


CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: January 10, 2022

| | |
|---|---|
| AGENDA ITEM: An ordinance of the City Of Marysville, Washington, amending title 22 of the Marysville Municipal Code by amending sections 22A.020.060, 22A.020.170, 22A.020.210, 22C.010.060, 22C.010.070, 22C.020.060, 22C.020.070, 22C.080.120, 22C.130.030 and adding new Chapter 22C.290 Emergency Housing and Shelters. | |
| PREPARED BY: Haylie Miller, Community Development Director | DIRECTOR APPROVAL:  |
| DEPARTMENT: Community Development | |
| ATTACHMENTS: | |
| 1. Staff Memorandum and Memorandum Exhibits 2. PC Recommendation 3. PC Minutes (09.28.21, 10.26.21, 11.23.21 and 12.14.21) 4. Adopting Ordinance | |
| BUDGET CODE: N/A | AMOUNT: N/A |
| SUMMARY: Per State Housing Bill 1220, Cities are required to allow for Indoor Emergency Shelters, Emergency Housing, and Transitional Housing and Permanent Housing facilities within residential and/or zones that allow for hotels. Staff proposes the following changes based on the State requirements reflected in Housing Bill 1220, effective September 30, 2021: <ul style="list-style-type: none">• Add a definition for Emergency Housing, Indoor Emergency Shelters and 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 for hotels.• Revise the code to allow for Emergency Housing and Indoor Emergency Shelters in any zones that allow for hotels.• Remove hotels/motels as a permitted use from four multifamily zones.• Identify reasonable controls related to occupancy, spacing and intensity requirements for each use. The Planning Commission held a duly noticed public hearing on December 14, 2021 and recommended the City Council approve the modifications shown in the attached ordinance. | |
| RECOMMENDED ACTION: Affirm the Planning Commission Recommendation adopting the Emergency Housing and Shelters amendments to the Marysville Municipal Code. | |
| RECOMMENDED MOTION: Move to adopt Ordinance No. _____, approving the amendment to title 22 of the Marysville Municipal Code by amending sections 22A.020.060, 22A.020.170, 22A.020.210, 22C.010.060, 22C.010.070, 22C.020.060, 22C.020.070, 22C.080.120, 22C.130.030 and adding new Chapter 22C.290 Emergency Housing and Shelters | |



MARYSVILLE
COMMUNITY
DEVELOPMENT

MEMORANDUM

DATE: January 10, 2021
TO: Planning Commission
FROM: Haylie Miller, Community Development Director
RE: Transitional Housing Facilities and Permanent Supportive Housing
CC: Gloria Hirashima, Chief Administrative Officer
CD - Planning Staff

LIST OF EXHIBITS

Exhibit 1 Draft Code – Transitional Housing and Permanent Supportive Housing
Exhibit 2 Draft Code – Emergency Housing and Shelters
Exhibit 3 Zoning Map

BACKGROUND

On July 25, 2021, the State passed HB 1220 to support emergency shelters and housing through local planning and development regulations. Under HB 1220, cities may not prohibit emergency housing facilities, indoor emergency shelters, and transitional housing facilities, permanent supportive housing in zones that allow hotels, or within the majority of zones located within one mile of public transit.

The new bill states that “reasonable occupancy, spacing, and intensity of use requirements may be imposed by ordinance on permanent supportive housing, transitional housing, indoor emergency housing and indoor emergency shelters to protect public health and safety.” However, these requirements may not prevent the siting of a sufficient number of units/shelters necessary to accommodate each city’s projected need for such housing and shelters. The City may implement reasonable controls within zones that allow these uses to reduce potential impacts that may occur as a result of the siting of these uses.

PROPOSED CHANGES

Cities are required to update their codes as required by the State. These requirements are mandated by the State, effective September 30, 2021. There is no option for a moratorium on this matter. Staff proposes the following changes based on the State requirements.

1. Add a definition for Emergency Housing, Indoor Emergency Shelters and Permanent Supportive Housing. Note, the City currently has a definition for Transitional Housing Facilities in code.
2. Revise the code to allow for Transitional Housing Facilities and Permanent Supportive Housing facilities in all residential zones and any zones that allow for hotels.
3. Revise the code to allow for Emergency Housing and Indoor Emergency Shelters in any zones that allow for hotels.
4. Note, as shown in Exhibits 1 and 2, staff proposes to remove hotels/motels as a permitted use from four multifamily zones listed below and shown on the zoning map (Exhibit 3). Staff has no pending inquires or proposals related to establishing hotels in these zones. Staff believes that other zones near Interstate Five, State Avenue or in the southeast portion of the City (near Lake Stevens) are better suited for hotel uses.

(360) 363-8100

Community
Development
80 Columbia Avenue
Marysville, WA 98270

Given the removal of this use from the zones, the City is not required to allow Emergency Housing and Emergency Shelters in these areas. These areas are considered residential and therefore are still required to allow for Transitional Housing Facilities and Permanent Supportive Housing uses.

| | |
|-------------------------|--------------|
| R-12 Multifamily Low | R-12 |
| R-18 Multifamily Medium | R-18 |
| R-28 Multifamily High | R-28 |
| Whiskey Ridge R-6-18 | WR R-6-18 |

5. 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.

Reasonable controls are proposed in Exhibit 1 for Emergency Housing and Indoor Emergency Shelters. These controls include noticing requirements for surrounding properties for all applications a conditional use permit review for proposals with over 30 residents. Additional operational standards are provided in this section to minimize impacts to the community.

Reasonable controls are proposed in Exhibit 2 for Transitional Housing Facilities and Permanent Supportive Housing. Staff believes that Transitional Housing Facilities and Permanent Supportive Housing uses should be an outright permitted use with very limited additional controls. These uses are currently allowed within the City1 without additional regulations.

Examples of Transitional Housing and/or permanent supportive housing include:

- The City owned Micro Extended Shelter House (MESH), in coordination with the Everett Gospel Mission.
- Phase one of the Twin Lakes Landing project located directly north of Twin Lakes. Phase two construction is under way.
- Several Housing Hope projects including apartment buildings and/townhomes.

Staff believes that these uses are working well currently and believes this can continue to be the case if the facilities are operated properly. Staff recommends that an operations management plan (detailing all specifics related to the operations, tenants, etc.) be required for these uses for the City to review and approve. Staff does not recommend additional regulations be implemented given that these uses have currently been allowed as permitted uses over the last several years.

CONCLUSION:

The Marysville Planning Commission held three workshops on September 28, October 26 and November 23, 2021 and 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 as described above.

EXHIBIT 1

TRANSITIONAL HOUSING FACILITIES AND PERMANENT SUPPORTIVE HOUSING REGULATIONS

22A.020.010 Definitions

22A.020.170 “P” definitions.

“Permanent supportive housing” is one or more subsidized, leased dwelling units with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition, who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing, to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in the Residential Landlord Tenant Act, chapter 59.18 RCW.

22A.020.210 “T” definitions.

“Transitional housing facilities” means housing units owned by public housing authorities, nonprofit organizations or other public interest groups that provide housing to persons on a temporary basis for a duration not to exceed 24 months in conjunction with job training, self-sufficiency training, and human services counseling; the purpose of which is to help persons make the transition from homelessness to placement in permanent housing.

(Note: this is the existing definition in code for Transitional Housing Facilities)

LOCATION CRITERIA

Permanent Supportive Housing and Transitional Housing Facilities are required to be allowed in all residential zones and all zones that allow for hotels. The tables below reflects the State’s requirements based on the criteria above. Zones that currently allow hotels are highlighted in blue.

**Chapter 22C.010
RESIDENTIAL ZONES**

22C.010.060 Permitted uses.

| Specific Land Use | R-4.5 | R-6.5 | R-8 | WR R-4-8 | R-12 | R-18 | R-28 | WR R-6-18 | R-MHP |
|--------------------------------------|-------|-------|-----|-------------|------|------|------|--------------|-------|
| Residential Land Uses | | | | | | | | | |
| Dwelling Units, Types: | | | | | | | | | |
| Transitional Housing Facilities (53) | P | P | P | P | P | P | P | P | P |
| Permanent Supportive Housing (53) | P | P | P | P | P | P | P | P | P |
| Hotel/Motel | | | | | P | P | P | P | |

(53) An operations plan, to mitigate potential impacts on the surrounding community, must be provided by the sponsor and/or property owner at the time of application. The operations plan must address the following elements to the satisfaction of the City:

1. Name and contact information for key staff;
2. Roles and responsibilities of key staff;
3. Site/facility management, including a security and emergency plan;
4. Site/facility maintenance;
5. Occupancy policies, including resident responsibilities and a code of conduct that address, at a minimum, the use or sale of alcohol and illegal drugs, threatening or unsafe behavior, and weapon possession;
6. Provision of human and social services, including staffing plan and outcome measures;
7. Outreach with surrounding property owners and residents and ongoing good neighbor policy;
8. Procedures for maintaining accurate and complete records; and
9. Additional information as requested by the Community Development Director to ensure current best practices for permanent supportive housing and transitional housing facilities are used.

**Chapter 22C.020
COMMERCIAL, INDUSTRIAL, RECREATION AND PUBLIC INSTITUTIONAL ZONES**

22C.020.060 Permitted uses.

| Specific Land Use | NB | CB | CB- WR | GC | MU (63) | LI | GI | REC | P/I |
|--------------------------------------|----|----|-----------|----|------------|----|----|-----|-----|
| Dwelling Units, Types: | | | | | | | | | |
| Transitional Housing Facilities (53) | P | P | P | P | P | P | | | |
| Permanent Supportive Housing (53) | P | P | P | P | P | P | | | |

(79) An operations plan, to mitigate potential impacts on the surrounding community, must be provided by the sponsor and/or property owner at the time of application. The operations plan must that address the following elements to the satisfaction of the City:

1. Name and contact information for key staff;

2. Roles and responsibilities of key staff;
3. Site/facility management, including a security and emergency plan;
4. Site/facility maintenance;
5. Occupancy policies, including resident responsibilities and a code of conduct that address, at a minimum, the use or sale of alcohol and illegal drugs, threatening or unsafe behavior, and weapon possession;
6. Provision of human and social services, including staffing plan and outcome measures;
7. Outreach with surrounding property owners and residents and ongoing good neighbor policy;
8. Procedures for maintaining accurate and complete records; and
9. Additional information as requested by the Community Development Director to ensure current best practices for permanent supportive housing and transitional housing facilities are used.

Chapter 22C.080
Downtown Master Plan

| Table 22C.080.120 | | | | | | | |
|---|-----------|-----------|----------|------------|------------|------------|---|
| Permitted use table for downtown Marysville zones. | | | | | | | |
| <p><i>Table legend:</i> <i>P = Permitted use</i> <i>C = Conditional use</i> <i>No letter = Use not permitted</i></p> | DC | MS | F | MMF | MHI | MH2 | Additional Provisions |
| Use Categories | | | | | | | |
| Residential Uses | | | | | | | |
| Dwelling Units, Types | | | | | | | |
| <p><i>Note: Residential uses are not allowed on the ground floor facing a designated Active ground floor block frontages (see MMC 22C.080.320). Lobbies for multifamily uses and live-work dwelling units are an exception, provided the units meet the standards in MMC 22C.080.320.</i></p> | | | | | | | |
| Transitional Housing Facilities | <u>P</u> | <u>P</u> | <u>P</u> | | | | Provide an operations plan as outlined in 22C.010.070(53) and 22C.020.070(79) |
| Permanent Supportive Housing | <u>P</u> | <u>P</u> | <u>P</u> | | | | Provide an operations plan as outlined in 22C.010.070(53) and 22C.020.070(79) |

22C.130.030 Minimum required parking spaces.

1. Table 1: Minimum Required Parking Spaces

| LAND USE | MINIMUM REQUIRED SPACES |
|--|---|
| RESIDENTIAL USES | |
| Emergency Housing, Emergency Shelters – Indoor, Transitional Housing Facilities and Permanent Supportive Housing | As determined by the Community Development Director with no less than a minimum of 1 per 2 employees plus 1 per 5 residents (3 spaces minimum). |

EXHIBIT 2

EMERGENCY HOUSING REGULATIONS

22A.020.060 “E” definitions.

“Emergency shelter (indoor)” means a facility that provides a temporary shelter for individuals or families who are currently homeless. An emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.

“Emergency housing” means temporary indoor accommodations for individuals or families who are homeless, or at imminent risk of becoming homeless, that is intended to address their basic health, food, clothing, and personal hygiene needs. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.

LOCATION CRITERIA

Emergency Housing and Emergency Shelters

Emergency Housing and Emergency Shelters are required to be allowed in all zones that allow for hotels.

Staff proposes to remove hotels/motels as a permitted use in the multifamily zones R-12, R-18, R-28 and WR-R-6-18 as shown below. Staff does not believe these are the most ideal locations for hotels in the City; there are no pending land use applications or inquiries to locate hotels in these zones. With the proposed change, Emergency Housing and/or Emergency Shelters would not be allowed to locate in the multifamily zones R-12, R-18, R-28 and WR-R-6-18 as shown below.

The table below reflects the State’s requirements based on the criteria above. Zones that currently allow hotels are highlighted in blue.

**Chapter 22C.010
RESIDENTIAL ZONES**

22C.010.060 Permitted uses.

| Specific Land Use | R-4.5 | R-6.5 | R-8 | WR R-4-8 | R- 12 | R-18 | R-28 | WR R-6- 18 | R- MHP |
|---|-------|-------|-----|-------------|----------|----------|----------|------------------|-----------|
| Residential Land Uses | | | | | | | | | |
| Dwelling Units, Types: | | | | | | | | | |
| <u>Emergency Housing (54)</u> | | | | | | | | | |
| <u>Emergency Shelters - Indoor (54)</u> | | | | | | | | | |
| Hotel/Motel | | | | | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | |

(54) Emergency housing and emergency shelters – indoor, are prohibited in all residential zones as such are identified and adopted in this chapter.

**Chapter 22C.020
COMMERCIAL, INDUSTRIAL, RECREATION AND PUBLIC INSTITUTIONAL ZONES**

22C.020.060 Permitted uses.

| Specific Land Use | NB | CB | CB- WR | GC | MU (63) | LI | GI | REC | P/I |
|---|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----|-----|-----|
| Dwelling Units, Types: | | | | | | | | | |
| <u>Emergency Housing (53)</u> | <u>P</u> <u>C</u> | <u>P</u> <u>C</u> | <u>P</u> <u>C</u> | <u>P</u> <u>C</u> | <u>P</u> <u>C</u> | <u>P</u> <u>C</u> | | | |
| <u>Emergency Shelters – Indoor (53)</u> | <u>P</u> <u>C</u> | <u>P</u> <u>C</u> | <u>P</u> <u>C</u> | <u>P</u> <u>C</u> | <u>P</u> <u>C</u> | <u>P</u> <u>C</u> | | | |

(53) All facilities are subject to the regulations set forth in Chapter 22C.290 MMC, Emergency Housing and Shelters. Facilities with 30 or more residents require a Conditional Use Permit.

Chapter 22C.080
Downtown Master Plan

| Table 22C.080.120 | | | | | | | |
|---|----------------------|----------------------|----------------------|------------|------------|------------|--|
| Permitted use table for downtown Marysville zones. | | | | | | | |
| <p><i>Table legend:</i> P = Permitted use C = Conditional use No letter = Use not permitted</p> | DC | MS | F | MMF | MHI | MH2 | Additional Provisions |
| Use Categories | | | | | | | |
| Residential Uses | | | | | | | |
| Dwelling Units, Types | | | | | | | |
| <p><i>Note: Residential uses are not allowed on the ground floor facing a designated Active ground floor block frontages (see MMC 22C.080.320). Lobbies for multifamily uses and live-work dwelling units are an exception, provided the units meet the standards in MMC 22C.080.320.</i></p> | | | | | | | |
| Emergency Housing | <u>P</u> <u>C</u> | <u>P</u> <u>C</u> | <u>P</u> <u>C</u> | | | | All facilities are subject to the regulations set forth in MMC Chapter 22C.290, Emergency Housing and Shelters. Facilities with 30 or more residents require a Conditional Use Permit. |
| Emergency Shelters Indoor | <u>P</u> <u>C</u> | <u>P</u> <u>C</u> | <u>P</u> <u>C</u> | | | | All facilities are subject to the regulations set forth in MMC Chapter 22C.290, Emergency Housing and Shelters. Facilities with 30 or more residents require a Conditional Use Permit. |

Chapter 22C.290
Emergency Housing and Shelters

22C.290.010 Purpose.

The purpose of this section is to:

1. Establish reasonable standards to allow and establish a review process for the location, siting and operation of emergency housing and shelters as defined in MMC 22A.020.060; and
2. Protect public health and safety of the residents and broader community by requiring safe operation of the facilities.

22C.290.020 Applicability.

1. The standards in this section apply to emergency housing and emergency shelters, as defined in MMC 22A.020.060.
2. This chapter does not include regulations for temporary transitory accommodations, transitional housing or permanent supportive housing.

22C.290.030 Pre-Application and Application.

1. At least fifteen (15) days prior to filing an application with the City to establish an emergency housing or emergency shelter facility, the owner and/or sponsor shall mail written notice to owners within 600 feet of the boundaries of the proposed site and to the Community Development Director of their intention to establish the facility. The notice shall list the name and contact information for the owner and/or sponsor, if any, in order to provide neighboring property owners the opportunity to contact them with questions, and include a description of the proposed facility, its location, and proposed number of residents. The owner or sponsor shall address questions or concerns from neighboring property owners, to the extent possible, in the operations/management plan required by MMC 22C.290.040(g). When the formal application for the supportive housing facility is received, notice of application shall be provided in accordance with MMC 22G.010.090.
2. Permit applications for an emergency housing or emergency shelter facility must be made on forms prescribed by the city.

22C.290.040. General Requirements for all Supportive Housing Facilities.

1. Emergency housing and emergency shelter facilities shall comply with MMC Title 16, Building.
2. If provided, exterior lighting must be directed downward and glare must be contained within the facility site to limit the impact on neighboring properties. Additional lighting may be provided if requested by neighboring properties.
3. The sponsor and/or property owner shall ensure compliance with Washington State laws and regulations, the Marysville Municipal Code (MMC), and Snohomish Health District regulations.
4. Parking requirements shall be in accordance with Chapter 22C.130 MMC, Parking and Loading. No on-street parking shall be allowed.
5. An operations plan must be provided by the sponsor and/or property owner at the time of application that addresses the following elements to the satisfaction of the City:

- (a) Name and contact information for key staff;
 - (b) Roles and responsibilities of key staff;
 - (c) Site/facility management, including a security and emergency plan;
 - (d) Site/facility maintenance;
 - (e) Occupancy policies, including resident responsibilities and a code of conduct that address, at a minimum, the use or sale of alcohol and illegal drugs, threatening or unsafe behavior, and weapon possession;
 - (f) Provision of human and social services, including staffing plan and outcome measures;
 - (g) Outreach with surrounding property owners and residents and ongoing good neighbor policy; and
 - (h) Procedures for maintaining accurate and complete records.
 - (i) Additional information as requested by the Community Development Director to ensure current best practices for emergency housing and indoor emergency shelters are used.
6. A description of transit, pedestrian, and bicycle access from the subject site to services must be provided at time of application by the sponsor and/or the property owner.
7. On-site supervision must be provided at all times, unless it can be demonstrated through the operations plan that this level of supervision is not warranted for the population being housed. Details related to on-site supervision, such as the persons/positions identified for on-site supervision and shift schedule are required.
8. Sponsors and/or owners shall either:
- (a) Demonstrate experience providing similar services to people experiencing homelessness; or
 - (b) Provide certifications or academic credentials in an applicable human service field.
 - (c)
- Should a sponsor and/or managing agency not have any of the preceding qualifications, additional reasonable measures may be required to minimize risk to both residents of the supportive housing facility and the broader community.
9. Sponsors and/or owner shall demonstrate a stable funding source for the facility and any on-site or off-site human and social services offered as part of the operations plan.
10. The sponsor and/or managing agency shall designate points of contact and provide contact information (24-hour accessible phone contact) to the Marysville Police Department (MPD).
11. Facilities shall not be located closer than 600 feet to an elementary school, middle school, or high school. For the purposes of this subsection, distance shall

- be measured in a straight line between the closest property line of the existing school and the closest property line of the proposed facility.
12. In residential zones, no more than one adult bed per 200 square feet of floor area is allowed per facility
 13. Residents shall have access to the following services on-site; if not provided on-site, transportation shall be provided to each service:
 - (a) For all facilities, medical services, including mental and behavioral health counseling.
 - (b) For emergency housing facilities, access to resources on obtaining permanent housing and access to employment and education assistance.
 - (c) For emergency shelter facilities, substance abuse assistance.
 14. In residential zones, social services for people experiencing homelessness must be provided off-site. Direct intake of residents at the site is not allowed, unless approved by the City with additional details provided in the operations plan.
 15. Trash receptacles must be provided in multiple locations throughout the facility and site. A regular trash patrol in the immediate vicinity of the site must be provided.
 16. All functions associated with the facility, including adequate waiting space, must take place within a building or on the site proposed to house the facility.
 17. The number of toilets and other hygiene facilities required for each facility will be determined by the Community Development Director on a case-by-case basis in consultation with the Snohomish Health District after a review of factors such as the potential number and composition of residents.
 18. Facilities serving more than five residents shall have dedicated space for residents to meet with service providers.
 19. Residents and staff must comply with all Snohomish Health District requirements related to food donations.
 20. No children under the age of 18 are allowed to stay overnight in the facility, unless accompanied by a parent or guardian, or unless the facility is licensed to provide services to this population. If a child under the age of 18 without a parent or guardian present attempts to stay in a facility not specifically licensed for providing housing to youth, the sponsor and/or managing agency shall immediately contact Child Protective Services and actively endeavor to find alternative housing for the child.
 21. For health and safety reasons, the sponsor and/or managing agency shall perform background checks and obtain verifiable identification information, including full name and date of birth, from current and prospective residents, and shall keep a log containing this information.
 22. Level 1 sex offenders may be permitted in the facility, following the registration requirements. Level 2 and Level 3 sex offenders are prohibited from the facility. Should the sponsor and/or managing agency become aware of a current or prospective facility resident who is an unregistered sex offender, it shall

immediately contact the Marysville Police Department. The sponsor and/or managing agency shall provide notice to prospective residents that the sponsor and/or managing agency will report any current or prospective resident who is an unregistered sex offender to the Marysville Police Department.





























23. The sponsor or managing agency shall coordinate with the homelessness service providers for referrals to their program and with other providers of facilities and services for people experiencing homelessness to encourage access to all appropriate services for their residents.

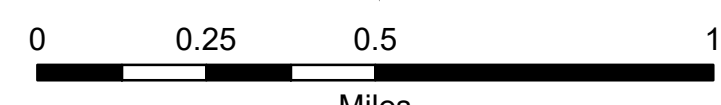
22C.130.030 Minimum required parking spaces.

24. Table 1: Minimum Required Parking Spaces

| LAND USE | MINIMUM REQUIRED SPACES |
|--|---|
| RESIDENTIAL USES | |
| Emergency Housing, Emergency Shelters – Indoor, Transitional Housing Facilities and Permanent Supportive Housing | As determined by the Community Development Director with no less than a minimum of 1 per 2 employees plus 1 per 5 residents (3 spaces minimum). |

City of Marysville Zoning

-  Urban Growth Area
-  City Limits
-  County PRD Regulations
-  Master Plan Area
-  General Commercial
-  Community Business
-  Community Business - Whiskey Ridge
-  Downtown Core
-  Flex
-  Flex Residential
-  Neighborhood Business
-  Main Street
-  Middle Housing 1
-  Middle Housing 2
-  Midrise Multi-Family
-  Mixed Use
-  88 - Mixed Use
-  General Industrial
-  Light Industrial
-  R28 Multi-Family High
-  R18 Multi-Family Medium
-  R12 Multi-Family Low
-  R8 Single Family High Small Lot
-  R6.5 Single Family High
-  R4.5 Single Family Medium
-  WR-R-4-8 Whiskey Ridge, Single Family High
-  WR-R-6-18 Whiskey Ridge, Multi-Family Medium
-  Public-Institutional
-  Recreation
-  Open

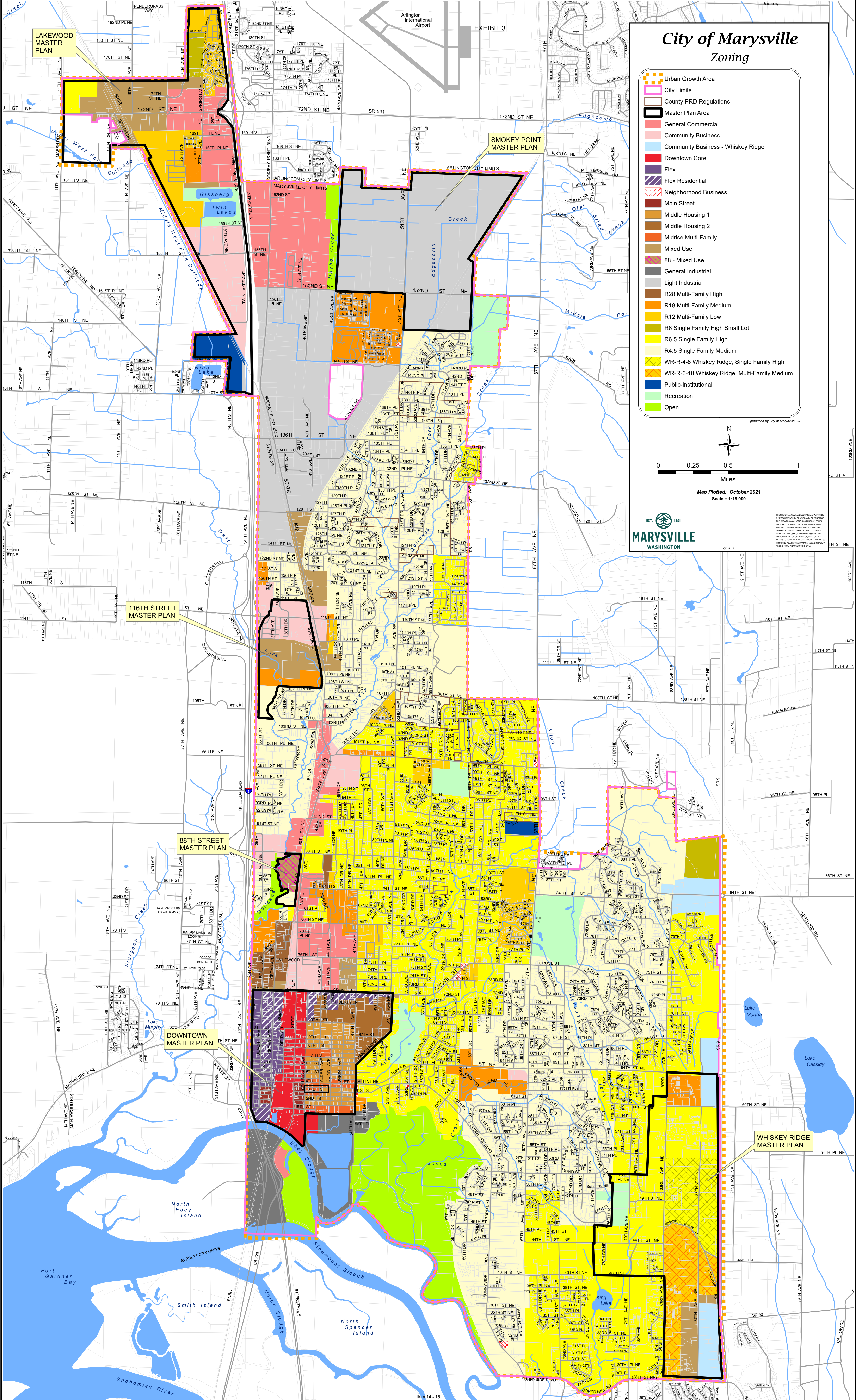


Map Plotted: October 2021
Scale = 1:18,000



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MARYSVILLE
COMMUNITY
DEVELOPMENT

**PC Recommendation – Emergency Housing, Indoor Emergency Shelters,
Transitional Housing and Permanent Supportive Housing**

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 Section 22A.020.010 - Definitions, Section 22C.010.060 - Permitted Uses, Section 22C.020.060 - Permitted Uses, Section 22C.080.120 – Permitted use table for downtown Marysville zones, 22C.130.030 – Minimum required parking spaces and adding section Chapter 22C.290 Emergency Housing and Shelters.

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 related to establishing regulations for Emergency Housing, Indoor Emergency Shelters, Transitional Housing and Permanent Supportive Housing to the community on September 28, 2021.
2. The proposal was submitted to the State of Washington Department of Commerce for 14-day expedited review on November 16, 2021, in accordance with RCW 36.70A.106.
3. The PC held public work sessions on October 26, November 9, and November 23 to review the NON-PROJECT action amendments to the community.
4. The PC held a duly-advertised public hearing on December 14, 2021 and received testimony from city staff and the public.
5. At the public hearing, the PC reviewed and considered the Modifications to the Administration of the Unified Development Code (UDC) regarding Emergency Housing, Indoor Emergency Shelters, Transitional Housing and Permanent Supportive Housing.

CONCLUSION:

At the public hearing, held on December 14, 2021, the PC recommended **APPROVING** the modifications and new code sections regarding Emergency Housing, Indoor Emergency Shelters, Transitional Housing and Permanent Supportive Housing).

RECOMMENDATION:

Forwarded to City Council as a Recommendation of **APPROVAL** of the NON-PROJECT action known as Section 22A.020.010 - Definitions, Section 22C.010.060 - Permitted Uses, Section 22C.020.060 - Permitted Uses, Section 22C.080.120 – Permitted use table for downtown Marysville zones, 22C.130.030 – Minimum required parking spaces and adding section Chapter 22C.290 Emergency Housing and Shelters., 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

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
October 26, 2021**

CALL TO ORDER / ROLL CALL

Vice Chair Andes called the October 26, 2021 Planning Commission meeting to order via Zoom at 6:00 p.m. Planning Manager Chris Holland called the roll.

Present:

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

Excused: Chair Steve Leifer, Commissioner Tom Thetford

Staff: Planning Manager Chris Holland, Community Development Director Haylie Miller, Assistant Planner Mara Wiltshire

APPROVAL OF MINUTES

September 28, 2021 Planning Commission Minutes

Motion to approve the minutes as presented made by Commissioner Kapus, seconded by Commissioner Michal.

AYES: ALL

AUDIENCE PARTICIPATION

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

OLD BUSINESS

A. Food Truck Regulations

Director Miller reviewed the discussion regarding food trucks from the last Planning Commission meeting and discussed potential regulations regarding locations and proximity to restaurants. Regulations from about 15 different cities were provided as requested for reference.

Commissioner Whitaker thanked staff for the memo, noting that it was very informative and responsive to the conversation from the last meeting. He was in support of the recommendations presented by staff in the memo, but asked about the duration of approval for one location. Director Miller commented that the length would coincide with the event for special event permits and would be temporary. For city-owned property, like the waterfront, it would be up to the Commission. She offered to bring back some verbiage related to this topic.

Commissioner Hoen commented that he generally sees certain food trucks in almost permanent locations. He noted that there has to be a way for a food truck and its customers to have some certainty about location. Director Miller offered to bring back more information regarding timing and location.

Commissioner Kapus also thanked staff for the great research.

Commissioner Andes thought that a 100-150 foot distance from restaurants was a good distance. He noticed one city required food trucks to be a certain distance from residential zones. He also suggested having a timeframe that they can be open during the day. Director Miller indicated she would bring back draft regulations with more detail and options.

Commissioner Michal thanked staff for the great memo. She asked what the parameters might be around allowing these in parking lots. Director Miller commented that they would look at that on a case-by-case basis. The food truck would have to demonstrate that they are not taking away from minimum parking requirements.

Commissioner Hoen commented that people he has talked to in the Parks Department have seemed very positive about food trucks in the parks or at events. Director Miller agreed. Planning Manager Holland concurred but noted that they would generally not be allowed within the right-of-way, as it would reduce on-street parking.

B. Emergency Housing and Shelters

Director Miller explained the state has recently approved Housing Bill 1220 (HB1220) related to emergency and transitional housing. The housing is divided into four different type of uses in two categories, each with different regulations. At this meeting she focused on the first two types of uses - Indoor Emergency Shelters and Indoor Emergency Housing. She will review the other two uses at the next meeting. The state has required that Indoor Emergency Shelters and Indoor Emergency Housing be allowed with reasonable controls in zones that allow hotels or within the majority of zones located within one mile of public transit.

Tables in Exhibit 1 show the two types of uses and where they are required to be allowed. Staff is proposing that these uses be permitted subject to conditions in the code if they are housed with 30 or fewer individuals. If there are more than 30 individuals staff recommends that this go through the Conditional Use process.

Commissioner Whitaker asked how Enhanced Services Facilities would mesh with these types of housing. Director Miller explained that Enhanced Services Facilities are more tailored to people who have mental health or substance abuse issues and are transitioning from a state hospital back into the public. The four types of housing referred to by HB 1220 are focused on people who don't have somewhere to live.

Commissioner Hoen asked why shelters can't be within 1,000 feet of each other and why no more than one emergency housing or shelter can be on a site. He asked if there should be more flexibility in case there is an emergency. Director Miller suggested they could build in an opportunity for a variance or allow for the Hearing Examiner to decide depending on what the Planning Commission and Council want. Planning Manager Holland clarified that if there is a disaster the City already has the authority to open up a shelter wherever it needs to.

Commissioner Hoen asked for the reasoning behind the following General Requirements:

- O. In residential zones, no more than one adult bed per 250 square feet of floor area is allowed per facility*
- P. In all other zones, no more than one adult bed per 35 square feet of floor area is allowed per facility*

Director Miller explained these were ways to help identify the number of people that would be reasonable between residential and commercial zones.

NEW BUSINESS

A. East Sunnyside-Whiskey Ridge Sign Regulations

Planning Manager Holland explained staff would like to incorporate sign regulations and design standards from the overly restrictive Whiskey Ridge Design Standards into the general code rather than having them separate. There was some discussion about the background of the code and proposed setbacks and sizes.

Commissioner Kapus spoke in support of simplifying the regulations into one place.

Commissioner Andes commented that there are some places in town where a five-foot setback isn't enough to see oncoming traffic. Planning Manager Holland concurred and noted they would still need to comply with sight distance regulations.

Commissioner Whitaker commented that they don't need the same type of signs on some chunks of 87th since that area is still pretty rural. He suggested looking at some reduced heights in that area.

Next meeting – November 9, 2021

- Senior Planner Kate Tourtellot will be bringing back the Accessory Dwelling Units provisions.
- Director Miller will be bringing back topics discussed tonight.
- Public Works staff will also be coming to give an update on their projects.

ADJOURNMENT

Motion to adjourn at 6:55 p.m. moved by Whitaker, seconded by Commissioner Kapus.

AYES: ALL

Chris Holland

Chris Holland, Planning Manager for
Laurie Hugdahl, Recording Secretary

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 Hoen¹

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

¹ 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 104th to 116th 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.

- 88th 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. 2nd Street will also be improved similar to 3rd 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 1st Street bypass.
- Bayview Trail – Extend Bayview Trail from 64th Street NE to Soper Hill Rod (Marysville) and from Soper Hill Rd. to 20th 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

Chris Holland, Planning Manager for
Laurie Hugdahl, Recording Secretary

Next Meeting - November 23, 2021

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

Chris Holland, Planning Manager for
Laurie Hugdahl, Recording Secretary

Next Meeting – December 14, 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 Whitaker¹

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

¹ 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 51st 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



Laurie Hugdahl, Recording Secretary

Next Meeting – January 11, 2022

CITY OF MARYSVILLE
Marysville, Washington
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON, AMENDING TITLE 22 OF THE MARYSVILLE MUNICIPAL CODE BY AMENDING SECTIONS 22A.020.060, 22A.020.170, 22A.020.210, 22C.010.060, 22C.010.070, 22C.020.060, 22C.020.070, 22C.080.120, 22C.130.030 AND ADDING NEW CHAPTER 22C.290 EMERGENCY HOUSING AND SHELTERS.

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

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

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

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

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

WHEREAS, on July 25, 2021, the State passed Housing Bill (HB) 1220 to support emergency shelters and housing through local planning and development regulations; and

WHEREAS, according to HB 1220, Cities may not prohibit transitional housing or permanent supportive housing in any zones in which residential dwelling units or hotels are permitted, effective September 30, 2021; and

WHEREAS, according to HB 1220, Cities may not prohibit emergency housing or indoor emergency shelters in any zones in which hotels are permitted, effective September 30, 2021; and

WHEREAS, according to HB 1220, reasonable occupancy, spacing, and intensity of use requirements may be imposed by ordinance on permanent supportive housing, transitional housing, emergency housing and indoor emergency shelters to protect public health and safety; and

WHEREAS, staff has crafted new regulations for transitional housing, permanent supportive housing, emergency housing and indoor emergency housing to comply with HB 1220 while including reasonable measures to reduce impacts to the community, which new regulations specifically comprise of a new MMC Chapter 22C.290 along with amendments to MMC Sections 22A.020.060, 22A.020.170, 22A.020.210, 22C.010.060, 22C.010.070,

22C.020.060, 22C.020.070, 22C.080.120, 22C.130.030 (collectively the "Proposed Amendments"); and

WHEREAS, the Proposed 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, during public meetings held on September 28, October 26, November 9 and November 23, 2021, the Planning Commission discussed proposed amendments related to emergency housing and shelters; and

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; and

WHEREAS, at a public meeting on January 10, 2022, the Marysville City Council reviewed and considered the Marysville Planning Commission's Recommendation and the Proposed Amendments; and

WHEREAS, the City of Marysville has submitted the Proposed Amendments to the Washington State Department of Commerce on November 16, 2021 seeking expedited review under RCW 36.70A.106(3)(b) and in compliance with the procedural requirements of RCW 36.70A.106; and

WHEREAS, a notice of application was given on November 15, 2021 by the City of Marysville requesting State Environmental Policy Act review and approval for the Proposed Amendments pursuant to the optional DNS process outlined in WAC 197-11-355.

WHEREAS, a SEPA Determination of Non-Significance was issued on December 15, 2021 pursuant to the optional DNS process outlined in WAC 197-11-355.

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

Section 1. Amendment of Municipal Code. MMC Section 22A.020.060, entitled "E" Definitions, is hereby amended to add the following definitions, as follows:

22A.020.060 "E" Definitions.

"Emergency housing" means temporary indoor accommodations for individuals or families who are homeless, or at imminent risk of becoming homeless, that is intended to address

their basic health, food, clothing, and personal hygiene needs. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.

“Emergency shelter (indoor)” means a facility that provides a temporary shelter for individuals or families who are currently homeless. An emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.

Section 2. Amendment of Municipal Code. MMC Section 22A.020.170, entitled “P” Definitions, is hereby amended to add the following definitions, as follows:

22A.020.170 “P” Definitions.

“Permanent supportive housing” is one or more subsidized, leased dwelling units with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition, who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing, to retain their housing and be a successful tenant in a housing arrangement, improve the resident’s health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in the Residential Landlord Tenant Act, chapter 59.18 RCW.

Section 3. Amendment of Municipal Code. MMC Section 22C.010.060, entitled Permitted uses, is hereby amended, as follows:

22C.010.060 Permitted uses.

| Specific Land Use | R-4.5 | R-6.5 | R-8 | WR R-4-8 | R-12 | R-18 | R-28 | WR R-6-18 | R-MHP |
|-------------------------------|-------|-------|-----|----------|------|------|------|-----------|-------|
| Residential Land Uses | | | | | | | | | |
| Dwelling Units, Types: | | | | | | | | | |
| Single detached (14) | P11 | P11 | P11 | P11 | P11 | P11 | P11 | P11 | P43 |
| Model home | P30 | P30 | P30 | P30 | P30 | P30 | P30 | P30 | P30 |
| Cottage housing (14) | C6 | C6 | C6 | C6 | C6 | C6 | C6 | C6 | |
| Duplex (14) | C8 | P8 | P8 | P8 | P | P | P | P | |
| Townhouse | P3 | P3 | P3 | P3 | P | P | P | P | |
| Multiple-family | | | | | P | P | P | P | |
| Mobile home | P12 | P12 | P12 | P12 | P12 | P12 | P12 | P12 | P12 |
| Mobile/manufactured home park | P3 | P3 | P3 | | C | P | P | | P45 |

| Specific Land Use | R-4.5 | R-6.5 | R-8 | WR R-4-8 | R-12 | R-18 | R-28 | WR R-6-18 | R-MHP |
|---|--------------|--------------|------------|-----------------|-------------|-------------|-------------|------------------|--------------|
| Senior citizen assisted | C2 | C2 | C2 | C2 | C2 | C2 | C2 | C2 | C2 |
| Factory-built | P7 | P7 | P7 | P7 | P7 | P7 | P7 | P7 | P7, 43 |
| Recreational vehicle (44) | P | P | P | P | P | P | P | P | P |
| Tiny house or tiny house with wheels (51) | P | P | P | P | P | P | P | P | P |
| Group Residences: | | | | | | | | | |
| Adult family home | P | P | P | P | P | P | P | P | P |
| Convalescent, nursing, retirement | C2 | C2 | C2 | C2 | C2 | C2 | C2 | C2 | |
| Residential care facility | P | P | P | P | P | P | P | P | |
| Master planned senior community (15) | C | C | C | C | C | C | C | C | C |
| <u>Transitional Housing Facilities (53)</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> |
| <u>Permanent Supportive Housing (53)</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> |
| <u>Emergency Housing (54)</u> | | | | | | | | | |
| <u>Emergency Shelters - Indoor (54)</u> | | | | | | | | | |
| Accessory Uses: | | | | | | | | | |
| Residential accessory uses (1), (9), (10), (14), (49), (50) | P | P | P | P | P | P | P | P | P |
| Home occupation (5) | P | P | P | P | P13 | P13 | P13 | P13 | P |
| Temporary Lodging: | | | | | | | | | |
| Hotel/motel | | | | | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | |
| Bed and breakfast guesthouse (4) | | C | C | C | P | P | P | P | |
| Bed and breakfast inn (4) | | | | | P | P | P | P | |
| Enhanced services facility (52) | | | | | | | | | |
| Recreation/Cultural Land Uses | | | | | | | | | |
| Park/Recreation: | | | | | | | | | |
| Park | P16 | P16 | P16 | P16 | P16 | P16 | P16 | P16 | P16 |
| Community center | C | C | C | C | C | C | C | C | C |
| Amusement/Entertainment: | | | | | | | | | |
| Sports club | | | | | C | C | C | C | |
| Golf facility (17) | C | C | C | C | P | P | P | P | |
| Cultural: | | | | | | | | | |
| Library, museum and art gallery | C | C | C | C | C | C | C | C | C |

| Specific Land Use | R-4.5 | R-6.5 | R-8 | WR R-4-8 | R-12 | R-18 | R-28 | WR R-6-18 | R-MHP |
|---|--------------|--------------|------------|-----------------|-------------|-------------|-------------|------------------|--------------|
| Church, synagogue and temple | C | C | C | C | P | P | P | P | C |
| General Services Land Uses | | | | | | | | | |
| Personal Services: | | | | | | | | | |
| Funeral home/crematory | C18 | C18 | C18 | C18 | C18 | C18 | C18 | C18 | C18 |
| Cemetery, columbarium or mausoleum | P24 C19 | P24 C19 | P24 C19 | P24 C19 | P24 C19 | P24 C19 | P24 C19 | P24 C19 | P24 C19 |
| Day care I | P20 | P20 | P20 | P20 | P20 | P20 | P20 | P20 | P20 |
| Day care II | C25 | C25 | C25 | C25 | C | C | C | C | C25 |
| Stable | C | C | C | C | | | | | |
| Kennel or cattery, hobby | C | C | C | C | C | C | C | C | |
| Electric vehicle (EV) charging station (38), (39) | P | P | P | P | P | P | P | P | |
| EV rapid charging station (40), (41), (42) | | | | | P | P | P | P | |
| Health Services: | | | | | | | | | |
| Medical/dental clinic | | | | | C | C | C | C | |
| Supervised drug consumption facility | | | | | | | | | |
| Education Services: | | | | | | | | | |
| Elementary, middle/junior high, and senior high (including public, private and parochial) | C | C | C | C | C | C | C | C | C |
| Commercial school | C21 | C21 | C21 | C21 | C21 | C21 | C21 | C21 | |
| School district support facility | C23 | C23 | C23 | C23 | C23 | C23 | C23 | C23 | |
| Interim recycling facility | P22 | P22 | P22 | P22 | P22 | P22 | P22 | P22 | |
| Vocational school | | | | | | | | | |
| Government/Business Service Land Uses | | | | | | | | | |
| Government Services: | | | | | | | | | |
| Public safety facilities, including police and fire | C26 | C26 | C26 | C26 | C26 | C26 | C26 | C26 | C26 |
| Utility facility | P | P | P | P | P | P | P | P | P |
| Private storm water management facility | P | P | P | P | P | P | P | P | P |
| Public storm water management facility | P | P | P | P | P | P | P | P | P |
| Business Services: | | | | | | | | | |
| Self-service storage (31) | | | | | C27 | C27 | C27 | C27 | |
| Professional office | | | | | C | C | C | C | |

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

Section 4. Amendment of Municipal Code. MMC Section 22C.010.070, entitled Permitted uses, is hereby amended, as follows:

22C.010.070 Permitted uses – Development conditions.

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

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

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

(11) Manufactured homes must:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(17) Golf facilities shall comply with the following:

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

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

(18) Only as an accessory to a cemetery.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) No residential occupancy of the storage units;

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

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

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

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

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

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

(30) Model Homes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (37) Except racing of motorized vehicles.
- (38) Level 1 and Level 2 charging only.
- (39) Allowed only as an accessory use to a principal outright permitted use or permitted conditional use.
- (40) The term "rapid" is used interchangeably with "Level 3" and "fast charging."
- (41) Only "electric vehicle charging stations – restricted" as defined in Chapter [22A.020](#) MMC.
- (42) Rapid (Level 3) charging stations are required to be placed within a parking garage.
- (43) One single-family detached dwelling per existing single lot of record. Manufactured homes on single lots must meet the criteria outlined in subsection (11) of this section.
- (44) Recreational vehicles (RVs) are allowed as a primary residence in an established mobile/manufactured home park (MHP) subject to the requirements of Chapter [22C.230](#) MMC, Mobile/Manufactured Home Parks.
- (45) MHPs shall fulfill the requirements of Chapter [22C.230](#) MMC, Mobile/Manufactured Home Parks.
- (46) Reserved.
- (47) Model house sales offices are subject to the requirements of MMC [22C.110.030](#)(12).
- (48) No person or entity may produce, grow, manufacture, process, accept donations for, give away, or sell marijuana concentrates, marijuana-infused products, or usable marijuana within residential zones in the city. Provided, activities in strict compliance with RCW [69.51A.210](#) and [69.51A.260](#) are not a violation of the Marysville Municipal Code.
- (49) Shipping/cargo and similar storage containers are prohibited on lots within a platted subdivision and properties under one acre in size. Shipping/cargo and similar storage containers may be located on properties over one acre in size if located behind the primary residence, observe all setbacks applicable to an accessory structure, and are screened from public view.
- (50) Accessory structures may not be utilized as, or converted to, a dwelling unless the structure complies with the accessory dwelling unit standards outlined in MMC [22C.180.030](#).
- (51) Tiny houses or tiny houses with wheels are allowed as a primary residence in an established mobile/manufactured home park (MHP) subject to the requirements of Chapter [22C.230](#) MMC, Mobile/Manufactured Home Parks.
- (52) Enhanced services facilities are prohibited in all residential zones as such are identified and adopted in this chapter.

(53) An operations plan, to mitigate potential impacts on the surrounding community, must be provided by the sponsor and/or property owner at the time of application. The operations plan must address the following elements to the satisfaction of the City:

- a) Name and contact information for key staff;
- b) Roles and responsibilities of key staff;
- c) Site/facility management, including a security and emergency plan;
- d) Site/facility maintenance;
- e) Occupancy policies, including resident responsibilities and a code of conduct that address, at a minimum, the use or sale of alcohol and illegal drugs, threatening or unsafe behavior, and weapon possession;
- f) Provision of human and social services, including staffing plan and outcome measures;
- g) Outreach with surrounding property owners and residents and ongoing good neighbor policy;
- h) Procedures for maintaining accurate and complete records; and
- i) Additional information as requested by the Community Development Director to ensure current best practices for permanent supportive housing and transitional housing facilities are used.

(54) Emergency housing and emergency shelters – indoor, are prohibited in all residential zones as such are identified and adopted in this chapter.

Section 5. Amendment of Municipal Code. MMC Section 22C.020.060, entitled Permitted uses, is hereby amended, as follows:

MMC 22C.020.060 Permitted uses.

| Specific Land Use | NB | CB | CB-WR | GC | MU (63) | LI | GI | REC | P/I |
|--------------------------------------|----|--------|-------|--------|---------|-----|-----|-----|-----|
| Residential Land Uses | | | | | | | | | |
| Dwelling Units, Types: | | | | | | | | | |
| Townhouse | | | | | P | | | | |
| Multiple-family | C4 | P4, C5 | | P4, C5 | P | | | | |
| Mobile home | P7 | P7 | P7 | P7 | P7 | P7 | P7 | | |
| Senior citizen assisted | P | | | | C | | | | P |
| Caretaker’s quarters (3) | P | P | P | P | P | P | P | P | P |
| Group Residences: | | | | | | | | | |
| Adult family home (70) | P | P | P | P | P | | | | P |
| Convalescent, nursing, retirement | C | P | | | P | | | | P |
| Residential care facility | P | P | | | P | P70 | P70 | P70 | P |
| Master planned senior community (10) | | | | | C | | | | C |
| Enhanced services facility (77) | | P | | P | P | | | | |

| Specific Land Use | NB | CB | CB-WR | GC | MU (63) | LI | GI | REC | P/I |
|--|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----|-----|-----|
| Transitional Housing Facilities (79) | P | P | P | P | P | P | | | |
| Permanent Supportive Housing (79) | P | P | P | P | P | P | | | |
| Emergency Housing (80) | <u>P</u> <u>C</u> | <u>P</u> <u>C</u> | <u>P</u> <u>C</u> | <u>P</u> <u>C</u> | <u>P</u> <u>C</u> | <u>P</u> <u>C</u> | | | |
| Emergency Shelters - Indoor (80) | <u>P</u> <u>C</u> | <u>P</u> <u>C</u> | <u>P</u> <u>C</u> | <u>P</u> <u>C</u> | <u>P</u> <u>C</u> | <u>P</u> <u>C</u> | | | |
| Accessory Uses: | | | | | | | | | |
| Home occupation (2) | P8 | P8, P9 | P8, P9 | P8, P9 | P8, P9 | P9 | P9 | | |
| Temporary Lodging: | | | | | | | | | |
| Hotel/motel | P | P | P | P | P | P75 | | | |
| Bed and breakfast guesthouse (1) | | | | | | | | | |
| Bed and breakfast inn (1) | P | P | P | P | | | | | |
| Recreation/Cultural Land Uses | | | | | | | | | |
| Park/Recreation: | | | | | | | | | |
| Park | P11 | P | P | P | P | P | P | P11 | P |
| Marina | | | | | | | P | C | P |
| Dock and boathouse, private, noncommercial | | | | | | | P | P16 | P |
| Recreational vehicle park | | | | C12 | | C12 | | C | P |
| Boat launch, commercial or public | | | | | | | P | | P |
| Boat launch, noncommercial or private | | | | | | | P | P17 | P |
| Community center | P | P | P | P | P | P | P | P | P |
| Amusement/Entertainment: | | | | | | | | | |
| Theater | | P | P | P | P | | | | |
| Theater, drive-in | | | | C | | | | | |
| Amusement and recreation services | | P18 | P18 | P18 | P19 | P | C | | |
| Sports club | P | P | P | P | P | P | P | | |
| Golf facility (13) | | P | P | P | | P | P | C | |
| Shooting range (14) | | | | P15 | | P15 | | | |
| Outdoor performance center | | | | C | | C | | C | C |
| Riding academy | | | | | | P | | C | |
| Cultural: | | | | | | | | | |

| Specific Land Use | NB | CB | CB-WR | GC | MU (63) | LI | GI | REC | P/I |
|---|-----------|-----------|--------------|-----------|----------------|-----------|-----------|------------|------------|
| Library, museum and art gallery | P | P | P | P | P | P | P | C | P |
| Church, synagogue and temple | P | P | P | P | P | P | P | | P |
| Dancing, music and art center | | P | P | P | P | | | C | P |
| General Services Land Uses | | | | | | | | | |
| Personal Services: | | | | | | | | | |
| General personal service | P | P | P | P | P | P | P | | |
| Dry cleaning plant | | P | P | | | P | P | | |
| Dry cleaning pick-up station and retail service | P | P | P | P | P25 | P76 | P | | |
| Funeral home/crematory | | P | P | P | P26 | P76 | P | | |
| Cemetery, columbarium or mausoleum | P24 | P24 | P24 | P24, C20 | | P | P | | |
| Day care I | P70 | P70 | P70 | P70 | P70 | P21, 70 | P70 | P70 | P70 |
| Day care II | P | P | P | P | P | P21 | | | |
| Veterinary clinic | P | P | P | P | P | P76 | P | | |
| Automotive repair and service | P22 | C, P28 | C, P28 | P | | P | P | | |
| Electric vehicle (EV) charging station (64) | P | P | P | P | P | P | P | P | P |
| EV rapid charging station (65), (66) | P | P | P | P | P67 | P | P | | |
| EV battery exchange station | | | | P | | P | P | | |
| Miscellaneous repair | | P | P | P | | P | P | | |
| Social services | | P | P | P | P | | | | P |
| Kennel, commercial and exhibitor/breeding (71) | | P | P | P | | P | P | | |
| Pet daycare (71), (72) | | P | P | P | P | P76 | P | | |
| Civic, social and fraternal association | | P | P | P | C | | P | | P |
| Club (community, country, yacht, etc.) | | | | | | | P | | P |
| Health Services: | | | | | | | | | |
| Medical/dental clinic | P | P | P | P | P | | | | P |
| Hospital | | P | P | P | C | | | | C |
| Miscellaneous health | P68 | P68 | P68 | P68 | P68 | | | | P68 |
| Supervised drug consumption facility | | | | | | | | | |

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

| Specific Land Use | NB | CB | CB-WR | GC | MU (63) | LI | GI | REC | P/I |
|--|-----------|-----------|--------------|-----------|----------------|-----------|-----------|------------|------------|
| Research, development and testing | | | | P | | P | P | | |
| Heavy equipment and truck repair | | | | | | P | P | | |
| Automobile holding yard | | | | C | | P | P | | |
| Commercial/industrial accessory uses (73) | P39, 40 | P39 | P39 | P39 | P39, 40 | P | P | | |
| Adult facility | | | | | | | P33 | | |
| Factory-built commercial building (35) | P | P | P | P | | P | P | | |
| Wireless communication facility (32) | P, C | P, C | P, C | P, C | P, C | P, C | P, C | | P, C |
| State-Licensed Marijuana Facilities: | | | | | | | | | |
| Marijuana cooperative (69) | | | | | | | | | |
| Marijuana processing facility – Indoor only (69) | | | | | | | | | |
| Marijuana production facility – Indoor only (69) | | | | | | | | | |
| Marijuana retail facility (69) | | | | | | | | | |
| Retail/Wholesale Land Uses | | | | | | | | | |
| Building, hardware and garden materials | P47 | P | P | P | P47 | P76 | P | | |
| Forest products sales | | P | P | P | | P | | | |
| Department and variety stores | P | P | P | P | P | P76 | | | |
| Food stores | P | P | P | P | P45 | P76 | | | |
| Agricultural crop sales | | P | P | P | C | P76 | | | |
| Storage/retail sales, livestock feed | | | | | | P76 | P | | |
| Motor vehicle and boat dealers | | P | P | P | | P | P | | |
| Motorcycle dealers | | C | C | P | | P | P | | |
| Gasoline service stations | P | P | P | P | | P76 | P | | |
| Eating and drinking places | P41 | P | P | P | P46 | P46 | P | | |
| Drugstores | P | P | P | P | P | P76 | P | | |
| Liquor stores | | P | P | P | | | | | |
| Used goods: antiques/secondhand shops | | P | P | P | P | | | | |
| Sporting goods and related stores | | P | P | P | P | | | | |

| Specific Land Use | NB | CB | CB- WR | GC | MU (63) | LI | GI | REC | P/I |
|---|-----------|------------|-------------------|-----------|--------------------|------------|-----------|------------|------------|
| Book, stationery, video and art supply stores | P | P | P | P | P | | | | |
| Jewelry stores | | P | P | P | P | | | | |
| Hobby, toy, game shops | P | P | P | P | P | | | | |
| Photographic and electronic shops | P | P | P | P | P | | | | |
| Fabric and craft shops | P | P | P | P | P | | | | |
| Fuel dealers | | | | P43 | | P43 | P43 | | |
| Florist shops | P | P | P | P | P | | | | |
| Pet shops | P | P | P | P | P | | | | |
| Tire stores | | P | P | P | | P76 | P | | |
| Bulk retail | | P | P | P | | P76 | | | |
| Auction houses | | | | P42 | | P76 | | | |
| Truck and heavy equipment dealers | | | | | | P | P | | |
| Mobile home and RV dealers | | | | C | | P | P | | |
| Retail stores similar to those otherwise named on this list | P | P | P | P | P48 | P44, 76 | P44 | | |
| Automobile wrecking yards | | | | | | C | P | | |
| Manufacturing Land Uses | | | | | | | | | |
| Food and kindred products | | P50, 52 | P50, 52 | P50 | | P50 | P | | |
| Winery/brewery | | P53 | P53 | P | P53 | P | P | | |
| Textile mill products | | | | | | P | P | | |
| Apparel and other textile products | | | | C | | P | P | | |
| Wood products, except furniture | | | | P | | P | P | | |
| Furniture and fixtures | | | | P | | P | P | | |
| Paper and allied products | | | | | | P | P | | |
| Printing and publishing | P51 | P51 | P51 | P | P51 | P | P | | |
| Chemicals and allied products | | | | | | C | C | | |
| Petroleum refining and related industries | | | | | | C | C | | |
| Rubber and misc. plastics products | | | | | | P | P | | |
| Leather and leather goods | | | | | | C | C | | |
| Stone, clay, glass and concrete products | | | | | | P | P | | |

| Specific Land Use | NB | CB | CB- WR | GC | MU (63) | LI | GI | REC | P/I |
|---|-----------|-----------|-------------------|------------|--------------------|-----------|-----------|------------|------------|
| Primary metal industries | | | | | | C | P | | |
| Fabricated metal products | | | | C | | P | P | | |
| Industrial and commercial machinery | | | | | | C | P | | |
| Heavy machinery and equipment | | | | | | C | P | | |
| Computer and office equipment | | | | C | | P | | | |
| Electronic and other electric equipment | | | | C | | P | | | |
| Railroad equipment | | | | | | C | P | | |
| Miscellaneous light manufacturing | | | | P54, 74 | | P | P | | |
| Motor vehicle and bicycle manufacturing | | | | | | C | P | | |
| Aircraft, ship and boat building | | | | | | C | P | | |
| Tire retreading | | | | | | C | P | | |
| Movie production/distribution | | | | P | | P | | | |
| Resource Land Uses | | | | | | | | | |
| Agriculture: | | | | | | | | | |
| Growing and harvesting crops | | | | | | P | P | P | |
| Raising livestock and small animals | | | | | | P | P | P | |
| Greenhouse or nursery, wholesale and retail | | | | P | | P | P | C | |
| Farm product processing | | | | | | P | P | | |
| Forestry: | | | | | | | | | |
| Growing and harvesting forest products | | | | | | P | | | |
| Forest research | | | | | | P | | | |
| Wood waste recycling and storage | | | | | | C | C | | |
| Fish and Wildlife Management: | | | | | | | | | |
| Hatchery/fish preserve (55) | | | | | | P | P | C | |
| Aquaculture (55) | | | | | | P | P | C | |
| Wildlife shelters | C | C | C | | | | | P | |
| Mineral: | | | | | | | | | |
| Processing of minerals | | | | | | P | P | | |
| Asphalt paving mixtures and block | | | | | | P | P | | |

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

Section 6. Amendment of Municipal Code. MMC Section 22C.020.070, entitled Permitted uses, is hereby amended, as follows:

MMC 22C.020.070 Permitted uses.

- (1) Bed and breakfast guesthouses and inns are subject to the requirements and standards contained in Chapter [22C.210](#) MMC, Bed and Breakfasts.
- (2) Home occupations are subject to the requirements and standards contained in Chapter [22C.190](#) MMC, Home Occupations.

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

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

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

(6) Reserved.

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

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

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

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

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

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

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

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

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

(13) Golf Facility.

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

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

(14) Shooting Range.

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

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

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

(15) Only in an enclosed building.

(16) Dock and Boathouse, Private, Noncommercial.

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

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

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

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

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

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

(17) Boat Launch, Noncommercial or Private.

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

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

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

(18) Excluding racetrack operation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(34) Reserved.

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

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

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

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

(37) Except heavy equipment.

(38) With outdoor storage and heavy equipment.

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

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

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

(42) Excluding vehicle and livestock auctions.

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

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

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

(46) Eating and Drinking Places.

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

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

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

- (47) Limited to hardware and garden supply stores.
- (48) Limited to convenience retail, such as video, and personal and household items.
- (49) Reserved.
- (50) Except slaughterhouses.
- (51) Limited to photocopying and printing services offered to the general public.
- (52) Limited to less than 10 employees.
- (53) In conjunction with an eating and drinking establishment.
- (54) Provided there is no outdoor storage and/or display of any materials, products or vehicles.
- (55) May be further subject to the provisions of city of Marysville shoreline management program.
- (56) Except weapons armories and outdoor shooting ranges.
- (57) Except outdoor shooting ranges.
- (58) Only in conjunction with an existing or proposed school.
- (59) Except racing of motorized vehicles.
- (60) Limited to land located along east side of 47th Avenue NE alignment, in the east half of the northeast quarter of Section 33, Township 30N, Range 5E, W.M., and in the northeast quarter of the southeast quarter of Section 33, Township 30N, Range 5E, W.M., and land located east side of SR 529, north of Steamboat Slough, south and west of Ebey Slough (a.k.a. TP No. 300533-002-004-00) and in the northwest and southwest quarters of Section 33, Township 30N, Range 5E, W.M., as identified in Exhibit A, attached to Ordinance No. 2452.
- (61) Opiate substitution treatment program facilities permitted within commercial zones are subject to Chapter [22G.070](#) MMC, Siting Process for Essential Public Facilities.
- (62) Opiate substitution treatment program facilities, as defined in MMC [22A.020.160](#), are subject to the standards set forth below:
- (a) Shall not be established within 300 feet of an existing school, public playground, public park, residential housing area, child care facility, or actual place of regular worship established prior to the proposed treatment facility.
- (b) Hours of operation shall be restricted to no earlier than 6:00 a.m. and no later than 7:00 p.m. daily.

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

(63) Permitted uses include Whiskey Ridge zones.

(64) Level 1 and Level 2 charging only.

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

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

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

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

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

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

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

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

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

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

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

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

(77) Enhanced services facilities (ESFs) are permitted when the building is located within the area depicted in MMC [22C.280.050](#), Figure 1. In the GC and CB zones, ESFs shall be located in a building in which the ESF is located above a permitted ground floor commercial use. See Chapter [22C.280](#) MMC for enhanced services facility regulations.

(78) Mini-storage facilities may be allowed in the CB and GC zones as a conditional use on property located east of Interstate 5, North of 100th Street, and west of 47th Avenue NE, subject to the following conditions:

(a) The property does not have direct frontage on an arterial street.

(b) Vehicular access to the property is limited by physical constraints, such as railroad tracks, proximity to congested public street intersection where turning movements are restricted, or other physical barriers that limit convenient vehicular access for higher-traffic-generating uses such as retail or office.

(c) Buildings shall be located a minimum of 150 feet from the nearest arterial street or interstate highway right-of-way. (Ord. 3196 § 3 (Exh. A), 2021; Ord. 3193 § 15, 2021; Ord. 3180 § 2 (Exh. A), 2021; Ord. 3168 § 2 (Exh. A), 2020**; Ord. 3164 § 7, 2020; Ord. 3159 § 4, 2020; Ord. 3137 § 3 (Exh. B), 2019; Ord. 3086 § 2, 2018; Ord. 3054 § 13, 2017; Ord. 3022 § 10, 2016; Ord. 2985 § 6, 2015; Ord. 2981 § 2, 2015; Ord. 2979 § 4, 2014; Ord. 2959 § 8, 2014; Ord. 2932 § 4, 2013; Ord. 2898 § 10, 2012; Ord. 2852 § 10 (Exh. A), 2011).

(79) An operations plan, to mitigate potential impacts on the surrounding community, must be provided by the sponsor and/or property owner at the time of application. The operations plan must that address the following elements to the satisfaction of the City:

- (a) Name and contact information for key staff;
- (b) Roles and responsibilities of key staff;
- (c) Site/facility management, including a security and emergency plan;
- (d) Site/facility maintenance;
- (e) Occupancy policies, including resident responsibilities and a code of conduct that address, at a minimum, the use or sale of alcohol and illegal drugs, threatening or unsafe behavior, and weapon possession;
- (f) Provision of human and social services, including staffing plan and outcome measures;
- (g) Outreach with surrounding property owners and residents and ongoing good neighbor policy;
- (h) Procedures for maintaining accurate and complete records; and
- (i) Additional information as requested by the Community Development Director to ensure current best practices for permanent supportive housing and transitional housing facilities are used.

(80) All facilities are subject to the regulations set forth in Chapter 22C.290 MMC, Emergency Housing and Shelters. Facilities with 30 or more residents require a Conditional Use Permit.

Section 7. Amendment of Municipal Code. MMC Section 22C.080.120, entitled Uses permitted in downtown Marysville zones, is hereby amended, as follows:

MMC 22C.080.120 Uses permitted in downtown Marysville zones.

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

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

(b) Conditional Use (C). If the letter "C" appears in the box at the intersection of the column and the row, the use is allowed subject to the conditional use review process and approval criteria as stated in Chapter [22G.010](#) MMC, conditional use approval criteria for that use, the development standards and other standards of this chapter.

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

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

(e) Additional Provisions. The references, notes, and/or standards in the "Additional Provisions" column apply to all such permitted uses, except for those that apply to particular zones as noted in subsection (1)(d) of this section.

(f) Unclassified Uses. See MMC [22A.010.070](#).

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

Table 22C.080.120

Permitted Use Table for Downtown Marysville Zones.

| | | | | | | | |
|--|-----------|-----------|----------|-----------|------------|------------|------------------------------|
| Table legend: <i>P = Permitted use</i> <i>C = Conditional use</i> <i>No letter = Use not permitted</i> | | | | | | | |
| Use Categories | DC | MS | F | MM | FH1 | MH2 | Additional Provisions |
| Residential Uses | | | | | | | |
| Dwelling Units, Types | | | | | | | |

Table 22C.080.120

Permitted Use Table for Downtown Marysville Zones.

| Table legend: P = Permitted use C = Conditional use No letter = Use not permitted | | | | | | | |
|---|-----------|-----------|----------|-----------|------------|------------|---|
| Use Categories | DC | MS | F | MM | FH1 | MH2 | Additional Provisions |
| <i>Note: Residential uses are not allowed on the ground floor facing a designated active ground floor block frontage (see MMC 22C.080.320). Lobbies for multifamily uses and live-work dwelling units are an exception, provided the units meet the standards in MMC 22C.080.320.</i> | | | | | | | |
| Single detached | | | | | | | |
| Single detached, existing | | | P | P | P | P | Single detached dwelling must be in existence as of September 27, 2021 |
| Duplex | | | | | P | P | |
| Townhouse | P | P | | P | P | P | |
| Multifamily | P | P | | P | | P | |
| Senior citizen assisted | P | | | P | C | C | |
| Group Residences | | | | | | | |
| Adult family home | P | P | P | P | P | P | Permitted within a single detached dwelling in existence as of September 27, 2021 Use is subject to obtaining a state license in accordance with Chapter 70.128 RCW |
| Home, rest, convalescent, or for the aged | P | | | P | | | |
| Residential care facilities | P | P | P | P | P | P | |
| Enhanced services facilities | P | | P | | | | Enhanced services facilities are permitted within the areas depicted in MMC 22C.280.050 , Figure 1 In the DC zone, enhanced services facilities shall be located above a permitted ground floor commercial use See Chapter 22C.280 MMC for enhanced services facility regulations |
| <u>Transitional Housing Facilities</u> | <u>P</u> | <u>P</u> | <u>P</u> | | | | <u>Provide an operations plan as outlined in 22C.010.070 (53) and 22C.020.070(79)</u> |

Table 22C.080.120

Permitted Use Table for Downtown Marysville Zones.

| Table legend: P = Permitted use C = Conditional use No letter = Use not permitted | | | | | | | |
|--|--------|----------------|--------|----------------|-----|----------------|---|
| Use Categories | DC | MS | F | MM | MH1 | MH2 | Additional Provisions |
| <u>Permanent Supportive Housing</u> | P | P | P | | | | <u>Provide an operations plan as outlined in 22C.010.070 (53) and 22C.020.070(79)</u> |
| <u>Emergency Housing</u> | P C | P C | P C | | | | <u>All facilities are subject to the regulations set forth in MMC Chapter 22C.290, Emergency Housing and Shelters. Facilities with 30 or more residents require a Conditional Use Permit.</u> |
| <u>Emergency Shelters - Indoor</u> | P C | P C | P C | | | | <u>All facilities are subject to the regulations set forth in MMC Chapter 22C.290, Emergency Housing and Shelters. Facilities with 30 or more residents require a Conditional Use Permit.</u> |
| Nonresidential Uses | | | | | | | |
| Amusement and entertainment | P | P ^x | P | | | | Operations shall be conducted entirely indoors ^x Excludes shooting ranges |
| Cultural, as listed below based on gross floor area (GFA): | | | | | | | |
| <10,000 sf GFA | P | P | P | C | C | C | |
| 10,000 – 20,000 sf GFA | P | C | P | C | C | C | |
| >20,000 sf GFA | P | | P | C | | | |
| Dancing, music and art center | P | C ^x | P | | | | ^x Use conditionally permitted with 10,000 – 20,000 sf GFA and prohibited over 20,000 sf GFA |
| Day care, as listed below: | | | | | | | Day care uses include child and adult day care and are subject to all state licensing requirements |
| Day care I | P | P | P | P | P | P | |
| Day care II | P | P | P | P ^x | | P ^x | |

Table 22C.080.120

Permitted Use Table for Downtown Marysville Zones.

| Table legend: P = Permitted use C = Conditional use No letter = Use not permitted | | | | | | | |
|---|-----------|-----------|----------|-----------|------------|------------|--|
| Use Categories | DC | MS | F | MM | FH1 | MH2 | Additional Provisions |
| | | | | | | | ^x Only as an accessory to residential use and subject to the criteria set forth in Chapter 22C.200 MMC |
| Education services | P | P | P | C | C | C | |
| Electric vehicular charging station | P | P | P | P | P | P | |
| Electric vehicular battery exchange | | | P | | | | |
| Essential public facilities | C | C | C | C | C | C | See Chapter 22G.070 MMC for the siting process for essential public facilities |
| General service uses, except those listed below: | P | P | P | | | | Operations shall be conducted entirely indoors |
| Small boat sales, rental and repair, equipment rentals, vehicle repair, commercial vehicle repair, car wash, mini-storage | | | | | | | |
| Government services, except those listed below: | P | P | P | P | P | P | |
| Public safety facilities, including police and fire | C | C | C | C | C | C | All buildings shall maintain a 20-foot setback from adjoining residential zones Any buildings from which firefighting equipment emerges onto a street shall maintain a distance of 35 feet from such street |
| Health services, except as listed below: | P | P | P | P | | | |
| Hospital | C | | C | | | | |
| Heavy service uses, except those listed below: | | | C | | | | |

Table 22C.080.120

Permitted Use Table for Downtown Marysville Zones.

| Table legend: P = Permitted use C = Conditional use No letter = Use not permitted | | | | | | | |
|--|----------------|-----------|----------|-----------|------------|------------|---|
| Use Categories | DC | MS | F | MM | FH1 | MH2 | Additional Provisions |
| Commercial vehicle storage, automotive rental and leasing | | | | | | | |
| Light industrial/ manufacturing, except as listed below: | P | | P | | | | Operations shall be conducted entirely indoors |
| Artisan manufacturing | P | P | P | | | | |
| Nursery | P ^x | | P | | | | ^x Retail only |
| Park, community center | P | P | P | P | P | P | |
| Personal services use | P | P | P | | | | Operations shall be conducted entirely indoors |
| Professional office | P | P | P | P | | | |
| Marina, dock and boathouse – private and noncommercial, boat launch | P | | P | | | | |
| Retail uses, as listed below and based on gross floor area (GFA)/individual use: | | | | | | | Excludes retail uses with exterior sales and/or storage areas greater than 15,000 sf GFA or occupying a greater area than the use’s building. |
| <2,500 sf GFA | P | P | P | P | C | C | |
| 2,500 – 20,000 sf GFA | P | P | P | | | | |
| 20,001 – 50,000 sf GFA | P | C | P | | | | |
| >50,000 sf GFA | P | C | P | | | | |
| Special retail sales uses: | | | | | | | |
| Eating and drinking places | P | P | P | C | | | |
| Gas station | P | | P | | | | |
| Heavy retail | | | C | | | | |
| State-licensed marijuana facilities | | | | | | | |

Table 22C.080.120

Permitted Use Table for Downtown Marysville Zones.

| Table legend: <i>P = Permitted use</i> <i>C = Conditional use</i> <i>No letter = Use not permitted</i> | | | | | | | |
|--|---|-----------|----------|-----------|------------|------------|--|
| Use Categories | DC | MS | F | MM | FH1 | MH2 | Additional Provisions |
| Temporary lodging | P | P | P | | | | |
| Temporary uses | See Chapter 22C.110 MMC | | | | | | |
| Regional Uses | | | | | | | |
| Regional uses, except as listed below: | | | | | | | |
| College | P | | P | C | C | C | |
| Transit park and pool lot | P | | P | P | P | P | |
| Opiate substitution treatment program facilities | P | | P | | | | MMC 22C.080.150 |
| Jail | C | | C | | | | |
| Regional stormwater facility | C | | C | C | C | C | |
| Public agency training facility | C | | C | | | | Except weapons armories and outdoor shooting ranges |
| Nonhydroelectric generation facility | C | | C | C | C | C | |
| Accessory Uses | | | | | | | |
| Dwelling units, accessory | | | | | P | P | MMC 22C.180.030 |
| Home occupations | P | P | P | P | P | P | Chapter 22C.190 MMC No signage is permitted in townhouse or multifamily buildings |

(Ord. 3196 § 3 (Exh. A), 2021; Ord. 3191 § 6 (Exh. B), 2021).

Section 8. Amendment of Municipal Code. MMC Section 22C.130.030, entitled Minimum required parking spaces, is hereby amended, as follows:

(1) Purpose. The purpose of required parking spaces is to provide enough parking to accommodate the majority of traffic generated by the range of uses which might locate at

the site over time. As provided in subsection (2)(e) of this section, bicycle parking may be substituted for some required parking on a site to encourage transit use and bicycling by employees and visitors to the site. The required parking numbers correspond to specific land use categories. Provision of carpool parking, and locating it closest to the building entrance, will encourage carpool use.

(2) Minimum Number of Parking Spaces Required.

(a) The minimum number of parking spaces for all zones and use categories is stated in Table 1.

(b) If the parking formula used to determine parking requirements results in a fractional number greater than or equal to one-half, the proponent shall provide parking equal to the next highest whole number.

(c) Changes in Occupancy. Whenever the occupancy classification of a building is changed, the minimum standards for off-street parking for the new occupancy classification shall be applicable; provided, that if the existing occupancy had established a legal nonconforming status with respect to off-street parking requirements, no additional off-street parking shall be required for the new occupancy unless said new occupancy is in a classification requiring more parking than that which would have been required for the existing occupancy if it had been subject to the provisions of this chapter. If strict application of this section is not feasible due to existing site conditions such as building or parcel size, shape or layout, a variance may be granted by the community development director.

(d) Joint Use Parking. Joint use of required parking spaces may occur where two or more uses on the same or separate sites are able to share the same parking spaces because their parking demands occur at different times. Joint use of required nonresidential parking spaces is allowed if the following documentation is submitted in writing to the community development department as part of a building or land use permit application, and approved by the community development director:

(i) The names and addresses of the uses and of the owners or tenants that are sharing the parking;

(ii) The location and number of parking spaces that are being shared;

(iii) An analysis showing that the peak parking times for the uses occur at different times and that the parking area will be large enough for the anticipated demands of both uses; and

(iv) A legal instrument such as an easement or deed restriction that guarantees access to the parking for both uses.

The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use shall be located within 500 feet of such parking facilities.

(e) Bicycle parking may substitute for up to 10 percent of required parking. For every five nonrequired bicycle parking spaces that meet the bicycle parking standards in MMC [22C.130.060](#), the motor vehicle parking requirement is reduced by one space. Existing parking may be converted to take advantage of this provision.

(f) The off-street parking and loading requirements of this chapter do not apply retroactively to established uses; however:

(i) The site to which a building is relocated must provide the required spaces; and

(ii) A person increasing the floor area, or other measure of off-street parking and loading requirements, by addition or alteration, must provide spaces as required for the increase, unless the requirement under this subsection is five spaces or fewer.

(g) Reduction of Required Spaces When Effective Alternatives to Automobile Access Are Proposed. Upon demonstration to the hearing examiner that effective alternatives to automobile access are proposed to be implemented, the examiner may reduce by not more than 40 percent the parking requirements otherwise prescribed for any use or combination of uses on the same or adjoining sites, to an extent commensurate with the permanence, effectiveness, and demonstrated reduction in off-street parking demand achieved by such alternative programs. Alternative programs which may be considered by the examiner under this provision include, but are not limited to, the following:

(i) Private vanpool operation;

(ii) Transit/vanpool fare subsidy;

(iii) Imposition of a charge for parking;

(iv) Provision of subscription bus services;

(v) Flexible work-hour schedule;

(vi) Capital improvement for transit services;

(vii) Preferential parking for carpools/vanpools;

(viii) Participation in the ride-matching program;

(ix) Reduction of parking fees for carpools and vanpools;

(x) Establishment of a transportation coordinator position to implement carpool, vanpool, and transit programs; or

(xi) Bicycle parking facilities.

(h) Uses Not Mentioned. In the case of a use not specifically mentioned in Table 1: Minimum Required Parking Spaces, the requirements for off-street parking shall be determined by the community development director. If there are comparable uses, the community development director’s determination shall be based on the requirements for the most comparable use(s). Where, in the judgment of the community development director, none of the uses in Table 1: Minimum Required Parking Spaces are comparable, the community development director may base his or her determination as to the amount of parking required for the proposed use on detailed information provided by the applicant. The information required may include, but not be limited to, a description of the physical structure(s), identification of potential users, and analysis of likely parking demand.

(3) Carpool Parking. For office, industrial, and institutional uses where there are more than 20 parking spaces on the site, the following standards must be met:

(a) Five spaces or five percent of the parking spaces on site, whichever is less, must be reserved for carpool use before 9:00 a.m. on weekdays. More spaces may be reserved, but they are not required.

(b) The spaces will be those closest to the building entrance or elevator, but not closer than the spaces for disabled parking and those signed for exclusive customer use.

(c) Signs must be posted indicating these spaces are reserved for carpool use before 9:00 a.m. on weekdays.

Table 1: Minimum Required Parking Spaces

| LAND USE | MINIMUM REQUIRED SPACES |
|---|---|
| RESIDENTIAL USES | |
| 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 | 1 per dwelling unit |
| 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. |

Table 1: Minimum Required Parking Spaces

| LAND USE | MINIMUM REQUIRED SPACES |
|---|---|
| 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 |
| <u>Emergency Housing, Emergency Shelters – Indoor, Transitional Housing Facilities and Permanent Supportive Housing</u> | <u>As determined by the Community Development Director with no less than a minimum of 1 per 2 employees plus 1 per 5 residents (3 spaces minimum).</u> |
| RECREATIONAL/CULTURAL USES | |
| Movie theaters | 1 per 4 seats |
| Stadiums, sports arenas and similar open assemblies | 1 per 8 seats or 1 per 100 SF of assembly space without fixed seats |
| Dance halls and places of assembly without fixed seats | 1 per 75 SF of gross floor area |
| Bowling alleys | 5 per lane |
| Skating rinks | 1 per 75 SF of gross floor area |
| Tennis courts, racquet clubs, handball courts and other similar commercial recreation | 1 space per 40 SF of gross floor area used for assembly, plus 2 per court |
| Swimming pools (indoor and outdoor) | 1 per 10 swimmers, based on pool capacity as defined by the Washington State Department of Health |
| Golf courses | 4 spaces for each green, plus 50% of spaces otherwise required for any accessory uses (e.g., bars, restaurants) |
| Gymnasiums, health clubs | 1 space per each 200 SF of gross floor area |
| Churches, auditoriums and similar enclosed places of assembly | 1 per 4 seats or 60 lineal inches of pew or 40 SF gross floor area used for assembly |
| Art galleries and museums | 1 per 250 SF of gross floor area |
| COMMERCIAL/OFFICE USES | |

Table 1: Minimum Required Parking Spaces

| LAND USE | MINIMUM REQUIRED SPACES |
|--|---|
| Banks, business and professional offices (other than medical and dental) with on-site customer service | 1 per 400 SF gross floor area |
| Retail stores and personal service shops unless otherwise provided herein | If < 5,000 SF floor area, 1 per 600 SF gross floor area; if > 5,000 SF floor area, 8 plus 1 per each 300 SF gross floor area over 5,000 SF |
| Grocery stores | 1 space per 200 SF of customer service area |
| Barber and beauty shops | 1 space per 200 SF |
| Motor vehicle sales and service | 2 per service bay plus 1 per 1,000 SF of outdoor display |
| Motor vehicle or machinery repair, without sales | 2 plus 2 per service bay |
| Mobile home and recreational vehicle sales | 1 per 3,000 SF of outdoor display area |
| Motels and hotels | 1 per unit or room |
| Restaurants, taverns, bars with on-premises consumption | If < 4,000 SF, 1 per 200 SF gross floor area; if > 4,000 SF, 20 plus 1 per 100 SF gross floor area over 4,000 SF |
| Drive-in restaurants and similar establishments, primarily for auto-borne customers | 1 per 75 SF of gross floor area. Stacking spaces shall be provided in accordance with Chapter 22C.140 MMC, Drive-Through Facilities |
| Shopping centers | If < 15,000 SF, 1 per 200 SF of gross floor area; if > 15,000 SF, 1 per 250 SF of gross floor area |
| Day care centers | 1 space per staff member and 1 space per 10 clients. A paved unobstructed pick-up area shall be set aside for dropping off and picking up children in a safe manner that will not cause the children to cross the parking area or lines of traffic. |
| Funeral parlors, mortuaries or cemeteries | 1 per 4 seats or 8 feet of bench or pew or 1 per 40 SF of assembly room used for services if no fixed seating is provided |
| Gasoline/service stations with grocery | 1 per employee plus 1 per 200 SF gross floor area |
| Adult facilities as defined by MMC 22A.020.020 | 1 per 75 SF of gross floor area or, in the case of an adult drive-in theater, 1 per viewing space |
| HEALTH SERVICES USES | |
| Nursing homes, convalescent homes for the aged | 1 per 5 beds plus 1 space per employee and medical staff |
| Medical and dental clinics | 1 per 200 SF gross floor area |

Table 1: Minimum Required Parking Spaces

| LAND USE | MINIMUM REQUIRED SPACES |
|---|---|
| Hospitals | 1 per 2 beds, excluding bassinets |
| EDUCATIONAL USES | |
| Elementary, junior high schools (public and private) | 5 plus 1 per each employee and faculty member |
| Senior high schools (public and private) | 1 per each 10 students plus 1 per each employee or faculty member |
| Commercial/vocational schools | 1 per each employee plus 1 per each 2 students |
| PUBLIC/GOVERNMENT USES | |
| Public utility and governmental buildings | 1 per 400 SF of gross floor area |
| Libraries | 1 per 250 SF of gross floor area |
| MANUFACTURING/WAREHOUSE USES | |
| Manufacturing and industrial uses of all types, except a building used exclusively for warehouse purposes | 1 per 750 SF of gross floor area plus office space requirements |
| Warehouses, storage and wholesale businesses | 1 per 2,000 SF of gross floor area plus office space requirements |
| Mini self-storage | 1 per each 50 storage cubicles equally distributed and proximate to storage buildings. In addition, 1 space for each 50 storage cubicles to be located at the project office. |

(Ord. 3193 § 22, 2021; Ord. 3156 § 2, 2020; Ord. 3115 § 3, 2018; Ord. 3054 § 15, 2017; Ord. 2898 § 13, 2012; Ord. 2852 § 10 (Exh. A), 2011).

Section 9. Amendment of Municipal Code. MMC Title 22C *Land Use Standards* is hereby amended by adopting a new chapter MMC 22C.290 *Emergency Housing and Shelters*, as follows:

22C.290.010 Purpose.

The purpose of this section is to:

- (1) Establish reasonable standards to allow and establish a review process for the location, siting and operation of emergency housing and shelters as defined in MMC 22A.020.060; and
- (2) Protect public health and safety of the residents and broader community by requiring safe operation of the facilities.

22C.290.020 Applicability.

- (1) The standards in this section apply to emergency housing and emergency shelters, as defined in MMC 22A.020.060.
- (2) This chapter does not include regulations for temporary transitory accommodations, transitional housing or permanent supportive housing.

22C.290.030 Pre-Application and Application.

- (1) At least fifteen (15) days prior to filing an application with the City to establish an emergency housing or emergency shelter facility, the owner and/or sponsor shall mail written notice to owners within 600 feet of the boundaries of the proposed site and to the Community Development Director of their intention to establish the facility. The notice shall list the name and contact information for the owner and/or sponsor, if any, in order to provide neighboring property owners the opportunity to contact them with questions, and include a description of the proposed facility, its location, and proposed number of residents. The owner or sponsor shall address questions or concerns from neighboring property owners, to the extent possible, in the operations/management plan required by MMC 22C.290.040(g). When the formal application for the supportive housing facility is received, notice of application shall be provided in accordance with MMC 22G.010.090.
- (2) Permit applications for an emergency housing or emergency shelter facility must be made on forms prescribed by the city.

22C.290.040. General Requirements for all Supportive Housing Facilities.

- (1) Emergency housing and emergency shelter facilities shall comply with MMC Title 16, Building.
- (2) If provided, exterior lighting must be directed downward and glare must be contained within the facility site to limit the impact on neighboring properties. Additional lighting may be provided if requested by neighboring properties.
- (3) The sponsor and/or property owner shall ensure compliance with Washington State laws and regulations, the Marysville Municipal Code (MMC), and Snohomish Health District regulations.
- (4) Parking requirements shall be in accordance with Chapter 22C.130 MMC, Parking and Loading. No on-street parking shall be allowed.
- (5) An operations plan must be provided by the sponsor and/or property owner at the time of application that addresses the following elements to the satisfaction of the City:
 - (a) Name and contact information for key staff;
 - (b) Roles and responsibilities of key staff;
 - (c) Site/facility management, including a security and emergency plan;
 - (d) Site/facility maintenance;
 - (e) Occupancy policies, including resident responsibilities and a code of conduct that address, at a minimum, the use or sale of alcohol and illegal drugs, threatening or unsafe behavior, and weapon possession;
 - (f) Provision of human and social services, including staffing plan and outcome measures;
 - (g) Outreach with surrounding property owners and residents and ongoing good neighbor policy; and
 - (h) Procedures for maintaining accurate and complete records.

- (i) Additional information as requested by the Community Development Director to ensure current best practices for emergency housing and indoor emergency shelters are used.
- (6) A description of transit, pedestrian, and bicycle access from the subject site to services must be provided at time of application by the sponsor and/or the property owner.
- (7) On-site supervision must be provided at all times, unless it can be demonstrated through the operations plan that this level of supervision is not warranted for the population being housed. Details related to on-site supervision, such as the persons/positions identified for on-site supervision and shift schedule are required.
- (8) Sponsors and/or owners shall either:
 - (a) Demonstrate experience providing similar services to people experiencing homelessness; or
 - (b) Provide certifications or academic credentials in an applicable human service field.
 - (c) Should a sponsor and/or managing agency not have any of the preceding qualifications, additional reasonable measures may be required to minimize risk to both residents of the supportive housing facility and the broader community.
- (9) Sponsors and/or owner shall demonstrate a stable funding source for the facility and any on-site or off-site human and social services offered as part of the operations plan.
- (10) The sponsor and/or managing agency shall designate points of contact and provide contact information (24-hour accessible phone contact) to the Marysville Police Department (MPD).
- (11) Facilities shall not be located closer than 600 feet to an elementary school, middle school, or high school. For the purposes of this subsection, distance shall be measured in a straight line between the closest property line of the existing school and the closest property line of the proposed facility.
- (12) In residential zones, no more than one adult bed per 200 square feet of floor area is allowed per facility
- (13) Residents shall have access to the following services on-site; if not provided on-site, transportation shall be provided to each service:
 - (a) For all facilities, medical services, including mental and behavioral health counseling.
 - (b) For emergency housing facilities, access to resources on obtaining permanent housing and access to employment and education assistance.
 - (c) For emergency shelter facilities, substance abuse assistance.
- (14) In residential zones, social services for people experiencing homelessness must be provided off-site. Direct intake of residents at the site is not allowed, unless approved by the City with additional details provided in the operations plan.
- (15) Trash receptacles must be provided in multiple locations throughout the facility and site. A regular trash patrol in the immediate vicinity of the site must be provided.
- (16) All functions associated with the facility, including adequate waiting space, must take place within a building or on the site proposed to house the facility.
- (17) The number of toilets and other hygiene facilities required for each facility will be determined by the Community Development Director on a case-by-case basis in consultation with the Snohomish Health District after a review of factors such as the potential number and composition of residents.
- (18) Facilities serving more than five residents shall have dedicated space for residents to meet with service providers.

- (19) Residents and staff must comply with all Snohomish Health District requirements related to food donations.
- (20) No children under the age of 18 are allowed to stay overnight in the facility, unless accompanied by a parent or guardian, or unless the facility is licensed to provide services to this population. If a child under the age of 18 without a parent or guardian present attempts to stay in a facility not specifically licensed for providing housing to youth, the sponsor and/or managing agency shall immediately contact Child Protective Services and actively endeavor to find alternative housing for the child.
- (21) For health and safety reasons, the sponsor and/or managing agency shall perform background checks and obtain verifiable identification information, including full name and date of birth, from current and prospective residents, and shall keep a log containing this information.
- (22) Level 1 sex offenders may be permitted in the facility, following the registration requirements. Level 2 and Level 3 sex offenders are prohibited from the facility. Should the sponsor and/or managing agency become aware of a current or prospective facility resident who is an unregistered sex offender, it shall immediately contact the Marysville Police Department. The sponsor and/or managing agency shall provide notice to prospective residents that the sponsor and/or managing agency will report any current or prospective resident who is an unregistered sex offender to the Marysville Police Department.
- (23) The sponsor or managing agency shall coordinate with the homelessness service providers for referrals to their program and with other providers of facilities and services for people experiencing homelessness to encourage access to all appropriate services for their residents.

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:

| <u>Ordinance</u> | <u>Title (description)</u> | <u>Effective Date</u> |
|------------------|--|-----------------------|
| _____ | Transitional Housing Facilities, Permanent Supportive Housing, Emergency Housing and Emergency Shelters - Indoor | _____, 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)