



Snohomish County Council

Committee: Planning & Community Development

Analyst: Ryan Countryman

Proposal: Proposed Draft Ordinance for DADUs

Date: July 20, 2021

Consideration

Planning Committee discussion of a *July 20, 2021 Discussion Draft Ordinance* that would allow Detached Accessory Dwelling Units on substandard lots in rural areas and potential referral to Planning Commission for further review.

Background

This staff report describes why the discussion draft ordinance was prepared, provides analysis of policy-level issues related to the proposal and closes by posing questions the answers to which would help strengthen the ordinance if it were to go forward.

“Amendment 4”: The discussion draft ordinance originates from the June 9, 2021, hearing on what became Amended Ordinance 21-018. That prior ordinance, which is now in effect, related to Accessory Dwelling Units (ADUs). It expanded where code allows ADUs and simplified the permit process. Three amendments became part of Amended Ord. 21-018. The County Council discussed a fourth amendment to allow Detached ADUs (or DADUs) on substandard lots in rural areas. Council moved Amendment 4 to Planning Committee for further consideration as a potential separate ordinance. The discussion draft ordinance would make the changes proposed in what was previously Amendment 4.

Discussion Draft Ordinance would allow DADUs on substandard lots consistent with the previously proposed language and findings in Amendment 4. The discussion draft ordinance also includes updated findings reflecting that Amended Ordinance 21-018 is already in effect. However, as described in the analysis section of this staff report, the discussion draft ordinance does not include findings on other topics of potential consideration.

Substandard Lots are legally existing parcels that an applicant could not create again under today’s standards. 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 detached units are already allowed in RCS'.

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 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.

Current Proposal

Summary: Consider referring the proposal to allow DADUs on substandard lots in rural areas to Planning Commission for further review and public input.

Process: Planning Commission would receive a briefing (either from council staff or PDS, TBD) and possibly a recommendation from the executive branch prior to holding a public hearing on the proposed ordinance. After the hearing, the Planning Commission would make a recommendation back to the County Council.

Fiscal Implications: None

Scope: Movement of a motion to refer the proposed ordinance to Planning Commission for further consideration. This motion could direct council staff to coordinate with the Planning Commission Secretary on the introduction of the ordinance. Alternatively, the motion could refer the issue to PDS for handling.

Handling: Normal

Approved-as-to-form: TBD

Risk Management: TBD

Executive Recommendation: TBD

Analysis

Snohomish County has not specifically defined “Rural Character” in its comprehensive plan. This leaves the question of what densities are appropriate in rural areas open to interpretation. Allowed densities affect growth rates. 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.

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.¹ 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.

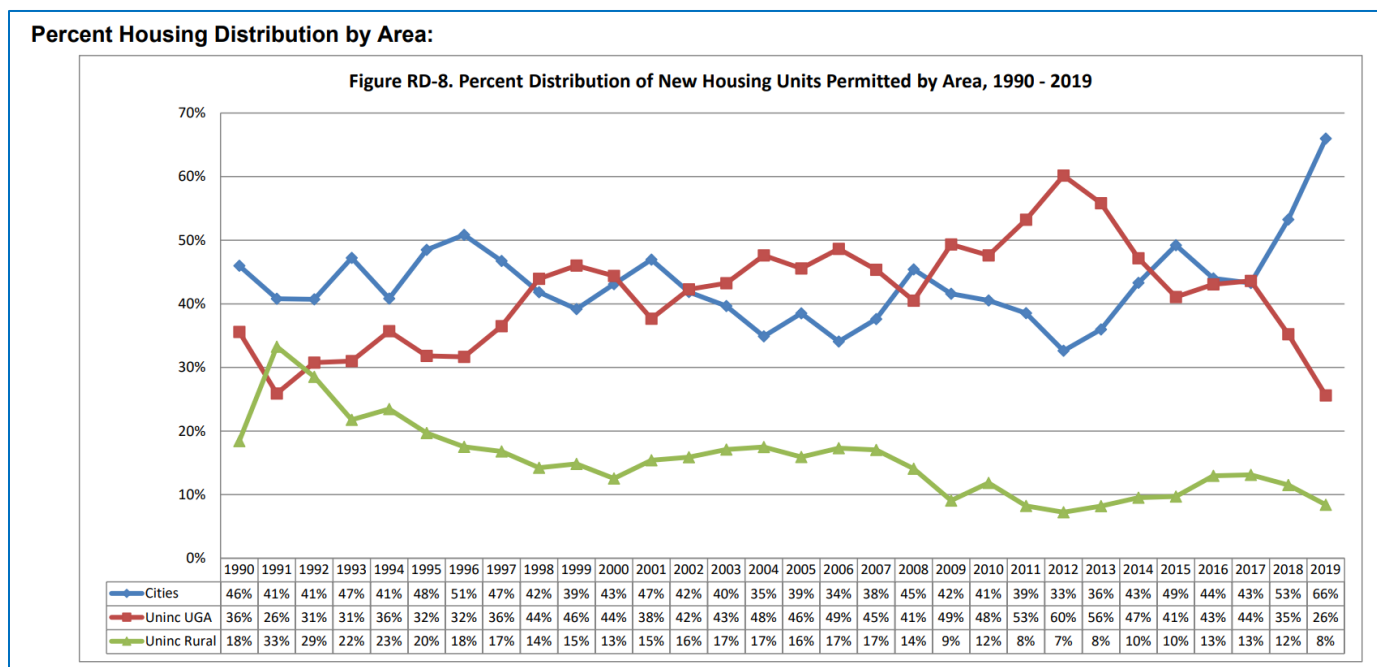


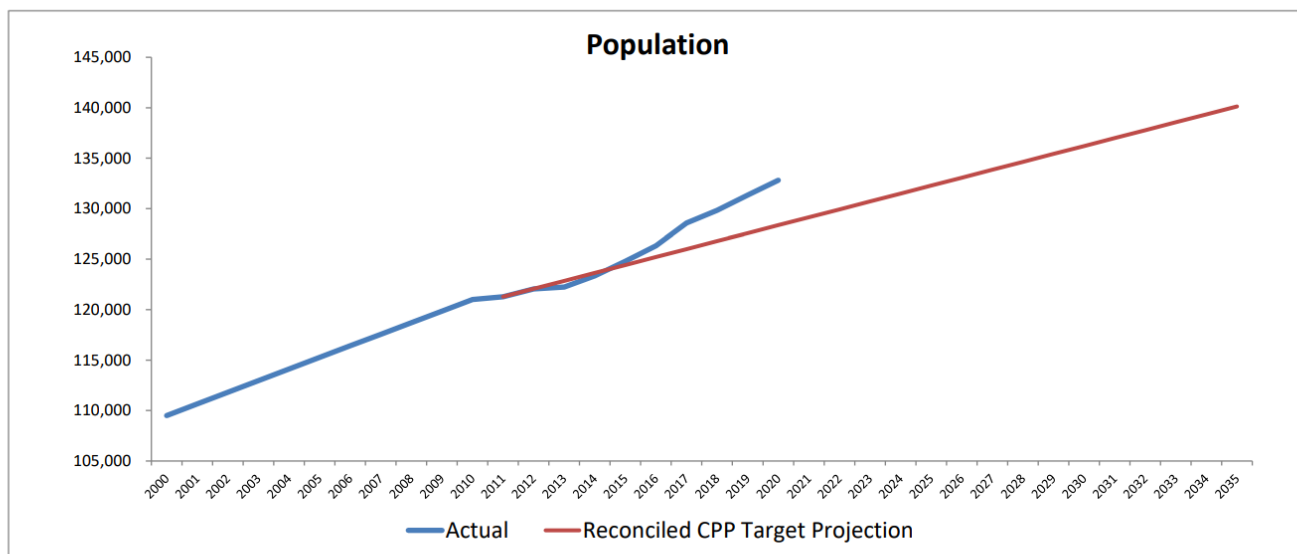
Figure 1 – Annual Distribution of New Housing Units by Area (1990 to 2019)

Source: 2020 Growth Monitoring Report, page 120

¹ 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. While 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 in order 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

The *July 20, 2021 Discussion Draft Ordinance* would accomplish the direction in what Amendment 4 to Ordinance 21-018 had proposed. However, the draft ordinance may not be complete because does not contain many findings to explain why higher densities in rural areas would still be consistent with Snohomish County's rural character. It also does not contain findings explaining how Snohomish County will achieve its rural growth targets.

The County Council could refer the discussion draft ordinance to Planning Commission for further input and review. Once the Planning Commission process is complete, the Commission would make recommendation back to the County Council before the Council takes final action. Staff observes that the discussion draft ordinance would be more complete if it includes findings addressing the following questions:

- What is the “rural character” of Snohomish County?
- In what circumstances are higher densities appropriate in the rural areas?
- What other actions, if any, will help ensure compliance with the growth targets and Regional Growth Strategy?

Request

Discussion and direction on next steps, including who should take the lead in developing additional findings (Council staff, PDS, or the Planning Commission) if the direction is to refer the draft ordinance to Planning Commission.