



## Snohomish County Council

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**To:** Snohomish County Planning Commission

**From:** Snohomish County Council  
Ryan Countryman, Senior Legislative Analyst

**Report Date:** January 8, 2024

**Briefing Date:** January 23, 2024

**Subject:** Staff Report on Proposed Changes for Attached Single Family Dwellings

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### Introduction

By [Motion 23-539](#), the Snohomish County Council is requesting review and recommendation by the Planning Commission on proposed code amendments relating to Attached Single Family Dwellings. County Council staff is providing this staff report to the Planning Commission for a briefing on January 23, 2024. The Planning Commission could potentially hold its public hearing on February 27, 2024.

### Background

Attached Single Family Dwellings are buildings with two units and already have some provisions in Snohomish County Code (SCC). The key difference from a duplex is that a lot line subdivides attached single family dwellings whereas a duplex is two units on a single lot. [SCC 30.91D.515](#) currently provides the following definition:

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

Snohomish County Code already duplexes on most lots with urban residential zoning. Before Amended Ordinance 16-044 (Ord. 16-044) went into effect on September 12, 2016, approval of a duplex usually required a lot to be 1.5 times the standard minimum lot size. Following Ord 16-044, most urban lots are eligible for duplexes regardless of lot size.

Minimum lot size requirements prevent the drawing of lot lines through many duplexes to reclassify those duplexes as two attached single family units on two lots. Instead, most developers sell each duplex half as a condominium. Although such condos appear subdivided in many ways, each unit technically owns a 50% share in the overall site rather than having 100%

ownership of the land allotted to use by the individual unit. Recording a subdivision with a lot line through a two-unit building makes it two attached single family dwellings rather than a duplex.

The proposed ordinance would allow subdivision of duplexes in urban zones in many scenarios that currently allow for construction but not subdivision. Financing for construction and for purchasing of condos is more complicated than financing for homes that have their own lot. Complications with financing can increase the eventual cost of housing.

The idea to allow subdivision of more duplexes – or attached single family dwellings – comes from the “Opening Doors to Home Ownership” housing panel discussions sponsored by County Councilmember Nate Nehring from January 17, 2023, to April 18, 2023. The County Council passed Motion 23-539 referring the proposed amendments to the Planning Commission on January 3, 2024. The referral motion uses the word “housing” because it was in the context of a discussion on housing affordability. This staff report and the proposed amendments use the word “dwelling” for consistency with code.

## Proposed Ordinance

This ordinance would allow subdivision of attached single family dwellings at nearly the same density as currently allowed for subdivisions with a duplex on each lot.

**Ordinance Sections 1 to 3** include findings and conclusions to support the substantive changes in later sections.

**Ordinance Section 4** includes the main changes in a proposed a new code section SCC 30.23.270. This new section has introductory text describing applicability and seven subsections (1) to (7) with substantive changes. The proposed heading and introductory text are:

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

In urban zones, a subdivision or short subdivision that includes attached single family dwellings may meet the lot yield and bulk regulations for the zone in which it is located as provided for in this section. Such subdivisions or short subdivisions may also include detached single family dwellings and accessory dwelling units located on lots containing a principal unit.<sup>1</sup>

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<sup>1</sup> Development using this section must include at least one building with two attached single family dwellings on two lots. Single family dwellings are also allowed but these would receive only one lot. Accessory dwelling units are also allowed but these must be on the same lot as the principal unit. The Legislature enacted the phrase “principal unit” in the context of Accessory Dwelling Units (ADU) at [RCW 36.70A.696\(10\)](#) as part of [Engrossed House Bill 1337](#) (EHB 1337). Single family dwellings, whether attached or detached, can both have ADUs on the same lot.

Subsection (1) considers each building with two side-by-side units as one building site. Subsection (2) then allows each such building site to have two lots.<sup>2</sup> These proposed subsections are:

- (1) Building site yield shall be an interim calculation before determining lot yield and shall be computed as follows:
  - (a) Determine area of the site in square feet;
  - (b) Divide the area of the site by the minimum lot area for the zone in Table 30.23.032;
  - (c) The resulting quotient is the number of potential building sites; and
  - (d) The maximum number of building sites shall be determined by rounding up to the next whole unit when a fraction of a unit is equal to five-tenths or greater.
- (2) When converting building sites into proposed lots;
  - (a) Buildings with two single family attached dwellings count as one building;
  - (b) Single family dwellings (detached) count as one building; and
  - (c) Accessory dwelling units, whether attached or detached, are not principal units under RCW 36.70A.696(10) and therefore do not count as proposed buildings or lots for purposes of this calculation.

Subsection (3) provides a minimum lot size of 1,500 square feet as follows:<sup>3</sup>

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

Subsection (4) would allow a 55% maximum lot coverage.<sup>4</sup>

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

Subsection (5) provides that there is no minimum lot width.<sup>5</sup>

- (5) There is no minimum lot width;

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<sup>2</sup> Accessory dwelling units do not receive their own lots. See proposed SCC 30.23.270(2)(c).

<sup>3</sup> SCC 30.23.210(8)(a) allows subdivisions with urban zoning to use lot size averaging to lots as small as 3,000 square feet. After Ord. 16-044 went into effect, developers began placing duplexes on these smaller lots and then recording those duplexes as condominiums for sale. The proposed minimum lot size of 1,500 square feet for attached single family dwellings is based on subdividing a 3,000 square foot duplex lot in two.

<sup>4</sup> Maximum lot coverage varies by zone and type of development. Urban residential zones allow a basic maximum lot coverage that ranges from 35% in R-9,600, R-8,400, and R-7,200 to 50% in LDMR zoning. Applicants can increase this to 55% using provisions for lot size averaging or planned residential development techniques. Proposed SCC 30.23.270(4) matches these other ways to achieve a 55% maximum lot coverage.

<sup>5</sup> Minimum lot width varies by zone and type of development. Basic minimum widths range from 70 feet in R-9,600 zoning to 60 feet in LDMR zoning. Applicants can currently reduce this 40 feet regardless of zone by using lot size averaging (SCC 30.23.210(8)(c)(i)). In a planned residential development, there is no minimum lot width requirement (SCC 30.42B.145(2)). Proposed SCC 30.23.270(5) matches the PRD standard.

Subsection (6) allows attached single family dwellings to have no setback from the abutting lot line.

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

Subsection (7) provides other setbacks:

(7) Setbacks from other lot lines shall be;

- (a) Five feet from side and rear lot lines, except for buildings taller than 30 feet in the R-7,200 zone which shall be set back consistent with SCC 30.23.310.
- (b) Fifteen feet from right-of-way and private roads, except that garages must be set back 18 feet from right-of-way (with the exception of alleys) or private roads and corner lots may reduce the right-of-way setback to no less than 10 feet.

**Ordinance Section 5** would amend SCC 30.41A.240 with to add a reference to the proposed new section 30.23.270 since that new section would provide a way for subdivisions to include lots smaller than the standard minimum lot size.<sup>6</sup>

**30.41A.240 Design standards – other reductions to minimum lot area.**

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

**Ordinance Section 6** would amend SCC 30.41B.200 to include a reference to proposed new section SCC 30.23.270. SCC 30.41B.200 addresses design standards for short subdivisions. As with the previous section, the separate lot size averaging proposal accompanying Council Motion 23-542 would change references in SCC 30.41B.200. Exact phrasing on final ordinances may need adjustments based on sequencing of potential adoption. The relevant part of SCC 30.41B.200 would include the following:

**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 attached single family

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<sup>6</sup> In a separate but related action, Council Motion 23-542 referred potential changes regarding Lot Size Averaging to the Planning Commission for review and recommendation. The ordinance accompanying that motion would also amend SCC 30.41.240. The current phrasing shown here assumes adoption of the LSA changes before adoption of this proposal for attached single family dwellings. That sequence and associated phrasing in the ordinance could change in the final ordinances for council consideration. The errata sheets attached to both staff reports document differences in phrasing between what was before the County Council and what is before the Planning Commission.

dwelling, lot size averaging, planned residential development or rural cluster subdivision provisions of this title;

**Ordinance Section 7** would amend the definition of Single Family Dwelling, Attached, in SCC 30.91D.515. Replacing the word “developed” with “configured” helps to clarify that an existing duplex may be subdivided after the fact and thus reconfiguring it to be two attached single family dwellings on two lots rather than a duplex on one lot. The proposed amendment reads:

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

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

**Ordinance Section 8** is a standard severability and savings clause.

## Examples of Possible Use

This section provides two examples of possible uses of the proposed ordinance. Both are duplex developments where sale of individual units was by condominium because current provisions did not allow each duplex half to have its own lot. Each example also includes identification of some minor design differences that would result from existing codes.

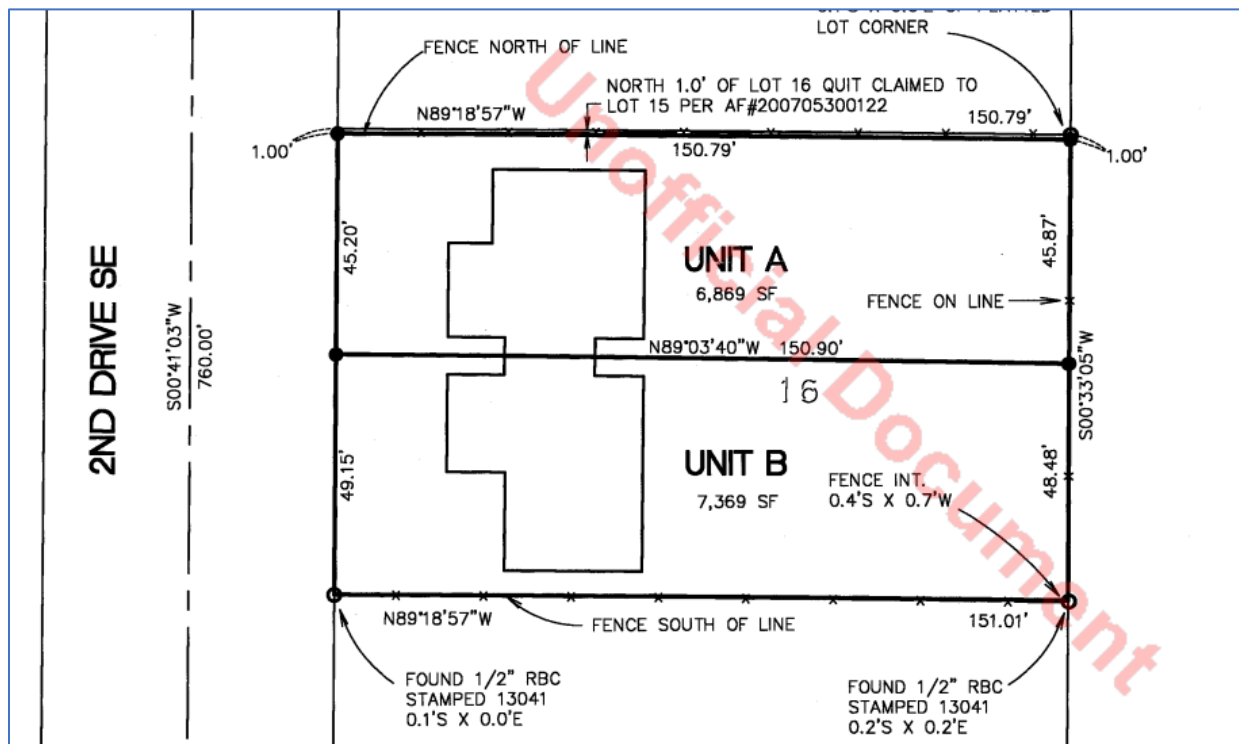
**Example 1 – Single Duplex.**

2<sup>nd</sup> Drive Condominium is a 2-unit duplex condo on a 14,238 square foot site<sup>7</sup> (Project File Number (PFN) 2000-104054 RK). The applicable zoning is R-7,200. Code allows duplexes on lots of any size in R-7,200. [SCC 30.23.032](#) sets the standard minimum lot size for new lots at 7,200 square feet. Hence, a site typically needs to have 14,400 square feet for subdivision into two lots. 2<sup>nd</sup> Drive Condominium is ineligible for subdivision because it is 162 square feet short of being able to subdivide.<sup>8</sup> To sell the units separately, the building had to be condominiumized. Figure 1 (next page) shows the configuration of the limited common elements in the condominium plat for the two units.

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<sup>7</sup> Unit A (6,869 square feet) + Unit B (7,369 sq ft) = 14,238 sf ft total.

<sup>8</sup> Figure 1 includes surveyor's notes about an earlier the transfer of a 1-foot strip of land along the north property line to the adjacent owner. This resolved a boundary encroachment created by a fence not being located exactly on the property line. In the context of the proposed ordinance, it is worth noting that before giving up this land, the parent parcel for 2<sup>nd</sup> Drive Condominium still would have still been too small to subdivide, but by only 11 square feet.



**Figure 1 – Configuration of 2nd Drive Condominium (AFN 200706295005)**

**Effect of Ordinance:** The two condominium units in the 2<sup>nd</sup> Drive Condominium could have become two lots by short subdivision under the proposed ordinance and new section SCC 30.23.270. Subsection (1) would have considered a two-unit building on this parcel to be one building site. Subsection (2) would have allowed that building site to become two parcels. Subsection (3) would have provided the necessary relief to minimum lot size. Subsection (4) would have provided the necessary relief to minimum lot width (the standard minimum lot width in R-7,200 zoning is 60 feet per [SCC Table 30.23.032](#)).

**Design Differences:** Building permits for individual duplexes do not need to provide frontage improvements (road widening and sidewalks) or to show tree canopy for approval. Subdivisions must meet current frontage standards and provide tree canopy. Permitting for the 2<sup>nd</sup> Drive Condo was on an existing lot that pre-dated current frontage standards and tree canopy requirements. Recording it as a condominium did not require frontage improvements or tree planting. Under the proposed code allowing subdivision, existing provisions requiring frontage improvements and tree canopy would apply. These design differences would apply to both when configuring an existing duplex as two attached dwelling units and for new permits for a two unit building and concurrent subdivision.

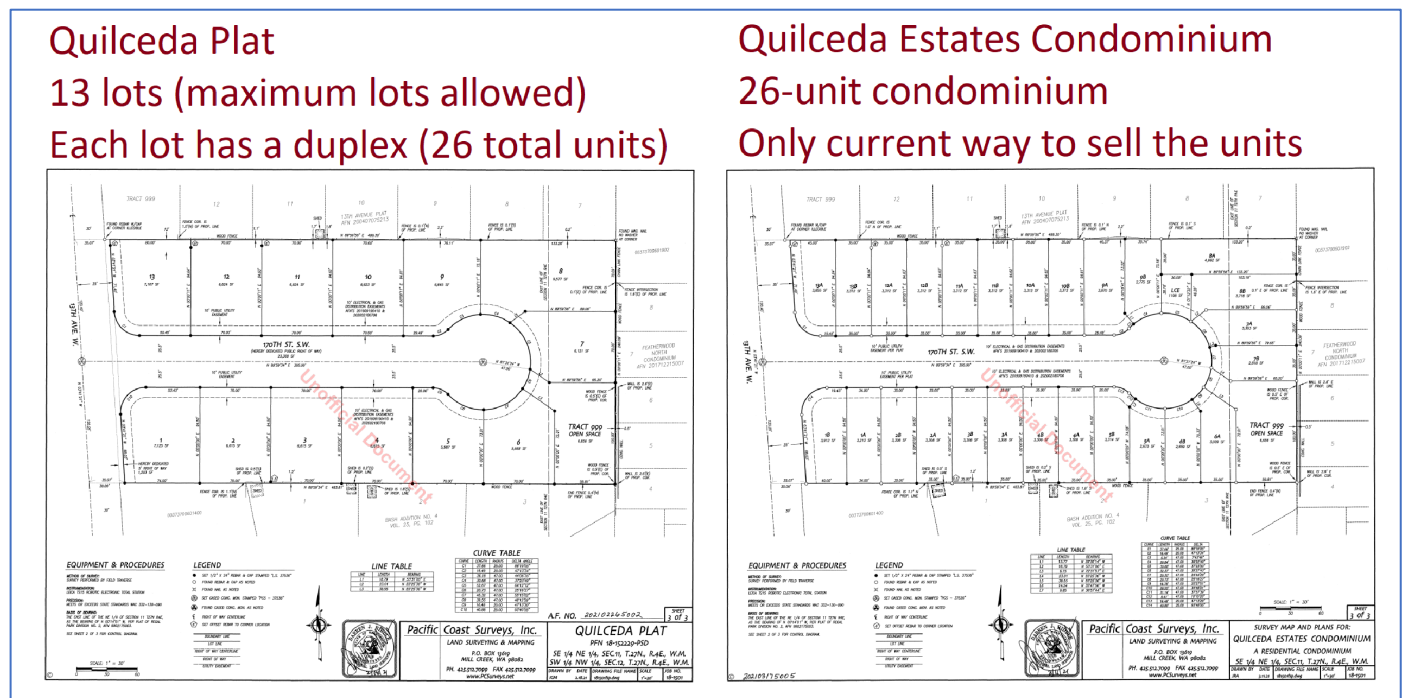
Frontage requirements originate in state subdivision requirements in Chapter 58.17 RCW that require “safe walking conditions for students”. Approval of subdivision of duplexes on older lots without frontage improvements may thus be contingent on adding frontage improvements. Such frontage improvements are not a requirement if the sale of units was as a condos.

Existing tree canopy codes do not require duplexes on pre-existing lots to provide tree canopy. However, 2-lot short subdivisions must provide 20% tree canopy per [SCC Table 30.25.016\(3\)](#).

The 20% tree canopy may involve preservation of existing trees or planting of new trees projected to meet the coverage requirement in 20 years. Buildings permitted as duplexes on lots that pre-date tree canopy requirements could record as condos without planting new trees, but subdivision of existing duplexes that lack current trees may require planting of trees as a condition of approval.

### Example 2 – Duplexes built on the maximum number of lots.

Quilceda Plat (PFN 2018-152235 SPA) subdivided its site into the maximum number of lots (13) allowed for the property size and zoning using lot size averaging provisions. The developer put a duplex on each lot, for a total of 26 units. Since the subdivision reached the maximum number of lots, sale of individual units required the additional step of recording the entire development as Quilceda Estates Condominium to sell the units. Figure 2 shows the layout for the subdivision (plat) next to condominium layout.



**Figure 2 – Quilceda Plat (AFN 202102265002) and Quilceda Estates Condominium (AFN 202103175005)**

**Effect of Ordinance:** The proposed new section SCC 30.23.270 would have allowed 13 building sites and then allowed each building site to become two lots for the same overall 26-unit project. Proposed SCC 30.23.270 also includes the necessary provisions for relief on minimum lot size, minimum lot width, and permitted lot coverage to allow this exact lot layout. Permitting and recording of Quilceda could have taken place in a single stage leading to recording as a 26-lot subdivision rather than as a two-stage project starting with recoding of a subdivision followed by re-recording as a condominium.

**Design Difference:** The only identified difference besides ownership structure may involve tree canopy. [SCC Table 30.25.016\(3\)](#) requires 20% tree canopy for subdivisions less than four lots,



25% for subdivisions with four to nine lots, and 30% for subdivisions with 10 or more lots. In the Quilceda example, going from 13 to 26 lots would still have a 30% tree canopy requirement. However, smaller projects could have different canopy requirements. For example, a development with three duplexes (or six attached single-family lots) would need to have 20% tree canopy as duplexes but 25% canopy as attached single family lots. Projects that would already have at least 10 lots under current code would have no change in tree canopy.

## Policy Analysis

The attached single family dwelling proposal seeks to help address housing affordability.

In 2021, the Legislature passed Engrossed Second Substitute House Bill 1220 (ESSB 1220), which among other changes strengthened the Growth Management Act (GMA) Goal 4 related to housing. ESSB 1220 went 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”.

In 2023, the Legislature also enacted Engrossed Substitute House Bill 1110 (ESSB 1110), which included a finding that states:

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

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

Duplexes are a form of middle housing under RCW 36.70A.030(26). The Legislature found that encouraging such middle housing options is critical to addressing state-level housing goals.

Snohomish County Code contemplates single family attached dwellings as being a type of duplex in the sense of ESSB 1110, but where each half has its own lot. In some situations, Snohomish County Code allows construction of duplexes, but requirements related to minimum lot size prevents subdivision of the building into two lots. This creates a situation where the only way to sell units in a duplex is to convert those units to condominiums. The proposed ordinance would allow and encourage more development of attached single family dwellings to help address state housing goals and need for more middle housing.



Snohomish County's General Policy Plan (GPP) contains policies regarding land use and housing that are also relevant. These include the following policies:

- LU 2.A.5. Within UGAs, alternatives to standard single family designs such as zero lot line housing and cottages on small lots around a central courtyard, shall be considered in development regulations for residential areas.
- HO 1.B.1 The county shall facilitate affordable home ownership and rental opportunities by promoting an increased supply of safe and healthy lower-cost housing types, such as housing on small lots, townhouses, multiplexes, manufactured housing, mobile homes, and mixed-use housing.

Attached single family dwellings are a type of zero-lot line development as identified in policy LU 2.A.5. The proposed ordinance would add another alternative to standard single family designs, helping further the policy objective. In doing so, the county would also be facilitating development of more affordable home ownership options by allowing for more attached single family dwellings on small lots as called for by policy HO 1.B.1.

## Procedural

### Environmental Review

A State Environmental Policy Act Checklist and a threshold determination will be issued prior to County Council consideration.

### Notification of State Agencies

Pursuant to RCW 36.70A.106, county staff will transmit a notice of intent to adopt the proposed regulations and standards to the Washington State Department of Commerce at least 60 days prior to a public hearing held by the County Council.

### Action Requested

Council Motion 23-539 requests that Planning Commission hold a public hearing, consider the proposed code amendments, and provide a recommendation to the County Council by May 27, 2024. The Planning Commission can recommend approval of the proposed ordinance with supporting findings of fact as proposed or modified, deny the proposal with findings, or amend the proposal with appropriate findings.

cc: Ken Klein, Executive Director  
Mike McCrary, PDS Director  
David Killingstad, PDS Manager  
Michael Dobesh, PDS Manager

Attachment: Errata Changes

## Attachment A: Errata Changes

The ordinance accompanying the January 8, 2024, memo from Council Staff to the Planning Commission includes some minor corrections and clarifications made since the December 5, 2023, County Council discussion draft of the ordinance.

Page 1, Line 11, inserting a missing reference to the title of the ordinance [and the same change to the footer on all pages]:

RELATING TO GROWTH MANAGEMENT; FACILITATING ATTACHED SINGLE-FAMILY HOUSING;  
ADDING A NEW SECTION 30.23.270 AND AMENDING SECTIONS 30.41A.240, 30.41B.200 AND  
30.91D.515 OF THE SNOHOMISH COUNTY CODE

Page 1, Line 19, adding a missing bill number in the parenthesis:

Engrossed Second Substitute House Bill 1220 (ESSB 1220)

Page 9, lines 4 to 11, replace text to coordinate with the proposed ordinance accompanying Amended Council Motion 23-542, which would amend the same section (and is assumed to be considered first):

Delete:

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

30.41A.240 Design standards – ~~((lot size averaging-))~~ other reductions to minimum lot area.  
The minimum lot size within a residential subdivision may be reduced below the size required by zoning pursuant to SCC 30.23.210, SCC 30.23.215, SCC 30.23.270, and~~((--Minimum lot size may also be reduced pursuant to))~~ chapter 30.42B SCC and chapter 30.41C SCC.

Insert:

Section 5. Snohomish County Code 30.41A.240, last amended by [Ordinance to Accompanying Council Amended Motion 23-542] on \_\_\_\_, \_\_\_\_ 2024, is amended to read:

30.41A.240 Design standards – other reductions to minimum lot area.  
The minimum lot size within a residential subdivision may be reduced below the size required by zoning pursuant to SCC 30.23.210, SCC 30.23.215, SCC 30.23.270, and chapter 30.42B SCC and chapter 30.41C SCC.

Page 9, lines 13 to 24, replace text to coordinate with the proposed ordinance accompanying Amended Council Motion 23-542, which would amend the same section (and is assumed to be considered first):

Delete:

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

30.41B.200 Design standards.

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

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

Insert:

Section 6. Snohomish County Code 30.41B.200, last amended by [Ordinance to Accompanying Council Amended Motion 23-542] on \_\_\_\_, \_\_\_\_ 2024, 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 attached single family dwelling, lot size averaging, planned residential development or rural cluster subdivision provisions of this title;