

January 10, 2022

Marysville City Council Meeting
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. Anyone wishing to provide written or verbal public comment, must pre-register at this link www.marysvillewa.gov/remotepubliccomment before noon on the day of the meeting.

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

Invocation

Pledge of Allegiance

Roll Call

Approval of the Agenda

Presentations

A. Officer Swearing In *

Audience Participation

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

1. Approval of the November 22, 2021 City Council Meeting Minutes
2. Approval of the December 3, 2021 City Council Retreat Minutes
3. Approval of the December 6, 2021 City Council Work Session Minutes
4. Approval of the December 20, 2021 City Council Special Meeting Minutes

Consent

**These items have been added or revised from the materials previously distributed in the packets for the January 3, 2022 Work Session.*

Marysville City Council Meeting**January 10, 2022****7:00 p.m.****City Hall**

5. Approval of the December 15, 2021 Claims in the Amount of \$1,430,231.46 paid by EFT Transactions and Check Numbers 152134 through 152284
6. Approval of the December 22, 2021 Claims in the Amount of \$2,869,006.94 paid by EFT Transactions and Check Numbers 152285 through 152417 with Check Numbers 14505 and 152019 Voided
17. Approval of the December 23, 2021 Payroll in the Amount of \$1,932,918.79 paid by EFT Transactions and Check Numbers 33746 through 33766 *
18. Approval of the December 29, 2021 Claims in the Amount of \$1,595,453.94 paid by EFT Transactions and Check Numbers 152418 through 152555 with Check Number 152151 Voided *
7. Consider Approving the Termination from Voluntary Cleanup Program Agreement with the Department of Ecology for the Interfor Pacific Site at 60 State Avenue
8. Consider Approving the Memorandum of Understanding with Medical Care Organization
9. Consider Approving the Mental Health Alternatives Program (MAP) Court – Bridgeways Agreement
10. Consider Approving the Hotel Motel Tourism Grant Committee Funding Recommendation

Review Bids**Public Hearings****New Business**

11. Consider Approving a **Resolution** Recognizing Marysville as a Purple Heart City
12. Consider Approving an **Ordinance** Updating MMC 22A.010 and 22C.180 to Create More Flexible Regulations for Accessory Dwelling Units
13. Consider Approving an **Ordinance** Updating MMC 6.76 Noise Regulations to Reduce Construction Hours of Operation
14. Consider Approving an **Ordinance** to Allow For and Establish Regulations for the Following Supportive Housing Types (in Response to House Bill 1220): Emergency Housing, Indoor Emergency Shelters, Transitional Housing Facilities, and Permanent Supportive Housing in Zones that Allow For Hotels and/or Residential Zones

**These items have been added or revised from the materials previously distributed in the packets for the January 3, 2022 Work Session.*

Marysville City Council Meeting**January 10, 2022****7:00 p.m.****City Hall**

15. Consider Approving an **Ordinance** to Establish Regulations in MMC 22C.260 for Mobile Food Vendors (Food Trucks) on City Properties, Private Properties, and as part of Special Event Permits

19. Consider Approving the Supplemental Agreement No.1 with J.A. Brennan for Comeford Park and Restroom Design *

20. Consider Approving an Emergency **Resolution** for State Ave and 136th St NE Signal Emergency Repair *

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**

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.

**These items have been added or revised from the materials previously distributed in the packets for the January 3, 2022 Work Session.*

Index #1

City Council



**1049 State Avenue
Marysville, WA 98270**

**Regular Meeting
November 22, 2021**

Call to Order

Mayor Nehring called the November 22, 2021 Regular Meeting of the Marysville City Council to order at 7:00 p.m.

Invocation

Chaplain Dan Hazen gave the invocation.

Pledge of Allegiance

Mayor Nehring led the pledge of allegiance.

Roll Call

Present:

Mayor: Jon Nehring

Council: Council President Kamille Norton, Councilmember Tom King, Councilmember Mark James, Councilmember Kelly Richards, Councilmember Michael Stevens, Councilmember Steve Muller

Absent: Councilmember Jeff Vaughan (excused)

Staff: Finance Director Sandy Langdon, Project Manager Bryan Milligan, Asst. Parks Director Dave Hall, Information Services Director Worth Norton, City Attorney Jon Walker, Systems Analyst Mike Davis, Public Works Services and Utilities Director Karen Latimer, Public Works Engineering and Transportation Director Jeff Laycock, Community Development Director Haylie Miller, Police Chief Erik Scairpon, Communications Manager Connie Mennie

Motion to excuse the absence of Councilmember Vaughan moved by Council President Norton seconded by Councilmember Muller. **AYES: ALL**

Approval of the Agenda

Motion to approve the agenda moved by Councilmember Muller seconded by Councilmember Richards. **AYES: ALL**

Presentations

- A. Proclamation: Declaring November 27, 2021 as Marysville Pilchuck Football Day in Marysville

Mayor Nehring read the proclamation into the record.

- B. Proclamation: Declaring November 27, 2021 as Small Business Saturday in Marysville

Mayor Nehring read the proclamation into the record.

- C. Proclamation: Declaring November 2021 as National Hospice Palliative Care Month in Marysville

Mayor Nehring read the proclamation into the record.

- D. Proclamation: Declaring December 11, 2021 as Buddy Bowl Day in Marysville

Mayor Nehring read the proclamation into the record and thanked Preston Dwoskin for helping to organize this event.

Audience Participation

Preston Dwoskin thanked Council for the proclamation and the recognition. He invited all councilmembers to the event. He also asked Chief Scairpon what is being done to address speeding and other violations in school zones. Chief Scairpon replied that there is some video enforcement of violations if drivers pass a stop paddle on a bus. The traffic unit also focuses on school zones when they are able along with school resource officers.

Approval of Minutes

1. Approval of the October 25, 2021 City Council Meeting Minutes

Motion to approve the October 25, 2021 City Council Meeting Minutes moved by Councilmember King seconded by Council President Norton. **AYES: ALL**

2. Approval of the November 1, 2021 City Council Work Session Minutes

Motion to approve the November 1, 2021 City Council Work Session Minutes moved by Council President Norton seconded by Councilmember James. **AYES: ALL**

Consent

3. Approval of the October 27, 2021 Claims in the Amount of \$885,505.65 paid by EFT Transactions and Check Numbers 151166 through 151357 with Check Numbers 123018, 125975, 126262, 126394, 126584, 126749, 130151, 131176, 132528, 133803, 133809, 133904, 134077, 134238, 134458, 134708, 134964, 135143, 135235, 135327, 135547, 135759, 135915, 136062, 136069, 136184, 136322, 136606, 136658, 136735, 136867, 136943, 137254, 137754, 137887, 138265, 138265, 138890, 139683, 139857, 140020, 140227, 140242, 140571, 140857, 141013, 141030, 141341, 141448, 141512, 141596 Voided

4. Approval of the November 3, 2021 Claims in the Amount of \$1,809,792.72 paid by EFT Transactions and Check Numbers 151358 through 151487 with Check Number 139596 Voided

5. Approval of the November 10, 2021 Claims in the Amount of \$245,881.24 paid by EFT Transactions and Check Numbers 151488 through 151628

6. Approval of the November 10, 2021 Payroll in the Amount of \$1,485,812.41 paid by EFT Transactions and Check Numbers 33702 through 33717

Motion to approve Consent Agenda items 3, 4, 5, and 6 moved by Councilmember Richards seconded by Councilmember Muller. **AYES: ALL**

Review Bids

7. Consider Approving the 8th Street Improvements Contract with SRV Construction in the Amount of \$684,910.50 with a Management Reserve of \$68,491.05 for a Total Allocation of \$753,401.55

Director Laycock reviewed this item related to the 8th Street improvements for mitigation of impacts due to traffic from the civic campus project.

Motion to authorize the Mayor to sign and execute the 8th Street Improvements Contract with SRV Construction in the Amount of \$684,910.50 with a Management Reserve of \$68,491.05 for a Total Allocation of \$753,401.55 moved by Councilmember James seconded by Councilmember Richards. **AYES: ALL**

Public Hearings

8. Consider Approving the Ordinance Setting the Regular Property Tax Levy for Emergency Medical Care and Services on all Real, Personal, and Utility Property Subject to Taxation within the Corporate Limits of the City of Marysville for the Year 2022

Staff Presentation: Director Langdon introduced this item related to setting the EMS property tax amount for 2022. This will be the 4th year of the 6-year Levy Lid Lift that went to the voters in 2018 and keeping the \$.50 limit on the EMS. There were no Council questions.

The public hearing was opened at 7:26 p.m. Mayor Nehring solicited public comments. Seeing none the hearing was closed at 7:27 p.m.

Motion to approve Ordinance 3201 moved by Councilmember Muller seconded by Councilmember James. **AYES: ALL**

New Business

9. Consider Approving the Resolution to Accept Donation by Fox Television Stations LLC – KCPQ 13 of Ford Media Van

Chief Scairpon explained this is regarding acceptance of a donation of a van by Fox 13. It will be used for major crime investigations and disaster scenes.

Motion to approve Resolution 2508 moved by Councilmember Richards seconded by Councilmember Stevens. **AYES: ALL**

10. Consider Approving the Compass Health Agreement for Mental Health Professionals in the Amount of \$262,500.00

Chief Scairpon explained this would update the ongoing mental health contract with Compass which is paid for by grants from Washington Association of Sheriffs and Police Chiefs (WASPC).

Motion to approve the Compass Health Agreement for Mental Health Professionals in the Amount of \$262,500.00 moved by Councilmember James seconded by Councilmember King. **AYES: ALL**

11. Consider Approving the JAG Grant from the Department of Justice in the Amount of \$15,768.00 for Stop Sticks

Motion to authorize the Mayor to accept the JAG Grant from the Department of Justice in the Amount of \$15,768.00 for Stop Sticks moved by Council President Norton seconded by Councilmember Richards. **AYES: ALL**

12. Consider Approving the Supplemental Agreement No. 1 to the Professional Services Agreement with WH Pacific Inc. for Construction Support Services for the State Avenue HSIP (3rd to 80th) Project Extending the Agreement End Date to December 31, 2022

Director Laycock reviewed this no-cost time Supplement No. 1 to the Professional Services Agreement with WH Pacific, Inc.

Motion to authorize the Mayor to sign and execute the Supplemental Agreement No. 1 to the Professional Services Agreement with WH Pacific Inc. for Construction Support Services for the State Avenue HSIP (3rd to 80th) Project Extending the Agreement End Date to December 31, 2022 moved by Councilmember Muller seconded by Councilmember James. **AYES: ALL**

13. Consider Approving the Supplemental Agreement No. 8 to the Professional Services Agreement with KPG, Inc. for Engineering Services for the State Ave HSIP (3rd to 80th) Project Extending the Agreement End Date to December 31, 2022

Director Laycock reviewed this no-cost Supplement No. 8 providing design support and extending the agreement due date to December 31, 2022.

Motion to authorize the Mayor to sign and execute the Supplemental Agreement No. 8 to the Professional Services Agreement with KPG, Inc. for Engineering Services for the State Ave HSIP (3rd to 80th) Project Extending the Agreement End Date to December 31, 2022 moved by Councilmember Richards seconded by Councilmember Muller. **AYES: ALL**

14. Consider Approving the Civic Center Supplemental Tower TI Commissioning Agreement in the Amount of \$25,944.00

Project Engineer Milligan reviewed this Supplemental Agreement for commissioning services throughout the newly started 4-story City Hall tower.

Councilmember Richards pointed out a discrepancy in the numbers. Project Engineer Milligan verified the correct amount being requested was \$25,944, and that the total allocation number was added up correctly.

Motion to authorize the Mayor to sign and execute the Civic Center Supplemental Tower TI Commissioning Agreement in the Amount of \$25,944.00 moved by Council President Norton seconded by Councilmember Richards. **AYES: ALL**

15. Consider Approving the Ordinance Revising MMC 14.07.010

Director Latimer reviewed this ordinance which would amend MMC 14.07.010 related to capital charges for Accessory Dwelling Units (ADUs.)

Councilmember King asked if any customers would receive a credit due to past payments. Director Latimer indicated staff would look at that and issue any refunds necessary.

Councilmember James asked for clarification about what the capital charges pay for. Director Latimer explained it pays for a customer's share of the existing utility infrastructure and any improvements to it. Councilmember James recommended no charges for attached ADUs that use the existing infrastructure. Director Latimer reviewed circumstances when the charges would apply. Councilmember James expressed concern about attached ADUs being charged at all. He did not think the impact would be any different than a family living in the house. Councilmember Muller clarified that it is 35% of the fee, not the cost of the project. Director Latimer agreed and reviewed the proposed fees. Councilmember James recommended amending this to exclude attached ADUs. Councilmember Muller explained that the homeowner would still be running more sewer and water lines on the site. The charges would contribute to the overall system to help to pay for expansion and replacement citywide. Director Latimer explained the amendment would make the charges more equitable for everyone that uses the system.

Councilmember Richards stated he was in support, but would be abstaining.

Motion to approve Ordinance No. 3202 revising MMC 14.07.010 moved by Councilmember Muller seconded by Council President Norton.

VOTE: Motion carried 5 - 0

AYES: Council President Norton, Councilmember King, Councilmember James, Councilmember Stevens, Councilmember Muller

ABSTAIN: Councilmember Richards

Mayor's Business

- Thanks to Council President Norton for chairing the last meeting when he was gone.
- He wished everyone a Happy Thanksgiving.

Staff Business

Asst. Director Hall brought everyone's attention to Marysville for the Holidays on December 4 and Marysville Community Lights starting on December 4. The parade will start at 6:30 p.m.

Chief Scairpon:

- The Police Department received a \$1000 donation last week for the holiday coat drive in partnership with the Marysville Food Bank. He saw Councilmember King at the Food Bank last Friday when they served 174 cars.

- Tip-a-Cop at Applebee's has been rescheduled to December 10 to help the Shop-with-a-Cop event on December 13.

Director Miller informed the Council that Senior Planner Kate Tourtellot is working on some changes to the Accessory Dwelling Unit code which will make the requirements more flexible in some areas. Councilmember Richards asked if the changes are in line with the county's code. Director Miller indicated that staff is looking at the county's code, but it will not be exactly the same.

Call on Councilmembers and Committee Reports

Councilmember King:

- Thanks to Chief Scairpon for directing traffic last Friday at the food bank.
- The LEOFF 1 Board met last week and updated policies regarding elective vision surgeries.
- Community Development Block Grant Committee met last week and approved several great projects and programs.
- He noticed that streetlights on State Avenue between 10th and Grove have been replaced with LEDs and look great. Director Laycock explained that they have found a cost effective solution and will continue with replacement as lights burn out.
- He is looking forward to the parade. The Strawberry Festival float has been decorated and has a new sound system.

Councilmember Stevens wished everyone a Happy Thanksgiving.

Councilmember Richards:

- He reported on the November 10 Park Board Meeting:
 - Mother's Nature Window is starting to work on a parking lot.
 - The Remote Control Park at Strawberry Fields is moving along.
 - The engineering design for the pump track should be done in March; it will then go out to bid.
 - Comeford Park is progressing.
- He thanked the Mayor for the proclamation regarding Marysville-Pilchuck. He recognized Lake Stevens High School who is also doing well.
- He asked for confirmation that there will be a retreat on December 3 and also in February. Mayor Nehring affirmed this.

Councilmember Muller wished everyone a Happy Thanksgiving.

Councilmember James:

- He asked when discussion surrounding the sign code updates would continue. Director Miller thought City Attorney Walker was assembling a list of changes which would be possible.
- He enjoyed awarding the grants on the CDBG Committee.

- The holiday lights look great around the city.
- The food bank is definitely very busy.
- Thanks to Director Miller for the updates on the ADU code. He asked when it would be coming to Council. Director Miller thought it would be in January.
- He wished everyone Happy Thanksgiving.

Council President Norton:

- She requested that the Council be notified if there are revisions to the agenda. She thought she had downloaded the most recent one right before the meeting but it was not.
- She is looking forward to the holiday lights.
- She has had several requests for the City to look at and address the use of wheeled All-Terrain Vehicles (ATVs) in the city. Chief Scairpon thought they could get the ATV topic on a workshop in January.

Motion to add discussion about allowing ATVs in the City to a future agenda moved by Council President Norton seconded by Councilmember James. **AYES: ALL**

Councilmember James said he did not have the revised agenda until he downloaded it at the meeting. He wondered which agenda it was that had been approved at the beginning of the meeting. Mayor Nehring replied that it is implied that they are approving the most recent agenda. He indicated that staff would be sure to notify Council via email if there are updated agendas.

Councilmember Richards asked Asst. Director Hall if they could put a ribbon around the water tower box for the holidays. Director Laycock did not think they should interfere with the contractor.

Councilmember Muller noted that the upgraded agenda did not get downloaded to the iPad content page, but the link in the email worked. Director Langdon replied that staff would make sure all the areas are updated.

Adjournment

Motion to adjourn the meeting moved by Councilmember Richards seconded by Councilmember James. **AYES: ALL**

The meeting was adjourned at 8:26 p.m.

Approved this _____ day of _____, 2022.

Mayor
Jon Nehring

Index #2

**Marysville City
Council**



**1049 State Avenue
Marysville, WA 98270**

**Council Retreat
December 3, 2021**

Call to Order

Mayor Nehring called the December 3, 2021 City Council Retreat to order at 1:03 p.m.

Roll Call

Mayor: Jon Nehring

Council: Councilmember Jeff Vaughan, Councilmember Mark James, Councilmember Tom King, Councilmember Michael Stevens, Councilmember Kelly Richards, Councilmember Steve Muller¹, Council President Kamille Norton

Staff: Chief Administrative Officer (CAO) Gloria Hirashima, City Attorney Jon Walker, Community Development Director Haylie Miller, Public Works Services and Utilities Director Karen Latimer, Public Works Engineering and Transportation Director Jeff Laycock, Communications Manager Connie Mennie

Public: Peter Battuello, Perteet Engineering

Action Item: Approval of the appointment to Hotel/Motel Committee

Motion to approve appointment of Warren Beach as a Hotel/Motel Committee member for 2021/2022 moved by Councilmember Richards seconded by Councilmember Muller.

AYES: ALL

¹ Councilmember Muller left the meeting at 2:30 p.m.

Discussion Item: Discussion of various land use, planning and growth related items.

General discussion was held surrounding various land use, planning and growth-related topics.

Adjournment

The meeting was adjourned at 4:55 p.m.

Approved this _____ day of _____, 2022.

Mayor
Jon Nehring

Index #3

**Marysville City
Council**



**1049 State Avenue
Marysville, WA 98270**

**Work Session
December 6, 2021**

Call to Order

Council President Norton called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

Pledge of Allegiance

Roll Call

Council: Councilmember Mark James, Councilmember Tom King, Councilmember Michael Stevens, Councilmember Kelly Richards, Councilmember Steve Muller, Council President Kamille Norton

Absent: Councilmember Jeff Vaughan

Staff: Chief Administrative Officer (CAO) Gloria Hirashima , Finance Director Sandy Langdon, Community Development Director Haylie Miller, Information Services Director Worth Norton, City Attorney Jon Walker, Public Information Officer Connie Mennie, Information Systems Analyst Mike Davis, Public Works Services and Utilities Director Karen Latimer, Public Works Engineering and Transportation Director Jeff Laycock, Parks Director Tara Mizell, Police Chief Erik Scarpion, Fire Chief Martin McFalls, Commander Mark Thomas, Courts Administrator Suzanne Elsner, Judge Lorrie Towers, Judge Fred Gillings,

Motion to excuse the absence of Councilmember Vaughan moved by Councilmember Richards seconded by Councilmember James.

AYES: ALL

Approval of the Agenda

Motion to approve the agenda as presented moved by Councilmember Muller seconded by Councilmember Stevens.

AYES: ALL

Presentations

A. I-5/4th and I-5/88th Interchange Project Update

Director Laycock gave a PowerPoint presentation update on interchange projects sponsored and led by the Tulalip Tribes. The main goal of the projects is to support the economic vitality on the Tulalip reservation side as well as the livability for the Tulalip Tribes. It also is intended to support the neighboring jurisdictions of Marysville and Snohomish County and to reduce congestion and improve mobility to and from I-5 and at those interchange areas. Director Laycock reviewed current issues driving the projects as well as potential solutions, costs and the preferred alternatives for the interchange areas.

Councilmember Richards asked where the rest of the money for the preferred alternative for the 88th Street interchange project would come from. Director Laycock indicated there is no identified funding source at this time; the project will likely need to be scaled back, or they would need to find additional money.

Councilmember King asked if Snohomish County would weigh in on this project and perhaps provide some funding. Director Laycock was not sure about the funding, but stated they are a stakeholder and will have input. Councilmember King asked about plans for a westbound right-turn drop lane at 88th and State next to the cemetery. Director Laycock replied that project is a little stale. It will take some money and a lot of commitment to work with the cemetery authority to get that project moving. City Attorney Walker explained they were making some progress, but it stopped due to staffing changes. Regardless, this will be a challenging project.

Councilmember James asked about the 4th Street roundabout on the Marysville side. Will the northbound lane cut very close or cut off the City's welcome sign and water feature? Director Laycock thought it might but it would need to be studied more.

B. Judicial Swearing-in

Council President Norton administered the Oath of Office to Judge Gillings and Judge Towers.

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

1. Approval of the November 8, 2021 City Council Meeting Minutes

Consent

2. Approval of the November 17, 2021 Claims in the Amount of \$5,876,005.94 paid by EFT Transactions and Check Numbers 151629 through 151770

3. Approval of the November 24, 2021 Claims in the Amount of \$872,963.79 paid by EFT Transactions and Check Numbers 151771 through 151887 with Check Numbers 139906, 140076, 141802, and 151358 Voided
4. Approval of the November 24, 2021 Payroll in the Amount of \$1,412,581.98 paid by EFT Transactions and Check Numbers 33718 through 33731

Review Bids

Public Hearings

New Business

5. Consider the Contract Extension with Rae Boyd APRN, BC, PLLC for Custody Medical Services

Commander Thomas reviewed this 6-month contract extension with Rae Boyd for jail medical services. The contract would end in June 2022 and would allow time to assess the needs of the new facility.

6. Consider the Grant Agreement with Washington State Department of Ecology for Phase II Improvements for the Downtown Stormwater Treatment Project in the Amount of \$2,637,395.00

Director Laycock reviewed a \$2.6M grant from Department of Ecology (DOE) for the Downtown Stormwater Treatment Project.

7. Consider the Community Development Block Grant Program Years 2022 and 2023 Funding Allocations in the Amount of \$365,000.00

Director Miller reviewed the proposed CDBG Program Years 2022 and 2023 funding allocations as recommended by the CDBG advisory committee.

8. Consider the CARES Funding from the Administrative Office of the Courts in the Amount of \$16,723.00

Court Administrator Elsner reviewed CARES funding reimbursement requests related to courts.

9. Consider the Enterprise Fleet Management Vehicle Lease Associated Agreements

Finance Director Langdon discussed this agreement related to the Enterprise Fleet Management Vehicle Leases.

10. Consider the R&D Masonry (PA21-033) Easement Modifications

Director Laycock reviewed the proposed modification to the current easement. Staff has reviewed the proposal and agrees with the proposal.

11. Consider the Therapeutic Court Grant from Administrative Office of the Courts in the Amount of \$307,817.00

Judge Gillings explained that this grant funding would support new and innovative programs in the courts.

12. Consider a Resolution of the City of Marysville Establishing the Policy for the Expense and Reimbursement of Travel, Meals, and Light Refreshments

Director Langdon reviewed the proposed policy related to expense and reimbursement of travel, meals and light refreshments.

Legal

Mayor's Business

13. Consider the 2022 Legislative Priorities (No Action Requested Until December 13th Council Meeting)

Council President noted that Mayor Nehring was still requesting feedback on these priorities. Councilmember James asked why the Quiet Zone didn't make the final cut on the priorities. CAO Hirashima indicated that the sheets were areas where the City is asking for funds. The City is already funding a study regarding the Quiet Zones.

Staff Business

Director Latimer gave an update on DOE's statewide Nutrient General Permit for wastewater treatment. The Permit was officially issued to all of the treatment plants last week which kicks off the first five-year cycle for the Permit. No major impacts are expected. The current NPDES Permit expires in November 2022, so staff will start the application for a new five-year cycle.

Call on Councilmembers and Committee Reports

Councilmember Muller was impressed with the turnout at the parade.

Councilmember James also commented on how many people were at the parade. The Marysville Tulalip Chamber of Commerce had their winter gala fundraiser last week and also had a great turnout. He did a tour of the new Volunteers of America facility on 172nd. He was amazed with the network for supplying food to those in need.

Councilmember Stevens had no comments.

Councilmember Richards reported he went to the Snohomish County Tomorrow meeting last week where they had reports on 2044 Growth, light rail, and affordable housing. He congratulated everyone on the parade. He thought last Friday's mini retreat was very informative.

Councilmember King thanked the City for their participation in the parade. It was good to see everyone out. He reported that the Strawberry Festival float won the Most Creative award. Next week will be the annual toy distribution at Grove Street Church through the Food Bank. He thanked Grove Street Church for their support of this program over the past several years.

Council President Norton thanked Director Miller and staff for putting together the information for the mini retreat on Friday. There was a letter drafted regarding the proposed sales tax increase by the County Council. She asked for any comments, suggestions or revisions.

Councilmember James spoke in support of the letter as written.

Motion to waive normal work session rules to allow action on this item moved by Councilmember Richards seconded by Councilmember Stevens.

AYES: ALL

Motion to approve the letter to the Snohomish County Council addressing the proposed sales tax increase moved by Councilmember James seconded by Councilmember Stevens.

AYES: ALL

Council President Norton asked about interest in returning to in-person meetings in January. There was some support for the idea. City Attorney Walker indicated that if there is interest, the Council should vote on it next week to make it clear what the Council wants.

Adjournment

Motion to adjourn the meeting moved by Councilmember Muller seconded by Councilmember Richards.

AYES: ALL

The meeting was adjourned at 8:07 p.m.

Approved this _____ day of _____, 2022.

Mayor
Jon Nehring

Index #4

**Marysville City
Council**



**1049 State Avenue
Marysville, WA 98270**

**Special Meeting
December 20, 2021**

Call to Order

Mayor Nehring called the December 20, 2021 City Council Special Meeting to order at 11:34 a.m.

Pledge of Allegiance

Mayor Nehring led those present in the Pledge of Allegiance.

Roll Call

Mayor: Jon Nehring

Council: Council President Kamille Norton, Councilmember Mark James, Councilmember Tom King, Councilmember Kelly Richards

Absent: Councilmember Jeff Vaughan, Councilmember Michael Stevens, Councilmember Steve Muller

Staff: Chief Administrative Officer (CAO) Gloria Hirashima, Information Services Director Worth Norton, Human Resources Director Jason Smith, Assistant Finance Director Jan Berg, Safety & Risk Specialist Will Stuflick, Information Systems Analyst Mike Davis

Action Items:

Approval of 2022-2023 Liability Insurance Binder with Alliant Insurance Services

Motion to authorize the Mayor to sign and execute the 2022-2023 Liability Insurance Binder with Alliant moved by Councilmember Richards and seconded by Council President Norton. **AYES: ALL**

Approval of Teamsters Pension Memorandum of Understanding

Motion to authorize the Mayor to sign and execute the Teamster’s Pension Memorandum of Understanding moved by Council President Norton and seconded by Councilmember Richards. **AYES: ALL**

Adjournment

Motion to adjourn the special meeting made by Councilmember Richards and seconded by Council President Norton. **AYES: ALL**

The meeting was adjourned at 11:48 a.m.

Approved this _____ day of _____, 2022.

Mayor
Jon Nehring

Index #5

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: JANUARY 10, 2022

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 December 15, 2021 claims in the amount of \$1,430,231.46 paid by EFT transactions and Check No.'s 152134 through 152284.
COUNCIL ACTION:

BLANKET CERTIFICATION
CLAIMS
FOR
PERIOD-12

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 **\$1,430,231.46 PAID BY EFT TRANSACTIONS AND CHECK NO.'S 152134 THROUGH 152284**, 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 **10TH DAY OF JANUARY 2022.**

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

**CITY OF MARYSVILLE
 INVOICE LIST**

FOR INVOICES FROM 12/15/2021 TO 12/15/2021

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
152134	REVENUE, DEPT OF	OCT 2021 TAXES	COMMUNITY	1.05
	REVENUE, DEPT OF		WATER/SEWER OPERATION	11.66
	REVENUE, DEPT OF		RECREATION SERVICES	12.07
	REVENUE, DEPT OF		ER&R	32.05
	REVENUE, DEPT OF		POLICE ADMINISTRATION	39.36
	REVENUE, DEPT OF		GMA-STREET	54.19
	REVENUE, DEPT OF		GOLF ADMINISTRATION	377.15
	REVENUE, DEPT OF		GENERAL FUND	478.25
	REVENUE, DEPT OF		SOLID WASTE OPERATIONS	7,371.44
	REVENUE, DEPT OF		UTIL ADMIN	7,371.44
	REVENUE, DEPT OF		GOLF COURSE	7,442.45
	REVENUE, DEPT OF		STORM DRAINAGE	25,396.43
	REVENUE, DEPT OF		SOLID WASTE OPERATIONS	32,001.31
	REVENUE, DEPT OF		UTIL ADMIN	96,041.80
152135	PREMERA BLUE CROSS	CLAIMS PAID	MEDICAL CLAIMS	60,954.35
152136	911 SUPPLY INC.	UNIFORM - HAMBURG	POLICE PATROL	69.39
	911 SUPPLY INC.	UNIFORM - MANER	DETENTION & CORRECTION	81.98
	911 SUPPLY INC.		DETENTION & CORRECTION	131.93
	911 SUPPLY INC.	UNIFORM - EHR	POLICE PATROL	399.71
	911 SUPPLY INC.	UNIFORM - MANER	DETENTION & CORRECTION	511.72
	911 SUPPLY INC.	UNIFORM - HERRERA	POLICE PATROL	901.13
	911 SUPPLY INC.	UNIFORM - BLAKE	POLICE PATROL	978.20
152137	A & A LANGUAGE SERV	INTERPRETER SERVICE	COURTS	170.00
152138	ALPINE PRODUCTS INC	ORANGE PARKING CONES	RECREATION SERVICES	1,071.00
152139	AMAZON CAPITAL	SUPPLIES	POLICE INVESTIGATION	8.73
	AMAZON CAPITAL	HEADPHONES	POLICE TRAINING-FIREARMS	21.84
	AMAZON CAPITAL	STORAGE CONTAINER	COMMUNITY EVENTS	26.22
	AMAZON CAPITAL	SUPPLIES	DETENTION & CORRECTION	43.68
	AMAZON CAPITAL		POLICE INVESTIGATION	45.88
	AMAZON CAPITAL	PANASONIC TOUCHPAD CHARGERS	METER READING	58.68
	AMAZON CAPITAL	CAR CHARGERS	WATER DIST MAINS	85.20
	AMAZON CAPITAL	SUPPLIES - COVID	DETENTION & CORRECTION	85.20
	AMAZON CAPITAL	SUPPLIES	POLICE INVESTIGATION	137.64
	AMAZON CAPITAL	HEADSET, SCISSORS	COMMUNITY	149.48
	AMAZON CAPITAL	SUPPLIES	POLICE PATROL	175.56
	AMAZON CAPITAL	CINEMA LIGHT BOX WITH LETTERS	RECREATION SERVICES	187.92
152140	ANDERSON, KRISTEN	PROTEM SERVICE	MUNICIPAL COURTS	185.00
	ANDERSON, KRISTEN		MUNICIPAL COURTS	185.00
	ANDERSON, KRISTEN		MUNICIPAL COURTS	1,295.00
152141	APSCO, INC.	REBUILD KIT'S PUMP STATION	SEWER LIFT STATION	6,899.72
152142	ARAMARK UNIFORM	UNIFORM CLEANING	SMALL ENGINE SHOP	6.56
	ARAMARK UNIFORM		EQUIPMENT RENTAL	58.14
	ARAMARK UNIFORM	LINEN SERVICE	OPERA HOUSE	124.32
	ARAMARK UNIFORM		OPERA HOUSE	126.51
152143	ASTROF CONCRETE	SIDEWALK FORMS	SIDEWALKS CONSTRUCTION	1,399.95
152144	BANK OF AMERICA	SUBSCRIPTION	EXECUTIVE ADMIN	240.00
152145	BILLING DOCUMENT SPE	TRANSACTION FEES NOVEMBER	UTILITY BILLING	2,524.86
	BILLING DOCUMENT SPE	BILL PRINTING/ANNEXATION	SOLID WASTE OPERATIONS	5,280.98
	BILLING DOCUMENT SPE		UTILITY BILLING	5,826.77
152146	BOSTEC	PBT MOUTHPIECES	POLICE PATROL	290.74
152147	BOTESCH, NASH & HALL	CONTRACT ADMINISTRATION, FF&E	CAPITAL EXPENDITURES	14,000.00
	BOTESCH, NASH & HALL		CAPITAL EXPENDITURES	15,000.00
	BOTESCH, NASH & HALL		CAPITAL EXPENDITURES	15,000.00
	BOTESCH, NASH & HALL	PAYMENT APP NO. 5	CAPITAL EXPENDITURES	86,580.00
152148	BRIDGEWAYS	MENTAL HEALTH PROGRAM	DOMESTIC VIOLENCE	12,520.30
152149	BROOKS, DIANE E	INSTRUCTOR SERVICE	RECREATION SERVICES	150.00
	BROOKS, DIANE E		RECREATION SERVICES	162.00
152150	CAPITAL INDUSTRIES	1.5 YARD DUMPSTERS - 3	SOLID WASTE OPERATIONS	3,899.82

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152150	CAPITAL INDUSTRIES	2 YARD DUMPSTERS	SOLID WASTE OPERATIONS	10,481.87
	CAPITAL INDUSTRIES	1.5 YARD DUMPSTERS	SOLID WASTE OPERATIONS	10,877.54
152151	CLARK, ADAM	REFUND CAPITAL IMPROVEMENT/FEE	WATER-UTILITIES/ENVIRONME	20.00
	CLARK, ADAM		STORM DRAINAGE	95.00
	CLARK, ADAM		SWR	4,590.00
	CLARK, ADAM		WTR	4,750.00
152152	CNR INC	IP PHONES QUOTE #3914	COMPUTER SERVICES	1,220.53
	CNR INC	MAINTENANCE CONTRACT	COMPUTER SERVICES	1,364.54
152153	COMPASS HEALTH	MENTAL HEALTH FIELD RESPONDER	EMBEDDED SOCIAL WORKER	7,291.66
152154	CONSOLIDATED TECH	IGN MONTHLY CHARGE	OFFICE OPERATIONS	350.00
152155	COOP SUPPLY	PINE RAIL	PARK & RECREATION FAC	25.13
152156	COPIERS NORTHWEST	CANON PRINTER/COPIER	PROPERTY TASK FORCE	44.11
	COPIERS NORTHWEST		PROBATION	147.85
	COPIERS NORTHWEST		WASTE WATER TREATMENT	152.62
	COPIERS NORTHWEST		ENGR-GENL	160.48
	COPIERS NORTHWEST		DETENTION & CORRECTION	244.67
	COPIERS NORTHWEST		MUNICIPAL COURTS	260.64
	COPIERS NORTHWEST		POLICE INVESTIGATION	265.77
	COPIERS NORTHWEST		PERSONNEL ADMINISTRATION	274.43
	COPIERS NORTHWEST		UTIL ADMIN	279.84
	COPIERS NORTHWEST		POLICE PATROL	286.08
	COPIERS NORTHWEST		PARK & RECREATION FAC	347.26
	COPIERS NORTHWEST		COMMUNITY	477.46
	COPIERS NORTHWEST		OFFICE OPERATIONS	663.90
152157	CORE & MAIN LP	2022 SUBSCRIPTION	METER READING	3,072.42
152158	CORRECTIONS, DEPT OF	INMATE MEALS	DETENTION & CORRECTION	2,398.35
	CORRECTIONS, DEPT OF		DETENTION & CORRECTION	2,734.58
	CORRECTIONS, DEPT OF		DETENTION & CORRECTION	3,113.00
152159	COSTLESS SENIOR SRVC	INMATE MEDS	DETENTION & CORRECTION	16.20
152160	CROFT, KELLY	REFUND CLASS REGISTRATION	PARKS-RECREATION	30.00
152161	CTS LANGUAGE LINK	INTERPRETER SERVICE	COURTS	57.30
152162	CUMMINS NORTHWEST	SERVICE CALL, LABOR, TRAVEL	SEWER LIFT STATION	1,986.89
	CUMMINS NORTHWEST		PUMPING PLANT	2,971.49
152163	DELL	REPLACEMENT COMPUTERS	IS REPLACEMENT ACCOUNTS	14,421.52
152164	DIANE SCHNEIDER	INTERPRETER SERVICE	COURTS	150.00
152165	DICKS TOWING	TOWING 21-59386	POLICE PATROL	77.47
	DICKS TOWING	TOWING 21-59471	POLICE PATROL	77.47
	DICKS TOWING	TOWING 21-59656	POLICE PATROL	77.47
	DICKS TOWING	TOWING 21-59685	POLICE PATROL	77.47
	DICKS TOWING	RV DISPOSAL	POLICE PATROL	791.53
152166	DIGITAL DOLPHIN SUPP	TONER	POLICE ADMINISTRATION	400.42
152167	DK SYSTEMS, INC.	LABOR	PUBLIC SAFETY BLDG	426.27
	DK SYSTEMS, INC.	LABOR/IGNITION BOARD	COURT FACILITIES	590.00
152168	DRIVE PAYMENTS, LLC	ACH PAYMENT NOV 2021	UTILITY BILLING	578.15
152169	E&E LUMBER	GLOVES	RECREATION SERVICES	10.92
	E&E LUMBER	FAN BULBS	OPERA HOUSE	13.07
	E&E LUMBER	SUPPLIES	PARK & RECREATION FAC	230.99
152170	EAGLE FENCE	POSTS	SOURCE OF SUPPLY	284.18
152171	ENTERPRISE RENTAL	RENTAL CAR	POLICE PATROL	282.74
152172	EVIDENT, INC.	EVIDENCE SUPPLIES	GENERAL FUND	-15.46
	EVIDENT, INC.		POLICE PATROL	181.67
152173	EYER, MATTHEW	I-PHONE WALL CHARGER	STORM DRAINAGE	27.31
152174	FELDMAN & LEE P.S.	PUBLIC DEFENDER MONTHLY CONTRACT	PUBLIC DEFENSE	52,000.00
152175	FIRE PROTECTION INC	FIRE ALARM MONITORING FEE	PUBLIC SAFETY BLDG	262.32
152176	FOREMOST PROMOTIONS	SUPPLIES	CRIME PREVENTION	231.41
152177	GEOTEST SERVICES INC	PERIOD ENDING 11/21/21	GMA - STREET	5,736.40
152178	GOVCONNECTION INC	MICROSOFT SURFACE PRO	IS REPLACEMENT ACCOUNTS	1,382.73
	GOVCONNECTION INC	MCC TV'S	CAPITAL EXPENDITURES	24,051.64

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152179	GOVERNMENT PORTFOLIO	INVESTMENT ADVISORY SERVICE 3RD QRT	FINANCE-GENL	6,000.00
152180	GRAINGER	LANYARDS	WASTE WATER TREATMENT	22.63
	GRAINGER	HAND LAMP, SCREWS, CABLE TIE	WASTE WATER TREATMENT	70.38
	GRAINGER	LABEL CARTRIDGE	SEWER LIFT STATION	227.01
152181	GRANITE CONST	ASPHALT	WATER DIST MAINS	138.35
152182	GRANT, ROBERT	PROTEM SERVICE	MUNICIPAL COURTS	185.00
152183	GUZMAN, MARK	CREDIT DEPOSIT XMAS	GENERAL FUND	250.00
152184	HENNIG, JEANINE TULL	INSTRUCTOR SERVICE	RECREATION SERVICES	33.00
	HENNIG, JEANINE TULL		RECREATION SERVICES	72.60
	HENNIG, JEANINE TULL		RECREATION SERVICES	132.00
	HENNIG, JEANINE TULL		RECREATION SERVICES	138.60
152185	HEWLETT PACKARD	PRINT TONER AND MAINTENANCE	LEGAL - PROSECUTION	0.52
	HEWLETT PACKARD		SEWER MAIN COLLECTION	6.00
	HEWLETT PACKARD		STORM DRAINAGE	6.00
	HEWLETT PACKARD		WATER QUAL TREATMENT	8.11
	HEWLETT PACKARD		UTIL ADMIN	12.75
	HEWLETT PACKARD		COMMUNITY SERVICES UNIT	16.45
	HEWLETT PACKARD		WASTE WATER TREATMENT	29.43
	HEWLETT PACKARD		CITY CLERK	54.52
	HEWLETT PACKARD		FINANCE-GENL	54.52
	HEWLETT PACKARD		MUNICIPAL COURTS	65.43
	HEWLETT PACKARD		UTILITY BILLING	96.71
	HEWLETT PACKARD		COMPUTER SERVICES	237.60
152186	HORIZON	THROTTLE CONTROL KIT #W11	SMALL ENGINE SHOP	10.10
	HORIZON	AIR FILTER, THROTTLE CONTROL KIT #W11	SMALL ENGINE SHOP	17.35
152187	HYLARIDES, LETTIE	INTERPRETER SERVICE	COURTS	100.00
	HYLARIDES, LETTIE		COURTS	112.50
152188	INGRAHAM, GERRIE P	INSTRUCTOR SERVICE	RECREATION SERVICES	378.00
152189	J. THAYER COMPANY	CALENDAR	WATER DIST MAINS	76.01
152190	J.A. BRENNAN ASSOC	COMEFORD PARK/DELTA PLAZA	GMA-PARKS	30,422.55
152191	JAG CONSTRUCTION	I-NET EXTENSION TO MCC	CENTRAL SERVICES	16,280.24
152192	JEFF'S CARPET CLEAN	CARPET CLEANING	CITY HALL	1,800.00
152193	JENSEN, CARL E	UB REFUND	WATER/SEWER OPERATION	230.71
152194	JUDD & BLACK	SWING DOOR FOR DRYER	MAINT OF GENL PLANT	660.17
152195	JULZ ANIMAL HOUZ	K9 SUPPLIES	K9 PROGRAM	35.44
152196	KNOWBE4, INC.	LICENSES #Q-334593	COMPUTER SERVICES	588.25
152197	KUPRIYANOVA, SVETLAN	INTERPRETER SERVICE	COURTS	100.00
152198	LABIB, CHARLOTTE	REFUND PERMIT CHARGES	GENERAL FUND	250.00
152199	LANGUAGE EXCHANGE	INTERPRETER SERVICE	COURTS	230.00
	LANGUAGE EXCHANGE		COURTS	247.50
152200	LASTING IMPRESSIONS	LOGO WEAR COUNCILMEMBER MULLER	CITY COUNCIL	179.42
152201	LEACH, CLIFFORD	UB REFUND	GARBAGE	206.24
152202	LEACH, CLIFFORD		WATER/SEWER OPERATION	125.22
152203	LENNAR NORTHWEST INC	UB REFUND 3626 79TH DR NE	WATER/SEWER OPERATION	546.64
152204	LESTER, TERI	RAFFLE BASKET	MEDICAL CLAIMS	382.03
152205	LOWES HIW INC	PARTS VACTOR CLEANING	STORM DRAINAGE	168.18
	LOWES HIW INC		SEWER MAIN COLLECTION	168.18
152206	LUGG, RENEE	REFUND PARTY DEPOSIT	GENERAL FUND	250.00
152207	MACLEOD RECKORD, PLLC	PROFESSIONAL SERVICE	GMA-PARKS	2,454.75
152208	MARYSVILLE AWARDS	ORNAMENTS FOR MERRYSVILLE HOLIDAY	COMMUNITY EVENTS	123.03
152209	MARYSVILLE FIRE	EMERGENCY AID SERVICES	FIRE-EMS	259,011.77
152210	MARYSVILLE ROTARY	ROTARY DUES-LAMOUREUX	POLICE ADMINISTRATION	270.00
152211	MARYSVILLE SCHOOL	FACILITY RENTAL	RECREATION SERVICES	12.00
	MARYSVILLE SCHOOL		RECREATION SERVICES	30.00
152212	MARYSVILLE, CITY OF	UTILITY SERVICE	PUBLIC SAFETY BLDG	2,747.33
152213	MCKEE, DEREK	HYDRANT METER DEPOSIT/FEES	WATER-UTILITIES/ENVIRONMN	-222.60
	MCKEE, DEREK		WATER/SEWER OPERATION	1,150.00
152214	MEASURE-TECH, INC.	METER VERIFICATION	SUNNYSIDE FILTRATION	811.38

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152214	MEASURE-TECH, INC.	METER VERIFICATION	WASTE WATER TREATMENT	811.39
	MEASURE-TECH, INC.		SEWER LIFT STATION	811.39
	MEASURE-TECH, INC.		SOURCE OF SUPPLY	811.39
152215	MEJIA, ANDRES & JESS	UB REFUND	WATER/SEWER OPERATION	305.28
152216	MELLEMA, MELISSA	REFUND CLASS REGISTRATION	PARKS-RECREATION	80.00
152217	MICRO PRECISION	THERMOMETER CALIBRATION	WASTE WATER TREATMENT	655.00
152218	MOBILE WIRELESS LLC	NET-MOTION LICENSE	PROBATION	132.14
	MOBILE WIRELESS LLC		LEGAL-GENL	264.29
	MOBILE WIRELESS LLC		LEGAL - PROSECUTION	264.29
	MOBILE WIRELESS LLC		PERSONNEL ADMINISTRATION	264.29
	MOBILE WIRELESS LLC		MUNICIPAL COURTS	396.43
152219	MOBILEGUARD, INC.	TEXT MESSAGE ARCHIVING	MUNICIPAL COURTS	7.45
	MOBILEGUARD, INC.		COMMUNITY	7.45
	MOBILEGUARD, INC.		YOUTH SERVICES	7.45
	MOBILEGUARD, INC.		CRIME PREVENTION	7.45
	MOBILEGUARD, INC.		COMMUNITY SERVICES UNIT	7.45
	MOBILEGUARD, INC.		PROPERTY TASK FORCE	7.45
	MOBILEGUARD, INC.		RECREATION SERVICES	7.45
	MOBILEGUARD, INC.		LEGAL-GENL	7.45
	MOBILEGUARD, INC.		PERSONNEL ADMINISTRATION	7.45
	MOBILEGUARD, INC.		SOLID WASTE CUSTOMER	7.45
	MOBILEGUARD, INC.		FACILITY MAINTENANCE	7.45
	MOBILEGUARD, INC.		WATER QUAL TREATMENT	14.90
	MOBILEGUARD, INC.		COMMUNITY SERVICES UNIT	22.35
	MOBILEGUARD, INC.		OFFICE OPERATIONS	29.80
	MOBILEGUARD, INC.		PARK & RECREATION FAC	29.80
	MOBILEGUARD, INC.		CUSTODIAL SERVICES	29.80
	MOBILEGUARD, INC.		STORM DRAINAGE	37.25
	MOBILEGUARD, INC.		LEGAL - PROSECUTION	44.70
	MOBILEGUARD, INC.		COMMUNITY	44.70
	MOBILEGUARD, INC.		GENERAL	44.70
	MOBILEGUARD, INC.		DETENTION & CORRECTION	59.60
	MOBILEGUARD, INC.		EXECUTIVE ADMIN	67.05
	MOBILEGUARD, INC.		POLICE INVESTIGATION	67.05
	MOBILEGUARD, INC.		WASTE WATER TREATMENT	81.95
	MOBILEGUARD, INC.		COMPUTER SERVICES	88.70
	MOBILEGUARD, INC.		UTIL ADMIN	96.85
	MOBILEGUARD, INC.		ENGR-GENL	104.30
	MOBILEGUARD, INC.		POLICE ADMINISTRATION	119.20
	MOBILEGUARD, INC.		POLICE PATROL	365.05
152220	NAVIA BENEFIT	PARTICIPANT FEE - NOVEMBER	PERSONNEL ADMINISTRATION	157.70
152221	NCSI	BACKGROUND SCREENING NOVEMBER	PERSONNEL ADMINISTRATION	129.50
	NCSI		PERSONNEL ADMINISTRATION	462.50
152222	NEHRING, JON	ROTARY DUES MAYOR NEHRING	NON-DEPARTMENTAL	270.00
152223	OFFICE DEPOT	CALENDAR	UTIL ADMIN	16.60
	OFFICE DEPOT	OFFICE SUPPLIES	FACILITY MAINTENANCE	16.60
	OFFICE DEPOT	CALENDAR	GENERAL	19.23
	OFFICE DEPOT		UTIL ADMIN	19.23
	OFFICE DEPOT	WALL CALENDAR	PARK & RECREATION FAC	19.23
	OFFICE DEPOT	CALENDAR DESK PAD	SOLID WASTE OPERATIONS	19.66
	OFFICE DEPOT	SUPPLIES	POLICE TRAINING-FIREARMS	24.79
	OFFICE DEPOT	OFFICE SUPPLIES	TRANSPORTATION	29.71
	OFFICE DEPOT	CALENDAR	UTIL ADMIN	32.78
	OFFICE DEPOT	OFFICE SUPPLIES	PARK & RECREATION FAC	34.70
	OFFICE DEPOT	CALENDAR DESK PAD	PURCHASING/CENTRAL	34.95
	OFFICE DEPOT	OFFICE SUPPLIES	WATER FILTRATION PLANT	36.71
	OFFICE DEPOT		SEWER MAIN COLLECTION	69.02
	OFFICE DEPOT		ENGR-GENL	73.16

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152223	OFFICE DEPOT	OFFICE SUPPLIES	UTIL ADMIN	73.17
	OFFICE DEPOT		CUSTODIAL SERVICES	75.78
	OFFICE DEPOT	2022 CALENDAR	EQUIPMENT RENTAL	81.29
	OFFICE DEPOT	CALENDAR DESK PAD	EQUIPMENT RENTAL	90.45
	OFFICE DEPOT	OFFICE SUPPLIES	GENERAL	107.49
	OFFICE DEPOT	CALENDAR	UTIL ADMIN	150.75
	OFFICE DEPOT	OFFICE SUPPLIES	EXECUTIVE ADMIN	173.46
	OFFICE DEPOT	SUPPLIES	POLICE PATROL	174.61
	OFFICE DEPOT		POLICE PATROL	177.56
	OFFICE DEPOT	HP TONER CARTRIDGES	EQUIPMENT RENTAL	466.68
152224	OLYMPIC FOUNDRY, INC	WSDOT GRATE	STORM DRAINAGE	2,164.14
152225	OTAK	PROFESSIONAL SERVICE	GMA - STREET	9,261.00
152226	PACIFIC TOPSOILS	BRUSH DUMP	ROADSIDE VEGETATION	209.50
	PACIFIC TOPSOILS		ROADSIDE VEGETATION	209.50
	PACIFIC TOPSOILS		ROADSIDE VEGETATION	209.50
152227	PALAMERICAN SECURITY	SECURITY SERVICES	PROBATION	1,013.25
	PALAMERICAN SECURITY		MUNICIPAL COURTS	3,039.75
152228	PERTEET ENGINEERING	PROFESSIONAL SERVICE	NON-DEPARTMENTAL	5,188.75
152229	PETROCARD SYSTEMS	FUEL	STORM DRAINAGE	38.50
	PETROCARD SYSTEMS		ENGR-GENL	39.52
	PETROCARD SYSTEMS		EQUIPMENT RENTAL	88.80
	PETROCARD SYSTEMS		COMMUNITY	182.63
	PETROCARD SYSTEMS		FACILITY MAINTENANCE	209.04
	PETROCARD SYSTEMS		PARK & RECREATION FAC	1,004.99
	PETROCARD SYSTEMS		GENERAL	2,551.24
	PETROCARD SYSTEMS		MAINT OF EQUIPMENT	4,037.42
	PETROCARD SYSTEMS		SOLID WASTE OPERATIONS	5,815.34
	PETROCARD SYSTEMS		POLICE PATROL	7,075.70
152230	PGC INTERBAY LLC	RE-IMBURSEMENT GOLF COURSE	MAINTENANCE	51.50
	PGC INTERBAY LLC		MAINTENANCE	76.40
	PGC INTERBAY LLC		PRO-SHOP	116.08
	PGC INTERBAY LLC		PRO-SHOP	129.95
	PGC INTERBAY LLC		PRO-SHOP	188.00
	PGC INTERBAY LLC		MAINTENANCE	237.33
	PGC INTERBAY LLC		GOLF COURSE	279.12
	PGC INTERBAY LLC		MAINTENANCE	400.00
	PGC INTERBAY LLC		PRO-SHOP	434.23
	PGC INTERBAY LLC		MAINTENANCE	600.50
	PGC INTERBAY LLC		PRO-SHOP	710.46
	PGC INTERBAY LLC		PRO-SHOP	872.08
	PGC INTERBAY LLC		MAINTENANCE	1,222.11
	PGC INTERBAY LLC		MAINTENANCE	1,494.76
	PGC INTERBAY LLC		MAINTENANCE	1,614.43
	PGC INTERBAY LLC	PAYROLL REIMBURSEMENT GOLF COURSE	PRO-SHOP	7,615.56
	PGC INTERBAY LLC		MAINTENANCE	11,491.69
152231	PLATT ELECTRIC	SUPPLIES	PARK & RECREATION FAC	55.35
152232	POLICE & SHERIFFS PR	RETIREMENT ID CARD	GENERAL FUND	-1.63
	POLICE & SHERIFFS PR		POLICE PATROL	19.21
152233	POWERDMS, INC	RENEWAL POWER DMS	POLICE TRAINING-FIREARMS	109.38
152234	PUD	ACCT #205481823	GOLF ADMINISTRATION	18.14
	PUD	ACCT #202177861	PUMPING PLANT	25.07
	PUD	ACCT #200660439	STREET LIGHTING	53.59
	PUD	ACCT #204829691	STREET LIGHTING	56.83
	PUD	ACCT #220339238	TRAFFIC CONTROL DEVICES	62.22
	PUD	ACCT #203996343	STREET LIGHTING	84.64
	PUD	ACCT #221610405	STREET LIGHTING	84.64
	PUD	ACCT #204879134	TRAFFIC CONTROL DEVICES	84.92
	PUD	MOTHER NATURE WINDOW PUD FEE	PARK & RECREATION FAC	120.03

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FOR INVOICES FROM 12/15/2021 TO 12/15/2021

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
152234	PUD	ACCT #222592917	PARK & RECREATION FAC	129.32
	PUD	ACCT #202368197	PUMPING PLANT	134.45
	PUD	ACCT #200812808	PUMPING PLANT	287.59
	PUD	ACCT #220020531	STREET LIGHTING	342.34
	PUD	ACCT #200164598	SOURCE OF SUPPLY	514.61
	PUD	ACCT #202461554	SEWER LIFT STATION	676.43
	PUD	ACCT #201098969	PUMPING PLANT	1,924.45
	PUD	ACCT #202882098	STREET LIGHTING	8,862.72
	PUD		STREET LIGHTING	13,862.22
152235	PUGET SOUND ENERGY	ACCT #220002768939	PUBLIC SAFETY BLDG	18.14
	PUGET SOUND ENERGY	ACCT #220026412746	CAPITAL EXPENDITURES	46.18
	PUGET SOUND ENERGY	ACCT #220015485349	OPERA HOUSE	63.94
	PUGET SOUND ENERGY	ACCT #200007781657	GOLF ADMINISTRATION	110.01
	PUGET SOUND ENERGY	ACCT #200007052364	MAINT OF GENL PLANT	139.53
	PUGET SOUND ENERGY	ACCT #220015485380	OPERA HOUSE	161.97
	PUGET SOUND ENERGY	ACCT #220015485703	OPERA HOUSE	296.60
	PUGET SOUND ENERGY	ACCT #200004804056	COURT FACILITIES	309.42
	PUGET SOUND ENERGY	ACCT #200023493808	CITY HALL	398.38
	PUGET SOUND ENERGY	ACCT #220009207345	OPERA HOUSE	406.43
	PUGET SOUND ENERGY	ACCT #220026419946	CAPITAL EXPENDITURES	592.94
	PUGET SOUND ENERGY	ACCT #200013812314	MAINT OF GENL PLANT	826.99
	PUGET SOUND ENERGY	ACCT #200010703029	PUBLIC SAFETY BLDG	1,294.88
152236	PUMPTech HOLDINGS	AIR GAP BOOSTER PUMP	WASTE WATER TREATMENT	2,845.08
152237	QUALITY COATINGS INS	ADHESION TESTING	WATER CAPITAL PROJECTS	1,200.00
152238	RANDHAWA, MOHINDER	INTERPRETER SERVICE	COURTS	100.00
152239	RASMUSSEN, KRISTEN	SUPPLIES FOR MERRYSVILLE HOLIDAY	RECREATION SERVICES	216.34
152240	RAY, JESSE & PEGGY	UB REFUND	WATER/SEWER OPERATION	206.72
152241	RIGHT SYSTEMS, INC.	I-NET CONNECTIVITY	CENTRAL SERVICES	4,426.16
	RIGHT SYSTEMS, INC.		CENTRAL SERVICES	9,836.02
152242	ROBERT CROMIE	UB REFUND	GARBAGE	250.20
152243	SAFeway INC.	RETREAT MEETING	CITY COUNCIL	18.96
	SAFeway INC.		EXECUTIVE ADMIN	31.84
152244	SAFeway INC.	SUPPLIES FOR OPERA HOUSE	OPERA HOUSE	168.14
152245	SAFeway INC.	INMATE MEDS	POLICE ADMINISTRATION	45.84
	SAFeway INC.		POLICE TRAINING-FIREARMS	57.83
	SAFeway INC.		DETENTION & CORRECTION	1,761.68
152246	SCORE	SCORE HOUSING	DETENTION & CORRECTION	19,200.00
152247	SISKUN POWER EQUIPME	PARTS	SMALL ENGINE SHOP	83.11
	SISKUN POWER EQUIPME	BELT PULLEY	SMALL ENGINE SHOP	210.33
	SISKUN POWER EQUIPME	PARTS	SMALL ENGINE SHOP	309.99
	SISKUN POWER EQUIPME	DEFLECTOR	SMALL ENGINE SHOP	314.04
152248	SNO CO PUBLIC WORKS	SOLID WASTE CHARGES OCT 2021	SOLID WASTE OPERATIONS	170,381.00
152249	SNOHOMISH CO 911	DISPATCH	COMMUNICATION CENTER	88,026.43
152250	SONITROL	MONITORING	NON-DEPARTMENTAL	134.00
	SONITROL		STORM DRAINAGE	143.00
	SONITROL		UTIL ADMIN	144.56
	SONITROL		PUBLIC SAFETY BLDG	202.72
	SONITROL		SUNNYSIDE FILTRATION	239.00
	SONITROL		OPERA HOUSE	277.00
	SONITROL		PARK & RECREATION FAC	287.04
	SONITROL		MAINT OF GENL PLANT	315.12
	SONITROL		CITY HALL	361.92
	SONITROL		WASTE WATER TREATMENT	576.04
152251	SOUND PUBLISHING	ADVERTISING AT OPERA HOUSE	OPERA HOUSE	422.50
152252	STAPLES	TONER, PENS	MUNICIPAL COURTS	142.92
152253	STATE AUDITORS OFFIC	AUDIT PERIOD 2020	NON-DEPARTMENTAL	282.75
	STATE AUDITORS OFFIC		UTIL ADMIN	282.75
152254	STATE PATROL	FINGERPRINT ID SERVICE	INTERGOVERNMENTAL	371.00

**CITY OF MARYSVILLE
 INVOICE LIST**

FOR INVOICES FROM 12/15/2021 TO 12/15/2021

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
152255	STERICYCLE, INC.	MONTHLY SHREDDING	EXECUTIVE ADMIN	11.19
	STERICYCLE, INC.		EXECUTIVE ADMIN	11.19
	STERICYCLE, INC.		LEGAL - PROSECUTION	11.20
	STERICYCLE, INC.		LEGAL - PROSECUTION	11.20
	STERICYCLE, INC.	RECORD DESTRUCTIONS	PROBATION	16.79
	STERICYCLE, INC.		MUNICIPAL COURTS	50.38
152256	SUBURBAN PROPANE	PROPANE FOR PARKS	PARK & RECREATION FAC	1,565.17
152257	SWAIN, DEANNA	UB REFUND	WATER/SEWER OPERATION	136.81
152258	SWOBODY, TARYNN	REFUND CLASS REGISTRATION	PARKS-RECREATION	80.00
152259	TAYLOR, CHRIS	SUPPLIES FOR PERFORMANCE	OPERA HOUSE	109.54
152260	TESSCO INC	CREDIT WRONG TAX #732838	ER&R	-517.64
	TESSCO INC	CREDIT WRONG TAX #732837	ER&R	-148.48
	TESSCO INC	SUPPLIES FOR INVENTORY	ER&R	148.48
	TESSCO INC	TWO WAY RADIO ANTENNA	ER&R	150.55
	TESSCO INC	SUPPLIES FOR INVENTORY	ER&R	517.64
	TESSCO INC		ER&R	524.85
152261	THOMAS, DEAN	UB REFUND	WATER/SEWER OPERATION	232.24
152262	TOPCON SOLUTIONS	SOFTWARE LICENSES	COMMUNITY	1,383.93
	TOPCON SOLUTIONS		ENGR-GENL	2,661.40
	TOPCON SOLUTIONS		UTIL ADMIN	6,600.27
152263	TRANSPO GROUP	PROFESSIONAL SERVICE	GMA - STREET	2,488.59
	TRANSPO GROUP		GMA - STREET	4,757.19
	TRANSPO GROUP		GMA - STREET	13,160.16
152264	TRILOGY MEDWASTE	MEDICAL WASTE REMOVAL	DETENTION & CORRECTION	147.50
152265	TRIVETT, MARK A	PROTEM SERVICE	MUNICIPAL COURTS	555.00
152266	TUCKER, RACHAEL	UB REFUND	GARBAGE	325.20
152267	TULALIP CHAMBER	CHAMBER DINNER/AUCTION	EXECUTIVE ADMIN	220.00
	TULALIP CHAMBER		CITY COUNCIL	220.00
152268	TYLER TECHNOLOGIES	EXECUTIME IMPLEMENTATION	UTIL ADMIN	370.00
	TYLER TECHNOLOGIES		NON-DEPARTMENTAL	370.00
	TYLER TECHNOLOGIES		UTIL ADMIN	370.00
	TYLER TECHNOLOGIES		NON-DEPARTMENTAL	370.00
	TYLER TECHNOLOGIES		UTIL ADMIN	370.00
	TYLER TECHNOLOGIES		NON-DEPARTMENTAL	370.00
152269	ULINE	EVIDENCE SUPPLIES	POLICE PATROL	142.51
152270	UNITED PARCEL SERVIC	SHIPPING	POLICE PATROL	15.27
	UNITED PARCEL SERVIC		POLICE PATROL	15.27
152271	VERIZON	WIRELESS MODEMS	COMMUNITY SERVICES UNIT	160.15
	VERIZON		POLICE INVESTIGATION	480.27
	VERIZON		POLICE PATROL	2,401.00
152272	WASHINGTON FEDERAL	RETAINAGE PAY ESTIMATE #20	GMA-STREET	22,962.51
152273	WATERSHED, INC	UNIFORMS	DETENTION & CORRECTION	784.50
	WATERSHED, INC		POLICE PATROL	2,520.72
152274	WAVEDIVISION HOLDING	I-NET SERVICE	WATER QUAL TREATMENT	111.20
	WAVEDIVISION HOLDING	FIBER IRU MAINTENANCE	CENTRAL SERVICES	111.30
	WAVEDIVISION HOLDING	I-NET SERVICE	CENTRAL SERVICES	513.24
	WAVEDIVISION HOLDING		COMPUTER SERVICES	1,438.20
152275	WEBCHECK	WEBCHECK SERVICE	UTILITY BILLING	1,818.75
152276	WEEKS, BRADLEY J	INSTRUCTOR SERVICE	RECREATION SERVICES	42.00
	WEEKS, BRADLEY J		RECREATION SERVICES	84.00
	WEEKS, BRADLEY J		RECREATION SERVICES	126.00
152277	WELSH COMMISSIONING	WITNESS FUNCTIONAL PERFORMANCE	CAPITAL EXPENDITURES	2,914.65
152278	WEST PAYMENT CENTER	WEST INFORMATION CHARGE	LEGAL-GENL	400.27
	WEST PAYMENT CENTER		LEGAL - PROSECUTION	400.27
152279	WESTERN FACILITIES	FINANCE CHARGE	DETENTION & CORRECTION	9.52
152280	WINTERGREEN CORP	GIANT EVEREST FIR TREE	NON-DEPARTMENTAL	29,022.19
152281	WUBBENHORST, JILL	REFUND CLASS REGISTRATION	PARKS-RECREATION	12.00
152282	ZIPLY FIBER	ACCT #360658949	RECREATION SERVICES	33.81

**CITY OF MARYSVILLE
 INVOICE LIST**

FOR INVOICES FROM 12/15/2021 TO 12/15/2021

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
152282	ZIPLY FIBER	ACCT #3606589493	POLICE INVESTIGATION	33.82
	ZIPLY FIBER	ACCT #3606515033	EXECUTIVE ADMIN	36.42
	ZIPLY FIBER	ACCT #3606585292	PERSONNEL ADMINISTRATION	71.91
	ZIPLY FIBER	ACCT #4253357893	SUNNYSIDE FILTRATION	99.79
	ZIPLY FIBER		SUNNYSIDE FILTRATION	121.97
	ZIPLY FIBER	ACCT #3606575532	OPERA HOUSE	199.68
	ZIPLY FIBER	ACCT #3606585292	MUNICIPAL COURTS	287.65
152283	ZIPLY FIBER	FRONTIER POTS LINES	POLICE ADMINISTRATION	52.43
	ZIPLY FIBER		POLICE PATROL	52.43
	ZIPLY FIBER		COMMUNICATION CENTER	52.43
	ZIPLY FIBER		UTILITY BILLING	52.43
	ZIPLY FIBER		GENERAL	52.43
	ZIPLY FIBER		GOLF ADMINISTRATION	52.43
	ZIPLY FIBER		COMMUNITY	104.86
	ZIPLY FIBER		DETENTION & CORRECTION	104.86
	ZIPLY FIBER		OFFICE OPERATIONS	104.86
	ZIPLY FIBER		GOLF ADMINISTRATION	104.86
	ZIPLY FIBER		CITY HALL	157.31
	ZIPLY FIBER		RECREATION SERVICES	209.73
	ZIPLY FIBER		WASTE WATER TREATMENT	262.16
	ZIPLY FIBER		UTIL ADMIN	262.16
152284	ZIPLY FIBER	LOCAL AND LD LINES	CRIME PREVENTION	9.67
	ZIPLY FIBER		PROPERTY TASK FORCE	9.67
	ZIPLY FIBER		SOLID WASTE CUSTOMER	9.67
	ZIPLY FIBER		PURCHASING/CENTRAL	9.67
	ZIPLY FIBER		FACILITY MAINTENANCE	9.67
	ZIPLY FIBER		YOUTH SERVICES	19.34
	ZIPLY FIBER		WATER QUAL TREATMENT	19.34
	ZIPLY FIBER		STORM DRAINAGE	29.01
	ZIPLY FIBER		COMMUNITY SERVICES UNIT	38.68
	ZIPLY FIBER		PARK & RECREATION FAC	38.68
	ZIPLY FIBER		LEGAL-GENL	38.68
	ZIPLY FIBER		PERSONNEL ADMINISTRATION	38.68
	ZIPLY FIBER		LEGAL - PROSECUTION	48.35
	ZIPLY FIBER		EQUIPMENT RENTAL	48.35
	ZIPLY FIBER		GENERAL	58.02
	ZIPLY FIBER		RECREATION SERVICES	67.69
	ZIPLY FIBER		FINANCE-GENL	77.36
	ZIPLY FIBER		UTILITY BILLING	77.36
	ZIPLY FIBER		POLICE INVESTIGATION	87.03
	ZIPLY FIBER		COMPUTER SERVICES	87.03
	ZIPLY FIBER		EXECUTIVE ADMIN	96.70
	ZIPLY FIBER		WASTE WATER TREATMENT	96.70
	ZIPLY FIBER		POLICE ADMINISTRATION	106.37
	ZIPLY FIBER		MUNICIPAL COURTS	116.04
	ZIPLY FIBER		OFFICE OPERATIONS	125.71
	ZIPLY FIBER		UTIL ADMIN	145.05
	ZIPLY FIBER		COMMUNITY	164.39
	ZIPLY FIBER		DETENTION & CORRECTION	164.39
	ZIPLY FIBER		ENGR-GENL	222.41
	ZIPLY FIBER		POLICE PATROL	454.49

DATE: 12/16/2021
TIME: 1:56:51PM

CITY OF MARYSVILLE
INVOICE LIST
FOR INVOICES FROM 12/15/2021 TO 12/15/2021

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<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
			WARRANT TOTAL:	<u><u>1,430,231.46</u></u>

REASON FOR VOIDS:

INITIATOR ERROR

CHECK LOST/DAMAGED

UNCLAIMED PROPERTY

WARRANT TOTAL:

\$1,430,231.46

Index #6

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: JANUARY 10, 2022

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 December 22, 2021 claims in the amount of \$2,869,006.94 paid by EFT transactions and Check No.'s 152285 through 152417 with check numbers 140505 and 152019 voided.

COUNCIL ACTION:

BLANKET CERTIFICATION
CLAIMS
FOR
PERIOD-12

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 **\$2,869,006.94 PAID BY EFT TRANSACTIONS AND CHECK NO.'S 152285 THROUGH 152417 WITH CHECK NUMBERS 140505 AND 152019 VOIDED**, 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 **10TH DAY OF JANUARY 2022.**

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

**CITY OF MARYSVILLE
 INVOICE LIST**

FOR INVOICES FROM 12/22/2021 TO 12/22/2021

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
152285	PREMERA BLUE CROSS	CLAIMS PAID 12/5 TO 12/11/21	MEDICAL CLAIMS	51,967.11
152286	STRIDER CONSTRUCTION	PAY ESTIMATE #20/RETAINAGE	GMA-STREET	-22,962.51
	STRIDER CONSTRUCTION		GMA - STREET	460,499.03
152287	LYDIG CONSTRUCTION	CIVIC TI SUPPLEMENTAL #1 PAYMENT #2	CAPITAL EXPENDITURES	353,039.00
	LYDIG CONSTRUCTION	CIVIC CENTER APP PAYMENT #23	CAPITAL EXPENDITURES	670,073.58
152288	PREMERA BLUE CROSS	CLAIMS PAID 12/12 - 12/18/21	MEDICAL CLAIMS	54,075.87
152289	FIRST AMERICAN TITLE	ROW ACQUISITION CLOSING FUNDS	GMA - STREET	46,500.24
152290	911 SUPPLY INC.	UNIFORM - VERMEULEN	POLICE ADMINISTRATION	98.36
	911 SUPPLY INC.	UNIFORM - HERRERA	POLICE PATROL	851.59
152291	ACLARA TECHNOLOGIES	MTU MIGRT ENCDR	WATER SERVICES	39,295.53
	ACLARA TECHNOLOGIES		WATER SERVICE INSTALL	39,295.54
152292	ADVANCED TRAFFIC	POLARA WITH SIGN	TRANSPORTATION	470.81
152293	AHERN RENTALS, INC.	TELESCOPING BOOM LIFT	ROADSIDE VEGETATION	1,194.01
	AHERN RENTALS, INC.		PARK & RECREATION FAC	1,982.96
	AHERN RENTALS, INC.		ROADSIDE VEGETATION	2,863.67
152294	AM TEST INC	AMMONIA TESTING	WASTE WATER TREATMENT	280.00
152295	AMAZON CAPITAL	SUPPLIES	POLICE INVESTIGATION	34.98
	AMAZON CAPITAL	KN95 MASKS	COMMUNITY	43.70
	AMAZON CAPITAL	SUPPLIES	POLICE PATROL	80.04
	AMAZON CAPITAL	MASKS - COVID	DETENTION & CORRECTION	113.60
152296	ARBORWELL LLC	TREE REMOVAL	FORESTRY MAINTENANCE	28,674.86
152297	BAGLOW, SUSAN	UB REFUND	WATER/SEWER OPERATION	25.00
152298	BANK OF AMERICA	REFERENCE GUIDE	LEGAL-GENL	19.50
152299	BANK OF AMERICA	DUES	POLICE ADMINISTRATION	50.00
152300	BANK OF AMERICA	RENEWAL	SEWER PRETREATMENT	102.12
152301	BANK OF AMERICA	MAILINGS	COMMUNITY	148.43
152302	BANK OF AMERICA	RENEWALS	UTIL ADMIN	84.00
	BANK OF AMERICA		SEWER PRETREATMENT	102.12
152303	BANK OF AMERICA	SUPPLIES	COMMUNITY	289.50
152304	BANK OF AMERICA	PRISONER TRANSPORT/MEAL REIMB.	DETENTION & CORRECTION	42.85
	BANK OF AMERICA		POLICE PATROL	258.45
152305	BANK OF AMERICA	MAILINGS/TRAINING	COMMUNITY	98.00
	BANK OF AMERICA		COMMUNITY	228.99
152306	BANK OF AMERICA	EMBEDDED SOCIAL WORKER	EMBEDDED SOCIAL WORKER	382.09
152307	BANK OF AMERICA	TRAINING	POLICE ADMINISTRATION	521.72
152308	BANK OF AMERICA	TRAINING/RENEWALS	TRANSPORTATION	25.00
	BANK OF AMERICA		ENGR-GENL	210.50
	BANK OF AMERICA		UTIL ADMIN	534.48
152309	BANK OF AMERICA	TRAVEL	POLICE ADMINISTRATION	935.66
152310	BANK OF AMERICA	PHONES/TRAINING	INFORMATION SERVICES	-57.47
	BANK OF AMERICA		FINANCE-GENL	10.32
	BANK OF AMERICA		CITY CLERK	70.00
	BANK OF AMERICA		COMMUNITY	87.44
	BANK OF AMERICA		COMPUTER SERVICES	109.30
	BANK OF AMERICA		COMPUTER SERVICES	330.70
	BANK OF AMERICA		COMPUTER SERVICES	675.45
152311	BANK OF AMERICA	TRAVEL/TRAINING	POLICE TRAINING-FIREARMS	377.08
	BANK OF AMERICA		POLICE TRAINING-FIREARMS	1,213.80
152312	BANK OF AMERICA	SUPPLIES/UNIFORMS	GENERAL FUND	-127.92
	BANK OF AMERICA		POLICE PATROL	356.26
	BANK OF AMERICA		SWAT TEAM	1,503.45
152313	BANK OF AMERICA	ADVERTISING/COMMAND RETREAT	POLICE ADMINISTRATION	-300.00
	BANK OF AMERICA		POLICE ADMINISTRATION	1,020.89
	BANK OF AMERICA		POLICE ADMINISTRATION	1,346.17
152314	BANK OF AMERICA	TRAINING/REGISTRATION	WATER/SEWER OPERATION	-12.60
	BANK OF AMERICA		DEVELOPMENT SERVICES	42.00
	BANK OF AMERICA		EXECUTIVE ADMIN	90.04
	BANK OF AMERICA		UTIL ADMIN	148.10

**CITY OF MARYSVILLE
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152314	BANK OF AMERICA	TRAINING/REGISTRATION	CITY CLERK	199.00
	BANK OF AMERICA		TRANSPORTATION	895.00
	BANK OF AMERICA		UTIL ADMIN	1,271.48
152315	BANK OF AMERICA	TRAVEL/TRAINING	POLICE PATROL	343.71
	BANK OF AMERICA		POLICE PATROL	1,066.49
	BANK OF AMERICA		POLICE TRAINING-FIREARMS	2,420.99
152316	BANK OF AMERICA	TRAVEL/REGISTRATION	EXECUTIVE ADMIN	44.52
	BANK OF AMERICA		CITY COUNCIL	113.26
	BANK OF AMERICA		EXECUTIVE ADMIN	2,383.49
	BANK OF AMERICA		CITY COUNCIL	4,655.00
152317	BEN BAKER & TAKAYAMA	UB REFUND	GARBAGE	250.00
152318	BHC CONSULTANTS	PROFESSIONAL SERVICE	WASTE WATER TREATMENT	9,612.50
152319	BICKFORD FORD	EMISSIONS PURGE VALVE #P164	EQUIPMENT RENTAL	45.81
	BICKFORD FORD	MISC PART FOR #P177	EQUIPMENT RENTAL	121.07
	BICKFORD FORD	TAILLIGHT ASSY #V056	EQUIPMENT RENTAL	129.61
	BICKFORD FORD	FRONT BRAKE ROTOR	ER&R	297.86
	BICKFORD FORD	MISC. PARTS FOR #V038	EQUIPMENT RENTAL	496.94
152320	BNSF RAILWAY COMPANY	WORK PERFORMED	SURFACE WATER CAPITAL	663.55
152321	BRESKOVICH, JOHN	EVENT CANCELLATION REFUND	PARKS-RECREATION	30.00
152322	CASCADE COLUMBIA	PAX XL8	WASTE WATER TREATMENT	14,671.34
152323	CENTRAL WELDING SUPP	PADLOCKS	ER&R	100.34
152324	CHRISTOFFERSON, LIND	UB REFUND	WATER/SEWER OPERATION	172.44
152325	CLAUSEN, KRISTA		WATER/SEWER OPERATION	70.79
152326	COLACURCIO BROTHERS	PAY ESTIMATE #5	GMA - STREET	85,154.03
152327	COMCAST	ACCT #8498310020341322	COMPUTER SERVICES	327.48
152328	COOP SUPPLY	CLIPS, HOOK, STRIP	STORM DRAINAGE	31.09
	COOP SUPPLY		SEWER MAIN COLLECTION	31.09
	COOP SUPPLY	TC BROMETHALIN	SEWER MAIN COLLECTION	33.87
152329	CORRECTIONS, DEPT OF	INMATE PAY FOR NOVEMBER 2021	PARK & RECREATION FAC	191.70
	CORRECTIONS, DEPT OF		ROADSIDE VEGETATION	363.32
152330	CRYSTAL SPRINGS	WATER AND DISPENSER	COMMUNITY	47.24
152331	CUMMINS NORTHWEST	ANNUAL SERVICE	WATER RESERVOIRS	1,661.05
152332	DINIUS, JESSE	REFUND PERMIT FEE	GENERAL FUND	250.00
152333	DISSMORE, ZHI H L	UB REFUND	WATER/SEWER OPERATION	116.50
152334	DK SYSTEMS, INC.	LABOR	PUBLIC SAFETY BLDG	213.14
	DK SYSTEMS, INC.	LABOR AIR PRESSURE SWITCH	PUBLIC SAFETY BLDG	245.16
152335	DOBBS PETERBILT	CREDIT FOR RADIATOR ASSEMBLY	EQUIPMENT RENTAL	-2,329.38
	DOBBS PETERBILT	RADIATOR ASSEMBLY #J006	EQUIPMENT RENTAL	2,329.38
	DOBBS PETERBILT		EQUIPMENT RENTAL	2,329.38
152336	E&E LUMBER	CREDIT INVOICE #221875	MAINT OF GENL PLANT	-37.76
	E&E LUMBER	GALVANIZED BUSHING	MAINT OF GENL PLANT	6.81
	E&E LUMBER	LAXEL CLEAR CAULK	SIDEWALK MAINTENANCE	9.22
	E&E LUMBER	KILZ SPRAY PRIMER	PARK & RECREATION FAC	36.90
	E&E LUMBER	WALL HYDRANT	MAINT OF GENL PLANT	37.76
	E&E LUMBER	SCREWS, PAINT	SEWER LIFT STATION	40.98
	E&E LUMBER	WEEDER HOE	WASTE WATER TREATMENT	44.67
	E&E LUMBER	REPAIR SUPPLY FOR LOCKER ROOM	MAINT OF GENL PLANT	69.08
	E&E LUMBER	REPAIR SUPPLIES	PARK & RECREATION FAC	96.75
	E&E LUMBER	RECIPROCATING SAW	SIDEWALK MAINTENANCE	284.16
152337	EAST JORDAN IRON WOR	SUPPLIES FOR VALVE REPAIR	WATER DIST MAINS	726.17
152338	ECOLOGY, DEPT. OF	SAFETY INSPECTION ON DAM	STORM DRAINAGE	881.00
152339	ECONOMIC ALLIANCE	EASC ANNUAL DUES	NON-DEPARTMENTAL	15,000.00
152340	ED2 LLC	UB REFUND	WATER/SEWER OPERATION	41.30
152341	ELLIS, ERWIN		WATER/SEWER OPERATION	418.09
152342	ENVIRO-CLEAN EQUIP	VACUUM BREAKER RETRO FIELD	STORM DRAINAGE	268.26
	ENVIRO-CLEAN EQUIP		SEWER MAIN COLLECTION	268.26
152343	EVERETT HYDRAULICS	HYDRAULIC CYLINDER REPLACEMENT #J029	EQUIPMENT RENTAL	1,726.06
152344	EVERETT TIRE & AUTO	FRONT END ALIGNMENT #212	EQUIPMENT RENTAL	181.17

**CITY OF MARYSVILLE
 INVOICE LIST
 FOR INVOICES FROM 12/22/2021 TO 12/22/2021**

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
152345	EVERETT, CITY TREAS	WATER FILTRATION SERVICES	SOURCE OF SUPPLY	218,278.81
152346	EYER, MATTHEW	PAPER MASKS/NOTEBOOKS	MAINT OF GENL PLANT	47.50
152347	FEDEX	SHIPPING	SUNNYSIDE FILTRATION	19.32
152348	FOREMOST PROMOTIONS	SUPPLIES	YOUTH SERVICES	2,347.76
152349	FRITZ, MICHELE	UB REFUND	WATER/SEWER OPERATION	540.84
152350	GENERAL EQUIPMENT	SCHAEFER CARTS SUPPLIES	SOLID WASTE OPERATIONS	401,821.23
152351	GRAINGER	STRING WET MOP AND HANDLE	CUSTODIAL SERVICES	150.27
	GRAINGER	MOP BUCKET AND WRINGER	CUSTODIAL SERVICES	156.88
152352	GRIFFEN, CHRIS	PROFESSIONAL SERVICE	PUBLIC DEFENSE	75.00
	GRIFFEN, CHRIS		PUBLIC DEFENSE	75.00
	GRIFFEN, CHRIS		PUBLIC DEFENSE	112.50
	GRIFFEN, CHRIS		PUBLIC DEFENSE	150.00
	GRIFFEN, CHRIS		PUBLIC DEFENSE	150.00
	GRIFFEN, CHRIS		PUBLIC DEFENSE	150.00
	GRIFFEN, CHRIS		PUBLIC DEFENSE	150.00
	GRIFFEN, CHRIS		PUBLIC DEFENSE	187.50
	GRIFFEN, CHRIS		PUBLIC DEFENSE	187.50
	GRIFFEN, CHRIS		PUBLIC DEFENSE	187.50
	GRIFFEN, CHRIS		PUBLIC DEFENSE	187.50
	GRIFFEN, CHRIS		PUBLIC DEFENSE	225.00
	GRIFFEN, CHRIS		PUBLIC DEFENSE	225.00
	GRIFFEN, CHRIS		PUBLIC DEFENSE	225.00
	GRIFFEN, CHRIS		PUBLIC DEFENSE	225.00
	GRIFFEN, CHRIS		PUBLIC DEFENSE	225.00
	GRIFFEN, CHRIS		PUBLIC DEFENSE	225.00
	GRIFFEN, CHRIS		PUBLIC DEFENSE	300.00
	GRIFFEN, CHRIS		PUBLIC DEFENSE	300.00
	GRIFFEN, CHRIS		PUBLIC DEFENSE	300.00
	GRIFFEN, CHRIS		PUBLIC DEFENSE	300.00
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	GRIFFEN, CHRIS		PUBLIC DEFENSE	300.00
	GRIFFEN, CHRIS		PUBLIC DEFENSE	300.00
	GRIFFEN, CHRIS		PUBLIC DEFENSE	300.00
	GRIFFEN, CHRIS		PUBLIC DEFENSE	300.00
152353	HD FOWLER COMPANY	METER BOX, LIDS	WATER SERVICES	978.97
	HD FOWLER COMPANY	METER IDLERS	WATER SERVICE INSTALL	2,229.06
152354	HDR ENGINEERING	PROFESSIONAL SERVICE	GMA - STREET	739.75
	HDR ENGINEERING		GMA - STREET	23,565.41
152355	IRON MOUNTAIN	ROCKERY	STORM DRAINAGE	434.91
152356	JET PLUMBING	DISHWASHER REMOVAL/INSTALLATION	WASTE WATER TREATMENT	448.13
152357	JONES, THOMAS E & GL	UB REFUND	WATER/SEWER OPERATION	34.24
152358	KUSSY, KAREN	HOLIDAY APPRECIATION LUNCH	PERSONNEL ADMINISTRATION	60.61
152359	LENNAR NORTHWEST INC	UB REFUND 3734 80TH AVE NE	WATER/SEWER OPERATION	290.64
152360	LENNAR NORTHWEST INC	UB REFUND 3704 79TH DR NE	WATER/SEWER OPERATION	504.64
152361	LENNAR NORTHWEST INC	UB REFUND 3702 80TH AVE NE	WATER/SEWER OPERATION	515.14
152362	LENNAR NORTHWEST INC	UB REFUND 3742 80TH AVE NE	GARBAGE	571.64
152363	LENNAR NORTHWEST INC	UB REFUND 3726 80TH AVE NE	WATER/SEWER OPERATION	575.14
152364	LES SCHWAB TIRE CTR	TRACTION CAP DRIVE AXLE TIRE	ER&R	511.50
152365	LOOMIS	ARMORED TRUCK SERVICE	COMMUNITY	67.79
	LOOMIS		UTIL ADMIN	67.79
	LOOMIS		UTILITY BILLING	135.58
	LOOMIS		GOLF ADMINISTRATION	176.69
	LOOMIS		POLICE ADMINISTRATION	271.16
	LOOMIS		MUNICIPAL COURTS	271.16
152366	MARYSVILLE, CITY OF	UTILITY SERVICE	SEWER LIFT STATION	63.98
	MARYSVILLE, CITY OF		AFFORDABLE HOUSING	99.60
	MARYSVILLE, CITY OF		PARK & RECREATION FAC	146.08
	MARYSVILLE, CITY OF		PARK & RECREATION FAC	147.00
	MARYSVILLE, CITY OF		PARK & RECREATION FAC	166.80

**CITY OF MARYSVILLE
 INVOICE LIST**

FOR INVOICES FROM 12/22/2021 TO 12/22/2021

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
152366	MARYSVILLE, CITY OF	UTILITY SERVICE	PARK & RECREATION FAC	289.02
	MARYSVILLE, CITY OF		PARK & RECREATION FAC	291.66
	MARYSVILLE, CITY OF		PARK & RECREATION FAC	1,688.34
152367	MCCORMACK, BURT	UB REFUND	WATER/SEWER OPERATION	284.34
152368	MCEWEN, MITCHELL DOU		WATER/SEWER OPERATION	22.51
152369	MCLOUGHLIN & EARDLEY	CORNER STROBE	ER&R	361.77
152370	MEASURE-TECH, INC.	TRAVEL/CERTIFICATE SERVICE	WASTE WATER TREATMENT	671.87
152371	MODERN FIRE PROTECTI	FALSE ALARM ON FIRE SYSTEM	SURFACE WATER CAPITAL	1,057.48
152372	NAPA AUTO PARTS	PCV VALVE	EQUIPMENT RENTAL	5.05
152373	NATIONAL BARRICADE	SIGNAGE	SOURCE OF SUPPLY	50.96
	NATIONAL BARRICADE		ROADSIDE VEGETATION	370.60
152374	NICHOLAS, ZACHARY	UB REFUND	WATER/SEWER OPERATION	505.43
152375	NORMAN, CHRISTIE		WATER/SEWER OPERATION	78.65
152376	NORTH COAST ELECTRIC	NVENT HOF ADAPTER DATA POCKET	SEWER LIFT STATION	44.88
	NORTH COAST ELECTRIC	DATA POCKET	SEWER LIFT STATION	205.57
	NORTH COAST ELECTRIC	NVENT HOF LED LIGHT	SEWER LIFT STATION	395.94
152377	NORTHWEST HYDRAULIC	PROFESSIONAL SERVICE	STORM DRAINAGE	5,861.50
152378	OFFICE DEPOT	SUPPLIES	METER READING	9.83
	OFFICE DEPOT	2022 CALENDARS	WASTE WATER TREATMENT	19.23
	OFFICE DEPOT	PADS OF PAPER	WASTE WATER TREATMENT	26.77
	OFFICE DEPOT	SUPPLIES	METER READING	28.60
	OFFICE DEPOT		COMMUNITY	36.70
	OFFICE DEPOT	2022 CALENDARS	METER READING	54.19
	OFFICE DEPOT	SUPPLIES	DETENTION & CORRECTION	57.82
	OFFICE DEPOT		DETENTION & CORRECTION	57.82
	OFFICE DEPOT	2022 CALENDARS	WASTE WATER TREATMENT	85.62
	OFFICE DEPOT	SUPPLIES	POLICE INVESTIGATION	100.34
	OFFICE DEPOT		METER READING	127.78
	OFFICE DEPOT		POLICE PATROL	160.60
	OFFICE DEPOT		POLICE TRAINING-FIREARMS	432.83
	OFFICE DEPOT		WASTE WATER TREATMENT	445.13
	OFFICE DEPOT		COMMUNITY	509.88
152379	OGUZ, OSMAN	UB REFUND	WATER/SEWER OPERATION	48.39
152380	OWEN EQUIPMENT	WATER VALVE	EQUIPMENT RENTAL	375.10
152381	PAVISH, JESSICA E E	2ND INSTALLMENT-CLOSING FUNDS	NON-DEPARTMENTAL	250,000.00
152382	PETE, DEBORAH	UB REFUND	WATER/SEWER OPERATION	185.48
152383	POLICE & SHERIFFS PR	ID CARDS	GENERAL FUND	-3.27
	POLICE & SHERIFFS PR		DETENTION & CORRECTION	38.43
152384	POLLARDWATER	METAL DETECTOR	UTILITY LOCATING	750.88
152385	PRINTERLOGIC	PRINTER LOGIC SERVICES	COMPUTER SERVICES	5,210.60
152386	PROTOCOL PLUMBING	LABOR/CABLE FEE	PARK & RECREATION FAC	289.59
152387	PUBLIC SAFETY PSYCHO	PRE-EMPLOYMENT	POLICE ADMINISTRATION	1,230.00
152388	PUD	ACCT #201142098	PARK & RECREATION FAC	9.18
	PUD	ACCT #202461026	MAINT OF GENL PLANT	19.28
	PUD	ACCT #204262620	TRAFFIC CONTROL DEVICES	19.28
	PUD	ACCT #204259469	TRAFFIC CONTROL DEVICES	19.84
	PUD	ACCT #204260343	TRAFFIC CONTROL DEVICES	19.84
	PUD	ACCT #205195373	PARK & RECREATION FAC	20.41
	PUD	ACCT #200973956	SEWER LIFT STATION	25.20
	PUD	ACCT #202178158	SEWER LIFT STATION	25.47
	PUD	ACCT #200501617	TRANSPORTATION	29.68
	PUD	ACCT #202011813	PUMPING PLANT	34.42
	PUD	ACCT #201142155	TRANSPORTATION	37.19
	PUD	ACCT #202294245	SEWER LIFT STATION	53.91
	PUD	ACCT #220681340	STORM DRAINAGE	60.92
	PUD	ACCT #203500020	STREET LIGHTING	62.45
	PUD	ACCT #200448801	TRANSPORTATION	64.06
	PUD	ACCT #200061463	PARK & RECREATION FAC	83.96

**CITY OF MARYSVILLE
 INVOICE LIST**

FOR INVOICES FROM 12/22/2021 TO 12/22/2021

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
152388	PUD	ACCT #202303301	SEWER LIFT STATION	88.17
	PUD	ACCT #222664310	TRANSPORTATION	95.59
	PUD	ACCT #221115934	MAINT OF GENL PLANT	97.02
	PUD	ACCT #222664740	TRANSPORTATION	104.26
	PUD	ACCT #201909637	SEWER LIFT STATION	138.54
	PUD	ACCT #222663973	TRANSPORTATION	149.01
	PUD	ACCT #203291216	GENERAL	165.40
	PUD	ACCT #223013277	AFFORDABLE HOUSING	172.13
	PUD	ACCT #201628880	WASTE WATER TREATMENT	283.10
	PUD	ACCT #201675634	WASTE WATER TREATMENT	481.76
	PUD	ACCT #201587284	WASTE WATER TREATMENT	874.14
	PUD	ACCT #202177333	MAINT OF GENL PLANT	919.84
	PUD	ACCT #201617479	CITY HALL	1,255.46
	PUD	ACCT #200021871	COURT FACILITIES	1,438.31
	PUD	ACCT #201639689	MAINT OF GENL PLANT	1,704.18
152389	PUGET SOUND SECURITY	KEYS	DETENTION & CORRECTION	101.17
152390	ROMAINE ELECTRIC	ALTERNATOR ASSEMBLY #M008	EQUIPMENT RENTAL	223.05
152391	RUCHTY, RICK & CHERI	UB REFUND	WATER/SEWER OPERATION	69.62
152392	SHOUDY, JASON		WATER/SEWER OPERATION	20.38
152393	SMITH, MICHAEL		WATER/SEWER OPERATION	200.94
152394	SNO CO AUDITOR	REPLENISHMENT ACCT #1532	GMA - STREET	19.00
	SNO CO AUDITOR		GMA - STREET	205.50
152395	SNO CO FINANCE	WATER PUMP REPLACEMENT #P173	EQUIPMENT RENTAL	298.65
152396	SNO CO PUBLIC WORKS	SCC25.20.030 ROAD BOND DEBT 2021	STORM DRAINAGE	13,000.18
152397	SOUND PUBLISHING	LEGAL ADS	COMMUNITY	824.60
152398	SPRINGBROOK NURSERY	TOPSOIL	ROADSIDE VEGETATION	105.00
152399	STAPLES	CREDIT FOR INVOICE #3493856464	ENGR-GENL	-26.78
	STAPLES		UTIL ADMIN	-26.77
	STAPLES	PRINTING PAPER	UTIL ADMIN	26.77
	STAPLES		ENGR-GENL	26.78
	STAPLES		UTIL ADMIN	34.26
	STAPLES		ENGR-GENL	34.26
152400	THYSSENKRUPP ELEVATO	PLATINUM FULL MAINTENANCE	CITY HALL	335.50
	THYSSENKRUPP ELEVATO		PUBLIC SAFETY BLDG	335.50
152401	TRUE NORTH EQUIPMENT	SPINDLE LINK BAR PIN	ER&R	162.47
152402	TULALIP CHAMBER	2022 MEMBERSHIP DUES	NON-DEPARTMENTAL	2,480.00
152403	ULINE	EMERGENCY EXIT SIGN	OPERA HOUSE	27.87
152404	UNITED RENTALS	CONTAINER RENTAL	COMMUNITY CENTER	109.30
152405	USA BLUEBOOK	PH4.01 AND 7.01	SUNNYSIDE FILTRATION	232.97
152406	USDA-APHIS-WILDLIFE	PERSONNEL COMPENSATION/SUPPORT	STORM DRAINAGE	1,471.90
152407	VEGA AMERICAS, INC	VEGAMET, VEGAPULS, MOUNTING BRACKET	SEWER LIFT STATION	1,998.00
152408	WAGNER, RON	VOLUNTEER DINNER	POLICE PATROL	256.30
152409	WASHINGTON ENERGY SV	REFUND MECHANICAL PERMIT	NON-BUS LICENSES AND	70.00
152410	WATSON, HAROLD	UB REFUND	WATER/SEWER OPERATION	243.58
152411	WEST PAYMENT CENTER	INVESTIGATIVE TOOL	POLICE INVESTIGATION	385.28
152412	WHATCOM COUNTY	MINI-CHAIN	DETENTION & CORRECTION	10,718.00
152413	WHISTLE WORKWEAR	UNIFORM - MAJERUS	CUSTODIAL SERVICES	118.57
	WHISTLE WORKWEAR	UNIFORM - MACDICKEN	SOLID WASTE OPERATIONS	156.10
	WHISTLE WORKWEAR		SOLID WASTE OPERATIONS	164.69
	WHISTLE WORKWEAR	UNIFORM - REILLY	CUSTODIAL SERVICES	335.94
	WHISTLE WORKWEAR	UNIFORM - ARISTA	CUSTODIAL SERVICES	419.94
152414	YASKUS, NICOLE & DAV	UB REFUND	WATER/SEWER OPERATION	301.62
152415	ZIPLY FIBER	ACCT #3606588575	STORM DRAINAGE	66.23
	ZIPLY FIBER	ACCT #3606583136	MUNICIPAL COURTS	72.69
	ZIPLY FIBER	ACCT #3606582766	MUNICIPAL COURTS	87.63
152416	ZIPLY FIBER	ACCT #3606577495	STREET LIGHTING	52.95
152417	ZIPLY FIBER	ACCT #3606583635	UTIL ADMIN	59.93
	ZIPLY FIBER		COMMUNITY	59.93

DATE: 12/27/2021
TIME: 9:56:31AM

CITY OF MARYSVILLE
INVOICE LIST
FOR INVOICES FROM 12/22/2021 TO 12/22/2021

PAGE: 6 45

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
			WARRANT TOTAL:	<u><u>2,869,311.44</u></u>
		LESS VOIDED CHECKS 140505 & 152019,	CHECKS LOST/DAMAGED	(\$304.50)

REASON FOR VOIDS:

INITIATOR ERROR

CHECK LOST/DAMAGED

UNCLAIMED PROPERTY

WARRANT TOTAL:

\$2,869,006.94

Update
Index #17

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: January 10, 2022

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

RECOMMENDED ACTION:

The Finance and Executive Departments recommend City Council approve the December 23, 2021 payroll in the amount \$1,932,918.79, paid by EFT Transactions and Check No. 33746 through 33766.


COUNCIL ACTION:

Update
Index #18

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: JANUARY 10, 2022

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 December 29, 2021 claims in the amount of \$1,595,453.94 paid by EFT transactions and Check No.'s 152418 through 152555 with check number 152151 voided.

COUNCIL ACTION:

CITY OF MARYSVILLE
 INVOICE LIST

FOR INVOICES FROM 12/29/2021 TO 12/29/2021

CHK #	VENDOR	ITEM DESCRIPTION	ACCOUNT DESCRIPTION	ITEM AMOUNT
152418	REVENUE, DEPT OF	EXCISE TAX NOV 2021	ER&R	-3.39
	REVENUE, DEPT OF		RECREATION SERVICES	3.49
	REVENUE, DEPT OF		POLICE ADMINISTRATION	34.48
	REVENUE, DEPT OF		GOLF ADMINISTRATION	191.49
	REVENUE, DEPT OF		WATER/SEWER OPERATION	314.48
	REVENUE, DEPT OF		GMA-PARKS	469.09
	REVENUE, DEPT OF		GENERAL FUND	1,039.67
	REVENUE, DEPT OF		GOLF COURSE	3,797.83
	REVENUE, DEPT OF		STORM DRAINAGE	6,706.14
	REVENUE, DEPT OF		SOLID WASTE OPERATIONS	20,106.21
	REVENUE, DEPT OF		UTIL ADMIN	69,131.89
	REVENUE, DEPT OF		MEDICAL CLAIMS	30,600.99
152419	PREMERA BLUE CROSS	CLAIMS PAID 12/19 - 12/25/21	POLICE PATROL	165.14
152420	911 SUPPLY INC.	UNIFORM	DETENTION & CORRECTION	174.33
	911 SUPPLY INC.	UNIFORM - MANER	POLICE PATROL	200.52
	911 SUPPLY INC.	UNIFORM - STEWART	DETENTION & CORRECTION	490.40
	911 SUPPLY INC.	UNIFORM - JOHNSON	DETENTION & CORRECTION	718.49
	911 SUPPLY INC.	UNIFORM - PARRISH	PARKS-RECREATION	40.00
152421	ALBERTO, KRISTINE	REFUND CLASS REGISTRATION	SOLID WASTE OPERATIONS	19.67
152422	ALL BATTERY SALES &	WASHER FLUID	SOLID WASTE OPERATIONS	19.67
	ALL BATTERY SALES &		POLICE ADMINISTRATION	-545.41
152423	AMAZON CAPITAL	CREDIT MEMO	POLICE ADMINISTRATION	-240.10
	AMAZON CAPITAL	CREDIT MEMO FOR TONER	OFFICE OPERATIONS	9.28
	AMAZON CAPITAL	SUPPLIES	COMPUTER SERVICES	16.94
	AMAZON CAPITAL	PHONE WALL MOUNT	DETENTION & CORRECTION	38.84
	AMAZON CAPITAL	UNIFORM PINS	RECREATION SERVICES	43.04
	AMAZON CAPITAL	CARRYING CASE STORAGE BAG	DETENTION & CORRECTION	76.48
	AMAZON CAPITAL	KEY BOARDS	EXECUTIVE ADMIN	78.90
	AMAZON CAPITAL	ANTI-FATIGUE MATS	OFFICE OPERATIONS	109.24
	AMAZON CAPITAL	MASKS - COVID	POLICE ADMINISTRATION	240.10
	AMAZON CAPITAL	PRINTER	POLICE ADMINISTRATION	545.41
	AMAZON CAPITAL		COMPUTER SERVICES	892.51
	AMAZON CAPITAL	OFFICE SUPPLIES	POLICE ADMINISTRATION	1,270.85
	AMAZON CAPITAL	PRINTER	POLICE INVESTIGATION	8,250.00
152424	AMPED SOFTWARE USA	INVESTIGATION TOOL	GENL GVRNMNT SERVICES	425.00
152425	ANDES LAND SURVEY	RECOVER MONUMENT/CASE	OPERA HOUSE	127.23
152426	ARAMARK UNIFORM	LINEN SERVICE	PARK & RECREATION FAC	7,804.02
152427	BARK KING	PLAYGROUND CHIPS	UTILITY BILLING	5,224.61
152428	BILLING DOCUMENT SPE	BILL PRINTING 12/2 - 12/10/21	WATER/SEWER OPERATION	655.91
152429	BLAIR, JOHN	UB REFUND	WATER/SEWER OPERATION	133.71
152430	BORCHARDT, ZACH		WATER/SEWER OPERATION	28.73
152431	BRISTOL, ANDREA		RECREATION SERVICES	90.00
152432	BROOKS, DIANE E	INSTRUCTOR PAYMENT	RECREATION SERVICES	126.00
	BROOKS, DIANE E		RECREATION SERVICES	73.50
152433	BRZOVIC, DANIEL E		RECREATION SERVICES	126.00
	BRZOVIC, DANIEL E		RECREATION SERVICES	126.00
	BRZOVIC, DANIEL E		RECREATION SERVICES	132.30
	BRZOVIC, DANIEL E		RECREATION SERVICES	147.00
	BRZOVIC, DANIEL E		RECREATION SERVICES	157.50
	BRZOVIC, DANIEL E		RECREATION SERVICES	168.00
	BRZOVIC, DANIEL E		RECREATION SERVICES	189.00
	BRZOVIC, DANIEL E		RECREATION SERVICES	189.00
	BRZOVIC, DANIEL E		RECREATION SERVICES	210.00
	BRZOVIC, DANIEL E		RECREATION SERVICES	226.80
	BRZOVIC, DANIEL E		RECREATION SERVICES	252.00
	BRZOVIC, DANIEL E		RECREATION SERVICES	294.00
	BRZOVIC, DANIEL E		RECREATION SERVICES	336.00
	BRZOVIC, DANIEL E		RECREATION SERVICES	336.00

CITY OF MARYSVILLE
 INVOICE LIST

FOR INVOICES FROM 12/29/2021 TO 12/29/2021

CHK #	VENDOR	ITEM DESCRIPTION	ACCOUNT DESCRIPTION	ITEM AMOUNT
152434	BSN SPORTS, LLC	SOFTBALL/BASKETBALL	RECREATION SERVICES	990.89
	BSN SPORTS, LLC		RECREATION SERVICES	1,318.24
152435	BUXTON, CHARISSA	REFUND CLASS REGISTRATION	PARKS-RECREATION	10.00
152436	CARSON-BLAKESLEY,VET	INSTRUCTOR PAYMENT	RECREATION SERVICES	129.60
	CARSON-BLAKESLEY,VET		RECREATION SERVICES	158.40
152437	CENTRAL WELDING SUPPLY	CREDIT FOR SHOVEL	ER&R	-35.66
	CENTRAL WELDING SUPPLY	CREDIT INVOICE #SP181439	ER&R	-17.49
	CENTRAL WELDING SUPPLY	MESH SAFETY VEST	ER&R	45.91
	CENTRAL WELDING SUPPLY	EAR PLUGS	ER&R	87.44
	CENTRAL WELDING SUPPLY	SHOVEL	ER&R	115.88
	CENTRAL WELDING SUPPLY	BOW RAKE	ER&R	127.23
	CENTRAL WELDING SUPPLY	SAFETY GEAR	ER&R	206.62
			ER&R	322.26
			ER&R	490.21
152438	CLARK, ADAM	ORANGE BOMBER JACKETS	WATER-UTILITIES/ENVIRONME	20.00
	CLARK, ADAM	REFUND CAPITAL IMPROVEMENT/FEE	STORM DRAINAGE	95.00
	CLARK, ADAM		SWR	4,590.00
	CLARK, ADAM		WTR	4,750.00
152439	CLEAR, DUANE	UB REFUND	WATER/SEWER OPERATION	92.97
152440	COSTLESS SENIOR SERVICE	INMATE MEDICAL SUPPLIES	DETENTION & CORRECTION	131.71
152441	COUGAR TREE SERVICE	TREE REMOVAL	ROADSIDE VEGETATION	2,923.77
152442	CRAIN, JASON	EMPLOYEE APPRECIATION	PERSONNEL ADMINISTRATION	309.71
152443	CRIDER, DARLENE & RI	UB REFUND	WATER/SEWER OPERATION	223.55
152444	CUMMINS NORTHWEST	RADIATOR REPLACEMENT	SEWER LIFT STATION	5,069.05
152445	CUZ CONCRETE PROD	CONCRETE	STORM DRAINAGE	92.84
152446	DAILY JOURNAL OF COM	MCC WAYFINDING SIGNAGE NOTICE	CAPITAL EXPENDITURES	657.90
152447	DAMBACHER, KARLA	REFUND CLASS REGISTRATION	PARKS-RECREATION	12.00
152448	DAYTON, JUSTIN	UB REFUND	GARBAGE	100.00
	DAYTON, JUSTIN		WATER/SEWER OPERATION	461.25
152449	DEARINGER, DEVIN		WATER/SEWER OPERATION	55.19
152450	DICKS TOWING	TOWING	POLICE PATROL	77.47
	DICKS TOWING	TOWING 21-60108	POLICE PATROL	77.47
	DICKS TOWING	TOWING 21-60699	POLICE PATROL	77.47
	DICKS TOWING	TOWING 21-61027	POLICE PATROL	77.47
	DICKS TOWING	TOWING 21-61233	POLICE PATROL	77.47
	DICKS TOWING	TOWING 21-58685	POLICE PATROL	241.42
	DICKS TOWING	TOWING 21-59883	POLICE PATROL	241.42
152451	DOBBS PETERBILT	VEHICLE REPAIRS #J006	EQUIPMENT RENTAL	2,714.83
	DOBBS PETERBILT	FLEET ADDITION #J067	EQUIPMENT RENTAL	399,971.33
	DOBBS PETERBILT	FLEET ADDITION #J068	EQUIPMENT RENTAL	399,971.33
152452	E&E LUMBER	ALUMINUM CONNECTOR	PUBLIC SAFETY BLDG	22.33
	E&E LUMBER	SUPPLIES	POLICE PATROL	127.88
	E&E LUMBER		POLICE PATROL	295.11
152453	EYER, MATTHEW	EMPLOYEE APPRECIATION	PERSONNEL ADMINISTRATION	240.03
152454	FASTSIGNS	NO PARKING SIGNS	OPERA HOUSE	564.37
152455	FEDEX	SHIPPING	WATER SERVICES	300.86
152456	FOLDESI, NOCOLE N	INSTRUCTOR PAYMENT	RECREATION SERVICES	48.00
	FOLDESI, NOCOLE N		RECREATION SERVICES	78.00
152457	FRIESS, JENNIFER	PUMPKIN TRAILS QUEST PRIZES	COMMUNITY EVENTS	66.98
152458	GORDON TRUCK CENTER	HEATER CONTROL KNOB #H002	EQUIPMENT RENTAL	53.12
152459	GRAINGER	CLEAN OUT PLUG	WATER/SEWER OPERATION	31.97
	GRAINGER	WIRE STRIPPER, SCREW DRIVER SET	UTIL ADMIN	96.43
	GRAINGER	GENERAL PURPOSE FILTER	WASTE WATER TREATMENT	431.77
152460	GRASHER, PAUL & CHRI	UB REFUND	WATER/SEWER OPERATION	84.51
152461	GRITTON, DENISE	REFUND CLASS REGISTRATION	PARKS-RECREATION	12.00
152462	HA, ELIZABETH JEAN	INSTRUCTOR PAYMENT	RECREATION SERVICES	99.00
	HA, ELIZABETH JEAN		RECREATION SERVICES	280.80
	HA, ELIZABETH JEAN		RECREATION SERVICES	468.00

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**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>
152463	HANSON, JOSHUA	REFUND CLASS REGISTRATION	PARKS-RECREATION	90.00
152464	HART, KYM		PARKS-RECREATION	12.00
152465	HD FOWLER COMPANY	FLUSHING SUPPLIES	WATER DIST MAINS	145.06
	HD FOWLER COMPANY	ADAPTORS	WATER CROSS CNTL	205.08
152466	HENNIG, JEANINE TULL	INSTRUCTOR PAYMENT	RECREATION SERVICES	24.00
	HENNIG, JEANINE TULL		RECREATION SERVICES	52.80
	HENNIG, JEANINE TULL		RECREATION SERVICES	59.40
152467	HOME DEPOT USA	JANITORIAL SUPPLIES	CUSTODIAL SERVICES	7.86
	HOME DEPOT USA		CUSTODIAL SERVICES	251.48
152468	HOT CACTUS HOMES LLC	UB REFUND 13120 43RD DR NE	WATER/SEWER OPERATION	140.91
152469	HUBBELL, HARRY	UB REFUND	WATER/SEWER OPERATION	53.35
152470	HUNSUCKER, JOHN & DE		WATER/SEWER OPERATION	365.41
152471	ID LABEL	SUPPLIES	POLICE PATROL	835.05
152472	KAISER PERMANENTE	PRE-EMPLOYMENT PHYSICAL/EXAM	GENERAL	125.00
	KAISER PERMANENTE		EQUIPMENT RENTAL	125.00
	KAISER PERMANENTE		GENERAL	125.00
	KAISER PERMANENTE		GENERAL	125.00
	KAISER PERMANENTE		GENERAL	125.00
	KAISER PERMANENTE		SOLID WASTE OPERATIONS	153.00
	KAISER PERMANENTE		UTILITY LOCATING	172.00
	KAISER PERMANENTE		SOLID WASTE OPERATIONS	200.00
	KAISER PERMANENTE		WATER/SEWER OPERATION	288.49
152473	KEEFE, DUANE	UB REFUND	RECREATION SERVICES	857.18
152474	KINDERMUSIK	4TH INSTRUCTOR PAYMENT	RECREATION SERVICES	857.20
	KINDERMUSIK	5TH INSTRUCTOR PAYMENT	RECREATION SERVICES	265.61
152475	KINGSFORD, ANDREA	COMMUNITY LIGHT EVENT	WATER/SEWER OPERATION	32.56
152476	KOVACH, HELEN & GREG	UB REFUND	STORM DRAINAGE	48.00
152477	LAB/COR, INC.	LAB ANALYSES	STORM DRAINAGE	240.00
	LAB/COR, INC.		WATER/SEWER OPERATION	250.14
152478	LENNAR NORTHWEST INC	UB REFUND 3750 80TH AVE NE	WATER/SEWER OPERATION	487.14
152479	LENNAR NORTHWEST INC	UB REFUND 3709 80TH AVE NE	WATER/SEWER OPERATION	487.14
152480	LENNAR NORTHWEST INC	UB REFUND 3632 80TH AVE NE	WATER/SEWER OPERATION	518.64
152481	LENNAR NORTHWEST INC	UB REFUND 3610 79TH DR NE	WATER/SEWER OPERATION	525.64
152482	LENNAR NORTHWEST INC	UB REFUND 3741 80TH AVE NE	WATER/SEWER OPERATION	536.14
152483	LENNAR NORTHWEST INC	UB REFUND 3618 79TH DR NE	WATER/SEWER OPERATION	543.14
152484	LENNAR NORTHWEST INC	UB REFUND 3757 80TH AVE NE	WATER/SEWER OPERATION	546.64
152485	LENNAR NORTHWEST INC	UB REFUND 3749 80TH AVE NE	WATER/SEWER OPERATION	546.64
152486	LENNAR NORTHWEST INC	UB REFUND 3733 80TH AVE NE	WATER/SEWER OPERATION	546.64
152487	LENNAR NORTHWEST INC	UB REFUND 3624 80TH AVE NE	WATER/SEWER OPERATION	564.64
152488	LENNAR NORTHWEST INC	UB REFUND 3616 80TH AVE NE	WATER/SEWER OPERATION	568.14
152489	LENNAR NORTHWEST INC		EQUIPMENT RENTAL	48.12
152490	LES SCHWAB TIRE CTR	FLAT TIRE REPAIR #H020	EQUIPMENT RENTAL	567.69
	LES SCHWAB TIRE CTR	STEER TIRE #J046	EQUIPMENT RENTAL	910.12
	LES SCHWAB TIRE CTR	STUDDER SNOW TIRES #V038	EQUIPMENT RENTAL	1,416.53
	LES SCHWAB TIRE CTR	STEER AXLE TIRE #218	EQUIPMENT RENTAL	2,030.34
	LES SCHWAB TIRE CTR	DRIVE AXLE TIRES #J047	MAINT OF GENL PLANT	-79.86
152491	LOWES HIW INC	CREDIT FOR INVOICE #62251	MAINT OF GENL PLANT	43.14
	LOWES HIW INC	8" FREEZE WALL	MAINT OF GENL PLANT	109.87
	LOWES HIW INC	MISC. ITEMS FOR REPAIR	SOLID WASTE OPERATIONS	114.10
	LOWES HIW INC	WALL CT SQ LED	GOLF ADMINISTRATION	289.02
152492	MARYSVILLE, CITY OF	UTILITY SERVICE	GOLF ADMINISTRATION	1,253.16
	MARYSVILLE, CITY OF		CAPITAL EXPENDITURES	667.91
152493	MAXON FURNITURE	POLICE/COURTS FURNITURE	WATER/SEWER OPERATION	180.65
152494	MC GEE, CLARA	UB REFUND	ER&R	190.40
152495	M CLOUGHLIN & EARDLEY	AMBER LED BEACONS	RECREATION SERVICES	56.00
152496	MENDOZA, TERESA TINA	INSTRUCTOR PAYMENT	UTILITY CONSTRUCTION	-8,256.25
152497	MERICKA GROUP	PAY ESTIMATE #1/RETAINAGE	WATER CAPITAL PROJECTS	180,481.63
	MERICKA GROUP		PARKS-RECREATION	10.00
152498	MEYER, DESAREE	REFUND CLASS REGISTRATION		

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152499	MONIZ, FRANK	RETURN OF SEIZED PROPERTY	DRUG SEIZURE	755.00
152500	MOUNTAIN MIST	WATER COOLER/BOTTLED WATER	WASTE WATER TREATMENT	15.14
	MOUNTAIN MIST		SEWER MAIN COLLECTION	15.14
	MOUNTAIN MIST		SOLID WASTE OPERATIONS	15.15
152501	NAPA AUTO PARTS	TOGGLE BOOT SEAL/SWITCH #H016	STORM DRAINAGE	10.22
	NAPA AUTO PARTS		SEWER MAIN COLLECTION	10.22
	NAPA AUTO PARTS	TRANS FILTER KIT #H012	EQUIPMENT RENTAL	38.88
	NAPA AUTO PARTS	NON-DETERGENT	STORM DRAINAGE	39.83
	NAPA AUTO PARTS		SOURCE OF SUPPLY	39.83
	NAPA AUTO PARTS	VEHICLE PARTS #814	EQUIPMENT RENTAL	118.68
	NAPA AUTO PARTS	BRAKE PAD SET #V038	EQUIPMENT RENTAL	203.31
	NAPA AUTO PARTS	VEHICLE PARTS #814	EQUIPMENT RENTAL	260.56
	NAPA AUTO PARTS	FRONT BRAKE PAD/ROTORS #J058	EQUIPMENT RENTAL	424.07
	NAPA AUTO PARTS	AIR, FUEL, OIL FILTERS	ER&R	736.79
152502	NC MACHINERY COMPANY	SKID STEER TRACK	EQUIPMENT RENTAL	4,487.74
152503	NELSON PETROLEUM	PARTS FOR INVENTORY	ER&R	2,001.68
152504	NORTHWESTERN AUTO	DAMAGE REPAIR #P162	EQUIPMENT RENTAL	2,285.10
152505	OFFICE DEPOT	OFFICE SUPPLIES	CUSTODIAL SERVICES	14.03
	OFFICE DEPOT	DESK PAD CALENDAR	TRANSPORTATION	14.20
	OFFICE DEPOT	OFFICE SUPPLIES	ENGR-GENL	15.07
	OFFICE DEPOT	WALL CALENDAR	TRANSPORTATION	29.11
	OFFICE DEPOT		DEVELOPMENT SERVICES	48.34
	OFFICE DEPOT	OFFICE SUPPLIES	DEVELOPMENT SERVICES	106.55
	OFFICE DEPOT		UTIL ADMIN	117.39
	OFFICE DEPOT	SUPPLIES	POLICE PATROL	124.28
	OFFICE DEPOT	WALL CALENDARS/PLANNER	ENGR-GENL	166.21
	OFFICE DEPOT	SUPPLIES	POLICE INVESTIGATION	219.08
152506	OLASON, MONICA	INSTRUCTOR PAYMENT	RECREATION SERVICES	945.60
	OLASON, MONICA		RECREATION SERVICES	1,104.00
152507	OREILLY AUTO PARTS	HEATER BLEND DOOR #814	EQUIPMENT RENTAL	48.53
	OREILLY AUTO PARTS	DORMAN BRAND CAM #814	EQUIPMENT RENTAL	61.74
	OREILLY AUTO PARTS	WATER PUMP PULLEY #814	EQUIPMENT RENTAL	77.30
	OREILLY AUTO PARTS	ADHESIVE REMOVER #H002	EQUIPMENT RENTAL	77.47
	OREILLY AUTO PARTS	AC HOSE ASSY #814	EQUIPMENT RENTAL	133.60
152508	OTTO, LANCE	UB REFUND	WATER/SEWER OPERATION	395.00
152509	OWEN EQUIPMENT	SUPPLIES FOR #H002	EQUIPMENT RENTAL	1,296.36
152510	PALMER, BRANDON	MILEAGE	DETENTION & CORRECTION	50.85
152511	PARAMETRIX	PROFESSIONAL SERVICE	SURFACE WATER CAPITAL	24,180.10
152512	PETAJA, HOLLY	REFUND CLASS REGISTRATION	PARKS-RECREATION	40.00
152513	PETERSON, TERRY	UB REFUND	WATER/SEWER OPERATION	386.03
152514	PETROCARD SYSTEMS	FUEL CONSUMED	STORM DRAINAGE	44.55
	PETROCARD SYSTEMS		ENGR-GENL	48.70
	PETROCARD SYSTEMS		COMPUTER SERVICES	61.40
	PETROCARD SYSTEMS		DEVELOPMENT SERVICES	65.87
	PETROCARD SYSTEMS		EQUIPMENT RENTAL	153.55
	PETROCARD SYSTEMS		COMMUNITY	171.25
	PETROCARD SYSTEMS		FACILITY MAINTENANCE	225.21
	PETROCARD SYSTEMS		PARK & RECREATION FAC	1,634.61
	PETROCARD SYSTEMS		GENERAL	3,563.74
	PETROCARD SYSTEMS		SOLID WASTE OPERATIONS	5,304.56
	PETROCARD SYSTEMS		MAINT OF EQUIPMENT	6,706.83
	PETROCARD SYSTEMS		POLICE PATROL	7,826.49
152515	PGC INTERBAY LLC	GOLF REIMBURSEMENT	MAINTENANCE	3.81
	PGC INTERBAY LLC		PRO-SHOP	103.35
	PGC INTERBAY LLC		MAINTENANCE	125.00
	PGC INTERBAY LLC		MAINTENANCE	158.51
	PGC INTERBAY LLC		PRO-SHOP	158.76
	PGC INTERBAY LLC		MAINTENANCE	581.76

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152515	PGC INTERBAY LLC	GOLF REIMBURSEMENT	MAINTENANCE	590.21
	PGC INTERBAY LLC		MAINTENANCE	965.08
	PGC INTERBAY LLC		MAINTENANCE	1,082.46
	PGC INTERBAY LLC		PRO-SHOP	1,226.73
	PGC INTERBAY LLC		GOLF COURSE	3,828.86
	PGC INTERBAY LLC	PAYROLL GOLF	PRO-SHOP	8,862.65
	PGC INTERBAY LLC		MAINTENANCE	16,120.88
152516	PILCHUCK RENTALS	TOWING BRUSH CHIPPER	ROADSIDE VEGETATION	377.09
	PILCHUCK RENTALS	HITCH, LIGHT TOWER TOWING	RECREATION SERVICES	603.34
	PILCHUCK RENTALS	POLE PRUNER	ROADSIDE VEGETATION	754.16
152517	PLATT ELECTRIC	TAPE, WIRE TIE MOUNTS	SEWER LIFT STATION	134.68
152518	POGUE, ALEXANDER	UB REFUND	WATER/SEWER OPERATION	37.68
152519	POSTAL SERVICE	POSTAGE	OFFICE OPERATIONS	2,500.00
152520	POTTERY NOOK, THE	INSTRUCTOR PAYMENT	RECREATION SERVICES	86.40
	POTTERY NOOK, THE		RECREATION SERVICES	108.00
152521	PUD	ACCT #203569751	STORM DRAINAGE	9.36
	PUD	ACCT #202461034	UTIL ADMIN	18.36
	PUD	ACCT #205136245	SEWER LIFT STATION	18.55
	PUD	ACCT #202031134	PUMPING PLANT	19.46
	PUD	ACCT #202794657	TRANSPORTATION	50.27
	PUD	ACCT #202524690	PUMPING PLANT	62.58
	PUD	ACCT #203430897	STREET LIGHTING	67.98
	PUD	ACCT #202368544	TRANSPORTATION	68.33
	PUD	ACCT #203199732	TRANSPORTATION	76.28
	PUD	ACCT #202288585	TRANSPORTATION	88.84
	PUD	ACCT #202175956	TRAFFIC CONTROL DEVICES	89.81
	PUD	ACCT # 222772634	TRANSPORTATION	102.32
	PUD	ACCT #201065281	PARK & RECREATION FAC	133.58
	PUD	ACCT #205237738	TRAFFIC CONTROL DEVICES	166.56
	PUD	ACCT #205239270	TRAFFIC CONTROL DEVICES	192.84
	PUD	ACCT #222025900	PUMPING PLANT	207.49
	PUD	ACCT #202368551	PARK & RECREATION FAC	218.04
	PUD	ACCT #205419765	PUBLIC SAFETY BLDG	234.69
	PUD	ACCT #204821227	TRAFFIC CONTROL DEVICES	300.21
	PUD	ACCT #200223857	PARK & RECREATION FAC	303.50
	PUD	PUD FEES DEERING ACRES	PARK & RECREATION FAC	338.12
	PUD	ACCT #202426482	PUBLIC SAFETY BLDG	340.59
	PUD	ACCT #221192545	PUBLIC SAFETY BLDG	343.47
	PUD	ACCT #201247699	STREET LIGHTING	398.73
	PUD	ACCT #201021607	PARK & RECREATION FAC	458.76
	PUD	ACCT #202000329	PARK & RECREATION FAC	508.70
	PUD	ACCT #201147253	PUMPING PLANT	512.13
	PUD	ACCT #220824148	WASTE WATER TREATMENT	662.39
	PUD	ACCT #200303477	WATER FILTRATION PLANT	1,382.01
	PUD	ACCT #200824548	MAINT OF GENL PLANT	1,624.15
	PUD	ACCT #201463031	PUBLIC SAFETY BLDG	3,651.19
	PUD	ACCT #221320088	SUNNYSIDE FILTRATION	4,436.63
	PUD	ACCT #201577921	PUMPING PLANT	5,442.64
	PUD	ACCT #202075008	WASTE WATER TREATMENT	8,595.08
	PUD	ACCT #201420635	WASTE WATER TREATMENT	16,811.93
	PUD	ACCT #201721180	WASTE WATER TREATMENT	22,442.56
	PUD	CONCRETE	GMA - STREET	33.64
152522	REECE TRUCKING	MCC WIRELESS AP'S	CAPITAL EXPENDITURES	12,313.30
152523	RIGHT SYSTEMS, INC.	SCORE MEDICAL	DETENTION & CORRECTION	155.03
152524	SCORE	UB REFUND	WATER/SEWER OPERATION	77.65
152525	SHROYER, MICHAEL	SHAFT DRIVE	SMALL ENGINE SHOP	28.90
152526	SISKUN POWER EQUIPMENT	AIR FILTER, STARTER, HEAD SCREWS	SMALL ENGINE SHOP	127.24
	SISKUN POWER EQUIPMENT	SHOP SUPPLIES	SMALL ENGINE SHOP	173.12
	SISKUN POWER EQUIPMENT			

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152526	SISKUN POWER EQUIPME	SUPPLIES FOR STREETS DEPT.	SMALL ENGINE SHOP	331.13
152527	SNO CO CHAPTER OF	INSTRUCTOR PAYMENT	RECREATION SERVICES	42.00
	SNO CO CHAPTER OF		RECREATION SERVICES	150.00
152528	SNO CO PUBLIC WORKS	SOLID WASTE CHARGES NOV 2021	SOLID WASTE OPERATIONS	186,608.00
152529	SNYDER, CANON	SUPERHERO DANCE	RECREATION SERVICES	400.00
152530	SOLID WASTE SYSTEMS	HYDRAULIC CYLINDER #J035	EQUIPMENT RENTAL	1,582.09
152531	SOUND PUBLISHING	LEGAL NOTICE MCC WAYFINDING	CAPITAL EXPENDITURES	235.20
152532	SPRINGBROOK NURSERY	TOPSOIL	PARK & RECREATION FAC	18.87
152533	STAPLES	OFFICE SUPPLIES	PERSONNEL ADMINISTRATION	2.72
	STAPLES		PERSONNEL ADMINISTRATION	157.82
	STAPLES		COMMUNITY CENTER	167.03
152534	STERICYCLE, INC.	MONTHLY SERVICE	PERSONNEL ADMINISTRATION	4.56
	STERICYCLE, INC.	SHREDDING	POLICE PATROL	24.72
	STERICYCLE, INC.		DETENTION & CORRECTION	30.00
152535	STERN, HEATHER E	UB REFUND	WATER/SEWER OPERATION	159.72
152536	STEVER, RON		WATER/SEWER OPERATION	171.26
152537	STRAWBERRY LANES	INSTRUCTOR PAYMENT	RECREATION SERVICES	196.00
152538	SUPERIOR RESTROOMS	PORTABLE RESTROOM	WATER RESERVOIRS	213.15
152539	SWAFFORD, MATTHEW &	UB REFUND	WATER/SEWER OPERATION	108.17
152540	T.E. BRIGGS CONSTR	HYDRANT METER DEPOSIT/USAGE FEE	WATER-UTILITIES/ENVIRONME	-50.00
	T.E. BRIGGS CONSTR		WATER/SEWER OPERATION	1,150.00
152541	TAYLOR, DAVID & GAIL	UB REFUND	WATER/SEWER OPERATION	136.77
152542	THR WASHINGTON	UB REFUND 5515 95TH ST NE	WATER/SEWER OPERATION	384.90
152543	UNITED PARCEL SERVIC	SHIPPING	POLICE PATROL	260.53
152544	UNIVERSAL FIELD	SERVICE PROVIDED OCT 2021	GMA - STREET	2,901.78
	UNIVERSAL FIELD	SERVICE PROVIDED NOV 2021	GMA - STREET	7,888.44
152545	USA BLUEBOOK	HAND PUMP	SUNNYSIDE FILTRATION	249.24
152546	UTILITIES SERVICE CO	PUMP REBUILD #2	SEWER LIFT STATION	3,147.21
152547	VERIZON	WIRELESS SERVICE	UTILITY BILLING	19.96
	VERIZON		PURCHASING/CENTRAL	19.96
	VERIZON		YOUTH SERVICES	41.91
	VERIZON		CRIME PREVENTION	41.91
	VERIZON		PROPERTY TASK FORCE	41.91
	VERIZON		PERSONNEL ADMINISTRATION	41.91
	VERIZON		FACILITY MAINTENANCE	41.91
	VERIZON		EQUIPMENT RENTAL	81.83
	VERIZON		FINANCE-GENL	103.78
	VERIZON		WATER QUAL TREATMENT	143.79
	VERIZON		CUSTODIAL SERVICES	145.69
	VERIZON		OFFICE OPERATIONS	167.64
	VERIZON		COMMUNITY SERVICES UNIT	167.64
	VERIZON		SEWER LIFT STATION	200.13
	VERIZON		TRANSPORTATION	200.44
	VERIZON		RECREATION SERVICES	203.67
	VERIZON		LEGAL-GENL	234.69
	VERIZON		PARK & RECREATION FAC	243.50
	VERIZON		MUNICIPAL COURTS	249.56
	VERIZON		SOLID WASTE CUSTOMER	281.52
	VERIZON		LEGAL - PROSECUTION	286.26
	VERIZON		DETENTION & CORRECTION	345.04
	VERIZON		WATER SUPPLY MAINS	360.13
	VERIZON		EXECUTIVE ADMIN	377.19
	VERIZON		POLICE INVESTIGATION	379.31
	VERIZON		COMMUNITY	513.38
	VERIZON		STORM DRAINAGE	605.40
	VERIZON		WASTE WATER TREATMENT	613.60
	VERIZON		COMPUTER SERVICES	614.62
	VERIZON		POLICE ADMINISTRATION	695.52

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152547	VERIZON	WIRELESS SERVICE	GENERAL	890.34
	VERIZON		ENGR-GENL	1,450.53
	VERIZON		UTIL ADMIN	1,671.49
	VERIZON		POLICE PATROL	2,164.16
152548	WA AUDIOLOGY SRVCS	HEARING TESTS	UTILITY LOCATING	20.00
	WA AUDIOLOGY SRVCS		SOLID WASTE OPERATIONS	20.00
	WA AUDIOLOGY SRVCS		POLICE ADMINISTRATION	40.00
152549	WEINSTEIN, NINA	UB REFUND	WATER/SEWER OPERATION	140.60
152550	WESTERN DISPLAY	DEPOSIT FOR FIREWORKS 7/4/22	COMMUNITY EVENTS	7,500.00
152551	WESTERN FACILITIES	SUPPLIES	DETENTION & CORRECTION	634.93
152552	WESTERN GRAPHICS	2020 CITY LOGO DESIGN UPDATE	ER&R	1,681.74
152553	WHISTLE WORKWEAR	2022 UNIFORM DOUGLAS, M	UTIL ADMIN	143.26
	WHISTLE WORKWEAR		UTIL ADMIN	187.75
152554	WIDE FORMAT COMPANY	BASE CHARGE DEC 2021	UTIL ADMIN	130.07
152555	ZIPLY FIBER	ACCT #3606512517	STREET LIGHTING	52.95
	ZIPLY FIBER	ACCT #3606596212	MAINT OF GENL PLANT	72.69
	ZIPLY FIBER	ACCT# 3606515087	PARK & RECREATION FAC	86.15
	ZIPLY FIBER	ACCT #3606597667	OFFICE OPERATIONS	87.63
	ZIPLY FIBER	ACCT #3606519123	WATER FILTRATION PLANT	105.20

WARRANT TOTAL: 1,604,908.94

LESS VOIDED CHECK 152151

CHECKS LOST/DAMAGED (\$9,455.00)

REASON FOR VOIDS:

- INITIATOR ERROR
- CHECK LOST/DAMAGED


WARRANT TOTAL: \$1,595,453.94

Index #7

CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: January 10, 2022

AGENDA ITEM:	
Termination from Voluntary Cleanup Program Agreement for the Interfor Pacific Site	
PREPARED BY:	DIRECTOR APPROVAL:
Jeff Laycock, Director of Engineering and Transportation Services	
DEPARTMENT:	
Public Works	
ATTACHMENTS:	
Termination Letter (VCP Agreement, Inter-Agency Agreement) Voluntary Cleanup Program Agreement No. NW2734 Inter-Agency Agreement No. C1800147	
BUDGET CODE:	AMOUNT:
N/A	N/A
SUMMARY:	

On February 23, 2010, the City entered into a Voluntary Cleanup Program (VCP) Agreement with the Department of Ecology (Ecology) to identify and clean up contaminants on the Interfor Pacific site located at 60 State Avenue. The desired outcome for the City through the VCP, and a successful cleanup, is to receive a No Further Action (NFA) opinion, which can be helpful when selling a property or applying for a loan on the subject property. Over the course of the VCP, the City and Ecology, have funded over \$900,000 in studies and cleanup effort of the site to address contaminants. Recent discussions with Ecology suggest that cleanup of arsenic contaminated groundwater will be required to obtain a NFA. In response, City staff have determined that it is in the best interest to forego further voluntary cleanup agreements with Ecology and assess other independent approaches to implementing a protective and compliant cleanup at the site.

The City has two current agreements with Ecology that relate to the site; 1) An Interagency Agreement (IAA) with Ecology's headquarters office in Olympia for a remedial investigations and feasibility study, and 2) a Voluntary Cleanup Program (VCP) agreement as described above. The IAA has technically expired and the City has generally recovered all available funds associated with the agreement. Both agreements are voluntary, and both offer opportunities to 'terminate for convenience'. Attached are two termination letters, which require the Mayor's signature, and for the City to issue to the representatives identified for each agreement.

RECOMMENDED ACTION:

I move to authorize the Mayor to sign the attached letters to the Department of Ecology thereby terminating from the Voluntary Cleanup Program Agreement No. NW2734 and Inter-Agency Agreement No. C1800147.



MARYSVILLE
MAYOR JON NEHRING

January 13, 2022

Ms. Louise Bardy
VCP Unit Manager
Toxics Cleanup Program, NWRO
3190 160th Ave SE
Bellevue, WA 98008-5452

Re: Termination of VCP Agreement for the following Site:

- **Site Name:** Interfor Pacific
- **Site Address:** 60 State Ave, Marysville WA, 98270-5160
- **Facility/Site No.:** 85223839
- **VCP Project No.:** NW2260
- **Cleanup Site ID No.:** 4281

Dear Ms. Harkins:

The City of Marysville, in accordance with the terms of Voluntary Cleanup Program (VCP) Agreement No. **NW2734**, is terminating its participation in the VCP for the above referenced site. The effective date of the terminations is the date of this letter.

Reason

The City is terminating the agreement because it has met the terms of the agreement and is standing down any further clean up actions while we re-assess the means and methods available to the City to further guide cleanup actions and re-use of the property.

Next Steps

The City has reviewed its accounts under the VCP and determined all payments have been issued and no outstanding financial commitments remain. Should the City decide to pursue a voluntary program with the Department at a later time we will contact your office and complete necessary applications to re-initiate an effective cleanup of the Site.

Please direct any questions about this notice to Mr. Jeff Laycock PE at (360) 363-8274 or jlaycock@marysvillewa.gov.

Sincerely,

John Nehring
Mayor, City of Marysville

By certified mail [NUMBER]

cc: Bob Warren NWRO
Mike Warfel NWRO
Jeff Laycock, City of Marysville
Gloria Hirashima, City of Marysville

(360) 363-8000

Marysville City Hall
1049 State Avenue
Marysville, WA 98270



MARYSVILLE
MAYOR JON NEHRING

January 13, 2022

Ms. Angela Harkins
Toxics Cleanup Program, Headquarters
Department of Ecology
PO Box 47600
Olympia, WA 98504-7600

Re: Termination of Inter-Agency Agreement (IAA) for the following Site:

- **Site Name:** Interfor Pacific
- **Site Address:** 60 State Ave, Marysville WA, 98270-5160
- **Facility/Site No.:** 85223839
- **VCP Project No.:** NW2260
- **Cleanup Site ID No.:** 4281
- **IAA No.** C1800147

Dear Ms. Harkins:

The City of Marysville, in accordance with the terms of **IAA No. C1800147**, Section 20, is terminating its participation in further actions under the IAA for the above referenced site. The City is also notifying the Department of Ecology's NWRO it is terminating its participation in Voluntary Cleanup Program (VCP) Agreement No. **NW2734**. The effective date of the terminations is the date of this letter.

Reason

The City is terminating the agreement because it has met the terms of the agreement and is standing down any further clean up actions while we re-assess the means and methods available to the City to further guide cleanup actions and re-use of the property.

Next Steps

The City has reviewed its accounts under the interagency agreement and determined all reimbursements have received and no outstanding financial commitments remain. Should the City decide to pursue a voluntary program with the Department at a later time we will contact your office and complete necessary applications to re-initiate an effective cleanup of the Site.

Please direct any questions about this notice to Mr. Jeff Laycock PE at (360) 363-8274 or jlaycock@marysvillewa.gov.

Sincerely,

John Nehring
Mayor, City of Marysville

By certified mail [NUMBER]

(360) 363-8000

Marysville City Hall
1049 State Avenue
Marysville, WA 98270

cc: Bob Warren NWRO
Louise Bardy NWRO
Mike Warfel NWRO
Jeff Laycock, City of Marysville
Gloria Hirashima, City of Marysville

VCP AGREEMENT



INSTRUCTIONS: Submit this Agreement (original) to Ecology as part of your Application. Before submitting, enter the Customer's name and the Site's address on the first page and sign the Agreement on the second page. If your Application is accepted, then Ecology will do the following: 1) identify the Site and VCP project in the box below; 2) sign the Agreement; and 3) send you a copy of the completed Agreement.

This document constitutes an Agreement between the State of Washington Department of Ecology (Ecology) and The City of Marysville (Customer) to provide informal site-specific technical consultations under the Voluntary Cleanup Program (VCP) for the Site identified below and associated with the following address:
60 State Avenue, Marysville, WA 98270

The purpose of this Agreement is to facilitate independent remedial action at the Site. Ecology is entering into this Agreement under the authority of the Model Toxics Control Act (MTCA), Chapter 70.105D RCW, and its implementing regulations, Chapter 173-340 WAC. If a term in this Agreement is defined in MTCA or Chapter 173-340 WAC, then that definition shall govern.

Services Provided by Ecology

Upon request, Ecology agrees to provide the Customer informal site-specific technical consultations on the independent remedial actions proposed for or performed at the Site consistent with WAC 173-340-515(5). Those consultations may include assistance in identifying applicable regulatory requirements and opinions on whether the remedial actions proposed for or conducted at the Site meet those requirements.

Ecology may use any appropriate resource to provide the Customer with the requested consultative services. Those resources may include, but shall not be limited to, those of Ecology and the Office of the Attorney General. However, Ecology shall not use independent contractors unless the Customer provides Ecology with prior written authorization.

In accordance with RCW 70.105D.030(1)(i), any opinions provided by Ecology under this Agreement are advisory only and not binding on Ecology. Ecology, the state, and officers and employees of the state are immune from all liability. Furthermore, no cause of action of any nature may arise from any act or omission in providing, or failing to provide, informal advice and assistance under the VCP.

Payment for Services by Customer

The Customer agrees to pay all costs incurred by Ecology in providing the informal site-specific technical consultations requested by the Customer consistent with WAC 173-340-515(6) and 173-340-550(6). Those costs may include the costs incurred by attorneys or independent contractors used by Ecology to provide the requested consultative services. Ecology's hourly costs shall be determined based on the method in WAC 173-340-550(2).

Ecology shall mail the Customer a monthly itemized statement of costs (invoice) by the tenth day of each month (invoice date) that there is a balance on the account. The invoice shall include a summary of the costs incurred, payments received, identity of staff involved, and amount of time staff spent on the project.

The Customer shall pay the required amount by the due date, which shall be thirty (30) calendar days after the invoice date. If payment has not been received by the due date, then Ecology shall withhold

FOR COMPLETION BY ECOLOGY ONLY	Facility / Site Name: <u>Crown Pacific</u>
	Facility / Site No.: <u>85223839</u>
	VCP Project No.: <u>NW2260</u>

any requested opinions and notify the Customer by certified mail that the debt is past due. If payment has not been received within sixty (60) calendar days of the invoice date, then Ecology shall stop all work under the Agreement and may, as appropriate, assign the debt to a collection agency under Chapter 19.16 RCW. The Customer agrees to pay the collection agency fee incurred by Ecology in the course of debt collection.

Reservation of Rights / No Settlement

This Agreement does not constitute a settlement of liability to the state under MTCA. This Agreement also does not protect a liable person from contribution claims by third parties for matters addressed by the Agreement. The state does not have the authority to settle with any person potentially liable under MTCA except in accordance with RCW 70.105D.040(4). Ecology's signature on this Agreement in no way constitutes a covenant not to sue or a compromise of any Ecology rights or authority.

Ecology reserves all rights under MTCA, including the right to require additional or different remedial actions at the Site should it deem such actions necessary to protect human health and the environment, and to issue orders requiring such remedial actions. Ecology also reserves all rights regarding the injury to, destruction of, or loss of natural resources resulting from the release or threatened release of hazardous substances at the Site.

Effective Date, Modifications, and Severability

The effective date of this Agreement shall be the date on which this Agreement is signed by the Toxics Cleanup Program's Section Manager or delegated representative. This Agreement may be amended by mutual agreement of Ecology and the Customer. Amendments shall be in writing and shall be effective when signed by the Toxics Cleanup Program's Section Manager or delegated representative. If any provision of this Agreement proves to be void, it shall in no way invalidate any other provision of this Agreement.

Termination of Agreement

Either party may terminate this Agreement without cause by sending written notice by U.S. mail to the other party. The effective date of termination shall be the date Ecology sends notice to the Customer or the date Ecology receives notice from the Customer, whichever occurs first. Unless otherwise directed, issuance of a No Further Action opinion, either for the Site as a whole or for a portion of the real property located within the Site, shall constitute notice of termination by Ecology.

Under this Agreement, the Customer is only responsible for costs incurred by Ecology before the effective date of termination. However, termination of this Agreement shall not affect any right Ecology may have to recover its costs under MTCA or any other provision of law.

Representations and Signatures

The undersigned representative of the Customer hereby certifies that he or she is fully authorized to enter into this Agreement and to execute and legally bind the Customer to comply with the Agreement.

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

THE CITY OF MARYSVILLE
Name of Customer

Russ Ober VCP Unit Supervisor
Signature

Shawn Smith
Signature

Russ Ober VCP Unit Supervisor
Printed Name

SHAWN SMITH
Printed Name of Signatory

Section Manager, Bob Warren NW-TCP
Toxics Cleanup Program Section

ENGINEERING SERVICES MANAGER
Title of Signatory

Date: 2/23/10

Date: 2/2/2010

If you need this document in an alternative format, please call the Toxics Cleanup Program at 360-407-7170. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.

**Department of Ecology – Northwest Regional Office
Underground Storage Tank Notice of Confirmed Release**

F/S UST Interaction
 F/S LUST Interaction
(data entry use only)

Release ID (LUST #): 592428 Site ID (UST #): 1638 Fac/Site ID (FS #): 85223839

SITE SUMMARY	OWNER (PARTY)
Name: <u>Garka Mill Co Inc</u>	Name: _____
Address: <u>60 State Ave</u>	Address: _____
City: <u>Manysville</u>	City: _____
County: <u>Snohomish</u> Zip + 4: _____	Zip + 4: _____
Phone: _____	Phone: _____
Contact: _____	Contact: _____

Release Detail:

Alternate Name Crown Pacific (=Ecy. file name)

ERTS # _____

Date Ecology Notified 2-8-10

Notification Type: (Field Visit) (Letter/Report) (Phone Call)

Call Receiver VCP

Free Product First Observed _____ (date)

Free Product Gone _____ (date)

Spread Off Site? (Yes) (No)

Release Status:**Date:**

Awaiting Cleanup

Cleanup Started

GW Monitoring

No Further Action

8-26-1996

****Media Affected, Contaminants
(see page 2)****

**Acres Remediated _____
Cleanup Technologies (see page 2)**

Comments (include contamination levels above MTCA): Large site, one plume may have been caused by adjacent Texaco. Another plume caused by UST(s) from former boat manufacturing facility, in western portion of parcel. Plume from former Kila UST area had 2 soil samples w/ TPH-D exceeding MTCA A levels. TPH-D = 4,060 ppm + 2,970 ppm. GW: TPH-D = 16,500 ppb, TPH-O = 1,530 ppb

Cause of Release: (Overfill) (Piping Failure) (Spill) (Tank Failure) (Unknown) (Physical/Mechanical Damage) (Corrosion) (Install Problem)

Consultant / Other ContactsContact NameAffiliationPhone #**TANK INFORMATION (if New or Changed)**

Tank #	Substance	Status	Status Date	Capacity (Gallons)	Permanent Closure Date	Abandoned Yes/No
1						
2						
3						
4						
5						
6						

Written by: Gayle Garbush Date: 3/30/10 Entered by: Gayle Garbush Date: 3/30/10

HAZARDOUS SUBSTANCE	AFFECTED MEDIA				
	SOIL	GROUND WATER	SURFACE WATER	SEDIMENT	AIR
EXAMPLE: Benzene	C	S	N/A	N/A	N/A
Gasoline	C	C			
Benzene					
Toluene					
Ethylbenzene					
Xylenes					
Diesel	C	C			
Oil		C			
Lead					
MTBE					

When identifying the affected media in the table above, please use one of the following codes:

- C = confirmed, above cleanup level
- B = confirmed, below cleanup level
- O = confirmed, not present
- S = suspected
- N/A = not suspected
- U = unknown

Plume 2 - Unknown UST & drainfield area.
(former location of 12,000 gal UST)
Soil - TPH-G = 1440 ppm; GW = Below MTCA A levels

Area 3 (Plume 3) Former UST used by Former Boat Mfg facility
Soil - below MTCA A levels
GW - TPH-G = 1,020 ppb; TPH-D = 9.73 ppb; Lead = 34 ppb

Area 6 - Area adjacent to Texaco Service Station
Soil - TPH-D = 12,000 ppm (8ft-dep)
GW - TPH-G/D/O = 922 / 3,590 / 1,110 ppb

Cleanup Technologies

SOIL:	Groundwater:	Sediment:
S- Bioremediation/Enhanced Bioremed.	GW-Bioremed/Enhanced Bioremed	SED-Cap/Cover
S-Cap/Cover	GW-Containment	SED-Containment
S-Containment	GW-Dual-Phase Extraction	SED-Excavation & Disposal
(S) Excavation & Disposal - Rabanco 140 209	GW-Monitored Natural Attenuation	Air:
S-Vapor Extraction (in-situ or ex-situ)	GW-In-situ Phys/Chem Treatment	A-Source Removal
S-Reuse/Recycling	GW-Pump & Treat	A-Impermeable Barrier
S-Thermal Treatment (in-situ or ex-situ)	GW-Other GW Technologies	A-Ventilation
S-Dilution (in-situ or ex-situ)		Surface Water:
S-Other Technologies		SW-Other Technologies

Cleanup Method: (Method A) (Method B) (Method C) .



Voluntary Cleanup Program

Washington State Department of Ecology Toxics Cleanup Program

APPLICATION FORM

Under the Voluntary Cleanup Program (VCP), the Department of Ecology (Ecology) may provide informal site-specific technical consultations to persons conducting independent remedial actions at a hazardous waste site. Ecology may provide such consultations under the authority of the Model Toxics Control Act (MTCA), Chapter 70.105D RCW, and its implementing regulations, Chapter 173-340 WAC.

To enter the VCP, complete and submit to the Department of Ecology (Ecology) a VCP Application. The Application consists of the following two documents:

1. Application Form (including required attachments). ← **THIS DOCUMENT**
2. Agreement.

For guidance on how to complete your Application, please refer to the Application Instructions, which are available separately on the VCP web site: www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm.

Part 1 - ADMINISTRATION

A. Customer Information. The Customer is the person or organization requesting services from Ecology under the VCP, and is responsible for paying the costs incurred by Ecology. The authority and duty of the Customer are explained in the Agreement.

Name of Customer: The City of Marysville

What type of entity is the Customer?

Person

If the Customer is a "person," then the Customer shall serve as both the Manager and Billing Contact for the Project. When identifying the Project Manager below, please enter the name of the Customer and his or her contact information.

Organization

If the Customer is an "organization," then please identify below both a Manager and Billing Contact for the Project. Those persons must be employed by the organization.

What is the Customer's involvement at the Site? Please check all that apply.

Property owner

Business owner (operator)

Past property owner

Mortgage holder

Future property owner

Consultant

Property lessee

Attorney

Other – please specify: _____

If not the current property owner, is the Customer acting as the agent for the property owner?

Yes No

If not the current property owner, is the Customer authorized to grant access to the property?

Yes No

Part 1 – ADMINISTRATION continued

B. Project Manager Information. Ecology will send this person all official correspondence. Please enter the required information below.

Name: Shawn Smith		Title: Engineering Services Manager	
Mailing address: 80 Columbia Avenue			
City: Marysville		State: WA	Zip: 98270
Phone: 360-363-8224	Fax: 360-651-5099	E-mail: ssmith@marysvillewa.gov	

C. Project Billing Contact Information. Ecology will send this person monthly invoices.

Is the Project Billing Contact the same as the Project Manager?

- Yes *If you answered "YES," then skip to the next question.*
 No *If you answered "NO," then please enter the required information below.*

Name: Allena Olson		Title: Financial Analyst	
Mailing address: 80 Columbia Avenue			
City: Marysville		State: WA	Zip: 98270
Phone: 360-363-8123	Fax: 360-651-5099	E-mail: aolson@marysvillewa.gov	

D. Project Consultant Information.

Is the Customer a consultant?

- Yes *If you answered "YES," then skip to the next question.*
 No *If you answered "NO" and the Customer hired a consultant to conduct the independent remedial action, then enter the required information below.*

Name:		Title:	
Organization:			
Mailing address:			
City:		State:	Zip:
Phone:	Fax:	E-mail:	

Do you want Ecology to contact the Project Consultant?

- Yes No

E. Property Owner Information.

Is the Customer the owner of the property where independent remedial action is being conducted?

- Yes *If you answered "YES," then enter the type of entity and skip to the next question.*
 No *If you answered "NO," then please enter all of the required information below.*

Name:		Title:	
Organization:			
Mailing address:			
City:		State:	Zip:
Phone:	Fax:	E-mail:	

Part 1 – ADMINISTRATION continued

What type of entity is the property owner? Please check only one.

- | | |
|--|---|
| <input type="checkbox"/> Private | <input type="checkbox"/> County |
| <input type="checkbox"/> Tribal | <input checked="" type="checkbox"/> Municipal |
| <input type="checkbox"/> Federal | <input type="checkbox"/> Mixed |
| <input type="checkbox"/> State | <input type="checkbox"/> Public School |
| <input type="checkbox"/> Other – please specify: _____ | |

F. Request for Written Opinion.

Are you submitting a remedial action plan or report with your VCP Application?

- Yes No

If you answered "YES" above, do you want Ecology to provide you with a written opinion on the planned or completed remedial action?

- Yes No

Please note that Ecology's opinion will be limited to:

- Whether the planned or completed remedial action at the site meets the substantive requirements of the Model Toxics Control Act (MTCA), and/or
- Whether further remedial action is necessary at the site under MTCA.

Do you expect to request additional written opinions in the future?

- Yes No

G. Reporting Requirements.

Please comply with the following reporting requirements when requesting written opinions on planned or completed remedial actions:

- Licensing.** Documents submitted containing geologic, hydrologic, or engineering work must be under the seal of an appropriately licensed professional, as required by Chapters 18.43 and 18.220 RCW.
- Data Submittal.** Environmental sampling data must be submitted in both a printed form and an electronic form capable of being transferred into Ecology's data management systems. For instructions on how to submit the data, please refer to the following Ecology web site:
www.ecy.wa.gov/programs/tcp/data_submittal/Data_Requirements.htm.

Failure to comply with these requirements may result in unnecessary delays. **Ecology will not issue a No Further Action (NFA) opinion unless these requirements are satisfied.**

Part 2 - DESCRIPTION OF THE SITE

A. Name of the Site. If Ecology has already identified the Site, enter the name provided by Ecology. Otherwise, enter a suggested name for the Site. You may also include an alternate name.

Name: Crown Pacific

Alternate Name:

B. Location of Property where the Releases Occurred (Source Property).

The "source property" is the property where hazardous substances were released into the environment. For example, if petroleum was released from a leaking UST, the source property is the property where the UST was located.

Do you know on which property the releases occurred?

- Yes *If you answered "YES," then please refer to the source property when answering the following questions.*
- No *If you answered "NO," then please refer to the property addressed by your remedial action (cleanup) when answering the following questions.*

Physical Address. Please enter the physical address of the property below.

Street Address: 60 State Avenue

City: Marysville

State: WA

Zip: 98270

Geographic Position. Please enter the geographical position of the property below. For additional guidance on how to complete this part, please refer to instructions on the VCP web site.

COORDINATES	LATITUDE:	Degrees: 48	Minutes: 02	Seconds: 50
	LONGITUDE:	Degrees: -122	Minutes: 10	Seconds: 35
LOCATION ON PROPERTY: [e.g., point of release or center of parcel]	Center of Parcel			
COLLECTION METHOD: [e.g., GPS or address matching]	GIS			
COLLECTION SOURCE: [i.e., map scale]	Map Scale			
HORIZONTAL DATUM: [i.e., base reference for coordinate system]	NAD83			
ACCURACY LEVEL: [i.e., +/- feet or meters]	+/- 3'			

Legal Descriptions.

TRS DATA:	Township: 30	Range: 05	Section: 33	Quarter-Quarter: NW
TAX PARCEL #(s):	30053300201200			

Part 2 - DESCRIPTION OF THE SITE continued

C. Identification of Properties affected by the Releases (Affected Properties).

An "affected property" is a property affected by the release of hazardous substances on the source property. For example, petroleum released from a leaking UST on one property (source property) may migrate through the soil or ground water onto an adjacent property (affected property).

Do any of the releases affect any properties adjacent to the source property?

- Yes *If you answered "YES," then please identify below each property that you know has been affected by the releases on the source property. If you need to identify additional properties, please attach additional pages.*
- No *If you answered "NO," then skip to the next question.*
- Unknown *If you answered "UNKNOWN," then skip to the next question.*

1.	Address:
	Tax Parcel(s):
2.	Address:
	Tax Parcel(s):
3.	Address:
	Tax Parcel(s):
4.	Address:
	Tax Parcel(s):

D. Identification of Public Right-of-Ways affected by the Releases.

Do any of the releases affect any public right-of-ways (e.g., streets)?

- Yes No Unknown

If you answered "YES" above, please specify below. Otherwise, skip to the next question.

Attach additional pages if necessary.

E. Extent of the Site.

What is the approximate areal extent of the Site? Please check only one.

- < 5,000 square feet
- > 5,000 square feet, but < 1 acre
- > 1 acre, but < 10 acres
- > 10 acres
- Unknown

Part 2 - DESCRIPTION OF THE SITE continued

F. Description of Release(s) at the Site.

Source of Release(s).

What are the source(s) of the release(s) at the Site? Please check all that apply.

- Point source (e.g., leaking tank)
 Non-point source (e.g., contaminated soil used as fill)
 Area-wide lead and arsenic soil contamination (see questions below)
 Other – please specify: _____
 Unknown

To the extent known, please describe the source(s) of the release(s):

A possible past fuel spill or possible migration from a leaking UST at the Texaco facility to the north of the parcel is the source of contamination in Area 1.

12,000 Gallon 'Unknown' UST - Based previous investigations, it was known that petroleum- and hazardous material-impacted soil remained in this area after the 1996 remedial action that removed approximately 60 CY of contaminated soil. Contamination in this area is most likely from the former UST (used to store gasoline) that was removed prior to the remedial action.

Former Boat Manufacturing Facility - Historical information indicated a former boat manufacturing facility in the unpaved southwest portion of the site and also a former small gasoline UST.

Attach additional pages if necessary.

Circumstances of Release(s). To the extent known, please describe below the circumstances of the release(s).

A possible past fuel spill or possible migration from a leaking UST at the Texaco facility to the north of the parcel is the source of contamination in Area 1.

12,000 Gallon 'Unknown' UST - Based previous investigations, it was known that petroleum- and hazardous material-impacted soil remained in this area after the 1996 remedial action that removed approximately 60 CY of contaminated soil. Contamination in this area is most likely from the former UST (used to store gasoline) that was removed prior to the remedial action.

Former Boat Manufacturing Facility - Historical information indicated a former boat manufacturing facility in the unpaved southwest portion of the site and also a former small gasoline UST.

Attach additional pages if necessary.

Circumstances of Release Discovery. To the extent known, please describe below the circumstances of the discovery of the release(s).

Unkown. The discovery was made several years prior to the City of Marysville's purchase of the property.

Attach additional pages if necessary.

Part 2 - DESCRIPTION OF THE SITE continued

Area-Wide Soil Contamination. For information about the area-wide soil contamination project, please refer to the following web site: www.ecy.wa.gov/programs/tcp/area_wide/area_wide_hp.html. For information about the Tacoma Smelter Plume (TSP) and the associated Management Plan, please refer to the following web site: www.ecy.wa.gov/programs/tcp/sites/tacoma_smelter/ts_hp.htm.

Is the Site located within an area affected by smelter emissions, such as the TSP area?

Yes No Unknown

To determine whether your Site is located within the TSP area, please refer to the map on the TSP web site identified above.

Is the Site located on a former apple or pear orchard in operation prior to 1947?

Yes No Unknown

Is the Site impacted by area-wide arsenic and/or lead soil contamination?

Yes No Unknown

G. Nature and Extent of Hazardous Substances Released at the Site. The following questions refer to conditions after the release, but prior to any cleanup, of the hazardous substances at the Site.

Hazardous Substances and Affected Media. To the extent known, please identify in the following table the hazardous substances released at the Site and the media (e.g., soil) impacted by those substances. Use the codes at the bottom of the table.

HAZARDOUS SUBSTANCE	AFFECTED MEDIA				
	SOIL	GROUND WATER	SURFACE WATER	SEDIMENT	AIR
EXAMPLE: Benzene	C	S	N/A	N/A	B
diesel	C	S	N/A	N/A	N/A
petroleum - gasoline	C	S	N/A	N/A	N/A
carcinogenic polycyclic aromatic hydrocarbons (cPAHs)	c	s	N/A	N/A	N/A
methylene chloride (likely from a solvent used at the boat manufacturing facility)	c	s	N/A	N/A	N/A
waste motor oil	c	s	N/A	N/A	N/A

When identifying the affected media in the table above, please use one of the following codes:

- C = confirmed, above cleanup level
- B = confirmed, below cleanup level
- O = confirmed, not present
- S = suspected
- N/A = not suspected
- U = unknown

Part 2 - DESCRIPTION OF THE SITE continued

Drinking Water.

Does any of the contamination at the Site pose a threat or potential threat to an existing drinking water source (ground water or surface water)?

Yes No Unknown

If you answered "YES" above, what type of drinking water system is threatened by the contamination? Please check all that apply.

Single Family
 Community

Indoor Air.

Are contaminant odors present in any buildings, manholes, or other confined spaces?

Yes No Unknown

If you answered "YES" above, please specify:

Attach additional pages if necessary.

H. Maps of the Site.

Please attach to this application map(s) that identify, to the extent known, the following:

- The location of the site.
- The properties, and any public right-of ways, affected by the site.
- The source(s) of the release(s) at the site.
- The nature and extent of contamination at the site.
- Any human or ecological receptors impacted by the site (e.g., drinking water wells).
- The physical characteristics of the site (e.g., property lines, building and road outlines, surface water bodies, water supply wells, ground water flow direction, and utility right-of-ways).
- The properties adjacent to the site and the uses of those properties (e.g., gas station, dry cleaner, residential).

Part 3 – OPERATIONAL HISTORY OF THE SITE

A. Current Use of Source Property. Note that the following questions refer only to the Source Property, not other properties affected by the Site. Answer these questions to the best of your ability.

Current Property Owners. To the extent known, please identify below the current owner of the source property.

Name: The City of Marysville	Title:	
Organization:		
Mailing address: 80 Columbia Ave		
City: Marysville	State: WA	Zip code: 98270
Phone: 360-363-8224		

Current Business Owner (Operator). To the extent known, please identify below the current owner of the business located on the source property.

Name: Same	Title:	
Organization:		
Mailing address:		
City:	State:	Zip code:
Phone:		

Current Business Operations. To the extent known, please identify below the current operations of the business located on the source property.

What is the current land use of the source property? Please check all that apply.

- | | |
|--|---|
| <input type="checkbox"/> Residential | <input type="checkbox"/> School |
| <input checked="" type="checkbox"/> Commercial | <input type="checkbox"/> Childcare facility |
| <input type="checkbox"/> Industrial | <input type="checkbox"/> Park |
| <input type="checkbox"/> Agricultural | |
| <input type="checkbox"/> Other – please specify: _____ | |

Is there a currently operational commercial or industrial business located on the source property?

- Yes No Unknown

If you answered "YES" above, please identify in the following table the current business operations using the North American Industry Classification System (NAICS) codes and specifying the operations.

NAICS CODE	DESCRIPTION OF OPERATIONS
EX: 447110	Gasoline Stations with Convenience Stores
54132	City Planning Services

Part 3 – OPERATIONAL HISTORY OF THE SITE continued

Is there a solid waste handling facility located on the Source Property?

Yes No Unknown

If you answered "YES" above, please identify:

Attach additional pages if necessary.

Is there a dangerous waste treatment, storage, or disposal facility located on the Source Property?

Yes No Unknown

If you answered "YES" above, please identify:

Attach additional pages if necessary.

Regulation of Current Business Operations.

Does the business operate under any federal, state, or local permits related to the release of hazardous substances into the environment (e.g., NPDES permit)?

Yes No Unknown

If you answered "YES" above, please specify the regulated operation, the name of the permit, and the date it was issued in the table below.

REGULATED OPERATION	PERMIT	DATE ISSUED
EX: Wastewater discharge	NPDES permit	02/02/02

Has a state or federal notice of enforcement action (e.g., notice of violation) ever been issued related to the release of hazardous substances at the business?

Yes No Unknown

If you answered "yes" above, please specify (notice and year issued): _____

Have business operations resulted in any other spills or other unpermitted releases on the source property?

Yes No Unknown

If you answered "YES" above, please specify in the table below.

RELEASE	DATE OF RELEASE	STATUS OF RELEASE

Part 3 – OPERATIONAL HISTORY OF THE SITE continued

Storage Tank Information. In table below, please identify all above ground storage tanks (AST) and underground storage tanks (UST) that have been used for storing hazardous substances on the source property, irrespective of whether the tanks are still in use or in place. *If you are unable to provide answers to specific questions regarding a tank, please enter "U" for unknown.*

IDENTIFICATION				STATUS AND CLOSURE				RELEASES	
Hazardous Substance	Type (AST/UST)	Size (Gallons)	TANK ID	DATE INSTALL	IN USE (Y/N)	DATE CLOSED	CLOSURE METHOD (*)	PAST (Y/N)	CURRENT (Y/N)
EX: Diesel	UST	10,000	4	02/87	N	05/98	Removed	Y	N
Petroleum	UST	12000	U	U	N	u	Removed	Y	N
Gasoline	UST	U	U	U	N	U	Removed	Y	N

(*) Options = Removed or Closed in Place

B. Past Use of Source Property. Note that the following questions refer only to the Source Property, not other properties affected by the Site. Please answer these questions to the best of your ability.

Past Property Owners. To the extent known, please identify below the owner of the source property at the time the release occurred.

Name: Crown Pacific	Title:
Organization: Crown Pacific	
Mailing address: 121 SW Morrison St. Suite 1500	
City: Portland	State: Oregon Zip code: 997204
Phone:	Fax: E-mail:

Past Business Owners (Operators). To the extent known, please identify below the owner of the business (operator) at the time the release occurred.

Name:	Title:
Organization:	
Mailing address:	
City:	State: Zip code:
Phone:	Fax: E-mail:

Identification of Past Business Operations. Please identify in the following table the past operations of businesses located on the source property using the North American Industry Classification System (NAICS) codes and/or specifying the operations.

NAICS CODE	DESCRIPTION OF OPERATIONS
EX: 447110	Gasoline Stations with Convenience Stores
336612	Boat Manufacturing Facility
321113	Sawmill

Part 3 – OPERATIONAL HISTORY OF THE SITE continued

C. Future Use of Source and Affected Properties. The following questions refer to both source and affected properties. Please answer these questions to the best of your ability.

Will any ownership interest in the source or affected properties be conveyed prior to, or upon completion of, the cleanup?

- Yes
- No
- Unknown

If you answered "YES" above, please specify:

Attach additional pages if necessary.

Will any of the source or affected properties, or portions of those properties, be redeveloped as part of the cleanup?

- Yes
- No
- Unknown

If you answered "YES" above, please specify the proposed land use below. Please check all that apply.

- Residential
- Commercial
- Industrial
- Agricultural
- Other – please specify:
- School
- Childcare facility
- Park

Please also specify the activities proposed for that land use:

Property is zoned for Residential development.

Attach additional pages if necessary.

Part 4 – ADMINISTRATIVE HISTORY OF THE SITE

Have you previously reported the release(s) of hazardous substances at the Site to Ecology?

- Yes – If so, when? _____ No Unknown

Has the cleanup of the Site, or any portion of the Site, ever been managed under the VCP?

- Yes – If so, please specify the VCP Project Number: _____
 No
 Unknown

Has the cleanup of the Site, or any portion of the Site, ever been managed under a federal or state order or decree?

- Yes – If so, please specify the type and docket number: _____
 No
 Unknown

Part 5 – DESCRIPTION OF INDEPENDENT REMEDIAL ACTIONS AT THE SITE

A. Scope of Remedial Actions.

Do you plan to characterize and address all of the contamination at the Site, including any contamination located on affected adjacent properties, as part of the VCP project?

- Yes No Unknown

If you answered "NO" above, please describe below the scope of the VCP project, including the contamination (properties, portions of a property, media and/or hazardous substances) that you DO NOT plan on characterizing and/or addressing as part of the VCP project. Please include additional pages if necessary.

Attach additional pages if necessary.

Part 5 – DESCRIPTION OF INDEPENDENT REMEDIAL ACTIONS AT THE SITE continued

B. Status of Remedial Actions.

What is the current status of remedial actions at the site? Please check all that apply in the table below.

REMEDIAL ACTION	PLANNED	ONGOING	COMPLETED	NOT APPLICABLE
INITIAL RESPONSE (UST ONLY)			X	
INTERIM ACTION			X	
REMEDIAL INVESTIGATION			X	
FEASIBILITY STUDY			X	
CLEANUP ACTION	X	X	X	

C. Documentation of Remedial Actions.

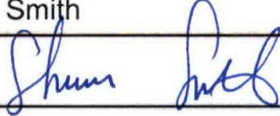
Please list in the table below all known remedial action plans or reports produced for the site, including:

- The title of the plan or report,
- The author (e.g. consulting firm) of the plan or report,
- The date the plan or report was produced,
- Whether the plan or report has been submitted to Ecology,
- The date the plan or report was submitted to Ecology.

	TITLE	AUTHOR	DATE	SUBMITTED TO ECOLOGY	
				Y/N?	DATE
EX:	John Doe's Site: Remedial Investigation Work Plan	Mom's Consulting Firm	02/20/05	NO	N/A
1.	Crown Pacific: Phase 1 Environmental Site Assessment	Century West Engineering Corporation	04/21/00	U	N/A
2.	Crown Pacific: Phase 1/2 Environmental Site Assessment and Remediation Report	Century West Engineering Corporation	9/11/1996	U	N/A
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					

Part 6 – STATEMENT AND SIGNATURE

A. Statement and Signature. The undersigned affirms that the information contained in this application is true and accurate to the best of his or her knowledge. Please note that someone other than the Customer may sign this Application Form.

Name: Shawn Smith		Title: Engineering Services Manager	
Signature: 		Date: 2/2/2010	
Organization: City of Marysville, WA			
Mailing address: 80 Columbia Ave			
City: Marysville		State: WA	Zip code: 98270
Phone: 360-363-8224	Fax: 360-651-5099	E-mail: ssmith@marysvillewa.gov	

B. Affiliation.

What is the signatory's involvement at the Site? Please check all that apply.

- Customer
- Property Owner
- Consultant
- Attorney
- Other – please specify: _____

If you need this publication in an alternate format, please call the Toxics Cleanup Program at 360-407-7170. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.



DEPARTMENT OF
ECOLOGY
State of Washington

RECEIVED
DATE

MAY 07 2018

Washington State Department of Ecology
Toxics Cleanup Program

IAA No. C1800147

INTERAGENCY AGREEMENT (IAA)

BETWEEN

THE STATE OF WASHINGTON, DEPARTMENT OF ECOLOGY

AND

THE CITY OF MARYSVILLE

THIS INTERAGENCY AGREEMENT ("Agreement" or "IAA") is made and entered into by and between the State of Washington, Department of Ecology, hereinafter referred to as "ECOLOGY," and the city of Marysville, hereinafter referred to as the "CITY," pursuant to the authority granted by Chapter 39.34 RCW.

THE PURPOSE OF THIS AGREEMENT is for the CITY to complete a remedial investigation and feasibility study (RI and FS) at the former Intefor Pacific property located at 60 State Avenue in Marysville.

WHEREAS, ECOLOGY has legal authority (RCW 39.34 and 70.105D) and the CITY has legal authority (RCW 35.21.730) that allows each party to undertake the actions in this agreement.

THEREFORE, IT IS MUTUALLY AGREED THAT:

1) SCOPE OF WORK

The CITY shall furnish the necessary personnel, equipment, material and/or service(s) and otherwise do all things necessary for or incidental to the performance of the work set forth in Appendix A, Statement of Work and Budget, attached hereto and incorporated herein.

2) PERIOD OF PERFORMANCE

The period of performance of this IAA shall commence on March 1, 2018 and be completed by **December 31, 2018**, unless terminated sooner as provided herein. Amendments extending the period of performance, if any, shall be at the sole discretion of ECOLOGY.

3) COMPENSATION

Compensation for the work provided in accordance with this IAA has been established under the terms of RCW 39.34.130 and RCW 39.26.180(3). This is a performance-based agreement, in which payment is based on the successful completion of expected deliverables.

The source of funds for this IAA is through a federal cooperative agreement between ECOLOGY and the US Environmental Protection Agency's State and Tribal Response Program, CERCLA Section 104(k)(2) (RP-

State of Washington, Department of Ecology
 IAA No. C1800147
 City of Marysville

00J90503-2; CFDA 66.817: State and Tribal Response Program Grants, Budget period 8/01/2016 to 12/31/2018). Compensation for the work provided in accordance with this IAA has been established under the terms of RCW 39.34.130 and RCW 39.26.180(3).

The parties have determined that the cost of accomplishing the work identified herein will not exceed **\$102,325.00** including any indirect charges. Payment for satisfactory performance of the work shall not exceed this amount unless the parties mutually agree via an amendment to a higher amount. Compensation for services shall be based on the terms and tasks set forth in Appendix A, Statement of Work and Budget. ECOLOGY will not make payment until it has reviewed and accepted the completed work.

4) BILLING AND PAYMENT PROCEDURE

Payment requests, accompanied by progress reports, shall be submitted on state form, Invoice Voucher A19-1A. Invoices shall describe and document to ECOLOGY's satisfaction a description of the work performed, the progress of the work, and related costs. Each invoice voucher shall reference the Agreement (IAA) number and clearly identify those items that relate to performance under this Agreement. Payment will be made within thirty (30) days of submission of a properly completed invoice (form A19-1A) with supportive documentation. All expenses invoiced shall be supported with copies of invoices paid.

Send invoices to:

State of Washington Department of Ecology Attn: Angela Harkins PO Box 47600 Olympia, WA 98504-7600
--

Payment requests with accompanying progress reports/deliverables may be submitted on a monthly basis. Upon expiration of this Agreement, any claim for payment not already made shall be submitted to ECOLOGY within 30 days after the expiration date or the end of the fiscal year, whichever is earlier.

Payment will be issued through Washington State's Department of Enterprise Services Statewide Payee Desk. To receive payment you must be registered as a state-wide vendor. To register submit a state-wide vendor registration form and an IRS W-9 form at website, <http://www.des.wa.gov/services/ContractingPurchasing/Business/VendorPay/Pages/default.aspx>. If you have questions about the vendor registration process you can contact DES at the Payee Help Desk at (360) 407-8180 or email payeehelpdesk@watech.wa.gov.

5) ALTERATIONS AND AMENDMENTS

This Agreement may be amended by mutual agreement of the parties. Such amendments shall not be binding unless they are in writing and signed by personnel authorized to bind each of the parties.

6) ASSIGNMENT

The work to be provided under this Agreement, and any claim arising thereunder, is not assignable or delegable by either party in whole or in part, without the express prior written consent of the other party, which consent shall not be unreasonably withheld.

7) ASSURANCES

Parties to this Agreement agree that all activity pursuant to this agreement will be in accordance with all the applicable current federal, state, and local laws, rules, and regulations.

8) CONFORMANCE

If any provision of this Agreement violates any statute or rule of law of the state of Washington, it is considered modified to conform to that statute or rule of law.

9) DISPUTES

Parties to this Agreement shall employ every effort to resolve a dispute themselves without resorting to litigation. In the event that a dispute arises under this Agreement that cannot be resolved among the parties, it shall be determined by a Dispute Board in the following manner. Each party to this Agreement shall appoint one member to the Dispute Board. The members so appointed shall jointly appoint an additional member to the Dispute Board. The Dispute Board shall review the facts, agreement terms, and applicable statutes and rules, and then make a determination of the dispute. The determination of the Dispute Board shall be final and binding on the parties hereto, unless restricted by law. The cost of resolution will be borne by each party paying its own cost. As an alternative to this process, if state agencies, either of the parties may request intervention by the Governor, as provided by RCW 43.17.330, in which event the Governor's process will control. The parties may mutually agree to a different dispute resolution process.

10) FUNDING AVAILABILITY

ECOLOGY's ability to make payments is contingent on availability of funding. In the event funding from state, federal, or other sources is withdrawn, reduced, or limited in any way after the effective date and prior to completion or expiration date of this Agreement, ECOLOGY, at its sole discretion, may elect to terminate the Agreement, in whole or part, for convenience or to renegotiate the Agreement subject to new funding limitations and conditions. ECOLOGY may also elect to suspend performance of the Agreement until ECOLOGY determines the funding insufficiency is resolved. ECOLOGY may exercise any of these options with no notification restrictions, although ECOLOGY will make a reasonable attempt to provide notice.

In the event of termination or suspension, ECOLOGY will reimburse eligible costs incurred by the CONTRACTOR through the effective date of termination or suspension. Reimbursed costs must be agreed to by ECOLOGY and the CONTRACTOR. In no event shall ECOLOGY's reimbursement exceed ECOLOGY's total responsibility under the agreement and any amendments.

11) GOVERNING LAW AND VENUE

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. This Agreement shall be construed and interpreted in accordance with the laws of the state of Washington, and the venue of any action brought hereunder shall be in the Superior Court for Thurston County.

12) 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.

13) ORDER OF PRECEDENCE

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:

- a. Applicable federal and state of Washington statutes, regulations, and rules.
- b. Mutually agreed upon written amendments to this Agreement.
- c. This Agreement, number C1800147.
- d. Appendix A, Statement of Work and Budget.
- e. Appendix B, Special Terms and Conditions.
- f. Any other provisions or term of this Agreement, including materials incorporated by reference or otherwise incorporated.

14) RECORDS MAINTENANCE

The parties to this Agreement shall each maintain books, records, documents and other evidence that sufficiently and properly reflect all direct and indirect costs expended by either party in the performance of the service(s) described herein. These records shall be subject to inspection, review or audit by personnel of both parties, other personnel duly authorized by either party, 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 of this Agreement and the Office of the State Auditor, federal auditors, and any persons duly authorized by the parties shall have full access and the right to examine any of these materials during this period.

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 it 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 subject to state public disclosure laws.

15) RESPONSIBILITIES OF THE PARTIES

Each party of this Agreement hereby assumes responsibility for claims and/or damages to persons and/or property resulting from any act or omissions on the part of itself, its employees, its officers, and its agents. Neither party will be considered the agent of the other party to this Agreement.

16) RIGHTS IN DATA

Unless otherwise provided, data which originates from this Agreement shall be "work made for hire" as defined by the United States Copyright Act, Title 17 U.S.C. section 101 and shall be owned by state of Washington, ECOLOGY. Data shall include, but not be limited to, reports, documents, pamphlets, advertisements, books magazines, surveys, studies, computer programs, films, tapes, and/or sound reproductions. Ownership includes the right to copyright, patent, register, and the ability to transfer these rights.

17) 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.

18) SUBCONTRACTORS

The CITY agrees to take complete responsibility for all actions of any Subcontractor used under this Agreement for the performance. When federal funding is involved there will be additional subcontractor requirements and reporting.

Prior to performance, all subcontractor who will be performing services under this Agreement must be identified, including their name, the nature of services to be performed, address, telephone, WA State Department of Revenue Registration Tax number (UBI), federal tax identification number (TIN), and anticipated dollar value of each subcontract. Provide such information to ECOLOGY's agreement manager.

19) TERMINATION FOR CAUSE

If for any cause, either party does not fulfill in a timely and proper manner its obligations under this Agreement, or if either party violates any of these terms and conditions, the aggrieved party will give the other party written notice of such failure or violation. The responsible party will be given the opportunity to correct the violation or failure within fifteen (15) business days. If failure or violation is not corrected, this Agreement may be terminated immediately by written notice of the aggrieved party to the other.

20) TERMINATION FOR CONVENIENCE

Either party may terminate this Agreement without cause upon thirty (30) calendar day prior written notification to the other party. If this Agreement is so terminated, the parties shall be liable only for performance rendered or costs incurred in accordance with the terms of this Agreement prior to the effective date of termination.

21) 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 unless stated to be such in a written amendment to this Agreement signed by an authorized representative of the parties.

22) AGREEMENT MANAGEMENT

The representative for each of the parties shall be responsible for and shall be the contact person for all communications, notifications, and billings questions regarding the performance of this Agreement. The parties agree that if there is a change in representatives that they will promptly notify the other party in writing of such change, such changes do not need an amendment.

The ECOLOGY Representative is:	The City Representative is:
Name: Angela Harkins Address: Toxics Cleanup Program Department of Ecology PO Box 47600 Olympia, WA 98504-7600 Phone: 360-407-7183 Email: angela.harkins@ecy.wa.gov	Name: Kari, Chenault Address: Water Resources Manager City of Marysville 1049 State Avenue Marysville, WA 98270 Phone: 360-363-8277 Email: kchenault@marysvillewa.gov

State of Washington, Department of Ecology
IAA No. C1800147
City of Marysville

23) 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.

The signatories to this Agreement represent that they have the authority to bind their respective organizations to this Agreement.

IN WITNESS WHEREOF, the parties below, having read this Agreement in its entirety, including all attachments, do agree in each and every particular as indicated by their below signatures.

**State of Washington
Department of Ecology**

City of Marysville

By: 
Signature Date 5/9/18

By: 
Signature Date 4/26/18

Jim Pendowski

Print Name: Jon Nehring

Toxics Cleanup Program Manager

Title: Mayor

Approved as to form only:
Office of Attorney General

APPENDIX A STATEMENT OF WORK AND BUDGET

Task 1 – Project Management

The CITY will complete the following project management activities as part of this task:

- Maintain a project schedule including known Tasks and Subtasks.
- Conduct ongoing tracking of the project scope, including schedule and budget.
- Conduct ongoing internal project management, including project setup with the project team and coordination of the project scope, schedule, and budget.
- Prepare monthly progress reports and invoices through the completion of the contract for submittal to ECOLOGY. Monthly progress reports will include a brief summary of progress or accomplishments for each task, updates to the project scope, schedule status, and budget status (including but not limited to budget spent and budget remaining).
- Communicate with ECOLOGY'S project managers as needed throughout the project to manage project scope, budget, schedules, and any other project-related issues.
- Provide ongoing coordination and support assistance to ECOLOGY. In general, it is anticipated that most of this support will be provided to assist ECOLOGY develop priorities for Site characterization and related planning.
- Provide support for ECOLOGY'S community involvement program including preparation of a project fact sheet and attending all of the public meetings (if needed).
- Submit analytical data generated during the project to Ecology's EIM database.

Task 1 Deliverables:

- 1) The CITY will enter analytical data generated during the project to ECOLOGY'S EIM database – due December 31, 2018.
- 2) Monthly progress report accompanied by each invoice submission.

Task 2 – Supplemental Remedial Investigation Field Activities

Several potential data gaps were discovered following preliminary remedial investigation (RI) activities conducted on the former Interfor Pacific Property. Due to the potential data gaps discovered, additional RI activities are necessary, these include:

- Additional soils investigations below existing and former building foundations to assess the potential for contaminant releases in these portions of the Site.
- Additional off-property background wells to evaluate whether elevated arsenic in groundwater is an on-property only or larger area issue.
- Additional dry season groundwater monitoring to assess seasonal variations in arsenic and hydrocarbon concentrations.
- Additional surface water monitoring of the ditch to evaluate dry season arsenic concentrations and hydrocarbon concentrations and to provide additional information on the potential hydraulic communication between the ditch, shallow groundwater, and the Ebey Slough.

Subtask 2.1 – Additional Assessment Near Former Buildings

In this task, attempts will be made to advance up to eight (8) soil borings using a direct-push drill rig in areas beneath or near former building foundations to assess whether impacted soil may exist in these areas. Initially, the locations of former building foundations will be marked in the field based on historical aerial photograph records. These proposed borings will be located over or near the former foundations. At each drilling location, utility screening will be performed including One-Call notification and use of a private utility locating contractor. In addition, an air-knife will be used to confirm that underground utilities are not present at the proposed drilling location. We will also request Site utility maps from the CITY to help guide the investigation work.

Given the nature of past filling activities at the Site (i.e., former building foundations buried beneath several feet of fill material), it may be impractical to advance borings at some locations directly below the footprint of the former foundations as the Geoprobe drill rig will not be able to penetrate buried foundations. In these situations, attempts will be made to move the borings beyond its apparent footprint of the former foundation.

Drilling and sampling activities identified below will be performed in accordance with the Work Plan and Sampling and Analysis Plan, previously prepared for the Site. During advancement of the boring, attempts will be made to collect soil samples for chemical analysis at approximately three (3) depth intervals in each boring (unsaturated soils, near the water table, and approximately three (3) feet below the water table). Two (2) recovered soil samples from each boring will be submitted for analysis of gasoline-range organics (GRO); diesel-range organics (DRO); oil-range organics (ORO); benzene, toluene, ethylbenzene, xylene (BTEX); and total arsenic.

In addition, up to three (3) soil samples collected from three (3) different areas of the Site, displaying the highest impacts (if any) will also be submitted for analysis of Resource Conservation and Recovery Act (RCRA) 8 metals by EPA Method 6000 series and polycyclic aromatic hydrocarbons (PAHs) using EPA Method 8270.

Subtask 2.2 – Installation and Development of Additional Offsite Groundwater Monitoring Wells

Based on the findings of initial RI groundwater monitoring activities, elevated arsenic concentrations have been identified in both onsite and off-property areas. To provide additional information as to whether the elevated arsenic in groundwater is localized or attributed to a larger area issue, up to three (3) new groundwater monitoring wells are proposed to be installed at off-property locations (on property owned by the CITY) to supplement the existing background groundwater monitoring well network.

Prior to installing additional off-property wells, an evaluation of existing off property wells located on CITY-owned property near the Interfor Site will be performed. If suitable, existing off-property groundwater wells are in place, one or more of the wells may be used in lieu of installing a new groundwater monitoring well. The proposed locations for the new wells will be submitted to ECOLOGY for approval prior to installation. The new wells will be developed and the well casing elevation surveyed as part of this subtask. Drilling wastes will be contained onsite in 55-gallon steel drums pending characterization and disposal. Sampling of the new wells will be performed with other onsite wells under Subtask 2.3 (below).

Subtask 2.3 – Additional Dry Season Groundwater Monitoring

Two rounds of groundwater monitoring will be performed for up to twenty-two (22) groundwater monitoring wells (19 existing wells and up to 3 new wells installed under Subtask 2.2). Groundwater monitoring will be performed in July and September 2018 to assess variations in contaminant concentrations during the dry season.

Monitoring will include water level measurement and collection of groundwater samples. Samples (including one duplicate sample per event) will be collected using a peristaltic pump with low-flow purging methodology, and will be analyzed for GRO, DRO, ORO, BTEX, and total and dissolved arsenic. The dissolved metals samples will be field-filtered. In addition to the above analyses, up to eight (8) groundwater samples collected during the two (2) sampling events will be analyzed for major anions and cations to assess variability in general water chemistry for on-property and off-property wells.

For each monitoring event, field water quality parameters [temperature, conductivity, pH, oxidation-reduction potential (ORP), and dissolved oxygen (DO)] will be recorded on field forms to document stabilized conditions prior to sample collection. Groundwater contour maps with the estimated gradient directions will be prepared for each monitoring event. Gradient maps will be presented in the RI Report (Task 3).

Sampling purge water and decontamination water will be contained onsite in 55-gallon steel drums pending characterization and disposal.

Subtask 2.4 – Surface Water Monitoring

Based on initial RI activities (performed as part of a previous contract), surface water runoff at the Site either drains through overland flow or is conveyed by two (2) storm drains to a ditch located along the eastern property margin (adjacent to the Site along Columbia Avenue). Eventually, the ditch water discharges to Ebey Slough through a discharge pipe located near the southeastern property boundary. Groundwater is also suspected to discharge into the drainage ditch as groundwater elevations on either side of the ditch are higher than the water elevation measured within the ditch.

Currently, the quantity of water discharging from the drainage ditch to the slough is not well understood; however, this information is needed for the feasibility study (FS). In order to estimate the amount of drainage ditch water discharging to the slough, The CITY will conduct the following:

- Deploy pressure transducers in the ditch, selected nearby groundwater monitoring wells (MW-16, MW-01R, and MWBG-6), and a stilling well located within the slough to collect water elevation data;
- Collect flow rate data at the ditch outfall discharge pipes using a 5-gallon bucket and a stopwatch (or similar means) when there is a discharge;
- Estimate flow rates within the ditch at the discharge pipe using a low-flow propeller-operated velocity meter; and
- Evaluate whether flow rates may be predictive using pressure transducer water elevation data. In addition, the approximate shape and dimensions of the ditch will be measured to assist with flow estimation. Two surface water monitoring events will be performed and will coincide with groundwater monitoring (Subtask 2.3).

Surface water sampling will also be performed to assess possible contaminant mass loading from the ditch to the slough. Two (2) surface water sampling locations have been established along the drainage ditch, one at an upstream location (upstream of a drainage culvert discharging to the ditch) and one at a downstream location (downstream from another drainage culvert). In addition, samples will be collected from the drainage outfalls to the ditch if there is surface water flow during the summer months. Two (2) rounds of surface water sampling will be performed (July and September), coinciding with the groundwater monitoring events.

Surface water sampling events will include:

- Recording surface water levels from staff gauges at high and low tides,
- Estimating the flow velocity in the ditch with a velocity meter, estimating the discharge rates at the pipe,
- Measuring field water quality parameters, and
- Collecting surface water samples for analysis.

Surface water samples will be analyzed for GRO, DRO, ORO, BTEX, total and dissolved arsenic, and total and dissolved lead. The dissolved metals samples will be field-filtered. To the extent practicable based on field conditions, surface water monitoring will coincide with groundwater monitoring.

It is believed that Site groundwater may be discharging to the slough. To better understand the seasonality of groundwater discharges to the slough, pressure transducer data sets will be collected from wells near the ditch to evaluate seasonal changes in the groundwater flow regime. The transducers will be deployed in wells MW-13, MW-14, and MW-15 with one in a stilling well located within the slough from April through October 2018. The transducers will be programmed to collect water level data every 30 minutes for the duration of approximately 2 months. Computations will be made, based on Darcy's Law (Darcy 1882), to estimate the volume of groundwater discharging to the slough during each season. These data will then be used to refine the annual discharge volume for use in the RI/FS report.

Task 2 Deliverable: Monthly progress reports accompanied by each invoice submission.

Task 3 – Remedial Investigation/Feasibility Study Report Preparation

Task 3 includes preparation of Remedial Investigation/Feasibility Study (RI/FS) report in accordance with Model Toxics Control Act (MTCA) requirements and ECOLOGY checklists. The RI/FS report will include, but not necessarily be limited to, the following:

- A summary of Site use history and previous investigation findings, including previous remedial actions.
- A summary of the tasks performed for the current investigation.
- Results of the current investigation including tabulated data and Site data maps.
- Groundwater gradient maps.
- Statistical analysis of background arsenic concentrations in groundwater.
- A conceptual site model (CSM) comprising of an evaluation of potential exposure routes including transport pathways and human and ecological receptors.
- Evaluation of potentially applicable cleanup standards including Ecology MTCA Cleanup Levels and other applicable or relevant and appropriate requirements (ARARs), and selection of standards appropriate for the Site. This will include identification of points of compliance for affected Site media.
- A summary of remaining data gaps, if any.
- A Terrestrial Ecological Evaluation (TEE) following MTCA requirements.

- Site maps, diagrams, cross-sections, etc. as needed to clearly present the findings of the investigation and the nature and extent of impacts to environmental media.
- Copies of field forms, analytical reports, waste disposal documents, boring and well logs, historical review materials, the background arsenic task report, and any other relevant materials.
- Recommendations for additional work, if any.
- Evaluation of Site cleanup options and costs, including a Disproportionate Cost Analysis (DCA) performed in accordance with MTCA requirements.
- Recommendations for a preferred cleanup remedy.

During previous work conducted for ECOLOGY on this Site, under a separate contract, the draft RI/FS report was started. Following collection of additional data during Tasks 1 and 2 (above), the new results will be incorporated into the current report and a draft RI/FS report prepared for review by the project team.

Task 3 Deliverables:

- 1) Draft RI/FS Report – due to ECOLOGY by November 30, 2018.
- 2) Final RI/FS Report – due to ECOLOGY by December 31, 2018. Submittals will include up to four (4) hard copies and a PDF copy.
- 3) Final billing due to ECOLOGY by January 31, 2019.

BUDGET

Item	Description	Amount
1	Task 1 – Project Management	\$8,988.00
2	Task 2 – Supplemental RI Field Activities	\$64,022.00
3	Task 3 – RI/FS Report Preparation	\$29,315.00
	Total Project Cost	\$102,325.00

Notes:

- 1) Task budgets outlined in table above may be shifted between tasks.
- 2) All invoices must be accompanied by appropriate documentation, such as the following:
 - a. Progress reports and
 - b. Receipts and records, to demonstrate the completion of the work performed over the billing period.

APPENDIX B SPECIAL TERMS AND CONDITIONS

1) Federal Funding Accountability And Transparency Act (FFATA) Reporting Requirements

CITY must complete the attached FFATA Data Collection Form (ECY 070-395) and return it with the signed agreement to ECOLOGY.



If the CITY meets each of the below criteria, the CITY must report compensation for its five top executives using the FFATA Data Collection Form.

- Receives more than \$25,000 in federal funds under this award.
- Receives more than 80 percent of its annual gross revenues from federal funds.
- Receives more than \$25,000,000 in annual federal funds.

ECOLOGY will not pay any invoices until it has received a completed and signed FFATA Data Collection Form. ECOLOGY is required to report the FFATA information for federally funded agreements, including the required DUNS number, at www.fsrs.gov within 30 days of agreement signature. The FFATA information will be available to the public at www.usaspending.gov.

For more details on FFATA requirements, see www.fsrs.gov.

2) Certification Regarding Suspension, Debarment, Ineligibility Or Voluntary Exclusion

- CITY, by signing this agreement, certifies that it is not suspended, debarred, proposed for debarment, declared ineligible or otherwise excluded from contracting with the federal government, or from receiving contracts paid for with federal funds. If the CITY is unable to certify to the statements contained in the certification, they must provide an explanation as to why they cannot.
- CITY shall provide immediate written notice to ECOLOGY if at any time the CITY learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.
- The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact ECOLOGY for assistance in obtaining a copy of those regulations.
- CITY agrees it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under the applicable Code of Federal Regulations, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction.
- CITY further agrees by signing this agreement, that it will include this clause titled "CERTIFICATION REGARDING SUSPENSION, DEBARMENT, INELIGIBILITY OR

VOLUNTARY EXCLUSION” without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

- f) Pursuant to 2CFR180.330, the CITY is responsible for ensuring that any lower tier covered transaction complies with certification of suspension and debarment requirements.
- g) CITY acknowledges that failing to disclose the information required in the Code of Federal Regulations may result in the delay or negation of this funding agreement, or pursuance of legal remedies, including suspension and debarment.
- h) CITY agrees to keep proof in its agreement file, that it, and all lower tier CITY or subcontractors, are not suspended or debarred, and will make this proof available to ECOLOGY before requests for reimbursements will be approved for payment. CITY must run a search in <http://www.sam.gov> and print a copy of completed searches to document proof of compliance.

3) Archaeological And Cultural Resources

CITY shall take reasonable action to avoid, minimize, or mitigate adverse effects to archeological and historic resources. The CITY must agree to hold harmless the state of Washington in relation to any claim related to historical or cultural artifacts discovered, disturbed, or damaged due to the CITY’s negligence.

CITY shall:

- a) Contact ECOLOGY to discuss any Cultural Resources requirements for the project:
 - For capital construction projects or land acquisitions for capital construction projects, if required, comply with Governor Executive Order 05-05, Archaeology and Cultural Resources.
 - For projects with any federal involvement, if required, comply with the National Historic Preservation Act.
 - Any cultural resources federal or state requirements must be completed prior to the start of any work on the project site.
- b) If required by ECOLOGY, submit an Inadvertent Discovery Plan (IDP) to ECOLOGY prior to implementing any project that involves ground disturbing activities. ECOLOGY will provide the IDP form.

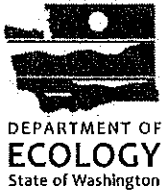
CITY shall:

- Keep the IDP at the project site.
- Make the IDP readily available to anyone working at the project site.
- Discuss the IDP with staff and contractors working at the project site.
- Implement the IDP when cultural resources or human remains are found at the project site.
- c) If any archeological or historical resources are found while conducting work under this Agreement:
 - Immediately stop work and notify ECOLOGY, the Department of Archaeology and Historic Preservation at (360) 586-3064, any affected Tribe, and the local government.
- d) If any human remains are found while conducting work under this Agreement:
 - Immediately stop work and notify the local law enforcement agency or Medical Examiner/Coroner’s Office, and then ECOLOGY.
- e) Comply with RCW 27.53, RCW 27.44.055, and RCW 68.50.645, and all other applicable local, state, and federal laws protecting cultural resources and human remains.

4) Environmental Data Standards

- a) CITY shall prepare a Quality Assurance Project Plan (QAPP) for a project that collects or uses environmental measurement data. CITY is to contact ECOLOGY if unsure about whether a QAPP is required for their project. If a QAPP is required the CITY shall:
- Use ECOLOGY's QAPP Template provided by ECOLOGY.
 - Follow ECOLOGY's *Guidelines for Preparing Quality Assurance Project Plans for Environmental Studies*, July 2004 (Ecology Publication No. 04-03-030).
 - Submit the QAPP to ECOLOGY for review and approval before the start of the work.
- b) CITY shall submit environmental data that was collected on a project to ECOLOGY using the Environmental Information Management system (EIM), unless the ECOLOGY instructs otherwise. The data must be successfully loaded into EIM, find instructions at: <http://www.ecy.wa.gov/eim>.
- c) CITY shall follow ECOLOGY's data standards when Geographic Information System (GIS) data is collected and processed. *Guidelines for Creating and Accessing GIS Data* are available at: <http://www.ecy.wa.gov/services/gis/data/standards/standards.htm>. CITY, when requested by ECOLOGY, shall provide copies to ECOLOGY of all final GIS data layers, imagery, related tables, raw data collection files, map products, and all metadata and project documentation.
-

Federal Funding Accountability and Transparency Act (FFATA) Data Collection Form



Federal funds that require compliance with the Federal Funding Accountability and Transparency Act support this agreement between The Department of Ecology (ECY) and your organization. The purpose of the Transparency Act is to make information available online so the public can see how recipients spend federal funds.

Your organization must have a Data Universal Numbering System (DUNS®) number to comply with the act and be eligible to enter into this agreement. If you do not already have one, you may get a DUNS number free of charge by contacting Dun and Bradstreet at www.dnb.com. ECY also encourages registration with the Central Contractor Registration (CCR) to reduce data entry by both ECY and your organization. You may register with CCR free of charge at www.ccr.gov. ECY will report information about your organization and this agreement to the federal government as required by Title 2 CFR, Part 25. The public can view this information on the federal government website www.USASpending.gov.

ECOLOGY AGREEMENT # IAA No. C1800147

Recipient Information – For Recipient Use Only

1. Legal Name City of Marysville	2. DUNS Number 076658673																		
3. Principle Place of Performance 80 Columbia Avenue																			
3a. City Marysville	3b. State WA																		
3c. Zip+4 98270-5130	3d. Country USA																		
4. Are you registered in CCR? <input checked="" type="checkbox"/> YES. Skip to signature block. Sign, date and return. <input type="checkbox"/> NO. Continue with 5.																			
5. In the preceding fiscal year did your organization: <ul style="list-style-type: none"> a. Receive 80% or more of annual gross revenue from federal contracts, subcontracts, grants, loans, subgrants, and/or cooperative agreements; and b. \$25,000,000 or more in annual gross revenues from federal contracts, subcontracts, grants, loans, subgrants, and/or cooperative agreements; and c. The public does not have access to information about the compensation of the executives through periodic reports filed with the IRS or the Security and Exchange Commission per 2 CFR Part 170.330. <p><input type="checkbox"/> NO. Skip to signature block. Sign, date and return.</p> <p><input type="checkbox"/> YES. You must report the following information for the five (5) most highly compensated executives in your organization. Sign, date and return.</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 30%;">Name Of Official</th> <th style="width: 30%;">Position Title</th> <th style="width: 40%;">Total Compensation Amount*</th> </tr> </thead> <tbody> <tr><td>1.</td><td></td><td></td></tr> <tr><td>2.</td><td></td><td></td></tr> <tr><td>3.</td><td></td><td></td></tr> <tr><td>4.</td><td></td><td></td></tr> <tr><td>5.</td><td></td><td></td></tr> </tbody> </table>		Name Of Official	Position Title	Total Compensation Amount*	1.			2.			3.			4.			5.		
Name Of Official	Position Title	Total Compensation Amount*																	
1.																			
2.																			
3.																			
4.																			
5.																			
*Note: "Total compensation" means the cash and noncash dollar value earned by the executive during the subrecipient's past fiscal year. (For more information, see 17 CFR 229.402 (C)(2)).																			

By signing this document, the Authorized Representative attests to the information above.

Signature of Authorized Representative 	Print Name Kari Chennault	Date 5/07/2018
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**Federal Funding Accountability and Transparency Act (FFATA)
Data Collection Form**

Please sign and return this document with the signed agreement. The Department of Ecology will not pay any invoices until it receives this completed and signed form.

For Department of Ecology Use Only

ECY Agreement Number

IAA No. C1800147

Subaward Project Description (see instructions and example below)

Remedial Investigation and Feasibility Study: The City of Marysville, in coordination with Kennedy/Jenks Consultants, will perform a remedial investigation and feasibility study at 60 State Avenue in Marysville, WA. Additional groundwater samples will be obtained to support the study.

Instructions for Subaward Project Description:

In the first line of the description, provide a title for the subaward that captures the main purpose of the subrecipient's work. Then, indicate the name of the subrecipient and provide a brief description that captures the overall purpose of the subaward, how the funds will be used, and what will be accomplished.

Example of a Subaward Project Description:


Increase Healthy Behaviors: Educational Services District XYZ will provide training and technical assistance to chemical dependency centers to assist the centers to integrate tobacco use into their existing addiction treatment programs. Funds will also be used to assist centers in creating tobacco-free treatment environments.

Index #8

CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: 1/10/2022

AGENDA ITEM:	
MOU with Medical Care Organization (MCO)	
PREPARED BY:	DIRECTOR APPROVAL:
Cmdr. Mark Thomas	 12/16/21
DEPARTMENT:	
Police – Jail	
ATTACHMENTS:	
MOU with Medical Care Organization (MCO)	
BUDGET CODE:	AMOUNT:
None – no cost associated	\$0.00
SUMMARY:	

This MOU outlines the collaboration between the MCO and the City of Marysville, Marysville Police Department Jail. Apple Health uses an Integrated Managed care model which is a prepaid, comprehensive system of medical and behavioral health care to provide physical and behavioral health care services to eligible enrollees. The health plans are to coordinate care for enrollees as they transition into a correctional facility or upon release from a correctional facility. In order to share confidential information freely and coordinate care, each health plan needs to enter into a memorandum of understanding. The memorandum of understanding will include the roles and responsibilities of each party.

Common Care Coordination Activities health plans can provide upon release, include, but are not limited to:

- Providing Continuity of care for physical health, mental health, and substance use disorder (SUD) treatment needs
- Assistance in scheduling medical appointments and connecting to care providers
- Assistance connecting to social service and counseling appointments
- Assistance connecting to community-based services
- Obtaining Durable Medical Equipment (DME) equipment covered through Medicaid
- Assistance connecting to housing resources
- Assistance connecting to Medicaid transportation for healthcare services
- Access to cell phones
- Access to Food banks
- Access to Shelters

RECOMMENDED ACTION:

Staff recommends that Council authorize the Mayor or sign and execute; The MOU with MCO to share confidential information.

RECOMMENDED MOTION:

I move to authorize the Mayor to sign the MOU with Medical Care Organization.

MEMORANDUM OF UNDERSTANDING

BETWEEN

[MCO]

AND

[City of Marysville]

This Memorandum of Understanding (“MOU”) is between [MCO] (hereinafter referred to as “MCO”) and City of Marysville (hereinafter referred to as “Allied System Partner”). The MCO and Allied System Partner may each be individually referred to as “a party” and collectively referred to herein as “the parties.”

I. PURPOSE

This MOU outlines the collaboration between the MCO and the Allied System Partner related to improving the integration of whole person care for Medicaid enrollees served by multiple systems.

II. BACKGROUND

MCO is a managed care entity that contracts with the Washington State Health Care Authority (“HCA”) to provide integrated managed Medicaid services to eligible individuals enrolled with MCO. Allied System Partner is a city detention facility located in Marysville, Washington and operated by the Marysville Police Department, Custody Division operating in the North Sound region. Pursuant to MCO’s Washington Apple Health and Integrated Managed Care contracts with the HCA, MCO, in partnership with allied system partners in each region, must develop and maintain a plan describing how the MCO will coordinate and collaborate with the healthcare and other allied systems that serve Medicaid enrollees in that region (the “Regional Allied System Coordination Plan” or “Plan”).

III. ROLES AND RESPONSIBILITIES

3.1 MCO and Allied System Partner will collaborate and work together in good faith to develop and maintain the Regional Allied System Coordination Plan, and to ensure that the Plan meets the following requirements:

- Clearly defines the roles and responsibilities of the allied systems in helping Medicaid enrollees served by more than one system;
- Identifies needed local resources, including initiatives to address those needs;
- Establishes a process for facilitation of community reintegration from out-of-home placements for enrollees of all ages;
- Establishes a process for working with the regional Accountable Community of Health, the regional Behavioral Health Administrative Services Organization, and first responders.
- Evaluate the need to develop additional procedures to engage and collaborate with first responders on topics such as crisis intervention, jail diversion, and prevention and treatment of overdoses.
- Facilitates linkages with social services and criminal justice/courts and providers under contact with the county or state; and

- Provides a procedure for MCO representative(s) to attend relevant stakeholder planning and advocacy meetings and to communicate and coordinate with other entities to ensure MCO is aligned with state and local behavioral health initiatives.

The parties will further ensure that the Plan includes the following:

- A process for sharing information related to eligibility, access and authorization;
- A process for sharing system issues;
- Procedures to identify and address joint training needs; and
- A process or format to address disputes related to service or payment responsibility, including attribution for hospital related claims.

3.2 MCO and Allied System Partner agree to communicate, collaborate and coordinate in accordance with the Regional Allied System Coordination Plan to support and serve individuals served by both MCO and Allied System Partner.

IV. SHARING PROTECTED HEALTH INFORMATION

MCO and Allied System Partner agree that any information shared pursuant to this MOU is shared for the purpose of developing or updating the Plan, or for the purpose of performing a party's obligations under the Plan or this MOU. ~~To ensure compliance with applicable state and federal law and regulation governing the use and disclosure of "protected health information," as that term is defined under 45 CFR §160.103, MCO and Allied System Partner have entered a [insert Business Associate Agreement ("BAA" or Data Use Agreement), which is attached hereto as Exhibit 1 and which is, by this reference, incorporated into this MOU in full.~~ MCO and Allied System Partner will not use or disclose protected health information other than as permitted or required by this MOU or the BAA, or as required under applicable state or federal law.

V. DISPUTE RESOLUTION

5.1 Each party shall engage in good faith, and deal fairly in its performance hereunder to accomplish the parties' objectives and to avoid disputes. In the event of a dispute between the parties arising from this MOU, the parties will promptly meet and confer and use best efforts to resolve the dispute through informal negotiation. A guiding principle for resolving any dispute hereunder is that resolution should be sought at the lowest level possible and only progress up the hierarchy when satisfactory resolution has not been achieved.

5.2 Each party acknowledges and agrees that the parties' failure to resolve a dispute may result in termination of this MOU.

VI. AMENDMENT

Either party may amend this MOU upon written notice to the other party to maintain compliance with applicable state or federal law, regulation, binding directive, or government sponsored program requirements. This MOU may otherwise only be amended by the written agreement of both parties.

VII. TERM AND TERMINATION; NOTICE

7.1 The MOU shall become effective on the date both parties have duly executed this MOU. This MOU will remain in effect until it is terminated in accordance with the terms herein.

7.2 Either party may terminate this MOU, for any reason and at any time, upon thirty (30) days' written notice to the other party. Such notice, and other correspondence related to this MOU, must be sent to the contacts and addresses listed below and will be deemed effective upon receipt:

If to Allied System Partner, to:

If to MCO, to:

Commander Mark A. Thomas

Molina Healthcare

Andrew Nelson

1635 Grove St. Marysville, WA. 98270

22125 17th Ave SE

mthomas@marysvillewa.gov

Bothell, WA 98021

IN WITNESS WHEREOF, the parties hereto have caused this MOU to be executed by the dates and signatures herein under affixed. The persons signing this MOU on behalf of the parties represent that each has authority to execute this MOU on behalf of the party entering into this MOU.

[Allied System Partner]

[MCO]

Signature

Signature

By: _____

By: Andrew Nelson_____

Title: _____

Title: VP, Network Management_____

Date: _____

Date: _____

Exhibit 1 to MOU

[insert BAA, DUA, or other data sharing agreement]

Index #9

CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: 1/10/22

AGENDA ITEM:	
Mental Health Alternatives Program (MAP) Court –Bridgeways Agreement	
PREPARED BY:	DIRECTOR APPROVAL:
Gloria Hirashima, Chief Administrative Officer Judge Lorrie Towers and Judge Fred Gillings	
DEPARTMENT:	
Executive	
ATTACHMENTS:	
BUDGET CODE:	AMOUNT:
	\$50,000
SUMMARY:	

The Marysville Municipal Court has participated in a Mental Health Alternatives program called MAP Court. The program has been supported by a local nonprofit Bridgeways, who has provided liasons to assist the individuals participating in the program. The City’s Court, Legal and Public defense staff have also supported the program. The initial funding for the program lasted approximately two and a half years, through 2020. The City funded the program extension for 2021. Continuation of the program requires funding to Bridgeways in the amount of \$50,000 annually from Marysville to fund .5 FTE. The proposed agreement would extend the program through 2022. The City of Everett has entered into a similar agreement at the same level of funding (\$50,000) funding .5 FTE.

<p>RECOMMENDED ACTION: Authorize mayor to sign the agreement with Bridgeways funding the continuation of the Mental Health Alternatives Program (MAP Court) for 2022.</p>
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**SUPPLEMENTAL AGREEMENT NO. 1 TO
PROFESSIONAL SERVICES AGREEMENT BETWEEN
CITY OF MARYSVILLE
AND BRIDGEWAYS**

THIS SUPPLEMENTAL AGREEMENT NO. 1 (“Supplemental Agreement No. 1”) is made and entered into as of the date of the last signature below, by and between the City of Marysville, a Washington State municipal corporation (“City”) and Bridgeways, a Washington nonprofit corporation (“Contractor”).

WHEREAS, the parties hereto have previously entered into an agreement for Mental Health Alternatives Program Court Liaison (the “Original Agreement”), said Original Agreement being dated January 1, 2021; and

WHEREAS, both parties desire to supplement the Original Agreement, by extending the term of the Original Agreement;

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

1. Section II.A of the Original Agreement, “TIME OF PERFORMANCE”, is amended to provide that the term will terminate at midnight on December 31, 2022.
2. Each and every provision of the Original Agreement for Professional Services dated January 1, 2021, shall remain in full force and effect, except as modified herein.

DATED this _____ day of _____, 2022.

CITY OF MARYSVILLE

By _____
Jon Nehring,

Mayor DATED this _____ day of _____,

2022.

BRIDGEWAYS

By _____
[Name]
Its: [Title]

ATTEST/AUTHENTICATED:

_____, Deputy City Clerk

Approved as to form:

Jon Walker, City Attorney

Index #10

**CITY OF MARYSVILLE AGENDA BILL
EXECUTIVE SUMMARY FOR ACTION**

CITY COUNCIL MEETING DATE: January 10, 2022

AGENDA ITEM:	
Hotel Motel Tourism Grant Committee Funding Recommendation	
PREPARED BY:	DIRECTOR APPROVAL:
Leah Tocco	
DEPARTMENT:	
Executive	
ATTACHMENTS:	
Hotel/Motel Tourism Grant Rating Sheet	
BUDGET CODE:	AMOUNT:
	\$136,300
SUMMARY:	

The Hotel/Motel Committee convened on December 8, 2022 to review grant applications. The committee interviewed grant applicants and then scored all proposals. Funding available through 2022 is \$237,000. The committee recommended awarding \$136,300 to the grant applicants.

The Committee recommends the following funding for projects:

Marysville Getchell High School – Twilight XC Invitational	\$10,000
Maryfest – Marysville Strawberry Festival	\$40,000
Marysville Tulalip Chamber of Commerce – Brew and Cider Fest	\$10,000
City of Marysville Parks Department – Fourth of July Festival	\$30,000
City of Marysville Parks Department – Opera House Marketing	\$22,800
Marysville Tulalip Chamber of Commerce – Golf Tournament	\$4,000
City of Marysville – Visitor Analytics	\$2,500
City of Marysville – Streets Banners	\$7,000
City of Marysville – Visitor Guide and Parks Map*	\$10,000

* Two projects submitted separately for a visitor guide and a city parks map. As the projects were similar, the committee requested one guide with a map component and that funding be contingent upon resubmittal of project proposal for final acceptance by committee.

The committee did not recommend funding for the following project:
City of Marysville – Food Truck Festival

RECOMMENDED MOTION: I move to approve the Hotel/Motel Tourism Grant Committee’s recommended award funding for 2022.

2021 Hotel/Motel Tax Grant Application Rating Sheet

Please complete a scoring sheet for each of the Hotel/Motel Tax Grant applications. Use the rating scale of 0-20, 0-10 or 0-5 as indicated for each category. "0" is the lowest score available. There is a total of 100 points possible per rating sheet.

Organization Name:	Evaluator's Name:
---------------------------	--------------------------

Category	Definition	Points Available	Points Allocated
Project Eligibility	Applicant clearly defines the tourism project or program. The proposal indicates how it will increase tourism, which could include attracting and welcoming tourists; strategies to expand tourism; marketing of special events and festivals designed to attract tourists.	20	
Project Management	Applicant demonstrates the ability to successfully implement and manage the project in a timely manner, within budget, and consistent with the funding requirements	10	
Needs Assessment	Applicant objectively establishes the acuteness of the community need that the proposed project seeks to address.	5	
Budget	Project estimates and costs are reasonable and well supported or justified relative to the number of persons to be served and the services to be provided. Budget forms are accurate and thorough.	10	
Marketing	Applicant clearly communicates their marketing or promotion strategy and is able to define how their event or program will generate tourism activity from outside the area.	15	
Project Partnerships	Applicant demonstrates collaboration with other organizations in the community.	10	
Hotel Partnerships	Applicant demonstrates plan for promoting or generating overnight hotel stays within the City of Marysville.	15	
Tourism	Applicant shows a viable estimate for how many tourists the event is estimated to generate. For strategic or marketing related grant requests (non-event based) the applicant demonstrates how the project will drive tourism through ongoing efforts.	10	
Project Scalability	Project is scalable and can be funded in part and still be viable.	5	
TOTAL POINTS AWARDED		100	

Proof of Non-Profit Status	Did the applicant provide evidence of their non-profit status (i.e. copy of the certificate signed by the Secretary of State for the State of Washington and/or a copy of the Federal Internal Revenue Service letter confirming 501(c)(3) status). Was a tax identification number provided on the application? NOTE: Public agency projects do not require proof of non-profit status.	Yes or No	
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Index #11

CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: 1/10/22

AGENDA ITEM:	
Resolution Recognizing Marysville as a Purple Heart City	
PREPARED BY:	DIRECTOR APPROVAL:
Jon Walker	
DEPARTMENT:	
Legal	
ATTACHMENTS:	
BUDGET CODE:	AMOUNT:
<p>SUMMARY: The Military Order of Purple Heart is dedicated to fostering an environment of goodwill among combat-wounded veterans and their families, promote patriotism, support legislative initiatives, and most importantly, to make sure that we never forget the sacrifices of our military service men and women. To this end, the organization has worked to designate the Purple Heart Trail and Purple Heart Cities. The purpose of the Purple Heart Trail is to create a symbolic and honorary system of roads, highways, bridges, and other monuments that give tribute to the men and women who have been awarded the Purple Heart medal. You can learn more at this link: https://www.purpleheart.org/PurpleHeartTrail</p> <p>Mayor Nehring was contacted by a citizen who is active in the Military Order of the Purple Heart and Veterans of Foreign Wars (VFW). The citizen put it this way in his email to the Mayor:</p> <p>“The purpose of being a Purple Heart City is to honor military personnel wounded or killed in combat. Marysville will be the 3rd City to be proclaimed as Purple Heart City in the county behind Snohomish and Monroe. It’s important that we acknowledge all service members – active, former and those who have passed -- for their courage, along with never forgetting those who paid the price on our behalves. This long lasting commitment will show that Marysville will continue to honor those sacrifices by the men and women of the armed forces every day.”</p>	

RECOMMENDED ACTION: I move to adopt Resolution No. _____ recognizing Marysville as a Purple Heart City.

CITY OF MARYSVILLE
Marysville, Washington

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARYSVILLE,
WASHINGTON, RECOGNIZING CITY MARYSVILLE AS A PURPLE HEART
CITY.**

WHEREAS, City of Marysville has a proud history of supporting our active military and veteran population; and

WHEREAS, the Purple Heart Medal is the oldest military decoration in present use and was initially created as a Badge of Military Merit by General George Washington in 1782; and

WHEREAS, the Purple Heart Medal was the first award made available to the common soldier and is specifically awarded to members of the United States Armed Forces who have been wounded in combat or have paid the ultimate sacrifice for our freedoms being killed in action against a declared enemy of the United States of America; and

WHEREAS, the mission of the Military Order of Purple Heart is to foster an environment of goodwill among combat-wounded veterans and their families, promote patriotism, support legislative initiatives, and most importantly, to make sure that we never forget the sacrifices of our military service men and women; and

WHEREAS, City of Maryville has a large veteran population with many of its veterans being Purple Heart recipients; and

WHEREAS, U.S. Interstate 5 in Washington, which services Snohomish County, is now memorialized as part of the National Purple Heart Trail, and proudly joins Thurston County and Lewis County as the third Purple Heart County in Washington State; and

WHEREAS, City of Marysville appreciates the sacrifices of all of its military veterans, combat veterans, Purple Heart recipients, and their families for the sacrifices that they have made in defending our freedoms and wants to express and honor them;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARYSVILLE that the Marysville City Council does hereby recognize City of Marysville as a Purple Heart City and encourages residents and businesses of Snohomish County to show their appreciation for the sacrifices Purple Heart recipients have made in defending our freedoms, to acknowledge their courage, and to show them the honor and support they have earned.

ADOPTED by the City Council at an open public meeting this _____ day of _____, 2022.

CITY OF MARYSVILLE

By _____
JON NEHRING, MAYOR

Attest:

By _____
, DEPUTY CITY CLERK


Approved as to form:

By _____
JON WALKER, CITY ATTORNEY

Index #12

**CITY OF MARYSVILLE AGENDA BILL
EXECUTIVE SUMMARY FOR ACTION**

CITY COUNCIL MEETING DATE: January 10, 2022

AGENDA ITEM:	
Accessory Dwelling Unit Code Amendments (PA21-031)	
PREPARED BY:	DIRECTOR APPROVAL:
Kate Tourtellot, Senior Planner	
DEPARTMENT:	
Community Development	
ATTACHMENTS:	
1. Staff Memorandum 2. PC Recommendation 3. PC Minutes (09.28.21, 11.09.21, 11.23.21 and 12.14.21) 4. Background information (Transit Corridor Map, ESSB 6617 and ESB 5235) 5. Master Builders Comment Letter 6. Adopting Ordinance	
BUDGET CODE:	AMOUNT:
N/A	N/A
SUMMARY:	

The Washington State Legislature passed several bills amending the Revised Code of Washington recommending and requiring the City of Marysville update the accessory dwelling unit development standards and associated definitions.

Mandated changes:

- Include a definition for “major transit stop,”
- Eliminate off-street parking requirements for accessory dwelling units within one-quarter mile of a major transit stop, and
- Amend household and occupancy standards removing the limitation of unrelated persons except for group living situations regulated by state law, the Federal Housing Act and/or for health and safety as outlined in a building code.

Recommended changes:

- Eliminate the owner-occupancy requirement for accessory dwelling units,
- Increase the maximum size for accessory dwelling units, and
- Eliminate all parking requirements for accessory dwelling units.

The Planning Commission held a duly advertised public hearing on December 14, 2021 and recommended City Council approve the proposed amendments to the MMC.

The City Council reviewed the proposed amendments and the Planning Commission recommendation at their January 3, 2022 meeting. The Council directed staff to revise the proposed amendments to retain the owner occupancy requirement.

RECOMMENDED ACTION: Affirm amended Planning Commission Recommendation adopting the Accessory Dwelling Unit amendments to the Marysville Municipal Code.

RECOMMENDED MOTION:

Move to adopt Ordinance No. _____, approving amendments to the Marysville Municipal Code Chapters 22A.020 *Definitions* and 22C.180 *Accessory Structures* relating to Accessory Dwelling Units.



MARYSVILLE
COMMUNITY
DEVELOPMENT

MEMORANDUM

TO: City Council

FROM: Kate Tourtellot, Senior Planner

DATE: January 10, 2022

SUBJECT: Amendments to the Unified Development Code (UDC) relating to Accessory Dwelling Units

CC: Gloria Hirashima, CAO
Haylie Miller, Community Development Director
Chris Holland, Planning Manager

BACKGROUND

The City Council held a work session on January 3, 2022 to review the proposed ADU amendments. The City Council requested that the owner-occupancy stipulation (requiring the owner-occupant(s) may reside in the single-family dwelling unit or the accessory dwelling unit) remain in code. Staff has revised the proposal as shown in yellow in Exhibit 1 to reflect this.

Staff proposes that a covenant be recorded on the title to confirm owner occupancy but that the requirement to submit annual declarations to the Community Development Department each year be removed as shown in Exhibit 1.

No other changes were made to the packet since the January 3, 2022 meeting.

A comment from the Masters Builder's Association has been received relating to the owner occupancy requirement, and is submitted as Attachment 5 in the Council packet.

Process Background

The Planning Commission was provided an introduction to this topic during the September 28, 2021 meeting. The Planning Commissioners continued their review and discussion at their next two regular meetings on November 9, 2021 and November 23, 2021. The Planning Commission held a duly advertised public hearing on December 14, 2021. After receiving public testimony and reviewing all materials, the

(360) 363-8100

Community
Development
80 Columbia Avenue
Marysville, WA 98270

Commission moved to forward the proposed amendments to the City Council with a recommendation to approve.

Code Change Background:

The Washington State Legislature passed several bills during the 2019 – 2021 legislative sessions relating to the housing. Several of the bills include required and recommended changes to locally adopted accessory dwelling unit development regulations. The overall intent of the adopted bills is to provide more flexibility to encourage the development of accessory dwelling units as one of the solutions in increasing the housing supply and providing affordable housing.

Engrossed Substitute House Bill (ESSB) 6617, passed in 2020, requires cities eliminate the requirement of off-street parking for accessory dwelling units within one-quarter mile of a major transit stop, unless said city can demonstrate there is a lack of on-street parking or the city substantively amended accessory dwelling unit regulations within the past four years. A major transit stop is a station or stop for bus rapid transit routes and regular fixed-route bus service with a bus coming at least every 15-minutes during the peak hours of operation. Action to incorporate these changes was required by July 1, 2021.

- The City of Marysville has not substantially amended the accessory dwelling unit regulations since 2002, with minor amendments in 2018 as part of a larger code clean up;
- There is adequate on-street parking within the areas adjacent to a major transit stop; and
- Community Transit operates 15-minute fixed-route bus service within the State Avenue/Smokey Point Boulevard corridor, Routes 201 and 202. Community Transit identifies this corridor for future *Swift* Bus Rapid Transit (BRT) service in their *Long Range Transit Plan*. The BRT service provides a bus every 10 minutes weekdays and 15-20 minutes on weekends and holidays.

Senate Bill (SB) 5235, passed this year, limiting the city's ability to regulate the number of unrelated persons that may occupy a household, when not tied to life and safety regulations, such as the International Building Code (IBC). The legislation provides exemptions for group living quarters already regulated by WA State Law.

Proposed Amendments:

Staff is proposing amendments to the UDC that will provide compliance with state law and increase flexibility for the development of accessory dwelling units. The list of changes below represent amendments to existing text within the code including new code sections, as shown in Exhibit 1 and discussed in detail below.

1. Amending MMC 22A.020.020, "A" definitions, to refine the "Accessory dwelling unit" definition.

This proposed revision was necessary for clarification and internal consistency between "dwelling unit" and "accessory dwelling unit." A minor revision was made to this definition after the PC hearing resulting from discussions with the City Attorney's office relating to the ingress/egress requirement.

2. Amending MMC 22A.020.050, "D" definitions to refine the "Dwelling unit" definition.

This proposed revision was necessary for internal consistency between "dwelling unit" and "accessory dwelling unit."

3. Amending MMC 22A.020.090, "H" definitions, to revise the "Household" definition for unrelated residents.

During the 2021 WA Legislative session, Senate Bill 5235 passed prohibiting cities from limiting the number of unrelated persons that occupy a household or dwelling unit, unless it is a group residence regulated by WA state law or as enforced for health and safety provisions as adopted by a building code.

4. Amending MMC 22A.020.012, "K" definitions, to add a definition for "Kitchen."

Kitchen is not currently defined in the Marysville Municipal Code, and is one of the qualifications for both "dwelling unit" and "accessory dwelling unit." To provide consistency and clarification regarding dwellings with two kitchens vs. a dwelling unit with an accessory dwelling unit, this definition is proposed.

5. Amending MMC 22A.020.140, "M" definitions, to add a definition for "Major transit stop."

During the 2020 WA Legislative session, Engrossed Substitute Senate Bill (ESSB) 6617 passed requiring cities to adopt certain definitions including major transit stop.

6. Amending MMC 22A.020.160, "O" definitions, to revise the "Ownership/Ownership Interest" definition.

Another definition required by ESSB 6617.

7. Amending MMC 22A.020.200, "S" Definitions, to add a definition for "Short-term rentals."

Another definition required by ESSB 6617.

8. Amending MMC Section 22C.130.030 Minimum required parking spaces, Table 1, eliminating the off-street parking requirement for accessory dwelling units located within one-quarter mile of a major transit stop.

The proposed amendment provides internal consistency with MMC Section 22C.180.030 and compliance with amendments to the Revised Code of Washington (RCW).

9. Amending MMC Section 22C.180.030, various subsections to:
 - Revise the off-street parking requirement for accessory dwelling units within one-quarter mile of a major transit stop.
 - Prohibit accessory dwelling units as short-term rentals.
 - Increase the maximum size for accessory dwelling units.

The proposed amendments provide consistency with amendments to the Revised Code of Washington (RCW).

EXHIBIT 1

Proposed Amendments to the Unified Development Code

Item 1: MMC Chapter 22A.020 - Definitions.

22A.020.020 "A" definitions.

"Accessory dwelling unit" or "ADU". ~~An accessory dwelling unit is a separate additional living unit, including separate kitchen, sleeping, and bathroom facilities attached or detached from the primary residential unit dwelling unit, on a single-family lot.~~ means an independent living space that is self-contained with its own ingress and egress, kitchen, bathroom and sleeping area attached or detached to a primary dwelling unit on a single-family lot. ADUS are known variously as:

- (1) "Mother-in-law apartments";
- (2) "Accessory apartments": or
- (3) "Second units."

22A.020.050 "D" definitions.

"Dwelling unit" means a building, or portion of a building, that has independent living facilities including ~~provisions for sleeping, cooking, and sanitation~~ kitchen, sleeping, and bathroom facilities, and ~~that~~ is designed for residential occupancy ~~by a group of people~~. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly accessory, such as an outdoor grill.

22A.020.090 "H" definitions.

"Household" means a housekeeping unit consisting of:

- (1) An individual;
- (2) Two or more persons related by blood, ~~or~~ marriage, adoption, or guardianship, and including foster children and exchange students;
- (3) A group of two or more disabled residents protected under the Federal Fair Housing Amendment Act of 1988;
- (4) Adult family homes or enhanced services facility as defined under Washington State law; or
- (5) A group living arrangement where six or fewer residents receive support services such as counseling, foster care or medical supervisions at the dwelling unit or nonresidential staff; ~~and/or~~
- ~~(6) Up to six residents not related by blood or marriage~~ Consistent with the International Building Code (IBC), up to one unrelated person per 200 square feet per gross floor area of any dwelling unit, or in conjunction with any of the above individuals or groups, may occupy a dwelling unit. ~~For purposes of~~

~~this definition, minors living with parent or legal guardian shall not be counted as part of the maximum number of residents.~~

- (7) For the purposes of this section, minors living with parent, legal custodian, (including a foster parent), or legal guardian shall not be counted as part of the maximum number of residents.
- (8) Any limitation on the number of residents resulting from this definition shall not be applied in a manner inconsistent with the Fair Housing Amendment Act of 1988, 42 U.S.C 360, et seq., the Washington law Against Discrimination, Chapter 49.60 RCW, and/or the Washington Housing Policy Act, RCW 46.63.220.

22A.020.012 "K" definitions.

"Kitchen" means any room or area used, intended, or designed to be used for the cooking or preparation of food and contains a sink, refrigerator and cooking appliances or rough in facilities including, but not limited to: ovens, convection ovens, stoves, stove tops, built-in grills or microwave ovens or similar appliances, 220 volt electrical outlets, exhaust fans, or any gas lines.

22A.020.140 "M" definitions.

"Major transit stop" means:

- (1) A stop on a high capacity transportation system funded or expanded under the provisions of changer 81.104 RCW;
- (2) Commuter rails stops;
- (3) Stops on bus rapid transit routes or routes that run on high occupancy vehicle lanes; or
- (4) Stops for a bus or other transit mode providing fixed-route service at intervals of at least fifteen minutes during the peak hours of operation.

22A.020.160 "O" definitions.

"Ownership/Ownership interest" ~~Owners are means~~ all persons having real property interest. Owners include, with respect to real property:

- (1) Holder of fee title or a life estate;
- (2) Holder of purchaser's interest in a sale contract in good standing;
- (3) Holder of seller's interest in a sale contract in breach or in default;
- (4) Grantor of deed of trust;
- (5) Presumptively, a legal owner and a taxpayer of record;
- (6) Fiduciary representative of an owner;
- (7) Person having a right of possession or control; or
- (8) Any one or a number of co-owners, including joint, in common, by entireties and spouses as to community property; or
- (9) Any person who has at least 50 percent ownership in a property on which an accessory dwelling unit is located.

22A.020.200 "S" definitions.

"Short-term rental" means a lodging use, that is not a hotel or motel or bed and breakfast, in which a dwelling unit, or portion thereof, is offered or provided to a guest by a short-term rental operator for a fee for fewer than 30 consecutive nights.

Item 2: MMC 22C.130.030 Minimum required parking spaces.

Table 1: Minimum Required Parking Spaces

LAND USE	MINIMUM REQUIRED SPACES
RESIDENTIAL USES	
Single-family dwellings, duplexes, townhouses, and mobile homes	2 per dwelling unit for residents plus 1 additional guest parking space per dwelling unit; provided: 1. An enclosed private garage may be utilized to meet the required parking for residents. Driveways can be counted as resident or guest parking spaces, provided said driveway complies with the bulk and dimensional requirements outlined in Table 2; and 2. Parking spaces behind other required parking spaces (a.k.a. "tandem parking") shall not be counted towards the 2 required parking spaces per dwelling for the residents; however, tandem parking can be counted as a guest parking space.
Accessory dwelling units	<u>No additional parking required if located within one quarter-mile of a major transit stop; otherwise, 1 per accessory dwelling unit.</u>
Studio apartments	1.25 per dwelling unit
Multiple-family dwellings, one bedroom	1.5 per dwelling unit. Parking spaces behind other required parking spaces (a.k.a. "tandem parking") shall not be counted towards the 1.5 required parking spaces in a multifamily development; however, tandem parking can be counted as a guest parking space, when required.
Multiple-family dwellings, two or more bedrooms	1.75 per dwelling unit. Parking spaces behind other required parking spaces (a.k.a. "tandem parking") shall not be counted towards the 1.75 required parking spaces in a multifamily development; however, tandem parking can be counted as a guest parking space, when required.
Retirement housing and apartments	1 per dwelling
Mobile home parks	2 per unit, plus guest parking at 1 per 4 lots
Rooming houses, similar uses	1 per dwelling
Bed and breakfast accommodations	1 space for each room for rent, plus 2 spaces for the principal residential use

Item 3: MMC 22C.180.030 Accessory dwelling unit standards.

In the zones in which an accessory dwelling is listed as a permitted use, the community development director shall review all proposals to establish an accessory dwelling unit. The following standards and regulations shall apply to all proposed accessory dwelling units:

(1) An owner-occupant of a single-family dwelling unit may establish only one accessory dwelling unit per residential lot, which may be attached to the single-family dwelling or detached in an accessory building. An accessory dwelling unit may not be located on a lot on which a temporary dwelling, as defined in MMC Chapter 22C.110, is located.

(2) The single-family dwelling unit must be owner-occupied on the date of application and remain owner-occupied for as long as the accessory unit exists. A covenant shall be required which is signed by the owner and to be recorded with the Snohomish County Auditor ensuring owner occupancy, prior to granting occupancy of the accessory dwelling unit against the property as part of the application process.

(3) The floor area of the accessory dwelling unit shall not exceed 35 50 percent of the total floor area of the single-family dwelling and shall comply with the density and dimensional requirements set forth in MMC 22C.010.080.

The community development director is authorized to conditionally allow an attached accessory dwelling unit greater than the maximum size limit within existing structures, when a denial of such an increase would result in an unreasonable division of interior space between the ADU and the primary dwelling unit.

(4) The community development director is authorized to conditionally allow a deviation of the setbacks set forth in MMC 22C.010.080 of an existing detached accessory structure to be converted to an accessory dwelling unit, subject to the following conditions:

(a) The application shall be subject to the public notice criteria outlined in MMC 22G.010.090 and is subject to a \$250.00 permit processing fee in addition to the accessory dwelling unit land use review fee outlined in MMC 22G.030.020;

(b) The existing detached accessory structure was constructed prior to the effective date of Ordinance 3093, adopted on May 14, 2018;

(c) The applicant shall be required to demonstrate that the existing detached accessory structure was legally permitted and complied with the required structure setbacks in effect at the time the accessory structure was constructed;

(d) If the existing detached accessory structure is determined to be legal nonconforming, conversion to an accessory dwelling unit shall not increase the pre-existing degree of nonconformance;

(e) The accessory dwelling unit shall not result in a lack of compatibility with existing and potential uses in the immediate area;

(f) Adverse impacts of the proposed accessory dwelling unit shall be mitigated by site design elements such as landscaping, fencing and general visual improvement of the property; and

(g) Adequate provisions must be made for public improvements such as sewer, water, drainage, pedestrian and vehicular circulation.

(45) In no case shall the accessory dwelling unit be less than ~~300~~ 200 square feet in size, or have more than two bedrooms. Floor areas shall be exclusive of garages, porches, or unfinished basements.

(6) In no case shall a detached accessory dwelling unit have axels or be on a chassis.

(57) The architectural character of the single-family dwelling shall be preserved. Exterior materials, roof form, and window spacing and proportions shall match that of the existing single-family dwelling. Only one main entrance shall be permitted on the front (street face) of the dwelling; provided, that this limitation shall not affect the eligibility of a residential structure that has more than one entrance on the front or street side on the effective date of the ordinance codified in this chapter.

(68) One off-street parking space shall be provided and designated for the accessory dwelling unit (in addition to the two off-street parking spaces required for the primary single-family dwelling unit), unless the accessory dwelling unit is within one-quarter mile of a major transit stop. No additional parking is required for accessory dwelling units within one-quarter mile of a major transit stop.

If parking is required, Ddriveways may be counted as one parking space but no parking areas other than driveways shall be created in front yards. When the property abuts an alley, the off-street parking space for the accessory dwelling unit shall gain access from the alley.

~~(7) An owner-occupant of a single-family dwelling with an accessory dwelling unit shall file, on a form available from the planning department, a declaration of owner occupancy with the planning department prior to issuance of the building permit for the accessory dwelling unit and shall renew the declaration annually. The initial declaration of owner occupancy shall be recorded with the county auditor prior to filing the declaration with the planning department.~~

(89) The owner-occupant(s) may reside in the single-family dwelling unit or the accessory dwelling unit.

(10) Accessory dwelling units are not permitted as a short-term rental.

(911) In addition to the conditions ~~which~~ that may be imposed by the community development director, all accessory dwelling units shall also be subject to the condition that such a permit will automatically expire whenever:

(a) The accessory dwelling unit is substantially altered and is thus no longer in conformance with the plans approved by both the community development director and the building official; or

(b) The subject lot ceases to maintain at least three off-street parking spaces, when said accessory dwelling unit is beyond one-quarter mile from a major transit stop; or

(c) The owner ceases to reside in either the principal or the accessory dwelling unit; provided, that in the event of illness, death or other unforeseeable event which prevents the owner's continued occupancy of the premises, the community development director may, upon a finding that discontinuance of the accessory dwelling unit would cause a hardship on the owner and/or tenants, grant a temporary suspension of this owner-occupancy requirement for a period of one year. The community development director may grant an extension of such suspension for one additional year, upon a finding of continued hardship.



MARYSVILLE
COMMUNITY
DEVELOPMENT

PC Recommendation – Various amendments to the Unified Development Code (UDC) relating to Accessory Dwelling Units

The Planning Commission (PC) of the City of Marysville, held a public hearing on December 14, 2021 in review of NON-PROJECT action amendments of the Marysville Municipal Code (MMC), proposing amendments to Sections 22A.020.020 – “A” definitions, MMC 22A.020.050, “D” definitions, MMC 22A.020.090, “H” definitions, MMC 22A.020.012, “K” definitions, MMC 22A.020.140, “M” definitions, MMC 22A.020.160, “O” definitions, MMC 22A.020.200, “S” Definitions, and MMC Section 22C.180.030 – Accessory dwelling unit standards.

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) relating to Accessory Dwelling Units to the community on September 28, 2021.
2. The proposed amendments are for consistency with recent changes in Washington State laws.
3. The proposal was submitted to the State of Washington Department of Commerce for 14-day expedited review on November 24, 2021, in accordance with RCW 36.70A.106.
4. The PC held two additional public work sessions to review the NON-PROJECT action amendments proposing various amendments relating to Accessory Dwelling Units of the Unified Development Code (UDC) to the community on November 9, 2021 and November 23, 2021.
5. The PC held a duly advertised public hearing on December 14, 2021 and received testimony from city staff and the public.
6. At the public hearing, the PC reviewed and considered the Modifications to the Unified Development Code (UDC) relating the accessory dwelling units.

CONCLUSION:

At the public hearing, held on December 14, 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 Accessory Dwelling Unit Amendments, this **December 14, 2021**.

By: _____

Stephen Leifer, Planning Commission Chair

Planning Commission



1049 State Avenue
Marysville, WA 98270

**Meeting Minutes
September 28, 2021**

CALL TO ORDER / ROLL CALL

Chair Leifer called the September 28, 2021 Planning Commission meeting to order via Zoom at 6:00 p.m. Planning Manager Chris Holland called the roll.

Present:

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

Excused: Commissioner Tom Thetford

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

APPROVAL OF MINUTES

September 14, 2021 Planning Commission Minutes

Commissioner Hoen referred to the last paragraph of page 3 and clarified that he had asked about long-term planning because he has heard that if you give a building permit you are locking 50 years into the property.

Motion made by Commissioner Thetford, seconded by Commissioner Hoen, to approve the minutes. **Motion passed (4-0)** with Commissioners Michal and Whitaker abstaining.

AUDIENCE PARTICIPATION

James Vasil, commented that they own some property in Whiskey Ridge and are interested in what is going on in that area, especially regarding zoning and the Whiskey Ridge sewer lift station. Planning Manager Holland informed him that Public Works would be joining the Planning Commission on November 9 to go over current projects.

NEW BUSINESS

A. Food Truck Regulations

Community Development Director Haylie Miller explained staff is proposing to begin to work on regulations to allow food trucks in Marysville. They have solicited feedback from restaurant owners related to this topic and received some feedback from four restaurant owners. In general, the restaurant owners have concerns about competition and suggested that food trucks be located a certain distance away from a restaurant. There was general support for food trucks at special events. The general public is very much supportive of the idea of food trucks. There were suggestions and questions related to locations, parking, and whether they should be allowed on city property.

Commissioner Andes commented that a lot of food trucks go from construction site to construction site. He wondered how this would fit in to the proposals. Planning Manager Holland commented that as long as a food truck is staying mobile it would be an allowed use at construction sites. Setting up at a particular parking lot is not allowed right now.

Commissioner Kapus asked if the idea was to allow them to stay in one location or to just move around. Director Miller explained that they are considering allowing food trucks in a more steady location. Some cities allow them to rotate in and out of locations; for example, limited to two or three days a week. This is an area that staff is seeking direction from the Planning Commission. There was some discussion about how traffic impact fees would fit into this.

Commissioner Hoen commented on the generational attraction to food trucks. He noted that food trucks are heavily permitted and highly regulated. He commented on the importance of websites, apps, and other communications to get the word out about where food trucks will be located. He commented that it could be important for them to have some regularity in terms of location so people know where to find them. He noted that it could be a game changer if a commissary is required. As far as opportunities for food trucks, when the Cascade Industrial Center is developed there will be a lot of workers that will probably enjoy having a variety of food trucks.

Commissioner Whitaker suggested the City give preference to existing restaurants in town because they have made financial commitments to the City and the community at large. He spoke in support of allowing food trucks as part of special events, requiring them to be a certain distance away from other restaurants, and limiting them to a certain number of days a week.

Commissioner Michal thought that food trucks would be welcomed by most people. She noted there are questions about placement that would need to be addressed. She agreed with giving deference to permanent restaurants. She spoke in support overall of allowing them at special events.

Commissioner Kapus spoke in support of both semi-permanent and special events. Regarding locating next to restaurants, she suggested considering whether or not it would be a competing use.

Chair Leifer suggested protecting existing restaurants while also allowing food trucks to thrive and provide service to places like construction sites and special events. He also commented on the impact of Covid-19 on people's behavior with restaurants and food trucks. Some people are more comfortable eating outdoors from a food truck than going indoors to a restaurant.

As a starting point with this code, there was general agreement that food trucks should be:

- allowed in commercial areas
- required to be a certain distance of restaurants
- prohibited in residential zones (except for special events)
- allowed for special events in most locations, approved on a case-by-case basis

Chair Leifer asked about existing information about the impact of food trucks on restaurants and what distance actually makes a difference. Planning Technician Wiltshire replied that there is some research showing that food trucks can actually help a business because it creates a node. Commissioner Kapus commented that close proximity could actually be beneficial unless it was a competing type of restaurant. Commissioner Whitaker wondered what other jurisdictions have discovered about this. Director Miller commented that staff is planning on bringing information from about 15 different jurisdictions on what they are doing.

Community Development Director Miller asked the Planning Commission what level of noticing should be required. Staff is proposing that the food truck owner should provide some level of noticing to restaurants and that the input be solicited to the Community Development Department and some level of mitigation measures or denial would be implemented based on the feedback. Chair Leifer commented that it is related to the distance issue. Community Development Director Miller agreed and suggested they could wait on this until they get more information about the of impacts of food trucks on restaurants.

There was also some general discussion about considerations related to traffic impact fees. Staff will provide more information about food truck trip generation numbers.

Director Miller clarified that food trucks would be subject to health and safety regulations of the Snohomish County Health District and licensing requirements of the Department of Licensing. Also, commissary kitchens are not required as of 2019.

B. Emergency Housing Shelters

Director Miller explained that all cities in Washington State must accommodate emergency shelters and housing effective September 30. Cities are required to provide

for transitional housing facilities, permanent supportive housing, emergency shelters and emergency housing in all zones that allow for a hotel or within one mile of transit throughout the city. Staff is recommending that the City allow this in zones that allow for hotels as it is a more straightforward process. In residential zones and zones that allow hotels, cities are required to allow for transitional housing facilities and permanent supportive housing. Indoor emergency shelters and indoor emergency housing have to be allowed in zones that allow hotels. She clarified that these are all indoor shelters.

Director Miller reviewed some control measures proposed by staff.

- In residential zones the permanent supportive housing and transitional housing must be a conditional use and comply with the existing zoning regulations.
- For all zones staff is requiring an operations plan that would outline the operations and how they would mitigate impacts.

Commissioner Kapus asked about regulations regarding who would be monitoring the transitional housing and permanent supportive housing facilities. Director Miller replied that the definition says it can be a public housing authority, a non-profit organization or another public interest group. She did not think the City could be more restrictive, but they can require a management plan. Commissioner Kapus expressed concern about a sophisticated transient group overtook a vacant property with “leases.” She emphasized the need for monitoring who is running these. Director Miller indicated she would come back with a draft code that proposes these different uses and regulations for each of them. Chair Leifer noted that they have to be careful with regulations and controls so it doesn’t appear they are trying to not allow these types of housing. Director Miller agreed.

C. Accessory Dwelling Units

Senior Planner Kate Tourtellot introduced this item related to Accessory Dwelling Units and reviewed a series of definitions and other items that require amending and also reviewed other changes that will likely need amending in the future.

Required changes:

- Add and modify definitions - *household, major transit stop, ownership, and short-term rentals.*
- Revise parking requirements – Amend the off-street parking requirement for ADUs within one-quarter mile of a major transit stop. The City can no longer require an extra off-street parking stall in those situations. The only corridor which meets this requirement is State Avenue up through Smokey Point to the city limits. Planning Technician Wiltshire commented that they might need to also consider amending the parking requirement if they change the size restriction of ADUs.

- Revise utility connection fees. – Can the person tap into the existing water/sewer service (and pay capital improvement fees) or are they required to set up a new connection at the same cost as a single family residence? Senior Planner Tourtellot replied she would come back with more information on this.

Anticipated changes in the future:

- Remove the owner occupancy requirement - The code currently requires owner occupancy, but the City may not be allowed to have this requirement in the future. Commissioner Andes expressed concern that if they don't have the owner occupancy requirement it turns the lot into more of a multi-family use. Chair Holland agreed, but clarified that there would still be a limit on the number of people per square foot of the structure. Commissioner Michal asked if this issue might come up again soon. Senior Planner Tourtellot thought it might come back in 2022 because it has come up for the last three years. The previous two years it was just a recommendation, but this year it was an outright directive. Commissioner Leifer thought that the ability for cities to scrutinize who lives in houses will likely be taken away from cities. Commissioner Kapus spoke in support of removing the owner-occupancy requirement as a way of bringing in different kinds of housing to the community and to help offset people's expenses.
- Prohibit ADUs as short-term rentals – The City does not currently regulate this. The state law says ADUs cannot be used for short-term rentals/vacation rentals.
- Revise the minimum and maximum size limitations. – Right now the code says that the ADU can be 35% of the existing residence. The State is asking that it be less restrictive. Commissioner Michal asked about lot sizes that would be eligible for ADUs. Senior Planner Tourtellot explained that if a lot is less than 5,000 square feet an ADU would not be allowed. She is not sure if they will still have that ability to limit lot sizes with the new rule. Section 7 of House Bill 1220, which got deleted, says that non-conforming structures could not be prohibited from being ADUs. Chair Leifer asked if they would still be able to enforce regulations surrounding things like maximum impervious surfaces coverage and setbacks. Senior Planner Tourtellot thought they would be able to. Commissioner Andes commented that this is a way to get around the short plat process, especially if they eliminate the 35% restriction. Planning Manager Holland commented that they need to do more research on the impervious surface and setback coverage. Any Planned Residential Development throughout the city is not currently allowed to do an ADU.
- Conversion of non-conforming structures – The City's ability to regulate a structure which is non-conforming because of lot setbacks may be impacted in the future.

General discussion followed about expected growth numbers, buildable lands, and the Urban Growth Area. Chair Leifer asked if staff is considering an expansion of the Urban

Growth Area (UGA). Planning Manager Holland replied that the County Council is the one who would determine that. He doesn't think it will happen in this update. Chair Leifer asked how much the buildable lands have shrunk. Planning Manager Holland explained there is a lot of development happening in the Lake Stevens School District related to housing and in the Cascade Industrial Center for industrial and jobs. There are still some areas that need improvements in order to support greater density. There is still quite a bit of capacity, but they will still fall short of what is needed for the 2044 planning period. Senior Planner Tourtellot noted that Snohomish County Council just released its 2021 Buildable Lands Report which is on the county website. She added that the City still has capacity for population and employment through 2035. The big conversation will be how to get from 2035 to 2044 which will be coming to the Planning Commission shortly with the Comprehensive Plan amendments. Planning Manager Holland also gave an overview of impacts of the planned Whiskey Ridge sewer lift station.

OTHER

Planning Manager Holland reported that the City Council approved the Downtown Master Plan and five related ordinances last night. He thanked the Planning Commission for their work and recommendation.

ADJOURNMENT

Motion to adjourn at 7:57 p.m. moved by Commissioner Whitaker, seconded by Commissioner Michal.

AYES: ALL

Chris Holland

Chris Holland, Planning Manager for
Laurie Hugdahl, Recording Secretary

Next Meeting – October 12, or as necessary

Planning Commission



1049 State Avenue
Marysville, WA 98270

**Meeting Minutes
November 9, 2021**

CALL TO ORDER / ROLL CALL

Chair Leifer called the November 9, 2021 Planning Commission meeting to order via Zoom at 6:00 p.m. Senior Planner Tourtellot called the roll.

Present:

Commissioner: Chair Steve Leifer, Vice Chair Jerry Andes, Commissioner Sunshine Kapus, Commissioner Brandon Whitaker, Commissioner Tom Thetford, Commissioner Roger Hoen¹

Excused: Commissioner Kristen Michal

Staff: Community Development Director Haylie Miller, Director of Engineering and Transportation Services Jeff Laycock, Senior Planner Kate Tourtellot, Assistant Planner Mara Wiltshire, Project Manager Steve Miller

APPROVAL OF MINUTES

October 26, 2021 Planning Commission Minutes

Motion made by Commissioner Kapus, seconded by Commissioner Whitaker, to approve the minutes. **Motion** passed unanimously.

AUDIENCE PARTICIPATION

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

NEW BUSINESS

¹ Commissioner Hoen arrived around 6:15 p.m. during the Capital Works Update.

Public Works – Capital Projects Update

Director Laycock announced that he is now the Director of Engineering and Transportation Services for Public Works, and Karen Latimer is the new Director of Public Works Services and Utilities.

Project Manager Steve Miller made a presentation regarding Capital Projects.

Ebey Waterfront Park Expansion

Geddes Property:

- Phase 1 – Downtown Stormwater Treatment Project (DSTP) – will remove contaminants from stormwater collected from downtown. Key elements of this project include the pump station, pretreatment units, treatments units (with media such as filtration and plantings), and the existing outfall. When complete it will include public amenities (bench, waste receptacles, signage), plantings, park elements (bollards, cladding), and lighting. This is a \$10 million project made possible with the City's funding partner, Department of Ecology. Design of the project will be completed this month. After that it will be submitted to Ecology for approval before it goes out to bid. They hope to begin construction in spring of 2022 with substantial project completion expected in early summer of 2023.

Chair Leifer asked if there is a detention vault under the treatment beds. Project Manager Miller replied that there is not. Chair Leifer asked if there has been a change in the idea of pumping stormwater. Director Laycock replied that is unique to this project. They have to pump to be able to get it through the treatment facility.

Commissioner Whitaker asked how the pretreatment cells are cleaned out. Director Laycock replied they have access to be able to get vector trucks in and out. Commissioner Whitaker asked about the pretreatment media. Project Manager Miller reviewed the two manufacturers of the filters that could meet the criteria for the project.

- Phase 2 – Geddes Marina Remediation – Project Manager Miller reviewed the preliminary channel profile and cross section. He also reviewed the schedule for design, permitting, final design, and construction. Construction is estimated to be completed by May 2026 or as early as summer of 2025 without pre-loading for full pipe.

Chair Leifer asked where the high and low mean tide is relative to the channel profile. Project Manager Miller replied reviewed this and explained that in a high tide it could be submerged. Director Laycock added that the bottom of the channel is a zero feet elevation.

Commissioner Whitaker asked why they are cutting a new channel and filling the old one. Director Laycock replied that the alignment of the channel is still under design, but there are some complicating factors and phasing issues which will be discussed later.

Commissioner Hoen asked how much of Marysville's stormwater comes through here. Director Laycock replied it is a significant drainage area.

- Phase 3 – Ebey Waterfront Park Expansion – This project is at 30% design. Project Manager Miller reviewed project highlights including a park plaza, fountain, trails, a great lawn, a festival stage, restrooms and storage, a motorized boat launch, a non-motorized boat launch, a picnic area, signage, a tidal backwater channel, a plaza with tables and chairs, a play area and a sound pad, bench swings, a cut-through berm, a programmable spray fountain, an amphitheater, retaining walls, parking, a footbridge, a waterside deck with terraced seating, a future stormwater facility location, a path/fire lane, and street art murals.

Commissioner Whitaker asked if they would sample water at the outfall for stormwater permits. Director Laycock replied that they would.

Commissioner Hoen noted that the restroom facilities are far away from some of the other facilities. Director Laycock acknowledged this and noted that the location may change before the design is finalized.

Commissioner Kapus commented that she thought there would be pre-loading either way. Project Manager Miller explained that although the channel would still need pre-loading, the full pipe option would have been much heavier and required piles that the channel will not need.

Capital Project Updates - General

- I-5 NB HOV Lane Extension and SR 529 Interchange – \$85 M cost estimate. Construction is expected to begin in spring/summer 2022 and completed in fall 2024. This is a WSDOT project funded by Connecting WA.
- State Avenue Corridor Improvements – Phase 1 is under construction with completion in summer of 2022. Phase 2 is in design with a tentative bid in spring of 2022. This will go from 104th to 116th Street. This is grant funded with a TIB grant.
- Grove Street Overcrossing – grade separated railroad crossing with a \$24M estimated project cost and possible State funding.

- 88th Street NE Corridor – Widen to 3 lanes with shared-use pathways. It is currently at 60% design and working through permitting issues. Construction estimate is \$30M with some federal and county funding.
- LID Infrastructure – Cedar Avenue is under construction around the Opera House with pedestrian improvements. This is funded partially with a DOE grant. 2nd Street will also be improved similar to 3rd Street.
- Ebey Waterfront Trail – The majority of the trail is completed, but 1.28 miles remain. Staff is working with the Tulalip Tribes to connect and tie into the 1st Street bypass.
- Bayview Trail – Extend Bayview Trail from 64th Street NE to Soper Hill Rod (Marysville) and from Soper Hill Rd. to 20th Street NE (Lake Stevens) through an Interlocal Agreement with Lake Stevens. Lake Stevens has plans to loop it back through to Centennial Trail.

Chair Leifer asked about the 156th Street Interchange. Director Laycock explained that one is pretty far out in the future. It will be funded by Connecting Washington and managed by WSDOT. Funds begin in 2025 with an intent to complete construction in 2031.

Commissioner Hoen asked about a road to the backside of Costco. Director Laycock replied that there will be a future road connection there which parallels the tracks.

The Planning Commission expressed appreciation for the update. Director Laycock expressed interest in doing an annual report to the Planning Commission.

OLD BUSINESS

A. Emergency Housing and Shelters

Director Miller reviewed part 2 of Emergency Housing and Shelters related to Transitional Housing Facilities and Permanent Supportive Housing and Housing Bill 1220 which is required by the State. Transitional Housing Facilities provides housing which is owned by public housing authorities, non-profit groups or other public interest groups for a shorter duration, up to 24 months. It is also coupled with job training, self-sufficiency training, and human services counseling to transition patrons into Permanent Supportive Housing or more traditional housing. Marysville already allows these types of facilities. Permanent Supportive Housing is a more permanent form of transitional housing for people that need ongoing support.

Staff is proposing the following changes based on State requirements:

- Add a definition for Permanent Supportive Housing.

- Revise the code to allow for Transitional Housing Facilities and Permanent Supportive Housing facilities in all residential zones and any zones that allow hotels. She believes it is important to ensure that the use is managed properly. Staff is proposing to remove hotels as a permitted use from four multifamily zones.
- Identify Reasonable Controls – Reasonable occupancy, spacing and intensity of use requirements may be imposed by ordinance on indoor emergency housing and indoor emergency shelters to protect public health and safety. These uses would be an outright permitted use with very limited additional controls. These are currently allowed within the City without additional regulations.

Both of these codes will come back in December for a proposed hearing.

Chair Leifer asked how these would fit in the Manufacturing Industrial Center. Director Miller explained that the State requires that these are allowed in any zones that allow for hotels, and hotels are permitted in that zone. She didn't think it was likely to be a conflict and that most of them would choose to locate in more residential areas and closer to transit.

B. Accessory Dwelling Units

Senior Planner Tourtellot responded to previous questions and reviewed proposed amendments as contained in the Memorandum to the Planning Commission. She solicited feedback from the Planning Commission on removing the requirement for owner occupancy and increasing the maximum size.

David Kronbach, Marysville resident, commented that he has a small house on a large lot and is very interested in building an ADU. He has a 1250 square foot house and could not build something bigger than 375 square feet given the current regulations. He recommended allowing ADU's up to 1000 square feet as long as they are not larger than the existing house.

Chair Leifer asked staff to make a note of Mr. Kronbach's comments to include in their discussion.

Commissioner Whitaker asked how they would enforce the no short-term rental requirement. Senior Planner Tourtellot replied that it would be complaint-driven only since the City does not monitor this. Commissioner Whitaker asked how neighboring jurisdictions calculate limits on ADUs. Senior Planner Tourtellot replied that the majority of jurisdictions have the maximum set at a percentage of the primary dwelling unit. AARP also has a model ordinance which she can provide. Director Miller added that she has seen cities use a percentage of the existing house or 1000 square feet, whichever is less. Commissioner Whitaker was supportive of including a percentage and/or a square foot limit. Commissioner Andes concurred.

Senior Planner Tourtellot added that lots less than 5000 square feet in Planned Residential Developments are currently prohibited from doing ADUs. She indicated she would follow up with the City Attorney to check about this.

Chair Leifer commented that in his experience most people in Marysville are not really interested in having their neighbors add ADUs in their backyard. He commented on the challenge of balancing this with the pressure to infill and maximizing infrastructure. He recommended taking more time to discuss these competing ideologies. There was consensus to have staff bring back more information to the commission for discussion.

Senior Planner Tourtellot summarized she would:

- Clarify PRDs regulations
- Look at a comparison of a maximum based on a percentage of the house size versus a square footage.
- Analyze the community to see what it would look like in different parts of the city.
- See how codified impervious surfaces tie into this issue.

Director Miller also recommended building flexibility into the code for the Community Development Director to use her/his best judgement. Senior Planner Tourtellot indicated she would put something together for the commission to review in two weeks.

ADJOURNMENT

Motion to adjourn at 7:47 moved by Commissioner Whitaker, seconded by Commissioner Andes.

AYES: ALL

Chris Holland

Chris Holland, Planning Manager for
Laurie Hugdahl, Recording Secretary

Next Meeting - November 23, 2021

Planning Commission



1049 State Avenue
Marysville, WA 98270

**Meeting Minutes
December 14, 2021**

CALL TO ORDER / ROLL CALL

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

Present:

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

Excused: Commissioner Tom Thetford

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

APPROVAL OF MINUTES

November 23, 2021 Planning Commission Minutes

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

AUDIENCE PARTICIPATION

None.

PUBLIC HEARING

A. Food Truck Regulations

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

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

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

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

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

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

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

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

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

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

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

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

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

B. Accessory Dwelling Units

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

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

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

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

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

Public Testimony:

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

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

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

C. Emergency Housing and Shelters

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

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

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

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

OLD BUSINESS

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

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

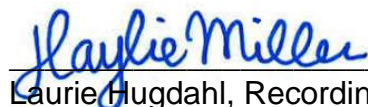
Motion made by Commissioner Kapus, seconded by Commissioner Andes, to schedule this item for a public hearing on January 11, 2022. **Motion** passed.

ADJOURNMENT

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

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

AYES: ALL



Laurie Hugdahl, Recording Secretary

Next Meeting – January 11, 2022

Planning Commission



1049 State Avenue
Marysville, WA 98270

**Meeting Minutes
November 23, 2021**

CALL TO ORDER / ROLL CALL

Chair Leifer called the November 23, 2021 Planning Commission meeting to order via Zoom at 6:00 p.m. Senior Planner Tourtellot called the roll.

Present:

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

Absent: Vice Chair Jerry Andes

Staff: Community Development Director Haylie Miller, Senior Planner Kate Tourtellot, Planning Technician Mara Wiltshire

APPROVAL OF MINUTES

November 9, 2021 Planning Commission Minutes

Commissioner Hoen commented that he had notified the Chair prior to the meeting that he would be late to the November 9 meeting. Chair Leifer confirmed this.

Motion made by Commissioner Thetford, seconded by Commissioner Whitaker, to approve the minutes. **Motion** passed unanimously.

AUDIENCE PARTICIPATION

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

NEW BUSINESS

None

OLD BUSINESS

A. Emergency Housing and Shelters

Director Miller reviewed code changes and solicited feedback related to Transitional Housing Facilities and Permanent Supportive Housing regulations. These two housing types are already allowed. Examples of projects around town include Twin Lakes Landing and the MESH program which both house homeless. Since the last meeting an additional condition has been added to the Operations Plans to ensure current best practices for permanent supportive housing and transitional housing facilities are used.

Chair Leifer pointed out a typing error on 22C.020.060 at the bottom of the page.

Director Miller then reviewed proposed changes to Emergency Indoor Shelters and Emergency Housing. Staff has proposed additional regulations for these uses to mitigate potential impacts.

- Hotels have been removed out of four multi-family zones.
- If shelters have less than 30, applicants can go through a standard application process. If over 30, it would require a conditional use permit process with the Hearing Examiner.
- Some of the requirements for separation between facilities were removed.
- The Police Chief reviewed and agreed with the conditions, but recommended a background check to vet sex offenders. This is currently pending as it needs to be vetted by the City Attorney. Condition 22 had originally allowed level 1 and 2 sex offenders; however the Police Chief only recommended level 1 at this time. Level 1 offenders could be permitted as long as they follow the standard registry protocol.
- The spacing was revised to 200 sf per individual. This is acceptable to currently operating shelter providers.
- Parking was revised to one stall per two employees plus one stall per five residents with a three-space limit. This would apply to all four uses.

Director Miller recommended holding a hearing on December 14. She is hoping to take it to City Council as soon as possible after that since the City is technically out of compliance right now.

Commissioner Hoen referred to requirements in item 22 and 23 and requested more clarity on which levels of sex offenders are allowed and prohibited. Director Miller noted that the police department recommended level 1 only. She solicited feedback from the Planning Commission on this. She summarized they are currently waiting on decisions regarding whether or not to require a background check and whether to allow level 2 sex offenders. She suggested that a decision on these could be rendered at the public hearing.

Motion made by Commissioner Whitaker, seconded by Commissioner Michal, to set this for a public hearing on December 14. **Motion** passed unanimously.

B. Accessory Dwelling Units (ADUs)

Senior Planner Tourtellot reviewed some background on this item.

- She checked with the City Attorney about the existing prohibition in Planned Residential Developments (PRDs), and he did not see a conflict with maintaining this prohibition.
- The definitions for *Accessory Dwelling Unit* and *kitchen* have been clarified.
- 22C.180.030(2) - The size of ADUs would be limited to 50% or 1000 sf whichever is smaller and give director authority to allow larger units if unreasonable division of space would result.

Commissioner Whitaker asked if underlying zoning dimensions would still apply to restrict the size. Senior Planner Tourtellot affirmed that all of the bulk and dimensional standards would still apply.

Chair Leifer asked why the maximum size is the *lesser* of either 50% or 1000 feet if the land area is sufficient. Senior Planner Tourtellot replied that this was a starting point for conversation, but could be modified.

Commissioner Hoen referred to the resident who had commented at the last meeting regarding his small house on a large lot. The resident had wondered if there was any way for him to build a larger ADU. Commissioner Hoen asked how this would impact him. Senior Planner Tourtellot replied that staff had discussed this and determined that he would be limited to the 50% of his existing home.

Chair Leifer asked how they got to the 1000 sf limit. He thought it should be proportional to the house size. Director Miller explained there is not a technical reason for this. Staff thought that beyond 1000 sf, it just felt bigger than an ADU and more like a full house size. Chair Leifer spoke to the conflict between the ideologies of infill and sprawl. He didn't agree with the limitation in size when there are so many variables in lot size and house size.

Commissioner Kapus agreed that we don't necessarily need a maximum since existing zoning should take care of it being out of character with existing homes.

Commissioner Thetford commented that there may be lots large enough that it would make sense to allow larger units. He personally wouldn't like to maximize the impervious lot area because he likes more space, but there are denser areas where it would make more sense.

Commissioner Whitaker thought the size should be limited to 1500 sf. Above that size it is the size of another house and not an ADU.

Commissioner Michal thought that 1000-1200 sf makes sense for most accessory uses. She asked if there could be discretion to allow for a bigger unit on a large lot.

Director Miller indicated that staff could allow a larger maximum size or could build in language allowing larger ADUs on larger lots if desired by the Planning Commission.

Chair Leifer asked for clarification about ADUs needing to be attached. Senior Planner Tourtellot commented that the provision that gives the director discretion to allow for a larger unit pertains to an ADU that would be attached. The allowance is for unreasonable division of space that would result from adhering to the code when converting existing living space into an ADU. An ADU in general can be attached or detached. Chair Leifer commented on how many people are struggling to buy a house; he is supportive of anything they can do to help people get into housing.

Senior Planner Tourtellot noted they could simply cap it at 50% of the existing house size. There was discussion about how this would impact various situations.

Commissioner Kapus suggested allowing new construction to become the primary dwelling unit if the lot size permits. Senior Planner Tourtellot indicated she could look into this with other jurisdictions.

There was consensus to simply cap the size at 50% of the existing house.

Motion made by Commissioner Hoen, seconded by Commissioner Thetford, to schedule this for a hearing on December 14. **Motion** passed unanimously.

C. Food Truck Regulations

Director Miller reviewed proposed food truck regulations and recommended scheduling this for a public hearing on December 14. At the last meeting they reached consensus about allowing food trucks on city property, special events and private property. The Planning Commission had asked for some information regarding the hours of operation. She has included a recommendation to allow a food truck on private property for 3 days a week or up to 12 days a week. That would not preclude a property owner from rotating different food trucks onto the site. Additionally, there would be a 100 ft. buffer for existing brick and mortar restaurants.

Commissioner Hoen commented that there would be a daily demand at the Cascade Industrial Center for more than just 3 days a week. He pointed out that Everett doesn't have any time restriction. He expressed interest in hearing from food truck operators.

Director Miller replied they can look into allowing them more. Her understanding was that the City Council was not in favor of food trucks at all at least in years past in an attempt to give preference to brick and mortar restaurants. The public, however, has been very interested in having food trucks. Staff's approach was a "soft landing" with a conservative code amendment for now and the possibility of revisiting in a year.

Chair Leifer did not think they should limit the days allowed to go to a construction site. Director Miller replied that this is already allowed under the temporary use permit.

Amanda Andrew, owner of Captain's Cod food truck, explained that they operate in 30 cities throughout Eastern Washington and prefer not to overstay their welcome in any one place. They have a contract with the property owner wherever they park. They are 100% self-contained with power and water. They don't stay in one city more than one day per week so this requirement wouldn't affect them. The way they operate is unique, and this is not be the norm for other food truck operators. The code amendments being proposed here are typical of what they see in most other cities.

Director Miller commented that the Washington Food Truck Association helps coordinate a rotating schedule between jurisdictions. She also noted that the City intends to allow food trucks on city properties either by a special event permit or by city contract. They would have flexibility with what they allow.

Chair Leifer said he was sympathetic to brick and mortar restaurants that pay fees and taxes. He also liked the soft landing approach. Other commissioners agreed.

Motion made by Commissioner Whitaker, seconded by Commissioner Kapus, to forward the food truck regulations to a public hearing on December 14. **Motion** passed unanimously.

ADJOURNMENT

Motion to adjourn at 7:45 p.m. moved by Commissioner Thetford, seconded by Commissioner Whitaker.

AYES: ALL

Chris Holland

Chris Holland, Planning Manager for
Laurie Hugdahl, Recording Secretary

Next Meeting – December 14, 2021

Some Questions and Observations For the City of Marysville Regarding ADU guidelines

The following questions and comments are meant to stimulate further discussion regarding current ADU codes, and how the City of Marysville might approach and address the growing pressure for affordable housing, while at the same time respond to the desires of property owners to creatively maximize their property usage.

While there is a growing need for affordable housing, there is an additional pressure on our communities for creative housing options. Regardless of political or medical opinions, most of us have been impacted by the pandemic in some way. Many are now choosing to work from home. Many are desiring to have family live nearby; to travel less and provide space for extended family. Joblessness impacts multi-generational families in ways that create additional stress and pressure to house unemployed family members in existing square footage. ADU's can help alleviate this need.

QUESTIONS:

- Not all properties are created equal. Not every existing home is the same size. Not every lot has the same existing hardscape or buildable land.

How are these realities taken into consideration, when amending the current codes for ADU size restrictions?

- Given that ADU means Accessory Dwelling Unit, the assumption is made here that this is an actual dwelling where people live full-time. As you consider who these codes impact most, please consider the single person, single parent, extended families living in crowded homes, or others who genuinely need a modest 2-bedroom apartment in an existing neighborhood. There are many people like these in most communities, and the current ADU codes could be more generous in meeting such needs.

Has anyone considered what it might be like to live in a dwelling restricted by the current ADU codes?

- Rather than restrict the ADU to a maximum % of the existing house footprint, a standardized maximum limit for ADU square footage would allow more homeowners to build reasonably sized ADUs. Such a change would more equitably provide a uniform application of ADU building codes across the city. (For example, given the current percentage equation at the current code allowance of 35%, someone owning a home of 3800 sq ft, with enough additional lot space to comply with setback and hardscape requirements, could conceivably build an ADU of 1330 sq ft., whereas someone with a home of 1200 sq ft, also meeting setback and hardscape (impervious) requirements could only build an ADU of 420 sq ft. That is not adequate to be considered fulltime living space.)

What is stopping the City of Marysville from changing the ADU codes from a maximum % of existing House footprint, to a maximum of 1000-1200 sq ft. for ALL ADU units? The caveat to this being that no ADU will be larger than the existing house, (should that house be less than the maximum allowed for an ADU sq ft). If all other restrictions, setbacks and other requirements are met, why not move in a more generous direction? What would be lost and what would be gained by doing so?

- The example above, based on current code restrictions, limits the opportunity of smaller houses to provide a reasonably sized ADU as livable space. The only alternative for an owner of a small house footprint who desires to build a DETACHED ADU would be to enlarge the existing house footprint, then build an ADU based on the percentage of the larger footprint. This seems absurd to consider, and seems to speak more to the need to protect the letter of the ADU CODE, than perhaps simply using common sense with the overall footprint of the property. For this reason, the current formula of a simple percentage of house square footage seems inadequate. Simplifying the codes to provide a more generously sized ADU, governed, not by a %, but by a Maximum allowable sq ft. seems a more reasonable answer to housing needs.

Could a more equitable code formula allow more property owners to build ADUs, providing more fulltime rentable living spaces?

OBSERVATIONS:

A reasonably sized ADU allows a single person, a single parent or someone unable to afford a full-sized house to actually live and function in a place they can afford and can call home. Limiting the size to the smallest possible square footage, with a simple percentage formula, does not allow properties with a large square footage and a small house square footage to utilize the property to its fullest potential.

Adding a top-end square footage limit would safeguard against unreasonably large ADU's, yet allow for a modestly sized 1-2-bedroom apartment, assuming all other code requirements for setbacks, hardscape allowances and architectural integrity to the property and streetscape are followed.

Providing reasonably sized ADU's as rentable dwellings could help mitigate urban sprawl by infilling current residential zones, or help families provide for extended family needs.

An equitable ADU size formula allows more owners to build livable space, which will add value to existing properties, in turn, increasing property values, property taxes and resale values. This seems like a win for affordable housing, the property owner and the City of Marysville.

Respectfully submitted,

David Kronbach



December 13, 2021

Marysville Planning Commission
1049 State Avenue
Marysville, WA 98270

RE: Accessory Dwelling Units

Dear Commissioners,

The Master Builders Association of King and Snohomish Counties takes pride in building communities. Our 2,600 members are professional homebuilders, architects, remodelers, trades people, planners and engineers, suppliers, manufacturers, and sales and marketing professionals in your community. We are committed to ensuring that all people can attain housing and have a safe and healthy place to call home.

MBAKS wants to thank the City Staff and Planning Commission for their work updating the city's Accessory Dwelling Unit (ADU) code. MBAKS would specifically like to applaud the elimination of the owner-occupancy requirement, reduction in parking requirements, and the increase to maximum size limitations.

However, **we would encourage the commission to allow an ADU of up to 1,000 square feet, regardless of the primary dwelling unit size or lot size, and remove parking requirements altogether.** This flexibility would allow for more ADU construction and help with the severe housing supply shortage current and future residents face.

ADUs (both attached and detached) are a sought-after housing choice and offer significant community benefits. ADUs make it easier for younger buyers to qualify for their first home, enable seniors to age in place, and expand options for multigenerational living.

ADUs are an important housing choice because they fit into our existing communities and neighborhoods while providing a more affordable option. A [Turner Center report](#) out of UC Berkeley found that 58% of ADUs studied were rented for **below** market-rate rent and that 17% of homeowners were allowing friends and family members to stay in their ADU for free. ADUs are critical tools for accommodating growth in the very places where many families want to live—near job centers, existing infrastructure, and other amenities.

ADUs are also an environmentally-friendly housing option, given that they are typically smaller units that can be built in already existing single-family neighborhoods and the fact that residents tend to drive less, resulting in lower carbon emissions. Enabling more ADUs would benefit Marysville by adding much-needed, affordable housing options.



MBAKS appreciates the opportunity to comment on these needed changes to ADUs and looks forward to continued collaboration on housing opportunities in Marysville. Thank you for your consideration. I am happy to answer any questions you may have.

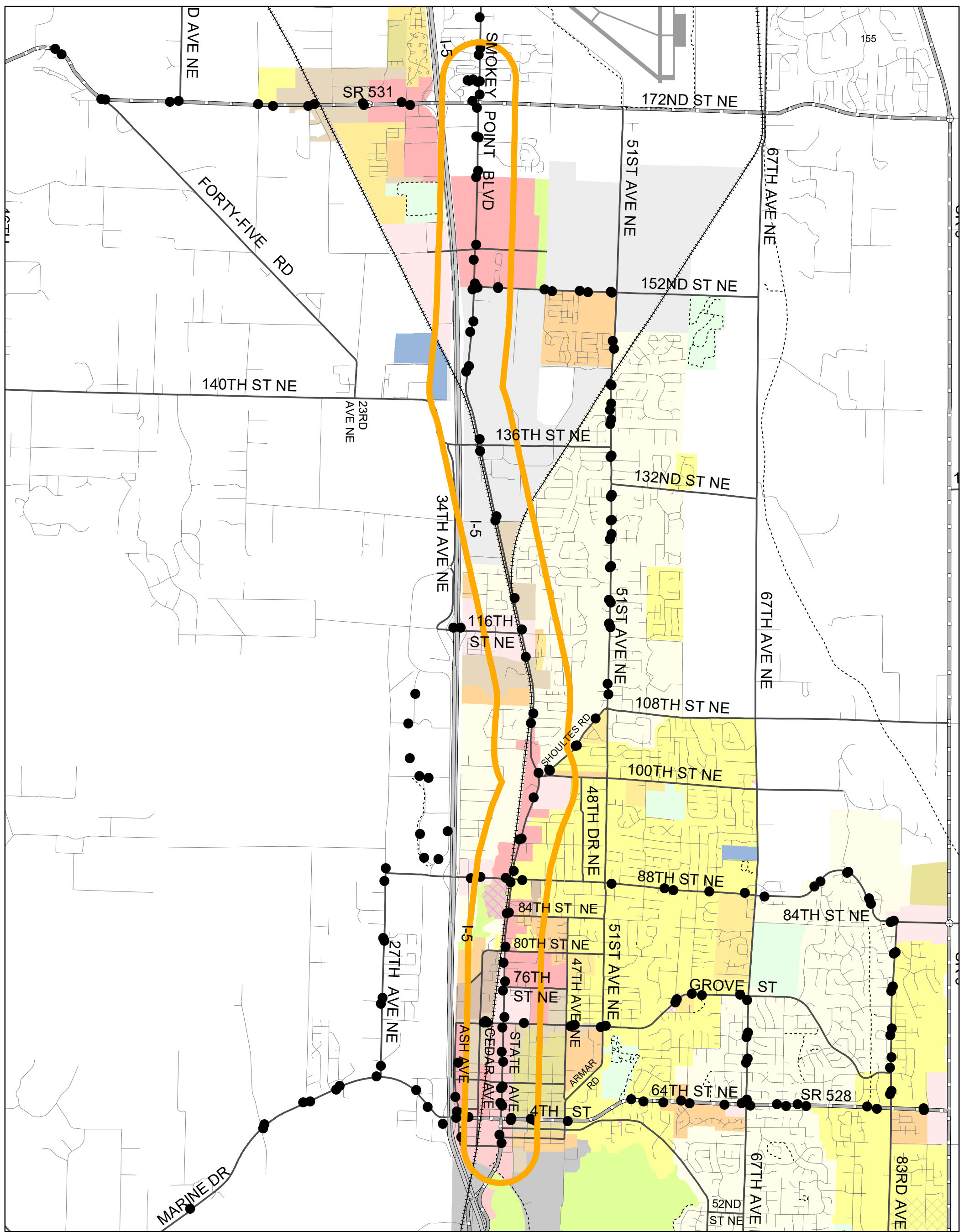
Sincerely,



Dylan Sluder
Snohomish County Manager
Master Builders Association of King and Snohomish Counties

Encl.

cc: Mayor Jon Nehring
Planning Director Haylie Miller



City of Marysville

State Ave/Smokey Point Corridor



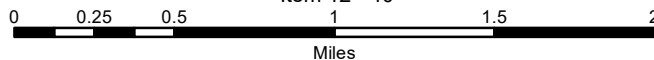
Legend

- Quarter Mile Radius
- Existing Community Transit Stops

Zoning

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

Item 12 - 40



Miles

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CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 6617

Chapter 217, Laws of 2020

66th Legislature
2020 Regular Session

ACCESSORY DWELLING UNITS--OFF-STREET PARKING

EFFECTIVE DATE: June 11, 2020

Passed by the Senate March 10, 2020
Yeas 41 Nays 8

CYRUS HABIB

President of the Senate

Passed by the House March 6, 2020
Yeas 94 Nays 3

Laurie Jinkins

**Speaker of the House of
Representatives**

Approved March 27, 2020 2:59 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6617** as passed by the Senate and the House of Representatives on the dates hereon set forth.

BRAD HENDRICKSON

Secretary

FILED

March 27, 2020

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 6617

AS AMENDED BY THE HOUSE

Passed Legislature - 2020 Regular Session

State of Washington 66th Legislature 2020 Regular Session

By Senate Housing Stability & Affordability (originally sponsored by Senators Liias and Das)

READ FIRST TIME 02/06/20.

1 AN ACT Relating to accessory dwelling unit regulation; adding new
2 sections to chapter 36.70A RCW; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** (1) The legislature makes the following
5 findings:

6 (a) Washington state is experiencing a housing affordability
7 crisis. Many communities across the state are in need of more housing
8 for renters, across the income spectrum. Accessory dwelling units are
9 frequently rented at below market rate, providing additional
10 affordable housing options for renters.

11 (b) Accessory dwelling units are often occupied by tenants who
12 pay no rent at all; among these tenants are grandparents, adult
13 children, family members with disabilities, friends going through
14 life transitions, and community members in need. Accessory dwelling
15 units meet the needs of these people who might otherwise require
16 scarce subsidized housing space and resources.

17 (c) Accessory dwelling units can meet the needs of Washington's
18 growing senior population, making it possible for this population to
19 age in their communities by offering senior-friendly housing, which
20 prioritizes physical accessibility, in walkable communities near
21 amenities essential to successful aging in place, including transit

1 and grocery stores, without requiring costly renovations of existing
2 housing stock.

3 (d) Homeowners who add an accessory dwelling unit may benefit
4 from added income and an increased sense of security.

5 (e) Siting accessory dwelling units near transit hubs and near
6 public amenities can help to reduce greenhouse gas emissions by
7 increasing walkability, shortening household commutes, and limiting
8 sprawl.

9 (2) The legislature intends to promote and encourage the creation
10 of accessory dwelling units as a means to address the need for
11 additional affordable housing options.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.70A
13 RCW to read as follows:

14 The definitions in this section apply throughout sections 3 and 4
15 of this act unless the context clearly requires otherwise.

16 (1) "Accessory dwelling unit" means a dwelling unit located on
17 the same lot as a single-family housing unit, duplex, triplex,
18 townhome, or other housing unit.

19 (2) "Attached accessory dwelling unit" means an accessory
20 dwelling unit located within or attached to a single-family housing
21 unit, duplex, triplex, townhome, or other housing unit.

22 (3) "City" means any city, code city, and town located in a
23 county planning under RCW 36.70A.040.

24 (4) "Detached accessory dwelling unit" means an accessory
25 dwelling unit that consists partly or entirely of a building that is
26 separate and detached from a single-family housing unit, duplex,
27 triplex, townhome, or other housing unit.

28 (5) "Dwelling unit" means a residential living unit that provides
29 complete independent living facilities for one or more persons and
30 that includes permanent provisions for living, sleeping, eating,
31 cooking, and sanitation.

32 (6) "Major transit stop" means:

33 (a) A stop on a high capacity transportation system funded or
34 expanded under the provisions of chapter 81.104 RCW;

35 (b) Commuter rail stops;

36 (c) Stops on rail or fixed guideway systems, including
37 transitways;

38 (d) Stops on bus rapid transit routes or routes that run on high
39 occupancy vehicle lanes; or

1 (e) Stops for a bus or other transit mode providing fixed route
2 service at intervals of at least fifteen minutes during the peak
3 hours of operation.

4 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.70A
5 RCW to read as follows:

6 (1) Cities must adopt or amend by ordinance, and incorporate into
7 their development regulations, zoning regulations, and other official
8 controls the requirements of section 4 of this act to take effect by
9 July 1, 2021.

10 (2) Beginning July 1, 2021, the requirements of section 4 of this
11 act:

12 (a) Apply and take effect in any city that has not adopted or
13 amended ordinances, regulations, or other official controls as
14 required under this section; and

15 (b) Supersede, preempt, and invalidate any local development
16 regulations that conflict with section 4 of this act.

17 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.70A
18 RCW to read as follows:

19 (1) Except as provided in subsection (2) and (3) of this section,
20 through ordinances, development regulations, zoning regulations, and
21 other official controls as required under section 3 of this act,
22 cities may not require the provision of off-street parking for
23 accessory dwelling units within one-quarter mile of a major transit
24 stop.

25 (2) A city may require the provision of off-street parking for an
26 accessory dwelling unit located within one-quarter mile of a major
27 transit stop if the city has determined that the accessory dwelling
28 unit is in an area with a lack of access to street parking capacity,
29 physical space impediments, or other reasons supported by evidence
30 that would make on-street parking infeasible for the accessory
31 dwelling unit.

32 (3) A city that has adopted or substantively amended accessory
33 dwelling unit regulations within the four years previous to the
34 effective date of this section is not subject to the requirements of
35 this section.

36 NEW SECTION. **Sec. 5.** A new section is added to chapter 36.70A
37 RCW to read as follows:

1 Nothing in this act modifies or limits any rights or interests
2 legally recorded in the governing documents of associations subject
3 to chapter 64.32, 64.34, 64.38, or 64.90 RCW.

Passed by the Senate March 10, 2020.

Passed by the House March 6, 2020.

Approved by the Governor March 27, 2020.

Filed in Office of Secretary of State March 27, 2020.

--- END ---

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5235

Chapter 306, Laws of 2021
(partial veto)

67th Legislature
2021 Regular Session

HOUSING UNIT INVENTORY—REMOVING LIMITS

EFFECTIVE DATE: July 25, 2021

Passed by the Senate April 14, 2021
Yeas 30 Nays 18

DENNY HECK

President of the Senate

Passed by the House April 7, 2021
Yeas 57 Nays 40

Laurie Jinkins

**Speaker of the House of
Representatives**

Approved May 13, 2021 11:53 AM with
the exception of sections 1, 3, and
4, which are vetoed.

JAY INSLIEE

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of
the Senate of the State of
Washington, do hereby certify that
the attached is **ENGROSSED
SUBSTITUTE SENATE BILL 5235** as
passed by the Senate and the House
of Representatives on the dates
hereon set forth.

BRAD HENDRICKSON

Secretary

FILED

May 13, 2021

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5235

AS AMENDED BY THE HOUSE

Passed Legislature - 2021 Regular Session

State of Washington 67th Legislature 2021 Regular Session**By** Senate Housing & Local Government (originally sponsored by Senators Lias, Das, Nguyen, Nobles, Saldaña, and Wilson, C.)

READ FIRST TIME 02/05/21.

1 AN ACT Relating to increasing housing unit inventory by removing
 2 arbitrary limits on housing options; amending RCW 36.70A.696,
 3 36.70A.697, and 36.70A.698; adding a new section to chapter 35.21
 4 RCW; adding a new section to chapter 35A.21 RCW; adding a new section
 5 to chapter 36.01 RCW; and creating a new section.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 ***NEW SECTION.** *Sec. 1. The legislature finds that local zoning*
 8 *laws can contribute to limiting the housing available for*
 9 *Washingtonians. The legislature finds that reducing these barriers*
 10 *can increase affordable housing options. The legislature finds that*
 11 *accessory dwelling units can be one way to add affordable long-term*
 12 *housing and to provide a needed increase in housing density. However,*
 13 *the legislature finds that research from several cities shows that*
 14 *when accessory dwelling units are built and offered for short-term*
 15 *rental for tourists and business visitors, they may not improve*
 16 *housing affordability. Therefore, it is the intent of the legislature*
 17 *to encourage reducing barriers to accessory dwelling units when local*
 18 *governments have programs to incentivize or assure that they will be*
 19 *utilized for long-term housing. The legislature finds that owner*
 20 *occupancy requirements may provide an appropriate means for local*
 21 *governments to ensure community impacts of accessory dwelling units*

1 *are mitigated and allow for relaxation of other requirements, when*
 2 *they are an element of a program to reduce short-term rental of*
 3 *accessory dwelling units. The legislature also intends to remove*
 4 *barriers and restrictions on the number of unrelated occupants*
 5 *permitted to live together, which will provide additional affordable*
 6 *housing options.*

**Sec. 1 was vetoed. See message at end of chapter.*

7 **Sec. 2.** RCW 36.70A.696 and 2020 c 217 s 2 are each amended to
 8 read as follows:

9 The definitions in this section apply throughout RCW 36.70A.697
 10 and 36.70A.698 unless the context clearly requires otherwise.

11 (1) "Accessory dwelling unit" means a dwelling unit located on
 12 the same lot as a single-family housing unit, duplex, triplex,
 13 townhome, or other housing unit.

14 (2) "Attached accessory dwelling unit" means an accessory
 15 dwelling unit located within or attached to a single-family housing
 16 unit, duplex, triplex, townhome, or other housing unit.

17 (3) "City" means any city, code city, and town located in a
 18 county planning under RCW 36.70A.040.

19 (4) "County" means any county planning under RCW 36.70A.040.

20 (5) "Detached accessory dwelling unit" means an accessory
 21 dwelling unit that consists partly or entirely of a building that is
 22 separate and detached from a single-family housing unit, duplex,
 23 triplex, townhome, or other housing unit and is on the same property.

24 ~~((+5))~~ (6) "Dwelling unit" means a residential living unit that
 25 provides complete independent living facilities for one or more
 26 persons and that includes permanent provisions for living, sleeping,
 27 eating, cooking, and sanitation.

28 ~~((+6))~~ (7) "Major transit stop" means:

29 (a) A stop on a high capacity transportation system funded or
 30 expanded under the provisions of chapter 81.104 RCW;

31 (b) Commuter rail stops;

32 (c) Stops on rail or fixed guideway systems, including
 33 transitways;

34 (d) Stops on bus rapid transit routes or routes that run on high
 35 occupancy vehicle lanes; or

36 (e) Stops for a bus or other transit mode providing actual fixed
 37 route service at intervals of at least fifteen minutes for at least
 38 five hours during the peak hours of operation on weekdays.

1 (8) "Owner" means any person who has at least 50 percent
 2 ownership in a property on which an accessory dwelling unit is
 3 located.

4 (9) "Short-term rental" means a lodging use, that is not a hotel
 5 or motel or bed and breakfast, in which a dwelling unit, or portion
 6 thereof, is offered or provided to a guest by a short-term rental
 7 operator for a fee for fewer than 30 consecutive nights.

8 ***Sec. 3. RCW 36.70A.697 and 2020 c 217 s 3 are each amended to**
 9 **read as follows:**

10 **(1)(a) Cities must adopt or amend by ordinance, and incorporate**
 11 **into their development regulations, zoning regulations, and other**
 12 **official controls the requirements of RCW 36.70A.698(1) to take**
 13 **effect by July 1, 2021.**

14 **((2)) (b) Beginning July 1, 2021, the requirements of RCW**
 15 **36.70A.698(1):**

16 **((a)) (i) Apply and take effect in any city that has not**
 17 **adopted or amended ordinances, regulations, or other official**
 18 **controls as required under this section; and**

19 **((b)) (ii) Supersede, preempt, and invalidate any local**
 20 **development regulations that conflict with RCW 36.70A.698(1).**

21 **(2)(a) Cities and counties must adopt or amend by ordinance, and**
 22 **incorporate into their development regulations, zoning regulations,**
 23 **and other official controls the requirements of RCW 36.70A.698(2)**
 24 **within two years of the next applicable deadline for its**
 25 **comprehensive plan to be reviewed under RCW 36.70A.130 after July 1,**
 26 **2021.**

27 **(b) Beginning two years after the next applicable deadline for**
 28 **the review of a county's or city's comprehensive plan under RCW**
 29 **36.70A.130 after July 1, 2021, the requirements of RCW 36.70A.698(2)**
 30 **apply and take effect in any city or county that has not adopted or**
 31 **amended ordinances, regulations, or other official controls as**
 32 **required under this section, and preempt any conflicting development**
 33 **regulations.**

***Sec. 3 was vetoed. See message at end of chapter.**

34 ***Sec. 4. RCW 36.70A.698 and 2020 c 217 s 4 are each amended to**
 35 **read as follows:**

36 **(1)(a) Except as provided in ((subsection[s] (2) and (3) of this**
 37 **section)) (b) and (c) of this subsection, through ordinances,**

1 development regulations, zoning regulations, and other official
 2 controls as required under RCW 36.70A.697(1)(a), cities may not
 3 require the provision of off-street parking for accessory dwelling
 4 units within one-quarter mile of a major transit stop.

5 ~~((2))~~ (b) A city may require the provision of off-street
 6 parking for an accessory dwelling unit located within one-quarter
 7 mile of a major transit stop if the city has determined that the
 8 accessory dwelling unit is in an area with a lack of access to street
 9 parking capacity, physical space impediments, or other reasons
 10 supported by evidence that would make on-street parking infeasible
 11 for the accessory dwelling unit.

12 ~~((3))~~ (c) A city that has adopted or substantively amended
 13 accessory dwelling unit regulations within the four years previous to
 14 June 11, 2020, is not subject to the requirements of this ~~((section))~~
 15 subsection (1).

16 (2) Through ordinances, development regulations, and other
 17 official controls adopted or amended as required under RCW
 18 36.70A.697(2):

19 (a) Cities and counties may not impose or enforce an owner
 20 occupancy requirement on any housing or dwelling unit on a lot
 21 containing an accessory dwelling unit, unless an accessory dwelling
 22 unit on the lot is being offered or used for short-term rental,
 23 except that:

24 (i) Cities and counties may impose and enforce an owner occupancy
 25 requirement for the first year after initial occupation of the unit
 26 or primary residence following permitting; and

27 (ii) Cities and counties may impose an owner occupancy
 28 requirement for an additional period if such a requirement is
 29 supported by findings of the need for such an increased requirement
 30 adopted by the city or county after at least two public hearings are
 31 held on the proposal, and any ordinance, development regulations, and
 32 other official controls finally adopted directly address feedback
 33 from the community. Such an additional period of owner occupancy
 34 restrictions must be geographically limited, and may not apply to all
 35 of the residential zones within the city or county.

36 (b) Cities and counties may adopt ordinances, development
 37 regulations, and other official controls, including the imposition of
 38 fees, impact fees, or taxes, or the waiver of taxes, fees, or
 39 specific regulations, to encourage use of accessory dwelling units
 40 for long-term housing. Cities and counties may only offer such

1 reduced impact fees, deferral of taxes, or other incentives for the
 2 development or construction of accessory dwelling units if such units
 3 are subject to effective binding commitments or covenants that the
 4 units will not be regularly offered for short-term rental and the
 5 city or county has a program to audit compliance with such
 6 commitments or covenants.

7 (c) Cities and counties that impose owner occupancy requirements
 8 on lots containing accessory dwelling units must provide for a
 9 hardship exemption from any owner occupancy requirements applicable
 10 to a housing or dwelling unit on the same lot as an accessory
 11 dwelling unit. Such an exemption must allow an owner to offer for
 12 rental for periods of 30 days or longer a dwelling unit or housing
 13 unit as if a dwelling or housing unit on the property was owner
 14 occupied, when the owner no longer occupies the primary residence due
 15 to age, illness, financial hardship due to the death of a spouse,
 16 domestic partner, or co-owner of the property, disability status, the
 17 deployment, activation, mobilization, or temporary duty, as those
 18 terms are defined in RCW 26.09.004, of a service member of the armed
 19 forces, or other such reason that would make the owner occupancy
 20 requirement an undue hardship on the owner. A city or county shall
 21 develop and implement a process for the review of hardship
 22 applications. Any city or county that imposes an owner occupancy
 23 requirement on lots containing accessory dwelling units and has not
 24 provided a hardship exemption from the requirement through
 25 ordinances, development regulations, or other official controls as
 26 required by this subsection may not impose or enforce an owner
 27 occupancy requirement on any lot containing an accessory dwelling
 28 unit until such time as the city or county has adopted the required
 29 hardship exemption, except that an owner-occupancy requirement
 30 pursuant to (a) of this subsection (2) may be imposed and enforced if
 31 the owner of the lot offers an accessory dwelling unit for short-term
 32 rental within the county or if the owner of the lot owns more than
 33 three accessory dwelling units within the county.

*Sec. 4 was vetoed. See message at end of chapter.

34 NEW SECTION. Sec. 5. A new section is added to chapter 35.21
 35 RCW to read as follows:

36 Except for occupant limits on group living arrangements regulated
 37 under state law or on short-term rentals as defined in RCW 64.37.010
 38 and any lawful limits on occupant load per square foot or generally

1 applicable health and safety provisions as established by applicable
 2 building code or city ordinance, a city or town may not regulate or
 3 limit the number of unrelated persons that may occupy a household or
 4 dwelling unit.

5 NEW SECTION. **Sec. 6.** A new section is added to chapter 35A.21
 6 RCW to read as follows:

7 Except for occupant limits on group living arrangements regulated
 8 under state law or on short-term rentals as defined in RCW 64.37.010
 9 and any lawful limits on occupant load per square foot or generally
 10 applicable health and safety provisions as established by applicable
 11 building code or city ordinance, a code city may not regulate or
 12 limit the number of unrelated persons that may occupy a household or
 13 dwelling unit.

14 NEW SECTION. **Sec. 7.** A new section is added to chapter 36.01
 15 RCW to read as follows:

16 Except for occupant limits on group living arrangements regulated
 17 under state law or on short-term rentals as defined in RCW 64.37.010
 18 and any lawful limits on occupant load per square foot or generally
 19 applicable health and safety provisions as established by applicable
 20 building code or county ordinance, a county may not regulate or limit
 21 the number of unrelated persons that may occupy a household or
 22 dwelling unit.

Passed by the Senate April 14, 2021.

Passed by the House April 7, 2021.

Approved by the Governor May 13, 2021, with the exception of
 certain items that were vetoed.

Filed in Office of Secretary of State May 13, 2021.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Sections 1, 3,
 and 4, Engrossed Substitute Senate Bill No. 5235 entitled:

"AN ACT Relating to increasing housing unit inventory by
 removing arbitrary limits on housing options."

Section 3 allows cities to delay local implementation of statewide
 requirements around siting of accessory dwelling units until two
 years after their next required comprehensive plan update. Accessory
 dwelling units play an important role in creating additional housing
 options in urban areas and the state is currently facing a housing
 crisis.

Section 4 limits the ability for local governments to require owner
 occupancy on lots containing an accessory dwelling unit, but it also
 creates numerous exceptions to that limitation which are problematic.
 I am concerned that the language may allow a local government to

prevent the siting and development of accessory dwelling units¹⁶⁸ in perpetuity with very little justification.

Section 1 establishes the intent of the bill. Due to the vetoes of Sections 3 and 4, the original statement of intent no longer fully applies to this bill.

For these reasons I have vetoed Sections 1, 3, and 4 of Engrossed Substitute Senate Bill No. 5235.

With the exception of Sections 1, 3, and 4, Engrossed Substitute Senate Bill No. 5235 is approved."

--- END ---



January 6, 2022

Marysville City Council
1049 State Avenue
Marysville, WA 98270

RE: Accessory Dwelling Units

Dear Councilmembers,

The Master Builders Association of King and Snohomish Counties takes pride in building communities. Our 2,600 members are professional homebuilders, architects, remodelers, trades people, planners and engineers, suppliers, manufacturers, and sales and marketing professionals in your community. We are committed to ensuring that all people can attain housing and have a safe and healthy place to call home.

MBAKS wants to thank the city staff and City Council for their work updating the city's Accessory Dwelling Unit (ADU) code. ADUs (both attached and detached) are a sought-after housing choice and offer significant community benefits. ADUs make it easier for younger buyers to qualify for their first home, enable seniors to age in place, expand options for multigenerational living, and are an environmentally-friendly housing option. MBAKS would specifically like to applaud the increase to maximum size limitations.

However, **we agree with the Marysville Planning Commission that there should not be an owner occupancy requirement for ADUs.** There are many reasons why removing this requirement would be beneficial to ADUs in Marysville. Owner occupancy can serve as a barrier to financing. This requirement often gives lending institutions hesitation which prevents many potential homeowners from securing home loans to finance ADU construction. Owner occupancy also often limits the value appraisers assign to a house and makes the property less valuable as loan collateral. If a bank forecloses on a home with an ADU, it cannot then rent out both units.

Owner occupancy is a property rights issue as well. An example is a growing family looking to move into a larger home but also wanting to rent their current home with an ADU. This restriction would prevent them from moving into their larger home and be able to rent their previous home and ADU. Owner occupancy impedes ADU construction by raising the financial risk for homeowners, limiting income opportunities, and constraining their future choice of where to live.

Owner occupancy requirements also discriminate against renters by unfairly targeting ADUs with a restriction not imposed on any other type of home—owners are not required to live on the property of any other type of rental.

Removing owner occupancy and adding flexibility would allow for more ADU construction and choice which will help with the severe housing supply shortage current and future residents face.



As pointed out in our previous comment letter, ADUs are an important housing choice because they fit into our existing communities and neighborhoods while providing a more affordable option. A [Turner Center report](#) out of UC Berkeley found that 58% of ADUs studied were rented for **below** market-rate rent and that 17% of homeowners were allowing friends and family members to stay in their ADU for free. ADUs are critical tools for accommodating growth in the very places where many families want to live—near job centers, existing infrastructure, and other amenities.

MBAKS appreciates the opportunity to comment on these needed changes to ADUs and looks forward to continued collaboration on housing opportunities in Marysville. Thank you for your consideration. I am happy to answer any questions you may have.

Sincerely,



Dylan Sluder
Snohomish County Manager
Master Builders Association of King and Snohomish Counties

Encl.

cc: Mayor Jon Nehring
Planning Director Haylie Miller

CITY OF MARYSVILLE
Marysville, Washington

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON, RELATING TO AMENDMENTS TO THE MARYSVILLE MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS, INCLUDING AMENDMENTS TO MARYSVILLE MUNICIPAL CODE SECTIONS 22A.020.020, 22A.020.050, 22A.020.090, 22A.020.120, 22A.020.140, 22A.020.160, 22A.020.200, 22C.130.030 AND 22C.180.030

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 1993 Washington Housing Policy Act established RCW 43.63A and RCW 36.70A.400 and requires cities to incorporate development regulations for accessory dwelling units; and

WHEREAS, the City of Marysville adopted accessory dwelling unit standards in 2002 by Ordinance 2415, later repealed and replaced by Ordinance 3093 in 2018; and

WHEREAS, the Washington State Legislature passed multiple bills between 2019 and 2021 encouraging land use authorities to provide more flexibility into adopted accessory dwelling unit development standards, including the removal of the owner-occupancy requirement, increase in maximum size limits and removal of off-street parking requirements; and

WHEREAS, the Washington State Legislature passed Engrossed Substitute Senate Bill 6616 in 2020, amending chapter 36.70A RCW and adding a new definition for "major transit stop," and prohibiting cities from requiring off-street parking for accessory dwelling units within one-quarter mile of a major transit stop; and

WHEREAS, the Washington State Legislature passed Engrossed Substitute Bill 5235 in 2021 amending Chapter 36.70A and adding definitions for "owner" and "short-term rental" and prohibiting cities from limiting the number of unrelated persons that may occupy a household or dwelling unit, except for group living arrangements regulated under state law or for health and safety provisions established by building code or city ordinance; 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, during public meetings on September 28, 2021, November 9, 2021 and November 23, 2021, the Planning Commission discussed proposed amendments related to accessory dwelling units; and

WHEREAS, the development code amendments are consistent with the following required findings of MMC 22G.010.520:

- (1) The amendments are consistent with the purposes of the comprehensive plan;
- (2) The amendments are 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 December 14, 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 January 10, 2022, 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 development regulation revisions to the Washington State Department of Commerce on November, 2021 (Material ID 2021-S-3426) 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, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amendment of Municipal Code. MMC Section 22A.020.020, entitled "A" definitions, is hereby amended as follows:

22A.020.020 "A" Definitions.

"Accessory dwelling unit" or "ADU": ~~An accessory dwelling unit is a separate additional living unit, including separate kitchen, sleeping, and bathroom facilities attached or detached from the primary residential unit dwelling unit, on a single-family lot.~~ means an independent living space that is self-contained with its own ingress and egress, kitchen, bathroom and sleeping area attached or detached to a primary dwelling unit on a single-family lot. ADUS are known variously as:

- (1) "Mother-in-law apartments";
- (2) "Accessory apartments": or
- (3) "Second units."

Section 2. Amendment of Municipal Code. MMC Section 22A.020.050, entitled "D" definitions, is hereby amended as follows:

22A.020.050 "D" Definitions.

"Dwelling unit" means a building, or portion of a building, that has independent living facilities including ~~provisions for sleeping, cooking, and sanitation~~ kitchen, sleeping, and bathroom facilities, and ~~that~~ is designed for residential occupancy ~~by a group of people~~. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly accessory, such as an outdoor grill.

Section 3. Amendment of Municipal Code. MMC Section 22A.020.090, entitled "H" definitions, is hereby amended as follows:

22A.020.090 "H" definitions.

"Household" means a housekeeping unit consisting of:

- (1) An individual;
- (2) Two or more persons related by blood, ~~or~~ marriage, adoption, or guardianship, and including foster children and exchange students;
- (3) A group of two or more disabled residents protected under the Federal Fair Housing Amendment Act of 1988;
- (4) Adult family homes or enhanced services facility as defined under Washington State law; or
- (5) A group living arrangement where six or fewer residents receive support services such as counseling, foster care or medical supervisions at the dwelling unit or nonresidential staff; ~~and/or~~
- ~~(6) Up to six residents not related by blood or marriage. Consistent with the International Building Code (IBC), up to one unrelated person per 200 square feet per gross floor area of any dwelling unit, or in conjunction with any of the above individuals or groups, may occupy a dwelling unit. For purposes of this definition, minors living with parent or legal guardian shall not be counted as part of the maximum number of residents.~~
- (7) For the purposes of this section, minors living with parent, legal custodian, (including a foster parent), or legal guardian shall not be counted as part of the maximum number of residents.
- (8) Any limitation on the number of residents resulting from this definition shall not be applied in a manner inconsistent with the Fair Housing Amendment Act of 1988, 42 U.S.C 360, et seq., the Washington law Against Discrimination, Chapter 49.60 RCW, and/or the Washington Housing Policy Act, RCW 46.63.220.

Section 4. Amendment of Municipal Code. MMC Section 22A.020.012, entitled "K" definitions, is hereby amended as follows:

22A.020.012 "K" definitions.

"Kitchen" means any room or area used, intended, or designed to be used for the cooking or preparation of food and contains a sink, refrigerator and cooking appliances or rough in facilities including, but not limited to: ovens, convection

ovens, stoves, stove tops, built-in grills or microwave ovens or similar appliances, 220 volt electrical outlets, exhaust fans, or any gas lines.

Section 5. Amendment of Municipal Code. MMC Section 22A.020.140, entitled "M" definitions, is hereby amended as follows:

22A.020.140 "M" definitions.

"Major transit stop" means:

- (1) A stop on a high capacity transportation system funded or expanded under the provisions of changer 81.104 RCW;
- (2) Commuter rails stops;
- (3) Stops on bus rapid transit routes or routes that run on high occupancy vehicle lanes; or
- (4) Stops for a bus or other transit mode providing fixed-route service at intervals of at least fifteen minutes during the peak hours of operation.

Section 6. Amendment of Municipal Code. MMC Section 22A.020.160, entitled "O" definitions, is hereby amended as follows:

22A.020.160 "O" definitions.

"Ownership/Ownership interest".—Owners are means all persons having real property interest. Owners include, with respect to real property:

- (1) Holder of fee title or a life estate;
- (2) Holder of purchaser's interest in a sale contract in good standing;
- (3) Holder of seller's interest in a sale contract in breach or in default;
- (4) Grantor of deed of trust;
- (5) Presumptively, a legal owner and a taxpayer of record;
- (6) Fiduciary representative of an owner;
- (7) Person having a right of possession or control; or
- (8) Any one or a number of co-owners, including joint, in common, by entireties and spouses as to community property-; or
- (9) Any person who has at least 50 percent ownership in a property on which an accessory dwelling unit is located.

Section 7. Amendment of Municipal Code. MMC Section 22A.020.200, entitled "S" definitions, is hereby amended as follows:

22A.020.200 "S" definitions.

"Short-term rental" means a lodging use, that is not a hotel or motel or bed and breakfast, in which a dwelling unit, or portion thereof, is offered or provided to a guest by a short-term rental operator for a fee for fewer than 30 consecutive nights.

Section 8. Amendment of Municipal Code. MMC Section 22C.180.030, entitled "Accessory dwelling unit standards," is hereby amended as follows:

22C.180.030 Accessory dwelling unit standards.

In the zones in which an accessory dwelling is listed as a permitted use, the community development director shall review all proposals to establish an

accessory dwelling unit. The following standards and regulations shall apply to all proposed accessory dwelling units:

(1) An owner-occupant of a single-family dwelling unit may establish only one accessory dwelling unit per residential lot, which may be attached to the single-family dwelling or detached in an accessory building. An accessory dwelling unit may not be located on a lot on which a temporary dwelling, as defined in Chapter 22C.110 MMC, is located.

(2) The single-family dwelling unit must be owner-occupied on the date of application and remain owner-occupied for as long as the accessory unit exists. A covenant shall be required ~~which is signed by the owner and to be recorded with the Snohomish County Auditor ensuring owner occupancy, prior to granting occupancy of the accessory dwelling unit against the property as part of the application process.~~

(3) The floor area of the accessory dwelling unit shall not exceed ~~35~~ 50 percent of the total floor area of the single-family dwelling and shall comply with the density and dimensional requirements set forth in MMC 22C.010.080.

The community development director is authorized to conditionally allow an attached accessory dwelling unit greater than the maximum size limit within existing structures, when a denial of such an increase would result in an unreasonable division of interior space between the ADU and the primary dwelling unit.

(4) The community development director is authorized to conditionally allow a deviation of the setbacks set forth in MMC 22C.010.080 of an existing detached accessory structure to be converted to an accessory dwelling unit, subject to the following conditions:

(a) The application shall be subject to the public notice criteria outlined in MMC 22G.010.090 and is subject to a \$250.00 permit processing fee in addition to the accessory dwelling unit land use review fee outlined in MMC 22G.030.020;

(b) The existing detached accessory structure was constructed prior to the effective date of Ordinance 3093, adopted on May 14, 2018;

(c) The applicant shall be required to demonstrate that the existing detached accessory structure was legally permitted and complied with the required structure setbacks in effect at the time the accessory structure was constructed;

(d) If the existing detached accessory structure is determined to be legal nonconforming, conversion to an accessory dwelling unit shall not increase the pre-existing degree of nonconformance;

(e) The accessory dwelling unit shall not result in a lack of compatibility with existing and potential uses in the immediate area;

(f) Adverse impacts of the proposed accessory dwelling unit shall be mitigated by site design elements such as landscaping, fencing and general visual improvement of the property; and

(g) Adequate provisions must be made for public improvements such as sewer, water, drainage, pedestrian and vehicular circulation.

~~(45)~~ In no case shall the accessory dwelling unit be less than ~~300~~ 200 square feet in size, or have more than two bedrooms. Floor areas shall be exclusive of garages, porches, or unfinished basements.

(6) In no case shall a detached accessory dwelling unit have axels or be on a chassis.

~~(57)~~ The architectural character of the single-family dwelling shall be preserved. Exterior materials, roof form, and window spacing and proportions shall match that of the existing single-family dwelling. Only one main entrance shall be permitted

on the front (street face) of the dwelling; provided, that this limitation shall not affect the eligibility of a residential structure that has more than one entrance on the front or street side on the effective date of the ordinance codified in this chapter.

~~(68) One off-street parking space shall be provided and designated for the accessory dwelling unit (in addition to the two off-street parking spaces required for the primary single-family dwelling unit), unless the accessory dwelling unit is located within one-quarter mile of a major transit stop. No additional parking is required for accessory dwelling units within one-quarter mile of a major transit stop.~~

~~If parking is required, D~~driveways may be counted as one parking space but no parking areas other than driveways shall be created in front yards. When the property abuts an alley, the off-street parking space for the accessory dwelling unit shall gain access from the alley.

~~(7) An owner-occupant of a single-family dwelling with an accessory dwelling unit shall file, on a form available from the planning department, a declaration of owner-occupancy with the planning department prior to issuance of the building permit for the accessory dwelling unit and shall renew the declaration annually. The initial declaration of owner-occupancy shall be recorded with the county auditor prior to filing the declaration with the planning department.~~

(89) The owner-occupant(s) may reside in the single-family dwelling unit or the accessory dwelling unit.

~~(10) Accessory dwelling units are not permitted as a short-term rental.~~

(911) In addition to the conditions ~~which that~~ may be imposed by the community development director, all accessory dwelling units shall also be subject to the condition that such a permit will automatically expire whenever:

(a) The accessory dwelling unit is substantially altered and is thus no longer in conformance with the plans approved by both the community development director and the building official; or

(b) The subject lot ceases to maintain at least three off-street parking spaces, when said accessory dwelling unit is beyond one-quarter mile from a major transit stop; or

(c) The owner ceases to reside in either the principal or the accessory dwelling unit; provided, that in the event of illness, death or other unforeseeable event which prevents the owner’s continued occupancy of the premises, the community development director may, upon a finding that discontinuance of the accessory dwelling unit would cause a hardship on the owner and/or tenants, grant a temporary suspension of this owner-occupancy requirement for a period of one year. The community development director may grant an extension of such suspension for one additional year, upon a finding of continued hardship.

Section 9. Amendment of Municipal Code. MMC Section 22C.130.030, entitled “Minimum required parking spaces,” is hereby amended as follows:

Table 1: Minimum Required Parking Spaces

LAND USE	MINIMUM REQUIRED SPACES
RESIDENTIAL USES	
Single-family dwellings, duplexes,	2 per dwelling unit for residents plus 1 additional guest parking space per dwelling unit; provided:

Table 1: Minimum Required Parking Spaces

LAND USE	MINIMUM REQUIRED SPACES
townhouses, and mobile homes	1. An enclosed private garage may be utilized to meet the required parking for residents. Driveways can be counted as resident or guest parking spaces, provided said driveway complies with the bulk and dimensional requirements outlined in Table 2; and 2. Parking spaces behind other required parking spaces (a.k.a. "tandem parking") shall not be counted towards the 2 required parking spaces per dwelling for the residents; however, tandem parking can be counted as a guest parking space.
Accessory dwelling units	<u>No additional parking required if located within one quarter-mile of a major transit stop; otherwise, 1 per accessory dwelling unit.</u>
Studio apartments	1.25 per dwelling unit
Multiple-family dwellings, one bedroom	1.5 per dwelling unit. Parking spaces behind other required parking spaces (a.k.a. "tandem parking") shall not be counted towards the 1.5 required parking spaces in a multifamily development; however, tandem parking can be counted as a guest parking space, when required.
Multiple-family dwellings, two or more bedrooms	1.75 per dwelling unit. Parking spaces behind other required parking spaces (a.k.a. "tandem parking") shall not be counted towards the 1.75 required parking spaces in a multifamily development; however, tandem parking can be counted as a guest parking space, when required.
Retirement housing and apartments	1 per dwelling
Mobile home parks	2 per unit, plus guest parking at 1 per 4 lots
Rooming houses, similar uses	1 per dwelling
Bed and breakfast accommodations	1 space for each room for rent, plus 2 spaces for the principal residential use

Section 10. 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>
_____	Accessory Dwelling Units	_____, 2022"

Section 11. 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 12. 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 13. Effective Date. This ordinance shall become effective five days after the date of its publication by summary.

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 2022.

CITY OF MARYSVILLE

By: _____
 JON NEHRING, MAYOR

Attest:

By: _____
 DEPUTY CITY CLERK

Approved as to form:

By: _____
 JON WALKER, CITY ATTORNEY

Date of Publication: _____


Effective Date: _____
 (5 days after publication)

Index #13

CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: January 10, 2022

AGENDA ITEM:	
An ordinance of the City Of Marysville, Washington, amending sections 6.76.020. 6.76.040, and 6.76.060 of the Marysville Municipal Code (MMC) to reduce the construction hours of operation.	
PREPARED BY:	DIRECTOR APPROVAL:
Haylie Miller, Community Development Director	
DEPARTMENT:	
Community Development	
ATTACHMENTS:	
1. Adopting Ordinance	
BUDGET CODE:	AMOUNT:
N/A	N/A
<p>SUMMARY: In response to several complaints, the City is proposing to limit construction operation hours from the current requirement from 7 a.m. to 10 p.m. to 7 a.m. to 9 p.m. on weekdays and between 9 a.m. and 9 p.m. on weekends and legal holidays. During the work session on January 3, 2022, the City Council suggested reducing the hours of construction to 7 a.m. to 9 p.m. on weekdays and weekends. The ordinance has been revised accordingly.</p> <p>The Community Development Director will be able to consider variances (per MMC 6.76.080) to deviate from the standard hours under limited and/or unique circumstances related to private and/or public construction projects. An example would be work on State Highways or heavily traveled local roadways.</p> <p>As requested by the City Council on January 3, 2022, noise regulations for neighboring Cities are included below:</p> <ol style="list-style-type: none"> 1. Arlington– temporary construction noise is generally permitted between 7:00 a.m. and 10:00 p.m. per AMC 7.05.040.k.4 2. Everett – temporary construction is generally permitted between 7:00 a.m. and 10:00 p.m., 8:00 a.m. – 6:00 p.m. weekends per EMC 20.08.110. 3. Lake Stevens - temporary construction is generally permitted between 7:00 a.m. and 9:00 p.m. and between 9 a.m. and 9 p.m. on weekends per LMC 9.56.050. 	
RECOMMENDED ACTION:	
Approve the DRAFT amendments to the Marysville Municipal Code related to construction hours of operation.	
RECOMMENDED MOTION:	
Move to adopt Ordinance No. _____, approving amendments to sections 6.76.020. 6.76.040, and 6.76.060 of the Marysville Municipal Code (MMC) to reduce the construction hours of operation.	

Chapter 6.76 NOISE REGULATION

Sections:

- [6.76.010 Declaration of policy.](#)
- [6.76.020 Definitions.](#)
- [6.76.030 Identification of environments.](#)
- [6.76.040 Maximum permissible environmental noise levels.](#)
- [6.76.050 Exemptions.](#)
- [6.76.060 Public nuisance and disturbance noises.](#)
- [6.76.070 Motor vehicle noise levels.](#)
- [6.76.080 Variances.](#)
- [6.76.090 Penalty for violation.](#)

6.76.010 Declaration of policy.

It is hereby declared to be the policy of the city of Marysville to minimize the exposure of citizens to the harmful, physiological and psychological effects of excessive noise. It is the express intent of the city to control the level of noise in a manner which promotes commerce, the use, value and enjoyment of property, sleep and repose, and the quality of the environment. (Ord. 1419 § 1, 1985).

6.76.020 Definitions.

All technical terminology used in this chapter, not otherwise defined, shall be interpreted in conformance with Chapters [173-60](#) and [173-62](#) WAC. The following words and phrases shall have the meanings indicated below:

(1) "Construction" means any site preparation, assembly, erection, demolition, substantial repair, maintenance, alteration, or similar action for or of public or private rights-of-way, structures, utilities, or similar property.

~~(4)~~ (2) "dBA" means the sound pressure level in decibels measured using the "A" weighting network on a sound level meter. The sound pressure level, in decibels, of a sound is 20 times the logarithm to the base 10 of the ratio of the pressure of the sound to a reference pressure of 20 micropascals.

~~(2)~~ (3) "EDNA" means the environmental designation for noise abatement, being an area or zone (environment) within which maximum permissible noise levels are established.

~~(3)~~ (4) "Noise" means the intensity, duration and character of sounds, from any and all sources.

(4) (5) "Person" means any individual, corporation, partnership, association, governmental body, state agency or other entity whatsoever.

~~(5)~~ (6) "Property boundary" means the surveyed line at ground surface, which separates the real property owned, rented, or leased by one or more persons, from that owned, rented, or leased by one or more other persons, and its vertical extension.

~~(6)~~ (7) “Receiving property” means real property within which the maximum permissible noise levels specified herein shall not be exceeded from sources outside such property.

~~(7)~~ (8) “Sound level meter” means a device which measures sound pressure levels and conforms to Type 1 or Type 2 as specified in the America National Standards Institute Specification S1.4-1971. (Ord. 1419 § 2, 1985).

6.76.030 Identification of environments.

(1) Class A EDNA. Lands where human beings reside and sleep, including all properties in the city which are zoned in single-family residential or multiple-family residential classifications.

(2) Class B EDNA. Lands involving uses requiring protection against noise interference with speech, including all properties in the city which are zoned in neighborhood business, community business, general commercial, mixed use, business park, public/institutional, downtown core, main street and flex classifications.

(3) Class C EDNA. Lands involving economic activities of such a nature that higher noise levels than experienced in other areas are normally to be anticipated. Persons working in these areas are normally covered by noise control regulations of the Department of Labor and Industries. Such areas shall include all properties in the city which are zoned in light industrial and general industrial classifications. (Ord. 3193 § 1, 2021; Ord. 2898 § 11, 2012; Ord. 1419 § 3, 1985).

6.76.040 Maximum permissible environmental noise levels.

No person shall cause or permit noise to intrude into the property of another person which noise exceeds the maximum permissible noise level set forth in WAC [173-60-040](#), which section is hereby adopted by reference. (Ord. 1419 § 4, 1985).

6.76.050 Exemptions.

The exemptions to the maximum permissible environmental noise levels set forth in WAC [173-60-050](#) are hereby adopted by reference, however these exemptions shall not apply to the sources of sound identified in MMC 6.76.60. (Ord. 1419 § 5, 1985).

6.76.060 Public nuisance and disturbance noises.

It is unlawful for any person to cause, or for any person in possession of property to allow to originate from said property, sound that is a public nuisance. The following sources of sound are defined to be public nuisances, except to the extent that they may be specifically exempted by other provisions of this chapter:

(1) Frequent, repetitive or continuous noise made by any animal which unreasonably disturbs or interferes with peace, comfort and repose of property owners or possessors, except that such sounds shall be exempt when originating from lawfully operated animal shelters, kennels, pet shops, and veterinary clinics;

- (2) The frequent, repetitive or continuous sounding of any horn or siren attached to a motor vehicle, except as a warning of danger or as specifically permitted or required by law;
- (3) The creation of frequent, repetitive or continuous noise in connection with the starting, operation, repair, rebuilding, or testing of any motor vehicle, motorcycle, off-highway vehicle, or internal combustion engine within Class A EDNA, so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property;
- (4) Yelling, shouting, hooting, whistling or singing on or near the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m., or at any time and place so as to unreasonably disturb or interfere with peace, comfort and repose of owners or possessors of real property;
- (5) The use of a sound amplifier or other device capable of producing or reproducing amplified sound on public streets for the purpose of commercial advertising or sales or for attracting the attention of the public to any vehicle, structure or property or the contents therein, except that vendors whose sole method of selling is from a moving vehicle shall be exempt from this subsection;
- (6) The making of any loud and raucous noise which unreasonably interferes with the use of any school, church, hospital, sanitarium, nursing or convalescent facility;
- (7) The creation of frequent, repetitive or continuous sounds which emanate from any building, structure, apartment, or condominium which unreasonably interferes with the peace, comfort and repose of owners or possessors of real property, such as sounds from musical instruments, audio sound systems, band sessions, or social gatherings;
- (8) Sound from motor vehicle audio systems, such as tape players, radios, and compact disc players, operated at a volume so as to be audible greater than 75 feet from the source, and if not operated upon the property of the operator;
- (9) Sound from audio equipment, such as tape players, radios and compact disc players, operated at a volume so as to be audible greater than 75 feet from the source, and if not operated upon the property of the operator; and
- (10) The foregoing provisions shall not apply to regularly scheduled events at parks such as public address systems for baseball games or park concerts.

(11) Construction work before 7 a.m. and after 9 p.m.

(Ord. 1958 § 1, 1993; Ord. 1419 § 6, 1985).

6.76.070 Motor vehicle noise levels.

(1) Noise Standards; Violations. No person shall operate any motor vehicle or any combination of such vehicles upon any public highway in violation of standards specified in WAC [173-62-060](#)(1) through (4), which section is hereby adopted by reference. For purposes of this chapter, “public highway” means the entire width between the boundary lines of every road, street, alley, lane, boulevard, parking lot, and every way or place in the city, whether publicly or privately maintained, when any part thereof is open at any time to the use of the public for purposes of vehicular traffic.

(2) Exemptions. The exemptions to motor vehicle noise as stated in WAC [173-62-040](#) are hereby adopted by reference. (Ord. 1419 § 7, 1985).

6.76.080 Variances.

(1) The community development director, or designee, shall have authority to grant variances from the requirements of this chapter. Variance procedures specified in MMC [22G.010.400](#) shall apply. The application fee shall be \$50.00.

(2) Variances may be granted to any person from any particular requirement of this chapter, if findings are made by the community development director, or designee, that immediate compliance with such requirement cannot be achieved because of special circumstances rendering immediate compliance unreasonable in light of economic or physical factors, encroachment upon an existing noise source, or because of nonavailability of feasible technology or control methods. Any such variance, or renewal thereof, shall be granted only for the minimum time period found to be necessary under the facts and circumstances.

(3) An implementation schedule for achieving compliance with this chapter shall be incorporated into any variance issued. (Ord. 2968 § 1, 2014; Ord. 1419 § 8, 1985).

6.76.090 Penalty for violation.

(1) Penalty. A person violating this chapter has committed a civil infraction with a penalty amount of \$250.00.

(2) A person violating this chapter within 24 hours of being issued a civil infraction for a violation of this chapter or being warned by a police officer that he or she is violating this chapter is guilty of a misdemeanor.

(3) Separate Offenses. A person violating this chapter after having been cited for a violation has committed a separate civil infraction or a crime. A person may be cited or arrested for repeated violations occurring on the same or separate days.

(4) Supplement to Other Laws. The provisions of this chapter, and the penalties provided herein, shall be cumulative and nonexclusive, and shall not affect any other claim, cause of action, or remedy provided in this code or by common law. (Ord. 3091 § 1 (Exh. A), 2018; Ord. 2951 § 6, 2014; Ord. 2255 § 1, 1999; Ord. 1419 § 9, 1985).

**CITY OF MARYSVILLE
Marysville, Washington
ORDINANCE NO.**

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON, AMENDING SECTIONS 6.76.020, 6.76.040, AND 6.76.060 OF THE MARYSVILLE MUNICIPAL CODE TO REDUCE THE CONSTRUCTION HOURS OF OPERATION.

WHEREAS, Chapter 6.76 Noise Regulations provides regulations associated with maximum permissible environmental noise levels, exemptions and public nuisance and disturbance noises; and

WHEREAS, the City of Marysville has received several complaints regarding construction hours of operation and the associated nuisances caused to surrounding property owners; and

WHEREAS, the City of Marysville seeks to balance the needs of construction projects while maintaining protections to the quality of life of the citizens; and

WHEREAS, the City proposes to reduce construction operation hours (which are currently 7 a.m. to 10 p.m.) to between 7 a.m. and 9 p.m.; and

WHEREAS, MMC section 6.76.080 ("Variances") will allow for deviations to the construction operation hours for unique circumstances related to private and/or public construction projects; and

WHEREAS, at a public meeting on January 10, 2022 the Marysville City Council reviewed and considered staff's recommendation and the proposed amendments to MMC Sections 6.76.020, 6.76.040, and 6.76.060; and

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

Section 1. Section 6.76.020 Definitions, is hereby amended to modify the following definitions read as follows:

6.76.020 Definitions.

All technical terminology used in this chapter, not otherwise defined, shall be interpreted in conformance with Chapters [173-60](#) and [173-62](#) WAC. The following words and phrases shall have the meanings indicated below:

(1) "Construction" means any site preparation, assembly, erection, demolition, substantial repair, maintenance, alteration, or similar action for or of public or private rights-of-way, structures, utilities, or similar property.

~~(1)~~ (2) "dBA" means the sound pressure level in decibels measured using the "A" weighting network on a sound level meter. The sound pressure level, in decibels, of a sound is 20 times the logarithm to the base 10 of the ratio of the pressure of the sound to a reference pressure of 20 micropascals.

~~(2)~~ (3) "EDNA" means the environmental designation for noise abatement, being an area or zone (environment) within which maximum permissible noise levels are established.

~~(3)~~ (4) "Noise" means the intensity, duration and character of sounds, from any and all sources.

~~(4)~~ (5) "Person" means any individual, corporation, partnership, association, governmental body, state agency or other entity whatsoever.

~~(5)~~ (6) "Property boundary" means the surveyed line at ground surface, which separates the real property owned, rented, or leased by one or more persons, from that owned, rented, or leased by one or more other persons, and its vertical extension.

~~(6)~~ (7) "Receiving property" means real property within which the maximum permissible noise levels specified herein shall not be exceeded from sources outside such property.

~~(7)~~ (8) "Sound level meter" means a device which measures sound pressure levels and conforms to Type 1 or Type 2 as specified in the American National Standards Institute Specification S1.4-1971. (Ord. 1419 § 2, 1985).

Section 2. 6.76.050 Exemptions, is hereby amended to read as follows:

6.76.050 Exemptions.

The exemptions to the maximum permissible environmental noise levels set forth in WAC [173-60-050](#) are hereby adopted by reference, however these exemptions shall not apply to the sources of sound identified in MMC 6.76.60. (Ord. 1419 § 5, 1985).

Section 3. Section 6.76.060 Public nuisance and disturbance noises, is hereby amended as follows:

6.76.060 Public nuisance and disturbance noises.

It is unlawful for any person to cause, or for any person in possession of property to allow to originate from said property, sound that is a public nuisance. The following sources of sound are defined to be public nuisances, except to the extent that they may be specifically exempted by other provisions of this chapter:

(1) Frequent, repetitive or continuous noise made by any animal which unreasonably disturbs or interferes with peace, comfort and repose of property owners or possessors, except that such sounds shall be exempt when originating from lawfully operated animal shelters, kennels, pet shops, and veterinary clinics;

(2) The frequent, repetitive or continuous sounding of any horn or siren attached to a motor vehicle, except as a warning of danger or as specifically permitted or required by law;

(3) The creation of frequent, repetitive or continuous noise in connection with the starting, operation, repair, rebuilding, or testing of any motor vehicle, motorcycle, off-highway vehicle, or internal combustion engine within Class A EDNA, so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property;

(4) Yelling, shouting, hooting, whistling or singing on or near the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m., or at any time and place so as to unreasonably disturb or interfere with peace, comfort and repose of owners or possessors of real property;

(5) The use of a sound amplifier or other device capable of producing or reproducing amplified sound on public streets for the purpose of commercial advertising or sales or for attracting the attention of the public to any vehicle, structure or property or the contents therein, except that vendors whose sole method of selling is from a moving vehicle shall be exempt from this subsection;

(6) The making of any loud and raucous noise which unreasonably interferes with the use of any school, church, hospital, sanitarium, nursing or convalescent facility;

(7) The creation of frequent, repetitive or continuous sounds which emanate from any building, structure, apartment, or condominium which unreasonably interferes with the peace, comfort and repose of owners or possessors of real property, such as sounds from musical instruments, audio sound systems, band sessions, or social gatherings;

(8) Sound from motor vehicle audio systems, such as tape players, radios, and compact disc players, operated at a volume so as to be audible greater than 75 feet from the source, and if not operated upon the property of the operator;

(9) Sound from audio equipment, such as tape players, radios and compact disc players, operated at a volume so as to be audible greater than 75 feet from the source, and if not operated upon the property of the operator; and

(10) The foregoing provisions shall not apply to regularly scheduled events at parks such as public address systems for baseball games or park concerts.

(11) Construction work before 7 a.m. and after 9 p.m.

Section 4. 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 5. 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 6. Effective Date. This ordinance shall become effective five days after the date of its publication by summary.

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 2022.

CITY OF MARYSVILLE

By: _____
JON NEHRING, MAYOR

Attest:

By: _____
DEPUTY CITY CLERK

Approved as to form:

By: _____
JON WALKER, CITY ATTORNEY

Date of Publication: _____


Effective Date: _____
(5 days after publication)

Index #14

CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: January 10, 2022

AGENDA ITEM:	
An ordinance of the City Of Marysville, Washington, amending title 22 of the Marysville Municipal Code by amending sections 22A.020.060, 22A.020.170, 22A.020.210, 22C.010.060, 22C.010.070, 22C.020.060, 22C.020.070, 22C.080.120, 22C.130.030 and adding new Chapter 22C.290 Emergency Housing and Shelters.	
PREPARED BY:	DIRECTOR APPROVAL:
Haylie Miller, Community Development Director	
DEPARTMENT:	
Community Development	
ATTACHMENTS:	
<ol style="list-style-type: none"> 1. Staff Memorandum and Memorandum Exhibits 2. PC Recommendation 3. PC Minutes (09.28.21, 10.26.21, 11.23.21 and 12.14.21) 4. Adopting Ordinance 	
BUDGET CODE:	AMOUNT:
N/A	N/A
SUMMARY:	
<p>Per State Housing Bill 1220, Cities are required to allow for Indoor Emergency Shelters, Emergency Housing, and Transitional Housing and Permanent Housing facilities within residential and/or zones that allow for hotels. Staff proposes the following changes based on the State requirements reflected in Housing Bill 1220, effective September 30, 2021:</p> <ul style="list-style-type: none"> • Add a definition for Emergency Housing, Indoor Emergency Shelters and Permanent Supportive Housing. • Revise the code to allow for Transitional Housing Facilities and Permanent Supportive Housing facilities in all residential zones and any zones that allow for hotels. • Revise the code to allow for Emergency Housing and Indoor Emergency Shelters in any zones that allow for hotels. • Remove hotels/motels as a permitted use from four multifamily zones. • Identify reasonable controls related to occupancy, spacing and intensity requirements for each use. <p>The Planning Commission held a duly noticed public hearing on December 14, 2021 and recommended the City Council approve the modifications shown in the attached ordinance.</p>	
RECOMMENDED ACTION:	
Affirm the Planning Commission Recommendation adopting the Emergency Housing and Shelters amendments to the Marysville Municipal Code.	
RECOMMENDED MOTION:	
Move to adopt Ordinance No. _____, approving the amendment to title 22 of the Marysville Municipal Code by amending sections 22A.020.060, 22A.020.170, 22A.020.210, 22C.010.060, 22C.010.070, 22C.020.060, 22C.020.070, 22C.080.120, 22C.130.030 and adding new Chapter 22C.290 Emergency Housing and Shelters	



MEMORANDUM

DATE: January 10, 2021
TO: Planning Commission
FROM: Haylie Miller, Community Development Director
RE: Transitional Housing Facilities and Permanent Supportive Housing
CC: Gloria Hirashima, Chief Administrative Officer
CD - Planning Staff

LIST OF EXHIBITS

- Exhibit 1** Draft Code – Transitional Housing and Permanent Supportive Housing
Exhibit 2 Draft Code – Emergency Housing and Shelters
Exhibit 3 Zoning Map

BACKGROUND

On July 25, 2021, the State passed HB 1220 to support emergency shelters and housing through local planning and development regulations. Under HB 1220, cities may not prohibit emergency housing facilities, indoor emergency shelters, and transitional housing facilities, permanent supportive housing in zones that allow hotels, or within the majority of zones located within one mile of public transit.

The new bill states that “reasonable occupancy, spacing, and intensity of use requirements may be imposed by ordinance on permanent supportive housing, transitional housing, indoor emergency housing and indoor emergency shelters to protect public health and safety.” However, these requirements may not prevent the siting of a sufficient number of units/shelters necessary to accommodate each city’s projected need for such housing and shelters. The City may implement reasonable controls within zones that allow these uses to reduce potential impacts that may occur as a result of the siting of these uses.

PROPOSED CHANGES

Cities are required to update their codes as required by the State. These requirements are mandated by the State, effective September 30, 2021. There is no option for a moratorium on this matter. Staff proposes the following changes based on the State requirements.

1. Add a definition for Emergency Housing, Indoor Emergency Shelters and Permanent Supportive Housing. Note, the City currently has a definition for Transitional Housing Facilities in code.
2. Revise the code to allow for Transitional Housing Facilities and Permanent Supportive Housing facilities in all residential zones and any zones that allow for hotels.
3. Revise the code to allow for Emergency Housing and Indoor Emergency Shelters in any zones that allow for hotels.
4. Note, as shown in Exhibits 1 and 2, staff proposes to remove hotels/motels as a permitted use from four multifamily zones listed below and shown on the zoning map (Exhibit 3). Staff has no pending inquires or proposals related to establishing hotels in these zones. Staff believes that other zones near Interstate Five, State Avenue or in the southeast portion of the City (near Lake Stevens) are better suited for hotel uses.

Given the removal of this use from the zones, the City is not required to allow Emergency Housing and Emergency Shelters in these areas. These areas are considered residential and therefore are still required to allow for Transitional Housing Facilities and Permanent Supportive Housing uses.

R-12 Multifamily Low	R-12
R-18 Multifamily Medium	R-18
R-28 Multifamily High	R-28
Whiskey Ridge R-6-18	WR R-6-18

5. Identify Reasonable Controls

Reasonable occupancy, spacing, and intensity of use requirements may be imposed by ordinance on indoor emergency housing and indoor emergency shelters to protect public health and safety.

Reasonable controls are proposed in Exhibit 1 for Emergency Housing and Indoor Emergency Shelters. These controls include noticing requirements for surrounding properties for all applications a conditional use permit review for proposals with over 30 residents. Additional operational standards are provided in this section to minimize impacts to the community.

Reasonable controls are proposed in Exhibit 2 for Transitional Housing Facilities and Permanent Supportive Housing. Staff believes that Transitional Housing Facilities and Permanent Supportive Housing uses should be an outright permitted use with very limited additional controls. These uses are currently allowed within the City¹ without additional regulations.

Examples of Transitional Housing and/or permanent supportive housing include:

- The City owned Micro Extended Shelter House (MESH), in coordination with the Everett Gospel Mission.
- Phase one of the Twin Lakes Landing project located directly north of Twin Lakes. Phase two construction is under way.
- Several Housing Hope projects including apartment buildings and/townhomes.

Staff believes that these uses are working well currently and believes this can continue to be the case if the facilities are operated properly. Staff recommends that an operations management plan (detailing all specifics related to the operations, tenants, etc.) be required for these uses for the City to review and approve. Staff does not recommend additional regulations be implemented given that these uses have currently been allowed as permitted uses over the last several years.

CONCLUSION:

The Marysville Planning Commission held three workshops on September 28, October 26 and November 23, 2021 and on December 14, 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 as described above.

EXHIBIT 1

TRANSITIONAL HOUSING FACILITIES AND PERMANENT SUPPORTIVE HOUSING REGULATIONS

22A.020.010 Definitions

22A.020.170 “P” definitions.

“Permanent supportive housing” is one or more subsidized, leased dwelling units with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition, who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing, to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in the Residential Landlord Tenant Act, chapter 59.18 RCW.

22A.020.210 “T” definitions.

“Transitional housing facilities” means housing units owned by public housing authorities, nonprofit organizations or other public interest groups that provide housing to persons on a temporary basis for a duration not to exceed 24 months in conjunction with job training, self-sufficiency training, and human services counseling; the purpose of which is to help persons make the transition from homelessness to placement in permanent housing.

(Note: this is the existing definition in code for Transitional Housing Facilities)

LOCATION CRITERIA

Permanent Supportive Housing and Transitional Housing Facilities are required to be allowed in all residential zones and all zones that allow for hotels. The tables below reflects the State’s requirements based on the criteria above. Zones that currently allow hotels are highlighted in blue.

**Chapter 22C.010
RESIDENTIAL ZONES**

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:									
Transitional Housing Facilities (53)	P	P	P	P	P	P	P	P	P
Permanent Supportive Housing (53)	P	P	P	P	P	P	P	P	P
Hotel/Motel					P	P	P	P	

(53) An operations plan, to mitigate potential impacts on the surrounding community, must be provided by the sponsor and/or property owner at the time of application. The operations plan must address the following elements to the satisfaction of the City:

1. Name and contact information for key staff;
2. Roles and responsibilities of key staff;
3. Site/facility management, including a security and emergency plan;
4. Site/facility maintenance;
5. Occupancy policies, including resident responsibilities and a code of conduct that address, at a minimum, the use or sale of alcohol and illegal drugs, threatening or unsafe behavior, and weapon possession;
6. Provision of human and social services, including staffing plan and outcome measures;
7. Outreach with surrounding property owners and residents and ongoing good neighbor policy;
8. Procedures for maintaining accurate and complete records; and
9. Additional information as requested by the Community Development Director to ensure current best practices for permanent supportive housing and transitional housing facilities are used.

**Chapter 22C.020
COMMERCIAL, INDUSTRIAL, RECREATION AND PUBLIC INSTITUTIONAL ZONES**

22C.020.060 Permitted uses.

Specific Land Use	NB	CB	CB- WR	GC	MU (63)	LI	GI	REC	P/I
Dwelling Units, Types:									
Transitional Housing Facilities (53)	P	P	P	P	P	P			
Permanent Supportive Housing (53)	P	P	P	P	P	P			

(79) An operations plan, to mitigate potential impacts on the surrounding community, must be provided by the sponsor and/or property owner at the time of application. The operations plan must that address the following elements to the satisfaction of the City:

1. Name and contact information for key staff;

2. Roles and responsibilities of key staff;
3. Site/facility management, including a security and emergency plan;
4. Site/facility maintenance;
5. Occupancy policies, including resident responsibilities and a code of conduct that address, at a minimum, the use or sale of alcohol and illegal drugs, threatening or unsafe behavior, and weapon possession;
6. Provision of human and social services, including staffing plan and outcome measures;
7. Outreach with surrounding property owners and residents and ongoing good neighbor policy;
8. Procedures for maintaining accurate and complete records; and
9. Additional information as requested by the Community Development Director to ensure current best practices for permanent supportive housing and transitional housing facilities are used.

Chapter 22C.080
Downtown Master Plan

Table 22C.080.120 Permitted use table for downtown Marysville zones.							
<i>Table legend: P = Permitted use C = Conditional use No letter = Use not permitted</i>							
Use Categories	DC	MS	F	MMF	MHI	MH2	Additional Provisions
Residential Uses							
Dwelling Units, Types							
<i>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.</i>							
<u>Transitional Housing Facilities</u>	<u>P</u>	<u>P</u>	<u>P</u>				<u>Provide an operations plan as outlined in 22C.010.070(53) and 22C.020.070(79)</u>
<u>Permanent Supportive Housing</u>	<u>P</u>	<u>P</u>	<u>P</u>				<u>Provide an operations plan as outlined in 22C.010.070(53) and 22C.020.070(79)</u>

22C.130.030 Minimum required parking spaces.

1. Table 1: Minimum Required Parking Spaces

LAND USE	MINIMUM REQUIRED SPACES
RESIDENTIAL USES	
Emergency Housing, Emergency Shelters – Indoor, Transitional Housing Facilities and Permanent Supportive Housing	As determined by the Community Development Director with no less than a minimum of 1 per 2 employees plus 1 per 5 residents (3 spaces minimum).

EXHIBIT 2

EMERGENCY HOUSING REGULATIONS

22A.020.060 “E” definitions.

“Emergency shelter (indoor)” means a facility that provides a temporary shelter for individuals or families who are currently homeless. An emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.

“Emergency housing” means temporary indoor accommodations for individuals or families who are homeless, or at imminent risk of becoming homeless, that is intended to address their basic health, food, clothing, and personal hygiene needs. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.

LOCATION CRITERIA

Emergency Housing and Emergency Shelters

Emergency Housing and Emergency Shelters are required to be allowed in all zones that allow for hotels.

Staff proposes to remove hotels/motels as a permitted use in the multifamily zones R-12, R-18, R-28 and WR-R-6-18 as shown below. Staff does not believe these are the most ideal locations for hotels in the City; there are no pending land use applications or inquiries to locate hotels in these zones. With the proposed change, Emergency Housing and/or Emergency Shelters would not be allowed to locate in the multifamily zones R-12, R-18, R-28 and WR-R-6-18 as shown below.

The table below reflects the State’s requirements based on the criteria above. Zones that currently allow hotels are highlighted in blue.

**Chapter 22C.010
RESIDENTIAL ZONES**

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:									
<u>Emergency Housing (54)</u>									
<u>Emergency Shelters - Indoor (54)</u>									
Hotel/Motel					<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	

(54) Emergency housing and emergency shelters – indoor, are prohibited in all residential zones as such are identified and adopted in this chapter.

**Chapter 22C.020
COMMERCIAL, INDUSTRIAL, RECREATION AND PUBLIC INSTITUTIONAL ZONES**

22C.020.060 Permitted uses.

Specific Land Use	NB	CB	CB- WR	GC	MU (63)	LI	GI	REC	P/I
Dwelling Units, Types:									
<u>Emergency Housing (53)</u>	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>			
<u>Emergency Shelters – Indoor (53)</u>	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>			

(53) All facilities are subject to the regulations set forth in Chapter 22C.290 MMC, Emergency Housing and Shelters. Facilities with 30 or more residents require a Conditional Use Permit.

Chapter 22C.080
Downtown Master Plan

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.							
Emergency Housing	P C	P C	P C				All facilities are subject to the regulations set forth in MMC Chapter 22C.290, Emergency Housing and Shelters. Facilities with 30 or more residents require a Conditional Use Permit.
Emergency Shelters Indoor	P C	P C	P C				All facilities are subject to the regulations set forth in MMC Chapter 22C.290, Emergency Housing and Shelters. Facilities with 30 or more residents require a Conditional Use Permit.

Chapter 22C.290
Emergency Housing and Shelters

22C.290.010 Purpose.

The purpose of this section is to:

1. Establish reasonable standards to allow and establish a review process for the location, siting and operation of emergency housing and shelters as defined in MMC 22A.020.060; and
2. Protect public health and safety of the residents and broader community by requiring safe operation of the facilities.

22C.290.020 Applicability.

1. The standards in this section apply to emergency housing and emergency shelters, as defined in MMC 22A.020.060.
2. This chapter does not include regulations for temporary transitory accommodations, transitional housing or permanent supportive housing.

22C.290.030 Pre-Application and Application.

1. At least fifteen (15) days prior to filing an application with the City to establish an emergency housing or emergency shelter facility, the owner and/or sponsor shall mail written notice to owners within 600 feet of the boundaries of the proposed site and to the Community Development Director of their intention to establish the facility. The notice shall list the name and contact information for the owner and/or sponsor, if any, 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 operations/management plan required by MMC 22C.290.040(g). When the formal application for the supportive housing facility is received, notice of application shall be provided in accordance with MMC 22G.010.090.
2. Permit applications for an emergency housing or emergency shelter facility must be made on forms prescribed by the city.

22C.290.040. General Requirements for all Supportive Housing Facilities.

1. Emergency housing and emergency shelter facilities shall comply with MMC Title 16, Building.
2. If provided, exterior lighting must be directed downward and glare must be contained within the facility site to limit the impact on neighboring properties. Additional lighting may be provided if requested by neighboring properties.
3. The sponsor and/or property owner shall ensure compliance with Washington State laws and regulations, the Marysville Municipal Code (MMC), and Snohomish Health District regulations.
4. Parking requirements shall be in accordance with Chapter 22C.130 MMC, Parking and Loading. No on-street parking shall be allowed.
5. An operations plan must be provided by the sponsor and/or property owner at the time of application that addresses the following elements to the satisfaction of the City:

- (a) Name and contact information for key staff;
 - (b) Roles and responsibilities of key staff;
 - (c) Site/facility management, including a security and emergency plan;
 - (d) Site/facility maintenance;
 - (e) Occupancy policies, including resident responsibilities and a code of conduct that address, at a minimum, the use or sale of alcohol and illegal drugs, threatening or unsafe behavior, and weapon possession;
 - (f) Provision of human and social services, including staffing plan and outcome measures;
 - (g) Outreach with surrounding property owners and residents and ongoing good neighbor policy; and
 - (h) Procedures for maintaining accurate and complete records.
 - (i) Additional information as requested by the Community Development Director to ensure current best practices for emergency housing and indoor emergency shelters are used.
6. A description of transit, pedestrian, and bicycle access from the subject site to services must be provided at time of application by the sponsor and/or the property owner.
7. On-site supervision must be provided at all times, unless it can be demonstrated through the operations plan that this level of supervision is not warranted for the population being housed. Details related to on-site supervision, such as the persons/positions identified for on-site supervision and shift schedule are required.
8. Sponsors and/or owners shall either:
- (a) Demonstrate experience providing similar services to people experiencing homelessness; or
 - (b) Provide certifications or academic credentials in an applicable human service field.
 - (c)
- Should a sponsor and/or managing agency not have any of the preceding qualifications, additional reasonable measures may be required to minimize risk to both residents of the supportive housing facility and the broader community.
9. Sponsors and/or owner shall demonstrate a stable funding source for the facility and any on-site or off-site human and social services offered as part of the operations plan.
10. The sponsor and/or managing agency shall designate points of contact and provide contact information (24-hour accessible phone contact) to the Marysville Police Department (MPD).
11. Facilities shall not be located closer than 600 feet to an elementary school, middle school, or high school. For the purposes of this subsection, distance shall

- be measured in a straight line between the closest property line of the existing school and the closest property line of the proposed facility.
12. In residential zones, no more than one adult bed per 200 square feet of floor area is allowed per facility
 13. Residents shall have access to the following services on-site; if not provided on-site, transportation shall be provided to each service:
 - (a) For all facilities, medical services, including mental and behavioral health counseling.
 - (b) For emergency housing facilities, access to resources on obtaining permanent housing and access to employment and education assistance.
 - (c) For emergency shelter facilities, substance abuse assistance.
 14. In residential zones, social services for people experiencing homelessness must be provided off-site. Direct intake of residents at the site is not allowed, unless approved by the City with additional details provided in the operations plan.
 15. Trash receptacles must be provided in multiple locations throughout the facility and site. A regular trash patrol in the immediate vicinity of the site must be provided.
 16. All functions associated with the facility, including adequate waiting space, must take place within a building or on the site proposed to house the facility.
 17. The number of toilets and other hygiene facilities required for each facility will be determined by the Community Development Director on a case-by-case basis in consultation with the Snohomish Health District after a review of factors such as the potential number and composition of residents.
 18. Facilities serving more than five residents shall have dedicated space for residents to meet with service providers.
 19. Residents and staff must comply with all Snohomish Health District requirements related to food donations.
 20. No children under the age of 18 are allowed to stay overnight in the facility, unless accompanied by a parent or guardian, or unless the facility is licensed to provide services to this population. If a child under the age of 18 without a parent or guardian present attempts to stay in a facility not specifically licensed for providing housing to youth, the sponsor and/or managing agency shall immediately contact Child Protective Services and actively endeavor to find alternative housing for the child.
 21. For health and safety reasons, the sponsor and/or managing agency shall perform background checks and obtain verifiable identification information, including full name and date of birth, from current and prospective residents, and shall keep a log containing this information.
 22. Level 1 sex offenders may be permitted in the facility, following the registration requirements. Level 2 and Level 3 sex offenders are prohibited from the facility. Should the sponsor and/or managing agency become aware of a current or prospective facility resident who is an unregistered sex offender, it shall

immediately contact the Marysville Police Department. The sponsor and/or managing agency shall provide notice to prospective residents that the sponsor and/or managing agency will report any current or prospective resident who is an unregistered sex offender to the Marysville Police Department.

23. The sponsor or managing agency shall coordinate with the homelessness service providers for referrals to their program and with other providers of facilities and services for people experiencing homelessness to encourage access to all appropriate services for their residents.

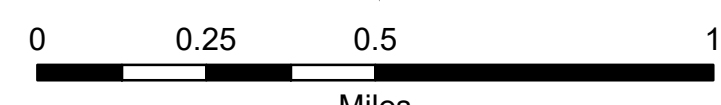
22C.130.030 Minimum required parking spaces.

24. Table 1: Minimum Required Parking Spaces

LAND USE	MINIMUM REQUIRED SPACES
RESIDENTIAL USES	
Emergency Housing, Emergency Shelters – Indoor, Transitional Housing Facilities and Permanent Supportive Housing	As determined by the Community Development Director with no less than a minimum of 1 per 2 employees plus 1 per 5 residents (3 spaces minimum).

City of Marysville Zoning

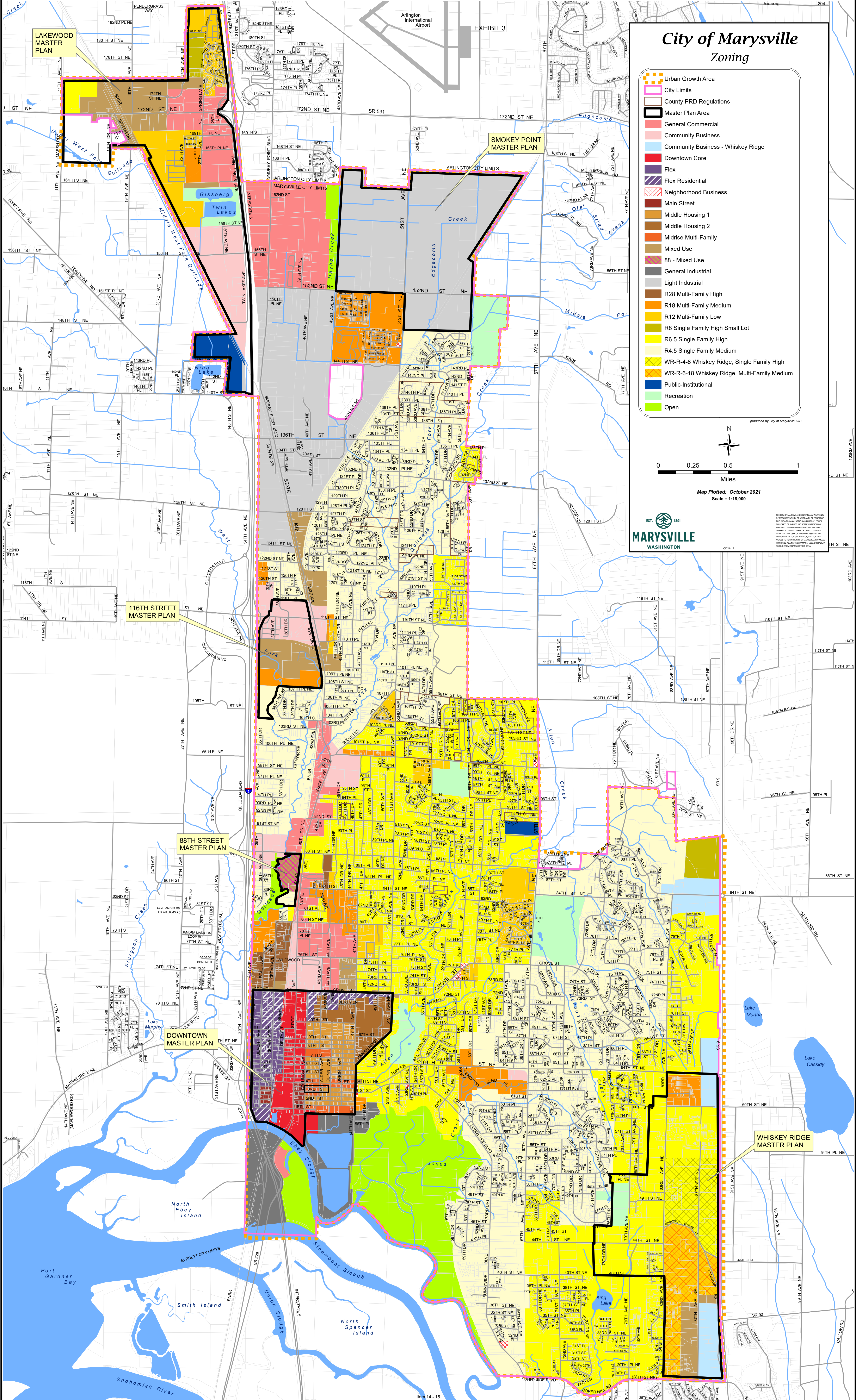
- Urban Growth Area
- City Limits
- County PRD Regulations
- Master Plan Area
- General Commercial
- Community Business
- Community Business - Whiskey Ridge
- Downtown Core
- Flex
- Flex Residential
- Neighborhood Business
- Main Street
- Middle Housing 1
- Middle Housing 2
- Midrise Multi-Family
- Mixed Use
- 88 - Mixed Use
- General Industrial
- Light Industrial
- R28 Multi-Family High
- R18 Multi-Family Medium
- R12 Multi-Family Low
- R8 Single Family High Small Lot
- R6.5 Single Family High
- R4.5 Single Family Medium
- WR-R-4-8 Whiskey Ridge, Single Family High
- WR-R-6-18 Whiskey Ridge, Multi-Family Medium
- Public-Institutional
- Recreation
- Open



Map Plotted: October 2021
Scale = 1:18,000



produced by City of Marysville GIS



LAKESIDE MASTER PLAN

SMOKEY POINT MASTER PLAN

116TH STREET MASTER PLAN

88TH STREET MASTER PLAN

DOWNTOWN MASTER PLAN

WHISKEY RIDGE MASTER PLAN



MARYSVILLE
COMMUNITY
DEVELOPMENT

**PC Recommendation – Emergency Housing, Indoor Emergency Shelters,
Transitional Housing and Permanent Supportive Housing**

The Planning Commission (PC) of the City of Marysville, held a public hearing on December 14, 2021 in review of NON-PROJECT action amendments of the Marysville Municipal Code (MMC), proposing amendments to Section 22A.020.010 - Definitions, Section 22C.010.060 - Permitted Uses, Section 22C.020.060 - Permitted Uses, Section 22C.080.120 – Permitted use table for downtown Marysville zones, 22C.130.030 – Minimum required parking spaces and adding section Chapter 22C.290 Emergency Housing and Shelters.

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 related to establishing regulations for Emergency Housing, Indoor Emergency Shelters, Transitional Housing and Permanent Supportive Housing to the community on September 28, 2021.
2. The proposal was submitted to the State of Washington Department of Commerce for 14-day expedited review on November 16, 2021, in accordance with RCW 36.70A.106.
3. The PC held public work sessions on October 26, November 9, and November 23 to review the NON-PROJECT action amendments to the community.
4. The PC held a duly-advertised public hearing on December 14, 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) regarding Emergency Housing, Indoor Emergency Shelters, Transitional Housing and Permanent Supportive Housing.

CONCLUSION:

At the public hearing, held on December 14, 2021, the PC recommended **APPROVING** the modifications and new code sections regarding Emergency Housing, Indoor Emergency Shelters, Transitional Housing and Permanent Supportive Housing).

RECOMMENDATION:

Forwarded to City Council as a Recommendation of **APPROVAL** of the NON-PROJECT action known as Section 22A.020.010 - Definitions, Section 22C.010.060 - Permitted Uses, Section 22C.020.060 - Permitted Uses, Section 22C.080.120 – Permitted use table for downtown Marysville zones, 22C.130.030 – Minimum required parking spaces and adding section Chapter 22C.290 Emergency Housing and Shelters., this **December 14, 2021.**

By:

Stephen Leifer, Planning Commission Chair

Planning Commission



1049 State Avenue
Marysville, WA 98270

**Meeting Minutes
September 28, 2021**

CALL TO ORDER / ROLL CALL

Chair Leifer called the September 28, 2021 Planning Commission meeting to order via Zoom at 6:00 p.m. Planning Manager Chris Holland called the roll.

Present:

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

Excused: Commissioner Tom Thetford

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

APPROVAL OF MINUTES

September 14, 2021 Planning Commission Minutes

Commissioner Hoen referred to the last paragraph of page 3 and clarified that he had asked about long-term planning because he has heard that if you give a building permit you are locking 50 years into the property.

Motion made by Commissioner Thetford, seconded by Commissioner Hoen, to approve the minutes. **Motion passed (4-0)** with Commissioners Michal and Whitaker abstaining.

AUDIENCE PARTICIPATION

James Vasil, commented that they own some property in Whiskey Ridge and are interested in what is going on in that area, especially regarding zoning and the Whiskey Ridge sewer lift station. Planning Manager Holland informed him that Public Works would be joining the Planning Commission on November 9 to go over current projects.

NEW BUSINESS

A. Food Truck Regulations

Community Development Director Haylie Miller explained staff is proposing to begin to work on regulations to allow food trucks in Marysville. They have solicited feedback from restaurant owners related to this topic and received some feedback from four restaurant owners. In general, the restaurant owners have concerns about competition and suggested that food trucks be located a certain distance away from a restaurant. There was general support for food trucks at special events. The general public is very much supportive of the idea of food trucks. There were suggestions and questions related to locations, parking, and whether they should be allowed on city property.

Commissioner Andes commented that a lot of food trucks go from construction site to construction site. He wondered how this would fit in to the proposals. Planning Manager Holland commented that as long as a food truck is staying mobile it would be an allowed use at construction sites. Setting up at a particular parking lot is not allowed right now.

Commissioner Kapus asked if the idea was to allow them to stay in one location or to just move around. Director Miller explained that they are considering allowing food trucks in a more steady location. Some cities allow them to rotate in and out of locations; for example, limited to two or three days a week. This is an area that staff is seeking direction from the Planning Commission. There was some discussion about how traffic impact fees would fit into this.

Commissioner Hoen commented on the generational attraction to food trucks. He noted that food trucks are heavily permitted and highly regulated. He commented on the importance of websites, apps, and other communications to get the word out about where food trucks will be located. He commented that it could be important for them to have some regularity in terms of location so people know where to find them. He noted that it could be a game changer if a commissary is required. As far as opportunities for food trucks, when the Cascade Industrial Center is developed there will be a lot of workers that will probably enjoy having a variety of food trucks.

Commissioner Whitaker suggested the City give preference to existing restaurants in town because they have made financial commitments to the City and the community at large. He spoke in support of allowing food trucks as part of special events, requiring them to be a certain distance away from other restaurants, and limiting them to a certain number of days a week.

Commissioner Michal thought that food trucks would be welcomed by most people. She noted there are questions about placement that would need to be addressed. She agreed with giving deference to permanent restaurants. She spoke in support overall of allowing them at special events.

Commissioner Kapus spoke in support of both semi-permanent and special events. Regarding locating next to restaurants, she suggested considering whether or not it would be a competing use.

Chair Leifer suggested protecting existing restaurants while also allowing food trucks to thrive and provide service to places like construction sites and special events. He also commented on the impact of Covid-19 on people's behavior with restaurants and food trucks. Some people are more comfortable eating outdoors from a food truck than going indoors to a restaurant.

As a starting point with this code, there was general agreement that food trucks should be:

- allowed in commercial areas
- required to be a certain distance of restaurants
- prohibited in residential zones (except for special events)
- allowed for special events in most locations, approved on a case-by-case basis

Chair Leifer asked about existing information about the impact of food trucks on restaurants and what distance actually makes a difference. Planning Technician Wiltshire replied that there is some research showing that food trucks can actually help a business because it creates a node. Commissioner Kapus commented that close proximity could actually be beneficial unless it was a competing type of restaurant. Commissioner Whitaker wondered what other jurisdictions have discovered about this. Director Miller commented that staff is planning on bringing information from about 15 different jurisdictions on what they are doing.

Community Development Director Miller asked the Planning Commission what level of noticing should be required. Staff is proposing that the food truck owner should provide some level of noticing to restaurants and that the input be solicited to the Community Development Department and some level of mitigation measures or denial would be implemented based on the feedback. Chair Leifer commented that it is related to the distance issue. Community Development Director Miller agreed and suggested they could wait on this until they get more information about the of impacts of food trucks on restaurants.

There was also some general discussion about considerations related to traffic impact fees. Staff will provide more information about food truck trip generation numbers.

Director Miller clarified that food trucks would be subject to health and safety regulations of the Snohomish County Health District and licensing requirements of the Department of Licensing. Also, commissary kitchens are not required as of 2019.

B. Emergency Housing Shelters

Director Miller explained that all cities in Washington State must accommodate emergency shelters and housing effective September 30. Cities are required to provide

for transitional housing facilities, permanent supportive housing, emergency shelters and emergency housing in all zones that allow for a hotel or within one mile of transit throughout the city. Staff is recommending that the City allow this in zones that allow for hotels as it is a more straightforward process. In residential zones and zones that allow hotels, cities are required to allow for transitional housing facilities and permanent supportive housing. Indoor emergency shelters and indoor emergency housing have to be allowed in zones that allow hotels. She clarified that these are all indoor shelters.

Director Miller reviewed some control measures proposed by staff.

- In residential zones the permanent supportive housing and transitional housing must be a conditional use and comply with the existing zoning regulations.
- For all zones staff is requiring an operations plan that would outline the operations and how they would mitigate impacts.

Commissioner Kapus asked about regulations regarding who would be monitoring the transitional housing and permanent supportive housing facilities. Director Miller replied that the definition says it can be a public housing authority, a non-profit organization or another public interest group. She did not think the City could be more restrictive, but they can require a management plan. Commissioner Kapus expressed concern about a sophisticated transient group overtook a vacant property with “leases.” She emphasized the need for monitoring who is running these. Director Miller indicated she would come back with a draft code that proposes these different uses and regulations for each of them. Chair Leifer noted that they have to be careful with regulations and controls so it doesn’t appear they are trying to not allow these types of housing. Director Miller agreed.

C. Accessory Dwelling Units

Senior Planner Kate Tourtellot introduced this item related to Accessory Dwelling Units and reviewed a series of definitions and other items that require amending and also reviewed other changes that will likely need amending in the future.

Required changes:

- Add and modify definitions - *household, major transit stop, ownership, and short-term rentals.*
- Revise parking requirements – Amend the off-street parking requirement for ADUs within one-quarter mile of a major transit stop. The City can no longer require an extra off-street parking stall in those situations. The only corridor which meets this requirement is State Avenue up through Smokey Point to the city limits. Planning Technician Wiltshire commented that they might need to also consider amending the parking requirement if they change the size restriction of ADUs.

- Revise utility connection fees. – Can the person tap into the existing water/sewer service (and pay capital improvement fees) or are they required to set up a new connection at the same cost as a single family residence? Senior Planner Tourtellot replied she would come back with more information on this.

Anticipated changes in the future:

- Remove the owner occupancy requirement - The code currently requires owner occupancy, but the City may not be allowed to have this requirement in the future. Commissioner Andes expressed concern that if they don't have the owner occupancy requirement it turns the lot into more of a multi-family use. Chair Holland agreed, but clarified that there would still be a limit on the number of people per square foot of the structure. Commissioner Michal asked if this issue might come up again soon. Senior Planner Tourtellot thought it might come back in 2022 because it has come up for the last three years. The previous two years it was just a recommendation, but this year it was an outright directive. Commissioner Leifer thought that the ability for cities to scrutinize who lives in houses will likely be taken away from cities. Commissioner Kapus spoke in support of removing the owner-occupancy requirement as a way of bringing in different kinds of housing to the community and to help offset people's expenses.
- Prohibit ADUs as short-term rentals – The City does not currently regulate this. The state law says ADUs cannot be used for short-term rentals/vacation rentals.
- Revise the minimum and maximum size limitations. – Right now the code says that the ADU can be 35% of the existing residence. The State is asking that it be less restrictive. Commissioner Michal asked about lot sizes that would be eligible for ADUs. Senior Planner Tourtellot explained that if a lot is less than 5,000 square feet an ADU would not be allowed. She is not sure if they will still have that ability to limit lot sizes with the new rule. Section 7 of House Bill 1220, which got deleted, says that non-conforming structures could not be prohibited from being ADUs. Chair Leifer asked if they would still be able to enforce regulations surrounding things like maximum impervious surfaces coverage and setbacks. Senior Planner Tourtellot thought they would be able to. Commissioner Andes commented that this is a way to get around the short plat process, especially if they eliminate the 35% restriction. Planning Manager Holland commented that they need to do more research on the impervious surface and setback coverage. Any Planned Residential Development throughout the city is not currently allowed to do an ADU.
- Conversion of non-conforming structures – The City's ability to regulate a structure which is non-conforming because of lot setbacks may be impacted in the future.

General discussion followed about expected growth numbers, buildable lands, and the Urban Growth Area. Chair Leifer asked if staff is considering an expansion of the Urban

Growth Area (UGA). Planning Manager Holland replied that the County Council is the one who would determine that. He doesn't think it will happen in this update. Chair Leifer asked how much the buildable lands have shrunk. Planning Manager Holland explained there is a lot of development happening in the Lake Stevens School District related to housing and in the Cascade Industrial Center for industrial and jobs. There are still some areas that need improvements in order to support greater density. There is still quite a bit of capacity, but they will still fall short of what is needed for the 2044 planning period. Senior Planner Tourtellot noted that Snohomish County Council just released its 2021 Buildable Lands Report which is on the county website. She added that the City still has capacity for population and employment through 2035. The big conversation will be how to get from 2035 to 2044 which will be coming to the Planning Commission shortly with the Comprehensive Plan amendments. Planning Manager Holland also gave an overview of impacts of the planned Whiskey Ridge sewer lift station.

OTHER

Planning Manager Holland reported that the City Council approved the Downtown Master Plan and five related ordinances last night. He thanked the Planning Commission for their work and recommendation.

ADJOURNMENT

Motion to adjourn at 7:57 p.m. moved by Commissioner Whitaker, seconded by Commissioner Michal.

AYES: ALL

Chris Holland

Chris Holland, Planning Manager for
Laurie Hugdahl, Recording Secretary

Next Meeting – October 12, or as necessary

Planning Commission



1049 State Avenue
Marysville, WA 98270

**Meeting Minutes
October 26, 2021**

CALL TO ORDER / ROLL CALL

Vice Chair Andes called the October 26, 2021 Planning Commission meeting to order via Zoom at 6:00 p.m. Planning Manager Chris Holland called the roll.

Present:

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

Excused: Chair Steve Leifer, Commissioner Tom Thetford

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

APPROVAL OF MINUTES

September 28, 2021 Planning Commission Minutes

Motion to approve the minutes as presented made by Commissioner Kapus, seconded by Commissioner Michal.

AYES: ALL

AUDIENCE PARTICIPATION

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

OLD BUSINESS

A. Food Truck Regulations

Director Miller reviewed the discussion regarding food trucks from the last Planning Commission meeting and discussed potential regulations regarding locations and proximity to restaurants. Regulations from about 15 different cities were provided as requested for reference.

Commissioner Whitaker thanked staff for the memo, noting that it was very informative and responsive to the conversation from the last meeting. He was in support of the recommendations presented by staff in the memo, but asked about the duration of approval for one location. Director Miller commented that the length would coincide with the event for special event permits and would be temporary. For city-owned property, like the waterfront, it would be up to the Commission. She offered to bring back some verbiage related to this topic.

Commissioner Hoen commented that he generally sees certain food trucks in almost permanent locations. He noted that there has to be a way for a food truck and its customers to have some certainty about location. Director Miller offered to bring back more information regarding timing and location.

Commissioner Kapus also thanked staff for the great research.

Commissioner Andes thought that a 100-150 foot distance from restaurants was a good distance. He noticed one city required food trucks to be a certain distance from residential zones. He also suggested having a timeframe that they can be open during the day. Director Miller indicated she would bring back draft regulations with more detail and options.

Commissioner Michal thanked staff for the great memo. She asked what the parameters might be around allowing these in parking lots. Director Miller commented that they would look at that on a case-by-case basis. The food truck would have to demonstrate that they are not taking away from minimum parking requirements.

Commissioner Hoen commented that people he has talked to in the Parks Department have seemed very positive about food trucks in the parks or at events. Director Miller agreed. Planning Manager Holland concurred but noted that they would generally not be allowed within the right-of-way, as it would reduce on-street parking.

B. Emergency Housing and Shelters

Director Miller explained the state has recently approved Housing Bill 1220 (HB1220) related to emergency and transitional housing. The housing is divided into four different type of uses in two categories, each with different regulations. At this meeting she focused on the first two types of uses - Indoor Emergency Shelters and Indoor Emergency Housing. She will review the other two uses at the next meeting. The state has required that Indoor Emergency Shelters and Indoor Emergency Housing be allowed with reasonable controls in zones that allow hotels or within the majority of zones located within one mile of public transit.

Tables in Exhibit 1 show the two types of uses and where they are required to be allowed. Staff is proposing that these uses be permitted subject to conditions in the code if they are housed with 30 or fewer individuals. If there are more than 30 individuals staff recommends that this go through the Conditional Use process.

Commissioner Whitaker asked how Enhanced Services Facilities would mesh with these types of housing. Director Miller explained that Enhanced Services Facilities are more tailored to people who have mental health or substance abuse issues and are transitioning from a state hospital back into the public. The four types of housing referred to by HB 1220 are focused on people who don't have somewhere to live.

Commissioner Hoen asked why shelters can't be within 1,000 feet of each other and why no more than one emergency housing or shelter can be on a site. He asked if there should be more flexibility in case there is an emergency. Director Miller suggested they could build in an opportunity for a variance or allow for the Hearing Examiner to decide depending on what the Planning Commission and Council want. Planning Manager Holland clarified that if there is a disaster the City already has the authority to open up a shelter wherever it needs to.

Commissioner Hoen asked for the reasoning behind the following General Requirements:

- O. In residential zones, no more than one adult bed per 250 square feet of floor area is allowed per facility*
- P. In all other zones, no more than one adult bed per 35 square feet of floor area is allowed per facility*

Director Miller explained these were ways to help identify the number of people that would be reasonable between residential and commercial zones.

NEW BUSINESS

A. East Sunnyside-Whiskey Ridge Sign Regulations

Planning Manager Holland explained staff would like to incorporate sign regulations and design standards from the overly restrictive Whiskey Ridge Design Standards into the general code rather than having them separate. There was some discussion about the background of the code and proposed setbacks and sizes.

Commissioner Kapus spoke in support of simplifying the regulations into one place.

Commissioner Andes commented that there are some places in town where a five-foot setback isn't enough to see oncoming traffic. Planning Manager Holland concurred and noted they would still need to comply with sight distance regulations.

Commissioner Whitaker commented that they don't need the same type of signs on some chunks of 87th since that area is still pretty rural. He suggested looking at some reduced heights in that area.

Next meeting – November 9, 2021

- Senior Planner Kate Tourtellot will be bringing back the Accessory Dwelling Units provisions.
- Director Miller will be bringing back topics discussed tonight.
- Public Works staff will also be coming to give an update on their projects.

ADJOURNMENT

Motion to adjourn at 6:55 p.m. moved by Whitaker, seconded by Commissioner Kapus.

AYES: ALL

Chris Holland

Chris Holland, Planning Manager for
Laurie Hugdahl, Recording Secretary

Planning Commission



1049 State Avenue
Marysville, WA 98270

**Meeting Minutes
November 9, 2021**

CALL TO ORDER / ROLL CALL

Chair Leifer called the November 9, 2021 Planning Commission meeting to order via Zoom at 6:00 p.m. Senior Planner Tourtellot called the roll.

Present:

Commissioner: Chair Steve Leifer, Vice Chair Jerry Andes, Commissioner Sunshine Kapus, Commissioner Brandon Whitaker, Commissioner Tom Thetford, Commissioner Roger Hoen¹

Excused: Commissioner Kristen Michal

Staff: Community Development Director Haylie Miller, Director of Engineering and Transportation Services Jeff Laycock, Senior Planner Kate Tourtellot, Assistant Planner Mara Wiltshire, Project Manager Steve Miller

APPROVAL OF MINUTES

October 26, 2021 Planning Commission Minutes

Motion made by Commissioner Kapus, seconded by Commissioner Whitaker, to approve the minutes. **Motion** passed unanimously.

AUDIENCE PARTICIPATION

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

NEW BUSINESS

¹ Commissioner Hoen arrived around 6:15 p.m. during the Capital Works Update.

Public Works – Capital Projects Update

Director Laycock announced that he is now the Director of Engineering and Transportation Services for Public Works, and Karen Latimer is the new Director of Public Works Services and Utilities.

Project Manager Steve Miller made a presentation regarding Capital Projects.

Ebey Waterfront Park Expansion

Geddes Property:

- Phase 1 – Downtown Stormwater Treatment Project (DSTP) – will remove contaminants from stormwater collected from downtown. Key elements of this project include the pump station, pretreatment units, treatments units (with media such as filtration and plantings), and the existing outfall. When complete it will include public amenities (bench, waste receptacles, signage), plantings, park elements (bollards, cladding), and lighting. This is a \$10 million project made possible with the City's funding partner, Department of Ecology. Design of the project will be completed this month. After that it will be submitted to Ecology for approval before it goes out to bid. They hope to begin construction in spring of 2022 with substantial project completion expected in early summer of 2023.

Chair Leifer asked if there is a detention vault under the treatment beds. Project Manager Miller replied that there is not. Chair Leifer asked if there has been a change in the idea of pumping stormwater. Director Laycock replied that is unique to this project. They have to pump to be able to get it through the treatment facility.

Commissioner Whitaker asked how the pretreatment cells are cleaned out. Director Laycock replied they have access to be able to get vector trucks in and out. Commissioner Whitaker asked about the pretreatment media. Project Manager Miller reviewed the two manufacturers of the filters that could meet the criteria for the project.

- Phase 2 – Geddes Marina Remediation – Project Manager Miller reviewed the preliminary channel profile and cross section. He also reviewed the schedule for design, permitting, final design, and construction. Construction is estimated to be completed by May 2026 or as early as summer of 2025 without pre-loading for full pipe.

Chair Leifer asked where the high and low mean tide is relative to the channel profile. Project Manager Miller replied reviewed this and explained that in a high tide it could be submerged. Director Laycock added that the bottom of the channel is a zero feet elevation.

Commissioner Whitaker asked why they are cutting a new channel and filling the old one. Director Laycock replied that the alignment of the channel is still under design, but there are some complicating factors and phasing issues which will be discussed later.

Commissioner Hoen asked how much of Marysville's stormwater comes through here. Director Laycock replied it is a significant drainage area.

- Phase 3 – Ebey Waterfront Park Expansion – This project is at 30% design. Project Manager Miller reviewed project highlights including a park plaza, fountain, trails, a great lawn, a festival stage, restrooms and storage, a motorized boat launch, a non-motorized boat launch, a picnic area, signage, a tidal backwater channel, a plaza with tables and chairs, a play area and a sound pad, bench swings, a cut-through berm, a programmable spray fountain, an amphitheater, retaining walls, parking, a footbridge, a waterside deck with terraced seating, a future stormwater facility location, a path/fire lane, and street art murals.

Commissioner Whitaker asked if they would sample water at the outfall for stormwater permits. Director Laycock replied that they would.

Commissioner Hoen noted that the restroom facilities are far away from some of the other facilities. Director Laycock acknowledged this and noted that the location may change before the design is finalized.

Commissioner Kapus commented that she thought there would be pre-loading either way. Project Manager Miller explained that although the channel would still need pre-loading, the full pipe option would have been much heavier and required piles that the channel will not need.

Capital Project Updates - General

- I-5 NB HOV Lane Extension and SR 529 Interchange – \$85 M cost estimate. Construction is expected to begin in spring/summer 2022 and completed in fall 2024. This is a WSDOT project funded by Connecting WA.
- State Avenue Corridor Improvements – Phase 1 is under construction with completion in summer of 2022. Phase 2 is in design with a tentative bid in spring of 2022. This will go from 104th to 116th Street. This is grant funded with a TIB grant.
- Grove Street Overcrossing – grade separated railroad crossing with a \$24M estimated project cost and possible State funding.

- 88th Street NE Corridor – Widen to 3 lanes with shared-use pathways. It is currently at 60% design and working through permitting issues. Construction estimate is \$30M with some federal and county funding.
- LID Infrastructure – Cedar Avenue is under construction around the Opera House with pedestrian improvements. This is funded partially with a DOE grant. 2nd Street will also be improved similar to 3rd Street.
- Ebey Waterfront Trail – The majority of the trail is completed, but 1.28 miles remain. Staff is working with the Tulalip Tribes to connect and tie into the 1st Street bypass.
- Bayview Trail – Extend Bayview Trail from 64th Street NE to Soper Hill Rod (Marysville) and from Soper Hill Rd. to 20th Street NE (Lake Stevens) through an Interlocal Agreement with Lake Stevens. Lake Stevens has plans to loop it back through to Centennial Trail.

Chair Leifer asked about the 156th Street Interchange. Director Laycock explained that one is pretty far out in the future. It will be funded by Connecting Washington and managed by WSDOT. Funds begin in 2025 with an intent to complete construction in 2031.

Commissioner Hoen asked about a road to the backside of Costco. Director Laycock replied that there will be a future road connection there which parallels the tracks.

The Planning Commission expressed appreciation for the update. Director Laycock expressed interest in doing an annual report to the Planning Commission.

OLD BUSINESS

A. Emergency Housing and Shelters

Director Miller reviewed part 2 of Emergency Housing and Shelters related to Transitional Housing Facilities and Permanent Supportive Housing and Housing Bill 1220 which is required by the State. Transitional Housing Facilities provides housing which is owned by public housing authorities, non-profit groups or other public interest groups for a shorter duration, up to 24 months. It is also coupled with job training, self-sufficiency training, and human services counseling to transition patrons into Permanent Supportive Housing or more traditional housing. Marysville already allows these types of facilities. Permanent Supportive Housing is a more permanent form of transitional housing for people that need ongoing support.

Staff is proposing the following changes based on State requirements:

- Add a definition for Permanent Supportive Housing.

- Revise the code to allow for Transitional Housing Facilities and Permanent Supportive Housing facilities in all residential zones and any zones that allow hotels. She believes it is important to ensure that the use is managed properly. Staff is proposing to remove hotels as a permitted use from four multifamily zones.
- Identify Reasonable Controls – Reasonable occupancy, spacing and intensity of use requirements may be imposed by ordinance on indoor emergency housing and indoor emergency shelters to protect public health and safety. These uses would be an outright permitted use with very limited additional controls. These are currently allowed within the City without additional regulations.

Both of these codes will come back in December for a proposed hearing.

Chair Leifer asked how these would fit in the Manufacturing Industrial Center. Director Miller explained that the State requires that these are allowed in any zones that allow for hotels, and hotels are permitted in that zone. She didn't think it was likely to be a conflict and that most of them would choose to locate in more residential areas and closer to transit.

B. Accessory Dwelling Units

Senior Planner Tourtellot responded to previous questions and reviewed proposed amendments as contained in the Memorandum to the Planning Commission. She solicited feedback from the Planning Commission on removing the requirement for owner occupancy and increasing the maximum size.

David Kronbach, Marysville resident, commented that he has a small house on a large lot and is very interested in building an ADU. He has a 1250 square foot house and could not build something bigger than 375 square feet given the current regulations. He recommended allowing ADU's up to 1000 square feet as long as they are not larger than the existing house.

Chair Leifer asked staff to make a note of Mr. Kronbach's comments to include in their discussion.

Commissioner Whitaker asked how they would enforce the no short-term rental requirement. Senior Planner Tourtellot replied that it would be complaint-driven only since the City does not monitor this. Commissioner Whitaker asked how neighboring jurisdictions calculate limits on ADUs. Senior Planner Tourtellot replied that the majority of jurisdictions have the maximum set at a percentage of the primary dwelling unit. AARP also has a model ordinance which she can provide. Director Miller added that she has seen cities use a percentage of the existing house or 1000 square feet, whichever is less. Commissioner Whitaker was supportive of including a percentage and/or a square foot limit. Commissioner Andes concurred.

Senior Planner Tourtellot added that lots less than 5000 square feet in Planned Residential Developments are currently prohibited from doing ADUs. She indicated she would follow up with the City Attorney to check about this.

Chair Leifer commented that in his experience most people in Marysville are not really interested in having their neighbors add ADUs in their backyard. He commented on the challenge of balancing this with the pressure to infill and maximizing infrastructure. He recommended taking more time to discuss these competing ideologies. There was consensus to have staff bring back more information to the commission for discussion.

Senior Planner Tourtellot summarized she would:

- Clarify PRDs regulations
- Look at a comparison of a maximum based on a percentage of the house size versus a square footage.
- Analyze the community to see what it would look like in different parts of the city.
- See how codified impervious surfaces tie into this issue.

Director Miller also recommended building flexibility into the code for the Community Development Director to use her/his best judgement. Senior Planner Tourtellot indicated she would put something together for the commission to review in two weeks.

ADJOURNMENT

Motion to adjourn at 7:47 moved by Commissioner Whitaker, seconded by Commissioner Andes.

AYES: ALL

Chris Holland

Chris Holland, Planning Manager for
Laurie Hugdahl, Recording Secretary

Next Meeting - November 23, 2021

Planning Commission



1049 State Avenue
Marysville, WA 98270

**Meeting Minutes
November 23, 2021**

CALL TO ORDER / ROLL CALL

Chair Leifer called the November 23, 2021 Planning Commission meeting to order via Zoom at 6:00 p.m. Senior Planner Tourtellot called the roll.

Present:

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

Absent: Vice Chair Jerry Andes

Staff: Community Development Director Haylie Miller, Senior Planner Kate Tourtellot, Planning Technician Mara Wiltshire

APPROVAL OF MINUTES

November 9, 2021 Planning Commission Minutes

Commissioner Hoen commented that he had notified the Chair prior to the meeting that he would be late to the November 9 meeting. Chair Leifer confirmed this.

Motion made by Commissioner Thetford, seconded by Commissioner Whitaker, to approve the minutes. **Motion** passed unanimously.

AUDIENCE PARTICIPATION

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

NEW BUSINESS

None

OLD BUSINESS

A. Emergency Housing and Shelters

Director Miller reviewed code changes and solicited feedback related to Transitional Housing Facilities and Permanent Supportive Housing regulations. These two housing types are already allowed. Examples of projects around town include Twin Lakes Landing and the MESH program which both house homeless. Since the last meeting an additional condition has been added to the Operations Plans to ensure current best practices for permanent supportive housing and transitional housing facilities are used.

Chair Leifer pointed out a typing error on 22C.020.060 at the bottom of the page.

Director Miller then reviewed proposed changes to Emergency Indoor Shelters and Emergency Housing. Staff has proposed additional regulations for these uses to mitigate potential impacts.

- Hotels have been removed out of four multi-family zones.
- If shelters have less than 30, applicants can go through a standard application process. If over 30, it would require a conditional use permit process with the Hearing Examiner.
- Some of the requirements for separation between facilities were removed.
- The Police Chief reviewed and agreed with the conditions, but recommended a background check to vet sex offenders. This is currently pending as it needs to be vetted by the City Attorney. Condition 22 had originally allowed level 1 and 2 sex offenders; however the Police Chief only recommended level 1 at this time. Level 1 offenders could be permitted as long as they follow the standard registry protocol.
- The spacing was revised to 200 sf per individual. This is acceptable to currently operating shelter providers.
- Parking was revised to one stall per two employees plus one stall per five residents with a three-space limit. This would apply to all four uses.

Director Miller recommended holding a hearing on December 14. She is hoping to take it to City Council as soon as possible after that since the City is technically out of compliance right now.

Commissioner Hoen referred to requirements in item 22 and 23 and requested more clarity on which levels of sex offenders are allowed and prohibited. Director Miller noted that the police department recommended level 1 only. She solicited feedback from the Planning Commission on this. She summarized they are currently waiting on decisions regarding whether or not to require a background check and whether to allow level 2 sex offenders. She suggested that a decision on these could be rendered at the public hearing.

Motion made by Commissioner Whitaker, seconded by Commissioner Michal, to set this for a public hearing on December 14. **Motion** passed unanimously.

B. Accessory Dwelling Units (ADUs)

Senior Planner Tourtellot reviewed some background on this item.

- She checked with the City Attorney about the existing prohibition in Planned Residential Developments (PRDs), and he did not see a conflict with maintaining this prohibition.
- The definitions for *Accessory Dwelling Unit* and *kitchen* have been clarified.
- 22C.180.030(2) - The size of ADUs would be limited to 50% or 1000 sf whichever is smaller and give director authority to allow larger units if unreasonable division of space would result.

Commissioner Whitaker asked if underlying zoning dimensions would still apply to restrict the size. Senior Planner Tourtellot affirmed that all of the bulk and dimensional standards would still apply.

Chair Leifer asked why the maximum size is the *lesser* of either 50% or 1000 feet if the land area is sufficient. Senior Planner Tourtellot replied that this was a starting point for conversation, but could be modified.

Commissioner Hoen referred to the resident who had commented at the last meeting regarding his small house on a large lot. The resident had wondered if there was any way for him to build a larger ADU. Commissioner Hoen asked how this would impact him. Senior Planner Tourtellot replied that staff had discussed this and determined that he would be limited to the 50% of his existing home.

Chair Leifer asked how they got to the 1000 sf limit. He thought it should be proportional to the house size. Director Miller explained there is not a technical reason for this. Staff thought that beyond 1000 sf, it just felt bigger than an ADU and more like a full house size. Chair Leifer spoke to the conflict between the ideologies of infill and sprawl. He didn't agree with the limitation in size when there are so many variables in lot size and house size.

Commissioner Kapus agreed that we don't necessarily need a maximum since existing zoning should take care of it being out of character with existing homes.

Commissioner Thetford commented that there may be lots large enough that it would make sense to allow larger units. He personally wouldn't like to maximize the impervious lot area because he likes more space, but there are denser areas where it would make more sense.

Commissioner Whitaker thought the size should be limited to 1500 sf. Above that size it is the size of another house and not an ADU.

Commissioner Michal thought that 1000-1200 sf makes sense for most accessory uses. She asked if there could be discretion to allow for a bigger unit on a large lot.

Director Miller indicated that staff could allow a larger maximum size or could build in language allowing larger ADUs on larger lots if desired by the Planning Commission.

Chair Leifer asked for clarification about ADUs needing to be attached. Senior Planner Tourtellot commented that the provision that gives the director discretion to allow for a larger unit pertains to an ADU that would be attached. The allowance is for unreasonable division of space that would result from adhering to the code when converting existing living space into an ADU. An ADU in general can be attached or detached. Chair Leifer commented on how many people are struggling to buy a house; he is supportive of anything they can do to help people get into housing.

Senior Planner Tourtellot noted they could simply cap it at 50% of the existing house size. There was discussion about how this would impact various situations.

Commissioner Kapus suggested allowing new construction to become the primary dwelling unit if the lot size permits. Senior Planner Tourtellot indicated she could look into this with other jurisdictions.

There was consensus to simply cap the size at 50% of the existing house.

Motion made by Commissioner Hoen, seconded by Commissioner Thetford, to schedule this for a hearing on December 14. **Motion** passed unanimously.

C. Food Truck Regulations

Director Miller reviewed proposed food truck regulations and recommended scheduling this for a public hearing on December 14. At the last meeting they reached consensus about allowing food trucks on city property, special events and private property. The Planning Commission had asked for some information regarding the hours of operation. She has included a recommendation to allow a food truck on private property for 3 days a week or up to 12 days a week. That would not preclude a property owner from rotating different food trucks onto the site. Additionally, there would be a 100 ft. buffer for existing brick and mortar restaurants.

Commissioner Hoen commented that there would be a daily demand at the Cascade Industrial Center for more than just 3 days a week. He pointed out that Everett doesn't have any time restriction. He expressed interest in hearing from food truck operators.

Director Miller replied they can look into allowing them more. Her understanding was that the City Council was not in favor of food trucks at all at least in years past in an attempt to give preference to brick and mortar restaurants. The public, however, has been very interested in having food trucks. Staff's approach was a "soft landing" with a conservative code amendment for now and the possibility of revisiting in a year.

Chair Leifer did not think they should limit the days allowed to go to a construction site. Director Miller replied that this is already allowed under the temporary use permit.

Amanda Andrew, owner of Captain's Cod food truck, explained that they operate in 30 cities throughout Eastern Washington and prefer not to overstay their welcome in any one place. They have a contract with the property owner wherever they park. They are 100% self-contained with power and water. They don't stay in one city more than one day per week so this requirement wouldn't affect them. The way they operate is unique, and this is not be the norm for other food truck operators. The code amendments being proposed here are typical of what they see in most other cities.

Director Miller commented that the Washington Food Truck Association helps coordinate a rotating schedule between jurisdictions. She also noted that the City intends to allow food trucks on city properties either by a special event permit or by city contract. They would have flexibility with what they allow.

Chair Leifer said he was sympathetic to brick and mortar restaurants that pay fees and taxes. He also liked the soft landing approach. Other commissioners agreed.

Motion made by Commissioner Whitaker, seconded by Commissioner Kapus, to forward the food truck regulations to a public hearing on December 14. **Motion** passed unanimously.

ADJOURNMENT

Motion to adjourn at 7:45 p.m. moved by Commissioner Thetford, seconded by Commissioner Whitaker.

AYES: ALL

Chris Holland

Chris Holland, Planning Manager for
Laurie Hugdahl, Recording Secretary

Next Meeting – December 14, 2021

Planning Commission



1049 State Avenue
Marysville, WA 98270

**Meeting Minutes
December 14, 2021**

CALL TO ORDER / ROLL CALL

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

Present:

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

Excused: Commissioner Tom Thetford

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

APPROVAL OF MINUTES

November 23, 2021 Planning Commission Minutes

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

AUDIENCE PARTICIPATION

None.

PUBLIC HEARING

A. Food Truck Regulations

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

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

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

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

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

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

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

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

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

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

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

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

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

B. Accessory Dwelling Units

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

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

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

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

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

Public Testimony:

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

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

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

C. Emergency Housing and Shelters

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

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

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

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

OLD BUSINESS

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

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

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

ADJOURNMENT

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

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

AYES: ALL



Laurie Hugdahl, Recording Secretary

Next Meeting – January 11, 2022

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 SECTIONS 22A.020.060, 22A.020.170, 22A.020.210, 22C.010.060, 22C.010.070, 22C.020.060, 22C.020.070, 22C.080.120, 22C.130.030 AND ADDING NEW CHAPTER 22C.290 EMERGENCY HOUSING AND SHELTERS.

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, on July 25, 2021, the State passed Housing Bill (HB) 1220 to support emergency shelters and housing through local planning and development regulations; and

WHEREAS, according to HB 1220, Cities may not prohibit transitional housing or permanent supportive housing in any zones in which residential dwelling units or hotels are permitted, effective September 30, 2021; and

WHEREAS, according to HB 1220, Cities may not prohibit emergency housing or indoor emergency shelters in any zones in which hotels are permitted, effective September 30, 2021; and

WHEREAS, according to HB 1220, reasonable occupancy, spacing, and intensity of use requirements may be imposed by ordinance on permanent supportive housing, transitional housing, emergency housing and indoor emergency shelters to protect public health and safety; and

WHEREAS, staff has crafted new regulations for transitional housing, permanent supportive housing, emergency housing and indoor emergency housing to comply with HB 1220 while including reasonable measures to reduce impacts to the community, which new regulations specifically comprise of a new MMC Chapter 22C.290 along with amendments to MMC Sections 22A.020.060, 22A.020.170, 22A.020.210, 22C.010.060, 22C.010.070,

22C.020.060, 22C.020.070, 22C.080.120, 22C.130.030 (collectively the "Proposed Amendments"); and

WHEREAS, the Proposed Amendments are consistent with the following required findings of MMC 22G.010.520:

- (1) The amendments are consistent with the purposes of the comprehensive plan;
- (2) The amendments are 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, during public meetings held on September 28, October 26, November 9 and November 23, 2021, the Planning Commission discussed proposed amendments related to emergency housing and shelters; and

WHEREAS, on December 14, 2021, the Marysville Planning Commission held a duly-advertised public hearing, and recommended that the City Council adopt the Proposed Amendments; and

WHEREAS, at a public meeting on January 10, 2022, the Marysville City Council reviewed and considered the Marysville Planning Commission's Recommendation and the Proposed Amendments; and

WHEREAS, the City of Marysville has submitted the Proposed Amendments to the Washington State Department of Commerce on November 16, 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, a notice of application was given on November 15, 2021 by the City of Marysville requesting State Environmental Policy Act review and approval for the Proposed Amendments pursuant to the optional DNS process outlined in WAC 197-11-355.

WHEREAS, a SEPA Determination of Non-Significance was issued on December 15, 2021 pursuant to the optional DNS process outlined in WAC 197-11-355.

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

Section 1. Amendment of Municipal Code. MMC Section 22A.020.060, entitled "E" Definitions, is hereby amended to add the following definitions, as follows:

22A.020.060 "E" Definitions.

"Emergency housing" means temporary indoor accommodations for individuals or families who are homeless, or at imminent risk of becoming homeless, that is intended to address

their basic health, food, clothing, and personal hygiene needs. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.

“Emergency shelter (indoor)” means a facility that provides a temporary shelter for individuals or families who are currently homeless. An emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.

Section 2. Amendment of Municipal Code. MMC Section 22A.020.170, entitled “P” Definitions, is hereby amended to add the following definitions, as follows:

22A.020.170 “P” Definitions.

“Permanent supportive housing” is one or more subsidized, leased dwelling units with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition, who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing, to retain their housing and be a successful tenant in a housing arrangement, improve the resident’s health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in the Residential Landlord Tenant Act, chapter 59.18 RCW.

Section 3. Amendment of Municipal Code. MMC Section 22C.010.060, entitled Permitted uses, is hereby amended, as follows:

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

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
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
<u>Transitional Housing Facilities (53)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Permanent Supportive Housing (53)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Emergency Housing (54)</u>									
<u>Emergency Shelters - Indoor (54)</u>									
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					<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Bed and breakfast guesthouse (4)		C	C	C	P	P	P	P	
Bed and breakfast inn (4)					P	P	P	P	
Enhanced services facility (52)									
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

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
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:									
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	

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
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	
College/university	C	C	C	C	C	C	C	C	

Section 4. Amendment of Municipal Code. MMC Section 22C.010.070, entitled Permitted uses, is hereby amended, as follows:

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.

(53) An operations plan, to mitigate potential impacts on the surrounding community, must be provided by the sponsor and/or property owner at the time of application. The operations plan must address the following elements to the satisfaction of the City:

- a) Name and contact information for key staff;
- b) Roles and responsibilities of key staff;
- c) Site/facility management, including a security and emergency plan;
- d) Site/facility maintenance;
- e) Occupancy policies, including resident responsibilities and a code of conduct that address, at a minimum, the use or sale of alcohol and illegal drugs, threatening or unsafe behavior, and weapon possession;
- f) Provision of human and social services, including staffing plan and outcome measures;
- g) Outreach with surrounding property owners and residents and ongoing good neighbor policy;
- h) Procedures for maintaining accurate and complete records; and
- i) Additional information as requested by the Community Development Director to ensure current best practices for permanent supportive housing and transitional housing facilities are used.

(54) Emergency housing and emergency shelters – indoor, are prohibited in all residential zones as such are identified and adopted in this chapter.

Section 5. Amendment of Municipal Code. MMC Section 22C.020.060, entitled Permitted uses, is hereby amended, as follows:

MMC 22C.020.060 Permitted uses.

Specific Land Use	NB	CB	CB-WR	GC	MU (63)	LI	GI	REC	P/I
Residential Land Uses									
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
Enhanced services facility (77)		P		P	P				

Specific Land Use	NB	CB	CB-WR	GC	MU (63)	LI	GI	REC	P/I
Transitional Housing Facilities (79)	P	P	P	P	P	P			
Permanent Supportive Housing (79)	P	P	P	P	P	P			
Emergency Housing (80)	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>			
Emergency Shelters - Indoor (80)	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>	<u>P</u> <u>C</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					
Recreation/Cultural Land Uses									
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					
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:									

Specific Land Use	NB	CB	CB-WR	GC	MU (63)	LI	GI	REC	P/I
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
General Services Land Uses									
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
Miscellaneous health	P68	P68	P68	P68	P68				P68
Supervised drug consumption facility									

Specific Land Use	NB	CB	CB-WR	GC	MU (63)	LI	GI	REC	P/I
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/Business Service Land Uses									
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		

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

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

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

Specific Land Use	NB	CB	CB-WR	GC	MU (63)	LI	GI	REC	P/I
Regional Land Uses									
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 facilities		P61, 62	P61, 62	P61, 62		P62	P62		

Section 6. Amendment of Municipal Code. MMC Section 22C.020.070, entitled Permitted uses, is hereby amended, as follows:

MMC 22C.020.070 Permitted uses.

- (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) Mobile homes are only allowed in existing mobile home parks established prior to October 16, 2006.

(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 overwater structure shall not exceed 20 feet as measured from the line of ordinary high water;

(b) The total roof area of covered, overwater 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 overwater structure shall extend beyond the average length of all preexisting over-water structures along the same shoreline and within 300 feet of the parcel on which proposed. Where no such preexisting 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 (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 Chapter [22C.280](#) MMC for enhanced services facility regulations.

(78) Mini-storage facilities may be allowed in the CB and GC zones as a conditional use on property located east of Interstate 5, North of 100th Street, and west of 47th Avenue NE, subject to the following conditions:

(a) The property does not have direct frontage on an arterial street.

(b) Vehicular access to the property is limited by physical constraints, such as railroad tracks, proximity to congested public street intersection where turning movements are restricted, or other physical barriers that limit convenient vehicular access for higher-traffic-generating uses such as retail or office.

(c) Buildings shall be located a minimum of 150 feet from the nearest arterial street or interstate highway right-of-way. (Ord. 3196 § 3 (Exh. A), 2021; Ord. 3193 § 15, 2021; Ord. 3180 § 2 (Exh. A), 2021; 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; 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).

(79) An operations plan, to mitigate potential impacts on the surrounding community, must be provided by the sponsor and/or property owner at the time of application. The operations plan must that address the following elements to the satisfaction of the City:

- (a) Name and contact information for key staff;
- (b) Roles and responsibilities of key staff;
- (c) Site/facility management, including a security and emergency plan;
- (d) Site/facility maintenance;
- (e) Occupancy policies, including resident responsibilities and a code of conduct that address, at a minimum, the use or sale of alcohol and illegal drugs, threatening or unsafe behavior, and weapon possession;
- (f) Provision of human and social services, including staffing plan and outcome measures;
- (g) Outreach with surrounding property owners and residents and ongoing good neighbor policy;
- (h) Procedures for maintaining accurate and complete records; and
- (i) Additional information as requested by the Community Development Director to ensure current best practices for permanent supportive housing and transitional housing facilities are used.

(80) All facilities are subject to the regulations set forth in Chapter 22C.290 MMC, Emergency Housing and Shelters. Facilities with 30 or more residents require a Conditional Use Permit.

Section 7. Amendment of Municipal Code. MMC Section 22C.080.120, entitled Uses permitted in downtown Marysville zones, is hereby amended, as follows:

MMC 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 as 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 (1)(d) of this section.

(f) Unclassified Uses. See MMC [22A.010.070](#).

(2) Permitted Use Table. Table 22C.080.120 provides the list of permitted uses in downtown Marysville zones.

Table 22C.080.120

Permitted Use Table for Downtown Marysville Zones.

Table legend: <i>P = Permitted use</i> <i>C = Conditional use</i> <i>No letter = Use not permitted</i>							
Use Categories	DC	MS	F	MM	FH1	MH2	Additional Provisions
Residential Uses							
Dwelling Units, Types							

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	MM	FH1	MH2	Additional Provisions
<i>Note: Residential uses are not allowed on the ground floor facing a designated active ground floor block frontage (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.</i>							
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	
Enhanced services facilities	P		P				Enhanced services facilities are permitted within the areas depicted in MMC 22C.280.050 , Figure 1 In the DC zone, enhanced services facilities shall be located above a permitted ground floor commercial use See Chapter 22C.280 MMC for enhanced services facility regulations
<u>Transitional Housing Facilities</u>	<u>P</u>	<u>P</u>	<u>P</u>				<u>Provide an operations plan as outlined in 22C.010.070 (53) and 22C.020.070(79)</u>

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	MM	FH1	MH2	Additional Provisions
<u>Permanent Supportive Housing</u>	<u>P</u>	<u>P</u>	<u>P</u>				<u>Provide an operations plan as outlined in 22C.010.070 (53) and 22C.020.070(79)</u>
<u>Emergency Housing</u>	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>				<u>All facilities are subject to the regulations set forth in MMC Chapter 22C.290, Emergency Housing and Shelters. Facilities with 30 or more residents require a Conditional Use Permit.</u>
<u>Emergency Shelters - Indoor</u>	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>				<u>All facilities are subject to the regulations set forth in MMC Chapter 22C.290, Emergency Housing and Shelters. Facilities with 30 or more residents require a Conditional Use Permit.</u>
Nonresidential Uses							
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):							
<10,000 sf GFA	P	P	P	C	C	C	
10,000 – 20,000 sf GFA	P	C	P	C	C	C	
>20,000 sf GFA	P		P	C			
Dancing, music and art center	P	C ^x	P				^x Use conditionally permitted with 10,000 – 20,000 sf GFA and prohibited over 20,000 sf 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	
Day care II	P	P	P	P ^x		P ^x	

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	MM	FH1	MH2	Additional Provisions
							^x Only as an accessory to residential use and subject to the criteria set forth in Chapter 22C.200 MMC
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 MMC 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							
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-foot setback from adjoining residential zones Any buildings from which firefighting 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				

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	MM	FH1	MH2	Additional Provisions
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 ^x		P				^x 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 15,000 sf GFA or occupying a greater area than the use's building.
<2,500 sf GFA	P	P	P	P	C	C	
2,500 – 20,000 sf GFA	P	P	P				
20,001 – 50,000 sf GFA	P	C	P				
>50,000 sf GFA	P	C	P				
Special retail sales uses:							
Eating and drinking places	P	P	P	C			
Gas station	P		P				
Heavy retail			C				
State-licensed marijuana facilities							

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	MM	FH1	MH2	Additional Provisions
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 and pool lot	P		P	P	P	P	
Opiate substitution treatment program facilities	P		P				MMC 22C.080.150
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

(Ord. 3196 § 3 (Exh. A), 2021; Ord. 3191 § 6 (Exh. B), 2021).

Section 8. Amendment of Municipal Code. MMC Section 22C.130.030, entitled Minimum required parking spaces, is hereby amended, as follows:

(1) Purpose. The purpose of required parking spaces is to provide enough parking to accommodate the majority of traffic generated by the range of uses which might locate at

the site over time. As provided in subsection (2)(e) of this section, bicycle parking may be substituted for some required parking on a site to encourage transit use and bicycling by employees and visitors to the site. The required parking numbers correspond to specific land use categories. Provision of carpool parking, and locating it closest to the building entrance, will encourage carpool use.

(2) Minimum Number of Parking Spaces Required.

(a) The minimum number of parking spaces for all zones and use categories is stated in Table 1.

(b) If the parking formula used to determine parking requirements results in a fractional number greater than or equal to one-half, the proponent shall provide parking equal to the next highest whole number.

(c) Changes in Occupancy. Whenever the occupancy classification of a building is changed, the minimum standards for off-street parking for the new occupancy classification shall be applicable; provided, that if the existing occupancy had established a legal nonconforming status with respect to off-street parking requirements, no additional off-street parking shall be required for the new occupancy unless said new occupancy is in a classification requiring more parking than that which would have been required for the existing occupancy if it had been subject to the provisions of this chapter. If strict application of this section is not feasible due to existing site conditions such as building or parcel size, shape or layout, a variance may be granted by the community development director.

(d) Joint Use Parking. Joint use of required parking spaces may occur where two or more uses on the same or separate sites are able to share the same parking spaces because their parking demands occur at different times. Joint use of required nonresidential parking spaces is allowed if the following documentation is submitted in writing to the community development department as part of a building or land use permit application, and approved by the community development director:

(i) The names and addresses of the uses and of the owners or tenants that are sharing the parking;

(ii) The location and number of parking spaces that are being shared;

(iii) An analysis showing that the peak parking times for the uses occur at different times and that the parking area will be large enough for the anticipated demands of both uses; and

(iv) A legal instrument such as an easement or deed restriction that guarantees access to the parking for both uses.

The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use shall be located within 500 feet of such parking facilities.

(e) Bicycle parking may substitute for up to 10 percent of required parking. For every five nonrequired bicycle parking spaces that meet the bicycle parking standards in MMC [22C.130.060](#), the motor vehicle parking requirement is reduced by one space. Existing parking may be converted to take advantage of this provision.

(f) The off-street parking and loading requirements of this chapter do not apply retroactively to established uses; however:

(i) The site to which a building is relocated must provide the required spaces; and

(ii) A person increasing the floor area, or other measure of off-street parking and loading requirements, by addition or alteration, must provide spaces as required for the increase, unless the requirement under this subsection is five spaces or fewer.

(g) Reduction of Required Spaces When Effective Alternatives to Automobile Access Are Proposed. Upon demonstration to the hearing examiner that effective alternatives to automobile access are proposed to be implemented, the examiner may reduce by not more than 40 percent the parking requirements otherwise prescribed for any use or combination of uses on the same or adjoining sites, to an extent commensurate with the permanence, effectiveness, and demonstrated reduction in off-street parking demand achieved by such alternative programs. Alternative programs which may be considered by the examiner under this provision include, but are not limited to, the following:

(i) Private vanpool operation;

(ii) Transit/vanpool fare subsidy;

(iii) Imposition of a charge for parking;

(iv) Provision of subscription bus services;

(v) Flexible work-hour schedule;

(vi) Capital improvement for transit services;

(vii) Preferential parking for carpools/vanpools;

(viii) Participation in the ride-matching program;

(ix) Reduction of parking fees for carpools and vanpools;

(x) Establishment of a transportation coordinator position to implement carpool, vanpool, and transit programs; or

(xi) Bicycle parking facilities.

(h) Uses Not Mentioned. In the case of a use not specifically mentioned in Table 1: Minimum Required Parking Spaces, the requirements for off-street parking shall be determined by the community development director. If there are comparable uses, the community development director’s determination shall be based on the requirements for the most comparable use(s). Where, in the judgment of the community development director, none of the uses in Table 1: Minimum Required Parking Spaces are comparable, the community development director may base his or her determination as to the amount of parking required for the proposed use on detailed information provided by the applicant. The information required may include, but not be limited to, a description of the physical structure(s), identification of potential users, and analysis of likely parking demand.

(3) Carpool Parking. For office, industrial, and institutional uses where there are more than 20 parking spaces on the site, the following standards must be met:

(a) Five spaces or five percent of the parking spaces on site, whichever is less, must be reserved for carpool use before 9:00 a.m. on weekdays. More spaces may be reserved, but they are not required.

(b) The spaces will be those closest to the building entrance or elevator, but not closer than the spaces for disabled parking and those signed for exclusive customer use.

(c) Signs must be posted indicating these spaces are reserved for carpool use before 9:00 a.m. on weekdays.

Table 1: Minimum Required Parking Spaces

LAND USE	MINIMUM REQUIRED SPACES
RESIDENTIAL USES	
Single-family dwellings, duplexes, townhouses, and mobile homes	2 per dwelling unit for residents plus 1 additional guest parking space per dwelling unit; provided: 1. An enclosed private garage may be utilized to meet the required parking for residents. Driveways can be counted as resident or guest parking spaces, provided said driveway complies with the bulk and dimensional requirements outlined in Table 2; and 2. Parking spaces behind other required parking spaces (a.k.a. “tandem parking”) shall not be counted towards the 2 required parking spaces per dwelling for the residents; however, tandem parking can be counted as a guest parking space.
Accessory dwelling units	1 per dwelling unit
Studio apartments	1.25 per dwelling unit
Multiple-family dwellings, one bedroom	1.5 per dwelling unit. Parking spaces behind other required parking spaces (a.k.a. “tandem parking”) shall not be counted towards the 1.5 required parking spaces in a multifamily development; however, tandem parking can be counted as a guest parking space, when required.

Table 1: Minimum Required Parking Spaces

LAND USE	MINIMUM REQUIRED SPACES
Multiple-family dwellings, two or more bedrooms	1.75 per dwelling unit. Parking spaces behind other required parking spaces (a.k.a. "tandem parking") shall not be counted towards the 1.75 required parking spaces in a multifamily development; however, tandem parking can be counted as a guest parking space, when required.
Retirement housing and apartments	1 per dwelling
Mobile home parks	2 per unit, plus guest parking at 1 per 4 lots
Rooming houses, similar uses	1 per dwelling
Bed and breakfast accommodations	1 space for each room for rent, plus 2 spaces for the principal residential use
<u>Emergency Housing, Emergency Shelters – Indoor, Transitional Housing Facilities and Permanent Supportive Housing</u>	<u>As determined by the Community Development Director with no less than a minimum of 1 per 2 employees plus 1 per 5 residents (3 spaces minimum).</u>
RECREATIONAL/CULTURAL USES	
Movie theaters	1 per 4 seats
Stadiums, sports arenas and similar open assemblies	1 per 8 seats or 1 per 100 SF of assembly space without fixed seats
Dance halls and places of assembly without fixed seats	1 per 75 SF of gross floor area
Bowling alleys	5 per lane
Skating rinks	1 per 75 SF of gross floor area
Tennis courts, racquet clubs, handball courts and other similar commercial recreation	1 space per 40 SF of gross floor area used for assembly, plus 2 per court
Swimming pools (indoor and outdoor)	1 per 10 swimmers, based on pool capacity as defined by the Washington State Department of Health
Golf courses	4 spaces for each green, plus 50% of spaces otherwise required for any accessory uses (e.g., bars, restaurants)
Gymnasiums, health clubs	1 space per each 200 SF of gross floor area
Churches, auditoriums and similar enclosed places of assembly	1 per 4 seats or 60 lineal inches of pew or 40 SF gross floor area used for assembly
Art galleries and museums	1 per 250 SF of gross floor area
COMMERCIAL/OFFICE USES	

Table 1: Minimum Required Parking Spaces

LAND USE	MINIMUM REQUIRED SPACES
Banks, business and professional offices (other than medical and dental) with on-site customer service	1 per 400 SF gross floor area
Retail stores and personal service shops unless otherwise provided herein	If < 5,000 SF floor area, 1 per 600 SF gross floor area; if > 5,000 SF floor area, 8 plus 1 per each 300 SF gross floor area over 5,000 SF
Grocery stores	1 space per 200 SF of customer service area
Barber and beauty shops	1 space per 200 SF
Motor vehicle sales and service	2 per service bay plus 1 per 1,000 SF of outdoor display
Motor vehicle or machinery repair, without sales	2 plus 2 per service bay
Mobile home and recreational vehicle sales	1 per 3,000 SF of outdoor display area
Motels and hotels	1 per unit or room
Restaurants, taverns, bars with on-premises consumption	If < 4,000 SF, 1 per 200 SF gross floor area; if > 4,000 SF, 20 plus 1 per 100 SF gross floor area over 4,000 SF
Drive-in restaurants and similar establishments, primarily for auto-borne customers	1 per 75 SF of gross floor area. Stacking spaces shall be provided in accordance with Chapter 22C.140 MMC, Drive-Through Facilities
Shopping centers	If < 15,000 SF, 1 per 200 SF of gross floor area; if > 15,000 SF, 1 per 250 SF of gross floor area
Day care centers	1 space per staff member and 1 space per 10 clients. A paved unobstructed pick-up area shall be set aside for dropping off and picking up children in a safe manner that will not cause the children to cross the parking area or lines of traffic.
Funeral parlors, mortuaries or cemeteries	1 per 4 seats or 8 feet of bench or pew or 1 per 40 SF of assembly room used for services if no fixed seating is provided
Gasoline/service stations with grocery	1 per employee plus 1 per 200 SF gross floor area
Adult facilities as defined by MMC 22A.020.020	1 per 75 SF of gross floor area or, in the case of an adult drive-in theater, 1 per viewing space
HEALTH SERVICES USES	
Nursing homes, convalescent homes for the aged	1 per 5 beds plus 1 space per employee and medical staff
Medical and dental clinics	1 per 200 SF gross floor area

Table 1: Minimum Required Parking Spaces

LAND USE	MINIMUM REQUIRED SPACES
Hospitals	1 per 2 beds, excluding bassinets
EDUCATIONAL USES	
Elementary, junior high schools (public and private)	5 plus 1 per each employee and faculty member
Senior high schools (public and private)	1 per each 10 students plus 1 per each employee or faculty member
Commercial/vocational schools	1 per each employee plus 1 per each 2 students
PUBLIC/GOVERNMENT USES	
Public utility and governmental buildings	1 per 400 SF of gross floor area
Libraries	1 per 250 SF of gross floor area
MANUFACTURING/WAREHOUSE USES	
Manufacturing and industrial uses of all types, except a building used exclusively for warehouse purposes	1 per 750 SF of gross floor area plus office space requirements
Warehouses, storage and wholesale businesses	1 per 2,000 SF of gross floor area plus office space requirements
Mini self-storage	1 per each 50 storage cubicles equally distributed and proximate to storage buildings. In addition, 1 space for each 50 storage cubicles to be located at the project office.

(Ord. 3193 § 22, 2021; Ord. 3156 § 2, 2020; Ord. 3115 § 3, 2018; Ord. 3054 § 15, 2017; Ord. 2898 § 13, 2012; Ord. 2852 § 10 (Exh. A), 2011).

Section 9. Amendment of Municipal Code. MMC Title 22C *Land Use Standards* is hereby amended by adopting a new chapter MMC 22C.290 *Emergency Housing and Shelters*, as follows:

22C.290.010 Purpose.

The purpose of this section is to:

- (1) Establish reasonable standards to allow and establish a review process for the location, siting and operation of emergency housing and shelters as defined in MMC 22A.020.060; and
- (2) Protect public health and safety of the residents and broader community by requiring safe operation of the facilities.

22C.290.020 Applicability.

- (1) The standards in this section apply to emergency housing and emergency shelters, as defined in MMC 22A.020.060.
- (2) This chapter does not include regulations for temporary transitory accommodations, transitional housing or permanent supportive housing.

22C.290.030 Pre-Application and Application.

- (1) At least fifteen (15) days prior to filing an application with the City to establish an emergency housing or emergency shelter facility, the owner and/or sponsor shall mail written notice to owners within 600 feet of the boundaries of the proposed site and to the Community Development Director of their intention to establish the facility. The notice shall list the name and contact information for the owner and/or sponsor, if any, 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 operations/management plan required by MMC 22C.290.040(g). When the formal application for the supportive housing facility is received, notice of application shall be provided in accordance with MMC 22G.010.090.
- (2) Permit applications for an emergency housing or emergency shelter facility must be made on forms prescribed by the city.

22C.290.040. General Requirements for all Supportive Housing Facilities.

- (1) Emergency housing and emergency shelter facilities shall comply with MMC Title 16, Building.
- (2) If provided, exterior lighting must be directed downward and glare must be contained within the facility site to limit the impact on neighboring properties. Additional lighting may be provided if requested by neighboring properties.
- (3) The sponsor and/or property owner shall ensure compliance with Washington State laws and regulations, the Marysville Municipal Code (MMC), and Snohomish Health District regulations.
- (4) Parking requirements shall be in accordance with Chapter 22C.130 MMC, Parking and Loading. No on-street parking shall be allowed.
- (5) An operations plan must be provided by the sponsor and/or property owner at the time of application that addresses the following elements to the satisfaction of the City:
 - (a) Name and contact information for key staff;
 - (b) Roles and responsibilities of key staff;
 - (c) Site/facility management, including a security and emergency plan;
 - (d) Site/facility maintenance;
 - (e) Occupancy policies, including resident responsibilities and a code of conduct that address, at a minimum, the use or sale of alcohol and illegal drugs, threatening or unsafe behavior, and weapon possession;
 - (f) Provision of human and social services, including staffing plan and outcome measures;
 - (g) Outreach with surrounding property owners and residents and ongoing good neighbor policy; and
 - (h) Procedures for maintaining accurate and complete records.

- (i) Additional information as requested by the Community Development Director to ensure current best practices for emergency housing and indoor emergency shelters are used.
- (6) A description of transit, pedestrian, and bicycle access from the subject site to services must be provided at time of application by the sponsor and/or the property owner.
- (7) On-site supervision must be provided at all times, unless it can be demonstrated through the operations plan that this level of supervision is not warranted for the population being housed. Details related to on-site supervision, such as the persons/positions identified for on-site supervision and shift schedule are required.
- (8) Sponsors and/or owners shall either:
 - (a) Demonstrate experience providing similar services to people experiencing homelessness; or
 - (b) Provide certifications or academic credentials in an applicable human service field.
 - (c) Should a sponsor and/or managing agency not have any of the preceding qualifications, additional reasonable measures may be required to minimize risk to both residents of the supportive housing facility and the broader community.
- (9) Sponsors and/or owner shall demonstrate a stable funding source for the facility and any on-site or off-site human and social services offered as part of the operations plan.
- (10) The sponsor and/or managing agency shall designate points of contact and provide contact information (24-hour accessible phone contact) to the Marysville Police Department (MPD).
- (11) Facilities shall not be located closer than 600 feet to an elementary school, middle school, or high school. For the purposes of this subsection, distance shall be measured in a straight line between the closest property line of the existing school and the closest property line of the proposed facility.
- (12) In residential zones, no more than one adult bed per 200 square feet of floor area is allowed per facility
- (13) Residents shall have access to the following services on-site; if not provided on-site, transportation shall be provided to each service:
 - (a) For all facilities, medical services, including mental and behavioral health counseling.
 - (b) For emergency housing facilities, access to resources on obtaining permanent housing and access to employment and education assistance.
 - (c) For emergency shelter facilities, substance abuse assistance.
- (14) In residential zones, social services for people experiencing homelessness must be provided off-site. Direct intake of residents at the site is not allowed, unless approved by the City with additional details provided in the operations plan.
- (15) Trash receptacles must be provided in multiple locations throughout the facility and site. A regular trash patrol in the immediate vicinity of the site must be provided.
- (16) All functions associated with the facility, including adequate waiting space, must take place within a building or on the site proposed to house the facility.
- (17) The number of toilets and other hygiene facilities required for each facility will be determined by the Community Development Director on a case-by-case basis in consultation with the Snohomish Health District after a review of factors such as the potential number and composition of residents.
- (18) Facilities serving more than five residents shall have dedicated space for residents to meet with service providers.

- (19) Residents and staff must comply with all Snohomish Health District requirements related to food donations.
- (20) No children under the age of 18 are allowed to stay overnight in the facility, unless accompanied by a parent or guardian, or unless the facility is licensed to provide services to this population. If a child under the age of 18 without a parent or guardian present attempts to stay in a facility not specifically licensed for providing housing to youth, the sponsor and/or managing agency shall immediately contact Child Protective Services and actively endeavor to find alternative housing for the child.
- (21) For health and safety reasons, the sponsor and/or managing agency shall perform background checks and obtain verifiable identification information, including full name and date of birth, from current and prospective residents, and shall keep a log containing this information.
- (22) Level 1 sex offenders may be permitted in the facility, following the registration requirements. Level 2 and Level 3 sex offenders are prohibited from the facility. Should the sponsor and/or managing agency become aware of a current or prospective facility resident who is an unregistered sex offender, it shall immediately contact the Marysville Police Department. The sponsor and/or managing agency shall provide notice to prospective residents that the sponsor and/or managing agency will report any current or prospective resident who is an unregistered sex offender to the Marysville Police Department.
- (23) The sponsor or managing agency shall coordinate with the homelessness service providers for referrals to their program and with other providers of facilities and services for people experiencing homelessness to encourage access to all appropriate services for their residents.

Section 10. 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>
_____	Transitional Housing Facilities, Permanent Supportive Housing, Emergency Housing and Emergency Shelters - Indoor	_____, 2022"

Section 11. 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 12. 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 13. Effective Date. This ordinance shall become effective five days after the date of its publication by summary.

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 2022.

CITY OF MARYSVILLE

By: _____
JON NEHRING, MAYOR

Attest:

By: _____
DEPUTY CITY CLERK

Approved as to form:

By: _____
JON WALKER, CITY ATTORNEY

Date of Publication: _____


Effective Date: _____
(5 days after publication)

Index #15

CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: January 10, 2022

AGENDA ITEM:	
An ordinance of the City Of Marysville, Washington, Amending Title 22 of The Marysville Municipal Code by amending Section 22A.020.140 and adding new Chapter 22C.260 Mobile Food Vendors.	
PREPARED BY:	DIRECTOR APPROVAL:
Haylie Miller, Community Development Director	
DEPARTMENT:	
Community Development	
ATTACHMENTS:	
<ol style="list-style-type: none"> 1. Staff Memorandum and Memorandum Exhibits 2. PC Recommendation 3. PC Minutes (09.28.21, 10.26.21, 11.23.21 and 12.14.21) 4. Adopting Ordinance 	
BUDGET CODE:	AMOUNT:
N/A	N/A
SUMMARY:	
<p>The City is proposing to allow food trucks (also referred to as mobile food vendors) under limited circumstances as summarized below:</p> <ul style="list-style-type: none"> • Allow food trucks on City-owned properties on a case-by-case basis per flexible terms as outlined in a contract with the City. • Allow food trucks as the primary or accessory use within a special event. • Allow for food trucks to be located on private properties with the following restrictions: <ul style="list-style-type: none"> ○ Must be 100 feet away from existing restaurants ○ Written permission from property owner and use of restroom/hand washing ○ May operate three days a week or twelve days per month ○ Hours are limited to 7:00 a.m. to 11:00 p.m. ○ May not eliminate existing minimum parking requirements ○ Cannot park in the City Right-of-way or on private streets at this time ○ Prohibited in residential zones <p>The Planning Commission held a duly noticed public hearing on December 14, 2021 and recommended the City Council approve the modifications shown in the attached ordinance.</p>	
RECOMMENDED ACTION:	
Affirm the Planning Commission Recommendation adopting the Mobile Food Vendor amendments to the Marysville Municipal Code.	
RECOMMENDED MOTION:	
Move to adopt Ordinance No. _____, approving amendments to Title 22 of The Marysville Municipal Code by amending Section 22A.020.140 and adding new chapter 22C.260 Mobile Food Vendors.	



MARYSVILLE
COMMUNITY
DEVELOPMENT

MEMORANDUM

DATE: January 10, 2022
TO: City Council
FROM: Haylie Miller, Community Development Director
RE: Food Trucks
CC: CD Planning Staff

LIST OF EXHIBITS

1. Proposed code
2. Letter to Restaurant Owners
3. Restaurant Owner Comment #1
4. Restaurant Owner Comment #2
5. Restaurant Owner Comments #3 and #4
6. Research Table – Other City Regulations
7. Research Citations – Other City Regulations
8. Zoning Map
9. Food Truck Association comment

BACKGROUND

The City is proposing to allow food trucks (also referred to as mobile food vendors¹) within City limits², under limited circumstances.

Food trucks have become increasingly popular over the years, and the City continues to receive several requests from food truck owners and the general public to allow this use in Marysville on a regular basis.

From a policy standpoint, there are concerns about food trucks and the potential to pull customers away from existing restaurants within the City who have made large investments to locate here in permanent structures.

Prior to introducing this topic to the Planning Commission in September 2021, the City sent direct mailings to each restaurant owner in Marysville (Exhibit 1) to solicit feedback on the matter.

The City received a handful of responses from restaurant owners. In an attempt to reach out to additional restaurant owners, the City posted these questions on social media including Facebook and Next Door. The post generated over 100 comments and several emails to staff. A summary of the comments (in three general categories) are provided below:

(360) 363-8100

Community
Development
80 Columbia Avenue
Marysville, WA 98270

¹ A mobile food vendor (as defined by the Snohomish Health District) is an operation where the food service establishment is readily movable; this includes mobile food trucks, trailers, and carts.

² MMC 22C.110.020(15) exempts, "vehicular or motorized catering such as popsicle/ice cream scooters and self-contained lunch wagons which cater to construction sites or manufacturing facilities. Such a use must remain mobile and not be utilized as parking lot sales." However, no regulations are in place to allow for stationary mobile food units. In limited circumstances, the City has allowed for food trucks to provide services as an accessory to a special event.

Feedback from Restaurant Owners

The City received one phone call and four written comments from restaurant owners within the City. A summary of the comments are provided below.

General Feedback

- The Dutch Bakery owner (Maya Oosterwyk) explained her family establishment has been in business (and has paid taxes) for 67 years. Food trucks are a concern. Parking in the area is also a concern for her business along Third Street. Ms. Oosterwyk supports food trucks by the Waterfront, City Hall, and within special events or festivals. If food trucks are allowed, it is suggested that they be located at least three blocks away from existing restaurants.
- The owners of the Village Taphouse and Grill also submitted feedback (Exhibit 3). Christina Adamson and Alicia Adamson are sisters who have owned the restaurant since 2010. Both have concerns related to this use and feel food trucks should have to follow the same regulatory policies that are mandated to full service restaurants. Money is spent by this restaurant on taxes, licensing and following government requirements including regular equipment inspections. If food trucks are permitted, it is suggested that there be a distance requirement between the food truck and restaurants. Both owners noted that they do not have a problem with food trucks and believe these are great in parks or festivals. The comment suggests that food trucks observe the same signage restrictions as restaurants. Parking should be in designated areas restricted to a certain time of day. Further, the commissary kitchen should be monitored, and a restroom and a hand washing facility should be provided.
- Steve Terpstra opened a restaurant in Marysville in 2008. Mr. Terpstra has feedback related to food trucks as outlined in Exhibit 4. The business has been a challenge to operate during COVID and a large investment has been made to build from the ground up. His business's loan, and construction cost details, rent, common area maintenance and utilities are outlined in Exhibit 4. Additionally, the business was required to pay transportation impact fees, utility connection fees, and other City mitigation fees. He has questions regarding operational procedures for food trucks related to sales, cleanliness and waste monitoring. Food trucks would be supported if they are a least 1,000 yards (over a half mile) away from an existing restaurant.
- Rickelle Pegrum owns The Creamery Co. and is in support of allowing food trucks in the City if there are rules and standards that are strictly followed and enforced (see Exhibit 5). Ms. Pegrum suggested that there be a joint event with local restaurants and food trucks for the community.

In summary, the restaurant owners have suggested the following regulations for food trucks.

- Food trucks should follow the same regulations as restaurants.
- Allow food trucks at special events.
- Require the same sign requirements for food trucks.
- Limit parking areas for food trucks.
- Require no impacts to existing parking.
- Snohomish Health District standards should be followed.
- Taxes should be tracked and paid.
- Restrooms and hand washing facilities should be provided.
- Locate food trucks a certain distance away from restaurants (suggested ranges from three blocks to 1,000 yards).
- Allow a joint event with local restaurants and food trucks for the community.

Feedback from the public (Next Door, Facebook and emails)

In an effort to reach more restaurant owners, two social media posts were made related to this topic. Within the social media threads and emails generated from the posts, two comments were provided from restaurant owners that had previously provided comments (above). Nearly all comments were from the public as summarized below.

General Feedback

- Allow food trucks in Marysville.
- Food trucks offer an outdoor option for food if you do not want to enter a restaurant.
- More varieties in food choices in Marysville is a desire.
- Food trucks will provide revenue and growth for business owners and the City.
- Allowing food trucks would create a sense of community and support small businesses.
- Other restaurants locate within close proximities of each other.
- There are not enough restaurant options for the growing community.
- Trips are taken to other cities for food trucks.
- There is a price difference between food trucks and sit down restaurants.

Feedback related to potential regulations

- Food trucks should not take up existing parking spots.
- Locate food trucks away from major restaurants.
- Food trucks should not intrude on existing businesses.
- Food trucks should park at least a block away from restaurants.
- Allow food trucks within special events, festivals, large gatherings and the Farmer's Market.
- Allow for food trucks to drive into neighborhoods.
- Allow food trucks to congregate in a certain area. Several examples of food truck parks/villages in other Cities were cited.
- Require safe parking, trash receptacles and overall cleanliness of the area.
- Allow for food trucks in City parks, such as Jennings Park and Comeford Park.
- Limit operations to certain times of the week or month. Should not be allowed on a permanent basis.
- Allow food trucks to operate 24/7.
- Create realistic/achievable standards for food trucks.
- Require that food trucks be independently and/or locally owned and operated.
- Require a yearly fee for food trucks.
- Locate in warehouse areas.

Staff introduced the topic to the Planning Commission during the September 28, 2021 meeting and held additional workshops on October 26, 2021 and November 23, 2021.

The Planning Commission requested no substantial changes to the latest materials during the November 23rd meeting and instructed staff to schedule a public hearing on the matter.

FOOD TRUCK REGULATIONS

Food truck regulations can generally be divided into three major categories: special events, City-owned properties and private properties.

Special Events

Staff believes the location criteria for special events should be fairly flexible with very limited restrictions. Special events are typically for a short duration. A special event permit may include a food truck as an accessory use. The special event could also include multiple food trucks (for an event such as "Food Truck Fridays" in a certain area). Special events may be held on private or public properties.

City-owned properties

Staff proposes to allow for food trucks to be located on certain City properties on a case-by-case basis.

Staff proposes a condition similar to what the City of SeaTac requires for Mobile Food Vending below:

Mobile food vending may be allowed within City owned properties, as part of a special event, approved pursuant to either a temporary use approval or by City contract or special event permit pursuant to MMC 5.46.

The length of stay for food trucks on City properties may be flexible as identified in the contract between the food truck and the City.

Private Properties (not associated with a special event permit)

The propose code allows for food trucks on private property under limited circumstances and with a minimum separation requirement from existing restaurants. Research related to what fifteen other cities in Washington require for food trucks is provided in Exhibit 6.

Should mobile food vendors be located a certain distance away from existing restaurants?

The draft proposal lists a separation requirement of 100 feet. Most other Cities that require a separation from restaurants have established a 100 foot buffer. Staff notes, the restaurant owners in Marysville that provided feedback requested buffers ranging from three city blocks up to 3,000 feet.

The Planning Commission requested that staff provide research on the potential effects to restaurants due to the proximity to a Food Truck (see research provided in Exhibit 6 specifically the column labeled "Brick and Mortar Protections"). Staff did not find substantial research related to this topic. Anecdotally, there are situations where food trucks may help a restaurant and in other situations where it may be in direct competition. This depends on the products offered and several other factors. Based on the feedback from local restaurants, staff recommends that a conservative approach be implemented and that a distance from food trucks to existing restaurants be required. Further, Staff does not propose that food trucks be permitted in the City right-of-way (on public streets) at this time. This will prevent food trucks from parking in front of restaurants or parking on the streets on a temporary basis.

Staff feels that if a restaurant wishes to have a food truck near their establishment, they may allow for it based on a mutual agreement between both parties. Suggested language is provided below and in Exhibit 1.

"Mobile food vendors shall be located at least 100 feet from an existing eating and drinking place except when the legal owner of the eating and drinking place provides written permission for the vendor to be located closer."

Which areas, or districts, should food trucks be allowed within the City?

Columns 2 and 3 in the attached research (Exhibit 6) show where food trucks are allowed and not allowed in other cities. In general, it appears most cities allow food trucks in commercial areas or special districts of the City. Some cities ban food trucks in residential areas, and within public streets and right-of way.

The Planning Commission suggested that food trucks be allowed on job sites, in the Cascade Industrial Center, and generally in commercial zones³. Staff recommends that food trucks be prohibited in residential and multifamily zones (unless associated with a special event or if located on a City owned property). The following zones below would allow for food trucks:

- Light Industrial
- General Commercial
- Community Business
- Neighborhood Business
- Mixed Use
- General Industrial
- Downtown Core*
- Flex*
- Main Street*

*See the zoning map (Exhibit 8).

What level of noticing should be required?

Staff suggests that no additional noticing be provided to restaurants in the area so long as the 100 foot proximity regulation is maintained. If the food truck wishes to locate closer than 100 feet, permission from the restaurants owners within 100 feet is required to be provided in writing.

Staff also suggests that the City have the authority to "pull the license" if the food truck causes unforeseen impacts to the area. Impacts could be associated with:

- Unsightliness/lack of maintenance to surrounding area;
- Unforeseen parking issues; and/or
- Unforeseen impacts from the surrounding areas and/or businesses.

Should food trucks be allowed in parking areas?

Staff suggests that food trucks be prohibited in the City right-of-way and on private streets. Staff further suggests that food trucks be located outside of existing parking areas unless it can be demonstrated that a surplus of parking exists as shown in Exhibit 1.

³ The Planning Commission appeared to be in favor of allowing food trucks in residential zones if it was associated with a special events permit or if it was located on a City property on a limited basis.

Health and Safety Regulations

Food trucks will be required to comply with Washington State Vehicle registration standards, Snohomish Health District regulations, Washington State Department of Labor and Industries regulations, and all applicable building and fire codes. Please note, food trucks must follow all food and safety regulations that restaurants are required to provide.

Owner Permission/Liability

The food truck will need written permission from the property owner to locate on site. A restroom (with hand washing facilities) from a neighboring business is also required to be provided. Verification will be required by the City prior to approval. The food truck will also be required to provide proof of public liability insurance.

CONCLUSION:

The Marysville Planning Commission held three workshops on September 28, October 26 and November 23, 2021 and on December 14, 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 as described above.

Exhibit 1 – Draft Mobile Food Vendor Regulations

22A.020.140 “M” definitions.

“Mobile food vending unit” means a truck or trailer licensed as a vehicle and equipped with facilities for cooking and/or selling food.

“Mobile food vendor” means a person or entity that sells food from a mobile vending unit.

MMC 22C.260 Mobile Food Vendors.

MMC 22C.260.010 Purpose.

The purpose of this section is to support local business owners, stimulate economic vitality, and protect public health and safety associated with the operation of mobile food vending units.

MMC 22C.260.020 Application.

Mobile food vendors operating on private property shall provide the City with the following information.

- (1) All mobile food vendors shall require a business license per Chapter 5.02 MMC.
- (2) A site plan depicting the following:
 - (a) Vehicle ingress and egress;
 - (b) Location of the mobile food vending unit, signs, and accessory equipment such as tables and canopies, if any; and
 - (c) Site conditions including property lines, parking, and buildings.
- (3) Photograph of the mobile food vending unit, proposed signs, and any accessory equipment.
- (4) Copy of Snohomish Health District permit.
- (5) Evidence of current Washington state vehicle registration.
- (6) The mobile food vendor must obtain a signed agreement between the property owner and the mobile food vendor allowing use of the property for the mobile food business including written permission from the property owner for employees of the mobile food vendor to use the property owner’s restroom. Portable restrooms are not permitted on site.

(7) Certificate of public liability insurance in an amount not less than \$500,000 for injuries, including those resulting in death, resulting from any one occurrence, and on account of any one accident.

(8) Property damage insurance of not less than \$25,000 for damages on account of any one accident or occurrence.

MMC 22C.260.030 General Regulations.

The following general regulations apply to mobile food vendors.

- (1) Mobile food vending units shall be temporary in nature, and may not operate from the same property more than three days of any calendar week, or twelve days per month.
- (2) The hours of operation for mobile vending are limited to 7:00 a.m. to 11:00 p.m.
- (3) No portion of the mobile food vending unit may be used as sleeping quarters.
- (4) All attachments to the mobile food vending unit including, but not limited to, signs, lights, overhangs and awnings, shall be maintained in a manner that does not create a hazard to pedestrians, customers or vehicles.
- (5) Mobile food vendors shall not obstruct sidewalks, streets, access points, fire lanes, or parking lot circulation by either the location of the mobile food vending unit or its accessories.
- (6) The mobile food vendor shall comply with MMC Chapter 16.12, National Electrical Code and Washington Cities Electrical Code, for electrical service to the mobile food vending unit. Electrical lines shall not be located overhead or on the ground in any location to which the public has access.
- (7) All mobile food vending units shall obtain Fire District approval prior to operating in the City and shall comply with all Fire District standards.
- (8) Trash and Other Waste.
 - (i) The mobile food vendor shall leave the site clean and vacant each day, including picking up all trash and litter within 100 feet of the mobile food vending unit.
 - (ii) Trash receptacles not intended for customer use shall be screened from public view and securely covered.
 - (iii) The mobile food vendor shall install and maintain an adequate grease trap in the mobile food vending unit.

(iv) Grease shall be properly disposed of per adopted Washington State health regulations.

(v) Wastewater generated by the mobile food vending unit shall be disposed of in a proper manner and documented.

MMC 22C.260.040 Permitted Locations.

(1) Mobile food vending units shall be prohibited in the following areas:

(a) Any residential zones and abutting rights-of-way.

(b) City rights-of-way.

(c) Private streets.

(d) Parking areas unless it can be demonstrated that the minimum parking requirements are met on each site.

(e) Mobile food vending units may be allowed within the prohibited areas in subsections a - c above if approved as part of a special event permit, or when approved to be located on a City owned property.

(2) Mobile food vending may be allowed on City owned properties approved pursuant to either City contract, or a special event permit per MMC Chapter 5.46 and Section 22C.260.060.

(3) Mobile food vending units shall be located at least 100 feet from an existing eating and drinking place except when the legal owner of the eating and drinking place provides written permission for the vending unit to be located closer. Distance shall be measured using the shortest possible straight line from the closest edge of the mobile food vending unit to the closest edge of the restaurant building

(4) Mobile food vending units are allowed on private properties in commercial, industrial, recreation and public institutional zones. Mobile food vendors are subject to the following requirements:

(a) One portable pop-up tent that does not exceed 120 square feet or up to three tables with beach type umbrellas may be permitted accessory to the mobile food vending unit. No cooking shall take place under the tent. Umbrellas and canopies must be removed at the end of the day.

(b) The mobile food vending unit may not diminish required off-street parking for another use.

(c) The mobile food vending unit shall conform to the standard front setback for the zoning district.

(d) All temporary signage associated with the mobile food vending unit shall be limited to 10 square feet.

MMC 22C.260.050 Special Event Permit

(1) Mobile food vendors may operate on private and public properties as part of an approved special event permit, subject to the following:

(a) Management of vendors, such as vendor selection, booth location and products offered, shall be the responsibility of the event sponsor. Through the special event permit process, the City may regulate the location of vendors to protect the health, safety and general welfare of the public and ensure that the event does not adversely affect the ability of the City to perform its duties and functions.

(b) The event sponsor shall be responsible for ensuring that the vendors who prepare food or beverages on or off site, and who intend to sell or serve food or beverage items to the public, have the required insurance policy as required by the City's current insurance provider. Said insurance shall list the City of Marysville as additional insured and will include the endorsement of said policy.

(c) The event sponsor shall be responsible for ensuring that all food vendors have the necessary permits from the Snohomish Health District or other applicable State or County regulatory agency.

MMC 22C.260.060 Revocation of Permit.

(1) A mobile food vendor, permitted pursuant to this section, may have its license revoked, suspended, or denied subject to Section 5.02.130 if the City finds:

(a) The vendor has violated or failed to meet the terms of this section or other applicable sections of the municipal code or conditions of approval; or

(b) The mobile food vending unit operation is detrimental to the surrounding businesses or to the public due to either appearance or conditions of the unit.



MOBILE FOOD VENDING REGULATIONS

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

Dear Marysville Restaurant Owner,

The City of Marysville is considering potentially allowing Mobile Food Vendors (food trucks) within City limits, under limited circumstances, and would like restaurateurs' feedback on this proposal. This consideration is in response to growing interest from members of the public and food truck associations on providing allowances for food trucks in our community. A mobile food business is defined as a food cart on the sidewalk, or a vehicle from which food is prepared and sold, that drives through the City and vends on the curbside, or from a private property.

Initially, the City may propose allowing mobile food vendors at special events, the Ebey Waterfront Park plaza area, City parks and/or City owned properties, and potentially on private properties.

We are here to support you and are mindful of the fact that brick and mortar restaurants have significantly invested to be in Marysville. The City is interested in hearing your feedback related to this proposal. Specifically:

- As a restaurateur, would you support for mobile food vendors in the City within a certain area or a certain distance away from existing restaurants?
- Should mobile food vendors be allowed year round, or on a temporary basis only, such as a special event?
- Should mobile food vendors only be allowed in certain areas, or districts, within the City?
- Should mobile food vendors be located a certain distance away from existing restaurants?
- Should notices be provided to restaurants for new mobile food vendors?
- What other input would you like the City to consider related to mobile food vendors?

During these tough times, the City wishes to support our local businesses as much as possible. Prior to preparing a code amendment that would allow mobile food vendors in the City, staff would appreciate and welcome any feedback you may have on this topic.

Thank you for your continued effort to serve this community. We look forward to hearing from you!

Please share your thoughts with:

Haylie Miller, Community Development
Director
80 Columbia Avenue, Marysville, WA 98270
hmillier@marysvillewa.gov or 360.363.8211

Haylie Miller

From: Christina Adamson <mgr@villagetaphousegrill.com>
Sent: Thursday, June 24, 2021 8:41 AM
To: Haylie Miller
Subject: [External!] Fwd: Food Trucks in Marysville

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

Good morning Ms. Haylie Miller,

Thank you for the invitation to voice our opinions on the impact of food trucks to the existing small businesses in Marysville. My sister and I are partners, owning the Village Taphouse & Grill together, it's been a restaurant in Marysville since 1937, we've owned the restaurant since 2010.

We've shared our thoughts separately, my sister's thoughts are listed in the forwarded email below. We mostly feel the same, that Food trucks should have to follow the same regulatory policies that we are mandated to full service restaurants such as ours. We spend quite a bit of money on following all the requirements, regular inspections of all our equipment, hoods, alarms, sprinkler systems, etc. We tried to have an outdoor area at our old restaurant across the street, and were told we couldn't sacrifice a parking spot for this and needed to have all our parking for our guests, even though there was also lots of street parking, in addition to our parking lot. I would think that for businesses to be taxed the same, that we should all follow the same regulations and I wonder how they would be regulated as Food Trucks.

I would also hope that there would be a bit of distance required or an agreement made between businesses, for a Food Truck to be able to park directly in front of a restaurant. We spend a lot of time and money on advertising to bring our patrons to our establishment, so it would be tough to see a Food Truck park directly on the street in front of our restaurant and pick up our customers. We are great neighbors with Las Margaritas, but we are both following the same regulations and regulated by the same entities and we pay the same taxes, so it works for us all. I don't have a problem with Food Trucks, I think they are great at parks, or festivals, and can be another great way to enjoy food for our community.

Please see the email below from my sister on this same matter. And again, thank you so much for inviting us to share our opinions. The city of Marysville is a wonderful place to do business, we appreciate the support during tough times through Covid and also now including us in this new idea for the city, is much appreciated.

Thank you,

Christina Adamson
Village Taphouse & Grill

----- Forwarded message -----

From: ALICIA ADAMSON <alicia.adamson@comcast.net>
Date: Mon, Jun 21, 2021 at 3:56 PM
Subject: Food Trucks in Marysville
To: Christina Adamson <mgr@villagetaphousegrill.com>

Hello,

We wish to respond to your request for comments on allowing food trucks in Marysville. As full service restaurant owners we are of course concerned. We are quite used to competing with other restaurants on a level playing field where we all pay brick and mortar rent, a full staff, licensing based on the capacity of your building, buying new plates, glasses, etc as they break. We are friends with most of the locally owned full service restaurants and support one another as we can.

Inviting strangers into Marysville to compete with us without having the same expenses we have is unsettling. We pay a lot in sales taxes and so much licensing. If you allow them to come in I hope they have to follow the same restrictions we do along with paying all of the licensing and sales tax.

They should have to observe the same signage restrictions that we do. They should have restricted parking areas for restricted times.

They should have their commissary kitchens monitored. We've had several food trucks contact us over the years to see if they could pay us \$100 to say they were preparing their food in our commercial kitchen. They would still prepare it at home in their kitchen but couldn't get licensed without listing a brick and mortar commercial kitchen.

We think the city will also need to provide restroom and hand washing facilities. Those costs should be passed onto the food trucks as we pay for ours. If they aren't provided then people will just use the restaurant's facilities without spending a dime.

In summary, if they play on the same playing field then we will compete fairly with them just like all the other restaurants but if they just get to come in and park a truck anywhere with no restrictions we will be very unhappy. Thanks for taking these comments into consideration when you are making your decisions.

Thank you,
Alicia Adamson

Haylie Miller

From: Steven Terpstra <pancakekingnw@gmail.com>
Sent: Saturday, June 5, 2021 8:10 PM
To: Haylie Miller
Subject: [External!] Food trucks in Marysville

[External Email Alert! Use caution before clicking links or opening attachments.]

Haylie Miller Community Development,

Thank you for the opportunity to express my personal feelings about Food Trucks coming to our city of Marysville. As a restaurant owner there are so many factors that concern me about the possibility of this different type of food outlet coming in to our area. I opened my full service restaurant in 2008 at the peak of the economic slowdown making it a huge business challenge. Honestly if I had any idea that food trucks or the like would be infiltrating in the area I would not have acquired, designed, built, staffed and trained employees for my restaurant. In this economic situation caused by a terrible virus a slight change to our business could be very devastating.

Having my first and maybe last hand build from the ground up restaurant completed in Marysville has made me very proud of my life time work. It is very expensive and always a challenge to keep the doors open, employees well trained with a positive work environment, and to make a small profit.

My business is not a large one but it comes with costs. A very large loan, 2007 higher rent (vs. 2008 with the downturn), common area maintenance, and utilities. We even were required thru the city to help pay for a ill thought overpass on I-5. If Food Trucks or the like came to Marysville would they have to pay even reasonable costs or is it a unfair advantage to the newer food providers?

Construction costs - my restaurant with a \$2,000,000 loan cost a total of \$2,500,000. The food truck used \$30,000, new \$80,000.

Rent - my ground lease is \$10,500 a month. The food truck may or may not have any rent depending on the situation. Per square foot is would be way less.

Common area maintenance - It varys monthly averaging \$2,000 per month. The food truck would find it very unlikely to require this payment.

Utilities - This also will change with the season. We average at \$8,000 a month. The food truck if it has power for hood, small items and lights if it has them will be from zero to \$300 a month. If a generator is used for power it will use 5 gallons of gas a day at about \$500 a month. Propane, for grills, fliers will be near \$500 a month for a possible total of \$500 to \$1,000 a month for utilities.

Extra charges - We paid \$30,000 for the little used overpass. The food truck would most assuredly have to pay Zero.

When comparing my restaurant to a food truck program with expenses it is understood with each being open 7 days a week. With that there should be a sales volume difference. We do \$1,800,000 yearly where an average food truck should do \$235,000 to \$702,000 annually, there are exceptions.

Other factors are:

We employ 40 people in our business of which all are well above minimum wage. Many of them have insurance and sick leave. A food truck will employ 1 to 3 people which may include the owner.

Our sales are well tracked and verified. We pay exactly what we should in all forms of taxes. Will all food truck programs? How are sales monitored. Are they "rung in" to a computer or a cash register (which can be altered). Many people have told me about un-rung sales.

The area of the restaurant is monitored for cleanliness and has with a small amount of "to-go" paper and waste. A food truck will provide a high volume of waste if it is monitored and always picked up.

Cleanness standards are very high for all food establishments in Snohomish county. We work very hard to keep our location in top condition with excellent scores from the health department. I'm not questioning all food trucks but I have seen major violations in a number of trucks I have visited in other areas. What will keep the guest safe in a possible roll out?

If you haven't fallen asleep to this point (ha ha) I will say something that may surprise you and the city. Mobile food vendors should be allowed in a special event area such as a Fair or special event barring its in an area where existing restaurants are open. Outside the "Fair" option above even though I disagree with it, if one must have the food vendors it Must a large distance away from existing restaurants. Say at a minimum a 1000 yards away.

As far as a notices being given to a restaurant, how about asking the restaurant if the new food vendor thinking of starting nearby (not having the same expenses) will it affect their business?

In closing the way the new food trucks or vendors are posed to come into our city it will potentially harm many family owned businesses in the City of Marysville. It will most assuredly effect the fair tax revenue that is also produced by these businesses. Quality jobs and the sheer number of positions all be reduced. Skilled workers in the restaurants live in Marysville, the limited Food truck employees will in all likelihood live outside the area. This, if put in place, will not bring people from the outlying communities to spend their earning on a Food truck. It will not be a positive effort to bolster our economy.

Thank-you for your time on this matter.

Stay Healthy and Happy,

Steven Terpstra

Haylie Miller

From: The Creamery Co. <thecreameryco.msvl@gmail.com>
Sent: Wednesday, June 16, 2021 9:39 PM
To: Haylie Miller
Subject: [External!] Food Trucks

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

Haylie,

Hello, my name is Rickelle Pegrum,
I own The Creamery Co.
I recently received a letter informing/inquiring local restaurant owners of the city’s plan to entertain the idea of food trucks within Marysville city limits.
I’m someone who takes some time to process information, but honestly I think it’s great idea!
If there are rules & standards that are strictly followed/enforced (Clean areas)
The variety of food options it would provide to our community would amazing.
I would love to help on any way I can!
(Please feel free to reach out to me)
I think creating a joint event with current local restaurants & the food trucks would be a community style event.
☺ one that could be advertised & promoted.
Helping local restaurants after a very financially trying year & a half!
Like I said I’d love to help in anyway I can.

Thank you,
Rickelle Pegrum

--
The Creamery Co.

(360) - 386 - 8694



CITY	LOCATIONS ALLOWED	LOCATIONS NOT ALLOWED	TIME LIMITATIONS	BRICK & MORTAR PROTECTIONS	CODE SECTION	CODE SECTION II	DEFINITIONS	REQUIREMENTS	NOTES
Arlington	Code revisions In-work - currently on a case by case basis: suburban residential (SR), residential moderate density (R-MD), residential high density (R-HD), and Old Town residential (OTR), neighborhood commercial (NC), Old Town business district (CBD), general commercial (GC), highway commercial (HC), and business park (BP), general industrial (GI), light industrial (LI).	aviation flightline district (AF), medical services district (MS), public/semi-public (P/SP)	Code revisions In work - currently on a case by case basis	Code revisions In work - currently on a case by case basis	Chapter 20.40 - PERMISSIBLE USES 2.300 Transient Merchant Sales (vending carts, food trucks, ice cream trucks, mobile delivery, peddlers, and similar uses)	20.44.080 - Mobile sales and delivery. Zoning permits for mobile sales and delivery (Class 2.240 uses) may be issued and renewed on an annual basis in conjunction with a business license. Permits for mobile sales or delivery uses may be conditioned on hours of operation, duration of stay, strategies to minimize traffic congestion or pedestrian hazards, or any other concern.	"Mobile sales and delivery" means sales and delivery of goods or services from a mobile structure, either motorized or not. Mobile sales and delivery are not intended for uses set up in one location on a semi-permanent basis, but rather for uses that frequently move from one place to another.	TEMPORARY ROW USE PERMIT W/SITE PLAN BUSINESS LICENSE HEALTH DISTRICT PERMIT	CODE REVISION CURRENTLY IN WORK
Bellevue	BelRed subarea - Spring District - 121st & NE 14th Terrace St next to Facebook Downtown - Grand Connection - Artistic Elements	ALL OTHERS			20.25A.175 D. Grand Connection Guidelines and Standards. 2. Artistic Elements. c. Guidelines. i. Infrastructure throughout the Grand Connection should accommodate cultural programming, particularly in spaces that support opportunities for gathering and performing. Examples include space for vendors, food trucks, special events, seasonal venues, or other similar uses;			ROW PERMIT BUSINESS LICENSE KING COUNTY HEALTH PERMIT L & I INSIGNIA	PILOT PROGRAM OPERATED BY WASHINGTON STATE FOOD TRUCK ASSOCIATION (WSFTA)
Bellingham	Food trucks are allowed on private property or within the public right-of-way via approval of a Commercial-Related Temporary Right-of-Way Use Guide (which will require a Public Works Permit Application). The area outside of City Hall may also be reserved.					Chapter 13.14 TEMPORARY RIGHT-OF-WAY USE PERMITS The purpose of this chapter is to establish reasonable regulations and permit requirements for right-of-way uses other than transportation, which are temporary in nature and do not involve significant ground disturbance activities, including, but not limited to, sidewalk cafes, food trucks, parklets, encroachments associated with work on adjacent properties, such as scaffolding, staging, and dumpsters, and other temporary uses or encroachments by abutting property owners or occupants.	Chapter 13.14 TEMPORARY RIGHT-OF-WAY USE PERMITS 13.14.020 Definitions. F. "Food trucks and mobile food vendors" means trucks or trailers licensed as vehicles and equipped with facilities for cooking and/or selling food.	TEMPORARY ROW USE PERMIT W/SITE PLAN BUSINESS LICENSE HEALTH DISTRICT PERMIT	

Bothell	ALL EXCEPT RESIDENTIAL NOTE: FOOD TRUCKS ARE CURRENTLY ALLOWED IN SOME AREAS THAT BRICK AND MORTAR RESTARUANTS ARE NOT.	RESIDENTIAL ZONES	Chapter 17.20 PUBLIC AREA USE PERMITSC. Ongoing uses of public areas for uses including but not limited to outdoor dining and merchant displays may be issued longer term permits, up to one year, which shall be renewable annually or for multiple years	Chapter 12.06 PERMITTED USES 12.06.060 Eating and drinking establishments I. Vendor trucks shall not be placed in a public area closer than 100 feet from any existing eating establishment, unless the legal owner of the eating establishment provides written permission to be within 100 feet of the eating establishment.	Chapter 12.06 PERMITTED USES 12.06.060 Eating and drinking establishments i. Vendor trucks shall be no larger than eight feet wide by 30 feet long, exclusive of temporary canopies which may be extended over the service side when parked;	Chapter 12.06 PERMITTED USES 12.06.060 Eating and drinking establishments j. Vendor trucks may be placed on public property and streets; provided a public area use permit is obtained, adequate lane width is maintained, adequate sidewalk space is available for the service side of the truck, and visibility at driveways, street intersections, store entrances and display windows is not obscured (note: a public area use permit is not required for private streets or the campus district, but other requirements of this subsection apply);	Chapter 11.02 DEFINITIONS 11.02.140 "V." "Vendor truck" means a motorized vehicle, or trailer pulled by a motorized vehicle, from which food, beverages or other goods are sold. Ice cream trucks that only sell prepackaged frozen foods are exempt from this definition and are allowed, with Washington State and city of Bothell business permits prominently displayed, in all zones.	PUBLIC AREA USE PERMIT BUSINESS LICENSE HEALTH DISTRICT PERMIT	ORDINANCE IMPLEMENTED IN 2014. NO NEGATIVE FEEDBACK FROM BRICK AND MORTARS. ONLY TWO B&M RELATED ISSUES, BOTH WERE POSITIVE: ONE BREWPUB ACTIVELY SOLICITS FOOD TRUCKS IN THEIR FRONTAGE ROW, THE OTHER WANTED TO FRANCHISE ADDING A "SECOND LOCATION" WITH A FOOD TRUCK.
Burlington	PRIVATE COMMERCIAL PROPERTY ONLY WITH PERMISSION	ALL PUBLIC STREETS AND PUBLIC ROW	Temporary use permits for mobile food vendors may be issued by the planning commission for up to 12 months on private property meeting the following conditions: The hours of operation for mobile vending are limited to between 7:00 a.m. and 9:30 p.m	5.30.040 Restrictions applicable to all mobile vendors D. No mobile vendor shall sell or deliver any food or goods from the mobile vendor's vending unit, cart, or other vehicle or conveyance if the conveyance is within 100 feet of the entrance of any business establishment which is open for business and offers for sale similar food or goods for sale, without the consent of said business.	Chapter 5.30 MOBILE VENDORS 5.30.040 Restrictions applicable to all mobile vendors A. Mobile vending on the public streets and public rights-of-way within the corporate limits of the city shall not be permitted, except for persons selling frozen prepackaged/individually wrapped food items regulated by chapter 5.16 BMC such as ice cream, as long as such vendors are present at one location no more than 10 minutes at a given time; or authorized participants in a city-approved event, festival, sports tournament or similar activity.	Chapter 5.30 MOBILE VENDORS 5.30.040 Restrictions applicable to all mobile vendors B. Mobile vending to serve local businesses' employees at the local businesses' location shall be permitted when authorized by the business, such as manufacturers located at the Burlington Hill Business Park, for the period of time that it takes to set up, serve, and close up.	5.30.010 Definitions D. "Mobile food preparation van" means a commercially manufactured motorized vehicle in which ready-to-eat food is cooked, wrapped, packaged, processed or portioned for service, sale or distribution. E. "Mobile food vendor" means a seller of foods from a mobile food preparation van, cart or other conveyance, whether upon the public streets, alleys or public property or on private property.	TEMPORARY USE PERMIT W/ SITE PLAN BUSINESS LICENSE SKAGIT HEALTH DISTRICT PERMIT	Chapter 5.30 MOBILE VENDORS IS WELL DEFINED AND COMPREHENSIVE IN SCOPE

<p>Everett</p>	<p>Location 1. 2825 Colby Ave Location 2. 2722-2798 Wetmore Ave Location 3. Pending final approval - Snohomish County Courthouse Plaza Location 4. In front of Funko at 2802 Wetmore Ave. Permit for Wed & Sat. 11-2.</p> <p>food truck vendor may only occupy one location per day</p>	<p>WITHIN A TWO BLOCK RADIUS OF THE ARENA</p>	<p>11am to 2pm - PUBLIC ROW Monday through Saturday between 4:00 and 7:00 PM - Food Truck Lot at the corner of Madison and Beverly Boulevard in central Everett</p>	<p>NO, OTHER THAN ARENA FOOD VENDORS</p>		<p>5.36.025 No vending activity Notwithstanding any other city regulation, it is unlawful to sell, offer to sell, solicit, order, rent, lease or otherwise peddle or distribute any goods, including any food or beverage or services of any kind, on public rights-of-way within the area bounded by the north right-of-way line of California Street, the south right-of-way line of Pacific Avenue, the west right-of-way line of Rockefeller Avenue and the east right-of-way line of McDougal Avenue extended from Pacific Avenue to California Street</p>	<p>Chapter 5.36 HAWKERS, PEDDLERS AND SOLICITORS 5.36.010 Definitions C. A "food truck" is a business that, as its principal function, sells or otherwise dispenses prepared food and beverages to the general public from a licensed motor vehicle that is not permanently affixed to real property. The term excludes food delivery vehicles that move from place to place and are stationary for no more than thirty minutes at a time, such as ice cream trucks.</p>	<p>Operational Mobile Food Vendor Permit BUSINESS LICENSE SNOHOMISH COUNTY HEALTH DISTRICT PERMIT, BUT WAIVED IF HAVE KING COUNTY HEALTH PERMIT</p> <p>Applicant has not been convicted of a crime of moral turpitude or intent to defraud within ten years from the date of application, and furthermore, has not within ten years from the date of application been released from a penal institution or from active supervision on parole as a result of the conviction of any of the aforementioned crimes.</p>	<p>2019 PILOT PROGRAM OPERATED BY WASHINGTON STATE FOOD TRUCK ASSOCIATION (WSFTA) WHO MANAGES THE PERMITTING PROCESS AND LOCATIONS</p>
<p>Ferndale</p>	<p>18.72.105 Performance requirements for mobile food vendors any zone in which restaurants are permitted, with the written consent from the property owner. within the City Center and Urban Residential zones when co-located with an existing business within the zone, or as authorized by a special events permit.</p>	<p>Within 400 feet of public or private school grounds during the hours of regular school session From the public right-of-way, with the exception of those parking stalls located within the 1900 block of Main Street east of First Street and west of the Nooksack River, as shown on mobile food zone map</p>	<p>All mobile food vehicles shall be temporary in nature, and may not operate from the same property more than three days of any calendar week, or 10 days per month, with the exception of those food trucks operating from one location as part of the normal restaurant operation of the existing business, when such business has paid the required impact and connection fees for a restaurant or dining establishment facility.</p>	<p>NO</p>			<p>18.08.1132 Mobile food vehicle "Mobile food vehicle" means a licensed and operable motor vehicle used to serve, vend, or provide ready-to-eat food or nonalcoholic beverages for human consumption from an approved and assigned fixed location. Also see "Mobile food vendor (temporary)," "Permanent mobile food facilities." 18.08.1133 Mobile food vendor (temporary) "Mobile food vendor (temporary)" means any business operator or vendor who conducts business from a motor vehicle or cart upon private property for the purpose of selling food, also referred to as "vendor," when in possession of a valid City of Ferndale permit for the use. 18.08.1682 Temporary public space use permit. "Temporary public space use permit" means a document issued by the City authorizing the use of the public right-of-way or public parks within a designated time frame and physical location, typically associated with mobile food vehicles or vendors, and subject to permanent time and place restrictions as further described by FMC 18.72.105.</p>	<p>Temporary Public Space Use Permit IF IN PUBLIC ROW OR PUBLIC PARK IN DESIGNATED MOBILE FOOD VENDOR ZONE OVERLAY/ SITE PLAN BUSINESS LICENSE</p>	<p>2018 ORDINANCE UPDATE</p>

Kirkland	Lakeshore Parking Lot and the Lake and Central Parking Lot, but not in public right-of-way PR 1.8 TOD ZONE WITHIN TLBD TOTEM LAKE BUSINESS DISTRICT GOVERNMENT FACILITY PARKING STRUCTURES			NO	CHAPTER 30 – OFFICE ZONES 30.20 Permitted Uses PU-40.a. Development may contain the following accessory uses: retail establishments selling goods or providing services; restaurants and taverns; food trucks and retail carts.			The request must come from an existing brick-and-mortar business within the Central Business District Only up to four stalls may be used at one time	2021
Lake Stevens	ALL BUSINESS/COMMERCIAL/MIXED USE/INDUSTRIAL Mobile food vending units are allowed on private properties, in commercial and industrial areas pursuant to Table 14.40-I, and subject to written approval from the owner Mobile food vending units are allowed on public properties, including parks and street rights-of-way, subject to a public property use agreement	ALL RESIDENTIAL ZONES	7:00 a.m. to 11:00 p.m.	Mobile food vending units shall not be located within 150 feet of any restaurant without written permission from the restaurant owner. Distance shall be measured using the shortest possible straight line from the closest edge of the mobile vending unit to the closest edge of the restaurant building on the same side of the street.	14.44.085 Mobile Food Vendors		Mobile Food Preparation Vehicle. Vehicles that contain cooking equipment that produce smoke or grease-laden vapors or utilize LP-gas systems or CNG systems for the purpose of preparing and serving food to the public. Vehicles intended for private recreation shall not be considered mobile food preparation vehicles. Mobile Food Vendor. A seller of prepackaged or prepared food from a food preparation van, truck, cart or other vehicle of conveyance, whether upon private property, the public right-of-way, or other public property.	City business license mobile food vending license W/SITE PLAN SNOHOMISH COUNTY HEALTH DISTRICT PERMIT WRITTEN PERMISSION OF PROPERTY OWNER	2020 -ROBUST CODE SECTION SPECIFIC TO FOOD VENDORS

Lynnwood	PRIVATE COMMERCIAL PROPERTY ONLY WITH PERMISSION	NO RESIDENTIAL OR PUBLIC ROW	7:00 a.m. and 10:00 p.m.	5.18.050 Restrictions applicable to all mobile food vendors D. A mobile food vendor shall not sell or deliver any food from the mobile food vendor's vending unit, if the vending unit is within 100 feet of the entrance of any business establishment which is open for business and offers similar food for sale, without the consent of said business.	Chapter 5.18 MOBILE FOOD VENDORS		<p>B. "Mobile food preparation van" means a commercially manufactured motorized vehicle in which ready-to-eat food is cooked, wrapped, packaged, processed or portioned for service, sale or distribution.</p> <p>C. "Mobile food vendor" means a seller of food from a mobile food preparation van, truck, cart or other vehicle or conveyance, whether upon the public streets, alleys or public property or on private property.</p> <p>D. "Vending unit" means a mobile food preparation van, truck, cart, or other vehicle or conveyance, or any facility that is not on a permanent foundation that complies with the International Building Code, and which is used for the sale or delivery of food.</p>	BUSINESS LICENSE W/ SITE PLAN SNOHOMISH COUNTY HEALTH DISTRICT PERMIT written permission from the property owner	2016 SPECIFIC CODE SECTION, BUT NOT ROBUST
Mill Creek	NONE-EXCEPT FOR SPECIAL EVENTS	ALL						SPECIAL EVENT PERMIT	NOT DEFINED OR MENTIONED IN ANY CODE SECTION POLITICAL HOT-BUTTON ISSUE WITHIN MILL CREEK

Renton	<p>PERMITTED OUTRIGHT IN ALL ZONES WITH TEMPORARY USE PERMIT REQUIRED IN RESIDENTIAL ZONES</p> <p>g. Within the Downtown Business District, as depicted in subsection D of this Section, mobile food vendors are allowed within the public right-of-way</p>	e. The mobile food vendor shall maintain a distance of fifty feet (50') from any lot zoned residential.	d. The mobile food vendor shall remove the unit from the permitted location between 12:00 a.m. (midnight) and 5:00 a.m. on a daily basis, except for in the case of a special event where the unit is allowed at the same location for up to seventy two (72) hours.	NO	<p>4-2-080 CONDITIONS ASSOCIATED WITH ZONING USE TABLES</p> <p>a. A maximum of one mobile food vending unit is allowed per lot.</p>	<p>4-9-240 TEMPORARY USE PERMITS</p> <p>D. TEMPORARY USE PERMITS ARE REQUIRED FOR OTHER TEMPORARY USES OR STRUCTURES:</p> <p>The following uses or structures are separated into Tier I, Tier II, and Tier III temporary use categories.</p> <p>1. Tier I:</p> <p>b. Mobile food vendors located in the CN, COR, and UC zones,</p> <p>c. More than one mobile food vendor per lot in the IL, IM, IH, CV, CA, CD, and CO zones,</p> <p>2. Tier II:</p> <p>b. Mobile food vendors located in the residential zoning designations or within fifty feet (50') of a lot zoned residential,</p> <p>c. Mobile food vendors operating between the hours of 12:00 a.m. (midnight) and 5:00 a.m. on a daily basis per subsection K2 of this Section,</p>	<p>Section 202, General Definitions</p> <p>MOBILE FOOD FACILITY. Permanent and nonpermanent food operation vehicles that store, prepare, package, serve, vend, or otherwise provide food for human consumption, on or off the premises.</p> <p>4-11-130 DEFINITIONS M</p> <p>MOBILE FOOD VENDING: A temporary use involving sale of retail food or beverages to the public from any vehicle, cart or wagon that is designed to be readily movable. Mobile food vending includes pushcarts, mobile kitchens, hot dog carts, pretzel wagons, or similar uses. A “mobile food vendor” includes the owners and operators of a mobile food vending use. This definition excludes drive-in/drive-through retail or service.</p>	operational permit temporary use permit KING COUNTY HEALTH PERMIT	<p>ALLOWED OUTRIGHT IN ALL ZONES WITH TEMPORARY USE PERMIT</p> <p>SPECIFIC FIRE CODE CITATIONS - 10 FT SETBACK FORM BUILDINGS, OR 5FT IF IN PUBLIC ROW</p>
Sea-Tac	<p>NB – Neighborhood Business, O/C/MU – Office/Commercial/Mixed Use, O/CM – Office/Commercial Medium, CB – Community Business, CB-C – Community Business in the Urban Center, RBX – Regional Business Mix, I – Industrial, P – Park</p>	<p>UL – Urban Low, UM – Urban Medium, UH – Urban High, UH-UCR – Urban High-Urban Center Residential, T – Townhouse, MHP – Mobile Home Park</p>	mobile food preparation vehicles shall not occupy for more than eighteen (18) hours during any twenty-four (24) hour period.	NO	Chapter 5.55 MOBILE FOOD VENDORS	<p>15.415.300 Mobile Food Vending</p> <p>C. Mobile Food Vending as Permitted Uses. Mobile food vending may be permitted as follows:</p> <p>1. Mobile food vending may be permitted as a primary or accessory use in applicable zones.</p> <p>2. Mobile food vending may be allowed within parks, plazas, or schools as part of a special event, approved pursuant to either a temporary use permit or by concession contract or special use permit pursuant to SMC 2.45.520.</p> <p>3. Parking and Circulation.</p> <p>b. All mobile vending shall maintain adequate pedestrian and vehicular circulation through parking lots.</p> <p>c. Mobile food vending as a primary use shall provide paved parking</p>	<p>5.55.020 Definitions</p> <p>A. “Mobile food preparation vehicle” (aka “food trucks”) means a commercially manufactured motorized vehicle or trailer vending unit in which ready-to-eat food is cooked, wrapped, packaged, processed or portioned for service, sale or distribution.</p> <p>B. “Mobile food vendor” means a seller of food from a mobile food preparation van, truck or other vehicle or conveyance. Sales of only pre-packaged food products does not constitute mobile food vending.</p>	A separate business license, as provided for in Chapter 5.05 SMC, is required for each mobile food preparation vehicle. vending on public streets and/or public rights-of-way within the City shall require issuance of any applicable right-of-way use permits KING COUNTY HEALTH PERMIT	2018 REVISION
Shelton			seven a.m. and eleven fifty-nine p.m.	NO	<p>Chapter 5.04 BUSINESS LICENSES</p> <p>1. Mobile Food Vending Unit. The city may license mobile food vending units, defined as a mobile unit parked on private property, or on public property with the required authorization, and traveling city streets for the purpose of selling edible merchandise.</p>			BUSINESS LICENSE LNI PERMIT	

<p>Yelm</p>	<p>A. Mobile food vendors may be located on private property, city property, or city street right-of-way</p>			<p>K. Mobile food vendors located within public right-of-way must: 1. Be located at least 100 feet from an existing food establishment. This minimum distance may be reduced or waived if the existing establishment provides written statement approving the location.</p>	<p>Chapter 18.68 MOBILE FOOD VENDING 18.68.030 Development and performance standards A. The maximum size for mobile food unit, including accessory structures, is 300 square feet. J. Mobile food vendors located within parking lots shall not occupy more than 15 percent of the parking spaces required for the primary use of the property, and provide safe vehicular maneuvering area for its customers.</p>	<p>Chapter 18.12 MINISTERIAL REVIEW Projects allowed outright by the underlying zoning district and are of such a scale and character that they do not require public notice or hearings. These projects are subject to clear and objective standards and may require professional technical judgment. 18.12.105 Mobile food vending A. When Required. A mobile food vending approval is required to site a mobile food vending cart or vehicle not part of a special event in any commercial zone within the city and is also the right-of-way use permit for those applications in the city right-of-way.</p>		<p>BUSINESS LICENSE THURSTON COUNTY HEALTH PERMIT</p>	
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Food Truck Research Notes

Research Cities

1. Arlington
 - a. https://library.municode.com/wa/arlington/codes/code_of_ordinances
 - b. Contact: Raelynn Jones, Permit Technician – 360-403-3436
2. Bellevue
 - a. <https://bellevue.municipal.codes/LUC>
 - b. General number – 425-452-7892
3. Bellingham
 - a. <https://bellingham.municipal.codes/BMC>
 - b. Contact: Emy Scherrer, City Planner – erscherrer@cob.org
4. Bothell
 - a. <https://bothell.municipal.codes/>
 - b. Contact: Dave Boyd, Senior Planner – 425-806-6406
5. Burlington
 - a. <https://www.codepublishing.com/WA/Burlington/>
 - b. Contact: Kim O-Hara, Permit Manager – 630-755-9717
6. Everett
 - a. <https://everett.municipal.codes/>
 - b. Contact: Dan Eernisse, Director of Economic Development – 425-257-8681
 - c. Contact: Tyler Chism, Tourism and Events Coordinator – 425-257-7107
7. Ferndale
 - a. <https://www.codepublishing.com/WA/Ferndale/>
 - b.
8. Kirkland
 - a. <https://www.codepublishing.com/WA/Kirkland/>
 - b. Contact: General number – 425-587-3600
9. Lake Stevens
 - a. <https://www.codepublishing.com/WA/LakeStevens/>
 - b.
10. Lynnwood
 - a. <https://www.codepublishing.com/WA/Lynnwood/>
 - b.
11. Mill Creek
 - a. <https://www.codepublishing.com/WA/MillCreek/>
 - b. Contact: general number – 425-551-7254
12. Renton
 - a. <https://www.codepublishing.com/WA/Renton/>
 - b.
13. Sea-Tac
 - a. <https://www.codepublishing.com/WA/SeaTac/>
 - b.

14. Shelton
 - a. <https://www.codepublishing.com/WA/Shelton/>
 - b. Contact: Jason Dose, Senior Planner – 360-426-4491
15. Yelm
 - a. <https://www.codepublishing.com/WA/Yelm/>
 - b.





























Research Criteria

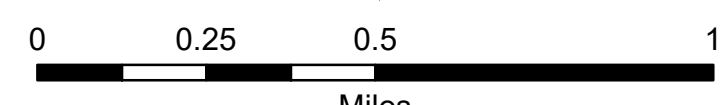
1. Locations
2. Time limits
3. Traffic impact fee exemptions
 - a. time thresholds (days per month)
4. Brick and mortar protections
 - a. Distance from
 - b. Public notice requirements

Resources

1. <https://wafoodtrucks.org/> Washington State Food Truck Association WSFTA
 - a. Lori Johnson, Director - 360-223-3801
 - b. Tim Johnson, Operations Manager – 360-223-5996
2. <https://wafoodtrucks.org/advocacy>
3. <https://lni.wa.gov/licensing-permits/manufactured-modular-mobile-structures/food-trucks-trailers/>
4. <http://www.seattle.gov/office-of-economic-development/small-business/food-businesses/mobile-food-businesses>
5. <https://kingcounty.gov/depts/health/environmental-health/food-safety/food-business-permit/mobile.aspx>
6. <https://www.foodtruckoperator.com/articles/washington-state-food-trucks-fight-for-exemption-from-commissary-requirement/>
7. <https://mrsc.org/Home/Stay-Informed/MRSC-Insight/June-2018/Food-Truck-Laws-and-Regulations.aspx>
8. <https://whatcomcounty.us/DocumentCenter/View/2023/Mobile-Unit-Plan-Review-Packet-PDF?bidId=>
9. <https://snohd.org/DocumentCenter/View/311/Mobile-Food-Unit-Plan-Review-Guide-Process-PDF>
10. https://www.piercecountywa.gov/DocumentCenter/View/73852/VendorGuidelines_2018
11. <https://www.tpchd.org/home/showpublisheddocument/4523/637565878158170000>
12. <https://www.thurstoncountywa.gov/phss/Pages/food-mobile-units.aspx>
13. <https://www.nourishingnetworks.net/> non-profit: food insecurity networking with food truck voucher program

City of Marysville Zoning

-  Urban Growth Area
-  City Limits
-  County PRD Regulations
-  Master Plan Area
-  General Commercial
-  Community Business
-  Community Business - Whiskey Ridge
-  Downtown Core
-  Flex
-  Flex Residential
-  Neighborhood Business
-  Main Street
-  Middle Housing 1
-  Middle Housing 2
-  Midrise Multi-Family
-  Mixed Use
-  88 - Mixed Use
-  General Industrial
-  Light Industrial
-  R28 Multi-Family High
-  R18 Multi-Family Medium
-  R12 Multi-Family Low
-  R8 Single Family High Small Lot
-  R6.5 Single Family High
-  R4.5 Single Family Medium
-  WR-R-4-8 Whiskey Ridge, Single Family High
-  WR-R-6-18 Whiskey Ridge, Multi-Family Medium
-  Public-Institutional
-  Recreation
-  Open

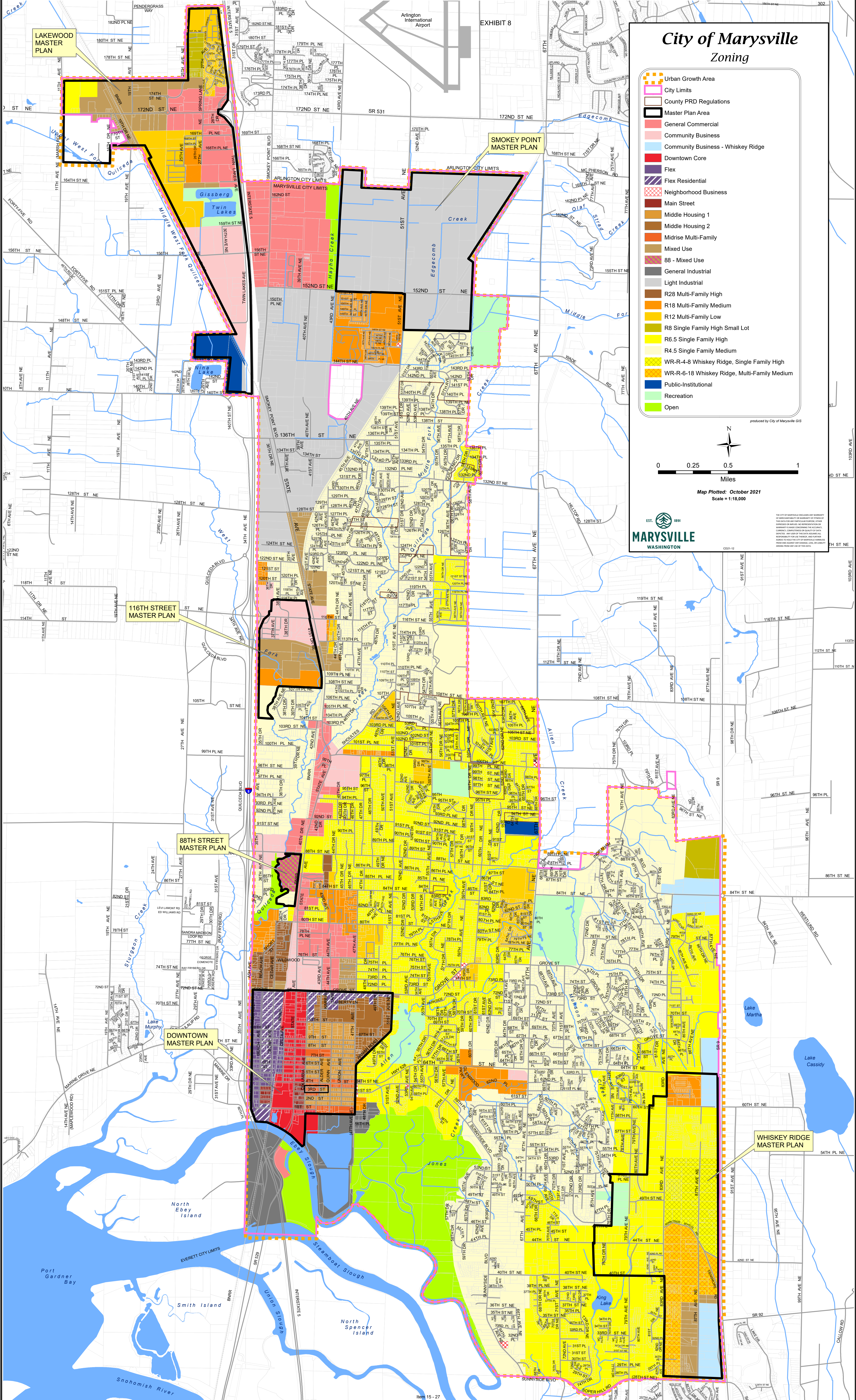


Map Plotted: October 2021
Scale = 1:18,000



CD01-12

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LAKESIDE MASTER PLAN

SMOKEY POINT MASTER PLAN

116TH STREET MASTER PLAN

88TH STREET MASTER PLAN

DOWNTOWN MASTER PLAN

WHISKEY RIDGE MASTER PLAN

Kate Tourtellot

Subject: FW: [External!] Re: FW: [External!] Fwd: Food Trucks - Code update for City of Marysville

From: Lori Johnson <lorij@wafoodtrucks.org>

Sent: Tuesday, December 14, 2021 8:58 AM

To: Haylie Miller <hmiller@marysvillewa.gov>

Cc: Mara Wiltshire <mwiltshire@marysvillewa.gov>

Subject: [External!] Re: FW: [External!] Fwd: Food Trucks - Code update for City of Marysville

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

Hi Mara and Haylie,

If we had been given notice, we could have asked the mobile food vendor community to also provide comments, but in reading your attachments, I understand that the deadline has passed?

Comments from the WSFTA are as follows:

1. Re/ Mobile food vending units shall be temporary in nature, and may not operate from the same property more than three days of any calendar week, or twelve days per month.

What other food service businesses are restricted to only 3-days per week and what is the reasoning for this if the mobile unit were required to stop service by 11pm each day and return the unit to its health department approved commissary/servicing location for cleaning and storage? This is unnecessarily over restrictive and a portion of the code that should be checked on with the city attorney.

2. Re/ Summary comments:

In summary, the restaurant owners have suggested the following regulations for food trucks.

- Food trucks should follow the same regulations as restaurants.

Mobile food units are required to obtain the same county health department food establishment permit that non-mobiles do. They also receive the same inspections.

- Limit parking areas for food trucks.

Mobiles should follow the same existing zoning requirements that include the public's health and safety.

- Require no impacts to existing parking.

Mobiles should have access to public and rights of way via paid approved permit parking as in most other cities. Parking permits would require city business license, COI, proof of health permit, site plan, and fire authority.

- Snohomish Health District standards should be followed.

As a part of county health permit plan approval, mobiles are required to provide trash receptacle, return to commissary location at the end of service each day, dispose of greywater at this or other approved location.

- Taxes should be tracked and paid.

Mobiles all use the 4-digit city code, per city, for sales taxes.

- Restrooms and hand washing facilities should be provided.

A condition of their approved county health permit.

- Locate food trucks a certain distance away from restaurants (suggested ranges from three blocks to 1,000 yards).

50-100-feet is reasonable with restaurant owner approval.

Sincerely,

Lori Johnson, Executive Director
Washington State Food Truck Association, LLC
(360) 223-3801
www.wafoodtrucks.org
[@wafoodtrucks](https://twitter.com/wafoodtrucks)



"The punishment of wise men who refuse to take part in the affairs of their government is to live under the government of unwise men." ~ Plato



MARYSVILLE
COMMUNITY
DEVELOPMENT

PC Recommendation – Food Truck Regulations

The Planning Commission (PC) of the City of Marysville, held a public hearing on December 14, 2021 in review of NON-PROJECT action amendments of the Marysville Municipal Code (MMC), adding Section 22C.260 – Mobile Food Vendors.

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 Mobile Food Vendor regulations to the community on September 28, 2021.
2. The proposal was submitted to the State of Washington Department of Commerce for 14-day expedited review on November 16, 2021, in accordance with RCW 36.70A.106.
3. The PC held public work sessions on October 26 and November 23, 2021 to review the NON-PROJECT action amendments to the community.
4. The PC held a duly-advertised public hearing on December 14, 2021 and received testimony from city staff and the public.
5. At the public hearing, the PC reviewed and considered the new Mobile Food Vendor regulations.

CONCLUSION:

At the public hearing, held on December 14, 2021, the PC recommended **APPROVING** the proposed Mobile Food Vendor regulations.

RECOMMENDATION:

Forwarded to City Council as a Recommendation of **APPROVAL** of the NON-PROJECT action amendments of the Marysville Municipal Code (MMC), adding Section 22C.260 – Mobile Food Vendors this **December 14, 2021**.

By: _____
Stephen Leifer, Planning Commission Chair

(360) 363-8100

Community
Development
80 Columbia Avenue
Marysville, WA 98270

Planning Commission



1049 State Avenue
Marysville, WA 98270

**Meeting Minutes
September 28, 2021**

CALL TO ORDER / ROLL CALL

Chair Leifer called the September 28, 2021 Planning Commission meeting to order via Zoom at 6:00 p.m. Planning Manager Chris Holland called the roll.

Present:

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

Excused: Commissioner Tom Thetford

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

APPROVAL OF MINUTES

September 14, 2021 Planning Commission Minutes

Commissioner Hoen referred to the last paragraph of page 3 and clarified that he had asked about long-term planning because he has heard that if you give a building permit you are locking 50 years into the property.

Motion made by Commissioner Thetford, seconded by Commissioner Hoen, to approve the minutes. **Motion passed (4-0)** with Commissioners Michal and Whitaker abstaining.

AUDIENCE PARTICIPATION

James Vasil, commented that they own some property in Whiskey Ridge and are interested in what is going on in that area, especially regarding zoning and the Whiskey Ridge sewer lift station. Planning Manager Holland informed him that Public Works would be joining the Planning Commission on November 9 to go over current projects.

NEW BUSINESS

A. Food Truck Regulations

Community Development Director Haylie Miller explained staff is proposing to begin to work on regulations to allow food trucks in Marysville. They have solicited feedback from restaurant owners related to this topic and received some feedback from four restaurant owners. In general, the restaurant owners have concerns about competition and suggested that food trucks be located a certain distance away from a restaurant. There was general support for food trucks at special events. The general public is very much supportive of the idea of food trucks. There were suggestions and questions related to locations, parking, and whether they should be allowed on city property.

Commissioner Andes commented that a lot of food trucks go from construction site to construction site. He wondered how this would fit in to the proposals. Planning Manager Holland commented that as long as a food truck is staying mobile it would be an allowed use at construction sites. Setting up at a particular parking lot is not allowed right now.

Commissioner Kapus asked if the idea was to allow them to stay in one location or to just move around. Director Miller explained that they are considering allowing food trucks in a more steady location. Some cities allow them to rotate in and out of locations; for example, limited to two or three days a week. This is an area that staff is seeking direction from the Planning Commission. There was some discussion about how traffic impact fees would fit into this.

Commissioner Hoen commented on the generational attraction to food trucks. He noted that food trucks are heavily permitted and highly regulated. He commented on the importance of websites, apps, and other communications to get the word out about where food trucks will be located. He commented that it could be important for them to have some regularity in terms of location so people know where to find them. He noted that it could be a game changer if a commissary is required. As far as opportunities for food trucks, when the Cascade Industrial Center is developed there will be a lot of workers that will probably enjoy having a variety of food trucks.

Commissioner Whitaker suggested the City give preference to existing restaurants in town because they have made financial commitments to the City and the community at large. He spoke in support of allowing food trucks as part of special events, requiring them to be a certain distance away from other restaurants, and limiting them to a certain number of days a week.

Commissioner Michal thought that food trucks would be welcomed by most people. She noted there are questions about placement that would need to be addressed. She agreed with giving deference to permanent restaurants. She spoke in support overall of allowing them at special events.

Commissioner Kapus spoke in support of both semi-permanent and special events. Regarding locating next to restaurants, she suggested considering whether or not it would be a competing use.

Chair Leifer suggested protecting existing restaurants while also allowing food trucks to thrive and provide service to places like construction sites and special events. He also commented on the impact of Covid-19 on people's behavior with restaurants and food trucks. Some people are more comfortable eating outdoors from a food truck than going indoors to a restaurant.

As a starting point with this code, there was general agreement that food trucks should be:

- allowed in commercial areas
- required to be a certain distance of restaurants
- prohibited in residential zones (except for special events)
- allowed for special events in most locations, approved on a case-by-case basis

Chair Leifer asked about existing information about the impact of food trucks on restaurants and what distance actually makes a difference. Planning Technician Wiltshire replied that there is some research showing that food trucks can actually help a business because it creates a node. Commissioner Kapus commented that close proximity could actually be beneficial unless it was a competing type of restaurant. Commissioner Whitaker wondered what other jurisdictions have discovered about this. Director Miller commented that staff is planning on bringing information from about 15 different jurisdictions on what they are doing.

Community Development Director Miller asked the Planning Commission what level of noticing should be required. Staff is proposing that the food truck owner should provide some level of noticing to restaurants and that the input be solicited to the Community Development Department and some level of mitigation measures or denial would be implemented based on the feedback. Chair Leifer commented that it is related to the distance issue. Community Development Director Miller agreed and suggested they could wait on this until they get more information about the of impacts of food trucks on restaurants.

There was also some general discussion about considerations related to traffic impact fees. Staff will provide more information about food truck trip generation numbers.

Director Miller clarified that food trucks would be subject to health and safety regulations of the Snohomish County Health District and licensing requirements of the Department of Licensing. Also, commissary kitchens are not required as of 2019.

B. Emergency Housing Shelters

Director Miller explained that all cities in Washington State must accommodate emergency shelters and housing effective September 30. Cities are required to provide

for transitional housing facilities, permanent supportive housing, emergency shelters and emergency housing in all zones that allow for a hotel or within one mile of transit throughout the city. Staff is recommending that the City allow this in zones that allow for hotels as it is a more straightforward process. In residential zones and zones that allow hotels, cities are required to allow for transitional housing facilities and permanent supportive housing. Indoor emergency shelters and indoor emergency housing have to be allowed in zones that allow hotels. She clarified that these are all indoor shelters.

Director Miller reviewed some control measures proposed by staff.

- In residential zones the permanent supportive housing and transitional housing must be a conditional use and comply with the existing zoning regulations.
- For all zones staff is requiring an operations plan that would outline the operations and how they would mitigate impacts.

Commissioner Kapus asked about regulations regarding who would be monitoring the transitional housing and permanent supportive housing facilities. Director Miller replied that the definition says it can be a public housing authority, a non-profit organization or another public interest group. She did not think the City could be more restrictive, but they can require a management plan. Commissioner Kapus expressed concern about a sophisticated transient group overtook a vacant property with “leases.” She emphasized the need for monitoring who is running these. Director Miller indicated she would come back with a draft code that proposes these different uses and regulations for each of them. Chair Leifer noted that they have to be careful with regulations and controls so it doesn’t appear they are trying to not allow these types of housing. Director Miller agreed.

C. Accessory Dwelling Units

Senior Planner Kate Tourtellot introduced this item related to Accessory Dwelling Units and reviewed a series of definitions and other items that require amending and also reviewed other changes that will likely need amending in the future.

Required changes:

- Add and modify definitions - *household, major transit stop, ownership, and short-term rentals.*
- Revise parking requirements – Amend the off-street parking requirement for ADUs within one-quarter mile of a major transit stop. The City can no longer require an extra off-street parking stall in those situations. The only corridor which meets this requirement is State Avenue up through Smokey Point to the city limits. Planning Technician Wiltshire commented that they might need to also consider amending the parking requirement if they change the size restriction of ADUs.

- Revise utility connection fees. – Can the person tap into the existing water/sewer service (and pay capital improvement fees) or are they required to set up a new connection at the same cost as a single family residence? Senior Planner Tourtellot replied she would come back with more information on this.

Anticipated changes in the future:

- Remove the owner occupancy requirement - The code currently requires owner occupancy, but the City may not be allowed to have this requirement in the future. Commissioner Andes expressed concern that if they don't have the owner occupancy requirement it turns the lot into more of a multi-family use. Chair Holland agreed, but clarified that there would still be a limit on the number of people per square foot of the structure. Commissioner Michal asked if this issue might come up again soon. Senior Planner Tourtellot thought it might come back in 2022 because it has come up for the last three years. The previous two years it was just a recommendation, but this year it was an outright directive. Commissioner Leifer thought that the ability for cities to scrutinize who lives in houses will likely be taken away from cities. Commissioner Kapus spoke in support of removing the owner-occupancy requirement as a way of bringing in different kinds of housing to the community and to help offset people's expenses.
- Prohibit ADUs as short-term rentals – The City does not currently regulate this. The state law says ADUs cannot be used for short-term rentals/vacation rentals.
- Revise the minimum and maximum size limitations. – Right now the code says that the ADU can be 35% of the existing residence. The State is asking that it be less restrictive. Commissioner Michal asked about lot sizes that would be eligible for ADUs. Senior Planner Tourtellot explained that if a lot is less than 5,000 square feet an ADU would not be allowed. She is not sure if they will still have that ability to limit lot sizes with the new rule. Section 7 of House Bill 1220, which got deleted, says that non-conforming structures could not be prohibited from being ADUs. Chair Leifer asked if they would still be able to enforce regulations surrounding things like maximum impervious surfaces coverage and setbacks. Senior Planner Tourtellot thought they would be able to. Commissioner Andes commented that this is a way to get around the short plat process, especially if they eliminate the 35% restriction. Planning Manager Holland commented that they need to do more research on the impervious surface and setback coverage. Any Planned Residential Development throughout the city is not currently allowed to do an ADU.
- Conversion of non-conforming structures – The City's ability to regulate a structure which is non-conforming because of lot setbacks may be impacted in the future.

General discussion followed about expected growth numbers, buildable lands, and the Urban Growth Area. Chair Leifer asked if staff is considering an expansion of the Urban

Growth Area (UGA). Planning Manager Holland replied that the County Council is the one who would determine that. He doesn't think it will happen in this update. Chair Leifer asked how much the buildable lands have shrunk. Planning Manager Holland explained there is a lot of development happening in the Lake Stevens School District related to housing and in the Cascade Industrial Center for industrial and jobs. There are still some areas that need improvements in order to support greater density. There is still quite a bit of capacity, but they will still fall short of what is needed for the 2044 planning period. Senior Planner Tourtellot noted that Snohomish County Council just released its 2021 Buildable Lands Report which is on the county website. She added that the City still has capacity for population and employment through 2035. The big conversation will be how to get from 2035 to 2044 which will be coming to the Planning Commission shortly with the Comprehensive Plan amendments. Planning Manager Holland also gave an overview of impacts of the planned Whiskey Ridge sewer lift station.

OTHER

Planning Manager Holland reported that the City Council approved the Downtown Master Plan and five related ordinances last night. He thanked the Planning Commission for their work and recommendation.

ADJOURNMENT

Motion to adjourn at 7:57 p.m. moved by Commissioner Whitaker, seconded by Commissioner Michal.

AYES: ALL

Chris Holland

Chris Holland, Planning Manager for
Laurie Hugdahl, Recording Secretary

Next Meeting – October 12, or as necessary

Planning Commission



1049 State Avenue
Marysville, WA 98270

**Meeting Minutes
October 26, 2021**

CALL TO ORDER / ROLL CALL

Vice Chair Andes called the October 26, 2021 Planning Commission meeting to order via Zoom at 6:00 p.m. Planning Manager Chris Holland called the roll.

Present:

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

Excused: Chair Steve Leifer, Commissioner Tom Thetford

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

APPROVAL OF MINUTES

September 28, 2021 Planning Commission Minutes

Motion to approve the minutes as presented made by Commissioner Kapus, seconded by Commissioner Michal.

AYES: ALL

AUDIENCE PARTICIPATION

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

OLD BUSINESS

A. Food Truck Regulations

Director Miller reviewed the discussion regarding food trucks from the last Planning Commission meeting and discussed potential regulations regarding locations and proximity to restaurants. Regulations from about 15 different cities were provided as requested for reference.

Commissioner Whitaker thanked staff for the memo, noting that it was very informative and responsive to the conversation from the last meeting. He was in support of the recommendations presented by staff in the memo, but asked about the duration of approval for one location. Director Miller commented that the length would coincide with the event for special event permits and would be temporary. For city-owned property, like the waterfront, it would be up to the Commission. She offered to bring back some verbiage related to this topic.

Commissioner Hoen commented that he generally sees certain food trucks in almost permanent locations. He noted that there has to be a way for a food truck and its customers to have some certainty about location. Director Miller offered to bring back more information regarding timing and location.

Commissioner Kapus also thanked staff for the great research.

Commissioner Andes thought that a 100-150 foot distance from restaurants was a good distance. He noticed one city required food trucks to be a certain distance from residential zones. He also suggested having a timeframe that they can be open during the day. Director Miller indicated she would bring back draft regulations with more detail and options.

Commissioner Michal thanked staff for the great memo. She asked what the parameters might be around allowing these in parking lots. Director Miller commented that they would look at that on a case-by-case basis. The food truck would have to demonstrate that they are not taking away from minimum parking requirements.

Commissioner Hoen commented that people he has talked to in the Parks Department have seemed very positive about food trucks in the parks or at events. Director Miller agreed. Planning Manager Holland concurred but noted that they would generally not be allowed within the right-of-way, as it would reduce on-street parking.

B. Emergency Housing and Shelters

Director Miller explained the state has recently approved Housing Bill 1220 (HB1220) related to emergency and transitional housing. The housing is divided into four different type of uses in two categories, each with different regulations. At this meeting she focused on the first two types of uses - Indoor Emergency Shelters and Indoor Emergency Housing. She will review the other two uses at the next meeting. The state has required that Indoor Emergency Shelters and Indoor Emergency Housing be allowed with reasonable controls in zones that allow hotels or within the majority of zones located within one mile of public transit.

Tables in Exhibit 1 show the two types of uses and where they are required to be allowed. Staff is proposing that these uses be permitted subject to conditions in the code if they are housed with 30 or fewer individuals. If there are more than 30 individuals staff recommends that this go through the Conditional Use process.

Commissioner Whitaker asked how Enhanced Services Facilities would mesh with these types of housing. Director Miller explained that Enhanced Services Facilities are more tailored to people who have mental health or substance abuse issues and are transitioning from a state hospital back into the public. The four types of housing referred to by HB 1220 are focused on people who don't have somewhere to live.

Commissioner Hoen asked why shelters can't be within 1,000 feet of each other and why no more than one emergency housing or shelter can be on a site. He asked if there should be more flexibility in case there is an emergency. Director Miller suggested they could build in an opportunity for a variance or allow for the Hearing Examiner to decide depending on what the Planning Commission and Council want. Planning Manager Holland clarified that if there is a disaster the City already has the authority to open up a shelter wherever it needs to.

Commissioner Hoen asked for the reasoning behind the following General Requirements:

- O. In residential zones, no more than one adult bed per 250 square feet of floor area is allowed per facility*
- P. In all other zones, no more than one adult bed per 35 square feet of floor area is allowed per facility*

Director Miller explained these were ways to help identify the number of people that would be reasonable between residential and commercial zones.

NEW BUSINESS

A. East Sunnyside-Whiskey Ridge Sign Regulations

Planning Manager Holland explained staff would like to incorporate sign regulations and design standards from the overly restrictive Whiskey Ridge Design Standards into the general code rather than having them separate. There was some discussion about the background of the code and proposed setbacks and sizes.

Commissioner Kapus spoke in support of simplifying the regulations into one place.

Commissioner Andes commented that there are some places in town where a five-foot setback isn't enough to see oncoming traffic. Planning Manager Holland concurred and noted they would still need to comply with sight distance regulations.

Commissioner Whitaker commented that they don't need the same type of signs on some chunks of 87th since that area is still pretty rural. He suggested looking at some reduced heights in that area.

Next meeting – November 9, 2021

- Senior Planner Kate Tourtellot will be bringing back the Accessory Dwelling Units provisions.
- Director Miller will be bringing back topics discussed tonight.
- Public Works staff will also be coming to give an update on their projects.

ADJOURNMENT

Motion to adjourn at 6:55 p.m. moved by Whitaker, seconded by Commissioner Kapus.

AYES: ALL

Chris Holland

Chris Holland, Planning Manager for
Laurie Hugdahl, Recording Secretary

Planning Commission



1049 State Avenue
Marysville, WA 98270

**Meeting Minutes
November 23, 2021**

CALL TO ORDER / ROLL CALL

Chair Leifer called the November 23, 2021 Planning Commission meeting to order via Zoom at 6:00 p.m. Senior Planner Tourtellot called the roll.

Present:

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

Absent: Vice Chair Jerry Andes

Staff: Community Development Director Haylie Miller, Senior Planner Kate Tourtellot, Planning Technician Mara Wiltshire

APPROVAL OF MINUTES

November 9, 2021 Planning Commission Minutes

Commissioner Hoen commented that he had notified the Chair prior to the meeting that he would be late to the November 9 meeting. Chair Leifer confirmed this.

Motion made by Commissioner Thetford, seconded by Commissioner Whitaker, to approve the minutes. **Motion** passed unanimously.

AUDIENCE PARTICIPATION

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

NEW BUSINESS

None

OLD BUSINESS

A. Emergency Housing and Shelters

Director Miller reviewed code changes and solicited feedback related to Transitional Housing Facilities and Permanent Supportive Housing regulations. These two housing types are already allowed. Examples of projects around town include Twin Lakes Landing and the MESH program which both house homeless. Since the last meeting an additional condition has been added to the Operations Plans to ensure current best practices for permanent supportive housing and transitional housing facilities are used.

Chair Leifer pointed out a typing error on 22C.020.060 at the bottom of the page.

Director Miller then reviewed proposed changes to Emergency Indoor Shelters and Emergency Housing. Staff has proposed additional regulations for these uses to mitigate potential impacts.

- Hotels have been removed out of four multi-family zones.
- If shelters have less than 30, applicants can go through a standard application process. If over 30, it would require a conditional use permit process with the Hearing Examiner.
- Some of the requirements for separation between facilities were removed.
- The Police Chief reviewed and agreed with the conditions, but recommended a background check to vet sex offenders. This is currently pending as it needs to be vetted by the City Attorney. Condition 22 had originally allowed level 1 and 2 sex offenders; however the Police Chief only recommended level 1 at this time. Level 1 offenders could be permitted as long as they follow the standard registry protocol.
- The spacing was revised to 200 sf per individual. This is acceptable to currently operating shelter providers.
- Parking was revised to one stall per two employees plus one stall per five residents with a three-space limit. This would apply to all four uses.

Director Miller recommended holding a hearing on December 14. She is hoping to take it to City Council as soon as possible after that since the City is technically out of compliance right now.

Commissioner Hoen referred to requirements in item 22 and 23 and requested more clarity on which levels of sex offenders are allowed and prohibited. Director Miller noted that the police department recommended level 1 only. She solicited feedback from the Planning Commission on this. She summarized they are currently waiting on decisions regarding whether or not to require a background check and whether to allow level 2 sex offenders. She suggested that a decision on these could be rendered at the public hearing.

Motion made by Commissioner Whitaker, seconded by Commissioner Michal, to set this for a public hearing on December 14. **Motion** passed unanimously.

B. Accessory Dwelling Units (ADUs)

Senior Planner Tourtellot reviewed some background on this item.

- She checked with the City Attorney about the existing prohibition in Planned Residential Developments (PRDs), and he did not see a conflict with maintaining this prohibition.
- The definitions for *Accessory Dwelling Unit* and *kitchen* have been clarified.
- 22C.180.030(2) - The size of ADUs would be limited to 50% or 1000 sf whichever is smaller and give director authority to allow larger units if unreasonable division of space would result.

Commissioner Whitaker asked if underlying zoning dimensions would still apply to restrict the size. Senior Planner Tourtellot affirmed that all of the bulk and dimensional standards would still apply.

Chair Leifer asked why the maximum size is the *lesser* of either 50% or 1000 feet if the land area is sufficient. Senior Planner Tourtellot replied that this was a starting point for conversation, but could be modified.

Commissioner Hoen referred to the resident who had commented at the last meeting regarding his small house on a large lot. The resident had wondered if there was any way for him to build a larger ADU. Commissioner Hoen asked how this would impact him. Senior Planner Tourtellot replied that staff had discussed this and determined that he would be limited to the 50% of his existing home.

Chair Leifer asked how they got to the 1000 sf limit. He thought it should be proportional to the house size. Director Miller explained there is not a technical reason for this. Staff thought that beyond 1000 sf, it just felt bigger than an ADU and more like a full house size. Chair Leifer spoke to the conflict between the ideologies of infill and sprawl. He didn't agree with the limitation in size when there are so many variables in lot size and house size.

Commissioner Kapus agreed that we don't necessarily need a maximum since existing zoning should take care of it being out of character with existing homes.

Commissioner Thetford commented that there may be lots large enough that it would make sense to allow larger units. He personally wouldn't like to maximize the impervious lot area because he likes more space, but there are denser areas where it would make more sense.

Commissioner Whitaker thought the size should be limited to 1500 sf. Above that size it is the size of another house and not an ADU.

Commissioner Michal thought that 1000-1200 sf makes sense for most accessory uses. She asked if there could be discretion to allow for a bigger unit on a large lot.

Director Miller indicated that staff could allow a larger maximum size or could build in language allowing larger ADUs on larger lots if desired by the Planning Commission.

Chair Leifer asked for clarification about ADUs needing to be attached. Senior Planner Tourtellot commented that the provision that gives the director discretion to allow for a larger unit pertains to an ADU that would be attached. The allowance is for unreasonable division of space that would result from adhering to the code when converting existing living space into an ADU. An ADU in general can be attached or detached. Chair Leifer commented on how many people are struggling to buy a house; he is supportive of anything they can do to help people get into housing.

Senior Planner Tourtellot noted they could simply cap it at 50% of the existing house size. There was discussion about how this would impact various situations.

Commissioner Kapus suggested allowing new construction to become the primary dwelling unit if the lot size permits. Senior Planner Tourtellot indicated she could look into this with other jurisdictions.

There was consensus to simply cap the size at 50% of the existing house.

Motion made by Commissioner Hoen, seconded by Commissioner Thetford, to schedule this for a hearing on December 14. **Motion** passed unanimously.

C. Food Truck Regulations

Director Miller reviewed proposed food truck regulations and recommended scheduling this for a public hearing on December 14. At the last meeting they reached consensus about allowing food trucks on city property, special events and private property. The Planning Commission had asked for some information regarding the hours of operation. She has included a recommendation to allow a food truck on private property for 3 days a week or up to 12 days a week. That would not preclude a property owner from rotating different food trucks onto the site. Additionally, there would be a 100 ft. buffer for existing brick and mortar restaurants.

Commissioner Hoen commented that there would be a daily demand at the Cascade Industrial Center for more than just 3 days a week. He pointed out that Everett doesn't have any time restriction. He expressed interest in hearing from food truck operators.

Director Miller replied they can look into allowing them more. Her understanding was that the City Council was not in favor of food trucks at all at least in years past in an attempt to give preference to brick and mortar restaurants. The public, however, has been very interested in having food trucks. Staff's approach was a "soft landing" with a conservative code amendment for now and the possibility of revisiting in a year.

Chair Leifer did not think they should limit the days allowed to go to a construction site. Director Miller replied that this is already allowed under the temporary use permit.

Amanda Andrew, owner of Captain's Cod food truck, explained that they operate in 30 cities throughout Eastern Washington and prefer not to overstay their welcome in any one place. They have a contract with the property owner wherever they park. They are 100% self-contained with power and water. They don't stay in one city more than one day per week so this requirement wouldn't affect them. The way they operate is unique, and this is not be the norm for other food truck operators. The code amendments being proposed here are typical of what they see in most other cities.

Director Miller commented that the Washington Food Truck Association helps coordinate a rotating schedule between jurisdictions. She also noted that the City intends to allow food trucks on city properties either by a special event permit or by city contract. They would have flexibility with what they allow.

Chair Leifer said he was sympathetic to brick and mortar restaurants that pay fees and taxes. He also liked the soft landing approach. Other commissioners agreed.

Motion made by Commissioner Whitaker, seconded by Commissioner Kapus, to forward the food truck regulations to a public hearing on December 14. **Motion** passed unanimously.

ADJOURNMENT

Motion to adjourn at 7:45 p.m. moved by Commissioner Thetford, seconded by Commissioner Whitaker.

AYES: ALL

Chris Holland

Chris Holland, Planning Manager for
Laurie Hugdahl, Recording Secretary

Next Meeting – December 14, 2021

12-14-21 Planning Commission Minutes to be provided

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.020.140 AND ADDING NEW CHAPTER
22C.260 MOBILE FOOD VENDORS.**

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 Marysville Planning Commission held three workshops on September 28, October 26 and November 13, 2021, during which the Planning Commission discussed proposed amendments to Title 22 MCC regarding mobile food vendors, which proposed amendments would specifically add a new chapter 22C.260 and amend MMC 22A.02.140; and

WHEREAS, the proposed amendments are consistent with the following required findings of MMC 22G.010.520:

- (1) The amendments are consistent with the purposes of the comprehensive plan;
- (2) The amendments are 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 December 14, 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 January 10, 2022 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 Washington State Department of Commerce on November 16, 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, a notice of application was given on November 15, 2021 by the City of Marysville requesting State Environmental Policy Act review and approval for the proposed amendments related to regulations associated with Mobile Food Vendors pursuant to the optional DNS process outlined in WAC 197-11-355.

WHEREAS, a SEPA Determination of Non-Significance was issued on December 15, 2021 pursuant to the optional DNS process outlined in WAC 197-11-355.

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

Section 1. Amendment of Municipal Code. MMC Section 22A.020.140, entitled "M" Definitions, is hereby amended to add the following definitions, as follows:

22A.020.140 "M" Definitions.

"Mobile food vending unit" means a truck or trailer licensed as a vehicle and equipped with facilities for cooking and/or selling food.

"Mobile food vendor" means a person or entity that sells food from a mobile vending unit.

Section 2. Amendment of Municipal Code. MMC Title 22C *Land Use Standards* is hereby amended by adopting a new chapter MMC 22C.260 *Mobile Food Vendors*, as follows:

MMC 22C.260.010 Purpose.

The purpose of this section is to support local business owners, stimulate economic vitality, and protect public health and safety associated with the operation of mobile food vending units.

MMC 22C.260.020 Application.

Mobile food vendors operating on private property shall provide the City with the following information.

(1) All mobile food vendors shall require a business license per Chapter 5.02 MMC.

(2) A site plan depicting the following:

(a) Vehicle ingress and egress;

(b) Location of the mobile food vending unit, signs, and accessory equipment such as tables and canopies, if any; and

(c) Site conditions including property lines, parking, and buildings.

- (3) Photograph of the mobile food vending unit, proposed signs, and any accessory equipment.
- (4) Copy of Snohomish Health District permit.
- (5) Evidence of current Washington state vehicle registration.
- (6) The mobile food vendor must obtain a signed agreement between the property owner and the mobile food vendor allowing use of the property for the mobile food business including written permission from the property owner for employees of the mobile food vendor to use the property owner's restroom. Portable restrooms are not permitted on site.
- (7) Certificate of public liability insurance in an amount not less than \$500,000 for injuries, including those resulting in death, resulting from any one occurrence, and on account of any one accident.
- (8) Property damage insurance of not less than \$25,000 for damages on account of any one accident or occurrence.

MMC 22C.260.030 General Regulations.

The following general regulations apply to mobile food vendors.

- (1) Mobile food vending units shall be temporary in nature, and may not operate from the same property more than three days of any calendar week, or twelve days per month.
- (2) The hours of operation for mobile vending are limited to 7:00 a.m. to 11:00 p.m.
- (3) No portion of the mobile food vending unit may be used as sleeping quarters.
- (4) All attachments to the mobile food vending unit including, but not limited to, signs, lights, overhangs and awnings, shall be maintained in a manner that does not create a hazard to pedestrians, customers or vehicles.
- (5) Mobile food vendors shall not obstruct sidewalks, streets, access points, fire lanes, or parking lot circulation by either the location of the mobile food vending unit or its accessories.
- (6) The mobile food vendor shall comply with MMC Chapter 16.12, National Electrical Code and Washington Cities Electrical Code, for electrical service to the mobile food vending unit. Electrical lines shall not be located overhead or on the ground in any location to which the public has access.
- (7) All mobile food vending units shall obtain Fire District approval prior to operating in the City and shall comply with all Fire District standards.
- (8) Trash and Other Waste.
 - (i) The mobile food vendor shall leave the site clean and vacant each day, including picking up all trash and litter within 100 feet of the mobile food vending unit.

(ii) Trash receptacles not intended for customer use shall be screened from public view and securely covered.

(iii) The mobile food vendor shall install and maintain an adequate grease trap in the mobile food vending unit.

(iv) Grease shall be properly disposed of per adopted Washington State health regulations.

(v) Wastewater generated by the mobile food vending unit shall be disposed of in a proper manner and documented.

MMC 22C.260.040 Permitted Locations.

(1) Mobile food vending units shall be prohibited in the following areas:

(a) Any residential zones and abutting rights-of-way.

(b) City rights-of-way.

(c) Private streets.

(d) Parking areas unless it can be demonstrated that the minimum parking requirements are met on each site.

(e) Mobile food vending units may be allowed within the prohibited areas in subsections a - c above if approved as part of a special event permit, or when approved to be located on a City owned property.

(2) Mobile food vending may be allowed on City owned properties approved pursuant to either City contract, or a special event permit per MMC Chapter 5.46 and Section 22C.260.060.

(3) Mobile food vending units shall be located at least 100 feet from an existing eating and drinking place except when the legal owner of the eating and drinking place provides written permission for the vending unit to be located closer. Distance shall be measured using the shortest possible straight line from the closest edge of the mobile food vending unit to the closest edge of the restaurant building

(4) Mobile food vending units are allowed on private properties in commercial, industrial, recreation and public institutional zones. Mobile food vendors are subject to the following requirements:

(a) One portable pop-up tent that does not exceed 120 square feet or up to three tables with beach type umbrellas may be permitted accessory to the mobile food vending unit. No cooking shall take place under the tent. Umbrellas and canopies must be removed at the end of the day.

(b) The mobile food vending unit may not diminish required off-street parking for another use.

(c) The mobile food vending unit shall conform to the standard front setback for the zoning district.

(d) All temporary signage associated with the mobile food vending unit shall be limited to 10 square feet.

MMC 22C.260.050 Special Event Permit

(1) Mobile food vendors may operate on private and public properties as part of an approved special event permit, subject to the following:

(a) Management of vendors, such as vendor selection, booth location and products offered, shall be the responsibility of the event sponsor. Through the special event permit process, the City may regulate the location of vendors to protect the health, safety and general welfare of the public and ensure that the event does not adversely affect the ability of the City to perform its duties and functions.

(b) The event sponsor shall be responsible for ensuring that the vendors who prepare food or beverages on or off site, and who intend to sell or serve food or beverage items to the public, have the required insurance policy as required by the City’s current insurance provider. Said insurance shall list the City of Marysville as additional insured and will include the endorsement of said policy.

(c) The event sponsor shall be responsible for ensuring that all food vendors have the necessary permits from the Snohomish Health District or other applicable State or County regulatory agency.

MMC 22C.260.060 Revocation of Permit.

(1) A mobile food vendor, permitted pursuant to this section, may have its license revoked, suspended, or denied subject to Section 5.02.130 if the City finds:

(a) The vendor has violated or failed to meet the terms of this section or other applicable sections of the municipal code or conditions of approval; or

(b) The mobile food vending unit operation is detrimental to the surrounding businesses or to the public due to either appearance or conditions of the unit.

Section 3. 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>
_____	Mobile Food Vendors	_____, 2022”

Section 4. 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 5. 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 6. Effective Date. This ordinance shall become effective five days after the date of its publication by summary.

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 2022.

CITY OF MARYSVILLE

By: _____
JON NEHRING, MAYOR

Attest:

By: _____
DEPUTY CITY CLERK

Approved as to form:

By: _____
JON WALKER, CITY ATTORNEY

Date of Publication: _____

Effective Date: _____
(5 days after publication)

Update
Index #19

**CITY OF MARYSVILLE AGENDA BILL
EXECUTIVE SUMMARY FOR ACTION**

CITY COUNCIL MEETING DATE: January 10, 2022

AGENDA ITEM:	
Supplemental Agreement No. 1 with J.A. Brennan re Comeford Park & Restroom Design	
PREPARED BY:	DIRECTOR APPROVAL:
Tara Mizell, Director of Parks, Culture and Recreation	
DEPARTMENT:	
Parks, Culture and Recreation	
ATTACHMENTS:	
Supplemental Agreement No. 1	
BUDGET CODE:	AMOUNT:
31000076.563000, P2103	\$11,269.00
SUMMARY:	

The City contracted with J.A. Brennan on September 14, 2021 to provide design services for the Comeford Park & Restroom project. The original professional services agreement for this project includes scope and fee to take the design 100%, culminating in the preparation of final bid documents.

The attached Supplement No. 1 to the City’s agreement with J.A. Brennan includes additional scope and fee to assist the City with the design of these new elements. This supplement also extends the term of the original contract to December 31, 2022.

RECOMMENDED MOTION:
I move to authorize the Mayor to sign and execute the supplemental agreement.

**SUPPLEMENTAL AGREEMENT NO. 1 TO
PROFESSIONAL SERVICES AGREEMENT BETWEEN
CITY OF MARYSVILLE
AND J.A. BRENNAN ASSOCIATES, PLLC**

THIS SUPPLEMENTAL AGREEMENT NO. 1 (“Supplemental Agreement No. 1”) is made and entered into as of the date of the last signature below, by and between the City of Marysville, a Washington State municipal corporation (“City”) and J.A. Brennan, PLLC, a professional limited liability corporation (“Consultant”).

WHEREAS, the parties hereto have previously entered into an agreement for architectural and engineering design services associated with the Comeford Park & Restroom Design project (the “Original Agreement”), said Original Agreement being dated September 14, 2021; and

WHEREAS, both parties desire to supplement the Original Agreement, by expanding the Scope of Services to provide for additional services associated with the design of new sidewalks on the east half of the park, incorporation of speciality lighting into the park design and to provide compensation therefore;

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

1. Exhibit A, as referenced and incorporated in Section 1 of the Original Agreement, “SCOPE OF SERVICES”, shall be replaced by Exhibit A-1, attached hereto and by this references made part of this Supplemental Agreement No. 1, and a part of the Original Agreement.

2. Section 2 of the Original Agreement, “TERM”, is amended to add that the parties agree to extend the term of the Original Agreement to terminate at midnight December 31, 2022.

3. Section 3 of the Original Agreement, “COMPENSATION”, is amended to include the additional Consultant fee of \$11,269.00 and shall read as follows: “In no event shall the compensation paid to Consultant under this Agreement exceed \$166,123.50 within the term of the Agreement, including extensions, without the written agreement of the Consultant and the City.”

The total compensation payable to the Consultant is summarized as follows:

Original Agreement	\$154,854.50
Supplemental Agreement No.1	\$11,269.00
Grand Total	\$166,123.50

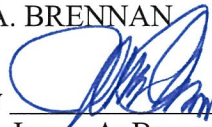
4. Each and every provision of the Original Agreement for Professional Services dated September 14, 2021, shall remain in full force and effect, except as modified herein.

DATED this _____ day of _____, 20_____.

CITY OF MARYSVILLE

By _____
Jon Nehring, Mayor

DATED this 21ST day of DECEMBER, 2021.

J.A. BRENNAN
By 
James A. Brennan
Its: Principal

ATTEST/AUTHENTICATED:

_____, Deputy City Clerk

Approved as to form:

Jon Walker, City Attorney

December 20, 2021

Comeford Park & Restroom Design – Schematic through Construction Documents

Amendment #1 – Additional Services for East Side of Park Paths and Specialty Lighting

Prepared For:

Tara Mizell, Parks, Culture & Recreation Director
City of Marysville Parks, Culture & Recreation Department

DESIGN TEAM:

JA Brennan Associates – Prime Consultant, Landscape Architecture and Planning
Harmsen LLC - Civil engineering
Cross Engineers - Electrical engineering for park and restroom

SCOPE OF WORK:

The City has requested that the J.A. Brennan team add design for the paths on the east side of the park. Work will include a concrete path at 6' wide in the location it was shown at the schematic design. The path will sheet flow into the surrounding lawn areas. One tree will likely need to be removed. Lawn seeding will be provided to restore areas impacted by construction. Lighting will be adjusted to align with the new east side paths. Specialty lighting will be provided at the seating stairs. It is assumed the City has the funding required to implement the identified added design elements.

Once we receive a notice to proceed, we can begin the additional design immediately.

Task A – Administration/ Coordination

Administration tasks include meeting coordination, scheduling, contract administration, and sub-consultant administration costs and expenses.

Task B–Design Meetings and Coordination

This task will include team coordination and meetings to progress the design. JAB will coordinate via email, video and telephone communication with client. JAB will assist with the organization of meetings.

See Exhibit A for meetings

Civil Design (Harmsen Engineers)

- Take part in team meetings.

Electrical engineer (*Cross Engineers*)

- Take part in team meetings.

Deliverables Task B

- As identified in the fee matrix

Task C – Updated Design Changes

Construction documents will be updated to reflect the scope of additional work requested by the City. This will involve updating our current west side park improvements as well creating new sheets for the inclusion of further improvements on the east side of the park.

In addition, the specifications and cost estimate will be updated to reflect these changes. It is understood that the new target MACC will be around \$1.6 million.

It is assumed the City will make a site visit and assess the path slopes and drainage of the existing path system to inform our current design approach. We will likely match that approach in the new drainage.

JA Brennan (Prime/Landscape Architects)

- Grading, layout, and planting for the east side of the park all on 1 sheet.
- Update the west side of the park around the existing shelter and concrete slab to reflect the new path changes.

Civil engineer will prepare (*Harmsen Engineers*)

- Additional walkway replacement
- Change visuals on plans to indicate full park where needed
- Revise the demolition/SWPP plans for the added walkway removal
- Update cost opinion for additional work
- Assumption: storm drainage will not be required for the additional work. The new walks will sheet flow to the edge and disperse into lawn areas. Grading design will be provided by JA Brennan.

Electrical engineer will prepare: (*Cross Engineers*)

- Update electrical site plans with new backgrounds, adjust lighting layouts for revised pathways
- Update lighting photometrics based on new layouts/adjustments
- Provide electrical connection to new monument sign
- Coordinate with owner for possible RGB lighting at seating wall and added RGB controls

- Update cost estimate with RGB lighting
- Modify and add information in specifications regarding RGB lighting

Project Manual Specifications (Team collaboration):

Additional CSI specifications as needed to address identified additional items.

Deliverables Task C

Plans, specifications, and cost estimates as identified in the fee matrix

Contract Document Scope Assumptions:

1. Survey of existing conditions, including a boundary survey of the site is provided by the City.
2. Cost estimate will be limited to the hours specified. Phasing of the park schematic plan is not anticipated in this scope of work. Value engineering and work to reduce the budget is not anticipated beyond the hours specified.
3. Cost estimating will be at a square foot level through design development. An updated cost estimate for construction documents will be provided at each submittal (90% and 100%).
4. There are no critical areas on the projects site, including steep slope, wetland, wetland buffer or shoreline. No critical area permits will be required.
5. It is not anticipated that permit review will result in substantial design revisions.
6. J.A. Brennan does not provide contaminated soils remediation services. No contaminated soils are anticipated on site.
7. Sheet size for contract documents will be based on City of Marysville standard title block which is a: 22" x 34". City will provide the latest title block with City Logo in AutoCAD format.
8. The City of Marysville will provide one consolidated and coordinated review comment package for each milestone submittal. This includes schematic, 60% and 90%. Each City review period will take no longer than one week.
9. J.A. Brennan Associates will not be responsible for working with adjacent landowners.
10. No public meetings or City Council review meetings are included.
11. City is responsible for demolition of existing restroom and pavilion and relocation of existing picnic shelter.

12. The contract design work will be complete by end of January 2022.
13. City will be responsible for distribution of all documents.
14. RCO is not providing funding for the development of Comeford Park.
15. J.A. Brennan Associates will not be responsible for irrigation design.
16. JAB is not providing artistic guidance for the development of seasonal lighting programming.

Update
Index #20

CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: January 7, 2022

AGENDA ITEM:	
Emergency Resolution for State Ave and 136 th St NE Signal Emergency Repair	
PREPARED BY:	DIRECTOR APPROVAL:
Jeff Laycock, Director of Engineering and Transportation Services	
DEPARTMENT:	
Public Works	
ATTACHMENTS:	
(a) A Resolution ratifying declaration of emergency situation (b) Declaration of emergency situation	
BUDGET CODE:	AMOUNT:
	N/A
SUMMARY:	

The existing signal pole at the northeast corner of the intersection of State Avenue and 136th St NE was damaged beyond repair due to a vehicular accident on January 6, 2022. This effectively resulted in the loss of the northbound signal, jeopardized traffic operations and the general safety of the travelling public and was an emergency that required a temporary repair to reinstate the signal to full operation and to restore traffic operations to normal conditions. Therefore an emergency was declared on January 7, 2022, and competitive bidding requirements waived so that emergency repairs could commence to the signal pole.

A permanent repair will take time due to fabrication of a new pole and mast arm as well as assessment of any underground damage to utilities. Staff will proceed under normal bidding processes for the permanent repair.

RECOMMENDED ACTION: Staff recommends that Council consider adopting the Resolution ratifying the Mayor’s January 7, 2022 declaration of emergency regarding damage to the traffic signal at the intersection of State Avenue and 136 th St NE, and waiving competitive bidding requirements for repairs to that intersection.
RECOMMENDED MOTION: I move to adopt Resolution No. _____.

CITY OF MARYSVILLE
Marysville, Washington

RESOLUTION NO. _____

A RESOLUTION RATIFYING THE MAYOR'S DECLARATION OF AN EMERGENCY, WAIVING COMPLIANCE WITH THE CITY'S NORMAL BIDDING AND PROCUREMENT PROCESS, AND RATIFYING CONSTRUCTION WORK NECESSARY FOR ADDRESSING THE CITY'S STATE AVENUE AND 136TH ST NE SIGNALIZED INTERSECTION EMERGENCY REPAIRS.

WHEREAS, the City experienced damage beyond repair to the signal pole located at the northeast corner at the intersection of State Avenue and 136th St NE on January 6, 2022; and

WHEREAS, the damage to signal pole has impacted the full signalized intersection, jeopardizing traffic operations and the general safety of the travelling public; and

WHEREAS, it is imperative to construct a temporary repair to the signal system to address safety concerns and to maintain the integrity of the transportation system; and

WHEREAS, the damage to the signal pole and impacts to the intersection presented a real, immediate threat to the proper performance of essential municipal functions resulting in an emergency situation as defined in RCW 39.04.280(3); and

WHEREAS, under the circumstances, the City was not able to comply with its normal bidding and procurement process to complete the repair in a timely manner; and

WHEREAS, the Mayor declared an emergency situation on January 7, 2022, with regards to the damage to the signal pole at the intersection of State Avenue and 136th St NE; and

WHEREAS, City staff contacted Service Electric Co., Inc., which was able to respond to the City's request and will be performing a temporary repair to reinstate the fully operating traffic signal; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARYSVILLE AS FOLLOWS:

Section 1. The City Council adopts, as its findings of fact, the recitals above.

Section 2. Pursuant to RCW 39.04.280, the City Council declares that an emergency existed on January 7, 2022 and waives the competitive bidding requirement for the State Avenue and 136th St NE Signalized Intersection Emergency Repairs.

Section 3. Pursuant to RCW 39.04.280, the City Council ratifies and approves the actions of staff and the Mayor to purchase materials and to obtain a contractor to perform the interim repairs as necessary to address the damage to the signal pole at the intersection of State Avenue and 136th Street NE.

ADOPTED by the City Council at an open public meeting this _____ day of _____, 20____.

CITY OF MARYSVILLE

By _____
JON NEHRING, Mayor

ATTEST:

By _____
Genevieve Geddis, Deputy City Clerk

Approved as to form:

By _____
JON WALKER, City Attorney



Office of the Mayor

DECLARATION OF EMERGENCY SITUATION

WHEREAS, on January 6, 2022, a signal pole on the northeast corner of 136th Street NE and State Avenue was hit by a vehicle and damaged beyond repair; and

WHEREAS, as a result, State Avenue at the intersection of 136th Street is currently closed to northbound traffic, and is otherwise in a red flash and being treated as an all-way stop for all other directions of traffic; and

WHEREAS, this condition is not sustainable and presents a real, immediate threat to the safety of the travelling public and to the proper performance of essential functions; and

WHEREAS, competitive bidding for a repair to the signal pole could take weeks or even months, and such a delay would result in an unacceptable risk to the travelling public and negative impact to the proper functioning of the city's transportation system; and

NOW, THEREFORE, I, Jon Nehring, Mayor of the City of Marysville, as a result of the above-noted situation, and under RCW 39.04.280(2)(b), have found that an emergency situation exists and therefore have waived competitive bidding requirements for emergency repairs to the intersection of 136th Street NE and State Avenue in order to restore a fully operating traffic signal, and have authorized City staff to solicit and award the contracts necessary to effectuate such repairs.

Council will be presented with a resolution ratifying my decision to declare an emergency and to waive competitive bidding requirements at the next regularly scheduled City Council meeting.

DATED this 7th day of January, 2022


Jon Nehring, Mayor
City of Marysville