



CO00045264

1 APPROVED: 1-25-12  
2 EFFECTIVE: 2-16-12

3  
4 SNOHOMISH COUNTY COUNCIL  
5 SNOHOMISH COUNTY, WASHINGTON

6  
7 AMENDED ORDINANCE NO. 11-058

8  
9 RELATING TO REGULATION OF SUBSTANDARD LOTS AND BOUNDARY LINE  
10 ADJUSTMENTS; AMENDING AND ADDING SECTIONS IN TITLE 30 SCC

11  
12 WHEREAS, the Snohomish County Council ("county council") adopted  
13 regulations in Snohomish County Code ("SCC") 30.23.240 to allow residential  
14 development on existing legal lots that do not meet the minimum bulk requirements for  
15 lot area and width required by current zoning regulations, provided that certain  
16 conditions are met; and

17  
18 WHEREAS, SCC 30.23.240 was adopted to balance the desire to protect the  
19 character and quality of existing residential communities as envisioned in the  
20 Snohomish County Growth Management Act Comprehensive Plan – General Policy  
21 Plan (GMACP – GPP) and current zoning code with the desire to allow residential  
22 development on legally existing lots that were created before the current zoning was in  
23 place; and

24  
25 WHEREAS, a decision issued in Watson v. Snohomish County, Cause No.  
26 63531-0-1 ("Watson Decision") by the Washington State Court of Appeals on April 12,  
27 2010, determined that the plain meaning of SCC Table 30.23.030(1) requires that all  
28 lots must meet the bulk matrix requirements, including minimum lot area and width  
29 requirements, unless a specific exception applies. This decision means that  
30 substandard lots may not be used for land uses that are not exempt from the bulk matrix  
31 requirements including minimum lot area and width; and

32  
33 WHEREAS, the Watson Decision determined that SCC 30.23.240, "Residential  
34 use of substandard lots," provides an exemption for single family dwellings, but not for  
35 duplexes; and

36  
37 WHEREAS, prior to the Watson Decision, the Department of Planning and  
38 Development Services' interpretation of title 30 SCC was that the lot area and width  
39 requirements in the bulk matrix applied only to the creation of new lots. The  
40 development of permitted and conditional land uses or activities on substandard lots  
41 was allowed when the requirements of title 30 SCC were met; and

42  
43 WHEREAS, a new section is proposed in SCC 30.23.235 to establish general  
44 regulations for development on substandard lots; and

46 WHEREAS, proposed SCC 30.23.235 permits development on substandard lots  
47 and sets forth requirements for development including general development standards  
48 and restrictions on the development of additional residential density; and  
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50 WHEREAS, under the county's historic code interpretation, land uses allowed on  
51 substandard lots were and are still regulated by zoning classification and performance  
52 standards in compliance with the Snohomish County Growth Management Act  
53 Comprehensive Plan General Policy Plan (GMACP – GPP). The development  
54 regulations implement the GMACP – GPP; and  
55

56 WHEREAS, divisions and descriptions of land that were never intended for  
57 building sites in their original state are often combined through a boundary line  
58 adjustment with lots to create substandard building sites; and  
59

60 WHEREAS, this practice is possible under the definition of "lot" and boundary  
61 line adjustment provisions in title 30 SCC; and  
62

63 WHEREAS, more restrictive requirements for boundary line adjustments are  
64 needed to promote the goals and policies of the GMACP – GPP and contain unplanned  
65 development; and  
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67 WHEREAS, the county council has determined that the consideration of such  
68 proposed amendments to the Snohomish County Code would promote a legitimate  
69 county purpose; and  
70

71 WHEREAS, the Snohomish County Council Community Development and  
72 Planning Committee was briefed on June 14, 2011; and  
73

74 WHEREAS, the Snohomish County Planning Commission ("planning  
75 commission") was briefed on the June 14, 2011, staff report on the proposed ordinance  
76 on June 28, 2011, and held a public hearing on July 26, 2011, to receive public  
77 testimony concerning the code amendments contained in this ordinance; and  
78

79 WHEREAS, at the conclusion of the planning commission's public hearing, the  
80 planning commission voted to recommend denial of the adoption of the code  
81 amendments contained in this ordinance, as shown in its recommendation letter dated  
82 August 3, 2011; and  
83

84 WHEREAS, on September 13, 2011, the county council was briefed on the  
85 planning commission's recommendation on the code amendments contained in this  
86 ordinance; and  
87

88 WHEREAS, on October 19, and December 7, 2011 and January 25, 2012, the  
89 county council held a public hearing after issuing proper notice, heard public testimony

90 related to the code amendments contained in this ordinance and considered the entire  
91 record, including the planning commission's recommendations.

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93  
94 NOW, THEREFORE, BE IT ORDAINED:

95  
96 Section 1. The county council adopts the foregoing recitals as findings of fact  
97 and conclusions as if set forth in full herein.

98  
99 Section 2. The county council adopts the following findings:

- 100  
101 A. The proposed regulations establish a definition of a substandard lot and  
102 requirements for the development of legally created substandard lots for uses  
103 other than single family dwellings. They also prohibit the creation of new building  
104 sites from divisions and descriptions of land that were not originally intended to  
105 be used for a building site.
- 106  
107 B. The introductory clause to the bulk matrix in SCC 30.23.030 must be amended  
108 because it references additional setback and lot area requirements and  
109 exceptions in SCC 30.23.100 – 30.23.260 and chapter 30.34A SCC. It is  
110 amended to instead reference title 30 SCC because there are many additional  
111 setback and lot area requirements and exceptions throughout title 30 SCC  
112 beyond the code sections cited. In this proposal, a new exception is proposed in  
113 SCC 30.23.235.
- 114  
115 C. SCC 30.23.200 is amended to contain numbered subsections for clarity and is  
116 further amended to correct an unintended consequence that occurred with the  
117 adoption of the personal wireless facilities legislation. That legislation failed to  
118 include personal wireless facilities in the list of uses whose structures and  
119 facilities require no minimum lot area for development. The amendments to this  
120 section also correct the term "utilities" to "utility" for consistency with the  
121 appropriate definition in chapter 30.91U SCC.
- 122  
123 D. It is in the best interest of the community to clarify that uses other than certain  
124 residential uses are permitted on legally established substandard lots. A new  
125 section, SCC 30.23.235 "Development on substandard lots – general," is  
126 proposed.
- 127  
128 E. The introductory statement in new SCC 30.23.235 establishes that development  
129 on substandard lots is permitted, including single family dwellings as currently  
130 regulated under SCC 30.23.240. SCC 30.23.235 establishes regulations for such  
131 development that will protect the public health, safety and welfare. These  
132 requirements, in conjunction with other applicable development regulations, will  
133 implement the GMACP – GPP.

- 135 F. New SCC 30.23.235(2) codifies a general permitting practice. It will prevent  
136 development issues that arise when multiple substandard lots are built upon as a  
137 unit, but later one or more of the individual lots is sold and will help maintain the  
138 lot in its required state for development.
- 139
- 140 G. New SCC 30.23.235(3) prohibits duplexes and attached and detached accessory  
141 apartments to prevent additional residential density. Both uses are stand alone  
142 uses identified in the land use matrices in chapter 30.23 SCC.
- 143
- 144 H. New SCC 30.23.235(4) requires that substandard lots must comply with the  
145 setback requirements of SCC 30.23.030, Snohomish Health District standards,  
146 and must not exceed the lot coverage requirement in SCC 30.23.030 to protect  
147 the public health and welfare.
- 148
- 149 I. New SCC 30.41E.015 is proposed to prohibit boundary line adjustments of lots  
150 that only touch corner points and to prevent the adjustment or reconfiguration of  
151 divisions or descriptions of parcels, easements, exceptions, and reservations into  
152 configurations eligible for use as a building site if they were solely created: (a) for  
153 access, road, railroad, or other right-of-way, utility, or drainage course purposes;  
154 (b) to resolve encroachment problems or describe survey gaps; (c) to describe  
155 properties divided by non-navigable water courses; (d) to describe deed releases  
156 for a mortgage, or other financial contract; or (e) to describe tax title parcels.  
157 New SCC 30.41E.015 is proposed to prevent unplanned for growth and  
158 inappropriate conversion of undeveloped land into sprawling low density  
159 development,
- 160
- 161 J. The use of the boundary line adjustment process on land conveyed for purposes  
162 other than future building lots creates lots that are substantially different from the  
163 size and configuration of the original parcel. These divisions or descriptions often  
164 do not meet minimum zoning and access requirements and are rarely eligible for  
165 development in their original form because of their small size. Use of such  
166 parcels for development purposes has increased in recent years through the use  
167 of boundary line adjustment process.
- 168
- 169 K. Although these lots do not meet the minimum lot size of their zone, PDS issues  
170 permits on lots meeting access and health department standards. In some cases,  
171 development permits are requested on parcels of approximately 12,500 square  
172 feet with a septic and drainfield approval or an acre where a well is available. As  
173 a result of adjusting boundary lines on very small divisions and descriptions of  
174 land through this process, many substandard parcels have been developed. This  
175 practice is particularly detrimental to the County's efforts to protect rural and  
176 resource lands from unplanned development, adversely affects rural character,  
177 and could contribute to rural sprawl, which is inconsistent with the GMACP –  
178 GPP.
- 179

- 180 L. In effect, this practice of adjusting boundary lines of certain divisions and  
181 descriptions creates new buildable sites from land never planned for  
182 development. This practice conflicts with the intent of the GMACP – GPP,  
183 Snohomish County subdivision regulations in chapters 30.41A, 30.41B, and  
184 30.41E SCC, and chapter 58.17 RCW pertaining to boundary line adjustments.  
185
- 186 M. The definition of “lot” in SCC 30.91L.120 is amended. Existing code specifies that  
187 the term shall not include divisions or descriptions created solely for access  
188 purposes. Additional types of divisions and descriptions are added to the  
189 definition consistent with proposed SCC 30.41E.015.  
190
- 191 N. A substandard lot is defined in proposed SCC 30.91L.195 for internal code  
192 clarity.  
193
- 194 O. The GMA planning goals adopted in RCW 36.70A.020 guide the development  
195 and adoption of comprehensive plans and development regulations. The goals  
196 are not priority listed. The GMA goals are addressed by the GMACP – GPP that  
197 guide the development of development regulations required under RCW  
198 36.70A.040. The proposed requirements in this ordinance are consistent with  
199 GMA Goals adopted in RCW 36.70A.020 for the following reasons:  
200
- 201 1. They implement GMA Goal 2 to “Reduce sprawl” by providing additional  
202 regulations for the development of substandard lots including the containment  
203 of extra density on substandard lots by prohibiting duplexes and detached  
204 and attached accessory apartments and inappropriate conversion of  
205 undeveloped land never intended as a building site. The regulations would  
206 prevent additional sprawling, low-density development from occurring through  
207 the boundary line adjustment process. Uses other than single family  
208 dwellings, which are already permitted under title 30 SCC, are planned for  
209 and regulated by their appropriateness to the zone in which they are  
210 permitted. They are further regulated as to scope through the implementation  
211 of performance standards and in some cases, conditional use permits. These  
212 performance standards and conditional use permits are required to ensure  
213 that compatibility with and impacts to surrounding properties are addressed  
214 consistent with the GMACP – GPP. To meet most performance standards  
215 and when a conditional use permit is required, environmental and service  
216 impacts are analyzed and considered in the permit decision process.  
217 Proposed SCC 30.23.235, in conjunction with other title 30 SCC development  
218 regulations, implement the GMA requirements for planning for rural areas,  
219 including RCW 36.70A.070(5), by controlling rural development in a manner  
220 that protects rural character.  
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- 222 2. GMA Goal 3 “Transportation” – The proposal prohibits additional density and  
223 reduces unplanned for development on substandard lots that might result in  
224 transportation service impacts.

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3. GMA Goal 4 "Housing" – The proposal prohibits the development of extra density on a substandard lot. This prohibition should not affect the county's ability to meet its housing supply targets. Under existing code residential development is permitted on substandard lots when certain conditions are met, balancing personal property rights with other GMA goals.
  
4. GMA Goal 5 "Economic development" – The proposal provides the same opportunities for permitted natural resource industries or other permitted business activities to flourish on rural and resource lands in accordance with the requirements of title 30 SCC. In title 30 SCC, most commercial and industrial zone classifications do not require a minimum lot size. Businesses in the rural and resource zones are often restricted by performance standards specific to the use when necessary to provide measures to reduce anticipated community or environmental impacts and to protect rural character. One example of a lot dimension performance standard is the requirement that restricts a commercial kennel to a five acre-minimum lot size in the R-5 or other zones.
  
5. GMA Goal 6 "Property rights" – The proposed regulations will not result in a permanent or temporary physical occupation of private property; will not deprive affected property owners of all economically viable uses of their properties; will not substantially diminish a fundamental attribute of property ownership; do not require a property owner to dedicate a portion of property or to grant an easement; and should not have a severe impact on the property owners' economic interests. In certain cases, the regulations clarify the use of certain substandard lots.

The proposals to regulate development on substandard lots, including the prohibition of duplex and attached and detached accessory apartments, regulation of uses other than single family dwellings, and the proposed constraints on BLAs, balance the property rights of property owners with other planning goals while recognizing that certain divisions and descriptions were not intended as building sites.

6. GMA Goal 7 "Permits" – The proposed code addresses current permitting issues that create much permitting inefficiency. The proposed code clarifications in the amendments and additions to title 30 SCC will result in a more predictable permitting process.
  
7. GMA Goal 8 "Natural resource industries" – The proposed code provisions would allow resource industries to function on lawfully created substandard lots similar to the development of other businesses and industries in non-resource zoning classifications that have no minimum lot area established. It supports the development of resource based industries and business

270 operations on substandard lots, unless more specific lot size or performance  
271 standards are established in code. The bulk regulations contained in chapter  
272 30.23 SCC do not specify minimum lot sizes for commercial and businesses  
273 in non-resource zoning classifications.  
274

275 8. GMA Goal 10 "Environment" – The proposed restrictions on the development  
276 of substandard lots and BLA prohibitions serve to reduce unplanned for  
277 growth particularly in rural and resource zones. The regulations will help  
278 protect rural character and the natural environment.  
279

280 9. GMA Goal 11 "Citizen Participation and coordination" – The legislative  
281 drafting process undertaken complies with GMA and the county's public  
282 participation requirements in title 30 SCC.  
283

284 10. GMA Goal 12 "Public facilities and services" – The proposal regulates the use  
285 of existing substandard lots and would contain the creation of substandard  
286 building sites through new BLA prohibitions. This will prevent many new  
287 developments that increase the demand for public facilities and services.  
288

289 P. The proposal complies with the GMACP - GPP which sets forth the following  
290 goals, objectives, and policies related to the regulation of minimum lot area:  
291

292 1. Goal LU 6 "Protect and enhance the character, quality, and identity of rural  
293 areas."  
294

295 2. Goal LU 7 "Conserve agriculture and agricultural land through a variety of  
296 planning techniques, regulations, incentive and acquisition methods."  
297

298 3. Objective LU 7.B "Conserve designated farmland and limit the intrusion of  
299 non-agricultural uses into designated areas."  
300

301 4. LU Policy 7.B.1 "Areas designated Local Commercial Farmland and not  
302 zoned Agriculture-10 shall not be divided into lots of less than 10 acres  
303 except when used exclusively for agricultural purposes."  
304

305 5. Objective LU 7.C "Enhance and encourage the agricultural industry  
306 through development and adoption of supporting programs and code  
307 amendments."  
308

309 6. Goal HO 2 "Ensure the vitality and character of existing residential  
310 neighborhoods."  
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312 7. Goal ED 2 "Provide a planning and regulatory environment which  
313 facilitates growth of the local economy."  
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- 8. Objective ED 2.A “Develop and maintain a regulatory system that is fair, understandable, coordinated and timely.”
  - 9. ED Policy 2.A.1 “Snohomish County shall ensure that revisions to the Snohomish County Code result in a more understandable, accessible, and user friendly document which eliminates unnecessary and clarifies confusing code provisions.”
  - 10. ED Policy 2.A.2 “Snohomish County should stress predictability but maintain enough flexibility in the Comprehensive Plan and development codes to allow for a timely response to unanticipated and desirable developments.”
  - 11. Goal ED 3 “Encourage the retention and expansion of existing businesses and jobs and attract new businesses and jobs.”
- Q. The amendments adopted by this ordinance comply with the GMA requirement to adopt development regulations that are consistent with and implement the GMACP – GPP.
  - R. Advance notice of the intent to adopt amendments to the Snohomish County Code was provided to the Washington State Department of Commerce at least sixty days prior to adoption as required per RCW 36.70A.106(1).
  - S. SEPA requirements, with respect to this non-project action, have been satisfied through the completion of an environmental checklist and the issuance of a Determination of Nonsignificance (DNS) on June 24, 2011, prior to the Snohomish County Planning Commission public hearing.
  - T. The Washington State Attorney General last issued an advisory memorandum, as required by RCW 36.70A.370, in December 2006, entitled “Advisory Memorandum: Avoiding Unconstitutional Takings of Private Property,” to help local governments avoid the unconstitutional taking of private property. The process outlined in that advisory memorandum was used by Snohomish County to objectively evaluate the regulatory changes proposed by this ordinance balancing property rights of the owners of substandard lots and land identified by descriptions and divisions that were not intentionally created as a building site.
  - U. The county council considered and assessed potential constitutional issues related to the regulations proposed by this ordinance including, but not limited to, whether the proposed regulations will result in a permanent or temporary physical occupation of private property; whether the proposed regulations will deprive affected property owners of all economically viable uses of their properties; whether the proposed regulations will deny or substantially diminish a



360 fundamental attribute of property ownership; whether the proposed regulations  
361 require a property owner to dedicate a portion of property or to grant an  
362 easement; and whether the proposed regulations will have a severe impact on  
363 the property owners' economic interests.

364  
365 Section 3. The county council makes the following conclusions:

- 366  
367 A. The proposed substandard lot, minimum lot area and boundary line adjustment  
368 regulations will protect the public health, safety, and welfare of Snohomish  
369 County.
- 370  
371 B. The proposed regulations prohibit additional density and will contain unplanned  
372 growth resulting from certain boundary line adjustment practices.
- 373  
374 C. The proposed development regulations supplement other title 30 SCC  
375 requirements that restrict the types of uses and their location in rural or resource  
376 lands and provide minimum lot areas for specific land uses in compliance with  
377 the GMACP – GPP.
- 378  
379 D. The amendments adopted by this ordinance comply with the GMA requirement to  
380 adopt development regulations that are consistent with and implement the  
381 GMACP – GPP.
- 382  
383 E. The regulations proposed by this ordinance are reasonably related to and  
384 necessary for the advancement of the GMA's goals.
- 385  
386 F. The county council bases its findings and conclusions on the entire record of the  
387 planning commission and the county council, including all testimony and  
388 exhibits. Any finding, which should be deemed a conclusion, and any conclusion  
389 which should be deemed a finding, is hereby adopted as such.

390 Section 4. Snohomish County Code Section 30.23.030, last amended by  
391 Amended Ordinance No. 10-072 on September 10, 2010, is amended to read:

393

**30.23.030 Bulk matrix.**

The bulk matrix contains the standard setback, lot coverage, building height, and lot dimension regulations for zones in unincorporated Snohomish County. Additional setback and lot (area) dimension requirements and exceptions are (found at SCC 30.23.100—30.23.260 and chapter 30.34A SCC.) established in this title.

**Table 30.23.030(1)  
BULK MATRIX**

Category	Zone	Max. Bldg. Height (ft) <sup>27</sup>	Lot Dimension (ft) <sup>54</sup>			Setback Requirements From: (ft) <sup>28, 53</sup>							Water Bodies <sup>12</sup>	Max. Lot Coverage <sup>8</sup>	
			Min. Lot Area <sup>22, 29</sup>	Min. Lot Width	Min. Corner Lot Width <sup>34</sup>	Public Right of Way <sup>42</sup> under 60'	Public and Private Right of Way <sup>9, 11, 34, 42</sup>	Commercial and Industrial Zones <sup>11</sup>	Residential, Multifamily, and Rural Zones <sup>11</sup>	Resource Ag <sup>20</sup>	Lands Forest <sup>21</sup>				
Resource	MC <sup>31</sup>		10 ac <sup>32</sup>			50	50	100 <sup>33</sup>							
	F <sup>38</sup>	45 <sup>6</sup>	20 ac <sup>3</sup>	300	300	130 <sup>10, 13</sup>	100 <sup>13</sup>	100 <sup>13, 33</sup>	50	100 <sup>30</sup>	25 <sup>13</sup>		35%		
	F&R <sup>38, 39</sup>	30 <sup>7</sup>	200,000 sf <sup>2, 23</sup>	100	100	50 <sup>10</sup>	20	5 <sup>33</sup>	50	100 <sup>30</sup>	25		35%		
	A-10 <sup>37, 40, 52</sup>	45	10 ac	none	none	50 <sup>10</sup>	20	5 <sup>33</sup>	50	100 <sup>30</sup>	25		none		
Rural	RRT-10	45	10 ac	225	225	50	20	5 <sup>33</sup>	50	100 <sup>30</sup>	25		35%		
	R-5 <sup>37, 38, 39, 40, 46</sup>	45 <sup>25</sup>	200,000 sf <sup>2, 24</sup>	165 <sup>24</sup>	165 <sup>24</sup>	50 <sup>10</sup>	20	5 <sup>33</sup>	50	100 <sup>30</sup>	25		35%		
	RC <sup>37, 38, 39, 40</sup>	35	100,000 sf <sup>24</sup>	165 <sup>24</sup>	165 <sup>24</sup>	50 <sup>10</sup>	20	5 <sup>33</sup>	50	100 <sup>30</sup>	25		35%		
	RD <sup>38</sup>	45	200,000	165	165	50 <sup>10</sup>	20	5 <sup>33</sup>	50	100 <sup>30</sup>	25		35%		
	RB	35	none	none	none	55	25	50 <sup>33</sup>	50	100	none		35%		
	CRC	35 <sup>43</sup>	none	none	none	25 <sup>26</sup>	25 <sup>26</sup>	25	50	100	none		50% <sup>44</sup> 30% <sup>45</sup>		
Other	RFS	35	none	none	none	55	25	50	50	100	none		35%		
	RI	50	none	none	none	55	25	100	100	100	none		35%		
	SA-1 <sup>37, 39</sup>	35	1 ac/ 43,560 sf	150	150	50 <sup>10</sup>	20	5 <sup>33</sup>	50	100	25		35%		
	RU <sup>37, 39</sup>	35	60	65	65	50 <sup>10</sup>	20	5 <sup>33</sup>	50	100	25		35%		

Category	Zone	Lot Dimension (ft) <sup>54</sup>			Setback Requirements From: (ft) <sup>28, 53</sup>								
		Max. Bldg. Height (ft) <sup>27</sup>	Min. Lot Area <sup>22, 29</sup>	Min. Lot Width	Min. Corner Lot Width	Public Right of Way under 60' <sup>34, 42</sup>	Public and Private Right of Way <sup>9, 11, 34, 42</sup>	Commercial and Industrial Zones <sup>11</sup>	Residential, Multifamily, and Rural Zones <sup>11</sup>	Resource Lands Ag <sup>20</sup>	Forest <sup>21</sup>	Water Bodies <sup>12</sup>	Max. Lot Coverage <sup>8</sup>
	R20,000 <sup>37, 39</sup>	25	20,000 sf	85	90	50 <sup>10</sup>	20	5	5	50	100	25	35%
	R12,500 <sup>40</sup>	30	12,500 sf	75	80	50 <sup>10</sup>	20	5	5	50	100	25	35%
	WFB	30	7,200 sf <sup>23</sup>	60	65	50 <sup>10</sup>	20	5	5	50	100	25	35%

Table 30.23.030(1) (continued)

Category	Zone	Lot Dimension (ft) <sup>54</sup>			Setback Requirements From: (ft) <sup>28, 53</sup>								
		Max. Bldg. Height (ft) <sup>27</sup>	Min. Lot Area <sup>29</sup>	Min. Lot Width	Min. Corner Lot Width	Public Right of Way under 60', <sup>34, 42</sup>	Public and Private Right of Way <sup>9, 11, 34, 42</sup>	Commercial and Industrial Zones <sup>11</sup>	Residential, Multiple Family, and Rural Zones <sup>11</sup>	Resource Lands Ag <sup>20</sup>	Forest <sup>21</sup>	Water Bodies <sup>12</sup>	Max. Lot Coverage <sup>8, 51</sup>
	MHP	25	none	none	none	50 <sup>36</sup>	57	5	5	50	100	25	50%
	FS	35	none	none	none	25 <sup>25</sup>	25 <sup>26</sup>	5/15 <sup>16</sup>	25	none	100	none	none
	NB <sup>1</sup>	40	None	none	none	10 <sup>25</sup>	10 <sup>26, 58</sup>	none	10	none	100	none	65%
	PCB <sup>1</sup>	40	none <sup>19</sup>	none	none	55 <sup>25</sup>	25 <sup>18, 26</sup>	none	25	none	100	none	None
	CB <sup>1</sup>	35	none	none	none	25 <sup>25</sup>	25 <sup>26, 58</sup>	none	10	none	100	none	50%
	GC <sup>1</sup>	45	none	none	none	25 <sup>25</sup>	25 <sup>26, 58</sup>	none	10	none	100	none	50%
	IP	65	none	none	none	30 <sup>17, 25</sup>	25 <sup>17, 26</sup>	none <sup>17</sup>	25 <sup>17</sup>	none	100	none	50%
	BP <sup>1</sup>	50	none <sup>19</sup>	none	none	30 <sup>25</sup>	25 <sup>26</sup>	none	25	none	100	none	35%
	LI	50	none	none	none	25 <sup>25</sup>	25 <sup>26</sup>	none	50	none	100	none	none
	HI	65	none	none	none	25 <sup>25</sup>	25 <sup>26</sup>	none	50	none	100	none	none
	UC								50	none	100	none	none

SEE CHAPTER 30.34A SCC

Table 30.23.030(2)  
BULK MATRIX

Zone	Lot Dimension (feet) <sup>54</sup>			Building Height Limits for Setback Determination <sup>59</sup>	Minimum Setback Requirements From (feet) <sup>28, 53</sup>						Max. Lot Coverage <sup>51</sup>		
	Min. Lot Area <sup>29</sup> (sq ft)	Min. Lot Width	Max. Bldg Height <sup>27</sup>		Public or Private Easement or Front Lot Line <sup>34, 42, 60</sup>	Side and Rear Lot Lines Adjacent to:				Resource Lands		Seismic Hazard zones	
						Commercial & Industrial zones	R-9,600 & R-8,400	Other Urban Residential zones	Rural zones	Ag			Forest
Urban Residential	R-9,600	9,600 <sup>23</sup>	70	30	NA	15	10	5	5	5	5	35%	
	R-8,400	8,400 <sup>23</sup>	65	30	NA	15	10	5	5	5	5	35%	
	R-7200	7,200 <sup>23</sup>	60	30	NA	15	10	5	5	5	5	35%	
T		See SCC 30.31E.050		35	≤ 20	15	10	10	5	5	25	See SCC 30.51A & 30.62B	
					> 20	20	15	20	10	10	25	See chapters 30.32B.130	
LDMR <sup>15</sup>	7,200 <sup>4</sup>	60	45	≤ 20	15	10	10	5	5	5	25	See SCC 30.32A.110	
				20 - 30	20	10	20	10	10	25			
				> 30	20	15	25	15	15	25			
MR <sup>15</sup>	7,200	60	45	≤ 20	15	10	10	5	5	5	25	See SCC 30.32B.130	
				20 - 30	20	10	20	10	10	25			
				> 30	20	15	25	15	15	25			

443 Section 5. Snohomish County Code Section 30.23.200, last amended by  
444 Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

445 **30.23.200 Reductions to lot area.**

446 (1) No minimum lot area shall be so reduced or diminished that the setbacks or other  
447 open spaces shall be smaller than prescribed by this title, nor shall the density of  
448 population be increased in any manner except in conformity with the regulations  
449 established by this title. ~~((Government structures and facilities, and utilities structures  
450 and facilities, shall have no minimum lot area.))~~

451 (2) No minimum lot dimension shall be required for the development of a government,  
452 utility, or personal wireless telecommunication service structure or facility.

453  
454 Section 6. A new section is added to Chapter 30.23 of the Snohomish County  
455 Code to read:

456  
457 **30.23.235 Development on substandard lots - general.**

458  
459 Development on substandard lots, including single family development under SCC  
460 30.23.240, is permitted, provided that it shall comply with the following requirements:

461 (1) Development permitted on substandard lots regulated by this chapter shall be  
462 subject to compliance with all other applicable provisions of title 30 SCC.

463 (2) Where the combination of substandard lots is required or proposed for the  
464 development of a single family dwelling, or other building or structure, the lands involved  
465 shall be combined and considered to be a single undivided parcel. No portion of said  
466 parcel shall be used, altered or sold in any manner which diminishes compliance with lot  
467 area and width requirements, nor shall any division be made which creates a lot with a  
468 width or area below the requirements permitted by this title. A site plan depicting the lot  
469 combination shall be recorded with the auditor prior to permit issuance.

470 (3) The development of new attached and detached accessory apartments and  
471 duplexes is prohibited.

472 (4) Except as provided in SCC 30.23.235(3) and SCC 30.23.240, substandard lots  
473 may be used for development permitted under this title and associated incidental uses,  
474 provided that the development:

- 475 (a) Complies with the setback requirements of SCC 30.23.030;  
476 (b) Complies with the Snohomish Health District standards; and  
477 (c) Does not exceed the lot coverage requirement in SCC 30.23.030.

478  
479 Section 7. A new section is added to Chapter 30.41E of the Snohomish County  
480 Code to read:

481 **SCC 30.41E.015 Boundary line adjustment prohibitions.**

482 This section establishes prohibitions to prevent the creation of new building sites from  
483 the boundary line adjustment of divisions and descriptions of land recorded for other  
484 purposes.

485 (1) A boundary line adjustment shall not be permitted to adjust or reconfigure  
486 divisions or descriptions of parcels, easements, exceptions, and reservations into  
487 configurations eligible for use as a building site if they were solely created:

488 (a) For access, road, railroad, or other right-of-way, utility, or drainage course  
489 purposes;

490 (b) To resolve encroachment problems or describe survey gaps;

491 (c) To describe properties divided by non-navigable water courses;

492 (d) To describe deed releases for a mortgage, or other financial contract; or

493 (e) To describe tax title parcels.

494 (2) Lots that touch corner points shall not be adjusted by the boundary line  
495 adjustment process.

496 (3) The "solely created" determination of SCC 30.41E.015(1) shall be made strictly  
497 upon the basis of the language in the instrument creating the parcel, easement,  
498 exception, or reservation. PDS may consider documentation of insurance from a title  
499 company as well. The burden of proof shall rest upon the party asserting the "solely  
500 created" prohibition.

501  
502 Section 8. Snohomish County Code Section 30.91L.120, last amended by  
503 Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

504 **30.91L.120 Lot.**

505 "Lot" means a tract or parcel of land created in its present configuration by subdivision,  
506 short subdivision, or large tract segregation (recorded and/or approved by the County),  
507 a segregation exempt from subdivision requirements, or transfer of ownership prior to  
508 September 12, 1972. To be considered a "lot," each tract or parcel must be of sufficient  
509 area and dimension to meet minimum zoning requirements that were in effect at the  
510 time the tract or parcel was created, and must meet the access requirements of this  
511 title. The term shall not include ~~((divisions or))~~ descriptions, divisions, parcels,  
512 easements, exceptions, or reservations created solely ~~((for access purposes:))~~ to  
513 describe access, road, railroad, or utility right of way purposes or drainage courses,  
514 resolve an encroachment problem, or describe survey gaps, parcels divided by non-  
515 navigable water courses, mortgage deed or other financial contract releases, and tax  
516 title parcels.

517 Section 9. A new section is added to Chapter 30.91L of the Snohomish County  
518 Code to read:

519 **30.91L.195 Lot, substandard (Substandard lot).**

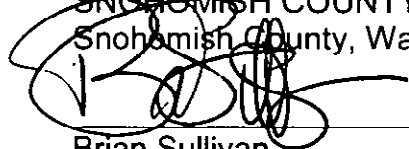
520 "Substandard lot" means a lot that was lawfully established and met the lot area and lot  
521 width requirements of the Snohomish County Code when it was established but does  
522 not conform to the lot area and width required to create a new lot in the zone in which it  
523 is currently located.

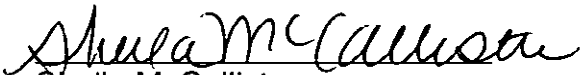
524

525 Section 10. Severability and savings. If any section, sentence, clause, or phrase  
526 of this ordinance shall be held to be invalid or unconstitutional by the Growth  
527 Management Hearings Board (Board) or a court of competent jurisdiction, such  
528 invalidity or unconstitutionality shall not affect the validity or constitutionality of any other  
529 section, sentence, clause, or phrase of this ordinance. Provided, however, that if any  
530 section, sentence, clause, or phrase of this ordinance is held to be invalid by the Board  
531 or a court of competent jurisdiction, then the section, sentence, clause, or phrase in  
532 effect prior to the effective date of this ordinance shall be in full force and effect for that  
533 individual section, sentence, clause, or phrase as if this ordinance had never been  
534 adopted.


535  
536 PASSED this 25<sup>th</sup> day of January, 2012.


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SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington  
  
\_\_\_\_\_  
Brian Sullivan  
Chairperson

548 ATTEST:  
549  
550   
551 Sheila McCallister  
552 Asst. Clerk of the Council

553  
554  
555  
556  APPROVED  
557  
558  EMERGENCY  
559  
560  VETOED

561 DATE: 2/6/12  
562  
563   
564 Aaron Reardon  
565 Snohomish County Executive  
566

567  
568 ATTEST:  
569   
570

D-17