

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

MOTION NO. 23-542

REFERRING PROPOSED CODE REVISIONS RELATING TO LOT SIZE AVERAGING
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 lot size averaging; 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.

AMENDED AT GLS 1/3/2024

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 7, 2024.

DATED this day of December 2023.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Council Chair

ATTEST:

Deputy Clerk of the Council

**EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO
LOT SIZE AVERAGING**

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ORDINANCE NO. 24-

RELATING TO GROWTH MANAGEMENT; PROVIDING DESIGN FLEXIBILITY FOR
LOT SIZE AVERAGING; AMENDING SECTIONS 30.23.210 AND 30.41B.200 AND
ADDING A NEW SECTION 30.23.215 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, 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.

WHEREAS, prior to these legislative changes, the Housing Affordability Taskforce (HART) published a report and five-year action plan in January 2020 for Snohomish County; and

WHEREAS, the HART report discusses the need for more “variety ... in single family zones [to facilitate] increased supply of housing – as well as reduce per unit costs”; 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

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

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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 allowing smaller lots and more flexibility for the design of new development as one possible part of the solution; and

WHEREAS, Adjusting lot size averaging could provide more of housing variety identified in the Hart Report, more of the smaller lots discussed during the panel discussions, and increase ownership options by making subdivision possible; 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 flexibility regarding urban lot width can be part of the solution; and

WHEREAS, inclusion of surface detention/retention facilities in the lot size averaging calculations provides more flexibility for subdivision design and promotes affordable housing; and

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.

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B. This ordinance will amend requirements related to lot size averaging. These amendments will allow greater flexibility to subdivide lots in urban zoning, simplify provisions related to subdivision in rural zoning, and eliminate provisions for zones that do not conform to the comprehensive plan.

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.

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, thereby increasing urban residential capacity and reducing pressure to convert rural lands to housing. It provides for more flexibility in lot design, allowing for more efficient use of sites with urban zoning.

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 [...]

Subdivision of homes on small lots will help diversify the housing stock and promote ownership housing affordable to middle income households.

3. RCW 36.70A.070(4) – GMA implementation. GMA requires counties to adopt policies and development regulations to implement changes in GMA within four years of enactment. The changes proposed by this ordinance do not require any policy changes (see below) but revised definitions for consistency with ESSB 1220 (planning for and accommodating housing for all economic segments).

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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 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 of housing on small lots.

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 homes on smaller 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 single-family dwellings on smaller lots. These changes 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:

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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.

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.

In urban areas, the proposed amendments reduce regulatory barriers on the development of housing, supporting the development of a broad range of housing types and affordability. The development of housing on smaller lots will provide different housing types and affordability levels in areas with a lack of affordability. The current minimum lot width of 40 feet for urban lots created under lot size averaging provisions results in larger than necessary lot sizes. The proposed new minimum lot width of 34 feet would accommodate a front entrance, two car garage, and required 5-foot side yard setbacks. The result would be a similar physical building layout as other development options allow. One such development option is Single Family Detached Unit (SFDU) development, which create detached condominiums with comparable building dimensions and separation. (SFDUs create condominiums rather than lots, so the comparison is how the buildings relate to one-another and not to ownership or lot boundaries.) A second development option with similar building and lot layouts are Planned Residential Developments (PRDs). SCC 30.42B.145 provides that PRDs do not have a minimum lot width for single family and duplex development. In practice, PRDs often provide lots that are 34-feet wide for single family homes to meet the practical dimensional requirements described above. In short, the proposed reduction in lot widths for lots created by lot size averaging will increase the range of housing types and affordability levels in urban areas.

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For rural zones, the proposal to move provisions for lot size to become a stand-alone section is a formatting change only. It does not affect development potential in rural areas. It would however make interpreting code requirements easier. (See related discussion of Policy ED 2.A.1 in Finding G.4.)

3. Future Land Use Map. Under the heading Future Land Use Map (FLUM) the GPP discusses implementing zones and land use designations shown on the FLUM. This section provides the policy direction for which zones are conforming to the comprehensive plan designations. The sole place where the GPP discusses these zones is in their application in the Darrington and Gold Bar UGAs due to an absence of sanitary sewer.

The proposed amendments remove the possible use of lot size averaging in the R-12,500 and R-20,000 zones to help to implement the FLUM and to reduce situations with non-conforming lots. Most of the locations where R-12,500 and R-20,000 appear on the zoning map are not in the Darrington or Gold Bar UGAs. Rather, these zones occur more often on the zoning map as non-conforming to applicable future land use map designations. Since septic system requirements include a minimum lot size of 12,500 square feet, it is not feasible to use lot size averaging in the R-12,500 zone. Eliminating provisions to use lot size averaging in R-12,500 zoning helps to clarify development options by eliminating a hypothetical allowance that does not work. Development has already happened on most of the sites with R-20,000 zoning. Eliminating the option for using lot size averaging on the remaining R-20,000 sites reduces the possibility of creating more parcels that do not conform to the applicable comprehensive plan designations.

4. Policy ED 2.A.1 – Snohomish County shall work to ensure that the Snohomish County Code is an understandable, accessible, and user friendly document.

The proposed amendments would separate lot size averaging requirements in SCC 30.23.210 into two code sections for urban zones and for rural zones. This makes the requirements easier to understand and use. When Amended Ordinance 02-064 first enacted SCC 30.23.210 in 2002, it contained 183 words. Now there are 779 words in the current version of SCC 30.23.210 (as modified by Amended Ordinance 22-062 in 2022). This proposal would keep the urban zoning provisions in SCC 30.23.210 and reduce the word count to 264. The proposal would move the lot size averaging provisions for rural zones to a new section SCC 30.23.215 which would have 211 words. This organizational change will help applicants determine which standards apply based on the applicable zoning.

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5. Objective LU 2.A – Increase residential densities within UGAs by concentrating and intensifying development in appropriate locations [...]

The proposed amendments would increase residential densities in two ways.

First, as described finding G.2, the proposed reduction to width would allow for higher net densities on some sites. Net density is the density on the developable portion of a site. Narrower lots would allow more lots to on sites where the amount of constrained area does not physically allow the maximum potential development allowed by gross density (which is the density across the entire site).

Second, the proposed amendments would allow inclusion of surface detention/retention facilities in calculations of gross density. This change would slightly increase the allowed gross residential density in UGAs, in support of Objective LU 2.A.

6. Policy NE 3.A.3 – The county shall evaluate immediate and cumulative effects on the natural environment, critical areas, shorelines and buildable land inventory when formulating development regulations, including but not limited to, stormwater management, clearing, and grading.

Policy NE 3.A.5 – The county shall design development regulations to avoid or minimize impacts to the ecological functions and values of critical areas.

The proposed amendments would discontinue potential application of lot size averaging to sites with Waterfront Beach (WFB) zoning. The purpose of WFB zoning is in SCC 30.21.025(4) which describes it as no longer a primary implementing zone but one that protects natural features and critical areas. All sites with WFB zoning have frontage on Lake Stickney, Martha Lake, or Puget Sound. These areas are at least partially subject to Shoreline Management Act protections. Nearly all properties with WFB zoning have existing development with homes on relatively narrow but long lots. The proposed amendments include a reduction to the required lot with for development using lot size averaging. Allowing a 34-foot minimum lot with rather than the current 40-foot minimum to sites with WFB zoning could potentially increase the buildable land inventory of WFB-zoned sites by making some of the existing lots subdividable. Individually such sites would still be subject to critical areas protections, including for shorelines. However, there has been no study of the cumulative effects called for in Policy NE 3.A.3. Therefore, the proposed amendments would exclude the continued use of lot size averaging in WFB zoning to avoid potential impacts

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consistent with Policy NE 3.A.5 and the purpose of the zone in SCC 30.21.024(4).

H. The proposed amendments implement action Item 1.A.4 in the HART Report. 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 for housing on smaller lots, the proposed amendments will facilitate more deal assembly and development site consolidation by making more financing options available to the developer.

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.

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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.

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. Snohomish County Code 30.23.210, last amended by Amended Ordinance 22-062 on October 6, 2022, is amended to read:

30.23.210 Lot size averaging – urban zones.

In R-9,600, R-8,400, R-7,200, LDMR, and MR zoning, a subdivision or short subdivision may meet the minimum lot area requirement by calculating average lot size under this section.

~~((1) A subdivision or short subdivision may meet the minimum lot area requirement of the zone in which it is located by calculating average lot size under this section.~~

~~(2) This section shall only apply to:~~

~~(a) Subdivisions or short subdivisions within zones having a minimum lot area requirement of 12,500 square feet or less; and~~

~~(b) Short subdivisions in rural areas within zones having a minimum lot area requirement greater than 12,500 square feet but not larger than five acres.~~

~~(3) Average lot size shall be computed as follows within zones having a minimum lot area requirement of 12,500 square feet or less:~~

~~(a) Add together all of the following areas where proposed:~~

~~(i) Area in lots;~~

~~(ii) Critical areas and their buffers that must be permanently protected under chapter 30.62A SCC;~~

~~(iii) Areas designated as open space or recreational uses;~~

~~(iv) Areas to be dedicated as right-of-way under chapter 30.66B SCC;~~

~~(v) Areas designated as private roads under SCC 30.91R.230; and~~

~~(vi) Surface detention/retention facilities meeting the standards of subsection (7) of this section;~~

~~(b) Subtract the total lot area from lots that contain existing dwelling units proposed to be retained within the development from the total of subsection (3)(a) of this section;~~

~~(c) Divide the lot area calculated in subsection (3)(b) of this section by the total number of lots containing new dwelling units.~~

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~~(4) Average lot size shall be computed as follows within zones having a minimum lot area requirement greater than 12,500 square feet but not larger than five acres:~~

~~(a) Add together all of the following areas where proposed:~~

~~(i) Area in lots;~~
~~(ii) Critical areas and their buffers that must be permanently protected under chapter 30.62A SCC;~~

~~(iii) Areas designated as open space or recreational uses;~~

~~(iv) Areas to be dedicated as right-of-way under chapter 30.66B SCC;~~

~~(v) Areas designated as private roads under SCC 30.91F.230; and~~

~~(vi) Surface detention/retention facilities meeting the standards of subsection (7) of this section;~~

~~(b) Subtract the total lot area from lots that contain existing dwelling units proposed to be retained within the development from the total of subsection (4)(a) of this section;~~

~~(c) Divide the lot area calculated in subsection (4)(b) of this section by the total number of lots containing new dwelling units.)~~

(1) Divide the site area in square feet by the total number of lots containing new dwelling units (lots for existing dwelling units as defined in SCC 30.91D.535 are exempt).

~~((5))~~(2) If the average lot size as computed under ~~((either))~~ subsection ~~((3) or (4) of this section))~~(1) equals or exceeds the minimum lot area requirement of the zone in which the property is located, then the minimum lot area requirement will be satisfied for the purposes of lot size averaging.

~~((6))~~(3) In no case shall the provisions under SCC 30.23.230(3) apply to this section.

~~((7) Surface detention/retention facilities may count toward calculations for lot size averaging only if the detention/retention facility:~~

~~(a) Is designed to not require security fencing under the EDDS standards; and~~

~~(b) The facility is either:~~

~~(i) Designed so as to appear as a natural wetland system; or~~

~~(ii) Provides active or passive recreational benefits in a natural landscaped setting.~~

~~(8) For subdivisions and short subdivisions within zones having a minimum lot area requirement of 12,500 square feet or less, the following additional criteria apply:))~~

(4) The following additional criteria apply:

(a) Each single lot shall be at least 3,000 square feet in area;

(b) Lots in subdivisions and short subdivisions created under the provisions of this section shall have a maximum lot coverage of 55 percent;

(c) Lots with less than the prescribed minimum lot area requirement for the zone in which they are located shall have:

(i) A minimum lot width of at least ~~((40))~~34 feet; and

EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO LOT SIZE AVERAGING

(ii) Setbacks of 15 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 private roads and corner lots may reduce one right-of-way setback to no less than 10 feet; and

(d) Preliminary subdivisions approved using lot size averaging shall not be recorded by divisions unless such divisions individually or together as cumulative, contiguous parcels satisfy the requirements of this section.

~~((9) For short subdivisions in rural areas within zones having a minimum lot area requirement greater than 12,500 square feet but not larger than five acres, the following additional criteria apply:~~

~~(a) Each single lot shall be at least 12,500 square feet in area or the minimum area necessary to comply with the county health department rules and regulations for on-site sewage disposal and potable water supply, whichever is greater;~~

~~(b) Lots in short subdivisions created under the provisions of this section shall have a maximum lot coverage of 35 percent; and~~

~~(c) Lots with less than the prescribed minimum lot area requirement for the zone in which they are located shall have:~~

~~(i) A minimum lot width of at least 75 feet; and~~

~~(ii) Setbacks of 50 feet from right-of-way and private roads, except that corner lots may reduce one right-of-way or private road setback to no less than 20 feet.))~~

Section 5. A new section is added to Snohomish County Code Chapter 30.23 to read:

SCC 30.23.215 Lot size averaging – rural zones.

In F&R, R-5, and RD zoning, a short subdivision may meet the minimum lot area requirement by calculating average lot size under this section.

(1) Divide the site area in square feet by the total number of lots.

(2) If the average lot size as computed under subsection (1) of this section equals or exceeds the minimum lot area requirement of the zone in which the property is located, then the minimum lot area requirement will be satisfied for the purposes of lot size averaging.

(3) In no case shall the provisions under SCC 30.23.230(3) apply to this section.

(4) The following additional criteria apply:

(a) Each single lot shall be at least 12,500 square feet in area or the minimum area necessary to comply with the county health department rules and regulations for on-site sewage disposal and potable water supply, whichever is greater;

(b) Lots with less than the prescribed minimum lot area requirement for the zone in which they are located shall have:

(i) A minimum lot width of at least 75 feet; and

**EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO
LOT SIZE AVERAGING**

(ii) Setbacks of 50 feet from right-of-way and private roads, except that corner lots may reduce one right-of-way or private road setback to no less than 20 feet.

Section 6. Snohomish County Code 30.41B.200, last amended by Amended Ordinance 22-062 on October 6, 2022, 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 SCC 30.23.210, or through the))₁ 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. 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

**EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO
LOT SIZE AVERAGING**

Council Chair

ATTEST:

Clerk of the Council

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

DATE: _____

County Executive

ATTEST:

Approved as to form only:

Deputy Prosecuting Attorney