

1 Adopted:
2 Effective:

3
4 SNOHOMISH COUNTY COUNCIL
5 Snohomish County, Washington

6
7 **REFERRAL DRAFT** ORDINANCE NO. 21-

8
9 RELATING TO GROWTH MANAGEMENT; PROMOTING CONSTRUCTION OF NEW MISSING MIDDLE
10 HOUSING WHILE ALSO ENCOURAGING PRESERVATION OF EXISTING RESIDENTIAL UNITS;
11 AMENDING EXISTING SECTIONS IN CHAPTERS 30.23 AND 30.42B OF THE SNOHOMISH COUNTY
12 CODE

13
14
15 WHEREAS, the Growth Management Act (GMA), Chapter 36.70A RCW, establishes
16 planning goals to guide development and adoption of comprehensive plans and development
17 regulations for those counties and cities planning under the GMA, including the goal to
18 encourage the availability of affordable housing and promote a variety of residential densities
19 and housing types; and

20
21 WHEREAS, the GMA requires Snohomish County (the “County”) to adopt a
22 comprehensive plan and implementing codes and regulations related to land use and
23 development within the County’s jurisdiction that are consistent with the comprehensive plan;
24 and

25 WHEREAS, the GMA requires the County to monitor patterns of growth and capacity for
26 future growth in the Buildable Lands Report (or BLR); and

27
28 WHEREAS, the County has completed Buildable Lands Reports in 2002, 2007, 2012 and
29 2021; and

30
31 WHEREAS, the 2021 BLR relied on recent patterns of development and included an
32 adjustment in methodology to assume more redevelopment of existing housing units during
33 new construction rather than infill or preservation of existing units during construction of new
34 units on the land compared to previous BLRs; and

35
36 WHEREAS, the 2021 BLR includes a list of “Reasonable Measures” that local jurisdictions
37 could take to increase housing capacity; and

38
39 WHEREAS, on October 29, 2020, the Puget Sound Regional Council (the “PSRC”) adopted
40 Vision 2050, a plan for the central Puget Sound region, which includes Snohomish County; and
41

DISCUSSION DRAFT ORDINANCE NO. 21-
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CODE

1 WHEREAS, the County is party to an interlocal agreement with PSRC that obligates the
2 County to growth management policies and codes that are consistent with Vision 2050; and
3

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

10 WHEREAS, Housing action H-Action -1 in Vision 2050 calls on local jurisdictions to
11 “promote and accelerate” production of “housing supply [along with preservation of] market
12 rate and subsidized affordable housing”; and
13

14 WHEREAS, Housing action H-Action 4 says that Counties will “conduct a housing needs
15 analysis and the evaluate the effectiveness of local housing policies and strategies”; and
16

17 WHEREAS, Housing action H-Action 6 calls on communities to “develop and implement
18 strategies to address displacement” which includes displacement of residents living in existing
19 housing; and
20

21 WHEREAS, Housing action H-Action 7 says that counties will “update regulations and
22 strategies to reduce barriers to the development and preservation of moderate density
23 housing”; and
24

25 WHEREAS, Housing action H-Action 9 calls on counties to “review and amend, where
26 appropriate and consistent with the Regional Growth Strategy, development standards and
27 regulations to reduce barriers to the development of housing by providing flexibility and
28 minimizing additional costs; and
29

30 WHEREAS, the Housing Affordability Taskforce (HART) published a report and five-year
31 action plan in January 2020 that provides the needs analysis called for in Snohomish County by
32 H-Action 4; and
33

34 WHEREAS, the HART report discusses the need for more “missing middle” housing
35 which it says includes townhomes and other housing that is denser than traditional detached
36 single-family homes but still less dense than mid-rise apartments; and
37

38 WHEREAS, the HART report says that jurisdictions can “take steps in support of
39 preservation of existing low-income housing by identifying housing at risk of redevelopment”;
40 and
41

1 WHEREAS, the HART report recommends “working with public or nonprofit partners to
2 purchase housing and thereby decouple it from market pressures”; and
3

4 WHEREAS, the HART report does not identify where the funding to purchase and
5 protect existing housing stock at risk of redevelopment would come from; and
6

7 WHEREAS, market-based mechanisms that encourage and result in the preservation of
8 existing housing stock would not require new funding sources, and, to the extent that units are
9 actually preserved, help alleviate displacement and the need to fund and subsidize new
10 affordable units; and
11

12 WHEREAS, actions to implement some of the Reasonable Measures identified in the
13 Buildable Lands Report could increase the supply of missing middle housing; and
14

15 WHEREAS, the same steps to increase the supply of missing middle housing might also
16 encourage even more redevelopment of existing, older and thus presumably more affordable,
17 housing stock; and
18

19 WHEREAS, instead of encouraging redevelopment of older existing housing stock to
20 build new missing middle housing, this ordinance incentivizes the preservation of older housing
21 stock while building around it; and
22

23 WHEREAS, the Countywide Planning Policies (the “CPPs”) contain guidance to
24 jurisdictions in Snohomish County for how to implement the policies adopted by PSRC; and
25

26 WHEREAS, CPP-DP-11 says that the County “should revise development regulations and
27 incentives, as appropriate, to encourage higher residential densities and greater employment
28 concentrations in Urban Growth Areas” (UGAs); and
29

30 WHEREAS, CPP-DP-16 says that the County “should encourage the use of innovative
31 development standards, design guidelines, regulatory incentives [...] to provide compact, high
32 quality communities”; and
33

34 WHEREAS, CPP-DP-15 says the County should adopt “development regulations and
35 design guidelines that allow for infill and redevelopment of appropriate areas as identified in
36 their comprehensive plans”; and
37

38 WHEREAS, the County’s Growth Management Act Comprehensive Plan (GMACP)
39 includes the General Policy Plan (the “GPP”) which contains policies that guide the codes and
40 regulations adopted in Title 30 of Snohomish County Code (“Title 30 SCC”); and
41

1 WHEREAS, GPP policy LU 4.A.1 says that the “County shall work with architects, builders,
2 and others to ensure that the design review process, innovative and flexible standards, and
3 development regulations for site planning and the design of buildings are consistent with the
4 urban design policies of the GPP”; and
5

6 WHEREAS, GPP policy HO 3.B.5 says that “The county shall continue the demonstration
7 program that provides for the use of environmentally sensitive housing development practices
8 that minimize the impacts of growth on the county’s natural resource systems without adding
9 to the cost of housing”; and
10

11 WHEREAS, the specific demonstration program referred to in GPP HO 3.B.5 was the
12 Reduced Drainage Discharge Demonstration Program (the “RDDDP”) which is no longer in
13 effect, although the policy direction to continue use of environmentally sensitive housing
14 development practices remains in effect; and
15

16 WHEREAS, preservation of existing housing units rather than redeveloping them can be
17 more environmentally sensitive than demolition; and
18

19 WHEREAS, GPP Policy LU 4.A.2 says in part that “Where increased density housing is
20 proposed, the height, scale, design and architectural character should be compatible with the
21 buildings in the surrounding area [and that developments] should provide adequate setbacks,
22 buffers, and visual screens to make them compatible”; and
23

24 WHEREAS, requirements regarding fire access to buildings taller than 30 feet and to
25 third story windows are addressed in Title 30 SCC for zones and types of development that
26 allow construction over 30 feet, but not currently addressed for zones and situations where
27 heights are limited to 30 feet or less; and
28

29 WHEREAS, Snohomish County Code (SCC) Chapter 30.23A includes Urban Residential
30 Design Standards (URDS) to promote compatibility of new development with surrounding
31 areas; and
32

33 WHEREAS, SCC 30.23A.050 includes additional design standards to ensure neighborhood
34 compatibility of new single-family attached dwellings, mixed townhomes, and townhouse
35 developments, which are all examples of missing middle housing types (and which are
36 sometimes collectively referred to as townhouse development for simplicity); and
37

38 WHEREAS, SCC Chapter 30.42B includes design standards applicable to Planned
39 Residential Developments (PRDs) that do not apply to other types of development; and
40

1 WHEREAS, PRDs can be housing on small lots, townhomes, or smaller multi-family, all of
2 which are examples of missing middle housing; and
3

4 WHEREAS, preservation of existing housing units as part of new housing developments
5 also contributes to ensuring compatibility; and
6

7 WHEREAS, Townhomes and PRDs thus have specific design guidelines for compatibility
8 in Snohomish County Code that do not apply to other types of development; and
9

10 Whereas, the 30-foot height limit in the R-7200 zone may create a practical impediment
11 to innovate design of housing ; and
12

13 WHEREAS, the County Council finds that there is an opportunity to update the County's
14 development regulations related to housing to reflect recent changes to Vision 2050, the
15 recommendations in the HART report and to implement some of the reasonable measures
16 suggested in the BLR; and
17

18 WHEREAS, on [Date, Month, Year], the Snohomish County Planning Commission
19 ("Planning Commission") held a public hearing to receive public testimony concerning the code
20 amendments contained in this ordinance; and
21

22 WHEREAS, at the conclusion of the Planning Commission's public hearing, the Planning
23 Commission recommended adoption of the code amendments contained in this ordinance; and
24

25 WHEREAS, on [Date, Month, Year], the County Council held a public hearing after proper
26 notice, and considered public comment and the entire record related to the code amendments
27 contained in this ordinance; and
28

29 WHEREAS, following the public hearing, the County Council deliberated on the code
30 amendments contained in this ordinance;
31

32 NOW, THEREFORE, BE IT ORDAINED:
33

34 **Section 1.** The County Council adopts the following findings in support of this
35 ordinance:
36

- 37 A. The foregoing recitals are adopted as findings as if set forth in full herein.
38
39 B. The County Council made the following findings of fact in support of this ordinance.
40

1 C. This ordinance will amend Title 30 of Snohomish County Code (SCC) to update development
2 regulations related to Missing Middle housing. The proposed amendments seek to:

- 3
- 4 1. Reflect changes in Vision 2050 calling for development codes to encourage more
5 production of housing while also encouraging the preservation of existing, relatively
6 affordable, housing stock as also recommended in the HART report;
- 7
- 8 2. Maintain neighborhood compatibility even while promoting higher densities by granting
9 extra density bonuses only to those types of housing that already have special design
10 requirements to address compatibility;
- 11
- 12 3. Encourage preservation of existing housing stock, which tends to be more affordable
13 than new housing, by not counting retained units in the calculations of how many new
14 units an applicant may build on a site;
- 15
- 16 4. Promote historic preservation and neighborhood compatibility by adopting regulation
17 that encourage preservation of existing housing stock;
- 18
- 19 5. Continue implementation of guidance in GPP HO 3.B.5 to allow for environmentally
20 sensitive housing practices that minimize the impacts of growth on the county's natural
21 resource systems without adding to the cost of housing by encouraging retention of
22 existing housing;
- 23
- 24 6. Encourage a wider variety of new housing types in the R-7,200 zone by increasing the
25 allowed building height while also addressing provisions related to setbacks to ensure
26 public safety and neighborhood compatibility; and
- 27
- 28 7. Clarify and simplify implementation of existing code by improving consistency and
29 readability; and
- 30

31 D. In developing the proposed code amendments, the County considered the goals of the
32 GMA. This ordinance is consistent with GMA Goal 4: "Housing. Encourage the availability of
33 affordable housing to all economic segments of the population of this state, promote a
34 variety of residential densities and housing types, and encourage preservation of existing
35 housing stock" and with GMA Goal 13: "Historic preservation. Identify and encourage the
36 preservation of lands, sites, and structures, that have historical or archaeological
37 significance" because it encourages a wider variety of housing by increasing density

1 bonuses to missing middle housing while also taking steps to promote the preservation of
2 existing housing, thereby also reducing displacement.

3
4 E. In addition to the policies cited above, the proposed amendments will better achieve,
5 comply with, and implement the following goals, objectives, and policies contained in the
6 county's GMACP.

- 7
8 1. Housing Policy HO 1.B.4: "The county shall encourage and support the development of
9 innovative housing types that make efficient use of the county land supply..." This
10 ordinance encourages efficient use of the land supply by giving larger density bonuses to
11 innovative housing types.
- 12
13 2. Housing Policy HO 2.B: "Encourage the use of innovative urban design techniques and
14 development standards to foster broad community acceptance of a variety of housing
15 types affordable to all economic segments of the population." This ordinance
16 encourages two types of housing that already have design requirements to ensure
17 compatibility and acceptance. It also encourages retention of existing housing stock,
18 which is generally more affordable, on sites experiencing new development, thereby a
19 broader range of housing types and affordability than would likely otherwise exist at the
20 same location.
- 21
22 3. Land Use Policy LU 2.A: "Increase residential densities within UGAs by concentrating and
23 intensifying development in appropriate locations, particularly within designated
24 centers and along identified transit emphasis corridors." This ordinance increases
25 residential densities in UGAs and encourages types of housing with additional design
26 standards to help ensure that the development is appropriate to its location. Most of
27 the unincorporated UGA areas where these changes would apply are within ½ mile of a
28 transit emphasis corridor, which the next policy below, TR 2.C.1, reinforces.
- 29
30 4. Transportation Policy TR 2.C.1: "Transit-compatible and transit-oriented land uses and
31 densities within transit emphasis corridors shall be implemented that recognize and
32 reflect appropriate activity zones and walking distances, generally within ¼ to ½ mile of
33 the transit emphasis corridor." By encouraging higher densities generally near transit
34 emphasis corridors, this ordinance would increase the amount of activity and demand
35 for ridership in areas where transit is either already provided or planned.

36
37 F. Procedural requirements.

- 38
39 1. The proposal is a Type 3 legislative action pursuant to SCC 30.73.010.
40

- 1 2. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance was
2 transmitted to the Washington State Department of Commerce for distribution to state
3 agencies on [Date, Month, Year], and assigned Material ID No. [redacted].
4
- 5 3. State Environmental Policy Act (SEPA) requirements with respect to this non-project
6 action have been satisfied through the completion of an environmental checklist and
7 the issuance of a Threshold Determination of [redacted] on [Date, Month, Year].
8
- 9 4. The public participation process used in the adoption of this ordinance has complied
10 with all applicable requirements of the GMA and the SCC.
11
- 12 5. The Washington State Attorney General last issued an advisory memorandum, as
13 required by RCW 36.70A.370, in December of 2015 entitled “Advisory Memorandum:
14 Avoiding Unconstitutional Takings of Private Property” to help local governments avoid
15 the unconstitutional taking of private property. The process outlined in the State
16 Attorney General’s 2015 advisory memorandum was used by the County in objectively
17 evaluating the regulatory changes proposed by this ordinance.
18

19
20 **Section 2.** The Snohomish County Council makes the following conclusions:

- 21
22 A. The proposal is consistent with the goals, objectives and policies of the GPP.
23
- 24 B. The proposal is consistent with Washington State law and the SCC.
25
- 26 C. The County has complied with all SEPA requirements in respect to this non-project action.
27
- 28 D. The regulations proposed by this ordinance do not result in an unconstitutional taking of
29 private property for a public purpose.
30

31
32 **Section 3.** The Snohomish County Council bases its findings and conclusions on the
33 entire record of the county council, including all testimony and exhibits. Any finding, which
34 should be deemed a conclusion, and any conclusion which should be deemed a finding, is
35 hereby adopted as such.
36

37
38 **Section 4.** Snohomish Count Code 30.23.032, last amended by Amended Ordinance No.
39 21-004 on March 15, 20201, is amended to read:
40

1 **30.23.032 Urban Residential Zone categories - bulk matrix.**
 2
 3

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	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	(30) 35	10	5	5	5				25	35%		
	R-7,200 (buildings > 30 feet high) ⁶⁷				10	10	10								
	T (buildings ≤ 20 feet high) ⁵⁹	See SCC 30.31E.050			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 ^{4, 65}			60			45			25	50% ⁶⁶			
	LDMR (buildings 20 - 30 feet high) ^{15, 59, 61, 62}												10	10	5
	LDMR (buildings > 30 feet high) ^{15, 59, 61, 62}												10	20	10
	LDMR (buildings > 30 feet high) ^{15, 59, 61, 62}				15	25	15								

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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 ≤ 20 feet high) ^{5,15,59,61, 62}		7,200 ^{5, 9, 65}	60 ⁹	45 ¹⁴	10	10	5					50% ^{9, 66}
	MR (buildings 20 - 30 feet high) ^{5,15,59,61, 62}				10	20	10	25				
	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 See SCC 30.23.040 for reference notes listed in Table 30.23.032.

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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.

- 10 (1) MR bulk requirements shall apply for all residential development permitted in the
- 11 NB, PCB, CB, GC and BP zones.
- 12 (2) When subdivisionally described, the minimum lot area shall be 1/128th of a section.
- 13 (3) When subdivisionally described, the minimum lot area shall be 1/32nd of a section.
- 14 (4) In the LDMR zone, the maximum ((density)) number of new units shall be calculated
- 15 based on 4,000 square feet of land per dwelling unit. Existing residential units that are at least

1 five years old may be retained as part of new development in the LDMR zone without counting
2 towards the calculation of the maximum number of new units.

3 (5) Except as provided below, in the MR zone the maximum density shall be calculated
4 based on 2,000 square feet of land per dwelling unit. Existing residential units that are at least
5 five years old may be retained as part of new development in the MR zone without counting
6 towards the calculation of the maximum number of new units. For sites zoned MR, NB, PCB, CB,
7 or GC in the Southwest UGA where any portion of the site is within 2,000 feet of the western
8 edge of the right-of-way of State Route 99 or within 800 feet of the eastern edge of the right-
9 of-way of State Route 99; and the site is east of State Route 525, the maximum density shall be
10 calculated based on 750 square feet of land per dwelling unit. One or more transfer of
11 development rights (TDR) credits must be used to realize the additional density according to
12 the requirements of chapter 30.35A SCC. After June 11, 2020, developments for which the
13 applicant provides documentation to the director showing that the entire project has been
14 granted a property tax exemption by the Washington State Department of Revenue under RCW
15 84.36.041, 84.36.042, 84.36.043, or 84.36.560 shall be exempt from the requirements of
16 chapter 30.35A SCC and development may be permitted up to a maximum density of 750
17 square feet of land per dwelling unit without using TDR credits.

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

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

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

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

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

32 (66) The maximum lot coverage in townhouse and mixed townhouse developments is
33 50 percent in the LDMR zone and 50 percent in the MR zone except sites zoned MR where any
34 portion of the site is within 2,000 feet of the western edge of the right-of-way of State Route 99
35 or within 800 feet of the eastern edge of the right-of-way of State Route 99, and the site is east

1 of State Route 525 are exempt from maximum lot coverage requirements consistent with SCC
2 30.23.040(9).

3 (67) See SCC 30.23.310.

4
5 **Section 6.** Snohomish County Code 30.23.210, last amended by Amended Ordinance No.
6 20-005 on March 11, 2020, is amended to read:

7
8 **30.23.210 Lot size averaging.**

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

11 (2) This section shall only apply to:

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

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

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

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

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

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

26 (d) Stated differently, the formula is:

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

28 ~~((3))~~ (4) Average lot size shall be computed for all zones not including in subsection (3)
29 above or in subsection (5) below as follows:

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

31 (i) Area in lots;

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

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

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

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

1 (vi) Surface detention/retention facilities meeting the standards of subsection
2 (6) of this section.

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

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

9 ~~((5))~~ (6) In no case shall the provisions under SCC 30.23.230(3) apply to this section.

10 ~~((6))~~ (7) Surface detention/retention facilities may count toward calculations for lot
11 size averaging only if the detention/retention facility:

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

13 (b) The facility is either:

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

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

17 ~~((7))~~ (8) For subdivisions and short subdivisions within zones having a minimum lot
18 area requirement of 12,500 square feet or less, the following additional criteria apply:

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

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

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

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

25 (ii) Setbacks of 15 feet from right-of-way and private roads, except that garages
26 must be set back 18 feet from right-of-way (with the exception of alleys) or private roads and
27 corner lots may reduce one right-of-way setback to no less than 10 feet; and

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

31 ~~((8))~~ (9) For short subdivisions in rural areas within zones having a minimum lot area
32 requirement greater than 12,500 square feet but not larger than five acres, the following
33 additional criteria apply:

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

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

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

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

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

8
9
10 **Section 7.** A new section is added to Snohomish County Code Chapter 30.23 to read:

11
12 **30.23.310 Building separation for buildings taller than 30 feet in the R-7,200 zone.**

13
14 Structures exceeding 30 feet in height must provide a minimum 10 foot setback from side and
15 rear lot lines except for as follows:

16 (1) Single family attached, duplex and townhouse structures may be drawn with “zero
17 lot line” separation between units within the same structure; or

18 (2) Single family attached, duplex and townhouse structures where one or more units
19 exceeds 30 feet but the height of an end unit is less than or equal to 30 feet tall may provide a 5
20 foot side setback from that end unit.

21
22 **Section 8.** Snohomish County Code 30.42B, last amended by Amended Ordinance No.
23 19-046 on September 25, 2019, is amended to read:

24
25 **30.42B.040 Unit yield and bonus.**

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

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

34 (a) Determine the site area on the project site.

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

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

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

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

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

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

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28 PASSED this _____ day of _____, 20__.

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33 SNOHOMISH COUNCIL
34 Snohomish, Washington

35
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37 _____
38 Council Chair

39 ATTEST:
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Asst. Clerk of the Council

- APPROVED
- EMERGENCY
- VETOED

DATE:

County Executive

ATTEST:

Approved as to form only:

Deputy Prosecuting Attorney

