

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

MOTION NO. 23-539

REFERRING PROPOSED CODE AMENDMENTS RELATING TO ATTACHED SINGLE  
FAMILY HOUSING TO THE DEPARTMENT OF PLANNING AND DEVELOPMENT  
SERVICES AND THE SNOHOMISH COUNTY PLANNING COMMISSION

WHEREAS, the County Council wishes to obtain a recommendation from the Snohomish County Planning Commission regarding proposed code amendments related to attached single family housing; and

WHEREAS, the code revisions are Type 3 legislative actions pursuant to Chapter 30.73 SCC; and

WHEREAS, SCC 30.73.040 provides that the Planning Commission shall hold a public hearing on a Type 3 proposal referred to it by the county council within 90 days or within a time specified by the County Council; and

WHEREAS, the County Council requests a prompt review of the proposed code amendments by the Planning Commission, but wishes to provide flexibility in timing in recognition of the Planning Commission's existing workload; and

WHEREAS, the subject matter experts in PDS and other county departments could offer suggestions to proposed code language and findings; and

WHEREAS, the logical time for input from county departments would be prior County Council receipt of to an approved as to form recommendation from the Planning Commission; and

NOW, THEREFORE ON MOTION, the County Council hereby refers the potential code revisions, attached as "Exhibit A", to the Department of Planning and Development Services (PDS) for action as follows:

1. Pursuant to chapters 2.08 and 30.73 SCC, the County Council refers the potential code revisions to the Director of PDS acting in the capacity of Secretary to the Snohomish County Planning Commission for its review, consideration, and a recommendation to the Council.


2. As provided in SCC 30.73.045, the County Council will be the department responsible for preparing a report summarizing the proposal for transmittal to the Planning Commission and that Council staff is hereby directed to seek and include information from county departments including PDS in the report to Planning Commission.
3. The County Council requests that a public hearing be held before the Planning Commission and a recommendation be provided to the County Council prior to May 27, 2024.

DATED this 3<sup>rd</sup> day of January, 2024.

SNOHOMISHCOUNTY COUNCIL  
Snohomish County, Washington

  
\_\_\_\_\_  
Council Chair

ATTEST:

  
\_\_\_\_\_  
Deputy Clerk of the Council

**EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO  
ATTACHED SINGLE FAMILY HOUSING**

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

ORDINANCE NO. 24-          

RELATING TO GROWTH MANAGEMENT; FACILITATING ATTACHED SINGLE-FAMILY HOUSING; ADDING A NEW SECTION 30.23.270 AND AMENDING SECTIONS 30.41A.240 AND 30.91D.515 OF THE SNOHOMISH COUNTY CODE

WHEREAS, the Growth Management Act (GMA), chapter 36.70A RCW, establishes planning goals to guide development and adoption of comprehensive plans and development regulations for those counties and cities planning under the GMA, including Goal 4 related to housing (RCW 36.70A.020(4)); and

WHEREAS, the Washington State Legislature substantially amended the GMA housing goal by passing Engrossed Second Substitute House Bill 1220 (ESSB), effective July 25, 2021, and which among other changes strengthened the goal from “Encourage the availability of affordable housing to all economic segments of the population” to “Plan for and accommodate housing affordable to all economic segments of the population”; and

WHEREAS, in 2023, the Legislature passed Engrossed Second Substitute House Bill 1110 (ESSB 1110), effective July 23, 2023, which, among other things, included a finding that states

Washington is facing an unprecedented housing crisis for its current population and a lack of housing choices, and is not likely to meet the affordability goals for future populations [...] innovative housing policies will need to be adopted. Increasing housing options that are more affordable to various income levels is critical to achieving the state's housing goals, including those codified by the legislature under chapter 254, Laws of 2021 [ESSB 1220]. There is continued need for the development of housing at all income levels, including middle housing [...]

WHEREAS, the ESSB 1110 also enacted a new definition of Middle Housing in the GMA that says that such housing is “compatible in scale, form, and character with single-family houses and contain[s] two or more attached, stacked, or clustered homes including duplexes” and other housing types listed in RCW 36.70A.030(26); and

WHEREAS, the GMA requires Snohomish County (the “County”) to adopt a comprehensive plan and implementing codes and regulations related to land use and development within the County’s jurisdiction that are consistent with the comprehensive plan; and

## **EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO ATTACHED SINGLE FAMILY HOUSING**

WHEREAS, the County's Growth Management Act Comprehensive Plan (GMACP) includes the General Policy Plan (GPP) which contains policies that guide the codes and regulations adopted in Title 30 of Snohomish County Code ("Title 30 SCC"); and

WHEREAS, historically, county code allowed duplexes in urban single family residential zones with a requirement that the minimum lot size for lots with duplexes needed to be one-half times the minimum lot size for single family dwellings; however, this changed for the R-8,400, R-9,600 and R-7,200 zones with adoption on Amendment Ordinance 16-044 on August 31, 2016, which removed the one and one-half times the minimum lot size requirement for duplexes; and

WHEREAS, the County Council concurs with the findings of the Legislature that Snohomish County is experiencing a housing affordability crisis and that code amendments to allow more middle housing and ownership options can be part of the solution; and

WHEREAS, duplexes are a form of Middle Housing under RCW 36.70A.030(26); and

WHEREAS, encouraging duplex development can help address the housing affordability crisis; and

WHEREAS, in some situations, Snohomish County Code allows construction of duplexes, but requirements related to minimum lot size prevents subdivision of the building into two lots, thereby creating a situation where the only way to sell units in a duplex is to convert those units to condominiums; and

WHEREAS, Snohomish County Code contemplates single family attached dwellings as being a type of duplex where each half has its own lot; and

WHEREAS, the Snohomish County Council held a series of panel discussions titled "Opening Doors to Home Ownership" on January 17, February 21, March 21, and April 18, 2023, and during the fourth session discussed changing subdivision codes to allow sale of each duplex half as a separate fee simple lot in situations where sales of those same units can only happen only as condos today; and

WHEREAS, a duplex configured so that each half is on its own lot would be the same thing as two single family attached dwellings under Snohomish County Code; and

**EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO  
ATTACHED SINGLE FAMILY HOUSING**

WHEREAS, County Council staff briefed the Planning Commission on [REDACTED], 2024; and

WHEREAS, on [REDACTED], 2024, the Planning Commission held a public hearing to receive public testimony concerning the code amendments contained in this ordinance; and

WHEREAS, at the conclusion of the Planning Commission’s public hearing, the Planning Commission recommended adoption of the code amendments contained in this ordinance; and

WHEREAS, on [REDACTED], 2024, the County Council held a public hearing after proper notice, and considered public comment and the entire record related to the code amendments contained in this ordinance; and

WHEREAS, following the public hearing, the County Council deliberated on the code amendments contained in this ordinance;

NOW, THEREFORE, BE IT ORDAINED:

**Section 1.** The County Council adopts the following findings in support of this ordinance:

- A. The foregoing recitals are adopted as findings as if set forth in full herein.
  
- B. This ordinance will amend provisions in title 30 SCC to update regulations related to development of attached single family dwellings. In particular, the amendments will allow creation of subdivided lots in urban zoning where code allows those physical duplex configurations but without subdivision that would meet the County’s definition of attached single family dwelling. This ordinance will also update the definition of single-family attached dwelling to clarify that the distinction between side-by-side duplex units and attached single family is the configuration for ownership purposes, rather than a reflection of the development process.
  
- C. In considering the proposed amendments, the county evaluated factors including the need to meet GMA mandates to provide housing for all economic segments of the population.

**EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO  
ATTACHED SINGLE FAMILY HOUSING**

1. Snohomish County is facing an affordable housing crisis and housing stock shortage. The purpose of the proposed amendments is to provide additional means to diversify the County's urban housing stock.
2. The housing authorized by this ordinance would be generally attainable to middle income households for whom increasing multifamily densities does not generally assist and where opportunities to expand the Urban Growth Area to provide ownership opportunities are limited.

D. In considering the proposed amendments, the County considered the goals and standards of the GMA. The proposed amendments are consistent with:

1. GMA Goal 2 – Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

This ordinance provides for infill development on sites urban areas by allowing subdivision of duplexes as attached single family dwellings. This expands the options for how a developer may sell such units, creating incentive to develop such housing. More development of attached single family housing would increase overall housing production. It would also increase urban residential capacity and reduce pressure to convert rural lands to housing.

2. GMA Goal 4 – Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

Subdivision for fee simple ownership of attached single family homes will help diversify the housing stock and promote ownership housing affordable to middle income households. The ability to subdivide and sell halves of existing duplexes may help in the preservation of such housing.

E. The proposed amendments will better achieve, comply with, and implement the goals and policies of the Puget Sound Regional Council's Multicounty Planning Policies (MPPs), including the following goals and policies:

1. MPP Housing Goal – The region will preserve, improve, and expand its housing stock to provide a range of affordable, healthy, and safe housing choices to every

## **EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO ATTACHED SINGLE FAMILY HOUSING**

resident. The region will continue to promote fair and equal access to housing for all people.

The proposed amendments will help to expand and improve the diversity of the housing stock by reducing regulatory barriers on the construction attached single family housing.

2. MPP-H-1 – Provide a range of housing types and choices to meet the housing needs of all income levels and demographic groups within the region.

MPP-H-2 – Achieve and sustain — through preservation, rehabilitation, and new development — a sufficient supply of housing to meet the needs of low-income, moderate-income, middle-income, and special needs individuals and households that is equitably and rationally distributed throughout the region.

The proposed amendments will support MPP-H-1 and MPP-H-2 by allowing for the construction of attached homes on subdivided lots that will be generally affordable to middle-income households. These amendments do not inhibit development of other types of necessary housing.

F. The proposed amendments will better achieve, comply with, and implement the Housing Goal of the Countywide Planning Policies (CPPs), which provides: “Snohomish County and its cities will promote an affordable lifestyle where residents have access to safe, affordable, and diverse housing options near their jobs and transportation options.” The proposed amendments will support the housing goal in the CPPs by reducing the regulatory barriers on the construction of attached single family dwellings. This will help to diversify the housing options in urban areas that are close to employment and transportation options.

G. In considering the proposed amendments, the county considered the goals, objectives, and policies of the Snohomish County GMA Comprehensive Plan (GMACP) – General Policy Plan (GPP). The proposed amendments will work to support, implement, and balance the following goals, objectives, and policies in the GPP:

1. Goal LU 1 – Establish and maintain compact, clearly defined, well designed UGAs.

Objective LU 1.A – Establish UGAs with sufficient capacity to accommodate the majority of the county’s projected population, employment, and housing growth over the next 20 years.

## **EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO ATTACHED SINGLE FAMILY HOUSING**

Policy LU 1.A.9 – Ensure the efficient use of urban land by adopting reasonable measures to increase residential, commercial and industrial capacity within urban growth areas prior to expanding urban growth boundaries. The County Council will use the list of reasonable measures in accordance with the guidelines for review contained in Appendix D of the Countywide Planning Policies to evaluate all UGA boundary expansions.

The amendments proposed by this ordinance would reduce regulatory barriers on the construction of housing in urban areas. This is a reasonable measure that increases residential capacity in UGAs thereby helping accommodate growth and the maintenance of compact UGAs.

2. Objective HO 1.B – Ensure that a broad range of housing types and affordability levels is available in urban and rural areas.

The proposed amendments reduce regulatory barriers on the development of housing in urban areas, supporting the development of a broad range of housing types and affordability. The development of attached single family dwellings on smaller lots will provide different housing types and affordability levels in areas with a lack of affordability.

H. The proposed amendments implement action items in the 2020 Housing Affordability Regional Taskforce report (AKA the HART Report).

1. Action Item 1.A.4 which provides: “Facilitate more efficient deal assembly and development timelines / promote cost effectiveness through consolidation, coordination, and simplification.” By allowing subdivision of attached housing configurations that code already provides for but without subdivision, the proposed amendments will facilitate more deal assembly and development site consolidation by making more financing options available to the developer.
2. Action Item 1.A.6 which provides: “Increase housing variety allowed at a range of affordability levels in single family zones [...] including consideration of zoning for duplex [and other housing types]”. The proposed amendment will comply with action item 1.A.6 by revising Snohomish County regulations to facilitate the construction of more duplexes as attached single family (i.e. subdivided) dwellings.



## **EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO ATTACHED SINGLE FAMILY HOUSING**

### **I. Procedural requirements.**

1. State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with respect to this non-project action have been satisfied through the completion of an environmental checklist and the issuance on [REDACTED], 2024 of a Determination of Non-Significance (DNS) for this non-project proposal to Amend Title 30 Snohomish County Code (SCC).
2. The proposal is a Type 3 legislative action pursuant to SCC 30.73.010.
3. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance was transmitted to the Washington State Department of Commerce for distribution to state agencies on [REDACTED], 2024, and assigned material number [REDACTED].
4. The public participation process used in the adoption of this ordinance complies with all applicable requirements of the GMA and the SCC.
5. The Washington State Attorney General last issued an advisory memorandum, as required by RCW 36.70A.370, in September of 2018 entitled “Advisory Memorandum: Avoiding Unconstitutional Takings of Private Property” to help local governments avoid the unconstitutional taking of private property. The process outlined in the State Attorney General’s 2018 advisory memorandum was used by the County in objectively evaluating the regulatory changes proposed by this ordinance.

#### **Section 2.** The County Council makes the following conclusions:

1. The proposed amendments are consistent with the goals, policies, and objectives of the MPPs, CPPs, and GPPs.
2. The proposed amendments are consistent with applicable federal, state, and local laws and regulations.
3. The County has complied with all SEPA requirements with respect to this non-project action.
4. The regulations proposed by this ordinance do not result in an unconstitutional taking of private property for a public purpose.

## **EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO ATTACHED SINGLE FAMILY HOUSING**

**Section 3.** The County Council bases its findings and conclusions on the entire legislative record, including all testimony and exhibits. Any finding which should be deemed a conclusion, and any conclusion that should be a finding, is hereby adopted as such.

**Section 4.** A new section is added to chapter 30.23 of the Snohomish County Code to read:

### **30.23.270 Attached Single Family Dwellings**

In urban zones, a subdivision or short subdivision that includes attached single family dwellings may meet the lot yield and bulk regulations for the zone in which it is located as provided for in this section. Such subdivisions or short subdivisions may also include detached single family dwellings and accessory dwelling units located on lots containing a principal unit.

- (1) Building site yield shall be an interim calculation before determining lot yield and shall be computed as follows:
  - (a) Determine area of the site in square feet;
  - (b) Divide the area of the site by the minimum lot area for the zone in Table 30.23.032;
  - (c) The resulting quotient is the number of potential building sites; and
  - (d) The maximum number of building sites shall be determined by rounding up to the next whole unit when a fraction of a unit is equal to five-tenths or greater.
- (2) When converting building sites into proposed lots;
  - (a) Buildings with two single family attached dwellings count as one building;
  - (b) Single family dwellings (detached) count as one building; and
  - (c) Accessory dwelling units, whether attached or detached, are not principal units under RCW 36.70A.696(10) and therefore do not count as proposed buildings or lots for purposes of this calculation.
- (3) Each single lot shall be at least 1,500 square feet in area;
- (4) Lots in subdivisions and short subdivisions created under the provisions of this section shall have a maximum lot coverage of 55%;
- (5) There is no minimum lot width;
- (6) Attached single family dwellings have no setback from the abutting lot line;
- (7) Setbacks from other lot lines shall be;
  - (a) Five feet from side and rear lot lines, except for buildings taller than 30 feet in the R-7,200 zone which shall be set back consistent with SCC 30.23.310.
  - (b) Fifteen feet from right-of-way and private roads, except that garages must be set back 18 feet from right-of-way (with the exception of alleys) or

## **EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO ATTACHED SINGLE FAMILY HOUSING**

private roads and corner lots may reduce the right-of-way setback to no less than 10 feet.

**Section 5.** Snohomish County Code 30.41A.240, last amended by Amended Ordinance 02-064 on December 9, 2002, is amended to read:

### **30.41A.240 Design standards – ~~((lot size averaging.))~~ other reductions to minimum lot area.**

The minimum lot size within a residential subdivision may be reduced below the size required by zoning pursuant to SCC 30.23.210, SCC 30.23.215, SCC 30.23.270, and~~((Minimum lot size may also be reduced pursuant to))~~ chapter 30.42B SCC and chapter 30.41C SCC.

**Section 6.** Snohomish County Code 30.41B.200, last amended by Amended Ordinance 17-070 on November 1, 2017, is amended to read:

### **30.41B.200 Design standards.**

The following design standards shall be met, unless a modification is specifically provided for:

(1) Each lot shall contain sufficient square footage to meet minimum zoning and health requirements, provided that the minimum lot size within a short subdivision may be reduced below the size required by applicable zoning ~~((through the lot size averaging provisions of))~~ pursuant to SCC 30.23.210, SCC 30.23.270 or through the planned residential development or rural cluster subdivision provisions of this title;

(2) Each new lot shall have an accessible area suitable for construction pursuant to SCC 30.41A.235;

(3) Short subdivisions located in special flood hazard areas shall comply with the provisions of SCC 30.65.110(3);

(4) Roads and access shall be provided in accordance with the requirements in chapter 30.24 SCC;

(5) All short subdivisions shall meet the applicable tree retention and landscaping requirements of chapter 30.25 SCC; and

(6) All short subdivisions shall comply with the provisions of chapter 30.63A SCC, including the requirement to use low impact development best management practices as directed by the Drainage Manual.

**Section 7.** Snohomish County Code 30.91D.515, last amended by Amended Ordinance 08-101 on January 21, 2009, is amended to read:

**EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO  
ATTACHED SINGLE FAMILY HOUSING**

**30.91D.515 Dwelling, single family attached**

"Dwelling, single family attached" ("Single family attached dwelling") means a single-family dwelling unit constructed in a group of two attached units in which each unit extends from foundation to roof and with open space on at least two sides and which is ~~((developed))~~ configured as a zero lot line development. This term does not include duplex.

**Section 8. Severability and Savings.** If any section, sentence, clause or phrase of this ordinance shall be held to be invalid by the Growth Management Hearings Board (Board), or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance. Provided, however, that if any section, sentence, clause or phrase of this ordinance is held to be invalid by the Board or court of competent jurisdiction, then the section, sentence, clause or phrase in effect prior to the effective date of this ordinance shall be in full force and effect for that individual section, sentence, clause or phrase as if this ordinance had never been adopted.

PASSED this \_\_\_\_ day of \_\_\_\_, 2024.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

\_\_\_\_\_  
Council Chair

ATTEST:

\_\_\_\_\_  
Clerk of the Council

- ( ) APPROVED
- ( ) EMERGENCY
- ( ) VETOED

DATE: \_\_\_\_\_

\_\_\_\_\_  
County Executive

**EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO  
ATTACHED SINGLE FAMILY HOUSING**

ATTEST:

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Approved as to form only:

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Deputy Prosecuting Attorney