

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

MOTION NO. 23-540

REFERRING PROPOSED CODE AMENDMENTS TO REDUCE THE
MINIMUM LOT SIZES IN LDMR AND MR ZONNG TO
THE DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES AND
THE SNOHOMISH COUNTY PLANNING COMMISSION

WHEREAS, the County Council wishes to obtain a recommendation from the Snohomish County Planning Commission regarding proposed code amendments related to attached single family housing; and

WHEREAS, the code revisions are Type 3 legislative actions pursuant to Chapter 30.73 SCC; and

WHEREAS, SCC 30.73.040 provides that the Planning Commission shall hold a public hearing on a Type 3 proposal referred to it by the county council within 90 days or within a time specified by the County Council; and

WHEREAS, the County Council requests a prompt review of the proposed code amendments by the Planning Commission, but wishes to provide flexibility in timing in recognition of the Planning Commission's existing workload; and

WHEREAS, the subject matter experts in PDS and other county departments could offer suggestions to proposed code language and findings; and

WHEREAS, the logical time for input from county departments would be prior County Council receipt of to an approved as to form recommendation from the Planning Commission; and

NOW, THEREFORE ON MOTION, the County Council hereby refers the potential code revisions, attached as "Exhibit A", to the Department of Planning and Development Services (PDS) for action as follows:

1. Pursuant to chapters 2.08 and 30.73 SCC, the County Council refers the potential code revisions to the Director of PDS acting in the capacity of Secretary to the Snohomish County Planning Commission for its review, consideration, and a recommendation to the Council.

2. As provided in SCC 30.73.045, the County Council will be the department responsible for preparing a report summarizing the proposal for transmittal to the Planning Commission and that Council staff is hereby directed to seek and include information from county departments including PDS in the report to Planning Commission.
3. The County Council requests that a public hearing be held before the Planning Commission and a recommendation be provided to the County Council prior to May 7, 2024.


DATED this 3rd day of January, 2024.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



Council Chair

ATTEST:



Deputy Clerk of the Council

**EXHIBIT A – PROPOSED CODE REVISIONS TO
REDUCE MINIMUM LOT SIZES IN LDMR AND MR ZONING**

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ORDINANCE NO. 24-

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

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

**EXHIBIT A – PROPOSED CODE REVISIONS TO
REDUCE MINIMUM LOT SIZES IN LDMR AND MR ZONING**

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

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

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

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

WHEREAS, the Snohomish County Council held a series of panel discussions titled “Opening Doors to Home Ownership” on January 17, February 21, March 21, and April 18, 2023, and during the fourth session discussed allowing smaller lots and more lots per acre for new development as one possible part of the solution; and

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

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

WHEREAS, County Council staff briefed the Planning Commission on [REDACTED], 2024, and

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

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

**EXHIBIT A – PROPOSED CODE REVISIONS TO
REDUCE MINIMUM LOT SIZES IN LDMR AND MR ZONING**

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

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

NOW, THEREFORE, BE IT ORDAINED:

Section 1. The 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 SCC 30.23.032 to reduce the minimum lot size requirements for LDMR and MR zoning so that the minimum lot sizes in both zones match the base densities for those zones. These amendments will allow creation of subdivided lots in urban zoning where code allows those physical configurations but without subdivision.

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

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

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

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

This ordinance provides for infill development on sites urban areas, thereby increasing urban residential capacity and reducing pressure to convert rural lands to housing. It provides for smaller lots in multifamily zones, allowing

**EXHIBIT A – PROPOSED CODE REVISIONS TO
REDUCE MINIMUM LOT SIZES IN LDMR AND MR ZONING**

subdivision of units in those zones. This may also increase financing options available to developers and thereby help increase overall housing production.

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

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

3. RCW 36.70A.070(4) – GMA implementation. GMA requires counties to adopt policies and development regulations to implement changes in GMA within four years of enactment. The changes proposed by this ordinance do not require any policy changes (see below) but revised definitions for consistency with ESSB 1220 (planning for and accommodating housing for all economic segments).

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

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

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

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

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

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

**EXHIBIT A – PROPOSED CODE REVISIONS TO
REDUCE MINIMUM LOT SIZES IN LDMR AND MR ZONING**

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

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

1. Goal LU 1 – Establish and maintain compact, clearly defined, well designed UGAs.

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

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

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

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

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

**EXHIBIT A – PROPOSED CODE REVISIONS TO
REDUCE MINIMUM LOT SIZES IN LDMR AND MR ZONING**

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

I. Procedural requirements.

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

**EXHIBIT A – PROPOSED CODE REVISIONS TO
REDUCE MINIMUM LOT SIZES IN LDMR AND MR ZONING**

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 30.23.032, last amended by Amended Ordinance 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%

**EXHIBIT A – PROPOSED CODE REVISIONS TO
REDUCE MINIMUM LOT SIZES IN LDMR AND MR ZONING**

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		
R-7,200 (buildings ≤ 30 feet high)	7,200 ^{23, 65}	60	35	10	5	5	5				35%	
					10	10	10					
R-7,200 (buildings > 30 feet high) ⁶⁷												
T (buildings ≤ 20 feet)	See SCC 30.31E.050		35	10	10	5		25	See SCC 30.31E.050			
				15	20	10						

**EXHIBIT A – PROPOSED CODE REVISIONS TO
REDUCE MINIMUM LOT SIZES IN LDMR AND MR ZONING**

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		
high) ⁵⁹												
T (buildings > 20 feet high) ⁵⁹												
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

**EXHIBIT A – PROPOSED CODE REVISIONS TO
REDUCE MINIMUM LOT SIZES IN LDMR AND MR ZONING**

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		
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 ≤		60 ⁹	45 ¹⁴	10	10	5	25					50% ^{9, 66}

**EXHIBIT A – PROPOSED CODE REVISIONS TO
REDUCE MINIMUM LOT SIZES IN LDMR AND MR ZONING**

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		
20 feet high) 5, 15, 59, 61, 62												
MR (buildings 20 - 30 feet high) 5, 15, 59, 61, 62		((7,200)) <u>2,000</u> ^{5, 9, 65}			10	20	10					
MR (buildings > 30 feet high)					15	25 ⁶⁰	15					

**EXHIBIT A – PROPOSED CODE REVISIONS TO
REDUCE MINIMUM LOT SIZES IN LDMR AND MR ZONING**

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		
5, 15, 59, 61, 62												
MHP	⁵⁵	None	25	See SCC 30.42E.100(5)(a)				50%				

See SCC 30.23.040

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

PASSED this ____ day of ____, 2024.

**EXHIBIT A – PROPOSED CODE REVISIONS TO
REDUCE MINIMUM LOT SIZES IN LDMR AND MR ZONING**

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Council Chair

ATTEST:

Clerk of the Council

- () APPROVED
- () EMERGENCY
- () VETOED

DATE: _____

County Executive

ATTEST:

Approved as to form only:
