

Index of Records					
Lot Size Averaging Ordinance 24-058 (2024-1411)					
Hearing Date: Wednesday, August 14, 2024 @ 10:30 a.m.					
Council Staff: Ryan Countryman			DPA: Laura Kisielius		
<i>Click on exhibit number to view document</i>					
EXHIBIT	RECORD TYPE	DATE	RECEIVED FROM	EXHIBIT DESCRIPTION	# OF PAGES
2.0 Planning Commission					
2.0003	Staff Report	01/23/24	Ryan Countryman, Council Staff	Briefing to Planning Commission: Proposed Code Amendments for Lot Size Averaging	13
2.0017	Letter	03/04/24	Planning Commission	Planning Commission Recommendation	2
3.1 ECAF and Materials					
3.1.001	ECAF	06/27/24	Council	Transmitting Councilmember initiated Ordinance	1
3.1.002	Ordinance	06/27/24	Council	Introduced Ordinance	15
3.1.003	Motion	01/03/24	Council	Amended Motion 23-542	16
3.1.004	Introduction	06/27/24	Councilmember Nate Nehring	Introduction Slip	1
3.2 Council Planning Committee Materials					
3.2.001	Staff Report	07/02/24	Ryan Countryman, Council Staff	Council Staff Report	1
3.2.002	Minutes	07/02/24	Council Staff	Link to Minutes and Video of Planning and Community Development Committee 07/11/24	1
3.3 Correspondence, Comments, Testimony					
3.4 Staff Reports and Submissions					
3.5 Public Participation					
3.6 Council Deliberations					

Index of Records					
Project Name		Lot Size Averaging			
Part 2 - PLANNING COMMISSION					
Exhibit #	Record Type	Date	Received From	Exhibit Description	# of Pages
2.0001	Public Outreach	1/8/2024	Planning Commission	Planning Commission Agenda (Briefing)	4
2.0002	Public Outreach	2/20/2024	The Herald	Affidavit of Agenda publication in The Herald (Briefing)	4
2.0003	Legislative Documents	1/8/2024	PDS Staff	Staff Report (Briefing)	13
2.0004	Public Outreach	1/8/2024	PDS Staff	Proposed Lot Size Averaging ordinance	15
2.0005	Public Outreach	1/8/2024	PDS Staff	Council Amended Motion 23-542	2
2.0006	Public Outreach	1/18/2024	PDS Staff	Presentation (Briefing)	11
2.0007	Public Outreach	2/24/2024	Planning Commission	Planning Commission Written Meeting Minutes (Briefing)	6
2.0008	Public Outreach	1/24/2024	Planning Commission	Planning Commission Recording of Meeting (Briefing)	NA
2.0009	Public Testimony	1/24/2024	Campbell, Tom	LSA in Rural Zones email	1
2.0010	Public Testimony	2/5/2024	PDS Staff	PC Follow Up regarding LSA in Rural Zones, Council Discussions, and Type 1 and 2 Criteria	1
2.0011	Public Testimony	2/5/2024	PDS Staff	Countryman Response to LSA in Rural Zones	2
2.0012	Public Testimony	2/5/2024	PDS Staff	Silvana Terrace Short Plat	3
2.0013	Public Outreach	2/13/2024	Planning Commission	Planning Commission Agenda (Hearing)	5
2.0014	Public Outreach	3/21/2024	The Herald	Affidavit of Agenda publication in The Herald (Hearing)	4
2.0015	Public Outreach	3/27/2023	Planning Commission	Planning Commission Written Meeting Minutes (Hearing)	8
2.0016	Public Outreach	2/28/2024	Planning Commission	Planning Commission Meeting Recording (Hearing)	NA
2.0017	Public Outreach	3/5/2024	Planning Commission	Recommendation Letter to County Council	2
*Contact the Clerk of the Council for copies of part 2 Exhibits - 425-388-3494 or contact.council@snoco.org					

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

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

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

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

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 [REDACTED], 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

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.

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 5 OF 15

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.

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

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;~~

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 10 OF 15

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.

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

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 ____ day of ____, 2024.
16

17 SNOHOMISH COUNTY COUNCIL
18 Snohomish County, Washington
19

20 _____
21 Council Chair

22 ATTEST:
23

24 _____
25 Clerk of the Council
26

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

DATE: _____
31

32 _____
33 County Executive
34

35 ATTEST:
36

37 _____
38
39
40

1 Approved as to form only:

2

3

4 _____
Deputy Prosecuting Attorney



Planning and Community Development

Ryan Countryman

Council Initiated:

Yes

No

SNOHOMISH COUNTY COUNCIL

ECAF: 2024-1411

Ordinance: 24-058

Type:

Contract

Board Appt.

Code Amendment

Budget Action

Other

Requested Handling:

Normal

Expedite

Urgent

Fund Source:

General Fund

Other

N/A

Executive Rec:

Approve

Do Not Approve

N/A

Approved as to

Form:

Yes

No

N/A

EXHIBIT # 3.2.001

FILE Ord 24-058

Subject: Code Amendment – Lot Size Averaging Regulations.

Scope: Ordinance 24-058 would revise provisions for Lot Size Averaging (LSA), 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.

Duration: N/A

Fiscal Impact: Current Year Multi-Year **N/A**

Authority Granted: None

Background: Ordinance 24-058 contains recommendations from the Planning Commission and Executive Branch on an ordinance referred to them by Amended Council Motion 23-542. Councilmember Nehring proposed changes to Lot Size Averaging provisions in an ordinance attached to Motion 23-542. The Council discussed these on December 5, 2023, in Planning and Community Development Committee, and again on December 13, 2023, and January 3, 2024, in General Legislative Session. The broader discussion by Council led to Amended Motion 23-542 which referred most of the changes originally proposed but removed Multiple Residential from the list of zones in which development applicants could use LSA. Apart from some minor rephrasing for technical reasons, Ordinance 24-058 is substantively the same as what the Council referred to the Planning Commission.

Ordinance 24-058 would:

1. Reduce the minimum lot width in urban zones using LSA to 34' from the current 40' (to allow for equivalent site designs as in two other common development types).
2. Allow the area for open stormwater ponds to count in the lot yield calculation (greatly simplifying the gross lot yield calculation and slightly increasing potential densities in urban areas).
3. Move the provisions for LSA in rural zones to its own code section (to further simplify the code language without having any substantive impact).
4. Eliminate provisions for LSA in R-12,500, R-20,000, WFB and MR zones (LSA in R-12,500 conflicts with health code for septic; LSA in R-20,000 creates lots that do not conform to the comprehensive plan; increased use of LSA in WFB may be contrary to the adopted purpose of the zone, continued use of LSA in MR may be contrary to the need to achieve higher densities).

Of these changes, the proposed reduction of minimum lot width would have the greatest impact and is the main purpose of this proposed ordinance. Details are in the [council staff report to the Planning Commission dated January 8, 2024](#), available at the link and in the agenda package.

Request: Move Ordinance 24-058 to General Legislative Session to set date and time for a hearing. Suggested: August 14, 2024, at 10:30 am.



Snohomish County Council

To: Snohomish County Planning Commission

From: Snohomish County Council
Ryan Countryman, Senior Legislative Analyst

Report Date: January 8, 2024

Briefing Date: January 23, 2024

Subject: Staff Report on Proposed Code Amendments for Lot Size Averaging

Introduction

By [Amended Motion 23-542](#) (Motion 23-542) the Snohomish County Council is requesting review and recommendation by the Planning Commission on proposed code amendments regarding Lot Size Averaging (LSA). County Council staff is providing this staff report to the Planning Commission for a briefing on January 23, 2024. The Planning Commission could potentially hold its public hearing on February 27, 2024.

Background

Lot size averaging is a subdivision technique that allows creation of lots smaller than the standard minimum lot size. For example, suppose owners of an existing house on a 15,000 square foot lot with R-7,200 zoning wanted to subdivide and sell a second lot from their parcel. The standard minimum lot size in R-7,200 is 7,200 square feet, so both lots would need to be at least that size in a short subdivision using standard provisions. LSA would currently allow the second lot to be as small as 3,000 square feet. This scenario could result in one 12,000 square foot lot and one 3,000 square foot lot because the average of 7,500 square feet would exceed 7,200.

The proposed ordinance would make four changes related to lot size averaging (LSA). It would:

1. Reduce the minimum lot width in urban zones using LSA to 34' from the current 40' (to allow for equivalent site designs common in other development types).
2. Allow the area for open stormwater ponds to count in the lot yield calculation (simplifying the gross lot yield calculation and slightly increasing potential densities in urban areas).
3. Moving the provisions for LSA in rural zones to its own code section (to further simplify the code language without having any substantive impact).
4. Discontinuing use of LSA in R-12,500, R-20,000, WFB and MR zones (LSA in R-12,500 conflicts with health code for septic; LSA in R-20,000 creates lots that do not conform to

the comprehensive plan; increased use of LSA in WFB and continued use in MR may be contrary to the adopted policies and purposes of those zones).

Of these changes, the proposed reduction of minimum lot width would have the largest overall impact of the changes in this proposed ordinance.

The general idea to reduce minimum lot sizes comes from the “Opening Doors to Home Ownership” housing panel discussions sponsored by County Councilmember Nate Nehring from January 17, 2023, to April 18, 2023. A specific proposal to reduce minimum lot width was received after the panel discussions but it is consistent with the theme of reducing lot sizes. The County Council passed Amended Motion 23-542 referring the proposed amendments to the Planning Commission on January 3, 2024.

Proposed Ordinance

This ordinance would increase options to subdivide property because subdivision lot yields in SCC 30.23.210 rely on minimum lot size to determine the number of allowed lots (or building sites in the separately proposed SCC 30.23.270).

Ordinance Sections 1 to 3 include findings and conclusions to support the substantive changes in later sections.

Ordinance Section 4 amends LSA provisions in SCC 30.23.210. Part of this is moving provisions for LSA in some non-urban zones to a new code section SCC 30.23.215 discussed in Ordinance Section 5. What remains in Ordinance Section 4 are provisions for urban zones. One result of the proposed reformatting in SCC 30.23.210 would be discontinuance of LSA provisions in “Other”¹ zones (R-12,500, R-20,000, and WFB). Reformatting also includes specifying which zones are eligible to use LSA; currently, SCC 30.23.210 describes eligibility based on minimum lot area requirements. Specifying zones by name rather than categorizing them by minimum lot area clarifies use and simplifies the code text. The proposed revisions to the section heading, introductory text and first two current subsections are:

30.23.210 Lot size averaging – urban zones.

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

~~(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~~

¹ [SCC 30.21.020](#) establishes Snohomish County’s zones. This section also places each zone into one of four broad categories: Urban, Rural, Resource, and Other. The only Resource zone currently eligible for LSA is Forestry & Recreation (F&R) which has a minimum lot size of 200,000 square feet (approximately 4.6 acres). F&R zoning would be grouped with the Rural zones in proposed SCC 30.23.215.

~~(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.~~

The proposed ordinance would delete current Subsection (3) to allow the area for open stormwater ponds to count in the lot yield calculation (simplifying the gross lot yield calculation and slightly increasing potential densities in urban areas). Open stormwater ponds were topic of public concern in the early-2000s that led to their removal from the lot yield calculation to discourage them. State-level stormwater requirements increased substantially in 2007, with one result being near discontinuance of open stormwater designs. Today, most detention/retention facilities are located under private roads or open space tracts.

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

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

~~(i) Area in lots;~~

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

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

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

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

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

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

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

The proposed ordinance would delete current 30.23.210(4), moving the relevant parts to the new Section 30.23.215 which would apply to rural zones (see discussion of Ordinance Section 5).

Proposed new Subsection (1) would replace current Subsections (1) to (3) for calculating lot yield in urban zones. The phrasing regarding lots for new dwelling units and existing dwelling units is there to retain an existing bonus to potential lot count that applies for retaining existing units.

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

Proposed Subsections (2) and (3) would incorporate provisions in current Subsections (5) and (6), with updated references.

~~(5)(2)~~ If the average lot size as computed under either subsection ~~(3) or (4)~~ of this section (1) equals or exceeds the minimum lot area requirement of the zone in which the

property is located, then the minimum lot area requirement will be satisfied for the purposes of lot size averaging.

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

Current Subsection (7) relates to exceptions for when surface ponds may count towards lot yield. These provisions would become unnecessary due to proposed changes in new Subsection (1). Therefore, the proposed ordinance would delete current Subsection (7) as shown in the ordinance but not here.

Proposed Subsection (4) replaces current Subsection (8). The only substantive change is in proposed (4)(c)(i) where the minimum lot width for urban LSA would reduce from 40 feet to 34 feet.

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

(4) The following additional criteria apply:

- (a) Each single lot shall be at least 3,000 square feet in area;
- (b) Lots in subdivisions and short subdivisions created under the provisions of this section shall have a maximum lot coverage of 55 percent;
- (c) Lots with less than the prescribed minimum lot area requirement for the zone in which they are located shall have:
 - (i) A minimum lot width of at least ~~((40))~~34 feet; and
 - (ii) Setbacks of 15 feet from right-of-way and private roads, except that garages must be set back 18 feet from right-of-way (with the exception of alleys) or private roads and corner lots may reduce one right-of-way setback to no less than 10 feet; and
- (d) Preliminary subdivisions approved using lot size averaging shall not be recorded by divisions unless such divisions individually or together as cumulative, contiguous parcels satisfy the requirements of this section.

Current Subsection (9) would move to be part of new SCC 30.25.215. See following discussion of Ordinance Section 5.

Ordinance Section 5 consolidates provisions for Lot Size Averaging in F&R, R-5, and RD zoning into a new section SCC 30.23.215. This includes formatting changes such as naming applicable zones rather than describing them by minimum lot size. Such changes simplify the code language but do not make any substantive changes. The proposed new Section SCC 30.23.215 reads:

SCC 30.23.215 Lot size averaging – F&R, R-5, and RD zoning.²

² This section heading includes a technical clarification since the version of the proposed ordinance in Motion 23-542. That version read “SCC 30.23.215 Lot Size Averaging – rural zones.” Staff updated the phrasing before the Planning Commission because SCC 30.21.020 classifies RD zoning as an “Other” zone. The phrase “rural zones” was thus not as precise.

In F&R, R-5, and RD zoning, a short subdivision may meet the minimum lot area requirement by calculating average lot size under this section.

- (1) Divide the site area in square feet by the total number of lots.
- (2) If the average lot size as computed under subsection (1) of this section equals or exceeds the minimum lot area requirement of the zone in which the property is located, then the minimum lot area requirement will be satisfied for the purposes of lot size averaging.
- (3) In no case shall the provisions under SCC 30.23.230(3) apply to this section.
- (4) The following additional criteria apply:
 - (a) Each single lot shall be at least 12,500 square feet in area or the minimum area necessary to comply with the county health department rules and regulations for on-site sewage disposal and potable water supply, whichever is greater;
 - (b) Lots with less than the prescribed minimum lot area requirement for the zone in which they are located shall have:
 - (i) A minimum lot width of at least 75 feet; and
 - (ii) Setbacks of 50 feet from right-of-way and private roads, except that corner lots may reduce one right-of-way or private road setback to no less than 20 feet.

Ordinance Section 6 would amend SCC 30.41A.240 with non-substantive changes. This section identifies potential reductions to minimum lot size in subdivisions. This proposed new section SCC 30.23.215 created by this ordinance should be on the list in SCC 30.41A.240. Further, this ordinance would revise the heading of SCC 30.41A.240 because it is already incomplete. The heading refers to lot size averaging (SCC 30.23.210) which is one way to reduce minimum lot area. The body of this section already lists SCC 30.23.210, but the section also includes references to Chapter 30.42B SCC (Planned Residential Development) and Chapter 30.41C SCC (Rural Cluster Subdivision) that can also result in a reduction of minimum lot size. The proposal would amend the heading to reflect both existing and proposed reductions to minimum lot area.³ Proposed amendments to SCC 30.41A.240 are as follows:

30.41A.240 Design standards – ~~((lot size averaging,))~~ other reductions to minimum lot area.

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

³ In a separate but related action, Council Motion 23-539 referred potential changes regarding Attached Single Family Dwellings to the Planning Commission for review and recommendation. The ordinance accompanying that motion would also amend SCC 30.41A.240 to include a reference to a new section 30.23.270 proposed as part of that ordinance. The version of the ordinance originally accompanying Motion 23-539 included changes related to LSA that now appear in this ordinance. The ordinances in the Planning Commission materials include these adjustments to keep proposed changes to the SCC 30.41A.240 separate. The current phrasing assumes adoption of the LSA changes before adoption of the attached single-family dwelling ordinance. That sequence and associated phrasing in the ordinance could change in the final ordinances for council consideration. The errata sheets attached to both staff reports document differences in phrasing between what was before the County Council and what is before the Planning Commission.

Ordinance Section 6 would amend SCC 30.41B.200 related to minimum lot sizes in short subdivisions. Here, the current reference to SCC 30.23.210 would need an update to include the proposed new section SCC 30.23.215 too. Alternatively, the ordinance could strike the specific code reference and the remaining phrase lot size averaging would then refer to both SCC 30.23.210 and .215. This proposal takes the latter approach.⁴ The relevant changes in are Subsection (1) as follows (the ordinance does not propose any changes in Subsections (2) through (6) which are omitted here for brevity):

30.41B.200 Design standards.

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

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

Ordinance Section 7 is a standard severability and savings clause.

Examples of Possible Use

Reducing the minimum lot width in LSA would give more flexibility to design lots that work around wetlands or other unbuildable features without lowering overall unit counts. Lots that are 34 feet wide (sometimes less) are already a feature of some Planned Residential Developments (PRD) (where there is no minimum lot width). Likewise, some SFDU developments include areas for condominium units that are equivalent to 34 feet wide (and sometimes narrower).

Example 1 – 34-foot Wide Lots in a PRD.

Santa Clara (PFN 20-103563 SPA) is a PRD subdivision with several 34-foot-wide lots, including Lot 6 and Lot 8 (see Figure 1, next page). Lots of this width can accommodate a house with a two-car garage and front door facing the road. Narrower lots help more homes of the buildable portion of a site. The size and zoning of Santa Clara's site (268,706 square feet or 6.17 acres, and R-7,200 zoning) would have allowed 37 units if it had been a subdivision using lot size averaging. However, since most of the site was buildable, the applicant chose to use the PRD method which allowed a 20% density bonus at the time. As a PRD, 45 lots might have been possible, but the final design was for 43. The lot width flexibility in PRDs (no minimum lot width) helped to accommodate this increase to the number of homes on the site.

⁴ The proposed ordinance accompanying Council Motion 23-539 would also amend SCC 30.41B.200, adding a reference to the proposed provisions for Attached Single Family Dwellings. These two sets of possible changes would need coordination in the final ordinances if the County Council were to consider both at the same time.

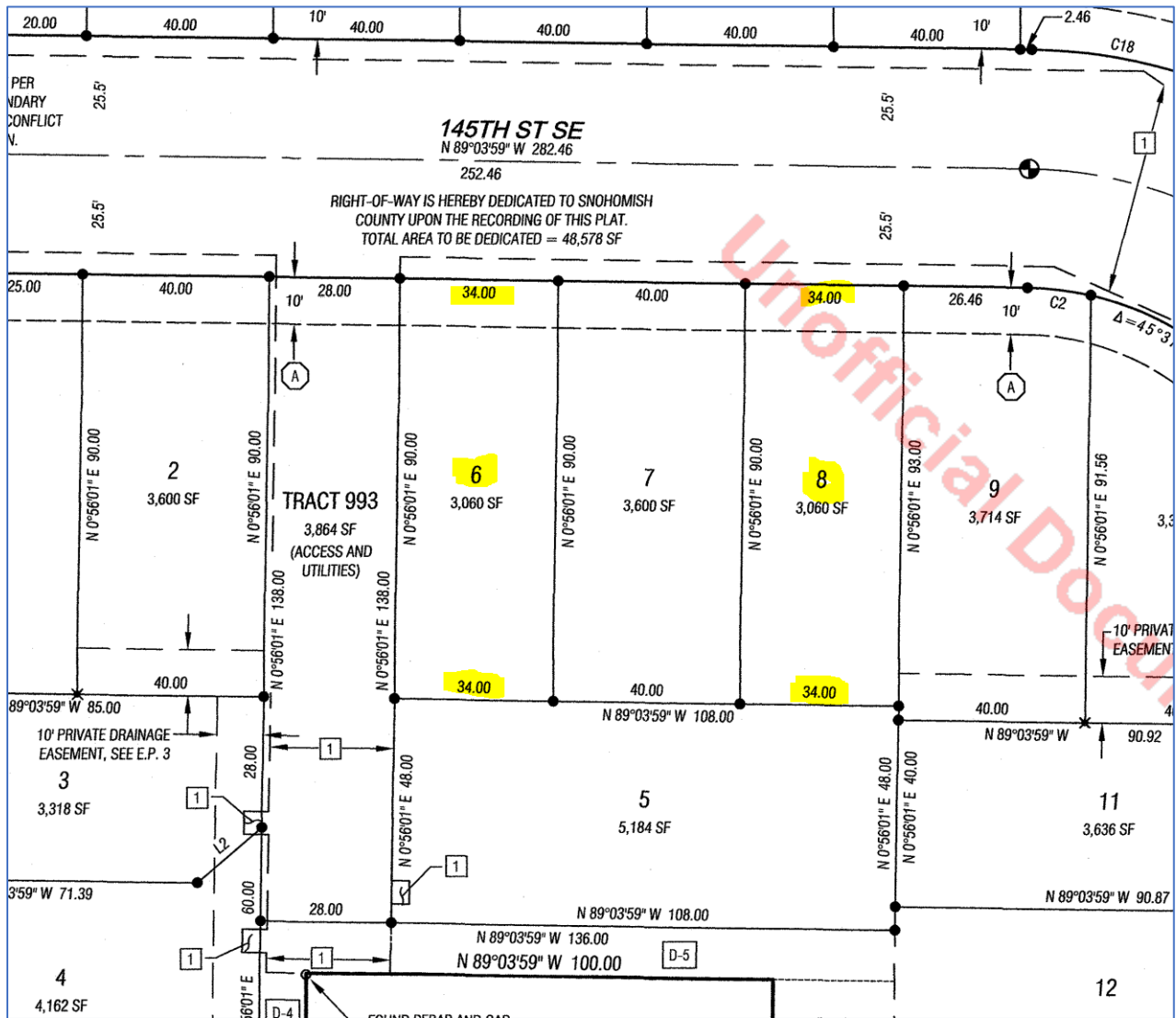


Figure 1 – Santa Clara PRD Lots 6 & 8 (AFN 202206305001, Sheet 1)

Effect of Ordinance: The proposal to reduce minimum lot width in LSA to 34 feet would match what PRDs can already achieve. This staff report does not compare other design differences between LSA and PRDs because the types of sites where applicants use these techniques are quite different. Applications on sites with few constraints usually use the PRD technique because PRDs offer a density bonus (currently 50%) that can exceed the base density. Designing an LSA project on such a site would mean building fewer than the potential number of units. By itself, narrowing the lot width requirement in LSA to 34 feet would not have much impact. However, combining smaller lot widths in LSA with the separately proposed reduction in minimum lot sizes could potentially have a large effect, as illustrated by the next example.

Example 2 – Combining narrower lots with smaller lots in LDMR zoning.

Easton Lane (05-117989 LU) is an SFDU-type development with 16 detached units. Its layout wraps around the north side of a wetland as shown in Figure 2 below.

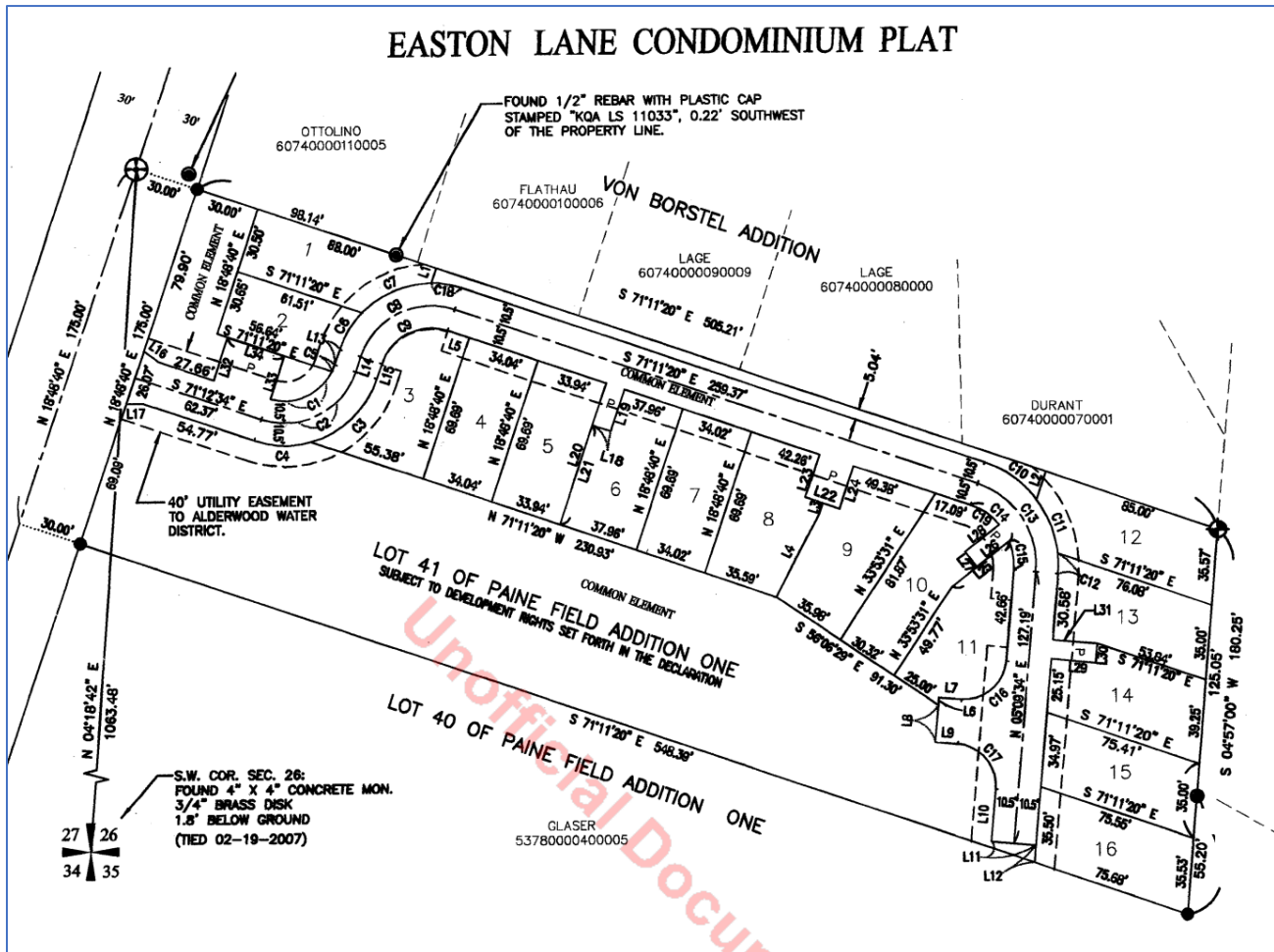


Figure 2 – Easton Lane Layout (Adapted from AFN 200809155218)

The Easton Lane site is 2.11 acres and has LDMR zoning. If this project had been a subdivision, the current minimum lot size in LDMR zoning would have resulted in a maximum of 13 lots. However, since SFDU development is based on the allowed density of one unit per 4,000 square feet of site, the theoretical maximum number of units was 23. This maximum density was not achievable since much of the site was unbuildable due to wetland and buffer areas. When it recorded as a condominium, each unit became a limited common element (or LCE) as shown on Figure 2. These units look on the recorded condominium map like lots in a subdivision. However, such units own a share of the entire site with an exclusive right to use the LCE, but the unit does not individually own the land under the LCE. From a design standpoint, the LCE unit widths range from 30.32 feet (Unit 10) to 37.98 feet (Unit 6). The average lot width is approximately 34 feet. This narrow unit design made it possible to fit more units around the wetland than would have been the case if the smallest LCE unit width had been 40 feet (the current minimum lot width for lot size averaging in urban zones). The combination of reduced minimum lot width in LSA subdivisions proposed in this ordinance and the separate proposal to reduce the minimum lot size in LDMR zoning would allow for a project like Easton Lane to be a subdivision rather than a condo.

Design and Process Differences. Road width and tree canopy may require slightly different design for an LSA subdivision vs an SFDU condominium. The approval process may also be different based on the number of units.

As a subdivision, the access would need to meet the road standards that apply to subdivisions (wider) than the narrower drive aisle standards that Easton Lane condominium uses. In an alternative LSA design, wider access might have reduced the overall number of lots/units because less space would be available for the building footprints. An alternative approach on this site would be to develop a subdivision of attached single family residences under Ordinance 1. The advantage of attaching single family units is that more building space can fit on a smaller footprint (because there are fewer empty side yards taking up otherwise buildable space).

For tree canopy, SCC 30.25.016 requires a 30% canopy coverage for a 16-lot subdivision and a 20% canopy for a 16-lot SFDU. The reduced lot width in Ordinance 4 would generally encourage development with more lots and thus more tree canopy. Applied to the Easton Lane site specifically, this might not be the case because the wetland and buffer area would count as persevered vegetation that more than satisfies the tree canopy requirements.

As a subdivision, Easton Lane would have required a public hearing to receive approval. Urban subdivisions with 10 or more lots require a public hearing before the Hearing Examiner. Approval of urban short subdivisions up to 9 lots are usually an administrative decision by Planning and Development Services (PDS) staff. SFDUs usually have an administrative approval process too, regardless of the number of units.

Policy Analysis

The proposed changes to Lot Size Averaging provisions seek to help address housing affordability and improve implementation of existing policy direction.

State Level. In 2021, the Legislature passed Engrossed Second Substitute House Bill 1220 (ESSB 1220), which among other changes strengthened the Growth Management Act (GMA) Goal 4 related to housing. ESSB 1220 went from “Encourage the availability of affordable housing to all economic segments of the population” to “Plan for and accommodate housing affordable to all economic segments of the population”.

In 2023, the Legislature also enacted Engrossed Substitute House Bill 1110 (ESSB 1110), which included a finding that states:

Washington is facing an unprecedented housing crisis for its current population and a lack of housing choices, and is not likely to meet the affordability goals for future populations [...] innovative housing policies will need to be adopted. Increasing housing options that are more affordable to various income levels is critical to achieving the state's housing goals, including those codified by the legislature under chapter 254, Laws of 2021 [ESSB 1220].

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

Local Policies. Snohomish County's General Policy Plan (GPP) contains policies regarding land use and housing that are also relevant. These include the following policies:

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

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

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

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

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

The proposed amendments reduce regulatory barriers on the development of housing in urban areas, supporting the development of a broad range of housing types and affordability. The development housing on narrower lots will provide different housing types and affordability levels in areas with a lack of affordability. The proposal to move provisions for LSA in F&R, R-5, and RD zoning to a new code section is organizational only and will have no impact on housing options or affordability in rural areas.

Discontinuance of use in Waterfront Beach (WFB) zoning. The proposed ordinance would discontinue potential application of LSA to sites with WFB zoning. This is because the proposed reduction in minimum lot width in WFB zoning for LSA subdivisions may conflict with GPP natural environment policies NE 3.A.3 and NE 3.A.5 and the purpose of the zone in SCC 30.21.025(4).

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

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

SCC 30.21.025(4) – [WFB is one of several] no longer primary implementing zones but may be used in special circumstances due to topography, natural features, or the presence of extensive critical areas.

All sites with WFB zoning have frontage on Lake Stickney, Martha Lake, or Puget Sound. These areas are at least partially subject to Shoreline Management Act protections. Nearly all properties with WFB zoning have existing development with homes on relatively narrow but long lots. Although many are large enough to meet the minimum lot size for subdivision, most of these lots are too narrow to subdivide under current provisions. The proposed amendments include a reduction to the required lot width for development using lot size averaging. Allowing a 34-foot minimum lot width rather than the current 40-foot minimum to sites with WFB zoning could potentially increase the buildable land inventory of WFB-zoned sites by making some of the existing lots subdividable. Individually such sites would still be subject to critical areas protections, including for shorelines. However, there has been no study of the cumulative effects called for in Policy NE 3.A.3. Therefore, the proposed amendments would discontinue use of lot size averaging in WFB zoning to avoid potential impacts consistent with Policy NE 3.A.5 and the purpose of the zone in SCC 30.21.024(4).

Discontinuance of use in MR, R-12,500, R-20,000. Under the heading Future Land Use Map (FLUM) the GPP discusses implementing zones and land use designations shown on the FLUM. This section provides the policy direction for which zones are conforming to the comprehensive plan designations.

MR Zoning. When discussing the Urban High Density Residential (UHDR) plan designation, the GPP says that this “designation allows high density residential land uses such as townhouses and apartments generally near other high intensity land uses.” UHDR is the only plan designation implemented by MR zoning. The purpose of MR zoning provided in SCC 30.21.025(1)(b)(iii) states that the “intent and function of the Multiple Residential zone is to provide for high-density development, including townhouses and multifamily structures generally near other high-intensity land uses”.

The proposed amendments would discontinue use of lot size averaging in MR zoning. This is because lot size averaging is a technique to develop single family homes, and these are not a policy goal for the UHDR plan designation or part of the purpose of MR zoning. Further development of single-family housing in MR zoning may be contrary to the policy direction in the GPP for UHDR and the codified purpose of the zone.

R-12,500 and R-20,000. The sole place where the GPP discusses R-12,500 and R-20,000 zoning is in their application in the Darrington and Gold Bar Urban Growth Areas due to an absence of sanitary sewer. The proposed amendments remove the possible use of lot size averaging in the R-12,500 and R-20,000 zones to help to implement the FLUM and to reduce situations with non-conforming lots. Most of the locations where R-12,500 and R-20,000 appear on the zoning map are not in the Darrington or Gold Bar UGAs. Rather, these zones occur more often on the zoning map as non-conforming zones to applied to rural or resource future land use map designations.

Since septic system requirements include a minimum lot size of 12,500 square feet, it is not feasible to use lot size averaging in the R-12,500 zone. Eliminating provisions to use lot size averaging in R-12,500 zoning helps to clarify development options by eliminating a hypothetical allowance that does not work. Development has already happened on most of the sites with R-20,000 zoning. Eliminating the option for using lot size averaging on the remaining R-20,000 sites reduces the possibility of creating more parcels that do not conform to the applicable comprehensive plan designations.

Procedural

Environmental Review

A State Environmental Policy Act Checklist and a threshold determination will be issued prior to County Council consideration.

Notification of State Agencies

Pursuant to RCW 36.70A.106, county staff will transmit a notice of intent to adopt the proposed regulations and standards to the Washington State Department of Commerce at least 60 days prior to a public hearing held by the County Council.

Action Requested

Council Motion 23-542 requests that Planning Commission hold a public hearing, consider the proposed code amendments, and provide a recommendation to the County Council by May 27, 2024. The Planning Commission can recommend approval of the proposed ordinance with supporting findings of fact as proposed or modified, deny the proposal with findings, or amend the proposal with appropriate findings.

cc: Ken Klein, Executive Director
Mike McCrary, PDS Director
David Killingstad, PDS Manager
Michael Dobesh, PDS Manager

Attachment A: Errata Changes

The ordinance accompanying the January 8, 2024, memo from Council Staff to the Planning Commission includes some minor corrections and clarifications made since the County Council amended and passed Motion 23-542 on January 3, 2024.

Page 1, line 9, inserting a reference to the title of the ordinance [and also the same change to the footer on all pages]:

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

Page 8, lines 30-34, adding text to clarify a finding and replacing the word “with” with “width”:

Nearly all properties with WFB zoning have existing development with homes on relatively narrow but long lots. Although many are large enough to meet the minimum lot size for subdivision, most of these lots are too narrow to subdivide under current provisions. The proposed amendments include a reduction to the required lot width for development using lot size averaging. Allowing a 34-foot minimum lot width rather than the current 40-foot minimum [...]

Page 9, line 2, correcting a number in a citation:

SCC ~~30.21.024(4)~~ 30.21.025(4).

Page 12, line 32, rephrasing the section heading because F&R zoning is not technically a rural zone:

SCC 30.23.215 Lot size averaging – ~~rural zones.~~ F&R, R-5, and RD zoning.

Page 13, lines 11 to 19, inserting a new Section 6 [and renumbering subsequent sections]:

Section 6. Snohomish County Code 30.41A.240, last amended by Amended Ordinance 02-064 on December 9, 2002, is amended to read:

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

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



Snohomish County

SNOHOMISH COUNTY PLANNING COMMISSION

March 4, 2024

Snohomish County Council
County Administration Building
3000 Rockefeller Avenue, M/S 609
Everett, WA 98201-4046

SUBJECT: Planning Commission recommendations on proposed code amendments related to Lot Size Averaging

Dear Snohomish County Council:

On behalf of the Snohomish County Planning Commission, I am forwarding our recommendation to amend Snohomish County Code under the proposed Lot Size Averaging (LSA) ordinance. The Planning Commission had a briefing on this topic on January 23, 2024, and conducted a public hearing and deliberated on February 27, 2024.

The proposed ordinance would make four changes related to lot size averaging (LSA). It would:

1. Reduce the minimum lot width in urban zones using LSA from 40 feet to 34 feet.
2. Allow the area for open stormwater ponds to count in the lot yield calculation.
3. Moving the provisions for LSA in rural zones to its own code section.
4. Discontinuing use of LSA in R-12,500, R-20,000, WFB and MR zones.

The Planning Commission did not receive any public comments prior to the February 27 hearing. The hearing was open for public comment, but no one from the public commented at the hearing.

PLANNING COMMISSION RECOMMENDATION

Regarding the ordinance as submitted by staff, Commissioner Campbell made a **Motion** seconded by Commissioner Sheldon, recommending APPROVAL of the proposed ordinance.

VOTE:

9 in favor (*Ash, Busteed, Campbell, James, Larsen, Niemela, Pedersen, Sheldon, Sievers*)


0 opposed

0 abstention

Motion PASSED

This recommendation was made following the close of the public hearing and after due consideration of the information presented. It is based on the findings and conclusions presented in the January 23, 2024, staff briefing and as supported by the Staff Report dated January 8, 2024.

Respectfully submitted,


[Robert Larsen \(Mar 4, 2024 17:52 PST\)](#)

SNOHOMISH COUNTY PLANNING COMMISSION
Robert Larsen, Chair

cc: Dave Somers, Snohomish County Executive
Mike McCrary, Director, Planning and Development Services

Executive/Council Action Form (ECAF)

ITEM TITLE:

..Title

Ordinance 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

..body

DEPARTMENT: Council

ORIGINATOR: Ryan Countryman for Nate Nehring

EXECUTIVE RECOMMENDATION: Approved

PURPOSE: This ordinance would revise Lot Size Averaging requirements, simplifying the calculations, clarifying which zones LSA may be used, and reducing the minimum lot width for LSA in urban zones to 34 feet.

BACKGROUND: This ordinance was referred to the Planning Commission by Council Motion 23-542. The Planning Commission and Executive branch both recommend approval.

OTHER DEPARTMENTAL REVIEW/COMMENTS: [Click or tap here to enter text.](#)

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

AMENDED MOTION NO. 23-542

REFERRING PROPOSED CODE REVISIONS RELATING TO LOT SIZE AVERAGING
TO THE DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES AND THE
SNOHOMISH COUNTY PLANNING COMMISSION

WHEREAS, the County Council wishes to obtain a recommendation from the Snohomish County Planning Commission regarding proposed code amendments related to lot size averaging; and

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

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

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

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

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


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

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

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


DATED this 3rd day of January, 2024.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



Council Chair

ATTEST:



Deputy Clerk of the Council

**EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO
LOT SIZE AVERAGING**

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ORDINANCE NO. 24-

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

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

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

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

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

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

WHEREAS, the HART report discusses the need for more “variety ... in single family zones [to facilitate] increased supply of housing – as well as reduce per unit costs”; and

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

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

**EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO
LOT SIZE AVERAGING**

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

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

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

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

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

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

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

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

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

NOW, THEREFORE, BE IT ORDAINED:

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

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

EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO LOT SIZE AVERAGING

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

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

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

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

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

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

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

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

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

EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO LOT SIZE AVERAGING

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

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

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

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

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

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

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

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

EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO LOT SIZE AVERAGING

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

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

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

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

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

In urban areas, the proposed amendments reduce regulatory barriers on the development of housing, supporting the development of a broad range of housing types and affordability. The development of housing on smaller lots will provide different housing types and affordability levels in areas with a lack of affordability. The current minimum lot width of 40 feet for urban lots created under lot size averaging provisions results in larger than necessary lot sizes. The proposed new minimum lot width of 34 feet would accommodate a front entrance, two car garage, and required 5-foot side yard setbacks. The result would be a similar physical building layout as other development options allow. One such development option is Single Family Detached Unit (SFDU) development, which create detached condominiums with comparable building dimensions and separation. (SFDUs create condominiums rather than lots, so the comparison is how the buildings relate to one-another and not to ownership or lot boundaries.) A second development option with similar building and lot layouts are Planned Residential Developments (PRDs). SCC 30.42B.145 provides that PRDs do not have a minimum lot width for single family and duplex development. In practice, PRDs often provide lots that are 34-feet wide for single family homes to meet the practical dimensional requirements described above. In short, the proposed reduction in lot widths for lots created by lot size averaging will increase the range of housing types and affordability levels in urban areas.

EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO LOT SIZE AVERAGING

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

3. Future Land Use Map. Under the heading Future Land Use Map (FLUM) the GPP discusses implementing zones and land use designations shown on the FLUM. This section provides the policy direction for which zones are conforming to the comprehensive plan designations.
 - a. The sole place where the GPP discusses R-12,500 and R-20,000 zoning is in their application in the Darrington and Gold Bar UGAs due to an absence of sanitary sewer.

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

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

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

EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO LOT SIZE AVERAGING

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

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

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

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

The proposed amendments would increase residential densities in two ways.

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

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

6. Policy NE 3.A.3 – The county shall evaluate immediate and cumulative effects on the natural environment, critical areas, shorelines and buildable land inventory

EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO LOT SIZE AVERAGING

when formulating development regulations, including but not limited to, stormwater management, clearing, and grading.

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

The proposed amendments would discontinue potential application of lot size averaging to sites with Waterfront Beach (WFB) zoning. The purpose of WFB zoning is in SCC 30.21.025(4) which describes it as no longer a primary implementing zone but one that protects natural features and critical areas. All sites with WFB zoning have frontage on Lake Stickney, Martha Lake, or Puget Sound. These areas are at least partially subject to Shoreline Management Act protections. Nearly all properties with WFB zoning have existing development with homes on relatively narrow but long lots. The proposed amendments include a reduction to the required lot with for development using lot size averaging. Allowing a 34-foot minimum lot with rather than the current 40-foot minimum to sites with WFB zoning could potentially increase the buildable land inventory of WFB-zoned sites by making some of the existing lots subdividable. Individually such sites would still be subject to critical areas protections, including for shorelines. However, there has been no study of the cumulative effects called for in Policy NE 3.A.3. Therefore, the proposed amendments would exclude the continued use of lot size averaging in WFB zoning to avoid potential impacts consistent with Policy NE 3.A.5 and the purpose of the zone in SCC 30.21.024(4).

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

I. Procedural requirements.

1. State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with respect to this non-project action have been satisfied through the completion of an environmental checklist and the issuance on [REDACTED], 2024 of a Determination of Non-Significance (DNS) for this non-project proposal to Amend Title 30 Snohomish County Code (SCC).
2. The proposal is a Type 3 legislative action pursuant to SCC 30.73.010.

EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO LOT SIZE AVERAGING

3. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance was transmitted to the Washington State Department of Commerce for distribution to state agencies on [REDACTED], 2024, and assigned material number [REDACTED].
4. The public participation process used in the adoption of this ordinance complies with all applicable requirements of the GMA and the SCC.
5. The Washington State Attorney General last issued an advisory memorandum, as required by RCW 36.70A.370, in September of 2018 entitled “Advisory Memorandum: Avoiding Unconstitutional Takings of Private Property” to help local governments avoid the unconstitutional taking of private property. The process outlined in the State Attorney General’s 2018 advisory memorandum was used by the County in objectively evaluating the regulatory changes proposed by this ordinance.

Section 2. The County Council makes the following conclusions:

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

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

Section 4. Snohomish County Code 30.23.210, last amended by Amended Ordinance 22-062 on October 6, 2022, is amended to read:

30.23.210 Lot size averaging – urban zones.

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

EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO 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.~~

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

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

~~(i) Area in lots;~~

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

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

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

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

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

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

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

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

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

~~(i) Area in lots;~~

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

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

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

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

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

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

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

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

EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO LOT SIZE AVERAGING

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

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

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

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

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

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

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

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

(4) The following additional criteria apply:

(a) Each single lot shall be at least 3,000 square feet in area;

(b) Lots in subdivisions and short subdivisions created under the provisions of this section shall have a maximum lot coverage of 55 percent;

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

(i) A minimum lot width of at least ~~((40))~~34 feet; and

(ii) Setbacks of 15 feet from right-of-way and private roads, except that garages must be set back 18 feet from right-of-way (with the exception of alleys) or private roads and corner lots may reduce one right-of-way setback to no less than 10 feet; and

(d) Preliminary subdivisions approved using lot size averaging shall not be recorded by divisions unless such divisions individually or together as cumulative, contiguous parcels satisfy the requirements of this section.

~~((9) For 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, the following additional criteria apply:~~

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

~~(b) Lots in short subdivisions created under the provisions of this section shall have a maximum lot coverage of 35 percent; and~~

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

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

EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO LOT SIZE AVERAGING

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

Section 5. A new section is added to Snohomish County Code Chapter 30.23 to read:

SCC 30.23.215 Lot size averaging – rural zones.

In F&R, R-5, and RD zoning, a short subdivision may meet the minimum lot area requirement by calculating average lot size under this section.

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

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

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

(4) The following additional criteria apply:

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

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

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

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

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

30.41B.200 Design standards.

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

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

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

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

**EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO
LOT SIZE AVERAGING**

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

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

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

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

PASSED this ____ day of ____, 2024.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Council Chair

ATTEST:

Clerk of the Council

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

DATE: _____

County Executive

ATTEST:

**EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO
LOT SIZE AVERAGING**

Approved as to form only:

Deputy Prosecuting Attorney

ECAF:
RECEIVED:

ORDINANCE INTRODUCTION SLIP

SNOHOMISH COUNTY COUNCIL

EXHIBIT # 3.1.004

FILE Ord 24-058

TO: Clerk of the Council

TITLE OF PROPOSED ORDINANCE:

Initiated By:
N Neh
Councilmember

Introduced By:
N Neh
Councilmember Date

Clerk's Action:

Proposed Ordinance No. _____

Assigned to: _____ Date: _____

STANDING COMMITTEE RECOMMENDATION FORM

On _____, the Committee considered the Ordinance by ___ Consensus /
___ Yeas and ___ Nays and made the following recommendation:

_____ Move to Council to schedule public hearing on: _____

_____ Other _____

Regular Agenda _____ Administrative Matters _____

Public Hearing Date _____ at _____

N Neh
Committee Chair

EXHIBIT 3.2.002

Planning & Community Development Committee Meeting – 07/02/24

[Minutes](#) and [Video](#)