

1 ADOPTED: [REDACTED]
2 EFFECTIVE: [REDACTED]

3 SNOHOMISH COUNTY COUNCIL
4 Snohomish County, Washington

5
6 ORDINANCE NO. 26-007
7

8 RELATING TO GROWTH MANAGEMENT; ALLOWING REDUCED SETBACKS FOR
9 COVERED PARKING STRUCTURES FROM ROAD ELEMENTS IN THE RURAL
10 VILLAGE HOUSING DEMONSTRATION PROGRAM; ADDING NEW SECTION
11 30.41H.105 OF THE SNOHOMISH COUNTY CODE
12

13 WHEREAS, the Growth Management Act (GMA), chapter 36.70A RCW,
14 establishes planning goals to guide development and adoption of comprehensive plans
15 and development regulations for those counties and cities planning under the GMA,
16 including Goals 4 and 8 related to housing and natural resource industries respectively
17 (RCW 36.70A.020(4) and (8)); and
18

19 WHEREAS, the Washington State Legislature substantially amended the GMA
20 housing goal by passing Engrossed Second Substitute House Bill 1220, effective July
21 25, 2021, and which among other changes strengthened the goal from “Encourage the
22 availability of affordable housing to all economic segments of the population” to “Plan for
23 and accommodate housing affordable to all economic segments of the population”; and
24

25 WHEREAS, on June 14, 2023, the Snohomish County Council (“County
26 Council”) adopted Ordinance 23-051 establishing a Rural Village Housing
27 Demonstration Program (“RVHDP”) to encourage innovation in the production of
28 housing in rural areas with the intent of producing more affordable housing types in the
29 R-5 zone and to preserve large open space tracts the use of which may include
30 resource-based activities such as agriculture; and
31

32 WHEREAS, one purpose of the RVHDP is to “[r]educe the footprint of rural
33 residential development and impervious surface” (SCC 30.41H.010(2)); and
34

35 WHEREAS, SCC Table 30.23.043 requires a minimum setback to the entrance
36 of a covered parking structure to be at least 20 feet from a private road in the zones that
37 allow the RVHDP; and
38

39 WHEREAS, applying the 20-foot setback under SCC Table 30.23.043 from a
40 road element to a covered parking structure would require paving more RVDHP project
41 land, which may be contrary to one of the purposes of the program, and would also
42 reduce the amount of land RVDHP projects would preserve for open space purposes;
43 and
44

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, on September 3, 2025, the County Council passed Motion 25-405,
9 referring the proposed code amendments contained in this ordinance to the Snohomish
10 Planning Commission for its review, consideration, and a recommendation to the
11 Council; and
12

13 WHEREAS, SCC 30.23.049(14) provides for reduced setbacks from road
14 network elements for entrances to covered parking structures for townhouse and mixed
15 townhouse development in urban zones; and
16

17 WHEREAS, the reduced setbacks allowed by SCC 30.23.049(14) provide a
18 template for how RVHDP standards could reduce impervious surface and preserve
19 more open space; and
20

21 WHEREAS, SCC 30.41H.030 allows several dwelling types that are allowed in
22 townhouse and mixed townhouse development in the R-5 zone, however, SCC
23 30.41H.030 also allows multiple family dwellings with a maximum of four units and such
24 dwellings are not generally eligible to use SCC 30.23.049(14) in urban zones; and
25

26 WHEREAS, the proposed code section contained in this ordinance will allow for
27 reduced setbacks for covered parking structures for RVDHP projects, modeled after the
28 provisions in SCC 30.23.049(14), but which also allow reduced setbacks for covered
29 parking structures for multiple family dwellings in the RVHDP; and
30

31 WHEREAS, the proposed code section contained in this ordinance includes a
32 retroactive provision to ensure that applicants with approved or existing RVDHP
33 applications will be allowed reduced setbacks for covered parking structures for their
34 RVDHP projects; and
35

36 WHEREAS, on October 28, 2025 the Snohomish County Planning Commission
37 (“Planning Commission”) held a public hearing to receive public testimony concerning
38 the code amendments contained in this ordinance; and
39

40 WHEREAS, at the conclusion of the Planning Commission’s public hearing, the
41 Planning Commission recommended adoption of the code amendments contained in
42 this ordinance; and
43

1 WHEREAS, on _____, the County Council held a public hearing after
2 proper notice, and considered public comment and the entire record related to the code
3 amendments contained in this ordinance; and
4

5 WHEREAS, following the public hearing, the County Council deliberated on the
6 code amendments contained in this ordinance;
7

8 NOW, THEREFORE, BE IT ORDAINED:
9
10

11 **Section 1.** The County Council adopts the following findings in support of this
12 ordinance:
13

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

- 1 1. GMA Goal 2: “Reduce sprawl. Reduce the inappropriate conversion of
2 undeveloped land into sprawling, low-density development.” The RVHDP
3 program promotes GMA Goal 2 by protecting large undeveloped rural sites from
4 sprawl by requiring protection of a minimum of 85% of the site as permanent
5 open space and requiring the clustering of development to support habitat,
6 critical areas and buffers, and resource-based activities. This ordinance
7 promotes successful development under the RVHDP.
8
- 9 2. GMA Goal 4: “Housing. Plan for and accommodate housing affordable to all
10 economic segments of the population of this state, promote a variety of
11 residential densities and housing types, and encourage preservation of existing
12 housing stock.” The RVHDP promotes GMA Goal 4 by allowing a wider variety of
13 housing types in rural areas with R-5 zoning. The types of attached housing
14 authorized by the demonstration program are generally more affordable than the
15 detached housing typically built in R-5 zoned locations. This ordinance promotes
16 successful development under the RVHDP.
17
- 18 3. GMA Goal 8: “Natural resource industries. Maintain and enhance natural
19 resource-based industries, including productive timber, agricultural, and fisheries
20 industries. Encourage the conservation of productive forestlands and productive
21 agricultural lands, and discourage incompatible uses.” The RVHDP promotes
22 GMA Goal 8 by requiring a minimum of 85% of the site to be protected as
23 permanent open space for the purpose protect land for resource-based activities
24 such as agricultural production and working forest lands. The ordinance also
25 conserves a greater share of land with existing agricultural or resource uses
26 compared with other existing development alternatives in the R-5 zone. This
27 ordinance promotes successful development under the RVHDP.
28

29 F. In considering the RVHDP, the County evaluated factors including the need to
30 provide land uses and implementing regulations reasonably designed to meet the
31 growth targets associated with the Snohomish County Growth Management Act
32 Comprehensive Plan (GMACP). In considering the proposed amendments, the
33 County evaluated whether the proposed reduction in setbacks for covered parking
34 structures would further the objectives of the RVHDP.
35

36 G. Procedural requirements.
37

- 38 1. State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with
39 respect to this non-project action have been satisfied through the completion of
40 an environmental checklist and the issuance on January 16, 2025, of an

1 amendment to the Determination of Non-Significance for Ordinance 23-051 for
2 this non-project proposal to amend Title 30 Snohomish County Code (SCC).

- 3
- 4 2. The proposal is a Type 3 legislative action pursuant to SCC 30.73.010.
- 5
- 6 3. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance was
7 transmitted to the Washington State Department of Commerce for distribution to
8 state agencies on December 30, 2025 and assigned material number 2025-S-
9 11355.
- 10
- 11 4. The public participation process used in the adoption of this ordinance complies
12 with all applicable requirements of the GMA and the SCC.
- 13
- 14 5. The Washington State Attorney General last issued an advisory memorandum,
15 as required by RCW 36.70A.370, in October of 2024 entitled “Advisory
16 Memorandum: Avoiding Unconstitutional Takings of Private Property” to help
17 local governments avoid the unconstitutional taking of private property. The
18 process outlined in the State Attorney General’s 2024 advisory memorandum
19 was used by the County in objectively evaluating the regulatory changes
20 proposed by this ordinance.

21
22 **Section 2.** The County Council makes the following conclusions:

- 23
- 24 A. The proposed amendments are consistent with the goals, policies, and objectives
25 of the Puget Sound Regional Council’s Multicounty Planning Policies,
26 Countywide Planning Policies, and GMACP.
- 27
- 28 B. The proposed amendments are consistent with applicable federal, state, and
29 local laws and regulations.
- 30
- 31 C. The County has complied with all SEPA requirements with respect to this non-
32 project action.
- 33
- 34 D. The regulations proposed by this ordinance do not result in an unconstitutional
35 taking of private property for a public purpose.
- 36

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

1
2 **Section 4.** A new section is added to Chapter 30.41H of the Snohomish County
3 Code to read:

4
5 **30.41H.105 Performance standards – garage setbacks.**

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

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

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

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

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

22 (3) An applicant with an existing rural village housing demonstration program
23 application determined to be complete by the department prior to the effective date of
24 Ordinance 26-007, including approved applications seeking revision, may voluntarily
25 submit a signed waiver to the department requesting the department to review the
26 development application under the provisions of Ordinance 26-007. All other
27 development regulations in effect as of the date the original development application
28 was determined to be complete shall apply.

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

36
37 **Section 5.** Severability and Savings. If any section, sentence, clause or phrase
38 of this ordinance shall be held to be invalid by the Growth Management Hearings Board
39 (Board), or unconstitutional by a court of competent jurisdiction, such invalidity or
40 unconstitutionality shall not affect the validity or constitutionality of any other section,

1 sentence, clause or phrase of this ordinance. Provided, however, that if any section,
2 sentence, clause or phrase of this ordinance is held to be invalid by the Board or court
3 of competent jurisdiction, then the section, sentence, clause or phrase in effect prior to
4 the effective date of this ordinance shall be in full force and effect for that individual
5 section, sentence, clause or phrase as if this ordinance had never been adopted.

6
7 PASSED this ____ day of ____, 2026.

8
9 SNOHOMISH COUNTY COUNCIL
10 Snohomish County, Washington

11
12 _____
13 Council Chair

14 ATTEST:

15
16 _____
17 Asst. Clerk of the Council

18
19 () APPROVED
20 () EMERGENCY
21 () VETOED

22 DATE: _____
23

24
25 _____
26 County Executive

27 ATTEST:

28
29 _____
30
31 Approved as to form only:

32
33
34 /s/Christina Richmond 1/20/26
35 Deputy Prosecuting Attorney
36