



**PLANNING COMMISSION MEETING
TUESDAY, FEBRUARY 11, 2025 – 6:30 PM
501 DELTA AVENUE
MARYSVILLE, WA 98270**

AGENDA

The Planning Commission meeting is a hybrid meeting which you are welcome to attend in person or via Teams. Anyone wishing to provide verbal public comment is encouraged to pre-register by contacting the Staff Contact for the agenda item outlined above the day prior to the meeting. Those providing verbal public comment will need to provide their name, address, e-mail and phone number for the public record.

Microsoft Teams

[Join the meeting now](#)

Meeting ID: 222 491 477 716

Passcode: bf3nJ2Gs

Dial in by phone

[+1 347-690-2503](#), [384440936#](#) United States, New York City

[Find a local number](#)

Phone conference ID: 384 440 936#

For organizers: [Meeting options](#) | [Reset dial-in PIN](#)

CALL TO ORDER

1. ROLL CALL

2. APPROVAL OF MINUTES

2.1 Approval of December 10, 2024 Minutes

Suggested motion: I move to approve the December 10, 2024 Planning Commission meeting minutes.

[December 10, 2024 PC Meeting Minutes](#)

3. AUDIENCE PARTICIPATION *(for topics not on the agenda)*

4. OLD BUSINESS

5. NEW BUSINESS

5.1 Annual election of Chairperson

Suggested action: I move to nominate _____ as Planning Commission Chairperson.

5.2 Garage sale clean-up code amendments

Suggested motion: I move to schedule a Public Hearing for the garage sale clean-up code amendments.

[Garage sale clean-up amendments](#)

5.3 Middle Housing - State House Bill 1110

This is a discussion item with direction requested on the questions outlined in the memo.

[Middle Housing memo and DRAFT amendments](#)

6. DIRECTOR'S COMMENTS

7. ADJOURNMENT

8. NEXT MEETING - February 25, 2025

[CITY COUNCIL AGENDA ITEMS AND MINUTES](#)

Special Accommodations: The City of Marysville strives to provide accessible meetings for people with disabilities. Please contact the City Clerk's office at (360) 363-8000 or 1-800-833-6384 (Voice Relay), 1-800-833-6388 (TDD Relay) two business days prior to the meeting date if any special accommodations are needed for this meeting.



Agenda Bill

PLANNING COMMISSION AGENDA ITEM REPORT

DATE: February 11, 2025

SUBMITTED BY: Angela Gemmer, Community Development

ITEM TYPE: Minutes

AGENDA SECTION: **APPROVAL OF MINUTES**

SUBJECT: Approval of December 10, 2024 Minutes

SUGGESTED ACTION: Suggested motion: I move to approve the December 10, 2024 Planning Commission meeting minutes.

SUMMARY: See attached minutes.

ATTACHMENTS:
[December 10, 2024 PC Meeting Minutes](#)

Community
Development



501 Delta Ave
Marysville, WA 98270

**Planning
Commission
December 10, 2024**

CALL TO ORDER

Chair Leifer called the meeting to order at 7:00 p.m. noting the presence of all commissioners and staff including Director Miller and Planning Tech Emily Tsan as well as some visitors.

ROLL CALL

Present:

Commission: Chair Stephen Leifer, Commissioner Gary Kemp, Commissioner Jerry Andes, Commissioner Shanon Jordan, Commissioner Zebo Zhu, Vice Chair Brandon Whitaker, Commissioner Raymond Miller

Staff: Community Development Director Haylie Miller, Planning Tech Emily Tsan

APPROVAL OF MINUTES

1 Approval of November 12, 2024 minutes

November 12, 2024 Draft Minutes.docx

Motion to approve the November 12, 2024 minutes moved by Commissioner Jerry Andes seconded by Commissioner Gary Kemp.

AYES: ALL

AUDIENCE PARTICIPATION

Kelly Richards, Councilmember, Marysville, WA, thanked the Planning Commission for their hard work throughout the year, especially the Comprehensive Plan.

OLD BUSINESS

1 Hearing Examiner Procedures

1 Ordinance - Hearing Examiner

2 Ordinance - Board of Appeals

Director Miller reviewed this item regarding two ordinances related to hearing examiner procedures. The first ordinance would allow the Mayor to appoint more than one hearing examiner if desired in the future. The second ordinance would add a duty to the hearing examiner related to the International Building Code. It would add the Board of Appeals function to the hearing examiner which is standard practice among many cities. If an appeal to a building code matter is received it would be heard by the hearing examiner instead of a Board of Appeals.

Vice Chair Whitaker asked if the Board of Appeals is defunct. Director Miller replied that it is, but it could be re-enacted if needed. There was some discussion about the appeals process and hearing examiner responsibilities.

The public hearing was opened. Public comments were solicited.

John Ray, 3910 100th Place NE, asked about the skillset of the hearing examiner compared to the Board of Appeals panel. Director Miller discussed the responsibilities of the Board of Appeals and the hearing examiner, noting that they currently hear different kinds of cases. By replacing the Marysville Board of Appeals with the hearing examiner, the hearing examiner would just hear all of the cases. Mr. Ray suggested keeping the Board of Appeals as a way of avoiding elevating appeals to the courts.

The public hearing was closed.

Chair Leifer responded to Mr. Ray's comments and noted that the superior court option is an important option for citizens who want to appeal a decision.

Motion to recommend approval of the Hearing Examiner Procedures Code Amendments to City Council for adoption by Ordinance moved by Commissioner Zebo Zhu seconded by Commissioner Raymond Miller.

AYES: ALL

NEW BUSINESS

1 Community Development Project Update

Director Miller gave an update on Community Development projects around Marysville including the following: Shyvani Center; Heart Saved - Enhanced Services Facilities; Twin Lakes Logistics; Mack Townhomes; 67 Ave Townhomes/Cedar Homes 29; Marysville 172 Phase 1; The Rodeo Lounge; Sourdough and Co.; Dreamy Drinks; Victory Christian Center of Marysville; Northwest Escrow & Title; Punjabi Delight Indian Cuisine and Sweets; Chick-Fil-A; and Mathnasium.

DIRECTOR'S COMMENTS

Director Miller announced that tonight is Commissioner Zhu's last meeting. She thanked him for his service. Commissioner Zhu explained that his family is moving to Indianapolis with his new job. Other commissioners wished him well and noted he would be missed.

Director Miller thanked the Planning Commission for all their hard work, especially the Comprehensive Plan this year. She wished everyone happy holidays and a nice break from meetings.

ADJOURNMENT

Commissioners wished each other Merry Christmas and Happy Holidays.

Motion to adjourn the meeting at 7:30 p.m. moved by Commissioner Jerry Andes seconded by Commissioner Shanon Jordan.

AYES: ALL

NEXT MEETING - January 14, 2025



Agenda Bill

PLANNING COMMISSION AGENDA ITEM REPORT

DATE: February 11, 2025

SUBMITTED BY: Angela Gemmer, Community Development

ITEM TYPE: Discussion Item

AGENDA SECTION: **NEW BUSINESS**

SUBJECT: Annual election of Chairperson

SUGGESTED ACTION: Suggested action: I move to nominate _____ as Planning Commission Chairperson.

SUMMARY: MMC 22G.050.040 requires the Planning Commission to annually elect a chairperson from among its members. It has been a year since a chairperson was last elected, so it is time to elect a chairperson for 2025. While the code is silent on this, a vice chairperson has also been selected in the recent past.

ATTACHMENTS:



Agenda Bill

PLANNING COMMISSION AGENDA ITEM REPORT

DATE: February 11, 2025

SUBMITTED BY: Emily Tsan, Community Development

ITEM TYPE: Discussion Item

AGENDA SECTION: **NEW BUSINESS**

SUBJECT: Garage sale clean-up code amendments

SUGGESTED ACTION: Suggested motion: I move to schedule a Public Hearing for the garage sale clean-up code amendments.

SUMMARY: See attached memo.

ATTACHMENTS:

[Garage sale clean-up amendments](#)

MEMORANDUM

DATE: December 11, 2025
TO: Planning Commission
FROM: Emily Tsan, Planning Technician
RE: Code Amendment Draft: MMC Chapter 22C.010.070(9)
CC: Haylie Miller, Community Development Director
Chris Holland, Planning Manager
Angela Gemmer, Principal Planner

Staff propose revisions to the development conditions pertaining to garage sales in Marysville Municipal Code (MMC) Section 22C.010.070(9). In 2023, City regulations were updated to provide consistent regulations for all temporary signs. The existing provisions (below) related to garage sale signs are inconsistent with the temporary sign regulations and are proposed to be removed. A reference has been added to direct applicants to the temporary sign regulations. An additional amendment is proposed to clarify that a garage sale is a compliant residential use if all city regulations are followed.

22C.010.070 Permitted uses – Development conditions.

(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~~ Garage sale signs are subject to the standards in MMC 22C.160.260. ~~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~~ is an allowed residential accessory use to all residential land uses. A garage sale violating one or more of the above conditions ~~shall be considered as being~~ is a commercial use and will be disallowed unless the use is permitted in the zone, and the use it complies with all applicable code requirements affecting commercial uses per MMC 22C.160.260(e).

If you have any questions, please contact me at 360.363.8220 or by e-mail at etsan@marysvillewa.gov.



Agenda Bill

PLANNING COMMISSION AGENDA ITEM REPORT

DATE: February 11, 2025

SUBMITTED BY: Angela Gemmer, Community Development

ITEM TYPE: Discussion Item

AGENDA SECTION: **NEW BUSINESS**

SUBJECT: Middle Housing - State House Bill 1110

SUGGESTED ACTION: This is a discussion item with direction requested on the questions outlined in the memo.

SUMMARY: See attached memo for discussion on this item.

ATTACHMENTS:

[Middle Housing memo and DRAFT amendments](#)

MEMORANDUM

DATE: February 11, 2025
TO: Planning Commission
FROM: Angela Gemmer, Principal Planner
SUBJECT: Middle Housing Options
ECC: Haylie Miller, Community Development Director
Chris Holland, Planning Manager
Exhibit 1: DRAFT Middle Housing Definitions
Exhibit 2: DRAFT Middle Housing Amendments
Exhibit 3: [Tier 1 and 2 Cities Middle Housing Model Ordinance](#)
Exhibit 4: [Middle Housing User Guide](#)

Introduction

In July 2023, Washington State adopted [House Bill \(HB\) 1110](#), which is commonly referred to as the Middle Housing Bill. This State law requires that cities allow Middle Housing in areas traditionally dedicated to single family detached housing. HB 1110 aims to contribute to the State's goal of constructing one million new homes state-wide by 2044.

Community Development (CD) staff originally briefed the Planning Commission (PC) on HB 1110 on [February 27, 2024](#); however, did not proceed with further work in 2024 to focus on completion of the Comprehensive Plan periodic update. CD is currently working on draft code amendments to address HB 1110 (see **Exhibits 1 and 2**), which are required to be adopted by June 2025. These amendments are a preliminary draft as direction from PC and impacted city departments, and the results of a [public survey on Middle Housing](#) are need before a complete draft is prepared. Companion regulations pertaining to accessory dwelling units, design review, impact fees, unit lot subdivisions, and residential parking are concurrently being prepared to address new State laws and will be presented to PC on a similar timeframe as the overall Middle Housing regulations.

This memo provides an overview of:

- What Middle Housing is;
- How many units are allowed per lot by HB 1110;
- Basic requirements of HB 1110;
- Examples of Middle Housing currently in the City;
- Potential benefits of Middle Housing; and
- Middle Housing topics which require PC's direction.

What is Middle Housing?

Middle housing is a range of housing types that include two or more attached, stacked, or clustered homes that are compatible in scale and form with detached single-family homes and neighborhoods. Middle Housing consists of a variety of housing types that are in between the size and number of dwelling units for single-family residences and apartments as shown in the image below.



Jurisdictions in Washington State are required to allow at least **six** of the nine Middle Housing types listed below.*

[Duplexes](#)
[Fiveplexes](#)
[Stacked flats](#)

[Triplexes](#)
[Sixplexes](#)
[Courtyard apartments](#)

[Fourplexes](#)
[Townhouses](#)
[Cottage housing](#)

**Please note that the examples linked above are to provide visual representation and general insight on Middle Housing. Specific local standards and architectural appearance will differ.*

How many units are allowed on each lot?

Two to four units are allowed on each lot as outlined below.

HB 1110 breaks cities into three levels or “tiers” based on their population in 2020. The City of Marysville is a Tier 2 City meaning that it had a population of between 25,000 and 75,000 in 2020. By 2030, the City will transition to a Tier 1 City and will need to allow more units per lot. Tier 2 cities are required to allow dwelling units as shown in the table below:

Lot Circumstances	Units Allowed ¹
Lot zoned for residential use	2
Lot located within ¼ mile walking distance of a major transit stop²	4
One unit is affordable housing³	4

¹ A dwelling unit is a building, or a portion of a building, that has independent living facilities including a kitchen, sleeping, and bathroom facilities, and is designed for residential occupancy. The ‘units allowed’ in this table are the minimum density. If the zoning permits higher densities, that more units would be allowed.

² Marysville currently does not have a major transit stop but will when Community Transit’s SWIFT Bus Rapid Transit comes to the City (estimated by 2029).

³ To qualify for the one additional unit, the applicant must commit to renting or selling the required unit as affordable housing for a minimum of 50-years.

What else does HB 1110 Require?

HB 1110 also requires that cities:

- Allow zero lot line short subdivisions if the number of lots created is equal to the density shown in the table above;
- Ensure that development regulations are objective and that development regulations are not more restrictive than the regulations that apply to single family units;
- Modify off-street parking standards so that:
 - Off-street parking is not required for Middle Housing within one-half mile walking distance of a major transit stop;
 - Require only one off-street parking per unit for Middle Housing on lots less than 6,000 square feet (before any zero lot line subdivisions or lot splits); and
 - Require no more than two off-street parking spaces per unit for middle housing on lots greater than 6,000 square feet (before any zero lot line subdivisions or lot splits).

HB 1110 provides an option to provide an empirical study prepared by a credentialed transportation or land use planning expert that clearly demonstrates that the application of the parking standards noted above will be significantly less safe for vehicle drivers or passengers, pedestrians, or bicyclists than if the jurisdiction's parking requirements were applied to the same location for the same number of detached houses. The City intends to pursue a parking study, which is subject to the Washington State Department of Commerce's review and certification.

Does Marysville already have Middle Housing?

While Marysville does not currently have all Middle Housing types, a variety of Middle Housing is present within the community. Some examples of existing and proposed Middle Housing include:

Duplex on Armar Road.



Townhomes on Soper Hill Road



Cottage housing proposed near Sunnyside Boulevard.



What are some of the benefits of Middle Housing?

While Middle Housing is not widespread in Marysville, it provides the following benefits:

- Provides more ownership and rental housing options to meet different income and life-stage needs (e.g. young adults, families, single person households, empty nesters, etc.);

- Provides an ownership option that is generally more affordable than a single family residence and has fewer maintenance responsibilities;
- Enables more housing units to be built on less land enabling more efficient use of land and delivery of infrastructure such as water, sewer, and roads; and
- It is a more compact development type that encourages homes to locate near amenities promoting walking, bicycling, and transit use.

Middle Housing Discussion Items

While many aspects of HB 1110 are mandatory, there are other aspects which allow for local policy decisions. Staff respectfully requests that PC review and provide direction to staff on these discretionary topics:

1. The Middle Housing statute requires that cities allow multiple Middle Housing units per lot up to the allowed density; however, cities are **not** required to allow multiple single family residences per lot. Staff recommends **not** allowing multiple single family residences per lot.

Is this approach acceptable to Planning Commission?

2. As noted above, Tier 2 cities must allow 4 units per lot when the lot is within ¼ mile of a major transit stop, or when 1 affordable housing unit is provided. If a residential lot is within ¼ mile of a major transit stop, **and** provides 1 affordable housing unit, the City has the option to allow 6 units per lot.

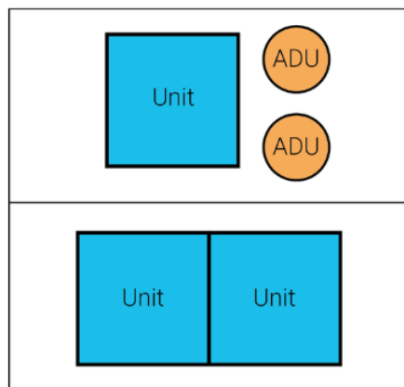
Should the City allow 6 units per lot in these instances (i.e. 2 additional units per lot)?

3. House Bill 1337 requires jurisdictions to allow at least two accessory dwelling units (ADUs) on all lots in zoning districts within an urban growth area that allow for single family homes. RCW 36.70A.635 states that the Middle Housing unit density requirements are to be achieved with Middle Housing types, and, if a city chooses, ADUs. A jurisdiction can choose to either allow or not allow ADUs beyond the unit density requirements. In other words, the City can either allow:
 - a. An SFR plus 2 ADUs or a duplex on a lot, or
 - b. Duplexes plus ADUs on a lot.

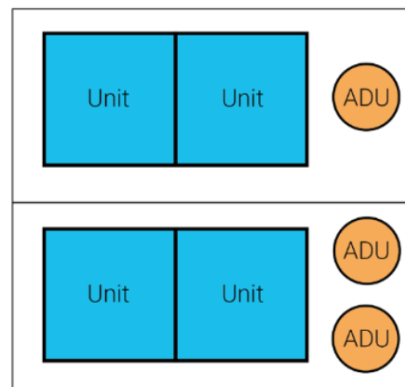
Which approach is preferred?

For Lots Zoned Primarily for Residential Uses Cities:

Must Allow Either an SFR with 2 ADUs or a Duplex



Have the Option to Allow ADUs Accessory to a Duplex



4. Currently accessory dwelling units (ADUs) are required to meet the same setbacks as a single family residence, which is typically 20 feet front and rear setbacks, and 5 foot side setbacks. Accessory structures (non-residences) are generally required to meet a 5 foot rear yard setback if single story and a 20 foot rear yard setback if two-story.

Should the rear yard setback for ADUs be reduced to 10 or 15 feet to facilitate infill of ADUs?

5. The table below shows potential dimensional standards for Middle Housing that are on a continuum ranging from statutory compliance only (i.e. conservative approach that largely retains existing standards) to encouraging Middle Housing by adopting the recommended Commerce Middle Housing Model Ordinance provisions.

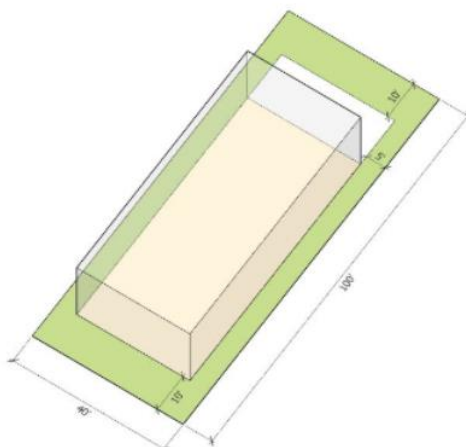
In each potential standard shown in the table below the housing types and allowed units per lot are the same. What varies are the setbacks, building and impervious surface coverages, lot width, and height allowance. Additional details are provided in parentheses that provide clarification (i.e. setbacks or building coverage). Standards that are adapted from existing zones reference the applicable zone(s). Please review these standards and provide direction on which approach is preferred.

	Statutory Compliance Only	Statutory Compliance with Modest Dimensional Changes	Statutory Compliance with Moderate Dimensional Changes	Commerce Model Ordinance Recommendations
Density (units/lot)	2 units all residential lots; 4 units all lots within ¼ mile of a major transit stop; 4 units when one unit is affordable housing			
Minimum street setback	20 feet; with reduction of living space to 10 feet on a case-by-case basis.	15 feet	10 – 15 feet; porches at 7 feet	15 feet, except 10 feet with unit density of three or more
Minimum driveway length/garage setback	20 feet	20 feet	18 feet	20 feet (where accessed from street)
Minimum side yard setback	5 feet (0 feet for attached units)	5 feet (0 feet for attached units)	5 feet (0 feet for attached units)	5 feet (0 feet for attached units internal to development)
Minimum side setback adjacent to street	10 feet (non-arterial); 15 feet (arterial)	10 feet (non-arterial); 15 feet (arterial). Setbacks may be reduced by 25% if supported by sight distance analysis.	5 feet (non-arterial); 10 feet (arterial) if supported by sight distance analysis.	5 feet
Minimum rear yard setback	20 feet; follow standard alley setback requirements	15 feet; follow standard alley setback requirements	10 – 15 feet; follow standard alley setback requirements	0 – 15 feet: 0 feet alley; 3 feet garage door alley; 10 feet for lots with 3 units or more; 15 feet for lots with 1 or 2 units
Base height	30 feet; 35 feet for lots with 10% slope	30 feet; 35 feet for lots with 10% slope	35 feet	35 feet

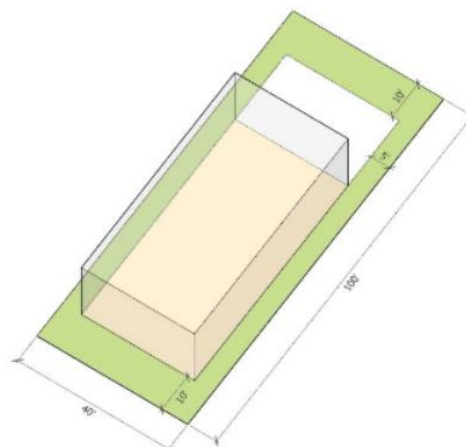
	Statutory Compliance Only	Statutory Compliance with Modest Dimensional Changes	Statutory Compliance with Moderate Dimensional Changes	Commerce Model Ordinance Recommendations
Maximum building coverage: Percentage	40% (R-4.5, R-6.5, WR-R-6-18); 50% (R-8, WR-R-4-8, R-12 – R-28)	40% (R-4.5, R-6.5, WR-R-6-18); 50% (R-8, WR-R-4-8, R-12 – R-28)	50% (<i>this is the current highest level for single family (i.e. R-8) and the level established for all multi-family zones except WR-R-6-18</i>) ¹	45% (lots with 3 or fewer units); 50% (lots with 4 or 5 units); 55% (lots with 6 or more units). It should be noted that the model ordinance uses the term lot coverage, which is essentially the building footprint. Floor Area Ratios are also provided.
Maximum impervious coverage: Percentage	45 – 65% (depending on underlying zone)	50% (R-4.5, R-6.5); 65% (R-8, WR-R-4-8); 70% (R-12, R-18, WR-R-6-18); 75% (R-28)	65% single family zones (i.e. R-8 standards); 70% most multi-family zones; 75% (<i>in R-28</i>) ¹	None
Minimum lot area	1,000 sq ft; provided that all other dimensional, parking, and other requirements must be met.			
Minimum lot width	40' (R-8, WR-R-4-8); 50' (R-6.5); 60' (R-4.5); 70' (R-12 to R-28, WR-R-6-18)	40'	40'	None
Minimum lot frontage on cul-de-sac, sharp curve, or panhandle	20' (R-4.5 – R-8, WR-R-4-8)	20' (R-4.5 – R-8, WR-R-4-8)	20' (R-4.5 – R-8, WR-R-4-8)	None
¹ An alternative would be to not have impervious or building coverages akin to the Downtown Master Plan Area, or use the PRD standards; however, this would be a much more flexible approach.				

6. Currently the size of buildings in Marysville is determined by a combination of height, setbacks, building coverage (i.e. lot coverage), and impervious coverage standards. Building coverage or lot coverage determine how large a building footprint (i.e. foundation) can be relative to the overall lot. For example a 45 percent building coverage or lot coverage means that 45 percent of the lot is covered with a building (see graphic representation below).

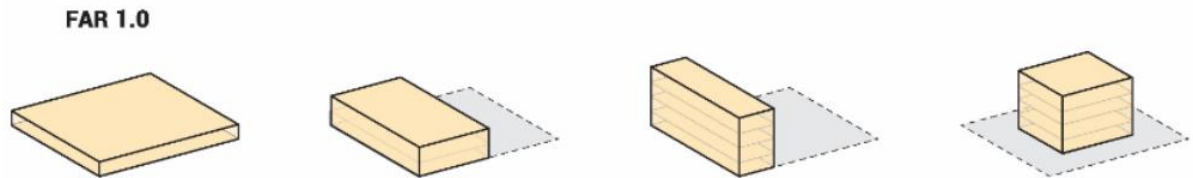
50% Lot Coverage



45% Lot Coverage



Floor Area Ratio (FAR) is an alternative to building coverage. FAR compares the total floor area of the building to the site area (floor area / lot size = FAR) with the result represented as a decimal number (e.g. 0.5 or 1.0). For example, a 4,000 square foot lot has its area multiplied by 1.0 FAR to arrive at a maximum floor area of 4,000 square feet allowed to be developed as shown in the graphic below. FAR can be an effective way to minimize the spatial impacts of a building.



The following are some of the advantages and disadvantages of lot coverage and floor area ratios respectively. Should staff explore potentially adopting FAR standards?

Tool	Advantages	Disadvantages
Lot coverage	- Relatively easy to understand and calculate - Can help ensure that there's some amount of open space on the lot	Less effective than FAR in managing the building massing on a lot because buildings can go up to the maximum height limit for the full allowed lot coverage
Floor area ratio	More effective than lot coverage in managing building massing on a lot because it sets maximum floor area limits proportional to the lot size	Fewer cities currently regulate FAR, thus it's an additional layer of review and can be perceived as more complicated to calculate

At the February 11th Planning Commission work session, staff will be presenting on Middle Housing, and respectfully request direction on the questions outlined above.

Exhibit 1

Middle Housing Definition Amendments				
Term	Code Section	Existing, Amended, or New Definition	Required or Optional	Required or Suggested Amendment
Administrative design review	22A.020.020 "A" definitions	New	Required	<u>"Administrative design review" means a development permit process whereby an application is reviewed, approved, or denied by the planning director or the planning director's designee based solely on objective design and development standards without a public predecision hearing, unless such review is otherwise required by state or federal law, or the structure is a designated landmark or historic district established under a local preservation ordinance. A city may utilize public meetings, hearings, or voluntary review boards to consider, recommend, or approve requests for variances from locally established design review standards.</u>
All lots zoned predominantly for residential use	22A.020.020 "A" definitions	New	Optional; however, suggest adding	<u>"All lots zoned predominantly for residential use" means all zoning districts in which residential dwellings are the predominant use. This excludes lands zoned primarily for commercial, industrial, and/or public uses, even if those zones allow for the development of detached single-family residences. This also excludes lands zoned primarily for mixed uses, even if those zones allow for the development of detached single-family residences, if the zones permit by-right multifamily use and a variety of commercial uses, including but not limited to retail, services, eating and drinking establishments, entertainment, recreation, and office uses.</u>
Cottage housing development	22A.020.040 "C" definitions	Existing	Optional; omit due to requirement to adopt 'cottage housing' definition below	A grouping of small, single-family dwelling units, clustered around a common area and developed with a coherent plan for the site in accordance with MMC 22C.010.280, Cottage housing developments.
Cottage housing	22A.020.040 "C" definitions	New	Required; however, lack of cottage size reference and ownership options seems vague.	<u>"Cottage housing" means residential units on a lot with a common open space that either: (a) Is owned in common; or (b) has units owned as condominium units with property owned in common and a minimum of 20 percent of the lot size as open space.</u>
Courtyard apartments	22A.020.040 "C" definitions	New	Required	<u>"Courtyard apartments" means attached dwelling units arranged on two or three sides of a yard or court."</u>

Development regulations or regulation	22A.020.050 "D" definitions	New	Required	<u>"Development regulations" or "regulation" means the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.</u> Suggest this definition be simplified as follows: "Development regulations" or "regulation" means the controls placed on development or land use activities by the a county or city, including, but not limited to, <u>ordinances relating to zoning ordinances</u>, critical areas ordinances, shoreline master programs, official controls, planned residential unit-development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.
Development standards	22A.020.050 "D" definitions	New	Optional; it should be noted that there are other definitions (i.e. administrative decision, nonconformance, nonconforming sign) that refer to "development standards" so care should be taken to ensure that all provisions work together properly.	<u>"Development standards" means controls placed by the city on building or site design and development including parking requirements, floor area allowances, density allowances, minimum lot coverage, and other dimensional standards.</u>
Duplex	22A.020.050 "D" definitions	Existing	Changes not required but may require further amendment.	"Duplex" means a building that contains two primary dwelling units. The units must share a common wall with the adjacent unit that extends from foundation to roof, or a common floor/ceiling.
Fiveplex	22A.020.070 "F" definitions	New	Optional; suggest only adopting if this is a selected housing type	"Fiveplex" means a residential building with five attached dwelling units.
Fourplex	22A.020.070 "F" definitions	New	Optional; suggest only adopting if this is a selected housing type	"Fourplex" means a residential building with four attached dwelling units.

Housing, missing middle	22A.020.090 "H" definitions	Existing	Omit; see new required Middle Housing definition	"Housing, missing middle" means townhomes, duplexes, cottage housing, and small apartments that are compatible in scale and form to detached single family homes.
Major transit stop	22A.020.140	Amend existing	Required to align with RCW 36.70A.030(25)	"Major transit stop" means: (1) A stop on a high capacity transportation system funded or expanded under the provisions of Chapter 81.104 RCW; (2) Commuter rail stops; (3) Stops on rail or fixed guideway systems<u>bus rapid transit routes or routes that run on high-occupancy vehicle lanes</u>; or (4) Stops for a on rapid transit routes, including those stops that are under construction, bus or other transit mode providing fixed-route service at intervals of at least 15 minutes during the peak hours of operation.
Middle housing	22A.020.140 "M" definitions	New	Required	<u>"Middle housing" means buildings that are compatible in scale, form, and character with single-family houses and contain two or more attached, stacked, or clustered homes including duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked flats, courtyard apartments, and cottage housing.</u>
Single-family zones	22A.020.200 "S" definitions	New	Required	<u>"Single-family zones" means those zones where single-family detached residences are the predominant land use.</u>
Sixplex	22A.020.200 "S" definitions	New	Optional; suggest only adopting if this is a required housing type	"Sixplex" means a residential building with six attached dwelling units.
Stacked flat	22A.020.200 "S" definitions	New	Required	<u>"Stacked flat" means dwelling units in a residential building of no more than three stories on a residential zoned lot in which each floor may be separately rented or owned.</u>
Tier 1 city	22A.020.210 "T" definitions	New	Optional; suggest adopting if referenced in regulations	<u>"Tier 1 city" means a city with a population of at least 75,000 based on 2020 Office of Financial Management population estimates.</u>
Tier 2 city	22A.020.210 "T" definitions	New	Optional; suggest adopting if referenced in regulations	<u>"Tier 2 city" means a city with a population of at least 25,000 but less than 75,000 based on 2020 Office of Financial Management population estimates.</u>

Triplex	22A.020.210 "T" definitions	New	Optional; suggest adopting if referenced in regulations	<u>"Triplex" means a residential building with three attached dwelling units.</u>
Townhouses	22A.020.210 "T" definitions	Amend existing	Required	Existing: "Townhouse" means a single-family dwelling unit constructed in a row of at least three such units in which each unit: has a shared common wall with the adjacent unit that extends from foundation to roof; is separated from any other unit by one or more vertical common fire-resistant walls; has its own front and rear access to the outside; and has no unit located over another unit. <u>Required: "Townhouses" means buildings that contain three or more attached single-family dwelling units that extend from foundation to roof and that have a yard or public way on not less than two sides.</u>
Unit density	22A.020.220 "U" definitions	New	Optional; suggest adopting but make clear that it applies to Middle Housing standards only.	<u>"Unit density" means the number of dwelling units allowed on a lot, regardless of lot size.</u>

Middle Housing Overlay Standards

The following are proposed amendments to MMC Title 22A.020, Definitions.

The following definition is required and is not currently in code. MMC 22A.020.020 "A" definitions is proposed to be amended by adding this definition:

"Administrative design review" means a development permit process whereby an application is reviewed, approved, or denied by the planning director or the planning director's designee based solely on objective design and development standards without a public predecision hearing, unless such review is otherwise required by state or federal law, or the structure is a designated landmark or historic district established under a local preservation ordinance. A city may utilize public meetings, hearings, or voluntary review boards to consider, recommend, or approve requests for variances from locally established design review standards.

The following definition is optional; however, recommend that it be added to MMC 22A.020.020 "A" definitions:

"All lots zoned predominantly for residential use" means all zoning districts in which residential dwellings are the predominant use. This excludes lands zoned primarily for commercial, industrial, and/or public uses, even if those zones allow for the development of detached single-family residences. This also excludes lands zoned primarily for mixed uses, even if those zones allow for the development of detached single-family residences, if the zones permit by-right multifamily use and a variety of commercial uses, including but not limited to retail, services, eating and drinking establishments, entertainment, recreation, and office uses.

Currently the code contains the term "Cottage housing development" which is defined as:

A grouping of small, single-family dwelling units, clustered around a common area and developed with a coherent plan for the site in accordance with MMC [22C.010.280](#), Cottage housing developments.

The Middle Housing guidance indicates that the following definition must be adopted instead; however, lacking a size reference and the other ownership options in code, this definition appears vague:

"Cottage housing" means residential units on a lot with a common open space that either: (a) Is owned in common; or (b) has units owned as condominium units with property owned in common and a minimum of 20 percent of the lot size as open space.

The following definition is required. MMC 22A.020.040 "C" definitions is proposed to be amended by adding this definition:

"Courtyard apartments" means attached dwelling units arranged on two or three sides of a yard or court."

The following definition is required. MMC 22A.020.050 "D" definitions is proposed to be amended by adding this definition:

"Development regulations" or "regulation" means the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together

with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.

Suggest the following minor revision to the above required definition:

"Development regulations" or "regulation" means the controls placed on development or land use activities by ~~the a county or~~ city, including, but not limited to, ordinances relating to zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned residential unit-development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.

The following definition is optional. It should be noted that, if adopted, there are other definitions (i.e. administrative decision, nonconformance, nonconforming sign) that refer to "development standards" so care should be taken to ensure that all provisions work together properly:

"Development standards" means controls placed by the city on building or site design and development including parking requirements, floor area allowances, density allowances, minimum lot coverage, and other dimensional standards.

The following definition is existing but may require further amendment:

"Duplex" means a building that contains two primary dwelling units. The units must share a common wall with the adjacent unit that extends from foundation to roof, or a common floor/ceiling.

The following definitions are optional. Suggest only adding if these are the preferred middle housing types:

"Fiveplex" means a residential building with five attached dwelling units.

"Fourplex" means a residential building with four attached dwelling units.

The following is the current definition of "Major transit stop" which shows the edits needed to align with RCW 36.70A.030(25):

"Major transit stop" means:

- (1) A stop on a high capacity transportation system funded or expanded under the provisions of Chapter [81.104](#) RCW;
- (2) Commuter rail stops;
- (3) Stops on rail or fixed guideway systems~~bus-rapid transit routes or routes that run on high-occupancy vehicle lanes; or~~
- (4) Stops ~~for a~~ on rapid transit routes, including those stops that are under construction~~bus or other transit mode providing fixed-route service at intervals of at least 15 minutes during the peak hours of operation.~~

The definition of 'housing, missing middle' needs to be repealed and replaced with the definition for 'middle housing' shown below. Please note, this definition will be amended when the preferred Middle Housing types are selected.

~~"Housing, missing middle" means townhomes, duplexes, cottage housing, and small apartments that are compatible in scale and form to detached single-family homes.~~

"Middle housing" means buildings that are compatible in scale, form, and character with single-family houses and contain two or more attached, stacked, or clustered homes including duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked flats, courtyard apartments, and cottage housing.

The following definition for single-family zones is required to be adopted and needs to be added to MMC 22A.020.200 "S" definitions:

"Single-family zones" means those zones where single-family detached residences are the predominant land use.

The following definition is optional. Suggest only adding if a sixplex is one of the selected housing types:

"Sixplex" means a residential building with six attached dwelling units.

The following definition is required and needs to be added to MMC 22A.020.200 "S" definitions:

"Stacked flat" means dwelling units in a residential building of no more than three stories on a residential zoned lot in which each floor may be separately rented or owned.

The following definitions are not required; however, may be beneficial to add to MMC 22A.020.210 "T" definitions:

"Tier 1 city" means a city with a population of at least 75,000 based on 2020 Office of Financial Management population estimates.

"Tier 2 city" means a city with a population of at least 25,000 but less than 75,000 based on 2020 Office of Financial Management population estimates.

"Triplex" means a residential building with three attached dwelling units.

"Townhouses" means buildings that contain three or more attached single-family dwelling units that extend from foundation to roof and that have a yard or public way on not less than two sides.

"Unit density" means the number of dwelling units allowed on a lot, regardless of lot size.

Chapter 22C.015 MIDDLE HOUSING OVERLAY

22C.015.010	Purpose
22C.015.020	General Provisions
22C.015.030	Application.
22C.015.040	Permitted Middle Housing Types.
22C.015.050	Unit Density.
22C.015.060	Additional units – Affordable Housing Provisions.
22C.015.070	Dimensional standards for Middle Housing.
22C.015.080	Parking Standards.
22C.015.090	Infrastructure Standards.
22C.015.100	Design Standards.
22C.015.110	Nonconforming Provisions.

22C.015.010 Purpose.

The purpose of the Middle Housing Overlay is to implement Engrossed Second Substitute House Bill 1110 and Engrossed Substitute House Bill 2321, codified in RCW 36.70A.030, 36.70A.280, 36.70A.635, 36.70A.636, 36.70A.637, 36.70A.638, 43.21C.495, and 43.21C.450, 64.32, 64.34, and 64.38, and 64.90, by providing land use, development, design, and other standards for Middle Housing developed on all lots zoned predominantly for residential use.

22C.015.020 General Provisions.

- (1) Nothing in this chapter prohibits the City from permitting detached single-family residences.
- (2) Nothing in this chapter prohibits the City from requiring any development, including Middle Housing development, to provide affordable housing, either on-site or through an in-lieu payment, nor limit the City's ability to expand or modify the requirements of an existing affordable housing program enacted under RCW 36.70A.540.
- (3) Nothing in this chapter requires the issuance of a building permit if other federal, state, and local requirements for a building permit are not met.
- (4) Nothing in this chapter affects or modifies the responsibilities of the City to plan for or provide "urban governmental services" as defined in RCW 36.70A.030.
- (5) The City shall not approve a building permit for Middle Housing without compliance with the adequate water supply requirements of RCW 19.27.097.
- (6) The City shall not require through development regulations any standards for Middle Housing that are more restrictive than those required for detached single-family residences, but may apply any objective development regulations that are required for detached single-family residences, including, but not limited to, set-back, lot coverage, stormwater, clearing, and tree canopy and retention requirements.
- (7) The same development permit and environmental review processes shall apply to Middle Housing that apply to detached single-family residences, unless otherwise required by state law including, but not limited to, shoreline regulations under chapter 90.58 RCW, building codes under chapter 19.27 RCW, energy codes under chapter 19.27A RCW, or electrical codes under chapter 19.28 RCW.
- (8) Conflicts. In the event of a conflict between this chapter and other development regulations applicable to Middle Housing, the standards of this chapter control except

that, this subsection shall not apply to shoreline regulations under Chapter 90.58.RCW

22C.015.030 Application.

- (1) The provisions of this chapter shall apply to all lots zoned predominantly for residential use as defined in MMC 22A.020.020, unless otherwise noted. The zones are depicted in the chart below.

Full Name	Short Name/Map Symbol
Medium density single-family	R-4.5
High density single-family	R-6.5
High density single-family small lot	R-8
Whiskey Ridge, high density single-family	WR-R-4-8
Low density multiple-family	R-12
Medium density multiple-family	R-18
High density multiple-family	R-28
Whiskey Ridge, medium density multiple-family	WR-R-6-18

- (2) The provisions of this chapter do not apply to:
- (a) Portions of a lot, parcel, or tract designated with critical areas designated under RCW 36.70A.170 or their buffers as required by RCW 36.70A.170, except for critical aquifer recharge areas where a single-family detached house is an allowed use provided that any requirements to maintain aquifer recharge are met.
 - (b) A watershed serving a reservoir for potable water if that watershed is or was listed, as of July 23, 2023, as impaired or threatened under section 303(d) of the federal clean water act (33 U.S.C. Sec. 1313(d)).
 - (c) Properties within Shoreline Jurisdiction.
 - (d) Lots that have been designated urban separators by countywide planning policies as of July 23, 2023.
 - (e) A lot that was created through the splitting of a single residential lot. Lot splitting is currently undefined in State law; however, lot splitting is not intended to refer to lots which have been or will be subdivided.

22C.015.040 Permitted Middle Housing Types.

Note: only 6 of 9 housing types are required; this section will be amended when direction is finalized.

Pursuant to RCW 36.70A.635(5), on all lots zoned predominantly for residential use, the following housing types are permitted outright, unless zoning permitting higher densities or intensities than those listed in MMC 22C.015.050 applies:

Housing Type	Exception
Duplex	Middle Housing building types which contain more than two-dwelling units (i.e. types other than duplexes) are allowed only when the lot is within ¼ miles of a major transit stop or when one affordable housing unit is provided.
Triplex	
Fourplex	
Fiveplex	
Sixplex	
Townhouse	
Stacked flat	
Courtyard apartment	
Cottage housing	

22C.015.050 Unit Density.

- (1) The permitted unit density on all lots zoned predominantly for residential use is:

Lot Circumstances	Units Allowed Per Lot ^{1, 2, 3, 4}
Residentially zoned lot	2
Residentially zoned lot within ¼ mile walking distance of a major transit stop ^{5, 6}	4
Residentially zoned lot with one affordable housing unit ^{6, 7}	4
¹ Unless zoning permitting higher densities or intensities applies. ² Accessory dwelling units are not allowed beyond the density requirements outlined in this table. ³ The absence of sewer service may limit redevelopment or additional development until such time sewer infrastructure improvements are made. ⁴ Currently the City of Marysville is a Tier 2 City pursuant to RCW 36.70A.635(1)(a). The City will need to comply with the Tier 1 standards in RCW 36.70A.635(1)(b) one-year after the City's Comprehensive Plan implementation progress report is due pursuant to RCW 36.70A.130(9)(a). ⁵ Major transit stop is defined in MMC 22A.020.140. ⁶ The units per lot detailed in this table for proximity to transit and provision of affordable housing are discrete options and even if both proximity to transit and affordable housing are provided, the total units per lot remains at four (4), unless otherwise allowed by code. ⁷ See affordable housing provisions in MMC 22C.015.060.	

- (2) The standards of subsection (1) do not apply to lots after subdivision below 1,000 square feet unless the city has enacted an allowable lot size below 1,000 square feet in the zone.

- (3) Multiple Middle Housing structures may be allowed per lot up to the allowed unit density specified in the table above; provided that, since single family residences are not a Middle Housing type, multiple single family residences are not permitted per lot. For example, two duplexes may be allowed per lot that either is located within ¼ mile of a major transit stop or when one affordable housing unit is provided.
- (4) Accessory dwelling units do not count as units for the purposes of this chapter.

22C.015.060 Additional units – Affordable Housing Provisions.

- (1) To qualify for additional units under the affordable housing provisions of 22C.015.050(1)(c), an applicant shall commit to renting or selling the required number of units as affordable housing and meeting the standards of subsections (2) through (6) below.
- (2) Dwelling units that qualify as affordable housing shall have costs, including utilities other than telephone, that do not exceed 30 percent of the monthly income of a household whose income does not exceed the following percentages of median household income adjusted for household size, for the county where the household is located, as reported by the United States Department of Housing and Urban Development:
 - (a) Rental housing: 60 percent.
 - (b) Owner-occupied housing: 80 percent.
- (3) The units shall be maintained as affordable for a term of at least 50 years, and the property shall satisfy that commitment and all required affordability and income eligibility conditions.
- (4) The applicant shall record a covenant or deed restriction that ensures the continuing rental or ownership of units subject to these affordability requirements consistent with the conditions in chapter 84.14 RCW for a period of no less than 50 years.
- (5) The covenant or deed restriction shall address criteria and policies to maintain public benefit if the property is converted to a use other than that which continues to provide for permanently affordable housing.
- (6) The units dedicated as affordable housing shall:
 - (a) Be provided in a range of sizes comparable to other units in the development.
 - (b) The number of bedrooms in affordable units shall be in the same proportion as the number of bedrooms in units within the entire development.
 - (c) Generally, be distributed throughout the development and have substantially the same functionality as the other units in the development.

22C.015.070 Dimensional standards for Middle Housing.

Note: these standards are a placeholder and will be amended based on direction from Planning Commission.

The following dimensional standards apply to all lots zoned predominantly for residential use electing to use the Middle Housing standards:

Development Standard	Residential Lots Using Middle Housing Standards	Additional Provisions
Density (units/lot)	See 22C.015.050	

Minimum street setback	10 feet	Porches may extend as close as seven feet from the street, sidewalk, right-of-way, or public/community improvement
Minimum driveway length/garage setback	20 feet	Minimum driveway length may be reduced in accordance with MMC 22C.010.310 .
Minimum side yard setback	5 feet	Setback is zero for attached units internal to the lot
Minimum side setback adjacent to street	10 feet (nonarterial); 15 (arterial)	Arterial side yard setbacks may be reduced if supported by a sight distance analysis prepared by a licensed civil engineer.
Minimum rear yard setback	20 feet	
Base height	30 feet	In order to accommodate a daylight basement or garage, the base height for the principal dwelling may be increased to 35 feet on lots with a 10 percent or greater slope within the building's footprint.
Maximum building coverage: Percentage	50%	
Maximum impervious coverage: Percentage	65%	
Minimum lot area	1,000 sq ft; provided, that all other dimensional, parking, and other requirements must be met	
Minimum lot width	40 feet	
Minimum lot frontage on cul-de-sac, sharp curve, or panhandle	20 feet	
Subject to MMC 22A.020.130 , subsection (1)(a) of the definition of "lot lines." Allowed front, side and rear yard projections must comply with MMC 22C.010.210 Setbacks – Projections allowed.		

22C.015.080 Parking Standards.

Note: a parking study will likely be pursued to ensure that adequate parking for local conditions is provided.

These following parking standards apply to all lots zoned predominantly for residential use electing to use the Middle Housing standards:

Lot Circumstances	Parking Stalls per Unit¹
Lot within ½ mile walking distance of a major transit stop	Zero
Lots equal to or under 6,000 square feet	1 ¹
Lots over 6,000 square feet	2 ¹
¹ Before any zero lot line subdivisions or lot splits.	

22C.015.090 Infrastructure Standards.

Note: this section is a placeholder that may be amended after discussion with Public Works.

- (1) Transportation. Regulations for driveways, frontage improvements, alley improvements, and other transportation Engineering Design and Development Standards shall not be more restrictive for Middle Housing than for detached single-family residences, except as addressed in this section.
- (2) Lot Access/Road Standards.
 - (a) Private driveway access shall be permitted for middle housing development with any number of units when a fire apparatus access road is within 150 feet of all structures on the lot and all portions of the exterior walls of the first story of the buildings, as measured by an approved route around the exterior of the buildings.
 - (b) When a fire apparatus road is not within 150 feet of all structures on the lot, subsection (2)(a) does not apply and one of the following conditions must be met:
 - (i) The building is equipped throughout with an approved automatic sprinkler system meeting International Fire Code requirements.
 - (ii) No more than two units are accessed via the same private driveway.
 - (iii) Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.
 - (c) Private driveways shall not be required to be wider than 12 feet and shall not be required to have unobstructed vertical clearance more than 13 feet six inches except when it is determined to be in violation of the International Fire Code or other fire, life, and safety standards, such as sight distance requirements.
 - (d) Private driveway access, separate from access to an existing home, shall be permitted unless it is determined to be in violation of the International Fire Code or other fire, life, safety standards, such as site distance requirements.
 - (e) This subsection is not intended to limit the applicability of the adopted International Fire Code, except as otherwise presented in this subsection.

22C.015.100 Design Standards.

Note: amendments to this section are anticipated.

The process used for reviewing compliance with Middle Housing design standards shall be administrative design review. Design standards are set forth in MMC 22C.010.290.

22C.015.110 Nonconforming Provisions.

Middle housing is permitted on legal, nonconforming lots zoned predominantly for residential.