

**CITY OF MARYSVILLE AGENDA BILL**

**EXECUTIVE SUMMARY FOR ACTION**

**CITY COUNCIL MEETING DATE: June 13, 2016**

<b>AGENDA ITEM:</b> Ordinance adopting amendments to the Marysville Municipal Code related to the production, processing, and distribution of marijuana	
<b>PREPARED BY:</b> Chris Holland, Planning Manager	<b>DIRECTOR APPROVAL:</b>
<b>DEPARTMENT:</b> Community Development	
<b>ATTACHMENTS:</b> 1. PC Recommendation, including: <ul style="list-style-type: none"><li>. <b>Exhibit A</b> – Recommended Amendments</li><li>. <b>Exhibit B</b> – PC Public Hearing DRAFT Minutes 05.24.16</li></ul>	
2. PC Workshop Minutes 05.10.16	
3. Public Comments from Robert Pearce, dated 05.24.16	
4. Adopting Ordinance	
<b>BUDGET CODE:</b>	<b>AMOUNT:</b>
<b>SUMMARY:</b>	

The Washington State Liquor and Cannabis Board (WSLCB) are implementing changes to marijuana laws passed during the 2016 Legislative Session. In July 2016 the recreational and medical marijuana regulations will be regulated under the same rules. One of the new rules is related to allowing marijuana cooperatives. [RCW 69.51A.250](#) allows qualifying patients to form a cooperative of up to four (4) qualifying patients to share responsibility for acquiring and supplying resources needed to produce and process marijuana for the medical use of members of the cooperative. This new legislation, which creates marijuana cooperatives, provides a gap in Marysville’s prohibition of allowing marijuana producers, processors and retailers.

Additionally, the WSLCB continue to update definitions related to marijuana, which means that the definitions adopted by City Council under Ordinance No. 2959 on April 28, 2014, are outdated. The Planning Commission has recommended amending the definitions in the MMC to simply reference definitions in the RCW. This will ensure that the City’s definitions remain current.

Lastly, the Planning Commission has recommended amending MMC Section 6.24.050 making it a public nuisance for any residential growing of marijuana, as may be allowed by [RCW 69.51A.210](#), which does not comply with the requirements of [RCW 69.51A.260](#) or any other requirement of State law.

<b>RECOMMENDED ACTION:</b> Affirm the Planning Commission’s recommendation adopting amendments to the Marysville Municipal Code related to the production, processing, and distribution of marijuana.
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COMMUNITY DEVELOPMENT DEPARTMENT  
80 Columbia Avenue ♦ Marysville, WA 98270  
(360) 363-8100 ♦ (360) 651-5099 FAX

## PC Recommendation - Marijuana Amendments

The Planning Commission of the City of Marysville, having held a public hearing on May 24, 2016, in review of amendments relating to the production, processing, and distribution of marijuana by amending Marysville Municipal Code (MMC) Sections 6.24.050, 22A.020.040, 22A.020.140, 22A.020.190, 22A.020.220, 22C.010.060, 22C.010.070, 22C.020.060, 22C.020.070 AND 22A.010.160, and having considered the exhibits and testimony presented, does hereby enter the following findings, conclusions and recommendation for consideration by Marysville City Council:

### FINDINGS:

1. The Planning Commission held a public work session to review amendments relating to the production, processing, and distribution of marijuana on May 10, 2016.
2. The proposed amendment to the City's development regulations is exempt from State Environmental Policy Act review under WAC 197-11-800(19).
3. Community Development Staff submitted the DRAFT amendments relating to the production, processing, and distribution of marijuana to the State of Washington Department of Commerce for expedited review pursuant to RCW 36.70A.106(3)(b).
4. The Community Development Department received a letter from the State of Washington Department of Commerce acknowledging receipt of the DRAFT amendments relating to the production, processing, and distribution of marijuana on May 9, 2016 and processed with the material ID #22386. No comments were received from State Agencies
5. The Planning Commission held a duly-advertised public hearing on May 24, 2016.
6. No public comments were received on the DRAFT amendments relating to the production, processing, and distribution of marijuana.

### CONCLUSION:

At the public hearing, the Planning Commission recommended adoption of the amendments relating to the production, processing, and distribution of marijuana, as reflected in the Amendments attached hereto as **Exhibit A**, and as reflected in the Planning Commission Minutes, dated May 24, 2016, attached hereto as **Exhibit B**.

### RECOMMENDATION:

Forwarded to City Council as a Recommendation of Approval of the development code amendments relating to the production, processing, and distribution of marijuana, by the Marysville Planning Commission this 24<sup>th</sup> day of May, 2016.

By:

  
Steve Leffer, Planning Commission Chair

## EXHIBIT A

**Section 1. Findings Adopted.** The recitals contained in City of Marysville Ordinance No. 2959 are hereby adopted by the Council as findings of fact in support of this ordinance and are incorporated by reference as though set forth at length herein.

**Section 2. Amendment of Municipal Code.** MMC Section 6.24.050, entitled "Types of nuisances," is hereby amended as follows (all unchanged provisions of MMC 6.24.050 remain unchanged and in effect):

(35) Any residential growing of marijuana, as may be allowed by RCW 69.51A.210, which does not comply with the requirements of RCW 69.51A.260 or any other requirement of State law, including, but not limited to, exceeding fifteen plants or being readily seen by normal unaided vision or readily smelled from a public place or the private property of another housing unit.

**Section 3. Amendment of Municipal Code.** MMC Section 22A.020.040, entitled "C" definitions, is hereby amended as follows (all unchanged provisions of MMC 22A.020.040 remain unchanged and in effect):

~~"Cannabis or marijuana" means all parts of the plant cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. For the purposes of this definition, "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. The term "cannabis" includes cannabis products and usable cannabis.~~

**Section 4. Amendment of Municipal Code.** MMC Section 22A.020.140, entitled "M" definitions, is hereby amended as follows (all unchanged provisions of MMC 22A.020.140 remain unchanged and in effect):

"Marijuana" has the meaning given that term in Chapter 69.50 RCW, as currently adopted or as may be amended in the future. The term also includes both "marihuana" and "cannabis."

"Marijuana concentrates" has the meaning given that term in Chapter 69.50 RCW, as currently adopted or as may be amended in the future.

"Marijuana cooperative" means a cooperative formed by up to four qualifying patients or designated providers, whereby the members share responsibility for acquiring and supplying the resources needed to produce and process marijuana for the medical use of members, pursuant to RCW 69.51A.250.

~~"Marijuana processor" has the meaning given that term in Chapter 69.50 RCW, as currently adopted or as may be amended in the future means a person licensed by the State Liquor Control Board to process marijuana unto usable marijuana and marijuana infused products, package and label usable marijuana and marijuana infused products for sale in retail outlets, and sell usable marijuana and marijuana infused products as wholesale to marijuana retailers.~~

~~"Marijuana producer" has the meaning given that term in Chapter 69.50 RCW, as currently adopted or as may be amended in the future means a person licensed by the State Liquor Control Board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.~~

## EXHIBIT A

~~“Marijuana-infused products” has the meaning given that term in Chapter 69.50 RCW, as currently adopted or as may be amended in the future means products that contain marijuana or marijuana extracts and are intended for human use. The term “marijuana-infused products” does not include usable marijuana.~~

~~“Marijuana retailer” has the meaning given that term in Chapter 69.50 RCW, as currently adopted or as may be amended in the future means a person licensed by the State Liquor Control Board to sell usable marijuana and marijuana-infused products in a retail outlet.~~

**Section 5. Amendment of Municipal Code.** MMC Section 22A.020.190, entitled “R” definitions, is hereby amended as follows (all unchanged provisions of MMC 22A.020.190 remain unchanged and in effect):

~~“Retail outlet” has the meaning given that term in Chapter 69.50 RCW, as currently adopted or as may be amended in the future means a location licensed by the State Liquor Control Board for the retail sale of usable marijuana and marijuana-infused products.~~

**Section 6. Amendment of Municipal Code.** MMC Section 22A.020.220, entitled “U” definitions, is hereby amended as follows (all unchanged provisions of MMC 22A.020.220 remain unchanged and in effect):

~~“Usable marijuana” has the meaning given that term in Chapter 69.50 RCW, as currently adopted or as may be amended in the future means dried marijuana flowers. The term “usable marijuana” does not include marijuana-infused products.~~

**Section 7. Amendment of Municipal Code.** MMC Section 22C.010.060, entitled “Permitted uses,” is hereby amended to add new provisions to the table as follows (all unchanged provisions of MMC 22C.010.060 remain unchanged and in effect):

Specific Land Use	R-4.5	R-6.5	R-8	WR R4-8	R-21	R-18	R-28	WR R-6-18	R-MHP
<b>Government/Business Service Land Uses</b>									
State-Registered Marijuana Facilities:									
Marijuana Cooperative (48)									

**Section 8. Amendment of Municipal Code.** MMC Section 22C.010.070, entitled “Permitted uses – Development conditions,” is hereby amended as follows (all unchanged provisions of MMC 22C.010.070 remain unchanged and in effect):

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

**Section 9. Amendment of Municipal Code.** MMC Section 22C.020.060, entitled “Permitted uses,” is hereby amended to add new provisions to the table as follows (all unchanged provisions of MMC 22C.020.060 remain unchanged and in effect):

## EXHIBIT A

Specific Land Use	NB	CB (63)	GC	DC	MU (63)	BP	L	GI	REC	P/I
<b>Government/Business Service Land Uses</b>										
State-Registered Marijuana Facilities:										
Marijuana Cooperative (69)										

**Section 10. Amendment of Municipal Code.** MMC Section 22C.020.070, entitled "Permitted uses – Development conditions," is hereby amended as follows (all unchanged provisions of MMC 22C.020.070 remain unchanged and in effect):

(68) Excepting "marijuana (cannabis) dispensaries," and "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, or 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 RCW 69.51A.260 are not a violation of the Marysville Municipal Code.

**Section 11. 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>
_____	Marijuana Regulations	_____, 2016"

# PLANNING COMMISSION



*DRAFT*

# MINUTES

May 24, 2016

7:00 p.m.

City Hall

## CALL TO ORDER

Chair Leifer called the May 24, 2016 meeting to order at 7:00 p.m. noting the absence of Kelly Richards, the presence of new commissioner Brandon Whitaker, and two people in the absence.

### Marysville

**Chairman:** Steve Leifer

**Commissioners:** Roger Hoen, Jerry Andes, Kay Smith, Tom Thetford,  
Brandon Whitaker

**Staff:** Community Development Director Dave Koenig, Planning  
Manager Chris Holland

**Absent:** Kelly Richards

## APPROVAL OF MINUTES

### Tuesday, May 10, 2016

Commissioner Smith asked for clarification on the first sentence on page 5. It was noted that two words should be inserted to make it read: *Chair Leifer asked if **he thinks** the zoning in the area is pretty much where it ought to be.*

Chair Leifer had the following corrections:

- Page 2, paragraph 3 – The first paragraph should read: “*Chair Leifer noted that Highway 9 started being an **unlimited access freeway**. . .*”
- Page 3, paragraph 3 – “*Chair Leifer summarized that the likelihood of any substantial improvements **over the railroad from State Avenue** other than possibly Grove is very unlikely.*”
- Page 3, paragraph 3 – “*Chair Leifer recalled state plans to build an interchange **up and over the railroad** . . .*”

- Page 3, paragraph 3 - Add to the end of the last sentence: “... ***if crossing over the railroad from State Avenue to I-5 is going to be an adequate solution.***”
- Page 3, 1st paragraph under item C, sentence 3 – “ . . . *definitions to the simply reference . . .*”

**Motion** made by Commissioner Smith, seconded by Commissioner Hoen, to approve the May 10 Meeting Minutes as amended. **Motion** passed unanimously (6-0).

**AUDIENCE PARTICIPATION**

None

**PUBLIC HEARING**

**Marijuana regulations**

**Staff Presentation:**

Planning Manager Holland reviewed the background on I-502 regulations noting that the Planning Commission had recommended to not allow any producers, processors, or retailers within the City of Marysville. The City Council agreed with the recommendation, but also asked the Planning Commission to develop potential regulations in case the legislature changed state law to preempt cities own zoning regulations related to I-502. That hasn't happened, but the Planning Commission did ultimately review and make recommendations to Council if the event that state law preempts local law.

Planning Manager Holland stated that this proposed amendment is in line with Council's recommendation to not allow any producers, processors, or retailers within the City of Marysville. He explained that in July 2016 the State will be marrying recreational and medical marijuana regulations which creates new laws and changes definitions in state law. The proposed amendments would fill in the gaps created by combining the regulations. Staff is proposing an amendment to the public nuisance code, referencing definitions as defined in state law, including new definitions for "marijuana," "marijuana concentrates," and "marijuana cooperative," and amendments to the permitted use matrix showing that marijuana cooperatives are not a permitted use.

Commissioner Hoen asked if there are any medical marijuana outlets in Marysville. Planning Manager Holland replied that there are none that the City is aware of. CD Director Koenig also acknowledged that there are no medical marijuana outlets that are licensed in the city.

Chair Leifer opened the public hearing at 7:13 p.m. and solicited public comment.

**Public Testimony:**

Robert Pearce, 5417 – 80th Avenue NE, Marysville, WA 98270, stated he has been in Marysville almost six years. He believes marijuana impairs good judgment and is a cancer eating away at the moral fiber of the country. He recommended clarification in the proposal that these amendments are solely to align Marysville's code with state code and not proposing any new changes.

Planning Manager Holland responded that the recitals in the ordinance itself would reflect the many negative impacts to the city if producers, processors and retailers are allowed. It would also include the recitals from original ordinance that prohibited producers, processors and retailers. He reminded the Planning Commission that the original ordinance had a significant amount of recitals explaining why marijuana is not a good idea for the Marysville community.

Chair Leifer stated he assumed this particular intent would be included along as well with the other narrative. Planning Manager Holland affirmed that.

Commissioner Hoen asked if tonight's public testimony would go forward with the other documents to the Council. Planning Manager Holland stated it would along with the minutes from this meeting.

**Motion** made by Commissioner Thetford, seconded by Commissioner Whitaker, to approve the amendments as presented and forward them to Council for their consideration. **Motion** passed unanimously (6-0).

Seeing no further comments, the public hearing was closed at 7:20 p.m.

**NEW BUSINESS****Plat and Short Plat Extensions**

Community Development Director Koenig stated that the City was approached by a developer who has a plat in Marysville requesting that the City do a two-year extension for plats and short plats that have had preliminary approval, but have not moved forward to construction. He explained that Snohomish County has approved such an amendment for an option for up to a two-year extension for plats. There are a number of aging plats that were approved in Marysville and would have to be built in 2017. There are also a number of plats that were approved in the County.

He reviewed some statistics related to the number of plats in Marysville. As of the beginning of March there were 1117 lots in some form of process or preliminary platted and not finalized. Of those, 171 are new projects going through the Community Development department right now. The remaining 946 have had preliminary approval and are either under construction or going through civil engineering review or lying dormant. 649 of those lots were approved through the city process, and 297 lots were



approved in the county. Out of those, there is one plat with 151 lots that will be expiring in June. It does not have the same ownership that it did ten years ago, and they have submitted a pre-application for a new subdivision on those parcels.

Director Koenig stated that staff's proposal is to introduce this to the Planning Commission tonight and then do outreach to the owners of the properties that this would affect. The proposal is to grant up to a two-year extension to plats that meet Marysville standards either as they currently are or through the minor amendment process. The minor amendment process would allow for changes to the plats without going through the formal hearing process. This proposal would benefit projects that are set to expire in 2017. He explained that a lot of this happened because people got things approved in 2007 and then the economic downturn happened. Staff's recommendation is to move forward and get input from the property owners that would be affected by this and then bring it back to the Planning Commission for review and consideration of forwarding to the City Council.

Commissioner Thetford asked if the City would contact the plat owners about the expiration dates and requirements so that they have time to get their extensions in. Director Koenig stated that they would do that as part of the outreach on this process, but most of them are already aware. Planning Manager Holland added that before the legislature extended plats the City did outreach to all those plats.

Commissioner Hoen asked about the reason for the original time limit. Director Koenig stated that the City gets its enabling legislature from the State. He thought the idea was probably to prevent speculative subdivisions. However, he noted that there was recognition by the legislature of the impact of the economic downturn and of the importance of allowing property owners more time to do subdivisions. Planning Manager Holland clarified that projects approved prior to 2014 have seven years to have the plat recorded, and projects approved prior to 2007 would have ten years to have the plat recorded. Any new project that is approved would still be five years with a two-year extension. It would not allow new projects to get to nine years. The intent is to address projects that were approved before and during the economic downturn.

Chair Leifer referred to page 2, paragraph 3 and asked what Chapter 90.58 refers to. Planning Manager Holland replied that is the Subdivision Act (Planning Manager Holland corrected his statement via e-mail to note that Chapter 90.58 RCW is actually the Shoreline Management Act of 1971).

Commissioner Andes noted that a lot of standards have changed in the last ten years, especially related to drainage, and some of the plats might be impacted if they had to go through another review process. Director Koenig responded that it appears that the plats approved in the City would be fine, because the standards really haven't changed, but the ones approved in the County haven't been reviewed. He stated that staff's proposal is to honor what was done ten years ago. Commissioner Andes noted that setbacks for wetlands have changed dramatically in the last ten years. Planning Manager Holland pointed out that the City's regulations for critical areas buffers haven't

changed in the last ten years, but those that were approved in the County could potentially have more stringent setbacks now that they are in the City. He discussed how the minor amendment process could be used to address changes.

Chair Leifer commended staff for their work and explanation. Director Koenig stated staff would proceed with taking this to the property owners and then come back to the Planning Commission for a review and a public hearing.

Chair Leifer asked about a hearing date for the Lakewood Master Plan. Planning Manager Holland stated that the City is still going through comments, but staff will be bringing back a public hearing for sewer connections. Director Koenig stated that the City received comments from Merle Ash with a couple options related to the road going north-south. Staff is asking for some feedback from Public Works and others on that.

Planning Manager Holland informed the Planning Commission of the very sad news that Steve Lebo's wife had passed away. He noted that Commissioner Smith brought a card for the Commission to sign for him and his family. Chair Leifer expressed his regrets on behalf of the Planning Commission and stated that their sympathies and prayers are with Commissioner Lebo and his family during this difficult time.

## **CITY COUNCIL AGENDA ITEMS AND MINUTES**

### **ADJOURNMENT**

**Motion** made by Commissioner Smith, seconded by Commissioner Thetford, to adjourn the meeting at 7:55 p.m. **Motion** passed unanimously.

### **NEXT MEETING:**

June 14, 2016

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Laurie Hugdahl, Recording Secretary

# PLANNING COMMISSION



# MINUTES

May 10, 2016

7:00 p.m.

City Hall

## CALL TO ORDER

Chair Leifer called the May 10, 2016 meeting to order at 7:00 p.m.

### Marysville

**Chairman:** Steve Leifer

**Commissioners:** Roger Hoen, Jerry Andes, Kay Smith, Kelly Richards,

**Staff:** Planning Manager Chris Holland, Community Development Director Dave Koenig, City Engineer Jeff Laycock, Traffic Engineer Jesse Hannahs

**Absent:** Tom Thetford (excused)

## APPROVAL OF MINUTES

### April 26, 2016 Planning Commission Minutes

**Motion** made by Commissioner Smith, seconded by Commissioner Richards, to approve the April 26, 2016 Planning Commission Meeting Minutes as presented.

**Motion** passed unanimously (5-0).

## AUDIENCE PARTICIPATION

None

## NEW BUSINESS

A. Information – Traffic Calming and Rectangular Rapid Flash Beacon (RRFB)

Traffic Engineer Jesse Hannahs responded to the March 22 Planning Commission meeting questions regarding Rectangular Rapid Flashing Beacons (RRFB), Pedestrian

Collisions and Traffic Calming as described in his memo to the Planning Commission dated May 4, 2016.

B. Information – 51<sup>st</sup> Avenue NE (3-lane vs. 5-lane)

City Engineer Jeff Laycock responded to an earlier Planning Commission request for more information about 51<sup>st</sup> Avenue NE Corridor – 3-lane versus 5-lane section. He explained that five lanes would be significantly more expensive than three lanes. It could double or even triple the cost due to the proximity of structures to the road, driveways, the need to purchase additional right-of-way, reconstruction costs of 3-lane to 5-lane road, and critical area impacts. Additionally, 51<sup>st</sup> Avenue NE is planned to be the City's primary north-south bicycle route with dedicated bicycle lanes and adequate sidewalks. Widening to 5-lanes will minimize safety for bicyclists and pedestrians. He noted that the 2015 Transportation Update evaluated the 51<sup>st</sup> Avenue NE corridor and determined that the 3-lane section has sufficient capacity beyond the planning year identified in the document.

Chair Leifer expressed concern about the impact of the trains on the east-west transportation plans. City Engineer Laycock acknowledged that the trains are an issue, and discussed preferred locations for an undercrossing and an overcrossing. Grove Street is a preferred location for an overcrossing, but it comes at a pretty significant cost of about \$22 million. Chair Leifer commented that the cost for that one crossing is almost half of the cost of the 51<sup>st</sup> corridor from the airport to 1<sup>st</sup> Avenue.

Chair Leifer noted that Highway 9 started being an unlimited access freeway and is becoming a calmed down corridor where people will be driving about 35 mph for the most part. He agrees with the idea of getting east-west mobility for traffic to go across the valley, but he questions whether a lot of the people that want to go south towards Lynnwood or Seattle will head toward Highway 9. He thinks they will want to get onto the freeway but traffic is all backed up going that direction because of the railroad problem. It's not going to be effective without several crossings from Grove to Smokey Point. He commented that the fact all these projects cost money and have drawbacks is a given. He stated the question really should be what ultimately is going to be the best system to transport people out of town via I-5, either south or north. He said he didn't think the east-west enhancement program is going to solve the problems because of issues with Highway 9 and issues crossing the tracks.

Mr. Laycock commented that a lot of money is being provided for at-grade rail crossings so he thinks the chances of getting funding for those larger overcrossing projects like Grove are good. Staff has evaluated 88<sup>th</sup> Street every way they can, but there are many constrictions. Traffic Engineer Jesse Hannahs reviewed the three planned locations providing east-west connectivity. City Engineer Laycock continued to explain that the City needs to focus on completion of north-south improvements and direct attention to the improvements on WSDOT highways. These projects include: completion of State Avenue from 100<sup>th</sup> to 116<sup>th</sup>, completion of intersection capacity projects at State Avenue & 88<sup>th</sup> Street NE and State Avenue and 116<sup>th</sup> Street NE intersections. Improvements in the form of new ramps at SR 529, a SPUI at 116<sup>th</sup>, 88<sup>th</sup> Street NE and 156<sup>th</sup> Street NE

will facilitate improved access to and from I-5. SR 9 access and recent improvements include over \$300 M in investment through Snohomish County. This includes the new roundabout at SR 531, 84<sup>th</sup> Street NE, and widening from SR 92 to Soper Hill Road. City will continue to work with WSDOT on improvements to SR 9 to accommodate future traffic projections.

Commissioner Andes asked why a crossing at 1<sup>st</sup> hadn't been considered. Staff explained that it had been studied, but there were some issues with plans to redevelop that area.

Chair Leifer summarized that the likelihood of any substantial improvements over the railroad other than possibly Grove is very unlikely. Jesse Hannahs agreed that Grove was the most feasible and cost-effective. All of the other locations had significant costs and impacts. Chair Leifer recalled state plans to build an interchange up and over the railroad on his family's property when he was a child that never materialized. He commented this is the type of solution that is needed in about three places between Grove and 136<sup>th</sup>, if crossing over the railroad from State Avenue to I-5 is going to be an adequate solution.

Commissioner Andes asked if the City is planning on doing a flyover over the freeway as well. Mr. Laycock replied he has looked at that, but for now it is not an option.

#### C. Code Amendment – Marijuana Regulations

Planning Manager Chris Holland explained that marijuana regulations continue to change. In July the medical and recreational marijuana regulations will be regulated under I-502. As a result, amendments were recommended to the public nuisance code, definitions to simply reference as defined in state law, including new definitions for "marijuana," "marijuana concentrates," and "marijuana cooperative" and amendments to the permitted use matrix showing that marijuana cooperatives are not a permitted use.

Planning Manager Holland indicated that he would bring this back for a public hearing in June and then, if approved, it would go to Council in July.

### **OLD BUSINESS**

#### A. Lakewood Neighborhood Master Plan & Design Regulations

Planning Manager Holland made a PowerPoint presentation on the Lakewood Neighborhood Master Plan and Design Regulations. He discussed the purpose, the assets of the area, land capacity statistics, and zoning. He explained the Lakewood Vision focuses on three major topics: transportation improvements, utility infrastructure, and Urban Design Guidelines. Details about the following transportation improvements were also discussed:

- 172<sup>nd</sup> Street NE Improvements

- 169<sup>th</sup> Street NE Connection – from new roundabout at 172<sup>nd</sup> Street NE and 23<sup>rd</sup> Avenue NE to 27<sup>th</sup> Avenue NE
- Intersection at 172<sup>nd</sup> Street NE and 27<sup>th</sup> Avenue NE
- 156<sup>th</sup> Street NE Interchange
- 172<sup>nd</sup> Improvements – 19<sup>th</sup> Avenue NE to 27<sup>th</sup> Avenue NE
- 172<sup>nd</sup> Improvements – 16<sup>th</sup> Drive NE to 19<sup>th</sup> Avenue NE
- 172<sup>nd</sup> Improvements – 13<sup>th</sup> Avenue NE to 16<sup>th</sup> Drive NE
- 172<sup>nd</sup> Improvements – 11<sup>th</sup> Avenue NE to 13<sup>th</sup> Avenue NE
- Neighborhood Roadway Network – 174<sup>th</sup> Street NE, 176<sup>th</sup> Street NE, 23<sup>rd</sup>/25<sup>th</sup> Avenue NE, 19<sup>th</sup> Avenue NE, 27<sup>th</sup> Avenue SE, 23<sup>rd</sup> Avenue NE, 19<sup>th</sup> Avenue NE/169<sup>th</sup> Street NE, 25<sup>th</sup>/27<sup>th</sup> Avenue NE, 156<sup>th</sup> Street NE and Interchange, 156<sup>th</sup> Street NE Multiuse Connection to Centennial Trail, Twin Lakes Avenue, 156<sup>th</sup> /Twin Lakes Avenue
- Neighborhood Roadway Network – new road section with bike lanes (Option 1 with LID and Option 2 without LID)

Planning Manager Holland explained that many of the improvement projects are eligible for credits towards traffic impact fees, including engineering and construction. These include: 19<sup>th</sup> Avenue NE/169<sup>th</sup> Place NE, 23<sup>rd</sup> Avenue NE, 25<sup>th</sup>/27<sup>th</sup> Avenue NE, 27<sup>th</sup> Avenue Extension, 27<sup>th</sup> Avenue NE, 156<sup>th</sup> Street NE Interchange, 156<sup>th</sup> Street and 27<sup>th</sup> Avenue NE, 156<sup>th</sup> Street NE, 172<sup>nd</sup> Street NE and 19<sup>th</sup> Avenue NE, and 172<sup>nd</sup> Street NE. Also included in the Plan are proposed bicycle and pedestrian networks. He then reviewed the proposed utilities improvements within the Lakewood Neighborhood for sewer, water, and stormwater, explaining the limitations of each.

The Urban Design Guidelines build upon existing design standards outlined in the MMC. They require pedestrian and bicycle connections. There are guidelines for properties facing parks, trails and open space. The guidelines provide for “Lakewood Community Overlay” areas encouraging adaptive reuse of existing buildings over time to maintain a rural crossroad character. It requires buildings to orient to the human-scale local streets, provides for Pedestrian-Oriented Public Areas Designations, high quality common open space with new multi-family development, and comfortable pedestrian routes that connect Lakewood-wide “active transportation” network. Commercial buildings will be required to provide a well-defined streetscape, have pedestrian-oriented facades, weather protection over building entries, pedestrian sidewalks required between parking lots and storefronts. Smaller building elements would be required near the entry of large buildings in order to maintain human scale. It also requires detail elements such as decorative use of windows and change in materials. The emphasis is to build on existing character and to have active ground floors on specific street segments.

Planning Manager Holland summarized that the Draft Plan and Design Guidelines were released in April for public review and comment. No public comments have been received, but staff is expecting some back soon. Comments from city staff will be incorporated. The Department of Commerce has this for 60-day review until June. The Plan and presentations can be accessed on the city website. A Planning Commission

hearing will be held on June 14<sup>th</sup> or June 28. The City Council will hold a workshop and meeting on this in July.

Chair Leifer asked if the zoning in the area is pretty much where it ought to be. Planning Manager Holland stated yes, but there is a concern that the mixed use seems to be getting more multi-family only instead of true mixed uses. However, this acts as a transition area from General Commercial near the freeway to the multi-family/mixed use. The densities are pretty high and complement what is already out there. Chair Leifer asked if the zone changes would be automatically incorporated or if they would have to go through the Comp Plan amendment process. Planning Manager Holland replied that a change in land use doesn't seem to be warranted at this time. What is being discussed is consistent with what was adopted in the 2015 update. If any changes to land use are desired those would best be done in the annual update.

Commission Hoen asked about Arlington's plans to expand 172<sup>nd</sup> between the Wal-Mart and the airport. Planning Manager Holland replied that the state has been collecting impact fees and has a plan for that. He wasn't sure of the details. Commissioner Hoen commented that it wasn't consistent with what is going to happen on the other side of the freeway. Planning Manager Holland noted that the City of Arlington had approached the City about utilizing what Marysville has put together for this area.

Community Development Director Koenig thanked Planning Manager Holland for his work on this. He also noted that Brandon Whitaker was appointed to the Planning Commission last night by the City Council. He reviewed his background and experience.

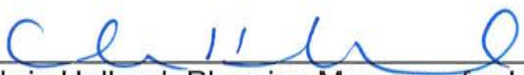
## **CITY COUNCIL AGENDA ITEMS AND MINUTES**

### **ADJOURNMENT**

**Motion** made by Commissioner Richards, seconded by Commissioner Smith, to adjourn the meeting at 8:56 p.m. **Motion** passed unanimously.

### **NEXT MEETING:**

May 24, 2016

  
Chris Holland, Planning Manager, for Laurie Hugdahl, Recording Secretary

MEMORANDUM

May 24, 2016

To Marysville Planning Commission  
From Robert Pearce  
5417 80th Ave NE  
In re Code Amendment – Marijuana Regulations

Received  
MAY 24 2016  
City of Marysville  
Community Development

Chris Holland provided a copy of his Memo dated May 18th regarding the subject amendment(s). A paragraph stating purpose might be conducive to understanding intent. The following is offered:

D R A F T

Purpose. Proposed changes to MMC, as contained herein, would align MMC wording and definitions with RCW wording and definitions to be effected in July 2016. Said changes would not compromise existing MMC Regulations.



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

**AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON, RELATING TO THE PRODUCTION, PROCESSING, AND DISTRIBUTION OF MARIJUANA, AMENDING SECTIONS 6.24.050, 22A.020.040, 22A.020.140, 22A.020.190, 22A.020.220, 22C.010.060, 22C.010.070, 22C.020.060, 22C.020.070, AND 22A.010.160 OF THE MARYSVILLE MUNICIPAL 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 a public meeting held on May 10, 2016; and

**WHEREAS**, on May 24, 2016, the Marysville Planning Commission held a duly-advertised public hearing; and

**WHEREAS**, On May 24, 2016, the Marysville Planning Commission recommended City Council adopt the proposed amendments to the City's development regulations; and

**WHEREAS**, at a public meeting on June 13, 2016, 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 May 9, 2016, 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);

**WHEREAS**, on April 28, 2014, the Marysville City Council adopted Ordinance No. 2959 which prohibited the production, processing, and distribution of recreational marijuana and medical marijuana because those activities remained illegal under federal law, had the potential to cause harmful secondary effects, and could disrupt the character of the City; and

**WHEREAS**, the Washington State Legislature has enacted legislation changing the State's regulatory framework; and

**WHEREAS**, the City desires to update the City's nuisance and zoning regulations to address those regulatory changes;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MARYSVILLE AS FOLLOWS:**

**Section 1. Findings Adopted.** The recitals contained in City of Marysville Ordinance No. 2959 are hereby adopted by the Council as findings of fact in support of this ordinance and are incorporated by reference as though set forth at length herein.

**Section 2. Amendment of Municipal Code.** MMC Section 6.24.050, entitled "Types of nuisances," is hereby amended as follows:

It shall be a public nuisance within the city of Marysville, and a violation of the Marysville Municipal Code, if any responsible person or persons shall maintain or allow to be maintained on real property which he or she may have charge, control or occupy, except as may be permitted by any other city ordinance, whether visible or not from any public street, alley or residence, any of the following conditions:

(1) Every person who makes or keeps any explosive or combustible substance in the city, or carries it through the streets thereof, in quantity or manner prohibited by Chapter 70.74 RCW, and every person who, by careless, negligent or unauthorized use or management of any such explosive or combustible substance, injures or causes injury to the person or property of another.

(2) No person shall permit or allow outside of any dwelling, building or other structure or within any unoccupied or abandoned building, dwelling or other structure under his control, in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or other container which has an airtight door or lid, snap lock or other automatic locking device which may not

be released from the inside, without first removing said door or lid, snap lock or other locking device from said refrigerator, icebox or container.

(3) No person shall abandon or discontinue use of or permit or maintain on his premises any abandoned or unused well, cistern or storage tank without first demolishing or removing from the city such storage tank, or securely closing and barring any entrance or trap door thereto, or filling any well or cistern, or capping the same with sufficient security to prevent access thereto by children.

(4) No person shall, without lawful authority from the appropriate public entity, attach any advertising signs, posters, or any other similar object to any public structure, sign or traffic-control device.

(5) No person shall attach to utility poles any of the following: advertising signs, posters, vending machines, or any similar object which presents a hazard to, or endangers the lives of, electrical workers. Any attachment to utility poles shall only be made with the permission of the utility company involved, and shall be placed not less than 12 feet above the surface of the ground.

(6) Accumulations of the following materials in any front yard, side yard, rear yard or vacant lot unless screened from public view from the adjacent frontage street or streets: any and all junk, trash, litter, garbage, boxes, bottles, or cans; any and all unused animal pens or cages, including any type of insect enclosures; and any and all discarded lumber, salvaged materials, or other similar materials, except for such materials being used for an immediate construction project on said premises.

(7) Any attractive nuisances dangerous to children including, but not limited to, abandoned, broken or neglected buildings, equipment, machinery, refrigerators and freezers, excavations, shafts, or insufficiently supported walls or fences in any front yard, side yard, rear yard or vacant lot.

(8) Broken or discarded furniture, furnishings, appliances, household equipment and other similar items, in any front yard, side yard, rear yard or vacant lot unless screened from public view from adjacent frontage street or streets.

(9) Dead, decayed, diseased or hazardous trees or vegetation/grass clippings (except that used as compost for fertilizer), including that which by casual contact with the skin is dangerous to public health, safety and welfare, located in any front yard, side yard, rear yard or vacant lot.

(10) Graffiti, pursuant to Chapter 6.25 MMC.

(11) Abandoned and junk vehicles as defined by MMC 11.36.030.

(12) Nonoperational or unused automobiles or parts thereof, or other articles of personal property which are discarded or left in a state of partial construction or repair for longer than 30 days, in any front yard, side yard, rear yard or vacant lot unless screened from public view from the adjacent frontage street

or streets. "Nonoperational or unused automobile" means an automobile substantially meeting one of the following requirements:

- (a) Is immobile because it either:
  - (i) Lacks an engine or other parts or equipment necessary to operate it safely or legally on the street;
  - (ii) Has one or more flat tires; or
  - (iii) Is mounted on skids or jacks;
- (b) Has overgrown vegetation or garbage or debris collecting underneath; or
- (c) Is used primarily to store items such as auto parts, yard tools, garbage, debris, clothing, miscellaneous household items, etc.

(13) Vegetation exceeding 12 inches in height (exclusive of plants and flowers within a flower bed, shrubbery and trees) located in any front yard, side yard, or rear yard of a residential lot within a platted subdivision unless screened from public view from the adjacent frontage street or streets.

(14) Utility trailers, unmounted camper or recreation vehicles shall not be located in the front yard. They may be located in the driveway, parallel to the driveway, or behind the front building line of the property on either side of the building on a maintained surface.

(15) Accessory structures, including detached garages, sheds, decks, patios and similar structures, which are not maintained structurally sound and in good repair.

(16) Any unfinished structure for which there has been a cessation of construction activity for more than two years and which is determined by the city to be in violation of the building code and subject to abatement by demolition or completion of the construction to meet the requirements of the building code.

(17) Any catastrophic or fire-damaged premises which have not been secured from entry and from which all debris has not been removed and properly discarded as directed by the fire marshal and building official.

(18) Fences, walls, hedges and retaining walls that are not maintained in a structurally sound and sanitary condition so as to endanger the public health, safety or welfare.

(19) Exterior properties that are not graded and maintained to prevent the erosion of soil and to prevent the accumulation of water on the premises. Storm water, including discharge from gutters, downspouts, swimming pools, hot

tubs, spas, sump pumps or similar features, shall not discharge off the source premises unless expressly approved by the city of Marysville.

(20) Open storage on premises except:

(a) As expressly permitted in MMC Title 22C;

(b) Open storage does not include items customarily used in association with the permitted principal use of the property and suitable for outdoor use such as lawn furniture, play equipment, gardening equipment, and similar items;

(c) Open storage does not include construction materials or seasonal materials used for gardening that are stored in a manner to protect their utility and prevent deterioration and are reasonably expected to be used at the site within six months; and

(d) Open storage does not include materials screened from public view from the adjacent frontage street or streets.

(21) Premises containing rodent, insect and vermin harborage and/or infestation as determined by the county health officer. Infestations shall be promptly exterminated by methods that ensure the public's health, safety and welfare. Owners shall take preventative measures to protect buildings and premises from future infestations.

(22) Sidewalks, walkways, stairs, driveways, parking spaces and similar areas on private property that are accessible to the general public, containing hazardous conditions or violations of approved site or plot plans and barrier-free accessible parking requirements so as to endanger public health, safety or welfare.

(23) Any hazard tree, as substantiated by a certified arborist or other recognized tree professional, that threatens public health, safety or welfare.

(24) Vacant structures and premises thereof or vacant land which is not maintained in a clean, safe, secure and sanitary condition so as not to cause a blighting problem or adversely affect the public health.

(25) Automobile parking on a residential lot within a platted subdivision that is not on improved all-weather surfaces or an approved driveway if located in the front yard.

(26) Recreational vehicles, boats, and trailer parking on a residential lot within a platted subdivision that is not on an improved all-weather surface or an approved driveway if located in the front yard. Recreational vehicle, boat, or trailer parking in the side or rear yard setbacks is allowed so long as emergency responders may access all sides of a structure.

(27) Truck tractors, as defined in RCW 46.04.655, and semi-trailers, as defined in RCW 46.04.530, that are parked, kept or stored in residentially zoned areas, on residential property in other zones or on sites that have not been permitted, improved and approved for such use. This requirement shall not apply to the

parking, keeping or storage of agricultural machinery on residential premises to be used for agricultural use allowed by MMC Title 22C or when equipment is used in conjunction with a permitted or allowed project.

(28) Heavy commercial equipment and vehicles used for commercial purposes exceeding 6,000 pounds that are not allowed to be parked, kept or stored in residentially zoned areas, on residential property in other zones, or on sites that have not been permitted, improved and approved for such use. This requirement shall not apply to the parking, keeping or storage of agricultural machinery on residential premises to be used for agricultural use allowed by MMC Title 22C, or when equipment or vehicles are used in conjunction with an ongoing permitted or allowed project, or to personal property and equipment that is primarily used on site for improvements and maintenance of the property.

(29) Temporary or portable structures, such as portable storage tents, temporary canopies, or other similar structures, which are not removed within 72 hours, when located within the front yard.

(30) Whoever shall suffer or permit to accumulate on any premises owned or occupied by him or under his control any feces in such manner as to emit noxious, disagreeable or offensive odors to the annoyance or detriment of any family or person, or shall place the contents of any privy vault in or upon any public street, alley or common, shall be deemed guilty of maintaining a public nuisance.

(31) Whoever shall suffer or permit any cellar, vault, drain, pool, privy, sewer, yard, ground or premises, owned or occupied by him or under his control, to become, from any cause, nauseous, foul or offensive, or injurious to the public health, or unpleasant or disagreeable to adjacent residents or persons, shall be deemed guilty of permitting or maintaining a public nuisance.

(32) Whoever shall suffer or permit any water to stand upon any premises owned, occupied or controlled by him, so that the same shall become stagnant, foul, offensive, or injurious to the public health, shall be deemed guilty of maintaining a public nuisance.

(33) All pens, stables, barns, kennels, yards and other premises where animals are confined or kept for private or commercial purposes shall be maintained in a clean condition so as to avoid unhealthy conditions for the animals or accumulation of animal waste; provided, however, said requirements shall not pertain to customary farm or agricultural practices. Any person who owns, occupies or has charge of premises which violate this section shall be deemed guilty of maintaining a public nuisance.

(34) Whoever shall deposit or place in or upon any premises, public or private, enclosed or common, within the city, any vegetable or animal matter or filth of a character likely to affect the public health, or to produce offensive odors, and whoever shall place or deposit in or upon any such premises the carcass of any dead animal to be or remain unburied within the city limits for more than 24

hours after its death, shall be deemed guilty of creating and maintaining a public nuisance.

(35) Any residential growing of marijuana, as may be allowed by RCW 69.51A.210, which does not comply with the requirements of RCW 69.51A.260 or any other requirement of State law, including, but not limited to, exceeding fifteen plants or being readily seen by normal unaided vision or readily smelled from a public place or the private property of another housing unit.

**Section 3. Amendment of Municipal Code.** MMC Section 22A.020.040, entitled "C" definitions, is hereby amended as follows:

~~"Cannabis or marijuana" means all parts of the plant cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. For the purposes of this definition, "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. The term "cannabis" includes cannabis products and usable cannabis.~~

"Canopy sign" means any permanent sign attached to or constructed underneath a canopy. These signs are below a projecting structure, which extends over the pedestrian walkway and which would effectively prevent a wall sign from being visible to the pedestrian walking under the canopy. See also "Projecting sign" and "Blade/bracket sign."

"Capital facilities plan" means all documents comprising the capital facilities element of the comprehensive plan that, for capital facilities, consists of an inventory of facilities owned by public entities, forecasts of future needs, new and expanded facilities, and a multi-year financing plan, adopted pursuant to Chapter 36.70A RCW.

"Caretaker's quarters" means a dwelling unit which is accessory to a permitted commercial or institutional use that is occupied exclusively by the caretaker or manager employed by the business or institution which it serves. Said dwelling unit must be located on the same property of the business or institution it serves; is limited to one such unit per property; and must be demonstrated to be clearly incidental and subordinate to the primary business or institutional use and the structure it serves.

"Carport" means a structure to house or protect motor vehicles owned or operated by the occupants of the main building, and which has at least 40 percent of the total area of its sides open to the weather.

"Certificate of occupancy" means a permit to occupy a premises issued by the building official after inspection has verified compliance with the requirements and provisions of this title and applicable building codes.

"Change of occupancy" means a change of use from one major land use category to another, and shall be determined to have occurred when it is found

that the general character of the operation has been modified and results in an intensification of land use that will require new development conditions to comply with existing regulations. This determination shall include review of, but not be limited to:

- (1) Hours of operation;
- (2) Materials processed or sold;
- (3) Required parking;
- (4) Traffic generation;
- (5) Impact on public utilities;
- (6) Clientele; and
- (7) General appearance and location.

“Changeable copy sign” means a sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means (for example, time and temperature units), or manually through placement of letters or symbols on a panel mounted in or on a track system.

“Charging levels” means the standardized indicators of electrical force, or voltage, at which an electric vehicle’s battery is recharged. The terms “1,” “2” and “3” are the most common EV charging levels, and include the following specifications:

- (1) Level 1 is considered slow charging.
- (2) Level 2 is considered medium charging.
- (3) Level 3 is considered fast or rapid charging.

“City” means the city of Marysville, Washington.

“City gateway sign” means a sign constructed and maintained by the city to welcome citizens and visitors to the city. Gateway signs are usually installed along major arterial streets leading into the city.

“City standards” means the engineering design and development standards as published by the department of public works.

“Clearance of a sign” means the smallest vertical distance between the grade of the adjacent street or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

“Clearing” means the removal of timber, brush, grass, groundcover or other vegetative matter from a site which exposes the earth’s surface of the site.

“Clinic” means a building designed and used for the medical, dental or surgical diagnosis or treatment of patients under the care of doctors and/or nurses.



“Closed record appeal hearing” means a hearing, conducted by a single hearing body or officer authorized to conduct such hearings, that relies on the existing record created during a quasi-judicial hearing on the application. No new testimony or submission of new evidence and information is allowed.

“Club” means an incorporated or unincorporated association of persons organized for a social, fraternal, athletic, educational, literary or charitable purpose. Property predominantly occupied by a club is semiprivate in character and shall be subject to the regulations governing public buildings and places, excluding groups organized primarily to render a service which is normally considered a business.

“Cogeneration” means the sequential generation of energy and useful heat from the same primary source or fuel for industrial, commercial, or residential heating or cooling purposes.

“Co-location” means the practice of installing and operating multiple wireless carriers, service providers, and/or radio common carrier licensees on the same antenna support structure or attached wireless communication facility using different and separate antenna, feed lines and radio-frequency-generating equipment.

“Combined antenna” means an antenna or an antenna array designed and utilized to provide multiple services or services for more than one wireless provider for the same or similar type of services.

“Commercial use” means an activity with goods, merchandise or services for sale or involving a rental fee, including any garage sale which fails to comply with one or more of the conditions specified in the definition thereof contained in this chapter.

“Commercial vehicle” means a motor vehicle used for purposes other than a family car, such as a taxi, delivery or service vehicle.

“Community meeting” means an informal meeting, workshop, or other public meeting to obtain comments from the public or other agencies on a proposed project permit generally prior to the submission of an application.

(1) A community meeting is between an applicant and owners, residents of property in the immediate vicinity of the site of a proposed project and the public, conducted prior to the submission of an application to the city of Marysville.

(2) A community meeting does not constitute an open record hearing.

(3) The proceedings at a community meeting may be recorded and a report or recommendation shall be included in the permit application file.

“Compensatory mitigation” means replacing project-induced losses or impacts to a critical area including, but not limited to, the following:

(1) Restoration. Actions performed to re-establish wetland functional characteristics and processes that have been lost by alterations, activities, or catastrophic events within an area that no longer meets the definition of a wetland.

(2) Creation. Actions performed to intentionally establish a wetland at a site where it did not formerly exist.

(3) Enhancement. Actions performed to improve the condition of existing degraded wetlands so that the functions they provide are of a higher quality.

(4) Preservation. Actions taken to ensure the permanent protection of existing high-quality wetlands.

"Comprehensive plan" means the city of Marysville comprehensive plan, a document adopted pursuant to Chapter 36.70A RCW providing land use designations, goals and policies regarding land use, housing, capital facilities, housing, transportation, and utilities.

"Comprehensive plan amendment" means an amendment or change to the text or maps of the comprehensive plan.

"Concealed WCF," sometimes referred to as a "stealth" or "camouflaged" facility, means the antenna or antenna array, antenna support structure, base station, and feed lines are not readily identifiable as such, and are designed to be aesthetically compatible with existing and proposed building(s) and uses on a site. Examples of concealed attached facilities include, but are not limited to, the following: painted antenna and feed lines to match the color of a building or structure, faux windows, dormers or other architectural features that blend with an existing or proposed building or structure. Examples of concealed antenna support structures can have a secondary, obvious function which may be, but is not limited to, the following: church steeple, windmill, bell tower, clock tower, cupola, light standard, utility pole, flagpole with or without a flag, or tree.

"Conditional use" means a use permitted in one or more zones as defined by this title but which, because of characteristics peculiar to such use, or because of size, technological processes or equipment, or because of the exact location with reference to surroundings, streets, and existing improvements or demands upon public facilities, requires a special degree of control to make such uses consistent with and compatible to other existing or permissible uses in the same zone or zones. A conditional use is a form of special exception.

"Conditional use permit" means a permit granted by the city to locate a permitted use on a particular property subject to conditions placed on the permitted use to ensure compatibility with nearby land uses.

"Condominium" means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in unit owners, and unless a declaration and a survey map and plans have been recorded pursuant to Chapter 64.34 RCW.

"Consolidation" means removal of one or several antenna support structure(s) or attached WCF located within a 1,500-foot radius of the center of the consolidated antenna support structure and its base station in order to encourage compliance with this chapter or to improve aesthetics or functionality of the overall wireless network.

"Construction sign" means a sign on the site of a construction project that identifies the project, its character, or purpose and that may include the architects, engineers, planners, contractors or other individuals or firms involved.

"Contiguous parcels" means land adjacent to other land which is under the same ownership and not separated by public right-of-way.

"Cottage housing developments" means a grouping of small, single-family dwelling units, clustered around a common area and developed with a coherent plan for the site in accordance with MMC 22C.010.280, Cottage housing developments.

"Council" means the city council of the city of Marysville.

"County" means Snohomish County, Washington.

"Covenants, conditions, and restrictions" or "CC&Rs" means a document setting forth the covenants, conditions, and restrictions applicable to a development, recorded with the Snohomish County auditor and, typically, enforced by a property owner's association or other legal entity.

"Critical areas" means areas of environmental sensitivity, which include the following areas and ecosystems:

- (1) Wetlands;
- (2) Fish and wildlife habitat; and
- (3) Geologically hazardous areas.

"Critical facility (floodplain management)" means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use or store hazardous materials or hazardous waste.

"Critical habitat" or "critical wildlife habitat" means habitat areas associated with threatened, endangered, sensitive, or priority species of plants, fish, or wildlife and which, if altered, could reduce the likelihood that the species will maintain and reproduce over the long term. Areas are documented with reference to lists, categories and definitions of species promulgated by the Washington State Department of Wildlife (nongame data system special animal species) as identified in WAC 232-12-011 or 232-12-014 and in the priority habitat species lists compiled in compliance with WAC 365-190-080; or by rules and regulations adopted currently or hereafter by the U.S. Fish and Wildlife

Service, copies of which are available at the community development department. Critical habitat also includes the following types of areas:

(1) Regionally rare native fish and wildlife habitat (i.e., one of five or fewer examples of the habitat type within the city of Marysville).

(2) Fish and wildlife areas with irreplaceable ecological functions, including the following:

(a) Estuarine marshes meeting any of the following criteria:

(i) The area is listed as a National Wildlife Refuge, National Park, National Estuary Reserve, Natural Area Preserve or any preserve or reserve designated under WAC 332-30-151;

(ii) The total area is five acres or greater and contains at least two estuarine wetland habitat classes; or

(iii) The total area is less than five acres and meets four of the following conditions:

(A) Area is greater than one acre;

(B) Contains at least two estuarine wetland classes;

(C) Shows minimum evidence of human-caused physical alteration, such as diking, filling, cultivating, etc.;

(D) Contains a functional tidal channel(s) or is connected to a tidal stream;

(E) Within a watershed that has few to moderate point or nonpoint water quality problems cited by the Department of Ecology; or

(F) Land adjacent to more than 75 percent of the area's border is agricultural or relatively undisturbed forest;

(b) Eelgrass and kelp beds (floating or nonfloating) with greater than 50 percent macroalgal cover during August or September;

(c) Category I wetlands as defined in MMC 22E.010.060;

(d) Documented commercial and recreational shellfish beds managed by the Washington State Department of Fisheries;

(e) State Nature Area Preserves or Natural Resource Conservation Areas identified by state law and managed by the Department of Natural Resources;

(f) Documented habitat or presence of threatened and endangered species;

(g) Documented habitat of regional or national significance for migrating birds;

(h) Naturally occurring ponds stocked with native game fish by government or tribal entities, and naturally occurring ponds greater than one acre and less than 20 acres in area, not more than 50 percent of which is covered by emergent aquatic vegetation, shrubs or trees, and whose maximum depth does not exceed 6.6 feet.

"Crops" means all plants grown for human or animal consumption or use.

"Cul-de-sac," "court" or "dead end street" means a short street having one end open to traffic and being permanently or temporarily terminated by a vehicle turn-around.

**Section 4. Amendment of Municipal Code.** MMC Section 22A.020.140, entitled "M" definitions, is hereby amended as:

Manufactured Home, Designated. A "designated manufactured home" is a manufactured home constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes, which:

(1) Is comprised of at least two fully enclosed parallel sections each of not less than 12 feet wide by 36 feet long;

(2) Was originally constructed with and now has a composition or wood shake or shingle, coated metal or similar roof of nominal 3:12 pitch; and

(3) Has exterior siding similar in appearance to siding materials commonly used on conventional site-built International Building Code single-family residences.

"Manufactured home (floodplain management)" means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers and other similar vehicles. The term "manufactured home" does not include a "recreational vehicle."

"Manufactured home park or subdivision (floodplain management)" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Marijuana" has the meaning given that term in Chapter 69.50 RCW, as currently adopted or as may be amended in the future. The term also includes both "marihuana" and "cannabis."

"Marijuana-infused products" has the meaning given that term in Chapter 69.50 RCW, as currently adopted or as may be amended in the future means products that contain marijuana or marijuana extracts and are intended for human use. The term "marijuana-infused products" does not include usable marijuana.

"Marijuana concentrates" has the meaning given that term in Chapter 69.50 RCW, as currently adopted or as may be amended in the future.

"Marijuana cooperative" means a cooperative formed by up to four qualifying patients or designated providers, whereby the members share responsibility for acquiring and supplying the resources needed to produce and process marijuana for the medical use of members, pursuant to RCW 69.51A.250.

"Marijuana processor" has the meaning given that term in Chapter 69.50 RCW, as currently adopted or as may be amended in the future~~means a person licensed by the State Liquor Control Board to process marijuana unto usable marijuana and marijuana infused products, package and label usable marijuana and marijuana infused products for sale in retail outlets, and sell usable marijuana and marijuana infused products as wholesale to marijuana retailers.~~

"Marijuana producer" has the meaning given that term in Chapter 69.50 RCW, as currently adopted or as may be amended in the future~~means a person licensed by the State Liquor Control Board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.~~

"Marijuana retailer" has the meaning given that term in Chapter 69.50 RCW, as currently adopted or as may be amended in the future~~means a person licensed by the State Liquor Control Board to sell usable marijuana and marijuana infused products in a retail outlet.~~

"Marijuana use" includes a store, agency, organization, dispensary, cooperative, network consultation, operation, or other business entity, group or person, no matter how described or defined, including any associated premises and equipment which has for its purpose or which is used to grow, select, measure, process, package, label, deliver, dispense, sell or otherwise transfer for consideration, or otherwise, marijuana in any form.

"Marina" means an establishment providing docking, moorage space and related activities limited to the provisioning or minor repair of pleasure boats and yachts; and personal services including, but not limited to:

- (1) Showers;
- (2) Toilets; and
- (3) Self-service laundries.

"Marquee" means a permanent structure attached to, supported by, and projecting from a building and providing protection from the weather elements, but which does not include a projecting roof. For purposes of these standards, a freestanding, permanent, roof-like structure providing protection from the elements, such as a service station gas pump island, shall also be considered a marquee. The definition also includes an awning and a canopy.

[Image Omitted]

“Marquee sign” means a sign incorporated into or attached to a marquee.

“Master plan” means a concept site plan, to scale, showing general land uses and zoning districts, proposed building pad concepts and orientation, public and private open space, sensitive areas, streets, pedestrian and vehicle connectivity to adjacent parcels, and other design features, required by applicable comprehensive plan and development regulations applying to the parcels.

“Master planned senior community” means a master plan for a site that incorporates a range of care options for senior citizens or disabled persons, including but not limited to independent senior housing, senior assisted living, and nursing homes. The proposed development must offer a continuum of care that offers varying degrees of assistance for individuals as they are needed. The community must include an integration of residential living units or beds, recreation, congregate dining, and on-site medical facilities/services.

“Material error” means substantive information upon which a permit decision is based that is submitted in error or is omitted at the time of permit application.

“Medical marijuana (cannabis) collective gardens” or “collective garden” means a garden where qualifying patients engage in the production, processing, and delivery of cannabis for medical use as set forth in Chapter 69.51A RCW and subject to the limitations therein and in this code.

“Medical marijuana (cannabis) dispensary” or “dispensary” means any facility or location where medical marijuana is grown, made available to and/or distributed by or to two or more of the following: a primary caregiver, a qualified patient, or a person with an identification card.

“Medium-speed electric vehicle” means a self-propelled, electrically powered four-wheeled motor vehicle, equipped with a roll cage or crush-proof body design, whose speed attainable in one mile is more than 25 miles per hour but not more than 35 miles per hour and otherwise meets or exceeds the federal regulations set forth in 49 CFR Section 571.500.

“Menu sign” means a menu board at the entrance to a drive-through lane at a restaurant or an automobile service facility listing menu items or services for sale at the establishment. Car washes or automobile lubrication facilities typically display a menu sign.

“Miscellaneous health establishments” means establishments primarily engaged in providing health and allied services, including but not limited to physical and occupational therapists; blood banks; blood donor stations; medical photography and art; osteoporosis centers; kidney dialysis centers; sperm banks; etc.

“Mitigation” or “mitigate” means an action which avoids a negative adverse impact and is reasonable and capable of being accomplished.

“MMC” means the Marysville Municipal Code, as amended.

“Mobile home” means a transportable, factory-built home designed and intended to be used as a year-round dwelling, and built prior to the enactment

of the Federal Manufactured Housing and Safety Standards Act of 1974. Mobile homes are no longer built.

"Mobile/manufactured home lot" means a plot of ground within a mobile/manufactured home park designated to accommodate one mobile/manufactured home.

"Mobile/manufactured home park" means a tract of land under single ownership or control, including ownership by a condominium association, upon which two or more mobile/manufactured homes occupied as dwellings may be located.

"Monument sign" means a freestanding sign that is attached directly to the ground with a decorative base made of wood, masonry or other similar material. Monument signs may have posts comprised of wood, masonry, or metal so long as the posts are completely surrounded by the decorative base. The width of the top of the sign structure can be no more than 120 percent of the width of the base. Monument signs shall not exceed 12 feet in height, and any permanent freestanding sign 12 feet in height or shorter shall be considered a monument sign except that this definition shall not apply to directional signs.

"Motel" means a building or group of buildings containing six or more rooms where lodging with or without meals is provided for compensation. Cooking facilities may be installed, provided no more than 10 percent of the motel units contain complete cooking facilities, and cooking facilities in the remaining units are limited to a "countertop range" with no oven. Motels shall be designed to accommodate the automobile tourist or transient; furnishings and daily maid service shall be provided, and parking facilities must be provided convenient to each guest room.

"Motor vehicle and boat dealer" means an establishment engaged in the retail sale of new and/or used automobiles, motor homes, motorcycles, trailers, and boats.

"Multifamily, dwelling unit" means a building containing three or more dwelling units, or units when above a ground floor commercial use. The term includes triplexes, fourplexes, apartments, condominiums and the like. It does not include boarding houses, motels or hotels.

"Mural" means a large decorative image, not an advertisement that is painted or drawn on an exterior wall of a structure.

**Section 5. Amendment of Municipal Code.** MMC Section 22A.020.190, entitled "R" definitions, is hereby amended as follows:

"Radio frequency emissions" means any electromagnetic radiation or other communications signal emitted from an antenna or antenna-related equipment on the ground, antenna support structure, building, or other vertical projection.

"Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by Chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.



“RCW” means the Revised Code of Washington, as amended.

“Readerboard sign” means a sign with characters, letters, or illustrations that can be changed or rearranged without altering the face or surface of the sign. See also “Changeable copy sign.”

“Real estate sign” means a portable or temporary sign pertaining to the sale, exchange, lease, rental, or availability of land, buildings, condominium and similar units, or apartments.

“Recreational vehicle” or “RV” means a vehicle or portable structure built on a chassis and designed to be used for temporary occupancy or travel, recreational or vacation use. Said vehicles contain plumbing, heating and electrical systems which are operated without connection to outside utilities. Recreational vehicles shall include, but are not limited to, campers, motor homes and travel trailers; tents are excluded.

“Recreational vehicle (floodplain management)” means a vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Recreational vehicle park” means a tract of land under single ownership or control or upon which two or more recreational vehicle sites are located, established or maintained for occupancy by the general public as temporary living quarters for recreation or vacation purposes.

“Recreational vehicle site” means a plot of ground within a recreational vehicle park intended for accommodation of a recreational vehicle on a temporary basis.

“Redivision” means the redivision of a lot located within a previously recorded plat or short plat.

“Regional stormwater management facility” means a surface water control structure installed in or adjacent to a stream or wetland of a basin or sub-basin by the city’s public works department or a project proponent.

“Request for final approval” means a request made by the applicant for final approval of a division of land, when the applicant has completed all the requirements of preliminary approval.

“Residential care facility” means a facility, licensed by the state, that cares for at least five but not more than 15 people with functional disabilities, that has not been licensed as an adult family home pursuant to RCW 70.128.175.

“Residential development sign” means a sign identifying a residential subdivision or multifamily complex.

“Retail outlet” ~~has the meaning given that term in Chapter 69.50 RCW, as currently adopted or as may be amended in the future~~ means a location licensed by the State Liquor Control Board for the retail sale of usable marijuana and marijuana-infused products.

“Revolving sign” means a sign that revolves or partially revolves by mechanical means.

“Riding academy” means any establishment where horses are kept for riding, driving or stabling for compensation or as an accessory use in the operation of a club, association, ranch or similar establishment.

“Risk potential activity or facility” means an activity or facility that provides a higher incidence of risk to the public from persons conditionally released from the special commitment center. “Risk potential activity” and “risk potential facility” includes:

- (1) Public and private schools and their grounds;
- (2) School bus stops;
- (3) Licensed child day care and licensed preschool facilities;
- (4) Public parks;
- (5) Publicly dedicated trails;
- (6) Sports fields;
- (7) Playgrounds;
- (8) Recreational and community centers;
- (9) Places of worship such as churches, synagogues, temples, mosques;
- (10) Public libraries;
- (11) Any other risk potential activity or facility identified in siting criteria by the Department of Social and Health Services with respect to siting a secure community transition facility.

“Roof sign” means any sign erected upon or above a roof or parapet of a building or structure.

**Section 6. Amendment of Municipal Code.** MMC Section 22A.020.220, entitled "U" definitions, is hereby amended as follows:

"Unified Development Code" or "UDC" means the city of Marysville unified development code (UDC), MMC Title 22.

"Usable marijuana" ~~has the meaning given that term in Chapter 69.50 RCW, as currently adopted or as may be amended in the future~~ means dried marijuana flowers. ~~The term "usable marijuana" does not include marijuana-infused products.~~

"Use" means an activity or function carried out on an area of land, or in a building or structure located thereon. Any use comprising the sole or main use on the site is considered the primary use of the site. Any use subordinate or incidental to the primary use on a site is considered an accessory use.

"Utility facility" means a facility for the distribution or transmission of services to an area, requiring location in the area to be served, including, but not limited to:

- (1) Telephone exchanges;
- (2) Water pumping or treatment stations;
- (3) Electrical switching substations;
- (4) Water storage reservoirs or tanks;
- (5) Municipal ground water well-fields;
- (6) Regional stormwater management facilities;
- (7) Natural gas gate stations and limiting stations;
- (8) Propane, compressed natural gas and liquefied natural gas storage tanks serving multiple lots or uses from which fuel is distributed directly to individual users; and
- (9) Sewer lift stations.

**Section 7. Amendment of Municipal Code.** MMC Section 22C.010.060, entitled "Permitted uses," is hereby amended to add new provisions to the table as follows:

				WR				WR	
<b>Specific Land Use</b>	R-4.5	R-6.5	R-8	R-4-8	R-12	R-18	R-28	R-6-18	R-MHP
<b>Residential land uses</b>									
Dwelling Units, Types:									

<b>Specific Land Use</b>	<b>R-4.5</b>	<b>R-6.5</b>	<b>R-8</b>	<b>WR R-4-8</b>	<b>R-12</b>	<b>R-18</b>	<b>R-28</b>	<b>WR R-6- 18</b>	<b>R- MHP</b>
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	C6	C6	C6	C6	C6	C6	C6	C6	
Duplex (14)	C8	P8	P8	P8	P	P	P	P	
Townhouse	P3	P3	P3	P3	P	P	P	P	
Multiple-family					P	P	P	P	
Mobile home	P12	P12	P12	P12	P12	P12	P12	P12	P12
Mobile/manufactured home park	P3	P3	P3		C	P	P		P45
Senior citizen assisted	C2	C2	C2	C2	C2	C2	C2	C2	C2
Factory-built	P7	P7	P7	P7	P7	P7	P7	P7	P7, 43
Recreational vehicle									P44
<b>Group Residences:</b>									
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
<b>Accessory Uses:</b>									
Residential accessory uses (1), (9), (10)	P	P	P	P	P	P	P	P	P
Home occupation (5)	P	P	P	P	P13	P13	P13	P13	P
<b>Temporary Lodging:</b>									
Hotel/motel					P	P	P	P	

<b>Specific Land Use</b>	<b>R-4.5</b>	<b>R-6.5</b>	<b>R-8</b>	<b>WR R-4-8</b>	<b>R-12</b>	<b>R-18</b>	<b>R-28</b>	<b>WR R-6- 18</b>	<b>R- MHP</b>
Bed and breakfast guesthouse (4)		C	C	C	P	P	P	P	
Bed and breakfast inn (4)					P	P	P	P	
<b>Recreation/Cultural Land Uses</b>									
Park/Recreation:									
Park	P16	P16	P16	P16	P16	P16	P16	P16	P16
Recreational vehicle park									C46
Community center	C	C	C	C	C	C	C	C	C
Amusement/Entertainment:									
Sports club					C	C	C	C	
Golf facility (17)	C	C	C	C	P	P	P	P	
Cultural:									
Library, museum and art gallery	C	C	C	C	C	C	C	C	C
Church, synagogue and temple	C	C	C	C	P	P	P	P	C
<b>General Services Land Uses</b>									
Personal Services:									
Funeral home/crematory	C18	C18	C18	C18	C18	C18	C18	C18	C18
Cemetery, columbarium or mausoleum	P24	P24	P24	P24	P24	P24	P24	P24	P24
	C19	C19	C19	C19	C19	C19	C19	C19	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	

<b>Specific Land Use</b>	<b>R-4.5</b>	<b>R-6.5</b>	<b>R-8</b>	<b>WR R-4-8</b>	<b>R-12</b>	<b>R-18</b>	<b>R-28</b>	<b>WR R-6- 18</b>	<b>R- MHP</b>
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	
<b>Health Services:</b>									
Medical/dental clinic					C	C	C	C	
<b>Education Services:</b>									
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									
<b>Government/Business Service Land Uses</b>									
<b>Government Services:</b>									
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
<b>Business Services:</b>									
Self-service storage (31)					C27	C27	C27	C27	
Professional office					C	C	C	C	
Automotive parking	P29	P29	P29	P29	P29	P29	P29	P29	
Model house sales office	P47	P47	P47	P47					

<b>Specific Land Use</b>	<b>R-4.5</b>	<b>R-6.5</b>	<b>R-8</b>	<b>WR R-4-8</b>	<b>R-12</b>	<b>R-18</b>	<b>R-28</b>	<b>WR R-6- 18</b>	<b>R- MHP</b>
Wireless communication facility (28)	P C	P C	P C	P C	P C	P C	P C	P C	P C
<b>State-Licensed Marijuana Facilities:</b>									
<u>Marijuana cooperative (48)</u>									
Marijuana processing facility – Indoor only (48)									
Marijuana production facility – Indoor only (48)									
Marijuana retail facility (48)									
<b>Retail/Wholesale Land Uses</b>									
Forest products sales	P32	P32	P32	P32					
Agricultural crop sales	P32	P32	P32	P32					
<b>Resource Land Uses</b>									
<b>Agriculture:</b>									
Growing and harvesting crops	P34	P34	P34	P34					
Raising livestock and small animals	P35	P35	P35	P35					
<b>Forestry:</b>									
Growing and harvesting forest products	P34	P34	P34	P34					
<b>Fish and wildlife management:</b>									
Hatchery/fish preserve (33)	C	C	C	C					
Aquaculture (33)	C	C	C	C					
<b>Regional Land Uses</b>									
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

Specific Land Use	R-4.5	R-6.5	R-8	WR	R-12	R-18	R-28	WR	R-MHP
				R-4-8				R-6-18	
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 8. Amendment of Municipal Code.** MMC Section 22C.010.070, entitled "Permitted uses – Development conditions," is hereby amended as follows:

(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 no more than five years old, as evidenced by the date of manufacture recorded on the HUD data plate;

(b) 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;

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

(12) Mobile homes are only allowed in existing mobile home parks established prior to October 16, 2006.

(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 planned residential developments, through the provisions of Chapter 22G.080 MMC, using the binding site plan (BSP) process outlined in Chapter 22G.100 MMC, and designated on the face of the BSP, for multiple single-family detached dwellings on a single parcel; or 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) Daycare IIs must be located on sites larger than one-half acre and are subject to minimum standards identified in Chapter 22C.200 MMC for daycare 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) Used as a permanent residence in an established MHP or RV park; provided, that utility hookups in MHPs meet current standards for MHPs or RV parks.

(45) MHPs shall fulfill the requirements of Chapter 22C.230 MMC.

(46) Recreational vehicle parks are subject to the requirements and conditions of Chapter 22C.240 MMC.

(47) Model house sales offices are subject to the requirements of MMC 22C.110.020(3).

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

**Section 9. Amendment of Municipal Code.** MMC Section 22C.020.060, entitled "Permitted uses," is hereby amended to add new provisions to the table as follows:

Specific Land Use	NB	CB (63)	GC	DC	MU (63)	BP	LI	GI	REC	P/I
<b>Residential Land Uses</b>										
<b>Dwelling Units, Types:</b>										
Townhouse				P6	P					
Multiple-family	C4	P4, C5	P4, C5	P4, P6	P					
Mobile home	P7	P7	P7	P7	P7	P7	P7	P7		
Senior citizen assisted	P				C					P

Specific Land Use	NB	CB (63)	GC	DC	MU (63)	BP	LI	GI	REC	P/I
Caretaker's quarters (3)	P	P	P	P	P	P	P	P	P	P
<b>Group Residences:</b>										
Adult family home	P	P	P	P	P	P70	P70	P70	P70	P
Convalescent, nursing, retirement	C	P	P	P	P					P
Residential care facility	P	P	P	P	P	P70	P70	P70	P70	P
Master planned senior community (10)					C					C
<b>Accessory Uses:</b>										
Home occupation (2)	P8	P8, P9	P8, P9	P8, P9	P8, P9	P9	P9	P9		
<b>Temporary Lodging:</b>										
Hotel/motel	P	P	P	P	P	P	P			
Bed and breakfast guesthouse (1)										
Bed and breakfast inn (1)	P	P	P							
<b>Recreation/Cultural Land Uses</b>										
<b>Park/Recreation:</b>										
Park	P11	P	P	P	P	P	P	P	P11	P
Marina				P				P	C	P
Dock and boathouse, private, noncommercial				P				P	P16	P
Recreational vehicle park			C12				C12		C	P
Boat launch, commercial or public				P				P		P
Boat launch, noncommercial or private				P				P	P17	P
Community center	P	P	P	P	P	P	P	P	P	P

Specific Land Use	NB	CB (63)	GC	DC	MU (63)	BP	LI	GI	REC	P/I
<b>Amusement/Entertainment:</b>										
Theater		P	P	P	P					
Theater, drive-in			C							
Amusement and recreation services		P18	P18	P18	P19	P	P	C		
Sports club	P	P	P	P	P	P	P	P		
Golf facility (13)		P	P			P	P	P	C	
Shooting range (14)			P15			P15	P15			
Outdoor performance center			C				C		C	C
Riding academy						P	P		C	
<b>Cultural:</b>										
Library, museum and art gallery	P	P	P	P	P	P	P	P	C	P
Church, synagogue and temple	P	P	P	P	P	P	P	P		P
Dancing, music and art center		P	P	P	P				C	P
<b>General Services Land Uses</b>										
<b>Personal Services:</b>										
General personal service	P	P	P	P	P	P	P	P		
Dry cleaning plant		P					P	P		
Dry cleaning pick-up station and retail service	P	P	P	P	P25		P	P		
Funeral home/crematory		P	P	P	P26	P	P	P		
Cemetery, columbarium or mausoleum	P24	P24	P24 C20			P	P	P		

Specific Land Use	NB	CB (63)	GC	DC	MU (63)	BP	LI	GI	REC	P/I
Day care I	P70	P70	P70	P70	P70	P70	P21, 70	P70	P70	P70
Day care II	P	P	P	P	P	P21	P21			
Veterinary clinic	P	P	P	P	P	P	P	P		
Automotive repair and service	P22	C, P28	P			P	P	P		
Electric vehicle (EV) charging station (64)	P	P	P	P	P	P	P	P	P	P
EV rapid charging station (65), (66)	P	P	P	P67	P67		P	P		
EV battery exchange station			P				P	P		
Miscellaneous repair		P	P				P	P		
Social services		P	P	P	P					P
Kennel, commercial and exhibitor/breeding (71)		P	P			C	P	P		
Pet daycare (71), (72)		P	P	P	P	P	P	P		
Civic, social and fraternal association		P	P	P	C	P		P		P
Club (community, country, yacht, etc.)						P		P		P
<b>Health Services:</b>										
Medical/dental clinic	P	P	P	P	P					P
Hospital		P	P	P	C					C
Miscellaneous health	P68	P68	P68	P68	P68					P68
<b>Education Services:</b>										
Elementary, middle/junior high, and senior high (including public, private and parochial)		C	C	C	C		P	C		C



<b>Specific Land Use</b>	<b>NB</b>	<b>CB (63)</b>	<b>GC</b>	<b>DC</b>	<b>MU (63)</b>	<b>BP</b>	<b>LI</b>	<b>GI</b>	<b>REC</b>	<b>P/I</b>
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
<b>Government/Business Service Land Uses</b>										
<b>Government Services:</b>										
Public agency office	P	P	P	P	P	P	P	P		P
Public utility yard			P				P			P
Public safety facilities, including police and fire	P29	P	P	P	P		P			P
Utility facility	P	P	P		C	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
<b>Business Services:</b>										
Contractors' office and storage yard			P30	P30	P30		P	P		
Interim recycling facility		P23	P23				P			P
Taxi stands		P	P							
Trucking and courier service		P31	P31				P	P		
Warehousing and wholesale trade			P			P	P	P		
Mini-storage (36)			P			P	P	P		
Freight and cargo service			P			P	P	P		
Cold storage warehousing							P	P		
General business service and office	P	P	P	P	P30	P	P	P		
Commercial vehicle storage						P	P	P		

Specific Land Use	NB	CB (63)	GC	DC	MU (63)	BP	LI	GI	REC	P/I
Professional office	P	P	P	P	P	P	P			
Miscellaneous equipment rental		P30, 37	C38		P30, 37		P	P		
Automotive rental and leasing			P				P			
Automotive parking	P	P	P	P	P	P	P	P		
Research, development and testing			P			P	P	P		
Heavy equipment and truck repair							P	P		
Automobile holding yard			C				P	P		
Commercial/industrial accessory uses	P39, 40	P39	P39	P39, 40	P39, 40	P	P	P		
Adult facility								P33		
Factory-built commercial building (35)	P	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		P, C
<b>State-Licensed Marijuana Facilities:</b>										
Marijuana Cooperative (69)										
Marijuana processing facility – Indoor only (69)										
Marijuana production facility – Indoor only (69)										
Marijuana retail facility (69)										
<b>Retail/Wholesale Land Uses</b>										
Building, hardware and garden materials	P47	P	P	P	P47		P	P		
Forest products sales		P	P				P			

Specific Land Use	NB	CB (63)	GC	DC	MU (63)	BP	LI	GI	REC	P/I
Department and variety stores	P	P	P	P	P		P			

Specific Land Use	NB	CB (63)	GC	DC	MU (63)	BP	LI	GI	REC	P/I
Food stores	P	P	P	P	P45		P			
Agricultural crop sales		P	P		C		P			
Storage/retail sales, livestock feed							P	P		
Motor vehicle and boat dealers		P	P				P	P		
Motorcycle dealers		C	P	P49			P	P		
Gasoline service stations	P	P	P	P			P	P		
Eating and drinking places	P41	P	P	P	P46	P	P	P		
Drug stores	P	P	P	P	P		P	P		
Liquor stores		P	P							
Used goods: antiques/secondhand shops		P	P	P	P					
Sporting goods and related stores		P	P	P	P					
Book, stationery, video and art supply stores	P	P	P	P	P					
Jewelry stores		P	P	P	P					
Hobby, toy, game shops	P	P	P	P	P					
Photographic and electronic shops	P	P	P	P	P					
Fabric and craft shops	P	P	P	P	P					
Fuel dealers			P43			P43	P43	P43		

<b>Specific Land Use</b>	<b>NB</b>	<b>CB (63)</b>	<b>GC</b>	<b>DC</b>	<b>MU (63)</b>	<b>BP</b>	<b>LI</b>	<b>GI</b>	<b>REC</b>	<b>P/I</b>
Florist shops	P	P	P	P	P					
Pet shops	P	P	P	P	P					
Tire stores		P	P	P			P	P		
Bulk retail		P	P				P			
Auction houses			P42				P			
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	P44	P44		
Automobile wrecking yards							C	P		
<b>Manufacturing Land Uses</b>										
Food and kindred products		P50, 52	P50				P50	P		
Winery/brewery		P53	P	P53	P53		P	P		
Textile mill products							P	P		
Apparel and other textile products			C				P	P		
Wood products, except furniture			P				P	P		
Furniture and fixtures			P				P	P		
Paper and allied products							P	P		
Printing and publishing	P51	P51	P		P51	P	P	P		
Chemicals and allied products							C	C		
Petroleum refining and related industries							C	C		
Rubber and misc. plastics products							P	P		

<b>Specific Land Use</b>	<b>NB</b>	<b>CB (63)</b>	<b>GC</b>	<b>DC</b>	<b>MU (63)</b>	<b>BP</b>	<b>LI</b>	<b>GI</b>	<b>REC</b>	<b>P/I</b>
Leather and leather goods							C	C		
Stone, clay, glass and concrete products							P	P		
Primary metal industries							C	P		
Fabricated metal products			C			P	P	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			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			
<b>Resource Land Uses</b>										
<b>Agriculture:</b>										
Growing and harvesting crops						P	P	P	P	
Raising livestock and small animals						P	P	P	P	
Greenhouse or nursery, wholesale and retail			P			P	P	P	C	
Farm product processing							P	P		

Specific Land Use	NB	CB (63)	GC	DC	MU (63)	BP	LI	GI	REC	P/I
<b>Forestry:</b>										
Growing and harvesting forest products							P			
Forest research							P			
Wood waste recycling and storage							C	C		
<b>Fish and Wildlife Management:</b>										
Hatchery/fish preserve (55)						P	P	P	C	
Aquaculture (55)							P	P	C	
Wildlife shelters	C	C							P	
<b>Mineral:</b>										
Processing of minerals							P	P		
Asphalt paving mixtures and block							P	P		
<b>Regional Land Uses</b>										
Jail		C	C			C	C			
Regional storm water management facility		C	C	C		C	C	C		P
Public agency animal control facility			C				P	P		C
Public agency training facility		C56	C56		C56		C57			C57
Nonhydroelectric generation facility	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		C

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

**Section 10. Amendment of Municipal Code.** MMC Section 22C.020.070, entitled "Permitted uses – Development conditions," is hereby amended as follows:

- (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) Permitted on the ground floor in the southwest sector of downtown vision plan area, as incorporated into the city of Marysville comprehensive plan.

(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 over-water structure shall not exceed 20 feet as measured from the line of ordinary high water;

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

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

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

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

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

(17) Boat Launch, Noncommercial or Private.

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

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

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

(18) Excluding racetrack operation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(34) Reserved.

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

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

(b) A factory-built commercial building cannot be attached to a metal frame allowing it to be mobile. All structures must be placed on a permanent, poured-in-place foundation. The foundation shall be

structurally engineered to meet the requirements set forth in Chapter 16 of the International Building Code.

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

(37) Except heavy equipment.

(38) With outdoor storage and heavy equipment.

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

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

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

(42) Excluding vehicle and livestock auctions.

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

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

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

(46) Eating and Drinking Places.

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

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

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

(47) Limited to hardware and garden supply stores.

(48) Limited to convenience retail, such as video, and personal and household items.

(49) Provided there is no outdoor storage and/or display of any materials, products or vehicles.

(50) Except slaughterhouses.

(51) Limited to photocopying and printing services offered to the general public.

(52) Limited to less than 10 employees.

- (53) In conjunction with an eating and drinking establishment.
- (54) Provided there is no outdoor storage and/or display of any materials, products or vehicles.
- (55) May be further subject to the provisions of city of Marysville shoreline management program.
- (56) Except weapons armories and outdoor shooting ranges.
- (57) Except outdoor shooting ranges.
- (58) Only in conjunction with an existing or proposed school.
- (59) Except racing of motorized vehicles.
- (60) Limited to land located along east side of 47th Avenue NE alignment, in the east half of the northeast quarter of Section 33, Township 30N, Range 5E, W.M., and in the northeast quarter of the southeast quarter of Section 33, Township 30N, Range 5E, W.M., and land located east side of SR 529, north of Steamboat Slough, south and west of Ebey Slough (a.k.a. TP No. 300533-002-004-00) and in the northwest and southwest quarters of Section 33, Township 30N, Range 5E, W.M., as identified in Exhibit A, attached to Ordinance No. 2452.
- (61) Opiate substitution treatment program facilities permitted within commercial zones are subject to Chapter 22G.070 MMC, Siting Process for Essential Public Facilities.
- (62) Opiate substitution treatment program facilities, as defined in MMC 22A.020.160, are subject to the standards set forth below:
- (a) Shall not be established within 300 feet of an existing school, public playground, public park, residential housing area, child-care facility, or actual place of regular worship established prior to the proposed treatment facility.
  - (b) Hours of operation shall be restricted to no earlier than 6:00 a.m. and no later than 7:00 p.m. daily.
  - (c) The owners and operators of the facility shall be required to take positive ongoing measures to preclude loitering in the vicinity of the facility.
- (63) Permitted uses include Whiskey Ridge zones.
- (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," and "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, or 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 RCW 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 the WAC 173-60-040.

**Section 11. 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>
_____	Marijuana Regulations	_____, 2016"

**Section 12. 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 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 \_\_\_\_\_, 2016.

CITY OF MARYSVILLE

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

Attest:

By: \_\_\_\_\_  
APRIL O'BRIEN, DEPUTY CITY CLERK

Approved as to form:

By: \_\_\_\_\_  
JON WALKER, CITY ATTORNEY

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

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