



## **RETHINK ZONING, SUMMARY of AMENDMENTS PROPOSED**

Based on Planning Commission Recommendations of September 8, 2020

[www.everettwa.gov/rethink](http://www.everettwa.gov/rethink)

September 14, 2020



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## Executive Summary

Rethink Zoning is a multi-year initiative to update and simplify the City's zoning code. The current version of the City's zoning code was adopted in 1989. The world and Everett have changed significantly since that time. By building on the success of [Metro Everett](#), we can continue to make zoning simpler and also protect community values.

For the past thirty years, the City has added to its development regulations without careful consideration of duplication and conflict with other code provisions. Several years back, City planning staff began discussing with the Mayor, City Council, Planning Commission and other interested persons, the concept of a major code update.

This document is a summary of what is proposed. For the actual text of plan and code amendments, please visit the project website at <https://everettwa.gov/rethink> and the Rethink Zoning Library at <https://everettwa.gov/2453/Rethink-Zoning-Library>.

## Rethink Zoning Amendment Highlights

The following are major highlights of the plan and code amendments.

### Comprehensive Plan Amendments

Rethink Zoning is not intended to fundamentally change the land use vision for the City. In 2019, the City streamlined the Land Use Element of the Comprehensive Plan ([Ord 3666-19](#)) as the first step towards a rewrite of the Zoning and other development codes. With the consolidation of zones which are proposed (see below), [amendments](#) to the Land Use Element are needed to provide consistency between the Comprehensive Plan and development regulations required by the Growth Management Act (GMA).

- Table 9 in Chapter 2 is revised to show what zoning is equivalent with land use designations.
- Criteria for the consolidated zones are added to Chapter 2 to guide any future rezone applications. This is particularly important when a rezone does not trigger a comprehensive plan amendment.

When planning staff worked on zone consolidation, several areas were identified that had current development patterns which were inconsistent with current zoning and comprehensive plan land use designations. 27 different areas were identified and can be found in the [Land Use Change Report](#) on the project website.

Some of the land use map amendments include areas which were developed under the City's [clinic and office overlays](#) that allowed these uses in multifamily neighborhoods. These areas include significant medical and office facilities developed between Colby and Rucker Avenue south of 39<sup>th</sup> Street. These areas are proposed to change from a multifamily zone (with [clinic-office overlay](#)) to a commercial mixed-use zone (MU), or for those areas south of 41<sup>st</sup>, to a business zone (B).

### Consolidation of zones

Many current zoning districts are nearly identical in the uses allowed and development standards. In 2019, the similarities between [residential zones](#) and [commercial-industrial zones](#) were compared with



the Planning Commission and City Council. Planning staff developed concepts of how to consolidate the zones and briefed the Planning Commission and City Council on those concepts.

Due to COVID-19, plans to consolidate single-family zones and introduce new housing types into those zones has been put on hold. The City will likely continue that work with the [Rethink Housing](#) initiative later in 2020 and into 2021.

The draft plan and code amendments would consolidate multifamily, commercial, industrial and overlay zones as shown in the table below:

Use Zones	Current Code	Rethink Code
Multifamily Zones	R-3(L), R-3, R-4, R-5, UR	UR3 and UR4
Commercial Zones	B-1, B-2, B-2(B), C-1, C-1R, UM, W-C, BMU, E-1, E-1 MUO	NB, B, MU
Industrial Zones	C-2, ULI, M-2, M-1, M-M,	LI1, LI2, HI
Overlay Zones	FWD, UFFD, RFFD, PRD, H, D, CO, PD, MHP, AC, CRA, I	H, I, PD, APN. Flood

For more information on the existing zoning districts and overlay zones, please see [Title 19](#) and [EMC 19.01](#).

#### New Zoning Use Table

The current Zoning Code Use Table ([EMC 19.05](#)) has **134** non-residential uses and **26** residential uses (**160** total); the Metro Everett Use Table had **70** uses listed; the proposed Use Table has **83** uses listed. The Land Uses in [Chapter 5](#) of the draft Unified Development Code are derived from the Metro Everett Use Chapter adopted in August 2018 ([EMC 19.19](#)).

Each Use now has a definition, which can be found in the draft [Chapter 4](#). The current Zoning Code did not define every Use.

#### New Street Designations

The [Metro Everett Subarea Plan](#) included designation of streets to function as a design and use overlay. This designation helps refine the development regulations in those areas where urban planning, place making and economic development are central to creating an active, vibrant place to attract people. The draft code, in [Chapter 33](#), expands the designation of streets outside of Metro Everett. The streets added include:

- Broadway,
- Rucker/Evergreen,
- areas currently designated with a [Clinic-Office Overlay](#),
- areas zoned Neighborhood Business (NB),
- Everett Mall Way, and
- 19<sup>th</sup> Street SE.

Limits on Uses based on street designations, primarily on the ground floor of buildings, can be found in [Chapter 5](#), Uses draft. Building and site design standards based on street designations can be found in [Chapter 12](#), Building Form and Design. Minimum building heights based on street designation can be found in [Chapter 22](#), Building and Structure Heights. Public sidewalk standards based on street designations can be found in [Chapter 33](#), Streets, Sidewalks and Pedestrian Circulation.



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### Sidewalks and Street Improvements

One of the draft chapters is outside of the Unified Development Code: [Chapter 13.68](#), Street Construction and Private Construction. This chapter is the framework for the City Public Works staff and their requirements for improvements to city streets and sidewalks. Amendments to this chapter include:

- Street improvements triggered at 3 units (down from 5)
- Sidewalk improvements triggered at 1 unit if in a sidewalk priority area, defined as:
  - Within Metro Everett
  - Within ¼ mile of a high frequency transit corridor
  - Within ¼ mile of a public school or public park

The chapter also includes updates to street standards and the change from a hearing examiner decision for modification of standards to an administrative decision.

### Building Form and Design Standards

Over the past 30 years, building form and design standards have been added to the Zoning Code, often in a piecemeal fashion. Standards can be found in EMC [19.07](#) (Small Lots), [19.15](#) (Multiple-Family), [19.19](#) (Metro Everett and Core Residential Area), [19.26](#) (M-2 Central Waterfront), [19.31A](#) (Broadway Mixed-Use), [19.31B](#) (Evergreen Way), as well as other chapters.

The draft code amendments consolidate building form and design standards. The principal chapters are now:

- [Chapter 8, Residential Standards](#) – chapter includes standards for small lot single family, design standards for townhouses and duplexes in single-family zones, front porch and entrance requirements, and garage requirements.
- [Chapter 9, Multifamily Standards](#) – chapter includes building form and design standards, entrance requirements, front porch requirements, and outdoor and common area requirements.
- [Chapter 12, Building Form and Design Standards](#) – this chapter applies to non-residential development in multifamily, commercial and industrial zones. Standards include build form, façade design, structured parking, weather protection, building transparency, special design standards for Metro Everett and NB zones, design standards for industrial zones when on Gateway Corridors or adjacent to residential zones or visible from public shoreline areas.

### Accessory Residential Buildings and Dwelling Units

The draft standards for accessory residential buildings and accessory dwelling units include some changes from current standards, some of which are required by new state law requirements.

- Only single-family dwellings may have an accessory dwelling unit (ADU) in the City's current Zoning Code. New state legislation in 2020 ([ESSB 6617](#)) requires the City to allow ADUs with duplexes, triplexes and townhomes. See the draft definition of “*dwelling unit, accessory*” in [Section 19.04.050](#).
- [ESSB 6617](#) does not allow the City to require off-street parking for an ADU within ¼ mile of a major transit stop. See the draft chapter on off-street parking ([19.34](#)) for these amendments.



- Accessory dwelling unit standards have been modified to provide a potential increase in size from 800 square feet to 1,000 square feet. Existing code allows accessory residential buildings [EMC 19.07.020](#) to be 1,000 square feet, so this provides consistency between these two accessory uses. The draft accessory dwelling unit standards ([Chapter 8](#)) limit the size to the lesser of 15% of the total lot area, 1,000 square feet or the principal dwelling's building footprint.
- Accessory residential building standards have amendments drafted to allow for up to 3,000 square feet – up from 2,000 square feet. This size can only be accomplished if it did not exceed 15% of the total lot area or no larger than the building footprint of the dwelling; the effect of this size increase would be limited to larger properties with larger dwelling units.
- Heights for accessory residential buildings and accessory dwelling units are drafted to be the same standard ([Chapter 22](#)).
  - Current standards ([EMC 19.07.020](#)) limited accessory residential buildings to 15 feet in height and required a 6:12 roof pitch if over 200 sq. ft. Anything outside of those standards required notice to neighbors and posting the site.
  - Current accessory dwelling unit standards allow 24' if on an alley, or 18' in a rear setback and 5' from a rear property line.
  - The draft standards would allow 2 floors or 24' with a 6:12 pitch for alley lots, or 1½ floors and 18' in rear setback areas.

### *Building and Structure Heights*

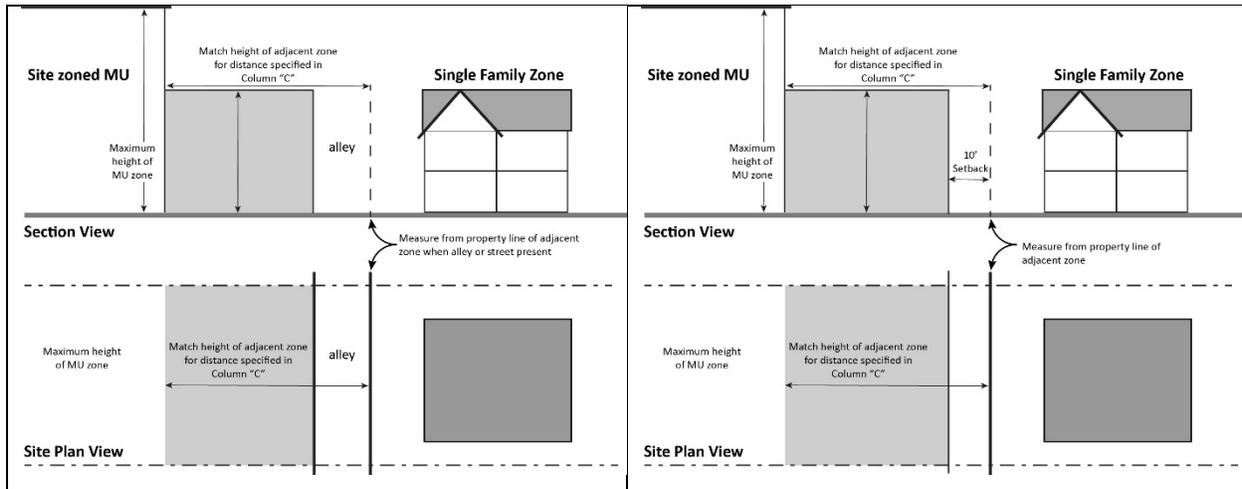
Building and structure height requirements are currently found in ten different chapters of the Zoning Code. These provisions are now consolidated into one chapter ([Chapter 22](#)). All heights are now included on a city-wide [Heights Map](#).

For the most part, existing height requirements in the Zoning Code have not changed. There are some adjustments that were needed for commercial and industrial heights, largely due to their proximity to residential zones where the total zone height could not be achieved.

Minimum heights are established for the two multifamily zones (UR3 and UR4) in order to help minimize underbuilding in our multifamily areas. Minimum heights are also established for the Mixed Urban zone and streets designated as Transit-Oriented Development (TOD).

There are several different approaches for how heights are currently restricted when they abut a residential zone. Broadway Mixed-Use ([EMC 19.31A](#)) has one approach, Evergreen Way ([EMC 19.31B](#)) has a different approach, and Metro Everett ([EMC 19.20](#)) has a third approach.

The draft standards in [EMC 19.22.030](#) has one approach to height transitions, and it is based in large measure on the Broadway Mixed Use zone. Building heights adjacent to a residential zone must match the maximum height of that zone for a distance ranging from 35' to 150'. The distance is based on the zone of the development site, with industrial uses requiring greater distance than a multifamily development adjacent to single family zones. Below are illustrations for how these standards would be implemented in conjunction with Table 22-4.



*This illustration shows the point of measurement with an alley*

*This illustration shows the point of measurement when the building abuts a single family zone without an alley. Ch. 19.06.020 requires the building to be set back 10' from the single family zone, as well.*

### Environmental Policy (SEPA)

The City's current SEPA ordinance is being moved out of Title 20 ([EMC 20.04](#)) and integrated into the draft Unified Development Code ([EMC 19.43](#)). While the policies and procedures remain the same as current, two key changes are drafted:

- The categorical exemption from SEPA would be expanded to exempt residential development of up to 200 dwellings in the Urban Residential 4 (UR4) zone and all Mixed Urban zones. This exemption is currently available in Metro Everett, and up to 100 residential units is exempt from SEPA in the E-1 MUO zone.
- The requirement to make all projects which exceed the SEPA thresholds for categorical exemptions subject to Review Process II (posting and notice) is eliminated as it is not required by state law and adds additional burden on staff.

### Local Project Review Procedures (Title 15)

In 1995, the legislature passed an Act ([RCW 36.70B](#)) to implement the recommendations of the governor's task force on regulatory reform on integrating growth management planning and environmental review. The legislature's actions in 1995 made changes to the Growth Management Act (GMA), State Environmental Policy Act (SEPA), Shoreline Management Act (SMA), Local Permit Process, implemented new standards for "Development Agreements", and addressed state permit coordination and appeals.

The City's adopted procedures are spread out amongst eight (8) different chapters in Title 15. In addition, some land use decision criteria are scattered amongst other ordinances, such as the requirements to amend the comprehensive plan. The draft would repeal all existing procedures and criteria, and reorganize the procedures into three chapters:

- Chapter 15.01, Application Requirements
- Chapter 15.02, Local Project Review Procedures



- Chapter 15.03, Review Criteria for Land Use Decisions

While the legislature sets some parameters for local project review procedures, there are some procedures that the City has enacted that are beyond the minimum requirements of state law. Changes from current practice include:

- **Land Divisions:** State law ([RCW 58.17.060](#)) allows for the summary approval by administrative staff of short plats or short subdivisions, which is the division of land into less than ten (10) lots. There is no requirement in state law for public notice of the application. The draft is consistent with what state law allows.
- **Shoreline Development:** State law ([RCW 90.58](#)) for development within Shoreline Management Act (SMA) jurisdiction dictates specific notice requirements and timing for issuance of shoreline substantial development permits. The SMA, however, does not dictate who the local decision-maker is. The amendments revise the decision-maker to streamline procedures and timing, but do not revise the public notice requirements of the SMA. The new framework for shoreline decisions is as follows:
  - **Hearing Examiner decisions (REV III):** The hearing examiner would hear shoreline variance, shoreline conditional use permits and any request to increase heights to accommodate industrial activities with access to the marine shorelines in [Chapter 19.22.070](#).
  - **Planning Director decisions (REV II):** Applications subject to posting and public notice includes:
    - Development with one (1) acre or more of the project footprint within shoreline jurisdiction;
    - Development in the shoreline area will include buildings in excess of 35' in height;
    - Development which includes docks or other in-water facilities, including fill, which could interfere with the public's use of shorelines of the state.
  - **Staff Administrative decisions (REV I):** All other shoreline permit applications would be staff decisions. The only distinction between REV I and REV II shoreline applications is that REV I applications would not require posting of a sign, but would require notice to property owners within 300', and the local procedures would require notice to SEPA mailing list and neighborhood leaders.
- **Historic.** No changes are proposed to the reviews required by the City's Historical Commission, but some changes to the extent of public notice to surrounding properties is drafted. Posting of project signs and mailing notice to owners within 150' would no longer be required for:
  - Addition of an accessory dwelling unit;
  - Alteration of significant features of a local register property;
  - Additions to a building with three or more dwelling units when identified as contributing.

The decisions above are still subject to review at an open public meeting by the City's Historical Commission.

The changes to procedures are meant to 1) ensure objective decision-making based on adopted standards; and 2) to relieve staff burden, who are currently experiencing a 4- to 6-month backlog of land use reviews.



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### For more information

Additional chapter-by-chapter summaries are available in the Rethink Zoning Library.

<https://everettwa.gov/2453/Rethink-Zoning-Library>

## Public Participation

Rethink Zoning prepared a [Public Participation Plan](#) update in June 2020. This plan was broadly disseminated and reviewed by the Planning Commission and City Council. Since late in 2018, more than 50 public meetings and events have taken place regarding Rethink Zoning. See attached outreach summary.

All public comments on Rethink Zoning can be viewed at the **Public Comment Tracker** found at

<https://everettwa.gov/2510/How-to-Get-Involved>.

## Planning Commission Hearing and Action

The Planning Commission held a public hearing on the amendments to the City's Comprehensive Plan and Municipal Code on August 18, 2020. After review of the oral and written input, several amendments to the July 13, 2020 draft were incorporated into the recommendations sent to City Council.

The response to public comments can be viewed at:

<https://everettwa.gov/DocumentCenter/View/25953/RESPONSE-TO-PUBLIC-COMMENTS-9-11-20?bidId=>

The amendments from the July 13<sup>th</sup> draft can be viewed at:

<https://everettwa.gov/DocumentCenter/View/26016/Summary-of-Rethink-Code-Changes-9-8-20>

## City Council Deliberations Scheduled

City staff will be delivering the recommendations to City Council for their consideration. The tentative schedule is as follows:

- Briefing                      September 30, 2020 at 6:30 p.m.
- Public Hearing                October 14, 2020 at 6:30 p.m.
- Action                         October 21, 2020 at 6:30 p.m.

Please go to <https://everettwa.gov/409/City-Council> for the latest information regarding City Council meetings, agendas, public hearings and how to participate.

To comment in advance of the hearing, you may send an email to [planning@everettwa.gov](mailto:planning@everettwa.gov) or send it to City of Everett, Planning Department, 2930 Wetmore Ave, Suite 8-A, Everett, WA 98201.

# Public Outreach Summary

## 2018

- Dec 7 Planning Commission Code streamlining
- Dec 18 Planning Commission Code streamlining, Land Use Element edits
- Dec 19 City Council Code streamlining, Land Use Element edits

## 2019

- Jan 28 Council of Neighborhoods Overview presentation and input
- Feb 19 Planning Commission Land Use Element briefing
- March 5 Planning Commission Land Use Element public hearing
- March 20 City Council Land Use Element amendments briefing
- March 21 Northwest Neighborhood Overview presentation and input
- Apr 3 City Council Land Use Element amendments public hearing
- Apr 8 Port Gardner Neighborhood Overview presentation and input
- Apr 16 Valley View Neighborhood Overview presentation and input
- Apr 25 Evergreen Neighborhood Overview presentation and input
- May 1 View Ridge/Madison Neighborhood Overview presentation and input
- May 7 Planning Commission Residential Zone Concepts
- May 15 City Council Briefing on non-residential and residential zones, housing types
- May 20 Delta Neighborhood Overview presentation and input
- June 4 Planning Commission Residential Zone Concepts
- June 18 Planning Commission Commercial-Residential Zone Concepts
- July 16 Planning Commission Residential Housing Types
- July 22 Council of Neighborhoods Rethink update
- Aug 7 City Council Briefing on Residential Zones and Housing Types
- Aug 20 Planning Commission Commercial-Residential Zone Concepts
- Sept 9 Westmont Holly Neighborhood Overview presentation and input
- Oct 21 Open House – Anderson Rm Overview presentation and input
- Oct 24 Open House – Cascade High Overview presentation and input
- Oct 28 Council of Neighborhoods Overview presentation and input, public survey
- Nov 7 Facebook Live General Outreach and Information
- Nov 20 Bayside Neighborhood Overview presentation and input
- Nov 25 Council of Neighborhoods Survey report
- Nov 26 Historical Commission Ch. 26 Historic Resources briefing
- Dec 3 Planning Commission Building and Structure Heights



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## **2020**

- Jan 21 Planning Commission Briefing on Land Use Map amendments, draft zoning map and districts, Ch. 5 Uses, Ch. 22 Heights and Ch. 51-55 Land Division
- Jan 28 Historical Commission Ch. 26 Historic Resources briefing
- Jan 29 City Council Briefing on Land Use Map amendments, draft zoning map and districts, Ch. 5 Uses and Ch. 22 Heights
- Feb 4 Planning Commission Continued discussion from Jan 21, plus briefing on Ch. 13 Specific Uses
- Feb 10 Port Gardner Neighborhood Presentation on new zones, uses, heights and historic overlay
- Feb 11 Glacier View Neighborhood Presentation on new zones, uses, and heights
- Feb 18 Planning Commission Briefing on Ch. 21, Building Form and Design
- Feb 27 Open House Public open house on Rethink Zoning
- Mar 3 Planning Commission Review of open house input, Chapter 5, Uses
- May 19 Planning Commission Review of new expectations for Rethink Zoning, including review of new zoning map, Chapter 5 Uses, Chapter 8 Residential Standards and Chapter 9, Multifamily Standards
- June 2 Planning Commission Briefing on Ch's. 6, 15, 28 Lots Building Placement, Permitting Procedures, Historic Resources
- June 9 Riverside Neighborhood Presentation on Rethink Zoning
- June 10 City Council Briefing on Rethink Zoning reboot
- June 16 Planning Commission Briefing on Ch 33 Streets; Ch 17 Airport-Port Navy Compatibility Overlay
- June 29 Community-wide Rethink Zoning Public Forum (south of 41<sup>st</sup> St.)
- June 30 Community-wide Rethink Zoning Public Forum (north of 41<sup>st</sup> St.)
- July 7 Planning Commission CP and Zoning map amendments; Numerous Chapters 2, 4, 5, 6, 8, 12,34, 35
- July 9 Port Gardner Neighborhood Rethink Zoning
- July 21 Planning Commission CP amendments; Title 2, 13, 15, 19
- July 22 City Council Briefing on Rethink Zoning
- Aug 18 Planning Commission Public Hearing on Rethink Zoning
- Sep 8 Planning Commission Deliberation and recommendation on Rethink Zoning