

STAFF REPORT

TO: Everett Planning Commission
FROM: Rebecca A. McCrary
DATE: October 14, 2021
SUBJECT: Rethink Zoning Refinements – Everett Municipal Code (EMC) 19.06 Lots, Setbacks and Residential Densities

OVERVIEW

The [Rethink Zoning](#) project was a complete rewrite of the city’s development regulations adopted in November 2020. Since last year, staff has been reviewing, working with, and applying these updated regulations to project applications, and has compiled a list of refinements that would clarify ambiguous provisions or correct an unintended outcome of a new or modified code provision. The first set of amendments for consideration address **Chapter 19.06 EMC Lots, Setbacks and Residential Densities**.

PROCESS

Amendments to the Unified Development Code are Legislative actions under EMC [15.02.095](#).

Public Notice

Staff are maintaining information about the Rethink Zoning Refinements on the [project webpage](#) and regular announcements on the planning department [homepage](#). A planning commission public hearing notice will publish on October 15, 2021 for an anticipated November 2, 2021 hearing date. See below for noticing under the State Environmental Policy Act.

Interjurisdictional Coordination

Staff provided a 60-day notice of the proposal to state agencies via the Washington State Department of Commerce on October 14, 2021.

State Environmental Policy Act

A SEPA non-project environmental checklist for the proposal was completed by staff and a Determination of Non-Significance will be issued on or about October 18, 2021. Official notice was published in The Everett Herald on October 15, 2021 with a fourteen-day comment period extending until November 1, 2021.

PROPOSAL

Three sets of code amendments are discussed below and detailed in Exhibit A-1 of the Planning Commission proposed resolution (Exhibit A).

1. EMC 19.06.010 Minimum lot area, width, depth, frontage

The first proposed amendment modifies footnote (3) in [Table 6-1](#) to provide a cross-reference to EMC [19.08.020](#), which establishes special regulations for single family developments on lots smaller than 5,000 square feet. Staff have noticed applicants missing this connection.



Table 6-1 Minimum Lot Area, Width, Depth, Frontage, Lot Coverage by Building

ZONE	R-S	R-1	R-2	R-2(A)	UR3	UR4	NB	B	MU	LI1	LI2	HI	AG
STANDARDS ⁽¹⁾ :													
Min. Lot Area	9,000 sf ⁽²⁾	6,000 sf ⁽²⁾	5,000 sf ⁽²⁾⁽³⁾	5,000 sf ⁽²⁾	5,000 sf	2.5 acres	1 acre	5 acres					

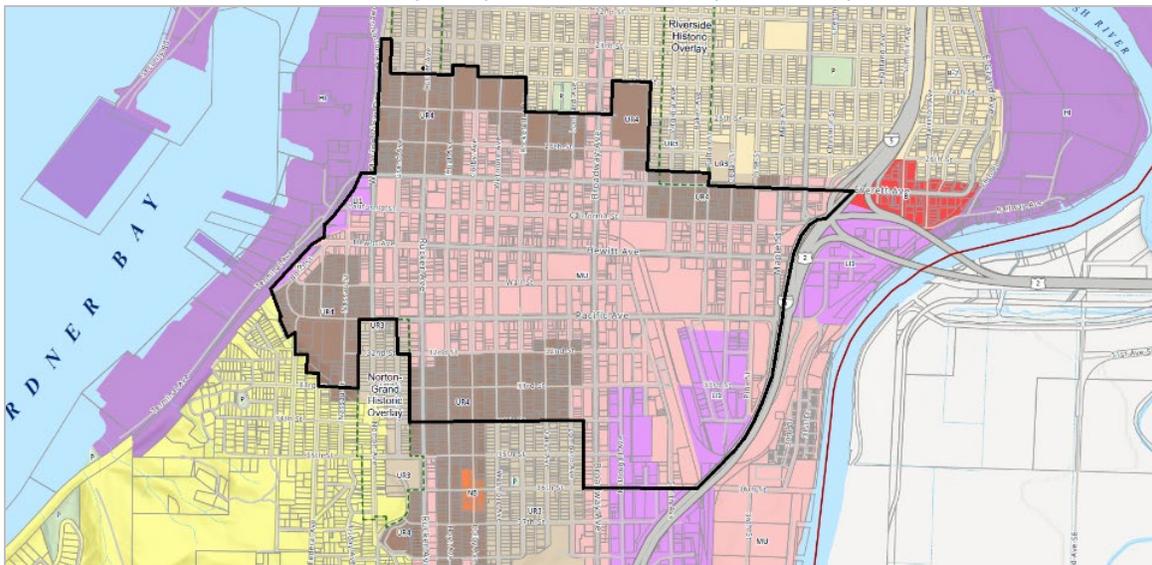
(3) In the R-2 zone, minimum lot area for single-family dwellings with alley access shall be four thousand five hundred square feet. **Any lot under five-thousand square feet in area shall be subject to the small lot single-family provisions in EMC 19.08.020.**

2. EMC 19.06.020 Building setbacks/building placement standards

The second proposed amendment restores a zero interior side setback (*“the required minimum distance between the side lot line which does not abut a street and any structure, building or use”*) for residential development within Metro Everett. That setback had been increased, perhaps inadvertently, to five feet through Rethink Zoning.

The goals for the Rethink Zoning project included simplification of zones, regulations, and procedures to streamline the process for development applicants. One of the simplification measures consolidated multifamily zones, resulting in adjustments to some of the bulk regulations for zones citywide including Metro Everett. Metro Everett is intended to be a dense, compact, efficient land use area unique to other areas of the city. The new 5’ setback requirement would require some residential projects to be redesigned in a way that may not fully advance the goals and policies of the comprehensive plan and the Metro Everett plan. This amendment proposal will restore the previous 0 side, interior setback provision of the specific regulations in the UR4 zones for residential development consistent with the Metro Everett Subarea Plan.

UR4 zones (brown) within Metro Everett (black outline)



A. Minimum building setbacks for principal structures.



The standards set forth in Table 6-2 below apply to all new development. Also refer to EMC 19.22, Building Height.

Table 6- 2: Minimum Building Setbacks for Principal Structures

ZONE	R-S	R-1	R-2	R-2(A)	UR3	UR4	NB	B	MU	LI1	LI2	HI	AG
Minimum Setback:													
...													
Side, Interior	5'	5'	5'	5'	5'	5' ⁽⁴⁾	5'	None ⁽²⁾	None	None	15' ⁽¹⁾	None ⁽¹⁾	10'
...													

Footnotes:

- (1) 25 feet when abutting lots located in residential zones.
- (2) 10 feet when abutting lots located in residential zones.
- (3) 20 feet when abutting lots located in the R-S, R-1 and R-2 zones.
- (4) No interior side setback is required within Metro Everett

3. EMC 19.06.030 Exceptions to building or structure placement requirements

The third proposed amendment eliminates the need for a modification application and administrative review (Review Process 1) for mechanical equipment, such as heat pumps, within a setback. The proposed amendment also eliminates the requirement for screening. Staff has found that applicants frequently request a modification from these two regulations, and those modifications are nearly always approved. Removing the modification requirement altogether would streamline permit processing.

Applicants have also argued that many screening options tend to be as intrusive or unsightly as the equipment itself. Staff proposes a requirement that any mechanical equipment be no higher than 6 feet above grade, which should mitigate visual impacts.

A. **Lot Setback Exceptions.** The exceptions to building or structure placement apply as outlined in Table 6-5 below, or as otherwise authorized by this title.

Table 6-5: Exception to Setback Standards

Exception	Front	Rear	Side	Side (Street)	Standard
5) Heat pumps, air conditioning, swimming pool pumps, and other similar mechanical equipment, and propane tanks	P	P	P	P	<ul style="list-style-type: none"> • May be located in any required setback provided that any such equipment shall not be located within 3 feet of any side lot line or rear lot line where there is no alley or any side lot line and shall be no higher than 6 feet in height above grade if within a required setback. provided, further that any location in a front or side street (corner) setback may be allowed through a modification of development standards process. • Any such equipment shall be visually screened from surrounding properties and streets. • Any such equipment may not exceed the maximum permissible noise levels set forth in Chapter 20.08 EMC, Noise Control.



CODE AMENDMENT CRITERIA

Criteria and considerations for proposed amendments to the comprehensive plan and development regulations (unified development code) are addressed in EMC [15.03.300\(C\)\(4\)](#).

Is the proposed amendment consistent with applicable provisions of the comprehensive plan?

These minor adjustments to the development amendments are consistent with several goals and policies of the comprehensive plan and the Metro Everett Subarea Plan by promoting opportunities for efficient use of land and compact development in appropriate high-density areas of the city. Goals and policies also address streamlining permit process where possible.

Does the proposed amendment bear a substantial relation to public health, safety or welfare?

The proposed amendments are minor in nature and help further goals and policies relative to efficient use of land and compact development which has a direct relationship to public health, safety and welfare.

Does the proposed amendment promote the best long-term interests of the Everett community?

The proposed minor amendments add flexibility in the regulations that support expected development in the city and is in the long-term interests of the Everett community.

PUBLIC COMMENTS

The notice to these amendments will be published and posted on October 15, 2021. Staff will provide the Planning Commission with any public comments received.

STAFF RECOMMENDATION

Staff recommends the Planning Commission hold a briefing and discussion on October 19, 2021 and hold a public hearing November 2, 2021 on the proposal. Following the public hearing, and subject to change based on testimony heard, **staff recommends approval of the proposed resolution (Exhibit A) and amendments to Chapter 19.06 EMC detailed in Exhibit A-1.**

EXHIBITS

- Exhibit A: (Resolution)
- Exhibit A-1: (Exhibit to the Resolution)



EXHIBIT A: Proposed Planning Commission Resolution No. 21-07



Planning Commission Resolution No. 21-07

A Resolution Recommending that the City Council adopt Rethink Zoning Code Refinements Code Amendments Project A – Everett Municipal Code (EMC) Chapter 19.06 related to Lots, Setbacks and Residential Densities

WHEREAS, the Planning Commission finds the following:

1. The Rethink Zoning project was completed, and the City Council adopted new development regulations as a Unified Development Code, by Ordinance No. 3774-20 on November 4, 2020; and
2. The new Unified Development Code consolidated zones and reorganized provisions in an effort to simplify and streamline the city's development regulations; and
3. After applying the code to projects over the past several months, refinements have been identified to clarify or correct an unintended outcome of a number of new or modified code provisions; and
4. The proposed amendments in EMC Chapter 19.06 as shown in Exhibit A-1 have been determined to be necessary and are minor in nature; and
5. The Planning Commission has conducted a public hearing and has considered the recommendations by staff concerning the Rethink Zoning Code Refinements Code Amendments Project A – Everett Municipal Code (EMC) Chapter 19.06 related to Lots, Setbacks and Residential Densities
6. The proposed amendments are consistent with the applicable provisions of the City of Everett Comprehensive Plan; and
7. The proposed amendments bear a substantial relation to public health, safety and welfare; and
8. The proposed amendments promote the best long-term interests of the Everett community.

NOW, THEREFORE, THE PLANNING COMMISSION RECOMMENDS THE FOLLOWING:

1. The Planning Commission recommends that the City Council approve Rethink Zoning Code Refinements Code Amendments Project A – Everett Municipal Code (EMC) Chapter 19.06 related to Lots, Setbacks and Residential Densities, attached hereto as Exhibit A-1.



EXHIBIT A: Proposed Planning Commission Resolution No. 21-06

Planning Commission Secretary

Planning Commission Secretary

Dated:

For:

Against:

Absent:

Abstain:



EXHIBIT A-1

CHAPTER 19.06 LOTS, SETBACKS AND RESIDENTIAL DENSITIES

Topic	Proposed Amendments																																										
<p>19.06.010 Minimum lot area, width, depth, frontage Table 6-1 Footnote ³</p>	<p>ZONE: R2 Min. Lot Area: 5,000 sf⁽²⁾⁽³⁾ (3) In the R-2 zone, minimum lot area for single-family dwellings with alley access shall be four thousand five hundred square feet. <u>Any lot under five-thousand square feet in area shall be subject to the small lot single-family provisions in EMC 19.08.020.</u></p>																																										
<p>19.06.020(A) Table 6-2 Building Setbacks/Building Placement Standards</p>	<p>A. Minimum building setbacks for principal structures. The standards set forth in Table 6-2 below apply to all new development. Also refer to EMC 19.22, Building Height. <i>Table 6- 2: Minimum Building Setbacks for Principal Structures</i></p> <table border="1" data-bbox="492 636 1474 884"> <thead> <tr> <th>ZONE</th> <th>R-S</th> <th>R-1</th> <th>R-2</th> <th>R-2(A)</th> <th>UR3</th> <th>UR4</th> <th>NB</th> <th>B</th> <th>MU</th> <th>LI1</th> <th>LI2</th> <th>HI</th> <th>AG</th> </tr> </thead> <tbody> <tr> <td>Minimum Setback:</td> <td></td> </tr> <tr> <td>Side, Interior</td> <td>5'</td> <td>5'</td> <td>5'</td> <td>5'</td> <td>5'</td> <td>5'⁽⁴⁾</td> <td>5'</td> <td>None⁽²⁾</td> <td>None</td> <td>None</td> <td>15'⁽¹⁾</td> <td>None ⁽¹⁾</td> <td>10'</td> </tr> </tbody> </table> <p>Footnotes: (1) 25 feet when abutting lots located in residential zones. (2) 10 feet when abutting lots located in residential zones. (3) 20 feet when abutting lots located in the R-S, R-1 and R-2 zones. (4) No side, interior setback is required for residential buildings within Metro Everett</p>	ZONE	R-S	R-1	R-2	R-2(A)	UR3	UR4	NB	B	MU	LI1	LI2	HI	AG	Minimum Setback:														Side, Interior	5'	5'	5'	5'	5'	5' ⁽⁴⁾	5'	None ⁽²⁾	None	None	15' ⁽¹⁾	None ⁽¹⁾	10'
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