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Accessory Dwelling Units Ordinance 22-006 (ECAF 2022-0073)					
Hearing Date: Wednesday, March 9, 2022 @ 10:30 a.m.					
Council Staff: Ryan Countryman			DPA: Laura Kisielius		
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1 ADOPTED: _____
2 EFFECTIVE: _____

3 SNOHOMISH COUNTY COUNCIL
4 Snohomish County, Washington

5
6 ORDINANCE NO. 22-006

7
8 RELATING TO GROWTH MANAGEMENT;
9 REVISING ACCESSORY DWELLING UNIT REGULATIONS;
10 AMENDING SECTION 30.28.010 OF THE SNOHOMISH COUNTY CODE
11

12 WHEREAS, accessory dwelling units (ADUs) can be in the same structure as a
13 primary single-family dwelling (“attached”) or in a separate detached structure from the
14 primary dwelling (“detached”); and
15

16 WHEREAS, the Washington State Legislature enacted in 1990 chapter 36.70A
17 RCW, known as the Growth Management Act (GMA), which required counties to
18 distinguish between urban growth areas (UGAs) and rural and resource lands; and
19

20 WHEREAS, Amended Ordinance No. 92-052, approved by the Snohomish
21 County Council (“County Council”) on May 28, 1992, updated the Snohomish County
22 Code (SCC) to allow attached ADUs as a permitted use in most urban, rural and
23 resource zoning districts that allowed a single-family dwelling and to adopt development
24 and use standards for said ADUs; and
25

26 WHEREAS, section 43.185A.215(3) of the Revised Code of Washington (RCW),
27 originally adopted in 1993 as Senate Bill 5584, requires that Snohomish County (the
28 “County”) incorporate ADU regulations into local development codes, zoning
29 regulations, or official controls, but defers to the local legislative authority for
30 establishment of regulations, conditions, procedures, and limitations related to ADUs;
31 and
32

33 WHEREAS, Amended Ordinance No. 94-029, approved by the County Council
34 on April 6, 1994, amended the SCC to allow detached ADUs as a permitted use in
35 single-family zoning districts, including rural and resource zoning districts; and
36

37 WHEREAS, in 1996, the County downzoned a significant portion of the rural area
38 to densities of one dwelling per five acres or more, which resulted in the creation of
39 substandard lots that were legally established, but no longer met the standards of the
40 zoning district in which they were located; and
41

42 WHEREAS, on January 25, 2012, the County Council approved Amended
43 Ordinance No. 11-058, which added development standards for substandard lots to the
44 SCC and prohibited the construction of ADUs on substandard lots; and
45

1 WHEREAS, recent circumstances unique to the County and the Central Puget
2 Sound Region indicate that Snohomish County is facing a housing affordability crisis
3 and housing shortage, which necessitates action by local governments; and
4

5 WHEREAS, in May 2019, the County Executive created the Snohomish County
6 Housing Affordability Regional Taskforce (HART), consisting of a team of city and
7 county officials and community leaders, tasked to identify solutions to the regional
8 housing affordability crisis; and
9

10 WHEREAS, in January 2020, HART issued the Housing Affordability Regional
11 Taskforce Report and Five-Year Action Plan (“HART Report”), which characterizes the
12 housing crisis and provides short and long-term recommendations for local
13 governments to pursue to alleviate the crisis; and
14

15 WHEREAS, between 2010 and 2017 the average cost of a two-bedroom
16 apartment in Snohomish County increased 49.5%, while the median household income
17 increased less than 18%; and
18

19 WHEREAS, according to the HART Report, the housing supply in Snohomish
20 County is lagging behind population growth, which is illustrated by the fact that between
21 2016-2018, the number of new housing units was 61% less than the increase in the
22 number of households; and
23

24 WHEREAS, the U.S. Census Bureau estimates that in 2018, 33% of Snohomish
25 County households were housing cost burdened, meaning that they paid more than
26 30% of their income on housing; and
27

28 WHEREAS, according to the HART Report, housing construction would need to
29 slightly more than double the current rate to meet projected housing affordability needs;
30 and
31

32 WHEREAS, according to the HART Report, ADUs can help alleviate housing
33 affordability issues such as those described by the Census Bureau by providing
34 additional housing units in low-density areas, adding diversity to the housing stock,
35 providing affordable housing options for older adults and opportunities for aging in
36 place, and providing supplemental income to homeowners; and
37

38 WHEREAS, the County Council referred potential amendments on ADU
39 regulations to the Snohomish County Planning Commission (“Planning Commission”)
40 for its consideration and recommendation, and
41

42 WHEREAS, County Council staff briefed the Planning Commission on October
43 26, 2021, and
44

1 WHEREAS, on November 16, 2021, the Planning Commission held a public
2 hearing to receive public testimony concerning the code amendments contained in this
3 ordinance; and
4

5 WHEREAS, at the conclusion of the Planning Commission’s public hearing, the
6 Planning Commission recommended adoption of the code amendments contained in
7 this ordinance; and
8

9 WHEREAS, on [_____, 2022], the County Council held a public hearing after
10 proper notice, and considered public comment and the entire record related to the code
11 amendments contained in this ordinance; and
12

13 WHEREAS, following the public hearing, the County Council deliberated on the
14 code amendments contained in this ordinance;
15

16 NOW, THEREFORE, BE IT ORDAINED:
17

18 Section 1. The County Council adopts the following findings in support of this
19 ordinance:
20

21 A. The foregoing recitals are adopted as findings as if set forth in full herein.
22

23 B. This ordinance will amend provisions in title 30 SCC to update regulations related to
24 ADUs. In particular, the amendments will allow the establishment of detached ADUs on
25 rural substandard lots and will eliminate the requirement that detached ADUs on rural
26 lots be located within 100 feet of the primary dwelling.
27

28 C. In considering the proposed amendments, the county evaluated various factors,
29 including historical development patterns, existing housing market conditions, and legal
30 decisions interpreting relevant GMA provisions.
31

32 1. Snohomish County is facing an affordable housing crisis and housing stock
33 shortage. The purpose of the proposed amendments is to provide rural property
34 owners a modest means to help diversify the County’s rural housing stock and to
35 provide rural property owners an opportunity equal to that of urban property
36 owners to age in place, care for family members, and earn a modest
37 supplemental income.
38

39 2. The County does not expect that the proposed amendments will result in more
40 than a de minimis increase in the amount of ADUs built in the rural area. Current
41 standards allow the construction of attached or detached ADUs on all standard
42 lots in rural and resource areas, regardless of lot size. Current standards allow
43 ADUs on lots that are smaller than 10 acres. Since 2012, the County has
44 permitted very few ADUs in the rural area. Between January 1, 2012, and
45 December 31, 2019, the County issued permits for only 100 ADUs in the rural
46 area (3 attached and 97 detached), an average of 13 per year. Over that time,

1 ADUs accounted for only 3.3% of the total housing units permitted in rural areas
2 (100 ADUs out of 3,016 total units). Between 1994 and 2019, which includes a
3 period of over 15 years when detached ADUs were allowed on all lots in the rural
4 area regardless of lot size, the County only issued permits for ADUs in the rural
5 area at an average of 28 per year, illustrating that ADUs only nominally
6 contribute to rural growth in Snohomish County.
7

- 8 3. Nearly all permits for ADUs in rural and resource areas have been for detached
9 ADUs (98% from 2012 and 2019, and 89% from 1994-2011). It is likely that this
10 trend will continue. The restrictions discussed in Findings 4 and 5 below will help
11 ensure that these units do not negatively affect rural character and density.
12
- 13 4. RCW 36.70A.070(5)(b) requires counties to “provide for a variety of rural
14 densities [...] consistent with rural character.” The proposed amendments are
15 consistent with rural character in Snohomish County for reasons that include the
16 following:
17
- 18 a. All detached ADUs in new buildings must maintain visual aspects of
19 existing rural structures. Regulations require use of exterior materials, roof
20 form, window spacing, and proportions that approximate those of the
21 primary residence. Detached ADUs in new buildings must use the same
22 driveway access to the road as the primary residence.
23
 - 24 b. Throughout the rural areas of Snohomish County there are a variety of
25 parcel sizes. Following the 1996 downzoning under GMA, the rural
26 character of Snohomish County includes a geographic pattern of lots that
27 include standard 5-acre lots and substandard lots less than five acres.
28
 - 29 c. Snohomish County Code does not allow subdivision of substandard lots.
30 The amount of land under common control or ownership is a feature that
31 helps distinguish rural residential areas from urban residential areas.
32 Subdivision of substandard lots in rural areas would result in less land
33 under common ownership, thereby blurring the distinction between rural
34 and urban residential areas. Hence, the allowance for detached ADUs on
35 substandard lots would help provide a variety of rural densities without
36 impacting other aspects of rural character such as overall lot sizes.
37
 - 38 d. Throughout the rural area, many parcels have a residence and one or
39 more outbuildings. There is wide variation in how many buildings are on
40 rural parcels and placement of those buildings. There is not an established
41 pattern of where buildings are located relative to other buildings in rural
42 and resource areas of Snohomish County. Title 30 SCC does not require
43 most types of outbuildings to be near a primary dwelling. However, SCC
44 30.28.010 currently requires most new detached ADUs to be within 100
45 feet of the primary dwelling in rural and resource zones. The existing
46 provision that detached ADUs in rural parts of Snohomish County must

1 generally be within 100 feet of the primary dwelling was both recently
2 adopted and modeled after a similar requirement of San Juan County
3 code. The rural character of Snohomish County differs from the rural
4 character of San Juan County. Therefore, the existing requirement in SCC
5 30.28.010 that most detached ADUs maintain a close association with the
6 primary dwelling by being within 100 feet is not necessary to maintain
7 existing rural character in Snohomish County.
8

9 e. In Snohomish County, creation of most parcels subject to Snohomish
10 County's Shoreline Management Program, chapter 30.67 SCC, took place
11 before enactment of the Shoreline Management Act and the GMA. Many
12 such parcels are in environmentally sensitive areas particularly affected by
13 the impacts of development. Parcels located along shorelines are more
14 prone to experience pressure to develop with vacation residences or
15 short-term rentals than parcels not within shoreline jurisdiction. Although
16 existing shoreline (and critical area) regulations would preclude most, if
17 not all, new detached ADUs in shoreline areas as a practical matter, a
18 clear prohibition in shoreline areas may be of service to prospective
19 applicants.
20

21 5. RCW 36.70A.070(5)(c) requires that the variety of rural densities in (5)(b) contain
22 measures to reduce "sprawling, low-density development in the rural areas".
23 Such sprawl might otherwise be described as urban development. Since
24 development of parcels in rural and resource areas took place at different times
25 under differing regulatory environments, there is no single standard that defines
26 rural density in Snohomish County. Absent a clear definition of rural density,
27 there are several measures already in effect to prevent urban densities, including
28

- 29 a. GMA and Snohomish County Code generally prohibit extension of urban
30 public facilities, including sanitary sewer, outside UGAs.
- 31
- 32 b. Snohomish Health District Code 5.05.010 and Washington Administrative
33 Code 246-272A-0320 establish minimum land area requirements for the
34 purpose of siting on-site residential septic systems, which under the most
35 ideal soil types require at least 12,500 square feet of land for a septic
36 system designed for one unit, thus creating a practical minimum of 25,000
37 square feet for a primary dwelling with a detached accessory unit.
- 38
- 39 c. To the extent that lot sizes rather than number of units per acre are a
40 measure of density, land with both a primary residence and a detached
41 ADU is still under single ownership and control. Therefore, allowing for
42 detached ADUs would not alter this aspect of established character of
43 rural lot sizes.
44

45 D. In considering the proposed amendments, the County considered the goals and
46 standards of the GMA. The proposed amendments are consistent with:

- 1
2 1. GMA Goal 2 – Reduce sprawl. Reduce the inappropriate conversion of
3 undeveloped land into sprawling, low-density development.
4

5 ADUs accounted for only 3.3% of the housing units permitted in the rural areas
6 between January 1, 2012, and December 31, 2019. This demonstrates that
7 ADUs do not inappropriately convert undeveloped land into sprawling, low-
8 density development.
9

- 10 2. GMA Goal 4 – Housing. Encourage the availability of affordable housing to all
11 economic segments of the population of this state, promote a variety of
12 residential densities and housing types, and encourage preservation of existing
13 housing stock.
14

15 Construction of detached ADUs diversifies the housing stock in rural areas. Rent
16 for ADUs is often at below-market rates. Detached ADUs serve an important
17 niche in the housing market, as they are uniquely suited to provide low-cost
18 housing options for the County’s senior population, individuals with a disability,
19 and younger adults. The expansion of opportunities to construct detached ADUs
20 in rural areas also encourages the preservation of existing housing stock by
21 granting property owners the means to generate additional sources of income,
22 allowing them to continue to afford remaining in place.
23

- 24 3. RCW 36.70A.070(5) – Rural element. Counties shall include a rural element
25 including lands that are not designated for urban growth, agriculture, forest, or
26 mineral resources. The following provisions shall apply to the rural element:
27

28 (c) Measures governing rural development. The rural element shall include
29 measures that apply to rural development and protect the rural character of the
30 area, as established by the county, by:
31

- 32 (i) Containing or otherwise controlling rural development.
33

34 The proposed amendments rely on existing requirements that control rural
35 growth and protect rural character. ADUs are an accessory use and are not a
36 driver for rural development. Historical development patterns show that between
37 January 1, 1996, and December 31, 2019, ADUs accounted for approximately
38 5% of the total dwellings sited in the rural area. In more recent years (2012-
39 2019), ADUs accounted for only 3.3% of new dwellings in the rural and resource
40 zones. Existing provisions require that all detached ADUs in the rural area share
41 a driveway with the primary dwelling and maintain architectural similarities with
42 the primary dwelling. Rural character in Snohomish County includes many types
43 of detached buildings, such as sheds, barns, shops, garages, and shelters.
44 Detached ADUs do not create a noticeable difference in the structural intensity of
45 such areas. The small historical contribution of ADUs to overall rural growth

1 means that proposed rural ADU standards would still be consistent with rural
2 character.

3
4 Rural Snohomish County does not experience the same pressure to construct
5 ADUs for vacation rental as San Juan County or Island County. Snohomish
6 County anticipates a small number of detached ADUs constructed in rural areas
7 and that these will be mostly for family members of the existing residents. Rural
8 character in Snohomish County does not merely consist of the physical
9 appearance of rural community; it also includes the values of its residents. Rural
10 residents often value strong community and family ties, and many have testified
11 that they desire to care for both aging and younger members of their families.
12 This sentiment is particularly true in this historical moment of dual crises –
13 affordable housing and the COVID-19 pandemic. Residents in rural areas should
14 have the same opportunity as residents in urban areas to care for aging parents,
15 to support adult children, or to earn additional income that allows them to stay in
16 their existing homes.

- 17
18 4. RCW 36.70A.070(5)(c)(ii) – Assuring visual compatibility of rural development
19 with the surrounding rural area.

20
21 The proposed amendments rely on existing architectural and design standards to
22 ensure that detached ADUs are compatible with the existing rural development
23 on the property. In general, detached ADUs are limited in size and do not have a
24 significant effect on the visual aspects of a property. However, the proposed
25 amendments rely on existing standards to ensure that detached ADUs are
26 visually compatible with the surrounding rural area. Existing requirements call for
27 new detached ADUs to have features such as exterior materials, roof form,
28 window spacing, and proportions that approximate that of the primary dwelling.
29 These standards for detached ADUs are more stringent than design standards
30 that apply to the construction of other accessory structures in the rural area.
31 Alternatively, an existing accessory structure that is already part of the rural
32 character may be converted into an ADU.

- 33
34 5. RCW 36.70A.070(5)(c)(iii) – Reducing the inappropriate conversion of
35 undeveloped land into sprawling, low-density development in the rural area.

36
37 The proposed amendments are consistent with RCW 36.70A.070(5)(c)(iii) as
38 they do not alter zoning density standards in the rural area, however, they do
39 allow the construction of ADUs on rural lots that do not meet lot size standards
40 set forth in SCC 30.23.030. Historic permitting data shows that ADUs have not
41 been a primary driver in the conversion of undeveloped land into sprawling, low-
42 density development in the rural area. This ordinance does not alter underlying
43 zoning criteria. To the extent allowing additional detached ADUs in rural areas

1 contributes to density, this is within the scope of what Snohomish County
2 considers its rural character, which includes clusters of buildings that constitute a
3 rural residence and the ability to care for aging parents, adult children, and other
4 family members.

- 5
6 6. RCW 36.70A.070(5)(c)(iv) – Protecting critical areas, as provided in RCW
7 36.70A.060, and surface water and groundwater resources.

8
9 The proposed amendments are consistent with RCW 36.70A.070(5)(c)(iv) and
10 will not reduce protections on critical areas, surface water, or ground water. The
11 proposed amendments will not alter the application of critical areas and storm
12 water standards.

- 13
14 7. RCW 36.70A.110(1) – Each county that is required or chooses to plan under
15 RCW 36.70A.040 shall designate an urban growth area or areas within which
16 urban growth shall be encouraged and outside of which growth can occur only if
17 it is not urban in nature.

18
19 The amendments rely on existing provisions to prevent development of urban-
20 sized lots and urban-appearing homes in rural areas. First, subdivision of
21 substandard lots is prohibited, preventing urban lot sizes. Second, existing code
22 requires that detached ADUs in new buildings have similar architecture to the
23 primary dwelling which helps to maintain rural character because urban
24 development must follow the Urban Residential Design Standards (URDS) in
25 chapter 30.23A SCC and URDS does not apply in rural areas. Conversion of
26 existing rural outbuildings to detached ADUs would have no effect on the visual
27 character of rural areas, thus also avoiding development that is visually designed
28 to appear urban in nature.

- 29
30 8. RCW 36.70A.070(5)(a) and (b) – Snohomish County is required to provide a
31 “variety of rural densities” and may consider “local circumstances” in doing so.

32
33 The County must harmonize the GMA’s planning goals in its rural element. This
34 ordinance provides affordable and diverse housing to all segments of the
35 population and protects property rights. It also recognizes that residents in rural
36 areas may want to construct detached ADUs for the same reasons as those in
37 urban areas – to provide affordable housing for family members or to generate a
38 source of income to enable them to age in place. The ordinance does not permit
39 additional subdivision in rural areas to generate additional housing stock. Rather,
40 it creates an opportunity for a small but diverse type of housing that appeals only
41 to a small segment of the population.

1 The same number of individuals can live in an attached ADU as a small detached
2 ADU, making the distinction between population density and structural density
3 meaningless. The only distinction then is whether a detached ADU fits with the
4 rural character of Snohomish County. Rural Snohomish County is not a
5 monolithic vision of bucolic countryside behind a picturesque farmhouse and
6 barn. While this scene certainly exists in Snohomish County, there are an equal if
7 not greater number of properties that contain a collection of structures in various
8 stages of maintenance. Allowing detached ADUs at an anticipated low level of
9 historic development in rural Snohomish County is consistent with rural
10 character. Additionally, allowing the expanded use of detached ADUs in rural
11 areas provides a diverse type of affordable housing to those who may wish to live
12 with family or outside of increasingly dense urban areas, and permits existing
13 property owners to make reasonable use of their property without allowing
14 additional subdivision of land. All GMA goals have been considered in developing
15 this ordinance and have been balanced consistent with local circumstances.
16

17 E. The proposed amendments will better achieve, comply with, and implement the goals
18 and policies of the Puget Sound Regional Council's Multicounty Planning Policies
19 (MPPs), including the following goals and policies:
20

- 21 1. MPP-DP-22 – Do not allow urban net densities in rural and resource areas.
22

23 The proposed amendments rely on existing standards for all detached ADUs in
24 the rural and resource zones such as a requirement to share the driveway
25 between the primary and accessory dwellings. This helps ensure that in rural
26 areas there will be little functional difference between an attached and detached
27 ADU.
28

29 From 2012 to 2019, an average of 13 ADUs were permitted in the rural and
30 resource zones per year. These zones cover approximately 270,000 acres of
31 rural land. This works out to an average of 1 unit for every 20,000 acres per year.
32 Over a 20-year planning period, that is approximately 1 ADU per 1,000 acres.
33 Between the years 1994 and 2019, permit records show an average of 28 ADUs
34 in the rural and resources zones per year. Again, spread over approximately
35 270,000 acres of rural land, this is an average of 1 ADU for every 9,643 acres
36 per year. Over a 20-year planning period, that is approximately 1 ADU per 482
37 acres. Even if the proposed amendments result in a minor increase in the
38 number of permitted ADUs per year, it will not result in urban net densities in the
39 rural and resource areas. This expected negligible amount of development in the
40 rural area is not anticipated to have any noticeable impact on public facilities and
41 services.
42

- 43 2. MPP Housing Goal – The region will preserve, improve, and expand its housing
44 stock to provide a range of affordable, healthy, and safe housing choices to every

1 resident. The region will continue to promote fair and equal access to housing for
2 all people.

3
4 The proposed amendments will help to expand and improve the diversity of the
5 housing stock by reducing regulatory barriers on the construction of ADUs.
6 Allowing detached ADUs in the rural area provides equal opportunity for rural
7 property owners to age in place, care for family members, and earn a modest
8 supplemental income, and provides equal access to people of moderate means
9 to live in a rural environment.

- 10
11 3. MPP-H-1 – Provide a range of housing types and choices to meet the housing
12 needs of all income levels and demographic groups within the region.

13
14 MPP-H-2 – Achieve and sustain — through preservation, rehabilitation, and new
15 development — a sufficient supply of housing to meet the needs of low-income,
16 moderate-income, middle-income, and special needs individuals and households
17 that is equitably and rationally distributed throughout the region.

18
19 The proposed amendments will support MPP-H-1 and MPP-H-2 by allowing for
20 the construction of detached accessory dwelling units in more locations.
21 Construction of detached ADUs in rural and resources areas will contribute to the
22 County’s efforts to meet the necessary supply of housing units for low-income,
23 moderate-income, middle-income, and special needs individuals.

24
25 F. The proposed amendments will better achieve, comply with, and implement the
26 Housing Goal of the Countywide Planning Policies (CPPs), which provides:
27 “Snohomish County and its cities will promote an affordable lifestyle where residents
28 have access to safe, affordable, and diverse housing options near their jobs and
29 transportation options.” The proposed amendments will support the housing goal in the
30 CPPs by reducing the regulatory barriers on the construction of detached ADUs, which
31 will help to diversify the housing options in rural and resource areas that are close to
32 resource-based employment.

33
34 G. In considering the proposed amendments, the county considered the goals,
35 objectives, and policies of the Snohomish County GMA Comprehensive Plan (GMACP)
36 – General Policy Plan (GPP). The proposed amendments will work to support,
37 implement, and balance the following goals, objectives, and policies in the GPP:

- 38
39 1. Goal LU 6 – Protect and enhance the character, quality, and identity of rural
40 areas.

41
42 Objective LU 6.A – Reduce the rate of growth that results in sprawl in rural and
43 resource areas.

44
45 Policy LU 6.A.1 – To help ensure that the rural population target is not exceeded,
46 rural growth trends shall be monitored using the process and criteria established

1 under Objective PE 2.B. If rural growth trends indicate that the rural population
2 target may be exceeded, the county shall evaluate whether incentive programs
3 or adjustments to planned densities or land uses are necessary to bring rural
4 growth trends back into alignment with the adopted target.
5

6 The amendments proposed by this ordinance would reduce regulatory barriers
7 on the construction of accessory apartments in the rural and resource areas.
8 These changes may result in a slight increase in the number of ADUs in these
9 areas. However, between January 1, 1996, and December 31, 2011, when there
10 were no restrictions on constructing ADUs on substandard lots in the rural areas,
11 ADUs accounted for approximately 5.6% of new dwellings in the rural area. The
12 county has no reason to expect that the proposed amendments will result in ADU
13 development that exceeds historical maximums.
14

15 To continue the preservation of rural character, the proposed amendments rely in
16 part on existing restrictions on the development of ADUs in the rural and
17 resource areas. This includes a requirement that ADUs share a driveway and
18 architectural design features with the primary dwelling, thereby reducing the
19 number of driveway accesses to roads compared to the same number of units on
20 land that has been subdivided and maintaining visual continuity with the existing
21 residence. The proposed amendments also incorporate the following provisions
22 to help ensure rural character:

- 23 a. Prohibition on new detached ADUs on lots that are too small to support two
24 septic drainfields, even under the best possible soil conditions.
- 25 b. Prohibition on new detached ADUs in areas subject to the Snohomish County
26 Shoreline Management Program.
- 27 c. Setbacks from roads modeled after similar setbacks in the Rural Cluster
28 Subdivision code.

29
30 Detached ADUs fill an important niche in the housing market, such as providing
31 options for older adults to age in place and allowing families to continue to live
32 together as they expand. As housing costs continue to rise in Snohomish County,
33 many property owners are looking for opportunities to provide housing for young
34 adult children, a caretaker, or to move into as they age. Detached ADUs provide
35 a unique opportunity for those families and represent a specific type of housing
36 that other, traditional housing types in rural and resource areas do not provide.
37 Additionally, detached ADUs can provide supplemental income to homeowners
38 while providing affordable housing.
39

40 Finally, Policy LU 6.A.1 requires the county to complete annual monitoring of
41 rural growth trends. If monitoring shows that Snohomish County could exceed its
42 rural population target, it is unlikely that accessory apartments would be the
43 primary cause. However, actions taken to address rural growth could be
44 comprehensive in nature including actions not directly related to detached ADUs
45 which might have a larger effect on overall rural growth patterns.

- 1
2 2. Objective HO 1.B – Ensure that a broad range of housing types and affordability
3 levels is available in urban and rural areas.
4

5 The proposed amendments reduce regulatory barriers on the development of
6 detached ADUs in rural and resource areas, supporting the development of a
7 broad range of housing types and affordability in these areas. Detached ADUs
8 serve as one of the only options for supporting this objective in the rural areas.
9 Snohomish County Code does not allow most other low-cost and diverse types of
10 housing in rural and resource areas. The development of detached ADUs
11 provides different housing types and affordability levels in areas with
12 predominantly uniform housing types and levels of affordability.
13

14 H. The proposed amendments implement action item 1.B.2 of the HART Report, which
15 provides: “Revise local zoning to encourage Accessory Dwelling Units (ADU).” The
16 proposed amendments will comply with action item 1.B.2 by revising Snohomish County
17 regulations to facilitate the construction of detached ADUs in rural areas.
18

19 I. Procedural requirements.
20

- 21 1. State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with
22 respect to this non-project action have been satisfied through the completion of
23 an environmental checklist and the issuance on January 13, 2022 of Addendum
24 #2 to the Determination of Non-Significance (DNS) issued March 29, 2021, on a
25 non-project proposal to Amend Title 30 Snohomish County Code (SCC) Revising
26 Standards for Accessory Dwelling Units (ADUs).
27
- 28 2. The proposal is a Type 3 legislative action pursuant to SCC 30.73.010.
29
- 30 3. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance was
31 transmitted to the Washington State Department of Commerce for distribution to
32 state agencies on December 27, 2021 and assigned material number 2021-S-
33 3546.
34
- 35 4. The public participation process used in the adoption of this ordinance complies
36 with all applicable requirements of the GMA and the SCC.
37
- 38 5. The Washington State Attorney General last issued an advisory memorandum,
39 as required by RCW 36.70A.370, in September of 2018 entitled “Advisory
40 Memorandum: Avoiding Unconstitutional Takings of Private Property” to help
41 local governments avoid the unconstitutional taking of private property. The
42 process outlined in the State Attorney General’s 2018 advisory memorandum
43 was used by the County in objectively evaluating the regulatory changes
44 proposed by this ordinance.
45

46 Section 2. The County Council makes the following conclusions:

- 1
- 2 1. The proposed amendments are consistent with the goals, policies, and objectives
- 3 of the MPPs, CPPs, and GPPs.
- 4
- 5 2. The proposed amendments are consistent with applicable federal, state, and
- 6 local laws and regulations.
- 7
- 8 3. The County has complied with all SEPA requirements with respect to this non-
- 9 project action.
- 10
- 11 4. The regulations proposed by this ordinance do not result in an unconstitutional
- 12 taking of private property for a public purpose.
- 13

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

18
19 Section 4. Snohomish County Code Section 30.28.010, last amended by
20 Amended Ordinance No. 21-018 on June 9, 2021, is amended to read:

21
22 **30.28.010 Accessory dwelling units.**

23
24 Accessory dwelling units are allowed subordinate to a single-family dwelling in zones
25 where single-family dwellings are permitted under SCC 30.22.100, 30.22.110, and
26 30.22.120.

27
28 (1) *General standards.* All accessory dwelling units shall comply with the following
29 standards:

30
31 (a) Development of accessory dwelling units shall be subject to compliance with all
32 other applicable provisions of this title;

33
34 (b) Development of accessory dwelling units shall be subject to physical and legal
35 availability of water and the applicant providing documentation that the water supply is
36 potable and of adequate flow;

37
38 (c) Applicants must provide documentation that the existing or proposed sewage or
39 septic system is capable of handling the additional demand placed upon it by the
40 attached or detached accessory dwelling unit;

41
42 (d) The floor area of an accessory dwelling unit shall not exceed 1,200 square feet.
43 Floor areas shall be exclusive of garages, porches, and unfinished basements;

44
45 (e) Accessory dwelling units shall meet the off-street parking requirements in
46 chapter 30.26 SCC;

1
2 (f) Attached accessory dwelling units shall be designed such that the architectural
3 character of the primary dwelling is preserved. Exterior materials, roof form, window
4 spacing, and proportions shall match that of the primary dwelling; and
5

6 (g) Detached accessory dwelling units shall be constructed such that exterior
7 materials, roof form, window spacing, and proportions approximate those of the single-
8 family dwelling. A detached accessory dwelling unit proposed for location within an
9 existing accessory structure is not required to approximate the exterior features of the
10 existing single family dwelling. A mobile home, where allowed as a detached accessory
11 dwelling unit pursuant to subsection (3)(a)(ii) of this section, is not required to
12 approximate the exterior features of the existing single-family dwelling.
13

14 (2) *Urban zones.* Accessory dwelling units are permitted uses in the urban zones on
15 lots with a single-family dwelling pursuant to SCC 30.22.100. One attached accessory
16 dwelling unit and one detached accessory dwelling unit may be established on lots that
17 contain a legally-established single-family dwelling.
18

19 (3) *Rural, resource, and other zones.* Accessory dwelling units are permitted uses in
20 the rural, resource, and other zones on lots with a single-family dwelling pursuant to
21 SCC 30.22.110 and 30.22.120 and the following standards:
22

23 (a) One accessory dwelling unit may be established on lots that contain a legally-
24 established single-family dwelling; ~~((pursuant to the following:~~
25

26 ~~(i) Detached accessory dwelling units are prohibited on lots that do not meet the~~
27 ~~minimum required lot area, pursuant to SCC 30.23.030, in the zone in which they are~~
28 ~~located. The following prohibitions also apply:~~
29

30 ~~(A) Detached accessory dwelling units are prohibited on lots in the R-5 zone~~
31 ~~that are less than five acres in size; and~~
32

33 ~~(B) Detached accessory dwelling units are prohibited on lots in the RC zone~~
34 ~~that are less than 100,000 square feet in size.~~
35

36 ~~(ii) A mobile home that is subordinate to the single-family dwelling may be~~
37 ~~allowed as a detached accessory dwelling unit on lots equal to or greater than 10~~
38 ~~acres.)~~
39

40 ~~((b) The distance between the nearest walls of the primary dwelling and a~~
41 ~~proposed detached accessory dwelling unit shall not exceed 100 feet except when:~~
42

43 ~~(i) The accessory dwelling unit is proposed to be located in an existing structure~~
44 ~~that was legally constructed before June 19, 2021; or~~
45

1 ~~(ii) The applicant demonstrates that the physical characteristics of the property,~~
2 ~~including, but not limited to, critical areas, topography, sewage, septic, and water~~
3 ~~systems, and their associated buffers or setbacks, limit the siting of an accessory~~
4 ~~dwelling unit within 100 feet of the primary dwelling. In these circumstances the~~
5 ~~accessory dwelling unit shall be located as close as reasonably possible to the primary~~
6 ~~dwelling unit.)~~

7
8 ~~((e))~~ (b) Accessory dwelling units shall utilize the same driveway as the primary
9 single-family dwelling~~((-))~~;

10
11 (c) Detached accessory dwelling units are prohibited on lots less than 25,000
12 square feet and in areas subject to chapter 30.67 SCC;

13
14 (d) A mobile home is allowed as a detached accessory dwelling unit only on lots
15 equal to or greater than 10 acres and only when the mobile home is subordinate to the
16 existing single-family dwelling;

17
18 (e) The minimum setback from road right-of-way for detached accessory dwelling
19 units in new buildings shall be the smaller of:

20
21 (i) The distance of the existing house to the road plus 10 feet; or

22
23 (ii) 60 feet when a sight obscuring topographic variation or physical condition
24 such as forest or proposed landscape screening will serve as a visual buffer; or

25
26 (iii) 100 feet when no visual buffer is present or proposed; and

27
28 (f) A detached accessory dwelling unit proposed to be located in an existing
29 structure legally constructed before June 19, 2021, does not need to comply with
30 subsection (e) of this subsection (3).

31
32 Section 5. Severability and Savings. If any section, sentence, clause or phrase of
33 this ordinance shall be held to be invalid by the Growth Management Hearings Board
34 (Board), or unconstitutional by a court of competent jurisdiction, such invalidity or
35 unconstitutionality shall not affect the validity or constitutionality of any other section,
36 sentence, clause or phrase of this ordinance. Provided, however, that if any section,
37 sentence, clause or phrase of this ordinance is held to be invalid by the Board or court
38 of competent jurisdiction, then the section, sentence, clause or phrase in effect prior to
39 the effective date of this ordinance shall be in full force and effect for that individual
40 section, sentence, clause or phrase as if this ordinance had never been adopted.
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PASSED this ____ day of ____, 2022.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Council Chair

ATTEST:

Clerk of the Council

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

DATE: _____

County Executive

ATTEST:

Approved as to form only:

Laura Chirba 1/10/22

Deputy Prosecuting Attorney

**EXECUTIVE RECOMMENDED
AMENDMENT SHEET 1
ORDINANCE NO. 22-006**

Amendment Name: ADU on Substandard Lots and Separation Requirements

Brief Description: This amendment simplifies SCC 30.28.010(3) to:

- Remove extraneous code language unnecessary to allowing a detached accessory dwelling unit (ADU) on a substandard lot.
- Remove confusing language establishing front setbacks and defaults setbacks to the underlying zone.

Affected Code Sections: SCC 30.28.010(3)

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

Beginning on page 5, line 9, delete:

- e. In Snohomish County, creation of most parcels subject to Snohomish County's Shoreline Management Program, chapter 30.67 SCC, took place before enactment of the Shoreline Management Act and the GMA. Many such parcels are in environmentally sensitive areas particularly affected by the impacts of development. Parcels located along shorelines are more prone to experience pressure to develop with vacation residences or short-term rentals than parcels not within shoreline jurisdiction. Although existing shoreline (and critical area) regulations would preclude most, if not all, new detached ADUs in shoreline areas as a practical matter, a clear prohibition in shoreline areas may be of service to prospective applicants.

Beginning on page 11, line 25, delete:

- b. Prohibition on new detached ADUs in areas subject to the Snohomish County Shoreline Management Program.
- c. Setbacks from roads modeled after similar setbacks in the Rural Cluster Subdivision code.

Beginning on page 15, line 6, delete:

~~((e))~~ (b) Accessory dwelling units shall utilize the same driveway as the primary single-family dwelling(-);

(c) Detached accessory dwelling units are prohibited on lots less than 25,000 square feet and in areas subject to chapter 30.67 SCC;

(d) A mobile home is allowed as a detached accessory dwelling unit only on lots equal to or greater than 10 acres and only when the mobile home is subordinate to the existing single-family dwelling;

(e) The minimum setback from road right-of-way for detached accessory dwelling units in new buildings shall be the smaller of:

(i) The distance of the existing house to the road plus 10 feet; or

(ii) 60 feet when a sight obscuring topographic variation or physical condition such as forest or proposed landscape screening will serve as a visual buffer; or

(iii) 100 feet when no visual buffer is present or proposed; and

(f) A detached accessory dwelling unit proposed to be located in an existing structure legally constructed before June 19, 2021, does not need to comply with subsection (e) of this subsection (3).

And replace with:

~~((e))~~ (b) Accessory dwelling units shall utilize the same driveway as the primary single-family dwelling(-); and

(c) A mobile home is allowed as a detached accessory dwelling unit only on lots equal to or greater than 10 acres and only when the manufactured home is subordinate to the existing single-family dwelling.

Council Disposition: _____ **Date:** _____

Executive/Council Action Form (ECAF)

ITEM TITLE:

Ordinance 22-006, relating to growth management; revising accessory dwelling unit regulations; amending section 30.28.010 of the Snohomish County Code

DEPARTMENT: County Council

ORIGINATOR: Ryan Countryman

EXECUTIVE RECOMMENDATION: Approve with Amendment Sheet 1

PURPOSE: The ordinance would modify SCC 30.28.010 to allow detached Accessory Dwelling Units on substandard lots and make other adjustments to ADU standards in rural and resource zones.

BACKGROUND: This ordinance originates in a request (Motion 21-297, sponsored by CM Nehring) from County Council to the Planning Commission for a recommendation on proposed ADU amendments. The ordinance contains those recommendations.

FISCAL IMPLICATIONS:

EXPEND: FUND, AGY, ORG, ACTY, OBJ, AU	CURRENT YR	2ND YR	1ST 6 YRS
None			
TOTAL			

REVENUE: FUND, AGY, ORG, REV, SOURCE	CURRENT YR	2ND YR	1ST 6 YRS
None			
TOTAL			

DEPARTMENT FISCAL IMPACT NOTES: No fiscal impacts

OTHER DEPARTMENTAL REVIEW/COMMENTS: PDS has proposed an amendment sheet to remove extraneous and confusing code language and make a housekeeping change.



Snohomish County Council

To: Snohomish County Planning Commission

From: Snohomish County Council
Ryan Countryman, Senior Legislative Analyst

Date: October 8, 2021

Subject: Staff Report on Referral Motion 21-297
Proposed Code Revisions for Detached Accessory Dwelling Units

Consideration

The County Council wishes to obtain a recommendation from the Planning Commission regarding proposed code amendments that would revise regulations for detached accessory dwelling units. Motion 21-297, passed on September 8, 2021 formalizes the request for a recommendation and includes a draft of the proposed ordinance. The motion requests a response from the Planning Commission by December 31, 2021.

Background

This staff report is for an October 26, 2021 briefing of the Planning Commission. It first describes some contextual issues before giving the history of the referral motion. Later it describes the proposed amendments and supporting findings. If so inclined, the Planning Commission could direct council staff to refine the amendments or findings before the commission holds a hearing on the amendments. The anticipated date for the Planning Commission to hold its hearing is November 16, 2021.

Context

During the briefing, Council staff will be asking the planning commissioners several questions related to “rural character.” Rural character is both an abstraction and a term of art used in the Growth Management Act (GMA) and in case law. The proposed amendments affect densities and site design mainly in the rural and resource zones. Amendments must be consistent with the rural character of Snohomish County to be consistent with GMA and relevant precedents.¹

¹ The proposed ordinance would also affect “Other Zones” as in [SCC 30.21.020](#). These Other Zones pre-date GMA. Some of them occur inside designated urban growth areas (UGAs) as well on designated rural and resource lands outside UGAs. The proposed amendments do not attempt to resolve this existing inconsistency between the comprehensive plan and its implementation by zoning in Title 30 SCC.

Although the General Policy Plan (GPP) often refers to rural character, this is usually in the context of steps to protect rural character. Nowhere does the GPP specifically define rural character. In its narrative on rural lands, the GPP says:

Rural land use policies describe and accommodate a wide array of land uses and a variety of residential densities that are compatible with the character of rural areas; support rural and natural resource-based industries; provide economic opportunities for rural residents; promote low intensity recreational uses consistent with rural surroundings; and preserve the rural lifestyle and traditional rural activities which contribute to the county's overall quality of life.

This suggests that rural character is something that already exists and involves both uses and lifestyles. Before the Planning Commission can make a recommendation, it should first discuss and attempt to answer two key questions:

1. *What is the rural character of Snohomish County?*

And

2. *Are the proposed amendments consistent with this character?*

These questions will help define the concept of rural character. If the Planning Commission has ideas during discussion at the October 26 briefing about what rural character is, then council staff can update the proposed findings in the ordinance before the Planning Commission holds a formal hearing for public input and deliberations.

Referral Motion

Amended Ordinance 21-018, adopted on June 19, 2021, made the last changes to regulations on accessory dwelling units. An earlier recommendation from the Planning Commission was the basis for what became Ordinance 21-018. The Planning Commission's recommendation followed a July 28, 2020, hearing held by the commission.

The County Council received further public comment and testimony during its consideration of Ordinance 21-018. This resulted in three amendments enacted in Amended Ordinance 21-018. These amendments were largely refinements of the recommendations made by the Planning Commission. The County Council also considered a fourth amendment. However, when discussing Amendment 4, the County Council did not see that the findings in the Planning Commission recommendation would support enactment of the amendment. Therefore, the County Council did not enact Amendment 4. However, the County Council was interested in obtaining a recommendation from the Planning Commission on the substance of Amendment 4. The County Council referred this matter to the Planning Commission in the form of a new proposed ordinance attached to Motion 21-297. This proposed ordinance includes

several new findings prepared by Council staff based on committee discussions held by the County Council. In addition to a recommendation on the proposed code changes, the County Council asks that the Planning Commission coordinate with council staff on additional or revised findings, as appropriate, if the commission recommends approval.

Proposed Action

The proposed ordinance accompanying Motion 21-297 would amend Snohomish County Code (SCC) 30.28.010 to accomplish two changes. Amendments in subsection (3)(a) would allow Detached Accessory Dwelling Units (DADUs) on substandard lots in rural, resource, and other zones.² Deletion of current subsection (3)(b) would eliminate the “100-foot rule” that requires most new DADU’s in these zones to be within 100 feet of the primary dwelling. The proposed changes to SCC 30.28.010 are as follows:

30.28.010 Accessory dwelling units.

Accessory dwelling units are allowed subordinate to a single-family dwelling in zones where single-family dwellings are permitted under SCC 30.22.100, 30.22.110, and 30.22.120.

(1) *General standards.* All accessory dwelling units shall comply with the following standards:

(a) Development of accessory dwelling units shall be subject to compliance with all other applicable provisions of this title;

(b) Development of accessory dwelling units shall be subject to physical and legal availability of water and the applicant providing documentation that the water supply is potable and of adequate flow;

(c) Applicants must provide documentation that the existing or proposed sewage or septic system is capable of handling the additional demand placed upon it by the attached or detached accessory dwelling unit;

(d) The floor area of an accessory dwelling unit shall not exceed 1,200 square feet. Floor areas shall be exclusive of garages, porches, and unfinished basements;

(e) Accessory dwelling units shall meet the off-street parking requirements in chapter 30.26 SCC;

² [SCC 30.21.020](#) establishes zones and categories of zones. **Rural zones:** Rural Diversification (RD), Rural Resource Transition-10 Acre (RRT-10), Rural 5-Acre (R-5), Rural Business (RB), Clearview Rural Commercial (CRC), Rural Freeway Service (RFS), and Rural Industrial (RI). **Resource zones:** Forestry (F), Forestry and Recreation (F&R), and Agriculture 10-Acre (A-10). **Other zones:** Suburban Agriculture 1-Acre (SA-1), Rural Conservation (RC), Rural Use (RU), Residential 20,000 (R-20,000), Residential 12,500 (R-12,500), and Waterfront Beach (WFB).

In the above zones, [SCC 30.22.110](#) and [.120](#) permit accessory dwelling units in RD, RRT-10, R-5, RB, CRC, F, F&R, A-10, SA-1, RC, RU, R-20,000, R-12,500 and WFB. Code does not allow ADUs in RFS or RI zoning. RB zoning does not allow new single-family dwellings, so presumably any new ADU in that zone must be associated with an existing primary dwelling unit. Regarding location of the “other zones”, SA-1, RC, R-20,000 and R-12,500 occur both inside and outside UGAs. There are only two places left with RU zoning, both of which are rights-of-way in rural areas. WFB zoning only occurs in the Southwest Urban Growth Area.

(f) Attached accessory dwelling units shall be designed such that the architectural character of the primary dwelling is preserved. Exterior materials, roof form, window spacing, and proportions shall match that of the primary dwelling; and

(g) Detached accessory dwelling units shall be constructed such that exterior materials, roof form, window spacing, and proportions approximate those of the single-family dwelling. A detached accessory dwelling unit proposed for location within an existing accessory structure is not required to approximate the exterior features of the existing single family dwelling. A mobile home, where allowed as a detached accessory dwelling unit pursuant to subsection (3)(a)(ii) of this section, is not required to approximate the exterior features of the existing single-family dwelling.

(2) *Urban zones.* Accessory dwelling units are permitted uses in the urban zones on lots with a single-family dwelling pursuant to SCC 30.22.100. One attached accessory dwelling unit and one detached accessory dwelling unit may be established on lots that contain a legally-established single-family dwelling.

(3) *Rural, resource, and other zones.* Accessory dwelling units are permitted uses in the rural, resource, and other zones on lots with a single-family dwelling pursuant to SCC 30.22.110 and 30.22.120 and the following standards:

~~((a) One accessory dwelling unit may be established on lots that contain a legally-established single-family dwelling pursuant to the following:~~

~~(i) Detached accessory dwelling units are prohibited on lots that do not meet the minimum required lot area, pursuant to SCC 30.23.030, in the zone in which they are located. The following prohibitions also apply:~~

~~(A) Detached accessory dwelling units are prohibited on lots in the R-5 zone that are less than five acres in size; and~~

~~(B) Detached accessory dwelling units are prohibited on lots in the RC zone that are less than 100,000 square feet in size.~~

~~(ii) A mobile home that is subordinate to the single-family dwelling may be allowed as a detached accessory dwelling unit on lots equal to or greater than 10 acres.)~~

(a) One accessory dwelling unit may be established on lots that contain a legally-established single-family dwelling with the exception that a mobile home is allowed as a detached accessory dwelling unit only on lots equal to or greater than 10 acres and only when the mobile home is subordinate to the existing single-family dwelling; and

~~((b) The distance between the nearest walls of the primary dwelling and a proposed detached accessory dwelling unit shall not exceed 100 feet except when:~~

~~(i) The accessory dwelling unit is proposed to be located in an existing structure that was legally constructed before June 19, 2021; or~~

~~(ii) The applicant demonstrates that the physical characteristics of the property, including, but not limited to, critical areas, topography, sewage, septic, and water systems, and their associated buffers or setbacks, limit the siting of an accessory dwelling unit within 100 feet of the primary dwelling. In these circumstances the accessory dwelling unit shall be located as close as reasonably possible to the primary dwelling unit.)~~

~~((c))~~ (b) Accessory dwelling units shall utilize the same driveway as the primary single-family dwelling.

Substandard Lots are legally established lots that an applicant could not create again under today's standards (see proposed changes above to (3)(a)).³ Development of many lots in rural areas took place under pre-Growth Management Act (GMA) zoning that allowed lots to be 2.3-acres, 1-acre, ½-acre or sometimes smaller in size. In response to a remand order from the Growth Management Hearing Board (GMHB) on an appeal of Snohomish County's first GMA comprehensive plan, the county rezoned most of this pre-GMA zoning to Rural 5-acre in 1996. This rezoning made most lots less than 5-acres substandard.

Exception: Rural Cluster Subdivision (RCS) is process where an applicant can create lots smaller than 5-acres in return for preserving much of the site in open space. Lots created by the RCS process are not substandard. Thus, code already allows detached units in Rural Cluster Subdivisions.

Considerations Regarding Rural Character

The Growth Management Act defines "Rural Character" at RCW 36.70A.030(23) as follows:

(23) "Rural character" refers to the 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.

Snohomish County has not specifically stated in its comprehensive plan what densities are appropriate "Rural Character". This leaves the issue open to interpretation. Allowed densities affect growth rates, however. Providing for detached ADUs on substandard lots in rural areas would result in slightly more rural population growth, making achievement of the growth targets more difficult.

³ [SCC 30.91L.195](#) defines Lot, Substandard (Substandard Lot) as "a lot that was lawfully established and met the lot area and lot width requirements of the Snohomish County Code when it was established but does not conform to the lot area and width required to create a new lot in the zone in which it is currently located."

Attached vs Detached and Density

ADUs may be part of the same building as the primary residence (attached) or in a separate building (detached). In prior rulings, the Growth Management Hearings Board (GMHB) has said that attached units are not necessarily part of rural densities whereas detached units should count as two units in density calculations. Under GMA and GBHB decisions, density is one aspect of how counties must locally define “Rural Character” and counties must take actions to protect rural character.

Growth Rates

Overall population growth in rural and resource areas is another consideration. GMA and, more recently, the Regional Growth Strategy (RGS) adopted by Puget Sound Regional Council (PSRC), obligate Snohomish County to act to reduce rural population growth. Current growth targets for 2035 allow for only 6% of the County’s overall projected growth in rural areas. In 2020, PSRC updated the RGS to plan for 4.5% of Snohomish County’s growth in rural areas. Countywide Planning Policies and an interlocal agreement with PSRC create an expectation that Snohomish County will adopt the lower rural growth target of 4.5% in 2024 as part of the comprehensive plan update due that year.

The share of rural housing unit growth has been declining over time although it is still above the current 6% target, see Figure 1 below.⁴ It also shows how much the relative shares of city and unincorporated UGA growth have fluctuated. This demonstrates that data from just a few years can be insufficient to establish a clear trend. In contrast, rural growth shares are less volatile than shares of growth in other areas. It is therefore possible to find that a downward trend in rural growth has become established.

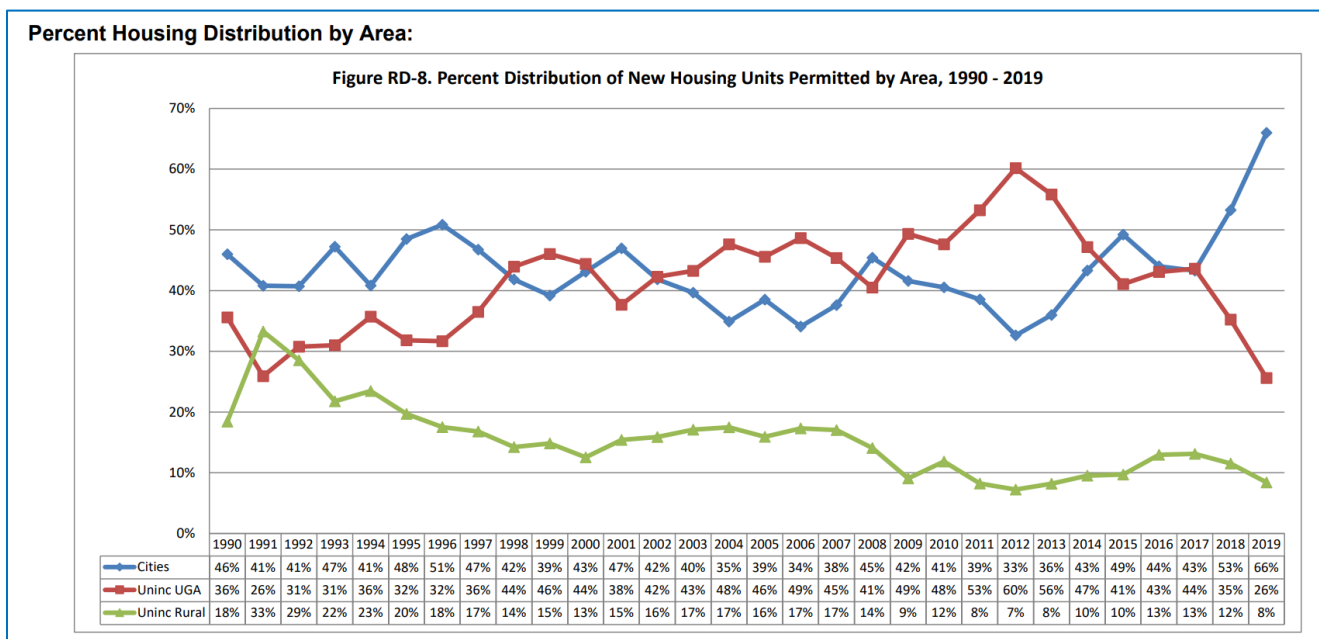
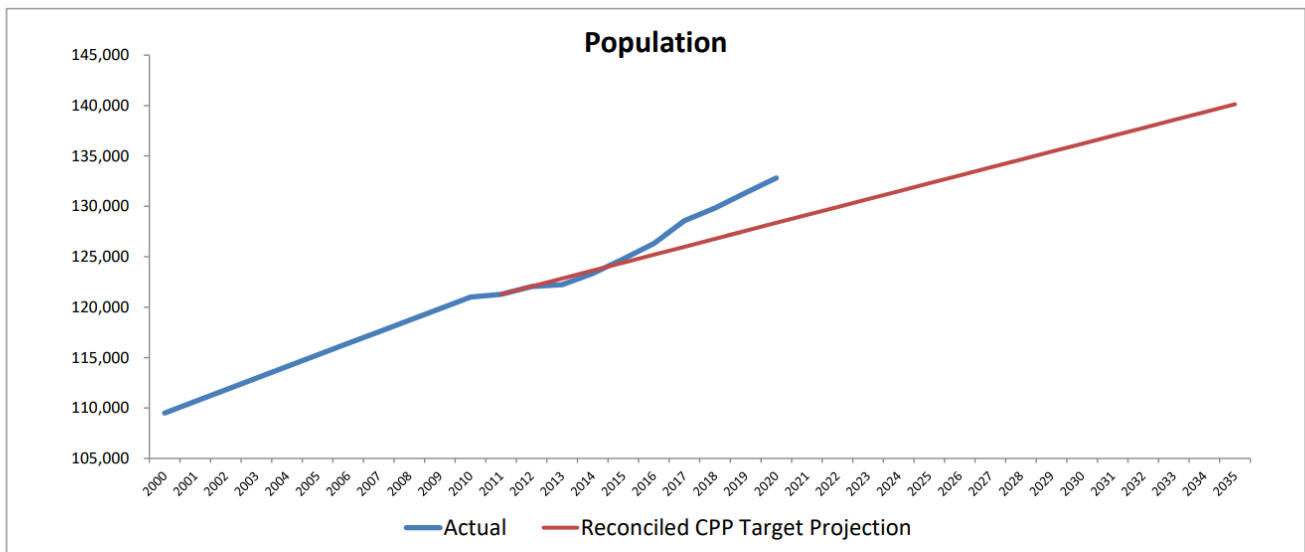


Figure 1 – Annual Distribution of New Housing Units by Area (1990 to 2019)

⁴ Figure 1 reproduces Figure RD-8 from page 120 of the 2020 Growth Monitoring Report (GMR) prepared by Planning and Development Services. The 2020 GMR is available at: [2020 GMR Final SCT-SC Dec-2-2020 final \(snohomishcountywa.gov\)](https://www.snohomishcountywa.gov/2020-final)

Figure 2, below, charts recent rural population growth against the current target of 6% of projected rural growth. It shows that recent growth has exceeded that target. Part of the excess is because overall county growth has also been faster than projected. That said, the share of new units in the rural areas would need to drop faster than it has been to meet the current 6% growth target. A larger change would be necessary to meet the new 4.5% expectation.

Unincorporated Non-UGA (Rural/Resource Areas)



2000 Pop Census	2010 Pop Census	2011 Pop Estimate	2012 Pop Estimate	2013 Pop Estimate	2014 Pop Estimate	2015 Pop Estimate	2016 Pop Estimate	2017 Pop Estimate	2018 Pop Estimate	2019 Pop Estimate	2020 Pop Estimate	2035 Reconciled Pop Target
109,500	121,014	121,287	122,047	122,249	123,359	124,798	126,339	128,579	129,825	131,343	132,808	140,125

2000-2020 Annual Average Change (#, %)		2020-2035 Annual Average Change (#, %)	
1,165	1.0%	488	0.4%

Figure 2 – Rural/Resource Population Growth Vs 6% of Projected Growth Target
Source: 2020 Growth Monitoring Report, page 59

Findings

The proposed ordinance accompanying Motion 21-297 includes several findings addressing the issues described above; however, those findings may not be complete with respect to rural growth and character. This is an area where input from the Planning Commission would be helpful if the commissioners are inclined to support the proposed changes. Relevant portions of the findings are:

General Findings (see ordinance for additional general procedural findings)

- Snohomish County is facing a housing affordability crisis and housing shortage
- ADUs can help alleviate housing affordability issues by providing additional housing units in low-density areas, adding diversity to the housing stock, providing affordable housing options for older adults and opportunities for aging in place, and providing supplemental income to homeowners

Substandard Lot Findings

- In 1996, the County downzoned a significant portion of the rural area to densities of one dwelling per five acres or more, which resulted in the creation of substandard lots that were legally established, but no longer met the standards of the zoning district in which they were located
- The rural character of Snohomish County includes a geographic pattern of lots in a variety of sizes, including standard 5-acre lots and substandard lots less than five acres
- The amount of land under common control or ownership is a feature that helps distinguish rural residential areas from urban residential areas
- Subdivision of substandard lots in rural areas would result in less land under common ownership, thereby blurring the distinction between rural and urban residential areas
- Land with both a primary residence and a detached ADU is still under single ownership and control
- Allowing for detached ADUs would not alter the established character of rural lot sizes

100-Foot Rule Findings

- SCC 30.28.010 requires detached ADUs to be within 100 feet of the primary dwelling in rural zones
- Title 30 SCC does not require other types of buildings on rural zoned property to be near a primary dwelling
- Throughout the rural areas of Snohomish County there are a variety of parcel sizes and there is wide variation in how many buildings are on those parcels
- There is not an established pattern of where buildings are located on parcels relative to other buildings in the rural areas

Questions for Discussion and Input by the Planning Commission

- 1. *What is the “rural character” of Snohomish County?*** In what circumstances are higher densities appropriate in the rural areas?
- 2. *Are the proposed amendments consistent with rural character?*** Are detached accessory dwelling units (DADUs) on substandard lots consistent with rural character? Does the 100-foot rule contribute to or interfere with maintaining rural character?

Request

Motion 21-297 requests that the Planning Commission consider the proposed amendments, hold a public hearing, and make a recommendation to the County Council by December 31, 2021.

ECAF NO.:
ECAF RECEIVED:

SNOHOMISH COUNTY COUNCIL

**ORDINANCE
INTRODUCTION SLIP**

EXHIBIT # 3.1.004

FILE ORD 22-006

TO: Clerk of the Council

TITLE OF PROPOSED ORDINANCE:

~~~~~  
N. Neh  
Councilmember Date

Clerk's Action: Proposed Ordinance No. \_\_\_\_\_  
Assigned to: \_\_\_\_\_ Planning & Community Development Date: 1/31/22

**STANDING COMMITTEE RECOMMENDATION FORM**

On 02/01/22, the Committee considered the item and by X Consensus /  
\_\_\_\_\_ Yeas and \_\_\_\_\_ Nays, made the following recommendation:

X Move to Council to schedule public hearing 02/09/22 GLS

**Public Hearing Date** March 9, 2022 at 10:30 a.m.

\_\_\_\_\_ Move to Council as amended to schedule public hearing

\_\_\_\_\_ Move to Council with no recommendation

**This item \_\_\_\_\_ should/ \_\_\_\_\_ should not be placed on the Consent Agenda.**

(Consent agenda may be used for routine items that do not require public hearing and do not need discussion at General Legislative Session)

**This item X should/ \_\_\_\_\_ should not be placed on the Administrative Matters Agenda**

(Administrative Matters agenda may be used for routine action to set time and date for public hearings)

N. Neh  
Committee Chair

**Snohomish County Council**

**Committee:** Planning & Community Development      **Analyst:** Ryan Countryman  
**ECAF:** 2022-0073  
**Proposal:** Ordinance 22-006      **Date:** February 1, 2022

**Consideration**

Proposed Ordinance 22-006 addresses regulations for Accessory Dwelling Units (ADUs). The ordinance would modify Snohomish County Code (SCC) 30.28.010 to allow detached ADUs on substandard lots and make other adjustments to ADU standards in rural and resource zones.

Amendment Sheet 1 has been prepared and recommended by the Executive branch. This amendment would remove extraneous and confusing code language.

**Background and Analysis**

The last change to regulations for ADUs took place on June 19, 2021 in Amended Ordinance 21-018. During that hearing process, the County Council received public comment and testimony that contributed to three amendments enacted in Amended Ordinance 21-018. These amendments were largely refinements of the recommendations made by the Planning Commission. The County Council also considered a fourth amendment. However, when discussing Amendment 4, the County Council did not see that the findings in the Planning Commission recommendation would support enactment of the amendment. Therefore, the County Council did not enact Amendment 4 although the County Council was interested in obtaining a recommendation from the Planning Commission on the substance of Amendment 4. The County Council referred Amendment 4 to the Planning Commission in the form of an ordinance attached to Motion 21-297.

Ordinance 22-006 is the resulting ordinance recommended by the Planning Commission following a public hearing on November 16, 2021. It includes provisions to

address potential concerns about maintaining rural character and would allow detached ADUs on substandard lots, consistent with the substance of Motion 21-297.<sup>1</sup>

The Planning Commission recommended several provisions in Ordinance 22-006 to help maintain rural character. These would replace the “100-foot rule” which requires that most new detached ADUs be within 100 feet of the primary residence. The proposed provisions include prohibitions on detached ADUs in areas subject to the Shoreline Management Program (SMP) and a prohibition against detached ADUs on lots smaller than 25,000 square feet. The commission also recommends special setbacks from roads for detached units in new buildings.

In Amendment Sheet 1, PDS is recommending removal of several proposed provisions from the ordinance. This amendment is because the Commission’s recommendations on SMP and lot size prohibitions are largely redundant to existing provisions elsewhere in code. PDS believes that these do not need repeating in the section on ADUs. PDS describes the special setbacks as confusing because they would conflict with standard setbacks found elsewhere in code.

There is one potential concern associated with this ordinance. Allowing detached ADUs on substandard lots may slightly add to rural growth rates. These rates have been slowly declining but not as fast as called for in policy found in the General Policy Plan or the growth targets in the Countywide Planning Policies. The County Council received briefings that included discussion of the growth rate issue during the development of Motion 21-297 (and previously during the process leading to Amended Ordinance 21-018). Finding C-2 of Ordinance 22-006 discusses that ADUs accounted for only 3.3% of total housing units permitted in rural areas between January 1, 2012 and December 31, 2019 (100 ADUs out of 3,016 total units). Growth targets ultimately adopted in the 2024 Update to the Comprehensive Plan could require actions to dampen rural growth. If so, changes regarding ADUs would likely be a small fraction of the larger context. Other unrelated changes could do more to achieve the target growth rates in rural areas. Staff notes here that the County Council will likely be revisiting rural targets during the plan update process where a fuller discussion of rural character and growth is within scope.

Either version of the ordinance – whether the Planning Commission recommendation or as revised by Amendment Sheet 1 – would accomplish the objective of Motion 21-297 that referred ADU provisions to the Planning Commission for a recommendation. The

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<sup>1</sup> Substandard lots are those that complied with earlier standards but would not be possible to create again today. For example, much of the rural area in Snohomish County currently has Rural 5-acre zoning. Many lots in these R-5 zoned areas are substandard. These substandard lots dated back to when zoning allowed 2.3-acre, 1-acre, ½-acre, or sometimes smaller sizes. R-5 became the standard zoning in many rural areas in 1996 in response to a remand order, thus making lots smaller than 5-acres substandard. County code already allows attached ADUs on substandard lots.



Commission's proposal reflects how they would interpret an undefined notion of "rural character" that appears in the Growth Management Act and the Snohomish County Comprehensive Plan. Amendment Sheet 1 would simplify SCC 30.28.010 and permit review.

**Current Proposal**

*Scope and Summary:* Ordinance 22-006 would amend ADU standards in SCC 30.28.010. Amendment Sheet 1 reflects PDS's preferred code language for clarity and implementation.

*Fiscal Implications:* None

*Deadlines:* None

**Handling:** Normal

**Approved-as-to-form:** Yes

**Risk Management:** Approve

**Finance:** Approve

**Executive Recommendation:** Approve along with Amendment Sheet 1

**Request:**

Move to General Legislative Session on February 9 to set time and date for a public hearing.