

ADOPTED:
EFFECTIVE:

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ORDINANCE NO. 25-048

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

1 WHEREAS, the intent of the RVDHP would be better served if projects subject to
2 the program could depart from the requirements of SCC Table 30.23.043 to provide
3 more open space and less paved surface; and
4

5 WHEREAS, the County Council finds that there is an opportunity to update the
6 County's development regulations related to the RVHDP; and
7

8 WHEREAS, SCC 30.23.049(14) provides for reduced setbacks from road
9 network elements for entrances to covered parking structures for townhouse and mixed
10 townhouse development in urban zones; and
11

12 WHEREAS, the reduced setbacks allowed by SCC 30.23.049(14) provide a
13 template for how RVHDP standards could reduce impervious surface and preserve
14 more open space; and
15

16 WHEREAS, SCC 30.41H.030 allows several dwelling types that are allowed in
17 townhouse and mixed townhouse development in the R-5 zone, however, SCC
18 30.41H.030 also allows multiple family dwellings with a maximum of four units and such
19 dwellings are not generally eligible to use SCC 30.23.049(14) in urban zones; and
20

21 WHEREAS, the proposed code section contained in this ordinance will allow for
22 reduced setbacks for covered parking structures for RVDHP projects, modeled after the
23 provisions in SCC 30.23.049(14), but which also allow reduced setbacks for covered
24 parking structures for multiple family dwellings in the RVHDP; and
25

26 WHEREAS, the proposed code section contained in this ordinance includes a
27 retroactive provision to ensure that applicants with approved or existing RVDHP
28 applications will be allowed reduced setbacks for covered parking structures for their
29 RVDHP projects; and
30

31 WHEREAS, on [REDACTED], 2025 the Snohomish County Planning Commission
32 ("Planning Commission") held a public hearing to receive public testimony concerning
33 the code amendments contained in this ordinance; and
34

35 WHEREAS, at the conclusion of the Planning Commission's public hearing, the
36 Planning Commission recommended adoption of the code amendments contained in
37 this ordinance; and
38

39 WHEREAS, on [REDACTED], the County Council held a public hearing after
40 proper notice, and considered public comment and the entire record related to the code
41 amendments contained in this ordinance; and
42

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

3
4 NOW, THEREFORE, BE IT ORDAINED:

5
6
7 **Section 1.** The County Council adopts the following findings in support of this
8 ordinance:

- 9
10 A. The foregoing recitals are adopted as findings as if set forth in full herein.
11
12 B. The County Council made the following findings of fact in support of this ordinance.
13
14 C. The code amendments in this ordinance will amend the RVHDP by adding a new
15 section SCC 30.41H.105 to allow for reduced setbacks for covered parking
16 structures from road elements. The code amendments are modeled after the
17 provisions for townhomes in SCC 30.23.049(14), but also allow reduced setbacks for
18 covered parking structures for multiple family dwellings in the RVHDP because a 3-
19 or 4-unit multiple family dwelling in the RVDHP is not substantially different than a 3-
20 or four unit townhouse building for the purpose of the program.
21
22 D. There are applicants with approved or existing RVDHP applications that are subject
23 to the currently applicable setbacks in SCC 30.23.043. The setbacks between
24 covered parking structures and road network elements in project applications are
25 greater than the setbacks between surface parking and road network elements. The
26 greater distance to the covered parking results in increased paving for no clear
27 purpose other than compliance with currently applicable setbacks in SCC 30.23.043.
28 The proposed code amendments in this ordinance include a provision allowing
29 applicants to opt-in to apply the reductions retroactively to vested development.
30 Allowing vested development applications to opt-in to the new setback reductions
31 will further the purpose of the program which includes reducing the footprint of rural
32 residential development and impervious surfaces.
33
34 E. In developing the proposed code amendments, the County considered the GMA,
35 including the goals in RCW 36.70A.020. This ordinance is consistent with the GMA
36 in the following ways:
37
38 1. GMA Goal 2: "Reduce sprawl. Reduce the inappropriate conversion of
39 undeveloped land into sprawling, low-density development." The RVHDP
40 program promotes GMA Goal 2 by protecting large undeveloped rural sites from
41 sprawl by requiring protection of a minimum of 85% of the site as permanent

1 open space and requiring the clustering of development to support habitat,
2 critical areas and buffers, and resource-based activities. This ordinance
3 promotes successful development under the RVHDP.
4

5 2. GMA Goal 4: "Housing. Plan for and accommodate housing affordable to all
6 economic segments of the population of this state, promote a variety of
7 residential densities and housing types, and encourage preservation of existing
8 housing stock." The RVHDP promotes GMA Goal 4 by allowing a wider variety of
9 housing types in rural areas with R-5 zoning. The types of attached housing
10 authorized by the demonstration program are generally more affordable than the
11 detached housing typically built in R-5 zoned locations. This ordinance promotes
12 successful development under the RVHDP.
13

14 3. GMA Goal 8: "Natural resource industries. Maintain and enhance natural
15 resource-based industries, including productive timber, agricultural, and fisheries
16 industries. Encourage the conservation of productive forestlands and productive
17 agricultural lands, and discourage incompatible uses." The RVHDP promotes
18 GMA Goal 8 by requiring a minimum of 85% of the site to be protected as
19 permanent open space for the purpose protect land for resource-based activities
20 such as agricultural production and working forest lands. The ordinance also
21 conserves a greater share of land with existing agricultural or resource uses
22 compared with other existing development alternatives in the R-5 zone. This
23 ordinance promotes successful development under the RVHDP.
24

25 F. In considering the RVHDP, the County evaluated factors including the need to
26 provide land uses and implementing regulations reasonably designed to meet the
27 growth targets associated with the Snohomish County Growth Management Act
28 Comprehensive Plan (GMACP). In considering the proposed amendments, the
29 County evaluated whether the proposed reduction in setbacks for covered parking
30 structures would further the objectives of the RVHDP.
31

32 G. Procedural requirements.
33

34 1. State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with
35 respect to this non-project action have been satisfied through the completion of
36 an environmental checklist and the issuance on , , 2025, of an
37 amendment to the Determination of Non-Significance for Ordinance 23-051 for
38 this non-project proposal to amend Title 30 Snohomish County Code (SCC).
39

40 2. The proposal is a Type 3 legislative action pursuant to SCC 30.73.010.

- 1
- 2 3. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance was
- 3 transmitted to the Washington State Department of Commerce for distribution to
- 4 state agencies on [REDACTED], 2025 and assigned material number 2025-[REDACTED]
- 5 [REDACTED].
- 6
- 7 4. The public participation process used in the adoption of this ordinance complies
- 8 with all applicable requirements of the GMA and the SCC.
- 9
- 10 5. The Washington State Attorney General last issued an advisory memorandum,
- 11 as required by RCW 36.70A.370, in October of 2024 entitled “Advisory
- 12 Memorandum: Avoiding Unconstitutional Takings of Private Property” to help
- 13 local governments avoid the unconstitutional taking of private property. The
- 14 process outlined in the State Attorney General’s 2024 advisory memorandum
- 15 was used by the County in objectively evaluating the regulatory changes
- 16 proposed by this ordinance.
- 17

18 **Section 2.** The County Council makes the following conclusions:

19

- 20 A. The proposed amendments are consistent with the goals, policies, and objectives
- 21 of the Puget Sound Regional Council’s Multicounty Planning Policies,
- 22 Countywide Planning Policies, and GMACP.
- 23
- 24 B. The proposed amendments are consistent with applicable federal, state, and
- 25 local laws and regulations.
- 26
- 27 C. The County has complied with all SEPA requirements with respect to this non-
- 28 project action.
- 29
- 30 D. The regulations proposed by this ordinance do not result in an unconstitutional
- 31 taking of private property for a public purpose.
- 32

33 **Section 3.** The County Council bases its findings and conclusions on the entire

34 legislative record, including all testimony and exhibits. Any finding which should be

35 deemed a conclusion, and any conclusion that should be deemed a finding, is hereby

36 adopted as such.

37

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

39 Code to read:

40

1 **30.41H.105 Performance standards – garage setbacks.**

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

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

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

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

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

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

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

32
33 **Section 5. Severability and Savings.** If any section, sentence, clause or phrase
34 of this ordinance shall be held to be invalid by the Growth Management Hearings Board
35 (Board), or unconstitutional by a court of competent jurisdiction, such invalidity or
36 unconstitutionality shall not affect the validity or constitutionality of any other section,
37 sentence, clause or phrase of this ordinance. Provided, however, that if any section,
38 sentence, clause or phrase of this ordinance is held to be invalid by the Board or court
39 of competent jurisdiction, then the section, sentence, clause or phrase in effect prior to

1 the effective date of this ordinance shall be in full force and effect for that individual
2 section, sentence, clause or phrase as if this ordinance had never been adopted.

3
4 PASSED this ____ day of ____, 2025.

5
6 SNOHOMISH COUNTY COUNCIL
7 Snohomish County, Washington

8
9
10 _____
Council Chair

11 ATTEST:

12
13 _____
14 Clerk of the Council

15
16 () APPROVED
17 () EMERGENCY
18 () VETOED

19
20
21
22 DATE: _____

23
24
25 _____
County Executive

26 ATTEST:

27
28
29 Approved as to form only:

30
31 _____
32 Deputy Prosecuting Attorney
33