

CITY OF MARYSVILLE AGENDA BILL
EXECUTIVE SUMMARY FOR ACTION

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

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



MEMORANDUM

TO: Mayor Nehring
City Council

FROM: Haylie Miller, CD Director

CC: Gloria Hirashima, CAO
Chris Holland, Planning Manager

DATE: October 4, 2021

SUBJECT: Enhanced Services Facilities Text Amendments

EXHIBITS:

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

RECOMMENDATION:

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

BACKGROUND - ENHANCED SERVICES FACILITIES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) With available staff; and

(b) Through reasonable accommodation.

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

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

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

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

medical treatment, to shop, work, or for other activities in the community, though some residents may need assistance with tasks outside the ESF.

- What type of treatment is provided for residents in an ESF? Residents of an ESF receive services such as bathing, administration of medication, laundry, meals, and similar non-medical treatment. Residents do not receive medical or psychiatric treatment in an ESF, as those services are provided off-site.

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

LEGISLATIVE HISTORY AND NEXT STEPS:

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

ESF LEGISLATIVE PROCESS TIMELINE

<u>Date</u>	<u>Summary</u>
<i>November 23, 2020</i>	The City Council adopted Ordinance No. 3168, establishing an interim regulation that prohibits the siting of ESFs in Marysville while the City studies where such uses may be allowed.
<i>December 8, 2020</i>	The Planning Commission held a public meeting to discuss ESFs.
<i>January 12, 2021</i>	The Planning Commission held a second public meeting to discuss ESFs.
<i>February 9, 2021</i>	The Planning Commission held a third public meeting to discuss ESFs.
<i>February 23, 2021</i>	<p>The Planning Commission held a public hearing to consider regulations for ESFs and recommended approval of the amendments to the MMC to City Council. The Planning Commission recommended amendments that would:</p> <ol style="list-style-type: none">1. Allow ESFs as a conditional use (Public notice required, potential for Hearing Examiner hearing) in the R-18 and R-28 multi-family residential zones;2. Allow ESFs as a permitted use in five commercial / mixed use zones;3. Amend the definition of ESFs to match the definition used by the State in RCW 70.97.010; and4. Establish a new set of regulations and requirements for ESFs in the Marysville Municipal Code that:<ul style="list-style-type: none">• Require the proponent of an ESF to provide notice to contiguous property owners at least 15 days prior to filing a land use application with the City in order to allow the neighboring property owners to learn more about the facility and for the proponent to address any concerns in their application materials;• Require a detailed management plan that addresses issues of public safety, communication with neighbors, and facility management• Require the facility to accept only residents that are determined not to pose a risk to other residents and the public.
<i>May 3, 2021</i>	The Planning Commission recommendation was forwarded to the City Council to review at the May 2021 work session. The City Council decided to refer the subject to the Economic Development Committee (EDC) for further review. The discussion included questions about: whether the number of zones in which ESFs would be allowed was too many, the definition of ESF, and the state regulations governing ESFs.
<i>May 10, 2021</i>	The Economic Development Committee discussed the issues and asked staff to prepare an alternative set of regulations that differs from the Planning Commission

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

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

May 24, 2021

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

June 7, 2021

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

July 6, 2021

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

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

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

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

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

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

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

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

September 7, 2021

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

October 11, 2021

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

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

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

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

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

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

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

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

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

**CITY OF MARYSVILLE
WASHINGTON**

ORDINANCE NO. _____

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"22A.010.160 Amendments.

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

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

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

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

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

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

CITY OF MARYSVILLE

Jon Nehring, Mayor

ATTEST:

By: _____
City Clerk

APPROVED AS TO FORM:

By: _____
Jon Walker, City Attorney

Date of Publication: _____

Effective Date: _____

EXHIBIT A

22C.010.060 Permitted uses.

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

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

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

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

22C.010.070 Permitted uses – Development conditions.

- (1) Accessory dwelling units must comply with development standards in Chapter [22C.180](#) MMC. Accessory dwelling units in the MHP zone are only allowed on single lots of record containing one single-family detached dwelling.
- (2) Limited to three residents per the equivalent of each minimum lot size or dwelling units per acre allowed in the zone in which it is located.
- (3) Only as part of a planned residential development (PRD) proposal, and subject to the same density as the underlying zone.
- (4) Bed and breakfast guesthouses and inns are subject to the requirements and standards contained in Chapter [22C.210](#) MMC.
- (5) Home occupations are subject to the requirements and standards contained in Chapter [22C.190](#) MMC.
- (6) Subject to cottage housing provisions set forth in MMC [22C.010.280](#).
- (7) Factory-built dwelling units shall comply with the following standards:
 - (a) A factory-built house must be inspected at least two times at the factory by the State Building Inspector during the construction process, and must receive an approval certifying that it meets all requirements of the International Building Code. At the building site, the city building official will conduct foundation, plumbing and final inspections.
 - (b) A factory-built house cannot be attached to a metal frame allowing it to be mobile. All such structures must be placed on a permanent foundation at the building site.
- (8) Permitted outright in the R-6.5, R-8, and WR-R-4-8 zones on minimum 7,200-square-foot lots. A conditional use permit is required for the R-4.5 zone, and the minimum lot size must be 12,500 square feet. Duplexes must comply with the comprehensive plan density requirements for the underlying land use designation.
- (9) A garage sale shall comply with the following standards:
 - (a) No residential premises shall have more than two such sales per year and no such sale shall continue for more than six days within a 15-day period.
 - (b) Signs advertising such sales shall not be attached to any public structures, signs or traffic control devices, nor to any utility poles. All such signs shall be removed 24 hours after the sale is completed.

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

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

(11) Manufactured homes must:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(17) Golf facilities shall comply with the following:

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

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

(18) Only as an accessory to a cemetery.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) No residential occupancy of the storage units;

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

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

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

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

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

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

(30) Model Homes.

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

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

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

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

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

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

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

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

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

(37) Except racing of motorized vehicles.

(38) Level 1 and Level 2 charging only.

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

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

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

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

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

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

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

(46) Reserved.

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

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

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

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

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

~~(52) Enhanced services facilities are prohibited in all residential zones as such are identified and adopted in this chapter.~~

22C.020.060 Permitted uses.

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

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

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

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

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

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

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

22C.020.070 Permitted uses – Development conditions.

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

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

(3) Limited to one dwelling unit for the purposes of providing on-site service and security of a commercial or industrial business. Caretaker’s quarters are subject to the provisions set forth in Chapter [22C.110](#) MMC, entitled “Temporary Uses.”

(4) All units must be located above a street-level commercial use.

(5) Twenty percent of the units, but no more than two total units, may be located on the street level of a commercial use, if conditional use permit approval is obtained and the units are designed exclusively for ADA accessibility. The street-level units shall be designed so that the units are not located on the street front and primary access is towards the rear of the building.

(6) Reserved.

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

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

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

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

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

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

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

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

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

(13) Golf Facility.

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

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

(14) Shooting Range.

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

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

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

(15) Only in an enclosed building.

(16) Dock and Boathouse, Private, Noncommercial.

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

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

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

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

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

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

(17) Boat Launch, Noncommercial or Private.

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

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

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

(18) Excluding racetrack operation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(34) Reserved.

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

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

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

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

(37) Except heavy equipment.

(38) With outdoor storage and heavy equipment.

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

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

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

(42) Excluding vehicle and livestock auctions.

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

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

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

(46) Eating and Drinking Places.

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

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

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

(47) Limited to hardware and garden supply stores.

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

(49) Reserved.

(50) Except slaughterhouses.

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

(52) Limited to less than 10 employees.

(53) In conjunction with an eating and drinking establishment.

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

(55) May be further subject to the provisions of city of Marysville shoreline management program.

(56) Except weapons armories and outdoor shooting ranges.

(57) Except outdoor shooting ranges.

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

(59) Except racing of motorized vehicles.

(60) Limited to land located along east side of 47th Avenue NE alignment, in the east half of the northeast quarter of Section 33, Township 30N, Range 5E, W.M., and in the northeast quarter of the southeast quarter of Section 33, Township 30N, Range 5E, W.M., and land located east side of SR 529, north of Steamboat Slough, south and west of Ebey Slough (a.k.a. TP No. 300533-002-004-00) and in the northwest and southwest quarters of Section 33, Township 30N, Range 5E, W.M., as identified in Exhibit A, attached to Ordinance No. 2452.

(61) Opiate substitution treatment program facilities permitted within commercial zones are subject to Chapter [22G.070](#) MMC, Siting Process for Essential Public Facilities.

(62) Opiate substitution treatment program facilities, as defined in MMC [22A.020.160](#), are subject to the standards set forth below:

(a) Shall not be established within 300 feet of an existing school, public playground, public park, residential housing area, child-care facility, or actual place of regular worship established prior to the proposed treatment facility.

(b) Hours of operation shall be restricted to no earlier than 6:00 a.m. and no later than 7:00 p.m. daily.

(c) The owners and operators of the facility shall be required to take positive ongoing measures to preclude loitering in the vicinity of the facility.

(63) Permitted uses include Whiskey Ridge zones.

(64) Level 1 and Level 2 charging only.

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

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

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

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

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

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

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

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

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

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

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

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

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

22C.080.120 Uses permitted in downtown Marysville zones.

(1) Interpretation of permitted use table. The permitted use table in this section determines whether a use is allowed in a zone. The name of the zone is located on the vertical column and the use is located on the horizontal row of these tables.

(a) Permitted use (P).

If the letter "P" appears in the box at the intersection of the column and the row, the use is permitted in the zone. These uses are allowed if they comply with the development standards and other standards of this chapter.

(b) Conditional use (C)

If the letter "C" appears in the box at the intersection of the column and the row, the use is allowed subject to the conditional use review process and approval criteria are stated in Chapter 22G.010 MMC, conditional use approval criteria for that use, the development standards and other standards of this chapter.

(c) Use not permitted ().

Where no symbol appears in the box at the intersection of the column and the row, the use is not permitted in that zone, except for certain temporary uses.

(d) For uses containing a superscript letter (X), refer to the applicable condition in the "Additional Provisions" column to the right.

(e) Additional provisions. The references, notes, and/or standards in the Additional Provisions column apply to all such permitted uses, except for those that apply to particular zones as noted in subsection (4) above.

(f) Unclassified uses. See MMC 22A.010.070.

(2) Permitted use table. Table 22C.080.120 below provides the list of permitted uses in downtown Marysville zones.

**Table 22C.080.120
Permitted use table for downtown Marysville zones.**

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

**Table 22C.080.120
Permitted use table for downtown Marysville zones.**

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

**Table 22C.080.120
Permitted use table for downtown Marysville zones.**

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

**Table 22C.080.120
Permitted use table for downtown Marysville zones.**

Use Categories	DC	MS	F	MMF	MHI	MH2	Additional Provisions
20,001-50,000	P	C	P				
>50,000sf GFA	P	C	P				
Special retail sales uses:							
Eating & drinking places	P	P	P	C			
Gas station	P		P				
Heavy retail			C				
State licensed marijuana facilities							
Temporary lodging	P	P	P				
Temporary uses	See Chapter 22C.110 MMC						
Regional Uses							
Regional uses, except as listed below:							
College	P		P	C	C	C	
Transit park & pool lot	P		P	P	P	P	
Opiate substitution treatment program facilities	P		P				MMC 22C.080160
Jail	C		C				
Regional stormwater facility	C		C	C	C	C	
Public agency training facility	C		C				Except weapons armories and outdoor shooting ranges
Nonhydroelectric generation facility	C		C	C	C	C	
Accessory Uses							
Dwelling units, accessory					P	P	MMC 22C.180.030
Home occupations	P	P	P	P	P	P	Chapter 22C.190 MMC No signage is permitted in townhouse or multifamily buildings.

22C.080.130 Flex residential overlay zone uses.

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

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

EXHIBIT B
Chapter 22C.280
Enhanced Services Facilities.

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

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

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

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

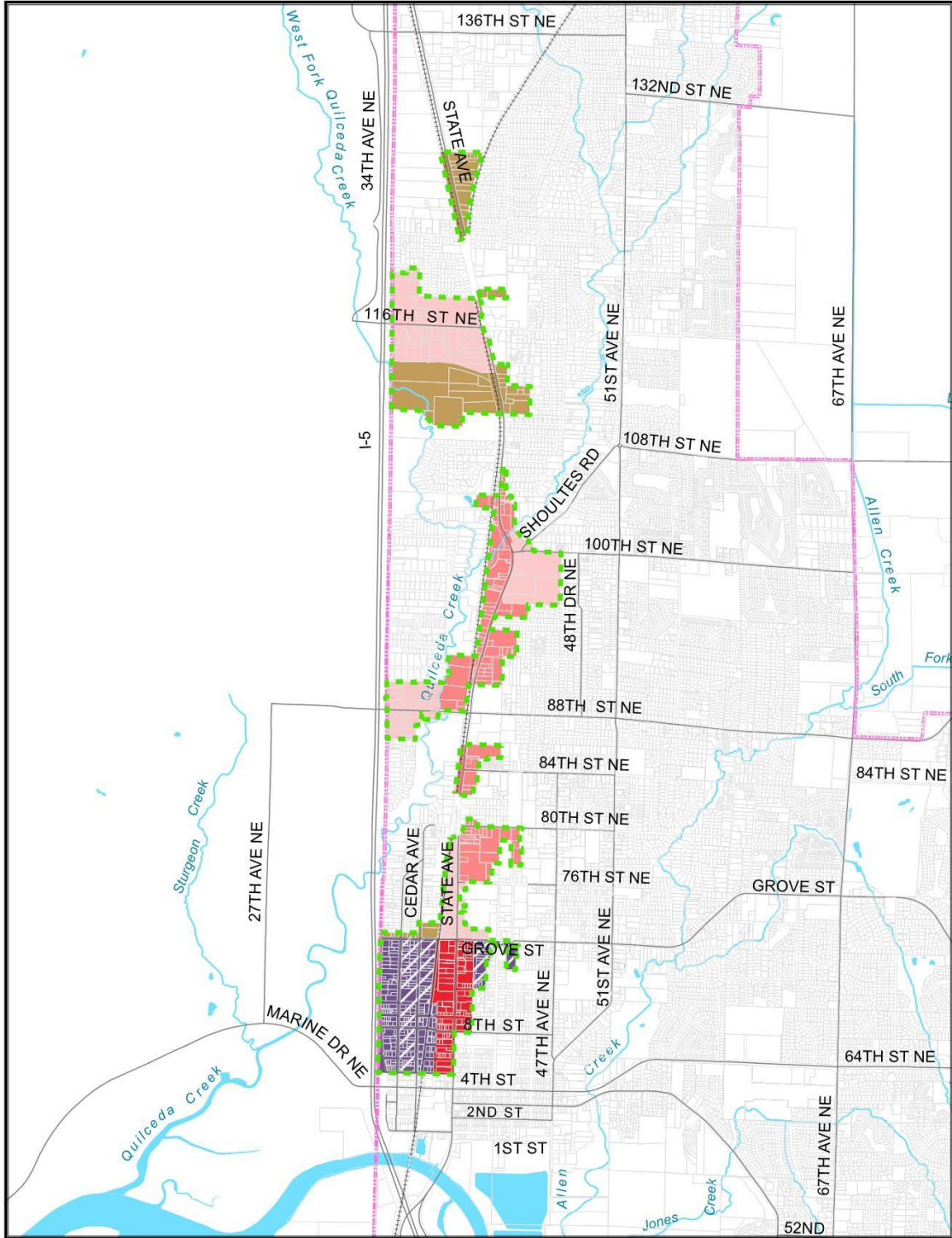
22C.280.040 Management Plan Required. The owner or sponsor of the facility shall provide the Community Development Director with a management plan for the facility addressing the following:

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


22C.280.050 Location Criteria.

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

Figure 1.



EST. 1891




MARYSVILLE
WASHINGTON

Plotted: September 2021

0 0.125 0.25 0.5
Miles

City of Marysville

Properties Eligible for Enhanced Services Facilities (ESFs)



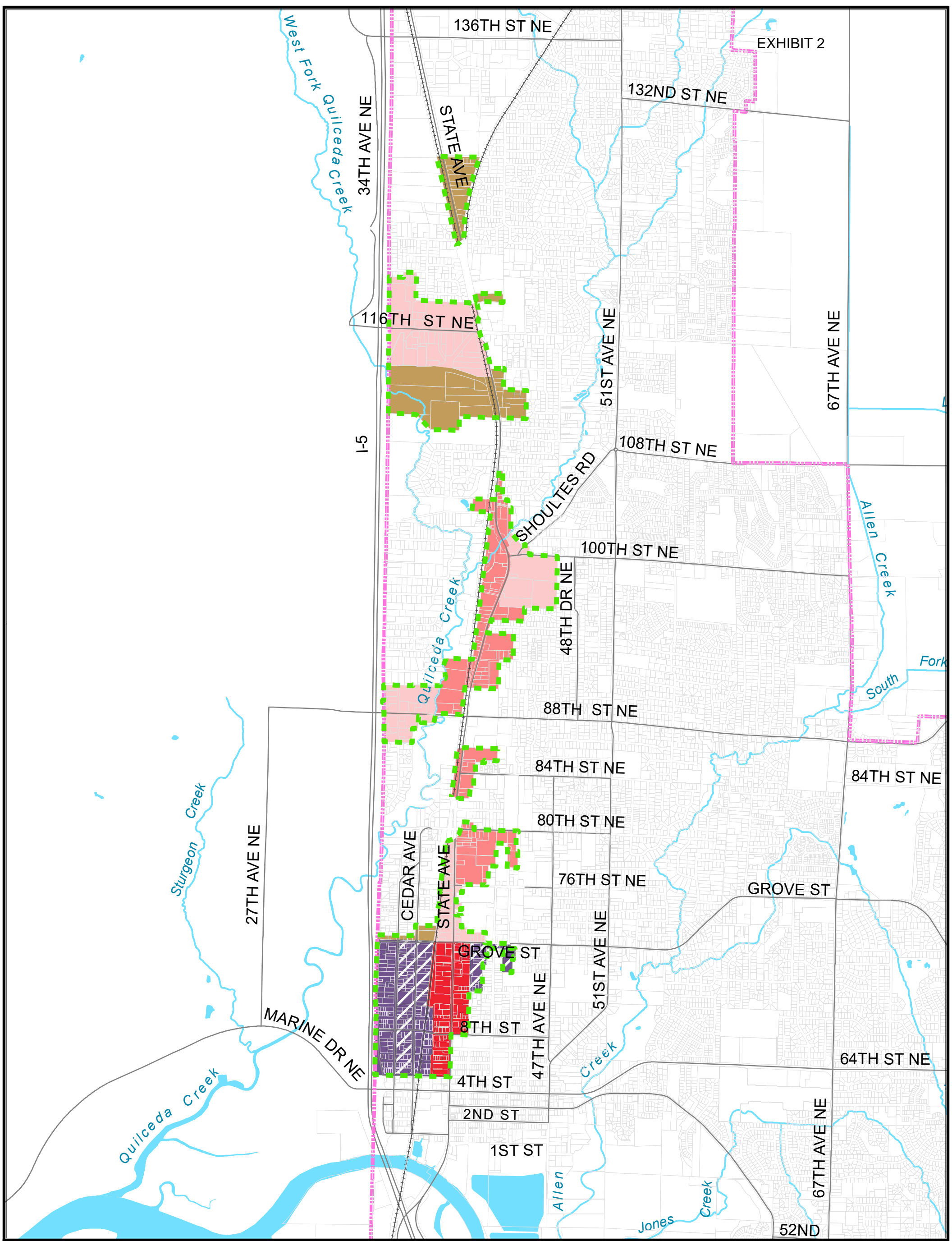
<ul style="list-style-type: none"> Railroad Arterials ESF Eligible Area City Limits Parcels 	<p>New Zone DMP</p> <ul style="list-style-type: none"> Downtown Core Flex Flex Residential 	<p>Zoning</p> <ul style="list-style-type: none"> General Commercial Community Business Mixed Use
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22C.280.060. Other Requirements.

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



City of Marysville

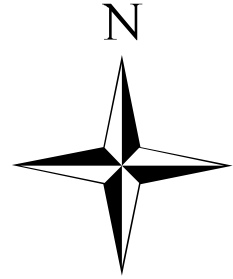
Properties Eligible for Enhanced Services Facilities (ESFs)



Plotted: September 2021

0 0.125 0.25 0.5
Miles

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



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EXISTING ENHANCED SERVICES FACILITIES

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

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

Police Data

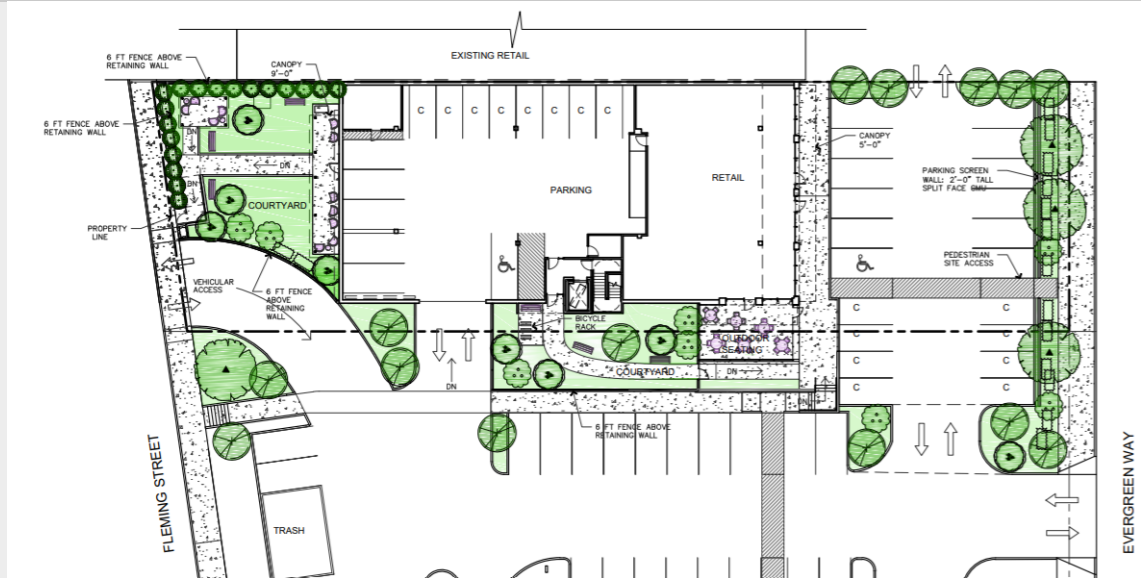
There have been a total of 13 incidents where police reports were required since January 2019 – June 2021.

Count of Case Number	Column Labels
Cases at ESF Facilities	Everett ESF
APS (Adult Protective Services)	8
Assist Other Agency	
BOOKED	
BURGLARY	2
COLLISION REPORT	
CONTACT	
CPS REFERRAL	
CRISIS	
DISORDERLY CONDUCT	
DRUGS-POSSESS -- CONTROLLED SUBSTANCES POSSESSION	
DV (Domestic Violence)	
FRAUD/FORGERY/COUNTERFEITING -- FRAUD IMPROPERLY OBTAIN FINANCIAL INFO	
HARASSMENT	
INFO	
PERSONS-MENTAL	
PERSONS-MISSING	2
PERSONS-RUNAWAY	
PERSONS-SUICIDE ATTEMPT	
PROP-LOST/FOUND	
RESIDENTIAL CARE SERVICES	
SEX OFFENSE	
THREAT	
TRAFFIC	
TRESPASS	
WELFARE CHECK	

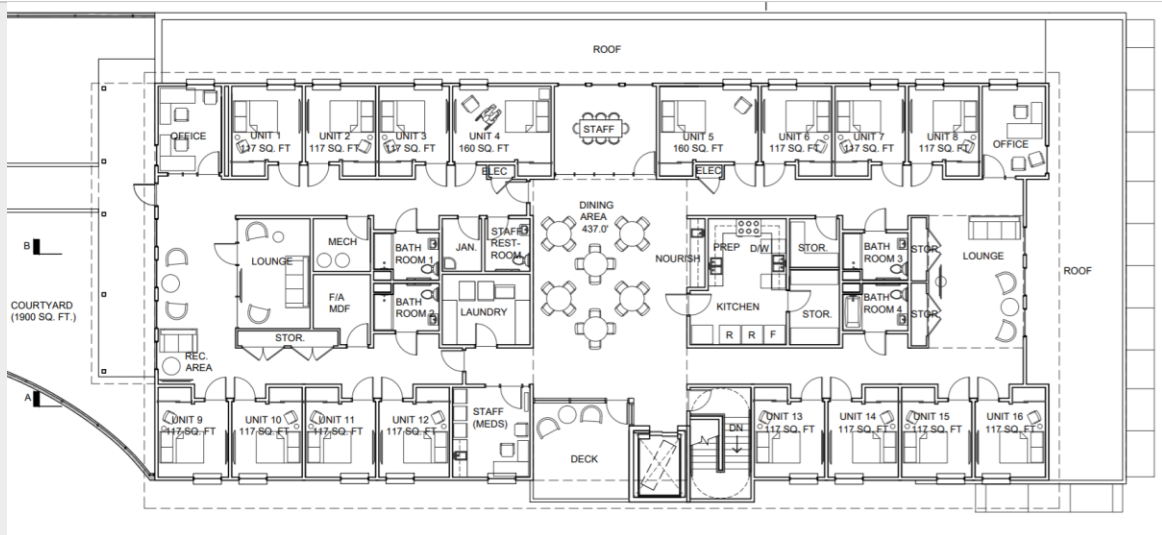
MALICIOUS MISCHIEF	1
Assault	
DEATH	
THEFT	
SUSPICIOUS	
THEFT OF MOTOR VEHICLE	
Grand Total	13

Photos

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



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



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



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



Aerial view



SUPREME LIVING LLC INFORMATION

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

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

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

THEFT	
SUSPICIOUS	
THEFT OF MOTOR VEHICLE	
Grand Total	2

Photos

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



Aerial view



mappep

Maybe

Upriver Place, LLC INFORMATION

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

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



Aerial view:



MAIN RESIDENTIAL CARE INFORMATION

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

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

THEFT	
SUSPICIOUS	1
THEFT OF MOTOR VEHICLE	
Grand Total	17

Photos

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

45164.0343

12019 E MAIN AVE



Aerial photo



UNIFIED RESIDENTIAL CARE INFORMATION

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

Current facilities	1. 16 bed facility use permit filed under i-1 institutional, group home 2. Unknown capacity facility use permit filed under i-1 institutional, supervised environment																																																
Police Data	<p>There have been a total of 29 incidents where police reports were required since January 2019 – June 2021.</p> <table border="1" data-bbox="384 407 1717 1391"> <thead> <tr> <th data-bbox="384 407 1476 483">Cases at ESF Facilities</th> <th data-bbox="1476 407 1717 483">Unified Residential Care</th> </tr> </thead> <tbody> <tr><td data-bbox="384 483 1476 524">APS</td><td data-bbox="1476 483 1717 524">2</td></tr> <tr><td data-bbox="384 524 1476 565">Assist Other Agency</td><td data-bbox="1476 524 1717 565"></td></tr> <tr><td data-bbox="384 565 1476 605">BOOKED</td><td data-bbox="1476 565 1717 605">1</td></tr> <tr><td data-bbox="384 605 1476 646">BURGLARY</td><td data-bbox="1476 605 1717 646">1</td></tr> <tr><td data-bbox="384 646 1476 686">COLLISION REPORT</td><td data-bbox="1476 646 1717 686"></td></tr> <tr><td data-bbox="384 686 1476 727">CONTACT</td><td data-bbox="1476 686 1717 727"></td></tr> <tr><td data-bbox="384 727 1476 768">CPS REFERRAL</td><td data-bbox="1476 727 1717 768"></td></tr> <tr><td data-bbox="384 768 1476 808">CRISIS</td><td data-bbox="1476 768 1717 808"></td></tr> <tr><td data-bbox="384 808 1476 849">DISORDERLY CONDUCT</td><td data-bbox="1476 808 1717 849"></td></tr> <tr><td data-bbox="384 849 1476 889">DRUGS-POSSESS -- CONTROLLED SUBSTANCES POSSESSION</td><td data-bbox="1476 849 1717 889">1</td></tr> <tr><td data-bbox="384 889 1476 930">DV</td><td data-bbox="1476 889 1717 930"></td></tr> <tr><td data-bbox="384 930 1476 971">FRAUD/FORGERY/COUNTERFEITING -- FRAUD IMPROPERLY OBTAIN FINANCIAL INFO</td><td data-bbox="1476 930 1717 971"></td></tr> <tr><td data-bbox="384 971 1476 1011">HARASSMENT</td><td data-bbox="1476 971 1717 1011">1</td></tr> <tr><td data-bbox="384 1011 1476 1052">INFO</td><td data-bbox="1476 1011 1717 1052"></td></tr> <tr><td data-bbox="384 1052 1476 1092">PERSONS-MENTAL</td><td data-bbox="1476 1052 1717 1092">4</td></tr> <tr><td data-bbox="384 1092 1476 1133">PERSONS-MISSING</td><td data-bbox="1476 1092 1717 1133">8</td></tr> <tr><td data-bbox="384 1133 1476 1174">PERSONS-RUNAWAY</td><td data-bbox="1476 1133 1717 1174"></td></tr> <tr><td data-bbox="384 1174 1476 1214">PERSONS-SUICIDE ATTEMPT</td><td data-bbox="1476 1174 1717 1214">1</td></tr> <tr><td data-bbox="384 1214 1476 1255">PROP-LOST/FOUND</td><td data-bbox="1476 1214 1717 1255">1</td></tr> <tr><td data-bbox="384 1255 1476 1295">RESIDENTIAL CARE SERVICES</td><td data-bbox="1476 1255 1717 1295"></td></tr> <tr><td data-bbox="384 1295 1476 1336">SEX OFFENSE</td><td data-bbox="1476 1295 1717 1336">2</td></tr> <tr><td data-bbox="384 1336 1476 1377">THREAT</td><td data-bbox="1476 1336 1717 1377"></td></tr> <tr><td data-bbox="384 1377 1476 1391">TRAFFIC</td><td data-bbox="1476 1377 1717 1391"></td></tr> </tbody> </table>	Cases at ESF Facilities	Unified Residential Care	APS	2	Assist Other Agency		BOOKED	1	BURGLARY	1	COLLISION REPORT		CONTACT		CPS REFERRAL		CRISIS		DISORDERLY CONDUCT		DRUGS-POSSESS -- CONTROLLED SUBSTANCES POSSESSION	1	DV		FRAUD/FORGERY/COUNTERFEITING -- FRAUD IMPROPERLY OBTAIN FINANCIAL INFO		HARASSMENT	1	INFO		PERSONS-MENTAL	4	PERSONS-MISSING	8	PERSONS-RUNAWAY		PERSONS-SUICIDE ATTEMPT	1	PROP-LOST/FOUND	1	RESIDENTIAL CARE SERVICES		SEX OFFENSE	2	THREAT		TRAFFIC	
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THREAT																																																	
TRAFFIC																																																	

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

Police Data

Photos

From the Spokane County Assessor site:

45163.0532
122 N UNIVERSITY RD



Aerial view



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

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

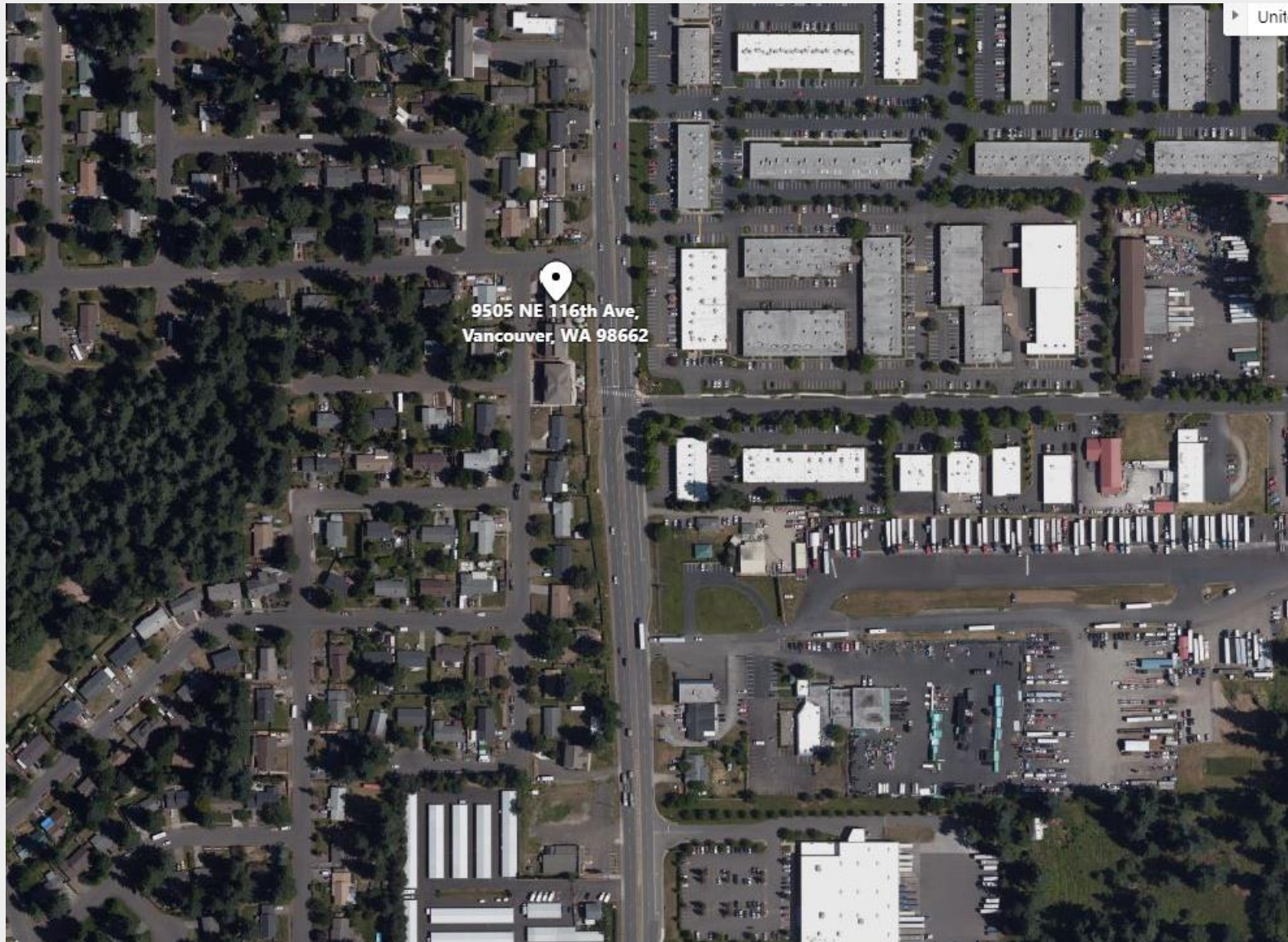
	TRESPASS	
	WELFARE CHECK	
	MALICIOUS MISCHIEF	
	Assault	1
	DEATH	
	THEFT	
	SUSPICIOUS	
	THEFT OF MOTOR VEHICLE	
	Grand Total	4

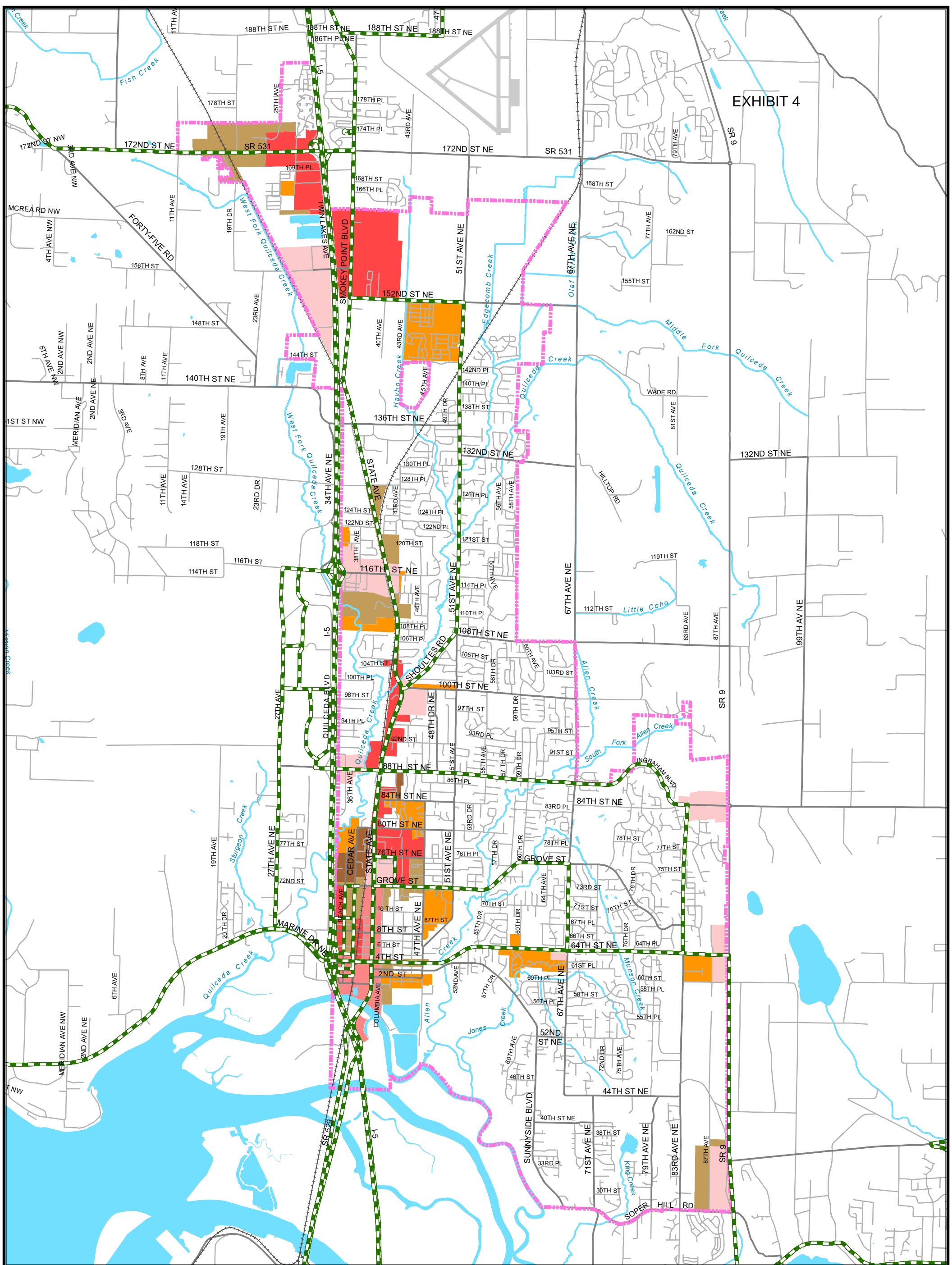
Photos

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



Aerial view:

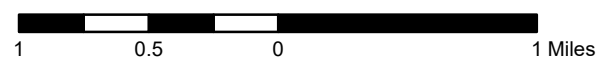
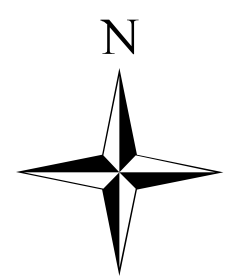




City of Marysville

Properties Eligible for Enhanced Services Facilities (ESFs)

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



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

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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.

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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:

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

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

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

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

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

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

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

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

(1) Co-location of new transmission equipment;

(2) Removal of transmission equipment; or

(3) Replacement of transmission equipment.

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

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

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

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

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

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

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

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

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

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

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

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

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(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.

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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).

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

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

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

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

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

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

22C.010.070 Permitted uses – Development conditions. 

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

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

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

- (a) No residential premises shall have more than two such sales per year and no such sale shall continue for more than six days within a 15-day period.
- (b) Signs advertising such sales shall not be attached to any public structures, signs or traffic control devices, nor to any utility poles. All such signs shall be removed 24 hours after the sale is completed.

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

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

(11) Manufactured homes must:

- (a) Be set on a permanent foundation, as specified by the manufacturer, enclosed with an approved concrete product from the bottom of the home to the ground which may be either load-bearing or decorative;
- (b) Meet all design standards applicable to all other single-family homes in the neighborhood in which the manufactured home is to be located;
- (c) Be no more than five years old, as evidenced by the date of manufacture recorded on the HUD data plate. An administrative variance to the requirement that a manufactured home be no more than five years old may be granted by the community development director only if the applicant demonstrates all of the following:
 - (i) The strict enforcement of the provisions of this title creates an unnecessary hardship to the property owner;
 - (ii) The proposed manufactured home is well maintained and does not present any health or safety hazards;
 - (iii) The variance is necessary or warranted because of the unique size, shape, topography, location, critical areas encumbrance, or other feature of the subject property;
 - (iv) The proposed manufactured home will be compatible with the neighborhood or area where it will be located;
 - (v) The subject property is otherwise deprived, by provisions of this title, of rights and privileges enjoyed by other properties in the vicinity and within an identical zone;

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

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

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

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

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

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

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

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

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

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

(17) Golf facilities shall comply with the following:

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

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

(18) Only as an accessory to a cemetery.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) No residential occupancy of the storage units;

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

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

PLANNING COMMISSION RECOMMENDATION

(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.

PLANNING COMMISSION RECOMMENDATION

- (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.

PLANNING COMMISSION RECOMMENDATION

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

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

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

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

22C.020.060 Permitted uses. 

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

PLANNING COMMISSION RECOMMENDATION

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

PLANNING COMMISSION RECOMMENDATION

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

PLANNING COMMISSION RECOMMENDATION

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

PLANNING COMMISSION RECOMMENDATION

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

PLANNING COMMISSION RECOMMENDATION

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

PLANNING COMMISSION RECOMMENDATION

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

PLANNING COMMISSION RECOMMENDATION

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

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

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

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

22C.020.070 Permitted uses – Development conditions. 

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

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

PLANNING COMMISSION RECOMMENDATION

(3) Limited to one dwelling unit for the purposes of providing on-site service and security of a commercial or industrial business. Caretaker's quarters are subject to the provisions set forth in Chapter 22C.110 MMC, entitled "Temporary Uses."

(4) All units must be located above a street-level commercial use.

(5) Twenty percent of the units, but no more than two total units, may be located on the street level of a commercial use, if conditional use permit approval is obtained and the units are designed exclusively for ADA accessibility. The street-level units shall be designed so that the units are not located on the street front and primary access is towards the rear of the building.

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

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

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

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

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

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

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

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

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

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

(13) Golf Facility.

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

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

(14) Shooting Range.

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

PLANNING COMMISSION RECOMMENDATION

(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.

PLANNING COMMISSION RECOMMENDATION

(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.

PLANNING COMMISSION RECOMMENDATION

(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.

PLANNING COMMISSION RECOMMENDATION

- (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.

PLANNING COMMISSION RECOMMENDATION

(64) Level 1 and Level 2 charging only.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PLANNING COMMISSION RECOMMENDATION

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

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

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

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

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

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

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

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

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

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

22C.280.050. Other Requirements.

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

**Planning
Commission**



**1049 State Avenue
Marysville, WA 98270**

**Meeting Minutes
January 12, 2021**

CALL TO ORDER / ROLL CALL

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

Present:

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

Absent: Commissioner Tom Thetfod

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

APPROVAL OF MINUTES

December 8, 2020 Planning Commission Minutes

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

AYES: ALL

AUDIENCE PARTICIPATION

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

SELECTION OF CHAIR AND VICE CHAIR

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

AYES: ALL

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

AYES: ALL

NEW BUSINESS

Stormwater Retention Pond Reclamation Proposal

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

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

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

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

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

OLD BUSINESS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chapter 70.97 RCW – Enhanced Services Facilities (ESF)

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

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

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

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

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

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

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

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

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

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

ADJOURNMENT

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

AYES: ALL

Laurie Hugdahl, Recording Secretary

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

**Planning
Commission**



**1049 State Avenue
Marysville, WA 98270**

**Meeting Minutes
February 9, 2021**

CALL TO ORDER / ROLL CALL

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

Present:

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

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

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

APPROVAL OF MINUTES

January 12, 2021 Planning Commission Minutes

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

AYES: ALL

AUDIENCE PARTICIPATION

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

OLD BUSINESS

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

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

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

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

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

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

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

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

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

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

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

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

Chapter 70.97 RCW – Enhanced Services Facilities (ESF)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ADJOURNMENT

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

AYES: ALL

Laurie Hugdahl, Recording Secretary

Next Meeting - Tuesday, February 23, 2021

Planning Commission



1049 State Avenue
Marysville, WA 98270

**Meeting Minutes
February 23, 2021**

CALL TO ORDER / ROLL CALL

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

Present:

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

Excused: Commissioner Tom Thetford

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

APPROVAL OF MINUTES

February 9, 2021 Planning Commission Minutes

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

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

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

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

AUDIENCE PARTICIPATION

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

PUBLIC HEARING

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

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

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

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

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

Public Comments:

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

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

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

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

AYES: ALL

General Discussion:

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

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

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

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

Mr. Metcalf not Mr. Belmark

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

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

Option 1 v. Option 2 Preferences:

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

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

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

Ayes – Michal, Whitaker, Hoen, Andes

Nay – Johnson

Abstain - Leifer

Motion passed.

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

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

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

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

Option 1:

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

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

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

Option 2:

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

Public Comments:

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

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

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

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

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

Motion passed unanimously.

Discussion:

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

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

Motion passed unanimously.

NEW BUSINESS

MMC Title 22 Unified Development Code – Administration Code Amendments

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

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

Discussion:

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

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

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

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

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

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

Upcoming topics:

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

ADJOURNMENT

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

AYES: ALL

Laurie Hugdahl, Recording Secretary

Next Meeting - Tuesday, March 9, 2021

Planning
Commission



1049 State Avenue
Marysville, WA 98270

**Meeting Minutes
December 8, 2020**

CALL TO ORDER/ ROLL CALL

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

Roll Call

Present:

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

Absent: Commissioner Tom Thetford

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

APPROVAL OF MINUTES

Approval of October 13, 2020 Minutes

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

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

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

AYES: ALL

AUDIENCE PARTICIPATION

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

NEW BUSINESS

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

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

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

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

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

Chair Leifer solicited any public comments on this matter.

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

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

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

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

B. Residential Subdivision Design

This agenda item was tabled.

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

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

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

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

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

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

Public Comments:

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

Long term support

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

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

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

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

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

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

ADJOURNMENT

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

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

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

AYES: ALL

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

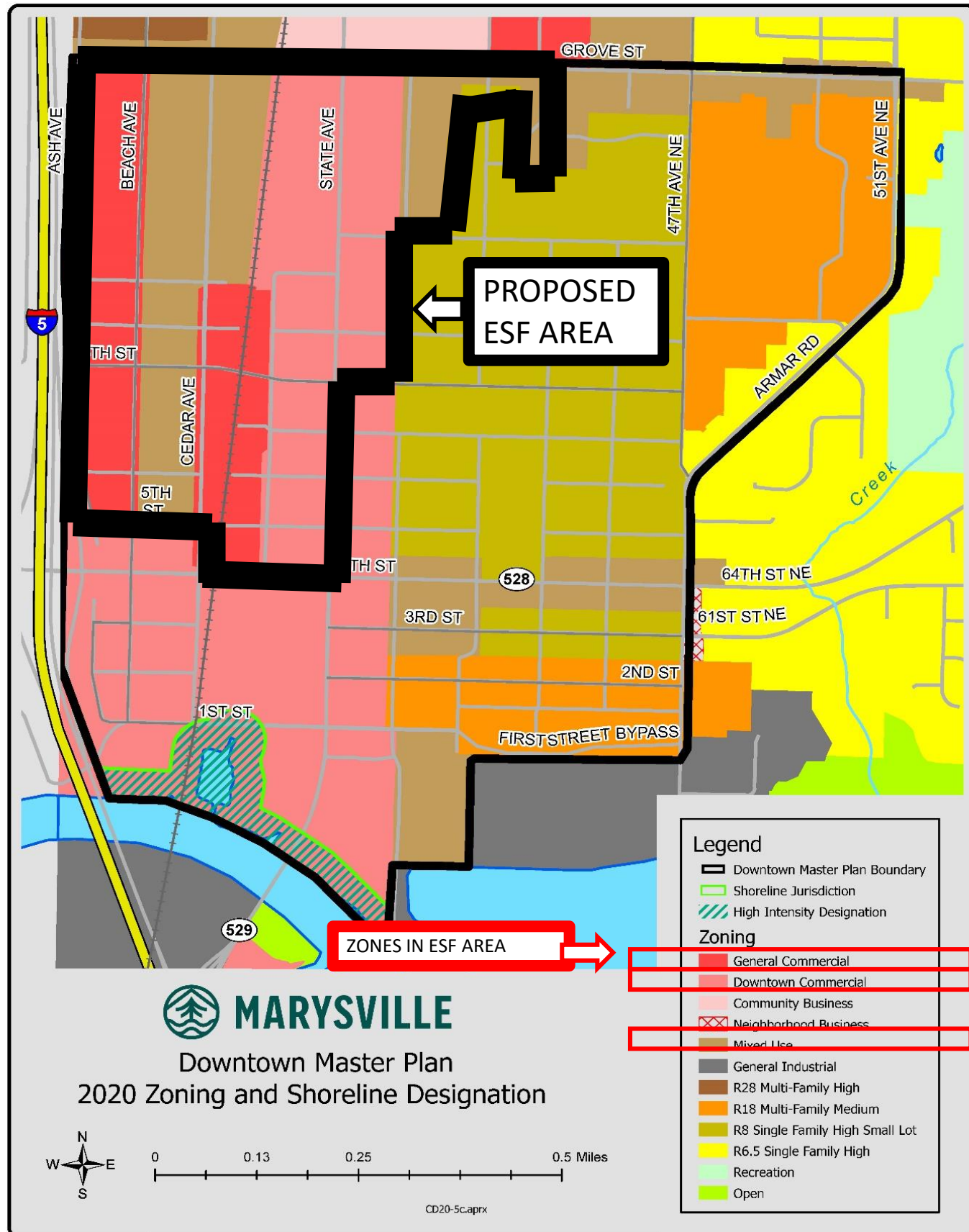
Laurie Hugdahl, Recording Secretary

Next Meeting - Tuesday, January 12, 2020

DOWNTOWN MASTER PLAN ZONING CHANGES

EXHIBIT 7

PREVIOUS ZONING



NEW ZONING

