

## UPDATE STAFF REPORT

**TO:** Everett Planning Commission  
**FROM:** Rebecca A. McCrary  
**DATE:** October 26, 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 <sup>(1)</sup> :													
Min. Lot Area	9,000 sf <sup>(2)</sup>	6,000 sf <sup>(2)</sup>	<b>5,000 sf<sup>(2)(3)</sup></b>	5,000 sf <sup>(2)</sup>	5,000 sf	2.5 acres	1 acre	5 acres					

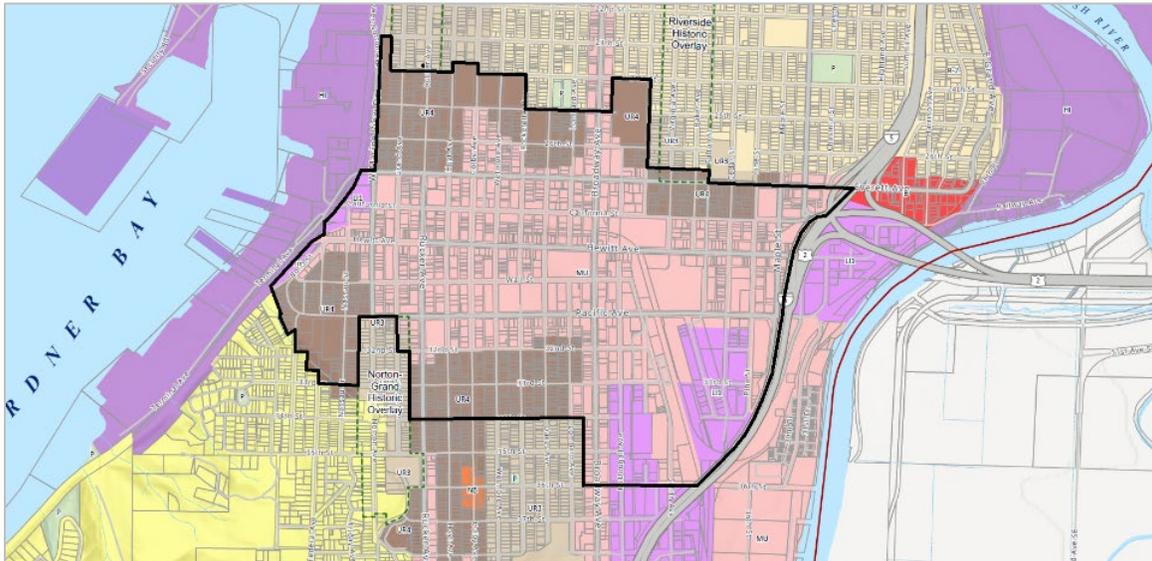
...  
<sup>(3)</sup> In the R-2 zone, minimum lot area for single-family dwellings with alley access shall be four thousand five hundred square feet. **Any lot under five-thousand square feet in area shall be subject to the small lot single-family provisions in EMC 19.08.020.**

**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' <sup>(4)</sup>	5'	None <sup>(2)</sup>	None	None	15' <sup>(1)</sup>	None <sup>(1)</sup>	10'
...													

Footnotes:

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

**3. EMC 19.06.030 Exceptions to building or structure placement requirements**

Staff originally proposed an amendment primarily to support a streamlined process for minor setback exceptions allowed in Table 6-5: Exception to Setback Standards. After discussion with the Planning Commission on October 19<sup>th</sup> and further research, staff has determined that additional review and analysis is required prior to bringing this forward for consideration. This amendment is removed from the Rethink Zoning Code Refinements Project A.

**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.*

**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. One comment letter has been received to date.



## RESPONSE TO PLANNING COMMISSION COMMENTS

The following information is provided in response to the Planning Commission comments and questions at the October 19, 2021 Briefing.

- **Impacts on historic districts of 0 interior side setback in UR4:**

A small portion of the Riverside Historic Overlay is located within the Metro Everett Boundary. There are also UR4 zoned areas in the Metro Everett boundaries adjacent to the Rucker Grand Historic Overlay and the Norton Grand Historic Overlay that consist of both multifamily and single-family zoning. The majority of agencies are separated by a street or alley and therefore, in those cases, development would most likely apply front or rear setbacks next to historic overlay properties and not an interior side setback. Note that the 0 interior side lot setback was in place in Metro Everett from 2018 to 2020 prior to the current Rethink Zoning Code Implementation. Staff has not been made aware of any prior negative impacts to historic overlay areas as a result of the regulation.

### Metro Everett/Riverside Historic Overlay



1 full block and 2 half blocks fronting the north side of Everett Avenue in UR4 zone within Metro Everett boundaries and Riverside Historic Overlay

- **Setback exceptions:**

Planning Commissioners asked a number of questions related to the proposal in Table 6-5. Further staff review and analysis is required and therefore, is removed from the project at this time.

## STAFF RECOMMENDATION

Staff recommends the Planning Commission 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)





**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. 21-07**

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Planning Commission Secretary

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Planning Commission Secretary

Dated:

For:

Against:

Absent:

Abstain:



EXHIBIT A-1

CHAPTER 19.06 LOTS, SETBACKS AND RESIDENTIAL DENSITIES

Topic	Proposed Amendments																																																																																																		
<p><b>19.06.010</b>  <b>Minimum lot area, width, depth, frontage</b>  <b>Table 6-1 Footnote <sup>3</sup></b></p>	<p>ZONE: R2                      Min. Lot Area: 5,000 sf<sup>(2)(3)</sup>                      (3) In the R-2 zone, minimum lot area for single-family dwellings with alley access shall be four thousand five hundred square feet. <b>Any lot under five-thousand square feet in area shall be subject to the small lot single-family provisions in EMC 19.08.020.</b></p>																																																																																																		
<p><b>19.06.020(A)</b>  <b>Table 6-2</b>  <b>Building Setbacks/Building Placement Standards</b></p>	<p><b>A. Minimum building setbacks for principal structures.</b>                      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="490 684 1476 1178"> <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><b>Minimum Setback:</b></td> <td></td> </tr> <tr> <td>Front</td> <td>20'</td> <td>20'</td> <td>20'</td> <td>20'</td> <td>20'</td> <td>10'</td> <td>None</td> <td>None</td> <td>None</td> <td>None</td> <td>20'</td> <td>None</td> <td>25'</td> </tr> <tr> <td>Rear (with alley)</td> <td>20'</td> <td>20'</td> <td>20'</td> <td>20'</td> <td>20'</td> <td>None</td> <td>None</td> <td>None</td> <td>None</td> <td>None</td> <td>None<sup>(1)</sup></td> <td>10'<sup>(1)</sup></td> <td>25'</td> </tr> <tr> <td>Rear (no alley)</td> <td>20'</td> <td>20'</td> <td>20'</td> <td>20'</td> <td>20'</td> <td>10'<sup>(3)</sup></td> <td>10'</td> <td>None<sup>(2)</sup></td> <td>None<sup>(2)</sup></td> <td>None<sup>(2)</sup></td> <td>15'<sup>(1)</sup></td> <td>10'<sup>(1)</sup></td> <td></td> </tr> <tr> <td>Side, Street</td> <td>10'</td> <td>10'</td> <td>10'</td> <td>10'</td> <td>10'</td> <td>10'</td> <td>10'</td> <td></td> <td>None</td> <td>None</td> <td>20'</td> <td>None</td> <td>10'</td> </tr> <tr> <td>Side, Interior</td> <td>5'</td> <td>5'</td> <td>5'</td> <td>5'</td> <td>5'</td> <td>5'<sup>(4)</sup></td> <td>5'</td> <td>None<sup>(2)</sup></td> <td>None</td> <td>None</td> <td>15'<sup>(1)</sup></td> <td>None<sup>(1)</sup></td> <td>10'</td> </tr> </tbody> </table> <p><b>Footnotes:</b>                      (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) <b>No side, interior setback is required within Metro Everett</b></p>	ZONE	R-S	R-1	R-2	R-2(A)	UR3	UR4	NB	B	MU	LI1	LI2	HI	AG	<b>Minimum Setback:</b>														Front	20'	20'	20'	20'	20'	10'	None	None	None	None	20'	None	25'	Rear (with alley)	20'	20'	20'	20'	20'	None	None	None	None	None	None <sup>(1)</sup>	10' <sup>(1)</sup>	25'	Rear (no alley)	20'	20'	20'	20'	20'	10' <sup>(3)</sup>	10'	None <sup>(2)</sup>	None <sup>(2)</sup>	None <sup>(2)</sup>	15' <sup>(1)</sup>	10' <sup>(1)</sup>		Side, Street	10'	10'	10'	10'	10'	10'	10'		None	None	20'	None	10'	Side, Interior	5'	5'	5'	5'	5'	5' <sup>(4)</sup>	5'	None <sup>(2)</sup>	None	None	15' <sup>(1)</sup>	None <sup>(1)</sup>	10'
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