

Planning Director Interpretation

2022-1

June 23, 2022

This interpretation is issued to clarify that EMC 19.08.125 is not applicable to development under the Riverfront Development Agreement.

Applicability

This interpretation addresses the applicability of EMC 19.08.125 to development pursuant to the Riverfront Development Agreement (Exhibit 3 to Ordinance No. [3121-09](#), as amended). This interpretation does not apply to development outside of the Riverfront Development Agreement and does not apply to any provision of the Everett Municipal Code other than EMC 19.08.125. For the purposes of this interpretation, the original Riverfront Development Agreement is referred to as the “Original DA” and the Second Amendment to the Development Agreement (Ordinance No. [3674-19](#)) is referred to as the “DA 2nd Amendment.”

Interpretation

Section 5.1 of the DA 2nd Amendment states:

Except as provided in Sections 5.2 and 5.3, the uses permitted on the Riverfront Property shall be those uses that are consistent with the requirements of the Restated PDA and are allowed in the Waterfront Commercial zone as set forth in the Use Tables at Chapter 19.5 Everett Municipal Code (EMC) as they exist at the time of the original Development Agreement, a copy of which is included in Attachment K to the Development Agreement, as modified by the Everett Zoning Standards for the Riverfront Planned Development Project described below.

(underlining added). “Use Table 5-1” of former Chapter 19.5 EMC contained in Attachment K provides a matrix of allowed uses by zone, with notations. The Development Agreement also states the following about “Special Regulations” in connection with Use Table 5-1:

- “The Special Regulations in Table 5-1 in EMC 19.5 are not applicable” – Section C-5 (page F-8) of Attachment F to the DA 2nd Amendment (see page 45 of [Ord. 3674-19](#))
- “Special Regulations are not applicable in the Riverfront District.” – handwritten notation on Attachment K of the Original DA, under Table 5-1 on page K-48 (see page 251 of Ordinance No. [3121-09](#))

The cell in Use Table 5-1 for a Live/work dwelling in the Waterfront Commercial (W-C) zone includes a notation “(23),” which states: “See section 39.125 for regulations for live/work units.” (underlining added).

“Section 39.125” refers to former EMC 19.39.125, which is now codified at EMC 19.08.125. In accordance with Section C-5 (page F-8) of the Attachment F to the DA 2nd Amendment and the handwritten notation in Attachment K to the

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Original DA, I interpret EMC 19.39.125 (now EMC 19.08.125) to be “not applicable in the Riverfront District.”

Accordingly, EMC 19.08.125 does not apply to the Riverfront project.

Authority for this Interpretation

EMC 19.02.060 LAND USE (PART)

When the requirements of this title, as applied to a specific property, use or building are unclear, the planning director is hereby authorized to interpret how the requirements of this title shall apply.

EMC 15.02.800 INTERPRETATIONS OF LAND USE REGULATIONS (PART)

The planning director is authorized to issue interpretations of the land use and development regulations as necessary and to promulgate rules and procedures as consistent with the terms of this title. Such interpretations shall constitute Review Process I decisions.

EMC 19.41.050 PROMULGATION OF RULES, PROCEDURES AND INTERPRETATIONS.

The planning director is authorized to promulgate administrative rules, procedures and interpretations consistent with the terms of this title. Appeals of any such rule, procedure, interpretation or other administrative determination made by the planning director shall be made in accordance with the appeal procedures as set forth in EMC Title 15, Local Project Review Procedures.

