



**PLANNING COMMISSION MEETING
TUESDAY, AUGUST 12, 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 July 8th Planning Commission minutes.

Suggested motion: I move to approve the July 8th Planning Commission meeting minutes.

[PC 07082025 MINUTES.pdf](#)

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

4. PUBLIC HEARING

4.1 Comprehensive Plan Map Amendment to Reflect Northpointe MV2 Urban Growth Area (UGA) Expansion

Suggested motion: I move to recommend approval of the Comprehensive Plan Map

Amendment to reflect the Northpointe MV2 Urban Growth Area (UGA) Expansion to City Council for adoption by Ordinance.

[Memo and Map Amendments - Comprehensive Plan Amendment to Reflect Northpointe MV2 UGA Expansion](#)

4.2 Unit Lot Subdivision Regulations - Public Hearing

Suggested motion: I move to recommend approval of the Unit Lot Subdivision regulations to City Council for adoption by Ordinance.

[Memo and Unit Lot Subdivision Amendments](#)

4.3 Accessory Dwelling Unit Regulations - Public Hearing

Suggested motion: I move to recommend approval of the Accessory Dwelling Unit final regulations to City Council for adoption by Ordinance.

[Memo and Accessory Dwelling Unit Amendments](#)

4.4 Middle Housing Regulations - Public Hearing

Suggested motion: I move to recommend approval of the Middle Housing regulations to City Council for adoption by Ordinance.

[Memo and Exhibit 1 - Middle Housing final regulations](#)

[Exhibit 2 - Final Middle Housing regulations](#)

[Exhibit 5 - Comprehensive Plan Map](#)

[Exhibit 6 - Zoning Map](#)

[Exhibit 7 Comprehensive Plan text and map amendments](#)

[Exhibit 8 - Conceptual Minimum Density Illustration](#)

5. OLD BUSINESS

6. NEW BUSINESS

7. DIRECTOR'S COMMENTS

8. ADJOURNMENT

9. NEXT MEETING - [INSERT DATE]

CITY COUNCIL AGENDA ITEMS AND MINUTES

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



Agenda Bill

PLANNING COMMISSION AGENDA ITEM REPORT

DATE: August 12, 2025

SUBMITTED BY: Stacy Jones, Community Development

ITEM TYPE: Minutes

AGENDA SECTION: **APPROVAL OF MINUTES**

SUBJECT: Approval of July 8th Planning Commission minutes.

SUGGESTED ACTION: Suggested motion: I move to approve the July 8th Planning Commission meeting minutes.

SUMMARY: See attached minutes for approval.

ATTACHMENTS:
[PC 07082025 MINUTES.pdf](#)

**Community
Development**



**501 Delta Ave
Marysville, WA 98270**

**Planning
Commission
Meeting Minutes**

July 8, 2025

CALL TO ORDER

1) ROLL CALL

Present:

Commission: Chair Stephen Leifer, Commissioner Gary Kemp, 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

2) APPROVAL OF MINUTES

2.1 Approval of June 24th Planning Commission minutes.

PC 06242025 MINUTES

Motion to approve the June 24th Planning Commission minutes moved by Commissioner John Ray seconded by Commissioner Gary Kemp.

AYES: ALL

3) AUDIENCE PARTICIPATION

4) PUBLIC HEARING

5) OLD BUSINESS

6) NEW BUSINESS

6.1 Unit Lot Subdivisions

There was some discussion about procedures for allowing public testimony and providing more structure around providing comments. There had been a suggestion by staff to have commissioners raise hands to be recognized to speak in order to be more easily identified on the audio recording; commissioners generally disagreed with this idea and were in favor of allowing things to proceed as they have been. There was consensus to continue to allow the conversations to flow organically but to be as orderly and respectful as they can.

There was consensus to allow public testimony tonight.

Todd Duitsman, Keller Williams Realty, Marysville, WA stated he is a huge proponent for home ownership. He wants to be involved in what unfolds in Marysville and has been very involved in projects in Everett. He feels it is important to allow development in a thoughtful way, especially with regard to middle housing. He thinks 1200 sf should be allowed for ADUs because it is a better size for most families and would allow more families to own homes. He is excited about unit lot subdivisions with 1200 sf homes with a possibility of 1500 sf (50% of the sf home in the front). He is also supportive of allowing two units behind duplexes. He is supportive of 10 feet between property line and foundation so there can be access to the backyard. He recommended allowing an overlay with a fee simple instead of making them condos. This would also open them up to ownership by veterans.

Principal Planner Gemmer clarified that unit lot subdivision allows a fee simple alternative to condominiums.

David Toyer, Toyer Strategic Advisors, spoke in support of unit lot subdivisions as an important tool to encourage ownership opportunities. They see it being done a lot in other communities. He feels unit lot subdivisions should be allowed for projects of unlimited sizes. It is an advantage to the city, and the size shouldn't matter since it doesn't change the density of what is allowed on the parcel.

Commissioner Andes asked for clarification about the 1500 sf recommendation for ADUs from Mr. Duitsman. Mr. Duitsman reviewed how this has worked on the ones they have done in Everett. He thinks it needs to be 1200 sf for a family to live in without being too cramped. If there is a 3000-sf home in the front, then a builder could do up to 1500 sf but it wouldn't be allowed to be any bigger.

Mr. Toyer commented that Woodinville recently recommended 1200 sf as a maximum to their Council. This allows ADU opportunities for smaller families.

Principal Planner Gemmer made the presentation on unit lot subdivisions. She reviewed state law and examples of various types of ULS's. 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 unit 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 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 were 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.

Ms. Gemmer noted that it appears the City will need to allow without a cap by July 27, 2027 anyway (see SB 5559).

Commissioner Kemp asked for clarification about how many units would be allowed. Ms. Gemmer explained it would still depend on underlying density. This would just enable the units to be owned by different owners without having to be condominiumized. It would not allow greater density. Chair Leifer commented that it depends on the parcel. 250 lots might make a lot of sense on the right size parcel. He was supportive of some kind of ratio or not having a limit on unit lot subdivisions and letting the other restrictions cover it. Ms. Gemmer noted that the proportional aspect occurs naturally because you are only allowed so many units on a property. She reviewed examples of why it would be beneficial for larger projects to be able to use unit lot subdivisions such as financing and less state regulation. Issues to consider if they want to go unlimited are how to deal with sanitation and also access. There was some discussion about access issues that would need to be addressed with Public Works and Fire. It was noted that it will be a moot point after 2027 when it will be unlimited.

After some discussion, there was consensus to support option C with no cap since it will be unlimited in 2027 anyway.

Memo re. Unit Lot Subdivisions

6.2 Comprehensive Plan Map Amendment to Reflect Northpointe MV2 UGA Expansion

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

Principal Planner Gemmer reviewed this item regarding a Comprehensive Plan Map Amendment to reflect a proposed UGA expansion. There were no comments on this.

6.3 Middle Housing and Accessory Dwelling Units - Follow-up on Key Policy Items

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

Principal Planner Gemmer recapped the discussion from the last meeting and followed up with discussion on items that needed further direction.

Policy Item 1

Questions on Policy Item 1 – Accessory Dwelling Unit Size Cap:

- 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?

Chair Leifer thought a percentage of the main house seems logical.

Mr. Duitsman noted that if it goes over 1500 sf it triggers an energy calculation that can increase the cost of the house by another \$20,000. Staying below the 1500 sf threshold helps to provide attainable housing.

Chair Leifer asked for clarification on what they are trying to do because that determines how large they should allow. He feels the percentages should be tied to the size of the original house.

Commissioner Miller thought if the lot size can handle it, larger ADUs should be allowed.

Commissioner Ray was supportive of a 1400 sf maximum to allow space for families to grow.

Vice Chair Whitaker summarized that they are trying to encourage continued home ownership and encourage new home ownership. Considering the high cost of construction, he was supportive of the 1400 or 1500 sf limit to keep it more affordable for families.

Mr. Toyer noted that if you have a big enough lot, you can do a unit lot subdivision and achieve bigger units. He thought the 1500 sf ADU was appropriate.

After some debate, there was consensus to recommend a 1400 sf cap with a 50% ratio allowed when the main house is over 2000 sf.

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

The Planning Commission previously 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?

Chair Leifer expressed concern about limiting this for a hypothetical property owner who has owned the property for years and might have plans to build a dream home. Ms. Gemmer discussed some potential options such as an exception for unique site circumstances or to allow the construction of a dwelling if that is of interest to the Commission. Chair Leifer spoke to the importance of the right to homeownership.

Mr. Duitsman commented on how the passage of the UGA caused the increase in home prices. It doesn't allow people to build on the land that they have.

Mr. Toyer raised a concern about restricting single family especially in locations that have very limited access and would be undesirable for high density apartments. He thinks there should at least be an exception in an area in north Marysville near 116th that staff was proposing to exclude from middle housing. Principal Planner Gemmer explained that issue has been corrected since it was inadvertently changed. She suggested that some language still needs to be crafted for some exception areas. The Commission seemed supportive of allowing some exceptions.

7) DIRECTOR'S COMMENTS

None

8) ADJOURNMENT

Commissioner Jordan thanked Mr. Duitsman and Mr. Toyer for showing up and commenting.

Motion to adjourn the meeting at 8:26 p.m. moved by Commissioner Shanon Jordan seconded by Commissioner Gary Kemp.

AYES: ALL

9) NEXT MEETING - August 12, 2025



Agenda Bill

PLANNING COMMISSION AGENDA ITEM REPORT

DATE: August 12, 2025

SUBMITTED BY: Angela Gemmer, Community Development

ITEM TYPE: Public Hearing

AGENDA SECTION: **PUBLIC HEARING**

SUBJECT: Comprehensive Plan Map Amendment to Reflect Northpointe MV2 Urban Growth Area (UGA) Expansion

SUGGESTED ACTION: Suggested motion: I move to recommend approval of the Comprehensive Plan Map Amendment to reflect the Northpointe MV2 Urban Growth Area (UGA) Expansion to City Council for adoption by Ordinance.

SUMMARY:

As part of the Snohomish County 2024 Comprehensive Plan update, a 39-acre expansion to the City of Marysville's Urban Growth Area (UGA) was approved. The UGA expansion area is located west of 67th Avenue, north of 162nd Street NE, and east of the Burlington Northern Santa Fe railway right-of-way, and is identified by Assessor's Parcel Numbers 31052700100400, 31052700100500, and 31052700400200. With the UGA expansion, the property was redesignated from Agriculture-10 Acre (A-10) to Urban Industrial (UI).

Since the Northpointe MV2 docket request was approved around the same time as the overall Marysville Comprehensive Plan, the Northpointe MV2 UGA expansion is not reflected on the various maps in the 2024 Comprehensive Plan or on the standalone Comprehensive Plan maps. The proposed amendment is to update all applicable Comprehensive Plan maps to reflect the UGA expansion and designate the property Light Industrial (LI). A minor associated text change, which entails omitting footnote 18 on page 28 of the [Land Use Element](#) and associated minor changes to UGA acreage figures as necessary, are proposed. Nearly all of the maps within the Comprehensive Plan will be amended to reflect this change; the key map updates are included in this packet with other maps still being prepared (all reflecting the 39-acre UGA expansion).

At the August 12th Planning Commission Public Hearing, staff respectfully requests that Planning Commission recommend approval of the Comprehensive Plan Map Amendments and associated land use designation change to reflect the Northpointe MV2 UGA Expansion to City Council for adoption by Ordinance.

ATTACHMENTS:

[Memo and Map Amendments - Comprehensive Plan Amendment to Reflect Northpointe MV2 UGA Expansion](#)

MEMORANDUM

DATE: August 12, 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

EXHIBIT 4: Comprehensive Plan maps that are amended to reflect Northpointe MV2 UGA Expansion

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 UGA expansion request (County ID MV2). The initial Northpointe MV2 UGA expansion request was for approximately 183 acres 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 (BNSF) railway right-of-way (see **Exhibit 1**). The full UGA expansion was not supported by Snohomish County and was ultimately modified by 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 as the overall Marysville Comprehensive Plan, the Northpointe MV2 UGA expansion is not reflected on the various maps in the 2024 Comprehensive Plan or on the standalone Comprehensive Plan maps. The proposed amendment is to update all applicable Comprehensive Plan maps to reflect the UGA expansion and designate the property Light Industrial (LI). The following minor associated text change, which entails omitting footnote 18 on page 28 of the [Land Use Element](#) of the Comprehensive Plan (see text below) and making associated minor changes to UGA acreage figures as necessary. To prevent any numbering issues for this footnote, it will be amended to read 'Reserved'.

18. With Snohomish County's 2024 Comprehensive Plan update, a docket request was filed by NorthPoint Development for an expansion of the City of Marysville's UGA by 183 acres. The proposed UGA expansion area is located at the northeast corner of the intersection of 152nd Street NE and 67th Avenue NE. If adopted, this UGA expansion would redesignate this land from a rural designation to industrial. In March 2024, the Snohomish County Planning Commission recommended approval of the docket request; however, the docket request was not included in the Executive Recommendation provided to the Snohomish County Council. The docket request is still pending as of this writing.

The key maps that will reflect this change are shown in **Exhibit 4**, and include Figures 2.1 – 2.3, 2.9 – 2.13, 2.24 – 2.26, and 2.28. Figures 2.3, 3.20, 3.26 – 3.27, 5.3, 5.5, 5.6, 6.1 – 6.2, 6.7, 7.1 – 7.3, 7.5 – 7.9, 8.1 – 8.13, 8.15 – 8.16, 8.18 – 8.19, 9.1 – 9.4, and 9.8 will also be updated to reflect the small UGA boundary change. The map updates in progress and will be included with the final ordinance presented to City Council.

At the August 12th Planning Commission Public Hearing, staff respectfully requests that Planning Commission recommend approval of the Comprehensive Plan Map Amendment and associated land use designation change to reflect the Northpointe MV2 UGA Expansion.

Exhibit 1

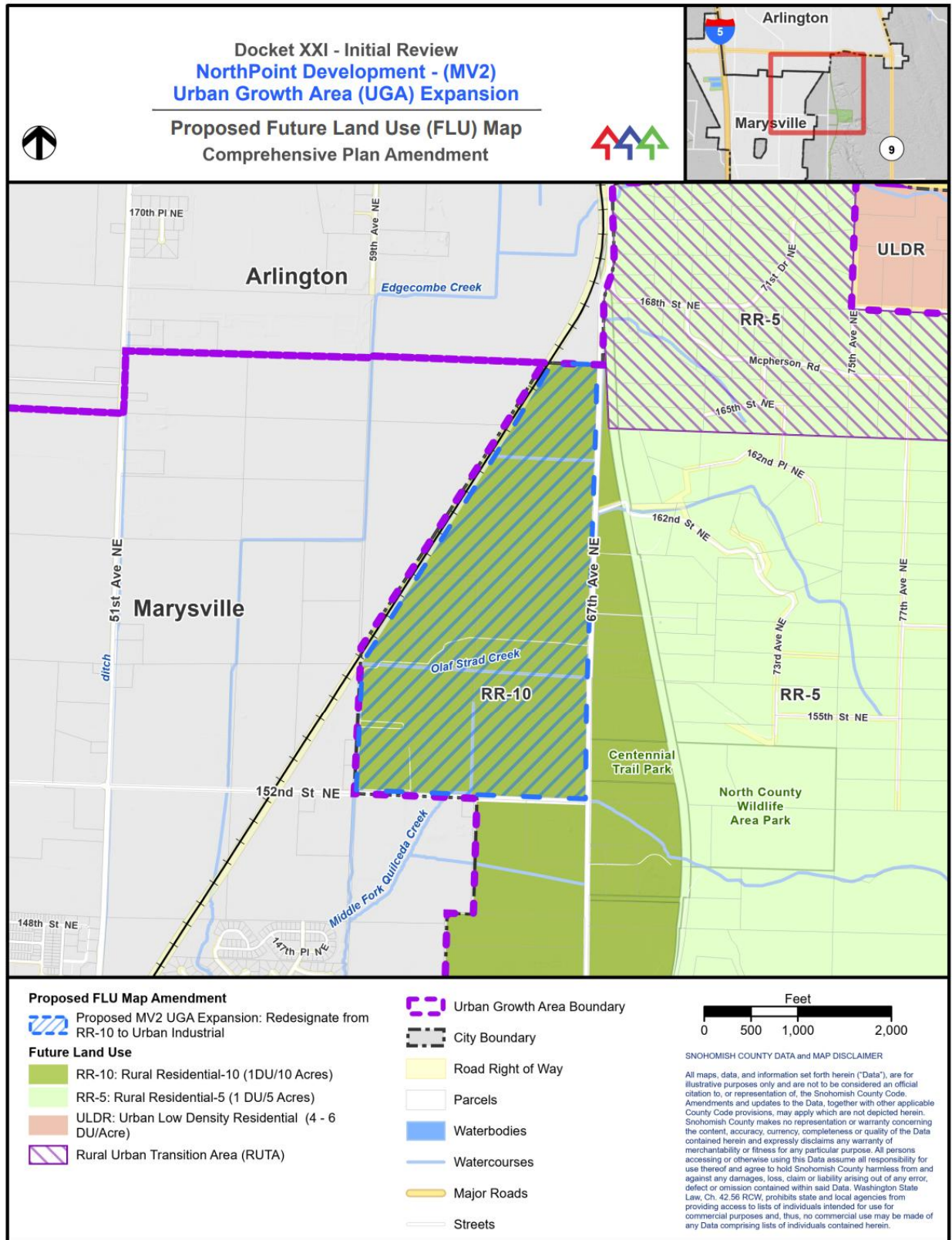
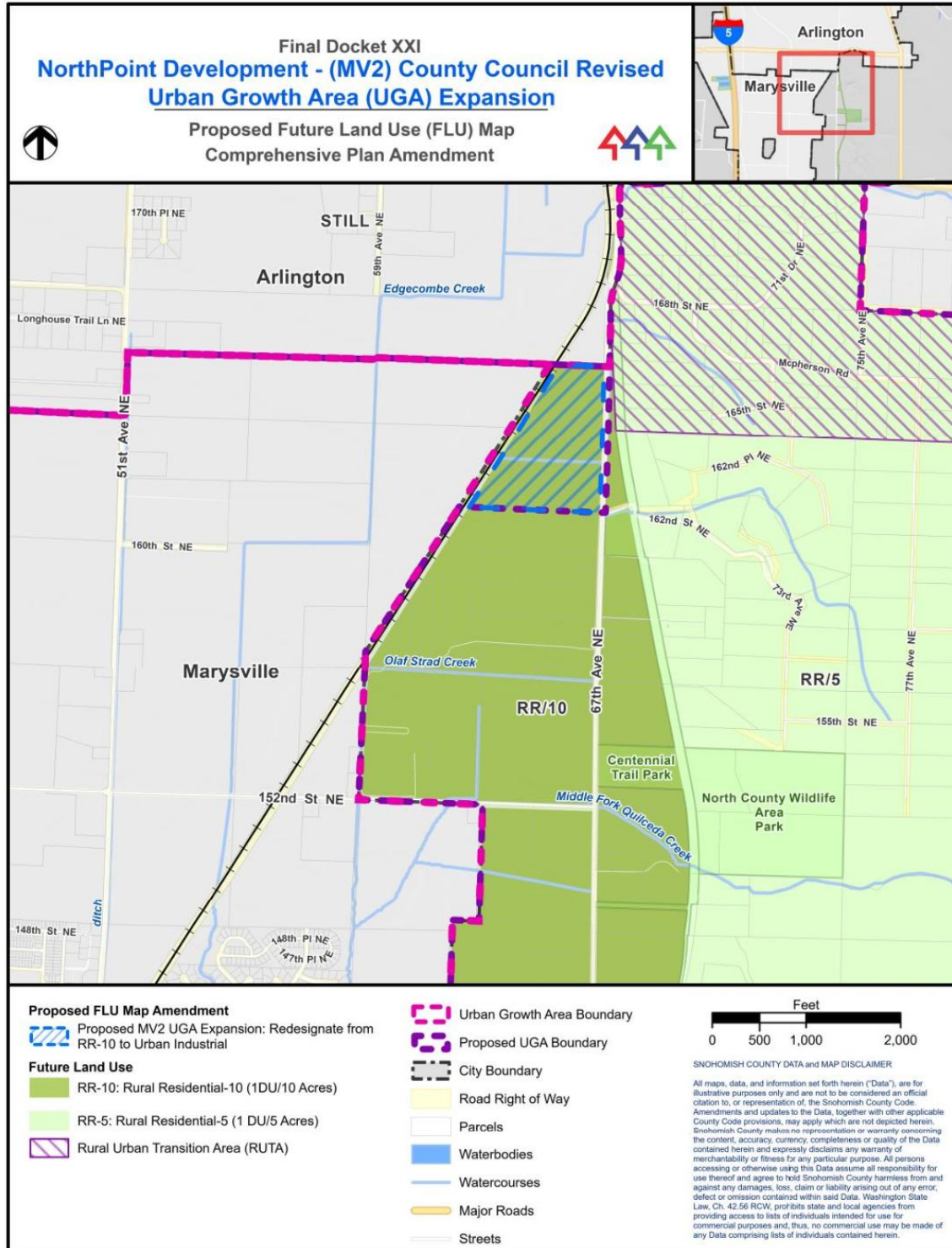


Exhibit 2

Exhibit C: Future Land Use Map Changes



1 Adopted: December 4, 2024

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

4 SNOHOMISH COUNTY COUNCIL
5 SNOHOMISH COUNTY, WASHINGTON

6
7 AMENDED ORDINANCE NO. 24-031

8
9 RELATING TO MANDATORY UPDATES OF THE SNOHOMISH COUNTY GROWTH
10 MANAGEMENT ACT COMPREHENSIVE PLAN, PURSUANT TO RCW 36.70A.130; ADOPTING
11 FUTURE LAND USE MAP AMENDMENTS TO THE COMPREHENSIVE PLAN
12

13 WHEREAS, Snohomish County ("the county") adopted the Snohomish County Growth
14 Management Act Comprehensive Plan (GMACP) including the Future Land Use (FLU) Map on
15 June 28, 1995, through passage of Amended Ordinance No. 94-125; and
16

17 WHEREAS, the county has amended the GMACP FLU Map several times since its
18 adoption, most recently by Amended Ordinance No. 22-028 on September 14, 2022; and
19

20 WHEREAS, the county must conduct a periodic review of its GMACP pursuant to
21 Revised Code of Washington (RCW) 36.70A.130(3), which directs counties planning under the
22 Growth Management Act (GMA) to take legislative action to review and, if needed, revise their
23 comprehensive plans and development regulations to ensure that population, employment, and
24 housing growth for the succeeding 20-year period can be accommodated; and
25

26 WHEREAS, on November 1, 2021, the county began the State Environmental Policy Act
27 (SEPA) scoping period, and held two virtual public meetings on November 9 and November 15,
28 2021, to kick off the review of the GMACP and to seek comments on a scope for an
29 Environmental Impact Statement (EIS); and
30

31 WHEREAS, the county published the SEPA scoping public notice in English, Spanish,
32 and Korean in the Everett Herald, sent it to agencies and interested parties as contained in the
33 Planning and Development Services (PDS) SEPA Distribution List, and posted it to the
34 Snohomish County website; and
35

36 WHEREAS, the county created a project website to disseminate information related to
37 the update of the GMACP and to provide opportunities for public input. The website was
38 continually updated over the planning process and included a calendar of events related to
39 Snohomish County Planning Commission ("Planning Commission") briefings and hearings and
40 other public engagement opportunities; and
41

42 WHEREAS, the county provided regular briefings on the update of the GMACP to the
43 Snohomish County Tomorrow (SCT) Planning Advisory Committee, SCT Steering Committee,
44 SCT Executive Committee, and SCT Community Advisory Board; and
45

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

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
PAGE 1 OF 18

1 WHEREAS, the Planning Commission was provided information on the potential
2 GMACP FLU Map amendments, including those included in docket proposals, in a briefing on
3 September 12, 2023; and
4

5 WHEREAS, the county issued the Draft Environmental Impact Statement (DEIS) on
6 September 6, 2023, and the 45-day public comment period ended on October 23, 2023; and
7

8 WHEREAS, the county created an online interactive mapping tool for the public to
9 review the zoning and FLU Maps studied for each of the three land use alternatives and make
10 site specific comments during the DEIS comment period; and
11

12 WHEREAS, county staff held in-person public open houses on September 12 and
13 September 23, 2023, to provide the public an opportunity to obtain information and comment on
14 the DEIS and amendments to the GMACP FLU Map and zoning; and
15

16 WHEREAS, the Planning Commission held a public hearing on October 24, 2023, to
17 receive public testimony concerning the amendments contained in this ordinance; and
18

19 WHEREAS, the notice of the public open houses and Planning Commission public
20 hearing was mailed to over 38,554 addresses in Snohomish County (including those potentially
21 affected by proposed changes and those within 500 feet of a proposed change located within an
22 urban growth area and 1,000 feet of a proposed change outside of an urban growth area),
23 published in the Everett Herald, posted to the project website, and posted on-site at final docket
24 properties; and
25

26 WHEREAS, after the conclusion of its public hearing, the Planning Commission
27 deliberated on November 14 and November 15, 2023, and voted to recommend adoption of the
28 amendments discussed in its recommendation letter dated January 16, 2024; and
29

30 WHEREAS, the Snohomish County Executive ("Executive") reviewed staff and public
31 input and the Planning Commission recommendation and made additional FLU Map and zoning
32 map recommendations that differ from the Planning Commission as outlined in the memo dated
33 March 26, 2024, and that are incorporated into this ordinance; and
34

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

39 WHEREAS, in its hearing on September 11, 2024, the County Council directed staff to
40 prepare any amendments that may be required to implement the expansion of the Monroe UGA
41 consistent with the Mon2 docket proposal; and
42

43 WHEREAS, the County Council continued its hearing from September 11, 2024, to
44 October 2, 2024, for continued public comment, deliberation, and discussion of various GMACP
45 ordinances, including this ordinance; and
46

47 WHEREAS, the County Council continued its hearing from October 2, 2024, to
48 December 4, 2024, for consideration of public comment and the entire record related to
49 amendments contained in this ordinance; and
50

1 WHEREAS, in its hearing on September 11, 2024, the County Council directed staff to
2 prepare any amendments that may be required to implement the expansion of the Marysville
3 UGA consistent with a modified, smaller version of the MV2 docket proposal; and
4

5 WHEREAS, the County Council continued its hearing from September 11, 2024, to
6 October 2, 2024, for continued public comment, deliberation, and discussion of various GMACP
7 ordinances, including this ordinance; and
8

9 WHEREAS, the County Council continued its hearing from October 2, 2024, to
10 December 4, 2024, for consideration of public comment and the entire record related to
11 amendments contained in this ordinance; and
12

13 WHEREAS, in its hearing on September 11, 2024, the County Council directed staff to
14 prepare any amendments that may be required retain the present Future Land Use Map
15 designation on the Wildlife Committee of Washington (WCW) site, also known as the Kenmore
16 gun range or parcels 27042500300100 and 27042500300200; and
17

18 WHEREAS, the County Council continued its hearing from September 11, 2024, to
19 October 2, 2024, for continued public comment, deliberation, and discussion of various GMACP
20 ordinances, including this ordinance; and
21

22 WHEREAS, the County Council continued its hearing from October 2, 2024, to
23 December 4, 2024, for consideration of public comment and the entire record related to
24 amendments contained in this ordinance; and
25

26 WHEREAS, following the public hearing, the County Council deliberated on the
27 amendments contained in this ordinance;
28

29 NOW, THEREFORE, BE IT ORDAINED:
30

31 Section 1. The County Council makes the following findings:
32

- 33 A. The County Council adopts and incorporates the foregoing recitals as findings as if set forth
34 in full herein.
35
- 36 B. This is a proposal to amend the Snohomish County GMACP as required under RCW
37 36.70A.130.
38
- 39 C. These amendments were developed in consideration of the fifteen goals of the GMA for the
40 development of local comprehensive plans, as codified at RCW 36.70A.020, and reflect a
41 careful balancing of these goals within the local conditions of Snohomish County. The goals
42 generally are advanced by the amended FLU Map as follows:
- 43 • GMA Goal 1 “Urban Growth” – The amendments maintain the focus of directing the
44 majority of new growth into existing urban growth areas (UGAs).
45
 - 46 • GMA Goal 2 “Reduce Sprawl” – The amendments reduce the pressure to convert rural
47 and resource lands to sprawling, low-density development.
48

- 1 • GMA Goal 3 “Transportation” – The amendments maintain an efficient multimodal
2 transportation system by directing the majority of new growth into areas served by high-
3 capacity transit.
- 4
- 5 • GMA Goal 4 “Housing” – The amendments accommodate housing affordable to all
6 economic segments of the population by promoting infill development with a variety of
7 residential densities and housing types within the UGA.
- 8
- 9 • GMA Goal 5 “Economic Development” – The amendments continue to promote economic
10 development by providing adequate land within the UGA for non-residential uses and
11 designating land for a mix of uses in areas planned for the highest levels of growth near
12 future.
- 13
- 14 • GMA Goal 6 “Property rights” – The Washington State Attorney General last issued an
15 advisory memorandum, as required by RCW 36.70A.370, in September 2018, entitled
16 “Advisory Memorandum: Avoiding Unconstitutional Takings of Private Property,” to help
17 local governments avoid the unconstitutional taking of private property. The process
18 outlined in that advisory memorandum was used by Snohomish County to objectively
19 evaluate the amendments and balance the rights of property owners with other GMA
20 goals.
- 21
- 22 • GMA Goal 7 “Permits” – The amendments do not adversely impact the processing of
23 permits in a timely and fair manner.
- 24
- 25 • GMA Goal 8 “Natural Resource Industries” – The amendments are generally focused on
26 unincorporated UGAs and will not impact natural resource industries.
- 27
- 28 • GMA Goal 9 “Open Space and Recreation” – The amendments enhance open space and
29 recreation by designating land devoted to those uses that are added to the UGA for
30 Public/Institutional Use to limit conversion to other uses.
- 31
- 32 • GMA Goal 10 “Environment” – The amendments protect the environment by focusing the
33 majority of new growth into UGAs.
- 34
- 35 • GMA Goal 11 “Citizen Participation” – The GMACP update process has involved early
36 and continuous public participation.
- 37
- 38 • GMA Goal 12 “Public Services and Facilities” – The amendments will have adequate
39 public services as demonstrated by updated Capital Facilities and Utilities, Transportation,
40 and Parks and Recreation Elements.
- 41
- 42 • GMA Goal 13 “Historic Preservation” – The amendments are consistent with the cultural
43 resources subelement of the Land Use Element and the new Tribal Coordination Element.
- 44
- 45 • GMA Goal 14 “Climate Change and Resiliency” – The amendments will help the county
46 mitigate against and adapt to climate change by directing the majority of new growth into
47 UGAs in areas served by high-capacity transit.
- 48
- 49 • GMA Goal 15 “Shorelines of the State” – The amendments protect the shorelines of the
50 state by focusing the majority of new growth into UGAs.

- 1
2 D. The amendments better achieve, comply with, and implement the Puget Sound Regional
3 Council (PSRC) Multi-County Planning Policies (MPPs) of VISION 2050.
4
5 • **Regional Collaboration.** The amendments are consistent with regional and countywide
6 policies and have been developed through inclusive coordination and public
7 participation.
8
9 • **Regional Growth Strategy.** The amendments designate future land uses and zoning to
10 accommodate the large majority of projected growth inside the UGA in areas served by
11 high-capacity transit, with a mix of residential and employment uses in transit station
12 areas, with minor UGA adjustments that ensure stable and sustainable UGAs.
13
14 • **Environment.** The amendments will minimize impacts to the natural environment by
15 focusing the majority of new growth into UGAs.
16
17 • **Climate Change.** The amendments will minimize increases in greenhouse gas
18 emissions from vehicles by focusing the majority of new growth into UGAs in areas
19 served by high-capacity transit.
20
21 • **Development Patterns.** The amendments focus the majority of new growth away from
22 rural and resource areas and into UGAs in areas served by high-capacity transit.
23
24 • **Housing.** The amendments enhance the availability of affordable, healthy, safe housing
25 choices by allowing a variety of housing types and densities to serve all income levels
26 and demographic groups, encouraging a mix of residential and employment uses in
27 transit station areas.
28
29 • **Economy.** The amendments will support a prospering and sustainable local economy by
30 planning for a mix of residential and employment uses within the UGA in areas served
31 by high-capacity transit, promoting a balance of jobs and housing and diverse
32 communities with a high quality of life.
33
34 • **Transportation.** The amendments support an efficient multimodal transportation system
35 and promote economic and environmental vitality and healthy communities by focusing
36 the majority of growth into UGAs in areas served by high-capacity transit.
37
38 • **Public Services.** The amendments focus the majority of new residential and
39 employment growth away from rural and resource areas and into UGAs in areas served
40 by high-capacity transit and existing public services that can be provided efficiently and
41 cost-effectively.
42
43 E. The amendments better achieve, comply with, and implement the CPPs. The CPPs
44 establish a countywide framework for developing and adopting county, city, and town
45 comprehensive plans.
46
47 • **General Framework.** The amendments designate future land uses and zoning to
48 accommodate the large majority of projected growth inside the existing UGA as
49 reasonable measures in areas served by high-capacity transit, with a mix of residential
50 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

1 Rural/Urban Transition Area overlay to Urban Low Density Residential. The expansion
2 area and designation are set forth in Exhibit B to this ordinance.
3

4 The amendments to UGA boundaries, FLU map designations, and zoning result in a
5 small UGA sizing safety factor for residential capacity within the composite countywide
6 UGA including cities that is in addition to the projected 20-year land area needs but
7 within the acceptable range described as a safety factor below. These amendments help
8 assure adequate housing availability and choices during the planning period, as
9 documented in the 2024 UGA Land Capacity Analysis.
10

- 11 4. RCW 36.70A.070 requires internal consistency between elements of a comprehensive
12 plan and the future land use map. The amendments proposed in the Mon2 docket
13 proposal are consistent with RCW 36.70A.070, because the amendments maintain
14 internal consistency between the GMACP FLU Map and the area-wide zoning map.
15
- 16 5. The Mon2 docket future land use map changes are consistent with RCW 36.70A.110(3)
17 requirements for the location of future urban employment and population growth.
18 Expansion of the Monroe UGA is in an area already characterized by urban growth and
19 that has adequate public facilities to serve urban development. This area has adequate
20 access to urban public facilities and services consistent with the 2024 Transportation
21 Element, Parks and Recreation Element, and Capital Facilities and Utilities Element of
22 the GMACP. Chapter 3.2 of the Draft EIS provides documentation on impacts and
23 mitigation. The Mon2 docket request expansion area is roughly 60% surrounded by the
24 Monroe UGA and the remaining 40% of surrounding property consists of lots developed
25 before GMA adoption that are too small to conform to the current R-5 zoning for the area
26 or to the plan designation of Rural Residential. Thus, the Mon2 docket proposal is in a
27 location surrounded by (1) urban growth and (2) pre-GMA development that visually fits
28 more closely with contemporary understanding of urban growth than with contemporary
29 understanding of rural growth based on lot sizes but where urban services such as
30 sewer and other urban infrastructure have not been extended. The Mon2 site itself is in a
31 location between these areas where public facilities and services can be readily
32 extended to serve new urban growth on the site without having that result in urban
33 development abutting any rural areas that are not already partially urban in character.
34
- 35 6. The Mon2 amendments are consistent with RCW 36.70A.130(1)(e), which requires that
36 comprehensive plan amendments be consistent with the GMA. The amendments are
37 consistent with the GMA requirements for accommodating additional residential capacity
38 in RCW 36.70A.110(2) as the amendments are necessary to provide sufficient capacity.
39 The amendments provide a small increase in population capacity (estimated at 179
40 additional population), in addition to the projected 20-year land area needs. This
41 increase is within the permissible UGA sizing safety factor discussed below. The
42 proposed actions will help ensure housing availability and choice throughout the
43 planning period, as documented in the 2024 UGA Land Capacity Analysis (LCA). This
44 specific change adds more capacity for detached single family residences and other
45 moderate density housing types, which as documented in the LCA represent less than
46 one third of the future residential development capacity in the combined urban areas
47 (and where more than two thirds of the future development capacity is for multifamily
48 housing options).
49
50

- 1 7. Consistent with RCW 36.70A.115, the Mon2 amendment, will, in combination with
2 extensive reasonable measures to increase capacity within the existing UGA as
3 documented in the 2024 Reasonable Measures Report, ensure sufficient land suitable
4 for development as documented in the 2024 UGA Land Capacity Analysis.
5
- 6 8. The Mon2 amendments are consistent with RCW 36.70A.100 and 36.70A.210. These
7 require that a comprehensive plan be consistent with the Puget Sound Regional Council
8 (PSRC) Multicounty Planning Policies (MPPs) and the CPPs. The amendments are
9 consistent with the MPPs and the CPPs as analyzed and described in the findings
10 below.
11
- 12 a. The Mon2 amendments are consistent with the MPPs. The amendments maintain
13 consistency with the MPPs, including MPPs RGS-4, RGS-6, and RGS-12, by
14 amending the GMACP FLU Map for a minor expansion of the Monroe UGA to
15 provide additional capacity to address need for additional single family residences
16 and other moderate density housing types in the composite UGA. Consistent with
17 MPP RGS-4 because it helps accommodate demand for single family and moderate
18 density housing in a UGA, thus reducing market pressure to satisfy the demand for
19 such housing in surrounding rural areas. These actions take place after adoption of
20 development regulations by both Snohomish County and the City of Monroe to
21 increase capacity for such housing, but where such reasonable measures within the
22 UGA have failed to reduce the rural growth rates to a level consistent with adopted
23 targets. Consistent with MPP RGS-5, this minor UGA adjustment would ensure a
24 stable and sustainable UGA by ensuring adequate land capacity within the UGA
25 sufficient to accommodate the 2044 targets and using pre-GMA development at
26 non-rural densities to delineate the new UGA boundary and provide a transition to
27 other areas that are more clearly rural in character. Consistent with MPP RGS-12
28 because this minor expansion of the UGA as authorized by MPP RGS-5 does not
29 create a conflict or contradiction with regional planning or transportation objectives in
30 the Regional Growth Strategy (MPP RGS-12) as further described under discussion
31 of CPP GF-4 below.
32
- 33 b. The Mon2 docket amendments are consistent with the CPPs. The amendments help
34 maintain a 20-year supply of residential land for the Monroe UGA and do not cause
35 the composite countywide UGA capacity to exceed permissible thresholds. The
36 Mon2 docket proposal amendments are consistent with CPP GF-4 which defines
37 consistency with VISION 2050 and the Regional Growth Strategy as the absence of
38 conflicts and contradictions with regional planning and transportation objectives,
39 while allowing flexibility in detail as long as local actions retain overall consistency
40 per RCW 36.70A.100 and WAC 365-196-510. The Mon2 docket proposal
41 amendments are consistent with CPP DP-2 which guides UGA changes as part of
42 the periodic update of the GMACP.
43
- 44 i. The Mon2 docket amendments are consistent with CPP DP-2.a because the
45 expansion is supported by the 2024 UGA Land Capacity Analysis consistent with
46 RCW 36.70A.110 as the additional land would help ensure that land supply
47 meets the projected 20-year land area need; thus, the plan would provide for
48 adequate housing availability and choice throughout the planning period.
49
50

- 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

1 revised MV2 amendment, the change will add more capacity for employment in proximity
2 to housing, by adding a new large developable industrial site consistent with the criteria
3 for such in CPP DP-2.e.7 as described below.
4

- 5 16. The MV2 amendments, as revised, are consistent with RCW 36.70A.100 and
6 36.70A.210. These require that a comprehensive plan be consistent with the Puget
7 Sound Regional Council (PSRC) Multicounty Planning Policies (MPPs) and the CPPs.
8 The amendments are generally consistent with the MPPs and the CPPs as analyzed
9 and described in section 3.2.2 of the DEIS, in the September 11, 2023, and October 10,
10 2023, PDS staff reports to the Planning Commission, and in the additional findings below
11 that provide specific reasons why the revised (reduced) version of MV2 is consistent with
12 the MPPs and CPPs.
13
- 14 c. The MV2 amendment, as revised, is consistent with the MPPs. The amendments
15 maintain consistency with the MPPs, including MPPs RGS-4, RGS-5, RGS-6, RGS-10,
16 and RGS-12, by amending the GMACP FLU Map for a minor expansion of the Marysville
17 UGA to provide additional employment capacity, including capacity for “large
18 developable industrial sites” as that phrase is used in the CPPs and as discussed below.
19
- 20 a. Consistent with MPP RGS-4 by accommodating employment growth in a UGA
21 and when expansion of that UGA (Marysville) is not in conflict with the goals of
22 the regional open space and conversation plan.
23
- 24 b. Consistent with MPP RGS-6 by first having adopted reasonable measures to
25 optimize development potential of existing industrial land generally and then by
26 expanding the UGA only to address a capacity shortfall for the Marysville UGA of
27 93 jobs as described in the DEIS for the no action alternative. Further, where the
28 expansion is taking place is in a location to accommodate a specific need for a
29 large developable industrial site as authorized by the CPPs.
30
- 31 c. Consistent with MPP RGS-10, by amending the GMACP FLU Map for a minor
32 expansion of the Marysville UGA to increase the share of employment growth in
33 the designated cascade manufacturing industrial center. This helps maintain a
34 20-year supply of industrial land for the Marysville UGA, including both
35 employment capacity in a general sense and a sufficient supply of large
36 developable industrial sites specifically.
37
- 38 d. Consistent with MPP RGS-5 and MPP RGS-12 because this minor expansion of
39 the UGA as authorized by MPP RGS-5 does not create a conflict or contradiction
40 with regional planning or transportation objectives in the Regional Growth
41 Strategy (MPP RGS-12) as further described under discussion of CPP GF-4
42 below.
43
- 44 d. The MV2 amendment, as revised, is consistent with the CPPs. The MV2
45 amendment, as revised, is consistent with CPP GF-4 which defines consistency with
46 VISION 2050 and the Regional Growth Strategy as the absence of conflicts and
47 contradictions with regional planning and transportation objectives, while allowing
48 flexibility in detail as long as local actions retain overall consistency per RCW
49 36.70A.100 and WAC 365-196-510. The MV2 amendment, as revised, is also
50 consistent with CPP DP-2 which guides UGA changes as part of the periodic update
51 of the GMACP.

- 1
- 2 a. Consistent with CPP DP-2.a because a land capacity analysis adopted by the
- 3 County Council found an employment capacity shortfall in the Marysville UGA of
- 4 93 jobs if no action was taken. Meanwhile, the addition employment capacity
- 5 estimate for the MV2 proposal, as revised, would result in an employment
- 6 capacity increase of 29 additional jobs per an email from PDS staff to the County
- 7 Council on September 27, 2024. Adding the additional capacity for the MV2
- 8 amendment, as revised, to the no action estimate of employment capacity would
- 9 leave a remaining employment capacity deficit in the Marysville UGA of 64.
- 10
- 11 b. Consistent with CPP DP-2.c as the amendments are otherwise consistent with
- 12 the GMA as documented in the record and this ordinance.
- 13
- 14 c. Consistent with CPP DP-2.d which requires either support of the affected city or,
- 15 after consultation with that city, findings by the County Council on how the
- 16 expansion serves the public interest. The City of Marysville has not directly
- 17 commented on the MV2 proposal as revised. With respect to the larger MV2
- 18 proposal, an internal City email from September 12, 2023, that was forwarded by
- 19 City staff to County staff on October 4, 2024, describes the City's position as
- 20 "remaining neutral on this UGA request and we [the city] are following the
- 21 progress to see what the County does." Based on this position of neutrality for
- 22 the larger MV2 expansion and absence of specific comment by the City on the
- 23 MV2 proposal, as revised, the County Council finds that the MV2 proposal, as
- 24 revised, is in the public interest because it helps to address an employment
- 25 capacity shortfall in the Marysville UGA. Further, it does so by specifically adding
- 26 another large developable industrial site in relative proximity to an area with
- 27 rapidly growing housing stock and thereby helps to maintain a healthy jobs to
- 28 housing balance in the north part of Snohomish County.
- 29
- 30 d. Consistent with CPP DP-2.e.4.b as the amendment will provide additional
- 31 employment capacity to help accommodate the projected employment needs of
- 32 the Marysville UGA.
- 33
- 34 e. Consistent with CPP DP-2.e.7 as the amendment will provide additional industrial
- 35 land to meet continued need for large industrial sites.
- 36
- 37 17. The MV2 docket proposal amendment, as revised, is consistent with the GMACP
- 38 policies, including Land Use Objective 1.A, Land Use Objective 6.D, and Natural
- 39 Environment Objective 1.B.
- 40
- 41 a. Consistent with Land Use Objective 1.A which requires maintenance of UGAs with
- 42 sufficient capacity to accommodate the majority of the county's projected population
- 43 and employment growth.
- 44
- 45 i. Consistent with LU Policy 1.A.1 by including UGA expansions that do not result
- 46 in total additional population or employment capacity in the Snohomish County
- 47 composite UGA that would exceed the total 20-year forecasted UGA population
- 48 growth by more than 15 percent (because the amendment would have no impact
- 49 to population capacity).
- 50

- 1 ii. Consistent with LU Policy 1.A.9 because the expansion complies with the GMA,
2 has occurred after adoption of reasonable measures, and is consistent with the
3 CPPs, including CPP DP-2, as described herein.
4
- 5 b. Consistent with Land Use Objective 6.D which designates an area outside the
6 Marysville Urban Growth Area as Rural Residential-10 (RR-10) to “maintain large
7 parcel patterns for small farm and low density rural uses” because, although
8 geographically reduced, the remaining RR-10 designation may still serve that
9 objective.
10
- 11 i. Consistent with LU Policy 6.D.1, by concurrent amendment to Ordinance 24-033
12 that specifically exempts the parcels in the MV2 proposal, as revised, from the
13 boundaries of the RR-10 designation described by this policy.
14
- 15 ii. The County Council makes note that the parcels within the expansion area are
16 not designated as Agricultural Resource lands on the County’s Future Land Use
17 Map. The RR-10 designation is a rural land use designation rather than an
18 agricultural land use designation. Since its establishment, the purpose of the RR-
19 10 designation has been to include:
20
- 21 *lands which have been previously designated agriculture in pre-GMA subarea*
22 *comprehensive plans or zoned Agriculture-10 Acre. The existing Agricultural-*
23 *10 Acre zone will continue to remain in place until the Comprehensive Plan is*
24 *amended in the future and implementing regulations for this designation are*
25 *adopted.*
26
- 27 *This category provides for an alternative rural lot size and possible set of*
28 *uses which can accommodate a wider variety of rural uses and lots, be used*
29 *where hazardous and critical areas require lower density and be applied as a*
30 *transition category between resource lands/critical areas and rural*
31 *residential/urban areas.*
32
- 33 iii. With respect to the RR-10 designation, the boundaries of which are to be
34 reduced by the MV2 proposal, as revised, the County Council finds that since
35 adoption of the RR-10 designation, no implementing regulations for this
36 designation have been adopted. Instead, Snohomish County has adopted
37 regulations to project development from flood hazards, geologic hazards, and to
38 protect various types of critical areas. These new regulations apply countywide,
39 not just to the RR-10 designated areas. Such regulations serve to implement the
40 policy purpose of addressing hazardous and critical areas in the RR-10
41 designation, including the area to be made formerly RR-10 by the addition of the
42 MV2 proposal, as revised, to the Marysville UGA.
43
- 44 c. Consistent with Natural Environment Objective 1.B which directs the county to
45 accommodate growth “in a manner that maintains and protects elements of the
46 natural environment” because of specific implementation of NE policies 1.B.1 and
47 1.B.4 as follows.
48
- 49 i. Consistent with NE Policy 1.B.1, which requires consideration of land use plan
50 designations and development regulations that take into account several
51 environmental considerations. These requirements have been met through

1 programmatic implementation of development regulations in SCC Title 30. The
2 County Council finds that surface water resources will be protected by the MV2
3 proposal, as revised. The MV2 proposal, as revised, is much smaller than the
4 original MV2 proposal and any future development would be subject to
5 development regulations that have been adopted and updated since the original
6 adoption of NE Policy 1.B.1. For instance, compliance with Chapter 30.62A will
7 result in adequate mitigation of adverse or significant adverse impacts on
8 wetlands, fish and wildlife habitat conservation areas and their buffers for
9 compliance with the State Environmental Policy Act (SEPA) (SCC 30.62A.030).
10 Compliance with Chapter 30.62B SCC provides adequate mitigation under SEPA
11 for geologically hazardous area (SCC 30.62B.030) and compliance with Chapter
12 30.62C provides adequate mitigation for critical aquifer recharge areas (SCC
13 30.62C.030). Similarly, compliance with drainage requirements of Chapter
14 30.63A and land disturbing activity requirements in Chapter 30.63B provide
15 adequate mitigation for environmental considerations listed in NE Policy 1.B.1.

- 16
17 ii. Consistent with NE Policy 1.B.4 which says to “plan for growth in a manner that
18 encourages reduction of sprawl, meets GMA housing goals and places
19 employment and residential uses in close proximity to reduce impacts to air
20 quality” because the MV2 proposal, as revised, would help accommodate
21 employment growth in proximity to residential growth, thereby helping to reduce
22 impacts to air quality.
23

24 J. This ordinance is consistent with RCW 36.70A.067, which requires that the initial
25 effective date of an action that expands an urban growth area designated under RCW
26 36.70A.110 is after the latest of the following dates: (1) 60 days after the date of publication of
27 notice of adoption of the comprehensive plan, development regulation, or amendment to the
28 plan or regulation, implementing the action, as provided in RCW 36.70A.290(2); or (2) If a
29 petition for review to the growth management hearings board is timely filed, upon issuance of
30 the board’s final order.
31

32 Section 2. The County Council makes the following conclusions:
33

- 34 A. The amendments to the GMACP maintain internal consistency.
35
36 B. The amendments are consistent with the CPPs and the MPPs.
37
38 C. The amendments are consistent with and comply with the procedural and substantive
39 requirements of the GMA.
40
41 D. The County has complied with all SEPA requirements with respect to this non-project action.
42
43 E. The amendments do not result in an unconstitutional taking of private property for a public
44 purpose.
45

46 Section 3. The Snohomish County Council bases its findings and conclusions on the
47 entire record of the Planning Commission and the County Council, including all testimony and
48 exhibits. Any finding, which should be deemed a conclusion, and any conclusion which should
49 be deemed a finding, is hereby adopted as such.
50

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

5 Section 5. LU Map 1 (Future Land Use) of the GMACP Land Use Element, last amended
6 by Ordinance No. 24-030 on December 4, 2024, is amended as indicated in Exhibit B to this
7 ordinance, which is attached hereto and incorporated by reference into this ordinance, to reflect
8 the expansion of the Monroe UGA and redesignation.
9

10 Section 6. LU Map 1 (Future Land Use) of the GMACP Land Use Element, last amended
11 by Ordinance No. 24-030 on December 4, 2024, is amended as indicated in Exhibit C to this
12 ordinance, which is attached hereto and incorporated by reference into this ordinance, to reflect
13 the expansion of the Monroe UGA and redesignation.
14

15 Section 7. The County Council directs the Code Reviser to update SCC 30.10.060
16 pursuant to SCC 1.02.020(3).
17

18 Section 8. Severability and Savings. If any section, sentence, clause or phrase of this
19 ordinance shall be held to be invalid by the Growth Management Hearings Board (Board), or
20 unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall
21 not affect the validity or constitutionality of any other section, sentence, clause or phrase of this
22 ordinance. Provided, however, that if any section, sentence, clause, or phrase of this ordinance
23 is held to be invalid by the Board or court of competent jurisdiction, then the section, sentence,
24 clause, or phrase in effect prior to the effective date of this ordinance shall be in full force and
25 effect for that individual section, sentence, clause or phrase as if this ordinance had never been
26 adopted.
27

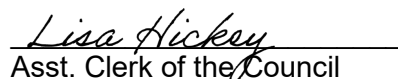
28 Section 9. The effective date of this ordinance is as provided in the Snohomish County
29 Charter Section 2.110 and SCC 2.48.126, except as follow. Consistent with RCW 36.70A.067,
30 the effective date of this ordinance is after the latest of the following dates: (1) 60 days after the
31 date of publication of notice of adoption of this ordinance, as provided in RCW 36.70A.290(2); or
32 (2) if a petition for review to the Growth Management Hearings Board is timely filed, upon
33 issuance of the Board's final order affirming the ordinance or a decision by a court of law
34 concluding the ordinance complies with the GMA.
35

36 PASSED this 4th day of December 2024.
37
38

39 SNOHOMISH COUNTY COUNCIL
40 Snohomish, Washington
41

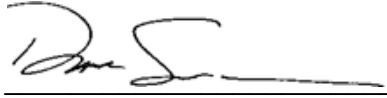
42 
43 _____
44 Council Chair

45 ATTEST:

46 
47 _____
48 Asst. Clerk of the Council
49
50

1 (X) APPROVED
2 () EMERGENCY
3 () VETOED

DATE: December 12, 2024



County Executive

8 ATTEST:

9 *Melissa Geraghty*
10
11

12 Approved as to form only:
13
14

15
16 Deputy Prosecuting Attorney
17
18

1
2
3

EXHIBIT A
[INSERT FLU MAP HERE]

SNOHOMISH COUNTY 2024 GMA COMPREHENSIVE PLAN FUTURE LAND USE

Amended Ordinance No. 24-031

Current FLU Designations		Amended FLU Designations	
Clearview Rural Commercial	Residential/Urban Industrial (overlapping designations)	Commercial Forest - Forest Transition Area	Public/Institutional Use
Commercial Forest	Urban Horticulture	Rural Industrial	Rural Residential - RD (1 DU/5 Acres)
Commercial Forest - Forest Transition Area	Urban Industrial	Urban Low Density Residential	Urban Center
Local Commercial Farmland	Residential (3 DU/Acre Gold Bar and Darrington)	Urban High Density Residential	Urban Industrial
Local Forest	Urban Low Density Residential	Urban Low Density Residential (3 DU/Acre Gold Bar and Darrington)	Urban Low Density Residential
Low Density Rural Residential (1 DU/20 Acres)	Urban Medium Density Residential	Urban Village	Light Rail Community
National Forest (Includes Some Private and Non-Federal Public Lands)	Urban Village		Mixed Use Corridor
Public/Institutional Use			Incorporated Area
Recreational Land			Map Amendments
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			
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			



Snohomish County

Snohomish County Data and Map Disclaimer

All maps, data, and information set forth herein ("Data"), are for illustrative purposes only and are not to be considered an official citation to, or representation of, the Snohomish County Code. Amendments and updates to the Data, together with other applicable County Code provisions, may apply which are not depicted herein. Snohomish County makes no representation or warranty concerning the content, accuracy, currency, completeness or quality of the Data contained herein and expressly disclaims any warranty of merchantability or fitness for any particular purpose. All persons accessing or otherwise using this Data assume all responsibility for use thereof and agree to hold Snohomish County harmless from and against any damages, loss, claim or liability arising out of any error, defect or omission contained within said Data. Washington State Law, Ch. 42.56 RCW, prohibits state and local agencies from providing access to lists of individuals intended for use for commercial purposes and, thus, no commercial use may be made of an comprising lists of individuals contained herein.

33

Exhibit B: Future Land Use Map Changes

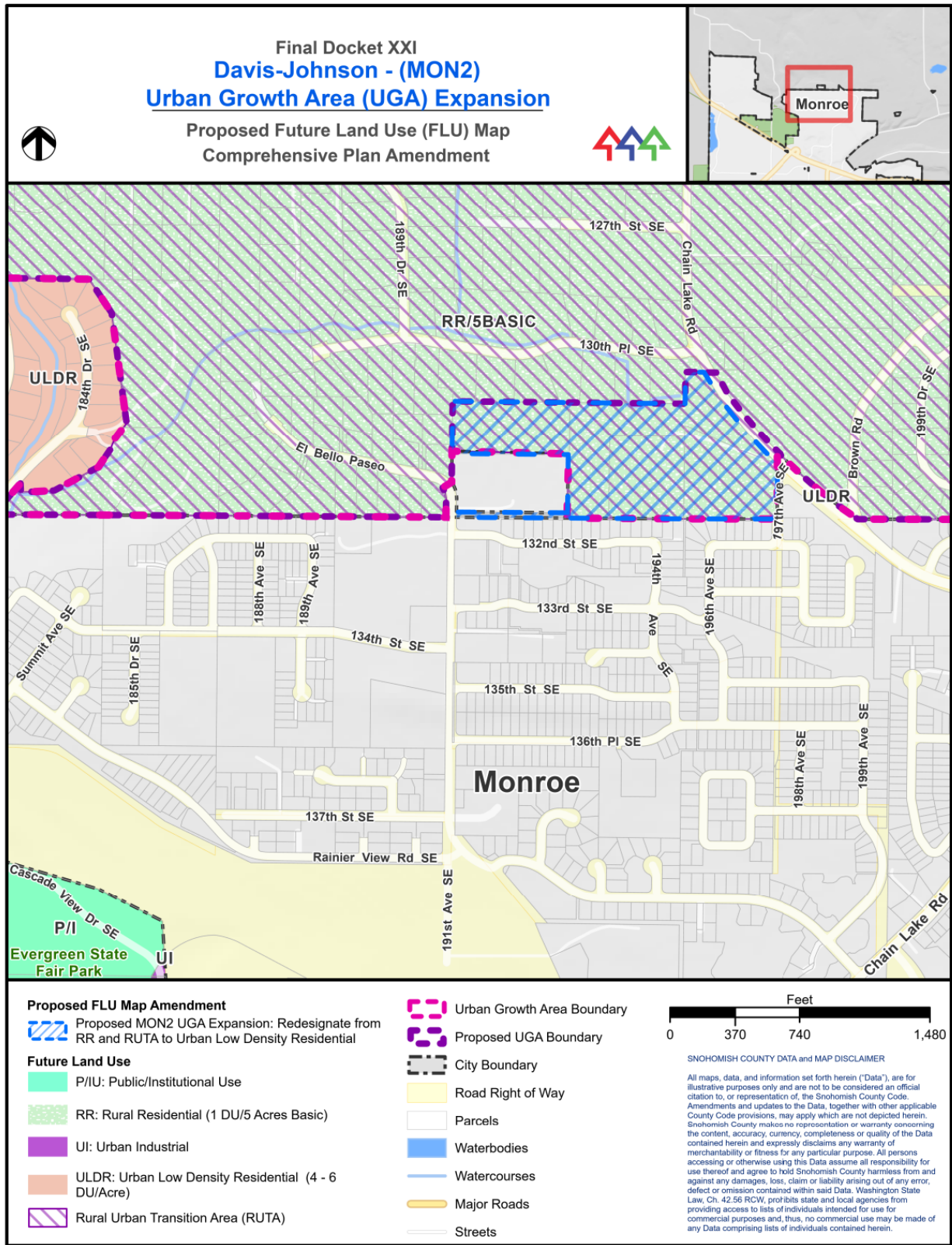


Exhibit C: Future Land Use Map Changes

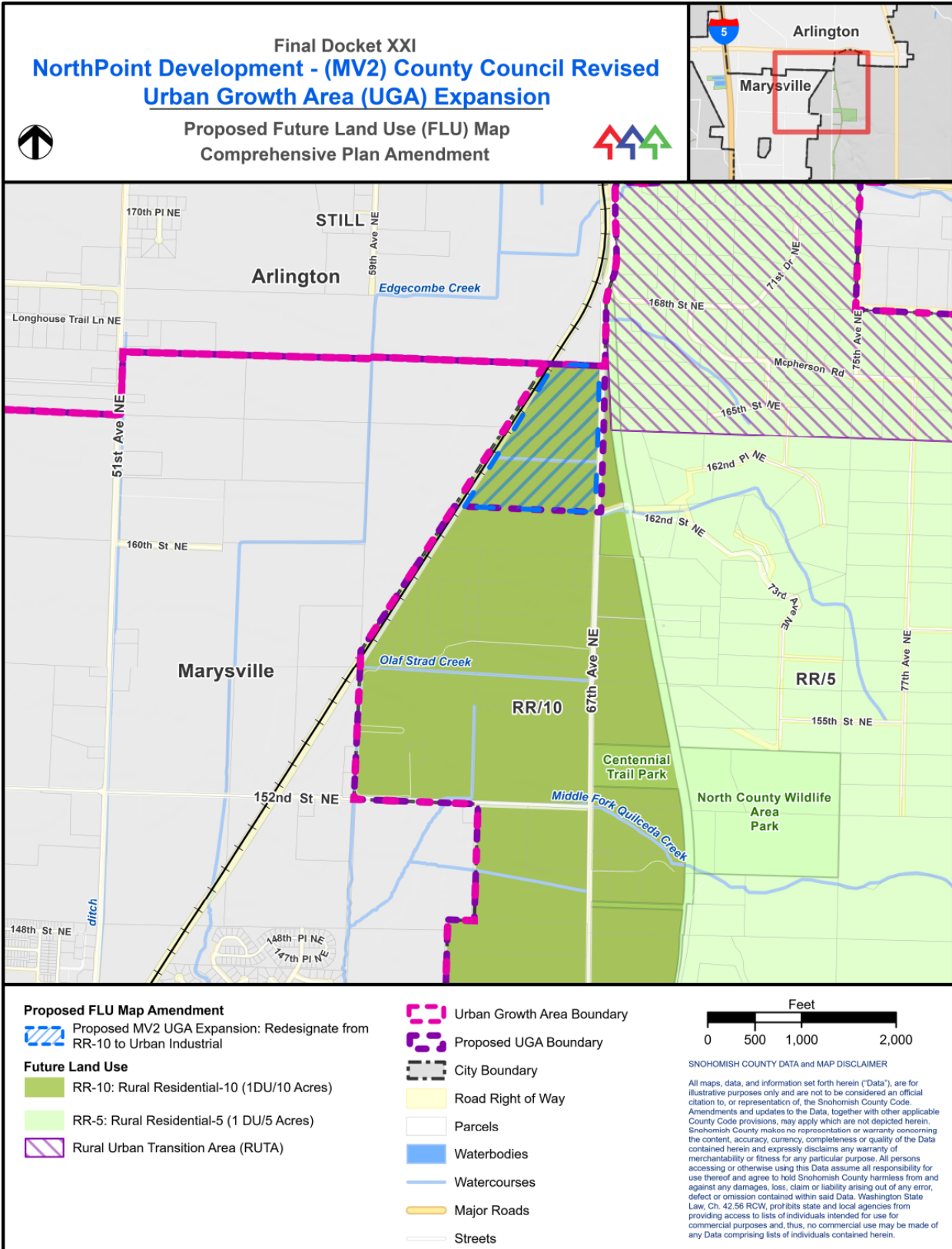
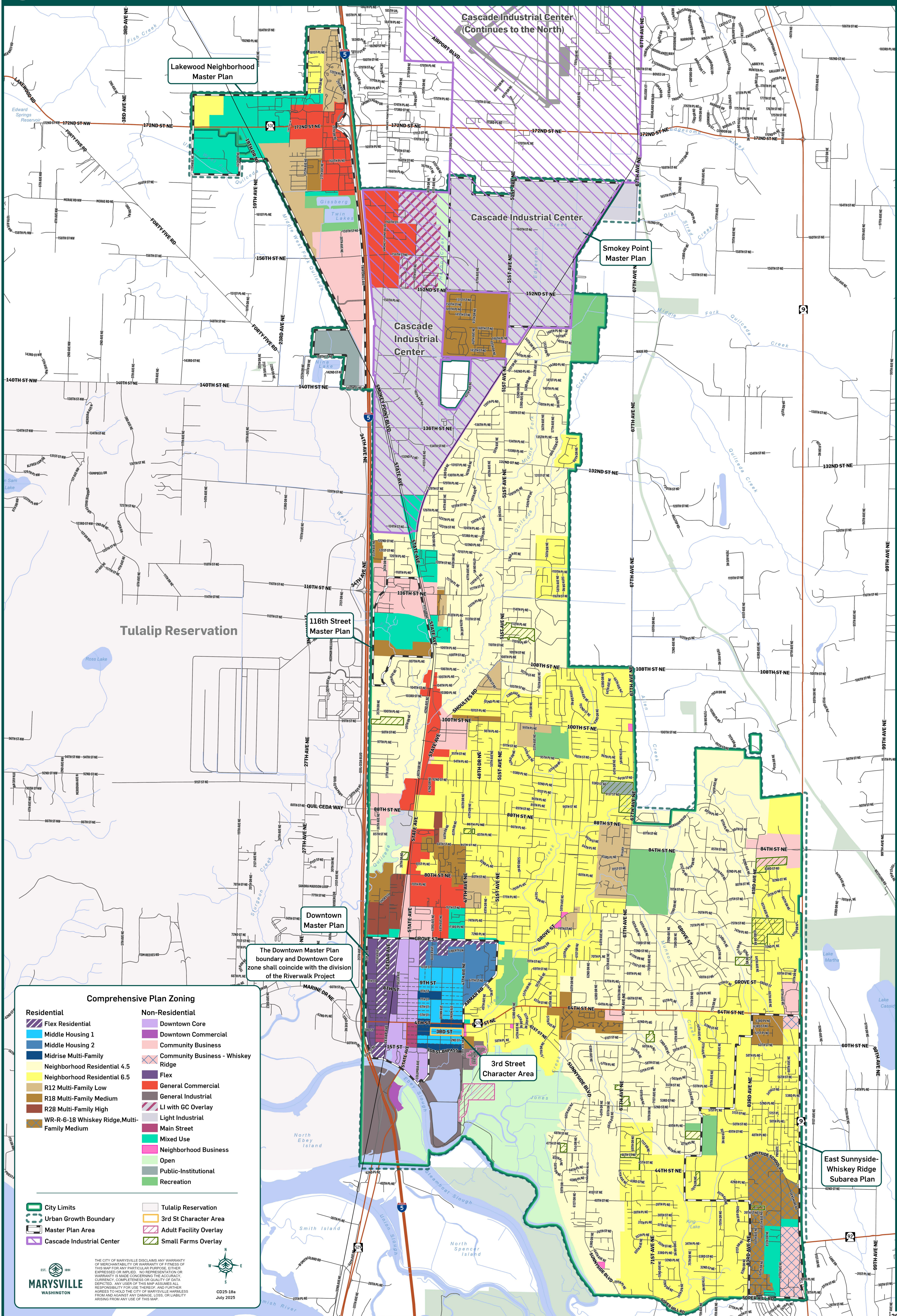
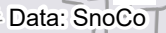




Exhibit 4

0 0.5 1 Miles





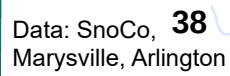
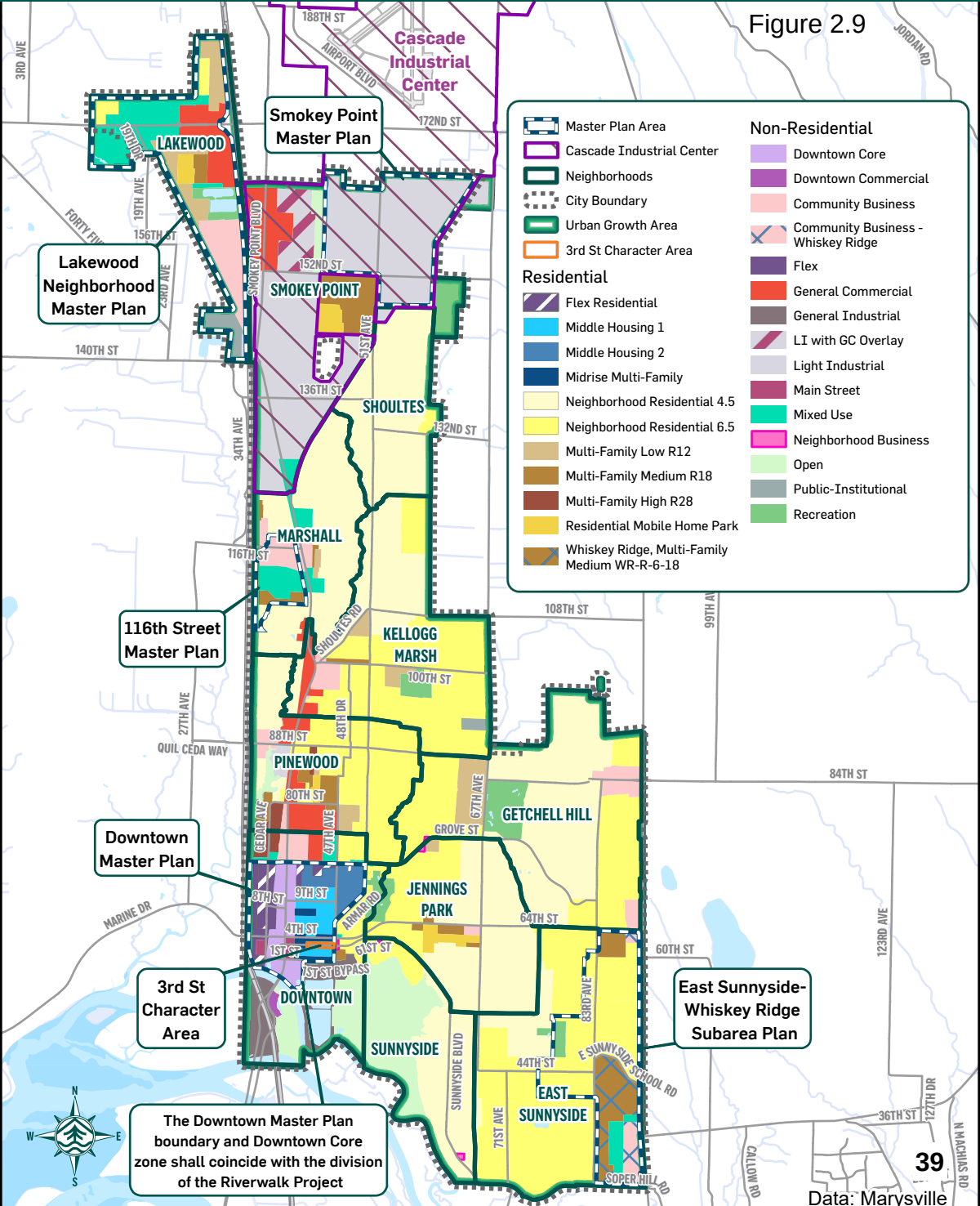
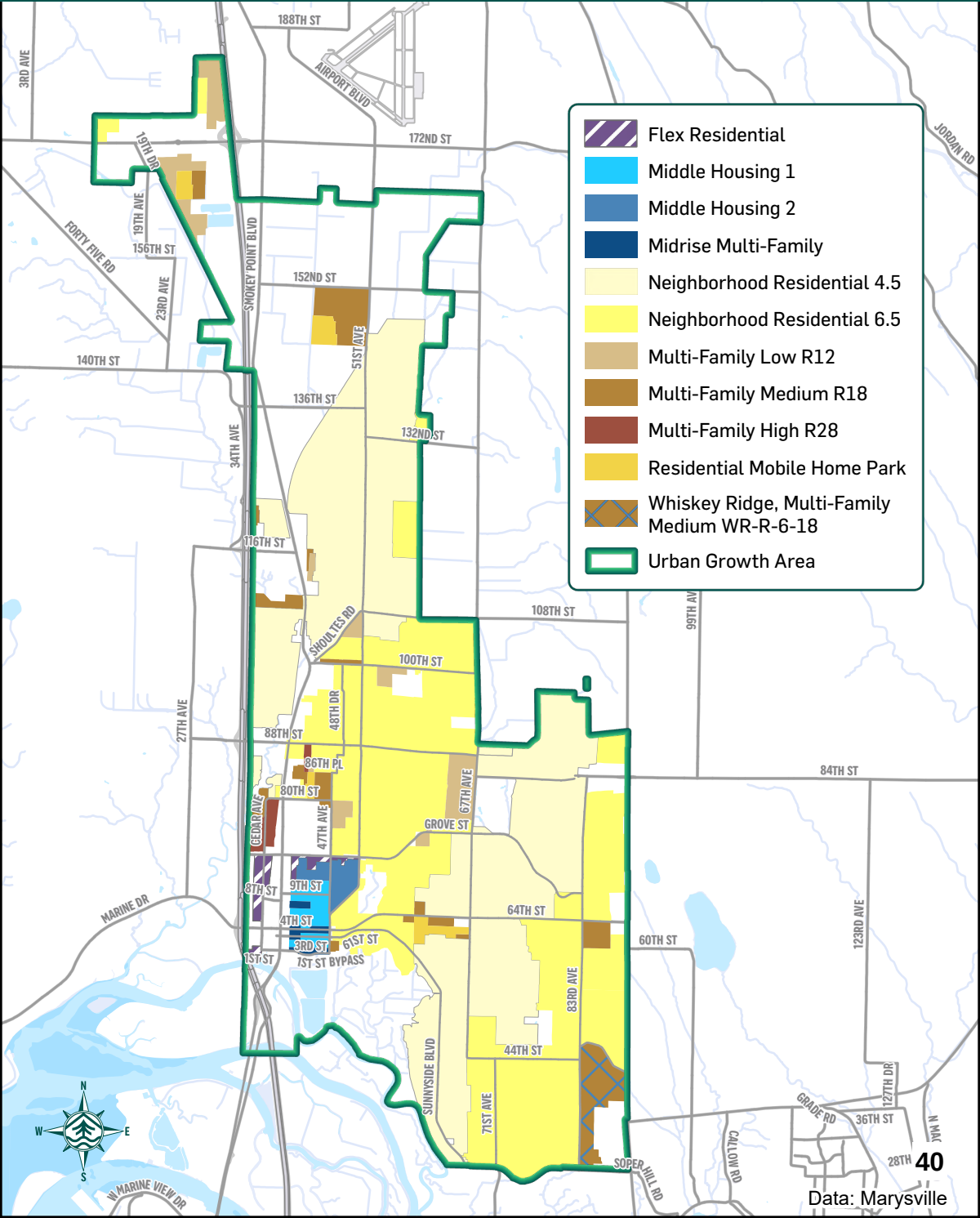
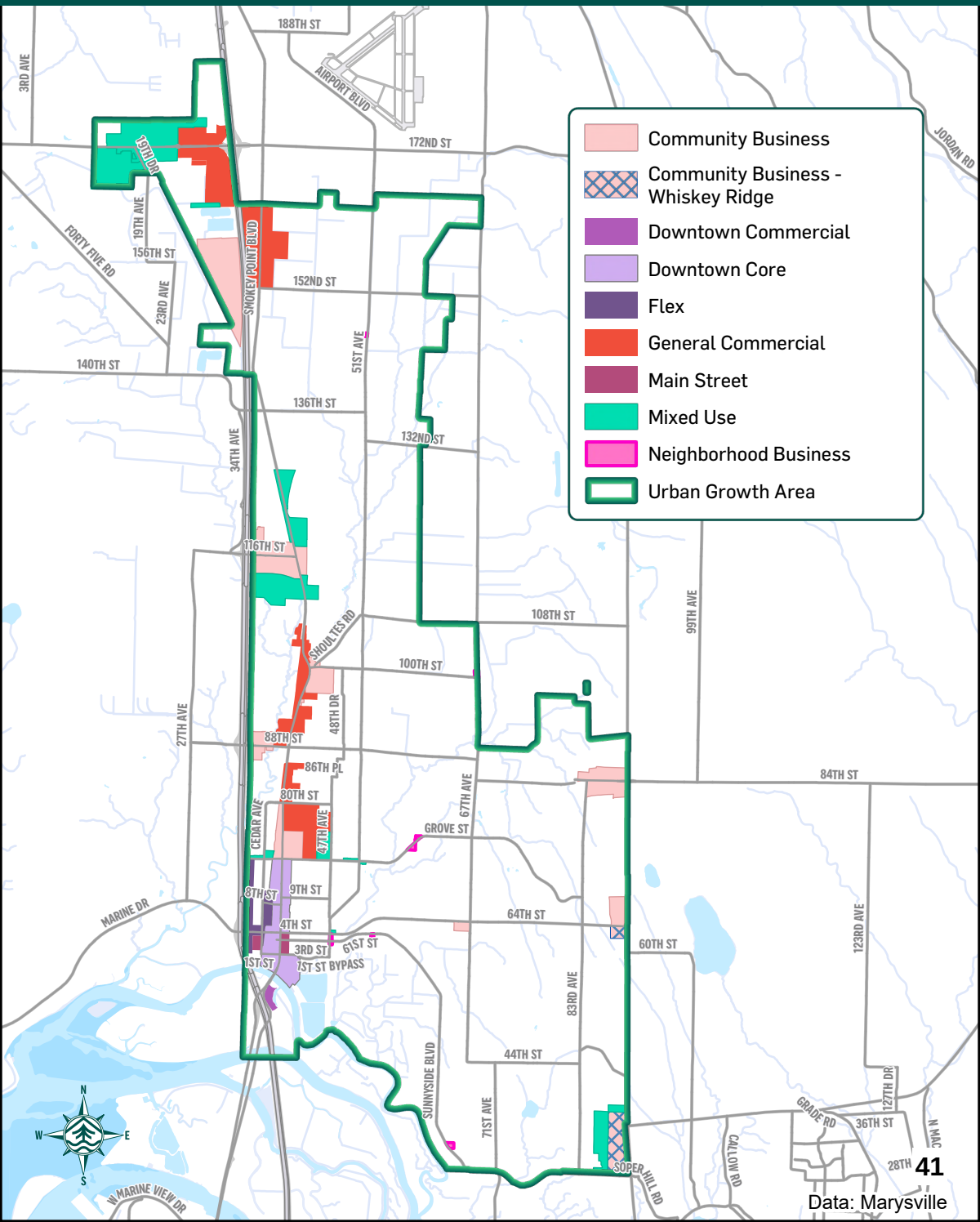


Figure 2.9







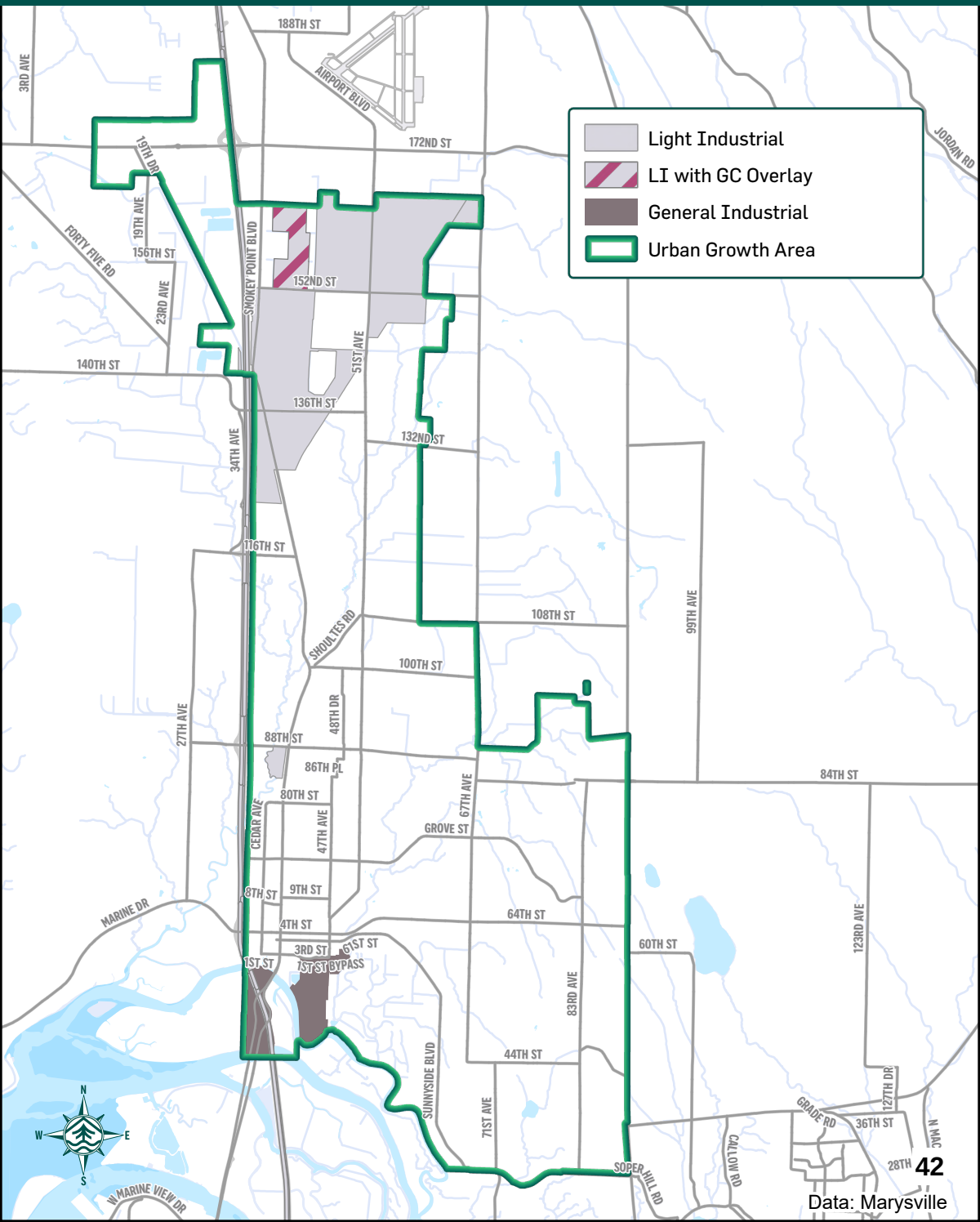


Figure 2.13

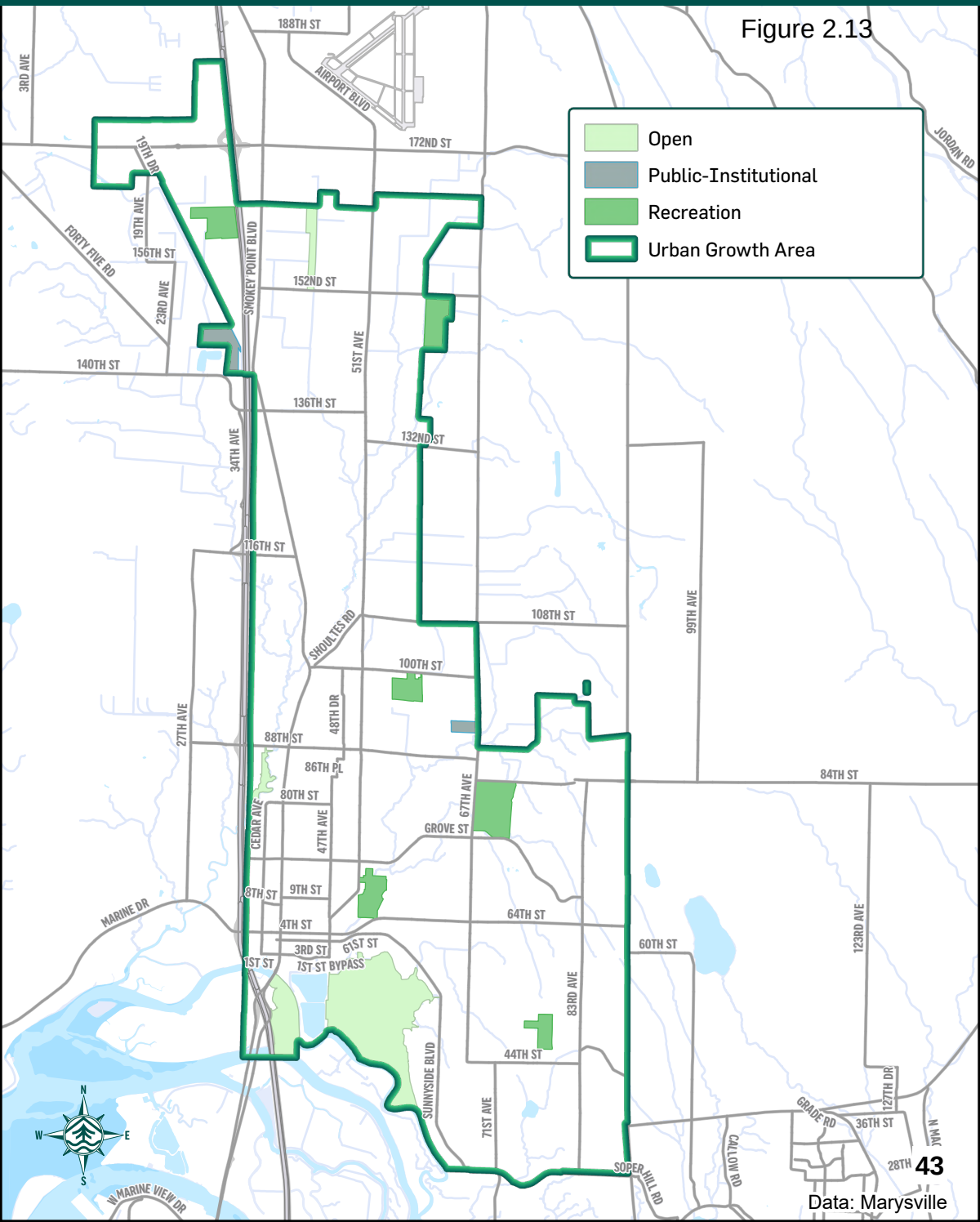
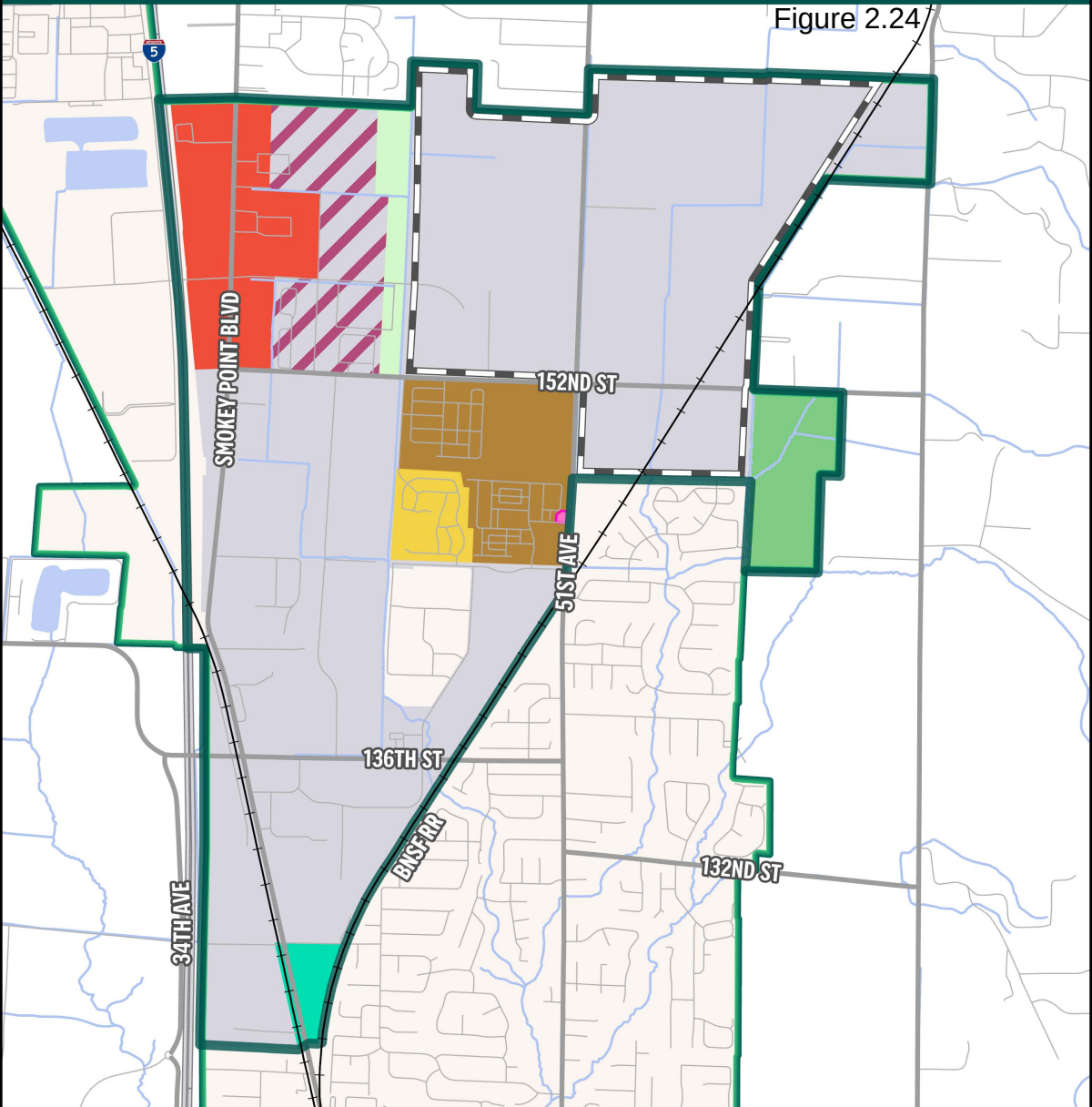




Figure 2.24



- Smokey Point Neighborhood
- Smokey Point Master Plan Area

Residential

- Multi-Family Medium R18
- Residential Mobile Home Park

Non-Residential

- General Commercial

- LI with GC Overlay
- Light Industrial
- Mixed Use
- Neighborhood Business
- Open
- Recreation
- Urban Growth Area



Figure 2.15

Legend:

- CIC Arlington
- CIC Marysville

Land Use

- Airport
- Commercial
- Industrial
- Mixed Use
- Public/Institutional
- Residential
- Rural/Agriculture
- Tribal

City Boundaries:

- City of Arlington
- Marysville UGA

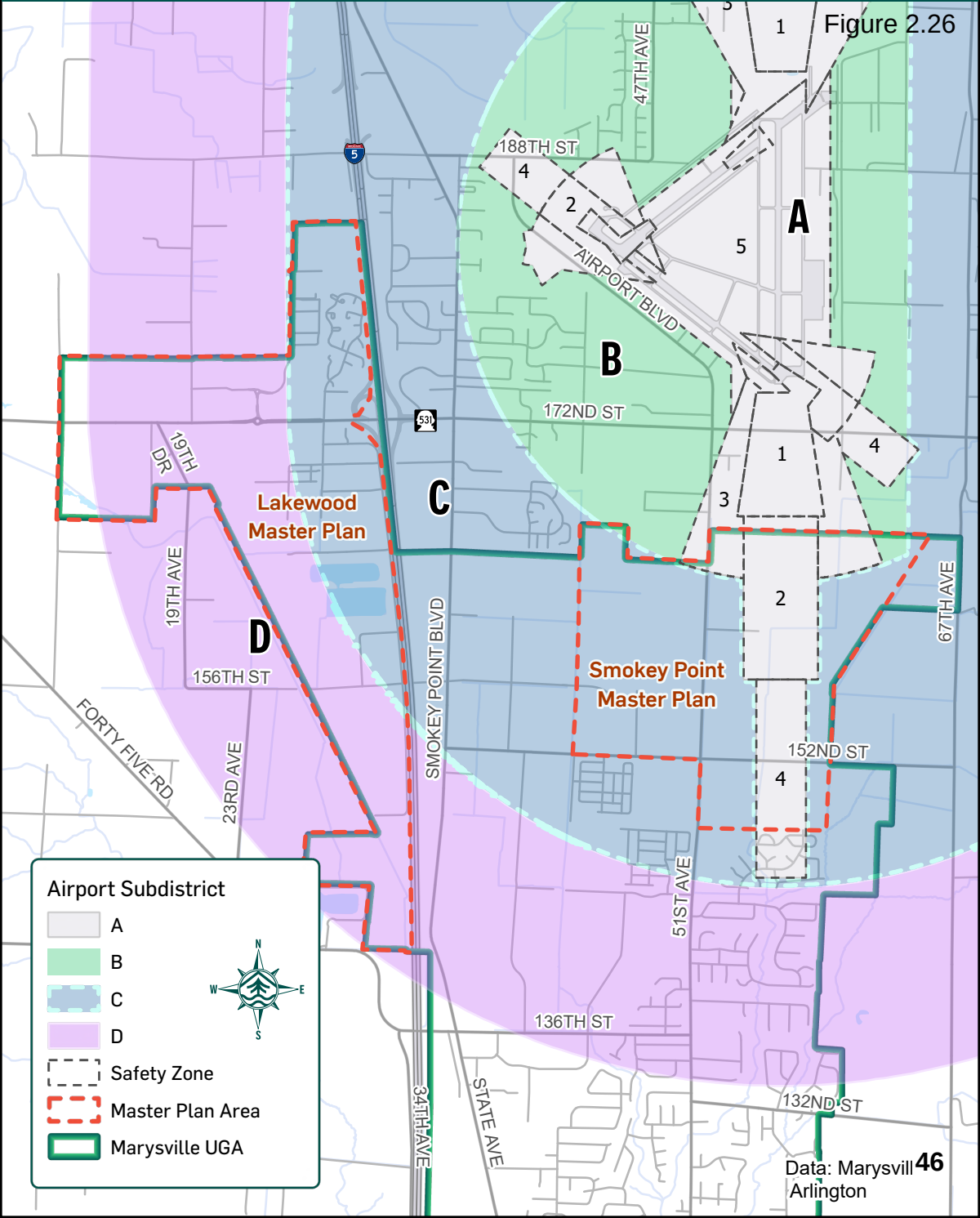
Map Labels:

PIONEER HWY E, 530, 5, 211TH PL, E MAPLE ST, E HIGHLAND DR, 212TH ST, 204TH ST, CEMETERY RD, 47TH AVE, 188TH ST, AIRPORT BLVD, 172ND ST, 19TH AVE, 19TH DR, 156TH ST, FORTY FIVE RD, 23RD AVE, 140TH ST, SMOKEY POINT BLVD, 152ND ST, 136TH ST, 132ND ST, 116TH ST, 108TH ST, 67TH AVE, 95TH AVE, 27TH AVE, 51ST AVE.

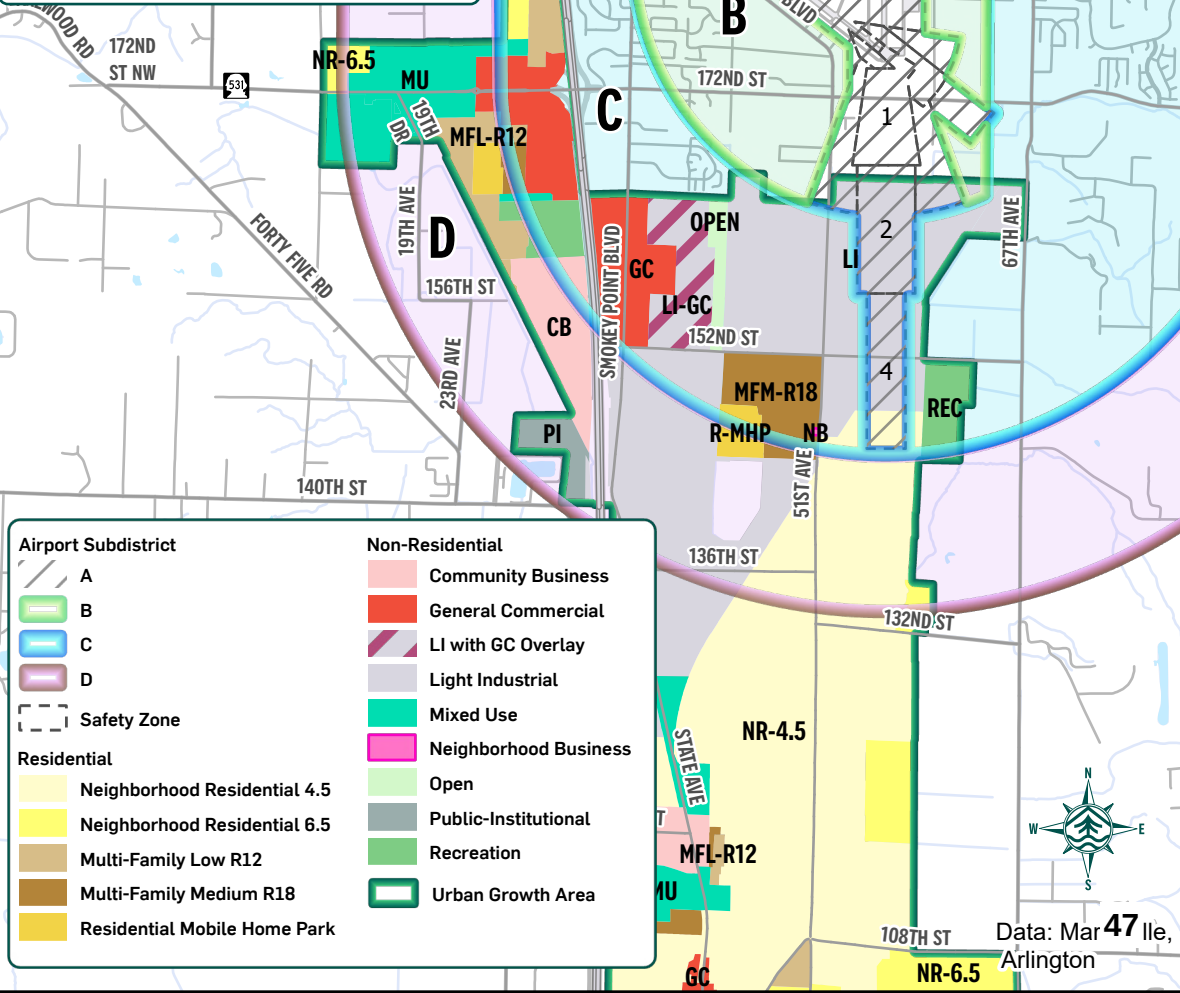
Data: SnoCo, Marysville, Arlington

45

Figure 2.26



Zone	Base Density (DU/Acre)	Base Height (ft)
Community Business	NA	55
Neighborhood Business	NA	25
General Commercial	NA	35
Neighborhood Residential 4.5	4.5	30
Neighborhood Residential 6.5	6.5	30
Residential Mobile Home Park	8	30
Multi-family Low R12	12	35
Multi-family Medium R18	18	45
Light Industrial	NA	65
LI with CG Overlay	NA	64
Mixed Use	NA	45
Open	NA	NA
Recreation	NA	NA
Public-Institutional	NA	45





Agenda Bill

PLANNING COMMISSION AGENDA ITEM REPORT

DATE: August 12, 2025

SUBMITTED BY: Angela Gemmer, Community Development

ITEM TYPE: Public Hearing

AGENDA SECTION: **PUBLIC HEARING**

SUBJECT: Unit Lot Subdivision Regulations - Public Hearing

SUGGESTED ACTION: Suggested motion: I move to recommend approval of the Unit Lot Subdivision regulations to City Council for adoption by Ordinance.

SUMMARY: In April 2023, Washington State adopted [Senate Bill \(SB\) 5258 \(Exhibit 2\)](#) which includes various provisions pertaining to condominiums and townhouses, and requires that jurisdictions allow for 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.”

To address SB 5258, a new chapter – MMC Chapter 22G.095, Unit Lot Subdivisions – was prepared and adopted as interim regulations on June 23, 2025. Consistent with general guidance from the City Council, and the specific policy direction of the Planning Commission, the number of unit lots that are proposed to be created through the ULS process will not be capped. MMC Chapter 22G.095 is intended to serve as a companion to the standards in MMC Chapter 22G.090,

Subdivisions and Short Subdivisions. ULS that propose nine (9) or fewer unit lots will be processed as a short subdivision. ULS that propose 10 or more unit lots will be processed as a standard subdivision. The standards in MMC Chapter 22G.095 are only those that are unique to ULS and supplement the existing standards in the subdivision and short subdivision codes, which still apply.

The proposed Chapter 22G.095 allows for ULS with nine (9) or fewer unit lots to take access from a private road, private multi-family drive aisle, or public alley. ULS with 10 to 30 unit lots would take access from a PRD Access Street, private multi-family drive aisle, or public alley. ULS with 31 or more units would take access from a PRD Access Street with parking; however, the on-street parking could be waived if common parking area(s) providing 1 guest parking space for every 4 dwelling units are provided. All accesses would be required to conform to the City's Engineering Design and Development Standards (EDDS). **Staff will be meeting further with the development community to discuss access requirements of ULS proposing 31 or more unit lots, and may amend the access proposal based on the feedback that is received.**

Coordination with Public Works, the Marysville Fire District, and the Building Division has occurred to promote ULS standards that address all relevant aspects of ULS development. Public Works has provided direction that individual utility connections should generally be required for ULS given that ULS allows for individual fee simple ownership of units, which would make consolidated connections problematic for utility bills and maintenance of utility lines. The Marysville Fire District's access, fire separation, and unobstructed pathway needs have also been built into the ULS code.

At the Public Hearing on August 12th, staff respectfully requests that Planning Commission recommend approval of the Unit Lot Subdivision regulations to City Council for adoption by Ordinance.

ATTACHMENTS:

[Memo and Unit Lot Subdivision Amendments](#)

MEMORANDUM

DATE: August 12, 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** Unit Lot Subdivision Regulations
Exhibit 2 [Senate Bill \(SB\) 5258](#)
Exhibit 3 [MRSC Unit Lot Subdivision Article](#)
Exhibit 4 [Department of Commerce – Unit Lot Subdivision Fact Sheet](#)
Exhibit 5 [Department of Commerce – Middle Housing User Guide](#)

Introduction

In April 2023, Washington State adopted [Senate Bill \(SB\) 5258](#) (**Exhibit 2**) which includes various provisions pertaining to condominiums and townhouses, and requires that jurisdictions allow for 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.”

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) on a parent lot are 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, etc. as shown in **Figure 1**). 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.

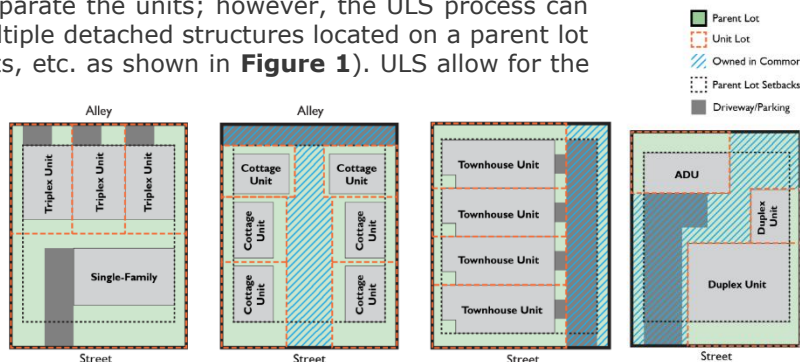


Figure 1 – Examples of various types of Unit Lot Subdivisions.

To address SB 5258, a new chapter – MMC Chapter 22G.095, Unit Lot Subdivisions – was prepared and adopted as interim regulations on June 23, 2025. The interim regulations allow up to 20 unit lots to be created through the ULS process. City Council provided subsequent direction that a greater amount of unit lots than 20 should be allowed. Following this direction, the Planning Commission evaluated different allowances and determined that the number of unit lots created through the ULS process should not be capped. The final regulations version of Chapter 22G.095 (**Exhibit 1**) was amended to reflect this direction (i.e. no cap for ULS).

MMC Chapter 22G.095 is intended to serve as a companion to the standards in MMC Chapter 22G.090, Subdivisions and Short Subdivisions. ULS that propose nine (9) or fewer unit lots will be processed as a short subdivision. ULS that propose 10 or more unit lots will be processed as a standard subdivision. The standards in MMC Chapter 22G.095 are only those that are unique to ULS and supplement the existing standards in the subdivision and short subdivision codes, which still apply.

The proposed Chapter 22G.095 is largely adapted from Bothell's Unit Lot Subdivision code, which was both the most complete and concise code among the 21 jurisdictions' codes which were reviewed. The proposed Chapter 22G.095 allows for ULS with nine (9) or fewer unit lots to take access from a private road, private multi-family drive aisle, or public alley. ULS with 10 to 30 unit lots would take access from a PRD Access Street, private multi-family drive aisle, or public alley. ULS with 31 or more units would take access from a PRD Access Street with parking; however, the on-street parking could be waived if common parking area(s) providing 1 guest parking space for every 4 dwelling units are provided. All accesses would be required to conform to the City's Engineering Design and Development Standards (EDDS). **Staff will be meeting further with the development community to discuss access requirements of ULS proposing 31 or more unit lots, and may amend the access proposal based on the feedback that is received.**

Coordination with Public Works, the Marysville Fire District, and the Building Division has occurred to promote ULS standards that address all relevant aspects of ULS development. Public Works has provided direction that individual utility connections should generally be required for ULS given that ULS allows for individual fee simple ownership of units, which would make consolidated connections problematic for utility bills and maintenance of utility lines. The Marysville Fire District's access, fire separation, and unobstructed pathway needs have also been built into the ULS code.

At the Public Hearing on August 12th, staff respectfully requests that Planning Commission recommend approval of the Unit Lot Subdivision regulations to City Council for adoption by Ordinance.

Exhibit 1

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) 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.
- (3) All buildings shall meet all applicable provisions set forth in Title 9, Fire and Title 16, Building.
- (4) Access for the unit lot subdivisions shall be provided as follows:
 - (a) Unit lot subdivisions creating nine (9) or fewer unit lots may be served via a private multi-family drive aisle, alley, or private road;
 - (b) Unit lot subdivisions creating ten (10) to thirty (30) units lots may be served via a private multi-family drive aisle, alley, or "PRD Access Street";
 - (c) Unit lot subdivisions creating thirty-one (31) unit lots or more may be served via a "PRD Access Street with Parking". The on-street parking requirement may be eliminated when common parking area(s) providing one off-street guest parking space for every four dwelling units is provided;
 - (d) All access must conform to the standards set forth in the City's Engineering Design and Development Standards; and
 - (e) Where buildings are located, or could in the future be located, on both sides of a drive aisle, sidewalks must be provided on each side of the drive aisle. 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.
- (5) 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.
- (6) Individual water and sewer connections shall be provided for each unit lot except as specifically exempted in Title 14, Water and Sewers.
- (7) A minimum of five (5) feet of separation is required between structures. A five (5) foot wide paved pathway that is free of obstructions must also be provided between the front entrance and where primary access is obtained to ensure adequate access for emergency services.

(8) 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.

(9) 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.

(10) 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.

(11) 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.

(12) 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 ten (10) or more unit lots shall be processed as a subdivision under Chapter 22G.090 MMC.

(2) Unit lot subdivisions creating nine or fewer unit 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.



Agenda Bill

PLANNING COMMISSION AGENDA ITEM REPORT

DATE: August 12, 2025

SUBMITTED BY: Angela Gemmer, Community Development

ITEM TYPE: Public Hearing

AGENDA SECTION: **PUBLIC HEARING**

SUBJECT: Accessory Dwelling Unit Regulations - Public Hearing

SUGGESTED ACTION: Suggested motion: I move to recommend approval of the Accessory Dwelling Unit final regulations to City Council for adoption by Ordinance.

SUMMARY:

In May 2023, Washington State adopted [House Bill 1337](#), which establishes new standards for accessory dwelling units. Two of the key requirements of this statute are that: 1) cities must allow two accessory dwelling units per lot accessory to a single-family residence, and 2) can no longer require owner occupancy of either the principal residence or accessory dwelling unit(s).

Currently the City's accessory structure and accessory dwelling unit standards are covered in a single municipal code chapter – MMC Chapter 22C.180, Accessory Structures. This chapter is proposed to be separated into two chapters – MMC Chapter 22C.180, Accessory Structures, and MMC Chapter 22C.185, Accessory Dwelling Units. The separation of the topics into different chapters is proposed to eliminate confusion regarding which standards apply to accessory structures, and which standards apply to accessory dwelling units. The chapters have also been significantly reorganized into tables for clarity, and Chapter 22C.185 has been amended to address the changes required by [House Bill 1337](#). Key substantive changes are outlined further in the attached memo.

Since the last Planning Commission work session, a few additional amendments were determined to be needed for clarity; to ensure flexibility if a small existing residence is proposed to be retained and converted to an accessory dwelling unit; and to better accommodate fire access. These changes are shown in red in the exhibits attached to the memo for easy reference.

At the August 14th Public Hearing, staff respectfully requests that Planning Commission recommend approval of the accessory dwelling unit amendments to City Council for adoption by Ordinance.

ATTACHMENTS:

[Memo and Accessory Dwelling Unit Amendments](#)

MEMORANDUM

DATE: August 12, 2025
TO: Planning Commission
FROM: Angela Gemmer, Principal Planner
SUBJECT: Accessory Structure and Accessory Dwelling Unit
ECC: Jeff Wilson, Interim Community Development Director
Chris Holland, Planning Manager
Exhibit 1: Accessory Structures Code
Exhibit 2: Accessory Dwelling Unit Code

In May 2023, Washington State adopted [House Bill 1337](#), which establishes new standards for accessory dwelling units. Two of the key requirements of this statute are that: 1) cities must allow two accessory dwelling units per lot accessory to a single-family residence, and 2) can no longer require owner occupancy of either the principal residence or accessory dwelling unit(s).

Currently the City's accessory structure and accessory dwelling unit standards are covered in a single municipal code chapter – MMC Chapter 22C.180, Accessory Structures. This chapter is proposed to be separated into two chapters – MMC Chapter 22C.180, Accessory Structures, and MMC Chapter 22C.185, Accessory Dwelling Units. The separation of the topics into different chapters is proposed to eliminate confusion regarding which standards apply to accessory structures, and which standards apply to accessory dwelling units. The chapters have also been significantly reorganized into tables for clarity, and Chapter 22C.185 has been amended to address the changes required by [House Bill 1337](#).

On June 23rd, City Council adopted an Interim Ordinance addressing HB 1337 so that the City did not default to the standards in HB 1337. Since adoption of the Interim Ordinance, Planning Commission discussed whether to establish a cap on the size of accessory dwelling units with the final regulations given that two accessory dwelling units can now be constructed on a property and accessory dwelling units are intended to be incidental to the primary residence. After vetting this issue further, Planning Commission recommended that a cap of 1,400 SF be established for accessory dwelling units.

The key substantive changes to MMC Chapter 22C.180 and MMC Chapter 22C.185 set forth in the Interim Ordinance (**Exhibit 1**) are outlined below. Since the last Planning Commission work session, a few additional amendments were determined to be needed for: clarity; to ensure flexibility if a small existing residence is proposed to be retained and converted to an accessory dwelling unit; and to better accommodate fire access. These changes are shown in the attached exhibits in red for easy reference.

MMC Chapter 22C.180, Accessory Structures

The accessory structure code has been amended to:

- Provide details on the side yard setback requirements adjacent to the public street;

- Currently accessory structures on properties under one-acre are limited to the lesser of 15 to 20 percent¹ of the lot area, or 80 percent of the footprint of the principal residence. The 80 percent limitation has been the limiting factor, so the 15 to 20 percent provision is proposed to be eliminated to simplify the code (i.e. only one calculation is needed instead of two); and
- The reader is directed to the standard code or the PRD code respectively for building and impervious surface limitations.

MMC Chapter 22C.185, Accessory Dwelling Units

The accessory dwelling unit code has been amended to:

State-mandated Changes

- Specify the allowance for accessory dwelling units accessory to a single-family residence as required by State law and those allowed accessory to Middle Housing (there is local discretion on this);
- Eliminate the owner occupancy requirement for both the principal dwelling and the accessory dwelling unit(s) consistent with State law;
- Indicate the accessory dwelling unit configurations that are allowed by State law;
- Currently the MMC limits the size of accessory dwelling units to 50 percent of the floor area of the primary residence. State law now requires jurisdictions to allow accessory dwelling units that are 1,000 SF. The MMC is proposed to be amended to allow accessory dwelling units to be 1,000 SF, or 50 percent of the total floor area of the primary residence, whichever is greater, but in no case larger than 1,400 SF;
- Increase the allowed height to 30 feet per State law;
- Allow for the conversion of existing structures to accessory dwelling units consistent with State law;
- Allow accessory dwelling units to be built to the lot line if abutting an alley consistent with State law;
- Eliminate the limitation on doors facing the street as required by State law; and
- Allows for the conversion of the accessory dwelling unit to a condominium consistent with State law.

Non-State-mandated Changes

- Prohibit the use of an accessory dwelling unit as a short-term rental;
- Amend the discontinuance provisions to indicate that if an accessory dwelling unit is out of compliance, it can be brought into compliance by addressing any deficiencies;
- Direct the reader to the parking code for the applicable parking;
- Direct the reader to the standard code or the PRD code respectively for front yard setbacks and for building coverage and impervious surface limitations; and
- Allow for a reduced rear yard setback of 15 feet with an allowed reduction to 10 feet for one-story structures or structures located in a PRD.
- Require five feet of paved walkway to the accessory dwelling unit for fire access.
- Allow for a modest size exception when existing residences are converted to accessory dwelling units.

At the August 14th Public Hearing, staff respectfully requests that Planning Commission recommend approval of the accessory dwelling unit amendments to City Council for adoption by Ordinance.

¹ The 15 percent limit applies in single family zones, and the 20 percent limit applies in multi-family zones.

Exhibit 1

Chapter 22C.180 ACCESSORY STRUCTURES

Sections:

22C.180.010 Purpose.

22C.180.020 Access structure standards.

22C.180.010 Purpose.

The purpose of this chapter is to allow for residential accessory structures to be established which are incidental to the primary residential use of a single-family residence or Middle Housing residence, while ensuring compatibility with surrounding residential uses. The accessory structure must be clearly subordinate to the primary use. Accessory structures or uses may not be established until the principal structure is constructed on the property.

22C.180.020 Accessory structure standards.

In the zones in which a residential accessory structure is listed as a permitted use, the community development director or designee shall review all proposals for accessory structures. The following standards and regulations shall apply to all proposed accessory structures.

(1)

Table 1

Front setback	See MMC 22C.010.080 for standard lots and MMC 22G.080.080 for PRD lots.
Side setback	5 feet
Side street setback	10 feet along non-arterials; 15 feet along arterials
Rear yard setback ^{1, 2, 3}	5 feet (one-story structure); 10 feet (when the entrance faces the rear yard or for two-story or greater structure in PRDs); 15 feet (two-story structure or when accessory structure entrance faces an alley with right-of-way less than 10 feet wide) ⁴
Building, and Impervious Coverage	See MMC 22C.010.080 for standard lots or MMC 22G.080.080 for PRD lots
Accessory Structure Footprint ⁵	On lots under one-acre, accessory structures not containing an accessory dwelling unit are further limited to 80 percent of the footprint of the primary residence. ⁶
Height	20 feet (lots under one acre) ⁶ ; or

	30 feet (lots over one acre, or lots under one acre where the accessory structure contains an accessory dwelling unit)
--	--

¹ Accessory structures in Planned Residential Developments are subject to the rear yard setbacks set forth in MMC 22G.080.080.

² No more than 50 percent of the required rear setback area (i.e. back 20 feet of the lot) may be covered with accessory structures.

³ An accessory structure, which is located in the rear setback area, may be attached to the principal structure; provided, that no portion of the principal structure is located within the required yard setbacks for principal structures in the zone.

⁴ The increased alley setback applies to vehicle access points from garages, carports, fenced parking areas or other accessory structure. Exception: in the Downtown Neighborhood, the rear setbacks outlined in the table above may be reduced to two feet from the rear lot line; provided, that the alley right-of-way is a minimum of 20 feet in width. Where the alley right-of-way is less than 20 feet in width, the property owner shall be required to dedicate to the city sufficient property to widen the abutting alley to the full width as measured from the design centerline, to conform to the applicable road standards specified by the city engineer. Upon dedication of the necessary right-of-way, the rear setback may be reduced to two feet from the rear lot line. Where an existing, nonconforming structure located in the Downtown Neighborhood is internally remodeled to include an accessory dwelling unit, but the footprint of the structure is not increased, the structure can be allowed to remain at a zero setback; provided, that the right-of-way is 20 feet in width.

⁵ The community development director is specifically authorized to allow an increase in the size of a detached accessory structure over the requirements outlined in this table; provided, that the accessory structure(s) shall be compatible with the principal structure and/or neighborhood character. To make this determination, the community development director may consider such factors that include, but are not limited to, view obstruction, roof pitch, building materials, screening and landscaping, aesthetic impact on surrounding properties and streetscape, incompatible scale with dwellings on surrounding properties, and impact on neighborhood character. The community development director shall also have the authority to impose greater setback requirements, landscape buffers, or other locational or design requirements to mitigate the impacts of accessory structures which are greater in size than otherwise allowed by this section.

⁶ The community development director may allow minor deviations to the 20-foot height and the 80 percent building footprint limitations applicable to properties under one acre as necessary to accommodate industry standards for building dimensions.

(2) A detached garage, carport or other permitted accessory structure may be in the front or side yard, or on the flanking street side of a corner lot, only if the applicant demonstrates to the satisfaction of the community development director that:

(a) The accessory structure is consistent with the architectural character of the residential neighborhood where it will be located, and the principal structure on the lot; and

(b) The accessory structure shall have a roof pitch similar to the principal structure and have siding and roofing materials similar to or compatible with those used on the principal structure. No metal siding or roofing shall be permitted unless it matches the siding and roofing of the principal structure, or unless it is a building material that is of a residential character such as metal tab roofing or other products consistent with standard residential building materials. Plans for the proposed accessory structure(s) indicating siding and roofing materials shall be submitted with the application.

Exhibit 2

Chapter 22C.185 ACCESSORY DWELLING UNITS

Sections:

22C.185.010 Purpose.

22C.185.020 Accessory dwelling unit standards.

22C.185.010 Purpose.

The purpose of this chapter is to allow for accessory dwelling units, to be established which are incidental to the primary residential use of a single-family residence or Middle Housing residence, while ensuring compatibility with surrounding residential uses. The accessory dwelling unit(s) must be clearly subordinate to the primary use. Accessory dwelling units may not be established until the principal residence is constructed on the property.

22C.185.020 Accessory dwelling unit standards.

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

- (1) On each lot developed with a single-family residence, accessory dwelling units may be constructed subject to the standards set forth in Table 1 below. An accessory dwelling unit may not be located on a lot on which a temporary dwelling, as defined in Chapter [22C.110](#) MMC, is located.

Table 1

Principal Dwelling Unit(s)	Single family residence	Middle Housing
Number of Accessory Dwelling Units Allowed Per Lot ¹	Two (2)	Two (2) if the lot allows for a density of four (4) dwelling units per lot pursuant to MMC 22C.010.080. Note: The accessory dwelling unit(s) apply to the total allowed unit density for the lot.
Owner Occupancy Requirement for Principal Dwelling or Accessory Dwelling Units	None	
Allowed Accessory Dwelling Unit Configurations	a) One attached unit and one detached unit; b) Two attached units; or	

	c) Two detached units, which may be comprised of either one or two detached structures.
Use as Short Term Rental	Prohibited
Minimum Size per Accessory Dwelling Unit ²	200 SF gross floor area
Maximum Size per Accessory Dwelling Unit ^{2, 3}	1,000 SF gross floor area or 50 percent of the total floor area of the single family residence, whichever is greater; provided that, in no case shall an accessory dwelling unit exceed 1,200 <u>1,400</u> square feet ¹
Maximum Bedrooms per Accessory Dwelling Unit	Two (2)
Front setback ⁴	See MMC 22C.010.080 for standard lots and MMC 22G.080.080 for PRD lots.
Side setback ⁴	5 feet
Side street setback ⁴	10 feet along non-arterials; 15 feet along arterials
Rear yard setback ⁴	15 feet; provided that, the rear yard setback may be reduced to 10 feet for one-story structures, or for structures located in a PRD ⁵
On-lot structure separation	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 five (5) foot 44-inch-wide paved pathway that is free of obstructions <u>must also be</u> provided between structures the front entrance and where primary access is obtained to ensure adequate access for emergency services.
Building, and Impervious Coverage ⁴	See MMC 22C.010.080 for standard lots and MMC 22G.080.080 for PRD lots.
Height	30 feet
Parking ⁶	See parking for Middle Housing in MMC 22C.130.030 Table 4.
¹ On any lot that meets the minimum lot size required for the principal dwelling unit.	

² Floor areas shall be exclusive of garages, porches, or unfinished basements.

³ The community development director is authorized to ~~conditionally~~ allow an ~~attached~~ accessory dwelling unit greater than the maximum size limit in the following circumstances:

- (a) for an attached accessory dwelling unit within an existing structures, when a denial of such an increase would result in an unreasonable division of interior space between the ADU and the primary ~~residence~~dwelling unit; or
- (b) an existing residence is converted to an accessory dwelling unit, provided the size of the existing residence to be converted does not exceed 100 SF more than the allowance for a new accessory dwelling unit.

⁴ Existing structures, including but not limited to detached garages, may be converted to accessory dwelling units, even if they do not comply with current code requirements for setbacks or building coverage.

⁵ Detached accessory dwelling units may be built at a lot line, if the lot line abuts a public alley.

⁶ No parking areas other than driveways may be in front yards. When the property abuts an alley, parking areas must be accessed from the alley.

(2) The architectural character of the single-family dwelling shall be preserved. Exterior materials, roof form, and window spacing and proportions shall match that of the existing single-family dwelling. In no case shall a detached accessory dwelling unit have axles or be on a chassis.

(3) The city may not prohibit the sale or other conveyance of a condominium unit independently of the principal structure solely on the grounds that the condominium unit was originally built as an accessory dwelling unit.

(4) The provisions of this section do not apply to portions of lots designated with critical areas or their buffers as designated in RCW 36.70A.060, or to lots in 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)).

(5) In addition to the conditions that may be imposed by the community development director, all accessory dwelling units shall also be subject to the condition that the use shall be discontinued if:

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

(b) The subject lot ceases to maintain the required parking spaces outlined in MMC 22C.130.030 Table 4.

If the deficiencies outlined in subsections (a) and (b) are remedied, the community development director may allow the use to be reestablished.



Agenda Bill

PLANNING COMMISSION AGENDA ITEM REPORT

DATE:	August 12, 2025
SUBMITTED BY:	Angela Gemmer, Community Development
ITEM TYPE:	Public Hearing
AGENDA SECTION:	PUBLIC HEARING
SUBJECT:	Middle Housing Regulations - Public Hearing
SUGGESTED ACTION:	Suggested motion: I move to recommend approval of the Middle Housing regulations to City Council for adoption by Ordinance.
SUMMARY:	Throughout much of 2025, Planning Commission has been working with staff on regulations to address Washington State's House Bill (HB) 1110, which was adopted in July 2023 and is commonly referred to as the Middle Housing bill. This State law requires that cities allow Middle Housing in areas traditionally dedicated to single family detached housing. HB 1110 requires that City's allow six of the nine Middle Housing types provided in the State law. The community and Planning Commission's selected Middle Housing types include duplexes, triplexes, fourplexes, townhouses, cottage housing, and courtyard apartments. The City must also allow two Middle Housing dwelling units on all lots primarily designated for residential and four Middle Housing dwelling units when there is proximity to a major transit stop or when a dedicated affordable housing unit is provided. HB 1110 established a deadline of June 30, 2025 to adopt Middle Housing standards, or jurisdictions would default to the State's Model Ordinance, which contained provisions that would not have aligned with the community's vision. Consequently City Council adopted Ordinance 3352 to establish interim regulations to allow for more opportunities for public participation and for the Planning Commission to more closely consider the final regulations.

After the City Council adopted the interim regulations, the Planning Commission considered various key policy matters. The attached proposed final Middle Housing regulations (**Exhibit 2**) reflect each of the key policy matters listed above along with various associated changes to the Marysville Municipal Code. These changes are summarized in **Exhibit 1**.

Associated Comprehensive Plan Amendments

Various supporting Comprehensive Plan Amendments are proposed to support the development regulation amendments. These amendments are shown in **Exhibit 7** and primarily consist of:

- Updating maps and text to reflect the consolidation of the single family residential zones;
- Updating maps to show the Residential Mobile Home Park (R-MHP) zone on the Comprehensive Plan maps; and
- Updating the various appendices to reflect the consolidation of the single family residential zones.

Conclusion

At the Public Hearing on August 12th, staff respectfully requests that Planning Commission recommend approval of the proposed Middle Housing regulations for adoption by Ordinance. With the recommendation, direction is also requested on the minimum density level for the multi-family zones.

ATTACHMENTS:

[Memo and Exhibit 1 - Middle Housing final regulations](#)

[Exhibit 2 - Final Middle Housing regulations](#)

[Exhibit 5 - Comprehensive Plan Map](#)

[Exhibit 6 - Zoning Map](#)

[Exhibit 7 Comprehensive Plan text and map amendments](#)

[Exhibit 8 - Conceptual Minimum Density Illustration](#)

MEMORANDUM

DATE: August 12, 2025

TO: Planning Commission

FROM: Angela Gemmer, Principal Planner

SUBJECT: Middle Housing Final Regulations

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

Exhibit 1 Summary of Proposed Middle Housing Regulations

Exhibit 2 Proposed Middle Housing Regulations

Exhibit 3 [Existing Comprehensive Plan Map](#)

Exhibit 4 [Existing Zoning Map](#)

Exhibit 5 Proposed Comprehensive Plan Map

Exhibit 6 Proposed Zoning Map

Exhibit 7 Comprehensive Plan text and map amendments

Exhibit 8 Schematic showing minimum residential densities

Introduction

Throughout much of 2025, Planning Commission has been working with staff on regulations to address Washington State's [House Bill \(HB\) 1110](#), which was adopted in July 2023 and is commonly referred to as the Middle Housing bill. This State law requires that cities allow Middle Housing¹ in areas traditionally dedicated to single family detached housing. HB 1110 requires that City's allow six of the nine Middle Housing types provided in the State law. The community and Planning Commission's selected Middle Housing types include duplexes, triplexes, fourplexes, townhouses, cottage housing, and courtyard apartments. The City must also allow densities as detailed in the table below along with reduced parking requirements.

Lot circumstances	Unit Density
Residentially zoned lot	Two (2)
Residentially zoned lot located within ¼ mile walking distance to a major transit stop OR when one (1) dwelling unit is dedicated affordable housing	Four (4)

HB 1110 established a deadline of June 30, 2025 to adopt Middle Housing standards, or jurisdictions would default to the State's Model Ordinance, which contained provisions that would not have aligned with the community's vision. Consequently City Council adopted [Ordinance 3352](#) to establish interim

¹ [Middle housing](#) is a range of housing types that include two or more attached, stacked, or clustered homes that are compatible in scale and form with detached single-family homes and neighborhoods. Middle Housing consists of a variety of housing types that are in between the size and number of dwelling units for single-family residences and apartments as shown in the image below.

regulations to allow for more opportunities for public participation and for the Planning Commission to more closely consider the final regulations.

After the City Council adopted the interim regulations, the Planning Commission considered the following key policy matters.

- **Single Family Zone Consolidation.** The City's four single family residential zones (i.e. R-4.5, R-6.5, R-8, and WR-R-4-8) are proposed to be consolidated into two zones: the Neighborhood Residential 4.5 (NR-4.5 formerly R-4.5) and Neighborhood Residential 6.5 (NR-6.5 formerly R-6.5).² With this proposal, the R-8 and WR-R-4-8 zones would be consolidated with the NR-6.5 zone. The objective is to streamline the code and provide clarity, with minimal impacts to land capacity.

These proposed land use and zoning designation changes are reflected in the proposed Comprehensive Plan and Zoning Maps which 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 **Development Condition 13** to **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 VVVV** of **Exhibit 9** for suggested changes).

- **Middle Housing Exemption Areas.** HB 1110 allows up to 25 percent of areas subject to the Middle Housing regulations to be exempted from the requirements of the statute. City Council supported pursuing an exemption and provided direction that areas with access and rail constraints, and potentially areas with inadequate parking should be exempted. Planning Commission provided direction that the Middle Housing exemption should apply to the neighborhoods with significant access and/or rail constraints 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. Support was also expressed for prohibiting duplexes and Planned Residential Development until access/rail constraints are remedied. Consistent with Planning Commission's direction, language was crafted indicating that the Middle Housing exemption and duplex/PRD prohibition will be lifted when adequate secondary access is provided. **Development Condition 3** in **Exhibit OO** to **Exhibit 9** reflects these recommendations.

- **Preserving Land Capacity in the Multi-family Zones.** City Council expressed some support for prohibiting single family in the two highest density residential zones; however, some concerns were also expressed. Given this, Planning Commission instead recommended establishing minimum densities in multi-family zones to preserve land capacity. Two options were presented at the last work session. Planning Commission requested a visual representation to better understand these options, which is provided in **Exhibit 8**.

- 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.

It should be noted that to achieve 12 du/acre (gross density) a Planned Residential Development would be needed due to minimum lot size requirements. The final regulations includes Option 1

² The name change is proposed to reflect that Middle Housing is now allowed in historically single-family residential zones.

and also include language allowing for a deviation if site circumstances make achieving the minimum densities infeasible. **Which option is preferred?**

- **Density for Master Planned Senior Communities.** Per discussion with City Council and Planning Commission, Master Planned Senior Communities will have moderately incentivized density with 10 units per acre allowed in the NR-4.5 zone and 12 units per acre allowed in the NR-6.5 zone. The Conditional Use Permit requirement was also removed for MPSC in the multi-family zones. **See Exhibit JJJJ to Exhibit 9.**
- **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 **Development Condition 13 to Exhibit RR to Exhibit 9.**

The attached proposed final Middle Housing regulations (**Exhibit 2**) reflect each of the key policy matters listed above along with various associated changes to the Marysville Municipal Code. These changes are summarized in **Exhibit 1.**

Associated Comprehensive Plan Amendments

Various supporting Comprehensive Plan Amendments are proposed to support the development regulation amendments. These amendments are shown in **Exhibit 7** and primarily consist of:

- Updating maps and text to reflect the consolidation of the single family residential zones;
- Updating maps to show the Residential Mobile Home Park (R-MHP) zone on the Comprehensive Plan maps; and
- Updating the various appendices to reflect the consolidation of the single family residential zones.

Conclusion

At the Public Hearing on August 12th, staff respectfully requests that Planning Commission recommend approval of the proposed Middle Housing regulations for adoption by Ordinance. With the recommendation, direction is also requested on the minimum density level for the multi-family zones.

Exhibit 1

Middle Housing Interim Ordinance Summary		
Exhibit	Marysville Municipal Code	General Description of Proposed Change(s)
A	<u>5.70.270, Discounts</u>	Add a reference to Middle Housing in the discounts section of the cable system regulations.
B	<u>12.02A.090, Frontage improvements required</u>	Amend the frontage improvement code to address requirements for Middle Housing, Unit Lot Subdivisions, and accessory dwelling units.
C	<u>14.01.050, Sewer connection required</u>	Amend to indicate that unit lot subdivisions require sewer connection.
D	<u>14.01.055, Water connection required</u>	Amend to indicate that unit lot subdivisions require water connection.
E	<u>14.03.040 Water meters</u>	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	<u>14.03.090, Utility connections to unoccupied properties prohibited and/or forfeited</u>	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	<u>14.07.010, Capital improvement charges</u>	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	<u>14.07.060, Water rates</u>	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	<u>14.07.070, Sewer rates</u>	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	<u>14.15.020, Definitions</u>	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	<u>22C.010.120, Calculations – Site area used for density calculations</u>	Amend to indicate that critical areas and buffers need to be placed in a tract or easement for permanent protection.
UU	<u>22C.010.130, Lot area – Prohibited reduction</u>	An exception is provided for lots created under the Unit Lot Subdivision provisions.
VV	<u>22C.010.140, Minimum lot area for construction</u>	Amend to include Middle Housing as being allowed on nonconforming residential lots. Clarify bulk and dimensional expectations.
WW	<u>22C.010.170, Setbacks – From regional utility corridors</u>	Minor grammatical change.
XX	<u>22C.010.190, Setbacks – From alleys</u>	Amend an outdated reference to Downtown.
YY	<u>22C.010.200, Setbacks – Adjoining half-street, designated arterial, or temporary cul-de-sac</u>	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	<u>22C.010.210, Setbacks – Projections allowed</u>	Allow uncovered ramps to project into side or rear setbacks similar to uncovered stairs.
AAA	<u>22C.010.220, Height – Exceptions to limit</u>	Amend the height limit exception for flagpoles to include Middle Housing.
BBB	<u>22C.010.255, Residential design requirements – Purpose</u>	Amend the residential design purpose statement to include all single family along with Middle Housing and townhouses.
CCC	<u>22C.010.260, Residential design requirements – Applicability and interpretations</u>	Amend the residential design requirements applicability requirements to include Middle Housing.
DDD	<u>22C.010.270, Zero lot line development</u>	Amend to omit the reference to PRD overlay zone and add binding site plans to the zero lot line code.
EEE	<u>22C.010.280, Cottage housing developments</u>	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 (<i>no link as code is new; will be located where the exhibit above is currently located</i>)	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 (<i>applies to Lakewood Neighborhood Master Plan</i>)	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	<u>22C.130.020, General standards</u>	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	<u>22C.130.030, Minimum required parking spaces</u>	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	<u>22C.130.050, Development standards</u>	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	<u>22C.190.020, Home occupation standards</u>	Include provisions that address home occupations in Middle Housing.
HHHH	<u>22C.200.030, Permit required</u>	Remove unnecessary references to home occupations from the day care code.
IIII	<u>22C.220.090, Development regulations</u>	The Master Planned Senior Community (MPSC) code is amended to include references to Middle Housing to ensure consistent treatment with single family residences.
JJJJ	<u>22C.220.100, Modification of development regulations</u>	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	<u>22C.230.030, Mobile/ manufactured home park zone</u>	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	<u>22C.230.040, Procedures for review and approval</u>	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	<u>22C.250.060, Wireless communication facilities – Siting hierarchy</u>	The wireless communication facilities siting hierarchy has been amended to include Middle Housing with single family designations.
NNNN	<u>22C.250.070, Wireless communication facilities – General requirements</u>	The wireless communication facilities general requirements have been amended to address Middle Housing where single family is referenced.
OOOO	<u>22D.020.030, Payment of impact fees required</u>	Amend the deferral of park impact fees code section to reference townhouses and Middle Housing and eliminate the reference to attached residential units.

PPPP	<u>22D.020.050, Computing required impact fees using adopted impact fee schedules</u>	Add Middle Housing and townhouses to the single-family parks rate; omit the reference to attached single family homes.
QQQQ	<u>22D.020.130, Formula for determining park, recreation, open space or trail impact fees</u>	Add Middle Housing and townhouses to the parks impact fee calculation information.
RRRR	<u>22D.030.040, Definitions</u>	Amend the definitions for the traffic impact fee code to include single family detached, Middle Housing, and townhouses in the definition of 'development'
SSSS	<u>22D.030.070, Determination and fulfillment of road system obligations</u>	Add Middle Housing and townhouses to traffic impact fees eligible for deferral and remove attached residential unit.
TTTT	<u>22D.040.020, Definitions</u>	Add single family detached, Middle Housing, and townhouses to the definition of development in the school impact fee code.
UUUU	<u>22D.040.060, Impact fee accounting</u>	Amend the deferral of school impact fee section to include Middle Housing and townhouses.
VVVV	<u>22E.010.360, On-site density transfer for critical areas</u>	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	<u>22E.030.090, Categorical exemptions, threshold determinations, and enforcement of mitigating measures</u>	Middle Housing is proposed to be added to the environmental categorical exemption review that applies to single family.
XXXX	<u>22G.010.160, Administrative approvals subject to notice</u>	Unit lot subdivisions are proposed to be added to the types of administrative land use applications subject to notice.
YYYY	<u>22G.010.250, Vesting</u>	Unit lot subdivisions are added to the land use procedures pertaining to vesting.
ZZZZ	<u>22G.010.260, Minor revisions to approved development applications</u>	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	<u>22G.010.270, Major revisions to approved residential development applications</u>	Address Middle Housing in the major land use application revision criteria.
BBBBB	<u>22G.030.020, General fee structure</u>	Incorporate Middle Housing and Unit Lot Subdivisions in fee structure.
CCCCC	<u>22G.080.010, Purpose</u>	Amend the Planned Residential Code to reference PRDs being developed as a 'cohesive project' rather than a unit.
DDDDD	<u>22G.080.040, Permitted/conditional uses – Ratio of housing types</u>	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.
EEEE	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.
FFFF	22G.080.060, Required elements of PRD site plans	Various submittal requirements for PRDs have been amended.
GGGG	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.
HHHH	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.
IIII	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.
JJJJ	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.
KKKK	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.
LLLL	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.

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, 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 single-family or Middle Housing~~duplex~~-development generating two PM peak hour trips or less for the project.

(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;
- ~~(e) (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, or other residential unit that results in one or more PM peak hour trip(s), or alterations to a single-family residence, Middle Housing unit, or residential property to include additional unit(s) that result in one or more PM peak hour trips: 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, 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, and unit lot subdivision 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. 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	<u>\$1,921.50</u>	\$1,571.50	<u>\$1,711.50</u>	

*Residential living units include single family, Middle Housing, 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 an ~~single~~-accessory dwelling unit as defined in MMC ~~22A.020.02022C.180.030~~ approved on or before June 23, 2025. 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 ~~Accessory~~ dwelling units with a separate water meter and all accessory dwelling units approved after June 23, 2025 shall pay separate monthly water, sewer and storm water utility billing charges unless the exemption in MMC 14.03.040 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
<u>5/8" (single family, Middle Housing unit, and accessory dwelling unit)</u>	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
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10-inch	\$188.43
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12-inch	\$217.65
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(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, <u>Middle Housing, or accessory dwelling unit</u>	\$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, <u>Middle Housing, and accessory dwelling unit</u>	\$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 developments" ~~refers to~~ means a residential developments 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 ~~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 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.

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 must be 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 ~~bus or 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 and subject to the following provisions:

- (1) Single family detached is not considered Middle Housing.
- (2) Stacked flats are not an allowed Middle Housing type.
- (3) All duplexes in residential zones are Middle Housing.
- (4) 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.

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.

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	<u>NR or R</u> (base density in dwelling units per acre <u>or</u> lots 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 (NR or 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 NR-4.5, and NR-6.5, and R-8 zones, for a mix of predominantly single detached dwelling units, Middle Housing, 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, 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:

<u>NR-4.5</u>	=	Medium density single family; <u>Neighborhood Residential 4.5</u>
<u>NR-6.5</u>	=	High density single family; <u>Neighborhood Residential 6.5</u>
<u>R-8</u>	=	High density single-family, small lot;
<u>R-12</u>	=	Low density multiple-family;
<u>R-18</u>	=	Medium density multiple-family;
<u>R-28</u>	=	High density multiple-family.
<u>WR-R-6-18</u>	=	<u>Whiskey Ridge, Medium Density Multiple Family</u>

Exhibit MM

22C.010.030 Characteristics of residential zones.

(1) ~~Medium Density Single-Family Neighborhood Residential 4.5 (NR-4.5).~~ The ~~NR-4.5~~ zone is a medium-density single-family residential zone. It allows single-family residences, Middle Housing, 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, 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, at a density of eight dwelling units 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. ~~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 at a density range of 4.5 to 8 dwelling units 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. ~~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) (3) ~~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~~ residential, duplexes, Middle Housing, townhouses, apartments and condominiums. The density is 12 units per acre; the maximum is limited to 18 units per acre.

(6) (4) ~~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 residences~~ 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) (5) ~~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 residences~~ 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) (6) ~~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)(7)~~ 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	<u>NR-4.5</u>	<u>NR-6.5</u>	<u>R-8</u>	<u>WR-R-4-8</u>	<u>R-12</u>	<u>R-18</u>	<u>R-28</u>	<u>WR-R-6-18</u>	<u>R-MHP</u>
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 E6	P E6	E 6	E 6	P E6	P E6	P E6	P E6	
Duplex (14)	P38	P8	P8	P8	P	P	P	P	
Townhouse	P3 ₈	P8	P3	P3	P	P	P	P	
<u>Middle Housing (3)</u>	<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
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		E	P	P		P45
Senior citizen assisted	C2	C2	E 2	E 2	P E2	P E2	P E2	P E2	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	E 2	E 2	P E2	P E2	P E2	P E2	
Residential care facility	P	P	P	P	P	P	P	P	
Master planned senior community (15)	C	C	E	E	P E	P E	P E	P E	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									

Specific Land Use	NR-4.5	NR-6.5	R-8	WR R-4-8	R-12	R-18	R-28	WR R-6-18	R-MHP
Bed and breakfast guesthouse (4)		C	€	€	P	P	P	P	
Bed and breakfast inn (4)					P	P	P	P	
Enhanced services facility (52)									
Recreation/Cultural Land Uses									
Park/Recreation:									
Park	P16	P16	P16	P16	P16	P16	P16	P16	P16
Community center	C	C	€	€	C	C	C	C	C
Amusement/Entertainment:									
Sports club					C	C	C	C	
Golf facility (17)	C	C	€	€	P	P	P	P	
Cultural:									
Library, museum and art gallery	C	C	€	€	C	C	C	C	C
Church, synagogue and temple	C	C	€	€	P	P	P	P	C
General Services Land Uses									
Personal Services:									
Funeral home/crematory	C18	C18	€18	€18	C18	C18	C18	C18	C18
Cemetery, columbarium or mausoleum	P24 C19	P24 C19	P24 €19	P24 €19	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	€25	€25	C	C	C	C	C25
Stable	C	C	€	€					
Kennel or cattery, hobby	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
Commercial school	C21	C21	€21	€21	C21	C21	C21	C21	
School district support facility	C23	C23	€23	€23	C23	C23	C23	C23	
Interim recycling facility	P22	P22	P22	P22	P22	P22	P22	P22	
Vocational school									
Government/Business Service Land Uses									

Specific Land Use	NR-4.5	NR-6.5	R-8	WR R-4-8	R-12	R-18	R-28	WR R-6-18	R-MHP
Government Services:									
Public safety facilities, including police and fire	C26	C26	€26	€26	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 €	P €	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	€	€					
Aquaculture (33)	C	C	€	€					
Regional Land Uses									
Regional storm water management facility	C	C	€	€	C	C	C	C	C
Nonhydroelectric generation facility	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	

Specific Land Use	<u>NR-</u> 4.5	<u>NR-</u> 6.5	R-8	WR R-4- 8	R-12	R-18	R-28	WR R-6- 18	R- MHP
School bus base	C36	C36	C36	C36	C36	C36	C36	C36	
Racetrack	C37	C37	C37	C37	C37	C37	C37	C37	
College/university	C	C	€	€	C	C	C	C	

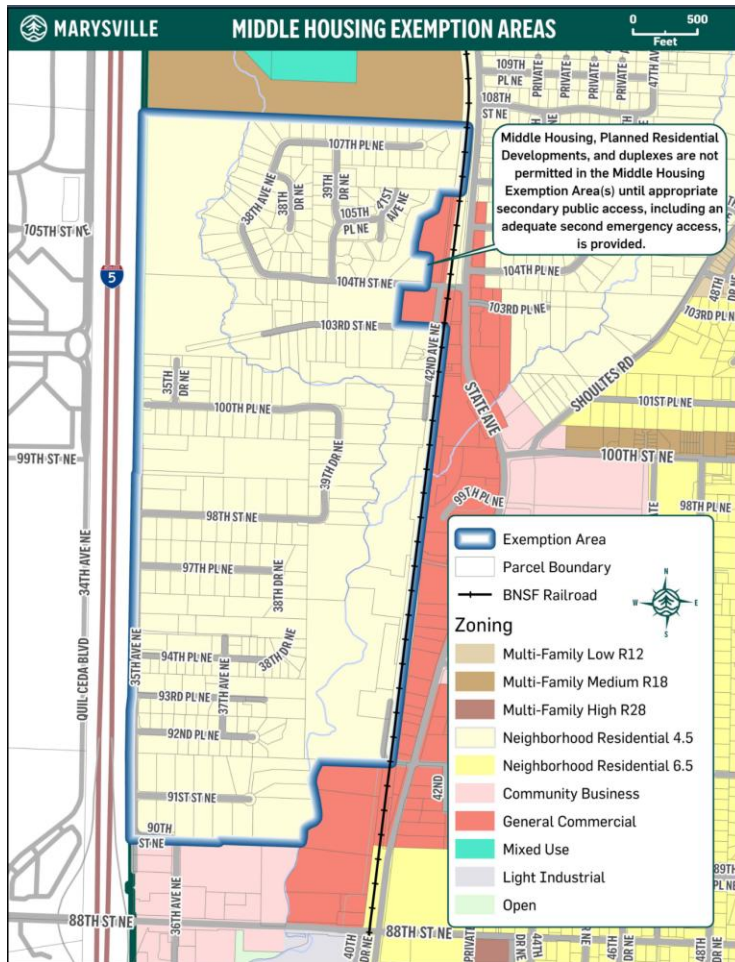
Exhibit OO

22C.010.070 Permitted uses – Development conditions.

- (1) Accessory dwelling units:
 - (a) ~~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~~ In 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 NR-4.5 designated areas depicted in the map below entitled, "Middle Housing Exemption Areas" until appropriate secondary public access, including an adequate second emergency access, is provided. Duplexes and Planned Residential Developments are also not permitted until the afore-stated access expectations are met. 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.



[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 Only 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) No residential premises shall have more than two such sales per year and no such sale shall continue for more than six days within a 15-day period.

(b) Signs advertising such sales shall not be attached to any public structures, signs or traffic control devices, nor to any utility poles. All such signs shall be removed 24 hours after the sale is completed.

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

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

(11) Manufactured homes must:

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

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

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

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

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

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

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

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

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

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

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

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

(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.

	NR-4.5	NR-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 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)
Minimum density: Dwelling unit or lot/acre (19)	=	=			8 du or lot/ac	8 du or lot/ac	10 du or lot/ac	10 du or lot/acre
Maximum density: Dwelling unit or lot/acre (1)(2)(3)	5.4 du or lot/ac	7.8 du or lot/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%

	<u>NR-4.5</u>	<u>NR-6.5</u>	<u>R-8</u>	<u>WR-R-4-8</u> <u>(16)(17)</u>	<u>R-12</u> <u>(13)</u>	<u>R-18</u> <u>(13)</u>	<u>R-28</u> <u>(13)</u>	<u>WR-R-6-18</u> <u>(13)(16)(17)</u>
Maximum impervious surface: Percentage (5) <u>(6)</u>	45%; 50%	45%; 50%	50%; 65%	50%; 65%	70%	70%	75%	70%
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) <u>(4)</u>	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 NR-4.5 and NR-6.5 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:

<u>Lot circumstances</u>	<u>Unit Density (as defined in MMC 22A.020.220)</u>	<u>Additional Provisions</u>
<u>Residentially zoned lot</u>	<u>Two (2)</u>	
<u>Residentially zoned lot located within ¼ mile walking distance to a major transit stop</u>	<u>Four (4)</u>	<u>Major transit stop is defined in MMC 22A.020.140.</u>

<u>Residentially zoned lot with one (1) dwelling unit of affordable housing</u>	<u>Four (4)</u>	<u>To qualify as affordable housing, the provisions in MMC 22C.010.400 must be met.</u>
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(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: Reserved.

~~(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 the Downtown Neighborhood 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) 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 the NR-4.5 and NR-6.5 through R-8, and WR-R-4-8 zones; or

(b) The average setback of the NR-4.5 and NR-6.5 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 duplexes on individual lots within in the R-12 through R-28, and WR-R-6-18 zones shall may 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 the 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.

(19) The minimum densities are the minimum number of dwelling units which must be constructed per net acre. The director may waive the minimum density requirement for sites with unique size, shape, topography, location, critical areas encumbrance, distance from utilities, or other feature(s) that precludes the minimum density being achieved. In addition, an applicant intending to construct only one residence may also receive relief from the minimum density requirements provided that the residence is sited in such a manner that future development is not precluded. A written justification must be provided by the applicant for all requests for relief from minimum density requirements and is subject to director approval.

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 or Lots 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~~health ~~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, ~~or~~ 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 garage setback 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 Neighborhood Residential (NR-4.5 and NR-6.5)~~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.

(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 <u>or lot</u> / acre)	2 times the base density of the underlying zone (a)
<u>Minimum lot size, or minimum land area allocation per cottage</u>	<u>2,000 SF (b)</u>
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 ^{(e), (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.

~~(e)~~(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 off~~Off-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 for uses abutting an alley.

- (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 or where disallowed by the City's Engineering Design and Development Standards.
- (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 s~~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 ~~façade~~ 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 shared accesses shall have siding similar to the front façade and windows on a minimum of five (5) percent of the side façade; provided

that, the director may allow a reduction in windows 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, 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 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 shared accesses shall have siding variation similar to the front façade and windows on a minimum of five (5) percent of the side façade; provided that, the director may allow a reduction in windows 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
Single-Family 4.5—8	R-4-8-WR
Single-Family High-Neighborhood Residential 6.5	NR-6.5-WR
Recreation	REC-WR

Exhibit 000

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.

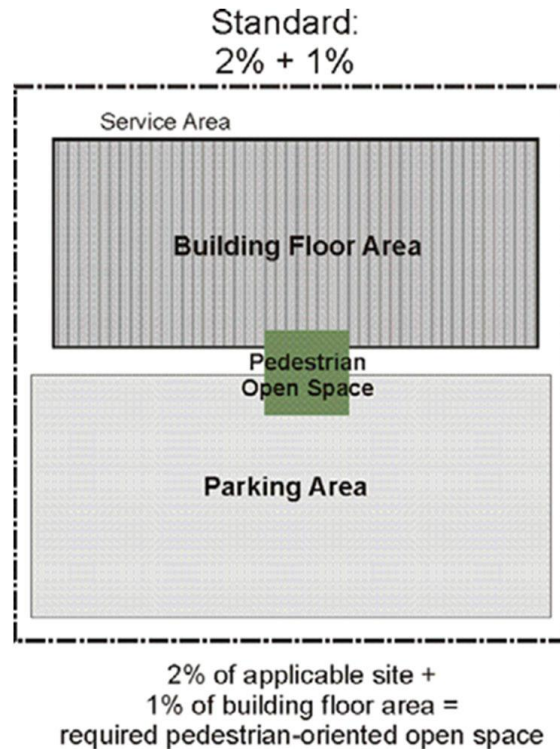


Figure 4-11. An illustration of how much pedestrian-oriented space would be required for a typical grocery store served by surface parking.

(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.

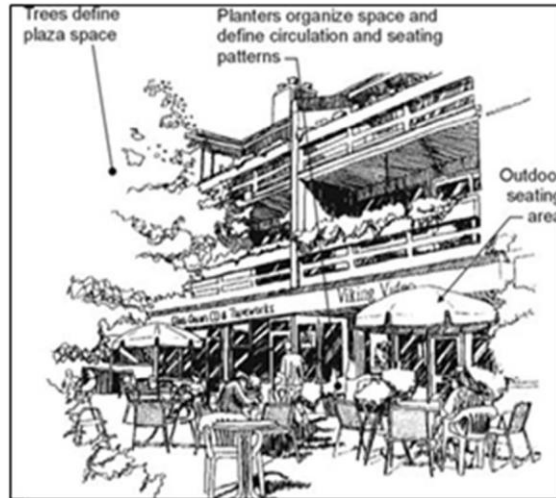


Figure 4-15. Pedestrian-oriented space example.

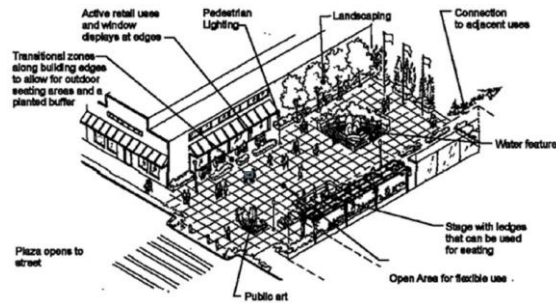


Figure 4-16. Large example of pedestrian-oriented space.

(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.

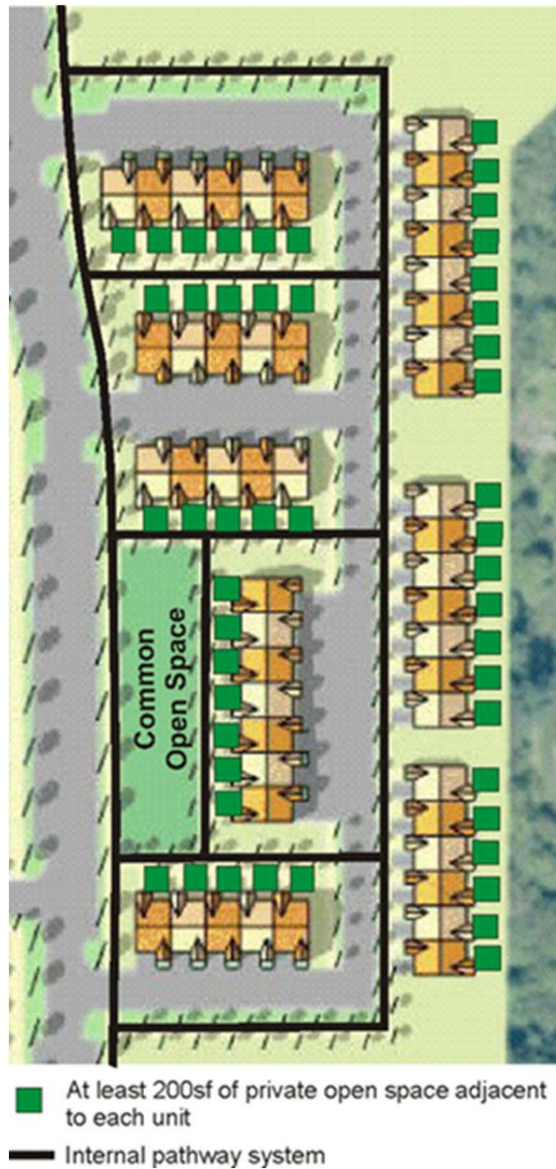


Figure 4-23. Example townhouse configuration with a combination of private open spaces adjacent to units and larger common open space accessible to all units.

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.

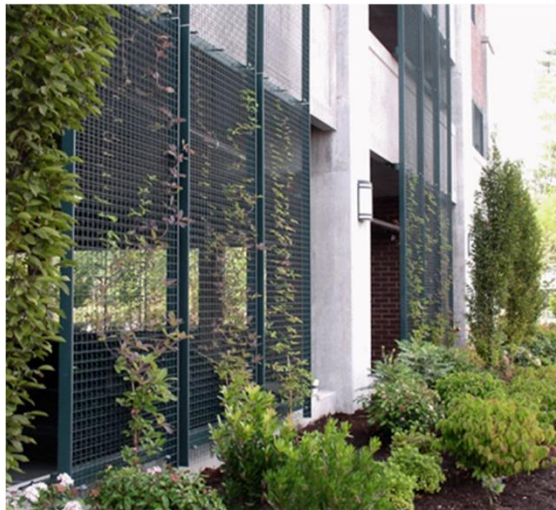


Figure 5-3. A good parking garage example with landscaping elements to screen cars and provide visual interest.

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								
<i>Note: Residential uses are not allowed on the ground floor facing a designated active ground floor block frontage (see MMC 22C.080.320). Lobbies for multifamily uses and live-work dwelling units are an exception, provided the units meet the standards in MMC 22C.080.320.</i>								

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	
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

Continued See Table for Downtown Maryland 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 foot 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 the NR-4.5 and NR-6.5 zones when a Planned Residential Development is proposed;

~~(1)(2) In the R-12 through R-28 and WR-R-6-18 zones; and~~

~~(2) Planned residential developments; and~~

~~(3) In the MU, CB, CB-WR, and GC, and MU zones;~~

~~(4) 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 the Neighborhood Residential zones (i.e. NR-4.5 and NR-6.5), bonus lots can be earned. Bonus lots may only be earned for the benefits where either lots or a percentage increase in the base density are specifically referenced in the chart below.

(5) In the 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	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
requirements for reporting to the city of Marysville shall be recorded at final approval.	
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 <u>or lots</u> 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 <u>or lots</u> 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 <u>or lots</u> per one-quarter mile of trail constructed to city standard for pedestrian trails; or 2.5 bonus units <u>or lots</u> 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 <u>or lots</u> 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 <u>or lot</u> . Bonus units <u>or lots</u> may only be claimed in whole numbers or 0.5 bonus unit <u>or lot</u> 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 <u>or lot</u> per acre of historic site.
b. Restoration of a site or structure designated as an historic landmark.	0.5 bonus unit <u>or lot</u> per acre of site or 1,000 square feet of floor area of building restored.
5. Locational/Mixed Use	

Benefit	Density Incentive
a. Developments located within one-quarter mile of transit routes, and within one mile of fire and police stations, medical, shopping, and other community services.	5 percent increase above the base density of the zone.
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 <u>or lots</u> 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 <u>or lots</u> 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 <u>or lot</u> 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.
ed. Private park and open space facilities integrated into project design.	5 bonus units <u>or lots</u> per improved acre of park and open space area. Ongoing facility maintenance provisions are required as part of RDI approval.
fe. Enhanced entry landscaping.	1 bonus unit <u>or lot</u> 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

Benefit	Density Incentive
	entry landscaping of exceptional, outstanding or 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 <u>or lot</u> for each certified unit constructed.

~~(5)~~ (6) All benefits shall be completed prior to final subdivision, short subdivision, ~~or~~ binding site plan, or unit lot subdivision 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 VVV

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 WWW

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 XXX

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 or lots;
- (2) Decrease the amount of perimeter landscaping (if any);
- (3) Decrease residential parking facilities (unless the number of dwelling units or lots 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 YYY

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, or unit lot subdivision 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 ZZZ

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 AAAA

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 CCCC

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 <u>(excluding Middle Housing)</u>	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 DDDD

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 EEEE

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 (<u>excluding Middle Housing</u>), and mobile homes	2 per dwelling unit for residents plus 1 additional guest parking space per dwelling unit. <u>Exception: parking for mobile home in mobile/manufactured home parks is subject to MMC 22C.230.070(7)</u>
<u>Middle Housing and accessory dwelling units within 1/2 mile walking distance of a major transit stop</u>	0 per dwelling unit (before any zero lot line subdivisions or lot splits)
<u>Middle Housing on lots equal to or under 6,000 square feet, and accessory dwelling units</u>	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.
<u>Middle Housing on lots over 6,000 square feet</u>	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 <u>36.70A.620</u> ; provided that, <u>Middle Housing is subject to the alternate standards noted above.</u>
RECREATIONAL/CULTURAL USES	
Movie theaters	1 per 4 seats
Stadiums, sports arenas and similar open assemblies	1 per 8 seats or 1 per 100 SF of assembly space without fixed seats
Dance halls and places of assembly without fixed seats	1 per 75 SF of gross floor area
Bowling alleys	5 per lane
Skating rinks	1 per 75 SF of gross floor area
Tennis courts, racquet clubs, handball courts and other similar commercial recreation	1 space per 40 SF of gross floor area used for assembly, plus 2 per court
Swimming pools (indoor and outdoor)	1 per 10 swimmers, based on pool capacity as defined by the Washington State Department of Health
Golf courses	4 spaces for each green, plus 50% of spaces otherwise required for any accessory uses (e.g., bars, restaurants)
Gymnasiums, health clubs	1 space per each 200 SF of gross floor area
Churches, auditoriums and similar enclosed places of assembly	1 per 4 seats or 60 lineal inches of pew or 40 SF gross floor area used for assembly
Art galleries and museums	1 per 250 SF of gross floor area
COMMERCIAL/OFFICE USES	
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 FFFF

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, Middle Housing, and Townhouses. ~~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, townhouses, 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

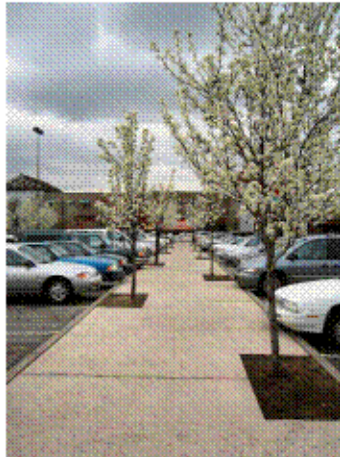
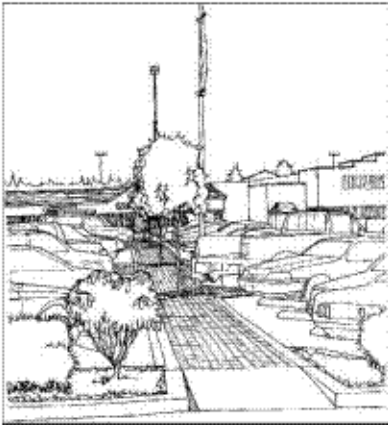
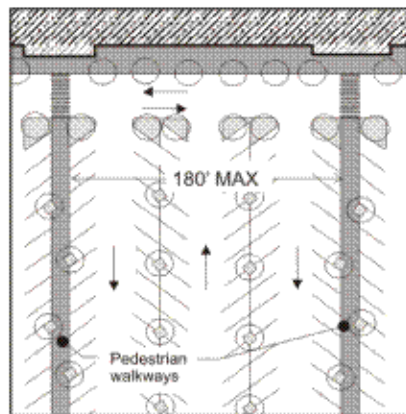


Figure 3 Figure 4



(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 GGGG

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 HHHH

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 IIII

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/Detached 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 JJJJ

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%; <u>provided the NR-4.5 zone is capped at 10 units/acre and the NR-6.5 zone is capped at 12 units/acre</u>	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 KKKK

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 Neighborhood Residential (NR-4.5 and NR-6.5) 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 LLLL

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 MMMM

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 <u>or Middle Housing</u> purposes.
3	Concealed consolidations: a. In nonresidential zoning districts. b. In residential zoning districts on lots not used for single-family residential <u>or Middle Housing</u> 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 <u>or Middle Housing</u> 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 NNNN

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 0000

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, townhouses, 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 PPPP

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
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(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 <u>accessory dwelling units</u>), 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 QQQQ

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 residences 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:

$F = [(A - B) \times C]/D$

Exhibit RRRR

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 SSSS

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 TTTT

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);

~~(iii)~~ (iii) Multifamily studio or one-bedroom apartment or condominium units; and

~~(iv)~~ (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 UUUU

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.

(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 VVVV

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, and single family and Middle Housing in multi-family 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 WWWW

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 XXXX

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 YYYY

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 ZZZZ

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.

Exhibit AAAAA

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, 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 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

(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 BBBBB

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 <u>or</u> 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, <u>or unit lot subdivision</u>	\$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 <u>Middle</u>)	\$268/lot or unit (for <u>Middle</u>)	\$276/lot or unit (for <u>Middle</u>)	\$284/lot or unit (for <u>Middle</u>)	\$292/lot or unit (for <u>Middle</u>)

Type of Activity	2023/2024 Fees	2025 Fees	2026 Fees	2027 Fees	2028 Fees
with approved residential construction plans	<u>Housingduplex</u> * or condominium projects), \$2,000 minimum	<u>Housingduplex</u> * or condominium projects), \$2,000 minimum	<u>Housingduplex</u> * or condominium projects), \$2,000 minimum	<u>Housingduplex</u> * or condominium projects), \$2,000 minimum	<u>Housingduplex</u> * or condominium projects), \$2,000 minimum
Inspection for utilities only (residential)	\$520 plus \$260/lot or unit for inspections that exceed four hours (for <u>Middle Housingduplex</u> * or condominium projects)	\$536 plus \$268/lot or unit for inspections that exceed four hours (for <u>Middle Housingduplex</u> * or condominium projects)	\$552 plus \$276/lot or unit for inspections that exceed four hours (for <u>Middle Housingduplex</u> * or condominium projects)	\$568 plus \$284/lot or unit for inspections that exceed four hours (for <u>Middle Housingduplex</u> * or condominium projects)	\$584 plus \$292/lot or unit for inspections that exceed four hours (for <u>Middle Housingduplex</u> * 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 <u>Middle Housingduplex</u> *, or \$125/apartment building	\$65/single-family or <u>Middle Housingduplex</u> *, or \$129/apartment building	\$67/single-family or <u>Middle Housingduplex</u> *, or \$133/apartment building	\$69/single-family or <u>Middle Housingduplex</u> *, or \$137/apartment building	\$71/single-family or <u>Middle Housingduplex</u> *, 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 CCCCC

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 DDDDD

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 single family residential zones~~, 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 EEEEE

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 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 but may be required to be provided when orientation towards the higher volume street is not provided.

(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 FFFFF

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, gross 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 GGGGG

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 205 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 HHHHH

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 <u>dwelling</u> <u>unit/lot, as</u> <u>applicable</u>	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.~~ Middle Housing is exempted from the townhouse minimum lot size.
 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 dwellings 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 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 elimination of a sidewalk on one side of the road may be considered by the city engineer when residences will only be located on one side of the road. 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 IIIII

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.

~~(iiiiv)~~ A project must provide at least one amenity that promotes physical activity, and cannot provide only benches, picnic tables, or a gazebo.

(iv) 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 JJJJJ

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 KKKKK

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.

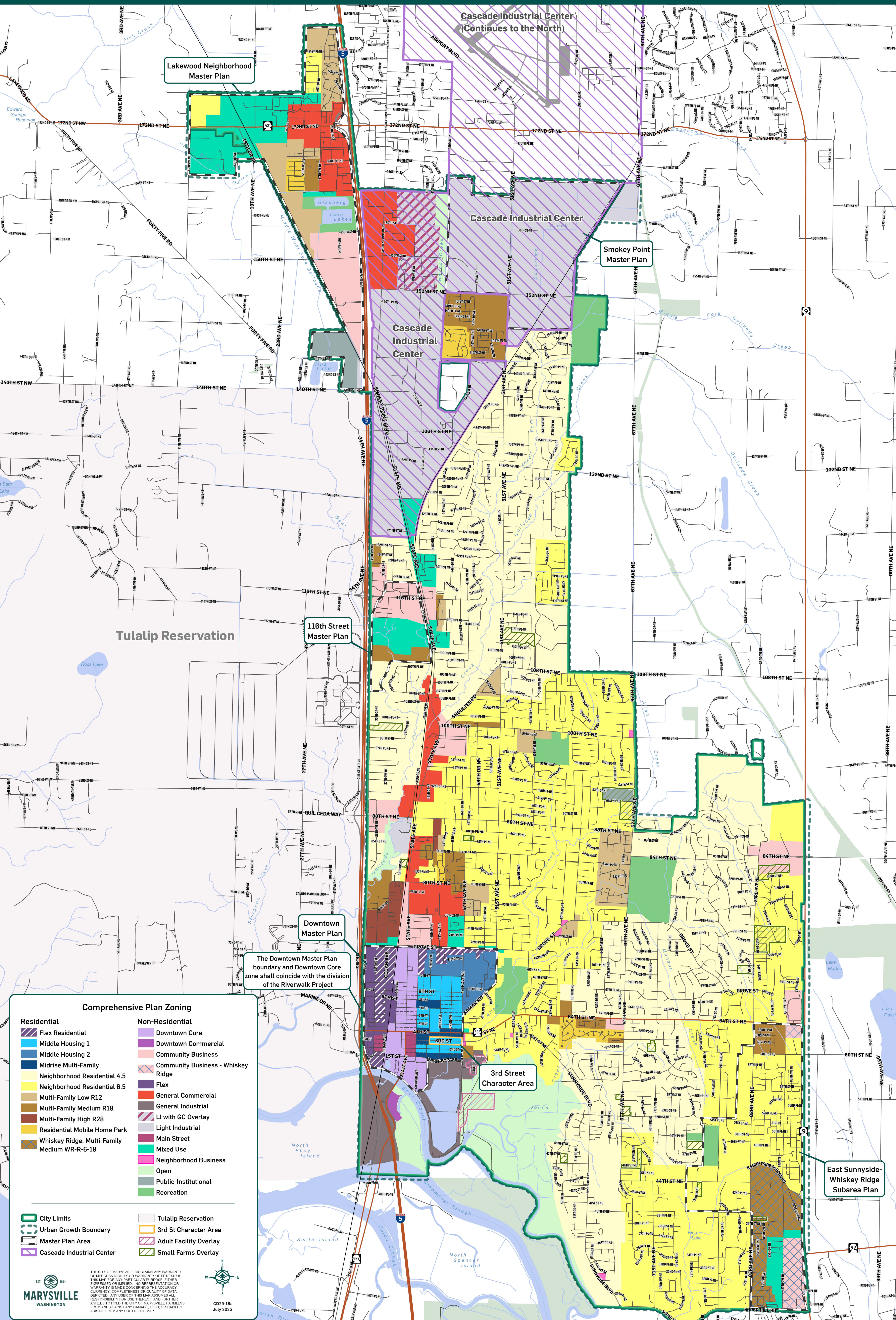
Divisions involving single-family, multifamily, and townhome developments must comply with the planned residential development provisions of Chapter 22G.080 MMC. Exception: this limitation does not apply to unit lot subdivisions.

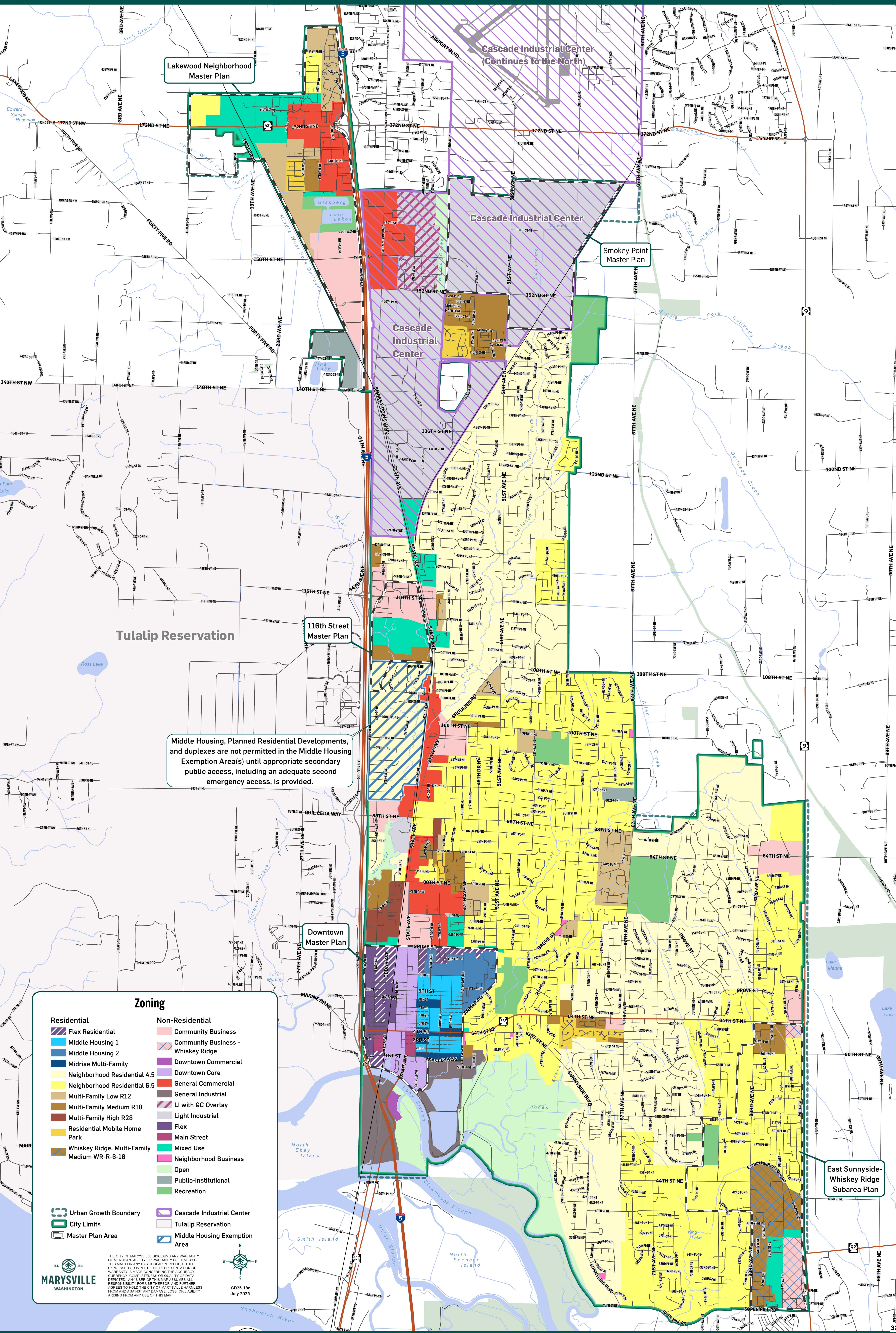
Exhibit LLLLL

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.





Residential—Downtown Land Use Designations

Flex Residential

The Flex Residential zone encourages a mix of uses, including artisan, workshops, small light manufacturing, and commercial, and allows “missing middle” housing and low-rise apartments.



Middle Housing 1

The Middle Housing 1 zone encourages small infill housing, especially “missing middle” housing. The zone protects the fine-grained, residential character of historic neighborhoods.



Midrise Multi-family

The Midrise Multi-family zone encourages dense multi-family housing. 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.



Middle Housing 2

The Middle Housing 2 zone encourages infill housing, especially “missing middle” housing and low-rise apartments. Commercial is not allowed except as a ground floor element of a mixed use building located on an arterial street through the Conditional Use Permit process, and is limited to uses that serve the immediate needs of the neighborhood.



Residential—City-wide Land Use Designations

~~Medium Density Single Family, High Density Single Family, and High Density Single Family—Small Lot~~ **Neighborhood Residential 4.5 and 6.5**

~~The Medium Density Single Family (R-4.5), High Density Single Family (R-6.5), and High Density Single Family—Small Lot (R-8) zones encourage primarily single family residential and duplex development; however, these zones also allow townhouses and other middle housing within Planned Residential Developments, or through the Middle Housing Overlay provisions. The primary distinction among these zones is the allowed density as detailed in Appendices 2 and 3.~~

The Neighborhood Residential 4.5 and Neighborhood Residential 6.5



Residential—City-wide Land Use Designations

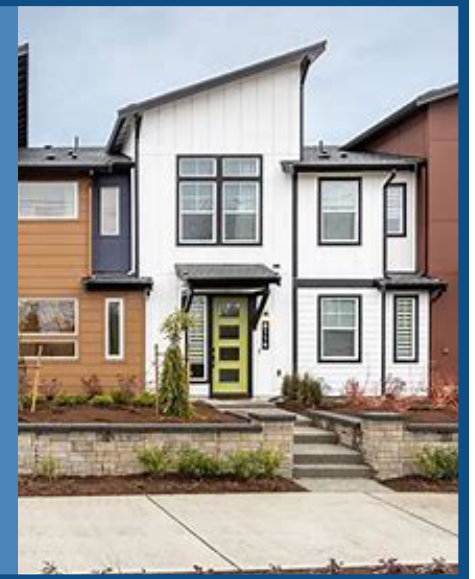
Low Density Multi-family, Medium Density Multi-family, and High Density Multi-family

The Low Density Multi-family (R-12), Medium Density Multi-family (R-18), and High Density Multi-family (R-28) zones encourage multi-family residential, townhouses, and middle housing; however, these zones also allow single family residential and duplexes. Development may pursue middle housing through the City's standard zoning provisions or through the Middle Housing Overlay provisions. The primary distinction among these zones is the allowed density and height as detailed in Appendices 2 and 3.



Whiskey Ridge – Medium Density Multi-family

The Whiskey Ridge, Medium Density Multi-family zone encourages multi-family residential, townhouses, and middle housing; however, these zones also allow single family residential and duplexes. Development may pursue middle housing through the City's standard zoning provisions or through the Middle Housing Overlay provisions.



Small Farms Overlay

The Small Farms Overlay is an overlay for agricultural uses in residential zones.³³ The intent is to register small farms in order to confer official recognition of them, encourage their continuation (as long as desired by the property owner), and promote good neighbor relations between existing single family residences and small farms.

Photo Credit: Shane Monta.



~~Whiskey Ridge – High Density Single Family~~

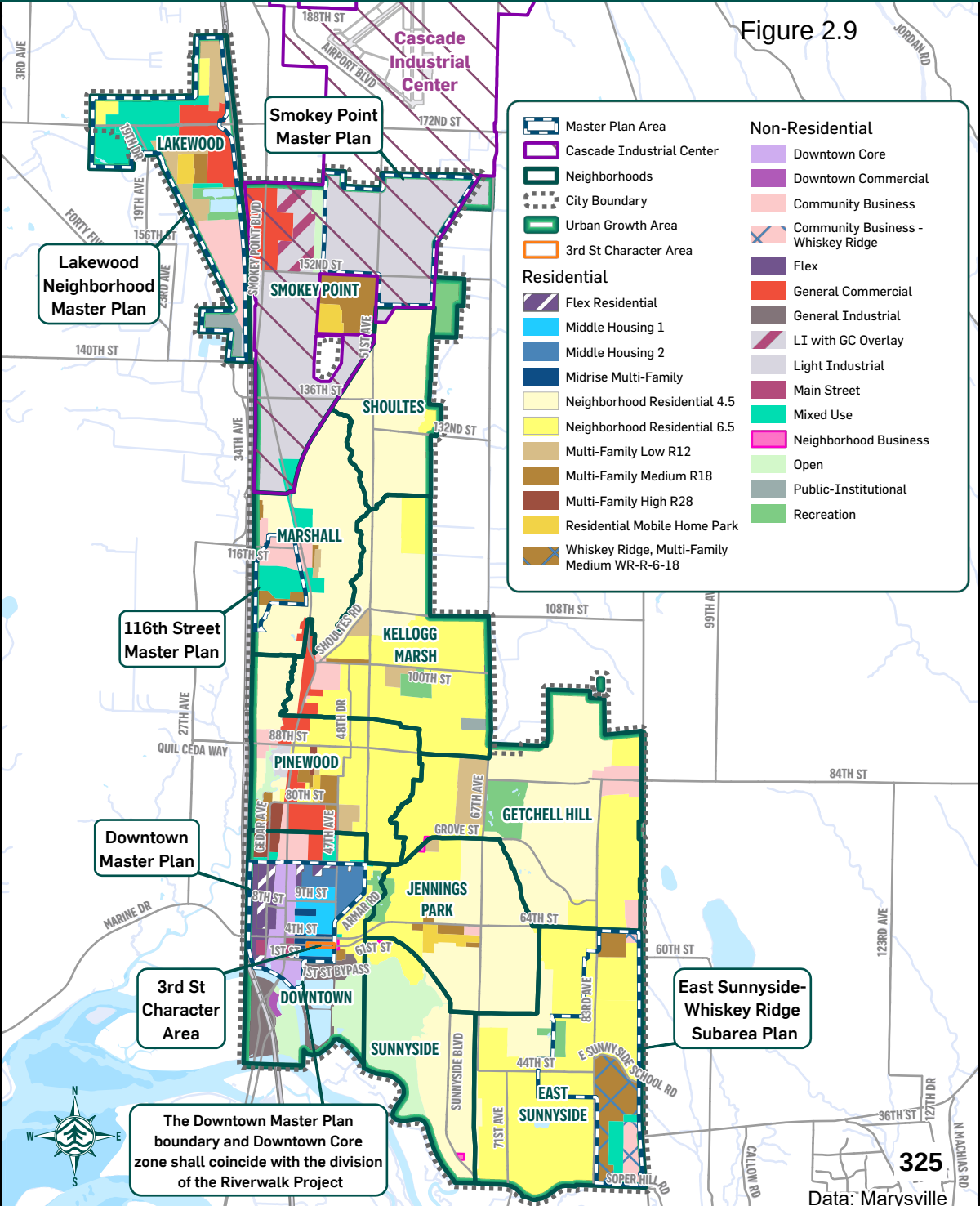
~~The Whiskey Ridge, High Density Single Family (R-R-18) zone encourages primarily single family residential and duplex development; however, this zone also allows for townhouses and other middle housing within Planned Residential Developments, or through the Middle Housing Overlay provisions.~~



³³ The Small Farm Overlay is implemented through MMC Chapter 22C.050, Small Farms Overlay Zone, which includes mitigation measures to ensure the compatibility of small farms with adjacent residential uses. New small farms must be 100,000 square feet (2.3 acres) in size; however, existing small farms may be smaller. Small farms may pursue horticulture, floriculture, animal husbandry, and similar uses.



Figure 2.9



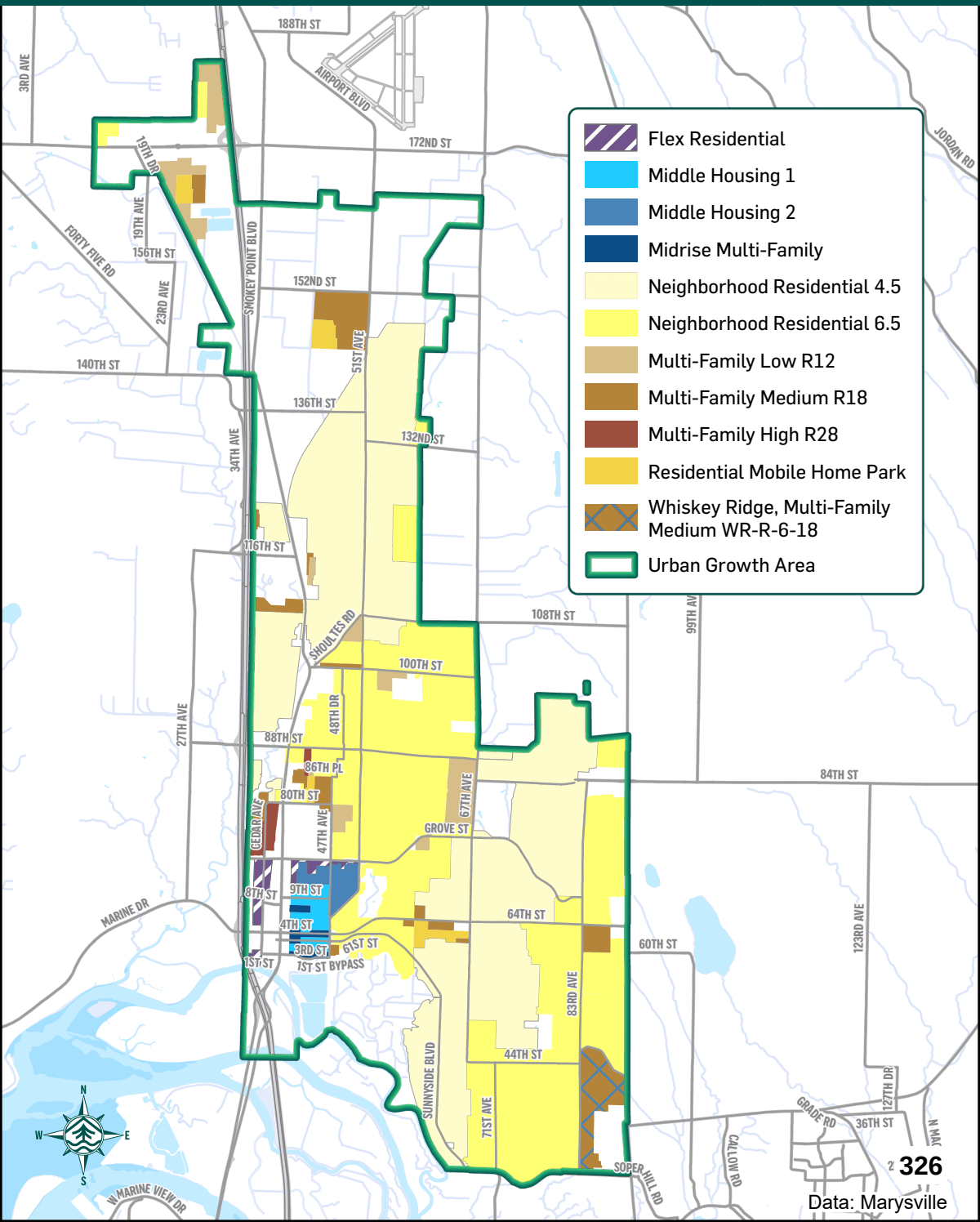
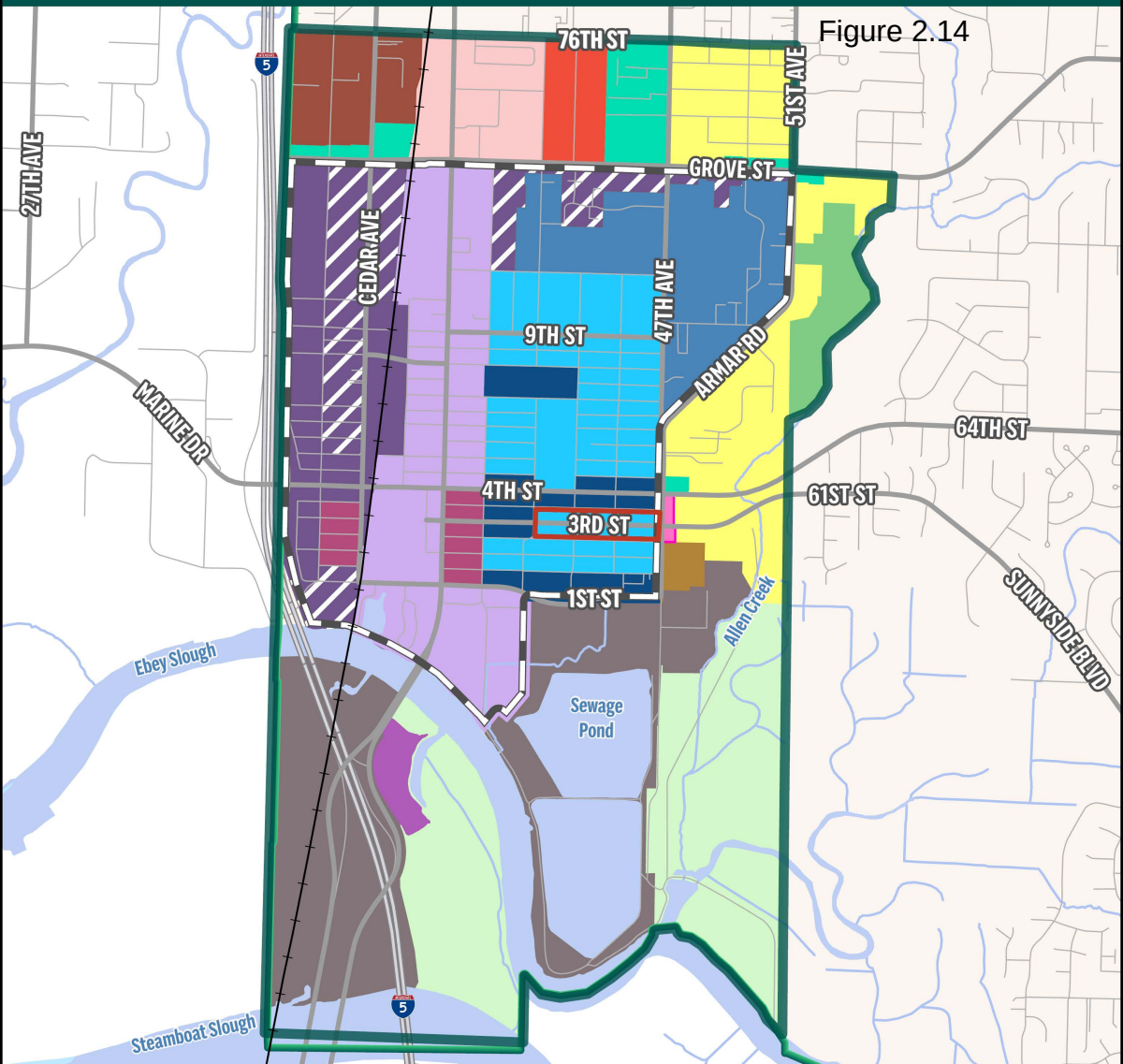




Figure 2.14

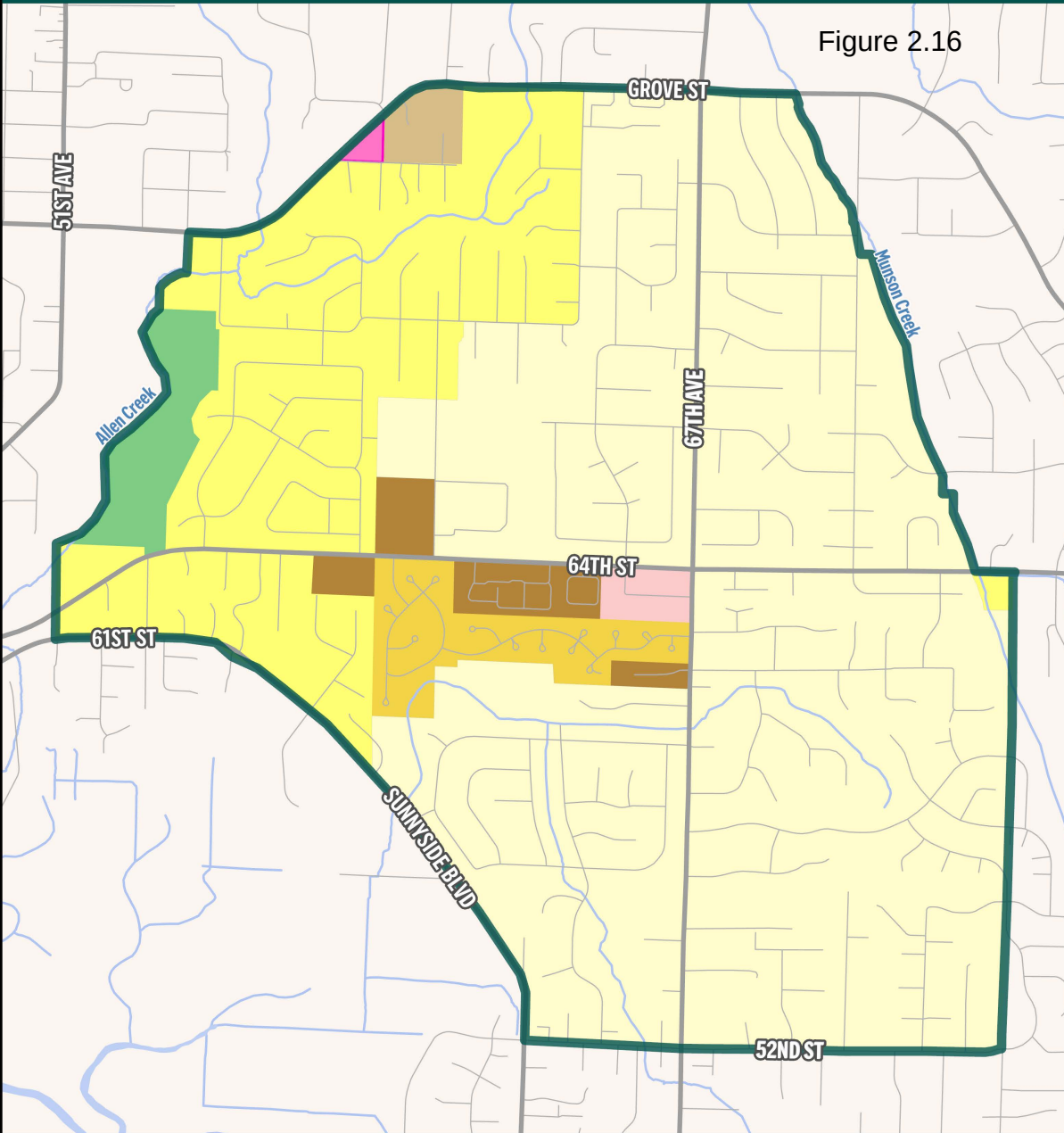


- | | | |
|---------------------------|------------------------------|-----------------------|
| Downtown Neighborhood | Neighborhood Residential 6.5 | General Commercial |
| Downtown Master Plan Area | Multi-Family Low R12 | General Industrial |
| 3rd St. Character Area | Multi-Family Medium R18 | Main Street |
| Urban Growth Area | Multi-Family High R28 | Mixed Use |
| Residential | Non-Residential | Neighborhood Business |
| Flex Residential | Downtown Core | Open |
| Middle Housing 1 | Downtown Commercial | Recreation |
| Middle Housing 2 | Community Business | |
| Midrise Multi-Family | Flex | |





Figure 2.16



Jennings Park Neighborhood

Urban Growth Area

Residential

Neighborhood Residential 4.5

Neighborhood Residential 6.5

Multi-Family Low R12

Multi-Family Medium R18

Residential Mobile Home
Park

Non-Residential

Community Business

Neighborhood Business

Recreation

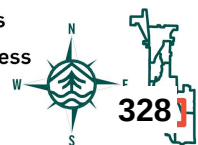
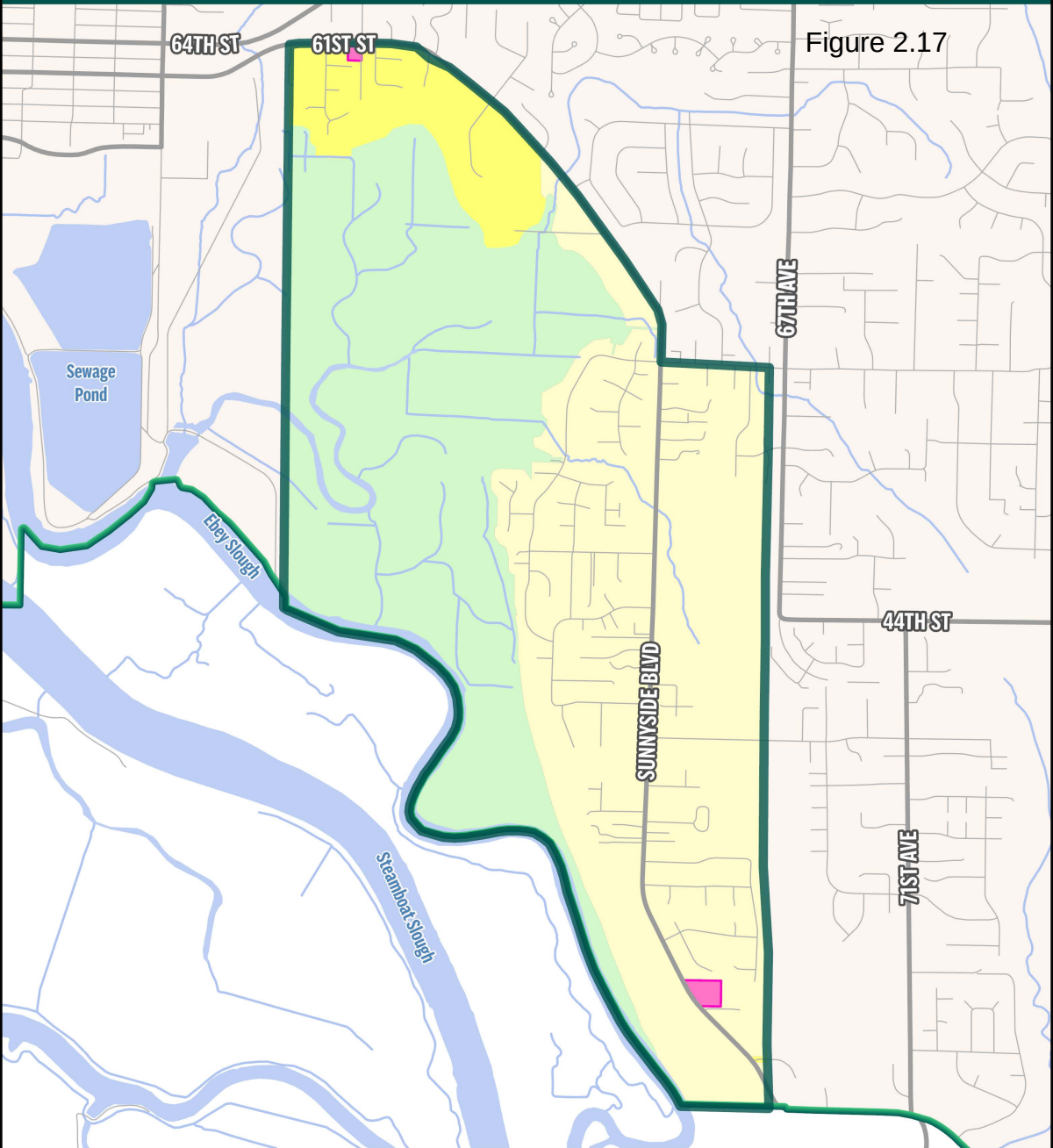




Figure 2.17



- Sunnyside Neighborhood
- Urban Growth Area

Residential

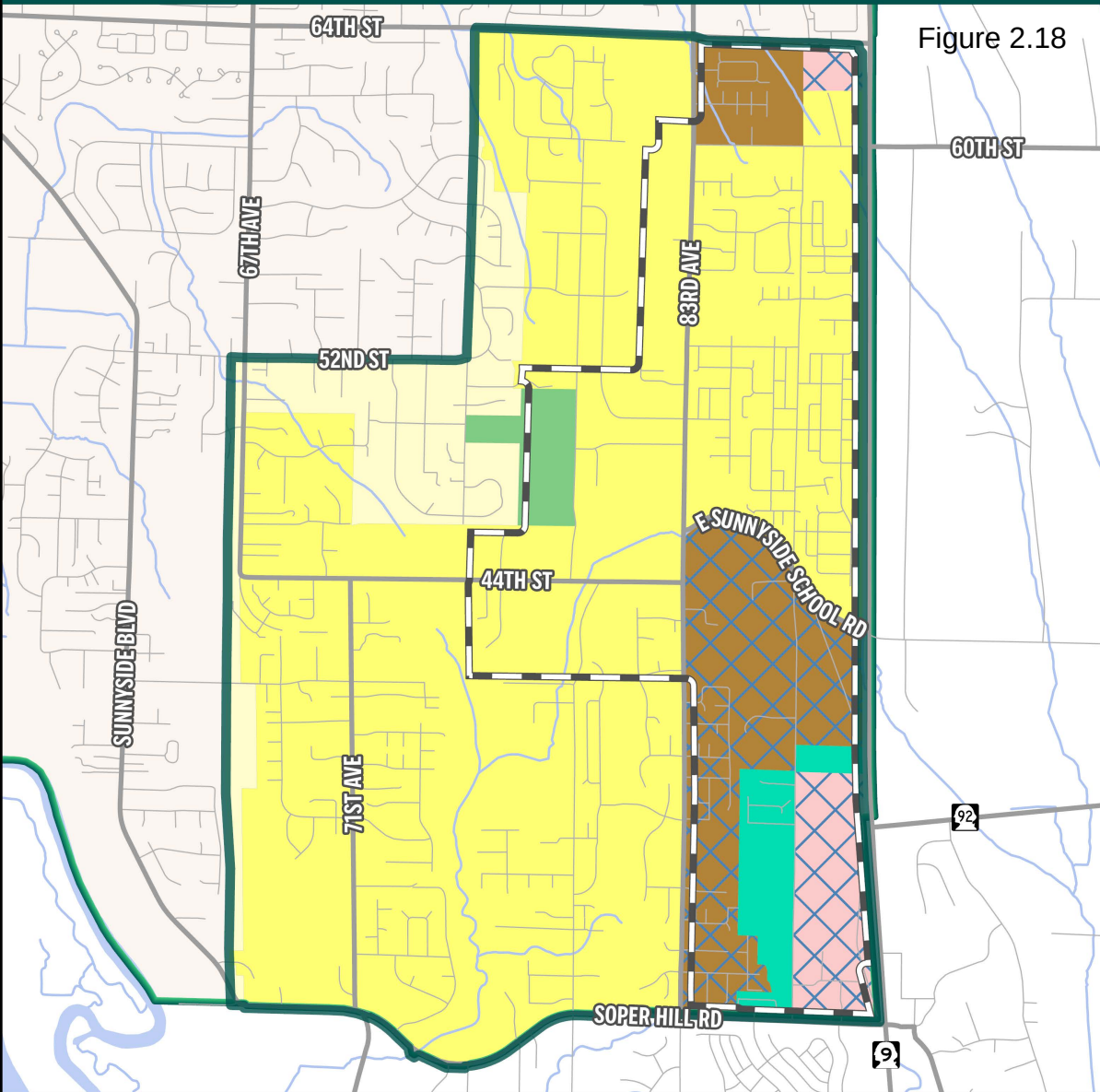
- Neighborhood Residential 4.5
- Neighborhood Residential 6.5

Non-Residential

- Neighborhood Business
- Open



Figure 2.18



East Sunnyside Neighborhood

East Sunnyside-Whiskey Ridge Master Plan Area

Residential

Neighborhood Residential 4.5

Neighborhood Residential 6.5

Multi-Family Medium R18

Whiskey Ridge, Multi-Family Medium WR-R-6-18

Non-Residential

Community Business - Whiskey Ridge

Mixed Use

Recreation

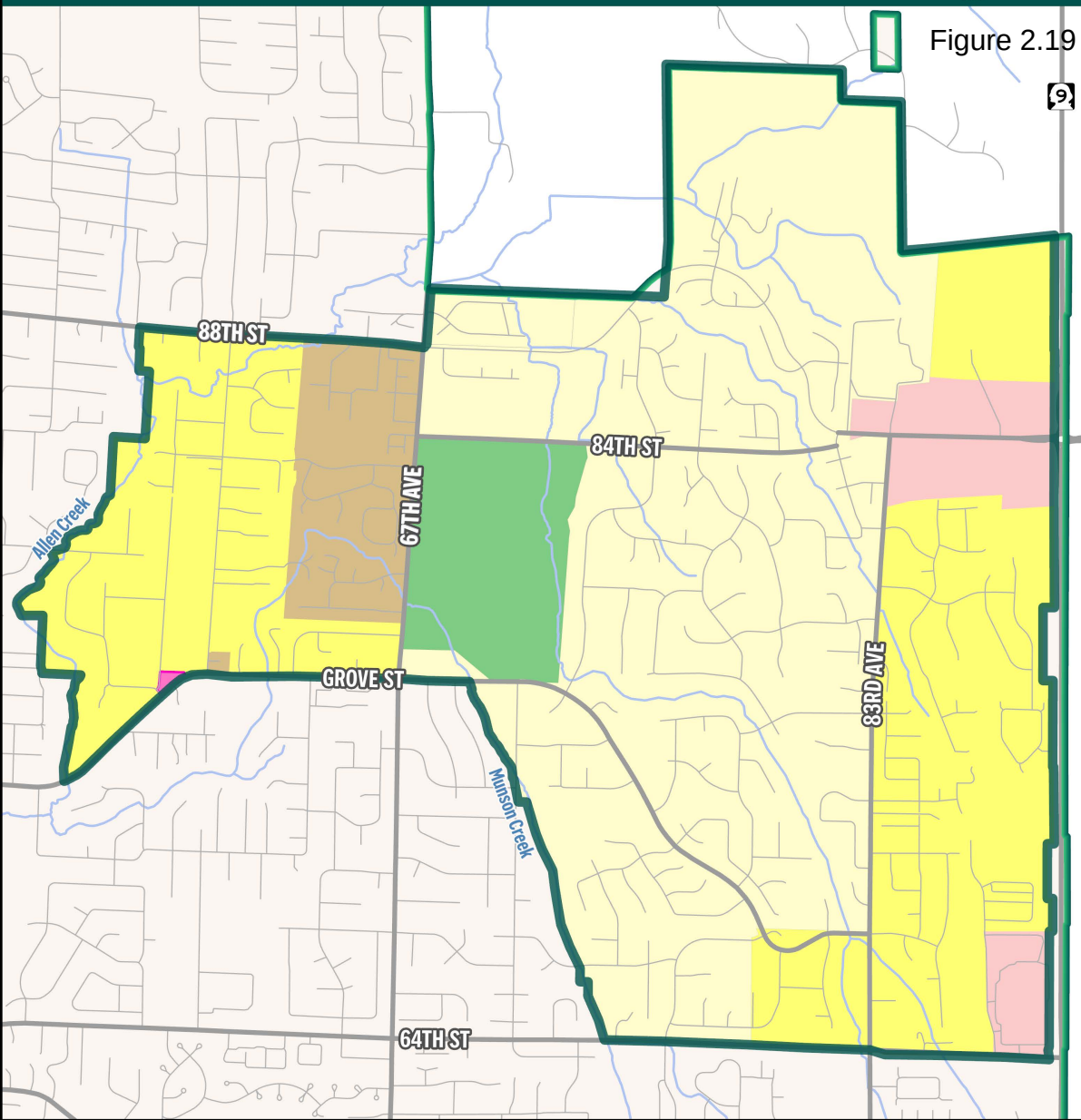
Urban Growth Area





Figure 2.19

9



Getchell Hill Neighborhood

Residential

- Neighborhood Residential 4.5
- Neighborhood Residential 6.5
- Multi-Family Low R12
- Multi-Family Medium R18

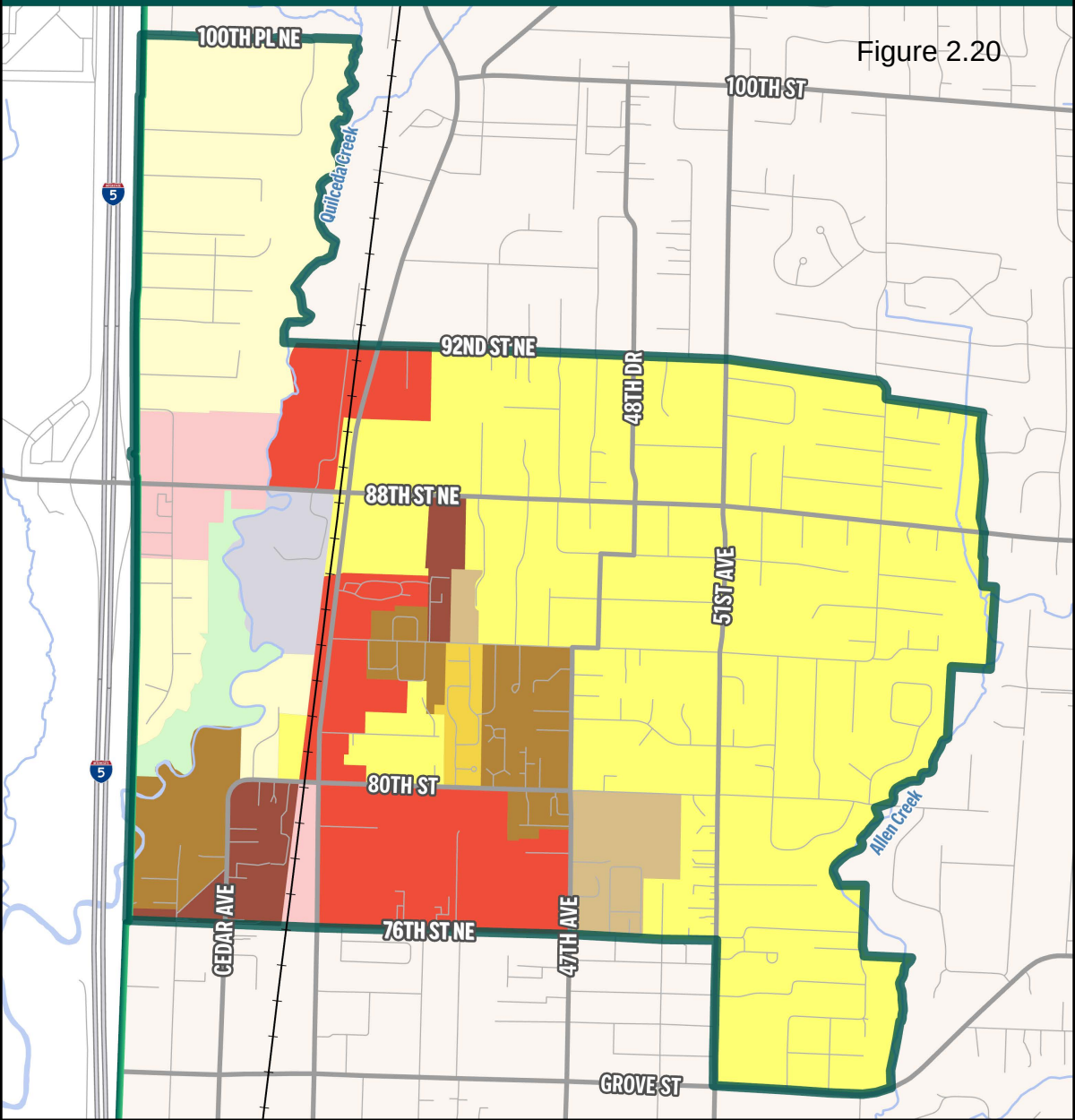
Non-Residential

- Community Business
- Community Business -
- Neighborhood Business
- Recreation
- Urban Growth Area





Figure 2.20



Pinewood Neighborhood

Urban Growth Area

Residential

Neighborhood Residential 4.5

Neighborhood Residential 6.5

Multi-Family Low R12

Multi-Family Medium R18

Multi-Family High R28

Residential Mobile Home
Park

Non-Residential

Community Business

General Commercial

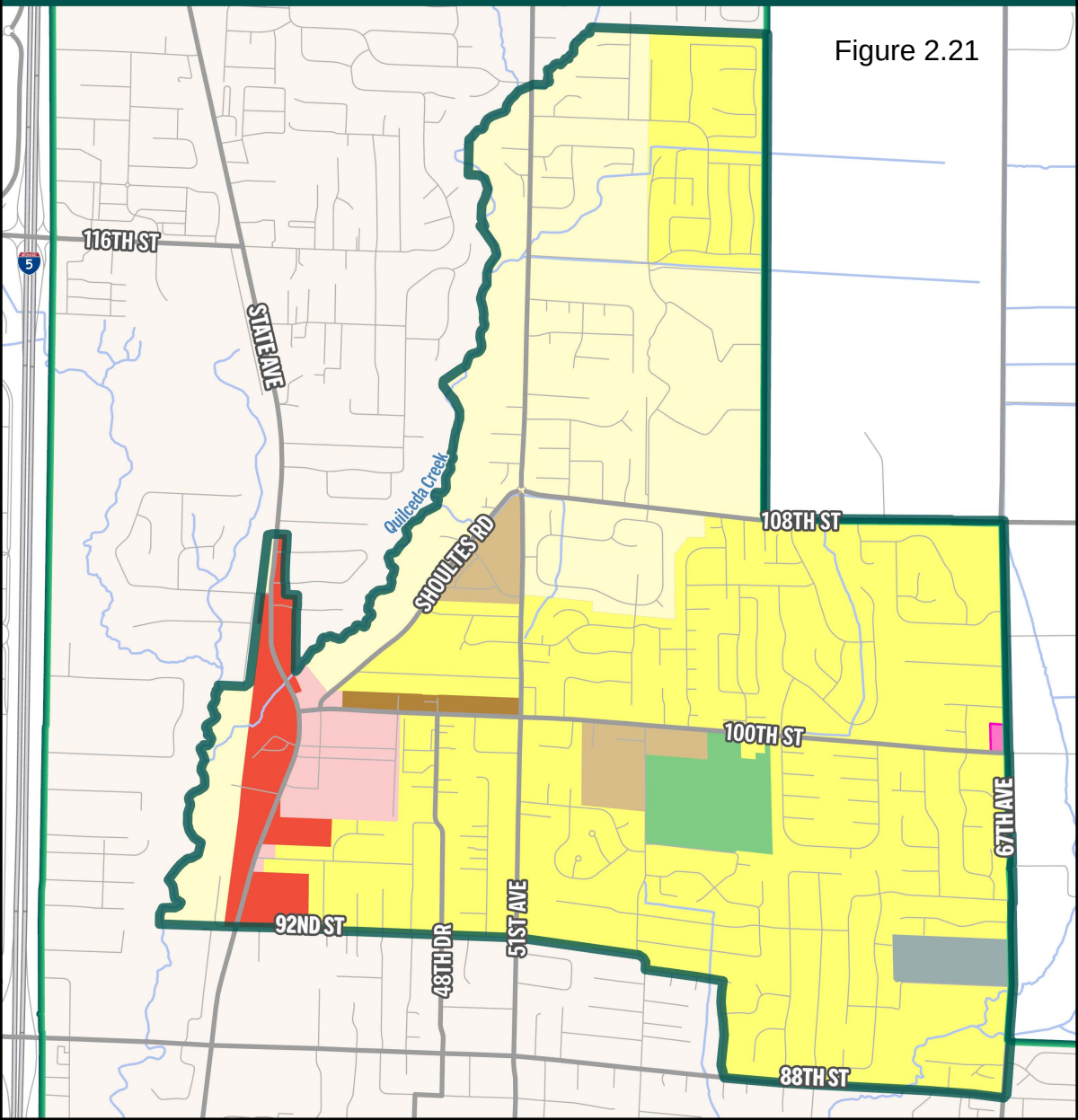
Light Industrial

Open





Figure 2.21



- | | |
|------------------------------|-------------------------|
| Kellogg Marsh Neighborhood | Multi-Family Low R12 |
| Urban Growth Area | Multi-Family Medium R18 |
| Residential | |
| Neighborhood Residential 4.5 | Community Business |
| Neighborhood Residential 6.5 | General Commercial |
| Non-Residential | |

- | |
|-----------------------|
| Neighborhood Business |
| Public-Institutional |
| Recreation |

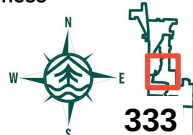
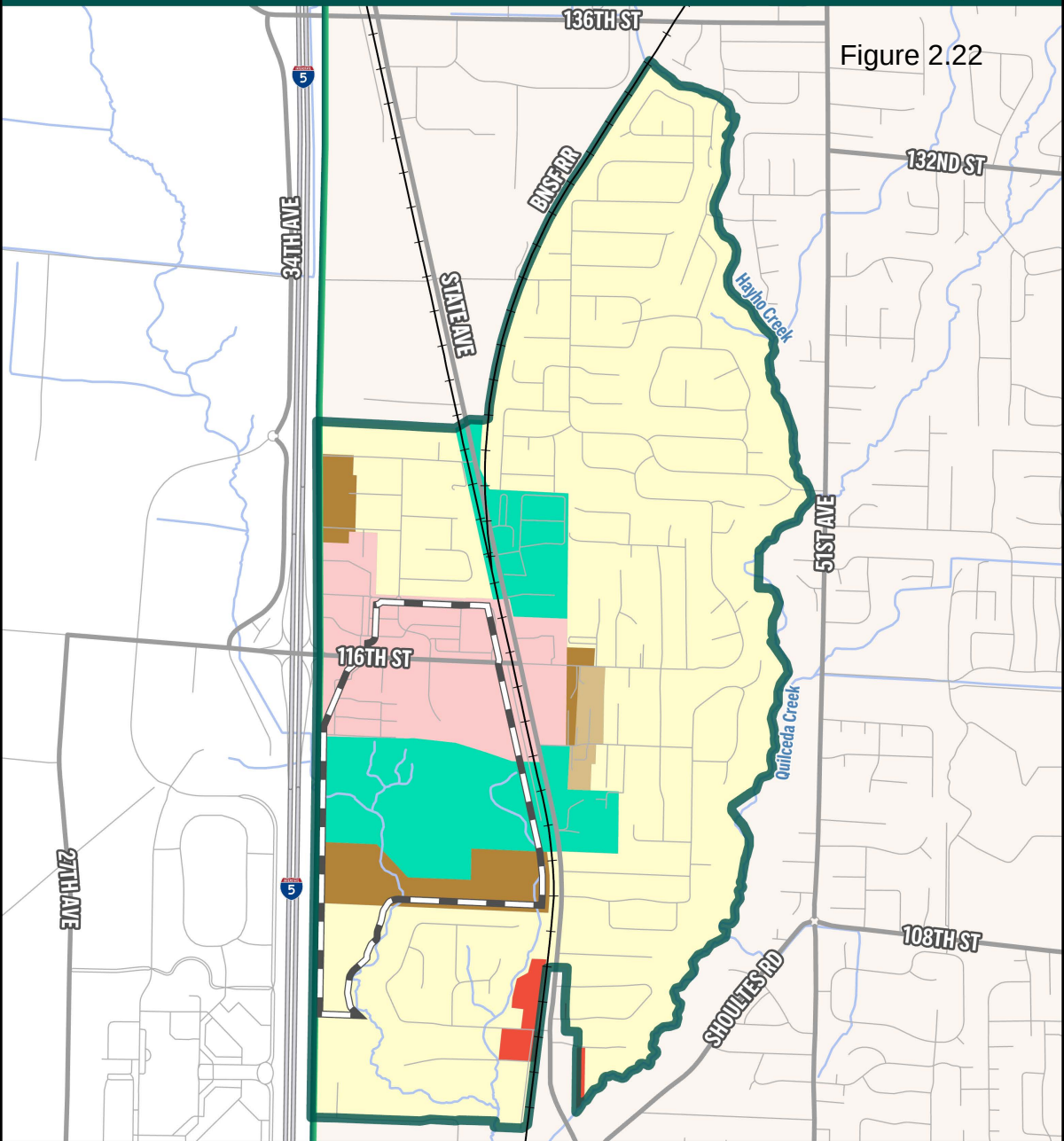




Figure 2.22



- Marshall-Kruse Neighborhood
- 116th St. Master Plan Area
- Urban Growth Area

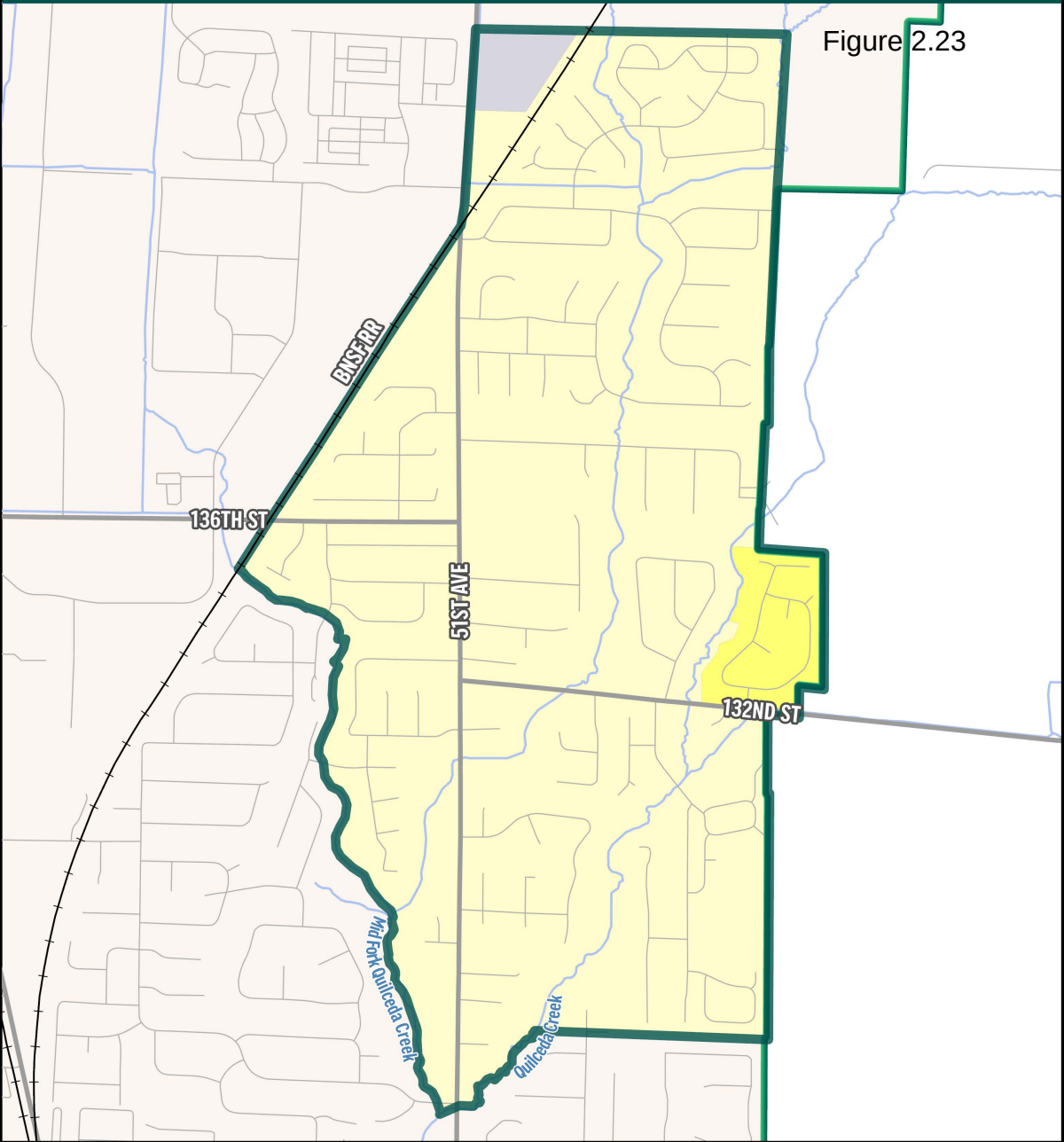
- Residential
- Neighborhood Residential 4.5
 - Multi-Family Low R12
 - Multi-Family Medium R18

- Non-Residential
- Community Business
 - General Commercial
 - Light Industrial





Figure 2.23



 Shoultes Neighborhood
 Urban Growth Area

Residential
 Neighborhood Residential 4.5
 Neighborhood Residential 6.5

Non-Residential
 Light Industrial





Zone	Base Density (DU/Acre)	Base Height (ft)
Community Business	NA	55
Neighborhood Business	NA	25
General Commercial	NA	35
Neighborhood Residential 4.5	4.5	30
Neighborhood Residential 6.5	6.5	30
Residential Mobile Home Park	8	30
Multi-family Low R12	12	35
Multi-family Medium R18	18	45
Light Industrial	NA	65
LI with CG Overlay	NA	64
Mixed Use	NA	45
Open	NA	NA
Recreation	NA	NA
Public-Institutional	NA	45

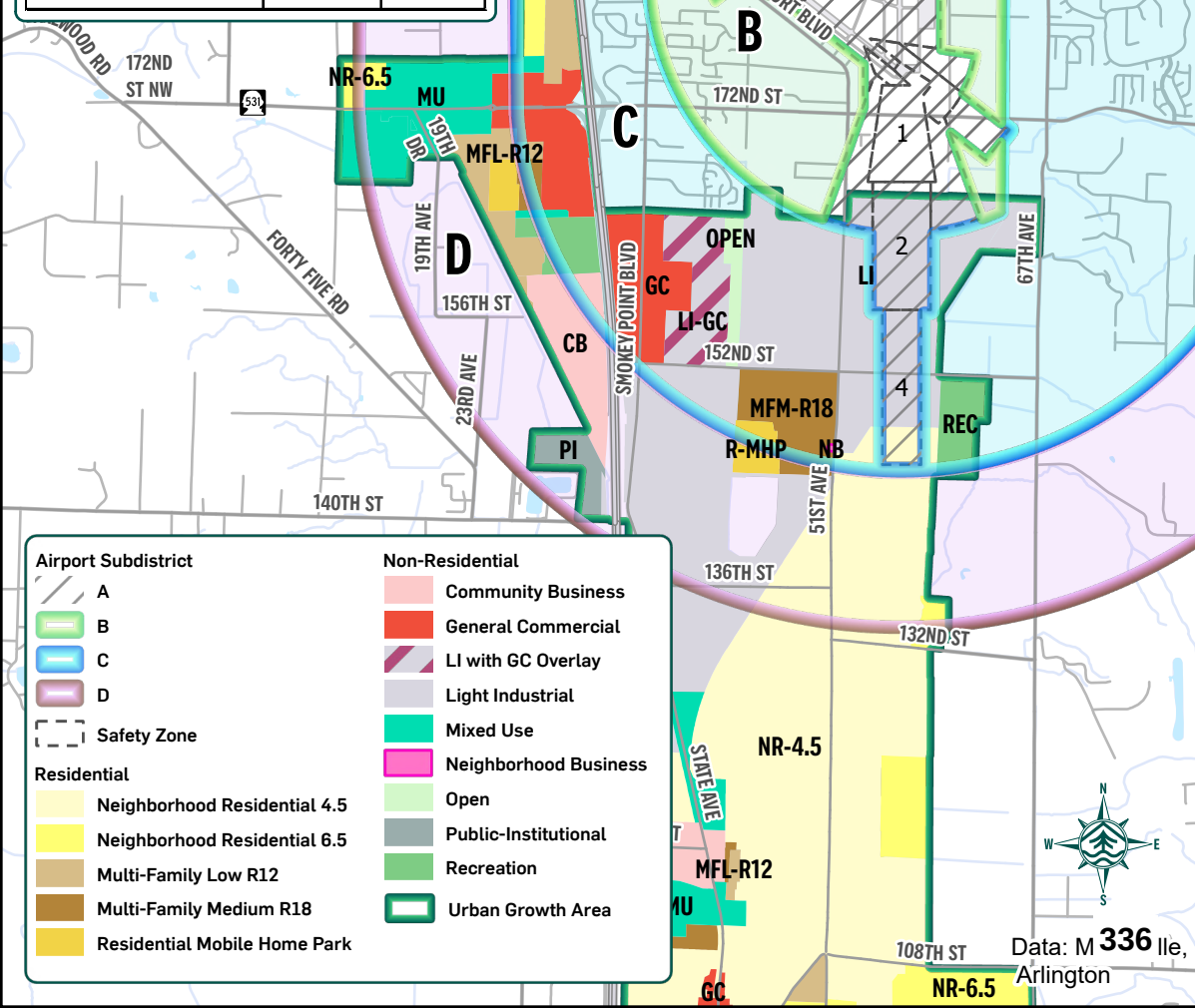
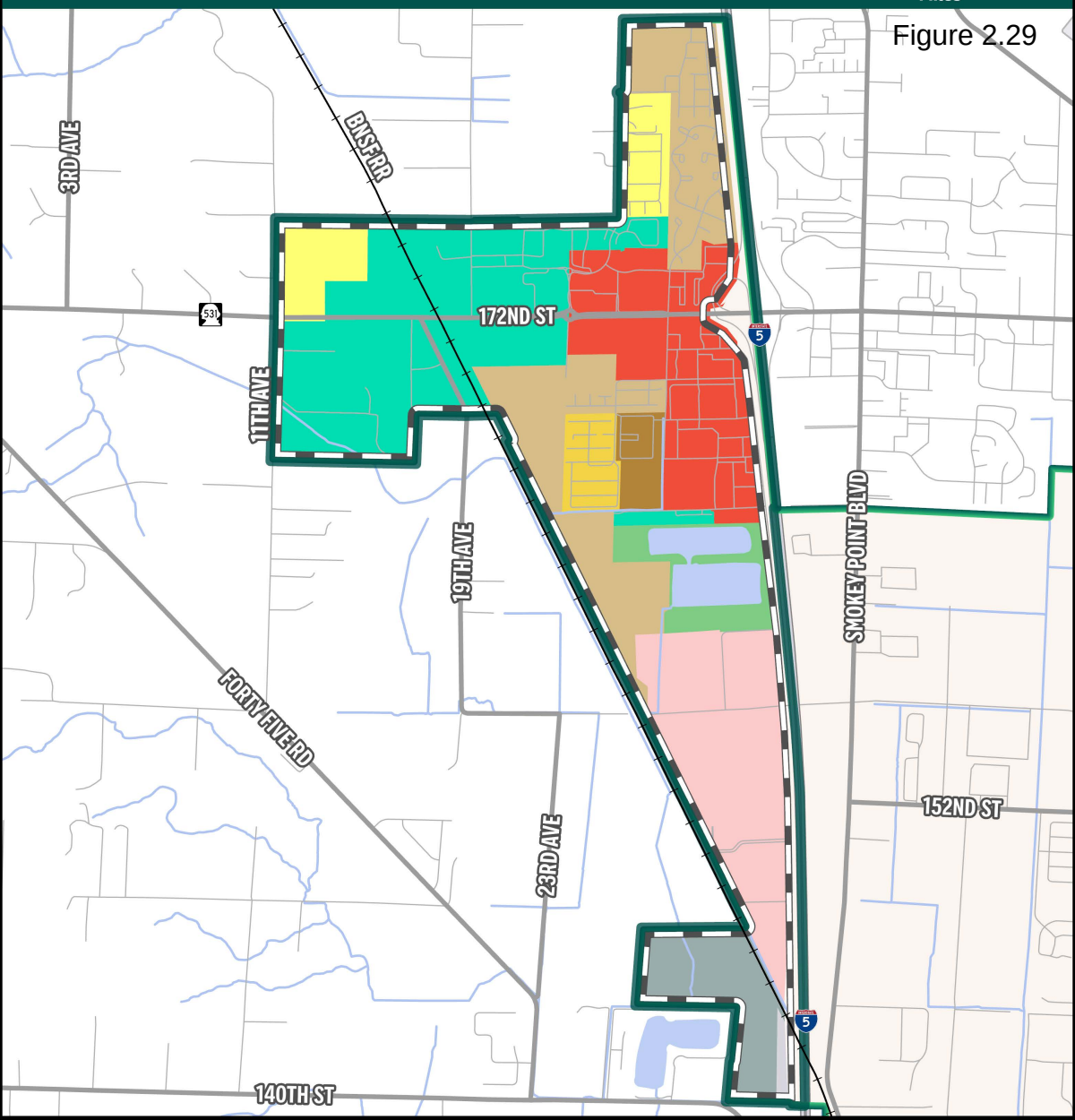


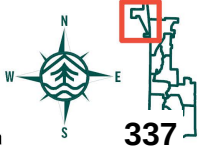


Figure 2.29



- Lakewood Neighborhood
- Lakewood Master Plan Area
- Residential**
 - Neighborhood Residential 6.5
 - Multi-Family Low R12
- Non-Residential**
 - Multi-Family Medium R18
 - Residential Mobile Home Park
 - Community Business
 - General Commercial

- Light Industrial
- Mixed Use
- Public-Institutional
- Recreation
- Urban Growth Area



APPENDIX 1 – REASONABLE MEASURES

A 1997 amendment to the Growth Management Act, (GMA) 36.70A.215, requires jurisdictions planning under the GMA to consider implementing reasonable measures that will: (1) Increase consistency between actual development and existing planning policies and development regulations; and (2) Increase residential density or employment capacity within existing urban growth areas prior to or instead of the consideration of expansion of the Urban Growth Area (UGA). This policy advances GMA objectives for compact urban development and reduced sprawl.

Snohomish County has adopted a Countywide Planning Policy (CPP), after consultation with the cities in the County through Snohomish County Tomorrow that requires the consideration of Reasonable Measures prior to initiating UGA expansions. CPP GF-7 implements 36.70A.215 by referring to a list of measures and requiring the use of guidelines, both found in Appendix D of the CPP, to evaluate all proposed UGA expansions proposed pursuant to DP-2. Starting with the 2004-2005 Comprehensive Plan update, each jurisdiction "...will demonstrate its consideration of reasonable measures in its comprehensive plan or, at its discretion, in a separate report."

The City has reviewed its use of "reasonable measures" in formulating its Land Use Element. The City has implemented various measures to increase density within the UGA within its Comprehensive Plan and development regulations; these measures are outlined in Table 1. Based on analysis of the current commercial, industrial, and residential buildable lands, there is adequate land within the current UGA to meet both housing and employment capacity requirements, so no UGA expansion is proposed.

Table 1 Reasonable Measures Currently Used by the City of Marysville

REASONABLE MEASURES	DATE INTRODUCED AND/OR UPDATED AND ORDINANCE	FREQUENCY OF USE	EFFECT ON DENSITY TREND	DESCRIPTION/COMMENTS
Measures that Increase Residential Capacity				
Permit Accessory Dwelling Units (ADUs) in single family zones	6/9/97 (o.2131); 2011 (o.2852); 2018 (o.3093); 2022 (o.3203)	Few times a year	Minimal	Code <u>two accessory dwelling units per lot, which may be attached and or detached units.</u> Most used in single family areas. Standards modified to be more flexible in <u>2018 and 2022 with amendments in 2025 to address HB 1337, which eliminated owner occupancy requirements.</u>
Provide Density Bonuses to Developers	Original PRD code effective in 1980's; revised	Frequent	Generally adds 10-20% density to subdivisions. In	Residential density incentives may be applied to multi-family development in the R-12 through

	6/9/97 (o.2131), 7/15/02 (o. 2411) and 7/7/03 (o. 2481)		certain multi-family zones, density increases may be up to 50% over the base density. In certain commercial zones, density increases for mixed use multi-family developments are not capped.	R-28 zones; Planned Residential Developments; multi-family development in the MU, CB, and GC, zones; and in the single family, multi-family, and Mixed Use zones within the Whiskey Ridge Master Plan area. Residential density incentives may be pursued for constructing affordable housing; dedication or improvement of public facilities, trails, or open space; community image and identity; historic preservation; mixed use projects adjacent to services; stormwater facilities that incorporate recreational amenities; project design (e.g. perimeter landscaping, preservation of substantial native vegetation); and green building.
Transfer/Purchase of Development Rights	6/9/97 (o.2131), revised 9/20/99 (o. 2280)	Frequent	Effective – depending on extent of sensitive areas, can allow significant lot recapture.	On-site density transfer of sensitive areas allowed within residential developments.
Allow Clustered Residential Development	6/9/97 (o.2131)	Frequent	Effective – allowed through PRDs.	Clustering is a site design tool to accomplish gross densities comparable to standard subdivisions though the reduction of lot sizes and retention of open space.
Allow duplexes	6/9/97 (o.2131)	Frequent	Effective	Duplexes are permitted outright on all lots primarily designated for residential. The conditional use permit requirement was removed to promote consistency with House Bill 1110. 7,200 sf lots on land designated High Density Single Family (R-6.5) and High Density Single Family – Small Lot (R-8). They currently require a conditional use permit and 12,500 sf for lots in the Medium Density Single Family (R-4.5) designation.
Increase allowable residential densities	4/1/96 (o. 2068); 6/9/97 (o.2131); 5/17/99 (o.2258); 2021 (o.3295)	General application within UGA	Effective	Increased densities with comprehensive plan adoption in 1996. Implemented new zoning code to provide consistency with comprehensive plan policies in 1997. Completed areawide rezones

				throughout City in 1999 to implement comprehensive plan map and development regulations. Densities were also increased with the 2021 Downtown Master Plan Area (DMPA) for various new Downtown zones.
Mandate minimum residential densities	9/1/03 (o.2487); 2021 (o.3295)	Rare	Effective when used	Residential minimum densities have been considered by the City on several occasions and generally rejected as a practice. Minimum residential densities were established for most of the new zones created with the DMP update.
<u>Middle Housing</u>	<u>10/--/25 (o. [insert date])</u>	<u>Anticipated to be frequent</u>	<u>Anticipated to be effective</u>	<u>In 2025, the City adopted Middle Housing standards in order to comply with HB 1110. Middle housing includes housing types that are in between the size and density of single family and multi-family housing (e.g. duplex, triplexes, fourplexes, stacked flats, etc.). The City allows six of the nine middle housing types identified in State law in all zones designated for residential. As a Tier 2 City, 2 units are allowed per lot in residential zones, with up to 4 units per lot along high-capacity transit routes or when affordable housing is provided.</u>
<u>Unit Lot Subdivisions</u>	<u>10/--/25 (o. [insert date])</u>	<u>Anticipated to be frequent</u>	<u>Anticipated to be effective</u>	<u>In 2025, the City adopted Unit Lot Subdivision provisions which allows for the fee simple subdivision of townhouses, Middle Housing (when no unit is above another unit), cottages, accessory dwelling units and other housing types.</u>
Allow townhomes & condominiums	6/9/97 (o.2131)	Frequent	Effective	Allowed through PRD ordinance in single family zones, as well as in multi-family zones and the Mixed Use zone.
Allow small residential lots	6/9/97 (o.2131)	Frequent	Effective	City implemented comprehensive plan with development regulations and areawide rezones. 5,000 sf minimum lot sizes allowed in <u>the Neighborhood Residential all</u>

				Medium and High Density Single Family zones (NR-4.5 and NR-6.5 du/net acre). 4,000-sf minimum lot sizes allowed in R-8 zone. Smaller lot sizes allowed through PRD.
Encourage Infill and Redevelopment	4/1/96 (o. 2068); 6/9/97 (o.2131); 5/17/99 (o.2258)	Frequency increasing	Effective	City conducted areawide rezones of entire city limits, including downtown. Mixed residential/commercial zoning implemented through most of downtown to encourage redevelopment. Downtown development and redevelopment has been slow, but is increasing each year.
Plan and zone for affordable and manufactured housing development	6/9/97 (o.2131)	Frequent	Effective	This includes affordable housing incentives as well as having adequate residential land to meet market needs. Manufactured housing development, although allowed, is infrequent within the City.
Measures that Increase Employment Capacity				
Develop an Economic Development Strategy	11/2002	Used daily	Effective	City completed an economic development plan and strategy in late 2002 and has been implementing it from 2003 through City plans, budget, actions and citizen committees. Goals include business retention and attraction. Significant economic development has occurred over the past 20 years.
Measures that Support Increased Densities				
Allow Mixed Uses	6/9/97 (o.2131)	Frequent	Effective	Mixed use zone allows multi family and/or commercial uses. All commercial zones allow above-ground residential uses.
Downtown Revitalization	6/9/97 (o.2131) and various capital decisions 2000-present	Broad use	Effective (outcome anticipated)	Downtown Master Plan update adopted in 2021 that encourages commercial, higher density residential, and middle housing. Major capital improvements have occurred since the last update such as, but not limited to, construction of the Civic Center and Jail, Comeford Park improvements including a spray park, conversion of court to new Civic Center, 1 st and 3 rd Street Low Impact

				Development (LID) improvements, new I-5/SR529 Interchange under construction, and adoption of the 2021 – 2026 Waterfront Strategic Plan. These and various other activities are intended to stimulate downtown revitalization.
Require Adequate Public Facilities	Parks impact fees 12/13/99 (o.2300); Traffic impact fees 9/13/99 (o.2279); School impact fees 12/7/98 (o.2213)	Routine	Effective	Helps pay for needed capital improvements but additional financing needed.
Urban Growth Management Agreements	6/28/99	Frequent	Effective; however, with SEPA being phased out on many project reviews, it will be used less frequently.	Interlocal agreement with Snohomish County on annexation and urban development has been helpful in facilitating annexations and providing for transportation impact mitigation.
Create Annexation Plans	9/13/99	Frequent	Effective	Since the 2005 Comprehensive Plan update, several major annexations have occurred including the 2009 Central Marysville Annexation. As a result, over 99% of the City's Urban Growth Area has been annexed.
Implement a process to expedite plan and permit approval	6/02-present	Pervasive	Effective	Additional staff as well as significant and ongoing permit and process improvements has resulted in much faster and more efficient permit processing. Results have proven valuable to economic development strategy.
Measures to Mitigate the Impact of Density				
Design Standards	6/9/97 (o.2131); 7/15/02 (o.2423); 2011 (o.2852); 2022 (o.3244)	Frequent	Moderate effect	City implemented stricter standards for small lot (<5,000 sf) developments following review of new developments on small lots. There is variability in the results and many developments are not subject to design standards. Commercial design standards have been strengthened and apply to all commercial zones except Light

				Industrial properties that are not within the Smokey Point Master Plan Area or in limited other designated areas (i.e. Light Industrial with General Commercial Overlay zone, etc.) and General Industrial properties.
Conduct community visioning exercises to determine how and where the community will grow	6/04	Completed with the 2005 Comp. Plan update.	Effective	Completed community visioning for the 2005 update. Helpful in identifying revisions and modifications to plan to achieve community goals.
Other Measures				
Capital Facilities Investments	Ongoing	Pervasive	Effective	City has completed major capital projects including sewer projects including the wastewater treatment plant upgrade; water distribution & storage facility construction; stormwater facilities including Regional Ponds 1 and 2); transportation improvements including downtown park & ride, State Avenue, SR 528, 51 st Avenue connector, 156 th Street overpass, and other roads; as well as major park improvements including a waterfront park with boat launch, spray park, downtown skateboard park, regional soccer fields complex, and community center. Construction of the Civic Center and jail were significant recent achievements.

The following actions, **Table 2**, should be taken with respect to existing and additional reasonable measures to increase residential and employment densities:

Table 2 Measures to Increase Residential and Employment Densities

REASONABLE MEASURES	RECOMMENDED REVIEW OR ACTION
Measures that Increase Residential Capacity	
Modify Accessory Dwelling Unit (ADU) standards	Amend standards in 2025 to allow two units per lot, eliminate owner occupancy requirement, etc. to comply with State law.

Allow Middle Housing Amendments	By June 2025, the City will need to adopt Middle Housing standards in order to comply with HB 1110. Middle housing includes housing types that are in between the size and density of single family and multi-family housing (e.g. duplex, triplexes, fourplexes, stacked flats, etc.). The City will need to allow six of the nine middle housing types identified in State law in all zones designated for residential. As a Tier 2 City, 2 units will need to be allowed per lot in residential zones, with up to 4 units per lot along high capacity transit routes or when affordable housing is provided. In late 2030, the City will become a Tier 1 City and will need to allow 4 units per lot in residential zones, with up to 6 units per lot along high-capacity transit routes or when affordable housing is provided.
Provide Density Bonuses to Developers	Review residential density incentives to see if additional incentives are necessary to stimulate higher quality development. These have been, and will continue to be, reviewed to ensure their effectiveness.
Transfer/Purchase of Development Rights	Investigate potential to partner with County on Transfer of Development Rights for agriculture or stream base flow and water quality protection by purchase of headwater properties in unincorporated Snohomish County.
Allow Clustered Residential Development	Review PRD code for additional density incentives. PRDs are allowed through an administrative design review process rather than a rezone process. Audit code to ensure that it is effective and encouraging desired outcomes.
Allow Cohousing	Cohousing is currently allowed in PRDs and cottage housing. Investigate market need, interest and regulatory impediments for this type of development.
Allow duplexes	Update regulations to eliminate Conditional Use Permit for duplexes in the R-4.5 zone and update as otherwise necessary to comply with State law.
Allow Townhomes & Condominiums	Review PRD code for additional density incentives. PRDs are now allowed through an administrative design review process instead of a rezone process.
Increase allowable residential densities	This plan includes single family residential zones with increased densities and multi-family residential with increased densities in certain zones.
Mandate minimum residential densities	Consider minimum densities in multiple residential zones.
Reduce street width standards	Consider reduced standards to implement Low Impact Development standards and under certain design parameters.
Allow small residential lots	Continue with current regulations.
Encourage Infill and Redevelopment	Continue with current regulations.
Encourage transit-oriented development	The City's Mixed Use zone and residential density incentives pertaining to providing density bonuses for locational mixed use encourage transit-oriented development. The City is currently coordinating with Community Transit on the SWIFT Bus Rapid Transit Service, which is anticipated to be implemented in the City by 2029. Since the ultimate route is still being determined, zoning changes are not currently proposed but may be pursued when the SWIFT route is determined at the policy direction of City Council.
Plan and zone for affordable and manufactured housing development	Plan to accommodate affordable housing in proportion to the need within the County and the City's size, and monitor progress. Manufactured home parks and subdivisions are currently allowed in the UDC.

Measures that Increase Employment Capacity	
Develop an Economic Development Strategy	Continue to implement plan and strategies.
Zone areas by building type, not by use	With the adoption of the 88 th Street Master Plan, a form-based zone was created; however, it was repealed in 2021 due to difficulties with access and development of the site. Also, in 2021, the Downtown Master Plan was adopted which implemented a form-based code for the larger Downtown master Plan Area.
Measures that Support Increased Densities	
Allow Mixed Uses	Continue with current regulations.
Downtown Revitalization	Implement 2021 Downtown Master Plan.
Require Adequate Public Facilities	Review capital facility plan annually; Review impact fees bi-annually
Encourage Transportation-Efficient Land Use	Prioritize investments in transportation facilities and services that support compact, pedestrian- and transit-oriented densities and development.
Create Annexation Plans	Annexation strategies are included within this Land Use Element and discussed within various neighborhood plans. These annexation strategies have been implemented resulting in annexation of over 99% of the current Urban Growth Area.
Encourage developers to reduce off-street surface parking	Review low impact development (LID) standards and amend Engineering Design & Development (EDDS) to incorporate. Implement Pavement Minimization and LID standards.
Continue process improvements to increase efficiency, and expedite plan and permit approval	Continuously review and pursue process improvements to meet or exceed permit targets.
Measures to Mitigate the Impact of Density	
Design Standards	Implement revised design standards to address negative perceptions of higher density developments. Updates have occurred over the years and are expected to be updated in 2025 to coincide with the implementation of HB 1110 (i.e. the middle housing statute).
Urban amenities for increased densities	Continue to allow density bonuses for urban amenities through residential density incentives or PRD ordinances.
Conduct community visioning exercises to determine how and where the community will grow	Continue with community planning workshops to monitor plan implementation.
Other Measures	
Urban Holding Zones	Designate requirements (annexation, level of service, facilities) required prior to development; Designate urban reserve and rural urban transition zones (RUTAs) for future growth and discourage or prohibit interim uses such as rural cluster subdivisions within these areas.
Capital Facilities Investments	Update capital facility plan annually.

APPENDIX 2 – LAND AND HOUSING CAPACITY ANALYSIS

GROWTH ALLOCATION OVERVIEW

Consistent with Growth Management Act (GMA) requirements, the City of Marysville’s 2024 Comprehensive Plan covers a 20-year time span (2024 – 2044) using the State Office of Financial Management’s (OFM) population forecasts. The Countywide Planning Policies (CPPs) for Snohomish County provide direction on how OFM’s countywide forecasts are to be allocated to cities, Urban Growth Areas (UGAs), and the rural/resource areas of the County utilizing the cooperative planning process of Snohomish County Tomorrow (SCT). The resulting 2044 population, housing, and employment growth targets guide local GMA comprehensive plan updates.

Snohomish County is anticipated to grow from 827,957 people in 2020 to 1,136,309 people by 2044. The City of Marysville is expected to receive 9.4 percent of the County’s population growth, 8.5 percent of the housing unit growth, and 10.3 percent of the job growth over the next 20 years as shown in **Figures 1 and 2** below.

Figure 1 2044 Growth Targets and Capacity within the Marysville UGA

Source: 2021 Buildable Lands Reports and City of Marysville Capacity Analysis

	Employment	Housing	Population
Existing	15,310 ¹	25,629 ²	70,714
2024 – 2044 Increase	17,616	14,253	29,108
2044 Target ³	32,926	39,976	99,822
Additional Capacity	18,724	14,928	30,444
2044 Total Capacity	34,331	40,557	101,158

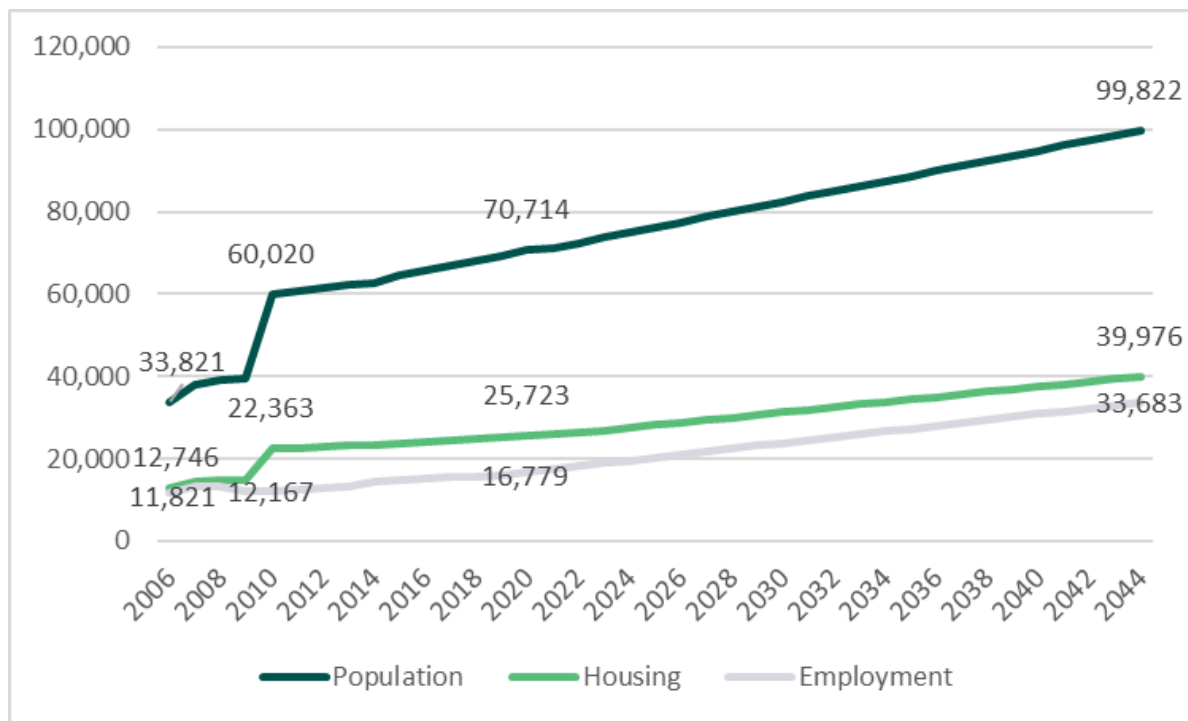
¹ Over 99 percent of the City’s UGA has been annexed as a result of the Central Marysville Annexation, which took effect December 30, 2009 (Ordinance 2792). It should be noted that minor discrepancies exist between SCT figures, the GIS files provided by the County, and City figures due to small initial discrepancies as well as detailed parcel level adjustments that were necessary to more accurately forecast growth – particularly employment in the Cascade Industrial Center (CIC).

² The 2020 existing housing is 25,723; however, the GIS files provided by Snohomish County is 25,629. In order for the math in this report to align, the 25,629 figure is cited.

³ The targets noted in the chart are from the Snohomish County Tomorrow (SCT) planning process and are the City’s growth targets. Based on additional analysis of the City’s density assumptions, there is greater population and employment capacity as noted in the chart; therefore, both the target and capacity are shown.

Figure 2 2044 Growth Targets and Capacity within the Marysville UGA

Source: Snohomish County Countwide Planning Policies, Appendix B



LAND CAPACITY ANALYSIS⁴

The Land Capacity Analysis (LCA) evaluates the City’s ability to accommodate its housing, population, and employment growth targets on developable lands within the Urban Growth Area (UGA) and City. While the County’s Buildable Lands Report looks at the past to determine how well growth targets are being achieved under current plans, the Land Capacity Analysis looks at what development will likely be moving forward based on current regulations, zoning, past trends and other factors.

The GMA requires comprehensive plans include “sufficient capacity of land” to accommodate housing needs for the twenty-year planning horizon (RCW 36.70A.070(2)(c)). A new State requirement is for housing elements to provide explicit consideration of capacity for the following household needs and building types:

- Moderate, low, very low, and extremely low-income households
- Permanent supportive housing
- Emergency housing and emergency shelters
- Duplexes, triplexes, and townhouses

⁴ This summary draws heavily from the summary provided in Commerce’s HB 1220 Book 2.

The following Land Capacity Analysis substantially follows the process set forth in the Washington State Department of Commerce’s Guidance for Updating Your Housing Element (i.e. HB 1220 Book2); however, certain steps are consolidated as noted in the titles below. Housing and population capacity are presented first followed by employment capacity.

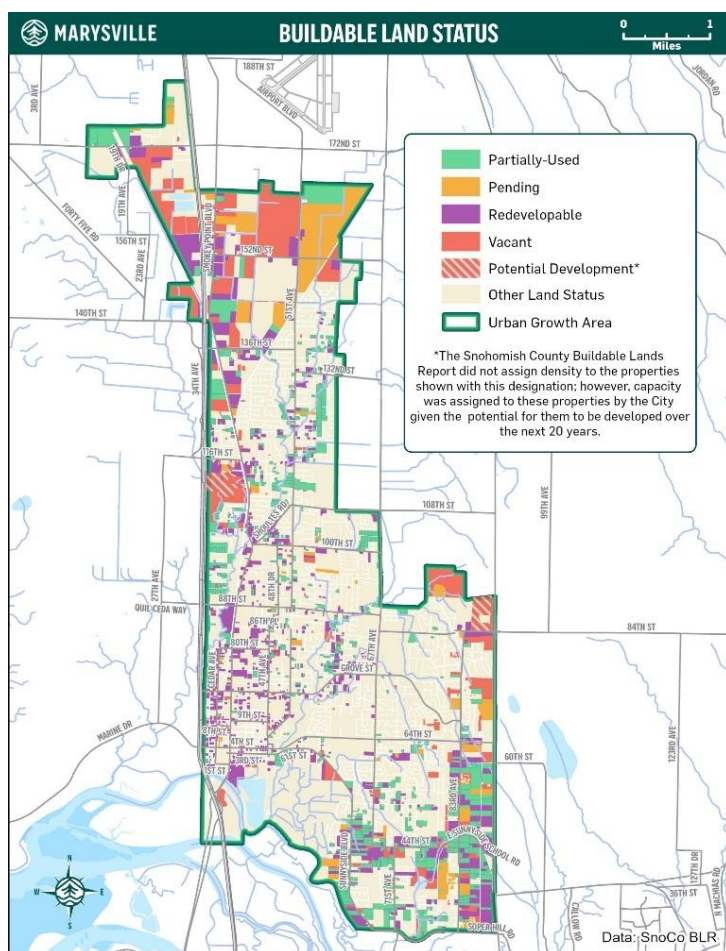
HOUSING AND POPULATION

STEP 1 SUMMARIZE LAND CAPACITY FOR HOUSING PRODUCTION BY ZONE

DEVELOPABLE LAND ANALYSIS (STEPS 1.1 – 1.3)⁵

STEP 1.1 IDENTIFY LAND SUPPLY AND ASSIGN LAND CAPACITY STATUS

Figure 3 Buildable Land Status Map



for demolition and redevelopment with new, more intensive uses; and

- **Pending** are parcels with pending applications for new development⁸.

In the BLR, Properties with existing structures, on or before April 1, 2019, were deemed developed and population and employment were allocated to them. Properties where projects are proposed, built or occupied after April 1, 2019 were allocated future capacity⁹.

STEP 1.2 EXCLUDE LANDS UNLIKELY TO DEVELOP

Land on developable parcels that are not buildable were removed from the buildable lands inventory. Unbuildable lands include critical areas and buffers (i.e. steep slopes, wetlands, streams, lakes, and floodplains); major utility easements; future arterial rights-of-way; and land needed for other capital facilities (i.e. schools, parks, water/sewer/storm, etc.). Snohomish County's BLR land statuses are adopted in the City's Land Capacity Analysis, except as follows:

Two large properties and two moderate-sized properties were not assigned capacity in the County's Buildable Lands Report (BLR); however, have been assigned capacity in the City's Land Capacity Analysis. The two large properties are depicted with the 'Potential Development' designation in **Figure 3** and were modeled as vacant land in the City's Land Capacity Analysis. The two moderate-sized properties were identified as Constant or School in the BLR; however, were placed into a post-BLR Pending category since they have both been developed as projects.¹⁰

STEP 1.3 IDENTIFY GAPS IN UTILITY INFRASTRUCTURE AND SERVICES

The County's BLR also included a Capital Facilities Analysis to identify gaps in utility infrastructure and services. Within the City, sewer availability is the primary utility service gap and areas where these gaps exist are limited. The City adopted the BLR Capital Facilities Analysis.

STEPS 1.4 – 1.6 CALCULATE GROSS AND NET RESIDENTIAL CAPACITY BY ZONE INCLUDING INFILL (I.E. MIDDLE HOUSING, ACCESSORY DWELLING UNITS, ETC.)

After Steps 1.2 and 1.3 are applied to developable lands identified in Step 1.1, a further Land Availability Deduction Factor (i.e. Market Availability Reduction Factor) is applied to most developable land.¹¹ The resulting net developable acreages are then multiplied by the assumed future density value. For most zones, the assumed future density is the density per acre value that was identified for historical projects in the BLR; however, adjustments to density values were made for the Mixed Use zone in the Lakewood Neighborhood; for the new zones in the

⁸ Pending parcels are depicted in Figure 3 with the applicable vacant, partially-used, or redevelopable parcel status.

⁹ This includes 'pending' parcels which are those that are proposed for development which were not constructed by April 1, 2019.

¹⁰ These projects are the Nordstrom subdivision and the 67th Avenue Townhomes.

¹¹ Market reduction factors of 15 percent for vacant land and 30 percent for partially-used and redevelopable land were applied to reflect that this amount of land will likely not be available to develop within the next 20 years.

Downtown Master Plan Area; and for limited other zones to better align with recent observed densities as described below.

- The Lakewood Neighborhood Master Plan (LNMP) Area contains a significant amount of Mixed Use zoned land. The City's Mixed Use zone is flexible and allows for a developer to construct commercial, multi-family, or true-mixed use with both commercial and residential. In the LNMP Area, Mixed Use zoned land has primarily attracted multi-family development, which has developed at an average of 20.23 dwelling units per acre; therefore, this higher density assumption was applied to the MU zoned land in the LNMP Area.
- In 2021, the Downtown Master Plan was updated, which included the adoption of new residential land use designations in the DMP Area. Limited residential land use applications have been submitted since the adoption of the DMP, so low to moderate density assumptions were assigned to these new land use designations based on similar existing land use designations that apply city-wide (see Downtown Master Plan Zones section of **Figures 4 and 5**). The higher density assumptions for these land use designations have resulted in significant additional residential capacity.

Since the April 1, 2019 cutoff date for the Buildable Lands Report, the City has seen significant development activity city-wide, which has been particularly strong for residential in the Lakewood and East Sunnyside – Whiskey Ridge Neighborhoods and for commercial/industrial in the Smokey Point Neighborhood. Many of these projects have been recently constructed, are under construction, have a land use entitlement, or have a complete land use application. Consequently, to better reflect that these lands are currently or will be available for development within the next 20 years, the Land Availability Deduction Factor was removed from these properties. Properties for which the Land Availability Deduction Factor were removed retained their original land classification (i.e. partially used, vacant, redevelopable, etc.), and are distinguished in **Figure 4** below by the 'Post BLR' suffix and not having a Land Availability Reduction Factor applied.

Lands that have the potential to allow for infill Middle Housing or Accessory Dwelling Units are also factored into **Figure 4**.

Figure 4 Gross and Net Residential Housing Capacity by Zone

ZONE		GROSS DEVELOPABLE LAND (ACRES) ¹	LAND AVAILABILITY DEDUCTION FACTOR ¹	NET DEVELOPABLE LAND (ACRES)		ASSUMED DENSITY (UNITS/ACRE)	RESIDENTIAL CAPACITY (UNITS)
CITY-WIDE ZONES							
Single Family, Medium Neighborhood Residential 4.5 (NR-4.5)	Vacant	81.88	15%	69.6	298.89	4.36	1,303
	Vacant Post BLR	2.52	0%	2.52			
	Partially-Used	122.48	25%	91.86			
	Partially-Used Post BLR	17.43	0%	17.43			
	Redevelopable	93.35	25%	70.01			
	Redevelopable Post BLR	14.22	0%	14.22			
	Pending	20.41	0%	20.41			
	Pending Post BLR	12.84	0%	12.84			
	Infill	52.15	0%	52.15	52.15	1 – 4 units/lot	944
Single Family, High Neighborhood Residential 6.5 (NR-6.5) ²	Vacant	62.17 <u>67.42</u>	15%	52.84 <u>57.31</u>	448.81 <u>624.8</u>	4.93 <u>5.58</u>	2,195 <u>3,489</u>
	Vacant Post BLR	12.88	0%	12.88			
	Partially-Used	163 <u>175</u>	25%	122.25 <u>131.25</u>			
	Partially-Used Post BLR	55.42 <u>90.73</u>	0%	55.42 <u>90.73</u>			
	Redevelopable	100.2 <u>107.63</u>	25%	75.15 <u>80.72</u>			
	Redevelopable Post BLR	41.31 <u>89.6</u>	0%	41.31 <u>89.6</u>			
	Pending	74.85 <u>92.16</u>	0%	74.85 <u>92.16</u>			
	Pending Post BLR	14.11 <u>18.49</u>	0%	14.11 <u>18.49</u>			
	Constant Post BLR	<u>5.14</u>	<u>0%</u>	<u>5.14</u>			
	School and Church	<u>39.5</u>	<u>0%</u>	<u>39.5</u>			
	Infill	73.66	0%	73.66	73.66	1 – 4 unit/lot	1,094
	Single Family High (R-8)	5.25	15%	4.46	62.1	8	496
	Partially-Used	4	25%	3			
	Partially-Used Post BLR	1.88	0%	1.88			
	Redevelopable	0	25%	0			
	Pending	8.88	0%	8.88			
	Pending Post BLR	4.38	0%	4.38			
	School and Church	39.5	0%	39.5			
Multi-family, Low (R-12)	Vacant	1.53	15%	1.3	90.1	9.8	882
	Vacant Post BLR	61.84	15%	61.84			
	Partially-Used	0.82	25%	0.62			
	Redevelopable	16.63	25%	12.47			
	Redevelopable Post BLR	8.57	0%	8.57			

	Pending Post BLR	2.24	0%	2.24			
	School	3.06	0%	3.06			
	Infill	3.65	0%	3.65			
Multi-family, Medium (R-18)	Vacant	28.47	15%	24.2	69.74	1 – 4 units/lot	1,190
	Vacant Post BLR	0.41	0%	0.41			
	Partially-Used	0.94	25%	0.71			
	Redevelopable	43.06	25%	32.3			
	Redevelopable Post BLR	1.17	0%	1.17			
	Pending	10.95	0%	10.95			
	Infill	2.61	0%	56			
Multi-family, High (R-28)	Vacant	0.98	15%	0.83	14.57	22.4	324
	Partially-Used	0	25%	0			
	Redevelopable	16.7	25%	12.53			
	Redevelopable Post BLR	1.21	0%	1.21			
Mixed Use (MU)	Vacant	16.98	15%	14.43	89.6	13.84	1,240
	Vacant Post BLR	4.77	0%	4.77			
	Partially-Used	6	25%	4.5			
	Partially-Used BLR	1.59	0%	1.59			
	Redevelopable	38	25%	28.5			
	Redevelopable Post BLR	4.99	0%	4.99			
	Pending	1.08	0%	1.08			
	Special	35.04	15%	29.78			
Mixed Use (MU) – Lakewood Neighborhood	Vacant	0.25	15%	0.21	70.6	20.23	1,430
	Vacant Post BLR	3.7	0%	3.7			
	Partially-Used	15.92	25%	11.94			
	Partially-Used Post BLR	19.33	0%	19.33			
	Redevelopable	7.2	25%	5.4			
	Redevelopable Post BLR	22.9	0%	22.9			
	Pending Post BLR	7.12	0%	7.12			
DOWNTOWN MASTER PLAN ZONES							
Middle Housing 1 (MH1)	Vacant	0	15%	0	2.24	14.4	33
	Partially-Used	0	25%	0			
	Redevelopable	2.43	25%	1.82			
	Redevelopable Post BLR	0.42	0%	0.42			
	Infill	8.09		8.09			
Middle Housing 2 (MH2)	Vacant	0.9	15%	0.77	9.2	20	184
	Partially-Used	0	25%	0			
	Redevelopable	11.25	25%	8.43			
	Infill	4.07		80			
Midrise Multi-family (MMF)	Vacant	2.04	15%	1.73	7.2	33.4	241
	Partially-Used	0	25%	0			
	Redevelopable	7.28	25%	5.46			
Flex	Vacant	1.38	15%	1.17	13.35	22.4	299
	Partially-Used	0	25%	0			
	Redevelopable	16.25	25%	12.18			
Flex Residential (FR)	Vacant	0	15%	0	23.05	25.8	580
	Partially-Used	0	25%	0			
	Redevelopable	24.84	25%	18.63			

	Redevelopable Post BLR	4.42	0%	4.42			
Downtown Core (DC)	Vacant	1.79	15%	1.52	9.02	19	171
	Partially-Used	0	25%	0			
	Redevelopable	10	25%	7.5			
EAST SUNNYSIDE – WHISKEY RIDGE ZONES							
Whiskey Ridge, Single-Family High (WR-R-4-8)	Vacant	0.71	15%	0.60	113.89	7	798
	Vacant Post BLR	6.43	0%	6.43			
	Partially-Used	8	25%	6			
	Partially-Used BLR	33.43	0%	33.43			
	Redevelopable	7.43	25%	5.57			
	Redevelopable Post BLR	48.29	0%	48.29			
	Pending	8.43	0%	8.43			
	Constant Post BLR	5.14	0%	5.14			
Whiskey Ridge, Multi-family Medium (WR-R-6-18)	Vacant	1.22	15%	1.03	92.31	12.31	1,130
	Vacant Post BLR	10.51	0%	10.51			
	Partially-Used	19.25	25%	14.44			
	Partially-Used Post BLR	25.67	0%	25.67			
	Redevelopable	11.29	25%	8.47			
	Redevelopable Post BLR	24.7	0%	24.7			
	Pending	7.31	0%	7.31			
Total							14,928
¹ The Land Availability Deduction Factor were not included in the City’s initial capacity calculations; however, were added in to the figures cited above as well as other Comprehensive Plan update materials. ² <u>In 2025, the R-8 and WR-R-4-8 zones were merged with the R-6.5 zone, which was renamed Neighborhood Residential 6.5 (NR-6.5). Consequently, the figures in this Land Capacity Analysis have been merged. Impacts to density are anticipated to be minimal, so the figures from the original Land Capacity Analysis prepared in December 2024 were retained. The assumed density is a weighted average for the three zones.</u>							

Figure 5 Total Residential Capacity by Zone

ZONE	PENDING	DEVELOPABLE ACRES ¹	DENSITY VALUE	EXISTING DWELLING UNITS	ADDITIONAL DWELLING UNIT CAPACITY ²	TOTAL 2044 CAPACITY
CITY-WIDE ZONES						
Single Family, Medium Neighborhood Residential 4.5 (NR-4.5)	145	385	4.36	8,605	2,102	10,852
Single Family, High Neighborhood Residential 6.5 (NR-6.5)	435 600	508 663	4.89 5.58	9,063 9,298	2,854 3,983	12,352 13,733
Single Family High (R-8)	106	51	8	25	390	521
Multi-family, Low (R-12)	22	93	9.8	1,621	940	2,584
Multi-family, Medium (R-18)	187	79	17.07	2,178	1,059	3,424
Multi-family, High (R-28)	0	19	22.4	582	324	906
Mixed Use (MU)	15	106	13.84	518	1,225	1,759
Mixed Use (MU) – Lakewood Neighborhood	144	70	20.23	597	1,286	2,026
DOWNTOWN MASTER PLAN ZONES						
Middle Housing 1 (MH1)	0	11	14.4	483	209	692
Middle Housing 2 (MH2)	0	16	20	337	264	601
Midrise Multi-family (MMF)	0	9	33.4	125	241	366
Flex	0	18	22.4	140	299	439
Flex Residential (FR)	0	29	25.8	296	580	876
Downtown Core (DC)	0	12	19	149	171	321
EAST SUNNYSIDE – WHISKEY RIDGE ZONES						
Whiskey Ridge, Single Family High (WR-R-4-8)	59	104	7	62	739	860
Whiskey Ridge, Multi-family Medium (WR-R-6-18)	90	92	12.31	123	1,040	1,252
Other Zones ³				726		
Totals⁴	1,200	1,549	-	25,629 ⁵	13,728	40,557
¹ Land assigned the 'Pending' or 'Pending Post BLR' status was omitted from the 'Developable Acreage' in this table as they were already assigned capacity during the Buildable Lands Report process. Figure 4 above, however, provided the corresponding acreage for the Pending and Pending Post BLR land. ² For this summary table, the general density capacity was combined with the middle housing and accessory dwelling unit capacity; therefore, a simple calculation of buildable acreage by density value equaling additional capacity is not shown. A more thorough breakdown of additional dwellings is provided in Figure 4. ³ The existing housing units shown on the 'Other Zones' line are the existing housing units in all the zones that were not assigned future residential capacity. ⁴ The pending and additional housing unit capacity fields add up to 14,931, which is the total 2044 additional housing unit capacity. ⁵ The existing housing units are a 2020 figure; however, the County's BLR GIS files had a minor (94 unit) discrepancy between the 2020 OFM population of 25,723 and the 25,629 shown here.						

Accessory Dwelling Unit and Middle Housing Assumptions

The following is a summary of the accessory dwelling unit and middle housing assumptions built into **Figures 4 and 5** above. Within the City, there are 19,041 residentially zoned parcels that are over 5,000 square feet¹². Of these, 16,746 have sewer either within the street abutting the property or within 100 feet of the property, which is well within the 200 foot range that the City generally deems as sewer being available.

It is assumed that six (6) percent of residential parcels with sewer availability or 1,005 lots may pursue either one or more accessory dwelling units, a duplex conversion, or other type of middle housing over the next 20 years.¹³ An average of 2.15 additional units are contemplated on these properties. This reflects that less than half of the eligible properties will pursue one additional unit per lot while larger ones that will either: a) be adjacent to the future SWIFT Bus Rapid Transit route, or b) become eligible for up to four units when Marysville becomes a Tier 1 City around December 2030, will have a greater number of additional units (i.e. between 2 and 3 additional units per lot with 2 additional units most common). These assumptions result in up to 2,156 additional accessory dwelling unit, duplex, or other types of middle housing, being constructed in the next 20 years (or approximately 108 additional units of these types constructed annually as infill) as shown in **Figure 6**.

It should be noted that since the additional accessory dwelling unit and middle housing provisions are new, there is uncertainty about the level of interest in constructing these units. That said, the City has fielded several inquiries from developers eager to construct infill accessory dwellings units and/or other middle housing units and, as existing greenfields are developed, development patterns are anticipated to shift to infill. The City will closely monitor these assumptions on infill accessory dwelling and middle housing units. Should actual levels of construction fall short of these assumptions, additional capacity that is not currently built into the capacity contemplated in this Land Capacity Report is possible in the variety of commercial zones which allow for residential above street level commercial uses (e.g. CB, CB - WR, GC, NB, etc.). Further, when the SWIFT Bus Rapid Transit route is determined, City Council may potentially provide policy direction to reevaluate zoning along the designated route which would further increase residential capacity within the City.

Figure 6 Middle Housing and Accessory Dwelling Unit Estimation

RESIDENTIALLY ZONED LOTS ¹	RESIDENTIAL LOTS WITH SEWER AVAILABLE	10 PERCENT OF LOTS (I.E. PARTICIPATION FACTOR)	AVERAGE ADDITIONAL UNITS PER LOT	ESTIMATED ADDITIONAL CAPACITY
19,041	16,746	1,675 lots	1.29	2,156

¹ Excluded from this figure are zones that allow for residential but are commercially zoned (e.g. CB, MU, etc.).

¹² Note: many lots are much larger; this is the minimum lot size evaluated.

¹³ The GIS files assigned the additional infill capacity to the **NR-4.5**, **NR-6.5**, and **R-12** zones. This shows up in the 'Infill' category shown in Figure 4; however, this capacity will likely be distributed across all residentially zoned parcels as described in the section above entitled 'Accessory Dwelling Unit and Middle Housing Assumptions'.

Calculation of Additional Population Capacity

To determine population capacity, the projected 2044 future vacancy rate was applied to the City's 2044 housing target of 39,976 housing units resulting in 37,577 occupied housing units. The 37,577 occupied housing units were then multiplied by the projected 2044 City household size of 2.65 people per household to arrive at a population of 99,708.¹⁴ Finally, the 2044 assumed group quarters population of 115 was added to the 99,708 overall population to arrive at the City's population target of 99,822. The City projects additional capacity beyond the 2044 targets which is also shown in **Figure 7**.

Figure 7 2044 Housing and Population Capacity

	EXISTING DWELLING UNITS ¹	ADDITIONAL DWELLING UNIT CAPACITY	TOTAL 2044 HOUSING UNIT CAPACITY	2044 AVERAGE HOUSEHOLD SIZE	2044 VACANCY RATE	2044 ASSUMED GROUP QUARTERS POPULATION	TOTAL 2044 POPULATION CAPACITY
Target	25,723	14,253	39,976	2.65	6%	115	99,822
Capacity	25,630	14,931 ²	40,561	2.65	6%	115	101,283

¹ The existing housing units are a 2020 figure; however, the County's BLR GIS files had a minor (93 unit) discrepancy between the 2020 OFM population of 25,723 and the 25,630 which is shown here. The 25,723 figure is used in the 'Target' fields and the 25,630 from the GIS files is included in the 'Capacity' fields. ² The pending (1,203) and additional (13,728) housing unit capacity fields from Figure 5 add up to 14,931, which is the total 2044 additional housing unit capacity.

STEP 2 CLASSIFY ZONES BY ALLOWED HOUSING TYPES AND DENSITY LEVEL

To address the requirements of House Bill 1220, the City must show adequate capacity for housing for all income levels. The steps below follow the process outlined in the Washington State Department of Commerce's Guidance for Updating Your Housing Element (i.e. HB 1220 Book2).

STEP 2.1 ESTABLISH ZONE CATEGORIES FOR TYPICAL HOUSING TYPES ALLOWED

Step 2.1 is to establish zone categories based on the typical housing types allowed in each zones as shown in **Figure 8**.

Figure 8 Establishing Zone Categories for Typical Housing Types

ZONE CATEGORY	TYPICAL HOUSING TYPES ALLOWED
Low Density	Single family detached, duplexes
Moderate Density	Single family, duplexes, townhouses, triplexes, quadplexes
Low-Rise Multi-family	Multi-family residences, townhouses, condominiums (up to 3 floors)
Mid-Rise Multi-family	Multi-family residences, townhouses, condominiums (45 to 85 feet)

¹⁴ The precise household size multiplier used was 2.65343.

STEP 2.2 CLASSIFICATION OF LAND USE ZONES BY HOUSING TYPES ALLOWED BY ZONE

Step 2.2 classifies existing City land use zones into the zone categories established in Step 2.1 as shown in **Figure 9**.

Figure 9 Classifying Existing City Land Use Zones into Zone Categories

ZONE	TYPICAL HOUSING UNITS ALLOWED	MAX DENSITY LEVEL ALLOWED	ASSIGNED ZONE CATEGORY
CITY-WIDE ZONES			
Single Family, Medium Neighborhood Residential 4.5 (NR-4.5)	Single family detached, duplex, townhouses, and group residences. Cottages and various group residences are also allowed.	5.4 units/acre	Low Density
Single Family, High Neighborhood Residential 6.5 (NR-6.5)		7.8 units/acre	Low Density
Single Family High (R-8)		9.6 units/acre	Low Density
Multi-family, Low (R-12)	Multi-family residence, townhouse, and condominium. Cottage, single family, duplex, and various group residences are also allowed.	18 units/acre	Low-Rise Multi-family
Multi-family, Medium (R-18)		27 units/acre	Mid-Rise Multi-family
Multi-family, High (R-28)		36 units/acre	Mid-Rise Multi-family
Mixed Use (MU) including Lakewood Neighborhood	Multi-family residence, townhouse, and condominium. Various group residences are also allowed.	28 units/acre	Mid-Rise Multi-family
DOWNTOWN MASTER PLAN ZONES			
Middle Housing 1 (MH1)	Duplex and townhouse. Various group residences are also allowed.	No maximum density	Low-Rise Multi-family
Middle Housing 2 (MH2)	Duplex, townhouse, multi-family, and vertical mixed-use on certain streets. Various group residences are also allowed.		Mid-Rise Multi-family
Midrise Multi-family (MMF)	Duplex, townhouse, multi-family, and vertical mixed-use. Various group residences are also allowed.		Mid-Rise Multi-family
Flex Residential (FR)			Mid-Rise Multi-family
Downtown Core (DC)	Townhouse, multi-family, and vertical mixed-use.		Mid-Rise Multi-family
EAST SUNNYSIDE – WHISKEY RIDGE ZONES			
Whiskey Ridge, Single Family High (WR-R-4-8)	Single family detached, duplex, townhouses, and group residences. Cottages and various group residences are also allowed.	8 units/acre	Low Density
Whiskey Ridge, Multi-family Medium (WR-R-6-18)	Multi-family residence, townhouse, and condominium. Cottage, single family, duplex, and various group residences are also allowed.	18 units/acre	Low-Rise Multi-family
Whiskey Ridge – Mixed Use (WR-MU)	Multi-family residence, townhouse, condominium, and vertical mixed-use. Various group residences are also allowed.	18 units/acre	Mid-Rise Multi-family

STEP 3 RELATE ZONE CATEGORIES TO POTENTIAL INCOME LEVELS SERVED

Step 3 relates the zone categories established in Step 2.1 to the potential income levels served as shown in **Figure 10**.

Figure 10 Relating Zone Categories to Potential Income Levels Served

ZONE CATEGORY	TYPICAL HOUSING TYPES ALLOWED ¹	LOWEST POTENTIAL INCOME LEVEL SERVED		ASSUMED AFFORDABILITY LEVEL FOR CAPACITY ANALYSIS
		MARKET RATE	WITH SUBSIDIES AND/OR INCENTIVES	
Low Density	Single family detached, duplexes	Higher income (>120% AMI); Moderate income (>80 – 120% AMI)	Not typically feasible at scale	High income (>120% AMI)
Moderate Density	Single family, duplexes, townhouses, triplexes, quadplexes	Moderate income (>80 – 120% AMI)	Not typically feasible at scale	Moderate income (>80 – 120% AMI)
Low-Rise Multi-family	Multi-family residences, townhouses, condominiums (up to 3 floors)	Low income (>50 – 80% AMI)	Extremely low and very low income (0 – 50% AMI)	Low income (0 – 80% AMI) and PSH
Mid-Rise Multi-family	Multi-family residences, townhouses, condominiums (45 to 85 feet)	Low income (>50 – 80% AMI)	Extremely low and Very low income (0 – 50% AMI)	Low income (>50-80% AMI) group with Low-Rise and/or Mid-Rise Multi-family
¹ Inclusion of townhouses in the low-rise and mid-rise multi-family zone categories is not to imply that those housing types are affordable to the lower incomes, but rather to be transparent about the flexibility of these zones, which allow for townhouses, multi-family, condominiums, etc. Townhouses are anticipated to be a relatively small, but growing, proportion of housing in the low-rise and mid-rise multi-family zone categories.				

STEP 4 SUMMARIZE CAPACITY BY ZONE CATEGORY

Step 4 involves summarizing land capacity for housing units by zone category as shown in **Figure 11**. In summarizing land capacity by zone, it is important to isolate the buildable capacity by zone category to more accurately reflect where future capacity will be allocated. It should be noted that existing residential at different income bands is in all zone categories (i.e. low density, low-rise multi-family, and mid-rise multi-family).

Figure 11 Summarizing Capacity by Zone Category

ZONE	UNIT CAPACITY	BUILDABLE LAND UNIT CAPACITY ¹	ASSIGNED ZONE CATEGORY	CAPACITY IN ZONE CATEGORY	BUILDABLE CAPACITY IN ZONE CATEGORY
Neighborhood Residential 4.5 Single Family, Medium (NR-4.5)	10,852	2,247	Low Density	24,585	6,830
Neighborhood Residential 6.5 Single Family, High (NR-6.5)	12,352 13,733	3,289 4,583			
Single Family High (R-8)	521	496			
Whiskey Ridge, Single Family High (WR-R-4-8)	860	798			
Multi-family, Low (R-12)	2,584	962	Low-Rise Multi-family	4,528	2,301
Whiskey Ridge, Multi-family Medium (WR-R-6-18)	1,252	1,130			
Middle Housing 1 (MH1)	692	209			
Multi-family, Medium (R-18)	3,424	1,246	Mid-Rise Multi- family	10,718	5,795
Multi-family, High (R-28)	906	324			
Mixed Use (MU) ²	1,759	1,240			
Mixed Use (MU) – Lakewood Neighborhood	2,026	1,430			
Middle Housing 2 (MH2)	601	264			
Midrise Multi-family (MMF)	366	241			
Flex	439	299			
Flex Residential (FR)	876	580			
Downtown Core (DC)	321	171			
Total	39,831	14,928		39,831	14,926
¹ The Additional Dwelling Unit Capacity and Pending classifications from Figure 5 are used. Lands with the pending status are not included. ² Includes Whiskey Ridge – Mixed Use.					

STEP 5 COMPARE PROJECTED HOUSING NEEDS TO CAPACITY

Step 5 entails comparing projected housing needs at the various income bands to the capacity for the different income bands.

Figure 12 Existing (2020) and Allocated Future (2044) Housing Units by Income Band

Source: Snohomish County 2023 Housing Characteristics and Needs Report, Appendix G – Allocation Method C

Income Level (Percent of Area Median Income or AMI)	Income Range	2020 Housing Units	Additional Housing Units Needed (2020 - 2044)	2044 Total Housing Units Needed
Extremely low (0-30% PSH)	\$0 - 38,800	653	2,403	3,056
Extremely low (0-30%)	\$0 - 38,800	73	1,281	1,354
Very low (30-50%)	\$38,800 - 64,700	4,313	1,076	5,389
Low (50-80%)	\$64,700 - 95,300	7,958	0	7,958
Moderate (80-100%)	\$95,300 - 134,600	6,289	0	6,289
High (100-120%)	\$134,600 - 161,500	2,830	2,403	5,233
Very high (120% or more)	\$161,500+	3,607	7,090	10,697
Total	-	25,723	14,253	39,976

Step 5.1, detailed in **Figure 12**, shows Marysville's existing housing units by income band, the additional housing units needed at each income band allocated by Snohomish County to the City between 2020 and 2044, and the total housing units by income band needed in 2044.

Step 5.2 compares the housing allocation from the County to projected housing capacity at each income band (see **Figure 13**).

Figure 13 Comparing Projected Housing Needs to Capacity

Income Level (Percent of Area Median Income or AMI)	2020 Housing Units	Additional Housing Units Needed (2020 – 2044)	2044 Total Projected Housing Units Needed	Zone Categories Serving Additional Housing Needs ¹	Aggregated Additional Housing Needs	Total Additional Zoning Capacity	Capacity or Surplus ²
Extremely low (0-30% PSH)	653	2,403	3,056	Low-Rise Multi-family and Mid-Rise Multi-family	4,760	8,096	+3,336
Extremely low (0-30%)	73	1,281	1,354				
Very low (30-50%)	4,313	1,076	5,389				
Low (50-80%)	7,958	0	7,958				
Moderate (80-100%)	6,289	0	6,289	Low to Moderate Density	9,493	6,830	-2,663
High (100-120%)	2,830	2,403	5,233				
Very high (120% or more)	3,607	7,090	10,697				
¹ Existing uses that are affordable to different income levels are often located in zones that currently require lower densities. Therefore, when determining the adequacy of existing zoning to accommodate housing at all income bands, future needs at different income levels and how they align with future zoning capacity for the zones best able to accommodate this housing are used. ² It is important to note that City’s zoning categories are flexible, and the noted shortfall or surplus is mitigated by the							

ability for a variety of housing types to be in both low to moderate density, and low-rise and mid-rise multi-family. Housing for different income levels is not strictly confined to the broad zone categories discussed in this section, but is instead fluid.

Figure 13 demonstrates adequate capacity to address the extremely low to low-income bands. While this figure appears to show a deficit in the ability to provide the necessary high and very high-income housing, the City's zoning is flexible and would allow for the lower income housing to be constructed in the low density zones, and higher income housing to be constructed in low and mid-rise multi-family zones.

STEP 6 REVISE ZONING IF NEEDED TO ADDRESS UNMET HOUSING NEEDS

Currently there is adequate capacity for the City to accommodate housing at all income bands; however, it is extremely difficult for the market to provide housing at the lowest income bands. As land is utilized, rezoning additional land may be needed over time to accommodate housing at the lower income bands.

EMERGENCY HOUSING AND EMERGENCY SHELTER CAPACITY

Emergency housing and emergency shelters are allowed in ten commercial zones within the City as shown in **Figure 14** below. While each of these zones allow for emergency housing and emergency shelters, two of these zones (i.e. LI and CB – WR) do not allow for residential generally (i.e. multi-family housing). Four of these zones, while allowing for residential, were not assigned residential capacity (i.e. CB, GC, MS, and NB); however, residential is allowed above a ground floor commercial use in these zones. Only four zones (i.e. MU, DC, F, and FR) were assigned residential capacity based on historic and/or likely future development patterns.

Figure 14 Commercial Zones which Allow Emergency Housing, Emergency Shelters and/or Multi-family Housing

	Emergency Housing and Emergency Shelters Allowed?	Multi-family Allowed?	Was the Zone Assigned Residential Capacity?
CITY-WIDE ZONES			
Community Business (CB)	Yes	Yes	No
Community Business – Whiskey Ridge (CB – WR)	Yes	No	No
General Commercial (GC)	Yes	Yes	No
Light Industrial (LI)	Yes	No	No
Mixed Use (MU)	Yes	Yes	Yes
Neighborhood Business (NB)	Yes	Yes	No
DOWNTOWN MASTER PLAN ZONES			
Downtown Core (DC)	Yes	Yes	Yes
Flex (F)	Yes	Yes	Yes
Flex Residential (FR)	Yes	Yes	Yes
Main Street (MS)	Yes	Yes	No

As shown in **Figure 11**, the City has capacity for 14,931 units, while the City's housing target is 14,253 units. The 678-unit surplus contributes to the City's 881 emergency (temporary) housing

target; however, it should be noted that the unit surplus very likely would translate into even more beds should an emergency shelter or emergency housing facility be constructed since more than one bed could be constructed in a unit, and/or the configuration of the shelter could be more open allowing more beds to occupy a room.

The four zones that both allow emergency housing and emergency shelters, and were assigned residential capacity (i.e. DC, F, FR, and MU¹⁵) collectively have capacity for 2,044 additional units. Each of these zones is in the Mid-rise Multi-family classification, which anticipates construction of primarily multi-family units. Approximately 678 of the 2,044 potential units in these zones could instead be developed as emergency housing or emergency shelters. If needed, the additional 203 emergency housing and emergency shelter beds could be met in the other commercial zones which allow for emergency housing and emergency shelters. The Community Business, Community Business – Whiskey Ridge, and General Commercial zones are the likeliest candidate zones where emergency housing and emergency shelter beds could be located (besides the already identified residential zones). Among these three zones, there is potential capacity for 4,740 beds to be constructed using a conservative assumption of 12 beds per acre¹⁶, which exceeds the capacity needed to accommodate the additional 203 emergency housing and emergency shelter beds by 4,537 total beds (see **Figure 15**). Historically, these zones have primarily been developed with commercial uses, and that pattern is anticipated to largely continue; however, the capacity for emergency housing and emergency shelter beds is certainly there, and feasibility is evidenced by the recent construction of a 16-bed enhanced service facility in the Community Business zone.

Figure 15 Potential Residential Capacity in Zones which Allow for Emergency Housing and Shelters that were not Assigned Residential Density

	Buildable Acres	Beds per Acre Assumed for Emergency Housing	Potential Bed Capacity
Community Business (CB)	190	12	2,280
Community Business – Whiskey Ridge (CB – WR)	55	12	660
General Commercial (GC)	150	12	1,800
Total Capacity			4,740
Emergency Housing Need not Met in Zones Allocated Residential Capacity			203
Surplus Capacity			4,537

¹⁵ Since most of the Mixed Use zoning in the Lakewood Neighborhood is already have land use entitlements, additional emergency housing and emergency shelters is not contemplated for that area; however, would be allowed.

¹⁶ This a conservative assumption on beds per acre, and more denser emergency shelters and emergency housing is permitted.

EMPLOYMENT

In 2019, there were an estimated 15,974 jobs in the Marysville UGA. The Marysville UGA was assigned a target of 33,683 jobs in 2044 through the Snohomish County Tomorrow planning process (see **Figure 16** below). The 2021 Snohomish County Buildable Lands Report only showed capacity for 32,098 jobs in the City through 2035 meaning that a deficit of 1,585 jobs was projected.

Figure 16 Employment: Existing, Target, and Projected Capacity

Source: Source: 2015 Marysville Comprehensive Plan, 2021 Buildable Lands Reports, Snohomish County Countywide Planning Policies Appendix B – Table E1, Marysville Capacity Analysis, and 2024 Marysville Comprehensive Plan

	2019 Estimated Employment	2021 Buildable Lands Report's 2035 Estimated Capacity	Snohomish County 2044 Adopted Target	2044 Marysville Comprehensive Plan Estimated Capacity
UGA	15,974	32,098	33,683	34,698
City only	15,310	31,434	32,926	34,331

Calculation of Employment Capacity

Employment capacity largely adopts the employment methodology prepared by Snohomish County in the [2021 Buildable Lands Report](#) and companion GIS files, which assigned estimated existing and projected employment to tax parcels throughout the City. Existing employment was derived from Washington State Employment Security Department (ESD) records.¹⁷ For projected employment, Snohomish County collected historical building permit data for commercial and industrial development, which were categorized by building type.

Assumptions were made about how much of each building type (i.e. what proportion of square footage) was dedicated to one of eight different North American Industrial Classification System (NAICS) employment categories¹⁸ to estimate actual square footage of construction by employment category. The resulting square footage amounts were then divided by an assumed amount of square footage space needs per employee by employment category to obtain an estimate of jobs. This analysis was conducted to derive a jobs per buildable acre value for each

¹⁷ Existing employment figures from ESD were applied by Snohomish County to developed commercial and industrial properties throughout the City. Manual adjustments were made by Marysville Community Development staff to more accurately reflect likely existing employment on a parcel-by-parcel basis based on experience with existing businesses or uses, demolition of businesses or changes of use, parcels in the Mixed Use zone developing residentially rather than commercially, rezones that occurred from 2019 – 2023, and other factors.

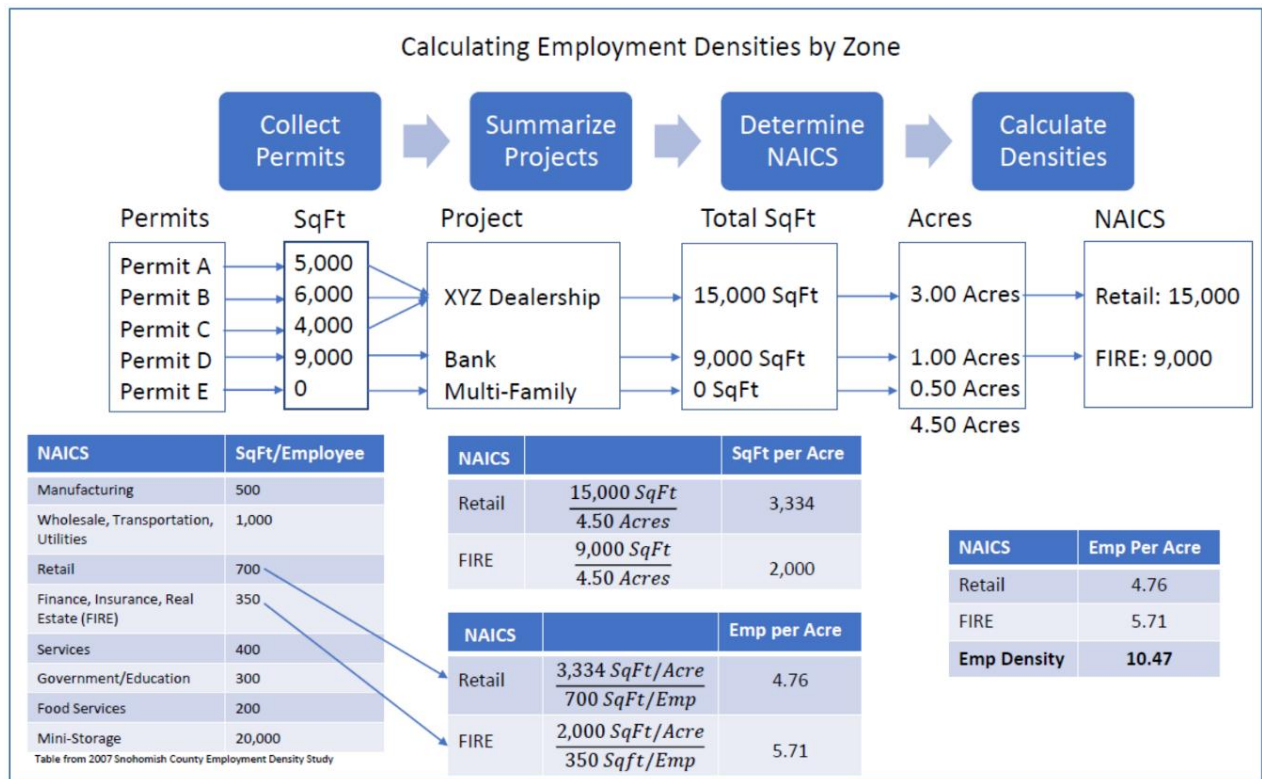
¹⁸ The following are the NAICS categories used in the Snohomish County BLR along with the estimated square footage allocated to each employee by employment type: finance, insurance and real estate (FIRE) mini warehouses only (20,000 SF/employee); finance, insurance and real estate (FIRE) other (350 SF/employee); food services (200 SF/employee); manufacturing (500 SF/employee); other services (400 SF/employee); retail (700 SF/employee); and wholesale, transportation, and utilities (1,000 SF/employee).

zone (see **Figure 17** below).¹⁹ The jobs per buildable acre for each zone were then multiplied on a parcel-by-parcel basis to all lands that were determined to have additional development potential (i.e. vacant, partially-used, and redevelopable).²⁰ Using Snohomish County's calculations, it was estimated that Marysville UGA had capacity for 32,098 jobs (15,974 existing plus 16,124 new) through 2035 based on current zoning, which resulted in a capacity shortfall of 1,585 jobs by 2044.

Key Changes Providing Additional Employment Capacity

To address the 1,585-job employment capacity shortfall, Community Development staff reevaluated development assumptions in the Marysville portion of the Cascade Industrial Center and within the Downtown Master Plan, as detailed below.

Figure 17 Snohomish County Buildable Lands Report Process for Calculating Employment Densities by Zones



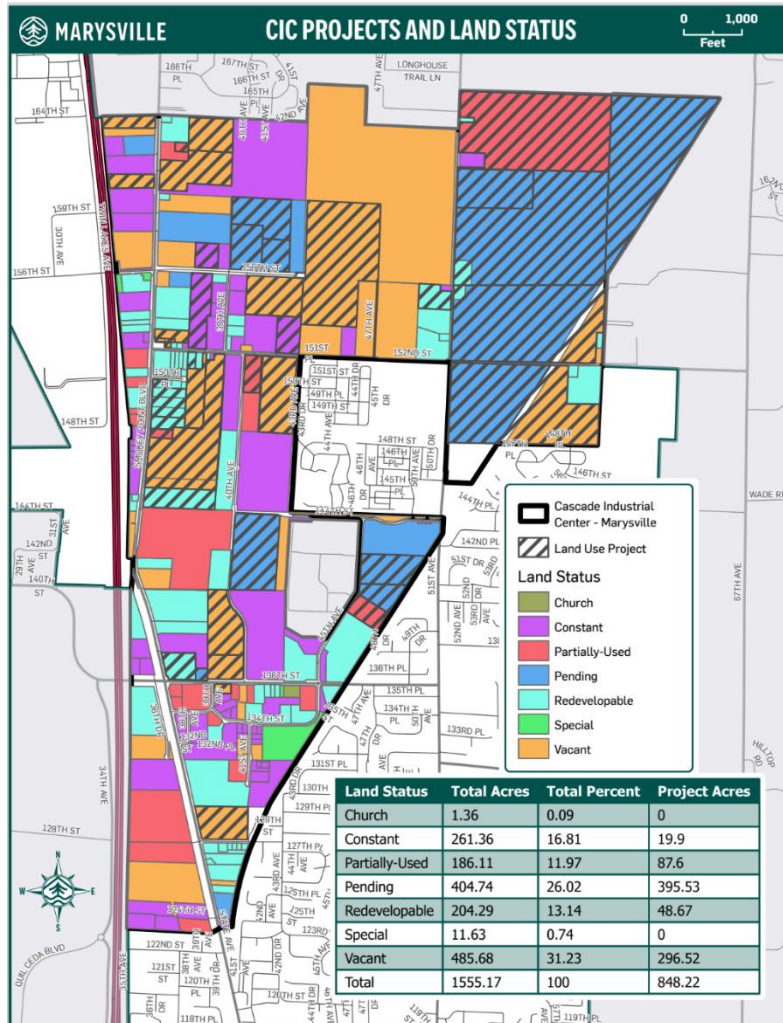
¹⁹ It should be noted that assumptions were made for new zones, and for zones that either have had minimal or no development. These assumptions were typically based on a review of development in similar zones.

²⁰ The market reduction factor is 15 percent for vacant land and 25 percent for partially-used and redevelopable land.

Cascade Industrial Center

Since 2018, the Cascade Industrial Center has experienced significant development activity, with several commercial and industrial developments constructed and numerous land use entitlements obtained as illustrated in **Figure 18** below. The market reduction factors described

Figure 18 CIC Projects and Land Status



above were removed for those parcels that are shown in **Figure 18** with both a 'land use project' and a vacant, partially-used, or redevelopable land status, as the submittal of a land use application signals that these properties are market ready. Removing the market reduction factors resulted in additional employment capacity, which was typically calculated conservatively with employment per acre based on either manufacturing or wholesale uses.

Downtown Master Plan

In 2021, the Downtown Master Plan was updated, which included an expansion of the boundaries of the DMP Area, adopting new zoning designations, and the adoption of a form-based code with modified standards. With the update, the City's consultant

also evaluated commercial parcels which were likely to develop or redevelop. Consequently, most of Snohomish County's initial development assumptions for the DMP Area were adjusted to align with the assumptions made in the [Supplemental Environmental Impact Statement](#) prepared for the Downtown Master Plan update.

APPENDIX 3 – LOCATIONAL CRITERIA FOR SITING ZONES

Locational Criteria for Siting New Residential Areas and Residential Development		
	Single Family	Multi-family ¹
Implementing zones; for identification of areas see Figure 2.10.	· Medium Density Single Family Neighborhood Residential (NR-4.5) · High Density Single Family Neighborhood Residential (NR-6.5) · High Density Single Family – Small Lot (R-8) · Whiskey Ridge, High Density Single Family (WR-R-4-8)	· Low Density Multi-family (R-12) · Medium Density Multi-family (R-18) · High Density Multi-family (R-28) · Whiskey Ridge Medium Density Multi-family (WR-R-6-18)
Original parcel criteria:	-	At least three times the prevailing lot size to allow for adequate setbacks, buffers, landscaping, etc..
Access to:	Neighborhood collector street and pedestrian system	Collector or arterial streets and pedestrian system
Provide proximity to:	Parks, public facilities, schools, shopping, transit	
Design and compatibility considerations:	· Compatible adjacent to single family, and some multi-family · Incompatible adjacent to commercial and industrial · Design to complement scale and character of existing single family. · Reinforce or help establish the structure of the planning area.	· Compatible adjacent to multi-family and some single family · Incompatible adjacent to heavy industrial · Design to complement scale and character of existing single family. · Buffer/ separate multi-family from single family, commercial, and industrial uses and zoning. Natural stream and topographic changes are desirable for buffering single family. · In established neighborhoods require multi-family to be at a scale compatible with adjacent structures.

Permitted uses: ²	Low and medium density residential with higher density residential allowed in multi-family zones. ³ Conditional uses include most recreation and cultural uses, and some government/business services, group residences, resource and regional uses.					
Prohibited uses:	Most non-residential uses and parking lots.					
	Zone	Base	Maximum ⁵	Zone	Base	Maximum ⁵
Density: ⁴		4.5	5.4	R-12	12	18
	NR-4.5					
	NR-6.5	6.5	7.8	R-18	18	27
	R-8	8	9.6	R-28	28	36
	WR-R-4-8	4.5	8	WR-R-6-18	6 (single family); 10 (multi-family)	18
Height: ⁶	30 – 35 feet depending on construction type and lot slope			35 feet in R-12 and WR-R-6-18, 45 feet in R-18 and R-28 with further allowances in code for each zone		
Access/Parking	Public or private street, and standard parking code.			Drive aisle, or public or private street, and standard parking code.		

¹ For the standards for Downtown Master Plan’s multi-family zones, please see the Downtown Master Plan. ² Similar uses are allowed as approved by the Director. ³ Low and medium density residential uses include single family residences, duplexes, accessory dwelling units, and middle housing such as triplexes, fourplexes, townhouses, cottages, etc. High density residential uses includes apartments and multi-family residences. ⁴ In all residential zones, alternate density provisions apply when a project uses the Middle Housing Overlay standards which will be adopted by June 2025. ⁵ When residential density incentives are pursued: a 20 percent density increase is allowed for Planned Residential Developments (PRDs) in the NR-4.5, and NR-6.5 and R-8 zones; 8 units per acre is allowed in the WR-R-4-8 zone; and the listed maximum

densities are allowed in the multi-family zones. ⁶In the Downtown Neighborhood, multi-family structures abutting or adjacent to areas identified in the Comprehensive Plan as single family must avoid impacts created by the differing land use districts. In addition, multi-family buildings along the property edges adjacent to single family land use areas identified in the Comprehensive Plan may have no more floors than the adjacent zoning or land use permits. Multi-family structures inside the property or with multi-family properties adjacent to them may be as high as the land use or zoning permit, though they must conform to any other regulations or requirements limiting their height. Outside of the Downtown Neighborhood, multi-family structures abutting or adjacent to single family residences, areas zoned as single family, or identified in the Comprehensive Plan as single family, must reflect the single family character. In addition, multi-family buildings may have no more floors (exclusive of daylight basements) than the adjacent and nearby single family dwellings (up to 2) when single family is the predominate adjacent land use (actual or zoned).

Locational Criteria for Siting New Commercial Areas and Commercial Development				
	Community Business and Community Business – Whiskey Ridge	General Commercial	Mixed Use ¹	Neighborhood Business
Implementing zone; for identification of areas see Figure 2.11.	Community Business (CB) and Community Business-Whiskey Ridge (CB-WR)	General Commercial (GC)	Mixed Use (MU)	Neighborhood Business (NB)
Original parcel criteria:	5 to 20 acres with a 1 ½ to 2 mile service area. Auto-oriented with the ability to complete several errands in a few stops.	5 acres or more with a 2 mile service area. Large, auto-oriented sites rather than pedestrian oriented, and close to the population served.	Not specified. Enable people to live, shop, and possibly work without always being dependent on automobiles.	¼ to 1 ½ acre maximum with a ½ mile radius service area. Pedestrian-oriented; one or two per neighborhood to serve the immediate neighborhood.
Access to:	Arterial streets and intersections.	Arterial streets and intersections and Interstate 5. Good access needed.	Arterial and neighborhood collector streets.	Arterial and neighborhood collectors. Preferably at an intersection.

Provide proximity to:		Light industrial and other non-pedestrian oriented areas.	High vehicular and transit access, and close proximity to services and employment.	Residential areas
Design and compatibility considerations:			Provide ability to buffer from adjacent residential and restrict site expansion. Use enhanced plantings/street trees, special paving and street furniture, appropriate signage, and/or the location of special land uses, buildings, or structures to create a special district.	Development and design must be compatible with the surrounding neighborhood character. Site layout and building design should be of an appropriate scale with the neighborhood, and lighting, access, architecture, landscaping, and signage must be sensitive to adjoining residential uses.
Permitted uses:²	Commercial/retail (e.g. auto/boat sales, motorcycle dealers, grocery, restaurants), hotel/motel, most education, government, health and personal services, offices, repair and service, residential above ground floor commercial ¹ , and some business services. Conditional uses include auto repair and service, mini storage	Commercial/retail (e.g. auto/boat sales, grocery, restaurants), hotel/motel, light industrial/manufacturing (indoors), most government/ business, education, health and personal services, offices, most repair and service, and residential above ground floor commercial. Conditional uses	Commercial/retail (e.g. small food stores, department stores); hotel/motel; most education, government, health and personal services; multi-family residential; offices; restaurants (small) with only one drive-through lane Downtown; and some business services. Conditional uses include agricultural crop sales, bars and taverns, civic/fraternal association, Master Planned Senior	Commercial/retail (e.g. grocery, coffee shops, and restaurants excluding bars and adult entertainment); hotel/motel; limited business services; offices; and some education, government, health and personal services. Conditional uses include residential above ground floor commercial and some regional uses.

¹ Housing is not allowed in the Community Business – Whiskey Ridge zone. In the Lakewood Neighborhood’s CB zone, a horizontal mixed use project may be proposed through a development agreement approved by City Council.

	(very limited areas), most regional uses, and public schools.	include automobile holding yards, mini storage (very limited areas), mobile home/RV dealer, most regional uses, and public schools.	Communities, public schools, and some regional uses.	
Prohibited uses:	Most industrial/manufacturing uses, intensive regional uses (e.g. recycling, transfer station, wastewater), and manufactured home parks.	Commercial schools, heavy equipment and truck repair, industrial (unless light), intensive regional uses (e.g. recycling, transfer station, wastewater), and manufactured home parks.	Automobile holding yard, manufacturing/industrial (except breweries incidental to restaurants and photocopying), mini storage, mobile home/RV dealer, motor vehicle and boat dealers, outdoor storage/sales, repair and service, and single family residential/duplexes.	Industrial/manufacturing (except photocopying), outdoor storage and sales, repair and service (except automotive repair incidental to a gas station), and residential (except above ground floor commercial).
Density:	Minimum: 12 units per acre. Maximum: 27 units per acre with the use of Residential Density Incentives.	Minimum: 12 units per acre. Maximum: none; however, Residential Density Incentives required.	Minimum: None. Maximum: 28 units per acre.	Minimum: none. Maximum: none.
Height:³	55 feet	35 feet	45 feet	25 feet
Access/Parking:	Arterial streets. Standard parking code.	Arterial streets and intersections. Standard parking code.	Arterial and neighborhood collector streets. Standard parking except that reduced parking allowed for the Downtown Neighborhood. Locate parking to side, center or rear of buildings. Provide good shops and wide sidewalks	Arterial streets, preferably at arterial intersections. Standard parking code. Locate parking to side, center or rear of buildings. Provide good pedestrian, bicycle and vehicle access.

			along street. Require joint use parking agreements.	
¹ The Mixed Use zone includes areas with this zoning designation located within the boundaries of the East Sunnyside – Whiskey Ridge Subarea Plan. ² Similar uses are allowed as approved by the director. ³ Further height allowances are in code.				

Locational Criteria for Siting New Industrial Areas and Industrial Development					
	General Industrial	Light Industrial	Light Industrial with General Commercial Overlay	Public Institutional	Recreation
Implementing zone; for identification of areas see Figure 2.12.	General Industrial (GI)	Light Industrial (LI)	Light Industrial with General Commercial Overlay (LI-GC)	Public-Institutional (P-I)	Recreation (Rec)
Original parcel criteria:	Flat land in large parcels.	Flat land in large parcels.	Flat land in large parcels; generally over 5 acre sites.	Flat land large enough to accommodate the public-institutional use.	Varies depending on the nature of the recreation use; however, flat sites preferred.
Access to:	Highway and major arterial access. Rail access and proximity to air transportation.	Highway and major arterial access. Rail access and proximity to air transportation.	Highway and major arterial access. Arterial streets and intersections. Rail access	Arterial access preferred.	Arterial access preferred.

			and proximity to air transportation.		
Design and compatibility considerations	- Industrial developments adjacent to wetlands, creek corridors, or steep slopes should be low intensity to minimize critical area impacts. - Encourage master planning of larger sites. - Protect industrial lands from encroachment from incompatible uses. - Ensure adequate buffering between industrial and residential uses through appropriate zoning, architecture, and site design.				
Permitted uses: ¹	Manufacturing; most government/business and personal services; most regional land uses; park/recreation; some recreation and cultural, retail/wholesale; resource land uses; and restaurants. Conditional uses include some manufacturing and regional land uses.	Hotel/motel ² manufacturing; most government/business and personal services; most regional and resource land uses; some education, retail/wholesale; offices; restaurants (small); and some recreation and cultural uses. Conditional uses include automobile wrecking yards, and some manufacturing and regional land uses.	Health services; hotel/motel; manufacturing; most government/business and personal services, and retail/wholesale; most regional land uses; some education; resource land uses; offices; restaurants; some recreational/cultural uses. Conditional uses include automobile wrecking yards, and some manufacturing and regional land uses.	Business services; health services; most education services and government services; some personal services; most regional land uses; and most recreation and cultural uses. Conditional uses include some regional land uses	Most recreation and cultural uses. Conditional uses include some resource land uses.
Prohibited uses:	Health services, residential, and some retail.	Health services, residential (except some group residences), and some retail.	Residential (except some group residences).	Manufacturing; residential (except group residences),	Business, education, health, and government services;

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

				resource land uses, restaurants; and retail/wholesale.	manufacturing; regional land uses; personal services; residential, restaurants unless incidental to a recreation use; and retail/wholesale.
Height:²	65 feet	65 feet	65 feet	45 feet	35 feet
Access/Parking:	Standard parking				

¹Similar uses are allowed as approved by the director. ²With further allowances in code.

Options for Establishing a Minimum Density in Multi-family Zones

		5,445 SF			

'8 DU/Acre Gross
(min 6 DU/ Acre Net)

			4,083 SF				

'10 DU/Acre Gross
(min 7.5 DU/ Acre Net)

				3,630 SF					

'12 DU/Acre Gross
(min 9 DU/ Acre Net)

Options for Establishing a Minimum Density in Multi-family Zones

		5,445 SF			

8 DU/Acre Gross
(min 6 DU/ Acre Net)

			4,083 SF				

10 DU/Acre Gross
(min 7.5 DU/ Acre Net)

				3,630 SF					

12 DU/Acre Gross
(min 9 DU/ Acre Net)