

1 ADOPTED: August 14, 2024
2 EFFECTIVE: August 26, 2024

3 SNOHOMISH COUNTY COUNCIL
4 Snohomish County, Washington

5
6 ORDINANCE NO. 24-058
7

8 RELATING TO GROWTH MANAGEMENT; REVISING PROVISIONS FOR LOT SIZE
9 AVERAGING; AMENDING SECTIONS 30.23.210, 30.41A.240 AND 30.41B.200 OF
10 AND ADDING A NEW SECTION 30.23.215 TO 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 “variety ... in single
37 family zones [to facilitate] increased supply of housing – as well as reduce per unit
38 costs”; 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

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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 Snohomish County Council held a series of panel discussions
7 titled "Opening Doors to Home Ownership" on January 17, February 21, March 21, and
8 April 18, 2023, and during the fourth session discussed allowing smaller lots and more
9 flexibility for the design of new development as one possible part of the solution to the
10 problem of housing availability and affordability; and
11

12 WHEREAS, adjusting lot size averaging could provide more of the housing
13 variety identified in the Hart report, provide more of the smaller lots discussed during the
14 panel discussions, and increase ownership options by making subdivision possible; and
15

16 WHEREAS, inclusion of surface detention/retention facilities in lot size averaging
17 calculations provides more flexibility for subdivision design and promotes affordable
18 housing; and
19

20 WHEREAS, the County Council concurs with the findings of the Legislature that
21 Snohomish County is experiencing a housing affordability crisis and that code
22 amendments to allow more flexibility regarding urban lot width can be part of the
23 solution; and
24

25 WHEREAS, County Council staff briefed the Planning Commission on January
26 23, 2024, and
27

28 WHEREAS, on February 27, 2024, the Planning Commission held a public
29 hearing to receive public testimony concerning the code amendments contained in this
30 ordinance; and
31

32 WHEREAS, at the conclusion of the Planning Commission's public hearing, the
33 Planning Commission recommended adoption of the code amendments contained in
34 this ordinance; and
35

36 WHEREAS, on August 14, 2024, the County Council held a public hearing after
37 proper notice, and considered public comment and the entire record related to the code
38 amendments contained in this ordinance; and
39

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

3
4 NOW, THEREFORE, BE IT ORDAINED:

5
6 **Section 1.** The County Council adopts the following findings in support of this
7 ordinance:

- 8
- 9 A. The foregoing recitals are adopted as findings as if set forth in full herein.
- 10
- 11 B. This ordinance will amend requirements related to lot size averaging. These
12 amendments will allow greater flexibility to subdivide lots in urban zones and
13 eliminate provisions for lot size averaging in zones that do not conform to the
14 comprehensive plan.
- 15
- 16 C. In considering the proposed amendments, the county evaluated factors including the
17 need to meet GMA mandates to provide housing for all economic segments of the
18 population.
- 19
- 20 1. Snohomish County is facing an affordable housing crisis and housing stock
21 shortage. The purpose of the proposed amendments is to provide additional
22 means to diversify the County’s urban housing stock.
- 23
- 24 2. The housing authorized by this ordinance would be generally attainable to middle
25 income households interested in owning a single family home and where
26 opportunities to expand the Urban Growth Area to provide ownership
27 opportunities are limited.
- 28
- 29 D. In considering the proposed amendments, the County considered the goals and
30 standards of the GMA. The proposed amendments are consistent with:
- 31
- 32 1. GMA Goal 2 – Reduce sprawl. Reduce the inappropriate conversion of
33 undeveloped land into sprawling, low-density development.

34
35 This ordinance provides for infill development on sites in urban areas, thereby
36 increasing urban residential capacity and reducing pressure to convert rural
37 lands to housing. It provides for more flexibility in lot design, allowing for more
38 efficient use of sites with urban zoning.

39

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

4
5 Subdivision of homes on small lots will help diversify the housing stock and
6 promote housing ownership that is affordable to middle income households.

7
8 E. The proposed amendments will better achieve, comply with, and implement the
9 goals and policies of the Puget Sound Regional Council’s Multicounty Planning
10 Policies (MPPs), including the following goals and policies:

11
12 1. MPP Housing Goal – The region will preserve, improve, and expand its housing
13 stock to provide a range of affordable, healthy, and safe housing choices to every
14 resident. The region will continue to promote fair and equal access to housing for
15 all people.

16
17 The proposed amendments will help to expand and improve the diversity of the
18 housing stock by reducing regulatory barriers to the construction of housing on
19 small lots.

20
21 2. MPP-H-1 – Provide a range of housing types and choices to meet the housing
22 needs of all income levels and demographic groups within the region.

23
24 MPP-H-2 – Achieve and sustain — through preservation, rehabilitation, and new
25 development — a sufficient supply of housing to meet the needs of low-income,
26 moderate-income, middle-income, and special needs individuals and households
27 that is equitably and rationally distributed throughout the region.

28
29 The proposed amendments will support MPP-H-1 and MPP-H-2 by allowing for
30 the construction of homes on smaller subdivided lots that will be generally
31 affordable to middle-income households. These amendments do not inhibit
32 development of other types of necessary housing.

33
34 F. The proposed amendments will better achieve, comply with, and implement the
35 Housing Goal of the Countywide Planning Policies (CPPs), which provides:
36 “Snohomish County and its cities will promote an affordable lifestyle where residents
37 have access to safe, affordable, and diverse housing options near their jobs and
38 transportation options.” The proposed amendments will support the housing goal in
39 the CPPs by reducing the regulatory barriers to the construction of single-family

1 dwellings on smaller lots. These changes will help to diversify the housing options in
2 urban areas that are close to employment and transportation options.

3
4 G. In considering the proposed amendments, the county considered the goals,
5 objectives, and policies of the Snohomish County GMA Comprehensive Plan
6 (GMACP) – General Policy Plan (GPP). The proposed amendments will work to
7 support, implement, and balance the following goals, objectives, and policies in the
8 GPP:

9
10 1. Goal LU 1 – Establish and maintain compact, clearly defined, well designed
11 UGAs.

12
13 Objective LU 1.A – Establish UGAs with sufficient capacity to accommodate the
14 majority of the county’s projected population, employment, and housing growth
15 over the next 20 years.

16
17 Policy LU 1.A.9 – Ensure the efficient use of urban land by adopting reasonable
18 measures to increase residential, commercial and industrial capacity within urban
19 growth areas prior to expanding urban growth boundaries. The County Council
20 will use the list of reasonable measures in accordance with the guidelines for
21 review contained in Appendix D of the Countywide Planning Policies to evaluate
22 all UGA boundary expansions.

23
24 The amendments proposed by this ordinance would reduce regulatory barriers
25 on the construction of housing in urban areas. This is a reasonable measure that
26 increases residential capacity in UGAs thereby helping accommodate growth and
27 the maintenance of compact UGAs.

28
29 2. Objective HO 1.B – Ensure that a broad range of housing types and affordability
30 levels is available in urban and rural areas.

31
32 In urban areas, the proposed amendments reduce regulatory barriers on the
33 development of housing, supporting the development of a broad range of
34 housing types and affordability. The development of housing on smaller lots will
35 provide different housing types and affordability levels in areas with a lack of
36 affordability. The current minimum lot width of 40 feet for urban lots created
37 under lot size averaging provisions results in larger than necessary lot sizes. The
38 proposed new minimum lot width of 34 feet would accommodate a front
39 entrance, two-car garage, and required 5-foot side yard setbacks. The result
40 would be a similar physical building layout as other development options allow.

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1 One such development option is Single Family Detached Unit (SFDU)
2 development, which creates detached condominiums with comparable building
3 dimensions and separation. (SFDUs create condominiums rather than lots, so
4 the comparison is how the buildings relate to one-another and not to ownership
5 or lot boundaries.) A second development option with similar building and lot
6 layouts are Planned Residential Developments (PRDs). SCC 30.42B.145
7 provides that PRDs do not have a minimum lot width for single family and duplex
8 development. In practice, PRDs often provide lots that are 34-feet wide for single
9 family homes to meet the practical dimensional requirements described above. In
10 short, the proposed reduction in lot widths for lots created by lot size averaging
11 will increase the range of housing types and affordability levels in urban areas.
12

13 For rural zones, the proposal to move provisions for lot size to become a stand-
14 alone section is a formatting change only. It does not affect development
15 potential in rural areas. It would however make interpreting code requirements
16 easier. (See related discussion of Policy ED 2.A.1 in Finding G.4.)
17

- 18 3. Future Land Use Map. Under the heading Future Land Use Map (FLUM) the
19 GPP discusses implementing zones and land use designations shown on the
20 FLUM. This section provides the policy direction for which zones are conforming
21 to the comprehensive plan designations.
22

- 23 a. The sole place where the GPP discusses R-12,500 and R-20,000 zoning
24 is in their application in the Darrington and Gold Bar UGAs due to an
25 absence of sanitary sewer.
26

27 The proposed amendments remove the possible use of lot size averaging
28 in the R-12,500 and R-20,000 zones to help to implement the FLUM and
29 to reduce situations with non-conforming lots. Most of the locations where
30 R-12,500 and R-20,000 appear on the zoning map are not in the
31 Darrington or Gold Bar UGAs. Rather, these zones occur more often on
32 the zoning map as non-conforming to applicable future land use map
33 designations. Since septic system requirements include a minimum lot
34 size of 12,500 square feet, it is not feasible to use lot size averaging in the
35 R-12,500 zone. Eliminating provisions to use lot size averaging in R-
36 12,500 zoning helps to clarify development options by eliminating a
37 hypothetical allowance that does not work. Development has already
38 happened on most of the sites with R-20,000 zoning. Eliminating the
39 option for using lot size averaging on the remaining R-20,000 sites

1 reduces the possibility of creating more parcels that do not conform to the
2 applicable comprehensive plan designations.

- 3
4 b. When discussing the Urban High Density Residential (UHDR) plan
5 designation, the GPP says that this “designation allows high density
6 residential land uses such as townhouses and apartments generally near
7 other high intensity land uses.” UHDR is the only plan designation
8 implemented by MR zoning.

9
10 The purpose of MR zoning provided in SCC 30.21.025(1)(b)(iii) states that
11 the “intent and function of the Multiple Residential zone is to provide for
12 high-density development, including townhouses and multifamily
13 structures generally near other high-intensity land uses.”

14
15 The proposed amendments would no longer allow lot size averaging in
16 MR zoning. This is because lot size averaging is a technique to develop
17 single family homes, and these are not a policy goal for the UHDR plan
18 designation or part of the purpose of MR zoning. Further development of
19 single-family housing in MR zoning may be contrary to the policy direction
20 in the GPP for UHDR and the codified purpose of the zone.

- 21
22 4. Policy ED 2.A.1 – Snohomish County shall work to ensure that the Snohomish
23 County Code is an understandable, accessible, and user friendly document.

24
25 The proposed amendments would separate lot size averaging requirements in
26 SCC 30.23.210 into two code sections for urban zones and for rural zones. This
27 makes the requirements easier to understand and use. When Amended
28 Ordinance 02-064 first enacted SCC 30.23.210 in 2002, it contained 183 words.
29 Now there are 779 words in the current version of SCC 30.23.210 (as modified
30 by Amended Ordinance 22-062 in 2022). This proposal would keep the urban
31 zoning provisions in SCC 30.23.210 and reduce the word count to 264. The
32 proposal would move the lot size averaging provisions for rural zones to a new
33 section SCC 30.23.215 which would have 211 words. This organizational change
34 will help applicants determine which standards apply based on the applicable
35 zoning.

- 36
37 5. Objective LU 2.A – Increase residential densities within UGAs by concentrating
38 and intensifying development in appropriate locations....

39
40 The proposed amendments would increase residential densities in two ways.

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1
2 First, as described in finding G.2, the proposed reduction to lot width would allow
3 for higher net densities on some sites. Net density is the density on the
4 developable portion of a site. Narrower lots would allow more lots on sites where
5 the amount of constrained area does not physically allow the maximum potential
6 development allowed by gross density (which is the density across the entire
7 site).

8
9 Second, the proposed amendments would allow inclusion of surface detention/
10 retention facilities in calculations of gross density. This change would slightly
11 increase the allowed gross residential density in UGAs.

- 12
13 6. Policy NE 3.A.3 – The county shall evaluate immediate and cumulative effects on
14 the natural environment, critical areas, shorelines and buildable land inventory
15 when formulating development regulations, including but not limited to,
16 stormwater management, clearing, and grading.

17
18 Policy NE 3.A.5 – The county shall design development regulations to avoid or
19 minimize impacts to the ecological functions and values of critical areas.

20
21 The proposed amendments would discontinue potential application of lot size
22 averaging to sites with Waterfront Beach (WFB) zoning. The purpose of WFB
23 zoning is in SCC 30.21.025(4) which describes it as no longer a primary
24 implementing zone but one that protects natural features and critical areas. All
25 sites with WFB zoning have frontage on Lake Stickney, Martha Lake, or Puget
26 Sound. These areas are at least partially subject to Shoreline Management Act
27 protections. Nearly all properties with WFB zoning have existing development
28 with homes on relatively narrow but long lots. Although many are large enough to
29 meet the minimum lot size for subdivision, most of these lots are too narrow to
30 subdivide under current provisions. The proposed amendments include a
31 reduction to the required lot width for development using lot size averaging.
32 Allowing a 34-foot minimum lot width rather than the current 40-foot minimum to
33 sites with WFB zoning could potentially increase the buildable land inventory of
34 WFB-zoned sites by making some of the existing lots subdividable. Individually
35 such sites would still be subject to critical areas protections, including for
36 shorelines. However, there has been no study of the cumulative effects called for
37 in Policy NE 3.A.3. Therefore, the proposed amendments would exclude the
38 continued use of lot size averaging in WFB zoning to avoid potential impacts
39 consistent with Policy NE 3.A.5 and the purpose of the zone in SCC
40 30.21.025(4).

1
2 H. The proposed amendments implement action Item 1.A.4 in the HART report. Action
3 Item 1.A.4 provides: “Facilitate more efficient deal assembly and development
4 timelines / promote cost effectiveness through consolidation, coordination, and
5 simplification.” By allowing subdivision for housing on smaller lots, the proposed
6 amendments will facilitate more deal assembly and development site consolidation
7 by making more financing options available to the developer.
8

9 I. Procedural requirements.

- 10
11 1. State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with
12 respect to this non-project action have been satisfied through the completion of
13 an environmental checklist and the issuance on February 6, 2024, of a
14 Determination of Non-Significance (DNS) for this non-project proposal to Amend
15 Title 30 Snohomish County Code (SCC).
16
17 2. The proposal is a Type 3 legislative action pursuant to SCC 30.73.010.
18
19 3. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance was
20 transmitted to the Washington State Department of Commerce for distribution to
21 state agencies on February 6, 2024, and assigned material number 2024-S-
22 6856.
23
24 4. The public participation process used in the adoption of this ordinance complies
25 with all applicable requirements of the GMA and the SCC.
26
27 5. The Washington State Attorney General last issued an advisory memorandum,
28 as required by RCW 36.70A.370, in September of 2018 entitled “Advisory
29 Memorandum: Avoiding Unconstitutional Takings of Private Property” to help
30 local governments avoid the unconstitutional taking of private property. The
31 process outlined in the State Attorney General’s 2018 advisory memorandum
32 was used by the County in objectively evaluating the regulatory changes
33 proposed by this ordinance.
34

35 **Section 2.** The County Council makes the following conclusions:

36
37 A. The proposed amendments are consistent with the goals, policies, and objectives of
38 the MPPs, CPPs, and GPPs.
39

1 B. The proposed amendments are consistent with applicable federal, state, and local
2 laws and regulations.

3
4 C. The County has complied with all SEPA requirements with respect to this non-
5 project action.

6
7 D. The regulations proposed by this ordinance do not result in an unconstitutional
8 taking of private property for a public purpose.

9
10 **Section 3.** The County Council bases its findings and conclusions on the entire
11 legislative record, including all testimony and exhibits. Any finding which should be
12 deemed a conclusion, and any conclusion that should be a finding, is hereby adopted
13 as such.

14
15 **Section 4.** Snohomish County Code Section 30.23.210, last amended by
16 Amended Ordinance No. 22-062 on October 6, 2022, is amended to read:

17
18 **30.23.210 Lot size averaging – urban zones.**

19 In R-9,600, R-8,400, R-7,200, and LDMR zones, a subdivision or short subdivision may
20 meet the minimum lot area requirement by calculating average lot size under this
21 section.

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

24 ~~(2) This section shall only apply to:~~

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

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

29 ~~(3) Average lot size shall be computed as follows within zones having a minimum lot~~
30 ~~area requirement of 12,500 square feet or less:~~

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

32 ~~(i) Area in lots;~~

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

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

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

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

38 ~~(vi) Surface detention/retention facilities meeting the standards of subsection~~
39 ~~(7) of this section;~~

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1 ~~(b) Subtract the total lot area from lots that contain existing dwelling units~~
2 ~~proposed to be retained within the development from the total of subsection (3)(a) of~~
3 ~~this section;~~

4 ~~(c) Divide the lot area calculated in subsection (3)(b) of this section by the total~~
5 ~~number of lots containing new dwelling units.~~

6 ~~(4) Average lot size shall be computed as follows within zones having a minimum lot~~
7 ~~area requirement greater than 12,500 square feet but not larger than five acres:~~

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

9 ~~(i) Area in lots;~~

10 ~~(ii) Critical areas and their buffers that must be permanently protected under~~
11 ~~chapter 30.62A SCC;~~

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

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

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

15 ~~(vi) Surface detention/retention facilities meeting the standards of subsection~~
16 ~~(7) of this section;~~

17 ~~(b) Subtract the total lot area from lots that contain existing dwelling units~~
18 ~~proposed to be retained within the development from the total of subsection (4)(a) of~~
19 ~~this section;~~

20 ~~(c) Divide the lot area calculated in subsection (4)(b) of this section by the total~~
21 ~~number of lots containing new dwelling units.))~~

22 (1) Divide the site area in square feet by the total number of lots containing new
23 dwelling units (lots for existing dwelling units as defined in SCC 30.91D.535 are
24 exempt).

25 ~~((5))~~(2) ~~If the average lot size as computed under ((either)) subsection ((3) or (4)~~
26 ~~of this section))~~(1) ~~equals or exceeds the minimum lot area requirement of the zone in~~
27 ~~which the property is located, then the minimum lot area requirement will be satisfied for~~
28 ~~the purposes of lot size averaging.~~

29 ~~((6))~~(3) ~~In no case shall the provisions under SCC 30.23.230(3) apply to this~~
30 ~~section.~~

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

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

34 ~~(b) The facility is either:~~

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

36 ~~(ii) Provides active or passive recreational benefits in a natural landscaped~~
37 ~~setting.~~

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

40 (4) The following additional criteria apply:

- 1 (a) Each single lot shall be at least 3,000 square feet in area;
- 2 (b) Lots in subdivisions and short subdivisions created under the provisions of
- 3 this section shall have a maximum lot coverage of 55 percent;
- 4 (c) Lots with less than the prescribed minimum lot area requirement for the zone
- 5 in which they are located shall have:
- 6 (i) A minimum lot width of at least ~~((40))~~ 34 feet; and
- 7 (ii) Setbacks of 15 feet from right-of-way and private roads, except that
- 8 garages must be set back 18 feet from right-of-way (with the exception of alleys) or
- 9 private roads and corner lots may reduce one right-of-way setback to no less than 10
- 10 feet; and
- 11 (d) Preliminary subdivisions approved using lot size averaging shall not be
- 12 recorded by divisions unless such divisions individually or together as cumulative,
- 13 contiguous parcels satisfy the requirements of this section.
- 14 ~~((9) For 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, the following~~
- 16 ~~additional criteria apply:~~
- 17 ~~(a) Each single lot shall be at least 12,500 square feet in area or the minimum~~
- 18 ~~area necessary to comply with the county health department rules and regulations for~~
- 19 ~~on-site sewage disposal and potable water supply, whichever is greater;~~
- 20 ~~(b) Lots in short subdivisions created under the provisions of this section shall~~
- 21 ~~have a maximum lot coverage of 35 percent; and~~
- 22 ~~(c) Lots with less than the prescribed minimum lot area requirement for the zone~~
- 23 ~~in which they are located shall have:~~
- 24 ~~(i) A minimum lot width of at least 75 feet; and~~
- 25 ~~(ii) Setbacks of 50 feet from right-of-way and private roads, except that~~
- 26 ~~corner lots may reduce one right-of-way or private road setback to no less than 20~~
- 27 ~~feet.))~~

28

29 **Section 5.** A new section is added to Snohomish County Code Chapter 30.23 to

30 read:

31

32 **SCC 30.23.215 Lot size averaging – F&R, R-5, and RD zoning.**

33 In F&R, R-5, and RD zones, a short subdivision may meet the minimum lot area

34 requirement by calculating average lot size under this section.

35 (1) Divide the site area in square feet by the total number of lots.

36 (2) If the average lot size as computed under subsection (1) of this section equals

37 or exceeds the minimum lot area requirement of the zone in which the property is

38 located, then the minimum lot area requirement will be satisfied for the purposes of lot

39 size averaging.

40 (3) In no case shall the provisions under SCC 30.23.230(3) apply to this section.

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1 (4) The following additional criteria apply:

2 (a) Each single lot shall be at least 12,500 square feet in area or the minimum
3 area necessary to comply with the county health department rules and regulations for
4 on-site sewage disposal and potable water supply, whichever is greater;

5 (b) Lots with less than the prescribed minimum lot area requirement for the
6 zone in which they are located shall have:

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

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

10
11 **Section 6.** Snohomish County Code Section 30.41A.240, added by Amended
12 Ordinance No. 02-064 on December 9, 2002, is amended to read:

13
14 **30.41A.240 Design standards – ~~((lot size averaging.))~~ other reductions to
15 minimum lot area.**

16
17 The minimum lot size within a residential subdivision may be reduced below the size
18 required by zoning pursuant to SCC 30.23.210, SCC 30.23.215, ~~((Minimum lot size~~
19 ~~may also be reduced pursuant to))~~ chapter 30.42B SCC, and chapter 30.41C SCC.

20
21 **Section 7.** Snohomish County Code Section 30.41B.200, last amended by
22 Amended Ordinance No. 17-070 on November 1, 2017, is amended to read:

23
24 **30.41B.200 Design standards.**

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

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

32 (2) Each new lot shall have an accessible area suitable for construction pursuant to
33 SCC 30.41A.235;

34 (3) Short subdivisions located in special flood hazard areas shall comply with the
35 provisions of SCC 30.65.110(3);

36 (4) Roads and access shall be provided in accordance with the requirements in
37 chapter 30.24 SCC;

38 (5) All short subdivisions shall meet the applicable tree retention and landscaping
39 requirements of chapter 30.25 SCC; and

1 (6) All short subdivisions shall comply with the provisions of chapter 30.63A SCC,
2 including the requirement to use low impact development best management practices
3 as directed by the Drainage Manual.
4

5 **Section 8. Severability and Savings.** If any section, sentence, clause or phrase
6 of this ordinance shall be held to be invalid by the Growth Management Hearings Board
7 (Board), or unconstitutional by a court of competent jurisdiction, such invalidity or
8 unconstitutionality shall not affect the validity or constitutionality of any other section,
9 sentence, clause or phrase of this ordinance. Provided, however, that if any section,
10 sentence, clause or phrase of this ordinance is held to be invalid by the Board or court
11 of competent jurisdiction, then the section, sentence, clause or phrase in effect prior to
12 the effective date of this ordinance shall be in full force and effect for that individual
13 section, sentence, clause or phrase as if this ordinance had never been adopted.
14

15 PASSED this 14th day of August 2024.
16

17 SNOHOMISH COUNTY COUNCIL
18 Snohomish County, Washington
19

20 *Jared Mead*
21 Council Chair

22 ATTEST:
23

24 *Lisa Hickey*
25 Asst. Clerk of the Council
26

27 (X)APPROVED
28 ()EMERGENCY
29 ()VETOED
30

31 DATE: August 16, 2024
32

33 *Don S.*
34 County Executive

35 ATTEST:
36

37 *Melissa Geraghty*
38
39
40

ORDINANCE NO. 24-058

RELATING TO GROWTH MANAGEMENT; REVISING PROVISIONS FOR LOT SIZE AVERAGING; AMENDING
SECTIONS 30.23.210, 30.41A.240 AND 30.41B.200 OF AND ADDING A NEW SECTION 30.23.215 TO THE
SNOHOMISH COUNTY CODE

PAGE 14 OF 15

1 Approved as to form only:

2

3 

4 Deputy Prosecuting Attorney