



ORDINANCE NO. 3373-14

**An Ordinance Amending the Development Agreement
for the Everett Riverfront District Properties
Related to the Simpson Site and Eclipse Mill Site, Amending Ordinance No. 3121-09**

WHEREAS,

- A. In 2009, the City approved a Planned Development Overlay rezone for the Everett Riverfront District Properties, implemented through a Development Agreement between the City and OliverMcMillan for properties commonly referred to as the Simpson site, the Landfill site, and the Eclipse Mill site.
- B. In July 2013, PNW Riverfront, L.L.C. and Riverfront Commercial, L.L.C. (collectively, “Polygon”), with the consent of the City, assumed the rights and obligations of OliverMcMillan related to the Everett Riverfront District Properties, including the rights and obligations under the Development Agreement.
- C. The Development Agreement includes zoning and development standards, including a conceptual development site plan that applies to, governs, and vests the development, use and mitigation of the Polygon development of the Riverfront District Properties.
- D. In 2013, Polygon proposed changes to the conceptual site plans and development agreement standards for the Simpson site and Eclipse Mill site. City staff worked with Polygon to revise Polygon’s proposed changes.
- E. In late 2013 and early 2014, the Planning Commission considered Polygon’s proposed changes. This included a public workshop on December 17, 2013, a public hearing on January 7, 2014, and a public hearing on February 11, 2014. During the Planning Commission process, Polygon further revised its proposed changes to the Development Agreement. On February 11, 2014, the Planning Commission recommended approval of the proposed changes as revised.
- F. Polygon’s proposed changes to the Development Agreement are contained in the First Amendment to Development Agreement (“First Amendment”), which is attached as Exhibit 1 to this Ordinance. In summary, the changes to the Development Agreement contained in the First Amendment include the following:

- 1) changing the anticipated mix of housing types on the Simpson site from a mix of single family detached, single family attached and multiple family dwellings to only single family detached dwellings;
- 2) amending the concept plans by replacing the previously approved conceptual master site plans for the Simpson site and the Eclipse Mill site with the new conceptual master site plans for each site;
- 3) reducing the minimum permitted lot width for single family detached dwelling units on the Simpson site from 50 feet to 45 feet and 40 feet for lots with garages fronting on the street, and from 40 feet to 36 feet for alley access lots;
- 4) changing terminology for “auto courts” to “lanes” and allowing up to 7 dwellings for three of the proposed lanes, and up to 6 dwellings per lane for the remaining proposed lanes, instead of up to 4 dwellings per auto court;
- 5) increasing the lane width from 20 feet to 24 feet;
- 6) reducing the maximum permitted building height from 35 feet to 30 feet on the Simpson site; and
- 7) minor revisions related to mechanical equipment, landscaping, dwelling entrances, and fences.

G. In addition, the First Amendment updates Attachment I to the Development Agreement, which is a chart of required Riverfront environmental mitigation arising from the SEPA/EIS process.

H. The standard of review for these types of proposed changes in F. and G. is set forth in EMC 19.29.120 which requires that “such amendments may be made only if they are shown to be in the best long term interests of the community”.

I. As the Riverfront develops, new environmental information or changes in circumstances may result in the need to revise environmental reviews and SEPA/EIS mitigation measures, including the mitigation measures identified in Attachment I. To date, the City has completed five SEPA Addendums to the EIS based on such new information or changed circumstances, including Addendums No. 4 and 5 to the Everett Riverfront Redevelopment Final Environmental Impact Statement (issued on October 3, 2013 and January 2, 2014). Accordingly:

- 1) the First Amendment revises Attachment I so that it is consistent with the five completed SEPA Addendums; and
- 2) the First Amendment gives the City’s SEPA Responsible Official authority to revise mitigation measures in Attachment I in accordance with completed SEPA addendums when conditions have changed and additional SEPA analysis is

completed. This authority does not apply to any mitigation measures associated with development and design standards.

- J. The First Amendment does not contain any revision to the Development Agreement with respect to the Landfill site.
- K. Timely development of the Riverfront Project is in the City's best interest. The amendments contained in the First Amendment will allow Polygon to proceed immediately with development of a project that is both economically viable in the current market and consistent with the City's original vision for the project.

NOW, THEREFORE, the City Council adopts the foregoing recitals as its findings, and the City Council therefore concludes the following:

1. The amendments in the First Amendment to Development Agreement approved by this Ordinance follow and are based on an appropriate land use and environmental review process that has included meaningful opportunities for public participation; and
2. The proposed changes to the Planned Development Overlay zone and Development Agreement, and the resultant master plan for the Simpson site and the Eclipse Mill site:
 - a. promote the best long term interests of the community;
 - b. are consistent with the Everett Growth Management Comprehensive Plan; and
 - c. bear a substantial relation to the public health, safety and welfare, implement conditions established in the original master plan and mitigation required in the revised EIS, which mitigates potential adverse impacts upon existing and anticipated land uses in the immediate vicinity of the subject property.

NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:

Section 1: Approval of First Amendment to Development Agreement

The First Amendment is approved and the Mayor is authorized to execute the First Amendment substantially in the form as provided in Exhibit 1.

Section 2: Corrections.

The City Clerk and the codifiers of this Ordinance (including exhibits and attachments) are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection number and any references thereto.

Section 3: Severability.

Should any section, paragraph, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulations, this shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 4: Purpose.

It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance.

It is the specific intent of this Ordinance that neither provisions nor any term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees.

Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from action or inaction on the part of the City, its officers, employees or agents.

Section 5: Pending Actions

The enactment of this Ordinance shall not affect any case, proceeding, appeal or other matter pending before the City or in any court.

Section 6: Recording

A copy of this Ordinance, and an executed copy of the First Amendment to Development Agreement, shall be recorded with the Snohomish County Auditor's Office and shall constitute a covenant running with the land.



Ray Stephanson, Mayor

ATTEST:


CITY CLERK

Passed: 3-19-2014

Valid: 3-19-2014

Published: 3-26-2014

Effective Date: 4-3-2014

**EXHIBIT 1
FIRST AMENDMENT
TO
DEVELOPMENT AGREEMENT**

This First Amendment to Development Agreement (this "*First Amendment*") is dated for reference purposes March __, 2014, and is made and entered into by and between the CITY OF EVERETT, a municipal corporation of the State of Washington (the "*City*"), and PNW RIVERFRONT, L.L.C., a Washington limited liability company ("*Polygon Residential Developer*"), and RIVERFRONT COMMERCIAL, LLC, a Washington limited liability company ("*Polygon Commercial Developer*"). Polygon Residential Developer and Polygon Commercial Developer are collectively referred to in this First Amendment as "*Polygon*."

RECITALS

A. The City, OM Everett, Inc., a Washington corporation ("*OM INC*"), and OMH Transfer Agent, LLC, a Delaware limited liability company ("*OMH*") were parties to the Development Agreement dated June 2, 2009 (the "*Development Agreement*"). The Development Agreement concerns the Riverfront Property, which includes the Landfill Pad, the Simpson Pad, and the Mill Property.

B. Under the Riverfront Assignment and Assumption Agreement dated July 5, 2013, OM, OM INC and OMH assigned to Polygon Residential Developer, and Polygon Residential Developer assumed, all of the rights, obligations, and liabilities of OM, OM INC and OMH under the Riverfront Agreements (as defined therein), including the Development Agreement. Under the Landfill Assignment and Assumption Agreement dated August 1, 2013, Polygon Commercial Developer with respect to the Landfill Pad assumed, all of the rights, obligations, and liabilities of Polygon Residential Developer under the Riverfront Agreements (as defined therein), including the Development Agreement.

C. Polygon has developed a plan for the Simpson Pad that is all single-family detached housing. Polygon has also developed a plan for the Mill Property. The City's Planning Commission and City Council have reviewed the plans. Accordingly, the purpose of this First Amendment is to amend the Development Agreement so that Polygon Residential Developer may develop the Simpson Pad and the Mill Property, as presented to Planning Commission and City Council.

D. Polygon is still working on its plan for the Landfill Pad. Once that work is complete, Polygon intends to seek a second amendment to the Development Agreement, in order to implement its plan for the Landfill Pad

AGREEMENT

The City and Polygon agree as follows:

1. Amendments to Development Agreement. The Development Agreement is amended as follows:

- A. Mill Property. Polygon may become the owner of two real properties adjacent to the Mill Property, which are commonly referred to as the “Port Property” and the “Drywall Property” and which are both legally described on **Attachment C** to the First Amendment. Polygon has the option, from time to time and effective upon written notice to the City, to add to the Mill Property under the Development Agreement any property or portion thereof described on such **Attachment C** that Polygon owns. The written notice(s) must contain a legal description of the property from **Attachment C** to First Amendment that Polygon is adding to the Mill Property. Until such notice(s), no property described on such **Attachment C** is Mill Property.
- B. Final Development Plan. Section 3.3 of the Development Agreement is amended so that the Final Development Plan is due March 31, 2015.

2. Amendments to Development Agreement Attachments. The attachments to the Development Agreement are amended as follows:

Development Agreement Attachment	Amendment
A	No amendment
B	No amendment
C	No amendment – but note that property described on attachment C to the First Amendment may be added to the Mill Property
D	No amendment
E	With respect to the Simpson Pad and Mill Site, Attachment E to the Development Agreement <u>is replaced</u> by the Attachment E attached to the First Amendment. This amendment does <u>not</u> change Attachment E with respect to the Landfill site.
F	Attachment F to the Development Agreement <u>is amended</u> as set forth by Attachment F to the First Amendment.
G	No amendment
H	Attachment H to the Development Agreement <u>is amended</u> as set forth by Attachment H to the First Amendment.
I	Attachment I to the Development Agreement <u>is amended</u> as set forth by Attachment I to the First Amendment

J	No amendment
K	Attachment K to the Development Agreement <u>is amended</u> as set forth by Attachment K to the First Amendment

3. Capitalized Terms. All capitalized terms used herein and not otherwise defined shall have the meaning set forth in the Development Agreement.

4. Other. Except as expressly modified in this First Amendment, the Development Agreement shall remain in full force and effect and the parties hereto acknowledge, confirm and ratify all of the terms and conditions of the Development Agreement.

EXECUTED as of the date first above written by duly authorized officers of the parties hereto, intending to be legally bound hereby.

[SIGNATURE PAGES FOLLOW]

CITY:

CITY OF EVERETT

By: _____
Ray Stephanson, Mayor

ATTEST:

By: _____
Sharon Fuller, City Clerk

APPROVED AS TO FORM:

By: _____
James D. Iles, City Attorney

POLYGON RESIDENTIAL DEVELOPER:

PNW RIVERFRONT, L.L.C.
a Washington limited liability company

By: PNW HOMEBUILDERS NORTH, L.L.C.
a Washington limited liability company
Its: Manager

By: PNW HOME BUILDERS, L.L.C.
a Washington limited liability company
Its: Sole Member

By: PNW HOME BUILDERS GROUP, INC.,
a Washington corporation
Its: Manager

By: _____
GARY A. YOUNG
Its: Executive Vice President

POLYGON COMMERCIAL DEVELOPER:

RIVERFRONT COMMERCIAL, L.L.C.
a Washington limited liability company

By: PNW HOMEBUILDERS NORTH, L.L.C.
a Washington limited liability company
Its: Manager

By: PNW HOME BUILDERS, L.L.C.
a Washington limited liability company
Its: Sole Member

By: PNW HOME BUILDERS GROUP, INC.,
a Washington corporation
Its: Manager

By: _____
GARY A. YOUNG
Its: Executive Vice President

ATTACHMENT C

[legals for Drywall and Port Properties]

LEGAL DESCRIPTION:

PARCEL A:

THE WEST HALF OF BLOCK 2 AND ALL OF BLOCK 3, J.S. SINES ACRE TRACTS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 4 OF PLATS, PAGE 11, INCLUSIVE IN SNOHOMISH COUNTY, WASHINGTON;

TOGETHER WITH THE VACATED ALLEY IN SAID BLOCK 3 AND;

THAT PORTION OF VACATED MAPLE STREET ADJOINING PER CITY OF EVERETT ORDINANCE NO. 480-77, RECORDED UNDER RECORDING NUMBER 7711040307, WHICH UPON VACATION, ATTACHED TO SAID PROPERTY BY OPERATION OF LAW.

PARCEL B:

ALL THAT PORTION OF GOVERNMENT LOT 3, SECTION 29, TOWNSHIP 29 NORTH, RANGE 5 EAST, W.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID GOVERNMENT LOT 3, BEING THE CENTER OF SECTION 29, TOWNSHIP 29 NORTH, RANGE 5 EAST, W.M., THENCE EAST ALONG THE SOUTH LINE OF GOVERNMENT LOT 3 FOR 1,019.4 FEET TO THE EASTERLY MARGIN OF THE GREAT NORTHERN RAILROAD RIGHT OF WAY (NOW BURLINGTON NORTHERN RIGHT OF WAY);

THENCE NORTHERLY ALONG SAID RIGHT OF WAY LINE TO THE SOUTH BOUNDARY OF BLOCK 805, PLAT OF EVERETT LAND COMPANY'S FIRST ADDITION, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 3, OF PLATS, PAGE 20, THENCE WESTERLY ALONG SAID BOUNDARY OF SAID PLAT TO THE NORTH SOUTH CENTERLINE OF THE AFORESAID SECTION 29;

THENCE SOUTH ALONG SAID CENTERLINE TO THE POINT OF BEGINNING;

EXCEPT THE RIGHT OF WAY OF THE NORTHERN PACIFIC RAILROAD AND GREAT NORTHERN RAILROAD (BURLINGTON-NORTHERN RIGHT OF WAY), BOTH OPERATING AND NON-OPERATING;

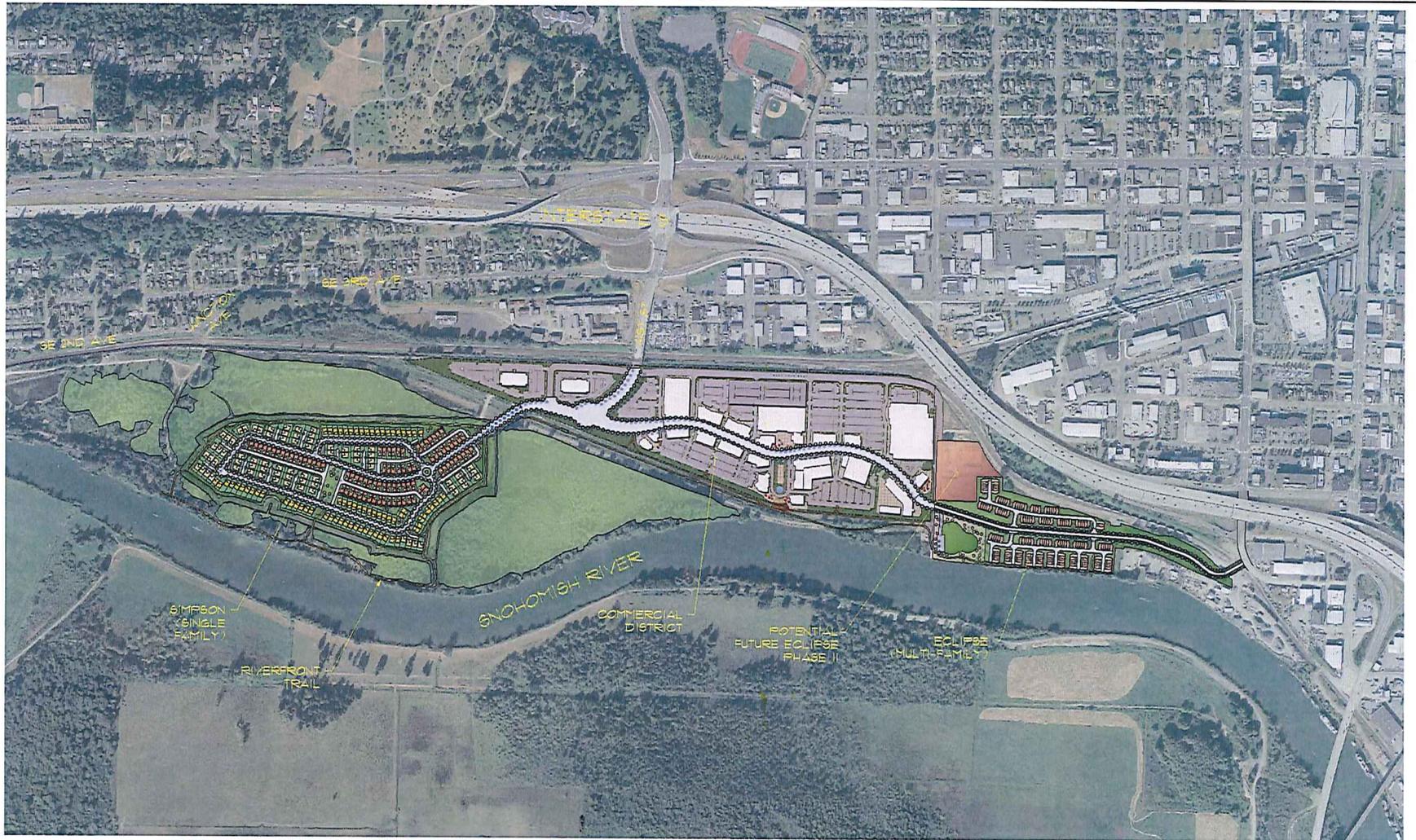
AND EXCEPT 34TH STREET AS EXTENDED;

AND EXCEPT THOSE PORTIONS THEREOF LYING NORTHERLY OF THE GREAT NORTHERN RIGHT OF WAY;

AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF EVERETT BY DEED RECORDED UNDER AUDITOR'S FILE NUMBER 200510040323, RECORDS OF SNOHOMISH COUNTY, WASHINGTON, SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

ATTACHMENT E

Preliminary Development Plan – Revised Simpson and Eclipse Neighborhood Plans (Replaces pg. 1 of Attachment E to Dev. Agreement)



EVERETT RIVERFRONT
COMPOSITE PLAN

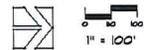


March 19, 2014

Preliminary Development Plan/PDO Site Plan – Revised Simpson Neighborhood (Replaces pg. 2 of Attachment E to Dev. Agreement)



EVERETT RIVERFRONT
SIMPSON SITE

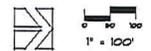


March 19, 2014

Preliminary Development Plan PDO Site Plan – Revised Eclipse Neighborhood (Replaces pg. 4 of Attachment E to Dev. Agreement)



EVERETT RIVERFRONT
ECLIPSE SITE

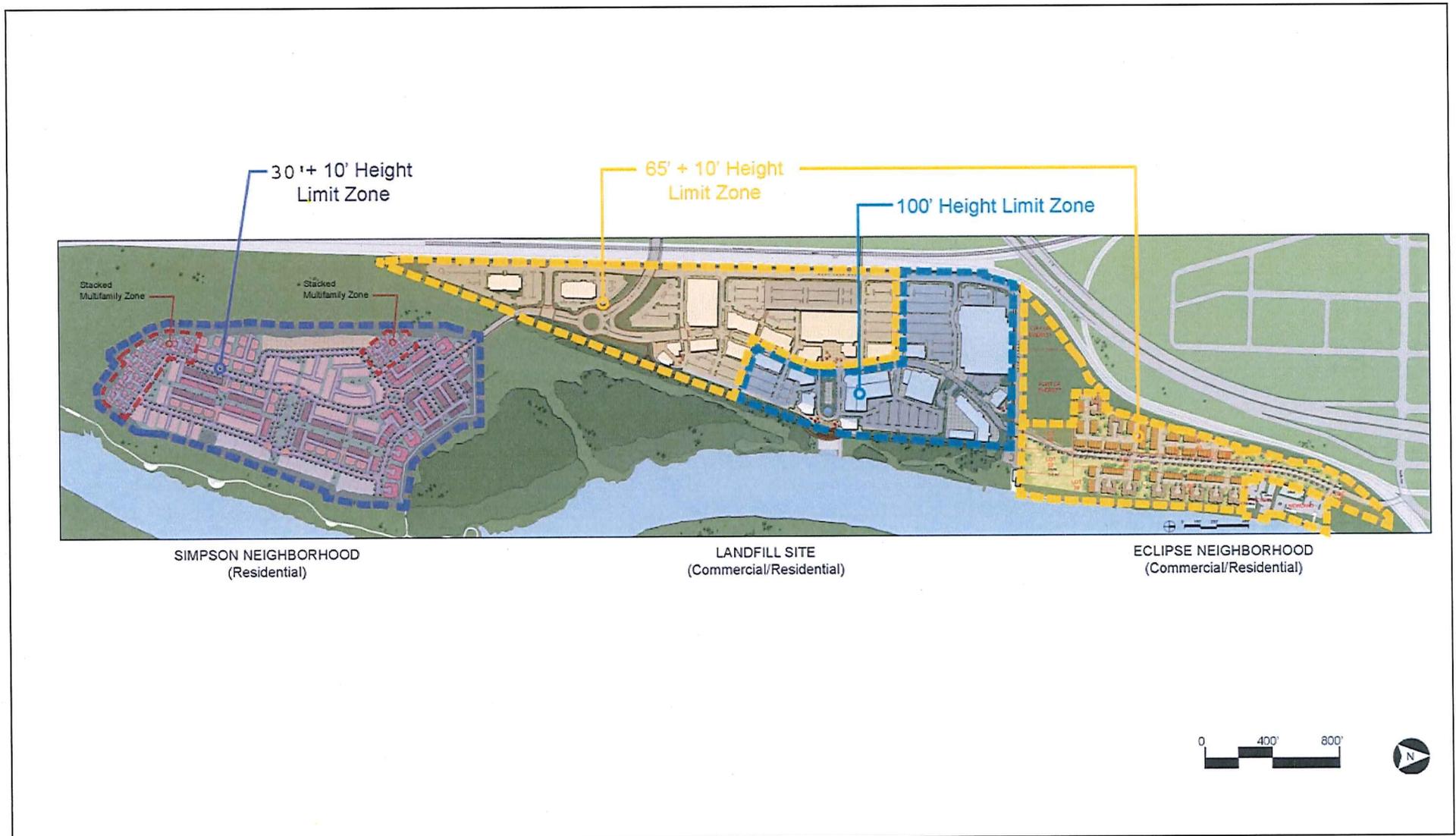


MARCH 19, 2014

Preliminary Development Plan PDO Site Plan— Revised Basic Height Limits

(Simpson Neighborhood Height Limit changed from 35' + 10' to 30' + 10' due to additional fill on site)

See Attachment E to First Amendment pages E-1 to E-3 for actual site layouts for the Simpson Pad and Eclipse Mill sites.



ATTACHMENT F

Polygon and the City hereby amend, or amend and restate, certain provisions of Attachment F to the Development Agreement as follows:

Section	Amended Provision (Strikeouts deleted; underlines added)																																					
Pg. 9 (lot width)	<p>3. <u>Basic Standards/Single Family Detached Residential</u>. Single family detached residential development will be subject to the following code development standards:</p> <p>a. Cottage housing is permitted.</p> <p>b. The following table includes the basic development standards that supersede inconsistent standards of the Everett Municipal Code:</p> <table border="1" style="margin-left: auto; margin-right: auto; border-collapse: collapse; text-align: center;"> <thead> <tr style="background-color: #d3d3d3;"> <th colspan="4">Single Family Detached (3)</th> </tr> <tr style="background-color: #d3d3d3;"> <th colspan="2">Single Family</th> <th>Autocourt Private Access Lane (2)(3)</th> <th>Cottage</th> </tr> <tr style="background-color: #d3d3d3;"> <th>Garage access from street (4)</th> <th>Private Alley loaded (3)</th> <th></th> <th></th> </tr> </thead> <tbody> <tr> <td style="background-color: #d3d3d3;">Min Lot Width</td> <td>50'40' (6)</td> <td>40'36'</td> <td>50'40'</td> <td>*</td> </tr> <tr> <td style="background-color: #d3d3d3;">Min Lot Frontage</td> <td>40'</td> <td>36'</td> <td>40'</td> <td></td> </tr> </tbody> </table> <p>(6) <u>Angled lots must be incorporated as shown on Attachment E to First Amendment, page E-2.</u></p>	Single Family Detached (3)				Single Family		Autocourt Private Access Lane (2)(3)	Cottage	Garage access from street (4)	Private Alley loaded (3)			Min Lot Width	50'40' (6)	40'36'	50'40'	*	Min Lot Frontage	40'	36'	40'																
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Pg. 9 (garage setbacks)	<p>3. <u>Basic Standards/Single Family Detached Residential</u>. Single family detached residential development will be subject to the following code development standards:</p> <p>a. Cottage housing is permitted.</p> <p>b. The following table includes the basic development standards that supersede inconsistent standards of the Everett Municipal Code:</p> <table border="1" style="margin-left: auto; margin-right: auto; border-collapse: collapse; text-align: center;"> <thead> <tr style="background-color: #d3d3d3;"> <th colspan="4">Single Family Detached (3)</th> </tr> <tr style="background-color: #d3d3d3;"> <th colspan="2">Single Family</th> <th>Autocourt Private Access Lane (2)(3)</th> <th>Cottage</th> </tr> <tr style="background-color: #d3d3d3;"> <th>Garage access from street (4)</th> <th>Private Alley loaded (3)</th> <th></th> <th></th> </tr> </thead> <tbody> <tr> <td style="background-color: #d3d3d3;">Min Lot Area</td> <td>3000</td> <td>2400</td> <td>3000</td> <td>*</td> </tr> <tr> <td style="background-color: #d3d3d3;">Min Req'd Setbacks:</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td style="background-color: #d3d3d3;">Front</td> <td>10'</td> <td>40'5'</td> <td>10'</td> <td>*</td> </tr> <tr> <td style="background-color: #d3d3d3;">Front w/ Garage Entrance</td> <td>18.5' (7)</td> <td>N/A</td> <td>N/A</td> <td>*</td> </tr> <tr> <td style="background-color: #d3d3d3;">Rear</td> <td>10'</td> <td>10' (1)</td> <td>10'</td> <td>*</td> </tr> </tbody> </table> <p>(1) <u>No rear setback is required for garages on an alley/lane, including livable space above the garage.</u> Parking garages must be at least 26 feet from the far side of the private alley. Upper stories may overhang this setback area to the property line. Where garages on alleys/lanes are attached, no side yard setback is required.</p> <p>(7) <u>20 feet is preferred</u></p>	Single Family Detached (3)				Single Family		Autocourt Private Access Lane (2)(3)	Cottage	Garage access from street (4)	Private Alley loaded (3)			Min Lot Area	3000	2400	3000	*	Min Req'd Setbacks:					Front	10'	40'5'	10'	*	Front w/ Garage Entrance	18.5' (7)	N/A	N/A	*	Rear	10'	10' (1)	10'	*
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Pg. 9 table	(2) Standards for Autocourts <u>Private Access Lanes</u>																																					

<p>footnotes 2 and 3 (private access lane standards and house main entrance standards)</p>	<p>a) Autocourts-Private Access Lanes may include up to <u>4-6 units, except that three lanes may include 7 units as shown on Attachment E to the First Amendment, page 2, with two units fronting on the street space, and two units behind. There may be open space between the front lots and the street.</u></p> <p>b) All vehicular access must be taken from the <u>access driveline.</u></p> <p>c) Garages for the front units must be located on the back of the front lot and no parking in the front yard. Units adjacent to the public street must have the front entrance closer to the public street than the garage.</p> <p>d) <u>When T</u>the primary residential entrances for the front lots <u>abutting the street must be</u> are not oriented to the street, a minimum of 5 feet of Type III landscaping must be provided between the sidewalk and the fence.</p> <p>e) The <u>private access lanes</u>drive must include a <u>minimum of 24</u> maximum of 20-foot wide paving with five foot setbacks between the paving/curb and the units.</p> <p>f) Garages may be attached in any setback between the <u>autocourt-lane</u> lots. If they are not attached, a minimum 5 foot setback is required for garages (10 foot building separation).</p> <p>(3) The main entrance <u>to each house</u> must be covered and a minimum of 36 square feet with a minimum dimension of 4'. This can be a porch, stoop or inset as long as at least two sides are open. The main entrance will also face / be oriented towards the street <u>or access lane and/or open space as shown on Attachment E to the First Amendment, page E-2.</u></p>
<p>Pg. 10 Modification to Land Division regulations for Panhandle lots</p>	<p>c. EMC Title 18 Land Division regulations are modified as follows: 18.28.210J. vi. Panhandle lots. Revise to allow up to <u>5% of the lots on the Simpson Pad to be panhandles.</u></p>
<p>Pg. 10 Modification to Land Division regulations for Easement Access</p>	<p>18.28.120 vii. Easement access exception. The standards for easement access in Sections B and C will not apply to lanes.</p> <p>18.28.130 Development standards for easement access lots. These standards will not apply to <u>private access lanes or private alleys.</u></p>
<p>Pg. 10 Modification to Land Division regulations for dwelling unit orientation</p>	<p>18.28.210. Lot Requirements Section D requires that all lots that have full frontage on an improved public right of way shall have the dwelling oriented to the public street. The dwelling shall have a defined front entrance, windows and porch facing the street. This standard shall not apply to lots on the Simpson Pad that have full frontage on a private access lane.</p>
<p>Pg. 10 Maximum Building Height</p>	<p>4. <u>Maximum Building Height.</u> Maximum height limits shall be per the PDO site plan as follows:</p> <ul style="list-style-type: none"> • Simpson: 35'<u>30'</u> • Eclipse: 65'

	<ul style="list-style-type: none"> • Buildings with roofs pitched at least 5:12 may exceed height limits by up to ten feet.
Pg. 10, Off street Parking	<p>5. <u>Off-street Parking</u>. The following minimum parking requirements apply, rather than the numbers in EMC 19.34:</p> <ol style="list-style-type: none"> a. Multi-family, and attached single-family: 1 parking space per unit with one or fewer bedrooms, and 1.5 parking spaces per unit with two or more bedrooms. b. Cottage housing (under 1500 square feet): 1 space per unit. c. Detached single-family units: 2 parking spaces per unit. d. Visitor parking – a minimum of 12 stalls on Simpson Pad, <u>which may be provided in on-street parking, best located next to open spaces and parks.</u> e. Any lot smaller than 3,000 sf must take vehicle access from an alley or other secondary access.
Pg 12 Sign Regulations	<p>6. <u>The Traffic Engineer must approve those portions of the comprehensive signage plan related to pedestrians, bicycles and emergency services.</u></p>

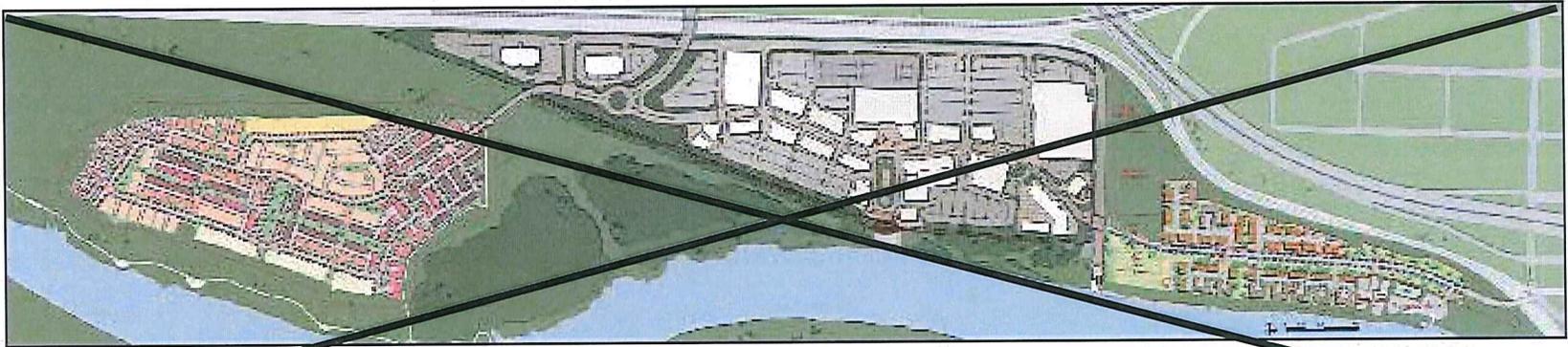
ATTACHMENT H

Polygon and the City hereby amend, or amend and restate, certain provisions of Attachment H to the Development Agreement as follows:

Page	Amended Provision (Strikeouts deleted; underlines added)
Pg. 4 (Guiding Principles)	<p>Guiding Principles</p> <p><i>Diverse Housing Options</i></p> <p>A compatible mix of housing types and sizes within the parcel, and even within the same block, is encouraged</p> <ul style="list-style-type: none"> • The Simpson Neighborhood is anticipated to be developed with a mix of single family detached, single family attached, and multi-family housing. • The Eclipse Neighborhood will likely be comprised of larger multi-family housing but could have the smaller housing types planned for Simpson.
Pg. 5 (Concept Plans)	Delete existing concept plans for the Overall Site, Simpson Neighborhood and Eclipse Neighborhood, and the Basic Height Limits Plan. Keep the existing Landfill Site Concept Plan

**Pg 5 (Concept
Plan for
Overall Site)**

Delete existing plan for Simpson Neighborhood and Eclipse Neighborhood

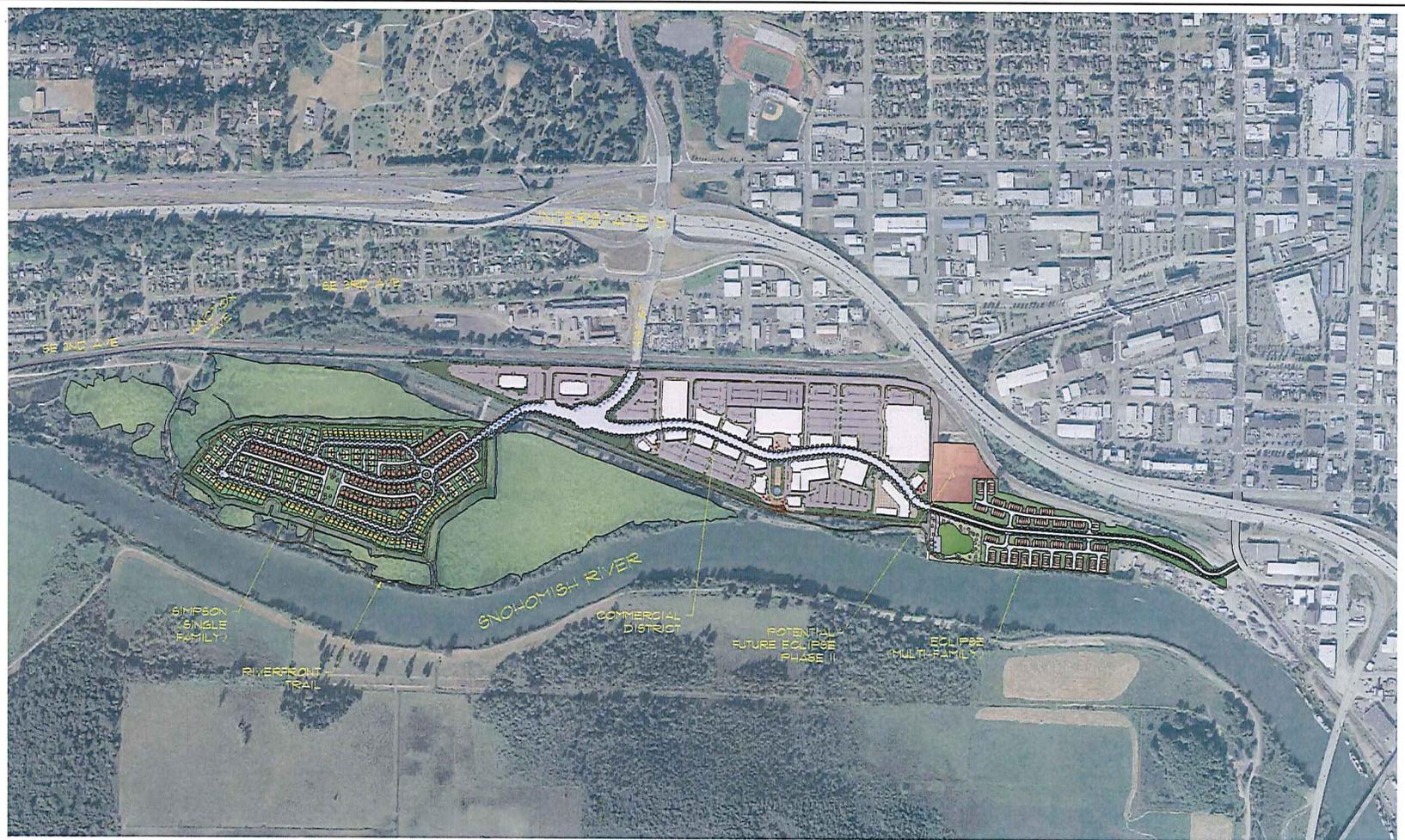


**SIMPSON NEIGHBORHOOD
(Residential)**

**LANDFILL SITE
(Commercial/Residential)**

**ECLIPSE NEIGHBORHOOD
(Commercial/Residential)**

Revised concept plans for Simpson Pad and Eclipse Mill Site (no changes to Landfill Site)



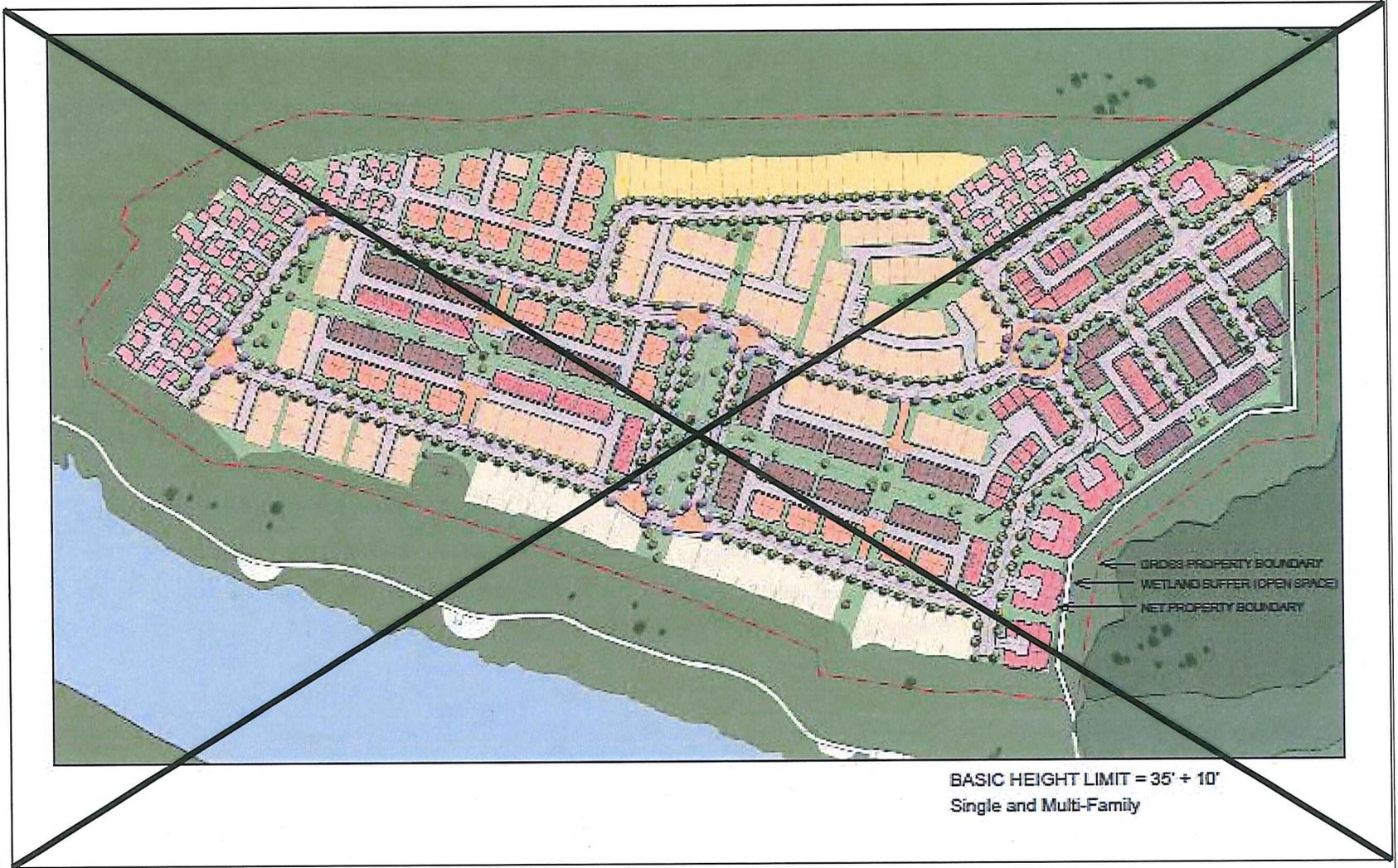
EVERETT RIVERFRONT
COMPOSITE PLAN



March 19, 2014

Pg. 6
(Concept Plans
Simpson
Neighborhood)

Delete existing plan



Concept Plans Simpson Neighborhood



- PARKING**
- 205 ON STREET
- SINGLE FAMILY LEGEND**
- B3 ALLEY
 - T3 FRONT LOAD
 - T4 PRIVATE LANE

OPEN SPACE

REGIONAL TRAIL (10' WIDE)	13,200 SF	(0.30 AC)
NEIGHBORHOOD TRAIL (8' WIDE)	14,625 SF	(0.34 AC)
CENTRAL PARKS	21,623 SF	(0.50 AC)
PRIVATE ON LOT	205,451 SF	(4.70 AC) (MIN. 19')
COMMON OPEN SPACE	534,469 SF	(12.19 AC)
TOTAL OPEN SPACE PROVIDED	825,013 SF	(18.94 AC)

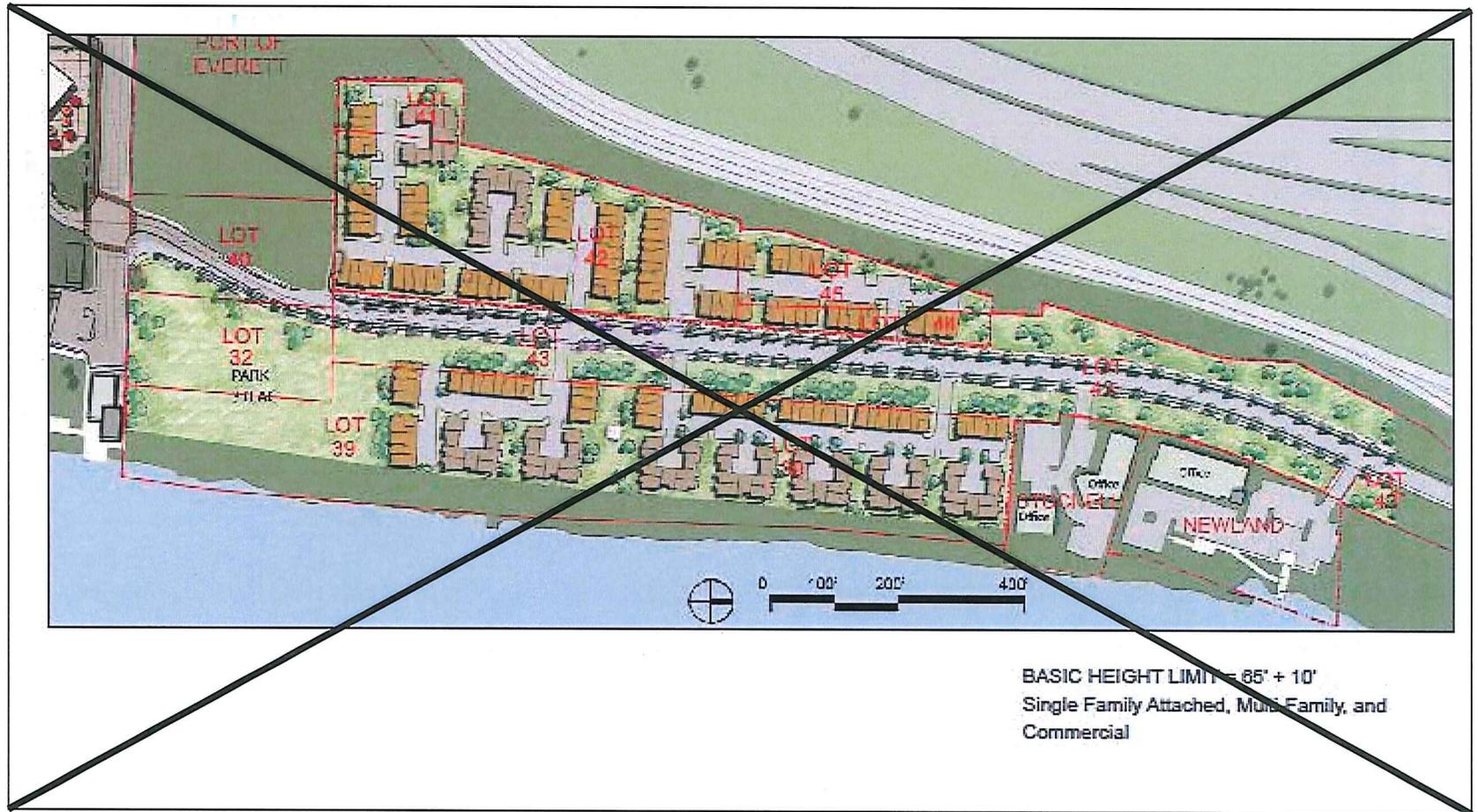
EVERETT RIVERFRONT
SIMPSON SITE



March 19, 2014

**Pg. 7 (Concept
Plans Eclipse
Neighborhood)**

Delete Existing graphic



Concept Plans Eclipse Neighborhood

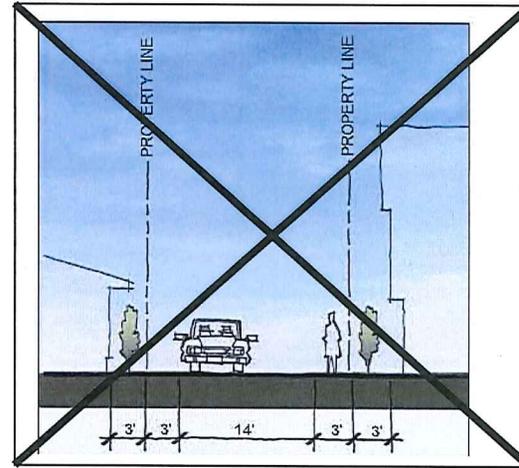


EVERETT RIVERFRONT
ECLIPSE SITE

 
1" = 100'
MARCH 19, 2014

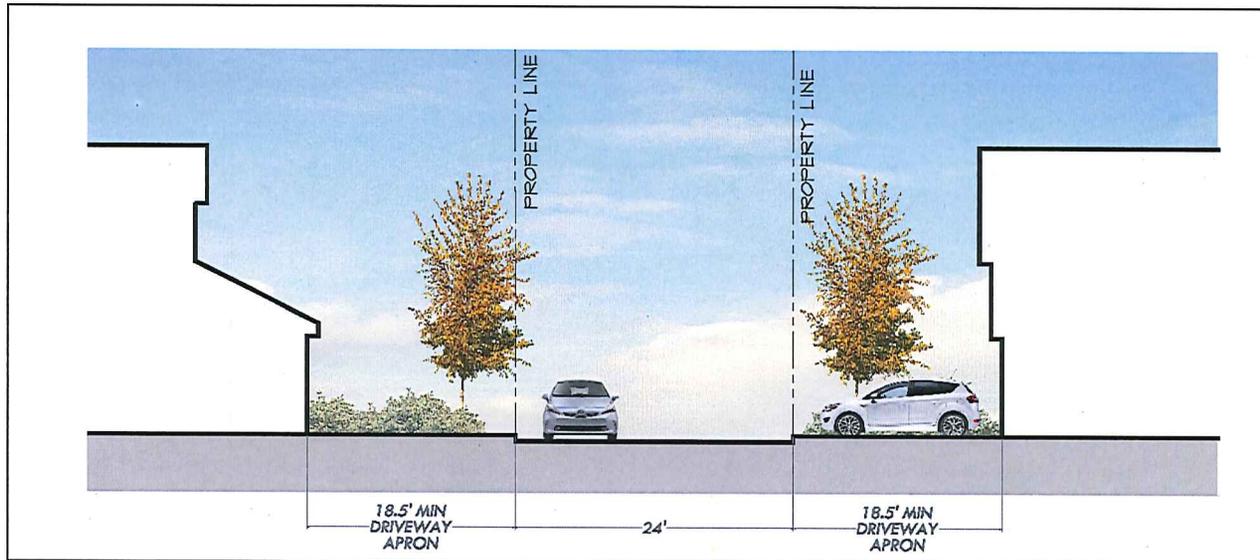
<p>Pg. 8 (Streets (front loaded garages, dead ends))</p>	<p>A connected street system that supports emergency response, efficient routes of travel, and neighborhood interaction are priorities. Dead ends and cul-de-sacs are discouraged and should only be used where absolutely necessary.</p> <p>The street types are anticipated to vary in scale and use. On streets, curb cuts should be limited to accommodating secondary and private driveways wherever possible. <u>Except for single family plats</u>, <u>Ssecondary streets and alleyways</u> should be used as a primary means to access residences by car. This intent to define major streets as more of a through-street for traffic as opposed to an access road full of driveways allows for a safer, more consistent roadway as well as the improved aesthetic of a landscaped thoroughfare.</p> <p>To reduce vehicular conflicts with pedestrians on the sidewalks and maximize the amount of separation and streetscape planting area provided by planter strips, plats should be designed to minimize the number and width of driveway cuts along the sidewalk. The arrangement of driveways adjacent to each other to provide longer planter strips is encouraged.</p>
<p>Pg. 9 (Center Street)</p>	<p>Center Street (Public ROW)</p> <p>The Center Street is the main circulation spine for the <u>Eclipse Mill</u> development, accommodating multiple forms of traffic in both directions. Access to the various neighborhoods within the development is via intersections along this arterial. On-street parking is provided on both sides of the center street, as are bicycle lanes. Sidewalks and planting strips are significantly wider here than at any other location.</p> <p>* Parking areas are not required where no development fronts the street.</p>
<p>Pg. 10 (Residential Street)</p>	<p>Residential Street (with parking on one side)</p> <p>Residential streets provide vehicular and pedestrian connection between the central and collector streets and individual properties. Streets are tree-lined, providing vehicular circulation in both directions with on-street parking on one side. Planting strips and ample sidewalks establish desirable neighborhood scale. <u>This is the preferred design for single family development on the Simpson pad south of the roundabout. (From the 41st Street roundabout to the roundabout on the Simpson Pad, the street section must include a 34 foot wide driving surface, including bike lanes on both sides, and no parking on either side. (See Attachment I, Transportation D.)</u></p>
<p>Pg. 10 (Lanes)</p>	<p><u>Private Alley / Private Access Lane (onetwo-way)</u></p> <p><u>Private Alleys / Private Access lanes</u> are located behind or between residential properties and provide vehicular access to private parking located away from the street. Vehicular use of alleys / lanes reduces the number of curb-cuts required along the public way and enhances the pedestrian neighborhood experience. <u>Alleys / lanes</u> are designed efficiently, with width adequate to allow vehicles to bypass at slow speeds. Minimal space is provided for pedestrian circulation. Landscaping is required. Garage doors / walls shall utilize windows and structural modulation (e.g. trellis, overhangs, roofs, elevation variation). <u>Private alleys and private access lanes must be a minimum of 24 feet wide.</u></p>

Delete Existing Graphics for Alley / Lane



Add Proposed Graphics for Private Access Lanes

Private access lanes are required to be constructed of concrete pavers, stamped asphalt, or other decorative and distinctive paving features as approved by the City Engineer.



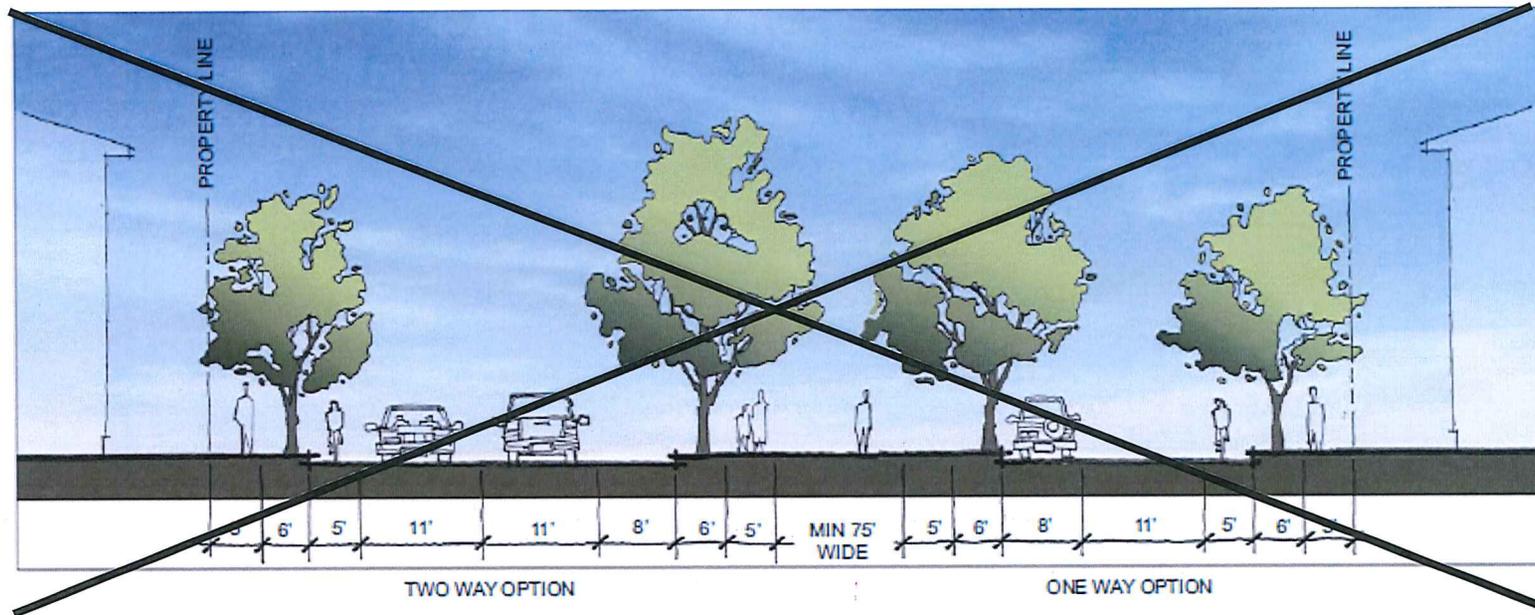
Private alleys are also 24 feet wide. However, an 18.5 foot driveway apron is not required. Distance from the garage to the opposite side of the alley must be a minimum of 26 feet.

Pg. 12 (open space)

The Neighborhood Green

The Simpson Neighborhood Green serves as the community's primary large common space. A variety of configurations are possible, but all should accommodate adjacent parking, direct pathway connections, and significant landscaping. Sidewalks and planting strips should be used to separate automobiles from the open spaces. Bicycle lanes in two directions are to be provided.

The existing graphic for the neighborhood green is deleted:



Pg. 13 (front loaded garage)

Parking and Garages

The parking design will place emphasis on the safety of parking areas, efficient management of traffic in off-street parking areas, maximized usable open space, and reduced visual impacts on surrounding properties. It is the intent of these guidelines to reduce the presence of parked cars.

Side-loading, alley loading, and rear-of-lot garages are preferred and provide several advantages over more typical front-loading garages: Sidewalks are less interrupted by side-loading and rear-of-lot garage driveways than their front-loading counterpart, and are completely uninterrupted when alley-loading garages are available. This results in a more appealing and safer pedestrian environment. Additionally, a more attractive streetscape is maintained, since garage doors and driveway aprons are de-

emphasized or hidden, helping to create a neighborhood that feels more like a place for people than a place for cars. Last version had deleted the highlighted text.

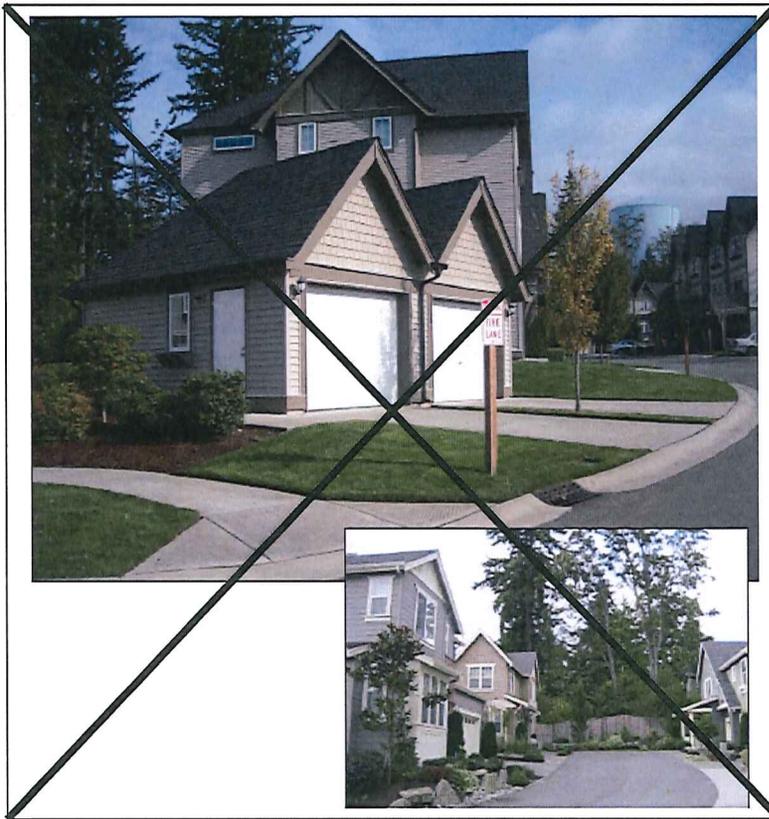
However, ~~w~~Where front loaded garages are used, parking aprons shall be provided in length that prevents vehicles from overhanging the adjacent sidewalk, walkways, alleys or lanes.

Pg 14 (Parking and Garages / Lanes)

Shared private ~~drives~~alleys and ~~auto courts~~access lanes are encouraged.

~~An autocourt~~ private access lane provides ingress and egress to clusters of dwellings. ~~Auto courts~~Lanes are an effective means of increasing density and creating a higher capacity street network.

Delete existing graphics



<p>Pg. 16 (Private Access Drives)</p>	<p>Paragraphs 3 and 5</p> <p>Neighborhoods in the Riverfront District should be arranged for people rather than cars. Street design should favor pedestrian safety over vehicular speed and the visual impact of garages should be de-emphasized. The neighborhood character should provide for a more sociable, easy lifestyle that promotes street-strolling. Although allowing for flexibility in individual designs, the guidelines are intended to promote a strong harmonious character and a coherent sense of place.</p> <p>To accomplish these goals, Except for lots on private access lanes, lots shall be oriented to and have frontage on public right-of-ways or common green spaces wherever possible. Flag lots should be avoided.</p>
<p>Pg. 17 (Front Loaded Garage)</p>	<p>Pedestrian Oriented Design</p> <p>To reduce vehicular conflicts with pedestrians on the sidewalks and maximize the amount of separation and streetscape planting area provided by planter strips, plats should be designed to minimize the number and width of driveway cuts along the sidewalk. The use of alleys, shared driveways and auto courts<u>private access lanes</u> -is encouraged. Alleys eliminate the need for front-loaded garages with driveway cuts across the sidewalk. Shared driveways between adjoin lots are encouraged. To accommodate adequate fire access without creating increased amounts of impervious surface area for fire truck turnaround, dead-end shared driveways shall not exceed 150 feet in length unless otherwise approved or required by the City of Everett.</p>
<p>Pg. 18 (Duplex or Triplex)</p>	<p>Duplex or Triplex Floor Plans</p> <p>The use of duplex or triplex floor plans which provide smaller units, but look like a larger single family home, is encouraged<u>allowed</u>, particularly on corner lots within a parcel and when entrances face each street front.</p>
<p>Pg. 20 (Garage Location)</p>	<p>Garage Locations</p> <ul style="list-style-type: none"> • Lots adjacent to an alley/lane shall have alley-served garages. • A subdivision parcel should utilize side entry, side drive, or alley entry garages were possible in addition to the front entry option. • Shared driveways and zero lot-line attached garages are highly encouraged.
<p>Pg. 22 (Entrances)</p>	<p>Entrances</p> <p>All front entrance areas shall include a welcoming architectural feature such as a porch, stoop or other significant entry feature. <u>In the Simpson Neighborhood, Where lots front on a street, front doors shall face the street or access lane.</u></p> <p><u>In the Eclipse Mill Neighborhood, where units / lots front on a public street, front doors shall face the street. In other configurations, where lots are served by an alley and front a common interior courtyard, park or landscape area, front doors shall face the common space.</u></p>

<p>Pg 23 (Garages and Garage Bays)</p>	<p>Garages and Garage Bays</p> <p>Side loading, alley-loading, and rear-of-lot garages provide several advantages over more typical front-loading garages. Sidewalks are less interrupted by side-loading and rear of lot garage driveways than front-loading garage driveways, and are completely uninterrupted when alley-loading garages are available. This results in a more appealing and safer pedestrian environment. In addition, the use of non-front loading garages maintains a more attractive streetscape, since garage doors and driveway-aprons are de-emphasized or hidden, helping to create a neighborhood that feels more like a place for people than a place for cars.</p> <p>To the extent reasonably possible, side-loading, alley-loading, and rear of lot garages should be used instead of front-loading garages.</p> <p><u>All garages in the Eclipse Mill Neighborhood shall face the access lanes / private alleys – no garage may face the public street.</u></p> <p>Any garage doors that face a street, <u>access lane</u>, <u>alley</u> or public area shall feature windows, recesses or molding to help blend the doors with the character of the house. Detached garages are allowed. Carports are not allowed in single family neighborhoods. All garage walls shall include landscaping, windows or structural changes, trellises, or trim to break up uninterrupted walls.</p>
<p>Pg. 25 (Mechanical Equipment)</p>	<p>Mechanical Equipment + Utility Meters</p> <p>Utility meters, electrical conduit, and other service utility apparatus shall be located and/or designed to minimize their visibility from the street. If such elements are mounted in a location visible from the street, pedestrian pathway, common open space, or shared auto courtyards <u>access lanes</u>, they shall be screened with vegetation or by architectural features. Builders shall ask utility companies to locate public utility distribution meters, vaults and similar installations away from high visibility areas such as street corners, along streets, and view areas. Alley locations are preferred when possible. All mechanical equipment and meters shall be inconspicuously located on the house plan. Window-mounted air conditioning and mechanical units are prohibited.</p>

BUILDINGS

Housing Types



Single Family Detached

- Single Family
- ~~Autocourt~~
- Cottage

Single Family Attached (not stacked)

- Duplex / Triplex
- Townhouse
- Rowhouse

Multiple Family

- Apartment

Pg. 28 (Main entrances duplex, triplex, townhouse, and rowhouse units)

Footnote 1)b) All units adjacent to a public road shall have their main entrances fronting the public road. The main entrances for ~~All other units may and main entrances must~~ front on a ~~street~~ private access alley or open space.

Pg 28 (Single Family Detached Lot widths)

	Single Family Detached (3)			
	Single Family		Autocourt Private Access Lane (3)(5)	Cottage
	Garage access from street (6)	Private Alley loaded (5)		
Min Lot Width	50'40' (8)	40'36'	50'40'	*
Min Lot Frontage	40'	36'	40'	

(8) Angled lots must be incorporated as shown on Attachment E to the First Amendment, page E-2.

Pg. 28 (Setbacks)

3. Basic Standards/Single Family Detached Residential. Single family detached residential development will be subject to the following code development standards:
 a. Cottage housing is permitted.
 b. The following table includes the basic development standards that supersede inconsistent standards of the Everett Municipal Code:

	Single Family Detached (3)			
	Single Family		Autocourt Private Access Lane (3)(5)	Cottage
	Garage access from street (6)	Private Alley loaded (5)		
Min Lot Area	3000	2400	3000	*
Min Req'd Setbacks:				
Front	10'	40'5'	10'	*
Front w/ Garage Entrance	18.5' (9)	N/A	N/A	*
Rear	10'	10' (1)	10'	*

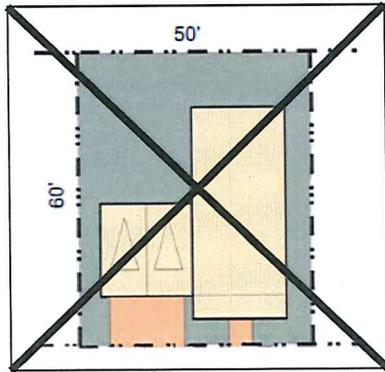
Footnotes

- 2) No rear setback is required for garages on an alley / lane, including livable space above the garage. Parking garages must be at least 26 feet from the far side of the private alley. Upper stories may overhang this setback area to the property line. Where garages on alleys / lanes are attached, no side yard setback is required.
- 9) 20 feet is preferred

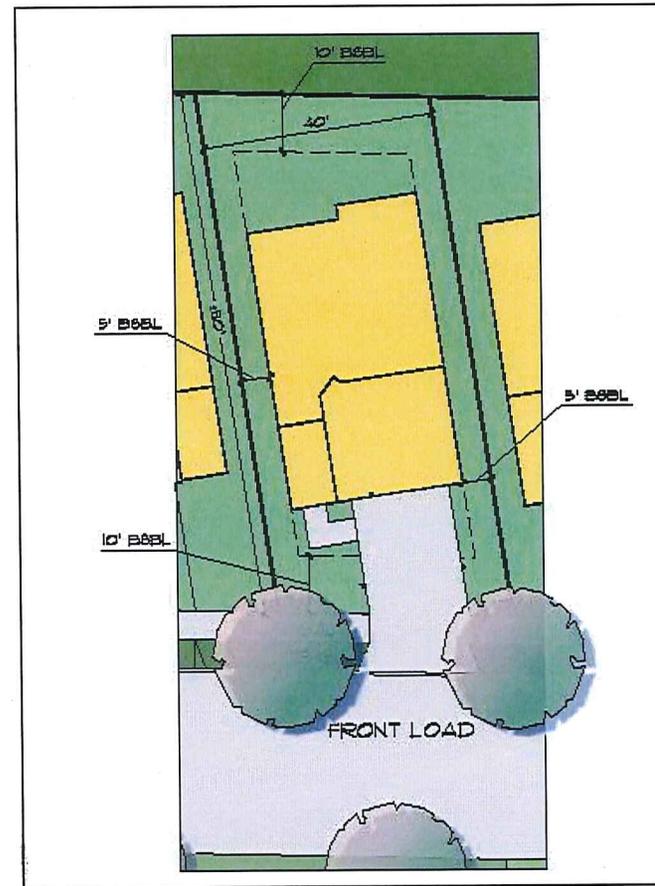
<p>Pg. 28 (Standards for private access lanes)</p>	<p>3) Standards for Autocourts <u>Private Access Lanes</u></p> <p>a) Autocourts-Private Access Lanes may include up to 4-6 units, except that three lanes may include 7 units as shown on Attachment E to the First Amendment, page 2, with two units fronting on the street space, and two units behind. There may be open space between the front lots and the street.</p> <p>b) All vehicular access must be taken from the access <u>drive</u> lane.</p> <p>c) Garages for the front units must be located on the back of the front lot and no parking in the front yard. Units adjacent to the public street must have the front entrance closer to the public street than the garage is.</p> <p>d) When <u>The primary residential entrances for the front lots abutting the street must be</u> are not oriented to the street, a minimum of 5 feet of Type III landscaping must be provided between the sidewalk and the fence.</p> <p>e) The access drive must include a <u>minimum of 24</u> maximum of 20-feet wide paving, with five foot setbacks between the paving/curb and the units.</p> <p>f) Garages may be attached in any setback between the <u>autocourt-lane</u> lots. If they are not attached, a minimum 5 foot setback is required for garages (10 foot building separation).</p>
<p>Pg 28 (Single family detached entrance standards for alley loaded or lane loaded lots)</p>	<p>(5) The main entrance to <u>each house</u> must be covered and a minimum of 36 square feet with the minimal dimension of 4 feet. This can be a porch, stoop or inset as long as at least 2 sides are open. The main entrance will also face/be oriented towards the street <u>or private access lane</u> and/or open space.</p>
<p>Pg 28 (Entrances for single family attached / multifamily)</p>	<p>1) Standards for duplex, triplex, townhouse, and rowhouse units:</p> <p>b. All units and main entrances must front on a street or open space. <u>All units that front on a street must have entrances that face the street.</u></p>

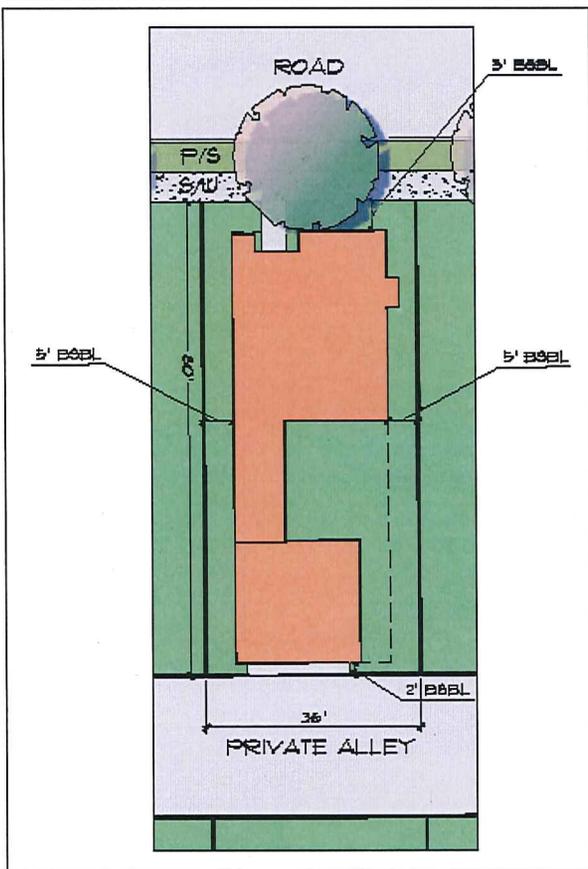
Pg. 29 (Lot width for single family – small lot)

Delete graphic showing 50' lot width



Add graphics showing narrower front-loaded angled lots and an alley-loaded lot



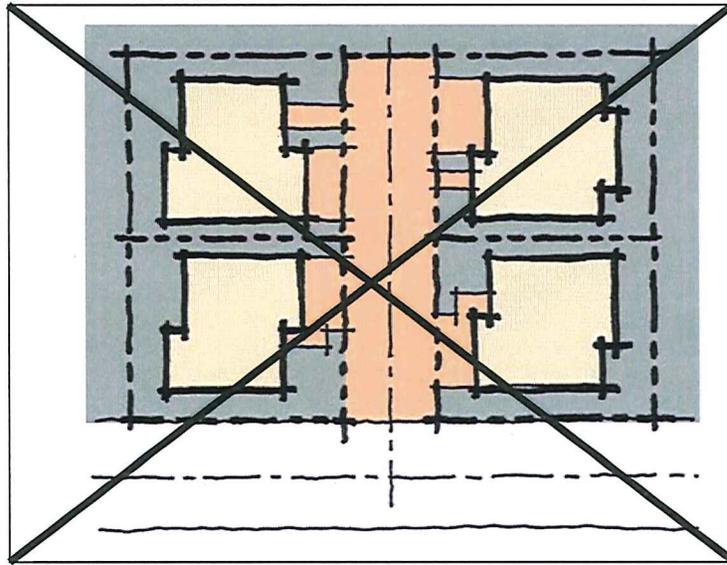


Pg. 30 (Lanes)

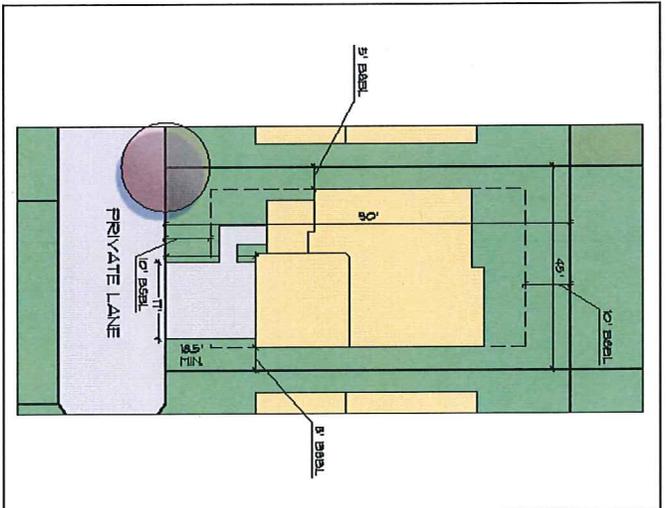
AUTOCOURT PRIVATE ACCESS LANES

detached single family houses with garages clustered around a common driveway

delete existing graphics

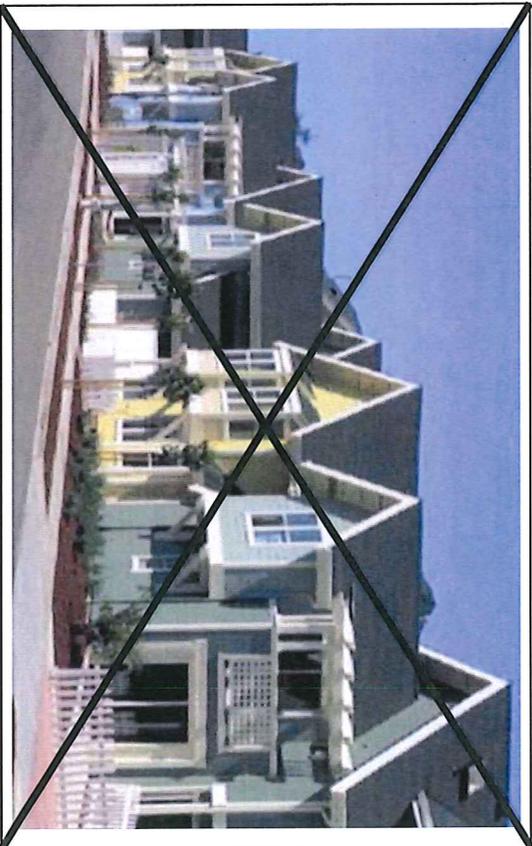


add new graphics



Pg. 33
(Townhouse)

TOWNHOUSE (Private Alley Access)
single family dwelling units attached on one or more sides
Delete existing graphic



Add a new graphic



**Pg 41
(Landscaping
in setbacks)**

Front setback areas must be landscaped with Type III landscaping (as defined in EMC 19.35.050), provided that:

- Tree and shrub types and locations allow for natural surveillance between dwelling units and the street.
- There shall be the equivalent of one tree for each ~~thirty feet of street frontage lot~~.
- Planting strip areas and trees between the sidewalk and street shall not qualify for the landscaped area requirements above.

**Pg. 44
(Irrigation)**

Irrigation

All ~~private common~~ spaces in residential areas will be irrigated, ~~with the highest priority in front yards~~. Irrigation systems should be designed for water efficiency. If not automatically irrigated, homeowners should adequately water and maintain the plants on private property, including planting strips adjacent to streets and alleys. Reuse of storm water from downspouts is encouraged as a natural source of water for irrigation.

**Pg. 44
(Fencing)**

Fencing

Eclipse Neighborhood. Fences within the front setback area and between any street and buildings shall not be more than three feet six inches high and less than seventy percent solid to maintain views into the street for security. However, front yard fences are discouraged. Fences up to six feet in height may be permitted no closer than ten feet from the sidewalk provided they have landscaping between the fence and the sidewalk. Fences taller than three feet six inches and visible from a street should be screened with Type I or III Landscaping (as defined in EMC 19.35.050) to mitigate the visual impact of a wall on the street.

Fences between the street and the dwelling are to be no more than thirty percent solid. Chain link fences are not allowed.

Simpson Neighborhood. Fences within the front setback area shall not be more than three feet six inches high and less than seventy percent solid to maintain views into the street for security. However, front yard fences are discouraged. Fences up to six feet in height may be permitted on side lot lines / in side setback areas no closer than five feet from the sidewalk provided they have landscaping between the fence and the sidewalk. Fences taller than three feet six inches and visible from a street should be screened with Type I or III Landscaping (as defined in EMC 19.35.050) to mitigate the visual impact of a wall on the street. Chain link fences are not allowed.

Insert new graphic

Landscaping along fences on side lot lines / setbacks



ATTACHMENT I

The City's Responsible Official has the authority to amend mitigation measures related to specific environmental studies, such as traffic, stream, and wetland reports, when conditions have changed and additional State Environmental Policy Act (SEPA) analysis is completed. This authority does not apply to mitigation measures associated with standards and requirements elsewhere in the Development Agreement, such as mitigation measures associated with standards or other requirements found in Attachment F, Attachment G, or Attachment H.

Polygon and the City hereby amend, or amend and restate, certain table rows of Attachment I to the Development Agreement as follows, with strikeouts deleted and underlines added:

Element of the Environment and Mitigation Measure	Action Mitigation is Tied to	Where Found in EIS Documents	Responsible Party	Implementation Time Frame
P&A F, page I—8 <i>Plants and Animals F:</i> Development of a tidal restoration plan for Wetland C	Buffer widths for Simpson Pad	FEIS 4.5.4.1, <u>Addendum 1 pages 9-10, Addendum 4, pages 2-3</u>	City	Shoreline permits Prior to construction of residences on Simpson Pad <u>Construction 2015 or first construction season after issuance of state and federal permits.</u>
P&A G, page I-8-9 <i>Plants and Animals G:</i> Remove or pay for the removal of up to 50 pilings in the Snohomish River associated with the City's tidal restoration plan	Buffer widths for Simpson Pad	FEIS 4.5.4.1 <u>Addendum 4, pages 2-3.</u>	OM City <u>Being done as part of Wetland C restoration / enhancements. Polygon contributed to the cost.</u>	Memorandum of Understanding. Shoreline permits. Prior to construction of residences on Simpson Pad <u>At time of construction of Wetland C restoration</u>
V/L&G O, page I-15 <i>Visual/Light and Glare O:</i> Use an east-west	All Development on Simpson	DEIS 5.2.12.3 <u>Addendum 5, page 2</u>	OM	PDO, Land Division and/or

Element of the Environment and Mitigation Measure	Action Mitigation is Tied to	Where Found in EIS Documents	Responsible Party	Implementation Time Frame
street grid to create views to the riverfront.				Building permits
V/L&G P, page I-15 Visual/Light and Glare P: Locate open spaces to maximize views from within the development to the riverfront and longer vistas to the Cascade Mountains.	All Development on Simpson	DEIS 5.2.12.3 <u>Addendum 5, page 2</u>	OM	PDO, Land Division and/or Building permits
V/L&G Q, page I-15 Visual/Light and Glare Q: Have a major public park as a focal point of the development and create an axial open space and a visual break in the overall neighborhood (Neighborhood Green)	All Development on Simpson	DEIS 5.2.12.3	OM	PDO, Land Division and/or Building permits
V/L&G R, page I-15-16 Visual/Light and Glare R: Have a street grid made up of small blocks, facilitating walking and shortening the distance between intersections, making more opportunities for views down the streets	Development on Simpson	DEIS 5.2.12.3 <u>Addendum 5, page 2</u>	OM	PDO, Land Division and/or Building permits
V/L&G S, page I-16 Visual/Light and Glare S: Use a system of primary streets and secondary alleys has been designed that takes parking off of the primary streets and allows access to garages from the alleys.	Development on Simpson	DEIS 5.2.12.3	OM	PDO, Land Division and/or Building permits
V/L&G T, page I-16 Visual/Light and Glare T: Utilize a tree lined boulevard running the length of the site in a north-south direction; opening up the center of the site for views in and out. <u>Tree-lined residential streets will include sidewalks on both sides with landscaping between the sidewalk and the curb. In addition the equivalent of at least one tree per lot will be provided.</u>	Development on Simpson	DEIS 5.2.12.3 <u>Addendum 5, page 2</u>	OM	PDO, Land Division and/or Building permits
V/L&G U, page I-16 Visual/Light and Glare U: The architectural character of the development will be of high quality and will include diverse styles of homes. Varied	Development on Simpson	DEIS 5.2.12.3 Addendum No. 1 <u>Residential Guidelines page 24,</u>	OM	PDO, Land Division and/or Building permits

Element of the Environment and Mitigation Measure	Action Mitigation is Tied to	Where Found in EIS Documents	Responsible Party	Implementation Time Frame
<p>roof forms and configurations will be used to create visual interest and variety. Exterior colors will be primarily muted earth tones with brighter accent colors used for trim work and special features throughout the development. <u>A wide range of material and colors is encouraged. Colors should be appropriate to the architectural style of the home. A range of hues, including colors in the medium and dark range, is encouraged. Light beiges and grays should not predominate.</u> Buildings would have a maximum height of 35<u>30</u> feet, except if a 5:12 roof pitch or greater is provided in which case the height could be 45<u>40</u> feet.</p>		<p><u>Addendum 4 pages 1-2, Addendum 5 page 2</u></p>		
<p>T B, page I-19 Transportation B: Pacific Avenue at I-5 Northbound Off-ramp. It would be feasible to install a signal at this intersection. Approximately 50 percent of the 2030 traffic volumes through the intersection could be attributable to the Project. OM shall pay a 50 percent proportionate share of this improvement. <u>This condition may be modified by the City's Planning Director through an Addendum to the EIS if a revised traffic study approved by the City's Traffic Engineer documents that the reduced number of residential units results in a smaller proportionate share of traffic volumes attributable to this project.</u></p>	<p>All Development</p>	<p>DEIS 5.5.18.1 (and clarified per City comments on DA)</p>	<p>OM</p>	<p>PDO, Issuance of Building permits</p>
<p>T C, page I-19 Transportation C: 52nd Street at 2nd Avenue. The installation of a signal would improve the intersection to an acceptable LOS. Eleven percent of the traffic's pm peak hour trips going through the signal could be attributable to the Project. OM shall pay eleven percent of the cost of this signal. <u>This condition may be modified by the City's Planning Director through an Addendum to the EIS if a revised traffic study approved by the City's Traffic</u></p>	<p>All Development</p>	<p>DEIS 5.5.18.10 (and clarified per City comments on DA)</p>	<p>OM</p>	<p>PDO, Issuance of Building permits</p>

Element of the Environment and Mitigation Measure	Action Mitigation is Tied to	Where Found in EIS Documents	Responsible Party	Implementation Time Frame
<p><u>Engineer documents that the reduced number of residential units results in a smaller proportionate share of traffic volumes attributable to this project.</u></p>				
<p>T D, page I-19</p> <p>Transportation D: <u>-A To meet secondary emergency access requirements, a 34-foot wide driving surface / main entrance boulevard with no parking on either side must be provided from the 41st Street roundabout to the first intersection within the development. must be provided to the residential area on the Simpson pad in accordance with Appendix D of the City of Everett Fire Code.</u></p>	Buildings on Simpson Pad	DEIS 5.5.13.7 and FEIS Addendum 4 page 2	OM	PDO, Issuance of Building Permits

ATTACHMENT K

Polygon and the City hereby amend, or amend and restate, certain provisions of Attachment K to the Development Agreement as follows:

Section	Amended Provision (Strikeouts deleted; underlines added)
18.28.120.B (private access drives)	Attachment F identifies those portions of the Subdivision Code that will not apply to the development. Those sections are crossed out on the Attachment K copies of the Subdivision Code attached.

B. & C. Do not apply to private access lanes 18.28.120

of the applicant's project. Such fees must be paid prior to final approval. (Ord. 2718-03 § 21, 2003; Ord. 2536-01 § 17, 2001; Ord. 2328-98 § 7(F)(6), 1998)

18.28.120 Easement access exception.

A. Short Subdivisions. The city may, at the request of the applicant in short subdivisions only and as permitted by the Everett zoning code, allow access to lots by easement when in the opinion of the city engineer:

1. The improvement of a public street is not necessary to facilitate adequate supply of sewer and utilities;
2. The improvement of a public street is not necessary to provide on-street parking;
3. The improvement of a public street is not necessary to provide access to potential additional lots or future developable area; and
4. The improvement of a public street is not necessary to protect the public health, safety and welfare of the residents and general public.

B. Subdivisions. When a site contains natural constraints, such as topography or environmentally sensitive areas, and the provision of an easement would reduce impacts to those areas, the director and city engineer may allow the use of limited easement access. Easement access within subdivisions shall be limited to one easement serving a maximum of two single-family units.

C. Easement Access Drive Standards. All easement access drives shall be built to the following standards for easement widths, paving widths, off-street parking and utilities. All easement access drives shall be constructed to city standards with an A-1 curb/gutter on both sides and shall meet the requirement for thickness and subgrade as required for a Local Access Street "A". The city engineer may require a turnaround to city standards on any easement access drive. All required improvements must be installed and completed prior to final short subdivision approval.

Easement Access Drive Standards For	Potential Number of Dwelling Units Served	Minimum Easement Width	Surface and Pavement	Off-Street Parking Spaces
Single-Family Dwelling Unit	1—2 dwelling units	24 feet (14 feet for access drive, plus 5 feet landscape easement on both sides)	14 feet paving per city standards for a driveway	4 per single-family dwelling unit
Single-Family Dwelling Unit with Required Fire Lane	1—2 dwelling units	30 feet (20 feet for access drive, plus 5 feet landscape easement on both sides)	20 feet paving per city standards for a fire lane	4 per single-family dwelling
Single-Family Dwelling Units	3—6 dwelling units	30 feet (20 feet for access drive, plus 5 feet landscape easement on both sides)	18 feet of paving per city standards for thickness and subgrade Local Access Street "A" with A-1 curb/gutter on both sides ¹	4 per single-family dwelling unit
Duplexes and Multiple-Family Dwelling Units*	Public street required	N/A	N/A	N/A

* See Section 18.28.130(O).

¹ The city engineer shall have the authority to determine where to terminate the curb for easement access rear lots in short subdivisions of three to six lots.

(Ord. 2718-03 § 22, 2003; Ord. 2328-98 § 7(F)(7), 1998)

18.28.130 Does not apply to private access lanes or private alleys.

18.28.130 Development standards for easement access lots.

A. Calculation of Number of Units. For determining the number of units served by an easement access drive, the city shall count the maximum number of potential units for the total short subdivision.

B. Maximum Number of Units Permitted in Easement Access Short Subdivision. The maximum number of units permitted in an easement access short subdivision (including the use of other approved driveways and/or other easement access drives as permitted by this title) shall not exceed six.

C. All units that abut or are adjacent to an easement access drive are required to take access off the easement, unless it is determined by the city engineer that:

1. An existing dwelling and its garage are in a location where access from the easement is impractical or impossible due to the topography or environmental constraints of the site; or

2. A potential safety issue exists related to access from the easement as determined by the city engineer.

D. All easement access drive short subdivisions are limited to one easement access drive per street frontage, unless otherwise approved by the director and city engineer. More than one easement access drive per frontage shall be approved only if the following criteria are met:

1. A public street is not possible;

2. A single easement access cannot serve the proposed short subdivision due to the configuration of the property to be subdivided; and

3. This option is not a substitute for comprehensive subdividing which includes the installation of a public street and utilities.

E. For any easement access or easement with public utilities, the city engineer shall determine the required easement width based on city standards.

F. A maximum of two lots can be served by private utility side services within an easement, unless the city engineer determines that a public utility main is necessary for adequate area service. Three or more lots served within an easement will require public utilities.

G. For all easement access lots, no new driveways or parking areas will be allowed within the front yard setback, with the exception of the easement access drive. For easement access rear lots, a vehicle turnaround may be allowed within the front setback.

H. Access off an easement drive is limited to one twenty-foot driveway and curb cut per lot. The driveway shall not exceed twenty feet in width for a distance of twenty feet from the easement access drive curb. This requirement shall be noted as a condition of approval on the face of the final short plat map.

I. Surface Parking. On any lot where surface parking is proposed, the parking area shall be at a minimum five feet from any property line and shall not exceed

twenty feet in width for a distance of twenty feet from the easement access drive curb. All parking areas shall be landscaped, screened and improved in accordance with the design and development provisions of this chapter. For any easement access drive that is not required to have Type A-1 curbing, the city shall require a landscaped berm, swale or other barrier to prevent parking outside of the approved driveway. Refer to Section 18.28.080(B).

J. All easement access and panhandle lots shall provide a vehicle turnaround as approved by the city traffic engineer. For easement access rear lots, the turnaround shall be located on the lot that it is serving. The turnaround area shall be not included in meeting the parking requirements of this title. Parking within the turnaround shall be prohibited.

K. Site Development Plan. On all lots within an easement access short subdivision, the applicant is required to submit a site development plan meeting the requirements of the procedures for processing permit applications as defined in Title 15 of this code, Local Project Review Procedures.

L. Lot Width, Depth, Dwelling Unit Orientation, Building Sites for Easement Access Lots. The planning director shall have the authority to modify the following standards under Section 18.28.050(B), where a dedication for right-of-way widening is required by the city.

1. Measurement of Lot Width and Depth. Except for easement access interior lots, lot width and depth shall be measured using the same orientation as the originating parcel. All lots shall meet the minimum lot width and depth dimensional standards of the zoning code.

2. Easement access interior lots may only be created when the originating parcel, or parent lot, contains a minimum of seventy feet of width. When the parent lot is less than seventy feet wide, no interior lots may be created within an easement access short subdivision.

3. Dwelling Unit Orientation. All lots that have full frontage on an improved public right-of-way and easement access rear lots shall have the dwelling unit oriented to the public street. The dwelling unit shall have a defined front entrance, windows and porch facing the street. Easement access interior lots shall have the dwelling unit oriented to the easement access drive.

M. Orientation of Lots and Required Setbacks for Easement Access Lots. All required setbacks shall be shown on the final short plat map and shall comply with the following standards and the approved site development plan. For irregular or unusually shaped lots, the director shall determine which lots are front, interior, or rear lots. Easement access lots will be required to meet the following setbacks:

1. Easement Access Front Lots. The unit and lot shall be oriented to the public street.

a. Front setback: twenty feet;

when buildings are protected by an approved automatic fire sprinkler system.

D. Each building site on each lot in a multiple-family or commercial subdivision or short subdivision shall be no further than two hundred driving feet from a fire hydrant and not closer than fifty feet from building site.

E. For all divisions of land, this title shall control in the event of a conflict with any other city regulations. (Ord. 2328-98 § 7(F)(14), 1998)

18.28.200 Clearing and grading.

A. Before any site modification where existing natural features would be disturbed or removed, a grading plan meeting city standards and the provisions of this title must be submitted and approved by the city engineer showing the extent of the proposed modification.

B. Debris and waste such as trees, timber, rocks, stones, junk, rubbish, or other waste materials of any kind shall not be buried in any land or deposited in any environmentally sensitive area.

C. All erosion control plans must be in compliance with city standards and the city's drainage ordinance.

D. In critical drainage areas or on sites that are classified as environmentally sensitive, the city may prohibit clearing of lots until building permits have been issued.

E. All clearing and grading shall be based on sound engineering techniques and meet the following minimum standards:

1. The project design and grading shall follow good engineering practices. Consideration shall be given to protection of slope stability, prevention of erosion, structural suitability for future building sites, driveways, and public streets;

2. Building sites, driveways, and public streets shall not be located on fill unless approved by the city based on information provided to the city by the applicant in a geotechnical report prepared by a Washington State licensed geotechnical engineer;

3. Grading shall be done in such a manner as to minimize the need for rockeries and retaining walls along lot lines, streets and the exterior boundaries of the project;

4. Clearing and grading limits shall be established so as to not impact environmentally sensitive areas, the required buffers, and adjacent properties;

5. Each lot shall have a suitable building site and driveway access. All grading should gradually transition to the approved grading limit and the projects exterior boundaries; and

6. Excavation of foundation material, utility trenches, and required public improvements shall not be distributed within the project boundaries and must be disposed of at a preapproved site, unless otherwise

approved by the city engineer and shown on an approved grading plan.

F. On projects that have environmentally sensitive features and in critical drainage areas, clearing and grading and other significant earth work may be limited to a specific time period as determined by the city.

G. All projects must be in compliance with the approved grading plan prior to final approval being granted. The director or city engineer may require a final as-built topography map to show compliance with the approved grading plan and to calculate building height as required by the Everett zoning code. (Ord. 2718-03 § 33, 2003; Ord. 2328-98 § 7(F)(15), 1998)

18.28.210 Lot requirements.

A. Lot arrangement and design shall take into consideration, to the maximum extent possible, the natural features of the site such as environmentally sensitive areas, parks, open space, and views. Each lot shall provide a suitable building site and driveway access from existing or proposed streets. Refer to Section 18.28.130 for specific lot requirements for easement access lots.

B. Double frontage lots shall be avoided whenever possible.

C. Lots shall not, in general, access off of arterial streets. Where driveway access from a street may be necessary for several adjoining lots, the city may require that such lots be served by combined access points and driveways designed or arranged so as to avoid requiring vehicles to back into traffic.

D. All lots that have full frontage on an improved public right-of-way shall have the dwelling oriented to the public street. The dwelling shall have a defined front entrance, windows and porch facing the street.

E. Calculation of Lot Area. The computations for meeting minimum lot area requirements for the Everett zoning code must exclude the following: drainage tracts or above-ground drainage improvements, panhandles and common recreation facilities, except as permitted by the cluster alternative for subdividing. Also refer to Sections 18.28.130 and 19.39.130.

F. Through the cluster subdivision or cluster short subdivision process, the director may modify the Everett zoning code requirements for individual lots for width, depth, area, frontage, and setbacks; provided, that Everett zoning code density standards are met for the total site subject to the cluster subdivision or short subdivision process.

G. Irregular shaped lots shall be discouraged. In general, all lots shall be composed of straight lines which provide adequate building site and private rear yard area, except as permitted in cluster subdivisions or short subdivisions and binding site plans.

H. Individual lots in a binding site plan are not required to provide landscaping on each lot to Everett

D. Shall not apply to lots on the Simpson Pad that have full frontage on a private access lane. (Everett 12-04)

18.28.220

See the Everett Riverfront District Zoning and Land Division Standards for modified text for 18.28.250A applicable to single family detached on Simpson and Eclipse parcels.

zoning code requirements as long as the city has an approved site plan which includes landscaping for the total site as required by this title.

I. Individual lots that take access off a cul-de-sac may be allowed a reduced frontage, but not less than a minimum of twenty feet if the front yard setback is increased to thirty feet, with a twelve-foot tapered driveway. This must be shown on the face of the final division map. The paved driveway may not cover more than forty percent of the front setback area.

J. In subdivisions, panhandle shaped lots are restricted to sites that contain natural constraints such as topography greater than fifteen percent or environmentally sensitive areas. In short subdivisions, panhandle shaped lots are permitted without the above restrictions, provided all panhandle lots meet the following standards:

1. The minimum width of the minor or access portion shall be fifteen feet;
2. The computations for complying with the Everett zoning code minimum lot size, width, depth and setbacks shall not include the panhandle portion of the lot;
3. No panhandle shaped lot shall be permitted in short subdivisions where the ownership is common with a contiguous property;
4. Side by side panhandle access drives in subdivisions or short subdivisions are not permitted;
5. No panhandle shaped lot will be permitted if there is a potential for additional development, unless adequate area is left for the future development potential; and
6. Panhandle lot access drives are required to comply with the development standards as defined in the design and development provisions of this chapter. (Ord. 2718-03 §§ 34, 35, 36, 2003; Ord. 2536-01 §§ 21, 22, 2001; Ord. 2328-98 § 7(F)(16), 1998)

18.28.220 Sign requirements.

A. All signs shall meet minimum standards as defined in the Everett zoning code.

B. The sign identification name must be the same as the name of the recorded subdivision approved and on file in the Snohomish County auditor's office.

C. All proposed signing is subject to approval by the director and city engineer and must be integrated into the design of the project. The material used on signs shall be solid wood, masonry, concrete or similar material as approved by the director.

D. For all subdivisions and cluster subdivisions, a sign plan is required prior to final approval and must be approved by the director and city engineer. All signs shall be installed prior to final approval. (Ord. 2718-03 § 37, 2003; Ord. 2328-98 § 7(F)(17), 1998)

18.28.230 Utilities improvements.

All utility facilities shall be per city standards. (Ord. 2328-98 § 7(F)(18), 1998)

18.28.240 Easements.

Permanent easements shall be provided for utilities and other public services whenever requested by the city engineer. (Ord. 2328-98 § 7(F)(19), 1998)

18.28.250 Yard areas.

A. Each division of land for a residential lot shall provide private yard area that is directly accessible from the living space within the house. For all lots, the private yard shall contain a minimum of six hundred square feet of area with a minimum dimension of fifteen feet. The director may permit the private rear yard area to extend into the side yard only when it is continuous from the rear yard area, and the side yard contains a minimum distance of ten feet.

B. The required yard area must be shown on the final plat or short plat map. Notwithstanding Title 19 of this code, no accessory buildings or structures are permitted within the required yard area. The city will require a recorded notice on the title of each lot that prohibits placement of accessory buildings or structures within the required yard area.

C. For interior easement access lots, a second story uncovered deck may extend up to fifteen feet into the required yard when it is located on the side of the dwelling, but not closer than ten feet to any lot line. The maximum size for such a deck shall be three hundred square feet.

D. In order to provide flexibility in meeting the requirements of this section on each lot in cluster subdivision or cluster short subdivisions, the applicant may propose and the director may approve a reduction of up to fifty percent of the required yard area if an alternative is provided. Alternatives for private rear yard may include, but are not limited to, the following:

1. Additional developed common recreation or playground area; and
2. Private or public park or trail systems. (Ord. 2718-03 § 38, 2003; Ord. 2328-98 § 7(F)(20), 1998)

18.28.260 On-site recreation facility requirements.

A. Subdivisions and the cluster alternative shall provide on-site recreational facilities in accordance with the on-site recreation facility standards of Section 19.15.050.

B. All parks, playgrounds, recreation, and trail access locations shall be centrally located in an area that is readily available, visible, and accessible to all the residents within the project.

Up to 590 of the lots on the Simpson Pad may be panhandles.

18.28.220 B and 18.28.250 D do not apply to single family detached on Simpson and Eclipse parcels