

ADOPTED:
EFFECTIVE:

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ORDINANCE NO. 24-060

RELATING TO GROWTH MANAGEMENT;
REDUCING MINIMUM LOT SIZE REQUIREMENTS IN THE LDMR AND MR ZONES;
AMENDING SECTION 30.23.032 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 “missing middle” housing which includes housing that is denser than traditional detached single-family homes but less dense than mid-rise apartments; 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

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RELATING TO GROWTH MANAGEMENT; REDUCING MINIMUM LOT SIZE REQUIREMENTS IN THE LDMR AND MR ZONES; AMENDING SECTION 30.23.032 OF THE SNOHOMISH COUNTY CODE

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

6 WHEREAS, the minimum lot size for Multiple Residential (MR) zoning has been
7 7,200 square feet since January 31, 1966, when Zoning Resolution VIII reduced it from
8 8,400 square feet; and
9

10 WHEREAS, the minimum lot size for Low Density Residential (LDMR) zoning has
11 been 7,200 square feet since July 15, 1968, when an amendment to Zoning Resolution
12 VIII established LDMR zoning; and
13

14 WHEREAS, although bonus densities may apply, the base density for LDMR
15 zoning is one unit per 4,000 square feet (SCC 30.23.040(4)) and for MR zoning it is one
16 unit per 2,000 square feet (SCC 30.23.040(5)); and
17

18 WHEREAS, County Code allows development of single family detached units at
19 the base densities for LDMR and MR zoning but does not allow subdivision of such
20 development in chapter 30.41F SCC, which means that sale of such units must be as
21 condominiums; and
22

23 WHEREAS, the Snohomish County Council held a series of panel discussions
24 titled "Opening Doors to Home Ownership" on January 17, February 21, March 21, and
25 April 18, 2023, and during the fourth session discussed allowing smaller lots and more
26 lots per acre for new development as one possible part of the solution to the problem of
27 housing availability and affordability; and
28

29 WHEREAS, reducing the minimum lot size in LDMR and MR zoning would
30 provide more of the missing middle housing identified in the Hart report, provide more of
31 the smaller lots discussed during the panel discussions, and increase ownership options
32 by making subdivision possible; and
33

34 WHEREAS, the County Council concurs with the findings of the Legislature that
35 Snohomish County is experiencing a housing affordability crisis and that code
36 amendments to allow smaller lots can be part of the solution; and
37

38 WHEREAS, County Council staff briefed the Planning Commission on January
39 23, 2024, and
40

1 WHEREAS, on February 27, 2024, the Planning Commission held a public
2 hearing to receive public testimony concerning the code amendments contained in this
3 ordinance; and
4

5 WHEREAS, at the conclusion of the Planning Commission's public hearing, the
6 Planning Commission recommended adoption of the code amendments contained in
7 this ordinance; and
8

9 WHEREAS, on ____ ____, 2024, the County Council held a public hearing after
10 proper notice, and considered public comment and the entire record related to the code
11 amendments contained in this ordinance; and
12

13 WHEREAS, following the public hearing, the County Council deliberated on the
14 code amendments contained in this ordinance;
15

16 NOW, THEREFORE, BE IT ORDAINED:
17

18 **Section 1.** The County Council adopts the following findings in support of this
19 ordinance:
20

- 21 A. The foregoing recitals are adopted as findings as if set forth in full herein.
22
- 23 B. This ordinance will amend SCC 30.23.032 to reduce the minimum lot size
24 requirements for LDMR and MR zoning so that the minimum lot sizes in both zones
25 match the base densities for those zones. These amendments will allow creation of
26 subdivided lots in urban zones where code allows those physical configurations but
27 without subdivision.
28
- 29 C. In considering the proposed amendments, the county evaluated factors including the
30 need to meet GMA mandates to provide housing for all economic segments of the
31 population.
32
- 33 1. Snohomish County is facing an affordable housing crisis and housing stock
34 shortage. The purpose of the proposed amendments is to provide additional
35 means to diversify the County's urban housing stock.
36
- 37 2. The housing authorized by this ordinance would be generally attainable to middle
38 income households interested in owning a single family home and where
39 opportunities to expand the Urban Growth Area to provide ownership
40 opportunities are limited.

1
2 D. In considering the proposed amendments, the County considered the goals and
3 standards of the GMA. The proposed amendments are consistent with:

- 4
5 1. GMA Goal 2 – Reduce sprawl. Reduce the inappropriate conversion of
6 undeveloped land into sprawling, low-density development.

7
8 This ordinance provides for infill development on sites in urban areas, thereby
9 increasing urban residential capacity and reducing pressure to convert rural
10 lands to housing. It provides for smaller lots in multifamily zones, allowing
11 subdivision of units in those zones. This may also increase financing options
12 available to developers and thereby help increase overall housing production.

- 13
14 2. GMA Goal 4 – Housing. Encourage the availability of affordable housing to all
15 economic segments of the population of this state, promote a variety of
16 residential densities and housing types....

17
18 Subdivision of homes on small lots will help diversify the housing stock and
19 promote housing ownership that is affordable to middle income households.

20
21 E. The proposed amendments will better achieve, comply with, and implement the
22 goals and policies of the Puget Sound Regional Council's Multicounty Planning
23 Policies (MPPs), including the following goals and policies:

- 24
25 1. MPP Housing Goal – The region will preserve, improve, and expand its housing
26 stock to provide a range of affordable, healthy, and safe housing choices to every
27 resident. The region will continue to promote fair and equal access to housing for
28 all people.

29
30 The proposed amendments will help to expand and improve the diversity of the
31 housing stock by reducing regulatory barriers to the construction of housing on
32 small lots.

- 33
34 2. MPP-H-1 – Provide a range of housing types and choices to meet the housing
35 needs of all income levels and demographic groups within the region.

36
37 MPP-H-2 – Achieve and sustain — through preservation, rehabilitation, and new
38 development — a sufficient supply of housing to meet the needs of low-income,
39 moderate-income, middle-income, and special needs individuals and households
40 that is equitably and rationally distributed throughout the region.

1
2 The proposed amendments will support MPP-H-1 and MPP-H-2 by allowing for
3 the construction of homes on smaller subdivided lots that will be generally
4 affordable to middle-income households. These amendments do not inhibit
5 development of other types of necessary housing.
6

- 7 F. The proposed amendments will better achieve, comply with, and implement the
8 Housing Goal of the Countywide Planning Policies (CPPs), which provides:
9 “Snohomish County and its cities will promote an affordable lifestyle where residents
10 have access to safe, affordable, and diverse housing options near their jobs and
11 transportation options.” The proposed amendments will support the housing goal in
12 the CPPs by reducing the regulatory barriers to the construction of attached single
13 family dwellings and detached dwellings on smaller lots. These changes will help to
14 diversify the housing options in urban areas that are close to employment and
15 transportation options.
16

- 17 G. In considering the proposed amendments, the county considered the goals,
18 objectives, and policies of the Snohomish County GMA Comprehensive Plan
19 (GMACP) – General Policy Plan (GPP). The proposed amendments will work to
20 support, implement, and balance the following goals, objectives, and policies in the
21 GPP:
22

- 23 1. Goal LU 1 – Establish and maintain compact, clearly defined, well designed
24 UGAs.
25

26 Objective LU 1.A – Establish UGAs with sufficient capacity to accommodate the
27 majority of the county’s projected population, employment, and housing growth
28 over the next 20 years.
29

30 Policy LU 1.A.9 – Ensure the efficient use of urban land by adopting reasonable
31 measures to increase residential, commercial and industrial capacity within urban
32 growth areas prior to expanding urban growth boundaries. The County Council
33 will use the list of reasonable measures in accordance with the guidelines for
34 review contained in Appendix D of the Countywide Planning Policies to evaluate
35 all UGA boundary expansions.
36

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

- 1
2 2. Objective HO 1.B – Ensure that a broad range of housing types and affordability
3 levels is available in urban and rural areas.
4

5 The proposed amendments reduce regulatory barriers to the development of
6 housing in urban areas, supporting the development of a broad range of housing
7 types and affordability. The development of housing on smaller lots will provide
8 different housing types and affordability levels in areas with a lack of affordability.
9

- 10 H. The proposed amendments implement action Item 1.A.4 in the HART report. Action
11 Item 1.A.4 provides: “Facilitate more efficient deal assembly and development
12 timelines / promote cost effectiveness through consolidation, coordination, and
13 simplification.” By allowing subdivision for housing on smaller lots, the proposed
14 amendments will facilitate more deal assembly and development site consolidation
15 by making more financing options available to the developer.
16

17 I. Procedural requirements.
18

- 19 1. State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with
20 respect to this non-project action have been satisfied through the completion of
21 an environmental checklist and the issuance on February 6, 2024, of a
22 Determination of Non-Significance (DNS) for this non-project proposal to Amend
23 Title 30 Snohomish County Code (SCC).
24
- 25 2. The proposal is a Type 3 legislative action pursuant to SCC 30.73.010.
26
- 27 3. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance was
28 transmitted to the Washington State Department of Commerce for distribution to
29 state agencies on February 6, 2024, and assigned material number 2024-S-
30 6858.
31
- 32 4. The public participation process used in the adoption of this ordinance complies
33 with all applicable requirements of the GMA and the SCC.
34
- 35 5. The Washington State Attorney General last issued an advisory memorandum,
36 as required by RCW 36.70A.370, in September of 2018 entitled “Advisory
37 Memorandum: Avoiding Unconstitutional Takings of Private Property” to help
38 local governments avoid the unconstitutional taking of private property. The
39 process outlined in the State Attorney General’s 2018 advisory memorandum

was used by the County in objectively evaluating the regulatory changes proposed by this ordinance.

Section 2. The County Council makes the following conclusions:

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

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 Section 30.23.032, last amended by Amended Ordinance No. 23-033 on June 7, 2023, 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) ^{16, 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	See SCC 30.32B.130	See SCC 30.32A.110	See chapters 30.51A and 30.62B SCC	35%
	R-8,400	8,400 ²³	65	30	10	5	5	5				35%

R-7,200 (buildings ≤ 30 feet high)	7,200 ^{23, 65}	60	35	10	5	5	5				35%
R-7,200 (buildings > 30 feet high) ⁶⁷					10	10	10				
T (buildings ≤ 20 feet high) ⁵⁹	See SCC 30.31E.050		35	10	10	5	25				See SCC 30.31E.050
T (buildings > 20 feet high) ⁵⁹				15	20	10					
LDMR (buildings ≤ 20 feet high) ^{15, 59, 61, 62}	((7,200)) <u>4,000</u> 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)) <u>2,000</u> 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					
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%

1
2 See SCC 30.23.040 for reference notes listed in Table 30.23.032.

3
4 **Section 5. Severability and Savings.** If any section, sentence, clause or phrase
5 of this ordinance shall be held to be invalid by the Growth Management Hearings Board
6 (Board), or unconstitutional by a court of competent jurisdiction, such invalidity or
7 unconstitutionality shall not affect the validity or constitutionality of any other section,
8 sentence, clause or phrase of this ordinance. Provided, however, that if any section,
9 sentence, clause or phrase of this ordinance is held to be invalid by the Board or court
10 of competent jurisdiction, then the section, sentence, clause or phrase in effect prior to
11 the effective date of this ordinance shall be in full force and effect for that individual
12 section, sentence, clause or phrase as if this ordinance had never been adopted.

1 PASSED this ____ day of ____, 2024.

2
3 SNOHOMISH COUNTY COUNCIL
4 Snohomish County, Washington
5

6 _____
7 Council Chair

8 ATTEST:

9
10 _____
11 Clerk of the Council

12
13 () APPROVED
14 () EMERGENCY
15 () VETOED

16 DATE: _____
17

18 _____
19 County Executive

20
21 ATTEST:

22
23 _____
24
25
26 Approved as to form only:

27
28 _____
29 Deputy Prosecuting Attorney