

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

**CITY COUNCIL MEETING DATE: June 7, 2021 – Discussion item**

<b>AGENDA ITEM:</b>	
Work session discussion concerning code amendments for Enhanced Services Facilities	
<b>PREPARED BY:</b>	<b>DIRECTOR APPROVAL:</b>
Allan Giffen, Community Development staff	<i>Jaylie Miller</i> , CD Director
<b>DEPARTMENT:</b>	
Community Development	
<b>ATTACHMENTS:</b>	
Staff memo to City Council, memo for May 10, 2021 Economic Development Committee (EDC) meeting, maps illustrating differences between recommendation of Planning Commission and changes requested by EDC, draft ordinance with Planning Commission recommendation, alternative draft ordinance with changes requested by EDC	
<b>BUDGET CODE:</b>	<b>AMOUNT:</b>
N/A	N/A
<b>SUMMARY:</b>	

The City Council adopted Ordinance No. 3168 on November 23, 2020, establishing interim regulations that had the effect of prohibiting the siting of Enhanced Services Facilities (ESFs) in Marysville in order to provide the City time to study where such uses may be allowed and to prepare associated zoning regulations. On May 24, 2021, the City Council adopted Ordinance No. 3182 to extend the interim regulations for an additional six months. The Planning Commission held four public meetings to discuss the matter and recommended amendments to the Marysville Municipal Code relating to ESFs.

At the City Council work session on May 3, 2021, the City Council referred the matter to the City Council’s Economic Development Committee (EDC) for further review. The EDC asked staff to prepare revisions to the Planning Commission recommendation for discussion by the full city council. The attached memorandum summarizes the changes and asks the city council for direction for potential changes to the code amendments recommended by the Planning Commission for consideration at a future council meeting.

<b>RECOMMENDED ACTION:</b>
Review attached materials, discuss potential changes at June 7, 2021 City Council work session, provide direction to staff for preparation of an ordinance to be considered at a future council meeting.
<b>RECOMMENDED MOTION:</b>
None required.



## MEMORANDUM

**TO:** City Council, Mayor Nehring

**FROM:** Allan Giffen, Community Development Staff

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

**DATE:** June 7, 2021

**SUBJECT:** Enhanced Services Facilities Code Amendments

**A. BACKGROUND:** The City Council adopted Ordinance 3168 November 23, 2020 that established interim regulations that prohibit an enhanced services facility in any zone in the city. The ordinance, effective for six months, directed the Planning Commission to review the matter and make a recommendation to the City Council about where enhanced services facilities (ESFs) should be allowed. On May 24, 2021, the City Council adopted Ordinance No. 3182 to extend the interim regulations for an additional six months. The Planning Commission discussed the matter at four meetings, took public testimony, including from staff of the Department of Social and Health Services (DSHS).

The Planning Commission recommended amendments to the Municipal Code that would:

1. allow ESFs as a conditional use (Public notice required, potential for Hearing Examiner hearing) in the R-18 and R-28 zones multi-family residential zones;
2. allow ESFs as a permitted use in five commercial / mixed use zones.
3. Amend the definition of ESFs to match the definition used by the State in RCW 70.97.010;
4. establish a new set of regulations and requirements for ESFs in the Municipal Code that:
  - require the proponent of an ESF to provide notice to contiguous property owners at least 15 days prior to filing a land use application with the City in order to allow the neighboring property owners to learn more about the facility and for the proponent to address any concerns in their application materials;
  - require a detailed management plan that addresses issues of public safety, communication with neighbors, and facility management
  - require the facility to accept only residents that are determined not to pose a risk to other residents and the public.

At the May 3, 2021 City Council meeting, the City Council decided to refer the subject to the council's Economic Development Committee for further review. The discussion included questions about whether the number of zones in which ESFs would be allowed was too many, about the definition, and the state regulations governing ESFs.

At the May 24, 2021 City Council meeting, the council adopted Ordinance 3182, renewing the interim regulations in Ordinance 3168 an additional six months to allow the City to finish its review of regulations pertaining to enhanced services facilities.

**B. ECONOMIC DEVELOPMENT COMMITTEE DISCUSSION:** At the May 10, 2021 meeting of the Economic Development Committee, the committee asked staff to prepare an alternative set of regulations that differs from the Planning Commission recommendation. The alternative requested by the committee differs from the Planning Commission recommendation as follows:

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

**C. ATTACHMENTS:** The following materials are attached:

1. Included as attachments to this memo are two maps that illustrate the locations where ESFs would be allowed under the recommendation of the Planning Commission, and the alternative requested by the Economic Development Committee:

Map 1 – Planning Commission recommendation: Shows transit routes as well as the DC, GC, CB, MU, R-18 and R-28 zones, because in the R-18 and R-28 zones, a site is eligible only if located within one-quarter mile of a transit route. There are just a few parts of the R-18 and R-28 zones that are not located within one-quarter mile of a transit route.

Map 2 – Economic Development Committee’s requested changes for consideration: This map has a dashed green line that indicates areas located within one-quarter mile of State Avenue and Smokey Point Boulevard. The map shows only the DC, GC, CB and MU zone areas that are near the area within one-quarter mile of the above named streets. The dashed green line does not extend west of Interstate 5, though there is some land in the CB zone located west of I-5 within one-quarter mile. Staff’s interpretation of the direction from the Economic Development Committee was to keep the land area eligible for ESFs in proximity to State Avenue and Smokey Point Boulevard. This map does not include transit routes as removal of the R-18 and R-28 zones removes the one transit-route-related requirement recommended by the Planning Commission.

2. Memorandum to the Economic Development Committee for May 10, 2021 meeting.
3. Draft ordinance with changes recommended by the Planning Commission. In this attachment, staff added two additional edits in proposed MMC 22C.280.050:
  - a. Added “licenses” to 22C.280.050, Subsection 1.

- b. Added Subsection 5 limiting ESFs to not more than 16 residents in case the State regulations ever change to allow more than 16 residents.

4. Draft ordinance with changes as requested by the Economic Development Committee.

**D. STAFF REQUEST OF CITY COUNCIL:** Staff asks that the City Council review both the recommendation from the Planning Commission and the alternative with the changes requested by the Economic Development Committee, and provide direction to staff for any changes the council would like staff to draft for an ordinance to be considered at the June 28 City Council meeting. The following questions are intended to focus the city council's discussion on the substantive differences between the two alternatives:

1. Should Enhanced Services Facilities (ESFs) be allowed as a Conditional Use in the R-18 and R-28 zones, or not at all?
2. Should ESFs be allowed in all DC, GC, CB, CB-WR, and MU zones, or only in those zones when located within one-quarter mile of State Avenue or Smokey Point Boulevard, or within some other specified distance from these two principal arterial streets?
3. Should there be a one-quarter mile minimum separation between ESFs, a different separation distance, or no separation requirement at all?
4. Should ESFs in the DC, GC and CB zones be required to be located in a mixed use building, on a floor above a permitted ground floor commercial use, or should they be allowed as a stand-alone use in these zones?



**MEMORANDUM**

**TO:** Economic Development Committee  
**FROM:** Allan Giffen, Community Development Staff  
**DATE:** May 6, 2021  
**SUBJECT:** Enhanced Services Facilities

**A. INTRODUCTION:** The City Council adopted Ordinance 3168 November 23, 2020 that prohibits an enhanced services facility in any zone in the city. The ordinance directed the Planning Commission to review the matter and make a recommendation to the City Council about where enhanced services facilities (ESFs) should be allowed. The Planning Commission discussed the matter at four meetings, took public testimony, including from staff of the Department of Social and Health Services (DSHS).

The Planning Commission recommended amendments to the Municipal Code that would allow ESFs as a conditional use (Public notice required, potential for Hearing Examiner hearing) in two multi-family residential zones, and as a permitted use in five commercial / mixed use zones. The recommendation includes a change in the definition of ESF, and a new set of regulations and requirements for ESFs in the Municipal Code.

At the May 3, 2021 City Council meeting, the City Council decided to refer the subject to the council's Economic Development Committee for further review. The discussion included questions about whether the number of zones in which ESFs would be allowed was too many, about the definition, and the state regulations governing ESFs.

**B. BACKGROUND INFORMATION:** The following excerpts contain information that was provided to the Planning Commission concerning ESFs and is intended to help committee members better understand what ESFs are and how they are regulated.

**1. What are Enhanced Services Facilities?** Chapter 70.97 RCW provides for the licensing, operation and management of Enhanced Services Facilities in the State of Washington. RCW 70.97.010 defines the term "Enhanced Services Facility" as "a facility that provides support and services to persons for whom acute inpatient treatment is not medically necessary." Under State law, Enhanced Services Facilities serve up to sixteen individuals 18 years of age or older with either a mental disorder,<sup>1</sup> a substance use disorder,<sup>2</sup> co-occurring mental disorder and substance use disorder, an organic or traumatic brain injury, or a cognitive impairment that results in symptoms or behaviors requiring supervision and

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

<sup>2</sup> "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances. RCW 70.97.010(16).

support services. Enhanced Services Facilities are facilities in a residential setting where providers assume general responsibility for the safety and well-being of the residents.

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

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

- the person requires daily care by or under the supervision of a mental health professional or nurse; and assistance with three or more activities of daily living; and
- the person has a behavioral health disorder;<sup>3</sup> an organic or traumatic brain injury; or a cognitive impairment that results in symptoms or behaviors requiring supervision and support services;
- the person has been assessed by the department (DSHS) to need the services provided in an enhanced services facility;
- the person has been assessed as medically and psychiatrically stable, but for other reasons requires supervision and behavioral support and must meet two or more of the following supplemental criteria outlined in RCW 70.97.030(4):

(a) Is currently residing in a state mental hospital or psychiatric unit of a hospital and the hospital has found the person to be ready for discharge;

(b) Has a history of an inability to remain medically or psychiatrically stable for more than six months;

(c) Has exhibited serious challenging behaviors within the last year;

(d) Has complex medication needs and an inability to manage these medications, which has affected their ability to live in the community;

(e) Has a history of or likelihood of unsuccessful placements in other licensed long-term care facilities or a history of rejected applications for admission to other licensed facilities based on the person's behaviors, history, or needs;

(f) Has a history of frequent or prolonged behavioral health disorder-related hospitalizations; or

(g) Requires caregiving staff with training in providing behavioral supports to adults with challenging behaviors.

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

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

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

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

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

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

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

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

**D. Management of ESFs.** WAC 388-107 includes many requirements concerning the responsibility of the ESF facility management and staff concerning resident care. The State is in the process of

updating this WAC. DSHS staff have provided the following information about responsibilities of ESF staff and management:

- Each resident will have an assessment of their specific needs, and the ESF will have a care plan for each individual resident.
- WAC 388-107-0300<sup>4</sup> requires the ESF to not admit individuals who are unsafe to be in the community and to only admit those individuals the ESF can safely serve. Through the assessment process, only individuals who meet specific criteria can be considered for an ESF setting.
- Sometimes an ESF resident may need a short-term stay at an evaluation and treatment center or a crisis stabilization center, and there have been a few ESF residents who have had to return to the state hospital for a longer stay. If an ESF indicates it can no longer provide appropriate support and services to an ESF resident, DSHS (ALTSA/HCS) would assess what type of setting was needed to meet the resident's need -- and would then seek appropriate setting options for the individual.
- It is the responsibility of the ESF to determine if the specific needs of a resident can be met by the ESF or if the resident needs services beyond what the ESF is capable of providing. As a component of the plan of care, each ESF resident has a behavior support plan to assist the staff in recognizing signs of behavioral challenges and knowing how to respond. It is important to note that all staff working at an ESF are highly trained and must complete specific trainings (such as Mental Health Specialty and de-escalation) before working at the ESF.
- If an ESF resident is in crisis, the ESF would look to the local Designated Crisis Responders<sup>5</sup> for immediate assistance so that the individual can be kept safe in a secured setting until an evaluation is completed and next steps are identified.

Other information – questions from Marysville staff, answers from DSHS staff:

- Can registered sex offenders live in and ESF? Yes, but the operator can choose to not allow RSOs. Local law enforcement conducts monthly check-ins with RSOs at their place of residence.

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

- (1) The department has determined that the individual is eligible for placement in an enhanced services facility.
- (2) The facility can safely and appropriately meet the assessed needs and preferences of the resident:
  - (a) With available staff; and
  - (b) Through reasonable accommodation.
- (3) Admitting the resident does not negatively affect the ability of the facility to:
  - (a) Meet the needs, and does not endanger the safety, of other residents and members of the community; or
  - (b) Safely evacuate all people in the facility during an emergency according to the approved fire safety and evacuation plans appropriate to the occupancy type of the building.

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



- Can recovering drug and /or alcohol abusers live in an ESF? Yes. However, since residents are transitioning out of state hospitals where they are not able to access drugs or alcohol, residents will not be current users of drugs or alcohol.
- Are ESFs a secure facility where residents are not permitted to come and go as they choose? ESFs are not secured. Residents of an ESF are allowed to come and go as they choose, for medical treatment, to shop, work, or for other activities in the community, though some residents may need assistance with tasks outside the ESF.
- What type of treatment is provided for residents in an ESF? Residents of an ESF receive services such as bathing, administration of medication, laundry, meals, and similar non-medical treatment. Residents do not receive medical or psychiatric treatment in an ESF, as those services are provided off-site.

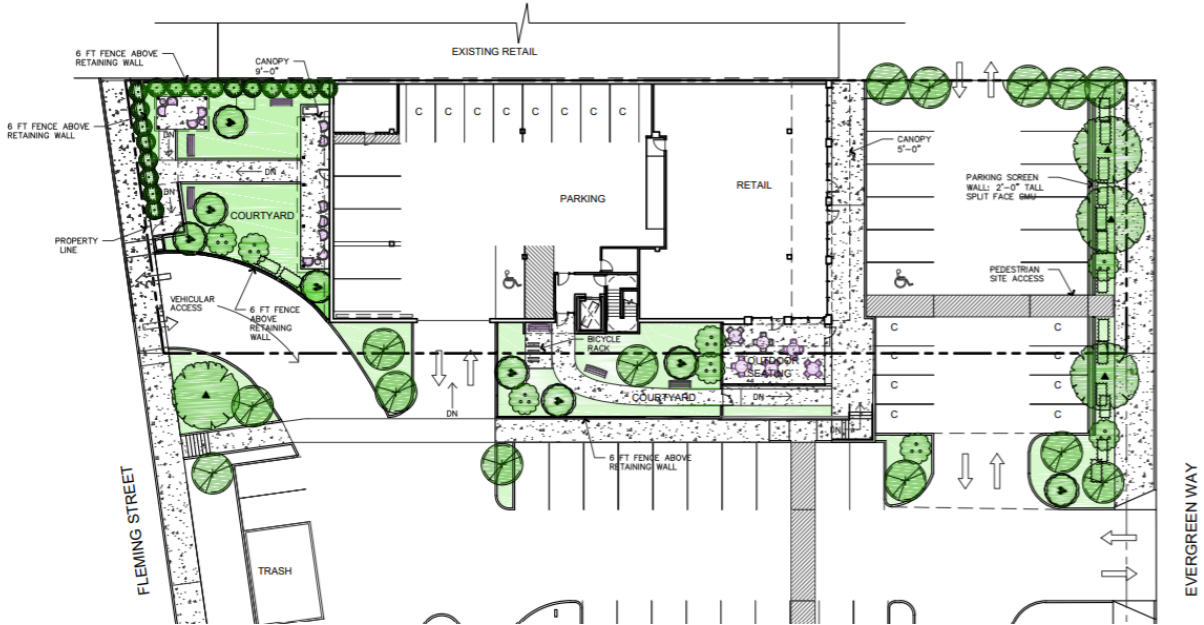
**E. Existing ESFs.** It is also helpful to review the experience of communities where ESFs have been established. There are just six ESFs that have been established in Washington. Four are new buildings, while two converted existing building to Enhanced Services Facilities. Information about facilities in Everett is provided below.

Everett. An ESF was built in Everett, within a mixed use building located on Evergreen Way, which has ground floor retail space facing Evergreen Way, and the ESF on the second floor. See attached photos, site plan and floor plan. At the time it was permitted, Everett’s zoning code did not have a use category for Enhanced Services Facility. The City issued an interpretation that the ESF was similar in nature to an assisted living facility, and therefore was permitted in the same way an assisted living facility is permitted in the commercial zone in which it is located. Everett has since adopted a new land use code that treats ESFs as a Group Residence, and allows up to 16-bed group residences in its three commercial and two multi-family zones, without any public notice or special review process.

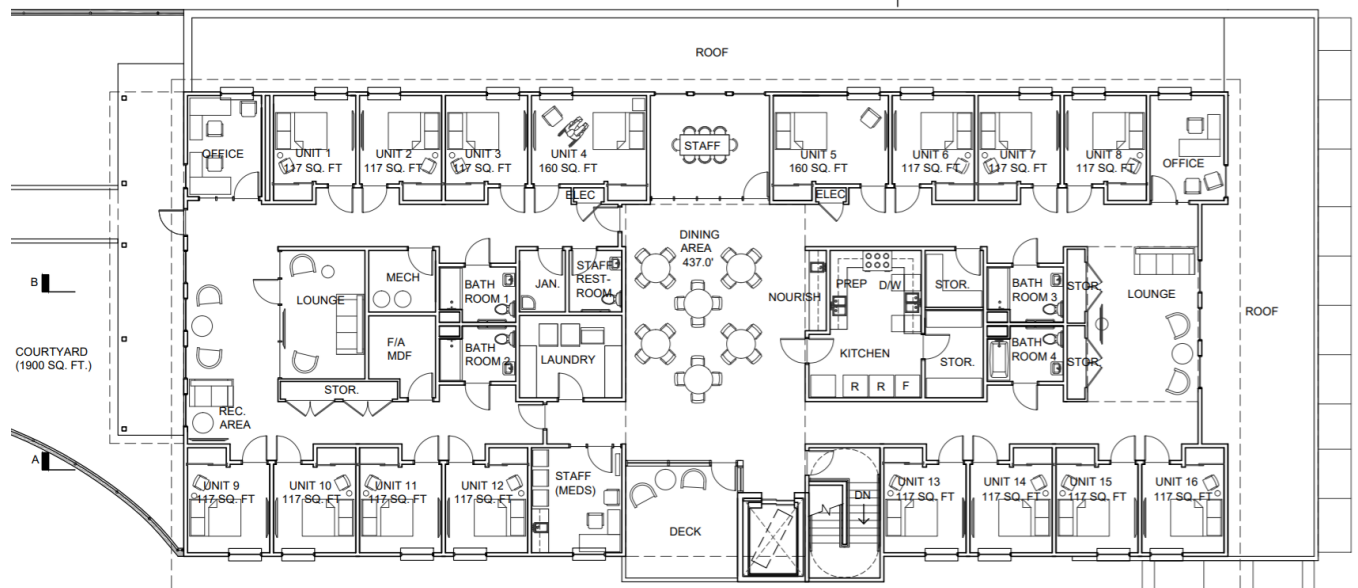
Everett Police data indicate that the existing ESF, which opened in 2018, has had a low volume of calls for service, and fewer calls than other types of group residences. The Police Chief attributes the low impact on police services to the proactive ESF management.

## Everett Enhanced Services Facility – 6502 Evergreen Way

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



## Floor plan for Enhanced Services Facility – 16 bed facility with 7,006 square feet.



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



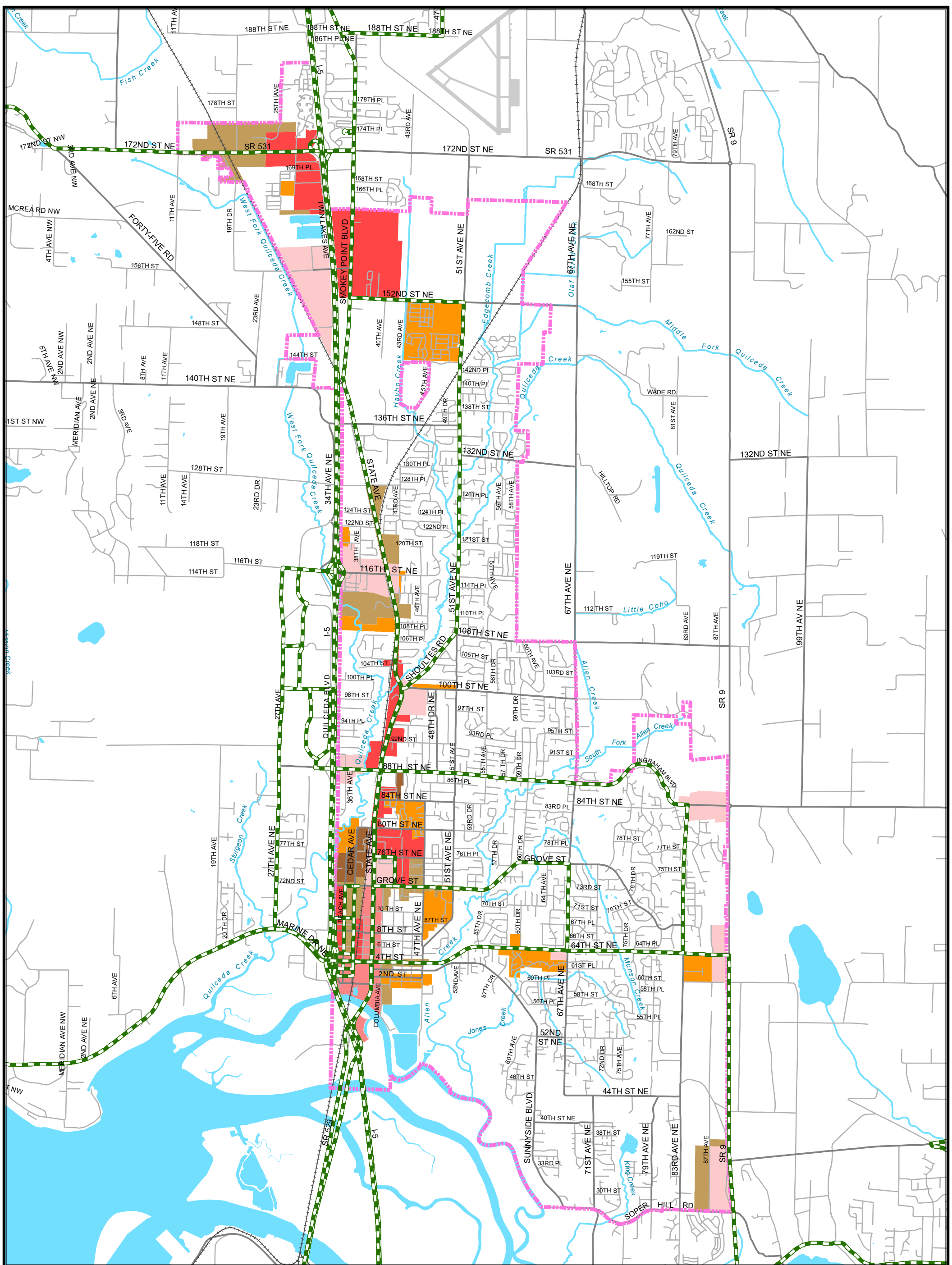
Retail space on lower floor facing Evergreen Way, with ESF on upper floor behind retail use.



**F. Discussion at May 3, 2021 City Council work session:**

1. Should ESFs be allowed in the R-18 and R-28 zones?
2. Should ESFs be allowed in the CB and MU zones in the Whiskey Ridge area?
3. Should there be a minimum separation distance between ESFs?
4. Should our definition differ from the State's?
5. Reporting Economic Development committee findings to the entire city council





EST. 1891

**MARYSVILLE**  
WASHINGTON

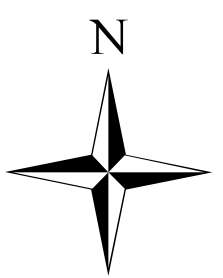
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# City of Marysville

## Properties Eligible for Enhanced Services Facilities (ESFs)

### Legend

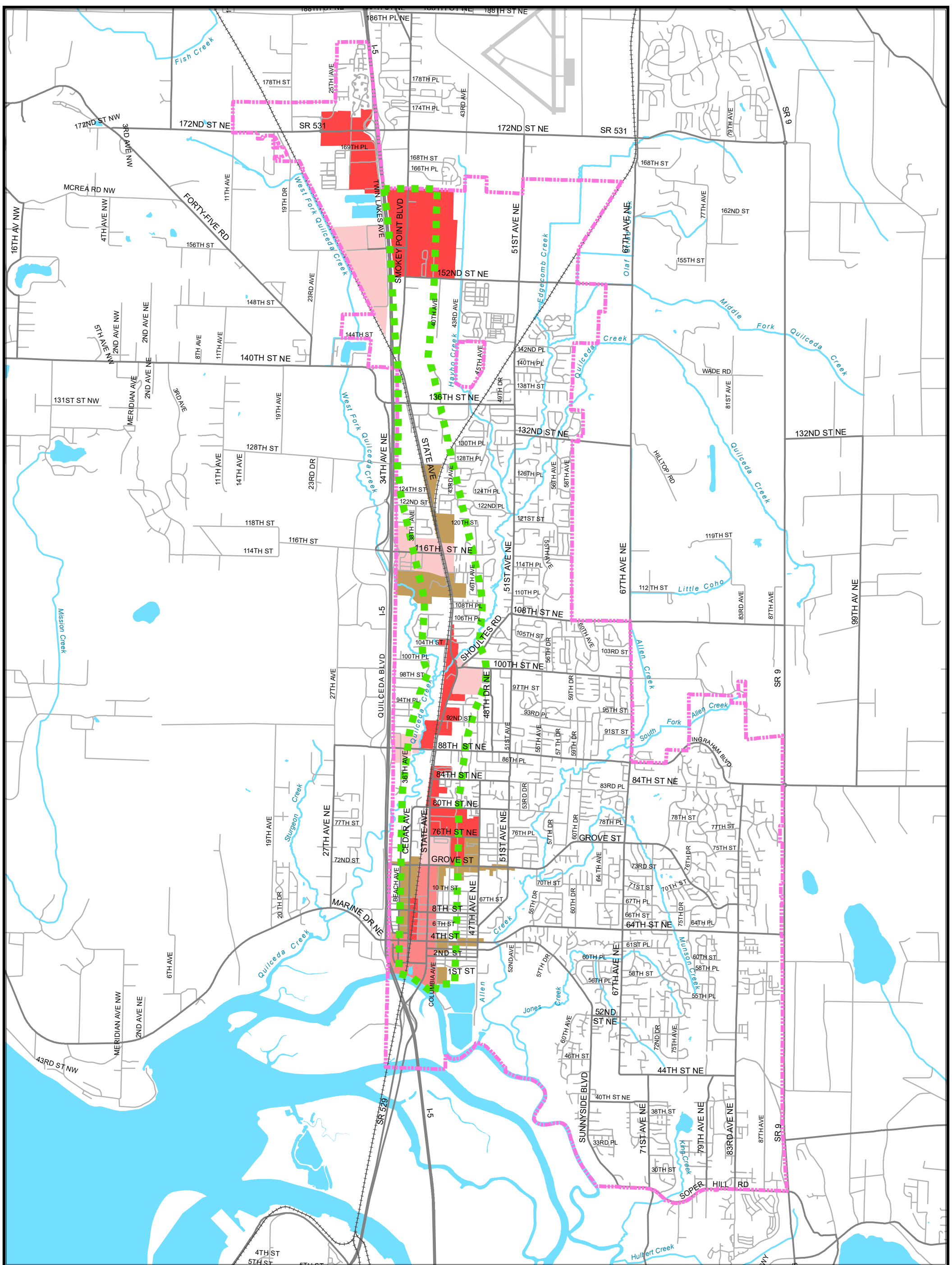
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| Public Transit Routes | General Commercial  | R18 Multi-Family Medium  |
| City Limits           | Downtown Commercial | R28 Multi-Family High    |
| Railroad              | Community Business  | Mixed Use <sup>1,2</sup> |
| Arterials             |                     |                          |



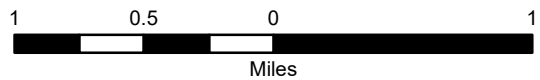
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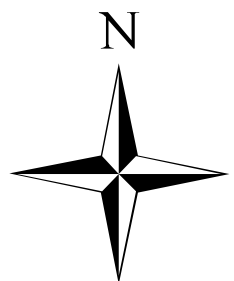


# City of Marysville

## Properties Eligible for Enhanced Services Facilities (ESFs)

### Legend

- |             |                     |                    |
|-------------|---------------------|--------------------|
| City Limits | Qtr Mile Distance   | General Commercial |
| Railroad    | Downtown Commercial | Community Business |
| Arterials   | Mixed Use           | Item 1 - 13        |
| Streets     |                     |                    |



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**CITY OF MARYSVILLE  
WASHINGTON**

**ORDINANCE NO. \_\_\_\_\_**

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

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

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

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

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

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

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

**WHEREAS**, the Marysville City Council adopted Ordinance No. 3168 as an Emergency Ordinance which provided that the interim development regulation is



effective for six months from the effective date of the ordinance (November 23, 2020); and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CITY OF MARYSVILLE

\_\_\_\_\_  
Jon Nehring, Mayor

ATTEST:

By: \_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Jon Walker, City Attorney

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



Effective Date: \_\_\_\_\_

## EXHIBIT A

### 22A.020.060 “E” definitions.

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

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

“EIS” means environmental impact statement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Co-location of new transmission equipment;

(2) Removal of transmission equipment; or

(3) Replacement of transmission equipment.

Criteria on what constitutes a substantial change is set forth in MMC [22C.250.210](#).

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

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

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

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

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

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

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

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

“Environmentally sensitive areas” means those areas regulated by Chapter [22E.010](#) MMC, and their buffers.

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

- (1) Carryalls;
- (2) Graders;
- (3) Loading and unloading devices;
- (4) Cranes;
- (5) Drag lines;
- (6) Trench diggers;
- (7) Tractors;
- (8) Augers;
- (9) Bulldozers;
- (10) Concrete mixers and conveyers;
- (11) Harvesters;
- (12) Combines; or
- (13) Other major agricultural equipment and similar devices operated by mechanical power as distinguished from manpower.

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

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

- (1) Low Hazard. Areas sloping less than 15 percent.
- (2) Moderate Hazard. Areas sloping between 15 and 40 percent and underlain by soils that consist predominantly of silt, clay, bedrock or glacial till.
- (3) High Hazard. Areas sloping between 15 and 40 percent that are underlain by soils consisting largely of sand and gravel, and all areas sloping more steeply than 40 percent.

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

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

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

- (1) Remedial Actions. Pursuant to RCW [90.58.355](#), any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order pursuant to Chapter [70.105D](#) RCW, or to the Department of Ecology when it conducts remedial action under Chapter [70.105D](#) RCW.
- (2) Boat Yard Improvements to Meet NPDES Permit Requirements. Pursuant to RCW [90.58.355](#), any person installing site improvements for storm water treatment in an existing boatyard facility to meet requirements of a National Pollutant Discharge Elimination System storm water general permit.
- (3) WSDOT Facility Maintenance and Safety Improvements. Pursuant to RCW [90.58.356](#), Washington State Department of Transportation projects and activities meeting the conditions of RCW [90.58.356](#) are not required to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other local review.
- (4) Projects consistent with an environmental excellence program agreement pursuant to RCW [90.58.045](#).
- (5) Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to Chapter [80.50](#) RCW.

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

Americans with Disabilities Act of 1990 (42 USC Sec. 12010 et seq.) or to otherwise provide physical access to the structure by individuals with disabilities.

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

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

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

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

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

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

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

## 2C.010.060 Permitted uses.

Specific Land Use	R-4.5	R-6.5	R-8	WR R-4-8	R-12	R-18	R-28	WR R-6- 18	R- MHP
<b>Residential Land Uses</b>									
Dwelling Units, Types:									
Single detached (14)	P11	P11	P11	P11	P11	P11	P11	P11	P43
Model home	P30	P30	P30	P30	P30	P30	P30	P30	P30
Cottage housing (14)	C6	C6	C6	C6	C6	C6	C6	C6	
Duplex (14)	C8	P8	P8	P8	P	P	P	P	
Townhouse	P3	P3	P3	P3	P	P	P	P	
Multiple-family					P	P	P	P	
Mobile home	P12	P12	P12	P12	P12	P12	P12	P12	P12
Mobile/manufactured home park	P3	P3	P3		C	P	P		P45
Senior citizen assisted	C2	C2	C2	C2	C2	C2	C2	C2	C2
Factory-built	P7	P7	P7	P7	P7	P7	P7	P7	P7, 43
Recreational vehicle (44)	P	P	P	P	P	P	P	P	P
Tiny house or tiny house with wheels (51)	P	P	P	P	P	P	P	P	P
Group Residences:									
Adult family home	P	P	P	P	P	P	P	P	P
Convalescent, nursing, retirement	C2	C2	C2	C2	C2	C2	C2	C2	
Residential care facility	P	P	P	P	P	P	P	P	
Master planned senior community (15)	C	C	C	C	C	C	C	C	C
Accessory Uses:									
Residential accessory uses (1), (9), (10), (14), (49), (50)	P	P	P	P	P	P	P	P	P
Home occupation (5)	P	P	P	P	P13	P13	P13	P13	P
Temporary Lodging:									
Hotel/motel					P	P	P	P	
Bed and breakfast guesthouse (4)		C	C	C	P	P	P	P	
Bed and breakfast inn (4)					P	P	P	P	
Enhanced services facility (52)						<u>C</u>	<u>C</u>		
<b>Recreation/Cultural Land Uses</b>									
Park/Recreation:									
Park	P16	P16	P16	P16	P16	P16	P16	P16	P16
Community center	C	C	C	C	C	C	C	C	C
Amusement/Entertainment:									
Sports club					C	C	C	C	
Golf facility (17)	C	C	C	C	P	P	P	P	

<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>
<b>Cultural:</b>									
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>									
<b>Personal Services:</b>									
Funeral home/crematory	C18	C18	C18	C18	C18	C18	C18	C18	C18
Cemetery, columbarium or mausoleum	P24 C19	P24 C19	P24 C19	P24 C19	P24 C19	P24 C19	P24 C19	P24 C19	P24 C19
Day care I	P20	P20	P20	P20	P20	P20	P20	P20	P20
Day care II	C25	C25	C25	C25	C	C	C	C	C25
Stable	C	C	C	C					
Kennel or cattery, hobby	C	C	C	C	C	C	C	C	
Electric vehicle (EV) charging station (38), (39)	P	P	P	P	P	P	P	P	
EV rapid charging station (40), (41), (42)					P	P	P	P	
<b>Health Services:</b>									
Medical/dental clinic					C	C	C	C	
Supervised drug consumption facility									
<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					
Wireless communication facility (28)	P	P	P	P	P	P	P	P	P



Specific Land Use	R-4.5	R-6.5	R-8	WR R-4-8	R-12	R-18	R-28	WR R-6- 18	R- MHP
	C	C	C	C	C	C	C	C	C
State-Licensed Marijuana Facilities:									
Marijuana cooperative (48)									
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>									
Agriculture:									
Growing and harvesting crops	P34	P34	P34	P34					
Raising livestock and small animals	P35	P35	P35	P35					
Forestry:									
Growing and harvesting forest products	P34	P34	P34	P34					
Fish and Wildlife Management:									
Hatchery/fish preserve (33)	C	C	C	C					
Aquaculture (33)	C	C	C	C					
<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
Transit park and pool lot	P	P	P	P	P	P	P	P	
Transit park and ride lot	C	C	C	C	C	C	C	C	
School bus base	C36	C36	C36	C36	C36	C36	C36	C36	
Racetrack	C37	C37	C37	C37	C37	C37	C37	C37	
College/university	C	C	C	C	C	C	C	C	

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

(1) Accessory dwelling units must comply with development standards in Chapter [22C.180](#) MMC. Accessory dwelling units in the MHP zone are only allowed on single lots of record containing one single-family detached dwelling.

(2) Limited to three residents per the equivalent of each minimum lot size or dwelling units per acre allowed in the zone in which it is located.

(3) Only as part of a planned residential development (PRD) proposal, and subject to the same density as the underlying zone.

(4) Bed and breakfast guesthouses and inns are subject to the requirements and standards contained in Chapter [22C.210](#) MMC.

(5) Home occupations are subject to the requirements and standards contained in Chapter [22C.190](#) MMC.

(6) Subject to cottage housing provisions set forth in MMC [22C.010.280](#).

(7) Factory-built dwelling units shall comply with the following standards:

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

(b) A factory-built house cannot be attached to a metal frame allowing it to be mobile. All such structures must be placed on a permanent foundation at the building site.

(8) Permitted outright in the R-6.5, R-8, and WR-R-4-8 zones on minimum 7,200-square-foot lots. A conditional use permit is required for the R-4.5 zone, and the minimum lot size must be 12,500 square feet. Duplexes must comply with the comprehensive plan density requirements for the underlying land use designation.

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

(a) No residential premises shall have more than two such sales per year and no such sale shall continue for more than six days within a 15-day period.

(b) Signs advertising such sales shall not be attached to any public structures, signs or traffic control devices, nor to any utility poles. All such signs shall be removed 24 hours after the sale is completed.

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

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

(11) Manufactured homes must:

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

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

(c) Be no more than five years old, as evidenced by the date of manufacture recorded on the HUD data plate. An administrative variance to the requirement that a manufactured home be

no more than five years old may be granted by the community development director only if the applicant demonstrates all of the following:

- (i) The strict enforcement of the provisions of this title creates an unnecessary hardship to the property owner;
- (ii) The proposed manufactured home is well maintained and does not present any health or safety hazards;
- (iii) The variance is necessary or warranted because of the unique size, shape, topography, location, critical areas encumbrance, or other feature of the subject property;
- (iv) The proposed manufactured home will be compatible with the neighborhood or area where it will be located;
- (v) The subject property is otherwise deprived, by provisions of this title, of rights and privileges enjoyed by other properties in the vicinity and within an identical zone;
- (vi) The need for the variance is not the result of deliberate actions of the applicant or property owner; and
- (vii) The variance is the minimum necessary to grant relief to the applicant.

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

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

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

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

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

- (a) Parks are permitted in residential and mixed use zones when reviewed as part of a subdivision, mobile/manufactured home park, or multiple-family development proposal; otherwise, a conditional use permit is required;
- (b) Lighting for structures and fields shall be directed away from residential areas; and
- (c) Structures or service yards shall maintain a minimum distance of 50 feet from property lines adjoining residential zones.

(17) Golf facilities shall comply with the following:

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

- (b) Restaurants are permitted as an accessory use to a golf course.
- (18) Only as an accessory to a cemetery.
- (19) Structures shall maintain a minimum distance of 100 feet from property lines adjoining residential zones.
- (20) Only as an accessory to residential use and subject to the criteria set forth in Chapter [22C.200](#) MMC.
- (21) Only as an accessory to residential use, provided:
- (a) Students are limited to 12 per one-hour session;
  - (b) All instruction must be within an enclosed structure; and
  - (c) Structures used for the school shall maintain a distance of 25 feet from property lines adjoining residential zones.
- (22) Limited to drop box facilities accessory to a public or community use such as a school, fire station or community center.
- (23) Only when adjacent to an existing or proposed school.
- (24) Limited to columbariums accessory to a church; provided, that existing required landscaping and parking are not reduced.
- (25) Day care IIs must be located on sites larger than one-half acre and are subject to minimum standards identified in Chapter [22C.200](#) MMC for day care I facilities. Parking facilities and loading areas shall be located to the rear of buildings or be constructed in a manner consistent with the surrounding residential character. Evaluation of site suitability shall be reviewed through the conditional use permit process.
- (26) Public safety facilities, including police and fire, shall comply with the following:
- (a) All buildings and structures shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;
  - (b) Any buildings from which fire-fighting equipment emerges onto a street shall maintain a distance of 35 feet from such street.
- (27) Accessory to an apartment development of at least 12 units, provided:
- (a) The gross floor area in self-service storage shall not exceed 50 percent of the total gross floor area of the apartment dwellings on the site;
  - (b) All outdoor lights shall be deflected, shaded and focused away from all adjoining property;
  - (c) The use of the facility shall be limited to dead storage of household goods;

- (d) No servicing or repair of motor vehicles, boats, trailers, lawn mowers or similar equipment;
- (e) No outdoor storage or storage of flammable liquids, highly combustible or explosive materials or hazardous chemicals;
- (f) No residential occupancy of the storage units;
- (g) No business activity other than the rental of storage units to the apartment dwellings on the site; and
- (h) A resident manager shall be required on the site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval.

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

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

- (a) They are located on existing parking lots for churches, schools, or other permitted nonresidential uses which have excess capacity available during commuting hours; and
- (b) The site is adjacent to a designated arterial that has been improved to a standard acceptable to the department.

(30) Model Homes.

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

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

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

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

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

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

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

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

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

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

(37) Except racing of motorized vehicles.

(38) Level 1 and Level 2 charging only.

(39) Allowed only as an accessory use to a principal outright permitted use or permitted conditional use.

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

(41) Only “electric vehicle charging stations – restricted” as defined in Chapter [22A.020](#) MMC.

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

(43) One single-family detached dwelling per existing single lot of record. Manufactured homes on single lots must meet the criteria outlined in subsection (11) of this section.

(44) Recreational vehicles (RVs) are allowed as a primary residence in an established mobile/manufactured home park (MHP) subject to the requirements of Chapter [22C.230](#) MMC, Mobile/Manufactured Home Parks.

(45) MHPs shall fulfill the requirements of Chapter [22C.230](#) MMC, Mobile/Manufactured Home Parks.

(46) Reserved.

(47) Model house sales offices are subject to the requirements of MMC [22C.110.030](#)(12).

(48) No person or entity may produce, grow, manufacture, process, accept donations for, give away, or sell marijuana concentrates, marijuana-infused products, or usable marijuana within residential

zones in the city. Provided, activities in strict compliance with RCW [69.51A.210](#) and [69.51A.260](#) are not a violation of the Marysville Municipal Code.

(49) Shipping/cargo and similar storage containers are prohibited on lots within a platted subdivision and properties under one acre in size. Shipping/cargo and similar storage containers may be located on properties over one acre in size if located behind the primary residence, observe all setbacks applicable to an accessory structure, and are screened from public view.

(50) Accessory structures may not be utilized as, or converted to, a dwelling unless the structure complies with the accessory dwelling unit standards outlined in MMC [22C.180.030](#).

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

[\(52\) See MMC 22C.280 for regulations for enhanced services facility.](#)

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

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

## 22C.020.060 Permitted uses. SHARE

Specific Land Use	NB	CB	CB-WR	GC	DC	MU (63)	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				
Manufactured home	P7	P7	P7	P7	P7	P7	P7	P7		
Mobile home	P7	P7	P7	P7	P7	P7	P7	P7		
Recreational vehicle	P7	P7	P7	P7	P7	P7	P7	P7		
Tiny house or tiny house with wheels	P7	P7	P7	P7	P7	P7	P7	P7		
Senior citizen assisted	P					C				P
Caretaker's quarters (3)	P	P	P	P	P	P	P	P	P	P
<b>Group Residences:</b>										
Adult family home (70)	P	P	P	P	P	P				P

Specific Land Use	NB	CB	CB-WR	GC	DC	MU (63)	LI	GI	REC	P/I
Convalescent, nursing, retirement	C	P			P	P				P
Residential care facility	P	P			P	P	P70	P70	P70	P
Master planned senior community (10)						C				C
Enhanced services facility (77)		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>				
<b>Accessory Uses:</b>										
Home occupation (2)	P8	P8, P9	P8, P9	P8, P9	P8, P9	P8, P9	P9	P9		
<b>Temporary Lodging:</b>										
Hotel/motel	P	P	P	P	P	P	P75			
Bed and breakfast guesthouse (1)										
Bed and breakfast inn (1)	P	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
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
<b>Amusement/Entertainment:</b>										
Theater		P	P	P	P	P				
Theater, drive-in				C						
Amusement and recreation services		P18	P18	P18	P18	P19	P	C		
Sports club	P	P	P	P	P	P	P	P		
Golf facility (13)		P	P	P			P	P	C	
Shooting range (14)				P15			P15			
Outdoor performance center				C			C		C	C
Riding academy							P		C	
<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	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	P		



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

Specific Land Use	NB	CB	CB-WR	GC	DC	MU (63)	LI	GI	REC	P/I
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	P23			P			P
Taxi stands		P	P	P			P	P		
Trucking and courier service		P31	P31	P31			P	P		
Warehousing and wholesale trade				P			P	P		
Mini-storage (36)							P76	P		
Freight and cargo service				P			P	P		
Cold storage warehousing							P	P		
General business service and office	P	P	P	P	P	P30	P	P		
Commercial vehicle storage							P	P		
Professional office	P	P	P	P	P	P	P			
Miscellaneous equipment rental		P30, 37	P30, 37	C38		P30, 37	P	P		
Automotive rental and leasing				P			P	P		
Automotive parking	P	P	P	P	P	P	P	P		
Research, development and testing				P			P	P		
Heavy equipment and truck repair							P	P		
Automobile holding yard				C			P	P		
Commercial/industrial accessory uses (73)	P39, 40	P39	P39	P39	P39, 40	P39, 40	P	P		
Adult facility								P33		
Factory-built commercial building (35)	P	P	P	P	P		P	P		
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	P	P47	P76	P		
Forest products sales		P	P	P			P			
Department and variety stores	P	P	P	P	P	P	P76			

Specific Land Use	NB	CB	CB-WR	GC	DC	MU (63)	LI	GI	REC	P/I
Food stores	P	P	P	P	P	P45	P76			
Agricultural crop sales		P	P	P		C	P76			
Storage/retail sales, livestock feed							P76	P		
Motor vehicle and boat dealers		P	P	P			P	P		
Motorcycle dealers		C	C	P	P49		P	P		
Gasoline service stations	P	P	P	P	P		P76	P		
Eating and drinking places	P41	P	P	P	P	P46	P46	P		
Drug stores	P	P	P	P	P	P	P76	P		
Liquor stores		P	P	P						
Used goods: antiques/secondhand shops		P	P	P	P	P				
Sporting goods and related stores		P	P	P	P	P				
Book, stationery, video and art supply stores	P	P	P	P	P	P				
Jewelry stores		P	P	P	P	P				
Hobby, toy, game shops	P	P	P	P	P	P				
Photographic and electronic shops	P	P	P	P	P	P				
Fabric and craft shops	P	P	P	P	P	P				
Fuel dealers				P43			P43	P43		
Florist shops	P	P	P	P	P	P				
Pet shops	P	P	P	P	P	P				
Tire stores		P	P	P	P		P76	P		
Bulk retail		P	P	P			P76			
Auction houses				P42			P76			
Truck and heavy equipment dealers							P	P		
Mobile home and RV dealers				C			P	P		
Retail stores similar to those otherwise named on this list	P	P	P	P	P	P48	P44, 76	P44		
Automobile wrecking yards							C	P		
<b>Manufacturing Land Uses</b>										
Food and kindred products		P50, 52	P50, 52	P50			P50	P		
Winery/brewery		P53	P53	P	P53	P53	P	P		
Textile mill products							P	P		
Apparel and other textile products				C			P	P		
Wood products, except furniture				P			P	P		
Furniture and fixtures				P			P	P		
Paper and allied products							P	P		
Printing and publishing	P51	P51	P51	P		P51	P	P		

Specific Land Use	NB	CB	CB-WR	GC	DC	MU (63)	LI	GI	REC	P/I
Chemicals and allied products							C	C		
Petroleum refining and related industries							C	C		
Rubber and misc. plastics products							P	P		
Leather and leather goods							C	C		
Stone, clay, glass and concrete products							P	P		
Primary metal industries							C	P		
Fabricated metal products				C			P	P		
Industrial and commercial machinery							C	P		
Heavy machinery and equipment							C	P		
Computer and office equipment				C			P			
Electronic and other electric equipment				C			P			
Railroad equipment							C	P		
Miscellaneous light manufacturing				P54, 74	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	
Raising livestock and small animals							P	P	P	
Greenhouse or nursery, wholesale and retail				P			P	P	C	
Farm product processing							P	P		
<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	C	
Aquaculture (55)							P	P	C	
Wildlife shelters	C	C	C						P	
<b>Mineral:</b>										
Processing of minerals							P	P		
Asphalt paving mixtures and block							P	P		
<b>Regional Land Uses</b>										

Specific Land Use	NB	CB	CB-WR	GC	DC	MU (63)	LI	GI	REC	P/I
Jail		C	C	C			C			
Regional storm water management facility		C	C	C	C		C	C		P
Public agency animal control facility				C			P	P		C
Public agency training facility		C56	C56	C56		C56	C57			C57
Nonhydroelectric generation facility	C	C	C	C			C	C		C
Energy resource recovery facility							C			
Soil recycling/incineration facility							C	C		
Solid waste recycling								C		C
Transfer station							C	C		C
Wastewater treatment facility							C	C		C
Transit bus base				C			P			C
Transit park and pool lot	P	P	P	P	P	P	P	P		P
Transit park and ride lot	P	P	P	P	P	P	P	P		C
School bus base	C	C	C	C			P			C58
Racetrack	C59	C59	C59	C			P			
Fairground							P	P		C
Zoo/wildlife exhibit		C	C	C						C
Stadium/arena				C			C	P		C
College/university	C	P	P	P	P	P	P	P		C
Secure community transition facility								C60		
Opiate substitution treatment program facilities		P61, 62	P61, 62	P61, 62	P61, 62		P62	P62		

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

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

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

## 22C.020.070 Permitted uses – Development conditions.

- (1) Bed and breakfast guesthouses and inns are subject to the requirements and standards contained in Chapter [22C.210](#) MMC, Bed and Breakfasts.
- (2) Home occupations are subject to the requirements and standards contained in Chapter [22C.190](#) MMC, Home Occupations.
- (3) Limited to one dwelling unit for the purposes of providing on-site service and security of a commercial or industrial business. Caretaker's quarters are subject to the provisions set forth in Chapter [22C.110](#) MMC, entitled "Temporary Uses."
- (4) All units must be located above a street-level commercial use.
- (5) Twenty percent of the units, but no more than two total units, may be located on the street level of a commercial use, if conditional use permit approval is obtained and the units are designed exclusively for ADA accessibility. The street-level units shall be designed so that the units are not located on the street front and primary access is towards the rear of the building.
- (6) Permitted on the ground floor in the southwest sector of downtown vision plan area, as incorporated into the city of Marysville comprehensive plan.
- (7) Manufactured homes, mobile homes, recreational vehicles, and tiny houses with wheels are only allowed in existing mobile/manufactured home parks.
- (8) Home occupations are limited to home office uses in multifamily dwellings. No signage is permitted in townhouse or multifamily dwellings.
- (9) Permitted in a legal nonconforming or conforming residential structure.
- (10) Subject to Chapter [22C.220](#) MMC, Master Planned Senior Communities.
- (11) The following conditions and limitations shall apply, where appropriate:
  - (a) Parks are permitted in residential and mixed use zones when reviewed as part of a subdivision or multiple-family development proposal; otherwise, a conditional use permit is required;
  - (b) Lighting for structures and fields shall be directed away from residential areas; and
  - (c) Structures or service yards shall maintain a minimum distance of 50 feet from property lines adjoining residential zones.
- (12) Recreational vehicle parks are subject to the requirements and conditions of Chapter [22C.240](#) MMC.
- (13) Golf Facility.
  - (a) Structures, driving ranges and lighted areas shall maintain a minimum distance of 50 feet from property lines adjoining residential zones.
  - (b) Restaurants are permitted as an accessory use to a golf course.

(14) Shooting Range.

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

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

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

(15) Only in an enclosed building.

(16) Dock and Boathouse, Private, Noncommercial.

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

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

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

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

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

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

(17) Boat Launch, Noncommercial or Private.

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

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

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

(18) Excluding racetrack operation.

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

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



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

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

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

(37) Except heavy equipment.

(38) With outdoor storage and heavy equipment.

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

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

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

(42) Excluding vehicle and livestock auctions.

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

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

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

(46) Eating and Drinking Places.

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

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

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

(47) Limited to hardware and garden supply stores.

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

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

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

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

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

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

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

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

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

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

[\(77\) See MMC 22C.280 for regulations for enhanced services facility.](#)

~~(77) Enhanced services facilities are prohibited in all commercial and industrial zones as such are identified and adopted in this chapter. (Ord. 3168 § 2 (Exh. A), 2020\*\*; Ord. 3164 § 7, 2020; Ord. 3159 § 4, 2020; Ord. 3137 § 3 (Exh. B), 2019; Ord. 3086 § 2, 2018; Ord. 3054 § 13, 2017; Ord. 3022 § 10, 2016; Ord. 2985 § 6, 2015; Ord. 2981 § 2, 2015; Ord. 2979 § 4, 2014; Ord. 2959 § 8, 2014; Ord. 2932 § 4, 2013; Ord. 2898 § 10, 2012; Ord. 2852 § 10 (Exh. A), 2011).~~

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

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

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

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

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

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

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

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

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

**22C.280.050. Other Requirements.**

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

CITY OF MARYSVILLE  
WASHINGTON

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON, UPDATING TITLE 22C OF THE MARYSVILLE MUNICIPAL CODE; AMENDING THE DEFINITION OF “ENHANCED SERVICES FACILITIES IN MMC 22A.020.060, “E” DEFINITIONS; ALLOWING “ENHANCED SERVICES FACILITIES” AS A CONDITIONAL USE IN THE R-18 MEDIUM DENSITY MULTI-FAMILY AND R-28 HIGH DENSITY MULTI-FAMILY ZONES; AND AS A PERMITTED USE IN THE CB COMMUNITY BUSINESS, CB-WR COMMUNITY BUSINESS-WHISKEY RIDGE, DC DOWNTOWN COMMERCIAL, GC GENERAL COMMERCIAL, AND MU MIXED USE ZONES; AMENDING MMC 22A.020.060, “E” DEFINITIONS; AMENDING MMC 22C.010.060 AND 22C.020.060, PERMITTED USES; AMENDING MMC 22C.010.070 AND 22C.020.070, PERMITTED USES – DEVELOPMENT CONDITIONS; AND ESTABLISHING A NEW CHAPTER 22C.280 CONCERNING ENHANCED SERVICES FACILITIES; AND REPEALING ORDINANCE NO. 3168 3182.

**Commented [AG1]:** The Economic Development Committee has asked for an alternative to the Planning Commission recommendation that would not allow ESFs as a conditional use in the R-18 and R-28 zones. This would remove 22C.010.060 and 22C.010.070 from the title.

**Commented [AG2]:** Requiring ESFs to be located within ¼ mile of State Avenue eliminates the CB-WR zone.

**Commented [AG3]:** Adopted May 24, 2021.

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

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

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

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

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

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

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

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

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

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

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

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

**Commented [AG4]:** The Economic Development Committee request for an alternative to the PC recommendation would remove changes to these two sections from the ordinance.

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

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

**Commented [AG5]:** The Economic Development Committee request for an alternative to the PC recommendation would remove changes to these two sections from the ordinance.

- (1) The amendments are consistent with the purposes of the comprehensive plan;
- (2) The amendments are consistent with the purpose of Title 22 MMC;
- (3) There have been significant changes in the circumstances to warrant a change;

(4) The benefit or cost to the public health, safety and welfare is sufficient to warrant the action.

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

Commented [AG6]: Ditto

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

**Section 4.** Repeal of Ordinance No. 3182. Ordinance No. ~~3182~~ shall be repealed upon the effective date of this Ordinance.

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

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

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

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

CITY OF MARYSVILLE

\_\_\_\_\_  
Jon Nehring, Mayor

ATTEST:

By: \_\_\_\_\_  
City Clerk

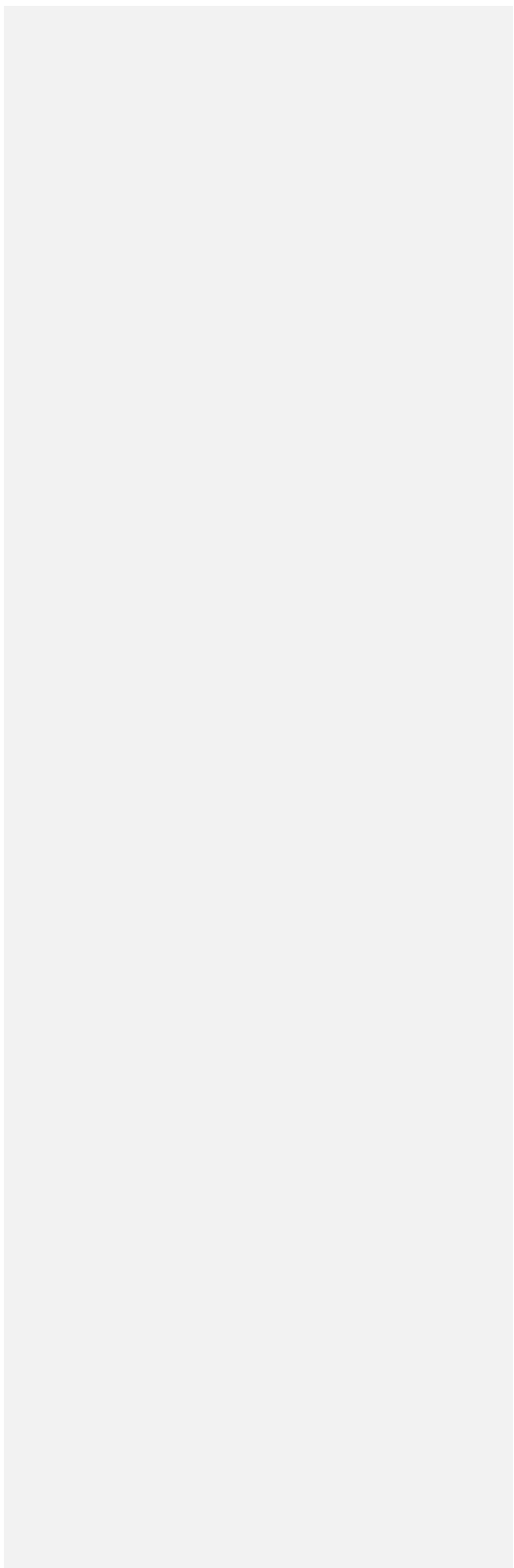


APPROVED AS TO FORM:

By: \_\_\_\_\_  
Jon Walker, City Attorney

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

Effective Date: \_\_\_\_\_



## EXHIBIT A

### 22A.020.060 “E” definitions

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

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

“EIS” means environmental impact statement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Co-location of new transmission equipment;

(2) Removal of transmission equipment; or

(3) Replacement of transmission equipment.

Criteria on what constitutes a substantial change is set forth in MMC [22C.250.210](#).

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

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

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

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

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

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

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

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

"Environmentally sensitive areas" means those areas regulated by Chapter [22E.010](#) MMC, and their buffers.

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

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

**Commented [AG7]:** This revised definition is the PC recommendation, which makes city definition the same as the State's.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

\*—Code revisor's note: Ord. 3168 Section 3 states: "This interim development regulation shall be in effect for six (6) months following the effective date of this Ordinance" and shall expire June 2, 2024.

**2C.010.060 Permitted uses.** SHARE

Specific Land Use	R-4.5	R-6.5	R-8	WR R-4-8	R-12	R-18	R-28	WR R-6-18	R- MHP
<b>Residential Land Uses</b>									
Dwelling Units, Types:									
Single detached (14)	P11	P11	P11	P11	P11	P11	P11	P11	P43
Model home	P30	P30	P30	P30	P30	P30	P30	P30	P30
Cottage housing (14)	C6	C6	C6	C6	C6	C6	C6	C6	
Duplex (14)	C8	P8	P8	P8	P	P	P	P	
Townhouse	P3	P3	P3	P3	P	P	P	P	
Multiple-family					P	P	P	P	
Mobile home	P12	P12	P12	P12	P12	P12	P12	P12	P12
Mobile/manufactured home park	P3	P3	P3		C	P	P		P45
Senior citizen assisted	C2	C2	C2	C2	C2	C2	C2	C2	C2
Factory-built	P7	P7	P7	P7	P7	P7	P7	P7	P7, 43
Recreational vehicle (44)	P	P	P	P	P	P	P	P	P
Tiny house or tiny house with wheels (51)	P	P	P	P	P	P	P	P	P
Group Residences:									
Adult family home	P	P	P	P	P	P	P	P	P
Convalescent, nursing, retirement	C2	C2	C2	C2	C2	C2	C2	C2	
Residential care facility	P	P	P	P	P	P	P	P	
Master planned senior community (15)	C	C	C	C	C	C	C	C	C
Accessory Uses:									
Residential accessory uses (1), (9), (10), (14), (49), (50)	P	P	P	P	P	P	P	P	P
Home occupation (5)	P	P	P	P	P13	P13	P13	P13	P
Temporary Lodging:									
Hotel/motel					P	P	P	P	
Bed and breakfast guesthouse (4)		C	C	C	P	P	P	P	
Bed and breakfast inn (4)					P	P	P	P	
<del>Enhanced services facility (52)</del>	<del>I</del>	<del>I</del>	<del>I</del>	<del>I</del>	<del>I</del>	<del>C</del>	<del>C</del>	<del>I</del>	<del>I</del>
<b>Recreation/Cultural Land Uses</b>									

**Commented [AG8]:** This reflects Economic Development Committee request to remove R-18 and R-28 zones from PC recommendation.

Specific Land Use	R-4.5	R-6.5	R-8	WR R-4-8	R-12	R-18	R-28	WR R-6-18	R- MHP
<b>Park/Recreation:</b>									
Park	P16	P16	P16	P16	P16	P16	P16	P16	P16
Community center	C	C	C	C	C	C	C	C	C
<b>Amusement/Entertainment:</b>									
Sports club					C	C	C	C	
Golf facility (17)	C	C	C	C	P	P	P	P	
<b>Cultural:</b>									
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>									
<b>Personal Services:</b>									
Funeral home/crematory	C18	C18	C18	C18	C18	C18	C18	C18	C18
Cemetery, columbarium or mausoleum	P24 C19	P24 C19	P24 C19	P24 C19	P24 C19	P24 C19	P24 C19	P24 C19	P24 C19
Day care I	P20	P20	P20	P20	P20	P20	P20	P20	P20
Day care II	C25	C25	C25	C25	C	C	C	C	C25
Stable	C	C	C	C					
Kennel or cattery, hobby	C	C	C	C	C	C	C	C	
Electric vehicle (EV) charging station (38), (39)	P	P	P	P	P	P	P	P	
EV rapid charging station (40), (41), (42)					P	P	P	P	
<b>Health Services:</b>									
Medical/dental clinic					C	C	C	C	
Supervised drug consumption facility									
<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



Specific Land Use	R-4.5	R-6.5	R-8	WR R-4-8	R-12	R-18	R-28	WR R-6-18	R- MHP
<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					
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>									
Marijuana cooperative (48)									
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
Transit park and pool lot	P	P	P	P	P	P	P	P	
Transit park and ride lot	C	C	C	C	C	C	C	C	
School bus base	C36	C36	C36	C36	C36	C36	C36	C36	
Racetrack	C37	C37	C37	C37	C37	C37	C37	C37	
College/university	C	C	C	C	C	C	C	C	

**22C.010.070 Permitted uses – Development conditions.** [SHARE](#)

(1) Accessory dwelling units must comply with development standards in Chapter [22C.180](#) MMC. Accessory dwelling units in the MHP zone are only allowed on single lots of record containing one single-family detached dwelling.

(2) Limited to three residents per the equivalent of each minimum lot size or dwelling units per acre allowed in the zone in which it is located.

(3) Only as part of a planned residential development (PRD) proposal, and subject to the same density as the underlying zone.

(4) Bed and breakfast guesthouses and inns are subject to the requirements and standards contained in Chapter [22C.210](#) MMC.

(5) Home occupations are subject to the requirements and standards contained in Chapter [22C.190](#) MMC.

(6) Subject to cottage housing provisions set forth in MMC [22C.010.280](#).

(7) Factory-built dwelling units shall comply with the following standards:

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

(b) A factory-built house cannot be attached to a metal frame allowing it to be mobile. All such structures must be placed on a permanent foundation at the building site.

(8) Permitted outright in the R-6.5, R-8, and WR-R-4-8 zones on minimum 7,200-square-foot lots. A conditional use permit is required for the R-4.5 zone, and the minimum lot size must be 12,500 square feet. Duplexes must comply with the comprehensive plan density requirements for the underlying land use designation.

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

(a) No residential premises shall have more than two such sales per year and no such sale shall continue for more than six days within a 15-day period.

(b) Signs advertising such sales shall not be attached to any public structures, signs or traffic control devices, nor to any utility poles. All such signs shall be removed 24 hours after the sale is completed.

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

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

(11) Manufactured homes must:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(17) Golf facilities shall comply with the following:

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

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

(18) Only as an accessory to a cemetery.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) No residential occupancy of the storage units;

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

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

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

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

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

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

(30) Model Homes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(37) Except racing of motorized vehicles.

(38) Level 1 and Level 2 charging only.

(39) Allowed only as an accessory use to a principal outright permitted use or permitted conditional use.

(40) The term "rapid" is used interchangeably with "Level 3" and "fast charging."

(41) Only "electric vehicle charging stations – restricted" as defined in Chapter [22A.020](#) MMC.

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

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

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

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

Commented [AG9]: Ditto

**22C.020.060 Permitted uses.** SHARE

Specific Land Use	NB	CB	CB-WR	GC	DC	MU (63)	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				
Manufactured home	P7	P7	P7	P7	P7	P7	P7	P7		
Mobile home	P7	P7	P7	P7	P7	P7	P7	P7		
Recreational vehicle	P7	P7	P7	P7	P7	P7	P7	P7		
Tiny house or tiny house with wheels	P7	P7	P7	P7	P7	P7	P7	P7		
Senior citizen assisted	P					C				P
Caretaker's quarters (3)	P	P	P	P	P	P	P	P	P	P
<b>Group Residences:</b>										
Adult family home (70)	P	P	P	P	P	P				P
Convalescent, nursing, retirement	C	P			P	P				P
Residential care facility	P	P			P	P	P70	P70	P70	P
Master planned senior community (10)						C				C
Enhanced services facility (77)		P	P	P	P	P				
<b>Accessory Uses:</b>										
Home occupation (2)	P8	P8, P9	P8, P9	P8, P9	P8, P9	P8, P9	P9	P9		
<b>Temporary Lodging:</b>										
Hotel/motel	P	P	P	P	P	P	P75			
Bed and breakfast guesthouse (1)										
Bed and breakfast inn (1)	P	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
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
<b>Amusement/Entertainment:</b>										
Theater		P	P	P	P	P				
Theater, drive-in				C						

**Commented [AG10]:** Economic Development Committee request to require ESFs to be located within one-quarter mile of State Avenue and Smokey Point Blvd. would remove the CB-WR zone.



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

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

Specific Land Use	NB	CB	CB-WR	GC	DC	MU (63)	LI	GI	REC	P/I
Heavy equipment and truck repair							P	P		
Automobile holding yard				C			P	P		
Commercial/industrial accessory uses (73)	P39, 40	P39	P39	P39	P39, 40	P39, 40	P	P		
Adult facility								P33		
Factory-built commercial building (35)	P	P	P	P	P		P	P		
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	P	P47	P76	P		
Forest products sales		P	P	P			P			
Department and variety stores	P	P	P	P	P	P	P76			
Food stores	P	P	P	P	P	P45	P76			
Agricultural crop sales		P	P	P		C	P76			
Storage/retail sales, livestock feed							P76	P		
Motor vehicle and boat dealers		P	P	P			P	P		
Motorcycle dealers		C	C	P	P49		P	P		
Gasoline service stations	P	P	P	P	P		P76	P		
Eating and drinking places	P41	P	P	P	P	P46	P46	P		
Drug stores	P	P	P	P	P	P	P76	P		
Liquor stores		P	P	P						
Used goods: antiques/secondhand shops		P	P	P	P	P				
Sporting goods and related stores		P	P	P	P	P				
Book, stationery, video and art supply stores	P	P	P	P	P	P				
Jewelry stores		P	P	P	P	P				
Hobby, toy, game shops	P	P	P	P	P	P				
Photographic and electronic shops	P	P	P	P	P	P				
Fabric and craft shops	P	P	P	P	P	P				
Fuel dealers				P43			P43	P43		

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

Specific Land Use	NB	CB	CB-WR	GC	DC	MU (63)	LI	GI	REC	P/I
Tire retreading							C	P		
Movie production/distribution				P			P			
<b>Resource Land Uses</b>										
<b>Agriculture:</b>										
Growing and harvesting crops							P	P	P	
Raising livestock and small animals							P	P	P	
Greenhouse or nursery, wholesale and retail				P			P	P	C	
Farm product processing							P	P		
<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	C	
Aquaculture (55)							P	P	C	
Wildlife shelters	C	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		C56	C57			C57
Nonhydroelectric generation facility	C	C	C	C			C	C		C
Energy resource recovery facility							C			
Soil recycling/incineration facility							C	C		
Solid waste recycling								C		C
Transfer station							C	C		C
Wastewater treatment facility							C	C		C
Transit bus base				C			P			C
Transit park and pool lot	P	P	P	P	P	P	P	P		P
Transit park and ride lot	P	P	P	P	P	P	P	P		C
School bus base	C	C	C	C			P			C58

Specific Land Use	NB	CB	CB-WR	GC	DC	MU (63)	LI	GI	REC	P/I
Racetrack	C59	C59	C59	C			P			
Fairground							P	P		C
Zoo/wildlife exhibit		C	C	C						C
Stadium/arena				C			C	P		C
College/university	C	P	P	P	P	P	P	P		C
Secure community transition facility								C60		
Opiate substitution treatment program facilities		P61, 62	P61, 62	P61, 62	P61, 62		P62	P62		

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

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

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

## 22C.020.070 Permitted uses – Development conditions. SHARE

- (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) Manufactured homes, mobile homes, recreational vehicles, and tiny houses with wheels are only allowed in existing mobile/manufactured home parks.

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

(9) Permitted in a legal nonconforming or conforming residential structure.

(10) Subject to Chapter [22C.220](#) MMC, Master Planned Senior Communities.

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

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

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

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

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

(13) Golf Facility.

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

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

(14) Shooting Range.

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

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

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

(15) Only in an enclosed building.

(16) Dock and Boathouse, Private, Noncommercial.

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

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

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

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

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

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

(17) Boat Launch, Noncommercial or Private.

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

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

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

(18) Excluding racetrack operation.

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

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

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

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

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

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



- (25) Drive-through service windows in excess of one lane are prohibited in Planning Area 1.
- (26) Limited to columbariums accessory to a church; provided, that existing required landscaping and parking are not reduced.
- (27) All instruction must be within an enclosed structure.
- (28) Car washes shall be permitted as an accessory use to a gasoline service station.
- (29) Public Safety Facilities, Including Police and Fire.
- (a) All buildings and structures shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;
  - (b) Any buildings from which fire-fighting equipment emerges onto a street shall maintain a distance of 35 feet from such street.
- (30) Outdoor storage of materials or vehicles must be accessory to the primary building area and located to the rear of buildings. Outdoor storage is subject to an approved landscape plan that provides for effective screening of storage, so that it is not visible from public right-of-way or neighboring properties.
- (31) Limited to self-service household moving truck or trailer rental accessory to a gasoline service station.
- (32) All WCFs and modifications to WCFs are subject to Chapter [22C.250](#) MMC including but not limited to the siting hierarchy, MMC [22C.250.060](#). WCFs may be a permitted use or a CUP may be required subject to MMC [22C.250.040](#).
- (33) Subject to the conditions and requirements listed in Chapter [22C.030](#) MMC.
- (34) Reserved.
- (35) A factory-built commercial building may be used for commercial purposes subject to the following requirements:
- (a) A factory-built commercial building must be inspected at least two times at the factory by the State Building and Electrical Inspector during the construction process, and must receive a state approval stamp certifying that it meets all requirements of the International Building and Electrical Codes. At the building site, the city building official will conduct foundation, plumbing and final inspections; and
  - (b) A factory-built commercial building cannot be attached to a metal frame allowing it to be mobile. All structures must be placed on a permanent, poured-in-place foundation. The foundation shall be structurally engineered to meet the requirements set forth in Chapter 16 of the International Building Code.
- (36) Mini-storage facilities are subject to the development standards outlined in Chapter [22C.170](#) MMC.

- (37) Except heavy equipment.
- (38) With outdoor storage and heavy equipment.
- (39) Incidental assembly shall be permitted; provided, it is limited to less than 20 percent of the square footage of the site excluding parking.
- (40) Light industrial uses may be permitted; provided, there is no outdoor storage of materials, products or vehicles.
- (41) Excluding drinking places such as taverns and bars and adult entertainment facilities.
- (42) Excluding vehicle and livestock auctions.
- (43) If the total storage capacity exceeds 6,000 gallons, a conditional use permit is required.
- (44) The retail sale of products manufactured on site shall be permitted; provided, that not more than 20 percent of the constructed floor area in any such development may be devoted to such retail use.
- (45) Limited to 5,000 square feet or less.
- (46) Eating and Drinking Places.
  - (a) Limited to 4,000 square feet or less.
  - (b) Drive-through service windows in excess of one lane are prohibited in Planning Area 1.
  - (c) Taverns, bars, lounges, etc., are required to obtain a conditional use permit in the mixed use zone.
- (47) Limited to hardware and garden supply stores.
- (48) Limited to convenience retail, such as video, and personal and household items.
- (49) 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," "marijuana (cannabis) collective gardens," and "marijuana cooperatives" as those terms are defined or described in this code and/or under state law; such facilities and/or uses are prohibited in all zoning districts of the city of Marysville.

(69) No person or entity may produce, grow, manufacture, process, accept donations for, give away, or sell marijuana concentrates, marijuana-infused products, or usable marijuana within commercial,

industrial, recreation, and public institution zones in the city. Provided, activities in strict compliance with RCW [69.51A.210](#) and [69.51A.260](#) are not a violation of the Marysville Municipal Code.

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

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

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

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

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

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

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

**(77) Permitted in these zones only when the building is located within one-quarter mile of State Avenue/ Smokey Point Boulevard. In the DC, GC and CB zones, shall be located in a building in which the enhanced services facility is located on a floor above a permitted ground floor commercial use. See MMC 22C.280 for regulations for enhanced services facility.**

~~(77) Enhanced services facilities are prohibited in all commercial and industrial zones as such are identified and adopted in this chapter. (Ord. 3168 § 2 (Exh. A), 2020\*\*; Ord. 3164 § 7, 2020; Ord. 3159 § 4, 2020; Ord. 3137 § 3 (Exh. B), 2019; Ord. 3086 § 2, 2018; Ord. 3054 § 13, 2017; Ord. 3022 § 10, 2016; Ord. 2985 § 6, 2015; Ord. 2981 § 2, 2015; Ord. 2979 § 4, 2014; Ord. 2959 § 8, 2014; Ord. 2932 § 4, 2013; Ord. 2898 § 10, 2012; Ord. 2852 § 10 (Exh. A), 2011).~~

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

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

**Commented [AG11]:** This addition was requested by the EDC to require that ESFs be located within ¼ mile of State Ave./SPB.

**Commented [AG12]:** This addition was requested by the EDC in order to treat ESFs similar to multi-family housing in these three zones. This standard does not apply in the MU zone.

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

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

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

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

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

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

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

**22C.280.050. Other Requirements.**

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

**Commented [AG13]:** “licenses” added by staff

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**Commented [AG14]:** This is the current State limit on ESFs, but this section was added by staff in case the State limit should ever increase.

6. No enhanced services facility shall be located within one-quarter mile of any other enhanced services facility.

**Commented [AG15]:** This section added at request of the Economic Development Committee