

3. ADEQUATE PROVISIONS

Documenting Programs and Actions Needed to Achieve Housing Availability

RCW 36.70A.070(2)(d)(ii) requires that all housing elements, as part of making adequate provisions for the existing and projected needs of all economic segments of the community, document “programs and actions needed to achieve housing availability including gaps in local funding, barriers such as development regulations, and other limitations.”

Commerce has developed the following guidance on the minimum standards for meeting this requirement:

1. Review housing production trends to determine if a barrier exists.
2. Gather information to determine what kind(s) of barriers exist.
3. Identify and document appropriate programs and actions to overcome each barrier identified.

Housing Production Trends

The first step to evaluating whether a barrier to housing production exists is to review historical housing production trends. Commerce’s guidance provided the assumptions for relating zone categories to housing types and income levels for communities, in Table 3-1 below.

Table 3-1 Relating zone categories to housing types and income levels

Zone Category	Typical Housing Types allowed	Lowest potential Income Level Served		Assumed Affordability Level
		Market Rate	With subsidies	
Low Density	Detached single family homes	Higher Income (> 120% AMI)	Not typically feasible at scale	Higher Income (> 120% AMI)
Moderate Density	Townhomes, duplexes, triplexes, quadplexes	Moderate Income (>80-120% AMI)	Not typically feasible at scale	Moderate Income (>80-120% AMI)
Low-Rise	Walk-up apartments, condominiums, permanent supportive housing (PSH) (2-3 floors)	Low Income (>50-80% AMI)	Extremely Low and Very Low Income (0-50% AMI)	Low Income (0-80% AMI) and PSH
Mid-Rise	Apartments, condominiums, PSH	Low Income (>50-80% AMI)	Extremely Low and Very Low Income (0-50% AMI)	Low Income (0-80% AMI) and PSH

Projected housing needs were aggregated into three groups based on the zone category and housing type(s) assumed to most appropriate for meeting the need, Low density (most appropriate for meeting higher income housing), Moderate density (most appropriate for meeting moderate income housing) and Low-Rise/Mid-Rise (most appropriate for low-income housing), following the land capacity analysis. The total need for 2020-2024 was divided by 24 to calculate the annual unit production needed to meet the housing need. This number was then compared to the historical average unit production based upon building permits issued from 2015-2022. If the annual unit production needed is higher than the historic average annual unit production, then a barrier to housing production was identified. See Table 3-2

**Table 3-2 Comparison of Production Trends to Housing Needs for
Unincorporated Snohomish County**

Income Level %AMI	Projected Housing Need 2020-2044 ¹	Housing Types that serve these needs	Aggregated Housing Need (2020-2044)	Annual Unit Production Needed	Historical Average Annual Unit Production ²	Barrier Yes/No
0-30% PSH	5,012	Low-Rise and Mid-Rise (walk ups up to 3 stories, apartments, and condominiums)	38,559	1,607	423	Yes
0-30% Other	10,644					
>30-50%	11,952					
>50-80%	10,951	Moderate Density (townhouses, duplexes), Mobile Homes and ADUs	5,341	223	301	No
>80-100%	5,180					
>100-120%	161	Single-Family detached	6,704	279	1,204	No
120%+	6,704					

NOTES: 1. Housing Characteristics and Needs of Snohomish County (2023).

2. Snohomish County Building Permits Issued Data 2015-2022.

Based on historical production trends, the County does not have a barrier for moderate income housing or higher income housing. It is notable that the average annual unit production of single-family homes is about four times as what is needed to meet the 2020-2044 housing need for the above moderate-income level. The historical annual production housing that could serve low-income households is about one quarter of what is needed to meet the housing needs for low-income households, and therefore County has a significant barrier for low-income housing. Because the county's projected permanent supportive housing need shown in Table 3 above

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(5,012) is ten times the available permanent supportive housing in the county (546), and the lack of emergency housing in the unincorporated county, it is assumed that there is a barrier to developing these housing types in the county.

Barriers to Housing

Commerce has developed a checklist for jurisdictions to complete and include with the housing element on assessing barriers to housing.

Prior to completing the following checklist staff conducted a code review and evaluated existing permitting process and resources and consulted with staff in the county's Human Services Department who more directly work with affordable housing providers and projects. As part of the *Housing Characteristics and Needs of Snohomish County Report* the County also participated in a housing survey which asked about large array of housing strategies, whether each strategy was included in the comprehensive plan and/or development regulations and how often each strategy was being utilized. The County Council held a series of affordable housing roundtables in the spring of 2023 with developers, government officials and affordable housing providers. The majority of the roundtables focused on ownership housing; however, discussion of rental affordable housing barriers did occur. The following tables include an assessment of barriers to low- and mid-rise housing, permanent supportive housing and emergency housing.

Table 3-3 Barrier Review Checklists Low-Rise or Mid-Rise Housing

Barrier	Is this barrier likely to affect housing production? (yes or no)	Why or why not? Provide evidence.	Actions needed to address barrier.
DEVELOPMENT REGULATIONS			
Unclear development regulations	No	In Snohomish County Code SCC 30.22.100 multifamily is an allowed use in LDMR, MR, NB, PCB, CB, GC, and UC zoning. The urban residential zones bulk matrix contains many of the development regulations that apply to multifamily zones.	
High minimum lot sizes	No	In the majority of zones where multifamily is allowed, there is no minimum lot area. Only two zones LDMR and MR have a minimum lot size (7,200).	

Barrier	Is this barrier likely to affect housing production? (yes or no)	Why or why not? Provide evidence.	Actions needed to address barrier.
Low maximum densities or low maximum FAR	Yes	The maximum density for MR is 2,000 sqft per dwelling unit. Directly along SR 99, this changes to 750sqft per dwelling unit. This is lower than the city of Everett (which for their multifamily zones either have no maximum density or 1 unit per 500sqft), and Lynnwood which has 1,000sqft for all MR.	New Comprehensive Plan Policy UC 5.9 New Comprehensive Plan policy UC 5.13 the county shall create and implement a Mixed Use Corridor designation that supports high density residential, commercial and mixed-use developments within the Urban Core Subarea.
Low maximum building heights	Yes	The maximum building height for multifamily development is 45', except for multifamily along highway 99 which goes up to 75 feet, and for UC which goes up to 90 feet. This limits the development of mid-rise buildings.	New Comprehensive Plan Policy UC 5.9 New Comprehensive Plan policy UC 5.13 the county shall create and implement a Mixed Use Corridor designation that supports high density residential, commercial and mixed-use developments within the Urban Core Subarea.

Barrier	Is this barrier likely to affect housing production? (yes or no)	Why or why not? Provide evidence.	Actions needed to address barrier.
Large setback requirements	Yes	This varies significantly depending on the size of the roadway and the underlying zone. Depending on the underlying zone, multifamily development can be set back from 0' (UC), 10' (MR, NB). 20' (LDMR) or 25' (GC,BP, CB).	New Comprehensive Plan Policy UC 5.9 New Comprehensive Plan policy UC 5.13 the county shall create and implement a Mixed Use Corridor designation that supports high density residential, commercial and mixed-use developments within the Urban Core Subarea. This zone will reduce setback requirements.
High off-street parking requirements	Yes	In conversations with developers and staff, high off-street parking requirements have presented a barrier	New comprehensive plan policies UC 5.7 The county should consider off street parking reductions within the Urban Core Subarea

Barrier	Is this barrier likely to affect housing production? (yes or no)	Why or why not? Provide evidence.	Actions needed to address barrier.
High impervious coverage limits	Yes	In conversations with developers high impervious coverage limits have presented a barrier	Amend and strengthen Objective HO 2.B regarding innovative urban design techniques and development standards. Any amendments to impervious coverage limits would need to be coordinated with Washington State Department of Ecology to ensure consistency with state law.
Lack of alignment between building and development codes	Yes	Staff is not aware of any specific inconsistencies between the building and development codes. This issue has not come up.	
Other (for example: ground floor retail requirements, open space requirements, complex design standards, tree retention regulations, historic preservation requirements)	No	This issue did not come up.	
PROCESS OBSTACLES			
Conditional use permit process	No	In all urban zones where multi-family is permitted (LDMR, MR, NB, PCP, CB, GC, BP and UC) it is permitted outright. There is no zone where multi-family housing is a conditional use permit.	

Barrier	Is this barrier likely to affect housing production? (yes or no)	Why or why not? Provide evidence.	Actions needed to address barrier.
Design review	Yes	The Urban Center (UC) zone does have an Urban Design Review Board. This is the only zone that goes through design review. The Urban Design Review Board has been identified by staff and applicants as a step that lengthens the application process. There is a requirement for applicants to submit conceptual plans and have pre-application meetings. The feedback from applicants is that recommendations from the design review board do not provide significant feedback that alters projects.	Updated Policy 3.A.2 on reviewing development standards and building permit process to ensure clarity and consistency. The County should consider the role of the Urban Design Review Board, and whether or not alternative forms of public input could be explored that could serve a similar purpose but not increase the barrier to development in the UC zone.

Barrier	Is this barrier likely to affect housing production? (yes or no)	Why or why not? Provide evidence.	Actions needed to address barrier.
Lack of clear and accessible information about process and fees	Yes	Applicants have expressed concern that information on the process is hard to find and timeline is difficult to plan for.	Updated Policy 3.A.2 on reviewing development standards and building permit process to ensure clarity and consistency. The County should review guidance material regarding the development process. See discussion on process times below
Permit fees, impact fees and utility connection fees	No	Snohomish County has not historically had high permit or impact fees and has recently reviewed and updated these fees. Snohomish County recently raised permit fees in 2021 (in many cases for the first time in over 20 years). School impact fees are assessed every two years and are discounted at 50% of the assessed value. The Road Impact Fees were recently increased in 2021 after public input. The county does not charge utility connection fees.	

Barrier	Is this barrier likely to affect housing production? (yes or no)	Why or why not? Provide evidence.	Actions needed to address barrier.
Process times and staffing challenges	Yes	The development community has expressed concern regarding the process times for housing development. The Permitting division is currently understaffed.	The County should consider staffing requirements in permitting to meet processing times
SEPA process	No	The county has already modified SEPA threshold exemptions, and these are used frequently by applicants. The SEPA process has not come up as a significant barrier to development of low and midrise buildings.	
LIMITED LAND AVAILABILITY AND ENVIRONMENTAL CONSTRAINTS			
Lack of large parcels for infill development	Yes	As identified in the Housing Strategies Local Government Survey, there are challenges finding large or affordable parcels for new development.	The County should investigate current limitations in finding suitable parcels for new infill development. Consideration of a land inventory or other resources.
Environmental constraints	Yes	There are some areas of the County that are not suitable to development due to environmental constraints, specifically wetlands.	The Buildable Lands process considers environmental constraints when assessing the county's capacity to accommodate growth.

Table 3-4 Emergency Housing and Supportive Housing Checklist

Barrier	Is this barrier likely to affect housing production? (yes or no)	Why or why not? Provide evidence.	Actions needed to address barriers.
DEVELOPMENT REGULATIONS			
Spacing requirements (for example, minimum distance from parks, schools or other emergency/PSH housing facilities)³	No	The County does not have spacing requirements for PSH or emergency housing facilities.	N/A
Parking requirements	Yes	The County does not have additional parking requirements for emergency housing or permanent supportive housing. However, parking has been identified as a barrier for low and moderate rise housing, which could support PSH.	New comprehensive plan policies UC 5.7 The county should consider off street parking reductions within the Urban Core Subarea
On-site recreation and open space requirements	No	The County does not have additional on-site recreation and open space requirements for PSH or emergency housing.	

³ Note that RCW 35A.21.430 expressly states requirements on occupancy, spacing, and intensity of use may not prevent the siting of a sufficient number of permanent supportive housing, transitional housing, indoor emergency housing or indoor emergency shelters necessary to accommodate each code city's projected need for such housing and shelter under RCW 36.70A.070(2)(a)(ii). The restrictions on these uses must be to protect public health and safety.

Barrier	Is this barrier likely to affect housing production? (yes or no)	Why or why not? Provide evidence.	Actions needed to address barriers.
Restrictions on support spaces, such as office space, within a transitional or PSH building in a residential zone	No	The County does not have restrictions on support spaces for transitional housing or PSH.	
Arbitrary limits on number of occupants (in conflict with RCW 35A.21.314)	Yes	The County limits the number of unrelated persons in a household to 6.	A code change is required as part of compliance review ahead of the comprehensive plan update to remove this language.
Requirements for PSH or emergency housing that are different than the requirements imposed on housing developments generally (in conflict with RCW 36.130.020)	No	The County does not have requirements for PSH or emergency housing that is different than the requirements impose on housing developments generally.	
Other restrictions specific to emergency shelters, emergency housing, transitional housing and permanent supportive housing	Yes	Currently the development code does not define permanent supportive housing. The biggest limitation identified in discussions with staff is funding.	A code change is required as part of compliance review ahead of the comprehensive plan update to clarify emergency housing and permanent supportive housing as uses within the code.

Table 3-5 Affordable Housing Funding

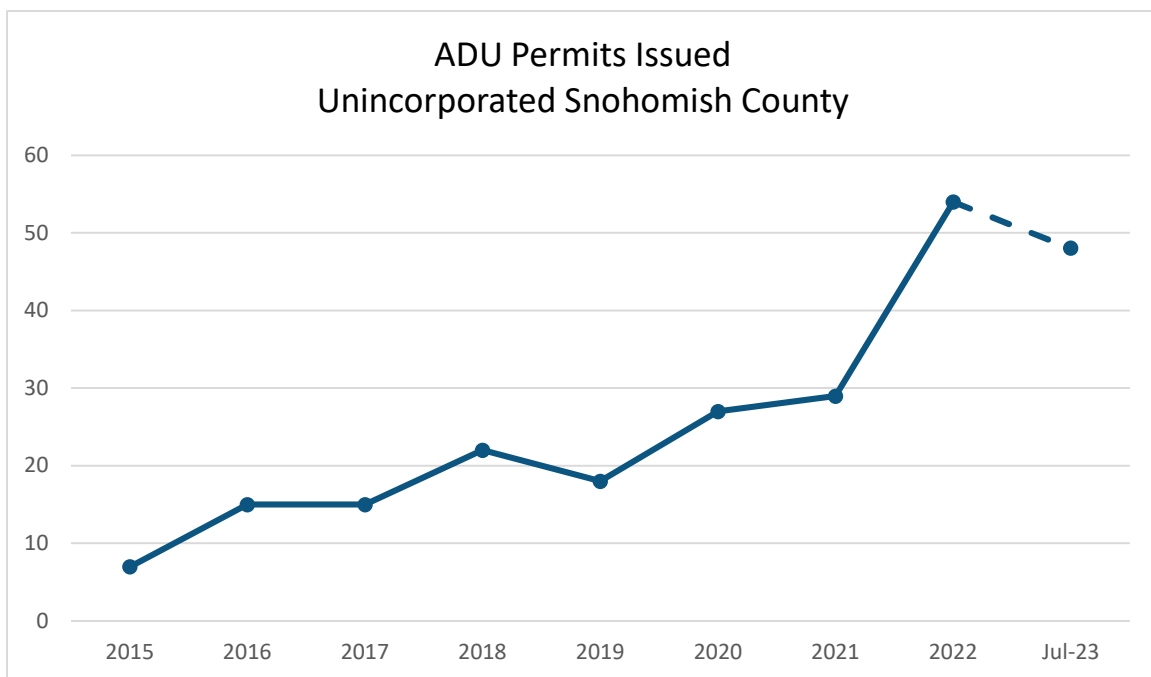
Local option tools for addressing affordable housing funding gaps*	Implementation status	Plans for implementation
Housing and related services sales tax (RCW 82.14.530)	Implemented local sales and use tax within Snohomish County will increase one-tenth of one percent (.001). The tax is used for housing and related services. Effective April 1, 2022.	The County is currently in the process of approving a plan for the implementation of these funds.
Affordable housing property tax levy (RCW 84.52.105)	Snohomish County implements an affordable housing property tax levy. Levy imposed since 2012 from the tax accessor that funds affordable housing	Currently implemented.
REET 2 (RCW 82.46.035) – GMA jurisdictions only and only available through 2025	Although the County does use REET-2 funds, they primarily fund infrastructure projects.	Amended Policy HO-3.B.1 strengthens the county's commitment to pursuing alternative funding strategies. After adoption of the comprehensive plan, the county will evaluate whether these funds could be used for affordable housing.
Affordable Housing Sales Tax Credit (RCW 82.14.540) – was only available to jurisdictions through July 2020	Not Implemented	None, these funds are no longer available.
Lodging Tax (RCW 67.28.150 and RCW 67.28.160) to repay general obligation bonds or revenue bonds	Implemented, however these funds are not used for developing affordable housing.	Amended Policy HO-3.B.1 strengthens the county's commitment to pursuing alternative funding strategies. After adoption of the comprehensive plan, the county will evaluate whether these funds could be used for affordable housing.
Mental Illness and Drug Dependency Tax (RCW 82.14.460) – jurisdictions with a population over 30,000	•Implemented. On September 3, 2008e Snohomish County Council passed Ordinance 08-154.	Snohomish County's Human Services Department continues to manage and disburse these funds.
Donating surplus public lands for affordable housing projects (RCW 39.33.015)	Implemented. County surplus property is considered for sale or lease for on-site development of affordable housing (County Code SCC 4.46.175)	Currently implemented

Local option tools for addressing affordable housing funding gaps*	Implementation status	Plans for implementation
Impact fee waivers for affordable housing projects (RCW 82.02.060)	Implemented. Affordable housing projects are eligible for impact fee waivers (SCC 30.66C.110)	Currently implemented
Application fee waivers or other benefits for affordable housing projects (RCW 36.70A.540)	Implemented. Affordable housing projects qualify for priority processing.	Currently implemented
Multifamily Tax Exemption (MFTE) with affordable housing requirement (RCW 84.14)	Not Implemented. The County does not qualify for the MFTE program	The County does not qualify for this program
General funds (including levy lid lifts to increase funds available)	Not Implemented.	Amended Policy HO-3.B.1 strengthens the county's commitment to pursuing alternative funding strategies. After adoption of the comprehensive plan, the county will evaluate whether these funds could be used for affordable housing

Considering the role of Accessory Dwelling Units (ADUs)

RCW 36.70A.070(2)(d)(vi) requires that housing elements consider the role of accessory dwelling units (ADUs) in meeting housing needs. ADUs within unincorporated Snohomish County primarily serve as permanent housing, either as rental units or for multi-generational living. ADUs are considered to have the potential to serve as low-income (50-80% AMI) housing. The county recently updated the ADU regulations in 2021, with amendments in 2022 and 2023. Accessory dwelling units are permitted by right where single-family dwellings are permitted. Within the urban zones, one attached and one detached ADU are permitted on lots that contain a legally established single-family dwelling. Within the rural and resource zones, one ADUs is permitted. Recent annual production of ADUs has increased significantly, with the number of permits issued for ADUs through the first half of 2023, 48, nearly equal to the total number issued in 2022 (54).

Chart 3-1 ADU Permits Issued- Unincorporated Snohomish County



Snohomish County Building Permits Issued Data 2015-2023

With the passage of HB 1337, the county will need to make a few changes to the ADU regulations, although the recent ADU updates in 2021-2023 have already addressed many of the requirements. Reviewing the barrier checklist (Table 3-6), the county has few identified barriers to ADU development, namely to remove design requirements for ADUs and to reduce permit times.

Table 3-6 Accessory Dwelling Unit Barrier Checklist

Barrier	Is this barrier likely to affect housing production? (yes or no)	Why or why not? Provide evidence.	Actions needed to address barriers.
DEVELOPMENT REGULATIONS			
<p>Consistent with HB 1337 (2023)</p> <ul style="list-style-type: none"> ○ Must allow two ADUs on each lot in urban growth areas; ○ May not require the owner to occupy the property, and may not prohibit sale as independent units, but may restrict the use of ADUs as short term rentals; ○ Must allow an ADU of at least 1,000 square feet; ○ Must set parking requirements based on distance from transit and lot size; ○ May not charge more than 50% of the impact fees charged for the principal unit; ○ Must permit ADUs in structures detached from the principal unit; ○ May not restrict roof heights of ADUs to less than 24 feet, unless that limitation applies to the principal unit; ○ May not impose setback requirements, yard coverage limits, tree retention mandates, restrictions on entry door locations, aesthetic requirements, or requirements for design review for ADUs that are more restrictive than those for principal units; ○ Must allow an ADUs on any lot that meets the minimum lot size required for the principal unit; ○ Must allow detached ADUs to be sited at a lot line if the lot line abuts a public alley, unless the city or county routinely plows snow on the public alley; 	Yes	<p>The County allows, in urban areas, one attached and one detached ADU, the County does not allow 2 detached or 2 attached ADUs. The County also requires that the ADUs match in design the primary residence (unless the ADU has been converted from an existing structure), this makes it difficult for applicants to use prefabricated ADUs.</p>	<p>Prior to six months after the adoption of the Comprehensive Plan, the County must amend the ADU ordinance to meet the requirements of HB 1337 (2023).</p>

Barrier	Is this barrier likely to affect housing production? (yes or no)	Why or why not? Provide evidence.	Actions needed to address barriers.
<ul style="list-style-type: none"> ○ Must allow conversions from existing structures, even if they violate current code requirements for setbacks or lot coverage; and ○ May not require public street improvements as a condition of permitting ADUs. 			
Unclear development regulations	No	The county's ADU regulations were recently updated in 2021, the code is available in SSC 30.28.010.ADU production has increased significantly over the past two years.	N/A
Large setback requirements	No	The setback requirements for an ADU are the same for the primary structure, unless the ADU is a converted structure (like a garage) in which case the existing setback is allowed.	N/A
Off-street parking requirements	No	In urban zones there is no requirement for additional off-street parking. In rural zones one parking spot is required per ADU	N/A
Other (for example: burdensome design standards, tree retention regulations, historic preservation requirements, open space requirements, etc.)	Yes	In conversation with staff and applicants the requirement that ADUs and their primary residence	The County should consider, as the ADU ordinance is updated to meet HB 1337,

Barrier	Is this barrier likely to affect housing production? (yes or no)	Why or why not? Provide evidence.	Actions needed to address barriers.
		share a driveway has come up as an issue during permit review.	removing this requirement.
PROCESS OBSTACLES			
Lack of clear and accessible information about process and fees	No	The County has published assistance bulletin on ADUs. The current increase in production of ADUs since the recent code change indicates that this information has proved to be relatively clear and accessible for the public.	N/A
Permit fees, impact fees and utility connection fees that are not proportionate to impact	No	Permit fees have not come up as an issue for ADUs. Road, school and park impact fees are not required for ADUs and the county does not charge utility connection fees.	N/A
Processing times and staffing challenges	Yes	As identified in the Housing Strategies Local Government Survey, staffing challenges in permitting were identified when there is an influx of new permit applications.	The County should consider staffing requirements in permitting to meet processing times.