

1 Adopted: June 14, 2023

2 Effective: June 26, 2023

3
4 SNOHOMISH COUNTY COUNCIL
5 Snohomish County, Washington

6
7 ORDINANCE NO. 23-051
8

9 RELATING TO GROWTH MANAGEMENT; PROMOTING INNOVATIVE HOUSING
10 TYPES IN THE R-5 ZONE; ADDING A NEW CHAPTER 30.41H (RURAL VILLAGE
11 HOUSING DEMONSTRATION PROGRAM); AND ADDING A NEW SECTION TO
12 CHAPTER 30.86 OF THE SNOHOMISH COUNTY CODE
13

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

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

25 WHEREAS, on October 29, 2020, the Puget Sound Regional Council (PSRC) adopted
26 Vision 2050, a plan for the central Puget Sound region, which includes Snohomish County (the
27 “County”); and
28

29 WHEREAS, the Regional Growth Strategy in Vision 2050 calls on the County to reduce
30 rural growth rates from historic levels, which means that efforts to allow more types of housing
31 in rural areas should not result in more housing units than currently allowed even if the types of
32 units change; and
33

34 WHEREAS, in May 2019, the County Executive created the Snohomish County Housing
35 Affordability Regional Taskforce (HART), consisting of a team of city and county officials and
36 community leaders, tasked to identify solutions to the regional housing affordability crisis; and
37

38 WHEREAS, in January 2020, HART issued the Housing Affordability Regional Taskforce
39 Report and Five-Year Action Plan (“HART Report”), which characterizes the housing crisis and
40 provides short and long-term recommendations for local governments to pursue to alleviate the
41 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
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40

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

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

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

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

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

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

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

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

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

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

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 June 14, 2023 the County Council held a public hearing after proper
5 notice, 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

1 5. Retain and preserve rural open space by requiring that a minimum of 85% of the
2 development site be set aside in large open space tracts to permanently protect habitat,
3 critical areas and buffers, and resource-based activities.
4

5 D. In developing the proposed code amendments, the County considered GMA, including the
6 goals in RCW 36.70A.020 and 36.70A.480, and other requirements of the GMA throughout
7 chapter 36.70A. RCW. This ordinance is consistent with the GMA in the following ways:
8

9 1. GMA Goal 2: "Reduce sprawl. Reduce the inappropriate conversion of undeveloped land
10 into sprawling, low-density development." The ordinance promotes GMA Goal 2 by
11 protecting large undeveloped rural sites from sprawl by requiring protection of a
12 minimum of 85% of the site as permanent open space and requiring the clustering of
13 development to support habitat, critical areas and buffers, and resource-based activities.
14

15 2. GMA Goal 4: "Housing. Plan for and accommodate housing affordable to all economic
16 segments of the population of this state, promote a variety of residential densities and
17 housing types, and encourage preservation of existing housing stock." The ordinance
18 promotes GMA Goal 4 by allowing a wider variety of housing types in rural areas with R-
19 5 zoning. The types of attached housing authorized by the demonstration program are
20 generally more affordable than the detached housing typically built in R-5 zoned
21 locations.
22

23 3. GMA Goal 8: "Natural resource industries. Maintain and enhance natural resource-
24 based industries, including productive timber, agricultural, and fisheries industries.
25 Encourage the conservation of productive forestlands and productive agricultural lands,
26 and discourage incompatible uses." The ordinance promotes GMA Goal 8 by requiring a
27 minimum of 85% of the site to be protected as permanent open space for the purpose of
28 protecting land for resource-based activities such as agricultural production and working
29 forest lands. The ordinance also conserves a greater share of land with existing
30 agricultural or resource uses compared with other existing development alternatives in
31 the R-5 zone.
32

33 4. GMA Goal 9: "Open space and recreation. Retain open space, enhance recreational
34 opportunities, conserve fish and wildlife habitat, increase access to natural resource
35 lands and water, and develop parks and recreation facilities." The ordinance promotes
36 GMA Goal 9 by requiring that a minimum of 85% of the development site be protected
37 as permanent open space to be used for purposes such as habitat, and critical areas
38 and buffers.
39

40 5. RCW 36.70A.070(5)(a) requires counties to consider "local circumstances" when
41 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.

- 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.

5
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).

22
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

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

6
7 **30.41H.100 Performance standards – bulk regulations.**

8 This section establishes the bulk regulations for rural village housing demonstration
9 development applications and replaces SCC Table 30.23.030 and the reference notes in SCC
10 30.23.040 for such applications.

11 (1) The maximum building height is 45 feet subject to the exemptions under SCC
12 30.23.050(2) or a lesser height where a reduction is required due to shoreline jurisdiction under
13 SCC 30.67.460 or for airport compatibility under SCC 30.32E.060.

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

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

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

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

20
21 **30.41H.110 Performance standards – architectural.**

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

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

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

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

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

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

39 (2) On the rural village housing demonstration project site plan the applicant shall provide a
40 key or other descriptive material showing which rural architectural features are proposed for
41 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.

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 23-051 on June 14, 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 ⁽¹⁾	\$500
Extension fee ⁽²⁾	\$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 June 14, 2023, is repealed, effective on the date six years following enactment.

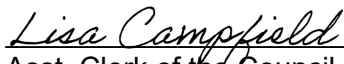
Section 6. Severability and Savings. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid by the Growth Management Hearings Board (Board), or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity 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 14th day of June, 2023.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington


Council Chair

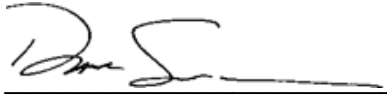
ATTEST:


Asst. Clerk of the Council

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

- (X) APPROVED
- () EMERGENCY
- () VETOED

DATE: June 16, 2023



County Executive

ATTEST:

Melissa Geraghty

Approved as to form only:

Matthew Otten 5/9/23
Deputy Prosecuting Attorney