CITY OF SEQUIM

DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT
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ADMINISTRATIVE INTERPRETATION (MUNICIPAL CODE LANGUAGE – SMC 20.01.045)

Summary of Decision:

1) The side yard standard (SMC 18.20.050 and SMC 18.20.130) for the interior attached unit lots is: *Side yard interior lot - zero feet for attached units internal to the structure.*
2) The side yard standard for the Lifestyle District (SMC 18.20.130) for exterior unit lots is: *Side yard standard exterior unit lots on a zero-lot development - 6' each side or 12' on one side only.*
3) The code allows fee simple ownership in multiplex and multifamily developments in the Residential and Lifestyle Districts when used in conjunction with a subdivision process, i.e., short plat or preliminary plat, in which all lots will be on separate legal parcels.

I. NATURE OF REQUEST FOR INTERPRETATION AND ANALYSIS

IMPORTANT: ***An interpretation of the provisions of the Sequim Municipal Code (SMC) clarifies conflicting or ambiguous code language or the scope or intent of a code provision until such time as a formal amendment is adopted. It may not be used as, or considered to be, an amendment to the SMC.***

CITES TO OR EXCERPTS FROM RELEVANT SMC LANGUAGE (EMPHASIS ADDED):

SMC 18.08.020

"Setback" means the minimum distance from the road right-of-way line or any other lot line to the nearest projection of a structure placed on the property, excluding eaves of less than 24 inches.

"Lot line, side" means any lot line that is not a front or rear lot line, or any lot line that intersects a front lot line.

"Multifamily residential development" means developments containing buildings with two or more residential dwelling units. Multifamily residential developments are those

"Multifamily residential development" means developments containing buildings with two or more residential dwelling units. Multifamily residential developments are those that are designed and intended for residential occupancy in multifamily structures **regardless of the type of building or ownership in which such use occurs.** Examples include, **but are not limited to**, townhouses, duplexes, multiplexes, condominiums, apartment houses, boarding houses, and lodging houses. Accessory dwelling units (i.e., mother-in-law and accessory apartments) will not be considered multifamily residences.

"Multiplex residential" means a **multifamily residential housing category** limited to duplex (two units), triplex (three units), or quadruplex (four units) buildings.

"Yard, side" means a required setback lying between the side of a lot line and the nearest line of the building and extending from the front yard to the rear yard, or in the absence of either of such front or rear yards, to the front or rear lot lines. Side yard widths will be measured at right angles to side lines of the lot.

"Zero lot line" means the location of a building on a lot in such a manner that **one or more of the building's sides rest directly on a lot line.** A written agreement with the adjacent property owners will be submitted with a building permit application.

SMC 18.20.030

"Residence, attached" means **multiple dwelling units physically attached to other dwelling units** in one or more structures. Types of attached residences include apartments, townhouses, duplexes, two-unit homes, triplexes, three-unit homes, condominium buildings **and all structure types that have two or more dwelling units, regardless of whether owner-occupied or rented.**

"Residence, detached" means **single dwelling units not physically connected to other living units, generally occupied by one family unit as an owner or renter;** may also allow accessory living unit and/or home occupation under limitations. Types of detached residences include houses, manufactured homes, and cottage housing.

SMC 18.20.050 – Residential District. Zone Intent: The R4-8 zoning district is to provide land for residential development within the city. The R4-8 zone provides for consistency and predictability in the character of residential neighborhoods. New subdivisions must provide a minimum of four dwelling units per net acre.

Residences (Detached)	(Minimum Front Yard Setback) 15'	(Minimum Side Yard/Rear Setback) Side: 6' each side; or 12' one side only if zero-lot-line development Rear: 15'

Residences (Attached, not to exceed fourplexes)	15'	Side: 6' Rear: 15'

SMC 18.20.130 – Lifestyle District. Zone Intent: Promote growth of lifestyle options for seniors in a neighborhood setting that provides a broad range of housing types, services, mobility options and healthcare facilities to support "living-in-place" through the many stages of senior life.

Residence, Detached and Attached	(Minimum Front Yard setback) 0' min.; 20' max.	(Minimum Side/Rear Yard Setback) **6' each side**; 10' rear **6' each side**; or 12' one side only if zero lot line development rear 10'

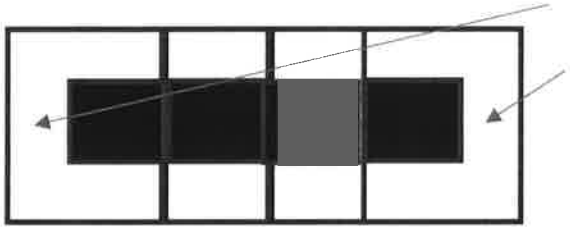
SMC 20.01.045(C) – Administrative interpretations.
The director's decision must be consistent with the spirit and intent of the applicable titles, including this title, and of the City's Comprehensive Plan. The requirements of this section are the minimum requirements used when interpreting and applying the regulations of this section, unless otherwise stated.

Purpose of Administrative Interpretation:
The purpose of this Administrative Interpretation is to clarify the definition of "setbacks" for interior unit lots as applied to zero lot line attached fee simple housing within the Residential and Lifestyle zones. This Administrative Interpretation is also to clarify setbacks for exterior unit lots within the Lifestyle District. Staff recognize that the zero lot line language in the Lifestyle District is the same as the Residential R4-8; however, the language in the Residential zone is oddly contained within the "detached" housing section. As further described below, that language does not make sense, but the changes needed there are beyond the scope of an administrative interpretation and will be addressed through the code amendment process.

ANALYSIS:
1. Interior lot side yard setbacks. The SMC as it relates to zero lot-line, attached housing and setbacks need clarification. The definition of "setbacks" refers to the minimum distance required for "any lot line". However, the definition for "zero lot line" refers to a situation in which ***"one or more*** of the building's sides rest directly on a lot line." As such, the definition of "zero lot line" contemplated the possibility of buildings that may have one or more of its sides located on the lot line.

A literal interpretation of the Residential and Lifestyle District's setback requirements, however, seems to preclude most zero lot line, attached housing development because the side setbacks must always be present on at least one side of each unit. The practical result is that nothing more than duplexes would be authorized despite clear authorization for "fourplexes" in the Residential zone and the "broad range of housing types" in the Lifestyle District. Applying side yards requirements in the internal attached housing units makes no sense in practice because it treats

the definition of "attached" housing as unnecessary and irrelevant. Ordinances, like statutes, should be harmonized whenever possible to avoid conflict or absurd results. Further, words contained in ordinances should be construed to give each word meaning, rendering no word meaningless. As such, the logical and practical interpretation is that side yard requirements only extend to the exterior unit lots.



Residential R4-8 (Attached)

Code requires 6' each side (SMC 18.20.050)

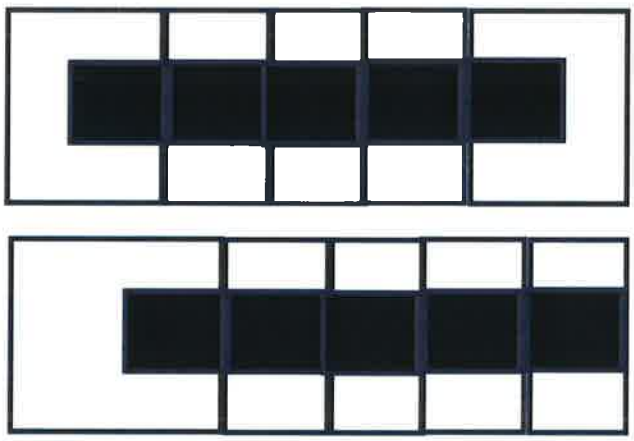
2. Attached housing side yard requirements for the Residential District. As shown above, the definition of attached residences in SMC 18.20.030 contemplates that residences would be attached to one another. SMC 18.20.050, however, addresses the zero lot line option in the *detached* residence setback requirements. According to the definition of "zero lot line", the residences would necessarily be attached housing — in this case duplexes — contrary to the "Residences (detached) designation within the code. Despite this confusion, the plain language of "detached" means that this correction exceeds the scope of this Administrative Interpretation and must be corrected through the code amendment process.

3. Lifestyle side yard setback requirements. The zero-lot line setback requirements in the Lifestyle District, (SMC 18.20.130), also need to be clarified. As described in SMC 18.20.130 above, there appears to be a redundant reference to 6' side setbacks for detached and attached housing. Unlike in the Residential District, which clearly distinguishes between detached and attached housing, the Lifestyle District combines "detached and attached" requirements into one standard. Therefore, the inability to address the absurdity that results under the language in the "Detached", R4-8 does not apply here, and this matter is appropriate for and within the scope of this Administrative Interpretation.

Multifamily development is authorized in the Lifestyle District, and interpreting side yard setbacks in a manner that precludes authorized development would require one to reach an absurd result and create unnecessary conflict. *See,* SMC 18.20.130 — promoting a "broad range of housing types". The City's adopted Comprehensive Plan Housing Chapter's *first* policy is H 6.1.1 "Promote a variety of housing types affordable to all segments of the population." While other sections of the City's Comprehensive Plan discuss other single family residential options such as cottage housing (LU 6.1.3) or townhomes (LU 6.1.6), the adopted code and Housing policy (SMC 18.20.130 and H 6.1.1) take precedence over other goals within the Comprehensive Plan in its implementation.

Finally, the attached housing setbacks as applied in the R4-8 zone, as described in #1 above, would be consistent with this analysis for the Lifestyle zone.

With the above in mind, the duplicate reference to "6' each side" makes sense and makes each word meaningful if the code is interpreted to allow zero lot line development side setbacks 6' on each side or 12' one side only. Therefore, the side yard setbacks for zero lot line development is 6' each side or 12' one side for exterior lots only.



Lifestyle

Code requires 6' each side exterior lot OR 12' one side exterior lot only, if zero lot line development (SMC 18.20.130)

4. Fee simple lots for multiplex/multifamily developments. In addition, the Lifestyle District — the most flexible zoning district under our current Comprehensive Plan, as referenced below — can also accommodate multifamily development as attached housing fee simple housing. As defined above, the "multifamily" definition makes no reference to ownership type, which is consistent with the spirit and intent of the Lifestyle District under the City's Comprehensive Plan. Similarly, the Residential zone allows for multiplexes, which are also defined above and include the reference to "multifamily" which, again, makes no reference to ownership type. The definition for "residence, attached" in SMC 18.20.030 also makes clear that the housing type is without regard to ownership status. Consequently, it follows that fee simple ownership is supported in multiplex and multifamily developments. This interpretation is consistent with the purpose of fee simple attached housing and further supported by the Comprehensive Plan's goals and policies identified below.

> **LU 3.2.2 RESIDENTIAL INFILL DEVELOPMENT** - Encourage residential infill development — through new single-family and small multifamily (fourplexes or smaller) housing that fills the "voids" in the fabric of existing residential districts — both to preserve surrounding rural lands from sprawling development and to increase the efficiency (and, thus, affordability) of providing the full range of desired urban services.
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> **LU 3.2.3 RANGE OF LOT SIZES** - Allow a range of lot sizes in low-density neighborhoods to meet the lifestyle interests of citizens while still maintaining minimum densities to keep Sequim's future both social and affordable.
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> **LU 3.3.3 LIFESTYLE DISTRICT** - Enhance and foster continued growth of lifestyle options… in a neighborhood setting that provides a broad range of housing types, services, mobility options and healthcare facilities to support "living-in-place" through the many stages of… life.

LU 3.3.1 MARKET-RATE MULTI-FAMILY - Focus market-rate higher-density multi-family development to locate with-in Downtown and in the existing Lifestyle District. Consider higher density housing for inclusion in the community business zone east of the downtown core.

LU 3.2.7 COMPATIBLE NEIGHBORHOOD DEVELOPMENT - Allow development of one- and two-story homes that don't impose on the character and privacy of existing single-story neighborhoods.

LU 3.4.4 "TRADITIONAL" RESIDENTIAL LOTS - Promote the creation of standard platted lots that contribute to the neighborhood's friendly, social character, make efficient use of land area, and fill in the regular pattern of blocks and streets with private rear yards and more public front yards.

H 6.1.1 VARIETY OF HOUSING OPTIONS - Promote a variety of housing types affordable to all segments of the population.

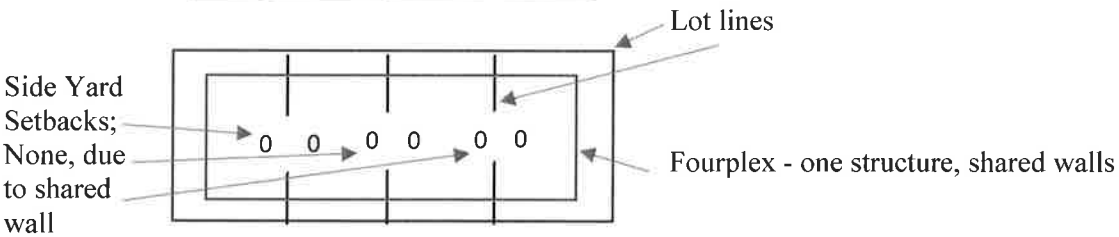
H 6.2.1 AFFORDABLE HOUSING EFFORTS - Endorse affordable housing efforts with other jurisdictions, public and private organizations to address needs.

H 6.3.1 VARIETY OF HOUSING OPTIONS FOR SENIOR CITIZENS - In development codes, provide a variety of housing options for senior citizens to age in place or remain in their neighborhood.

INTERPRETATION – Regarding SMC 18.20.050 and SMC 18.20.130, as described above: For fee simple attached units where each of the attached units are on individual lots, and created through a subdivision process, the interior lots' structures will share a wall. In these cases, the side yard setback cannot practically be applicable for those units in the interior due to the units' construction integrated as one structure.

In these cases, the standard for the interior attached units will be: *Side yard interior lot - zero feet for attached units internal to the structure.*

Example -Fourplex on four lots



In the Lifestyle District (SMC 18.20.130), zero lot line side setbacks are 6*' on each exterior lot or 12' on one exterior lot only.*

Fee simple multiplex and multifamily housing unit types are appropriate development options within the Residential and Lifestyle Districts.

This interpretation applies to the Residential and Lifestyle districts that allows for attached housing types and used in conjunction with a subdivision process (i.e. short plat or preliminary plat) in which the lots will be on separate legal parcels.

This interpretation is based upon the practical application of side yard setbacks to attached units in a common sense methodology, because any other interpretation would result in precluding these types of units, which are explicitly permitted under the various code provisions and Comprehensive Plan goals and policies.

FINDINGS AND CONCLUSIONS

1. The definition of zero lot line side yard setbacks, and standard setbacks described in the Residential R4-8 (SMC 18.20.050) and Lifestyle District (SMC 18.20.130) appear to conflict.
2. Ordinances should be harmonized whenever possible to avoid conflict or absurd results. Ordinances should also be interpreted to give every word meaning and effect rendering no word or phrase irrelevant or unnecessary.
3. Multiplex and multifamily housing units are allowed under SMC 18.20.050 and 18.20.130, respectively.
4. Literal interpretation and application of side yard requirements to the interior unit lots renders an absurd result in a zero lot line, attached housing context and precludes development of multiplex or multifamily fee simple units that are otherwise permitted.
5. To avoid conflict and absurd results, side yard setbacks do not apply to the interior unit lots in multiplex or multifamily developments.
6. To avoid rendering any portion of SMC 18.20.130 side setback code language meaningless, side yard setback requirements for zero lot line development in the Lifestyle District is 6' each side or 12' on one side only.
7. The definitions of multiplex, multifamily, and attached housing developments do not distinguish between ownership types, i.e., fee simple, condominium, or rental units, and therefore fee simple ownership is an available option under the City's subdivision processes.
8. As set forth in SMC 20.01.045.D, this Interpretation will be posted on the City's website at the Department of Community and Economic Development page and will be docketed to be included in the next appropriate code amendment effort.

Signature: Karla Boughton on behalf of Kristina Nelson-Goss Date: 5/22/25
Printed Name: Karla Boughton
Title: Planning Consultant