

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

MOTION NO. 21-309

REFERRING PROPOSED CODE REVISIONS RELATING TO PROMOTING
CONSTRUCTION OF NEW MISSING MIDDLE HOUSING WHILE ALSO
ENCOURAGING PRESERVATION OF EXISTING RESIDENTIAL UNITS 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 that would promote new missing middle housing while also encouraging preservation of existing residential units; and

WHEREAS, 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 the challenges created by the COVID-19 pandemic; and

WHEREAS, some of the proposed changes regarding building height may cause need for additional review and input relative to fire code; and

WHEREAS, the county Fire Marshal and other experts with relevant expertise are in the department of Planning and Development Services (PDS); and

WHEREAS, the subject matter experts in PDS or other logical departments could offer suggestions to improve the proposed amendments; and

WHEREAS, the logical time for input from PDS and others would be prior to Planning Commission consideration of the proposed amendments; 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:

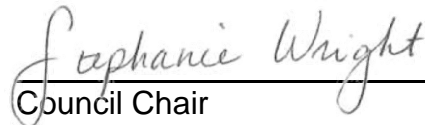
1. Pursuant to chapters 2.08 and 30.73 SCC, the County Council refers the potential code revisions to the Director of PDS acting in the capacity of

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 other departments including from 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 February 28, 2022.


DATED this 15th day of September, 2021.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



Council Chair

ATTEST:



Asst. Clerk of the Council

**EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO
PROMOTING CONSTRUCTION OF NEW MISSING MIDDLE HOUSING WHILE ALSO
ENCOURAGING PRESERVATION OF EXISTING RESIDENTIAL UNITS**

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ORDINANCE NO. 21-

RELATING TO GROWTH MANAGEMENT; PROMOTING CONSTRUCTION OF NEW MISSING MIDDLE
HOUSING WHILE ALSO ENCOURAGING PRESERVATION OF EXISTING RESIDENTIAL UNITS;
AMENDING EXISTING SECTIONS IN CHAPTERS 30.23 AND 30.42B 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 the goal to encourage the availability of affordable housing and promote a variety of residential densities and housing types; 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 GMA requires the County to monitor patterns of growth and capacity for future growth in the Buildable Lands Report (or BLR); and

WHEREAS, the County has completed Buildable Lands Reports in 2002, 2007, 2012 and 2021; and

WHEREAS, the 2021 BLR relied on recent patterns of development and included an adjustment in methodology to assume more redevelopment of existing housing units during new construction rather than infill or preservation of existing units during construction of new units on the land compared to previous BLRs; and

WHEREAS, the 2021 BLR includes a list of “Reasonable Measures” that local jurisdictions could take to increase housing capacity; and

WHEREAS, on October 29, 2020, the Puget Sound Regional Council (the “PSRC”) adopted Vision 2050, a plan for the central Puget Sound region, which includes Snohomish County; and

MOTION 21-

Page A-1

REFERRING PROPOSED CODE REVISIONS RELATING TO PROMOTING CONSTRUCTION OF NEW
MISSING MIDDLE HOUSING WHILE ALSO ENCOURAGING PRESERVATION OF EXISTING
RESIDENTIAL UNITS TO THE DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES AND
THE SNOHOMISH COUNTY PLANNING COMMISSION

EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO PROMOTING CONSTRUCTION OF NEW MISSING MIDDLE HOUSING WHILE ALSO ENCOURAGING PRESERVATION OF EXISTING RESIDENTIAL UNITS

WHEREAS, the County is party to an interlocal agreement with PSRC that obligates the County to growth management policies and codes that are consistent with Vision 2050; and

WHEREAS, Vision 2050 includes policy MPP H-9 which calls for jurisdictions to “Expand housing capacity for moderate density housing to bridge the gap between single-family and more intensive multifamily development and provide opportunities for more affordable ownership and rental housing that allows more people to live in neighborhoods across the region”; and

WHEREAS, Housing action H-Action -1 in Vision 2050 calls on local jurisdictions to “promote and accelerate” production of “housing supply [along with preservation of] market rate and subsidized affordable housing”; and

WHEREAS, Housing action H-Action 4 says that Counties will “conduct a housing needs analysis and the evaluate the effectiveness of local housing policies and strategies”; and

WHEREAS, Housing action H-Action 6 calls on communities to “develop and implement strategies to address displacement” which includes displacement of residents living in existing housing; and

WHEREAS, Housing action H-Action 7 says that counties will “update regulations and strategies to reduce barriers to the development and preservation of moderate density housing”; and

WHEREAS, Housing action H-Action 9 calls on counties to “review and amend, where appropriate and consistent with the Regional Growth Strategy, development standards and regulations to reduce barriers to the development of housing by providing flexibility and minimizing additional costs; and

WHEREAS, the Housing Affordability Taskforce (HART) published a report and five-year action plan in January 2020 that provides the needs analysis called for in Snohomish County by H-Action 4; and

WHEREAS, the HART report discusses the need for more “missing middle” housing which it says includes townhomes and other housing that is denser than traditional detached single-family homes but still less dense than mid-rise apartments; and

EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO PROMOTING CONSTRUCTION OF NEW MISSING MIDDLE HOUSING WHILE ALSO ENCOURAGING PRESERVATION OF EXISTING RESIDENTIAL UNITS

WHEREAS, the HART report says that jurisdictions can “take steps in support of preservation of existing low-income housing by identifying housing at risk of redevelopment”; and

WHEREAS, the HART report recommends “working with public or nonprofit partners to purchase housing and thereby decouple it from market pressures”; and

WHEREAS, the HART report does not identify where the funding to purchase and protect existing housing stock at risk of redevelopment would come from; and

WHEREAS, market-based mechanisms that encourage and result in the preservation of existing housing stock would not require new funding sources, and, to the extent that units are actually preserved, help alleviate displacement and the need to fund and subsidize new affordable units; and

WHEREAS, actions to implement some of the Reasonable Measures identified in the Buildable Lands Report could increase the supply of missing middle housing; and

WHEREAS, the same steps to increase the supply of missing middle housing might also encourage even more redevelopment of existing, older and thus presumably more affordable, housing stock; and

WHEREAS, instead of encouraging redevelopment of older existing housing stock to build new missing middle housing, this ordinance incentivizes the preservation of older housing stock while building around it; and

WHEREAS, the Countywide Planning Policies (the “CPPs”) contain guidance to jurisdictions in Snohomish County for how to implement the policies adopted by PSRC; and

WHEREAS, CPP-DP-11 says that the County “should revise development regulations and incentives, as appropriate, to encourage higher residential densities and greater employment concentrations in Urban Growth Areas” (UGAs); and

WHEREAS, CPP-DP-16 says that the County “should encourage the use of innovative development standards, design guidelines, regulatory incentives [...] to provide compact, high quality communities”; and

EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO PROMOTING CONSTRUCTION OF NEW MISSING MIDDLE HOUSING WHILE ALSO ENCOURAGING PRESERVATION OF EXISTING RESIDENTIAL UNITS

WHEREAS, CPP-DP-15 says the County should adopt “development regulations and design guidelines that allow for infill and redevelopment of appropriate areas as identified in their comprehensive plans”; and

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

WHEREAS, GPP policy LU 4.A.1 says that the “County shall work with architects, builders, and others to ensure that the design review process, innovative and flexible standards, and development regulations for site planning and the design of buildings are consistent with the urban design policies of the GPP”; and

WHEREAS, GPP policy HO 3.B.5 says that “The county shall continue the demonstration program that provides for the use of environmentally sensitive housing development practices that minimize the impacts of growth on the county’s natural resource systems without adding to the cost of housing”; and

WHEREAS, the specific demonstration program referred to in GPP HO 3.B.5 was the Reduced Drainage Discharge Demonstration Program (the “RDDDP”) which is no longer in effect, although the policy direction to continue use of environmentally sensitive housing development practices remains in effect; and

WHEREAS, preservation of existing housing units rather than redeveloping them can be more environmentally sensitive than demolition; and

WHEREAS, GPP Policy LU 4.A.2 says in part that “Where increased density housing is proposed, the height, scale, design and architectural character should be compatible with the buildings in the surrounding area [and that developments] should provide adequate setbacks, buffers, and visual screens to make them compatible”; and

WHEREAS, requirements regarding fire access to buildings taller than 30 feet and to third story windows are addressed in Title 30 SCC for zones and types of development that allow construction over 30 feet, but not currently addressed for zones and situations where heights are limited to 30 feet or less; and

WHEREAS, Snohomish County Code (SCC) Chapter 30.23A includes Urban Residential Design Standards (URDS) to promote compatibility of new development with surrounding areas; and

MOTION 21-

Page A-4

REFERRING PROPOSED CODE REVISIONS RELATING TO PROMOTING CONSTRUCTION OF NEW MISSING MIDDLE HOUSING WHILE ALSO ENCOURAGING PRESERVATION OF EXISTING RESIDENTIAL UNITS TO THE DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES AND THE SNOHOMISH COUNTY PLANNING COMMISSION

EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO PROMOTING CONSTRUCTION OF NEW MISSING MIDDLE HOUSING WHILE ALSO ENCOURAGING PRESERVATION OF EXISTING RESIDENTIAL UNITS

WHEREAS, SCC 30.23A.050 includes additional design standards to ensure neighborhood compatibility of new single-family attached dwellings, mixed townhomes, and townhouse developments, which are all examples of missing middle housing types (and which are sometimes collectively referred to as townhouse development for simplicity); and

WHEREAS, SCC Chapter 30.42B includes design standards applicable to Planned Residential Developments (PRDs) that do not apply to other types of development; and

WHEREAS, PRDs can be housing on small lots, townhomes, or smaller multi-family, all of which are examples of missing middle housing; and

WHEREAS, preservation of existing housing units as part of new housing developments also contributes to ensuring compatibility; and

WHEREAS, Townhomes and PRDs thus have specific design guidelines for compatibility in Snohomish County Code that do not apply to other types of development; and

Whereas, the 30-foot height limit in the R-7200 zone may create a practical impediment to innovate design of housing ; and

WHEREAS, the County Council finds that there is an opportunity to update the County’s development regulations related to housing to reflect recent changes to Vision 2050, the recommendations in the HART report and to implement some of the reasonable measures suggested in the BLR; and

WHEREAS, on [Date, Month, Year], the Snohomish County Planning Commission (“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 [Date, Month, Year], 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;

**EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO
PROMOTING CONSTRUCTION OF NEW MISSING MIDDLE HOUSING WHILE ALSO
ENCOURAGING PRESERVATION OF EXISTING RESIDENTIAL UNITS**

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. The County Council made the following findings of fact in support of this ordinance.
- C. This ordinance will amend Title 30 of Snohomish County Code (SCC) to update development regulations related to Missing Middle housing. The proposed amendments seek to:
 - 1. Reflect changes in Vision 2050 calling for development codes to encourage more production of housing while also encouraging the preservation of existing, relatively affordable, housing stock as also recommended in the HART report;
 - 2. Maintain neighborhood compatibility even while promoting higher densities by granting extra density bonuses only to those types of housing that already have special design requirements to address compatibility;
 - 3. Encourage preservation of existing housing stock, which tends to be more affordable than new housing, by not counting retained units in the calculations of how many new units an applicant may build on a site;
 - 4. Promote historic preservation and neighborhood compatibility by adopting regulation that encourage preservation of existing housing stock;
 - 5. Continue implementation of guidance in GPP HO 3.B.5 to allow for environmentally sensitive housing practices that minimize the impacts of growth on the county’s natural resource systems without adding to the cost of housing by encouraging retention of existing housing;
 - 6. Encourage a wider variety of new housing types in the R-7,200 zone by increasing the allowed building height while also addressing provisions related to setbacks to ensure public safety and neighborhood compatibility; and

**EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO
PROMOTING CONSTRUCTION OF NEW MISSING MIDDLE HOUSING WHILE ALSO
ENCOURAGING PRESERVATION OF EXISTING RESIDENTIAL UNITS**

7. Clarify and simplify implementation of existing code by improving consistency and readability; and

- D. In developing the proposed code amendments, the County considered the goals of the GMA. This ordinance is consistent with 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" and with GMA Goal 13: "Historic preservation. Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance" because it encourages a wider variety of housing by increasing density bonuses to missing middle housing while also taking steps to promote the preservation of existing housing, thereby also reducing displacement.

- E. In addition to the policies cited above, the proposed amendments will better achieve, comply with, and implement the following goals, objectives, and policies contained in the county's GMACP.
 - a. Housing Policy HO 1.B.4: "The county shall encourage and support the development of innovative housing types that make efficient use of the county land supply..." This ordinance encourages efficient use of the land supply by giving larger density bonuses to innovative housing types.

 - b. Housing Policy HO 2.B: "Encourage the use of innovative urban design techniques and development standards to foster broad community acceptance of a variety of housing types affordable to all economic segments of the population." This ordinance encourages two types of housing that already have design requirements to ensure compatibility and acceptance. It also encourages retention of existing housing stock, which is generally more affordable, on sites experiencing new development, thereby a broader range of housing types and affordability than would likely otherwise exist at the same location.

 - c. Land Use Policy LU 2.A: "Increase residential densities within UGAs by concentrating and intensifying development in appropriate locations, particularly within designated centers and along identified transit emphasis corridors." This ordinance increases residential densities in UGAs and encourages types of housing with additional design standards to help ensure that the development is appropriate to its location. Most of the unincorporated UGA areas where these changes would apply are within ½ mile of a transit emphasis corridor, which the next policy below, TR 2.C.1, reinforces.

**EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO
PROMOTING CONSTRUCTION OF NEW MISSING MIDDLE HOUSING WHILE ALSO
ENCOURAGING PRESERVATION OF EXISTING RESIDENTIAL UNITS**

- d. Transportation Policy TR 2.C.1: “Transit-compatible and transit-oriented land uses and densities within transit emphasis corridors shall be implemented that recognize and reflect appropriate activity zones and walking distances, generally within ¼ to ½ mile of the transit emphasis corridor.” By encouraging higher densities generally near transit emphasis corridors, this ordinance would increase the amount of activity and demand for ridership in areas where transit is either already provided or planned.

F. Procedural requirements.

- a. The proposal is a Type 3 legislative action pursuant to SCC 30.73.010.
- b. 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 [Date, Month, Year], and assigned Material ID No. [REDACTED].
- c. State Environmental Policy Act (SEPA) requirements with respect to this non-project action have been satisfied through the completion of an environmental checklist and the issuance of a Threshold Determination of [REDACTED] on [Date, Month, Year].
- d. The public participation process used in the adoption of this ordinance has complied with all applicable requirements of the GMA and the SCC.
- e. The Washington State Attorney General last issued an advisory memorandum, as required by RCW 36.70A.370, in December of 2015 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 2015 advisory memorandum was used by the County in objectively evaluating the regulatory changes proposed by this ordinance.

Section 2. The Snohomish County Council makes the following conclusions:

- A. The proposal is consistent with the goals, objectives and policies of the GPP.
- B. The proposal is consistent with Washington State law and the SCC.
- C. The County has complied with all SEPA requirements in respect to this non-project action.

EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO PROMOTING CONSTRUCTION OF NEW MISSING MIDDLE HOUSING WHILE ALSO ENCOURAGING PRESERVATION OF EXISTING RESIDENTIAL UNITS

D. The regulations proposed by this ordinance do not result in an unconstitutional taking of private property for a public purpose.

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

Section 4. Snohomish Count Code 30.23.032, last amended by Amended Ordinance No. 21-004 on March 15, 20201, is amended to read:

30.23.032 Urban Residential Zone categories - bulk matrix.

Table 30.23.032 Urban Residential Zones Bulk Matrix

Category	Zone	Lot Dimension (feet) ⁵⁴			Minimum Setback Requirements From (feet) ^{11, 33}							Maximum Lot Coverage ⁸
		Minimum Lot Area ²⁹ (square feet)	Minimum Lot Width	Maximum Building Height (feet) ^{27, 64}	Side and Rear Lot Lines Adjacent to:				Resource Lands		Seismic Hazards	
					Commercial and Industrial Zones	R-9,600, R-8,400, and R-7,200 Zones	Other Urban Residential Zones	Rural Zones	Agriculture	Forest		
Urban Residential	R-9,600	9,600 ²³	70	30	10	5	5	5				35%
	R-8,400	8,400 ²³	65	30	10	5	5	5				35%
	R-7,200 (buildings ≤ 30 feet high)					5	5	5	See SCC 30.32B.130	See SCC 30.32A.110	See chapters 30.51A and 30.62B SCC	35%
	R-7,200 (buildings > 30 feet high) ⁶⁷	7,200 ^{23, 65}	60	((20)) 35	10	<u>10</u>	<u>10</u>	<u>10</u>				

EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO PROMOTING CONSTRUCTION OF NEW MISSING MIDDLE HOUSING WHILE ALSO ENCOURAGING PRESERVATION OF EXISTING RESIDENTIAL UNITS

Category	Zone	Lot Dimension (feet) ⁵⁴			Minimum Setback Requirements From (feet) ^{11, 33}							Maximum Lot Coverage ⁸
		Minimum Lot Area ²⁹ (square feet)	Minimum Lot Width	Maximum Building Height (feet) ^{27, 64}	Side and Rear Lot Lines Adjacent to:				Resource Lands		Seismic Hazards	
					Commercial and Industrial Zones	R-9,600, R-8,400, and R-7,200 Zones	Other Urban Residential Zones	Rural Zones	Agriculture	Forest		
T (buildings ≤ 20 feet high) ⁵⁹	See SCC 30.31E.050		35	10	10	5	25					See SCC 30.31E.050
				15	20	10						
T (buildings > 20 feet high) ⁵⁹												
LDMR (buildings ≤ 20 feet high) ^{15, 59, 61, 62}	7,200 ^{4, 65}	60	45	10	10	5	25					50% ⁶⁶
LDMR (buildings 20 - 30 feet high) ^{15, 59, 61, 62}				10	20	10						
LDMR (buildings > 30 feet high) ^{15, 59, 61, 62}				15	25	15						
MR (buildings ≤ 20 feet high) ^{5, 15, 59, 61, 62}	7,200 ^{5, 9, 65}	60 ⁹	45 ¹⁴	10	10	5	25					50% ^{9, 66}
MR (buildings 20 - 30 feet high) ^{5, 15, 59, 61, 62}				10	20	10						

REFERRING PROPOSED CODE REVISIONS RELATING TO PROMOTING CONSTRUCTION OF NEW MISSING MIDDLE HOUSING WHILE ALSO ENCOURAGING PRESERVATION OF EXISTING RESIDENTIAL UNITS TO THE DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES AND THE SNOHOMISH COUNTY PLANNING COMMISSION

EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO PROMOTING CONSTRUCTION OF NEW MISSING MIDDLE HOUSING WHILE ALSO ENCOURAGING PRESERVATION OF EXISTING RESIDENTIAL UNITS

Category	Zone	Lot Dimension (feet) ⁵⁴			Minimum Setback Requirements From (feet) ^{11, 33}							Maximum Lot Coverage ⁸	
		Minimum Lot Area ²⁹ (square feet)	Minimum Lot Width	Maximum Building Height (feet) ^{27, 64}	Side and Rear Lot Lines Adjacent to:				Resource Lands		Seismic Hazards		
					Commercial and Industrial Zones	R-9,600, R-8,400, and R-7,200 Zones	Other Urban Residential Zones	Rural Zones	Agriculture	Forest			
MR (buildings > 30 feet high) ^{5,15,59,61, 62}					15	25 ⁶⁰	15						
MHP	⁵⁵	None	25	See SCC 30.42E.100(5)(a)								50%	

See SCC 30.23.040 for reference notes listed in Table 30.23.032.

Section 5. Snohomish County Code 30.23.040, last amended by Amended Ordinance No. 21-004 on March 15, 2021, is amended to read:

30.23.040 Reference notes for SCC Tables 30.23.030 and 30.23.032.

(1) MR bulk requirements shall apply for all residential development permitted in the NB, PCB, CB, GC and BP zones.

(2) When subdivisionally described, the minimum lot area shall be 1/128th of a section.

(3) When subdivisionally described, the minimum lot area shall be 1/32nd of a section.

(4) In the LDMR zone, the maximum (~~density~~) number of new units shall be calculated based on 4,000 square feet of land per dwelling unit. Existing residential units that are at least five years old may be retained as part of new development in the LDMR zone without counting towards the calculation of the maximum number of new units.

(5) Except as provided below, in the MR zone the maximum density shall be calculated based on 2,000 square feet of land per dwelling unit. Existing residential units that are at least five years old may be retained as part of new development in the MR zone without counting towards the calculation of the maximum number of new units. 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

**EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO
PROMOTING CONSTRUCTION OF NEW MISSING MIDDLE HOUSING WHILE ALSO
ENCOURAGING PRESERVATION OF EXISTING RESIDENTIAL UNITS**

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 maximum density shall be calculated based on 750 square feet of land per dwelling unit. One or more transfer of development rights (TDR) credits must be used to realize the additional density according to the requirements of chapter 30.35A SCC. After June 11, 2020, 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.

[Reference notes (6) through (64) are omitted in this discussion draft ordinance but will need to be included in this final draft ordinance and harmonized with any other pending legislation that may affect them prior to adoption of this ordinance.]

(65) Townhouse and mixed townhouse development may achieve the following density:

(a) For the R-7,200 zone, the maximum ~~((density))~~ number of new units shall be calculated based on 7,200 square feet of land per new dwelling unit, ~~((but the maximum density may be increased up to 20 percent))~~ plus 50 percent. Existing residential units that are at least five years old may be retained as part of new development without counting towards the calculation of the maximum number of new units.

(b) For the LDMR and MR zones, the maximum density established under subsections (4) and (5) of this section may be increased up to ~~((20))~~ 50 percent.

(c) Maximum density shall be determined by rounding up to the next whole unit when a fraction of a unit is equal to five-tenths or greater.

(66) The maximum lot coverage in townhouse and mixed townhouse developments is 50 percent in the LDMR zone and 50 percent in the MR zone except sites zoned MR 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 maximum lot coverage requirements consistent with SCC 30.23.040(9).

(67) See SCC 30.23.310.

Section 6. Snohomish County Code 30.23.210, last amended by Amended Ordinance No. 20-005 on March 11, 2020, is amended to read:

**EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO
PROMOTING CONSTRUCTION OF NEW MISSING MIDDLE HOUSING WHILE ALSO
ENCOURAGING PRESERVATION OF EXISTING RESIDENTIAL UNITS**

30.23.210 Lot size averaging.

(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) In the R-9,600, R-8,400 and R-7,200 zones, compute average lot size by first determining the difference between the site area and the area of proposed lots that contain exiting residential units that are at least five years old, then divide this difference by the standard minimum lot area requirement for the zone.

(a) Determine the area of the site (as per the definition of “Site” in SCC 30.91S.340) by square feet; then

(b) Subtract from the site area the area of proposed lots that contain existing residential units that are at least five years old to determine the difference; then

(c) Divide the difference by the number of lots for new residences (i.e. those lots not included in (3)(b) to determine the average lot size.

(d) Stated differently, the formula is:

[[(3)(a)] minus [(3)(b)]] divided by [minimum lot area] = average lot size

~~((3))~~ (4) Average lot size shall be computed for all zones not including in subsection (3) above or in subsection (5) below as follows:

(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 (6) of this section.

(b) Divide the total area of subsection ~~((3)(a))~~ (4)(a) of this section by the total number of lots.

EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO PROMOTING CONSTRUCTION OF NEW MISSING MIDDLE HOUSING WHILE ALSO ENCOURAGING PRESERVATION OF EXISTING RESIDENTIAL UNITS

~~((4))~~ (5) If the average lot size as computed under either subsection (3) or subsection (4) of this section, as appropriate, 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.

~~((5))~~ (6) In no case shall the provisions under SCC 30.23.230(3) apply to this section.

~~((6))~~ (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.

~~((7))~~ (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:

- (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 feet; and
 - (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.

~~((8))~~ (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 Snohomish health district's 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

EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO PROMOTING CONSTRUCTION OF NEW MISSING MIDDLE HOUSING WHILE ALSO ENCOURAGING PRESERVATION OF EXISTING RESIDENTIAL UNITS

(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;
- (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 7. A new section is added to Snohomish County Code Chapter 30.23 to read:

30.23.310 Building separation for buildings taller than 30 feet in the R-7,200 zone.

Structures exceeding 30 feet in height must provide a minimum 10 foot setback from side and rear lot lines except for as follows:

- a. Single family attached, duplex and townhouse structures may be drawn with “zero lot line” separation between units within the same structure; or
- b. Single family attached, duplex and townhouse structures where one or more units exceeds 30 feet but the height of an end unit is less than or equal to 30 feet tall may provide a 5 foot side setback from that end unit.

Section 8. Snohomish County Code 30.42B, last amended by Amended Ordinance No. 19-046 on September 25, 2019, is amended to read:

30.42B.040 Unit yield and bonus.

(1) For all PRDs, except retirement apartment and retirement housing PRDs, the maximum number of new dwelling units permissible shall be ~~((120))~~ 150 percent of the maximum number of dwelling units permitted by the underlying zone as determined in subsection (2) of this section. Existing residential units that are at least five years old may be retained as part of new development without counting towards the calculation of the maximum number of new units.

(2) The maximum number of dwelling units permitted in a PRD shall be computed as follows:

- (a) Determine the site area on the project site.
- (b) Divide the site area by the minimum lot area permitted by the underlying zone, or where LDMR and MR standards apply, by 4,000 square feet and 2,000 square feet respectively.

**EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO
PROMOTING CONSTRUCTION OF NEW MISSING MIDDLE HOUSING WHILE ALSO
ENCOURAGING PRESERVATION OF EXISTING RESIDENTIAL UNITS**

For retirement apartment PRDs and retirement housing PRDs in the LDMR zone divide by 4,000 square feet and in the MR zone and commercial zones divide by 2,000 square feet.

(c) Multiply the resulting number of dwelling units from subsection (2)(b) of this section by 2.2 for retirement housing PRDs, 1.54 for retirement apartment PRDs, and (~~(1.2)~~) 1.5 for all other PRDs.

(3) Whenever the calculated number of dwelling units results in a fractional equivalent of five-tenths or greater, the fraction shall be rounded up to the next whole number. Fractions of less than five-tenths shall be rounded down.

Section 9. Effective date and implementation. This ordinance shall take effect 15 days following adoption by the County Council. The Snohomish County Department of Planning and Development Services is authorized to take such actions as may be necessary to implement this ordinance on its effective date.

Section 10. 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 _____, 20__.

SNOHOMISH COUNCIL
Snohomish, Washington

Council Chair

MOTION 21-

Page A-16

REFERRING PROPOSED CODE REVISIONS RELATING TO PROMOTING CONSTRUCTION OF NEW MISSING MIDDLE HOUSING WHILE ALSO ENCOURAGING PRESERVATION OF EXISTING RESIDENTIAL UNITS TO THE DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES AND THE SNOHOMISH COUNTY PLANNING COMMISSION

**EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO
PROMOTING CONSTRUCTION OF NEW MISSING MIDDLE HOUSING WHILE ALSO
ENCOURAGING PRESERVATION OF EXISTING RESIDENTIAL UNITS**

ATTEST:

Asst. Clerk of the Council

- APPROVED
- EMERGENCY
- VETOED

DATE:

County Executive

ATTEST:

Approved as to form only:

Deputy Prosecuting Attorney