



Part I: Code Amendments at a Glance – Land Divisions (Chapters 19.24, 19.25, 19.26, 19.27):

A. What is it?

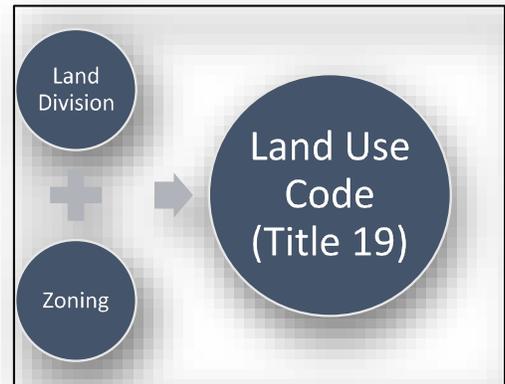
The City’s land division standards regulate the division of property into lots, tracts and parcels as authorized in [RCW 58.17](#). Land divisions include: subdivisions, short subdivisions, binding site plans, unit lot divisions, and boundary line adjustments. The current standards are located in Title 18 of the Everett Municipal Code and the last significant revision to the standards was in 2003. The unit lot subdivision regulations were added to the land use code in 2014. This chapter proposes to place all land division standards, including unit lot subdivisions, into the land use code (Title 19).

B. Type of revision proposed:

- Minor revision to an existing chapter
- Major rewrite and relocation of existing chapter
- New chapter

C. Key changes from existing code:

1. This chapter relocates land division regulations from Title 18 to Title 19 and consolidates requirements for unit lot divisions with other types of divisions.
2. The code has been updated to be consistent with changes to state law – [RCW 58.17](#).
3. Development standards, (i.e., lot and landscaping requirements) are being moved to other sections of the land use code for consistency.
4. Road standards for land divisions are consolidated into one location and modified.
5. Private roads may be authorized in any land division if the city determines a public street is not necessary.
6. Existing unit lot standards will be merged with cluster subdivision standards to provide a single, consolidated review process. The unit lot process will be a site plan review process to create either: a) Single-family **attached** townhomes on separate lots; or b) Single-family **detached** dwellings with a modification of lot standards.
7. Exceptions to lot area and dimensional requirements will be listed under Chapter 6 of the Unified Development Code, with new criteria. The variance process will be eliminated and lot variances will now be considered as an exception under this chapter.
8. An exception has been added to the requirement that all new utilities in land divisions be located underground.
9. Homeowners’ Association (HOA) requirements have been added and would apply to all land divisions meeting certain criteria, not just to unit lot land divisions.



Part II: Analysis of Code Amendments:

19.25.010 Applicability and other city codes and regulations.

Code Provision: All land divisions and boundary line adjustments shall be reviewed under the general evaluation criteria in this section. Other applicable codes and regulations include but are not limited to:

- City of Everett Design and Construction Standards and Specifications (DCSS)`
- Title 13 Everett Municipal Code, Streets and Sidewalks
- Title 14 Everett Municipal Code, Water and Sewers
- Title 20 Everett Municipal Code, Environment
- International Fire Code, as currently adopted
- Shoreline Master Program (2019, or as updated)

Discussion:

- A. What it does: This section informs the reader of what other development regulations will need to be reviewed when preparing land division applications and improvement plans. It also provides additional authority to impose conditions on project approvals.
- B. Effect of code provision: The net effect will be to assist users by clarifying and referencing the other city code requirements applicable to land divisions. It will assist staff by providing citations for conditions whose authority may lie outside the land division code.

19.26.050 Vehicle access requirements for residential development.

(NEW SECTION CONSOLIDATING ACCESS FOR ALL LAND DIVISION TYPES)

Code Provision: Every residential lot and unit created through the land division process shall provide vehicle access in accordance with the standards in this section. All required access improvements shall be installed prior to final approval, except as otherwise allowed by this title. The following standards apply based on the maximum potential development and length of the access road. Pavement width, thickness, subgrade and other detailed specifications may be found in the city’s Design and Construction Standards and Specifications (DCSS). To view the detailed standards, follow links in Table 26-1 below, or obtain a copy of the standards from the engineering/permit services division.

Table 26-1: Vehicle Access Road Types – Residential Land Divisions

Type of Access	Potential Number of Dwelling Units Served ⁽¹⁾	Length of Access Road	Access Road Classification per DCSS 300 Series Standard Drawings
Private Access Drive A (two lot short plat only) Easement or panhandle lots	1—2 dwelling units	150’ or less	Private Drive Standard A (14’ width. Not a fire lane) -walkway not required-
		More than 150’	With fire code official approval
Private Access Drive B	3-9 dwelling units ⁽²⁾	More than 150’	Private Drive Standard B (20’ fire lane)

Type of Access	Potential Number of Dwelling Units Served ⁽¹⁾	Length of Access Road	Access Road Classification per DCSS 300 Series Standard Drawings
			-walkway required for 3 or more units
Private Access Drive C	10 or more dwelling units	More than 150'	Private Drive Standard C (26' fire lane) -walkway required-
Public Streets	---	Not Applicable	See Design and Construction Standards and Specifications (300 Series)

Footnotes:

- (1) Accessory dwelling units are not included in the potential number of units served. All other dwelling types are included.
- (2) Private Drive B standard if building height is less than or equal to 30' as determined by the fire code official; or, Private Drive C standard if building height is more than 30'.

Discussion:

A. What it does:

1. This section establishes vehicle access standards for all land divisions proposing a private access drive. The road width standards are based on 1) number of units served and 2) length of the access road. The length will determine, in part, whether the access road must meet fire department requirements for a fire lane.
2. The revised private road standards will consolidate access requirements for standard short plats and subdivisions, and unit lot land divisions.

B. Effect of code provision:

1. Private access drives may be established for any short subdivision or subdivision. This is a change from existing code, which only allows private access drives for short subdivisions serving a maximum of six units. Under current code a public street is typically required for any development with more than six units. Although a public street may be required by the city in certain circumstances, it will no longer be the default improvement standard. The effect of this change is likely to be negligible because of the lack of platting activity and lack of remaining large parcels in Everett that can be developed into new residential subdivisions. Private access drives are maintained by the property owners in the development, whereas public streets are maintained by the city.
2. Private road widths would range from 14 feet up to 26 feet. A pedestrian walkway would be required for any development that must install a 20' wide or greater roadway. This includes developments of three or more units. This is a change from current code since a walkway is not required for developments of 3 – 6 units. The effect will be improved pedestrian safety by provision of walkway facilities connecting individual lots to the public street.
3. Consolidation of access standards will simplify code navigation and implementation.
4. Detailed standards and specifications for private access drives will be placed in the Design and Construction Standards and Specifications (DCSS), with the intent being to provide links from the land division code to the DCSS. This will improve accessibility to the actual standards.

19.26.110 Underground utilities.

Code Provision: It is the intent of this provision to eliminate insofar as possible the installation of overhead wires and of wire carrying poles within all divisions of land.

E. Exceptions.

1. If the appropriate utility company determines that an underground system as proposed above cannot reasonably be installed according to accepted engineering practices, this requirement may be waived upon receipt of a written notice from said utility to the city engineer.
2. **(NEW SECTION)** Where a utility service must be extended to access the proposed development, the city may waive the underground requirement for the portion of the service located within public right-of-way, if the city engineer finds any of the following:
 - a. There are topographic constraints present that make constructing the improvement impractical;
 - b. Constructing the improvement underground would conflict with existing underground utilities; or
 - c. Placement of the required utilities underground would create a potential safety hazard for property owners, the city or the general public.

Discussion:

- A. What it does: Allows the city to grant an exception to the requirement to place all new utilities underground. This exception was requested by the city Public Works Department.
- B. Effect of code provision: Allows the city greater flexibility to consider individual site conditions when issuing permits for new utilities as part of a land division application. This includes topography or other physical barriers or constraints.

19.26.120 Homeowners' association incorporation.

(NEW SECTION REQUIRING FORMATION OF A HOMEOWNERS' ASSOCIATION TO MAINTAIN CERTAIN COMMONLY OWNED IMPROVEMENTS)

Discussion:

- A. What it does: Requires land divisions meeting certain criteria to form a HOA in order to maintain commonly owned private improvements. The threshold for determining when a HOA is required is as follows: the development has a common private access drive **and** any of the following: 1) common open space; 2) common parking areas, or 3) common private infrastructure or stormwater facilities.

This section is based on an existing requirement that applies only to unit lot subdivisions under EMC Chapter 19.15.A.

- B. Effect of code provision:
 1. Creates a new requirement that applies to all land division types, not just unit lot subdivisions. The intent is to ensure that privately owned common improvements are maintained over time. The likelihood these improvements will be maintained is increased with a HOA and supporting covenants and documents compared to simply showing the maintenance requirement as a condition on the final plat map.

Chapter 19.27 Unit Lot Land Divisions

19.27.010 Purpose and Applicability.

Discussion:

- A. What it does: This chapter merges the unit lot subdivision standards (currently [EMC 19.15A](#)) with the cluster sub/short sub option in [EMC 19.39.130.E](#). The chapter would expand the range of housing types that may be

reviewed through the unit lot process, currently limited to single-family attached, to include single-family detached and cottage housing, per Chapter 19.08 draft. The cluster subdivision/short subdivision process would be eliminated.

*****All unit lot applications would be subject to site plan review and approval.***

B. Effect of code provision:

1. Maintains the same process and standards for single-family ***attached*** subdivision in multifamily zones.
2. Adds a new land division process and standards for single-family ***detached*** and cottage development in single-family zones.
3. Allows the unit lot process to be used for short platting. This includes small projects of less than ten units.
4. Creates greater flexibility for small lot development in short plats.
5. Allows additional home ownership opportunities tied to new housing types not currently allowed by existing zoning and land division regulations.
6. As applied to single-family attached and detached developments, the unit lot process will implement new residential design standards in Chapter 19.08 that will ensure quality design treatment. These standards will be implemented as part of any exception or modification of zoning requirements for lot size, dimension, or setback standards.