

1 ADOPTED:
2 EFFECTIVE:

3
4 SNOHOMISH COUNTY COUNCIL
5 Snohomish County, Washington
6

7 ORDINANCE NO. 25-052
8

9 RELATING TO GROWTH MANAGEMENT; CONCERNING RURAL CLUSTER
10 SUBDIVISIONS AND SHORT SUBDIVISIONS; AMENDING CHAPTER 30.41C OF
11 THE SNOHOMISH COUNTY CODE
12

13 WHEREAS, counties are required to adopt development regulations that are
14 consistent with and implement the comprehensive plan under the Growth Management
15 Act (GMA), chapter 36.70A RCW; and
16

17 WHEREAS, RCW 36.70A.070(5) of the GMA requires counties to include a rural
18 element in the comprehensive plan for lands that are not designated for urban growth,
19 agriculture, forestry, or mineral resources; and
20

21 WHEREAS, RCW 36.70A.070(5)(b) of the GMA requires that the rural element
22 provide for a variety of rural densities with clustering and design guidelines as two of the
23 innovative techniques that can be used to accommodate appropriate rural densities and
24 uses that are consistent with rural character; and
25

26 WHEREAS, chapter 30.41C of Snohomish County Code (SCC) provides
27 regulations and standards for rural cluster subdivisions and short subdivisions that are
28 an alternative method for developing rural residential property. Landowners and
29 developers are given incentives to cluster lots on the most buildable and least
30 environmentally sensitive portions of a site while retaining a substantial portion of each
31 site, including resource lands and critical areas, in open space tracts; and
32

33 WHEREAS, on August 28, 2024, the Snohomish County Council ("County
34 Council") unanimously passed second substitute Amended Ordinance No. 24-021; and
35

36 WHEREAS, Amended Ordinance No. 24-021 included a new provision within
37 SCC 30.41C.030(6) requiring third-party certification of the environmental efficiency of
38 proposed structures; and
39

40 WHEREAS, SCC 30.41C.030(6) requires the applicant to obtain certification prior
41 to issuance of building permits and preliminary approval of the rural cluster subdivision
42 or short subdivision, and this timing does not align with the requirements of the Built
43 Green Program that requires construction to be underway before it certifies the work;
44 and
45

1 WHEREAS, the code amendments contained in this ordinance will amend the
2 timeline for the provision of third party certification for rural cluster subdivisions, short
3 subdivisions, and building permits within such subdivisions to correct the discrepancy in
4 timelines that make current code as adopted not feasible; and

5
6 WHEREAS, the Snohomish County Planning Commission ("Planning
7 Commission") held a briefing on June 24, 2025, concerning the proposed code
8 amendments; and

9
10 WHEREAS, the Planning Commission held a public hearing on July 22, 2025, to
11 receive public testimony concerning proposed code amendments; and

12
13 WHEREAS, at the conclusion of the Planning Commission's public hearing, the
14 Planning Commission voted to recommend approval of the proposed code
15 amendments, as set forth in its recommendation letter dated July 23, 2025; and

16
17 WHEREAS, on _____, the County Council held a public
18 hearing, after proper notice, to receive public testimony and consider the entire record
19 related to the proposed code amendments contained in this ordinance; and

20
21 WHEREAS, following the public hearing, the County Council deliberated on the
22 proposed amendments contained in this ordinance.

23
24 NOW, THEREFORE, BE IT ORDAINED:

25
26 Section 1. The County Council makes the following findings:

- 27
28 A. The County Council adopts and incorporates the foregoing recitals as findings as if
29 set forth in full herein.
30
31 B. This ordinance will amend regulations related to rural cluster subdivision and short
32 subdivision requirements in chapter 30.41C SCC. The code amendments remove
33 the requirement that rural cluster subdivisions receive third-party certification and
34 clarify the timing of requirements for enrollment in third-party certification programs
35 for dwellings.
36
37 C. Implementation of SCC 30.41C.030 as adopted is not feasible. Third-party
38 certification of the rural cluster subdivision or short subdivision cannot be obtained
39 until the subdivision process has been completed. As adopted, SCC 30.41C.030
40 specifies that evidence of third-party certification must be provided before a
41 subdivision or short subdivision receives preliminary approval. Therefore, the
42 change to SCC 30.41C.030 is necessary to reduce the scope of third-party
43 certification to just individual dwellings, and to amend adopted code to require
44 provision of proof of enrollment in a third-party certification program prior to building

1 permit issuance. This change balances the third-party certification timelines with
2 building permit review timelines by only requiring proof of enrollment in a third-party
3 certification program for dwellings, not entire subdivisions.
4

5 D. In developing the proposed code amendments, the county considered the goals of
6 the GMA identified in RCW 36.70A.020, specifically the goal related to permitting.
7 The proposed amendments are reasonably related to and necessary for the
8 efficient review of permit applications to advance the GMA planning goal.
9

10 E. The proposed code amendments will allow chapter 30.41C SCC to achieve, comply
11 with, and implement the goals, objectives, and policies of the Multi-County Planning
12 Policies (MPPs), Countywide Planning Policies (CPPs), and the Snohomish County
13 Comprehensive Plan. In particular, the amendments will ensure consistent and
14 efficient review of permits. Additionally, the removal of neighborhood certification,
15 many of the requirements of which are also contained in the individual certification
16 of dwellings, helps minimize additional cost to housing while increasing
17 sustainability and helping to reduce environmental impact. The proposed
18 amendments are consistent with:
19

- 20 1. MPP-H-10: "Encourage jurisdictions to review and streamline development
21 standards and regulations to advance their public benefit, provide flexibility, and
22 minimize additional costs to housing."
- 23 2. CPP HO-11: "The county and cities should consider the economic implications
24 of proposed building and land use regulations so that the broader public benefit
25 they serve is achieved with the least additional cost to housing."
- 26 3. Objective ED 2.A: "Develop and maintain a regulatory system that is fair,
27 understandable, coordinated, and timely."

28
29 F. Procedural requirements:
30

- 31 1. The proposal is a Type 3 legislative action under SCC 30.73.010.
32
- 33 2. As required by RCW 30.70A.106(1), a 60-day notice of intent to adopt the
34 proposed code amendments was transmitted to the Washington State
35 Department of Commerce for distribution to state agencies on July 1, 2025.
36
- 37 3. State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements
38 with respect to this non-project action have been satisfied through the
39 completion of an environmental checklist and the issuance of a determination of
40 non-significance on July 1, 2025.
41

- 1 4. The public participation process used in the adoption of the proposed code
2 amendments has complied with all applicable requirements of the GMA and
3 SCC.
- 4
- 5 5. The Washington State Attorney General last issued an advisory memorandum,
6 as required by RCW 36.70A.370, in October of 2024 entitled *Advisory*
7 *Memorandum and Recommended Process for Evaluating Proposed Regulatory*
8 *and Administrative Actions to Avoid the Unconstitutional Takings of Private*
9 *Property to help local governments avoid the unconstitutional taking of private*
10 *property*. The process outlined in the State Attorney General's 2024 advisory
11 memorandum was used by the County in objectively evaluating the regulatory
12 changes proposed by this ordinance.
- 13

14 G. This ordinance is consistent with the record:

- 15
- 16 1. The proposed changes to SCC 30.41C.030 are necessary because the timing for
17 certification under the third-party certification programs specified in adopted code
18 does not align with the timing adopted in SCC 30.41C.030.
- 19
- 20 2. The proposed changes to SCC 30.41C.030 clarify the timing of when proof of
21 enrollment in third-party certification must be provided. As adopted, SCC
22 30.41C.030 cannot be implemented due to a discrepancy between when third-
23 party certification can be obtained and when adopted code specifies that
24 evidence of third-party certification must be provided.
- 25
- 26 3. Implementation of SCC 30.41C.030 as adopted is not feasible. Third-party
27 certification of the rural cluster subdivision or short subdivision cannot be
28 obtained until the subdivision process has been completed. As adopted, SCC
29 30.41C.030 specifies that evidence of third-party certification must be provided
30 before a subdivision or short subdivision receives preliminary approval.
31 Therefore, the change to SCC 30.41C.030 is necessary to reduce the scope of
32 third-party certification to just review of individual dwellings. This change
33 balances the third-party certification timelines with building permit approval
34 timelines by only requiring proof of enrollment in a third-party certification
35 program for dwellings, not entire subdivisions.
- 36
- 37 4. As adopted, SCC 30.41C.030 puts forth conditions of approval dictating that
38 third-party certification of structures in a subdivision be obtained prior to building
39 permit issuance. Third party certification of a structure cannot be obtained until
40 after building occupancy. Therefore, the proposed changes to SCC 30.41C.030
41 are necessary to correct the discrepancy between the timing of certification and
42 the timing of building permit issuance.
- 43

1 H. The proposed code amendments are consistent with the record, including PDS's
2 staff report to the County Council.

3
4 Section 2. The County Council makes the following conclusions:

5
6 A. The amendments proposed by this ordinance are consistent with the GMA.

7
8 B. The amendments proposed by this ordinance are consistent with the goals,
9 objectives, and policies of the MPPs, CPPs, and the Comprehensive Plan.

10
11 C. The County has complied with all SEPA requirements with respect to this non-
12 project proposal.

13
14 D. The amendments proposed by this ordinance do not result in an unconstitutional
15 taking of private property for a public purpose.

16
17 E. The public participation process used in the adoption of this ordinance complies
18 with all applicable requirements of the GMA and chapter 30.73 SCC.

19
20 Section 3. The Snohomish County Council bases its findings and conclusions on
21 the entire record of the County Council, including all testimony and exhibits. Any finding,
22 which should be deemed a conclusion, and any conclusion which should be deemed a
23 finding, is hereby adopted as such.

24
25 Section 4. Snohomish County Code Section 30.41C.030, last amended by
26 Amended Ordinance No. 24-021 on September 19, 2024, is amended to read:

27
28 **30.41C.030 Approval procedure.**

29
30 (1) Rural cluster subdivisions or short subdivisions are subject to the same procedures,
31 requirements, and approval criteria as any standard subdivision or short subdivision as
32 set forth in chapters 30.41A and 30.41B SCC, except when the procedures,
33 requirements, and approval criteria are specifically modified or added to by the
34 provisions of this chapter.

35 (2) Rural cluster subdivisions and short subdivisions are subject to the landscaping
36 provisions of chapter 30.25 SCC.

37 (3) Rural cluster subdivisions and short subdivisions shall meet applicable rural
38 concurrency standards and traffic impact mitigation requirements in accordance with
39 chapter 30.66B SCC.

40 (4) Rural cluster subdivisions and short subdivisions shall be located in a rural fire
41 district and are required to provide adequate fire flow in accordance with SCC
42 30.53A.514 through 30.53A.520 or to provide other means of fire protection as
43 approved by the Snohomish County fire marshal, unless exempt pursuant to SCC
44 30.53A.514.

1 (5) At the time of application, the site shall not be subject to any pending county
2 enforcement action or in violation of federal, state, or county regulations.

3 ~~((Rural cluster subdivisions and short subdivisions must provide documentation of~~
4 ~~third party certification prior to receiving preliminary approval.))~~ Conditions of approval
5 for the subdivision or short subdivision shall require that all lots containing new buildings
6 ~~((receive))~~ provide proof of enrollment in a third party certification program prior to
7 issuance of individual building permits. Options for third-party certification are:

8 (a) ~~((Built Green Community certification for the preliminary approval and))~~ Built
9 Green Single Family/Townhome certification for building permits;

10 (b) ~~((LEED Neighborhood Development certification for the preliminary approval~~
11 ~~and))~~ LEED Home certification for building permits; or

12 (c) Additional third party certification as approved by the director and adopted
13 through administrative rule.

14 Section 5. Severability and savings. If any section, sentence, clause, or phrase of
15 this ordinance shall be held to be invalid or unconstitutional by the Growth Management
16 Hearings Board, or a court of competent jurisdiction, such invalidity or unconstitutionality
17 shall not affect the validity or constitutionality of any other section, sentence, clause, or
18 phrase of this ordinance. Provided, however, that if any section, sentence, clause, or
19 phrase of this ordinance is held to be invalid by the Board or court of competent
20 jurisdiction, then the section, sentence, clause, or phrase in effect prior to the effective
21 date of this ordinance shall be in full force and effect for that individual section,
22 sentence, clause, or phrase as if this ordinance had never been adopted.

23
24 PASSED this ____ day of _____, 2025.

25
26 SNOHOMISH COUNTY COUNCIL
27 Snohomish County, Washington
28

29
30 _____
31 Council Chair
32

33 ATTEST:

34
35 _____
36 Deputy Clerk of the Council
37
38
39

- 1 () APPROVED
2 () EMERGENCY
3 () VETOED

4 DATE: _____
5
6
7

8 _____
County Executive

9 ATTEST:
10
11 _____
12
13

14 Approved as to form only:
15

16  8/20/25
17 Deputy Prosecuting Attorney