


**CITY OF MARYSVILLE AGENDA BILL**

**EXECUTIVE SUMMARY FOR ACTION**

**CITY COUNCIL MEETING DATE: January 10, 2022**

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

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

Mandated changes:

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

Recommended changes:

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

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

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

<b>RECOMMENDED ACTION:</b> Affirm amended Planning Commission Recommendation adopting the Accessory Dwelling Unit amendments to the Marysville Municipal Code.
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**RECOMMENDED MOTION:**

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



**MARYSVILLE**  
COMMUNITY  
DEVELOPMENT

## MEMORANDUM

**TO:** City Council

**FROM:** Kate Tourtellot, Senior Planner

**DATE:** January 10, 2022

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

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

## BACKGROUND

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

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

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

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

### *Process Background*

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

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

*Code Change Background:*

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

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

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

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

**Proposed Amendments:**

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

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

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

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

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

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

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

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

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

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

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

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

Another definition required by ESSB 6617.

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

Another definition required by ESSB 6617.

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

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

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

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

## EXHIBIT 1

### Proposed Amendments to the Unified Development Code

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

##### 22A.020.020 "A" definitions.

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

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

##### 22A.020.050 "D" definitions.

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

##### 22A.020.090 "H" definitions.

"Household" means a housekeeping unit consisting of:

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

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

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

#### **22A.020.012 "K" definitions.**

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

#### **22A.020.140 "M" definitions.**

"Major transit stop" means:

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

#### **22A.020.160 "O" definitions.**

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

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



**22A.020.200 "S" definitions.**

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

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

Table 1: Minimum Required Parking Spaces

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



## MARYSVILLE

### COMMUNITY DEVELOPMENT

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

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

Having considered the exhibits and testimony presented, PC does hereby enter the following findings, conclusions and recommendation for consideration by the Marysville City Council:

#### FINDINGS:

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

#### CONCLUSION:

At the public hearing, held on December 14, 2021, the PC recommended **APPROVING** the Modifications to the Administration of the Unified Development Code (UDC).

#### RECOMMENDATION:

Forwarded to City Council as a Recommendation of **APPROVAL** of the NON-PROJECT action known as Accessory Dwelling Unit Amendments, this **December 14, 2021**.

By: \_\_\_\_\_

Stephen Leifer, Planning Commission Chair

Planning Commission



1049 State Avenue  
Marysville, WA 98270

**Meeting Minutes  
September 28, 2021**

**CALL TO ORDER / ROLL CALL**

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

**Present:**

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

Excused: Commissioner Tom Thetford

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

**APPROVAL OF MINUTES**

**September 14, 2021 Planning Commission Minutes**

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

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

**AUDIENCE PARTICIPATION**

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

## **NEW BUSINESS**

### **A. Food Truck Regulations**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **B. Emergency Housing Shelters**

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



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

Director Miller reviewed some control measures proposed by staff.

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

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

### **C. Accessory Dwelling Units**

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

Required changes:

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

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

Anticipated changes in the future:

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

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

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

## **OTHER**

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

## **ADJOURNMENT**

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

**AYES: ALL**

***Chris Holland***

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Chris Holland, Planning Manager for  
Laurie Hugdahl, Recording Secretary

**Next Meeting – October 12, or as necessary**

Planning Commission



1049 State Avenue  
Marysville, WA 98270

**Meeting Minutes  
November 9, 2021**

**CALL TO ORDER / ROLL CALL**

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

**Present:**

Commissioner: Chair Steve Leifer, Vice Chair Jerry Andes, Commissioner Sunshine Kapus, Commissioner Brandon Whitaker, Commissioner Tom Thetford, Commissioner Roger Hoen<sup>1</sup>

Excused: Commissioner Kristen Michal

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

**APPROVAL OF MINUTES**

**October 26, 2021 Planning Commission Minutes**

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

**AUDIENCE PARTICIPATION**

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

**NEW BUSINESS**

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

## **Public Works – Capital Projects Update**

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

Project Manager Steve Miller made a presentation regarding Capital Projects.

### **Ebey Waterfront Park Expansion**

#### Geddes Property:

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

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

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

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

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

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

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

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

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

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

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

#### Capital Project Updates - General

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

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

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

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

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

## **OLD BUSINESS**

### **A. Emergency Housing and Shelters**

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

Staff is proposing the following changes based on State requirements:

- Add a definition for Permanent Supportive Housing.

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

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

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

#### B. Accessory Dwelling Units

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

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

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

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



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

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

Senior Planner Tourtellot summarized she would:

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

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

## **ADJOURNMENT**

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

**AYES: ALL**

***Chris Holland***

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Chris Holland, Planning Manager for  
Laurie Hugdahl, Recording Secretary

**Next Meeting - November 23, 2021**

Planning Commission



1049 State Avenue  
Marysville, WA 98270

**Meeting Minutes  
December 14, 2021**

**CALL TO ORDER / ROLL CALL**

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

**Present:**

Commissioner: Chair Steve Leifer, Vice Chair Jerry Andes, Commissioner Roger Hoen, Commissioner Sunshine Kapus, Commissioner Kristen Michal, Commissioner Brandon Whitaker<sup>1</sup>

Excused: Commissioner Tom Thetford

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

**APPROVAL OF MINUTES**

**November 23, 2021 Planning Commission Minutes**

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

**AUDIENCE PARTICIPATION**

None.

**PUBLIC HEARING**

**A. Food Truck Regulations**

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<sup>1</sup> Commissioner Whitaker arrived a few minutes late with advance notice.

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

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

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

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

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

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

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

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

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

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

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

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

## **B. Accessory Dwelling Units**

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

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

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

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

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

Public Testimony:

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

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

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

### **C. Emergency Housing and Shelters**

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

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

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

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

## **OLD BUSINESS**

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

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

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

## **ADJOURNMENT**

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

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

**AYES: ALL**



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Laurie Hugdahl, Recording Secretary

**Next Meeting – January 11, 2022**

Planning Commission



1049 State Avenue  
Marysville, WA 98270

**Meeting Minutes  
November 23, 2021**

**CALL TO ORDER / ROLL CALL**

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

**Present:**

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

Absent: Vice Chair Jerry Andes

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

**APPROVAL OF MINUTES**

**November 9, 2021 Planning Commission Minutes**

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

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

**AUDIENCE PARTICIPATION**

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

**NEW BUSINESS**

None

## OLD BUSINESS

### A. Emergency Housing and Shelters

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

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

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

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

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

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



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

B. Accessory Dwelling Units (ADUs)

Senior Planner Tourtellot reviewed some background on this item.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### C. Food Truck Regulations

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

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

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

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

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

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

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

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

## **ADJOURNMENT**

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

**AYES: ALL**

***Chris Holland***

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Chris Holland, Planning Manager for  
Laurie Hugdahl, Recording Secretary

**Next Meeting – December 14, 2021**

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

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

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

### **QUESTIONS:**

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

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

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

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

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

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

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

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

**OBSERVATIONS:**

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

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

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

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

Respectfully submitted,

David Kronbach



December 13, 2021

Marysville Planning Commission  
1049 State Avenue  
Marysville, WA 98270

RE: Accessory Dwelling Units

Dear Commissioners,

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

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

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

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

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

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



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

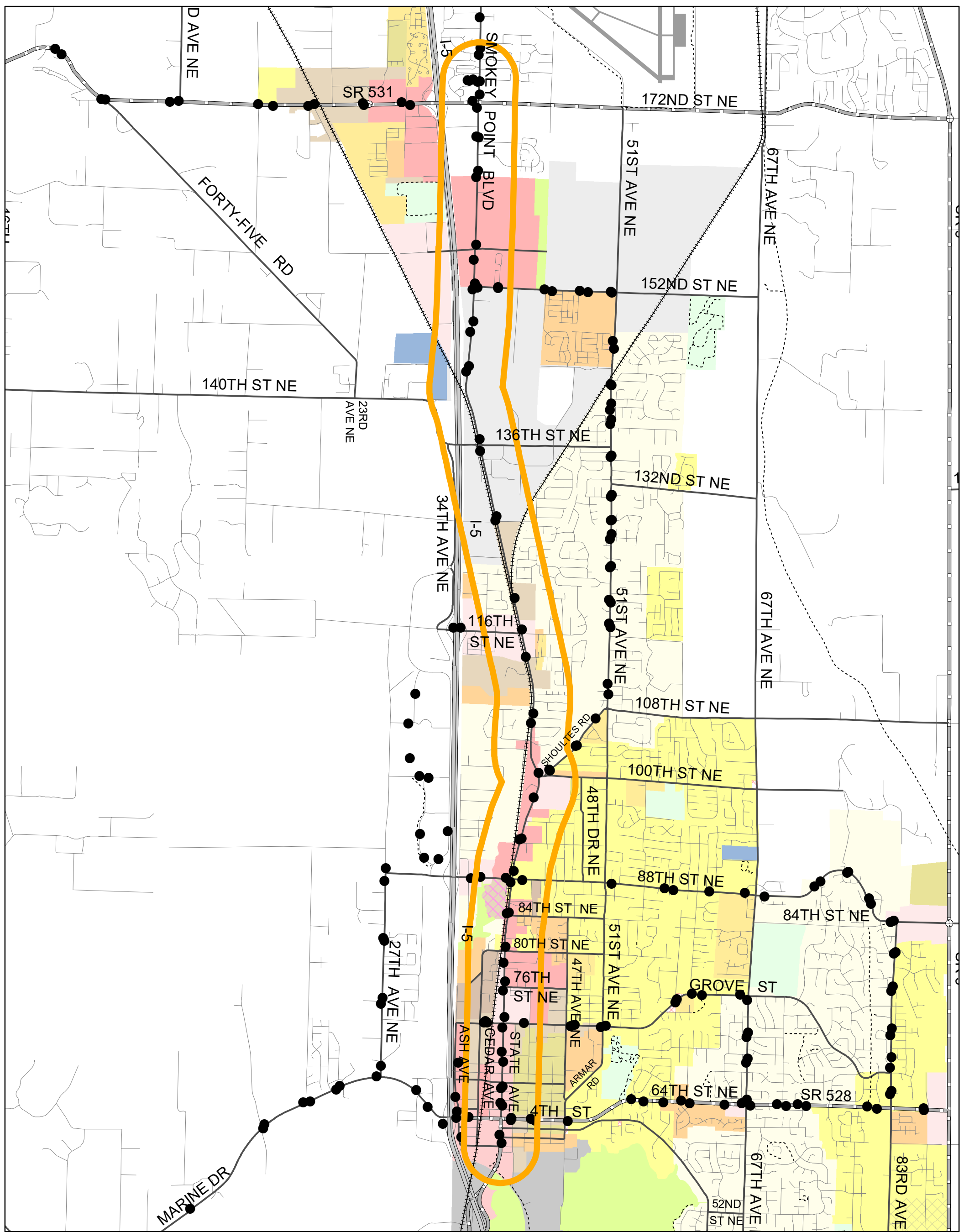
Sincerely,



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

Encl.

cc: Mayor Jon Nehring  
Planning Director Haylie Miller



# City of Marysville

## State Ave/Smokey Point Corridor



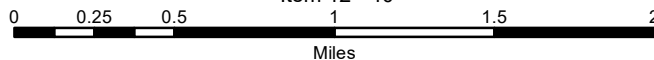
### Legend

- Quarter Mile Radius
- Existing Community Transit Stops

### Zoning

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

Item 12 - 40



Miles

EST. 1891



Plotted: April 2021

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CERTIFICATION OF ENROLLMENT

**ENGROSSED SUBSTITUTE SENATE BILL 6617**

Chapter 217, Laws of 2020

66th Legislature  
2020 Regular Session

ACCESSORY DWELLING UNITS--OFF-STREET PARKING

EFFECTIVE DATE: June 11, 2020

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

CYRUS HABIB

**President of the Senate**

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

LAURIE JINKINS

**Speaker of the House of  
Representatives**

Approved March 27, 2020 2:59 PM

JAY INSLEE

**Governor of the State of Washington**

CERTIFICATE

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

BRAD HENDRICKSON

**Secretary**

FILED

March 27, 2020

**Secretary of State  
State of Washington**

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**ENGROSSED SUBSTITUTE SENATE BILL 6617**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2020 Regular Session

**State of Washington**

**66th Legislature**

**2020 Regular Session**

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

READ FIRST TIME 02/06/20.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 (6) "Major transit stop" means:

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

35 (b) Commuter rail stops;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

      Passed by the Senate March 10, 2020.

      Passed by the House March 6, 2020.

      Approved by the Governor March 27, 2020.

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

--- END ---

CERTIFICATION OF ENROLLMENT

**ENGROSSED SUBSTITUTE SENATE BILL 5235**

Chapter 306, Laws of 2021

(partial veto)

67th Legislature  
2021 Regular Session

HOUSING UNIT INVENTORY—REMOVING LIMITS

EFFECTIVE DATE: July 25, 2021

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

DENNY HECK

**President of the Senate**

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

Laurie Jinkins

**Speaker of the House of  
Representatives**

Approved May 13, 2021 11:53 AM with  
the exception of sections 1, 3, and  
4, which are vetoed.

JAY INSLIEE

**Governor of the State of Washington**

CERTIFICATE

I, Brad Hendrickson, Secretary of  
the Senate of the State of  
Washington, do hereby certify that  
the attached is **ENGROSSED  
SUBSTITUTE SENATE BILL 5235** as  
passed by the Senate and the House  
of Representatives on the dates  
hereon set forth.

BRAD HENDRICKSON

**Secretary**

FILED

May 13, 2021

**Secretary of State  
State of Washington**

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ENGROSSED SUBSTITUTE SENATE BILL 5235

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AS AMENDED BY THE HOUSE

Passed Legislature - 2021 Regular Session

State of Washington                      67th Legislature                      2021 Regular Session

By Senate Housing & Local Government (originally sponsored by  
Senators Lias, Das, Nguyen, Nobles, Saldaña, and Wilson, C.)

READ FIRST TIME 02/05/21.

1            AN ACT Relating to increasing housing unit inventory by removing  
2 arbitrary limits on housing options; amending RCW 36.70A.696,  
3 36.70A.697, and 36.70A.698; adding a new section to chapter 35.21  
4 RCW; adding a new section to chapter 35A.21 RCW; adding a new section  
5 to chapter 36.01 RCW; and creating a new section.

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

7            **\*NEW SECTION.**    **Sec. 1.    The legislature finds that local zoning**  
8 **laws can contribute to limiting the housing available for**  
9 **Washingtonians. The legislature finds that reducing these barriers**  
10 **can increase affordable housing options. The legislature finds that**  
11 **accessory dwelling units can be one way to add affordable long-term**  
12 **housing and to provide a needed increase in housing density. However,**  
13 **the legislature finds that research from several cities shows that**  
14 **when accessory dwelling units are built and offered for short-term**  
15 **rental for tourists and business visitors, they may not improve**  
16 **housing affordability. Therefore, it is the intent of the legislature**  
17 **to encourage reducing barriers to accessory dwelling units when local**  
18 **governments have programs to incentivize or assure that they will be**  
19 **utilized for long-term housing. The legislature finds that owner**  
20 **occupancy requirements may provide an appropriate means for local**  
21 **governments to ensure community impacts of accessory dwelling units**

1 are mitigated and allow for relaxation of other requirements, when  
2 they are an element of a program to reduce short-term rental of  
3 accessory dwelling units. The legislature also intends to remove  
4 barriers and restrictions on the number of unrelated occupants  
5 permitted to live together, which will provide additional affordable  
6 housing options.

\*Sec. 1 was vetoed. See message at end of chapter.

7 **Sec. 2.** RCW 36.70A.696 and 2020 c 217 s 2 are each amended to  
8 read as follows:

9 The definitions in this section apply throughout RCW 36.70A.697  
10 and 36.70A.698 unless the context clearly requires otherwise.

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

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

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

19 (4) "County" means any county planning under RCW 36.70A.040.

20 (5) "Detached accessory dwelling unit" means an accessory  
21 dwelling unit that consists partly or entirely of a building that is  
22 separate and detached from a single-family housing unit, duplex,  
23 triplex, townhome, or other housing unit and is on the same property.

24 ~~((+5))~~ (6) "Dwelling unit" means a residential living unit that  
25 provides complete independent living facilities for one or more  
26 persons and that includes permanent provisions for living, sleeping,  
27 eating, cooking, and sanitation.

28 ~~((+6))~~ (7) "Major transit stop" means:

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

31 (b) Commuter rail stops;

32 (c) Stops on rail or fixed guideway systems, including  
33 transitways;

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

36 (e) Stops for a bus or other transit mode providing actual fixed  
37 route service at intervals of at least fifteen minutes for at least  
38 five hours during the peak hours of operation on weekdays.



1 (8) "Owner" means any person who has at least 50 percent  
2 ownership in a property on which an accessory dwelling unit is  
3 located.

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

8 **\*Sec. 3. RCW 36.70A.697 and 2020 c 217 s 3 are each amended to**  
9 **read as follows:**

10 **(1)(a) Cities must adopt or amend by ordinance, and incorporate**  
11 **into their development regulations, zoning regulations, and other**  
12 **official controls the requirements of RCW 36.70A.698(1) to take**  
13 **effect by July 1, 2021.**

14 **((2)) (b) Beginning July 1, 2021, the requirements of RCW**  
15 **36.70A.698(1):**

16 **((a)) (i) Apply and take effect in any city that has not**  
17 **adopted or amended ordinances, regulations, or other official**  
18 **controls as required under this section; and**

19 **((b)) (ii) Supersede, preempt, and invalidate any local**  
20 **development regulations that conflict with RCW 36.70A.698(1).**

21 **(2)(a) Cities and counties must adopt or amend by ordinance, and**  
22 **incorporate into their development regulations, zoning regulations,**  
23 **and other official controls the requirements of RCW 36.70A.698(2)**  
24 **within two years of the next applicable deadline for its**  
25 **comprehensive plan to be reviewed under RCW 36.70A.130 after July 1,**  
26 **2021.**

27 **(b) Beginning two years after the next applicable deadline for**  
28 **the review of a county's or city's comprehensive plan under RCW**  
29 **36.70A.130 after July 1, 2021, the requirements of RCW 36.70A.698(2)**  
30 **apply and take effect in any city or county that has not adopted or**  
31 **amended ordinances, regulations, or other official controls as**  
32 **required under this section, and preempt any conflicting development**  
33 **regulations.**

**\*Sec. 3 was vetoed. See message at end of chapter.**

34 **\*Sec. 4. RCW 36.70A.698 and 2020 c 217 s 4 are each amended to**  
35 **read as follows:**

36 **(1)(a) Except as provided in ((subsection[s] (2) and (3) of this**  
37 **section)) (b) and (c) of this subsection, through ordinances,**

1 development regulations, zoning regulations, and other official  
2 controls as required under RCW 36.70A.697(1)(a), cities may not  
3 require the provision of off-street parking for accessory dwelling  
4 units within one-quarter mile of a major transit stop.

5 ~~((2))~~ (b) A city may require the provision of off-street  
6 parking for an accessory dwelling unit located within one-quarter  
7 mile of a major transit stop if the city has determined that the  
8 accessory dwelling unit is in an area with a lack of access to street  
9 parking capacity, physical space impediments, or other reasons  
10 supported by evidence that would make on-street parking infeasible  
11 for the accessory dwelling unit.

12 ~~((3))~~ (c) A city that has adopted or substantively amended  
13 accessory dwelling unit regulations within the four years previous to  
14 June 11, 2020, is not subject to the requirements of this ~~((section))~~  
15 subsection (1).

16 (2) Through ordinances, development regulations, and other  
17 official controls adopted or amended as required under RCW  
18 36.70A.697(2):

19 (a) Cities and counties may not impose or enforce an owner  
20 occupancy requirement on any housing or dwelling unit on a lot  
21 containing an accessory dwelling unit, unless an accessory dwelling  
22 unit on the lot is being offered or used for short-term rental,  
23 except that:

24 (i) Cities and counties may impose and enforce an owner occupancy  
25 requirement for the first year after initial occupation of the unit  
26 or primary residence following permitting; and

27 (ii) Cities and counties may impose an owner occupancy  
28 requirement for an additional period if such a requirement is  
29 supported by findings of the need for such an increased requirement  
30 adopted by the city or county after at least two public hearings are  
31 held on the proposal, and any ordinance, development regulations, and  
32 other official controls finally adopted directly address feedback  
33 from the community. Such an additional period of owner occupancy  
34 restrictions must be geographically limited, and may not apply to all  
35 of the residential zones within the city or county.

36 (b) Cities and counties may adopt ordinances, development  
37 regulations, and other official controls, including the imposition of  
38 fees, impact fees, or taxes, or the waiver of taxes, fees, or  
39 specific regulations, to encourage use of accessory dwelling units  
40 for long-term housing. Cities and counties may only offer such

1 reduced impact fees, deferral of taxes, or other incentives for the  
2 development or construction of accessory dwelling units if such units  
3 are subject to effective binding commitments or covenants that the  
4 units will not be regularly offered for short-term rental and the  
5 city or county has a program to audit compliance with such  
6 commitments or covenants.

7 (c) Cities and counties that impose owner occupancy requirements  
8 on lots containing accessory dwelling units must provide for a  
9 hardship exemption from any owner occupancy requirements applicable  
10 to a housing or dwelling unit on the same lot as an accessory  
11 dwelling unit. Such an exemption must allow an owner to offer for  
12 rental for periods of 30 days or longer a dwelling unit or housing  
13 unit as if a dwelling or housing unit on the property was owner  
14 occupied, when the owner no longer occupies the primary residence due  
15 to age, illness, financial hardship due to the death of a spouse,  
16 domestic partner, or co-owner of the property, disability status, the  
17 deployment, activation, mobilization, or temporary duty, as those  
18 terms are defined in RCW 26.09.004, of a service member of the armed  
19 forces, or other such reason that would make the owner occupancy  
20 requirement an undue hardship on the owner. A city or county shall  
21 develop and implement a process for the review of hardship  
22 applications. Any city or county that imposes an owner occupancy  
23 requirement on lots containing accessory dwelling units and has not  
24 provided a hardship exemption from the requirement through  
25 ordinances, development regulations, or other official controls as  
26 required by this subsection may not impose or enforce an owner  
27 occupancy requirement on any lot containing an accessory dwelling  
28 unit until such time as the city or county has adopted the required  
29 hardship exemption, except that an owner-occupancy requirement  
30 pursuant to (a) of this subsection (2) may be imposed and enforced if  
31 the owner of the lot offers an accessory dwelling unit for short-term  
32 rental within the county or if the owner of the lot owns more than  
33 three accessory dwelling units within the county.

\*Sec. 4 was vetoed. See message at end of chapter.

34 NEW SECTION. Sec. 5. A new section is added to chapter 35.21  
35 RCW to read as follows:

36 Except for occupant limits on group living arrangements regulated  
37 under state law or on short-term rentals as defined in RCW 64.37.010  
38 and any lawful limits on occupant load per square foot or generally

1 applicable health and safety provisions as established by applicable  
2 building code or city ordinance, a city or town may not regulate or  
3 limit the number of unrelated persons that may occupy a household or  
4 dwelling unit.

5 NEW SECTION. **Sec. 6.** A new section is added to chapter 35A.21  
6 RCW to read as follows:

7 Except for occupant limits on group living arrangements regulated  
8 under state law or on short-term rentals as defined in RCW 64.37.010  
9 and any lawful limits on occupant load per square foot or generally  
10 applicable health and safety provisions as established by applicable  
11 building code or city ordinance, a code city may not regulate or  
12 limit the number of unrelated persons that may occupy a household or  
13 dwelling unit.

14 NEW SECTION. **Sec. 7.** A new section is added to chapter 36.01  
15 RCW to read as follows:

16 Except for occupant limits on group living arrangements regulated  
17 under state law or on short-term rentals as defined in RCW 64.37.010  
18 and any lawful limits on occupant load per square foot or generally  
19 applicable health and safety provisions as established by applicable  
20 building code or county ordinance, a county may not regulate or limit  
21 the number of unrelated persons that may occupy a household or  
22 dwelling unit.

Passed by the Senate April 14, 2021.

Passed by the House April 7, 2021.

Approved by the Governor May 13, 2021, with the exception of  
certain items that were vetoed.

Filed in Office of Secretary of State May 13, 2021.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Sections 1, 3,  
and 4, Engrossed Substitute Senate Bill No. 5235 entitled:

"AN ACT Relating to increasing housing unit inventory by  
removing arbitrary limits on housing options."

Section 3 allows cities to delay local implementation of statewide  
requirements around siting of accessory dwelling units until two  
years after their next required comprehensive plan update. Accessory  
dwelling units play an important role in creating additional housing  
options in urban areas and the state is currently facing a housing  
crisis.

Section 4 limits the ability for local governments to require owner  
occupancy on lots containing an accessory dwelling unit, but it also  
creates numerous exceptions to that limitation which are problematic.  
I am concerned that the language may allow a local government to

prevent the siting and development of accessory dwelling units in perpetuity with very little justification.

Section 1 establishes the intent of the bill. Due to the vetoes of Sections 3 and 4, the original statement of intent no longer fully applies to this bill.

For these reasons I have vetoed Sections 1, 3, and 4 of Engrossed Substitute Senate Bill No. 5235.

With the exception of Sections 1, 3, and 4, Engrossed Substitute Senate Bill No. 5235 is approved."

--- END ---



January 6, 2022

Marysville City Council  
1049 State Avenue  
Marysville, WA 98270

RE: Accessory Dwelling Units

Dear Councilmembers,

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

MBAKS wants to thank the city staff and City Council for their work updating the city's Accessory Dwelling Unit (ADU) code. ADUs (both attached and detached) are a sought-after housing choice and offer significant community benefits. ADUs make it easier for younger buyers to qualify for their first home, enable seniors to age in place, expand options for multigenerational living, and are an environmentally-friendly housing option. MBAKS would specifically like to applaud the increase to maximum size limitations.

However, **we agree with the Marysville Planning Commission that there should not be an owner occupancy requirement for ADUs.** There are many reasons why removing this requirement would be beneficial to ADUs in Marysville. Owner occupancy can serve as a barrier to financing. This requirement often gives lending institutions hesitation which prevents many potential homeowners from securing home loans to finance ADU construction. Owner occupancy also often limits the value appraisers assign to a house and makes the property less valuable as loan collateral. If a bank forecloses on a home with an ADU, it cannot then rent out both units.

Owner occupancy is a property rights issue as well. An example is a growing family looking to move into a larger home but also wanting to rent their current home with an ADU. This restriction would prevent them from moving into their larger home and be able to rent their previous home and ADU. Owner occupancy impedes ADU construction by raising the financial risk for homeowners, limiting income opportunities, and constraining their future choice of where to live.

Owner occupancy requirements also discriminate against renters by unfairly targeting ADUs with a restriction not imposed on any other type of home—owners are not required to live on the property of any other type of rental.

Removing owner occupancy and adding flexibility would allow for more ADU construction and choice which will help with the severe housing supply shortage current and future residents face.



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

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

Sincerely,



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

Encl.

cc: Mayor Jon Nehring  
Planning Director Haylie Miller

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

**AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON,  
RELATING TO AMENDMENTS TO THE MARYSVILLE MUNICIPAL CODE  
RELATING TO ACCESSORY DWELLING UNITS, INCLUDING  
AMENDMENTS TO MARYSVILLE MUNICIPAL CODE SECTIONS  
22A.020.020, 22A.020.050, 22A.020.090, 22A.020.120, 22A.020.140,  
22A.020.160, 22A.020.200, 22C.130.030 AND 22C.180.030**

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

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

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

**WHEREAS**, the 1993 Washington Housing Policy Act established RCW 43.63A and RCW 36.70A.400 and requires cities to incorporate development regulations for accessory dwelling units; and

**WHEREAS**, the City of Marysville adopted accessory dwelling unit standards in 2002 by Ordinance 2415, later repealed and replaced by Ordinance 3093 in 2018; and

**WHEREAS**, the Washington State Legislature passed multiple bills between 2019 and 2021 encouraging land use authorities to provide more flexibility into adopted accessory dwelling unit development standards, including the removal of the owner-occupancy requirement, increase in maximum size limits and removal of off-street parking requirements; and

**WHEREAS**, the Washington State Legislature passed Engrossed Substitute Senate Bill 6616 in 2020, amending chapter 36.70A RCW and adding a new definition for "major transit stop," and prohibiting cities from requiring off-street parking for accessory dwelling units within one-quarter mile of a major transit stop; and

**WHEREAS**, the Washington State Legislature passed Engrossed Substitute Bill 5235 in 2021 amending Chapter 36.70A and adding definitions for "owner" and "short-term rental" and prohibiting cities from limiting the number of unrelated persons that may occupy a household or dwelling unit, except for group living arrangements regulated under state law or for health and safety provisions established by building code or city ordinance; and

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



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

**WHEREAS**, during public meetings on September 28, 2021, November 9, 2021 and November 23, 2021, the Planning Commission discussed proposed amendments related to accessory dwelling units; and

**WHEREAS**, the development code amendments are consistent with the following required findings of MMC 22G.010.520:

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

**WHEREAS**, on December 14, 2021, the Marysville Planning Commission held a duly-advertised public hearing, and recommended that the City Council adopt the proposed amendments to the City's development regulations; and

**WHEREAS**, at a public meeting on January 10, 2022, the Marysville City Council reviewed and considered the Marysville Planning Commission's Recommendation and proposed amendments to the City's development regulations; and

**WHEREAS**, the City of Marysville has submitted the proposed development regulation revisions to the Washington State Department of Commerce on November, 2021 (Material ID 2021-S-3426) seeking expedited review under RCW 36.70A.106(3)(b) and in compliance with the procedural requirements of RCW 36.70A.106; and

**WHEREAS**, the amendments to the development regulations are exempt from State Environmental Policy Act review under WAC 197-11-800(19);

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

**Section 1. Amendment of Municipal Code.** MMC Section 22A.020.020, entitled "A" definitions, is hereby amended as follows:

**22A.020.020 "A" Definitions.**

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

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

**Section 2. Amendment of Municipal Code.** MMC Section 22A.020.050, entitled "D" definitions, is hereby amended as follows:

**22A.020.050 "D" Definitions.**

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

**Section 3. Amendment of Municipal Code.** MMC Section 22A.020.090, entitled "H" definitions, is hereby amended as follows:

**22A.020.090 "H" definitions.**

"Household" means a housekeeping unit consisting of:

- (1) An individual;
- (2) Two or more persons related by blood, ~~or~~ marriage, adoption, or guardianship, and including foster children and exchange students;
- (3) A group of two or more disabled residents protected under the Federal Fair Housing Amendment Act of 1988;
- (4) Adult family homes or enhanced services facility as defined under Washington State law; or
- (5) A group living arrangement where six or fewer residents receive support services such as counseling, foster care or medical supervisions at the dwelling unit or nonresidential staff; ~~and/or~~
- ~~(6) Up to six residents not related by blood or marriage~~ Consistent with the International Building Code (IBC), up to one unrelated person per 200 square feet per gross floor area of any dwelling unit, or in conjunction with any of the above individuals or groups, may occupy a dwelling unit. ~~For purposes of this definition, minors living with parent or legal guardian shall not be counted as part of the maximum number of residents.~~
- ~~(7) For the purposes of this section, minors living with parent, legal custodian, (including a foster parent), or legal guardian shall not be counted as part of the maximum number of residents.~~
- ~~(8) Any limitation on the number of residents resulting from this definition shall not be applied in a manner inconsistent with the Fair Housing Amendment Act of 1988, 42 U.S.C 360, et seq., the Washington law Against Discrimination, Chapter 49.60 RCW, and/or the Washington Housing Policy Act, RCW 46.63.220.~~

**Section 4. Amendment of Municipal Code.** MMC Section 22A.020.012, entitled "K" definitions, is hereby amended as follows:

**22A.020.012 "K" definitions.**

"Kitchen" means any room or area used, intended, or designed to be used for the cooking or preparation of food and contains a sink, refrigerator and cooking appliances or rough in facilities including, but not limited to: ovens, convection

ovens, stoves, stove tops, built-in grills or microwave ovens or similar appliances, 220 volt electrical outlets, exhaust fans, or any gas lines.

**Section 5. Amendment of Municipal Code.** MMC Section 22A.020.140, entitled "M" definitions, is hereby amended as follows:

**22A.020.140 "M" definitions.**

"Major transit stop" means:

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

**Section 6. Amendment of Municipal Code.** MMC Section 22A.020.160, entitled "O" definitions, is hereby amended as follows:

**22A.020.160 "O" definitions.**

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

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

**Section 7. Amendment of Municipal Code.** MMC Section 22A.020.200, entitled "S" definitions, is hereby amended as follows:

**22A.020.200 "S" definitions.**

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

**Section 8. Amendment of Municipal Code.** MMC Section 22C.180.030, entitled "Accessory dwelling unit standards," is hereby amended as follows:

**22C.180.030 Accessory dwelling unit standards.**

In the zones in which an accessory dwelling is listed as a permitted use, the community development director shall review all proposals to establish an

accessory dwelling unit. The following standards and regulations shall apply to all proposed accessory dwelling units:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(57) The architectural character of the single-family dwelling shall be preserved. Exterior materials, roof form, and window spacing and proportions shall match that of the existing single-family dwelling. Only one main entrance shall be permitted

on the front (street face) of the dwelling; provided, that this limitation shall not affect the eligibility of a residential structure that has more than one entrance on the front or street side on the effective date of the ordinance codified in this chapter.

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

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

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

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

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

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

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

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

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

**Section 9. Amendment of Municipal Code.** MMC Section 22C.130.030, entitled "Minimum required parking spaces," is hereby amended as follows:

Table 1: Minimum Required Parking Spaces

LAND USE	MINIMUM REQUIRED SPACES
<b>RESIDENTIAL USES</b>	
Single-family dwellings, duplexes,	2 per dwelling unit for residents plus 1 additional guest parking space per dwelling unit; provided:

**Table 1: Minimum Required Parking Spaces**

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

**Section 10. Amendment of Municipal Code.** MMC Section 22A.010.160, entitled "Amendments," is hereby amended as follows by adding reference to this adopted ordinance in order to track amendments to the City's Unified Development Code (all unchanged provisions of MMC 22A.010.160 remain unchanged and in effect):

**"22A.010.160 Amendments.**

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

Ordinance    Title (description)    Effective Date  
\_\_\_\_\_    Accessory Dwelling Units    \_\_\_\_\_, 2022"

**Section 11. Severability.** If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

**Section 12. Corrections.** Upon approval by the city attorney, the city clerk or the code reviser are authorized to make necessary corrections to this ordinance, including scrivener's errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections

**Section 13. Effective Date.** This ordinance shall become effective five days after the date of its publication by summary.

PASSED by the City Council and APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

CITY OF MARYSVILLE

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

Attest:

By: \_\_\_\_\_  
DEPUTY CITY CLERK

Approved as to form:

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

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

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