

1 ADOPTED: [REDACTED]
2 EFFECTIVE: [REDACTED]

3 SNOHOMISH COUNTY COUNCIL
4 Snohomish County, Washington

5
6 **December 5, 2023, Discussion Draft** ORDINANCE NO. 24-[REDACTED]
7

8
9 RELATING TO GROWTH MANAGEMENT; FACILITATING ATTACHED SINGLE-
10 FAMILY HOUSING; ADDING A NEW SECTION 30.23.270 AND AMENDING
11 SECTIONS 30.41A.240 AND 30.91D.515 OF THE SNOHOMISH COUNTY CODE
12

13 WHEREAS, the Growth Management Act (GMA), chapter 36.70A RCW,
14 establishes planning goals to guide development and adoption of comprehensive plans
15 and development regulations for those counties and cities planning under the GMA,
16 including Goal 4 related to housing (RCW 36.70A.020(4)); and
17

18 WHEREAS, the Washington State Legislature substantially amended the GMA
19 housing goal by passing Engrossed Second Substitute House Bill 1220 (ESSB),
20 effective July 25, 2021, and which among other changes strengthened the goal from
21 “Encourage the availability of affordable housing to all economic segments of the
22 population” to “Plan for and accommodate housing affordable to all economic segments
23 of the population”; and
24

25 WHEREAS, in 2023, the Legislature passed Engrossed Second Substitute
26 House Bill 1110 (ESSB 1110), effective July 23, 2023, which, among other things,
27 included a finding that states
28

29 Washington is facing an unprecedented housing crisis for its current
30 population and a lack of housing choices, and is not likely to meet the
31 affordability goals for future populations [...] innovative housing policies
32 will need to be adopted. Increasing housing options that are more
33 affordable to various income levels is critical to achieving the state's
34 housing goals, including those codified by the legislature under chapter
35 254, Laws of 2021 [ESSB 1220]. There is continued need for the
36 development of housing at all income levels, including middle housing [...]
37

38 WHEREAS, the ESSB 1110 also enacted a new definition of Middle Housing in
39 the GMA that says that such housing is “compatible in scale, form, and character with
40 single-family houses and contain[s] two or more attached, stacked, or clustered homes
41 including duplexes” and other housing types listed in RCW 36.70A.030(26); and
42

43 WHEREAS, the GMA requires Snohomish County (the “County”) to adopt a
44 comprehensive plan and implementing codes and regulations related to land use and

1 development within the County’s jurisdiction that are consistent with the comprehensive
2 plan; and

3
4 WHEREAS, the County’s Growth Management Act Comprehensive Plan
5 (GMACP) includes the General Policy Plan (GPP) which contains policies that guide the
6 codes and regulations adopted in Title 30 of Snohomish County Code (“Title 30 SCC”);
7 and

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

15
16 WHEREAS, the County Council concurs with the findings of the Legislature that
17 Snohomish County is experiencing a housing affordability crisis and that code
18 amendments to allow more middle housing and ownership options can be part of the
19 solution; and

20
21 WHEREAS, duplexes are a form of Middle Housing under RCW 36.70A.030(26);
22 and

23
24 WHEREAS, encouraging duplex development can help address the housing
25 affordability crisis; and

26
27 WHEREAS, in some situations, Snohomish County Code allows construction of
28 duplexes, but requirements related to minimum lot size prevents subdivision of the
29 building into two lots, thereby creating a situation where the only way to sell units in a
30 duplex is to convert those units to condominiums; and

31
32 WHEREAS, Snohomish County Code contemplates single family attached
33 dwellings as being a type of duplex where each half has its own lot; and

34
35 WHEREAS, the Snohomish County Council held a series of panel discussions
36 titled “Opening Doors to Home Ownership” on January 17, February 21, March 21, and
37 April 18, 2023, and during the fourth session discussed changing subdivision codes to
38 allow sale of each duplex half as a separate fee simple lot in situations where sales of
39 those same units can only happen only as condos today; and

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

3
4 WHEREAS, County Council staff briefed the Planning Commission on [REDACTED]
5 [REDACTED], 2024; and

6
7 WHEREAS, on [REDACTED], 2024, the Planning Commission held a public hearing
8 to receive public testimony concerning the code amendments contained in this
9 ordinance; and

10
11 WHEREAS, at the conclusion of the Planning Commission’s public hearing, the
12 Planning Commission recommended adoption of the code amendments contained in
13 this ordinance; and

14
15 WHEREAS, on [REDACTED], 2024, the County Council held a public hearing after
16 proper notice, and considered public comment and the entire record related to the code
17 amendments contained in this ordinance; and

18
19 WHEREAS, following the public hearing, the County Council deliberated on the
20 code amendments contained in this ordinance;

21
22 NOW, THEREFORE, BE IT ORDAINED:

23
24 **Section 1.** The County Council adopts the following findings in support of this
25 ordinance:

26
27 A. The foregoing recitals are adopted as findings as if set forth in full herein.

28
29 B. This ordinance will amend provisions in title 30 SCC to update regulations related to
30 development of attached single family dwellings. In particular, the amendments will
31 allow creation of subdivided lots in urban zoning where code allows those physical
32 duplex configurations but without subdivision that would meet the County’s definition of
33 attached single family dwelling. This ordinance will also update the definition of single-
34 family attached dwelling to clarify that the distinction between side-by-side duplex units
35 and attached single family is the configuration for ownership purposes, rather than a
36 reflection of the development process.

37
38 C. In considering the proposed amendments, the county evaluated factors including the
39 need to meet GMA mandates to provide housing for all economic segments of the
40 population.

- 1
2 1. Snohomish County is facing an affordable housing crisis and housing stock
3 shortage. The purpose of the proposed amendments is to provide additional
4 means to diversify the County’s urban housing stock.
5
6 2. The housing authorized by this ordinance would be generally attainable to middle
7 income households for whom increasing multifamily densities does not generally
8 assist and where opportunities to expand the Urban Growth Area to provide
9 ownership opportunities are limited.

10
11 D. In considering the proposed amendments, the County considered the goals and
12 standards of the GMA. The proposed amendments are consistent with:

- 13
14 1. GMA Goal 2 – Reduce sprawl. Reduce the inappropriate conversion of
15 undeveloped land into sprawling, low-density development.

16
17 This ordinance provides for infill development on sites urban areas by allowing
18 subdivision of duplexes as attached single family dwellings. This expands the
19 options for how a developer may sell such units, creating incentive to develop
20 such housing. More development of attached single family housing would
21 increase overall housing production. It would also increase urban residential
22 capacity and reduce pressure to convert rural lands to housing.

- 23
24 2. GMA Goal 4 – Housing. Encourage the availability of affordable housing to all
25 economic segments of the population of this state, promote a variety of
26 residential densities and housing types, and encourage preservation of existing
27 housing stock.

28
29 Subdivision for fee simple ownership of attached single family homes will help
30 diversify the housing stock and promote ownership housing affordable to middle
31 income households. The ability to subdivide and sell halves of existing duplexes
32 may help in the preservation of such housing.

33
34
35 E. The proposed amendments will better achieve, comply with, and implement the goals
36 and policies of the Puget Sound Regional Council’s Multicounty Planning Policies
37 (MPPs), including the following goals and policies:

- 38
39 1. MPP Housing Goal – The region will preserve, improve, and expand its housing
40 stock to provide a range of affordable, healthy, and safe housing choices to every

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

3
4 The proposed amendments will help to expand and improve the diversity of the
5 housing stock by reducing regulatory barriers on the construction attached single
6 family housing.

- 7
8 2. MPP-H-1 – Provide a range of housing types and choices to meet the housing
9 needs of all income levels and demographic groups within the region.

10
11 MPP-H-2 – Achieve and sustain — through preservation, rehabilitation, and new
12 development — a sufficient supply of housing to meet the needs of low-income,
13 moderate-income, middle-income, and special needs individuals and households
14 that is equitably and rationally distributed throughout the region.

15
16 The proposed amendments will support MPP-H-1 and MPP-H-2 by allowing for
17 the construction of attached homes on subdivided lots that will be generally
18 affordable to middle-income households. These amendments do not inhibit
19 development of other types of necessary housing.

20
21 F. The proposed amendments will better achieve, comply with, and implement the
22 Housing Goal of the Countywide Planning Policies (CPPs), which provides: “Snohomish
23 County and its cities will promote an affordable lifestyle where residents have access to
24 safe, affordable, and diverse housing options near their jobs and transportation options.”
25 The proposed amendments will support the housing goal in the CPPs by reducing the
26 regulatory barriers on the construction of attached single family dwellings. This will help
27 to diversify the housing options in urban areas that are close to employment and
28 transportation options.

29
30 G. In considering the proposed amendments, the county considered the goals,
31 objectives, and policies of the Snohomish County GMA Comprehensive Plan (GMACP)
32 – General Policy Plan (GPP). The proposed amendments will work to support,
33 implement, and balance the following goals, objectives, and policies in the GPP:

- 34
35 1. Goal LU 1 – Establish and maintain compact, clearly defined, well designed
36 UGAs.

37
38 Objective LU 1.A – Establish UGAs with sufficient capacity to accommodate the
39 majority of the county’s projected population, employment, and housing growth
40 over the next 20 years.

1
2 Policy LU 1.A.9 – Ensure the efficient use of urban land by adopting reasonable
3 measures to increase residential, commercial and industrial capacity within urban
4 growth areas prior to expanding urban growth boundaries. The County Council
5 will use the list of reasonable measures in accordance with the guidelines for
6 review contained in Appendix D of the Countywide Planning Policies to evaluate
7 all UGA boundary expansions.
8

9 The amendments proposed by this ordinance would reduce regulatory barriers
10 on the construction of housing in urban areas. This is a reasonable measure that
11 increases residential capacity in UGAs thereby helping accommodate growth and
12 the maintenance of compact UGAs.
13

- 14 2. Objective HO 1.B – Ensure that a broad range of housing types and affordability
15 levels is available in urban and rural areas.
16

17 The proposed amendments reduce regulatory barriers on the development of
18 housing in urban areas, supporting the development of a broad range of housing
19 types and affordability. The development of attached single family dwellings on
20 smaller lots will provide different housing types and affordability levels in areas
21 with a lack of affordability.
22

23 H. The proposed amendments implement action items in the 2020 Housing Affordability
24 Regional Taskforce report (AKA the HART Report).
25

- 26 1. Action Item 1.A.4 which provides: “Facilitate more efficient deal assembly and
27 development timelines / promote cost effectiveness through consolidation,
28 coordination, and simplification.” By allowing subdivision of attached housing
29 configurations that code already provides for but without subdivision, the
30 proposed amendments will facilitate more deal assembly and development site
31 consolidation by making more financing options available to the developer.
32
- 33 2. Action Item 1.A.6 which provides: “Increase housing variety allowed at a range of
34 affordability levels in single family zones [...] including consideration of zoning for
35 duplex [and other housing types]”. The proposed amendment will comply with
36 action item 1.A.6 by revising Snohomish County regulations to facilitate the
37 construction of more duplexes as attached single family (i.e. subdivided)
38 dwellings.
39
40

1 I. Procedural requirements.
2

- 3 1. State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with
4 respect to this non-project action have been satisfied through the completion of
5 an environmental checklist and the issuance on [REDACTED], 2024 of a
6 Determination of Non-Significance (DNS) for this non-project proposal to Amend
7 Title 30 Snohomish County Code (SCC).
8
- 9 2. The proposal is a Type 3 legislative action pursuant to SCC 30.73.010.
10
- 11 3. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance was
12 transmitted to the Washington State Department of Commerce for distribution to
13 state agencies on [REDACTED], 2024, and assigned material number [REDACTED].
14
- 15 4. The public participation process used in the adoption of this ordinance complies
16 with all applicable requirements of the GMA and the SCC.
17
- 18 5. The Washington State Attorney General last issued an advisory memorandum,
19 as required by RCW 36.70A.370, in September of 2018 entitled “Advisory
20 Memorandum: Avoiding Unconstitutional Takings of Private Property” to help
21 local governments avoid the unconstitutional taking of private property. The
22 process outlined in the State Attorney General’s 2018 advisory memorandum
23 was used by the County in objectively evaluating the regulatory changes
24 proposed by this ordinance.
25

26 **Section 2.** The County Council makes the following conclusions:
27

- 28 1. The proposed amendments are consistent with the goals, policies, and objectives
29 of the MPPs, CPPs, and GPPs.
30
- 31 2. The proposed amendments are consistent with applicable federal, state, and
32 local laws and regulations.
33
- 34 3. The County has complied with all SEPA requirements with respect to this non-
35 project action.
36
- 37 4. The regulations proposed by this ordinance do not result in an unconstitutional
38 taking of private property for a public purpose.
39

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

5
6 **Section 4.** A new section is added to chapter 30.23 of the Snohomish County
7 Code to read:

8
9 **30.23.270 Attached Single Family Dwellings**

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

15 (1) Building site yield shall be an interim calculation before determining lot yield and
16 shall be computed as follows:

17 (a) Determine area of the site in square feet;

18 (b) Divide the area of the site by the minimum lot area for the zone in Table
19 30.23.032;

20 (c) The resulting quotient is the number of potential building sites; and

21 (d) The maximum number of building sites shall be determined by rounding
22 up to the next whole unit when a fraction of a unit is equal to five-tenths or
23 greater.

24 (2) When converting building sites into proposed lots;

25 (a) Buildings with two single family attached dwellings count as one building;

26 (b) Single family dwellings (detached) count as one building; and

27 (c) Accessory dwelling units, whether attached or detached, are not principal
28 units under RCW 36.70A.696(10) and therefore do not count as proposed
29 buildings or lots for purposes of this calculation.

30 (3) Each single lot shall be at least 1,500 square feet in area;

31 (4) Lots in subdivisions and short subdivisions created under the provisions of this
32 section shall have a maximum lot coverage of 55%;

33 (5) There is no minimum lot width;

34 (6) Attached single family dwellings have no setback from the abutting lot line;

35 (7) Setbacks from other lot lines shall be;

36 (a) Five feet from side and rear lot lines, except for buildings taller than 30
37 feet in the R-7,200 zone which shall be set back consistent with SCC
38 30.23.310.

39 (b) Fifteen feet from right-of-way and private roads, except that garages must
40 be set back 18 feet from right-of-way (with the exception of alleys) or

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

3
4 **Section 5.** Snohomish County Code 30.41A.240, last amended by Amended
5 Ordinance 02-064 on December 9, 2002, is amended to read:

6
7 **30.41A.240 Design standards – ~~((lot size averaging))~~ other reductions to**
8 **minimum lot area.**

9
10 The minimum lot size within a residential subdivision may be reduced below the size
11 required by zoning pursuant to SCC 30.23.210, SCC 30.23.215, SCC 30.23.270, and~~((-~~
12 ~~Minimum lot size may also be reduced pursuant to)) chapter 30.42B SCC and chapter~~
13 30.41C SCC.

14
15 **Section 6.** Snohomish County Code 30.41B.200, last amended by Amended
16 Ordinance 17-070 on November 1, 2017, is amended to read:

17
18 **30.41B.200 Design standards.**

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

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

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

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

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

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

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

37
38
39 **Section 7.** Snohomish County Code 30.91D.515, last amended by Amended
40 Ordinance 08-101 on January 21, 2009, is amended to read:

1
2 **30.91D.515 Dwelling, single family attached**

3
4 "Dwelling, single family attached" ("Single family attached dwelling") means a single-
5 family dwelling unit constructed in a group of two attached units in which each unit
6 extends from foundation to roof and with open space on at least two sides and which is
7 ((developed)) configured as a zero lot line development. This term does not include
8 duplex.
9

10 **Section 8.** Severability and Savings. If any section, sentence, clause or phrase
11 of this ordinance shall be held to be invalid by the Growth Management Hearings Board
12 (Board), or unconstitutional by a court of competent jurisdiction, such invalidity or
13 unconstitutionality shall not affect the validity or constitutionality of any other section,
14 sentence, clause or phrase of this ordinance. Provided, however, that if any section,
15 sentence, clause or phrase of this ordinance is held to be invalid by the Board or court
16 of competent jurisdiction, then the section, sentence, clause or phrase in effect prior to
17 the effective date of this ordinance shall be in full force and effect for that individual
18 section, sentence, clause or phrase as if this ordinance had never been adopted.
19

20 PASSED this ____ day of ____, 2024.

21
22 SNOHOMISH COUNTY COUNCIL
23 Snohomish County, Washington

24
25 _____
26 Council Chair

27 ATTEST:

28
29 _____
30 Clerk of the Council

31
32 () APPROVED
33 () EMERGENCY
34 () VETOED

35 DATE: _____

36
37 _____
38 County Executive

39
40 ATTEST:

1
2
3
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7
8

Approved as to form only:

Deputy Prosecuting Attorney