



Snohomish County

Planning and Development Services

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MEMORANDUM

TO: Snohomish County Planning Commission

FROM: Shanan Bird, PDS

SUBJECT: Draft Code Amendments Related to Minimum Net Density

DATE: March 7, 2025

INTRODUCTION

The purpose of this staff report is to provide information for a non-project proposal to amend Snohomish County Code (SCC) [30.23.020\(1\)](#) relating to minimum net density. The draft code amendment is proposed to change the minimum net density from 4 dwelling units per acre to 6 dwelling units per acre for residential development within urban growth areas (UGAs). The aim of this code project is to achieve consistency with language in Land Use Policy 2.A.1 of the recently adopted 2024 Snohomish County Comprehensive Plan.

PROPOSAL BACKGROUND

Snohomish County adopted the [2024 Comprehensive Plan](#) in December 2024. The Plan update included an amendment to [Land Use Policy 2.A.1](#) that changes the minimum net density from 4 dwelling units per acre to 6. Minimum net density provisions are located within SCC 30.23.020, and this code project is proposed to ensure that the code better aligns with this newly amended policy. It also supports Growth Management Act [goals 1 and 2](#):

- (1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
- (2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

As well as the Multicounty planning policy goal [MPP-RGS-6](#):

- Encourage efficient use of urban land by optimizing the development potential of existing urban lands and increasing density in the urban growth area in locations consistent with the Regional Growth Strategy.

And County wide planning policy goal [HO-4](#):

- The county and cities should implement policies that allow for the development of moderate density housing to help meet future housing needs, diversify the housing stock, and provide more

affordable home ownership and rental opportunities. This approach should include code updates to ensure that zoning designations and allowed densities, housing capacity, and other restrictions do not preclude development of moderate density housing.

Increasing the minimum net density within UGA boundaries supports these policies by increasing density within urban areas and optimizing urban land for housing and population growth. The minimum net density section of the Snohomish County Code was added in the adopted Unified Code by the County Council on December 9, 2002. This section was last updated on June 12, 2022, which clarified site specific exemptions to achieved minimum net density.

PROPOSED CODE AMENDMENTS

Table 1 outlines the proposed code amendments, as well as the findings in support of the proposed code amendments by subsection. The proposed code amendments will incorporate the amendment to Land Use Policy 2.A.1 of the 2024 Comprehensive Plan.

TABLE 1: SUMMARY OF PROPOSED CODE CHANGES AND FINDINGS	
Proposed Change	Finding
<p>30.23.020 Minimum net density for residential development in UGAs.</p> <p>(1) Except as provided in subsection (2) of this section, a minimum net density of ((four)) <u>six</u> dwelling units per acre shall be required in all UGAs for:</p> <ul style="list-style-type: none"> (a) New subdivisions, short subdivisions, PRDs, townhouse and mixed townhouse developments, and mobile home parks; and (b) New residential development in the LDMR, MR, and Townhouse zones. <p>(2) A minimum net density of 15 dwelling units per acre shall be required for new residential development in the MR, NB, PCB, CB and GC zones in the Southwest UGA where any portion of the site is within 2,000 feet of the western edge of the right-of-way of State Route 99 or within 800 feet of the eastern edge of the right-of-way of State Route 99; and the site is east of State Route 525. For sites that are one acre or less in size, the director may administratively approve a reduction in the minimum net density, provided that the applicant demonstrates one or more of the following:</p> <ul style="list-style-type: none"> (a) The site is constrained due to its unusual shape, topography, easements, or critical areas and the minimum net density cannot be achieved; (b) The required setbacks do not allow the minimum net density to be achieved; or (c) The project contains both residential and non-residential uses. <p>(3) Minimum net density is the density of development excluding roads, drainage detention/retention areas, biofiltration swales, areas required for public use, and critical areas and their required buffers pursuant to chapters 30.62A and 30.62B SCC.</p>	<p>Proposed increase of the urban minimum net density from four dwelling units per acre to six dwelling units per acre. This is in line with the newly adopted language in the Snohomish County Comprehensive Plan Land Use Element policy 2.A.1.</p> <p>This amendment to increase the minimum net density could encourage infill and redevelopment within UGAs to increase densities in areas with existing urban infrastructure.</p> <p>Data on all preliminarily approved land use proposals from 2018 through 2023, and all finalized projects from 1998 through 2017 within unincorporated Snohomish County, show that the majority of all projects had an approved minimum net density of six dwelling units per acre or higher. Between 2018 and 2023, between 66 and 93 percent of all projects had an approved minimum net density of 6 dwelling units per net acre or higher. The average approved net density for projects between 2018 and 2023 is over 11 dwelling units per net acre. This implies that this code change will not require drastic changes within new urban development, although it could help ensure that areas annexed by cities retain the capacity necessary to meet urban growth targets.</p>

(4) Minimum net density is determined by rounding up to the next whole unit or lot when a fraction of a unit or lot is 0.5 or greater.

(5) For new subdivisions and short subdivisions, the minimum lot size of the underlying zone may be reduced as necessary to allow a lot yield that meets the minimum density requirement. Each lot shall be at least 6,000 square feet, except as otherwise allowed by this title.

(6) The minimum net density requirement of this section shall not apply:

(a) In the Darrington, Index, and Gold Bar UGAs; and

(b) Where sewerage regulations, SCC 30.29.100, require a lesser density.

The following analysis provides a summary of the proposed code amendments' compliance with state law, as well as regional, countywide, and county Comprehensive Plan policies.

Compliance with State Law

The GMA planning goals adopted in RCW 36.70A.020 guide the development and adoption of comprehensive plans and development regulations. The goals are not priority-listed. In particular, the GMA goals guide the policies in the Snohomish County's GMA Comprehensive Plan (GMACP) and require consistency between the GMACP and implementing development regulations. Table 2 identifies the reasonably related GMA planning goals listed in RCW 36.70A.020 and describes how the proposed code amendments are consistent with and advance those goals.

Table 2 Compliance with GMA Planning Goals

GMA Planning Goal	Finding
GMA Goal 1 Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.	The proposed amendment encourages higher densities within urban growth boundaries where existing services and facilities exist currently to accommodate higher levels of growth
GMA Goal 2 Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.	The proposed amendment provides greater opportunities for infill development within urban areas to concentrate growth within the UGA, reducing urban sprawl outside of the UGA

Compliance with the Multi-County Planning Policies

Multi-County Planning Policies (MPPs) within Vision 2050 "provide for coordination and consistency among the metropolitan counties sharing common borders and related regional issues as required by RCW 36.70A.100, and, in order to ensure consistency, the directive policies of the MPPs need to have a binding effect." (Summit-Waller Community Association, et al, v Pierce County). Table 3 identifies the reasonably related MPPs within Vision 2050 and describes how the proposed code amendments are consistent with and advance those goals.

Table 3 Compliance with MPPs

MPP	Finding
MPP-RGS-6. Encourage efficient use of urban land by optimizing the development potential of existing urban lands and increasing density in the urban growth area in locations consistent with the Regional Growth Strategy.	The proposed amendment encourages increased housing densities within the UGA and opportunity for infill development. This ensures land is used efficiently by allowing for higher densities of housing units.

Compliance with the Countywide Planning Policies

Countywide Planning Policies (CPPs) establish a countywide framework for developing and adopting county, city, and town comprehensive plans. The role of the CPPs is to coordinate comprehensive plans of jurisdictions in the same county in regard to regional issues and issues affecting common borders (RCW 36.70A.100). Table 4 identifies the reasonably related CPPs and describes how the proposed code amendments are consistent with and advance those goals.

Table 4 Compliance with CPPs

CPP	Finding
HO-4. The county and cities should implement policies that allow for the development of moderate density housing to help meet future housing needs, diversify the housing stock, and provide more affordable home ownership and rental opportunities. This approach should include code updates to ensure that zoning designations and allowed densities, housing capacity, and other restrictions do not preclude development of moderate density housing.	The proposed amendment raises the minimum net density which allows for moderate densities in urban zones. Higher densities and varieties of housing stock help accommodate future housing needs and availability of affordable home ownership and rental opportunities.

Compliance with the Snohomish County Comprehensive Plan

The proposed code amendments will better achieve, comply with, and implement the policies identified in Table 5 contained in the County's GMACP.

Table 5 Compliance with the Comprehensive Plan

GMACP Policy	Finding
Policy 2.A.1 Maintain development regulations that will require that new residential subdivisions achieve a minimum net density of 6 dwelling units per acre in all unincorporated UGAs, except (1) in the UGAs of Darrington, Index, and Gold Bar as long as those cities do not have sanitary sewer systems and (2) in areas without sanitary sewers which the sewer purveyor with jurisdiction, or in nearest reasonable servicing proximity will certify are either an unsewered	The proposed amendment requires new subdivisions achieve a minimum net density of 6 units per acre within the UGA. This increased minimum net density for new subdivisions encourages infill and redevelopment at higher densities within underutilized lands within the UGA.

GMACP Policy	Finding
<p>urban enclave or are not capable of being connected to public sewers via annexation within the next six years or by the improvements provided pursuant to its adopted six year capital facilities plan, or (3) where a lower density is necessary because of the existence of critical areas that are large in scope, with a high rank order value, and are complex in structure and function. Lot size averaging, planned residential developments, sewerage regulations and other techniques may be used to maintain minimum density or to ensure later development at minimum densities is not inhibited when sanitary sewers become available.</p>	
<p>Policy 2.A.5 The county shall encourage urban residential infill and redevelopment in underutilized lands, centers, and other appropriate areas within UGAs</p>	

Public Participation

The GMA requires early and continuous public participation (GOAL 11). Public participation on the proposed code amendments has been provided to date through:

- A 21-day public comment period on the preliminary draft amendments from January 22, 2025 to February 12, 2025 and
- Email distributions to key parties about the comment period and updates to the code development webpage on the PDS website.

The county received a few questions from the public about what this code project meant, and one email in support of the county's efforts. No amendments to the proposed code amendments were necessary based on public comment.

Environmental Review

A State Environmental Policy Act (SEPA) Determination is required for the proposed code amendments. A SEPA Determination of Non-Significance will be accomplished in the coming months.

Notification of State Agencies

Pursuant to RCW 36.70A.106, a notice of intent to adopt the proposed regulations and standards will be transmitted to the Washington State Department of Commerce in the coming months.

Staff Recommendation:

Staff recommends approval of the proposed code amendments and findings contained in this staff report.

Action Requested

The Planning Commission is requested to hold a public hearing, consider the proposed code amendments, and provide a recommendation to the County Council. The Planning Commission can recommend approval of the amendments 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
Ryan Hembree, Legislative Analyst

Attachments

Attachment A: Draft Findings of Fact and Conclusions

Attachment A
Relating to Minimum Net Density Proposed Code Amendments
Findings of Fact and Conclusions

Section 1. Snohomish County Council adopts the following findings in support of this ordinance:

- A. The foregoing recitals are adopted as findings as if set forth in full herein.
- B. This ordinance will amend Title 30 SCC to increase the minimum net density within the UGA from 4 units per acre to 6 units per acre.
- C. In developing the code amendments, the County considered the goals of the GMA identified in RCW 36.70A.020, specifically those goals related to urban growth and reducing sprawl. The proposed regulations are reasonably related to, and necessary for, the advancement of the before mentioned GMA planning goals.
- D. The code amendments will allow Chapter 30.23.020(1) SCC to achieve, comply with, and implement the goals, objectives, and policies of the MPPs, CPPs, and GPP. In particular, the amendments will encourage growth and density within urban land.
- E. The proposed code amendments are consistent with the record:
SCC 30.23.020(1) is amended to increase the minimum net density within UGAs from 4 units per acre to 6 units per acre.
- F. The proposed code amendments are consistent with the record as set forth in the PDS Staff Report dated March 7, 2025.
- G. Procedural requirements:
 - 1. The proposal is a Type 3 legislative action under SCC 30.73.010 and 30.73.020.
 - 2. As required by RCW 30.70A.106(1), a notice of intent to adopt the proposed code amendments will be transmitted to the Washington State Department of Commerce for distribution to state agencies in the coming months.
 - 3. State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with respect to this non-project action will be satisfied through the completion of an environmental checklist and the issuance of a determination of non-significance in the coming months.
 - 4. The public participation process used in the adoption of the proposed code amendments has complied with all applicable requirements of the GMA and SCC.
 - 5. As required by RCW 30.70A.370, the Washington State Attorney General last issued an advisory memorandum in September 2018 entitled “Advisory Memorandum and Recommended Process for Evaluating Proposed Regulatory or Administrative Actions to Avoid Unconstitutional Takings of Private Property” to help local governments avoid unconstitutional takings of private property. The process outlined in the State Attorney General’s 2015 advisory memorandum was used by the County in objectively evaluating the regulatory changes in this ordinance.

Section 2. The County Council makes the following conclusions:

- A. The proposal is consistent with Washington State law and Snohomish County Code.
- B. The proposal is consistent with the GMACP and with the goals, objectives, and policies of the GPP.
- C. The County has complied with all SEPA requirements with respect to this non-project action.
- D. The regulations proposed by this ordinance do not result in an unconstitutional taking of private property for a public purpose.
- E. The County complied with the state and local public participation requirements under the GMA and chapter 30.73 SCC.

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