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Rural Village Housing Demonstration Program <a href="#">Ord 23-051</a> (2023-0555)					
Hearing Date: June 14, 2023 @ 10:30 a.m.					
Council Staff: Ryan Countryman			DPA: Matthew Otten		
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Adopted:

Effective:

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

ORDINANCE NO. 23-051

RELATING TO GROWTH MANAGEMENT; PROMOTING INNOVATIVE HOUSING  
TYPES IN THE R-5 ZONE; ADDING A NEW CHAPTER 30.41H (RURAL VILLAGE  
HOUSING DEMONSTRATION PROGRAM); AND ADDING A NEW SECTION TO  
CHAPTER 30.86 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 Goal 4 related to housing (RCW 36.70A.020(4)); 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 October 29, 2020, the Puget Sound Regional Council (PSRC) adopted Vision 2050, a plan for the central Puget Sound region, which includes Snohomish County (the "County"); and

WHEREAS, the Regional Growth Strategy in Vision 2050 calls on the County to reduce rural growth rates from historic levels, which means that efforts to allow more types of housing in rural areas should not result in more housing units than currently allowed even if the types of units change; and

WHEREAS, in May 2019, the County Executive created the Snohomish County Housing Affordability Regional Taskforce (HART), consisting of a team of city and county officials and community leaders, tasked to identify solutions to the regional housing affordability crisis; and

WHEREAS, in January 2020, HART issued the Housing Affordability Regional Taskforce Report and Five-Year Action Plan ("HART Report"), which characterizes the housing crisis and provides short and long-term recommendations for local governments to pursue to alleviate the crisis; and

ORDINANCE NO. 23-051

RELATING TO GROWTH MANAGEMENT; PROMOTING INNOVATIVE HOUSING TYPES IN THE R-5 ZONE; ADDING A NEW CHAPTER 30.41H (RURAL VILLAGE HOUSING DEMONSTRATION PROGRAM); AND ADDING A NEW SECTION TO CHAPTER 30.86 OF THE SNOHOMISH COUNTY CODE

1  
2 WHEREAS, the HART Report discusses the need for more townhomes, triplexes, and  
3 fourplexes, which are typically more affordable than traditional detached single-family homes;  
4 and  
5

6 WHEREAS, the Snohomish County Tomorrow 2020 Growth Monitoring Report (GMR)  
7 was prepared to satisfy the requirement for a coordinated growth monitoring program as  
8 directed under the Countywide Planning Policies (GF-5 & Appendix C); and  
9

10 WHEREAS, the GMR documents that between 2015 and 2019, there were 1,153 new  
11 lots recorded in rural cluster subdivisions on land designated for rural residential uses; and  
12

13 WHEREAS, the GMR documents that a total of 2,468 housing units were permitted  
14 between 2015 and 2019 on land designated for rural and resource uses, including on previously  
15 vacant existing lots and on new lots created in rural cluster subdivisions; and  
16

17 WHEREAS, of all new housing permitted in the 2015 to 2019 in rural and resource  
18 acres, new lots in rural cluster subdivisions accounted for 47% of the total; and  
19

20 WHEREAS, the GMR also documents that between 2015 and 2019, the County  
21 permitted zero units of townhouse, triplex, or fourplex housing in the rural and resource areas,  
22 despite these housing types being identified as more affordable than the single-family detached  
23 units that predominate in rural and resource areas; and  
24

25 WHEREAS, the development of rural cluster subdivisions primarily occur in the Rural 5-  
26 Acre (R-5) zone; and  
27

28 WHEREAS, adopting a demonstration program allowing for townhouse, triplex, or  
29 fourplex housing in the R-5 zone provides an opportunity to address affordability in the R-5 zone  
30 and preserve a greater percentage of the development sites in permanently protected open  
31 space to benefit habitat, critical areas and buffers, and resource-based activities; and  
32

33 WHEREAS, the County Council finds that there is an opportunity to implement a  
34 demonstration program to reflect recent changes to the GMA, Vision 2050, the  
35 recommendations in the HART report, and 2020 GMR; and  
36

37 WHEREAS, on February 28, 2023, the Snohomish County Planning Commission  
38 ("Planning Commission") held a public hearing to receive public testimony concerning the code  
39 amendments contained in this ordinance; and  
40

1 WHEREAS, at the conclusion of the Planning Commission's public hearing, the Planning  
2 Commission recommended adoption of the code amendments contained in this ordinance; and  
3

4 WHEREAS, on \_\_\_\_\_, the County Council held a public hearing after proper notice,  
5 and considered public comment and the entire record related to the code amendments  
6 contained in this ordinance; and  
7

8 WHEREAS, following the public hearing, the County Council deliberated on the code  
9 amendments contained in this ordinance;  
10

11 NOW, THEREFORE, BE IT ORDAINED:  
12  
13

14 **Section 1.** The County Council adopts the following findings in support of this ordinance:  
15

- 16 A. The foregoing recitals are adopted as findings as if set forth in full herein.  
17  
18 B. The County Council made the following findings of fact in support of this ordinance.  
19  
20 C. This ordinance will amend Title 30 of Snohomish County Code (SCC) to establish a new  
21 Rural Village Housing Demonstration Program. The proposed amendments seek to:  
22  
23 1. Reflect recent changes in GMA, Vision 2050, and recommendations in the HART Report  
24 that encourage production of affordable housing in all areas of Snohomish County,  
25 including in rural areas;  
26  
27 2. Allow for innovation in the types of new housing permitted in the rural area and  
28 experimentation in clustering techniques, while also maintaining current maximum gross  
29 site densities provided under the existing regulations;  
30  
31 3. Maintain overall rural growth targets adopted in the Countywide Planning Policies by  
32 limiting density in the proposed demonstration program to the same number of units  
33 allowed within the R-5 zone under the rural cluster subdivision code (one dwelling unit  
34 for every 148,148 square feet of gross site area), while preserving a greater percentage  
35 of the site (85%) in permanently protected open space;  
36  
37 4. Preserve rural character by including performance standards intended to promote  
38 compatibility with adjacent rural uses that include visual screening, landscape buffers,  
39 clustering, and architectural design; and  
40

5. Retain and preserve rural open space by requiring that a minimum of 85% of the development site be set aside in large open space tracts to permanently protect habitat, critical areas and buffers, and resource-based activities.

D. In developing the proposed code amendments, the County considered GMA, including the goals in RCW 36.70A.020 and 36.70A.480, and other requirements of the GMA throughout chapter 36.70A. RCW. This ordinance is consistent with the GMA in the following ways:

1. GMA Goal 2: "Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development." The ordinance promotes GMA Goal 2 by protecting large undeveloped rural sites from sprawl by requiring protection of a minimum of 85% of the site as permanent open space and requiring the clustering of development to support habitat, critical areas and buffers, and resource-based activities.
2. GMA Goal 4: "Housing. Plan for and accommodate housing affordable to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock." The ordinance promotes GMA Goal 4 by allowing a wider variety of housing types in rural areas with R-5 zoning. The types of attached housing authorized by the demonstration program are generally more affordable than the detached housing typically built in R-5 zoned locations.
3. GMA Goal 8: "Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forestlands and productive agricultural lands, and discourage incompatible uses." The ordinance promotes GMA Goal 8 by requiring a minimum of 85% of the site to be protected as permanent open space for the purpose of protecting land for resource-based activities such as agricultural production and working forest lands. The ordinance also conserves a greater share of land with existing agricultural or resource uses compared with other existing development alternatives in the R-5 zone.
4. GMA Goal 9: "Open space and recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities." The ordinance promotes GMA Goal 9 by requiring that a minimum of 85% of the development site be protected as permanent open space to be used for purposes such as habitat, and critical areas and buffers.
5. RCW 36.70A.070(5)(a) requires counties to consider "local circumstances" when establishing patterns of rural density and requires that counties "develop a written record

1 explaining how the rural element [of the GMACP] harmonizes the planning goals in RCW  
2 36.70A.020" and meet the requirements of GMA. The findings above explain how this  
3 ordinance is consistent and harmonized with the GMA planning goals. The findings  
4 below explain how this ordinance is consistent and harmonized with other GMA  
5 requirements and with policies adopted in the GMACP to reflect local circumstances.  
6

- 7 6. RCW 36.70A.070(5)(b) requires counties to "provide for a variety of rural densities"  
8 through "clustering, density transfer, design guidelines, conservation easements, and  
9 other innovative development techniques that will accommodate appropriate rural  
10 economic advancement, densities, and use that are not characterized by urban growth  
11 and that are consistent with rural character." This ordinance is consistent with this  
12 requirement because it adopts innovative development techniques to conserve  
13 resource-based activities on rural lands. It does so through clustering and design  
14 guidelines that ensure preservation of rural character. While net densities on the portion  
15 of sites developed as rural village housing demonstration projects may be higher than  
16 are traditionally found in rural areas, the gross densities on the overall site will be the  
17 same as allowed for rural cluster subdivisions, which is a common method for  
18 developing new lots in rural areas with R-5 zoning. The ordinance balances the density  
19 and clustering requirements with more stringent open space requirements (85%  
20 minimum) and establishes performance standards relating to site design, landscaping,  
21 buffers, and architecture to ensure that the development is consistent with the rural  
22 character.  
23
- 24 7. RCW 36.70A.070(5)(c) requires comprehensive plan elements that protect rural  
25 character by "(i) Containing or otherwise controlling rural development; (ii) Assuring  
26 visual compatibility of rural development with the surrounding rural area; (iii) Reducing  
27 the inappropriate conversion of undeveloped land into sprawling, low-density  
28 development in the rural area; (iv) Protecting critical areas, as provided in RCW  
29 36.70A.060, and surface water and groundwater resources; and (v) Protecting against  
30 conflicts with the use of agricultural, forest, and mineral resource lands designated under  
31 RCW 36.70A.170." This ordinance is consistent with these requirements because it  
32 provides development regulations that achieve these plan policy requirements. In  
33 response to (i), the ordinance requires development to use a smaller footprint than  
34 otherwise allowed by development alternatives in the R-5 zone to control and contain  
35 rural development. In response to (ii), the ordinance provides performance standards  
36 associated with site design, landscaping, buffers, and architecture to help assure visual  
37 compatibility for rural development. In response to (iii), although prior actions to  
38 designate land as rural residential with R-5 zoning were intended to allow for appropriate  
39 rural residential development in rural areas, this ordinance promotes the preservation of  
40 land for resource-based activities. In response to (iv), critical areas protections codified  
41 in subtitle 30.6 SCC will ensure protection of critical areas, surface water and

1 groundwater resources. In response to (v), this ordinance is not applicable to lands  
2 designated as agricultural, forest, or mineral resources; however, the ordinance  
3 encourages protection and continuance of resources uses such as agriculture and  
4 forestry on lands designated as rural residential.  
5

6 E. The proposed amendments will better achieve, comply with, and implement the goals and  
7 policies of the Puget Sound Regional Council's Multicounty Planning Policies (MPPs),  
8 including the following goals and policies:  
9

- 10 1. MPP-H-2: "Provide a range of housing types and choices to meet the housing needs of  
11 all income levels and demographic groups within the region." This ordinance authorizes  
12 development of new types of housing in rural areas, specifically attached housing in  
13 buildings with up to four units. Such attached housing is generally more affordable to  
14 people with lower income levels than the detached housing usually found in rural areas.  
15
- 16 2. MPP-H-9: "Expand housing capacity for moderate density housing to bridge the gap  
17 between single-family and more intensive multifamily development and provide  
18 opportunities for more affordable ownership and rental housing that allows more people  
19 to live in neighborhoods across the region." This ordinance provides for the development  
20 of moderate density housing in the form of attached housing in buildings up to four units  
21 that may provide for more affordable ownership and rental opportunities in the rural area  
22 than that provided by traditional detached housing.  
23
- 24 3. MPP-En-5: "Locate development in a manner that minimizes impacts to natural features.  
25 Promote the use of innovative environmentally sensitive development practices,  
26 including design, materials, construction, and on-going maintenance." This ordinance  
27 promotes the clustering of development to minimize impacts to open space, resource-  
28 based activities, habitat, and critical areas and buffers.  
29

30 F. The proposed amendments will better achieve, comply with, and implement the Countywide  
31 Planning Policies (CPPs). These include:  
32

- 33 1. CPP DP-25. "The County shall establish low densities of development and uses in areas  
34 outside of Urban Growth Areas to preserve resource lands and protect rural areas from  
35 sprawling development." This ordinance relies on the same maximum density already  
36 allowed in rural areas with R-5 zoning but requires preservation of more open space.  
37 Therefore, this ordinance will do more to preserve resource uses on land zoned for rural  
38 residential development than existing development regulations.  
39
- 40 2. CPP DP-26. "Density and development standards in rural and resource areas shall work  
41 to manage and reduce rural growth rates over time, consistent with the Regional Growth  
42 Strategy, GF-5, and the growth targets in Appendix B." This ordinance seeks to preserve  
43 resource uses in rural areas with R-5 zoning in a manner that current regulations do not  
44 accomplish. This protection of resource uses in rural areas is consistent with the intent of

1 CPP DP-26 and the Regional Growth Strategy in ways that the adopted growth targets,  
2 which count population and employment, do not directly measure. Where CPP DP-26  
3 discusses density, this ordinance would allow the same densities as allowed under  
4 current regulations but with different types of housing. According to the 2021 Buildable  
5 Lands Report for Snohomish County, the typical detached single-family unit built in the  
6 R-5 zone would house 3.00 people per unit, whereas the typical attached townhouse  
7 unit would house 2.65 people. By allowing housing types that generally have smaller  
8 household sizes but at the same overall number or density of units as current  
9 regulations, this ordinance will help reduce the rural growth rate over time because of  
10 the smaller projected household size.

- 11  
12 3. CPP DP-29. "The County may permit rural clustering in accordance with the Growth  
13 Management Act." As discussed in Finding D.6, this ordinance would permit a new type  
14 of clustering that would preserve more open space than current clustering techniques.  
15 When the demonstration program sunsets, lessons learned through the demonstration  
16 program could become refinements to existing rural cluster subdivision code or as a  
17 successor program to this demonstration program.  
18
- 19 4. CPP DP-31. "The County shall develop strategies and programs to support agricultural  
20 and forest activities." This ordinance establishes a demonstration program that would  
21 help preserve agricultural and forestry activities on lands designated and zoned for rural  
22 residential development. While such designation and zoning generally anticipate loss of  
23 resource based activities on rural residential lands, the adoption of the demonstration  
24 program is part of a strategy to help support and preserve such activities.  
25
- 26 5. CPP HO-9. "In order to improve the jobs-to-housing balance in Snohomish County,  
27 jurisdictions shall adopt comprehensive plans that provide for the development of [a]  
28 variety of housing choices, including affordable housing, so that workers at all income  
29 levels may choose to live in proximity to existing and planned employment [...]" This  
30 ordinance encourages development of attached housing, which is generally more  
31 affordable than detached housing. The ordinance also provides for housing on sites that  
32 preserve resource activities, such as agricultural production and working forest lands  
33 that can provide jobs for a portion of the residents.  
34
- 35 6. CPP HO-10. "Jurisdictions should encourage the use of environmentally sensitive  
36 housing development practices and environmentally sustainable building techniques and  
37 materials in order to minimize the impacts of growth and development on the county's  
38 natural resource systems. This approach should also consider the potential costs and  
39 benefits to site development, construction, and building maintenance to balance housing  
40 affordability and environmental sustainability." This ordinance minimizes impacts to  
41 resource uses in rural areas by requiring preservation of at least 85% of a site in  
42 protective open space tracts. By allowing attached housing in tighter clusters than typical  
43 rural cluster development, the construction costs for individual units will be less and the  
44 costs for extending utilities and roads onto a site will be less than other development  
45 options provided for by existing development regulations.

- 1  
2 7. CPP HO-11. "The county and cities should consider the economic implications of  
3 proposed building and land use regulations so that the broader public benefit they serve  
4 is achieved with the least additional cost to housing." This ordinance provides for  
5 housing types and site designs that will be less costly to construct than other options for  
6 development in the R-5 zone. It also provides broader public benefit than other  
7 development options because it requires preservation of more rural open space. To the  
8 extent this protected open space remains in agriculture or similar uses that provide  
9 employment, the ordinance would have more beneficial economic impact than would  
10 other types of housing development in R-5 zoning that do not preserve productive  
11 resource uses.

12  
13 G. The proposed amendments will better achieve, comply with, and implement the following  
14 goals, objectives and policies contained in the County's GMACP.  
15

- 16 1. Housing Objective HO 1.B: "Ensure that broad range of housing types and affordability  
17 levels is available in urban and rural areas. This ordinance allows attached housing  
18 types in rural areas where current provisions do not provide for such housing. By  
19 allowing attached single family, townhouse, and 3- and 4-unit multifamily dwellings, this  
20 ordinance increases the range of housing types allowed in rural areas. As identified by  
21 the HART Report, these types of attached housing are generally more affordable than  
22 detached single family units. As documented in the 2020 GMR, there has been no  
23 recent development of any attached housing in rural and resource areas and, further, the  
24 GMR documents that 47% all new units recently permitted in rural and resource areas  
25 have been accounted for by lots created through one development process under the  
26 rural cluster subdivision code. This ordinance provides for wider range of housing types  
27 in rural and resource areas and the new types of housing allowed by the ordinance are  
28 generally accepted as more affordable than single family detached development  
29 currently being developed in the R-5 zone.  
30
- 31 2. Housing Policy HO 1.B.4: "The county shall encourage and support the development of  
32 innovative housing types..." that make efficient use of the land. This ordinance allows  
33 innovative types of housing in the R-5 zone. It also includes performance standards to  
34 ensure that developments with new attached housing are designed to efficiently reduce  
35 paved areas and impacts to resource uses of the site.  
36
- 37 3. Housing Policy HO 1.C.12: "The county should encourage developments that include  
38 units affordable to a spectrum of incomes, including low and moderate income  
39 households." This ordinance allows attached housing in areas where detached housing  
40 is standard. Attached housing is generally more affordable than detached housing.  
41

- 1       4. Housing Policy HO 2.A.1: "The county should preserve the character of stable residential  
2       neighborhoods through selective and innovative land use measures." This ordinance  
3       helps preserve the rural character in R-5 zoned areas by allowing innovative site design  
4       that helps preserve existing agricultural and resource-based land uses and maintains the  
5       rural character of the area.  
6
- 7       5. Land Use Objective LU 6.B: "Encourage land use activities and development intensities  
8       that protect the character of rural areas, avoid interference with resource land uses,  
9       minimize impacts upon critical areas, and allow for future expansion of UGAs ..." This  
10      ordinance encourages protection of resource land use activities in areas zoned for rural  
11      residential uses. Existing critical area protections would apply to any development under  
12      this ordinance. Since this ordinance would not apply to R-5 zoned sites with the Rural  
13      /Urban Transition Area (RUTA) overlay, there would be no impact to areas expected to  
14      see future UGA expansion.  
15
- 16     6. Land Use Policy LU 6.B.1: "Use of a clustering subdivision technique should be  
17     encouraged by the County in rural residential areas to 1) preserve the rural character of  
18     Snohomish County; 2) avoid interference with resource land uses; 3) minimize impacts  
19     upon critical areas; 4) allow for future expansion of the UGAs, where appropriate, and 5)  
20     support the provision of more affordable housing in rural areas. The primary benefit of  
21     clustering is the preservation of open space. Modest density incentives should be  
22     provided in a manner which encourages use of the technique and maximum  
23     preservation of open space and maintenance of rural character. The open space tracts  
24     in rural cluster subdivisions shall be preserved in perpetuity, except for those located  
25     now or in the future within the Rural/Urban Transition Area. In the Rural/Urban Transition  
26     area, open space tracts shall be preserved until such time as the subdivision is included  
27     within a UGA, so that it may be used for future urban development ...." This proposed  
28     ordinance is a type of clustering technique that achieves everything but 4) in this policy.  
29     There is no effect on 4) because the allowance for future expansion of urban growth  
30     areas relates to development areas designated as RUTA and proposed language in  
31     SCC 30.41H.020(1) specifically provides that areas with RUTA designations are not  
32     eligible to use the rural village housing demonstration program.  
33
- 34     7. Land Use Policy LU 6.B.3: "Resource-based industries that help sustain rural  
35     communities, require only rural levels of service, support the conservation of natural  
36     resource lands, and complement rural character shall be promoted in rural areas." This  
37     ordinance creates new incentives to preserve resource-based industries in rural  
38     residential areas where there is no requirement to protect such resource-based  
39     industries under current development regulations.  
40

1 8. Land Use Objective LU 6.I: "Develop voluntary and incentive-based program to promote  
2 and preserve agricultural activities in rural areas." Use of the program proposed in this  
3 ordinance would be voluntary and the program itself provides incentives for use such as  
4 allowing for attached housing.

5  
6 9. Land Use Objective LU 7.C: "Enhance and encourage the agricultural industry through  
7 development and adoption of supporting programs and code amendments." This  
8 ordinance supports the agricultural industry by adopting a demonstration program which  
9 helps preserve agricultural production on areas with R-5 zoning.

10  
11 H. Procedural requirements.

12  
13 1. The proposal is a Type 3 legislative action pursuant to SCC 30.73.010.

14  
15 2. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance was  
16 transmitted to the Washington State Department of Commerce for distribution to state  
17 agencies on March 6, 2023 and assigned Submittal ID 2023-S-4835.

18  
19 3. State Environmental Policy Act (SEPA) requirements with respect to this non-project  
20 action have been satisfied through the completion of an environmental checklist and the  
21 issuance of a Threshold Determination of Non-Significance on March 7, 2023.

22  
23 4. The public participation process used in the adoption of this ordinance has complied with  
24 all applicable requirements of the GMA and the SCC.

25  
26 5. The Washington State Attorney General last issued an advisory memorandum, as  
27 required by RCW 36.70A.370, in September of 2018 entitled "Advisory Memorandum:  
28 Avoiding Unconstitutional Takings of Private Property" to help local governments avoid  
29 the unconstitutional taking of private property. The process outlined in the State Attorney  
30 General's 2018 advisory memorandum was used by the County in objectively evaluating  
31 the regulatory changes proposed by this ordinance.

32  
33  
34 **Section 2.** The Snohomish County Council makes the following conclusions:

35  
36 A. The proposal is consistent with the goals, objectives, and policies of the GPP.

37  
38 B. The proposal is consistent with Washington State law and the SCC.

39  
40 C. The County has complied with all SEPA requirements in respect to this non-project action.

41  
42 D. The regulations proposed by this ordinance do not result in an unconstitutional taking of  
43 private property for a public purpose.

1  
2  
3       **Section 3.** The County Council bases its findings and conclusions on the entire record of  
4 the County Council, including all testimony and exhibits. Any finding, which should be deemed a  
5 conclusion, and any conclusion which should be deemed a finding, is hereby adopted as such.  
6

7  
8       **Section 4.** A new chapter is added to Snohomish County Code to read:  
9

10               **Chapter 30.41H Rural Village Housing Demonstration Program**  
11

12       **30.41H.010 Purpose.**

13       **30.41H.020 Applicability and eligibility.**

14       **30.41H.030 Permitted uses.**

15       **30.41H.040 Procedure.**

16       **30.41H.050 Approval criteria.**

17       **30.41H.060 Submittal requirements.**

18       **30.41H.070 Site planning principles.**

19       **30.41H.080 Performance standards – site design.**

20       **30.41H.090 Performance standards – landscaping.**

21       **30.41H.100 Performance standards – bulk regulations.**

22       **30.41H.110 Performance standards – architectural.**

23       **30.41H.120 Performance standards – miscellaneous.**

24       **30.41H.130 Management plan for open space and common areas.**

25       **30.31H.140 Sunset.**  
26

27       **30.41H.010 Purpose.**

28       The purpose of this chapter is to:

29       (1) Provide an innovative technique to achieve a variety of rural densities by balancing  
30 non-traditional residential dwelling types in rural areas zoned Rural-5 Acre (R-5) with open  
31 space preservation, resource-based activities and production, and maintenance of the  
32 surrounding rural character;

33       (2) Reduce the footprint of rural residential development and impervious surfaces; and

34       (3) Assure visual compatibility of rural development with the surrounding rural area.  
35

36       **30.41H.020 Applicability and eligibility.**

37       (1) The provisions in this chapter apply to all properties zoned R-5, except for R-5 zoned  
38 properties located within the boundaries of the Tulalip Reservation, designated Local  
39 Commercial Farmland in the comprehensive plan, or designated within the Rural/Urban  
40 Transition Area overlay in the comprehensive plan.

1 (2) The site for a rural village housing demonstration program development shall be a  
2 minimum of 100 contiguous acres under the same ownership or control prior to the effective  
3 date of this chapter. For purposes of this chapter, "contiguous acres" are those acres that are  
4 physically contiguous and do not include sites with two or more lobes of land that are connected  
5 by an area less than 100 feet wide, which absent such connection would be discontinuous.

6 (3) Applications for a rural village housing demonstration program development shall be  
7 submitted no later than two years after the effective date of this chapter. Applications under the  
8 program shall expire four years after submittal unless approval has been obtained.

9 (4) Approved applications shall commence construction within five years of receiving  
10 approval, otherwise the approved application shall expire. The department may grant a one-time  
11 two-year extension of an approved application. The applicant must submit the extension request  
12 to the department prior to the expiration. The applicant shall pay a fee for the extension  
13 pursuant to SCC 30.86.150. Approved site plans for which construction has commenced shall  
14 remain in effect after chapter 30.41H SCC has been repealed.

15 (5) Rural village housing demonstration program developments shall comply with all  
16 applicable provisions of title 30 SCC, except as modified in this chapter. Where there is a  
17 conflict between a provision of this chapter and a provision in another chapter in this title, the  
18 provisions of this chapter shall apply.

#### 19 20 **30.41H.030 Permitted uses.**

21 A rural village housing demonstration program development may include the following uses:

- 22 (1) All permitted and conditional uses allowed in the R-5 zone under SCC 30.22.110; and  
23 (2) The following residential uses in the R-5 zone with a maximum of four units per building:  
24 (a) Dwelling, attached single family;  
25 (b) Dwelling, multiple family; and  
26 (c) Dwelling, townhouse.

#### 27 28 **30.41H.040 Procedure.**

29 (1) Rural village housing demonstration program development applications shall:

30 (a) Be processed as a Type 2 application and site plan decision under chapter 30.72  
31 SCC; and

32 (b) Be submitted concurrently with a preliminary subdivision application under chapter  
33 30.41A SCC.

34 (2) The relationship between a rural village housing demonstration site plan and preliminary  
35 subdivision application shall be as follows:

36 (a) The preliminary subdivision shall show the proposed lots, tracts, roads, easements,  
37 dedications, calculations and restrictions necessary for the general layout and phasing of the  
38 site to be recorded on a final plat following approval; and

39 (b) The site plan for the rural village housing demonstration program development  
40 application shall show features of the proposed site design such as proposed building  
41 placement, landscaping, designated resource lands or uses, location of utilities, and parking

1 areas that are not necessary for the approval of a preliminary subdivision but would be  
2 necessary for compliance with this chapter.

3 (3) Revisions to an approved rural village housing demonstration program development  
4 application shall be processed pursuant to SCC 30.70.210 - .230.

### 6 **30.41H.050 Approval criteria.**

7 To recommend approval of a rural village housing demonstration program development  
8 application to the hearing examiner, the department must find that the application meets or can  
9 be conditioned to meet the requirements of a preliminary subdivision under 30.41A SCC and of  
10 a rural village housing demonstration program application under chapter 30.41H SCC. The  
11 hearing examiner may approve a rural village housing demonstration program development  
12 application when:

13 (1) The concurrent preliminary subdivision application complies with the applicable decision  
14 criteria in chapter 30.41A SCC;

15 (2) The development furthers the purpose of chapter 30.41H SCC as described in SCC  
16 30.41H.010;

17 (3) The development complies with the performance standards of chapter 30.41H SCC;

18 (4) The development would result in land use or uses consistent with the definition of rural  
19 character in RCW 36.70A.030(23); and

20 (5) The development will preserve at least 85% of the site for resource uses or other types  
21 of rural open space as described in SCC 30.41H.080(1).

### 23 **30.41H.060 Submittal requirements.**

24 In addition to the documents required by the department's submittal checklist for a preliminary  
25 subdivision under chapter 30.41A SCC, an application for a rural village demonstration program  
26 development must include the following:

27 (1) A narrative description of how the proposal is consistent with SCC 30.41H.070 - .130.  
28 The narrative document shall also:

29 (a) Describe how the proposal makes appropriate provisions for the public health, safety,  
30 and general welfare; for open spaces, drainage ways, streets, other public ways and safe  
31 walking conditions; potable water supplies; sanitary wastes; recreation; fire protection; and other  
32 public facilities, if any.

33 (b) Describe how the proposal will maintain or enhance features that are consistent with  
34 rural character as defined in RCW 36.70A.030(23). To demonstrate that a proposal is consistent  
35 with the definition of rural character, the narrative shall address each of the following:

36 (i) How open space, the natural landscape, and vegetation predominate over the  
37 built environment;

38 (ii) How the proposal fosters traditional rural lifestyles, rural-based economies, and  
39 opportunities to both live and work in rural areas;

40 (iii) How the proposal provides visual landscapes that are traditionally found in rural  
41 areas and communities;

- 1 (iv) How the proposal is compatible with the use of the land by wildlife and for fish  
2 and wildlife habitat;
- 3 (v) How the proposal reduces inappropriate conversion of undeveloped land into  
4 sprawling, low-density development;
- 5 (vi) How the proposal does not require the extension of urban governmental services  
6 as defined in RCW 36.70A.030(27); and
- 7 (vii) How the proposal protects natural surface water flows, and groundwater and  
8 surface water recharge and discharge areas.
- 9 (c) Describe the post-development view of the site from adjacent roads and properties  
10 and how the proposed development maintains existing views. At a minimum, the description of  
11 post-development views shall address:
- 12 (i) How the proposed site design incorporates existing landscape features such as  
13 vegetation, resource-based activities, and structures;
- 14 (ii) Where landscape screening is required for compliance with SCC 30.41H.070 and  
15 30.41H.090; and
- 16 (iii) For new buildings, what architectural design elements will be incorporated into  
17 building design to demonstrate compliance with SCC 30.41H.110.
- 18 (2) A rural village housing demonstration project site plan showing the existing character of  
19 the site and the proposed character.
- 20 (a) To show the existing character, the site plan shall include the following items, as  
21 appropriate:
- 22 (i) Natural features that distinguish the site or are characteristic of the area;
- 23 (ii) The location of existing vegetation and open space;
- 24 (iii) Existing structures and landscapes, including buildings, rock walls, fences,  
25 storage tanks, and areas of cultivation and plantings typical of rural settlement, such as  
26 windbreaks, hedgerows, orchards, and agricultural fields;
- 27 (iv) Uses on adjacent properties, including location of houses; and
- 28 (v) The location and the approximate size of natural resource lands subject to  
29 chapters 30.32A, 30.32B, or 30.32C SCC on the project site and adjacent properties.
- 30 (b) To show the proposed character, the site plan shall include the following, as  
31 appropriate:
- 32 (i) Which existing character-defining features identified pursuant to SCC  
33 30.41H.060(2)(a) will be maintained or enhanced by the proposed development;
- 34 (ii) Location of all proposed open space tracts and their intended use;
- 35 (iii) Where existing vegetation will be retained and new plantings are proposed to  
36 demonstrate compliance with SCC 30.41H.070(1) and .090; and
- 37 (iv) The location of each proposed building footprint.
- 38 (3) Building elevation drawings or sketches of typical buildings providing sufficient detail to  
39 demonstrate compliance with the architectural performance standards in SCC 30.41H.110.
- 40 (4) An open space and common area management plan consistent with SCC 30.41H.130.

1 (5) A phasing plan with a description and proposed schedule for phasing of the project, if  
2 phased development is proposed.

3 (6) A sketch and general description of any proposed entrance sign or gate, including  
4 approximate dimensions and materials.

5 (7) A street lighting plan, if streetlights are proposed.  
6

### 7 **30.41H.070 Site planning principles.**

8 To preserve rural character, all rural village housing demonstration program applications must  
9 comply with the following site planning principles:

10 (1) *Visual*. To maintain visual aspects of rural character, the post-development view of the  
11 site from adjacent roads shall resemble the pre-development view or include vegetative  
12 screening and architectural design measures to mitigate visual impacts. This includes  
13 incorporating existing landscape features such as vegetation, resource-based activities, and  
14 existing rural structures into the site design as much as is practical. The applicant shall propose  
15 and explain what architectural elements shall be incorporated into new buildings as part of  
16 demonstrating that the post-development view will be rural in character. Where visual screening  
17 is required, the view could be obscured by topography, retention of existing vegetation or  
18 structures, or by a proposed 20-foot wide Type A landscape buffer meeting the standards in  
19 SCC 30.25.017 placed in a location to create a filtered screen between the road and new  
20 buildings. An applicant may propose an alternative method of screening for review by the  
21 department and approval by the hearing examiner under SCC 30.25.040.

22 (2) *Open Spaces*. Natural areas, critical areas, and resource-based activities shall be  
23 protected in open space tracts. The shape of such tracts shall promote protection of critical  
24 areas and habitat or support the long-term use as resource land. Open space tracts may also  
25 be used for other purposes described in SCC 30.41H.080(1) and (2).  
26

### 27 **30.41H.080 Performance standards – site design.**

28 Rural village housing demonstration program development applications shall comply with the  
29 following requirements:

30 (1) *Rural Open Space*. A minimum of 85% of the site shall be in permanent open space  
31 tracts that preserve elements of rural character. These includes tracts that protect habitat,  
32 critical areas and buffers, and resource-based activities including agricultural production and  
33 working forest lands. The following uses and facilities may be included within the minimum 85%  
34 open space requirement:

35 (a) Wildlife corridors;

36 (b) Nature interpretive areas;

37 (c) Bird watching facilities and structures;

38 (d) Tree stands, duck blinds, and similar hunting structures if the site does not appear  
39 within the No Shooting Areas designation on the No Shooting Areas map for Snohomish  
40 County;

41 (e) Unimproved trails;

1 (f) Public access to shoreline areas subject to the shoreline management program;

2 (g) Landscaping areas, including landscaping for screening purposes; and

3 (h) Similar natural conservation uses.

4 (2) *Other Open Space*. Open space tracts that include uses or facilities not described in  
5 SCC 30.41H.080(1) shall not be counted towards the 85% permanent open space tract  
6 requirement. Examples include, but are not limited to, tracts for private roads, parking areas, or  
7 other types of built environment, and narrow strips of land interspersed between residential  
8 uses.

9 (3) *Density and lot yield*. Density and lot yield shall be calculated as follows:

10 (a) The gross density (maximum number of dwelling units) shall be obtained by dividing  
11 the gross site area in square feet by 148,148. Whenever the resulting yield results in a fractional  
12 equivalent of 0.5 or more, the yield shall be rounded up to the next whole number; fractions of  
13 less than 0.5 shall be rounded down.

14 (b) A lot may contain non-residential uses or residential uses including individual  
15 dwelling units or an entire cluster of dwelling units as described in SCC 30.41H.080(4).

16 (c) Clusters of dwelling units may be subdivided, including as phased subdivisions, into  
17 unit lots per SCC 30.41A.205 if shown on the preliminary plat map submitted under this chapter.  
18 Townhouse and duplex dwellings that were shown on the preliminary plat map as multiple units  
19 on a single lot may be subsequently subdivided under SCC 30.41A.205 or 30.41B.205.

20 (d) The number of lots for residential purposes shall not exceed the maximum number of  
21 units.

22 (e) Any lots proposed for non-residential purposes shall be indicated as such on the face  
23 of the plat and shall have restrictive covenants preventing placement of dwelling units on the lot.

24 (4) *Clustering*. Site design shall use clustering of dwelling units to protect critical areas and  
25 their buffers, resource-based activities, or other existing features that help maintain and  
26 establish rural character on the site.

27 (a) A rural village housing demonstration program development may contain more than  
28 one cluster of dwelling units.

29 (b) The minimum number of dwelling units in a cluster shall be 10. The maximum  
30 number of dwelling units in a cluster shall be 40.

31 (c) Clusters shall be located a minimum of 100 feet from adjacent natural resource lands  
32 subject to chapters 30.32A, 30.32B, or 30.32C SCC.

33 (d) Clusters shall be separated by open space tracts that create a minimum 200-foot  
34 spacing between clusters.

### 35 **30.41H.090 Performance standards – landscaping.**

36 In addition to applicable landscaping requirements under chapter 30.25 SCC, the following  
37 additional landscaping is required of rural village housing demonstration development  
38 applications to help maintain visual rural character and to mitigate visual impacts. Where the  
39 proposal includes new buildings that are 250 feet or less from the external property lines, the  
40 applicant must demonstrate how the project will screen the view of the new buildings from  
41

adjacent properties or roads. The applicant shall either provide a 20-foot wide Type A landscape buffer meeting the standards in SCC 30.25.017 placed in a location to create a dense sight barrier between the road and new buildings to meet the visual screening requirement or propose alternative screening methods provided that the alternative methods are consistent with the visual site planning principles in SCC 30.41H.070.

#### **30.41H.100 Performance standards – bulk regulations.**

This section establishes the bulk regulations for rural village housing demonstration development applications and replaces SCC Table 30.23.030 and the reference notes in SCC 30.23.040 for such applications.

(1) The maximum building height is 45 feet subject to the exemptions under SCC 30.23.050(2) or a lesser height where a reduction is required due to shoreline jurisdiction under SCC 30.67.460 or for airport compatibility under SCC 30.32E.060.

(2) There is no minimum lot area or lot width.

(3) The minimum setbacks from external property lines of a rural village housing demonstration development for all new residential buildings is 100 feet.

(4) The minimum setbacks from external property lines of a rural village housing demonstration development for all new non-residential buildings is 50 feet.

(5) The minimum building separation for structures taller than 30 feet is 10 feet.

#### **30.41H.110 Performance standards – architectural.**

This section establishes objective architectural requirements to ensure visual compatibility with nearby rural lands.

(1) In the project narrative, the applicant shall identify and describe at least eight rural architectural features that the project proposes to use. The architectural features may be from locations that are in proximity to the project site, and which have rural, agricultural, or forestry land use designations in the comprehensive plan. Traditionally rural architectural features from other areas may also be used as provided below. For this purpose, the following definitions shall apply:

(a) "Rural architectural features" may be either:

(i) Design features on at least three buildings in proximity to the project site; or

(ii) Design features not necessarily found in proximity to the project site, but which nonetheless helps the project provide a visual landscape that is traditional to rural areas and communities. For these design features, the applicant shall provide an explanation of what makes the features traditionally rural in the narrative or other supporting documents.

(b) "Proximity to the project site" means buildings on lands that have rural, agricultural, or forestry land use designations in the comprehensive plan and that are within two miles of the project site. This definition includes buildings already on the project site.

(2) On the rural village housing demonstration project site plan the applicant shall provide a key or other descriptive material showing which rural architectural features are proposed for each building. This information shall demonstrate that:

- 1 (a) Each building shall have at least two of the rural architectural features found in  
2 proximity to the site;
- 3 (b) Side-by-side buildings shall have at least two different rural architectural features;  
4 and
- 5 (c) While a cohesive overall design is allowed, no more than 20% of the buildings in the  
6 proposed development can be visually repetitive. "Visually repetitive" means using the same two  
7 rural architectural features and having the same overall design. Buildings that have flipped  
8 designs as if mirror images are considered of the same overall design for purpose of this  
9 requirement. Buildings with different shapes or sizes that share rural architectural features are  
10 not visually repetitive.
- 11 (3) The applicant shall submit building elevation drawings or sketches of typical buildings  
12 that comply with the requirements of this section.

13  
14 **30.41H.120 Performance standards – miscellaneous.**

- 15 (1) *Development phases.* Where the development contains more than one phase, all  
16 development shall occur in a sequence consistent with the approved phasing plan.
- 17 (2) *Restrictive covenants.* Restrictive covenants shall be provided. These covenants shall:
- 18 (a) Ensure the long-term maintenance and upkeep of landscaping, storm drainage  
19 facilities, other private property improvements, and open space areas and facilities;
- 20 (b) Prevent placement of residential uses on any lots created for non-residential  
21 purposes; and
- 22 (c) Provide a mechanism to assure that required open space is permanently protected  
23 and maintained pursuant to the open space management plan.
- 24 (3) *Homeowners' Association.* A homeowners' association is required for purposes of tract  
25 ownership and maintenance of tracts, exteriors of attached dwellings, and other common areas.  
26 The homeowners' association shall be responsible for the maintenance and protections required  
27 in the restrictive covenants and be in compliance with SCC 30.41A.675.
- 28 (4) *Signs.* Signs shall incorporate materials typical of the rural character of the area and  
29 shall comply with all applicable provisions of SCC 30.27.060.
- 30 (5) *Fire flow.* The development shall be located in a rural fire district and is required to  
31 provide adequate fire flow in accordance with SCC 30.53A.514 - .520 or to provide other means  
32 of fire protection as approved by the Snohomish County Fire Marshal, unless exempt under  
33 SCC 30.53A.514.
- 34 (6) *Public water.* The development shall draw water supply from a public water system.
- 35 (7) *Lighting.* Lighting shall be low intensity and shall be projected downward, with full cut-off  
36 illumination that shields light from being emitted upwards toward the night sky or surrounding  
37 natural areas.
- 38 (8) *Electric and other utility lines and support infrastructure* shall be located underground.
- 39 (9) *Sanitary sewer.* The development is prohibited from connecting to public sanitary  
40 sewers.
- 41

1     **30.41H.130 Management plan for open space and common areas.**

2     The applicant shall provide a management plan for the long-term maintenance and operations  
3     of open space and any other common areas. Management includes maintenance and operation  
4     of any water supply, stormwater facilities, wastewater disposal, private roads, and other  
5     common facilities which may be located in commonly held tracts or easements.

6     (1) A management plan for open space and common areas shall include the following  
7     information:

8         (a) Current ownership information and a plan or provisions to update the project file  
9     when ownership contact information changes;

10        (b) Parties responsible for maintenance of designated open space, their contact  
11     information, and a description of required maintenance;

12        (c) Description of any uses allowed in designated open space, consistent with SCC  
13     30.41H.080;

14        (d) Any proposed development activities;

15        (e) Fire breaks provided in accordance with fire district requirements;

16        (f) Any covenants, conditions, and restrictions to be recorded related to open space and  
17     common areas management; and

18        (g) Other information that the director determines necessary to ensure proper  
19     management of the open space and common areas.

20     (2) The management plan must be approved by the director and shall be recorded as a  
21     separate document from the subdivision. The recording number shall be referenced on all  
22     property deeds arising from the subdivision. Copies of the management plan shall be provided  
23     to property owners with ownership documents.

24     (3) In approving the management plan, the director shall make a written finding that the  
25     parties designated as responsible for maintenance of designated open space are clearly  
26     identified, that provisions are included in the plan for succession to other qualified and capable  
27     parties should that become necessary, and that the county is indemnified should the  
28     responsible parties not fulfill their management obligations.

29  
30     **30.41H.140 Sunset.**

31     Snohomish County Code chapter 30.41H, adopted by Ordinance 23-\_\_\_ on \_\_\_, 2023, is  
32     repealed effective six years from date of adoption.

33  
34     **Section 5.** A new section is added to chapter 30.86 of the Snohomish County Code to  
35     read:

36  
37     **30.86.150 Rural Village Housing Demonstration Program Fees.**

38     Rural village housing demonstration program applicants shall pay the following fees in addition  
39     to the subdivision fees in SCC 30.86.100 and other fees that may apply.

**Table 30.86.150 Rural Village Housing Demonstration Program Fees**

Base fee	\$5,000
Plus per dwelling unit	\$100
Plus per acre	\$50
Markup correction fee <sup>(1)</sup>	\$500
Extension fee <sup>(2)</sup>	\$500
Minor revision-administrative	\$1,000
Major revision-public hearing	\$2,000
(1) This fee applies whenever an applicant fails to submit required corrections noted on review comments or markups on drawings.	
(2) This fee applies to an extension request for the rural village housing demonstration program approval period and is in addition to the fee for an extension request associated with the preliminary subdivision approval period.	

Snohomish County Code 30.86.150, adopted by Ordinance 23-\_\_\_ on \_\_\_\_, 2023, is repealed, effective on the date six years following enactment.

**Section 6. Severability and Savings.** If any section, sentence, clause or phrase of this ordinance shall be held to be invalid by the Growth Management Hearings Board (Board), or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance. Provided, however, that if any section, sentence, clause or phrase of this ordinance is held to be invalid by the Board or court of competent jurisdiction, then the section, sentence, clause or phrase in effect prior to the effective date of this ordinance shall be in full force and effect for that individual section, sentence, clause or phrase as if this ordinance had never been adopted.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

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

ATTEST:

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Asst. Clerk of the Council

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DATE:  
  
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County Executive

ATTEST:  
  
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Approved as to form only:  
  
Matthew Otten 5/9/23  
Deputy Prosecuting Attorney

**Snohomish County Council****Committee:** Planning and Community Development**Analyst:** Ryan Countryman**ECAF:** 2023-0555**Proposal:** Ordinance 23-051**Date:** May 16, 2023**Consideration**

Proposed Ordinance 23-051 would establish a temporary housing demonstration program in the Rural 5-acre (R-5) zone. This program would allow attached housing in some areas with R-5 in exchange for protecting larger open space tracts than is typically the case for rural development. Called the *Rural Village Housing Demonstration Program* (RVHDP or program), the RVHDP would be a new chapter SCC 30.41H in Snohomish County Code (SCC) and would also a new section for permit fees in Chapter 30.86 SCC.

**Background and Analysis**

**Origin of the RVHDP.** The RVHDP has some of its origins in County Council [Motion 21-308](#) which included a proposal to modify the Development Agreement process outlined in chapter 30.75 SCC. Motion 21-308, sponsored by Councilmember Nehring, proposed to create flexibility for several scenarios where prospective applicants had ideas consistent with policy but not with code. It also directed council staff to work with other county departments to refine the proposal before presenting it to the Planning Commission for a recommendation. That collaboration between departments led to two conclusions. First, that the development agreement process might not be the best way to achieve the desired flexibility. Second, the breadth of the intended flexibility was unwieldy and difficult to implement. In discussing possible alternative directions to achieve the desired outcome, PDS suggested consideration of a demonstration program to provide and test some of the intended flexibility in rural areas.

Other aspects of the RVHDP concept comes from a request for a pre-application review received by PDS under file 21-108030 PA. The narrative for the proposal described a potential development application as a hybrid of a rural cluster subdivision and a farm conservation community on land zoned Rural-5 acre (outside of GMA designated commercial farmland). The property in question is currently a dairy farm. Rather than develop as a standard rural cluster subdivision that would preclude further agricultural use of the site and increase impacts to the natural environment and rural character, the project in file 21-108030 PA sought a way to allow the same number of units as a standard rural cluster subdivision but in a much tighter arrangement. Instead of building typical detached housing, the proposal included a co-housing project to help “set up an incubator system for those wanting to get into farming.”

Farmland preservation is a key concept in Snohomish County [Executive Order 18-02](#), which also provides general support for the RVHDP. This order notes that “we are losing productive farmland each year through conversion to non-farming land uses” and that “Snohomish County is dedicated to achieving outcomes that preserve and enhance agriculture.” The order then goes on to direct county departments to develop strategies that reduce the conversion of agricultural land to other uses. The RVHDP is one way to do that for upland farmland sites zoned Rural-5 acre but not designated commercial farmland within the County’s GMA Comprehensive Plan.

The proposed program is about more than just preserving agriculture. As described below, RVHDP could apply to the preservation of working forests. It also provides more options for housing types that are usually at a lower price level than the detached single-family homes more often built in rural areas.

**Demonstration Programs.** Prospective development applicants sometimes approach the County with unconventional ideas that fit the intent of adopted policies but conflict with the specific code requirements. Usually, applicants revise their plans to conform to existing code requirements. This leaves potential innovations untested. Sometimes ideas brought to the County inspire targeted code amendments that would then allow the proposal. Other proposals are so different that they would require new mechanisms for authorization.

Demonstration programs are one way to test new ideas. These are temporary mechanisms that would allow authorization of substantially new types of development in a limited setting. Snohomish County has authorized three previous demonstration programs to help test and improve development regulations since adoption of the Growth Management Act (GMA).

- Housing Demonstration Program (1995 to 1997). This program allowed flexibility in design standards and uses in urban areas. Two projects constructed under the program have smaller lots and narrower private roads than were typical of the time. Both features are now part of permanent zoning regulations. A third project was a large Planned Residential Development (PRD) that combined a variety of housing types previously not allowed, plus a day care facility. The housing types are now part of the PRD regulations, but the day care facility is not.
- Reduced Drainage Discharge Program (RDDP) (2000 to 2014). This program allowed applicants to propose changes to standards such as road width and lot size to allow for more infiltration of rainwater into the ground. Experimentation under the RDDP helped inform the permanent low impact development regulations that are now in county code and the Engineering Design and Development Standards.
- Urban Center Demonstration Program (UCDP) (2001 to 2010). This program allowed taller buildings and more density in areas identified for high-capacity transit investment. It also required all mixed-use development for all projects authorized under the UCDP. When permanent urban center regulations replaced the UCDP, the

new code retained most of the height and density allowances but dropped the mixed-use requirement because it proved unworkable in some settings.

The Rural Village Housing Demonstration Program would continue the tradition of allowing innovative development proposals, but only in a limited rural context. The outcome of a demonstration program could result in adoption of future code amendments based on lessons learned, or the program could expire without making lasting changes.

**Proposed Code Amendments.** The Rural Village Housing Demonstration Program would be in a new chapter 30.41H of Snohomish County Code. Major features of the proposed program are:

1. Allowing attached housing with up to four units per building in exchange for preserving a minimum of 85% of the site in large open space tracts that preserve rural character, working farm, or forest land.
2. Applying only to sites with at least 100 acres of R-5 zoning under the same ownership.
3. Prohibited on R-5 zoned properties located within the boundaries of the Tulalip Reservation, designated as Local Commercial Farmland, or designated within the Rural to Urban Transition Area overlay on the Future Land Use Map.
4. The minimum 85% open space would preserve resource-based activities such as agricultural production and working forest lands, critical areas and buffers, and other listed uses that contribute to rural character.
5. Housing in the RVHDP would need to be tightly clustered in groups of 10 to 40 homes that are setback from nearby roads, properties, and natural resource lands.
6. The maximum number of homes in an RVHDP project would be the same as conventional rural cluster subdivision provisions allow.
7. RVHDP projects would require restrictive covenants and a management plan to ensure long-term protection and maintenance open space tracts and the upkeep of landscaping, storm drainage facilities and other private improvements.
8. RVHDP projects would be required to connect to a public water supply.
9. Applicants would have two years to submit proposals under the RVHDP. They would then have four years to receive approval. The program would sunset (expire) after six years unless re-authorized by the County Council.

## **Analysis**

This staff report provides its analysis in the form of four attachments.

**Attachment A includes a section-by-section analysis** of each proposed section in chapter 30.41H SCC and of a proposed new section in chapter 30.86 SCC that would provide for new fees associated with the program.

**Attachment B includes discussion of housing affordability.** The Growth Management Act (GMA) requires counties to plan for and accommodate housing that is affordable to all economic segments. The legislature amended the GMA in 2021 to strengthen this requirement. Attached housing is generally more affordable than detached housing. The RVHDP would allow attached housing with up to four units per building in areas where code currently only allows single-family homes, duplexes, and manufactured housing.

**Attachment D addresses rural character.** GMA requires counties to maintain rural character outside of urban growth areas. Rural character is both an abstraction and a term specifically defined in GMA at RCW 36.70A.030(23). The GMA definition includes seven parts that together establish a pattern of rural land use and character. The RVHDP proposal seeks to satisfy all seven parts of what it means to provide rural character. However, as detailed in Attachment C, the proposal would clearly result in consistency with only four of the seven parts of the GMA definition. The three remaining parts are subject to interpretation. The ordinance includes amendments made by the Planning Commission that satisfy the commission's interpretation of consistency with rural character.

**Attachment D discusses specific policies** relevant to the proposal. New land use initiatives such as the RVHDP need to implement existing policies. This attachment demonstrates how the program is consistent with existing policy direction.

## **Current Proposal**

*Summary:* Ordinance 23-051 would establish a Rural Village Housing Demonstration program that could be used on eligible sites with R-5 zoning.

*Fiscal Implications:* None

*Deadlines:* None

**Handling:** Normal

**Planning Commission:** Approve

**Executive Recommendation:** Approve

**Approved as to Form:** Yes

**Request:** Move to General Legislative Session May 24 to set time and date for a public hearing.

## **Attachment A: Section-by-Section Analysis of Proposed Code**

The Rural Village Housing Demonstration Program would be in a new chapter 30.41H of Snohomish County Code and it would add a new section to chapter 30.86 SCC regarding fees for the program. What follows is a brief description of each section and then the proposed language for that section.

### **SCC 30.41H.010 Purpose.**

This section would state the main purposes of the new chapter.

#### **30.41H.010 Purpose.**

The purpose of this chapter is to:

- (1) Provide an innovative technique to achieve a variety of rural densities by balancing non-traditional residential dwelling types in rural areas zoned Rural-5 Acre (R-5) with open space preservation, resource-based activities and production, and maintenance of the surrounding rural character;
- (2) Reduce the footprint of rural residential development and impervious surfaces;
- and
- (3) Assure visual compatibility of rural development with the surrounding rural area.

### **SCC 30.41H.020 Applicability and eligibility.**

This section would allow the program on sites in R-5 zoning subject to limitations in Subsections (1) and (2). Subsection (3) requires submittal of an application no later than two years from the effective date of the ordinance and gives an applicant four years to obtain approval for the site plan. Subsection (4) says that if construction is commenced within five years of approval, approved site plans remain in effect. Subsection (5) addresses how potential conflicts between the program and other chapters of code.

#### **30.41H.020 Applicability and eligibility.**

(1) The provisions in this chapter apply to all properties zoned R-5, except for R-5 zoned properties located within the boundaries of the Tulalip Reservation, designated Local Commercial Farmland in the comprehensive plan, or designated within the Rural/Urban Transition Area overlay in the comprehensive plan.

(2) The site for a rural village housing demonstration program development shall be a minimum of 100 contiguous acres under the same ownership or control prior to the effective date of this chapter. For purposes of this chapter, "contiguous acres" are those acres that are physically contiguous and do not include sites with two or more lobes of land that are connected by an area less than 100 feet wide, which absent such connection would be discontinuous.

(3) Applications for a rural village housing demonstration program development shall be submitted no later than two years after the effective date of this chapter. Applications under the program shall expire four years after submittal unless approval has been obtained.

(4) Approved applications shall commence construction within five years of receiving approval, otherwise the approved application shall expire. The department may grant a one-time two-year extension of an approved application. The applicant must submit the extension request to the department prior to the expiration. The applicant shall pay a fee for the extension pursuant to SCC 30.86.150. Approved site plans for which construction has commenced shall remain in effect after chapter 30.41H SCC has been repealed.

(5) Rural village housing demonstration program developments shall comply with all applicable provisions of title 30 SCC, except as modified in this chapter. Where there is a conflict between a provision of this chapter and a provision in another chapter in this title, the provisions of this chapter shall apply.

### **SCC 30.41H.030 Permitted uses.**

This section adds dwellings with up to four units when part of a RVHDP application to the existing list of permitted uses in R-5 zoning. The specific dwelling uses allowed by Subsection (2) are otherwise not permitted in R-5 zoning in [Table 30.22.110 SCC](#) (rural and resource zone categories use matrix), so the only way to propose those dwelling types in the R-5 zone is by using the RVHDP.

#### **30.41H.030 Permitted uses.**

A rural village housing demonstration program development may include the following uses:

- (1) All permitted and conditional uses allowed in the R-5 zone under SCC 30.22.110; and
- (2) The following residential uses in the R-5 zone with a maximum of four units per building:
  - (a) Dwelling, attached single family;
  - (b) Dwelling, multiple family; and
  - (c) Dwelling, townhouse.

### **SCC 30.41H.040 Procedure.**

This section establishes the process for reviewing RVHDP applications. As proposed, review of a site plan for the new program would be concurrent with a preliminary subdivision application. The subdivision would create lots, roads, and open space tracts while the site plan would show where buildings and other uses would go on those lots. RVHDP applications would fall under a Type 2 process. This requires that the Hearing Examiner hold a public hearing on the project before issuing a decision.

#### **30.41H.040 Procedure.**

- (1) Rural village housing demonstration program development applications shall:
  - (a) Be processed as a Type 2 application and site plan decision under chapter 30.72 SCC; and
  - (b) Be submitted concurrently with a preliminary subdivision application under chapter 30.41A SCC.
- (2) The relationship between a rural village housing demonstration site plan and preliminary subdivision application shall be as follows:
  - (a) The preliminary subdivision shall show the proposed lots, tracts, roads, easements, dedications, calculations and restrictions necessary for the general layout and

phasing of the site to be recorded on a final plat following approval; and

(b) The site plan for the rural village housing demonstration program development application shall show features of the proposed site design such as proposed building placement, landscaping, designated resource lands or uses, location of utilities, and parking areas that are not necessary for the approval of a preliminary subdivision but would be necessary for compliance with this chapter.

(3) Revisions to an approved rural village housing demonstration program development application shall be processed pursuant to SCC 30.70.210 - .230.

### **SCC 30.41H.050 Approval criteria.**

This section establishes the approval criteria for RVHDP applications. To be approved, several subsections would need to be satisfied. Subsection (1) requires that the concurrent subdivision must also be approvable. Subsection (2) requires that the RVHDP application itself must meet the purpose of the program. Subsection (3) requires an application to show how it meets the performance standards in place for the program. Subsection (4) requires the development would be consistent with the GMA definition of rural character. Subsection (5) request preservation of at least 85% of the site as rural open space.

#### **30.41H.050 Approval criteria.**

To recommend approval of a rural village housing demonstration program development application to the hearing examiner, the department must find that the application meets or can be conditioned to meet the requirements of a preliminary subdivision under 30.41A SCC and of a rural village housing demonstration program application under chapter 30.41H SCC. The hearing examiner may approve a rural village housing demonstration program development application when:

(1) The concurrent preliminary subdivision application complies with the applicable decision criteria in chapter 30.41A SCC;

(2) The development furthers the purpose of chapter 30.41H SCC as described in SCC 30.41H.010;

(3) The development complies with the performance standards of chapter 30.41H SCC;

(4) The development would result in land use or uses consistent with the definition of rural character in RCW 36.70A.030(23); and

(5) The development will preserve at least 85% of the site for resource uses or other types of rural open space as described in SCC 30.41H.080(1).

### **SCC 30.41H.060 Submittal requirements.**

This section provides the submittal requirements for applications using the RVHDP. Without these items, an application would be considered incomplete and not processed until the missing parts are provided. Key submittal requirements include: A project narrative describing how the parts of the submittal fit together and which addresses the GMA definition of rural character. A site plan and building elevation drawings, respectively, that combine to show how the performance standards are being met and how consistency with rural character is retained. A plan for managing open space areas to ensure long term

protection of resource uses and rural character. Details on phasing, signage, and streetlights if applicable.

**30.41H.060 Submittal requirements.**

In addition to the documents required by the department's submittal checklist for a preliminary subdivision under chapter 30.41A SCC, an application for a rural village demonstration program development must include the following:

(1) A narrative description of how the proposal is consistent with SCC 30.41H.070 - .130. The narrative document shall also:

(a) Describe how the proposal makes appropriate provisions for the public health, safety, and general welfare; for open spaces, drainage ways, streets, other public ways and safe walking conditions; potable water supplies; sanitary wastes; recreation; fire protection; and other public facilities, if any.

(b) Describe how the proposal will maintain or enhance features that are consistent with rural character as defined in RCW 36.70A.030(23). To demonstrate that a proposal is consistent with the definition of rural character, the narrative shall address each of the following:

(i) How open space, the natural landscape, and vegetation predominate over the built environment;

(ii) How the proposal fosters traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;

(iii) How the proposal provides visual landscapes that are traditionally found in rural areas and communities;

(iv) How the proposal is compatible with the use of the land by wildlife and for fish and wildlife habitat;

(v) How the proposal reduces inappropriate conversion of undeveloped land into sprawling, low-density development;

(vi) How the proposal does not require the extension of urban governmental services as defined in RCW 36.70A.030(27); and

(vii) How the proposal protects natural surface water flows, and groundwater and surface water recharge and discharge areas.

(c) Describe the post-development view of the site from adjacent roads and properties and how the proposed development maintains existing views. At a minimum, the description of post-development views shall address:

(i) How the proposed site design incorporates existing landscape features such as vegetation, resource-based activities, and structures;

(ii) Where landscape screening is required for compliance with SCC 30.41H.070 and 30.41H.090; and

(iii) For new buildings, what architectural design elements will be incorporated into building design to demonstrate compliance with SCC 30.41H.110.

(2) A rural village housing demonstration project site plan showing the existing character of the site and the proposed character.

(a) To show the existing character, the site plan shall include the following items, as appropriate:

(i) Natural features that distinguish the site or are characteristic of the area;

(ii) The location of existing vegetation and open space;

(iii) Existing structures and landscapes, including buildings, rock walls, fences, storage tanks, and areas of cultivation and plantings typical of rural settlement, such as

windbreaks, hedgerows, orchards, and agricultural fields;

(iv) Uses on adjacent properties, including location of houses; and

(v) The location and the approximate size of natural resource lands subject to chapters 30.32A, 30.32B, or 30.32C SCC on the project site and adjacent properties.

(b) To show the proposed character, the site plan shall include the following, as appropriate:

(i) Which existing character-defining features identified pursuant to SCC 30.41H.060(2)(a) will be maintained or enhanced by the proposed development;

(ii) Location of all proposed open space tracts and their intended use;

(iii) Where existing vegetation will be retained and new plantings are proposed to demonstrate compliance with SCC 30.41H.070(1) and .090; and

(iv) The location of each proposed building footprint.

(3) Building elevation drawings or sketches of typical buildings providing sufficient detail to demonstrate compliance with the architectural performance standards in SCC 30.41H.110.

(4) An open space and common area management plan consistent with SCC 30.41H.130.

(5) A phasing plan with a description and proposed schedule for phasing of the project, if phased development is proposed.

(6) A sketch and general description of any proposed entrance sign or gate, including approximate dimensions and materials.

(7) A street lighting plan, if streetlights are proposed.

### **SCC 30.41H.070 Site planning principles.**

This section provides site planning principles related to the visual and open space aspects of rural character. Although some parts of these principles are subjective, the application must demonstrate compliance PDS to recommend approval and for the Hearing Examiner to grant approval.

#### **30.41H.070 Site planning principles.**

To preserve rural character, all rural village housing demonstration program applications must comply with the following site planning principles:

(1) *Visual*. To maintain visual aspects of rural character, the post-development view of the site from adjacent roads shall resemble the pre-development view or include vegetative screening and architectural design measures to mitigate visual impacts. This includes incorporating existing landscape features such as vegetation, resource-based activities, and existing rural structures into the site design as much as is practical. The applicant shall propose and explain what architectural elements shall be incorporated into new buildings as part of demonstrating that the post-development view will be rural in character. Where visual screening is required, the view could be obscured by topography, retention of existing vegetation or structures, or by a proposed 20-foot wide Type A landscape buffer meeting the standards in SCC 30.25.017 placed in a location to create a filtered screen between the road and new buildings. An applicant may propose an alternative method of screening for review by the department and approval by the hearing examiner under SCC 30.25.040.

(2) *Open Spaces*. Natural areas, critical areas, and resource-based activities shall be protected in open space tracts. The shape of such tracts shall promote protection of critical areas and habitat or support the long-term use as resource land. Open space tracts may also

be used for other purposes described in SCC 30.41H.080(1) and (2).

### **SCC 30.41H.080 Performance standards – site design.**

This section provides objective requirements affecting the overall site. An RVHDP application must propose protection of at least 85% of the site in permanent open space tracts that support rural character. Open space tracts, such as for private roads, do not count towards the 85%. The maximum density is set at one unit per every 148,148 square feet, which is consistent with the maximum bonus density lot yield calculation for rural cluster subdivisions (RCS). Although the gross density would be the same in both RVHDP and RCS development, RCS only requires protection of between 45% and 65% of the site in open space. Another difference is that the RVHDP would allow some lots to have multiple units on them and other lots to be for non-residential purposes. This ordinance creates an allowable range (10 to 40) units that may be in an individual cluster in the RVHDP. Establishes a 100-foot setback from natural resource lands and requires clusters of housing to be at least 200 feet apart.

#### **30.41H.080 Performance standards – site design.**

Rural village housing demonstration program development applications shall comply with the following requirements:

(1) *Rural Open Space*. A minimum of 85% of the site shall be in permanent open space tracts that preserve elements of rural character. These includes tracts that protect habitat, critical areas and buffers, and resource-based activities including agricultural production and working forest lands. The following uses and facilities may be included within the minimum 85% open space requirement:

- (a) Wildlife corridors;
- (b) Nature interpretive areas;
- (c) Bird watching facilities and structures;
- (d) Tree stands, duck blinds, and similar hunting structures if the site does not appear within the No Shooting Areas designation on the No Shooting Areas map for Snohomish County;
- (e) Unimproved trails;
- (f) Public access to shoreline areas subject to the shoreline management program;
- (g) Landscaping areas, including landscaping for screening purposes; and
- (h) Similar natural conservation uses.

(2) *Other Open Space*. Open space tracts that include uses or facilities not described in SCC 30.41H.080(1) shall not be counted towards the 85% permanent open space tract requirement. Examples include, but are not limited to, tracts for private roads, parking areas, or other types of built environment, and narrow strips of land interspersed between residential uses.

(3) *Density and lot yield*. Density and lot yield shall be calculated as follows:

(a) The gross density (maximum number of dwelling units) shall be obtained by dividing the gross site area in square feet by 148,148. Whenever the resulting yield results in a fractional equivalent of 0.5 or more, the yield shall be rounded up to the next whole number; fractions of less than 0.5 shall be rounded down.

(b) A lot may contain non-residential uses or residential uses including individual dwelling units or an entire cluster of dwelling units as described in SCC 30.41H.080(4).

(c) Clusters of dwelling units may be subdivided, including as phased subdivisions, into unit lots per SCC 30.41A.205 if shown on the preliminary plat map submitted under this chapter. Townhouse and duplex dwellings that were shown on the preliminary plat map as multiple units on a single lot may be subsequently subdivided under SCC 30.41A.205 or 30.41B.205.

(d) The number of lots for residential purposes shall not exceed the maximum number of units.

(e) Any lots proposed for non-residential purposes shall be indicated as such on the face of the plat and shall have restrictive covenants preventing placement of dwelling units on the lot.

(4) *Clustering*. Site design shall use clustering of dwelling units to protect critical areas and their buffers, resource-based activities, or other existing features that help maintain and establish rural character on the site.

(a) A rural village housing demonstration program development may contain more than one cluster of dwelling units.

(b) The minimum number of dwelling units in a cluster shall be 10. The maximum number of dwelling units in a cluster shall be 40.

(c) Clusters shall be located a minimum of 100 feet from adjacent natural resource lands subject to chapters 30.32A, 30.32B, or 30.32C SCC.

(d) Clusters shall be separated by open space tracts that create a minimum 200-foot spacing between clusters.

### **SCC 30.41H.090 Performance standards – landscaping.**

This section provides landscaping requirements for the unique elements of the RVHDP and refers to existing landscaping requirements in chapter 30.25 SCC for other landscaping requirements (such as for parking lots, if any). Compliance with this section will provide the requirements necessary for landscape screening to help maintain visual character. These screening requirements are similar to what is required of rural cluster subdivisions and conditional uses in R-5 areas to maintain compatibility with adjacent uses.

#### **30.41H.090 Performance standards – landscaping.**

In addition to applicable landscaping requirements under chapter 30.25 SCC, the following additional landscaping is required of rural village housing demonstration development applications to help maintain visual rural character and to mitigate visual impacts. Where the proposal includes new buildings that are 250 feet or less from the external property lines, the applicant must demonstrate how the project will screen the view of the new buildings from adjacent properties or roads. The applicant shall either provide a 20-foot wide Type A landscape buffer meeting the standards in SCC 30.25.017 placed in a location to create a dense sight barrier between the road and new buildings to meet the visual screening requirement or propose alternative screening methods provided that the alternative methods are consistent with the visual site planning principles in SCC 30.41H.070.

### **SCC 30.41H.100 Bulk Regulations.**

This section provides bulk regulations that an RVHDP project could follow instead of the bulk regulations applicable to other types of development. A key provision is the lack of a

minimum lot area or width which allows townhouse units on lots as small as the unit itself. All new residential buildings must be at least 100 feet from the external boundaries of the RVHDP site. All new non-residential buildings must be set back at least 50 feet from external boundaries. Visual aspects of rural character will be maintained because new buildings would be further from adjacent properties than might have been the case if a site were developed using traditional methods. A requirement is included that structures taller than 30 feet be separated from other structures by at least 10 feet. This requires slightly more separation than the minimums for fire code compliance. It also helps create spacing between taller buildings thereby reducing the appearance of structural density on the site.

**30.41H.100 Performance standards – bulk regulations.**

This section establishes the bulk regulations for rural village housing demonstration development applications and replaces SCC Table 30.23.030 and the reference notes in SCC 30.23.040 for such applications.

(1) The maximum building height is 45 feet subject to the exemptions under SCC 30.23.050(2) or a lesser height where a reduction is required due to shoreline jurisdiction under SCC 30.67.460 or for airport compatibility under SCC 30.32E.060.

(2) There is no minimum lot area or lot width.

(3) The minimum setbacks from external property lines of a rural village housing demonstration development for all new residential buildings is 100 feet.

(4) The minimum setbacks from external property lines of a rural village housing demonstration development for all new non-residential buildings is 50 feet.

(5) The minimum building separation for structures taller than 30 feet is 10 feet.

**SCC 30.41H.110 Performance standards – architectural.**

This section provides architectural standards for RVHDP projects. The proposed standards require an applicant to demonstrate how the design of their buildings will be compatible with the visual aspects of rural character. The proposed standards also require variation between buildings to avoid a visually repetitive project, but also allow applicants to propose a cohesive overall design.

**30.41H.110 Performance standards – architectural.**

This section establishes objective architectural requirements to ensure visual compatibility with nearby rural lands.

(1) In the project narrative, the applicant shall identify and describe at least eight rural architectural features that the project proposes to use. The architectural features may be from locations that are in proximity to the project site, and which have rural, agricultural, or forestry land use designations in the comprehensive plan. Traditionally rural architectural features from other areas may also be used as provided below. For this purpose, the following definitions shall apply:

(a) “Rural architectural features” may be either:

(i) Design features on at least three buildings in proximity to the project site; or

(ii) Design features not necessarily found in proximity to the project site, but which nonetheless helps the project provide a visual landscape that is traditional to rural areas and communities. For these design features, the applicant shall provide an explanation of what makes the features traditionally rural in the narrative or other supporting documents.

(b) "Proximity to the project site" means buildings on lands that have rural, agricultural, or forestry land use designations in the comprehensive plan and that are within two miles of the project site. This definition includes buildings already on the project site.

(2) On the rural village housing demonstration project site plan the applicant shall provide a key or other descriptive material showing which rural architectural features are proposed for each building. This information shall demonstrate that:

(a) Each building shall have at least two of the rural architectural features found in proximity to the site;

(b) Side-by-side buildings shall have at least two different rural architectural features; and

(c) While a cohesive overall design is allowed, no more than 20% of the buildings in the proposed development can be visually repetitive. "Visually repetitive" means using the same two rural architectural features and having the same overall design. Buildings that have flipped designs as if mirror images are considered of the same overall design for purpose of this requirement. Buildings with different shapes or sizes that share rural architectural features are not visually repetitive.

(3) The applicant shall submit building elevation drawings or sketches of typical buildings that comply with the requirements of this section.

### **SCC 30.41H.120 Performance standards – miscellaneous.**

This section provides requirements on a variety of topics including phasing, signage, and utilities. Although in some cases these miscellaneous standards are partially redundant to requirements applicable to the concurrent preliminary subdivision application, the phrasing of some, such as for lighting, create additional requirements for RVHDP developments that would not apply to alternative types of development in R-5 zoning.

#### **30.41H.120 Performance standards – miscellaneous.**

(1) *Development phases.* Where the development contains more than one phase, all development shall occur in a sequence consistent with the approved phasing plan.

(2) *Restrictive covenants.* Restrictive covenants shall be provided. These covenants shall:

(a) Ensure the long-term maintenance and upkeep of landscaping, storm drainage facilities, other private property improvements, and open space areas and facilities;

(b) Prevent placement of residential uses on any lots created for non-residential purposes; and

(c) Provide a mechanism to assure that required open space is permanently protected and maintained pursuant to the open space management plan.

(3) *Homeowners' Association.* A homeowners' association is required for purposes of tract ownership and maintenance of tracts, exteriors of attached dwellings, and other common areas. The homeowners' association shall be responsible for the maintenance and protections required in the restrictive covenants and be in compliance with SCC 30.41A.675.

(4) *Signs.* Signs shall incorporate materials typical of the rural character of the area and shall comply with all applicable provisions of SCC 30.27.060.

(5) *Fire flow.* The development shall be located in a rural fire district and is required to provide adequate fire flow in accordance with SCC 30.53A.514 - .520 or to provide other

means of fire protection as approved by the Snohomish County Fire Marshal, unless exempt under SCC 30.53A.514.

(6) *Public water.* The development shall draw water supply from a public water system.

(7) *Lighting.* Lighting shall be low intensity and shall be projected downward, with full cut-off illumination that shields light from being emitted upwards toward the night sky or surrounding natural areas.

(8) *Electric and other utility lines and support infrastructure* shall be located underground.

(9) *Sanitary sewer.* The development is prohibited from connecting to public sanitary sewers.

### **SCC 30.41H.130 Management plan for open space and common areas.**

This section would require an applicant to prepare a plan for managing the open space and common areas. Like covenants for the development, an applicant will need to record this plan with the County Auditor. The plan itself must clearly identify who has what responsibilities managing and maintaining open space and common areas.

#### **30.41H.130 Management plan for open space and common areas.**

The applicant shall provide a management plan for the long-term maintenance and operations of open space and any other common areas. Management includes maintenance and operation of any water supply, stormwater facilities, wastewater disposal, private roads, and other common facilities which may be located in commonly held tracts or easements.

(1) A management plan for open space and common areas shall include the following information:

(a) Current ownership information and a plan or provisions to update the project file when ownership contact information changes;

(b) Parties responsible for maintenance of designated open space, their contact information, and a description of required maintenance;

(c) Description of any uses allowed in designated open space, consistent with SCC 30.41H.080;

(d) Any proposed development activities;

(e) Fire breaks provided in accordance with fire district requirements;

(f) Any covenants, conditions, and restrictions to be recorded related to open space and common areas management; and

(g) Other information that the director determines necessary to ensure proper management of the open space and common areas.

(2) The management plan must be approved by the director and shall be recorded as a separate document from the subdivision. The recording number shall be referenced on all property deeds arising from the subdivision. Copies of the management plan shall be provided to property owners with ownership documents.

(3) In approving the management plan, the director shall make a written finding that the parties designated as responsible for maintenance of designated open space are clearly identified, that provisions are included in the plan for succession to other qualified and capable parties should that become necessary, and that the county is indemnified should the responsible parties not fulfill their management obligations.

### **30.41H.140 Sunset.**

The sunset provision would automatically repeal the RVHDP six years after adoption. Six years would cover the two years an applicant has to apply plus the four years they have to receive approval. Extending the program beyond six years would require a later action by the County Council.

30.41H.140 Sunset.

Snohomish County Code chapter 30.41H, adopted by Ordinance 23-051 on \_\_\_\_ \_\_\_\_, 2023, is repealed effective six years from date of adoption.

### **30.86.150 Rural Village Housing Demonstration Program Fees.**

This section in the chapter 30.86 SCC (Fees) would provide the new fees that applicants would need to pay for RVHDP participation. These fees are structured similarly to subdivision fees and would be in addition to the fees charged for the concurrent preliminary subdivision application. The amounts proposed reflect the estimated cost for staff to review an RVHDP application. The last part of this section includes language to repeal these fees at the same time as the overall RVHDP would sunset.

30.86.150 Rural Village Housing Demonstration Program Fees.

Rural village housing demonstration program applicants shall pay the following fees in addition to the subdivision fees in SCC 30.86.100 and other fees that may apply.

Table 30.86.150 Rural Village Housing Demonstration Program Fees

Base fee	\$5,000
Plus per dwelling unit	\$100
Plus per acre	\$50
Markup correction fee <sup>(1)</sup>	\$500
Extension fee <sup>(2)</sup>	\$500
Minor revision-administrative	\$1,000
Major revision-public hearing	\$2,000
(1) This fee applies whenever an applicant fails to submit required corrections noted on review comments or markups on drawings.	
(2) This fee applies to an extension request for the rural village housing demonstration program approval period and is in addition to the fee for an extension request associated with the preliminary subdivision approval period.	

Snohomish County Code 30.86.150, adopted by Ordinance 23-051 on \_\_\_\_ \_\_\_\_, 2023, is repealed, effective on the date six years following enactment.

## Attachment B: Housing Affordability

The state legislature significantly strengthened the housing goal and related of Growth Management Act (GMA) requirements in 2021. The goal for housing now reads:

Goal 4. Housing. Plan for and accommodate housing affordable to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

Engrossed Second Substitute House Bill 1220 ([ESSHB 1220](#)) added the “plan for and accommodate housing affordable to all economic segments” language. Previously the goal was simply to “encourage the availability of affordable housing.” Jurisdictions must now take more concrete measures to plan for and accommodate affordable housing. ESSHB 1220 expanded the income band for “affordable” to include those earning up to 120% of area median income. ESSHB 1220 also added further GMA guidance that jurisdictions must identify “local policies and regulations that result in racially disparate impacts, displacement, and exclusion in housing” and that when zoning is found “that may have a discriminatory effect” the jurisdiction have responsibility to implement “regulations to address and begin to undo ... exclusion in housing” ([RCW 36.70A.070\(2\)](#)).

R-5 zoning currently allows single-family detached, duplex, and mobile home dwellings. Although duplexes and mobile homes are generally more affordable than detached single family homes, the trend has been towards an increasing share of detached single-family homes in the rural areas. According to the Snohomish County Tomorrow 2020 Growth Monitoring Report (2020 GMR), single-family homes represented 94.2% of all new housing units permitted in rural areas between 1990 and 2019. Mobile homes accounted for 5.5% of the total and duplexes just 0.4%. During this same period, the overall number of units permitted each year generally declined (which was in line with policy to reduce overall rural growth). The proportion of mobile homes in the overall total also generally fell over time.<sup>1</sup>

To the extent that mobile homes and duplexes represent housing affordable to income groups below 120% of area median, the declining share and number of mobile home and attached duplex units could represent an exclusionary effect of rural policy and zoning regulations. Since attached housing is generally more affordable than detached housing, the proposed RVHDP provisions would likely help address housing affordability and economic exclusion in rural areas.

Rather than simply promote more housing in rural areas to help meet demand, the proposed RVHDP would allow the same number of units but as different types of housing. This is to balance housing affordability with rural character and other related GMA requirements discussed next in Attachment C.

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<sup>1</sup> Snohomish County Tomorrow [2020 Growth Monitoring Report](#), especially page 146. Note that this GMR data includes rural and resource zones other than R-5, however, R-5 is the dominant zoning outside urban areas.

## **Attachment C: Rural Character**

The Growth Management Act requires counties to include a rural element in their local comprehensive plan (RCW 36.70A.070(5)). This element must protect rural character, which GMA defines in RCW 36.70A.030(23) as a pattern of land use and development established by a county in the rural element of its comprehensive plan.

Snohomish County's comprehensive plan includes a rural element, but it does not affirmatively define rural character. Instead, the Snohomish County rural element partially defines local rural character by identifying some aspects of what rural character is not. This ambiguity is reflective of reality. Many parts of Snohomish County outside urban areas are agricultural or have large lot residential uses that are clearly rural in character. However, the pattern of land use and development in non-urban areas includes several unincorporated communities resembling towns. Other areas such as around lakes include homes on small lots that do not easily fit a rural idyll, but which are nonetheless an established part of the rural character of Snohomish County. The rural character of Snohomish County is not monolithic. Instead, Snohomish County's rural areas are home to a complex mosaic of individual expression and lifestyles.

The GMA defined rural character as:

[T]he patterns of land use and development established by a county in the rural element of its comprehensive plan:

- (a) In which open space, the natural landscape, and vegetation predominate over the built environment;
- (b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;
- (c) That provide visual landscapes that are traditionally found in rural areas and communities;
- (d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;
- (e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;
- (f) That generally do not require the extension of urban governmental services; and
- (g) That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.

The proposed RVHDP would clearly be consistent with four of the seven defined elements of rural character. For the remaining three, the RVHDP includes provisions, including with amendments proposed by the Planning Commission, to address potential shortcomings and to ensure that development proposals that meet the performance standards in the RVHDP will be consistent with Rural character.

**Part (a).** Would open space, the natural landscape, and vegetation predominate over the built environment in a project following the RVHDP standards?

Proposed SCC 30.41H.080 would require preservation of a minimum 85% of the site in large rural open space tracts that would protect the natural habitat, managed vegetation such as farms or working forests, and other unbuilt areas. This leaves a maximum of 35% of the site for use by roads, housing, and other components of the built environment. GMA does not provide guidance on how much more than 50% open space must be to “predominate” over the built environment.

The RVHDP would provide more open space than other long-established types of development in rural areas. The RVHDP would therefore be consistent with Part (a) of the GMA definition of rural character because open space, natural landscape, and vegetation would predominate over the built environment.

**Part (b).** Does the RVHDP adequately foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas?

By encouraging preservation of resource-based activities such as farming and forestry, the RVHDP would help maintain the rural resource-based economy. Housing types under the program could be single-family homes or duplexes, which are already traditional in rural areas, or housing could also be in three- and four-unit building which are less traditional. Although small multifamily structures may not be typical, attached farmworker housing is a traditional part of the rural lifestyle. As proposed, the program would not require occupants to be employed in the rural economy, but the choice to live in a rural area near resource-based activities is a part of the rural lifestyle. Proposed provisions in SCC 30.41H.060(1)(c)(iii) and 30.41H.070(1) require the applicant to explain what traditionally rural architectural design elements are proposed for the housing to help ensure that the specific proposal would foster a traditional rural lifestyle even though it is not common to find buildings with three or four units in rural areas.

Consistency with Part (b) of the GMA definition of rural character requires a subjective interpretation. To ensure against misuse of the proposed flexibility, the proposal requires applicants to explain how their project fits with traditional rural lifestyles. The Hearing Examiner would then make a determination of compliance based on the standard as applied to project specifics. Through this process, the RVHDP is intended to ensure consistency with Part (b).

**Part (c).** Does the RVHDP adequately provide visual landscapes that are traditionally found in rural areas and communities?

By preserving rural resource activities that would typically be lost to other forms of permitted rural development, the RVHDP would help preserve the presence of farming and forestry,

both of which are traditional parts of rural areas and communities. While three- and four-unit housing options are not something regularly seen in rural areas, as described for Part (b) above, the program requires applicants to address visual impacts by using architectural elements that are traditional to rural areas. Further, the proposed SCC 30.41H.060(1)(c) requires the applicant to explain how the post-development view of the site would appear and SCC 30.41H.090 would require landscaping and screening to help maintain visual character. Landscape screening is an established tool often used visual compatibility for development in rural areas such as for rural cluster subdivisions and conditional uses in rural areas.

Consistency with Part (c) is a subjective interpretation. The Planning Commission agreed that the proposal adequately ensures a rural visual landscape. The proposed process to maintain traditionally rural visual landscapes would rely on a Hearing Examiner to determine compliance based on applying the standard to project specifics.

**Part (d).** Is the RVHDP compatible with the use of the land by wildlife and for fish and wildlife habitat?

Any proposal to use the RVHDP will be subject to Chapter 30.62A SCC, which requires protection of wetlands and fish & wildlife habitat conservation areas. Other requirements such as the drainage and land disturbing activity requirements of SCC 30.63B and 30.63C, respectively, would also apply. Taken together, compliance with existing provisions in county code should provide adequate protection and mitigation for development using the program. On a project level basis, this would take place through the state environmental policy act (SEPA) review process in Chapter 30.61, which would apply to any RVHDP project with at least 25 units (SCC 30.61.035(1)(b)).

The provisions to protect fish and wildlife cited above are adequate for general protections in rural areas for purposes of the proposed new program. The SEPA review process would ensure specific review and application of protection for individual development applications. Together, these aspects of the proposal demonstrate consistency with Part (d) of the GMA definition of rural character. The RVHDP is compatible with the use of the land by wildlife and for fish and wildlife habitat.

**Part (e).** Would the RVHDP reduce the inappropriate conversion of undeveloped land into sprawling, low-density development?

A major purpose of the RVHDP is to help preserve agricultural and forestry land from conversion into housing, which is part of reducing conversion of undeveloped land. GMA does not define sprawl or low-density development. Having undefined terms requires that local jurisdictions interpret such terms consistent with local circumstances. GMA presumes that regulations adopted to further local comprehensive plans “are presumed valid” with limited exceptions (RCW 36.70A.320). For Snohomish County, the land use designations implemented by R-5 zoning have been adopted to prevent sprawl. Densities within R-5 vary depending on different types of development. For example, some subdivisions have

standard 5-acre lots.<sup>2</sup> Rural Cluster subdivisions include density bonuses that allow a maximum lot yield of one lot per every 148,148 square feet or one lot per every 3.4 acres. This rural cluster lot density maximum is an established part of development in Snohomish County's rural areas. The RVDHP proposes to incorporate that same maximum density as rural cluster subdivisions but counted as maximum units instead of maximum lots (SCC 30.41H.080(3)).

The discussion about density so far has been about gross density (units across an entire site). Net density is a measure of apparent density in the built portion of a site. Definitions of net density vary depending on the context and what one measures as the built portion of a site. As proposed in the RVHDP, the apparent net densities in its clusters would be higher than the apparent net density of a rural cluster subdivision. This is because the RVHDP would allow attached housing (SCC 30.41H.030(2)) and detached housing on smaller footprints (SCC 30.41H.110) than the minimum 20,000 square foot lots that rural cluster subdivisions require (SCC 30.41C.130).

The GMA and Snohomish County policies for rural areas do not distinguish between gross and net densities. Therefore, to the extent that existing rural cluster densities are acceptable in rural areas, so too would be the allowances for a gross density of one unit for every 148,148 square feet in the RVHDP. Although net density could be a potential concern for consistency with rural character, the main purpose of Part (e) is to reduce conversion on undeveloped land into other uses. This staff report notes that the ordinance includes Findings D.5 and D.6 that the apparent higher net density that clusters of attached housing would produce is properly considered as part of the visual landscape compliance in Part (c). The Planning Commission discussed the issues of net vs gross density and passed an amendment to increase the minimum open space requirements to 85% from 65%, although doing so would increase the apparent net density on the buildable area. Stated differently, the Planning Commission was gross density and not about net density as an important feature of rural character.

**Part (f).** Would the RVHDP avoid requiring the extension of urban governmental services?

In short, "no", the RVHDP would not require extension of urban governmental services to rural areas. GMA defines both urban governmental services or "urban services" and rural services as follows:

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<sup>2</sup> More accurately, a standard subdivision in R-5 can be developed at one lot for every 200,000 square feet, or every 4.6 acres. Snohomish County has long defined "five acres" as meaning 200,000 square feet (SCC 30.91F.340) when it comes to subdivisions, even though five acres is otherwise 217,800 square feet. This is because some rural areas were divided into lots that did not make provisions for roads. After dedicating a portion of such lots for road purposes, the 200,000 square foot definition was adopted so that the slightly reduced lots would still be considered standard lots in the R-5 zone.

RCW 36.70A.030(27): "Urban governmental services" or "urban services" include those public services and public facilities at an intensity historically and typically provided in cities, specifically including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with rural areas.

RCW 36.70A.030(25): "Rural governmental services" or "rural services" include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems, fire and police protection services, transportation and public transit services, and other public utilities associated with rural development and normally not associated with urban areas. Rural services do not include storm or sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

Sanitary sewers and municipal stormwater systems are key urban services that are not rural services. The RVHDP would not allow use of sanitary sewers, nor would it require connection to a municipal stormwater system. Most other types of governmental services overlap; and the main difference is in levels of service. Public transit is an example of a service for both urban and rural areas, but it is one where the level of service in urban areas is much higher and rural service, where it exists, mainly serves to connect urban areas separated by rural lands.

The RVHDP does not allow connection to sanitary sewers or municipal stormwater systems. Provision of other types of governmental services would be rural levels. Based on this, the RVHDP would not require extension of urban governmental services.

**Part (g).** Would the RVHDP be consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas?

Like all development, any application under the RVHDP must demonstrate compliance with Chapters 30.62C (Critical Aquifer Recharge Areas), 30.63A (Drainage) and 30.63B SCC (Land Disturbing Activity). Taken together, these provide for the protection of natural surface water flows and ground and surface water recharge and discharge areas. The RVHPD is thus consistent with Part (g) of the GMA definition of rural character.

## Attachment D: Analysis of Specific Policies

The Rural Village Housing Demonstration Program would allow development of additional types of housing on applicable R-5 zoned sites in the rural areas. This would be in exchange for preservation of large tracts of rural open space. What follows is a discussion of existing policies that relate to the proposed program. Some policies support the program. Other discussion addresses how specific provisions in the program will avoid conflict with the identified policies.

**Regional Policies.** Snohomish County is party to an interlocal agreement with Puget Sound Regional Council (PSRC), which covers Snohomish, King, Pierce and Kitsap counties. This agreement obligates the County to adopt growth management policies and codes that are consistent with PSRC's Vision 2050 plan and the Multicounty Planning Policies (MPPs) in it. Policies in Vision 2050 that this ordinance supports include:

- MPP RGS-14:<sup>3</sup> “Manage and reduce rural growth rates over time, consistent with the Regional Growth Strategy, to maintain rural landscapes and lifestyles and protect resource lands and the environment.”

The RVHDP includes specific requirements to maintain rural landscapes and lifestyles by specifically encouraging protection of resource activities that would likely otherwise see replacement by rural residential uses. It would also help achieve a reduction in rural growth rates by allowing for attached housing to substitute for detached housing through use of the program. According to the 2021 Buildable Lands Report,<sup>4</sup> the average household size for detached single family units is assumed to be 3.00 people per unit, whereas the average household size for townhouse units is assumed to be 2.65. Suppose a 341-acre tree farm with R-5 zoning became available for development. This site could support 100 detached homes as a Rural Cluster Subdivision, in which case the estimated population would be 300 at full occupancy. The same site could develop under the RVHDP with 100 townhomes and would have an estimated population of 265, or roughly 11% fewer

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<sup>3</sup> This response to MPP RGS-14 is equally valid as a response to GPP Objective LU 6.A which reads “Reduce the rate of growth that results in sprawl in rural and resource areas.”

<sup>4</sup> See page 26 of the 2021 BLR at <https://snohomishcountywa.gov/DocumentCenter/View/84919/Letter-to-Dept-of-Commerce---Snohomish-County-Buildable-Lands-Report?bidId=>.

people with the same number of units.<sup>5</sup> In addition to having fewer residents, an RVHDP development on this hypothetical tree farm would result in larger tracts of rural land that could be replanted for future harvest.

- MPP Ec-23: “Support economic activity in rural and natural resource areas at a size and scale that is compatible with the long term integrity and productivity of these lands.”

The RVHDP would help preserve resource-based economic activity on tracts of natural resource uses activity on sites zoned for rural residential uses by allowing the housing to be developed on as small of a footprint as possible.

- MPP H-2: “Provide a range of housing types and choices to meet the housing needs of all income levels and demographic groups within the region.”

The RVHDP would allow a wider range of housing types and choices in rural areas. This would help address the exclusionary effects of the (mostly) single-family uses authorized in R-5 zoning while, at the same time, limiting the total number of units allowed to the same number possible with other development types so that the result does not hinder the county’s ability to achieve a reduction in overall rural growth rates.

- MPP H-9 that calls for jurisdictions to “Expand housing capacity for moderate density housing to bridge the gap between single-family and more intensive multifamily development and provide opportunities for more affordable ownership and rental housing that allows more people to live in neighborhoods across the region.”

The proposed ordinance would increase capacity for moderate density housing and provide more affordable housing options in rural areas.

**Countywide Planning Policies (CPPs).** The Growth Management Act requires counties to adopt CPPs that guide growth in cities and unincorporated areas. These contain guidance to Snohomish County on how to implement the policies adopted by PSRC and meet requirements in GMA. CPPs that support the RVHDP include:

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<sup>5</sup> The 2021 BLR also incorporates assumptions for occupancy rates that vary for some housing types. The BLR assumes a 96% occupancy rate for both single-family detached units and townhomes, and so would have no effect on the estimated 11% population difference.

- CPP-DP-31: “The County shall develop strategies and programs to support agricultural and forest activities. (a) Strategies should reduce pressure to convert resource and rural lands with resource-based activities to non-resource uses... Strategies may include redesignation of rural land to resource land...”

The RVHDP and its specific code provisions are proposed to reduce pressure to convert rural lands with resource-based activities to non-resource uses.

- CPP ED-9: “As appropriate, the County and cities should adopt plans, policies, and regulations that preserve designated industrial, commercial, agricultural, and resource land base for long-term regional economic benefit.”

The RVHDP would be an example of a regulation that helps protect the agricultural and resource land base for long-term regional economic benefit.

**General Policy Plan (GPP).** Snohomish County’s policies specific to unincorporated areas are in the General Policy Plan which is a major element of its GMA Comprehensive Plan. Policies in the GPP guide codes and regulations adopted in Snohomish County Code Title 30, which is where the proposed amendments would take place. GPP policies that support the proposed changes include:

- GPP Goal LU 6: “Protect and enhance the character, quality, and identity of rural areas.”

The RVHDP includes performance standards to protect and enhance rural character. At SCC 30.41H.060(1) it requires the applicant to provide a project narrative that specifically responds to each of the elements of rural character defined in RCW 36.70A.030(23). The process set up on the RVHDP would have county staff review the applicant’s proposal and the Hearing Examiner would decide whether the proposal meets the test of consistency with rural character.

- GPP Policy LU 6.B.1: “Use of a clustering subdivision technique should be encouraged by the County in rural residential areas to 1) preserve the rural character of Snohomish County; 2) avoid interference with resource land uses; 3) minimize impacts upon critical areas; 4) allow for future expansion of the UGAs, where appropriate, and 5) support the provision of more affordable housing in rural areas. The primary benefit of clustering is the preservation of open space. Modest density incentives should be provided in a manner which encourages use of the technique and maximum preservation of open space and maintenance of rural character. The open space tracts in rural cluster subdivisions shall be preserved in perpetuity[...].” The RVHDP is a type of clustering technique that achieves everything but 4) in this policy. There is no effect on 4) because the allowance for future expansion of urban growth areas relates to development areas designated as Rural/Urban Transition

Areas (RUTAs) and proposed language in SCC 30.41H.020(1) specifically provides that areas with RUTA designations are not eligible to use the RVHDP.

- GPP Policy 6.B.2: “The retention of small forest, farming, horse farm and other livestock based farm operations and hobby farms shall be encouraged in rural areas.”

The RVHDP would be a mechanism to preserve forestry and farming on sites with rural residential zoning.

- GPP Objective HO 1.B: “Ensure that a broad range of housing types and affordability levels is available in urban and rural areas.”

The RVHDP would increase the range of housing types available in rural areas. Since the proposed allowance for attached housing is generally more affordable than detached housing, the increased range of housing types would help ensure more relatively affordable housing.

- GPP Policy HO 1.B.4: “The county shall encourage and support the development of innovative housing types that make efficient use of the county land supply such as residential units in mixed-use developments, accessory dwelling units, cottage housing, co-housing, and live/work units.”

The RVHDP would support the development of innovative housing types in the rural area by allowing buildings with up to four attached units. Although not required, such units may be part of a co-housing development that includes shared communal facilities.

- GPP Objective ED 6.A: “Provide policies and programs to help ensure the sustainable use of timber, agricultural, and mineral resources as well as recycled resources.”

The RVDHP is a program designed to help ensure sustainable use of timber and agricultural resources by providing a mechanism to save these resources in areas otherwise zones for rural residential development.



## Snohomish County Council

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**To:** Snohomish County Planning Commission  
**From:** Snohomish County Council  
Ryan Countryman, Senior Legislative Analyst  
**Report Date:** January 9, 2023  
**Briefing Date:** January 24, 2023  
**Subject:** Staff Report on Proposed Rural Village Housing Demonstration Program

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### Introduction

The purpose of this staff report is to outline and provide information regarding a non-project proposal to add a new Rural Village Housing Demonstration Program (RVHDP or program) to the Snohomish County Code (SCC). County Council staff and Planning and Development Services are providing this staff report and recommendation to the Planning Commission for a briefing on January 24, 2023, and a public hearing is requested to be scheduled for February 28, 2023.

### Background

**Demonstration Programs.** Prospective development applicants sometimes approach the County with unconventional ideas that fit the intent of adopted policies but conflict with the specific code requirements. Usually, applicants revise their plans to conform to existing code requirements. This leaves potential innovations untested. Sometimes ideas brought to the County inspire targeted code amendments that would then allow the proposal. Other proposals are so different that they would require new mechanisms for authorization.

Demonstration programs are one way to test new ideas. These are temporary mechanisms that would allow authorization of substantially new types of development in a limited setting. Snohomish County has authorized three previous demonstration programs to help test and improve development regulations since the adoption of the Growth Management Act (GMA).

- Housing Demonstration Program (1995 to 1997). This program allowed flexibility in design standards and uses in urban areas. Two projects constructed under the program have smaller lots and narrower private roads than were typical of the time.

Both features are now part of permanent zoning regulations. A third project was a large Planned Residential Development (PRD) that combined a variety of housing types previously not allowed, plus a day care facility. The housing types are now part of the PRD regulations, but the day care facility is not.

- Reduced Drainage Discharge Program (RDDP) (2000 to 2014). This program allowed applicants to propose changes to standards such as road width and lot size to allow for more infiltration of rainwater into the ground. Experimentation under the RDDP helped inform the permanent low impact development regulations that are now in county code and the Engineering Design and Development Standards.
- Urban Center Demonstration Program (UCDP) (2001 to 2010). This program allowed taller buildings and more density in areas identified for high-capacity transit investment. It also required all mixed-use development for all projects authorized under the UCDP. When permanent urban center regulations replaced the UCDP, the new code retained most of the height and density allowances but dropped the mixed-use requirement because it proved unworkable in some settings.

The Rural Village Housing Demonstration Program would continue the tradition of allowing innovative development proposals, but only in a limited rural context. The outcome of a demonstration program could result in adoption of future code amendments based on lessons learned, or the program could expire without making lasting changes.

**Origin of the RVHDP.** The RVHDP has some of its origins in County Council [Motion 21-308](#) which included a proposal to modify the Development Agreement process outlined in chapter 30.75 SCC. Motion 21-308 proposed to create flexibility for several scenarios where prospective applicants had ideas consistent with policy but not with code. It also directed council staff to work with other county departments to refine the proposal before presenting it to the Planning Commission for a recommendation. That collaboration between departments led to two conclusions. First, that the development agreement process might not be the best way to achieve the desired flexibility. Second, the breadth of the intended flexibility was unwieldy and difficult to implement. In discussing possible alternative directions to achieve the desired outcome, PDS suggested consideration of a demonstration program to provide and test some of the intended flexibility in rural areas.

Other aspects of the RVHDP concept comes from a request for a pre-application review received by PDS under file 21-108030 PA. The narrative for the proposal described a potential development application as a hybrid of a rural cluster subdivision and a farm conservation community on land zoned Rural-5 acre (outside of GMA designated commercial farmland). The property in question is currently a dairy farm. Rather than develop as a standard rural cluster subdivision that would preclude further agricultural use of the site and increase impacts to the natural environment and rural character, the project

in file 21-108030 PA sought a way to allow the same number of units as a standard rural cluster subdivision but in a much tighter arrangement. Instead of building typical detached housing, the proposal included a co-housing project to help “set up an incubator system for those wanting to get into farming.”

Farmland preservation is a key concept in Snohomish County [Executive Order 18-02](#), which also provides general support for the RVHDP. This order notes that “we are losing productive farmland each year through conversion to non-farming land uses” and that “Snohomish County is dedicated to achieving outcomes that preserve and enhance agriculture.” The order then goes on to direct county departments to develop strategies that reduce the conversion of agricultural land to other uses. The RVHDP is one way to do that for upland farmland sites zoned Rural-5 acre but not designated commercial farmland within the County’s GMA Comprehensive Plan.

The proposed program is about more than just preserving agriculture. As described below, RVHDP could apply to the preservation of working forests. It also provides more options for housing types that are usually at a lower price level than the detached single family homes more often built in rural areas.

## Proposed Code Amendments

The Rural Village Housing Demonstration Program would be in a new chapter 30.41H of Snohomish County Code. Major features of the proposed program are summarized below.

1. Allowing attached housing with up to four units per building in exchange for preserving a minimum of 65% of the site in large open space tracts that preserve rural character, working farm, or forest land.
2. Applying only to sites with at least 100 acres of R-5 zoning under the same ownership.
3. Prohibited on R-5 zoned properties located within the boundaries of the Tulalip Reservation, designated as Local Commercial Farmland, or designated within the Rural to Urban Transition Area overlay on the Future Land Use Map.
4. The minimum 65% open space would preserve resource-based activities such as agricultural production and working forest lands, critical areas and buffers, and other listed uses that contribute to rural character.
5. Housing in the RVHDP would need to be tightly clustered in groups of 10 to 40 homes that are setback from nearby roads, properties, and natural resource lands.

6. The maximum number of homes in an RVHDP project would be the same as conventional rural cluster subdivision provisions allow.
7. RVHDP projects would require restrictive covenants and a management plan to ensure long-term protection and maintenance open space tracts and the upkeep of landscaping, storm drainage facilities and other private improvements.
8. RVHDP projects would be required to connect to a public water supply.
9. Applicants would have two years to submit proposals under the RVHDP. They would then have four years to receive approval. The program would sunset (expire) after six years unless re-authorized by the County Council.

Attachment A attached to this staff report includes section-by-section analysis of each proposed section in chapter 30.41H SCC and of a proposed new section in chapter 30.86 SCC that would provide for new fees associated with the program. Please note that inclusion of fee code amendments is for contextual purposes only because fees are not subject to Planning Commission review and recommendation.

## Analysis

The RVHDP proposal involves the broad topics of housing affordability and rural character as detailed in Attachments B and C. Attachment D discusses specific policies relevant to the proposal.

**Housing Affordability.** The Growth Management Act (GMA) requires counties to plan for and accommodate housing that is affordable to all economic segments. The legislature amended the GMA in 2021 to strengthen this requirement. Attached housing is generally more affordable than detached housing. The RVHDP would allow attached housing with up to four units per building in areas where code currently only allows single-family homes, duplexes, and manufactured housing. **Attachment B** includes details related to affordability.

**Rural Character.** GMA requires counties to maintain rural character outside of urban growth areas. Rural character is both an abstraction and a term specifically defined in GMA at RCW 36.70A.030(23). The GMA definition includes seven parts that together establish a pattern of rural land use and character. The RVHDP proposal seeks to satisfy all seven parts of what it means to provide rural character. However, as detailed in **Attachment C**, the proposal would clearly result in consistency with only four of the seven parts of the GMA definition. The three remaining parts are subject to interpretation.

### **Environmental Review**

A State Environmental Policy Act Checklist and a threshold determination will be issued prior to County Council consideration.

### **Notification of State Agencies**

Pursuant to RCW 36.70A.106, a notice of intent to adopt the proposed regulations and standards will be transmitted to the Washington State Department of Commerce prior to a Planning Commission public hearing.

### **Staff Recommendation:**

Staff recommends approval of the proposed code amendments and findings in this 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. To recommend approval of the RVHDP, the Planning Commission should be able to affirmatively say "Yes" to the following questions.

1. Can buildings with three or four units be compatible with rural character?
2. If so, would the proposed provisions in the RVHDP adequately do each of the following?
  - a) Foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;
  - b) Provide visual landscapes that are traditionally found in rural areas and communities; and
  - c) Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

cc: Ken Klein, Executive Director  
Mike McCrary, PDS Director  
David Killingstad, PDS Manager  
Michael Dobesh, PDS Manager

### **Attachments**

- Attachment A: Section-by-Section Analysis of Proposed Code
- Attachment B: Housing Affordability
- Attachment C: Rural Character
- Attachment D: Analysis of Specific Policies

## **Attachment A: Section-by-Section Analysis of Proposed Code**

The Rural Village Housing Demonstration Program would be in a new chapter 30.41H of Snohomish County Code and it would add a new section to chapter 30.86 SCC regarding fees for the program. What follows is a brief description of each section and then the proposed language for that section.

### **SCC 30.41H.010 Purpose.**

This section would state the main purposes of the new chapter.

#### **30.41H.010 Purpose.**

The purpose of this chapter is to:

- (1) Provide an innovative technique to achieve a variety of rural densities by balancing non-traditional residential dwelling types in rural areas zoned Rural-5 acre (R-5) with open space preservation, resource land production, and maintenance of the surrounding rural character.
- (2) Reduce the footprint of rural residential development and impervious surfaces.
- (3) Assure visual compatibility of rural development with the surrounding rural area.

### **SCC 30.41H.020 Applicability and eligibility.**

This section would allow the program on sites in R-5 zoning subject to limitations in Subsections (1) and (2). Subsection (3) requires submittal of an application no later than two years from the effective date of the ordinance and gives an applicant four years to obtain approval for the site plan. If construction is commenced within five years of approval, approved site plans remain in effect. Subsection (4) addresses how potential conflicts between the program and other chapters of code.

#### **30.41H.020 Applicability and eligibility.**

(1) The provisions in this chapter apply to all properties zoned R-5, except for R-5 zoned properties located within the boundaries of the Tulalip Reservation, designated Local Commercial Farmland in the comprehensive plan, or designated within the Rural to Urban Transition Area overlay in the comprehensive plan.

(2) The site for a rural village housing demonstration program development shall be a minimum of 100 mostly contiguous acres under the same ownership or control prior to the effective date of this chapter. For purposes of this chapter, "mostly contiguous acres" must be physically contiguous and does not include sites two or more mostly detached lobes of land that are connected by areas less than 100 feet wide, and which would otherwise be considered discontinuous.

(3) Applications for a rural village housing demonstration program development shall be submitted no later than two years after the effective date of this chapter. Applications under the program shall expire after four years unless approval has been obtained. Approved applications shall commence construction within five years of receiving approval, otherwise the approved application shall expire. Approved site plans for which construction has commenced shall remain in effect after the program has expired.

(4) Rural village housing demonstration program developments shall comply with all applicable provisions of title 30 SCC, except as modified in this chapter. Where there is a conflict between a provision of this chapter and a provision in another chapter in this title, the provisions of this chapter shall apply.

### **SCC 30.41H.030 Permitted uses.**

This section adds dwellings with up to four units when part of a RVHDP application to the existing list of permitted uses in R-5 zoning. The specific dwelling uses allowed by Subsection (2) are otherwise not permitted in R-5 zoning in [Table 30.22.110 SCC](#) (rural and resource zone categories use matrix), so the only way to propose those dwelling types in the R-5 zone is by using the RVHDP.

#### **30.41H.030 Permitted uses.**

A rural village housing demonstration program development may include the following uses:

- (1) All permitted and conditional uses in the Rural-5 acre zone under SCC 30.22.110; and
- (2) This program allows following residential uses in the Rural 5-acre zone with a maximum of four units per building:
  - (a) Dwelling, single family attached;
  - (b) Dwelling multiple family; and
  - (c) Dwelling, townhouse.

### **SCC 30.41H.040 Procedure.**

This section establishes the process for reviewing RVHDP applications. As proposed, review of a site plan for the new program would be concurrent with a preliminary subdivision application. The subdivision would create lots, roads, and open space tracts while the site plan would show where buildings and other uses would go on those lots. RVHDP applications would fall under a Type 2 process meaning that the Hearing Examiner would hold a public hearing on the project before issuing a decision.

#### **30.41H.040 Procedure.**

Rural village housing demonstration development applications shall:

- (1) Be processed as a Type 2 application and site plan decision under chapter 30.72 SCC;
- (2) Be submitted concurrently with a preliminary subdivision application under chapter 30.41A SCC.

(3) The relationship between rural village housing demonstration site plan and preliminary subdivision application shall be as follows.

i. The preliminary subdivision shall show the proposed lots, tracts, roads, easements, dedications, calculations, and restrictions necessary for the general layout and phasing of the site to be recorded on a final plat following approval.

ii. The site plan for the rural village housing demonstration program development application shall show features of the proposed site design such as proposed building placement, landscaping, designated resource lands or uses, location of utilities, and parking areas that are not necessary for the approval of a preliminary subdivision but would be necessary for compliance with this chapter.

(4) Revisions to an approved rural village housing demonstration program development application shall be processed pursuant to SCC 30.70.210-.230.

### **SCC 30.41H.050 Approval criteria.**

This section establishes the approval criteria for RVHDP applications. To be approved, several subsections would need to be satisfied. Subsection (1) requires that the concurrent subdivision must also be approvable. Subsection (2) requires that the RVHDP application itself must meet the purpose of the program. Subsection (3) requires an application to show how it meets the performance standards in place for the program. Subsection (4) requires the development would be consistent with the GMA definition of rural character.

#### **30.41H.050 Approval criteria.**

To recommend approval of a rural village housing demonstration program application to the hearing examiner, the department must find that the application meets both the requirements for preliminary subdivision and of this chapter or can be approved with conditions to do so. The hearing examiner may approve a rural village housing demonstration program development application when:

(1) The concurrent preliminary subdivision application has met the applicable decision criteria in chapter 30.41A SCC;

(2) The development furthers the purpose of this chapter as described in SCC 30.41H.010;

(3) The development complies with the performance standards in this chapter 30.41H; and

(4) The development would result in land use or uses consistent with the definition of rural character in RCW 36.70A.030(23).

### **SCC 30.41H.060 Submittal requirements.**

This section provides the submittal requirements for applications using the RVHDP. Without these items, an application would be considered incomplete and not processed until the missing parts are provided. Key submittal requirements include: A project narrative

describing how the parts of the submittal fit together and which addresses the GMA definition of rural character. A site plan and building elevation drawings, respectively, that combine to show how the performance standards are being met and how consistency with rural character is retained. A plan for managing open space areas to ensure long term protection of resource uses and rural character details on phasing, signage, and streetlights if applicable.

#### 30.41H.060 Submittal requirements.

In addition to the documents required by the department's submittal checklist for a preliminary subdivision under chapter 30.41A SCC, an application for a rural village demonstration program development must include the following:

(1) A narrative description of how the proposal is consistent with SCC 30.41H.070 to 30.41H.130. The narrative document shall also:

(a) Describe how the proposal makes appropriate provisions for the public health, safety, and general welfare; for open spaces, drainage ways, streets, other public ways, and safe walking conditions; potable water supplies; sanitary wastes; recreation; fire protection; and other public facilities, if any.

(b) Describe how the proposal will maintain or enhance features that are consistent with rural character as defined in RCW 36.70A.030(23). To demonstrate that a proposal is consistent with the definition of rural character, the narrative shall address each of the following:

(i) How open space, the natural landscape, and vegetation predominate over the built environment;

(ii) How the proposal fosters traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;

(iii) How the proposal provides visual landscapes that are traditionally found in rural areas and communities;

(iv) How the proposal is compatible with the use of the land by wildlife and for fish and wildlife habitat;

(v) How the proposal avoids inappropriate conversion of undeveloped land into sprawling, low-density development;

(vi) How the proposal does not require the extension of urban governmental services as defined in RCW 36.70A.030(27); and

(vii) How the proposal protects natural surface water flows and groundwater and surface water recharge and discharge areas.

(c) Describe the post-development view of the site from adjacent roads and properties and how the proposed development maintains existing views. At a minimum, the description of post-development views shall address:

(i) How the proposed site design incorporates existing landscape features such as vegetation, resource-based activities, and structures;

(ii) Where landscape screening is required for compliance with SCC 30.41H.070 and 30.41H.090, and

(iii) For new buildings, what architectural design elements will be incorporated into building design to demonstrate compliance with SCC 30.41H.110.

(2) A rural village housing demonstration project site plan showing the existing character of the site and the proposed conditions.

(a) To show the existing character, the site plan shall include the following items, as appropriate:

(i) Natural features that distinguish the site or are characteristic of the area;

(ii) The location of existing vegetation and open space;

(iii) Existing structures and landscapes, including buildings, rock walls, fences, storage tanks, and areas of cultivation and plantings typical of rural settlement, such as windbreaks, hedgerows, orchards, and agricultural fields;

(iv) Uses on adjacent properties, including location of houses; and

(v) The location and the approximate size of natural resource lands subject to chapters 30.32A, 30.32B, or 30.32C SCC on the project site and on properties adjacent to it.

(b) To show the proposed conditions, the site plan shall include the following, as is appropriate to the proposal:

(i) Which existing character-defining features identified pursuant to SCC 30.41H.060(2)(a) will be maintained or enhanced by the proposed development, including:

(ii) Location of all proposed open space tracts and their intended use;

(iii) Where existing vegetation will be retained and new plantings are proposed to demonstrate compliance with SCC 30.41H.070(1) and .090; and

(iv) The location of each proposed building footprint.

(3) Building elevation drawings or sketches of typical buildings proposing sufficient detail to demonstrate compliance with the architectural performance standards in SCC 30.41H.110.

(4) An open space and common area management plan consistent with SCC 30.41H.130.

(5) A phasing plan with a description and proposed schedule for phasing of the project, if any.

(6) A sketch and general description of any proposed entrance sign or gate, including approximate dimensions and materials.

(7) A street lighting plan if streetlights are proposed.

### **SCC 30.41H.070 Site planning principles.**

This section provides site planning principles related to the visual and open space aspects of rural character. Although some parts of these principles are subjective, the application must demonstrate compliance PDS to recommend approval and for the Hearing Examiner to grant approval.

30.41H.070 Site planning principles.

To preserve rural character, all rural village housing demonstration program applications must comply with the following site planning principles:

(1) *Visual*. To maintain visual aspects of rural character, the post-development view of the site from adjacent roads shall resemble the pre-development view or include vegetative screening and architectural design measures to mitigate visual impacts. This includes incorporating existing landscape features such as vegetation, resource-based activities, and structures into the site design as much as is practical. The applicant shall propose and explain what architectural elements shall be incorporated into new buildings as part of demonstrating that the post-development view will be rural in character. Where visual screening is required, the view could be obscured by topography, or retention of existing vegetation or structures, or by a proposed 20-foot wide Type A landscape buffer meeting the standards in SCC 30.25.017 placed in a location to create a filtered screen between the road and new buildings. An applicant may propose an alternative method of screening for review by the department and approval by the hearing examiner under SCC 30.25.040.

(2) *Open Spaces*. Natural areas, critical areas, and resource based-activities shall be protected in open space tracts. The shape of such tracts shall promote protection of critical areas and habitat or support the long-term use as resource land. Open space tracts may also be used for other purposes described in SCC 30.41H.080(1) and (2).

### **SCC 30.41H.080 Performance standards – site design.**

This section provides objective requirements affecting the overall site. An RVHDP application must propose protection of at least 65% of the site in permanent open space tracts that support rural character. Open space tracts, such as for private roads, do not count towards the 65%. The maximum density is set at one unit per every 148,148 square feet, which is consistent with the maximum bonus density lot yield calculation for rural cluster subdivisions. Allows some lots to have multiple units on them and other lots to be for non-residential purposes. Creates an allowable range (10 to 40) units that may be in an individual cluster in the RVHDP. Establishes a 100-foot setback from natural resource lands and requires clusters of housing to be at least 200 feet apart.

#### **30.41H.080 Performance standards – site design.**

Rural village housing demonstration program development applications shall comply with the following requirements:

(1) *Rural Open Space*. A minimum of 65% of the site shall be in permanent open space tracts that preserve elements of rural character. These includes tracts that protect habitat, critical areas and buffers, and resource-based activities including agricultural production and working forest lands. The following activities may be included within the minimum 65% open space requirement:

- (a) Wildlife corridors;
- (b) Nature interpretive areas;
- (c) Bird watching facilities and structures;
- (d) Tree stands, duck blinds, and similar hunting structures if the site does not appear on the No Shooting Areas map for Snohomish County;

- (e) Unimproved trails;
- (f) Public access to shoreline areas subject to the shoreline management program;
- (g) Landscaping areas, including landscaping for screening purposes; and
- (h) Similar natural conservation uses.

(2) *Other Open Space*. Open space tracts for uses or that include uses not described in SCC 30.41H.080(1) shall not be counted towards the 65% permanent open space tract requirement. Examples include, but are not limited to, tracts for private roads, parking areas, or other types of built environment, and narrow strips of land interspersed between residential uses.

(3) *Density and lot yield*. Density and lot yield shall be calculated as follows:

(a) The gross density (maximum number of dwelling units) shall be obtained by dividing the gross site area in square feet by 148,148. Whenever the resulting yield results in a fractional equivalent of 0.5 or more, the yield shall be rounded up to the next whole number; fractions of less than 0.5 shall be rounded down.

(b) A lot may contain non-residential uses or residential uses including individual units or even an entire cluster as described in subsection (4) below.

(c) Clusters of residential units may be subdivided, including as phased subdivisions, into unit lots per SCC 30.41A.205 if shown on the preliminary plat map submitted under this chapter. Townhouse and duplex dwellings that were shown on the preliminary plat map as multiple units on a single lot may be subsequently subdivided under SCC 30.41A.205 or 30.41B.205.

(d) The number of lots for residential purposes shall not exceed the maximum number of units.

(e) Any lots proposed for non-residential purposes shall be indicated as such on the face of the plat and shall have restrictive covenants preventing placement of residential units on the lot.

(4) *Clustering*. Site design shall use clustering of dwelling units to protect critical areas and their buffers, resource-based activities, or other existing features that help maintain and establish rural character on the site:

(a) A rural village housing demonstration program development may contain more than one cluster of dwelling units.

(b) The minimum number of dwelling units in a cluster shall be 10. The maximum number of dwelling units in a cluster shall be 40.

(c) Clusters shall be located a minimum of 100 feet from adjacent natural resource lands subject to chapters 30.32A, 30.32B, and 30.32C SCC.

(d) Open space tracts to separate clusters shall be a minimum of 200 feet in width.

### **SCC 30.41H.090 Performance standards – landscaping.**

This section provides landscaping requirements for the unique elements of the RVHDP and refers to existing landscaping requirements in chapter 30.25 SCC for other landscaping requirements (such as for parking lots, if any). Compliance with this section will provide the

requirements necessary for landscape screening to help maintain visual character. These screening requirements are similar to what is required of rural cluster subdivisions and conditional uses in R-5 areas to maintain compatibility with adjacent uses.

30.41H.090 Performance standards – landscaping.

In addition to applicable landscaping requirements under chapter 30.25 SCC, the following additional landscaping is required of rural village housing demonstration development applications to help maintain visual rural character and to mitigate visual impacts. Where the proposal includes new buildings closer than 250 feet from the external boundaries of the proposed development, the application materials must demonstrate how the project will screen the view of the new buildings from adjacent properties or roads. A 20-foot wide Type A landscape buffer meeting the standards in SCC 30.25.017 may be placed in a location to create a dense sight barrier between the road and new buildings to meet the visual screening requirement. An applicant may also propose alternate screening methods provided that they are consistent with the visual site planning principals in SCC 30.41H.070.

**SCC 30.41H.100 Bulk Regulations.**

This section provides bulk regulations that an RVHDP project could follow instead of the bulk regulations applicable to other types of development. A key provision is the lack of a minimum lot area or width which allows townhouse units on lots as small as the unit itself. All new residential buildings must be at least 100 feet from the external boundaries of the RVHDP site. All new non-residential buildings must be set back at least 50 feet from external boundaries. Visual aspects of rural character will be maintained because new buildings would be further from adjacent properties than might have been the case if a site were developed using traditional methods. A requirement is included that structures taller than 30 feet be separated from other structures by at least 10 feet. This requires slightly more separation than the minimums for fire code compliance. It also helps create spacing between taller buildings thereby reducing the appearance of structural density on the site.

30.41H.100 Performance standards – bulk regulations.

This section establishes the bulk regulations for rural village housing demonstration development applications and replaces SCC Table 30.23.030 and the reference notes in SCC 30.23.040 for such applications.

(1) The maximum building height is 45 feet subject to the exemptions under SCC 30.23.050(2) or a lesser height where a reduction is required due to shoreline jurisdiction under SCC 30.67.460 or for airport compatibility under SCC 30.32E.060.

(2) There is no minimum lot area or lot width.

(3) The minimum setbacks from external property lines of a rural village housing demonstration development for all new residential buildings is 100 feet.

(4) The minimum setbacks from external property lines of a rural village housing demonstration development for all new non-residential buildings is 50 feet.

(5) The minimum building separation for structures taller than 30 feet is 10 feet.

### **SCC 30.41H.110 Performance standards – architectural.**

This section provides architectural standards for RVHDP projects. The proposed standards require an applicant to demonstrate how the design of their buildings will be compatible with the visual aspects of rural character. The proposed standards also require variation between buildings to avoid a visually repetitive project, but also allow applicants to propose a cohesive overall design.

#### **30.41H.110 Performance standards – architectural.**

This section establishes objective architectural requirements to ensure visual compatibility with nearby rural lands.

(1) In the project narrative, the applicant shall identify and describe at least eight rural architectural features that the project proposes to use. These may be from locations that are in proximity to the project site, and which have rural, agricultural or forestry land use designations in the comprehensive plan. Traditionally rural architectural features from other areas may also be used as provided below. For this purpose, the following definitions shall apply:

(a) “Rural architectural features” may be either:

- (i) Design features on at least three buildings in proximity to the project site; or
- (ii) Design features not necessarily found in proximity to the project site, but

which nonetheless helps the project provide a visual landscape that is traditional to rural areas and communities. For these elements, the applicant shall provide an explanation of what makes them traditionally rural in the narrative or other supporting documents.

(b) “Proximity to the project site” means buildings on lands that have rural, agricultural, or forestry land use designations in the comprehensive plan and that are within two miles of the project site. This definition includes buildings already on the project site.

(2) On the rural village housing demonstration project site plan the applicant shall provide a key or other descriptive material showing which rural architectural features are proposed for each building. This information shall demonstrate that:

(a) Each building shall have at least two of the rural architectural features found in proximity to the site;

(b) Side-by-side buildings shall have at least two different rural architectural features; and

(c) While a cohesive overall design is allowed, no more than 20% of the buildings in the proposed development can be visually repetitive. “Visually repetitive” means using both the same two rural architectural elements and having the same overall design. Buildings that have flipped designs as if mirror images are of the same overall design. Buildings with different shapes or sizes that share rural architectural elements are not visually repetitive.

(3) The building elevation drawings or sketches of typical buildings included with the project submittal materials shall be consistent with the information with the information provided in sections (1) and (2) above.

### **SCC 30.41H.120 Performance standards – miscellaneous.**

This section provides requirements on a variety of topics including phasing, signage, and utilities. Although in some cases these miscellaneous standards are partially redundant to requirements applicable to the concurrent preliminary subdivision application, the phrasing of some, such as for lighting, create additional requirements for RVHDP developments that would not apply to alternative types of development in R-5 zoning.

#### **30.41H.120 Performance standards – miscellaneous.**

(1) *Development phases.* Where the development contains more than one phase, all development shall occur in a sequence consistent with the approved phasing plan.

(2) *Restrictive covenants.* Restrictive covenants shall be provided. These covenants shall:

(a) Ensure the long-term maintenance and upkeep of landscaping, storm drainage facilities, other private property improvements, and open space areas and facilities.

(b) Prevent placement of residential uses on any lots created for non-residential purposes.

(c) Provide a mechanism to assure that required open space is permanently protected and maintained pursuant to the open space management plan.

(3) *Signs.* Signs shall incorporate materials typical of the rural character of the area and shall comply with all applicable provisions of SCC 30.27.060.

(4) *Fire flow.* The development shall be located in a rural fire district and are required to provide adequate fire flow in accordance with SCC 30.53A.514 through SCC 30.53A.520 or to provide other means of fire protection as approved by the Snohomish County Fire Marshal, unless exempt pursuant to SCC 30.53A.514.

(5) *Public water.* The development shall draw water supply from a public water system.

(6) *Lighting.* Lighting shall be low intensity and shall be projected downward, with full cut-off illumination that shields light from being emitted upwards toward the night sky or surrounding natural areas.

(7) *Electric and other utility lines and support infrastructure* shall be located underground.

(8) *Sanitary sewer.* The development is prohibited from connecting to public sanitary sewers.

### **SCC 30.41H.130 Management plan for open space and common areas.**

This section would require an applicant to prepare a plan for managing the open space and common areas. Like covenants for the development, an applicant will need to record this plan with the County Auditor. The plan itself must clearly identify who has what responsibilities managing and maintaining open space and common areas.

**30.41H.130 Management plan for open space and common areas.**

The applicant shall provide a management plan for the long-term maintenance and operations of open space and any other common areas. Management includes maintenance and operation of any water supply, stormwater facilities, wastewater disposal, private roads and other common facilities which may be located in commonly held tracts or easements.

(1) A management plan for open space and common areas shall include the following information:

(a) Current ownership information and a plan or provisions to update the project file number when ownership contact information changes;

(b) Parties responsible for maintenance of designated open space, their contact information, and a description of requirement maintenance;

(c) Description of any uses allowed in designated open space, consistent with SCC 30.41H.080;

(d) Any proposed development activities;

(e) Fire breaks provided in accordance with fire district requirements;

(f) Any covenants, conditions, and restrictions to be recorded related to open space management; and

(g) Other information that the director determines necessary to ensure proper management of the open space.

(2) The management plan must be approved by the director and shall be recorded as a separate document from the subdivision. The recording number shall be referenced on all property deeds arising from the subdivision. Copies of the management plan shall be provided to property owners with ownership documents.

(3) In approving the management plan, the director shall make a written finding that the parties designated as responsible for maintenance of designated open space are clearly identified, that provisions are included in the plan for succession to other qualified and capable parties should that become necessary, and that the county is indemnified should the responsible parties not fulfill their management obligations.

**30.41H.140 Sunset.**

The sunset provision would automatically repeal the RVHDP six years after adoption. Six years would cover the two years an applicant has to apply plus the four years they have to receive approval. Extending the program beyond six years would require a later action by the County Council.

**30.41H.140 Sunset.**

Snohomish County Code chapter 30.41H, adopted by Ordinance 23-\_\_\_\_ on \_\_\_\_\_, 2023 is repealed effective six years from date of adoption.

**30.86.150 Rural Village Housing Demonstration Program Fees.**

This section in the chapter 30.86 SCC (Fees) would provide the new fees that applicants would need to pay for RVHDP participation. These fees are structured similarly to subdivision fees and would be in addition to the fees charged for the concurrent preliminary subdivision application. The amounts proposed reflect the estimated cost for staff to review an RVHDP application. The last part of this section includes language to repeal these fees at the same time as the overall RVHDP would sunset.

30.86.150 Rural Village Housing Demonstration Program Fees.

Rural village housing demonstration program applicants shall pay the following fees in addition to the subdivision fees in SCC 30.86.100 and other fees that may apply.

Table 30.86.150 Rural Village Housing Demonstration Program Fees

Base fee	\$5,000
Plus per dwelling unit	\$100
Plus per acre	\$50
Markup correction fee <sup>(1)</sup>	\$500
Extension fee <sup>(2)</sup>	\$500
Minor revision-administrative	\$1,000
Major revision-public hearing	\$2,000
(1) This fee applies whenever an applicant fails to submit required corrections noted on review comments or markups on drawings.	
(2) This fee applies and is in addition to any extension of the demonstration project approval that takes place concurrently with an extension of the preliminary subdivision approval.	

Snohomish County Code 30.85.150, adopted by Ordinance 23-\_\_\_ on \_\_\_\_, 2023 is repealed effective six years from date of adoption.

## Attachment B: Housing Affordability

**Housing.** The state legislature significantly strengthened the housing goal and related of Growth Management Act (GMA) requirements in 2021. The goal for housing now reads:

Goal 4. Housing. Plan for and accommodate housing affordable to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

Engrossed Second Substitute House Bill 1220 ([ESSHB 1220](#)) added the “plan for and accommodate housing affordable to all economic segments” language. Previously the goal was simply to “encourage the availability of affordable housing.” Jurisdictions must now take more concrete measures to plan for and accommodate affordable housing. ESSHB 1220 expanded the income band for “affordable” to include those earning up to 120% of area median income. ESSHB 1220 also added further GMA guidance that jurisdictions must identify “local policies and regulations that result in racially disparate impacts, displacement, and exclusion in housing” and that when zoning is found “that may have a discriminatory effect” the jurisdiction have responsibility to implement “regulations to address and begin to undo ... exclusion in housing” ([RCW 36.70A.070\(2\)](#)).

R-5 zoning currently allows single-family detached, duplex, and mobile home dwellings. Although duplexes and mobile homes are generally more affordable than detached single family homes, the trend has been towards an increasing share of detached single-family homes in the rural areas. According to the Snohomish County Tomorrow 2020 Growth Monitoring Report (2020 GMR), single-family homes represented 94.2% of all new housing units permitted in rural areas between 1990 and 2019. Mobile homes accounted for 5.5% of the total and duplexes just 0.4%. During this same period, the overall number of units permitted each year generally declined (which was in line with policy to reduce overall rural growth). The proportion of mobile homes in the overall total also generally fell over time.<sup>1</sup>

To the extent that mobile homes and duplexes represent housing affordable to income groups below 120% of area median, the declining share and number of mobile home and attached duplex units could represent an exclusionary effect of rural policy and zoning regulations. Since attached housing is generally more affordable than detached housing,

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<sup>1</sup> See Snohomish County Tomorrow [2020 Growth Monitoring Report](#), especially page 146. Note that this GMR data includes rural and resource zones other than R-5, however, R-5 is the dominant zoning outside urban areas.

the proposed RVHDP provisions would likely help address housing affordability and economic exclusion in rural areas.

Rather than simply promote more housing in rural areas to help meet demand, the proposed RVHDP would allow the same number of units but as different types of housing. This is to balance housing affordability with rural character and other related GMA requirements discussed next in Attachment C.

## Attachment C: Rural Character

The Growth Management Act requires counties to include a rural element in their local comprehensive plan (RCW 36.70A.070(5)). This element must protect rural character, which GMA defines in RCW 36.70A.030(23) as a pattern of land use and development established by a county in the rural element of its comprehensive plan.

Snohomish County's comprehensive plan includes a rural element, but it does not affirmatively define rural character for Snohomish County. Instead, the Snohomish County rural element partially defines local rural character by identifying some aspects of what rural character is not. This ambiguity is reflective of reality. Many parts of Snohomish County outside urban areas are agricultural or have large lot residential uses that are clearly rural in character. However, the pattern of land use and development in non-urban areas includes several unincorporated communities resembling towns. Other areas such as around lakes include homes on small lots that do not easily fit a rural idyll, but which are nonetheless an established part of the rural character of Snohomish County. The rural character of Snohomish County is not monolithic. Instead, Snohomish County's rural areas are home to a complex mosaic of individual expression and lifestyles.

The GMA defined rural character as:

[T]he patterns of land use and development established by a county in the rural element of its comprehensive plan:

- (a) In which open space, the natural landscape, and vegetation predominate over the built environment;
- (b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;
- (c) That provide visual landscapes that are traditionally found in rural areas and communities;
- (d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;
- (e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;
- (f) That generally do not require the extension of urban governmental services; and
- (g) That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.

The proposed RVHDP would clearly be consistent with four of the seven defined elements of rural character. For the remaining three, the RVHDP includes provisions to address

potential shortcomings. To summarize these remaining provisions and related questions that Planning Commission should consider:

1. Does the RVHDP propose a development review and approval process that adequately requires an applicant to provide visual landscapes traditionally found in rural areas and communities?
2. Would the RVHDP help reduce the inappropriate conversion of undeveloped land into sprawling, low-density development?
3. Would attached housing next to natural resource uses be compatible with rural lifestyle?

**Part (a).** Would open space, the natural landscape, and vegetation predominate over the built environment in a project following the RVHDP standards?

Proposed SCC 30.41H.080 would require preservation of a minimum 65% of the site in large rural open space tracts that would protect the natural habitat, managed vegetation such as farms or working forests, and other unbuilt areas. This leaves a maximum of 35% of the site for use by roads, housing, and other components of the built environment. GMA does not provide guidance on how much more than 50% open space must be to “predominate” over the built environment.

The RVHDP would provide more open space than other long-established types of development in rural areas. The RVHDP would therefore be consistent with Part (a) of the GMA definition of rural character because open space, natural landscape, and vegetation would predominate over the built environment.

**Part (b).** Does the RVHDP adequately foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas?

By encouraging preservation of resource-based activities such as farming and forestry, the RVHDP would help maintain the rural resource-based economy. Housing types under the program could be single-family homes or duplexes, which are already traditional in rural areas, or housing could also be in three- and four-unit building which are less traditional. Although small multifamily structures may not be typical, attached farmworker housing is a traditional part of the rural lifestyle. As proposed, the program would not require occupants to be employed in the rural economy, but the choice to live in a rural area near resource-based activities is a part of the rural lifestyle. Proposed provisions in SCC 30.41H.060(1)(c)(iii) and 30.41H.070(1) require the applicant to explain what traditionally rural architectural design elements are proposed for the housing to help ensure that the

specific proposal would foster a traditional rural lifestyle even though it is not common to find buildings with three or four units in rural areas.

Consistency with Part (b) of the GMA definition of rural character requires a subjective determination from the Planning Commission. To ensure against misuse of the proposed flexibility, the proposal requires applicants to explain how their project fits with traditional rural lifestyles. The Hearing Examiner would then make a determination of compliance based on the standard as applied to project specifics. Through this process, the RVHDP is intended to ensure consistency with Part (b). This staff report asks the Planning Commission to consider whether the proposal is adequate to the task. If it is not, the commission could consider recommending amendments to further ensure consistency.

**Part (c).** Does the RVHDP adequately provide visual landscapes that are traditionally found in rural areas and communities?

By preserving rural resource activities that would typically be lost to other forms of permitted rural development, the RVHDP would help preserve the presence of farming and forestry, both of which are traditional parts of rural areas and communities. While three- and four-unit housing options are not something regularly seen in rural areas, as described for Part (b) above, the program requires applicants to address visual impacts by using architectural elements that are traditional to rural areas. Further, the proposed SCC 30.41H.060(1)(c) requires the applicant to explain how the post-development view of the site would appear and SCC 30.41H.090 would require landscaping and screening to help maintain visual character. Landscape screening is an established tool often used visual compatibility for development in rural areas such as for rural cluster subdivisions and conditional uses in rural areas.

Consistency with Part (c) requires a subjective determination from the Planning Commission on whether the proposal adequately ensures a rural visual landscape. The proposed process to maintain traditionally rural visual landscapes would rely on a Hearing Examiner to determine compliance based on applying the standard to project specifics. This staff report asks the Planning Commission to consider whether the proposal is adequate to the task. If it is not, the commission could consider recommending amendments to further ensure consistency.

**Part (d).** Is the RVHDP compatible with the use of the land by wildlife and for fish and wildlife habitat?

Any proposal to use the RVHDP will be subject to Chapter 30.62A SCC, which requires protection of wetlands and fish & wildlife habitat conservation areas. Other requirements such as the drainage and land disturbing activity requirements of SCC 30.63B and 30.63C, respectively, would also apply. Taken together, compliance with existing provisions in county code should provide adequate protection and mitigation for development using the

program. On a project level basis, this would take place through the state environmental policy act (SEPA) review process in Chapter 30.61, which would apply to any RVHDP project with at least 25 units (SCC 30.61.035(1)(b)).

The provisions to protect fish and wildlife cited above are adequate for general protections in rural areas for purposes of the proposed new program. The SEPA review process would ensure specific review and application of protection for individual development applications. Together, these aspects of the proposal demonstrate consistency with Part (d) of the GMA definition of rural character. The RVHDP is compatible with the use of the land by wildlife and for fish and wildlife habitat.

**Part (e).** Would the RVHDP reduce the inappropriate conversion of undeveloped land into sprawling, low-density development?

A major purpose of the RVHDP is to help preserve agricultural and forestry land from conversion into housing, which is part of reducing conversion of undeveloped land. GMA does not define sprawl or low-density development. Having undefined terms requires that local jurisdictions interpret such terms consistent with local circumstances. GMA presumes that regulations adopted to further local comprehensive plans “are presumed valid” with limited exceptions (RCW 36.70A.320). For Snohomish County, the land use designations implemented by R-5 zoning have been adopted to prevent sprawl. Densities within R-5 vary depending on different types of development. For example, some subdivisions have standard 5-acre lots.<sup>2</sup> Rural Cluster subdivisions include density bonuses that allow a maximum lot yield of one lot per every 148,148 square feet or one lot per every 3.4 acres. This rural cluster lot density maximum is an established part of development in Snohomish County’s rural areas. The RVDHP proposes to incorporate that same maximum density as rural cluster subdivisions but counted as maximum units instead of maximum lots (SCC 30.41H.080(3)).

The discussion about density so far has been about gross density (units across an entire site). Net density is a measure of apparent density in the built portion of a site. Definitions of net density vary depending on the context and what one measures as the built portion of a site. As proposed in the RVHDP, the apparent net densities in its clusters would be higher than the apparent net density of a rural cluster subdivision. This is because the RVHDP

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<sup>2</sup> More accurately, a standard subdivision in R-5 can be developed at one lot for every 200,000 square feet, or every 4.6 acres. Snohomish County has long defined “five acres” as meaning 200,000 square feet (SCC 30.91F.340) when it comes to subdivisions, even though five acres is otherwise 217,800 square feet. This is because some rural areas were divided into lots that did not make provisions for roads. After dedicating a portion of such lots for road purposes, the 200,000 square foot definition was adopted so that the slightly reduced lots would still be considered standard lots in the R-5 zone.

would allow attached housing (SCC 30.41H.030(2)) and detached housing on smaller footprints (SCC 30.41H.110) than the minimum 20,000 square foot lots that rural cluster subdivisions require (SCC 30.41C.130).

The GMA and Snohomish County policies for rural areas do not distinguish between gross and net densities. Therefore, to the extent that existing rural cluster densities are acceptable in rural areas, so too would be the allowances for a gross density of one unit for every 148,148 square feet in the RVHDP. Although net density could be a potential concern for consistency with rural character, the main purpose of Part (e) is to reduce conversion on undeveloped land into other uses. This staff report notes that the ordinance includes Findings D.5 and D.6 that the apparent higher net density that clusters of attached housing would produce is properly considered as part of the visual landscape compliance in Part (c). If the Planning Commission agrees, then no changes would be necessary. If not, then the commission may wish to consider making additional findings on the subject or proposing amendments to the code to address density issues and rural character.

**Part (f).** Would the RVHDP avoid requiring the extension of urban governmental services?

In short, “no”, the RVHDP would not require extension of urban governmental services to rural areas. GMA defines both urban governmental services or “urban services” and rural services as follows:

RCW 36.70A.030(27): "Urban governmental services" or "urban services" include those public services and public facilities at an intensity historically and typically provided in cities, specifically including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with rural areas.

RCW 36.70A.030(25): "Rural governmental services" or "rural services" include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems, fire and police protection services, transportation and public transit services, and other public utilities associated with rural development and normally not associated with urban areas. Rural services do not include storm or sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

Sanitary sewers and municipal stormwater systems are key urban services that are not rural services. The RVHDP would not allow use of sanitary sewers, nor would it require connection to a municipal stormwater system. Most other types of governmental services overlap; and the main difference is in levels of service. Public transit is an example of a service for both urban and rural areas, but it is one where the level of service in urban areas

is much higher and rural service, where it exists, mainly serves to connect urban areas separated by rural lands.

The RVHDP does not allow connection to sanitary sewers or municipal stormwater systems. Provision of other types of governmental services would be rural levels. Based on this, the RVHDP would not require extension of urban governmental services.

**Part (g).** Would the RVHDP be consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas?

Like all development, any application under the RVHDP must demonstrate compliance with Chapters 30.62C (Critical Aquifer Recharge Areas), 30.63A (Drainage) and 30.63B SCC (Land Disturbing Activity). Taken together, these provide for the protection of natural surface water flows and ground and surface water recharge and discharge areas. The RVHPD is thus consistent with Part (g) of the GMA definition of rural character.

## Attachment D: Analysis of Specific Policies

The Rural Village Housing Demonstration Program would allow development of additional types of housing on applicable R-5 zoned sites in the rural areas. This would be in exchange for preservation of large tracts of rural open space. What follows is a discussion of existing policies that relate to the proposed program. Some policies support the program. Other discussion addresses how specific provisions in the program will avoid conflict with the identified policies.

**Regional Policies.** Snohomish County is party to an interlocal agreement with Puget Sound Regional Council (PSRC), which covers Snohomish, King, Pierce and Kitsap counties. This agreement obligates the County to adopt growth management policies and codes that are consistent with PSRC's Vision 2050 plan and the Multicounty Planning Policies (MPPs) in it. Policies in Vision 2050 that this ordinance supports include:

- MPP RGS-14:<sup>3</sup> "Manage and reduce rural growth rates over time, consistent with the Regional Growth Strategy, to maintain rural landscapes and lifestyles and protect resource lands and the environment."

The RVHDP includes specific requirements to maintain rural landscapes and lifestyles by specifically encouraging protection of resource activities that would likely otherwise see replacement by rural residential uses. It would also help achieve a reduction in rural growth rates by allowing for attached housing to substitute for detached housing through use of the program. According to the 2021 Buildable Lands Report,<sup>4</sup> the average household size for detached single family units is assumed to be 3.00 people per unit, whereas the average household size for townhouse units is assumed to be 2.65. Suppose a 341-acre tree farm with R-5 zoning became available for development. This site could support 100 detached homes as a Rural Cluster Subdivision, in which case the estimated population would be 300 at full occupancy. The same site could develop under the RVHDP with 100 townhomes and would have an estimated population of 265, or roughly 11% fewer

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<sup>3</sup> This response to MPP RGS-14 is equally valid as a response to GPP Objective LU 6.A which reads "Reduce the rate of growth that results in sprawl in rural and resource areas."

<sup>4</sup> See page 26 of the 2021 BLR at <https://snohomishcountywa.gov/DocumentCenter/View/84919/Letter-to-Dept-of-Commerce---Snohomish-County-Buildable-Lands-Report?bidId=>.

people with the same number of units.<sup>5</sup> In addition to having fewer residents, an RVHDP development on this hypothetical tree farm would result in larger tracts of rural land that could be replanted for future harvest.

- MPP Ec-23: “Support economic activity in rural and natural resource areas at a size and scale that is compatible with the long term integrity and productivity of these lands.”

The RVHDP would help preserve resource-based economic activity on tracts of natural resource uses activity on sites zoned for rural residential uses by allowing the housing to be developed on as small of a footprint as possible.

- MPP H-2: “Provide a range of housing types and choices to meet the housing needs of all income levels and demographic groups within the region.”

The RVHDP would allow a wider range of housing types and choices in rural areas. This would help address the exclusionary effects of the (mostly) single-family uses authorized in R-5 zoning while, at the same time, limiting the total number of units allowed to the same number possible with other development types so that the result does not hinder the county’s ability to achieve a reduction in overall rural growth rates.

- MPP H-9 that calls for jurisdictions to “Expand housing capacity for moderate density housing to bridge the gap between single-family and more intensive multifamily development and provide opportunities for more affordable ownership and rental housing that allows more people to live in neighborhoods across the region.”

The proposed ordinance would increase capacity for moderate density housing and provide more affordable housing options in rural areas.

**Countywide Planning Policies (CPPs).** The Growth Management Act requires counties to adopt CPPs that guide growth in cities and unincorporated areas. These contain guidance to Snohomish County on how to implement the policies adopted by PSRC and meet requirements in GMA. CPPs that support the RVHDP include:

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<sup>5</sup> The 2021 BLR also incorporates assumptions for occupancy rates that vary for some housing types. The BLR assumes a 96% occupancy rate for both single-family detached units and townhomes, and so would have no effect on the estimated 11% population difference.

- CPP-DP-31: “The County shall develop strategies and programs to support agricultural and forest activities. (a) Strategies should reduce pressure to convert resource and rural lands with resource-based activities to non-resource uses... Strategies may include redesignation of rural land to resource land...”

The RVHDP and its specific code provisions are proposed to reduce pressure to convert rural lands with resource-based activities to non-resource uses.

- CPP ED-9: “As appropriate, the County and cities should adopt plans, policies, and regulations that preserve designated industrial, commercial, agricultural, and resource land base for long-term regional economic benefit.”

The RVHDP would be an example of a regulation that helps protect the agricultural and resource land base for long-term regional economic benefit.

**General Policy Plan (GPP).** Snohomish County’s policies specific to unincorporated areas are in the General Policy Plan which is a major element of its GMA Comprehensive Plan. Policies in the GPP guide codes and regulations adopted in Snohomish County Code Title 30, which is where the proposed amendments would take place. GPP policies that support the proposed changes include:

- GPP Goal LU 6: “Protect and enhance the character, quality, and identity of rural areas.”

The RVHDP includes performance standards to protect and enhance rural character. At SCC 30.41H.060(1) it requires the applicant to provide a project narrative that specifically responds to each of the elements of rural character defined in RCW 36.70A.030(23). The process set up on the RVHDP would have county staff review the applicant’s proposal and the Hearing Examiner would decide whether the proposal meets the test of consistency with rural character.

- GPP Policy LU 6.B.1: “Use of a clustering subdivision technique should be encouraged by the County in rural residential areas to 1) preserve the rural character of Snohomish County; 2) avoid interference with resource land uses; 3) minimize impacts upon critical areas; 4) allow for future expansion of the UGAs, where appropriate, and 5) support the provision of more affordable housing in rural areas. The primary benefit of clustering is the preservation of open space. Modest density incentives should be provided in a manner which encourages use of the technique and maximum preservation of open space and maintenance of rural character. The open space tracts in rural cluster subdivisions shall be preserved in perpetuity[...].”

The RVHDP is a type of clustering technique that achieves everything but 4) in this policy. There is no effect on 4) because the allowance for future expansion of urban growth areas relates to development areas designated as Rural/Urban Transition Areas (RUTAs) and proposed language in SCC 30.41H.020(1) specifically provides that areas with RUTA designations are not eligible to use the RVHDP.

- GPP Policy 6.B.2: “The retention of small forest, farming, horse farm and other livestock based farm operations and hobby farms shall be encouraged in rural areas.”

The RVHDP would be a mechanism to preserve forestry and farming on sites with rural residential zoning.

- GPP Objective HO 1.B: “Ensure that a broad range of housing types and affordability levels is available in urban and rural areas.”

The RVHDP would increase the range of housing types available in rural areas. Since the proposed allowance for attached housing is generally more affordable than detached housing, the increased range of housing types would help ensure more relatively affordable housing.

- GPP Policy HO 1.B.4: “The county shall encourage and support the development of innovative housing types that make efficient use of the county land supply such as residential units in mixed-use developments, accessory dwelling units, cottage housing, co-housing, and live/work units.”

The RVHDP would support the development of innovative housing types in the rural area by allowing buildings with up to four attached units. Although not required, such units may be part of a co-housing development that includes shared communal facilities.

- GPP Objective ED 6.A: “Provide policies and programs to help ensure the sustainable use of timber, agricultural, and mineral resources as well as recycled resources.”

The RVDHP is a program designed to help ensure sustainable use of timber and agricultural resources by providing a mechanism to save these resources in areas otherwise zones for rural residential development.



## **Snohomish County**

### **SNOHOMISH COUNTY PLANNING COMMISSION**

March 06, 2023

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

**SUBJECT:** Planning Commission recommendations on proposed ordinance creating a Rural Village Housing Demonstration Program

Dear Snohomish County Council:

On behalf of the Snohomish County Planning Commission, I am forwarding our recommendation to add a chapter and make related amendments in Snohomish County Code to establish a Rural Village Housing Demonstration Program (RVHDP). The Planning Commission had a briefing on this topic on January 24, 2023, conducted a public hearing and deliberated on February 28, 2023.

The proposed ordinance would  
:

1. Allow attached housing with up to four units per building in exchange for preserving a minimum of 85% of the site in large open space tracts that preserve rural character, working farm, or forest land.
2. Apply only to sites with at least 100 acres of R-5 zoning under the same ownership.
3. Be prohibited on R-5 zoned properties located within the boundaries of the Tulalip Reservation, designated as Local Commercial Farmland, or designated within the Rural to Urban Transition Area overlay on the Future Land Use Map.
4. Require protection of at least 85% of site in open space that would preserve resource-based activities such as agricultural production and working forest lands, critical areas and buffers, and other listed uses that contribute to rural character.

5. Allow housing to be tightly clustered in groups of 10 to 40 homes that are setback from nearby roads, properties, and natural resource lands.
6. The maximum number of homes in an RVHDP project would be the same as conventional rural cluster subdivision provisions allow.
7. RVHDP projects would require restrictive covenants and a management plan to ensure long-term protection and maintenance open space tracts and the upkeep of landscaping, storm drainage facilities and other private improvements.
8. RVHDP projects would be required to connect to a public water supply.
9. Applicants would have two years to submit proposals under the RVHDP. They would then have four years to receive approval. The program would sunset (expire) after six years unless re-authorized by the County Council.

There were eleven (11) written comment received by the Planning Commission from the public before the February 28, 2023 hearing. The hearing was open for public comment and eight (8) people provided comments.

### **PLANNING COMMISSION RECOMMENDATION**

At the February 28, 2023 Planning Commission meeting, Commissioner Campbell made a motion, seconded by Commissioner Eck, recommending APPROVAL of the Ordinance dated January 9, 2023, which included proposed code amendments as presented by staff with supported findings and conclusions.

**VOTE:**

7 in favor (*Brown, Busteed, Campbell, Larsen, Pedersen, James*)

0 opposed

1 abstention (*Ash*)

**Motion PASSED**

A **Motion** was made by Commissioner Campbell and seconded by Commissioner Pedersen to increase the minimum amount of required open space to 85% from 65%.

**VOTE:**

7 in favor (*Brown, Busteed, Campbell, Larsen, Pedersen, James*)

0 opposed

1 abstention (*Ash*)

**Motion PASSED**

Planning Commission Recommendation Letter

Code Amendments to create a Rural Village Housing Demonstration Program

March 06, 2023

A **Motion** was made by Commissioner Campbell and seconded by Commissioner Eck recommending the development demonstrates that the rural village will result in protection of lands for resources and the uses on those lands.

**VOTE:**

7 in favor (*Brown, Busteed, Campbell, Larsen, Pedersen, James*)

0 opposed

1 abstention (*Ash*)

**Motion PASSED**

This recommendation was made following the close of the public hearing and after due consideration of information presented. It is based on the findings and conclusions presented in the January 24, 2023, staff briefing and as supported by the Staff Report dated January 9, 2023.

Respectfully submitted,



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Robert Larsen (Mar 10, 2023 12:30 PST)

SNOHOMISH COUNTY PLANNING COMMISSION

Robert Larsen, Chairman

cc: Dave Somers, Snohomish County Executive

Mike McCrary, Director, Planning and Development Services


# Planning Commission Recommendation Letter Rural Village


Final Audit Report


2023-03-10


Created:	2023-03-09
By:	Taylor Twiford (taylor.twiford@co.snohomish.wa.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAAiO1PK7b9ctmCZxyb11-gZI_0HnX031b


## "Planning Commission Recommendation Letter Rural Village" History

 Document created by Taylor Twiford (taylor.twiford@co.snohomish.wa.us)  
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Signature Date: 2023-03-10 - 8:30:50 PM GMT - Time Source: server

 Agreement completed.  
2023-03-10 - 8:30:50 PM GMT



**Executive/Council Action Form (ECAF)**

**ITEM TITLE:**

..**Title**

Ordinance 23-051, relating to Growth Management; promoting innovative housing types in the R-5 Zone; adding a new Chapter 30.41H (Rural Village Housing Demonstration Program); and adding a new section to Chapter 30.86 of the Snohomish County Code

..**body**

**DEPARTMENT:** Council

**ORIGINATOR:** Ryan Countryman for Nate Nehring

**EXECUTIVE RECOMMENDATION:** Approved

**PURPOSE:** This ordinance would establish a temporary housing demonstration program in the Rural 5-acre (R-5) zone.

**BACKGROUND:** This program would allow attached housing in some areas with R-5 in exchange for protecting larger open space tracts than is typically the case for rural development. Called the *Rural Village Housing Demonstration Program*. The RVHDP would be a new chapter SCC 30.41H in Snohomish County Code and would also a new section for permit fees in Chapter 30.86 SCC.

**FISCAL IMPLICATIONS:** None

**OTHER DEPARTMENTAL REVIEW/COMMENTS:** Click or tap here to enter text.

ECAF:  
RECEIVED:

**ORDINANCE  
INTRODUCTION SLIP**

**SNOHOMISH COUNTY COUNCIL**

**EXHIBIT #** 3.1.003

**FILE** ORD 23-051

TO: Clerk of the Council

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

EXHIBIT 3.2.002

Planning & Community Development Committee Meeting – 05/16/23

[Minutes](#) and [Video](#)



## Rural Village Housing Demonstration Program

Where we started...



# Our Core



## REGENERATIVE PRACTICES

Fully utilizing the wisdom of our residents and advisors to create production systems that heal the earth rather than damage it.



## AGRICULTURE

Sited in farmland to provide ecological farming opportunities for both the community and commercial sale.



## COMMUNITY

Individual homes built around common areas encouraging community, efficiency and human connection.



## EDUCATION

Promoting stewardship of the land through working farm techniques like regenerative agriculture, managed grazing, and silvopasture.

# Inspirations - Rural Villages Around the World - Japan



# Inspirations - Rural Villages Around the World - Europe



# Inspirations - Ecovillage Ithaca



## Typical 5-acre Rural Layout (R-5)

Conventional Development Pattern

### Spatial Allocations (~240 acres Total)

Residential Land (Total Acreage, %)	Open Space (Total Acreage, %)	Productive Acreage (Total Acreage, %)
~218 acres 90% 240 acres divided into ~5 acre lots.	~22 acres 10% Undevelopable wetlands, setbacks and slopes.	~0 acres 0% Agricultural land Divided beyond functional capacity.

- Without a creative and proactive move on behalf of the County, development will may slide to the path of least resistance which involves **Near Total loss of Productive Agricultural Land Use**.
- The disintegration of productive agricultural tracts is often succeeded by increased subdivisions of parcels and the **Slow Creep of Suburban Development**.
- Though individual homeowners may undertake agricultural activities such as haying, boarding animals or small hobby farming, the **Displacement of the Agricultural Enterprises** is a blow to the rural character of Snohomish County.

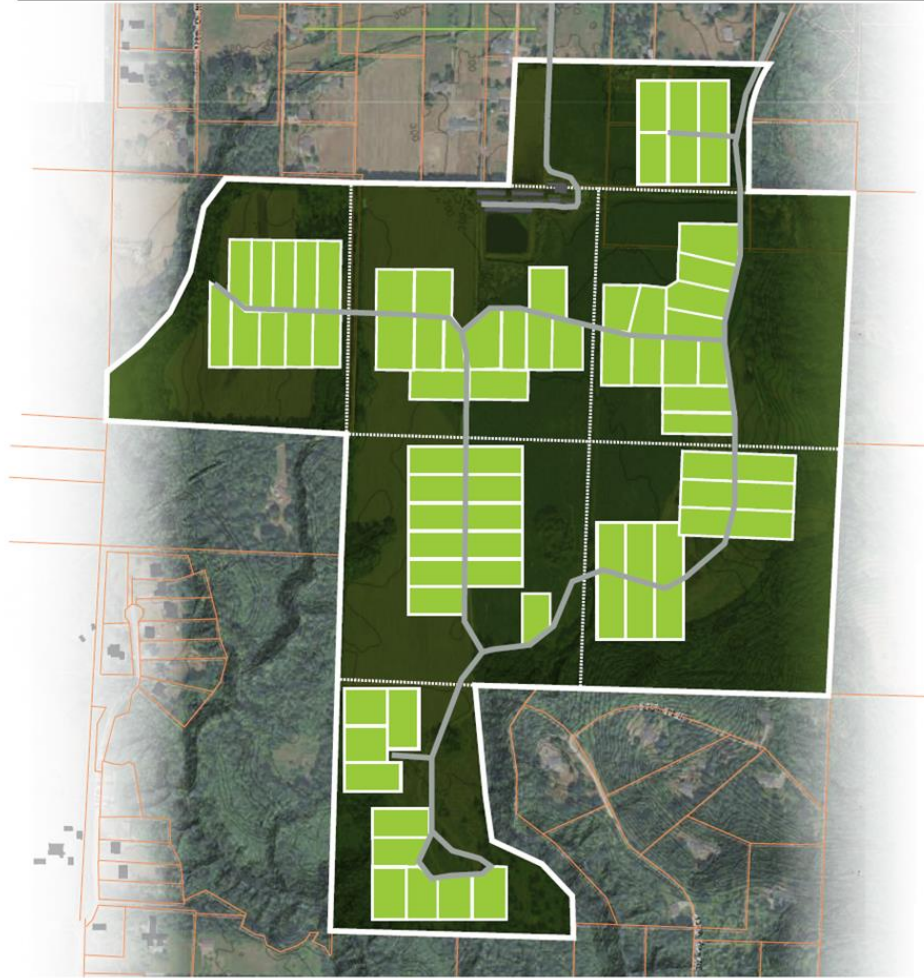
## Typical Rural Cluster

Conventional Development Pattern

### Spatial Allocations (~240 acres Total)

Residential Land <small>(Total Acreage, %)</small>	Open Space <small>(Total Acreage, %)</small>	Productive Acreage <small>(Total Acreage, %)</small>
<b>~76 acres</b> <b>32%</b> 7 Clusters divided into ~11 lots each.	<b>~164 acres</b> <b>68%</b> Unmanaged Open Space surrounds Housing Development	<b>~0 acres</b> <b>0%</b> Agricultural land Divided beyond functional capacity.

- Without a creative and proactive move on behalf of the County, development will likely follow the Contemporary Pattern of Rural Clustering.
- The integration of suburban developments into a productive agricultural community produces a Range of Conflicts.
- Though the design preserves a fair amount of open space, the layout of the neighborhood does not promote community and the Displacement of the Agricultural Enterprises is blow to the rural economy of Snohomish County.





## Northwest AgriVillage

Concentrated Housing and Diverse Utilization of Prime Productive Acreage

### Spatial Allocations (~240 acres Total)

Residential Land <small>(Total Acreage, %)</small>	Open Space <small>(Total Acreage, %)</small>	Productive Acreage <small>(Total Acreage, %)</small>
<b>~10 acres</b>	<b>~47 acres</b>	<b>~183 acres</b>
<b>4%</b>	<b>20%</b>	<b>76%</b>
35 Units on Two ~5 acre Village-Density Neighborhoods	Open Space surrounding Productive Acreage Preserved	Diversified Farm Incubator fostering innovative new Agricultural Businesses

- Consolidating housing into an intentionally designed **Village-Density Neighborhood** maximizes community development while maintaining prime acreage for growing organic crops or animals.
- The AgriVillage model will not only preserve the productive landscape, it will **Fuel Innovative New Agricultural Enterprises**.
- Diverse Businesses and a Community of Farmers** will create a more stable and resilient agricultural operation.
- Though this requires minor improvements to the current code, it fully embodies the intent of the county's recent Executive Order for **Preserving and Expanding the Agricultural Economy of Snohomish County**.



Rooted NW

Rendering Drafts

Bird's Eye View

Looking North



Rooted NW

Rendering Drafts  
View Across Community  
Pond to Village One,  
Looking Northeast



3.1.2022  
PROJECT # 2014  
CADDIS PC

# Rural Village Housing Demonstration Program

	Without Demonstration Program	With Demonstration Program
<b>Rural Population</b>	Growth in residential and suburban encroachment.	✓ Equal density - yet catering more to farmers
<b>Land Use</b>	Suburban sprawl destroys farmland forever.	✓ Compact housing (spacing, quadplexes) preserves farmland. 50% reduction of impervious surfaces.
<b>Traffic</b>	Existing traffic growth with suburban use patterns.	✓ Same or less traffic, with more farmers “living at work”
<b>Housing affordability</b>	Spread out single family homes increase cost and reduce diversity.	✓ Compact construction & shared infrastructure lowers affordability barrier to young farmers and systematically marginalized populations.

## Narrow Demonstration Program Qualification:

- ☐ Project gets NO INCREASE in density
- ☐ Project has 100 ac minimum, (bigger land= bigger conservation impact)
- ☐ Project preserves 85% farmland
- ☐ Public water system required
- ☐ Only open for 2 years



Rooted  
N O R T H W E S T



Snohomish County

SNOHOMISH COUNTY COUNCIL

EXHIBIT # 3.2.004

FILE ORD 23-051

# Proposed Ordinance 23-051 Creating A Rural Village Housing Demonstration Program

COUNCIL STAFF PRESENTATION TO THE  
SNOHOMISH COUNCIL PLANNING AND COMMUNITY DEVELOPMENT COMMITTEE

MAY 16, 2023

# Agenda

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- Background
- Definitions
- Typical Development in R-5 Zoning
- An Unusual Pre-Application Request
- Proposed Code Amendments
- Reasoning
- Next Steps

# Background

---

- Demonstration programs are a temporary mechanism to test new types of development in a limited setting
- Three previous demonstration programs:
  - Housing Demonstration Program (1995 to 1997)
  - Reduced Drainage Discharge Program (2000 to 2014)
  - Urban Center Demonstration Program (2001 to 2010)
- Rural Village Housing Demonstration Program would allow buildings with three or four housing units in exchange for preserving a minimum of 85% of the site in rural open space and would apply to limited sites with R-5 zoning
  - ▶ Can buildings with three or four units be compatible with rural character?
  - ▶ If so, does the proposal adequately foster traditional rural lifestyles and rural based economies, provide for rural visual landscapes, and reduce the inappropriate conversion of land into sprawling low-density development?
- Planning Commission held a public hearing, amended the original proposal, and recommends approval to the County Council and County Executive

# Definitions

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## Demonstration Program

A temporary chapter of code that provides options for alternative forms of development

## Residential 5-Acre Zoning

R-5 is the most common implementing zones in areas designated for rural residential uses

## Resource-Based Activities

Agriculture and forestry are two resource-based activities commonly displaced by new development in the R-5 zone. The Rural Village Housing Demonstration Program seeks to protect these activities

# Standard Development in R-5 Zoning

Lot sizes are based on 200,000 square feet (4.7 acres)

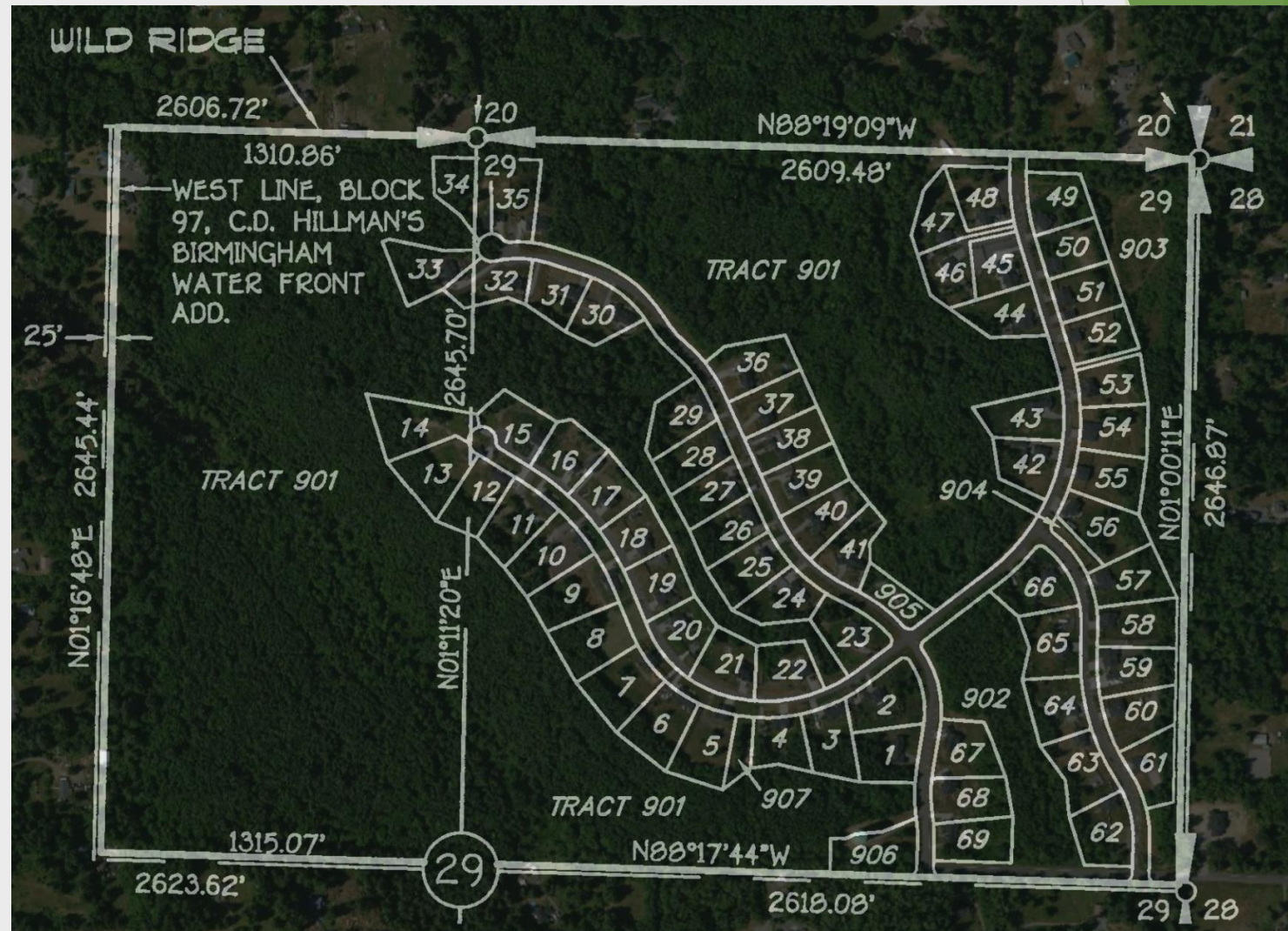
- ▶ Roads bisect wetlands and cross streams
- ▶ Agriculture and forestry uses are converted into low density residential uses
- ▶ Image to right is a 253-acre site with forestry taxation status, being evaluated for development under file 22-119644 PS
- ▶ No viable forestry would remain after development



# Rural Cluster Subdivision in R-5 Zoning

Gross densities up to  
1 lot per 3.4 acres

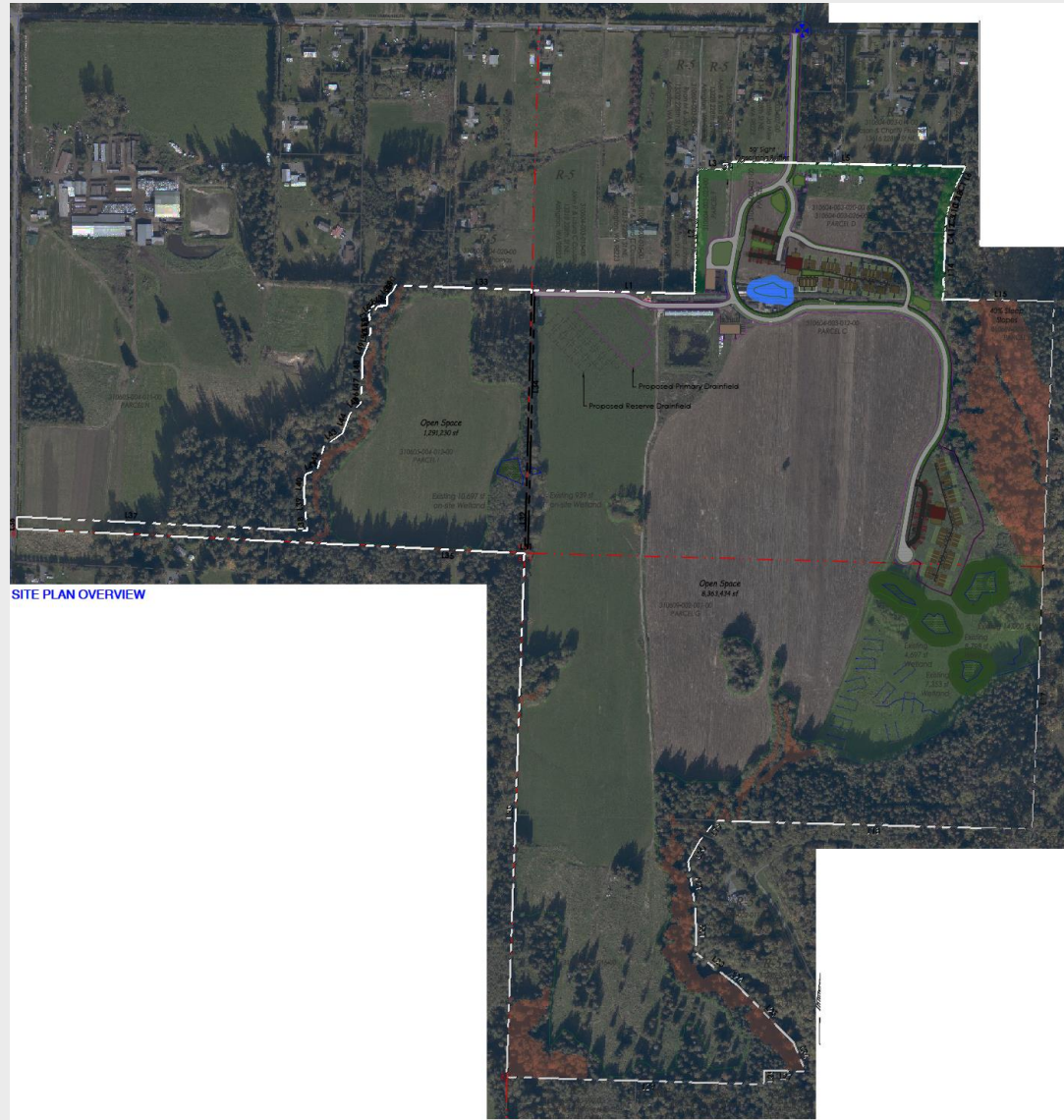
- ▶ Roads sometimes still bisect wetlands and cross streams
- ▶ Agriculture and forestry uses can continue in open space tracts, but generally do not
- ▶ Image to right is a 238-acre site that had forestry taxation status, and is now a 70-lot RCS
- ▶ Covenants for this development (Wild Ridge) do not allow forestry uses



# RVHDP Pre-App in R-5 Zoning

Gross densities same as rural cluster maximum (1 unit/3.4 ac)

- ▶ Roads can avoid wetlands and streams
- ▶ Agriculture and forestry uses to continue in open space tracts
- ▶ Image to right is a 236-acre dairy with a potential 70-unit demonstration project under 21-108030 PA
- ▶ Proposal would preserve a large majority of site as agriculture in exchange for allowing residential units tightly clustered in buildings with up to four units



# Proposed Code Requirements (Part 1)

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## The Rural Village Housing Demonstration Program would:

- ▶ Apply only to sites with at least 100 acres of R-5 zoning under the same ownership
- ▶ Be prohibited on R-5 zoned properties located within the boundaries of the Tulalip Reservation, designated as Local Commercial Farmland, or designated within the Rural to Urban Transition Area overlay on the Future Land Use Map
- ▶ Have maximum number of homes that is the same as rural cluster subdivision provisions allow
- ▶ Allow attached housing with up to four units per building in exchange for preserving a minimum of 85% of the site in large open space tracts that preserve rural character, working farm, or forest land
- ▶ Staff report **Attachment A** includes details

# Proposed Code Requirements (Part 2)

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## The Rural Village Housing Demonstration Program would:

- ▶ Preserve a minimum of 85% of the site in open space for resource-based activities such as agricultural production and working forest lands or as critical areas and buffers
- ▶ Require housing to be tightly clustered in groups of 10 to 40 homes that are setback from nearby roads, properties, and natural resource lands
- ▶ Require restrictive covenants and a management plan to ensure long-term protection and maintenance open space tracts and the upkeep of landscaping, storm drainage facilities and other private improvements
- ▶ Require connection to connect to a public water supply
- ▶ Allow applicants two years to submit proposals under the program. They would then have four years to receive approval. The program would sunset (expire) after six years
- ▶ Staff report **Attachment A** includes details

# Reasoning

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## Housing Affordability

- ▶ Snohomish County is facing a housing affordability crisis and housing shortage
- ▶ Attached housing is generally more affordable than detached housing. The RVHDP would allow attached housing with up to four units per building in areas where code currently only allows single-family homes, duplexes, and manufactured housing. Staff report **Attachment B** includes details related to affordability

## Rural Character

- ▶ The Growth Management Act requires counties to maintain rural character
- ▶ GMA defines rural character in a way that does not exclude three- and four-unit buildings
- ▶ Throughout the rural areas of Snohomish County there are a variety of building types, lot sizes and activities
- ▶ The Rural Village Housing Demonstration Program proposal is clearly consistent with four of the seven parts of the GMA definition for Rural Character. Three parts are subject to interpretation. See staff report **Attachment C** for details on rural character

# Challenge 1

Can buildings with three or four units be compatible with Rural Character?

Planning Commission said “Yes,” subject to proposed performance criteria.

Image Credit:  
Caddis Collaborative



CONCEPTUAL  
SITE PLAN

06.07.21  
**ROOTED NW**  
PROJECT # 2014  
**CADDIS PC**

# Challenge 2

Would the proposed provisions foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas?

Planning Commission said “Yes,” subject to protection of at least 85% of site as open space.

Image Credit:  
Caddis Collaborative



# Challenge 3

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Would the proposed provisions provide for visual landscapes that are traditionally found in rural areas and communities?

Planning Commission said “Yes,” subject to site design and architectural standards.

Image Credit:  
Caddis Collaborative

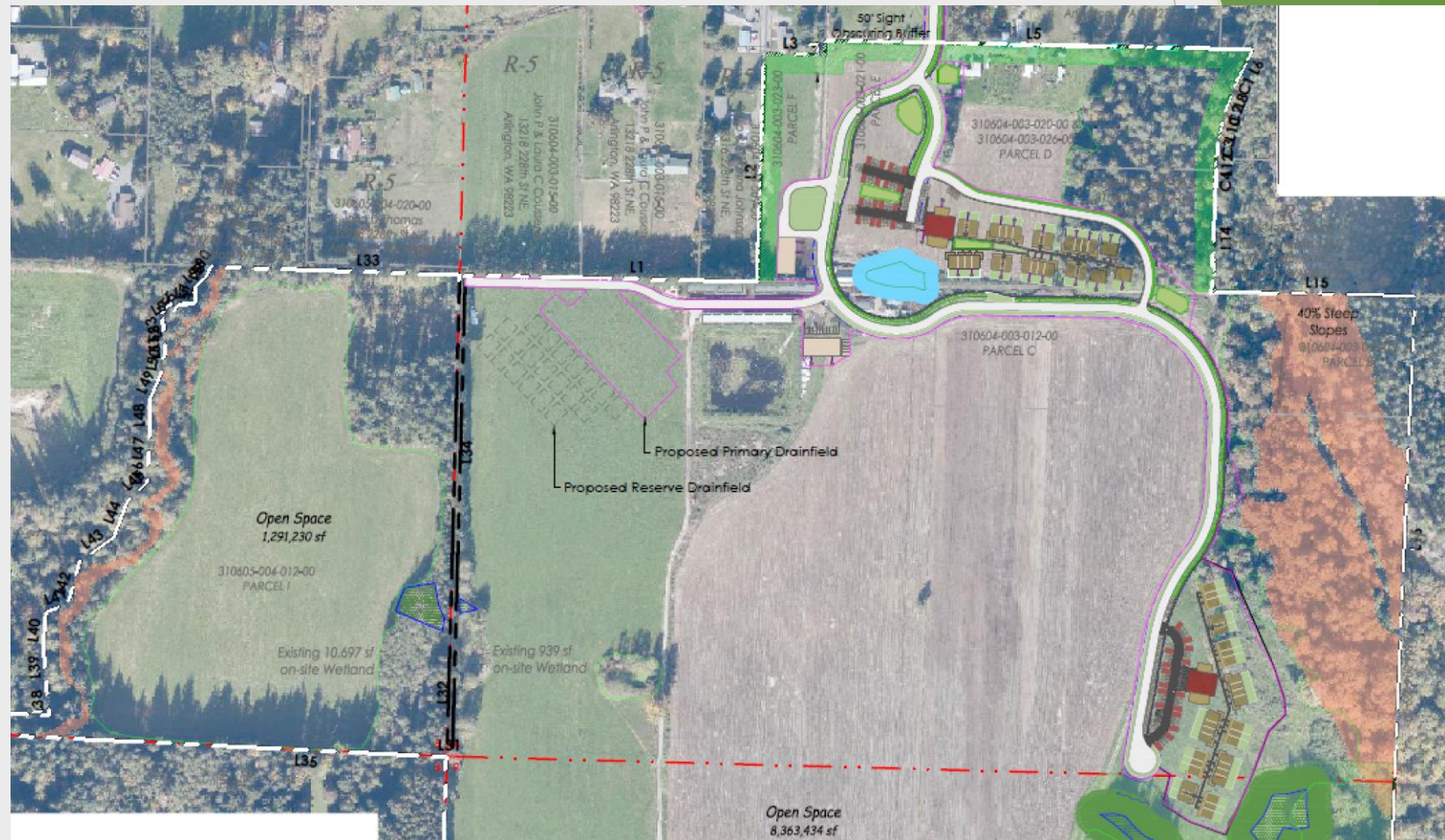


# Challenge 4

Would the proposed provisions Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development?

Planning Commission said “Yes,” subject to proposed density and protection of 85% open space.

Image adapted from 21-108030 PA



# Next Steps

1. Description of Rooted NW proposal by Dave Boehnlein
2. Public hearing on Ordinance 23-051 to be scheduled
3. Consideration and action by the County Council on Ordinance 23-051 at public hearing



# Questions

Any  
Questions?

Ryan Countryman  
[ryan.countryman@snoco.org](mailto:ryan.countryman@snoco.org)  
425-309-6164





816 Second Ave, Suite 200, Seattle, WA 98104  
p. (206) 343-0681  
futurewise.org

SNOHOMISH COUNTY COUNCIL

EXHIBIT # 3.3.001

FILE ORD 23-051

February 27, 2023

Robert Larsen, Chair  
Snohomish County Planning Commission  
Planning and Development Services  
3000 Rockefeller Avenue, M/S #604  
Everett, Washington 98201

Dear Chair Larsen and Planning Commissioners:

**Subject: Comments on the Proposed Rural Village Housing Demonstration Program Amendments**

Sent via email to: [Taylor.Twiford@snoco.org](mailto:Taylor.Twiford@snoco.org);  
[ryan.countryman@snoco.org](mailto:ryan.countryman@snoco.org)

Thank you for the opportunity to comment on the proposed Rural Village Housing Demonstration Program Amendments. Futurewise works throughout Washington State to support land-use policies that encourage healthy, equitable, and opportunity-rich communities that protect our most valuable farmlands, forests, and water resources, and encourage growth in urban growth areas to prevent poorly planned sprawl. Futurewise has members across Washington State including Snohomish County.

We support several of the proposed amendments to the proposal and have several other suggestions. The proposed amendments and suggestions will better meet community needs and comply with the Growth Management Act (GMA). Our specific recommendations are provided below.

**Limit the Rural Village Housing Demonstration Program to the file 21-108030 PA proposal.**

The Rural Village Housing Demonstration Program will allow housing types and cluster sizes that are typically not allowed in rural areas because they may not protect rural character.<sup>1</sup> The impacts of allowing larger clusters on ground water

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<sup>1</sup> *Gig Harbor, et al. v. Pierce Cnty.*, Central Puget Sound Growth Management Hearings Board (CPSGMHB) Case No. 95-3-0016c Final Decision and Order (Oct. 31, 1995), at pp. \*44 of 50; *City of Bremerton, et al. v. Kitsap Cnty. (Bremerton II)*, CPSGMHB Case No. 04-3-0009c, Final Decision and Order (Aug. 9, 2004), at pp. 24 – 26 of 66 & *Daniel Smith, et al. v. Lewis County*, Western Washington Growth Management Hearings Board (WWGMHB) Case No. 98-2-0011c (April 5, 1999), 1999 WL 187571 p. \*1 & p \*4.

from onsite waste disposal systems and nearby agricultural and rural uses are not well documented in the Staff Report and other materials. The impacts of creating a new village with multi-family housing in the rural area are also not well documented. The transportation impacts are not well documented. The impacts on the public services available in the rural area are also not documented. The available peer-reviewed studies show that the public facilities and services needed to serve rural development are considerably more costly to taxpayers and ratepayers than public facilities and services within cities and towns.<sup>2</sup> For these reasons, we recommend that the Rural Village Housing Demonstration Area be limited to the file 21-108030 PA proposal until the impacts of the new regulations can be monitored and analyzed.

### **Adopt Amendment 2 to require the preservation of 85 percent of the site.**

The goals of the demonstration program include protecting farmland. In return for protecting farmland, forest land, and rural character, attached housing and larger clusters would be allowed.<sup>3</sup> Given these large incentives that would otherwise not be allowed in rural areas, a larger minimum of the site should be preserved. We support Amendment 2 that would increase the preserved land to 85 percent of the site.

### **Require the protection of farmland or forest land included in the rural clusters.**

The goals of the demonstration program include protecting farmland. In return for protecting farmland and forest land, attached housing and larger clusters would be allowed.<sup>4</sup> Proposed Section 30.41H.080 allows the open space to be used for trails, landscaping, and other non-resource uses. We are concerned that there may be pressure in the future to convert the farmland or forest land to other uses. That would defeat the program. To achieve the goals of the program, farm and forest land included in the demonstration program must be maintained in those uses. We recommend that Proposed Section 30.41H.080 not allow the conversion of farm and forest land to recreational land or open space.

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<sup>2</sup> Jeremy Mattson, *Relationships between Density and per Capita Municipal Spending in the United States* URBAN SCI. 2021, 5(3), 69 p. 3 of 12 (15 Sept. 2021) last accessed on Feb. 27, 2023, at: <https://www.mdpi.com/2413-8851/5/3/69>. URBAN SCIENCE is a scientific peer-reviewed open access journal. Urban Science webpage last accessed on Feb. 27, 2023, at: <https://www.mdpi.com/journal/urbansci>.

<sup>3</sup> Staff Report on Proposed Rural Village Housing Demonstration Program p. 3 (Jan. 9, 2023).

<sup>4</sup> Staff Report on Proposed Rural Village Housing Demonstration Program p. 3 (Jan. 9, 2023).

**Require third party certification to ensure program goals are met.**

One way of helping to make sure that the program's goals are met is to require that the development be certified by a third party such as the Living Building Challenge<sup>5</sup> or Salmon-Safe.<sup>6</sup> These certifications will help verify that the project meets important environmental standards to protect residents and the environment.

**We support Amendment 3: including additional standards for Water Supply.**

Water is a very limited resource in rural Snohomish County. Development has been allowed in closed basins and the overdevelopment of subbasins has adversely impacted in stream flows and salmon habitat.<sup>7</sup> We recommend that the water source allowed for the proposal be legally available, that sufficient quantities of water are legally and factually available, and that the water source meet drinking water standards. This would require the water source to have a legal right to the water and it would be adequate for the planned use and be safe to use for domestic purposes. This will both protect property owners, residents, and the environment.

**We support Amendment 4 calling for a Homeowners Association or an agricultural cooperative to manage the common areas, shared roadways, water system, and onsite waste disposal system.**

We agree that the private roadways, common areas, shared land and facilities, the water system, and onsite waste disposal system will require some form of homeowners' association or an agricultural cooperative. Requiring this association will protect property owners, residents, and the County.

**We support location limitations in proposed Section 30.41H.020A(1) as these areas are not suitable for this type of development.**

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<sup>5</sup> Living Building Challenge website last accessed on Feb. 27, 2023, at: <https://living-future.org/lbc/>.

<sup>6</sup> Salmon Safe website last accessed on Feb. 27, 2023, at: <https://salmonsafes.org/get-certified/>

<sup>7</sup> 2020 *State of Our Watersheds* *State of Our Watersheds: A Report by the Treaty Tribes in Western Washington* pp. 301, p. 360 last accessed on Feb. 27, 2023, at: <https://nwifc.org/publications/state-of-our-watersheds/#gsc.tab=0>.

Re: Proposed Rural Village Housing Demonstration Program Amendments  
February 28, 2023  
Page 4

We support the location limitations in proposed Section 30.41H.020A(1). These areas are not suitable for the Rural Village Housing Demonstration Program.

Thank you for considering our comments. If you require additional information, please contact me at telephone 206-343-0681 Ext. 102 or email [tim@futurewise.org](mailto:tim@futurewise.org).

Very Truly Yours,

A handwritten signature in blue ink, consisting of a stylized 'T' and 'S' intertwined.

Tim Trohimovich, AICP  
Director of Planning & Law

**From:** [Ben Kaufman](#)  
**To:** [Twiford, Taylor](#)  
**Subject:** Proposed Rural Village Housing Demonstration Program  
**Date:** Friday, February 24, 2023 4:32:47 PM

---

**CAUTION :** This email originated from outside of this organization. Please exercise caution with links and attachments.

Dear Snohomish County Planning Commissioners,

I write in support of the Proposed Rural Village Housing Demonstration Program.

My background:  
12 year resident of Snohomish County

Our residence is 3 miles up Woods Creek Rd in Snohomish County north of Monroe on R-5 zoned land.

My wife and I live and work in the County and are raising our 12 year old son here.

Served as a Snohomish County Planning Commissioner from 2012-2016 for district 5, nominated by Dave Somers.

Past President of the Northwest Eco-Building Guild

Served as a Board Member for Built Green of King & Snohomish Counties for 15 years

Urban Planning Degree from University of Washington & Commercial Real Estate Certificate

Support:

During my time on the Commission I developed intimate familiarity with the comprehensive plan and County goals around farmland preservation.

I believe this ordinance would allow the County to experiment with a new development pattern that dovetails nicely with the stated goals of the County.

I strongly agree with the County Planning Department findings including their extensive work citing why the housing demonstration program meets the stated Comp plan goals, particularly around the panoply of various densities that help define a broad and inclusive rural character.

Additionally, the fact this is a demonstration program allows the County to learn and adjust before permanently modifying code.

Further, in my opinion this is much more in line with what young people are looking for,

especially farmers and their families that will be the next generation of farmers in Snohomish County.

In closing I believe the RCVHDP protects the environment and the unique rural character of Snohomish County while offering solutions for missing middle housing in rural areas where it is most needed.

--

**Ben Kaufman**

Managing Broker

m: 206.300.0115

[Beneficial Ventures](#)

[Compass Real Estate Seattle](#)

503 Westlake Ave N 3rd Fl

Seattle, WA 98109

**Facilitating inspired real estate**

**Countryman, Ryan**

**From:** Judy Heydrick <judystan01@gmail.com>  
**Sent:** Sunday, March 19, 2023 8:50 PM  
**To:** Countryman, Ryan  
**Subject:** Chapter 30.41H- Rural Village Housing Demonstration Program

**CAUTION :** This email originated from outside of this organization. Please exercise caution with links and attachments.

Snohomish County Planner Countryman

Please include my comments and concerns in the record.

I don't support Snohomish County's proposed new Chapter 30.41H that would permit the Rural Village Demonstration Program on a large County parcel zoned R-5. It appears to favor a single property owner or entity that wants to monetize a portion of a large rural parcel by developing a portion of it. I fear that eventually this precedent setting code would embolden and encourage other R-5 zoned rural property owners to convert their properties to cluster subdivisions that would collectively undermine rural preservation. The proposed code change seems inconsistent with several GMA Planning Goals and PSRC Vision 2050 growth policies that discourage rural growth.

#### **RCW 36.70A.020 Planning Goals**

(1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

(2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

(3) Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.

(10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

#### **PSRC Vision 2050 Policy**

"We know that good growth means that our cities and towns are growing up, not out, and that concentrating growth in existing urban areas is one of our most powerful tools to protect wildlife habitat, including the rivers that sustain our Chinook salmon."

#### **DNS**

Since the SEPA checklist is not project specific and lacks detail, how did it inform the Lead Agency to determine that the proposed code change does not have a probable significant adverse impact on the environment?

The Checklist fails to address the impacts of transportation. Rural roads were not built to support high traffic loads.

The Checklist fails to address the impact of sprawl that requires higher gas consumption and produces climate changing greenhouse gas emissions.

The Checklist fails to address water capacity and delivery. Where will it come from?

The Checklist fails to address the impacts of septic systems needed for a large population influx.

The Checklist fails to address Public Safety. How would hundreds of new residents be provided with responsive Fire, law enforcement and EMT services?

The Checklist fails to address the impacts of polluted run off---oil, lubricants, fertilizers, etc.

The Checklist fails to address impacts on wildlife including Pacific Flyway geese and tundra swans that are often seen grazing and resting in rural fields during migrations.

The Checklist fails to address protections for streams and wetlands that support biodiversity and ESA salmon?

## **CONCLUSION**

A project of this scale and scope, requiring urban services in a rural area, does not come without a host of adverse environmental impacts. Therefore I disagree with the Lead Agency's DNS determination, especially since the SEPA checklist provides scant basis for the decision. Since cities are highly limited in their ability to extend utilities and services outside the UGA, I can't support a code change that threatens rural protections and is not consistent with the voter approved GMA planning goals and PSRC's Vision 2050.

Thank you for your consideration,

Judy Heydrick

P.O. Box 352

Sultan, WA 98294



Natural Resources Department  
Environmental Division  
6406 Marine DR NW  
Tulalip, WA 98271  
\*\*\*\*\*

Ryan Countryman, Senior Legislative Analyst  
Snohomish County Council

March 21, 2023

Re: Proposed Rural Village Housing Demonstration Program

The Tulalip Tribes appreciates the opportunity to comment on this demonstration program proposal. It is of paramount importance to us that with any such proposal, potentially adverse impacts to our watersheds be carefully considered. The Tulalip Tribes are federally recognized and are signatories to the Treaty of Point Elliott of 1855. The Tulalip Tribes retain constitutionally protected, treaty-reserved rights to harvest, consume, and otherwise manage fish, shellfish, and other treaty reserved resources within our usual and accustomed areas. These treaty rights and resources are integral to supporting our tribal economy, and furthermore play a vital role in ensuring the health, welfare, and cultural ways of life of our tribal nation and our members.

We support the concept of this Proposed Rural Village Housing model as a means to preserve and foster both traditional rural lifestyles and rural-based economies. We also believe that appropriate protections to surface waters and associated ecological processes must be carefully incorporated into the model. Our suggestions are as follows:

1. *Proposed code amendment #2: Applying only to sites with at least 100 acres of R-5 zoning under the same ownership.*

We understand that reducing this minimum acreage to 40 acres has been proposed. We believe potential impacts of this new model must be afforded a period of monitoring and analysis before approving any such reduction of the more conservative 100 acre minimum. We ask that any proposal to decrease the minimum acreage below 100 acres be suspended until after the trial period is over.

2. *Proposed code amendment #4: The minimum 65% open space would preserve resource-based activities such as agricultural production and working forest lands, critical areas and buffers, and other listed uses that contribute to rural character.*

It is unclear how critical areas and buffers will be protected under this program. Critical areas regulations that normally pertain to economic land uses such as agriculture and forestry are less stringent than those required of residential development. For example, existing agriculture may be located over a wetland, or in the buffer zone of a stream. If agriculture persists when a parcel is developed, these areas remain unprotected. In the case of a residential development, including a rural cluster subdivision, these wetlands and stream buffers would generally be reestablished and protected in perpetuity.

The Tulalip Tribes are federally recognized successors in the interest to the Snohomish, Snoqualmie, Skykomish, and other allied tribes and bands signatory to the Treaty of Point Elliott.



6406 Marine DR NW  
Tulalip, WA 98271  
360-716-4617

In response to these concerns, we wish to recommend the following measures:

- a) We ask that critical areas still be subject to environmental review, even if there are existing farmed wetlands or stream buffers that will continue to be farmed.
  - b) We ask that any agriculture as part of this development model be required to be organic. At a minimum, agricultural practices under this program must be required to follow best farming practices and clean water guidance, such as the following:  
<https://apps.ecology.wa.gov/publications/SummaryPages/2010008.html>
3. *Proposed code amendment #7: RVHDP projects would require restrictive covenants and a management plan to ensure long-term protection and maintenance open space tracts and the upkeep of landscaping, storm drainage facilities and other private improvements.*
  4. We support this proposed amendment, but wish for assurance that any such management plan will be fully informed, and reliably enforced. For example, this new model may present unforeseen issues with septic and/or stormwater facilities that a typical homeowner's association may not have the expertise to recognize and address properly. We ask that such facilities be communal and managed by an approved professional organization whenever possible. Any facilities or practices that may impact surface waters and associated ecological processes should be subject to review by stakeholders as well.

The rural village housing model is an exciting idea, and an attractive vision for the future of rural development and agriculture. With careful attention to potential impacts, and regulations informed by an understanding of environmental issues now and in the future, we feel confident that our natural resources can be properly protected under this program. We appreciate Snohomish county's diligence in addressing potential impacts to tribal fisheries interests. Thank you for considering our concerns, and we look forward to continuing our shared commitment to conservation together.

Todd Gray  
Environmental Protection Ecologist  
The Tulalip Tribes | Natural Resources Dept.  
360-716-4620 | [toddgray@tulaliptribes-nsn.gov](mailto:toddgray@tulaliptribes-nsn.gov)