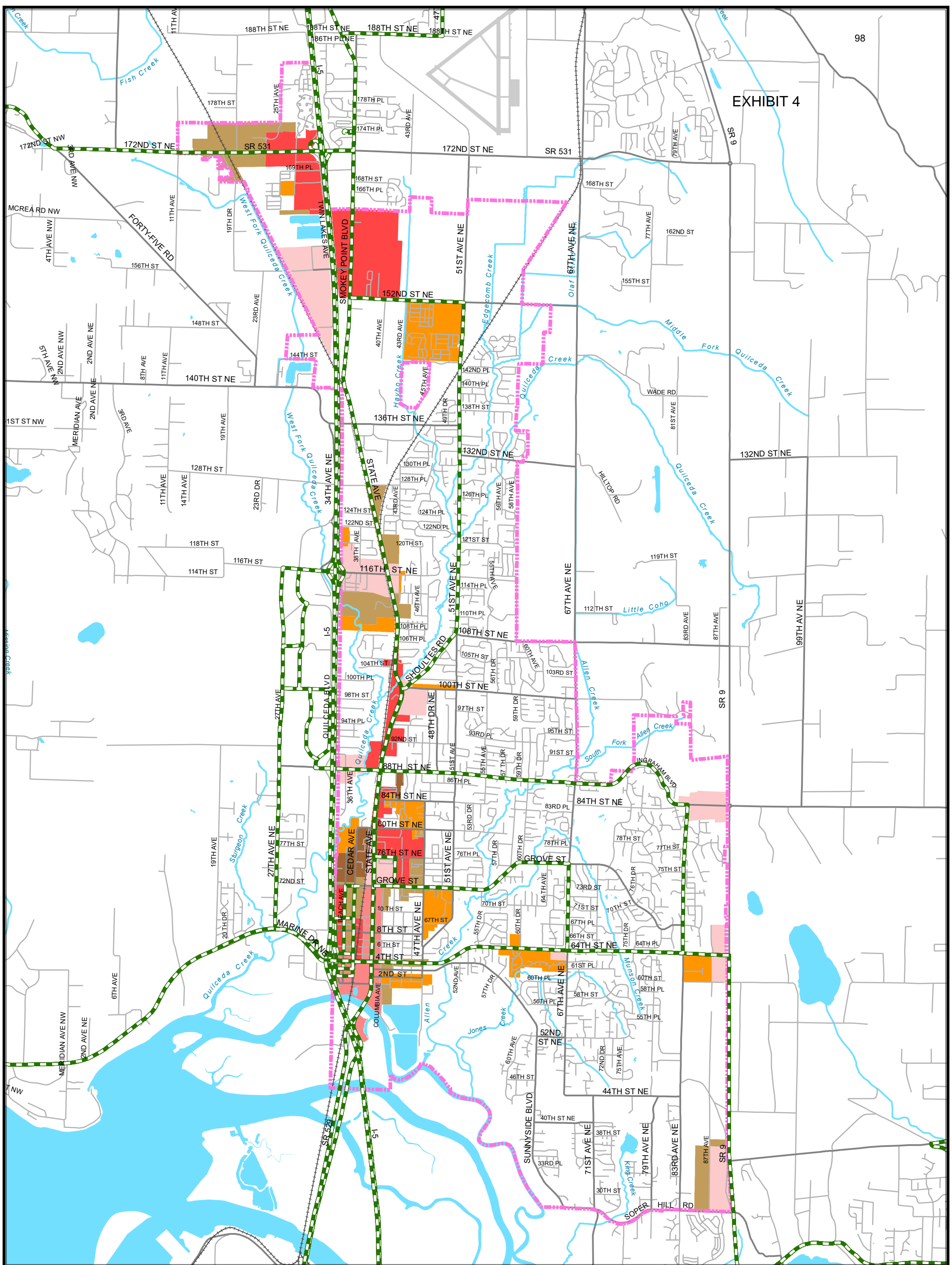
Photos

The photo below was retrieved from the facility's website [Orchards Highlands & Apple Tree](#). Staff was unable to make contact with this facility for more information or photos.



Aerial view:



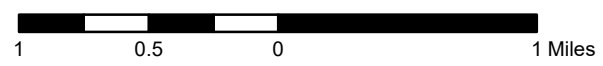
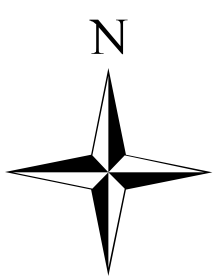


City of Marysville

Properties Eligible for Enhanced Services Facilities (ESFs)

Legend

- | | | |
|-----------------------|---------------------|-------------------------|
| Public Transit Routes | General Commercial | R18 Multi-Family Medium |
| City Limits | Downtown Commercial | R28 Multi-Family High |
| Railroad | Community Business | |
| Arterials | Mixed Use | |



THE CITY OF MARYSVILLE DISCLAIMS ANY WARRANTY OF MERCHANTABILITY OR WARRANTY OF FITNESS OF THIS DATA FOR ANY PARTICULAR PURPOSE. OTHER EXPRESSED OR IMPLIED. NO REPRESENTATION OR WARRANTY IS MADE CONCERNING THE ACCURACY, CURRENCY, COMPLETENESS OR QUALITY OF DATA DEPICTED. ANY USER OF THIS DATA ASSUMES ALL RESPONSIBILITY FOR USE THEREOF, AND FURTHER AGREES TO HOLD THE CITY OF MARYSVILLE HARMLESS FROM AND AGAINST ANY DAMAGE, LOSS, OR LIABILITY ARISING FROM ANY USE OF THIS DATA.

CITY OF MARYSVILLE
WASHINGTON

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON, UPDATING TITLE 22C OF THE MARYSVILLE MUNICIPAL CODE; AMENDING THE DEFINITION OF “ENHANCED SERVICES FACILITIES”; ALLOWING “ENHANCED SERVICES FACILITIES” AS A CONDITIONAL USE IN THE R-18 MEDIUM DENSITY MULTI-FAMILY AND R-28 HIGH DENSITY MULTI-FAMILY ZONES; AND AS A PERMITTED USE IN THE CB COMMUNITY BUSINESS, CB-WR COMMUNITY BUSINESS-WHISKEY RIDGE, DC DOWNTOWN COMMERCIAL, GC GENERAL COMMERCIAL, AND MU MIXED USE ZONES; AMENDING MMC 22A.020.060, “E” DEFINITIONS; AMENDING MMC 22C.010.060 AND 22C.020.060, PERMITTED USES; AMENDING MMC 22C.010.070 AND 22C.020.070, PERMITTED USES – DEVELOPMENT CONDITIONS; AND ESTABLISHING A NEW CHAPTER 22C.280 CONCERNING ENHANCED SERVICES FACILITIES; AND REPEALING ORDINANCE NO. 3168.

WHEREAS, the State Growth Management Act, Chapter 36.70A RCW mandates that cities periodically review and amend development regulations, including zoning ordinances and official controls; and

WHEREAS, RCW 36.70A.106 requires the processing of amendments to the City's development regulations in the same manner as the original adoption of the City's comprehensive plan and development regulations; and

WHEREAS, the State Growth Management Act requires notice and broad public participation when adopting or amending the City's comprehensive plan and development regulations; and

WHEREAS, the City, in reviewing and amending its development regulations has complied with the notice, public participation, and processing requirements established by the Growth Management Act, as more fully described below; and

WHEREAS, the City Council of the City of Marysville finds that from time to time it is necessary and appropriate to review and revise provisions of the City's municipal code and development code (MMC Title 22); and

WHEREAS, the Marysville City Council adopted Ordinance No. 3168 on November 23, 2020, which adopted an interim development regulation establishing a definition for “Enhanced services facilities” and specifying that “Enhanced services facilities” are not a permitted use in any zone in the City of Marysville; and

WHEREAS, the Marysville City Council adopted Ordinance No. 3168 as an Emergency Ordinance which provided that the interim development regulation is effective for six months from the effective date of the ordinance (November 23, 2020); and

WHEREAS, the proposed amendments were submitted to the State of Washington Department of Commerce for 60-day review on February 1, 2021, in accordance with RCW 36.70A.106; and

PLANNING COMMISSION RECOMMENDATION

WHEREAS, the Planning Commission held public work sessions on December 8, 2020, January 12, 2021, and February 9, 2021, to review the proposed amendments, including alternatives, and did hear and consider public comments; and

WHEREAS, the Planning Commission held a duly-advertised public hearing on February 23, 2021, and received testimony from City staff and the public; and

WHEREAS, at the public hearing, the Planning Commission reviewed and considered the proposed amendments to the Marysville Municipal Code, and recommended that the City Council approve the proposed amendments to the Marysville Municipal Code; and

WHEREAS, the proposed amendments to Title 22 of the Marysville Municipal Code (comprising of **(a)** proposed amendments to MMC Sections 22A.020.060, 22C.010.060; 22C.020.060, 22C.010.070, 22C.020.070, and **(b)** a new proposed new Chapter 22C.280 MMC), were reviewed under the State Environmental Policy Act; which review resulted in the issuance of a Determination of Non-Significance (DNS) on April 5, 2021.

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

Section 1. Required Findings. In accordance with MMC 22G.010.520, the following findings are made regarding the proposed amendments to Title 22 of the Marysville Municipal code (comprising of **(a)** proposed amendments to MMC Sections 22A.020.060, 22C.010.060, 22C.020.060, 22C.010.070, and 22C.020.070, and **(b)** a proposed new Chapter 22C.280 MMC) that are the subject of this ordinance:

- (1) The amendments are consistent with the purposes of the comprehensive plan;
- (2) The amendments are consistent with the purpose of Title 22 MMC;
- (3) There have been significant changes in the circumstances to warrant a change;
- (4) The benefit or cost to the public health, safety and welfare is sufficient to warrant the action.

Section 2. Amendment to Development Regulations: Modification of Current Code Sections. Sections 22A.020.060, 22C.010.060; 22C.020.060, 22C.010.070, and 22C.020.070 of the Marysville Municipal Code are hereby amended as set forth in **Exhibit A**.

Section 3. Amendment to Development Regulations: Adoption of Chapter 22C.280 MMC. A new Chapter 22C.280 of the Marysville Municipal Code is adopted as set forth in **Exhibit B**.

Section 4. Repeal of Ordinance No. 3168. Ordinance No. 3168 shall be repealed upon the effective date of this Ordinance.

Section 5. Severability. If any section, subsection, sentence, clause, phrase, or word of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or word of this Ordinance.

PLANNING COMMISSION RECOMMENDATION

Section 6. Correction. Upon approval by the City Attorney, the City Clerk or the code reviser are authorized to make necessary corrections to this Ordinance, including scrivener’s errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections.

Section 7. Effective Date. This Ordinance shall become effective five days after the date of its publication by summary.

PASSED AND APPROVED by the Marysville City Council this 10th day of May, 2021.

CITY OF MARYSVILLE

Jon Nehring, Mayor

ATTEST:

By: _____
City Clerk

APPROVED AS TO FORM:

By: _____
Jon Walker, City Attorney

Date of Publication: _____

Effective Date: _____

EXHIBIT A

22A.020.060 “E” definitions. 

“Easement” means a right granted by a property owner to specifically named parties or to the public for the use of certain land for specified purposes.

“Effective date” means the date a final decision becomes effective.

“EIS” means environmental impact statement.

“Elderly” means a person 62 years of age or older.

“Electric scooters and motorcycles” means any two-wheel vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle’s batteries and produces zero emissions or pollution when stationary or operating.

“Electric sign” means any sign containing electrical wiring, lighting, or other electrical components, but not including signs illuminated by a detached exterior light source.

“Electric vehicle” means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on board for motive purpose.

“Electric vehicle” includes:

- (1) A battery electric vehicle;
- (2) A plug-in hybrid electric vehicle;
- (3) A neighborhood electric vehicle; and
- (4) A medium-speed electric vehicle.

“Electric vehicle charging station” means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. An electric vehicle charging station equipped with Level 1 or Level 2 charging equipment is permitted outright as an accessory use to any principal use.

“Electric vehicle charging station – public” means an electric vehicle charging station that is:

- (1) Publicly owned and publicly available (e.g., park and ride parking, public library parking lot, on-street parking); or
- (2) Privately owned and publicly available (e.g., shopping center parking, nonreserved parking in multifamily parking lots).

“Electric vehicle charging station – restricted” means an electric vehicle charging station that is:

PLANNING COMMISSION RECOMMENDATION

(1) Privately owned and restricted access (e.g., single-family home, executive parking, designated employee parking); or

(2) Publicly owned and restricted (e.g., fleet parking with no access to the general public).

“Electric vehicle infrastructure” means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

“Electric vehicle parking space” means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

“Electronic message sign” means a variable message sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs or a flipper matrix. Also known as “changeable copy sign.”

“Elevated building (floodplain management)” means, for insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

“Elevation certificate” means an administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support a request for a letter of map amendment (LOMA) or letter of map revision based on fill (LOMR-F).

“Eligible facilities request” means any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

(1) Co-location of new transmission equipment;

(2) Removal of transmission equipment; or

(3) Replacement of transmission equipment.

Criteria on what constitutes a substantial change is set forth in MMC 22C.250.210.

“Eligible support structure” means any existing tower or base station as defined in Chapter 22C.250 MMC; provided, that it is existing at the time an eligible facilities modification application is filed with the city.

“Emergency notification services” means services that notify the public of an emergency.

“Emergency services” means 911 emergency services and emergency notification services.

“Emergency support services” means information or database management services used in support of emergency services.

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“Energy resource recovery facility” means an establishment for recovery of energy in a usable form from mass burning or refuse-derived fuel incineration, pyrolysis or any other means of using the heat of combustion of solid waste.

“Engineering feasibility study” means a report prepared by a licensed professional engineer qualified by training to have expert engineering knowledge of a particular subject. The report will identify the capability of the land to withstand disturbance, such as erosion, sedimentation, geological hazards, or other aspects of the development.

“Enhanced services facility” means a facility that provides support and services to persons for whom acute inpatient treatment is not medically necessary.

~~“Enhanced services facility” means a facility that provides support and services to persons for whom acute inpatient treatment is not medically necessary and which typically serves individuals with either a mental disorder, a substance use disorder, or co-occurring mental disorder and substance use disorder. Such facilities shall be limited to a maximum 16-bed capacity and shall meet all of the regulatory and licensing requirements of the state of Washington per Chapter 70.97 RCW.~~

“Environmentally sensitive areas” means those areas regulated by Chapter 22E.010 MMC, and their buffers.

“Equipment, heavy” means high-capacity mechanical devices for moving earth or other materials, and mobile power units including, but not limited to:

- (1) Carryalls;
- (2) Graders;
- (3) Loading and unloading devices;
- (4) Cranes;
- (5) Drag lines;
- (6) Trench diggers;
- (7) Tractors;
- (8) Augers;
- (9) Bulldozers;
- (10) Concrete mixers and conveyers;
- (11) Harvesters;
- (12) Combines; or

PLANNING COMMISSION RECOMMENDATION

(13) Other major agricultural equipment and similar devices operated by mechanical power as distinguished from manpower.

“Erosion” means the wearing away of the earth’s surface as a result of the movement of wind, rain, water and other natural agents which mobilize and transport soil particles.

“Erosion hazard areas” means lands or areas that, based on a combination of slope inclination and the characteristics of the underlying soils, are susceptible to varying degrees of risk of erosion. Erosion hazard areas are classified as low hazard, moderate hazard and high hazard, based on the following criteria:

(1) Low Hazard. Areas sloping less than 15 percent.

(2) Moderate Hazard. Areas sloping between 15 and 40 percent and underlain by soils that consist predominantly of silt, clay, bedrock or glacial till.

(3) High Hazard. Areas sloping between 15 and 40 percent that are underlain by soils consisting largely of sand and gravel, and all areas sloping more steeply than 40 percent.

“Evergreen” means a plant species with foliage that persists and remains green year-round.

“Ex parte communication” means any oral or written communication made by any person, including a city employee or official, pertaining to a matter that is or will be within the jurisdiction of the city council, hearing examiner or planning commission made outside of a public record.

Exceptions (Shoreline Master Program) – Requirements to Obtain Shoreline Permits or Local Reviews (Shoreline Master Program). Requirements to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other review to implement the shoreline management act do not apply to the following:

(1) Remedial Actions. Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order pursuant to Chapter 70.105D RCW, or to the Department of Ecology when it conducts remedial action under Chapter 70.105D RCW.

(2) Boat Yard Improvements to Meet NPDES Permit Requirements. Pursuant to RCW 90.58.355, any person installing site improvements for storm water treatment in an existing boatyard facility to meet requirements of a National Pollutant Discharge Elimination System storm water general permit.

(3) WSDOT Facility Maintenance and Safety Improvements. Pursuant to RCW 90.58.356, Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356 are not required to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other local review.

(4) Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.

(5) Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to Chapter 80.50 RCW.

PLANNING COMMISSION RECOMMENDATION

Exemption (Shoreline Master Program). Certain specific developments as listed in WAC 173-27-040 as exempt from the definition of “substantial developments” are therefore exempt from the substantial development permit process of the SMA. An activity that is exempt from the substantial development provisions of the SMA must still be carried out in compliance with policies and standards of the Act and the local master program. Conditional use and/or variance permits may also still be required even though the activity does not need a substantial development permit. (RCW 90.58.030(3)(e); WAC 173-27-040.) “Exemption (shoreline master program)” also includes the external retrofitting of an existing structure with the exclusive purpose of compliance with the Americans with Disabilities Act of 1990 (42 USC Sec. 12010 et seq.) or to otherwise provide physical access to the structure by individuals with disabilities.

“Existing and ongoing agricultural activities (small farms overlay zone)” means those activities involved in the production of crops and livestock, and changes between agricultural activities and uses, and normal operation, maintenance, repair, or reconstruction of existing serviceable structures, as well as construction of new farm structures, facilities or improved areas. An operation ceases to be ongoing when a formal plat has been approved by the city for development of the small farm.

“Existing and ongoing agricultural activities” means those activities involved in the production of crops and livestock, including but not limited to operation and maintenance of farm and stock ponds or drainage and irrigation systems, changes between agricultural activities and uses, and normal operation, maintenance, repair, or reconstruction of existing serviceable structures, facilities or improved areas. Activities which bring an area into agricultural use are not part of an ongoing activity. An operation ceases to be ongoing when the area on which it was conducted is proposed for conversion to a nonagricultural use or has lain idle for a period of longer than five years, unless the idle land is registered in a federal or state soils conservation program. Forest practices are not included in this definition.

“Existing manufactured home park or subdivision (floodplain management)” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.

“Existing (wireless communication facilities)” for purposes of Chapter 22C.250 MMC where it is related to a constructed tower or base station, means a constructed tower or base station that has been reviewed and approved under the applicable zoning or siting process or under another applicable state or local regulatory review process, and the term also includes a tower that was lawfully constructed but that was not reviewed and approved because it was not in a zoned area when it was built.

“Exotic species” means any species of plant or animal that is not indigenous to the area.

“Expansion to an existing manufactured home park or subdivision (floodplain management)” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads). (Ord. 3168 § 2 (Exh. A), 2020*; Ord. 3151 § 5, 2020; Ord. 3146 § 6, 2020; Ord. 3125 § 3 (Exh. B), 2019; Ord. 2852 § 10 (Exh. A), 2011).

PLANNING COMMISSION RECOMMENDATION

* Code reviser's note: Ord. 3168 Section 3 states: "This interim development regulation shall be in effect for six (6) months following the effective date of this Ordinance" and shall expire June 2, 2021.

2C.010.060 Permitted uses. [SHARE](#)

Specific Land Use	R-4.5	R-6.5	R-8	WR R-4-8	R-12	R-18	R-28	WR R-6-18	R-MHP
Residential Land Uses									
Dwelling Units, Types:									
Single detached (14)	P11	P11	P11	P11	P11	P11	P11	P11	P43
Model home	P30	P30	P30	P30	P30	P30	P30	P30	P30
Cottage housing (14)	C6	C6	C6	C6	C6	C6	C6	C6	
Duplex (14)	C8	P8	P8	P8	P	P	P	P	
Townhouse	P3	P3	P3	P3	P	P	P	P	
Multiple-family					P	P	P	P	
Mobile home	P12	P12	P12	P12	P12	P12	P12	P12	P12
Mobile/manufactured home park	P3	P3	P3		C	P	P		P45
Senior citizen assisted	C2	C2	C2	C2	C2	C2	C2	C2	C2
Factory-built	P7	P7	P7	P7	P7	P7	P7	P7	P7, 43
Recreational vehicle (44)	P	P	P	P	P	P	P	P	P
Tiny house or tiny house with wheels (51)	P	P	P	P	P	P	P	P	P
Group Residences:									
Adult family home	P	P	P	P	P	P	P	P	P
Convalescent, nursing, retirement	C2	C2	C2	C2	C2	C2	C2	C2	
Residential care facility	P	P	P	P	P	P	P	P	
Master planned senior community (15)	C	C	C	C	C	C	C	C	C
Accessory Uses:									
Residential accessory uses (1), (9), (10), (14), (49), (50)	P	P	P	P	P	P	P	P	P
Home occupation (5)	P	P	P	P	P13	P13	P13	P13	P
Temporary Lodging:									
Hotel/motel					P	P	P	P	
Bed and breakfast guesthouse (4)		C	C	C	P	P	P	P	

PLANNING COMMISSION RECOMMENDATION

Specific Land Use	R-4.5	R-6.5	R-8	WR R-4-8	R-12	R-18	R-28	WR R-6-18	R-MHP
Bed and breakfast inn (4)					P	P	P	P	
Enhanced services facility (52)						<u>C</u>	<u>C</u>		
Recreation/Cultural Land Uses									
Park/Recreation:									
Park	P16	P16	P16	P16	P16	P16	P16	P16	P16
Community center	C	C	C	C	C	C	C	C	C
Amusement/Entertainment:									
Sports club					C	C	C	C	
Golf facility (17)	C	C	C	C	P	P	P	P	
Cultural:									
Library, museum and art gallery	C	C	C	C	C	C	C	C	C
Church, synagogue and temple	C	C	C	C	P	P	P	P	C
General Services Land Uses									
Personal Services:									
Funeral home/crematory	C18	C18	C18	C18	C18	C18	C18	C18	C18
Cemetery, columbarium or mausoleum	P24 C19	P24 C19	P24 C19	P24 C19	P24 C19	P24 C19	P24 C19	P24 C19	P24 C19
Day care I	P20	P20	P20	P20	P20	P20	P20	P20	P20
Day care II	C25	C25	C25	C25	C	C	C	C	C25
Stable	C	C	C	C					
Kennel or cattery, hobby	C	C	C	C	C	C	C	C	
Electric vehicle (EV) charging station (38), (39)	P	P	P	P	P	P	P	P	
EV rapid charging station (40), (41), (42)					P	P	P	P	
Health Services:									
Medical/dental clinic					C	C	C	C	
Supervised drug consumption facility									
Education Services:									
Elementary, middle/junior high, and senior high (including public, private and parochial)	C	C	C	C	C	C	C	C	C
Commercial school	C21	C21	C21	C21	C21	C21	C21	C21	
School district support facility	C23	C23	C23	C23	C23	C23	C23	C23	
Interim recycling facility	P22	P22	P22	P22	P22	P22	P22	P22	

PLANNING COMMISSION RECOMMENDATION

Specific Land Use	R-4.5	R-6.5	R-8	WR R-4-8	R-12	R-18	R-28	WR R-6-18	R-MHP
Vocational school									
Government/Business Service Land Uses									
Government Services:									
Public safety facilities, including police and fire	C26	C26	C26	C26	C26	C26	C26	C26	C26
Utility facility	P	P	P	P	P	P	P	P	P
Private storm water management facility	P	P	P	P	P	P	P	P	P
Public storm water management facility	P	P	P	P	P	P	P	P	P
Business Services:									
Self-service storage (31)					C27	C27	C27	C27	
Professional office					C	C	C	C	
Automotive parking	P29	P29	P29	P29	P29	P29	P29	P29	
Model house sales office	P47	P47	P47	P47					
Wireless communication facility (28)	P C	P C	P C	P C	P C	P C	P C	P C	P C
State-Licensed Marijuana Facilities:									
Marijuana cooperative (48)									
Marijuana processing facility – Indoor only (48)									
Marijuana production facility – Indoor only (48)									
Marijuana retail facility (48)									
Retail/Wholesale Land Uses									
Forest products sales	P32	P32	P32	P32					
Agricultural crop sales	P32	P32	P32	P32					
Resource Land Uses									
Agriculture:									
Growing and harvesting crops	P34	P34	P34	P34					
Raising livestock and small animals	P35	P35	P35	P35					
Forestry:									
Growing and harvesting forest products	P34	P34	P34	P34					
Fish and Wildlife Management:									
Hatchery/fish preserve (33)	C	C	C	C					

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Specific Land Use	R-4.5	R-6.5	R-8	WR R-4-8	R-12	R-18	R-28	WR R-6-18	R-MHP
Aquaculture (33)	C	C	C	C					
Regional Land Uses									
Regional storm water management facility	C	C	C	C	C	C	C	C	C
Nonhydroelectric generation facility	C	C	C	C	C	C	C	C	C
Transit park and pool lot	P	P	P	P	P	P	P	P	
Transit park and ride lot	C	C	C	C	C	C	C	C	
School bus base	C36	C36	C36	C36	C36	C36	C36	C36	
Racetrack	C37	C37	C37	C37	C37	C37	C37	C37	
College/university	C	C	C	C	C	C	C	C	

22C.010.070 Permitted uses – Development conditions. 

- (1) Accessory dwelling units must comply with development standards in Chapter 22C.180 MMC. Accessory dwelling units in the MHP zone are only allowed on single lots of record containing one single-family detached dwelling.
- (2) Limited to three residents per the equivalent of each minimum lot size or dwelling units per acre allowed in the zone in which it is located.
- (3) Only as part of a planned residential development (PRD) proposal, and subject to the same density as the underlying zone.
- (4) Bed and breakfast guesthouses and inns are subject to the requirements and standards contained in Chapter 22C.210 MMC.
- (5) Home occupations are subject to the requirements and standards contained in Chapter 22C.190 MMC.
- (6) Subject to cottage housing provisions set forth in MMC 22C.010.280.
- (7) Factory-built dwelling units shall comply with the following standards:
 - (a) A factory-built house must be inspected at least two times at the factory by the State Building Inspector during the construction process, and must receive an approval certifying that it meets all requirements of the International Building Code. At the building site, the city building official will conduct foundation, plumbing and final inspections.
 - (b) A factory-built house cannot be attached to a metal frame allowing it to be mobile. All such structures must be placed on a permanent foundation at the building site.
- (8) Permitted outright in the R-6.5, R-8, and WR-R-4-8 zones on minimum 7,200-square-foot lots. A conditional use permit is required for the R-4.5 zone, and the minimum lot size must be

PLANNING COMMISSION RECOMMENDATION

12,500 square feet. Duplexes must comply with the comprehensive plan density requirements for the underlying land use designation.

(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.

(b) Signs advertising such sales 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 an allowable accessory use to all residential land uses. A garage sale violating one or more of the above conditions shall be considered as being a commercial use and will be disallowed unless it complies with all requirements affecting commercial uses.

(10) Residential accessory structures must comply with development standards in Chapter 22C.180 MMC.

(11) Manufactured homes must:

(a) Be set on a permanent foundation, as specified by the manufacturer, enclosed with an approved concrete product from the bottom of the home to the ground which may be either load-bearing or decorative;

(b) Meet all design standards applicable to all other single-family homes in the neighborhood in which the manufactured home is to be located;

(c) Be no more than five years old, as evidenced by the date of manufacture recorded on the HUD data plate. An administrative variance to the requirement that a manufactured home be no more than five years old may be granted by the community development director only if the applicant demonstrates all of the following:

(i) The strict enforcement of the provisions of this title creates an unnecessary hardship to the property owner;

(ii) The proposed manufactured home is well maintained and does not present any health or safety hazards;

(iii) The variance is necessary or warranted because of the unique size, shape, topography, location, critical areas encumbrance, or other feature of the subject property;

(iv) The proposed manufactured home will be compatible with the neighborhood or area where it will be located;

(v) The subject property is otherwise deprived, by provisions of this title, of rights and privileges enjoyed by other properties in the vicinity and within an identical zone;

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(vi) The need for the variance is not the result of deliberate actions of the applicant or property owner; and

(vii) The variance is the minimum necessary to grant relief to the applicant.

(12) Mobile homes are only allowed as a primary residence in existing mobile/manufactured home parks established prior to June 12, 2008, subject to the requirements of Chapter 22C.230 MMC, Mobile/Manufactured Home Parks.

(13) Home occupations are limited to home office uses in multifamily dwellings. No signage is permitted in townhouse or multifamily dwellings.

(14) No more than one single-family detached or duplex dwelling is allowed per lot except in cottage housing developments that are developed with all cottages located on a common lot, and accessory dwelling units through the provisions of Chapter 22C.180 MMC.

(15) Subject to Chapter 22C.220 MMC, Master Planned Senior Communities.

(16) The following conditions and limitations shall apply, where appropriate:

(a) Parks are permitted in residential and mixed use zones when reviewed as part of a subdivision, mobile/manufactured home park, or multiple-family development proposal; otherwise, a conditional use permit is required;

(b) Lighting for structures and fields shall be directed away from residential areas; and

(c) Structures or service yards shall maintain a minimum distance of 50 feet from property lines adjoining residential zones.

(17) Golf facilities shall comply with the following:

(a) Structures, driving ranges and lighted areas shall maintain a minimum distance of 50 feet from property lines adjoining residential zones.

(b) Restaurants are permitted as an accessory use to a golf course.

(18) Only as an accessory to a cemetery.

(19) Structures shall maintain a minimum distance of 100 feet from property lines adjoining residential zones.

(20) Only as an accessory to residential use and subject to the criteria set forth in Chapter 22C.200 MMC.

(21) Only as an accessory to residential use, provided:

(a) Students are limited to 12 per one-hour session;

(b) All instruction must be within an enclosed structure; and

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(c) Structures used for the school shall maintain a distance of 25 feet from property lines adjoining residential zones.

(22) Limited to drop box facilities accessory to a public or community use such as a school, fire station or community center.

(23) Only when adjacent to an existing or proposed school.

(24) Limited to columbariums accessory to a church; provided, that existing required landscaping and parking are not reduced.

(25) Day care IIs must be located on sites larger than one-half acre and are subject to minimum standards identified in Chapter 22C.200 MMC for day care I facilities. Parking facilities and loading areas shall be located to the rear of buildings or be constructed in a manner consistent with the surrounding residential character. Evaluation of site suitability shall be reviewed through the conditional use permit process.

(26) Public safety facilities, including police and fire, shall comply with the following:

(a) All buildings and structures shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;

(b) Any buildings from which fire-fighting equipment emerges onto a street shall maintain a distance of 35 feet from such street.

(27) Accessory to an apartment development of at least 12 units, provided:

(a) The gross floor area in self-service storage shall not exceed 50 percent of the total gross floor area of the apartment dwellings on the site;

(b) All outdoor lights shall be deflected, shaded and focused away from all adjoining property;

(c) The use of the facility shall be limited to dead storage of household goods;

(d) No servicing or repair of motor vehicles, boats, trailers, lawn mowers or similar equipment;

(e) No outdoor storage or storage of flammable liquids, highly combustible or explosive materials or hazardous chemicals;

(f) No residential occupancy of the storage units;

(g) No business activity other than the rental of storage units to the apartment dwellings on the site; and

(h) A resident manager shall be required on the site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval.

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(28) All WCFs and modifications to WCFs are subject to Chapter 22C.250 MMC including, but not limited to, the siting hierarchy, MMC 22C.250.060. WCFs may be a permitted use or a conditional use subject to MMC 22C.250.040.

(29) Limited to commuter parking facilities for users of transit, carpools or ride-share programs, provided:

(a) They are located on existing parking lots for churches, schools, or other permitted nonresidential uses which have excess capacity available during commuting hours; and

(b) The site is adjacent to a designated arterial that has been improved to a standard acceptable to the department.

(30) Model Homes.

(a) The community development director may approve construction of model homes subject to the following conditions:

(i) No model home shall be constructed without the issuance of a building permit;

(ii) In no event shall the total number of model homes in a preliminary subdivision be greater than nine;

(iii) A hard-surfaced roadway to and abutting all model homes shall be constructed to standards determined by the city engineer or designee;

(iv) Operational fire hydrant(s) must be available in accordance with the International Fire Code;

(v) Submittal of a site plan, stamped by a registered civil engineer or licensed surveyor, delineating the location of each structure relative to existing and proposed utilities, lot lines, easements, roadways, topography and critical areas;

(vi) Submittal of building permit applications for each of the proposed structures;

(vii) Approval of water, sewer and storm sewer extension plans to serve the proposed structures; and

(viii) Execution of an agreement with the city saving and holding it harmless from any damages, direct or indirect, as a result of the approval of the construction of model homes on the site.

(b) Prior to occupancy of any model home, the final plat of the subject subdivision shall be approved and recorded.

(31) Any outdoor storage areas are subject to the screening requirements of the landscape code.

(32) Subject to approval of a small farms overlay zone.

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- (33) May be further subject to the provisions of the Marysville shoreline master program.
- (34) Only allowed in conjunction with the small farms overlay zone.
- (35) Provided, that the property has received approval of a small farms overlay designation, or is larger than one acre in size.
- (36) Only in conjunction with an existing or proposed school.
- (37) Except racing of motorized vehicles.
- (38) Level 1 and Level 2 charging only.
- (39) Allowed only as an accessory use to a principal outright permitted use or permitted conditional use.
- (40) The term “rapid” is used interchangeably with “Level 3” and “fast charging.”
- (41) Only “electric vehicle charging stations – restricted” as defined in Chapter 22A.020 MMC.
- (42) Rapid (Level 3) charging stations are required to be placed within a parking garage.
- (43) One single-family detached dwelling per existing single lot of record. Manufactured homes on single lots must meet the criteria outlined in subsection (11) of this section.
- (44) Recreational vehicles (RVs) are allowed as a primary residence in an established mobile/manufactured home park (MHP) subject to the requirements of Chapter 22C.230 MMC, Mobile/Manufactured Home Parks.
- (45) MHPs shall fulfill the requirements of Chapter 22C.230 MMC, Mobile/Manufactured Home Parks.
- (46) Reserved.
- (47) Model house sales offices are subject to the requirements of MMC 22C.110.030(12).
- (48) No person or entity may produce, grow, manufacture, process, accept donations for, give away, or sell marijuana concentrates, marijuana-infused products, or usable marijuana within residential zones in the city. Provided, activities in strict compliance with RCW 69.51A.210 and 69.51A.260 are not a violation of the Marysville Municipal Code.
- (49) Shipping/cargo and similar storage containers are prohibited on lots within a platted subdivision and properties under one acre in size. Shipping/cargo and similar storage containers may be located on properties over one acre in size if located behind the primary residence, observe all setbacks applicable to an accessory structure, and are screened from public view.
- (50) Accessory structures may not be utilized as, or converted to, a dwelling unless the structure complies with the accessory dwelling unit standards outlined in MMC 22C.180.030.

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(51) Tiny houses or tiny houses with wheels are allowed as a primary residence in an established mobile/manufactured home park (MHP) subject to the requirements of Chapter 22C.230 MMC, Mobile/Manufactured Home Parks.

(52) See MMC 22C.280 for regulations for enhanced services facility.

~~(52) Enhanced services facilities are prohibited in all residential zones as such are identified and adopted in this chapter. (Ord. 3168 § 2 (Exh. A), 2020*; Ord. 3167 § 1, 2020; Ord. 3164 § 5, 2020; Ord. 3139 § 3 (Exh. B), 2019; Ord. 3054 § 8, 2017; Ord. 3022 § 8, 2016; Ord. 2959 § 6, 2014; Ord. 2898 § 8, 2012; Ord. 2852 § 10 (Exh. A), 2011).~~

~~* Code reviser’s note: Ord. 3168 Section 3 states: “This interim development regulation shall be in effect for six (6) months following the effective date of this Ordinance” and shall expire June 2, 2021.~~

22C.020.060 Permitted uses. 

Specific Land Use	NB	CB	CB-WR	GC	DC	MU (63)	LI	GI	REC	P/I
Residential Land Uses										
Dwelling Units, Types:										
Townhouse					P6	P				
Multiple-family	C4	P4, C5		P4, C5	P4, P6	P				
Manufactured home	P7	P7	P7	P7	P7	P7	P7	P7		
Mobile home	P7	P7	P7	P7	P7	P7	P7	P7		
Recreational vehicle	P7	P7	P7	P7	P7	P7	P7	P7		
Tiny house or tiny house with wheels	P7	P7	P7	P7	P7	P7	P7	P7		
Senior citizen assisted	P					C				P
Caretaker’s quarters (3)	P	P	P	P	P	P	P	P	P	P
Group Residences:										
Adult family home (70)	P	P	P	P	P	P				P
Convalescent, nursing, retirement	C	P			P	P				P
Residential care facility	P	P			P	P	P70	P70	P70	P
Master planned senior community (10)						C				C
Enhanced services facility (77)		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>				
Accessory Uses:										

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Specific Land Use	NB	CB	CB- WR	GC	DC	MU (63)	LI	GI	REC	P/I
Home occupation (2)	P8	P8, P9	P8, P9	P8, P9	P8, P9	P8, P9	P9	P9		
Temporary Lodging:										
Hotel/motel	P	P	P	P	P	P	P75			
Bed and breakfast guesthouse (1)										
Bed and breakfast inn (1)	P	P	P	P						
Recreation/Cultural Land Uses										
Park/Recreation:										
Park	P11	P	P	P	P	P	P	P	P11	P
Marina					P			P	C	P
Dock and boathouse, private, noncommercial					P			P	P16	P
Boat launch, commercial or public					P			P		P
Boat launch, noncommercial or private					P			P	P17	P
Community center	P	P	P	P	P	P	P	P	P	P
Amusement/Entertainment:										
Theater		P	P	P	P	P				
Theater, drive-in				C						
Amusement and recreation services		P18	P18	P18	P18	P19	P	C		
Sports club	P	P	P	P	P	P	P	P		
Golf facility (13)		P	P	P			P	P	C	
Shooting range (14)				P15			P15			
Outdoor performance center				C			C		C	C
Riding academy							P		C	
Cultural:										
Library, museum and art gallery	P	P	P	P	P	P	P	P	C	P
Church, synagogue and temple	P	P	P	P	P	P	P	P		P
Dancing, music and art center		P	P	P	P	P			C	P
General Services Land Uses										
Personal Services:										
General personal service	P	P	P	P	P	P	P	P		
Dry cleaning plant		P	P				P	P		

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Specific Land Use	NB	CB	CB- WR	GC	DC	MU (63)	LI	GI	REC	P/I
Dry cleaning pick-up station and retail service	P	P	P	P	P	P25	P76	P		
Funeral home/crematory		P	P	P	P	P26	P76	P		
Cemetery, columbarium or mausoleum	P24	P24	P24	P24, C20			P	P		
Day care I	P70	P70	P70	P70	P70	P70	P21, 70	P70	P70	P70
Day care II	P	P	P	P	P	P	P21			
Veterinary clinic	P	P	P	P	P	P	P76	P		
Automotive repair and service	P22	C, P28	C, P28	P			P	P		
Electric vehicle (EV) charging station (64)	P	P	P	P	P	P	P	P	P	P
EV rapid charging station (65), (66)	P	P	P	P	P67	P67	P	P		
EV battery exchange station				P			P	P		
Miscellaneous repair		P	P	P			P	P		
Social services		P	P	P	P	P				P
Kennel, commercial and exhibitor/breeding (71)		P	P	P			P	P		
Pet daycare (71), (72)		P	P	P	P	P	P76	P		
Civic, social and fraternal association		P	P	P	P	C		P		P
Club (community, country, yacht, etc.)								P		P
Health Services:										
Medical/dental clinic	P	P	P	P	P	P				P
Hospital		P	P	P	P	C				C
Miscellaneous health	P68	P68	P68	P68	P68	P68				P68
Supervised drug consumption facility										
Education Services:										
Elementary, middle/junior high, and senior high (including public, private and parochial)		C	C	C	C	C	P	C		C
Commercial school	P	P	P		P	P27				C
School district support facility	C	P	P	P	P	P	P	P		P
Vocational school		P	P	P	P	P27				P
Government/Business Service Land Uses										

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Specific Land Use	NB	CB	CB-WR	GC	DC	MU (63)	LI	GI	REC	P/I
Government Services:										
Public agency office	P	P	P	P	P	P	P	P		P
Public utility yard				P			P			P
Public safety facilities, including police and fire	P29	P	P	P	P	P	P			P
Utility facility	P	P	P	P		C	P	P		P
Private storm water management facility	P	P	P	P	P	P	P	P		P
Public storm water management facility	P	P	P	P	P	P	P	P		P
Business Services:										
Contractors' office and storage yard				P30	P30	P30	P	P		
Interim recycling facility		P23	P23	P23			P			P
Taxi stands		P	P	P			P	P		
Trucking and courier service		P31	P31	P31			P	P		
Warehousing and wholesale trade				P			P	P		
Mini-storage (36)							P76	P		
Freight and cargo service				P			P	P		
Cold storage warehousing							P	P		
General business service and office	P	P	P	P	P	P30	P	P		
Commercial vehicle storage							P	P		
Professional office	P	P	P	P	P	P	P			
Miscellaneous equipment rental		P30, 37	P30, 37	C38		P30, 37	P	P		
Automotive rental and leasing				P			P	P		
Automotive parking	P	P	P	P	P	P	P	P		
Research, development and testing				P			P	P		
Heavy equipment and truck repair							P	P		
Automobile holding yard				C			P	P		
Commercial/industrial accessory uses (73)	P39, 40	P39	P39	P39	P39, 40	P39, 40	P	P		
Adult facility								P33		
Factory-built commercial building (35)	P	P	P	P	P		P	P		

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Specific Land Use	NB	CB	CB- WR	GC	DC	MU (63)	LI	GI	REC	P/I
Wireless communication facility (32)	P, C	P, C	P, C	P, C	P, C	P, C	P, C	P, C		P, C
State-Licensed Marijuana Facilities:										
Marijuana cooperative (69)										
Marijuana processing facility – Indoor only (69)										
Marijuana production facility – Indoor only (69)										
Marijuana retail facility (69)										
Retail/Wholesale Land Uses										
Building, hardware and garden materials	P47	P	P	P	P	P47	P76	P		
Forest products sales		P	P	P			P			
Department and variety stores	P	P	P	P	P	P	P76			
Food stores	P	P	P	P	P	P45	P76			
Agricultural crop sales		P	P	P		C	P76			
Storage/retail sales, livestock feed							P76	P		
Motor vehicle and boat dealers		P	P	P			P	P		
Motorcycle dealers		C	C	P	P49		P	P		
Gasoline service stations	P	P	P	P	P		P76	P		
Eating and drinking places	P41	P	P	P	P	P46	P46	P		
Drug stores	P	P	P	P	P	P	P76	P		
Liquor stores		P	P	P						
Used goods: antiques/secondhand shops		P	P	P	P	P				
Sporting goods and related stores		P	P	P	P	P				
Book, stationery, video and art supply stores	P	P	P	P	P	P				
Jewelry stores		P	P	P	P	P				
Hobby, toy, game shops	P	P	P	P	P	P				
Photographic and electronic shops	P	P	P	P	P	P				
Fabric and craft shops	P	P	P	P	P	P				
Fuel dealers				P43			P43	P43		
Florist shops	P	P	P	P	P	P				

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Specific Land Use	NB	CB	CB- WR	GC	DC	MU (63)	LI	GI	REC	P/I
Pet shops	P	P	P	P	P	P				
Tire stores		P	P	P	P		P76	P		
Bulk retail		P	P	P			P76			
Auction houses				P42			P76			
Truck and heavy equipment dealers							P	P		
Mobile home and RV dealers				C			P	P		
Retail stores similar to those otherwise named on this list	P	P	P	P	P	P48	P44, 76	P44		
Automobile wrecking yards							C	P		
Manufacturing Land Uses										
Food and kindred products		P50, 52	P50, 52	P50			P50	P		
Winery/brewery		P53	P53	P	P53	P53	P	P		
Textile mill products							P	P		
Apparel and other textile products				C			P	P		
Wood products, except furniture				P			P	P		
Furniture and fixtures				P			P	P		
Paper and allied products							P	P		
Printing and publishing	P51	P51	P51	P		P51	P	P		
Chemicals and allied products							C	C		
Petroleum refining and related industries							C	C		
Rubber and misc. plastics products							P	P		
Leather and leather goods							C	C		
Stone, clay, glass and concrete products							P	P		
Primary metal industries							C	P		
Fabricated metal products				C			P	P		
Industrial and commercial machinery							C	P		
Heavy machinery and equipment							C	P		
Computer and office equipment				C			P			
Electronic and other electric equipment				C			P			
Railroad equipment							C	P		

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Specific Land Use	NB	CB	CB-WR	GC	DC	MU (63)	LI	GI	REC	P/I
Miscellaneous light manufacturing				P54, 74	P54		P	P		
Motor vehicle and bicycle manufacturing							C	P		
Aircraft, ship and boat building							C	P		
Tire retreading							C	P		
Movie production/distribution				P			P			
Resource Land Uses										
Agriculture:										
Growing and harvesting crops							P	P	P	
Raising livestock and small animals							P	P	P	
Greenhouse or nursery, wholesale and retail				P			P	P	C	
Farm product processing							P	P		
Forestry:										
Growing and harvesting forest products							P			
Forest research							P			
Wood waste recycling and storage							C	C		
Fish and Wildlife Management:										
Hatchery/fish preserve (55)							P	P	C	
Aquaculture (55)							P	P	C	
Wildlife shelters	C	C	C						P	
Mineral:										
Processing of minerals							P	P		
Asphalt paving mixtures and block							P	P		
Regional Land Uses										
Jail		C	C	C			C			
Regional storm water management facility		C	C	C	C		C	C		P
Public agency animal control facility				C			P	P		C
Public agency training facility		C56	C56	C56		C56	C57			C57
Nonhydroelectric generation facility	C	C	C	C			C	C		C
Energy resource recovery facility							C			

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Specific Land Use	NB	CB	CB-WR	GC	DC	MU (63)	LI	GI	REC	P/I
Soil recycling/incineration facility							C	C		
Solid waste recycling								C		C
Transfer station							C	C		C
Wastewater treatment facility							C	C		C
Transit bus base				C			P			C
Transit park and pool lot	P	P	P	P	P	P	P	P		P
Transit park and ride lot	P	P	P	P	P	P	P	P		C
School bus base	C	C	C	C			P			C58
Racetrack	C59	C59	C59	C			P			
Fairground							P	P		C
Zoo/wildlife exhibit		C	C	C						C
Stadium/arena				C			C	P		C
College/university	C	P	P	P	P	P	P	P		C
Secure community transition facility								C60		
Opiate substitution treatment program facilities		P61, 62	P61, 62	P61, 62	P61, 62		P62	P62		

(Ord. 3168 § 2 (Exh. A), 2020**; Ord. 3164 § 6, 2020; Ord. 3159 § 3, 2020; Ord. 3137 § 3 (Exh. B), 2019; Ord. 3086 § 1, 2018; Ord. 3085 § 3, 2018; Ord. 3071 § 4, 2017; Ord. 3057 § 6, 2017*; Ord. 3054 § 12, 2017; Ord. 3022 § 9, 2016; Ord. 2985 § 5, 2015; Ord. 2981 § 1, 2015; Ord. 2980 § 1, 2015; Ord. 2959 § 7, 2014; Ord. 2932 § 3, 2013; Ord. 2898 § 9, 2012; Ord. 2852 § 10 (Exh. A), 2011).

* Code reviser's note: Ord. 3057 amends this section without taking into account the amendments of Ord. 3054. The amendments of Ord. 3054 have been retained per the intent of the city.

** ~~Code reviser's note: Ord. 3168 Section 3 states: "This interim development regulation shall be in effect for six (6) months following the effective date of this Ordinance" and shall expire June 2, 2021.~~

22C.020.070 Permitted uses – Development conditions. 

(1) Bed and breakfast guesthouses and inns are subject to the requirements and standards contained in Chapter 22C.210 MMC, Bed and Breakfasts.

(2) Home occupations are subject to the requirements and standards contained in Chapter 22C.190 MMC, Home Occupations.

PLANNING COMMISSION RECOMMENDATION

- (3) Limited to one dwelling unit for the purposes of providing on-site service and security of a commercial or industrial business. Caretaker's quarters are subject to the provisions set forth in Chapter 22C.110 MMC, entitled "Temporary Uses."
- (4) All units must be located above a street-level commercial use.
- (5) Twenty percent of the units, but no more than two total units, may be located on the street level of a commercial use, if conditional use permit approval is obtained and the units are designed exclusively for ADA accessibility. The street-level units shall be designed so that the units are not located on the street front and primary access is towards the rear of the building.
- (6) Permitted on the ground floor in the southwest sector of downtown vision plan area, as incorporated into the city of Marysville comprehensive plan.
- (7) Manufactured homes, mobile homes, recreational vehicles, and tiny houses with wheels are only allowed in existing mobile/manufactured home parks.
- (8) Home occupations are limited to home office uses in multifamily dwellings. No signage is permitted in townhouse or multifamily dwellings.
- (9) Permitted in a legal nonconforming or conforming residential structure.
- (10) Subject to Chapter 22C.220 MMC, Master Planned Senior Communities.
- (11) The following conditions and limitations shall apply, where appropriate:
- (a) Parks are permitted in residential and mixed use zones when reviewed as part of a subdivision or multiple-family development proposal; otherwise, a conditional use permit is required;
 - (b) Lighting for structures and fields shall be directed away from residential areas; and
 - (c) Structures or service yards shall maintain a minimum distance of 50 feet from property lines adjoining residential zones.
- (12) Recreational vehicle parks are subject to the requirements and conditions of Chapter 22C.240 MMC.
- (13) Golf Facility.
- (a) Structures, driving ranges and lighted areas shall maintain a minimum distance of 50 feet from property lines adjoining residential zones.
 - (b) Restaurants are permitted as an accessory use to a golf course.
- (14) Shooting Range.
- (a) Structures and ranges shall maintain a minimum distance of 50 feet from property lines adjoining residential zones;

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(b) Ranges shall be designed to prevent stray or ricocheting projectiles or pellets from leaving the property; and

(c) Site plans shall include safety features of the range; provisions for reducing noise produced on the firing line; and elevations of the range showing target area, backdrops or butts.

(15) Only in an enclosed building.

(16) Dock and Boathouse, Private, Noncommercial.

(a) The height of any covered over-water structure shall not exceed 20 feet as measured from the line of ordinary high water;

(b) The total roof area of covered, over-water structures shall not exceed 1,000 square feet;

(c) The entirety of such structures shall have not greater than 50 percent of the width of the lot at the natural shoreline upon which it is located;

(d) No over-water structure shall extend beyond the average length of all pre-existing over-water structures along the same shoreline and within 300 feet of the parcel on which proposed. Where no such pre-existing structures exist within 300 feet, the pier length shall not exceed 50 feet;

(e) Structures permitted hereunder shall not be used as a dwelling; and

(f) Covered structures are subject to a minimum setback of five feet from any side lot line or extension thereof. No setback from adjacent properties is required for any uncovered structure, and no setback from water is required for any structure permitted hereunder.

(17) Boat Launch, Noncommercial or Private.

(a) The city may regulate, among other factors, required launching depth, and length of docks and piers;

(b) Safety buoys shall be installed and maintained separating boating activities from other water-oriented recreation and uses where this is reasonably required for public safety, welfare and health; and

(c) All site improvements for boat launch facilities shall comply with all other requirements of the zone in which it is located.

(18) Excluding racetrack operation.

(19) Amusement and recreation services shall be a permitted use if they are located within an enclosed building, or a conditional use if located outside. In both instances they would be subject to the exclusion of a racetrack operation similar to other commercial zones.

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- (20) Structures shall maintain a minimum distance of 100 feet from property lines adjoining residential zones.
- (21) Permitted as an accessory use; see MMC 22A.020.020, the definition of “Accessory use, commercial/industrial.”
- (22) Only as an accessory to a gasoline service station; see retail and wholesale permitted use table in MMC 22C.020.060.
- (23) All processing and storage of material shall be within enclosed buildings and excluding yard waste processing.
- (24) Limited to columbariums accessory to a church; provided, that existing required landscaping and parking are not reduced.
- (25) Drive-through service windows in excess of one lane are prohibited in Planning Area 1.
- (26) Limited to columbariums accessory to a church; provided, that existing required landscaping and parking are not reduced.
- (27) All instruction must be within an enclosed structure.
- (28) Car washes shall be permitted as an accessory use to a gasoline service station.
- (29) Public Safety Facilities, Including Police and Fire.
- (a) All buildings and structures shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;
 - (b) Any buildings from which fire-fighting equipment emerges onto a street shall maintain a distance of 35 feet from such street.
- (30) Outdoor storage of materials or vehicles must be accessory to the primary building area and located to the rear of buildings. Outdoor storage is subject to an approved landscape plan that provides for effective screening of storage, so that it is not visible from public right-of-way or neighboring properties.
- (31) Limited to self-service household moving truck or trailer rental accessory to a gasoline service station.
- (32) All WCFs and modifications to WCFs are subject to Chapter 22C.250 MMC including but not limited to the siting hierarchy, MMC 22C.250.060. WCFs may be a permitted use or a CUP may be required subject to MMC 22C.250.040.
- (33) Subject to the conditions and requirements listed in Chapter 22C.030 MMC.
- (34) Reserved.

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(35) A factory-built commercial building may be used for commercial purposes subject to the following requirements:

(a) A factory-built commercial building must be inspected at least two times at the factory by the State Building and Electrical Inspector during the construction process, and must receive a state approval stamp certifying that it meets all requirements of the International Building and Electrical Codes. At the building site, the city building official will conduct foundation, plumbing and final inspections; and

(b) A factory-built commercial building cannot be attached to a metal frame allowing it to be mobile. All structures must be placed on a permanent, poured-in-place foundation. The foundation shall be structurally engineered to meet the requirements set forth in Chapter 16 of the International Building Code.

(36) Mini-storage facilities are subject to the development standards outlined in Chapter 22C.170 MMC.

(37) Except heavy equipment.

(38) With outdoor storage and heavy equipment.

(39) Incidental assembly shall be permitted; provided, it is limited to less than 20 percent of the square footage of the site excluding parking.

(40) Light industrial uses may be permitted; provided, there is no outdoor storage of materials, products or vehicles.

(41) Excluding drinking places such as taverns and bars and adult entertainment facilities.

(42) Excluding vehicle and livestock auctions.

(43) If the total storage capacity exceeds 6,000 gallons, a conditional use permit is required.

(44) The retail sale of products manufactured on site shall be permitted; provided, that not more than 20 percent of the constructed floor area in any such development may be devoted to such retail use.

(45) Limited to 5,000 square feet or less.

(46) Eating and Drinking Places.

(a) Limited to 4,000 square feet or less.

(b) Drive-through service windows in excess of one lane are prohibited in Planning Area 1.

(c) Taverns, bars, lounges, etc., are required to obtain a conditional use permit in the mixed use zone.

(47) Limited to hardware and garden supply stores.

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- (48) Limited to convenience retail, such as video, and personal and household items.
- (49) Provided there is no outdoor storage and/or display of any materials, products or vehicles.
- (50) Except slaughterhouses.
- (51) Limited to photocopying and printing services offered to the general public.
- (52) Limited to less than 10 employees.
- (53) In conjunction with an eating and drinking establishment.
- (54) Provided there is no outdoor storage and/or display of any materials, products or vehicles.
- (55) May be further subject to the provisions of city of Marysville shoreline management program.
- (56) Except weapons armories and outdoor shooting ranges.
- (57) Except outdoor shooting ranges.
- (58) Only in conjunction with an existing or proposed school.
- (59) Except racing of motorized vehicles.
- (60) Limited to land located along east side of 47th Avenue NE alignment, in the east half of the northeast quarter of Section 33, Township 30N, Range 5E, W.M., and in the northeast quarter of the southeast quarter of Section 33, Township 30N, Range 5E, W.M., and land located east side of SR 529, north of Steamboat Slough, south and west of Ebey Slough (a.k.a. TP No. 300533-002-004-00) and in the northwest and southwest quarters of Section 33, Township 30N, Range 5E, W.M., as identified in Exhibit A, attached to Ordinance No. 2452.
- (61) Opiate substitution treatment program facilities permitted within commercial zones are subject to Chapter 22G.070 MMC, Siting Process for Essential Public Facilities.
- (62) Opiate substitution treatment program facilities, as defined in MMC 22A.020.160, are subject to the standards set forth below:
- (a) Shall not be established within 300 feet of an existing school, public playground, public park, residential housing area, child-care facility, or actual place of regular worship established prior to the proposed treatment facility.
 - (b) Hours of operation shall be restricted to no earlier than 6:00 a.m. and no later than 7:00 p.m. daily.
 - (c) The owners and operators of the facility shall be required to take positive ongoing measures to preclude loitering in the vicinity of the facility.
- (63) Permitted uses include Whiskey Ridge zones.

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(64) Level 1 and Level 2 charging only.

(65) The term “rapid” is used interchangeably with Level 3 and fast charging.

(66) Rapid (Level 3) charging stations are required to comply with the design and landscaping standards outlined in MMC 22C.020.265.

(67) Rapid (Level 3) charging stations are required to be placed within a parking garage.

(68) Excepting “marijuana (cannabis) dispensaries,” “marijuana (cannabis) collective gardens,” and “marijuana cooperatives” as those terms are defined or described in this code and/or under state law; such facilities and/or uses are prohibited in all zoning districts of the city of Marysville.

(69) No person or entity may produce, grow, manufacture, process, accept donations for, give away, or sell marijuana concentrates, marijuana-infused products, or usable marijuana within commercial, industrial, recreation, and public institution zones in the city. Provided, activities in strict compliance with RCW 69.51A.210 and 69.51A.260 are not a violation of the Marysville Municipal Code.

(70) Permitted within existing legal nonconforming single-family residences.

(71) Subject to the requirements set forth in MMC 10.04.460.*

(72) Pet daycares are restricted to indoor facilities with limited, supervised access to an outdoor fenced yard. Overnight boarding may be permitted as a limited, incidental use. Both outdoor access and overnight boarding privileges may be revoked or modified if the facility is not able to comply with the noise standards set forth in WAC 173-60-040.*

(73) Shipping/cargo and similar storage containers may be installed on commercial or industrial properties provided they are screened from public view pursuant to MMC 22C.120.160, Screening and impact abatement.

(74) Tanks, generators, and other machinery which does not generate nuisance noise may be located in the service/loading area. Truck service/loading areas shall not face the public street and shall be screened from the public street.

(75) Hotels/motels are prohibited within Arlington Airport Inner Safety Zones (ISZ) 2, 3, and 4. Hotel/motels that are proposed to locate within Arlington Airport Protection Subdistricts B and C shall be required to coordinate with the Arlington Municipal Airport to ensure that height, glare, and other aspects of the hotels/motels are compatible with air traffic and airport operations.

(76) Use limited to properties that have property frontage along State Avenue/Smokey Point Boulevard.

(77) See MMC 22C.280 for regulations for enhanced services facility.

~~(77) Enhanced services facilities are prohibited in all commercial and industrial zones as such are identified and adopted in this chapter. (Ord. 3168 § 2 (Exh. A), 2020**; Ord. 3164 § 7, 2020; Ord. 3159 § 4, 2020; Ord. 3137 § 3 (Exh. B), 2019; Ord. 3086 § 2, 2018; Ord. 3054 § 13, 2017;~~

PLANNING COMMISSION RECOMMENDATION

~~Ord. 3022 § 10, 2016; Ord. 2985 § 6, 2015; Ord. 2981 § 2, 2015; Ord. 2979 § 4, 2014; Ord. 2959 § 8, 2014; Ord. 2932 § 4, 2013; Ord. 2898 § 10, 2012; Ord. 2852 § 10 (Exh. A), 2011).~~

*Code reviser's note: Ord. 2985 added these subsections as (70) and (71). They have been renumbered as (71) and (72) to avoid duplicating the subsection added by Ord. 2981.

~~** Code reviser's note: Ord. 3168 Section 3 states: "This interim development regulation shall be in effect for six (6) months following the effective date of this Ordinance" and shall expire June 2, 2021.~~

PLANNING COMMISSION RECOMMENDATION

EXHIBIT B
Chapter 22C.280
Regulations for Enhanced Services Facility.

22C.280.010 Purpose. The purpose of this section is to:

1. provide for a needed community service while ensuring that adequate public facilities are available to the residents of enhanced services facilities; and
2. promote compatibility with surrounding land uses.

22C.280.020. Applicability. The standards in this section apply to any “enhanced services facility”, as defined in Chapter 22A.020 MMC.

22C.280.030. Notice Requirements. At least fifteen (15) days prior to filing an application with the City to establish an enhanced services facility, the owner and/or sponsor shall mail written notice to owners of contiguous properties and to the Community Development Department of their intention to establish the facility. The notice shall list the name and contact information for the owner or sponsor, to provide neighboring property owners the opportunity to contact them with questions, and include a description of the proposed facility and proposed number of residents. The owner or sponsor shall address questions or concerns from neighboring property owners to the extent possible in the management plan required by MMC 22C.280.040.

22C.280.040. Management Plan Required. The owner or sponsor of the facility shall provide the Community Development Director with a management plan for the facility addressing the following:

1. how the facility can appropriately meet the assessed needs of potential residents through appropriate staffing and best management practices;
2. potential impacts on nearby residential uses and proposed methods to mitigate those impacts;
3. facility management, including 24-hour contact information for persons responsible to resolve concerns pertaining to the facility, and procedures for updating neighbors with changes in contact information;
4. staffing, supervision and security arrangements appropriate to the facility; and
5. a communications plan for providing information to the surrounding neighborhood.

22C.280.050. Other Requirements.

1. The facility shall obtain all necessary licenses, certificates and approvals from state and federal agencies.
2. The facility shall serve only individuals who do not pose a direct threat and a significant risk to others, and who have been assessed as medically and psychiatrically stable.
3. No more than one enhanced services facility shall be permitted per site.
4. In the R-18 and R-28 zones, an enhanced services facility shall be located either within one-quarter mile of a public transit route, or within one-quarter mile of property located in the DC, NB, MU, CB, CB-WR or GC zones.
5. Enhanced services facilities shall be limited to not more than sixteen (16) residents.

**Planning
Commission**



**1049 State Avenue
Marysville, WA 98270**

**Meeting Minutes
January 12, 2021**

CALL TO ORDER / ROLL CALL

Chair Leifer called the January 12, 2021 Planning Commission meeting to order at 5:00 p.m. Planning Manager Chris Holland called the roll.

Present:

Commissioner: Chair Steve Leifer, Vice Chair Jerry Andes, Commissioner Kevin Johnson, Commissioner Kristen Michal, Commissioner Brandon Whitaker, Commissioner Roger Hoen

Absent: Commissioner Tom Thetfod

Staff: Planning Manager Chris Holland, Interim Community Development Director Allan Giffen, Public Works Director Kevin Nielsen

APPROVAL OF MINUTES

December 8, 2020 Planning Commission Minutes

Motion to approve the December 8, 2020 Planning Commission Meeting Minutes moved by Commissioner Andes seconded by Commissioner Hoen.

AYES: ALL

AUDIENCE PARTICIPATION

Chair Leifer solicited audience participation on items not on the agenda. There was none.

SELECTION OF CHAIR AND VICE CHAIR

Motion to elect Steve Leifer as Planning Commission Chair for 2021 moved by Commissioner Hoen seconded by Commissioner Andes.

AYES: ALL

Motion to elect Jerry Andes as Vice Chair for 2021 moved by Chair Leifer seconded by Commissioner Whitaker.

AYES: ALL

NEW BUSINESS

Stormwater Retention Pond Reclamation Proposal

Commissioner Hoen summarized this item. Planning Manager Holland reviewed the information in the Planning Commission packet. Public Works Director Kevin Nielsen further explained how staff tries to incorporate recreational opportunities into any new regional storm water projects; however, trying to retrofit existing ponds is nearly impossible due to DOE (Department of Ecology) requirements and related costs. Planning Manager Holland discussed what the Ebey Waterfront Stormwater Facility would do for the downtown area.

Chair Leifer asked if there is a possibility to incorporate low impact design in the downtown basin area. Director Nielsen affirmed that it is a low impact design with a trickling filter and planted beds. The City is adapting the design concept used in Tacoma.

Commissioner Whitaker asked about grants. Director Nielsen replied they have received DOE grants administered through the State. This is a competitive grant process for low impact development for almost \$6 million.

Commissioner Andes asked if any of the existing storm system around State, Delta or Cedar will have to be redone. Director Nielsen explained how the amount of the queue will actually be reduced due to other upgrades and infiltration methods which will be used.

Director Nielsen summarized that it is not possible to retrofit existing ponds, but the City is applying for all the low impact development grants they can to provide benefit for the community as a whole. Commissioner Hoen expressed appreciation for the follow-up from the Planning Department and their work to incorporate quality of life aspects into upcoming projects as much as possible.

OLD BUSINESS

Mini-storage uses in Community Business (CB) and General Commercial (GC) Zones

Community Development Director Giffen recapped previous discussions about this item and presented revised draft code text for Commission consideration. He explained that Aaron Metcalf had provided graphic examples of possible alternatives to staff. As a

result the proposed text provides the opportunity to use a design-based alternative to providing three stories.

Planning Manager Holland displayed a map of the area and responded to Commissioner Hoen's question about access issues to 38th and future access to 41st. He explained that the road can be extended through the easement to 41st.

Aaron Metcalf, Belmark, 12409 State Avenue, Marysville, WA 98271, thanked staff for helping with this issue. He commented on access challenges to the property and discussed the proposed amendments. The graphic provided by his architects and planners is intended to show a concept for a mini storage that could work and still keep the beautification of this area intact.

Chair Leifer noted that the Tribes have the option to provide an additional access across Burlington Northern to State Avenue. Mr. Metcalf commented that it might be possible, but the Tribes are already trying to limit the amount of traffic going over the tracks so it is unlikely. Planning Manager Holland discussed challenges associated with another potential crossing project at 84th Street.

Interim Director Giffen stressed that even though they were discussing Mr. Metcalf's property as an example, it would not be the sole reason for any code changes. He noted that there are about a dozen other properties, in addition to Mr. Metcalf's, that could benefit from the proposed code amendment.

Commissioner Whitaker spoke generally in support of moving forward with a potential mini storage use as represented by the graphics and information provided by Mr. Metcalf.

Commissioner Hoen spoke to the impossible access challenges associated with Mr. Metcalf's site. Without another access he did not see how it could function. He spoke in support of the overall code amendment in order to allow mini storage as a conditional use in the CB (Community Business) and GC (General Commercial) zones.

Planning Manager Holland reviewed the other properties that could benefit from the proposed code amendments. Interim Director Giffen explained that the proposed amendments would provide standards that would apply to mini storage buildings in specific situations.

Commissioner Johnson asked what criteria the City would be looking at for a proposal to be considered. He expressed concern about the lack of specificity of what would allow for the reduction in height. Interim Director Giffen explained how this would be handled on a project-by-project basis.

Planning Manager Holland clarified that the question before the Commission was whether or not the City should explore code amendments to allow, under certain circumstances, mini storage within the CB and GC zones.

Commissioner Whitaker stated he was in favor of it in general given the opportunity to require design standards that go above and beyond.

Commissioner Michal concurred with Commissioner Whitaker. She thinks what staff has come up with is fairly narrowly written and as such would impact only a few properties.

Commissioner Andes spoke in support of looking into this further even though if it wasn't for this specific property they might not have considered it.

Commissioner Johnson concurred with Commissioner Andes and was generally in support of looking at this further.

Chair Leifer commented he has no issues with the idea of putting a mini storage on Mr. Metcalf's property.

There was consensus to take a further look at this item with an emphasis on defining design standards in order to provide flexibility for larger sites. Interim Director Giffen and Planning Manager Holland indicated staff would try to finalize a draft of the code amendment and get a Notice of Application out.

Chapter 70.97 RCW – Enhanced Services Facilities (ESF)

Interim Director Giffen continued discussion on the potential of amending the code to address Enhanced Service Facilities. He reviewed additional information about ESFs including the size of facilities, staffing levels, access, outdoor open space, management, existing ESFs in Washington, state law - Growth Management Act, Comprehensive Plan policies, and potential approaches to ESF regulations.

Commissioner Michal asked where the residents would be coming from and where they are going now if there aren't ESFs in the community.

Sandy Spiegelberg, DSHS Enhanced Facilities Program Manager, responded that the residents are coming out of either state or community hospitals. Currently a lot of these people are going into adult family homes or assisted living facilities. Some return to their own homes, and some remain in the hospital because there is no place for them to go.

Interim Director Giffen solicited comments around the type of approach the City should use in regulating ESFs. Under the Growth Management Act, mental health facilities are considered Essential Public Facilities and communities cannot adopt policies or regulations that preclude the siting of Essential Public Facilities.

Commissioner Hoen asked who is responsible for the safety and compliance with state regulations. Ms. Spiegelberg replied that the Residential Care Services Division does licensing, inspections and investigations. Contract monitoring happens pretty regularly, especially the first year the facility is open. The provider has the primary responsibility to

keep the residents and facility safe. Each resident will have his or her own individualized support plan and plan of care. The overall program design has worked really well in the five facilities that are open today.

Commissioner Michal asked how many other communities are looking to establish ESFs in their communities. Ms. Spiegelberg explained that Olympia, Lakewood, Auburn, Parkland, and Spokane are considering siting these. Several of these have received funding from the Department of Commerce. Commissioner Michal asked if other states are using this model. Ms. Spiegelberg thought that this was the only model like this in the country, but other states have expressed an interest in what Washington is doing.

Chair Leifer asked about the demand for spaces in these facilities. Ms. Spiegelberg replied that most individuals are coming out of state hospitals. Her understanding is there are several hundred people ready to come out of state hospitals. Because the Department of Commerce has awarded a lot of grant money to fund these, the governor and legislature have made this type of facility a priority. The focus right now is along the I-5 corridor because currently most of the facilities are in eastern Washington. The Department of Commerce funding may be used for capital development - land purchase or construction costs. The facilities are privately owned, but licensed and monitored by the State. Ongoing operations are funded through DSHS and allow a very significant savings over keeping people in state hospitals. It also gets people back into the community where they belong.

Planning Manager Holland asked about the need for ESFs to be along a transit corridor or to have access to certain services. Ms. Spiegelberg replied they try to encourage development with access to public transit. If this is not available DSHS asks that the facility provides some way to get the residents into the local community. It is also important to be close to community services.

Interim Director Giffen indicated that staff would draft some alternatives for a future meeting.

ADJOURNMENT

Motion to adjourn at 7:05 p.m. moved by Commissioner Whitaker seconded by Commissioner Michal.

AYES: ALL

Laurie Hugdahl, Recording Secretary

Next Meeting - Tuesday, January 12, 2020 (tentative)

**Planning
Commission**



**1049 State Avenue
Marysville, WA 98270**

**Meeting Minutes
February 9, 2021**

CALL TO ORDER / ROLL CALL

Chair Leifer called the February 9, 2021 Planning Commission meeting to order at 5:00 p.m. Planning Manager Chris Holland called the roll.

Present:

Commissioner: Chair Steve Leifer, Commissioner Kevin Johnson, Commissioner Kristen Michal, Commissioner Roger Hoen

Excused: Commissioner Tom Thetford, Commissioner Brandon Whitaker, Vice Chair Jerry Andes

Staff: Planning Manager Chris Holland, Interim Community Development Director Allan Giffen

APPROVAL OF MINUTES

January 12, 2021 Planning Commission Minutes

Motion to approve the January 12, 2021 Planning Commission Meeting Minutes moved by Commissioner Hoen seconded by Commissioner Michal.

AYES: ALL

AUDIENCE PARTICIPATION

Chair Leifer solicited audience participation on items not on the agenda. There was none.

OLD BUSINESS

Mini-storage uses in Community Business (CB) and General Commercial (GC) Zones

Interim Community Development Director Allan Giffen reviewed background information as contained in the commission packet to allow mini storage as a Conditional Use (CU) in the CB and GC zones. The criteria have been drafted to keep this fairly narrow by restricting it only to sites with challenges related to vehicular access. Based on feedback during the public process, staff has revised draft code text to allow lower building heights with design standards as an alternative to requiring three stories. Additionally, two options for Planning Commission consideration have been provided to address commissioner comments regarding outdoor storage of vehicles and equipment. He also discussed an amendment to the current landscaping requirement and deletion of a redundant section about compliance with the City's noise code. He solicited feedback in preparation for a public hearing on February 23.

Chair Leifer referred to Design Considerations on page 5 and asked if all the standards are intended to apply to all facilities in any zone or just in the GC and CB zones. Planning Manager Holland replied that it would apply to all mini-storage facilities regardless of zones unless otherwise specified.

Commissioner Michal asked about other storage facilities in the city that have the option of having outdoor vehicle storage. Director Giffen responded that the amendments would only apply to GC and CB zones, and only to sites north of 100th Street. There are currently some non-conforming storage facilities in the downtown area. Light Industrial and General Industrial already allow for outdoor storage whether it is a mini-storage facility or not.

Commissioner Hoen asked about the limitation of outdoor storage to 50% of the footprint of the building. Interim Director Giffen explained that this would allow storage but with some limitations to not devalue the site. Planning Manager Holland added that page 13 in the packet shows a photo of a mini storage facility in Everett as an example.

Aaron Metcalf, Belmark, 12409 State Avenue, Marysville, WA 98271, recommended maintaining flexibility regarding outdoor storage for the facilities to be successful.

Commissioner Johnson recommended that the language regarding screening should be strengthened to require opaque screening. He also suggested taking out the option for landscaping as a screening method because there is no way to ensure the visual screening would be adequate. Director Giffen explained that the code already requires landscaping; it just would not be relied upon to be the method of screening if there is a solid fence. He indicated staff would work on the landscaping language.

Commissioner Johnson referred to item g on page 5 regarding the staggered setbacks and recommended staff look additional horizontal and vertical modulation for aesthetics.

Chair Leifer referred to the outdoor storage portion of this topic and indicated that he would be recusing himself from any voting related to outdoor storage because he owns a facility that has outdoor storage.

Commissioner Michal referred to outdoor storage and noted that since this particular piece of property is at a main entry point to the City, it is especially important that any outdoor storage is screened very well. There was some discussion about the need to reconsider landscaping requirements if a solid fence is required.

There appeared to be consensus to move forward with a public hearing on February 23.

Director Giffen noted that staff would provide amendments regarding building modulation and landscaping and would keep options A & B regarding outdoor storage to decide at the next meeting.

Chapter 70.97 RCW – Enhanced Services Facilities (ESF)

DSHS Attendees: Mike Anbesse, Residential Care Services; Sondra Silverman, Policy Division; Bea Rector, Home and Community Services; Amy Abbott, Home and Community Services; Justin DeFour, DSHS, Home and Community Services Division

Director Giffen reviewed background on this item regarding whether and/or how to allow Enhanced Service Facilities (ESFs). He discussed some options for allowing these including regulating them as Essential Public Facilities, allowing them as a conditional use in certain zones, or allowing them as a permitted use in certain zones. He discussed how the various options would apply to ESFs with six or fewer clients versus those with up to 16. He stated he was soliciting feedback on this item in preparation for a hearing on February 23.

In addition to considering the three alternatives for allowing ESFs, staff is recommending:

- an edit under Other Requirements as recommended by DSHS to strike the last part of sentence after “agencies” in order to maintain proper workflow
- additional code language regarding providing notice
- taking out the requirement for 24-hour supervision because it is already required under RCW
- an amended definition of ESFs.
- Including a map indicating the zones in which ESFs would be allowed

Commissioner Hoen raised a question about why the zoning maps for other special types of housing like group sex offender homes and assisted living housing did not line up with the zones proposed for ESFs. Director Giffen explained that sex offender housing placement is governed by state regulations and not by zone. ESFs are proposed to be regulated by zone because it is believed that most of the facilities will be designed to house up to 16 residents and will be larger than would be desired in single-family zones. Commissioner Hoen stressed that he thinks the smaller ESFs are low-impact facilities and expressed concern that the zoning limitations might be overly restrictive. Director Giffen explained that the reason they have recommended restricting these to certain zones is because those zones allow for buildings that are somewhat bigger in scale and most ESFs tend to be larger facilities serving up to 16 people.

Chair Leifer referred to the zoning map and asked about the discrepancy between places adult family homes are allowed and those that would allow ESFs. Director Giffen noted that adult family homes are allowed just about anywhere in the City. The difference has to do with the restrictions for allowing the larger ESFs (up to 16 beds) which would have a different impact than adult family homes due to the scale.

Mike Anbesse, DSHS, Residential Care Services, discussed regulations and differences between the smaller (six clients and under) and the larger facilities (up to 16 clients). The intent of ESFs is to allow patients time and support to be ready before they are transitioned to the community. He also reviewed extensive staffing and emergency response requirements of facilities.

Chair Leifer asked about the likelihood that an applicant wouldn't get all the approvals they need from the state. Mr. Anbesse replied that the provider would be responsible for making sure they meet all the criteria. He also reviewed criteria for switching from an adult family home to an ESF and noted that they are quite different facilities. Based on Mr. Anbesse's comments, Interim Director Giffen suggested they could change the draft code to allow ESFs in single family zones up to six residents the same way that adult family homes are regulated. They would be permitted as long as they meet state licensing requirements. Facilities serving up to 16 residents would have different regulations. Planning Manager Holland clarified that if an existing adult family home was converting to an ESF, regardless of the zone, and they met all the state requirements, there wouldn't really be any city involvement. New facilities would have to go through the code requirements as drafted.

Justin DeFour, DSHS, Home and Community Services Division, commented that it would be very unlikely for a facility to open with only six occupants because of the economics of the situation. For the most part facilities are going to want the ability to get up to 16 clients.

- Chair Leifer suggested that since the economics of six or less clients does not pencil out, it makes the idea of putting them in single-family zones a moot point. He commented that he would not be in support of allowing facilities of up to 16 clients in single-family zones.
- Commissioner Hoen spoke in support of allowing up to 16 clients in other areas, but allowing six or under in single-family zones. Since existing Adult Family Homes in single-family zones are already allowed to be converted under state law, he didn't want to potentially be in conflict with state law even though DSHS representatives had indicated this type of conversion is highly unlikely. He spoke in support of flexibility for those that want to convert from Adult Family Homes to one of the smaller ESFs. He spoke in support of Alternative 3.
- Commissioner Michal agreed with others that they would not want to allow the 16-client facilities in single-family zones. She spoke in support of the ESF zoning referenced Alternative 3 with some flexibility for allowing smaller facilities written in, but knowing it is not particularly likely from a business standpoint. She

recommended keeping the larger buildings in places where they seem to fit the best.

- Commissioner Johnson agreed with other commissioners about not allowing the higher densities in single-family zones and spoke in support of Alternative 3.
- Chair Leifer questioned the verbiage in the current draft code allowing current non-conforming uses to convert. Commissioner Johnson thought it would not be an issue because other regulations would address any issues.
- Chair Leifer also spoke in support of Alternative 3.

Planning Manager Holland spoke to the state requirements for a management plan and asked Mr. Anbesse if the code should just reference that a management plan in compliance with the relevant RCW should be submitted to the City. Mr. Anbesse replied that the rules for the management plan are rigorous, and facilities are monitored for compliance by the state. There are also enforcement mechanisms built into the process for facilities that do not comply. He did not think another layer of management needed to be added by the City and that just referencing the regulations would work.

Commissioners appeared to be unanimous in support of Alternative 3 which would make six-occupants uses the only use allowed in single-family zones. The higher-density residences would have to be in CB, CB-WR, GC, DC or MU zones. Director Giffen indicated he would follow up with DSHS staff to clarify language related to facilities with six or fewer residents.

ADJOURNMENT

Motion to adjourn at 6:49 p.m. moved by Commissioner Michal seconded by Commissioner Johnson.

AYES: ALL

Laurie Hugdahl, Recording Secretary

Next Meeting - Tuesday, February 23, 2021

Planning Commission



1049 State Avenue
Marysville, WA 98270

**Meeting Minutes
February 23, 2021**

CALL TO ORDER / ROLL CALL

Chair Leifer called the February 23, 2021 Planning Commission meeting to order via Zoom at 5:00 p.m. Planning Manager Chris Holland called the roll.

Present:

Commissioner: Chair Steve Leifer, Vice Chair Jerry Andes, Commissioner Kevin Johnson, Commissioner Kristen Michal, Commissioner Roger Hoen, Commissioner Brandon Whitaker

Excused: Commissioner Tom Thetford

Staff: Planning Manager Chris Holland, Interim Community Development Director Allan Giffen, Project Specialist Janis Lamoureux

APPROVAL OF MINUTES

February 9, 2021 Planning Commission Minutes

Commissioner Hoen referred to the second to last paragraph on page 3 and stated he had raised a concern about the zoning maps for special types of housing (like sex offenders, Adult Family Homes, assisted living, etc.) not being in alignment with the proposed zoning map for ESFs. A reference to this discussion should be included to provide clarity to his comments.

Commissioner Hoen referred to the second bullet on page 4. He asked to clarify that Adult Family Homes in single-family zones are already allowed by state law to convert to ESFs even though it is extremely unlikely that a facility of six or less would want to convert. He had commented that he didn't want to potentially be in conflict with state law.

Commissioner Michal referred to page 4, bullet point 3 and clarified that she had referenced the zoning that was identified in Alternative 3, but did not necessarily speak in support of Alternative 3.

Planning Manager Holland indicated staff would make changes as indicated and bring the minutes back to the next meeting.

AUDIENCE PARTICIPATION

Chair Leifer solicited audience participation on items not on the agenda. There was none.

PUBLIC HEARING

Mini-storage uses in Community Business (CB) and General Commercial (GC) Zones

Interim Community Development Director Giffen gave background information regarding this item as contained in the Memorandum to the Planning Commission in the packet. The revised draft code text provides for an alternative to buildings having a minimum height of three stories and also lists two options concerning outdoor storage. Option 1 prohibits any outdoor storage while Option 2 allows a limited amount of outdoor storage subject to screening. The revised draft code text also includes some minor amendments to the current regulations related to screening and removal of a redundant noise standard based on discussion at the last meeting. He reviewed a map showing areas that would be impacted by the proposed code and further discussed the proposed code amendments.

Commissioner Michal referred to the solid screening and asked how high a solid fence could be. Planning Manager Holland replied that GC and CB zones allow for an 8-foot high fence.

Vice Chair Andes commented that an 8-foot fence would not screen an RV the size of a bus. Director Giffen, agreed and stated the developer would have to design the project so that outdoor storage of larger vehicles would not be visible by the arrangement of buildings or the location of the storage area.

Commissioner Michal commented that the language in Option 2 is pretty broad and could likely allow construction and other types of large equipment. She wondered how this would work with respect to section (77)2 which states that vehicular access is limited on the site. She appreciates the need for some flexibility to make the project more viable but expressed concern about larger vehicles coming and going. Director Giffen explained that it is intended to be longer term storage where vehicles being stored would not be coming and going often. Planning Manager Holland suggested adding "as determined by the City Engineer" to section (77)2 to alleviate concerns.

Public Comments:

The public hearing was opened at 5:28 p.m.

Aaron Metcalf, Belmark, 12409 State Avenue, Marysville, WA 98271, thanked staff for presenting this to the Planning Commission. He agrees with the staff recommendation and concurs with focusing on the beautification and making sure the facility fits in that particular area. He requested as much flexibility as possible to match the market while still making it look nice. He noted that the approval would not allow the developer to go forward without a building permit and a site plan approval. They will still have to have approval by all the relevant city departments.

Vice Chair Andes asked Mr. Metcalf if he thought a Ram crew cab with a 35-foot long fifth wheel could they go in and out of that intersection safely. Mr. Metcalf believed that they could. There have been examples of large vehicles such as vector trucks and other manufacturing vehicles going to that site. He commented that the development process with the City would weed out uses that would not be appropriate for the site. He emphasized that any large vehicles would be stored there and would not be coming and going every day.

Motion to close the public hearing at 5:36 p.m. moved by Vice Chair Andes seconded by Commissioner Whitaker.

AYES: ALL

General Discussion:

Chair Leifer stated that he had been advised that he did not need to recuse himself from this topic so was able add some comments. He spoke to the general planning principle of using land for its highest and best use. He sees mini-storage and vehicle-storage as a dilution of that concept and stressed that this use would be departing philosophically from what they should be doing. In order to keep the values up as much as possible, he suggested, as an example, they could have a formula where if a three-story building was added then vehicle storage could be allowed on the property. If only one-story buildings were constructed, then vehicle storage would not be allowed.

Commissioner Whitaker expressed appreciation for the comments and ideas raised by Chair Leifer, but noted that the number of properties they are talking about is very low, so it is not necessarily a huge departure from the overall goals of the City.

Vice Chair Andes noted there are only seven properties in total that would be impacted that really can't be built on aside from mini storage. On a different note he raised a concern that there was some interest in this property three years ago, and those developers weren't given the option that Mr. Belmark has been given.

Commented [CH1]: 7 properties that could be impacted by code change but could not be built as mini-storage due to acreage.

Mr. Metcalf not Mr. Belmark

Commissioner Hoen agreed with the planning principle of highest value, but compared this project with the big old red barn sitting there for years. To him this use is a big improvement.

Commissioner Johnson pointed out that there is also an option of doing nothing. Planning Manager Holland agreed that was an option. Commissioner Johnson commented that if they were going to allow this use he would be in support of allowing outdoor storage with appropriate screening. He asked where the 3-story standard came from. Interim Director Giffen explained the intent was to maintain higher value developments. Commissioner Johnson stated that he wasn't a fan of this kind of development in this area, but between the two options he was more favorable to Option 2 which would allow outdoor storage with screening.

Option 1 v. Option 2 Preferences:

- Commissioner Whitaker expressed support for Option 2.
- Commissioner Hoen expressed support for Option 2 with good screening.
- Commissioner Michael commented that improving this property is better than what exists now. She expressed concern about the broad language in Option 2, but if things really can't be visible from the street she would be in favor of option 2.
- Vice Chair Andes spoke in support of Option 1 noting that this is an unusually strange site and doesn't seem to be the appropriate place for boats and RVs.
- Commissioner Johnson spoke in support of Option 2 if outdoor storage is not visible.

Chair Leifer asked staff how they could be assured that the outdoor storage would not be visible. Interim Director Giffen replied that the language in Option 2 already addresses that. It would be accomplished through the design of the building and location of the storage area so it was not visible from the exterior of the site. It would be reviewed on a site-by-site basis.

Motion to recommend approval of the mini storage amendments subject to Option 2 related to outdoor storage moved by Commissioner Whitaker, seconded by Commissioner Hoen.

Ayes – Michal, Whitaker, Hoen, Andes

Nay – Johnson

Abstain - Leifer

Motion passed.

Chapter 70.97 RCW – Enhanced Services Facilities (ESF) (6:01 p.m.)

Attendees related to this topic: Mike Anbesse, Residential Care Services; Sondra Silverman, Policy Division; Bea Rector, Home and Community Services; Amy Abbott, Home and Community Services; Sondra Silverman, DSHS Policy Division; Justin

DeFour, DSHS, Home and Community Services Division; Gibriel Mbowe; Ismail Mohammad

Interim Director Giffen reviewed three alternatives that had originally been considered related to Enhanced Service Facilities (ESFs). He also discussed the Planning Commission's direction to staff on February 9 to prepare revised regulations based on Alternative 2 and to make a distinction between ESFs for six (6) or fewer residents, and ESFs with more than six (6) up to sixteen (16) residents.

Option 1:

The proposed regulations would make a distinction between smaller and larger ESFs with definitions for "Enhanced Services Facilities 1" and "Enhanced Services Facilities 2". It would also allow "Enhanced Services Facilities 1" (six or fewer residents) in all zones allowing single family dwellings as a permitted use, subject to compliance with State licensing requirements. He noted that DSHS staff had stated there are currently none of the smaller ESFs and that it is highly unlikely there would ever be any ESFs with six or fewer residents due to the financial non-viability.

Under the proposed regulations "Enhanced Services Facilities 2" would be permitted as a permitted use in two multi-family zones (R-18 and R-28) and five commercial zones (CB, CB-WR, GC, DC and MU), subject to new regulations to be codified as MMC 22C.280 Regulations for Enhanced Services Facility 2. The proposed new regulations in MMC 22C.280 would also require notice to surrounding property owners prior to filing a land use application with the City; filing of a facility management plan to provide for public safety and communication with neighbors; and, in the R-18 and R-28 zones, would require proximity to transit routes or zones that allow for commercial or social services.

Pointing to DSHS's emphasis on the extremely low likelihood that smaller facilities (six or fewer residents) would be created, staff also proposed an alternative to the above option.

Option 2:

- Amend the MMC definition of ESFs to be identical to the State definition in RCW 70.97.010, as follows:
 - "Enhanced services facility" means a facility that provides support and services to persons for whom acute inpatient treatment is not medically necessary.
- Not allow ESFs, regardless of size, in single family zones, but allow ESFs as a conditional use in the R-18 and R-28 residential zones, and a permitted use in the CB, CB-WR, GC, DC and MU commercial zones. Under State law, the maximum size for an ESF is 16 residents.

Public Comments:

The public hearing was opened at 6:13 p.m.

Bea Rector, DSHS, thanked the City for the work they have done. She encouraged them not to remove the option for smaller facilities (six or fewer residents) even though it is not likely. She noted that things may change in the future, and in some situations a smaller setting may be a better option.

Commissioner Hoen expressed concern about the city duplicating or interfering with state regulations regarding things like staffing levels and management plans. Interim Director Giffen indicated that it was not the intent of staff to be redundant or get involved with matters where they are not experts. The intent of the language of the draft code would be to require the applicant to think about how they would provide for community safety and establish a communication plan so neighbors can contact the facility if there are any concerns.

Commissioner Hoen expressed concern about not allowing these smaller facilities in single-family zones if the state allows it. Interim Director Giffen noted that this is a new set of regulations, and the Mayor had recommended the approach they take should be more conservative at first. The code could be amended at a future time if desired.

Motion to close the public hearing at 6:22 p.m. moved by Vice Chair Andes, seconded by Commissioner Michael.

Motion passed unanimously.

Discussion:

Commissioner Whitaker noted that the February 20 memo answered a lot of his questions. He spoke in support of Option 2 with the knowledge that if the smaller facilities become viable in the future they can reconsider. There was general support by the rest of the Commission for Option 2.

Motion to approve and recommend Option 2 related to Enhanced Service Facilities which would not allow ESFs of any size in single family zones and which incorporates the input from the Mayor's office to make ESFs a conditional use in the R-18 and R-28 zones made by Commissioner Whitaker, seconded by Vice Chair Andes.

Motion passed unanimously.

NEW BUSINESS

MMC Title 22 Unified Development Code – Administration Code Amendments

Interim Director Giffen reviewed the proposed amendments which would provide flexibility in the administration of the code in six different sections.

1. Amending MMC 22A.010.070 Interpretation – Land Use – This section would be simplified by deleting the reference to the two outside resources (Standard Industrial Classification and the Illustrated Book of Development Definitions and give staff the ability to consider an unlisted use to be permitted if it is similar in nature to a use that is listed as a permitted use in a specific zone classification.
2. Adding a new section 22A.010.075 Promulgation of Rules, Procedures and Interpretations in order to allow staff to generate interpretations for how the code is to be used.
3. Adding a new section 22C.010.055 Modification of Use Regulations in Residential Zones. This would allow for an applicant to request a modification of a regulation contained in the Development Conditions under limited circumstances, which would be considered by the director following notice to contiguous property owners. The proposed alternative must show that it will provide “equivalent or superior” treatment or mitigation.
4. Adding a new section 22C.020.055 Modification of Use Regulations in Non-Residential Zones. This is similar to item 3 above, but for non-residential zones.
5. Adding a new section 22C.020.075 Adaptive Re-Use of Buildings in Non-residential zones. This proposed amendment would allow older buildings and other buildings not suited for uses that are permitted by zoning in a non-residential zone to be considered for another use, with notice provided to contiguous property owners. Decision criteria would focus on compatibility with the area and minimizing or mitigating impacts on surrounding uses.
6. Adding a new section 22C.010.075 Adaptive Reuse of Nonresidential Buildings in Residential Zones. This is similar to item 5 above, but would apply to residential zones. Decision criteria would focus on compatibility with surrounding land uses.

Discussion:

Chair Leifer commended staff on the proposals which he sees as quite visionary. Vice Chair Andes and Commissioner Whitaker also spoke in support of the proposed amendments. Commissioner Michal agreed, and asked if there are any proposals in the pipeline that would benefit from some of these reuses. Interim Director Giffen was not aware of anything. He indicated staff would bring back more information about this topic in the near future.

2021 Comprehensive Plan Amendment Docket–Smokey Point Comprehensive Plan Map Amendment

Interim Director Giffen reviewed background on a large area of land located between 152nd Street NE and the Arlington city limits, east of I-5 and west of Hayho Creek which is zoned General Commercial (GC). He solicited feedback on initiating a review of this

area to consider rezoning a portion of the area back to Light Industrial (LI) zoning. He also raised the question of the type of design standards desired for this area.

Commissioner Whitaker asked if the impetus for this had to do with the success of the Cascade Industrial Center. Interim Director Giffen did not think so; it has to do with over-zoning of this area for General Commercial. Planning Manager Holland reviewed some proposed uses in the area that would not currently be allowed. He added that everything west of Hayho Creek is within the basin to discharge to Marysville's storm water management facility.

Chair Leifer commented that rezoning seems reasonable, but he thinks it is important to maintain General Commercial along Smokey Pt. Blvd to some depth. He spoke in support of continued discussion on this topic.

Upcoming topics:

Planning Manager Holland commented that staff was planning on bringing the Downtown Master Plan to the next meeting.

ADJOURNMENT

Motion to adjourn at 7:05 p.m. moved by Vice Chair Andes, seconded by Commissioner Whitaker.

AYES: ALL

Laurie Hugdahl, Recording Secretary

Next Meeting - Tuesday, March 9, 2021

**Planning
Commission**



**1049 State Avenue
Marysville, WA 98270**

**Meeting Minutes
December 8, 2020**

CALL TO ORDER/ ROLL CALL

Chair Leifer called the December 8, 2020 Planning Commission meeting to order at 5 p.m. Planning Manager Chris Holland called the roll.

Roll Call

Present:

Commission: Chair Steve Leifer, Commissioner Johnson, Commissioner Kristen Michal, Commissioner Whitaker, Commissioner Hoen, Commissioner Andes

Absent: Commissioner Tom Thetford

Staff: Planning Manager Chris Holland, Project Specialist Janis Lamoureux, Interim Community Development Director Allan Giffen, Senior Planner Kate Tourtellot, Senior Planner Angela Gemmer

APPROVAL OF MINUTES

Approval of October 13, 2020 Minutes

Chair Leifer referred to page 4 of 5 and asked to amend the first sentence of the 5th paragraph to read:

*Chair Leifer reiterated his opinion that incentives are the way to go to encourage **commercial in mixed use zones.***

Motion to approve the October 13, 2020 minutes as amended moved by Commissioner Michal seconded by Commissioner Whitaker.

AYES: ALL

AUDIENCE PARTICIPATION

Public comments on items not on the agenda were solicited. There were none.

NEW BUSINESS

A. Mini-storage uses in Community Business (CB) and General Commercial (GC) Zones

Interim Community Development Director Allan Giffen provided an overview of this item. He explained that Aaron Metcalf of Belmark had asked about the potential for establishing a mini-storage facility on property he owns in the Community Business zone. Marysville zoning does not currently permit mini storage except in the Light Industrial and General Industrial zone. Director Giffen reviewed the situation on the property and discussed options available for a potential code amendment. Staff has requested the Planning Commission consider whether or not the City should initiate a review of this potential amendment to allow a mini-storage facility in the Community Business or General Commercial zones under very limited circumstances.

Commissioner Andes asked if the setback requirements near residential zones would be greater than 10-feet since the City would be requiring the storage facilities to be multi-story buildings. Director Giffen explained this could be discussed.

Commissioner Whitaker asked if Director Giffen had any experience with security concerns with the mini-storage facilities he worked with in Everett. Director Giffen was not aware of any.

Planning Manager Holland provided some background information on mini-storage inquiries the City has received and the City's response in those instances.

Chair Leifer solicited any public comments on this matter.

Aaron Metcalf, Belmark, discussed unique challenges with the subject property at State Avenue and 116th. He expressed hope that the City would consider their request and provide flexibility in this zone.

Chair Leifer recalled a submittal from the prior owner for a mini-storage facility and asked for more information about that. Planning Manager Holland indicated that a previous Comprehensive Plan Map Amendment had been submitted, but it was ultimately withdrawn. Planning Manager Holland stated that staff could bring back information regarding the application. Commissioner Whitaker was also interested in seeing the reasons why mini-storage requests were rejected in the past. He asked about Belmark's thoughts about the use of the rest of the property.

Commissioner Johnson expressed concern about doing a zoning text amendment which would open this up to the entire zoning district. He requested a visual depiction of what is being proposed by staff to see where these uses would be allowed. Director Giffen indicated staff could provide that.

There was consensus to have staff bring back information requested by the Planning Commission for further discussion.

B. Residential Subdivision Design

This agenda item was tabled.

C. Chapter 790.97 RCW - Enhanced Services Facilities (ESF)

Interim Community Development Director Giffen reviewed this item regarding the City's interim regulations prohibiting the siting of Enhanced Services Facilities (ESF) in the city and directing the Planning Commission to review and make a recommendation where such uses should be allowed. He provided background information about ESFs, identified existing city regulations for other kinds of group residences and discussed some approaches to consider for regulating ESFs. Possible approaches include:

1. Include ESFs within an existing land use category without amending the existing regulations.
2. Regulate ESFs as a separate land use category as some other cities have done.
3. Amend the existing code to address ESFs within an existing land use category but with definitions and siting criteria that are different than other uses in the general category.

Director Giffen solicited comments and questions by the Planning Commission. He also noted that there were a number of people in the community who would like to provide comments.

Chair Leifer requested clarification of the definition of ESFs and also practical uses of these types of facilities. Director Giffen explained there are only five in the state, and one of those is in the City of Everett. He reviewed some information about this facility. Chair Leifer referred to issues associated with a behavioral health hospital on 156th Street and asked how ESFs would compare to this.

Commissioner Whitaker also asked for more information about the type of patients at ESFs and the type of programs provided for them.

Public Comments:

Bea Rector, Director of Home and Community Services Division, DSHS, discussed the difference between ESFs and a state psychiatric facility. She explained that an ESF provides long-term services and support. The patients have to have a level of unmet need related to activities of daily living. An ESF does not provide mental health or substance use disorder services. There is programming at ESFs around activities and community integration.

Long term support

Medication, hygiene, meals
 Not a treatment facility
 Outpatient services provided off-site
 May transition to adult family home or assisted living facility
 ESFs have longer resident length of stay, better support than other type of facilities

Candy Gehring (sp), Director of Residential Care Services, DSHS, discussed licensing and oversight of ESFs. She explained it is a home-like environment and there have been very few incidents of crisis.

DSHS officials answered general commission questions.
 No federal oversight
 State Dept. of Health and State Fire Marshal have authority over ESFs
 Facilities are licensed for staffing, policies procedures
 Annual renewal required
 Facility must report failed practices
 Licensing division performs unannounced inspections
 Facilities are not locked
 Very few problems
 Staff well trained
 No more problems than adult family homes or assisted living facilities
 Successful keeping people out of state hospitals
 Average length of stay = 21 months
 State does not decide when people move, residents and family make that decision
 ESFs are not for involuntary lockup
 They are not drug treatment centers

Felix Were, Lynnwood, gave the perspective of the people who work with the patients within ESFs. He explained that these facilities provide a much-needed service in the community. He recommended looking not only at ESFs, but at other types of facilities in the community, like evaluation and treatment facilities. Staff requested more information from him about these other types of facilities. He indicated he would provide that to staff.

Gibriel, Mbowe, also discussed the need for these facilities. There are many misconceptions and unfounded fear over these and other types of mental health facilities.

It was noted that this item would be coming back to the Planning Commission for further discussion.

ADJOURNMENT

Chair Leifer welcomed new Senior Planner Kate Tourtellot who then introduced herself. Other commissioners then introduced themselves in turn.

The meeting was adjourned at 6:32 p.m.

Motion to adjourn moved by Commissioner Whitaker seconded by Commissioner Michal.

AYES: ALL

The meeting was adjourned at 6:32 p.m.

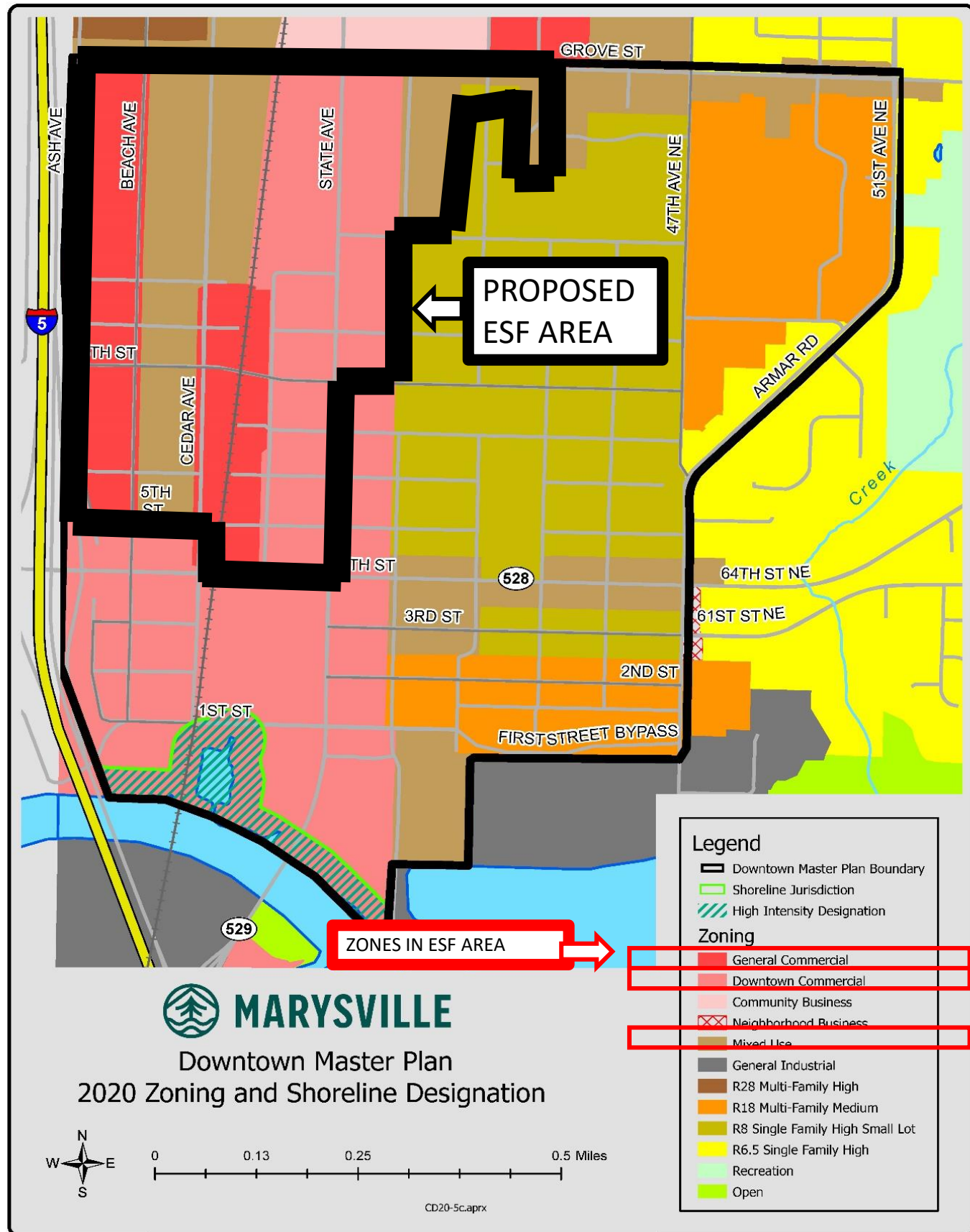
Laurie Hugdahl, Recording Secretary

Next Meeting - Tuesday, January 12, 2020

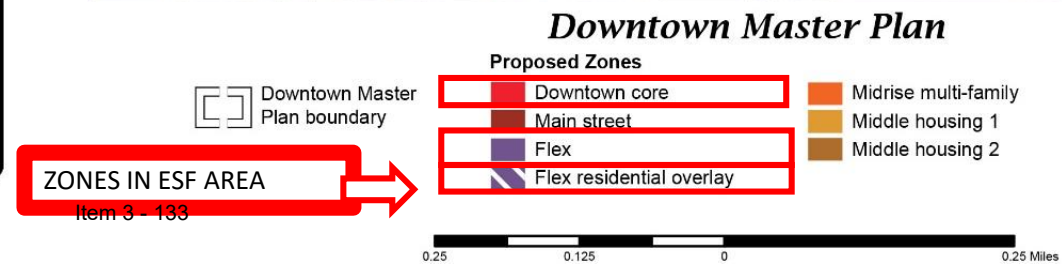
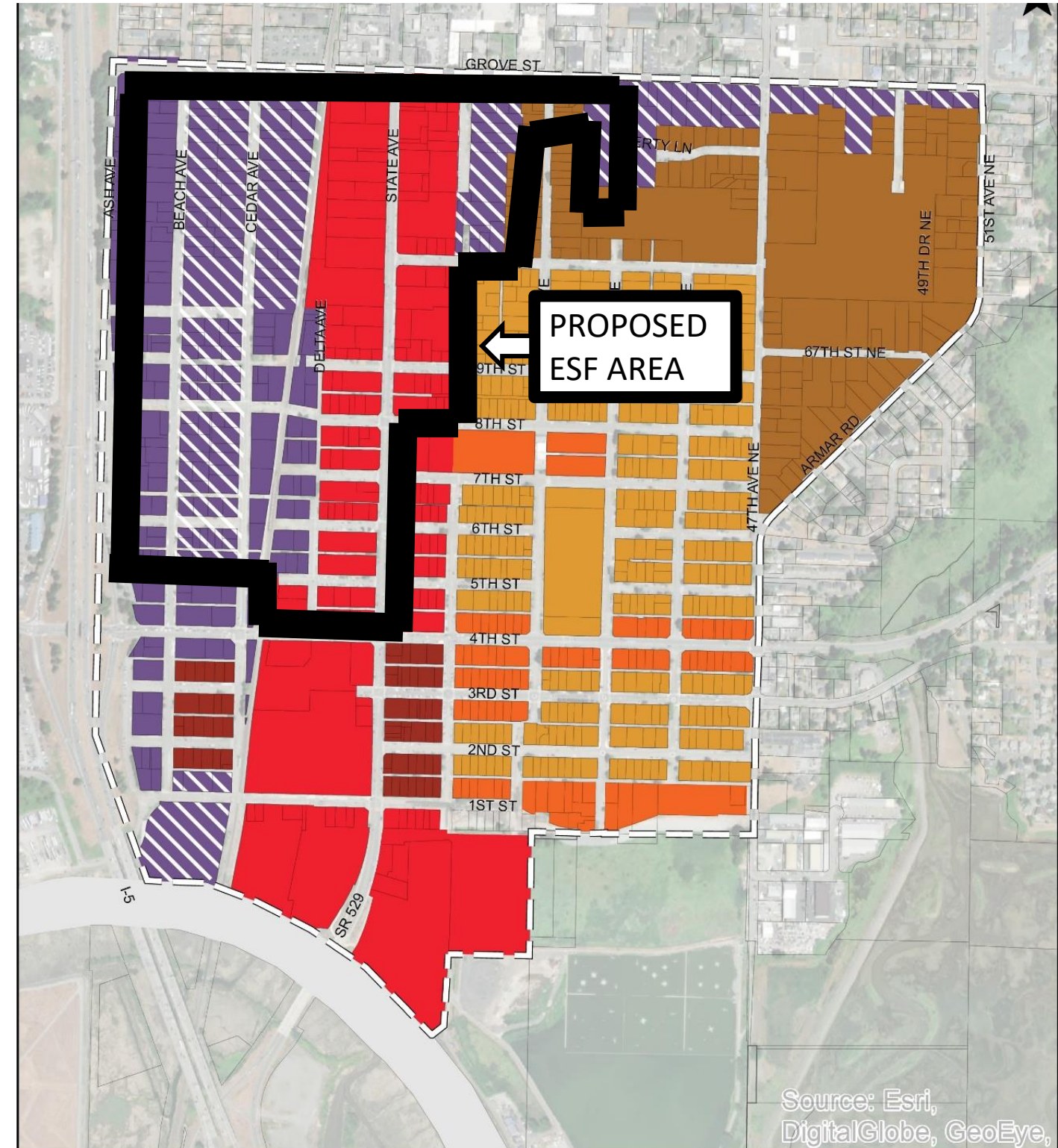
DOWNTOWN MASTER PLAN ZONING CHANGES

EXHIBIT 7

PREVIOUS ZONING



NEW ZONING




Index #4

CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: October 11, 2021

AGENDA ITEM:	
Project Roxy [Amazon Warehouse] (AU21-001) – Easement Amendment	
PREPARED BY:	DIRECTOR APPROVAL:
Ken McIntyre, Development Services Manager	
DEPARTMENT:	
ATTACHMENTS:	
<ol style="list-style-type: none"> 1. Easement Amendment Document 2. Water Main Abandonment Figure 3. Water Main Abandonment Plan 	
BUDGET CODE:	AMOUNT:
N/A	N/A
SUMMARY:	

Panattoni Development is currently constructing the Amazon Warehouse in Arlington, officially known as “Project Roxy”. The project was previously in the City of Marysville’s utility service area, but was changed to Arlington’s service area through a regional utility agreement several years ago. Project Roxy recently abandoned a portion of an existing water main on the project site which is no longer needed, and wishes to extinguish the corresponding portion of the existing easement. The attached document is intended to amend the existing easement to omit the portion that is no longer needed.

The Public Works Department has reviewed the request, and recommends that the City Council authorize the Mayor to execute and record the attached easement amendment document. The existing easement lies partially on the Project Roxy (Amazon) site, and partially on an adjacent parcel owned by National Foods, Inc. The attached easement modification document contains authorizing signatures from both parties.

RECOMMENDED ACTION:

Staff recommends that Council authorize the Mayor execute the attached easement amendment document and record with the Snohomish County Auditor.

RECOMMENDED MOTION:

I move to authorize the Mayor to sign and execute the easement amendment document and record it with the Snohomish County Auditor.

WHEN RECORDED RETURN TO:

CITY OF MARYSVILLE
1049 STATE AVENUE
MARYSVILLE, WA 98270

EASEMENT AMENDMENT

THIS EASEMENT AMENDMENT (“**Amendment**”) is entered into as of the last signature date below, by and between NATIONAL FOOD CORPORATION, a Washington Corporation (“National”), AMAZON.COM SERVICES LLC, a Washington limited liability company (“Amazon”) and the CITY OF MARYSVILLE, a municipal corporation of the State of Washington (“Marysville”).

RECITALS

A. Marysville is the grantee of that certain utility easement recorded under Auditors File No. 9105020176 records of Snohomish County, Washington, attached hereto as **Exhibit A** (the “Original Easement”).

B. National owns the property commonly known as 16900 51ST AVE NE, ARLINGTON, WA 98223, the legal description of which is attached as **Exhibit B** (the “National Property”).

C. Amazon owns the property commonly known as 4710 172ND ST NE, ARLINGTON, WA 98270, the legal description of which is attached as **Exhibit C** (the “Amazon Property”).

D. The Original Easement burdens both the National Property and the Amazon Property.

E. The parties desire to amend the Easement, by reducing its geographic size.

AGREEMENT

In consideration of the foregoing recitals (which are hereby incorporated by this reference) and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

1. The legal description of the Original Easement is hereby amended to that legal description as set forth in **Exhibit D**.
2. All other terms and conditions of the Original Easement shall remain in full force and effect.
3. This Amendment and the rights and obligations contained herein shall run with the land and shall inure to the benefit of and be binding upon the respective successors and assigns of the parties hereto.
4. The effective date of this Amendment shall be the date this document is recorded in the Official Records of Snohomish County, Washington.

IN WITNESS WHEREOF, the undersigned have executed this Amendment as of the last signature date below.

[SIGNATURES ON FOLLOWING PAGE]

DATED this _____ day of _____, 20____.

CITY OF MARYSVILLE

By _____
Jon Nehring, Mayor


DATED this _____ day of _____, 20____.

NATIONAL FOOD CORPORATION

By _____
Brian Bookey
Its: President

DATED this 16 day of September, 2021.

AMAZON.COM SERVICES LLC

By  _____
[Name] Mark Griffin
Its: Authorized Signatory

Approved as to form:

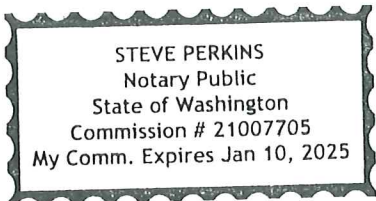
Jon Walker, City Attorney

[Notary page follows]

STATE OF WASHINGTON)
)ss.
COUNTY OF SNOHOMISH)

I certify that I know or have satisfactory evidence that Mark Griffin is/are the persons who appeared before me, and said person(s) acknowledged that he/she/they signed this instrument, on oath stated that he/she/they was/were authorized to execute the instrument and acknowledged him/her as the (title) Authorized Signatory of (company) Amazon.com Services LLC to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated this 16 day of September, 20 21



[Handwritten Signature]
(Notary Signature)
Steve Perkins
(Print Name)

NOTARY PUBLIC in and for the State of Washington

Residing at (city): Seattle

My commission expires: January 10, 2025

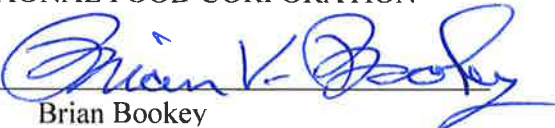
DATED this _____ day of _____, 20_____.

CITY OF MARYSVILLE

By _____
Jon Nehring, Mayor

DATED this 9th day of September, 2021.

NATIONAL FOOD CORPORATION

By 
Brian Bookey
Its: President

DATED this _____ day of _____, 20_____.

AMAZON.COM SERVICES LLC

By _____
[Name]
Its: Amazon.com Services LLC

Approved as to form:

Jon Walker, City Attorney

[Notary page follows]

STATE OF WASHINGTON)
)ss.
COUNTY OF SNOHOMISH)

I certify that I know or have satisfactory evidence that _____ is/are the persons who appeared before me, and said person(s) acknowledged that he/she/they signed this instrument, on oath stated that he/she/they was/were authorized to execute the instrument and acknowledged him/her as the (title) _____ of (company) _____ to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated this _____ day of _____, 20__

(Notary Signature)

(Print Name)

NOTARY PUBLIC in and for the State of Washington

Residing at (city): _____

My commission expires: _____

STATE OF WASHINGTON)
)ss.
COUNTY OF SNOHOMISH)

I certify that I know or have satisfactory evidence that Brian V Bookley is/are the persons who appeared before me, and said person(s) acknowledged that he/she/they signed this instrument, on oath stated that he/she/they was/were authorized to execute the instrument and acknowledged him/her as the (title) President of (company) National Food Corporation to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated this 9 day of September, 2021

Shaun M McCann
(Notary Signature)

Shaun M McCann
(Print Name)

NOTARY PUBLIC in and for the State of Washington

Residing at (city): Everett, WA

My commission expires: Jun 5, 2022



STATE OF WASHINGTON)
)ss.
COUNTY OF SNOHOMISH)

I certify that I know or have satisfactory evidence that _____ is/are the persons who appeared before me, and said person(s) acknowledged that he/she/they signed this instrument, on oath stated that he/she/they was/were authorized to execute the instrument and acknowledged him/her as the (title) _____ of (company) _____ to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated this _____ day of _____, 20 ____

(Notary Signature)

(Print Name)

NOTARY PUBLIC in and for the State of Washington

Residing at (city): _____

My commission expires: _____

Exhibit A

Original Easement

EXHIBIT B

NEW PARCEL A, CITY OF ARLINGTON BOUNDARY LINE ADJUSTMENT NO. PLN-439, RECORDED UNDER RECORDING NO. 201812055003, RECORDS OF SNOHOMISH COUNTY, WASHINGTON.



EXHIBIT C

NEW PARCEL B, CITY OF ARLINGTON BOUNDARY LINE ADJUSTMENT NO. PLN-439, RECORDED UNDER RECORDING NO. 201812055003, RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

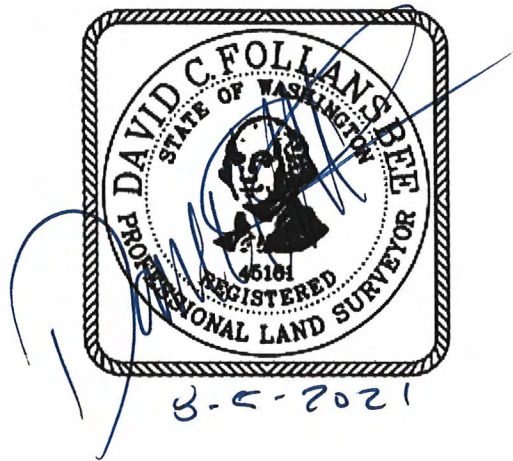


EXHIBIT D-1

PARCEL 31052800100300

THAT PORTION OF THE FOLLOWING DESCRIBED STRIP OF LAND, LYING WITHIN NEW PARCEL A, CITY OF ARLINGTON BOUNDARY LINE ADJUSTMENT NO. PLN-439, RECORDED UNDER RECORDING NO. 201812055003, RECORDS OF SNOHOMISH COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A STRIP OF LAND LYING WITHIN NEW PARCELS A AND B, CITY OF ARLINGTON BOUNDARY LINE ADJUSTMENT NO. PLN-439, RECORDED UNDER RECORDING NO. 201812055003, RECORDS OF SNOHOMISH COUNTY, WASHINGTON, 10.00 FEET IN WIDTH AND LYING 5.00 FEET TO EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE NORTHEAST CORNER OF SAID NEW PARCEL A; THENCE SOUTH 02°02'32" WEST, ALONG THE EASTERLY LINE OF SAID PARCEL A, A DISTANCE OF 7.23 FEET TO THE BEGINNING OF THIS CENTERLINE DESCRIPTION; THENCE NORTH 87°29'19" WEST, A DISTANCE OF 379.49 FEET TO THE POINT OF TERMINUS OF THIS CENTERLINE DESCRIPTION.

THE SIDELINES SHALL BE SHORTENED OR LENGTHENED SO AS TO INTERSECT THE EAST LINE OF SAID NEW PARCEL A.

EXCEPT ANY PORTION LYING WITHIN 51ST AVENUE NORTHEAST.

CONTAINING 2,914.64 SQUARE FEET +/-

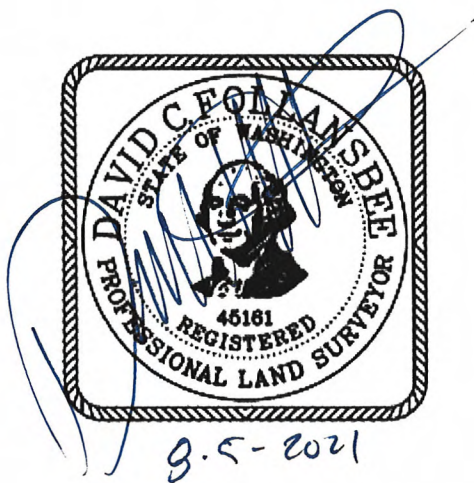


EXHIBIT "D-1A"

PARCEL B
BLA PLN-439
AFN 201812055003
APN 31052800100100

NORTH LINE
OF PARCEL A

P.O.T.

N87° 29' 19"W
379.49'

10'

P.O.C.

S2° 02' 32"W
7.23'

P.O.B.

WATER EASEMENT
AREA 2,914.64 S.F. +/-

PARCEL A
BLA PLN-439
AFN 201812055003
APN 31052800100300

51ST AVENUE NE (PUBLIC RIGHT-OF-WAY)

AVE

Handwritten signature and scribbles over the surveyor's seal.

85-2021



1"=100'

JOB NO. 2200283.50

7/20/2021

LEGAL BY: DF EXHIBIT BY: GD

N 1/2, NE 1/4, S28, T31N, R5E

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2215 North 30th Street,
Suite 200,
Tacoma, WA 98403
253.383.2422 TEL
253.383.2572 FAX

THIS EXHIBIT HAS BEEN PREPARED TO ASSIST IN THE INTERPRETATION OF THE ACCOMPANYING LEGAL DESCRIPTION. IF THERE IS A CONFLICT BETWEEN THE WRITTEN LEGAL DESCRIPTION AND THIS SKETCH, THE LEGAL DESCRIPTION SHALL PREVAIL.

EXHIBIT D-2

PARCEL 31052800100100

THAT PORTION OF THE FOLLOWING DESCRIBED STRIP OF LAND, LYING WITHIN NEW PARCEL B, CITY OF ARLINGTON BOUNDARY LINE ADJUSTMENT NO. PLN-439, RECORDED UNDER RECORDING NO. 201812055003, RECORDS OF SNOHOMISH COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A STRIP OF LAND LYING WITHIN NEW PARCELS A AND B, CITY OF ARLINGTON BOUNDARY LINE ADJUSTMENT NO. PLN-439, RECORDED UNDER RECORDING NO. 201812055003, RECORDS OF SNOHOMISH COUNTY, WASHINGTON, 10.00 FEET IN WIDTH AND LYING 5.00 FEET TO EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

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THE SIDELINES SHALL BE SHORTENED OR LENGTHENED SO AS TO INTERSECT THE EAST LINE OF SAID NEW PARCEL A.

EXCEPT ANY PORTION LYING WITHIN 51ST AVENUE NORTHEAST.

CONTAINING 875.26 SQUARE FEET +/-

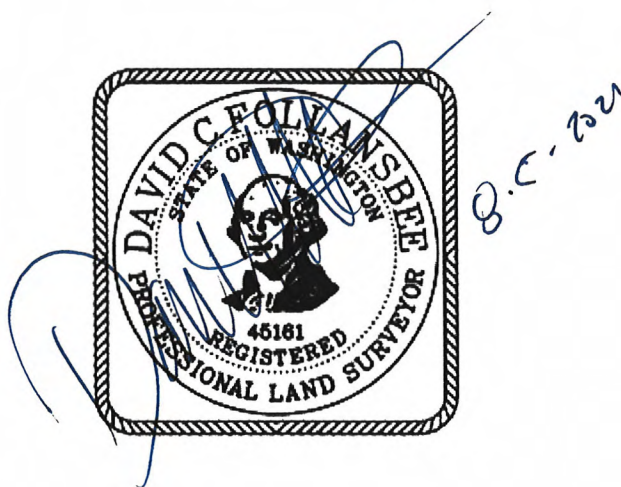


EXHIBIT "D-2A"

PARCEL B
BLA PLN-439
AFN 201812055003
APN 31052800100100

NORTH LINE
OF PARCEL A

WATER EASEMENT
AREA 875.26 S.F. +/-

N87° 29' 19"W
379.49'

P.O.T.

10'

P.O.C.

S2° 02' 32"W
7.23'

P.O.B.

PARCEL A
BLA PLN-439
AFN 201812055003
APN 31052800100300

51ST AVENUE NE (PUBLIC RIGHT-OF-WAY)



1"=100'

JOB NO. 2200283.50

7/20/2021

LEGAL BY: DF EXHIBIT BY: GD

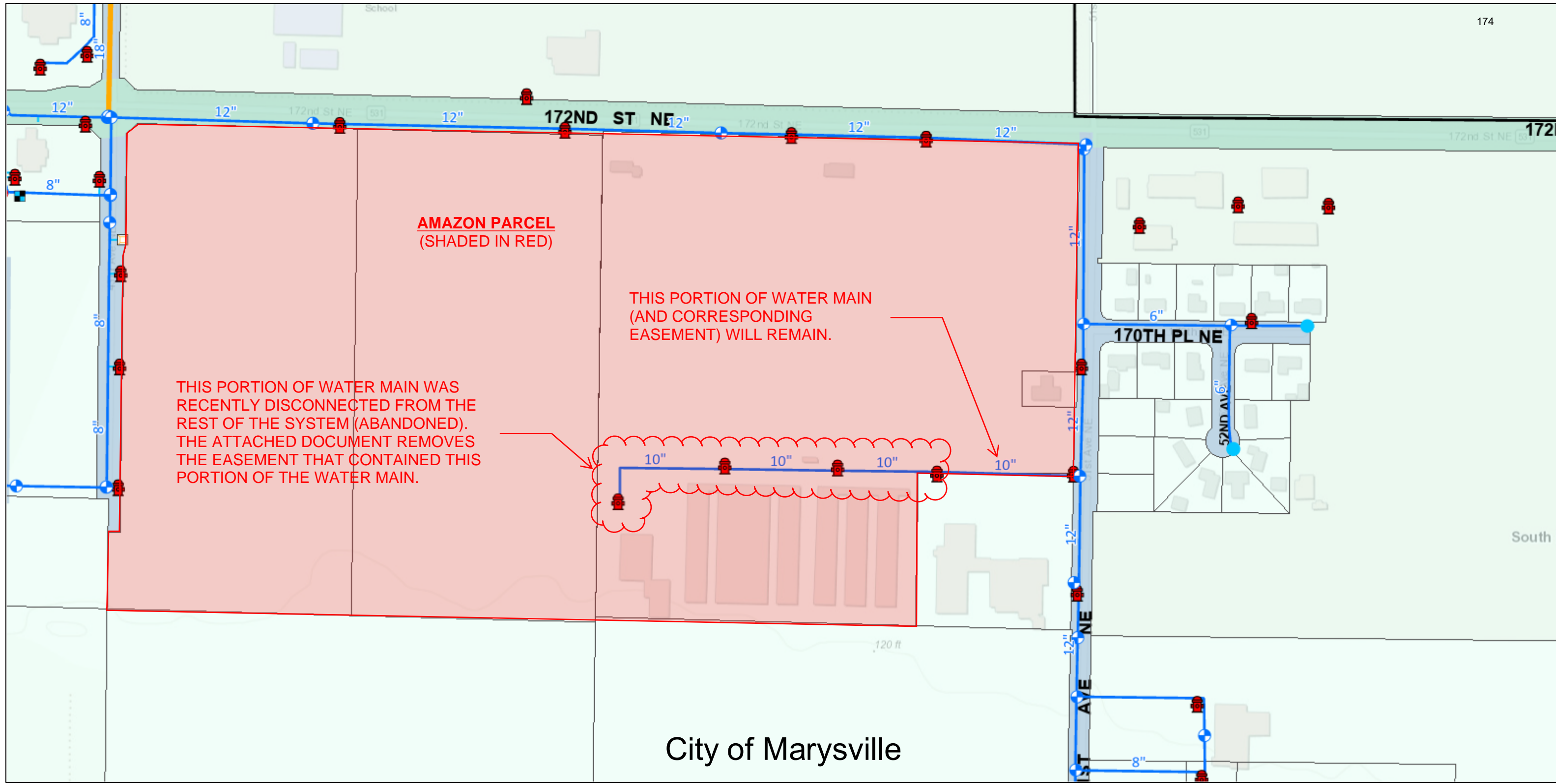
N 1/2, NE 1/4, S28, T31N, R5E

w:\sdeskproj\2020\2200283\2200283-2021exhibit.dwg



2215 North 30th Street,
Suite 200,
Tacoma, WA 98403
253.383.2422 TEL
253.383.2572 FAX

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0 PW Water Valves - Mains

- Open
- Closed
- Unknown
- Water Hydrants
- Water Sampling Stations

Water Appurtenances (AV, BO, and etc.)

- Air Control
- Air Gap

- Air Release
- Air Vac
- Altitude
- Backflow Control
- Blowoff
- Booster Pump Control
- Combination
- Double Check
- Flow Control

- Other
- PRV By-Pass
- PSI Relief Surge Anticipator
- Pigport
- Pressure Reducer
- Simple Check
- Surge Relief
- Unknown
- <all other values>

Water Network Structures (PS, SF, and etc.)

- Electrolysis Station
- Enclosed Storage Facility
- Meter Station
- Production Well
- Pump Station
- Reservoir
- Storage Basin

TP Treatment Plant

- Water Manhole
- Other

Water Mains

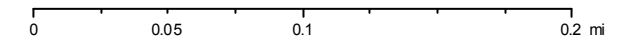
- Yes
- No
- Unknown
- Water Lateral Lines

Railroad

- Railroad

- Parcels

1:4,514



THE CITY OF MARYSVILLE DISCLAIMS ANY WARRANTY OF MERCHANTABILITY OR WARRANTY OF FITNESS OF THIS DATA FOR ANY PARTICULAR PURPOSE, EITHER EXPRESSED OR IMPLIED. NO REPRESENTATION OR WARRANTY IS MADE CONCERNING THE ACCURACY, CURRENCY, COMPLETENESS OR QUALITY OF DATA DEPICTED. ANY USER OF THIS DATA ASSUMES ALL RESPONSIBILITY FOR USE THEREOF, AND FURTHER AGREES TO HOLD THE CITY OF MARYSVILLE HARMLESS FROM AND AGAINST ANY DAMAGE, LOSS, OR LIABILITY ARISING FROM ANY USE OF THIS DATA.

PROJECT ROXY

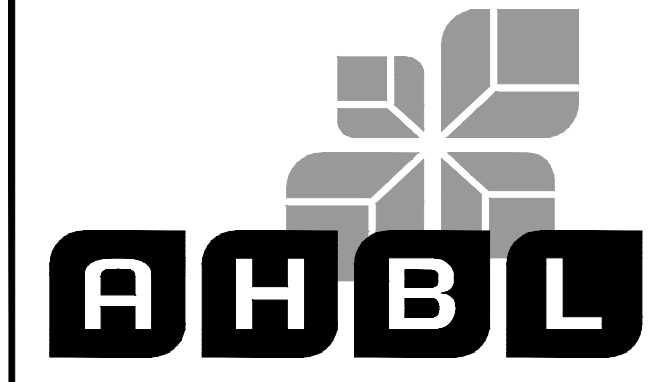
A PORTION OF THE N 1/2 OF THE NE 1/4 OF SEC. 28, TWN. 31 N., RGE. 05 E. W.M.
CITY OF ARLINGTON, SNOHOMISH COUNTY WASHINGTON.

CONSTRUCTION DRAWING APPROVAL

THIS PLAN SHEET HAS BEEN REVIEWED AND APPROVED PER THE CONDITIONS ON THE TITLE SHEET.

BY: _____
City Engineer, CITY OF ARLINGTON

DATE: _____
THIS APPROVAL VALID FOR 18 MONTHS



2215 North 30th Street, Suite 300 Tacoma, WA 98403
253.383.2422 TEL 253.383.2572 FAX www.ahbl.com WEB

Project Title:
PROJECT ROXY

Client:
PANATTONI DEVELOPMENT COMPANY, LLC
1821 DOCK STREET, SUITE 100
TACOMA, WA 98402

Project No.
2200283.10

Issue Set & Date:
SITE DEVELOPMENT PERMIT SET
12/14/2020



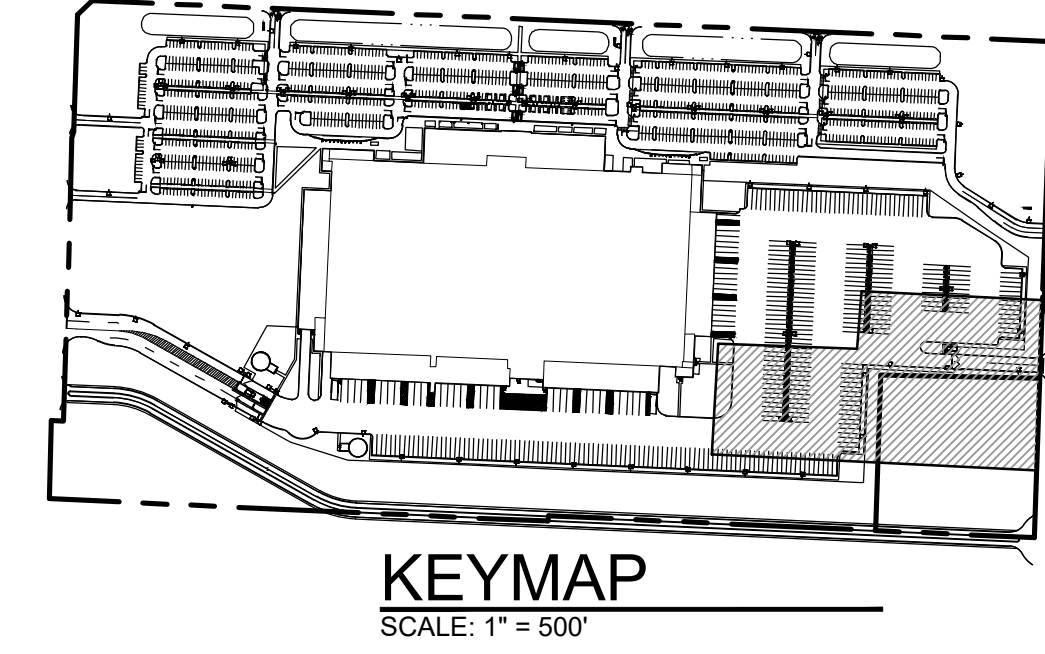
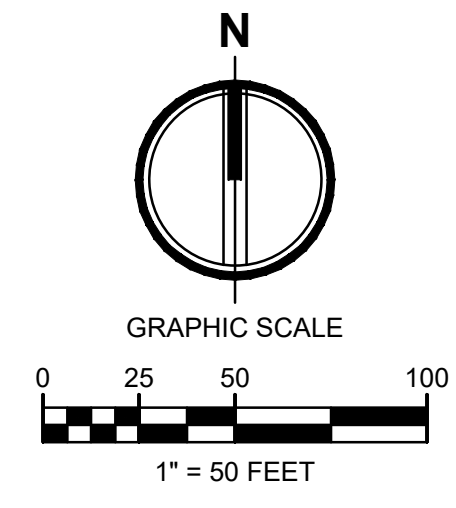
NOTICE
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- △
 - △
 - △
 - △
- Revisions:

Sheet Title:
MARYSVILLE WATER DEMOLITION PLAN

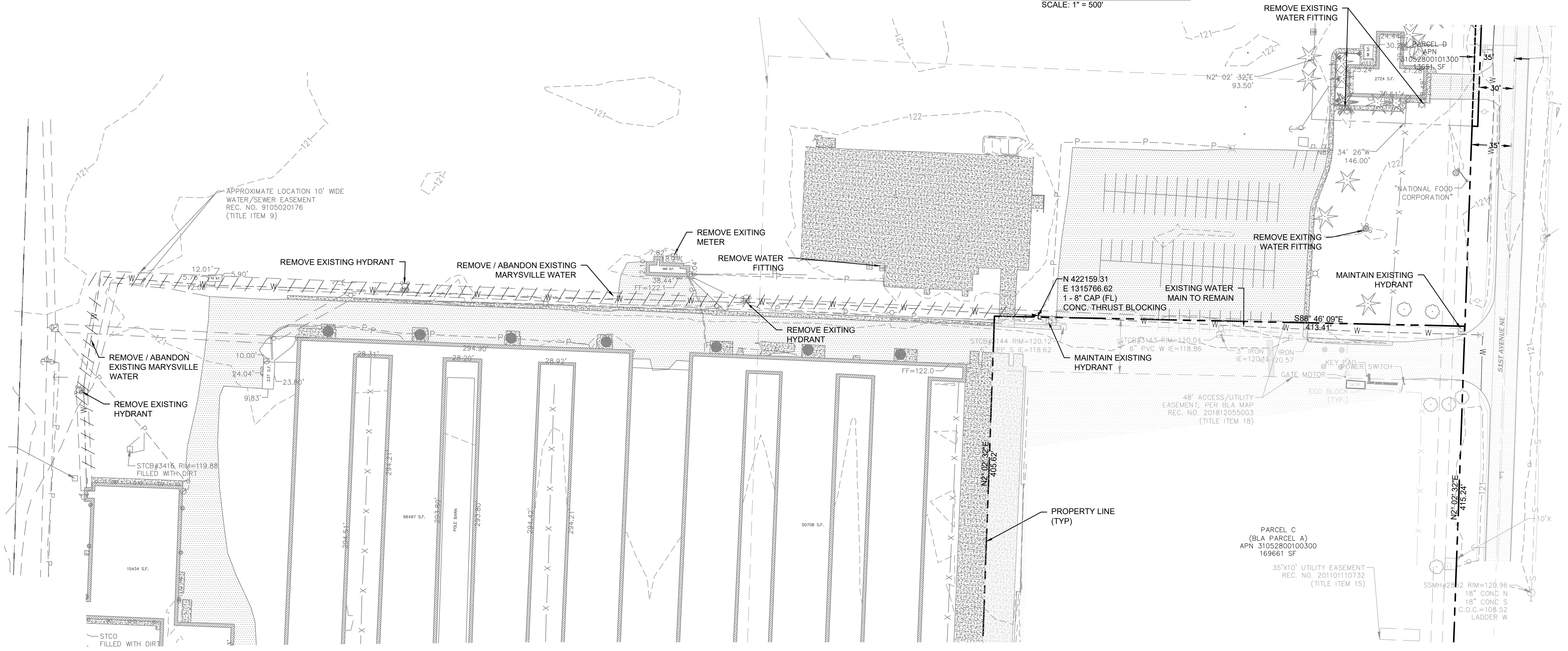
Designed by: BB/TW/ML/MW Drawn by: TS Checked by: BB/MW

Sheet No.
C4.7
42 of 54 Sheets



LEGEND

	BOLLARD
	THRUST BLOCKING, PER DETAIL 1 & 2 SHEET C4.10
	FITTINGS AS NOTED
	WATER PIPING
	WATER PIPING DEMO



Index #5

CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: October 11, 2021

AGENDA ITEM:	
Approval of Interagency Agreement between the City and the Washington Traffic Safety Commission regarding participation in and grant funding associated with the Target Zero Task Force.	
PREPARED BY:	DIRECTOR APPROVAL:
Assistant Chief Jim Lawless	
DEPARTMENT:	
Police	
ATTACHMENTS:	
See Interagency Agreement	
BUDGET CODE:	AMOUNT:
<p>SUMMARY: The Marysville Police Department has historically participated to varying degrees in the Target Zero Task Force, where in the goal is to “reduce the number of serious injury/fatality collisions through active, visible, consistent and targeted traffic law enforcement.” This is to be accomplished through High Visibility Enforcement (HVE) campaigns scheduled throughout the year (approximately 15 events), to include media campaigns and targeted emphasis enforcement focused on distracted driving, DUI, and motorcycle violations. This agreement allows us to participate and receive grant funding for reimbursement of officer overtime earned during the events, as well as associated training. This agreement covers the 2022 grant period.</p> <p>This interagency agreement has been reviewed by the City Attorney and approved as to form.</p>	

<p>RECOMMENDED ACTION: Staff recommends that Council authorize the Mayor to sign and execute this interagency agreement as presented.</p> <p>RECOMMENDED MOTION: I move to authorize the Mayor to sign and execute this interagency agreement as presented.</p>

INTERAGENCY AGREEMENT

BETWEEN THE

Washington Traffic Safety Commission

AND

THIS AGREEMENT is made and entered into by and between the Washington Traffic Safety Commission, hereinafter referred to as "WTSC," and [REDACTED], hereinafter referred to as "SUB-RECIPIENT."

NOW THEREFORE, in consideration of the terms, conditions, covenants, and performance contained herein, or attached and incorporated and made a part hereof, the Parties mutually agree as follows:

1. PURPOSE OF THE AGREEMENT

The purpose of this Agreement is to provide funding, provided by the United States Department of Transportation (USDOT) National Highway Traffic Safety Administration (NHTSA) and allowed under the Assistance Listings Catalog of Federal Domestic Assistance (CFDA) numbers 20.600 and 20.608, for traffic safety grant project **2022-HVE-4451-Region 10 Target Zero Task Force**, specifically to provide funding for the law enforcement agencies in WTSC Region 10 to conduct overtime high-visibility enforcement (HVE) traffic safety emphasis patrols as outlined in the Statement of Work (SOW), in support of Target Zero priorities. The Target Zero Manager (TZM) and/or the Law Enforcement Liaison (LEL) shall coordinate the SOW with the SUB-RECIPIENT with the goal of reducing traffic crashes.

Grant **2022-HVE-4451-Region 10 Target Zero Task Force** was awarded to the **Region 10** to support collaborative efforts to conduct HVE activities. By signing this agreement, the SUB-RECIPIENT is able to seek reimbursement for approved overtime expenses incurred as a participant in the region's HVE grant.

2. PERIOD OF PERFORMANCE

The period of performance of this Agreement shall commence upon the date of execution by both Parties, but not earlier than October 1, 2021, and remain in effect until September 30, 2022 unless terminated sooner, as provided herein.

3. STATEMENT OF WORK

SCOPE OF WORK:

Problem and Opportunity Statement / Project Overview

The main causes of serious injury and fatality collisions on Washington’s roadways are driver impairment through drug and/or alcohol use, and distracted driving. Motorcyclists also represent a high number of injured and killed as a result of unsafe and poorly trained riders and the challenges vehicle drivers face in observing motorcycles on the road.

This project will fund locally coordinated high visibility enforcement mobilizations for distracted driving and motorcycle safety. Selected regions will also be given funding for Impaired Driving HVE. Overtime patrols will be organized by local Target Zero Managers (TZMs) & the statewide Law Enforcement Liaison networks and their local Target Zero Task Force. These patrols will also be coordinated with the Washington State Patrol (WSP). Target Zero Managers will establish or strengthen relationships with key WSP district personnel to improve interagency coordination.

Goal

Prevent traffic crashes to reduce traffic related deaths and serious injuries through active, visible, consistent, and targeted traffic law enforcement.

Strategy

Prevent drivers from engaging in high-risk behaviors by increasing their perception of the risk of receiving a citation through high visibility enforcement campaigns (HVE).

HVE Campaigns influence driver behavior by creating the perception that there is an increased risk of engaging in risky driving behaviors. This perception is achieved through 1) an increase in media messages about upcoming emphasis periods so that the targeted drivers know when the patrols will occur and what will be enforced and 2) drivers have the perception of increased enforcement because they can see a significant and noticeable increase in law enforcement presence (officers pulling cars over) that reinforces the media messages they received and influences them to modify their driving behavior.

Objectives and Requirements for All High Visibility Patrols

1. SUB-RECIPIENT will participate in their task force to plan and execute HVE events. The SUB-RECIPIENT in cooperation with the local task force will:
 - a. Conduct robust planning for each HVE event. WTSC recommends creating an operational plan developed by the local traffic safety task force for each HVE event that includes:
 - i. Goals for the event – For example, what behaviors is the event intended to influence?
 - ii. Summary of participating law enforcement agencies, target violations, and target locations.
 - iii. Summary of the public outreach that will be done to promote the event so that drivers in the targeted locations are forewarned and can anticipate it.
 - iv. Use data and information such as crash data, anecdotes of near misses, and professional judgement to pick target locations where the patrols will occur.

- b. The planning for HVE events will be data informed; based on crash data, anecdotal evidence, and the professional judgement of task force members.
- c. Execute the event using multiple officers (a minimum of three) at the same time in the same target areas to create a visible presence so that the driving public has the perception of law enforcement omnipresence on the targeted roads. Enforcement is highly visible – clearly more than a typical day.
- d. Participating officers should maximize their contacts during their patrols so that their activity contributes to the goals of the HVE event. See this requirement described below in the section called Other Considerations, Exceptions, And Notes Regarding HVE Events.
- e. Promote the event through all earned, owned and, if funded, paid media that is available so that the public is made aware of the event before, during, and after the enforcement takes place. Translate messages as needed to reach the majority of drivers in the targeted locations.
- f. Invite local media involvement in the effort to reach communities in which HVE will occur.
- g. Strive to actively enforce traffic safety laws focused on collision causing behaviors in priority areas throughout the year outside of HVE events.
- h. Ensure all participating personnel will use the WEMS system provided by the WTSC to record all activities in digital activity logs conducted by their commissioned officers pursuant to the HVE events. Participating officers will fill out all applicable fields of the digital activity log and use the comments field to provide details on an irregularities, challenges or other details that would help explain what was encountered during their shift. SUB-RECIPIENT will also ensure all supervisors and fiscal staff have the ability to review and edit those activity logs.
- i. Ensure all participating personnel will receive a briefing prior to the event so that every participant understands the purpose and goals of the HVE event. This can be done in person (preferred) or electronic via telephone or virtual software. Below is a recommended briefing checklist:
 - i. Event goals, and summary of participating law enforcement agencies and officers, target violations, and target locations.
 - ii. List of on-call DREs and request procedures
 - iii. How to fill out their digital activity log in WEMS
 - iv. Information on how the Mobile Impaired Driving Unit will be used (if applicable)
 - v. Dispatch information
 - vi. Spotter processes (if applicable)
 - vii. Available Draeger machines and locations

- j. Ensure all officers participating in these patrols is BAC certified and received and passed the SFST refresher training.
- k. Support the promotion of HVE events utilizing all of their owned media channels (i.e., Facebook, Twitter, website, email newsletters, or other social media).
- l. Ensure at least one individual available for weekend media contacts, beginning at noon on Fridays before HVE mobilizations.

Objectives and Requirements for Distracted Driving HVE Patrols

1. SUB-RECIPIENT must use the spotter method for all distracted driving HVE events. This method will utilize a team of no less than three officers – one spotter identifying violations and at least two officers responding to violations.
2. Participating officers will document, in the “Comments” box of their activity log, the names of the spotter and chasers with which they were working.
3. SUB-RECIPIENTS utilizing motorcycle officers are exempt from the spotter requirement.
4. SUB-RECIPIENT agrees that distracted driving patrols conducted without using the spotter method will not be compensated by the WTSC.
5. SUB-RECIPIENT will only expend funds for these HVE events in support of the national distracted driving campaign from April 4 to April 11.
6. SUB-RECIPIENT may expend funds outside of the April national campaign, but only when 1) the Target Zero Manager receives written approval from WTSC in advance and 2) the event is in support of a distracted driving focused HVE event organized by the Task Force. Patrols conducted outside of the campaign window, and without pre-approval from WTSC will not be reimbursed.

Objectives and Requirements for Motorcycle Safety HVE Patrols

1. SUB-RECIPIENT will focus on the illegal and unsafe driving actions of all other motor vehicles when relating to motorcycles. This includes speeding, failure to yield to a motorcycle, following too closely to a motorcycle, distracted driving, etc.
2. SUB-RECIPIENT ensures that enforcement will focus on the illegal and unsafe driving actions of motorcycles that are known to cause serious and fatal crashes. This includes impaired driving, speeding, and following too closely.
3. The SUB-RECIPIENT will utilize motorcycle officers in these patrols to the fullest extent possible.
4. The SUB-RECIPIENT will only expend funds for these motorcycle HVE events in support of the following campaigns:
5. It’s a Fine Line – (July 8-10, July 15-17, or July 22-24). Note: Patrols must take place Friday, Saturday, or Sunday during the campaign.

6. Oyster Run Event – Summer 2022 (Region 11 only).
7. ABATE Spring Opener – Summer 2022 (Region 12 only).
8. Hog Wild Ocean Shores Motorcycle Event – Summer 2022 (Region 2 only).
9. Motorcycle HVE Patrols must take place Friday, Saturday, or Sunday during the It's a Fine Line campaign, however the local Traffic Safety Task Force can request to conduct patrols during other days in the week if data shows the need for this or for special events. These requests must be sent to Mark Medalen via email (mmedalen@wtsc.wa.gov) at least one week in advance of the proposed event. During special events, patrols should be scheduled during the dates of the event and could start one day before the official event start date and end one day after the official event end date.

Other Considerations, Exceptions, And Notes Regarding HVE Events

Maximizing contacts: Participating law enforcement officers should make as many contacts as they can during their patrol in the spirit of changing driving behavior. Active, visible, consistent, and targeted traffic law enforcement has an impact on helping to modify driver behavior. A traffic stop affects future driving habits that has a positive influence on reducing the number and severity of collisions. People believe what they hear from each other and it influences what they do. Traffic stops act as a deterrent to risky driving behavior. This strategy has three primary purposes that traffic stops achieve:

- The first purpose is to stop a violation of the law for public safety. Officers will accomplish this purpose merely by stopping vehicles.
- The second purpose of the stop is to serve as a general deterrent to other drivers. Officers' visible presence with a vehicle at the roadside has this symbolic effect on other drivers.
- Finally, the third purpose is to change the drivers' future driving behavior.

Process Measures

- Percent of officers that receive a briefing prior to HVE events.
- Percent of HVE activity logs with a start date and end date / time within prescribed campaign windows.
- Percent of stops resulting in an infraction or citations issued for high-risk behaviors including but not limited to impaired driving, speeding, distracted driving, and aggressive driving.

Objectives and Requirements for Impaired Driving HVE Patrols

1. SUB-RECIPIENT will implement a data driven, sustained enforcement and education efforts.
 - a. Use local traffic crash data and any other useful data to identify the locations where the enforcement patrols should occur.
 - b. Education and local media efforts should incorporate a Positive Community Norms approach with the desired outcome of influencing drivers with the highest potential of causing traffic crashes.

- c. Commit to an increased level of sustained enforcement as outlined in the operations plan. *NOTE: These funds are meant to provide an increase in DUI enforcement efforts, not meant to replace current DUI enforcement.*
2. SUB-RECIPIENT will participate in national impaired driving HVE events including:
 - a. Holiday DUI Patrols (December 15 – January 1)
 - b. Drive Sober or Get Pulled Over (August 17 – September 5)
3. SUB-RECIPIENT will focus enforcement efforts on driving behaviors that are commonly exhibited by drivers operating a motor vehicle under the influence of alcohol/drugs or a combination. Stopping vehicles for “high discretionary” style stops should not be the priority.
4. SUB-RECIPIENT ensures all officers participating in these patrols has received the Advanced Roadside Impaired Driving Enforcement (ARIDE) training.
5. SUB-RECIPIENT should not supplant regular patrol officer activity during HVE events.

Scope of Work - Impaired Driving HVE Patrols

Contacts

Project Manager

Stacey McShane, TZM

15100 50th Ave NE

Marysville, WA

425-388-3817

target.zero@snoco.org

Project Director

Kenneth Klein

3000 Rockefeller Ave

Everett, WA 98201

425-388-3298

Kenneth.Klein@co.snohomish.wa.us

Media Contacts

Primary: Stacey McShane

1st Backup: Chris Breault – LEL and Lynnwood PD – Cbreault@lynnwoodwa.gov

Additional Media Contacts

Courtney O’Keefe - SCSO Courtney.okeefe@snoco.org

Joanna Small – Lynnwood PD jsmall@lynnwoodwa.gov

Rocky Oliphant – WSP Rocky.Oliphant@wsp.wa.gov

Operations

The following patrols are tentative pending staffing and contract execution. Finalized dates will be provided to the WTSC HVE Program Manager once event dates are selected. A minimum of 3 Officers working per

event is needed to qualify for HVE. The TZM reserves the flexibility to move dates and add dates to adapt to unexpected challenges throughout the program year.

Region 10 will conduct the following HVE patrols during the 2021-2022 fiscal year:

Q1	Q2	Q3	Q4
10/30 DUI Patrol (Halloween)	1 HVE DUI patrol in February near Valentine's day	1 HVE DUI in May patrol near Cinco de mayo	1 HVE patrol near Independence Day
Week of Thanksgiving – 1 patrol	1 HVE DUI In March near St. Patrick's Day	1 HVE patrol in June	2-3 HVE patrols related to area festivals and Statewide DUI patrol
12/10 – Night of 1000 Stars	1-2 DUI Mentorship's	1-2 DUI Mentorships	1 September local HVE patrol
December Statewide HVE patrols			*Additional dates may be added in September. 1 mentorship (Assuming time and availability due to summer activity)

Mentorship

The Task Force will continue engaging a DUI mentorship program to train additional officers for DUI related activities. The mentorship program will utilize the current fiscal year policy for such activities, to be approved by the WTSC Program Manager. In general, DUI mentorship will include 16 hours of instructions to an officer wanting to engage further in DUI emphasis activities. Up to 16 hours of overtime or straight time will be approved to both mentor/mentees. The mentor will be a DRE when possible, or a highly effective DUI emphasis patrol officer with a minimum of ARIDE training. Mentor/mentee activities will be pre-approved by the TZM after the mentee submits their letter of interest.

HVE Patrol Dedications

The task Force will conduct at least 1 victim dedication event during the fiscal year. Event and dedication to be determined by the Task Force.

Briefings

Briefings will be conducted for all HVE patrols and will be mandatory for participants. Larger patrols for events such as Night of 1000 Stars will include a comprehensive operations plan. Briefings will occur either

in person or via ZOOM meeting (depending on COVID restrictions and other variables). Email/phone briefings may be utilized during longer statewide HVE's or when the TZM or LEL is not available.

Publicity/Earned Media Efforts

Media Plan:

- Press releases within the week of the local enforcement – due to agency policies and best practices, press releases will be in the 5-day period leading up to the enforcement activity.
- Post event social media follow up will describe the outcome of the event. Post event information will also be provided to print/television/radio media, when requested. For larger events, post event information will be provided via press release.
- Social media releases on the @SnocoTargetZero accounts along with partner agencies related to education and enforcement. Releases will occur during the lead-up and during the HVE deployments.
- Increase in social media presence. This will be expanded to include Facebook and Instagram assuming the county archiving service has the capacity to add these accounts.
- Direct engagement with the media whenever requested – this includes television, print, radio, and web media outlets.
- Digital advertising through partners at North Sound Media (Everettpost.com) – contingent on local media support funds. Digital advertising includes “digital fencing” which produces electronic ads to people using devices within a fenced area. This will be deployed year-round and additional ad impression allocations during summer and special events. Analytics will be provided by the media company.
- Radio PSA advertising through partners at KRKO/KXAA North Sound media/EverettPost.com. Ads will play on various radio stations, including their sports channel, which caters to the young male demographic.
- DUI Radio show at KRKO radio. This show has been done annually for the past 11 years and includes segments walking listeners through impairment, DUI, the legal and insurance fallout etc. Guests on the show have included an officer conducting SFST's on the host, Liquor and Cannabis, prosecutors, insurance agents, WSP troopers etc.
- 1 letter to the editor will be written by the TZM annually to the Everett Herald related to DUI issues in our county. Exact topic to be determined by current data
- Other media opportunities or advertising that is identified or becomes available at a later time, spending to be approved by WTSC Program Manager.

The task force will work to utilize positive community norming messaging whenever possible when engaging with advertising or social media messaging. The Task Force will rely on WTSC to assist with messaging guidance and efforts.

Visibility Efforts

The task force will utilize the following:

- Social media blasts
- Rack card handouts (when available/pending funding approval) during emphasis patrols.

Budget and Budget Narrative

The budget for the mentorship program may be utilized for HVE or vice versa. Any changes to the ID HVE budget will be communicated via email to the HVE Program Manager.

Q1	Q2	Q3	Q4
Estimated HVE. Budget: \$22,000	Estimated HVE Budget: \$7,000 Estimated Mentorship Budget: \$6,000	Estimated HVE Budget: \$9,000 Estimated Mentorship Budget: \$5,000	Estimated HVE Budget: \$20,000 Estimated Mentorship budget: \$3000
			TOTAL: \$72,000

3.1. MILESTONES AND DELIVERABLES

Mobilization	Dates
Holiday DUI	December 15, 2021 – January 1, 2022
U Drive. U Text. U Pay.	April 4 – 11, 2022
It's a Fine Line	July 8 – 24, 2022
DUI Drive Sober or Get Pulled Over	August 17 – September 5, 2022

3.2. COMPENSATION

3.2.1. Compensation for the overtime work provided in accordance with this Agreement has been established under the terms of RCW 39.34. The cost of accomplishing the work described in the SOW will not exceed dollar total from amounts listed below. Payment for satisfactory performance of the overtime work shall not exceed this amount unless the WTSC and SUB-RECIPIENT mutually agree to a higher amount in a written Amendment to this Agreement executed by both the WTSC and SUB-RECIPIENT. Comp-time is not considered overtime and will not be approved for payment. All law enforcement agencies who are active members of the Region 10 traffic safety task force with a fully executed grant agreement are eligible to participate in this grant.

3.2.2. WTSC will reimburse for personnel overtime expenses at 150 percent of the officer's normal salary rate plus SUB-RECIPIENT's contributions to employee benefits, limited to the following:

- FICA
- Medicare
- Any portion of L & I that is paid by the employer (SUB-RECIPIENT)

- Retirement contributions paid by the employer (SUB-RECIPIENT) can be included if the contribution is based on a percentage of their hours worked

Health insurance, or any other benefits not listed above, are not eligible for reimbursement.

The SUB-RECIPIENT will provide law enforcement officers with appropriate equipment (e.g., vehicles, radars, portable breath testers, etc.) to participate in the emphasis patrols.

3.2.3. Funding alterations are permitted as follows: Upon agreement by the regional TZM and all other parties impacted by a proposed budget alteration, the allocation amounts may be increased or decreased without amending this agreement. HVE grant funds should be managed collaboratively by the SUB-RECIPIENT and the TZM.

These alterations must be requested through email communication among all involved parties, including the TZM, and the WTSC Fiscal Analyst. This communication shall include an HVE Allocation Adjustment form, which details the funding alterations.

Funds within the same HVE campaign budget category only, can be increased and decreased across parties, so long as the modified total does not exceed the regional total allocation per funding category.

3.2.4. These funds, designated for salaries and benefits, are intended to pay for the hourly overtime costs and proportional amounts of fringe benefits of commissioned staff pursuing the activities described in the statement of work. These funds may not be used for any other purpose for example any work required to maintain a law enforcement commission including recertification trainings like firearm qualification.

3.2.5. Dispatch: WTSC will reimburse communications officers/dispatch personnel for work on this project providing SUB-RECIPIENT has received prior approval from their region's TZM. This activity must be overtime and only the expenses listed in section 3.2 and its subsections will be reimbursed.

3.2.6. Transport Officers: WTSC will reimburse transport officers for their work on this project providing SUB-RECIPIENT has received approval from their regions TZM. The TZM will work with the regional LEL to determine if need is warranted for the type of HVE activity. This activity must be overtime and only the expenses listed in section 3.2 and its subsections will be reimbursed.

3.2.7. The law enforcement agency involved will not schedule individual officer overtime shifts for longer than eight hours. WTSC understands there may be instances when more than eight hours are billed due to DUI processing or other reasons and an explanation should be provided on the WEMS Officer Activity Log.

3.2.8. The law enforcement agency involved will ensure that any reserve officer for whom reimbursement is claimed has exceeded his/her normal weekly working hours when participating in an emphasis patrol and is authorized to be paid at the amount requested. Reserve officers may only be paid at the normal hourly rate and not at the 150 percent overtime rate.

3.3. SUMMARY OF PROJECT COSTS

The WTSC has awarded **\$114,000.00** to the **Region 10 Traffic Safety Task Force** for the purpose of conducting coordinated overtime HVE activities. By signing this agreement, the SUB-RECIPIENT is able to seek reimbursement for approved overtime expenses incurred as a participant in this grant. All activity must be coordinated by the region's traffic safety task force and TZM in order to be eligible for reimbursement.

The funding for **Region 10** is as follows:

EMPHASIS PATROL

Impaired Driving Patrols (Section 402, CFDA 20.600)	\$72,000.00
Distracted Driving Patrols (Section 402, CFDA 20.600)	\$27,000.00
Motorcycle Safety (164 Funds, CFDA 20.608)	\$15,000.00
TOTAL	\$114,000.00

3.3.1. The funds issued under this Agreement are only to be used for the specified category and shall not be commingled between categories.

APPLICABLE STATE AND FEDERAL TERMS AND CONDITIONS:

4. ACTIVITY REPORTS

The SUB-RECIPIENT agrees to have all personnel who work HVE patrols submit a WEMS Officer Activity Log within 24 hours of the end of all shifts worked. These same logs will be associated with invoices as detailed in the "BILLING PROCEDURE" section. Use of the Officer Activity Log in the WTSC's online grant management system, WEMS, is required. Supervisor review and accuracy certification will also be done in WEMS.

5. ADVANCE PAYMENTS PROHIBITED

No payments in advance of or in anticipation of goods or services to be provided under this Agreement shall be made by the WTSC.

6. AGREEMENT ALTERATIONS AND AMENDMENTS

This Agreement may be amended by mutual agreement of the Parties in the form of a written request to amend this Agreement. Such amendments shall only be binding if they are in writing and signed by

personnel authorized to bind each of the Parties. Changes to the budget, SUB-RECIPIENT'S Primary Contact, and WTSC Program Manager can be made through email communication and signatures are not required.

7. ALL WRITINGS CONTAINED HEREIN

This Agreement contains all the terms and conditions agreed upon by the Parties. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the Parties hereto.

8. ASSIGNMENT

The SUB-RECIPIENT may not assign the work to be provided under this Agreement, in whole or in part, without the express prior written consent of the WTSC, which consent shall not be unreasonably withheld. The SUB-RECIPIENT shall provide the WTSC a copy of all third-party contracts and agreements entered into for purposes of fulfilling the SOW. Such third-party contracts and agreements must follow applicable federal, state, and local law, including but not limited to procurement law, rules, and procedures. If any of the funds provided under this Agreement include funds from NHTSA, such third-party contracts and agreements must include the federal provisions set forth in this Agreement in sections 34 through 42.

9. ATTORNEYS' FEES

In the event of litigation or other action brought to enforce the Agreement terms, each Party agrees to bear its own attorney fees and costs.

10. BILLING PROCEDURE

All invoices for reimbursement of HVE activities will be done using the WTSC's grant management system, WEMS. WEMS Officer Activity logs will be attached to invoices, directly linking the cost of the activity to the invoice. Because the activity, approval, and invoicing are all done within WEMS, no back up documentation is required in most cases.

Once submitted by the SUB-RECIPIENT, invoices are routed to the regional TZM for review and approval. The TZM will submit all approved invoices to the WTSC via WEMS within 10 days of receipt.

Payment to the SUB-RECIPIENT for approved and completed work will be made by warrant or account transfer by WTSC within 30 days of receipt of such properly documented invoices acceptable to WTSC. Upon expiration of the Agreement, any claim for payment not already made shall be submitted within 45 days after the expiration date of this Agreement. All invoices for goods received or services performed on or prior to June 30, 2021, **must be received by WTSC no later than August 10, 2022**. All invoices for goods received or services performed between July 1, 2022 and September 30, 2022, **must be received by WTSC no later than November 15, 2022**.

11. CONFIDENTIALITY/SAFEGUARDING OF INFORMATION

The SUB-RECIPIENT shall not use or disclose any information concerning the WTSC, or information which may be classified as confidential, for any purpose not directly connected with the administration of this Agreement, except with prior written consent of the WTSC, or as may be required by law.

12. COST PRINCIPLES

Costs incurred under this Agreement shall adhere to provisions of 2 CFR Part 200 Subpart E.

13. COVENANT AGAINST CONTINGENT FEES

The SUB-RECIPIENT warrants that it has not paid, and agrees not to pay, any bonus, commission, brokerage, or contingent fee to solicit or secure this Agreement or to obtain approval of any application for federal financial assistance for this Agreement. The WTSC shall have the right, in the event of breach of this section by the SUB-RECIPIENT, to annul this Agreement without liability.

14. DISPUTES

14.1. Disputes arising in the performance of this Agreement, which are not resolved by agreement of the Parties, shall be decided in writing by the WTSC Deputy Director or designee. This decision shall be final and conclusive, unless within 10 days from the date of the SUB-RECIPIENT's receipt of WTSC's written decision, the SUB-RECIPIENT furnishes a written appeal to the WTSC Director. The SUB-RECIPIENT's appeal shall be decided in writing by the Director or designee within 30 days of receipt of the appeal by the Director. The decision shall be binding upon the SUB-RECIPIENT and the SUB-RECIPIENT shall abide by the decision.

14.2. Performance During Dispute. Unless otherwise directed by WTSC, the SUB-RECIPIENT shall continue performance under this Agreement while matters in dispute are being resolved.

15. GOVERNANCE

15.1. This Agreement is entered into pursuant to and under the authority granted by the laws of the state of Washington and any applicable federal laws. The provisions of this Agreement shall be construed to conform to those laws.

15.2. In the event of an inconsistency in the terms of this Agreement, or between its terms and any applicable statute or rule, the inconsistency shall be resolved by giving precedence in the following order:

- 15.2.1.** Applicable federal and state statutes and rules
- 15.2.2.** Terms and Conditions of this Agreement
- 15.2.3.** Any Amendment executed under this Agreement
- 15.2.4.** Any SOW executed under this Agreement
- 15.2.5.** Any other provisions of the Agreement, including materials incorporated by reference

16. INCOME

Any income earned by the SUB-RECIPIENT from the conduct of the SOW (e.g., sale of publications, registration fees, or service charges) must be accounted for, and that income must be applied to project purposes or used to reduce project costs.

17. INDEMNIFICATION

17.1. To the fullest extent permitted by law, the SUB-RECIPIENT shall indemnify and hold harmless the WTSC, its officers, employees, and agents, and process and defend at its own expense any and all claims, demands, suits at law or equity, actions, penalties, losses, damages, or costs of whatsoever kind ("claims") brought against WTSC arising out of or in connection with this Agreement and/or the SUB-RECIPIENT's

performance or failure to perform any aspect of the Agreement. This indemnity provision applies to all claims against WTSC, its officers, employees, and agents arising out of, in connection with, or incident to the acts or omissions of the SUB-RECIPIENT, its officers, employees, agents, contractors, and subcontractors. Provided, however, that nothing herein shall require the SUB-RECIPIENT to indemnify and hold harmless or defend the WTSC, its agents, employees, or officers to the extent that claims are caused by the negligent acts or omissions of the WTSC, its officers, employees or agents; and provided further that if such claims result from the concurrent negligence of (a) the SUB-RECIPIENT, its officers, employees, agents, contractors, or subcontractors, and (b) the WTSC, its officers, employees, or agents, or involves those actions covered by RCW 4.24.115, the indemnity provisions provided herein shall be valid and enforceable only to the extent of the negligence of the SUB-RECIPIENT, its officers, employees, agents, contractors, or subcontractors.

17.2. The SUB-RECIPIENT waives its immunity under Title 51 RCW to the extent it is required to indemnify, defend, and hold harmless the WTSC, its officers, employees, or agents.

17.3. The indemnification and hold harmless provision shall survive termination of this Agreement.

18. INDEPENDENT CAPACITY

The employees or agents of each Party who are engaged in the performance of this Agreement shall continue to be employees or agents of that Party and shall not be considered for any purpose to be employees or agents of the other Party.

19. INSURANCE COVERAGE

19.1. The SUB-RECIPIENT shall comply with the provisions of Title 51 RCW, Industrial Insurance, if required by law.

19.2. If the SUB-RECIPIENT is not required to maintain insurance in accordance with Title 51 RCW, prior to the start of any performance of work under this Agreement, the SUB-RECIPIENT shall provide WTSC with proof of insurance coverage (e.g., vehicle liability insurance, private property liability insurance, or commercial property liability insurance), as determined appropriate by WTSC, which protects the SUB-RECIPIENT and WTSC from risks associated with executing the SOW associated with this Agreement.

20. LICENSING, ACCREDITATION, AND REGISTRATION

The SUB-RECIPIENT shall comply with all applicable local, state, and federal licensing, accreditation, and registration requirements and standards necessary for the performance of this Agreement. The SUB-RECIPIENT shall complete registration with the Washington State Department of Revenue, if required, and be responsible for payment of all taxes due on payments made under this Agreement.

21. RECORDS MAINTENANCE

21.1. During the term of this Agreement and for six years thereafter, the SUB-RECIPIENT shall maintain books, records, documents, and other evidence that sufficiently and properly reflect all direct and indirect costs expended in the performance of the services described herein. These records shall be subject to inspection, review, or audit by authorized personnel of the WTSC, the Office of the State Auditor, and federal officials so authorized by law. All books, records, documents, and other material relevant to this Agreement will be retained for six years after expiration. The Office of the State Auditor, federal auditors,

the WTSC, and any duly authorized representatives shall have full access and the right to examine any of these materials during this period.

21.2. Records and other documents, in any medium, furnished by one Party to this Agreement to the other Party, will remain the property of the furnishing Party, unless otherwise agreed. The receiving Party will not disclose or make available this material to any third Parties without first giving notice to the furnishing Party and giving them a reasonable opportunity to respond. Each Party will utilize reasonable security procedures and protections to assure that records and documents provided by the other Party are not erroneously disclosed to third Parties.

22. RIGHT OF INSPECTION

The SUB-RECIPIENT shall provide right of access to its facilities to the WTSC or any of its officers, or to any other authorized agent or official of the state of Washington or the federal government, at all reasonable times, in order to monitor and evaluate performance, compliance, and/or quality assurance under this Agreement. The SUB-RECIPIENT shall make available information necessary for WTSC to comply with the right to access, amend, and receive an accounting of disclosures of their Personal Information according to the Health Insurance Portability and Accountability Act of 1996 (HIPAA) or any regulations enacted or revised pursuant to the HIPAA provisions and applicable provisions of Washington State law. The SUB-RECIPIENT shall upon request make available to the WTSC and the United States Secretary of the Department of Health and Human Services all internal policies and procedures, books, and records relating to the safeguarding, use, and disclosure of Personal Information obtained or used as a result of this Agreement.

23. RIGHTS IN DATA

23.1. WTSC and SUB-RECIPIENT agree that all data and work products (collectively called "Work Product") pursuant to this Agreement shall be considered works made for hire under the U.S. Copyright Act, 17 USC §101 et seq., and shall be owned by the state of Washington. Work Product includes, but is not limited to, reports, documents, pamphlets, advertisement, books, magazines, surveys, studies, computer programs, films, tapes, sound reproductions, designs, plans, diagrams, drawings, software, and/or databases to the extent provided by law. Ownership includes the right to copyright, register the copyright, distribute, prepare derivative works, publicly perform, publicly display, and the ability to otherwise use and transfer these rights.

23.2. If for any reason the Work Product would not be considered a work made for hire under applicable law, the SUB-RECIPIENT assigns and transfers to WTSC the entire right, title, and interest in and to all rights in the Work Product and any registrations and copyright applications relating thereto and any renewals and extensions thereof.

23.3. The SUB-RECIPIENT may publish, at its own expense, the results of project activities without prior review by the WTSC, provided that any publications (written, visual, or sound) contain acknowledgment of the support provided by NHTSA and the WTSC. Any discovery or invention derived from work performed under this project shall be referred to the WTSC, who will determine through NHTSA whether patent

protections will be sought, how any rights will be administered, and other actions required to protect the public interest.

24. SAVINGS

In the event funding from state, federal, or other sources is withdrawn, reduced, or limited in any way after the effective date of this Agreement and prior to completion of the SOW under this Agreement, the WTSC may terminate the Agreement under the "TERMINATION FOR CONVENIENCE" clause, without the 30-day notice requirement. The Agreement is subject to renegotiation at the WTSC's discretion under any new funding limitations or conditions.

25. SEVERABILITY

If any provision of this Agreement or any provision of any document incorporated by reference shall be held invalid, such invalidity shall not affect the other provisions of this Agreement which can be given effect without the invalid provision, if such remainder conforms to the requirements of applicable law and the fundamental purpose of this Agreement, and to this end the provisions of this Agreement are declared to be severable.

26. SITE SECURITY

While on WTSC premises, the SUB-RECIPIENT, its agents, employees, or sub-contractors shall conform in all respects with all WTSC physical, fire, or other security policies and applicable regulations.

27. TAXES

All payments of payroll taxes, unemployment contributions, any other taxes, insurance, or other such expenses for the SUB-RECIPIENT or its staff shall be the sole responsibility of the SUB-RECIPIENT.

28. TERMINATION FOR CAUSE

If the SUB-RECIPIENT does not fulfill in a timely and proper manner its obligations under this Agreement or violates any of these terms and conditions, the WTSC will give the SUB-RECIPIENT written notice of such failure or violation, and may terminate this Agreement immediately. At the WTSC's discretion, the SUB-RECIPIENT may be given 15 days to correct the violation or failure. In the event that the SUB-RECIPIENT is given the opportunity to correct the violation and the violation is not corrected within the 15-day period, this Agreement may be terminated at the end of that period by written notice of the WTSC.

29. TERMINATION FOR CONVENIENCE

Except as otherwise provided in this Agreement, either Party may terminate this Agreement, without cause or reason, with 30 days written notice to the other Party. If this Agreement is so terminated, the WTSC shall be liable only for payment required under the terms of this Agreement for services rendered or goods delivered prior to the effective date of termination.

30. TREATMENT OF ASSETS

30.1. Title to all property furnished by the WTSC shall remain property of the WTSC. Title to all property furnished by the SUB-RECIPIENT for the cost of which the SUB-RECIPIENT is entitled to be reimbursed as a direct item of cost under this Agreement shall pass to and vest in the WTSC upon delivery of such property by the SUB-RECIPIENT. Title to other property, the cost of which is reimbursable to the SUB-RECIPIENT

under this Agreement, shall pass to and vest in the WTSC upon (i) issuance for use of such property in the performance of this Agreement, or (ii) commencement of use of such property in the performance of this Agreement, or (iii) reimbursement of the cost thereof by the WTSC in whole or in part, whichever first occurs.

30.2. Any property of the WTSC furnished to the SUB-RECIPIENT shall, unless otherwise provided herein or approved by the WTSC, be used only for the performance of this Agreement.

30.3. The SUB-RECIPIENT shall be responsible for any loss or damage to property of the WTSC which results from the negligence of the SUB-RECIPIENT or which results from the failure on the part of the SUB-RECIPIENT to maintain and administer that property in accordance with sound management practices.

30.4. If any WTSC property is lost, destroyed, or damaged, the SUB-RECIPIENT shall immediately notify the WTSC and shall take all reasonable steps to protect the property from further damage.

30.5. The SUB-RECIPIENT shall surrender to the WTSC all property of the WTSC upon completion, termination, or cancellation of this Agreement.

30.6. All reference to the SUB-RECIPIENT under this clause shall also include SUB-RECIPIENT's employees, agents, or sub-contractors.

31. WAIVER

A failure by either Party to exercise its rights under this Agreement shall not preclude that Party from subsequent exercise of such rights and shall not constitute a waiver of any other rights under this Agreement.

APPLICABLE CERTIFICATIONS AND ASSURANCES FOR HIGHWAY SAFETY GRANTS (23 CFR PART 1300 APPENDIX A):

32. BUY AMERICA ACT

The SUB-RECIPIENT will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using federal funds. Buy America requires the SUB-RECIPIENT to purchase only steel, iron, and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. In order to use federal funds to purchase foreign produced items, the WTSC must submit a waiver request that provides an adequate basis and justification, and which is approved by the Secretary of Transportation.

33. DEBARMENT AND SUSPENSION

Instructions for Lower Tier Certification

33.1. By signing this Agreement, the SUB-RECIPIENT (hereinafter in this section referred to as the “lower tier participant”) is providing the certification set out below and agrees to comply with the requirements of 2 CFR part 180 and 23 CFR part 1300.

33.2. The certification in this section is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

33.3. The lower tier participant shall provide immediate written notice to the WTSC if at any time the lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

33.4. The terms covered transaction, debarment, suspension, ineligible, lower tier, participant, person, primary tier, principal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definitions and Covered Transactions sections of 2 CFR part 180.

33.5. The lower tier participant agrees by signing this Agreement that it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by NHTSA.

33.6. The lower tier participant further agrees by signing this Agreement that it will include the clause titled “Instructions for Lower Tier Certification” including the “Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction,” without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions, and will require lower tier participants to comply with 2 CFR part 180 and 23 CFR part 1300.

33.7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs.

33.8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

33.9. Except for transactions authorized under paragraph 35.5. of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded

from participation in this transaction, the department or agency with which this transaction originated may disallow costs, annul or terminate the transaction, issue a stop work order, debar or suspend you, or take other remedies as appropriate.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions

33.10. The lower tier participant certifies, by signing this Agreement, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

33.11. Where the lower tier participant is unable to certify to any of the statements in this certification, such participant shall attach an explanation to this Agreement.

34. THE DRUG-FREE WORKPLACE ACT OF 1988 (41 U.S.C. 8103)

34.1. The SUB-RECIPIENT shall:

34.1.1. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and shall specify the actions that will be taken against employees for violation of such prohibition.

34.1.2. Establish a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace; the SUB-RECIPIENT's policy of maintaining a drug-free workplace; any available drug counseling, rehabilitation, and employee assistance programs; and the penalties that may be imposed upon employees for drug violations occurring in the workplace.

34.1.3. Make it a requirement that each employee engaged in the performance of the grant be given a copy of the statement required by paragraph 36.1.1. of this section.

34.1.4. Notify the employee in the statement required by paragraph 36.1.1. of this section that, as a condition of employment under the grant, the employee will abide by the terms of the statement, notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction, and notify the WTSC within 10 days after receiving notice from an employee or otherwise receiving actual notice of such conviction.

34.1.5. Take one of the following actions within 30 days of receiving notice under paragraph 36.1.3. of this section, with respect to any employee who is so convicted: take appropriate personnel action against such an employee, up to and including termination, and/or require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

34.1.6. Make a good faith effort to continue to maintain a drug-free workplace through implementation of all of the paragraphs above.

35. FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT (FFATA)

In accordance with FFATA, the SUB-RECIPIENT shall, upon request, provide WTSC the names and total compensation of the five most highly compensated officers of the entity, if the entity in the preceding fiscal year received 80 percent or more of its annual gross revenues in federal awards, received \$25,000,000 or more in annual gross revenues from federal awards, and if the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 or section 6104 of the Internal Revenue Code of 1986.

36. FEDERAL LOBBYING

36.1. The undersigned certifies, to the best of his or her knowledge and belief, that:

36.1.1. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.

36.1.2. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, Disclosure Form to Report Lobbying, in accordance with its instructions.

36.1.3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including sub-contracts, sub-grants, and contracts under grant, loans, and cooperative agreements), and that all sub-recipients shall certify and disclose accordingly.

36.2. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

37. NONDISCRIMINATION (Title VI, 42 U.S.C. § 2000d et seq.)

37.1. During the performance of this Agreement, the SUB-RECIPIENT agrees:

37.1.1. To comply with all federal nondiscrimination laws and regulations, as may be amended from time to time.

37.1.2. Not to participate directly or indirectly in the discrimination prohibited by any federal non-discrimination law or regulation, as set forth in Appendix B of 49 CFR Part 21 and herein.

37.1.3. To permit access to its books, records, accounts, other sources of information, and its facilities as required by the WTSC, USDOT, or NHTSA.

37.1.4. That, in the event a contractor/funding recipient fails to comply with any nondiscrimination provisions in this contract/funding Agreement, the WTSC will have the right to impose such contract/agreement sanctions as it or NHTSA determine are appropriate, including but not limited to withholding payments to the contractor/funding recipient under the contract/agreement until the contractor/funding recipient complies, and/or cancelling, terminating, or suspending a contract or funding agreement, in whole or in part.

37.1.5. To insert this clause, including all paragraphs, in every sub-contract and sub-agreement and in every solicitation for a sub-contract or sub-agreement that receives federal funds under this program.

38. POLITICAL ACTIVITY (HATCH ACT)

The SUB-RECIPIENT will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508), which limit the political activities of employees whose principal employment activities are funded in whole or in part with federal funds.

39. PROHIBITION ON USING GRANT FUNDS TO CHECK FOR HELMET USAGE

The SUB-RECIPIENT will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists. This Agreement does not include any aspects or elements of helmet usage or checkpoints, and so fully complies with this requirement.

40. STATE LOBBYING

None of the funds under this Agreement will be used for any activity specifically designed to urge or influence a state or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any state or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a state official whose salary is supported with NHTSA funds from engaging in direct communications with state or local legislative officials, in accordance with customary state practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

41. DESIGNATED CONTACTS

The following named individuals will serve as designated contacts for each of the Parties for all communications, notices, and reimbursement regarding this Agreement:

The Contact for the SUB-RECIPIENT is:	The Target Zero Manager for Region 10 is:	The Contact for WTSC is:
	Stacey McShane Region 10 Target Zero Manager Stacey.McShane@snoco.org 425-407-2697	Hilary Torres WTSC Program Manager htorres@wtsc.wa.gov 360-725-9888

42. AUTHORITY TO SIGN

The undersigned acknowledges that they are authorized to execute this Agreement and bind their respective agencies or entities to the obligation set forth herein.


IN WITNESS WHEREOF, the parties have executed this Agreement.

<hr/> Signature <hr/> Printed Name <hr/> Title <hr/> Date	WASHINGTON TRAFFIC SAFETY COMMISSION <hr/> Signature <hr/> Printed Name <hr/> Title <hr/> Date
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Index #6

CITY OF MARYSVILLE AGENDA BILL
EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: October 4, 2021

AGENDA ITEM:	
Modifications to the Administration of the Unified Development Code (UDC) (PA21031)	
PREPARED BY:	DIRECTOR APPROVAL:
Haylie Miller, Community Development Director	
DEPARTMENT:	
Community Development	
ATTACHMENTS:	
<ol style="list-style-type: none"> 1. Staff Memorandum 2. PC Recommendation 3. PC Minutes (02.23.21, 06.08.21, and 07.13.21) 4. Adopting Ordinance 	
BUDGET CODE:	AMOUNT:
N/A	N/A
<p>SUMMARY: Staff has collectively noticed that on occasion MMC Title 22 <i>Unified Development Code</i> (UDC) lacks clarity and flexibility to permit certain property uses that are not listed in the use tables that seem appropriate given other permitted uses allowed in the zone; and the UDC does not allow modifications to development standards when an alternative standard may meet the intent of the code, or provide other public benefits.</p> <p>Staff is proposing amendments to the UDC that will assist in administering the code with more flexibility, and where applicable, provide more opportunity for public involvement. The list of changes below represent amendments to existing text within the UDC including adoption of new administrative provisions:</p> <ol style="list-style-type: none"> 1. Amending MMC 22A.010.070 Interpretation – Land Use 2. Adding a new section 22A.010.075 Promulgation of Rules, Procedures and Interpretation 3. Adding a new section 22C.010.055 Modification of Use Regulations in Residential Zones 4. Adding a new section 22C.020.055 Modification of Use Regulations in Non-Residential Zones 5. Adding a new section 22C.010.075 Adaptive Reuse of Nonresidential Buildings in Residential Zones 6. Adding a new section 22C.020.075 Adaptive Re-Use of Buildings in Non-residential zones <p>The Planning Commission held a duly noticed public hearing on July 13, 2021 and recommended the City Council approval the Modifications to the Administration of the UDC.</p>	
RECOMMENDED ACTION:	
Affirm the Planning Commission Recommendation adopting the amendments and additions to the Unified Development Code.	
RECOMMENDED MOTIONS:	
Move to adopt Ordinance No. _____, approving the amendments and additions to MMC Title 22 <i>Unified Development Code</i> .	



MARYSVILLE
COMMUNITY
DEVELOPMENT

MEMORANDUM

TO: City Council

FROM: Haylie Miller, Community Development Director

DATE: October 4, 2021

SUBJECT: Modifications to the Administration of MMC Title 22
Unified Development Code

CC: Gloria Hirashima, CAO
Chris Holland, Planning Manager

BACKGROUND

Process Background

The Planning Commission held a duly noticed public hearing on July 13, 2021 and recommended the City Council approve the Modifications to the Administration of MMC Title 22 *Unified Development Code* (UDC).

Code Change Background:

Staff has collectively noticed that on occasion the UDC lacks either the clarity or flexibility to:

- Permit certain property uses that were not listed in the use tables that seemed appropriate given other permitted uses; and
- Consider allowing some modification to development standards when an alternative standard may meet the intent of the code, or provide other public benefits.

Proposed Amendments:

Staff is proposing amendments to the UDC that will assist in administering the code with more flexibility, and where applicable, provide more opportunity for public involvement. The list of changes below represent amendments to existing text within the code including new code:

1. Amending MMC 22A.010.070 Interpretation – Land Use
2. Adding a new section 22A.010.075 Promulgation of Rules, Procedures and Interpretations
3. Adding a new section 22C.010.055 Modification of Use Regulations in Residential Zones

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80 Columbia Avenue
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4. Adding a new section 22C.020.055 Modification of Use Regulations in Non-Residential Zones
5. Adding a new section 22C.010.075 Adaptive Reuse of Nonresidential Buildings in Residential Zones
6. Adding a new section 22C.020.075 Adaptive Re-Use of Buildings in Non-residential zones

Revised Draft Code Text

This section includes the proposed amendments, followed by the reasoning for the amendment.

1. Amending MMC 22A.010.070¹ Interpretation – Land Use

This section of the UDC already directs the Community Development Director to determine whether a proposed land use is allowed in a zone. However, it uses the Standard Industrial Classification (SIC) Manual prepared by the US Office of Management and Budget, as well as a specific book of illustrated development definitions to guide the director in making decisions. The proposed amendment would delete reference to these two sources. The SIC was not established to be a guide for determining how to regulate local land uses, though it is commonly used in local zoning codes. More recent codes, when using a classification system, commonly use the NAICS (North American Industry Classification System). Although both systems group related types of commercial or industrial activities into similar categories, they do not take into account land use characteristics and impacts as their primary focus. The following explains briefly the purpose of the NAICS.

The North American Industry Classification System (NAICS, pronounced Nakes) was developed as the standard for use by Federal statistical agencies in classifying business establishments for the collection, analysis, and publication of statistical data related to the business economy of the U.S.

NAICS was developed under the auspices of the Office of Management and Budget (OMB), and adopted in 1997 to replace the old Standard Industrial Classification (SIC) system.

For more information, see the following link: <https://www.naics.com/>

The illustrated book of development definitions is not readily available to the public, and is not closely aligned with the land use terms used in the Marysville UDC.

The proposed amendment gives staff the discretion to consider an unlisted use to be permitted if it is similar in nature to a use that is listed as a permitted use in a specific zone classification. This approach is common in local zoning codes. This approach allows more flexibility in the administration of the UDC. For example, the current UDC lists many different types of retail uses in the Use Tables of

¹ This existing section was renumbered to MMC 22A.010.75.

22C.020.060 (department stores, food stores, drug stores, florist shops, book stores, video stores, etc.), but not every conceivable type of indoor retail use. If a proposed retail business is not listed in the Use Table or in the SIC, it is not clear in the current section 22A.010.075 that it would be permitted, even if similar to a listed type of retail store.

2. *Adding a new section 22A.010.095 Promulgation of Rules, Procedures and Interpretations*

To further allow for staff to effectively administer the UDC, it is necessary at times for the director to generate interpretations for how the code is to be used. For example, if a court case dictates that a city is bound by federal or state law (such as the Federal Fair Housing Act or Americans with Disabilities Act) to allow a specific type of use, or occupancy of a building, even if inconsistent with the local land use code, it may be necessary to provide an administrative determination for how the court case is to be applied under the local land use code. This type of interpretation is often an interim measure that will provide guidance for staff and the public until the local code can be amended.

3. *Adding a new section 22C.010.050 Modification of Use Regulations in Residential Zones*

MMC 22C.010.070 contains the development conditions for the numbered notations that appear in the residential zone Use Table. Such conditions state additional regulations that may apply to a use listed in a specific zone, or refers the reader to another section of the UDC for more detailed regulations applicable to the use. The proposed addition to the code would allow for an applicant to request a modification of a regulation contained in the Development Conditions, which would be considered by the director following notice to contiguous property owners. This process would be limited in its application to proposals where the applicant can meet the intent of the standard being modified by some other means. For example, in the case of the following development condition in the residential zone Use Table:

(13) Golf Facility.

- (a) Structures, driving ranges and lighted areas shall maintain a minimum distance of 50 feet from property lines adjoining residential zones.

A modification to a setback for a golf driving range could be considered, and approved if it met the criteria in the proposed code amendment. This would differ from the more rigorous hardship criteria for a variance. If a proposed modification under this new section would not meet the criteria, the variance process may still be used by the applicant. The key to approval under the proposed code amendment would be the applicant proving that the alternative proposed is "equivalent or superior" to meeting the standard stated in the code (see draft code amendment excerpt below).

The director shall not approve a request for modification unless the proposal provides design elements or other appropriate mitigation equivalent or superior

to what would likely result from compliance with the use regulations which are proposed to be modified.

4. Adding a new section 22C.020.055 Modification of Use Regulations in Non-Residential Zones

Similar to the previous proposed amendment for residential zones, the same process would be allowed for modification of Use Regulations in non-residential zones. The same language about the proposed alternative providing “equivalent or superior” treatment or mitigation is included in this proposed addition.

5. Adding a new section 22C.010.060 Adaptive Reuse of Nonresidential Buildings in Residential Zones

This is similar to the previous proposed amendment, only it pertains to buildings in residential zones. For example, a church building that is vacated by the previous congregation, but unable to secure another congregation, would become vacant without some flexibility to be repurposed for another type of use not otherwise permitted in the residential zone. This proposed amendment identifies a number of potential uses, some of which are listed in the UDC as conditional uses in certain residential zones. For those uses that the UDC already lists as conditional uses, there would be no change in the review process. For the other uses listed in the proposed amendments, a change of use would require notice to contiguous property owners. The review criteria focus on compatibility with surrounding land uses.

6. Adding a new section 22C.020.065 Adaptive Re-Use of Buildings in Non-residential zones

A challenge that staff and building owners encounter from time to time relates to buildings, usually older buildings in commercial areas, that were constructed for one purpose but due to changes to codes or economic conditions, the building is not well suited for uses that are permitted by the current zoning. While nonconforming use regulations may provide some relief for uses that have not been discontinued but are no longer permitted in a zone, there are occasions when buildings that do not lend themselves to uses permitted by the current zoning remain empty or underutilized (often with dead storage). This proposed amendment would allow such a building in a non-residential zone to be considered for another use, with notice provided to contiguous property owners. The evaluation criteria focus on compatibility with, and minimizing or mitigating impacts on, surrounding uses.

Conclusion

On October 11, 2021, consider recommending approval of the proposed “Modifications to the Administration of the UDC” to City Council for adoption by Ordinance.

EXHIBIT 1

Proposed Amendments to the Unified Development Code

Item 1: 22A.010.070 Interpretation – Land use.

(1) ~~If a use is not specifically or generally listed in the Permitted Uses table in MMC 22C.010.060 or MMC 22C.020.060, the~~ community development director shall determine whether a proposed land use is allowed in a zone. ~~The Standard Industrial Classification Manual (SIC), current edition, prepared by the United States Office of Management and Budget, and the New Illustrated Book of Development Definitions, prepared by Moskowitz and Lindbloom, will be used as reference guides in the classification and/or interpretation of a proposed use.~~ (2) The community development director's determination shall be based on whether or not permitting the proposed use in a particular zone is consistent with the purposes of this title and the zone's purpose as set forth in Chapter [22A.030](#) MMC, by considering the following factors:

(a) The physical characteristics of the use and its supporting structures, ~~(including but not limited to scale, traffic and other impacts, and hours of operation),~~ are of the same basic nature as a use or uses specifically or generally listed in the applicable zoning district;

(b) ~~Whether or not~~ The use complements or is compatible with other uses permitted in the zone; ~~and;~~

~~(c) The SIC classification, if any, assigned to the business or other entity that will carry on the primary activities of the proposed use.~~

~~(3~~ 2) The decision of the community development director shall be final unless the applicant or an adverse party files an appeal to the hearing examiner pursuant to Chapter [22G.010](#) MMC, Article VIII, Appeals.

Item 2: New Section

22A.010.095 Promulgation of Rules, Procedures and Interpretations.

The community development director is authorized to promulgate administrative rules, procedures and interpretations consistent with the terms of this title. Appeals of any such rule, procedure, interpretation or other administrative determination made by the director shall be made to the hearing examiner in accordance with the appeal procedures as set forth in Chapter 22G.010 MMC, Article VIII, Appeals.

Item 3: New Section

22C.010.055 Modification of Use Regulations in Residential Zones.

A. Use Regulations that May be Modified. An applicant may propose, and the director may approve, deny or conditionally approve a modification of the special regulations and notes in MMC Section 22C.010.070.

B. Review Process

1. An applicant shall submit a request for modification, providing such information as is required by the director, including application fees.
2. Notice of the proposed modification shall be provided to contiguous property owners.

C. Evaluation Criteria. Any proposal to modify use regulations shall not undermine the intent of the standards. The director shall not approve a request for modification unless the proposal provides design elements or other appropriate mitigation equivalent or superior to what would likely result from compliance with the use regulations which are proposed to be modified. The director shall consider the following criteria in making a decision.

1. The request for modification meets the intent of the standards being modified.
2. The request for modification does not create any impacts or nuisances that cannot be mitigated, such as access points which are unsafe, noise, dust, odor, glare, visual blight or other undesirable environmental impacts.
3. The request for modification meets any additional modification criteria for specific uses in MMC Title 22.C.

Item 4: New Section

22C.020.055 Modification of Use Regulations in Non-Residential Zones.

A. Use Regulations that May be Modified. An applicant may propose, and the director may approve, deny or conditionally approve a modification of the special regulations and notes in MMC Section 22C.020.070.

B. Review Process

1. An applicant shall submit a request for modification, providing such information as is required by the director, including application fees.
2. Notice of the proposed modification shall be provided to contiguous property owners.

C. Evaluation Criteria. Any proposal to modify use regulations shall not undermine the intent of the standards. The director shall not approve a request for modification unless the proposal provides design elements or other appropriate mitigation equivalent or superior to what would likely result from compliance with

the use regulations which are proposed to be modified. The director shall consider the following criteria in making a decision.

1. The request for modification meets the intent of the standards being modified.
2. The request for modification does not create any impacts or nuisances that cannot be mitigated, such as access points which are unsafe, noise, dust, odor, glare, visual blight or other undesirable environmental impacts.
3. The request for modification meets any additional modification criteria for specific uses in MMC Title 22.C.

Item 5: New Section

22C.010.075 Adaptive Reuse of Nonresidential Buildings in Residential Zones.

A. Purpose. The purpose of this subsection is to allow for adaptive reuse of nonresidential buildings in residential zones that are functionally obsolete in order to improve the economic feasibility of a property by considering uses that are not otherwise permitted, but which, if properly designed and managed, would not create unacceptable impacts on surrounding properties or the immediate vicinity in general. This process differs from the unlisted use process listed in MMC 22A.010.070 in that uses that are not specifically authorized in the residential zone may be considered using the process described herein.

B. Procedures. Any request for adaptive reuse of nonresidential buildings shall be reviewed as a conditional use.

C. Circumstances. The city may allow a use in a residential zone that is not specifically allowed in that zone if it is necessary to encourage adaptive reuse of a building under the following circumstances:

1. It is unlikely that the primary building on the subject property could be preserved if only uses permitted in the underlying zone were allowed.
2. Allowing a different use would enhance the character of the building and immediate vicinity.
3. The use would not have a detrimental effect upon surrounding properties or the immediate vicinity. Uses

D. Uses that May be Allowed. The following uses may be considered for adaptive reuse of an existing building in a residential zone, provided that where a use listed below is allowed as either a permitted or conditional use in MMC Section 22C.010.060, it shall be reviewed in accordance with said section:

1. Dwelling units. Density based on underlying zoning plus one additional dwelling unit;
2. Assisted living facilities;

3. Libraries;
4. Museums and art galleries;
5. Social service facilities;
6. Public services;
7. Artist studios;
8. Music venues;
9. Cafes and bistros;
10. Live-work units;
11. Bed and breakfast inn;
12. Other uses not listed above if determined through the review process to be compatible with surrounding properties and the immediate vicinity.

E. Review Criteria. The following criteria shall be used as the basis for determining compatibility with surrounding uses and approving, denying, or conditionally approving a request to allow the adaptive reuse of a non-residential building in a residential zone:

1. The adaptive reuse would promote or aid in the preservation or rehabilitation of the primary building.
2. No significant impacts to public safety.
3. Compliance with noise, building and fire codes.
4. Hours of the day of proposed use or activity are compatible with surrounding uses.
5. Proposed management and operational procedures to minimize and mitigate potential impacts.
6. Other factors not specified herein that would create a conflict with the surrounding uses, or uses that are permitted in the zone.
7. Expansions to the primary building shall not exceed ten percent of the existing footprint or five hundred square feet, whichever is greater, and will not detrimentally affect the outside character of the building. Expansions shall comply with the bulk and dimensional standards of the underlying zone.

F. Actions Authorized.

1. Approval. The City may approve a proposal that is found to be compatible with surrounding land uses.
2. Denial. Any proposal that would be incompatible with or adversely affect properties in the immediate vicinity shall be denied.
3. Revocation. The city shall retain the right to revoke an approval issued under this section that fails to comply with any conditions of said approval, or which operates in a manner inconsistent with representations made in the application.

Item 6: New Section

22C.020.075 Adaptive Re-Use of Buildings in Non-residential zones.

A. Purpose. The purpose of this section is to allow existing buildings located in non-residential zones to be considered for uses that are not otherwise permitted, but which, if properly designed and managed, would not create negative impacts on surrounding properties or the area in general. Existing buildings that, due to their location or configuration are not readily usable for permitted uses, as determined by the director, may be considered using the process described herein. This process differs from the unlisted use process listed in Section 22A.010.070 in that uses that are not specifically authorized in the zone may be considered using the process described herein.

B. Review Process

1. An applicant shall submit a request for modification, providing such information as is required by the director, including application fees.
2. Notice of the proposed modification shall be provided to contiguous property owners.

C. Review Criteria. The following criteria shall be used as the basis for approving, denying, or conditionally approving a request to allow the use of existing building space for a use not otherwise permitted in the zone.

1. Traffic generated by the proposed use.
3. Impacts from odor, noise, vibration, dust or other nuisances.
4. Aesthetic character and quality of the proposed use.
5. Public safety impacts.
6. Compliance with building and fire codes.
7. Hours of the day of proposed use or activity.
8. Proposed management and operational procedures to minimize and mitigate potential impacts.
9. Other factors not specified herein that would create a conflict with the uses that are permitted in the zone.

D. Actions Authorized.

1. Approval. The City may approve a proposal that is found to be compatible with surrounding land uses.
2. Denial. Any proposal that would adversely affect properties in the immediate vicinity or give the outward appearance of a use or activity that is incompatible with the intent and purpose of the zone in which it is located shall be denied.
3. Revocation. The city shall retain the right to revoke an approval issued under this section for a use that fails to comply with any conditions of said approval,

or which operates in a manner inconsistent with representations made in the application.



PC Recommendation – Modifications to the Administration of the Unified Development Code (UDC)

The Planning Commission (PC) of the City of Marysville, held a public hearing on July 13, 2021 in review of NON-PROJECT action amendments of the Marysville Municipal Code (MMC), proposing amendments to Section 22A.010.070 – *Interpretation – Land Use* and adding new sections, 22A.010.075 – *Promulgation of Rules, Procedures and Interpretations*, 22C.010.055 – *Modification of Use Regulations in Residential Zones*, 22C.020.055 – *Modification of Use Regulations in Non-Residential Zones*, 22C.010.075 – *Adaptive Reuse of Nonresidential Buildings in Residential Zones* and 22C.020.075 – *Adaptive Re-Use of Buildings in Non-residential zones*.

Having considered the exhibits and testimony presented, PC does hereby enter the following findings, conclusions and recommendation for consideration by the Marysville City Council:

FINDINGS:

1. The Community Development Department held a public meeting to introduce the NON-PROJECT action proposing Modifications to the Administration of the Unified Development Code (UDC) to the community on February 23, 2021.
2. The proposal was submitted to the State of Washington Department of Commerce for 14-day expedited review on March 19, 2021, in accordance with RCW 36.70A.106.
3. The PC held a public work session to review the NON-PROJECT action amendments proposing Modifications to the Administration of the Unified Development Code (UDC) to the community on June 8, 2021.
4. The PC held a duly-advertised public hearing on July 13, 2021 and received testimony from city staff and the public.
5. At the public hearing, the PC reviewed and considered the Modifications to the Administration of the Unified Development Code (UDC).

CONCLUSION:

At the public hearing, held on July 13, 2021, the PC recommended **APPROVING** the Modifications to the Administration of the Unified Development Code (UDC).

RECOMMENDATION:

Forwarded to City Council as a Recommendation of **APPROVAL** of the NON-PROJECT action known as Section 22A.010.070 – *Interpretation – Land Use*, and adding new sections 22A.010.075 – *Promulgation of Rules, Procedures and Interpretations*, 22C.010.055 – *Modification of Use Regulations in Residential Zones*, 22C.020.055 – *Modification of Use Regulations in Non-Residential Zones*, 22C.010.075 – *Adaptive Reuse of Nonresidential Buildings in Residential Zones* and 22C.020.075 – *Adaptive Re-Use of Buildings in Non-residential zones.*, this **July 13, 2021**.

By: 
Stephen Leffer, Planning Commission Chair

(360) 363-8100

Community
Development
80 Columbia Avenue
Marysville, WA 98270

Planning Commission



1049 State Avenue
Marysville, WA 98270

**Meeting Minutes
February 23, 2021**

CALL TO ORDER / ROLL CALL

Chair Leifer called the February 23, 2021 Planning Commission meeting to order via Zoom at 5:00 p.m. Planning Manager Chris Holland called the roll.

Present:

Commissioner: Chair Steve Leifer, Vice Chair Jerry Andes, Commissioner Kevin Johnson, Commissioner Kristen Michal, Commissioner Roger Hoen, Commissioner Brandon Whitaker

Excused: Commissioner Tom Thetford

Staff: Planning Manager Chris Holland, Interim Community Development Director Allan Giffen, Project Specialist Janis Lamoureux

APPROVAL OF MINUTES

February 9, 2021 Planning Commission Minutes

Commissioner Hoen referred to the second to last paragraph on page 3 and stated he had raised a concern about the zoning maps for special types of housing (like sex offenders, Adult Family Homes, assisted living, etc.) not being in alignment with the proposed zoning map for ESFs. A reference to this discussion should be included to provide clarity to his comments.

Commissioner Hoen referred to the second bullet on page 4. He asked to clarify that Adult Family Homes in single-family zones are already allowed by state law to convert to ESFs even though it is extremely unlikely that a facility of six or less would want to convert. He had commented that he didn't want to potentially be in conflict with state law.

Commissioner Michal referred to page 4, bullet point 3 and clarified that she had referenced the zoning that was identified in Alternative 3, but did not necessarily speak in support of Alternative 3.

Planning Manager Holland indicated staff would make changes as indicated and bring the minutes back to the next meeting.

AUDIENCE PARTICIPATION

Chair Leifer solicited audience participation on items not on the agenda. There was none.

PUBLIC HEARING

Mini-storage uses in Community Business (CB) and General Commercial (GC) Zones

Interim Community Development Director Giffen gave background information regarding this item as contained in the Memorandum to the Planning Commission in the packet. The revised draft code text provides for an alternative to buildings having a minimum height of three stories and also lists two options concerning outdoor storage. Option 1 prohibits any outdoor storage while Option 2 allows a limited amount of outdoor storage subject to screening. The revised draft code text also includes some minor amendments to the current regulations related to screening and removal of a redundant noise standard based on discussion at the last meeting. He reviewed a map showing areas that would be impacted by the proposed code and further discussed the proposed code amendments.

Commissioner Michal referred to the solid screening and asked how high a solid fence could be. Planning Manager Holland replied that GC and CB zones allow for an 8-foot high fence.

Vice Chair Andes commented that an 8-foot fence would not screen an RV the size of a bus. Director Giffen, agreed and stated the developer would have to design the project so that outdoor storage of larger vehicles would not be visible by the arrangement of buildings or the location of the storage area.

Commissioner Michal commented that the language in Option 2 is pretty broad and could likely allow construction and other types of large equipment. She wondered how this would work with respect to section (77)2 which states that vehicular access is limited on the site. She appreciates the need for some flexibility to make the project more viable but expressed concern about larger vehicles coming and going. Director Giffen explained that it is intended to be longer term storage where vehicles being stored would not be coming and going often. Planning Manager Holland suggested adding "as determined by the City Engineer" to section (77)2 to alleviate concerns.

Public Comments:

The public hearing was opened at 5:28 p.m.

Aaron Metcalf, Belmark, 12409 State Avenue, Marysville, WA 98271, thanked staff for presenting this to the Planning Commission. He agrees with the staff recommendation and concurs with focusing on the beautification and making sure the facility fits in that particular area. He requested as much flexibility as possible to match the market while still making it look nice. He noted that the approval would not allow the developer to go forward without a building permit and a site plan approval. They will still have to have approval by all the relevant city departments.

Vice Chair Andes asked Mr. Metcalf if he thought a Ram crew cab with a 35-foot long fifth wheel could they go in and out of that intersection safely. Mr. Metcalf believed that they could. There have been examples of large vehicles such as vector trucks and other manufacturing vehicles going to that site. He commented that the development process with the City would weed out uses that would not be appropriate for the site. He emphasized that any large vehicles would be stored there and would not be coming and going every day.

Motion to close the public hearing at 5:36 p.m. moved by Vice Chair Andes seconded by Commissioner Whitaker.

AYES: ALL

General Discussion:

Chair Leifer stated that he had been advised that he did not need to recuse himself from this topic so was able add some comments. He spoke to the general planning principle of using land for its highest and best use. He sees mini-storage and vehicle-storage as a dilution of that concept and stressed that this use would be departing philosophically from what they should be doing. In order to keep the values up as much as possible, he suggested, as an example, they could have a formula where if a three-story building was added then vehicle storage could be allowed on the property. If only one-story buildings were constructed, then vehicle storage would not be allowed.

Commissioner Whitaker expressed appreciation for the comments and ideas raised by Chair Leifer, but noted that the number of properties they are talking about is very low, so it is not necessarily a huge departure from the overall goals of the City.

Vice Chair Andes noted there are only seven properties in total that would be impacted that really can't be built on aside from mini storage. On a different note he raised a concern that there was some interest in this property three years ago, and those developers weren't given the option that Mr. Belmark has been given.

Commented [CH1]: 7 properties that could be impacted by code change but could not be built as mini-storage due to acreage.

Mr. Metcalf not Mr. Belmark

Commissioner Hoen agreed with the planning principle of highest value, but compared this project with the big old red barn sitting there for years. To him this use is a big improvement.

Commissioner Johnson pointed out that there is also an option of doing nothing. Planning Manager Holland agreed that was an option. Commissioner Johnson commented that if they were going to allow this use he would be in support of allowing outdoor storage with appropriate screening. He asked where the 3-story standard came from. Interim Director Giffen explained the intent was to maintain higher value developments. Commissioner Johnson stated that he wasn't a fan of this kind of development in this area, but between the two options he was more favorable to Option 2 which would allow outdoor storage with screening.

Option 1 v. Option 2 Preferences:

- Commissioner Whitaker expressed support for Option 2.
- Commissioner Hoen expressed support for Option 2 with good screening.
- Commissioner Michael commented that improving this property is better than what exists now. She expressed concern about the broad language in Option 2, but if things really can't be visible from the street she would be in favor of option 2.
- Vice Chair Andes spoke in support of Option 1 noting that this is an unusually strange site and doesn't seem to be the appropriate place for boats and RVs.
- Commissioner Johnson spoke in support of Option 2 if outdoor storage is not visible.

Chair Leifer asked staff how they could be assured that the outdoor storage would not be visible. Interim Director Giffen replied that the language in Option 2 already addresses that. It would be accomplished through the design of the building and location of the storage area so it was not visible from the exterior of the site. It would be reviewed on a site-by-site basis.

Motion to recommend approval of the mini storage amendments subject to Option 2 related to outdoor storage moved by Commissioner Whitaker, seconded by Commissioner Hoen.

Ayes – Michal, Whitaker, Hoen, Andes

Nay – Johnson

Abstain - Leifer

Motion passed.

Chapter 70.97 RCW – Enhanced Services Facilities (ESF) (6:01 p.m.)

Attendees related to this topic: Mike Anbesse, Residential Care Services; Sondra Silverman, Policy Division; Bea Rector, Home and Community Services; Amy Abbott, Home and Community Services; Sondra Silverman, DSHS Policy Division; Justin

DeFour, DSHS, Home and Community Services Division; Gibriel Mbowe; Ismail Mohammad

Interim Director Giffen reviewed three alternatives that had originally been considered related to Enhanced Service Facilities (ESFs). He also discussed the Planning Commission's direction to staff on February 9 to prepare revised regulations based on Alternative 2 and to make a distinction between ESFs for six (6) or fewer residents, and ESFs with more than six (6) up to sixteen (16) residents.

Option 1:

The proposed regulations would make a distinction between smaller and larger ESFs with definitions for "Enhanced Services Facilities 1" and "Enhanced Services Facilities 2". It would also allow "Enhanced Services Facilities 1" (six or fewer residents) in all zones allowing single family dwellings as a permitted use, subject to compliance with State licensing requirements. He noted that DSHS staff had stated there are currently none of the smaller ESFs and that it is highly unlikely there would ever be any ESFs with six or fewer residents due to the financial non-viability.

Under the proposed regulations "Enhanced Services Facilities 2" would be permitted as a permitted use in two multi-family zones (R-18 and R-28) and five commercial zones (CB, CB-WR, GC, DC and MU), subject to new regulations to be codified as MMC 22C.280 Regulations for Enhanced Services Facility 2. The proposed new regulations in MMC 22C.280 would also require notice to surrounding property owners prior to filing a land use application with the City; filing of a facility management plan to provide for public safety and communication with neighbors; and, in the R-18 and R-28 zones, would require proximity to transit routes or zones that allow for commercial or social services.

Pointing to DSHS's emphasis on the extremely low likelihood that smaller facilities (six or fewer residents) would be created, staff also proposed an alternative to the above option.

Option 2:

- Amend the MMC definition of ESFs to be identical to the State definition in RCW 70.97.010, as follows:
 - "Enhanced services facility" means a facility that provides support and services to persons for whom acute inpatient treatment is not medically necessary.
- Not allow ESFs, regardless of size, in single family zones, but allow ESFs as a conditional use in the R-18 and R-28 residential zones, and a permitted use in the CB, CB-WR, GC, DC and MU commercial zones. Under State law, the maximum size for an ESF is 16 residents.

Public Comments:

The public hearing was opened at 6:13 p.m.

Bea Rector, DSHS, thanked the City for the work they have done. She encouraged them not to remove the option for smaller facilities (six or fewer residents) even though it is not likely. She noted that things may change in the future, and in some situations a smaller setting may be a better option.

Commissioner Hoen expressed concern about the city duplicating or interfering with state regulations regarding things like staffing levels and management plans. Interim Director Giffen indicated that it was not the intent of staff to be redundant or get involved with matters where they are not experts. The intent of the language of the draft code would be to require the applicant to think about how they would provide for community safety and establish a communication plan so neighbors can contact the facility if there are any concerns.

Commissioner Hoen expressed concern about not allowing these smaller facilities in single-family zones if the state allows it. Interim Director Giffen noted that this is a new set of regulations, and the Mayor had recommended the approach they take should be more conservative at first. The code could be amended at a future time if desired.

Motion to close the public hearing at 6:22 p.m. moved by Vice Chair Andes, seconded by Commissioner Michael.

Motion passed unanimously.

Discussion:

Commissioner Whitaker noted that the February 20 memo answered a lot of his questions. He spoke in support of Option 2 with the knowledge that if the smaller facilities become viable in the future they can reconsider. There was general support by the rest of the Commission for Option 2.

Motion to approve and recommend Option 2 related to Enhanced Service Facilities which would not allow ESFs of any size in single family zones and which incorporates the input from the Mayor's office to make ESFs a conditional use in the R-18 and R-28 zones made by Commissioner Whitaker, seconded by Vice Chair Andes.

Motion passed unanimously.

NEW BUSINESS

MMC Title 22 Unified Development Code – Administration Code Amendments

Interim Director Giffen reviewed the proposed amendments which would provide flexibility in the administration of the code in six different sections.

1. Amending MMC 22A.010.070 Interpretation – Land Use – This section would be simplified by deleting the reference to the two outside resources (Standard Industrial Classification and the Illustrated Book of Development Definitions and give staff the ability to consider an unlisted use to be permitted if it is similar in nature to a use that is listed as a permitted use in a specific zone classification.
2. Adding a new section 22A.010.075 Promulgation of Rules, Procedures and Interpretations in order to allow staff to generate interpretations for how the code is to be used.
3. Adding a new section 22C.010.055 Modification of Use Regulations in Residential Zones. This would allow for an applicant to request a modification of a regulation contained in the Development Conditions under limited circumstances, which would be considered by the director following notice to contiguous property owners. The proposed alternative must show that it will provide “equivalent or superior” treatment or mitigation.
4. Adding a new section 22C.020.055 Modification of Use Regulations in Non-Residential Zones. This is similar to item 3 above, but for non-residential zones.
5. Adding a new section 22C.020.075 Adaptive Re-Use of Buildings in Non-residential zones. This proposed amendment would allow older buildings and other buildings not suited for uses that are permitted by zoning in a non-residential zone to be considered for another use, with notice provided to contiguous property owners. Decision criteria would focus on compatibility with the area and minimizing or mitigating impacts on surrounding uses.
6. Adding a new section 22C.010.075 Adaptive Reuse of Nonresidential Buildings in Residential Zones. This is similar to item 5 above, but would apply to residential zones. Decision criteria would focus on compatibility with surrounding land uses.

Discussion:

Chair Leifer commended staff on the proposals which he sees as quite visionary. Vice Chair Andes and Commissioner Whitaker also spoke in support of the proposed amendments. Commissioner Michal agreed, and asked if there are any proposals in the pipeline that would benefit from some of these reuses. Interim Director Giffen was not aware of anything. He indicated staff would bring back more information about this topic in the near future.

2021 Comprehensive Plan Amendment Docket–Smokey Point Comprehensive Plan Map Amendment

Interim Director Giffen reviewed background on a large area of land located between 152nd Street NE and the Arlington city limits, east of I-5 and west of Hayho Creek which is zoned General Commercial (GC). He solicited feedback on initiating a review of this

area to consider rezoning a portion of the area back to Light Industrial (LI) zoning. He also raised the question of the type of design standards desired for this area.

Commissioner Whitaker asked if the impetus for this had to do with the success of the Cascade Industrial Center. Interim Director Giffen did not think so; it has to do with over-zoning of this area for General Commercial. Planning Manager Holland reviewed some proposed uses in the area that would not currently be allowed. He added that everything west of Hayho Creek is within the basin to discharge to Marysville's storm water management facility.

Chair Leifer commented that rezoning seems reasonable, but he thinks it is important to maintain General Commercial along Smokey Pt. Blvd to some depth. He spoke in support of continued discussion on this topic.

Upcoming topics:

Planning Manager Holland commented that staff was planning on bringing the Downtown Master Plan to the next meeting.

ADJOURNMENT

Motion to adjourn at 7:05 p.m. moved by Vice Chair Andes, seconded by Commissioner Whitaker.

AYES: ALL

Laurie Hugdahl, Recording Secretary

Next Meeting - Tuesday, March 9, 2021

Planning Commission



1049 State Avenue
Marysville, WA 98270

**Meeting Minutes
June 8, 2021**

CALL TO ORDER / ROLL CALL

Chair Leifer called the June 8, 2021 Planning Commission meeting to order via Zoom at 5:00 p.m. Planning Manager Chris Holland called the roll.

Present:

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

Absent: Commissioner Kevin Johnson, Commissioner Roger Hoen

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

Community Development Director Haylie Miller introduced herself to the Planning Commission.

APPROVAL OF MINUTES

March 9, 2021 Planning Commission Minutes

Motion to approve the March 9, 2021 Planning Commission Minutes as presented moved by Commissioner Whitaker, seconded by Commissioner Michal.

Ayes: Leifer, Andes, Michal, Whitaker

Nay: None

Abstain: Thetford

Motion passed.

AUDIENCE PARTICIPATION

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

NEW BUSINESS

A. Boundary Line Adjustment

Director Miller discussed issues and challenges associated with the way boundary line adjustments (BLAs) are being used by some applicants. Staff is proposing to require certain improvements for subdivisions or projects that would normally trigger it. She explained that the original intent of BLAs was to provide a legal method between property owners to make minor adjustments to their property boundaries. She reviewed examples of BLA situations which demonstrate how the current process is not always being used as originally intended. Instead it is sometimes used as a means to facilitate development and in some cases avoiding frontage improvements. If the frontage improvements are not made by the applicant, those costs would fall onto the taxpayer. The proposed changes would remedy this loophole and also provide consistency between applicants.

Chair Leifer expressed concern that this could be regressive and interfere with projects. Planning Manager Holland agreed that it is a balance in determining how much the development community should pay and how much should be left to the public. Chair Leifer commented that an argument could be made that those who are going to be receiving the common good should be the ones to pay for it.

Director Miller continued to review different examples of BLAs and their impacts on frontage improvements. Staff is proposing that if the lot line adjustment reduces a property's street frontage by 20% or less or up to 40 feet then the conditions for BLAs would apply. If it is being used as intended then there won't be any issues or frontage improvements required.

Chair Leifer asked about staff's response to Dylan Sluder's letter to the City on behalf of Master Builders. Director Miller replied that staff worked closely with the City's legal team on this, and they feel that this proposal is consistent with state law.

Commissioner Andes commented that "owner convenience" has been used in the past and currently to do a BLA. Director Miller agreed, but noted she did not believe the intent was to allow BLAs for development purposes; instead it was created to allow for minor adjustments. Commissioner Andes noted there is another RCW about Boundary Line Agreements which seem to him to be for the cases where simple boundary line adjustments need to be made. He questioned the City changing its philosophy on the way BLAs are used. Director Miller offered to bring this up again with the legal team for review. She noted that Marysville is not the first city to address this; staff reached out to many cities in this process.

Chair Leifer commented that this has been used for more than minor adjustments for a long time. He wondered if that makes a difference in how they address this. He expressed concern about the impact this could have on the marketplace.

Commissioner Whitaker asked about the number of examples that may have taken place over the past 15 years or so where the code has been circumvented. Director Miller stated that staff could follow up with that information.

Commissioner Michal asked for information about who it is that is using this in a way that is not intended. Director Miller indicated staff could bring that information back. Commissioner Michal asked if there is flexibility now for staff to deny those boundary line adjustments. Director Miller explained that this is limited to when someone tries to add a lot, make a nonconforming lot, or other specific circumstances.

Commissioner Andes discussed a scenario of a couple who might want to move boundary lines on their property to create short plats for their children. Director Miller replied that the way the code is written now is if the property frontage is adjusted more than 40 feet or greater than 20% the requirements would be triggered. She noted that staff does have built in discretion.

Commissioner Andes commented that it seems like the City is basically doing away with BLAs. Director Miller explained that if someone is using the BLA process to circumvent requirements that would otherwise be required, the City is asking that they not use the BLA process. Commissioner Andes thought this could be detrimental to development. There was some discussion about previous scenario he brought up.

Commissioner Whitaker commented that he is leaning towards staff's recommendation. He would like to know if the proposed code recommendations would be in line with what other municipalities are doing or if the City would be on the cutting edge with these changes.

Director Miller indicated she would bring back more info about previous examples, the numbers of times this has been used, who is using this, and trends they are seeing.

Chair Leifer referred to Exhibit 1, item 3(d) and asked about examples of split zones. Director Miller explained how this could happen. Planning Manager Holland showed examples of places in the city where there used to be split zones on properties. He thought that all the split zones had been reconciled with the 2015 update, and this wouldn't be an issue in the future.

Public Comments:

Dylan Sluder, Snohomish County Manager, Master Builders Association, expressed concerns about the legality of this, but noted that some progress had been made since he had written his letter. He commented on the housing availability crisis and the price sensitive nature of development. He disagreed that BLAs are generally being used to circumvent requirements. He recommended following the state code regarding BLAs and having some flexibility within that.

Chair Leifer expressed hope that there might be some kind of compromise to satisfy both interests. He thought that a mitigation fund might be a way to fill in the gaps and also to provide consistency in frontage improvement costs for development.

Staff indicated they would come back with information that had been requested.

B. Administration of MMC Title 22 *Unified Development Code*

Director Miller introduced this item which had been started by the Interim Community Development Director Allan Giffen. She stated that she had reviewed and agreed with the proposed changes. She briefly gave an overview of the proposed changes.

Chair Leifer stated that he fully supports this. Other commissioners concurred. There was consensus to schedule this item for a public hearing.

C. Sign Code – Downtown Master Plan

Planning Manager Holland reviewed the proposed changes as summarized in his memo to the Planning Commission dated June 2, 2021.

Chair Leifer questioned the restrictions for signage and the 10-foot setback requirement for signs on construction sites. Planning Manager Holland explained that staff isn't proposing any changes to that section of the code, and there haven't been any problems with this.

Commissioner Michal asked about height limitations for pole signs. Planning Manager Holland replied that anything under 12 feet is considered a monument sign. Anything over 12 feet is considered a pole or pylon sign. The table on page 21 shows the height limits in the different zones.

ADJOURNMENT

Motion to adjourn at 6:47 p.m. moved by Whitaker, seconded by Commissioner Andes.
AYES: ALL

Chris Holland

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

Next Meeting – June 22, 2021

Planning Commission



1049 State Avenue
Marysville, WA 98270

**Meeting Minutes
July 13, 2021**

CALL TO ORDER / ROLL CALL

Chair Leifer called the July 13, 2021 Planning Commission meeting to order via Zoom at 5:00 p.m. Director Miller called the roll.

Present:

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

Staff: Community Development Director Haylie Miller, Project Specialist Janis Lamoureux

APPROVAL OF MINUTES

June 22, 2021 Planning Commission Minutes

Motion to approve the June 22, 2021 Planning Commission Minutes as presented made by Commissioner Thetford, seconded by Commissioner Hoen.

AYES: LEIFER, MICHAL, HOEN, WHITAKER, THETFORD

ABSTAIN: ANDES

AUDIENCE PARTICIPATION

Chair Leifer solicited audience participation on items not on the agenda. There was none.

PUBLIC HEARING

Administration of MMC Title 22 Unified Development Code

Director Miller introduced this item and reviewed proposed amendments to the Unified Development Code.

- Amending MMC 22A.010.070 Interpretation – Land Use - Staff is proposing allowing the director to consider uses that are similar in nature. This leaves room for flexibility as long as the use is similar to other uses in the code. The reference to other documents that the City looks at would provide more transparency with the public.
- Adding a new section 22A.010.075 Promulgation of Rules, Procedures and Interpretations – This would enable the director to generate interpretations for how the code is to be used. This would be useful especially as an interim measure that could provide guidance for staff and the public until the code can be amended.
- Adding a new section 22C.010.055 Modification of Use Regulations in Residential Zones – The proposed addition to the code would allow for an applicant to request a modification of a regulation contained in the Development Conditions, which would be considered by the director following notice to contiguous property owners. This process would be limited in its application to proposals where the applicant can meet the intent of the standard being modified by some other means.
- Adding a new section 22C.020.055 Modification of Use Regulations in Non-Residential Zones – Similar to above, but for Non-Residential Zones
- Adding a new section 22C.010.075 Adaptive Reuse of Nonresidential Buildings in Residential Zones - Similar to above, but would apply to the use of Non-Residential buildings in Residential zones.
- Adding a new section 22C.020.075 Adaptive Re-Use of Buildings in Non-residential zones - This proposed amendment would allow such a building in a non-residential zone to be considered for another use, with notice provided to contiguous property owners. The evaluation criteria focus on compatibility with, and minimizing or mitigating impacts on, surrounding uses.

The public hearing was opened at 5:12 p.m., and comments were solicited. Seeing none, the hearing was closed at 5:13 p.m.

Motion to close the hearing at 5:13 p.m. made by Commissioner Andes, seconded by Commissioner Whitaker. **Motion** passed unanimously.

Motion to forward this to the City Council with a recommendation for approval made by Commissioner Whitaker, seconded by Commissioner Andes. **Motion** passed unanimously.

NEW BUSINESS

MMC Chapter 3.103 Multifamily Housing Property Tax Exemption

Director Miller reviewed this item. Staff is proposing two changes to the chapter:

- Modify the Residential Target Area boundaries to match the proposed Downtown Master Plan Area boundaries
- Reduce the minimum threshold of 20 units to eight units or less. As a starting point the City of Everett has been used as an example. Staff believes that smaller multifamily projects may be more feasible at this time for development in the downtown area.

Discussion:

Chair Leifer asked if Everett limits this to a certain part of the city. Director Miller replied that it is limited to a certain area which is common when a city wants to incentivize a certain area. Chair Leifer referred to the Manufacturing Industrial Center and noted that this could be an area they might want to consider applying this to.

Commissioner Whitaker expressed concern about how this would work with the City's goals for the downtown area. He wondered if the lower number of residential numbers would be enough to draw the retail uses they want to see there. Also, he asked if the City is aiming to move up downtown or move out downtown with these units. Director Miller responded that the plan is to go up and not out in the downtown area even though they have recently expanded the area. She encouraged the group to consider the pros and cons of this. Just because the minimum is 8 doesn't mean the applicant has to do 8. Staff is hoping this can help as a catalyst for the first development in that area. Commissioner Whitaker expressed concern about low density could make the commercial uses less appealing.

Commissioner Andes asked what is included in the property tax exemption. Director Miller replied it applied to school district, fire district, city, county and state taxes. She calculated it came up to about \$1100 a year per unit in savings. Regarding the suggestion to apply this to the north end, she noted that there doesn't seem to be a problem getting development in the north end near the MIC, but there is in the downtown area. The taxes are capped 8 years for a market rate development and 12 years for development that offers affordable housing opportunity. Chair Leifer acknowledged that there are challenges for developers who want to develop in the downtown area.

Commissioner Hoen discussed the need to make State Avenue a more attractive place for people to mingle and live, similar to what Arlington is doing. Director Miller concurred. She thought there was something in the Downtown Master Plan regarding landscaping. She offered to check on this. Commissioner Andes commented that this was brought up several years ago. Most of the retailers and businesses there didn't support the idea.

Commissioner Michal wondered what Bothell did to encourage their substantial downtown mixed use development. Director Miller offered to look into that.

Chair Leifer reiterated that there are some issues with downtown, and he believes they will have to do everything they can to get things moving in that area. For this reason he would support a lower number of units to get things started.

Commissioner Andes thought it was worth a try to change things since what they have been doing for the past 12 years hasn't worked.

Commissioner Whitaker was hesitant to drop the numbers significantly because of its impact on the long-term goal.

Chair Leifer agreed with Commissioner Whitaker. He noted that they could readjust the numbers once they get a project or two started.

Commissioner Hoen asked how the industry would get notice of a change like this. Director Miller replied that the City tries to advertise as best as they can. They also share information with the Master Builders Association.

Director Miller asked for general direction about the number of units. She noted she was hoping to hold a public hearing in August or September.

Commissioner Whitaker remarked he was comfortable with an adjustment to 10 and reconsidering in a year. There was general consensus on this.

OLD BUSINESS

MMC 22C.160.230(1) –Construction Signs

Director Miller explained that the Planning Commission had asked staff to look at this more closely. So far there haven't been any recommendations for changes except for wording changes to item E. The revised verbiage states: "No sign shall be located closer than 10 feet to an internal property line unless attached to a fence. Signs attached to fences shall not extend higher than the fence and shall not create sight distance obstruction or any other safety hazard."

Chair Leifer commented that on big jobs subcontractors often like to get signs out. He didn't think a 4x8 sign on the road was adequate for their signage needs. Director Miller noted they could look at that later if desired.

OTHER

Commissioner Hoen said he had a conversation with Director Miller about how to access agenda documents online while also being online with Zoom. Chair Leifer agreed that this is an issue. He explained he ends up printing everything and making his notes on them as they go. He spoke in support of the City continuing to print things out and get them to commissioners. Commissioner Whitaker agreed it is nice to have a hard piece of paper to read before meetings and take notes on during the meetings. He

prefers getting the paper copy in the mail. Chair Leifer noted it is important to keep the paper copies in order to be able to refer back to that. Commissioner Andes noted that if the commissioners end up printing everything out it's not actually going paperless, it's just a matter of who pays for it. Commissioner Michal said she prefers paper, but she is trying to adapt. Director Miller replied that staff would continue to print documents for the commissioners. She suggested they could also look into getting some sort of electronic device for commissioner to assist in going paperless.

Director Miller asked everyone's comfort level with returning to in-person meetings. Most commissioner expressed interest in returning to in-person meetings. There was discussion about the potential time with various opinions. It seemed that 6:00 p.m. was the consensus. Director Miller indicated they would tentatively shoot for an in-person meeting at 6:00 p.m. starting in August.

Director Miller reported that a new planning commissioner had been selected, but not formally announced yet.

ADJOURNMENT

Motion to adjourn at 6:14 p.m. moved by Hoen, seconded by Commissioner Thetford.
AYES: ALL

Chris Holland

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

Next Meeting – July 27, 2021

CITY OF MARYSVILLE
Marysville, Washington
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON, AMENDING TITLE 22 OF THE MARYSVILLE MUNICIPAL CODE BY AMENDING SECTION 22A.010.070 AND ADDING NEW CODE SECTIONS 22A.010.075, 22C.010.055, 22C.020.055, 22C.010.075 AND 22C.020.075.

WHEREAS, the State Growth Management Act, RCW Chapter 36.70A mandates that cities periodically review and amend development regulations which include but are not limited to zoning ordinances and official controls; and

WHEREAS, RCW 36.70A.106 requires the processing of amendments to the City's development regulations in the same manner as the original adoption of the City's comprehensive plan and development regulations; and

WHEREAS, the State Growth Management Act requires notice and broad public participation when adopting or amending the City's comprehensive plan and development regulations; and

WHEREAS, the City, in reviewing and amending its development regulations has complied with the notice, public participation and processing requirements established by the Growth Management Act, as more fully described below; and

WHEREAS, the City Council of the City of Marysville finds that from time to time it is necessary and appropriate to review and revise provisions of the City's municipal code and development code (MMC Title 22); and

WHEREAS, the development code amendment is consistent with the following required findings of MMC 22G.010.520:

- (1) The amendment is consistent with the purposes of the comprehensive plan;
- (2) The amendment is consistent with the purpose of MMC Title 22;
- (3) There have been significant changes in the circumstances to warrant a change;
- (4) The benefit or cost to the public health, safety and welfare is sufficient to warrant the action.

WHEREAS, on July 13, 2021, the Marysville Planning Commission held a duly-advertised public hearing, and recommended that the City Council adopt the proposed amendments to the City's development regulations; and

WHEREAS, at a public meeting on October 11, 2021, the Marysville City Council reviewed and considered the Marysville Planning Commission's Recommendation and proposed amendments to the City's development regulations; and

WHEREAS, the City of Marysville has submitted the proposed amendments to the City's development regulations to the Washington State Department of Commerce on March

19, 2021 seeking expedited review under RCW 36.70A.106(3)(b) and in compliance with the procedural requirements of RCW 36.70A.106; and

WHEREAS, the amendments to the development regulations are exempt from State Environmental Policy Act review under WAC 197-11-800(19);

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

Section 1. Amendment of Municipal Code. MMC Section 22C.010.070, entitled "Interpretation – Land Use," is hereby added as follows:

22A.010.070 Interpretation – Land use.

(1) ~~If a use is not specifically or generally listed in the Permitted Uses table in MMC 22C.010.060 or MMC 22C.020.060, the community development director shall determine whether a proposed land use is allowed in a zone. The Standard Industrial Classification Manual (SIC), current edition, prepared by the United States Office of Management and Budget, and the New Illustrated Book of Development Definitions, prepared by Moskowitz and Lindbloom, will be used as reference guides in the classification and/or interpretation of a proposed use.~~

(2) The community development director's determination shall be based on whether or not permitting the proposed use in a particular zone is consistent with the purposes of this title and the zone's purpose as set forth in Chapter 22A.030 MMC, by considering the following factors:

(a) ~~The physical characteristics of the use and its supporting structures, (including but not limited to scale, traffic and other impacts, and hours of operation);~~ are of the same basic nature as a use or uses specifically or generally listed in the applicable zoning district;

(b) ~~Whether or not the use complements or is compatible with other uses permitted in the zone; and~~

(c) ~~The SIC classification, if any, assigned to the business or other entity that will carry on the primary activities of the proposed use.~~

(3) ~~The decision of the community development director shall be final unless the applicant or an adverse party files an appeal to the hearing examiner pursuant to Chapter 22G.010 MMC, Article VIII, Appeals.~~

Section 2. Amendment of Municipal Code. MMC Section 22A.010.075, entitled "Promulgation of Rules, Procedures and Interpretations," is hereby added as follows:

22A.010.075 Promulgation of Rules, Procedures and Interpretations.

The community development director is authorized to promulgate administrative rules, procedures and interpretations consistent with the terms of this title. Appeals of any such

rule, procedure, interpretation or other administrative determination made by the director shall be made to the hearing examiner in accordance with the appeal procedures as set forth in Chapter 22G.010 MMC, Article VIII, Appeals.

Section 3. Amendment of Municipal Code. MMC Section 22C.010.055, entitled "Modification of Use Regulations in Residential Zones," is hereby added as follows:

22C.010.055 Modification of Use Regulations in Residential Zones.

A. Use Regulations that May be Modified. An applicant may propose, and the director may approve, deny or conditionally approve a modification of the special regulations and notes in MMC Section 22C.010.070.

B. Review Process

1. An applicant shall submit a request for modification, providing such information as is required by the director, including application fees.
2. Notice of the proposed modification shall be provided to contiguous property owners.

C. Evaluation Criteria. Any proposal to modify use regulations shall not undermine the intent of the standards. The director shall not approve a request for modification unless the proposal provides design elements or other appropriate mitigation equivalent or superior to what would likely result from compliance with the use regulations which are proposed to be modified. The director shall consider the following criteria in making a decision.

1. The request for modification meets the intent of the standards being modified.
2. The request for modification does not create any impacts or nuisances that cannot be mitigated, such as access points which are unsafe, noise, dust, odor, glare, visual blight or other undesirable environmental impacts.
3. The request for modification meets any additional modification criteria for specific uses in MMC Title 22.C.

Section 4. Amendment of Municipal Code. MMC Section 22C.020.055, entitled "Modification of Use Regulations in Non-Residential Zones," is hereby added as follows:

22C.020.055 Modification of Use Regulations in Non-Residential Zones.

A. Use Regulations that May be Modified. An applicant may propose, and the director may approve, deny or conditionally approve a modification of the special regulations and notes in MMC Section 22C.020.070.

B. Review Process

1. An applicant shall submit a request for modification, providing such information as is required by the director, including application fees.
2. Notice of the proposed modification shall be provided to contiguous property owners.

C. Evaluation Criteria. Any proposal to modify use regulations shall not undermine the intent of the standards. The director shall not approve a request for modification unless the proposal provides design elements or other appropriate mitigation equivalent or superior to

what would likely result from compliance with the use regulations which are proposed to be modified. The director shall consider the following criteria in making a decision.

1. The request for modification meets the intent of the standards being modified.
2. The request for modification does not create any impacts or nuisances that cannot be mitigated, such as access points which are unsafe, noise, dust, odor, glare, visual blight or other undesirable environmental impacts.
3. The request for modification meets any additional modification criteria for specific uses in MMC Title 22.C.

Section 5. Amendment of Municipal Code. MMC Section 22C.010.075, entitled "Adaptive Reuse of Nonresidential Buildings in Residential Zones," is hereby added as follows:

22C.010.075 Adaptive Reuse of Nonresidential Buildings in Residential Zones.

A. Purpose. The purpose of this subsection is to allow for adaptive reuse of nonresidential buildings in residential zones that are functionally obsolete in order to improve the economic feasibility of a property by considering uses that are not otherwise permitted, but which, if properly designed and managed, would not create unacceptable impacts on surrounding properties or the immediate vicinity in general. This process differs from the unlisted use process listed in MMC 22A.010.070 in that uses that are not specifically authorized in the residential zone may be considered using the process described herein.

B. Procedures. Any request for adaptive reuse of nonresidential buildings shall be reviewed as a conditional use.

C. Circumstances. The city may allow a use in a residential zone that is not specifically allowed in that zone if it is necessary to encourage adaptive reuse of a building under the following circumstances:

1. It is unlikely that the primary building on the subject property could be preserved if only uses permitted in the underlying zone were allowed.
2. Allowing a different use would enhance the character of the building and immediate vicinity.
3. The use would not have a detrimental effect upon surrounding properties or the immediate vicinity.

D. Uses that May be Allowed. The following uses may be considered for adaptive reuse of an existing building in a residential zone, provided that where a use listed below is allowed as either a permitted or conditional use in MMC Section 22C.010.060, it shall be reviewed in accordance with said section:

1. Dwelling units. Density based on underlying zoning plus one additional dwelling unit;
2. Assisted living facilities;
3. Libraries;
4. Museums and art galleries;
5. Social service facilities;

- 6. Public services;
- 7. Artist studios;
- 8. Music venues;
- 9. Cafes and bistros;
- 10. Live-work units;
- 11. Bed and breakfast inn;
- 12. Other uses not listed above if determined through the review process to be compatible with surrounding properties and the immediate vicinity.

E. Review Criteria. The following criteria shall be used as the basis for determining compatibility with surrounding uses and approving, denying, or conditionally approving a request to allow the adaptive reuse of a non-residential building in a residential zone:

- 1. The adaptive reuse would promote or aid in the preservation or rehabilitation of the primary building.
- 2. No significant impacts to public safety.
- 3. Compliance with noise, building and fire codes.
- 4. Hours of the day of proposed use or activity are compatible with surrounding uses.
- 5. Proposed management and operational procedures to minimize and mitigate potential impacts.
- 6. Other factors not specified herein that would create a conflict with the surrounding uses, or uses that are permitted in the zone.
- 7. Expansions to the primary building shall not exceed ten percent of the existing footprint or five hundred square feet, whichever is greater, and will not detrimentally affect the outside character of the building. Expansions shall comply with the bulk and dimensional standards of the underlying zone.

F. Actions Authorized.

- 1. Approval. The City may approve a proposal that is found to be compatible with surrounding land uses.
- 2. Denial. Any proposal that would be incompatible with or adversely affect properties in the immediate vicinity shall be denied.
- 3. Revocation. The city shall retain the right to revoke an approval issued under this section that fails to comply with any conditions of said approval, or which operates in a manner inconsistent with representations made in the application.

Section 6. Amendment of Municipal Code. MMC Section 22C.020.075, entitled "Adaptive Reuse of Buildings in Non-residential Zones," is hereby added as follows:

22C.020.075 Adaptive Reuse of Buildings in Non-residential zones.

A. Purpose. The purpose of this section is to allow existing buildings located in non-residential zones to be considered for uses that are not otherwise permitted, but which, if properly designed and managed, would not create negative impacts on surrounding properties or the area in general. Existing buildings that, due to their location or

configuration are not readily usable for permitted uses, as determined by the director, may be considered using the process described herein. This process differs from the unlisted use process listed in Section 22A.010.070 in that uses that are not specifically authorized in the zone may be considered using the process described herein.

B. Review Process

1. An applicant shall submit a request for modification, providing such information as is required by the director, including application fees.
2. Notice of the proposed modification shall be provided to contiguous property owners.

C. Review Criteria. The following criteria shall be used as the basis for approving, denying, or conditionally approving a request to allow the use of existing building space for a use not otherwise permitted in the zone.

1. Traffic generated by the proposed use.
3. Impacts from odor, noise, vibration, dust or other nuisances.
4. Aesthetic character and quality of the proposed use.
5. Public safety impacts.
6. Compliance with building and fire codes.
7. Hours of the day of proposed use or activity.
8. Proposed management and operational procedures to minimize and mitigate potential impacts.
9. Other factors not specified herein that would create a conflict with the uses that are permitted in the zone.

D. Actions Authorized.

1. Approval. The City may approve a proposal that is found to be compatible with surrounding land uses.
2. Denial. Any proposal that would adversely affect properties in the immediate vicinity or give the outward appearance of a use or activity that is incompatible with the intent and purpose of the zone in which it is located shall be denied.
3. Revocation. The city shall retain the right to revoke an approval issued under this section for a use that fails to comply with any conditions of said approval, or which operates in a manner inconsistent with representations made in the application.

Section 7. Amendment of Municipal Code. MMC Section 22A.010.160, entitled "Amendments," is hereby amended as follows by adding reference to this adopted ordinance in order to track amendments to the City's Unified Development Code (all unchanged provisions of MMC 22A.010.160 remain unchanged and in effect):

"22A.010.160 Amendments.

The following amendments have been made to the UDC subsequent to its adoption:

<u>Ordinance</u>	<u>Title (description)</u>	<u>Effective Date</u>
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_____ Unified Development Code Administration _____, 2021"

Section 8. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

Section 9. Corrections. Upon approval by the city attorney, the city clerk or the code reviser are authorized to make necessary corrections to this ordinance, including scrivener's errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections

Section 10. Effective Date. This ordinance shall become effective five days after the date of its publication by summary.

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 2021.

CITY OF MARYSVILLE

By: _____
JON NEHRING, MAYOR

Attest:

By: _____
DEPUTY CITY CLERK

Approved as to form:

By: _____
JON WALKER, CITY ATTORNEY

Date of Publication: _____

Effective Date: _____
(5 days after publication)

Index #7

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

CITY COUNCIL MEETING DATE: 10/11/21

AGENDA ITEM:	
Adopting the crime of Cyberstalking	
PREPARED BY:	DIRECTOR APPROVAL:
Jon Walker	
DEPARTMENT:	
Legal	
ATTACHMENTS:	
RCW 9.61.260	
BUDGET CODE:	AMOUNT:
SUMMARY:	

The City may prosecute misdemeanors and gross misdemeanors set forth in the municipal code and RCW crimes adopted into the municipal code by reference. RCW 9.61.260 defines the crime of Cyberstalking. A copy of the RCW is attached. October is Domestic Violence Awareness Month. Electronic communication (emails, texts, social media, and the internet) are sometimes used to harass individuals, including domestic violence victims. Adopting this crime will provide the City with another tool to combat criminal behavior.

<p><u>RECOMMENDED ACTION:</u> Staff recommends the Council consider adopting RCW 9.61.260, Cyberstalking, by reference.</p> <p><u>RECOMMENDED MOTION:</u> I move to adopt Ordinance No. ____</p>
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CITY OF MARYSVILLE
Marysville, Washington

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARYSVILLE,
WASHINGTON, SPECIFICALLY ADOPTING THE CRIME OF
CYBERSTALKING.**

WHEREAS, under the revised code of Washington it is a crime to use electronic communication to harass, intimidate, torment, or embarrass another person; and

WHEREAS, by adopting RCW 9.61.260, Cyberstalking, the City will be able to prosecute such a crime in municipal court; and

WHEREAS, public safety will be enhanced by adopting this crime.

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

SECTION 1. Section 6.50.010, of the municipal code is amended as set forth in Exhibit A.

SECTION 2. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

SECTION 3. Upon approval by the city attorney, the city clerk or the code reviser are authorized to make necessary corrections to this ordinance, including scrivener’s errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections.

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

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 2021.

CITY OF MARYSVILLE

By _____
JON NEHRING, MAYOR

Attest:

By _____
_____, DEPUTY CITY CLERK

Approved as to form:

By _____
JON WALKER, CITY ATTORNEY

Date of publication: _____

Effective Date (5 days after publication): _____

EXHIBIT A

6.50.010 Statutes incorporated by reference.

The following statutes regarding harassment are incorporated by reference:

RCW

9A.46.010 Legislative finding.

9A.46.020 Definition – Penalties.

9A.46.030 Place where committed.

9A.46.040 Court ordered requirements upon person charged with crime – Violation.

9A.46.050 Arraignment – No-contact order.

9A.46.060 Crimes included in harassment.

9A.46.070 Enforcement of orders restricting contact.

9A.46.080 Order restricting contact – Violation.

9A.46.090 Liability of peace officer.

9A.46.100 Convicted – Time when.

9A.46.110 Stalking.

[9.61.260 Cyberstalking.](#)

10.14.020 Definitions.

10.14.120 Disobedience of order – Penalties.

10.14.170 Criminal penalty.

RCW 9.61.260**Cyberstalking.**

(1) A person is guilty of cyberstalking if he or she, with intent to harass, intimidate, torment, or embarrass any other person, and under circumstances not constituting telephone harassment, makes an electronic communication to such other person or a third party:

(a) Using any lewd, lascivious, indecent, or obscene words, images, or language, or suggesting the commission of any lewd or lascivious act;

(b) Anonymously or repeatedly whether or not conversation occurs; or

(c) Threatening to inflict injury on the person or property of the person called or any member of his or her family or household.

(2) Cyberstalking is a gross misdemeanor, except as provided in subsection (3) of this section.

(3) Cyberstalking is a class C felony if either of the following applies:

(a) The perpetrator has previously been convicted of the crime of harassment, as defined in RCW **9A.46.060**, with the same victim or a member of the victim's family or household or any person specifically named in a no-contact order or no-harassment order in this or any other state; or

(b) The perpetrator engages in the behavior prohibited under subsection (1)(c) of this section by threatening to kill the person threatened or any other person.

(4) Any offense committed under this section may be deemed to have been committed either at the place from which the communication was made or at the place where the communication was received.

(5) For purposes of this section, "electronic communication" means the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means. "Electronic communication" includes, but is not limited to, electronic mail, internet-based communications, pager service, and electronic text messaging.

[**2004 c 94 § 1.**]

NOTES:

Severability—2004 c 94: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [**2004 c 94 § 6.**]

Effective dates—2004 c 94: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 24, 2004], except for section 3 of this act, which takes effect July 1, 2004." [**2004 c 94 § 7.**]

Index #8

CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: 10/11/21

AGENDA ITEM:	
Amending the municipal code to add a crime of exposing minor child to domestic violence and a nonmerger clause for domestic violence crimes	
PREPARED BY:	DIRECTOR APPROVAL:
Jon Walker	
DEPARTMENT:	
Legal	
ATTACHMENTS:	
BUDGET CODE:	AMOUNT:
SUMMARY:	

Domestic violence is a serious problem and is particularly damaging to children who are exposed to it. According to the Office on Women’s Health of the United States Department of Health and Human Services:

Many children exposed to violence in the home are also victims of physical abuse. Children who witness domestic violence or are victims of abuse themselves are at serious risk for long-term physical and mental health problems. Children who witness violence between parents may also be at greater risk of being violent in their future relationships. If you are a parent who is experiencing abuse, it can be difficult to know how to protect your child.

This ordinance creates a separate crime for individuals who commit an act of domestic violence that is witnessed by a minor child. In witnessing a crime of domestic violence, the child is a victim and should be treated as such. This would allow the city to prosecute both underlying domestic violence crime (e.g. assault) and the separate crime of exposing a child to it. Due to its seriousness the crime of exposing a minor child to domestic violence, it carries a mandatory minimum of 15 days in jail. The mandatory minimum can be waived or reduced if (1) the prosecutor recommends it after reviewing relevant factors or (2) the municipal court enters written findings that the mandatory minimum is not appropriate after considering relevant factors.

The ordinance also includes a nonmerger clause. There is a presumption in Washington law that a person may be convicted of only one crime stemming from a single act, but a legislative body may allow an accused to be convicted of more than one crime stemming from a single act. Staff recommends that Council adopt the nonmerger language as that will permit a domestic violence perpetrator to be held accountable not only for the damage caused by the underlying crime, such as an assault, but for the damage caused by exposing a child to domestic violence, as these a two separate societal harms.

RECOMMENDED MOTION: I move to adopt Ordinance No. _____.

CITY OF MARYSVILLE
Marysville, Washington

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARYSVILLE,
WASHINGTON, AMENDING CHAPTER 6.56 OF THE MUNICIPAL CODE TO
ADD A CRIME OF EXPOSING A MINOR CHILD TO DOMESTIC VIOLENCE
AND PROVIDING FOR NONMERGER OF DOMESTIC VIOLENCE CRIMES**

WHEREAS, domestic violence has serious consequences for the safety and well-being of residents of Marysville; and

WHEREAS, children who witness domestic violence or are victims of abuse themselves are at serious risk for long-term physical and mental health problems; and

WHEREAS, children who witness violence between parents may also be at greater risk of being violent in their future relationships; and

WHEREAS, holding perpetrators of domestic violence accountable enhances public health and safety.

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

SECTION 1. Two sections are added to chapter 6.56 of the municipal code as set forth in Exhibit A.

SECTION 2. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

SECTION 3. Upon approval by the city attorney, the city clerk or the code reviser are authorized to make necessary corrections to this ordinance, including scrivener’s errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections.

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

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 2021.

CITY OF MARYSVILLE

By _____
JON NEHRING, MAYOR

Attest:

By _____
_____, DEPUTY CITY CLERK

Approved as to form:

By _____
JON WALKER, CITY ATTORNEY

Date of publication: _____

Effective Date (5 days after publication): _____

EXHIBIT A

6.56.030 Exposing Minor Child to Domestic Violence

- (1) A person commits the crime of exposing a minor child to domestic violence when he or she:
- (a) Commits a crime of domestic violence, as defined in RCW 10.99.020; and
 - (b) The crime is committed in the immediate presence of, or is witnessed by, the suspect's or the victim's minor child, minor stepchild, or a minor child residing within the household of the suspect or victim. A minor child or minor stepchild is a person who is, on the date of the violation, under the age of 18 years.
 - (c) For the purposes of this section, "witnessed" means that the crime is seen or directly perceived in any other manner by the minor child.
- (2) Exposing a minor child to domestic violence is a gross misdemeanor. A person convicted of exposing a minor child to domestic violence shall serve not less than 15 days in confinement unless:
- (a) The city prosecutor recommends a sentence of less than 15 days after considering factors relevant to the case including prior domestic violence offenses committed by the defendant, the level of violence witnessed by the children, ages of the children, whether or not the child resides full time in home with the perpetrator, and any history of violence in the home or between the defendant and victim; or
 - (b) The municipal court enters written findings that a sentence of 15 days or more would not serve the interests of justice. Factors to be considered by the court include prior domestic violence offenses committed by the defendant, the level of violence witnessed by the children, ages of the children, whether or not the child resides full time in home with the perpetrator, and any history of violence in the home or between the defendant and victim.
- (3) A mandatory minimum jail sentence under this section will be consecutive to any other sentence arising from the same incident.

6.56.040 Nonmerger of domestic violence crimes.

Every person who, in the commission of a crime of domestic violence, shall commit any other crime(s), may be punished for the other crime(s) as well as for the crime of domestic violence, and may be prosecuted for each crime separately.