

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

MOTION NO. 25-405

REFERRING A PROPOSED ORDINANCE RELATING TO GROWTH MANAGEMENT; ALLOWING REDUCED SETBACKS FOR COVERED PARKING STRUCTURES FROM ROAD ELEMENTS IN THE RURAL VILLAGE HOUSING DEMONSTRATION PROGRAM; ADDING NEW SECTION 30.41H.105 OF THE SNOHOMISH COUNTY CODE TO PLANNING AND DEVELOPMENT SERVICES (PDS), DEPARTMENT OF PUBLIC WORKS 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 the Rural Village Housing Demonstration Program which was established by Ordinance 23-051; 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 Departments of Planning and Development Services (PDS) and Department of Public Works (DPW) 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 and DPW 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 November 30, 2025.

DATED this 3<sup>rd</sup> day of September, 2025.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

  
\_\_\_\_\_  
Council Chair

ATTEST:

  
\_\_\_\_\_  
Deputy Clerk of the Council

# EXHIBIT A

ADOPTED: [REDACTED]  
EFFECTIVE: [REDACTED]

## SNOHOMISH COUNTY COUNCIL Snohomish County, Washington

ORDINANCE NO. \_\_\_\_\_

### RELATING TO GROWTH MANAGEMENT; ALLOWING REDUCED SETBACKS FOR COVERED PARKING STRUCTURES FROM ROAD ELEMENTS IN THE RURAL VILLAGE HOUSING DEMONSTRATION PROGRAM; ADDING NEW SECTION 30.41H.105 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 Goals 4 and 8 related to housing and natural resource industries respectively (RCW 36.70A.020(4) and (8)); 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, on June 14, 2023, the Snohomish County Council (“County Council”) adopted Ordinance 23-051 establishing a Rural Village Housing Demonstration Program (“RVHDP”) to encourage innovation in the production of housing in rural areas with the intent of producing more affordable housing types in the R-5 zone and to preserve large open space tracts the use of which may include resource-based activities such as agriculture; and

WHEREAS, one purpose of the RVHDP is to “[r]educe the footprint of rural residential development and impervious surface” (SCC 30.41H.010(2)); and

WHEREAS, SCC Table 30.23.043 requires a minimum setback to the entrance of a covered parking structure to be at least 20 feet from a private road in the zones that allow the RVHDP; and

WHEREAS, applying the 20-foot setback under SCC Table 30.23.043 from a road element to a covered parking structure would require paving more RVDHP project land, which may be contrary to one of the purposes of the program, and would also reduce the amount of land RVDHP projects would preserve for open space purposes; and

WHEREAS, the intent of the RVDHP would be better served if projects subject to the program could depart from the requirements of SCC Table 30.23.043 to provide more open space and less paved surface; and

WHEREAS, the County Council finds that there is an opportunity to update the County’s development regulations related to the RVHDP; and

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WHEREAS, SCC 30.23.049(14) provides for reduced setbacks from road network elements for entrances to covered parking structures for townhouse and mixed townhouse development in urban zones; and

WHEREAS, the reduced setbacks allowed by SCC 30.23.049(14) provide a template for how RVHDP standards could reduce impervious surface and preserve more open space; and

WHEREAS, SCC 30.41H.030 allows several dwelling types that are allowed in townhouse and mixed townhouse development in the R-5 zone, however, SCC 30.41H.030 also allows multiple family dwellings with a maximum of four units and such dwellings are not generally eligible to use SCC 30.23.049(14) in urban zones; and

WHEREAS, the proposed code section contained in this ordinance will allow for reduced setbacks for covered parking structures for RVDHP projects, modeled after the provisions in SCC 30.23.049(14), but which also allow reduced setbacks for covered parking structures for multiple family dwellings in the RVHDP; and

WHEREAS, the proposed code section contained in this ordinance includes a retroactive provision to ensure that applicants with approved or existing RVDHP applications will be allowed reduced setbacks for covered parking structures for their RVDHP projects; and

WHEREAS, on [REDACTED], 2025 the Snohomish County Planning Commission ("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], 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.
- B. The County Council made the following findings of fact in support of this ordinance.
- C. The code amendments in this ordinance will amend the RVHDP by adding a new section SCC 30.41H.105 to allow for reduced setbacks for covered parking structures from road elements. The code amendments are modeled after the provisions for townhomes in SCC 30.23.049(14), but also allow reduced setbacks for covered parking structures for multiple family dwellings in the RVHDP because a 3- or 4-unit multiple family dwelling in the RVDHP

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is not substantially different than a 3-or four unit townhouse building for the purpose of the program.

- D. There are applicants with approved or existing RVDHP applications that are subject to the currently applicable setbacks in SCC 30.23.043. The setbacks between covered parking structures and road network elements in project applications are greater than the setbacks between surface parking and road network elements. The greater distance to the covered parking results in increased paving for no clear purpose other than compliance with currently applicable setbacks in SCC 30.23.043. The proposed code amendments in this ordinance include a provision allowing applicants to opt-in to apply the reductions retroactively to vested development. Allowing vested development applications to opt-in to the new setback reductions will further the purpose of the program which includes reducing the footprint of rural residential development and impervious surfaces.
- E. In developing the proposed code amendments, the County considered the GMA, including the goals in RCW 36.70A.020. This ordinance is consistent with the GMA in the following ways:
  - 1. GMA Goal 2: "Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development." The RVHDP program promotes GMA Goal 2 by protecting large undeveloped rural sites from sprawl by requiring protection of a minimum of 85% of the site as permanent open space and requiring the clustering of development to support habitat, critical areas and buffers, and resource-based activities. This ordinance promotes successful development under the RVHDP.
  - 2. GMA Goal 4: "Housing. Plan for and accommodate housing affordable to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock." The RVHDP promotes GMA Goal 4 by allowing a wider variety of housing types in rural areas with R-5 zoning. The types of attached housing authorized by the demonstration program are generally more affordable than the detached housing typically built in R-5 zoned locations. This ordinance promotes successful development under the RVHDP.
  - 3. GMA Goal 8: "Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forestlands and productive agricultural lands, and discourage incompatible uses." The RVHDP promotes GMA Goal 8 by requiring a minimum of 85% of the site to be protected as permanent open space for the purpose protect land for resource-based activities such as agricultural production and working forest lands. The ordinance also conserves a greater share of land with existing agricultural or resource uses compared with other existing development alternatives in the R-5 zone. This ordinance promotes successful development under the RVHDP.
- F. In considering the RVHDP, the County evaluated factors including the need to provide land uses and implementing regulations reasonably designed to meet the growth targets associated with the Snohomish County Growth Management Act Comprehensive Plan (GMACP). In considering the proposed amendments, the County evaluated whether the proposed reduction in setbacks for covered parking structures would further the objectives of the RVHDP.

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### G. 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], 2025, of an amendment to the Determination of Non-Significance for Ordinance 23-051 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.
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], 2025 and assigned material number 2025-[REDACTED]-[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 October of 2024 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 2024 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:

- A. The proposed amendments are consistent with the goals, policies, and objectives of the Puget Sound Regional Council's Multicounty Planning Policies, Countywide Planning Policies, and GMACP.
- B. The proposed amendments are consistent with applicable federal, state, and local laws and regulations.
- C. The County has complied with all SEPA requirements with respect to this non-project action.
- D. The regulations proposed by this ordinance do not result in an unconstitutional taking of private property for a public purpose.

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

**Section 4.** A new section is added to Chapter 30.41H of the Snohomish County Code to read:

#### **30.41H.105 Performance standards – garage setbacks.**

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(1) Notwithstanding SCC Table 30.23.043, this section establishes the minimum setback to the entrance of a covered parking structure from road network elements for rural village housing demonstration program applications.

(2) In a rural village housing demonstration program development, the minimum setback to the entrance of a covered parking structure from a public or private road may be reduced under subsections (2)(a) and (b) of this section, except that such entrances to covered parking structures shall be restricted under subsection (2)(c) of this section:

(a) A minimum of five feet from a public or private road.

(b) A minimum of zero feet from a drive aisle, shared court, shared driveway, or alley.

(c) The vehicular entrance to a covered parking structure shall not be located between nine and 19 feet from an abutting road network element. An entrance to a covered parking structure that is located at least 19 feet from the abutting road network element may have upper-story floors project up to four feet horizontally into the area where an entrance to a covered parking structure is prohibited, and except as otherwise allowed under SCC 30.23.115 for minor architectural features.

(3) An applicant with an existing rural village housing demonstration program application determined to be complete by the department prior to the effective date of Ordinance 25-      , including approved applications seeking revision, may voluntarily submit a signed waiver to the department requesting the department to review the development application under the provisions of Ordinance 25-      . All other development regulations in effect as of the date the original development application was determined to be complete shall apply.

(4) Plans submitted under this section for a rural village demonstration program project that already has an approval decision and which are revised solely to address covered parking setbacks shall be processed as a minor revision to an approved residential development application pursuant to SCC 30.70.210. Plans submitted under this section that include other revisions in addition to changes addressing covered parking setbacks shall be processed as either minor or major revisions as determined by the department following the criteria in SCC 30.70.210, .220, and .230.

**Section 5. 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 \_\_\_\_, 2025.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

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Council Chair

EXHIBIT A

ATTEST:

\_\_\_\_\_  
Assistant Clerk of the Council

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

DATE: \_\_\_\_\_

\_\_\_\_\_  
County Executive

ATTEST:

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Approved as to form only:

\_\_\_\_\_  
Deputy Prosecuting Attorney