

1 ADOPTED: 05/04/22
2 EFFECTIVE: 05/19/22

3
4 SNOHOMISH COUNTY COUNCIL
5 Snohomish County, Washington
6

7 AMENDED ORDINANCE NO. 22-016
8

9 RELATING TO GROWTH MANAGEMENT; PROMOTING CONSTRUCTION OF NEW
10 MISSING MIDDLE HOUSING WHILE ALSO ENCOURAGING PRESERVATION OF
11 EXISTING RESIDENTIAL UNITS; AMENDING EXISTING AND ADDING NEW
12 SECTIONS TO CHAPTERS 30.22, 30.23, 30.42B, AND 30.91D OF THE SNOHOMISH
13 COUNTY CODE
14

15 WHEREAS, the Growth Management Act (GMA), chapter 36.70A RCW,
16 establishes planning goals to guide development and adoption of comprehensive plans
17 and development regulations for those counties and cities planning under the GMA,
18 including Goal 4 related to housing (RCW 36.70A.020(4)); and
19

20 WHEREAS, the Washington State Legislature substantially amended the GMA
21 housing goal by passing Engrossed Second Substitute House Bill 1220, effective July
22 25, 2021, and which among other changes strengthened the goal from “Encourage the
23 availability of affordable housing to all economic segments of the population” to “Plan for
24 and accommodate housing affordable to all economic segments of the population”; and
25

26 WHEREAS, the GMA requires Snohomish County (the “County”) to adopt a
27 comprehensive plan and implementing codes and regulations related to land use and
28 development within the County’s jurisdiction that are consistent with the comprehensive
29 plan; and
30

31 WHEREAS, the GMA (RCW 36.70A.215) requires the County to maintain a
32 review and evaluation program that monitors patterns of growth and capacity for future
33 growth which the County implements through the Buildable Lands Report (BLR); and
34

35 WHEREAS, the County has completed Buildable Lands Reports in 2002, 2007,
36 2012, and 2021; and
37

38 WHEREAS, the 2021 BLR relied on recent patterns of development and included
39 an adjustment in methodology to assume more redevelopment of existing housing units
40 during new construction rather than infill or preservation of existing units during
41 construction of new units adjacent to existing units on the same site compared to
42 previous BLRs; and
43

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

1 WHEREAS, on October 29, 2020, the Puget Sound Regional Council (PSRC)
2 adopted Vision 2050, a plan for the central Puget Sound region, which includes
3 Snohomish County; and
4

5 WHEREAS, Vision 2050 includes policy MPP H-9 which calls for jurisdictions to
6 “Expand housing capacity for moderate density housing to bridge the gap between
7 single-family and more intensive multifamily development and provide opportunities for
8 more affordable ownership and rental housing that allows more people to live in
9 neighborhoods across the region”; and
10

11 WHEREAS, Housing Action H-Action-1 in Vision 2050 calls on local jurisdictions
12 to “promote and accelerate” production of “housing supply” and “the preservation and
13 expansion of market rate and subsidized affordable housing”; and
14

15 WHEREAS, Housing Action H-Action-4 provides that Counties will “conduct a
16 housing needs analysis and evaluate the effectiveness of local housing policies and
17 strategies”; and
18

19 WHEREAS, Housing Action H-Action-6 calls on metropolitan cities, core cities,
20 and high capacity transit communities to “develop and implement strategies to address
21 displacement in conjunction with the populations identified of being at risk of
22 displacement including residents and neighborhood-based small business owners”; and
23

24 WHEREAS, Housing Action H-Action-7 says that counties will “update
25 regulations and strategies to reduce barriers to the development and preservation of
26 moderate density housing”; and
27

28 WHEREAS, Housing Action H-Action-8 calls on counties to “review and amend,
29 where appropriate and consistent with the Regional Growth Strategy, development
30 standards and regulations to reduce barriers to the development of housing by providing
31 flexibility and minimizing additional costs”; and
32

33 WHEREAS, the Housing Affordability Taskforce (HART) published a report and
34 five-year action plan in January 2020; and
35

36 WHEREAS, the HART report discusses the need for more “missing middle”
37 housing which includes townhomes and other housing that is denser than traditional
38 detached single-family homes but less dense than mid-rise apartments; and
39

40 WHEREAS, the HART report provides that jurisdictions can “take steps in
41 support of preservation of existing low-income housing by identifying housing at risk of
42 redevelopment”; and
43

44 WHEREAS, the HART report recommends “working with public or nonprofit
45 partners to purchase housing and thereby decouple it from market pressures”; and
46

1 WHEREAS, the HART report does not identify sources of funding to purchase
2 and protect existing housing stock at risk of redevelopment; and
3

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

9 WHEREAS, actions to implement some of the Reasonable Measures identified in
10 the 2021 BLR could increase the supply of missing middle housing; and
11

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

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

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

24 WHEREAS, CPP-DP-11 provides that “[c]onsistent with the Regional Growth
25 Strategy and growth targets in Appendix B, the County and cities should encourage
26 higher residential densities and greater employment concentrations in Urban Growth
27 Areas by revising development regulations and incentive programs as appropriate; and
28

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

34 WHEREAS, CPP-DP-15 says the County should adopt “development regulations
35 and design guidelines that allow for infill and redevelopment of underutilized lands and
36 other appropriate areas”; and
37

38 WHEREAS, the County’s Growth Management Act Comprehensive Plan
39 (GMACP) includes the General Policy Plan (GPP) which contains policies that guide the
40 codes and regulations adopted in Title 30 of Snohomish County Code (“Title 30 SCC”);
41 and
42

43 WHEREAS, requirements regarding fire access to buildings taller than 30 feet
44 and to third story windows are addressed in Title 30 SCC for zones and types of
45 development that allow construction over 30 feet, but not currently addressed for zones
46 and situations where heights are limited to 30 feet or less; and
47

1 WHEREAS, chapter 30.23A of the Snohomish County Code (SCC) includes
2 Urban Residential Design Standards (URDS) to promote compatibility of new
3 development with surrounding areas; and
4

5 WHEREAS, SCC 30.23A.050 includes additional design standards to ensure
6 neighborhood compatibility of new single-family attached dwellings, mixed townhomes,
7 and townhouse developments, which are all examples of missing middle housing types
8 (and which are sometimes collectively referred to as “townhouse development” for
9 simplicity); and
10

11 WHEREAS, chapter 30.42B SCC includes design standards applicable to
12 Planned Residential Developments (PRDs) that do not apply to other types of
13 development; and
14

15 WHEREAS, PRDs can be housing on small lots, townhomes, or smaller multi-
16 family, all of which are examples of missing middle housing; and
17

18 WHEREAS, preservation of existing housing units as part of new housing
19 developments also contributes to ensuring compatibility; and
20

21 WHEREAS, the County Code provides specific design standards for townhomes
22 and PRDs for that do not apply to other types of development; and
23

24 WHEREAS, the 30-foot height limit in the R-7,200 zone may create a practical
25 impediment to the design of housing for larger households because the combination of
26 the 30-foot height limit and other URDS in chapter 30.23A SCC make it difficult to
27 design townhomes with three stories and because the typical design for two-story
28 townhomes has just two bedrooms; and
29

30 WHEREAS, SCC 30.22.100 requires an Administrative Conditional Use Permit
31 (ACUP) for townhomes in R-7,200 zoning but townhomes are listed as a Permitted Use
32 in other zones which involves less process and substantially the same type of
33 conditions as an ACUP; and
34

35 WHEREAS, the County Council finds that there is an opportunity to update the
36 County’s development regulations related to housing to reflect recent changes to Vision
37 2050, the recommendations in the HART report, and to implement some of the
38 Reasonable Measures suggested in the 2021 BLR; and
39

40 WHEREAS, on December 14, 2021, the Snohomish County Planning
41 Commission (“Planning Commission”) held a public hearing to receive public testimony
42 concerning the code amendments contained in this ordinance; and
43

44 WHEREAS, at the conclusion of the Planning Commission’s public hearing, the
45 Planning Commission recommended adoption of the code amendments contained in
46 this ordinance; and
47

1 WHEREAS, on May 4, 2022, the County Council held a public hearing after
2 proper notice, and considered public comment and the entire record related to the code
3 amendments contained in this ordinance; and
4

5 WHEREAS, following the public hearing, the County Council deliberated on the
6 code amendments contained in this ordinance;
7

8 NOW, THEREFORE, BE IT ORDAINED:
9

10 **Section 1.** The County Council adopts the following findings in support of this
11 ordinance:
12

- 13 A. The foregoing recitals are adopted as findings as if set forth in full herein.
14
15 B. The County Council made the following findings of fact in support of this ordinance.
16
17 C. This ordinance will amend Title 30 of Snohomish County Code (SCC) to update
18 development regulations related to Missing Middle housing. The proposed
19 amendments seek to:
20
21 1. Reflect changes in Vision 2050 calling for development codes to encourage more
22 production of housing while also encouraging the preservation of existing,
23 relatively affordable, housing stock as also recommended in the HART report;
24
25 2. Maintain neighborhood compatibility while promoting higher densities by granting
26 extra density bonuses only to those types of housing that already have special
27 design requirements to address compatibility;
28
29 3. Encourage preservation of existing housing stock, which tends to be more
30 affordable than new housing, by not counting existing units in the calculations of
31 how many new units an applicant may build on a site;
32
33 4. Promote historic preservation and neighborhood compatibility by adopting
34 regulations that encourage preservation of existing housing stock;
35
36 5. Continue implementation of the guidance in GPP Policy HO 3.B.5 to allow for
37 environmentally sensitive housing practices that minimize the impacts of growth
38 on the county's natural resource systems without adding to the cost of housing
39 by encouraging retention of existing housing;
40
41 6. Encourage a wider variety of new housing types in the R-7,200 zone by (a)
42 increasing the allowed building height while (b) also addressing provisions
43 related to setbacks to ensure public safety and neighborhood compatibility, and

1 (c) streamlining the permit process by making townhomes a Permitted Use
2 instead of an Administrative Conditional Use; and
3

- 4 7. Clarify and simplify implementation of existing code by improving consistency
5 and readability.
6

- 7 D. In developing the proposed code amendments, the County considered the goals of
8 the GMA. This ordinance is consistent with following GMA goals:
9

10 1. GMA Goal 1: "Encourage development in urban areas where adequate public
11 facilities and services exist or can be provided in an efficient manner." The
12 ordinance promotes GMA Goal 1 by encouraging increased density in certain
13 zones in urban areas where adequate public facilities and services exist.
14

15 2. GMA Goal 4: "Plan for and accommodate housing affordable to all economic
16 segments of the population of this state, promote a variety of residential densities
17 and housing types, and encourage preservation of existing housing stock." The
18 ordinance promotes GMA Goal 4 by increasing the density bonused to missing
19 middle housing while also taking steps to promote the preservation of existing
20 housing, thereby also reducing displacement:
21

- 22 E. The proposed amendments will better achieve, comply with, and implement the
23 following goals, objectives, and policies contained in the County's GMACP.
24

- 25 1. Housing Policy HO 1.B.4: "The county shall encourage and support the
26 development of innovative housing types that make efficient use of the county
27 land supply...". This ordinance encourages efficient use of the land supply by
28 giving larger density bonuses to innovative housing types.
29

- 30 2. Housing Policy HO 2.B: "Encourage the use of innovative urban design
31 techniques and development standards to foster broad community acceptance of
32 a variety of housing types affordable to all economic segments of the population."
33 This ordinance encourages two types of housing that already have design
34 requirements to ensure compatibility and acceptance. It also encourages
35 retention of existing housing stock, which is generally more affordable, on sites
36 experiencing new development, thereby promoting a broader range of housing
37 types and affordability than would likely otherwise exist at the same location.
38

- 39 3. Housing Policy HO 3.B.5: "The county shall continue the demonstration program
40 that provides for the use of environmentally sensitive housing development
41 practices that minimize the impacts of growth on the county's natural resource
42 systems without adding to the cost of housing." This ordinance encourages the
43 preservation of existing housing units rather than redeveloping, which is more
44 environmentally sensitive than demolition.
45

- 1 4. Land Use Policy LU 4.A.1: "The county shall work with architects, builders, and
2 others to ensure that the design review process, innovative and flexible
3 standards, and development regulations for site planning and the design of
4 buildings are consistent with the urban design policies of the GPP." This
5 ordinance provides flexibility with integrating existing buildings with new
6 development, while maintaining urban design requirements.
7
- 8 5. Land Use Policy LU 4.A.2: "The county shall ensure that design standards for
9 residential, commercial, and industrial development meet the following criteria:
10 ...
11 Subsection (b) Where increased density housing is proposed, the height, scale,
12 design and architectural character should be compatible with the character of the
13 buildings in the surrounding area.
14 ...
15 Subsection (f) Developments should provide adequate setbacks, buffers and
16 visual screens to make them compatible with abutting residential and other land
17 uses."
18 This ordinance ensures the design standards that promote compatibility with the
19 surrounding area are maintained through continuing application of the design
20 standards in chapters 30.23A and 30.42B for any new development allowed
21 under this ordinance. In addition, this ordinance promotes compatibility with
22 buildings in the surrounding area by encouraging the preservation of existing
23 housing stock and imposing additional setback requirements for townhome
24 development when heights are increased.
25

26 F. Procedural requirements.
27

- 28 1. The proposal is a Type 3 legislative action pursuant to SCC 30.73.010.
29
- 30 2. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance was
31 transmitted to the Washington State Department of Commerce for distribution to
32 state agencies on January 24, 2022, and assigned Material ID No. 2022-S-3622.
33
- 34 3. State Environmental Policy Act (SEPA) requirements with respect to this non-
35 project action have been satisfied through the completion of an environmental
36 checklist and the issuance of a Threshold Determination of Non-Significance on
37 March 31, 2022.
38
- 39 4. The public participation process used in the adoption of this ordinance has
40 complied with all applicable requirements of the GMA and the SCC.
41
- 42 5. The Washington State Attorney General last issued an advisory memorandum,
43 as required by RCW 36.70A.370, in September of 2018 entitled "Advisory
44 Memorandum: Avoiding Unconstitutional Takings of Private Property" to help
45 local governments avoid the unconstitutional taking of private property. The
46 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 Snohomish County Council makes the following conclusions:

- A. The proposal is consistent with the goals, objectives and policies of the GPP.
- B. The proposal is consistent with Washington State law and the SCC.
- C. The County has complied with all SEPA requirements in 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.

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.

Section 4. Snohomish County Code Section 30.22.100, last amended by Amended Ordinance No. 21-018 on June 9, 2021, is amended to read:

Urban Zone Categories Use Matrix

TYPE OF USE	R- 9,600 ⁸ 8	R- 8,400 ⁸ 8	R- 7,200 ⁸ 8	T	LDM R	MR	NB	PC B	CB ¹² 8	GC ¹² 8	IP ⁷⁶	BP	LI ⁵⁵ , 76	HI ⁵⁵	MHP ¹¹ 4	UC ¹² 2
Accessory Dwelling Unit ⁶²	P	P	P	P	P	P										
Adult Entertainment Business/Use ⁶⁷											P		P	P		
Agriculture ^{41, 107}	P	P	P		P	P	P		P	P	P	P	P	P	P	
Airport, Stage 1 Utility ¹	C	C	C						P	P	P	P	P	P		
Airport-All Others											P	P	P	P		
Amusement Facility ^{41, 129}								P	P	P	P		P	P		P
Antique Shop							P	P	P	P			P	P		P
Art Gallery ⁴¹	C	C	C		C	C	P	P	P	P	P	P	P	P		P

TYPE OF USE	R- 9,600 ⁸ 8	R- 8,400 ⁸ 8	R- 7,200 ⁸ 8	T	LDM R	MR	NB	PC B	CB ¹² 8	GC ¹² 8	IP ⁷⁶	BP	LI ⁵⁵ , 76	HI ⁵⁵	MHP ¹¹ 4	UC ¹² 2
Auto Repair, Major								P	P ⁸⁶	P	P	P	P	P		P
Auto Repair, Minor							P	P	P ⁸⁶	P	P	P	P	P		P
Auto Towing													P	P		
Automobile Wrecking and Junkyards													C ⁴⁴	P ⁴⁴		
Bed and Breakfast Guesthouse ⁵⁸	A	A	A	A	A	A									A	
Billboards ⁴⁶																
Non-digital										P			P	P		
Digital										P			P	P		
Boarding House	P ¹⁵	P ¹⁵	P ¹⁵		P	P	P		P	P					P	P
Boat Launch Facility, Commercial ³¹									C	C			C	C		P
Boat Launch Facility, Non-commercial ³¹	C	C	C		C	C			C	C			C	C		
Caretaker's Quarters							P	P	P	P	P	P	P	P		
Cemetery and Funeral Home	C	C	C		C	C	P	P	P	P	P	P	P	P		P
Church ^{41, 129}	C	C	C		P	P	P	P	P	P	P	P	P	P		P
Clubhouse	C	C	C		C	C	P	P	P	P	P	P	P	P	P	P
Commercial Vehicle Storage Facility										P	P	P	P	P		
Community Facilities for Juveniles ¹⁰³																
1 to 8 Resident Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
9 to 24 Resident Facility	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P

TYPE OF USE	R- 9,600 ⁸ 8	R- 8,400 ⁸ 8	R- 7,200 ⁸ 8	T	LDM R	MR	NB	PC B	CB ¹² 8	GC ¹² 8	IP ⁷⁶	BP	LI ⁵⁵ , 76	HI ⁵⁵	MHP ¹¹ 4	UC ¹² 2
Construction Contracting										P	P	P	P	P		P ¹²³
Day Care Center 2, 129	C	C	C		C	C	P	P	P	P	P	P	P	P	A	P
Distillation of Alcohol											P	P	P	P		P
Dock & Boathouse, Private, Non-commercial ^{3, 41}	P	P	P	P	P	P	P		P	P	P	P	P	P		
Dwelling, Attached Single Family	P	P	P	P	P	P										
Dwelling, Cottage Housing ¹¹⁶	P	P	P	P	P											
Dwelling, Duplex	P	P	P	P	P	P										
Dwelling, Mobile Home	P ⁶	P ⁶	P ⁶	P ⁶	P	P									P	
Dwelling, Multiple Family					P	P	P	P	P	P						P
Dwelling, Single Family	P	P	P	P	P	P									P ⁴	
Dwelling, Townhouse ⁵			((A))P	P	P	P	P	P	P	P						P
Electric Vehicle Infrastructure																
Electric Vehicle Charging Station - Restricted, Level 1, and Level 2 ¹²¹	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Electric Vehicle Charging Station - Public, Level 1 and Level 2							P	P	P	P	P	P	P	P		P
Electric Vehicle Charging Station, Level 3	C ¹²⁰	C ¹²⁰	C ¹²⁰	C ¹²⁰	C ¹²⁰	C ¹²⁰	P	P	P	P	P	P	P	P		P

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TYPE OF USE	R- 9,600 ⁸ 8	R- 8,400 ⁸ 8	R- 7,200 ⁸ 8	T	LDM R	MR	NB	PC B	CB ¹² 8	GC ¹² 8	IP ⁷⁶	BP	LI ⁵⁵ , 76	HI ⁵⁵	MHP ¹¹ 4	UC ¹² 2
Battery Exchange Stations	C ¹²⁰	C ¹²⁰	C ¹²⁰	C ¹²⁰	C ¹²⁰	C ¹²⁰	P	P	P	P	P	P	P	P		P
Explosives, Storage											P			P		
Fairgrounds										P	P	P	P	P		
Family Day Care Home ⁸	P	P	P	P	P	P	P		P	P					P	
Farm Product Processing																
Up to 5,000 sq ft									P	P			P	P		
Over 5,000 sq ft ⁹⁴									A	P			P	P		
Farm Stand																
Up to 400 sq ft ⁹	P	P	P						P	P			P	P		P
401 to 5,000 sq ft ⁹⁹																
Farmers Market ⁹³							P	P	P	P		P	P	P		P
Fish Farm											P	P	P	P		
Forestry											P		P	P		
Foster Home	P	P	P	P	P	P	P		P	P					P	
Fuel Yard										P	P	P	P	P		
Garage, Detached Private Accessory ⁶⁰																
Up to 2,400 sq ft	P	P	P	P	P	P					P	P	P	P	P	
2,401 - 4,000 sq ft on More than 3 Acres ^{41, 59}	P	P	P	P	P	P					P	P	P	P		
2,401 - 4,000 sq ft on Less than 3 Acres ^{41, 59}	A	A	A	A	A	A					A	A	A	A		
4,001 sq ft and Greater ^{41, 59}	C	C	C	C	C	C					C	C	C	C		

TYPE OF USE	R- 9,600 ⁸ 8	R- 8,400 ⁸ 8	R- 7,200 ⁸ 8	T	LDM R	MR	NB	PC B	CB ¹² 8	GC ¹² 8	IP ⁷⁶	BP	LI ⁵⁵ , 76	HI ⁵⁵	MHP ¹¹ 4	UC ¹² 2
Garage, Detached Private Non- accessory ⁶⁰																
Up to 2,400 sq ft	P	P	P	P	P	P					P	P	P	P		
2,401 sq ft and greater ^{41, 59}	C	C	C	C	C	C					C	C	C	C		
Golf Course, Driving Range and Country Club	C	C	C													
Government Structures & Facilities ^{27, 41}	C	C	C	C	C	C	C	P	P	P	P	P	P	P		P
Greenhouse, Lath House, & Nurseries							P	P	P	P	P	P	P	P		
Guest House ⁸⁵	P	P	P		P	P									P	
Hazardous Waste Storage & Treatment Facilities, Offsite ⁶⁶											C	C	C	C		
Hazardous Waste Storage & Treatment Facilities, Onsite ⁶⁵							P	P	P	P	P	P	P	P		
Health and Social Service Facilities ⁹⁰																
Level I	P	P	P	P	P	P	P	P	P	P		P			P	P
Level II ^{41, 129}	C	C	C		C	C	C	P	P	P		P			C	P
Level III						C	C	P	P	P	P		P	P	C	P
Home Occupation ¹¹	P	P	P	P	P	P	P		P	P					P	P
Hotel/Motel					C	C	P ¹³⁶	P	P	P			P ⁸⁹			P
Kennel, ⁴¹ Commercial ¹²	C	C	C						P	P	P	P	P	P		
Kennel, ⁴¹ Private- Breeding ¹³	P	P	P		P	P	P		P	P	P	P	P	P		

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Kennel, ⁴¹ Private- Non-Breeding ¹³	P	P	P		P	P	P		P	P	P					
Laboratory							P	P	P	P	P	P	P	P		P
Library ⁴¹	C	C	C		C	C	C	P	P	P	P	P	P	P		P
Lumber Mill											P	P	P	P		
Lumberyard										P	P	P	P	P		
Manufacturing, Heavy ⁸²											P			P		
Manufacturing-All Other Forms Not Specifically Listed ⁸³											P	P	P	P		P ¹²³
Marijuana Processing ^{125, 131}											P	P	P	P		
Marijuana Production ^{125, 131}											P	P	P	P		
Marijuana Retail ^{131, 132}							C	C	C	C		C	C	C		C
Massage Parlor									P	P	P	P	P	P		P
Material Recovery Facility ¹³⁴											C		C	C		
Mini Self-Storage								P	P	P	P	P	P	P		
Mobile Home Park ³⁸					C	C			C	C					P	
Model Hobby Park ⁷⁵												A	A	A		
Model House/Sales Office	P	P	P	P	P	P										
Motocross Racetrack ¹²⁹										C ¹¹³	C ¹¹ 3	C ¹¹ 3	C ¹¹ 3	C ¹¹ 3		
Museum ⁴¹	C	C	C		C	C	C	P	P	P	P	P	P	P		P
Neighborhood Services					A, C ⁸⁶ , 138	A, C ⁸⁶ , 138	P	P	P ⁸⁶	P	P	P	P	P		P
Office and Banking							P	P	P	P	P	P	P	P		P
Park, Public ¹⁴	P	P	P		P	P	P	P	P	P	P	P	P	P		P

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TYPE OF USE	R- 9,600 ⁸ 8	R- 8,400 ⁸ 8	R- 7,200 ⁸ 8	T	LDM R	MR	NB	PC B	CB ¹² 8	GC ¹² 8	IP ⁷⁶	BP	LI ⁵⁵ , 76	HI ⁵⁵	MHP ¹¹ 4	UC ¹² 2
Park-and-Pool Lot	C	C	C	C	C	P	P	P	P	P	P	P	P	P		P
Park-and-Ride Lot	C	C	C	C	C	P	P	P	P	P	P	P	P	P		P
Personal Wireless Service Facilities ^{27, 41, 104, 106}	C	C	C	C	C	C	C	C	C	C	P	P	P	P	C	P ¹¹⁹
Printing Plant								P		P	P	P	P	P		P ¹²³
Race Track ^{24, 41, 129}										C	P	P	P	P		
Railroad Right-of-way	C	C	C	C	C	C	P	P	P	P	P	P	P	P		P
Recreational Facility Not Otherwise Listed	C	C	C		C	C	P	P	P	P	P	P	P	P		P
Recreational Vehicle Park									C	C					C	
Recycling Facility ¹³⁷										C	C		C	C		
Rendering of Fat, Tallow, or Lard ¹²⁹											P			P		
Restaurant							P	P	P	P	P ⁴⁹	P ⁴⁹	P	P		P
Retail, General						A ¹³⁵	P	P	P	P		P ⁵³	P	P		P
Retirement Apartments				P	P	P	P	P	P	P					P	P
Retirement Housing				P	P	P	P	P	P	P					P	P
Sanitary Landfill ¹²⁹	C	C	C						C	C	C	C	C	C		
Schools																
K-12 & Preschool ^{41, 68, 129}	C	C	C		C	C	C ¹³ ₆		P	P	P	P	P	P		P
College ^{41, 68}	C	C	C		C	C	C ¹³ ₆		P	P	P	P	P	P		P
Other ^{41, 68}					C	C	C ¹³ ₆		P	P	P	P	P	P		P

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TYPE OF USE	R- 9,600 ⁸ 8	R- 8,400 ⁸ 8	R- 7,200 ⁸ 8	T	LDM R	MR	NB	PC B	CB ¹² 8	GC ¹² 8	IP ⁷⁶	BP	LI ⁵⁵ , 76	HI ⁵⁵	MHP ¹¹ 4	UC ¹² 2
Service Station ⁴¹							P	P	P ⁸⁶	P			P	P		P
Shooting Range ⁹²											P	P	P	P		
Sludge Utilization ³⁹	C ⁵⁶	C ⁵⁶	C ⁵⁶		C ⁵⁶	C ⁵⁶			C ⁵⁶	C ⁵⁶	C ⁵⁶		C ⁵⁶	P C ⁵⁰		
Small Animal Husbandry ⁴¹	C ³⁷	C ³⁷	C ³⁷				P		P	P	P	P	P	P		
Small Workshop									P ⁸⁶	P	P	P	P	P		P
Stables	P	P	P		P	P	P	P	P	P	P	P	P	P		
Stockyard or Slaughter House ¹²⁹											P			P		
Storage, Retail Sales Livestock Feed									P	P			P	P		
Storage Structure, Accessory ⁶⁰																
Up to 2,400 sq ft	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
2,401 - 4,000 sq ft on More than 3 Acres ^{41, 59}	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
2,401 - 4,000 on Less than 3 acres ^{41, 59}	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
4,001 sq ft and Greater ^{41, 59}	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Storage Structure, Non- accessory ⁶⁰																
Up to 2,400 sq ft	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
2,401 sq ft and greater ^{41, 59}	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Studio ⁴¹	C ⁷⁷	C ⁷⁷	C ⁷⁷		C ⁷⁷	C ⁷⁷	P	P	P ⁸⁶	P	P	P	P	P		P
Supervised Drug Consumption Facility																

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TYPE OF USE	R- 9,600 ⁸ 8	R- 8,400 ⁸ 8	R- 7,200 ⁸ 8	T	LDM R	MR	NB	PC B	CB ¹² 8	GC ¹² 8	IP ⁷⁶	BP	LI ⁵⁵ , 76	HI ⁵⁵	MHP ¹¹ 4	UC ¹² 2
Swimming/Wading Pool ^{17, 41}	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Television/Radio Stations													P	P		
Temporary Dwelling During Construction	A	A	A	A	A	A	A	A	A	A						A
Temporary Dwelling For Relative ¹⁸	A	A	A	A	A	A	A	A	A	A						
Temporary Residential Sales Coach ⁷³	A	A	A													A
Transit Center	C	C	C	C	C	P	P	P	P	P	P	P	P	P		P
Ultralight Airpark ²⁰											P					
Utility Facilities, Electromagnetic Transmission & Receiving Facilities ^{27, 129}	C	C	C	C	C	C	C	P	P ⁸⁶	P	P	P	P	P		
Utility Facilities, Transmission Wires, Pipes & Supports ²⁷	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Utility Facilities- All Other Structures ^{27, 41}	C	C	C	C	C	C	C	P	P ⁸⁶	P	P	P	P	P	C	P
Vehicle, Vessel and Equipment Sales and Rental									P ²³	P			P	P		
Veterinary Clinic					C	C	P	P	P ⁸⁶	P	P	P	P	P		P
Warehouse										P	P	P	P	P		P ¹²³
Wholesale Establishment								P	P ⁸⁶	P	P	P	P	P		P ¹²³
Woodwaste Recycling and Woodwaste Storage											A ⁶³		A ⁶³	A ⁶³		

TYPE OF USE	R- 9,600 ⁸	R- 8,400 ⁸	R- 7,200 ⁸	T	LDM R	MR	NB	PC B	CB ¹² 8	GC ¹² 8	IP ⁷⁶	BP	LI ⁵⁵ , 76	HI ⁵⁵	MHP ¹¹ 4	UC ¹² 2
All other uses not otherwise mentioned											P	P	P	P		

P - Permitted Use	A blank box indicates a use is not allowed in a specific zone. Note: Reference numbers within matrix indicate special conditions apply; see SCC 30.22.130. Check other matrices in this chapter if your use is not listed above.
A - Administrative Conditional Use	
C - Conditional Use	
S - Special Use	

Section 5. Snohomish County Code Section 30.23.032, last amended by Amended Ordinance No. 21-004 on March 15, 2021, 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
		Minimu m Lot Area ²⁹ (square feet)	Minimu m Lot Width	Maximu m Building Height (feet) ^{27, 64}	Side and Rear Lot Lines Adjacent to:				Resource Lands		Seismic Hazards		
					Commerci al and Industrial Zones	R-9,600, R-8,400, and R-7,200 Zones	Other Urban Residenti al Zones	Rural Zones	Agricultur e	Forest			
Urban Residential	R-9,600	9,600 ²³	70	30	10	5	5	5	See SCC 30.32B.13 0	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				35%	
	R-7,200 (buildings ≥ 30 feet high) ⁶⁷					10	10	10					
	T (buildings)	See SCC 30.31E.050		35	10	10	5	25				See SCC 30.31E.050	

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Category	Zone	Lot Dimension (feet) ⁵⁴			Minimum Setback Requirements From (feet) ^{11, 33}							Maximum Lot Coverage ⁸	
		Minimu m Lot Area ²⁹ (square feet)	Minimu m Lot Width	Maximu m Building Height (feet) ^{27, 64}	Side and Rear Lot Lines Adjacent to:				Resource Lands		Seismic Hazards		
					Commerci al and Industrial Zones	R-9,600, R-8,400, and R-7,200 Zones	Other Urban Residenti al Zones	Rural Zones	Agricultur e	Forest			
	≤ 20 feet high) ⁵⁹				15	20	10						
	T (buildings > 20 feet high) ⁵⁹												
	LDMR (buildings ≤ 20 feet high) ^{15,59,61,62}	7,200 ^{4, 65}	60	45	10	10	5	25				50% ⁶⁶	
	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 ≤ 20 feet high) ^{5,15,59,61,62}	7,200 ^{5, 9, 65}	60 ⁹	45 ¹⁴	10	10	5	25					50% ^{9, 66}
	MR (buildings 20 - 30 feet high) ^{5,15,59,61,62}				10	20	10						
	MR (buildings > 30 feet high) ^{5,15,59,61,62}				15	25 ⁶⁰	15						

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RELATING TO GROWTH MANAGEMENT; PROMOTING CONSTRUCTION OF NEW MISSING MIDDLE HOUSING WHILE ALSO ENCOURAGING PRESERVATION OF EXISTING RESIDENTIAL UNITS; AMENDING EXISTING AND ADDING NEW SECTIONS TO CHAPTERS 30.22, 30.23 AND 30.42B OF THE SNOHOMISH COUNTY CODE

Category	Zone	Lot Dimension (feet) ⁵⁴			Minimum Setback Requirements From (feet) ^{11, 33}							Maximum Lot Coverage ⁸
		Minimu m Lot Area ²⁹ (square feet)	Minimu m Lot Width	Maximu m Building Height (feet) ^{27, 64}	Side and Rear Lot Lines Adjacent to:				Resource Lands		Seismic Hazards	
					Commerci al and Industrial Zones	R-9,600, R-8,400, and R-7,200 Zones	Other Urban Residenti al Zones	Rural Zones	Agricultur e	Forest		
	MHP	⁵⁵	None	25	See SCC 30.42E.100(5)(a)							50%

See SCC 30.23.040 for reference notes listed in Table 30.23.032.

Section 6. Snohomish County Code Section 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.

(1) MR bulk requirements shall apply for all residential development permitted in the NB, PCB, CB, GC and BP zones.

(2) When subdivisionally described, the minimum lot area shall be 1/128th of a section.

(3) When subdivisionally described, the minimum lot area shall be 1/32nd of a section.

(4) In the LDMR zone, the maximum density shall be calculated based on 4,000 square feet of land per dwelling unit, except that existing dwelling units may be retained as part of new development in the LDMR zone without counting towards the maximum density.

(5) (~~Except as provided below, in~~) In the MR zone the maximum density shall be calculated based on 2,000 square feet of land per dwelling unit, except that:

(a) Existing dwelling units may be retained as part of new development in the MR zone without counting towards the maximum density.

(b) For sites zoned MR, NB, PCB, CB, or GC 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, the maximum density shall be calculated based on 750 square feet of land per dwelling unit(;;), provided that either:

(i) One or more transfer of development rights (TDR) credits must be used to realize the additional density under subsection (5)(b) according to the requirements of chapter 30.35A SCC(;;); or

(ii) After June 11, 2020, developments for which the applicant provides documentation to the director showing that the entire project has been granted a

1 property tax exemption by the Washington State Department of Revenue under RCW
2 84.36.041, 84.36.042, 84.36.043, or 84.36.560 shall be exempt from the requirements
3 of chapter 30.35A SCC and development may be permitted up to a maximum density of
4 750 square feet of land per dwelling unit without using TDR credits.

5 (6) Commercial forestry structures shall not exceed 65 feet in height.

6 (7) Non-residential structures shall not exceed 45 feet in height.

7 (8) Lot coverage includes all buildings on the given lot.

8 (9) Sites zoned MR, NB, PCB, CB, or GC in the Southwest UGA where any
9 portion of the site is within 2,000 feet of the western edge of the right-of-way of State
10 Route 99 or within 800 feet of the eastern edge of the right-of-way of State Route 99;
11 and the site is east of State Route 525, are exempt from minimum lot area, minimum lot
12 width, and maximum lot coverage requirements.

13 (10) RESERVED for future use.

14 (11) These setbacks shall be measured from the property line.

15 (12) Greater setbacks than those listed may apply to areas subject to Shoreline
16 Management Program jurisdiction or critical areas regulations in chapters 30.62A,
17 30.62B, 30.62C and 30.67 SCC. Some uses have special setbacks identified in SCC
18 30.23.110.

19 (13) The listed setbacks apply where the adjacent property is zoned F. In all
20 other cases, setbacks are the same as in the R-8,400 zone. In the F zone, the setbacks
21 for residential structures on 10 acres or less which were legally created prior to being
22 zoned to F shall be the same as in the R-8,400 zone.

23 (14) The maximum building height is 75 feet for multifamily structures on sites
24 zoned MR, NB, PCB, CB and GC that are in the Southwest UGA where any portion of
25 the site within 2,000 feet of the western edge of the right-of-way of State Route 99 or
26 within 800 feet of the eastern edge of the right-of-way of State Route 99, and the site is
27 east of State Route 525. Subject to the requirements in SCC 30.22.100, non-residential
28 uses are allowed on the first floor of multifamily structures on sites zoned NB, PCB, CB,
29 and GC that are in the Southwest UGA where any portion of the site is within 2,000 feet
30 of the edge of the right-of-way of State Route 99 and the site is east of State Route 525.

31 (15) See SCC 30.23.300.

32 (16) RESERVED for future use.

33 (17) In the IP zone there shall be an additional one foot setback for every one
34 foot of building height over 45 feet.

35 (18) RESERVED for future use.

36 (19) See SCC 30.31A.020(1) and (2) which specify the minimum area of a tract
37 of land necessary for PCB or BP zoning.

38 (20) See additional setback provisions for dwellings located along the
39 boundaries of designated farmland contained in SCC 30.32B.130.

1 (21) See additional setback provisions for structures located adjacent to forest
2 lands, and/or on lands designated local forest or commercial forest contained in SCC
3 30.32A.110.

4 (22) The minimum lot size for properties designated Rural Residential (RR)--10
5 (Resource Transition) on the comprehensive plan shall be 10 acres.

6 (23) Minimum lot area requirements may be modified within UGAs in
7 accordance with SCC 30.23.020.

8 (24) In rural cluster subdivisions approved in accordance with the provisions of
9 chapter 30.41C SCC, the minimum lot area shall be as provided in SCC 30.23.220. The
10 maximum lot area shall be 20,000 square feet or less when located in rural/urban
11 transition areas.

12 (25) RESERVED for future use.

13 (26) RESERVED for future use.

14 (27) See SCC 30.23.050 for height limit exceptions. See also SCC 30.67.460 for
15 height limit requirements within shoreline jurisdiction.

16 (28) RESERVED for future use.

17 (29) See SCC 30.23.200 et seq. for additional lot area requirements and
18 exceptions.

19 (30) SCC 30.32A.120 (Siting of new structures: Commercial forest land) requires
20 an application for a new structure on parcels designated commercial forest, but not
21 within a designated commercial forest--forest transition area, to provide a minimum 500-
22 foot setback, which shall be a resource protection area, from the property boundaries of
23 adjacent commercial forest lands except that if the size, shape, and/or physical site
24 constraints of an existing legal lot do not allow a setback of 500 feet, the new structure
25 shall maintain the maximum setback possible, as determined by the department.

26 (31) Setback requirements for mineral excavation and processing are in SCC
27 30.23.110(27). Performance standards and permit requirements are in chapter 30.31D
28 SCC.

29 (32) The site shall be a contiguous geographic area and have a size of not less
30 than 10 acres, except in the case of subsurface shaft excavations, no minimum acreage
31 is required, pursuant to SCC 30.31D.020(1).

32 (33) See SCC Table 30.28.050(4)(i) for setback requirements for structures
33 containing a home occupation.

34 (34) RESERVED for future use.

35 (35) See chapter 30.31E SCC, for more complete information on the Townhouse
36 Zone height, setback, and lot coverage requirements.

37 (36) RESERVED for future use (MR and LDMR setbacks--DELETED by Ord.
38 05-094, effective September 29, 2005).

39 (37) Agriculture. All structures used for housing or feeding animals, not including
40 household pets, shall be located at least 30 feet from all property lines.

1 (38) There shall be no subdivision of land designated commercial forest in the
2 comprehensive plan except to allow installation of communication and utility facilities if
3 all the following requirements are met:

4 (a) The facility cannot suitably be located on undesignated land;

5 (b) The installation cannot be accomplished without subdivision;

6 (c) The facility is to be located on the lowest feasible grade of forest land; and

7 (d) The facility removes as little land as possible from timber production.

8 (39) On parcels designated commercial forest, but not within a designated
9 commercial forest--forest transition area, establish and maintain a minimum 500-foot
10 setback, which shall be a resource protection area, from the property boundaries of
11 adjacent commercial forest lands except when the size, shape, and/or physical site
12 constraints of an existing legal lot do not allow a setback of 500 feet, the new structure
13 shall maintain the maximum setback possible as provided in SCC 30.32A.120.

14 (40) Land designated local commercial farmland shall not be divided into lots of
15 less than 10 acres unless a properly executed deed restriction which runs with the land
16 and which provides that the land divided is to be used exclusively for agricultural
17 purposes and specifically not for a dwelling(s) is recorded with the Snohomish County
18 auditor.

19 (41) Minimum lot area in the rural use zone shall be the minimum allowed by the
20 zone identified as the implementing zone by the comprehensive plan for the plan
21 designation applied to the subject property. Where more than one implementing zone is
22 identified for the same designation, the minimum lot size shall be that of the zone
23 allowing the smallest lot size.

24 (42) RESERVED for future use.

25 (43) Additional bulk requirements may apply. Refer to SCC 30.31F.100 and
26 30.31F.140.

27 (44) The 50 percent maximum lot coverage limitation applies solely to the
28 portion of the area within the CRC comprehensive plan designation and zone that is
29 centered at 180th Street SE and SR 9, generally extending between the intersection of
30 172nd Street/SR 9 to just south of 184th Street/SR 9, as indicated on the county's
31 FLUM and zoning map.

32 (45) The 30 percent maximum lot coverage limitation applies solely to the
33 portion area located within the CRC comprehensive plan designation and zone that is
34 centered at State Route (SR) 9 and 164th Street SE, as indicated on the county's
35 Future Land Use Map (FLUM) and zoning map.

36 (46) Additional setbacks may apply to development within a rural cluster
37 subdivision. Refer to chapter 30.41C SCC. Residential subdivision is restricted pursuant
38 to SCC 30.32C.150. Uses are restricted where the R-5 zone coincides with the Mineral
39 Resource Overlay (MRO) to prevent development which would preclude future access
40 to the mineral resources.

41 (47) RESERVED for future use.

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(48) RESERVED for future use.

(49) RESERVED for future use.

(50) RESERVED for future use.

(51) RESERVED for future use.

(52) RESERVED for future use.

(53) RESERVED for future use.

(54) A split parcel may be subdivided along the UGA boundary line using one of three methods. First, a split parcel may be subdivided along the UGA boundary line into two lots, whereby one lot remains within the UGA and the other lot remains outside the UGA, pursuant to SCC 30.41B.010(5). Second, a split parcel may be subdivided as part of a short plat application, pursuant to SCC 30.41B.010(8). Finally, a split parcel may be subdivided as part of a plat application, pursuant to SCC 30.41A.010(3).

(55) See SCC 30.42E.100(9)(c).

(56) RESERVED for future use.

(57) RESERVED for future use.

(58) RESERVED for future use.

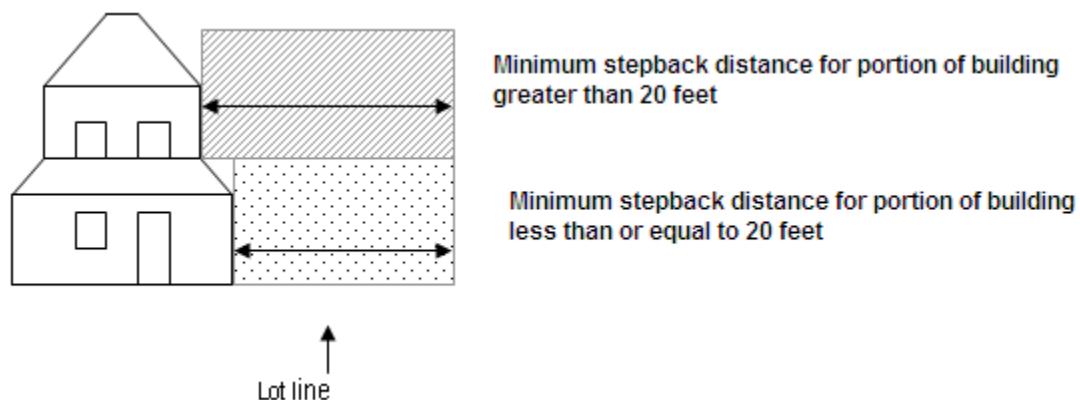
(59) Relationship of setback to building height:

The minimum setback requirements are dependent on the heights of the building as specified in this column. To meet the setback requirements, buildings over 20 feet in height must either:

(a) Set the entire building back the minimum setback distance; or

(b) Stepback those portions of the building exceeding 20 feet in height to the minimum setback distance, as illustrated in Figure 30.23.040(59).

Figure 30.23.040(59). Example of relationship of building height to stepback



(60) Stepback those portions of the building exceeding 45 feet in height from the minimum side and rear yard setbacks by one additional foot for each additional two feet of building height.

(61) Single-family detached, single-family attached and duplex structures shall comply with the minimum setbacks required in the R-8,400 zone.

(62) Fencing between single-family detached, single-family attached and duplex structures shall be:

(a) Prohibited in the area that is within five feet of a third story ingress/egress window so ladder access to the third floor window is not impeded; or

(b) Limited to either vegetative, wood, block, concrete or metal that does not exceed 42 inches in height.

(63) Additional building height up to a maximum of 125 feet may be allowed under certain circumstances as provided for in SCC 30.34A.040(1).

(64) If located within an airport compatibility area, building height is subject to the requirements of SCC 30.32E.060.

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

(a) For the R-7,200 zone, the maximum density shall be calculated based on 7,200 square feet of land per dwelling unit, but the maximum density may be increased up to ~~((20))~~ 50 percent. Existing dwelling units may be retained as part of new development without counting towards the maximum density.

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

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

(66) The maximum lot coverage in townhouse and mixed townhouse developments is 50 percent in the LDMR zone and 50 percent in the MR zone except sites zoned MR 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 are exempt from maximum lot coverage requirements consistent with SCC 30.23.040(9).

(67) See SCC 30.23.310.

Section 7. Snohomish County Code Section 30.23.210, last amended by Amended Ordinance No. 20-005 on March 11, 2020, is amended to read:

30.23.210 Lot size averaging.

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

(2) This section shall only apply to:

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

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

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

3 (a) Add together all of the following areas where proposed:
4 (i) Area in lots;
5 (ii) Critical areas and their buffers that must be permanently protected
6 under chapter 30.62A SCC;
7 (iii) Areas designated as open space or recreational uses;
8 (iv) Areas to be dedicated as right-of-way under chapter 30.66B SCC;
9 (v) Areas designated as private roads under SCC 30.91R.230; and
10 (vi) Surface detention/retention facilities meeting the standards of
11 subsection ~~((6))~~ (7) of this section.

12 (b) Subtract the total lot area from lots that contain existing dwelling units
13 proposed to be retained within the development from the total of subsection (3)(a):

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

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

18 (a) Add together all of the following areas where proposed:
19 (i) Area in lots;
20 (ii) Critical areas and their buffers that must be permanently protected
21 under chapter 30.62A SCC;
22 (iii) Areas designated as open space or recreational uses;
23 (iv) Areas to be dedicated as right-of-way under chapter 30.66B SCC;
24 (v) Areas designated as private roads under SCC 30.91R.230; and
25 (vi) Surface detention/retention facilities meeting the standards of
26 subsection (7) of this section.

27 (b) Subtract the total lot area from lots that contain existing dwelling units
28 proposed to be retained within the development from the total of subsection (4)(a):

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

31 ~~((4))~~ (5) If the average lot size as computed under either subsection (3) or
32 subsection (4) of this section equals or exceeds the minimum lot area requirement of
33 the zone in which the property is located, then the minimum lot area requirement will be
34 satisfied for the purposes of lot size averaging.

35 ~~((5))~~ (6) In no case shall the provisions under SCC 30.23.230(3) apply to this
36 section.

37 ~~((6))~~ (7) Surface detention/retention facilities may count toward calculations for
38 lot size averaging only if the detention/retention facility:

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

41 (b) The facility is either:

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

32
33 **Section 8.** A new section is added to chapter 30.23 of the Snohomish County
34 Code to read:

35
36 **30.23.310 Building separation for buildings taller than 30 feet in the R-7,200 zone.**
37 Buildings exceeding 30 feet in height must provide a minimum 10-foot setback from side
38 and rear lot lines except single family attached, duplex, and townhouse buildings where
39 one or more units exceeds 30 feet in height but the height of an end unit is less than or
40 equal to 30 feet may provide a 5-foot side setback from that end unit.

1 **Section 9.** Snohomish County Code Section 30.42B.040, last amended by
2 Amended Ordinance No. 19-046 on September 25, 2019, is amended to read:

3
4 **30.42B.040 Unit yield and bonus.**

5 (1) For all PRDs, except retirement apartment and retirement housing PRDs, the
6 maximum number of dwelling units permissible shall be ~~((120))~~ 150 percent of the
7 maximum number of dwelling units permitted by the underlying zone as determined in
8 subsection (2) of this section, except that existing dwelling units may be retained as part
9 of new development without counting towards the maximum number of new units.

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

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

13 (b) Divide the site area by the minimum lot area permitted by the underlying
14 zone, or where LDMR and MR standards apply, by 4,000 square feet and 2,000 square
15 feet respectively. For retirement apartment PRDs and retirement housing PRDs in the
16 LDMR zone divide by 4,000 square feet and in the MR zone and commercial zones
17 divide by 2,000 square feet.

18 (c) Multiply the resulting number of dwelling units from subsection (2)(b) of this
19 section by 2.2 for retirement housing PRDs, 1.54 for retirement apartment PRDs, and
20 ~~((1.2))~~ 1.5 for all other PRDs.

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

24
25 **Section 10.** A new section is added to chapter 30.91D of the Snohomish County
26 Code to read:

27
28 **30.91D.535 Dwelling unit, existing.**

29
30 “Dwelling unit, existing” (“Existing dwelling unit”) means a dwelling unit that received
31 final inspection approval or a certificate of occupancy at least seven (7) years prior to
32 the date of application for a proposed land use development, or that was built prior to
33 December 31, 1980.

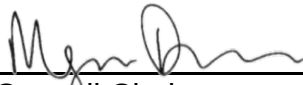
34
35 *This definition applies only to SCC 30.23.040(4), (5), and (65); SCC 30.23.210; and*
36 *SCC 30.42B.040(1).*

37
38 **Section 11.** Severability and Savings. If any section, sentence, clause or phrase
39 of this ordinance shall be held to be invalid by the Growth Management Hearings Board
40 (Board), or unconstitutional by a court of competent jurisdiction, such invalidity or
41 unconstitutionality shall not affect the validity or constitutionality of any other section,
42 sentence, clause or phrase of this ordinance. Provided, however, that if any section,

1 sentence, clause or phrase of this ordinance is held to be invalid by the Board or court
2 of competent jurisdiction, then the section, sentence, clause or phrase in effect prior to
3 the effective date of this ordinance shall be in full force and effect for that individual
4 section, sentence, clause or phrase as if this ordinance had never been adopted.

5
6 PASSED this 4th day of May, 2022.

7
8 SNOHOMISH COUNTY COUNCIL
9 Snohomish, Washington

10
11 
12 _____
13 Council Chair

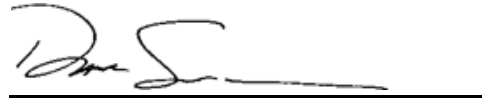
14 ATTEST:

15
16 
17 _____

18 Clerk of the Council

19
20
21 ☒ APPROVED
22 ☐ EMERGENCY
23 ☐ VETOED

24 DATE: 5/9/2022

25 
26 _____
27 County Executive

28
29
30 ATTEST:

31
32 
33 _____

34 Approved as to form only:

35
36 _____
37 Deputy Prosecuting Attorney