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Rural Cluster Subdivisions Ordinance 25-052 (ECAF 2025-2799)					
Hearing Date: Wednesday, September 17, 2025 @ 10:30 a.m.					
Council Staff: Ryan Hembree		PDS Staff: Henry Jennings		DPA: Laura Kisielius	
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Snohomish County

**Planning and Development
Services**

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Dave Somers
County Executive

MEMORANDUM

TO: Snohomish County Planning Commission

FROM: Henry Jennings, Planner

SUBJECT: Briefing – Proposed Rural Cluster Development Code Amendments

DATE: June 24, 2025

Introduction

The purpose of this staff report is to brief the Planning Commission on proposed amendments to the rural cluster subdivision and short subdivision approval criteria in Snohomish County Code (SCC) Chapter 30.41C.030. The proposed amendments would change the third-party certification provisions to require that new dwellings within rural cluster subdivisions provide proof of enrollment in a third-party certification program prior to permit issuance and remove the requirement that rural cluster subdivisions and short subdivisions provide proof of enrollment in a third-party community certification program. The changes are consistent with the Growth Management Act (GMA) and the Multicounty County Planning Policies (MPPs) in VISION 2050.

The briefing is scheduled for June 24, 2025. A public hearing on the proposed rural cluster development code amendments is tentatively scheduled for July 22, 2025

Background

Snohomish County’s implementing regulations for rural cluster development in the form of subdivisions or short subdivisions are located in Chapter 30.41C SCC. Rural cluster subdivisions offer reductions in standard lot sizes and bulk provisions. Rural cluster subdivisions also offer some increases in density based on the amount of land set aside as restricted open space. The development pattern limits the footprint of development to increase opportunities for open space and increased environmental and natural resource protection.

On August 28, 2024, Snohomish County Council held a public hearing and unanimously passed 2nd Substitute Ordinance 24-021. The effective date for the code changes contained in the ordinance was September 19th, 2024. The adopted amendments required that rural cluster

subdivisions provide documentation of third-party certification for subdivisions and individual dwellings from Built Green, LEED, or another third-party as approved by the director and adopted through administrative rule. Third-party certification provides additional review of environmental impact of dwellings and may help mitigate the environmental impact of new development. Shortly after adoption, Snohomish County’s Planning and Development Services permitting division noted that the timeline put forth in code for third-party certification was not feasible. The timing of certification provided by the Built Green Program, which requires construction to be complete and the dwelling occupied for at least thirty days, does not align with the timing adopted in SCC 30.41C.030, which required certification to be provided prior to building permit issuance. The proposed amendments alter the requirement that subdivisions receive third-party certification, now requiring that only individual dwellings provide proof of enrollment in a third-party certification program prior to building permit issuance.

The proposed amendments adjust the code to bring the third-party timeline in SCC 30.41C.030 into alignment with the timing of certification provided by the Built Green Program. This change solves the issue currently present in adopted code by setting forth a timeline for certification that matches the timeline on which Built Green certification can be provided.

Proposed Code Amendments

Approval procedure: The code, as adopted, states that rural cluster subdivisions and short subdivisions must provide documentation of third-party community certification prior to receiving preliminary approval, and that all lots containing new buildings receive certification prior to issuance of individual building permits. The proposed changes alter the timeline to state that all dwellings demonstrate proof of enrollment in a third-party certification program prior to issuance of building permits and removes the requirement that subdivisions and short subdivisions receive third-party community certification.

Proposed SCC 30.41C.030(6)	Finding
<p>(6) ((Rural cluster subdivisions and short subdivisions must provide documentation of enrollment in a third party certification program prior to receiving preliminary approval)). Conditions of approval for the subdivision or short subdivision shall require ((proof of enrollment in a third party certification program prior to final plat approval, and)) that all lots containing new buildings ((receive)) <u>provide proof of enrollment in a third-party certification program</u> prior to issuance of individual building permits. Options for third-party certification are:</p> <p>(a) ((Built Green Community certification for the preliminary</p>	<p>Implementation of SCC 30.41C.030 as adopted is not feasible. Third-party certification of the rural cluster subdivision or short subdivision cannot be obtained until the subdivision process has been completed. As adopted, SCC 30.41C.030 specifies that evidence of third-party certification must be provided before a subdivision or short subdivision receives preliminary approval. Therefore, the change to SCC 30.41C.030 is necessary to reduce the scope of third-party certification to just review of individual dwellings. This change balances the third-party certification timelines with building permit approval timelines by only requiring proof of enrollment in a third-party certification program for dwellings, not entire</p>

<p>approval subdivision or short subdivision and) Built Green Single Family/Townhome certification for building permits; (b) ((LEED Neighborhood Development certification for the preliminary approval subdivision or short subdivision and) LEED Home certification for building permits; or (c) Additional third-party certification as approved by the director and adopted through administrative rule.</p>	<p>subdivisions.</p>
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The following analysis provides a summary of the proposed code amendments' compliance with state law, as well as regional, countywide, and county Comprehensive Plan policies.

Compliance with State Law

The GMA planning goals adopted in RCW 36.70A.020 guide the development and adoption of comprehensive plans and development regulations. The goals are not priority-listed. In particular, the GMA goals guide the policies in the Snohomish County's GMA Comprehensive Plan (GMACP) and require consistency between the GMACP and implementing development regulations. The proposed code amendments further Goal 7 (processing permits in a timely and fair manner to ensure predictability) by removing an infeasible third-party certification requirement.

Compliance with the Multi-County Planning Policies

Multi-County Planning Policies (MPPs) within Vision 2050 provide for coordination and consistency among the metropolitan counties sharing common borders and related regional issues. The following table identifies the reasonably related MPPs within Vision 2050 and describes how the proposed code amendments are consistent with and advance those goals.

MPP	Finding
<p>MPP-DP-47: Streamline development standards and regulations for residential and commercial development and public projects, especially in centers and high-capacity transit station areas, to provide flexibility and to accommodate a broader range of project types consistent with the regional vision.</p>	<p>The proposed amendments simplify the standards for third-party certification, thereby streamlining development standards.</p>
<p>MPP-H-10: Encourage jurisdictions to review and streamline development standards and</p>	<p>The proposed amendments streamline development standards by bringing the</p>

regulations to advance their public benefit, provide flexibility, and minimize additional costs to housing.	timeline for when third-party certification must be provided into alignment with permit review timelines.
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Compliance with the Countywide Planning Policies

The Countywide Planning Policies (CPPs) establish a countywide framework for developing and adopting county, city, and town comprehensive plans. The role of the CPPs is to coordinate comprehensive plans of jurisdictions in the same county in regard to regional issues and issues affecting common borders (RCW 36.70A.100). The following table identifies the reasonably related CPPs and describes how the proposed code amendments are consistent with and advance those goals.

CPP	Finding
CPP HO-11: The county and cities should consider the economic implications of proposed building and land use regulations so that the broader public benefit they serve is achieved with the least additional cost to housing.	The proposed amendments removing the requirement to provide evidence of enrollment in third-party community certification may help reduce additional cost to housing.
CPP-ED-16: The expeditious processing of development applications shall not result in the reduction of environmental and land use standards.	The proposed amendments maintain requirements that applicants prove enrollment in a third-party environmental certification program for individual dwellings.

Compliance with the Snohomish County Comprehensive Plan

The proposed code amendments will better achieve, comply with, and implement the policies identified in the following table contained in the County’s GMACP. The amendments are consistent with Objective ED 2.A, which calls for a “regulatory system that is fair, understandable, coordinated, and timely.” The proposed amendments bring the requirements for third-party certification into alignment with the timelines for permit review, increasing coordination between internal and external review.

Public Participation

The GMA requires early and continuous public participation (GOAL 11). Public participation on the proposed code amendments has been provided to date through:

- A 21-day public comment period on the preliminary draft amendments from XX, 2025 to XX, 2025

Environmental Review

A State Environmental Policy Act (SEPA) Determination is required for the proposed code amendments. A threshold determination for the proposed amendments will be issued in the coming months.

Notification of State Agencies

Pursuant to RCW 36.70A.106, a 60-day notice of intent to adopt the proposed code amendments was acknowledged by the Washington State Department of Commerce on XX, XX, 2025.

Staff Recommendation

Staff recommends approval of the proposed code correction amendments and findings contained in this staff report.

Action Requested

The Planning Commission is requested to hold a public hearing, consider the proposed code amendments, and provide a recommendation to the County Council. The Planning Commission can recommend approval of the amendments with supporting findings of fact as proposed or modified, deny the proposal with findings, or amend the proposal with appropriate findings.

cc: Ken Klein, Executive Director
Mike McCrary, PDS Director
Darren Groth, PDS Manager
Michael Dobesh, PDS Manager
Ryan Countryman, Council Legislative Analyst

Attachment A: Proposed Findings and Conclusions

Attachment A: Proposed Findings and Conclusions

- A. The County Council adopts and incorporates the foregoing recitals as findings as if set forth in full herein.
- B. This ordinance will amend regulations related to rural cluster subdivision and short subdivision requirements in chapter 30.41C SCC. The code amendments remove the requirement that rural cluster subdivisions receive third-party community certification and clarify the timing of requirements put forth in chapter 30.41C SCC.
- C. Implementation of SCC 30.41C.030 as adopted is not feasible. Third-party certification of the rural cluster subdivision or short subdivision cannot be obtained until the subdivision process has been completed. As adopted, SCC 30.41C.030 specifies that evidence of third-party certification must be provided before a subdivision or short subdivision receives preliminary approval. Therefore, the change to SCC 30.41C.030 is necessary to reduce the scope of third-party certification to just review of individual dwellings. This change balances the third-party certification timelines with building permit approval timelines by only requiring proof of enrollment in a third-party certification program for dwellings, not entire subdivisions.
- D. In developing the code amendments, the county considered the goals of the GMA identified in RCW 36.70A.020, specifically the goal related to permitting. The proposed amendments are reasonably related to and necessary for the efficient review of permit applications to advance the GMA planning goal.
- E. The code amendments will allow chapter 30.41C SCC to achieve, comply with, and implement the goals, objectives, and policies of the MPPs, CPPs, and Comprehensive Plan. In particular, the amendments will ensure consistent and efficient review of permits. The proposed amendments are consistent with:
 - 1. MPP-DP-47: "Streamline development standards and regulations for residential and commercial development and public projects, especially in centers and high-capacity transit station areas, to provide flexibility and to accommodate a broader range of project types consistent with the regional vision."
 - 2. MPP-H-10: "Encourage jurisdictions to review and streamline development standards and regulations to advance their public benefit, provide flexibility, and minimize additional costs to housing."
 - 3. CPP HO-11: "The county and cities should consider the economic implications of proposed building and land use regulations so that the broader public benefit they serve is achieved with the least additional cost to housing."
 - 4. CPP-ED-16: "The expeditious processing of development applications shall not result in the reduction of environmental and land use standards."
 - 5. Objective ED 2.A Develop and maintain a regulatory system that is fair, understandable, coordinated, and timely.
- F. Procedural requirements:

1. As required by RCW 30.70A.106(1), a 60-day notice of intent to adopt the proposed code amendments was transmitted to the Washington State Department of Commerce for distribution to state agencies on May XX, 2025.
2. The county has complied with all SEPA requirements in respect to this non-project action.
3. The public participation process used in the adoption of the proposed code amendments has complied with all applicable requirements of the GMA and SCC.
4. The Washington State Attorney General last issued an advisory memorandum, as required by RCW 36.70A.370, in October of 2024 entitled *Advisory Memorandum and Recommended Process for Evaluating Proposed Regulatory and Administrative Actions to Avoid the 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.



Snohomish County

SNOHOMISH COUNTY PLANNING COMMISSION

July 23, 2025

Snohomish County Council
County Administration Building
3000 Rockefeller Avenue, M/S 609
Everett, WA 98201-4046

SUBJECT: Planning Commission recommendation on proposed code amendments to Rural Cluster Subdivision Third-Party Certification

Dear Snohomish County Council:

On behalf of the Snohomish County Planning Commission, I am forwarding our recommendation to amend regulations for Rural Cluster Subdivision Third-Party Certification. The Planning Commission had a briefing on this topic on June 24, 2025 and conducted a public hearing on July 22, 2025.

The proposed code amendments would remove the requirement that rural cluster subdivisions receive third-party community certifications while leaving in place the requirement that individual dwellings in rural cluster subdivisions receive third-party certification. The proposed code amendments also resolve an issue in adopted code relating to the timeline on which proof of enrollment in a third-party certification program must be provided.

There were zero (0) written comments received by the Planning Commission from the public prior to the July 22, 2025 hearing, and one (1) member of the public commented at the public hearing.

PLANNING COMMISSION RECOMMENDATION

At the July 22, 2025, Planning Commission meeting, Commissioner Campbell made a motion, seconded by Commissioner James, recommending **APPROVAL** of the proposed rural cluster subdivision third-party certification code amendments contained in the staff report.

Vote (Motion):

8 in favor (*Larsen, Sheldon, Niemela, Chandler, Campbell, Ash, James, Bush*)

0 opposed

0 abstentions

Motion passed

This recommendation was made following the close of the public hearing and after due consideration of information presented and is based on the findings and conclusions presented in the June 3, 2025, staff report, with which the Commission concurred.

RCS Procedural Change
Planning Commission Recommendation Letter
Index # File Name: 20012.pdf
Code Amendments to Chapter 30.41C.030
July 23, 2025

Respectfully submitted,

Robert W Larsen

Robert W Larsen (Jul 30, 2025 13:45:34 PDT)

SNOHOMISH COUNTY PLANNING COMMISSION
Robert Larsen, Chairman

cc: Dave Somers, Snohomish County Executive
Mike McCrary, Planning and Development Services Director

Executive/Council Action Form (ECAF)

ITEM TITLE:

..Title

Ordinance 25-052, relating to Growth Management; concerning rural cluster subdivisions and short subdivisions; amending Chapter 30.41C of the Snohomish County Code

..body

DEPARTMENT: Planning and Development Services

ORIGINATOR: Henry Jennings

EXECUTIVE RECOMMENDATION: Approved by Ken Klein 8/22/25

PURPOSE: This ordinance will amend regulations related to rural cluster subdivision and short subdivision requirements to remove the requirement that rural cluster subdivisions receive third-party certification and clarify the timing of requirements for enrollment in third-party certification programs for dwellings.

BACKGROUND: Implementation of SCC 30.41C.030 as adopted is not feasible. Third-party certification of a rural cluster subdivision or short subdivision cannot be obtained until the subdivision process has been completed.

FISCAL IMPLICATIONS:

EXPEND: FUND, AGY, ORG, ACTY, OBJ, AU	CURRENT YR	2ND YR	1ST 6 YRS
TOTAL			

REVENUE: FUND, AGY, ORG, REV, SOURCE	CURRENT YR	2ND YR	1ST 6 YRS
TOTAL			

DEPARTMENT FISCAL IMPACT NOTES: Click or tap here to enter text.

CONTRACT INFORMATION:

ORIGINAL _____ CONTRACT# _____ AMOUNT _____
 AMENDMENT _____ CONTRACT# _____ AMOUNT _____

Contract Period

ORIGINAL START _____ END _____
 AMENDMENT START _____ END _____

OTHER DEPARTMENTAL REVIEW/COMMENTS: Reviewed/approved by Finance (Nathan Kennedy 8/22/25) and Prosecuting Attorney's Office as to form only (Laura Kisielius 8/20/25)

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.

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

ECAF:
RECEIVED:

ORDINANCE INTRODUCTION SLIP

SNOHOMISH COUNTY COUNCIL

EXHIBIT # 3.1.003

TO: Clerk of the Council

FILE ORD 25-052

TITLE OF PROPOSED ORDINANCE:

Introduced By: _____

N. Nehring
Councilmember _____ Date _____

~~~~~  
Clerk's Action:

Proposed Ordinance No. \_\_\_\_\_

Assigned to: \_\_\_\_\_ Date: \_\_\_\_\_

~~~~~  
STANDING COMMITTEE RECOMMENDATION FORM

On _____, the Committee considered the Ordinance by ___ Consensus /
___ Yeas and ___ Nays and made the following recommendation:

___ Move to Council to schedule public hearing on: _____

___ Other _____

Regular Agenda _____ Administrative Matters _____

Public Hearing Date _____ at _____

N. Nehring
Committee Chair _____



Planning and Community Development

Ryan Hembree

Council Initiated:

Yes

No

SNOHOMISH COUNTY COUNCIL

ECAF: 2025-2799

Ordinance: 25-052

Type:

Contract

Board Appt.

Code Amendment

Budget Action

Other

Requested Handling:

Normal

Expedite

Urgent

Fund Source:

General Fund

Other

N/A

Executive Rec:

Approve

Do Not Approve

N/A

Approved as to

Form:

Yes

No

N/A

EXHIBIT # 3.2.001

FILE ORD 25-052

Subject: Rural Cluster Subdivision 3rd Party Certification

Scope: This ordinance will amend regulations related to rural cluster subdivision and short subdivision requirements to remove the requirement that rural cluster subdivisions receive third-party certification and clarify the timing of requirements for enrollment in third-party certification programs for dwellings.

Duration:

Fiscal Impact: Current Year Multi-Year **N/A**

Authority Granted:

Authorizes the County Executive to sign and implement Ordinance 25-052, relating to Growth Management; concerning rural cluster subdivisions and short subdivisions; amending Chapter 30.41C of the Snohomish County Code.

Background:

Implementation of SCC 30.41C.030 as adopted is not feasible. Third-party certification of a rural cluster subdivision or short subdivision cannot be obtained until the subdivision process has been completed.

Request: Move Ordinance 25-052 to GLS to set a time and date for a public hearing.

Exhibit 3.2.002

Planning and Community Development Committee – 09/02/25

[Video](#)



Snohomish County Council
Planning and Community Development Committee
Agenda

Nate Nehring, Committee Chair
Strom Peterson, Committee Vice-Chair
Committee Members: Sam Low, Megan Dunn, Jared Mead

Ryan Hembree, Legislative Analyst
Russell Wiita, Legislative Aide
Lisa Hickey, Assistant Clerk of the Council

Tuesday, September 2, 2025	11:00 AM	Jackson Board Room - 8th Floor Robert J. Drewel Building & Remote Meeting
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Webinar Link: <https://zoom.us/j/94846850772>

Attend in person at 3000 Rockefeller Ave, Jackson Board Room, 8th Floor, Everett, WA
Join remotely using the Zoom link above or call 1-253-215-8782 or 1-206-337-9723
and enter Meeting ID 948-4685 0772

CALL TO ORDER

ROLL CALL

PUBLIC COMMENT

ACTION ITEMS

1. Motion 25-330, authorizing the County Executive to execute [2025-2147](#)
Amendment No. 1 to the Interlocal Agreement between Snohomish
County and the City of Everett for the Lion's Park Skate DOT
Project

Proposed Action: Move to General Legislative Session September 10th for consideration.

2. Motion 25-363, convening Board of Equalization [2025-2457](#)

Proposed Action: Move to General Legislative Session September 10th for consideration.

3. Ordinance 25-047, relating to nonconforming structures and uses; [2025-2504](#)
amending Sections 30.28.070, 30.28.072, and 30.91n.050, and
repealing Section 30.28.075 of the Snohomish County Code

Proposed Action: Move to General Legislative Session on September 10th to set time and date for a public hearing.

4. Ordinance 25-051, relating to Growth Management; amending the [2025-2735](#)
Snohomish County Official Zoning Map to more fully implement the
Urban Medium Density Residential and Urban High Density
Residential Designations on the Snohomish County Growth
Management Act Comprehensive Plan Future Land Use Map

Proposed Action: Move to General Legislative Session on September 10th to set time and date for a public hearing.

5. Motion 25-405, referring a proposed ordinance relating to Growth [2025-2896](#)
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

****Pending assignment to Committee***

Proposed Action: Move to General Legislative Session September 3rd for consideration.

6. Motion 25-337, accepting contract funds awarded to Snohomish [2025-2289](#)
County from the Washington State Department of Agriculture for
the control of the noxious weed Spartina along the shores and in
the estuaries of Snohomish County

Proposed Action: Move to General Legislative Session September 10th for consideration.

7. Motion 25-364, authorizing the County Executive to execute [2025-2381](#) Amendment No. 1 to the Interlocal Agreement between Snohomish County and the City of Lake Stevens for the Frontier Heights Park Project

Proposed Action: Move to General Legislative Session September 10th for consideration.

8. Motion 25-382, approving Agreement Amendment No. 2 with [2025-2594](#) Lautenbach Recycling for year-round hauling services

Proposed Action: Move to General Legislative Session September 10th for consideration.

9. Motion 25-395, accepting contract funds awarded from the [2025-2702](#) Washington State Department of Ecology Stormwater Strategic Initiative Lead Grant Program for the purposes of designing a surface water project for the Evergreen State Fairgrounds Park

Proposed Action: Move to General Legislative Session September 10th for consideration.

DISCUSSION ITEMS

1. WSU Promotores Program [2025-2858](#)



Snohomish County Council
Planning and Community Development Committee
Meeting Minutes

Nate Nehring, Committee Chair
Strom Peterson, Committee Vice-Chair
Committee Members: Sam Low, Megan Dunn, Jared Mead

Ryan Hembree, Legislative Analyst
Russell Wiita, Legislative Aide
Lisa Hickey, Assistant Clerk of the Council

Tuesday, September 2, 2025

11:00 AM

**Jackson Board Room - 8th Floor
Robert J. Drewel Building
& Remote Meeting**

PRESENT:

Committee Chair Nehring
Committee Vice-Chair Dunn
Committee Member Low (*remote*)
Committee Member Mead (*not present*)
Committee Member Peterson
Ryan Hembree, Council Staff
Frank Slusser, Planning and Development Services
Henry Jennings, Planning and Development Services
Anthony Gromko, WSU Promotores
Jessica Gardenia, WSU Promotores
Patricia Townsend, WSU Promotores
Lisa Hickey, Assistant Clerk of the Council

CALL TO ORDER

Committee Chair Nehring called the meeting to order at 11:00 a.m.

ROLL CALL

The clerk called the roll and stated that four members were present.

PUBLIC COMMENT

There were no persons present wishing to provide public comment.

ACTION ITEMS

Deb Bell, Sr. Legislative Analyst, provided a staff report for Items 1 and 2.

1. Motion 25-330, authorizing the County Executive to execute Amendment No. 1 to the Interlocal Agreement between Snohomish County and the City of Everett for the Lion's Park Skate DOT Project [2025-2147](#)

ACTION: Move to Consent Agenda, General Legislative Session September 10th for consideration.

2. Motion 25-363, convening Board of Equalization [2025-2457](#)

ACTION: Move to Consent Agenda, General Legislative Session September 10th for consideration.

Ryan Hembree, Legislative Analyst, provided a staff report for Items 3 through 10.

3. Ordinance 25-047, relating to nonconforming structures and uses; amending Sections 30.28.070, 30.28.072, and 30.91n.050, and repealing Section 30.28.075 of the Snohomish County Code [2025-2504](#)

ACTION: Move to Administrative Matters, General Legislative Session September 10th to set time and date for a public hearing.

4. Ordinance 25-051, relating to Growth Management; amending the Snohomish County Official Zoning Map to more fully implement the Urban Medium Density Residential and Urban High Density Residential Designations on the Snohomish County Growth Management Act Comprehensive Plan Future Land Use Map [2025-2735](#)

Frank Slusser, Planning and Development Services, responded to Committee Member Dunn's questions.

ACTION: Move to Administrative Matters, General Legislative Session September 10th to set time and date for a public hearing.

Item 5 walked on

5. Ordinance 25-052, relating to Growth Management; concerning rural cluster subdivisions and short subdivisions; amending Chapter 30.41C of the Snohomish County Code [2025-2799](#)

Henry Jennings, Planning and Development Services, provided a PowerPoint presentation and responded to questions.

ACTION: Move to Regular Agenda, General Legislative Session September 3rd to set time and date for a public hearing.

6. Motion 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 [2025-2896](#)

ACTION: Move to Consent Agenda, General Legislative Session September 3rd for consideration.

7. Motion 25-337, accepting contract funds awarded to Snohomish County from the Washington State Department of Agriculture for the control of the noxious weed *Spartina* along the shores and in the estuaries of Snohomish County [2025-2289](#)

ACTION: Move to Consent Agenda, General Legislative Session September 10th for consideration.

8. Motion 25-364, authorizing the County Executive to execute Amendment No. 1 to the Interlocal Agreement between Snohomish County and the City of Lake Stevens for the Frontier Heights Park Project [2025-2381](#)

ACTION: Move to Consent Agenda, General Legislative Session September 10th for consideration.

9. Motion 25-382, approving Agreement Amendment No. 2 with Lautenbach Recycling for year-round hauling services [2025-2594](#)

ACTION: Move to Consent Agenda, General Legislative Session September 10th for consideration.

10. Motion 25-395, accepting contract funds awarded from the Washington State Department of Ecology Stormwater Strategic Initiative Lead Grant Program for the purposes of designing a surface water project for the Evergreen State Fairgrounds Park [2025-2702](#)

ACTION: Move to Consent Agenda, General Legislative Session September 10th for consideration.

DISCUSSION ITEM

1. WSU Promotores Program [2025-2858](#)

Anthony Gromko, Jessica Gardenia, and Patricia Townsend, WSU Promotores Program, provided a PowerPoint presentation and responded to questions.

Meeting adjourned at 11:38 a.m.

Rural Cluster Subdivision Third Party Certification Proposed Code Amendment

Planning Commission Briefing, 9/2/2025

Henry Jennings

Senior Planner, Long Range Planning



Code Under Consideration

- Limited scope – only code section under consideration is SCC 30.41C.030(6)
- 3rd Party Certification added to code as requirement for preliminary subdivision approval before passage of 24-021
- 3rd Party Certification cannot be received until after building occupancy
 - Code needs to be amended to allow preliminary approval of rural cluster subdivisions
- MBA has requested that 3rd Party Certification of entire subdivisions be removed
 - Many of the same requirements are present in individual dwelling certification



Code Change Rationale

- Under adopted code, RCS cannot receive preliminary subdivision approval until proof of certification for community and all dwellings is provided
 - Proof of certification cannot be obtained until after occupancy
- 8 RCS applications are currently under review, totaling over 500 lots
- If adopted code is not updated, the 8 subdivisions currently under review would not be able to be approved
- The amendments are necessary to allow RCS applications to progress



SCC 30.41C.030, Enacted by Am. Ord. 24-021

(6) Rural cluster subdivisions and short subdivisions must provide documentation of third party certification prior to receiving preliminary approval. Conditions of approval for the subdivision or short subdivision shall require all lots containing new buildings receive third party certification prior to issuance of individual building permits. Options for third party certification are:

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

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

(c) Additional third party certification as approved by the director and adopted through administrative rule. (Added by Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended by Amended Ord. 08-087, Feb. 4, 2009, Eff date Apr. 5, 2009; Amended by Amended Ord. 24-021, Aug. 28, 2024, Eff date Sept. 19, 2024).



Proposed Change to SCC 30.41C.030

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

Options for third-party certification are:

- (a) ~~((Built Green Community certification for the preliminary approval and))~~ Built Green Single Family/Townhome certification for building permits;
- (b) ~~((LEED Neighborhood Development certification for the preliminary approval and))~~ LEED Home certification for building permits; or
- (c) Additional third party certification as approved by the director and adopted through administrative rule.



Proposed Change to SCC 30.41C.030

(6) Conditions of approval for the subdivision or short subdivision shall require that all lots containing new buildings provide proof of enrollment in a third-party certification program prior to issuance of individual building permits. Options for third-party certification are:

- (a) Built Green Single Family/Townhome certification for building permits;
- (b) LEED Home certification for building permits; or
- (c) Additional third-party certification as approved by the director and adopted through administrative rule.



Summary

- Scope of changes limited to SCC 30.41C.030(6)
- Changes fix conflict between permit review and 3rd party review
- Removal of 3rd party review of entire subdivision
 - Only dwellings receive 3rd party review



Questions?

Henry Jennings

425-262-2179

Henry.Jennings@snoco.org



Snohomish County
Planning and Development Services

Exhibit 3.2.003

General Legislative Session – 09/03/25

[Video](#)



Snohomish County Council

General Legislative Session

Agenda

Council Chair Nate Nehring
Council Vice-Chair Megan Dunn
Councilmembers: Sam Low, Jared Mead, Strom Peterson

Wednesday, September 3, 2025 **9:00 AM** **Jackson Board Room - 8th Floor**
Robert J. Drewel Building
& Remote Meeting

Webinar Link: <https://zoom.us/j/94846850772>

Attend in person at 3000 Rockefeller Ave, Jackson Board Room, 8th Floor, Everett, WA
Join remotely using the Zoom link above or 1-253-215-8782 or 1-206-337-9723
Meeting ID 948-4685 0772

- A. Call to Order**
- B. Roll Call**
- C. Pledge of Allegiance - Councilmember Low**
- D. Public Comment**
- E. Committee of the Whole**
- F. Resolutions**
- G. Consent Agenda**
 - 1. Motion 25-404, approving and authorizing the County Executive to sign a Master Services Agreement with Gateway International 360 LLC, for Electric Vehicle Supply Equipment (EVSE) and Charge Management Software (CMS) and related services [2025-2854](#)
 - 2. Motion 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 [2025-2896](#)

H. Administrative Matters

1. Motion 25-402, approving Administrative Matters presented at [2025-2876](#)
General Legislative Session on September 3, 2025
 - a. Receiving the following Report:
 - 1) Snohomish County Early Head Start Monthly Program Update - July 1, 2025, through August 21, 2025 [2025-2817](#)

I. Action on Items from Committee

1. **Community Safety and Justice**
2. **Finance, Budget and Administration**
3. **Health and Community Services**
4. **Planning and Community Development**
 - a. Ordinance 25-052, relating to Growth Management; [2025-2799](#)
concerning rural cluster subdivisions and short subdivisions;
amending Chapter 30.41C of the Snohomish County Code

(Proposed action is to set time and date for a public hearing; suggested time and date is Wednesday, September 17, 2025, at the hour of 10:30 a.m.)
5. **Public Infrastructure and Conservation**
6. **Committee of the Whole**

J. Other Business**K. Public Meetings/Hearings****L. Executive Session****M. Adjourn**



Snohomish County Council
General Legislative Session
Meeting Minutes

Council Chair Nate Nehring
Council Vice-Chair Megan Dunn
Councilmembers: Sam Low, Jared Mead, Strom Peterson

Wednesday, September 3, 2025 **9:00 AM** **Jackson Board Room - 8th Floor**
Robert J. Drewel Building
& Remote Meeting

PRESENT:

Council Chair Nehring
Council Vice-Chair Dunn
Councilmember Low (*remote*)
Councilmember Mead
Councilmember Peterson
Ryan Hembree, Council Staff
Henry Jennings, Planning and Development Services
Elena Lao, Deputy Clerk of the Council

A. Call to Order

Chair Nehring called the meeting to order at 9:00 a.m.

B. Roll Call

The clerk called the roll and stated that all five members were present.

C. Pledge of Allegiance

Chair Nehring led the assembly with the Pledge of Allegiance.

D. Public Comment

There were no persons present wishing to provide public comment.

E. Committee of the Whole

F. Resolutions**G. Consent Agenda**

1. Motion 25-404, approving and authorizing the County Executive to sign a Master Services Agreement with Gateway International 360 LLC, for Electric Vehicle Supply Equipment (EVSE) and Charge Management Software (CMS) and related services [2025-2854](#)
2. Motion 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 [2025-2896](#)

Vice-Chair Dunn made a motion to approve the Consent Agenda. Councilmember Mead seconded the motion and it carried unanimously.

APPROVED: 5-0

H. Administrative Matters

1. Motion 25-402, approving Administrative Matters presented at General Legislative Session on September 3, 2025 [2025-2876](#)
 - a. Receiving the following Report:
 - 1) Snohomish County Early Head Start Monthly Program Update - July 1, 2025, through August 21, 2025 [2025-2817](#)

Vice-Chair Dunn made a motion to approve Motion 25-402. Councilmember Mead seconded the motion and it carried unanimously.

APPROVED: 5-0

I. Action on Items from Committee

1. **Community Safety and Justice**
2. **Finance, Budget and Administration**
3. **Health and Community Services**

4. Planning and Community Development

- a. Ordinance 25-052, relating to Growth Management; [2025-2799](#)
concerning rural cluster subdivisions and short subdivisions;
amending Chapter 30.41C of the Snohomish County Code

Ryan Hembree, Legislative Analyst, provided a staff report and explained the proposed Amendment 1.

Henry Jennings, Senior Planner, Planning and Development Services, presented information on the proposed ordinance and Amendment 1.

Vice-Chair Dunn made a motion to schedule a public hearing to consider Ordinance 25-052, along with the proposed Amendment 1, on Wednesday, September 17, 2025, at the hour of 10:30 a.m. Councilmember Mead seconded the motion and it carried unanimously.

APPROVED: 5-0

5. Public Infrastructure and Conservation**6. Committee of the Whole****J. Other Business****K. Public Meetings/Hearings****L. Executive Session****M. Adjourn**

There being no further business for the day, Chair Nehring adjourned the Council at 9:06 a.m.

Rural Cluster Subdivision Third Party Certification Proposed Code Amendment

9/3/2025

Henry Jennings

Senior Planner, Long Range Planning



Snohomish County

Planning and Development Services

Code Under Consideration

- Limited scope – only code section under consideration is SCC 30.41C.030(6)
- 3rd Party Certification added to code as requirement for preliminary subdivision approval before passage of 24-021
- 3rd Party Certification cannot be received until after building occupancy
 - Code needs to be amended to allow preliminary approval of rural cluster subdivisions
- MBA has requested that 3rd Party Certification of entire subdivisions be removed
 - Many of the same requirements are present in individual dwelling certification



Code Change Rationale

- Under adopted code, RCS cannot receive preliminary subdivision approval until proof of certification for community and all dwellings is provided
 - Proof of certification cannot be obtained until after occupancy
- 8 RCS applications are currently under review, totaling over 500 lots
- If adopted code is not updated, the 8 subdivisions currently under review would not be able to be approved



Proposed Change to SCC 30.41C.030

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

Options for third-party certification are:

- (a) ~~((Built Green Community certification for the preliminary approval and))~~ Built Green Single Family/Townhome certification for building permits;
- (b) ~~((LEED Neighborhood Development certification for the preliminary approval and))~~ LEED Home certification for building permits; or
- (c) Additional third party certification as approved by the director and adopted through administrative rule.



Proposed Change to SCC 30.41C.030

(6) Conditions of approval for the subdivision or short subdivision shall require that all lots containing new buildings provide proof of enrollment in a third-party certification program prior to issuance of individual building permits. Options for third-party certification are:

- (a) Built Green Single Family/Townhome certification for building permits;
- (b) LEED Home certification for building permits; or
- (c) Additional third-party certification as approved by the director and adopted through administrative rule.



Amendment – Retroactivity Clause

- Proposed PDS amendment to add clause retroactively applying the code change to applications currently under review



Summary

- Scope of changes limited to SCC 30.41C.030(6)
- Changes fix conflict between permit review and 3rd party review timelines
 - With proposed amendment to make changes retroactively apply to applications currently under review
- Removal of 3rd party review of entire subdivision
 - Only dwellings receive 3rd party review



Questions?

Henry Jennings

425-262-2179

Henry.Jennings@snoco.org



Snohomish County
Planning and Development Services

SCC 30.41C.030, Enacted by Am. Ord. 24-021

(6) Rural cluster subdivisions and short subdivisions must provide documentation of third party certification prior to receiving preliminary approval. Conditions of approval for the subdivision or short subdivision shall require all lots containing new buildings receive third party certification prior to issuance of individual building permits. Options for third party certification are:

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

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

(c) Additional third party certification as approved by the director and adopted through administrative rule. (Added by Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended by Amended Ord. 08-087, Feb. 4, 2009, Eff date Apr. 5, 2009; Amended by Amended Ord. 24-021, Aug. 28, 2024, Eff date Sept. 19, 2024).



AMENDMENT SHEET NO. 1

ORDINANCE NO. 25-052

Amendment Name: Retroactively apply correction to RCS applications under review

Brief Description: This amendment retroactively applies the correction in the ordinance to Rural Cluster Subdivision applications currently under review. Adopted code requires that RCS applicants provide proof of third-party certification prior to preliminary subdivision approval and building permit issuance, a condition which cannot be satisfied due to conflicting timelines between permit review and third-party certification review. This amendment adds a retroactivity clause to the ordinance, applying the fix to all applications currently under review.

Affected Code Sections: SCC 30.41C.030

Existing Ordinance Recitals, Findings, Conclusions or Sections to Delete or Modify:

Page 6, line 23, insert "Section 6. This ordinance is curative, remedial, and retroactive and applies to all applications subject to chapter 30.41C SCC that were submitted on or after September 19, 2024 (the effective date of Amended Ordinance No. 24-021)."

Council Disposition: _____ **Date:** _____