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WASHINGTON

PLANNING COMMISSION MEETING
TUESDAY, JULY 8, 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.

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CALL TO ORDER

1. ROLL CALL

2. APPROVAL OF MINUTES

2.1 Approval of June 24th Planning Commission minutes.
Suggested motion: I move to approve the June 24th Planning Commission minutes.
PC 06242025 MINUTES

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

4. PUBLIC HEARING

5. OLD BUSINESS

6. NEW BUSINESS

6.1 Unit Lot Subdivisions
No action requested. This is a discussion item where direction is requested (see memo).
Memo re. Unit Lot Subdivisions

6.2 Comprehensive Plan Map Amendment to Reflect Northpointe MV2 UGA Expansion
No action requested. This item is informational in nature and action will be taken at the Public Hearing on August 12th.
Memo and Exhibits for Comp. Plan Amendts to Reflect Northpointe MV2 UGA Expansion

6.3 Middle Housing and Accessory Dwelling Units - Follow-up on Key Policy Items
No action requested.
Memo re. Middle Housing and Accessory Dwelling Unit Follow-up
Exhibit 4 - Memo re. Accessory Dwelling Unit Sizes
Exhibit 7 - Proposed Comprehensive Plan Map
Exhibit 8 - Proposed Zoning Map
Exhibit 9 - Middle Housing redlines

7. DIRECTOR'S COMMENTS

8. ADJOURNMENT

9. NEXT MEETING - August 12, 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 ITEM NO. 2.1

Agenda Bill

PLANNING COMMISSION AGENDA ITEM REPORT

DATE:	July 8, 2025
SUBMITTED BY:	Stacy Jones, Community Development
ITEM TYPE:	Minutes
AGENDA SECTION:	**APPROVAL OF MINUTES**
SUBJECT:	Approval of June 24th Planning Commission minutes.
SUGGESTED ACTION:	Suggested motion: I move to approve the June 24th Planning Commission minutes.
SUMMARY:	Approval of June 24th Planning Commission minutes (see attached).

ATTACHMENTS:
PC 06242025 MINUTES

Community Development

501 Delta Ave
Marysville, WA 98270

Planning Commission Meeting Minutes

June 24, 2025

CALL TO ORDER

Chair Leifer called the meeting to order at 6:30 p.m. noting the excused absence of Gary Kemp.

1) ROLL CALL

Present: Chair Stephen Leifer, Commissioner Jerry Andes, Commissioner Shanon Jordan, Vice Chair Brandon Whitaker, Commissioner John Ray, Commissioner Raymond Miller

Staff: Principal Planner Angela Gemmer, Interim Community Development Director Jeff Wilson

Excused: Commissioner Gary Kemp

2) APPROVAL OF MINUTES

2.1 Approval of 5/13 Minutes

PC 05132025.pdf

Motion to approve the May 13, 2025 minutes as presented moved by Commissioner Raymond Miller seconded by Commissioner Shanon Jordan.
AYES: ALL

3) AUDIENCE PARTICIPATION

Anton Stetner, owner, Keller Williams, Marysville, commented regarding infill development. He stated he is very pro-home ownership and would like to see more of the fee simple ownership for townhomes, ADUs, and middle housing to create more opportunities for home ownership. He spoke in support of 1200 sf ADUs as allowed in Snohomish County which creates a more livable size and design than 1000 sf. He also spoke in support of allowing two ADU's/DADU's per duplex (total of four units) which

makes the development more economically feasible. He also spoke in support of having good design standards to create some uniformity. He thinks the 35' foot height should be allowed in certain transition areas. He is supportive of the lot coverage increasing to 55 or 60%. For duplexes, he thinks that a full party wall shouldn't be required; just having a bump-out with the garage touching is enough. He stated his goal is to create more affordable products.

Russell Joe, Master Builders of King and Snohomish County, Bellevue, commented on the middle housing ordinance. He encouraged the City to take advantage of the opportunity they have to look at what other cities have done. He encouraged them to think creatively. He concurred with the recommendation from Mr. Stetner to allow two ADUs with a duplex as a way to allow ADUs to go in and keep neighborhood character. He hopes the City will consider the 1400 or 1600 maximum for ADUs which provides a better looking product. He referred to the proposed exceptions for middle housing. He agrees that railroad crossings and no secondary access would fall under the 25% exemption; however, he encouraged them to carefully consider whether floodplains/wetlands, and water/sewer would fall in there. Both of those items are covered by code and would need to be upgraded or mitigated before any unit could go in so there is already adequate protection in existing code. He encouraged the City to find ways to creatively think about ways to modify the code so existing housing can come in the way that the Planning Commission and the City would like to see it come in.

4) PUBLIC HEARING

5) OLD BUSINESS

5.1 Middle Housing and Accessory Dwelling Units - Additional Policy Questions

Memo re Middle Housing Additional Policy Questions

Principal Planner Gemmer explained that the City Council adopted interim regulations last night. To complete work on the Middle Housing and Accessory Dwelling Unit regulations, policy direction is requested from Planning Commission on some additional key matters. These topics are as follows:

- Topic 1 – Accessory dwelling unit – size cap

The current ADU limit is 1000 square feet or 50% of the SFR. State law requires two ADUs be allowed per lot and 1000 sf per ADU. Staff is proposing an upper limit of 1200, 1400, or 1600 sf if the single-family residence is 2000 sf or bigger.

Vice Chair Whitaker thought 1200-1400 sf would be adequate to meet the purpose of ADUs/middle housing.

Chair Leifer noted there are still other requirements that will limit the sizes of ADUs. Ms. Gemmer concurred and noted that it would generally require a larger lot. Chair Leifer agreed that the smaller size ADUs would create more home ownership opportunities.

Commissioner Jordan agreed that an upper limit was needed. He thought 1200-1400 sf made sense.

Commissioner Miller thought somewhere between 1000 and 1500 sf would be right.

Vice Chair Whitaker wondered if there would be a difference between 1000 and 1500 when it comes to affordability. Mr. Stetner reviewed his thoughts. He would like to see the minimum size be 1200 with a maximum 1400 or 1500 sf. He thought that very few people would actually be able to take advantage of this in Marysville. Ms. Gemmer agreed that they are very infrequent. She spoke to the need for the ADU to be subordinate or equal in size to the house.

There appeared to be agreement to go with the 1200 sf. Commissioner Andes was in favor of the 1400 sf. Chair Leifer indicated that higher limits for larger houses made sense.

Commissioner Jordan spoke to the purpose of the middle housing bill. He pointed out that that they were creating multigenerational living opportunities, but not necessarily affordable housing. He expressed concern about putting limits on the future. He wondered how many lots in Marysville would even be able to have two ADUs.

Staff will do more research on this and bring back more context.

- Topic 2 – Simple Fix to Existing Single-Family Zones to Accommodate Middle Housing

Ms. Gemmer explained the solution to have the existing dwelling units per acre modified to be dwelling units or lots per acre and carve out an exemption for middle housing. This would be compliant with the middle housing statute that requires the City to allow at least two units per lot on lots primarily designated for residential and four units per lot when there is a dedicated affordable housing unit or proximity to bus rapid transit.

- Topic 3 – Options for Amending Single-family Residential Zones while Accommodating Middle Housing

Staff is proposing two options for consolidation:

1. Consolidation of R-8 into R-6.5 zones with the dimensional standards of the R-6.5 zone.
2. Consolidation of R-8 and WR-R-4-8 into R-6.5 with the current R-6.5 standards.

There was consensus to consider option 2.

- Topic 4 – Middle Housing Exemptions for Locational or Physical Constraints

This would relate to considering middle housing exemptions in areas where there are access and rail constraints, and potentially inadequate parking and other factors. The City must site potential criteria such as access or railroad constraints, critical areas or floodplains, no sewer or poor water pressure, flooding or water quality issues, or areas with R-4.5 zoning. Ms. Gemmer reviewed areas that staff feels would be appropriate to exempt. The state law allows the City to exempt up to 25% of the lots that meet the criteria.

Questions to consider:

- Which criteria should be used when determining the areas that should be exempted from Middle Housing requirements?
- Should certain discrete factors (e.g. inadequate access/rail constraints, displacement risk) always be excluded?
- Should priority be given to areas where multiple factors apply (i.e. inadequate access/rail constraints, displacement risk, potential geotechnical hazards, etc.)?
- Should exemption language be added in circumstances where deficiencies can be addressed (i.e. alternate access provided, water pressure addressed, etc.)?
- In areas with significant access/rail constraints, should duplexes and/or PRDs also be prohibited until access deficiencies are addressed?

Commissioner Miller suggested considering safety issues such as access/rail constraints. Vice Chair Whitaker agreed that life safety constraints make the most sense. Commissioner Ray thought all of the criteria made sense, especially safety and parking constraints. Ms. Gemmer agreed and thought that most other issues could be mitigated. Interim Director Wilson explained that the exemptions give the City the ability to say that certain areas are not appropriate for increased density rather than addressing them on a case-by-case basis. Ms. Gemmer explained they are looking into the parking issue separately.

Vice Chair Whitaker thought they should look at significant life safety issues with regard to duplexes and PRDs and see what percentage they come up with. Other commissioners agreed.

- Topic 5 – Preserving Land Capacity in the R-12 and WR-R-6-18 Multi-family Zones

To preserve land capacity in the R-12 and WR-R-6-18 zones, should one of the following strategies be pursued?

- Set a minimum density for the R-12 and WR-R-6-18 zones that is near the density level projected in the City's Land Capacity Analysis; or
- Prohibit single family detached residences in the R-12 and WR-R-6-18 zones

Chair Leifer wondered about the likelihood of someone doing an SFR in either of those zones. Ms. Gemmer thought it was most likely in the R-12 zone.

There was discussion about the justification for preserving the land capacity in R-12 and WR-R-6-18 multifamily zones in order to meet growth targets.

There was consensus to support Option 1. Staff will bring back an appropriate level of minimum density in each of these zones in order to preserve land capacity.

- Topic 6 – Master Planned Senior Communities Allowed Density

Given that the City's single family residential zones may be consolidated, and that City Council provided direction to modestly incentivize MPSC, the following density options are presented for consideration:
    - Option 1 – Allow 6 or 8 du/acre for MPSC, depending on the zone
    - Option 2 – Allow 8 or 10 du/acre for MPSC, depending on the zone
    - Option 3 – Allow 10 or 12 du/acre for MPSC, depending on the zone

In each of these scenarios, a lower density would be proposed in the lower density residential zone(s) and the higher density would be proposed in the higher density residential zone(s).

There was unanimous support for Option 3.

- Topic 7 – If Single Family Residences Continue to be Permitted in Multi-family Zones, should a Height Increase for Single Family Residences and Duplexes be Allowed?

Questions for Commission:
    - Should single family residences (to the extent they are retained) and duplexes in multi-family zones be allowed to be up to 35 feet tall?
    - If so, should there be provisions to require the height to reduce to 30 feet or provide additional setbacks when abutting single family zones?

There was consensus to allow up to 35 feet tall and look at either a setback or a step down.

Ms. Gemmer asked the Commission about their availability for July 8 and August 12 meetings. There appeared to be general availability for both dates.

6) NEW BUSINESS

7) DIRECTOR'S COMMENTS

8) ADJOURNMENT

The meeting adjourned at 8:35 p.m.

Motion to adjourn the meeting at 8:35 p.m. moved by Commissioner Shanon Jordan seconded by Commissioner Jerry Andes.
AYES: ALL

9) NEXT MEETING - July 8, 2025

AGENDA ITEM NO. 6.1

Agenda Bill

PLANNING COMMISSION AGENDA ITEM REPORT

DATE:	July 8, 2025
SUBMITTED BY:	Angela Gemmer, Community Development
ITEM TYPE:	Discussion Item
AGENDA SECTION:	**NEW BUSINESS**
SUBJECT:	Unit Lot Subdivisions
SUGGESTED ACTION:	No action requested. This is a discussion item where direction is requested (see memo).
SUMMARY:	Overview of unit lot subdivisions with direction requested on the number of unit lots that may be created through the unit lot subdivision process. Please review the attached memo.

ATTACHMENTS:
Memo re. Unit Lot Subdivisions

COMMUNITY DEVELOPMENT DEPARTMENT
501 Delta Avenue ◆ Marysville, WA 98270

MEMORANDUM

DATE: July 8, 2025

TO: Planning Commission

FROM: Angela Gemmer, Principal Planner

SUBJECT: Unit Lot Subdivisions

ECC: Jeff Wilson, Interim Community Development Director
Chris Holland, Planning Manager

Attached:

Exhibit 1	Senate Bill (SB) 5258
Exhibit 2	MRSC Unit Lot Subdivision Article
Exhibit 3	Department of Commerce – Unit Lot Subdivision Fact Sheet
Exhibit 4	Department of Commerce – Middle Housing User Guide
Exhibit 5	Examples of Unit Lot Subdivisions allowed by neighboring cities
Exhibit 6	Senate Bill (SB) 5559
Exhibit 7	Unit Lot Subdivision Interim Ordinance

Introduction

In April 2023, Washington State adopted Senate Bill (SB) 5258 (**Exhibit 1**) which includes various provisions pertaining to condominiums and townhouses, and requires that jurisdictions allow unit lot subdivisions as part of their short plat regulations. SB 5258, which is codified in RCW 58.17.060(3) and took effect on July 23, 2023, states:

> "All cities, towns, and counties shall include in their short plat regulations procedures for unit lot subdivisions allowing division of a parent lot into separately owned unit lots. Portions of the parent lot not subdivided for individual lots shall be owned in common by the owners of the individual unit lots, or by a homeowners' association comprised of the owners of the individual unit lots."

Jurisdictions have the option to allow unit lot subdivisions that exceed their short plat allowance, which is nine (9) lots in Marysville. For unit lot subdivisions at or below the local short plat allowance (i.e. 9 lots), the short plat process is used. For unit lot subdivisions that exceed the local short plat allowance (i.e. 10 or more lots), the standard subdivision process is used.

This memo provides an overview of Unit Lot Subdivisions, which is based on **Exhibit 3**[1], along with a summary of what other jurisdictions are doing, and policy considerations. An Interim Ordinance pertaining to Unit Lot Subdivisions was adopted by City Council on June 23rd (see attached **Exhibit 7** for review). The key policy consideration that Planning Commission direction is requested on is what number of unit lots to allow through the unit lot subdivision process. Potential options are 100 unit lots, 250 unit lots, and unlimited unit lots; however, alternate allowances may be proposed by Planning Commission.

[1] Please refer to Exhibit 2 for further detail on some of the general Unit Lot Subdivision information contained in this memo.

What are Unit Lot Subdivisions?

A Unit Lot Subdivision (ULS) is a subdivision process that allows for the subdivision of a parent lot (i.e. original lot or parcel) into "unit lots" (i.e. child lots). In a ULS, the structure(s) are on a parent lot which is required to meet all applicable dimensional (i.e. setback, building coverage) standards while the individual "unit lots" are not required to. ULS are most often used to subdivide townhouses and other attached units along the walls that separate the units; however, the ULS process can also be used for the subdivision of multiple detached structures located on a parent lot (e.g. cottages, accessory dwelling units, a house and a duplex, etc. as shown in **Figure 1** on the following page). ULS allow for the creation of individual, fee simple legal lots, which can be sold separately. To use the ULS process, the proposed unit lots must occupy their own foundation area on the land. In other words, ULS cannot be used for vertically stacked dwelling units; the condominium process must be used if separate ownership of vertically stacked units is desired.

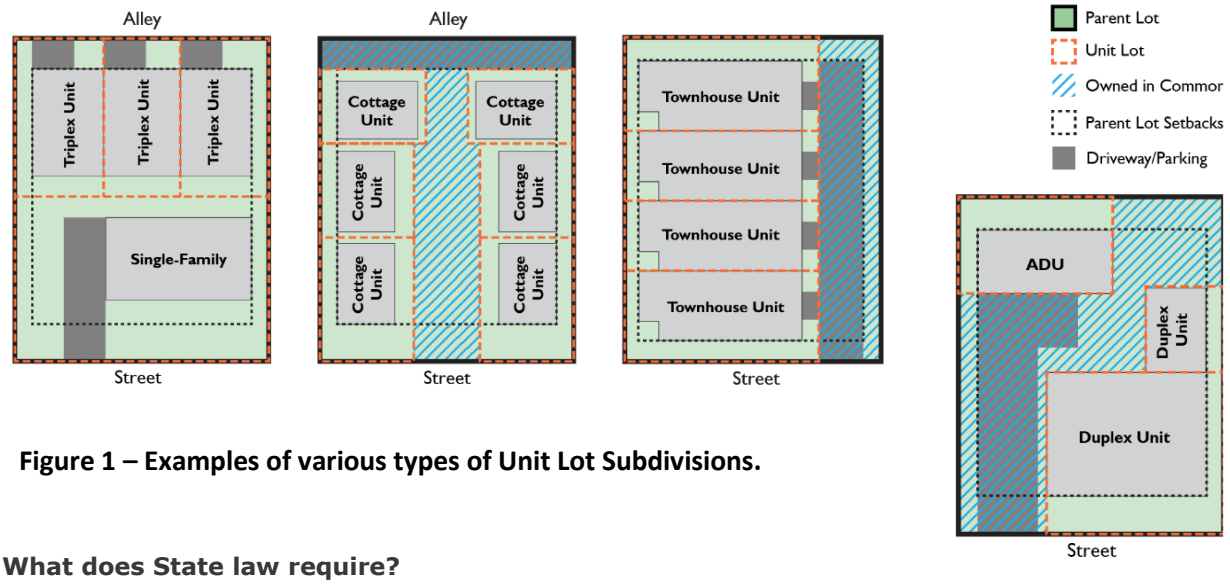


Figure 1 – Examples of various types of Unit Lot Subdivisions.

What does State law require?

Currently, State law requires that ULS be included in the short plat process. This means that a ULS must be allowed up to the number of lots allowed through the jurisdiction's short plat process. The City of Marysville allows short plats up to nine (9) lots, so must also allow ULS up to 9 lots. Portions of the subdivided parent lot not subdivided into unit lots are required to be owned in common by the individual unit lot owners or a homeowners' association (see areas with light blue diagonal lines shown in **Figure 1** above).

What are the similarities and differences between condominiums and Unit Lot Subdivisions?

	Unit Lot Subdivision *	Condominium *
Options for ownership of underlying land	Individual Combination of individual and common interest	Common interest
Options for management of common area(s)	HOA Other formal common arrangement such as plat restrictions/notes	HOA
Allows separate ownership of ADUs	Yes	Yes
Warranty **	Not required	Four-year implied warranty of quality

Processing	Short plat through jurisdiction (up to 9 lots); for subdivisions greater than 10 lots, a standard subdivision is required	State process with notice to County auditor May require jurisdiction process***
Typical Processing Steps	City/county platting process: - Application - Notice, if applicable - Preliminary approval - Final approval - Recording	- Check with local jurisdiction for any processing requirements - Housing code inspection - Issuance of a Notice of Condominium Conversion - Public offering statement - Selling units to individual buyers - Filing a declaration with the local government
***A condominium and ULS can also be combined in cases where a unit lot has stacked units and separate unit ownership is desired.** ****In Washington state, a condominium warranty includes a two-year materials and labor warranty, a five-year building envelope warranty, and a 10-year structural defects warranty.** *****Some jurisdictions require condominium conversions to be reviewed through a local process, such as a binding site plan. The application and review processes should be clearly defined in a jurisdiction's code. Marysville does not currently require a local review.** **Source: Commerce's Unit Lot Subdivision Fact Sheet**		

What types of subdivisions can occur with the Unit Lot Subdivision process?

Unit Lot Subdivisions can be used to subdivide attached or detached housing where the dwelling units are not stacked since a ULS divides the land. A condominium is needed to allow for individual sale of stacked units. In Washington state, it appears that ULS have most commonly been used to enable zero-lot line subdivision of townhouses and cottage housing.

Middle Housing. Jurisdictions subject to the Middle Housing statute (House Bill 1110 codified in RCW 36.70A.635) are required to allow zero-lot line ULS up to the Middle Housing density required of the jurisdiction. For Marysville, this is two (2) units on any lot primarily designated for residential, or four (4) units on any lot primarily designated for residential when a) one dedicated affordable housing unit is provided, or b) the lot is within ¼ mile of a major transit stop.

Accessory Dwelling Units. The Accessory Dwelling Unit statute (House Bill 1337 codified in RCW 36.70A.681) mandates that at least two accessory dwelling units (ADUs) be allowed on all lots that are located in residential zones that allow single family residences. This statute also indicates that a jurisdiction cannot prohibit the sale or conveyance of a condominium unit for a residence that was originally an accessory dwelling unit. Therefore, accessory dwelling units must be allowed to be subdivided using either the ULS or condominium process. The allowed number of accessory dwelling units would be based on the parent lot.

Detached Single Family Residences. ULS can also be used to subdivide detached single-family residences. For example:

- The retention of an SFR or construction of a new SFR when infill housing (e.g. Middle Housing or ADUs) are built on the lot; and
- Constructing multiple detached units (e.g. cottage, duplexes) on a parent lot.

How are dimensional standards applied to Unit Lot Subdivisions?

In a Unit Lot Subdivision, the dimensional standards for the zone in which the property is located apply to the parent lot. The development of the parent lot as a whole must meet the required dimensional standards. Dimensional standards that apply to the parent lot, but not the individual unit lot, include:

- Lot size and width
- Setbacks (front, side, rear, street) and projections (e.g. eaves, bay windows, etc.)
- Building and impervious surface allowances

Individual unit lots are still subject to maximum building height requirements and the underlying density for the parent lot. To ensure that the dimensional limitations for the parent lot are complied with, Commerce recommends that restrictions be placed on the plat indicating that "subsequent additions or modifications to structure(s) shall not create a nonconformity of the parent lot."

How are common areas treated?

Pursuant to RCW 58.17.060(3), the "portions of the parent lot not subdivided for individual lots shall be owned in common by the owners of the individual unit lots, or by a homeowners' association comprised of the owners of the individual unit lots." Common areas include access, open space, and similar areas, and are legal lots of record. It is important to document how common areas may be used; how maintenance and repair should be addressed; and how financial responsibilities such as utility bills and taxes should be handled. Additional discussion on this along with Homeowners' Association, Common Ownership arrangements, access easements, joint use and maintenance agreements, and covenants, conditions, and restrictions (CC&Rs) is provided in **Exhibit 3**.

How is off-street parking provided?

Off-street parking may be in a common area on the parent lot, on the unit lot with the respective dwelling unit, or on a different unit lot than the one with the dwelling unit. For parking located on a different unit lot, easements must be provided.

How are utilities handled?

Commerce advises flexibility in the provision of water, sewer, stormwater, electrical, and other utility connections (see **Exhibit 3**). Based on discussions with Marysville Public Works staff, it is recommended that Middle Housing (including ADUs) be required to provide separate water and sewer connections so that if the units are subdivided the owner retains control and maintenance responsibilities over their personal utility connection. This would also allow for individual utility bills so that each owner or tenant is only responsible for their personal utility bills. Further discussion with Public Works regarding the treatment of stormwater facilities.

What is the review and approval process for Unit Lot Subdivisions?

Commerce recommends that Unit Lot Subdivisions be processed through the same application, review and approval procedures as a short subdivision. In staff's research on ULS, the codes of several Snohomish County and a couple King County jurisdictions were reviewed (as described further below). Most jurisdictions do not currently appear to have a limit on the number of units that can be created through the ULS process (i.e. they do not limit the number of units that can be created to nine (9)).

Other jurisdictions' ULS codes are either largely stand-alone codes that fully address the ULS process, or are short code sections that specifically address ULS and supplement the jurisdiction's standard short subdivision or subdivision codes. Most jurisdictions' codes direct the reader to follow their standard short subdivision process when between four (4) and nine (9) unit lots[2] are proposed to be created, or to the standard subdivision process when the unit lots proposed for creation exceed the short plat threshold.

When an application is received, it is reviewed for consistency with code. After required infrastructure improvements are made, a final plat map is recorded with the County Auditor's Office. It should be noted that jurisdictions can elect to allow the ULS to be recorded (e.g. to subdivide off a lot for sale) prior to infrastructure improvements being made.

[2] Jurisdictions may elect to either allow short plats up to four (4) or nine (9) lots. Marysville allows short plats up to 9 lots.

What jurisdictions currently have ULS regulations and what do they allow?

The codes of 21 jurisdictions (all Snohomish County cities plus four King County cities) were reviewed to determine whether they currently have ULS provisions in place and, if so, what their codes allow. Half of Snohomish County cities currently have ULS provisions and half do not.[3] Some sample Unit Lot Subdivision projects from surrounding cities is attached (see **Exhibit 5**).

- **Lot Limit.** For both counties, among all of the jurisdictions whose codes were reviewed, there does not appear to be any jurisdictions that cap the amount of unit lots which can be created. This is despite jurisdictions currently being able to limit ULS to their short plat threshold (of 4 or 9 lots).

- **Access.** It appears that most cities allowing ULS allow the access to be a private drive aisle; however, both public and private roads, and alleys are mentioned in some cities' codes as providing access.

- **Eligible Unit Types.** Currently several cities allowing ULS limit them to divisions involving townhouses or cottages; however, other cities allow a variety of attached and detached housing types to be unit lot subdivided. The Department of Commerce – Middle Housing User Guide (**Exhibit 4)** indicates that ULS will need to be allowed up to the Middle Housing density allowances and up to a City's short subdivision threshold, so it is anticipated that revisions to these cities codes are being prepared.

- **Townhouse Unit Width.** Most cities also do not appear to have minimum widths for individual townhouse units (i.e. how wide the unit is when viewed from the front of the unit) that will be unit lot subdivided; however, one jurisdiction mentioned that they would be potentially implementing townhouse minimum unit width. Currently townhouses that are subdivided onto individual lots in Marysville are required to be 25 feet wide while the development community has expressed interest in units ranging from 18 to 20 feet wide.

What are potential opportunities and challenges of allowing Unit Lot Subdivisions?

Unit Lot Subdivisions (ULS) have several positive attributes; however, there are aspects of ULS that may result in more intense development than current Marysville Municipal Codes (MMC) and require thoughtful preparation of codes and standards. Below is an overview of potential opportunites and challenges when allowing ULS.

Opportunities

The following are some potential opportunities when allowing Unit Lot Subdivisions (ULS):

- **Fee Simple Ownership.** Allows for the subdivision of attached dwelling units into individual fee simple[4] units that can be separately owned. Fee simple ownership affords more loan/financing options than condominium ownership.[5]

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[3] In Snohomish County, Arlington, Bothell, Edmonds, Everett, Granite Falls, Lake Stevens, Lynnwood, Mountlake Terrace, and Snohomish allow Unit Lot Subdivisions, while Brier, Gold Bar, Kirkland, Mill Creek, Monroe, Stanwood, Sultan, and Woodway do not appear to have Unit Lot Subdivision standards at this time. In King County, Bellevue, Redmond, and Renton allow Unit Lot Subdivisions, while Kirkland does not appear to.

[4] Fee simple is the highest form of ownership and grants title to the property, the land, and any improvements to the land in perpetuity. Encumbrances can still be placed on the land. With condominiums, you own your individual housing unit; however, common areas such as open space and parking are typically owned collectively by the condominium owners and management occurs through a Homeowners' Association.

[5] Fee simple owned units are eligible for the same loan products as single family homes. These include government-backed loans like FHA, FHA 203K, and VA loans along with a wide variety of conventional conforming and non-conforming products, both private and retail. For condominium units, there are fewer financing options and obtaining government-back financing can be more diffiult. Source: Townhouse Financing | Fee-Simple vs Condo Ownership

- **Lower Barrier to Homeownership.** Lowers the barrier to homeownership as attached units are typically less expensive than detached single family units.

- **Land Cost.** Reduces land costs for each home since attached homes use less land than detached homes. This helps promote more affordable home ownership.

- **Infill.** Enables infill development on underutilized lots.

Challenges

The following are some potential challenges of allowing Unit Lot Subdivisions (ULS):

- **Density.** Allowing larger unit lot subdivisions could have the effect of encouraging greater density in the form of larger townhouse and similar attached dwelling unit developments. This could be mitigated in part by continuing to require a townhouse unit width (i.e. width of the unit when viewed from the front façade).

- **Roads vs. Drive Aisles.** Currently in Marysville, single family detached residences and attached single family residences (i.e. townhouses) on individual lots are served by public roads, which are dedicated to and maintained by the City. Multi-family residences and townhouses located on the same lot are served by private drive aisles.

  Drive aisles are typically narrower than public roads and lack on-street parking. Drive aisles are, however, expected to meet engineering design standards for fire access.

  There may also be an expectation when there is fee simple ownership of a residence that the roads will be dedicated to and maintained by the City; however, drive aisles are not.

  If Unit Lot Subdivisions in excess of over 20 unit lots are proposed to be allowed, coordination with Public Works will need to occur to determine what type of access should be required to serve the lots. Access concerns could potentially be mitigated by requiring a public road with a narrower cross section than a typical subdivision road, or requiring a drive aisle to be built with more integrity (i.e. more substantial subbase) than a typical private drive aisle.

- **Sanitation.** Townhouse developments are typically served by individual solid waste toters, which need to be placed along the public street for pick up due to the difficulty in accessing the toters on the drive aisle interior to a project. Individual waste toters also require more time to pick up then consolidated waste collection facilities. These impacts could be mitigated by providing consolidated pads for placement of waste toters, or requiring a public road to be built.

- **Parking.** House Bill 1110 limits parking for Middle Housing to between 0 and 2 parking spaces depending on the lot circumstanes. Currently staff is working with Transpo to evaluate the safety implications of these parking standards, and endeavor to obtain approval from Commerce to allow Marysville to require more parking than the new, State-mandated minimums on roads where there are safety concerns. The level of parking mandated by this statute is expected to result in inadequate parking and safety issues on certain roads or accesses if an applicant elects to construct such limited amounts of parking – particularly since drive aisles do not include 'on-street' parking.

  It should be noted that the recently adopted Senate Bill 5184 will limit parking to 0.5 parking space per multi-family unit and 1 parking space per single family residence. SB 5184 must be implemented by the City of Marysville by January 27, 2027. Relief from the provisions of that statute will likely also be pursued.

Is there more pending legislation pertaining to Unit Lot Subdivisions?

Senate Bill (SB) 5559 (**Exhibit 6**), once signed by the Governor, will require that cities allow Unit Lot Subdivisions (ULS) for both subdivisions and short subdivisions within two years of the bill's effective date, which is July 27, 2027. Therefore, the City will ultimately need to allow ULS with no cap on the number of units that can be subdivided.

CITY OF MARYSVILLE
Marysville, Washington
ORDINANCE NO. 3350

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON, ADOPTING AN INTERIM ZONING ORDINANCE TO COMPLY WITH ENGROSSED SECOND SUBSTITUTE HOUSE BILL (E2SHB) 5258 PERTAINING TO UNIT LOT SUBDIVISIONS AND ADOPTING A NEW CHAPTER 22G.095 UNIT LOT SUBDIVISIONS TO THE MARYSVILLE MUNICIPAL CODE (MMC).

WHEREAS, in 2023 the Washington state legislature passed Engrossed Second Substitute House Bill (E2SHB) 5258 (chapter 337, Laws of 2023) related to Unit Lot Subdivisions; and

WHEREAS, in passing E2SHB 5258 (chapter 337, Laws of 2023) the State legislature aimed to increase the supply and affordability of condominium units and townhouses as an option for homeownership; and

WHEREAS, E2SHB 5258 (chapter 337, Laws of 2023) is codified in the Revised Code of Washington (RCW) section 58.17.060; and

WHEREAS, in passing RCW 58.17.060 requires that all cites, towns, and counties shall include in their short plat regulations procedures for unit lot subdivisions allowing division of a parent lot into separate unit lots; and

WHEREAS, RCW 58.17.060 was effective on July 23, 2023; and

WHEREAS, the City was unable to dedicate efforts to incorporate the provisions of RCW 58.17.060 into the MMC prior to 2025 due to needing to focus efforts on the 2024 Comprehensive Plan periodic update; and

WHEREAS, the City Council wishes to ensure broad public participation in the development of Unit Lot Subdivision standards; and

WHEREAS, ensuring broad public participation and drafting amendments to the municipal code require additional time; and

WHEREAS, City staff have prepared interim regulations pertaining to Unit Lot Subdivisions, for which environmental review occurred and for which a State Environmental Policy Act (SEPA) Determination of Non-Significance was issued on June 6, 2025; and

WHEREAS, the State Growth Management Act (RCW 36.70A) requires notice and broad public participation when adopting or amending the City's comprehensive plan and development regulations; and

WHEREAS, pursuant to RCWs 35A.63.220 and 36.70A.390, the Marysville City Council may adopt an interim zoning ordinance that extends for a period of up to six months, if the Council holds a Public Hearing on the interim zoning ordinance within sixty days after adoption and subsequently adopts findings of fact to support the interim zoning ordinance; and

WHEREAS, applicants would be able to submit development applications under the proposed interim zoning ordinance; and

WHEREAS, during this six-month period, the City Council will consider permanent Unit Lot Subdivision regulations; and

WHEREAS, while the interim zoning ordinance is in effect, the City Council will direct City staff to consider all relevant facts, perform all necessary analyses, and work with the Marysville Planning Commission to prepare permanent Unit Lot Subdivision regulations; and

WHEREAS, during this six-month period, an ordinance which includes permanent Unit Lot Subdivision regulations will be drafted and processed according to applicable law, which will include a notice of Public Hearing(s), and consideration/action on the final ordinance by City Council; and

WHEREAS, the City Council considered this interim ordinance during the Council's regular meeting on June 23, 2025;

WHEREAS, the City Council will hold a Public Hearing on July 14, 2025 to accept public testimony and to consider such interim zoning ordinance; and

WHEREAS, the City Council adopts the findings and conclusions outlined in Section 2; and

WHEREAS, the interim zoning ordinance and other official controls are necessary for the public health, safety, and welfare; and

WHEREAS, this is a public emergency ordinance necessary for the protection of public health and public safety, and should be effective upon adoption.

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

Section 1. The purpose of this interim zoning ordinance is to allow the City adequate time to complete the activities described in the recitals, which are incorporated by this reference. These activities will be performed while an interim zoning ordinance establishing interim Unit Lot Subdivision regulations are in effect. The City Council finds that the adoption of an interim zoning ordinance for a six-month period will best serve the public interest. Said interim regulations are set forth in attached **Exhibit A**.

Section 2. The City Council makes the following findings of fact and conclusions in support of the interim zoning ordinance.

(1) The City Council adopts and incorporates the recitals above as findings.

(2) The interim zoning regulations set forth in **Exhibit A** will allow for Unit Lot Subdivisions that comply with RCW 58.17.060, while establishing interim standards promotes Unit Lot Subdivisions that align with the community's vision.

(3) It is in the best interest of City of Marysville to adopt interim Unit Lot Subdivision regulations at this time, pending further study and public engagement on the final development regulations.

(4) The proposed interim zoning regulations will promote the public health, safety, moral, and general welfare, and are consistent with the goals and policies of the Comprehensive Plan.

(5) This ordinance satisfies the procedural and substantive requirements of, and is consistent with, the GMA.

Section 3. The City Clerk is authorized and directed to provide the necessary public notice and schedule a Public Hearing on this interim zoning ordinance to be held during the City Council's regular meeting on July 14, 2025, or within 60 days of the adoption of this Ordinance, as provided in RCW 35A.63.220 and RCW 36.70A.390. After the Public Hearing, the City Council may adopt additional legislative findings in support of this Ordinance and/or otherwise modify the provisions of this Interim Zoning Ordinance.

Section 4. A new Chapter 22G.095, Unit Lot Subdivisions, of the municipal code is adopted as set forth in **Exhibit A**.

Section 5. The amendments to MMC Title 22, consisting of the above-described amendments to MMC Chapter 22G.095, are consistent with the following required findings of MMC 22G.010.520:

(1) The amendments are consistent with the purposes of the comprehensive plan;

(2) The amendments are consistent with the purpose of MMC Title 22;

(3) There have been significant changes in the circumstances to warrant a change;

(4) The benefit or cost to the public health, safety and welfare is sufficient to warrant the action

Section 6. MMC Section 22A.010.160, entitled "Amendments," is hereby amended as follows by adding reference to this adopted ordinance to track amendments to the City's Unified Development Code (all unchanged provisions of MMC 22A.010.160 remain unchanged and in effect):

"**22A.010.160 Amendments.**

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

Ordinance	Title (description)	Effective Date
3350	Unit Lot Subdivisions Interim Regulations	June 23, 2025"

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

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

Section 9. This ordinance is necessary for the protection of public health and public safety, and is effective upon its passage by the City Council and approval by the Mayor.

PASSED by the City Council and APPROVED by the Mayor this 23 day of June, 2025.

CITY OF MARYSVILLE

By: _____
JON NEHRING, MAYOR

Attest:

By: _____
~~TINA BROCK, CITY CLERK~~
Chari Taber, Deputy City Clerk

Approved as to form:

By: _____
~~JON~~ WALKER, CITY ATTORNEY

Date of Publication: June 26, 2025

Effective Date: June 23, 2025
(Effective immediately upon passage)

Exhibit A

Chapter 22G.095
Unit Lot Subdivisions

22G.095.010 Purpose.

The purpose of this chapter is to provide an alternate process for the subdivision of land into unit lots for the creation of townhouse, cottage housing, Middle Housing, and similar developments. This process allows for fee-simple ownership while applying development standards primarily to a parent lot, rather than to the individual lots resulting from a subdivision.

22G.095.020 Applicability.

(1) The provisions of this chapter apply exclusively to the subdivision of land for Middle Housing, cottage housing, townhouses, accessory dwelling units, and multiple detached single-family residences, in which no dwelling units are stacked on another dwelling unit or other use. These regulations ensure that development on individual unit lots need not conform to minimum lot area or dimensional standards, provided the overall development of the parent lot meets applicable standards.

(2) A unit lot subdivision is permitted in all residential zones and in the Mixed Use zone.

(3) The term "parent lot" is defined in MMC 22A.020.170, and terms "unit lot" and "unit lot subdivision" are defined in MMC 22A.020.220.

(4) A unit lot subdivision creates a relationship between the parent lot and two or more unit lots created.

(5) A unit lot subdivision may be used for any development with two or more dwelling units on parent lots of two acres or less that meet the standards of this chapter.

(6) A unit lot subdivision may be combined with a subdivision or short subdivision so long as the portion of the development utilizing this chapter meets the requirements of this chapter.

(7) Existing developments which meet or can be brought into conformance with the requirements of this chapter may apply for a unit lot subdivision under the conditions of this chapter.

(8) Subdivisions with a commercial or other non-residential use must be approved through a binding site plan under Chapter 22G.100 MMC.

22G.095.030 General requirements.

(1) Unit lots are subject to all applicable requirements of MMC Title 22, Unified Development Code, except as modified by this chapter.

(2) A maximum number of 20 unit lots may be created through the unit lot subdivision process.

(3) Development on individual unit lots need not conform to minimum lot area, density, lot frontage, or dimensional requirements; provided, that development on the parent lot must conform to these requirements.

(4) All buildings shall meet all applicable provisions set forth in Title 9, Fire and Title 16, Building.

(5) Access for the unit lot subdivision can be provided via a private multi-family drive aisle, alley, or private road. Each access type must conform to the standards set forth in the City's Engineering Design and Development Standards. Multi-family drive aisles shall comply with the following standards:

(a) Where buildings are located on both sides of a drive aisle, sidewalks must be provided on each side. Where buildings are located on only one side of a drive aisle, the sidewalk must be located on the side of the drive aisle that the buildings are located on.

(b) The drive aisle shall comply with standards set forth in Chapter 22C.130 MMC including the dimensional requirements in MMC 22C.130.050, Table 2; provided that, the width of the drive aisle shall be increased to 26 feet where required by MMC Title 9 *Fire*.

(c) The drive aisle shall be constructed with a subgrade and compaction as specified in the City's Engineering Design and Development standards.

(6) Required parking for a dwelling unit may be provided on a different unit lot than the dwelling unit if the right to use the parking is formalized by an easement recorded with the Snohomish County Auditor.

(7) Individual water and sewer connections shall be provided for each unit lot except as specifically exempted in Title 14, Water and Sewers.

(8) A minimum of five (5) feet of separation is required between structures; provided that, this separation may be reduced if:

(a) Adequate fire rating is provided between structures per the International Building Code; and

(b) A 44-inch-wide paved pathway that is free of obstructions is provided between structures to ensure adequate access for emergency services.

(9) Adequate provisions for ingress, egress, emergency services, and utilities must be ensured through recorded easements. Access easements, joint use agreements, and maintenance agreements must be executed for use and maintenance of common areas and recorded with the county.

(10) Portions of the parent lot not subdivided for unit lots shall be identified as tracts and owned in common by the owners of the unit lots.

(11) Common areas and facilities, which may include parking, common open space, and stormwater facilities shall be maintained by a homeowners' association or the owners of the unit lots.

(12) Two hundred (200) square feet of private open space, with a minimum dimension of 15 feet, shall be provided for each unit lot on the respective unit lot it serves. Parking areas shall not count towards required open space.

(13) A unit lot subdivision may be amended subject to the minor revision requirements set forth in MMC 22G.010.260(2).

22G.095.040 Application procedure.

(1) Unit lot subdivisions creating 10 to 20 lots shall be processed as a subdivision under Chapter 22G.090 MMC.

(2) Unit lot subdivisions creating nine or fewer lots shall be processed as a short subdivision under Chapter 22G.090 MMC.

(3) Applications for a unit lot subdivision must fulfill the applicable requirements for a subdivision or short subdivision, and also identify:

(a) Areas and facilities owned in common by the owners of the unit lots, including garages, parking, vehicle access, and open space;

(b) Access easements, joint use and maintenance agreements, and covenants, conditions, and restrictions identifying the rights and responsibilities of property owners and/or the homeowners association for use and maintenance of common areas; and

(c) Conformance of the parent lot with all applicable development requirements of MMC 22G.090 *Subdivisions and Short Subdivisions*.

22G.095.050 Approval criteria.

Unit lot subdivisions are the approval requirements set forth in Chapter 22G.090 MMC for a subdivision or short subdivision, as applicable, in addition to the following additional criteria:

(1) The requirements provided in this chapter are satisfied;

(2) The parent lot is designed to function as one site with respect to, but not limited to, lot access, interior circulation, open space, landscaping, drainage facilities, facility maintenance, and parking;

(3) The conditions of use, maintenance and restrictions on redevelopment of shared open space, parking, access, and other improvements are identified and enforced by covenants, easements or restrictions; and

(4) Appropriate provisions are made for the public health, safety and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, and parks and recreation.

22G.095.060 Recording.

The plat recorded with the Snohomish County Auditor for a unit lot subdivision is required to include the following in addition to the requirements in MMC Chapter 22G.090 *Subdivisions and Short Subdivisions*: Article II *Preliminary Subdivision Review*, Article III *Final Subdivision Review*, and Article IV *Short Subdivision Review*:

(1) A title that includes "Unit lot subdivision."

(2) Access easements, joint use and maintenance agreements, and covenants, conditions, and restrictions identifying the rights and responsibilities of property owners and/or the homeowners association for use and maintenance of common areas, including garages, parking, vehicle access, and open space.

(3) Note all conditions of approval.

(4) Notes to acknowledge the following:

(a) Approval of the unit lot subdivision was based on the review of the development as a whole on the parent lot and unit lots are not buildable lots independent of the overall development;

(b) Subsequent platting actions or additions or modifications to structures may not create or increase any nonconformity of the parent lot as a whole, and shall conform to the approved site plan;

(c) If a structure or portion of a structure has been damaged or destroyed, any repair, reconstruction or replacement of the structure(s) shall conform to the approved site development plan;

(d) Additional development of the individual unit lots may be limited due to the development standards that the parent lot is subject to;

(e) Individual unit lots are not separate buildable sites and additional development may be limited; and

(f) Subsequent platting actions or modifications may not create or increase nonconformity of the parent lot.

22G.095.070 Conflicts.

Any irreconcilable conflicts between the provisions of this chapter and other sections of the Marysville Municipal Code shall be resolved in favor of the text of this chapter.

Options

Initially City Council was provided with the options of allowing unit lot subdivisions up to nine (9) unit lots, twenty (20) unit lots, or an unlimited number of units lots, and recommended allowing unit lot subdivisions up to 20 unit lots. At the June 23rd City Council meeting, the Council adopted an Interim Ordinance on Unit Lot Subdivisions (**Exhibit 7**) and directed staff to have Planning Commission consider a higher allowance for unit lot subdivisions. With that direction in mind, the following options related to unit lot subdivisions are proposed for Planning Commission's review and consideration:

Option A – Adopt an ULS code allowing for unit lot subdivisions up to 100 unit lots;

Option B – Adopt an ULS code allowing for unit lot subdivisions up to 250 unit lots; or

Option C – Adopt an ULS code that does not cap the number of unit lots that can be created through this process.

At the July 8th Planning Commission work session, staff will provide a brief overview of Unit Lot Subdivisions and respectfully requests that Planning Commission provide direction on which approach to ULS is preferred at this time. Staff also respectfully requests that Planning Commission review the Interim Unit Lot Subdivision Ordinance and provide any comments or questions.

AGENDA ITEM NO. 6.2

Agenda Bill

PLANNING COMMISSION AGENDA ITEM REPORT

DATE:	July 8, 2025
SUBMITTED BY:	Angela Gemmer, Community Development
ITEM TYPE:	Discussion Item
AGENDA SECTION:	**NEW BUSINESS**
SUBJECT:	Comprehensive Plan Map Amendment to Reflect Northpointe MV2 UGA Expansion
SUGGESTED ACTION:	No action requested. This item is informational in nature and action will be taken at the Public Hearing on August 12th.
SUMMARY:	On December 4, 2024, the Snohomish County Council approved an expansion to the Marysville Urban Growth Area (UGA) known as the Northpointe MV2 UGA Expansion. The proposal is to update relevant Comprehensive Plan maps to reflect the UGA expansion and designate the property Light Industrial on the Comprehensive Plan map. Please see the attached memo for additional information.

ATTACHMENTS:

Memo and Exhibits for Comp. Plan Amendts to Reflect Northpointe MV2 UGA Expansion

COMMUNITY DEVELOPMENT DEPARTMENT
501 Delta Avenue ◆ Marysville, WA 98270 ◆ (360) 363-8000

MEMORANDUM

DATE: July 8, 2025

TO: Planning Commission

FROM: Angela Gemmer, Principal Planner

RE: Northpointe MV2 UGA Expansion

CC: Jeff Wilson, Interim Community Development Director
Chris Holland, Planning Manager

EXHIBIT 1: Original Northpointe MV2 UGA Expansion request
EXHIBIT 2: Amended Northpointe MV2 UGA Expansion request
EXHIBIT 3: Snohomish County Amended Ordinance No. 24-031

Background

As part of Snohomish County's major docket cycle amendments, Snohomish County Planning and Development Services received various requests to amend the Snohomish County Comprehensive Plan. Among the docket requests received was the Northpointe Development Marysville Urban Growth Area (UGA) expansion request (County ID MV2). The initial Northpointe MV2 UGA expansion request was for an approximately 183-acre expansion to Marysville's UGA, and was located just east of the northeast corner of the Marysville UGA, west of 67th Avenue NE, north of 152nd Street NE, and east of the Burlington Northern Santa Fe railway right-of-way (see **Exhibit 1**). The full UGA expansion was not supported by Snohomish County and was ultimately modified by the Snohomish County Council to comprise 39-acres located west of 67th Avenue, north of 162nd Street NE, and east of the BNSF railway right-of-way (see **Exhibit 2**). The 39-acre assemblage is identified by Assessor's Parcel Numbers 31052700100400, 31052700100500, and 31052700400200. The reduced 39-acre UGA expansion was approved by the Snohomish County Council on December 4, 2024 (see **Exhibit 3**). With the UGA expansion, the property was redesignated from Agriculture-10 Acre (A-10) to Urban Industrial (UI).

Summary of Amendments

Since the Northpointe MV2 docket request was approved around the same time that the 2024 Marysville Comprehensive Plan was adopted, the Northpointe MV2 UGA expansion is not reflected on the various maps in the 2024 Comprehensive Plan or on the standalone Comprehensive Plan map. The proposed amendment is to update all applicable Comprehensive Plan maps to reflect the UGA expansion and designate the property Light Industrial (LI).

The specific pages of the Comprehensive Plan which reflect these changes will be presented at the Public Hearing on August 12th. In the interim, what the map amendment will look like is shown in **Exhibit 4**.

At the July 8th Planning Commission work session, staff respectfully request that any comments or questions be provided on the proposed amendments to the Comprehensive Plan maps to reflect the Northpointe MV2 UGA Expansion as part of the overall Marysville UGA.

Exhibit 1

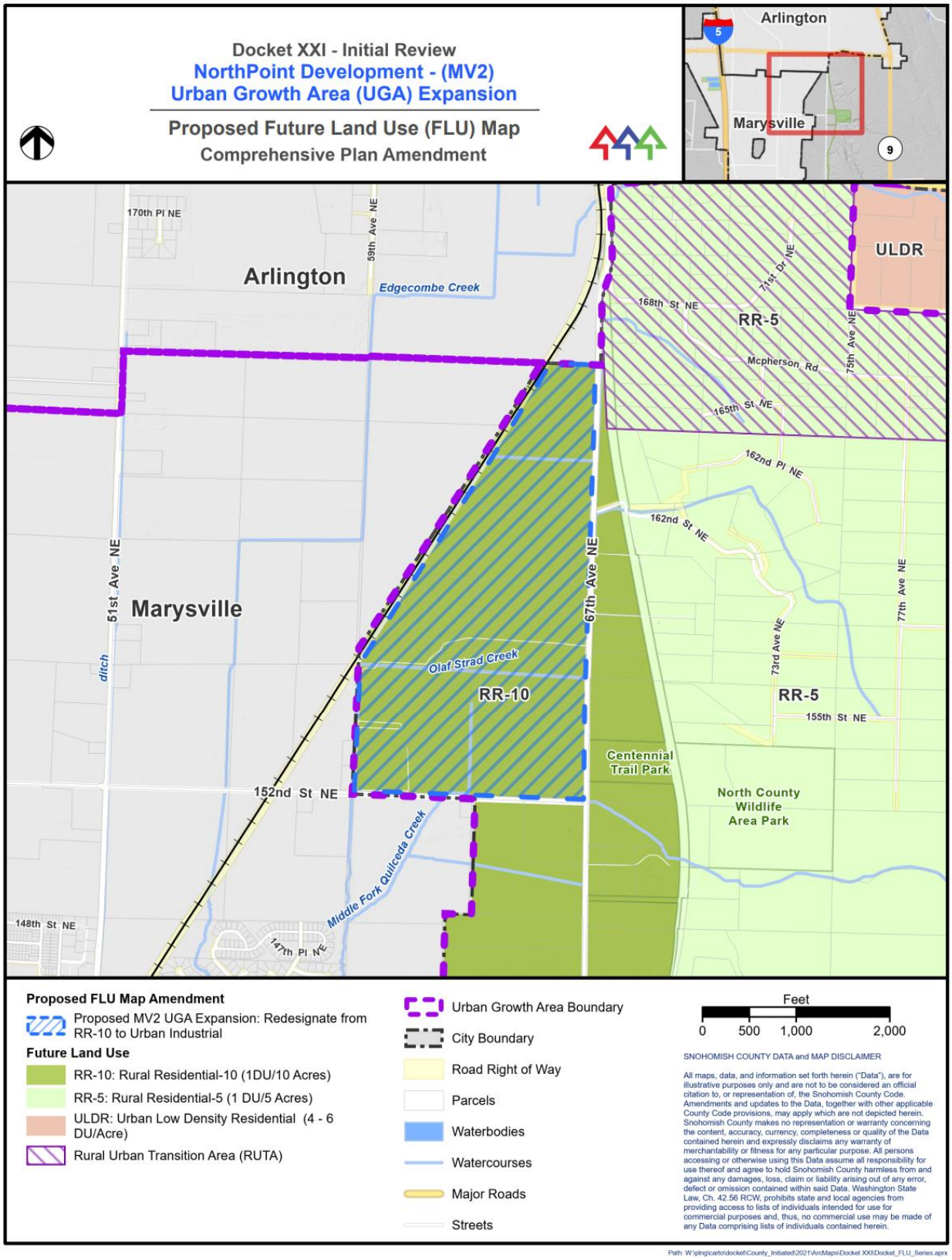
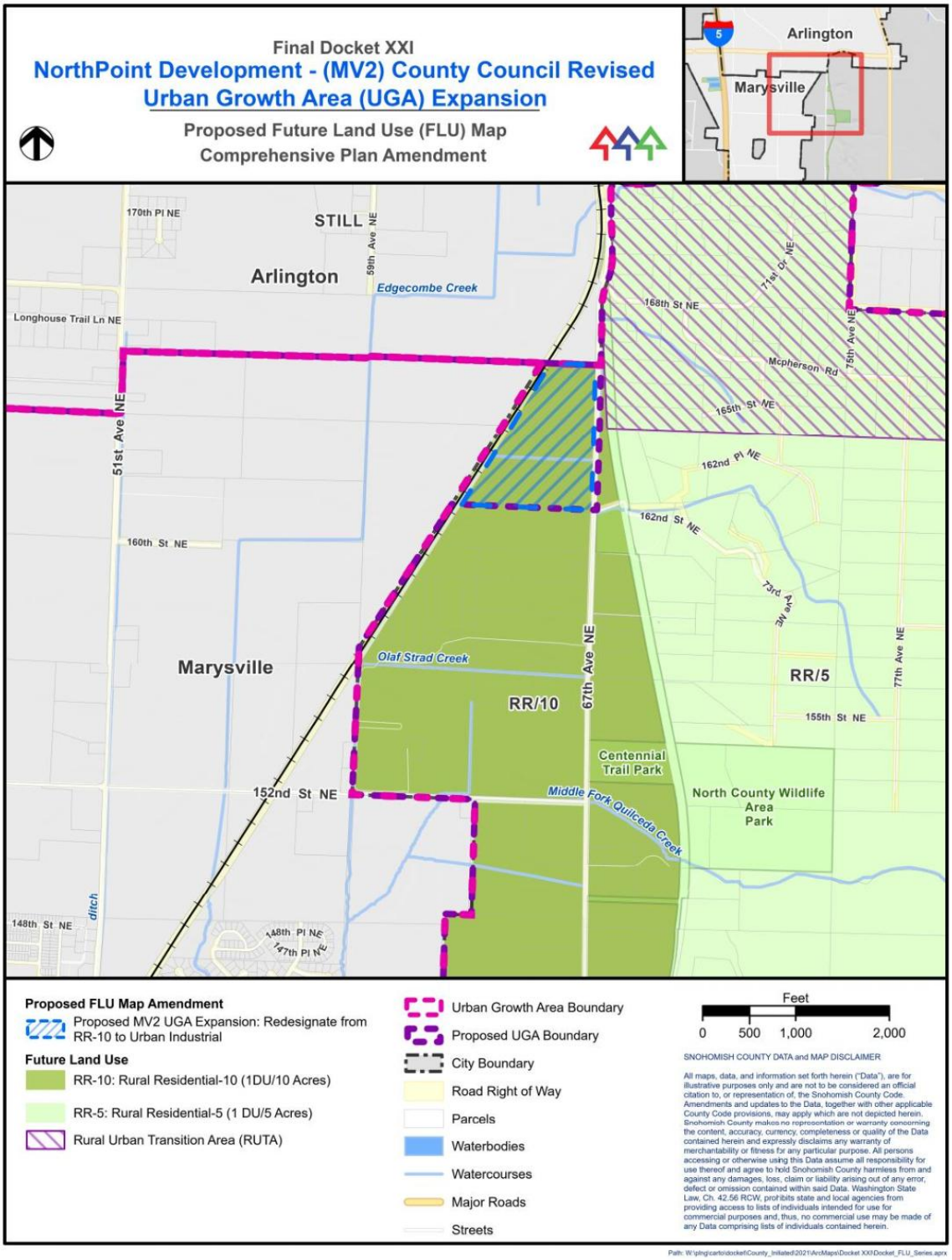

Docket XXI - Initial Review
NorthPoint Development - (MV2)
Urban Growth Area (UGA) Expansion
Proposed Future Land Use (FLU) Map
Comprehensive Plan Amendment
Arlington
Marysville
5
9
170th Pl NE
59th Ave NE
Edgecombe Creek
ULDR
71st Dr NE
168th St NE
RR-5
75th Ave NE
Mcpherson Rd
165th St NE
162nd Pl NE
162nd St NE
51st Ave NE
67th Ave NE
77th Ave NE
73rd Ave NE
ditch
Olaf Strad Creek
RR-10
155th St NE
Centennial Trail Park
North County Wildlife Area Park
152nd St NE
Middle Fork Quilceda Creek
148th St NE
147th Pl NE
Proposed FLU Map Amendment
Proposed MV2 UGA Expansion: Redesignate from RR-10 to Urban Industrial
Future Land Use
RR-10: Rural Residential-10 (1DU/10 Acres)
RR-5: Rural Residential-5 (1 DU/5 Acres)
ULDR: Urban Low Density Residential (4 - 6 DU/Acre)
Rural Urban Transition Area (RUTA)
Urban Growth Area Boundary
City Boundary
Road Right of Way
Parcels
Waterbodies
Watercourses
Major Roads
Streets
Feet
0 500 1,000 2,000
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Exhibit 2

Exhibit C: Future Land Use Map Changes



Adopted: December 4, 2024
Effective: December 22, 2024, except UGA expansions and related zoning effective as provided in Section 9 of this ordinance

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

AMENDED ORDINANCE NO. 24-031

RELATING TO MANDATORY UPDATES OF THE SNOHOMISH COUNTY GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN, PURSUANT TO RCW 36.70A.130; ADOPTING FUTURE LAND USE MAP AMENDMENTS TO THE COMPREHENSIVE PLAN

WHEREAS, Snohomish County ("the county") adopted the Snohomish County Growth Management Act Comprehensive Plan (GMACP) including the Future Land Use (FLU) Map on June 28, 1995, through passage of Amended Ordinance No. 94-125; and

WHEREAS, the county has amended the GMACP FLU Map several times since its adoption, most recently by Amended Ordinance No. 22-028 on September 14, 2022; and

WHEREAS, the county must conduct a periodic review of its GMACP pursuant to Revised Code of Washington (RCW) 36.70A.130(3), which directs counties planning under the Growth Management Act (GMA) to take legislative action to review and, if needed, revise their comprehensive plans and development regulations to ensure that population, employment, and housing growth for the succeeding 20-year period can be accommodated; and

WHEREAS, on November 1, 2021, the county began the State Environmental Policy Act (SEPA) scoping period, and held two virtual public meetings on November 9 and November 15, 2021, to kick off the review of the GMACP and to seek comments on a scope for an Environmental Impact Statement (EIS); and

WHEREAS, the county published the SEPA scoping public notice in English, Spanish, and Korean in the Everett Herald, sent it to agencies and interested parties as contained in the Planning and Development Services (PDS) SEPA Distribution List, and posted it to the Snohomish County website; and

WHEREAS, the county created a project website to disseminate information related to the update of the GMACP and to provide opportunities for public input. The website was continually updated over the planning process and included a calendar of events related to Snohomish County Planning Commission ("Planning Commission") briefings and hearings and other public engagement opportunities; and

WHEREAS, the county provided regular briefings on the update of the GMACP to the Snohomish County Tomorrow (SCT) Planning Advisory Committee, SCT Steering Committee, SCT Executive Committee, and SCT Community Advisory Board; and

WHEREAS, the county conducted extensive public engagement for the GMACP update with an emphasis on reaching historically and currently marginalized communities that included online surveys, newsletters translated into Spanish, Korean, and Vietnamese, and in-person events across Snohomish County in 2022 and 2023; and

WHEREAS, the Planning Commission was provided information on the potential GMACP FLU Map amendments, including those included in docket proposals, in a briefing on September 12, 2023; and

WHEREAS, the county issued the Draft Environmental Impact Statement (DEIS) on September 6, 2023, and the 45-day public comment period ended on October 23, 2023; and

WHEREAS, the county created an online interactive mapping tool for the public to review the zoning and FLU Maps studied for each of the three land use alternatives and make site specific comments during the DEIS comment period; and

WHEREAS, county staff held in-person public open houses on September 12 and September 23, 2023, to provide the public an opportunity to obtain information and comment on the DEIS and amendments to the GMACP FLU Map and zoning; and

WHEREAS, the Planning Commission held a public hearing on October 24, 2023, to receive public testimony concerning the amendments contained in this ordinance; and

WHEREAS, the notice of the public open houses and Planning Commission public hearing was mailed to over 38,554 addresses in Snohomish County (including those potentially affected by proposed changes and those within 500 feet of a proposed change located within an urban growth area and 1,000 feet of a proposed change outside of an urban growth area), published in the Everett Herald, posted to the project website, and posted on-site at final docket properties; and

WHEREAS, after the conclusion of its public hearing, the Planning Commission deliberated on November 14 and November 15, 2023, and voted to recommend adoption of the amendments discussed in its recommendation letter dated January 16, 2024; and

WHEREAS, the Snohomish County Executive ("Executive") reviewed staff and public input and the Planning Commission recommendation and made additional FLU Map and zoning map recommendations that differ from the Planning Commission as outlined in the memo dated March 26, 2024, and that are incorporated into this ordinance; and

WHEREAS, on in its hearing related to the 2024 GMACP update on August 19, and September 11, 2024, and as continued thereafter, the Snohomish County Council ("County Council") held a public hearing after proper notice, and considered public comment and the entire record related to the amendments contained in this ordinance; and

WHEREAS, in its hearing on September 11, 2024, the County Council directed staff to prepare any amendments that may be required to implement the expansion of the Monroe UGA consistent with the Mon2 docket proposal; and

WHEREAS, the County Council continued its hearing from September 11, 2024, to October 2, 2024, for continued public comment, deliberation, and discussion of various GMACP ordinances, including this ordinance; and

WHEREAS, the County Council continued its hearing from October 2, 2024, to December 4, 2024, for consideration of public comment and the entire record related to amendments contained in this ordinance; and

WHEREAS, in its hearing on September 11, 2024, the County Council directed staff to prepare any amendments that may be required to implement the expansion of the Marysville UGA consistent with a modified, smaller version of the MV2 docket proposal; and

WHEREAS, the County Council continued its hearing from September 11, 2024, to October 2, 2024, for continued public comment, deliberation, and discussion of various GMACP ordinances, including this ordinance; and

WHEREAS, the County Council continued its hearing from October 2, 2024, to December 4, 2024, for consideration of public comment and the entire record related to amendments contained in this ordinance; and

WHEREAS, in its hearing on September 11, 2024, the County Council directed staff to prepare any amendments that may be required retain the present Future Land Use Map designation on the Wildlife Committee of Washington (WCW) site, also known as the Kenmore gun range or parcels 27042500300100 and 27042500300200; and

WHEREAS, the County Council continued its hearing from September 11, 2024, to October 2, 2024, for continued public comment, deliberation, and discussion of various GMACP ordinances, including this ordinance; and

WHEREAS, the County Council continued its hearing from October 2, 2024, to December 4, 2024, for consideration of public comment and the entire record related to amendments contained in this ordinance; and

WHEREAS, following the public hearing, the County Council deliberated on the amendments contained in this ordinance;

NOW, THEREFORE, BE IT ORDAINED:

Section 1. The County Council makes the following findings:

A. The County Council adopts and incorporates the foregoing recitals as findings as if set forth in full herein.

B. This is a proposal to amend the Snohomish County GMACP as required under RCW 36.70A.130.

C. These amendments were developed in consideration of the fifteen goals of the GMA for the development of local comprehensive plans, as codified at RCW 36.70A.020, and reflect a careful balancing of these goals within the local conditions of Snohomish County. The goals generally are advanced by the amended FLU Map as follows:

- GMA Goal 1 “Urban Growth” – The amendments maintain the focus of directing the majority of new growth into existing urban growth areas (UGAs).

- GMA Goal 2 “Reduce Sprawl” – The amendments reduce the pressure to convert rural and resource lands to sprawling, low-density development.

- GMA Goal 3 “Transportation” – The amendments maintain an efficient multimodal transportation system by directing the majority of new growth into areas served by high-capacity transit.

- GMA Goal 4 “Housing” – The amendments accommodate housing affordable to all economic segments of the population by promoting infill development with a variety of residential densities and housing types within the UGA.

- GMA Goal 5 “Economic Development” – The amendments continue to promote economic development by providing adequate land within the UGA for non-residential uses and designating land for a mix of uses in areas planned for the highest levels of growth near future.

- GMA Goal 6 “Property rights” – The Washington State Attorney General last issued an advisory memorandum, as required by RCW 36.70A.370, in September 2018, entitled “Advisory Memorandum: Avoiding Unconstitutional Takings of Private Property,” to help local governments avoid the unconstitutional taking of private property. The process outlined in that advisory memorandum was used by Snohomish County to objectively evaluate the amendments and balance the rights of property owners with other GMA goals.

- GMA Goal 7 “Permits” – The amendments do not adversely impact the processing of permits in a timely and fair manner.

- GMA Goal 8 “Natural Resource Industries” – The amendments are generally focused on unincorporated UGAs and will not impact natural resource industries.

- GMA Goal 9 “Open Space and Recreation” – The amendments enhance open space and recreation by designating land devoted to those uses that are added to the UGA for Public/Institutional Use to limit conversion to other uses.

- GMA Goal 10 “Environment” – The amendments protect the environment by focusing the majority of new growth into UGAs.

- GMA Goal 11 “Citizen Participation” – The GMACP update process has involved early and continuous public participation.

- GMA Goal 12 “Public Services and Facilities” – The amendments will have adequate public services as demonstrated by updated Capital Facilities and Utilities, Transportation, and Parks and Recreation Elements.

- GMA Goal 13 “Historic Preservation” – The amendments are consistent with the cultural resources subelement of the Land Use Element and the new Tribal Coordination Element.

- GMA Goal 14 “Climate Change and Resiliency” – The amendments will help the county mitigate against and adapt to climate change by directing the majority of new growth into UGAs in areas served by high-capacity transit.

- GMA Goal 15 “Shorelines of the State” – The amendments protect the shorelines of the state by focusing the majority of new growth into UGAs.

D. The amendments better achieve, comply with, and implement the Puget Sound Regional Council (PSRC) Multi-County Planning Policies (MPPs) of VISION 2050.

- **Regional Collaboration.** The amendments are consistent with regional and countywide policies and have been developed through inclusive coordination and public participation.

- **Regional Growth Strategy.** The amendments designate future land uses and zoning to accommodate the large majority of projected growth inside the UGA in areas served by high-capacity transit, with a mix of residential and employment uses in transit station areas, with minor UGA adjustments that ensure stable and sustainable UGAs.

- **Environment.** The amendments will minimize impacts to the natural environment by focusing the majority of new growth into UGAs.

- **Climate Change.** The amendments will minimize increases in greenhouse gas emissions from vehicles by focusing the majority of new growth into UGAs in areas served by high-capacity transit.

- **Development Patterns.** The amendments focus the majority of new growth away from rural and resource areas and into UGAs in areas served by high-capacity transit.

- **Housing.** The amendments enhance the availability of affordable, healthy, safe housing choices by allowing a variety of housing types and densities to serve all income levels and demographic groups, encouraging a mix of residential and employment uses in transit station areas.

- **Economy.** The amendments will support a prospering and sustainable local economy by planning for a mix of residential and employment uses within the UGA in areas served by high-capacity transit, promoting a balance of jobs and housing and diverse communities with a high quality of life.

- **Transportation.** The amendments support an efficient multimodal transportation system and promote economic and environmental vitality and healthy communities by focusing the majority of growth into UGAs in areas served by high-capacity transit.

- **Public Services.** The amendments focus the majority of new residential and employment growth away from rural and resource areas and into UGAs in areas served by high-capacity transit and existing public services that can be provided efficiently and cost-effectively.

E. The amendments better achieve, comply with, and implement the CPPs. The CPPs establish a countywide framework for developing and adopting county, city, and town comprehensive plans.

- **General Framework.** The amendments designate future land uses and zoning to accommodate the large majority of projected growth inside the existing UGA as reasonable measures in areas served by high-capacity transit, with a mix of residential and employment uses in transit station areas, with minor UGA adjustments.

- **Joint Planning.** The amendments support joint planning by planning for growth generally consistent with the initial 2044 growth targets developed through Snohomish County Tomorrow and adopted in the CPPs.

- **Development Patterns.** The amendments will promote well designed growth and more vibrant communities by directing the large majority of new growth into UGAs in areas served by high-capacity transit, instead of rural and resource lands.

- **Housing.** The amendments focus the majority of new growth into UGAs served by high-capacity transit, allowing a variety of housing types and densities to facilitate safe, affordable, and diverse housing near jobs, services, and transit.

- **Economic Development and Employment.** The amendments include designating mixed-use areas in high-capacity transit station areas to improve the balance of jobs and housing and provide opportunities for further economic development.

- **Transportation.** The amendments support an efficient multimodal transportation system by focusing the majority of growth into UGAs in areas served by high-capacity transit.

- **The Natural Environment and Climate Change.** The amendments reduce pressure to convert rural and resource lands by directing the majority of new growth into UGAs served by high-capacity transit, minimizing increased greenhouse gas emissions and vehicle miles traveled.

- **Public Services and Facilities.** The amendments focus the majority of new residential and employment growth away from rural and resource areas and into UGAs in areas served by high-capacity transit and existing public services to ensure the health, safety, conservation of resources, and economic vitality of our communities and all residents.

F. The amendments are consistent with the Snohomish County Land Use Element Policy 1.A.1 by including UGA technical corrections that do not increase residential or employment capacity and do not result in total additional population capacity within the Snohomish County composite UGA that would exceed the total 20-year forecasted UGA population growth by more than 15 percent.

G. The amendments are necessary to maintain internal consistency with the other elements of the GMACP as required by RCW 36.70A.070.

H. Procedural requirements.

1. SEPA requirements with respect to this non-project action have been satisfied through the completion of a DEIS issued on September 6, 2023, and a Final EIS issued on August 27, 2024.

2. The proposal is a Type 3 legislative action pursuant to SCC 30.73.010.

3. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance was transmitted to the Washington State Department of Commerce for distribution to state agencies on April 16, 2024.

4. The public participation process used in the adoption of this ordinance has complied with all applicable requirements of the GMA and the SCC. The general public and various interested agencies and parties were notified of the public hearings by means of legal notices, the county website, and over 38,554 direct mail notices sent to owners and neighbors of affected properties. Notification was provided in accordance with SCC 30.73.050 and SCC 30.73.070 and consistent with Title VI of the Civil Rights Act of 1964.

5. The Washington State Attorney General last issued an advisory memorandum, as required by RCW 36.70A.370, in December of 2018 entitled "Advisory Memorandum: Avoiding Unconstitutional Takings of Private Property" to help local governments avoid the unconstitutional taking of private property. The process outlined in the State Attorney General's 2018 advisory memorandum was used by Snohomish County in objectively evaluating the regulatory changes proposed by this ordinance.

I. This ordinance is consistent with the record.

1. The amendments to the FLU Map are necessary to:
   a. accommodate the projected population, employment, and housing growth over the next twenty years to 2044; and
   b. adopt the FLU designations in the Urban Core Subarea Plan element of the GMACP, supported by the policies of the Urban Core Subarea Plan and developed through extensive public participation and coordination with service providers and nearby jurisdictions, in order to provide internal consistency and plan for and support future extension of light rail into the unincorporated Southwest UGA within the 2044 planning horizon; and
   c. redesignate and rezone areas within the existing Southwest UGA in municipal urban growth areas that are part of the High Capacity Transit Communities regional geography of the VISION 2050 as reasonable measures to promote infill and redevelopment, accommodate projected growth in population, employment, and housing over the next twenty years to 2044, and provide a greater variety of housing and densities to serve all income segments and demographic groups; and
   d. adopt a technical amendment of the northern boundary of the Arlington UGA to correct a demonstrated mapping error; and
   e. to remove FLU designations for parcels that have been annexed or recorded into tribal trust and are no longer under County jurisdiction.

2. The rationale for the amendments to the FLU Map is described in more detail in sections I and II, III.B.1, 2 and 5, and IV through IX of the staff report dated September 11, 2023, and the report dated October 10, 2023, as they relate to Alternative 2 FLU redesignations that are not part of the docket or Council-initiated UGA expansions, both of which were presented to the Planning Commission and the County Council, as well as in the Planning Commission recommendation letter dated January 16, 2024, and the Executive recommendation memo dated March 26, 2024.

3. FLU Map revisions to implement the Mon2 docket proposal are described and explained in this and the following findings. The Mon2 docket changes amend the FLU Map by expanding the Monroe UGA by approximately 22 acres near Chain Lake Road. This location would be redesignated on the FLU Map from Rural Residential with a

Rural/Urban Transition Area overlay to Urban Low Density Residential. The expansion area and designation are set forth in Exhibit B to this ordinance.

The amendments to UGA boundaries, FLU map designations, and zoning result in a small UGA sizing safety factor for residential capacity within the composite countywide UGA including cities that is in addition to the projected 20-year land area needs but within the acceptable range described as a safety factor below. These amendments help assure adequate housing availability and choices during the planning period, as documented in the 2024 UGA Land Capacity Analysis.

4. RCW 36.70A.070 requires internal consistency between elements of a comprehensive plan and the future land use map. The amendments proposed in the Mon2 docket proposal are consistent with RCW 36.70A.070, because the amendments maintain internal consistency between the GMACP FLU Map and the area-wide zoning map.

5. The Mon2 docket future land use map changes are consistent with RCW 36.70A.110(3) requirements for the location of future urban employment and population growth. Expansion of the Monroe UGA is in an area already characterized by urban growth and that has adequate public facilities to serve urban development. This area has adequate access to urban public facilities and services consistent with the 2024 Transportation Element, Parks and Recreation Element, and Capital Facilities and Utilities Element of the GMACP. Chapter 3.2 of the Draft EIS provides documentation on impacts and mitigation. The Mon2 docket request expansion area is roughly 60% surrounded by the Monroe UGA and the remaining 40% of surrounding property consists of lots developed before GMA adoption that are too small to conform to the current R-5 zoning for the area or to the plan designation of Rural Residential. Thus, the Mon2 docket proposal is in a location surrounded by (1) urban growth and (2) pre-GMA development that visually fits more closely with contemporary understanding of urban growth than with contemporary understanding of rural growth based on lot sizes but where urban services such as sewer and other urban infrastructure have not been extended. The Mon2 site itself is in a location between these areas where public facilities and services can be readily extended to serve new urban growth on the site without having that result in urban development abutting any rural areas that are not already partially urban in character.

6. The Mon2 amendments are consistent with RCW 36.70A.130(1)(e), which requires that comprehensive plan amendments be consistent with the GMA. The amendments are consistent with the GMA requirements for accommodating additional residential capacity in RCW 36.70A.110(2) as the amendments are necessary to provide sufficient capacity. The amendments provide a small increase in population capacity (estimated at 179 additional population), in addition to the projected 20-year land area needs. This increase is within the permissible UGA sizing safety factor discussed below. The proposed actions will help ensure housing availability and choice throughout the planning period, as documented in the 2024 UGA Land Capacity Analysis (LCA). This specific change adds more capacity for detached single family residences and other moderate density housing types, which as documented in the LCA represent less than one third of the future residential development capacity in the combined urban areas (and where more than two thirds of the future development capacity is for multifamily housing options).

7. Consistent with RCW 36.70A.115, the Mon2 amendment, will, in combination with extensive reasonable measures to increase capacity within the existing UGA as documented in the 2024 Reasonable Measures Report, ensure sufficient land suitable for development as documented in the 2024 UGA Land Capacity Analysis.

8. The Mon2 amendments are consistent with RCW 36.70A.100 and 36.70A.210. These require that a comprehensive plan be consistent with the Puget Sound Regional Council (PSRC) Multicounty Planning Policies (MPPs) and the CPPs. The amendments are consistent with the MPPs and the CPPs as analyzed and described in the findings below.

    a. The Mon2 amendments are consistent with the MPPs. The amendments maintain consistency with the MPPs, including MPPs RGS-4, RGS-6, and RGS-12, by amending the GMACP FLU Map for a minor expansion of the Monroe UGA to provide additional capacity to address need for additional single family residences and other moderate density housing types in the composite UGA. Consistent with MPP RGS-4 because it helps accommodate demand for single family and moderate density housing in a UGA, thus reducing market pressure to satisfy the demand for such housing in surrounding rural areas. These actions take place after adoption of development regulations by both Snohomish County and the City of Monroe to increase capacity for such housing, but where such reasonable measures within the UGA have failed to reduce the rural growth rates to a level consistent with adopted targets. Consistent with MPP RGS-5, this minor UGA adjustment would ensure a stable and sustainable UGA by ensuring adequate land capacity within the UGA sufficient to accommodate the 2044 targets and using pre-GMA development at non-rural densities to delineate the new UGA boundary and provide a transition to other areas that are more clearly rural in character. Consistent with MPP RGS-12 because this minor expansion of the UGA as authorized by MPP RGS-5 does not create a conflict or contradiction with regional planning or transportation objectives in the Regional Growth Strategy (MPP RGS-12) as further described under discussion of CPP GF-4 below.

    b. The Mon2 docket amendments are consistent with the CPPs. The amendments help maintain a 20-year supply of residential land for the Monroe UGA and do not cause the composite countywide UGA capacity to exceed permissible thresholds. The Mon2 docket proposal amendments are consistent with CPP GF-4 which defines consistency with VISION 2050 and the Regional Growth Strategy as the absence of conflicts and contradictions with regional planning and transportation objectives, while allowing flexibility in detail as long as local actions retain overall consistency per RCW 36.70A.100 and WAC 365-196-510. The Mon2 docket proposal amendments are consistent with CPP DP-2 which guides UGA changes as part of the periodic update of the GMACP.

        i. The Mon2 docket amendments are consistent with CPP DP-2.a because the expansion is supported by the 2024 UGA Land Capacity Analysis consistent with RCW 36.70A.110 as the additional land would help ensure that land supply meets the projected 20-year land area need; thus, the plan would provide for adequate housing availability and choice throughout the planning period.

ii. The Mon2 docket amendments are consistent with CPP DP-2.b as they do not result in total additional population capacity within the Snohomish County composite UGA that would exceed the total 20-year forecasted UGA population growth by more than 15 percent.

iii. The Mon2 docket amendments are consistent with CPP DP-2.c as the amendments are otherwise consistent with the GMA as documented in the record and this ordinance.

iv. The Mon2 docket amendments are consistent with CPP DP2.d because the City of Monroe supports this minor expansion as documented in the record, including a May 2, 2024, letter from the Mayor to the County Council which cites an April 25, 2024, vote in favor of the Mon2 docket application by the City Council. This letter supports the proposed UGA expansion in part to help Monroe achieve new GMA housing requirements for middle housing options and to allow additional connections between existing developments, parkland, and a multimodal trail along Chain Lake Road. Although the City does not elaborate on its reasoning, the letter also requests that the future land use map "designation and associated zoning not change until the City annexes the property." Here the County Council makes several findings of why including the expansion with an Urban Low Density Residential plan designation and R-9,600 zoning is in the public interest. First, for the County's comprehensive plan and zoning to be consistent with GMA, the County must apply an urban future land use designation and urban zoning at the time of UGA expansion. Second, any future urban development at the Mon2 site will require extension of urban utilities, some of which the City controls. Third, the City has generally required annexation before allowing extension of utilities controlled by the City. Fourth, by controlling utility extension and generally only allowing that extension after annexation, the City can achieve its other goals for the site as described in the May 2, 2024, letter, without relying on the County to expand the UGA while continuing to apply a rural future land use designation and zoning to the site.

v. The Mon2 docket amendments are consistent with CPP DP-2.e.2 as the UGA expansion is a result of the review of UGAs to accommodate the succeeding twenty years of projected growth, as projected by the State Office of Financial Management, and adopted by the County as the 20-year urban allocated population projection as required by RCW 36.70A.130(3).

9. The Mon2 docket proposal amendments follow a consideration of reasonable measures consistent with CPP GF-7.b. As documented in the 2024 Reasonable Measures Report, reasonable measures adopted since the 2021 Buildable Lands Report analysis, included in the 2024 Update of the GMACP, or recommended as part of separate ordinances to comply with recent changes in state law, account for a substantial increase to population capacity within the existing UGA, representing a large majority of the additional population capacity documented in the 2024 UGA Land Capacity Analysis above what was estimated for the No Action alternative in the DEIS.

10. The Mon2 docket proposal amendments are consistent with the GMACP policies. The amendments are consistent with the Snohomish County Land Use Element Policy 1.A.1 by including UGA expansions that do not result in total additional population or employment capacity in the Snohomish County composite UGA that would exceed the

total 20-year forecasted UGA population growth by more than 15 percent. The amendments are consistent with LU Policy 1.A.9 because the expansion complies with the GMA and is consistent with the CPPs, including CPP DP-2, as described herein.

11. FLU Map revisions to implement a portion of the MV2 docket proposal are described and explained in this and the following findings. The MV2 docket proposal, as revised, would amend the FLU Map by expanding the Marysville UGA by approximately 39 acres to include parcels 31052700100400, 31052700100500, and 31052700400200 plus rail right-of-way to the west and road right-of-way for 67th Ave NE to the east. This location would be redesignated on the FLU Map from Rural Residential-10 to Urban Industrial. The expansion area and designation are set forth in Exhibit C to this ordinance. The effects of the MV2 amendment, as revised, is described herein.

12. RCW 36.70A.070 requires internal consistency between elements of a comprehensive plan and the future land use map. The amendments proposed the MV2 docket proposal, as revised, are consistent with RCW 36.70A.070, because the amendments maintain internal consistency between the GMACP FLU Map and the area-wide zoning map.

13. As revised, the MV2 docket proposal future land use map changes are consistent with RCW 36.70A.110(3) requirements for the location of future urban employment growth. Expansion of the Marysville UGA is in an area already characterized by urban industrial growth to the north and to the west. The subject site is in a location where public facilities to serve urban development on site can be extended. This area has adequate access to urban public facilities and services consistent with the 2024 Transportation Element, Parks and Recreation Element, and Capital Facilities and Utilities Element of the GMACP. Chapter 3.2 of the Draft EIS provides documentation on impacts and mitigation. The MV2 docket site, as revised, is in a triangular location wedged between urban industrial land in the City of Marysville and an arterial road (67th Ave NE) which would form a logical new UGA boundary in this area.

14. The revised MV2 docket amendments are consistent with RCW 36.70A.130(1)(e), which requires that comprehensive plan amendments be consistent with the GMA. The amendments are consistent with the GMA requirements for preparing a land use element that designates land for industrial uses in proximity to housing, thereby using a planning approach to reduce per capita vehicle miles traveled and greenhouse gas emissions (RCW 36.70A.070(1)) because adding additional employment capacity in the north part of the Snohomish County's composite UGA will help create a better jobs-to-housing balance and thereby help reduce the length of commuter trips from surrounding residential areas.

15. Consistent with RCW 36.70A.115, the revised MV2 amendment, will, in combination with reasonable measures to increase capacity within the existing UGA as documented in the 2024 Reasonable Measures Report, ensure sufficient land suitable for development as documented in the 2024 UGA Land Capacity Analysis. A specific reasonable measure taken to increase industrial capacity since the prior periodic update to the GMACP was adoption of Amended Ordinance 16-013 (Ord. 16-013), which reduced minimum parking requirements for most industrial uses by 1/3 thereby allowing more buildings and employees on the same amount of land. Although Ord. 16-013 increased employment capacity generally, it did not increase the number of available "large developable industrial sites" specifically and did not resolve a small shortfall in employment capacity for the Marysville UGA as documented in the Land Capacity Analysis. As applied to the

revised MV2 amendment, the change will add more capacity for employment in proximity to housing, by adding a new large developable industrial site consistent with the criteria for such in CPP DP-2.e.7 as described below.

16. The MV2 amendments, as revised, are consistent with RCW 36.70A.100 and 36.70A.210. These require that a comprehensive plan be consistent with the Puget Sound Regional Council (PSRC) Multicounty Planning Policies (MPPs) and the CPPs. The amendments are generally consistent with the MPPs and the CPPs as analyzed and described in section 3.2.2 of the DEIS, in the September 11, 2023, and October 10, 2023, PDS staff reports to the Planning Commission, and in the additional findings below that provide specific reasons why the revised (reduced) version of MV2 is consistent with the MPPs and CPPs.

c. The MV2 amendment, as revised, is consistent with the MPPs. The amendments maintain consistency with the MPPs, including MPPs RGS-4, RGS-5, RGS-6, RGS-10, and RGS-12, by amending the GMACP FLU Map for a minor expansion of the Marysville UGA to provide additional employment capacity, including capacity for "large developable industrial sites" as that phrase is used in the CPPs and as discussed below.

    a. Consistent with MPP RGS-4 by accommodating employment growth in a UGA and when expansion of that UGA (Marysville) is not in conflict with the goals of the regional open space and conversation plan.

    b. Consistent with MPP RGS-6 by first having adopted reasonable measures to optimize development potential of existing industrial land generally and then by expanding the UGA only to address a capacity shortfall for the Marysville UGA of 93 jobs as described in the DEIS for the no action alternative. Further, where the expansion is taking place is in a location to accommodate a specific need for a large developable industrial site as authorized by the CPPs.

    c. Consistent with MPP RGS-10, by amending the GMACP FLU Map for a minor expansion of the Marysville UGA to increase the share of employment growth in the designated cascade manufacturing industrial center. This helps maintain a 20-year supply of industrial land for the Marysville UGA, including both employment capacity in a general sense and a sufficient supply of large developable industrial sites specifically.

    d. Consistent with MPP RGS-5 and MPP RGS-12 because this minor expansion of the UGA as authorized by MPP RGS-5 does not create a conflict or contradiction with regional planning or transportation objectives in the Regional Growth Strategy (MPP RGS-12) as further described under discussion of CPP GF-4 below.

d. The MV2 amendment, as revised, is consistent with the CPPs. The MV2 amendment, as revised, is consistent with CPP GF-4 which defines consistency with VISION 2050 and the Regional Growth Strategy as the absence of conflicts and contradictions with regional planning and transportation objectives, while allowing flexibility in detail as long as local actions retain overall consistency per RCW 36.70A.100 and WAC 365-196-510. The MV2 amendment, as revised, is also consistent with CPP DP-2 which guides UGA changes as part of the periodic update of the GMACP.

a. Consistent with CPP DP-2.a because a land capacity analysis adopted by the County Council found an employment capacity shortfall in the Marysville UGA of 93 jobs if no action was taken. Meanwhile, the addition employment capacity estimate for the MV2 proposal, as revised, would result in an employment capacity increase of 29 additional jobs per an email from PDS staff to the County Council on September 27, 2024. Adding the additional capacity for the MV2 amendment, as revised, to the no action estimate of employment capacity would leave a remaining employment capacity deficit in the Marysville UGA of 64.

b. Consistent with CPP DP-2.c as the amendments are otherwise consistent with the GMA as documented in the record and this ordinance.

c. Consistent with CPP DP-2.d which requires either support of the affected city or, after consultation with that city, findings by the County Council on how the expansion serves the public interest. The City of Marysville has not directly commented on the MV2 proposal as revised. With respect to the larger MV2 proposal, an internal City email from September 12, 2023, that was forwarded by City staff to County staff on October 4, 2024, describes the City's position as "remaining neutral on this UGA request and we [the city] are following the progress to see what the County does." Based on this position of neutrality for the larger MV2 expansion and absence of specific comment by the City on the MV2 proposal, as revised, the County Council finds that the MV2 proposal, as revised, is in the public interest because it helps to address an employment capacity shortfall in the Marysville UGA. Further, it does so by specifically adding another large developable industrial site in relative proximity to an area with rapidly growing housing stock and thereby helps to maintain a healthy jobs to housing balance in the north part of Snohomish County.

d. Consistent with CPP DP-2.e.4.b as the amendment will provide additional employment capacity to help accommodate the projected employment needs of the Marysville UGA.

e. Consistent with CPP DP-2.e.7 as the amendment will provide additional industrial land to meet continued need for large industrial sites.

17. The MV2 docket proposal amendment, as revised, is consistent with the GMACP policies, including Land Use Objective 1.A, Land Use Objective 6.D, and Natural Environment Objective 1.B.

a. Consistent with Land Use Objective 1.A which requires maintenance of UGAs with sufficient capacity to accommodate the majority of the county's projected population and employment growth.

i. Consistent with LU Policy 1.A.1 by including UGA expansions that do not result in total additional population or employment capacity in the Snohomish County composite UGA that would exceed the total 20-year forecasted UGA population growth by more than 15 percent (because the amendment would have no impact to population capacity).

ii. Consistent with LU Policy 1.A.9 because the expansion complies with the GMA, has occurred after adoption of reasonable measures, and is consistent with the CPPs, including CPP DP-2, as described herein.

b. Consistent with Land Use Objective 6.D which designates an area outside the Marysville Urban Growth Area as Rural Residential-10 (RR-10) to "maintain large parcel patterns for small farm and low density rural uses" because, although geographically reduced, the remaining RR-10 designation may still serve that objective.

i. Consistent with LU Policy 6.D.1, by concurrent amendment to Ordinance 24-033 that specifically exempts the parcels in the MV2 proposal, as revised, from the boundaries of the RR-10 designation described by this policy.

ii. The County Council makes note that the parcels within the expansion area are not designated as Agricultural Resource lands on the County's Future Land Use Map. The RR-10 designation is a rural land use designation rather than an agricultural land use designation. Since its establishment, the purpose of the RR-10 designation has been to include:

> *lands which have been previously designated agriculture in pre-GMA subarea comprehensive plans or zoned Agriculture-10 Acre. The existing Agricultural-10 Acre zone will continue to remain in place until the Comprehensive Plan is amended in the future and implementing regulations for this designation are adopted.*
>
> *This category provides for an alternative rural lot size and possible set of uses which can accommodate a wider variety of rural uses and lots, be used where hazardous and critical areas require lower density and be applied as a transition category between resource lands/critical areas and rural residential/urban areas.*

iii. With respect to the RR-10 designation, the boundaries of which are to be reduced by the MV2 proposal, as revised, the County Council finds that since adoption of the RR-10 designation, no implementing regulations for this designation have been adopted. Instead, Snohomish County has adopted regulations to project development from flood hazards, geologic hazards, and to protect various types of critical areas. These new regulations apply countywide, not just to the RR-10 designated areas. Such regulations serve to implement the policy purpose of addressing hazardous and critical areas in the RR-10 designation, including the area to be made formerly RR-10 by the addition of the MV2 proposal, as revised, to the Marysville UGA.

c. Consistent with Natural Environment Objective 1.B which directs the county to accommodate growth "in a manner that maintains and protects elements of the natural environment" because of specific implementation of NE policies 1.B.1 and 1.B.4 as follows.

i. Consistent with NE Policy 1.B.1, which requires consideration of land use plan designations and development regulations that take into account several environmental considerations. These requirements have been met through

programmatic implementation of development regulations in SCC Title 30. The County Council finds that surface water resources will be protected by the MV2 proposal, as revised. The MV2 proposal, as revised, is much smaller than the original MV2 proposal and any future development would be subject to development regulations that have been adopted and updated since the original adoption of NE Policy 1.B.1. For instance, compliance with Chapter 30.62A will result in adequate mitigation of adverse or significant adverse impacts on wetlands, fish and wildlife habitat conservation areas and their buffers for compliance with the State Environmental Policy Act (SEPA) (SCC 30.62A.030). Compliance with Chapter 30.62B SCC provides adequate mitigation under SEPA for geologically hazardous area (SCC 30.62B.030) and compliance with Chapter 30.62C provides adequate mitigation for critical aquifer recharge areas (SCC 30.62C.030). Similarly, compliance with drainage requirements of Chapter 30.63A and land disturbing activity requirements in Chapter 30.63B provide adequate mitigation for environmental considerations listed in NE Policy 1.B.1.

ii. Consistent with NE Policy 1.B.4 which says to "plan for growth in a manner that encourages reduction of sprawl, meets GMA housing goals and places employment and residential uses in close proximity to reduce impacts to air quality" because the MV2 proposal, as revised, would help accommodate employment growth in proximity to residential growth, thereby helping to reduce impacts to air quality.

J. This ordinance is consistent with RCW 36.70A.067, which requires that the initial effective date of an action that expands an urban growth area designated under RCW 36.70A.110 is after the latest of the following dates: (1) 60 days after the date of publication of notice of adoption of the comprehensive plan, development regulation, or amendment to the plan or regulation, implementing the action, as provided in RCW 36.70A.290(2); or (2) If a petition for review to the growth management hearings board is timely filed, upon issuance of the board's final order.

Section 2. The County Council makes the following conclusions:

A. The amendments to the GMACP maintain internal consistency.

B. The amendments are consistent with the CPPs and the MPPs.

C. The amendments are consistent with and comply with the procedural and substantive requirements of the GMA.

D. The County has complied with all SEPA requirements with respect to this non-project action.

E. The amendments do not result in an unconstitutional taking of private property for a public purpose.

Section 3. The Snohomish County Council bases its findings and conclusions on the entire record of the Planning Commission and the County Council, including all testimony and exhibits. Any finding, which should be deemed a conclusion, and any conclusion which should be deemed a finding, is hereby adopted as such.

Section 4. LU Map 1 (Future Land Use) of the GMACP Land Use Element, last amended by Ordinance No. 24-030 on December 4, 2024, is amended as indicated in Exhibit A to this ordinance, which is attached hereto and incorporated by reference into this ordinance.

Section 5. LU Map 1 (Future Land Use) of the GMACP Land Use Element, last amended by Ordinance No. 24-030 on December 4, 2024, is amended as indicated in Exhibit B to this ordinance, which is attached hereto and incorporated by reference into this ordinance, to reflect the expansion of the Monroe UGA and redesignation.

Section 6. LU Map 1 (Future Land Use) of the GMACP Land Use Element, last amended by Ordinance No. 24-030 on December 4, 2024, is amended as indicated in Exhibit C to this ordinance, which is attached hereto and incorporated by reference into this ordinance, to reflect the expansion of the Monroe UGA and redesignation.

Section 7. The County Council directs the Code Reviser to update SCC 30.10.060 pursuant to SCC 1.02.020(3).

Section 8. Severability and Savings. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid by the Growth Management Hearings Board (Board), or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance. Provided, however, that if any section, sentence, clause, or phrase of this ordinance is held to be invalid by the Board or court of competent jurisdiction, then the section, sentence, clause, or phrase in effect prior to the effective date of this ordinance shall be in full force and effect for that individual section, sentence, clause or phrase as if this ordinance had never been adopted.

Section 9. The effective date of this ordinance is as provided in the Snohomish County Charter Section 2.110 and SCC 2.48.126, except as follow. Consistent with RCW 36.70A.067, the effective date of this ordinance is after the latest of the following dates: (1) 60 days after the date of publication of notice of adoption of this ordinance, as provided in RCW 36.70A.290(2); or (2) if a petition for review to the Growth Management Hearings Board is timely filed, upon issuance of the Board's final order affirming the ordinance or a decision by a court of law concluding the ordinance complies with the GMA.

PASSED this 4th day of December 2024.

SNOHOMISH COUNTY COUNCIL
Snohomish, Washington

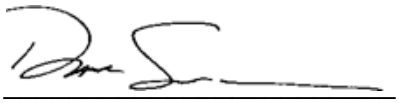
Council Chair

ATTEST:

Lisa Hickey
Asst. Clerk of the Council

(X) APPROVED
( ) EMERGENCY
( ) VETOED

DATE: December 12, 2024



County Executive

ATTEST:

Melissa Geraghty

Approved as to form only:

Deputy Prosecuting Attorney

EXHIBIT A

[INSERT FLU MAP HERE]

SNOHOMISH COUNTY 2024 GMA COMPREHENSIVE PLAN FUTURE LAND USE

Amended Ordinance No. 24-031

Current FLU Designations

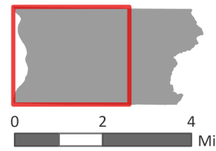
- Clearview Rural Commercial
- Commercial Forest
- Commercial Forest - Forest Transition Area
- Local Commercial Farmland
- Local Forest
- Low Density Rural Residential (1 DU/20 Acres)
- National Forest (Includes Some Private and Non-Federal Public Lands
- Public/Institutional Use
- Recreational Land
- Reservation Commercial
- Riverway Commercial Farmland
- Rural Freeway Service
- Rural Industrial
- Rural Residential (1 DU/5 Acres Basic)
- Rural Residential - RD (1 DU/5 Acres)
- Rural Residential-10 (1DU/10 Acres)
- Rural Residential-10 Resource Transition (1 DU/10 Acres)
- Rural Residential-5 (1 DU/5 Acres)
- Transit Pedestrian Village
- Upland Commercial Farmland
- Urban Center
- Urban Commercial
- Urban High Density Residential
- Urban High Density Residential/Urban Industrial (overlapping designations)
- Urban Horticulture
- Urban Industrial
- Urban Low Density Residential (3 DU/Acre Gold Bar and Darrington)
- Urban Low Density Residential
- Urban Medium Density Residential
- Urban Village

Amended FLU Designations

- Commercial Forest - Forest Transition Area
- Public/Institutional Use
- Rural Industrial
- Rural Residential - RD (1 DU/5 Acres)
- Urban Center
- Urban High Density Residential
- Urban Industrial
- Urban Low Density Residential (3 DU/Acre Gold Bar and Darrington)
- Urban Low Density Residential
- Urban Medium Density Residential
- Urban Village
- Light Rail Community
- Mixed Use Corridor
- Incorporated Area
- Map Amendments

Other

- Tribal Land
- Rural/Urban Transition Area
- Manufacturing/Industrial Center (Uninc. Portion)
- County Boundary
- Incorporated Area
- Urban Growth Area (UGA)
- Amended UGA Boundary
- Tulalip Reservation
- Stillaguamish Reservation
- Consolidated Borough of Quil Ceda Village
- Lakes
- Streams
- Railroad
- Interstate
- State Route
- Arterial





Snohomish County Data and Map Disclaimer

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Exhibit B: Future Land Use Map Changes

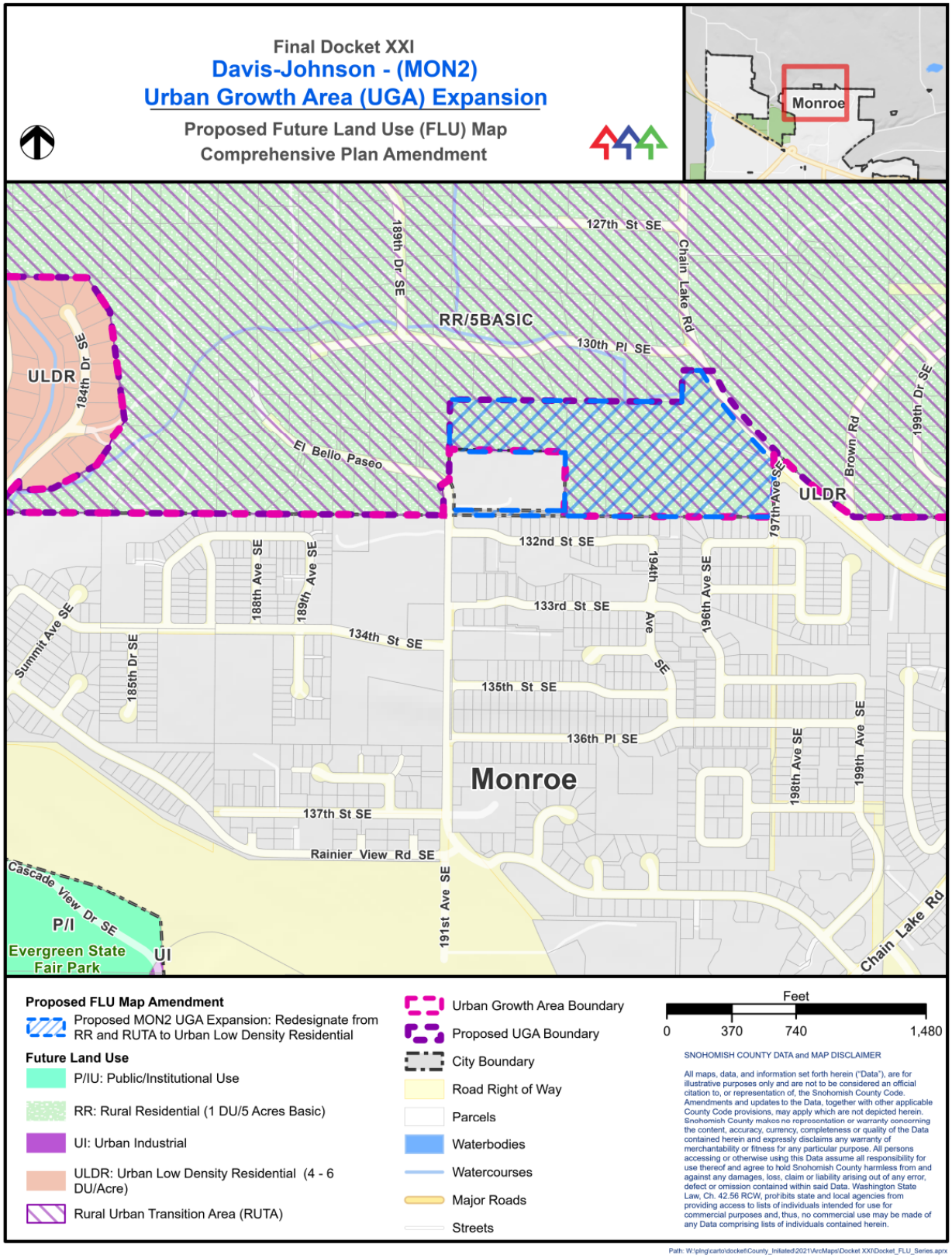
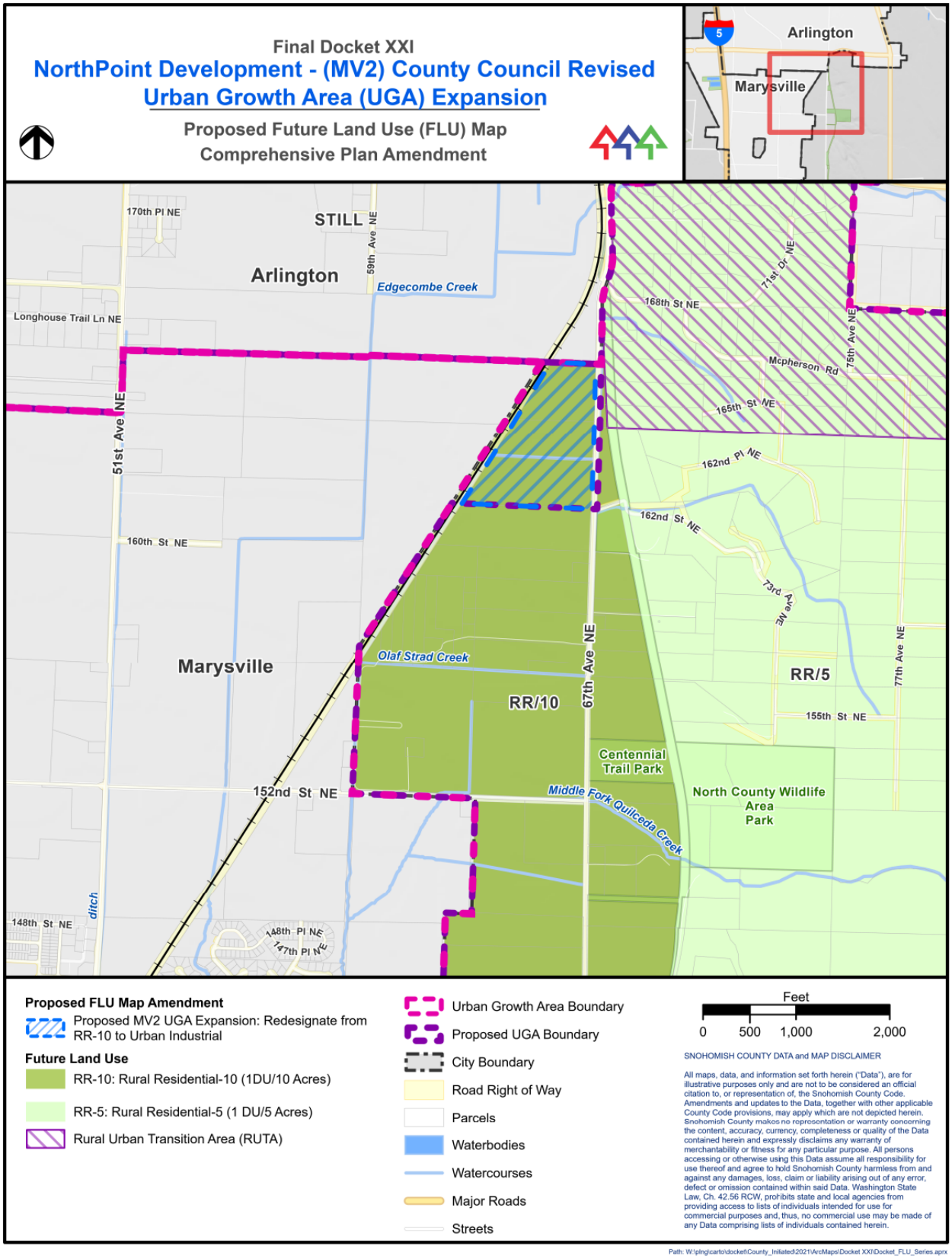


Exhibit C: Future Land Use Map Changes



MARYSVILLE COMPREHENSIVE PLAN

Exhibit 4

0 0.5 1 Miles

Lakewood Neighborhood Master Plan

Cascade Industrial Center (Continues to the North)

Cascade Industrial Center

Smokey Point Master Plan

Cascade Industrial Center

Tulalip Reservation

116th Street Master Plan

Downtown Master Plan

The Downtown Master Plan boundary and Downtown Core zone shall coincide with the division of the Riverwalk Project

3rd Street Character Area

East Sunnyside-Whiskey Ridge Subarea Plan

Comprehensive Plan Zoning

Residential

- Flex Residential
- Middle Housing 1
- Middle Housing 2
- Midrise Multi-Family
- Neighborhood Residential 4.5
- Neighborhood Residential 6.5
- R12 Multi-Family Low
- R18 Multi-Family Medium
- R28 Multi-Family High
- WR-R-6-18 Whiskey Ridge,Multi-Family Medium

Non-Residential

- Downtown Core
- Downtown Commercial
- Community Business
- Community Business - Whiskey Ridge
- Flex
- General Commercial
- General Industrial
- LI with GC Overlay
- Light Industrial
- Main Street
- Mixed Use
- Neighborhood Business
- Open
- Public-Institutional
- Recreation

- City Limits
- Urban Growth Boundary
- Master Plan Area
- Cascade Industrial Center
- Tulalip Reservation
- 3rd St Character Area
- Adult Facility Overlay
- Small Farms Overlay

EST. 1891 MARYSVILLE WASHINGTON

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CD25-18a
July 2025

AGENDA ITEM NO. 6.3

Agenda Bill

PLANNING COMMISSION AGENDA ITEM REPORT

DATE:	July 8, 2025
SUBMITTED BY:	Angela Gemmer, Community Development
ITEM TYPE:	Discussion Item
AGENDA SECTION:	**NEW BUSINESS**
SUBJECT:	Middle Housing and Accessory Dwelling Units - Follow-up on Key Policy Items
SUGGESTED ACTION:	No action requested.
SUMMARY:	Provide follow-up on the key Policy Items discussed at the June 24th Planning Commission meeting, receive any comments on the Interim Ordinances pertaining to Middle Housing and Accessory Dwelling Units, and discuss the changes to the Interim Ordinance that are proposed to be reflected in the final regulations for adoption.

ATTACHMENTS:

Memo re. Middle Housing and Accessory Dwelling Unit Follow-up
Exhibit 4 - Memo re. Accessory Dwelling Unit Sizes
Exhibit 7 - Proposed Comprehensive Plan Map
Exhibit 8 - Proposed Zoning Map
Exhibit 9 - Middle Housing redlines

COMMUNITY DEVELOPMENT DEPARTMENT
501 Delta Avenue ◆ Marysville, WA 98270

MEMORANDUM

DATE: July 8, 2025

TO: Planning Commission

FROM: Angela Gemmer, Principal Planner

SUBJECT: Middle Housing and Accessory Dwelling Unit Follow-up

ECC: Jeff Wilson, Interim Community Development Director
Chris Holland, Planning Manager

Exhibit 1	Summary of Middle Housing Interim Ordinance
Exhibit 2	Middle Housing Interim Ordinance
Exhibit 3	Accessory Dwelling Unit Interim Ordinance
Exhibit 4	Memo re. Maximum Accessory Dwelling Unit Size
Exhibit 5	Existing Comprehensive Plan Map
Exhibit 6	Existing Zoning Map
Exhibit 7	Proposed Comprehensive Plan Map
Exhibit 8	Proposed Zoning Map
Exhibit 9	Middle Housing Code Amendments with Redlines to Address PC Direction

Introduction

At the June 23th work session, City Council adopted Interim Ordinances on Middle Housing, Unit Lot Subdivisions and Accessory Dwelling Units. The substance of the Middle Housing Interim Ordinance is summarized in **Exhibit 1** with the full Middle Housing Interim Ordinance linked above as **Exhibit 2**. The Accessory Dwelling Unit Interim Ordinance is linked as **Exhibit 3**. Most of the substance of the Middle Housing and Accessory Dwelling Unit Interim Ordinances will carry over into the final regulations for adoption; however, certain aspects of the Interim Ordinances will be amended based on Planning Commission direction.

At the July 8th Planning Commission work session, staff will provided follow-up on the six overarching policy items discussed at the June 24th work session. Staff respectfully request that Planning Commission review the proposed approach to address each of these policy items and provide confirmation that the approach is acceptable and/or further direction as necessary. Staff also respectfully request that Planning Commission review the Interim Ordinances (**Exhibits 2 and 3**) and redlines to the Middle Housing regulations (**Exhibit 4**), ask any questions, and provide direction if there are any codes that should be amended differently.

Follow-up on Key Policy Items

On June 24th, staff requested direction from Planning Commission on several key policy items. Below is a summary of those policy items along with how they have or will be addressed:

Policy Item 1 – Accessory dwelling unit – size cap

Currently MMC 22C.180.030 requires accessory dwelling units (ADUs) to be at least 200 square feet and allows them to be up to 50 percent of the total floor area of the single family residence on the property. Accessory dwelling units are also limited to two bedrooms. House Bill 1337 requires cities to allow two ADUs per lot and allow each ADU to be up to 1,000 square feet.

Staff recommended an upper limit on ADUs of 1,200, 1,400, or 1,600 square feet. The upper limit would only apply when the single family residence is 2,000 square feet or larger. Generally, Planning Commissioners appeared to support a 1,200 square foot cap, with some Commissioners expressing support for a higher cap such as 1,400 to 1,500 square feet.

Planning Commission requested that additional research be conducted to provide more insight into what a reasonable maximum size for an accessory dwelling unit should be. The maximum accessory dwelling unit size limitations of ten comparable cities in the Puget Sound region were reviewed (see **Exhibit 4**). Ninety (90) percent of the cities whose codes were reviewed limit accessory dwelling units to 1,000 square feet, with one city allowing accessory dwelling units to be 1,200 square feet. Three cities allow exceptions to the size limitations.

Based on this research, it appears reasonable that the 1,200 square foot cap generally supported by Planning Commission be provided as an upper limit; however, language can be crafted, if desired by Planning Commission, to allow for exceptions for unique site circumstances such as properties over one acre in size.

Questions on Policy Item 1 –

- Which size limit is preferred by Planning Commission (e.g. 1,200, 1,400, or 1,600)
- Would Planning Commission like staff to craft an exemption for properties over one acre or with similar circumstances justifying a size increase?

Policy Item 2 – This was an informational item only; no further discussion is proposed.

Policy Item 3 – Options for Amending Single-family Residential Zones while Accommodating Middle Housing

Currently there are four single family residential zones (i.e. R-4.5, R-6.5, R-8, and WR-R-4-8) in Marysville. Consolidation of these zones into either two or three zones were presented to Planning Commission as options to streamline the code and provide clarity, with minimal impacts on land capacity. Planning Commission expressed support for consolidating the four single family zones into two single family zones (i.e. R-4.5 and R-6.5). In this scenario, the R-8 and WR-R-4-8 zones would be consolidated with the R-6.5 zone.

To reflect that Middle Housing is now allowed in the historically single-family residential zones, the names of the R-4.5 Single family, Medium Density and R-6.5 Single family, High Density are proposed to be changed to Neighborhood Residential NR-4.5 and Neighborhood Residential NR-6.5, respectively. The City's existing Comprehensive Plan and zoning maps are linked in **Exhibits 5 and 6**, and the proposed updated Comprehensive Plan and Zoning Maps are attached as **Exhibits 7 and 8**. It should also be noted that amendments to the Comprehensive Plan map are also proposed to reflect the Northpointe MV2 UGA Expansion (as described in the applicable agenda item) and to have mobile home parks with the Residential Mobile Home Park (R-MHP) designation on the Zoning Map have the same R-MHP land use designation on the Comprehensive Plan Map.

Accompanying this change, language is proposed to be added to both MMC 22C.010.080-090 and 22E.010.360 to retain some of the functions the R-8 zone affords. Specifically, when single family and duplexes are constructed in the multi-family zones, the building coverage, impervious coverage, and setback allowances for the R-8 zone are used; the ability to use the R-8 standards was removed in the Interim Ordinance and will be built back into MMC 22C.010.080-090 (see **Exhibit RR** of **Exhibit 9**). Similarly, when there are critical areas on a site, the density in the buffer area can be transferred to the non-encumbered portion of the site. In those instances, the R-8 dimensional standards are used (see **Exhibit WWWW** of **Exhibit 9** for suggested changes).

Policy Item 4 – Middle Housing Exemption Areas for Locational or Physical Constraints

General City Council Guidance for this Topic: Pursue up to a 25 percent exemption from the Middle Housing requirements of HB 1110 in appropriate areas. Consider access and rail constraints, and potentially inadequate parking and other factors.

HB 1110 allows for up to 25 percent of residential lots to be exempted from the requirement to allow Middle Housing. A variety of potential exemption options were presented to Planning Commission for consideration. Planning Commission provided direction that areas with significant life safety issues such as access/rail constraints should be exempted from Middle Housing. Planning Commission appeared to support that, until access/rail constraints are remedied, duplexes and Planned Residential Developments should also be restricted in areas with significant access/rail constraints. The exempted areas in the Interim Ordinance were specifically recommended for exemption. Support appeared to be expressed for the Middle Housing exemption being eliminated if adequate secondary access is provided. **Exhibit OO** to **Exhibit 9** reflects these recommendations.

Policy Item 5 – Preserving Land Capacity in the R-12 and WR-R-6-18 Multi-family Zones

General City Council Guidance for this Topic: City Council generally supports Planning Commission's recommendation to remove single family from the R-18 and R-28 multi-family zones to preserve residential land capacity, and to ensure compatibility of uses.

In initial discussions with Planning Commission and City Council, support was generally expressed for removing single family from the permitted uses from the R-18 and R-28 zones, which are the City's highest density multi-family zones. This was proposed both to preserve the City's residential land capacity and promote more compatible development (i.e. residential uses that are of a similar scale and density near each other, with lower density uses in lower density zones and higher density uses in higher density zones). However, at the June 23rd City Council work session some concern was expressed regarding prohibiting single-family in multi-family zones.

At the June 24th Planning Commission work session, staff presented the options to either prohibit single family or require a minimum density in certain or all multi-family zones. Planning Commission expressed support for establishing minimum densities in the multi-family zones. The following are potential minimum densities that would help minimize impacts to land capacity:

- Option 1 – Minimum densities of 8 dwelling units (du)/acre in the R-12 and WR-R-6-18 zones, and 10 du/acre in the R-18 and R-28 zones.

- Option 2 – Minimum densities of 10 du/acre in the R-12 and WR-R-6-18 zone, and 12 du/acre in the R-18 and R-28 zones.

Question on Policy Item 5 – Which option above is preferred by Planning Commission?

Policy Item 6 – Level of Density for Master Planned Senior Communities in Single Family Zone(s)

General City Council Guidance for this Topic: There was generally support for removing the Conditional Use Permit (CUP) requirement for Master Planned Senior Communities in multi-family zones, and for allowing the density for MPSC in the single-family zone(s) to be moderately incentivized.

Three potential approaches to density allowances in the R-4.5 and R-6.5 zones (i.e. NR-4.5 and NR-6.5) were discussed as ways to slightly incentive Master Planned Senior Communities in single family zones while still promoting compatibility with existing residential uses. Among the options presented, an allowance of 10 du/acre in the R-4.5 zone and 12 du/acre in the R-6.5 zone was recommended. This amendment is now reflected in **Exhibit KKKK to Exhibit 9**.

Topic 7 – Height for Single Family and Duplex Development in Multi-family Zones

Currently single family detached residences and duplexes in the multi-family zones are subject to a 30-foot height limit, while multi-family and townhouses in the R-12 and WR-R-6-18 zones are subject to a 35-foot height limit and in the R-18 and R-28 zones are subject to a 45-foot height limit. Staff provided

an option to Planning Commission to increase the height allowance to 35 feet for single family and duplexes in multi-family zones, which was supported by Planning Commission. Support was also expressed for provisions requiring that either an increased setback or a step-down in height be provided along single-family residential property lines. The amendment is now reflected in **Exhibit RR to Exhibit 9**.

Conclusion

Staff respectfully request that Planning Commission review the proposed approach to address each of these policy items and either provide confirmation that the approach is acceptable and/or provide further direction as necessary. Staff also respectfully request that Planning Commission review the Interim Ordinances (**Exhibits 2 and 3**) and redlines to the Middle Housing regulations (**Exhibit 9**), ask any questions, and provide direction if there are any codes that should be amended differently. Some additional amendments to the Comprehensive Plan to reflect the zoning changes will be presented at the Public Hearing on August 12th. These Comprehensive Plan changes will align with the discussion contained in this memo, but will be additional maps that also need to reflect the same zoning changes along with companion text changes. Due to the short turnaround since the last meeting, please also note that various references to the existing residential zones are also in the process of being updated throughout the code.

Exhibit 1

Middle Housing Interim Ordinance Summary		
Exhibit	**Marysville Municipal Code**	**General Description of Proposed Change(s)**
A	5.70.270, Discounts	Add a reference to Middle Housing in the discounts section of the cable system regulations.
B	12.02A.090, Frontage improvements required	Amend the frontage improvement code to address requirements for Middle Housing, Unit Lot Subdivisions, and accessory dwelling units.
C	14.01.050, Sewer connection required	Amend to indicate that unit lot subdivisions require sewer connection.
D	14.01.055, Water connection required	Amend to indicate that unit lot subdivisions require water connection.
E	14.03.040 Water meters	Amend to require that accessory dwelling units and Middle Housing provide individual water connections, and that townhouses may have a master meter. The Public Works Water and Sewer Divisions have indicated that with the ability to rent out all accessory dwelling units and Middle Housing and individually sell accessory dwelling units and Middle Housing units, individual connections will be easier to administer for billing purposes along with long-term repair and maintenance needs. An exception to the individual utility connection requirement is proposed for existing structures if it is impracticable to provide separate utility connections as determined by the Building Official. If Unit Lot Subdivision is subsequently proposed, then individual utility connections will then be required.
F	14.03.090, Utility connections to unoccupied properties prohibited and/or forfeited	Amend to indicate that utility connections shall not be sold and water meters shall not be installed until final short plat and final unit lot subdivision approval (which is the expectation for other development types).
G	14.07.010, Capital improvement charges	Amend the capital improvement charges fee schedule to eliminate rates that are no longer in effect, provide a rate for accessory dwelling units that are not in city limits, and indicate that residential connections also include single family, Middle Housing, and townhouse units. Lastly indicate that accessory dwelling units with a separate water meter shall pay a separate utility bill unless an exemption has been granted for a consolidated connection to be provided. Note: these are interim fixes while the utility rate study is pending.
H	14.07.060, Water rates	Add a definition for Middle Housing and amend the definition for multiple residential units. Add accessory dwelling units and Middle Housing to the sewer rate schedule.
I	14.07.070, Sewer rates	Add a definition for Middle Housing and amend the definition for multiple residential units. Add accessory dwelling units and Middle Housing to the water rate schedule.
J	14.15.020, Definitions	In the stormwater code, the definition of Planned Residential Development is amended to reference

		Chapter 22G.080 MMC, Planned Residential Developments.
K	14.18.080, Payment of drainage assessments	Amend the reference to planned unit development to planned residential development and add unit lot subdivisions as a development type subject to drainage assessments.
L & M	14.19.030, Definitions and 14.19.040, Surface water utility fund	The terms 'nonresidential' and 'residential' are proposed to be amended to 'all other property types' and 'single family residential' respectively to align with the terms used in 14.19.040 (Exhibit **M**, which is included for reference only).
N	14.32.050, Administrative procedure	The provisions pertaining to administrative procedures in the Utility Service Planning Area code (Chapter 14.32) are proposed to be amended to include unit lot subdivisions.
O	22A.010.090, Administration and review authority	This section references the various administrative approvals that are under the authority of the Community Development Director. 22A.010.090 includes references to code sections in Title 22G which cover these same project types; therefore, overlapping references in 22A.010.090 are proposed to be omitted and instead the code is proposed to reference these project types in 22G.010.150 and 22G.010.160.
P	22A.020.020, "A" definitions	A definition for 'administrative design review' is proposed to be added to Chapter 22A.020, Definitions.
Q	22A.020.020, "A" definitions	A definition for 'all lots zoned predominantly for residential use' is proposed to be added to Chapter 22A.020, Definitions.
R	22A.020.040, "C" definitions	The definition 'cottage housing developments' will be amended to align with the State's definition of 'cottage housing'; however, a few clarifications will be added to the State's definition to reflect Marysville's code requirements.
S	22A.020.040, "C" definitions	The State's definition of 'courtyard apartments' will be added to code.
T	22A.020.050, "D" definitions	The definition of 'development' will be amended to include unit lot subdivisions.
U	22A.020.050, "D" definitions	A definition for 'development regulations' will be added to code.
V	22A.020.050, "D" definitions	A definition for 'development standards' will be added to code.
W	22A.020.050, "D" definitions	The definition for 'duplex' will be amended to indicate that the common wall between duplexes must be integral to the architecture.
X	22A.020.090, "H" definitions	The definition of 'housing, missing middle' will be repealed as it will be replaced by a new definition 'middle housing' that aligns with State law.
Y	22A.020.130, "L" definitions	A definition for 'lot, parent' is proposed to be added to address parent lots in unit lot subdivisions.
Z	22A.020.130, "L" definitions	A definition for 'lot, unit' is proposed to be added to address unit lots in unit lot subdivisions.

AA	22A.020.140, "M" definitions	The definition of 'major transit stop' is proposed to be amended to align with the definition in State law.
BB	22A.020.140, "M" definitions	A new definition for 'middle housing' is added to reflect changes in State law.
CC	22A.020.140, "M" definitions	The definition of 'multifamily dwelling unit' is proposed to be amended to indicate that it does not include Middle Housing or townhouses.
DD	22A.020.200, "S" definitions	A definition for 'single-family zones' is proposed to be added to the code.
EE	22A.020.200, "S" definitions	A definition for 'stacked flat' is proposed to be added to the code. It should be noted that stacked flats are not a proposed Middle Housing type.
FF	22A.020.210, "T" definitions	A definition for 'Tier 1' City has been added. Tier 1 refers to the city size where the maximum Middle Housing allowances of HB 1110 apply. Marysville is expected to become a Tier 1 City in 2030.
GG	22A.020.210, "T" definitions	A definition for 'Tier 2' City has been added. Tier 2 refers to the city size where 2 units are allowed on residential lots and 4 units are allowed on residential lots that are within ¼ mile of a major transit stop or have a dedicated affordable housing unit. Marysville is currently a Tier 2 City.
HH	22A.020.210, "T" definitions	The definition for townhouse has been amended to clarify when a townhouse is considered Middle Housing and when it is not.
II	22A.020.220, "U" definitions	A definition for 'unit density' is proposed to be added to address the allowed density for Middle Housing.
JJ	22A.020.220, "U" definitions	A definition for 'unit lot subdivision' is proposed to be added.
KK	22A.030.020, Zones and map designations established	An amendment is proposed to indicate that the base density for 'R' zones reflects lots per acre in addition to dwelling units per acre.
LL	22A.030.050, Residential zones	An amendment is proposed to add references to both the Whiskey Ridge residential zones and Middle Housing to the residential zones summary.
MM	22C.010.030, Characteristics of residential zones	The residential zone descriptions are proposed to be amended to add Middle Housing and townhomes to the zone descriptions, amend the density description to reference both lots and units, and to separate duplex density references which are no longer valid.
NN	22C.010.060, Permitted uses	The residential permitted uses matrices are amended to: · Remove the Conditional Use Permit (CUP) requirement from cottage housing; · Remove the CUP requirement for most senior citizen-oriented housing options in multi-family zones; · Remove single family detached from the permitted uses in the City's highest density multi-family zones (R-18 and R-28) to ensure that land capacity is preserved; and

		· Add Middle Housing as a permitted use.
OO	22C.010.070, Permitted uses – Development conditions	The residential permitted uses development conditions are amended to: · Add new requirements for accessory dwelling units that align with HB 1337. · Indicate what Middle Housing is, when it is allowed, and when it is not allowed. · The R-4.5 Single family, Medium Density area generally located north of 88th Street, west of State Avenue, south of 108th Street NE, and east of Interstate 5 is proposed to be exempted from Middle Housing due to the single point of ingress/egress and/or rail constraints for these areas. · Remove the alternate density and lot size expectations for duplexes. · Indicate that townhouses are only allowed in Planned Residential Developments subject to the underlying zone, or subject to the Middle Housing allowances. · Allow signage for home occupations in Middle Housing units.
PP	22C.010.075, Adaptive reuse of nonresidential buildings in residential zones	Eliminate the allowance for one additional dwelling unit above the base density for adaptive reuse of nonresidential buildings in residential zones.
QQ	22C.010.080, Densities and dimensions	The residential density and dimension provisions are amended to: · Indicate that base density applies to dwelling units per lot and dwelling units per acre. · Provides for the maximum density allowance for residential zones and express in terms of dwelling units per lot and dwelling units per acre. · Amend the R-8 and WR-R-4-8 zones building coverage, impervious coverage, and minimum lot size to mirror the R-6.5 zone. · Omit the minimum lot size for duplexes since HB 1110 requires that the lots be treated equivalent to single family lots.
RR	22C.010.090, Densities and dimensions – Development conditions	The residential density and dimension development conditions amendments include, but are not limited to: · Clarifying the maximum density allowances. · Adding an exception for the general density requirements for accessory dwelling units and Middle Housing. For Middle Housing, the number of lots per acre will be the same as for single family; however, there will be a dwelling unit per acre/lot exemption consistent with HB 1110. Additional provisions pertaining to Middle Housing are also included.
SS	22C.010.110, Calculations – Allowable dwelling units	The calculation of allowable dwelling units section is amended to clarify that the standards apply to dwelling units or lots. The various steps for calculating density are more explicitly laid out. The dwelling unit exemption for Middle Housing, and the exemption from the calculation for existing lots are provided.

TT	22C.010.120, Calculations – Site area used for density calculations	Amend to indicate that critical areas and buffers need to be placed in a tract or easement for permanent protection.
UU	22C.010.130, Lot area – Prohibited reduction	An exception is provided for lots created under the Unit Lot Subdivision provisions.
VV	22C.010.140, Minimum lot area for construction	Amend to include Middle Housing as being allowed on nonconforming residential lots. Clarify bulk and dimensional expectations.
WW	22C.010.170, Setbacks – From regional utility corridors	Minor grammatical change.
XX	22C.010.190, Setbacks – From alleys	Amend an outdated reference to Downtown.
YY	22C.010.200, Setbacks – Adjoining half-street, designated arterial, or temporary cul-de-sac	Amend to indicate that setbacks abutting temporary cul-de-sacs must be measured from the temporary cul-de-sac as constructed; the setbacks will revert to the property line when the temporary cul-de-sac is removed.
ZZ	22C.010.210, Setbacks – Projections allowed	Allow uncovered ramps to project into side or rear setbacks similar to uncovered stairs.
AAA	22C.010.220, Height – Exceptions to limit	Amend the height limit exception for flagpoles to include Middle Housing.
BBB	22C.010.255, Residential design requirements – Purpose	Amend the residential design purpose statement to include all single family along with Middle Housing and townhouses.
CCC	22C.010.260, Residential design requirements – Applicability and interpretations	Amend the residential design requirements applicability requirements to include Middle Housing.
DDD	22C.010.270, Zero lot line development	Amend to omit the reference to PRD overlay zone and add binding site plans to the zero lot line code.
EEE	22C.010.280, Cottage housing developments	The cottage housing code is amended to include various amendments to this code including, but not limited to: · Amending the various unique areas where cottage housing is allowed to instead simply indicate that cottage housing is allowed in residential zones; · Include a provision that cottage housing is eligible for a unit lot subdivision up to 20 unit lots; · Add a minimum lot size or square footage allocation for individual cottages; · Eliminate the building coverage limitation as the cottage size limitation and impervious coverage limitation combined adequately address the size of cottages; · Provide a clarification for how floor area should be calculated; · Clarify that uncovered porches do not count towards floor area; · Include a provision that open space be provided equal to 20 percent of the development site consistent with State law; and · Direct the reader to the overall parking code for parking requirements.

FFF	22C.010.300, Commercial, multiple-family, townhome, and group residence – Vehicular access and parking location	This section is written specifically for commercial, apartment, townhome, and group residences abutting alleys; however, alley access is typically required for all uses, when an alley is available.
GGG	22C.010.310, Small lot single-family dwelling development standards	This section is proposed to be amended to apply to all single family residences and to Middle Housing. The specific auto court provisions that are listed are proposed to be removed and instead direct the reader to the Engineering Design and Development Standards. A provision is proposed to indicate that auto courts may be required to be minimized when multiple auto courts would result in poor design. Design provisions are also proposed to require side elevations visible from accesses to meet minimum design standards, and for duplexes and Middle Housing to either be constructed to appear as a single-family residence or to have their own individual identity. This section will be amended further with the final regulations.
HHH	22C.010.330, Townhouse open space	This section is amended to indicate that Middle Housing and single family must provide 200 square feet of open space. This section will be amended further with the final regulations.
III	22C.010.400, Duplex performance and design standards	The duplex design standards are proposed to be repealed. Duplexes would instead be required to comply with MMC 22C.010.310 (Exhibit GGG above).
JJJ	22C.010.400 *(no link as code is new; will be located where the exhibit above is currently located)*	This is a new code section which specifies the State's affordable housing provisions for Middle Housing.
KKK	22C.050.010, Purpose	Amend certain references in the small farms code neutral.
LLL	22C.050.050, Permitted uses in small farms overlay zone	Indicate that a single-family residence of Middle Housing can be built on a small farm.
MMM	22C.065.060, Single-family and duplex dwelling development standards *(applies to Lakewood Neighborhood Master Plan)*	This section is proposed to be amended to apply to all single family residences and to Middle Housing. The specific auto court provisions that are listed are proposed to be removed and instead direct the reader to the Engineering Design and Development Standards. A provision is proposed to indicate that auto courts may be required to be minimized when multiple auto courts would result in poor design. Design provisions are also proposed to require side elevations visible from accesses to meet minimum design standards, and for duplexes and Middle Housing to either be constructed to appear as a single-family residence or to have their own individual identity. This section will be amended further with the final regulations.
NNN	22C.070.040, East Sunnyside – Whiskey Ridge subarea plan zoning classifications	Amend the table showing the various zones in the East Sunnyside – Whiskey Ridge Subarea Plan to align with other chapters in the MMC and the City's Comprehensive Plan and Zoning Maps.

OOO	22C.070.100, Open space	The townhouse and ground-based multi-family open space standards are amended to include Middle Housing.
PPP	22C.070.130, Parking	Direct the reader to the parking code for parking standards. Indicate that the on-street parking allowance is for commercial uses. Make a minor correction to a road name.
QQQ	22C.080.120, Uses permitted in downtown Marysville zones	Add Middle Housing to the residential zones in the Downtown Master Plan Area.
RRR	22C.080.230, Parking and loading	Indicate that Middle Housing must meet the parking outlined for Middle Housing in the general parking code.
SSS	22C.090.020, Permitted locations of residential density incentives	The list of zones in which residential density incentives (RDI) are allowed has been amended to be clearer and to omit the Downtown zones where RDI are not needed to achieve maximum densities.
TTT	22C.090.030, Public benefits and density incentives	The residential density incentives are amended to: · indicate that bonus lots can be earned in single family zones or in multi-family zones when single for Middle Housing are proposed, and bonus units can be earned when multi-family or townhouse developments are proposed; · reflect that lots or units can be earned (a few RDI are only listed for units); and · remove the RDI pertaining to perimeter fencing or landscaping as it is difficult to administer and is often ineffective due to abutting residential subdivisions.
UUU	22C.090.040, Rules for calculating bonus units for open space and recreational areas	This RDI section is amended to include a reference to lots and to omit a couple of open space amenities that are not intended to be encouraged; omitting these open space amenities aligns the RDI code with the PRD code.
VVV	22C.090.050, Rules for calculating total permitted dwelling units	This RDI section is amended to include references to lots in addition to the existing unit references.
WWW	22C.090.060, Review process	This RDI section is amended to include references to lots in addition to the existing unit references.
XXX	22C.090.070, Minor adjustments in final site plan	This RDI section is amended to include references to lots.
YYY	22C.090.090, Enforcement	This RDI section is amended to include unit lot subdivisions.
ZZZ	22C.100.030, Nonconforming structures	Add Middle Housing to the nonconforming structures rebuild provisions.
AAAA	22C.100.040, Nonconforming uses	Add Middle Housing to the nonconforming uses expansion provisions.
BBBB	22C.120.050, Water conservation standards	Clarify that Middle Housing (like single family detached) is not subject to water conservation standards.
CCCC	22C.120.120, Required landscape buffers	Indicate that Middle Housing is not required to provide a landscape buffer adjacent to single family designated areas.

DDDD	22C.130.020, General standards	Amend to indicate that parking for single family, Middle Housing, and townhouses be provided on the lot as the dwelling unit served by the parking. Provide an exception for Unit Lot Subdivision indicating that the parking may be on a different unit lot if an easement is provided.
EEEE	22C.130.030, Minimum required parking spaces	Provide parking requirements for Middle Housing and accessory dwelling units that comply with HB 1110 and HB 1337. Indicate that parking for mobile home parks is subject to the standards in the mobile home park code.
FFFF	22C.130.050, Development standards	Indicate that parking for Middle Housing does not need to be striped. Remove the reference to single family attached and detached and instead reference single family, townhouses, and Middle Housing. Include a provision that in garage parking spaces must be usable for parking and free of obstructions.
GGGG	22C.190.020, Home occupation standards	Include provisions that address home occupations in Middle Housing.
HHHH	22C.200.030, Permit required	Remove unnecessary references to home occupations from the day care code.
IIII	22C.220.090, Development regulations	The Master Planned Senior Community (MPSC) code is amended to include references to Middle Housing to ensure consistent treatment with single family residences.
JJJJ	22C.220.100, Modification of development regulations	The Master Planned Senior Community (MPSC) code is amended to include references to Middle Housing to ensure consistent treatment with single family residences. The density is amended to be capped at 8 dwelling units per acre in single family zones (Planning Commission will be provided with different density options to consider for a moderate incentive for MPSC). Obsolete references to Downtown have been updated.
KKKK	22C.230.030, Mobile/ manufactured home park zone	The mobile/manufactured home park code is amended to eliminate the requirement for a Planned Residential Development for a MHP since the mobile/manufactured home park code has similar, but conflicting, standards.
LLLL	22C.230.040, Procedures for review and approval	The mobile/manufactured home park standards are amended to add the expectation for a conditional use permit to be obtained consistent with the residential permitted uses, and to eliminate the required for a PRD rezone, which has similar, but conflicting, standards.
MMMM	22C.250.060, Wireless communication facilities – Siting hierarchy	The wireless communication facilities siting hierarchy has been amended to include Middle Housing with single family designations.
NNNN	22C.250.070, Wireless communication facilities – General requirements	The wireless communication facilities general requirements have been amended to address Middle Housing where single family is referenced.
OOOO	22D.020.030, Payment of impact fees required	Amend the deferral of park impact fees code section to reference townhouses and Middle Housing and eliminate the reference to attached residential units.

PPPP	22D.020.050, Computing required impact fees using adopted impact fee schedules	Add Middle Housing and townhouses to the single-family parks rate; omit the reference to attached single family homes.
QQQQ	22D.020.130, Formula for determining park, recreation, open space or trail impact fees	Add Middle Housing and townhouses to the parks impact fee calculation information.
RRRR	22D.030.040, Definitions	Amend the definitions for the traffic impact fee code to include single family detached, Middle Housing, and townhouses in the definition of 'development'
SSSS	22D.030.070, Determination and fulfillment of road system obligations	Add Middle Housing and townhouses to traffic impact fees eligible for deferral and remove attached residential unit.
TTTT	22D.040.020, Definitions	Add single family detached, Middle Housing, and townhouses to the definition of development in the school impact fee code.
UUUU	22D.040.060, Impact fee accounting	Amend the deferral of school impact fee section to include Middle Housing and townhouses.
VVVV	22E.010.360, On-site density transfer for critical areas	The on-site density transfer for critical area provisions are proposed to be more specific in describing the specific dimensional standards of the next highest zone that can be used. These standards will be looked at more closely with the final regulations.
WWWW	22E.030.090, Categorical exemptions, threshold determinations, and enforcement of mitigating measures	Middle Housing is proposed to be added to the environmental categorical exemption review that applies to single family.
XXXX	22G.010.160, Administrative approvals subject to notice	Unit lot subdivisions are proposed to be added to the types of administrative land use applications subject to notice.
YYYY	22G.010.250, Vesting	Unit lot subdivisions are added to the land use procedures pertaining to vesting.
ZZZZ	22G.010.260, Minor revisions to approved development applications	Address Planned Residential Development and Middle Housing in the minor land use application revision criteria. Provide minor revision criteria unique to Unit Lot Subdivisions, which require separate provisions due to the different nature of the use.
AAAAA	22G.010.270, Major revisions to approved residential development applications	Address Middle Housing in the major land use application revision criteria.
BBBBB	22G.030.020, General fee structure	Incorporate Middle Housing and Unit Lot Subdivisions in fee structure.
CCCCC	22G.080.010, Purpose	Amend the Planned Residential Code to reference PRDs being developed as a 'cohesive project' rather than a unit.
DDDDD	22G.080.040, Permitted/conditional uses – Ratio of housing types	This section is amended to include references to Middle Housing and townhouses instead of duplexes and single family attached. The maximum number of dwelling units in single family PRDs is proposed to be capped at four units (currently six units may be in a building), and

		the limitation on the townhouse units relative to single family has been removed.
EEEEE	22G.080.050, Procedures for review and approval	The expectation for Planned Residential Developments (PRDs) to be consistent with the Engineering Design and Development Standards has been added. A provision for the form and scale of buildings to be compatible with single family has been added. An expectation that orientation of structures towards the higher volume roadway has been added unless the director determines an alternate orientation would result in better site design. A provision has been added that landscaping should not be installed to avoid orientation requirements.
FFFFF	22G.080.060, Required elements of PRD site plans	Various submittal requirements for PRDs have been amended.
GGGGG	22G.080.070, Development standards	The PRD development standards have been amended to eliminate the 5,000 SF cap since most PRDs are comprised of lots at or under 5,000 SF. The restriction on ADUs has been removed consistent with HB 1337. The alternate access provisions have been amended to remove the 5,000 SF cap but to lower the amount of dwellings requiring alternate access from 25 percent to 20 percent. A provision has been added that autocourts may be required to be minimized and a consolidated public road provided when the site design or safety is improved.
HHHHH	22G.080.080, Modification of development regulations	The modification of PRD development regulations has been amended to address density being expressed in terms of dwelling units per acre or lot, and to direct the reader to the applicable code provisions. A footnote establishing an alternate lot size for duplexes has been removed consistent with HB 1110. An exemption to the townhouse minimum lot size has been added for Middle Housing. References to attached single-family have been replaced by townhouses. A footnote with alternate parking standards has been removed. A clarification has been added that PRD subdivisions and binding site plans may use the PRD road standards in the EDDS.
IIIII	22G.080.100, Open spaces	New criteria pertaining to recreational amenities has been added to promote more desirable recreational areas. A clarification has been added that bioswales, infiltration galleries and ponds cannot be used for recreational facilities.
JJJJJ	22G.090.580, Fence requirements	The reference to single family residential has been changed to simply residential in the fence requirements part of the plat and short plat code.
KKKKK	22G.100.040, Jurisdiction	The binding site plan code jurisdiction has been amended to reference Middle Housing and to indicate that Unit Lot Subdivisions are exempt from the Planned Residential Development code.
LLLLL	22G.120.030, Scope	The site plan review code has been amended to exempt construction of a single Middle Housing building from the site plan review code.

COMMUNITY DEVELOPMENT DEPARTMENT
501 Delta Avenue ◆ Marysville, WA 98270 ◆ (360) 363-8000

MEMORANDUM

DATE: July 8, 2025

TO: Planning Commission

FROM: Amanda Brittain, CD Intern

RE: Accessory dwelling unit maximum size allowance

CC: Jeff Wilson, Interim Community Development Director
Chris Holland, Planning Manager
Angela Gemmer, Principal Planner

Research Summary

Planning Commission requested additional information at the June 23rd work session regarding the maximum size that accessory dwelling units may be. In response, staff researched accessory dwelling unit development standards in ten different comparable cities in Washington. After collecting findings in a table using the applicable zoning codes (i.e. 20.44.042 (Arlington), 12.14.135 (Bothell), 17.15.080 (Burlington), 19.08.100 (Everett), 14.44.045 (Lake Stevens), 21.02.011 (Lynnwood), 17.22.130 (Mill Creek), 17.73.110 (Mount Vernon), 19.30.050 (Mountlake Terrace), and 17.95.480 (Stanwood)), we were provided more insight to helping us get a conclusion on general trends to guide our new policies.

While not all of the cities have updated their accessory dwelling unit codes to comply with HB 1337, staff reached out to those planning teams and received drafts for new ordinances being adopted and changes being implemented. Overall, the cities agreed on allowing 2 accessory dwelling units with them having a maximum of 1,000 square feet in size. Some cities also allowed special cases and exceptions on the size requirements whether that was having no size limit on accessory dwelling units located within one floor of a principal dwelling unit (Everett and Lake Stevens), or by getting approved by the Community Development Director as long as it didn't exceed 40% of the primary unit's gross floor area (Bothell).

Conclusion

Based on our findings, we conclude that a reasonable size limit would be a range from 1,000 to 1,400 square feet of the gross floor area. In all the cities we reviewed, the maximum size of an accessory dwelling unit was 1,000 square feet except for Bothell, which gave an additional 200 feet, and had 1,200 square feet maximum size allowed. With the new HB 1337, cities are trying to catch-up with all the new middle-housing updates being implemented, in which cities are trying to exactly match the new standards. In the new house bill, the new accessory dwelling unit size policies require a maximum of at least 1,000 square feet. Following this standard would allow Marysville to be united with other surrounding cities. Allowing up to 1,400 square feet would allow even more flexibility for residents. If there are special cases in which someone would want their accessory dwelling unit to be larger than the maximum, it would then be based on the Planning Director's discretion.

EXHIBIT 1: Accessory Dwelling Unit Research Table

City	Max Square Feet	Max # of ADUs	Additional Info
Arlington	**1000**	**2**	
Bothell	**1200**	**2**	***exceptions**
Burlington	**1000**	**2**	
Everett	**1000**	**2**	***exceptions**
Lake Stevens	**1000**	**2**	***exceptions**
Lynnwood	**1000**	**2**	***updated**
Mill Creek	**1000**	**2**	
Mount Vernon	**1000**	**2**	***interim ordinance**
Mountlake Terrace	**1000**	**2**	***proposed**
Stanwood	**1000**	**2**	***proposed**

MARYSVILLE COMPREHENSIVE PLAN

0 0.5 1 Miles

Lakewood Neighborhood Master Plan

Cascade Industrial Center (Continues to the North)

Cascade Industrial Center

Smokey Point Master Plan

Cascade Industrial Center

Tulalip Reservation

116th Street Master Plan

Downtown Master Plan

The Downtown Master Plan boundary and Downtown Core zone shall coincide with the division of the Riverwalk Project

3rd Street Character Area

East Sunnyside-Whiskey Ridge Subarea Plan

Comprehensive Plan Zoning

Residential

- Flex Residential
- Middle Housing 1
- Middle Housing 2
- Midrise Multi-Family
- Neighborhood Residential 4.5
- Neighborhood Residential 6.5
- R12 Multi-Family Low
- R18 Multi-Family Medium
- R28 Multi-Family High
- WR-R-6-18 Whiskey Ridge,Multi-Family Medium

Non-Residential

- Downtown Core
- Downtown Commercial
- Community Business
- Community Business - Whiskey Ridge
- Flex
- General Commercial
- General Industrial
- LI with GC Overlay
- Light Industrial
- Main Street
- Mixed Use
- Neighborhood Business
- Open
- Public-Institutional
- Recreation

- City Limits
- Urban Growth Boundary
- Master Plan Area
- Cascade Industrial Center
- Tulalip Reservation
- 3rd St Character Area
- Adult Facility Overlay
- Small Farms Overlay

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CD25-18a
July 2025

MARYSVILLE

ZONING

0 0.5 1 Miles

Lakewood Neighborhood Master Plan

Cascade Industrial Center (Continues to the North)

Cascade Industrial Center

Smokey Point Master Plan

Cascade Industrial Center

116th Street Master Plan

Tulalip Reservation

Middle Housing, Planned Residential Developments, and duplexes are not permitted in the Middle Housing Exemption Area(s) until appropriate secondary public access, including an adequate second emergency access, is provided.

Downtown Master Plan

East Sunnyside-Whiskey Ridge Subarea Plan

Zoning

Residential

- Flex Residential
- Middle Housing 1
- Middle Housing 2
- Midrise Multi-Family
- Neighborhood Residential 4.5
- Neighborhood Residential 6.5
- R12 Multi-Family Low
- R18 Multi-Family Medium
- R28 Multi-Family High
- Residential Mobile Home Park
- WR-R-6-18 Whiskey Ridge,Multi-Family Medium

Non-Residential

- Community Business
- Community Business - Whiskey Ridge
- Downtown Commercial
- Downtown Core
- General Commercial
- General Industrial
- LI with GC Overlay
- Light Industrial
- Flex
- Main Street
- Mixed Use
- Neighborhood Business
- Open
- Public-Institutional
- Recreation

- Urban Growth Boundary
- City Limits
- Master Plan Area
- Cascade Industrial Center
- Tulalip Reservation
- Middle Housing Exemption Area

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CD25-18c
July 2025

Exhibit A

5.70.270 Discounts.

The city encourages franchisee to provide special rate discounts for certain senior subscribers and permanently disabled subscribers as follows:

(1) The eligibility for the special rate considerations set forth in this section shall be limited to those subscribers who qualify as a "senior" or as "permanently disabled" under the city's prevailing standards and procedures and who must also be eligible for utility discounts from the city. The subscriber must also be the owner-occupant of a single-family, Middle Housing as defined in MMC 22A.020.140, or multiple dwelling unit residence or the legally responsible lessee of a rental residential dwelling or unit.

(2) Franchisee is encouraged to waive the standard installation fee for those dwellings or units within 125 feet of franchisee's cable system for those subscribers who are eligible under subsection (1) of this section.

Exhibit B

12.02A.090 Frontage improvements required.

(1) The term "frontage improvements" as used in this section shall refer to the construction, reconstruction or repair of the following facilities along the full abutting public street frontage of property being developed:

(a) Curbs, gutters and sidewalks;

(b) Storm drainage facilities including LID facilities and/or underground facilities;

(c) Patching the street from its preexisting edge to the new curb line;

(d) Overlayment of the existing public street to its centerline;

(e) Construction of new streets within dedicated, unopened right-of-way.

All such frontage improvements shall be constructed to city specifications.

(2) Property owners shall be required to construct frontage improvements along the full abutting public street frontage of property which is developed as provided in subsection (3) of this section; provided, that overlayment of an existing public street to its centerline shall not be required for one or two unit residential or Middle Housing~~single-family or duplex~~ development.

(3) Frontage improvements shall be constructed as follows:

(a) Formal plats: frontage improvements shall be completed prior to recording the final plat, or may be bonded pursuant to the provisions of Chapter 22G.090 MMC;

(b) Short plats: frontage improvements shall be completed prior to recording the final short plat, or may be bonded pursuant to the provisions of Chapter 22G.090 MMC;

(c) Unit lot subdivisions: frontage improvements shall be completed prior to recording the final unit lot subdivision, or may be bonded pursuant to the provisions of Chapter 22G.090 MMC;

~~(c)~~ (d) Construction of a townhouse, multifamily dwelling unit, business, commercial or industrial building: frontage improvements shall be completed prior to occupancy of the building;

~~(d)~~ (e) Construction of a single-family residence or ~~duplex dwelling~~ Middle Housing unit as defined in MMC 22A.020.140: frontage improvements shall be completed prior to occupancy of the structure, provided the following exceptions apply:

(i) An existing lot in an existing ~~single-family~~ residential subdivision, short plat, or binding site plan where the lots are fully developed and frontage improvements were constructed to the standard in effect at the time of final plat recording;

(ii) An existing lot (greater than one acre) where there are no frontage improvements meeting city standards constructed within 200 feet of the lot or identified through approved plats, and development potential exists for future development. At the discretion of the public works director or designee, frontage improvements may be reduced or deferred until the entire parcel is developed; or

(iii) Replacement of an existing single-family residence or Middle Housing~~duplex~~ unit as defined in MMC 22A.020.140, as defined in MMC 22A.020.140, where there are no frontage improvements constructed within 200 feet of the lot. Frontage improvements may be waived, providing construction of the new dwelling unit is completed within 12 months of the demolition of the existing unit;

~~(e)~~ (iv) The granting of an exception to construct frontage improvements as outlined in subsection (3)~~(d)~~(e)(i)-(iii) ~~of this section~~ does not waive the property owner's requirement to dedicate right-of-way as established in MMC 12.02A.110;

(f) Construction of any additions, alterations or repairs to a residential building that result in an increase in the number of dwelling units as defined in Chapter 22A.020 MMC, or to a business, commercial or industrial building that result in an increase in pedestrian or vehicular traffic within any 12-month period: frontage improvements shall be completed prior to occupancy. Frontage improvements shall not be required for construction of an accessory dwelling unit; provided, that this exception shall not apply when an existing single-family dwelling unit is converted to an accessory dwelling unit, and a new single-family dwelling unit is constructed or placed that would otherwise require frontage improvements as outlined in subsection (3)~~(d)~~(e)of this section;

(g) Development of a project requiring a binding site plan: frontage improvements shall be completed prior to occupancy;

(h) Development of a new mobile/manufactured home park, or an enlargement or an increase in density to an existing mobile/manufactured home park: frontage improvements shall be completed prior to occupancy;

(i) Any change in the occupancy classification of an existing building or structure on the property that results in an increase in pedestrian and/or vehicular traffic within any 12-month period: frontage improvements shall be completed prior to occupancy.

(4) The public works director or designee shall have authority to grant administrative variances from any of the requirements of this section pursuant to MMC 12.02A.120. Such variances shall be conditioned upon the property owner signing a contract providing for the construction of the frontage improvements at a future time. Said contract shall include, but not be limited to, the making of a cash deposit with the city in an amount equal to the estimate of the city engineer of the cost of said improvements, including design cost, plus an administrative overhead fee of 15 percent. No other form of payment or security shall be authorized. In the event the frontage improvements are not constructed by the property owner within five years of the grant of a variance, the cash deposit shall be forfeited to the city. If said frontage improvements are constructed by the property owner at the request of the city within five years of the grant of a variance, said cash deposit shall be refunded to the property owner less the 15 percent overhead fee. Said contract shall be subject to the approval of the city attorney and shall contain such other provisions as are necessary to effectuate the future construction of such frontage improvements. The refusal of a property owner to enter into such agreement or to post a cash amount as specified herein shall be a basis to deny a variance request and shall require the construction of such frontage improvements in accordance with subsections (1) through (4) of this section.

The council authorizes the mayor to review, execute and sign contracts for deferred construction of curbs, gutters and sidewalks pursuant to this chapter.

Any party aggrieved by a decision of the public works director or designee may appeal the decision pursuant to MMC 12.02A.120(4).

Exhibit C

14.01.050 Sewer connection required.

(1) The owner of any property within the city limits which is not connected to city sewer service shall be required to extend the sewer utility line which is within 200 feet of the structure to be served, as measured along the usual or most feasible route of access, and to connect to the same for all occupied structures on the property under any of the following circumstances:

(a) Upon construction of a building or structure which is designed for occupancy; or

(b) Upon construction of any additions, alterations or repairs within any 12-month period which exceed 50 percent of the value of an existing building or structure which is designed for occupancy; or

(c) Upon any change in the occupancy classification of an existing building or structure on the property; or

(d) Upon the failure of the on-site sewage disposal system on the property; or

(e) As a condition of approval for any new land division, including but not limited to subdivision, short subdivision, ~~and~~ binding site plan, and unit lot subdivision. In the case of new land divisions, the 200-foot threshold shall apply. Beyond the 200-foot threshold, the owner shall be required to extend the sewer utility line to all occupied structures regardless of distance unless one of the following exceptions applies:

(i) The proposed subdivision is within an unsewered urban enclave which is defined as an area within an urban growth area in which, in the opinion of the director, connection to public sewer is not economically or technically feasible due to manmade or natural barriers although public sewer may have been extended near such area, and for which the city has certified that it cannot reasonably provide sewer service because of such barriers.

(ii) The land division application proposes creation of no more than two lots and in addition meets each of the following conditions:

(A) The design for the land division includes specific provisions for future accommodation of public sewers in a manner which will allow for future development at appropriate urban densities. The director may require dry sewers and side sewer stub outs;

(B) The land division is configured in a manner which, in the opinion of the director, provides reasonable assurance that subsequent redevelopment will be at minimum or greater than minimum urban densities as outlined in the city's comprehensive plan when sewer becomes available;

(C) One of the proposed new lots is no larger than the minimum lot size necessary to accommodate an on-site sewage treatment system with the reserve area required by the Snohomish Health District; however, on a case-by-case basis, the director may approve lots larger than the minimum lot size necessary to accommodate an on-site sewage treatment system with the reserve area required by the Snohomish Health District, if in the determination of the director the applicant meets the intent of subsections (1)(e)(ii)(A) and (B) of this section; and

(D) The director includes as a condition of approval a prohibition of further subdivision or short subdivision of the property until public sewer becomes available.

(2) Approval of any land division application utilizing the exception in subsection (1) of this section is contingent upon submittal of a legally binding agreement with the city, which must be recorded with the property records of Snohomish County and in a form acceptable to the director, in which the property owner and successors in interest agree to participate without protest in any sewer local improvement district (LID) or utility local improvement district (ULID), including agreement to pay any connection fees and monthly charges assessed by the city, LID or ULID. Nothing in this section shall be construed to limit the ability of the applicant or any successor in interest to challenge the amount of any assessment.

(3) The owner of any property outside of the city limits, but within the utility service area, which is connected to public water service as required in MMC 14.01.040(1) shall be required to extend the city's sanitary sewer and connect to the same for all occupied structures on the property only if such structures, or any of them, are within 200 feet of the existing sanitary sewer, as measured along the usual and most feasible route of access, and only under the following circumstances:

(a) Upon construction of a building or structure which is designed for occupancy; or

(b) Upon construction of any additions, alterations or repairs within any 12-month period which exceed 50 percent of the value of an existing building or structure which is designed for occupancy; or

(c) Upon any change in the occupancy classification of an existing building or structure on the property; or

(d) Upon the failure of the on-site sewage disposal system on the property; or

(e) As a condition of approval for any new land division, including but not limited to subdivision, short subdivision, ~~and~~ binding site plan, and unit lot subdivision. In the case of new land divisions, the 200-foot threshold shall apply. Beyond the 200-foot threshold, the owner shall be required to extend the sewer utility line to all occupied structures regardless of distance unless one of the following exceptions applies:

(i) The proposed subdivision is within an unsewered urban enclave which is defined as an area within an urban growth area in which, in the opinion of the director, connection to public sewer is not economically or technically feasible due to manmade or natural barriers although public sewer may have been extended near such area, and for which the city has certified that it cannot reasonably provide sewer service because of such barriers.

(ii) The land division application proposes creation of no more than two lots and in addition meets each of the following conditions:

(A) The design for the land division includes specific provisions for future accommodation of public sewers in a manner which will allow for future development at appropriate urban densities. The director may require dry sewers and side sewer stub outs;

(B) The land division is configured in a manner which, in the opinion of the director, provides reasonable assurance that subsequent redevelopment will be at minimum or greater than minimum urban densities as outlined in the city's comprehensive plan when sewer becomes available;

(C) One of the proposed new lots is no larger than the minimum lot size necessary to accommodate an on-site sewage treatment system with the reserve area required by the Snohomish Health District; however, on a case-by-case basis, the director may approve lots larger than the minimum lot size necessary to accommodate an on-site sewage treatment system with the reserve area required by the Snohomish Health District, if in the determination of the director the applicant meets the intent of subsections (3)(e)(ii)(A) and (B) of this section; and

(D) The director includes as a condition of approval a prohibition of further subdivision or short subdivision of the property until public sewer becomes available.

(4) Approval of any building permit or land division application utilizing the exception in subsection (3) of this section is contingent upon submittal of a legally binding agreement with the city, which must be recorded with the property records of Snohomish County and in a form acceptable to the director, in which the property owner and successors in interest agree to participate without protest in any sewer local improvement district (LID) or utility local improvement district (ULID), including agreement to pay any connection fees and monthly charges assessed by the city, LID or ULID. Nothing in this section shall be construed to limit the ability of the applicant or any successor in interest to challenge the amount of any assessment.

(5) Approval of any building permit or land division approval utilizing the exception in subsection (3) of this section is contingent upon submittal of a legally binding annexation agreement as established in MMC 14.32.035. The annexation agreement must be recorded with the property records of Snohomish County and in a form acceptable to the director, in which the property owner and all successors in interest agree to annexation of the property to the city when proposed.

(6) The city land use hearing examiner shall have the authority to grant variances from subsections (1) and (3) of this section. Applications for such variances shall be filed, in writing with the director, together with a filing fee of $200.00. The applicant shall be given 10 days' notice of the date on which the hearing examiner shall consider the variance. The hearing examiner is authorized to issue such variances only if it is found that a literal enforcement of this chapter would cause practical difficulties or unnecessary hardships. No such variance shall be authorized unless the examiner finds that all of the following facts and conditions exist:

(a) That there are exceptional or extraordinary circumstances or conditions applying to the subject property or as to the intended use thereof that do not apply generally to other properties in the same vicinity;

(b) That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity;

(c) That the authorization of such variance will not be materially detrimental to the public interest, welfare or the environment;

(d) That the granting of such variance will not be inconsistent with the long-range plans of the city utility system, or jeopardize utility availability for properties within city limits;

(e) That the granting of such variances will not conflict with the city's annexation policies as adopted by resolution.

Exhibit D

14.01.055 Water connection required.

(1) The owner of any property within the city limits which is not connected to city water service shall be required to extend the water service, and to connect to the same for all occupied structures on the property under any of the following circumstances:

(a) Upon construction of a building or structure which is designed for occupancy; or

(b) Upon construction of any additions, alterations or repairs within any 12-month period which exceed 50 percent of the value of an existing building or structure which is designed for occupancy; or

(c) Upon any change in the occupancy classification of an existing building or structure on the property; or

(d) Upon the failure of the on-site sewage disposal system on the property; or

(e) As a condition of approval for any new land division, including but not limited to subdivision, short subdivision, ~~and~~ binding site plan, and unit lot subdivision.

(2) The extension of water service is required as outlined in subsections (1)(a) through (e) of this section unless one of the following exceptions applies:

(a) An alteration, expansion, or replacement of an existing structure which does not require the installation of additional plumbing fixtures;

(b) The structure, consistent with the requirements of the International Building Code (IBC) as adopted by the city, lawfully incorporates no plumbing fixtures;

(c) The structure is located in an area in which public water connection will not be available within the next six years, according to the city's adopted capital facilities plan.

(3) Approval of any building permit or land division application utilizing one of the exceptions in subsection (1) of this section is contingent upon submittal of a legally binding agreement with the city, which must be recorded with the property records of Snohomish County and in a form acceptable to the director, in which the property owner and successors in interest agree to participate without protest in any water local improvement district (LID) or utility local improvement district (ULID), including agreement to pay any connection fees and monthly charges assessed by the city, LID or ULID. Nothing in this section shall be construed to limit the ability of the applicant or any successor in interest to challenge the amount of any assessment.

(4) The owner of any property outside of the city limits, but within the utility service area, which is not connected to public water service shall be required to extend the public water service and connect to the same for all occupied structures on the property, under any of the following circumstances:

(a) Upon construction of a building or structure which is designed for occupancy; or

(b) Upon construction of any additions, alterations or repairs within any 12-month period which exceed 50 percent of the value of an existing building or structure which is designed for occupancy; or

(c) Upon any change in the occupancy classification of an existing building or structure on the property; or

(d) Upon the failure of the on-site sewage disposal system on the property; or

(e) As a condition of approval for any new land division, including but not limited to subdivision, short subdivision, and binding site plan, unless one of the following exceptions applies:

(i) An alteration, expansion, or replacement of an existing structure which does not require the installation of additional plumbing fixtures;

(ii) The structure, consistent with the requirements of the International Building Code (IBC) as adopted by the city, lawfully incorporates no plumbing fixtures;

(iii) The structure is located in an area in which public water connection will not be available within the next six years, according to the city's adopted capital facilities plan.

(5) Approval of any building permit or land division application utilizing one of the exceptions in subsection (3) of this section is contingent upon submittal of a legally binding agreement with the city, which must be recorded with the property records of Snohomish County and in a form acceptable to the director, in which the property owner and successors in interest agree to participate without protest in any water local improvement district (LID) or utility local improvement district (ULID), including agreement to pay any connection fees and monthly charges assessed by the city, LID or ULID. Nothing in this section shall be construed to limit the ability of the applicant or any successor in interest to challenge the amount of any assessment.

(6) Approval of any building permit or land division approval utilizing the exceptions in subsection (3) of this section is contingent upon submittal of a legally binding annexation agreement as established in MMC 14.32.040(2). The annexation agreement must be recorded with the property records of Snohomish County and in a form acceptable to the director, in which the property owner and all successors in interest agree to annexation of the property to the city when proposed.

The city land use hearing examiner shall have the authority to grant variances from subsections (1) and (4) of this section. Applications for such variances shall be filed, in writing with the director, together with a filing fee of $200.00. The applicant shall be given 10 days' notice of the date on which the hearing examiner shall consider the variance. The hearing examiner is authorized to issue such variances only if it is found that a literal enforcement of this chapter would cause practical difficulties or unnecessary hardships. No such variance shall be authorized unless the examiner finds that all of the following facts and conditions exist:

(a) That there are exceptional or extraordinary circumstances or conditions applying to the subject property or as to the intended use thereof that do not apply generally to other properties in the same vicinity;

(b) That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity;

(c) That the authorization of such variance will not be materially detrimental to the public interest, welfare or the environment;

(d) That the granting of such variance will not be inconsistent with the long-range plans of the city utility system, or jeopardize utility availability for properties within city limits;

(e) That the granting of such variances will not conflict with the city’s annexation policies as adopted by resolution.

Exhibit E

14.03.040 Water meters.

The consumption and use of all water taken from the city water system shall be metered at each individual connection. Water meters shall meet the specifications of the city and shall be the property of the city utility system. Individual water meters shall be required for each detached single-family residence, accessory dwelling unit, and Middle Housing unit as defined in MMC 22A.020.140. A master meter may be used for ~~duplexes,~~ townhouses, multiple-family dwellings, condominiums and mobile home parks where there is single ownership or centralized administration. Water meters shall be required for each commercial, industrial and public facility connection. All water meters shall be placed within public right-of-way, or within an easement granted to the city, and shall be directly accessible at all times by city employees.

Exception: separate utility connections shall not be required when a structure with existing plumbing throughout is converted to include additional dwelling unit(s) and it is determined by the Building Official to be impracticable to provide separate utility connections; provided that, if Unit Lot Subdivision is subsequently proposed, separation of utilities and separate utility connections will be required.

Exhibit F

14.03.090 Utility connections to unoccupied properties prohibited and/or forfeited.

(1) The city shall not sell utility connections, accept payment for capital improvement fees or allow the installation of water meters, for any unoccupied property or any property which is the subject of a pending development application until such time as all water and sewer utility infrastructure has been constructed and approved and either final plat approval, final binding site plan approval, final short plat, final unit lot subdivision, final commercial/multifamily site plan approval, conditional use permit approval, or a building permit for previously platted individual lots is or has been issued.

(2) Any property connected to city utilities with a two-inch water meter, or larger, which remains unoccupied for 12 consecutive months, or uses no utility services for 12 consecutive months, shall forfeit its vested right to a utility connection, and at such time as it seeks to reactivate its connection it shall be subject to then-prevailing rules and regulations regarding utility availability for new customers.

Exhibit G

14.07.010 Capital improvement charges.

(1) Capital improvement charges shall be assessed on all new connections to the water, sewer and storm water systems. Capital improvement charges shall also be assessed for a remodel or expansion of an existing building or use. For purposes of this section, an "existing building or use" shall mean all commercial or industrial buildings or uses, churches, schools or similar uses, and all residential buildings or uses where a remodel or expansion increases the number of dwelling units. The capital improvement charge constitutes an equity payment by new and existing customers for a portion of the previously existing capital assets of the system. Capital improvement charges also constitute a contribution to a long-term capital improvement program for the utility system which includes acquisition of new or larger water sources, construction of water storage and transmission facilities, and construction of sewer and storm water trunk lines and treatment facilities. Capital improvement charges shall be paid in full before a new connection or expansion or remodel to an existing building or use shall be approved. All payments shall be deposited in the utility construction fund and shall be made prior to building permit issuance for residential construction and prior to issuance of a certificate of final occupancy for commercial/industrial construction.

(2) The following capital improvement charges are established:

Residential Units

Connection Charges

Type of Connection		City Water	Outside Water	City Sewer	Outside Sewer	Storm Water
Residential*						
Effective Date	~~1/1/2005~~	~~$3,675~~	~~$4,305~~	~~$3,120~~	~~$3,495~~	
	1/1/2006	$4,750	$5,490	$4,490	$4,890	
	1/1/2011					$95.00
~~Multifamily Residential**~~		-				-
~~Effective Date~~	~~8/1/2012 through 8/1/2015~~	~~$3,000~~	~~$5,490~~	~~$3,000~~	~~$4,890~~	-
Accessory Dwelling Unit**						
Effective Date	11/30/2021	$1,662.50	$1,921.50	$1,571.50	$1,711.50	

*Residential living units include single family, Middle Housing as defined in MMC 22A.020.140, townhouses, multi-family residential~~unit~~ housing and mobile homes for the purpose of water and sewer charges. For the purpose of the storm connection charge, only single-family units will be charged a flat fee; all other land uses will be charged based on the equivalent residential unit (ERU), as described below.

~~**The connection charges for multifamily residential development shall be in effect for a three-year period from August 1, 2012, through August 1, 2015. Thereafter, the connection charges for multifamily residential development shall be the same as the connection charges for residential development.~~

**Connection charges shall apply to attached or detached accessory dwelling units that are a detached structure or expand the existing single-family dwelling or that convert nonresidential space, such as a garage or part of garage into an accessory dwelling unit. Connection charges shall not apply

to interior remodels that do not expand the existing single-family footprint of permitted residential space.

Water, sewer and storm water monthly utility billing charges for a single-family residential unit can also serve a single accessory dwelling unit as defined in MMC 22C.180.030. Each single-family residential unit with an accessory dwelling unit shall be charged a minimum of one base charge plus a charge based on the amount of water consumption. Existing ~~A~~accessory dwelling units with a separate water meter and all accessory dwelling units approved after [insert date of adopting ordinance] shall pay separate monthly water, sewer and storm water utility billing charges unless the exemption in MMC 4.03.040 has been granted.

Commercial/Industrial

Connection Charges

Water

City

Effective Date	1/1/2005
0 – 2,000 gpm	$1.64/sf
2,001 – 4,000 gpm	$2.40/sf
4,001+ gpm	$3.16/sf

Outside City

Effective Date	1/1/2005
0 – 2,000 gpm	$1.99/sf
2,001 – 4,000 gpm	$2.87/sf
4,001+ gpm	$3.80/sf

Warehouses

City

Effective Date	7/15/2016
Warehouses/Storage	$0.48/sf

Outside

Effective Date	7/15/2016
Warehouses/Storage	$0.65/sf

25% rate reduction for automatic sprinkler system.

Sewer

City

Effective Date	1/1/2005
Retail Sales/Manufacturing/ Churches/Schools/Day Care	$1.03/sf
Offices/Medical/Dental/Nursing Homes and all other uses not listed	$1.67/sf
Warehouses/Storage	$0.49/sf
Restaurants/Taverns	$2.38/sf

Outside City

Effective Date	1/1/2005
Retail Sales/Manufacturing/ Churches/Schools/Day Care	$1.24/sf
Offices/Medical/Dental/Nursing Homes and all other uses not listed	$2.00/sf
Warehouses/Storage	$0.65/sf
Restaurants/Taverns	$2.86/sf

25% rate reduction for schools without kitchens.

Storm Water

Effective Date	1/1/2011
1 ERU*	$95.00

*An equivalent residential unit (ERU) equals 3,200 square feet of impervious surface area. Nonresidential projects will be charged $95.00 per ERU. See Chapter 14.19 MMC for definitions.

Water Service Installation Fee

Effective Date	11/1/2006
5/8" x 3/4"	$1,050
3/4" x 3/4"	$1,075
1"	$1,200
1-1/2"	$1,600
2"	Time and materials costs/ minimum of $1,900

Drop-in Meter Fee

Effective Date	11/1/2006
5/8" x 3/4"	$500.00
3/4" x 3/4"	$525.00
1"	$560.00
1-1/2"	$750.00
2"	$850.00
3" and over	Charge time and material/ $3,500 minimum

When a single-family residential unit requires a meter larger than 5/8" x 3/4" in order to supply a residential sprinkler system, the drop-in meter fee shall be charged at the same rate as a 5/8" x 3/4" meter.

Hotel/Motel Connection Charges

		City Water	Outside Water	City Sewer	Outside Sewer
Effective Date	1/1/2005	$1,405	$1,646	$1,193	$1,336
	1/1/2006	$1,816	$2,099	$1,717	$1,870

(3) "Floor space" is defined as the net square footage measured from the interior walls, including interior partitions.

(4) The capital improvement charges for sewer connections shall be reduced by $50.00 per unit or $0.045 per square foot when the affected property participated in a utility local improvement for the construction of the sewer main.

(5) Capital improvement charges for sewer connections to commercial and industrial units shall be reduced by 50 percent for any floor space in the premises which is committed to being used as warehouse space for storage purposes only.

(6) If the use of any premises connected to city utilities is converted from a residential occupancy to a commercial or industrial occupancy (as defined in subsection (2) of this section), or from a warehouse use to an active commercial or industrial use, the owner of the premises shall immediately report such conversion to the city and shall pay the extra capital improvement charge which is then required for such an occupancy. Failure to report such a conversion, and pay the extra charge, within 90 days of the new occupancy shall result in the extra charge being doubled as a penalty.

(7) The capital improvement charge for utility connections in recreational vehicle parks shall be calculated as follows:

(a) For each connection to a recreational vehicle pad, the charge shall be 50 percent of the charge provided in subsection (2) of this section relating to residential living units.

(b) For every other connection in a recreational vehicle park, the charge shall be the same as provided in subsection (2) of this section for residential living units.

(8) If a building with a lawful water and/or sewer connection to the city utility system is demolished and replaced with a new building requiring utility connections, the capital improvement charges assessed for the new connections shall be discounted by the amount which would have been paid, under current schedules, for the connections which previously served the demolished building.

Exhibit H

14.07.060 Water rates.

(1) Definitions.

(a) "Water rates," as used herein, shall refer to the charge assessed by the city for all water consumed or used on property connected to the city water system. The rates shall be based upon the quantity of water passing through the water meter during each billing period.

(b) The normal "billing period" shall be a two-month cycle and shall be that period falling between two consecutive meter read dates. Charges for periods of less than two months shall be prorated both as to minimum charge and as to consumption; provided, however, the city may, at its discretion, elect to use a monthly billing period for selected accounts. If a monthly billing period is used, the consumption allowance and rate shall be one-half that set forth in the bimonthly rate schedule.

(c) Billing Increments. Charges for water shall be computed on the nearest 1,000 gallons of consumption.

(d) "City rates" are those which shall be charged to all properties connected to the water system which are located within the city limits of Marysville.

(e) "CWSP rates" are those which shall be charged to all properties connected to the water system which are located outside the city limits of Marysville but are within the coordinated water system planning boundary.

(f) "OCWSP rates" are those which shall be charged to all properties connected to the water system which are located outside the city's coordinated water system planning boundary.

(g) "Multiple residential units" shall be defined as attached dwelling units which share a common water meter, including ~~duplexes,~~ townhouses, apartments and condominiums, and ~~shall be defined as including~~ mobile home parks.

(h) "Single-family residential unit" shall refer exclusively to detached single-family dwelling units.

(i) "Middle Housing" shall refer to housing as defined in MMC 22A.020.140.

(2) Bimonthly Minimum Water Rates. Minimum charges for each billing period, and consumption allowances for such minimums, are established as follows:

Effective January 1, 2025:

Meter Size	AWWA Meter Factor	City Rate	Rural Rate	Outside UGA Rate
Tier = factor * base rate				
Multiple Residential Units (Per Unit)	N/A	$27.33	$41.01	$54.67
5/8" (single family, Middle Housing unit, and accessory dwelling unit)	1	$27.33	$41.01	$54.67

Meter Size	AWWA Meter Factor	City Rate	Rural Rate	Outside UGA Rate
Tier = factor * base rate				
3/4"	1.5	$41.01	$61.50	$81.99
1"	2.5	$68.34	$102.51	$136.68
1-1/2"	5	$136.68	$205.02	$273.37
2"	8	$218.67	$328.03	$437.35
3"	16	$437.35	$656.04	$874.72
4"	25	$683.39	$1,025.08	$1,366.76
6"	50	$1,366.76	$2,050.13	$2,733.49
8"	80	$2,186.79	$3,280.21	$4,373.62
10"	115	$3,143.53	$4,715.30	$6,287.06
12"	200	$5,467.00	$8,200.50	$10,934.01

Residential & Multifamily	City Rate	Rural Rate	Outside UGA Rate
Volume Tiers (1,000 gal)			
0 to 6	$1.47	$2.21	$2.94
7 to 20	$5.15	$7.72	$10.30
21 to 30	$5.88	$8.81	$11.78
31 and higher	$6.62	$9.93	$13.24

Commercial	City Rate	Rural Rate	Outside UGA Rate
Volume Tiers (1,000 gal)			
0 to 6	$1.47	$2.21	$2.94
7 and higher	$3.68	$5.52	$7.34

Effective January 1, 2026:

Meter Size	AWWA Meter Factor	City Rate	Rural Rate	Outside UGA Rate
Tier = factor * base rate				
Multiple Residential Units (Per Unit)	N/A	$28.70	$43.06	$57.40
5/8" (single family, Middle Housing, and accessory dwelling unit)	1	$28.70	$43.06	$57.40
3/4"	1.5	$43.06	$64.58	$86.09
1"	2.5	$71.76	$107.64	$143.51
1-1/2"	5	$143.51	$215.27	$287.04
2"	8	$229.60	$344.43	$459.22
3"	16	$459.22	$688.84	$918.46
4"	25	$717.56	$1,076.33	$1,435.10
6"	50	$1,435.10	$2,152.64	$2,870.16
8"	80	$2,296.13	$3,444.22	$4,592.30
10"	115	$3,300.71	$4,951.07	$6,601.41
12"	200	$5,740.35	$8,610.53	$11,480.71

Residential & Multifamily	City Rate	Rural Rate	Outside UGA Rate
Volume Tiers (1,000 gal)			
0 to 6	$1.54	$2.32	$3.09
7 to 20	$5.41	$8.11	$10.82
21 to 30	$6.17	$9.25	$12.37
31 and higher	$6.95	$10.43	$13.90

Commercial	City Rate	Rural Rate	Outside UGA Rate
Volume Tiers (1,000 gal)			
0 to 6	$1.54	$2.32	$3.09
7 and higher	$3.86	$5.80	$7.71

(3) Calculation of Water Bill for Multiple Residential Units. In calculating the water bill for multiple residential units, the total number of dwelling units served by a water connection shall be divided into the water consumption for each billing period, expressed in gallons, to determine the average consumption per dwelling unit. The water rates shall be based upon the average consumption per unit during the billing period multiplied by the total number of units.

(4) Calculation of Water Bill for Mobile Home Parks. The total water bill for mobile home parks shall be calculated by applying the rate schedule to the total number of pads or mobile home sites on the premises which are in a condition ready for occupancy, regardless of whether the same are occupied during the billing period or not; provided, that for the first 24 months after a mobile home park, or a new addition thereto, is opened and connected to city utilities, its water bill shall be calculated by applying the rates only to such pads or mobile home sites as are actually occupied by mobile homes during each billing period; provided, however, for mobile home parks whose utility meter with the city was first activated less than three years preceding June 9, 1997, the effective date of Ordinance 2130, and for which billing on all pads or mobile home sites has occurred for less than two years preceding June 9, 1997, such mobile home parks shall be granted an additional 12 months from June 9, 1997, to pay only for such pads or mobile home sites which are actually occupied during each billing period; provided, further, that all fees, charges and rates paid by such mobile home parks to the city under prior provisions of this subsection and MMC 14.07.070(4), as such subsections originally read or as subsequently amended, shall be nonrefundable notwithstanding the provisions of this subsection.

(5) Private Fire Protection Rates. Private fire protection rates for properties inside or outside of the corporate limits of the city shall be as follows:

Effective January 1, 2025:

(a) Private hydrants, each: $50.25 per year;

(b) Wet standpipe systems: $50.25 per year;

(c) Dry standpipe systems: None;

(d) Automatic sprinkler systems:

(i) Each owner of an automatic sprinkler system shall be charged a monthly rate based upon the size of the water service line that serves the system. The following are the bimonthly rates:

Size of Line	Bimonthly Charge
2-inch	$57.37
3-inch	$70.63
4-inch	$86.77
6-inch	$108.83
8-inch	$142.71
10-inch	$179.46
12-inch	$207.29

Effective January 1, 2026:

Size of Line	Bimonthly Charge
2-inch	$60.24
3-inch	$74.16
4-inch	$91.11
6-inch	$114.27
8-inch	$149.85

Size of Line	Bimonthly Charge
10-inch	$188.43
12-inch	$217.65

(ii) As of January 1, 2010, automatic sprinkler systems without a separate meter and where the line is under two inches, will become part of the minimum water rate as a result of the rate restructuring.

(iii) As of January 1, 2023, residential lots constructed with automatic sprinkler systems shall be charged a bimonthly water rate equal to the rate for a 5/8" meter, regardless of the size of meter installed.

(6) Reduced Utility Charges in Special Cases. Upon application by a utility customer, the chief administrative officer or designee shall have the discretion to make reasonable and equitable reduction in utility accounts, on a case-by-case basis, in the following circumstances:

(a) If a private water line, valve, fixture, or other appurtenance is verified to be leaking as a result of accidental damage or natural deterioration of the same, and not as a result of abuse or willful neglect, the water bill for the subject property during the period of the leak may be reasonably and equitably reduced; provided, that a customer shall be required to pay the base rate plus at least 50 percent of the applicable overage rate for all water which was lost by reason of the leak. The sewer bill for the subject property during the period of the leak may also be reasonably and equitably reduced to an amount not less than the bill charged for the corresponding period the previous year.

(7) Calculation of Water Bill for School Facilities. The city rate for water as set forth in subsection (2) of this section shall apply to all school facilities, whether such facilities are within the city limits or not.

(8) Rate Relief. Low-income senior citizens and low-income disabled persons may be eligible for water and/or sewer rate relief pursuant to Chapter 3.63 MMC.

Exhibit I

14.07.070 Sewer rates.

(1) Definitions.

(a) The normal "billing period" shall be a two-month cycle and shall be that period falling between two consecutive water meter read dates. Charges for periods of less than two months shall be prorated; provided, however, the city may, at its discretion, elect to use a monthly billing period for selected accounts. If a monthly billing period is used, the rate shall be one-half that set forth in the bimonthly rate schedule.

(b) "City rates" are those which shall be charged to all properties connected to the sewer system which are located within the city limits of Marysville.

(c) "UGA rates" are those which shall be charged to all properties connected to the sewer system which are located outside of the city limits of Marysville but are within the urban growth area of the city of Marysville or that portion of the city of Arlington urban growth area which Marysville has agreed by interlocal agreement to provide service.

(d) "OUGA rates" are those which shall be charged to all properties connected to the sewer system which are located outside the Marysville city limits and outside the area where "UGA rates" apply.

(e) "Single-family residences" shall refer exclusively to detached single-family dwelling units.

(i) "Middle Housing" shall refer to housing defined in MMC 22A.020.140.

(f) "Multiple residential units" shall be defined as attached dwelling units which share a common water meter, including ~~duplexes,~~ townhouses, apartments, and condominiums , and ~~shall be defined as including~~ mobile home parks.

(g) "Commercial/industrial" refers to all nonresidential land uses which are not specifically itemized or defined as being included within other classifications.

(h) "Satellite system rate" refers to that rate charged to the city by Lake Stevens Sewer District for the "overlap" area as described in the interlocal agreement between the parties dated April 22, 1999, plus an administrative overhead cost of 15 percent.

(2) Calculation of Commercial/Industrial Sewer Rates. Commercial/industrial sewer rates shall be based upon the quantity of water consumed or used on the premises during the billing period, as determined by the water meter reading and the strength of the discharge as measured by total suspended solids (TSS) and biochemical oxygen demand (BOD); provided, that a property owner may, at his own expense, arrange the plumbing on commercial premises so as to separate water which will be discharged into the sewer system from water which will not be so discharged, and a separate meter shall be installed to measure the amount of actual sewage discharged. In such a case the sewer rate shall be based only on the actual sewer use. The installation of such plumbing and meters must be inspected and approved by the city utility department.

Where a commercial property is connected to sewer service but not to water service, the city council shall determine the sewer rate to be charged on a case-by-case basis, using an estimated figure for water consumption.

(3) Sewer Rates. Bimonthly sewer rates are established as follows:

Effective January 1, 2025:

Classification	City Rate	Rural Rate	Outside UGA Rate
Single-family residential, Middle Housing, or accessory dwelling unit	$101.90	$152.87	$203.83
Multiple residential units per unit	$96.90	$145.34	$193.82
Hotels/motels per unit	$71.38	$107.08	$142.76
Commercial minimum	$101.90	$152.87	$203.83
Class 1 (31 to 100 mg/l) per 1,000 gallons	$2.14	$3.21	$4.26
Class 2 (101 to 200 mg/l) per 1,000 gallons	$2.94	$4.41	$5.88
Class 3 (201 to 300 mg/l) per 1,000 gallons	$3.77	$5.64	$7.52
Class 4 (301 to 400 mg/l) per 1,000 gallons	$4.57	$6.85	$9.14
Class 5 (401 to 500 mg/l) per 1,000 gallons	$5.38	$8.05	$10.74
Class 6 (501 to 600 mg/l) per 1,000 gallons	$7.81	$11.72	$15.60
Overnight camping	$0.00	$0.00	$0.00
Individual connections per unit	$71.38	$107.08	$142.76
Other connections each	$96.90	$145.34	$193.81
Schools	$0.00	$0.00	$0.00
Minimum	$101.90	$0.00	$0.00
Per 1,000 gallons	$5.80	$0.00	$0.00
Restaurants w/o grease trap surcharge	$4.89	$0.00	$0.00

Effective January 1, 2026:

Classification	City Rate	Rural Rate	Outside UGA Rate
Single-family residential, Middle Housing, and accessory dwelling unit	$107.00	$160.51	$214.02
Multiple residential units per unit	$101.75	$152.61	$203.51
Hotels/motels per unit	$74.95	$112.43	$149.90
Commercial minimum	$107.00	$160.51	$214.02
Class 1 (31 to 100 mg/l) per 1,000 gallons	$2.25	$3.37	$4.47

Classification	City Rate	Rural Rate	Outside UGA Rate
Class 2 (101 to 200 mg/l) per 1,000 gallons	$3.09	$4.63	$6.17
Class 3 (201 to 300 mg/l) per 1,000 gallons	$3.96	$5.92	$7.90
Class 4 (301 to 400 mg/l) per 1,000 gallons	$4.80	$7.19	$9.60
Class 5 (401 to 500 mg/l) per 1,000 gallons	$5.65	$8.45	$11.28
Class 6 (501 to 600 mg/l) per 1,000 gallons	$8.20	$12.31	$16.38
Overnight camping	$0.00	$0.00	$0.00
Individual connections per unit	$74.95	$112.43	$149.90
Other connections each	$101.75	$152.61	$203.50
Schools	$0.00	$0.00	$0.00
Minimum	$107.00	$0.00	$0.00
Per 1,000 gallons	$6.09	$0.00	$0.00
Restaurants w/o grease trap surcharge	$5.13	$0.00	$0.00

(4) Calculation of Sewer Rates for Mobile Home Parks. The total sewer bill for mobile home parks shall be calculated by applying the rate schedule above to the total number of pads or mobile home sites on the premises which are in a condition ready for occupancy, regardless of whether the same are occupied during the billing period; provided, that for the first 24 months after a mobile home park, or a new addition thereto, is opened and connected to city utilities, the sewer bill shall be calculated by applying the rates only to such pads or mobile home sites as are actually occupied by mobile homes during each billing period; provided, however, for mobile home parks whose utility meter with the city was first activated less than three years preceding June 9, 1997, the effective date of Ordinance 2130, and for which billing on all pads or mobile home sites has occurred for less than two years preceding June 9, 1997, such mobile home parks shall be granted an additional 12 months from June 9, 1997, to pay only for such pads or mobile home sites which are actually occupied during each billing period; provided further, that all fees, charges and rates paid by such mobile home parks to the city under prior provisions of this section and MMC 14.07.060, as such sections originally read or as subsequently amended, shall be nonrefundable notwithstanding the provisions of this subsection.

(5) Restaurants, for the purpose of sewer rates, shall be classified as Class 3 strength as described in subsection (3) of this section. Restaurants without approved grease traps, including those restaurants where a variance has been granted eliminating the necessity of a grease trap, shall be surcharged, effective January 1, 2022, $4.47 per 1,000. Effective January 1, 2023, $4.56 per 1,000. Effective January 1, 2024, $4.65 per 1,000.

(6) Satellite System Rate. Notwithstanding any other rate established by this section, for that area defined as the satellite system area, the city shall charge the same rate as charged by Lake Stevens Sewer District plus an administrative fee of 15 percent. This rate shall be in effect for such properties until such time as the city's sewer collection system is constructed and sewer flows are diverted from the Lake Stevens Sewer District system to the city's sewer collection system.

(7) Calculation for Sewer Rates for Schools. Schools' sewer rates shall be based upon the quantity of water consumed or used on the premises during the billing period, as determined by the water meter reading; provided, if the water service is supplied to a school by other than the City of Marysville water system, the school district shall notify the City billing department of the total consumption as billed by other such water purveyor. The city rate for sewer as set forth in subsection (3) of this section shall apply to all school facilities, whether such facilities are within the city limits or not and whether public or privately operated.

(8) Rate Relief. Low-income senior citizens and low-income disabled persons may be eligible for water and/or sewer rate relief pursuant to Chapter 3.63 MMC.

Exhibit J

14.15.020 Definitions.

For the purpose of this chapter and other provisions in this title related to storm water, certain terms, phrases, words and their derivatives shall be defined and construed as specified in the Stormwater Manual and in this title. Words used in the singular include the plural, and the plural the singular. The words "shall," "will" and "must" are mandatory; the words "should" and "may" are permissive. When any definition in this title conflicts with definitions in the Stormwater Manual or any other ordinance of the city, that which provides more environmental protection shall apply unless specifically provided otherwise in this title.

"Applicant" means any person who has applied for a development permit or approval.

"City planner" also means community development director or his/her designee.

"Department" means the public works or community development department of the city of Marysville, as appropriate for capital or private development projects.

"Developer" means the person(s) applying for permits or approvals, whether an individual(s) or corporation(s) or governmental agency(ies).

"Director of public works" or "director" means the director of the public works department or his/her designee.

"Discharge storm water directly or indirectly to the Marysville small municipal separate storm sewer system (MS4)" means that:

(a) The drainage system installed is in right-of-way or an area that will become right-of-way after construction and final site approval;

(b) The drainage system installed will become publicly owned after construction and final site approval;

(c) The drainage system installed is intended to overflow to a portion of the existing MS4 or public right-of-way; or

(d) The drainage system installed is intended to outfall into a portion of the existing MS4 or public right-of-way.

"Drainage system" or "storm drainage system" or "storm water system" means the same as the Stormwater Manual definition for "storm water drainage system."

"Engineer" means the city engineer or development services manager, as designated for enforcement of capital or private development activities, of Marysville.

"Existing grade" means the grade prior to grading.

"Finish grade" means the final grade of the site, which conforms to the approved plan.

"Grading" or "grading activity" means any excavating, filling, grubbing or grading or combination thereof.

"Municipal separate storm sewer system (MS4)" means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

(a) Owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the CWA that discharges to waters of the United States;

(b) Designed or used for collecting or conveying storm water;

(c) Which is not a combined sewer;

(d) Which is not part of a publicly owned treatment works (POTW) as defined in the Code of Federal Regulations at 40 CFR 122.2; and

(e) Which is defined as "large" or "medium" or "small" or otherwise designated by Ecology pursuant to 40 CFR 122.26.

"Parcel" means a tract or plot of land of any size, which may or may not be subdivided or improved.

"Planned residential development~~s~~" ~~refers to~~ means a residential development~~s~~ which is ~~are planned and/or developed in several stages but submitted together for approvals, and which typically consist of clusters of structures interspersed with areas of common open spaces (refer to~~ designed and developed in accordance with Chapter 22G.080 MMC).

"Private drainage system" or "private storm water disposal systems" means drainage systems located on private property that may or may not discharge directly as through pipes, channels, etc., or indirectly as sheet flow, subsurface flow, etc., into the city's drainage system.

"Public storm drainage system" means that portion of the drainage system of the city located on public right-of-way, easements or other property owned by the city. Public storm drainage system does not include low impact development BMPs such as bioswales, infiltration ponds, pervious pavement, and other associated low impact development infrastructure located within easements held by the city of Marysville for inspection purposes only.

"Small municipal separate storm sewer system" or "small MS4" means an MS4 that is not defined as "large" or "medium" pursuant to 40 CFR 122.26(b)(4) and (7) or designated under 40 CFR 122.26(a)(1)(v).

Exhibit K

14.18.080 Payment of drainage assessments.

Drainage basin assessments in the amount specified in this chapter shall be paid by a property owner upon the first of the following events to occur:

(1) As a condition of final approval of a subdivision;

(2) As a condition of final approval of a short subdivision;

(3) As a condition of final approval of a binding site plan for any mobile home park, condominium, planned ~~unit~~ residential development, industrial park or shopping center;

(4) As a condition of final approval of a unit lot subdivision;

~~(4)~~ (5) As a condition of any building, grading, paving or other development approval which impacts drainage runoff.

If, after paying an assessment, a parcel of property is rezoned, replatted or otherwise more intensively developed, the assessment shall be recalculated, giving the owner credit for assessments previously paid.

Exhibit L

14.19.030 Definitions.

The following words, when used herein, shall have the following meanings unless the context clearly indicates otherwise:

(1) "City and county right-of-way" means any strip or parcel of land dedicated to the city or county for public uses including street, mass transit, bicycle and pedestrian uses as well as emergency access, utility, drainage, vegetation management, view corridor or other necessary public uses on a portion of which a street is built.

(2) "Director" means the director the Marysville department of public works or his or her designee.

(3) "Equivalent residential unit (ERU)" shall mean a unit of measurement in the amount of 3,200 square feet of impervious area on a parcel, which is estimated to contribute an amount of runoff to the city's storm water drainage system, which is approximately equal to the runoff created by an average single-family residential unit, and which is used to calculate the surface water utility fee established in this chapter.

(4) "Impervious surface" means a hard surface area that prevents or retards the entry of water into the soil mantle as under natural conditions prior to development and as a result causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials and oiled, macadam or other surfaces which similarly impede the natural infiltration of storm water. Open, uncovered surface water management facilities shall not be considered as impervious surfaces.

(5) "Low impact development" means a surface water management strategy that emphasizes conservation and the use of existing natural site features integrated with distributed small-scale surface water controls to more closely mimic natural hydrologic patterns in residential, commercial and industrial settings.

(6) "~~Nonresidential~~All other property types" means all parcels which are not included within the residential category, including, but not limited to, commercial, multifamily, condominiums and Middle Housing as defined in MMC 22A.020.140~~duplexes~~.

(7) "Parcel" means any area of land within the city of Marysville that is deemed a distinct property as identified by the Snohomish County assessor's office, whether or not the parcel is considered taxable.

(8) "Rainwater harvesting system" means a system for storing, collecting, and reusing rainwater from a rooftop, installed at a commercial-use building, that has been designed and constructed in accordance with the Washington State Building Code Council's Permissive Rainwater Harvesting System Guidelines for Nonresidential Occupancies (2002 or as amended), has a storage volume of at least 10 percent of the mean annual runoff volume generated from the contributing roof area, and for which design and construction has been approved by the director.

(9) "Single family ~~R~~residential" means a single-family residential parcel which has been developed and constructed to contain one dwelling unit and continues to be used solely for ~~each~~ such purpose.

(10) "State highway right-of-way" means the right-of-way of a state limited-access highway inside or outside a city or town.

(11) “Surface water management facility” means any facility, improvement, development, property or interest therein, made, constructed or acquired for the purpose of controlling or protecting life or property from storm, waste, flood or surplus waters, or for the purpose of protecting water quality. Such facilities shall include, but not be limited to, the improvements and authority described in Chapter 35.92 RCW.

(12) “Surface water management services” means the services provided by the department of public works to plan, design, establish, acquire, develop, construct, maintain and improve surface water management facilities within city limits for the benefit of the residents.

(13) “Surface water utility rate” means the dollar amount charged per parcel, as set forth in this chapter, based upon the amount of impervious surface coverage for the accommodation of storm and surface water runoff and other surface water management services.

Exhibit M
(for reference only)

14.19.050 Surface water utility rates.

Surface water utility rates shall be based on a commonly accepted rate unit for surface water utilities, the equivalent residential unit (ERU). The ERU is used to relate a base rate fee charged to a single-family residential parcel to that which is charged to a nonresidential parcel. The ERU is determined by using the current best available method, which may include analyzing digital photographs, utilizing satellite imagery, performing field checks for verification purposes of a representative sample of single-family residences within the city limits and/or utilizing civil design and construction plans or record drawings. Using this methodology, the director shall determine the amount of impervious area on each nonresidential parcel. The city's standard ERU amount is 3,200 square feet of impervious surface area. The specific ERU calculation for each parcel will be rounded to the nearest one hundredth, will be established for each such parcel as the impervious surface information becomes available for such parcel, and will be calculated in accordance with the following table:

Effective January 1, 2025:

Customer Class	Rate Calculation 1 ERU = 3,200 sq. ft. of impervious surface	2025 Bi-monthly Rate
Single-Family Residential	1 ERU	$27.70
All Other Property Types	Total Impervious Surface/3,200 = Billable ERUs	$27.70 per ERU

Effective January 1, 2026:

Customer Class	Rate Calculation 1 ERU = 3,200 sq. ft. of impervious surface	2026 Bi-monthly Rate
Single-Family Residential	1 ERU	$29.08
All Other Property Types	Total Impervious Surface/3,200 = Billable ERUs	$29.08 per ERU

Exhibit N

14.32.050 Administrative procedure.

(1) Applications for Utility Connections. Owners of property within the USA but outside the city limits who desire to connect to city utilities may file an application for the same with the city engineer, or his designee, on forms provided by the city. All such applications shall be accompanied by the application fee required in MMC 14.07.005 and payment in full of all assessments required by the city code and, where applicable, by a fully executed annexation petition. No letter of utility availability shall be issued until such time as the subject property has been annexed to the city. If annexation does not occur, all application fees and assessments shall be refunded.

The city engineer, or his designee, shall determine whether applications are complete, and may require the submittal of additional documentation, including an environmental/economic impact statement, if necessary. The decision of the city engineer, or his designee, concerning the recommendation to grant or deny utility connection following annexation or to grant or deny a letter of water or sewer availability shall be in writing and shall be mailed to the applicant at the address stated on the application form.

(2) Application Granted – Duration. Following annexation, if the connection is granted, the applicant shall have a period of 12 months to comply with all city utility codes and requirements and complete the utility connections to the property. If the same are not so completed, the applicant's right to a connection shall become void. If an availability letter relates to lots within a proposed formal plat, short plat, ~~or~~ binding site plan, and unit lot subdivision, the applicant shall have a period of two years to comply with all city codes and requirements and complete the utility connections to the property. If the same are not so completed, the applicant's utility application shall become void.

(3) Application Denied – Appeal. Following annexation, if the connection is denied, or the application letter rejected, or if an applicant is aggrieved by conditions imposed by the city engineer, an appeal may be filed within 14 days of the date of the city engineer's decision. Such appeal shall be filed with the city engineer and shall be processed in accordance with the procedures for administrative appeals outlined in MMC 22G.010.530. Appeals must be accompanied by the fee required in MMC 14.07.005.

(4) Variances. The city land use hearing examiner shall have authority to grant variances from any and all provisions of this chapter, and from the adopted USA plan. Applications for such variances shall be filed, in writing, with the city engineer, together with a filing fee of $200.00. The applicant shall be given 10 days' notice of the date on which the hearing examiner shall consider the variance. The hearing examiner is authorized to issue such variances only if it is found that a literal enforcement of this chapter would cause practical difficulties or unnecessary hardships. No such variance shall be authorized unless the examiner finds that all of the following facts and conditions exist:

(a) That there are exceptional or extraordinary circumstances such as a bona fide public health emergency or conditions applying to the subject property or as to the intended use thereof that do not apply generally to other properties in the same vicinity;

(b) That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity;

(c) That the authorization of such variance will not be materially detrimental to the public interest, welfare or the environment;

(d) That the granting of such variance will not be inconsistent with the long-range plans of the city utility system;

(e) That the granting of such variance is consistent with the Growth Management Act, Chapter 36.70A RCW;

(f) For purposes of this chapter the term "bona fide public health emergency" shall mean that service is necessary and that all of the following are present:

(i) The impact on public health potentially impacts the general public rather than solely the property owner making application;

(ii) The hardship is not the result of the applicant's own action;

(iii) The hardship is not merely financial or pecuniary;

(iv) The city's NPDES permit will not be affected by the extension (if applicable);

(v) The extension is consistent with the goals of the city's water and sewer comprehensive plans and all other applicable law, including, but not limited to, the Public Water System Coordination Act (Chapter 70.116 RCW), the Growth Management Act, and the State Environmental Policy Act;

(vi) The city has adequate capacity and adequate infrastructure available to provide the required service, or the applicant voluntarily agrees to provide the necessary infrastructure upgrades to allow service consistent with city standards.

In authorizing a variance, the hearing examiner may attach thereto such conditions as deemed necessary to carry out the spirit and purposes of this chapter and to protect the long-range plans of the city utility system and the public interest. Each variance shall be considered on a case-by-case basis and shall not be construed as setting precedent for any subsequent application. A variance shall become void if the utility connection allowed has not been completed in accordance with the time schedule provided in subsection (2) of this section. The decision of the hearing examiner on a variance shall be final, and no similar application for the same property may be filed for a period of six months thereafter. Any party aggrieved by the decision of the hearing examiner on a variance shall have a right to file a petition under the Land Use Petition Act in the Snohomish County superior court; provided, that the application must be filed and served within the timeframes prescribed by Chapter 36.70C RCW.

(5) Extended Time for Connections. In the event that a utility connection approved pursuant to subsection (2) or (4) of this section cannot be completed within the time period specified therein, the applicant may be granted one or more extensions by the city engineer; provided, that an extension must be requested while connection rights are still valid, and shall only be granted for good cause shown and for the minimum period necessary to complete the connection; provided further, that the city engineer may impose a condition on any extension so as to require the applicant to immediately pay all capital improvement charges reasonably projected for the subject property (which payment shall be nonrefundable), and so as to require the applicant to immediately commence paying minimum service charges reasonably projected for the subject property (which payments shall be nonrefundable). Extensions provided for herein are privileges and not rights, and shall be granted or denied in the discretion of the city engineer. The decision of the city engineer shall be final.

Exhibit O

22A.010.090 Administration and review authority.

(1) Roles and Responsibilities.

(a) The regulation of land development is a cooperative activity including many different elected and appointed boards and city staff. The specific responsibilities of these bodies are set forth in subsections (2) through (7) of this section.

(b) An applicant is expected to read and understand the city development code and be prepared to fulfill the obligations placed on the applicant by MMC Title 22.

(2) Community Development Director. The director or designee shall review and act on the following:

(a) Authority. The director is responsible for the administration of MMC Title 22;

(b) Administrative Interpretation. Upon request or as determined necessary, the director shall interpret the meaning or application of the provisions of said titles and issue a written administrative interpretation within 30 days of said request. Requests for interpretation shall be written and shall concisely identify the issue and desired interpretation;

(c) Administrative Approvals. Administrative approvals set forth in MMC ~~22G.010.140,~~ 22G.010.150 and 22G.010.160;

~~(d) Short plats;~~

~~(e) Shoreline permits for substantial development;~~

~~(f)~~(d) SEPA (State Environmental Policy Act) determinations;

~~(g) Site plan with commercial, industrial, institutional (e.g., church, school) or multiple-family building permit;~~

~~(h) Site plan with administrative conditional use permit;~~

~~(i) Master plan for properties under ownership or contract of applicant(s);~~

~~(j)~~(e) Temporary use permits, unless a public hearing is required as set forth in Chapter 22G.010 MMC, Article V, Code Compliance and Director Review Procedures, in which case this authority shall be exercised by the hearing examiner;

~~(k)~~(f) Conditional use permits, unless a public hearing is required as set forth in Chapter 22G.010 MMC, Article V, Code Compliance and Director Review Procedures, in which case this authority shall be exercised by the hearing examiner;

~~(l)~~(g) The community development director is hereby authorized after the date of the adoption of the ordinance codified in this title to incorporate drawings as necessary for the purpose of illustrating concepts and regulatory standards contained in this title; provided, that the adopted provisions of the code shall control.

(3) City Council. In addition to its legislative responsibility, the city council shall review and act on the following subjects:

(a) Approval of final plats;

(b) Approval of the comprehensive plan and comprehensive plan amendments;

(c) Approval of area-wide rezones, and confirmation by ordinance of site-specific rezones approved by the hearing examiner.

(4) Planning Commission. The planning commission shall review and make recommendations on the following applications and subjects:

(a) Amendments to the comprehensive plan.

(b) Amendments to MMC Title 22C, Land Use Standards.

(c) Amendments to MMC Title 22D, City-Wide Standards.

(d) Amendments to MMC Title 22E, Environmental Standards.

(e) Amendments to Chapter 22G.040 MMC, Security for Performance and Maintenance.

(f) Amendments to Chapter 22G.070 MMC, Siting Process for Essential Public Facilities.

(g) Amendments to Chapter 22G.080 MMC, Planned Residential Developments.

(h) Amendments to Chapter 22G.090 MMC, Subdivisions and Short Subdivisions.

(i) Amendments to Chapter 22G.100 MMC, Binding Site Plan.

(j) Amendments to Chapter 22G.110 MMC, Boundary Line Adjustments.

(k) Master plan, initiated by the city or other governmental agency, for a neighborhood or assembly of parcels under private ownership or contract.

(l) Recommendations to the hearing examiner on master plans initiated by private property owners, which includes outside ownership or contract of the applicants.

(m) Other actions requested or remanded by the city council.

(5) Hearing Examiner. The hearing examiner shall review and act on the following applications and subjects:

(a) Applications for preliminary subdivisions;

(b) Appeals of administrative decisions on preliminary short plats and unit lot subdivisions;

(c) Site-specific rezones (with final approval by ordinance of the city council);

(d) Binding site plan approvals subject to public hearing review;

(e) Conditional use permits subject to public hearing review;

(f) Nonadministrative variances to MMC Title 22;

(g) Appeals of administrative decisions and interpretations relating to MMC Titles 4, 12 and 22;

(h) Appeals of SEPA determinations;

(i) Master plan, initiated by private property owners, including land outside ownership or contract of applicant(s);

(j) Such other matters as are delegated by ordinance of the city council.

(6) Building Official. The building official shall have the authority to grant, condition or deny the following permits in accordance with the procedures set forth in Chapter 22G.010 MMC, Article V, Code Compliance and Director Review Procedures:

(a) Commercial building permits.

(b) Residential building permits.

(c) Clearing and grading permits.

(7) Hearing Examiner. The hearing examiner shall review and act on the following subjects:

(a) Appeals of decisions of the building official on the interpretation or application of the building or fire code;

(b) Disapproval of a permit for failure to meet the International Building or Fire Code.

Exhibit P

22A.020.020 "A" definitions.

"Administrative design review" means a development permit process whereby an application is reviewed, approved, or denied by the community development director, or designee, based solely on objective design and development standards without a public pre-decision 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.

Exhibit Q

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.

Exhibit R

22A.020.040 "C" definitions.

"Cottage housing ~~developments~~" means small, single family residential units on a property with a common open space area that is either: (a) owned in common; or (b) has units owned as a condominium units or fee simple units with property owned in common and a minimum of percent of the property as open space. ~~a grouping of small, single-family dwelling units~~, ~~clustered around a common area and developed with a coherent plan for the site in~~ Cottage housing must be developed in accordance with MMC 22C.010.280, Cottage housing developments.

"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.

Exhibit S

22A.020.040 “C” definitions.

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

Exhibit T

22A.020.050 "D" definitions.

"Development" means any proposed land use, zoning, or rezoning, comprehensive plan amendment, annexation, subdivision, short subdivision, unit lot subdivision, planned residential development, binding site plan, conditional use permit, or any other property development action permitted or regulated by the Marysville Municipal Code.

Exhibit U

22A.020.050 "D" definitions.

"Development regulations" or "regulation" means the controls placed on development or land use activities by the city, including, but not limited to, ordinances relating to zoning, critical areas, shoreline master programs, official controls, planned residential developments, subdivisions, short subdivisions, unit lot subdivisions, and binding site plans 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.

Exhibit V

22A.020.050 "D" definitions.

"Development standards" means controls placed by the city on building or site design and development including, but not limited to, parking, landscaping, density, building and impervious coverage, and other dimensional requirements.

Exhibit W

22A.020.050 "D" definitions.

"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. For side-by-side duplexes, the common wall between the units mustbe integral to the architecture of the building not a nominal attachment such as a small storage area.

Exhibit X

22A.020.090 "H" definitions.

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

Exhibit Y

22A.020.130 "L" definitions.

"Lot, parent" means a lot which is subdivided into unit lots through the Unit Lot Subdivision process.

Exhibit Z

22A.020.130 "L" definitions.

"Lot, unit" means a lot created through a parent lot and approved through the Unit Lot Subdivision process.

Exhibit AA

22A.020.140 "M" definitions.

"Major transit stop" means:

(1) A stop on a high capacity transportation system funded or expanded under the provisions of 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 ~~busor other transit mode providing fixed-route service at intervals of at least 15 minutes during the peak hours of operation~~.

Exhibit BB

22A.020.140 "M" definitions.

"Middle housing" means buildings that are compatible in scale, form, and character with single-family houses and contain two to four attached, stacked, or clustered homes including duplexes, triplexes, fourplexes, townhouses, courtyard apartments, and cottage housing on a parent lot. Middle Housing is limited to four (4) units on a parent lot. Single family detached is not considered Middle Housing. Stacked flats are not an allowed Middle Housing type. All duplexes in residential zones are Middle Housing. Structures containing three (3) or four (4) dwelling units shall only be considered Middle Housing when the structure is either located within (a) ¼ mile of a major transit stop, or (b) when one dedicated affordable housing dwelling unit meeting the provisions in MMC 22C.010.400 is provided.

(21) "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.

Exhibit CC

22A.020.140 "M" definitions.

"Multifamily dwelling unit" means a building containing three or more dwelling units, or units when above a ground floor commercial use. The term includes triplexes, fourplexes, apartments, condominiums and the like. It does not include Middle Housing, townhouses, boarding houses, motels or hotels.

Exhibit DD

22A.020.200 "S" definitions.

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

Exhibit EE

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.

Exhibit FF

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.

Exhibit GG

MMC 22A.020.210 "T" definitions.

"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.

Exhibit HH

MMC 22A.020.210 "T" definitions.

"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.Townhouses containing three (3) or four (4) dwelling units shall only be considered Middle Housing when said structure is either located within (a) ¼ mile of a major transit stop, or (b) when one dedicated affordable housing dwelling unit meeting the provisions in MMC 22C.010.400 is provided.

(34) "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.

Exhibit II

22A.020.220 "U" definitions.

"Unit density" means the number of dwelling units allowed of a lot, regardless of lot size. This definition applies to Middle Housing.

Exhibit JJ

22A.020.220 "U" definitions.

"Unit Lot Subdivision" means the division of a parent lot into two or more unit lots within a development and approved through the Unit Lot Subdivision process.

Exhibit KK

22A.030.020 Zones and map designations established.

~~In order to~~ To accomplish the purposes of this title, the following zoning designations and zoning map symbols are established:

ZONING DESIGNATIONS	MAP SYMBOL
Residential	R (base density in lots per acre or dwelling units per acre)
Residential mobile home park	R-MHP
Neighborhood business	NB
Community business	CB
General commercial	GC
Downtown commercial	DTC
Mixed use	MU
Light industrial	LI
General industrial	GI
Recreation	REC
Public/institutional zone	P/I
Whiskey ridge	WR (suffix to zone's map symbol)
Small farms overlay	SF (suffix to zone's map symbol)
Adult facilities	AF (suffix to zone's map symbol)
Property-specific development standards	P (suffix to zone's map symbol)

Exhibit LL

22A.030.050 Residential zones.

(1) The purpose of the residential zones (R) is to implement comprehensive plan goals and policies for housing quality, diversity and affordability, and to efficiently use residential land, public services and energy. These purposes are accomplished by:

(a) Providing, in the R-4.5, R-6.5, ~~and~~ R-8, and WR-R-4-8 zones, for a mix of predominantly single detached dwelling units, Middle Housing as defined in MMC 22A.020.140, townhomes, and other development types, with a variety of densities and sizes in locations appropriate for urban densities;

(b) Providing, in the R-12, R-18, ~~and~~ R-28, and WR-R-6-18 zones, for a mix of predominantly apartment and townhomes ~~dwelling units~~, Middle Housing as defined in MMC 22A.020.140, and other development types, with a variety of densities and sizes in locations appropriate for urban densities;

(c) Providing and preserving high density, affordable detached single-family and senior housing in the R-MHP zone. This zone is assigned to existing mobile home parks within residential zones which contain rental pads, as opposed to fee simple owned lots, and as such are more susceptible to future development;

(d) Allowing only those accessory and complementary nonresidential uses that are compatible with residential communities; and

(e) Establishing density designations to facilitate advanced area-wide planning for public facilities and services, and to protect environmentally sensitive sites from overdevelopment.

(2) Use of ~~this~~ these zones is appropriate in residential areas designated by the comprehensive plan as follows:

(a) Urban lands that are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services; and

(b) The corresponding comprehensive plan designations are as follows:

R-4.5	=	Medium density single-family;
R-6.5	=	High density single-family;
R-8	=	High density single-family, small lot;
WR-R-4-8	=	Whiskey Ridge, high density, single-family
R-12	=	Low density multiple-family;
R-18	=	Medium density multiple-family;
R-28	=	High density multiple-family.

WR-R-6-18	=	Whiskey Ridge, Medium Density Multiple Family

Exhibit MM

22C.010.030 Characteristics of residential zones.

(1) Medium Density Single-Family (R-4.5). The R-4.5 zone is a medium-density single-family residential zone. It allows single-family residences, Middle Housing as defined in MMC 22A.020.140, and townhomes. The base ~~at a~~ density is~~of~~ 4.5 dwelling units or lots per acre. ~~Duplexes are permitted as a conditional use with a maximum density of six dwelling units per acre.~~ The major type of new development will be detached single-family residences, with Middle Housing and townhomes also permitted. ~~The R-4.5 zone is applied to areas that are designated medium density single-family on the land use plan map of the comprehensive plan.~~

(2) High Density Single-Family (R-6.5). The R-6.5 zone is a high-density single-family residential zone. It allows single-family residences, Middle Housing as defined in MMC 22A.020.140, and townhomes. The base ~~at a~~ density ~~of~~ 6.5 ~~dwelling~~ units or lots per acre. ~~Duplexes are permitted outright on 7,200-square-foot lots with a maximum density of eight dwelling units per acre.~~ The major type of new development will be detached single-family residences, with Middle Housing and townhomes also permitted. ~~The R-6.5 zone is applied to areas that are designated high density single-family on the land use plan map of the comprehensive plan.~~

(3) High Density Single-Family, Small Lot (R-8). The R-8 zone is a high-density single-family, small lot residential zone. It allows single-family residences, Middle Housing as defined in MMC 22A.020.140, and townhomes. The base ~~at a~~ density ~~of~~ eight dwelling units or lots per acre. ~~Duplexes are permitted outright on 7,200-square-foot lots with a maximum density of eight dwelling units per acre.~~ The major type of new development will be detached single-family residences, with Middle Housing and townhomes also permitted. ~~The R-8 zone is applied to areas that are designated high density single-family – small lot on the land use plan map of the comprehensive plan.~~

(4) Whiskey Ridge, High Density Single-Family (WR-R-4-8). The WR-R-4-8 zone is a high-density single-family residential zone. It allows single-family residences, Middle Housing as defined in MMC 22A.020.140, and townhomes. ~~at a~~ The density range is~~of~~ 4.5 to 8 dwelling units or lots per acre. ~~Duplexes are permitted outright on 7,200-square-foot lots with a maximum density of eight dwelling units per acre.~~ The major type of new development will be detached single-family residences, with Middle Housing and townhomes also permitted. The ~~WR-R-4-8 zone is applied to areas that are designated Whiskey Ridge, high density single-family on the land use plan map of the comprehensive plan.~~

(5) Low Density Multiple-Family (R-12). The R-12 zone is a low density multiple-family residential zone. The major types of new housing development will be ~~attached and~~ detached single-family residences~~tial~~, duplexes, Middle Housing, townhouses, apartments and condominiums. The density is 12 units per acre; the maximum is limited to 18 units per acre.

(6) Medium Density Multiple-Family (R-18). The R-18 zone is a medium density multiple-family residential zone. The major types of new housing development will be ~~attached and detached single-family residential,~~ duplexes, Middle Housing, townhouses, apartments and condominiums. The density is 18 units per acre; the maximum is limited to 27 units per acre.

(7) High Density Multiple-Family (R-28). The R-28 zone is a high density multiple-family residential zone. The major types of new housing development will be ~~attached and detached single-family residential,~~ duplexes, Middle Housing, townhouses, apartments and condominiums. The density is 28 units per acre; the maximum is limited to 36 units per acre.

(8) Whiskey Ridge, Medium Density Multiple-Family (WR-R-6-18). The WR-R-6-18 zone is a medium density multiple-family residential zone. The major types of new housing development will be attached and detached single-family residential, duplexes, Middle Housing, apartments and condominiums. The

density is six units per acre for detached single-family and 10 units per acre for attached multiple-family; the maximum is limited to 18 units per acre.

(9) Residential Mobile Home Park (R-MHP). The R-MHP zone preserves high density, affordable detached single-family and senior housing. This zone is assigned to existing mobile home parks within residential zones which contain rental pads, as opposed to fee simple owned lots, and as such are more susceptible to future development.

Exhibit NN

22C.010.060 Permitted uses.

Specific Land Use	R-4.5	R-6.5	R-8	WR R-4-8	R-12	R-18	R-28	WR R-6-18	R-MHP
Residential Land Uses									
Dwelling Units, Types:									
Single detached (14)	P11	P11	P11	P11	P11	~~P11~~	~~P11~~	P11	P43
Model home	P30	P30	P30	P30	P30	P30	P30	P30	P30
Cottage housing (14)	P~~C~~6	P~~C~~6	P~~C~~6	P~~C~~6	P~~C~~6	P ~~C~~6	P~~C~~6	P ~~C~~6	
Duplex (14)	P~~8~~	P~~8~~	P~~8~~	P~~8~~	P	P	P	P	
Townhouse	P~~3~~8	P~~3~~8	P~~3~~8	P~~3~~8	P	P	P	P	
Middle Housing (3)	P	P	P	P	P	P	P	P	
Multiple-family					P	P	P	P	
Mobile home	P12	P12	P12	P12	P12	P12	P12	P12	P12
Mobile/manufactured home park	P~~C~~	P~~C~~	P~~C~~		~~C~~	P	P		P45
Senior citizen assisted	C2	C2	C2	C2	P~~C~~2	P~~C~~2	P~~C~~2	P~~C~~2	C2
Factory-built	P7	P7	P7	P7	P7	P7	P7	P7	P7, 43
Recreational vehicle (44)	P	P	P	P	P	P	P	P	P
Tiny house or tiny house with wheels (51)	P	P	P	P	P	P	P	P	P
Group Residences:									
Adult family home	P	P	P	P	P	P	P	P	P
Convalescent, nursing, retirement	C2	C2	C2	C2	P~~C~~2	P~~C~~2	P~~C~~2	P~~C~~2	
Residential care facility	P	P	P	P	P	P	P	P	
Master planned senior community (15)	C	C	C	C	P~~C~~	P~~C~~	P~~C~~	P~~C~~	C
Transitional housing facilities (53)	P	P	P	P	P	P	P	P	P
Permanent supportive housing (53)	P	P	P	P	P	P	P	P	P
Emergency housing (54)									
Emergency shelters – Indoor (54)									
Accessory Uses:									
Residential accessory uses (1), (9), (10), (14), (49), (50)	P	P	P	P	P	P	P	P	P
Home occupation (5)	P	P	P	P	P13	P13	P13	P13	P
Temporary Lodging:									
Hotel/motel									
Bed and breakfast guesthouse (4)		C	C	C	P	P	P	P	

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

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

Specific Land Use	R-4.5	R-6.5	R-8	WR R-4-8	R-12	R-18	R-28	WR R-6-18	R-MHP
Racetrack	C37	C37	C37	C37	C37	C37	C37	C37	
College/university	C	C	C	C	C	C	C	C	

Exhibit OO

22C.010.070 Permitted uses – Development conditions.

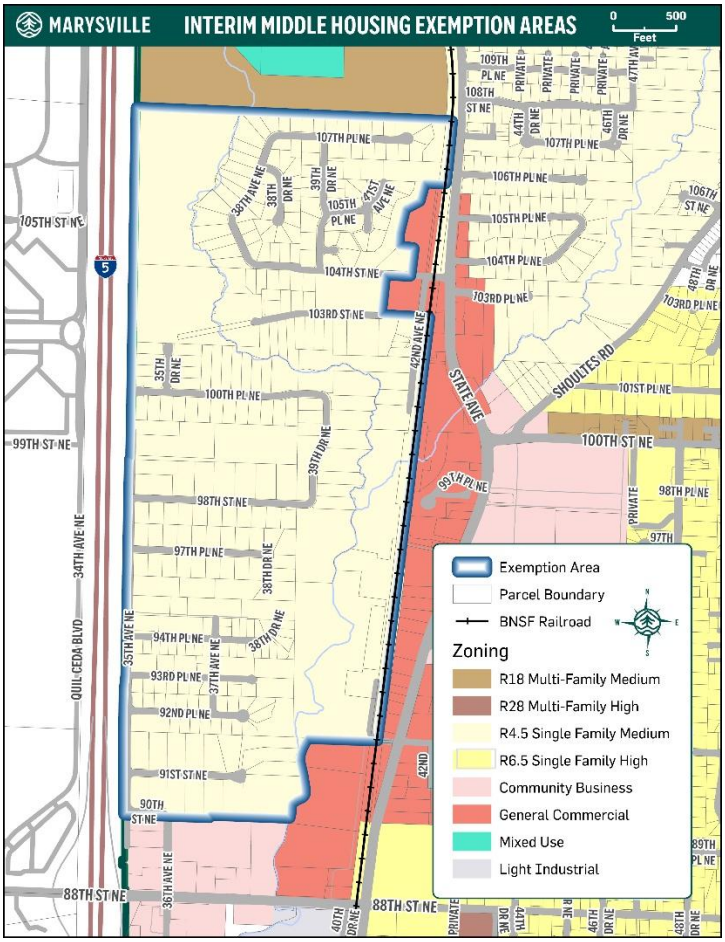
(1) Accessory dwelling units:
- (a) ~~m~~Must comply with the development standards in Chapter ~~22C.180~~ 22C.185 MMC.
- (b) Are only permitted accessory to a detached single-family residence or Middle Housing. Note: accessory dwelling units accessory to Middle Housing apply to the total allowed unit density for the lot.
- (c) ~~Accessory dwelling units~~ I~~i~~n the R-MHP zone are only allowed on single lots of record ~~containing one single-family detached dwelling~~.

(2) Limited to three residents per the equivalent of each minimum lot size or dwelling units per acre allowed in the zone in which it is located.

(3) ~~Only as part of a planned residential development (PRD) proposal, and subject to the same density as the underlying zone.~~ Middle Housing is defined in MMC 22A.020.140 and contains two to four attached, stacked, or clustered homes including duplexes, triplexes, fourplexes, townhouses, courtyard apartments, and cottage housing on a parent lot. Single family detached is not considered Middle Housing. 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. Townhouses shall only be considered Middle Housing when they have three (3) to four (4) dwelling units and are located within (a) ¼ mile of a major transit stop, or (b) when one dedicated affordable housing dwelling unit meeting the provisions in MMC 22C.010.400 is provided.

Middle Housing is not allowed in or on:

- (a) Portions of a lot, parcel, or tract designated with critical areas pursuant to 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.
- (f) In the R-4.5 designated areas depicted in the map below entitled, "Middle Housing Exemption Areas". Said areas are generally located south of 108th Street NE, west of the Burlington Northern Santa Fe railroad, north of 90th Street NE, and east of 35th Avenue NE. If adequate secondary access, including adequate emergency access is provided, as determined by the Public Works Director and the Fire Marshall, then the exemption shall be removed from the exemption area. Duplexes and PRDs shall also not be permitted in the exemptions area until adequate access is provided. Please note that the map below is being updated.



Click for high resolution map.

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

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

(6) Subject to cottage housing provisions set forth in MMC 22C.010.280.

(7) Factory-built dwelling units shall comply with the following standards:

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

(b) A factory-built house cannot be attached to a metal frame allowing it to be mobile. All such structures must be placed on a permanent foundation at the building site.

~~(8) Permitted outright in the R-6.5, R-8, and WR-R-4-8 zones on minimum 7,200-square-foot lots. A conditional use permit is required for the R-4.5 zone, and the minimum lot size must be 12,500 square feet. Duplexes must comply with the comprehensive plan density requirements for the underlying land use designation.~~

(8) Townhouses are Oonly allowed as part of a planned residential development (PRD) proposal~~,~~ or as allowed for Middle Housing. ~~and~~ Townhouses in PRDs are subject to the same density as the underlying zone; provided that, Middle Housing is exempt from the maximum dwelling units per net acre but is subject to the maximum number of lots per net acre. Townhouses are limited to four (4) dwelling units per building in single family zones. Townhouses shall only be considered Middle Housing when said structure contains three (3) or four (4) dwelling units and is located within (a) ¼ mile of a major transit stop, or (b) when one dedicated affordable housing dwelling unit meeting the provisions in MMC 22C.010.400 is provided.

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

(a) Garage sales shall operate not more than three days in the same week and not more than twice in the same calendar year.

(b) Garage sale signs are subject to the standards in MMC 22C.160.260.

A garage sale complying with the above conditions is an allowed residential accessory use. A garage sale violating one or more of the above conditions is a commercial use and will be disallowed unless the use is permitted in the zone, and the use complies with all applicable code requirements.

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

(11) Manufactured homes must:

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

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

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

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

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

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

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

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

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

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

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

(13) Home occupations are limited to home office uses in multifamily dwellings. No signage is permitted in townhouse or multifamily dwellings; provided that, signage may be permitted for home occupations in Middle Housing units as defined in MMC 22A.020.140.

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

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

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

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

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

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

(17) Golf facilities shall comply with the following:

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

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

(18) Only as an accessory to a cemetery.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) No residential occupancy of the storage units;

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

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

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

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

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

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

(30) Model Homes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(37) Except racing of motorized vehicles.

(38) Level 1 and Level 2 charging only.

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

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

(41) Only "electric vehicle charging stations – restricted" as defined in Chapter 22A.020 MMC.

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

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

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

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

(46) Reserved.

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

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

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

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

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

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

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

(a) Name and contact information for key staff;

(b) Roles and responsibilities of key staff;

(c) Site/facility management, including a security and emergency plan;

(d) Site/facility maintenance;

(e) Occupancy policies, including resident responsibilities and a code of conduct that address, at a minimum, the use or sale of alcohol and illegal drugs, threatening or unsafe behavior, and weapon possession;

(f) Provision of human and social services, including staffing plan and outcome measures;

(g) Outreach with surrounding property owners and residents and ongoing good neighbor policy;

(h) Procedures for maintaining accurate and complete records; and

(i) Additional information as requested by the community development director to ensure current best practices for permanent supportive housing and transitional housing facilities are used.

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

Exhibit PP

22C.010.075 Adaptive reuse of nonresidential buildings in residential zones.

(1) Purpose. The purpose of this section is to allow for adaptive reuse of nonresidential buildings in residential zones that are functionally obsolete in order to improve the economic feasibility of a property by considering uses that are not otherwise permitted, but which, if properly designed and managed, would not create unacceptable impacts on surrounding properties or the immediate vicinity in general. This process differs from the unlisted use process listed in MMC 22A.010.070 in that uses that are not specifically authorized in the residential zone may be considered using the process described herein.

(2) Procedures. Any request for adaptive reuse of nonresidential buildings shall be reviewed as a conditional use.

(3) Circumstances. The city may allow a use in a residential zone that is not specifically allowed in that zone if it is necessary to encourage adaptive reuse of a building under the following circumstances:

(a) It is unlikely that the primary building on the subject property could be preserved if only uses permitted in the underlying zone were allowed.

(b) Allowing a different use would enhance the character of the building and immediate vicinity.

(c) The use would not have a detrimental effect upon surrounding properties or the immediate vicinity.

(4) Uses That May Be Allowed. The following uses may be considered for adaptive reuse of an existing building in a residential zone; provided, that where a use listed below is allowed as either a permitted or conditional use in MMC 22C.010.060, it shall be reviewed in accordance with said section:

(a) Dwelling units. Density based on underlying zoning ~~plus one additional dwelling unit~~;

(b) Assisted living facilities;

(c) Libraries;

(d) Museums and art galleries;

(e) Social service facilities;

(f) Public services;

(g) Artist studios;

(h) Music venues;

(i) Cafes and bistros;

(j) Live-work units;

(k) Bed and breakfast inn;

(l) Other uses not listed above if determined through the review process to be compatible with surrounding properties and the immediate vicinity.

(5) Review Criteria. The following criteria shall be used as the basis for determining compatibility with surrounding uses and approving, denying, or conditionally approving a request to allow the adaptive reuse of a nonresidential building in a residential zone:

(a) The adaptive reuse would promote or aid in the preservation or rehabilitation of the primary building.

(b) No significant impacts to public safety.

(c) Compliance with noise, building and fire codes.

(d) Hours of the day of proposed use or activity are compatible with surrounding uses.

(e) Proposed management and operational procedures to minimize and mitigate potential impacts.

(f) Other factors not specified herein that would create a conflict with the surrounding uses, or uses that are permitted in the zone.

(g) Expansions to the primary building shall not exceed 10 percent of the existing footprint or 500 square feet, whichever is greater, and will not detrimentally affect the outside character of the building. Expansions shall comply with the bulk and dimensional standards of the underlying zone.

(6) Actions Authorized.

(a) Approval. The city may approve a proposal that is found to be compatible with surrounding land uses.

(b) Denial. Any proposal that would be incompatible with or adversely affect properties in the immediate vicinity shall be denied.

(c) Revocation. The city shall retain the right to revoke an approval issued under this section that fails to comply with any conditions of said approval, or which operates in a manner inconsistent with representations made in the application.

Exhibit QQ

22C.010.080 Densities and dimensions.

(1) Interpretation of Table.

(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.010.100 through 22C.010.250.

(b) The density and dimension table is arranged in a matrix format and is delineated into different dimensional ~~the residential 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 set forth in MMC 22C.010.090. A blank box indicates that there are no specific requirements. If more than one standard appears in a cell, each standard will be subject to any applicable parenthetical footnote following the standard.

(2) General Densities and Dimension Standards.

	R-4.5	**R-6.5**	**~~R-8~~**	**~~WR-R-4-8 (16)(17)~~**	**R-12 (13)**	**R-18 (13)**	**R-28 (13)**	**WR-R-6-18 (13)(16)(17)**
Base ~~D~~density: Dwelling unit or lot/acre (1)(3)~~(6)~~(7)	4.5 du or lot/ac	6.5 du or lot/ac	~~8 du/ac~~	~~4.5 du/ac~~	12 du or lot/ac	18 du or lot/ac	28 du or lot/ac	6 du or lot/ac (detached sf); 10 du or lot/ac (~~attached~~ multifamily and townhouses)
Maximum density: Dwelling unit or lot/acre ~~(1)~~(2)(3)	5.4 du or lot/ac	7.8 du or lot/ac		~~8 du/ac~~	18 du or lot/ac	27 du or lot/ac	36 du or lot/ac	18 du or lot/ac
Minimum street setback (4) ~~(3)~~ (15)	20 ft (8)	20 ft (8)	~~20 ft (8)~~	~~20 ft (8)~~	20 ft	25 ft	25 ft	20 ft
Minimum side yard setback (4)~~(3)~~	5 ft (10)	5 ft (10)	~~5 ft (10)~~	~~5 ft (10, 11, 12)~~	10 ft (10, 11, 12)	10 ft (10, 11, 12)	10 ft (10)	10 ft (10, 11, 12)
Minimum rear yard setback (4)~~(3)~~	20 ft	20 ft	~~20 ft~~	~~20 ft~~	25 ft	25 ft	25 ft	25 ft
Base height	30 ft (18)	30 ft (18)	~~30 ft (18)~~	~~30 ft (18)~~	35 ft (5)~~(4)~~	45 ft (5) ~~(4)~~	45 ft (5) ~~(4)~~	35 ft (5) ~~(4)~~
Maximum building coverage: Percentage ~~(5)~~(6)	40%	40%	~~50%~~	~~50%~~	50%	50%	50%	40%
Maximum impervious surface: Percentage ~~(5)~~ (6)	45%; 50%	45%; 50%	~~50%; 65%~~	~~50%; 65%~~	70%	70%	75%	70%

	R-4.5	R-6.5	~~R-8~~	~~WR-R-4-8 (16)(17)~~	R-12 (13)	R-18 (13)	R-28 (13)	WR-R-6-18 (13)(16)(17)
Minimum lot area	5,000 sq ft	5,000 sq ft	~~4,000 sq ft~~	~~5,000 sq ft~~	–	–	–	–
~~Minimum lot area for duplexes (2)~~	~~12,500 sq ft~~	~~7,200 sq ft~~	~~7,200 sq ft~~	~~7,200 sq ft~~	~~–~~	~~–~~	~~–~~	~~–~~
Minimum lot width ~~(3)~~(4)	60 ft	50 ft	~~40 ft~~	~~40 ft~~	70 ft	70 ft	70 ft	70 ft
Minimum lot frontage on cul-de-sac, sharp curve, or panhandle (14)	20 ft	20 ft	~~20 ft~~	~~20 ft~~	–	–	–	–

Exhibit RR

22C.010.090 Densities and dimensions – Development conditions.

(1) Base Density. The base density is the standard density allowed in the zone and indicates the number of dwelling units or lots allowed per net acre.

(2) ~~Maximum Density – Dwelling Unit/Acre.~~ Maximum density. The maximum density for each zone indicates the maximum number of dwelling units or lots allowed per net acre.

(a) The maximum density for the R-12, R-18, R-28, WR-R-4-8 and WR-R-6-18 zones may only be achieved ~~only~~ through the application of residential density incentive provisions outlined in Chapter 22C.090 MMC.

~~(b) The maximum net density for the single-family zones is the same as the base density; provided, that for PRD developments the maximum density may be increased by up to 20 percent through the application of residential density incentive provisions outlined in Chapter 22C.090 MMC.~~

(b) The maximum density for the R-4.5, R-6.5, and R-8 zones is limited to Planned Residential Developments developed pursuant to Chapter 22G.080 and requires the application of residential density incentive provisions outlined in Chapter 22C.090 MMC.

~~(2) The minimum lot sizes for duplexes apply to lots or parcels which existed on or before the effective date of the ordinance codified in this chapter. All new duplex lots created through the subdivision or short subdivision process shall be a minimum of 12,500 square feet in size in the R-4.5 zone, and 7,200 square feet in size in the R-6.5, R-8 and WR-R-4-8 zones. Additionally, all new duplex lots must include a "duplex disclosure" on the plat map, and must comply with the density requirements of the comprehensive plan (six units per acre for the R-4.5 zone and eight units per acre for the R-6.5, R-8, and WR-R-4-8 zones).~~

(3) Exceptions. The following exceptions to the base density and maximum density provisions apply:

(a) Accessory Dwelling Units.

(i) A maximum of two accessory dwelling units are allowed per lot accessory to a detached single-family residence pursuant to MMC 22C.185.020, Table 1.

(b) Middle Housing, as defined in MMC 22A.020.140, is allowed for all lots zoned predominantly for residential use as follows:

(i) Middle Housing is subject to the maximum number of lots allowed for the zone; however, is allowed a greater Unit Density as shown in the table below:

Lot circumstances	**Unit Density (as defined in MMC 22A.020.220)**	**Additional Provisions**
Residentially zoned lot	Two (2)	
Residentially zoned lot located within ¼ mile walking distance to a major transit stop	Four (4)	Major transit stop is defined in MMC 22A.020.140.

Residentially zoned lot with one (1) dwelling unit of affordable housing	Four (4)	To qualify as affordable housing, the provisions in MMC 22C.010.400 must be met.

(ii) The unit density allowance applies to the parent lot prior to any unit lot subdivision.

(iii) Multiple Middle Housing structures may be allowed per lot up to the allowed Unit Density specified in the table above. For example, two duplexes (4 total dwelling units) 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.

(iv) Accessory dwelling units apply to the total allowed Unit Density for the lot (i.e. are not allowed in addition to the specified units per lot).

(v) The unit density detailed in this table for proximity to transit and provision of affordable housing are discrete options. If a lot has both proximity to transit and provides affordable housing, the total unit density remains at four (4) unless otherwise allowed by code.

(vi) Unless zoning permitting higher densities or intensities applies.

(vii) 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).

c) The absence of water or sewer service may limit redevelopment or additional development until such time sewer infrastructure improvements are made.

~~(3)~~(4) These standards may be modified under the provisions for zero lot line and townhome developments.

~~(4)~~(5) Base Height.

(a) Height limits may be increased when portions of the structure which exceed the base height limit provide one additional foot of street and interior setback beyond the required setback for each foot above the base height limit; provided, that the maximum height may not exceed 60 feet.

(b) Multiple-family developments, located outside of Planning Area 1, abutting or adjacent to areas zoned as single-family, or areas identified in the comprehensive plan as single-family, may have no more floors than the adjacent single-family dwellings, when single-family is the predominant adjacent land use.

~~(5)~~(6) Applies to Each Individual Lot.

(a) The ~~higher~~ 50% ~~percentages of~~ impervious surface coverage ~~apply~~ applies to complete land use applications for subdivisions submitted on or after the effective date of Ordinance 3057, adopted May 8, 2017; provided, however, in the case of approved development applications that have not yet started construction, an applicant may file for a minor revision to the approved land use application in accordance with MMC 22G.010.260.

(~~b~~c) Building coverage and impervious surface area standards for:

(i) Regional uses shall be established at the time of permit review; or

(ii) Nonresidential uses in residential zones shall comply with MMC 22C.010.250.

(7)~~(6)~~ ~~Density – Dwelling Unit/Acre.~~ Mobile home parks shall comply with the density and dimensional standards set forth in Chapter 22C.230.

~~(a) The densities listed for the single-family zones (R-4.5, R-6.5, R-8) and single-family development in the Whiskey Ridge zones (WR-R-4-8, WR-R-6-18) are maximum net densities.~~

~~(b) Mobile home parks shall be allowed a maximum density of eight dwelling units per acre, unless located in the R-4.5 or R-6.5 zones, in which case they are limited to the density of the underlying zone~~.

~~(7) The standards of the R-4.5 zone shall apply if a lot is less than 15,000 square feet in area.~~

(8) On a case-by-case basis, the street setback may be reduced to 10 feet; provided, that at least 20 linear feet of driveway are provided between any garage, carport, or other fenced parking area and the street property line, or the lot takes access from an alley. The linear distance shall be measured in a straight line from the nearest point of the garage, carport or fenced area to the access point at the street property line. In the case of platted lots, no more than two consecutive lots may be reduced to 10 feet.

(9) Residences shall have a setback of at least 50 feet from any property line if adjoining an agricultural zone either within or outside the city limits.

(10) For townhomes (non-Middle Housing) or apartment developments, the setback shall be the greater of:

(a) Twenty feet along any property line abutting R-4.5 through R-8, and WR-R-4-8 zones; or

(b) The average setback of the R-4.5 through R-8 zoned and platted single-family detached dwelling units from the common property line separating said dwelling units from the adjacent townhome or apartment development, provided the required setback applied to said development shall not exceed 60 feet. The setback shall be measured from said property line to the closest point of each single-family detached dwelling unit, excluding projections allowed per MMC 22C.010.210 and accessory structures existing at the time the townhome or apartment development receives approval by the city.

(11) Townhome setbacks are reduced to zero on an interior side yard setback where the units have a common wall for zero lot line developments.

(12) Townhome setbacks are reduced to five feet on side yard setbacks provided the buildings meet a 10-foot separation between structures.

(13) Single-family detached units and Middle Housing on individual lots in the R-12 and WR-R-6-18 zones, and Middle Housing~~duplexes~~ on individual lots within the R-12 through R-28, and WR-R-6-18 zones shall utilize ~~the dimensional requirements of the R-8 zone, except~~ the base density for the underlying zone; provided that, lots shall be subject to a 50 percent building coverage, 65 percent impervious coverage, 4,000 square foot minimum lot size, 40 foot lot width, and the setback

requirements of the Neighborhood Residential 6.5 (NR-6.5 zone). Single family and duplex lots may be up to 35 feet tall; provided that, abutting Neighborhood Residential zoned properties, the building height must either be reduced to 30 feet, or the setback adjacent to the Neighborhood Residential zoned properties must be increased by five (5) feet.

(14) Provided that the front yard setback shall be established as the point at which the lot meets the minimum width requirements. On a case-by-case basis, the street setback may be reduced to the minimum of 20 feet; provided, that the portion of the structure closest to the street is part of the "living area," to avoid having the garage become the predominant feature on the lot.

(15) Subject to MMC 22A.020.130, subsection (1)(a) of the definition of "lot lines."

(16) Required landscaping setbacks for developments on the north side of Soper Hill Road are 25 feet from the edge of sidewalk.

(17) Projects with split zoning (two or more distinct land use zones) may propose a master site plan to density average at the zone edge or modify the zone boundaries using topography, access, critical areas, or other site characteristics in order to provide a more effective transition between land uses and zones. Approval is at the discretion of the community development director.

(18) In order to accommodate a daylight basement or tuck-under 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.

Exhibit SS

22C.010.110 Calculations – Allowable dwelling units.

Permitted number of dwelling units or lots shall be determined as follows:

~~(1) The maximum allowed number of dwelling units shall be computed by multiplying the net project area (in acres) by the applicable residential density.~~

(1) Dwelling Units/Lots or Units per Acre. The allowed dwelling units or lots per acre is calculated as follows:
    a. Step 1: Calculate the net acreage by using the "net project area" definition in MMC 22A.020.150 "N" definitions.
    b. Step 2: Multiply the net acreage by the units or lots per acre allowed by the zone as set forth in MMC 22C.010.080.
    c. Step 3: ~~(2)~~ When calculations result in a fraction, the fraction shall be rounded to the nearest whole number as follows:
        i. ~~(a)~~ Fractions of 0.50 or above shall be rounded up; and
        ii. ~~(b)~~ Fractions below 0.50 shall be rounded down.
(2) Middle Housing is subject to the maximum number of lots allowed for the zone set forth in MMC 22C.010.080; however, is allowed a greater Unit Density as specified in the table 22C.010.090(3)(b)(i).
(3) The provisions in subsection (1) above apply to lots which will be subdivided. Existing, legal lots under MMC 22C.010.140 and reasonable use lots under MMC 22E.010.410 are not subject to the calculation above.

Exhibit TT

22C.010.120 Calculations – Site area used for density calculations.

(1) Critical areas and their buffers may be used for calculation of allowed residential density whenever two or more residential lots or dwelling units are created subject to the on-site density transfer provisions outlined in MMC 22E.010.360; provided that, critical areas and buffers must be placed in a tract or easement for permanent protection.

(2) The net project area of a multiple-family or single-family site may be used in the calculation of allowed residential density.

Exhibit UU

22C.010.130 Lot area – Prohibited reduction.

Any portion of a lot that was required to calculate and ensure compliance with the standards and regulations of this title shall not be subsequently subdivided or segregated from such lot except as allowed under the Unit Lot Subdivision provisions set forth in MMC Chapter 22G.095.

Exhibit VV

22C.010.140 Minimum lot area for construction.

Except as provided for in Chapter 22G.080 MMC:

(1) In residential ~~the R~~ zones, a single-family dwelling or Middle Housing may be established on an existing vacant lot, which cannot satisfy the minimum lot size or width ~~bulk or dimensional~~ requirements of this chapter, provided the following criteria are met:

(a) The lot was established by conveyance of record prior to August 10, 1969, and its dimensions have not been modified since said conveyance, or the lot was created by an approved plat and satisfied the bulk and dimensional requirements applicable at the time of its creation; and

(b) The lot is not less than 4,000 square feet in size, or such greater size as may be required by the Snohomish H~~h~~ealth D~~d~~istrict if an on-site sewage disposal system is involved; and

(c) Development of the lot will comply with all bulk and dimensional regulations in this chapter, with the exception of minimum lot size and width, ~~relating to setbacks, maximum lot coverage and~~ along with off-street parking, as such regulations exist on the date of application for development permits.

Exhibit WW

22C.010.170 Setbacks – From regional utility corridors.

(1) In subdivisions and short subdivisions, areas used as regional utility corridors shall be contained in separate tracts.

(2) In other types of land development permits, easements shall be used to delineate such corridors.

(3) All buildings and structures shall maintain a minimum distance of five feet from property or easement lines delineating the boundary of regional utility corridors, except for utility structures necessary for ~~to~~ the operation of the utility corridor.

Exhibit XX

22C.010.190 Setbacks – From alleys.

(1) Structures may be built to five feet of the property line abutting an alley, except as provided in subsection (2) of this section.

(2) Vehicle access points from garages, carports or fenced parking areas shall be set back a minimum of 10 feet from the lot line abutting an alley, except where the access point faces an alley with a right-of-way width of 10 feet, in which case the garage, carport, or fenced parking area shall not be located within 20 feet from the rear lot line. No portion of the garage or the door in motion may cross the property line.

(3) Rear setbacks for detached accessory structures located in the ~~Planning Area 1~~ Downtown Neighborhood may be reduced as set forth in MMC 22C.180.020(2).

Exhibit YY

22C.010.200 Setbacks – Adjoining half-street, designated arterial, or temporary cul-de-sac.

(1) In addition to providing the standard street setback, a lot adjoining a half-street or designated arterial shall provide an additional width of street setback sufficient to accommodate construction of the planned half-street or arterial.
(2) The front, side, or street setback abutting a temporary cul-de-sac shall be measured from the edge of the temporary cul-de-sac as constructed. When the temporary cul-de-sac is removed, the setbacks for the structure may be measured from the property line.

Exhibit ZZ

22C.010.210 Setbacks – Projections allowed.

Projections may extend into required setbacks as follows:

(1) Fireplace structures including eaves and factory-built garden or bay windows may project into any setback, provided such projections are:

(a) Limited to two per facade;

(b) Not wider than 10 feet; and

(c) Not more than 24 inches into a side setback or 30 inches into a front or rear setback;

(2) Uncovered porches and decks, including stairs or ramps, which exceed 30 inches above the finished grade may project:

(a) Eighteen inches into side setbacks; and

(b) Five feet into the front or rear setback;

(3) Uncovered porches and decks not exceeding 30 inches above the finished grade, and uncovered accessory structures such as mechanical equipment, play structures, and tennis courts, may project to the property line; provided, that with the exception of uncovered porches and decks, the front property line setback for the zone shall be observed;

(4) Eaves may not project more than:

(a) Twenty-four inches into a side setback;

(b) Thirty-four inches into a front or rear setback; or

(c) Eighteen inches across a lot line in a zero-lot line development.

(5) Accessory structures such as flagpoles and lampposts shall be set back a minimum of five feet from all property lines, provided:

(a) They are not located within a utility or access easement; and

(b) Flags are not displayed in a manner that would cause the flag to encroach onto a neighboring property.

Exhibit AAA

22C.010.220 Height – Exceptions to limits.

(1) Flagpoles may be up to 25 feet tall in all single-family zones, and up to 35 feet tall in all multifamily zones; provided, that flagpoles on multifamily zoned properties developed with single-family residences or Middle Housing ~~duplexes~~ shall be limited to 25 feet tall. Exception: flagpoles on single-family and multifamily zoned properties that are 40,000 square feet or greater in size and developed with single-family residences or Middle Housing ~~duplexes~~ may be up to 35 feet tall; provided, that setbacks that are equivalent to the height of the flagpole are maintained from all property lines.

(2) The following structures may be erected above the height limits of MMC 22C.010.080:

(a) Roof structures housing or screening elevators, stairways, tanks, ventilating fans or similar equipment required for building operation and maintenance; and

(b) Fire or parapet walls, skylights, chimneys, smokestacks, church steeples, and utility line towers and poles.

Exhibit BBB

22C.010.255 Residential design requirements – Purpose.

MMC 22C.010.255 through 22C.010.400 apply to new single family, Middle Housing, townhouse, and multifamily residential ~~and high density (eight plus du/acre) single family~~ development as applicable. The purpose of these sections is to:

(1) Encourage the realization and creation of a desirable and aesthetic environment in the city of Marysville;

(2) Encourage and promote development which features amenities and excellence in site planning, streetscape, building design and contribution to community charm;

(3) Encourage creative approaches to the use of land and related physical developments;

(4) Minimize incompatible and unsightly surroundings and visual blight which prevent orderly community development;

(5) Reinforce streets as public places that encourage pedestrian and bicycle travel;

(6) Reduce opportunities for crimes against persons and property;

(7) Minimize land use conflicts and adverse impacts;

(8) Provide roadway and pedestrian connections between residential and commercial areas;

(9) Provide public places and open space networks to create gateways, gathering places, and recreational opportunities that enhance the natural and built environment;

(10) Minimize the rate of crime associated with persons and property and provide for the highest standards of public safety through the implementation of crime prevention through environmental design (CPTED) principles in design review.

Exhibit CCC

22C.010.260 Residential design requirements – Applicability and interpretations.

(1) Applicability.

(a) These design standards apply to all new planned residential developments (PRD) in any zone, multifamily structures in any zone and residential development within the following zones: high density multiple-family (R-28), medium density multiple-family (R-18), low density multiple-family (R-12), and high density single-family, and small lot (R-8). Nonresidential development in residential zones (e.g., churches, schools, offices, etc.) shall be subject to the design standards set forth in MMC 22C.020.250.

(b) The standards specified in the following sections shall be applied by the city to individual building permits for single-family residences and Middle Housing, MMC 22C.010.310~~; duplexes, MMC 22C.010.400~~; and accessory uses, Chapter 22C.180 MMC; provided, that the applicable standards shall be those in effect on the date that the city approves the preliminary subdivision, short subdivision, or binding site plan, whichever is applicable, unless the applicant opts to have the city apply the standards that may have been revised by the city after such date.

(c) The following activities shall be exempt from these standards:

(i) Construction activities which do not require a building permit;

(ii) Interior remodels of existing structures;

(iii) Modifications or additions to existing multifamily and public properties when the modification or addition:

(A) Constitutes less than 10 percent of the existing horizontal square footage of the use or structure; and

(B) Constitutes less than 10 percent of the existing building's exterior facade.

(2) Interpreting and Applying the Design Standards.

(a) These standards capture the community visions and values as reflected in the comprehensive plan's neighborhood planning areas. The city's community development director (hereinafter referred to as director) retains full authority to determine whether a proposal meets these standards. The director is authorized to promulgate guidelines, graphic representations, and examples of designs and methods of construction that do or do not satisfy the intent of these standards.

(b) Within these standards, certain words are used to indicate the relative importance and priority the city places upon a particular standard.

(i) The words "shall," "must," and "is/are required" mean that the development proposal must comply with the standard unless the director finds that:

(A) The standard is not applicable in the particular instance; or

(B) The development proposal meets the intent of the standards in some other manner.

(ii) The word "should" means that the development proposal will comply with the standard unless the director finds that:

(A) The standard is not applicable in the particular instance;

(B) The development proposal meets the intent of the standards in some other manner; or

(C) There is convincing evidence that applying the standard would not be in the public interest.

(iii) The words "is/are encouraged," "can," "consider," "help," and "allow" mean that the action or characteristic is allowed and will usually be viewed as a positive element in the city's review.

(c) The project proponent may submit proposals that he/she feels meet the intent of the standards but not necessarily the specifics of one or more standards. In this case, the director will determine if the intent of the standard has been met.

Exhibit DDD

22C.010.270 Zero lot line development.

In any PRD ~~overlay zone~~, interior setbacks may be modified during subdivision, ~~or~~ short subdivision, or binding site plan review as follows:

If a building is proposed to be located within a normally required interior setback:

(1) An easement shall be provided on the abutting lot of the subdivision that is wide enough to ensure a 10-foot separation between the walls of structures on adjoining lots, except as provided for common wall construction;

(2) The easement area shall be free of structures and other obstructions that would prevent normal repair and maintenance of the structure's exterior;

(3) Buildings utilizing reduced setbacks shall not have doors that open directly onto the private yard areas of abutting property. Windows in such buildings shall not be oriented toward such private yard areas unless they consist of materials such as glass block, textured glass, or other opaque materials, and shall not be capable of being opened, except for clerestory-style windows or skylights; and

(4) The final plat, ~~or~~ short plat, or binding site plan map shall show the approximate location of buildings proposed to be placed in a standard setback area.

Exhibit EEE

22C.010.280 Cottage housing developments.

(1) Purpose. The purpose of this section is to:

(a) Provide a housing type that responds to changing household sizes and ages (e.g., retirees, small families, single-person households);

(b) Provide opportunities for ownership of small, detached units within a single-family neighborhood;

(c) Encourage creation of more usable space for residents of the development through flexibility in density and lot standards;

(d) Support the growth management goal of more efficient use of urban residential land; and

(e) Provide guidelines to ensure compatibility with surrounding uses.

(2) Applicability. Cottage housing developments are allowed in residential zones.~~, as follows:~~

~~(a) Within residentially zoned properties in downtown planning area 1;~~

~~(b) Within single-family zones where properties are encumbered by at least 35 percent critical areas and associated buffers;~~

~~(c) On single-family zoned parcels adjacent to multifamily, commercial and industrial zoned parcels, as a transition to multifamily, commercial and industrial uses, including across the street on a case-by-case basis, if approved by the director;~~

~~(d) Within residentially zoned properties in the Lakewood neighborhood planning area 11;~~

~~(e) Within single family zones where two or more unique site circumstances exist. Unique site circumstances may include shared common boundary with a city-owned park or nature preserve; close proximity to multifamily, commercial or industrial zoned properties as a complementary use; or other unique site circumstances as determined by the director; and~~

~~(f) Within multifamily zoned properties.~~

(3) Review Process.

(a) Cottage housing developments that are developed with all cottages located on a common lot shall be processed in accordance with Chapter 22G.120 MMC, Site Plan Review; and

(b) Cottage housing developments that are developed with cottages on individual lots shall be processed in accordance with Chapter 22G.090 MMC, Subdivisions and Short Subdivisions or Chapter 22G.095, Unit Lot Subdivisions; provided that the provisions in Chapter 22G.095 may only be used for up to 20 unit lots.

(4) Accessory Uses. The following accessory uses are permitted within cottage housing developments:

(a) Community Buildings. Commonly owned community building(s) for the use of the residents of the cottage housing development are allowed but not required. Where provided, common buildings must be centrally located; clearly incidental in use and size to the rest of the development; and similar in design (i.e., roof pitch, architecture, materials and colors) to the cottage units. Common buildings may include meeting space, recreational facilities, a food preparation area, sinks, and toilets, but shall not include commercial uses, sleeping quarters, or bathing facilities (unless the bathing facility is clearly incidental to a recreational facility located within the common building).

(b) Garages or carports as outlined in subsection (11) of this section.

(c) Community gardens, play structures, and similar amenities for use of the occupants of the cottage housing development.

(5) Accessory Dwelling Units. Accessory dwelling units and/or extended-family dwelling units are not allowed in cottage housing developments.

(6) Density and Dimensions.

Density (dwelling unit or lot/ acre)	2 times the base density of the underlying zone (a)
Minimum lot size, or minimum land area allocation per cottage	2,000 SF (b)
Development size	Minimum 4 cottage units. Maximum 12 cottage unit per grouping. Development may contain multiple groupings.
~~Minimum lot size~~	~~Beyond density and dimensional restrictions, there is no required minimum lot size for subdivided cottage lots.~~
Minimum front setback or yard	10 feet~~(b)~~(c)
Minimum side setback or yard	5 feet~~(c),~~ (d),(e)
Minimum rear setback or yard	10 feet~~(b),~~ (c)(d)
Minimum setback from critical area buffers, or critical areas, if no buffer is required	15 feet
~~Maximum building coverage: percentage~~	~~40 percent(e)~~
Maximum impervious coverage: percentage	60 percent~~(e)~~(f)

(a) Density shall be calculated pursuant to MMC 22C.010.110 Net Project Area.

(b) Existing detached single-family residences, which may be nonconforming with respect to the standards of this section, shall be permitted to remain; provided, that the extent of the nonconformity may not be increased. Said residences shall ~~be included in the maximum permitted cottage density~~, and must meet the applicable density and dimensional requirements of the underlying zone.

~~(b)~~ (c) The front and rear yard setbacks for cottages and two-story accessory structures shall be increased to 20 feet along the perimeter of cottage housing developments that abut existing single-family residential development or single-family zoned properties; provided, that this requirement shall not apply along perimeter boundaries abutting public right-of-way, or for infill lots located within the Downtown Neighborhood~~downtown planning area 1~~.

~~(c)~~(d) The side or rear yard setback adjacent to a public street or private drive aisle shall be 10 feet except when the side or rear yard abuts a designated arterial, in which case the setback shall be increased to 15 feet.

~~(d)~~(e) There shall be a minimum separation of six feet between principal structures; provided, that:

(i) Where cottages will be subdivided onto individual lots, a five-foot side yard setback from the property line and 10 feet of structure separation shall be provided;

(ii) When there is a principal entrance on an interior facade of either or both of the facing facades, the minimum separation shall be 10 feet; and

(iii) When there is a principal entrance along a side facade, the side yard shall be no less than 10 feet.

~~(e)~~(f) The ~~building and~~ impervious surface coverage allowances apply to the overall development site (when subdivision is not proposed), or to the individual lots.

(7) Cottage Size, Height, and Porch Dimensional Standards.

Maximum cottage main floor area	800 square feet[(a)]
Maximum cottage total floor area	1 1/2 times the area of the main floor or 1,200 square feet, whichever is less.
Height	18 feet 23 feet (to ridge of pitched roof with minimum slope of 4:12) 28 feet (to ridge of pitched roof with minimum slope of 6:12) All parts of roof above 18 feet must be pitched.
Porch (primary)	Primary entry: 60 square feet Minimum dimension: 6 feet
Porch (secondary)	Secondary entry: 36 square feet Minimum dimension: 6 feet

(a) Cottage floor area shall be subject to the following standards:

(i) Floor area shall be the sum of the gross horizontal areas of the floors of the cottage, measured from the exterior faces of exterior walls and from the centerline of division walls. Enclosed space in a cottage located either above the main floor and more than 12 feet above finished grade, or below the main floor, shall be limited to no more than 50 percent of the enclosed space of the main floor, or 400 square feet, whichever is less. This restriction applies regardless of whether a floor is proposed in the enclosed space, but shall not apply to attic or crawl spaces (less than six feet in height).

(ii) Attached garages shall be included in the calculation of total floor area.

(iii) Areas that do not count as total floor area are:

(A) Unheated storage space located under the main floor of the cottage.

(B) Attached roofed porches and uncovered attached porches, decks, and balconies.

(C) Detached garages or carports.

(D) Spaces with ceiling height of six feet or less measured to the exterior walls, such as a second floor area under the slope of a roof.

(iv) The total square foot area of a cottage dwelling unit may not be increased. A note shall be placed on the title to the property for the purpose of notifying future property owners that any increase in the total square footage of a cottage is prohibited for the life of the cottage or the duration of city cottage regulations.

(8) Cottage Orientation and Open Space Standards. Cottages shall meet the following orientation and open space standards:

(a) Open space shall be provided equal to a minimum of 20 percent of the development site. This may include common open space, private open space, setbacks, critical areas, and other open space.

~~(a)~~ (b) Cottages shall be oriented around and have their main entry from the common open space.

~~(b)~~(c) Each cottage shall abut the common open space, and the common open space shall have cottages abutting at least two sides.

~~(c)~~(d) Four hundred square feet of open space shall be provided (200 square feet of private open space and 200 square feet of common open space).

(i) Private and common open space must be calculated separately (i.e., private open space does not count towards common open space, and common open space does not count towards private open space);

(ii) All open space must be usable and located at ground level. Critical areas and buffers shall not count towards open space;

(iii) Setbacks shall not be counted as either private or common open space unless the setback abuts a designated common open space area, in which case the setback area may meet both setback and private open space requirements.

~~(d)~~(e) Private open space shall:

(i) Be located in a contiguous area and abut the cottage it serves;

(ii) Be oriented towards the common open space as much as possible;

(iii) Have no horizontal dimension less than 10 feet; and

(iv) A fence or hedge not to exceed three and one-half feet high may separate private open space from common open space.

~~(e)~~(f) Common open space shall:

(i) Be provided in a contiguous area to the extent feasible;

(ii) Be allocated so that at least 50 percent of the common open space for a grouping of cottages is located centrally among the grouping of cottages; and

(iii) Have no horizontal dimension less than 15 feet.

(9) Building Design Standards – Including Garages/Parking Structures. The purpose of the design standards is to: encourage variety and visual interest in new residential development in a manner that is compatible with the neighborhood character; ensure the scale of the cottages is proportional to their lot and parcel size, provide landscaping between new and existing development to buffer and provide a transition, enhance the building and site appearance, and maintain the quality of the neighborhood.

(a) Inviting Facade. Each cottage unit shall have an inviting facade for any facades abutting common open space areas, public rights-of-way, and private roads or accesses serving the cottage housing development. If a cottage unit abuts more than one public right-of-way or private road or access, the director shall determine which access the inviting facade shall be oriented towards.

(b) Building Character Proportionality and Massing. Size and height reductions of cottage housing, design techniques and perimeter buffer landscaping shall be used to promote compatibility with the surrounding neighborhood and proportionality and massing of new cottage development adjacent to existing single-family neighborhoods.

(c) Variety in Buildings and Visual Interest With Consistency in Architectural Style. The building designs and layout shall prevent the repetitive use of the same combination of building features, building layout, and site design elements within any cottage development, grouping of cottages, and adjacent dwellings.

(i) Varied and Interesting Rooflines. Varied and interesting rooflines must be provided which include use of varied pitched roof styles, gables, or dormers. Roof breaks or step-downs are encouraged and can be used to reduce required setbacks adjacent to parcel boundaries.

(ii) Separation of Identical Buildings and Elevations. Units of identical elevation types must be separated by at least two different elevations. This will result in at least three different building elevation plans per cluster. No two adjacent structures shall be built with the same building elevation (reverse elevations do not count as a different building elevation), facade materials, or colors.

(iii) Different Roof, Window Design and Entries. Provide differing roof forms, gables or dormers. Roof overhangs a minimum of six inches are required. Different window design, entry treatments and base treatments shall be utilized to help achieve variety.

(iv) Corner Lot Cottages. Cottages on corner lots shall be architecturally designed to provide modulation and detail on both frontages. Examples of modulation include use of bay windows, wrapped porches, and dormers.

(v) Open and Closed Cottages Along Private Side Yards. Private side yards are an important element in cottage development. The side yard is typically designated to a particular cottage (like zero lot line homes) and this cottage should be open to the side yard using doors, windows or a wrapped porch. The adjacent cottage having a closed side and window placement is an essential part of the design to achieve this relationship.

(d) Variety in Building Design. Provide variety and visual interest by using a combination of building elements, features and treatments in cottages as well as garages. Structures must include building articulation, change in materials or textures, windows, or other architectural features. A minimum of at least one side articulation or roof break shall occur for side elevations facing public streets or common open spaces or walkways to the common open spaces. No blank walls are allowed. The following building elements, features, and treatments that provide variety and visual interest shall be used in combination to create variety in building design, but are not limited to:

(i) Variation in building type and plans.

(ii) Variation in layout and orientation.

(iii) Variation in building materials, mixture and texture.

(A) Vertical Changes. Changes in materials in a vertical wall shall occur at an internal corner or a logical transition such as aligning with a window edge or chimney.

(B) Horizontal Changes. Transition in materials on a wall surface, such as shingle or lap siding, shall be required to have a material separation, such as a trim band board.

(C) Acceptable Exterior Wall Material. Wood, cement fiberboard, stucco, standard sized brick and stone may be used. Simulated stone, wood, ~~stone~~ or brick may be used to detail homes.

(D) Trim. Trim may be wood, cement fiberboard, stucco, or stone materials. Trim is required around all doors and windows. The trim must be three and one-half inches minimum and be used on all elevations.

(iv) Building modulation.

(v) Building intervals and articulation.

(vi) Varying roof shapes, pitches and gables.

(vii) Varied roof heights and roof breaks or roof extensions.

(viii) Dormers.

(ix) Window trim and mullions.

(x) Bay windows or bump outs.

(xi) Entry enhancement.

(xii) Porches and patios. (Porches with railings preferred.)

(xiii) Use of varied siding, trim and base colors.

(xiv) At a minimum, use bottom and top material treatment and if recommended use tripartite architecture.

(xv) Chimney or tower.

(xvi) Trellis.

(xvii) Belly bands, brackets/braces.

(xviii) Other building elements and the combined use of the above shall be approved by the planning director.

(10) Site Access Standards. Access to the cottage housing development shall be provided as follows:

(a) Access to parking shall be from the alley when the cottage housing development abuts a platted alley improved to the city's engineering design and development standards, or when the director determines that alley access is feasible and desirable to mitigate parking access impacts.

(b) For cottage housing developments where all of the cottages are located on a common lot and alley access is not available, the private drive aisle standards outlined in MMC 22C.130.050, Table 2, shall apply.

(c) For cottage housing developments where the cottages will be subdivided onto individual lots, the city's PRD and cottage housing street standards as set forth in the engineering development and design standards ("EDDS") shall apply. The "PRD and Cottage Housing Access Street" standard shall apply where fewer than 20 dwelling units are proposed, and the "PRD and Cottage Housing Access Street with Parking" standard shall apply where 20 or more dwelling units are proposed. Modifications to the "PRD and Cottage Housing Access Street" and the "PRD and Cottage Housing Access Street with Parking" standards may be requested for sidewalks, planter strips, and on-street parking. The burden to clearly demonstrate the proposed modification meets the requirements of this section is the applicant's. (Note: it is not likely multiple reductions will be allowed along a single section of road.) If requesting a modification, the applicant shall submit an integrated pedestrian travel, landscape and parking plan as well as other information to demonstrate:

(i) Safe, aesthetically pleasing pedestrian travel is provided throughout the development.

(ii) Pedestrian travel within the development shall be tied to pedestrian travel routes outside the development, actual and/or planned.

(iii) Reduction of planter strips shall require additional equivalent or greater landscaping to benefit the development.

(iv) Any proposed modifications shall allow for efficient flow and movement of automobiles and pedestrians without negatively altering or constraining their movement.

(d) Five-foot-wide pedestrian pathways (sidewalks) must be included to provide for movement of residents and guests from parking areas to homes and other amenities.

(11) Parking Standards. Parking shall meet the following standards:

(a) The number of offOff-street parking spaces shall be provided as ~~follows:~~ set forth in MMC 22C.130.030, Table 1 and shall meet the dimensions set forth in MMC 22C.130.050, Table 2.

~~(i) One space for cottages 700 square feet or less~~;

~~(ii) One and one-half spaces for cottages 701 to 1,000 square feet; and~~

~~(iii) Two spaces for cottages 1,001 to 1,200 square feet.~~

(b) Parking stalls, garages and carports must be screened from public streets or abutting residential properties.

(c) Parking stalls, garages and carports shall be located in the following preferential order:

(i) To the rear of the units accessed off an alley;

(ii) To the side of the units accessed by a private driveway; or

(iii) A garage, landscaping, and/or fencing shall screen parking next to a side street.

(d) Parking stalls, garages and carports must meet the front yard setback requirements outlined in subsection (6) of this section.

(e) Parking areas must be located in clusters of not more than six adjoining spaces. Landscaping or other architectural features shall separate clusters of parking, and clusters of parking from common areas.

(f) The parking area should not be the major view from the public right-of-way or street. Landscaping, cottages, or the common area should provide the view into the cottage development.

(g) Garages and carports shall be located so their visual presence is minimized, and associated noise or other impacts do not intrude into public spaces.

(h) The architectural design of all garages and carports must be similar and compatible to that of the cottage dwelling units within the development.

(i) Garage and carport rear and side elevations facing the public street or adjacent existing development shall have architectural details to minimize the impact of the facade.

(j) A six-single-vehicle-stall garage or carport is the maximum number allowed in any garage or carport.

(k) Shared detached garage structures shall be reserved for the parking of vehicles owned by the residents of the development. Storage of items which precludes the use of the parking spaces for vehicles is prohibited.

(12) Screening Standards.

(a) Boundaries between cottage dwellings and neighboring properties shall be screened with landscaping to reduce the appearance of bulk or intrusion onto adjacent properties, or

otherwise treated (i.e., through setbacks or architectural techniques) to meet the intent of this section.

(b) Yard and open space fencing within the cottage housing development shall not exceed three and one-half feet tall.

(c) Trash and Recycling Container Enclosure and Landscape Screening. All dumpster containers, individual refuse containers, and trash compactors shall be enclosed per the following standards:

(i) All loading, trash, recycling and storage areas shall be located so they are not visible from streets and will be concealed.

(ii) An architectural screen shall surround all sides except the access entry. Building walls of adjacent structures may be used to partially satisfy this requirement. Screen walls shall be a solid visual screen constructed out of metal, concrete, and/or masonry units; or other materials similar to the cottages and garage structures. Required gates and trellises, and other architectural screening elements, shall be designed so that they complement the surrounding buildings unless there is some overriding fire access issue.

(iii) A concrete slab shall be installed as the base material within the enclosure.

(13) Homeowners' Association. A homeowners' association and covenants are required for the maintenance of the common areas and buildings.

(14) Requests for Modifications to Standards. The community development director may approve minor modifications to the general parameters and design standards set forth in this chapter, provided the site is constrained due to unusual shape, topography, easements or sensitive areas.

(a) The modification is consistent with the objectives of this chapter.

(b) The modification will not result in a development that is less compatible with neighboring land uses.

Exhibit FFF

22C.010.300 Commercial, multiple-family, townhome, and group residences – Vehicular access and parking location.

(1) On sites abutting an alley, commercial, apartment, townhome and all group residence developments shall have parking areas placed to the rear of buildings with primary vehicular access via the alley, except when waived by the planning director due to physical site limitations.

(2) When alley access is available, and provides adequate access for the site, its use will be required unless determined to be infeasible or undesirable as determined by the community development director.

(3) When common parking facilities for attached dwellings and group residences exceed 30 spaces, no more than 50 percent of the required parking shall be permitted between the street property line and any building, except when authorized by the planning director due to physical site limitations.

(4) Direct parking space access to an alley may be used for parking lots with five or fewer spaces.

Exhibit GGG

22C.010.310 Small lot single-family dwelling and Middle Housing development standards.

The provisions of this section apply to building permits for single-family dwellings and Middle Housing ~~on lots having an area less than 5,000 square feet and single-family dwellings when multiple single-family dwellings are on a single lot~~, excluding accessory dwelling units and cottage housing; review will be done through the building permit process.

(1) It is the intent of these development standards that single-family dwellings and Middle Housing ~~on small lots~~ be compatible with neighboring properties, friendly to the streetscape, and in scale with the lots upon which they are to be constructed. The director is authorized to promulgate guidelines, graphic representations, and examples of housing designs and methods of construction that do or do not satisfy the intent of these standards.

(2) Entry. Where lots front on a public street, the house shall have doors and windows which face the street. Houses should have a distinct entry feature such as a porch or weather-covered entryway with an entry feature that is at least 60 square feet with no dimension less than six feet.

The director may approve a street orientation or entryway with dimensions different than specified herein; provided, the entry visually articulates the front facade of the dwelling ~~so as~~ to create a distinct entryway, meets setback requirements, provides weather cover, has a minimum dimension of four feet, and is attached to the home.

(3) Alleys.

(a) If the lot abuts an alley, the garage or off-street parking area shall take access from the alley, unless precluded by steep topography. No curb cuts shall be permitted unless access from the alley is precluded by steep topography.

(b) The minimum driveway length may be reduced to between six and zero feet for garages when the following conditions are met:

(i) An alley is provided for access;

(ii) At least one off-street parking space, in addition to any provided in the garage, is provided to serve that dwelling unit and the stall(s) is conveniently located for that particular dwelling; and

(iii) The applicable total parking stall requirement is met.

(c) The rear yard setback may be reduced to zero feet to accommodate the garage.

(d) If the garage does not extend to the property line or alley, the dwelling unit above the garage may be extended to the property line or alley.

(e) Dwellings with a wall facing an alley must provide at least one window facing the alley to allow observation of the alley.

(4) Auto Courts. Autocourts shall comply with the standards set forth in the City's Engineering Design and Development Standards. Where a consolidated road results in superior site design, circulation, safety or access management, autocourts may be required to be minimized and a consolidated public road provided.

~~(a) Auto courts are only allowed in a PRD.~~

~~(b) Auto courts provide ingress and egress to a cluster of no more than six dwellings and access from a nonarterial street. Auto court design must be consistent with the city's design guidelines for auto courts.~~

~~(c) Auto courts shall be no less than 20 feet in width; provided, that if emergency services access is required, the driving surface dimensions will comply with emergency vehicle access requirements.~~

~~(d) Auto courts shall be no greater than 150 feet in length, unless acceptable emergency vehicle turnaround is provided and designed so vehicles will not back onto public streets.~~

~~(e) Driveway length may be reduced to between three feet and six feet for garages when at least two parking spaces are provided for the unit in addition to the garage. The additional parking must be conveniently located to the dwelling.~~

(5) Facade and Driveway Cuts. If there is no alley access and the lot fronts on a public or private street, living space equal to at least 50 percent of the garage ~~facade~~ shall be flush with or projected forward of the garage, and the dwelling shall have entry, window and/or roofline design treatment which emphasizes the house more than the garage. Where materials and/or methods such as modulation, articulation, or other architectural elements such as porches, dormers, gables, or varied roofline heights are utilized, the director or designee may waive or reduce the 50 percent standard. Driveway cuts shall be no more than 80 percent of the lot frontage; provided, that the director or designee may waive the 80 percent maximum if materials and/or methods to de-emphasize the driveway, such as ribbon driveways, grasscrete surface, or accent paving, are utilized.

(6) Privacy. Dwellings built on lots without direct frontage on the public street should be situated to respect the privacy of abutting homes and to create usable yard space for the dwelling(s). The review authority shall have the discretion to establish setback requirements that are different than may otherwise be required in order to accomplish these objectives.

(7) Individual Identity. Home individuality will be achieved by the following:

(a) Avoiding the appearance of a long row of homes by means such as angling houses, varied street setbacks, and varied architectural design features.

(b) Each dwelling unit shall have horizontal or vertical variation within each unit's front building face and between the front building faces of all adjacent units/structures to provide visual diversity and individual identity to each unit. Upon building permit application, a plot plan of the entire structure shall be provided by the builder to show compliance with this requirement. The director or designee shall review and approve or deny the building design, which may incorporate variations in rooflines, setbacks between adjacent buildings, and other structural variations.

(c) The same building plans cannot be utilized on consecutive lots. "Flip-flopping" of plans is not permitted; provided, that upon demonstration to the director that the alteration of building facades would provide comparable visual diversity and individual identity to the dwelling units as different building plans, this provision shall not apply. Materials and/or methods which may be utilized to achieve visual diversity include, but are not limited to, use of differing siding material, building modulations and roofline variations.

(d) Side facades visible from streets or accesses shall have siding variation similar to the front of the building and a minimum of 10 percent glazing; provided that, the director may

allow a reduction in glazing where the side façade incorporates other features that provide comparable visual interest.

(8) Landscaping. Landscaping of a size and type consistent with the development will be provided to enhance the streetscape. Landscaping will enhance privacy for dwellings on abutting lots and provide separation and buffering on easement access drives.

(9) Duplexes and Middle Housing. Duplexes and Middle Housing must be designed to architecturally blend with the surrounding single-family dwellings and not be readily discernible as a duplex or Middle Housing but appear to be a single-family dwelling, or must comply with the individual identity provisions in subsection (7) where distinct units are proposed (e.g. side-by-side duplex or townhouse units).

Exhibit HHH

22C.010.330 Townhouse open space.

Townhouses, Middle Housing, and other ground based multifamily residential units with individual exterior entries must provide at least 200 square feet of private open space per dwelling unit adjacent to, and directly accessible from, each dwelling unit. This may include private balconies, individual rear yards, landscaped front yards, and covered front porch areas.



Exception: Common open space designed in accordance with MMC 22C.010.320(1) may substitute for up to 50 percent of each unit's required private or semiprivate open space on a square foot per square foot basis.

Figure 18 – Common open space for a townhouse development.



Figure 19 – These townhouses provide balconies and semi-private yard space.

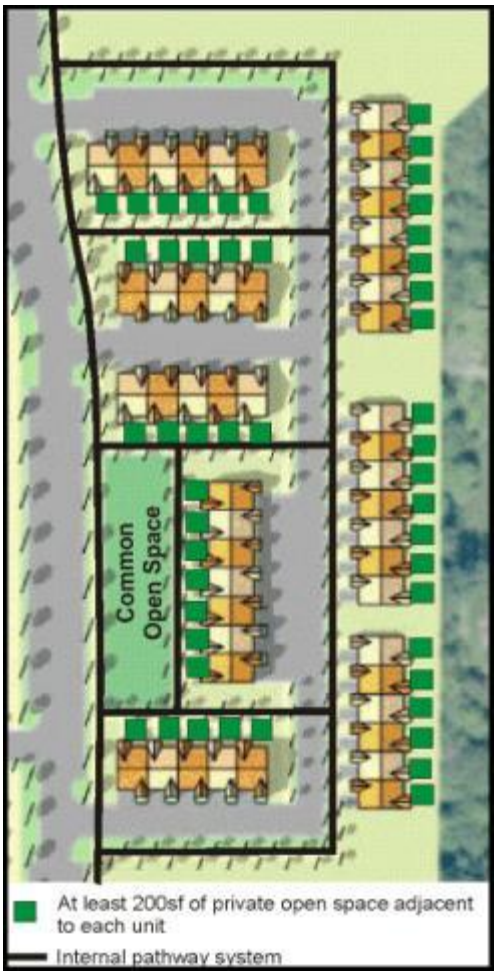


Figure 20 – Example townhouse configuration with a combination of private open spaces adjacent to units and larger common open space accessible to all units.

Exhibit III

~~**22C.010.400 Duplex performance and design standards.**~~

~~All new duplexes located within any residential zone shall meet the following standards and regulations:~~

~~(1) Bulk and Setback Variation. Each duplex structure shall have horizontal or vertical variation within each dwelling unit's front building face and between the front building faces of all adjacent units/structures to provide visual diversity to the duplex structures and individual identity to duplex units. Upon building permit or conditional use permit (if required) application, a plot plan of the entire structure in which each unit is located shall be provided by the builder to show compliance with this requirement. The planning director shall review and approve or deny the building design which may incorporate variations in rooflines, setbacks between adjacent buildings or lots, and other structural variations. Where the applicant and the community development director are not able to reach agreement on the provisions of the final building design, the dispute shall be submitted to the hearing examiner in accordance with the procedures established in Chapter 22G.010 MMC, Land Use Application Procedures.~~

~~(2) Building Plans. The same building plan cannot be utilized on consecutive lots. "Flip-flopping" of plans is not permitted; provided, that upon demonstration to the planning director that the alteration of building facades would provide comparable visual diversity and individual identity to the duplexes as different building plans, this provision shall not apply. Materials and/or methods which may be utilized to achieve visual diversity include, but are not limited to, use of differing siding material, building modulations and roofline variations.~~

~~(3) Landscaping. At the time of application for a building permit or conditional use permit (if required), the developer shall submit landscaping plans for, at a minimum, all front and side setbacks and common open space areas associated with the building for which permit application is made. Landscaping shall consist of two native trees per unit, planted in the front yard, which are at least one and one-half inches in caliper for deciduous or six feet in height for evergreen trees, plus a mixture of trees, shrubs and ground cover as appropriate to the site. All required landscaping shall be installed in accordance with the plans prior to issuance of an occupancy permit. Where applicable, street frontage landscaping shall comply with the city's streetscape plan.~~

~~(4) Orientation. Building orientation should be utilized as a method to provide visual diversity and individual identity to the duplex structures; provided, that where physical or economic considerations make such orientation impractical, this provision shall not apply.~~

Exhibit JJJ

22C.010.400 Middle Housing – 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.

Exhibit KKK

22C.050.010 Purpose.

The purpose of the small farms overlay is to provide a process for registering small farms, thereby applying the small farms overlay zone and recording official recognition of the existence of the small farm, and to provide some encouragement for the preservation of such farms, as well as encouraging good neighbor relations between ~~single-family~~ small farms and adjacent residential and other development. This chapter provides alternative development standards to address unique site characteristics and addresses development opportunities which can exceed the quality of standard developments, by:

(1) Establishing authority to adopt property-specific development standards for increasing minimum requirements of this code on individual sites; and

(2) Establishing the small farms overlay zone with alternative standards for special areas designated by the comprehensive plan or neighborhood plans.

Exhibit LLL

22C.050.050 Permitted uses in small farms overlay zone.

The following uses are permitted in the small farms overlay zone:

(1) Horticulture.

(2) Floriculture.

(3) Viticulture.

(4) Animal husbandry.

(5) Production of seed, hay and silage.

(6) Christmas tree farming.

(7) Aquaculture.

(8) Roadside stands, subject to the following standards:

(a) Roadside stands not exceeding 300 square feet in area.

(b) Roadside stands shall be exclusively for the sale of products produced on the premises, from the above listed uses.

(c) Space adequate for the parking of a minimum of three vehicles shall be provided adjacent to any stand and not less than 20 feet from any street right-of-way.

(9) One single-family residence or Middle Housing building~~dwelling~~ per lot shall be allowed pursuant to MMC 22C.010.060 and 22C.010.080, together with accessory structures and uses.

Exhibit MMM

22C.065.060 Single-family and ~~duplex~~ Middle Housing dwelling development standards.

The provisions of this section apply to building permits for single-family dwellings and Middle Housing ~~single-family dwellings when multiple single-family dwellings are on a single lot~~, excluding accessory dwelling units and cottage housing; review will be done through the building permit process.

(1) It is the intent of these development standards that single-family dwellings and Middle Housing be compatible with neighboring properties, friendly to the streetscape, and in scale with the lots upon which they are to be constructed. The director is authorized to promulgate guidelines, graphic representations, and examples of housing designs and methods of construction that do or do not satisfy the intent of these standards.

(2) All residential development shall be designed to front onto streets. Configurations where dwelling units and/or residential lots back up to any street are prohibited. For example, new subdivisions along a street could be configured so that lots fronting on the street feature alley access in the rear or other shared driveway access as approved by the city on the side of the lots. Lot configurations where side yards face the street are acceptable.

(3) Entry. Where lots front on a public street, the house shall have doors and windows which face the street. Houses must have a distinct entry feature such as a porch or weather-covered entryway with an entry feature that is at least 60 square feet with no dimension less than six feet. Where lots front on a common open space or pathway, the requirements for orientation are the same as for a public street.

The director may approve a street orientation or entryway with dimensions different than specified herein; provided, the entry visually articulates the front facade of the dwelling so as to create a distinct entryway, meets setback requirements, provides weather cover, has a minimum dimension of four feet, and is attached to the home.

(4) Alleys.

(a) If the lot abuts an alley, the garage or off-street parking area shall take access from the alley, unless precluded by steep topography. No curb cuts shall be permitted unless access from the alley is precluded by steep topography.

(b) The minimum driveway length may be reduced to between six and zero feet for garages when the following conditions are met:

(i) An alley is provided for access;

(ii) At least one off-street parking space, in addition to any provided in the garage, is provided to serve that dwelling unit and the stall(s) is conveniently located for that particular dwelling; and

(iii) The applicable total parking stall requirement is met.

(c) The rear yard setback may be reduced to zero feet to accommodate the garage.

(d) If the garage does not extend to the property line or alley, the dwelling unit above the garage may be extended to the property line or alley.

(e) Dwellings with a wall facing an alley must provide at least one window facing the alley to allow observation of the alley.

(5) Auto Courts. Autocourts shall comply with the standards set forth in the City's Engineering Design and Development Standards. Where a consolidated road results in superior site design, circulation, safety or access management, autocourts may be required to be minimized and a consolidated public road provided.

~~(a) Auto courts are only allowed in a PRD.~~

~~(b) Auto courts provide ingress and egress to a cluster of no more than six dwellings and access from a nonarterial street. Auto court design must be consistent with the city's design guidelines for auto courts.~~

~~(c) Auto courts shall be no less than 20 feet in width; provided, that if emergency services access is required, the driving surface dimensions will comply with emergency vehicle access requirements.~~

~~(d) Auto courts shall be no greater than 150 feet in length, unless acceptable emergency vehicle turnaround is provided and designed so vehicles will not back onto public streets.~~

~~(e) Driveway length may be reduced to between three feet and six feet for garages when at least two parking spaces are provided for the unit in addition to the garage. The additional parking must be conveniently located to the dwelling.~~

(6) Facade and Driveway Cuts. If there is no alley access and the lot fronts on a public or private street, living space equal to at least 50 percent of the garage facade shall be flush with or projected forward of the garage, and the dwelling shall have entry, window and/or roofline design treatment which emphasizes the house more than the garage. Where materials and/or methods such as modulation, articulation, or other architectural elements such as porches, dormers, gables, or varied roofline heights are utilized, the director or designee may waive or reduce the 50 percent standard. Driveway cuts shall be no more than 80 percent of the lot frontage; provided, that the director or designee may waive the 80 percent maximum if materials and/or methods to deemphasize the driveway, such as ribbon driveways, grasscrete surface, or accent paving, are utilized.

(7) Privacy. Dwellings should be situated to respect the privacy of abutting homes and to create usable yard space for the dwelling(s). Windows should be placed to protect privacy. The review authority shall have the discretion to establish setback requirements that are different than may otherwise be required in order to accomplish these objectives.

(8) Individual Identity. Home individuality shall be achieved by the following:

(a) Avoiding the appearance of a long row of homes by means such as angling houses, varied street setbacks, and varied architectural design features.

(b) Each dwelling unit shall have horizontal or vertical variation within each unit's front building face and between the front building faces of all adjacent units/structures to provide visual diversity and individual identity to each unit. Upon building permit application, a plot plan of the entire structure shall be provided by the builder to show compliance with this requirement. The director or designee shall review and approve or deny the building design, which may incorporate variations in rooflines, setbacks between adjacent buildings, and other structural variations.

(c) The same building plans cannot be utilized on consecutive lots. "Flip-flopping" of plans is not permitted; provided, that upon demonstration to the director that the alteration of building facades would provide comparable visual diversity and individual identity to the dwelling units as different building plans, this provision shall not apply. Materials and/or methods which may be utilized to achieve visual diversity include, but are not limited to, use of differing siding material, building modulations and roofline variations.

(d) Side facades visible from streets or accesses shall have siding variation similar to the front of the building and a minimum of 10 percent glazing; provided that, the director may allow a reduction in glazing where the side façade incorporates other features that provide comparable visual interest.

(9) Landscaping. Landscaping of a size and type consistent with the development must be provided to enhance the streetscape. Landscaping will enhance privacy for dwellings on abutting lots and provide separation and buffering on easement access drives. Landscaping shall consist of two native trees per unit, planted in the front yard, which are at least one and one-half inches in caliper for deciduous or six feet in height for evergreen trees, plus a mixture of trees, shrubs and ground cover as appropriate to the site. All required landscaping shall be installed in accordance with the plans prior to issuance of an occupancy permit. Where applicable, street frontage landscaping shall comply with the city's streetscape plan.

(10) Duplexes and Middle Housing. Duplexes and Middle Housing must be designed to architecturally blend with the surrounding single-family dwellings and not be readily discernible as a duplex or Middle Housing but appear to be a single-family dwelling, or must comply with the individual identity provisions in subsection (8) where distinct units are proposed (e.g. side-by-side duplex or townhouse units).

Exhibit NNN

22C.070.040 East Sunnyside – Whiskey Ridge subarea plan zoning classifications.

The Easy Sunnyside – Whiskey Ridge subarea regulations in this chapter comprise zoning classifications and regulations which are unique to the subarea, except where other regulations in this title are adopted by reference.

Name of East Sunnyside – Whiskey Ridge Subarea Plan Zoning Districts	**Symbol**
Community Business	CB-WR
Mixed Use	MU~~-WR~~
~~Multifamily~~ Medium Density Multiple-Family	R-18~~-WR~~
Whiskey Ridge, ~~Multifamily~~ Medium Density Multiple-Family WR-R-6–18	WR-R-6-18~~-WR~~
Whiskey Ridge, High DensitySingle-Family 4~~.5~~ – 8	WR-R-4-8-WR
Single-Family High	R-6.5~~-WR~~
Recreation	REC~~-WR~~

Exhibit OOO

22C.070.100 Open space.

(1) Intent.

(a) To provide a variety of accessible and inviting pedestrian-oriented areas to attract shoppers to commercial areas and enrich the pedestrian environment.

(b) To create usable, accessible, and inviting open spaces for residents.

(c) To create open spaces that enhance the residential setting.



Figure 4-10. Pedestrian-oriented spaces are a critical element of successful commercial and mixed use developments.

(2) Standards and Guidelines.

(a) Developments are subject to Chapter 22D.020 MMC, Parks, Recreation, Open Space and Trail Impact Fees and Mitigation, until otherwise noted.

(b) Open Space for Nonresidential Uses. Nonresidential uses shall provide pedestrian-oriented space, defined in subsection (2)(c) of this section, in conjunction with new development according to the formula below.

(i) Requirement. Two percent of the applicable site plus one percent of the nonresidential building floor area (excluding structured parking areas).

(ii) Applicable site refers to that portion of a property or properties that is proposed for development.

(iii) For the purposes of this section, all required sidewalks and walkways shall not count as pedestrian-oriented space. However, the director may allow those portions of sidewalks or walkways widened beyond minimum requirements to count towards the required pedestrian-oriented space as long as such space meets the definition of pedestrian-oriented space.

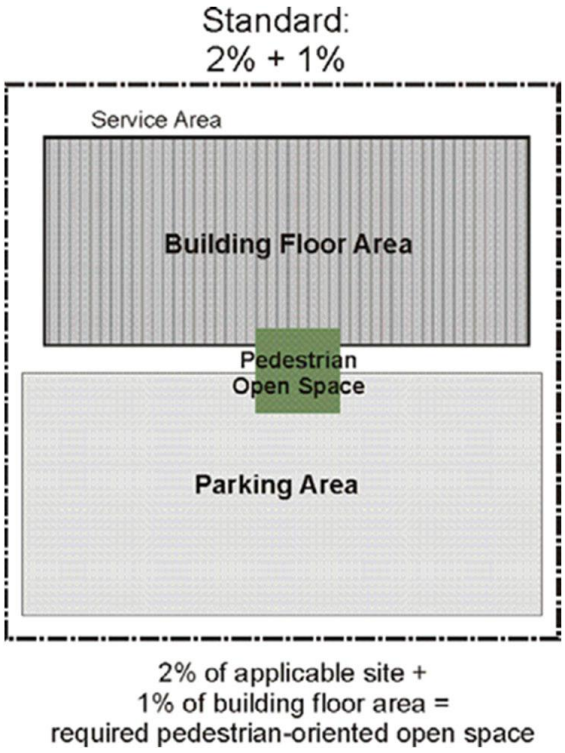


Figure 4-11. An illustration of how much pedestrian-oriented space would be required for a typical grocery story served by surface parking.

(c) Pedestrian-Oriented Spaces. These are predominantly hard-surfaced plaza- or courtyard-type spaces provided with commercial and mixed use buildings.

(i) To qualify as a pedestrian-oriented space, an area shall have:

(A) Pedestrian access to the abutting structures from the street, private drive, or a nonvehicular courtyard.

(B) Paved walking surfaces of either concrete or approved unit paving.

(C) Pedestrian-scaled lighting (no more than 15 feet in height) at a level averaging at least two foot-candles throughout the space. Lighting may be on-site or building-mounted lighting.

(D) At least two linear feet of seating area (bench, ledge, etc.) or one individual seat per 60 square feet of plaza area or open space (up to 50 percent of seats may be movable).

(E) Be sited in areas with significant pedestrian traffic to provide interest and security, such as adjacent to a building entry.

(F) Landscaping components that add seasonal interest to the space. The following features are encouraged in pedestrian-oriented space and may be required by the director for a space to meet the intent of the standards and guidelines.



Figure 4-12. Pedestrian-oriented space in front of a grocery store.



Figure 4-13. Pedestrian-oriented space in a shopping.

(ii) The following features are encouraged in pedestrian-oriented space and may be required by the director for a space to meet the intent of the standards and guidelines:

(A) Pedestrian amenities, such as a water feature, drinking fountain, tables, and/or distinctive paving or artwork.

(B) A pedestrian-oriented building facade on some or all buildings facing the space.

(C) Consideration of the sun angle at noon and the wind pattern in the design of the open space.

(D) Transitional zones along building edges to allow for outdoor eating areas and a planted buffer.

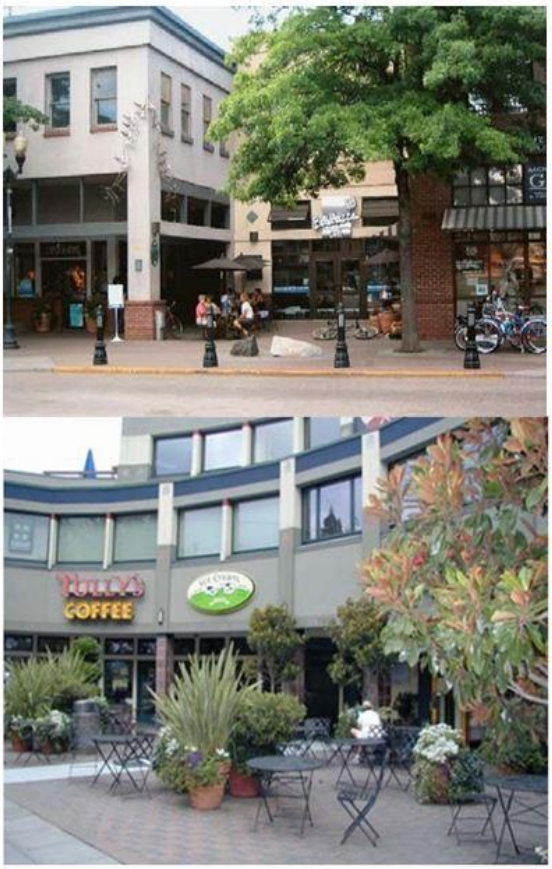


Figure 4-14. Examples of pedestrian-oriented spaces.

(iii) The following features are prohibited within pedestrian-oriented space:

(A) Asphalt or gravel pavement.

(B) Adjacent unscreened parking lots.

(C) Adjacent chain link fences.

(D) Adjacent blank walls.

(E) Adjacent unscreened dumpsters or service areas.

(F) Outdoor storage or retail sales that do not contribute to the pedestrian.

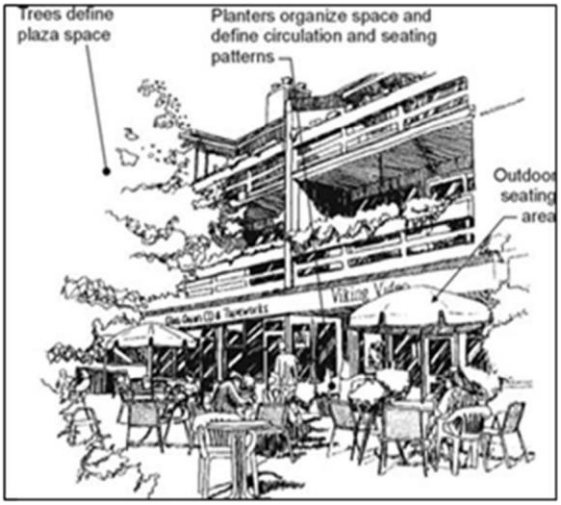


Figure 4-15. Pedestrian-oriented space example.

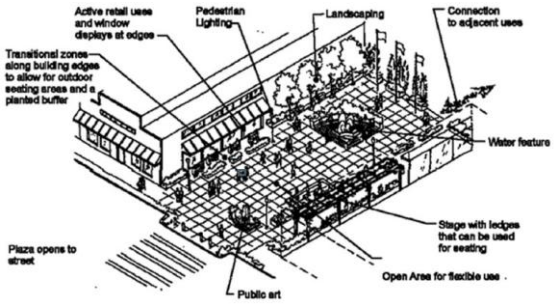


Figure 4-16. Large example of pedestrian- oriented space.

(d) Multifamily Open Space. Multifamily residential uses shall provide open space equivalent to at least 20 percent of the building's livable floor area. The required area may be satisfied with one or more of the elements listed below:

(i) Common open space accessible to all residents shall count for up to 100 percent of the required open space. This includes landscaped courtyards or decks, gardens with pathways, children's play areas, or other multipurpose recreational and/or green spaces. Special requirements and recommendations for common spaces include the following:

(A) Space shall be large enough to provide functional leisure or recreational activity per the director. For example, long narrow spaces (less than 20 feet wide) rarely, if ever, can function as usable common space.

(B) Consider space as a focal point of development.

(C) Space (particularly children's play areas) shall be visible from dwelling units and positioned near pedestrian activity.

(D) Space shall feature paths, plantings, seating, lighting and other pedestrian amenities to make the area more functional and enjoyable.

(E) Individual entries shall be provided onto common open space from adjacent ground floor residential units. Small, semi-private open spaces for adjacent ground floor units that maintain visual access to the common area are strongly encouraged to enliven the space.



Figure 4-17. A residential courtyard providing semi-private patio spaces adjacent to individual units.

(F) Separate common space from ground floor windows, streets, service areas and parking lots with landscaping and/or low-level fencing, where desirable.



Figure 4-18. Common open space for a townhouse development.

(G) Space should be oriented to receive sunlight, facing east, west, or (preferably) south, when possible.

(H) Required setbacks, landscaping, driveways, parking, or other vehicular use areas shall not be counted toward the common space requirement.

(I) Rooftop decks shall not be considered as common open space for the purpose of calculating.



Figure 4-19. A courtyard for a mixed use development providing an amenity to residents and the adjacent coffee shop.

(ii) Individual balconies may be used to meet up to 50 percent of the required open space. To qualify as open space, balconies shall be at least 35 square feet, with no dimension less than four feet, to provide a space usable for human activity.



Figure 4-20. Balconies provide private, usable open space for residents.

(iii) Natural areas that function as an amenity to the development may count for up to 50 percent of the required open space, subject to the following requirements and recommendations:

(A) The natural area shall be accessible to all residents. For example, safe and attractive trails provided along or through the natural area where they could serve as a major amenity to the development.

(B) Steep slopes, wetlands, or similar unbuildable areas shall not be counted in the calculations for required open space unless they provide a visual amenity for all units, as determined by the director.

(iv) Stormwater retention areas may be counted for up to 50 percent of the required open space if the facility has natural looking edges, natural vegetation, and no fencing except along the property line. The design of such areas shall go well beyond functional stormwater requirements per the director in terms of the area involved and the quality of landscaping and resident amenities. The side slope of the stormwater facilities shall not exceed a grade of 1:3 (one vertical to three horizontal) unless slopes are existing, natural, and covered with vegetation.

(v) Children's play equipment and recreational activity space for children and/or teens and parent seating areas are encouraged in residential complexes with 20 or more units. Exceptions: age-restricted senior citizen housing, developments located within one-quarter mile of a public park that features a play area, mixed use developments, and developments reserved for student housing.

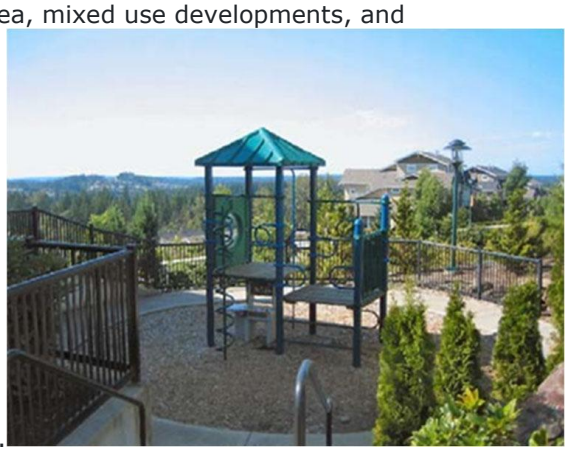


Figure 4-21. Children's play area incorporated into a multifamily development.

(e) Townhouse, Middle Housing, and Ground-based Multifamily Open Space. Townhouses, Middle Housing, and other ground based multifamily residential units with individual exterior entries must provide at least 200 square feet of private open space per dwelling unit adjacent to, and directly accessible from each dwelling unit. This may include private balconies, individual rear yards, landscaped front yards, and covered front porch areas. Exception: Common open space designed per subsection (2)(d)(i) of this section may substitute for up to 50 percent of each unit's required private or semi-private open space on a square foot per square foot basis.



Figure 4-22. These townhouses provide balconies and semi-private yard space.



Figure 4-23. Example townhouse configuration with a combination of private open spaces adjacent to units and larger common open space accessible to all units.

Exhibit PPP

22C.070.130 Parking.

(1) Intent.

(a) To provide flexibility in how developments accommodate parking.

(b) To maintain active pedestrian environments along streets by placing parking lots primarily in back of buildings.

(c) To ensure safety of users of parking areas, increase convenience to businesses, and reduce the impact of parking lots wherever possible.

(d) To physically and visually integrate parking garages with other uses.

(e) To reduce the overall impact of parking garages when they are located in proximity to the designated pedestrian environment.

(2) Standards and Guidelines.

(a) The standards pertaining to the required number of auto parking spaces, bicycle parking spaces, parking lot placement, parking lot setbacks and internal parking lot pedestrian connections are stated in Chapter 22C.130 MMC, Parking and Loading.

(b) ~~(a)~~ On-Street Parking Spaces. On-street parking spaces adjacent to commercial uses shall count towards off-street parking requirements.

~~(b)~~(c) Shared Parking. Shared parking between and among uses is encouraged and shall be permitted in accordance with Chapter 22C.130 MMC. Coordination between different uses and property owners to provide for shared structured parking facilities is encouraged.

~~(c)~~(d) Parking Lots at Intersections. Parking lots shall not be located adjacent to intersections. Exceptions may be granted by the director where alternative design treatments, such as special landscaping and architectural components adjacent to the street corner, enhance the visual character of the street and the pedestrian environment and where the project meets all other applicable design standards and guidelines.

~~(d)~~(e) Parking Structure Standards.

(i) Parking structures adjacent to 87th ~~Street~~ Avenue shall provide space for ground-floor commercial uses along street frontages for a minimum of 75 percent of the frontage width.

(ii) Parking structures adjacent to streets and not featuring a pedestrian-oriented facade shall be set back at least 10 feet from the sidewalk and feature landscaping between the sidewalk and the structure. This shall include a combination of evergreen and deciduous trees, shrubs, and groundcover. Alternative measures shall be considered, provided the treatment meets the intent of the standards and guidelines.

(iii) Parking garage entries shall be designed and sited to complement, not subordinate, the pedestrian entry. If possible, locate the parking entry away from the primary street, to either the side or rear of the building.

(iv) Parking within the building should be enclosed or screened through any combination of landscaping berms, walls, decorative grilles, or trellis work with landscaping. Facade openings that resemble windows can be attractive and are permitted at the ground and upper levels.

(v) Parking garages visible from a street shall be designed to be complementary with adjacent buildings on site. This can be accomplished by using similar building forms, materials, fenestration patterns, and/or details to enhance garages.

(vi) An unbroken series of garage doors is not permitted on any street frontage.

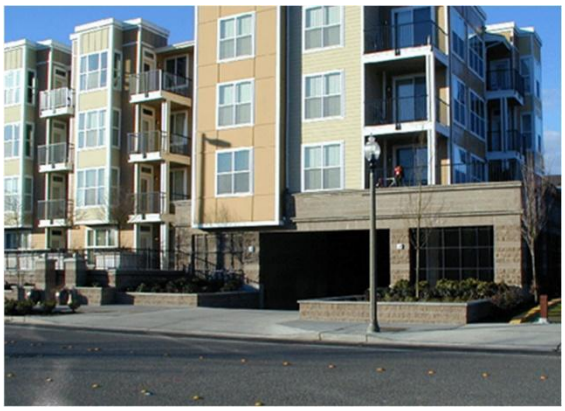


Figure 5-2. A good example of a parking garage entrance for a mixed use development.

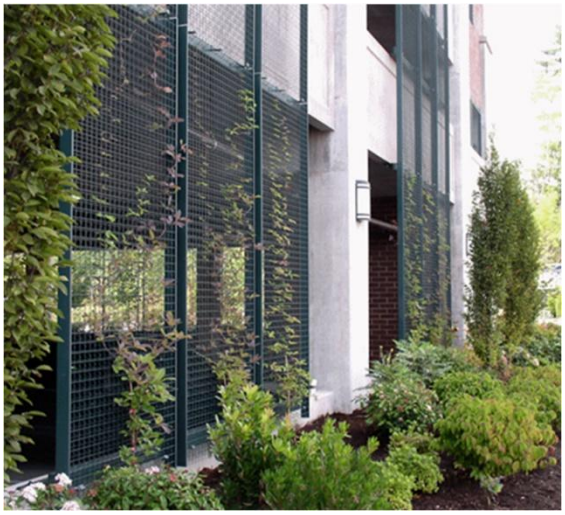


Figure 5-3. A good parking garage example with landscaping elements to screen cars and provide visual interest.

Exhibit QQQ

22C.080.120 Uses permitted in downtown Marysville zones.

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

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

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

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

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

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

(f) For uses containing a superscript letter (Y) or (Z), refer to the "Notes" that are at the top of the "Nonresidential Uses" section.

(g) Unclassified Uses. See MMC 22A.010.070.

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

Table 22C.080.120

Permitted Use Table for Downtown Marysville Zones

Table legend: ***P = Permitted use*** ***C = Conditional use*** ***No letter = Use not permitted*** **Use Categories**	**DC**	**MS**	**F**	**FR**	**MMF^{Y}**	**MH1**	**MH2^{Z}**	**Additional Provisions**
Residential Uses								
Dwelling Units, Types								
Note: Residential uses are not allowed on the ground floor facing a designated active ground floor block frontage (see MMC 22C.080.320). Lobbies for multifamily uses and live-work dwelling units are an exception, provided the units meet the standards in MMC 22C.080.320.								

Table 22C.080.120

Permitted Use Table for Downtown Marysville Zones

Table legend: ***P = Permitted use*** ***C = Conditional use*** ***No letter = Use not permitted*** **Use Categories**	**DC**	**MS**	**F**	**FR**	**MMF[Y]**	**MH1**	**MH2[Z]**	**Additional Provisions**
Single detached								Single detached dwellings are limited to those established on or prior to September 27, 2021, and are subject to the provisions of Chapter 22C.100 MMC, Nonconforming Situations.
Duplex				P	P	P	P	
Middle Housing	P	P		P	P	P	P	
Townhouse	P	P		P	P	P	P	
Multifamily	P	P[X]	P[X]	P	P		P	[X] Multifamily must be above a ground-floor commercial use in the MS and F zones. In the F zone, the director may reduce the ground-floor commercial requirement to 20 percent of the ground-floor square footage to enable first-floor parking structures; provided, that commercial uses shall be along the designated block frontage or frontages, or on the highest priority roadway, as determined by the director based on a review of existing and proposed land uses and structure orientations.
Senior citizen assisted	P			C	P	C	C	
Group Residences								
Adult family home	P	P	P	P	P	P	P	Permitted within a single detached dwelling in existence as of September 27, 2021 Use is subject to obtaining a state license in accordance with Chapter 70.128 RCW
Home, rest, convalescent, or for the aged	P				P			
Residential care facilities	P	P	P	P	P	P	P	
Enhanced services facilities	P		P	P				Enhanced services facilities are limited to the areas depicted in MMC 22C.280.050, Figure 1 In the DC zone, enhanced services facilities shall be located above a permitted ground floor commercial use See Chapter 22C.280 MMC for enhanced services facility regulations
Transitional housing facilities	P	P	P	P	P	P	P	Provide an operations plan as outlined in MMC 22C.010.070(53) and 22C.020.070(79)

Table 22C.080.120

Permitted Use Table for Downtown Marysville Zones

Table legend: ***P = Permitted use*** ***C = Conditional use*** ***No letter = Use not permitted*** **Use Categories**	**DC**	**MS**	**F**	**FR**	**MMF[Y]**	**MH1**	**MH2[Z]**	**Additional Provisions**
Permanent supportive housing	P	P	P	P	P	P	P	Provide an operations plan as outlined in MMC 22C.010.070(53) and 22C.020.070(79)
Emergency housing	P, C	P, C	P, C	P, C				All facilities are subject to the regulations set forth in Chapter 22C.290 MMC, Emergency Housing and Shelters. Facilities with 30 or more residents require a conditional use permit
Emergency shelters – indoor	P, C	P, C	P, C	P, C				All facilities are subject to the regulations set forth in Chapter 22C.290 MMC, Emergency Housing and Shelters. Facilities with 30 or more residents require a conditional use permit
Residential Accessory Uses								
Dwelling units, accessory						P	P	MMC 22C.180.030
Home occupations	P	P	P	P	P	P	P	Chapter 22C.190 MMC No signage is permitted in townhouse or multifamily buildings
Other residential accessory uses	P	P	P	P	P	P	P	Uses accessory to permitted principal uses may be pursued as authorized by the director
Nonresidential Uses								
Notes: [Y] In the midrise multifamily (MMF) zone, commercial is allowed for properties abutting Third and Fourth Streets, but is limited to a ground floor element of a mixed use building for other properties within this zone. [Z] In the middle housing 2 (MH2) zone, commercial is not allowed except as a ground floor element of a mixed use building located along an arterial street, and is limited to uses that serve the immediate needs of the neighborhood.								
Amusement and entertainment	P	P[X]	P	P				Operations shall be conducted entirely indoors [X] Excludes shooting ranges
Cultural, as listed below based on gross floor area (GFA):								
<10,000 sf GFA	P	P	P	P	C	C	C	
10,000 – 20,000 sf GFA	P	C	P	P	C		C	
>20,000 sf GFA	P		P	P	C			

Table 22C.080.120

Permitted Use Table for Downtown Marysville Zones

Table legend: ***P = Permitted use*** ***C = Conditional use*** ***No letter = Use not permitted*** **Use Categories**	**DC**	**MS**	**F**	**FR**	**MMF[Y]**	**MH1**	**MH2[Z]**	**Additional Provisions**
Dancing, music and art center	P	C[X]	P	P				[X] Use conditionally permitted with 10,000 – 20,000 sf GFA and prohibited over 20,000 sf GFA
Day care, as listed below:								Day cares are defined in MMC 22A.020.050 and are subject to all state licensing requirements. [X] Only as an accessory to residential use and subject to the criteria set forth in Chapter 22C.200 MMC
Day care I	P[X]	P[X]	P[X]	P[X]	P[X]	P[X]	P[X]	
Day care II	P	P	P	C	C		C	
Drive-through, principal or accessory								Drive-through is defined in MMC 22A.020.050
Education services	P	P	P	P	C	C	C	
Electric vehicular charging station	P	P	P	P	P	P	P	
Electric vehicular battery exchange			P	P				
Essential public facilities	C	C	C	C	C	C	C	See Chapter 22G.070 MMC for the siting process for essential public facilities
General service uses, except those listed below:	P	P	P	P				Operations shall be conducted entirely indoors
Small boat sales, rental and repair, equipment rentals, vehicle repair, commercial vehicle repair, car wash, self-storage								
Government services, except as listed below:	P	P	P	P	P	P	P	
Public safety facilities, including police and fire	C	C	C	C	C	C	C	All buildings shall maintain a 20-foot setback from adjoining residential zones Any buildings from which firefighting equipment emerges onto a street shall maintain a distance of 35 feet from such street
Health services, except as listed below:	P	P	P	P	P			
Hospital	C		C	C				Pick-up and drop-off areas are permitted if determined by the director to be needed for

Table 22C.080.120

Permitted Use Table for Downtown Marysville Zones

Table legend: ***P = Permitted use*** ***C = Conditional use*** ***No letter = Use not permitted*** **Use Categories**	**DC**	**MS**	**F**	**FR**	**MMF[Y]**	**MH1**	**MH2[Z]**	**Additional Provisions**
								safe and efficient hospital operations and may be subject to a screening plan.
Heavy service uses, except those listed below:			C					
Commercial vehicle storage, automotive rental and leasing								
Light industrial/ manufacturing	P		P					Operations shall be conducted entirely indoors
Artisan manufacturing	P	P	P	P				Operations shall be conducted entirely indoors
Nursery	P[X]		P	P				[X] Retail only
Park, community center	P	P	P	P	P	P	P	
Parking lot	P		P					Stand-alone parking lots are only allowed in the listed zones. Parking lots accessory to a residential or nonresidential use are permitted in all zones.
Personal services use	P	P	P	P				Operations shall be conducted entirely indoors
Professional office	P	P	P	P	P			
Marina, dock and boathouse – private and noncommercial, boat launch	P		P	P				
Retail uses, as listed below and based on gross floor area (GFA)/individual use:								Excludes retail uses with exterior sales and/or storage areas. Drive-throughs are prohibited
<2,500 sf GFA	P	P	P	P	P		C	
2,500 – 20,000 sf GFA	P	P	P	P				
20,001 – 50,000 sf GFA	P	C	P	P				
>50,000 sf GFA	P	C	P	P				
Special retail sales uses:								
Eating and drinking places	P	P	P	P	C			Drive-throughs are prohibited

Table 22C.080.120

Permitted Use Table for Downtown Marysville Zones

Table legend: ***P = Permitted use*** ***C = Conditional use*** ***No letter = Use not permitted*** **Use Categories**	**DC**	**MS**	**F**	**FR**	**MMF[Y]**	**MH1**	**MH2[Z]**	**Additional Provisions**
Gas station	P		P	P				
Heavy retail, except as listed below			C					
Motor vehicle and boat dealer, and heavy equipment sales								
State-licensed marijuana facilities								
Temporary lodging	P	P	P	P				
Temporary uses	See Chapter 22C.110 MMC							
Regional Uses								
Regional uses, except as listed below:								
College	P		P	P	C		C	
Transit park and pool lot	P		P	P	P		P	
Opiate substitution treatment program facilities	P		P	P				MMC 22C.080.150
Jail	C		C	C				
Regional storm water facility	C		C	C	C	C	C	
Public agency training facility	C		C	C				Except weapons armories and outdoor shooting ranges
Nonhydroelectric generation facility	C		C	C	C	C	C	
Wireless communication facility	P, C	P, C	P, C	P, C	P, C	P, C	P, C	Subject to Chapter 22C.250 MMC and the small cell wireless design district provisions in MMC 22C.250.120.
Nonresidential Accessory Uses								
Nonresidential accessory uses	P	P	P	P	P	P	P	Uses accessory to permitted principal uses may be pursued as authorized by the director.

Exhibit RRR

22C.080.230 Parking and loading.

The provisions herein supplement the off-street parking provisions in Chapter 22C.130 MMC, Parking and Loading. Where there is a conflict, the provisions herein apply.

(1) Tandem Parking. Tandem parking is allowed for individual dwelling units, and may be used to meet minimum parking standards.

(2) Minimum Number of Parking Spaces Required. The minimum number of parking spaces for all zones and use categories is stated in Table 22C.080.230.

(a) The number of parking spaces is computed based on the uses on the site. When there is more than one use on a site, the required parking for the site is the sum of the required parking for the individual uses. If the parking calculation used to determine parking requirements results in a fraction greater than or equal to one-half, parking shall be provided equal to the next highest whole number.

(b) Special cases are indicated by the term "director decision," in which case parking requirements shall be established by the director. For determination by the director, the applicant shall supply one of the following:

(i) Documentation regarding actual parking demand for the proposed use.

(ii) Technical studies prepared by a qualified professional relating to the parking need for the proposed use.

(iii) Documentation of parking requirements for the proposed use from other comparable jurisdictions.

(iv) For unclassified uses, refer to MMC 22C.130.030(2)(i).

(c) Parking may be waived by the director for expansion of existing commercial uses requiring less than 10 spaces.

(d) For commercial uses requiring more than 10 spaces, the director may approve a 50 percent parking reduction if the applicant can demonstrate that adequate on-street parking facilities exist within 400 feet of the proposed use. In approving a parking reduction, the director may require improvement of existing, or dedicated, right-of-way to meet the intent of the downtown master plan by providing improved parking, walkways and access.

(e) Some developments within one-quarter mile of frequent transit may be eligible for a parking minimum exception or reduction per House Bill 1923, modified by House Bill 2343.

Table 22C.080.230

Minimum Required Off-Street Parking Spaces

Use Categories	Minimum number of off-street parking spaces	Additional Provisions
NONRESIDENTIAL (spaces per square feet of gross floor area, unless otherwise noted)		

Table 22C.080.230

Minimum Required Off-Street Parking Spaces

Use Categories	Minimum number of off-street parking spaces	Additional Provisions
Education services	5 plus 1 per staff (elementary and junior high); 1 per 10 students plus 1 per staff (high school); and 1 per staff plus 1 per each 2 students (commercial/vocational schools)	
Eating and drinking establishments	1/400 sf	No parking is required for uses in a new building with less than 10,000 sf gross floor area in the Main Street (MS) zone
Government services, general		
Health and social services		
Recreation, culture and entertainment, indoor		
Banks and professional office	1/500 sf	No parking is required for uses in a new building with less than 10,000 sf gross floor area in the Main Street (MS) zone
Personal services use		
Retail uses		
Hotels and motels	1/unit or suite	
General services, heavy services and heavy retail	1/600 sf	
Artisan manufacturing	1/750 sf	
Manufacturing, except artisan manufacturing	1/1,000 sf	Office areas are subject to the professional office space parking requirement
Uses not otherwise categorized	Director's decision.	
RESIDENTIAL (spaces per dwelling unit)		
Single-family~~, duplex and~~ townhome (excluding Middle Housing)	2.0	
Middle Housing	See MMC 22C.130, Table 1	This parking standard applies to housing meeting the definition of Middle Housing in MMC 22A.020.140
Accessory dwelling unit	1.0	No parking is required within one-quarter mile of a major transit stop
Multifamily dwelling unit		
Studio	1.0	
1 bedroom	1.25	
2 bedrooms or more	1.5	

Exhibit SSS

MMC 22C.090.020 Permitted locations of residential density incentives.

Residential density incentives (RDI) shall be used only on sites served by public sewers and only in the following zones:

(1) In R-4.5 through R-8 zones when a Planned Residential Development is proposed;

~~(1)~~(2) In R-12 through R-28 zones;

~~(2) Planned residential developments;~~

(3) In MU, CB and GC zones; and

(4) In single family, multi-family, ~~SF, MF,~~ and MU zones within the Whiskey Ridge master plan.~~; and~~

~~(5) DC, MS, F, FR, MMF, MH1, MH2 zones within the downtown master plan.~~

Exhibit TTT

22C.090.030 Public benefits and density incentives.

(1) The public benefits eligible to earn increased densities, and the maximum incentive to be earned by each benefit, are set forth in subsection (4) of this section. The density incentive is expressed as additional bonus dwelling units or lots (or fractions of dwelling units or lots) earned per amount of public benefit provided. Where a range is specified, the earned credit will be determined by the community development director during project review.

(2) Bonus dwelling units or lots may be earned through any combination of the listed public benefits. Substantially similar benefits cannot be applied to the same area or improvement type within a development, unless approved by the director.

(3) Residential developments with property-specific development standards requiring any public benefit enumerated in this chapter shall be eligible to earn bonus dwelling units or lots as set forth in subsection (4) of this section when the public benefits provided exceed the basic development standards of this title. When a development is located in a special overlay district, bonus units or lots may be earned if the development provides public benefits exceeding corresponding standards of the special district.

(4) In single family zones, bonus lots can be earned. Bonus lots may only be earned for the benefits where lots are specifically referenced.

(5) In multi-family zones, bonus lots can be earned when single family or Middle Housing are proposed, and bonus units can be earned when multi-family or townhouse developments are proposed.

~~(4)~~(6) The following are the public benefits eligible to earn density incentives through RDI review:

Benefit	**Density Incentive**
1. Affordable Housing a. Benefit units consisting of rental housing permanently priced to serve nonelderly low-income households (i.e., no greater than 30 percent of gross income for household at or below 50 percent of Snohomish County median income, adjusted for household size). A covenant on the site that specifies the income level being served, rent levels and requirements for reporting to the city shall be recorded at final approval.	1.5 bonus units per benefit, up to a maximum of 30 low-income units per five acres of site area; projects on sites of less than five acres shall be limited to 30 low-income units.
b. Benefit units consisting of rental housing designed and permanently priced to serve low-income senior citizens (i.e., no greater than 30 percent of gross income for one- or two-person households, one member of which is 62 years of age or older, with incomes at or below 50 percent of Snohomish County median income, adjusted for household size). A covenant on the site that specifies the income level being served, rent levels and requirements for reporting to the city of Marysville shall be recorded at final approval.	1.5 bonus units per benefit, up to a maximum of 60 low-income units per five acres of site area; projects on sites of less than five acres shall be limited to 60 low-income units.

Benefit	Density Incentive
c. Benefit units consisting of mobile home park space or pad reserved for the relocation of an insignia or noninsignia mobile home that has been or will be displaced due to closure of a mobile home park located in the city of Marysville.	1.0 bonus unit per benefit unit.
2. Public Facilities (Schools, Public Buildings or Offices, Trails and Active Parks)	
a. Dedication of public facilities site or trail right-of-way meeting city of Marysville or agency location and size standards for the proposed facility type.	10 bonus units or lots per usable acre of public facility land or one-quarter mile of trail exceeding the minimum requirements outlined in other sections of this title.
b. Improvement of dedicated public facility site to city of Marysville standards for the proposed facility type.	2 – 10 (range dependent on facility improvements) bonus units or lots per acre of improvement. If the applicant is dedicating the site of the improvements, the bonus units earned by improvements shall be added to the bonus units earned by the dedication.
c. Improvement of dedicated trail segment to city of Marysville standards.	1.8 bonus units or lots per one-quarter mile of trail constructed to city standard for pedestrian trails; or 2.5 bonus units or lots per one-quarter mile of trail constructed to city standard for multipurpose trails (pedestrian/bicycle/equestrian). Shorter segments shall be awarded bonus units on a pro rata basis. If the applicant is dedicating the site of the improvements, the bonus units earned by improvements shall be added to the bonus units earned by the dedication.
d. Dedication of open space, meeting city of Marysville acquisition standards, to the city, county or a qualified public or private organization such as a nature conservancy.	2 bonus units or lots per acre of open space.
3. Community Image and Identity	
a. Contribution towards an identified capital improvement project, including, but not limited to, parks, roadways, bicycle facilities, pedestrian facilities, multi-use trails, gateway sign, etc.	$25,000 per bonus unit or lot. Bonus units or lots may only be claimed in whole numbers or 0.5 bonus unit or lot increments.
4. Historic Preservation	
a. Dedication of a site containing an historic landmark to the city of Marysville or a qualifying nonprofit organization capable of restoring and/or maintaining the premises to standards set by Washington State Office of Archaeology and Historic Preservation.	0.5 bonus unit or lot per acre of historic site.
b. Restoration of a site or structure designated as an historic landmark.	0.5 bonus unit or lot per acre of site or 1,000 square feet of floor area of building restored.
5. Locational/Mixed Use	
a. Developments located within one-quarter mile of transit routes, and within one mile of	5 percent increase above the base density of the zone.

Benefit	Density Incentive
fire and police stations, medical, shopping, and other community services.	
b. Mixed use developments over one acre in size having a combination of commercial and residential uses.	10 percent increase above the base density of the zone.
6. Storm Drainage Facilities Dual use retention/detention facilities.	
a. Developments that incorporate active recreation facilities that utilize the storm water facility tract.	5 bonus units or lots per acre of the storm water facility tract used for active recreation.
b. Developments that incorporate passive recreation facilities that utilize the storm water facility tract.	2 bonus units or lots per acre of the storm water facility tract used for passive recreation.
7. Project Design a. Preservation of substantial overstory vegetation (not included within a required NGPA). No increase in permitted density shall be permitted for sites that have been cleared of evergreen trees within two years prior to the date of application for land use approval. Density increases granted which were based upon preservation of existing trees shall be forfeited if such trees are removed between the time of preliminary and final approval and issuance of building permits.	5 percent increase above the base density of the zone.
b. Retention or creation of a perimeter buffer, composed of existing trees and vegetation, or additional plantings, in order to improve design or compatibility between neighboring land uses.	1 bonus unit or lot per 500 lineal feet of perimeter buffer retained, enhanced or created (when not otherwise required by city code).
~~c. Installation of perimeter fencing and landscaping, at least six feet in width, in order to improve design or compatibility between neighboring land uses.~~ ~~This benefit shall not be pursued when any of the following circumstances apply: (i) fencing or landscaping is otherwise required by code, or (ii) landscaping is voluntarily provided in order to deviate from other code requirements.~~	~~1 bonus unit per 500 lineal feet of perimeter fencing or landscaping installed (when not otherwise required by code).~~
~~d~~.c. Project area assembly involving 20 acres or more, incorporating a mixture of housing types (detached/attached) and densities.	10 percent increase above the base density of the zone.
~~e~~d. Private park and open space facilities integrated into project design.	5 bonus units or lots per improved acre of park and open space area. Ongoing facility maintenance provisions are required as part of RDI approval.
~~f~~e. Enhanced entry landscaping.	1 bonus unit or lot per 2,500 square feet of additional enhanced entry landscaped area (when not otherwise required by code). A minimum of 1,000 square feet of entry landscaping of exceptional, outstanding or

Benefit	**Density Incentive**
	unique design, as determined by the director, must be provided in order to qualify for this benefit.
8. Green Building a. Construction of a certified Leader in Energy and Environmental Design (LEED) Gold or better rating, Evergreen Sustainable Development Standard (ESDS), Built Green 4-Star or better rating, or other equivalent certified energy efficient unit as approved by the director. Certification due 120 days after final building inspections granted, or a certificate of occupancy is issued.	0.20 bonus unit or lot for each certified unit constructed.

~~(5)~~ (6) All benefits shall be completed prior to final subdivision, short subdivision, or binding site plan being recorded, or prior to granting a certificate of occupancy, unless otherwise specified in subsection (4) of this section.

Exhibit UUU

22C.090.040 Rules for calculating bonus units for open space and recreational areas.

To qualify ~~as~~ bonus units or lots, the recreational area (i.e., acreage or square feet) or amenities listed in this section must be provided in excess of the recreational area or amenities otherwise required for the development.

(1) The applicant must clearly delineate and identify on the site and/or landscape plans which areas or amenities are proposed to satisfy the standard code requirements for the development, and which areas or amenities are proposed in excess of the standard code requirements to earn bonus units or lots.

(a) Area. If additional land area (i.e., acreage or square feet) is provided for open space in excess of the standard code requirements, the applicant shall earn bonus units or lots for the area (i.e., acreage or square feet) provided in excess of the standard code requirements for the project type. Passive and active open space shall be credited at the rates outlined in MMC 22C.090.030(4).

(b) Amenities. If an open space area provides additional amenities in excess of the standard code requirements, the applicant shall earn bonus units or lots for the area or areas where additional amenities are provided. The applicant shall first calculate the amenities that are required for the project type. Additional amenities must be provided as described in subsections (2) and (3) of this section.

(2) Active recreation features qualifying for a density bonus shall include:

(a) One or more of the following per half acre of open space:

(i) Multipurpose, basketball, tennis, pickleball, or similar courts or half-courts;

(ii) Skateboard facilities;

(iii) Baseball, football, soccer, or similar fields;

(iv) Large tot lot with play equipment (soft surface); or

(v) Any other active recreation use approved by the director.

(b) Two or more of the following per half acre of open space:

(i) ~~Disc golf,~~ gGolf~~,~~ or mini golf course;

(ii) ~~Horseshoes,~~ bBocce~~,~~ or similar lawn games;

(iii) Volleyball or similar net sports;

(iv) Small tot lot with play equipment (soft surface); or

(v) Any other active recreation use approved by the director.

(3) Passive recreation qualifying for a density bonus shall include one or more of the following per half acre of open space:

(a) Open play areas when active amenities are not provided;

(b) Pedestrian or bicycle paths;

(c) Picnic areas with tables and benches;

(d) Gazebos, benches and other resident gathering areas;

(e) Community gardens or areas with enhanced landscaping;

(f) Nature interpretive areas;

(g) Waterfalls, fountains, or other water features; or

(h) Any other passive recreation use approved by the director.

(4) Dual use storm water retention/detention and recreation facilities shall meet the following design criteria:

(a) The facility shall be designed with emphasis as a recreation area, not a storm water control structure, and shall be designed as usable open recreation area.

(b) Control structures shall not be prominently placed. Care should be taken to blend them into the perimeter of the recreation area.

(c) The number of accesses shall be minimized, and the accesses shall be designed to serve as both an access and an amenity to qualify as open space. The following are examples of access treatments that would qualify as open space:

(i) Grasscrete or equivalent;

(ii) Decorative pavers; or

(iii) Concrete or asphalt with a dual use including, but not limited to, sport court, hopscotch, meandering paved trails, etc.

Exhibit WWW

22C.090.050 Rules for calculating total permitted dwelling units.

The total dwelling units or lots permitted through RDI review shall be calculated using the following steps:

(1) Calculate the number of dwellings or lots permitted by the base density of the site in accordance with Chapters 22C.010 and 22C.020 MMC;

(2) Calculate the total number of bonus dwelling units or lots earned by providing the public benefits listed in MMC 22C.090.030;

(3) Add the number of bonus dwelling units or lots earned to the number of dwelling units or lots permitted by the base density;

(4) Round fractional dwelling units or lots down to the nearest whole number; and

(5) On sites with more than one zone or zone density, the maximum density shall be calculated for the site area of each zone. Bonus units or lots may be reallocated within the zone in the same manner set forth for base units or lots in MMC 22C.010.230 and 22C.020.200.

Exhibit XXX

22C.090.060 Review process.

(1) All RDI proposals shall be reviewed concurrently with the underlying land use project as follows:

(a) For the purpose of this section, the underlying land use project is defined as a proposed subdivision or short subdivision, binding site plan, site plan, or conditional use permit review;

(b) When the underlying land use project requires a public hearing, the hearing examiner shall consider and make a consolidated decision on the proposed project and use of RDI;

(c) When the underlying land use project does not require a public hearing, the community development director shall consider and make a consolidated decision on the proposed project and use of RDI;

(d) The community development director may approve revisions to the RDI proposal approved under subsections (1)(b) and (c) of this section, as necessary, consistent with MMC 22G.010.260;

(e) The notice for the underlying land use project shall include a description of the proposed RDI public benefit(s), the project's density, and the number of bonus units or lots to be earned.

(2) RDI applications that propose to earn bonus units or lots by dedicating real property or public facilities shall include a letter from the applicable receiving agency certifying that the proposed dedication qualifies for the density incentive and will be accepted by the agency or other qualifying organization. The city of Marysville shall also approve all proposals prior to granting density incentives to the project. The proposal must meet the intent of the RDI chapter and be consistent with the city of Marysville comprehensive plan.

(3) The following are required for RDI applications that propose to earn bonus units or lots using green building techniques:

(a) At the time of preliminary land use (subdivision, short subdivision, binding site plan or site plan) application, the applicant shall:

(i) Identify the green building program being used, and the name of the third-party reviewer, if applicable;

(ii) Identify the lots that will use the green building techniques; and

(iii) Provide a completed draft green building program (e.g., Built Green) checklist identifying the green building techniques to be used.

(b) At the time of building permit application, the applicant shall:

(i) Check the "green building" box on the combined building permit application;

(ii) Provide the name of the green building program being used, and the name of the third-party reviewer, if applicable; and

(iii) Provide a completed green building program checklist identifying the green building techniques to be used with each house model.

(d) Within 120 days of final building inspections being granted, or a certificate of occupancy being issued, the applicant shall provide the city with a copy of the green building certification.

Exhibit YYY

22C.090.070 Minor adjustments in final site plans.

When issuing building permits in an approved RDI development, the department may allow minor adjustments in the approved site plan involving the location or dimensions of buildings or landscaping, provided such adjustments shall not:

(1) Increase the number of dwelling units;

(2) Decrease the amount of perimeter landscaping (if any);

(3) Decrease residential parking facilities (unless the number of dwelling units is decreased);

(4) Locate structures closer to any site boundary line; or

(5) Change the locations of any points of ingress and egress to the site.

Exhibit ZZZ

22C.090.090 Enforcement.

In the event the approved residential density option is no longer feasible or cannot be achieved prior to final subdivision, short subdivision, or binding site plan being recorded, or prior to issuance of a certificate of occupancy, the project proponent shall be required to choose a new benefit from the benefit options outlined in MMC 22C.090.030(4) in order to achieve the density bonus lot or unit, or the bonus lot or unit shall be forfeited.

Exhibit AAAA

22C.100.030 Nonconforming structures.

A nonconforming structure is one which was in compliance with all land use codes and regulations at the time it was constructed, but which violates the bulk or dimensional requirements of the current land use codes and regulations of the city.

(1) Nonconforming structures may be repaired and maintained. The interior of said structures may be restored, remodeled and improved to the extent of not more than 25 percent of the assessed value of the structure in any consecutive period of 12 months.

(2) The exterior dimensions of a nonconforming structure may be enlarged by up to 100 percent of the floor area existing at the effective date of the nonconformance; provided, that the degree of nonconformance shall not be increased, and the then-current bulk and dimensional requirements of the zone in which it is located shall be observed with respect to the new portion of the building.

(3) A nonconforming structure which is voluntarily or accidentally destroyed, demolished or damaged, or allowed to deteriorate, to the extent where restoration costs would exceed 75 percent of the assessed value of the structure, may be restored and rebuilt only if the structure, in its entirety, is brought into conformity with the then-current bulk and dimensional requirements of the zone in which it is located; provided, that a single-family residence or Middle Housing with nonconforming status in a residential zone may be restored and rebuilt to any extent as long as it does not increase the pre-existing degree of nonconformance; provided, a single-family residence or Middle Housing with nonconforming status in zones other than residential may be restored and rebuilt to any extent on the original footprint of the structure's foundation so long as it does not increase the pre-existing degree of nonconformance.

(4) When a structure or a portion thereof is moved to a new location, it must be made to conform to all then-current land use restrictions applicable to the new location.

(5) Nonconforming structures shall not be exempt from compliance with all current codes and regulations relating to storm drainage, landscaping, off-site traffic mitigation and frontage improvements including curbs, gutters and sidewalks.

Exhibit BBBB

22C.100.040 Nonconforming uses.

A nonconforming use is any use of land or of a structure which was legal at the time of its establishment but which violates the land use provisions of the current codes and regulations of the city, including those relating to zoning districts, density, access and off-street parking.

(1) A nonconforming use loses its status, and must be discontinued, if the structure in which it is located is voluntarily or accidentally destroyed, demolished or damaged, or is allowed to deteriorate, to the extent where restoration costs would exceed 75 percent of the assessed value of the structure. Provided, all nonconforming residential structures which are allowed to be restored and rebuilt, as described in MMC 22C.100.030(3), shall be allowed to continue the residential use thereof.

(2) A nonconforming use cannot be changed to a fundamentally different use unless it is brought into complete conformity with the current codes and regulations. An increase in volume or intensity of a nonconforming use is permissible, however, where the nature and character of the use are unchanged and substantially the same facilities are used. The test is whether the intensified use is different in kind from the nonconforming use in existence at the effective date of the nonconformance.

(3) A nonconforming use may be expanded upon the granting of a conditional use permit as provided in this chapter; provided, that such expansion of a nonconforming use shall not increase the land area devoted to the nonconforming use by more than 150 percent of that in use at the effective date of the nonconformance; provided also, that a conditional use permit shall not be required for enlargement of a single-family residence or Middle Housing in nonresidential zones subject to the limitations set forth in MMC 22C.100.030(2), or for construction of an accessory structure such as a garage or shed; provided, that the expansion or new structure is sited on the property so as not to preclude conversion of the property to a future, nonresidential use.

(4) A use established in part but not all of a building at the effective date of the nonconformance may expand within said building by up to 100 percent of the pre-existing floor area dedicated to said use upon obtaining a conditional use permit as provided in this chapter. Unlimited expansion within the building shall be permissible upon obtaining a conditional use permit if the original design of the building indicates that it was intended to be ultimately dedicated, in its entirety, to the use in question.

Exhibit CCCC

22C.120.050 Water conservation standards.

(1) Water Conservation Standards.

(a) Applicability. In order to ensure efficient water use in landscaped areas, the following standards shall be applied to all landscaping associated with office, commercial, industrial, institutional, parks and greenways, multiple-family residential projects, and commonly owned and/or maintained areas of single-family residential or Middle Housing projects.

(b) Exemptions. These standards do not apply to landscaping in private areas of single-family or Middle Housing projects. Parks, playgrounds, sports fields, golf courses, schools, and cemeteries are exempt from specified turf area limitations where a functional need for turf is established. All other requirements are applicable.

(c) Plant Selection and Use Limitation.

(i) Turf, high-water-use plantings (e.g., annuals, container plants) and water features (e.g., fountains, pools) shall be considered high-water uses and shall be limited to not more than 40 percent of the project's landscaped area if nondrought resistant grass is used, and no more than 50 percent of the landscaped area if drought resistant grass is used.

(ii) Plants selected in all areas not identified for turf or high-water-use plantings shall be well suited to the climate, soils, and topographic conditions of the site, and shall be low-water-use plants once established.

(iii) Plants having similar water use shall be grouped together in distinct hydrozones and shall be irrigated with separate irrigation circuits.

(iv) No turf or high-water-use plants shall be allowed on slopes exceeding 25 percent, except where other project water saving techniques can compensate for the increased runoff, and where the need for such slope planting is demonstrated.

(v) No turf or high-water-use plants shall be allowed in areas five feet wide or less except public right-of-way planter strips.

(d) Newly landscaped areas should have soils amended with either four inches of appropriate organic material with the first two-inch layer tilled into existing soils, or as called for in a soil amendment plan for the landscape.

(e) Newly landscaped areas, except turf, should be covered and maintained with at least two inches of organic mulch to minimize evaporation.

(f) Irrigated turf on slopes with finished grades in excess of 33 percent is discouraged.

(g) Retention of existing trees and associated understory vegetation is encouraged to reduce impacts to the storm water system and to reduce water use.

(2) Water Efficient Landscape (Xeriscape) Standards.

(a) As an alternative to traditional landscaping, the city encourages the use of xeriscape practices, which minimize the need for watering or irrigation. Xeriscape principles can be summarized as follows:

(i) Using plants with low moisture requirements;

(ii) Selecting plants for specific site microclimates that vary according to slope, aspect, soil, and exposure to sun and moisture;

(iii) Using native, noninvasive, adapted plant species;

(iv) Minimizing the amount of irrigated turf;

(v) Planting and designing slopes to minimize storm water runoff;

(vi) Use of separate irrigation zones adjusted to plant water requirements and use of drip or trickle irrigation systems;

(vii) Using mulch in planted areas to control weeds, cool the soil and reduce evaporation; and

(viii) Emphasizing soil improvement, such as deep tilling, adding organic matter and other amendments based on soil tests.

(b) Appropriate Plant Species. Trees and plants used in xeriscape plantings pursuant to this section shall:

(i) Be appropriate for the ecological setting in which they are to be planted;

(ii) Have noninvasive growth habits;

(iii) Encourage low maintenance and sustainable landscape design;

(iv) Be commercially available;

(v) Not be plant material that was collected in the wild; and

(vi) Be consistent with the purpose and intent of this section.

(c) Native Vegetation. Within xeriscape areas, a minimum of 50 percent native plants shall be used.

(d) Prohibited Species. The city shall maintain a list of prohibited species, which are invasive or noxious. Where such species already exist, their removal shall be a condition of development approval.

(e) Additional Planting Standards.

(i) For xeriscape areas, soil samples shall be analyzed to determine what soil conditioning or soil amendments should be used at the time of planting. Soil conditioning measures shall be adequate for the plant species selected.

(ii) Trees, shrubs, perennials, perennial grasses and ground covers shall be located and spaced to accommodate their mature size on the site.

(f) Plant Replacement. The developer shall maintain xeriscape plantings for a two-year period from the date of planting. Within the two-year period, the developer shall replace or otherwise guarantee any failed plantings:

(i) Dead or dying trees or shrubs shall be replaced; and

(ii) Plantings or perennials, perennial grasses or ground covers shall be replanted to maintain a maximum 20 percent mortality rate from the date of planting.

(3) Storm Water. Applicants are encouraged to incorporate landscaping into the on-site storm water treatment system to the greatest extent practicable.

Exhibit DDDD

22C.120.120 Required landscape buffers.

Table 1

Proposed Use	Adjacent Use	Width of Buffer	Type of Buffer
Commercial	Property designated single family by the Marysville comprehensive plan	20 feet	L1 (1)
Commercial	Property designated multiple-family by the Marysville comprehensive plan	10 feet	L2 (1)
Commercial, industrial, multifamily and business park parking areas and drive aisles	Public right-of-way and private access roads 30 feet wide or greater	10 feet	L3
Commercial, industrial, multifamily and business park parking areas and drive aisles	Public arterial right-of-way	15 feet	L3
Residential	SR 9	See MMC 22C.120.150	
Industrial and business parks	Property designated residential by the Marysville comprehensive plan	25 feet	L1
Industrial, commercial and business park building and parking areas	I-5 or SR 9 right-of-way	15 feet	L2
Apartment, townhouse, or group residence (excluding Middle Housing)	Property designated single family by the Marysville comprehensive plan	10 feet	L1 (1)
Storm water management facility		5 feet	L5 (3)
Outside storage or waste area or above ground utility boxes		5 feet	L1 (2)
WCF and/or base station not in ROW	Property designated residential by the Marysville comprehensive plan or on property designated residential by the comprehensive plan	10 feet	L1 (1)

(1) Plus a six-foot sight-obscuring fence or wall.

(2) Screening and impact abatement shall be provided in accordance with MMC 22C.120.160.

(3) Screening of storm water facilities shall comply with the following design standards:

(a) All sides visible from a public right-of-way shall be screened;

(b) All sides located adjacent to a residentially zoned property shall be screened, unless it can be demonstrated that adequate screening exists;

(c) Screening shall be consistent with the Marysville administrative landscaping guidelines; and

(d) Dual use retention/detention facilities designed with emphasis as a recreation area, not a storm water control structure, are exempt from the screening requirements.

Exhibit EEEE

22C.130.020 General standards.

(1) Where the Standards Apply. Every building hereafter constructed, reconstructed, expanded or occupied, or use of property hereafter established or modified, shall be provided with off-street parking as provided in this chapter, and such parking areas shall be made permanently available and maintained for parking purposes. No building permit shall be issued until plans showing provisions for the required off-street parking have been submitted and approved as conforming to the standards of this chapter.

(2) Occupancy. All required parking areas must be completed and landscaped prior to occupancy of any structure.

(3) Calculations of Amounts of Required and Allowed Parking.

(a) When computing parking spaces based on floor area, floor area dedicated for parking is not counted.

(b) The number of parking spaces is computed based on the uses on the site. When there is more than one use on a site, the required or allowed parking for the site is the sum of the required or allowed parking for the individual uses. Parking for shopping centers shall be calculated in accordance with MMC 22C.130.030, Table 1: Minimum Required Parking Spaces. For joint parking, see MMC 22C.130.030(2)(d).

(4) Use of Required Parking Spaces. Required parking spaces must be available for the use of residents, customers or employees for the use. Required parking spaces may not be assigned in any way to a use on another site, except for joint parking situations. Required parking spaces must be made available to employees; they cannot be restricted only to customers. Also, required parking spaces may not be used for the parking of equipment or storage of goods or inoperable vehicles.

(5) Proximity of Parking to Use.

(a) Parking for single family, Middle Housing, and townhouses~~one- and two-family dwellings~~ shall be provided on the same lot as the dwelling unit it is required to serve~~.~~; provided that, parking in Unit Lot Subdivisions may be provided on a different unit lot than the dwelling units if the right to use the parking is formalized by an easement recorded with the county.

(b) Parking for multiple-family dwellings shall be not over 100 feet from the building it serves.

(c) Parking for uses not specified above shall not be over 500 feet from the building it serves.

(d) All off-street parking spaces for nonresidential uses shall be located on land zoned in a manner which would allow the particular use the parking will serve.

(e) If the parking for a building or use is located on a lot other than the lot upon which the use for which the parking is required is located, the owner of the lot containing the parking shall execute a covenant in a form acceptable to the city attorney, stating that the lot is devoted in whole or in part to required parking for the use on another lot. The owner of the property upon which the main use is located shall record this covenant with the Snohomish County auditor's office to run with the properties on which both the principal use and the

off-street parking are located. The owner shall provide a copy of the recorded covenant to the community development department.

(6) Stacked Parking. Stacked or valet parking is allowed if an attendant is present to move vehicles. If stacked parking is used for required parking spaces, some form of guarantee must be filed with the city ensuring that an attendant will always be present when the lot is in operation. All parking and loading area development standards continue to apply for stacked parking.

(7) Ingress and Egress Provisions. Curb cuts and access restrictions are regulated by the Marysville engineering design and development standards (EDDS). Access driveways for parking areas shall be located so as to cause the least possible conflict with vehicular and pedestrian traffic on public rights-of-way. The public works director shall have authority to fix the location, width and manner of approach of vehicular ingress or egress from a building or parking area to a public street and to alter existing ingress and egress as may be required to control traffic in the interest of public safety and general welfare. The city engineer may require joint use of driveways by more than one property.

Exhibit FFFF

22C.130.030 Minimum required parking spaces.

(1) Purpose. The purpose of required parking spaces is to provide enough parking to accommodate the majority of traffic generated by the range of uses which might locate at the site over time. As provided in subsection (2)(e) of this section, bicycle parking may be substituted for some required parking on a site to encourage transit use and bicycling by employees and visitors to the site. The required parking numbers correspond to specific land use categories. Provision of carpool parking, and locating it closest to the building entrance, will encourage carpool use.

(2) Minimum Number of Parking Spaces Required.

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

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

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

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

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

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

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

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

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

(e) Bicycle parking may substitute for up to 10 percent of required parking. For every five nonrequired bicycle parking spaces that meet the bicycle parking standards in

MMC 22C.130.060, the motor vehicle parking requirement is reduced by one space. Existing parking may be converted to take advantage of this provision.

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

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

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

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

(i) Private vanpool operation;

(ii) Transit/vanpool fare subsidy;

(iii) Imposition of a charge for parking;

(iv) Provision of subscription bus services;

(v) Flexible work-hour schedule;

(vi) Capital improvement for transit services;

(vii) Preferential parking for carpools/vanpools;

(viii) Participation in the ride-matching program;

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

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

(xi) Bicycle parking facilities.

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

The information required may include, but not be limited to, a description of the physical structure(s), identification of potential users, and analysis of likely parking demand.

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

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

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

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

(4) Electric Vehicle Parking. Electric vehicle charging capability is required for all new buildings that provide on-site parking in accordance with RCW 19.27.540.

Table 1: Minimum Required Parking Spaces

LAND USE	MINIMUM REQUIRED SPACES
RESIDENTIAL USES	
Single-family dwellings, ~~duplexes,~~ townhouses (excluding Middle Housing), and mobile homes	2 per dwelling unit for residents plus 1 additional guest parking space per dwelling unit. Exception: parking for mobile home in mobile/manufactured home parks is subject to MMC 22C.230.070(7)
Middle Housing (including accessory dwelling units) within 1/2 mile walking distance of a major transit stop	0 per dwelling unit (before any zero lot line subdivisions or lot splits)
Middle Housing (including accessory dwelling units) on lots equal to or under 6,000 square feet	1 per dwelling unit (before any zero lot line subdivisions or lot splits). Easements or deed restrictions must be provided, as necessary, to ensure continued use of the parking space(s) for the respective unit after any lot splits.
Middle Housing (excluding accessory dwelling units) on lots over 6,000 square feet	2 per dwelling unit (before any zero lot line subdivisions or lot splits). Easements or deed restrictions must be provided, as necessary, to ensure continued use of the parking space(s) for the respective unit after any lot splits.
~~Accessory dwelling units~~	~~No additional parking required if located within 1/4 mile of a major transit stop; otherwise, 1 per accessory dwelling unit~~
Studio apartments	1.25 per dwelling unit
Multiple-family dwellings, 1 bedroom (does not apply to Middle Housing)	1.5 per dwelling unit
Multiple-family dwellings, 2 or more bedrooms (does not apply to Middle Housing)	1.75 per dwelling unit
Retirement housing and apartments	1 per dwelling
Mobile home parks	2 per unit, plus guest parking at 1 per 4 lots

Table 1: Minimum Required Parking Spaces

LAND USE	MINIMUM REQUIRED SPACES
Rooming houses, similar uses	1 per dwelling
Bed and breakfast accommodations	1 space for each room for rent, plus 2 spaces for the principal residential use
Emergency housing, emergency shelters – indoor, transitional housing facilities and permanent supportive housing	As determined by the community development director with no less than a minimum of 1 per 2 employees plus 1 per 5 residents (3 spaces minimum)
Housing located within 1/4 mile of a transit stop	As specified in RCW 36.70A.620; provided that, Middle Housing is subject to the alternate standards noted above.
RECREATIONAL/CULTURAL USES	
Movie theaters	1 per 4 seats
Stadiums, sports arenas and similar open assemblies	1 per 8 seats or 1 per 100 SF of assembly space without fixed seats
Dance halls and places of assembly without fixed seats	1 per 75 SF of gross floor area
Bowling alleys	5 per lane
Skating rinks	1 per 75 SF of gross floor area
Tennis courts, racquet clubs, handball courts and other similar commercial recreation	1 space per 40 SF of gross floor area used for assembly, plus 2 per court
Swimming pools (indoor and outdoor)	1 per 10 swimmers, based on pool capacity as defined by the Washington State Department of Health
Golf courses	4 spaces for each green, plus 50% of spaces otherwise required for any accessory uses (e.g., bars, restaurants)
Gymnasiums, health clubs	1 space per each 200 SF of gross floor area
Churches, auditoriums and similar enclosed places of assembly	1 per 4 seats or 60 lineal inches of pew or 40 SF gross floor area used for assembly
Art galleries and museums	1 per 250 SF of gross floor area
COMMERCIAL/OFFICE USES	
Banks, business and professional offices (other than medical and dental) with on-site customer service	1 per 400 SF gross floor area
Retail stores and personal service shops unless otherwise provided herein	If < 5,000 SF floor area, 1 per 600 SF gross floor area; if > 5,000 SF floor area, 8 plus 1 per each 300 SF gross floor area over 5,000 SF
Grocery stores	1 space per 200 SF of customer service area
Barber and beauty shops	1 space per 200 SF
Motor vehicle sales and service	2 per service bay plus 1 per 1,000 SF of outdoor display
Motor vehicle or machinery repair, without sales	2 plus 2 per service bay

Table 1: Minimum Required Parking Spaces

LAND USE	MINIMUM REQUIRED SPACES
Mobile home and recreational vehicle sales	1 per 3,000 SF of outdoor display area
Motels and hotels	1 per unit or room
Restaurants, taverns, bars with on-premises consumption	If < 4,000 SF, 1 per 200 SF gross floor area; if > 4,000 SF, 20 plus 1 per 100 SF gross floor area over 4,000 SF
Drive-in restaurants and similar establishments, primarily for autoborne customers	1 per 75 SF of gross floor area. Stacking spaces shall be provided in accordance with Chapter 22C.140 MMC, Drive-Through Facilities.
Shopping centers	If < 15,000 SF, 1 per 200 SF of gross floor area; if > 15,000 SF, 1 per 250 SF of gross floor area
Day care centers	1 space per staff member and 1 space per 10 clients. A paved unobstructed pick-up area shall be set aside for dropping off and picking up children in a safe manner that will not cause the children to cross the parking area or lines of traffic.
Funeral parlors, mortuaries or cemeteries	1 per 4 seats or 8 feet of bench or pew or 1 per 40 SF of assembly room used for services if no fixed seating is provided
Gasoline/service stations with grocery	1 per employee plus 1 per 200 SF gross floor area
Adult facilities as defined by MMC 22A.020.020	1 per 75 SF of gross floor area or, in the case of an adult drive-in theater, 1 per viewing space
HEALTH SERVICES USES	
Nursing homes, convalescent homes for the aged	1 per 5 beds plus 1 space per employee and medical staff
Medical and dental clinics	1 per 200 SF gross floor area
Hospitals	1 per 2 beds, excluding bassinets
EDUCATIONAL USES	
Elementary, junior high schools (public and private)	5 plus 1 per each employee and faculty member
Senior high schools (public and private)	1 per each 10 students plus 1 per each employee or faculty member
Commercial/vocational schools	1 per each employee plus 1 per each 2 students
PUBLIC/GOVERNMENT USES	
Public utility and governmental buildings	1 per 400 SF of gross floor area
Libraries	1 per 250 SF of gross floor area
MANUFACTURING/WAREHOUSE USES	
Manufacturing and industrial uses of all types, except a building used exclusively for warehouse purposes	1 per 750 SF of gross floor area plus office space requirements
Warehouses, storage and wholesale businesses	1 per 2,000 SF of gross floor area plus office space requirements

Table 1: Minimum Required Parking Spaces

LAND USE	MINIMUM REQUIRED SPACES
Mini self-storage	1 per each 50 storage cubicles equally distributed and proximate to storage buildings. In addition, 1 space for each 50 storage cubicles to be located at the project office

Exhibit GGGG

22C.130.050 Development standards.

(1) Purpose. The parking area layout standards are intended to promote safe circulation within the parking area and provide for convenient entry and exit of vehicles.

(2) Where These Standards Apply. The standards of this section apply to all vehicle areas whether required or excess parking.

(3) Improvements.

(a) Paving.

(i) In order to control dust and mud, all vehicle areas must be surfaced with a minimum all-weather surface. Such surface shall be specified by the city engineer. Alternatives to the specified all-weather surface, including grass block pavers, may be provided, subject to approval by the city engineer. Gravel surfacing is not considered an all-weather surface; however, legal nonconforming gravel surfacing in existing designated parking areas is allowed to remain for a maximum of six parking spaces.

(ii) The applicant shall be required to prove that the alternative surfacing provides results equivalent to paving. If, after construction, the city determines that the alternative is not providing the results equivalent to paving or is not complying with the standards of approval, paving shall be required.

(iii) Parks, agricultural and similar uses, and developments providing surplus parking are exempt from the all-weather surface requirement, provided, all surfacing must provide for the following minimum standards of approval:

(A) Gravel parking facilities shall be surfaced with no less than three inches of crushed gravel.

(B) Dust is controlled.

(C) Storm water is treated to city standards.

(D) Rock and other debris is not tracked off site.

(E) Driveway and approaches shall be paved with an all-weather surface, specified by the city engineer, from at least 20 feet back from the property line to the street.

(iv) Houses, Attached Houses and Duplexes. All driveways and parking areas must be covered in a minimum all-weather surface, specified by the city engineer. Gravel surfacing is not considered an all-weather surface.

(b) Striping. All parking spaces, except for stacked parking, must be striped in conformance with the minimum parking and aisle dimensions outlined in Table 2, except parking for single-family residences, Middle Housing~~duplexes~~ and accessory dwelling units.

(c) Protective Curbs Around Landscaping. All perimeter and interior landscaped areas must have cast in place or extruded protective curbs along the edges. Curbs separating

landscaped areas from parking areas may allow storm water runoff to pass through them. Tire stops, bollards or other protective barriers may be used at the front ends of parking spaces. Curbs may be perforated or have gaps or breaks. Trees must have adequate protection from car doors as well as car bumpers. This provision does not apply to single-family residences, duplexes and accessory dwelling units.

(d) Illumination. Parking lot illumination shall be provided for all parking lots containing 15 or more parking spaces, and shall comply with the following design standards:

(i) Parking lot lighting fixtures shall be full cut-off, dark sky rated and mounted no more than 25 feet above the ground, with lower fixtures preferable so as to maintain a human scale;

(ii) All fixtures over 15 feet in height shall be fitted with a full cut-off shield;

(iii) Pedestrian scale lighting (light fixtures no taller than 15 feet) is encouraged in areas of pedestrian activity. Lighting shall enable pedestrians to identify a face 45 feet away in order to promote safety;

(iv) Parking lot lighting shall be designed to provide security lighting to all parking spaces;

(v) Lighting shall be shielded in a manner that does not disturb residential uses or pose a hazard to passing traffic. Lighting should not be permitted to trespass onto adjacent private parcels nor shall light source (luminaire) be visible at the property line.

(4) Storm Water Management. Storm water runoff from parking lots is regulated by MMC Title 14, Water and Sewers.

(5) Parking Area Layout.

(a) Access to Parking Spaces.

(i) All parking areas, except stacked parking areas, must be designed so that a vehicle may enter or exit without having to move another vehicle.

(ii) Parking shall be designed so that automobiles do not back out into public streets.

(b) Parking Space and Aisle Dimensions.

(i) Parking spaces and aisles must meet the minimum dimensions contained in Table 2: Minimum Parking Space and Aisle Dimensions. Parking at any angle other than those shown is permitted, providing the width of the stalls and aisle are adjusted by interpolation between the specified standards.

(ii) Turning Radii. The minimum allowable inside vehicle turning radius in parking and driveway areas shall be 20 feet unless fire or solid waste apparatus access is necessary, in which case the minimum inside radius shall be 30.5 feet and the outside radius shall be 46 feet or as required by the fire district or solid waste division. Turning radii are not necessarily the radii or curbs around islands and other improvements.

(iii) On dead-end aisles, aisles shall extend five feet beyond the last stall to provide adequate turnaround.

(iv) The community development director may grant a deviation from the parking space and aisle dimensions outlined in Table 2: Minimum Parking Space and Aisle Dimensions, whenever (A) there exists a lot with one or more structures on it constructed before the effective date of this title, and (B) a change in use that does not involve any enlargement of a structure is proposed for such lot, and (C) the parking space and aisle dimensions that would be applicable as a result of the proposed change cannot be satisfied on such lot because there is not sufficient area available on the lot that can practicably be used for parking dimensional standards. To grant a deviation, the community development director must make the following findings:

(A) That the granting of the deviation will not create a safety hazard or loading of vehicles on public streets in such a manner as to interfere with the free flow of vehicular and pedestrian traffic within the public right-of-way.

(B) That the granting of the deviation will not create a safety hazard or any other condition inconsistent with the objectives of this title.

Table 2: Minimum Parking Space and Aisle Dimensions

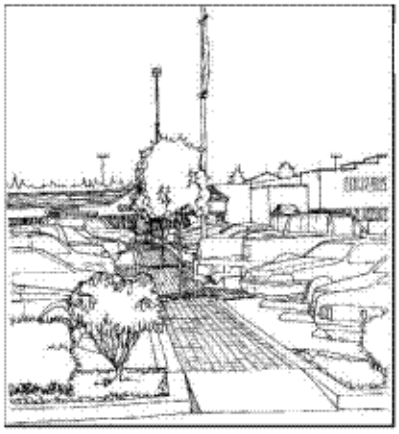
Angle	Width	Curb Length	1-Way Aisle Width	2-Way Aisle Width	Stall Depth
0 degrees (parallel)	8 feet	21 feet	12 feet	22 feet	8 feet
30 degrees	8 feet, 6 inches	17 feet	12 feet	22 feet	15 feet
45 degrees	8 feet, 6 inches	12 feet	12 feet	22 feet	17 feet
60 degrees	8 feet, 6 inches	9 feet, 9 inches	16 feet	22 feet	18 feet
90 degrees (commercial and industrial)	8 feet, 6 inches	8 feet, 6 inches	22 feet	22 feet	18 feet
90 degrees (multifamily)	8 feet	8 feet	22 feet	22 feet	18 feet
90 degrees (~~attached and detached~~ single-family and Middle Housing)	8 feet	8 feet	22 feet	22 feet	20 feet
Tandem (residential)	8 feet	N/A	N/A	N/A	20 feet
Notes: 1) In garage parking spaces must meet the applicable dimensional standards noted in the table above. In garage parking spaces must be completely usable for parking and free of any obstructions (e.g. bollards, water heaters, electrical equipment, etc.). 2) Dimensions of parking spaces for the disabled are regulated by the building code. See MMC 22C.130.050(5)(e).					

~~Note: Dimensions of parking spaces for the disabled are regulated by the building code. See MMC 22C.130.050(5)(e).~~

(c) Pedestrian Access and Circulation. Developments must provide specially marked or paved walkways through parking lots, as depicted in Figures 1 through 4. Parking lot walkways shall allow for access so pedestrians and wheelchairs can easily gain access from public sidewalks and bus stops to building entrances through the use of raised concrete, stamped concrete, colored concrete, or pervious pavement sidewalks, or pedestrian paths

which are physically separated from vehicle traffic and maneuvering areas. The director may allow pedestrian pathways to be striped if it can be demonstrated that the pathways are not used by, or accessible to, the public (e.g., pathways located behind a commercial or industrial building where the general public does not have access). Generally, walkways should be provided every four rows and a maximum distance of 180 feet shall be maintained between paths. Where possible, align the pathways to connect with major building entries or other sidewalks, pathways, and destinations. The pathways must be a minimum of five feet wide, universally accessible and ADA compliant. On narrow infill lots, the director may authorize a pathway that is less than five feet wide; provided, that the minimum ADA width is met.

Figure 1 **Figure 2**



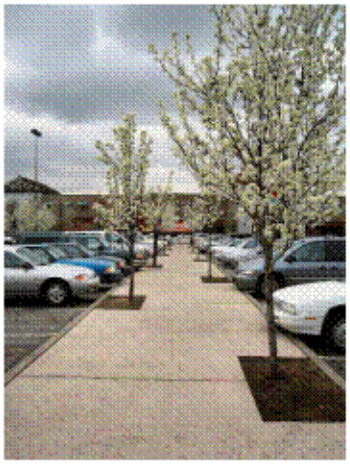
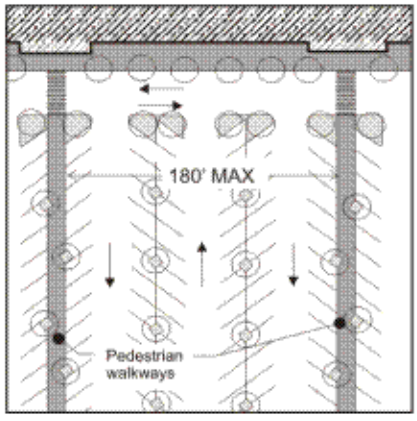


Figure 3 **Figure 4**





(d) Location. Parking areas should be located and designed to consider impacts to the streetscape. Except for adult facilities as defined by MMC 22A.020.020, on-site parking shall be located at the sides and rear of buildings or complexes. For adult facilities, on-site parking shall be located where most visible from both the streetscape and the public access to the adult facility.

(e) Parking for Disabled Persons. The building official regulates the following disabled person parking standards and access standards through the building code and the latest ICC/ANSI A117.1 standards for accessible and usable buildings and facilities:

(i) Dimensions of disabled person parking spaces and access aisles;

(ii) The minimum number of disabled person parking spaces and circulation routes;

(iii) Location of disabled person parking spaces and circulation routes;

(iv) Curb cuts and ramps including slope, width and location; and

(v) Signage and pavement markings.

(f) A portion of a standard parking space may be landscaped instead of paved, as follows:

(i) The landscaped area may be up to two feet of the front of the space as measured from a line parallel to the direction of the bumper of a vehicle using the space. Any vehicle overhang must be free from interference from sidewalks, landscaping, or other required elements;

(ii) Landscaping must be ground cover plants; and

(iii) The landscaped area counts toward parking lot interior landscaping requirements and toward any overall site landscaping requirements. However, the landscaped area does not count toward perimeter landscaping requirements.

(g) Ingress and Egress Provisions. The layouts of parking areas are reviewed for compliance with the curb cut and access restrictions outlined in the Marysville engineering design and development standards (EDDS).

(6) Parking Area Landscaping and Screening. All landscaping must comply with the standards of Chapter 22C.120 MMC. In addition, screening in the form of a solid masonry wall, architectural fences or dense coniferous hedges shall be erected or planted and maintained to a height of not less than five feet where a parking lot has a common boundary line with any residentially zoned property.

(7) Maintenance. Maintenance of all areas provided for off-street parking shall include removal and replacement of dead and dying trees, grass and shrubs, removal of trash and weeds, repair of traffic-control devices, signs, light standards, fences, walls, surfacing materials, curbs and railings, and inspection, cleaning and repair of pervious surfacing materials and drainage facilities when applicable.

Exhibit HHHH

22C.190.020 Home occupation standards.

(1) Home occupations are permitted as an accessory use to the residential use of a property only when all of the following conditions are met:

(a) The total area devoted to all home occupation(s) shall not exceed 25 percent of the floor area of the dwelling unit or 600 square feet, whichever is less. When Middle Housing is constructed on the lot, one home occupation is permitted per dwelling unit;

(b) The home occupation may be located in the principal dwelling or in an accessory structure. If located in an accessory structure, the area devoted to the occupation, as described in subsection (1)(a) of this section, shall be based upon the floor area of the dwelling only; provided that, the cumulative square footage devoted for all home occupations in detached structures shall not exceed 600 square feet per lot or parent lot;

(c) Not more than one person outside of the family shall be employed on the premises per home occupation;

(d) The home occupation shall in no way alter the normal residential character of the premises;

(e) The home occupation(s) shall not use electrical or mechanical equipment that results in:

(i) A change to the fire rating of the structure(s) used for the home occupation(s);

(ii) Visual or audible interference in radio or television receivers, or electronic equipment located off-premises; or

(iii) Fluctuations in line voltage off-premises;

(f) No equipment or material may be stored, altered or repaired on any exterior portion of the premises;

(g) Sales shall be limited to merchandise which is produced on the premises and/or mail order, Internet and telephone sales with off-site delivery;

(h) Services to patrons shall be arranged by appointment or provided off-site;

(i) The home occupation(s) may use or store a vehicle for pickup of materials used by the home occupation(s) or the distribution of products from the site, provided:

(i) No more than one such vehicle shall be allowed;

(ii) Such vehicle shall not park within any required setback areas of the lot or on adjacent streets; and

(iii) Such vehicle shall not exceed a manufacturer's gross vehicle weight in excess of 16,000 pounds, a length in excess of 20 feet, or a width in excess of eight feet;

(j) Signs in connection with the home occupation shall comply with the restrictions of MMC 22C.160.150(9);

(k) No sales or services will be conducted on the premises which will generate more than 10 average daily round trips per day by customers.

(2) A home occupation permit issued to one person shall not be transferable to any other person, nor shall a home occupation permit be valid at any other address than the one listed on the permit.

(3) In granting approval for a home occupation, the reviewing official may attach additional conditions to ensure the home occupation will be in harmony with, and not detrimental to, the character of the residential neighborhood.

(4) Any home occupation authorized under the provisions of this chapter shall be open to inspection and review at all reasonable times by enforcement officials for purposes of verifying compliance with the conditions of approval and other provisions of this title.

(5) The community development director shall have authority to administratively grant a minor modification to the standards listed in subsections (1)(a) and/or (c) of this section, provided the use is consistent with the purposes of this chapter and will be operated in harmony with the character of a residential neighborhood. Minor modifications shall be limited to the home occupations standards in subsections (1)(a) and (c) of this section, provided they create no significant impacts to the residential neighborhood. The community development director is authorized to approve minor modifications only in cases of unique circumstances such as large property acreage, remote site access or site location, or small scale of use, when these circumstances ensure the commercial operation remains incidental to the dwelling and in no way alters the normal residential character of the premises. No variance shall be granted which would be detrimental to public health, welfare or environment.

Exhibit IIII

22C.200.030 Permit required.

A day care I ~~home occupation~~ permit is required, subject to the following conditions:

(1) A day care I ~~home occupation~~ permit issued to one person shall not be transferable to any other person; nor shall a day care I ~~home occupation~~ permit be valid at any other address than the one listed on the permit.

(2) In granting approval for a day care I ~~home occupation~~, the community development director, or designee, may attach additional conditions to ensure the use~~home occupation~~ will be in harmony with, and not detrimental to, the character of the residential neighborhood.

(3) Any day care I ~~home occupation~~ authorized under the provisions of this chapter shall be open to inspection and review at all reasonable times by enforcement officials for purposes of verifying compliance with the conditions of approval and other provisions of this title.

Exhibit JJJJ

22C.220.090 Development regulations.

(1) Existing amenities (e.g., views, mature trees, etc.) that are unique to the site should be preserved and incorporated into the project's design whenever possible.

(2) When an MPSC project adjoining residential and commercial uses can mutually benefit from connection rather than separation, appropriate connective elements (e.g., walkways) should be provided.

(3) The site shall be designed and developed utilizing crime prevention through environmental design (CPTED) principles as set forth in MMC 22C.010.290 and 22C.020.250.

(4) Building Design and Layout.

(a) Development of the site is subject to compliance with development standards outlined in Chapters 22C.010 and 22C.020 MMC.

(b) When a master planned senior community is located within, or adjacent to, single-family residential zones and is, or may be, surrounded by traditional single-family development, the community shall be designed and developed ~~so as~~ to be consistent with a single-family residential environment. Larger scale (i.e., multi-unit buildings, nursing care facilities) buildings shall be located on the site ~~so as~~ to least impact surrounding single-family uses and to create a consistent streetscape that is in the desired character for a residential area.

(c) When a master planned senior community is located within, or adjacent to, commercial or multifamily zones and is or may be surrounded by traditional commercial or multifamily development, any multi-unit buildings and nursing care facilities on the site shall be placed to consider the visual continuity between the proposed and existing adjacent development with respect to building setbacks and placement of structures to create a consistent streetscape.

(d) Multiple buildings in a single project should provide a functional relationship with one another to achieve a sense of place by use of the following techniques:

(i) Cluster buildings around open space areas or courtyards, not parking lots.

(ii) Provide open space areas and courtyards with landscaping and other pedestrian amenities.

(iii) Provide convenient pedestrian circulation between buildings, open space, and parking areas.

(iv) Link buildings together visually, using such elements as trellis structures, arcades, and/or enhanced paving.

(v) Where feasible and desirable, locate buildings near public streets, thus creating a strong presence thereon.

(5) Building and Unit Design. Universal design (also known as "aging in place") is a method of design that seeks to create development that can be used by everyone, regardless of age or physical condition. All projects shall implement, at minimum, the following universal design principles:

(a) No-step entries.

(b) One-story living such that an eating area, bathroom, and sleeping area are available on the same floor.

(c) ADA accessible doors, hallways and bathrooms.

(d) Room thresholds that are flush.

(e) Adequate lighting throughout the dwelling unit.

(6) Architectural Style and Design Guidelines. Multifamily and nursing/assisted living facilities shall comply with MMC 22C.010.290 and MMC 22C.020.250. ~~Attached/~~D~~d~~etached single-family residences and Middle Housing~~dwelling units~~ shall comply with MMC 22C.010.310.

(7) Utility and Mechanical Equipment.

(a) All mechanical equipment shall be architecturally screened from view.

(b) Utility equipment (e.g., electric and gas meters, electrical panels, and junction boxes) should be located in utility rooms within the structure or utility cabinets with exterior access.

(8) Solid Waste and Recycling. Developments shall provide storage space and collection points for solid waste and recyclables in accordance with Chapter 7.08 MMC, MMC 22C.010.370 and 22C.020.320.

(9) Parking and Circulation.

(a) Project entries should provide the resident and visitor with an overview of the project through either an easy visual assessment (in smaller projects) or by providing signage or placards that illustrate the circulation, parking, building, and amenity layout of the project.

(b) The principal vehicular access should be through an entry drive rather than a parking aisle, when possible. Colored, textured paving treatment at entry drives together with lush landscaping is strongly encouraged.

(c) The number of required off-street parking stalls shall be in accordance with MMC 22C.130.030. The community development director may approve alternative parking requirements upon satisfactory demonstration by the applicant that the site will have adequate parking to serve all proposed uses and/or that the community is located within walking distance of a neighborhood center that offers a variety of services and a safe walking route is provided.

(d) If parking is not attached to the residential structures, covered carports and dispersed parking courts are the desired alternative.

(e) A parking court should not consist of more than two double-loaded parking aisles (bays) adjacent to each other.

(f) Carports should provide no more than five parking spaces within each structure. The structures should be constructed with material consistent with those used in building construction.

(g) All parking standards identified in Chapter 22C.130 MMC, Parking and Loading, shall apply, except as may be specified herein.

(10) Pedestrian Access.

(a) Drop-off points should be provided at major building entries and plaza areas.

(b) The project should be designed to minimize the need for pedestrians to cross parking aisles and landscape islands to reach building entries.

(c) Stamped or painted concrete walkways should be provided in areas where it is necessary for pedestrians to cross drive or parking aisles.

(d) All projects shall provide a clear connection between the on-site pedestrian circulation system and the off-site public sidewalk.

(11) Landscaping. Landscaping shall comply with Chapter 22C.120 MMC, Landscaping and Screening, except as may be specified herein.

(12) Public Transportation Amenities.

(a) A sheltered bus stop with a canopy provided with architecture consistent with the project shall be provided, if required in coordination with local transit agencies.

(b) In cases when a public bus stop is, or may be in the future, located within the frontage of a proposed site, a bus stop or cover shall be provided.

(13) On-Site Common Recreational Facilities.

(a) Recreational amenities shall be appropriately distributed throughout the community. Such facilities shall consist of open or enclosed areas for residents of the community to congregate for recreation and leisure. Structures with multiple-family style dwelling units (i.e., independent senior housing apartment units, assisted living dwelling units, etc.) shall provide open space or active or indoor recreation space consistent with the following chart:

Type of Dwelling Unit	Outdoor Open Space	Active Outdoor or Indoor Recreation Facility
(a) Studio and one bedroom	90 square feet per unit	45 square feet per unit
(b) Two bedroom	130 square feet per unit	65 square feet per unit
(c) Three or more bedroom	170 square feet per unit	85 square feet per unit

(b) The following standards shall be utilized for outdoor recreational facilities:

(i) The design and orientation of these areas should take advantage of available sunlight and should be sheltered from the noise and traffic of adjacent street or other incompatible uses.

(ii) Each outdoor open space area should have a focal point. The focal point may consist of, but need not be limited to, water fountains, landscape planters, monuments, waterways, view points, artwork, trellises or gazebos. The focal point of all open space areas shall complement one another by maintaining a common theme, consistent furnishing, and signage.

(iii) On-site outdoor recreation space shall:

(A) Be of a grade and surface suitable for recreation;

(B) Be one continuous parcel if less than 3,000 square feet in size;

(C) Have no dimension less than 30 feet (except trail segments);

(D) Be situated and designed to be visible from adjacent buildings and uses on site; and

(E) Be accessible and convenient to all residents within the development.

(iv) The required amount of on-site common recreation space may be reduced by the community development director, if it is demonstrated that the facilities provided on site will offer residents with exceptional opportunities to participate in active aging (i.e., physical activity programs, trails, tennis courts, swimming pools, or other amenities deemed appropriate), and/or if it is demonstrated that the community is located within walking distance of a pedestrian-friendly neighborhood center and a safe walking route is provided.

(14) Private Open Space. Each single-family ~~attached or~~ detached, townhouse, or Middle Housing dwelling unit shall be provided a private open space area, free and clear of any attached or detached accessory structures, as follows:

(a) Each unit shall be provided 100 square feet of private yard with a minimum interior dimension of 10 feet.

(b) The required amount of private open space may be reduced by the community development director as provided in subsection (13)(b)(iv) of this section.

(15) Covenant and Duration. An agreement in a form approved by the city must be recorded on the property requiring that the provisions of this chapter, including age restrictions and site plan approval, be maintained for the life of the project. The agreement shall be recorded prior to building permit issuance. This agreement shall be a covenant running with the land, binding on the assigns, heirs and successors of the applicant.

Exhibit KKKK

22C.220.100 Modification of development regulations.

The city's standard development regulations shall be modified for a master planned senior community as provided in this section.

(1) Density and Dimensions. The standard dimensional regulations shall apply to all lots and development in a master planned senior community, except as specifically modified below and as provided in the design review standards in Chapters 22C.010, 22C.020 and/or 22G.080 MMC. The density permitted is modified as follows:

(a) Modified Density Standards:

	Residential Zones	Commercial Zones
Maximum Density: Dwelling Unit/Acre	As per the underlying zone plus 20%; provided that, the NR-4.5 zone is capped at 10 units/acre and the NR-6.5 zone is capped as 12 units/acre	None

(b) When projects are proposed on sites that encompass multiple zones, the density built on each zone will be limited to that of the underlying allowed density for each zone.

(2) Maximum Building Height. Outside of the Downtown Neighborhood~~Planning Area 1~~, buildings or portions of buildings located within 50 feet of a property that is zoned single-family, or where the predominant adjacent use is single-family, shall be limited to a maximum height of 30 feet.

(3) Street Standards. When multiple detached single-family or Middle Housing~~duplex~~ units are proposed, the project shall meet residential right-of-way and access standards as set forth in the Marysville Municipal Code and engineering development and design standards (EDDS). An applicant may request to utilize the city's PRD access street standards, which may be allowed at the discretion of the community development director.

(4) Open Space. Open space requirements may be modified consistent with this chapter.

(5) Additional Modifications. An applicant may request additional dimensional, open space, street, and design standard modifications beyond those provided in this section. Granting of the requested modification(s) will be based on innovative and exceptional architectural design features and/or innovative and exceptional site design and layout that contribute to achieving the purpose of this chapter.

Exhibit LLLL

22C.230.030 Mobile/manufactured home park zone.

There is created a mobile/manufactured home park zone (MHP) which shall be construed as an overlay classification which may be enacted for any area within the city zoned single family (R-4.5 through R-8) and in the multiple-family residential classification (R-12 through R-28~~), or planned residential development classification (PRD 4.5 through PRD 8)~~.

(1) Purpose. The purposes of the MHP classification are:

(a) To provide a suitable living environment within a park-like atmosphere for persons residing in mobile/manufactured homes;

(b) To encourage variety in housing styles within areas designated for other residential development;

(c) To permit flexibility in the placement of mobile/manufactured homes on a site in order to minimize costs associated with development of roads, utilities, walkways and parking facilities, while providing adequate common and private open space.

(2) Permitted Uses. In the MHP zone the following uses are permitted:

(a) Mobile/manufactured home parks, subject to the requirements of this chapter;

(b) Mobile/manufactured homes, located only within an approved mobile/manufactured home park;

(c) Accessory uses and structures as provided in MMC 22C.010.060 and 22C.020.060;

(d) Recreational facilities located within and primarily for the use of residents of an approved mobile/manufactured home park;

(e) Recreational vehicle and boat storage facilities located within and limited to use by residents of an approved mobile/manufactured home park.

Exhibit MMMM

22C.230.040 Procedures for review and approval.

(1) Rezone. For an MHP overlay zoning classification to be enacted, all procedural requirements, including filing fees specified in MMC Title 22G, shall be complied with in full.

(2) Conditional Use Permit. A mobile home park shall be allowed in a single-family residential zone only upon conditional use permit approval ~~of a PRD rezone and the issuance of a conditional use permit by the city~~. The owner, operator and occupants of a mobile home park shall develop and use the park in strict compliance with the conditions imposed by the permit. The agency issuing the permit shall maintain continuing jurisdiction for the review and enforcement of said conditions.

(3) Preliminary Site Plan. A preliminary site plan meeting the requirements of MMC 22C.230.060(1) shall be submitted with all applications for MHP rezones. Said site plan shall be subject to review, modification, approval or denial by the city council as an integral part of the MHP rezone process. There shall be no clearing, grading, construction or other development activities commenced on an approved mobile/manufactured home park until a preliminary site plan is upgraded to a binding site plan, and the same is approved and filed.

(4) Final Site Plan. Following final approval by the city council of an MHP rezone, but before development activities commence on the property, the owner shall submit a final site plan meeting the requirements of MMC 22C.230.060(2). The city staff shall review the final site plan to determine whether it conforms to the approved preliminary site plan, the MHP rezone, and applicable state laws and city ordinances which were in effect at the time of the rezone approval. Upon such conformity being found the final site plan shall be signed by the community development director. An approved final site plan shall constitute an integral part of an MHP zoning overlay, and shall be binding upon the owner of the property, its successors and assigns. All development within a mobile/manufactured home park shall be consistent with the final site plan.

(5) Subdivision Exemption. If a mobile/manufactured home park remains completely under single ownership or control, including ownership by a condominium association, compliance with an approved MHP rezone and final site plan shall preclude the necessity to plat the park or comply with any subdivision laws or ordinances.

(6) Amendment of Final Site Plan. An approved final site plan may be modified or amended at the request of the applicant upon receiving administrative approval by the community development director; provided, that if said modification or amendment affects the external impacts of the mobile/manufactured home park, or is determined by the community development director to be substantial in nature, then such modification or amendment shall be resubmitted to the hearing examiner and city council as a rezone application pursuant to Chapter 22G.010 MMC, Article VI, Land Use Application – Decision Criteria.

(7) Duration of Approval. An MHP rezone and the final site plan which is an integral part thereof shall be effective for three years from the date of approval of the rezone by the city council. An applicant who files a written request with the city council at least 30 days before the expiration of said approval period shall be granted a one-year extension upon a showing that the applicant has attempted in good faith to progress with the development of the park. During the approval period all improvements required by the final site plan shall be completed or bonded. Bonding shall conform to the bonding requirements for plats specified in Chapter 22G.040 MMC.

(8) Completion Prior to Occupancy. All required improvements and other conditions of the MHP rezone and final site plan approval shall be met prior to occupancy of any site by a mobile/manufactured home; provided, that completion may be accomplished by phases if approved by the community development director and security for performance in accordance with the provisions of

Chapter 22G.040 MMC and acceptable to the community development director is received by the city. The community development director may also require security for maintenance for a period of up to five years in accordance with the provisions of Chapter 22G.040 MMC.

(9) Compliance. Any use of land which requires an MHP rezone and final site plan approval, as provided in this chapter, and for which such review and approval are not obtained, or which fails to conform to an approved MHP rezone and final site plan, constitutes a violation of this title.

(10) Health District Approval. Prior to occupancy of a mobile/manufactured home park, the owner shall obtain a permit from the Snohomish health district and comply with all rules, regulations and requirements of said district. Said permit must be kept current at all times, subject to the park being closed. The rules, regulations and requirements of the health district shall be construed as being supplements to the provisions of this chapter.

Exhibit NNNN

22C.250.060 Wireless communication facilities – Siting hierarchy.

Siting of antenna or support structures shall adhere to the siting hierarchy of this section. The order of ranking for antenna or antenna support structures, from highest to lowest, shall be 1, 2, 3, 4. Where letters (a, b) are present, a is preferable to b. Where a lower ranking alternative is proposed, the applicant must submit relevant information including but not limited to an affidavit by a licensed radio frequency engineer demonstrating that despite diligent efforts to adhere to the established hierarchy within the geographic search area, higher ranking options are not technically feasible or justified given the location of the proposed wireless communications facility and network need.

Example: A new facility meeting the definition of a concealed consolidated WCF is proposed; the applicant demonstrates that the new facility cannot be sited under hierarchy (1)(a) through (1)(b). The applicant then demonstrates the new facility cannot be sited under hierarchy 2. The applicant then moves to hierarchy 3 and is able to propose a site.

1	Co-location with existing antenna support structure: a. That requires no increase in pole or structure height. b. That requires an increase in pole or structure height, which shall comply with MMC 22C.250.080(3).
2	New concealed antenna support structure or concealed consolidation: • On developed, improved sites in nonresidential zoning districts; or • On publicly owned land. Concealed attached WCF: • Within public parks, public open spaces, and on other publicly owned land; or • Within public rights-of-way; or • Within nonresidential zoning districts or residential zoning districts on lots not used for single-family residential or Middle Housing purposes.
3	Concealed consolidations: a. In nonresidential zoning districts. b. In residential zoning districts on lots not used for single-family residential or Middle Housing purposes.
4	New concealed antenna support structure: a. In nonresidential zoning districts. b. In residential zoning districts on lots not used for single-family residential or Middle Housing purposes.

The community development director may allow the siting of a facility in a location at a lower position in the hierarchy without demonstration that higher ranking options are not technically feasible or justified, provided the applicant demonstrates that the proposed facility location would result in a lesser visual/aesthetic impact and better meets the purposes of this chapter.

Exhibit OOOO

22C.250.070 Wireless communication facilities – General requirements.

(1) Co-located or combined facilities shall comply with the following requirements:

(a) Co-location of antennas onto existing antenna support structures meeting the dimensional standards of this chapter are permitted outright. Antenna mounts shall be flush-mounted onto existing antenna support structure, unless it is demonstrated through RF propagation analysis that flush-mounted antennas will not meet the network objectives of the desired coverage area. Furthermore, an antenna shall only extend vertically above the uppermost portion of the structure to which it is mounted or attached as follows:

(i) Not more than 20 feet on a nonresidential structure; and

(ii) Not more than 15 feet on a multifamily structure.

(b) Co-location of antennas onto a new antenna support structure constructed after May 1, 2006, shall be concealed.

(c) At the time of installation, the WCF base station and ancillary structures shall be brought into compliance with any applicable landscaping requirements.

(d) A co-located or combined WCF, its new base station, and any new ancillary structures shall be subject to the setbacks of the underlying zoning district.

(e) When a co-located or combined WCF is to be located on a nonconforming building or structure, then it shall be subject to the nonconformance provisions of Chapter 22C.100 MMC.

(2) Concealed attached WCFs outside of the public ROW shall comply with the following requirements:

(a) Concealed antennas shall reflect the visual characteristics of the structure to which they are attached and shall be designed to architecturally match the facade, roof, wall, or structure on which they are affixed so that they blend with the existing structural design, color, and texture. This shall include the use of colors and materials, as appropriate. When located on structures such as buildings or water towers, the placement of the antenna on the structure shall reflect the following order of priority in order to minimize visual impact:

(i) A location as close as possible to the center of the structure; and

(ii) Along the outer edges or side-mounted; provided, that in this instance, additional means such as screens should be considered and may be required by the department on a case-by- case basis; and

(iii) When located on the outer edge or side-mounted, be placed on the portion of the structure less likely to be seen from adjacent lands containing, in descending order of priority, existing residences, public parks and open spaces, and public roadways.

(b) The top of the concealed attached WCF shall not be more than 40 feet above the existing or proposed nonresidential building or structure, or more than 15 feet above a residential building. Maximum height must be consistent with MMC 22C.250.080(3).

(c) Feed lines shall be contained within a principal building or encased and the encasement painted to blend and match the design, color, and texture of the facade, roof, wall, or structure to which they are affixed.

(3) Concealed attached WCFs proposed within the public right-of-way shall comply with the following requirements:

(a) An existing pole may be extended or replaced with a new pole, provided the original pole height may be increased by no more than the sum of the height of the wireless antenna(s) and necessary equipment, plus the minimum vertical separation distance as required by the utility agency.

(b) The pole must serve the original purpose and, if replaced, must be of similar appearance and composition as adjacent utility poles. The community development director may authorize the utilization of a composition material other than that of adjacent poles if it can be demonstrated that the utility's engineering requirements necessitate that the different material be utilized.

(c) Antennas shall be flush-mounted.

(d) Field changes necessary in order to meet other utility agency requirements shall be reviewed and approved by the city prior to structure installation.

(4) Concealed antenna support structures shall comply with the following requirements:

(a) Upon application for a new concealed antenna support structure, the applicant shall provide a map showing all existing antenna support structures or other suitable nonresidential structures located within one-quarter mile of the proposed structure with consideration given to engineering and structural requirements.

(b) No new antenna support structure shall be permitted if an existing structure suitable for attachment of an antenna or co-location is located within one-quarter mile, unless the applicant demonstrates that the existing structure is physically or technologically unfeasible, or is not made available for sale or lease by the owner, or is not made available at a market rate cost, or would result in greater visual impact. The burden of proof shall be on the applicant to show that a suitable structure for mounting of antenna or co-location cannot be reasonably or economically used in accordance with these criteria.

(c) In residential districts, new concealed antenna support structures shall only be permitted on lots whose principal use is not single-family residential or Middle Housing, including but not limited to schools, churches, synagogues, fire stations, parks, and other public property.

(d) To the extent that there is no conflict with the color and lighting requirements of the Federal Communications Commission and the Federal Aviation Administration for aircraft safety purposes, new antenna support structures shall be concealed as defined by this title and shall be configured and located in a manner to have the least visually obtrusive profile on the landscape and adjacent properties.

New concealed antenna support structures shall be designed to complement or match adjacent structures and landscapes with specific design considerations such as architectural designs, height, scale, color, and texture and designed to blend with existing surroundings to the extent feasible. This shall be achieved through the use of compatible colors and materials, and alternative site placement to allow the use of topography, existing vegetation or other structures to screen the proposed concealed antenna support structure from adjacent lands containing, in descending order of priority: existing residences, public parks and open spaces, and public roadways.

(e) At time of application the applicant shall file a letter with the department, agreeing to allow co-location on the tower. The agreement shall commit the applicant to provide, either at a market rate cost or at another cost basis agreeable to the affected parties, the opportunity to co-locate the antenna of other service providers on the applicant's proposed tower to the extent that such co- location is technically and structurally feasible for the affected parties.

(f) All new concealed antenna support structures up to 60 feet in height shall be engineered and constructed to accommodate no less than two antenna arrays. All concealed antenna support structures between 61 feet and 100 feet shall be engineered and constructed to accommodate no less than three antenna arrays. All concealed antenna support structures between 101 and 140 feet shall be engineered and constructed to accommodate no less than four antenna arrays.

(g) Those providing for co-location shall also submit a plan for placement of base station equipment for potential future providers and/or services provided by additional antenna arrays.

(h) Grading shall be minimized and limited only to the area necessary for the new WCF.

(5) Consolidation of WCFs shall comply with the following requirements; consolidation of two or more existing WCFs may be permitted pursuant to the provisions of this chapter, including a CUP and consideration of the following:

(a) WCF consolidation shall reduce the number of WCFs.

(b) If a consolidation involves the removal of WCFs from two or more different sites and if a consolidated WCF is to be erected on one of those sites, it shall be erected on the site that provides for the greatest compliance with the standards of this chapter.

(c) Consolidated WCFs shall be concealed.

(d) All existing base stations and ancillary equipment shall be brought into compliance with this chapter.

(e) New WCFs approved for consolidation of an existing WCF shall not be required to meet new setback standards so long as the new WCF and its base station and ancillary structures are no closer to any property lines or dwelling units than the WCF and base station and ancillary structures being consolidated. For example, if a new WCF is replacing an old one, the new one is allowed to have the same setbacks as the WCF being removed, even if the old one had nonconforming setbacks.

(f) If the consolidated WCF cannot meet the setback requirements, it shall be located on the portion of the parcel on which it is situated which, giving consideration to the following, provides the optimum practical setback from adjacent properties:

(i) Topography and dimensions of the site;

(ii) Location of any existing structures to be retained.

Exhibit PPPP

22D.020.030 Payment of impact fees required.

(1) Payment of Impact Fees Required. Any person who applies for a building permit for any development activity or who undertakes any development activity shall pay the impact fees set in MMC 22D.020.050 or 22D.020.060 to the city of Marysville finance department or its designee. Except as otherwise provided in this section and MMC Title 22, no new building permit shall be issued until the required impact fees have been paid to the city of Marysville finance department or its designee or successor. Where a building permit is not required for a development activity, the impact fees shall be paid to the city of Marysville finance department or its designee before undertaking the development activity.

(2) Deferral of Impact Fee Payments Allowed.

(a) Required impact fee payments may be deferred to final inspection for single-family detached or Middle Housing ~~attached residential~~ dwellings.

(b) The community development department shall allow an applicant to defer payment of the impact fees when, prior to submission of a building permit application for deferment under subsection (2)(a) of this section, the applicant:

(i) Submits a signed and notarized deferred impact fee application and acknowledgement form for the development for which the property owner wishes to defer payment of the impact fees.

(c) Compliance with the requirements of the deferral option shall constitute compliance with the conditions pertaining to the timing of payment of the impact fees.

Exhibit QQQQ

22D.020.050 Computing required impact fees using adopted impact fee schedules.

At the option of the person applying for a building permit or undertaking development activity, the amount of the impact fees shall be determined by the fee schedules in this section.

(1) When using the impact fee schedules, the impact fees shall be calculated by using the following formula:

Number of units of each use	x	Impact fee amount for a facility type	=	Amount of impact fee that shall be paid for that facility type for that use

(a) The number of units of each use shall be determined as follows:

(i) For residential uses it is the number of housing units for which a building permit application has been made; and

(ii) For office, retail, or manufacturing uses it is the gross floor area of building(s) to be used for each use expressed in square feet divided by 1,000 square feet. If uses other than parking vehicles which does not constitute a stock in trade and uses accessory to residences will take place outside of buildings, the calculations shall include the land area on which these uses will take place.

(b) Using the formula in subsection (1) of this section, impact fees shall be calculated separately for each use and each facility type. The impact fees that shall be paid are the sum of these calculations.

(c) If a development activity will include more than one use in a building or on a site, then the fee shall be determined using the above schedule by apportioning the space committed to the various uses specified on the schedule.

(d) If the type of use or development activity is not specified on the impact fee schedules in this section, the planning director shall use the impact fee applicable to the most comparable type of land use on the fee schedules. The planning director shall be guided in the selection of a comparable type by the most recent Standard Industrial Code Manual and the Marysville development code. If the planning director determines that there is no comparable type of land use on the above fee schedule then the planning director shall determine the proper fee by considering demographic or other documentation which is available from state, local, and regional authorities.

(e) In the case of a change in use, development activity, redevelopment, or expansion or modification of an existing use, the impact fee shall be based upon the net positive increase in the impact fee based on either the number of dwelling units or square feet of commercial or industrial area for the new development activity as compared to the previous development activity. The planning director shall be guided in this determination by the sources and agencies listed above.

(2) Park, Recreation, Open Space or Trail Facility-Type Impact Fee Schedule.

Land Use	Units	Impact Fee That Shall Be Paid per Unit or S.F.
Single-family residences, ~~(including~~ mobile/ manufactured homes, Middle Housing (excluding accessory dwelling units), ~~duplexes~~ and townhouses ~~attached single-family homes~~)	1 housing unit	$1,251.00
Multifamily residences	1 housing unit	$884.00

Note: Land uses are defined in Chapter 22A.020 MMC.

Exhibit RRRR

22D.020.130 Formula for determining park, recreation, open space or trail impact fees.

(1) The park, recreation, open space or trail impact fees for MMC 22D.020.050(2) shall be the developer fee obligation (F) calculated using the formula and table in this section.

(2) The impact fee service area for park, recreation, open space or trail impact fees shall be the entire city of Marysville.

(3) Separate fees shall be calculated for single-family residences, mobile/manufactured homes, Middle Housing, townhouses, multifamily residences, offices, retail trade, manufacturing, and other uses. For the purposes of this chapter, mobile/~~ homes or~~ manufactured homes, ~~duplexes~~ Middle Housing, and townhouses ~~single-family attached dwellings~~ shall be charged ~~treated as~~ the single-family residence~~s~~ rate.

(4) The schedule of fees set forth in MMC 22D.020.050(2) shall be adjusted annually beginning January 1, 2001, based upon the change in the Consumer Price Index (CPI-U) for the Seattle-Everett area for the preceding 12 months for which such CPI data is available.

Formulas for Determining Park, Recreation, Open Space or Trail Impact Fees:

For assessing impacts of residential properties, the capital facility plan is used as the basis for the fee calculation.

IF:

A = Parks, recreation, open space or trails capital facility program.

B = City of Marysville contribution.

C = Percent of total park use demanded by land use category.

D = Projected growth by number of units per land use category.

F = Developer fee obligation.

THEN:

F = [(A – B) x C]/D

Exhibit SSSS

22D.030.040 Definitions.

(1) "Approving authority" means the city employee, agency or official having authority to issue the approval or permit for the development involved.

(2) "Arterial unit" means a road, segment of a road, or portion of a road or a system of roads, or intersection, consistent with the level of service methodology adopted in the city transportation element of the comprehensive plan and consistent with the criteria established by the director, for the purpose of making level of service concurrency determinations.

(3) "Arterial unit in arrears" means any arterial unit operating below the adopted level of service standard adopted in the transportation element of the comprehensive plan, except where improvements to such a unit have been programmed in the city six-year transportation improvement program adopted pursuant to RCW 36.81.121 with funding identified that would remedy the deficiency within six years.

(4) "Capacity improvements" means any improvements that increase the vehicle and/or people moving capacity of the road system.

(5) "Capital facilities plan" means all documents comprising the capital facilities element of the comprehensive plan that, for capital facilities, consists of an inventory of facilities owned by public entities, forecasts of future needs, new and expanded facilities, and a multi-year financing plan, adopted pursuant to Chapter 36.70A RCW.

(6) "Comprehensive plan" means the generalized, coordinated land use policy statement of the city council adopted pursuant to Chapter 36.70A RCW, which may include a land use plan, a capital facilities plan, a transportation element, subarea plans and any such other documents or portions of documents identified as constituting part of the comprehensive plan under Chapter 36.70A RCW.

(7) "Dedication" means conveyance of land to the city for road purposes by deed or some other instrument of conveyance or by dedication on a duly filed and recorded plat or short plat.

(8) "Department" means either the city of Marysville public works or community development department, whichever department is relevant to the city action being referred to in this title.

(9) "Developer" means the person applying for or receiving a permit or approval for a development as defined in subsection (10) of this section.

(10) "Development" means all the subdivisions, short subdivisions, industrial or commercial building permits, conditional use permits, binding site plans (including those associated with rezone applications), or building permits (including building permits for single-family detached, Middle Housing, townhouses, multifamily ~~and duplex residential structures~~, and all similar uses), changes in occupancy and other applications pertaining to land uses that:

(a) Require land use permits or approval by the city of Marysville; or

(b) Which are located in areas of the county or other cities and which will impact the city of Marysville's public road system.

"Development" does not include building permits for single-family detached~~residential dwellings~~, ~~attached or detached~~ accessory ~~apartments~~dwelling units, or duplex conversions, on existing tax lots.

(11) "Direct traffic impact" means any new vehicular trip added by new development to its road system as defined in subsection (20) of this section.

(12) "Director" means the director of the city of Marysville department of either public works or community development or his/her authorized designee, whichever director is relevant to the city action being referred to in this title.

(13) "Frontage improvements" means improvements on roadways abutting a development and tapers thereto required as a result of a development. Generally, frontage improvements shall consist of appropriate base materials; curb, gutter, and sidewalk; storm drainage improvements; bus pullouts and waiting areas where necessary; bicycle lanes and bicycle paths where applicable; and lane improvements.

(14) "Highway capacity manual" means the current Highway Capacity Manual, Transportation Research Board, National Research Council, 2101 Constitution Avenue, Washington, D.C.; amendments thereto; and any supplemental editions or documents published by the Transportation Research Board adopted by the U.S. Department of Transportation, Federal Highway Administration.

(15) "Inadequate road condition" means any road condition, whether existing on the road system or created by a new development's access or impact on the road system, which jeopardizes the safety of road users, including nonautomotive users, as determined by the city engineer in accordance with the department policy and procedure for the determination of inadequate road conditions.

(16) "Level of service (LOS)" means a qualitative measure describing operational conditions within a traffic stream, and the perception thereof by road users. Level of service standards may be evaluated in terms such as speed and travel time, freedom to maneuver, traffic interruptions, comfort, convenience, geographic accessibility, and safety. The highway capacity manual defines six levels of service for each type of facility for which analysis procedures are available. They are given letter designations, from A to F, with level-of-service A representing the best operating condition, and level-of-service F the worst. For the purposes of this title, level of service will be measured only on arterial units.

(17) "Off-site road improvement" means improvement, except a frontage improvement, to an existing or proposed city or county road outside the boundaries of a development, which improvement is required or recommended in accordance with this title.

(18) "Public agency" means any school district, public water, sewer or utility district; fire district; airport district; public transportation benefit area; or local government agency seeking a land use permit or approval reviewed under this title.

(19) "Road" means an open, public way for the passage of vehicles that, where appropriate, may include pedestrian, equestrian and bicycle facilities. Limits include the outside edge of sidewalks, or curbs and gutters, paths, walkways, or side ditches, including the appertaining shoulder and all slopes, ditches, channels, waterways, and other features necessary for proper drainage and structural stability within the right-of-way or access easement.

(20) "Road system" means those existing or proposed public roads, whether state, county or city (including freeway interchanges with county roads or city streets and the ramps for those interchanges but excluding freeway mainlines), within the transportation service area.

(21) "Transportation element" means the element of the city comprehensive plan that for transportation consists of goals and policies, an inventory of facilities and services, adopted level of service standards, an analysis of deficiencies and needs, system improvements and management strategies and a multi-year financial plan, adopted pursuant to Chapter 36.70A RCW.

(22) “Transportation service area” means a geographic area of the city, as defined in the transportation element, identified for the purpose of evaluating the transportation impacts of development, determining proportionate shares of needed transportation improvements and allocating revenue to transportation improvement projects.

(23) “WSDOT” means the Washington State Department of Transportation.

Exhibit TTTT

22D.030.070 Determination and fulfillment of road system obligations.

(1) Determination of Developer Obligations.

(a) Applications which have a prior SEPA threshold determination establishing developer obligation for the transportation impacts at time of enactment of the ordinance codified in this section shall be vested under the development obligation identified under SEPA.

(b) A determination of developer obligation shall be made by the city before approval of preliminary plats, short subdivisions, and conditional use permits. For binding site plans (including those associated with rezone applications) and commercial permits, the determination of developer obligation shall be made prior to issuance of a building permit.

(c) Mitigation measures imposed as conditions of approval of conditional use permits or binding site plans shall remain valid until the expiration date of the concurrency determination for a development. Any building permit application submitted after the expiration date shall be subject to full reinvestigation of traffic impacts under this title before the building permit can be issued. Determination of new or additional impact mitigation measures shall take into consideration, and may allow credit for, mitigation measures fully accomplished in connection with approval of the conditional use permit, the binding site plan, or prior building permits pursuant to a binding site plan, only where those mitigation measures addressed impacts of the current building permit application.

(d) The director, following review of any required traffic study and any other pertinent data, shall inform the developer in writing what the development's impacts and mitigation obligations are under this title. The developer shall make a written proposal for mitigation of the development's traffic impact, except when such mitigation is by payment of any impact fee under the authority provided to the city under RCW 82.02.050(2). When the developer's written proposal has been reviewed for accuracy and completeness by the director, the director shall make a recommendation to the community development department as to the concurrency determination and conditions of approval or reasons for recommending denial of the land use application, citing the requirements of this title.

(e) For developments which require a public hearing, a developer must submit a written proposal to the director for mitigation of the development's traffic impact, except where such mitigation is by payment of any impact fee under the authority provided to the city under RCW 82.02.050(2). The written proposal must be submitted after any required traffic study has been reviewed and the director has stated the mitigation requirements pursuant to this chapter.

(f) Any request to amend a proposed development, following the determination of developer obligations and approval of the development, which causes an increase in the traffic generated by the development, or a change in points of access, shall be processed in the same manner as an original application and determined to be a substantial project revision, except where written concurrence is provided by the community development director that such request may be administratively approved.

(2) Road System Capacity Requirements.

(a) All developments must mitigate their impact upon the future capacity of the road system either by constructing off-site road improvements which offset the traffic impact of the development or by paying the development's proportionate share cost of the future capacity improvements as set forth in subsection (3) of this section.

(b) Construction Option – Requirements.

(i) If a developer chooses to mitigate the development's impact to the road system capacity by constructing off-site road improvements, the developer must investigate the impact, identify improvements, and offer a construction plan to the director for construction of the off-site improvements.

(ii) In cases where two or more developers have agreed to fully fund a certain improvement, the proportionate sharing of the costs shall be on any basis that the developers agree among themselves would be equitable. Under such an arrangement, the terms of the agreement shall be binding on each development as conditions of approval.

(iii) Any developer who volunteers to construct more than the development's share of the cost of off-site improvements may apply for a reimbursement contract.

(c) Payment Option – Requirements.

(i) If a developer chooses to mitigate the development's impact by making a proportionate share mitigating payment, the development's share of the cost of future capacity improvements will be equal to the development's peak-hour traffic (PHT) times the per-trip amount as identified in the transportation element of the comprehensive plan, as codified below.

(ii) If a developer chooses to mitigate the development's impact by making a proportionate share mitigating payment, the payment is required prior to building permit issuance unless the development is a subdivision or short subdivision, wherein the payment is required prior to the recording of the subdivision or short subdivision.

(iii) Any developer who volunteers to pay more than the development's share of the cost of off-site improvements may apply for a reimbursement contract.

(3) Traffic Impact Fee.

(a) The proportionate share fee amount shall be calculated in accordance with the formula established in Table I:

Table I:

A. Formula	
Step 1.	Calculate total transportation plan costs (20-year).
Step 2.	Subtract costs assigned to other agencies = total city of Marysville costs.
Step 3.	Subtract city-funded noncapacity projects from total city of Marysville costs.

Step 4.	Subtract LID or other separate developer funding sources = capacity added projects.
Step 5.	Subtract city share for external capacity added traffic.
Step 6.	Calculate applied discount.

The fee amount resulting from Step 5 is the required traffic impact fee payment.

(b) Data needed for calculation of the fee amount shall be provided in the adopted transportation element and street capital facility plan contained within the adopted city comprehensive plan, which data shall be updated at least annually.

(4) Temporary Enhanced Discount. For a period of three years from the effective date of the ordinance codified in this section, the discount referenced in step 6 of Table I (and which is based on data contained in Appendix A, Traffic Impact Fee Methodology, of the city's Transportation Element) shall be adjusted from seven percent to 22 percent. From and after three years of the effective date of the ordinance codified in this section the subject discount shall automatically revert to seven percent without further action of the Marysville city council.

(5) Traffic Impact Fee Exemption.

(a) Traffic Impact Fee Exemption Established. Pursuant to RCW 82.02.060(2) and (4), there is hereby established an exemption from the traffic impact fee set forth in subsection (3) of this section for development activity which meets the criteria of subsection (5)(c) of this section.

(b) Application for Traffic Impact Fee Exemption. Any developer applying for or receiving a building permit which meets the criteria set forth in subsection (5)(c) of this section may apply to the director of public works or designee for an exemption from the traffic impact fee established pursuant to subsection (3) of this section. Said application shall be on forms provided by the city and shall be accompanied by all information and data the city deems necessary to process the application. To the extent it is authorized by law the city shall endeavor to keep all proprietary information submitted with said application confidential; provided, however, this section shall not create or establish a special duty to do so.

(c) Exemption Criteria. To be eligible for the traffic impact fee exemption established by this section, the applicant shall meet each of the following criteria:

(i) The applicant must be a new commercial retail business in the Marysville city limits. For purposes of this section, "new commercial retail business" shall mean any business which sells retail goods and services which are subject to the retail sales tax provisions of Chapter 3.84 MMC and which applies for a building permit and which is subject to payment of traffic impact fees pursuant to this title.

(ii) Based on similar store sales or other reliable data, as determined by the city, the applicant must demonstrate that it is likely to generate to the city of Marysville average annual city of Marysville portion sales and use tax revenue of at least $200,000 based upon the three-year period commencing from date of certificate of occupancy.

(iii) The applicant must be a new retail business located within one of the following prescribed land use zones: light industrial (LI), general commercial (GC), community business (CB), mixed use (MU), downtown core (DC), downtown commercial (DTC), main street (MS), or flex (F).

(d) Administration of Traffic Impact Fee Exemption.

(i) Upon acceptance of an application for exemption from traffic impact fees pursuant to subsection (5)(b) of this section, the applicant shall pay to the city the full amount of the traffic impact fees required pursuant to subsection (3) of this section. Following receipt of the traffic impact fees the city shall deposit and manage the fees as set forth in subsection (5)(e) of this section. At the expiration of a three-year period commencing from the date of issuance of a certificate of occupancy the public works director, with the assistance of the city finance director, shall determine if the average annual city of Marysville portion sales and use tax revenue received by the city meets the minimum amount stated in subsection (5)(c)(ii) of this section. The determination shall be based upon the sales tax reporting requirements of Chapter 3.84 MMC as it now reads or is hereafter amended.

(ii) In the event the three-year average annual city of Marysville portion sales and use tax revenue criterion of subsection (5)(c)(ii) of this section has been met as determined by the director of public works, there shall be an exemption of 50 percent from the traffic impact fees otherwise due pursuant to subsection (3) of this section. In such case, 50 percent of the amount paid to the city pursuant to subsection (5)(d)(i) of this section shall be refunded to the applicant, plus any accrued interest. The remainder of the funds deposited pursuant to subsection (5)(d) of this section shall belong to the city and shall be released to the city.

(iii) In the event the three-year average annual city of Marysville portion sales and use tax revenue criterion of subsection (5)(c)(ii) of this section has not been met, the traffic impact fee required under subsection (3) of this section shall immediately belong to and shall be released to the city; provided, however, in cases where the applicant has met at least 75 percent of the amount set forth in subsection (5)(c)(ii) of this section, the applicant shall receive a partial exemption which shall result in a refund of 25 percent of the amount paid to the city pursuant to subsection (5)(d) of this section plus any accrued interest. The remainder of the funds deposited pursuant to subsection (5)(d) of this section shall belong to the city and shall be released to the city.

(iv) In cases where the applicant has not met either the three-year annual sales and use tax revenue criterion of subsection (5)(c)(ii) of this section or 75 percent thereof, all traffic impact fees paid pursuant to subsection (3) of this section shall belong to the city.

(v) By mutual agreement of the city and the applicant, any refund due under this section may be applied to an obligation or assessment owed by the applicant for city street improvement purposes, including, but not limited to, any obligation or assessment under a local improvement district for streets.

(e) Deposit and Management of Traffic Impact Fees. Traffic impact fees paid by an applicant pursuant to this section and the provisions of subsection (3) of this section shall be deposited by the city into a separate interest bearing account with any qualified public depository for local government as determined by the city. The account holder shall be the city of Marysville. The city may at its option withdraw up to 50 percent of said funds at any time for uses authorized by this title. All other funds deposited in that account shall be used exclusively for payment of refunds to eligible applicants pursuant to subsection (5)(d) of this section and balances, if any, to which the city is entitled. All refunds and interest to which an applicant is entitled shall be paid by the city within 120 days following the three-year period following the issuance of a certificate of occupancy.

(f) Appeals. Any applicant aggrieved by the determination of the director of public works as to whether the criteria of subsection (5)(c) of this section have been met or the eligibility for an exemption from subsection (3) of this section or the amount of refund to which an applicant is entitled pursuant to subsection (5)(d) of this section may file a written appeal to the city's land

use hearing examiner as established by Chapter 22G.060 MMC. The city examiner is hereby specifically authorized to hear and decide such appeals and the decision of the hearing examiner shall be final action of the city and subject to appeal pursuant to MMC 22G.010.540.

(g) Application of Sales and Use Tax Revenue From Businesses Which Receive an Exemption or Partial Exemption.

(i) All sales and use tax received by the city from applicants who receive an exemption or partial exemption from the requirements of this title shall be deposited in a special account to be administered by the city. Said account shall be established to pay traffic impact fees that otherwise would have been paid had an exemption or partial exemption not been granted. Said amounts shall be expended for purposes authorized by and in accordance with the provisions of this title and the provisions of the city's capital improvement plan for streets. All sales and use tax revenues in excess of the amount paid as traffic impact fees received by the city from the applicant may be deposited in the city's general fund and may be expended for any lawful purpose as directed by the city council.

(ii) Special Sales Tax Account. The city shall establish by separate ordinance a special sales tax account for the purposes set forth in subsection (5)(g)(i) of this section.

(6) Level of Service Requirements – Concurrency Determinations.

(a) The department shall make a concurrency determination for each development application. The concurrency determination will establish whether the development will impact an arterial unit where the level of service is below the adopted level of service standard, or cause the level of service on an arterial unit to fall below the adopted level of service standard, unless improvements are programmed and funding identified which would remedy the deficiency within six years. In either case, the development will be deemed not concurrent. The approving authority shall not approve any development that is not deemed concurrent under this section. Building permit applications for development within an approved rezone with binding site plan, nonresidential subdivision or short subdivision, for which a concurrency determination has been made in accordance with this section, shall be deemed concurrent; provided, that the building permit will not cause the approved traffic generation of the prior approval to be exceeded, there is no change in points of access, and mitigation required pursuant to the rezone with binding site plan, subdivision or short subdivision approval is performed as a condition of building permit issuance.

(i) The department shall make a concurrency determination upon receipt of a development's application submittal. The determination may change based upon revisions in the application. Any change in the development after approval will be resubmitted to the director, and the development will be reevaluated for concurrency purposes.

(ii) Concurrency shall expire six years after the date of the concurrency determination, or, in the case of approved residential subdivisions, when the approval expires or when the application is withdrawn or allowed to lapse.

(iii) Building permits for a development must be issued prior to expiration of concurrency for the development. No additional concurrency determination shall apply to residential dwellings within a subdivision or short subdivisions recorded in compliance with this section.

(iv) If concurrency expires prior to building permit issuance, the director shall at the request of the developer consider evidence that conditions have not significantly changed and make a new concurrency determination in accordance with subsection (6)(a)(i) of this section.

(b) In determining whether or not to deem a proposed development as concurrent, the department shall analyze likely road system impacts on arterial units based on the size and location of the development. A development shall be deemed concurrent for the period prior to the expiration date of concurrency for the development.

(i) A development's forecast trip generation at full occupancy shall be the basis for determining the impacts of the development on the road system. The city will accept valid data from a traffic study prepared under MMC 22D.030.060.

(c) A concurrency determination made for a proposed development under this section will evaluate the development's impacts on any arterial units in arrears.

(i) If a development which generates 10 or more p.m. peak-hour trips, or a nonresidential development which generates five or more p.m. peak-hour trips, is proposed to affect an arterial unit in arrears, then the development may only be deemed concurrent based on a trip distribution analysis to determine the impacts of the development. Impacts shall be determined based on each of the following:

(A) If the trip distribution analysis indicates that the development will not place three or more p.m. peak-hour trips on any arterial units in arrears, then the development shall be deemed concurrent.

(B) If the trip distribution analysis indicates that the development will place three or more p.m. peak-hour trips on any arterial unit in arrears, then the development shall not be deemed concurrent except where the development is deemed concurrent in accordance with the options under subsection (6)(e) of this section.

(d) Any residential development that generates less than 10 p.m. peak-hour trips, or any nonresidential development that generates less than 10 p.m. peak-hour trips, shall be considered to have only minor impact on city arterials for purposes of a concurrency determination on impacts to level of service on arterial units and shall be deemed concurrent.

(e) Any development not deemed concurrent shall have options available to enable the development to be deemed concurrent as follows:

(i) A development which meets the department's criteria for transit compatibility, in accordance with the director's policy and procedure for transit compatibility under MMC 22D.030.050(12), shall be deemed concurrent if the impacted arterial unit in arrears meets the criteria for transit supportive design in accordance with the director's policy and procedure for transit compatibility, and if the level of service on the impacted arterial unit in arrears meets the LOS standards adopted within the comprehensive plan; and provided, that the development can be deemed concurrent in accordance with all other provisions of subsection (6)(c) of this section.

(ii) A development may modify its proposal to lessen its impacts on the road system in such a way as to allow the city to deem the development concurrent under this section.

(iii) The city may deem such development concurrent based upon a written proposal signed by the proponent of the development and attached to the director's recommendation under MMC 22D.030.050(2), and referenced in the concurrency determination, as a condition of approval.

(A) Such proposal may include conditions which would defer construction of all or identified subsequent phases of a development until such time as the city has made

or programmed capacity improvements which would remedy any arterial units in arrears.

(B) Such proposals may include conditions which would defer construction of all or identified subsequent phases of a development until such time as the developer constructs capacity improvements which would remedy any arterial units in arrears.

1. If a developer chooses to mitigate the development's impact by constructing off-site road improvements, the developer must investigate the impact, identify improvements, and offer a construction plan to the director for construction of the off-site improvements. Construction of improvements shall be in accordance with the engineering design and development standards.

2. In cases where two or more developers have agreed to fully fund a certain improvement, the proportionate sharing of the cost shall be on any basis that the developers agree among themselves would be equitable. Under such an arrangement, the terms of the agreement shall be binding on each development as conditions of approval.

3. Any developer who volunteers to construct off-site improvements of greater value than any proportionate share mitigating payment imposed under this title to mitigate the development's impact on the future capacity of city roads may apply for a reimbursement contract.

4. Any developer who chooses to mitigate a development's impact by constructing off-site improvements may propose to the council that a joint public/private partnership be established to jointly fund and/or construct the proposed improvements. The director will determine whether or not such a partnership is to be established.

5. Construction of capacity improvements under this section must be complete or under contract prior to the issuance of any building permits and must be complete prior to approval for occupancy or final inspection; provided, that where no building permit will be associated with a change in occupancy, then construction of improvements is required as a precondition to approval.

(f) Adopted Level of Service. The level of service for principal, minor, and collector arterials at signalized intersections shall be at a LOS consistent with the transportation element of the comprehensive plan using the operational method as a standard of review.

(7) Inadequate Road Condition Requirements.

(a) Regardless of the existing level of service, development which adds three or more p.m. peak-hour trips to an inadequate road condition existing on the road system, at the time of determination in accordance with subsection (1) of this section, or development whose traffic will cause an inadequate road condition at the time of full occupancy of the development will only be approved for occupancy or final inspection when provisions are made in accordance with this chapter for elimination of the inadequate road condition. The improvements removing the inadequate road condition must be complete or under contract before a building permit on the development will be issued and the road improvement must be complete before any certificate of occupancy or final inspection will be issued; provided, that where no building permit will be associated with a conditional use permit, then the improvements removing the inadequate road condition must be complete as a precondition to approval.

(b) The director shall determine whether or not a location constitutes an inadequate road condition. Any known inadequate road condition to which the development adds three or more p.m. peak-hour trips shall be identified as part of the director's recommendation under subsection (6) of this section.

(c) A development's access onto a public road shall be designed so as not to create an inadequate road condition. Developments shall be designed so that inadequate road conditions are not created.

(d) Construction Option – Requirements.

(i) If a developer chooses to eliminate an inadequate road condition by constructing off-site road improvements, the developer must investigate the impact, identify improvements, and offer a construction plan to the director for construction of the off-site improvements.

(ii) In cases where two or more developers have agreed to fully fund a certain improvement, the proportionate sharing of the costs shall be on any basis that the developers agree among themselves would be equitable. Under such an arrangement, the terms of the agreement shall be binding on each development as conditions of approval.

(iii) Any developer who volunteers to construct off-site improvements of greater value than any proportionate share mitigating payment imposed under this title to mitigate the development's impact on the future capacity of city roads, which are contained within the cost basis, contained within the transportation element, or which are not part of the cost basis of any proportionate share mitigating payment imposed under this title to mitigate the development's impact on the future capacity of city roads, and therefore not credited against any proportionate share mitigating payment, may apply for a reimbursement contract.

(8) Special Circumstances. Where the only remedy to an arterial unit in arrears is the installation of a traffic signal, but signalization warrants contained in the current edition of the Manual on Uniform Traffic Control Devices (MUTCD) are not met at present, developments impacting the arterial unit will be allowed to proceed without the installation of the traffic signal; provided, that all other warranted level of service and transit-related improvements are made on the arterial unit within the deficient level of service. Developments impacting such arterial units will not be issued building permits or occupancies (whichever comes first) until the improvements (not including the traffic signal) to the level of service deficient arterial unit are under contract or being performed. Such developments will be subject to all other obligations as specified in this title.

(9) Administration of Traffic Impact Fees.

(a) Any traffic impact fees made pursuant to this title shall be subject to the following provisions:

(i) Except as otherwise provided in this section and MMC Title 22, the traffic impact fee payment is required prior to building permit issuance unless the development is a subdivision or short subdivision, in which case the payment shall be made prior to the recording of the subdivision or short subdivision; provided, that where no building permit will be associated with a change in occupancy or conditional use permit then payment is required prior to approval of occupancy.

(ii) The traffic impact fees shall be held in a reserve account and shall be expended to fund improvements on the road system.

(iii) An appropriate and reasonable portion of traffic impact fees collected may be used for administration of this title.

(iv) The fee payer may receive a refund of such fees if the city fails to expend or encumber the impact fees within six years of when the fees were paid, or other such period of time established pursuant to RCW 82.02.070(3), on transportation facilities intended to benefit the development for which the traffic impact fees were paid, unless the city council finds that there exists an extraordinary and compelling reason for fees to be held longer than six years. These findings shall be set forth in writing and approved by the city council. In determining whether traffic impact fees have been encumbered, impact fees shall be considered encumbered on a first-in first-out basis. The city shall notify potential claimants by first class mail deposited with the United States Postal Service at the last known address of claimants.

(v) The request for a refund must be submitted by the applicant to the city in writing within 90 days of the date the right to claim the refund arises, or the date that notice is given, whichever is later. Any traffic impact fees that are not expended within these time limitations, and for which no application for a refund has been made within this 90-day period, shall be retained and expended on projects identified in the adopted transportation element. Refunds of traffic impact fees under this subsection shall include interest earned on the impact fees.

(b) Off-site improvements include construction of improvements to mitigate an arterial unit in arrears and/or specific inadequate road condition locations. If a developer chooses to construct improvements to mitigate an arterial unit in arrears or inadequate road condition problem, and the improvements constructed are part of the cost basis of any traffic impact fees imposed under this title to mitigate the development's impact on the future capacity of city roads, the cost of these improvements will be credited against the traffic impact fee amount; provided, that the amount of the cost to be credited shall be the estimate of the public works director as to what the city's cost would be to construct the improvement. Any developer who volunteers to pay for and/or construct off-site improvements of greater value than any traffic impact fees imposed under this title, to mitigate the development's impact on the future capacity of city roads, based on the cost basis contained within the transportation element, or which are not part of the cost basis of any traffic impact fees imposed under this title to mitigate the development's impact on the future capacity of city roads, and therefore not credited against the traffic impact fees, may apply for a reimbursement contract.

(c) Deferral of Impact Fees Allowed.

(i) Required payment of impact fees may be deferred to final inspection for single-family detached, Middle Housing, or townhouses ~~or attached residential dwelling~~.

(ii) Payment of required impact fees for a commercial building, or industrial building, may be deferred from the time of building permit issuance in accordance with following:

(A) Fifty percent of the impact fees shall be paid prior to approved occupancy of the structure; and

(B) The remaining 50 percent of the impact fees shall be paid within 18 months from the date of building occupancy, or when ownership of the property is transferred, whichever is earlier.

(iii) The community development department shall allow an applicant to defer payment of the impact fees when, prior to submission of a building permit application for deferment

under subsection (9)(c)(i) of this section or prior to final inspection for deferment under subsection (9)(c)(ii) of this section, the applicant:

(A) Submits a signed and notarized deferred impact fee application and acknowledgment form for the development for which the property owner wishes to defer payment of the impact fees; and

(B) With regard to deferred payment under subsection (9)(c)(ii) of this section, records a lien for impact fees against the property in favor of the city in the total amount of all deferred impact fees for the development. The lien for impact fees shall:

1. Be in a form approved by the city attorney;

2. Include the legal description, tax account number and address of the property;

3. Be signed by all owners of the property, with all signatures as required for a deed, and recorded in the county in which the property is located;

4. Be binding on all successors in title after the recordation; and

5. Be junior and subordinate to one mortgage for the purpose of construction upon the same real property granted by the person who applied for the deferral of impact fees.

(iv) In the event that the impact fees are not paid in accordance with subsection (9)(c)(ii) of this section, the city shall institute foreclosure proceedings under the process set forth in Chapter 61.12 RCW, except as revised herein. In addition to any unpaid impact fees, the city shall be entitled to interest on the unpaid impact fees at the rate provided for in RCW 19.52.020 and the reasonable attorney fees and costs incurred by the city in the foreclosure process. Notwithstanding the foregoing, prior to commencement of foreclosure, the city shall give not less than 30 days' written notice to the person or entity whose name appears on the assessment rolls of the county assessor as owner of the property via certified mail with return receipt requested and regular mail advising of its intent to commence foreclosure proceedings. If the impact fees are paid in full to the city within the 30-day notice period, no attorney fees, costs and interest will be owed.

(v) In the event that the deferred impact fees are not paid in accordance with this section, and in addition to foreclosure proceedings provided in subsection (9)(c)(iv) of this section, the city may initiate any other action(s) legally available to collect such impact fees.

(vi) Upon receipt of final payment of all deferred impact fees for the development, the department shall execute a separate lien release for the property in a form approved by the city attorney. The property owner, at their expense, will be responsible for recording each lien release.

(vii) Compliance with the requirements of the deferral option shall constitute compliance with the conditions pertaining to the timing of payment of the impact fees.

Exhibit UUUU

22D.040.020 Definitions.

(1) Words Defined by RCW 82.02.090. Words used in this chapter and defined in RCW 82.02.090 shall have the same meaning assigned in RCW 82.02.090 unless a more specific definition is contained in subsection (2) of this section.

(2) Other Definitions.

(a) "Average assessed value" means the district's average assessed value for each dwelling unit type.

(b) "Boeckh index" means the current construction trade index of construction costs for each school type.

(c) "Capital facilities" means school facilities identified in a school district's capital facilities plan and are "system improvements" as defined by the GMA as opposed to localized "project improvements."

(d) "Capital facilities plan" means a district's facilities plan adopted by its school board consisting of those elements required by MMC 22D.040.030 and meeting the requirements of the GMA.

(e) "Council" means the Marysville city council.

(f) "County" means Snohomish County.

(g) "Department" means the city of Marysville planning and building department.

(h) "Developer" means the proponent of a development activity, such as any person or entity who owns or holds purchase options or other development control over property for which development activity is proposed.

(i) "Development" means all subdivisions, short subdivisions, conditional or special use permits, binding site plan approvals, rezones accompanied by an official site plan, or building permits (including building permits for single family detached, Middle Housing, townhouses, and multifamily ~~and duplex~~ residential structures, and all similar uses) and other applications requiring land use permits or approval by the city of Marysville.

(j) "Development activity" means any residential construction or expansion of a building, structure or use of land, or any other change in use of a building, structure, or land that creates additional demand and need for school facilities, but excluding building permits for remodeling or renovation permits which do not result in additional dwelling units. Also excluded from this definition is "housing for older persons" as defined by 46 U.S.C. Section 3607, when guaranteed by a restrictive covenant, and new single-family detached units constructed on legal lots created prior to the effective date of the ordinance codified in this chapter.

(k) "Development approval" means any written authorization from the city which authorizes the commencement of a development activity.

(l) "Director" means the city planner or the city planner's designee.

(m) "District" means a school district whose geographic boundaries include areas within the city of Marysville.

(n) "District property tax levy rate" means the district's current capital property tax rate per $1,000 of assessed value.

(o) "Dwelling unit type" means:

(i) Single-family residences;

(ii) Middle Housing units as defined in MMC 22A.020.140 (excluding accessory dwelling units);

~~(ii)~~ (iii) Multifamily studio or one-bedroom apartment or condominium units; and

~~(iii)~~ (iv) Multifamily multiple-bedroom apartment or condominium units.

(v) Townhouse units as defined in MMC 22A.020.210.

(p) "Encumbered" means school impact fees identified by the district to be committed as part of the funding for capital facilities for which the publicly funded share has been assured, development approvals have been sought or construction contracts have been let.

(q) "Estimated facility construction cost" means the planned costs of new schools or the actual construction costs of schools of the same grade span recently constructed by the district, including on-site and off-site improvement costs. If the district does not have this cost information available, construction costs of school facilities of the same or similar grade span within another district are acceptable.

(r) "Facility design capacity" means the number of students each school type is designed to accommodate, based on the district's standard of service as determined by the district.

(s) "Grade span" means a category into which a district groups its grades of students (e.g., elementary, middle or junior high, and high school).

(t) "Growth Management Act/GMA" means the Growth Management Act, Chapter 17, Laws of the State of Washington of 1990, First Executive Session, as now in existence or as hereafter amended.

(u) "Interest rate" means the current interest rate as stated in the Bond Buyer Twenty Bond General Obligation Bond Index.

(v) "Land cost per acre" means the estimated average land acquisition cost per acre (in current dollars) based on recent site acquisition costs, comparisons of comparable site acquisition costs in other districts, or the average assessed value per acre of properties comparable to school sites located within the district.

(w) "Middle Housing unit" means any residential dwelling unit meeting the definition of Middle Housing in MMC 22A.020.140, excluding accessory dwelling units.

~~(w)~~(x) "Multifamily unit" means any residential dwelling unit meeting the definition of multifamily dwelling unit in MMC 22A.020.140~~that is not a single-family unit as defined by this chapter~~.

~~(x)~~(y) "Permanent facilities" means school facilities of the district with a fixed foundation.

~~(y)~~(z) "Relocatable facilities" means factory-built structures, transportable in one or more sections, that are designed to be used as education spaces and are needed to prevent the overbuilding of school facilities, to meet the needs of service areas within a district, or to cover the gap between the time that families move into new residential developments and the date that construction is completed on permanent school facilities.

~~(z)~~(aa) "Relocatable facilities cost" means the total cost, based on actual costs incurred by the district, for purchasing and installing portable classrooms.

~~(aa)~~(bb) "Relocatable facilities student capacity" means the rated capacity for a typical portable classroom used for a specified grade span.

~~(bb)~~(cc) "School impact fee" means a payment of money imposed upon development as a condition of development approval to pay for school facilities needed to serve new growth and development. The school impact fee does not include a reasonable permit fee, an application fee, the administrative fee for collecting and handling impact fees, or the cost of reviewing independent fee calculations.

~~(cc)~~(dd) "Single-family unit" means any detached residential dwelling unit designed for occupancy by a single family or household.

~~(dd)~~(ee) "Standard of service" means the standard adopted by each district which identifies the program year, the class size by grade span and taking into account the requirements of students with special needs, the number of classrooms, the types of facilities the district believes will best serve its student population, and other factors as identified in the district's capital facilities plan. The district's standard of service shall not be adjusted for any portion of the classrooms housed in relocatable facilities which are used as transitional facilities or from any specialized facilities housed in relocatable facilities.

~~(ee)~~(ff) "State match percentage" means the proportion of funds that are provided to the district for specific capital projects from the state's common school construction fund. These funds are disbursed based on a formula which calculates district assessed valuation per pupil relative to the whole state assessed valuation per pupil to establish the maximum percentage of the total project eligible to be paid by the state.

~~(ff)~~(gg) "Student factor (student generation rate)" means the number of students of each grade span (elementary, middle/junior high, high school) that a district determines are typically generated by different dwelling unit types within the district. Each school district will use a survey or statistically valid methodology to derive the specific student generation rate; provided, that the survey or methodology is approved by the Marysville city council as part of the adopted capital facilities plan for each school district.

(hh) "Townhouse unit" means any residential dwelling unit meeting the definition of townhouses as defined in MMC 22A.020.210.

Exhibit VVVV

22D.040.060 Impact fee accounting.

(1) Collection and Transfer of Fees, Fund Authorized and Created.

(a) Except as otherwise provided in this section and MMC Title 22, school impact fees shall be due and payable to the city by the developer at or before the time of issuance of residential building permits for all development activities.

(b) In conjunction with the adoption of the city budget, there is hereby authorized the creation and establishment of a fund to be designated the "school impact fee fund." The city shall temporarily deposit all impact fees collected on behalf of a district pursuant to this chapter and any interest earned thereon in the school impact fee fund with specific organizational identity for a district until the transfer of the fees to the school district's school impact fee account pursuant to the interlocal agreement between the city and the district.

(c) Districts eligible to receive school impact fees collected by the city shall establish an interest-bearing account separate from all other district accounts. The city shall deposit school impact fees in the appropriate district account within 10 days after receipt, and shall contemporaneously provide the receiving district with a notice of deposit.

(d) Each district shall institute a procedure for the disposition of impact fees and providing for annual reporting to the city that demonstrates compliance with the requirements of RCW 82.02.070, and other applicable laws.

(2) Use of Funds.

(a) School impact fees may be used by the district only for capital facilities that are reasonably related to the development for which they were assessed and may be expended only in conformance with the district's adopted capital facilities plan.

(b) In the event that bonds or similar debt instruments are issued for the advance provision of capital facilities for which school impact fees may be expended, and where consistent with the provisions of the bond covenants and state law, school impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the capital facilities provided are consistent with the requirements of this title.

(c) The responsibility for assuring that school impact fees are used for authorized purposes rests with the district receiving the school impact fees. All interest earned on a school impact fee account must be retained in the account and expended for the purpose or purposes for which the school impact fees were imposed, subject to the provisions of subsection (3) of this section.

(d) Each district shall provide the city an annual report showing the source and the amount of school impact fees received by the district and the capital facilities financed in whole or in part with those school impact fees.

(3) Deferral of School Impact Fee Payments Allowed.

(a) Required school impact fee payments may be deferred to final inspection for a single-family detached, ~~or~~ ~~attached residential~~ Middle Housing, or townhouse dwelling as defined in MMC 22A.020.140 (excluding accessory dwelling units).

(b) The community development department shall allow an applicant to defer payment of the impact fees when, prior to submission of a building permit application for deferment or prior to final inspection for deferment under subsection (3)(a) of this section, the applicant:

(i) Submits a signed and notarized deferred impact fee application and acknowledgement form for the development for which the property owner wishes to defer payment of the impact fees.

(c) The city may initiate any other action(s) legally available to collect such school impact fees.

(d) Compliance with the requirements of the deferral option shall constitute compliance with the conditions pertaining to the timing of payment of the impact fees.

(4) Refunds.

(a) School impact fees not spent or encumbered within six years after they were collected shall, upon receipt of a proper and accurate claim, be refunded, together with interest, to the then current owner of the property. In determining whether school impact fees have been encumbered, impact fees shall be considered encumbered on a first-in, first-out basis. At least annually, the city, based on the annual report received from each district pursuant to subsection (2)(d) of this section, shall give notice to the last known address of potential claimants of any funds, if any, that it has collected that have not been spent or encumbered. The notice will state that any persons entitled to such refunds may make claims.

(b) Refunds provided for under this section shall be paid only upon submission of a proper claim pursuant to city claim procedures. Such claims must be submitted to the director within one year of the date the right to claim the refund arises, or the date of notification provided for above, where applicable, whichever is later.

(5) Reimbursement for City Administrative Costs, Legal Expenses, and Refund Payments. Each participating school district shall enter into an agreement with the city of Marysville providing for such matters as the collection, distribution and expenditure of fees and for reimbursement of any legal expenses and staff time associated with defense of this chapter as more specifically set forth in an interlocal agreement between the city and a school district, and payment of any refunds provided under subsection (3) of this section. The city's costs of administering the impact fee program shall be paid by the applicant to the city as part of the development application fee. Said fee shall be as set forth in Chapter 22G.030 MMC and shall be an amount that approximates, as nearly as possible, the actual administrative costs of administering the school impact fee program.

Exhibit WWWW

22E.010.360 On-site density transfer for critical areas.

(1) An owner of a residential site or property containing critical areas may be permitted to transfer the density attributable to the critical area and associated buffer area or setback to another noncritical portion of the same site or property, subject to the limitations of this section and other applicable regulations. In the case of streams, only the density attributable to the buffer may be transferred.

(2) Up to 100 percent of the density that could be achieved on the critical area and buffer portion of the site, excluding stream channels, can be transferred to the noncritical area portion, subject to:

(a) The density limitations of the underlying zone must be applied;

(b) ~~The bulk and dimensional~~ Lots in the Neighborhood Residential zones are permitted to have 50 percent building coverage, 65 percent impervious coverage, a 4,000 square foot minimum lot size, and a 40-foot lot width ~~standards of the next higher zoning classification may be utilized~~ to accommodate the transfers in density;

(c) The noncritical, nonbuffer portion of the site is not constrained by another environmentally critical area regulated by this code.

(3) An on-site density transfer shall meet the requirements and follow the procedures of Chapter 22G.090 MMC, Subdivisions and Short Subdivisions.

Exhibit XXXX

22E.030.090 Categorical exemptions, threshold determinations, and enforcement of mitigating measures.

The city of Marysville adopts WAC 197-11-300 through 197-11-390, 197-11-800 through 197-11-890, and 197-11-908 as now existing or hereinafter amended, by reference, subject to the following:

(1) Establishment of Flexible Thresholds for Categorically Exempt Actions. The following exempt threshold levels are hereby established pursuant to WAC 197-11-800(1)(d):

(a) The construction or location of any single-family residential or Middle Housing structures of less than or equal to 30 dwelling units;

(b) The construction or location of any multifamily residential structures of less than or equal to 60 dwelling units;

(c) The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering less than or equal to 40,000 square feet, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feed lots;

(d) The construction of an office, school, commercial recreational, service or storage building with less than or equal to 30,000 square feet of gross floor area, and with associated parking facilities and/or independent parking facilities designed for less than or equal to 90 automobiles;

(e) Any landfill or excavation of less than or equal to 1,000 cubic yards throughout the total lifetime of the fill or excavation; and any fill or excavation classified as a Class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder.

(2) The exemptions in this subsection apply except when the project:

(a) Is undertaken wholly or partly on lands covered by water and this remains true whether lands covered by water are mapped;

(b) Requires a license governing discharges to water that is not exempt under RCW 43.21C.0383;

(c) Requires a license governing emissions to air that is not exempt under RCW 43.21C.0381 or WAC 197-11-800(7) or (8); or

(d) Requires a land use decision that is not exempt under WAC 197-11-800(6).

(e) A series of exempt actions that are physically or functionally related to each other, and that together may have a probable significant adverse environmental impact in the judgment of the director/agency with jurisdiction may be subject to SEPA.

(3) Categorical Exemptions without Flexible Thresholds. The following proposed actions that do not have flexible thresholds are categorically exempt from threshold determination and EIS requirements, subject to the rules and limitations on categorical exemptions contained in WAC 197-11-305:

(a) Actions listed in WAC 197-11-800(2) through (26).

(4) Environmentally Critical Areas. The Marysville shoreline environments map and the critical areas maps adopted pursuant to this title designate the location of environmentally sensitive areas within the city and are adopted by reference. For each environmentally sensitive area, the exemptions within WAC 197-11-800 that are inapplicable for the area are (1), (2)(d), (2)(e), (6)(a) and (24)(a) through (g). Unidentified exemptions shall continue to apply within environmentally sensitive areas of the city.

(a) Lands Covered by Water. Certain exemptions do not apply on lands covered by water, and this remains true regardless of whether or not lands covered by water are mapped.

(b) Treatment. The city shall treat proposals located wholly or partially within an environmentally critical area no differently than other proposals under this chapter, making a threshold determination for all such proposals. The city shall not automatically require an EIS for a proposal merely because it is proposed for location in an environmentally critical area.

(5) Responsibility for Determination of Categorical Exempt Status. The determination of whether a proposal is categorically exempt shall be made by the responsible official.

(6) Mitigation Measures. Modifications to a SEPA checklist or other environmental documentation that result in substantive mitigating measures shall follow one of the following processes:

(a) The responsible official may notify the applicant of the requested modifications to the proposal and identify the concerns regarding unmitigated impacts. The applicant may elect to revise or modify the environmental checklist, application, or supporting documentation. The modifications may include different mitigation measures than those requested by the responsible official; however, acceptance of the proposed measures is subject to subsequent review and approval by the responsible official.

(b) The responsible official may make a mitigated determination of nonsignificance (MDNS), identifying mitigating measures. The MDNS may be appealed by the applicant pursuant to MMC 22E.030.180.

(c) The responsible official may identify mitigating measures in a letter and mail that letter to the applicant. In writing, the applicant may acknowledge acceptance of these measures as mitigating conditions. The acknowledgement shall be incorporated into the application packet as supporting environmental documentation or as an addendum to the environmental checklist.

(7) Enforcing Mitigation Measures. Pursuant to WAC 197-11-350(7), the city hereby adopts the following procedures for the enforcement of mitigation measures:

(a) Incorporation of Representations Made by Applicant into MDNS or DNS and Approval. Representations made in the environmental checklist and supporting documentation shall be considered as the foundation of any decision or recommendation of approval of the action. As such, the responsible official relies on this documentation in making a decision on a proposal. Unless specifically revised by the responsible official or applicant, those statements, representations, and mitigating measures contained in the environmental checklist, application, and supporting documentation shall be considered material conditions of any approval. Mitigating measures shall only be included on a DNS under the following circumstances:

(i) When the UDC does not provide adequate regulations to mitigate for an identified impact, and when any one of the following circumstances or combination of circumstances exists:

(A) When such conditions are not specifically written in the environmental checklist, application, or supporting information; or

(B) When the responsible official determines that the proposed conditions or representations contained within that information do not adequately address impacts from a proposal.

(b) Modifications to a Proposal – Responsible Official May Withdraw Threshold Determination. If, at any time, the proposal or proposed mitigation measures are substantially changed, or if proposed mitigation measures are withdrawn, then the responsible official shall review the threshold determination and, if necessary, may withdraw the threshold determination and issue a revised determination, including a determination of significance (DS), as deemed appropriate.

(c) Enforcement of Mitigation Measures. Mitigation measures that are identified in an environmental checklist, development application, supporting documentation, an EIS or an MDNS shall be considered material conditions of the permit or approval that is issued by the reviewing department. As such, failure to comply with these measures may be enforceable through the enforcement provisions that regulate the proposal.

Exhibit YYYY

22G.010.160 Administrative approvals subject to notice.

(1) The director may grant preliminary approval or approval with conditions, or may deny the following actions subject to the notice provisions in MMC 22G.010.100 and appeal requirements of this section:

(a) Binding site plans;

(b) Conditional use permits;

(c) Major revisions to approved developments or permits in accordance with MMC 22G.010.270;

(d) Master plans for properties under ownership or contract of applicant(s);

(e) Shoreline permits for substantial developments;

(f) Short subdivisions; ~~and~~

(g) Site plans with commercial, industrial, institutional (e.g., church, school), multifamily, or townhouse~~.~~; and

(h) Unit lot subdivisions.

(2) Final Administrative Approvals. Preliminary approvals under this section shall become final subject to the following:

(a) If no appeal is submitted, the preliminary approval becomes final at the expiration of the 14-day notice period.

(b) If a written notice of appeal is received within the specified appeal periods, the matter will be referred to the hearing examiner for an open record public hearing.

Exhibit ZZZZ

22G.010.250 Vesting.

(1) Purpose. The purpose of this section is to implement plan policies and state laws that provide for vesting. This section is intended to provide property owners, permit applicants, and the general public assurance that regulations for project development will remain consistent during the lifetime of the application. The section also establishes time limitations on vesting for permit approvals and clarifies that once those time limitations expire, all current development regulations and current land use controls apply.

(2) Applicability. This section applies to complete applications and permit approvals required by the city of Marysville pursuant to MMC Title 22, including and limited to land use permits, preliminary subdivisions, final subdivisions, short subdivisions, unit lot subdivisions, binding site plans, conditional use permits, shoreline development permits and any other land use permit application that is determined by Washington State law to be subject to the Vested Rights Doctrine. Vesting of building permit applications is governed by the rules of RCW 19.27.095 and MMC Title 16.

(3) Vesting of Applications.

(a) An application described in subsection (2) of this section shall be reviewed for consistency with the applicable development regulations in effect on the date the application is deemed complete.

(b) An application described in subsection (2) of this section shall be reviewed for consistency with the construction and utility standards in effect on the date the separate application for a construction or utility permit is deemed complete. An applicant may submit a separate construction or utility permit application simultaneously with any application described in subsection (2) of this section to vest for a construction or utility standard. The application or approval of a construction or utility permit or the payment of connection charges or administrative fees to a public utility does not constitute a binding agreement for service and shall not establish a vesting date for development regulations used in the review of applications described in subsection (2) of this section.

(c) An application described in subsection (2) of this section utilizing vested rights shall be subject to all development regulations in effect on the vesting date.

(d) An application described in subsection (2) of this section that is deemed complete is vested for the specific use, density, and physical development that is identified in the application submittal.

(e) Applications submitted pursuant to MMC Title 22 that are not listed in subsection (2) of this section shall be governed by those standards which apply to said application. These applications shall not vest for any additional development regulations.

(f) The property owner is responsible for monitoring the time limitations and review deadlines for the application. The city shall not be responsible for maintaining a valid application. If the application expires, a new application may be filed with the community development department, but shall be subject to the development regulations in effect on the date of the new application.

(4) Duration of Vesting.

(a) Land Use Permits. The development of an approved land use permit shall be governed by the terms of approval of the permit unless the legislative body finds that a change in conditions creates a serious threat to the public health, safety or welfare.

(b) Preliminary Subdivision. Development of an approved preliminary subdivision shall be based on the controls contained in the hearing examiner's decision. A final subdivision meeting all of the requirements of the preliminary subdivision approval shall be submitted within the time period specified in MMC 22G.090.170 and RCW 58.17.140. Any extension of time beyond the time period specified in MMC 22G.090.170 and RCW 58.17.140 may contain additional or altered conditions and requirements based on current development regulations and other land use controls.

(c) Land Use Permits Associated with a Preliminary Subdivision. Land use permit applications, such as planned residential development applications that are approved as a companion to a preliminary subdivision application shall remain valid for the duration of the preliminary and final subdivision as provided in subsections (4)(b) and (d) of this section.

(d) Final Subdivision. The lots in a final subdivision may be developed by the terms of approval of the final subdivision, and the development regulations in effect at the time the preliminary subdivision application was deemed complete for a period as specified in RCW 58.17.170 unless the legislative body finds that a change in conditions creates a serious threat to the public health, safety or welfare.

(e) Short Subdivision or Unit Lot Subdivision. The lots in a short subdivision or unit lot subdivision may be developed by the terms and conditions of approval, and the development regulations in effect at the time the application was deemed complete for a period specified in RCW 58.17.170 unless the legislative body finds that a change in conditions creates a serious threat to the public health, safety or welfare.

(f) Binding Site Plan. The lots in a binding site plan may be developed by the terms of approval of the binding site plan, and the development regulations in effect at the time the application was deemed complete unless the legislative body finds that a change in conditions creates a serious threat to the public health, safety or welfare.

(g) All approvals described in this section shall be vested for the specific use, density, and physical development that is identified in the permit approval.

(h) Sign Permit. A sign permit shall expire if the permit is not exercised within one year of its issuance. No extensions of the expiration date shall be permitted.

(i) Stormwater Design Requirements. See MMC 14.15.015 for stormwater design vesting time frames.

(5) Waiver of Vesting. A property owner may voluntarily waive vested rights at any time during the processing of an application by delivering a written and signed waiver to the director stating that the property owner agrees to comply with all development regulations in effect on the date of delivery of the waiver. Any change to the application is subject to the modification criteria described in MMC 22G.010.260 and 22G.010.270 and may require revised public notice and/or additional review fees.

Exhibit AAAAA

22G.010.260 Minor revisions to approved development applications.

The purpose and intent of this section is to provide an administrative process for minor revisions to approved development applications. For the purposes of this section, approved development applications shall include preliminary approval for subdivisions~~, and~~ short subdivisions, and unit lot subdivisions, and final approval prior to construction for all other development applications.

(1) A minor revision to an approved residential development application is limited to the following when compared to the original development application; provided, that there shall be no change in the proposed type of development or use:

(a) Short subdivisions shall be limited to no more than one additional lot, provided the maximum number of lots allowed in a short subdivision is not exceeded.

(b) Subdivisions, Planned Residential Developments, ~~single-family detached unit developments~~, Middle Housing, cottage housing, townhomes and multiple-family developments shall be limited to the lesser of:

(i) A 10 percent increase in the number of lots or units; or

(ii) An additional 10 lots or units, provided the additional/lots units will not cause the project to exceed the maximum categorical exemption threshold level established in MMC 22E.030.090.

(c) A reduction in the number of lots or units.

(d) A change in access points may be allowed when combined with subsection (1)(a) or (b) of this section or as a standalone minor revision; provided, that it does not change the trip distribution. No change in access points that changes the trip distribution can be approved as a minor revision.

(e) A change to the project boundaries required to address surveying errors or other issues with the boundaries of the approved development application; provided, that the number of lots or units cannot be increased above the number that could be approved as a minor revision to the original approved development application on the original project site before any boundary changes.

(f) A change to the internal lot lines that does not increase lot or unit count beyond the amount allowed for a minor revision.

(g) A change in the aggregate area of designated open space that does not decrease the amount of designated open space by more than 10 percent. Under no circumstances shall the quality or amount of designated open space be decreased to an amount that is less than that required by code.

(h) A change not addressed by the criteria in subsections (1)(a) through (g) of this section which does not substantially alter the character of the approved development application or site plan and prior approval.

(2) A minor revision to an approved unit lot subdivision application is limited to the following when compared to the original development application; provided, that there shall be no change in the proposed type of development or use:

(a) The outer boundaries of the fee simple unit lot subdivision (other than for survey discrepancies).

(b) The dimension of lot lines within the fee simple unit lot subdivision by more than two percent.

(c) The conditions of preliminary fee simple unit lot subdivision approval.

(d) Road alignments or connections and/or do not increase the number of lots.

~~(2)~~(3) A minor revision to an approved nonresidential development application is limited to the following when compared to the original development application; provided, that there is no change in the proposed type of development or use or no more than a 10 percent increase in trip generation:

(a) A utility structure shall be limited to no more than a 400-square-foot increase in the gross floor area.

(b) All other structures shall be limited to no more than a 10 percent increase in the gross floor area.

(c) A change in access points when combined with subsection (2)(a) or (b) of this section or as a standalone minor revision.

(d) A change which does not substantially alter the character of the approved development application or site plan and prior approval.

~~(3)~~(4) A minor revision may be approved subject to the following:

(a) An application for a minor revision shall be submitted on forms approved by the community development department. An application for a minor revision shall not be accepted if a variance is required to accomplish the change to the approved development.

(b) An application for a minor revision shall be accompanied by any fees specified in Chapter 22G.030 MMC.

(c) An application for a minor revision shall require notification of the relevant city departments and agencies.

(d) An application for a minor revision shall be subject to the development regulations in effect as of the date the original development application was determined to be complete.

(e) The director shall grant approval of the request for a minor revision if it is determined that the minor revision does not substantially alter:

(i) The previous approval of the development application;

(ii) The final conditions of approval; or

(iii) The public health, safety and welfare.

(f) A minor revision shall be properly documented as a part of the records for the approved development application.

(g) A minor revision does not extend the life or term of the development application approval and concurrency determination, which shall run from the original date of:

(i) Preliminary approval for subdivisions, ~~or~~ short subdivisions, or unit lot subdivisions; or

(ii) Approval for all other development applications.

~~(4)~~(5) The final determination of what constitutes a minor revision shall be made by the community development director.

~~(2)~~(6) A minor revision to an approved nonresidential development application is limited to the following when compared to the original development application; provided, that there is no change in the proposed type of development or use or no more than a 10 percent increase in trip generation:

(a) A utility structure shall be limited to no more than a 400-square-foot increase in the gross floor area.

(b) All other structures shall be limited to no more than a 10 percent increase in the gross floor area.

(c) A change in access points when combined with subsection (2)(a) or (b) of this section or as a standalone minor revision.

(d) A change which does not substantially alter the character of the approved development application or site plan and prior approval.

~~(3)~~(7) A minor revision may be approved subject to the following:

(a) An application for a minor revision shall be submitted on forms approved by the community development department. An application for a minor revision shall not be accepted if a variance is required to accomplish the change to the approved development.

(b) An application for a minor revision shall be accompanied by any fees specified in Chapter 22G.030 MMC.

(c) An application for a minor revision shall require notification of the relevant city departments and agencies.

(d) An application for a minor revision shall be subject to the development regulations in effect as of the date the original development application was determined to be complete.

(e) The director shall grant approval of the request for a minor revision if it is determined that the minor revision does not substantially alter:

(i) The previous approval of the development application;

(ii) The final conditions of approval; or

(iii) The public health, safety and welfare.

(f) A minor revision shall be properly documented as a part of the records for the approved development application.

(g) A minor revision does not extend the life or term of the development application approval and concurrency determination, which shall run from the original date of:

(i) Preliminary approval for subdivisions~~, or~~ short subdivisions, or unit lot subdivisions; or

(ii) Approval for all other development applications.

~~(4)~~(8) The final determination of what constitutes a minor revision shall be made by the community development director.

Exhibit BBBBB

22G.010.270 Major revisions to approved residential development applications.

The purpose and intent of this section is to provide a process for major revisions to approved residential development applications. Residential development applications shall include short subdivisions, unit lot subdivisions, subdivisions, single-family detached unit ~~developments~~, Middle Housing, cottage housing, townhomes and multiple-family developments. For the purposes of this section, approved residential development applications shall include preliminary approval for subdivisions, ~~and~~ short subdivisions, unit lot subdivisions, and final approval prior to construction for all other residential development applications.

(1) A major revision to an approved residential development application is limited to the following when compared to the original development application, provided there is no change in the proposed type of development or use:

(a) Subdivisions, single-family detached unit ~~developments~~, Middle Housing, cottage housing, townhomes and multiple-family developments shall be limited to the lesser of:

(i) A 20 percent increase in the number of lots or units; or

(ii) An additional 20 lots or units.

(b) A change in access points, when combined with subsection (1)(a) of this section.

(c) A change to the project boundaries required to address surveying errors or other issues with the boundaries of the approved development application; provided, that the number of lots or units cannot be increased above the number that could be approved as a minor revision to the original approved development application on the original project site before any boundary changes.

(d) A change to the internal lot lines when combined with another criteria in subsection (1) of this section that does not increase lot or unit count beyond the amount allowed for a major revision.

(e) A change in the aggregate area of designated open space beyond that allowed as a minor revision; provided, that the decrease will not result in an amount that is less than that required by code.

(f) A change not addressed by the criteria in subsections (1)(a) through (e) of this section which does not substantially alter the character of the approved development application or site plan and prior approval.

(2) A major revision shall require processing through the same process as a new development application subject to the following:

(a) An application for a major revision shall be submitted on forms approved by the department. An application for a major revision shall not be accepted if a variance is required to accomplish the change to the approved development.

(b) An application for a major revision shall be accompanied by any fees specified in Chapter 22G.030 MMC.

(c) An application for a major revision shall require public notice pursuant to MMC 22G.010.090.

(d) An application for a major revision shall be subject to the development regulations in effect as of the date the original development application was determined to be complete.

(e) The community development director or the hearing examiner shall grant approval of the major revision if it is determined that the major revision does not substantially alter:

(i) The previous approval of the development application;

(ii) The final conditions of approval; or

(iii) The public health, safety and welfare.

(f) A major revision shall be properly documented as a part of the records for the approved development application.

(g) A major revision does not extend the life or term of the development application approval and concurrency determination, which shall run from the original date of:

(i) Preliminary approval for subdivisions, ~~or~~ short subdivisions, or unit lot subdivisions; or

(ii) Approval for all other residential development applications.

(3) The final determination of what constitutes a major revision shall be made by the community development director.

Exhibit CCCCC

22G.030.020 General fee structure.

(1) The city shall review and adjust fees as necessary every five years based on the cost of fee service.

(2) The community development department is authorized to charge and collect the following fees:

Type of Activity	2023/2024 Fees	2025 Fees	2026 Fees	2027 Fees	2028 Fees
Land Use Review Fees					
Administrative approval (bed and breakfast, zoning verification letter, or similar request)	$251	$259	$267	$275	$283
Annexation:					
Under 10 acres	$7,524	$7,750	$7,983	$8,222	$8,469
Over 10 acres	$10,031	$10,332	$10,642	$10,961	$11,290
Appeal (quasi-judicial):					
All appeal fees include the hearing examiner fee.					
For residential properties with 1 – 9 lots and/or units; or commercial properties that are 0 – 1 acres in size.	$1,000	$1,030	$1,061	$1,092	$1,125
For residential properties with 10 – 20 lots and/or units; or commercial properties that are 1.01 – 3 acres in size.	$1,750	$1,803	$1,857	$1,912	$1,970
For residential properties more than 20 lots and/or units; or commercial properties greater than 3 acres in size.	$2,500	$2,575	$2,652	$2,731	$2,814
Appeals (administrative)	$500	$515	$530	$546	$563
Boundary line adjustment	$1,003 for two lots plus $250 each additional lot	$1,033 for two lots plus $258 each additional lot	$1,064 for two lots plus $266 each additional lot	$1,096 for two lots plus $274 each additional lot	$1,129 for two lots plus $282 each additional lot
Comprehensive plan amendment:					
Map amendment with rezone (under 5 acres)	$3,261	$3,359	$3,460	$3,564	$3,671
Map amendment with rezone (over 5 acres)	$4,012	$4,132	$4,256	$4,384	$4,516

Type of Activity	2023/2024 Fees	2025 Fees	2026 Fees	2027 Fees	2028 Fees
Text amendment	$2,445	$2,518	$2,594	$2,672	$2,752
Conditional use permit (administrative):					
Residential, group residence or communication facility	$2,006	$2,066	$2,128	$2,192	$2,258
Commercial (including RV park, churches)	$2,759	$2,842	$2,927	$3,015	$3,105
Conditional use permit (public hearing)	$2,508 plus the hearing examiner	$2,583 plus the hearing examiner	$2,660 plus the hearing examiner	$2,740 plus the hearing examiner	$2,822 plus the hearing examiner
Critical areas review:					
Under 0.50 acre	$534*	$550*	$567*	$584*	$602*
0.51 – 2 acres	$784*	$808*	$832*	$857*	$883*
2.01 – 10 acres	$1,034*	$1,065*	$1,097*	$1,130*	$1,164*
10.01 – 20 acres	$1,284*	$1,323*	$1,363*	$1,404*	$1,446*
20.01 – 50 acres	$1,536*	$1,582*	$1,629*	$1,678*	$1,728*
50.01+ acres	$1,913*	$1,970*	$2,029*	$2,090*	$2,153*
*Peer review costs for all critical areas reviews will also be charged in addition to the fees noted above, if applicable.					
EIS preparation and review	$10,031	$10,332	$10,642	$10,961	$11,290
Public hearing/hearing examiner cost: Hearing examiner costs typically range from $800 – $2,800 depending on the complexity of the project.	Cost as billed by the hearing examiner				
Lot status determination:					
Readily verifiable with documents submitted by applicant	$282	$290	$299	$308	$317
Requires research and detailed document evaluation and confirmation	$534	$550	$567	$584	$602
Modifications:					
Minor	$2,540	$2,616	$2,694	$2,775	$2,858
Major	The minor modification fees, or 80 percent of the original land use review fee, whichever is greater.				
Miscellaneous reviews not otherwise listed	$125/hour	$129/hour	$133/hour	$137/hour	$141/hour
Preapplication review fee	$900	$927	$955	$983	$1,043

Type of Activity	2023/2024 Fees	2025 Fees	2026 Fees	2027 Fees	2028 Fees
Public notice fee: Per notice (includes land use sign, posting, mailings, publishing and staff time)	$200	$206	$212	$225	$232
Rezone	$2,508	$2,583	$2,660	$2,740	$2,822
SEPA checklist	$753	$776	$799	$823	$848
Shoreline permit (administrative review)	$2,508	$2,583	$2,660	$2,740	$2,822
Shoreline permit, shoreline conditional use permit, or shoreline variance permit with public hearing	$2,508 plus the hearing examiner fee	$2,583 plus the hearing examiner fee	$2,660 plus the hearing examiner fee	$2,740 plus the hearing examiner fee	$2,822 plus the hearing examiner fee
Site plan review (commercial, multifamily, PRD, master plan); this rate does not apply to subdivisions:					
Under 0.50 acre	$1,756 plus $50/unit	$1,809 plus $50/unit	$1,863 plus $50/unit	$1,919 plus $50/unit	$1,977 plus $50/unit
0.51 – 2 acres	$2,258 plus $50/unit	$2,326 plus $50/unit	$2,396 plus $50/unit	$2,468 plus $50/unit	$2,542 plus $50/unit
2.01 – 10 acres	$3,010 plus $50/unit	$3,100 plus $50/unit	$3,193 plus $50/unit	$3,289 plus $50/unit	$3,388 plus $50/unit
10.01+ acres	$3,762 plus $50/unit	$3,875 plus $50/unit	$3,991 plus $50/unit	$4,111 plus $50/unit	$4,234 plus $50/unit
Site/subdivision plan review (with utility availability for county projects):					
Under 0.50 acre	$1,505	$1,550	$1,597	$1,645	$1,694
0.51 – 2 acres	$2,006	$2,066	$2,128	$2,192	$2,258
2.01 – 10 acres	$3,010	$3,100	$3,193	$3,289	$3,388
10.01+ acres	$4,012	$4,132	$4,256	$4,384	$4,516
Subdivisions:					
Preliminary binding site plan (commercial, industrial)	$4,012 plus $100/lot or unit	$4,132 plus $100/lot or unit	$4,256 plus $100/lot or unit	$4,384 plus $100/lot or unit	$4,516 plus $100/lot or unit
Preliminary plat	$4,012 plus $100/lot or unit	$4,132 plus $100/lot or unit	$4,256 plus $100/lot or unit	$4,384 plus $100/lot or unit	$4,516 plus $100/lot or unit
Preliminary short plat or unit lot subdivision	$3,010 plus $100/lot or unit	$3,100 plus $100/lot or unit	$3,193 plus $100/lot or unit	$3,289 plus $100/lot or unit	$3,388 plus $100/lot or unit

Type of Activity	2023/2024 Fees	2025 Fees	2026 Fees	2027 Fees	2028 Fees
Final binding site plan, plat, ~~or~~ short plat, or unit lot subdivision	$1,254 plus $100/lot or unit	$1,292 plus $100/lot or unit	$1,331 plus $100/lot or unit	$1,371 plus $100/lot or unit	$1,412 plus $100/lot or unit
Subdivision time extension requests	$187	$193	$199	$205	$211
Temporary use permit	$627	$646	$665	$685	$706
Transitory accommodations permit	$5,016	$5,166	$5,321	$5,481	$5,645
Variance (quasi-judicial decision – zoning, utility)	$1,034	$1,065	$1,097	$1,130	$1,164
Zoning code text amendment	$1,034	$1,065	$1,097	$1,130	$1,164
Engineering Review Fees and Grading Fees					
Engineering construction plan review:					
Early grade (EG) – site grading only. No utility plans.	$600 plus $130/hour with a $500 deposit*	$618 plus $134/hour with a $500 deposit*	$636 plus $138/hour with a $500 deposit*	$655 plus $142/hour with a $500 deposit*	$675 plus $146/hour with a $500 deposit*
Land disturbing activity (LDA) – Residential/multiple residential/commercial/industrial (applies to all engineering reviews including: full/partial plan sets, roads, drainage, utilities and associated grading)	$976 plus $130/hour with a $2,000 deposit*	$1,005 plus $134/hour with a $2,000 deposit*	$1,035 plus $138/hour with a $2,000 deposit*	$1,066 plus $142/hour with a $2,000 deposit*	$1,098 plus $146/hour with a $2,000 deposit*
*The average review time for engineering construction plan review ranges from 10 to 30 hours depending on the nature of the project and the quality of the submittal. The deposit is required at time of submittal. Remaining balance owed prior to issuance.					
Engineering, design and development standards modifications/variances (administrative)	$714	$735	$757	$780	$803
Miscellaneous reviews not otherwise listed	$130/hour	$134/hour	$138/hour	$142/hour	$146/hour
Construction Inspection Fees					
Inspection for security release	$260/lot or unit, with a minimum amount being $260	$268/lot or unit, with a minimum amount being $268	$276/lot or unit, with a minimum amount being $276	$284/lot or unit, with a minimum amount being $284	$292/lot or unit, with a minimum amount being $292
Inspection for water, sewer, storm, street improvements associated	$260/lot or unit (for Middle	$268/lot or unit (for Middle	$276/lot or unit (for Middle	$284/lot or unit (for Middle	$292/lot or unit (for Middle

Type of Activity	2023/2024 Fees	2025 Fees	2026 Fees	2027 Fees	2028 Fees
with approved residential construction plans	Housing~~duple~~ or condominium projects), $2,000 minimum	Housing~~duple~~ or condominium projects), $2,000 minimum	Housing~~duple~~ or condominium projects), $2,000 minimum	Housing~~duple~~ or condominium projects), $2,000 minimum	Housing~~duple~~ or condominium projects), $2,000 minimum
Inspection for utilities only (residential)	$520 plus $260/lot or unit for inspections that exceed four hours (for Middle Housing~~duple~~ or condominium projects)	$536 plus $268/lot or unit for inspections that exceed four hours (for Middle Housing~~duple~~ or condominium projects)	$552 plus $276/lot or unit for inspections that exceed four hours (for Middle Housing~~duple~~ or condominium projects)	$568 plus $284/lot or unit for inspections that exceed four hours (for Middle Housing~~duple~~ or condominium projects)	$584 plus $292/lot or unit for inspections that exceed four hours (for Middle Housing~~duple~~ or condominium projects)
Multiple residential/commercial/industrial	$130/hour with a $2,500 deposit*	$134/hour with a $2,500 deposit*	$138/hour with a $2,500 deposit*	$142/hour with a $2,500 deposit*	$146/hour with a $2,500 deposit*
*The deposit is required prior to issuance of construction permit. The remaining balance for inspection hours (based on time spent) is due prior to project acceptance.					
Right-of-way permit	$648	$667	$687	$708	$729
Miscellaneous reviews and inspections not otherwise listed	$130/hour	$134/hour	$138/hour	$142/hour	$146/hour
Impact Fee Administration Charge					
School impact fee administrative charge	$63/single-family or Middle Housing~~duple~~, or $125/apartment building	$65/single-family or Middle Housing~~duple~~, or $129/apartment building	$67/single-family or Middle Housing~~duple~~, or $133/apartment building	$69/single-family or Middle Housing~~duple~~, or $137/apartment building	$71/single-family or Middle Housing~~duple~~, or $141/apartment building

(3) If final decisions are issued after the review time frame set forth in MMC 22G.010.010(3), then the following fee refunds shall apply:

(a) Ten percent refund if the final decision was issued after the applicable deadline and the additional time did not exceed 20 percent of the review time frame.

(b) Twenty percent refund if the final decision was issued after the applicable deadline and the additional time exceeded 20 percent of the review time frame.

Exhibit DDDDD

22G.080.010 Purpose.

The purpose of this chapter is to permit design flexibility and provide performance criteria which can result in planned residential developments which produce:

(1) A choice in the types of environment and living units available to the public;

(2) Open space and recreation areas;

(3) A pattern of development which preserves trees, outstanding natural topography and geologic features, and prevents soil erosion;

(4) A creative approach to the use of land and related physical development;

(5) An efficient use of land resulting in smaller networks of utilities and streets and thereby lower housing costs;

(6) An environment of stable character in harmony with surrounding development;

(7) A more desirable environment than would be possible through the strict application of other sections of this title.

This chapter is designed to provide for small- and large-scale developments incorporating a single type or a variety of housing types and related uses which are planned and developed as a cohesive project~~unit~~. Developments may consist of individual lots or may have common building sites. Commonly owned land must be related to and preserve the long-term value of the residential development.

Exhibit EEEEE

22G.080.040 Permitted~~/conditional~~ uses ~~— Ratio of housing types~~.

The following uses are permitted within a PRD: single-family dwellings, Middle Housing~~duplexes~~, townhouses,~~attached single-family dwellings~~ ~~or~~ multifamily dwellings, and recreational facilities; provided, that ~~in single-family zoned~~ for PRDs in the Neighborhood Residential zone, no more than ~~six~~ four units may be ~~attached as one~~ allowed per building~~; and provided further, that the mix of housing types shall be restricted so that not more than 30 percent of all structures, or potential structures, in the single-family zoned PRD and the surrounding single-family residential zoned property within a 300-foot radius, as a whole, are multiple-family dwellings~~.

Exhibit FFFFF

22G.080.050 Procedures for review and approval.

The PRD review and approval process shall occur concurrently with the underlying land use action. PRDs shall be processed using the underlying land use actions set forth in Chapter 22G.090, Subdivisions or Short Subdivisions; 22G.100, Binding Site Plan; or 22G.120 MMC, Site Plan Review. The decision-making authority for the underlying land use action shall also be the decision-making authority for the PRD.

The director is authorized to promulgate guidelines, graphic representations, and examples of designs and methods of construction that do or do not satisfy the intent of this chapter. The following resources can be used in interpreting the guidelines: Residential Development Handbook for Snohomish County Communities (prepared for Snohomish County Tomorrow by Makers, Inc.), Site Planning and Community Design for Great Neighborhoods (Frederick D. Jarvis, 1993), and City Comforts (David Sucher, 1996).

(1) Site Plan. A site plan meeting the requirements of this chapter, and Chapters 22C.010, 22C.020, 22G.090 and 22G.100 MMC as applicable shall be submitted with all applications for a PRD. The site plan may be approved, approved with conditions, or denied by the city. Specific development regulations may be modified in accordance with this chapter and special requirements may be applied to the property within the PRD. Modifications and special requirements shall be specified in the approval and shown on the approved site plan.

(2) Decision Criteria. It is the responsibility of the applicant to demonstrate the criteria have been met. The city may place conditions on the PRD approval ~~in order~~ to fulfill the requirements and intent of the city's development regulations, comprehensive plan, and subarea plan(s). The following criteria must be met for approval of a PRD to be granted:

(a) Consistency with Applicable Plans and Laws. The development will comply with all applicable provisions of state law, the Marysville Municipal Code, comprehensive plan, Engineering Design and Development Standards, and any applicable subarea plan(s).

(b) Quality Design. The development shall include high quality architectural design and well-conceived placement of development elements including the relationship or orientation of structures.

(c) Design Criteria. Design of the proposed development shall achieve two or more of the following results above the minimum requirements of this title and Chapters 22G.090 and 22G.100 MMC; provided, that such design elements may also be used to qualify for residential density incentives as provided in Chapter 22C.090 MMC:

(i) Improving circulation patterns or the screening of parking facilities;

(ii) Minimizing the use of impervious surfacing materials;

(iii) Increasing open space or recreational facilities on site;

(iv) Landscaping, buffering, or screening in or around the proposed PRD;

(v) Providing public facilities;

(vi) Preserving, enhancing, or rehabilitating natural features of the subject property such as significant woodlands, wildlife habitats or streams;

(vii) Incorporating energy-efficient site design or building features;

(viii) Incorporating a historic structure(s) or a historic landmark in such a manner as preserves its historic integrity and encourages adaptive reuse.

(d) Public Facilities. The PRD shall be served by adequate public facilities including streets, bicycle and pedestrian facilities, fire protection, water, storm water control, sanitary sewer, and parks and recreation facilities.

(e) When PRDs are located within or adjacent to single-family residential zones and are, or may be, surrounded by traditional development with detached dwelling units, PRDs shall be designed and developed ~~so as to~~ with a form and scale ~~be~~ consistent with a single-family residential environment. It is encouraged that if ~~If attached dwellings~~ townhouses, Middle Housing, ~~and~~ multiple-family dwellings are part of the PRD they will be dispersed throughout the project to create an integrated mix of housing types.

(f) Orientation and Perimeter Design. The orientation of structures and perimeter of the PRD shall be compatible in design, character, and appearance with the existing or intended character of development adjacent to the subject property and with the physical characteristics of the subject property. Structures shall be oriented towards the higher volume roadway unless the director determines that an alternate orientation will result in a better site design. Landscape tracts or buffers shall not be installed to avoid these orientation requirements.

(g) Open Space and Recreation. Open space and recreation facilities shall be provided and effectively integrated into the overall development of a PRD and surrounding uses.

(h) Streets, Sidewalks and Parking. Existing and proposed streets and sidewalks within a PRD shall be suitable and adequate to carry anticipated motorized and pedestrian traffic within the proposed project and in the vicinity of the subject property. A safe walking path to schools shall be provided if the development is within one-quarter mile of a school (measured via existing or proposed streets or pedestrian corridors) or if circumstances otherwise warrant. Adequate parking shall be provided to meet or exceed the requirements of the MMC.

(i) Landscaping. Landscaping shall be provided for public and semi-public spaces and shall integrate them with private spaces. Landscaping shall create a pleasant streetscape and provide connectivity between homes and common areas, using trees, shrubs, and groundcover throughout the development and providing for shade and visual relief while maintaining a clear line of sight throughout the public and semi-public spaces.

(j) Maintenance Provisions. A means of maintaining all common areas, such as a homeowners' association, shall be established, and legal instruments shall be executed to provide maintenance funds and enforcement provisions.

(3) Amendments. An approved PRD may be amended through the provisions of Chapters 22G.090 and 22G.100 MMC and Chapter 58.17 RCW.

(4) Duration of Approval. The duration of approval for a PRD shall be the same as the underlying land use action set forth in Chapter 22G.090, Subdivisions or Short Subdivisions; 22G.100, Binding Site Plan; or 22G.120 MMC, Site Plan Review.

(5) Compliance. Any use of land which requires PRD approval, as provided in this chapter, and for which approval is not obtained, or which fails to conform to an approved PRD and final site plan, constitutes a violation of this title.

Exhibit GGGGG

22G.080.060 Required elements of PRD site plans.

All PRDs shall be subject to site plan approval as provided in MMC 22G.080.050. The following are minimum requirements for the site plan and supplemental material:

(1) The title and location of the proposed PRD, together with the names, ~~and~~ addresses and telephone numbers of the owners of record of the land and, if applicable, the names, addresses and telephone numbers of any architect, planner, designer or engineer responsible for the preparation of the plan, and of any authorized representative of the applicant;

(2) Where there is multiple ownership, a document satisfactorily assuring unified control through final approval and construction phases;

(3) Statement of intention to formally subdivide the property, if applicable;

(4) The total number of proposed dwelling units and a description of the housing type for each such unit;

(5) Probable building materials and treatment of exterior surfaces on all proposed multiple-family structures;

(6) Conceptual drainage plans demonstrating feasibility of the proposed facilities;

(7) Project staging or phases, if any;

(8) Provision for phasing out nonconforming uses;

~~(9) The calculation of the housing mix ratio within a 300-foot radius of the project, as required by MMC 22G.080.040;~~

(9)~~(10)~~ Restrictive covenants as required by MMC 22G.080.120 and including provisions to address parking enforcement, together with a statement from a private attorney as to the adequacy of the same to fulfill the requirements of this chapter;

(10)~~(11)~~ ~~Calculation of total project land area,~~ gGross site area and a density calculation per MMC 22C.010.110; ~~project area, and net project density~~;

(11)~~(12)~~ A vicinity map at a minimum scale of two inches for each mile, showing sufficient area and detail to clearly locate the project in relation to arterial streets, natural features, landmarks and municipal boundaries;

(12)~~(13)~~ A site plan drawing~~,~~ showing street layout and identification, size and shape of all building sites and lots, and location of all building pads and open space areas with any specific open space activity areas indicated;

(13)~~(14)~~ The existing edge and width of pavement of any adjacent roadways and all proposed internal streets, off-street parking facilities, driveway approaches, curbing, sidewalks or walkways, street channelization, and type of surfaces;

(14)~~(15)~~ Landscaping plan, including plant locations and species size at planting, together with location and typical side view of perimeter fencing or berms, if any;

(15)~~(16)~~ Plans for all proposed dwellings and structures~~attached dwellings and multiple-family dwellings~~ and related improvements, to a scale of not less than one inch to 50 feet, showing typical plot plans for each such building, including location of building entrance, driveway, parking, fencing and site screening, and typical elevations of each type of building, including identification of exterior building materials and roof treatment;

(16)~~(17)~~ Plans for open space improvements, if any;

(17)~~(18)~~ Plans for signing and lighting, including typical side view of entrance treatment and entrance signs;

(18)~~(19)~~ The location of all solid waste collection points, proposed meter locations, water mains, valves, fire hydrants, sewer mains, laterals, manholes, pump stations and other appurtenances;

(19)~~(20)~~ Itemization of the specific development regulations which are to be modified and special requirements which are to be applied to the property; and

(20)~~(21)~~ Such additional information as the city may deem necessary.

Exhibit HHHHH

22G.080.070 Development standards.

All PRDs ~~which have lot(s) less than 5,000 square feet in any zone and multiple detached single-family dwellings on a single lot in any zone~~ shall meet the requirements of this section:

~~(1) Accessory dwelling units shall not be permitted for single-family detached dwellings unless approved as part of the PRD site plan.~~

~~(2)~~ (1) Each single-family detached unit shall have at least 200 square feet of private open space set aside as private space for that dwelling unit. No dimension of such open space shall be less than 10 feet. The open space does not need to be fenced or otherwise segregated from other dwellings or open space in the development unless so conditioned through the approval process.

~~(3)~~(2) Common open space is required pursuant to MMC 22C.010.320, 22C.020.270 or 22G.080.100, whichever provides the greater open space. The common open space must be arranged to maximize usability.

~~(4)~~(3) At least 20~~5~~ percent of the dwellings ~~on lots less than 5,000 square feet~~ must have vehicle access points via any combination of the following, unless steep slopes or site-specific constraints preclude meeting this requirement:

(a) Shared or single-car-width driveway.

(b) Alley, auto court, or other method of accessing dwellings other than direct street access.

(c) Where a consolidated road results in superior site design, circulation, safety or access management, autocourts may be required to be minimized and a consolidated public road provided.

Exhibit IIIII

22G.080.080 Modification of development regulations.

The city's standard development regulations shall be modified for a PRD as provided in this section:

(1) Density, Dimension, and Parking. The standard development regulations shall apply to all lots and development in a PRD except as specifically modified below and as provided in the design review standards in Chapters 22C.010 and 22C.020 MMC.

Modified Density, Dimension and Parking Table

	PRD
Density: Dwelling unit/acre or dwelling unit/lot, as applicable	As allowed per the underlying zone. See MMC 22C.010.080 or 22C.020.080 as applicable.
Maximum density: [1]	As allowed per the underlying zone or modified through the residential density incentives in Chapter 22C.090 MMC
Minimum street setback: [2]	10 feet
Minimum side yard setback:	5 feet (if no lot line between homes, 10 feet separation required)
Minimum rear yard setback: [3]	10 feet (if no lot line between homes, 20 feet separation required)
Base height:	As allowed per the underlying zone
Maximum building coverage:	No maximum building coverage
Maximum impervious surface:	70 percent
Minimum lot area: [4]	3,500 square feet
Minimum lot width: [5]	30 feet
Minimum driveway length: [6]	20 feet

Modified Density, Dimension and Parking Table

	PRD
Minimum parking: ~~7~~	~~3 stalls per detached single-family dwelling~~ See MMC 22C.130.030, Table 1.

Development Conditions:

1. Density may be increased consistent with density incentives, Chapter 22C.090 MMC.

2. Porches may extend as close as seven feet from the street, sidewalk, right-of-way, or public/community improvement.

3. Consistent with MMC 22C.010.310(3), rear yard setbacks may be reduced to zero feet for garages if an alley is provided. Living space is allowed up to the rear property line or alley when above a garage. If the garage does not extend to the property line, the dwelling unit above the garage may be extended to the property line.

4. No minimum lot area for mixed use and multifamily zoned properties. In single family zones, the minimum lot area/dwelling unit area may be reduced to 2,000 square feet for a townhouse unit~~attached single-family dwellings, and duplexes require 5,250 feet per two-dwelling duplex~~.

5. Minimum lot width may be reduced to 25 feet for zero lot line townhouses~~attached single-family dwellings~~.

6. Minimum driveway length may be reduced in accordance with MMC 22C.010.310.

~~7. Parking for multifamily and attached single-family will be computed pursuant to Chapter 22C.130 MMC, Parking and Loading. Detached single-family dwellings, will provide three stalls per dwelling unit. Two of the stalls must be on the site and readily available to the dwelling unit. The third stall may be on-street parking or provided nearby to the dwelling.~~

(2) Street Standards. The city's PRD street standards, as set forth in the engineering development and design standards (EDDS), apply to PRD subdivisions and binding site plans~~small lot developments~~ and may be modified as provided below.

The "PRD Access Street with Parking" and "PRD Access Street" road sections may be used in a PRD and modified as follows:

(a) "PRD Access Street with Parking" standard is required for developments containing 20 or more dwelling~~s~~ units. For developments containing less than 20 dwelling units the "PRD Access Street" standard may be used, provided parking requirements are met and community parking is provided at a ratio of at least one parking space for each four single family residences~~dwelling units~~.

(b) Modifications to the "PRD Access Street with Parking" and "PRD Access Street" standards may be requested for sidewalks, planter strips, and on-street parking. The burden to clearly demonstrate the proposed modification meets the requirements of this section is the applicant's. (Note: it is not likely multiple reductions will be allowed along a single section of road.) If requesting a modification, the applicant shall submit an integrated pedestrian travel, landscape and parking plan as well as other information to demonstrate:

(i) Safe, aesthetically pleasing pedestrian travel is provided throughout the development.

(ii) Pedestrian travel within the development shall be tied to pedestrian travel routes outside the development, actual and/or planned.

(iii) Reduction of planter strips shall require additional equivalent or greater landscaping to benefit the development.

(iv) Reduction of on-street parking shall generally require alley access and community parking be provided, such as bump-out parking on the street at a ratio in excess of one parking spot for each four dwelling units.

(v) Any proposed modifications shall allow for efficient flow and movement of automobiles and pedestrians without negatively altering or constraining their movement.

(3) Open Space. Open space requirements may be modified consistent with this chapter.

(4) Additional Modifications. An applicant may request additional dimensional, open space, street, and design standard modifications beyond those provided in this section. Granting of the requested modification(s) will be based on innovative and exceptional architectural design features and/or innovative and exceptional site design and layout that contribute to achieving the purpose of this chapter. (Street modifications may include the elimination of sidewalks on one or both sides, when alternate safe pedestrian connections are provided, and/or the movement of planter strips behind the sidewalk or the elimination of planter strips altogether, when the streetscape is enhanced to provide for a significantly more pleasing appearance.)

(5) Other Development Code Modifications. Modification of development code requirements beyond those provided for in this section may be requested through the variance process set forth in the MMC.

Exhibit JJJJJ

22G.080.090 Bonuses.

The city's decision-making authority may allow an increase in the ~~net~~ density of the project in multi-family zones and the mixed use zone in compliance with the residential density incentive requirements of Chapter 22C.090 MMC.

Exhibit KKKKK

22G.080.100 Open spaces.

(1) A minimum of 15 percent of the net project area shall be established as open space. The same net project area calculation used for determining the project's density shall be used for calculating required open space. Passive open space areas, as defined in MMC 22A.020.160, and critical areas and buffers, may be used to satisfy a maximum of 65 percent of the required open space. Thirty-five percent of the required open space shall be active open space, as defined in MMC 22A.020.160, and as outlined in subsection (2) of this section.

(a) Required yards, parking areas, driveways, streets, and other accesses shall not qualify as open space except as provided in subsection (3)(c) of this section;

(b) Fencing and/or landscaping shall separate, while maintaining visual observability of, recreation areas from adjacent lots, parking areas, driveways, streets, and other accesses;

(c) Up to five feet of the perimeter landscaping around the active open space area may contribute to the active open space area requirement; provided, that the perimeter landscaping:

(i) Includes trees, shrubs, and groundcover that feature variation in texture and color and a succession of blooms; and

(ii) Is of the same grade as the overall active open space area;

(d) The active open space areas shall be calculated by drawing a boundary around the area(s) meeting the standards set forth in this subsection and subsection (2) of this section, and deducting the ineligible areas outlined in subsections (1)(a) and (c) and (2) of this section.

(2) Active open space areas shall:

(a) Be of a grade and surface suitable for recreation;

(b) Be on the site of the proposed development;

(c) Be one continuous parcel if less than 3,000 square feet in size, not to be located in the front yard setback;

(d) Be situated and designed to be observable by the neighborhood residents, be centrally located within the project, and abut a neighborhood street unless determined to be infeasible or undesirable by the director. Fences on individual lots abutting the open space area may be up to six feet tall only if the top two feet are constructed as an open-work fence;

(e) Be accessible and convenient to all residents within the development;

(f) Have no dimensions less than 30 feet (except trail segments);

(g) Trail segments shall:

(i) Be a minimum of five feet in width;

(ii) Meet Americans with Disabilities Act (ADA) standards; and

(iii) Be improved with an appropriate all-weather surface (gravel surfacing is not considered an all-weather surface); provided, that an all-weather surface shall not be required where terrain precludes ADA access, or where an alternate surface is determined by the director to be preferable. Where an alternate surface is used, appropriate materials, edging, and compaction shall be provided; and

(iv) Trail segments that are being dedicated to the public, or connecting to a regional or city parks system trail, may be required to be increased in width or construction standard as determined by the parks, culture, and recreation director;

(h) Include a minimum of one large recreational amenity or two small recreational amenities per one-quarter acre of active recreation space. The calculation of amenities shall be rounded up to the nearest one-quarter acre.

(i) Small recreational amenities include: ~~disc golf; horseshoes,~~ bocce~~,~~ or similar lawn games; volleyball or similar net sports; commercial-grade benches; picnic tables; tot lot with small playground equipment (soft surface); and similar amenities; provided, that one bench equals one-half small recreational amenity.

(ii) Large recreational amenities include commercial-grade multipurpose, basketball, tennis, pickleball, or similar courts or half-courts; baseball, football, soccer, or similar fields; tot lot with large playground equipment (soft surface); gazebos; and similar amenities. A half sport court qualifies as one recreational amenity, and a full sport court qualifies as two recreational amenities.

(iii) Where recreational amenities are provided that involve ball, discs/frisbees, or similar recreational equipment and are near roads or neighboring yards, fencing or panels of an adequate height to prevent the ball, disc/frisbee, or similar recreational equipment from entering the adjacent street, access or yard shall be provided.

(~~iii~~iv) A project must provide at least one amenity that promotes physical activity, and cannot provide only benches, picnic tables, or a gazebo.

(~~i~~v) When a tot lot is provided, at least one bench must be provided for each tot lot; however, the bench and tot lot shall qualify as separate amenities.

(vi) When a tot lot or other park catering to young children is provided, the recreational area shall have fencing around the area.

(vii) Where benches or picnic tables are provided, at least one shade tree must be planted near the amenity to provide for shade for the amenity.

(viii) The community development director is specifically authorized to determine what qualifies as a recreational amenity, and whether the recreational amenity should be considered a small or large recreational amenity;

(i) The community development director is authorized to allow deviations to the standards outlined in this subsection (2) when the applicant has clearly demonstrated that the intent of these standards has been met.

(3) Dual use storm water retention/detention and/or recreation facilities shall meet the following design criteria:

(a) The facility shall be designed with emphasis as a recreation area, not a storm water control structure, and shall be designed as usable open recreation area. Bioswales, infiltration galleries, and ponds shall not be used for recreation facilities.

(b) Control structures shall not be prominently placed. Care should be taken to blend them into the perimeter of the recreation area.

(c) The number of accesses shall be minimized, and the accesses shall be designed to serve as both an access and an amenity to qualify as open space. The following are examples of access treatments that would qualify as open space:

(i) Grasscrete or equivalent as determined by the public works director or designee;

(ii) Decorative pavers; or

(iii) Concrete or asphalt with a dual use including, but not limited to, sport court, hopscotch, meandering paved trails, etc.

(4) The open space requirements outlined in subsection (1) of this section may be reduced if substantial and appropriate recreational facilities (such as recreational buildings, swimming pools or tennis courts) are provided. If an open space reduction is proposed, detailed plans showing the proposed recreational facilities must be submitted with the preliminary site plan.

(5) Open space and recreational facilities shall be owned, operated and maintained in common by the PRD property owners; provided, that by agreement with the city council, open space may be dedicated in fee to the public.

Exhibit LLLLL

22G.090.580 Fence requirements.

Prior to preliminary plat or short plat approval, it shall be determined whether a six-foot-high, sight-obscuring fence shall be required along the affected perimeter of new formal residential ~~single-family~~ subdivisions or short subdivisions. A fence shall be

required when one or more of the following criteria have been met (unless waived by adjacent property owner):

(1) If it is determined during grading plan review that the existing grade will be increased by a two-foot or greater vertical grade change and the grade increase causes the newly created lots to be at a higher elevation than the abutting property. The grade change shall be measured from the affected property line to the foundation wall of the newly constructed dwelling. In the case of formal subdivisions, the fencing issue shall be determined by the hearing examiner at the public hearing for the preliminary plat. The community development director shall be responsible for determining the fencing requirements for short subdivisions. The community development director's decision may be appealed to the hearing examiner, in accordance with Chapter 22G.010 MMC, Article VIII, Appeals.

(2) If a newly created lot contains a front yard that directly abuts the rear yard of an adjacent property, and the existing lot contains a dwelling unit that is located within 20 feet of the newly created lot.

(3) If a newly constructed plat road (public or private) directly abuts either the side or rear yard of a residentially developed property, and the existing dwelling unit is located within 20 feet of the newly constructed road.

All required fencing shall be constructed prior to final plat and/or short plat approval. Where existing trees and associated vegetation or existing fencing serve the same or similar function on either the subject property or the abutting property, they shall have priority over and may be substituted for the required fencing, provided the following conditions are met:

(a) Supplemental landscaping is provided within or adjacent to these areas, as necessary, to accomplish the specific intent of this section.

All required screening shall be reviewed to ensure that access and connectivity between ~~single-family~~ residential developments are not being precluded as a result of these requirements.

Exhibit MMMMM

22G.100.040 Jurisdiction.

These regulations shall apply to all properties which are exempt from the city's subdivision code pursuant to RCW 58.17.040(4) or (7) and which are being divided through the binding site plan process in:

(1) Commercial, industrial, recreation, and public institutional zones;

(2) Multifamily and townhome development in the mixed use zone; or

(3) Single-family, multifamily, Middle Housing, and townhome development in residential zones.

Divisions involving single-family, multifamily, and townhome developments must comply with the planned residential development provisions of Chapter 22G.080 MMC. Exception: this limitation does not apply to unit lot subdivisions.

Exhibit NNNNN

22G.120.030 Scope.

Review and approval is required for all new construction, redevelopment, and exterior expansion of multiple-family, commercial, industrial, utility, shoreline development, public-initiated land use proposals, parking, and landscaping site plan reviews; or as otherwise specified in MMC Title 22, Unified Development Code. All of the above projects require the review and approval of a site plan except for:

(1) Construction activities which do not require a building permit;

(2) Construction of a single-family residence or one Middle Housing building not located within shoreline jurisdiction or a regulated critical area or buffer;

(3) Construction or expansion of a residential accessory structure;

(4) Interior remodels of existing structures when not a change of occupancy (such as converting from a residential use to a commercial use); and

(5) Tenant improvements when the modification or addition does not necessitate an expansion to the parking area.