

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; PROVIDING DESIGN FLEXIBILITY FOR
9 LOT SIZE AVERAGING; AMENDING SECTIONS 30.23.210 AND 30.41B.200 AND
10 ADDING A NEW SECTION 30.23.215 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 “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
DRAFT ORDINANCE NO. 24-[REDACTED]

RELATING TO GROWTH MANAGEMENT; PROVIDING DESIGN FLEXIBILITY FOR LOT SIZE AVERAGING IN
URBAN AREAS; AMENDING SECTIONS 30.23.210 AND 30.41B.200 AND ADDING A NEW SECTION 30.23.215
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 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; and
10

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

15 WHEREAS, the County Council concurs with the findings of the Legislature that
16 Snohomish County is experiencing a housing affordability crisis and that code
17 amendments to allow more flexibility regarding urban lot width can be part of the
18 solution; and
19

20 WHEREAS, inclusion of surface detention/retention facilities in the lot size
21 averaging calculations provides more flexibility for subdivision design and promotes
22 affordable housing; and
23

24 WHEREAS, County Council staff briefed the Planning Commission on [REDACTED]
25 [REDACTED], 2024, and
26

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

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

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

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

DRAFT ORDINANCE NO. 24-[REDACTED]

RELATING TO GROWTH MANAGEMENT; PROVIDING DESIGN FLEXIBILITY FOR LOT SIZE AVERAGING IN
URBAN AREAS; AMENDING SECTIONS 30.23.210 AND 30.41B.200 AND ADDING A NEW SECTION 30.23.215
OF THE SNOHOMISH COUNTY CODE

1
2 NOW, THEREFORE, BE IT ORDAINED:
3

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

7 A. The foregoing recitals are adopted as findings as if set forth in full herein.
8

9 B. This ordinance will amend requirements related to lot size averaging. These
10 amendments will allow greater flexibility to subdivide lots in urban zoning, simplify
11 provisions related to subdivision in rural zoning, and eliminate provisions for zones that
12 do not conform to the comprehensive plan.
13

14 C. In considering the proposed amendments, the county evaluated factors including the
15 need to meet GMA mandates to provide housing for all economic segments of the
16 population.
17

- 18 1. Snohomish County is facing an affordable housing crisis and housing stock
19 shortage. The purpose of the proposed amendments is to provide additional
20 means to diversify the County's urban housing stock.
21
- 22 2. The housing authorized by this ordinance would be generally attainable to middle
23 income households for whom increasing multifamily densities does not generally
24 assist and where opportunities to expand the Urban Growth Area to provide
25 ownership opportunities are limited.
26

27 D. In considering the proposed amendments, the County considered the goals and
28 standards of the GMA. The proposed amendments are consistent with:
29

- 30 1. GMA Goal 2 – Reduce sprawl. Reduce the inappropriate conversion of
31 undeveloped land into sprawling, low-density development.
32

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

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

DRAFT ORDINANCE NO. 24-

RELATING TO GROWTH MANAGEMENT; PROVIDING DESIGN FLEXIBILITY FOR LOT SIZE AVERAGING IN
URBAN AREAS; AMENDING SECTIONS 30.23.210 AND 30.41B.200 AND ADDING A NEW SECTION 30.23.215
OF THE SNOHOMISH COUNTY CODE

1
2 Subdivision of homes on small lots will help diversify the housing stock and
3 promote ownership housing affordable to middle income households.
4

- 5 3. RCW 36.70A.070(4) – GMA implementation. GMA requires counties to adopt
6 policies and development regulations to implement changes in GMA within four
7 years of enactment. The changes proposed by this ordinance do not require any
8 policy changes (see below) but revised definitions for consistency with ESSB
9 1220 (planning for and accommodating housing for all economic segments).
10

11 E. The proposed amendments will better achieve, comply with, and implement the goals
12 and policies of the Puget Sound Regional Council’s Multicounty Planning Policies
13 (MPPs), including the following goals and policies:
14

- 15 1. MPP Housing Goal – The region will preserve, improve, and expand its housing
16 stock to provide a range of affordable, healthy, and safe housing choices to every
17 resident. The region will continue to promote fair and equal access to housing for
18 all people.
19

20 The proposed amendments will help to expand and improve the diversity of the
21 housing stock by reducing regulatory barriers on the construction of housing on
22 small lots.
23

- 24 2. MPP-H-1 – Provide a range of housing types and choices to meet the housing
25 needs of all income levels and demographic groups within the region.
26

27 MPP-H-2 – Achieve and sustain — through preservation, rehabilitation, and new
28 development — a sufficient supply of housing to meet the needs of low-income,
29 moderate-income, middle-income, and special needs individuals and households
30 that is equitably and rationally distributed throughout the region.
31

32 The proposed amendments will support MPP-H-1 and MPP-H-2 by allowing for
33 the construction of homes on smaller subdivided lots that will be generally
34 affordable to middle-income households. These amendments do not inhibit
35 development of other types of necessary housing.
36

37 F. The proposed amendments will better achieve, comply with, and implement the
38 Housing Goal of the Countywide Planning Policies (CPPs), which provides: “Snohomish
39 County and its cities will promote an affordable lifestyle where residents have access to
40 safe, affordable, and diverse housing options near their jobs and transportation options.”

DRAFT ORDINANCE NO. 24- [REDACTED]

RELATING TO GROWTH MANAGEMENT; PROVIDING DESIGN FLEXIBILITY FOR LOT SIZE AVERAGING IN
URBAN AREAS; AMENDING SECTIONS 30.23.210 AND 30.41B.200 AND ADDING A NEW SECTION 30.23.215
OF THE SNOHOMISH COUNTY CODE

1 The proposed amendments will support the housing goal in the CPPs by reducing the
2 regulatory barriers on the construction of single-family dwellings on smaller lots. These
3 changes will help to diversify the housing options in urban areas that are close to
4 employment and transportation options.

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

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

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

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

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

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

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

1 would be a similar physical building layout as other development options allow.
2 One such development option is Single Family Detached Unit (SFDU)
3 development, which create detached condominiums with comparable building
4 dimensions and separation. (SFDUs create condominiums rather than lots, so
5 the comparison is how the buildings relate to one-another and not to ownership
6 or lot boundaries.) A second development option with similar building and lot
7 layouts are Planned Residential Developments (PRDs). SCC 30.42B.145
8 provides that PRDs do not have a minimum lot width for single family and duplex
9 development. In practice, PRDs often provide lots that are 34-feet wide for single
10 family homes to meet the practical dimensional requirements described above. In
11 short, the proposed reduction in lot widths for lots created by lot size averaging
12 will increase the range of housing types and affordability levels in urban areas.
13

14 For rural zones, the proposal to move provisions for lot size to become a stand-
15 alone section is a formatting change only. It does not affect development
16 potential in rural areas. It would however make interpreting code requirements
17 easier. (See related discussion of Policy ED 2.A.1 in Finding G.4.)
18

- 19 3. Future Land Use Map. Under the heading Future Land Use Map (FLUM) the
20 GPP discusses implementing zones and land use designations shown on the
21 FLUM. This section provides the policy direction for which zones are conforming
22 to the comprehensive plan designations. The sole place where the GPP
23 discusses these zones is in their application in the Darrington and Gold Bar
24 UGAs due to an absence of sanitary sewer.
25

- 26 a. The sole place where the GPP discusses R-12,500 and R-20,000 zoning
27 is in their application in the Darrington and Gold Bar UGAs due to an
28 absence of sanitary sewer.
29

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

1 happened on most of the sites with R-20,000 zoning. Eliminating the
2 option for using lot size averaging on the remaining R-20,000 sites
3 reduces the possibility of creating more parcels that do not conform to the
4 applicable comprehensive plan designations.
5

- 6 b. When discussing the Urban High Density Residential (UHDR) plan
7 designation, the GPP says that this “designation allows high density
8 residential land uses such as townhouses and apartments generally near
9 other high intensity land uses.” UHDR is the only plan designation
10 implemented by MR zoning.
11

12 The purpose of MR zoning provided in SCC 30.21.025(1)(b)(iii) states that
13 the “intent and function of the Multiple Residential zone is to provide for
14 high-density development, including townhouses and multifamily
15 structures generally near other high-intensity land uses”.
16

17 The proposed amendments would no longer allow lot size averaging in
18 MR zoning. This is because lot size averaging is a technique to develop
19 single family homes, and these are not a policy goal for the UHDR plan
20 designation or part of the purpose of MR zoning. Further development of
21 single-family housing in MR zoning may be contrary to the policy direction
22 in the GPP for UHDR and the codified purpose of the zone.
23

- 24 4. Policy ED 2.A.1 – Snohomish County shall work to ensure that the Snohomish
25 County Code is an understandable, accessible, and user friendly document.
26

27 The proposed amendments would separate lot size averaging requirements in
28 SCC 30.23.210 into two code sections for urban zones and for rural zones. This
29 makes the requirements easier to understand and use. When Amended
30 Ordinance 02-064 first enacted SCC 30.23.210 in 2002, it contained 183 words.
31 Now there are 779 words in the current version of SCC 30.23.210 (as modified
32 by Amended Ordinance 22-062 in 2022). This proposal would keep the urban
33 zoning provisions in SCC 30.23.210 and reduce the word count to 264. The
34 proposal would move the lot size averaging provisions for rural zones to a new
35 section SCC 30.23.215 which would have 211 words. This organizational change
36 will help applicants determine which standards apply based on the applicable
37 zoning.
38

- 39 5. Objective LU 2.A – Increase residential densities within UGAs by concentrating
40 and intensifying development in appropriate locations [...]

1
2 The proposed amendments would increase residential densities in two ways.

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

10
11 Second, the proposed amendments would allow inclusion of surface detention/
12 retention facilities in calculations of gross density. This change would slightly
13 increase the allowed gross residential density in UGAs, in support of Objective
14 LU 2.A.

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

20
21 Policy NE 3.A.5 – The county shall design development regulations to avoid or
22 minimize impacts to the ecological functions and values of critical areas.

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

1 consistent with Policy NE 3.A.5 and the purpose of the zone in SCC
2 30.21.024(4).

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

10
11 I. Procedural requirements.

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

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

- 37
38 1. The proposed amendments are consistent with the goals, policies, and objectives
39 of the MPPs, CPPs, and GPPs.
40

DRAFT ORDINANCE NO. 24-[REDACTED]

RELATING TO GROWTH MANAGEMENT; PROVIDING DESIGN FLEXIBILITY FOR LOT SIZE AVERAGING IN URBAN AREAS; AMENDING SECTIONS 30.23.210 AND 30.41B.200 AND ADDING A NEW SECTION 30.23.215 OF THE SNOHOMISH COUNTY CODE

- 1 2. The proposed amendments are consistent with applicable federal, state, and
2 local laws and regulations.
- 3
- 4 3. The County has complied with all SEPA requirements with respect to this non-
5 project action.
- 6
- 7 4. 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 30.23.210, last amended by Amended
16 Ordinance 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 zoning, 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;~~

DRAFT ORDINANCE NO. 24-

RELATING TO GROWTH MANAGEMENT; PROVIDING DESIGN FLEXIBILITY FOR LOT SIZE AVERAGING IN
URBAN AREAS; AMENDING SECTIONS 30.23.210 AND 30.41B.200 AND ADDING A NEW SECTION 30.23.215
OF THE SNOHOMISH COUNTY CODE

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:

DRAFT ORDINANCE NO. 24-

RELATING TO GROWTH MANAGEMENT; PROVIDING DESIGN FLEXIBILITY FOR LOT SIZE AVERAGING IN
URBAN AREAS; AMENDING SECTIONS 30.23.210 AND 30.41B.200 AND ADDING A NEW SECTION 30.23.215
OF THE SNOHOMISH COUNTY CODE

- 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 – rural zones.**

33 In F&R, R-5, and RD zoning, 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.

DRAFT ORDINANCE NO. 24-

RELATING TO GROWTH MANAGEMENT; PROVIDING DESIGN FLEXIBILITY FOR LOT SIZE AVERAGING IN URBAN AREAS; AMENDING SECTIONS 30.23.210 AND 30.41B.200 AND ADDING A NEW SECTION 30.23.215 OF THE SNOHOMISH COUNTY CODE

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 30.41B.200, last amended by Amended
12 Ordinance 22-062 on October 6, 2022, is amended to read:

13
14 **30.41B.200 Design standards.**

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

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

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

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

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

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

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

33
34 **Section 7. Severability and Savings.** If any section, sentence, clause or phrase
35 of this ordinance shall be held to be invalid by the Growth Management Hearings Board
36 (Board), or unconstitutional by a court of competent jurisdiction, such invalidity or
37 unconstitutionality shall not affect the validity or constitutionality of any other section,
38 sentence, clause or phrase of this ordinance. Provided, however, that if any section,
39 sentence, clause or phrase of this ordinance is held to be invalid by the Board or court
40 of competent jurisdiction, then the section, sentence, clause or phrase in effect prior to

DRAFT ORDINANCE NO. 24-

RELATING TO GROWTH MANAGEMENT; PROVIDING DESIGN FLEXIBILITY FOR LOT SIZE AVERAGING IN
URBAN AREAS; AMENDING SECTIONS 30.23.210 AND 30.41B.200 AND ADDING A NEW SECTION 30.23.215
OF THE SNOHOMISH COUNTY CODE

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