

**CITY OF MARYSVILLE**

**EXECUTIVE SUMMARY FOR ACTION**

**CITY COUNCIL MEETING DATE: April 8, 2013**

AGENDA ITEM: Chapter 22C.110 MMC, <i>Temporary Uses</i> PA 12-037	AGENDA SECTION: New Business	
PREPARED BY: Chris Holland, Planning Manager	APPROVED BY:	
ATTACHMENTS: 1. RCW 36.01.290 2. PC Workshop Minutes (02.12.13 & 02.26.13) 3. PC Public Hearing Minutes ( <i>DRAFT</i> 03.12.13) 4. Adopting Ordinance, including: <ul style="list-style-type: none"> <li>• <b>Exhibit A</b> – PC Recommendation</li> <li>• <b>Exhibit B</b> – <i>New</i> Chapter 22C.110 MMC</li> <li>• <b>Exhibit C</b> – Amendments to MMC 22G.030.020</li> </ul>	MAYOR	CAO
	AMOUNT:	

**DESCRIPTION:**

In 2010, the Washington Legislature passed Ch.175 (ESHB 1956) codified as RCW 36.01.290 (attached) which authorized religious organizations to host temporary encampments for homeless persons on property owned or controlled by a religious organization. The legislation grants broad authority to religious organizations to provide shelter or housing to homeless persons on property owned or controlled by such organizations. It prohibits local governments from enacting an ordinance or regulation that imposes conditions other than those necessary to protect the public health and safety. It also prohibits the imposition of permit fees in excess of the actual costs associated with the review and approval of homeless housing encampments.

The Planning Commission (PC) has recommended approving amendments to Chapter 22C.110 MMC, *Temporary Uses*, including a new *Transitory Accommodations* section, located in MMC 22C.110.050. The new transitory accommodations section includes a permit process and performance criteria for homeless housing encampments in order to protect the public health and safety of Marysville residents. The PC is also recommending adoption of a nominal \$500 permit processing fee for transitory accommodation permits.

**RECOMMENDED ACTION:**

Affirm the PC's recommendation, repealing Chapter 22C.110 MMC in its entirety, adopt a **NEW** Chapter 22C.110 MMC, *Temporary Uses*, and amend the general fee structure in MMC 22G.030.020.

**COUNCIL ACTION:**

## **RCW 36.01.290**

### **Temporary encampments for the homeless — Hosting by religious organizations authorized — Prohibitions on local actions.**

(1) A religious organization may host temporary encampments for the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings.

(2) A county may not enact an ordinance or regulation or take any other action that:

(a) Imposes conditions other than those necessary to protect public health and safety and that do not substantially burden the decisions or actions of a religious organization regarding the location of housing or shelter for homeless persons on property owned by the religious organization;

(b) Requires a religious organization to obtain insurance pertaining to the liability of a municipality with respect to homeless persons housed on property owned by a religious organization or otherwise requires the religious organization to indemnify the municipality against such liability; or

(c) Imposes permit fees in excess of the actual costs associated with the review and approval of the required permit applications.

(3) For the purposes of this section, "religious organization" means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property.

(4) An appointed or elected public official, public employee, or public agency as defined in RCW [4.24.470](#) is immune from civil liability for (a) damages arising from the permitting decisions for a temporary encampment for the homeless as provided in this section and (b) any conduct or unlawful activity that may occur as a result of the temporary encampment for the homeless as provided in this section.

[2010 c 175 § 2.]

Notes:

**Findings -- 2010 c 175:** "The legislature finds that there are many homeless persons in our state that are in need of shelter and other services that are not being provided by the state and local governments. The legislature also finds that in many communities, religious organizations play an important role in providing needed services to the homeless, including the provision of shelter upon property owned by the religious organization. By providing such shelter, the religious institutions in our communities perform a valuable public service that, for many, offers a temporary, stop-gap solution to the larger social problem of increasing numbers of homeless persons.

This act provides guidance to cities and counties in regulating homeless encampments within the community, but still leaves those entities with broad discretion to protect the health and safety of its citizens. It is the hope of this legislature that local governments and religious organizations can work together and utilize dispute resolution processes without the need for litigation." [2010 c 175 § 1.]

**Intent -- Construction -- 2010 c 175:** "Nothing in this act is intended to change

applicable law or be interpreted to prohibit a county, city, town, or code city from applying zoning and land use regulations allowable under established law to real property owned by a religious organization, regardless of whether the property owned by the religious organization is used to provide shelter or housing to homeless persons." [2010 c 175 § 5.]

**Prior consent decrees and negotiated settlements for temporary encampments for the homeless not superseded -- 2010 c 175:** "Nothing in this act supersedes a court ordered consent decree or other negotiated settlement between a public agency and religious organization entered into prior to July 1, 2010, for the purposes of establishing a temporary encampment for the homeless as provided in this act." [2010 c 175 § 6.]



## MARYSVILLE PLANNING COMMISSION

February 12, 2013

7:00 p.m.

City Hall

### CALL TO ORDER

Chair Leifer called the February 12, 2013 meeting to order at 7:02 p.m. noting the excused absence of Kelly Richards.

**Chairman:** Steve Leifer

**Commissioners:** Jerry Andes, Roger Hoen, Steve Lebo, Marvetta Toler, Kay Smith

**Staff:** Senior Planner Chris Holland, Senior Planner Cheryl Dungan, and Recording Secretary Amy Hess

**Absent:** Kelly Richards

### APPROVAL OF MINUTES:

January 23, 2013

**Motion** made by Commissioner Smith, seconded by Commissioner Lebo to approve the January 23, 2013 meeting minutes as presented. Motion carries, (6-0).

### NEW BUSINESS:

#### **Transitory Accommodations:**

Mr. Holland described the proposed amendment to the Transitory Accommodations in front of the commission. He described how the proposed amendment would expand upon the current, as well as the restrictions that would be placed on these types of establishments. He also discussed some of the proposed exemptions. The process for approval was overviewed which included applying for a permit and life, welfare and safety requirements to be in place.

Commissioner Hoen questioned whether participants would have their ID checked and have their backgrounds checked to determine whether or not any participants are sex-offenders. Mr. Holland responded that background checks were not run on every person, but that their ID's would be checked and Police could choose to run further checks. The police would be required to run a reasonable check of identification of individuals. Chair Leifer noted that the language did not correlate with what Mr. Holland had stated.

Chair Leifer questioned whether the ability for a religious organization to conduct one of these events has fewer requirements than a private individual. He thought that there were more restrictions being put on an individual than a church. Mr. Holland responded that he would check on this.

Commissioner Hoen was concerned about the appeals process. He thought it started out too high. Mr. Holland replied that all administrative decisions are made by the Director of the Department, and the next step would be the Hearing Examiner. Mr. Holland described the appeal process through the Hearing Examiner. Mr. Holland added that he would like to hold a Public Hearing in March if clarification and changes could be addressed by then.

Commissioner Andes questioned how a natural disaster would apply to these requirements. Mr. Holland replied that there was an emergency/disaster exemption.

Chair Leifer questioned whether there was the ability for temporary sales offices for home sales to be extended. Commissioner Toler thought that this was an extension that should be looked into as it was very common for developers to use temporary structures for sales rather than model houses. There was general consensus that an extension would be beneficial given the current market. Mr. Holland stated that he would bring a proposed extension with a new sunset clause back to the commission.

**Manufactured Home Overlay Rezone Workshop:**


Ms. Dungan began her presentation of the Mobile/Manufacture Home Park Rezone, which she noted was a repeat and meant to be a refresher. Ms. Dungan described what the rezone would actually do and what would and wouldn't be allowed. It basically put a process in place for rezoning to occur. There was discussion about building code requirements for new parks as well as existing parks and units. A standard rezone process takes approximately 4-6 months, stated Ms. Dungan. There was, however, the state requirement that tenants be given 12 months notice to vacate. There was general conversation about mobile home parks, park owner rights, homeowner rights, and what the rezone actually allowed and how it would affect different parties.

**ADJOURNMENT:**

**Motion** made by Commissioner Lebo, seconded by Commissioner Toler to adjourn the meeting at 8:22 p.m. Motion carries, (6-0).

**NEXT MEETING:**

February 26, 2013

  
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Amy Hess, Recording Secretary



## MARYSVILLE PLANNING COMMISSION

February 26, 2013

7:00 p.m.

City Hall

### CALL TO ORDER

Chair Leifer called the February 26, 2013 meeting to order at 7:02 p.m. noting the absence of Roger Hoen.

**Chairman:** Steve Leifer

**Commissioners:** Jerry Andes, Steve Lebo, Marvetta Toler, Kay Smith, Kelly Richards

**Staff:** Senior Planner Chris Holland, Associate Planner Angela Gemmer, and Recording Secretary Amy Hess

**Absent:** Roger Hoen

### APPROVAL OF MINUTES:

February 12, 2013

**Motion** made by Commissioner Andes, seconded by Commissioner Lebo to approve the February 12, 2013 meeting minutes as presented. Motion carries, (5-0).

### PUBLIC HEARING:

#### **Smokey Point Master Plan Design Guidelines Amendments:**

Mr. Holland discussed a letter submitted for the Public Hearing from Bill Binford, a representative of land owners in the Smokey Point area, and summarized the concerns Mr. Binford expressed in the letter. Ms. Gemmer began a summary of the proposed revisions to the Smokey Point Master Plan area. She described the goals of the proposed amendments, which included a cohesive and quality architectural design. Comparisons were done with the SW Everett/Paine Field Subarea and Bothell's Canyon Park. Ms. Gemmer then overviewed the details of each proposed amendment. She discussed the pre-fabricated building prohibition that was included.

Commissioner Toler questioned where "durable" was described in the code. Ms. Gemmer replied that it is a subjective word, but that a dictionary definition would be relied upon and ultimately it would be up to the director if it were to be questioned. There was discussion on how this term would affect the particular materials pointed out in the letter from Mr. Binford. Mr. Holland added that the intent is not to be cost prohibitive, but to provide for a quality and

aesthetically pleasing look and referred to SW Everett/Paine Field and Canyon Park examples. Commissioner Toler questioned if a field trip or photos could be provided to take a look at some examples of high quality industrial parks and give the Commission a better idea of what staff was looking for. Mr. Holland responded that a field trip was in the works.

Commissioner Andes questioned Mr. Binford's letter, and whether the guidelines in place and those proposed would make it cost prohibitive to develop in this area. Mr. Holland didn't feel that the changes being proposed would cause the area to be undesirable or too expensive to develop. He noted that other issues such as lack of fiber optic and storm water and drainage issues were probably more prohibitive at this point but that the city is working to address some of those issues.

Chair Leifer questioned if an outright exclusion of metal buildings was appropriate at this time. He felt that metal buildings could be very aesthetically pleasing, if done right, and wondered if outright excluding them was appropriate given their cost saving capability. Ms. Gemmer responded that metal buildings were not completely excluded, the prohibition was aimed at pre-fabricated metal buildings; adding that a variance could be allowed. Mr. Holland added that the corners, pedestrian access and the like would be subject to the guidelines, but that the entire building would not be subject to those guidelines. Chair Leifer replied that with Mr. Holland's explanation, this didn't appear to pose a problem.

Commissioner Lebo questioned if these particulars would be discussed on a case by case basis once development began. Mr. Holland responded with an example of some acreage that had been developed in the area recently and outlined the process it followed.

Commissioner Lebo felt that the proposed changes were very clean and well thought out.

Chair Leifer discussed space needed to maneuver big rigs and being mindful not to disallow certain types of accessibility which would create increased costs for the developer. He did not want loading requirements to end up costing a developer more in having to create larger parking areas because of restrictions in place based on design standards. He suggested adding language that would note where it would be appropriate on the smaller arterials for loading areas. Ms. Gemmer explained that the intent was to have parking for customers in front of the building and reserving the rear of the building for loading activities. Mr. Holland explained what portions of the code would allow for truck maneuverability.

**Motion** made by Commissioner Richards to recommend the proposed code amendments as written to Council for approval, seconded by Commissioner Toler. Motion carries, (6-0). Commissioner Lebo added that he really liked the proposed changes and was excited to see development in this area.

Seeing no one in the audience, Chair Leifer closed the public hearing.

## **OLD BUSINESS:**

### **Chapter 22C.110 MMC Temporary Uses:**

Mr. Holland described the concerns that the Commissioners had at the first workshop and discussed how he had addressed these; including the allowance of temporary real estate offices with no sunset clause. He then discussed the security provisions that would be

required for transitory accommodations and how it would be instituted; on an as needed basis. The issue of registering sex-offenders utilizing these types of accommodations lay with the offender individually, not with the City or the entity hosting the accommodation. Lastly, Mr. Holland explained that there would be no difference in how a religious organization would be treated in comparison to a private group when it came to hosting these types of accommodations. Chair Leifer wondered if it was appropriate for the city to be completely indemnified of any responsibility when it comes to housing the homeless as this is a very important issue. Mr. Holland responded that he didn't feel these requirements were intended for the City to "wash its hands" of transitory accommodations, but what it did was to put standards and protections in place in case these types accommodations were to show up. Mr. Holland also added that through the CDBG and other programs, the City was making attempts to aide these populations. Commissioner Lebo felt that these guidelines were enabling the city to keep order, not prohibit housing assistance or these types of accommodations. Mr. Holland stated that if Planning Commissioners approved of the proposal, a Public Hearing would be scheduled for March 12, 2013.

## **NEW BUSINESS:**

### **Residential Site & Building Design Standards:**

Ms. Gemmer discussed the proposed changes and noted that the existing standards had been in place for quite some time. She described the intent of each proposal and the details of each. The standards were not intended to be overly rigid. Chair Leifer was concerned about the language about entrances "facing the street". He questioned how entrances could meet these standards with interior streets. There was further discussion regarding the 50% restriction to street parking.

Commissioner Toler questioned the primary building entrance requirements and how it applied. Ms. Gemmer replied that it applies to multi-family developments. Commissioner Toler felt that having the primary entrance of a multi-family development facing the street was a good idea for emergency situations as well as for aesthetic and safety reasons.

Chair Leifer had concerns about the proposed lighting restrictions. He was concerned about the rigidity of the language regarding visible light and property lines. Ms. Gemmer responded that the intent was not to prohibit seeing the light, but to limit staring directly at the light source itself. Mr. Holland and Ms. Gemmer noted that they would adjust the language to be less prohibitive. Ms. Gemmer described that the intent of the lighting standards was to improve safety and security.

Chair Leifer requested clarification of the requirements of Item 6 (c). Ms. Gemmer responded that if a design meets requirements of one section, it could potentially satisfy another section of the standards.

Commissioner Richards questioned what the restrictions were on the use of chain-link fencing. Ms. Gemmer responded that the goal was to limit use of chain-link fencing, but not applicable in single family homes. Commissioner Richards pointed out that this type of fencing is very secure and also widely used.



Commissioner Andes questioned the requirement of landscape screening 60% of walls within 3 years and how this would be enforced. Ms. Gemmer described that there is an allowance for 2 growth seasons for this requirement to be met. Mr. Holland described some examples of how this standard would be enforced and gave examples of plans that had been approved; including plant size and density requirements. It was not a standard that is really enforceable, but a more of a goal.

### **Commercial Site & Building Design Standards:**

Ms. Gemmer described the proposed changes and additions to this section of building standards. There was discussion regarding materials and colors. The intent was to have variation in materials and or color. Commissioner Andes questioned how restrictive these standards would be on a 40 foot wide lot in a downtown commercial zone. He was concerned with how forcing these standards might not fit with the surrounding buildings and neighborhood. He wondered if there could be language added regarding smaller Commercial lots. Ms. Gemmer responded that there was some language in section 3 about adjoining properties and neighborhood character. Any new development would be required to adhere to the existing design standards.

Chair Leifer felt that some sort of flexibility should be included in the code for smaller lots that don't really fit with the typical commercial site standards. Mr. Holland responded that many of these situations could be handled by an administrative variance or deviation. He noted that conditions could be added as well on a case by case basis.

### **Multi-Family Open Space Recreation Space:**

Ms. Gemmer described the proposed changes and additions to this section of code. The open space requirement would allow for more flexibility. Mr. Holland explained that the goal was to allow for higher density in-fill in the downtown area. Chair Leifer noted that there was overlapping language in each of these sections. He thought that the real intent needed to be decided upon made clear. He gave some examples of how much room the open space requirements actually use in a real-life situation. Mr. Holland agreed that it would be good to look at the existing standards and the proposed and see really what was happening based on the requirements. Chair Leifer thought there was some confusion in the language on what standards applied to what type of development. Mr. Holland agreed that there was some confusion in the language and that it could be adjusted to be clearer.

Commissioner Andes questioned why rooftop open areas would not be included for open space requirements. He felt that there should be at least a partial allowance. Mr. Holland responded that he would go back and look at this. Chair Leifer thought Commissioner Andes made a good point.

There was further discussion regarding fencing requirements. Mr. Holland stated that he would take another look at fencing requirements.

Mr. Holland noted that there were two Public Hearings scheduled for the next meeting; the Temporary Use Code update and the Manufacturing Industrial Centers Comp Plan Amendment. He also noted that he would be bringing back information on some of the concerns that had been brought up tonight for a couple more workshops.

**ADJOURNMENT:**

**Motion** made by Commissioner Richards, seconded by Commissioner Lebo to adjourn the meeting at 8:51 p.m. Motion carries, (6-0).

**NEXT MEETING:**

March 12, 2013



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Chris Holland, Planning Manager, for  
Amy Hess, Recording Secretary

*DRAFT*

PLANNING  
COMMISSION



MINUTES

**March 12, 2013**

**7:00 p.m.**

**City Hall**

**CALL TO ORDER**

Chair Leifer called the March 12, 2013 meeting to order at 7:02 p.m. noting the absence of Marvetta Toler.

**Chairman:** Steve Leifer

**Commissioners:** Jerry Andes, Roger Hoen, Steve Lebo, Kelly Richards, Kay Smith, Marvetta Toler (arrived at 7:05 p.m.)

**Staff:** Senior Planner Chris Holland, Cheryl Dungan, Associate Planner Angela Gemmer,

**Absent:** None

**APPROVAL OF MINUTES:**

February 26, 2013

**Motion** made by Commissioner Richards, seconded by Commissioner Andes, to approve the minutes as presented. Motion passed unanimously (6-0).

**AUDIENCE PARTICIPATION:**

None

**PUBLIC HEARINGS:**

**Chapter 22C.110 MMC Temporary Uses**

The hearing was opened at 7:03 p.m. Mr. Holland reviewed the amendments to Chapter 22C.110-MMC, *Temporary Use Code*. He stated he put together a draft ordinance with three exhibits for the review of the Planning Commission. Exhibit A is the draft recommendation. Exhibit B is the proposed amendments. Exhibit C is the amendment regarding the fee structures. Mr. Holland summarized the proposed amendments regarding *Exempted Temporary Uses* and *Permitted Temporary Uses*. The new section

regarding *Transitory Accommodations* provides a process for the City to allow something like a tent city while providing for the safety and welfare of the citizens. He generally reviewed the site performance criteria including the longevity (90 days), setbacks, screening, parking, and safety provisions. He also reviewed changes discussed at the last meeting relating to security provisions in section 6(c) and section 7 regarding indemnification.

## Discussion:

Chair Leifer referred to item 12 in 22C.110.030 *Exempted Temporary Uses* and stated that he thought that the manufactured home should be allowed to remain on the site for the full length of the construction project. Ms. Gemmer noted that you could apply for an extension if needed. Mr. Holland stated that changes had been proposed for item 9, but not 12. He commented that they could add something to number 12 if desired. Commissioner Toler recalled that she had brought up the issue of mobile homes being used as offices for new construction sites. She wondered if that would be addressed in this code. Mr. Holland explained that was under a different section. After some discussion, there was consensus to leave the language in item 12 as it is.

Commissioner Hoen referred to item 7(d)(i) of 22C.110.050 regarding accommodations and commented that he didn't think the burden should be on the childcare facilities and schools, but instead should be on the organization putting in the transitory accommodations. Senior Holland noted that per the WAC, transitory accommodations cannot be disallowed, but certain procedures can be included for review and to make sure citizens are protected.

Commissioner Hoen referred to the required minimum insurance amount of \$1 million per occurrence/aggregate for personal injury and property damage as stated in section 7(c) of 22C.110.050. He asked if staff has information about the cost of providing that level of insurance. Mr. Holland said he did not have that information available. Commissioner Hoen discussed a campground he ran at the Gorge amphitheater where he learned about the Connie Francis factor which switched the liability to the innkeeper from the individual and caused insurance rates to dramatically increase. Mr. Holland stated that this is standard contract language for the City. Commissioner Toler thought a \$1 million rider would cost approximately \$100 a day and is a typical requirement for a one-day event to cover the public. Ms. Dungan concurred that this is typical of what is required by the City. Commissioner Toler suggested they ask the City Attorney if this is sufficient for this type of situation where people would be sleeping over.

Chair Leifer remarked that with all these regulations, there is not a great amount of incentive for any benevolent citizen/organization to want to jump into this sort of thing. Unfortunately, as it becomes more and more technical and involved, it becomes less and less likely that people will become involved.

**Motion** made by Commissioner Toler, seconded by Commissioner Richards, to recommend the adoption of the amendments to Chapter 22C.110 MMC, *Temporary Uses* as presented. Motion passed unanimously (7-0)

The Commission requested that additional information about insurance requirements be brought back for information purposes only.

The public hearing was closed at 7:26 p.m.

## **Manufacturing Industrial Centers Comp Plan Amendment**

The hearing was opened at 7:27 p.m. Cheryl Dungan pointed out that copies of presentations regarding the *Marysville Waterfront Workshop Development Program and Recommendations* and the *Arlington-Marysville Manufacturing/Industrial Center* had been distributed to the Planning Commission.

She explained that a hearing was held previously to discuss establishing a Manufacturing/Industrial Center (MIC). This is a proposal to amend the Comprehensive Plan text to designate a local MIC as well as to help qualify for a future regional MIC jointly with the City of Arlington. Currently the Comprehensive Plan has some existing policies in place for centers, but staff felt some additional supplemental policies and establishing an actual boundary would be beneficial. The proposed amendments update goals and policies and discuss support for the future regional Marysville-Arlington MIC designation.

### Discussion:

Chair Leifer referred to section III(a)(i) *Criteria and Standards* under *Land Uses* and asked why bodywork was excluded from this industrial zone. Ms. Dungan did not know why this would not be included. She suggested that they check the permitted use matrix. Mr. Holland looked in the City's Zoning Code and stated that the permitted use matrix is very broad in nature. Primary metal industries are allowed in both the Light Industrial and General Industrial zones. Fabricated Metal Products are allowed in the Business Park, Light Industrial and General Industrial zones. Motor Vehicle and Bicycle Manufacturing is allowed in the Light Industrial and General Industrial Zones. He stated it appears that body shops would be allowed in the industrial zones. There was consensus to strike the language prohibiting bodywork. Mr. Holland suggested checking to make sure this doesn't affect the uses allowed in the Smokey Pt. Master Plan boundary. Chair Leifer proposed that if it is allowed in the Smokey Pt. Master Plan, the exclusion should be stricken here. Staff concurred.

Commissioner Toler asked about section III *Industrial* under *Single Site Industrial* where it discusses uses that *might* be permitted. Ms. Dungan explained that this is existing language in the Comprehensive Plan. She explained that the Comprehensive Plan is a general guide for staff to develop a zoning code so it contains only general recommendations. Specifics are then laid out in the zoning code. She thought that in the actual zoning code, these uses are allowed.

Commissioner Hoen asked what spot developing is. Ms. Dungan explained that it is when a piece of property is developed out of character with the rest of the area. Mr. Holland further explained that spot zoning is also not allowed.

Commissioner Hoen referred to LU 16 regarding protecting small farms and agricultural uses in rural area and noted that this does not seem to be consistent with this plan. Ms. Dungan explained that it actually is consistent. Because the City has done a lot of annexations over the years, a Small Farm zone was developed. People can apply for this overlay zoning which is designed to offer small farms some protection from development adjacent to them.

Commissioner Hoen asked if there is anything that keeps the reservation from being part of the MIC so their development could be included in the jobs numbers. Ms. Dungan stated that they are not within the proposed boundary. She did not know if being on the reservation had anything to do with whether or not the Tribes could participate, but she thought they would be more of a retail center rather than a Manufacturing/Industrial Center.

Commissioner Toler asked what types of planes can land at the Arlington airport. Ms. Dungan replied that it could handle Lear jets and also B52's for firefighting. She wasn't sure if larger planes could be accommodated.

Commissioner Andes asked if Arlington's codes are similar to Marysville's. Ms. Dungan thought that they are fairly similar, but not identical. She is aware of Mixed Use zoning that Arlington has adopted in that area recently. The cities will be working together for the transportation system to make sure roads align and things like that. She reviewed the status of this process. Staff is pretty confident they will get the regional MIC zoning, but one of the biggest hurdles is the jobs number requirement of 10,000 jobs. Together they have approximately 4400 jobs, but there is a huge amount of capacity. They have the ability to be the second largest center in Snohomish County just behind Paine Field.

Chair Leifer then referred to section III(a)(i) *Criteria and Standards, Development Criteria* under *Planned Industry* and wondered why there would need to be an increase in buffers and open space. Ms. Dungan explained that what Chair Leifer was looking at was existing language in the Comprehensive Code which is not being proposed for change. Basically this was to guide staff in what the Zoning code should be.

Chair Leifer expressed concern about language regarding a requirement for a minimum of 80% non-retail in the MIC. He thought that this would interfere with the overall plan they have established with retail on the 152nd/156th Corridor and the 500-foot overlay they have on the Urban Corridor of State Avenue. Ms. Dungan concurred, but explained that this is PSRC criteria for a regional designation. More detail will be brought back as they move on in this process. She noted that 80% has to be manufacturing. Retail, unless it is associated with the businesses that are there, wouldn't be allowed in the MIC per PSRC criteria. Chair Leifer felt that people need to be able to access retail in this corridor. Ms. Dungan did not think it would entirely preclude retail development as this could be interpreted rather broadly. Chair Leifer summarized that they would need to continue working on this in the future. Staff concurred.

Commissioner Richards asked if we should switch the boundary over to keep Smokey Point out of the MIC. Ms. Dungan explained that they had expanded the boundary for existing jobs. Commissioner Richards suggested updating the map to include the 156<sup>th</sup> Street overcrossing. Staff concurred.

Mr. Holland summarized that in order to adopt a zoning code, the policies need to be included in the Comprehensive Plan. That is the reason for the broad language in the Comprehensive Plan.

Commissioner Toler indicated she was excited to see the MIC happen.

Chair Leifer noted that there was no one in the audience for the public hearing.

**Motion** made by Commissioner Richards, seconded by Commissioner Toler, to accept this as proposed and forward it to Council.

The hearing was closed at 7:55 p.m.

## **PREVIOUS WORKSHOP ITEMS:**

### **Residential Site and Building Design Standards – DRAFT 2**

Ms. Gemmer stated that the first proposed change was to make the orientation of the buildings more flexible than was proposed last time. For example, the primary building entrances do not need to be oriented toward the street if not feasible due to site conditions. Similarly, ground floor entries should be oriented toward the street, but different configurations are possible. The language used is *should* so it is not mandatory on ground floor entries, but dependent on different criteria.

On p.2, language was added to clarify the restriction that no more than 50% of the parking should be located between the building and a *public* street. Also, if there are multiple frontages, the restriction only applies to the road from which the main access is obtained.

In response to a concern by Commissioner Andes at a previous meeting, Mr. Holland pointed out that the existing language on page 2, section 3(a), deals with visual continuity between the proposed and existing development with respect to building setbacks, placement of structures, location of pedestrian and vehicle facilities and spacing from adjoining buildings. This is included in the language to ensure that we are looking at the surrounding areas.

On page 4, there had been some questions about lighting. Ms. Gemmer discussed research she had done with the Dark Sky Society in order to incorporate certain standards in this section. The language used is *should* so it will not be mandatory. She discussed some of the methods for achieving light control.

Finally, some language was added to clarify that if chain link fencing is integrated into the design of the site, it can be utilized. Mr. Holland pointed out that the actual section is under *Building Materials* and has more to do with the design of a building.

Chair Leifer thanked staff for being responsive to the issues raised by the Planning Commission.

## **Commercial Site and Building Design Standards – DRAFT 2**

Angela Gemmer reviewed a change on page 3 at the bottom which clarifies that this applies when you are adjacent to a public street and only applies to the frontage where access is obtained. On page 4, section 3, Ms. Gemmer reviewed a change regarding visual continuity of infill structure(s) with existing structures when existing structures are consistent with the comprehensive plan desired community character. On page 7, the same lighting standards that were incorporated into the residential lighting standards were incorporated here.

Commissioner Lebo asked how the City Hall complies with these standards. Commissioner Richards explained it was built under the older standards.

## **Commercial and Multi-Family Site and Open Space Standards Memo and Open Space Chart**

Ms. Gemmer reviewed that Chair Leifer had expressed concern that 20% open space would be too much in addition to the other requirements. She reviewed a spreadsheet showing three projects (AHM Smokey Point Mixed Use, Villas at Lakewood, and Lakewood Station Phase 1) to compare current open space requirements and actual open space provided on recent projects. For these projects the developers actually provided an excess of open space to what was required by the current code. In addition they provided other amenities such as a rec room and pool. Another chart compared proposed open space requirements applied to recent projects and actual open space provided. Ms. Gemmer stated that the requirements are higher, but there is much more flexibility with credit being given for things such as patios, balconies, ponds, natural areas, and wetlands. In each of the three cases, the developers have provided in excess of what either code would require. Mr. Holland commended Angela for putting all this open space information together.

Commissioner Leifer asked if there is any overlap with landscaping and open area requirements. Ms. Gemmer thought it would depend on where that is located. She thought that it might apply for certain areas, but not in areas that are not usable for recreation space. There was discussion about trails through landscaping applying for the credit.

## **Multi-family Open Space and Recreation Space – DRAFT 2**

Ms. Gemmer explained there had been concern expressed by the Commission about not allowing roofs or rooftops to be used for open space. Staff added language to clarify



that if you are going to have usable amenities that the residents can get to, then the rooftop can contribute to the open space requirements. Item j on page 2 clarifies that areas that are dedicated for parking shouldn't be used for open space. Item 2 clarifies the credits regarding balconies, stormwater facilities, and wetland facilities resulting in a 50% reduction of dedicated open space. The goal is to make things flexible, but still have space that can actually be usable to residents. On page 3, active recreation facilities were added back in as a possibility to contribute in lieu of open space. This would include amenities such as tennis courts and swimming pools. This was accidentally excluded previously.

Commissioner Toler asked what would prevent someone from doing the active recreation facilities instead of just open space. Mr. Holland noted that all the new developments are providing that amenity even though it isn't required in order to get the rents they want and the usability of their space. Providing common indoor areas also seems to be very popular.

Commissioner Hoen asked if it seems that developers are seeing something on the horizon with Marysville. Mr. Holland said there has been a flood of development applications now that the economy seems to be changing. Residential has been steady in Marysville even with the economic downturn. He commented that Lynnwood is starting a big mixed use development, but otherwise between Seattle and Marysville there is very little land available for multi-family developments.

Commissioner Lebo commented on the general trend toward multifamily housing especially in downtown Seattle where 9 of the 18 cranes are for multifamily buildings. Commissioner Toler commented that the fact a lot of people have lost their homes has contributed to that. Chair Leifer thought they were probably anticipating Amazon's growth of 3 million square feet in downtown Seattle. Mr. Holland noted that the younger generation likes the condos and multifamily-type developments.

## **Commercial Open Space and Recreation Space - DRAFT 2**

Ms. Gemmer explained that the changes reviewed earlier for the residential open space standards are incorporated in the commercial open space standards as well. One key change states that vertical mixed use developments (where commercial and multi-family uses are contained in the same building) shall not be subject to the 20% open space requirement.

Commissioner Lebo asked if there is a minimum amount of retail required for the vertical mixed use standards to apply. Ms. Gemmer stated that there is a not a requirement, but the assumption is that the ground floor would be retail. Mr. Holland further elaborated on this. Commissioner Lebo commented that there is a six-story multifamily building going up in downtown Seattle with just one small portion of the first floor as retail. Mr. Holland noted that they could strengthen the language to state that the ground floor would be exclusively commercial uses or at least a high percentage. Mr. Holland indicated staff would look at some options to bring back to the Commission.

**COMMENTS FROM COMMISSIONERS:**

Commissioner Hoen asked if press releases are ever done for the hearings. Mr. Holland replied that the City is required to advertise in the paper, at the library, at city hall, at the Public Works building, on the website and other requirements.

Commissioner Lebo informed the Commission that he would be out of town the second Tuesday in April.

**ADJOURNMENT:**

**Motion** made by Commissioner Lebo, seconded by Commissioner Toler, to adjourn at 8:49 p.m.

**NEXT MEETING:**

March 26, 2013

- Manufactured Home Park Rezones (public hearing)
- Capital Facilities Plan (workshop)
- Multi-family/Commercial Design and Open Space Standards (workshop, if necessary)

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Laurie Hugdahl, Recording Secretary

**CITY OF MARYSVILLE**  
**Marysville, Washington**  
**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON, AMENDING THE CITY'S LAND USE STANDARDS REPEALING THE CURRENT TEMPORARY USE PROVISIONS OUTLINED IN MMC CHAPTER 22C.110, ADOPTING A NEW MMC CHAPTER 22C.110, TEMPORARY USES, AMENDING THE GENERAL FEE STRUCTURE IN MMC 22G.030.020, AND AMENDING SECTION 22A.010.160 OF MMC CHAPTER 22A.010, GENERAL ADMINISTRATION, RELATED TO TRACKING AMENDMENTS TO THE CITY'S UNIFORM DEVELOPMENT CODE.**

WHEREAS, the State Growth Management Act, RCW Chapter 36.70A mandates that cities periodically review and amend development regulations which include but are not limited to zoning ordinances and official controls; and

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

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

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

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

WHEREAS, the development code amendment is consistent with the following required findings of MMC 22G.010.500:

- (1) The amendment is consistent with the purposes of the comprehensive plan;
- (2) The amendment is consistent with the purpose of this title;
- (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, the Planning Commission discussed the above-referenced amendment during public meetings held on February 12, 2013 and February 26, 2013; and

WHEREAS, after providing notice to the public as required by law, on March 12, 2013, the Marysville Planning Commission held a Public Hearing on proposed amendments to the City's development regulations; and

WHEREAS, on March 12, 2013, the Marysville Planning Commission made a Recommendation to the City Council recommending the adoption of the proposed amendments to the City's development regulations; and

WHEREAS, at a public meeting on April 8, 2013, 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 January 10, 2013, seeking expedited review under RCW 36.70A.160(3)(b) in compliance with the procedural requirement under 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. Approval of Planning Commission's Recommendation and Adoption of Findings and Conclusions. The Planning Commission's March 12, 2013 Recommendation regarding the proposed development regulation revisions, including the Findings and Conclusions contained therein, as set forth in the attached **Exhibit A**, is hereby adopted and incorporated herein by this reference.

Section 2. Required Findings. In accordance with MMC 22G.010.500, the following findings are made regarding the development regulation amendments subject of this ordinance:

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

Section 3. MMC Chapter 22C.110, *Temporary Uses*, is hereby **repealed** in its entirety.

Section 4. A new MMC Chapter 22C.110, *Temporary Uses*, is hereby adopted to read as explicitly outlined in **Exhibit B**, attached hereto.

Section 5. The general fee structure in MMC 22G.030.020 is hereby amended as explicitly outlined in **Exhibit C**, attached hereto.

Section 6. Section 22A.010.160, Amendments, of MMC Chapter 22A.010, General Administration, is hereby amended as follows by adding reference to this adopted ordinance in order to track amendments to the City's Unified Development Code:

**"22A.010.160 Amendments.**

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

<u>Ordinance</u>	<u>Title (description)</u>	<u>Effective Date</u>
_____	Chapter 22C.110, <i>Temporary Uses</i>	_____, 2013"

Section 7. Severability. If any section, subsection, sentence, clause, phrase or work 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.

PASSED by the City Council and APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

CITY OF MARYSVILLE

By: \_\_\_\_\_  
JON NEHRING, MAYOR

Attest:

By: \_\_\_\_\_  
SANDY LANGDON, CITY CLERK

Approved as to form:

By: \_\_\_\_\_  
GRANT K. WEED, CITY ATTORNEY

Date of Publication: \_\_\_\_\_

Effective Date: \_\_\_\_\_  
(5 days after publication)



**EXHIBIT A**

**COMMUNITY DEVELOPMENT DEPARTMENT**

80 Columbia Avenue ♦ Marysville, WA 98270

(360) 363-8100 ♦ (360) 651-5099 FAX

**PC Recommendation - Chapter 22C.110 MMC, *Temporary Uses***

The Planning Commission (PC) of the City of Marysville, having held a public hearing in review of the amendments proposed to Chapter 22C.110 MMC, *Temporary Uses*, on March 12, 2013, and public work sessions on February 12, 2013 and February 26, 2013, and having considered the exhibits and testimony presented, does hereby enter the following findings, conclusions and recommendation for consideration by the City Council:

**FINDINGS:**

1. Community Development Staff submitted the DRAFT amendments to Chapter 22C.110 MMC, *Temporary Uses*, to Washington State Department of Commerce on January 10, 2013, seeking expedited review under RCW 36.70A.160(3)(b) in compliance with the procedural requirement under RCW 36.70A.106.
2. Washington State Department of Commerce acknowledged receipt of the DRAFT amendments to Chapter 22C.110 MMC, *Temporary Uses*, in a letter dated January 14, 2013 and processed with the material ID# 18842.
3. The proposed amendments to Chapter 22C.110 MMC, *Temporary Uses*, is exempt from State Environmental Policy Act review under WAC 197-11-800(19).
4. Community Development Staff forwarded the DRAFT amendments to Chapter 22C.110 MMC, *Temporary Uses*, to the Community Development Department Building Division, Marysville Fire District, Marysville Parks, Police and Public Works Departments for review.
5. The Community Development Department Building Division made one minor comment related to requiring building permits for temporary use exemptions, when required in Title 16 MMC. This comment is addressed in MMC 22C.110.030. All of the other Departments and Reviewing agencies did not have any comments on the DRAFT amendment.
6. The PC held public work sessions to review the DRAFT amendments to Chapter 22C.110 MMC, *Temporary Uses*, on February 12, 2013 and February 26, 2013.
7. The Planning Commission held a duly-advertised public hearing on March 12, 2013 and received testimony from staff and the public as reflected in the attached PC minutes attached hereto as **EXHIBIT A**.

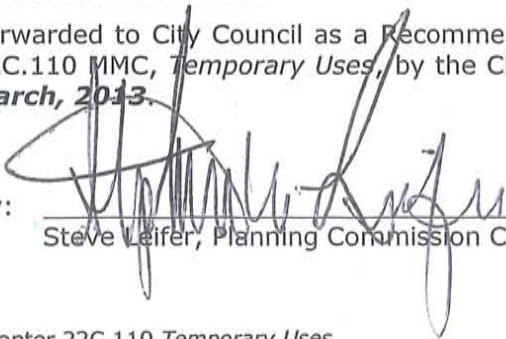
**CONCLUSIONS:**

At the public hearing, the PC recommended adoption of the amendments to Chapter 22C.110 MMC, *Temporary Uses*, as reflected in the PC minutes attached hereto as **Exhibit A**.

**RECOMMENDATION:**

Forwarded to City Council as a Recommendation of **APPROVAL** of the amendments to Chapter 22C.110 MMC, *Temporary Uses*, by the City of Marysville Planning Commission this **12<sup>th</sup> day of March, 2013**.

By:

  
Steve Leifer, Planning Commission Chair

# EXHIBIT B

## Chapter 22C.110 TEMPORARY USES

### 22C.110.010 Purpose

(1) The following provisions authorizing and regulating certain temporary uses are intended to permit temporary uses and structures when consistent with [Title 22 MMC, Uniform Development Code](#), and when safe and compatible with the general vicinity and adjacent uses.

### 22C.110.020 Permitted Temporary Uses

(1) Except as provided in [MMC 22C.110.030](#), a temporary use permit shall be required for all permitted temporary uses listed in [subsection \(3\)](#) of this section;

(2) The following types of temporary uses, activities and associated structures may be authorized, subject to the specific limitations noted herein and as noted in [MMC 22C.110.040](#) and as may be established by the community development director:

- (a) Outdoor art and craft shows and exhibits;
- (b) Use associated with the sale of fresh fruits, produce and flowers;
- (c) Mobile services such as veterinary services for purposes of giving shots;
- (d) Group retail sales such as swap meets, flea markets, parking lot sales, Saturday Market, auctions, etc. Automobile sales are not a permitted temporary use;
- (e) Use associated with festivals, grand openings or celebrations;
- (f) Temporary fundraising and other civic activities in commercial or industrial zoning districts;
- (g) When elderly or disabled relatives of the occupant of an existing residence require constant supervision and care, a manufactured home with adequate water and sewer services located adjacent to such residences may be permitted to house the relatives, subject to the following requirements:
  - (i) The need for such continuous care and assistance shall be attested to in writing by a licensed physician;
  - (ii) The temporary dwelling shall be occupied by not more than two persons;
  - (iii) Use as a commercial residence is prohibited;
  - (iv) The temporary dwelling shall be situated not less than 20 feet from the principal dwelling on the same lot and shall not be located in any required setbacks outlined in [Title 22C MMC, Land Use Standards](#);
  - (v) A current vehicular license plate, if applicable, shall be maintained during the period of time the temporary unit is situated on the premises;
  - (vi) Adequate screening, landscaping or other measures shall be provided to protect surrounding property values and ensure compatibility with the immediate neighborhood;
  - (vii) An annual building permit or manufactured home permit renewal for the temporary dwelling shall be required, at which time the property owner shall certify, on a form provided by the community development department, to the continuing need for the temporary dwelling and, in writing, agree that such use of the property shall terminate at such time as the need no longer exists.
- (h) Transitory accommodations which comply with the provisions outlined in [MMC 22C.110.050](#);
- (i) The community development director may authorize additional temporary uses not listed in this subsection, when it is found that the proposed uses are in compliance with the provisions of this chapter.

### **22C.110.030 Exempted Temporary Uses**

The following activities and structures are exempt from requirements to obtain temporary use approval, but are not exempt from obtaining all other applicable permits outlined in the MMC, including but not limited to, building permits, right-of-way permits, special events permits, business license, home occupation permits, signs permits, etc.:

- (1) Uses subject to the special events provisions of [Chapter 5.46 MMC, \*Special Events\*](#), when the use does not exceed a total of 14 days each calendar year, whether at the same location in the city or at different locations.
- (2) Community festivals, amusement rides, carnivals, or circuses, when the use does not exceed a total of 14 days each calendar year, whether at the same location in the city or at different locations.
- (3) Activities, vendors and booths associated with City of Marysville sponsored or authorized special events such as Home Grown;
- (4) Retail sales such as Christmas trees, seasonal retail sale of agricultural or horticultural products. Christmas tree sales are allowed from the Saturday before Thanksgiving Day through Christmas Day only;
- (5) Individual booths in an approved temporary use site for group retail identified under [MMC 22C.110.020\(2\)\(d\)](#) of this section;
- (6) Fireworks stands, subject to the provisions of [Chapter 9.20 MMC, \*Fireworks\*](#);
- (7) Garage sales, moving sales, and similar activities for the sale of personal belongings when operated not more than three days in the same week and not more than twice in the same calendar year.
- (8) Manufactured homes, residences or travel trailers used for occupancy by supervisory and security personnel on the site of an active construction project;
- (9) Contractor's office, storage yard, and equipment parking and servicing on the site of an active construction project.
- (10) Watchmen or caretakers quarters when approved by the community development director;
- (11) Portable units and manufactured homes on school sites or other public facilities when approved by the community development director;
- (12) A manufactured home or travel trailer with adequate water and sewer service used as a dwelling while a residential building on the same lot is being constructed or while a damaged residential building is being repaired. The manufactured home or travel trailer shall be removed upon completion of the permanent residential structure construction, when repair is completed, or after one year, whichever occurs first.
- (13) Model homes or apartments and related real estate sales and display activities located within the subdivision or residential development to which they pertain. A temporary real estate office may be located in a temporary structure erected on an existing lot within a residential subdivision, if approved by the community development director. If approved, a temporary real estate offices shall comply with the following conditions:
  - (a) The temporary real estate office may be used only for sale activities related to the subdivision in which it is located;
  - (b) The temporary real estate office shall have an Americans with Disabilities Act (ADA) accessible restroom located in or adjacent to said office;
  - (c) ADA accessibility shall be provided to the temporary real estate office. General site, accessible routes and building elements shall comply with ICC/ANSI A117.1-2003 or current edition;
  - (d) The temporary real estate office shall meet all applicable building and fire codes, or shall be immediately removed; and
  - (e) The temporary real estate office shall be removed immediately upon the sale of the last lot within the subdivision.
- (14) Home occupations that comply with [Chapter 22C.190 MMC, \*Home Occupations\*](#).



(15) Fundraising car washes. The fundraising coordinator is required to obtain a clean water car wash kit from the Marysville Public Works Department in order to prevent water from entering the public storm sewer system.

(16) 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;

(17) Any permitted temporary use not exceeding a cumulative total of two days each calendar year.

#### **22C.110.040 Decision Criteria**

(1) The community development director, or designee, may authorize temporary uses after consultation and coordination with all other applicable city departments and other agencies and only when all the following determinations can be made:

(a) The temporary use will not impair the normal, safe, and effective operation of a permanent use on the same site.

(b) The temporary use will be compatible with uses in the general vicinity and on adjacent properties.

(c) The temporary use will not significantly impact public health, safety or welfare, or create traffic hazards or congestion, or otherwise interrupt or interfere with the normal conduct of uses and activities in the vicinity.

(d) The use and associated structures will be conducted and used in a manner compatible with the surrounding area.

(e) The use shall comply with the goals, policies and standards of [Title 22C MMC, Unified Development Code](#).

(2) General Conditions.

(a) A temporary use conducted in a parking facility shall not occupy or remove from availability more than 25 percent of the spaces required for the permanent use.

(b) Each site occupied by a temporary use must provide or have available sufficient parking and vehicular maneuvering area for customers. Such parking need not comply with [Chapter 22C.130 MMC, Parking and Loading](#), but must provide safe and efficient interior circulation and ingress and egress to and from public rights-of-way.

(c) The applicant for a proposed temporary use shall provide any parking/traffic control attendants as specified by the city of Marysville.

(d) The temporary use shall comply with all applicable standards of the Snohomish Health District.

(e) No temporary use shall occupy or use public parks in any manner unless specifically approved by the parks department.

(f) The temporary use permit shall be effective for no more than 180 days from the date of the first event or occurrence.

(g) No temporary use shall occupy or operate within the city of Marysville for more than 60 days within any calendar year, unless otherwise restricted in this chapter. The 60 days need not run consecutively. The 60 days may occur at any time within the 180-day term of the temporary use permit as long as each day is designated and approved.

(h) Parking lot sales (excluding automobile sales) shall not exceed a total of 14 days each calendar year. The 14 days need not run consecutively. The 14 days may occur at any time within the 180-day term of the temporary use permit as long as each day is designated and approved.

(i) The temporary use permit shall specify a date upon which the use shall be terminated and removed.

(j) A temporary use permit shall not be granted for the same temporary use on a property more than once per calendar year; provided, that a temporary use permit may be granted for multiple events during the approval period.

(k) All temporary uses shall obtain, prior to occupancy of the site, all applicable city of Marysville permits, licenses and other approvals (i.e., business license, building permit, administrative approvals, etc.).

(l) The applicant for a temporary use shall supply written authorization from the owner of the property on which the temporary use is located.

(m) Each site occupied by a temporary use shall be left free of debris, litter, or other evidence of the temporary use upon completion of removal of the use.

(n) All materials, structures and products related to the temporary use must be removed from the premises between days of operation on the site; provided, that materials, structures and products related to the temporary use may be left on site overnight between consecutive days of operation.

(o) The community development director, or designee, may establish such additional conditions as may be deemed necessary to ensure land use compatibility and to minimize potential impacts on nearby uses. These include, but are not limited to, time and frequency of operation, temporary arrangements for parking and traffic circulation, requirement for screening or enclosure, and guarantees for site restoration and cleanup following temporary uses.

### **22C.110.050 Transitory Accommodations**

(1) "Transitory accommodations" shall mean tents, sheds, lean-tos, tarps, huts, cabins, trailers or other enclosures which are not permanently attached to the ground, may be easily erected and dismantled, and are intended for temporary occupancy, usually for recreational or humanitarian purposes. Transitory accommodations are permitted provided the community development director determines on a case-by-case basis that such use possesses no characteristics which would adversely impact the community in any way, or that any potentially adverse characteristics can be adequately minimized and/or mitigated so as not to be materially detrimental to the health, safety and welfare of the community. Transitory accommodations can vary widely in their characteristics, which include but are not limited to size of site, surrounding land uses, duration, number of occupants, noise generation, and light and glare emanation. Accordingly, certain types of transitory accommodations may require the imposition of extensive conditions to mitigate potential adverse impacts to the community, while others may not; in some cases, adequate mitigation of impacts may not be feasible, and a proposed transitory accommodation consequently may not be allowed. The community development director shall therefore have the authority to approve, approve with conditions, or deny a permit for a transitory accommodation proposal, after consideration of the performance criteria set forth herein.

#### **(2) Process**

(a) A transitory accommodation permit shall be required prior to the commencement of such a use, unless the community development director determines, after consideration of the performance criteria set forth in this section, that the proposed transitory accommodation possesses no characteristics which might adversely impact the community. The prospective transitory accommodation host (property owner and lessee, if applicable), sponsor and manager shall jointly apply for the transitory accommodation permit and shall be jointly and severally responsible for compliance with all conditions of the permit. "Applicant", as used in these regulations, shall mean the transitory accommodation host, sponsor and manager. "Proponent", as used in these regulations, shall mean the prospective host, sponsor and manager prior to submittal of an application for a transitory accommodation permit.

(b) A transitory accommodation permit shall be processed as set forth in [Chapter 22G.010 Article V Code Compliance and Director Review Procedures](#). Permit processing fees for a transitory accommodation permit shall be established in [MMC 22G.030.020](#).

(c) The applicant shall identify potential adverse effects of the proposed transitory accommodation on neighboring properties and the community and shall develop

measures to mitigate such effects. The applicant shall submit a written transitory accommodations impact mitigation plan with the permit application. The plan shall contain a narrative and drawing(s) that describe, to the satisfaction of the community development director, the measures the applicant will use to mitigate the effects of the transitory accommodation. At a minimum, the plan shall specifically describe the measures that will be implemented to satisfy the approval criteria provided in [MMC 22C.110.050\(3\) through \(7\)](#), except for criteria specifically waived by the community development director. The plan shall include a code of conduct and the names and phone numbers of all persons comprising the applicant. The form and organization of the mitigation plan shall be as specified by the community development director, but the elements of the plan shall be integrated and bound together. The approved transitory accommodation impact mitigation plan shall be signed by the community development director and the applicant, and implementation, continuing compliance and enforcement of the plan shall be a condition of permit approval.

(d) Advance discussions with nearby child care facilities and schools.

(i) Prior to applying for a transitory accommodation permit, the proponent shall provide written notice to any licensed child care facility and the administration of any public or private elementary, middle, junior high or high school within 600 feet of the boundaries of the proposed transitory accommodations site, and shall seek comments from said child care facility and school administration. The written notice shall be served in a manner proscribed by the City and shall be on a form provided by the City.

(ii) Where no comments are received, or where said child care facility(ies) or the administration and/or governing body of said school(s) is supportive of the proposal, the proponent shall submit a sworn affidavit to this effect with the application.

(iii) Where said child care facility(ies) or the administration of said school(s) registers objections or concerns regarding the proposed transitory accommodations, the proponent shall attempt to resolve such objections or concerns via a negotiated mitigation plan between the proponent and the child care facility(ies) or school(s). Such a plan shall be submitted with the application and shall be incorporated in the conditions of the permit. No agreed mitigation plan may violate any provision of this chapter. Where the negotiations do not result in a mutually agreed upon mitigation plan within 30 days of receipt by the child care facility or school administration of the initial notice from the proponent, but the parties desire to continue to pursue resolution of the issues, the parties may request mediation services from or through the City. In the event the parties cannot reach agreement after a good faith effort for not less than 30 days, from receipt by the child care facility or the school administration of the initial notice from the proponent, the proponent may submit an application but shall provide a record of the negotiations between the parties, including but not limited to copies of all correspondence and meeting notes. In evaluating the application against the performance criteria set forth herein, the director shall consider the topic(s) of the unsuccessful negotiations and the extent to which the parties demonstrated good faith in their discussions. "Good faith" in this context shall mean recognition of the legitimacy of, and a willingness to reasonably accommodate, each party's needs, desires and concerns.

(e) Decisions of the community development director may be appealed. Such appeals shall be heard and decided by the hearing examiner in accordance with procedures set forth in [Chapter 22G.060 MMC, Hearing Examiner](#).

(f) Emergencies. The community development director may waive these requirements for a proscribed period of time when a natural or man-made disaster necessitates the immediate establishment of transitory accommodations.

(g) Failure to comply. If a transitory accommodation permit has been issued, and the community development director determines that the applicant has violated any condition of that permit, the director shall issue a notice of violation and required compliance in accordance with the procedures set forth in [Chapter 4.02 MMC, Enforcement Procedures](#). Failure to correct the violation after a reasonable time for compliance shall

result in revocation of the permit. In such an event all activities associated with the accommodation shall cease immediately and the site shall immediately be vacated and restored to its pre-accommodation condition.

(3) Site performance criteria.

(a) Size. The site shall be of sufficient land area to support the activities of the transitory accommodation without overcrowding of occupants, intruding into required setbacks or critical areas, destroying vegetation, eroding soils or otherwise overtaxing the land. Where deemed necessary by the community development director, the applicant shall provide a site plan indicating the location of the proposed transitory accommodation on the host property; its area in square feet; and the proposed distribution of, and allocation of space for, anticipated activities including but not limited to sleeping, eating, socializing, and bathing and other personal functions.

(b) Setbacks from property line. All activities of the transitory accommodation shall be set back from adjacent properties a sufficient distance so as not to impinge upon or otherwise unduly influence activities on said adjacent properties. The transitory accommodation shall be positioned on the property in the location that results in the least adverse impact to occupants of neighboring properties. The community development director may require the applicant to change the proposed location of the transitory accommodation to mitigate adverse impacts to occupants of neighboring properties. Where deemed necessary by the community development director, the applicant shall provide a site plan indicating buildings and uses on properties surrounding the proposed transitory accommodation, and the distance the proposed accommodation would be set back from surrounding property lines. A transitory accommodation shall be set back no less than 20 feet from the exterior boundary lines of adjacent properties unless the owners of such properties consent in writing to a reduction or waiver of such setback.

(c) Screening of activities. Where deemed necessary by the community development director, activities of the transitory accommodation shall be obscured from view from adjacent properties, by a minimum six-foot-high temporary sight-obscuring fence, an existing sight-obscuring fence, existing dense vegetation, an existing topographic difference, distance from exterior property lines, or other means, to the maximum extent feasible.

(d) Parking. Adequate parking for the transitory accommodation shall be provided so as not to reduce parking utilized by existing surrounding uses. Where deemed necessary by the community development director, the applicant shall provide a proposed parking plan which addresses the following:

(i) A description of parking capacity, both on-site and on-street, that describes the amount and location of parking prior to the transitory accommodation and any displacement of parking resulting from the transitory accommodation; and

(ii) Any circumstances which may reduce the normal demand for parking, such as off-peak-season use; and/or any mechanisms or strategies to reduce parking demand, such as the provision of shuttle buses for the use of occupants of the transitory accommodations, or the provision of shared parking agreements with adjacent uses.

(e) Critical areas. All proposed transitory accommodations shall comply with the city's critical areas regulations as set forth in [Chapter 22E.010 MMC, Critical Areas Management](#). Where deemed necessary by the community development director, the applicant shall provide a site plan indicating the presence and extent of any critical areas.

(f) Restoration of site. Upon cessation of the temporary accommodation, the site shall be restored, as near as possible, to its original condition. Where deemed necessary by the community development director, the applicant shall re-plant areas in which vegetation had been removed or destroyed.

(4) Duration performance criteria.

(a) Length of time. The proposed transitory accommodations shall be in operation the minimal length of time necessary to achieve the recreational, humanitarian or

other objective(s) of the applicant. Where deemed necessary by the community development director, the applicant shall provide a narrative explaining the objective(s) the applicant seeks to achieve, and the amount of time the applicant believes necessary to achieve that objective. However, under no circumstances shall a proposed transitory accommodation be allowed in one location for more than 90 days, either consecutively or cumulatively, during any 12-month period, except that where the ninetieth day falls on a Friday, an additional two days shall be allowed to dismantle and remove the accommodation over the immediately following weekend.

(5) Health and safety performance criteria. Transitory accommodations shall be operated in such a manner as to ensure the health and safety of occupants of the subject and surrounding properties. Accordingly, all transitory accommodations shall comply with the following:

(a) Health regulations. All applicable city, county and state regulations pertaining to public health shall be met.

(b) Fire safety. Inspections of the accommodation by the city or Marysville Fire District for fire safety purposes may be conducted at any time and without prior notice. Adequate access, as determined by the fire marshal, shall be maintained within and around the accommodation at all times to ensure that emergency vehicles can ingress/egress the site.

(c) Building code inspections. Inspections of the accommodation by the city to ensure the public health and safety with regard to structures may be conducted at any time and without prior notice.

(d) Drinking water and solid waste. An adequate supply of potable water shall be available on-site at all times. Adequate toilet facilities shall be provided on-site, as determined by the public works director. All city, county and state regulations pertaining to drinking water connections and solid waste disposal shall be met.

(e) Trash. Adequate facilities for dealing with trash shall be provided on-site. A regular trash patrol or other method of regular maintenance in the immediate vicinity of the site shall be provided.

(6) Conduct and security performance criteria.

(a) Noise. Any transitory accommodation shall comply with city noise regulations as set forth in [Chapter 6.76 MMC, Noise Regulation](#). Where deemed necessary by the community development director, the applicant shall provide a plan to mitigate potential noise impacts.

(b) Light and glare. Any light fixture which causes direct glare and/or reflections from any point along the property line or toward public rights-of-way in a manner that causes a visual distraction to vehicles, bicycles, or pedestrians, as determined by the director of public works, shall be prohibited. Where deemed necessary by the community development director, the applicant shall provide a plan to mitigate potential light and glare impacts.

(c) Security. Any transitory accommodation shall comply with city regulations regarding lawful behavior as set forth in [MMC Title 6, Penal Code](#). Any transitory accommodation shall provide all required legal access to public areas of the site by the city of Marysville police department and any other relevant law enforcement agency at all times. Additionally, where deemed necessary by the community development director or the police chief, the applicant shall provide for the following:

(i) The applicant shall take all reasonable and legal steps to obtain verifiable identification, such as a valid driver's license, government-issued identification card, military identification card, or passport, from all prospective and current transitory residents.

(ii) The applicant will use such identification to obtain warrant and sex offender checks from the Snohomish County Sheriff's office or other relevant authority. The anonymity of the requesting party shall be maintained.

(iii) If said check reveals that the subject of the check is a sex offender, required to register with the city, county or state authorities pursuant to RCW 9A.44.130, then the applicant shall immediately reject the subject of the check for residency in the transitory accommodation or eject the subject of the check if that person is currently a resident of the accommodation, and shall immediately notify the Marysville police department of such rejection or ejection.

(iv) If said check reveals that the subject of the check has an existing or outstanding warrant, then the applicant may select either of the following alternative actions:

(A) Immediately reject or eject the subject of the check and immediately notify the Marysville police department of such rejection or ejection; or

(B) Request the Marysville police department to confer with the agency or court of jurisdiction from which the warrant originated to determine whether or not said agency or court desires the warrant to be served. If the originating agency or court desires the warrant to be served, the Marysville police department shall do so immediately. If the originating agency or court declines warrant service, due to the minor nature of the offense for which the warrant was issued or for other reasons, the subject may enter or remain in the transitory accommodation; provided, that the applicant actively assists the subject in resolving the warrant.

(v) The applicant shall keep a log of all individuals who stay overnight in the transitory accommodation, including names and dates. Logs shall be kept for a minimum of six months following the expiration of the transitory accommodation permit and provided to the city upon request.

(vi) The applicant shall provide on-site security, as approved by the community development director in consultation with the city of Marysville police department.

(d) Codes of conduct. The applicant shall provide and enforce a written code of conduct which mitigates impacts to neighbors and the community. Said code shall be incorporated into the conditions of approval.

(7) Other performance criteria.

(a) Indemnification. The applicant shall defend, indemnify, and hold the city, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits of any nature, including attorney fees, due to the acts or omissions of the applicant in connection with the operation of the transitory accommodation.

(b) Liability insurance. Where deemed necessary by the community development director, the applicant shall procure and maintain in full force, through the duration of the transitory accommodation, comprehensive general liability insurance with a minimum coverage of \$1,000,000 per occurrence/aggregate for personal injury and property damage.

(c) Other Criteria. Where deemed necessary, the community development director may identify other performance criteria; require the applicant to describe the potential impacts of the proposed transitory accommodation with respect to those criteria; and determine if measures are warranted to minimize or otherwise mitigate such impacts.

## EXHIBIT C

### 22G.030.020 General fee structure

The community development department is authorized to charge and collect the following fees:

Type of Activity	Fee
<b>Land Use Review Fees</b>	
Administrative approval (bed and breakfast, accessory dwelling unit, or similar request)	\$250.00
Annexation:	
Under 10 acres	\$250.00
Over 10 acres	\$750.00
Appeals (quasi-judicial):	
For activity that requires a hearing for the primary project action	\$250.00
For activity that would not have required a hearing for the primary action	\$500.00
Appeals (administrative)	\$250.00
Boundary line adjustment (up to two lots)	\$500.00
Comprehensive plan amendment:	
Map amendment with rezone (under 5 acres)	\$2,500
Map amendment with rezone (over 5 acres)	\$5,000
Text amendment	\$500.00
Conditional use permit (administrative):	
Residential	\$1,000 + \$100.00 for each unit
Group residence or communication facility	\$2,500
Commercial (including RV park, churches)	\$3,500
Conditional use permit (public hearing)	Administrative fee + \$1,500
Critical areas review:	
Under 0.50 acre	\$250.00
0.51 – 2 acres	\$500.00 (+ peer review costs if applicable)
2.01 – 10 acres	\$1,500 (+ peer review costs if applicable)
10.01 – 20 acres	\$2,500 (+ peer review costs if applicable)
20.01 – 50 acres	\$3,500 (+ peer review costs if applicable)
50.01+ acres	\$5,000 (+ peer review costs if applicable)
EIS preparation and review	All direct, indirect costs and materials (\$135.00/hour for staff time)
Home occupation (administrative approval)	\$50.00

Lot status determination:	
Readily verifiable with documents submitted by applicant	\$50.00
Requires research and detailed document evaluation and confirmation	\$200.00
Minor modifications (to subdivision, site plan)	\$350.00
Miscellaneous reviews not otherwise listed	\$120.00/hour
Preapplication review fee	\$350.00 (fee will be credited upon application submittal if filed within 90 days of the preapplication meeting)
Rezone:	
Commercial (plus site plan charges if combined with project level review)	\$2,500
PRD and mixed use overlay (plus site plan or subdivision charges)	\$2,500
SEPA checklist:	
Residential (1 – 9 lots or dwelling units)	\$350.00
Residential (10 – 20 lots or dwelling units)	\$500.00
Residential (21 – 100 lots)	\$1,000
Residential (greater than 100 lots or units)	\$1,500
Commercial/industrial (0 – 2 acres)	\$350.00
Commercial/industrial (2 – 20 acres)	\$750.00
Commercial/industrial (greater than 20 acres)	\$1,500
Shoreline permit (administrative review)	\$1,000
Shoreline permit, shoreline conditional use permit, or shoreline variance permit with public hearing	\$5,000
Site plan review (commercial, multifamily, PRD, master plan):	
Under 0.50 acre	\$500.00 + \$50.00/lot or unit
0.51 – 2 acres	\$750.00 + \$50.00/lot or unit
2.01 – 10 acres	\$2,000 + \$50.00/lot or unit
10.01 – 20 acres	\$5,000 + \$45.00/lot or unit
20.01+ acres	\$7,500 + \$40.00/lot or unit
Site/subdivision plan review (with utility availability for county projects):	
Under 0.50 acre	\$500.00
0.51 – 2 acres	\$750.00
2.01 – 10 acres	\$2,000
10.01+ acres	\$5,000
Subdivisions:	
Preliminary binding site plan (commercial, industrial)	\$5,000 + \$100.00/lot or unit
Preliminary plat	\$5,000 + \$100.00/lot or unit
Preliminary short plat	\$3,000 + \$100.00/lot or unit
Final binding site plan, plat or short plat	\$1,000 + \$100.00/lot or unit



Subdivision requests (time extension, amendment)	\$200.00
Temporary use permit	\$50.00
<u>Transitory Accommodations permit</u>	<u>\$500.00</u>
Variance (quasi-judicial decision – zoning, utility)	\$500.00
Zoning code text amendment	\$500.00
Fast-track overtime (when authorized by both the department and applicant, for project reviews prioritized on overtime basis)	\$165.00/hour for overtime worked, in addition to regular project review fees
<b>Engineering Review and Construction Inspection Fees</b>	
Engineering construction plan review: Residential (full plan sets – roads, drainage, utilities)	\$225.00/lot or unit (for duplex or condominium projects), \$2,000 minimum for first two reviews, \$120.00/hour for each subsequent review
Residential (partial construction review – i.e., utilities, grading)	\$100.00/lot or unit (for duplex or condominium projects), \$1,000 minimum for first two reviews
Multiple residential/commercial/industrial	\$250.00 administrative base fee + \$135.00/hour
Engineering, design and development standards modifications/variances (administrative)	\$250.00
Miscellaneous reviews not otherwise listed, and hourly rate from January 1, 2005, for projects initiated prior to 2005 (prior rates charged for hours worked prior to 2005)	\$120.00/hour
Fast-track overtime (when authorized by both the department and applicant, for project reviews prioritized on overtime basis)	\$165.00/hour for overtime worked, in addition to regular project review fees
<b>Construction Inspection Fees</b>	
Security for performance/security for maintenance fee	\$20.00/lot or unit, with a minimum amount being \$250.00
Inspection for water, sewer, storm, street improvements associated with approved residential construction plans	\$250.00/lot or unit (for duplex or condominium projects), \$2,000 minimum
Inspection for utilities only (residential)	\$100.00/lot or unit (for duplex or condominium projects), \$1,000 minimum
Multiple residential/commercial/industrial	\$250.00 administrative base fee + \$135.00/hour
Right-of-way permit	\$250.00
Miscellaneous reviews and inspections not otherwise listed, and hourly rate from January 2005 for projects initiated prior to 2005 (prior rates charged for hours worked prior to 2005)	\$120.00/hour
Fast-track overtime (when authorized by both the department and applicant, for project reviews and inspections prioritized on overtime basis)	\$165.00/hour for overtime worked, in addition to regular project inspection fees
<b>Impact Fee Administration Charge</b>	
School impact fee administrative charge	\$50.00/single-family or duplex, or \$100.00/apartment building