



Planning and Community Development

Ryan Countryman

Council Initiated:

☒ Yes

☐ No

ECAF: 2024-1390

Ordinance: 24-028
And
Substitute 24-028

Type:

☐ Contract

☐ Board Appt.

☒ **Code Amendment**

☐ Budget Action

☐ Other

Requested

Handling:

☒ **Normal**

☐ Expedite

☐ Urgent

Fund Source:

☐ General Fund

☐ Other

☒ **N/A**

Executive Rec:

☐ Approve

☐ Do Not Approve

☒ **TBD**

Approved as to

Form:

☐ Yes

☐ No

☒ **N/A**

Subject: 2024 Comprehensive Plan Update – Substitute Ordinance 24-028

Scope: Ordinance 24-028 Concerning Maximum Building Heights, Amending SCC 30.23.040 (consistent with Comprehensive Plan Update Docket Request SW12–Mietzner)

Substitute Ordinance 24-028 Concerning Bulk Regulations, Amending SCC 30.23.040 (including additional changes beyond SW12–Mietzner)

Duration: N/A

Fiscal Impact: ☐ Current Year ☐ Multi-Year ☒ **N/A**

Authority Granted: None

Background: Through the docketing process, applicant Mike Mietzner requested code amendments to expand an area with a maximum 75-foot building height in certain zones in the vicinity of State Route 99. This became Ord. 24-028 which is under consideration as part of the 2024 Comprehensive Plan Update. The Planning Commission and Executive branch both recommended approval of Ord. 24-028 to the County Council. Ord. 24-028 would change SCC 30.23.040(14) as follows:

(14) The maximum building height is 75 feet for multifamily structures on sites zoned MR, NB, PCB, CB and GC that are in the Southwest UGA where any portion of the site is within 2,000 feet of the western edge of the right-of-way of State Route 99 or within ((800)) 2,000 feet of the eastern edge of the right-of-way of State Route 99, and the site is east of State Route 525.

PDS has been providing briefings to the County Council on the plan update, including on Ord. 24-028. In discussion during those briefings, Councilmember Megan Dunn suggested that the area with the 75-foot height might expand to include the whole SR-99 corridor. There was also discussion of removing the density limit in the area where code allows the 75-foot buildings. This latter idea would involve amendments to SCC 30.23.040(5). Subsequently, council staff realized that Subsection (9), which provides relief from lot area, width, and maximum coverage in the same area would be out-of-step with changes to Subsections (5) and (14) if the Subsection (9) does not change too.

Council staff has prepared a Substitute Ord. 24-028 for discussion in committee. The proposed amendments and analysis appear in Appendix A.

Staff seeks direction on two questions:

1. Does Substitute Ord. 24-028 accurately reflect the discussion and direction that Council intended?

2. If yes, does Council prefer to have one or both versions of Ord. 24-028 to consider during the plan update hearing which is likely to being on August 19?

Answers to these questions are necessary to finalize the legal notice and other materials for the hearing.

Request: Continue Ord. 24-028 in committee and, meanwhile, provide direction to staff on what to include in the notice for the plan update hearing.

Appendix A: Analysis of Substitute Ordinance 24-028

Sections 1 to 3 of the proposed ordinance provide findings and conclusions to support the substantive changes in Section 4.

Section 4 amends SCC 30.23.040(5), (9) and (14). Collectively, these changes would increase the capacity for residential development along the State Route 99 corridor more than would be the case if the changes Ordinance 24-028 were to pass instead.

Amendments in .040(5) would revise the geographic boundaries and remove density limits. Removing “June 11, 2020” is simply because that date is now in the past and the phrasing is no longer necessary.

(5) In the MR zone the maximum density shall be calculated based on 2,000 square feet of land per dwelling unit, except that:

(a) Existing dwelling units may be retained as part of new development in the MR zone without counting towards the maximum density.

(b) For sites zoned MR, NB, PCB, CB, or GC in the Southwest UGA where any portion of the site is within 2,000 feet of ~~((the western))~~ edge of the right-of-way of State Route 99 ~~((or within 800 feet of the eastern edge of the right-of-way of State Route 99, and the site is east of State Route 525, the))~~ there is no maximum density ~~((shall be calculated based on 750 square feet of land per dwelling unit))~~, provided that either:

(i) One or more transfer of development rights (TDR) credits must be used to realize the additional density under subsection (5)(b) of this section according to the requirements of chapter 30.35A SCC; or

(ii) ~~((After June 11, 2020, developments))~~ Developments for which the applicant provides documentation to the director showing that the entire project has been granted a property tax exemption by the Washington State Department of Revenue under RCW 84.36.041, 84.36.042, 84.36.043, or 84.36.560 shall be exempt from the requirements of chapter 30.35A SCC ~~((and development may be permitted up to a maximum density of 750 square feet of land per dwelling unit without using TDR credits))~~.

Amendments in .040(9) would allow the bulk requirements provided in that section to apply to the entire SR-99 corridor, not just the part northeast of State Route 525 (Mukilteo Speedway).

(9) Sites zoned MR, NB, PCB, CB, or GC in the Southwest UGA where any portion of the site is within 2,000 feet of the ~~((western))~~ edge of the right-of-way of State Route 99 ~~((or within 800 feet of the eastern edge of the right-of-way of State Route 99; and the site is east of State Route 525,))~~ are exempt from minimum lot area, minimum lot width, and maximum lot coverage requirements.

Amendments in .040(14) related to where the 75 foot height limit applies. They increase the area east of SR-99 in the same way as proposed in the Mietzner docket application and they also extend that area southward to include the entire SR-99 corridor.

(14) The maximum building height is 75 feet for multifamily structures on sites zoned MR, NB, PCB, CB and GC that are in the Southwest UGA where any portion of the site is within 2,000 feet of the ~~((western))~~ edge of the right-of-way of State Route 99~~((or within 800 feet of the eastern edge of the right-of-way of State Route 99, and the site is east of State Route 525))~~. Subject to the requirements in SCC 30.22.100, non-residential uses are allowed on the first floor of multifamily structures on sites zoned NB, PCB, CB, and GC that are in the Southwest UGA where any portion of the site is within 2,000 feet of the edge of the right-of-way of State Route 99~~((and the site is east of State Route 525))~~.

Section 5 is a standard severability and savings clause.