


**CITY OF MARYSVILLE AGENDA BILL**

**EXECUTIVE SUMMARY FOR ACTION**

**CITY COUNCIL MEETING DATE: October 03, 2022**

<b>AGENDA ITEM:</b>	
Consider holding a public hearing on October 24, 2022 to extend the interim regulations established by Ordinance 3216, adopted May 23, 2022, related to the maximum residential density allowed in the Community Business zone by amending MMC Section 22C.020.080.	
<b>PREPARED BY:</b>	<b>DIRECTOR APPROVAL:</b>
Haylie Miller, Community Development Director	
<b>DEPARTMENT:</b>	
Community Development	
<b>ATTACHMENTS:</b>	
<ol style="list-style-type: none"><li>1. Staff memorandum to City Council</li><li>2. Proposed Ordinance</li><li>3. Ordinance 3216</li><li>4. Map of Community Business zoned properties</li><li>5. Density Regulation examples</li></ol>	
<b>BUDGET CODE:</b>	<b>AMOUNT:</b>
N/A	N/A
<p><b>SUMMARY:</b> On May 23, 2022, the City Council adopted Ordinance 3216 (Attachment 3), establishing six-month interim development regulations related to the maximum residential density allowed in the Community Business (CB) zone by amending MMC Section 22C.020.080. Under RCW 36.70A.390, a city may adopt interim regulations, provided it holds a hearing on the interim regulation within 60 days of establishing the regulation. A public hearing on the interim regulations was held on July 11, 2022.</p> <p>The Economic Development Committee and Staff recommend that the City Council consider extending the interim regulations adopted in Ordinance 3216 (Attachment 3) by six months. This action would continue to limit residential to a maximum of 12 units per acre with commercial uses required on the ground floor. During the extended interim regulation timeframe, staff proposes to create a form based code and/or pursue a master plan approach for the currently vacant, approximately 100-acre CB zoned area, south of the Gissberg Twin Lakes Park referred to as Area 1 (Attachment 4).</p> <p>Staff recommends that City Council direct staff work with the Planning Commission to craft a permanent code to ensure that the area is developed with commercial as well as residential uses, allow for more flexible regulations related to the minimum commercial requirements and to identify a more meaningful placement of commercial spaces within the area. The code change may then be forwarded to the EDC and the full City Council for review.</p>	
<p><b>RECOMMENDED ACTION:</b> Consider extending the interim regulations established in Ordinance 3216 by six months. Hold a public hearing on October 24, 2022 to review and approve a new interim ordinance.</p> <p><b>RECOMMENDED MOTION:</b> I recommend that staff schedule a public hearing on October 24, 2022 to consider extending the interim regulations outlined in Ordinance 3216.</p>	



## MEMORANDUM

**TO:** City Council

**FROM:** Haylie Miller, Community Development Director

**DATE:** October 03, 2022

**SUBJECT:** Code Amendments for the Community Business (CB) Zone, MMC 22C.020

**CC:** Gloria Hirashima, Chief Administrative Officer  
Chris Holland, Planning Manager  
Angela Gemmer, Principal Planner

### Recommendation:

The Economic Development Committee and Staff recommends that the City Council consider extending the interim regulations adopted in Ordinance 3216 (Attachment 3) by six months. This action would continue to limited residential to a maximum of 12 units per acre with commercial uses required on the ground floor.

During the extended interim regulation timeframe, staff proposes to create a form based code and/or pursue a master plan approach for the vacant, approximately 100-acre CB zoned area<sup>1</sup>, south of the Gissberg Twin Lakes Park herein referred to as Area 1.

Staff recommends that City Council direct staff to work with the Planning Commission to craft a permanent code to ensure that the area is developed with commercial as well as residential uses, allow for more flexible regulations related to the minimum commercial requirements and to identify a more meaningful placement of commercial spaces within the area. The code change may then be forwarded to the EDC and the full City Council for review.

### CB Zone Issue - Legislative History:

The following sections provide an overview of the history and legislative actions to date related to this land use issue.

### Background:

Neither the County's Buildable Lands Report nor the City's Comprehensive Plan have assigned residential density to the Community Business zone as its primary use was envisioned to be commercial in nature.

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<sup>1</sup> See area 1, south of Twin Lakes in Attachment 4.

As summarized in the Land Use Element of the Comprehensive Plan, the commercial areas in Marysville initially were located in the Downtown area and expanded along State Avenue and Smokey Point Boulevard. Improving these areas and increasing the jobs-to-housing ratio in the City are important to Marysville residents. The Community Business designation is one of a series of commercial land use categories identified in the Land Use Element to provide adequate and convenient supply of goods and services for Marysville residents, including workers and the traveling public. The CB zone is intended to furnish space for a wide variety of general retail activities and services, serving a number of neighborhoods.

The Comprehensive Plan further states, the CB zone is intended to serve a larger area than one neighborhood, but remain auxiliary to Marysville's downtown. Activities in this land use would be more automobile-oriented, serving a larger area and, therefore, might require an automobile to reach them. The uses would be such that one might go to an area and be able to run several errands or accomplish several tasks in one or two stops. Activities that might be permitted could be department and large grocery stores, along with other uses that would draw people from many areas, as opposed to just the immediate neighborhood. Some personal services and office uses would also be permitted. The land use is intended for small individual businesses or an integral complex of several firms or businesses serving retail, office, and personal services.

The criteria and standards listed in the Land Use Element for the CB land use designation<sup>2</sup> are provided below:

**i. Criteria and Standards**

- **Site Size:** 5 - 20 acres; serving radius: 1 1/2 - 2 mile (15 - 20,000 population)
- **Types of Stores:** department and large grocery stores; other uses that need the support of several neighborhoods rather than a single neighborhood; personal services and offices; individual, small businesses or an integral complex of several firms or businesses serving retail, office, and personal services
- **Access:** Arterial streets
- **Number of Stores:** 15-25, range of gross floor area: 100,000 - 200,000 sq. ft.
- **Implementation:** Some commercial activities that have a repair or light industrial component should be included here, e.g. bike sales and repair, coffee roasting (if in conjunction with a shop), shoe sales and repair, candy sales and manufacture, computer sales and service, dry cleaning plants and retail, jewelry and watch sales and repairs, hardware, appliances, and electrical items sales and service (these could be limited by size, to

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<sup>2</sup> As outlined in section IV.C.II.c.i., of the Land Use Element of the [Comprehensive Plan](#).

differentiate which should be in General Commercial, and which here); as well as other commercial activities such as banks, fabric stores, luggage and leather goods, barber and beauty shops, automotive and boat sales, trade or business schools, hobby, toy and game shops, laundromats, sun tanning salons, second hand stores, pawn shops. Day care I are permitted within existing single family residences. Automotive repair and service is a conditional use. Things which should not be located in this land use are foundries or metal fabrication, flour, feed, and seed processing, go-cart tracks, race tracks, and outdoor storage.

- ii. Identification of Areas: For the general location of commercial land uses. Other land uses may also occupy these areas. For more detailed location information, see the Planning Area maps in Section G of the Land Use Element.

### **Marysville Municipal Code (MMC) Background:**

The primary intent of MMC Section 22C.020.030 (2) Community Business and Community Business – Whiskey Ridge Zones is provided below.

- (a) The purpose of the community business (CB) and community business – Whiskey Ridge (CB-WR) zones is to provide convenience and comparison retail and personal services for local service areas which exceed the daily convenience needs of adjacent neighborhoods but which cannot be served conveniently by larger activity centers, and to provide retail and personal services in locations within activity centers that are not appropriate for extensive outdoor storage or auto-related and industrial uses. These purposes are accomplished by:
  - (i) Providing for limited small-scale offices as well as a wider range of the retail, professional, governmental and personal services than are found in neighborhood business areas;
  - (ii) Allowing for a mix of housing and retail/service uses; provided, that housing is not allowed in the community business – Whiskey Ridge zone; and
  - (iii) Excluding commercial uses with extensive outdoor storage or fabrication and industrial uses.
- (b) Use of this zone is appropriate in community business areas that are designated by the comprehensive plan and are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services.

## **Discussion:**

City of Marysville Planning staff have received several inquiries over the last year related to high density residential uses within the CB zone. Some inquires have proposed hundreds of units on parcels zoned CB, with minimal to no commercial uses.

The market is highly conducive to residential uses and many applicants are seeking to develop large multifamily development projects in this zone throughout the City. The developments typically include as minimal commercial uses as possible to address the minimum code requirements. The CB zone currently permits multifamily units; however, all units must be located above a street-level commercial use. Inquiries have included multifamily amenities, such as, ground level parking, leasing offices, recreational facilities, live-work units, etc. The amenities proposed have been for private tenant use rather than traditional commercial uses available to the public.

## **Proposed Amendment Background:**

### ***Planning Commission Review***

On April 12, 2022 the Planning Commission held a workshop session to consider several alternatives provided by staff below:

1. Maintain the existing code. The CB zone currently permits multifamily uses above a street-level commercial use at a base density of 12 dwelling units per gross acre with no maximum density, through utilization of Residential Density Incentive provisions.
2. Remove multifamily uses as a permitted use in the CB zone.
3. Reduce the base and maximum multifamily densities in the CB zone.
4. Reduce the maximum height of mixed use buildings in the CB Zone.

The Planning Commission recommended the approach outlined in Alternative 1 above, resulting in no code change. This approach maintains the existing code that requires commercial uses on the first level with an unlimited amount of multifamily units above the first level, subject to the current maximum allowable building height.

Some Planning Commissioners noted that commercial construction is not viable at this time and that residential uses are needed to bridge the housing shortage in Marysville. The Planning Commission further suggested that there be more flexible options on the first level. Examples included, structured parking in place of required commercial uses or to allow a flex type use which would allow the space to be built for commercial uses but occupied by residential until a future date when commercial uses may be more feasible. This concept is currently allowed in Arlington.

Staff recommended that, at the very least, the code be maintained to require 100 percent commercial uses on the first level, with the exception of a limited number of ADA units (as cited in code). Staff cautioned against allowing any further flexibility in the code related to multifamily uses in the CB zone.

The majority of the Planning Commission was in support of Alternative 1 while one commissioner was not, and requested that a conditional use permit or other flexibility measures be implemented to allow for multifamily-only developments in this zone on a case-by-case basis, or on a temporary or permanent basis.

### ***City Council Review***

The City Council reviewed the alternatives and the Planning Commission's recommendation during the May 2<sup>nd</sup> and May 9<sup>th</sup> City Council meetings, including one additional alternative (Alternative 5). Alternative 5 contemplates rezoning one area or all areas in the CB zone.

The City Council ultimately directed staff to schedule a public hearing on May 23, 2022 to consider Alternative 3 (as referenced above) – to reduce the maximum density in the CB Zone.

On May 23<sup>rd</sup>, the City Council adopted Ordinance 3216, which established interim development regulations related to the maximum residential density allowed in the Community Business zone by amending MMC Section 22C.020.080. The purpose of the interim regulation is to allow adequate time for the City to effectively analyze and prepare regulations related to multifamily uses in the CB zone. The formal public hearing related to the interim regulations was held on July 15<sup>th</sup>.

Following the public hearing, staff indicated that the interim regulations set forth in Ordinance 3216 are in effect for six months and automatically expire at the conclusion of that six month period (November 23, 2022). Council adopted the proposed amendment below, requiring a base and max density of 12 units per acre.

The City Council directed Staff to bring this issue to the EDC to review in more detail prior to forwarding to the full council to discuss the design regulations for commercial uses and the options for a permanent code change related to density<sup>3</sup>.

### **Economic Development Committee Review:**

This item was briefly discussed during the July 25, 2022 Economic Development Committee meeting. The EDC directed staff to speak further with applicants about the issue and investigate if there was an appropriate balance of retail versus multifamily uses in Area 1. Staff met with

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<sup>3</sup> Examples of various density ranges for projects are provided in Attachment 5.

five retail experts in the region about this vacant CB zoned area. Staff summarized the following key issues with the retail experts during each meeting:

- The current CB zone requires 100 percent commercial uses on the first level with multifamily units on top of the commercial.<sup>4</sup>
- Several applicants have contacted the City about Area 1, asking if the CB zone could allow for all multifamily or substantially less commercial in order for the project to pencil. Many applicants explained that if commercial uses were included in a project, the commercial spaces would likely be vacant and the pro forma assigned zero profit for these units.
- Staff and applicants have noted that the market may not be conducive for ground floor commercial uses in every building located in this approximately 100-acre area. This may mean that this site will be undeveloped for several years.
- Staff pointed out that the City “held out” for over thirty years in order to carry out the job-oriented, industrial vision for the Cascade Industrial Center (CIC). Many applicants over the years requested to do residential uses there and the answer from the City was no. This approach/direction may be needed for the CB zone in order to preserve the commercial areas in Marysville.
- A pre-application has been submitted in May 2022 for a vertical mixed use development with approximately 528 multifamily units through the application of Residential Density Incentives (RDI). Under the interim regulations, the project would yield 293 units at 12 units per acre. There has been no further activity from this developer since they were informed about the adoption of interim regulations.
- Staff was concerned the original vision for this area (which was primarily commercial in nature due to the proximity to I-5 and the future 156<sup>th</sup> I-5 interchange) was changing into multifamily residential with little commercial components.
- The City Council adopted interim regulations (Ordinance 3216 – Attachment 2) to reduce the amount of multifamily units permitted from no maximum limit down to 12 units per acre.
- There appears to be mixed directions provided by the City Council on whether to leave the zone as-is and let the market decide what develops there versus restricting multifamily uses in order to preserve the commercial nature of the area and encourage dense, multifamily development in other areas of the City.

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<sup>4</sup> 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 following questions/comments/suggestions were provided by the retail experts to staff:

- Where does Marysville want to see dense multifamily, long term?
- Where does Marysville want to see commercial, long term?
- If a reduced amount of commercial is required in Area 1, dense multifamily will likely result in that area.
- Will this area (if dense multifamily is allowed) compete with Downtown?
- Commercial thrives with very good access and good parking. Area 1 (currently) is not as easily accessible as the development to the north where Costco is. It appears to be off the main drag. Most consumers will stop somewhere else on the way to this area. Note: this will likely change when the 156<sup>th</sup> interchange is constructed and when access is provided to the west, over the BNSF right of way thus increasing AM and PM trips in the area.
- Area 1 cannot compete with big box stores in the area, located north of the site (Costco area) and east of the site (Lowe's, Walmart in Arlington) and south of the site (Outlet mall, other big boxes in Tulalip).
- Local and/or specialty retail would work the best in the area based on its location to other commercial uses.
- A livable, specifically designed community would be ideal here. This area could serve as a north anchor hub in Marysville and cater to the new incoming approximately 20,000 CIC workers.
- Be careful to not compete with the Downtown and Waterfront revitalizations.
- Master planning and/or a form based code approach was suggested by all parties.
- Retail would work best on the corners of residential buildings or along certain arterials. Retail would not work best under all buildings in this large area based on the commercial uses in the surrounding area.

Staff believes this area needs a more specific plan (potentially similar to the City's 88<sup>th</sup> Street Master Plan) with a more focused vision in order for it to be successful. Staff proposes that the EDC consider recommending that the Council extend the interim regulations to require 12 units per acre for the CB area in the meantime. This will prevent the area from developing with an unlimited amount of residential units with empty commercial units on the ground level. In addition, staff believes there is a benefit to providing a specific plan for this area in order to strategically locate retail uses in meaningful areas along arterial roads, between I-5 and the residential uses and on the corners of the buildings.

This plan could result in *equal or less* commercial overall but would provide a more meaningful community design in that area. Staff believes the area could inadvertently compete with Downtown (if the area allows for a substantial amount of residential units) and would like to spend more time researching the best approach.



Staff recommended to the Economic Development Committee that the interim regulations (allowing up to 12 units per acre) be extended for six months after the expiration date on November 23, 2022. Staff recommended that a permanent code change be drafted to reduce units but allow for more flexible regulations related to the commercial minimums and placement of commercial spaces in the development.

The Economic Development Committee directed staff to forward this issue to the City Council with the recommendation as presented on page 1 of this memo.

CITY OF MARYSVILLE  
Marysville, Washington

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARYSVILLE, WASHINGTON, RENEWING FOR AN ADDITIONAL SIX MONTHS THE INTERIM DEVELOPMENT REGULATIONS ESTABLISHED BY ORDINANCE 3216, WHICH RELATED TO THE MAXIMUM DENSITY: DWELLING UNIT/ACRE IN THE COMMUNITY BUSINESS ZONE AND WHICH AMENDED MMC SECTION 22C.020.080.**

WHEREAS, RCW 35A.63.220 provides cities the right to establish and adopt interim development regulations; and

WHEREAS, to promote public health, safety, aesthetics, and welfare, the City of Marysville (the “City”) provides development regulations for the permitting of certain uses within specific zoning districts; and

WHEREAS, the Community Business zone was originally envisioned to be primarily commercial in nature, and neither the County’s Buildable Lands Report nor the City’s Comprehensive Plan assigned residential density to the Community Business zone; and

WHEREAS, multiple-family dwelling units are currently a permitted use within the Community Business zone, subject to certain conditions, including that residential units be located above a street-level commercial use (with the exception for the allowance of two ADA units on the street level, subject to an approved conditional use permit); and

WHEREAS, the market is currently highly conducive to residential uses, and City staff have received several development inquiries related to exclusive multi-family development within the Community Business (CB) zone and inquiries with minimal commercial uses proposed; and

WHEREAS, the development inquiries within the Community Business zone are inconsistent with the original vision for this zone; and

WHEREAS, the Community Business zone is spread throughout different locations of the City, which different locations have undergone differing levels of growth and development over the past several years; and

WHEREAS, the changed market conditions in differing portions of the Community Business zone may warrant a rezone of certain parts of the Community Business zone; and

WHEREAS, on May 23, 2022, the City Council adopted Ordinance 3216, which adopted interim development regulations that established residential density limits in the Community Business zone, by amending MMC 22C.020.080 (which Ordinance 3216 is attached hereto as **Exhibit A**); and

WHEREAS, the City adopted Ordinance 3216 in order to provide it time to consider: (a) the appropriateness of multiple-family dwelling units as a permitted use within the Community Business zone as a whole; (b) potential density requirements on multiple-family dwelling units in the Community Business zone; and (c) a potential rezone of certain portions of the Community Business zone; and

WHEREAS, Ordinance 3216 expires on November 23, 2022; and

WHEREAS, RCW 35A.63.220 authorizes the renewal of interim regulations for an additional six-month period, effective November 23, 2022; and

WHEREAS, the City has determined that renewal of the interim development regulations as adopted by Ordinance 3216 is necessary to allow adequate time for the City to effectively analyze and develop new development regulations sufficient to provide for appropriate permitting of residential land uses in the Community Business zone, and to allow adequate time for the City to consider a potential rezone of certain portions of the Community Business zone; and

WHEREAS, pursuant to RCW 35A.63.220, on October 24, 2022, the City Council conducted a public hearing on the renewal of the interim development regulations as adopted by Ordinance 3216 and took public testimony and considered findings of fact.

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

Section 1. Findings of Fact. The recitals set forth above are hereby adopted as the City Council's findings of fact in support of the renewal of the interim development regulations adopted by Ordinance 3216.

Section 2. Renewal of Interim Development Regulations; Duration. The interim development regulations adopted by Ordinance 3216 on May 23, 2022, attached hereto as **Exhibit A**, are renewed and shall remain in full force and effect for six (6) months following the effective date of this Ordinance.

Section 3. 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 4. Correction. Upon approval by the City Attorney, the City Clerk or the code reviser are authorized to make necessary corrections to this Ordinance, including scrivener's errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections.

Section 5. Effective Date. This ordinance shall become effective on November 24, 2022.

PASSED by the City Council and APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

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: \_\_\_\_\_

## EXHIBIT A

### 22C.020.080 Densities and dimensions.

(1) Interpretation of Tables.

(a) Subsection (2) of this section contains general density and dimension standards for the various zones and limitations specific to a particular zone(s). Additional rules and exceptions, and methodology, are set forth in MMC [22C.020.090](#).

(b) The density and dimension table is arranged in a matrix format and is delineated into the commercial, industrial, recreation and public institutional use categories.

(c) Development standards are listed down the left side of the table, and the zones are listed at the top. The matrix cells contain the minimum dimensional requirements of the zone. The parenthetical numbers in the matrix identify specific requirements applicable either to a specific use or zone. If more than one standard appears in a cell, each standard will be subject to any applicable parenthetical footnote set forth in MMC [22C.020.090](#).

(2) General Densities and Dimension Standards.

Standards	NB	CB	GC	MU (12)	LI	GI	BP	REC	P/I	WR-MU (15)	WR-CB (15)
Base density: Dwelling unit/acre	None (18)	12	12	28 (1)	0	0	0	0	0	12	0
Maximum density: Dwelling unit/acre	None (18)	<del>None (13)</del> 12	None (13)	28	0	0	0	0	0	18 (13)	0
Minimum street setback (3)	20 feet	None (7)	None (7)	None (7, 8)	None (7)	None (7)	None (7)	20 feet	None (7, 8)	None (7, 8, 14)	None (7, 14)
Minimum interior setback	10 feet (side) 20 feet (rear)	None (4)	None (4)	None (9)	None (4) 50 feet (5)	None (4) 50 feet (5)	None (4)	None (4)	None (4)	5 feet (9, 16, 17)	None (4)
Base height (6)	25 feet	55 feet	35 feet	45 feet	65 feet	65 feet	45 feet	35 feet	45 feet	45 feet	55 feet
Maximum impervious surface: Percentage	75%	85%	85%	85%, 75% (11)	85%	85%	75%	35%	75%	85%, 75% (11)	85%

**CITY OF MARYSVILLE**  
**Marysville, Washington**  
**ORDINANCE NO. 3216**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARYSVILLE, WASHINGTON, ADOPTING INTERIM DEVELOPMENT REGULATIONS RELATING TO THE MAXIMUM DENSITY: DWELLING UNIT/ACRE IN THE COMMUNITY BUSINESS ZONE BY AMENDING MARYSVILLE MUNICIPAL CODE SECTION 22C.020.080; SETTING FORTH FINDINGS OF FACT IN SUPPORT OF THE INTERIM DEVELOPMENT REGULATIONS; SETTING A PUBLIC HEARING DATE; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the RCW 35A.63.220 provides cities the right to establish and adopt interim development regulations; and

**WHEREAS**, to promote public health, safety, aesthetics, and welfare, the City of Marysville (the "City") provides development regulations for the permitting of certain uses within specific zoning districts; and

**WHEREAS**, the Community Business zone was originally envisioned to be primarily commercial in nature, and neither the County's Buildable Lands Report nor the City's Comprehensive Plan assigned residential density to the Community Business zone; and

**WHEREAS**, multiple-family dwelling units are currently a permitted use within the Community Business zone, subject to certain conditions, including that residential units be located above a street-level commercial use (with the exception for the allowance of two ADA units on the street level, subject to an approved conditional use permit); and

**WHEREAS**, the market is currently highly conducive to residential uses, and City staff have received development inquiries related to high-density multi-family development within the Community Business (CB) zone and inquiries with minimal commercial uses proposed; and

**WHEREAS**, establishing a density limit in the Community Business zone would better ensure that future developments in the Community Business zone are consistent with the intended vision for this zone; and

**WHEREAS**, the City has determined that interim development regulations adopted under the provisions of RCW 35A.63.220 are necessary to prevent new and high density development in the Community Business Zone that are inconsistent with the intent and vision of that zone, and to allow adequate time for the City to effectively analyze and develop new development regulations sufficient to provide for appropriate permitting of residential land uses in the Community Business zone.

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

Section 1. Findings of Fact. The recitals set forth above are hereby adopted as the City Council's initial findings of fact in support of the interim development regulations adopted herein. The City Council may, in its discretion, adopt additional findings after the public hearing referenced in Section 4 of this Ordinance.

Section 2. Adoption of Interim Zoning Regulations. The City Council hereby adopts the interim development regulations as set forth in **Exhibit A** to this Ordinance, amending MMC 22C.020.080.

Section 3. Effective Duration of Interim Development Regulations. The interim development regulations set forth in this Ordinance shall be in effect for a period of six (6) months from the effective date of this Ordinance and shall automatically expire at the conclusion of that six-month period unless sooner repealed.

Section 4. Public Hearing. The City Council will hold a public hearing at the City Council's regular meeting beginning at 7:00 p.m. on July 11, 2022 in order to take public testimony and to consider adopting further findings of fact.

Section 5. Declaration of Emergency. The City Council hereby declares that an emergency exists necessitating that this Ordinance take effect immediately upon passage by a majority vote plus one of the whole membership of the Council. Without an immediate adoption of the interim development regulations as set forth in **Exhibit A**, applications for high-density residential developments within the Community Business zone could become vested, leading to development that could be incompatible with the codes eventually adopted by the City. Therefore, the interim development regulations as set forth in **Exhibit A** must be adopted as an emergency measure to protect the public health, safety, and welfare, and to prevent the submission of applications for high-density developments within the Community Business zone in an attempt to vest rights for an indefinite period of time. This Ordinance does not affect any existing vested rights.

Section 6. 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 7. Correction. Upon approval by the City Attorney, the City Clerk or the code reviser are authorized to make necessary corrections to this Ordinance, including scrivener's errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections.

Section 8. Effective Date. This Ordinance, as a public emergency ordinance necessary for the protection of the public health, safety, aesthetics and welfare, shall take effect and be in full force immediately upon its passage. Pursuant to *Matson v. Clark County board of Commissioners*, 79 Wn. App. 641, 904 P.2d317 (1995), non-exhaustive

underlying facts necessary to support this emergency declaration are included in the recitals, above, all of which are adopted by reference as findings of fact as if fully set forth herein.

PASSED by the City Council and APPROVED by the Mayor this 23<sup>rd</sup> day of May, 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: 5/27/22

Effective Date: 5/23/22



# Exhibit A

## 22C.020.080 Densities and dimensions.

(1) Interpretation of Tables.

(a) Subsection (2) of this section contains general density and dimension standards for the various zones and limitations specific to a particular zone(s). Additional rules and exceptions, and methodology, are set forth in MMC 22C.020.090.

(b) The density and dimension table is arranged in a matrix format and is delineated into the commercial, industrial, recreation and public institutional use categories.

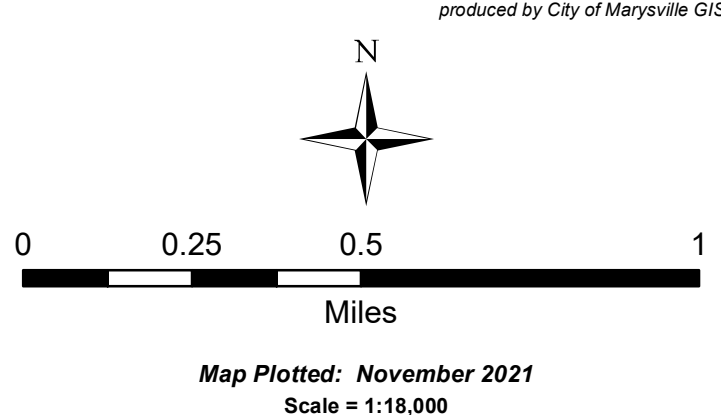
(c) Development standards are listed down the left side of the table, and the zones are listed at the top. The matrix cells contain the minimum dimensional requirements of the zone. The parenthetical numbers in the matrix identify specific requirements applicable either to a specific use or zone. If more than one standard appears in a cell, each standard will be subject to any applicable parenthetical footnote set forth in MMC 22C.020.090.

(2) General Densities and Dimension Standards.

Standards	NB	CB	GC	MU (12)	LI	GI	BP	REC	P/I	WR-MU (15)	WR-CB (15)
Base density: Dwelling unit/acre	None (18)	12	12	28 (1)	0	0	0	0	0	12	0
Maximum density: Dwelling unit/acre	None (18)	12 None (13)	None (13)	28	0	0	0	0	0	18 (13)	0
Minimum street setback (3)	20 feet	None (7)	None (7)	None (7, 8)	None (7)	None (7)	None (7)	20 feet	None (7, 8)	None (7, 8, 14)	None (7, 14)
Minimum interior setback	10 feet (side) 20 feet (rear)	None (4)	None (4)	None (9)	None (4) 50 feet (5)	None (4) 50 feet (5)	None (4)	None (4)	None (4)	5 feet (9, 16, 17)	None (4)
Base height (6)	25 feet	55 feet	35 feet	45 feet	65 feet	65 feet	45 feet	35 feet	45 feet	45 feet	55 feet
Maximum impervious surface: Percentage	75%	85%	85%	85%, 75% (11)	85%	85%	75%	35%	75%	85%, 75% (11)	85%

# City of Marysville Comprehensive Plan

- Urban Growth Boundary
- City Limits
- Master Plan Area
- PSRC Manufacturing/Industrial Center
- 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



Cascade Industrial Center (CIC) includes land within the cities of Marysville and Arlington. The full extent of the CIC within Arlington is not shown.

SMOKEY POINT MASTER PLAN

CASCADE INDUSTRIAL CENTER

116TH STREET MASTER PLAN

88TH STREET MASTER PLAN

DOWNTOWN MASTER PLAN

WHISKEY RIDGE MASTER PLAN

1. Predominately Vacant "Greenland"

May be rezoned to R-4.5 SFM subject to a traffic analysis that assesses 140th Street and the future connector from 140th Street NE to 172nd Street NE including the alignment of said connector.

2. "Gateway Shopping Center," MHP, Hotels, Fast Food, Car Wash and Retail.

3. Fred Meyer, Coastal, Cinema, Retail, Credit Union & Office

4. Hagen, Bank, Retail, Chick-fil-A, Starbucks, Holiday Inn Express, Applebee's & Fuel

6. Safeway Plaza, MHP, Retail & Office

7. Bartell Drugs, Altitude, Retail & Office

5. Vacant "Greenland" & Critical Areas

8. Walmart

**Density Regulations:**

Examples of various densities are provided below to illustrate what types of developments could materialize at different density ranges.

Per MMC 22C.020.080 (2), the base density is 12 units per gross acre with no maximum density, through utilization of Residential Density Incentive provisions. The City Council may consider a lower base density, maximum density, or a density range such as 8 to 10, 10 to 12 or 12 to 18 units per gross acre.

Staff has selected a vacant site in the CB zone, south of Twin Lakes to demonstrate what the proposed density ranges and trip generation would be on a 16.5-acre site in the CB zone.

Figure 1. Example Site, 16.5-acres



**Table 1. Example Site (16.5-acres): Residential Density and Traffic Trip<sup>1</sup> Scenarios**

Max Density: Units/Acre	Total Units	Trips 7-9 AM 0.4 trips/unit	Trips 4-6 PM 0.51/unit	Average Daily Trips 6.74/day
8	132	53	67	890
10	165	66	84	1,112
12	198	79	101	1,335
14	231	92	118	1,557
16	264	106	135	1,779
18	297	119	151	2002

<sup>1</sup> Traffic trip rates are based on a Multifamily Housing (Low-Rise) rate from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11<sup>th</sup> Edition (2021).

20	330	132	168	2224
22	363	145	185	2446

For the same site, staff is providing traffic figures associated with a commercial only development scenario for comparison purposes.

**Table 2. Example Site (16.5-acres): Shopping Center use and Traffic Trip<sup>2</sup> Scenarios**

Land Use	Total Square Footage	Trips 7-9 AM 0.84 trips/1,000 SF	Trips 4-6 PM 3.40 trips/1,000 SF	Average Daily Trips 37 trips /1,000 SF
Shopping Center	250,000 (covering 1/5 of the example site)	210	850	9,250

The density ranges provided for the Example Site in Table 1 (above) range from 8 to 22 dwelling units per acre. For comparison, multi-family developments in the Lakewood Neighborhood, zoned Mixed Use, have a base and maximum density of 28 dwelling units per acre and have developed to the following densities:

- **The Lodge Phase 1:** 22 du/acre (188 units/8.6 acres)
- **The Lodge Phase 2:** 23 du/acre (160 units/7.1 acres)
- **The Lodge Phase 3 & 4:** 18 du/acre (344 units/19.5 acres)
- **Vintage at Lakewood:** 27 du/acre (197 units/7.3 acres)
- **The Lodge Phase 5:** 22 du/acre (204 units/9.4 acres)
- **Marysville 172 Apartments:** 27 du/acre (474 units/17.4 acres)

Note: the Lodge Phases 1 – 3 and Vintage at Lakewood have been constructed and are occupied. The Lodge Phase 4 is currently under construction. The Lodge Phase 5 & Marysville 172 Apartments are currently under formal land use review.

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<sup>2</sup> Traffic trip rates are based on a Multifamily Housing (Low-Rise) rate from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11<sup>th</sup> Edition (2021).