

1 ADOPTED: [REDACTED]
2 EFFECTIVE: [REDACTED]

3 SNOHOMISH COUNTY COUNCIL
4 Snohomish County, Washington

5
6 **December 5, 2023, Discussion Draft** ORDINANCE NO. 24-[REDACTED]

7
8 RELATING TO GROWTH MANAGEMENT;
9 REDUCING MINIMUM LOT SIZE REQUIREMENTS IN THE LDMR AND MR ZONES;
10 AMENDING SECTION 30.23.032 OF THE SNOHOMISH COUNTY CODE

11
12 WHEREAS, the Growth Management Act (GMA), chapter 36.70A RCW,
13 establishes planning goals to guide development and adoption of comprehensive plans
14 and development regulations for those counties and cities planning under the GMA,
15 including Goal 4 related to housing (RCW 36.70A.020(4)); and

16
17 WHEREAS, the Washington State Legislature substantially amended the GMA
18 housing goal by passing Engrossed Second Substitute House Bill 1220, effective July
19 25, 2021, and which among other changes strengthened the goal from “Encourage the
20 availability of affordable housing to all economic segments of the population” to “Plan for
21 and accommodate housing affordable to all economic segments of the population”; and

22
23 Whereas, in 2023, the Legislature passed Engrossed Second Substitute House
24 Bill 1110 (ESSB 1110), effective July 23, 2023, which, among other things, included a
25 finding that states

26
27 Washington is facing an unprecedented housing crisis for its current
28 population and a lack of housing choices, and is not likely to meet the
29 affordability goals for future populations [...] innovative housing policies
30 will need to be adopted.

31
32 WHEREAS, prior to these legislative changes, the Housing Affordability
33 Taskforce (HART) published a report and five-year action plan in January 2020 for
34 Snohomish County; and

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

39
40 WHEREAS, the GMA requires Snohomish County (the “County”) to adopt a
41 comprehensive plan and implementing codes and regulations related to land use and
42 development within the County’s jurisdiction that are consistent with the comprehensive
43 plan; and

44
DRAFT ORDINANCE NO. 24-[REDACTED]

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

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

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

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

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

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

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

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

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

37 WHEREAS, County Council staff briefed the Planning Commission on [REDACTED]
38 [REDACTED], 2024, and
39

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

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

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

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

16 NOW, THEREFORE, BE IT ORDAINED:
17

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

21 A. The foregoing recitals are adopted as findings as if set forth in full herein.
22

23 B. This ordinance will amend SCC 30.23.032 to reduce the minimum lot size
24 requirements for LDMR and MR zoning so that the minimum lot sizes in both zones
25 match the base densities for those zones. These amendments will allow creation of
26 subdivided lots in urban zoning where code allows those physical configurations but
27 without subdivision.
28

29 C. In considering the proposed amendments, the county evaluated factors including the
30 need to meet GMA mandates to provide housing for all economic segments of the
31 population.
32

- 33 1. Snohomish County is facing an affordable housing crisis and housing stock
34 shortage. The purpose of the proposed amendments is to provide additional
35 means to diversify the County’s urban housing stock.
36
- 37 2. The housing authorized by this ordinance would be generally attainable to middle
38 income households for whom increasing multifamily densities does not generally
39 assist and where opportunities to expand the Urban Growth Area to provide
40 ownership opportunities are limited.

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

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

7
8 This ordinance provides for infill development on sites urban areas, thereby
9 increasing urban residential capacity and reducing pressure to convert rural
10 lands to housing. It provides for smaller lots in multifamily zones, allowing
11 subdivision of units in those zones. This may also increase financing options
12 available to developers and thereby help increase overall housing production.
13

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

17
18 Subdivision of homes on small lots will help diversify the housing stock and
19 promote ownership housing affordable to middle income households.
20

- 21 3. RCW 36.70A.070(4) – GMA implementation. GMA requires counties to adopt
22 policies and development regulations to implement changes in GMA within four
23 years of enactment. The changes proposed by this ordinance do not require any
24 policy changes (see below) but revised definitions for consistency with ESSB
25 1220 (planning for and accommodating housing for all economic segments).
26

27 E. The proposed amendments will better achieve, comply with, and implement the goals
28 and policies of the Puget Sound Regional Council's Multicounty Planning Policies
29 (MPPs), including the following goals and policies:
30

- 31 1. MPP Housing Goal – The region will preserve, improve, and expand its housing
32 stock to provide a range of affordable, healthy, and safe housing choices to every
33 resident. The region will continue to promote fair and equal access to housing for
34 all people.
35

36 The proposed amendments will help to expand and improve the diversity of the
37 housing stock by reducing regulatory barriers on the construction of housing on
38 small lots.
39

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

3
4 MPP-H-2 – Achieve and sustain — through preservation, rehabilitation, and new
5 development — a sufficient supply of housing to meet the needs of low-income,
6 moderate-income, middle-income, and special needs individuals and households
7 that is equitably and rationally distributed throughout the region.

8
9 The proposed amendments will support MPP-H-1 and MPP-H-2 by allowing for
10 the construction of homes on smaller subdivided lots that will be generally
11 affordable to middle-income households. These amendments do not inhibit
12 development of other types of necessary housing.

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

22
23 G. In considering the proposed amendments, the county considered the goals,
24 objectives, and policies of the Snohomish County GMA Comprehensive Plan (GMACP)
25 – General Policy Plan (GPP). The proposed amendments will work to support,
26 implement, and balance the following goals, objectives, and policies in the GPP:

27
28 1. Goal LU 1 – Establish and maintain compact, clearly defined, well designed
29 UGAs.

30
31 Objective LU 1.A – Establish UGAs with sufficient capacity to accommodate the
32 majority of the county’s projected population, employment, and housing growth
33 over the next 20 years.

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

1
2 The amendments proposed by this ordinance would reduce regulatory barriers
3 on the construction of housing in urban areas. This is a reasonable measure that
4 increases residential capacity in UGAs thereby helping accommodate growth and
5 the maintenance of compact UGAs.

- 6
7 2. Objective HO 1.B – Ensure that a broad range of housing types and affordability
8 levels is available in urban and rural areas.

9
10 The proposed amendments reduce regulatory barriers on the development of
11 housing in urban areas, supporting the development of a broad range of housing
12 types and affordability. The development housing on smaller lots will provide
13 different housing types and affordability levels in areas with a lack of affordability.

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

21
22 I. Procedural requirements.

- 23
24 1. State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with
25 respect to this non-project action have been satisfied through the completion of
26 an environmental checklist and the issuance on [REDACTED], 2024 of a
27 Determination of Non-Significance (DNS) for this non-project proposal to Amend
28 Title 30 Snohomish County Code (SCC).
29
30 2. The proposal is a Type 3 legislative action pursuant to SCC 30.73.010.
31
32 3. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance was
33 transmitted to the Washington State Department of Commerce for distribution to
34 state agencies on [REDACTED], 2024, and assigned material number [REDACTED].
35
36 4. The public participation process used in the adoption of this ordinance complies
37 with all applicable requirements of the GMA and the SCC.
38
39 5. The Washington State Attorney General last issued an advisory memorandum,
40 as required by RCW 36.70A.370, in September of 2018 entitled “Advisory

1 Memorandum: Avoiding Unconstitutional Takings of Private Property” to help
2 local governments avoid the unconstitutional taking of private property. The
3 process outlined in the State Attorney General’s 2018 advisory memorandum
4 was used by the County in objectively evaluating the regulatory changes
5 proposed by this ordinance.
6

7 Section 2. The County Council makes the following conclusions:
8

- 9 1. The proposed amendments are consistent with the goals, policies, and objectives
10 of the MPPs, CPPs, and GPPs.
11
- 12 2. The proposed amendments are consistent with applicable federal, state, and
13 local laws and regulations.
14
- 15 3. The County has complied with all SEPA requirements with respect to this non-
16 project action.
17
- 18 4. The regulations proposed by this ordinance do not result in an unconstitutional
19 taking of private property for a public purpose.
20

21 **Section 3.** The County Council bases its findings and conclusions on the entire
22 legislative record, including all testimony and exhibits. Any finding which should be
23 deemed a conclusion, and any conclusion that should be a finding, is hereby adopted
24 as such.
25

26
27 **Section 4.** Snohomish County Code 30.23.032, last amended by Amended Ordinance
28 23-033 on June 7, 2023, is amended to read:
29

30 **30.23.032 Urban Residential Zone categories – bulk matrix**
31

32 **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				35%	
	R-8,400	8,400 ²³	65	30	10	5	5	5				35%	
	R-7,200 (buildings ≤ 30 feet high)	7,200 ^{23, 65}	60	35	10	5	5	5	See SCC 30.32B.130	See SCC 30.32A.110	See chapters 30.51A and 30.62B SCC	35%	
	R-7,200 (buildings > 30 feet high) ⁶⁷					10	10	10					
T (buildings)			35	10	10	5	25	See SCC					

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					Commercial and Industrial Zones	R-9,600, R-8,400, and R-7,200 Zones	Other Urban Residential Zones	Rural Zones	Agriculture	Forest		
	Buildings ≤ 20 feet high) ⁵⁹	See SCC 30.31E.050			15	20	10		30.31E.050			
	T (buildings > 20 feet high) ⁵⁹											
	LDMR (buildings ≤ 20 feet high) ^{15, 59, 61, 62}	((7,200)4,000) ^{4, 65}	60	45	10	10	5	25				50% ⁶⁶
	LDMR (buildings 20 - 30 feet)				10	20	10					

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					Commercial and Industrial Zones	R-9,600, R-8,400, and R-7,200 Zones	Other Urban Residential Zones	Rural Zones	Agriculture	Forest		
high) ^{15, 59, 61, 62}												
LDMR (buildings > 30 feet high) ^{15, 59, 61, 62}				15	25	15						
MR (buildings ≤ 20 feet high) ^{5, 15, 59, 61, 62}	((7,200)) <u>2,000</u> ^{5, 9, 65}	60 ⁹	45 ¹⁴	10	10	5		25				50% ^{9, 66}
MR (buildings 20 - 30 feet)				10	20	10						

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					Commercial and Industrial Zones	R-9,600, R-8,400, and R-7,200 Zones	Other Urban Residential Zones	Rural Zones	Agriculture	Forest		
	high) ^{5, 15, 59, 61, 62}											
	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

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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

1 the effective date of this ordinance shall be in full force and effect for that individual
2 section, sentence, clause or phrase as if this ordinance had never been adopted.

3
4 PASSED this ____ day of ____, 2024.

6 SNOHOMISH COUNTY COUNCIL
7 Snohomish County, Washington

9 _____
10 Council Chair

11 ATTEST:

12 _____
13
14 Clerk of the Council

- 15
- 16 () APPROVED
- 17 () EMERGENCY
- 18 () VETOED

19
20
21
22 DATE: _____

23 _____
24 County Executive

25 ATTEST:

26 _____

27
28
29 Approved as to form only:

30 _____
31
32 Deputy Prosecuting Attorney